

DETERMINATION AND STATEMENT OF REASONS
SYDNEY SOUTH PLANNING PANEL

DATE OF DETERMINATION	26 July 2023
DATE OF PANEL DECISION	25 July 2023
DATE OF PANEL BRIEFING	24 July 2023
PANEL MEMBERS	Annelise Tuor (Chair), Penelope Holloway, Glennis James, Carol Provan, Hassan Awada
APOLOGIES	None
DECLARATIONS OF INTEREST	None

Papers circulated electronically on 11 July 2023.

MATTER DETERMINED

PPSSSH-129 – Sutherland Shire Council – MA22/0284 – 51 President Avenue, Caringbah – Change wording of condition 7A and 8Aii relating to trunk drainage construction and design, 8C relating to occupation certificate and condition 12 relating to timing of contributions payment.

PANEL CONSIDERATION AND DECISION

The panel considered: the matters listed at item 6, the material listed at item 7 and the material presented at briefings and the matters listed at item 8 in Schedule 1.

Modification application

The panel determined to approve the modification application pursuant to section 4.56 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 below:

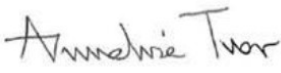
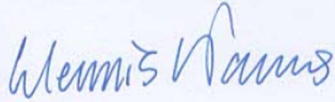



- The application satisfies the requirement that the development to which the consent as modified relates will remain substantially the same development as that originally granted consent.
- The proposal adequately maintains consistency with relevant policies and standards and is not anticipated to adversely impact upon the amenity of the surrounding properties to any unacceptable degree.
- The proposed modifications to the approved development are minor in nature, relating to the staging of early works on the site and the timing of developer contributions only.

CONDITIONS

The modification application was approved subject to the conditions in the Council assessment report.

CONSIDERATION OF COMMUNITY VIEWS

In coming to its decision, the panel notes that no written submissions were made during public exhibition and therefore no issues of concern were raised.

PANEL MEMBERS	
 Annelise Tuor (Chair)	 Glennis James
 Penelope Holloway	 Carol Provan
 Hassan Awada	

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	PPSSSH-129 – Sutherland Shire Council – MA22/0284
2	PROPOSED DEVELOPMENT	S4.56 modification to DA19/0333 – Change wording of condition 7A and 8Aii relating to trunk drainage construction and design, 8C relating to occupation certificate and condition 12 relating to timing of contributions payment
3	STREET ADDRESS	51 President Avenue, Caringbah
4	APPLICANT/OWNER	David Nelson (Applicant) and Coles Group Property Development Limited (Owner)
5	TYPE OF REGIONAL DEVELOPMENT	Section 4.56 Modification Application
6	RELEVANT MANDATORY CONSIDERATIONS	<ul style="list-style-type: none"> Environmental planning instruments: <ul style="list-style-type: none"> State Environmental Planning Policy (Resilience and Hazards) 2021 (Resilience and Hazards SEPP). State Environmental Planning Policy (Biodiversity and Conservation) 2021. State Environmental Planning Policy (Transport and Infrastructure) 2021 State Environmental Planning Policy (Industry and Employment) 2021 State Environmental Planning Policy (State and Regional Development) 2011. State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004. State Environmental Planning Policy No. 65 – Design Quality of Residential Flat Development (SEPP 65). State Environmental Planning Policy (Planning Systems) 2021. Sutherland Shire Local Environmental Plan 2015 (SSLEP 2015). Draft environmental planning instruments: Nil Development control plans: <ul style="list-style-type: none"> Sutherland Development Control Plan 2015 (SSDCP 2015) Planning agreements: Nil Provisions of the <i>Environmental Planning and Assessment Regulation 2021</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: 9 June 2023 Written submissions during public exhibition: nil
8	MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> Kick Off Briefing: 6 March 2023 <ul style="list-style-type: none"> <u>Panel members</u>: Annelise Tuor (Chair), Penelope Holloway, Glennis James, Carol Provan <u>Council assessment staff</u>: Vivian Tran, Beth Morris, David Sheehan, Amanda Treharne, Carine Elias <u>Applicant representatives</u>: David Nelson, Anthony Kazacos Site inspection: 8 May 2023

		<ul style="list-style-type: none"> ○ <u>Panel members</u>: Annelise Tuor (Chair), Penelope Holloway, Glennis James, Carol Provan, Hassan Awada ○ <u>Council assessment staff</u>: Sue McMahon • Final briefing to discuss council's recommendation: 24 July 2023 <ul style="list-style-type: none"> ○ <u>Panel members</u>: Annelise Tuor (Chair), Penelope Holloway, Glennis James, Carol Provan, Hassan Awada ○ <u>Council assessment staff</u>: Sue McMahon, Amanda Treharne, Ben Latta & David Sheehan ○ <u>Applicant representatives</u>: David Nelson, Anthony Kazacos, Glenda Lam
9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Attached to the council assessment report