



Report of Meeting

Sutherland Shire Local Planning Panel

Tuesday, 3 December 2019

6:00pm

Black Box

Sutherland Entertainment Centre

30 Eton Street, Sutherland

SUTHERLANDSHIRE

PANEL: Grant Christmas (Chair), Julie Savet Ward (Expert Member), Jan Murrell (Expert Member) and Peter Flynn (Community Representative Member).

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.

SSLPP067-19 **Sutherland Shire Local Planning Panel - Lodgement of Disclosures of Interest and Other Matters in Written Returns for the Period 01 July 2018 to 30 June 2019**
File Number: 2018/320336

REPORT RECOMMENDATION

THAT:

The report "Sutherland Shire Local Planning Panel Lodgement of Disclosures of Interest and Other Matters in Written Returns for the Period 1 July, 2018 to 30 June, 2019" be noted and accepted as tabling these returns in accordance with Code of Conduct for Local Planning Panel Members.

REASON FOR THE DECISION:

The Panel notes the contents of the report is in accordance with the statutory requirements.

VOTES:

The decision was unanimous.

SSLPP068-19	Proposal:	Alterations and additions to an existing dwelling
	Property:	Lot 21 DP 1037556, (30) Loch Lomond Crescent, Burraneer
	Applicant:	Donna Gay Pinhorn
	File Number:	DA19/0196

There were no speakers against the proposal.

Speaking for the proposal were Cameron Jones (architect) and Lyndall Wynne (town planner).

PANEL DECISION:

THAT:

1. Pursuant to the provisions of clause 4.6 of Sutherland Shire Local Environmental Plan 2015 ("the LEP"), the Panel was satisfied that the written requests in relation to the contravention of the development standards in clause 6.9 and clause 4.3 (as detailed below) have adequately addressed the required matters in clause 4.6(3) of the LEP. The Panel agreed that the clause 4.6 requests demonstrated that compliance with the development standards were unnecessary in the circumstances of the case. Further, the Panel considered that the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out.

2.

Development Standard	Clause	Requirement	Proposal	% Variation
Limited Development on the Foreshore Area	Clause 6.9	Foreshore development limited to requirements under Cl.6.9 – see LEP map	Alts and adds to existing dwelling - partly forward of FSBL	Approx. 12.8m ² encroaches up to 990mm
Height of Building	Clause 4.3	8.5m maximum	8.75m (new works)	2.9%

2. Development Application No. 19/0196 for Alterations and additions to an existing dwelling at Lot 21 DP 1037556 30 Loch Lomond Crescent, Burraneer be approved, subject to the conditions contained in **Appendix A** of the report.

REASON FOR THE DECISION:

The Panel had regard to the Applicant's clause 4.6 requests regarding the non-compliance with the Limited Development on the Foreshore Area development standard and the Height of Building development standard. The Panel formed the view the Applicant's written requests satisfactorily addressed the required matters in 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 proposed development satisfies the objectives of the E3 Environmental Management zone. The proposal is within the existing building envelope with no vegetation proposed to be removed, and therefore ensures that the natural qualities of the locality are able to continue to dominate. The proposed development will not have an adverse effect on these values and will retain the natural features of the site and locality. The proposal also will not adversely impact the views of neighbouring properties or result in adverse overlooking or overshadowing issues.

VOTES:

The decision was unanimous.

SSLPP069-19	Proposal:	Alterations and additions to existing dwelling, construction of a dwelling to form a dual occupancy with strata subdivision
	Property:	Lot 41 DP 813424, (299) Woollooware Road, BURRANEER
	Applicant:	Graphio AM
	File Number:	DA19/0175

There were no speakers against the proposal.

Speaking for the proposal were Dean Kizi (Applicant representative) and Jake Heap (owner).

PANEL DECISION:

THAT:

1. Pursuant to the provisions of clause 4.6 of Sutherland Shire Local Environmental Plan 2015 ("the LEP"), the Panel was satisfied that the written request in relation to the contravention of the height development standard in clause 4.3(2B) of the LEP adequately addressed the required matters in clause 4.6(3) of the LEP. The Panel agreed that the clause 4.6 request demonstrated that compliance with the development standard was unnecessary in the circumstances of the case. Further, the Panel considered that the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out.
2. Development Application No. 19/0175 for alterations and additions to an existing dwelling and construction of a dwelling to form a dual occupancy with strata subdivision at Lot 41 DP 813424 299 Woollooware Road, Burraneer be approved, subject to the conditions contained in Appendix A of the report.

REASON FOR THE DECISION:

The Panel was somewhat concerned about the design of the development and the precedent it may set for similar dual occupancy developments in the E4 zone. However, the Panel noted that the proposal made good use of the existing building form and footprint of the existing garage which was respectful to adjoining development.

The Panel was of the opinion that the proposal could have been better designed with a greater landscaped area. However, because the LEP permits dual occupancy development in the E4 zone, the proposed development is a likely outcome.

The development will have minimal streetscape impacts and the design of the development will ensure views are shared appropriately between new and existing development.

VOTES:

The decision was unanimous.

SSLPP070-19	Proposal:	First stage of foreshore landscaping works as part of the Woollooware Bay Town Centre
	Property:	Lot 21 DP 529644, Lot 1 DP 711486, Lot 1 DP 714965, Lot 3 DP 1165618, Lot 2 DP 1180482, Part Lot 3 DP 1218707, S/P 97194, 441R Captain Cook Drive, Kurnell, 477 Captain Cook Drive, Caringbah, 461 Captain Cook Drive, 475A Captain Cook Drive & 3 Foreshore Boulevard (Private), Woollooware
	Applicant:	Capital Bluestone Pty Ltd
	File Number:	DA19/0274

There were no speakers against the proposal.

Speaking for the proposal were Emily McLaughlin, Michael Oliver, David Vago, Con Vink and Beth Medway (representing the Applicant).

PANEL DECISION:

THAT:

1. The Panel was not satisfied that it had enough information regarding the contamination of the site and the steps that were required to remediate it and make it suitable for its intended use. The Panel therefore concluded that, in the absence of that information, it lacks jurisdiction to grant consent pursuant to clause 7 of State Environmental Planning Policy No 55 – Remediation of Land (“SEPP 55”),
2. The application is deferred to a later Panel meeting for determination to enable the Applicant to carry out further investigations to satisfy the requirements suggested in condition 2 of the deferred commencement conditions of the Council officers’ report.

REASON FOR THE DECISION:

The Panel was not satisfied that it had sufficient information to meet the jurisdictional test in clause 7 of SEPP 55. Although investigations had previously been undertaken in respect to the wider development site, the Panel considered that the suggested deferred commencement condition required further investigation and a site audit statement to ensure that the specific land the subject of this DA was capable of remediation to the required standard suitable for its future use.

The Panel also considered that the Applicant needs to undertake further work and submit the required information detailed in suggested deferred commencement conditions 3, 4 and 5. The Panel noted that the Applicant’s representatives indicated that the information in those deferred commencement conditions could be satisfied in the short term.

VOTES:

The decision was unanimous.

SSLPP071-19	Proposal:	Demolition of existing structures, construction of a multi dwelling development containing 12 dwellings
	Property:	Lot 25 DP10305, Lot 114 DP586608 (51 - 53) Melrose Avenue, Sylvania
	Applicant:	Melrose Terrace Pty Ltd
	File Number:	DA18/1509

Speaking against the proposal was Sheldon Johnson.

No one spoke in favour of the proposal.

PANEL DECISION:

THAT:

1. Development Application No. 18/1509 for Demolition of existing structures, construction of a multi dwelling development containing 12 dwellings at Lot 25 DP 10305, Lot 114 DP 586608, 51 and 53 Melrose Avenue, Sylvania is determined by the refusal of development consent for the reasons outlined below.
 - a) The application was not accompanied by clause 4.6 requests in respect to the non-compliance with the development standards in clause 4.3(2) and clause 6.1 of the Sutherland Local Environmental Plan 2015 and the Panel had no power to approve the development application in the absence of such written requests.
 - b) The application is considered unacceptable pursuant to the provisions of Section 4.15(1)(a)(i) of the Environmental Planning and Assessment Act 1979 in that it does not promote orderly and economic use and development of the land pursuant to Section 1.3(c) and (g) of the Environmental Planning and Assessment Act 1979, specifically poor site design results in a cramped design and consequently the proposal has unacceptable bulk, scale and massing.
 - c) The application is considered unacceptable pursuant to the provisions of Section 4.15(1)(a)(i) of the Environmental Planning and Assessment Act as insufficient information was submitted to satisfy the provisions of the Greater Metropolitan Regional Environmental Plan No.2 – Georges River Catchment, Clause 6.4 from the Sutherland Shire Local Environmental Plan 2015 and Parts A and B, Chapter 38 of the Sutherland Shire Development Control Plan 2015 as the applicant has failed to obtain an easement for drainage purposes over a downstream property to facilitate a drainage connection to stormwater infrastructure located in Juniper Place, Sylvania.
 - d) The development is considered unacceptable pursuant to the provisions of Section 4.15(1)(a)(i) of the Environmental Planning and Assessment Act 1979 in that the

- proposal fails to satisfy Objective (5), Zone R2 Low Density Residential from the Sutherland Shire Local Environmental Plan 2015 as the design of the development is not a single dwelling in character and is not consistent with the streetscape and neighbourhood character of the zone.
- e) The development is considered unacceptable pursuant to the provisions of Section 4.15(1)(a)(i) of the Environmental Planning and Assessment Act 1979 in that the proposal fails to satisfy Clause 4.3(1)(a)(i)(ii)(iii), (b), (c), (d), (e) and (f) from the Sutherland Shire Local Environmental Plan 2015 as it is considered that the design of the development is not in keeping with the existing scale or is compatible with existing built form of the surrounding developments.
- f) The development is considered unacceptable pursuant to the provisions of Section 4.15(1)(a)(i) of the Environmental Planning and Assessment Act 1979 in that the proposal fails to satisfy Clause 4.4(1)(a), (b), (c) from the Sutherland Shire Local Environmental Plan 2015. Despite the development complying with the numerical and prescriptive maximum floor space ratio development standard pursuant to the Clause. The design results in unacceptable bulk and scale in the context of the locality and will result in unacceptable negative density and intensity in regard to the streetscape and landscape qualities of the area.
- g) The development is considered unacceptable pursuant to the provisions of Section 4.15(1)(a)(i) of the Environmental Planning and Assessment Act 1979 in that the proposal fails to satisfy Clause 6.16(1)(a), (b)(i)(ii), (d), (e), (g), Clause 6.17(b), (c), (e) and (f) from the Sutherland Shire Local Environmental Plan 2015 and Controls 1.2(1), (7), (10), Chapter 5 of the Sutherland Shire Development Control Plan 2015. Specifically, the development has unacceptable building bulk, the development does not result in a high quality design to strengthen, enhance and/or integrate into the existing streetscape character, the development does not contribute to the existing and/or desired future character, private open space areas are constrained and inadequate, the development does not detail what topography changes are proposed within the tree protection zone of a significant tree, the proposal does not satisfy Crime Prevention Guidelines.
- h) The development is considered unacceptable pursuant to the provisions of Section 4.15(1)(a)(iii) of the Environmental Planning and Assessment Act 1979 in that the proposal fails to satisfy Control 1.2(1), Part A, Chapter 5 of the Sutherland Shire Development Control Plan 2015 as the first floor of Dwellings 7, 8, 9, 11 and 12 are located within the rear 40% portion of the site which will have an adverse impact on residential amenity of adjoining developments. The development proposes a significant variation ranging from 33.8% to 200%.

- i) The development is considered unacceptable pursuant to the provisions of Section 4.15(1)(a)(iii) of the Environmental Planning and Assessment Act 1979 in that the proposal fails to satisfy Controls in Section 1 and 5, Part A, Chapter 5 of the Sutherland Shire Development Control Plan 2015 in that the proposal fails to provide dwelling layouts that will provide a high level of internal amenity and will result in poor usability and functionality of living spaces for future occupants, specifically Dwellings 3 to 6 inclusive.

- j) The development is considered unacceptable pursuant to the provisions of Section 4.15(1)(a)(iii) and (b) of the Environmental Planning and Assessment Act 1979 in that the proposal fails to satisfy Clause 6.2 of Sutherland Shire Local Environmental Plan 2015 and Controls 3.2(2) and 4.2(3), Part A, Chapter 5 of the Sutherland Shire Development Control Plan 2015 as the development is likely to have an unacceptable impact upon an existing large street tree, being a *Liquidambar styraciflua* (Sweet Gum) (Tree 7), which will have an impact upon the streetscape and landscape character of the locality and a large *Lophostemon confertus* (Brushbox) located in front of 10 Juniper Place, Sylvania. The applicant has failed to provide any details on topographic changes will be undertaken within the tree protection zone of Tree 7 and further, the applicant has been advised that Council does not support the removal of the Brushbox to facilitate a drainage connection to the infrastructure located in Juniper Place.

- k) The development is considered unacceptable pursuant to the provisions of Section 4.15(1)(a)(iii) of the Environmental Planning and Assessment Act 1979 in that the proposal fails to satisfy Controls 5.2(1)(2)(3)(6) and (8), Part A, Chapter 5 of the Sutherland Shire Development Control Plan 2015 in that insufficient information has been submitted by the applicant to demonstrate compliance with the solar access requirements.

- l) The development is considered unacceptable pursuant to the provisions of Section 4.15(1)(a)(iii) of the Environmental Planning and Assessment Act 1979 in that the proposal fails to satisfy the planning controls in Section 6.2, Part A, Chapter 5 of the Sutherland Shire Development Control Plan 2015 as the development will result in adverse privacy and overlooking impacts of private open space areas located offsite and onsite. The applicant has failed to provide privacy and overlooking mitigation measures to prevent future residents from having direct line of sight towards adjoining private open space areas and between bedroom windows and balconies orientated towards the central driveway area.

- m) The development is considered unacceptable pursuant to the provisions of Section 4.15(1)(a)(iii) of the Environmental Planning and Assessment Act 1979 in that the proposal fails to satisfy Control 7.2(8) Part A, Chapter 5 of the Sutherland Shire Development Control Plan 2015 as insufficient information has been submitted to demonstrate that vehicles are able to enter and leave in a forward direction and in 3 or less turns, specifically Dwelling 9.

- n) The development is considered unacceptable pursuant to the provisions of Section 4.15(1)(a)(iii) of the Environmental Planning and Assessment Act 1979 in that the proposal fails to satisfy Control 9.2(1), Part A, Chapter 5 of the Sutherland Shire Development Control Plan 2015 as the application fails to satisfy the Crime Prevention through Environmental Design requirements and principles, specifically the design of the development lacks opportunities for the passive surveillance of all communal spaces.

- o) The development is considered unacceptable pursuant to the provisions of Section 4.15(1)(a)(iii) of the Environmental Planning and Assessment Act 1979 in that the proposal fails to satisfy Control 10.2(1) to (6) inclusive, Part A, Chapter 5 of the Sutherland Shire Development Control Plan 2015 and the Sutherland Shire "Environmental Specification - Waste Collection for New Multi-Unit Dwellings and Residential Flat Buildings" as the application fails to propose a sufficient number of bins to cater for all waste streams generated by the development, the development fails to propose an adequate bin store room, the development has not been designed to cater for a HRV to provide waste collection and the creation of a no parking zone along Melrose Avenue to allow kerbside collection is not supported.

- p) The application is considered unacceptable pursuant to the provisions of Section 4.15(1)(a)(iii), (b), (c) of the Environmental Planning and Assessment Act 1979 in that subject land is not suitable for the proposed development. Approval of the application will create an undesirable planning precedent.

REASON FOR THE DECISION:

The Panel considered that the application should be refused for the reasons stated above.

VOTES:

The decision was unanimous.

SSLPP072-19	Proposal:	Demolition of existing structures and construction of new club facility
	Property:	Lot 533 DP 866360, (244R) The Boulevard, MIRANDA
	Applicant:	Sutherland Sharks FC
	File Number:	DA19/0016

There were no speakers against the proposal.

Speaking for the proposal were Paul Smith, Bruce Lawrence and Wes Phillips representing the Applicant.

PANEL DECISION:

THAT:

Development Application No. 19/0016 for Demolition of existing structures and construction of new club facility at Lot 533 DP 866360 244R The Boulevard, Miranda be approved, subject to the conditions contained in **Appendix A** of the report.

REASON FOR THE DECISION:

The subject land is located within the RE2 Private Recreation zone pursuant to the provisions of Sutherland Shire Local Environmental Plan 2015. The proposed development, being an ancillary building to a recreation facility (outdoor), is a permissible land use within the zone with development consent. The Panel notes that no submissions were received and the proposal is compliant with the relevant planning controls. The Panel notes that two trees are required to be removed by the proposal. However, the Panel is satisfied that satisfactory replacement plants are required as a condition of consent.

The Panel notes that there appears to be a channelised watercourse on the western side of the playing fields and a separate approval may be required having regard to the proximity of the watercourse. The Panel recommends that Council officers should make enquires in this regard.

VOTES:

The decision was unanimous.

SSLPP073-19	Proposal:	Demolition of existing structures and construction of a residential flat building with 56 units
	Property:	Lots 2A & 2B DP 301311, Lot 20 Sec 39 DP 802, Nos. (660-662) Old Princes Highway & No. (68) Glencoe Street, Sutherland
	Applicant:	Ess Lifestyle Pty Ltd
	File Number:	DA18/0766

There were no speakers against the proposal.

There were no speakers in favour of the proposal.

PANEL DECISION:

THAT:

1. Pursuant to the provisions of clause 4.6 of Sutherland Shire Local Environmental Plan 2015 (“the LEP”), the Panel was satisfied that the written request in relation to the contravention of the height development standard in clause 4.3 of the LEP adequately addressed the required matters in clause 4.6(3) of the LEP. The Panel agreed that the clause 4.6 request demonstrated that compliance with the development standard was unnecessary in the circumstances of the case. Further, the Panel considered that the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out.
2. Pursuant to the provisions of Section 4.16 of the Environmental Planning and Assessment Act, 1979, Development Application No. 18/0766 for Demolition of existing structures and construction of a residential flat building with 56 units at Lot 2B DP 301311, Lot 2A DP 301311, Lot 20 Sec 39 DP 802 660 Old Princes Highway, Sutherland, 662 Old Princes Highway, Sutherland, 68 Glencoe Street, Sutherland is determined by the granting of a deferred commencement development consent subject to the conditions contained in **Appendix A** and subject to condition 1(vii) being amended with the last sentence deleted and replaced with: “The driveway ramp is to be free of any columns and centre kerbs to enable traffic to pass the waste truck while it is parked on the ramp.”

REASON FOR THE DECISION:

The Panel noted that the proposal generally complied with the applicable planning controls applicable to Zone R4 – High Density Residential pursuant to the provisions of Sutherland Shire Local Environmental Plan 2015.

The proposal includes a non-compliance with the Height of Building development standard in clause 4.3 of the LEP. The Panel considered that the Applicant’s clause 4.6 request in respect to the non-compliance should be upheld.

The proposal will not result in any significant impact on the environment or the amenity of nearby residents and is considered suitable for approval.

VOTES:

The decision was unanimous.

The Meeting closed at 8:20pm.