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| DATE OF DETERMINATION | 13 September 2024 |
| DATE OF PANEL DECISION | 13 September 2024 |
| PANEL MEMBERS | Peter Debnam (Chair), Nicole Gurrán, Brian Kirk, Graham Brown |
| APOLOGIES | Annelise Tuor |
| DECLARATIONS OF INTEREST | None |

Papers circulated electronically on 28 August 2024.

MATTER DETERMINED

PPSSNH-466 – Northern Beaches - Mod2024/0051 at 8 Forest Road, Warriewood – modification application (as described in Schedule 1).

PANEL CONSIDERATION AND DECISION

The Panel considered: the matters listed at item 6, the material listed at item 7 and the material presented at meetings and briefings listed at item 8 in Schedule 1.

Application for modification of consent

The Panel determined to approve the modification application pursuant to section 4.55 of the *Environmental Planning and Assessment Act 1979*. The decision was unanimous.

REASONS FOR THE DECISION

The Panel determined to approve the modification application for the reasons below and set out in Council’s Assessment Report.

The application seeks modification to the approved Development Consent No. N0440/15 granted by the Land and Environment Court for subdivision and the construction of 81 dwellings with associated landscaping and civil works.

The modifications largely relate to new communal facilities, stormwater amendments and minor internal and external alterations to the approved townhouses and residential flat buildings. The Panel notes there are no changes to the approved number of dwellings on the site.

The Panel concurs with Council that the modified development would be substantially the same as the approved development and the modifications do not materially impact the amenity of surrounding properties, or significantly alter the approved design or impact on the natural environment.

On the balance, the Panel concurs with Council that the modification application can be supported and it would be in the community interest to approve the modification.



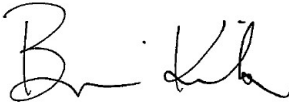

CONDITIONS

The Applicant, Council and Panel considered a number of minor amendments to the draft conditions and the Modification Application was approved subject to the amended conditions in Council’s email of 11th September.

CONSIDERATION OF COMMUNITY VIEWS

In coming to its decision, the Panel considered one written submission made during public exhibition and notes issues of concern were stormwater management, traffic and waste. The Panel considers that

concerns raised by the community have been adequately addressed in the Assessment Report and conditions.

| PANEL MEMBERS | |
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|  Peter Debnam (Chair) |  Nicole Gurrán |
|  Brian Kirk |  Graham Brown |

SCHEDULE 1

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| 1 | PANEL REF – LGA – DA NO. | PPSSNH-466 – Northern Beaches - Mod2024/0051 |
| 2 | PROPOSED DEVELOPMENT | Modification of Development Consent N0440/15 for the subdivision of land and the construction of a residential development incorporating 81 dwellings and associated civil works and landscaping |
| 3 | STREET ADDRESS | 8 Forest Road, Warriewood (Lot 1 DP 5055) |
| 4 | APPLICANT OWNER | Architecture Design Studio Pty Ltd The Trustee for Forest Road Unit Trust |
| 5 | TYPE OF REGIONAL DEVELOPMENT | Section 4.56 Modification Application |
| 6 | RELEVANT MANDATORY CONSIDERATIONS | <ul style="list-style-type: none"> • Environmental planning instruments: <ul style="list-style-type: none"> ○ State Environmental Planning Policy (Planning Systems) 2021 ○ State Environmental Planning Policy (Housing) 2021 ○ State Environmental Planning Policy (Resilience and Hazards) 2021 ○ State Environmental Planning Policy (Transport and Infrastructure) 2021 ○ State Environmental Planning Policy (Sustainable Buildings) 2022 ○ Pittwater Local Environmental Plan 2014 • Draft environmental planning instruments: Nil • Development control plans: <ul style="list-style-type: none"> ○ Pittwater 21 Development Control Plan • Planning agreements: Nil • Relevant provisions of the <i>Environmental Planning and Assessment Regulation 2021</i> • Coastal zone management plan: Nil • The likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality • The suitability of the site for the development • Any submissions made in accordance with the <i>Environmental Planning and Assessment Act 1979</i> or regulations • The public interest, including the principles of ecologically sustainable development |
| 7 | MATERIAL CONSIDERED BY THE PANEL | <ul style="list-style-type: none"> • Council Assessment Report: 27 August 2024 • Written submissions during public exhibition: one |
| 8 | MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL | <ul style="list-style-type: none"> • Briefing: 1 May 2024 <ul style="list-style-type: none"> ○ <u>Panel members</u>: Peter Debnam (Chair) and Brian Kirk ○ <u>Council assessment staff</u>: Peter Robinson ○ <u>Department staff</u>: George Dojas and Adam Iskander • Council briefing: 11 September 2024 <ul style="list-style-type: none"> ○ <u>Panel members</u>: Peter Debnam (Chair), Brian Kirk, Nicole Gurran, Graham Brown and Annelise Tuor ○ <u>Council assessment staff</u>: Peter Robinson, Maxwell Duncan, Steven Findley and Heidi Young ○ <u>Department staff</u>: George Dojas and Adam Iskander • Council briefing: 11 September 2024 <ul style="list-style-type: none"> ○ <u>Panel members</u>: Peter Debnam (Chair), Brian Kirk, Nicole Gurran, Graham Brown ○ <u>Council assessment staff</u>: Maxwell Duncan and Thomas Prosser ○ <u>Department staff</u>: Adam Iskander |

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| 9 | COUNCIL RECOMMENDATION | Approval |
| 10 | DRAFT CONDITIONS | Attached to the Council Assessment Report |