

**DETERMINATION AND STATEMENT OF REASONS**  
SYDNEY NORTH PLANNING PANEL

<b>DATE OF DETERMINATION</b>	27 October 2022
<b>DATE OF PANEL DECISION</b>	26 October 2022
<b>DATE OF PANEL MEETING</b>	26 October 2022
<b>PANEL MEMBERS</b>	Peter Debnam (Chair), Brian Kirk, Julie Savet Ward, Graham Brown, Marcus Sainsbury
<b>APOLOGIES</b>	None
<b>DECLARATIONS OF INTEREST</b>	None

Papers circulated electronically on 20 October 2022.

**MATTER DETERMINED**

PPSSNH-314– Northern Beaches – Mod 2022/0204 at Lot 1 DP166322 691 Pittwater Road, Dee Why 2099 Modification of Development Consent DA2020/0272 for demolition and construction of a mixed-use building (shop-top boarding house).

**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.

**Application for modification of consent**

The Panel determined to approve the application for modification of development consent 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 application for the reasons outlined below and in Council's Assessment Report.

The modifications pertain to minor alterations to the exterior of the building and internal changes to rooms including new balconies and the manager's room.

The Panel concurs with Council that the changes sought are substantially the same as the approved development and that the modifications do not materially impact surrounding properties, the environment or the quality of accommodation. Additionally, the Panel concurs with Council that the modifications generally seek to enhance the amenity of the accommodation without compromising the integrity or quality of the design.

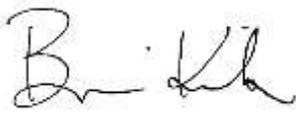
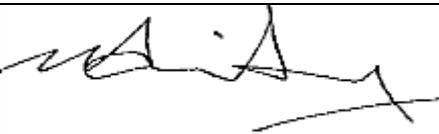
The Panel notes the modification has been properly assessed against relevant planning controls and believes approval of the modification would be in the public interest.

**CONDITIONS**

The application for modification of development consent was approved subject to the amended conditions in Council's email of 26<sup>th</sup> October 2022, which corrected typos in the Assessment Report conditions and amended the conditions to include landscaping plans and changed sliding door security arrangements.

**CONSIDERATION OF COMMUNITY VIEWS**

In coming to its decision, the Panel considered two written submissions made during public exhibition noted issues of concern included, size of apartments, parking, overdevelopment and streetscape. The Panel considers that concerns raised by the community have been adequately addressed in the Assessment Report.

PANEL MEMBERS	
 Peter Debnam (Chair)	 Brian Kirk
 Julie Savet Ward	 Graham Brown
 Marcus Sainsbury	

**SCHEDULE 1**

<b>1</b>	<b>PANEL REF – LGA – DA NO.</b>	PPSSNH-314 - Mod2022/0204
<b>2</b>	<b>PROPOSED DEVELOPMENT</b>	Modification of Development Consent DA2020/0272 granted for Demolition and construction of a mixed-use building (shop-top boarding house)
<b>3</b>	<b>STREET ADDRESS</b>	Lot 1 DP 166322, 691 Pittwater Road DEE WHY NSW 2099
<b>4</b>	<b>APPLICANT/OWNER</b>	Denwol Dee Why Pty Ltd A.C.N. 605 170 358 Pty Ltd Denwol Dee Why Pty Ltd
<b>5</b>	<b>TYPE OF REGIONAL DEVELOPMENT</b>	Section 4.55(2) Modification Application
<b>6</b>	<b>RELEVANT MANDATORY CONSIDERATIONS</b>	<ul style="list-style-type: none"> <li>• Environmental planning instruments: <ul style="list-style-type: none"> <li>○ SEPP (Affordable Rental Housing) 2009</li> <li>○ SEPP (Building Sustainability Index: BASIX) 2004</li> <li>○ SEPP (Housing) 2021</li> <li>○ SEPP (Transport and Infrastructure) 2021</li> <li>○ Warringah Local Environmental Plan 2011</li> </ul> </li> <li>• Draft environmental planning instruments: Nil</li> <li>• Development control plans: <ul style="list-style-type: none"> <li>• Warringah Development Control Plan</li> </ul> </li> <li>• Planning agreements: Nil</li> <li>• Relevant provisions of the <i>Environmental Planning and Assessment Regulation 2000</i></li> <li>• Coastal zone management plan: Nil</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> <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>
<b>7</b>	<b>MATERIAL CONSIDERED BY THE PANEL</b>	<ul style="list-style-type: none"> <li>• Council Assessment Report: <b>20 October 2022</b></li> <li>• Written submissions during public exhibition: 2</li> <li>• Total number of unique submissions received by way of objection: 2</li> </ul>
<b>8</b>	<b>MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL</b>	<ul style="list-style-type: none"> <li>• Council briefing: 24 August 2022</li> <li>• Final briefing to discuss council's recommendation: 26 October 2022 <ul style="list-style-type: none"> <li>○ <u>Panel members</u>: Peter Debnam (Chair), Julie Savet Ward, Brian Kirk, Graham Brown, Marcus Sainsbury</li> </ul> </li> </ul>

		<ul style="list-style-type: none"> <li>○ <u>Council assessment staff</u>: Rodney Piggott</li> <li>○ <u>Applicant representatives</u>: Michael Haynes, Mark Khoury, Jesus Garcia, Steven Macdessi, Allan Watson, Jeff Dooley</li> </ul>
<b>9</b>	<b>COUNCIL RECOMMENDATION</b>	<b>Approval</b>
<b>10</b>	<b>DRAFT CONDITIONS</b>	Attached to the Council Assessment Report

## ATTACHMENT 1

### A. Add Condition No.2A - Modification of Consent - Approved Plans and supporting Documentation to read as follows:

The development must be carried out in compliance (except as amended by any other condition of consent) with the following:

#### a) Modification Approved Plans

<b>Architectural Plans - Endorsed with Council's stamp</b>		
<b>Drawing No.</b>	<b>Dated</b>	<b>Prepared By</b>
DA 800/ Revision C	5 September 2022	BKA Architecture
DA 801/ Revision B	5 September 2022	BKA Architecture
DA 802/ Revision B	5 September 2022	BKA Architecture
DA 803/ Revision B	5 September 2022	BKA Architecture
DA 804/ Revision B	5 September 2022	BKA Architecture
DA 805/ Revision B	5 September 2022	BKA Architecture
DA 806/ Revision B	5 September 2022	BKA Architecture
DA 807/ Revision C	5 September 2022	BKA Architecture
DA 808/ Revision B	5 September 2022	BKA Architecture
DA 809/ Revision A	5 September 2022	BKA Architecture
DA 810/ Revision A	5 September 2022	BKA Architecture
DA 811/ Revision A	5 September 2022	BKA Architecture
DA 812/ Revision A	5 September 2022	BKA Architecture
DA 813/ Revision A	5 September 2022	BKA Architecture
DA 814/ Revision B	5 September 2022	BKA Architecture
DA 815/ Revision A	5 September 2022	BKA Architecture
DA 816/ Revision A	5 September 2022	BKA Architecture
DA 817/ Revision B	5 September 2022	BKA Architecture

<b>Reports / Documentation – All recommendations and requirements contained within:</b>		
<b>Report No. / Page No. / Section No.</b>	<b>Dated</b>	<b>Prepared By</b>
BASIX Certificate No. 1083496M_04	12 April 2022	EPS
Acoustic Report	1 April 2022	Acoustic Logic
BCA Assessment Report	29 March 2022	BCA Logic
Statement of Heritage Impact	April 2022	Heritage 21

c) Any plans and / or documentation submitted to satisfy the Deferred Commencement Conditions of this consent as approved in writing by Council.

d) Any plans and / or documentation submitted to satisfy the Conditions of this consent.

Reason: To ensure the work is carried out in accordance with the determination of Council and approved plans.

**B. Add Condition 27A - Acoustic Report Recommendations - to read as follows:**

Prior to the issuing of any Construction Certificate, documentation is to be submitted to the satisfaction of the Principal Certifier that recommendations within the Acoustic Report by Acoustic Logic dated 1 April 2022 (reference: 20200007.1/0104A/R3/KB) have been implemented/incorporated into the design of the premises.

Reason: To protect acoustic amenity of surrounding premises.

**C. Add Condition 27B - Landscape plan – to read as follows:**

The Landscape plan shall be updated by a qualified landscape architect / designer, horticulturist and/or arborist as applicable to reflect the landscaping extents as shown on the approved Architectural Plan (as amended by MOD2022/0204) and submitted to the Principal Certifying Authority prior to issue of the Construction Certificate relating to these works.

Reason: To ensure plan consistency and landscaping is designed by a suitably qualified person.