

DETERMINATION AND STATEMENT OF REASONS

SYDNEY NORTH PLANNING PANEL

DATE OF DETERMINATION	17 November 2025
DATE OF PANEL DECISION	14 November 2025
PANEL MEMBERS	Peter Debnam (Chair), Brian Kirk, Sue Francis, Annelise Tuor, Graham Brown
APOLOGIES	None
DECLARATIONS OF INTEREST	None

Papers circulated electronically on 7 November 2025.

MATTER DETERMINED

PPSSNH-682 – Northern Beaches – Mod2025/0381 at 39 Frenchs Forest Road, East Frenchs Forest NSW 2086 – S4.56 modification to DA2015/0901 (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 of the *Environmental Planning and Assessment Act 1979*.

The decision was unanimous.

REASONS FOR THE DECISION

The Panel determined to approve the modification application for the reasons below and in Council's comprehensive Assessment Reports.

The Panel notes that since lodgement, the modification application has benefited from extensive discussions between Council and the applicant on a number of significant issues, including setbacks, landscaping, parking and signage. The applicant submitted revised plans, revised traffic and parking reports and provided additional information in relation to stormwater design. The issues and their resolution are comprehensively canvassed in Council's first Assessment Report.

The Panel concurs with Council that the final proposal is consistent with the objectives of the DCP and zone objectives and aims of the LEP. The Panel also concurs with Council that the final modification proposal has been properly assessed against relevant planning controls, provides a better site planning approach and an enhanced architectural and urban design compared to the original scheme.

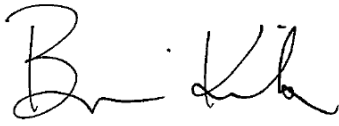
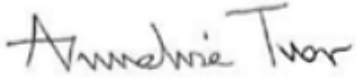
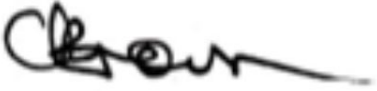
The Panel agrees the modified development is substantially the same as the originally approved development and accordingly the Panel believes the modification application warrants approval.

CONDITIONS

The Panel considered Council's draft conditions and requested Council clarify or amend conditions in relation to car-parking allocation, design and maintenance of landscaping requirements throughout the life of the project to soften and screen the carpark from the street. The Development Application was approved subject to the amended conditions uploaded by Council to the Planning Portal on 13 November 2025.

CONSIDERATION OF COMMUNITY VIEWS

The Panel notes no community submissions were received during the public exhibition period.

PANEL MEMBERS	
 Peter Debnam (Chair)	 Brian Kirk
 Sue Francis	 Anneise Tuor
 Graham Brown	

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	PPSSNH-682 – Northern Beaches – Mod2025/0381
2	PROPOSED DEVELOPMENT	Modification of Development Consent DA2015/0901 granted for demolition works, alterations and additions to the existing pub, construction of hotel or motel accommodation and retail liquor store
3	STREET ADDRESS	39 Frenchs Forest Road, East Frenchs Forest NSW 2086
4	APPLICANT/OWNER	Applicant: Endeavour Group Ltd., Milestone Civil Australia Pty Ltd., Owner: Australian Leisure and Hospitality Group Pty Ltd.
5	TYPE OF REGIONAL DEVELOPMENT	Section 4.56 Modification Application
6	RELEVANT MANDATORY CONSIDERATIONS	- Environmental planning instruments: - State Environmental Planning Policy (Biodiversity and Conservation) 2021 - State Environmental Planning Policy (Resilience and Hazards) 2021 - State Environmental Planning Policy (Planning Systems) 2021 - State Environmental Planning Policy (Sustainable Buildings) 2021 - State Environmental Planning Policy (Transport and Infrastructure) 2021 - State Environmental Planning Policy (Industry and Employment) 2021 - Warringah Local Environmental Plan 2011 - Draft environmental planning instruments: Nil - Development control plans: - Warringah Development Control Plan 2011 - Planning agreements: Nil - Relevant provisions of the Environmental Planning and Assessment Regulation 2021 - 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 Environmental Planning and Assessment Act 1979 or regulations - The public interest, including the principles of ecologically sustainable development
7	MATERIAL CONSIDERED BY THE PANEL	- Council Assessment Report: 7 November 2025 - Council Briefing Report: 23 September 2025 - Council Assessment Memorandum: 11 November 2025 - Amended Set of Draft Conditions: 11 November 2025 - Amended Set of Draft Conditions: 13 November 2025
8	MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL	- Preliminary Briefing: 24 September 2025 <u>Panel members</u>: Peter Debnam (Chair), Brian Kirk, Stephen O'Connor, Graham Brown <u>Council assessment staff</u>: Steven Findlay <u>Applicant representatives</u>: Jason Shepherd, Lisa Esposito, Sven Ollmann <u>Department staff</u>: Lillian Charlesworth, Anaise Nagy - Final briefing to discuss council's recommendation: 12 November 2025 <u>Panel members</u>: Peter Debnam (Chair), Brian Kirk, Sue Francis, Graham Brown, Annelise Tuor <u>Council assessment staff</u>: Steven Findlay, Peter Robinson

		○ <u>Applicant representatives:</u> Jason Shepherd, Lisa Esposito, Sven Ollmann, Matt Toohey ○ <u>Department staff:</u> Anaise Nagy
9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Attached to the Council Assessment Report as uploaded by Council to the Planning Portal on 7 November 2025, further amended by Council and reuploaded on 11 November 2025 and amended by the Panel and uploaded on 13 November 2025.