

<b>DATE OF DETERMINATION</b>	4 February 2022
<b>DATE OF PANEL DECISION</b>	1 February 2022
<b>DATE OF PANEL MEETING</b>	1 February 2022
<b>PANEL MEMBERS</b>	Helen Lochhead (Chair), Stuart McDonald, Heather Warton
<b>APOLOGIES</b>	None
<b>DECLARATIONS OF INTEREST</b>	None

Papers circulated electronically on 1 February 2022.

#### **MATTER DETERMINED**

PPSSSH-84 – SUTHERLAND SHIRE - DA21/0629 -101-109 Willarong Road, Caringbah 2229

Demolition of existing structures and construction of a mixed-use development, new bowling club facility with two bowling greens and 4 lot Stratum subdivision.

#### **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 independent 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 Local Environmental Plan 2015 (LEP), that has demonstrated that:

- a) compliance with cl. 4.3 (building height) is unreasonable or unnecessary in the circumstances; and
- b) there are sufficient environmental planning grounds to justify contravening the development standard

the panel is 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 (building height) of the LEP and the objectives for development in the R4 High Density Residential zone; and
- c) the concurrence of the Secretary has been assumed.

#### **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 uphold the Clause 4.6 variation to building height; and approve the application for the reasons outlined in the council assessment report.

#### **CONDITIONS**




The development application was approved subject to the conditions in the council assessment report and the following amended conditions

- Condition 1- ...any architectural plans to have reference to Revision J. Any details of inconsistencies with the stormwater plans must be updated to reflect the approved architectural plans
- Condition 23- endorsement of plan of consolidation to be issued prior to occupation certificate

### CONSIDERATION OF COMMUNITY VIEWS

In coming to its decision, the panel considered eight (8) written submissions were made during public exhibition. The Panel notes that issues of concern included:

- Traffic and parking
- Pedestrian safety
- Overdevelopment, building height, out of character
- Loss of trees and deep soil planting
- Lack of consultation with 113 Willarong Rd
- Lack of contribution to Greenweb restoration corridor

PANEL MEMBERS	
 Helen Lochhead (Chair)	 Stuart McDonald
 Heather Warton	

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	PPSSSH-84 -Sutherland – DA21/0629
2	PROPOSED DEVELOPMENT	Demolition of existing structures and construction of a mixed-use development, new bowling club facility with two bowling greens and 4 lot Stratum subdivision.
3	STREET ADDRESS	101 – 109 Willarong Road, Caringbah 2229
4	APPLICANT/OWNER	Applicant - Adam Martinez Owner - Caringbah Bowling and Recreational Club
5	TYPE OF REGIONAL DEVELOPMENT	General development over \$30 million
6	RELEVANT MANDATORY CONSIDERATIONS	<ul style="list-style-type: none"> <li>• Environmental planning instruments: <ul style="list-style-type: none"> <li>○ State Environmental Planning Policy (affordable Rental Housing) 2009 (ARH SEPP)</li> <li>○ State Environmental Planning Policy No. 65 – Design Quality of Residential Flat Development (SEPP 65)</li> <li>○ State Environmental Planning Policy No. 55 – Remediation of Land (SEPP 55)</li> <li>○ State Environmental Planning Policy (Infrastructure) 2007 (Infrastructure SEPP)</li> <li>○ State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004</li> <li>○ Greater Metropolitan Regional Environmental Plan No. 2 – Georges River Catchment</li> <li>○ Sutherland Shire Local Environmental Plan 2015 (SSLEP2015)</li> </ul> </li> <li>• Draft environmental planning instruments: Nil</li> <li>• Development control plans: <ul style="list-style-type: none"> <li>○ Sutherland Shire Development Control Plan 2015 (SSDCP 2015)</li> </ul> </li> <li>• Planning agreements: Nil</li> <li>• Provisions of the <i>Environmental Planning and Assessment Regulation 2000</i>: Nil</li> <li>• Coastal zone management plan: Nil</li> <li>• The likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality</li> <li>• The suitability of the site for the development</li> <li>• Any submissions made in accordance with the <i>Environmental Planning and Assessment Act 1979</i> or regulations</li> <li>• The public interest, including the principles of ecologically sustainable development</li> </ul>
7	MATERIAL CONSIDERED BY THE PANEL	<ul style="list-style-type: none"> <li>• Council assessment report: <b>11 January 2022</b></li> <li>• Clause 4.6 variation for Clause 4.3 (Height of Buildings)</li> <li>• List any council memo or supplementary report received: <b>11 January 2022</b></li> <li>• Written submissions during public exhibition: 8</li> </ul>
8	MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> <li>• Briefing: 16 September 2021 <ul style="list-style-type: none"> <li>○ <u>Panel members</u>: Helen Lochhead (Chair), Stuart McDonald, Heather Warton, Peter Scaysbrook, Jack Boyd</li> <li>○ <u>Council assessment staff</u>: Carine Elias, Lauren Franks, Mark Adamson, Sri Soerono <ul style="list-style-type: none"> <li>○ DPIE: Leanne Harris, Carolyn Hunt, Michelle Burns</li> </ul> </li> </ul> </li> <li>• Site inspection: Panel members visited the site individually on different days due to Covid-19 precautions.</li> </ul>

		<ul style="list-style-type: none"> <li>• Final briefing to discuss council's recommendation: 1 February 2022 <ul style="list-style-type: none"> <li>○ <u>Panel members</u>: Helen Lochhead (Chair), Stuart McDonald, Heather Warton</li> <li>○ <u>Council assessment staff</u>: Carine Elias, Lauren Franks; Beth Morris, Amanda Treharne <ul style="list-style-type: none"> <li>○ <u>Applicant</u>: Adam Martinez, Joseph Scuderi, Cameron Byrne, Aaron Sutherland, Nick Byrne, Ryan Jones, Barry Whitton, Garry Oldroyd, Martin Hillier, Maddie Whitey</li> </ul> </li> <li>○ <u>DPIE</u>: Leanne Harris; Carolyn Hunt; Holly McCann, Jeremy Martin</li> </ul> </li> </ul>
9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Attached to the council assessment report