
SNPP BRIEFING NOTE

MOD2023/0201	MOD2023/0201
PROPERTY ADDRESS:	8 Forest Road, Warriewood
PROPOSAL:	Modification of Development Consent N0440/15 granted for the construction of a residential development, comprising 81 dwellings
APPLICATION LODGED:	17 April 2023
APPLICANT:	Greg Boston – Planner
OWNER:	8 Forest Road Pty Ltd
COST OF WORKS:	Parent DA: \$38,585,744
NOTIFICATION PERIOD:	23 May 2023 – 20 June 2023
ADVERTISED:	Not Advertised
NO. OF SUBMISSIONS:	1
DETERMINATING AUTHORITY:	Sydney North Planning Panel
ASSESSMENT OFFICER	Maxwell Duncan – Principal Planner
REASON FOR REFERRAL:	Section 4.56 Modification Application to a regionally significant Development Application

SITE DESCRIPTION

The subject site is Lot 1 in Deposited Plan 5055, and is known as No. 8 Forest Road, Warriewood. Narrabeen Creek runs along the northern boundary of the site, creating a slightly irregular rectangular shaped allotment, with a total area of 5.678 hectares.

The site is subject to a split zoning; with 2.855 Hectares zoned R3 Medium Density (R3) and the remaining 2.823 Hectares zoned RU2 Rural Landscape (RU2) of Pittwater Local Environmental Plan 2014. The division between the zones is irregular, dissecting the 324.48m long western boundary at a distance of approximately 231m from the south-western corner of the site and the 275.20m long eastern boundary at a distance of approximately 70m from the south-eastern corner of the site.

The zone boundary is consistent with the boundary of the Warriewood Valley Release Area, and the R3 zoned portion of the site forms part of “Sector 501” of the Warriewood Valley Release Area, as shown on the Warriewood Valley Release Area Map of PLEP 2014. The portion of the site zoned RU2 is not within the Warriewood Valley Release Area.

The R3 zoned portion of the site previously contained multiple outbuildings and dilapidated glass houses, which have since been demolished under a separate Complying Development Certificate. An existing dwelling straddles the zone and Land Release boundary, but is primarily situated on R3 zoned land. The RU2 zoned portion of the site is heavily landscaped and free of development.

Access to the site is currently gained from the north-eastern corner of the site, via a roadway that was constructed within the Jubilee Road public road reserve by the owners of the adjoining Community Title residential estate to the east (previously known as 6 Forest Road). With the

exception of this one existing residential estate to the east and a portion of RU2 zoned land to the north, Jubilee Avenue is characterised by industrial and business park development, including warehouses, offices, wholesalers, and a number of childcare centres.

An unmade public road reserve (Boundary Street) adjoins the western property boundary, with large vegetated parcels of E2 Environmental Conservation (E2) zoned land to the west and south-west. Mater Maria Catholic School is situated to the south, separated from the site by an unmade public road reserve (Forest Road). No. 4 Forest Road, an undeveloped R3 zoned allotment, adjoins the south-eastern portion of the Site, forming the remainder of Sector 501 of the Warriewood Valley Release Area, as shown on the Warriewood Valley Release Area Map of PLEP 2014. The remainder of properties along Forest Road comprise medium density residential development.



Figure 1: Site Map - August 2022 (Subject Site is outlined in bold red) – Works Physically commenced 2022.

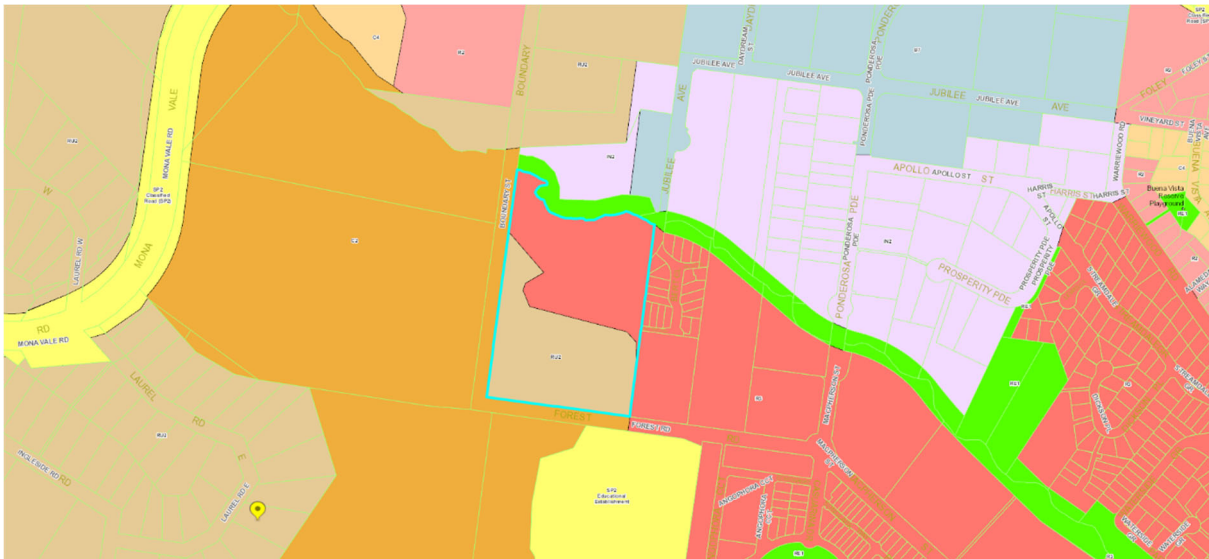


Figure 2: Zoning Map – PLEP 2014 Zoning Map (Site outlined in light blue)

PREVIOUS APPLICATION HISTORY

The consent was granted by the Land and Environment Court of NSW on 3 May 2017 (*Warriewood Vale Pty v Northern Beaches Council & Anor (No. 2) [2017] NSWLEC 1220*). For 81 dwellings and associated civil works and landscaping. The proposal comprises 66 apartments within 4 residential flat buildings, 14 dwellings in multi dwelling housing and the retention of the existing dwelling house.

Modification Application N0440/15/S96/1 to modify the approved development consent. Changes made:

- The Torrens title subdivision of the lot into 4 lots:
 - o Lot 11: 1.649 ha (RU2 zoned residue lot)
 - o Lot 12: 2.143 ha (R3 superlot)
 - o Lot 13: 0.5895 ha (Creekline corridor to be dedicated to Council)
 - o Lot 14: 1.297 ha (containing existing dwelling)
- The retention of an existing dwelling on Lot 14,
- The construction of 14 townhouses and 66 units in 4 residential flat buildings, over basement parking for 190 vehicles, on Lot 12,
- The Community title subdivision of Lot 12 into 2 lots, to separate common property, and land to be developed with the RFBs and townhouses,
- Construction of a new internal private road,
- Infrastructure, including water management facilities,
- Upgrade works to Jubilee Avenue, and
- Landscaping.

Approved by Council on 09 April 2018.

Modification Application MOD2018/0019 to modify the approved development consent by way of providing a staged construction of the approved development, and the release of the Torrens Title subdivision prior to the finalisation and Strata Subdivision of individual dwellings. The application also included physical works, however they were removed during the course of the assessment and did not form part of the approval as modified. The application was approved on 10 June 2018 and of note, as detailed later in this report, introduced Condition nos. 1A, B72, B73, B74, B75, C9, E18, E19, F4 and F5 to the overall

consent, whilst deleting Condition nos. F1, F2 and F3

Modification Application MOD2018/0566 to modify the design of the 14 approved town houses by deleting the third-floor loft space from each dwelling and modifying the roof. Approved by Council on 13 December 2018.

Modification Application MOD2021/0816 to reverse the staging elements approved under MOD2018/0019 and remove conditions under that consent. The application also sought to modify conditions to permit multiple Occupation Certificates to be issued, rather than a singular Occupation Certificate as required under the parent consent. Approved by the Sydney North Planning Panel on 24 February 2022.

Works commenced in

PROPOSAL IN DETAIL

This modification application is submitted pursuant to Section 4.56 of the Environmental Planning and Assessment Act 1979. Whilst the parent Development Consent N0440/15 was determined by the Land and Environment Court of NSW (**LEC**) and not the Sydney North Planning Panel (**SNPP**) (formally the Joint Regional Planning Panel), the application is mandated to go to the SNPP for determination.

The subject modification application relates to Development Consent No. N0440/15 which was granted for the construction of a residential development comprising 81 dwellings (including one existing dwelling) at 8 Forest Road, Warriewood.



Figure 3: Site Plan from latest approval (MOD02022/0070)



Figure 4: Proposed Site Plan

The Statement of Environmental Effects submitted with the current application details that the application includes the following changes:

- Alteration to façade design
- Fencing for private open space
- Sliding door to townhouse 6
- Addition of a door at the rear to townhouses 4,6, 9 and 10
- Internal alterations to townhouses 2 and 13

SUBMISSIONS RECEIVED

To date, Council has received one (1) submission objecting to the application on the following grounds:

- Traffic Issue/Pedestrian safety

OUTSTANDING MATTERS

At the time of writing this Briefing Note, there is still one outstanding referral response.

- Riparian Lands and Creeks

Integrated referral responses from Department of Planning and Environment and Rural Fire Service are completed and raise no issues, with the original General Terms of Approval being unchanged.

ASSESSMENT MATTERS

Planning Conclusion

The application proposes minor changes to the approved development, no major issues are raised from Council at this stage. Upon confirmation from all internal referral bodies, Council will be a position to finalise it application and it targeting August or September SNPP agenda.

Maxwell Duncan
Principal Planner