

DATE OF DETERMINATION	Wednesday, 22 August 2018
PANEL MEMBERS	Nicole Gurrán (Chair), Bruce McDonald, Stuart McDonald, Steve Simpson, Michael Forshaw
APOLOGIES	Helen Lochhead
DECLARATIONS OF INTEREST	None

Public meeting held at Sutherland Shire Council, 4-20 Eton St, Sutherland on 22 August 2018, opened at 2.05pm and closed at 5.20pm.

MATTER DETERMINED

2016SYE051 – Sutherland – DA16/0388 at 103-113 Willarong Road, Caringbah (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 the matters observed at site inspections listed at item 8 in Schedule 1.

The Panel adjourned during the meeting to deliberate on the matter and formulate a resolution.

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

The decision was Unanimous.

REASONS FOR THE DECISION

1. The Panel accepts the recommendation of the planning assessment report to refuse the application for the following reasons.
2. The Panel is of the view that the access issues relating to Area 5A have not yet been satisfactorily resolved in order for the proposal to benefit from the bonus height and FSR provisions (specified in SSLEP 2015 Cl.4.3(2E)(e) and Cl.4.4(2A)(a)).
3. When considered by the Panel on 23 May 2017 it was determined that the application be deferred to allow the applicant the opportunity to submit amended documentation addressing the issues as stated in its Reasons for Deferral.

The panel is aware that Council staff have discussed these matters with the applicant on numerous occasions.

Given the lack of evident progress since the previous deferral and the concerns expressed by the Bowling Club's consultant, the Panel is of the view that a further deferral of the matter is not warranted.






Further, having considered the assessment report addressing the proposal as amended since its earlier deferral, the Panel now considers that the amendments have not adequately or significantly addressed the deficiencies expressed in the Panels Reasons for Deferral.

For the reasons discussed in the Council assessment report, the significant opportunity presented by this large, well located site to provide a housing development with a high level of onsite amenity, well integrated into its Caringbah context and which complies with the relevant planning regulations and development standards has not been realized. The proposal as now formulated is considered to be an inappropriate form of development for this key site. Any revised development would need to demonstrate a much stronger resolution of the urban design issues identified above.

Accordingly, the Panel considers the proposal is not a suitable form of development for this key site and its approval would not be in the public interest.

CONDITIONS

- Not applicable

PANEL MEMBERS	
 Nicole Gurrán (Chair)	 Bruce McDonald
 Stuart McDonald	 Steve Simpson
 Michael Forshaw	

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	2016SYE051 – Sutherland – DA16/0388
2	PROPOSED DEVELOPMENT	Staged development for a Concept Master Plan and a Stage1 development for construction of 6 residential flat buildings consisting of 124 dwellings.
3	STREET ADDRESS	103-113 Willarong Road, Caringbah
4	APPLICANT/OWNER	Tier Architects
5	TYPE OF REGIONAL DEVELOPMENT	General development over \$20 million and lodged before 1 March 2018
6	RELEVANT MANDATORY CONSIDERATIONS	<ul style="list-style-type: none"> Environmental planning instruments: <ul style="list-style-type: none"> State Environmental Planning Policy (State and Regional Development) 2011 State Environmental Planning Policy No. 65 – Design Quality of Residential Flat Development (SEPP 65) and accompanying Apartment Design Guide (ADG) State Environmental Planning Policy No. 55 – Remediation of Land (SEPP 55) State Environmental Planning Policy (Infrastructure) 2007 (SEPP Infrastructure) State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 Greater Metropolitan Regional Environmental Plan No. 2 – Georges River Catchment Sutherland Shire Local Environmental Plan 2015 (SSLEP 2015) Draft environmental planning instruments: Nil Development control plans: <ul style="list-style-type: none"> Sutherland Shire Development Control Plan 2015 (SSDCP 2015) 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: 7 August 2018 Written submissions during public exhibition: 57 Verbal submissions at the public meeting: <ul style="list-style-type: none"> Support – Michael Nasser Neutral – Alan Maclean, Object – Douglas Clemson, Tony Day On behalf of the applicant – Wayne Smith, Nick Nasser, Benjamin Black
8	MEETINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> Site inspection 23 May 2017, 22 August 2018 Briefing meeting 15 June 2016 Final briefing meeting to discuss council's recommendation, 22 August 2018 at 11.40am Attendees:

		<ul style="list-style-type: none">○ <u>Panel members</u>: Nicole Gurrán (Chair), Bruce McDonald, Stuart McDonald, Steve Simpson, Michael Forshaw○ <u>Council assessment staff</u>: Kylie Rourke, Carolyn Howell, Mark Adamson
9	COUNCIL RECOMMENDATION	Refusal
10	DRAFT CONDITIONS	Not prepared