

DATE OF DETERMINATION	Wednesday 13 December 2017
PANEL MEMBERS	Nicole Gurran (Acting Chair), Bruce McDonald, Steve Simpson and Michael Forshaw
APOLOGIES	Morris lemma
DECLARATIONS OF INTEREST	None

Public meeting held at Sutherland Shire Council, 4 Eton Street, Sutherland on 13 December 2017, opened at 11:45 am and closed at 3:20 pm.

MATTER DETERMINED

2017SSH012 – Sutherland – MA12/0129 at 566-594 Princes Highway, Kirrawee (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 substantially approve the modification to the development application as described in Schedule 1 pursuant to section 96 (2) of the *Environmental Planning and Assessment Act 1979*. The request to amend Condition No. 62 (A) ii to allow restocking inside the Coles and Aldi supermarkets to occur outside of the standard hours of operation, was not approved. The approval is granted subject to the recommended conditions, as modified below.

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

The decision was unanimous.

REASONS FOR THE DECISION

The Panel is satisfied as required by Section 96 of the EP&A Act that the modified proposal is substantially the same development as the development for which consent was originally granted.

Further, the Panel considers that the application as approved will result in development that:

1. Provides for development consistent with the current terms of the Concept Approval.
2. Extends the level of service provided by the approved facility.
3. Adequately satisfies the relevant State Environmental Planning Policies including SEPP (Infrastructure) 2007.
4. Adequately satisfies the applicable provisions of the Sutherland Shire Local Environment Plan (2015) and the Sutherland Shire Development Control Plan (2015).
5. Subject to the conditions imposed the development will have no unacceptable impacts on the natural or built environments including the operation of the local road system or residential premises in the locality.

In consideration of conclusions 1-5 above it is considered the elements of the development approved constitute a suitable development of the site and such approval of the proposal is in the public interest.

In relation to the request to amend Condition No. 62 (A) ii to allow restocking inside the Coles and Aldi supermarkets to occur outside of the standard hours of operation, the Panel accepted the advice of Council that such an amendment would be inconsistent with the operating hours policy applying to similar retail facilities across the LGA.

CONDITIONS

The development application was approved subject to the conditions recommended in the Council Assessment Report with the following amendments.





1. Proposed Condition 2A(d) is deleted.
2. The last sentence of Condition 5 (iii) (b) is to be amended to delete the wording "Future use of the commercial spaces shall be restricted to ensure sufficient parking is provided at all times", as follows:

Condition 5 (iii) (b)

(b) non-residential component of the replacement of 40 street car parking spaces development displaced by (including the development):

- Supermarket - 4.5 spaces per 100m²;
- Mini-Major (faster trade retail) - 4.0 spaces per 100m²;
- Speciality Retail (incl. secondary retail, kiosks) - 4.2 spaces per 100m²;
- Showroom - 2.4 spaces per 100m²;
- Office - 2.5 spaces per 100m²; and
- Medical - 0.9 spaces per 100m².

An updated schedule of parking allocation for the site shall be prepared and submitted with each subsequent application. The parking demand for the non-residential uses within the development must not exceed the parking provision provided (i.e. 541 spaces).

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

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	2017SSH012 – Sutherland – MA12/0129
2	PROPOSED DEVELOPMENT	Section 96(2) Modification Application to DA15/1134 - Increase in number of commercial tenancies, design amendment to retail tenancy, use of a tenancy for Coles distribution centre, amend carparking condition, include liquor sales in supermarket and amend working hours
3	STREET ADDRESS	Lots 1 & 2 DP 589977 & Lot 1 DP 179075 (No. 566-594) Princes Highway, Kirrawee
4	APPLICANT/OWNER	Combined Projects (Kirrawee) 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"> Greater Metropolitan Regional Environmental Plan No. 2 – Georges River Catchment (Deemed SEPP) State Environmental Planning Policy (Infrastructure) 2007 State Environmental Planning Policy No. 55 – Remediation of Land State Environmental Planning Policy No. 64 - Advertising and Signage Sutherland Shire Local Environmental Plan 2015 (SSLEP2015) Draft environmental planning instruments: Nil Development control plans: <ul style="list-style-type: none"> Sutherland Shire Development Control Plan 2015 (SSDCP2015) 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: 1 December 2017 Written submissions during public exhibition: 10 Verbal submissions at the public meeting: <ul style="list-style-type: none"> On behalf of the applicant – Aaron Sutherland and Dominic Sullivan
8	MEETINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> Site inspection 27 September 2017 and briefing meeting 20 June 2017 Final briefing meeting to discuss council's recommendation, Wednesday 13 December 2017, 11.30am. Attendees: <ul style="list-style-type: none"> <u>Panel members</u>: Nicole Gurran (Acting Chair), Bruce McDonald, Steve Simpson and Michael Forshaw <u>Council assessment staff</u>: Mark Adamson, Lisa Pemberton and Luke Murtas, Leanne Mariani
9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Attached to the council assessment report