

<b>DATE OF DETERMINATION</b>	19 February 2024
<b>DATE OF PANEL DECISION</b>	16 February 2024
<b>DATE OF PANEL MEETING</b>	14 February 2024
<b>PANEL MEMBERS</b>	Peter Debnam (Chair), Brian Kirk, Marcus Sainsbury, Nicole Gurrán
<b>APOLOGIES</b>	Graham Brown, Annelise Tuor, Peter Biscoe
<b>DECLARATIONS OF INTEREST</b>	None

Public meeting held by teleconference on 14 February 2024, opened at 11.36am and closed at 11.41am.

**MATTER DETERMINED**

PPSSNH-406 - DA2023/0976 - Northern Beaches, Lot 1 DP 592091, 20 - 22 Macpherson Street WARRIEWOOD, Demolition works, subdivision into 53 lots and one community title lot, construction of 53 dwellings, including internal roadways, stormwater, creek line rehabilitation and landscape works

**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.

**Development application**

The Panel determined to refuse the development application pursuant to section 4.16 of the *Environmental Planning and Assessment Act 1979*.

The Panel’s determination was unanimous.

**REASONS FOR THE DECISION**

The Panel determined to refuse the DA for the reasons below and in Council’s comprehensive Assessment Report. The Panel had previously had the benefit of several briefings from Council including one meeting with both the Council and the Applicant.

The Panel convened for a public determination meeting on 14<sup>th</sup> February at which there was one public speaker against the proposal and no representative of the Applicant.

As noted in Council’s Report, the proposal relies on Clause 6.1(3) of PLEP 2014, which specifies a dwelling yield range of not more than 53 dwellings and no less than 42 dwellings for Sector 301 of the Warriewood Valley Release Area, which comprises the subject lot. The proposal is based on the maximum dwelling yield of 53 dwellings.



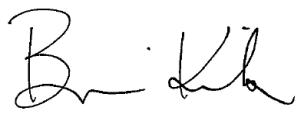

The Panel concurs with Council that the proposed design and density and the lack of variation in housing typology (townhouses only), provides a situation in which the extensive ground coverage is not site responsive nor locality responsive. It results in concerns with lack of spatial separation and physical breaks between buildings, encroachment of buildings and lots within the creek line corridor, and lack of space for appropriately designed internal vehicle circulation.

As detailed in Council’s Report, significant issues remained unresolved and while Council listed 21 reasons for refusal, the Panel believes foremost in that list are the encroachment upon the creek line corridor and the unyielding uniformity of design.

The Panel considers the application has been properly assessed against the Environmental Planning and Assessment Act 1979, Environmental Planning and Assessment Regulations 2021, relevant Environmental Planning Instruments and Council policies and it is in the community interest the DA be refused.

### CONSIDERATION OF COMMUNITY VIEWS

In coming to its decision, the Panel considered 31 written submissions made during public exhibition and heard from a member of the public at the public meeting. Issues of concern included Encroachment into Outer Creek line Corridor, Built form, Contaminated Lands Biodiversity Landscape, Riparian Lands and Creeks issues Stormwater, Flooding, Traffic Waste Privacy. The Panel considers that concerns raised by the community have been adequately addressed in Council's Assessment Report.

PANEL MEMBERS	
 Peter Debnam (Chair)	 Marcus Sainsbury
 Brian Kirk	 Nicole Gurran

SCHEDULE 1		
1	<b>PANEL REF – LGA – DA NO.</b>	PPSSNH-406 - DA2023/0976 - Northern Beaches
2	<b>PROPOSED DEVELOPMENT</b>	Demolition works, subdivision into 53 lots and one community title lot, construction of 53 dwellings, including internal roadways, stormwater, creek line rehabilitation and landscape works
3	<b>STREET ADDRESS</b>	Lot 1 DP 592091, 20 - 22 Macpherson Street WARRIEWOOD
4	<b>APPLICANT/OWNER</b>	Green Kingswood Pty Ltd
5	<b>TYPE OF REGIONAL DEVELOPMENT</b>	Capital Investment Value > \$30M
6	<b>RELEVANT MANDATORY CONSIDERATIONS</b>	<ul style="list-style-type: none"> <li>• Environmental planning instruments:</li> <li>• SEPP (Resilience and Hazards) 2021</li> <li>• Pittwater Local Environmental Plan 2014</li> <li>• Draft environmental planning instruments: Nil</li> <li>• Development control plans:               <ul style="list-style-type: none"> <li>○ Pittwater 21 Development Control Plan</li> </ul> </li> <li>• Planning agreements: Nil</li> <li>• Relevant provisions of the Environmental Planning and Assessment Regulation 2021</li> <li>• The likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality</li> <li>• The suitability of the site for the development</li> </ul>

		<ul style="list-style-type: none"> <li>• Any submissions made in accordance with the <i>Environmental Planning and Assessment Act 1979</i> or regulations</li> <li>• The public interest, including the principles of ecologically sustainable development</li> </ul>
7	<b>MATERIAL CONSIDERED BY THE PANEL</b>	<ul style="list-style-type: none"> <li>• Council Assessment Report</li> <li>• Plans – Master Set Plans</li> <li>• Subdivision Plans – Landscape</li> <li>• Report – Statement of Environmental Effects</li> <li>• Report - Geotechnical</li> <li>• Written submissions during public exhibition: 31</li> <li>• Verbal submissions at the public meeting: <ul style="list-style-type: none"> <li>• Members of the community – Moray Robertson</li> <li>• Council Assessment Officers – Steven Findlay, Thomas Prosser, Robert Blackall</li> <li>• On behalf of the applicant – Nil</li> </ul> </li> </ul>
8	<b>MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL</b>	<ul style="list-style-type: none"> <li>• 13 September 2023 – Briefing <ul style="list-style-type: none"> <li>○ <u>Panel members</u>: Peter Debnam, Brian Kirk, Nicole Gurrán, Graham Brown, Annelise Tuor</li> <li>○ <u>Council assessment staff</u>: Thomas Prosser</li> <li>○ <u>Applicant</u>: Urbis C/O Green Kingswood – Harley Lockhart, Belinda Thomas</li> </ul> </li> <li>• 14 February 2024 - Final briefing to discuss council’s recommendation: <ul style="list-style-type: none"> <li>○ <u>Panel members</u>: Peter Debnam, Brian Kirk, Marcus Sainsbury, Nicole Gurrán</li> <li>○ <u>Council assessment staff</u>: Steven Findley and Thomas Prosser</li> </ul> </li> </ul>
9	<b>COUNCIL RECOMMENDATION</b>	Refusal
10	<b>DRAFT CONDITIONS</b>	N/A