

DATE OF ADVICE	20 December 2016
PANEL MEMBERS	Bruce McDonald (Acting Chair), Lindsay Fletcher and Nicole Gurran
APOLOGIES	Morris Iemma
DECLARATIONS OF INTEREST	Lindsay Fletcher advised that a planning consultancy firm that he was previously associated with apparently prepared State of Environmental Effects for a Development Application on part of this site. Mr Fletcher has had no discussion with anyone regarding that Development Application and the firm is not involved in the Planning Proposal. Mr Fletcher asked this to be recorded but does not consider there to be any conflict of interest. Cllr Simpson and Cllr Johns advised that they had conflict of interest in this matter as they had previously voted on this matter in their role as Councilors. They absented themselves from the meeting and did not take part in consideration of the matter.

PRE-GATEWAY REVIEW

2016SSH004 – Sutherland Shire Council – PGR_2016_STHE_001_00 – AT 10-14 Merton Street, Sutherland (AS DESCRIBED IN SCHEDULE 1)

Reason for Review:

- ☒ The council has notified the proponent that the request to prepare a planning proposal has not been supported
- ☐ The council has failed to indicate its support 90 days after the proponent submitted a request to prepare a planning proposal

PANEL CONSIDERATION AND RECOMMENDATION

The Panel considered: the material listed at item 4 and the matters raised and/or observed at meetings and site inspections listed at item 5 in Schedule 1.

Based on this review, the Panel recommends that:

- ☐ The planning proposal **should** be submitted for a Gateway determination, subject to the matters raised in the recommendation of the Panel
- ☒ The planning proposal **should not** be submitted for a Gateway determination

The decision was unanimous.

ADVICE AND REASONS FOR THE RECOMMENDATION

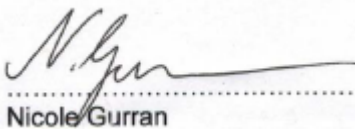
The Panel notes that the current controls were introduced as recently as 2015 and that proposals for development of the subject site to a similar scale were specifically considered in the preparation of the amending LEP provisions which introduced the current controls.

The Panel considers development of the scale that would be secured by the proposed variations to the height and Floor Space Ratio provisions of Sutherland Shire Local Environmental Plan 2015 would result in development not consistent with the planning approach to Sutherland applied in the recently adopted Sutherland Shire Local Environmental Plan controls is founded on strategic analysis responding to the relevant metropolitan strategies and detailed urban design analysis.

Further, the Panel considers the proposal is not a suitable form of development for the subject site due to its excessive bulk and scale in the immediate context in which the site is placed and would not provide an appropriate transition to the existing and planned bulk and scale of the precinct in which the site is placed. Such inconsistency is accentuated by the site being located adjacent to the schools and other development which contribute to the low profile characteristics of the locality and which are unlikely to develop to higher forms of development in the medium term.

The proposal has not adequately demonstrated that the resulting development would not unreasonably impact on the amenity of established and conforming planned development.

The Panel notes that the recently made LEP significantly increased the permissible height and FSR on this site and that there is one approved development application and one pending development application determination on the site indicating that development within the current LEP standards is viable.

PANEL MEMBERS	
 Bruce McDonald (Acting Chair)	 Nicole Gurran
 Lindsay Fletcher	

SCHEDULE 1

1	PANEL REF – LGA – DEPARTMENT REF – ADDRESS	2016SSH004 – Sutherland Shire Council – PGR_2016_STHE_001_00 – at 10-14 Merton Street, Sutherland
2	LEP TO BE AMENDED	Sutherland Shire Local Environmental Plan 2015
3	PROPOSED INSTRUMENT	The proposal seeks to amend the Sutherland Shire Local Environmental Plan 2015 in relation to 10-14 Merton Street, Sutherland by: - Increasing the Floor Space Ratio Map from 1:5:1 to 3:1; and - Increasing the Height of Buildings Map from 20 metres to 36 metres
4	MATERIAL CONSIDERED BY THE PANEL	- Pre-Gateway review request documentation - Department Justification Assessment Report
5	MEETINGS AND SITE INSPECTIONS BY THE PANEL	- Site inspection: 20 December 2016 - In attendance – Panel members: Bruce McDonald (Acting Chair), Nicole Gurran and Lindsay Fletcher - Department of Planning and Environment (DPE): Karen Armstrong, Martin Cooper and Olivia Hirst - Briefing meeting with Proponent – 20 December 2016 , 12.15 pm to 1.30 pm - In attendance - Panel members: Bruce McDonald (Acting Chair), Nicole Gurran and Lindsay Fletcher - DPE: Karen Armstrong, Martin Cooper and Olivia Hirst - Proponent: James Matthews, Tim Stewart and Aleks Jelacic - Briefing meeting with Council - 20 December 2016 from 1.50 pm to 2.50 pm - In attendance - Panel members: Bruce McDonald (Acting Chair), Nicole Gurran and Lindsay Fletcher - DPE: Karen Armstrong, Martin Cooper and Olivia Hirst - Council: Peter Barber, Mark Carlon, David Jarvis and Beth Morris - Briefing meeting with Department of Planning and Environment (DPE), 20 December 2016 with Council from 2.55 pm to 3.40 pm - In attendance - Panel members: Bruce McDonald (Acting Chair), Nicole Gurran and Lindsay Fletcher - DPE: Karen Armstrong, Martin Cooper and Olivia Hirst