

DETERMINATION AND STATEMENT OF REASONS

SYDNEY SOUTH PLANNING PANEL

DATE OF DETERMINATION	Wednesday, 18 December 2019
PANEL MEMBERS	Nicole Gurran (Chair), Bruce McDonald, Julie Savet Ward, Steve Simpson, Michael Forshaw
APOLOGIES	Helen Lochhead
DECLARATIONS OF INTEREST	None

Public meeting held at Sutherland Shire Council, 4-20 Eton Street, Sutherland on 18 December 2019, opened at 12.10pm and closed at 1.15pm.

MATTER DETERMINED

2019SSH003 – Sutherland – DA19/0021 at 1-7 Boyle Street, Sutherland – Demolition of existing structures and construction of a mixed use development containing 43 units with stratum subdivision (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.

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

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 proposed development will add further retail services, commercial capacity and additional housing supply and choice within Sutherland Centre at a location readily accessible to the metropolitan transport services available from Sutherland Rail Station. The proposal is consistent with the planned development of the Centre and will reinforce Sutherland's role as a Strategic Centre within the Sydney South District.
- The proposed development adequately satisfies the relevant State Environmental Planning Policies including SEPP 55 -Remediation of Land, SEPP (Infrastructure) 2007, SEPP65 Design Quality of Residential Apartment Development and its associated Apartment Design Guide. Minor departures from the ADG provisions relating to on site building separation, communal open space and deep soil area are noted and considered satisfactory having regard to the design employed and the central urban location of the site.
- The proposal adequately satisfies the applicable objectives and provisions of Sutherland LEP 2015.
- The proposal adequately satisfies the provisions of Sutherland DCP 2015. While the development varies from the building form shown on the Sutherland Potential Built Form Plan for this specific site, the proposal has been assessed as appropriate for this site as it satisfies the applicable height and floor space requirements of LEP 2015, the design elements of SEPP 65 and the ADG and is located in the central urban area of Sutherland Centre.

- The panel notes the concern about noise expressed by an objector. Given that this issue was considered during the assessment process, the panel is of the view that the noise attenuation provisions proposed in the design of the building and as conditioned, satisfactorily address these concerns. In addition, the applicant indicated that the design intent was to include double glazed windows for the entire development. The panel has imposed a condition requiring the west facing windows and doors on west facing balconies to be double glazed.
- The proposed development subject to the conditions imposed will have no unacceptable adverse impacts on the natural or built environments including the amenity of nearby buildings or the operation of the local road system, additional parking demand or the significance of nearby heritage items. The proposal will dedicate land to Council for road widening and a through block link which will improve pedestrian and cycling permeability and safety in this sector of the Centre.
- In consideration of the conclusions above the panel considers the proposed development is a suitable use of the site and approval of the proposal is in the public interest.

CONDITIONS

The development application was approved subject to the conditions in the council assessment report with the following amendment:

Add to Condition 2A






- *(iii) Double glazing must be installed to all the sliding doors and West facing windows associated with each unit in the Western Tower.*

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:

- Over development and impacts on infrastructure
- Management of noise generated by the pub
- Traffic and parking impacts from the development

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. The panel notes that in addressing these issues appropriate conditions have been imposed.

PANEL MEMBERS	
 Nicole Gurrán (Chair)	 Bruce McDonald
 Julie Savet Ward	 Steve Simpson
 Michael Forshaw	

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	2019SSH003 – Sutherland Shire – DA19/0021
2	PROPOSED DEVELOPMENT	Demolition of existing structures and construction of a mixed use development containing 42 units with stratum subdivision.
3	STREET ADDRESS	1-7 Boyle Street, Sutherland
4	APPLICANT/OWNER	Applicant: Jeff Dooley Owner: J & N Murphy Properties Pty Ltd, J & S Katidis, Sydney Mechanical Pty Ltd
5	TYPE OF REGIONAL DEVELOPMENT	General development over \$30 million
6	RELEVANT MANDATORY CONSIDERATIONS	<ul style="list-style-type: none"> Environmental planning instruments: <ul style="list-style-type: none"> State Environmental Planning Policy (State and Regional Development) 2011 State Environmental Planning Policy No.65 (Design Quality of Residential Flat Development) State Environmental Planning Policy No. 55 (Remediation of Land) State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 (BASIX SEPP) Sutherland Shire Local Environmental Plan 2015 (SSLEP 2015) Apartment Design Guide (ADG) Section 7.11 Developer Contribution Plans Draft environmental planning instruments: Nil Development control plans: <ul style="list-style-type: none"> Sutherland Shire Development Control Plan 2015 (SSDCP 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	<ul style="list-style-type: none"> Council assessment report: 2 December 2019 Written submissions during public exhibition: Six Written submission – 18 December 2019 Verbal submissions at the public meeting: <ul style="list-style-type: none"> In support – Nil In objection – David Ripplingill Council assessment officer – Kylie Rourke, Carolyn Howell, Michael Tanner On behalf of the applicant – Vic Lake, Lyndall Wynne, Matthew McCarthy

8	MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> • Briefing: 20 March 2019 <ul style="list-style-type: none"> ○ <u>Panel members</u>: Bruce McDonald (Chair), Nicole Gurrán, Steve Simpson, Michael Forshaw ○ <u>Council assessment staff</u>: Kylie Rourke, Carolyn Howell • Site inspection: 18 December 2019 <ul style="list-style-type: none"> ○ <u>Panel members</u>: Nicole Gurrán (Chair), Bruce McDonald, Julie Savet Ward, Steve Simpson, Michael Forshaw ○ <u>Council assessment staff</u>: Kylie Rourke, Carolyn Howell • Final briefing to discuss council's recommendation, 18 December 2019, 10.45am. Attendees: <ul style="list-style-type: none"> ○ <u>Panel members</u>: Nicole Gurrán (Chair), Bruce McDonald, Julie Savet Ward, Steve Simpson, Michael Forshaw ○ <u>Council assessment staff</u>: Kylie Rourke, Carolyn Howell, Mark Adamson, Michael Tanner
9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Attached to the council assessment report