



# Report of Meeting

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## Sutherland Shire Local Planning Panel

Tuesday, 5 November 2019

6:00pm

Black Box

Sutherland Entertainment Centre

30 Eton Street, Sutherland

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SUTHERLANDSHIRE

**PANEL:** Charles Hill (Chair), Julie Savet Ward, Grant Christmas and David Corry.

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

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**DISCLOSURES OF INTEREST**

**File Number: 2015/14239**

Nil.

<b>SSLPP058-19</b>	<b>Proposal:</b>	<b>Construction of boatshed, access way, skid ramp, replacement of MDS docking pontoon and 2 stabilisation piles</b>
	<b>Property:</b>	<b>Lot 1 DP 1211640, (42) Rutherford Avenue, Burraneer</b>
	<b>Applicant:</b>	<b>Harbour Port Pty Ltd</b>
	<b>File Number:</b>	<b>DA19/0002</b>

**PANEL DECISION:**

The Panel notes that the subject application was withdrawn on 30 October 2019 by the applicant, and as such no further action is required by the Panel.

The Panel has been advised that those persons who made submission in relation to the proposed development have been advised accordingly.

<b>SSLPP059-19</b>	<b>Proposal:</b>	<b>Demolition of existing structures and construction of a residential flat building and rooftop swimming pool</b>
	<b>Property:</b>	<b>SP 35767, SP 8298, (1-3) Roker Street Cronulla</b>
	<b>Applicant:</b>	<b>Roker Street Developments Pty Ltd</b>
	<b>File Number:</b>	<b>DA18/1399</b>

Speaking against the proposal were Marilyn Jenkins and John Kornie.

Speaking for the proposal were Benjamin Black, Phillip Lord, and David Desson.

**PANEL DECISION:**

THAT:

1. Pursuant to the provisions of Clause 4.6 of Sutherland Shire Local Environmental Plan 2015, the written submission in relation to the variation to building height satisfies the relevant provisions of Clause 4.6 and is therefore supported. It is recommended that the provisions of Clause 4.6 be invoked and that the 16m development standard be varied to 16.9m, in respect to this application.
2. That Development Application No. 18/1399 for Demolition of existing structures and construction of a residential flat building at S/P 35767, S/P 8298 1 to 3 Roker Street, Cronulla is determined by the granting of a deferred commencement consent, subject to the conditions contained in **Appendix A** of the report, and amended as follows:

- Amendment of Condition 1 by the deletion of the following words:  
*The balconies on the eastern side of the building must be setback 6m from the front eastern boundary. This will require some modification to the internal space of the units and the eastern balconies. (The private open space of each unit must achieve 12m<sup>2</sup>/2.4m minimum depth).*

**REASON FOR THE DECISION:**

The subject land is located within Zone R4 – High Density Residential pursuant to the provisions of Sutherland Shire Local Environmental Plan 2015. The proposed development, being a residential flat building, is a permissible land use within the zone with development consent.

In response to public exhibition, the Panel notes that seven submissions were received, and are satisfied that the matters raised in these submissions have been adequately dealt with by design changes or conditions of consent where appropriate.

The Panel notes that the proposal will have some view loss impacts on surrounding properties, particularly to lower levels of existing residential flat buildings, but also notes that the conditions of approval require the deletion of the roof top terrace and balustrade which did impede views from units further afield.

The Panel however agrees with Council's assessment report that based on the distance and density of development situated between existing development to the east and The Esplanade and waterway, it is unreasonable to expect a development to completely retain a view when a permissible development is proposed.

The Panel had regard to the applicant's Clause 4.6 request regarding the maximum building height development standard within Clause 6.14 of Sutherland Shire LEP 2015, and formed the view the applicant's written request satisfactorily addressed the 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 application has been assessed by the Panel having regard to the Heads of Consideration under Section 4.15 of the Environmental Planning and Assessment Act 1979.

The Panel is of the view that the application will not result in any significant impact on the environment or the amenity of nearby residents, and as such supports Development Application No. 18/1399 for the reasons outlined in the Council's assessment report.

**VOTES:**

The decision was unanimous.

<b>SSLPP060-19</b>	<b>Proposal:</b>	<b>Demolition of existing structures and construction of 2 residential flat buildings with 2 levels of basement parking containing 29 dwellings including 10 affordable housing units</b>
	<b>Property:</b>	<b>Lot 2 DP 230381, (284-286) Taren Point Road, Caringbah</b>
	<b>Applicant:</b>	<b>Architecture Design Studio (NSW) Pty Ltd</b>
	<b>File Number:</b>	<b>DA18/1069</b>

There were no speakers against the proposal.

Speaking for the proposal were Lyndall Wynne and Pavlo Doroch

#### **PANEL DECISION:**

THAT:

1. Pursuant to the provisions of Clause 4.6 of Sutherland Shire Local Environmental Plan 2015, the written submission in relation to the variation to building height development standard which satisfies the relevant provisions of Clause 4.6 and is therefore supported. It is recommended that the provisions of Clause 4.6 be invoked and that the building height development standard be varied to 19.2m, in respect to this application.
2. That Development Application No. 18/1069 for Demolition of existing structures and construction of 2 residential flat buildings with 2 levels of basement parking containing 29 dwellings including 10 affordable housing units at Lot 2 DP 230381 284-286 Taren Point Road, Caringbah be approved, subject to the conditions contained in **Appendix A** of the report.

#### **REASON FOR THE DECISION:**

The Panel notes that the subject land is located within Zone R4 High Density Residential pursuant to the provisions of Sutherland Shire Local Environmental Plan 2015. The proposed development, being a residential flat building, is a permissible land use within the zone with development consent.

The Panel had regard to the applicant's Clause 4.6 request regarding the maximum height development standard within Clause 6.14 of Sutherland Shire LEP 2015, and formed the view the applicant's written request satisfactorily addressed the 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 application has been assessed by the Panel, having regard to the Heads of Consideration under Section 4.15 of the Environmental Planning and Assessment Act 1979.

The Panel is of the view that the application will not result in any significant impact on the environment or the amenity of nearby residents.

Accordingly the Panel agrees with Council's assessment of Development Application No. 18/1069, and the recommendation of approval for the reasons outlined in the Council report.

**VOTES:**

The decision was unanimous.

<b>SSLPP061-19</b>	<b>Proposal:</b>	<b>Renewal of green waste chipping service to operate from October to April on up to 8 selected Saturdays between the hours of 9am and 4pm</b>
	<b>Property:</b>	<b>Lot 1 DP 325790, Lots 2-4 DP 9060, Lot 1 DP 1045789, (214R) Kingsway &amp; (639R) Kingsway, MIRANDA</b>
	<b>Applicant:</b>	<b>Sutherland Shire Council</b>
	<b>File Number:</b>	<b>DA19/0648</b>

There were no speakers for or against the proposal.

**PANEL DECISION:**

THAT:

Development Application No. 19/0648 for renewal of green waste chipping service to operate from October to April on up to 8 selected Saturdays between the hours of 9.00am and 4.00pm on Lot 1 DP 325790, Lot 2 DP 9060, Lot 3 DP 9060, Lot 4 DP 9060, Lot 1 DP 1045789, 214R Kingsway, Miranda, 639R Kingsway, Miranda be approved, subject to the conditions contained in **Appendix A** of the report, and amended as follows:

- Amend Condition1 by the deletion of the following words:  
*Except as amended by the Site Plan on Page 9 of the Acoustic Report prepared by Hibbs and Associates Pty Ltd dated November 2016 as any details on the application form and on any supporting information received with the application or contained in the following conditions*
- Condition 4 to be amended by restricting the operating hours of the chipping operations to the hours between 10am and 3pm.
- Orientation of the two mobile chipping machines as stated in the acoustic report.
- Activation of appropriate dust suppression methodology to minimise any adverse amenity problems caused by excessive traffic use of the oval, and or windy conditions.

**REASON FOR THE DECISION:**

The subject land is located within part RE1 Public Recreation zone and part SP2 Infrastructure zone (Classified Road) pursuant to the provisions of Sutherland Shire Local Environmental Plan 2015 (SSLEP2015).

The Panel notes that the proposed development, being a waste and recycling facility would ordinarily be a prohibited use, however the provisions of Clause 2.8 – Temporary use of land of SSLEP2015 allows the use to be undertaken.

The Panel notes that the matters raised in the submission as a result of the public exhibition of the proposed development, have been considered and addressed in the Council's assessment report, and conditions of consent imposed where appropriate.

The Panel also notes that the proposed use has been in operation on the site since 1998.

However the Panel agrees with Council's assessment report that the potential noise impacts as a result of the introduction of the second chipper is such that the effects of this on an on-going basis are no longer acceptable, given the changing character of the area surrounding the site.

Whilst temporary noise mitigation measures can be implemented, the Panel agrees with the Council's assessment report that the request for a further 2 years by the applicant is no longer a viable long term solution for this service.

In that regard the Council proposes that the service frequency in this application be reduced to 8 operational Saturdays between October and April of the following year, where the previous approval on a 2 year limited consent was for 11 operational days, and time-limited consent of 2 years be imposed, enabling sufficient time for Council to explore alternative sites to relocate the use.

The Panel agrees with this recommendation.

The application has been assessed by the Panel, having regard to the Heads of Consideration under Section 4.15 of the Environmental Planning and Assessment Act 1979.

The Panel supports Development Application No. 19/0648, for the reasons outlined in the Council's assessment report, subject to the conditions of approval as recommended, and imposition of a time-limited consent of 2 years, enabling sufficient time for Council to explore alternative sites to relocate the use.

**VOTES:**

The decision was unanimous.

<b>SSLPP062-19</b>	<b>Proposal:</b>	<b>Demolition of existing buildings, construction of a Dual Occupancy with basement car parking, 2 swimming pools and Torrens Title subdivision</b>
	<b>Property:</b>	<b>Lot 26 DP 9458, (68) View Street GYMEA</b>
	<b>Applicant:</b>	<b>Dezcon</b>
	<b>File Number:</b>	<b>DA19/0187</b>

There were no speakers for or against the proposal.

#### **PANEL DECISION:**

THAT:

Development Application No. 19/0187 for demolition of existing buildings, construction of a dual occupancy with basement car parking, 2 swimming pools and Torrens Title subdivision at Lot 26 DP 9458 68 View Street, Gynea be deferred pending receipt of an amended design which removes the basement level to provide carparking as close to existing ground level.

#### **REASON FOR THE DECISION:**

The subject land is located within Zone R2 Low Density Residential pursuant to the provisions of Sutherland Shire Local Environmental Plan 2015. The proposed development, being a dual occupancy, in ground swimming pools and Torrens title subdivision, is a permissible land use within the zone with development consent.

However the relevant objectives of the zone state as follows;

- *To provide for the housing needs of the community within a low density residential environment.*
- *To ensure the single dwelling character, landscaped character, neighbourhood character and streetscapes of the zone are maintained over time and not diminished by the cumulative impact of multi dwelling housing or seniors housing.*

The Panel does not believe that the proposed application satisfies these objectives.

In that regard the Panel notes in particular that the controls for dual occupancies in this zone aim to ensure that development is compatible with the established character and streetscape of a locality and preserves and enhances the garden and bushland setting of the zone.

The controls aim to deliver well designed homes that offer amenity to the residents and protect neighbours amenity.



Whilst the zone allows for a variety of housing types, all development is required to be at a scale and density that is compatible with the single dwelling character of the locality.

These objectives are reflected in the Controls required by Council in Clause 1.2 of the Development Control Plan, including, but not necessarily limited to, the need to reduce the bulk and scale of development so that it is not dominant in the streetscape, and an articulation of facades and massing of elements to be employed to reduce apparent bulk and scale from the street, as well as the design of the driveway to achieve a quality landscape setting for the development that mitigates potential visual impacts of excavation.

The application has been assessed by the Panel, having regard to the Heads of Consideration under Section 4.15 of the Environmental Planning and Assessment Act 1979.

The Panel is of the view that the application does not meet the objectives of the zone and is not of a scale and density that is compatible with the single dwelling character of the locality.

Accordingly, the Panel does not support Development Application No. 19/0187 in its current form for the reasons outlined above and requires that the proposal be re-designed to remove the basement level and to provide car parking at grade.

**VOTES:**

The decision was unanimous.

The Meeting closed at 7:30pm.