



northern
beaches
council

MEMORANDUM

DATE: 30 August 2023
TO: Sydney North Planning Panel (SNPP)
CC: Steve Findlay, Manager Development Assessment
FROM: Maxwell Duncan, Principal Planner
SUBJECT: PAN-323210– MOD2023/0201 – 8 Forest Road, Warriewood
TRIM: 2023/553062

The purpose of this memo is to provide a response to the Panel in relation to an email from the Applicant in relation to the recommended Conditions of Consent.

Written Submission from the Applicant

The email from the applicant seeks to consolidate the following recommended conditions into a single condition:

Condition B41

With the exception of fencing separating two immediately adjacent areas of private open space and between **townhouses and ground floor dwellings**, fencing is not permitted on the site. Hedging plants may be used in lieu of fencing where visual privacy is required. In particular, the following areas of fencing are to be removed from the plans:

- a. 1m high palisade fencing along the northern side of Townhouse 1; and
- b. The 1.8m high lapped and capped timber fence separating ground floor areas of private open space and the fire access road;

Reason: To ensure compliance with the terms of this consent.

Condition C35 - Fencing

The fencing proposed to the ground floor private open space of residential flat buildings is to be reduced to a maximum height of 1.4m.

Details demonstrating compliance are to be submitted to the Certifier prior to the issue of the Construction Certificate.

Reason: To ensure development minimises unreasonable impacts upon surrounding land.

The applicant has recommended the following consolidated condition:

Replace Condition B41 and C35 with the following:

Fencing shall be in accordance with the approved plans with the exception of the following:

- *The provision of a maximum 1.4m high fence to the northern side of Townhouse 1.*
- *Fencing proposed to the ground floor private open space areas of the residential flat buildings is to be reduced to a maximum height of 1.4m.*

Details demonstrating compliance are to be submitted to the Certifier prior to the issue of the, Construction Certificate.

Reason: To ensure development minimises unreasonable impacts upon surrounding land.

Council raises no concern with the consolidation of the two conditions. The consolidated condition will not approve additional fencing or higher fencing.

However, it is recommended that the new consolidate condition is to be under the heading of C35 (Fencing), noting that it is a construction certificate condition.

RECOMMENDATION

The following changes to the conditions contained in the Assessment Report:

- Delete **Condition B41** to read as follows:

B41
Deleted

- Amend **Condition C35 – Fencing** to read as follows:

Fencing shall be in accordance with the approved plans with the exception of the following:

- *The provision of a maximum 1.4m high fence to the northern side of Townhouse 1*
- *Fencing proposed to the ground floor private open space areas of the residential flat buildings is to be reduced to a maximum height of 1.4m.*

Details demonstrating compliance are to be submitted to the Certifier prior to the issue of the, Construction Certificate.

Reason: To ensure development minimises unreasonable impacts upon surrounding land.