

DATE OF DETERMINATION	Wednesday, 22 August 2018
PANEL MEMBERS	Nicole Gurran (Chair), Bruce McDonald, Stuart McDonald, Steve Simpson, Michael Forshaw
APOLOGIES	Helen Lochhead
DECLARATIONS OF INTEREST	None

Public meeting held at Sutherland Shire Council, 4-20 Eton Street, Sutherland on 22 August 2018, opened at 2.05pm and closed at 5.20pm.

MATTER DETERMINED

2018SSH003 – Sutherland – MA17/0575 at 7 Dianella St, Caringbah (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 approve the development application pursuant to section 4.55 of the *Environmental Planning and Assessment Act 1979*.

The decision was 4:1 in favour, against the decision was Steve Simpson.

REASONS FOR THE DECISION

1. The Panel is satisfied that the proposed development is substantially the same as that for which consent was originally granted and that the proposed modification is of minimal environmental impact.
2. The proposed development continues to adequately satisfy the relevant State Environmental Planning Policies including SEPP 55 -Remediation of Land and SEPP 65 -Design Quality of Residential Flat Development and its associated Apartment Design Guidelines.
3. The proposal continues to adequately satisfy the applicable objectives and provisions of Sutherland Shire LEP 2015 and Draft Sutherland Shire DCP2015. While the amended proposal further increases the maximum height specified within Clause 4.3(2) of SSLEP2015 the Panel considers the proposed development remains consistent with the objectives of the height standard, will not change the overall appearance of the building and will not result in any additional environmental impacts.

Further, the Panel notes that the adjusted height remains within the original height approved by the Joint Regional Planning on 17 February 2016, of 19.2metres.

In consideration of conclusions 1-3 above the Panel considers the proposed development is a suitable use of the site and approval of the proposal is in the public interest.






Councillor Steve Simpson disagreed with the majority decision for the following reasons:

- Fundamental opposition to the process of retrospective consent and incremental increase in overall height, given the advanced state of construction of the building.

Councillor Michael Forshaw, while agreeing with the recommendation to approve the proposal, also expressed concern about the process of retrospective approval of the height adjustment.

CONDITIONS

The development application was approved subject to the conditions in the Council Assessment Report

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

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	2018SSH003 – Sutherland – MA17/0575
2	PROPOSED DEVELOPMENT	Section 4.55(2) Modification of DA15/1178 – Increase building height, amendments to roof terraces, new façade treatments, minor internal and external modifications to the building and changes to landscaping.
3	STREET ADDRESS	7 Dianella Street, Caringbah
4	APPLICANT/OWNER	Pier Property Corporation
5	TYPE OF REGIONAL DEVELOPMENT	General development over \$20 million and lodged before 1 March 2018
6	RELEVANT MANDATORY CONSIDERATIONS	<ul style="list-style-type: none"> • Environmental planning instruments: <ul style="list-style-type: none"> ○ State Environmental Planning Policy No. 55 – Remediation of Land (SEPP 55) ○ State Environmental Planning Policy (Building Sustainability Index: BASIX) ○ Greater Metropolitan Regional Development Plan No.2 – Georges River Catchment ○ State Environmental Planning Policy No. 65 – Design Quality of Residential Flat Development (SEPP 65) ○ Apartment Design Guide (ADG) ○ Sutherland Shire Local Environmental Plan (SSLEP) 2015 • Draft environmental planning instruments: Nil • Development control plans: <ul style="list-style-type: none"> ○ Draft Sutherland Shire Development Control Plan (DSSDCP) 2015 • Planning agreements: <ul style="list-style-type: none"> ○ Shire-Wide Open Space and Recreational Facilities 2005 ○ Section 94 Community Facilities Plan • 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: 8 August 2018 • Written submissions during public exhibition: Nil • Verbal submissions at the public meeting: <ul style="list-style-type: none"> ○ Support – Nil ○ Object – Nil ○ On behalf of the applicant – Ara Tchorlian
8	MEETINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> • Site inspection and briefing meeting 21 Feb 2018 • Site inspection 22 August 2018 • Final briefing meeting to discuss council's recommendation, 22 August 2018, 1.40pm. Attendees: <ul style="list-style-type: none"> ○ <u>Panel members</u>: Nicole Gurran (Chair), Bruce McDonald, Stuart McDonald, Steve Simpson, Michael Forshaw ○ <u>Council assessment staff</u>: Teille Whiteman, Mark Adamson, Carine Elias
9	COUNCIL RECOMMENDATION	Approval

10	DRAFT CONDITIONS	Attached to the council assessment report
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