

## DETERMINATION AND STATEMENT OF REASONS

### SYDNEY SOUTH PLANNING PANEL

<b>DATE OF DETERMINATION</b>	25 August 2020
<b>PANEL MEMBERS</b>	Stuart McDonald (Chair), Sue Francis, Heather Warton, Steve Simpson, Jack Boyd
<b>APOLOGIES</b>	None
<b>DECLARATIONS OF INTEREST</b>	Michael Forshaw and Carol Provan declared a conflict of interest having voted on the application in their capacity as Councillors for Sutherland Shire Council.

Papers circulated electronically on 7 August 2020.

#### MATTER DETERMINED

2019SSH002 – Sutherland – DA18/1448 at 455 Captain Cook Drive Woollooware for construction of Stage 1 Precinct of Woollooware Bay Town Centre.

#### 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.

#### 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 approve the application for the reasons outlined in the council supplementary report.






#### CONDITIONS

The development application was approved subject to the conditions in the council supplementary report.

#### CONSIDERATION OF COMMUNITY VIEWS

In coming to its decision, the panel considered written submissions made during public exhibition and heard from all those wishing to address the panel. The panel notes that issues of concern included development being out of character, increased traffic and lack of consideration of the heavy traffic flows (trucks) from Kurnell, inadequate parking, view loss and loss of property value.

The panel considers that concerns raised by the community have been adequately addressed in the assessment report and that no new issues requiring assessment were raised during the public meeting.

PANEL MEMBERS	
 Stuart McDonald (Chair)	 Sue Francis
 Heather Warton	 Steve Simpson
 Jack Boyd	

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	2019SSH002 – Sutherland – DA18/1448
2	PROPOSED DEVELOPMENT	Construction of Stage 1 Precinct of Woollooware Bay Town Centre: Partial demolition of existing Leagues Club and other structures, tree removal, construction and use of new retail centre, fitout of Levels 3 and 4 for the Leagues Club, public domain works, infrastructure works, construction and use of hotel accommodation, construction of four residential apartment buildings containing 255 dwellings, construction and use of office tenancies, construction of a child care centre, above ground car park, landscaping works and staged Construction and Occupation Certificates.
3	STREET ADDRESS	455 - 461 Captain Cook Drive, Woollooware
4	APPLICANT/OWNER	BCV Sharks Retail Unit Trust
5	TYPE OF REGIONAL DEVELOPMENT	General development over \$30 million
6	RELEVANT MANDATORY CONSIDERATIONS	<ul style="list-style-type: none"> <li>Environmental planning instruments: <ul style="list-style-type: none"> <li>State Environmental Planning Policy (State and Regional Development) 2011</li> <li>State Environmental Planning Policy No. 55 – Remediation of Land</li> <li>State Environmental Planning Policy No. 65 – Design Quality of Residential Flat Development</li> <li>State Environmental Planning Policy (Infrastructure) 2007</li> <li>State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004</li> <li>State Environmental Planning Policy (Educational Establishments and Childcare Facilities) 2017</li> <li>State Environmental Planning Policy (Coastal Management) 2018</li> <li>Greater Metropolitan Regional Environmental Plan No. 2 – Georges River Catchment</li> <li>Sutherland Shire Local Environmental Plan 2015</li> </ul> </li> <li>Draft environmental planning instruments: Nil</li> <li>Development control plans: <ul style="list-style-type: none"> <li>Sutherland Shire Development Control Plan 2015</li> <li>Section 7.12 Contributions Plan 2016</li> </ul> </li> <li>Planning agreements: Nil</li> <li>Provisions of the <i>Environmental Planning and Assessment Regulation 2000</i>: Nil</li> <li>Coastal zone management plan: Nil</li> <li>The likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality</li> <li>The suitability of the site for the development</li> <li>Any submissions made in accordance with the <i>Environmental Planning and Assessment Act 1979</i> or regulations</li> <li>The public interest, including the principles of ecologically sustainable development</li> </ul>
7	MATERIAL CONSIDERED BY THE PANEL	<ul style="list-style-type: none"> <li>Council assessment report: 1 July 2020</li> <li>Applicant memo: 9 July 2020</li> <li>Council supplementary report: 7 August 2020</li> <li>Written submissions during public exhibition: 21</li> <li>Verbal submissions at the public meeting: <ul style="list-style-type: none"> <li>Council assessment officer – Carine Elias, Mark Adamson</li> <li>On behalf of the applicant – Michael Oliver</li> </ul> </li> </ul>
8	MEETINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> <li>Briefing: 15 May 2019 <ul style="list-style-type: none"> <li>Panel members: Helen Lochhead (Chair), Bruce McDonald, Nicole Gurrán, Steve Simpson</li> </ul> </li> </ul>

		<ul style="list-style-type: none"> <li>○ <u>Council assessment staff</u>: Mark Adamson, Carine Elias, Amanda Treharne, Teille Whiteman</li> <li>• Final briefing to discuss council's recommendation, [date], [time]. Attendees: <ul style="list-style-type: none"> <li>○ <u>Panel members</u>: Stuart McDonald (Chair), Heather Warton, Sue Francis, Steve Simpson, Jack Boyd</li> <li>○ <u>Council assessment staff</u>: Mark Adamson, Carine Elias</li> </ul> </li> </ul>
9	<b>COUNCIL RECOMMENDATION</b>	Approval
10	<b>DRAFT CONDITIONS</b>	Attached to the council assessment report