

<b>DATE OF DETERMINATION</b>	22 March 2017
<b>PANEL MEMBERS</b>	Morris Iemma (Chair), Bruce McDonald, Nicole Gurran, Kent Johns and Steve Simpson
<b>APOLOGIES</b>	Nil
<b>DECLARATIONS OF INTEREST</b>	None

Public meeting held at Sutherland Shire Council Chambers, on Tuesday 21 February 2017 opened at 1.00 pm and closed at 3.55 pm.

#### **MATTER DETERMINED**

2016SYE122 – DA16/1411 – Sutherland Shire Council, Demolition of existing structures, consolidation of 3 lots into 1 lot and construction of residential flat building containing 70 units and 2 basement car parking levels, 680 Kingsway, Miranda, 682 Kingsway, Miranda, 678 Kingsway, Miranda and 9 Pinnacle Street, Miranda.

#### **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 refuse 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. Mr Iemma left the meeting at 1.46 pm and was engaged via telephone in discussions held by the Panel during its adjournment and participated in the compilation of the Panel's final statement of decision.

#### **REASONS FOR THE DECISION**

The Panel by majority of 3:2 (M Iemma, S Simpson and K Johns) determine to refuse the application for the following reasons:

Based on the detailed analysis contained in the Council assessment report it is considered the proposed development fails to adequately satisfy the provisions of the following environmental planning instruments:

- SEPP 65 (Design Quality of Residential Apartment Buildings) and its associated Apartment Design Code
- Sutherland Shire LEP 2015
- Sutherland Shire Draft DCP 2015



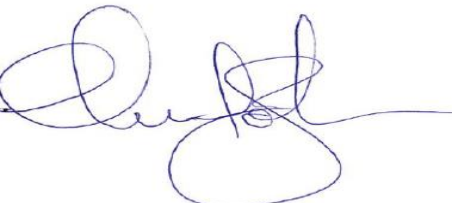


The Panel considers that failure to satisfy these provisions results in a proposal failing to promote orderly and economic development in that:

- Variation to the Draft DCP amalgamation pattern would result in isolated sites not capable of achieving their full development potential.
- Failure to meet the relevant building separation requirements unduly constrains development of adjoining lands.
- The proposal fails to provide adequate onsite parking and garbage collection arrangements.

In consideration of these conclusions it is considered the proposed development is an inappropriate use of the site and approval would not be in the public interest.

The two members of the Panel (B McDonald and N Gurrán) having considered the Council's assessment report consider that the proposed development variation to the amalgamation plan contained in draft Sutherland Shire DCP 2015 results in the affective isolation of 11 and 13 Pinnacle Street given the joint development of these sites with other sites in Pinnacle Street is prevented by the adjacent public pathway. The proposed amalgamation variation also result in isolation of No.7 Pinnacle Street.

Having regard to this situation these members consider that the matter should be deferred and a further report be required from Council advising if the principals established by Land and Environmental Court relating to isolated sites have, on the basis of the material submitted to Council, been satisfied or otherwise.

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

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	2016SYE122 – DA16/1411
2	PROPOSED DEVELOPMENT	Demolition of existing structures, consolidation of 3 lots into 1 lot and construction of residential flat building containing 70 units and 2 basement car parking levels
3	STREET ADDRESS	680 Kingsway, Miranda, 682 Kingsway, Miranda, 678 Kingsway, Miranda and 9 Pinnacle Street, Miranda
4	APPLICANT/OWNER	680-682 Kingsway Caringbah Pty Ltd
5	TYPE OF REGIONAL DEVELOPMENT	General development over \$20 million
6	RELEVANT MANDATORY CONSIDERATIONS	<ul style="list-style-type: none"> <li>• Environmental planning instruments: <ul style="list-style-type: none"> <li>○ State Environmental Planning Policy ( State and Regional Development) 2011</li> <li>○ State Environmental Planning Policy No. 65 – Design Quality of Residential Flat Development (SEPP 65)</li> <li>○ State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004</li> <li>○ Greater Metropolitan Regional Environmental Plan N. 2 – Georges River Catchment</li> <li>○ Apartment Design Guide (ADG)</li> <li>○ Sutherland Shire Local Environmental Plan 2015 (SSLEP 2015)</li> </ul> </li> <li>• Draft environmental planning instruments: Nil</li> <li>• Development control plans: <ul style="list-style-type: none"> <li>○ Draft Sutherland Shire Development Control Plan 2015 (Draft SSDCP 2015)</li> </ul> </li> <li>• Planning agreements: Section 94 Develop Contributions Plans: <ul style="list-style-type: none"> <li>○ Shire-Wide Open Space and Recreation Facilities 2005</li> <li>○ Section 94 Community Facilities Plan</li> </ul> </li> <li>• <i>Environmental Planning and Assessment Regulation 2000</i>: Nil</li> <li>• The likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality</li> <li>• The suitability of the site for the development</li> <li>• Any submissions made in accordance with the <i>Environmental Planning and Assessment Act 1979</i> or regulations</li> <li>• The public interest, including the principles of ecologically sustainable development</li> </ul>
7	MATERIAL CONSIDERED BY THE PANEL	<ul style="list-style-type: none"> <li>• Council assessment report: 27 February 2017</li> <li>• Written submissions during public exhibition: eight</li> </ul>

		<ul style="list-style-type: none"> <li>• Verbal submissions at the public meeting: <ul style="list-style-type: none"> <li>○ Support – Nil</li> <li>○ Object – Bronwyn Sans, Andrew Lawler, Shane Murray and Douglas McNeil</li> <li>○ On behalf of the applicant – Jeff Mead and Kent Williams</li> <li>○ On behalf of the council – Sinclair Croft</li> </ul> </li> </ul>
8	<b>MEETINGS AND SITE INSPECTIONS BY THE PANEL</b>	<ul style="list-style-type: none"> <li>• 20 December 2016 – Briefing Meeting</li> <li>• 22 March 2017 – Site Inspection</li> <li>• 22 March 2017 – Final Briefing Meeting</li> </ul>
9	<b>COUNCIL RECOMMENDATION</b>	Refusal
10	<b>DRAFT CONDITIONS</b>	N/A