

DATE OF DETERMINATION	17 December 2025
DATE OF PANEL DECISION	17 December 2025
DATE OF PANEL MEETING	15 December 2025
PANEL MEMBERS	Annelise Tuor (Chair), Penelope Holloway, Glennis James, Carol Provan, Diedree Steinwall
APOLOGIES	None
DECLARATIONS OF INTEREST	None

Public meeting held by videoconference on 15 December 2025, opened at 9:45am and closed at 10:00am. Papers circulated electronically on 1 December 2025.

MATTER DETERMINED

PPSSSH-198 - SUTHERLAND – DA25/0286 at 167-169 Burraneer Bay Road BURRANEER 2230 - Demolition of existing structures and construction of a childcare centre with capacity for 95 children. (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 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 Panel determined to approve the application for the reasons outlined in the Council Assessment Report. In particular, the Panel notes that:

- The application has been amended to address issues including retention of the significant tree in the Gannons Road frontage, redesign of the basement carpark and waste area, changes to setback to mitigate privacy issues to the residential dwelling to the north.
- The council's assessment report has considered the relevant matters under section 4.15 of the *Environmental Planning and Assessment Act 1979*.
- The proposed development is a permissible development with consent within the R2 Low Density zone and is consistent with the relevant zone objectives. It complies with the applicable State Environmental Planning Policies and satisfies the relevant provisions of the Sutherland Shire Local Environmental Plan 2015 and the Sutherland Shire Development Control Plan 2015.
- The proposed development appropriately responds to the site, is compatible with the development within the surrounding area and does not result in unreasonable impacts on residential amenity.
- Approval of the development is in the public interest.

CONDITIONS

The Development Application was approved subject to the conditions in the Council Assessment Report with the following amendments:

- Condition 5 to clarify the waste management plan reference.
- Condition 75 to include a process to update the plan of management.

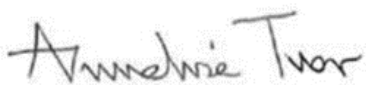
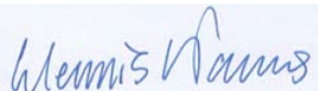
Final conditions uploaded to the NSW Planning Portal of the 15 December 2025.

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:

- Suitability of the site and location.
- Unsuitable intensity of development.
- The scale of commercial use inconsistent with the R2 Low-Density Residential Zone objectives.
- Bulk and scale of the development.
- Inadequate building setbacks to the street frontages.
- Deficiency / accuracy in submission including submitted traffic assessment.
- External traffic impact.
- Adequacy of the driveway and parking design.
- Resident / student safety and adequacy of surrounding pedestrian routes.
- Waste management, bin collection impacts.
- Impacts on surrounding neighbourhood.
- Environmental concerns including destruction of a significant number of mature trees.

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	
 Annelise Tuor (Chair)	 Penelope Holloway
 Glennis James	 Carol Provan
 Diedree Steinwall	

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	PPSSSH-198 - SUTHERLAND – DA25/0286
2	PROPOSED DEVELOPMENT	Demolition of existing structures and construction of a childcare centre with capacity for 95 children
3	STREET ADDRESS	167-169 Burraneer Bay Road BURRANEER 2230
4	APPLICANT/OWNER	Applicant: Matthew Hall Owner: 167 Burraneer Pty Ltd
5	TYPE OF REGIONAL DEVELOPMENT	Private infrastructure and community facilities over \$5 million
6	RELEVANT MANDATORY CONSIDERATIONS	- Environmental planning instruments: - State Environmental Planning Policy (Planning Systems) 2021 - State Environmental Planning Policy (Resilience and Hazards) 2021 - State Environmental Planning Policy (Sustainable Buildings) 2022 - State Environmental Planning Policy (Transport and Infrastructure) 2021 - Child Care Planning Guideline (CCPG) - State Environmental Planning Policy (Industry and Employment) 2021 - State Environmental Planning Policy (Biodiversity and Conservation) 2021 - Sutherland Shire Local Environmental Plan 2015 (SSLEP 2015). - Draft environmental planning instruments: Nil - Development control plans: - Sutherland Shire Development Control Plan 2015 (SSDCP 2015) - Section 7.12 Development Contribution Plan 2016 - Sutherland Shire - Planning agreements: Nil - Relevant provisions of the <i>Environmental Planning and Assessment Regulation 2021</i> - 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	- Council Assessment Report: 25 November 2025 - Written submissions during public exhibition: 22 - Verbal submissions at the public meeting: - Members of the Public: Joanne Furnari - Council assessment officer – Evan Phillips - On behalf of the applicant – Cameron Jones (Innovate Architects), Matthew Hall (D.velop.R P/L), Jeff Dooley (D.velop.R P/L), Jeff Mead (Planning Ingenuity) - Total number of unique submissions received by way of objection: 20
8	MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL	- Briefing: 28 July 2025 <u>Panel members</u>: Annelise Tuor (Chair), Penelope Holloway, Cr Carol Provan <u>Council assessment staff</u>: Evan Phillips, Slavco Bujaroski, Sue McMahon, Jennifer Cauberg

		○ <u>Applicant representatives</u>: Mathew Hall (D.velop.R), Jeff Dooley (D.velop.R), Jeff Mead (Planning Ingenuity), Brian Culla (Innovative Architects) ○ <u>DPIE</u>: Nikita Lange • Site inspection: 8 September 2025 ○ <u>Panel members</u>: Annelise Tuor (Chair), Penelope Holloway, Cr Diedree Steinwall ○ <u>Council assessment staff</u>: Evan Phillips, Slavco Bujaroski, Sue McMahon, Medha Trivedi, Jennifer Cauberg, Simon O'Brien • Final briefing to discuss council's recommendation: 15 December 2025 ○ <u>Panel members</u>: Annelise Tuor (Chair), Penelope Holloway, Glennis James, Cr Carol Provan, Diedree Steinwall ○ <u>Council assessment staff</u>: Evan Phillips, Slavco Bujaroski, Sue McMahon ○ <u>DPIE</u>: George Dojas
9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Attached to the Council Assessment Report, as updated on 15 December 2025