

DATE OF DEFERRAL	19 August 2020
PANEL MEMBERS	Peter Debnam (Chair), Julie Savet Ward, Brian Kirk, Annelise Tuor, Steve Kennedy
APOLOGIES	None
DECLARATIONS OF INTEREST	None

Papers circulated electronically on 10 August 2020.

MATTER DEFERRED

PPSSNH-91 – Northern Beaches – DA2020/0272 at 691 Pittwater Road Dee Why for a mixed use building (as described in Schedule 1)

REASONS FOR DEFERRAL

After comprehensive briefings from Council and the Applicant, the Panel considers the proposal could not be approved as a number of key issues remain unresolved and the current justification for the Clause 4.6 request is insufficient. The Panel did consider refusing the proposal but believes the proposal does have merit and resolved to defer the matter so Council and the Applicant can address the issues below and identify a satisfactory planning outcome as soon as possible.

During the briefings, the Council and Applicant also confirmed there were 5 public submissions, not 68 as noted in the Assessment Report.

The Panel acknowledged the importance of the rear access issue for this proposal and adjoining properties. The desirability of rear access / right of way had already been identified by Council but inadequate steps have been taken to secure that outcome. The various means of establishing the right of way should be further explored by Council and the Applicant as a matter of urgency and that outcome then actively pursued. In particular, the impediments to obtaining a right of way over 693 Pittwater Road should be demonstrated and explored during the upcoming appeal in the Land and Environment Court.



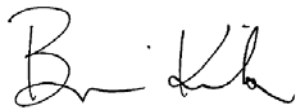


While the rear access right of way is unlikely to be achieved in the very short term, the Panel considers the development concept proposed by the Applicant still has stand-alone merit in such a population dense and public transport rich precinct and asks Council and the Applicant to work towards urgently resolving the outstanding issues below:

- **Motorcycle Parking** – The Applicant submitted a Clause 4.6 written request but the Panel concurs with Council that the Applicant has to date presented insufficient environmental planning grounds to justify contravening the development standard. The majority of the Panel (Peter Debnam, Brian Kirk, Julie Savet Ward and Steve Kennedy) considers that a means of providing motorcycle parking onsite accessed from Pittwater Road could be achieved and the Applicant needs to provide an amended design in this regard;
- **687 Pittwater Road** – The Applicant needs to further address potential amalgamation with the adjoining property at 687 Pittwater Road or better demonstrate the neighbouring property will not be effectively isolated, including details of legal arrangements to provide a right of way over the site for access to 687 Pittwater Road;
- **Construction Rear Access through Salvation Army Property** – Written confirmation of construction access through the Salvation Army property is required;

- **Lack of Loading Facility & Property Service Plans** - The Applicant needs to further demonstrate the viability of planned property services including garbage collection.
- **Pittwater Road Frontage** - While the Panel agrees the proposal is generally compatible and consistent with the character of the surrounding town centre development, the proposed building façade above the heritage façade should be reworked to be less imposing and more recessive; and
- **Car Parking and Sharing** –The Applicant’s approach to promote car sharing and justify the proposed lack of car parking needs to be further addressed and documented.

The Panel resolved to defer the determination of the matter for the Applicant to provide the above information and amended plans to Council as soon as possible. When the amended plans and information have been received, Council will prepare a Supplementary Assessment Report and the Panel will urgently convene Council and Applicant briefings then to determine the matter electronically.

The decision to defer the matter was unanimous.

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

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	PPSSNH-91 – Northern Beaches – DA2020/0272
2	PROPOSED DEVELOPMENT	Demolition and construction of a mixed use building - “Shop-top boarding house” development.
3	STREET ADDRESS	Lot 1 DP 166322, 691 Pittwater Road, Dee Why
4	APPLICANT/OWNER	A.C.N. 605 170 358 Pty Ltd (Owner) Gannet Developments (Applicant)
5	TYPE OF REGIONAL DEVELOPMENT	Development with a Capital Investment Value (CIV) of more than \$5 million for affordable housing (which includes a Boarding House)
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 Draft environmental planning instruments: Nil Development control plans: <ul style="list-style-type: none"> Warringah Development Control Plan 2011 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: 7 August 2020 Clause 4.6 variation to the SEPP Affordable Housing Applicant memo: 18 August 2020 Written submissions during public exhibition: 5
8	MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> Briefing: 25 June 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, Steve Findlay Final briefing to discuss council’s recommendation: 19 August 2020 at 12.30pm <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, Steve Findlay Applicant Briefing: 19 August 2020 at 1.30pm <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, Steve Findlay <u>Applicant representatives</u>: Michael Hayes, Jesus Garcia, John Kavanagh, Oleg Sannikov <p><u>Note</u>: Panel requested Applicant respond to the recommendation in the council assessment report.</p>
9	COUNCIL RECOMMENDATION	Refusal
10	DRAFT CONDITIONS	Attached to the council assessment report