

DETERMINATION AND STATEMENT OF REASONS
SYDNEY NORTH PLANNING PANEL

DATE OF DETERMINATION	29 January 2021
PANEL MEMBERS	Peter Debnam (Chair), Julie Savet Ward, Brian Kirk, Annelise Tuor
APOLOGIES	Steve Kennedy
DECLARATIONS OF INTEREST	None

Papers circulated electronically on 22 January 2021.

MATTER DETERMINED

PPSSNH-159 – Northern Beaches – MOD2020/0431 at 199 Forest Way Belrose for modifications to an approved development 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 listed at item 8 in Schedule 1.

Development application

The Panel determined to refuse 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 refuse the application for the reasons outlined below and in Council's Assessment Report.

The proposal involved modifications to the Development Consent DA2018/1332 (granted by the Panel in May 2019) for demolition works and construction of major additions to Glenaeon Retirement Village. The proposed modification sought to delete part of Condition No.3 to re-introduce Building D containing five dwellings.

The Sydney North Planning Panel in its May 2019 decision to approve DA2018/1332 considered the Applicant's request to delete Condition 3, which required the removal of Building D, but on the basis of the design and information before the Panel at that time it was decided to retain Condition 3.

In considering this current modification application, the Panel considered Council's Assessment Report as well as the Applicant's comprehensive written response to the Report. Both documents were extensively discussed during the final briefing. While the Applicant's modification includes changes, which would significantly improve environmental outcomes for the overall development, the Panel concurs with Council that the siting of Building D remains of concern and that there is potential to relocate the proposed five dwellings to other, less sensitive locations in the site. The Panel was not privy to any analysis of alternative locations and does not accept the rationale provided by the applicant for this location as the preferred location.



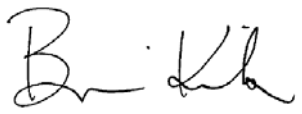

The site is located within an area identified as "Deferred Lands" under Clause 1.3(1A) of the Warringah Local Environmental Plan 2011 (WLEP 2011) and is located within the B2 Oxford Falls Valley locality under Warringah Local Environmental Plan 2000 (WLEP 2000). The proposed development is Category 2 development under WLEP 2000 and the development must be consistent with the Desired Future Character of the B2 Oxford Falls Valley locality. In this regard, the Panel concurs with Council that the

development, in its current form, does not satisfy the requirements of Council's Desired Future Character due to the environmental impact associated with the location of Building D. In particular, the location of Building D, a distance from the main development, set further down the escarpment in an environmentally sensitive area represents an overdevelopment of the site.

Further, the Panel noted the Applicant's advice that in due course other modifications would undoubtedly be proposed for the Retirement Village. In this regard, the Panel believes the development of a Master Plan for the whole site involving public discussion of the various planning and siting options for further development would be of benefit to the Applicant, Retirement Village residents, Council and the surrounding community.

CONSIDERATION OF COMMUNITY VIEWS

In coming to its decision, the Panel notes no written submissions in objection to the application were made during public exhibition and therefore no issues of concern were raised.

PANEL MEMBERS	
 Peter Debnam (Chair)	 Julie Savet Ward
 Brian Kirk	 Annelise Tuor

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	PPSSNH-159 – Northern Beaches – MOD2020/0431
2	PROPOSED DEVELOPMENT	Modification of Development Consent DA2018/1332 granted for demolition works and construction of seniors living, including self-contained dwellings and a new residential care facility on a neighbouring lot.
3	STREET ADDRESS	Lot 100 DP 1114910, 207 Forest Way and Lot 7 DP 807906, 199 Forest Way, Belrose
4	APPLICANT/OWNER	Catholic Healthcare Limited (Applicant) Lendlease Retirement Living Holding Pty Ltd (Owner)
5	TYPE OF REGIONAL DEVELOPMENT	Section 4.55(2) Modification Application
6	RELEVANT MANDATORY CONSIDERATIONS	<ul style="list-style-type: none"> • Environmental planning instruments: <ul style="list-style-type: none"> ◦ Warringah Local Environmental Plan 2000 • Draft environmental planning instruments: Nil • Development control plans: Nil • Planning agreements: Nil • Provisions of the <i>Environmental Planning and Assessment Regulation 2000</i>: Nil • 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: 15 January 2021 • Applicant submission: 22 January 2021 • Applicant submission: 27 January 2021 • Written submissions during public exhibition: 2 (in support) • Total unique submissions received by way of objection: 2
8	MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> • Briefing: 25 November 2020 <ul style="list-style-type: none"> ◦ <u>Panel members</u>: Peter Debnam (Chair), Julie Savet Ward, Brian Kirk, Annelise Tuor, Steve Kennedy ◦ <u>Council assessment staff</u>: Lashta Haidari • Final briefing to discuss council's recommendation: 27 January 2021 <ul style="list-style-type: none"> ◦ <u>Panel members</u>: Peter Debnam (Chair), Julie Savet Ward, Brian Kirk, Annelise Tuor ◦ <u>Council assessment staff</u>: Lashta Haidari, Matthew Edmonds, Robert Barbuto, Robert Blackall, Ruby Ardren, David Hellot ◦ <u>Applicant representatives</u>: Daniel West, Karen Armstrong, Scott Mackay, Elizabeth Ashby, Stuart McMonnies, Pak Lau, Diane Jones
9	COUNCIL RECOMMENDATION	Refusal
10	DRAFT CONDITIONS	Attached to the council assessment report