



Report of Meeting

Sutherland Shire Local Planning Panel

Tuesday, 4 September 2018

6:00pm

Council Chambers

4-20 Eton Street, Sutherland

SUTHERLANDSHIRE

PANEL: Jason Perica, Grant Christmas, Julie Savet Ward, Peter Flynn.

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

DISCLOSURES OF INTEREST

File Number: 2015/14239

There were no declarations of interest.

SSLPP014-18	Proposal:	ALTERATIONS AND ADDITIONS TO AN EXISTING MOTOR SHOWROOM
	Property:	LOT 1 DP 1110066 (NOs. 1-3) KIORA ROAD, MIRANDA
	Applicant:	CENTRIC ARCHITECTS PTY LTD
	File Number:	18/0592

No-one registered to speak or addressed the Panel.

PANEL DECISION:

That while the Panel was supportive of granting consent as recommended, it holds the view that the DA is not within the jurisdiction of the Panel, as the proposal relies on Existing Use Rights and therefore the development standards do not technically apply (and thereby no contravention exists to trigger the Panel's jurisdiction). To remove any doubt, in the event the Panel has jurisdiction, the Panel delegates determination to the General Manager of Council pursuant to Section 2.20(8) of the Environmental Planning and Assessment Act 1979.

REASON FOR THE DECISION:

The Panel is of the view the application does not fall within its jurisdiction for reasons stated above (notwithstanding being supportive of granting approval).

VOTES: The decision was unanimous.

SSLPP015-18	Proposal:	CONSTRUCTION OF A SWIMMING POOL
	Property:	LOT 7 DP 262955 (NO. 11) RELIANCE PLACE, ILLAWONG
	Applicant:	BLUE HAVEN POOLS SOUTH PTY LTD
	File Number:	DA18/0667

No-one registered to speak or addressed the Panel.

PANEL DECISION:

THAT pursuant to Section 4.16 and 4.17 of the Environmental Planning and Assessment Act 1979, Development Application No. 18/0667 for construction of a swimming pool at Lot 7 DP 262955, No. 11 Reliance Place, Illawong be approved, subject to the conditions contained in Appendix "A" of the report to the Sutherland Shire Local Planning Panel meeting of 5 September 2018.

REASON FOR THE DECISION:

The Panel was provided with an updated Clause 4.6 request by the applicant prior to the meeting, which the Panel considered.

The Panel agreed with the assessment of environmental considerations outlined within the Council staff report, however noted the electrical transmission tower in the vicinity. Accordingly the Panel recommended consultation with the appropriate infrastructure provider to ensure pool construction and any ancillary structures comply with the safety requirements. A condition is to be included to ensure this consultation occurs prior to the issue of a Construction Certificate.

The Panel had regard to the applicant's updated Clause 4.6 request regarding the minimum Landscaped Area development standard within Clause 6.14 of Sutherland Shire LEP 2015 and formed the view the applicant's written request satisfactorily addressed required matters within Clause 4.6(3) of the LEP. The Panel was satisfied the proposal was consistent with the zone objectives and the objectives of the development standard, notwithstanding the non-compliance. In reaching this conclusion, the Panel had regard to the proposal, assessment within the Council staff report and observations at the site. The proposal was relatively minor and no landscape features were compromised, with appropriate mitigation through planting of an additional native tree given the E4 Environmental Living zone.

In terms of consideration of submissions and community views, it was noted that no submissions were received.

VOTES: The decision was unanimous.

SSLPP016-18	Proposal:	ALTERATIONS AND ADDITIONS TO EXISTING DWELLING
	Property:	LOT 159 DP 16481 (NO. 10) BURLEIGH AVENUE, CARINGBAH
	Applicant:	PAUL WILSHER
	File Number:	DA18/0458

No-one registered to speak or addressed the Panel.

PANEL DECISION:

THAT pursuant to Section 4.16 and 4.17 of the Environmental Planning and Assessment Act 1979, Development Application No. 18/0458 for alterations and additions to an existing dwelling at Lot 159 DP 16481, No. 10 Burleigh Avenue, Caringbah be approved, subject to the conditions contained in Appendix "A" of the report to the Sutherland Shire Local Planning Panel meeting of 5 September 2018.

REASON FOR THE DECISION:

The Panel agreed with the assessment of environmental considerations outlined within the Council staff report.

The Panel had regard to the applicant's Clause 4.6 request regarding the minimum Landscaped Area development standard within Clause 6.14 of Sutherland Shire LEP 2015 and formed the view the applicant's written request satisfactorily addressed required matters within Clause 4.6(3) of the LEP. The Panel was satisfied the proposal was consistent with the zone objectives and the objectives of the development standard, notwithstanding the non-compliance. In reaching this conclusion, the Panel had regard to the assessment within the Council staff report, the proposal and observations at the site. The proposal involved a very minor loss of landscaped area (no trees) within the front yard, compensated by replacement landscaping in the rear yard, with no overall landscaped area loss. The non-compliance arose from a pre-existing situation, which is not being made worse.

In terms of consideration of submissions and community views, it was noted no submissions were received.

VOTES: The decision was unanimous.

SSLPP017-18	Proposal:	ALTERATIONS AND ADDITIONS TO EXISTING DWELLING
	Property:	LOT 1 DP 516783 (NO. 240) ATTUNGA ROAD, YOWIE BAY
	Applicant:	PHIL O'DONNELL ARCHITECTS
	File Number:	DA18/0773

Speaking for the proposal was Belinda Patton (Architect).

PANEL DECISION:

THAT pursuant to Section 4.16 and 4.17 of the Environmental Planning and Assessment Act 1979, Development Application No. 18/0773 for alterations and additions to an existing dwelling at Lot 1 DP 516783, No. 240 Attunga Road, Yowie Bay be approved, subject to the conditions contained in Appendix "A" of the report to the Sutherland Shire Local Planning Panel meeting of 5 September 2018.

REASON FOR THE DECISION:

The Panel agreed with the assessment of environmental considerations outlined within the Council staff report.

The Panel had regard to the applicant's Clause 4.6 request regarding the minimum Landscaped Area development standard within Clause 6.14 of Sutherland Shire LEP 2015 and formed the view the applicant's written request satisfactorily addressed required matters within Clause 4.6(3) of the LEP. The Panel was satisfied the proposal was consistent with the zone objectives and the objectives of the development standard, notwithstanding the non-compliance. In reaching this conclusion, the Panel had regard to the assessment within the Council staff report, the proposal and observations at the site. The proposal involved new works within the existing building envelope and did not affect the landscaped area in any way. The technical need for a Clause 4.6 request arose from a pre-existing situation.

In terms of consideration of submissions and community views, it was noted that no submissions were received.

VOTES: The decision was unanimous.

SSLPP018-18	Proposal:	ALTERATIONS AND ADDITIONS TO EXISTING DWELLING AND INGROUND SWIMMING POOL
	Property:	LOT 1021 DP 1131832, (NO. 78) GRIFFIN PARADE, ILLAWONG
	Applicant:	CHARBEL HANNA
	File Number:	DA18/0418

No-one registered to speak or addressed the Panel.

PANEL DECISION:

THAT pursuant to Section 4.16 and 4.17 of the Environmental Planning and Assessment Act 1979, Development Application No. 18/0458 for alterations and additions to an existing dwelling at Lot 1021 DP 1131832, No. 78 Griffin Parade, Illawong be approved, subject to the conditions contained in Appendix "A" of the report to the Sutherland Shire Local Planning Panel meeting of 5 September 2018.

REASON FOR THE DECISION:

The Panel had queries regarding the new landscaped area and the suitability of establishing certain grassed areas on the plans. No representatives for the applicant were at the meeting to answer any queries. The Panel was of the view this was a matter for the applicant, given the proposal significantly enhanced the landscaped area compared to what currently exists, and if changes are needed or proposed, that would require any necessary approval at that time.

The Panel agreed with the assessment of environmental considerations outlined within the Council staff report. The Panel had regard to the applicant's Clause 4.6 request regarding the minimum Landscaped Area development standard within Clause 6.14 of Sutherland Shire LEP 2015 and formed the view the applicant's written request satisfactorily addressed required matters within Clause 4.6(3) of the LEP. The Panel was satisfied the proposal was consistent with the zone objectives and the objectives of the development standard, notwithstanding the non-compliance. In reaching this conclusion, the Panel had regard to the assessment within the Council staff report, the proposal and observations at the site. The non-compliance arose from an existing situation, and the new building works were above the existing building footprint or within hard paved areas. Overall, there was a significant improvement in the landscaped area at the site compared to the existing situation. .

In terms of consideration of submissions and community views, it was noted there were two submissions from one property and the Panel agreed with the assessment of issues raised, as documented in the Council staff report.

VOTES: The decision was unanimous.

SSLPP019-18	Proposal:	DEMOLITION OF EXISTING STRUCTURES, CONSTRUCTION OF A DWELLING, INGROUND SWIMMING POOL, BOAT SHED AND LANDSCAPING
	Property:	LOT 13 DP 6593 (NO. 2) BULLS ROAD, BURRANEER
	Applicant:	JWSMITH DESIGN PTY LTD
	File Number:	DA17/1700

Speaking for the proposal were: Martin Shume (Owner), James Smith (Architect), and Lyndall Wynne (Planner).

PANEL DECISION:

THAT pursuant to Section 4.16 and 4.17 of the Environmental Planning and Assessment Act 1979, Development Application No.17/1700 for demolition of existing structures, construction of a dwelling, in-ground swimming pool, boat shed and landscaping at Lot 13 DP 6593, No. 2 Bulls Road, Burraneer be approved, subject to the conditions contained in Appendix "A" of the report to the Sutherland Shire Local Planning Panel meeting of 5 September 2018, subject to the following amendments:

- A new condition 1A be added to state:
1A Removal of Existing Boatshed
Prior to the commencement of works on the new boatshed, approval shall be obtained from the relevant authority for the removal of the existing boatshed, ancillary structures and rails, with associated remediation of the foreshore area. Within 3 months of commencing work on the new boatshed, works associated with removal of the existing boatshed shall be commenced, and in any event, the existing boatshed, ancillary structures and rails, with associated remediation of the foreshore area, shall be completed prior to the completion and occupation of the new boatshed.
- A new Condition 1B be added to state:
1B Dwelling Roof to be non-trafficable
The dwelling roof shall not be accessible or trafficable, except for occasional maintenance purposes.
- The lettering within Condition 7 be corrected (to correct the repeat of Part A).
- Condition 7A(ii) be amended to state:
The internal driveway (within the site, external areas) must be paved or concreted, although the finish not to be plain concrete or pebblecrete (nor similar rough exposed aggregate finish)
- Part 7C (re-lettered to be 7D) be amended to state:
The approved parking must be used exclusively for parking of cars and vehicles for the life of the development, except where nominated for other purposes on the approved plans.
- Condition 10A be amended so the word "minimise" is changed to "prevent" and an additional sentence be included at the end of the Condition to state:

A copy of the Geotechnical Engineer's report must be provided to both immediately adjoining neighbours and to Council upon completion (with the copy to Council referencing the development approval condition).

- Conditions 11A and 12B be amended to require the provision of two tree species as listed (as opposed to 4), and to delete the requirement that the two trees necessarily be "different", to allow trees to either be the same species or different, at the applicant's discretion
- A new Condition 12A (after Condition 12) be added to state:

12A Off-site compensatory planting

Offsite planting under a "Deed of Agreement", at a cost of \$100 per tree, shall occur for the off-site provision of a total of 8 trees. Offsite planting will be undertaken as part of Council's Green Street Program. "Deed of Agreement" forms can be downloaded from Council's website. A completed form and payment must be submitted to Council prior to the release of a Construction Certificate (with proof provided to the Certifying Authority).

- The last sentence of Condition 18 be amended to read:

The reports must be prepared by a qualified and experienced Structural Engineer and a copy(s) provided to the Council, referencing the development approval condition.

REASON FOR THE DECISION:

The Panel had regard to a late submission from the neighbouring property at No. 4 Bulls Road.

It was noted that on page 138 a 123% non-compliance should say 23%. The Panel was also advised of the consideration of *State Environmental Planning Policy Coastal 2018* in relation to the proposal and the considerations for the Panel.

The Panel generally agreed with the assessment of environmental considerations outlined within the Council staff report.

The Panel had regard to the applicant's Clause 4.6 written request regarding the Foreshore Area contravention within Clause 6.9 of Sutherland Shire LEP 2015 and formed the view the applicant's written request satisfactorily addressed required matters within Clause 4.6(3) of the LEP. The Panel was satisfied the proposal was consistent with the zone objectives (which were cited in the Clause 4.6 written request) and the objectives of the development standard, notwithstanding the non-compliance. In reaching this conclusion, the Panel had regard to the Council staff report, the proposal and observations at the site. It was noted that the context of surrounding development was closer to the foreshore than proposed and appropriate design and mitigation measures were in place to consider and address impacts upon the foreshore.

In terms of consideration of submissions and community views, it was noted there were two submissions and the Panel agreed with the assessment of issues raised, as documented within the

Council staff report.

A number of amendments to recommended conditions were warranted, in order to ensure removal of an existing boatshed (to ensure one of the claimed, and agreed, benefits of the proposal was realised), ensuring the dwelling roof was not trafficable (as intended), refinements to the wording of conditions, appropriate management and communication of potential geotechnical and dilapidation issues and to allow compensatory off-site planting given some constraints of the site due to its shape, the reasonableness of the landscaping proposed and the benefits of reducing longer term view impacts to neighbours.

VOTES: The decision was unanimous.

SSLPP020-18	Proposal:	CONSOLIDATION OF 3 LOTS AND CONSTRUCTION OF A RESIDENTIAL FLAT BUILDING CONTAINING 34 DWELLINGS (AS AMENDED)
	Property:	LOT 14 DP 29614, LOT 1 DP 504124, LOTS 1-3 S/P 12620, (NOS.10-14) MOANI AVENUE, GYMEA
	Applicant:	Homebur Develop Pty Ltd
	File Number:	DA17/0782

Speaking for the proposal were Lyndall Wynne (Planner) and Danny Elias (Applicant on behalf of Owner)

PANEL DECISION:

THAT pursuant to Section 4.16 and 4.17 of the Environmental Planning and Assessment Act 1979, Development Application No. 17/0782 for Consolidation of 3 lots and construction of a residential flat building containing 34 dwellings at Lot 14 DP 29614, Lot 1 DP 504124, Lots 1-3 S/P 12620 (Nos. 10-14) Moani Avenue, GyMEA be approved, subject to the conditions contained in Appendix "A" of the report to the Sutherland Local Planning Panel meeting of 5 September 2018, subject to the words "+/- 20mm" being deleted in Conditions 20(A)(i) and (ii).

REASON FOR THE DECISION:

The Panel generally agreed with the assessment of environmental considerations outlined within the Council staff report.

The Panel had regard to the applicant's Clause 4.6 written requests regarding the Building Height contravention within Clause 4.3 of Sutherland Shire LEP 2015 and Floor Space Ratio within Clause 4.4 of Sutherland Shire LEP 2015 and formed the view the applicant's written requests satisfactorily addressed required matters within Clause 4.6(3) of the LEP. The Panel was satisfied the proposal was consistent with the zone objectives and the objectives of the Building Height and FSR development standards, notwithstanding the non-compliance. In reaching this conclusion, the Panel had regard to the Council staff report, the proposal and observations at the site. It was noted the proposed height was affected by the particular flood constraints at the site and the height non-compliance was restricted to rooftop structures providing overall amenity to the occupants, without adding any significant bulk due to the location, or impacts to neighbours. The bulk and scale of the proposal was similar to surrounding development and was contextually appropriate.

While there were concerns raised by the Council's Design Review Panel, the Panel was satisfied regarding the staff assessment of those issues, revised plans lodged and mitigation through recommended conditions of consent.

In terms of consideration of submissions and community views, it was noted there were no submissions.

VOTES: The decision was unanimous.

SSLPP021-18	Proposal:	SUPPLEMENTARY REPORT - VIEW LOSS - CONSTRUCTION OF ADDITIONAL DWELLING TO CREATE DETACHED DUAL OCCUPANCY
	Property:	LOT 2 DP 19260 (NO. 135) BUNARBA ROAD, GYMEA BAY
	Applicant:	JOHN & HAYLEY ANN ADIS
	File Number:	DA17/0806

Speaking for the proposal were Lyndall Wynne (Planner), Chris Freeburn (Architect), John Adis (Applicant), Steve Adis (Neighbour), and Diana Tahhan (Neighbour)

Speaking against the proposal were: David Ward (Neighbour) and Tyson Ek-moller (Planner)

PANEL DECISION:

THAT pursuant to Section 4.16 and 4.17 of the Environmental Planning and Assessment Act 1979, Development Application No. 17/0806 for construction of additional dwelling to create detached dual occupancy at Lot 2 DP 19260 (No. 135) Bunarba Road, GyMEA Bay be approved, subject to the conditions contained in Appendix "A" of the report to the Sutherland Shire Local Planning Panel meeting of 3 July 2018, subject to the following amendments:

- The consent be subject to Deferred Commencement conditions pursuant to Section 4.16(3) of the Environmental Planning and Assessment Act 1979 (with 12 months being permitted to satisfy the terms below to the written satisfaction of Council):

1. Design Changes to the First Floor

The first floor western wing shall be redesigned to reduce its overall length by relocating the northern wall of the northern bedroom 2 metres southwards. The building may be internally reconfigured to achieve this design change, including projection of the wing eastwards above the entry walkway to the dwelling, provided there is no nett increase in gross floor area.

2. Landscaping and Trees

Preparation and submission of a Landscape Plan including replacement of 44 trees (with potential for some off-site compensatory planting) consistent with the requirements of Condition 15 within Appendix "A" of the report to the Sutherland Shire Local Planning Panel meeting of 3 July 2018, although ensuring the on-site tree selection has regard to reasonable protection of views from neighbouring properties (including the subject property) either by appropriate placement or species selection.

The deferred development consent shall be issued, subject to the conditions contained in Appendix "A" of the report to the Sutherland Shire Local Planning Panel meeting of 3 July 2018, subject to removal of Condition 15 and subject to incorporating any additional conditions

reasonably related to the satisfaction of the deferred commencement consent terms above.

REASON FOR THE DECISION:

The Panel had regard to a late submission from the neighbour, the applicant's view analysis and submitted information, the previous and supplementary Council staff assessment report and site observations, assisted by height poles on the site, verified by a surveyor.

The Panel also had regard to concerns from a neighbour that the assessment report had not explicitly considered Clauses 6.10, 6.16 and 6.17 of Sutherland Shire LEP 2015 and Chapter 4 of Sutherland Shire DCP 2015. The Panel was satisfied the substance of the issues were addressed within the staff report and in any event appraised itself of the requisite considerations in forming its view (as part of an adjournment).

It was noted the proposal had been amended to delete subdivision, resulting in the site width development standard not being breached.

The Panel had regard to the applicant's Clause 4.6 written request regarding the Building Height contravention within Clause 4.3 of Sutherland Shire LEP 2015 and formed the view the applicant's written request satisfactorily addressed required matters within Clause 4.6(3) of the LEP. The Panel was satisfied the proposal was consistent with the zone objectives and the objectives of the Building Height development standards, notwithstanding the non-compliance, although subject to further design changes to reasonably address those objectives and view sharing principles. In reaching this conclusion, the Panel had regard to the proposal, Council staff assessment reports and observations at the site and neighbouring properties. It was noted the proposed height complied with the height limit for single dwellings, which was applicable to surrounding development, although not with a clause applying to dual occupancies. The second (existing) dwelling on the site was considerably removed from that proposed, located near the foreshore on considerably lower ground and the proposed dwelling, which otherwise had a similar siting, scale and height to adjoining and surrounding development.

Despite this, the Panel considered the wider balance of environmental considerations for the zone, tree removal, LEP objectives and the nature of the proposal, and carefully considered view impacts. The Panel was of the view that some further revision to the proposal was warranted to achieve reasonable view sharing, including from No. 4 Westringia Place. It was acknowledged there would be some changes and some improvements to elements of outlook from that property due to tree removal. However, a valued view to GyMEA Bay and boats was affected and this could be reasonably reduced by movement of the first floor to the south, with some internal redesign, which may still afford a similar development outcome without unreasonable impacts upon the proposal. The Panel debated this required setback, between 2m and 3m, and arrived at a required 2m setback by majority vote.

In terms of considering community opinions, the various opinions from support to opposition were noted. The panel generally agreed with the Council staff assessment of issues raised, coming to its

own conclusion about view impacts.

VOTES: The decision was unanimous in terms of deciding to grant deferred commencement consent , although there was a split vote regarding the requirement for a 2m southern setback of the first floor, with Mr Perica using his casting vote with Ms Savet Ward, and Mr Christmas and Mr Flynn favouring a 3m setback.

The Meeting closed at 9:18pm.