

DATE OF DETERMINATION	26 August 2020
PANEL MEMBERS	Peter Debnam (Chair), Julie Savet Ward, Brian Kirk, Steve Kennedy, Marcus Sainsbury
APOLOGIES	None
DECLARATIONS OF INTEREST	None

Public meeting held public teleconference on 26 August 2020, opened at 10am and closed at 10.17am.

MATTER DETERMINED

PPSSNH-66 – Northern Beaches – DA2019/0654 at 5 Skyline Place, Frenchs Forest for modifications to an approved development (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 and the matters observed at site inspections listed at item 8 in Schedule 1.

Development application

The panel determined to approve the Modification Application pursuant to section 4.55 of the *Environmental Planning and Assessment Act 1979*. The decision was unanimous.

REASONS FOR THE DECISION

At the public meeting on 27 May 2020, the Panel deferred the determination to seek further information and amended plans from the Applicant. During June and July, the Applicant met with Council, submitted the required additional information sought by the Panel and also amended the project design to improve residential amenity and functionality.

The majority of the proposed amendments are internal changes. The amended proposal maintains the overall height of six storeys as well as the approved setbacks. The proposal does include a new roof top terrace atop the eastern portion of the development, which is partly covered to provide weather protection.

Accordingly, the Panel concurs with Council's Supplementary Assessment that the revised plans and additional information have been considered against the Panel Deferral and relevant matters for consideration under Section 4.15 of the EP&A Act 1979 and the reasons for deferral were satisfactorily addressed by the Applicant.

The Modification Application, as amended, does not materially alter the approved design of the development.



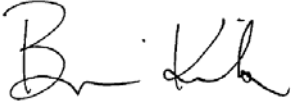


CONDITIONS

The Modification Application was approved subject to the conditions in the Supplementary Assessment Report with the following amendments:

- The landscape plans prepared by Space Landscape Designs Pty Ltd as presented to the Panel are to be included in the list of approved plans endorsed with Council's stamp in Condition 1A.
- The architectural plans for the Common Area on Level 2 are to be amended to be consistent with the approved landscape plans. Details demonstrating compliance are to be submitted to the Principal Certifying Authority prior to the issue of a Construction Certificate.

CONSIDERATION OF COMMUNITY VIEWS

In coming to its decision, the Panel considered two written submissions regarding visual privacy made during public exhibition. No member of the public registered to speak at the public meeting. The Panel considers that the community concerns were adequately addressed in the Supplementary Assessment Report.

PANEL MEMBERS	
 Peter Debnam (Chair)	 Julie Savet Ward
 Brian Kirk	 Steve Kennedy
 Marcus Sainsbury	

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	PPSSNH-66 – Northern Beaches – MOD2019/0654
2	PROPOSED DEVELOPMENT	Modification of Development Consent DA2018/0995 granted for Subdivision of land into 2 allotments, demolition of existing structures and construction of a mixed use development comprising a Seniors Housing development and commercial space.
3	STREET ADDRESS	Lot 1, Lot 2, Lot 3, Lot 4, Lot 5, and Lot CP in SP 49558 5 Skyline Place, Frenchs Forest
4	APPLICANT/OWNER	Platino Properties (Applicant) The Owners Of Strata Plan 49558 (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"> State Environmental Planning Policy No. 55 - Remediation of Land State Environmental Planning Policy (Building Sustainability Index: BASIX) State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 State Environmental Planning Policy - Infrastructure 2011 State Environmental Planning Policy No 65 - Design Quality of Residential Apartment Development (SEPP 65) Warringah Local Environmental Plan 2011 Draft environmental planning instruments: Nil Development control plans: <ul style="list-style-type: none"> Warringah Development Control Plan 2011 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: 11 May 2020 Applicant Memo: 21 May 2020 Applicant submission to public meeting: 27 May 2020 Council supplementary report: 13 August 2020 Applicant memo: 17 August 2020 Written submissions during public exhibition: 2 Verbal submissions at the public meeting 27 May 2020: <ul style="list-style-type: none"> Members of the Community - nil Council assessment officer – Lashta Haidari On behalf of the applicant – Jacinta Reed, Dan Keary, Simon Militano Verbal submissions at the public meeting 26 August 2020: <ul style="list-style-type: none"> Members of the Community - nil Council assessment officer – Lashta Haidari On behalf of the applicant – Dan Keary, Simon Militano
8	MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE	<ul style="list-style-type: none"> Briefing: 26 February 2020 <ul style="list-style-type: none"> <u>Panel members</u>: Peter Debnam (Chair), Julie Savet Ward, Brian Kirk,

	PANEL	<p>Annelise Tuor, Steve Kennedy</p> <ul style="list-style-type: none"> ○ <u>Council assessment staff</u>: Lashta Haidari, Steve Findlay ● Final briefing to discuss council's recommendation, 27 May 2020 at 9am. Attendees: <ul style="list-style-type: none"> ○ <u>Panel members</u>: Peter Debnam (Chair), Julie Savet Ward, Brian Kirk, Marcus Sainsbury, Steve Kennedy ○ <u>Council assessment staff</u>: Lashta Haidari, Steve Findlay ● Final briefing to discuss council's recommendation, 26 August 2020 at 9.30am. Attendees: <ul style="list-style-type: none"> ○ <u>Panel members</u>: Peter Debnam (Chair), Julie Savet Ward, Brian Kirk, Marcus Sainsbury, Steve Kennedy ○ <u>Council assessment staff</u>: Lashta Haidari
9	COUNCIL RECOMMENDATION	Refusal
10	DRAFT CONDITIONS	Attached to the council assessment report