



Report of Meeting

Sutherland Shire Local Planning Panel

Tuesday, 17 September 2019

6:00pm

Black Box

Sutherland Entertainment Centre

30 Eton Street, Sutherland

SUTHERLANDSHIRE

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

STAFF IN ATTENDANCE: Manager, Development Assessment and Certification (Simone Plummer) and Acting Manager, Major Development Assessment (Carolyn Howell)

DISCLOSURES OF INTEREST

File Number: 2015/14239

Nil

SSLPP048-19	Proposal:	DA18/0752 - Alterations and additions to existing dwelling
	Property:	Lot 10 DP 790750, (22) Grosvenor Crescent, Cronulla
	Applicant:	Alan and Janelle Louise Harper
	File Number:	DA18/0752

Speaking against the proposal was Filip Sekulovski

Speaking for the proposal were Lyndall Wynne (Wynne Planning) and David Neate

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. 18/0752 for alterations and additions to existing dwelling at Lot 10 DP 790750, (22) Grosvenor Crescent, Cronulla be approved subject to the conditions recommended in the report by Council staff to the Panel meeting of 17 September 2019, as amended as follows:

- Condition 2A be amended so:
 - In Part (1) the obscure glass privacy screen shall be a minimum height of **1.6m** above finished floor level of the respective terraces;
 - In Part (2) and (3) the following sentence be added to both: "In this regard, there shall be no balustrade to the non-trafficable areas along their northern and eastern edges above any existing parapet or hob (and the maximum height of any new parapet or hob to the non-habitable area shall be 400mm above slab level)"
 - A new Part (5) to state: "The two northern windows to the ground floor music room shall have obscure glazing".
 - A new part (6) to state:
"The new landscaped areas shall include planting in accordance with the Native Plant Selector published by Council, including at least one canopy tree"

REASON FOR THE DECISION:

The Panel generally agreed with the environmental assessment as outlined in the Council staff report.

The Panel had regard to the applicant's request to contravene the maximum Height of Buildings Development Standard within Clause 4.3 of Sutherland Shire LEP 2015 ("the LEP"), made pursuant to Clause 4.6 of the LEP, 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 Panel noted the non-compliance largely arose from the requirement to measure height to the existing excavated internal floor level as opposed to the external interpolated natural ground level, and the existing building already exceeds the height limit.

The Panel also had regard to the applicant's request to contravene the minimum Landscaped Area Development Standard within Clause 6.14 of Sutherland Shire LEP 2015 ("the LEP"), made pursuant to Clause 4.6 of the LEP, 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 Panel noted the non-compliance was pre-existing and the proposal actually increased the amount of landscaped area on the site.

The alterations were relatively minor, were complementary to the existing dwelling and character of the area and were located to not intrude upon the Foreshore Area. Environmental impacts were reasonable mitigated or managed by the proposed design and conditions of consent. The setbacks were appropriate, notwithstanding a non-compliance with the "60% depth" control in the DCP.

In terms of consideration of submissions and community views, the Panel agreed with the assessment of the key issues outlined in the assessment report, including relating to view and privacy impacts. Some concerns raised by the neighbour were reasonable and a number of details to improve the privacy relationship with No. 20 Grosvenor Crescent were incorporated as conditions of consent. The proposal was generally consistent with a form envisaged by the planning controls and consistent with the character of the area, and impacts were reasonably mitigated by the design and conditions of consent.

VOTES: The decision was unanimous.

SSLPP049-19	Proposal:	DA17/1635 - Demolition of existing dwelling houses and church office, construction of 60 place child care centre, church library and administration building, including reconfiguration of car park
	Property:	Lot 26 DP 1054490, (806-812) Kingsway, Gymea
	Applicant:	Greek Orthodox Archdiocese Of Australia Consolidated Trust
	File Number:	DA17/1635

Speaking against the proposal were Stephen Vandenberg.

Speaking for the proposal were Gregory Koutoulas (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. 17/1635 for Demolition of existing dwelling houses and church office, construction of 60 place child care centre, church library and administration building, including reconfiguration of car park at Lot 26 DP 1054490, (806-812) Kingsway, Gymea be approved subject to the conditions recommended in the report by Council staff to the Panel meeting of 17 September 2019, with additional design change conditions to state:

- The new garbage area in the south-eastern corner of the site shall have solid walls to its south and east, and a solid roof (at the minimum required height). The garbage area shall be reduced in footprint to the minimum required and the remaining area landscaped to the south and east, to the greatest extent possible. Details shall be provided in the application for Construction Certificate.
- The ringing of the bell tower must only occur during daylight hours and not before 9am on any day. The bell must not be rung continuously throughout the day.
- The planter box to Outdoor Playspace B facing The Kingsway on Level 1 shall be planted with Lilli Pillys, of similar form and planting composition as along the southern edge of Outdoor Playspace A (fruit trees may be relocated).

REASON FOR THE DECISION:

The Panel generally agreed with the environmental assessment as outlined in the Council staff report.

The Panel had regard to the applicant's request to contravene the maximum Height of Buildings Development Standard within Clause 4.3 of Sutherland Shire LEP 2015 ("the LEP"), made pursuant to Clause 4.6 of the LEP, 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 Panel

noted the non-compliance was relatively minor and localised and related to a belltower, which helped visually signify the development, with negligible impact upon others.

The Panel also had regard to the applicant's request to contravene the minimum Landscaped Area Development Standard within Clause 6.14 of Sutherland Shire LEP 2015 ("the LEP"), made pursuant to Clause 4.6 of the LEP, 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. While the Panel noted the non-compliance was made worse by the "excess" provision of parking, the proposed parking was appropriate, and the landscaped area within the parking area was improved compared to the existing situation. This is the main landscaped interface with neighbours. The landscaped treatment and trees to The Kingsway was also improved.

The use was permissible in the zone and provided a use which would provide services to benefit the wider community.

In terms of traffic, the Panel noted support from both Council staff and RMS, and the proposed FSR/density being less than permitted for the land. While there would be increased traffic, the existing infrastructure could support this. The design had evolved with consultation with the Councils DRP and was appropriate for the site and its context.

In terms of consideration of submissions and community views, the Panel agreed with the assessment of the key issues outlined in the assessment report, including relating to traffic, parking, privacy, noise and design issues. The Panel visited the neighbouring property to the south to view that interface. There may have been an administrative error in not visiting one of the townhouses, although the Panel was able to get a very good understanding of the interface from its observations on site and from Townhouse 11. The impacts of the proposal were reasonably mitigated by the design and conditions of consent.

VOTES: The decision was unanimous.

SSLPP050-19	Proposal:	DA19/0081 - Construction of a new dwelling and retention of the existing waterfront dwelling to create a dual occupancy with 2 lot strata title subdivision
	Property:	Lot 217 DP 788627, (149) Fowler Road, Illawong
	Applicant:	ES Engineering & Design
	File Number:	DA19/0081

No-one spoke against the proposal.

Speaking for the proposal was Paul Brandon and Johny Sader.

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. 19/0081 for Construction of a new dwelling and retention of the existing waterfront dwelling to create a dual occupancy with 2 lot strata title subdivision at Lot 217 DP 788627, (149) Fowler Road, Illawong be refused for the following reasons:

1. The proposal is inconsistent with the objectives of the Environmental Management E3 zone, particularly dot points 1, 2, 3, 4.
2. The zoning and particularly the site characteristics including many mature trees and natural rock outcrops, as well as the significant change in land slope, requires a sensitive approach to the siting and development of the land. This would favour limiting the development footprint, respecting rock cliff faces and outcrops, and retaining significant trees. The proposal has not achieved this. Its siting, bulk, excavation and associated impacts on the natural environment are not acceptable.
3. The Panel considered the applicant's request to contravene the maximum Height of Buildings Development Standard within Clause 4.3 of Sutherland Shire LEP 2015 ("the LEP"), made pursuant to Clause 4.6 of the LEP, and formed the view the applicant's written request did not provide sufficient environmental planning reasons to support the proposed height and bulk. The location of building massing and height to the north is inappropriately sited and leads to the height non-compliance due to the significant change in land slope, also leading to excessive excavation.
4. The proposed removal of tree 14 is not supported. A more sensitive siting of the dwelling house should enable this tree to be retained, which would also ensure the siting relative to the steep cliff element was more sensitive and similar to adjoining dwellings to the east.
5. The proposal would have a significant impact on rock outcrops, which form an important visual and natural asset of the site.
6. The proposal is unsatisfactory against the provisions and considerations within Clause 6.2 of SSLEP 2015 (earthworks). The proposal involves excessive excavation, greater than the maximum 1m prescribed in SSDCP 2015 and is an inappropriate response to the landform.

7. The proposal is inconsistent with provisions in SEPP Coastal Management 2018, particularly in regard to impacts on trees, vegetation and natural features.
8. The proposal is unsatisfactory against the environmental, scenic and landform considerations within Clause 6.8 of SSLEP 2015.
9. The proposal is an unsatisfactory urban design response for the site and is inconsistent with provisions of Clause 6.16 and 6.17 of SSLEP 2015.

REASON FOR THE DECISION:

The Panel visited the site and the surrounding context. While the recommendation of Council staff was understood, it was not agreed with. The Panel understood that amendments had been made to the proposal to locate the dwelling towards Fowler Road and respected those amendments but was of a mind that a smaller dwelling with a footprint more sensitive to mature trees, particularly Tree 14, and a lighter touch on the land was more appropriate for the site given the environmental zoning. In terms of the lot width issue and Clause 4.6 submission, this was not an issue of concern for the Panel, although a number of other issues were, as outlined in the decision above.

Charles Hill had a dissenting opinion and favoured granting consent, generally agreeing with the Council staff assessment report.

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

VOTES: The decision was 3-1. Voting against the decision and supporting approval was Charles Hill.

The Meeting closed at **7:01pm**.