

SYDNEY NORTH PLANNING PANEL SUPPLEMENTARY REPORT

Panel Reference	2016SYE078
DA Number	DA2016/0705
LGA	Northern Beaches Council
Proposed Development	Construction of a Mixed Use Development comprising retail, commercial and residential uses and a child care centre
Street Address	9 Howard Avenue, 11 Howard Avenue, 15 Howard Avenue, 17 Howard Avenue, 14 Oaks Ave, 28 Oaks Avenue, 884 Pittwater Road, 888 Pittwater Road, 890 Pittwater Road, 892 Pittwater Road, 894 Pittwater Road, and 896 Pittwater Road, Dee Why
Applicant/Owner	Karimbla Properties (No.41) Pty Ltd
Date of DA lodgement	13 July 2016
Recommendation	Approval subject to conditions
Regional Development Criteria (Schedule 4A of the EP&A Act)	Development with a Capital Investment Value (CIV) of more than \$20 million Total Cost of the Development is \$133,008,504.00
List of all relevant s79C(1)(a) matters	Environmental Planning and Assessment Act 1979 Environmental Planning and Assessment Regulation 2000 State Environmental Planning Policy (State and Regional Development) 2011 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 No 65 – Design Quality of Residential Apartment Development Warringah Local Environmental Plan 2011 Warringah Development Control Plan 2011
List all documents submitted with this report for the Panel's consideration	Attachment 1: Revised Conditions of Consent Attachment 2: Review of Apartment Design Guide, prepared by SJB
Report by	David Kerr – General Manager for Planning & Community
Report date	10 May 2017

Executive Summary

On 12 April 2017, the Sydney North Planning Panel (SNPP) considered an Assessment Report on Development Application No. DA2016/0705 for Mixed Use Development on the site known as “Site B in the Dee Why Town Centre” (SNPP Ref. 2016SYE078) and draft conditions of development consent.

The Panel deferred the determination of the application on the following grounds:

“The Panel finds that the Development Application does not comply with the provisions of the Apartment Design Guide, particularly in terms of the number of apartments serviced from a lift core, communal open space for occupants of the development and solar access to units. Accordingly, the Panel has deferred the application so that applicant can revise the plans to achieve compliance with the Apartment Design Guide”.

The Panel also requested as follows:

“That a full independent and comprehensive peer review of the proposal be undertaken in terms of ADG compliance, including but not limited to the number of apartment serviced from a lift, solar and daylight access provisions. The peer review is to be paid for by the applicant with the intendent expert agreed to by both the applicant and Council”.

Council and the applicant agreed that SJB Architects be engaged to undertake the Peer Review of the ADG compliance.

Amended Plans and the Peer Review of the ADG compliance were provided to Council on 21 April 2017.

This supplementary report assesses the submitted information and highlights where it is different from the details reported in the original assessment report considered by the SNPP on 12 April 2017. This report is to be read in conjunction with the original assessment report. Draft conditions of consent are included in Attachment 1 and have been revised having regard to the amended plans and in relation to the specific conditions as recommended by the Panel.

Additional Information and Revised Plans

An independent peer review of the proposed development against the requirements of the ADG has been completed by SJB Architects. The review, dated 20 April 2017, is consistent with Council’s assessment of the ADG and specifically addresses the key provisions of the ADG that were raised by the SNPP.

As a result of the peer review, elements of the proposed development have been amended in relation to the following:

- i. **Apartment Sizes** - Apartment sizes have been revised to meet the ADG requirements in relation to the minimum apartment sizes, in relation to the following apartments:

Apartment Number	Previous Area	Amended Plans
A1-04-04	49m ²	50m ²
B-03-02	73m ²	75m ²
B-08-03	74m ²	75m ²
B-09-03	74m ²	75m ²
B-10-03	74m ²	75m ²
B-11-03	74m ²	75m ²
B-12-03	74m ²	75m ²
B-13-03	74m ²	75m ²
B-14-03	74m ²	75m ²
C-04-01	72m ²	75m ²

ii. Provision of an Additional Lift

The plans have been amended to provide an additional Lift to the Residential Units in Building C facing Oaks Ave. This involves the re-purposing of an original commercial/retail lift for residential use, including ground floor lobby.

STATUTORY PLANNING FRAMEWORK

The changes to the scheme as detailed above do not substantially change the compliance of the proposed development with the relevant Environmental Planning Instruments (EPIs), Development Control Plans (DCPs), Codes and Policies and Draft EPIs and DCPs as previously detailed in the original assessment report to the SNPP meeting of 12 April 2017. Exceptions to this relate to the Apartment Design Guide as detailed below.

Apartment Design Guide (ADG)

SEPP 65 requires consideration of the ADG development controls and best practice benchmarks for achieving the design principles of SEPP 65.

The original assessment report highlighted a number of areas where the proposed development did not comply with the requirements of the ADG, which were supported on merit for the reasons detailed in the report. The non-compliances with the ADG are largely due to the fact that the site has specific controls that restrict the building envelope and height location. These non-compliances specifically relate to the minimum requirements for apartment sizes and the numbers of apartments obtaining access off a core lift have been revised by the amended plans.

The proposed amendments will not change the non-compliances in relation to the solar access provisions of the ADG, it being noted that 19% of the proposed apartments are not provided with direct sunlight between 9am and 3pm at mid-winter, which exceeds the maximum of 15% of the total number of apartments.

In addition to the above non-compliance with the solar access requirements, the amended plans indicate that the provision of apartments with access from a single circulation core still exceeds the requirements of the control. Specifically, in Building C fronting Oaks Avenue, Level 04 provides for 13 apartments sharing a single circulation core and Level 05 provides 12 apartments sharing a single circulation core. This non-compliance equates to a 2.5% variation to the requirements of the ADG, which is minor.

These non-compliances have been further justified within the SJB review, which are consistent with the justifications provided within Council's original assessment report.

CONCLUSION

This application has been assessed having regard to the Heads of Consideration under Section 79C (1) of the Environmental Planning and Assessment Act 1979 and specifically reviewed in relation to the provisions of SEPP 65 (Design Quality of Residential Apartment Development).

Notwithstanding the abovementioned variations to provisions of the ADG as identified in Council's original assessment report and subsequently within the peer review by SJB, the proposed development (as amended) is consistent with the planning provisions that apply to site. The proposal is considered to be consistent with the design principles of SEPP 65.

Additional information in the form of amended plans and the peer review by SJB have been addressed in accordance with the recommendation of the SNPP dated 12 April 2017 and it is recommended that the application be granted consent subject to the revised conditions contained in Attachment 1.