

DATE OF DETERMINATION	3 June 2022
DATE OF PANEL DECISION	3 June 2022
DATE OF PANEL MEETING	31 May 2022
PANEL MEMBERS	Helen Lochhead, Stuart McDonald, Heather Warton, Carol Provan, Kent Johns
APOLOGIES	None
DECLARATIONS OF INTEREST	None

Public meeting held by teleconference on 31 May 2022, opened at 12:30pm and closed at 1:28pm.

MATTER DETERMINED

PPSSSH-104- Sutherland– DA-21/1131 – 72-78 Box Road, Taren Point

Demolition of existing structures, construction of a light industrial complex containing 116 units with ancillary office space and associated vehicular access, parking, and outdoor recreation space.

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 Shire Local Environmental Plan 2015 (LEP), that has not demonstrated that:

- a) compliance with cl. 4.3 (height of buildings) is unreasonable or unnecessary in the circumstances; and

the panel is not 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 (height of buildings) of the LEP and the objectives for development in the IN1 zone.

Development application

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

The decision was 4:1 in favour, against the decision was Councillor Kent Johns.

REASONS FOR THE DECISION

The panel determined to not uphold the Clause 4.6 variation to building height; and to refuse the application for the reasons outlined in the council assessment report. The Panel affirmed support for this type of development however, the quantum of unresolved issues including the flooding and stormwater, the deficit in parking, the natural light and ventilation to the tenancies, the industrial and warehouse unit sizes, the overall height and the interface with the residential neighbours make it impossible to approve in its current form.






Kent Johns disagreed with the majority decision recommending that the application be deferred subject to the applicant addressing maintenance of the stormwater system, the non-compliance with parking, and a lowering of the height to reduce the impact to the adjoining residential neighbours.

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:

- Height
- Flooding and stormwater
- Inadequate landscaping
- Design
- Solar access/ventilation
- Noise
- Hours of operation
- Parking, traffic and access
- Overdevelopment of the site

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	
 Helen Lochhead (Chair)	 Stuart McDonald
 Heather Warton	 Carol Provan
 Kent Johns	

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	PPSSSH-104- Sutherland– DA-21/1131
2	PROPOSED DEVELOPMENT	Demolition of existing structures, construction of a light industrial complex containing 116 units with ancillary office space and associated vehicular access, parking, and outdoor recreation space.
3	STREET ADDRESS	72-78 Box Road, Taren Point
4	APPLICANT/OWNER	Aaron Sutherland - Mount Street 1 Pty Ltd / Paduro Holdings 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 (Biodiversity and Conservation) 2021 Chapter 11 Georges River Catchment ○ State Environmental Planning Policy (Planning Systems) 2021 - State and Regional Development ○ State Environmental Planning Policy (Resilience and Hazards) 2021 -Chapter 2 Coastal Management, Chapter 4 Remediation of Land ○ State Environmental Planning Policy (Transport and Infrastructure) 2021 -Chapter 2 Infrastructure ○ Sutherland Shire Local Environmental Plan 2015 • Development control plans: <ul style="list-style-type: none"> ○ Sutherland Shire Development Control Plan 2015 • Provisions of the <i>Environmental Planning and Assessment Regulation 2000</i> • 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: 17 May 2022 • Clause 4.6(3) variation – height of buildings • List any council memo or supplementary report received: 17 May 2022 • Written submissions during public exhibition: 13 • Verbal submissions at the public meeting: <ul style="list-style-type: none"> ○ Belinda Doyle ○ Council – Ros Read, Grant Raynor ○ On behalf of the applicant – Aaron Sutherland, Ben Pomroy, Joseph Scuderi, Josh Milston, Mark Tooker • Total number of unique submissions received by way of objection: 13
8	MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> • Briefings: 7 February 2022, 15 March 2022, 10 May 2022 <ul style="list-style-type: none"> ○ <u>Panel members</u>: Helen Lochhead (Chair), Stuart McDonald, Heather Warton, Carol Provan, Kent Johns ○ <u>Council assessment staff</u>: Grant Rayner, Ros Read, Carine Elias, John Arnold • Site inspection: Panel members visited the site individually on different days

		<ul style="list-style-type: none"> Final briefing to discuss council's recommendation: 31 May 2022 <ul style="list-style-type: none"> <u>Panel members</u>: Helen Lochhead (Chair), Stuart McDonald, Heather Warton, Carol Provan, Kent Johns <u>Council assessment staff</u>: Grant Rayner, Ros Read, Carine Elias, Thomas Walters, John Arnold
9	COUNCIL RECOMMENDATION	Refusal
10	DRAFT CONDITIONS	N/A