



Report of Meeting

Sutherland Shire Local Planning Panel

Tuesday, 15 October 2019

6:00pm

Black Box

Sutherland Entertainment Centre

30 Eton Street, Sutherland

SUTHERLANDSHIRE

PRESENT: Jason Perica (Chair), Jan Murrell, Mary-Lynne Taylor, 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

Nil.

SSLPP055-19	Proposal:	DA19/0391 - Conversion of an existing Cabana to a secondary Dwelling
	Property:	Lot 12 DP 717166, (175) Attunga Road YOWIE BAY
	Applicant:	Jeff Robinson Architects
	File Number:	DA19/0391

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. DA19/0391 for Conversion and extension of an existing cabana to secondary dwelling at 175 Attunga Road Yowie Bay, be refused for the reasons outlined below:

1. The proposed development is not permissible under Clause 6.9(2) of the Sutherland Shire Local Environmental Plan 2015 in relation to limiting development within the foreshore area. This is not able to be remedied by a written submission in accordance with Clause 4.6 of SSLEP 2015.
2. The proposal is unsatisfactory when considered against the criteria in Clause 13 of SEPP (Coastal Management) 2018.
3. The proposed development fails to satisfy objectives 6.9(1)(a), (f) and (g) of Sutherland Shire Local Environmental Plan 2015 in relation to limited development within the foreshore area.
4. The proposed development fails to satisfy objectives 6.10(1)(f) of Sutherland Shire Local Environmental Plan 2015 in relation to failing to protect the amenity and scenic quality of the foreshore area of Port Hacking.
5. The proposed development fails to satisfy objective 5.1(2) and (3) of Sutherland Shire Development Control Plan 2015 in that the private open space areas for both the primary and secondary dwellings are not sufficiently functional or private from each other.
6. The proposed development is not suitable for the site as the location of the proposed secondary dwelling has unsuitable pedestrian access and is beyond the acceptable distance from a fire hydrant for fire-fighting purposes.
7. The proposed development is not in the public interest as it will establish a precedent for similar development within the Foreshore Area of the immediate locale.

Part B (advice to Council, not for the determination)

By way of comment, the Panel notes apparent past unauthorised works and a Complying Development Certificate which may have been issued in error, and recommends Council staff take appropriate compliance action.

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 as outlined in the Council staff report.

VOTES:

The decision was unanimous.

SSLPP056-19	Proposal:	Construction of a Garage over existing Car Park Deck
	Property:	Lot 1 DP 8774, (35) Bonnet Avenue COMO
	Applicant:	Fimmano Design Studio
	File Number:	DA19/0315

Chin Young spoke in support of the application.

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. DA19/0315 for construction of a garage over an existing car park deck at Lot 1 DP 8774, 35 Bonnet Avenue, Como be approved, subject to the conditions contained in **Appendix A** of the report by Council staff to the Panel meeting of 15 October 2019.

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, localised and related to the slope of the land, with no impacts of any significant consequence.

In terms of consideration of community views, the Panel noted there was one submission from Sydney Water, which raised a procedural matter which is addressed by conditions of consent.

VOTES:

The decision for approval was unanimous. However Jason Perica had a dissenting view that the consent should be a deferred commencement, requiring the garage door to be setback from Bonnet Avenue a distance to allow appropriate sight lines and safe passage of vehicles along the roadway, with the setback to be determined by Council staff while still allowing carparking on site to meet Australian standards, or alternatively, the front garage door may be deleted and kept open like the northern neighbour. However, this view was not shared by other Panel members.

SSLPP057-19	Proposal:	DA18/1459 - Demolition of existing structures and construction of a residential flat building containing 12 units and basement car parking
	Property:	Lot 1 DP 14636, Lot 2 DP 6641, (21) Acton Street, Sutherland
	Applicant:	Architecture and Building Works
	File Number:	DA18/1459

Speaking against the proposal were Rachael and Haydon Skinner

Speaking for the proposal were Jim Apostolou (architect) and Bernard Moroz (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. DA18/1459 for demolition of existing structures and construction of a residential flat building containing 12 units and basement car parking at Lot 1 DP 14636, Lot 2 DP 6641 (21) Acton Street, Sutherland be determined by the granting of a deferred commencement development consent, subject to the conditions contained in **Appendix A** of the report to the Panel meeting of 15 October 2019 and subject to the following additional conditions to be included in the terms of the deferred commencement (Part 1):

- (v) The face brick in the eastern side wall shall be of a lighter tone, to improve indirect light transmission to the adjoining eastern property at 11-17 Acton Street; and*
- (vi) the east and west facing privacy screens to front and rear units shall be fixed and angled to ensure an appropriate privacy relationship between properties.*

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, relating to a lift overrun, with no impacts of any consequence.

In terms of community views, the Panel agreed with the assessment of the issues raised in submissions as contained within the Council staff report (noting a petition from 11-17 Acton Street was tabled at the meeting). The use, form and scale of the development was generally consistent with the prevailing planning controls and consistent with a form of development which could reasonably be

anticipated for the site. The setbacks were reasonable having regard to the provisions of the Apartment Design Guide. The design changes through the assessment reasonably minimised privacy impacts to neighbours, subject to additional changes required by recommended conditions of consent. In terms of overshadowing, there would be some additional overshadowing to adjoining land and some townhouses at 11-17 Acton Street, largely due to the orientation of those townhouses and their close relationship to the boundary. This overshadowing would be partially mitigated by the removal of the existing dwelling close to the eastern boundary which will improve some indirect daylight transmission to the east, and any additional overshadowing would be reasonably minimised due to the side setback provided, further improved by an addition condition regarding the proposed wall colour. The Panel noted the Council staff assessment that the adjoining eastern courtyards would receive the requisite sunlight access in midwinter specified in SSDCP 2015.

The design of the proposal is acceptable, and the Panel noted the comments and general support from Council's Design Review Forum.

The Panel noted the applicant accepted the recommended conditions and the additional conditions imposed by the Panel, which were discussed with the applicant at the meeting.

VOTES:

The decision was unanimous.

The Meeting closed at 6.56pm.