

DATE OF DETERMINATION	17 June 2020
PANEL MEMBERS	Helen Lochhead (Chair), Stuart McDonald, Heather Warton, Steve Simpson, Michael Forshaw
APOLOGIES	None
DECLARATIONS OF INTEREST	None

Public meeting held via teleconference on 17 June 2020, opened at 12pm and closed at 1pm

MATTER DETERMINED

PPSSSH-11 – Sutherland – DA19/0786 at 398 Kingsway Caringbah for construction of a medical centre (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.

Development application

The panel determined to refuse the development application pursuant to section 4.15 of the *Environmental Planning and Assessment Act 1979*.

The decision was unanimous.

REASONS FOR THE DECISION

The panel determined to refuse the application for the following reasons:

1. The application is considered unacceptable pursuant to the provisions of s4.15(1)(a)(i) of the Environmental Planning and Assessment Act 1979, as the proposal is not of the desired future character envisaged for the Caringbah Medical Precinct locality. The proposal fails to satisfy objectives (1) (a), (d) and (e) of Clause 6.21 under SSLEP 2015.
2. The application is considered unacceptable pursuant to the provisions of s4.15(1)(a)(i) of the Environmental Planning and Assessment Act 1979, as the proposal fails to satisfy Clause 6.16 Urban Design – general of SSLEP2015, as the design, bulk and scale of the building is not in keeping with the desired future character of the Precinct and locality.
3. The application is considered unacceptable pursuant to the provisions of s4.15(1)(a)(i) of the Environmental Planning and Assessment Act 1979, as the proposal fails to satisfy Clause 6.18 Urban Design – non residential development in residential areas of SSLEP2015, as the design results in unacceptable setbacks, use of materials and is of a bulk and scale that is not of the desired future character of the locality.
4. The application is considered unacceptable pursuant to the provisions of s4.15(1)(a)(iii) of the Environmental Planning and Assessment Act 1979, in that the proposal fails to satisfy the controls and objectives for amalgamation of land contained within Clause 5, Chapter 9 of Sutherland Shire Development Control Plan 2015 (SSDCP2015).
5. The application is considered unacceptable pursuant to the provisions of s4.15(1)(a)(iii) of the Environmental Planning and Assessment Act 1979, in that the basement is not compliant with the

street and rear basements required under Clauses 10.2.5 and 11.2.4 of Chapter 9 within SSDCP2015, preventing the planting of quality vegetation including canopy trees provided along Kingsway frontage and at the rear of the site.






6. The application is considered unacceptable pursuant to the provisions of s4.15(1)(a)(iii) of the Environmental Planning and Assessment Act 1979, in that the side and rear setbacks are non compliant with Clause 11 of Chapter 9 contained in SSDCP2015. These setbacks will result in unacceptable impacts on adjoining properties, in terms of separation, visual and amenity impacts and the redevelopment potential of adjoining properties.
7. The application is considered unacceptable pursuant to the provisions of s4.15(1)(e) of the Environmental Planning and Assessment Act 1979, in that the approval of the development will create an undesirable precedent and is therefore not in the public interest.

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:

- Break in DCP Lot amalgamation
- Extent of commercial use in zone
- Non-compliant setbacks
- Overshadowing

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. No members of the public attended the meeting to make representations.

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

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	PPSSSH-11 – Sutherland – DA19/0786
2	PROPOSED DEVELOPMENT	Demolition of existing structures, construction of a medical centre.
3	STREET ADDRESS	Lots 7 to 9 DP 8147, 398 to 402 Kingsway and 27 Flide Street, Caringbah
4	APPLICANT/OWNER	Irwin Medical Developments Pty Ltd
5	TYPE OF REGIONAL DEVELOPMENT	Private infrastructure and community facilities over \$5 million
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 (State and Regional Development) 2011 ◦ Sutherland Shire Local Environmental Plan 2015 (SSLEP 2015) • Draft environmental planning instruments: Nil • Development control plans: <ul style="list-style-type: none"> ◦ Sutherland Shire Development Control Plan 2015 (SSDCP 2015) ◦ Section 7.12 Development Contribution Plan 2016 - Sutherland Shire • 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: 4 June 2020 • Written submissions during public exhibition: 12. • Additional material provided by the applicant on 15 and 16 June 2020. • Verbal submissions at the public meeting: <ul style="list-style-type: none"> ◦ Community members - none ◦ Council assessment officer -none ◦ On behalf of the applicant – Craig Irwin (owners representative) Jeff Mead (planner)
8	MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> • Briefing: 19 February 2020 <ul style="list-style-type: none"> ◦ <u>Panel members</u>: Helen Lochhead (Chair), Stuart McDonald, Heather Warton, Michael Forshaw, Jack Boyd ◦ <u>Council assessment staff</u>: Mark Adamson, Carine Elias, Meredith Alach • Final briefing to discuss council's recommendation, 17 June 2020 at 11.30am. Attendees: <ul style="list-style-type: none"> ◦ <u>Panel members</u>: Helen Lochhead (Chair), Stuart McDonald, Heather Warton, Michael Forshaw, Steve Simpson ◦ <u>Council assessment staff</u>: Mark Adamson, Carine Elias, Meredith Alach
9	COUNCIL RECOMMENDATION	Refusal
10	DRAFT CONDITIONS	Attached to the council assessment report