

DATE OF DETERMINATION	16 August 2024
DATE OF PANEL DECISION	16 August 2024
DATE OF PANEL MEETING	14 August 2024
PANEL MEMBERS	Nicole Gurran (Chair), Brian Kirk, Susan Budd, Graham Brown and Annelise Tour
APOLOGIES	None
DECLARATIONS OF INTEREST	None <i>(must include reason for declaration and whether the member participated or not)</i>

Papers circulated electronically on 19 July 2024.

MATTER DETERMINED

PPSSNH-483 – Northern Beaches – Mod2024/0134 – 389 Pittwater Road, 2-4 Lakeside Crescent and 8 Palm Avenue, North Manly - Modification of Development Consent DA2021/1912 granted for alterations and additions to an existing building for a mixed use development including seniors housing and boarding house, stratum subdivision and strata subdivision (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(2) of the *Environmental Planning and Assessment Act 1979*.

The decision was unanimous.

REASONS FOR THE DECISION

The Panel determined to approve the application for the reasons outlined in the Council Assessment Report.

This is the first application to modify the original consent. The Panel is satisfied that the proposed modifications (which include internal changes to the building and roof plant, and the installation of an Ausgrid substation and potable water pump) do not substantially alter the development to which the original consent applies. In forming this view, the Panel notes that general floorspace, occupancy, building setbacks, height and visual appearance; access and parking arrangements remain unchanged.

The Panel also notes that overall the landscape scheme for the building remains consistent with the approved development. While the installation of the substation and water pump at the front of the building requires the removal of two existing trees, these are not prescribed canopy species. The structures are required to be located above the flood planning level and are designed to integrate into an existing feature wall.

The design of the mechanical plant is not higher or more visually intrusive than the indicative plant location approved as part of the original application.

The Panel is satisfied that all processes and assessments have been adequately addressed.



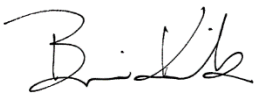
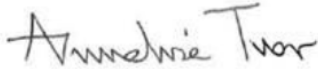

CONDITIONS

The modification application was approved subject to the conditions in the Council Assessment Report.

CONSIDERATION OF COMMUNITY VIEWS

In coming to its decision, the Panel considered the 8 written submissions made during public exhibition, which raised concerns about noise and impacts on existing trees. The Panel is satisfied that the modification will not result in unreasonable noise impacts from the diesel generator which is to be used only in emergency situations, and notes that noise has been dealt with via conditions on the original consent which will remain applicable. The Panel is satisfied with the proposed conditions for replacement tree planting.

The Panel considers that concerns raised by the community have been adequately addressed in the Assessment Report and that no new issues requiring assessment were raised during the public meeting.

PANEL MEMBERS	
 Nicole Gurrán (Chair)	 Graham Brown
 Brian Kirk	 Annelise Tour
 Susan Budd	

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	PPSSNH-483 – Northern Beaches – Mod2024/0134
2	PROPOSED DEVELOPMENT	389 Pittwater Road, 2-4 Lakeside Crescent and 8 Palm Avenue, North Manly
3	STREET ADDRESS	Modification of Development Consent DA2021/1912 granted for alterations and additions to an existing building for a mixed use development including seniors housing and boarding house, stratum subdivision and strata subdivision
4	APPLICANT/OWNER	Applicant: Amber Greenhalgh – Link Wentworth Housing Limited Owner: Landcom
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 2011 Draft environmental planning instruments: Nil Development control plans: <ul style="list-style-type: none"> Warringah 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: 19 July 2024 Written submissions during public exhibition: 8
8	MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> Briefing: 5 June 2024 <ul style="list-style-type: none"> <u>Panel members</u>: Peter Debnam (Chair), Brian Kirk and Nicole Gurran <u>Council assessment staff</u>: Jordan Davies and Rodney Piggott Applicant Briefing: 5 June 2024 <ul style="list-style-type: none"> <u>Panel members</u>: Peter Debnam (Chair), Brian Kirk and Nicole Gurran <u>Applicant representatives</u>: Amber Greenhalgh, Sean Carty, Sonal Dhaliwal and Jillian Sneyd Final briefing to discuss council's recommendation: 14 August 2024 <ul style="list-style-type: none"> <u>Panel members</u>: Nicole Gurran (Chair), Brian Kirk, Susan Budd, Graham Brown, Annelise Tuor <u>Council assessment staff</u>: Jordan Davies and Rodney Piggott <u>Applicant representatives</u>: Amber Greenhalgh, Sean Carty, Sonal Dhaliwal and Jillian Sneyd
9	COUNCIL RECOMMENDATION	Approval

10	DRAFT CONDITIONS	Attached to the Council Assessment Report
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