

DATE OF PANEL DECISION	28 October 2024
PANEL MEMBERS	Annelise Tour (Chair), Glennis James, Penelope Holloway, Luke Murtas, Elizelle Juaneé Cilliers
APOLOGIES	None
DECLARATIONS OF INTEREST	None

DELEGATION – DETERMINATION OF 4.56 MODIFICATION APPLICATION PPSSSH-179

MODIFICATION APPLICATION

1. PPSSSH-179 – Sutherland Shire Council – MA24/0108 – 41-45 President Avenue, Caringbah - s4.56 (Modification of DA19/0333).

BACKGROUND

The Minister for Planning and Public Spaces has provided approval under section 2.16(6) of the Environmental Planning and Assessment Act 1979 (EP&A Act) for any Sydney district or regional planning panel to delegate any of its functions under the EP&A Act or any other Act (other than the power of delegation) to the general manager or other staff of a council, for any area or part of any area for which the Sydney district or regional planning panel is constituted.

DA19/0333 included demolition of existing structures, tree removal, construction of a shop top housing development containing a supermarket, liquor store, specialty stores, 120 residential apartments, undercroft and basement car parking, internal fitout and use of the supermarket and liquor store, advertising signs and signage zones and associated civil infrastructure, public domain and landscape works.

The modification application (MOD) has been referred to Sydney South Planning Panel given it was lodged under section 4.56 of the *Environmental Planning and Assessment Act 1979*. The MOD seeks to amend DA19/0333 approved by the Land and Environment Court on 29 September 2020.

APPLICATION DETAILS

The details of the application are shown in the table below:

	PPSSSH-167
DA Number	MA24/0108
Lodgement date	21 May 2024
Project description	<p>Section 4.56 Modification to DA19/0333 that involves modification to conditions 53, 62 & 64 as follows:</p> <p>Condition 53 – Noise Control and Permitted Hours for Building and Demolition Work</p> <p>The proposed modification to this condition seeks to extend Saturday's permitted building demolition hours so that work can occur between 7:00am to 3:00pm instead of the approved times of 8:00am to 3:00pm. This will allow for an earlier start to building and demolition work on a Saturday.</p>

	<p>Condition 62 – Basement Tanking</p> <p>This condition was imposed by the NSW Land & Environment Court under MA23/0154 and it is now proposed to be deleted. Council has consulted WaterNSW who have advised that they have no objection and have provided amended General Terms of Approval (GTA's). Water NSW have asked that Council also issue a copy of their Groundwater Impact Assessment to the proponent so that they can address unsatisfactory matters identified in the assessment prior to applying for a water supply works approval.</p> <p>Condition 64 – Groundwater and Dewatering</p> <p>This condition was also imposed by the NSW Land & Environment Court under MA23/0154. It involves preparation of a report following 3 months of groundwater assessment. The condition specifies that the groundwater investigations and report are to include any requirements by WaterNSW. The MOD seeks to add the words 'if required'. WaterNSW has provided no objection to modifying this condition.</p>
Applicant	Mr David Krepp
Owner	President Square Pty Ltd
Planner	Planning Ingenuity
Architect	N/A
CIV	\$0 (CIV \$79,694,291 for the original DA19/0333)

The following two (2) modification applications have previously been approved:

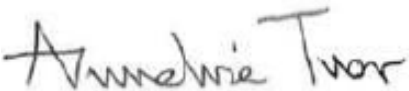

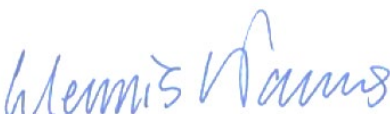
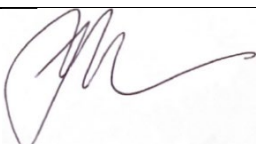

1. MA22/0284 – was approved by the Sydney South Planning Panel on 26 July 2023.
2. MA23/0154 – was approved by the Land and Environment Court on 28 March 2024.

PANEL RESOLUTION

This is a resolution of the Sydney South Planning Panel made on 25 October 2024 in accordance with Schedule 2 Part 5 of the EP&A Act.

That pursuant to section 2.16(6)(c) of the EP&A Act 1979 the Panel resolves to delegate to the Senior Manager Development Services at Sutherland Shire Council, the power to make a determination as consent authority under section 4.56 of the EP&A Act on:

- PPSSSH-179 - MA24/0108 - S4.56 Modification of DA19/0333.

PANEL MEMBERS	
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