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| DATE OF DETERMINATION | Wednesday 28 September 2016 |
| PANEL MEMBERS | John Roseth (Chair), Sue Francis, Julie Savet Ward, Carmelo Pesce |
| APOLOGIES | None |
| DECLARATIONS OF INTEREST | None |

Public meeting held at Sutherland Shire Council on Wednesday 28 September 2016, opened at 1:42 pm and closed at 2:55pm.

MATTER DETERMINED

2016SYE061 –Sutherland – DA16/0602 at 298-300 Taren Point Road Caringbah

Demolition of 2 existing residential dwellings and erection of a 5 storey residential flat building inclusive of 2 level basement carparking and 40% affordable housing. 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 determined to approve the development application as described in Schedule 1 pursuant to section 80 of the *Environmental Planning and Assessment Act 1979*.

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

The decision was unanimous.

REASONS FOR THE DECISION

The reasons for the decision of the Panel were:


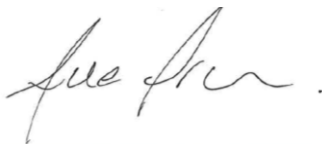


- The Panel gave serious consideration to the objection of the owners of 302/302A Taren Point Road, who fear that their property will become an isolated site (ie one without redevelopment potential) as a result of this proposal. The Panel notes that the subject site, 298-300 Taren Point Road, is larger than the minimum required for redevelopment and that an additional allotment amalgamated with it would create a site that is difficult to develop. In the Panel's opinion, 302/302A should amalgamated with 304, which is smaller than the minimum required for redevelopment. The Panel notes that an application for 304 is currently on appeal before the Land and Environment Court and that the isolation of 302/302A by the proposed development of 304 is the major matter of contention in the appeal. The Panel will write to the Council explaining why it believes that 302/302A should be amalgamated with 304 and suggesting that this issue should be brought to the Court's attention in the further progress of the appeal.
- The proposal provides affordable housing in an area in which it is much needed.
- The proposal is consistent with the desired future character of the area.

- The proposal complies with the planning controls except for the height control. The height variation applies to the lift overrun, stairs, plant room, bathroom and planter boxes. This has been justified by a submission under cl 4.6 of the Sutherland LEP 2015, mainly on the grounds that these fixtures give access and useability to the roof area and are located in the centre of the building, where they have minimum impact.

CONDITIONS

The application was approved subject to the conditions recommended in the assessment report, except as follows:

1. The deferred commencement condition is deleted.
2. Condition 2A(vi) is amended to require a minimum height of 3.5m (not 4.5m);
3. A new condition 2A(xvii) is imposed: "All balconies on the northern side of Levels 1-3 are to achieve a minimum 6m setback from the northern side boundary (measured from the balustrade)";
4. A new section is inserted into Condition 9A, namely 9A(vii) "Dust control measures";
5. Condition 24D is modified to "All waste recycling bins must be sorted wholly within the approved waste storage area. Waste collection is to occur via Small Rigid Vehicle (SRV) wholly within the basement."

| PANEL MEMBERS | |
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|  John Roseth (Chair) |  Sue Francis |
|  Julie Savet Ward |  Carmelo Pesce |

| SCHEDULE 1 | | |
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| 1 | PANEL REF – LGA – DA NO. | 2016SYE061 –Sutherland – DA16/0602 |
| 2 | PROPOSED DEVELOPMENT | Demolition of 2 existing residential dwellings and erection of a 5 storey residential flat building inclusive of 2 level basement carparking and 40% affordable housing. |
| 3 | STREET ADDRESS | 298-300 Taren Point Road Caringbah |
| 4 | APPLICANT/OWNER | Landmark Group Australia Pty Ltd |
| 5 | TYPE OF REGIONAL DEVELOPMENT | Capital Investment Value >\$20 Million |
| 6 | RELEVANT MANDATORY CONSIDERATIONS | <ul style="list-style-type: none"> Environmental planning instruments: <ul style="list-style-type: none"> State Environmental Planning Policy (Affordable Rental Housing) 2009 State Environmental Planning Policy No. 65 – Design Quality of Residential Flat Development (SEPP 65) Sutherland Shire Local Environmental Plan 2015 (SSLEP2015) State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 Greater Metropolitan Regional Environmental Plan No. 2 – Georges River Catchment 2005 Shire Wide Open Space and Recreational Facilities Contribution Plan 2003 Community Facilities Plan Draft environmental planning instruments: Nil Development control plans: <ul style="list-style-type: none"> Draft Sutherland Shire Development Control Plan 2015 (DSSDCP2015) Planning agreements: Nil <i>Environmental Planning and Assessment Regulation 2000</i> 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: 21 September 2016 Written submissions during public exhibition: 7 Verbal submissions at the panel meeting: <ul style="list-style-type: none"> Object – Vikki Gover on behalf of herself and Julieanne Harvey, Donald Gover, Michael Masser On behalf of the applicant – Joseph Scuderi and Benjamin Black |
| 8 | MEETINGS AND SITE INSPECTIONS BY THE PANEL | <ul style="list-style-type: none"> Briefing Meeting 3 August & 28 September 2016 Site Inspection 28 September 2016 |
| 9 | COUNCIL RECOMMENDATION | Approval |
| 10 | DRAFT CONDITIONS | Attached to the council assessment report |