

DATE OF DETERMINATION	11 August 2025
DATE OF PANEL DECISION	11 August 2025
DATE OF PANEL MEETING	6 August 2025
PANEL MEMBERS	Brian Kirk (Acting Chair), Sue Francis, Stephen Davies, Annelise Tuor, Marcus Sainsbury
APOLOGIES	Graham Brown, Peter Debnam
DECLARATIONS OF INTEREST	None

Public meeting held by teleconference on 6 August 2025, opened at 1.30pm and closed at 1.52pm.

MATTER DETERMINED

PPSSNH-613 – Northern Beaches – DA2025/0077 at 10-28 Lawrence Street, Freshwater – Demolition works and construction of shop top housing including strata subdivision (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 to vary a development standard:

Following consideration of a written request from the applicant, made under cl 4.6 (3) of the Warringah Local Environmental Plan 2011 (LEP), the Panel is not satisfied that the applicant has demonstrated that:

- a) compliance with cl. 4.3 (Height of Buildings) is unreasonable or unnecessary in the circumstances; and
- b) there are sufficient environmental planning grounds to justify contravening the development standard.

Development application

The Panel determined to refuse 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 determined not to uphold the Clause 4.6 variation to building height and refuse the application for the reasons numbered 1 to 11 outlined in Attachment 1 of the Council Assessment Report uploaded to the Portal on 23 July 2025, as amended by the Panel to include:

- New sub-clause iii. under Reason 1, as the Panel considers that Insufficient information has been provided with the application to allow for an adequate assessment of any view loss impacts on surrounding properties
- New dot point under ii. of Reason 2 referencing Part 4 H of the ADG, as the Panel considers the layout of some apartments is unsatisfactory to ensure intertenancy acoustic privacy where a living room abuts a neighbour's bedroom. Insufficient information has been provided with the application demonstrating this weakness in the design could be overcome by constructing these intertenancy walls to a standard that will safeguard the acoustic privacy between neighbours.
- Corrections to references to s.79C of the Environmental Planning and Assessment Act 1979.

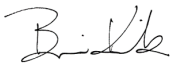



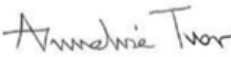
As directed by the Panel, Council provided a revised and corrected list of reasons dated 7 August 2025, which was been uploaded to the Portal on 8 August 2025. The Panel accepts these as the final reasons for the refusal.

CONSIDERATION OF COMMUNITY VIEWS

In coming to its decision, the Panel considered written submissions made during public exhibition and heard from all those wishing to address the Panel during the public meeting. The Panel notes that issues of concern included:

- Bulk and scale
- LEP and DCP non-compliance
- Amenity including privacy and overshadowing
- Parking and traffic
- Construction impacts
- Impact on Freshwater Village including character
- Noise generated by waste collection
- Adequacy of Landscaping

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	
Brian Kirk (Acting Chair) 	Sue Francis 
Stephen Davies 	Marcus Sainsbury 
Annelise Tuor 	

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	PPSSNH-613 – Northern Beaches – DA2025/0077
2	PROPOSED DEVELOPMENT	Demolition works and construction of shop top housing including strata subdivision
3	STREET ADDRESS	10, 16, 20, 22 & 28 Lawrence Street, Freshwater
4	APPLICANT/OWNER	Thanh Quach, MD Living Pty Ltd Lawrence Street 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 (Housing) 2021 and Apartment Design Guide (ADG) State Environmental Planning Policy (Transport and Infrastructure) 2021 State Environmental Planning Policy (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 Relevant provisions of the <i>Environmental Planning and Assessment Regulation 2021</i> 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: 23 July 2025 as amended and published on the Portal on 6 August 2025. Council Memo: Published on the Portal on 8 August 2025 Clause 4.3 Height of Buildings: 11 December 2024 Written submissions during public exhibition: 46 Verbal submissions at the public meeting: <ul style="list-style-type: none"> Aidan Watson, Josianne Alonso, Greg Boston Council assessment officer: Rodney Piggott On behalf of the applicant: Ben Craig, Peter Brown
8	MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> Preliminary Briefing: 2 April 2025 <ul style="list-style-type: none"> <u>Panel members</u>: Peter Debnam (Chair), Brian Kirk, Sue Francis <u>Council assessment staff</u>: Maxwell Duncan, Rodney Piggott <u>Applicant representatives</u>: Thanh Quach, Robert Burger, Michael Bacik, Ben Craig, Yousheng Li, Peter Brown, Steven Fighera <u>Department staff</u>: Lillian Charlesworth, Jade Buckman Final briefing to discuss council's recommendation: 6 August 2025 <ul style="list-style-type: none"> <u>Panel members</u>: Brian Kirk (Acting Chair), Sue Francis, Stephen Davies, Marcus Sainsbury, Annelise Tuor <u>Council assessment staff</u>: Rodney Piggott <u>Department staff</u>: Lillian Charlesworth, Jade Buckman

		<ul style="list-style-type: none">• Public meeting: 6 August 2025<ul style="list-style-type: none">○ <u>Panel members</u>: Brian Kirk (Acting Chair), Sue Francis, Stephen Davies, Marcus Sainsbury, Annelise Tuor○ <u>Council assessment staff</u>: Rodney Piggott, Maxwell Duncan○ <u>Applicant representatives</u>: Bob Burger, Michael Bacik, Thanh Quach, Peter Brown, Ben Craig, Yousheng Li, Steven Fighera○ <u>Department staff</u>: Lillian Charlesworth, Jade Buckman
9	COUNCIL RECOMMENDATION	Refusal
10	DRAFT CONDITIONS	N/A