

DATE OF DETERMINATION	11 May 2023
DATE OF PANEL DECISION	11 May 2023
DATE OF PANEL MEETING	10 May 2023
PANEL MEMBERS	Peter Debnam, Nicole Gurran, Brian Kirk, Annelise Tuor
APOLOGIES	Graham Brown
DECLARATIONS OF INTEREST	Nil

Papers circulated electronically on 27 April 2023.

MATTER DEFERRED

PPSSNH-304 - DA2022/0145, Northern Beaches, Lot CP SP 32072, 812 Pittwater Road Dee Why, Lot CP SP 32071, 4 Delmar Parade Dee Why, Demolition works and construction of a mixed-use development comprising a residential flat building and shop top housing, basement parking, lot consolidation and Torrens title subdivision (as described in Schedule 1).

REASONS FOR DEFERRAL



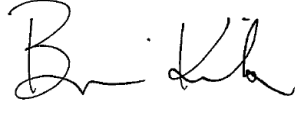
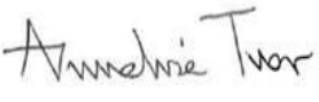
The Panel determined to defer the development application pursuant to section 4.16 of the *Environmental Planning and Assessment Act 1979*.

The Panel’s decision was unanimous.

The Panel considered Council’s Assessment Report and met with the Council and Applicant to discuss the report. Given several issues remained unresolved, the Panel decided to defer further consideration of the application until the following additional information is provided:

- Visual impact of the development from vantage points within the adjoining Stony Range Flora Reserve (the Reserve);
- Diagrams of overshadowing of the Reserve by the development;
- Consideration of the Reserve’s Plan of Management insofar as relevant to the proposed development;
- Confirmation that consultation with Crown Lands (if the owner of the Reserve) and the Reserve’s Volunteer Advisory Committee has occurred;
- Clarification that there is a Savings Provision, which permits the development despite SEPP (Lands Use Zones)(No 5) 2022;
- Clarification that cl 6.7 is a development standard consistent with *Canterbury Bankstown Council v Dib 2022 NSWLEC 79*;
- Clarification of the existing Non-Residential GFA on the site; and
- Advice from Council on Future Strategic Planning for the Precinct, in particular, whether the demand for non-residential floor space identified in relevant strategic policies and employment lands studies will be met, without this site and whether any change to the Mixed Use zoning is proposed.

The Panel requests Council then provide a Supplementary Assessment Report by 31st May. The Panel will then reconvene at 8am Wednesday 7th June to further consider the proposal.

PANEL MEMBERS	
 Peter Debnam (Chair)	 Nicole Gurran
 Brian Kirk	 Annelise Tuor

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	PPSSNH-304 - DA2022/0145, Northern Beaches
2	PROPOSED DEVELOPMENT	Demolition works and construction of a mixed-use development comprising a residential flat building and shop top housing, basement parking, lot consolidation and torrens title subdivision
3	STREET ADDRESS	Lot CP SP 32072, 812 Pittwater Road Dee Why, Lot CP SP 32071, 4 Delmar Parade Dee Why
4	APPLICANT/OWNER	Landmark Group Australia Pty Ltd The Owners Of Strata Plan 32071
5	TYPE OF REGIONAL DEVELOPMENT	Capital Investment Value > \$30M
6	RELEVANT MANDATORY CONSIDERATIONS	<ul style="list-style-type: none"> • Environmental planning instruments: <ul style="list-style-type: none"> • State Environmental Planning Policy No. 65 – Design Quality for Residential Apartment Development (SEPP 65) • SEPP (Building Sustainability Index: BASIX) 2004 • SEPP (Transport and Infrastructure) 2021 • SEPP (Resilience and Hazards) 2021 • 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>: • Coastal zone management plan: Nil • Other relevant plans: 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

		<ul style="list-style-type: none"> • 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 with draft conditions of consent. • Written submissions during public exhibition: 3
8	MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> • 11 May 2022 - Briefing • 08 May 2023 - Final briefing to discuss council's recommendation: <ul style="list-style-type: none"> ○ <u>Panel members</u>: Peter Debnam, Nicole Gurran, Brian Kirk, Annelise Tuor ○ <u>Council assessment staff</u>: Steven Findley and Peter Robinson ○ <u>Applicant</u>: Adam Martinez, Joseph Scuderi, Ben Pomroy, Aaron Sutherland, Jenna Colombini.
9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Attached to the Council Assessment Report