



Report of Meeting

Independent Hearing and Assessment Panel

**Held on Tuesday, 22 August 2017
commencing at 6:00pm
in the Council Chambers,
Level 2, Administration Building,
4-20 Eton Street, Sutherland**

PRESENT: Grant Christmas (Chairperson/Expertise in Law), Scott Lee (Expertise in Town Planning), Andy Macdonald (Expertise in Architecture) and Craig McCallum (Community Representative with Expertise in Traffic).

Staff in attendance was the Manager Major Development Assessment (Mark Adamson).

Disclosures of Interest

File Number: 2016/260430

There were no disclosures of interest declared.

IHAP002-18 PROPOSAL: Demolition of existing structures, construction of a multi dwelling housing development containing 4 dwellings including basement car parking and two swimming pools - Actinotus Avenue, Caringbah South

PROPERTY: Lot 132 DP 5606, (No.26) Actinotus Avenue, Caringbah South

APPLICANT: Steven Vojvodic, Sasa Madzar

FILE NUMBER: DA17/0135

Mr & Mrs Tennie and Mr Alaveras, on behalf of the Objectors, Messrs Vojuopdic & Couvaras and Ms Wynne, on behalf of the Applicant, addressed the Panel regarding this matter.

IHAP RECOMMENDATION:

That Development Application No. 17/0135 for demolition of existing structures, construction of a multi dwelling housing development containing 4 dwellings including basement car parking and two swimming pools at Lot 132 DP 5606 26 Actinotus Avenue, Caringbah South be approved, subject to the conditions contained in Appendix "A" of the report and the following additional conditions:

- 2Aii): The three pitched roofs to Townhouses 2, 3 and 4 are to be reversed (180 degrees).
- 2Aiii): Louvres located on the eastern elevation on Sheet 05 are to have the louvres reversed so as to orientate to the street to prevent overlooking of the adjacent private open space of No. 24 Actinotus Avenue.
- 2Aiv): The bottom edge of the stairwell windows to the west of Townhouses 2 and 3 are to be a minimum of 1.5m above finished floor level.
- 7A: The condition is to be amended so that the developer is required to invite the owners of 24 Actinotus St to the pre-commencement inspection meeting.
- 10AA: Dilapidation reports are to be prepared for the properties at 24 and 28 Actinotus Street and 29 Telopea St before the issue of a Construction Certificate.

PANEL COMMENTARY:*Site Visit*

1. The Panel inspected the subject site.
2. The Panel inspected 24 and 28 Actinotus Street.
3. The Panel noted the canopy trees and substantial palms to be removed from within the subject site.
4. The Panel noted the existing garage wall on the eastern boundary of the subject site and its relationship with 24 Actinotus Street.
5. The Panel drove along the whole of Actinotus Street in a west to east direction.

Presentations to Panel at the Public Meeting

Anthony Alvares (28 Actinotus St)

1. Concerned with the height of the building
2. Considered the roof slope should be changed
3. Considered the amount of shadow should be reduced.
4. Considered the proposed front setback to be inconsistent with existing.
5. Concerned about privacy impacts from 2nd floor windows

Axel and Diane Tennie

1. Noted that the proposal mostly complied with the Council's standards.
2. Concerned about damage caused by demolition of the garage located on the property boundary (which forms a brick boundary fence). Concerned that Council report says that it is a civil matter.
3. Want to be able to attend pre-commencement meeting.
4. No requirement for a dilapidation report of their property – only Council property.
5. Inadequate visitor car parking.
6. Narrow street with increasing amount of traffic from new development and the school.
7. Concerned about the removal of canopy trees and the ability of the residual areas to support adequate replacement vegetation.
8. Concerned about privacy impacts.

Applicant representatives

1. Considered that privacy impacts could be addressed in response to the objectors' concerns.
2. Considered that overshadowing was acceptable and complied with Council's standards.
3. Explained why roofs on eastern side were designed as they were (fall of roof water) – but accepted that reversing the pitch would further mitigate impacts on the neighbour to the east.
4. Considered the development was consistent with zone objectives.
5. Agreed to imposition of a number of suggested conditions.

Consideration of Issues

1. The Panel noted the substantial compliance with the Council's planning controls.
2. The Panel was concerned that the proposal required the removal of a number of significant canopy trees, including two significant eucalypts in the rear yard.
3. The Panel did give consideration to the retention of the two eucalypts by requiring a reduction in the basement size and ground level footprint by requiring the dwellings to be joined together to each share a common wall but concluded that the trees along the rear boundary would be unlikely to be able to be retained and survive in the long term.
4. The Panel considered that a number of conditions were required to be amended or added to in order to address some of the well founded objections of the adjoining property owners.
5. The Panel ultimately concluded that the development was acceptable and a recommendation of approval was appropriate (subject to the additional conditions recommended by IHAP).

Reasons for Variation from Council Officer's Recommendation

The Panel generally concurred with the staff recommendation but felt it appropriate to include some additional conditions to assist with some of the resident objectors concerns in relation to impacts of height, potential overlooking and potential impacts on adjoining land during the construction phase of the development.

VOTES: 4:0

ASSESSMENT OFFICERS RECOMMENDATION:

THAT:

1. That Development Application No. 17/0135 for demolition of existing structures, construction of a multi dwelling housing development containing 4 dwellings including basement car parking and two swimming pools at Lot 132 DP 5606 26 Actinotus Avenue, Caringbah South be approved, subject to the conditions contained in Appendix "A" of the report.

For Staff Report refer to IHAP002-18

The Meeting closed at 7.40 pm.