

DATE OF DETERMINATION	23 April 2025
DATE OF PANEL DECISION	23 April 2025
PANEL MEMBERS	Peter Debnam (Chair), Brian Kirk, Stephen O'Connor, Cedric Spencer, Kim Wheatley
APOLOGIES	None
DECLARATIONS OF INTEREST	None

Papers circulated electronically on 17 April 2025.

MATTER DETERMINED

PPSSNH-576 – Ku-ring-gai – eMOD0170/24 at 161, 163 & 185 A Fox Valley Road, Wahroonga – Modification to Land and Environment Court Consent 35670 of 2022 (DA0539/21) for changes to Building C, including amalgamation of 8 units into 4 and internal design changes (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 development application pursuant to section 4.56 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 below and in Council's comprehensive Assessment Report.

The Panel notes the modification seeks to reconfigure the internal floor layout and subsequently amend conditions 1, 23, 48 and 90 of development consent DA0539/21.

The Panel agrees the application has been properly assessed in accordance with relevant planning controls and is consistent with the objectives of the DCP as well as the aims and zone objectives of the LEP and the modifications do not materially impact the amenity of surrounding properties, the approved design nor do they impact the natural environment.

The Panel concurs that the modification satisfies the provisions of section 4.56 of the *Environmental Planning and Assessment Act 1979* and will result in substantially the same development as the original approval.


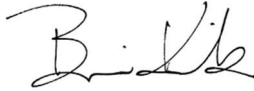



Accordingly, the Panel believes approval of the modification is acceptable.

CONDITIONS

The Development Application was approved subject to the conditions in the Council Assessment Report.

CONSIDERATION OF COMMUNITY VIEWS

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

PANEL MEMBERS	
 Peter Debnam (Chair)	 Brian Kirk
 Stephen O'Connor	 Cedric Spencer
 Kim Wheatley	

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	PPSSNH-576 – Ku-ring-gai – eMOD0170/24
2	PROPOSED DEVELOPMENT	Modification to Land and Environment Court Consent 35670 of 2022 (DA0539/21) for changes to Building C, including amalgamation of 8 units into 4 and internal design changes.
3	STREET ADDRESS	161, 163 & 185A Fox Valley Road, Wahroonga
4	APPLICANT/OWNER	The Trustee for Capital Corporation Wahroonga Unit Trust (applicant) Australasian Conference Association Limited (Owner)
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"> Environmental Planning and Assessment Regulation 2021 Environmental Planning and Assessment (Savings, Transitional and Other Provisions) Regulation 2017 State Environmental Planning Policy (Resilience and Hazards) 2021 State Environmental Planning Policy (Biodiversity and Conservation) 2021 State Environmental Planning Policy (Sustainable Buildings) 2022 State Environmental Planning Policy (Transport and Infrastructure) 2021 State Environmental Planning Policy (Housing) 2021 Ku-ring-gai Local Environmental Plan 2015 Draft environmental planning instruments: Nil Development control plans: <ul style="list-style-type: none"> Ku-ring-gai 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: 2 April 2025 Written submissions during public exhibition: 0
8	MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> Preliminary Briefing: 12 March 2025 <ul style="list-style-type: none"> <u>Panel members</u>: Peter Debnam (Chair), Brian Kirk <u>Council assessment staff</u>: Asmaa Rabiee, Jonathan Goodwill <u>Applicant representatives</u>: Julian Frate, Sally Lewis, Claire Burdett, Ben Porges <u>Department staff</u>: Nikita Lange, Jade Buckman Final briefing to discuss council's recommendation: 23 April 2025 <ul style="list-style-type: none"> <u>Panel members</u>: Peter Debnam (Chair), Brian Kirk, Stephen O'Connor, Cedric Spencer, Kim Wheatley

		<ul style="list-style-type: none">○ <u>Council assessment staff:</u> Asmaa Rabiee, Jonathan Goodwilll, Michael Miocic, Shaun Garland○ <u>Applicant representatives:</u> Julian Frate○ <u>Department staff:</u> Nikita Lange, Jade Buckman
9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Attached to the Council Assessment Report