



## **Report of Meeting**

### **Independent Hearing and Assessment Panel**

**Held on Thursday, 6 October 2016  
commencing at 6:00pm  
in Committee Rooms 202 and 203,  
Level 2, Administration Building,  
4-20 Eton Street, Sutherland**

**PRESENT:** Charles Hill (Chairperson/Expertise in Planning); Andy Macdonald (Expertise in Architecture); Larissa Ozog (Expertise in Town Planning) and Russell Smith (Community Representative with expertise in Marketing and Business Management).

Staff in attendance were the General Manager (Scott Phillips) and Manager Major Development Assessment (Mark Adamson).

**\*\*\* Disclosures of Interest  
File Number: 2015/1778**

There were no disclosures of interest declared.

**IHAP002-17      Proposal:            Demolition of Existing Buildings and Construction of Residential Flat Building Containing 12 Units with Basement Car Park - Gerrale Street, Cronulla**

**Property:            Lots 1-4 S/P 9056 & Lots 1-4 S/P 9752 (Nos. 1-4/131 & 1-4/133) Gerrale Street, Cronulla**

**Applicant:           Duke Developments Australia Pty Ltd**

**File Number:        DA16/0416**

**Ms Jenkins and Mrs Blackburn addressed the Panel on behalf of the objectors and a written submission was read out which was prepared by Mr Lyon who could not attend the meeting.**

**Mr Lake (Architect) and Mr Goodman were in attendance on behalf of the Applicant, and Mr Lake addressed the Panel regarding this matter.**

**IHAP RECOMMENDATION:**

That Development Application No. DA16/0416 for Demolition of existing buildings and construction of residential flat building containing 12 units with basement car park at Lots 1-4 S/P 9056 and Lots 1-4 S/P 9752 also known as 131 and 133 Gerrale Street, Cronulla, be approved, subject to the conditions contained in Appendix "A" of the report with the addition of the following conditions:

- a. Deletion of the rooftop communal and private open space for the following reasons:
  - The use of this roof top area will create adverse amenity impacts in terms of noise and acoustic privacy to adjoining properties. The Panel were unconvinced of the ability of a Plan of Management to satisfactorily police noise impacts.
  - The roof top terrace structure will establish an undesirable precedent in the immediate locality as there are no other such roof top terraces at immediately adjoining properties.

## IHAP002-17 Cont'd

- As both the applicant and objectors highlighted, the rooftop will be windy and only really useable with windbreaks and or shelter – but these elements would add to bulk and take the structure above the LEP height limit.
  - The removal of the roof top area and associated structures will reduce the amount of clutter at the roof level and reduce the visual bulk and scale of the building.
  - The open style access stair to the private rooftop pool and recreational area is poorly conceived and the Panel are not convinced that the construction of access to this area from the lobby of Unit 5.1 is well designed. No access door or specific details of its design and resolution of this component are shown on the plans, leading the Panel to believe the lift lobby is effectively an outdoor space that would be prone to flooding in severe weather and potential inundation of the lift well.
- b. All structures are to be removed from the rooftop area including seating, in-situ furniture, planter boxes, screens, the pool and the like and the area is to become non-trafficable. A raised parapet of 600mm is considered to be acceptable.
- c. Privacy screens are to be provided along the western side of the balconies off the living areas to Units 2.1, 3.1 and 4.1. The height of the screens is to be a minimum of 1.6m from the finished floor level and the type and form of the screens is to be consistent with those to be installed along the western side of balconies adjoining Bedroom No. 2.

**PANEL COMMENTARY:***Site Visit*

The Panel attended the subject site of 131-133 Gerrale Street, Cronulla and neighbouring addresses particularly that of Unit No. 3/3-7 Ewos Parade and Unit No. 11/3-7 Ewos Parade, Cronulla.

*Presentations to Panel at the Public Meeting*

Ms Jenkins and Mrs Blackburn addressed the Panel on behalf of the objectors and Mr Lake and Mr Goodman for the applicants.

*Consideration of Issues*

The main planning issues that the Panel took into consideration included view loss, overshadowing, setbacks and the overall scale and form of the building.

*Reasons for Variation from Council Officer's Recommendation*

The Panel noted the issues raised by the resident representatives in terms of view loss, setbacks, building separation, overshadowing, private amenity, traffic and in particular noise and height issues.

IHAP002-17 Cont'd

The Panel were concerned about overshadowing to Unit No. 3/ 3-7 Ewos Parade, Cronulla and although solar access to that unit would meet the Council requirements, one representative of the Panel was most concerned that there will be a significant loss of solar access to that unit. The Panel overall however, were conscious that it did meet the requirements of Council (including height limit) and therefore were prepared to recommend approval subject to the conditions recommended by the Council Assessment Officer.

The Panel felt that overall the building was compliant with Council's main statutory controls apart from a minor non-compliance with the rear setback, however, the Panel was satisfied with the Council's assessment of those matters. The Panel was concerned regarding the area of the roof top terraces proposed and felt that there were no other such structures and elements in the immediate streetscape and locality. They were concerned about the way access was to be provided to the private roof top terrace of Unit 5.1 and that this access was not appropriately designed and resolved on the plans and it is likely this area will become enclosed which would be a more attractive and better solution for access although this would breach the height limit and any non-compliance with the height control would not be supported. The Panel felt it would also exacerbate noise issues and would increase the bulk and scale of the building.

One member of the Panel also requested that Council undertake a complete and thorough Traffic Management assessment of the complete locale precinct as it is apparent that traffic flow and parking has become a critical issue in the Cronulla area.

**VOTES: 4:0**

**ASSESSMENT OFFICERS RECOMMENDATION:**

That Development Application No. DA16/0416 for Demolition of existing buildings and construction of residential flat building containing 12 units with basement car park at Lot 1 -4 S/P 9056, Lot 1 - 4 S/P 9752, at 131 and 133 Gerrale Street, Cronulla be approved, subject to the conditions contained in Appendix "A" of the report.

**IHAP003-17**      **Proposal:**      **Demolition of Existing Structures, Tree Removal and Construction of a Child Care Centre with Basement Parking - View Street, Miranda**

**Property:**      **Lots 5, 6 & 7 DP 26332 - (No.1) View Street, Miranda**

**Applicant:**      **Innovative Architects Pty Ltd**

**File Number:**      **DA15/1382**

**This matter was withdrawn.**

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<b>IHAP004-17</b>	<b>Proposal:</b>	<b>Demolition of Existing Structures and Construction of a Residential Flat Building - President Avenue, Sutherland</b>
	<b>Property:</b>	<b>Lot 6, 7 &amp; 8 DP 14764, 14764 &amp; 14764, (Nos. 552-556) President Avenue, Sutherland</b>
	<b>Applicant:</b>	<b>Shire PDT Developments (NSW) Pty Ltd</b>
	<b>File Number:</b>	<b>DA16/0350</b>

**Ms Ress and a written submission from Ms De Martin on behalf of the Objectors, and Messrs Black, Buljevic, Hutchenson, Gribble and Desson on behalf of the Applicant, addressed the Panel regarding this matter.**

#### **IHAP RECOMMENDATION:**

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 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 20m maximum Building Height development standard be varied to 21.2m, in respect to this application.
  
2. Pursuant to the provisions of Section 80 of the Environmental Planning and Assessment Act, 1979, Development Application No. DA16/0350 for Demolition of existing structures and construction of a residential flat building at Lot 6 DP 14764, Lot 7 DP 14764, Lot 8 DP 14764 552, 554 and 556 President Avenue, Sutherland is determined by the granting of a deferred commencement development consent subject to the conditions contained in Appendix "A" and with the amendment and addition of the following:
  - a. Condition 3A(ii) - deletion and replacement with the Adoption of Revised Plan No. D104 dated July 2016 and the revision of Condition 3A(iv)

### **3. Design Changes Required**

#### **A. Before Construction**

The following design changes must be implemented:

- i. The lift overrun shall be limited in height to a maximum 1.5m above the finished roof level RL120.02.
  
- ii. ~~Unit 404 and the area of external balcony shall be deleted (door access to balcony replaced with a standard window opening). The resulting internal space (where west of the kitchen wall) is to be utilised as communal space with direct access to the roof terrace incorporating an accessible toilet, cooking / cleaning facility and seating area. The internal space east of the kitchen wall is permitted to be utilised as an additional bedroom / bathroom for Unit 403.~~

## IHAP004-17 Cont'd

Condition ii is replaced with the following condition;

- ii. Revised Plan No. D104 amended 06/10/16 to be adopted which the resulting internal space (west of the kitchen wall) is to be used as communal space.
- iii. The side facing balconies to Units 401 and 403 are to be redesigned to incorporate a splayed planter edge in a manner which as depicted by Council in the Officer's report. The remainder of the roof space is to be maintained as non-trafficable roof area.
- iv. The fixed planter bed along the southern and western edges of the communal roof terrace shall be made wider to form a setback 9m from the boundaries in a manner as depicted by Council in the Officer's report.
- v. A 5.4m wide basement entry ramp shall be provided. This is to be achieved with the removal of car spaces V7 and R13. The 2 parking spaces are to be relocated in the area of car wash bay 1 (i.e. delete 1 car wash bay).
- vi. 1 motorcycle parking space shall be provided in the basement.
- vii. Noise generating equipment must not be located adjoining the side and rear property boundaries.
- viii. A privacy screen shall be installed along the eastern side of the balconies to Unit 106, 206, 306. The height of the screen is to be a minimum of 1.6m from the floor level and shall be 2m long taken from the southern-most side of the balcony adjoining the bedroom. This condition aims to reduce overlooking to the east.  
A privacy screen shall be installed along the eastern side of the balcony to Unit 401. The height of the screen is to be a minimum of 1.6m from the floor level and shall be 2.5m long taken from the southern-most side of the balcony adjoining the kitchen and living area. This condition aims to reduce overlooking to the east.

Details of these design changes must be included in documentation submitted with the application for a Construction Certificate.

Note: The Panel would prefer the retention of the Service Road along this section of President Avenue, for public safety, amenity reasons and that the Panel feel there are many benefits this road offers especially as the site is located across the road from a school. The service road would provide safe secondary access to all properties and would limit traffic movements and interference with the busy President Avenue. It would also allow for safer waste disposal from this roadway rather than the main roadway. The Panel acknowledges that this is a civil engineering and public infrastructure management issue.

## IHAP004-17 Cont'd

Note: Although the Panel acknowledged the design excellence of the building, its general compliance with SEPP 65 and that the applicant has considered ADG comments and all the ARAP recommendations through the design, the Panel have also considered an alternative design option that would substantially improve solar access to the rear (southern property) 49-52 Belmont Street without altering the number of units. This would involve moving Unit No. 305 and relocating it as a garden apartment (G06) at ground level, where the existing communal open space at the rear is provided. The communal open space would then be relocated onto the roof of G06. This will significantly reduce the bulk and scale of the building at the rear and provide better solar access to the rear. Due to the ramped nature of the carpark structure and the topography of the site, it seems it could even be possible to have G06 slightly lower than the general ground floor slab which would assist with the ADG's suggestion that the communal open space would benefit from a visual link from the entry.

**PANEL COMMENTARY:***Site Visit*

The Panel attended the subject site of 552-556 President Avenue, Sutherland and neighbouring addresses particularly that of 558-566 President Avenue and 550 President Avenue, Sutherland.

*Presentations to Panel at the Public Meeting*

Ms Ress and a written submission from Ms De Martin addressed the Panel on behalf of the objectors and Mr Black and Mr Buljevic for the applicants.

*Consideration of Issues*

The main planning issues relating to the proposal were the non-compliance with the height, setbacks, design and siting, overshadowing to the rear property No. 49-52 Belmont Street, the removal of the service road at the front of the property and the associated impacts, also waste management and service arrangements.

*Reasons for Variation from Council Officer's Recommendation*

The Panel were satisfied with the general assessment by the Councils' Assessment Officer and of the view that all the major issues and concerns raised by the residents and ARAP had been addressed satisfactorily. Some members of the Panel however, were concerned about the extent of the balconies on the Western elevation and believe that they should be amended generally as recommended by the Council in the report but also as submitted to the Panel, on the night of the IHAP meeting.



IHAP004-17 Cont'd

The Panel was also of the view that the amenity to the dwellings at the rear of 49 to 52 Belmont Street, Sutherland could be improved by the reorganisations of the Unit 305 and creation of a new garden unit G06. The Panel appreciates however, that this may require the review of the design of the building and may necessitate further exhibition/re-notification. But the Panel is of view that this would improve the design excellence of the building in this location and show better consideration of the neighbour's to the rear.

The Panel were strongly concerned about the removal of the service road for a number of reasons and seek its retention for the following reasons;

- Improving traffic access into the site and adjoining properties and avoids potential traffic conflicts with vehicles in President Avenue.
- The service road currently provides for safe, level pedestrian and vehicular access to the existing properties.
- Provides for additional on street, public parking that will be lost by its removal.
- It will provide for easier waste removal and garbage disposal and avoids President Avenue.
- Will also allow for ancillary services such as removal of vans coming to the site without having to block or affect President Avenue.

The Panel feel this service road should be retained and it will not adversely affect the visual appearance and character of the streetscape.

The Panel had insufficient detail to make a decision about this internal road and obviously it is of major concern to the local residents and Council may wish to reconsider its recommendations in regard to removal of internal service road. The Panel understands this matter should be considered separately as it will require further research and assessment.

Two panel members also noted that a thorough Traffic Management report be undertaken with respect to both the use of President Avenue and the retention of the service road.

Furthermore that the collection of all waste management be undertaken within the building as proposed in the Council's conditions to further alleviate the problem of multiple bins being collected from President or the service road.

**VOTES: 4:0**

IHAP004-17 Cont'd

**ASSESSMENT OFFICERS RECOMMENDATION:**

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, 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 20m maximum Building Height development standard be varied to 21.2m, in respect to Development Application No. 16/0350.
2. Pursuant to the provisions of Section 80 of the Environmental Planning and Assessment Act, 1979, Development Application No. 16/0350 for Demolition of existing structures and construction of a residential flat building at Lots 6, 7 and 8 DP 14764 (Nos 552-556) President Avenue, Sutherland is determined by the granting of a deferred commencement development consent subject to the conditions contained in Appendix A.

The Meeting closed at 8:30 pm.