

<b>DATE OF DETERMINATION</b>	17 December 2020
<b>PANEL MEMBERS</b>	Helen Lochhead (Chair), Stuart McDonald, Heather Warton, Jack Boyd, Peter Scaysbrook
<b>APOLOGIES</b>	None
<b>DECLARATIONS OF INTEREST</b>	None

Papers circulated electronically on 10 December 2020.

#### **MATTER DETERMINED**

PPSSSH-9 – SUTHERLAND SHIRE – DA19/0756

310, 312 and 314 Taren Point Road Caringbah

Demolition of Existing Structures, Construction of A Residential Flat Building with Basement Levels, Rooftop Communal Space, Forty-nine (49) Units With An Affordable Housing Component And Strata Subdivision (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.

Only for DAs supported by a cl 4.6 request:

#### **Application to vary a development standard**

Following consideration of a written request from the applicant, made under cl 4.6 (3) of the Sutherland Shire Local Environmental Plan 2015 (LEP), that has demonstrated that:

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

the panel is satisfied that:

- the applicant's written request adequately addresses the matters required to be addressed under cl 4.6 (3) of the LEP; and
- the development is in the public interest because it is consistent with the objectives of cl. 4.3 (height of buildings) of the LEP and the objectives for development in the R4 zone; and
- 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; 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.

### CONSIDERATION OF COMMUNITY VIEWS

In coming to its decision, the panel notes that 2 written submissions made during public exhibition period in support of the proposal. There were no objections.

PANEL MEMBERS	
 Helen Lochhead (Chair)	 Stuart McDonald
 Heather Warton	 Jack Boyd
 Peter Scaysbrook	

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	PPSSSH-9 – SUTHERLAND SHIRE – DA19/0756
2	PROPOSED DEVELOPMENT	Demolition Of Existing Structures, Construction Of A Residential Flat Building With Basement Levels, Rooftop Communal Space, Forty-nine (49) Units With An Affordable Housing Component And Strata Subdivision
3	STREET ADDRESS	310, 312 and 314 Taren Point Road Caringbah
4	APPLICANT/OWNER	MBD Developments
5	TYPE OF REGIONAL DEVELOPMENT	CIV > \$5M - Private infrastructure and community facilities
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</li> <li>State Environmental Planning Policy No. 65 – Design Quality of Residential Apartment Development (SEPP 65)</li> <li>State Environmental Planning Policy No. 55 – Remediation of Land</li> <li>State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004</li> <li>State Environmental Planning Policy (State and Regional Development) 2011</li> <li>State Environmental Planning Policy (Infrastructure) 2007</li> <li>Greater Metropolitan Regional Environmental Plan No. 2 – Georges River Catchment</li> <li>Sutherland Shire Local Environmental Plan 2015 (SSLEP 2015)</li> </ul> </li> <li>Draft environmental planning instruments: <ul style="list-style-type: none"> <li>Draft State Environmental Planning Policy (Environment)</li> <li>Draft State Environmental Planning Policy (Remediation of Land)</li> <li>Draft State Environmental Planning Policy (Housing Diversity)</li> </ul> </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: November 2020 <ul style="list-style-type: none"> <li>Relevant EPI: SSLEP 2015</li> <li>Development standard: Clause 4.3 – Height of Buildings</li> <li>Zone: R4 High Density Residential</li> </ul> </li> <li>Written submissions during public exhibition: 2</li> </ul>
8	MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> <li>Final briefing to discuss council's recommendation: 16 December 2020 <ul style="list-style-type: none"> <li><u>Panel members</u>: Helen Lochhead (Chair), Stuart McDonald, Heather Warton, Jack Boyd, Peter Scaysbrook</li> <li><u>Council assessment staff</u>: David Sheehan, Lauren Franks, Carine Elias</li> </ul> </li> </ul>
9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Attached to the council assessment report