

MINUTES OF THE SYDNEY EAST JOINT REGIONAL PLANNING PANEL MEETING HELD AT SUTHERLAND COUNCIL ON THURSDAY, 4 APRIL 2013 AT 12.30PM

PRESENT:

John Roseth	Chair
Julie Savet Ward	Panel Member
Carol Provan – Item 1 only	Panel Member
Mark Carleton –	Panel Member
Frank Stanisic – Item 2 only	Panel Member

IN ATTENDANCE

Slavco Bujaroski	Sutherland Council
Carolyn Howell	Sutherland Council
John O'Grady	On behalf of Sutherland Council

APOLOGY: Tim Moore

1. The meeting commenced at 12.30pm.

2. Declarations of Interest -

Nil

3. Business Items

ITEM 1 - 2012SYE103 – Sutherland - da12/0808 - Regrading & Rehabilitation of Existing Waste Brick Stockpile - 69-83 Sir Joseph Banks Drive, Kurnell

4. Public Submission -

Atilla Balazs	Addressed the panel on behalf of the applicant
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5. Business Item Recommendations

ITEM 1 - 2012SYE103 – Sutherland - da12/0808 - Regrading & Rehabilitation of Existing Waste Brick Stockpile - 69-83 Sir Joseph Banks Drive, Kurnell

The Panel resolves unanimously to accept the recommendation of the planning assessment report to approve the application, for the reasons mentioned in the report and subject to the conditions recommended in the report. The Panel notes that these conditions are acceptable to the applicant.

6. Business Items

ITEM 2 - 2012SYE080 – Sutherland - DA12/0662 - Nine Level Mixed Use Development Comprising 43 Residential Apartments & Three Commercial Units - 123-125 Flora Street, Sutherland

7. Public Submission -

David Ryan	Addressed the panel against the item
Ron Beslich	Addressed the panel on behalf of the applicant
Ben Beslich	Addressed the panel on behalf of the applicant
Phil Mansfield	Addressed the panel on behalf of the applicant
Joseph Grech	Addressed the panel on behalf of the applicant
Rachel Neeson	Addressed the panel on behalf of the applicant

8. Business Item Recommendations

ITEM 2 - 2012SYE080 – Sutherland - DA12/0662 - Nine Level Mixed Use Development Comprising 43 Residential Apartments & Three Commercial Units - 123-125 Flora Street, Sutherland

1. The Panel resolves unanimously to accept the recommendation of the planning assessment report to approve the application, for the reasons mentioned in the report and subject to the conditions recommended in the report, except as follows:
 - a. In Condition 6, the words *“to achieve minimum 12m² area and 2.5m minimum width”* are to be replaced by *“to achieve SEPP 65/RFDC”*.
 - b. Condition 7 is to be replaced by the following:
*“Retention of Trees (Road Reserve)
The access way to the car park is to be relocated to ensure Trees 10 and 11 are retained. The access way is to be along the Stage 1A boundary as per Drawing 101DA2. Therefore the planter box is to be relocated to the southern side of the access way. This is to be included in the Detailed Landscape Plan as required by Condition 15. All existing trees along Merton and Flora Streets are to be retained.”*
 - c. In Condition 10, add Tree 11.
 - d. In Condition 16(e) add to end of sentence *“, as adjacent to the site”*.
 - e. In Condition 21(g) remove the last sentence.
 - f. In Condition 43 add Tree 11.
 - g. In Condition 57(c) amend *“for public use”* to *“for public and council use”*.
2. The Panel considered the objections lodged by Henroth Investment, which relate to the process of approval rather than to the proposal itself. The first of these objections was on the grounds that the assessment officer (a consultant to council) required and received additional material from the applicant, and that this material was not exhibited.
3. The Panel notes that the council's policy on notifying applications includes a statement that where revised plans are submitted during the course of assessment, they are notified only where the changes increase the external impact of a proposal. In this case the revised plans consisted only of additional studies and information without any change to the proposed building. Thus the fact that the additional information was not exhibited is within council's normal practice and so does not appear to the Panel to be grounds for refusal or deferral.
4. The Panel also considered the second of Henroth's objections, namely that the application, in which the proposed building occupies only part of the site (the site being lot 1 DP 1164554), is being determined without a master plan for the whole site. The Panel agrees that good planning practice would require that a master plan be prepared for the whole site

before a building is approved on part of it. The question for the Panel is, however, whether the absence of a master plan is sufficient reason for refusal.

5. The Panel notes that
 - a. there is no legal requirement for a master plan for the site;
 - b. the proposed building has a FSR of 0.67:1, while the permissible FSR for the site is 2:1, so that there is ample opportunity for additional buildings on the site without breaching the FSR control; and
 - c. the applicant has submitted several scenarios in which the site could be satisfactorily developed with the subject building in place.
6. Therefore, while the Panel regrets that it has to determine the application in the absence of a master plan for the whole site, it does not consider the lack of a master plan sufficient reason for refusal.

The meeting concluded at 3.00pm

Endorsed by

John Roseth
Chair, Sydney East
Joint Regional Planning Panel
4 April 2012