

DATE OF DEFERRAL	Wednesday 27 January 2021
PANEL MEMBERS	Peter Debnam (Chair), Julie Savet Ward, Brian Kirk, Annelise Tuor
APOLOGIES	Steve Kennedy
DECLARATIONS OF INTEREST	None

Public meeting held by teleconference on 27 January 2021, opened at 1.30pm and closed at 2.42pm.

MATTER DEFERRED

PPSSNH-155 – Northern Beaches – DA2020/1167 at 28 Fisher Road, Dee Why for mixed use development (as described in Schedule 1)

REASONS FOR DEFERRAL

The Panel resolved to defer determination of the application for the reasons outlined below.

The Development Application proposes mixed-use development to accommodate a cafe, church, conference centre, boarding house and two level basement car park at 28 Fisher Road and 9 Francis Street, Dee Why. Council had recommended refusal of the application, having regard to the design and character requirements embodied in the applicable planning controls including the requirements of the State Environmental Planning Policies. Further, Council's assessment of the proposal against the provisions of Warringah Development Control Plan 2011 (WDCP 2011), found that the proposal is non-compliant with a number of clauses, indicating an over-development of the site.

The application was referred to Council's internal departments and external authorities and in the responses, there were a number of issues raised which form Council's reasons for refusal. The application was also reported to Northern Beaches Design and Sustainability Advisory Panel (DSAP) and the DSAP Panel at its meeting in October 2020 concluded the development in its current form could not be supported and made a number of recommendations.

The public exhibition of the DA resulted in 38 individual responses from the community, including both concerned residents and a number of letters supporting the proposal. Those objecting to the proposal raised concerns primarily on the basis of the bulk and scale and consequent amenity impacts of the development, and the amount of additional traffic that would be generated. Those supporting the development raised the benefits of the urban renewal of the church site.

The Panel concurs with Council that redevelopment of the subject site would be a significant improvement on the existing situation. The Council also noted the proposed land uses are permissible with consent on the site pursuant to the provisions of SEPP (ARH) 2009 and WLEP 2011 and redevelopment of the site will be highly beneficial to the locality as a whole.

The configuration of the subject site spilt into two different zones is a challenge in itself and problematic as evidenced by the poor relationships to the neighbouring properties. The Council noted it requires a skilful design to overcome such constraints but the current proposal had failed to properly recognise and respond to the challenges presented by the site, resulting in unacceptable impacts on adjoining neighbours facing Francis Street.

The Panel concurs with Council that there are a number of options for amendments to the proposed development to address concerns raised in the Assessment Report, so the proposal is designed in a manner



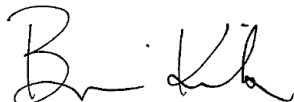

that is consistent with the applicable planning controls and more sympathetic to adjoining sites. Design solutions for the site were also discussed within the DASP minutes.

The Panel considered Council's Assessment Report and also noted the Applicant had in December 2020 submitted amendments to the proposal which had not yet been assessed by Council. It was also envisaged further amendments were possible in response to Council's Assessment Report. The Panel considered refusing the application but decided to accept the Applicant's request that the application be deferred for action as outlined below.

The Panel requests Council and the Applicant meet in the next fortnight to urgently discuss changes to the proposal. Given the importance of this redevelopment to the local community and the apparent willingness of the Applicant to make changes to resolve Council's concerns, the Panel asks Council and the Applicant to work together to resolve outstanding differences.

Subsequently, the Applicant should urgently submit amended plans and further information to allow Council to prepare a Supplementary Assessment Report.

The Panel resolved to defer the determination of the matter until the above issues were resolved between the Applicant and Council and a Supplementary Assessment Report has been prepared. The Panel will then convene to determine the matter.

PANEL MEMBERS	
 Peter Debnam (Chair)	 Julie Savet Ward
 Brian Kirk	 Annelise Tuor

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	PPSSNH-155 – Northern Beaches – DA2020/1167
2	PROPOSED DEVELOPMENT	Demolition works and construction of a mixed use development to accommodate a cafe, church, conference centre, boarding house and two level basement car park.
3	STREET ADDRESS	Part Lot 28 DP 7413, 9 Francis Street and 28 Fisher Road, Dee Why
4	APPLICANT/OWNER	Baptist Churches of NSW Property Trust (Owner) The George Group Pty Ltd (Applicant)
5	TYPE OF REGIONAL DEVELOPMENT	Private infrastructure and community facilities over \$5 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 (Building Sustainability Index: BASIX) State Environmental Planning Policy – Infrastructure 2011 State Environmental Planning Policy (Affordable Rental Housing) 2009 Warringah Local Environmental Plan 2011 (WLEP 2011) Draft environmental planning instruments: Nil Development control plans: <ul style="list-style-type: none"> Warringah Development Control Plan 2011 (WDCP) 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: 15 January 2021 Written submissions during public exhibition: 36 (16 in support, 22 in opposition) Unique submissions received by way of objection: 22 Verbal submissions at the public meeting: <ul style="list-style-type: none"> Members of the community – Shelagh Ryan on behalf of the Newlife Baptist Church, Russ Ixer on behalf of the Newlife Baptist Church, Greg Stigter on behalf of the Newlife Baptist Church, Oliver Murphy, Simon Taylor, John Gillham, Po-Tien Council assessment officer - [names of speakers] On behalf of the applicant – Jeremy Swan, Phillip George
8	MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> Briefing: 25 November 2020 <ul style="list-style-type: none"> <u>Panel members</u>: Peter Debnam (Chair), Julie Savet Ward, Brian Kirk, Annelise Tuor, Steve Kennedy <u>Council assessment staff</u>: Lashta Haidari Final briefing to discuss council's recommendation: 27 January 2021 <ul style="list-style-type: none"> <u>Panel members</u>: Peter Debnam (Chair), Julie Savet Ward, Brian Kirk, Annelise Tuor <u>Council assessment staff</u>: Lashta Haidari, Matthew Edmonds

9	COUNCIL RECOMMENDATION	Refusal
10	DRAFT CONDITIONS	Attached to the council assessment report