



Report of Meeting

Sutherland Shire Local Planning Panel

Tuesday, 19 November 2019

6:00pm

Black Box

Sutherland Entertainment Centre

30 Eton Street, Sutherland

SUTHERLANDSHIRE

PANEL: Jason Perica (Chair), Mary-Lynne Taylor, Charles Hill, 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.

SSLPP063-19	Proposal:	Construction of a Dual Occupancy, 1 Swimming Pool and 2 lot Strata Subdivision
	Property:	Lot 5 DP 1231326, (34) Yeramba Avenue, Caringbah South
	Applicant:	Lee Fretten Design
	File Number:	DA19/0280

Speaking against the proposal were Shaun and Daniela Freestone.

Speaking for the proposal was Lee Fretton for the applicant.

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. DA19/0280 for Construction of a Dual Occupancy, 1 Swimming Pool and 2 lot Strata Subdivision at Lot 5 DP 1231326, (34) Yeramba Avenue, Caringbah South be approved subject to the conditions contained in the Council staff report to the Panel meeting on 19 November 2019.

REASON FOR THE DECISION:

The Panel 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 4.3(2B) 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 is 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. The lower height limit is applicable due to being an "internal lot" for dual occupancy development and otherwise a higher dwelling or dwelling extension would be possible, with greater impacts to neighbours.

The impacts upon the waterway, landform and environment, in a physical and legislative context, are acceptable. DPI Water have issued General Terms of Approval. No trees are to be removed and a Vegetation Management Plan applies for the area below the Foreshore Building Line (which the proposal itself does not breach).

With the exception of a relatively minor height non-compliance related to the top of the parking structure, the proposal is compliant with other key development standards, including being 20% below the maximum FSR, and 15% more landscaped area than required. There are some DCP non-

compliances, including setbacks and excavation, although these are acceptable, because they are reasonably mitigated by the design and conditions of consent.

In terms of consideration of community views, the Panel noted there was one submission from a neighbour. The Panel's deliberations were aided by a site visit to the neighbouring property (and height poles erected on the subject property). The Panel agreed with the assessment of issues raised, as contained in the Council staff report. View impacts are considered acceptable, and an expectation to retain water views from open space areas is unrealistic. As previously stated, a dwelling or dwelling extension could have greater height and impacts than the building(s) proposed.

VOTES:

The decision was unanimous.

SSLPP064-19	Proposal:	2 Lot Torrens title subdivision to allow for sale of Council land to adjoining land owners
	Property:	Lot 14 DP1218946, (45B) Langer Avenue, Caringbah South
	Applicant:	Jamie Grounds
	File Number:	DA19/0457

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. DA19/0457 for 2 Lot Torrens title subdivision to allow for sale of Council land to adjoining land owners at Lot 14 DP1218946, (45B) Langer Avenue, Caringbah South be approved subject to the conditions contained in the Council staff report to the Panel meeting on 19 November 2019, subject to:

- Imposing a new Condition 7 to state:

7. Purpose of Lots

The new lots created by the subdivision shall not accommodate a new single dwelling on those lots alone, but must be consolidated with adjoining lots.

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 minimum Lot Area size development standard within Clause 4.1 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 facilitates the rational disposal of land to allow larger adjoining lots, while conditions of consent appropriately regulate this outcome, including protection of an easement.

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

VOTES:

The decision was unanimous.

SSLPP065-19	Proposal:	Demolition of existing structures and construction of 2 storey boarding house development with associated car parking
	Property:	Lot 20 DP 21200, (17) Best Crescent, Kirrawee
	Applicant:	Ghazi Al Ali Architects
	File Number:	DA18/1300

Speaking against the proposal were Brian Brennan, Jason Hawksworth, Mrs Robyn Galvin and Yantje Song.

No-one spoke for 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. DA18/1300 for demolition of existing structures and construction of 2 storey boarding house development with associated car parking at Lot 20 DP 21200, (17) Best Crescent, Kirrawee be refused for the following reasons:

1. While a boarding house is permissible and is a use conceptually appropriate for this site, the actual proposal is not suited to the site and is an overdevelopment in the context of the surrounding area and applicable controls.
2. A written request pursuant with the provisions of Clause 4.6 of Sutherland Shire Local Environmental Plan 2015 (SSLEP 2015), with respect to Clause 4.4 – Floor Space Ratio has not been submitted and is arguably required.
3. A written request pursuant with the provisions of Clause 4.6 of SSLEP 2015, with respect to Clause 30((1)(h) of State Environmental Planning Policy (Affordable Rental Housing) 2009 – cycle and motorcycle parking has not been submitted. An assessment of the variation to this required parking as a result of the Clause 4.6 not being submitted cannot be considered. In any event, insufficient numbers of cycle and motorcycle parking is of concern.
4. The proposal has failed to satisfy Clause 30A of State Environmental Planning Policy (Affordable Rental Housing) 2009 (Character of local area test) and the design, siting, scale, orientation and bulk of the development is incompatible with the character of the local area.
5. The proposal provides an excessive number of bedrooms and is inconsistent with Clause 30AA of State Environmental Planning Policy (Affordable Rental Housing) 2009. While the DA was lodged prior to this provision coming into effect, regard as a draft EPI warrants some consideration and weight to the provision itself.

6. The proposal fails to satisfy Clause 6.16(b)(i)(ii), (d), (e), (g) and 6.17(c), (d), (e), (f) of Sutherland Shire Local Environmental Plan 2015 as the design of the development has unacceptable bulk and scale that will not result in a high quality design, does not strengthen, enhance and/or integrate into the existing character and streetscape nor contribute to the existing and future desired character of the locality.
7. The application has failed to provide sufficient information including Social Impact Assessment, a detailed and comprehensive Plan of Management, details of privacy screening and details to satisfactorily resolve the issues raised.
8. The subject land is not suitable for the proposed development. Approval of the application will create an undesirable planning precedent and not be in the public interest.

REASON FOR THE DECISION:

The Panel generally agreed with the assessment of environmental impacts as outlined in the Council staff report. However, there was some debate about the FSR compliance and some uncertainty about inclusion of the circulation spaces. The Panel did not agree Part 5 of the DCP relating to “Multi-dwelling housing” applied to the proposed Boarding House, as:

- That Part of the DCP does not state it applies to Boarding Houses;
- Boarding Houses are separately defined in SSLEP 2015 from multi-dwelling housing and is a different category of residential accommodation; and
- The boarding house does not meet the definition of “multi-dwelling housing” as the first floor “dwellings” do not have “access at ground level”.

Notwithstanding this, the DCP controls for both dwellings and multi-dwelling housing are relevant in guiding the building form in the area, which affects the character of the area and future character of the area, and are therefore indirectly relevant for the purposes of the ARH SEPP character tests.

The Panel is of the view a boarding house may be acceptable for the site, but not in the form proposed. Issues and concerns relating to potential future occupants are not a concern for the Panel. Reasons for refusal recommended by Council staff were amended, as outlined in the terms of the decision above.

VOTES:

The decision was unanimous.

SSLPP066-19	Proposal:	Demolition of 3 Cottages
	Property:	Part Lot 531 DP 752034, Lot 307 MP 144, (7R) Old Ferry Road & (110R) Sylvan Ridge Drive, Illawong
	Applicant:	Ben Tax
	File Number:	DA18/1274

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. DA18/1274 for demolition of 3 cottages at Part Lot 531 DP 752034, Lot 307 MP 144, (7R) Old Ferry Road & (110R) Sylvan Ridge Drive, Illawong be approved subject to the conditions contained in the Council staff report to the Panel meeting on 19 November 2019, subject to an additional advising to state:

“The applicant should ensure existing retained cottages are not damaged during and as a result of construction activities. This would ideally involve a dilapidation report.”

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:

- Clause 5.10 of Sutherland Shire LEP 2015 and other applicable legislative requirements and considerations;
- The Statements of Significance for the cottages (as published on the State Heritage Register website);
- The objectives of the zone;
- The advice from Council’s heritage adviser;
- The state of significant disrepair of the current cottages;
- Proposed conditions of consent mitigating and managing heritage and other impacts (and noting the Crown applicant has agreed to the proposed conditions);
- The nett public benefits of the proposed demolition in terms of heritage impacts versus the improved accessibility to public land on the foreshore;

and concluded approval should be granted, notwithstanding the proposal involves demolition of heritage items listed in Council’s LEP.

In terms of consideration of community views, the Panel noted there was one submission from a neighbour. The Panel’s deliberations were aided by a site visit. The Panel agreed with the assessment of issues raised, as contained in the Council staff report, with concerns raised by the neighbour either not being relevant to the subject application (but rather matters for the occupant and

landlord) or where relevant, the concerns were reasonably managed and mitigated by conditions of consent.

VOTES:

The decision was unanimous.

The Meeting closed at 6:49pm.