

DEVELOPMENT REFUSAL

Environmental Planning and Assessment Act 1979

Application Number: DA16/1668
Authority: Sydney South Planning Panel

APPLICATION DETAILS

Applicant: Ionic Management Pty Ltd
Level 37 Chifley Tower
2 Chifley Square
SYDNEY NSW 2000

Land Description: Lot A, B, C DP 373329, Part Lot D DP 373329, Part Lot B DP 373473, Lots 1, 2, 3, 4 S/P 12439, S/P 12439
24-38 Flora Street, Kirrawee

Proposed Development: Demolition of existing structures and construction of mixed use commercial development including Woolworths supermarket, Dan Murphy's liquor store, commercial tenancies, child care centre, parking, signage and associated facilities

Date of Determination: 25 July 2017

Sutherland Shire Council, pursuant to Section 80(1)(b) of the Environmental Planning and Assessment Act 1979, hereby notifies that the abovementioned Development Application for development described above has been determined by the issuing of development refusal for the reasons specified in this notice.

REASONS FOR REFUSAL

The reasons for REFUSAL are based on the matters for consideration in Section 79C(1) of the Environmental Planning and Assessment Act, and in particular:-

1. The panel accepts the recommendation of the planning assessment report to refuse the application and concurs with the reasons for refusal offered in support of that recommendation.
2. The Panel notes that the concurrence of Sydney Trains to the proposed development that is required in accord with Section 86 SEPP (Infrastructure 2007) has not been obtained and accordingly the Panel is not authorised to approve the subject application. In this regard the Council has received advice from Sydney Trains advising that the application is not supported in its present form.
3. While concurring with the reasons supporting the recommendation for refusal contained in the assessment report the Panel's principal reasons for refusal are:
 - a) The negative impact that a further supermarket of the scale proposed within Kirrawee would have on the role of surrounding centres, particularly Sutherland. In reaching this position the Panel is advised by the independent Assessment Peer Review conducted by DFP Planning Consultants which rebuts the fundamental economic assumptions of the applicant's position. The Panel is particularly concerned that the proposed development would shift the focus of retailing from Sutherland to Kirrawee which would be inconsistent with the strategic role of Town Centre planned for Sutherland under Council's adopted strategy and its designation as a District Centre under the Draft South District Plan.
 - b) The negative impact a further supermarket of the scale, siting and design proposed would have on the existing economic elements, social qualities and physical composition of the existing and planned Kirrawee Village.

Accordingly, the proposed development is not considered a suitable development of the site and approval would not be in the public interest.



Peter Barber
Sutherland Shire Council

NOTES

1. Section 82A of the Environmental Planning and Assessment Act confers on an applicant who is dissatisfied with the determination of the application the right to lodge an application with Council for a review of such determination. Any such review must however be completed within 6 months from this determination. Should a review be contemplated sufficient time should be allowed for Council to undertake public notification and other processes involved in the review of the determination.

Note: Review provisions do not apply to Complying Development, Designated Development, State Significant Development Integrated Development or any applications determined by the Joint Regional Planning Panel or the Land and Environment Court.

2. Section 97 of the Environmental Planning and Assessment Act 1979 confers on an applicant who is dissatisfied with the determination of the application a right of appeal to the Land and Environment Court of New South Wales, exercisable within 6 months from the date of a Notice of Determination of Development Application.
3. Division 8 (Appeals and Related Matters) Part 4 of the Environmental Planning and Assessment Act 1979 confers on an applicant who is dissatisfied with the determination of the application a right of appeal to the Land and Environment Court of New South Wales.