

DETERMINATION AND STATEMENT OF REASONS

SYDNEY NORTH PLANNING PANEL

DATE OF DETERMINATION	1 August 2025
DATE OF PANEL DECISION	31 July 2025
PANEL MEMBERS	Peter Debnam (Chair), Brian Kirk, Sue Francis, Alec Taylor, Kim Wheatley
APOLOGIES	None
DECLARATIONS OF INTEREST	None

Papers circulated electronically on 23 July 2025.

MATTER DETERMINED

PPSSNH-614 – Ku-ring-gai – eMOD0193/24 at 440 Bobbin Head Road, North Turramurra – Modification to Land and Environment Court Consent 10973 of 2001 (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 4.56 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 outlined in the Council Assessment Report.

The proposed minor modification includes converting five independent living units into eight secure ‘dementia care’ studios, repurposing the adjacent garages into a dementia day respite area and minor internal and external re-configurations.

The Panel concurs with Council that the modification satisfies the provisions of Section 4.56 of the *Environmental Planning and Assessment Act 1979* and is substantially the same as the original approval.

The Panel has taken into consideration the reasons given by the Court for the grant of the consent, that is sought to be modified and is satisfied that the proposed modifications are consistent with those reasons.

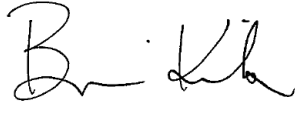
The Panel notes the development continues to be a permissible use, is consistent with the zone objectives and the condition changes are acceptable in the circumstances.

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
 Sue Francis	 Alec Taylor
 Kim Wheatley	

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	PPSSNH-614 – Ku-ring-gai – eMOD0193/24
2	PROPOSED DEVELOPMENT	Modification to Land and Environment Court Consent 10973 of 2001 (DA0807/01 - construction of 220 dwellings under the provisions of SEPP 5 - Housing for Older People or People with a Disability) for the conversion of five existing apartments into eight studios, with communal living and dining spaces, plus conversion of garages into dementia day respite areas.
3	STREET ADDRESS	440 Bobbin Head Road, North Turramurra
4	APPLICANT/OWNER	Willowtree Planning / The Trustee for LDK Turramurra Unit Trust
5	TYPE OF REGIONAL DEVELOPMENT	Section 4.56 Modification Application
6	RELEVANT MANDATORY CONSIDERATIONS	- Environmental planning instruments: - Environmental Planning and Assessment Act 1979 – existing use - Environmental Planning & Assessment Regulations 2021 – existing use - State Environmental Planning Policy (Housing for Seniors and People with a Disability) 2004 - State Environmental Planning Policy (Biodiversity & Conservation) 2021 - Chapters 2 and 9 - State Environmental Planning Policy (Transport and Infrastructure) 2021 - State Environmental Planning Policy (Resilience and Hazards) 2021 - State Environmental Planning Policy (Sustainable Buildings) 2022 - Ku-ring-gai Local Environmental Plan 2015 - Draft environmental planning instruments: Nil - Development control plans: - Ku-ring-gai Development Control Plan (KDCP) - 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	- Council Assessment Report: 30 July 2025 - Written submissions during public exhibition: 0
8	MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL	- Preliminary Briefing: 23 April 2025 <u>Panel members</u>: Peter Debnam (Chair), Brian Kirk, Stephen O'Connor <u>Council assessment staff</u>: Phillip Johnston, Jonathan Goodwill <u>Applicant representatives</u>: Jamie Bryant, Genevieve Kenyon-Slade, Ted de Fegely, David Jameson, Bryan Cannon <u>Department staff</u>: Nikita Lange, Jade Buckman - Final briefing to discuss council's recommendation: 30 July 2025 <u>Panel members</u>: Peter Debnam (Chair), Brian Kirk, Sue Francis

		○ <u>Council assessment staff</u>: Phillip Johnston, Jonathan Goodwill, Shaun Garland ○ <u>Department staff</u>: Nikita Lange, Jade Buckman
9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Attached to the Council Assessment Report