



Report of Meeting

Sutherland Shire Local Planning Panel

Tuesday, 16 October 2018

6:00pm

Council Chambers,
Level 2, Administration Building,
4-20 Eton Street, Sutherland

SUTHERLANDSHIRE

PANEL: Jason Perica (Chair), Charles Hill, Mary-Lynne Taylor and Mark Carleton.

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.

SSLPP033-18	Proposal:	USE OF AN EXISTING INDUSTRIAL UNIT AS A GYMNASIUM
	Property:	LOT A DP373 222 (NO. 26) MONRO AVENUE KIRRAWEE
	Applicant:	CROSSFIT KIRRAWEE
	File Number:	DA17/0907

No one spoke for or against the proposal.

PANEL DECISION:

That pursuant to the provisions of Section 4.16 and 4.17 of the Environmental Planning and Assessment Act 1979, Development Application No. 17/0907 for use of an existing industrial unit as a gymnasium at LOT a DP373 222 (No. 26) Monro Avenue Kirrawee be approved subject to the conditions contained in Appendix "A" of the report to the Sutherland Local Planning Panel meeting of 16 October 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, and granting consent was in the public interest. The proposal is relatively minor and the landscaped area was not being reduced by the proposal, with some improved tree planting through a condition of consent.

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

VOTES

The decision was unanimous.

SSLPP034-18	Proposal:	ESTABLISHMENT OF OUTDOOR SEATING AREA ADJACENT TO TENANCY T-41A AT MENAI MARKETPLACE
	Property:	LOT 3801 DP 848208, (NO. 152-194) ALLISON CRESCENT, MENAI
	Applicant:	LEND LEASE
	File Number:	DA18/0834

No one spoke for or against the proposal.

PANEL DECISION:

Part A

That pursuant to the provisions of Section 4.16 and 4.17 of the Environmental Planning and Assessment Act 1979, Development Application No. 18/0834 for establishment of outdoor seating area adjacent to tenancy T-41a at Menai Marketplace at LOT 3801 DP 848208, (no. 152-194) Allison Crescent, Menai be approved subject to the conditions contained in Appendix "A" of the report to the Sutherland Local Planning Panel meeting of 16 October 2018.

Part B

That the Panel resolve to delegate future Development Applications for outdoor dining where Council is the landowner in all instances except where Council is also the applicant, or where submissions are received, to the General Manager or other relevant staff manager responsible for determining Development Applications, pursuant to Section 2.28 of the Environmental Planning and Assessment Act 1979.

REASON FOR THE DECISION:

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

The application was minor, consistent with the zoning and appropriate for the site.

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

Certain applications of this type did not warrant determination by an expert Panel and it was appropriate for such applications to be determined by Council staff.

VOTES

The decision was unanimous.

SSLPP035-18	Proposal:	DEMOLITION OF EXISTING BUILDINGS AND CONSTRUCTION OF MIXED USE COMMERCIAL AND RESIDENTIAL DEVELOPMENT
	Property:	LOT 506 SP 1109821 (NO. 40 - 44) KINGSWAY, CRONULLA
	Applicant:	FOURWAYS MOTORS (BANKSTOWN) PTY LTD
	File Number:	DA17/1253

Speaking for the proposal was Julie Horder (planner) and Wayne Bentley (architect)

PANEL DECISION:

THAT:

Pursuant to the provisions of Section 4.16 and 4.17 of the Environmental Planning and Assessment Act 1979, Development Application No. 17/1253 for demolition of existing buildings and construction of mixed use commercial and residential development at LOT 506 SP 1109821 (NO. 40 - 44) Kingsway, Cronulla be approved subject to the conditions contained in Appendix "A" of the report to the Sutherland Local Planning Panel meeting of 16 October 2018, as amended by an updated set of revised conditions dated 16 October 2018 provided by Council staff, subject to additional condition in Part 2 to state:

2A Treatment of Exposed Eastern Wall

The exposed eastern boundary wall shall be finished with artwork, varied materials and colours, or combination thereof, to the written satisfaction of the Council prior to the issue of a Construction Certificate.

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 request regarding the Building Height contravention within Clause 4.3 of Sutherland Shire LEP 2015 and formed the view it 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 standard, notwithstanding the non-compliance, and granting consent would be in the public interest. In reaching this conclusion, the Panel had regard the Council staff report, the proposal and observations at the site. It was noted the proposed height contravention was relatively minor and limited to rooftop structures, which did not add apparent bulk to the streetscape or neighbours. The bulk and scale of the proposal was consistent with that to be envisaged by the planning controls and was suited to the site.

The comments and general support by the Council's Design Review Panel were noted. A deferred commencement consent was appropriate regarding remediation, with a RAP being received and able to be addressed with reasonable certainty to meet legislative requirements.

In terms of consideration of submissions and community views, it was noted there was one submission raising issues with parking and tree impacts. The proposal provided compliant parking and proposal retained the fig trees, reinforced by conditions of consent to require their retention and protection.

VOTES

The decision was unanimous.

SSLPP036-18	Proposal:	DEMOLITION OF EXISTING STRUCTURES AND CONSTRUCTION OF A MIXED USE DEVELOPMENT
	Property:	LOT 3 SEC 8 DP 1989, LOT 4 SEC 8 DP 1989 (NOS. 55 - 57) EAST PARADE, SUTHERLAND
	Applicant:	JOHN BAKER
	File Number:	DA17/1385

Speaking for the proposal was Jeff Mead (planner).

PANEL DECISION:

THAT:

Pursuant to the provisions of Section 4.16 and 4.17 of the Environmental Planning and Assessment Act 1979, Development Application No. 17/1385 for demolition of existing structures and construction of a mixed use development at LOT 3 SEC 8 DP 1989, LOT 4 SEC 8 DP 1989 (Nos. 55- 57) East Parade, Sutherland be approved, subject to an additional condition subject to additional condition in Part 2 to state:

2A Treatment of the Northern and Southern Wall

The northern and southern boundary walls shall be finished with artwork, varied materials and colours, or combination thereof, to the written satisfaction of the Council prior to the issue of a Construction Certificate.

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 request regarding the Building Height contravention within Clause 4.3 of Sutherland Shire LEP 2015 and formed the view it 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 and granting consent would be in the public interest. In reaching this conclusion, the Panel had regard the Council staff report, the proposal and observations at the site. It was noted the proposed height contravention was relatively minor and limited to a lift overrun, which did not add apparent bulk to the streetscape or neighbours.

The comments of the Design Review Panel were noted. However, a taller building than the maximum height within the LEP and the form supported by the DCP was not appropriate for the site without first reviewing the planning controls (albeit the Panel could see some logic for higher buildings so close to a train station).

The proposal did not follow the amalgamation pattern within the DCP for the site. However, the remaining site to the south was capable of redevelopment, being wider than the 20m referred to in the DCP where amalgamation is not proposed, and that adjoining site was not technically considered to be “isolated”. The efforts to seek amalgamation were also noted.

The proposal also did not follow the indicative built form within the DCP. However, the massing and design approach had been tailored to the site, particularly to protect existing trees to the street frontage and rear, which improved the relationship with the street and neighbours, more so than an alternative 3 storey podium in the indicative built form diagram. The main area of difference was the northern wall not being setback from the boundary. However, this still allowed the adjoining sites to be developed consistent with the DCP built form, or flexibility to abut the northern wall in an alternative arrangement. The lack of side windows reduced interface issues with future adjoining buildings, and the length of the boundary walls, their setback from the street and treatment (subject to further refinement) was acceptable on balance. The height to the rear lane was contextually appropriate.

The proposal performed satisfactorily against SEPP 65 and the associated ADG (subject to design changes accepted by the applicant through conditions of consent) and did not compromise the ability for neighbours to reasonably develop.

Dr Carleton noted that the proposed building design and appearance suffered significantly by not complying with Council's Amalgamation Plan including blank northern and southern gateway walls, nil side setbacks, and resulting privacy, cross ventilation and solar issues. Dr Carleton also noted that both Council's Design Review Panel and Council's Architect did not support the proposal. Insufficient details were supplied on amalgamation efforts.

In terms of consideration of submissions and community views, the Panel considered the 6 submissions made and agreed (by majority) with the assessment of those submissions within the staff report, also noting comments above.

VOTES

The decision was 3-1 in favour, with Mark Carleton voting against approval.

SSLPP037-18	Proposal:	DEMOLITION OF EXISTING STRUCTURES AND CONSTRUCTION OF A CHILD CARE CENTRE CONTAINING 101 CHILDREN
	Property:	LOT 12 DP26327, LOTS 5-7 DP26332 (NO. 1-7) VIEW STREET, MIRANDA
	Applicant:	INNOVATE ARCHITECTS PTY LTD
	File Number:	DA17/1786

Speaking for the proposal was Jeff Mead (planner) and Cameron Jones (architect)

Speaking against the proposal was Jill Newman, Nick Patakos, Beverley Sadler, Kevin Wong and Tanya Harper.

PANEL DECISION:

That the matter be deferred due to a lack of a written request to contravene the minimum lot size for No. 7 View Street and lack of analysis of that issue for the Panel. The applicant be invited to submit an amended variation request under Clause 4.6 of Sutherland LEP 2015 regarding this issue, the applicant and objectors be advised in writing and the matter be determined at a future Panel meeting (by a different Panel).

REASON FOR THE DECISION:

The decision was deferred despite announcement of support for approval at the public meeting, due to a technical and legal issue which was only properly clarified following the closure of the public meeting, relating to the minimum lot size of No. 7 View Street and the lack of a Clause 4.6 Variation Request submitted with the application. Due to this omission, the Panel took the view the applicant and neighbours should be advised and the matter subsequently determined following receipt of further information from the applicant and a report by Council staff. While the situation is unusual and regrettable, the Panel could not conscionably determine the matter for approval once it became aware of the problem, albeit after the public meeting. It was appropriate in the circumstances for further information and a report to be brought forward, with public notice as appropriate, and that the matter be determined by a different Panel to avoid any perception of preconceived bias.

VOTES

The decision was unanimous.