

SYDNEY EAST JOINT REGIONAL PLANNING PANEL

Meeting held at Christies Conference Centre on Wednesday 18 May 2016 at 12.30pm

Panel Members: John Roseth (chair), David Furlong, Julie Savet Ward, Steve Kennedy and Lloyd Graham

Apologies: None - Declarations of Interest: None

Determination and Statement of Reasons

2016SYE010 – Warringah - DA2015/1306 - Demolition works, construction of a mixed use development - 627, 629-631 & 635 Pittwater Road Dee Why as described in Schedule 1.

Date of determination: 18 May 2015

Decision:

The panel determined to refuse the recommendation of the assessment report to refuse the development application as described in Schedule 1 pursuant to section 80 of the *Environmental Planning and Assessment Act 1979*.

Panel consideration:

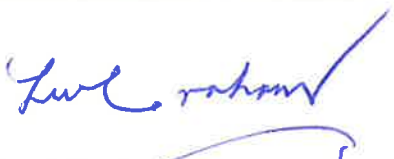
The panel considered: the matters listed at item 6 as addressed in the Council Assessment Report, the material listed at item 7 and the material presented at meetings listed at item 8 in Schedule 1.

Reasons for the panel decision:

1. The proposed building is two floors higher than permitted by the existing controls and one floor higher than would be permissible under the proposed controls, which have not yet been exhibited. The Panel notes that the applicant bases its argument for the additional height on the development at 822 Pittwater Road, which was considered to be a "gateway site". The subject site, however, has no characteristics that would qualify it as a gateway site.
2. While the applicant has made a submission under cl 4.6 of the LEP to justify the variation in height, the Panel does not consider that this justification is ~~justified~~ *valid*.
3. The proposal does not comply with several amenity requirements of the Apartment Design Guide, such as solar access, ventilation floor to floor height and the separation between balconies. While there is dispute about the actual level of non-compliance, the Panel has not been presented with the evidence that the requirements of the ADG have been (or can be) met.
4. The proposal does not comply with several requirements of the Warringah DCP 2011 (traffic, access and safety; parking; stormwater; waste management; and private open space); however, these are not determinative and could be rectified by conditions of consent.

Conditions: not applicable

Panel members:

 John Roseth (chair)	 David Furlong	 Julie Savet Ward
 Steve Kennedy	 Lloyd Graham	

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SCHEDULE 1

1	JRPP Reference – LGA- Council Reference: 2016SYE010 – Warringah - DA2015/1306
2	Proposed development: Demolition works, construction of a mixed use development
3	Street address: 627, 629-631 & 635 Pittwater Road Dee Why
4	Applicant/Owner: Aranda Developments
5	Type of Regional development: General development with a Capital Investment Value of more than \$20 million
6	Relevant mandatory considerations • Warringah Local Environmental Plan 2011 • Warringah Development Control Plan 2011 • ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979 (EPAA) • State Environmental Planning Policy No. 55 – Remediation of Land • State Environmental Planning Policy No 65 – Design Quality for Residential Apartment Development • State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 • State Environmental Planning Policy (Infrastructure) 2007 • 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 EPA Act or EPA Regulation. • The public interest.
7	Material considered by the panel: Council Assessment Report Dated: 9 May 2016 Written submissions during public exhibition: 29 Verbal submissions at the panel meeting: Support- nil; Against – Dennis Winch; On behalf of the applicant - Michael Haynes, Pav Dunski, Steve Zappia
8	Meetings and site inspections by the panel: Briefing Meeting held on 19 March 2016
9	Council recommendation: Refusal
10	Draft conditions: N/A