



Independent Hearing and Assessment Panel Meeting

Date; 28 November 2017

6:00 pm

Council Chambers

Level 2, Administration Building

4-20 Eton Street, Sutherland

BUSINESS PAPERS

SUTHERLANDSHIRE

ORDER OR BUSINESS

1. DISCLOSURES OF INTEREST

2. DETERMINATIONS

- IHAP006-18 Alterations and additions to an existing aged care facility including first floor and resulting in 111 beds - Fowler Road, Illawong (DA16/0804)
- IHAP007-18 Demolition of existing structures and construction of a multi dwelling housing development containing 5 dwellings - Birch Place, Kirrawee (DA16/1467)
- IHAP008-18 Construction of additional dwelling to form detached dual occupancy and 2 lot strata subdivision - Willarong Road, Caringbah South (DA17/0653)

PRESENT: Charles Hill (Chairperson/Expertise in Planning), Jason Perica (Expertise in the Urban 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.

IHAP006-18 **Proposal:** **Alterations and additions to an existing aged care facility including first floor and resulting in 111 beds**
Property: **Lot 1 DP 1041143 (No. 351) Fowler Road, Illawong**
Applicant: **Farad Nominees Pty Limited**
File Number: **DA16/0804**

Mr Harrington on behalf of the Objectors, and Ms Horder, on behalf of the Applicant, addressed the Panel regarding this matter.

For Staff Report refer to IHAP006-18

PANEL COMMENTARY:

Site Visit.

The Panel inspected the site and its surrounding locality, and particularly a thorough inspection of the existing development, to observe all aspects of the building which are subject to the proposed application. The Panel also inspected the adjacent property at 4 Shore Close Illawong

Presentations to Panel at the Public Meeting

At the meeting the Panel heard from the objector Mr Harrington of 33 Mariner Road, Illawong, and Ms Horder, planner on behalf of the applicant.

Issues raised by the objector related to loss of privacy, construction traffic, guaranteed access from Fowler Road, acoustic privacy and construction management,

Consideration of Issues

The Panel was satisfied that the assessment report prepared by the Council officers had adequately addressed all the issues raised by the objectors in their submissions.

However, the Panel were of the view that a further assessment was required to ascertain what other mitigating measures could be put in place to address the residents' concerns in relation to aural and visual privacy, and other measures to address the resident's concerns during construction of the proposed development.

Conditions to give effect to the Panel's decision are detailed below

IHAP 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 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 *Height of Buildings* development standard be varied to 9.181 metres, in respect to this application.
2. Pursuant to the provisions of Section 80 of the Environmental Planning and Assessment Act, 1979, and in accordance with the delegated authority issued by the General Manager of Sutherland Shire Council, Development Application No. 16/0804 for Alterations and additions to an existing aged care facility including first floor and resulting in 111 beds at Lot 1 DP 1041143 351 Fowler Road, Illawong is determined by the granting of development consent subject to the addition of the following conditions:-
 - a) A Plan Of Management to be prepared by the Applicant for Council approval to address aural and visual privacy for No, 4 Shore Close and recommendations of such mitigating measures as additional fencing, additional landscaping/tree planting, treatment of windows, orientation of rooms and the like, prior to issue of the construction certificate.
 - b) A construction Management Plan to be prepared to address and minimise access and parking in Mariner Road and Small Avenue, and including measures to accommodate parking on site. Such a Plan should include provision for at least 7 days' notice of proposed construction to adjoining neighbours, provision of a complaints register, and circulation of regular updates to the residents, as to progress of works during construction.

VOTES: 4:0

IHAP007-18 **Proposal:** **Demolition of existing structures, construction of a multi dwelling housing development containing 5 dwellings**

Property: **Lot 12 DP 235051 (No.2) Birch Place, Kirrawee**

Applicant: **D Studio Architects Pty Ltd**

File Number: **DA16/1467**

Messrs' Batten, Bell, Riordan, Vukevic, Webb and Ms Clarke, on behalf of the Objectors, and Mr Chan and Tso (architects), Mr Vogeneta (stormwater engineer and Ms Wynne (planner), on behalf of the Applicant, addressed the Panel regarding this matter.

For Staff Report refer to IHAP007-18

PANEL COMMENTARY:

Site Visit.

The Panel inspected the site and its surrounding locality, and particularly a thorough inspection of the subject site. The Panel also inspected the adjacent properties at 1 and 4 Birch Place Kirrawee.

Presentations to Panel at the Public Meeting

At the meeting the Panel heard from a number of objectors including Messrs' Batten, Bell, Riordan, Vukcevic, Webb, and Ms Clarke. For the applicant Mr Chan (D Studio Architects P/L-applicant), Mr Tso (architect), Ms Wynne (Planner and) and Mr Vongkeneta (stormwater engineer)

Matters raised by speakers included construction management, height, privacy, bulk and scale, number of units, traffic, waste management and setbacks.

Consideration of Issues

The Panel was satisfied that the assessment report prepared by the Council officers had adequately addressed all the issues raised by the objectors in their submissions.

However, the Panel were of the view that amenity for adjoining residents could be improved by minor design elements to the proposed development. These amendments are detailed in the recommendation of the Panel.

In addition, the Panel had concerns in relation to the potential adverse impacts during construction, the need to establish a complaints register particularly during construction, and the provision of regular updates to residents as to the progress of construction.

The Panel noted in particular the concerns of the residents in relation to waste collection. Whilst the Panel appreciated the difficulties, associated with waste removal, it has recommended that a detailed assessment

be undertaken to determine the best outcome for all concerned. The Panel noted that the Condition 10(vi) that requires waste collection to be undertaken fully within the subject development site.

It is also acknowledged by the Panel, in making its recommendation,, that one Panel member was not supportive of the proposed development, because of his concerns in relation to certain design aspects, The majority of the Panel believed however that any deficiencies in the design could be overcome by the application of appropriate conditions.

IHAP DECISION:

THAT:

That Development Application No. 16/1467 for Demolition of existing structures and construction of a multi dwelling housing development containing 5 dwellings at Lot 12 DP 235051 (No. 2) Birch Place, Kirrawee be approved, subject to the following amendments to the conditions:

1. Condition 2A(iv) to be amended to also require the deck of unit 1 to be as close to existing ground level as far as possible
2. Condition 2A(v) be amended to require the deletion of the deck to the north of Unit 2, and replacement by soft landscaping with the consequent re-orientation of the living area towards the east, with a deck not projecting further than the proposed northern wall. The northern sliding doors may be replaced with windows having a sill height of no less than 1.6 metres.
3. Condition A 2(x) be deleted and be replaced by requiring the north facing window to Bed 1 to Unit 02 to be deleted and the north facing window to the master bedroom to be relocated to the western wall.
4. Condition 19 A of Appendix A to be corrected by deleting the reference to units 2 and replacing those units with 3, by units 1 and 4.

Addition of the following condition:

5. A construction management Plan to be prepared to address and minimise access and parking in Birch Place,(eg temporary ramp etc and maximise access to and from Oak Road. Such a Plan should include provision for at least 7 days' notice of proposed construction to adjoining neighbours , and provision of a complaints register, and regular updates as to progress of works during construction.

VOTES: 3:1

IHAP008.-18 **Proposal:** **Construction of additional dwelling to form detached dual occupancy and 2 lot strata subdivision**

Property: **Lot 10 DP 577954 (No.361) Willarong Road, Caringbah South**

Applicant: **Scope Design & Enery Services**

File Number: **DA17/0653**

On behalf of the Objectors, Mr Layman and, on behalf of the Applicant, Messrs' Bowerman and Bartlett addressed the Panel regarding this matter.

For Staff Report refer to IHAP008-18

PANEL COMMENTARY:

Site Visit.

The Panel inspected the site and its surrounding locality, and particularly a thorough inspection of the subject site. The Panel also inspected the adjacent property at 367 Willarong Road Caringbah South, although the Panel had not been formally advised at the time of the inspections to visit that site.

Presentations to Panel at the Public Meeting

At the meeting the Panel heard from the objectors Mr Layman planner on behalf of Mr and Mrs Milton (367 Willarong Road) and for the applicant Mr Bowerman and Mr Bartlett (the owner).

Matters raised on behalf of the objectors related to likely view loss, inadequate landscape area, building height exceedance, cut and fill, and tree loss.

Consideration of Issues

The Panel was satisfied that the assessment report prepared by the Council officers had adequately addressed all the issues raised by the objectors in their submissions.

In particular, the Panel was satisfied that the landscape calculations were correct, and that the applicant had taken into consideration the additional landscaping to be provided to the east of the proposed development.

The Panel noted that the trees referred to in the objectors submission had been removed some time ago with the permission of Council, and the Panel was satisfied with the extent of excavation proposed.

The Panel were also satisfied with the building height, and that the applicant had sought to minimise the impact on the adjoining neighbour by the development of a single storey dwelling, excavated into the site. The Panel was also satisfied that, based on the survey plan ,the height of the proposed dwelling did not

exceed Council's height limit control, and as such found no compelling reason to require the preparation of a report in accordance with 4.6 of Council's Local Environmental Plan.

In relation to the potential for view loss, the Panel noted that the owner of 367 Willarong Road had extensive views from the different levels of the subject dwelling. The Panel also noted that the resident was most concerned at the potential loss of views from the living room side window overlooking the swimming pool, and in addition to views from the pool itself.

Whilst the Panel acknowledged that there will be a loss of some of the view the Panel agreed with the Council's assessment having regard to the principles established by *Tenacity*, and *Council officer's conclusion which stated as follows*:

"The proposed development will have minor view loss impacts for both affected residences. With a maximum height of 5.25m, a single storey design with a centrally located pitched roof, the proposed new dwelling ensures that the surrounding properties will retain most primary views of Port Hacking

The location and built form of the proposed new dwelling, whilst appropriate and compliant with Council's height requirement, will result in some view loss associated with the foreshore connection for No. 367 Willarong Road; however, higher valued views of the watercourse are still retained."

IHAP 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 the maximum building height development standard (5.4m) 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 maximum building height development standard be varied from 5.4m to 7.52m high (2.12m), in respect to this application.
2. Development Application No. 17/0653 for Construction of additional dwelling to form detached dual occupancy and 2 lot strata subdivision at Lot 10 DP 577954 361 Willarong Road, Caringbah South be approved, subject to the conditions contained in Appendix "A" of the report.

VOTES: 4:0

The Meeting closed at 8:50 pm.