



Report of Meeting

Sutherland Shire Local Planning Panel

Tuesday, 4 June 2019

6:00pm

Black Box Room

Sutherland Entertainment Centre

30 Eton Street, Sutherland

SUTHERLANDSHIRE

PANEL: Jason Perica (Chair), Grant Christmas, Jan Murrell and 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.

SSLPP027-19	Proposal:	DA18/0897 - Alterations and Additions to Existing Dwelling
	Property:	Lot 15 DP231340 (No. 4) Albion Place, Engadine
	Applicant:	Wayne Trent Rylands, Narelle Elizabeth Rylands, Fab Siqueira Pty Ltd
	File Number:	DA18/0897

No-one spoke regarding the proposal.

PANEL DECISION:

That pursuant to the provisions of Section 4.16 and 4.17 of the Environmental Planning and Assessment Act 1979, That Development Application No. 18/0897 for Alterations and Additions to existing dwelling at Lot 15 DP 231340 (No. 4) Albion Place, Engadine be approved, subject to the development conditions contained in Appendix "A" of the report to the Panel meeting of 4 June 2019.

REASON FOR THE DECISION:

The Panel agreed with the assessment of the proposal by Council staff.

The Panel had regard to the applicant's (updated) 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 to the Council staff report, the proposal and observations at the site. It was noted the proposed height contravention was relatively minor and localised, arose from the slope of the land and did not have any significant impacts on neighbours or the streetscape.

In terms of consideration of submissions and community views, the Panel agreed with the assessment of the key issues outlined in the assessment report. The development was considered reasonable, subject to regulation and mitigation through conditions of consent.

VOTES: The decision was unanimous.

SSLPP028-19	Proposal:	DA18/0504 - Demolition of Existing Structures and Construction of a Residential Flat Building
	Property:	Lots 1-5 SP11909, Lots 1-6 SP2948, (No's 3-5) Parramatta Street, Cronulla
	Applicant:	Novus Property Investments Parramatta Street Pty Ltd
	File Number:	DA18/0504

Speaking for the proposal were Felix Antonius, Ben Black and Carolyn Deigan

Speaking against the proposal were Pam Talbot, Brendan Moon and Bradley Nann

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. 18/0504 for Demolition of Existing Structures and Construction of a Residential Flat Building at Lots 1-5 SP11909, Lots 1-6 SP2948, (No's 3-5) Parramatta Street, Cronulla be approved, subject to the conditions contained in Appendix "A" of the report to the Panel meeting of 4 June 2019, subject to:

- An additional Condition to state:
"All windows in the south elevation of the top level shall have minimum sill height of at least 1m above finished floor level, with the wall below this to be solid, not glazed (Reason: to reasonably reduce privacy impacts to the building to the south of the site)."

REASON FOR THE DECISION:

The Panel generally agreed with the assessment of the proposal by Council staff.

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 to the Council staff report, the proposal and observations at the site. The Panel noted the proposed height contravention was relatively minor and was limited to the lift overrun, which did not add apparent bulk to the streetscape or cause adverse impacts to neighbours. The bulk and scale of the proposal was consistent with that envisaged by the planning controls, and was suited to the site and surrounds. The development was not inconsistent with the character of the area, which can be considered partially in transition due to the applicable planning controls.

In terms of consideration of submissions and community views, the issues raised in submissions and at the Panel meeting were considered, with the Panel generally agreeing with the assessment of the key issues outlined in the assessment report. There were impacts on views to neighbours

particularly to the south, although these were generally related to views across a side boundary and the development was consistent with key planning controls, while the proposed height was not the key determinant of view impacts.

Similarly, in terms of solar access, while increased overshadowing arose from the development and beyond guidelines, the proposed site planning, including greater than required side setbacks, reasonably reduced shadowing impacts. The southern side setback was greater than required and greater than exists, also allowing some visual amelioration through planting.

Carparking provided met the DCP controls and traffic impacts were to be expected given the planning controls. The adjoining sites to the north and west were not considered isolated as they are developed for a use consistent with the R4 High Density zoning.

VOTES: The decision was unanimous.

SSLPP029-19	Proposal:	DA18/0405 - Demolition of 2 residential flat buildings and construction of a residential flat building containing 18 dwellings
	Property:	Lot 2-5 S/P 10144, Lot 1-20 S/P 1965, Lot 6 S/P 30846, S/P 10144, S/P 1965, S/P 30846 (No. 10) Boorima Place and (No. 3) Elizabeth Place, Cronulla
	Applicant:	Novus Property Investments Boorima Place Pty Ltd
	File Number:	DA18/0405

Speaking for the proposal were Ben Black, Felix Antonius and Carolyn Deigan

Speaking against the proposal were Dr Sandra Sunjic, Luigi (Lou) Martini, Matt Beale, Ray Ryan and Darrel Partridge

PANEL DECISION:

That pursuant to the provisions of Section 4.16 and 4.17 of the Environmental Planning and Assessment Act 1979, Development Application 18/0405 for demolition of 2 residential flat buildings and construction of a residential flat building containing 18 dwellings at Lot 2-5 S/P 10144, Lot 1-20 S/P 1965, Lot 6 S/P 30846, S/P 10144, S/P 1965, S/P 30846 (No. 10) Boorima Place and (No. 3) Elizabeth Place, Cronulla be approved, subject to the conditions contained in **Appendix "A"** of the report to the Panel meeting of 4 June 2019.

REASON FOR THE DECISION:

The Panel generally agreed with the assessment of the proposal by Council staff. The Panel received advice from Council staff that the total parking met Councils requirements so the parking did not constitute additional GFA, with parking allocation addressed by conditions.

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 to the Council staff report, the proposal and observations at the site. It was noted the proposed height contravention was relatively minor and was limited to the minor lift overrun, which did not add apparent bulk to the streetscape or cause adverse impacts to neighbours.

In terms of consideration of submissions and community views expressed in writing and at the meeting, the Panel agreed with the assessment of the key issues outlined in the assessment report. The site had the benefit of being surrounded by a road and lane, only sharing one boundary with another privately owned site. Surrounding sites were generally developed for similar uses, although in varying heights, forms and style. The proposed design was well articulated and of a high quality, with modulation and shapes to create visual interest.

While Boorima Place is relatively narrow, in terms of privacy, the nature of the interface to the north-west was to private open space and balconies generally having an interface with a public space, as opposed to a more private rear yards. The siting was appropriate and the development was not considered an overdevelopment of the site, complying with the FSR standard, and consistent with the character of the area.

There were concerns raised with access from Boorima Place, suggesting it be moved to Elizabeth Place, but on balance the Panel was satisfied the proposed access was acceptable, noting the access allowed easier garbage truck access, a new footpath was being provided which did not exist and would improve pedestrian safety and the scale of dwellings (from 13 to 18) was not a significant intensification of use. A number of driveways would also be removed.

VOTES: The decision was unanimous.

SSLPP030-19	Proposal:	DA18/0077 - Demolition of existing structures, construction of attached dual occupancy and 2 lot strata subdivision
	Property:	Lot 11 DP 221330 (No. 14) Mookara Place, Port Hacking
	Applicant:	Arkhaus
	File Number:	DA18/0077

Speaking for the proposal were Laura Featherstone and Michael Lescesin.

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. 18/0077 for demolition of existing structures, construction of attached dual occupancy and 2 lot strata subdivision at Lot 11 DP 221330 (No. 14) Mookara Place, Port Hacking be approved, subject to the conditions contained in **Appendix "A"** of the report to the Panel meeting of 4 June 2019, subject to the following amendments:

- Insertion of an additional condition to state:
"The rear roofs over both rear decks shall be deleted and replaced with an open pergola (with minimum 600mm spacings), with no roof. Details shall be provided to the satisfaction of the Certifying Authority with the application for a Construction Certificate (Reason: to reduce the rear bulk, noting non-compliance with the rear setback)".
- Insertion of an additional condition to state:
"The proposed two new rear corner trees shall be no closer than 2.5m to any boundary, with details to be provided in a revised Landscape Plan to form part of the Construction Certificate application (Reason: to reduce future issues regarding trees and tree branches across boundaries)".
- Insertion of an additional condition to state:
"The proposed new driveway crossing shall be reduced in width at the street crossover to be no more than 2.6m wide and the new driveway itself shall be wheel tracks with a minimum 1.2m wide central landscaped strip (e.g. grass). The pathways to both dwellings shall also be pavers set amongst grass or living groundcover. Details shall be provided to the satisfaction of the Certifying Authority with the application for a Construction Certificate. Reason: To increase landscaping, improve the health of trees and improve the streetscape presentation).

REASON FOR THE DECISION:

The Panel agreed with the assessment of the proposal by Council staff.

The Panel received clarification from Council staff that the provisions of Clause 4.1 and 4.1A did not apply to the proposal due to the strata subdivision component of the proposal.

In terms of consideration of submissions and community views, the Panel generally agreed with the assessment of the key issues outlined in the assessment report, although some aspects of detail warranted review and redesign, as reflected in the additional conditions of consent imposed by the Panel. The Panel believed there would be design alternatives that may be better, but the compliant aspects of the proposal warranted its approval. The environmental impacts of the development were considered acceptable, subject to regulation and mitigation through conditions of consent.

VOTES: The decision was unanimous.

SSLPP031-19	Proposal:	DA18/0279 - Demolition of existing structures and construction of a multi dwelling housing development containing 6 dwellings
	Property:	Lot 1 DP 22326 (No. 5) Oakwood Street, Sutherland
	Applicant:	Arkhaus
	File Number:	DA18/0279

Speaking for the proposal was Michael Lescesin

Speaking against the proposal were Jennifer Fraser, Ian Fuary, Laraine Degenhardt, Andrew Mathas and Marcela Bilek

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.18/0279 for Demolition of existing structures and construction of a multi dwelling housing development containing 6 dwellings at Lot 1 DP 22326 (No. 5) Oakwood Street, Sutherland, be approved, subject to the conditions contained in **Appendix "A"** of the report of the report to the Panel meeting of 4 June 2019, subject to the following changes:

- Insertion of an additional condition to state:
"The upper bedroom of rear Unit 6 and associated stairwell be deleted and the roof made non-habitable, with the roof being amended to be no higher than RL 74.4, with a pitched gabled roof and the ground floor ceiling height remain as proposed. Reason: to lower the rear building height in consideration of neighbouring interfaces, and reasonable controls to reduce the scale of the rear portions of medium density housing in the R2 zone)"
- Insertion of an additional condition to state:
"The driveway to the basement and associated northern retaining wall shall be setback at least 2m from the northern boundary, with associated redesign of the carpark and potentially dwellings above, without moving the basement or dwellings further south, east or west (Reason: to provide additional deep spoil planting to the north, to reduce vibration and potential impacts to the northern neighbour and to reduce excavation close to the boundary, noting the non-compliant basement setback)"
- Insertion of an additional condition to state:
"The fence along the northern boundary shall be provided at the applicant/owner's full expense. For the length of the fence between the street and the rear alignment of the dwelling to the north, the height shall be no higher than 1.8m above the retaining wall, but may be lower with mutual agreement between the owners. The fence shall be colourbond, unless otherwise agreed between the parties. (Reason: as a new fence is proposed, and to allow reasonable flexibility to the height and design if both owners agree)"
- Condition 27 be amended to require a copy to the PCA, Council and affected owners prior to commencement of work.

- Condition 14A be amended to:
 - change the word “minimise” to “avoid”;
 - amend the second last sentence be to require methods for vibration monitoring to be included; and
 - add a sentence to state: “A hard copy of the geotechnical report shall be provided to the PCA, Council and adjoining neighbours to the north and south prior to works commencing”.

REASON FOR THE DECISION:

The Panel generally agreed with the assessment of the proposal by Council staff. The Council staff provided additional information to the Panel about *SEPP (Vegetation in Non-Rural Areas) 2017*, clarification about native vegetation, confirmation regarding subdivision and RFS' role.

The development was generally compliant with controls and involved no variation to development standards in SLEP 2015. The use is specifically permissible in the zone. There was a non-compliance with the rear setback control, notwithstanding this control may have commenced following lodgement. It was reasonable in the circumstances, given the depth of the site, that the rear portion of the development be stepped down in scale, and this did not unduly affect the proposal (requiring the removal of one bedroom), yet would result in a significantly reduced rear form, appropriate in the circumstances. The site was generally suited to the development, although aspects of the proposal warranted review and amendment, as reflected in the decision (including reasons provided with those changes).

In terms of consideration of submissions and community views, written submissions and verbal submissions and at the Panel meeting were considered, with the Panel generally agreeing with the assessment of the key issues outlined in the assessment report (subject to comments above and addition conditions imposed). The environmental impacts of the development were considered reasonable, subject to regulation and mitigation through conditions of consent, including additional conditions requiring further redesign.

VOTES: The decision was unanimous.

The Meeting closed at **8.20pm**.