

DETERMINATION AND STATEMENT OF REASONS
SYDNEY NORTH PLANNING PANEL

DATE OF DETERMINATION	30 June 2023
DATE OF PANEL DECISION	29 June 2023
DATE OF PANEL MEETING	28 June 2023
PANEL MEMBERS	Peter Debnam (Chair), Brian Kirk, Sue Francis, Peter Biscoe
APOLOGIES	Graham Brown, Annelise Tuor, Nicole Gurran, Marcus Sainsbury
DECLARATIONS OF INTEREST	None

Public meeting held by teleconference on 28 June 2023, opened at 2:30pm and closed at 3:05pm.

MATTER DETERMINED

PPSSNH-342 - DA2022/1510 – Northern Beaches – Part Lot 28 DP 7413, 9 Francis Street Dee Why, Part Lot 28 DP 7413, 28 Fisher Road Dee Why, Part Lot 28 DP 7413, 28 Fisher Road Dee Why, 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 the material presented at meetings and briefings listed at item 8 in Schedule 1.

Development application

The Panel determined to approve the development application pursuant to section 4.16 of the *Environmental Planning and Assessment Act 1979*.

The decision was unanimous.

REASONS FOR THE DECISION

The Panel approved the proposal for the reasons below and in Council's comprehensive Assessment Report.

As Council notes, this is the second proposal from the Applicant to develop the site. As a result of consultation and feedback from Council and community, the proposal has significantly evolved to improve the design including a reduction in height and number of rooms.

The current application seeks to demolish all existing improvements across two sites and construct two new buildings comprising a church, cafe and conference centre, and a boarding house (plus manager's residence) to be used as boarding rooms and be managed by a registered community-housing provider.

The Panel concurs with Council that achieving a compliant development on the site is complex given it straddles two zones with different building controls and half the land falls within the established Dee Why Town Centre. The eastern half of the site fronting Fisher Road is within the MU1 Mixed Use zone (formally B4 Mixed Use) and is in the town-centre. The western half of the site fronting Francis Street is within the R3 Medium Density Residential zone. However, the zone differences have been addressed by the building's layout, height, and separation into two pavilions.

Council's assessment acknowledges there will be some impacts on neighbouring properties during the construction process, however the extent of impact is reasonably expected and consistent with any other

development within a dense urban environment. An additional condition has been included to address the impact of construction noise and its impacts on immediately neighbouring properties.

The proposal has demonstrated compliance with the key development standards contained within the Warringah LEP and built form controls within the Warringah DCP and represents a form of development that could be reasonably expected by the applicable controls.

It is further noted the proposal represents an opportunity to provide much-needed affordable housing in the form of a boarding house operated by a community-housing provider. The proposal also provides activation of Fisher Road through the proposed church use and café.


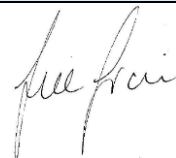
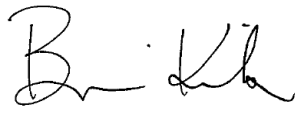

Overall, the Panel concurs with Council that the development design performs well against the relevant controls, will not result in unreasonable impacts on adjoining or nearby properties or the natural environment and it is in the community interest the proposal be approved.

CONDITIONS

Council's draft conditions were discussed in detail with the Council and Applicant. The Panel made several amendments to clarify the intent of certain conditions and add new conditions in relation to use of the premises, fire hydrant booster valves and construction noise liaison with neighbours. The Development Application was approved subject to the amended conditions in Council's email of 28th June.

CONSIDERATION OF COMMUNITY VIEWS

In coming to its decision, the Panel considered 19 written submissions made during public exhibition and heard from members of the public wishing to address the panel. Issues of concern included overdevelopment, car parking, construction impacts on neighbouring properties and local roads and amenity implications to neighbouring residential and commercial premises. The Panel considers that concerns raised by the community have been adequately addressed in Council's Assessment Report and in the amended conditions.

PANEL MEMBERS	
 Peter Debnam (Chair)	 Sue Francis
 Brian Kirk	 Peter Biscoe

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	PPSSNH-342 - DA2022/1510 – Northern Beaches
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 7413, 9 Francis Street Dee Why, Part Lot 28 DP 7413, 28 Fisher Road Dee Why, Part Lot 28 DP 7413, 28 Fisher Road Dee Why
4	APPLICANT/OWNER	The George Group Pty Ltd Baptist Churches of NSW Property Trus
5	TYPE OF REGIONAL DEVELOPMENT	State Environmental Planning Policy (Planning Systems) 2021, Schedule 6 (5) Private infrastructure and community facilities over \$5 million
6	RELEVANT MANDATORY CONSIDERATIONS	<ul style="list-style-type: none"> • Environmental planning instruments: • Environmental Planning and Assessment Act 1979 • Environmental Planning and Assessment Regulation 2021 • State Environmental Planning Policy (Hazards and Resilience) 2021 • State Environmental Planning Policy (Building Sustainability Index: BASIX) • State Environmental Planning Policy (Transport and Infrastructure) 2021 • State Environmental Planning Policy (Housing) 2021 (SEPP Housing) • 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 • Relevant provisions of the Environmental Planning and Assessment Regulation 2021 • 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 • Attachment 1 - Recommended Conditions of Consent • Attachment 2 - Design Sustainability Panel Comments • Attachment 3 - Applicant's response to DSAP Comments • Written submissions during public exhibition: 19 • Verbal submissions at the public meeting: <ul style="list-style-type: none"> • Members of the community – Matthew McGregor, Po-Tien Goh, Dr Allan Forrest

		<ul style="list-style-type: none"> • Council Assessment Officers – Jordan Davies • On behalf of the applicant – Jeremy Swan, Jon Johannsen, Philip George
8	MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> • Briefing: 14 December 2022 <ul style="list-style-type: none"> ○ <u>Panel members</u>: Peter Debnam (Chair), Julie Savet Ward, Brian Kirk, Graham Brown, Annelise Tuor ○ <u>Council assessment staff</u>: Adam Susko • 28 June 2023 - Final briefing to discuss council's recommendation: <ul style="list-style-type: none"> ○ <u>Panel members</u>: Peter Debnam (Chair), Brian Kirk, Sue Francis, Peter Biscoe ○ <u>Council assessment staff</u>: Jordan Davies
9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Attached to the Council Assessment Report