

DATE OF DETERMINATION	21 February 2017
PANEL MEMBERS	Morris Iemma (Chair), Bruce McDonald, Stuart McDonald, Kent Johns and Steve Simpson
APOLOGIES	Nicole Gurran
DECLARATIONS OF INTEREST	None

Public meeting held at Sutherland Shire Council Chambers, on Tuesday 21 February 2017 opened at 12.00 pm and closed at 1.30 pm

MATTER DETERMINED

2016SYE109 – Sutherland Shire Council – DA16/1239, , Lot 1 DP 122354, Lot 2 DP 210456, Lot B DP 356417, Lot X DP 388636, Lot Y DP 388636 – 17 – 23 Mitchell Avenue and 78 Sutherland Road, Jannali (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 decision was unanimous.

REASONS FOR THE DECISION

The reasons for the decision of the Panel were:

1. The proposed development will add to the supply and choice of housing within the metropolitan South District and the Sutherland local government area in a location with ready access to the services and amenities available from Jannali Local Centre and metropolitan transport services available from Jannali Rail Station.
2. The Panel has considered the applicant’s request to vary the development standards contained in Clause 4.3 (Height of Buildings) Sutherland Shire LEP 2015 and considers that subject to the conditions contained in the consent addressing the building interface transition, that compliance with the standard is unreasonable and unnecessary in the circumstances of this case as the proposed variation is minor, will not generate unacceptable impacts on adjoining or nearby allotments, remains consistent with the objectives of the standard and will not result in development inconsistent in form and scale with that planned in the locality. The variation will assist to provide a well expressed design solution addressing the particular characteristics of the site.
3. The proposed development adequately satisfies the relevant State Environmental Planning Policies including SEPP 55 - Remediation of Land, SEPP (Infrastructure) 2007 and SEPP 65- Design Quality Residential Apartment Development and its associated Apartment Design Guide.

4. The proposal adequately satisfies the applicable provisions and objectives of Sutherland Shire LEP 2015 and Sutherland Shire Draft DCP 2015.
5. The proposed development is considered to be of appropriate scale and form adequately consistent with the planned character of the locality in which it is placed. In that regard the Panel notes the strong support given to the proposal by the Architectural Review Advisory Panel.
6. The proposed development, subject to the conditions imposed, will have no unacceptable adverse impacts on the natural or built environments including the local ecology the amenity of adjacent and nearby residential premises, and the operation of local road system.
7. In consideration of conclusions 1-6 above the Panel considers the proposed development is suitable use of the site and approval of the proposal is in the public interest.

CONDITIONS

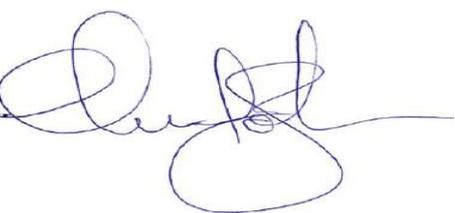
The development application was approved subject to the conditions in the Council Assessment Report with the following changes –

Condition 2(i) and 2(ii) are deleted

A new Condition 2 (viii) relating to parking is added to read as follows:

- A minimum of 4 car parking spaces generally located as the rear of spaces 23, 24, 25 and 26. Tandem spaces shall be allocated to the same units.

The Panel recommends that on the issue of setbacks and zones transitions and the DCP be referred to Department of Planning & Environment and Sutherland Shire Council.

PANEL MEMBERS	
 Morris Iemma (Chair)	 Bruce McDonald
 Kent Jones	 Steve Simpson
 Stuart McDonald	

SCHEDULE 1

1	PANEL REF – LGA – DA NO.	2016SYE109 – Sutherland Shire – DA16/1239
2	PROPOSED DEVELOPMENT	Demolition of existing structures and construction of a new residential flat building,
3	STREET ADDRESS	Lot 1 DP 122354, Lot 2 DP 210456, Lot B DP 356417, Lot X DP 388636, Lot Y DP 388636 – 17 – 23 Mitchell Avenue and 78 Sutherland Road, Jannali
4	APPLICANT/OWNER	Winim Funds Management Pty Ltd
5	TYPE OF REGIONAL DEVELOPMENT	General Development over \$20 million
6	RELEVANT MANDATORY CONSIDERATIONS	<ul style="list-style-type: none"> • Environmental planning instruments: <ul style="list-style-type: none"> • Sutherland Shire Local Environmental Plan 2015 • State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 • State Environmental Planning Policy (Infrastructure) 2007 • State Environmental Planning Policy No. 55 – Remediation of Land • Greater Metropolitan Regional Environmental Plan No. 2 – Georges River Catchment • State Environmental Planning Policy N. 65 – Design Quality of Residential Apartment Development • Department of Planning and Environment – Apartment Design Guide (ADG) • Draft environmental planning instruments: Nil • Development control plans: <ul style="list-style-type: none"> • Draft Sutherland Shire Development Control Plan 2015 • Draft Sutherland Shire Section 94 Contribution Plans • Planning agreements: Nil • <i>Environmental Planning and Assessment Regulation 2000</i>: 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 with draft conditions of consent, pre-application discussion (PAD), public submissions, report from the Architectural Review Advisory Panel and Clause 4.6 request (building height)

		<ul style="list-style-type: none"> • Written submissions during public exhibition: 17 • Verbal submissions at the public meeting: <ul style="list-style-type: none"> ○ Support – Nil ○ Object – Monika Brookes, Marilyn Kneen, Terry Georgeson and Catherine Errey ○ On behalf of the applicant – Jeff Mead, Ben Pomroy and Louise Thomson.
8	MEETINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> • 21 February 2017 – Site Inspection • 21 February 2017 – Final Briefing Meeting • 21 February 2017 – Public Meeting
9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Attached to the council assessment report