

DATE OF DETERMINATION	Tuesday 18 June 2019
PANEL MEMBERS	Peter Debnam (Chair), Mark Grayson, Peter Brennan, Steve Kennedy, Marcus Sainsbury
APOLOGIES	John Roseth, Sue Francis, Annelise Tuor
DECLARATIONS OF INTEREST	None

Public meeting held at Northern Beaches Council Chambers, 725 Pittwater Road Dee Why, on 18 June 2019, opened at 2.05pm and closed at 3:15pm.

MATTER DETERMINED

2018SNH055 – Northern Beaches – DA2018/1574 at 23 Fisher Road Dee Why – mixed use 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.

The Panel adjourned during the meeting to deliberate on the matter and formulate a resolution.

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

The decision was unanimous.

REASONS FOR THE DECISION

The Panel considered that the two Clause 4.6 variations to development standards of WLEP2011, being building height and restriction on dwellings at ground level, were acceptable and that potential environmental impacts have been adequately addressed and therefore compliance with the relevant development standard is considered unreasonable and unnecessary in the circumstances.

The Panel notes that the referral from NSW Police raised issues of concern with traffic and site access. However, the Panel notes that following design refinement RMS provided has concurrence.

The design and layout of the proposed development is reasonable and has appropriately addressed Pacific Lodge, the item of local heritage significance.

Despite short term canopy loss, the landscaped solution will ensure an enhancement of vegetation on the site, and key natural features including significant canopy trees and rock outcrops are to be retained.

CONDITIONS

The development application was approved subject to the conditions in the Council Assessment Report with the following amendments.

- Condition 19 amended to read as follows:
19. Pre-Commencement Dilapidation Report
The applicant must prepare and submit a pre-commencement dilapidation report providing an accurate record of the existing condition of the existing heritage item to be retained, adjoining public and private properties and public infrastructure (including roads, gutter, footpaths, stormwater

assets etc). In relation to stormwater infrastructure, the report must be prepared in accordance with Council's Guidelines for Preparing a Dilapidation Survey of Council Stormwater Asset. A copy of the report must be provided to Council, any other owners of public infrastructure and the owners of adjoining and affected private properties.

Reason: Protection of Council's and Private Party's Infrastructure and the heritage item during construction.

- Condition 67 amended to read as follows:

67. Post-Construction Dilapidation Report






The applicant is to engage a suitably qualified person to prepare a post-construction dilapidation report of the condition of the existing heritage item to be retained, adjoining public and private properties and public infrastructure (including roads, gutter, footpaths, stormwater assets etc) following the completion of works. Any noted damage is to be rectified by the applicant, to the satisfaction of Council, prior to the release of the security bond. The post construction dilapidation report must be submitted to the Council for review and the certifying authority prior to the issue of the occupation certificate.

Reason: To ensure the heritage item and all assets are left in a serviceable state or repaired to ensure ongoing serviceability of the asset.

CONSIDERATION OF COMMUNITY VIEWS

In coming to its decision, the Panel considered written submissions made during public exhibition. The Panel notes that issues of concern included street parking, heritage item, architectural quality, bulk and scale and appropriate land use.

The Panel considers that concerns raised by the community have been adequately addressed in the assessment report and that no new issues requiring assessment were raised during the public meeting.

PANEL MEMBERS	
 Peter Debnam (Chair)	 Mark Grayson
 Peter Brennan	 Steve Kennedy
 Marcus Sainsbury	

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	2018SNH055 – Northern Beaches – DA2018/1574
2	PROPOSED DEVELOPMENT	Construction of a mixed use development comprising three residential flat buildings, commercial use of a heritage listed building, car parking, infrastructure and landscaping.
3	STREET ADDRESS	Part Lot 11 DP 577062, 23 Fisher Road, Dee Why
4	APPLICANT/OWNER	Hamptons By Rose Pty Ltd
5	TYPE OF REGIONAL DEVELOPMENT	General development over \$30 million
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 No. 65 – Design Quality of Residential Apartment Development ○ State Environmental Planning Policy (Infrastructure) 2007 ○ 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: 4 June 2019 • Council memo: 18 June 2019 • Cause 4.6 variation requests: Height of Buildings and Restrictions on Dwellings on Ground Floor • Written submissions during public exhibition: 3 • Verbal submissions at the public meeting: <ul style="list-style-type: none"> ○ On behalf of the applicant – Kate Bartlett
8	MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> • Site inspection: 18 December 2018 and 18 June 2019 • Briefing: 18 December 2018 • Final briefing to discuss council’s recommendation, 18 June 2019, 11.45pm. Attendees: <ul style="list-style-type: none"> ○ <u>Panel members</u>: Peter Debnam (Chair), Mark Grayson, Peter Brennan, Steve Kennedy, Marcus Sainsbury ○ <u>Council assessment staff</u>: Rebecca Englund
9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Attached to the council assessment report