



Report of Meeting

Sutherland Shire Local Planning Panel

Tuesday, 7 August 2018

6:00pm

Council Chambers

4-20 Eton Street, Sutherland

SUTHERLANDSHIRE

PRESENT: Charles Hill (Chairperson), Grant Christmas, Jan Murrell and David Russell.

STAFF IN ATTENDANCE: Manager, Development Assessment and Certification (Simone Plummer) and Manager, Major Development Assessment (Mark Adamson)

DISCLOSURES OF INTEREST

File Number: 2015/14239

Mr. Russell indicated that he had a conflict of interest in relation to DA 17/1723, and excluded himself from the site inspection, the meeting and all Panel discussions in relation to this item.

The Chairman accepted Mr Russell's position in relation to this matter.

SSLPP001-18	Proposal:	ALTERATIONS AND ADDITIONS TO AN EXISTING DWELLING
	Property:	LOT 28 DP 1077650 (NO. 50) GRAYS POINT ROAD, GRAYS POINT
	Applicant:	DAVID GRAHAM ABBOTT AND REBECCA ELIZABETH DAYNA ABBOTT
	File Number:	DA18/0524

No-one spoke for or against the proposal.

PANEL DECISION:

THAT:

1. Pursuant to the provisions of Clause 4.6 of Sutherland Shire Local Environmental Plan 2015, the written submission in relation to the variation to the building height satisfies the relevant provisions of Clause 4.6 and is therefore supported. It is recommended that the provisions of Clause 4.6 (**Appendix "B"**) be invoked and that the building height development standard be varied to 9.3m in respect to this application.
2. Pursuant to the provisions of Section 4.16 of the Environmental Planning and Assessment Act, 1979, Development Application No. 18/0524 for Alterations and additions to an existing dwelling at Lot 28 DP 1077650 (No. 50) Grays Point Road, Grays Point is determined by the granting of development consent subject to the conditions contained in **Appendix "A"** of the report.

REASON FOR THE DECISION:

The Panel notes that the subject land is located within Zone E3 Environmental Management pursuant to the provisions of Sutherland Shire Local Environmental Plan 2015. The proposed development, being alterations and additions to an existing dwelling, is a permissible land use within the zone with development consent from Council.

The application was advertised in accordance with Council Policy, and no submissions were received.

The proposal includes a Clause 4.6 Variation to the height development standard in the SSLEP 2015, demonstrating how compliance with the standard is unnecessary and unacceptable.

The Panel is satisfied that the reasons provided in support of the variation are satisfactory, having regard for the circumstances as outlined in Council's assessment report.

The application has been assessed by the Panel having regard to the Heads of Consideration under Section 4.15 (1) of the Environmental Planning and Assessment Act 1979.

The Panel considers that the application will not result in any significant impact on the environment or the amenity of nearby residents, and as such, the Panel considers that the proposal is satisfactory subject to the recommended conditions.

VOTES: The decision was unanimous.

SSLPP002-18 **Proposal:** **CONSTRUCTION OF A BOUNDARY FENCE BELOW
THE FORESHORE BUILDING LINE**

Property: **LOT 2 DP 215643 & LOT A DP 335169 (NOS.15 & 19)
JUVENIS AVENUE, OYSTER BAY**

Applicant: **GERRIT JOHN & DIANE DIKKENBERG**

File Number: **DA18/0345**

This application was **withdrawn** and was not considered by the Panel.

SSLPP003-18	Proposal:	DEMOLITION OF EXISTING STRUCTURES, CONSTRUCTION OF A RESIDENTIAL FLAT BUILDING AND STRATA SUBDIVISION
	Property:	LOTS 1 & 2 DP302432 (45-47) PARRAMATTA STREET, CRONULLA
	Applicant:	CIARAN GERARD GOODMAN
	File Number:	DA17/1723

Speaking for the proposal was Cameron Jones (Architect) and Jeff Mead (Planner)

Speaking against the proposal was Matthew Lennox

PANEL DECISION:

THAT:

Pursuant to the provisions of Section 4.15 of the Environmental Planning and Assessment Act, 1979, Development Application No. 17/1723 for Demolition of existing structures, construction of a residential flat building and strata subdivision at Lot 2 DP 302432, Lot 1 DP 302432 45 Parramatta Street, Cronulla, 47 Parramatta Street, Cronulla is determined by the refusal of development consent for the reasons outlined below.

1. Pursuant to the provisions of Section 4.15(1) (a) (ii) of the Environmental Planning and Assessment Act, 1979, the proposal is inconsistent with the objectives of Clause 4.3 of Sutherland Shire Local Environmental Plan 2015 (SSLEP 2015) and does not comply with the maximum building height development standard stipulated under Clause 4.3.
2. Pursuant to the provisions of Section 4.15(1)(a)(ii) of the Environmental Planning and Assessment Act, 1979, the proposal is inconsistent with Clause 6.14 of SSLEP 2015 and does not comply with the minimum landscaped area development standard stipulated under Clause 6.14 of SSLEP 2015
3. Pursuant to the provisions of Section 4.15(1) (a) (ii) of the Environmental Planning and Assessment Act, 1979, it is considered that the proposed development is unsatisfactory when considered against the applicable Urban Design Guidelines set out in Clause 6.16 and 6.17 of SSLEP 2015.
4. Pursuant to the provisions of Section 4.15(1)(a)(iii) of the Environmental Planning and Assessment Act, 1979, the proposed development does not comply with the required minimum side and rear boundary setbacks stipulated under the Apartment Design Guide (ADG) and SSDCP 2015.
5. Pursuant to the provisions of Section 4.15(1) (a) (iii) of the Environmental Planning and Assessment Act, 1979, the proposed development does not comply with the minimum basement side, front and rear setbacks stipulated under SSDCP 2015.

6. Pursuant to the provisions of Section 4.15(1) (b) of the Environmental Planning and Assessment Act, 1979, it is considered that the proposed development will result in a built form that is excessive for the site and will set an undesirable precedent for future development in the area.
7. Pursuant to the provisions of Section 4.15(1) (e) of the Environmental Planning and Assessment Act, 1979, the proposed development is contrary to the objectives of the R4 High Density Residential Zone in terms of its compatibility with the desired future character of the area and would not be in the public interest.

REASON FOR THE DECISION:

The Panel notes that the subject land is located within Zone R4 High Density Residential pursuant to the provisions of Sutherland Shire Local Environmental Plan 2015. The proposed development, being a residential flat building, is a permissible land use within the zone with development consent.

The Panel also notes that the application was placed on public exhibition and submissions were received from 2 households. The matters raised in these submissions have been addressed in the Council's assessment report.

Refusal of the application was also supported by Council's Submissions Review Panel (SRP), who concluded that concerns raised by the submissions were considered to be substantial.

The proposal is also subject to the provisions of SEPP 65, and Council engaged its Architectural Review Panel (ARAP), to guide the refinement of development to ensure design quality was achieved in accordance with SEPP 65.

The Panel is satisfied with that assessment.

The application was also reviewed by Council's Design Review Forum (DRF), and the Panel notes that as a result, a number of amendments were made to the proposed development.

The Panel however agrees with Council's assessment report and the general comments by Council's architect, that further amendment is required to reduce the size of the apartments and its basement footprint, to enable increased front and side setbacks, and compliant deep soil landscaping.

Whilst the applicant did respond to the matters raised by Council in the assessment report, the Panel still had concerns in relation to a number of design principles including context and neighbouring character, scale and built form, landscaping, amenity and aesthetics, and achievement of the particular objective of the R4 zone being:

- *To promote a high standard of urban design and residential amenity in a high quality landscape setting that is compatible with natural features.*

The proposal also includes a Clause 4.6 Variation to both the maximum building height development standard and the minimum landscaped area development standard contained within SSLEP 2015.

However the Panel agrees with Council's assessment in this instance, as the Clause 4.6 Variation requests have failed to satisfy all relevant provisions of that Clause, and as such the proposed variations are not supported for the reasons provided in the Council' assessment report.

The application has been assessed by the Panel, having regard to the Heads of Consideration under Section 4.15 (1) of the Environmental Planning and Assessment Act 1979.

In that regard the Panel agrees with Council's assessment that the application represents an over development of the site and will result in adverse impacts on the environment and amenity of the adjoining neighbour, and as such the Panel does not support the application in its current form.

VOTES: 3- Nil (Mr.Russell did not take part in the Panel's decision).

SSLPP004-18	Proposal:	DEMOLITION OF EXISTING STRUCTURES AND CONSTRUCTION OF A RESIDENTIAL FLAT BUILDING
	Property:	LOT 1 DP 655508, LOT 6 DP 230381 (NOS. 93 - 95) WILLARONG ROAD, CARINGBAH
	Applicant:	GREER CALABRO
	File Number:	DA17/0771

Speaking for the proposal were Peter Couvaras (Architect) and Lyndall Wynne (Planner).

Speaking against the proposal was Brian Phillips (Lawyer), representing the owners corporation for 97 Willarong Rd.

PANEL DECISION:

THAT:

1. Pursuant to the provisions of Clause 4.6 of Sutherland Shire Local Environmental Plan 2015, the written submission in relation to the variation to building height development standard satisfies the relevant provisions of Clause 4.6 and is therefore supported. It is recommended that the provisions of Clause 4.6 be invoked and that the building height development standard be varied from 16m to 16.3m (1.8% variation), in respect to this application.
2. That Development Application No.17/0771 for demolition of existing structures and construction of a residential flat building at Lot 1 DP 655508, Lot 6 DP 230381 93 Willarong Road, Caringbah, 95 Willarong Road, Caringbah be approved, subject to the conditions contained in Appendix A of the report.

REASON FOR THE DECISION:

The Panel has noted that subject land is located within Zone R4 High Density Residential pursuant to the provisions of Sutherland Shire Local Environmental Plan 2015. The proposed development, being a residential flat building is a permissible land use within the zone with development consent.

The Panel also noted that in response to the public exhibition, 5 submissions were received. The Panel is satisfied that the matters raised in these submissions have been dealt with by design changes or conditions of consent where appropriate, as provided in Council's assessment report, including the concerns raised by the objectors at the Panel meeting, relating to over shadowing, privacy and site isolation.

The proposal is also subject to the provisions of SEPP 65, and Council engaged its Architectural Review Panel (ARAP), to guide the refinement of development to ensure design quality was achieved in accordance with SEPP 65.

The Panel is satisfied with that assessment.

The Panel also notes that a 2 storey dwelling house located on this site would have the effect of overshadowing the villas to the south, given the subdivision pattern and the fact that the courtyards for the villas are orientated to the norther side boundary. The proposal complies with the height control under the R4 zone and provides an equitable setback as required for redevelopment in the R4 zone. It is also noted that this zone extends over the adjoining properties.

The application was also reviewed by Council's Design Review Forum (DRF), and as a result a number of amendments were made to the proposed development.

The proposal includes a Clause 4.6 Variation to the height development standard in the SSLEP 2015, demonstrating how compliance with the standard is unnecessary and unreasonable. The Panel notes that the height exceedance of some 300mm is in respect of the lift overrun that is centrally located in the building to minimize impacts.

The Panel is satisfied that the reasons provided in support of the variation are satisfactory, having regard for the circumstances as outlined in Council's assessment report.

The proposal also includes variations to the rear setback development control. The variation has been assessed by the Panel, and is considered acceptable.

The application has been assessed by the Panel, having regard to the Heads of Consideration under Section 4.15(1) of the Environmental Planning and Assessment Act 1979.

The Panel considers that the development is in accordance with what is envisaged for the R4 zone, and will not result in any unreasonable or unnecessary impacts on the environment, and as such, the Panel considers that the proposal is satisfactory subject to the recommended conditions.

VOTES: The decision was unanimous.

SSLPP005-18	Proposal:	DEMOLITION OF EXISTING STRUCTURES AND CONSTRUCTION OF A BUILDING CONTAINING 3 DWELLINGS AND 2 SWIMMING POOLS WITH 3 LOT STRATA SUBDIVISION
	Property:	LOT 24 SEC 2 DP 6417 (No.68) HOLT ROAD, TAREN POINT
	Applicant:	Vic Lake Architects
	File Number:	DA17/1188

Speaking against the proposal was Behrad Rezaei (objector).

Speaking on behalf of the applicant was Vic Lake (Architect)

PANEL DECISION:

THAT:

Development Application No.17/1188 for demolition of existing structures and construction of a building containing 3 dwellings and 1 swimming pool with 3 lot strata subdivision at Lot 24 Sec 2 DP 6417 (No. 68) Holt Road, Taren Point be approved, subject to the conditions contained in Appendix "A" of the report.

REASON FOR THE DECISION:

The Panel notes that the subject land is located within Zone R3 Medium Density Residential pursuant to the provisions of Sutherland Shire Local Environmental Plan 2015. The proposed development, being multi dwelling housing, is a permissible land use within the zone with development consent.

The Panel also notes that in response to public exhibition, 10 submissions were received. The matters raised in these submissions, and by the objector at the Panel Meeting, have been dealt with by design changes or conditions of consent where appropriate, as recommended in the Council's assessment report.

As the proposal falls within the Coastal zone, it has also been assessed having regard to the relevant provisions of the SEPP- Coastal Management (2018).

The Panel is satisfied that the proposal fulfils the requirements of the State Policy.

The concerns raised by the Council's architect in relation to the size and elevation of the terraces provided to Dwellings B and C, and overshadowing impacts to the adjoining property to the south, have been addressed by amended plans, resulting in the building form being in compliance with setback and height requirements, and a reduction in the size of the terraces to Dwellings B and C.

The application has been assessed by the Panel having regard to the Heads of Consideration under

Section 4.15(1) of the Environmental Planning and Assessment Act 1979.

The Panel considers that the application will not result in any significant impact on the environment or the amenity of nearby residents, and as such, the Panel considers that the proposal is satisfactory subject to the recommended conditions.

VOTES: The decision was unanimous.

SSLPP006-18	Proposal:	DEMOLITION OF EXISTING STRUCTURES, CONSTRUCTION OF A DUAL OCCUPANCY AND 2 INGROUND SWIMMING POOLS AND 2 LOT TORRENS TITLE SUBDIVISION
	Property:	Lot 29 DP 5700 (No.16) Want Street, Caringbah South
	Applicant:	Carlos Hafouri
	File Number:	DA17/1066

Speaking against the proposal were Peter Camilleri, Angela Field, Ian Bishop and Jodie Brett.
Speaking for the proposal was Carlos Hafouri (Building Designer), and Michael Luck (Owner)

PANEL DECISION:

THAT:

Pursuant to the provisions of Section 4.16 of the Environmental Planning and Assessment Act, 1979, Development Application No. 17/1066 for the demolition of existing structures, construction of a dual occupancy and 2 in ground swimming pools and 2 lot Torrens title subdivision at Lot 29 DP 5700 (No. 16) Want Street, Caringbah South is determined by the refusal of development consent for the reasons outlined below.

1. Pursuant to the provisions of Section 4.15(1) (a) (ii) of the Environmental Planning and Assessment Act, 1979, it is considered that the proposed development is unsatisfactory when considered against the applicable Urban Design Guidelines set out in Clause 6.16 and 6.17 of SSLEP 2015.
2. Pursuant to the provisions of Section 4.15(1) (b) of the Environmental Planning and Assessment Act, 1979, it is considered that the proposed development will result in a built form that is excessive for the site and will set an undesirable precedent for future development in the area.
3. Pursuant to the provisions of Section 4.15(1) (e) of the Environmental Planning and Assessment Act, 1979, the proposed development is contrary to the objectives of the R2 Low Density Residential Zone in terms of its compatibility with the desired future character of the area and would not be in the public interest.
4. Pursuant to the provisions of Section 4.15(1) (e) of the Environmental Planning and Assessment Act, 1979, information provided in relation to the Applicant's geotechnical report is not satisfactory and requires clarification.

REASON FOR THE DECISION:

The Panel noted that the subject land is located within Zone R2 Low Density Residential pursuant to the provisions of Sutherland Shire Local Environmental Plan 2015.

The proposed development, being a dual occupancy is a permissible land use within the zone with development consent.

The Panel notes that in response to public exhibition, 16 submissions were received.

The Panel also notes that whilst a number of matters raised in these submissions, and by the objectors at the Panel Meeting, had been dealt with by design changes, the Panel were still concerned about the number of further amendments required, as outlined in Council's assessment report.

In that regard the Panel agrees that any future application should address these outstanding issues.

A number of the objectors questioned the authenticity of the Applicant's geotechnical report, and the Panel were briefed on this issue by Council's planning staff. Given the uncertainty as to the validity of that report, the Panel were of the view that the report was unsatisfactory, and that its authenticity needed to be clarified in relation to any future application for the subject property.

The Panel were also concerned that insufficient attention had been given the particular objectives of the R2 zone being:

- *To promote a high standard of urban design and residential amenity in a high quality landscape setting that is compatible with natural features.*
- *To allow development that is of a scale and nature that provides an appropriate transition to adjoining land uses.*

The Panel were of the view that in relation to any future application, the applicant needed to further consider the provisions of Clauses 6.16 and 6.17 of Sutherland Local Environmental Plan 2015 related to Urban Design Guidelines, including, but not necessarily limited to, the extent to which high quality design and development outcomes for the urban environment will be attained; the extent to which the development will respond to the natural landform of the site; the extent to which any buildings are designed and will be constructed to contribute to the desired future character of the locality; and the extent to which any adverse impacts of the development on adjoining land in terms of overshadowing, overlooking, views, privacy and visual intrusions are addressed.

The application has been assessed by the Panel having regard to the Heads of Consideration under Section 4.15(1) of the Environmental Planning and Assessment Act 1979.

The Panel considers that the application will result in significant adverse impact on the environment and the amenity of nearby residents, and as such, the Panel considers that the proposal is unsatisfactory and should be refused.

VOTES: The decision was unanimous.

The Meeting closed at 8.30pm.