



DATE OF DECISION	Tuesday 10 August 2021
PANEL MEMBERS	Peter Debnam (Chair), Julie Savet Ward, Brian Kirk, Graham Brown and Annelise Tuor
APOLOGIES	None
DECLARATIONS OF INTEREST	None

Public meeting held by teleconference on 10 August 2021, opened at 10.00am and closed at 10.46am.

MATTER DETERMINED

PPSSNH-155 – Northern Beaches – DA2020/1167 at Part Lot 28 DP 7313, 9 Francis Street and 28 Fisher Road, Dee Why for Demolition works and Construction of a mixed-use development to accommodate a café, church, conference centre, boarding house and two level of basement car park (as described in Schedule 1).

PANEL CONSIDERATION AND DECISION

The Panel considered: the matters listed at item 6, the material listed at item 7 and listed at item 8 in Schedule 1 and determined to refuse the application.

The revised plans and additional information have been considered against the relevant matters for consideration under Section 4.15 of the Environmental Planning & Assessment Act 1979 and fail to satisfy the fundamental planning controls applying to this site.

For the reasons outlined below and in Council's two Assessment Reports, the Panel determined to refuse the application pursuant to section 4.16 of the Environmental Planning and Assessment Act 1979.

REASONS FOR DECISION

The Panel considered the development application at public meetings in January and again on 10th August 2021. For the public meetings, the Panel considered Council's comprehensive original and then Supplementary Assessment Report - both of which recommended refusal.

At its 27th January public meeting and after hearing extensively from the Applicant, Council and Community members, the Panel resolved to defer the application, concurring with Council that there were a number of options for amendments to the proposed development, which may have addressed Council's concerns.

In the period since January, the Council and Applicant met and amended plans and information were provided to Council for assessment. Unfortunately, these changes did not resolve the significant concerns outlined in the original Assessment Report, the Panel's Record of Deferral or the Northern Beaches Design and Sustainability Advisory Panel Reports.






As noted in the January Record of Deferral, the configuration of the subject site split into two different zones is a challenge in itself and problematic as evidenced by the poor relationship to neighbouring properties. In addition, height and FSR variations must be resolved between the Applicant and Council. The Panel concurs with Council that a skilful design is needed to deal with the inherent challenges of the site.

While the Applicant argues further changes can be made, the Panel is of the view that the Applicant needs to undertake a fundamental review of the design and the applicable planning controls. Accordingly, the Panel concurs with Council that the current application should be refused.

The Panel's decision was unanimous.

CONSIDERATION OF COMMUNITY VIEWS

In coming to its decision, the Panel considered forty-five written submissions made during the public exhibition of the latest proposal, 23 in support and 22 objecting to the proposal. Issues of concern included: Overdevelopment, Construction Impacts; Impacts upon Neighbouring Residential and Business premises Amenity; Traffic Congestion; Parking; Use of premises; Safety and Security; Lack of community consultation and engagement and Density. The Panel considers that concerns raised in the submission have been adequately addressed in Council's Assessment Reports.

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

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 café, church, conference centre, boarding house and two level of basement car park
3	STREET ADDRESS	Part Lot 28 DP 7313, 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 ● Council supplementary assessment report: August 2021 ● Written submissions during public exhibition: 45 (23 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 – Aldo Giachero, Matthew McGregor, Lyn Saunderson, Po-Tien Goh and Ian Wallace Speaking as Chairman of the Owner’s Corporation. ○ Council Assessment Officers - Lashta Haidari and Peter Robinson ○ On behalf of the applicant – Jeremy Swan and 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 ● Public meeting: 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 ● Final briefing to discuss council’s recommendation: 10 August 2021 <ul style="list-style-type: none"> ○ <u>Panel members</u>: Peter Debnam (Chair), Julie Savet Ward, Brian Kirk, Graham Brown and Annelise Tuor ○ <u>Council assessment staff</u>: Lashta Haidari and Peter Robinson
9	COUNCIL RECOMMENDATION	Refusal
10	DRAFT CONDITIONS	Attached to the Council Supplementary Assessment Report