



Report of Meeting

Sutherland Shire Local Planning Panel

Friday, 21 September 2018

eDETERMINATION MEETING

SUTHERLANDSHIRE

PANEL: Jason Perica (Chair), Charles Hill, Julie Savet Ward, Peter Flynn

IHAP035-18 – DA17/1056 was determined electronically as it was initially reviewed by the Panel at the public meeting of 19 June 2018 and at that meeting the Panel directed that following receipt of the required information:

The Council staff shall report the matter back to the Panel for determination as soon as practicable which may occur by electronic means.

DISCLOSURES OF INTEREST
File Number: 2015/14239

There were no disclosures of interest.

SSLPP032-18	Proposal:	FURTHER REPORT - DEMOLITION OF EXISTING
IHAP035-18		STRUCTURES AND CONSTRUCTION OF A
		RESIDENTIAL FLAT BUILDING
	Property:	LOT 16 AND LOT 17 DP 23494 (NOS. 669-671) OLD
		PRINCES HIGHWAY, SUTHERLAND
	Applicant:	CRESCO - OPUS FUND PTY LTD
	File Number:	DA17/1056

PANEL DECISION:

THAT:

Pursuant to the provisions of Section 4.16 of the Environmental Planning and Assessment Act 1979, Development Application No. 17/1056 for demolition of existing structures and construction of a residential flat building at Lots 16 and Lot 17 DP 234941 (No. 669-671) Old Princes Highway, Sutherland be approved, subject to the conditions contained in Appendix "A" of the further report but amended to include the following:

Replacement of Condition 2A(i)(b) to read:

"Screening between the open lobby area and the adjacent water feature is not to exceed 1.4 metres in height."

New condition numbered 12A(vii) to read follows:

"Car parking spaces 14, 15 and 16 are to be changed to two accessible car parking spaces with a common shared zone between them. Car parking spaces 12 and 13 and the shared zone between them are to be converted into three car parking spaces and the space behind the shared zone is to become a stacked car parking space."

REASON FOR THE DECISION:

Following the original public hearing (19 June 2018) the Panel generally agreed with the Council staff assessment report, with some areas of disagreement. The issue of parking provision had mixed views within the Panel, with the majority of the Panel satisfied with 36 car spaces (having regard to the ADG provisions, Department of Planning and Environment's Planning Guideline, location of the site and close compliance), while Peter Flynn was of the view 38 spaces should be required, given the DCP controls tailored for the area and based on research and Council's consistent application of the parking controls. In terms of the basement setback to Old Princes Highway, the Panel agreed a 3m setback should be provided (whether or not the landscaped area standard was met) although some minor encroachment may be acceptable for part of the frontage. This would necessitate a basement redesign, which should retain 36 car spaces, hopefully achievable within 2 basement levels. If not and a third basement level was needed, then 38 car spaces could and should be accommodated.

The Panel resolved to defer determination of the application so that the following could be addressed:

- a) Meet and confer with Council staff about the technical disagreement about compliance with the landscaped area and FSR development standards, seeking to eliminate or minimise any areas of technical disagreement.
- b) Submit amended plans which address the design changes recommended within the Council staff report, which is to include either full or close compliance with the 3m basement setback to Old Princes Highway for deep soil planting and an associated redesign of the carpark (which in turn is not to include less than 36 car spaces, but to include at least 38 spaces if another basement level is required due to the setback change).
- c) Submit any necessary supporting information with the above to assist in the Panel's subsequent determination.

The Panel had regard to the further report provided by Council by way of eDetermination and noted from the Council report:

The proposal includes a variation to Clauses 4.3 Height of Building and Clause 4.4 Floor Space Ratio from SSLEP2015. This variation to Height of Building has been assessed in the original report to the Local Planning Panel and is considered acceptable, however; the variation to Floor Space Ratio is not acceptable based on the applicant's Clause 4.6 submission and as such, Design Change conditions are imposed to satisfy Clause 4.4 of SSLEP2015. In the other matters that the

Panel asked the applicant to address and the Council to review, the application is acceptable or can be brought into satisfactory compliance subject to conditions as detailed in this addendum report.

The Panel reviewed amended plans and additional information provided by the Applicant. In terms of consideration of submissions and community views, the Panel noted the application was not renotified in accordance with Council policy.

Jason Perica, the Panel Chair was of the view that the condition regarding the treatment of the lobby was unnecessary and was satisfied with the proposal (as amended). In his view, the floorspace non-compliance is minor, and reasonable flexibility is warranted. Mr Perica was satisfied the applicant's Clause 4.6 satisfactorily addressed required matters within Clause 4.6(3) of the LEP. Mr Perica was satisfied the proposal was consistent with the zone objectives and the objectives of the FSR development standard, notwithstanding the FSR non-compliance. The design changes to address the relatively minor FSR non-compliance would compromise the amenity of the design, with no meaningful benefit, in his view.

The remainder of the Panel resolved to amend the lobby area design and the flow on non compliance to floor space by way of an amendment to condition 2A(i)(b). The Panel unanimously agreed to address parking through the generation of an extra stacked car space utilising the currently inaccessible area behind the disabled parking shared zone space. This brings the total car parking provision from 36 to 37 spaces, by way of an amendment to condition 12.

VOTES

The decision to determine the application by way of approval was unanimous.

The meeting was an eDetermination meeting.