

DETERMINATION AND STATEMENT OF REASONS
SYDNEY SOUTH PLANNING PANEL

DATE OF DETERMINATION	Wednesday, 28 February 2018
PANEL MEMBERS	Helen Lochhead (Chair), Bruce McDonald, Nicole Gurrán, and Steve Simpson
APOLOGIES	None
DECLARATIONS OF INTEREST	Michael Forshaw declared a conflict of duty. He voted on this matter at council, prior to his involvement with the SSPP.

Public meeting held at Sutherland Shire Council, 4-20 Eton Street, Sutherland on 28 February 2018, opened at 12.40pm and closed at 2pm.

MATTER DETERMINED

2017SSH034 – Sutherland – MA17/0413 AT 1-13 Freya Street, Kareela (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 adjourned during the meeting to deliberate on the matter and formulate a resolution.

The Panel determined to refuse the application to modify the conditions of consent.

The decision was Unanimous.

REASONS FOR THE DECISION

The reasons for the decision of the Panel were:

- The Panel while satisfied as required under Section 96(2) of the EP&A Act that the modified proposal, is substantially the same development as the development for which consent was originally granted, notes that deletion of conditions of consent 7 (a) and (b) would amend the application as submitted and determined. The Panel accepts the recommendation of the planning assessment report that the application to delete parts (a) and (b) of Condition 7 of the subject approval be refused and concurs with the reasons offered in support of that recommendation.
- The Panel in taking its decision has concluded that the amenity and safety of those using the centre and the local road network is of primacy. Accordingly, approval to remove the subject conditions would not be in the public interest.
- Further the Panel notes that during Council's assessment of the original proposal it was amended by the applicant to include the measures required by the subject conditions and was considered acceptable by Council's traffic assessment officer and Planner only upon that amendment being made.
- It is also noted that the development has proceeded to completion (other than construction of the required roadworks) based on a consent containing the required subject conditions being fulfilled and the subject works being undertaken.

PANEL MEMBERS



Helen Lochhead (Chair)



Nicole Gurran



Bruce McDonald



Steve Simpson

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	2017SSH034 – Sutherland – MA17/0413
2	PROPOSED DEVELOPMENT	Deletion of conditions 7a and 7b of DA11/1048
3	STREET ADDRESS	1-13 Freya Street, Kareela
4	APPLICANT/OWNER	Greg Sullivan, Caverstock Group
5	TYPE OF REGIONAL DEVELOPMENT	Section 96(2) Modification Application
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 • Draft environmental planning instruments: Nil • Development control plans: <ul style="list-style-type: none"> ◦ Sutherland Shire Development Control Plan 2016 • 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: 14 February 2018 • Written submissions during public exhibition: 18 • Verbal submissions at the public meeting: <ul style="list-style-type: none"> ◦ Support – None ◦ Object – Caterina Zannino on behalf of Kareela Public School PNC, Claire Kamenjasevic and Greg Knight ◦ On behalf of the applicant – Aaron Cornish, John Mulhaire and Marian Higgins
8	MEETINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> • Site inspection 21 February 2018 • Briefing meeting 27 November 2017 • Final briefing meeting to discuss council's recommendation, 28 February 2018, 10.30am. Attendees: <ul style="list-style-type: none"> ◦ <u>Panel members</u>: Helen Lochhead (Chair), Nicole Gurran, Bruce McDonald and Steve Simpson ◦ <u>Council assessment staff</u>: Christine Edney, Mark Adamson and Carolyn Howell
9	COUNCIL RECOMMENDATION	Refusal
10	DRAFT CONDITIONS	Attached to the council assessment report