



Report of Meeting

Sutherland Shire Local Planning Panel

Tuesday, 7 May 2019

6:00pm

Black Box

Sutherland Entertainment Centre

30 Eton Street, Sutherland

SUTHERLANDSHIRE

PRESENT: Jason Perica (Chair), Grant Christmas (Alternate Chair, Item 1), Julie Savet Ward and David Russell

STAFF IN ATTENDANCE: Manager, Major Development Assessment (Mark Adamson)

DISCLOSURES OF INTEREST

File Number: 2015/14239

There were no declarations of interest.

SSLPP018-19	Proposal:	RA18/0009 - Section 8.2(1)(A) review of DA18/0628 Torrens title subdivision of 1 lot into 3 lots and demolition of existing dwelling
	Property:	Lot 104 DP 235861 (No. 80-82) Fernleigh Road, Caringbah South
	Applicant:	Lachlan Douglas Sidey
	File Number:	DA18/0628 and RA18/0009

Speaking for the proposal were Jeff Mead and Cameron Jones.

PANEL DECISION:

That pursuant to the provisions of Division 8.2 of the Environmental Planning and Assessment Act 1979, Development Application No DA18/0628 (as amended during the review process) the decision of 6 November 2018 is changed to **grant consent** to DA 18/0628 at Lot 104 DP 235861 (No. 80-82) Fernleigh Road, Caringbah South for a 3-lot Torrens Title subdivision and the demolition of the existing dwelling be subject to the conditions in Appendix A of the Council staff report to the Panel meeting of 7 May 2019 except as follows:

New condition -

1A. The gabion wall, planters and flat turfed terrace area above which is located in the north eastern corner of proposed Lot C adjacent to the foreshore building line is to be removed within 3 months of the date of this consent. This area is to be re-instated to its original natural contour including the natural rock outcrops.

Amend Condition 5B –

Heading to be changed to “Before Release of Subdivision Certificate”

REASONS FOR THE DECISION:

The Panel agreed with the assessment of the proposal by Council staff. The proposal, as amended, complied with key planning controls and was not inconsistent with the surrounding subdivision pattern. While the foreshore lot was large and the lot angles on the street lot may provide some design challenges, the issues of impacts on trees, the foreshore and adjoining development could be addressed at the DA stage for any new dwellings.

In terms of considering community views, the Panel noted no submissions were received.

The Panel noted that recent work in the form of a platform and gabion wall in the area of the foreshore building line had been carried out on the site. The Panel was advised that such work did not have development consent and was not exempt development. The Panel considered that such work should be removed and has imposed a condition of consent accordingly. The condition has been imposed pursuant to section 4.17(1)(f) of the Environmental Planning and Assessment Act 1979.

VOTES: The decision was unanimous (Jason Perica took no part in deliberations or the decision, as he was involved in the original DA decision).

SSLPP019-19	Proposal:	DA18/1159 - Demolition of Existing Structures, Subdivision of Allotment into 2 Torrens Title Lots and Construction of a Dual Occupancy on Each Proposed Lot and Construction of a Swimming Pool for Dwelling 1B
	Property:	LOT 1 DP 376057 (NO. 149) OYSTER BAY ROAD, OYSTER BAY
	Applicant:	IN THE PINK CONSTRUCTIONS PTY LTD
	File Number:	DA18/1159

Speaking against the proposal were Jaksun and Lisa Hanna, Emma and Mark Smith.

PANEL DECISION:

That Development Application No. 18/1159 for Demolition of existing structures, subdivision of allotment into 3 Torrens Title lots and construction of a dual occupancy on each proposed lot and construction of a swimming pool for dwelling 1B at Lot 1 DP 376057 (No.149) Oyster Bay Road, Oyster Bay is determined by the **refusal** of development consent for the reasons outlined below.

1. The proposed building height of 8.1m fails to comply with the development standard for the height of dual occupancies on internal lots of 5.4m as stipulated by cl.4.3(2B) of Sutherland Shire Local Environmental Plan 2015. A written request to contravene the development standard for the height of dual occupancies on internal lots has not been submitted for consideration in accordance with cl.4.6 of Sutherland Shire Local Environmental Plan 2015.
2. The proposed size of the front lot of 267m² fails to comply with the minimum lot size of 550m² for the subdivision of land in Zone R2 Low Density Residential as required by cl.4.1(3A) of Sutherland Shire Local Environmental Plan 2015. A written request to contravene the development standard for lot size has not been submitted for consideration in accordance with cl.4.6 of Sutherland Shire Local Environmental Plan 2015.
3. The proposed width of the front lot of 7.35m fails to comply with the minimum lot width of 15m for the subdivision of land in Zone R2 Low Density Residential as required by cl.4.1A(1)(a) of Sutherland Shire Local Environmental Plan 2015. A written request to contravene the development standard for lot width has not been submitted for consideration in accordance with cl.4.6 of Sutherland Shire Local Environmental Plan 2015.

4. The proposed floor space ratio of 0.57:1 for proposed Lot 2 and proposed floor space ratio of 0.59:1 for proposed Lot 3 exceed the maximum floor space ratio of 0.55:1 for a building on land in Zone R2 Low Density Residential as stipulated by cl.4.4(2) of Sutherland Shire Local Environmental Plan 2015. A written request to contravene the floor space ratio development standard has not been submitted for consideration in accordance with cl.4.6 of Sutherland Shire Local Environmental Plan 2015.
5. The landscaped area of 30% for proposed Lot 1 fails to meet the minimum 35% landscaped area for development on land in Zone R2 Low Density Residential as stipulated by cl.6.14(3) of Sutherland Shire Local Environmental Plan 2015. A written request to contravene the landscaped area development standard has not been submitted for consideration in accordance with cl.4.6 of Sutherland Shire Local Environmental Plan 2015.
6. The proposed front lot is not suitable to be subdivided separately as it provides no development potential for the purpose of a dwelling and, therefore, fails to satisfy the objectives contained in cl.4.1(1) of Sutherland Shire Local Environmental Plan 2015.
7. The proposed elevated driveway will not result in a high quality design or an appropriate development outcome for the urban environment of Sutherland Shire and will not integrate into the existing character of the location, neighbourhood or streetscape and, therefore, will be inconsistent with cl.6.16(1)(a) and cl.6.16(1)(b) of Sutherland Shire Local Environmental Plan 2015. The proposed elevated driveway will have an adverse impact on adjoining land in terms of visual intrusion, overlooking and privacy and adverse impacts on adjoining land in relation to bulk, scale and siting have not been minimised.
8. The proposed development will result in a significant alteration of the natural landform of the site which does not retain or enhance the natural environment nor does the proposal respond appropriately to the natural landform of the site or natural features and is, therefore, inconsistent with cl.6.16(d) and cl.6.16(e) of Sutherland Shire Local Environmental Plan 2015. The proposed development will result in adverse impacts on the natural environment by removing significant rock outcrops and a natural rock shelter that currently contribute to the landscape character of the site. The proposal will not protect, retain or enhance the natural features or trees on the land which is contrary to the R2 Low Density Residential zone objectives contained in Sutherland Shire Local Environmental Plan 2015 which requires natural features to be protected and enhanced and natural features to be retained when subdividing land.
9. The proposed excavation depth of 4.2m is non-compliant with the maximum 1m depth of excavation stipulated by Chapter 4.c.3.2.1 of Sutherland Shire Development Control Plan 2015.

10. The proposed dual occupancies provide a street setback of 2m and 1.6m which is significantly less than the minimum 4m street setback required for internal lots stipulated by Chapter 4.c.2.2.2 of Sutherland Shire Development Control Plan 2015.
11. The living room of Dwelling 1A does not receive 3 hours of sunlight between 9am and 3pm in mid-winter as required by Chapter 4.c.5.2.2 of Sutherland Shire Development Control Plan 2015.
12. The proposal is wholly unsuitable for the site in terms of site planning, disrespect of landforms, removal of natural features and trees, environmental impacts to neighbours and the neighbourhood, and relationship with the surrounds.
13. The development is contrary to objects of the EPA Act 1979 relating to ecologically sustainable development, protection of the environment, good design and orderly development of land.
14. In light of all the above, granting consent to the proposed development would not be in the public interest.

REASONS FOR THE DECISION:

The reasons for the decision are outlined in the decision itself above, given the matter was refused. The proposal is considered to be wholly unsuitable for the site and a fundamentally different approach to the site's development is needed.

The Panel generally agreed with the environmental assessment by Council staff within the assessment report (although some changes to reasons recommended were made). The Panel would not be able to grant consent in the absence of Clause 4.6 Variation Requests, although fundamental concerns were held regarding the merits of the proposal in any event.

The Panel considered submissions regarding the proposal and agreed the proposal should be refused for the reasons outlined.

VOTES: The decision was unanimous.

SSLPP020-19	Proposal:	DA18/0243 - Demolition of existing structures and construction of a boarding house
	Property:	Lot 1 DP200899 (No. 501) Kingsway Miranda
	Applicant:	Bureau SRH Pty Ltd
	File Number:	DA18/0243

Speaking against the proposal was Jean Balak.

Speaking for the proposal were Jonathon Wood, Simon Hanson, Romeo Daoud and Danny Daoud.

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. 18/0243 for the demolition of existing structures and construction of a 2 storey boarding house including manager's residence and basement car park at Lot 1 DP 200899 (No. 501) Kingsway Miranda be **approved** subject to the conditions contained in Appendix 'A' of the Council staff report to the Panel meeting of 7 May 2019, subject to the following changes:

- Condition 2A(iv) be amended so there is a minimum ceiling height of 2.4m rather than 2.1m for the first floor corridor;
- Add a new Condition 2A(x) to state:
"The garbage room shall be relocated to the basement (without reducing the quantum of car, bicycle and motorcycle parking on the site, deep soil planting nor the above ground building footprint) which may also result in an increased common room (or possibly relocated bicycle store if needed), with the revised plans to be to the written satisfaction to the Council's Manager Major Development prior to the submission of a Construction Certificate.
- Condition 3 be amended to require the Plan of Management to be revised prior to the submission of a Construction Certificate to the satisfaction of Council, including addressing the following:
 - Measures to encourage longer lengths of stay for residents;
 - Additional more qualitative procedures during screening for suitable residents;
 - Noise management measures;
 - Induction procedures for residents;
 - Ensuring privacy requirements are met regarding complaints;
 - Establishment and continuation of community liaison measures regarding the use and impacts on neighbours, to monitor its impacts;
 - Ensuring the manager is trained in mediation and conciliation.
- Condition 9 be deleted as it is a repeat of Condition 8.

REASONS FOR THE DECISION:

The Panel generally agreed with the assessment of the proposal by Council staff. The Panel also had regard to the draft Environment SEPP and Remediation of Land SEPP, receiving advice from Council staff reviewing those plans prior to, and at, the meeting.

The proposal complied with key standards and controls in the SEPP (Affordable Rental Housing) 2009 and Council's LEP. The use was permissible in the zone and suited to the site. The comments by the Council's architect were noted, and generally agreed, although the design intent of a condition to reduce the ceiling height to the first floor corridor could be reasonably achieved with a slightly higher ceiling height. The proposal, as amended during the assessment and subject to conditions of consent, was compatible with the character of the area and of a form, scale and finish which could be expected in the zone, given the applicable planning controls. Indeed, greater setbacks to immediate neighbours were provided than may otherwise be the case.

The impacts from the use are able to be appropriately regulated through conditions of consent and the governing legislation (including the EPA Act, 1979, Local Government Act 1993, associated Regulations and the Boarding Houses Act 2012).

In terms of consideration of submissions and community views, the Panel was not of a view the use was inappropriate and did not share concerns about such a use being fundamentally inappropriate for the area. Traffic impacts were generally minor and the proposal provided parking in accordance with the relevant guidelines. The provision of a wide driveway to the basement and opposite the neighbour at No. 21 Ventura Avenue would assist in improving access to and from that property. The northern side setback and landscaping, along with a reduction in height of 600mm and limited high sill openings reasonably reduced amenity impacts to the neighbour to the north at No. 22 Ventura Avenue. Issues raised at the meeting regarding the Plan of Management and role of the Manager were reasonably addressed either by the existing Plan of Management or the consent imposed by the Panel. Issues raised in submissions were considered, with the Panel agreeing with the assessment of those issues outlined in the assessment report.

VOTES: The decision was unanimous.

SSLPP021-19	Proposal:	DA18/0737 - Demolition of existing structures and construction of a multi dwelling development with three lot strata subdivision
	Property:	Lot 153 DP9230 (No.147) Holt Road, Taren Point
	Applicant:	Michelle Kathleen Mcaviney
	File Number:	DA18/0737

Speaking for the proposal were Lyndall Wynne and Michelle McAviney.

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. 18/0737 for Demolition of existing structures and construction of a multi dwelling development with three lot strata subdivision at Lot 153 DP 9230 (No. 147) Holt Road, Taren Point be **approved**, subject to the conditions contained in Appendix "A" of the report to the Panel meeting of 7 May 2019 subject to Condition 3 being amended to replace the words "the required" with "an".

REASON FOR THE DECISION:

The Panel agreed with the assessment of the proposal by Council staff. The Panel also had regard to the draft Environment SEPP and Remediation of Land SEPP, receiving advice from Council staff reviewing those plans prior to, and at, the meeting.

The proposal complied with key standards in the Council's Local Environmental Plan. The use is permissible within the zone and is suited for the site. While the lot was narrower and smaller in area than the minimum within Sutherland Shire DCP 2015, the proposal satisfied the considerations within that Plan, where such a variation may be acceptable.

The proposal, as amended during the assessment and subject to conditions of consent, would be compatible with the character of the area and of a form, scale and finish which could be expected in the zone, given the applicable planning controls.

In terms of consideration of submissions and community views, the Panel considered issues raised in submissions and at the Panel meeting, with the Panel agreeing with the assessment of the key issues outlined in the assessment report. In terms of privacy, the design and conditions appropriately addressed reasonable privacy. The proposal is not considered an overdevelopment of the site, and the streetscape impacts would be acceptable. Solar access met the DCP controls and the environmental impacts of the development were considered reasonable, subject to regulation and mitigation through conditions of consent.

VOTES: The decision was unanimous.

The Meeting closed at 8:12pm.