

DATE OF DETERMINATION	16 September 2020
PANEL MEMBERS	Helen Lochhead (Chair), Heather Warton, Stuart McDonald, Steve Simpson, Michael Forshaw
APOLOGIES	None
DECLARATIONS OF INTEREST	None

Papers circulated electronically on 3 September 2020.

MATTER DETERMINED

2019SSH001 – Sutherland – DA18/1203 at 306-308 Taren Point Road Caringbah for a residential flat building (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 briefings and the matters observed at site inspections listed at item 8 in Schedule 1.

Application to vary a development standard

Following consideration of a written request from the applicant, made under cl 4.6 (3) of the Sutherland Local Environmental Plan 2015 (LEP), that has demonstrated that:

- a) compliance with cl.4.3(2) - height of building, is unreasonable or unnecessary in the circumstances; and
- b) there are sufficient environmental planning grounds to justify contravening the development standard

the panel is satisfied that:

- a) the applicant's written request adequately addresses the matters required to be addressed under cl 4.6 (3) of the LEP; and
- b) the development is in the public interest because it is consistent with the objectives of cl.4.3(2) - height of building, of the LEP and the objectives for development in the R4 High Density Residential zone; and
- c) the concurrence of the Secretary has been assumed.

Development application

The panel determined to approve the development application pursuant to section 4.16 of the *Environmental Planning and Assessment Act 1979*.

The decision was unanimous.

REASONS FOR THE DECISION

The panel determined to uphold the Clause 4.6 variation to building height; and approve the application for the reasons outlined in the council assessment report.

CONDITIONS

A number of issues were raised by the applicant regarding the application of several conditions. The Panel upheld conditions where the potential impacts on adjoining properties particularly the development to the south need to be addressed. The development application was approved subject to the conditions in the council assessment report with the following amendments.

- Condition III – levels 1-3, 1.5m sill heights to be deleted.

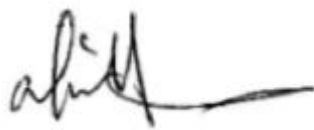
- Condition XXVIII- carwash bay- replace with condition to enable loading bay to double as car wash bay.

CONSIDERATION OF COMMUNITY VIEWS

In coming to its decision, the panel considered written submissions made during public exhibition. The panel notes that issues of concern included:

- Height
- Setbacks
- FSR
- Overshadowing and privacy impacts

The panel considers that concerns raised by the community have been adequately addressed in the assessment report. The panel notes that in addressing the issues raised appropriate conditions have been imposed.

PANEL MEMBERS	
 Helen Lochhead (Chair)	 Heather Warton
 Stuart McDonald	 Steve Simpson
 Michael Forshaw	

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	2019SSH001 – Sutherland – DA18/1203
2	PROPOSED DEVELOPMENT	Demolition of existing structures and construction of a residential flat building with basement car parking and affordable rental housing component.
3	STREET ADDRESS	306 – 308 Taren point Road, Caringbah
4	APPLICANT/OWNER	CHLY Pty Ltd
5	TYPE OF REGIONAL DEVELOPMENT	Private infrastructure and community facilities over \$5 million
6	RELEVANT MANDATORY CONSIDERATIONS	- Environmental planning instruments: - State Environmental Planning Policy (Affordable Rental Housing) 2009 - State Environmental Planning Policy No. 65 – Design Quality of Residential Flat Development (SEPP 65) - State Environmental Planning Policy No. 55 – Remediation of Land - Sutherland Shire Local Environmental Plan 2015 (SSLEP2015) - State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 - State Environmental Planning Policy (Infrastructure) 2007 - Greater Metropolitan Regional Environmental Plan No. 2 – Georges River Catchment - Draft environmental planning instruments: Nil - Development control plans: - Sutherland Shire Development Control Plan 2015 - 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	- Council assessment report: 1 September 2020 - Clause 4.6 Written Request Height of Buildings - Written submissions during public exhibition: 4 - Total number of unique submissions received by way of objection: 4
8	MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL	- Electronic Briefing: 8 May 2019 - Panel members: Helen Lochhead (Chair), Stuart McDonald, Heather Warton, Steve Simpson, Michael Forshaw - Applicant Briefing: 16 September 2020 - Panel members: Helen Lochhead (Chair), Stuart McDonald, Heather Warton, Steve Simpson, Michael Forshaw - Council assessment staff: Carine Elias - Applicant representatives: Candice Li, Benjamin Black, Enrique Blanco De Cordova <u>Note:</u> Applicant briefing was requested to provide the Panel with clarification and to respond to issues OR to respond to the recommendation in the council assessment report

		- Final briefing to discuss council's recommendation: 16 September 2020 <u>Panel members</u>: Helen Lochhead (Chair), Stuart McDonald, Heather Warton, Steve Simpson, Michael Forshaw <u>Council assessment staff</u>: Carine Elias
9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Attached to the council assessment report