

DATE OF DETERMINATION	23 August 2017
PANEL MEMBERS	Morris Iemma (Chair), Nicole Gurrin, Bruce McDonald and Steve Simpson
APOLOGIES	Kent Johns
DECLARATIONS OF INTEREST	None

Public meeting held at Sutherland Shire Council, 4 Eton Street on 23 August 2017, opened at 12:39 pm and closed at 1.00pm.

MATTER DETERMINED

2017SSH011 - Sutherland – DA- MA17/0087, Lots 28, 29 & 30 DP 11987, Lots 8, 9 & 10 DP 31029 (Nos. 16-20 & 40-44) Pinnacle Street, Miranda (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 refuse the development application as described in Schedule 1 pursuant to section 96 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 while satisfied as required Section 96(1A) b of the EP&A Act that the modified proposal is substantially the same development as the development for which consent was originally granted, has considered the extent of modifications proposed including the number of additional units to be provided, the increase in gross floor area, the increased building envelope and the differing integration of the proposed building into its immediate context.

The Panel considers that the proposed amendments sought result in a development which:

- Exceeds the maximum Floor Space Ratio standard contained in Clause 4 of Sutherland LEP 2015 without adequate reasons for such exceedance being presented.
- Fails to adequately satisfy the provisions of State Environmental Planning Policy 65 – Design Quality of Residential Flat Development and its associate Apartment Design Guide.
- Fails to adequately satisfy the provisions of Sutherland Shire DCP 2015 as it does not adequately reflect the urban design principles set out in Building Envelope Plan prepared to guide development of the Miranda Pinnacle Street Precinct.

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

PANEL MEMBERS	
 Morris Iemma	 Bruce McDonald
 Steve Simpson	 Nicole Gurran

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	2017SSH011 - Sutherland – DA- MA17/0087
2	PROPOSED DEVELOPMENT	Section 96(2) Modification to DA15/1254 – Additional 3 units and window modifications.
3	STREET ADDRESS	Lots 28, 29 & 30 DP 11987, Lots 8, 9 & 10 DP 31029 (Nos. 16-20 & 40-44) Pinnacle Street, Miranda
4	APPLICANT/OWNER	E Haddad
5	TYPE OF REGIONAL DEVELOPMENT	General development over \$20 million
6	RELEVANT MANDATORY CONSIDERATIONS	<ol style="list-style-type: none"> Environmental planning instruments: <ol style="list-style-type: none"> State Environmental Planning Policy No. 55- Remediation of Land (SEPP 55) State Environmental Planning Policy No. 65 – Design Quality of Residential Flat Development (SEPP 65) State Environmental Planning Policy (Infrastructure) 2007 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: <ol style="list-style-type: none"> Draft Sutherland Shire Development Control Plan 2015 (SSDCP 2015).

		<p>b) Apartment Design Guide (ADG)</p> <p>4. Planning agreements:</p> <ul style="list-style-type: none"> • Shire Wide Open Space and Recreation Facilities 2005 • Section 94 Community Facilities Plan <p>5. Provisions of the <i>Environmental Planning and Assessment Regulation 2000</i>: Nil</p> <p>6. Coastal zone management plan: Nil</p> <p>7. The likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality</p> <p>8. The suitability of the site for the development</p> <p>9. Any submissions made in accordance with the <i>Environmental Planning and Assessment Act 1979</i> or regulations</p> <p>10. The public interest, including the principles of ecologically sustainable development</p>
7	MATERIAL CONSIDERED BY THE PANEL	<ul style="list-style-type: none"> • Council assessment report: 18 July 2017 • Written submissions during public exhibition: 0 • Verbal submissions at the public meeting: <ul style="list-style-type: none"> a) Support – Nil b) Object – Nil c) On behalf of the applicant – Eddy Haddad and George O'Donovan
8	MEETINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> • Site inspection on 23 August 2017. • Final briefing meeting to discuss council's recommendation, 23 August 2017, 12:00 pm to 12.38 pm. Attendees: <ul style="list-style-type: none"> ○ <u>Panel members</u>: Morris Iemma (Chair), Bruce McDonald, Nicole Gurran and Steve Simpson. ○ <u>Council assessment staff</u>: Mark Adamson and Evan Phillips, Lisa Pemberton and Evan Phillips.
9	COUNCIL RECOMMENDATION	Refusal
10	DRAFT CONDITIONS	N/A