



Report of Meeting

Sutherland Shire Local Planning Panel

Tuesday, 1 October 2019

6:00pm

Black Box

Sutherland Entertainment Centre

30 Eton Street, Sutherland

SUTHERLANDSHIRE

PANEL: Jason Perica (Chair), Mary-Lynne Taylor, Julie Savet Ward and David Russell.

STAFF IN ATTENDANCE: Manager, Development Assessment and Certification (Simone Plummer) and Manager, Major Development Assessment (Mark Adamson).

DISCLOSURES OF INTEREST

File Number: 2015/14239

Nil.

SSLPP051-19 **Proposal:** **DA18/0349 - Demolition of existing structures, construction of mixed use development and 10 lot strata subdivision**

Property: **Lots 1-4 SP 52501, (18) Gerrale Street, Cronulla**

Applicant: **Innovate Architects Pty Ltd**

File Number: **DA18/0349**

Speaking against the proposal were Jim Flaherty and Tony Robb.

Speaking for the proposal were Cameron Jones and Lyndall Wynne.

PANEL DECISION:

THAT:

Pursuant to the provisions of Section 4.16 of the Environmental Planning and Assessment Act, 1979, Development Application No. 18/0349 for demolition of existing structures, construction of mixed use development and 10 lot strata subdivision at S/P 52501, Lot 1 S/P 52501, Lot 2 S/P 52501, Lot 3 S/P 52501, Lot 4 S/P 52501 18 Gerrale Street, Cronulla, 1/18 Gerrale Street, Cronulla, 2/18 Gerrale Street, Cronulla, 3/18 Gerrale Street, Cronulla, 4/18 Gerrale Street, Cronulla is determined by the refusal of development consent for the reasons outlined below.

1. The proposal is inconsistent with the objectives of Clause 4.3(1) of Sutherland Shire Local Environmental Plan 2015 (SSLEP 2015) and does not comply with the maximum building height development standard stipulated under Clause 4.3(2). The Clause 4.6 Contravention Request does not provide sufficient environmental planning grounds to support the variation, nor that compliance is unnecessary or unreasonable.
2. The proposal is inconsistent with the objectives of Clause 4.4(1) of SSLEP 2015 and does not comply with the maximum floor space ratio development standard stipulated under Clause 4.4(2). The Clause 4.6 Variation Request does not provide sufficient environmental planning grounds to support the variation, nor that compliance is unnecessary or

unreaosnable.

3. The proposed development does not meet the required minimum building separation stipulated under the Apartment Design Guide (ADG) nor side setbacks within SSDCP 2015 and has the potential to result in unacceptable visual bulk, visual and aural privacy impacts as well as view loss for adjoining development.
4. The proposal provides an inappropriate relationship with adjoining land and borrows amenity from neighbouring sites, as a consequence of the small site and inadequate setbacks.
5. The site is constained due to its size, frontage lengths and relationship with neighbours. The proposal is not suited to the site and is considered an overdevelopment.
6. The proposed development is unsatisfactory when considered against the applicable urban design matters set out in Clause 6.16 and 6.17 of SSLEP 2015.
7. The proposed development is contrary to the objectives of the B3 Commercial Core in terms of the over-provision of on-site car parking and is incompatible with the desired future character of the area.
8. The proposed development will result in a built form that is excessive for the site and will set an undesirable precedent for future development in the surrounding area, and would not be in the public interest.

REASON FOR THE DECISION:

The reasons for the decision are outlined in the decision above.

In terms of consideration of community views the Panel generally agreed with the assessment of issues raised as outlined in the Council staff report.

VOTES:

The decision was unanimous.

SSLPP052-19	Proposal:	DA18/1390 - Demolition of existing structures, retain existing Swimming Pool and construction of a New Dwelling, Swimming Pool and Boatshed
	Property:	Lot 100 DP 831250 (34) Grosvenor Crescent, Cronulla
	Applicant:	Innovate Architects Pty Ltd
	File Number:	DA18/1390

Speaking for the proposal were Jeff Mead, Cameron Jones and Johnny Derwent.

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 18/1390 for demolition of existing structures, retain existing Swimming Pool and construction of a New Dwelling, Swimming Pool and Shed at Lot 100 DP 831250 (34) Grosvenor Crescent, Cronulla be approved subject to the conditions contained in **Appendix A** of the report to the Panel meeting of 1 October 2019, subject to Condition 8A(iv) being amended so the reference to “12.5%” is replaced by “25%, while complying with the Australian Standards”.

REASON FOR THE DECISION:

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

The Panel had regard to the applicant’s Clause 4.6 request regarding the maximum Building Height development standard within Clause 6.3 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 height non-compliance is relatively minor, with no impacts of any consequence.

The Panel had regard to the applicant’s Clause 4.6 request regarding the Foreshore Area within Clause 6.9 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 built structure forward of the Foreshore Building Line is being reduced, both relative the existing and approved situation.

The proposal is well considered and suited to the site.

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

VOTES:

The decision was unanimous.

SSLPP053-19	Proposal:	DA18/1197 - Alterations and additions to an existing Dwelling
	Property:	Lot B DP 399446, (51) Tara Street, Sylvania
	Applicant:	Yuan & Chaolong Yang
	File Number:	DA18/1197

Speaking against the proposal were Ken Pardy and Lesley Bartlett.

Speaking for the proposal were Gregory Clobus and Yuan Yang.

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 18/1197 for Alterations and Additions to an existing Dwelling at Lot B DP 399446, (51) Tara Street, Sylvania be determined be the granting of a deferred commencement development consent subject to the conditions contained in **Appendix A** of the Council staff report to the Panel meeting of 1 October 2019, subject to the following additional Conditions within Part 1 of the deferred commencement terms:

- (vi) *The Landscape Plan be amended to strengthen, enhance and maintain a landscaped screen on the western boundary to provide protection against overlooking and visual impacts to the adjoining neighbours.*
- (vii) *The roof over the existing double garage shall not be trafficable and shall not include a parapet higher than 200mm above the adjoining first floor finished level.*
- (viii) *The air-conditioning units shall be removed from the garage roof to a noise-attenuated enclosure on the ground floor, reasonable setback from neighbours.*

And a new sentence be added at the end of the deferred commencement to state:

“Upon satisfaction of the details required above, Council shall issue an approval consistent with the Conditions in Part 2, and any conditions reasonably arising from consideration of the details submitted to satisfy the deferred commencement.”

REASON FOR THE DECISION:

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

The Panel had regard to the applicant's Clause 4.6 request regarding the Foreshore Area within Clause 6.9 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 non-compliance is minor and consistent with surrounding development.

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 increase in landscaping and planting as proposed and through conditions of consent.

In terms of community views, the Panel agreed with the assessment of the issues raised in submissions as contained within the Council staff report. The view and privacy impacts on adjoining land were not of such significance to warrant refusal of the application. The Panel had the benefit of viewing the site and contemplating the proposal from neighbouring land, at different levels and perspectives. The height, scale and siting of the development is consistent with what could be reasonably anticipated for the site, given the planning controls. The design changes and measures introduced into the development reasonably minimise privacy impacts to neighbours, subject to additional changes required by recommended conditions of consent, including additional conditions imposed by the Panel.

VOTES:

The decision was unanimous.

SSLPP054-19	Proposal:	DA19/0068 - Construction of a Swimming Pool
	Property:	Lot 17 DP 11338, (51) Kangaroo Point Road, Kangaroo Point
	Applicant:	Peter Karpodinis
	File Number:	DA19/0068

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. 19/0068 for Construction of a Swimming Pool at Lot 17 DP 11338, (51) Kangaroo Point Road, Kangaroo Point be approved subject to the draft conditions as tabled by Council staff at the meeting, and within background information provided to the Panel.

REASON FOR THE DECISION:

The Panel had regard to the applicant's Clause 4.6 request regarding the Foreshore Area within Clause 6.9 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 non-compliance is minor and the impacts on the foreshore and neighbours is very minor. The pool is in the same location as previously approved, albeit slightly higher. There will be a minor reduction in geotechnical risk, although this was not determinative.

The slight increase in pool height will result in a better physical and visual connection with the adjoining terrace and dwelling areas, improving amenity for the dwelling at no significant impact to others or the environment.

Impacts are able to be appropriately managed and mitigated by recommended conditions of consent.

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

VOTES:

The decision was unanimous.

The Meeting closed at 7:39pm.