

# MINUTES OF THE SYDNEY EAST REGIONAL PANEL MEETING HELD AT SUTHERLAND SHIRE COUNCIL ON WEDNESDAY 19 JANUARY 2011 AT 6:00 PM

## PRESENT:

John Roseth	Chair
David Furlong	Member
Mary-Lynne Taylor	Member
Phil Blight	Member
Peter Wells	Member

## IN ATTENDANCE

John Brunton	Sutherland Shire Council - Director – Environmental Services
Mark Adamson	Sutherland Shire Council - Manager – West Assessment Team
Christine Edney	Sutherland Shire Council - Environmental Assessment Officer – Planner
Colleen Baker	Sutherland Shire Council - Joint Regional Planning Panel Coordinator

## APOLOGY:

The meeting commenced at 6.00 pm.

### 1. Declarations of Interest - Nil

### 2. Business Items

**ITEM 1 - 2010SYE089 Sutherland DA No. 10/1008 – Demolition of Existing Buildings and Construction of a Mixed Commercial and Residential Development Including Basement Parking and a 38 Lot Strata Subdivision at 971-975 Old Princes Highway, Engadine**

### 3. Public Submissions -

Cheryl Whiteman	addressed the Panel <b>against</b> the proposal
Narelle Turner	addressed the Panel <b>against</b> the item
Wayne Turner	addressed the Panel <b>against</b> the item
Vickie Peters	addressed the Panel <b>against</b> the item
Peter Schiller	addressed the Panel <b>against</b> the item
William Purdon	addressed the Panel <b>against</b> the item
John Brunton (on behalf of Sutherland Shire Council)	addressed the Panel <b>against</b> the item
Wayne Bentley and Steve Waters (on behalf of the Applicant)	addressed the Panel <b>in favour of</b> the item

#### **4. Business Item Recommendations**

***2010SYE089 Sutherland DA No. 10/1008 – Demolition of Existing Buildings and Construction of a Mixed Commercial and Residential Development Including Basement Parking and a 38 Lot Strata Subdivision at 971-975 Old Princes Highway, Engadine***

- 1) The Panel resolves unanimously to accept the recommendation of the planning assessment report. The Panel would approve the application if the applicant submits a satisfactory contamination report and remedial action plan, subject to the conditions recommended in the report, except for
  - a) the deletion of Condition 6, which requires a bond for the Bangalay Gum, because the condition is unlawful (however, the other conditions aimed at keeping the tree are retained);
  - b) an additional condition requiring dual (pedestrian and vehicular) use of the 1.4m dedicated strip along Toms Lane.
- 2) The Panel notes the elected council's submission that a 5-storey building should not be approved in a zone with a 3-storey height limit. However, the Panel also notes that a 3-storey building with a similar complying FSR was refused on this site by the council, partly for the reason that it was too close to the Nolan Avenue properties. The Panel agrees with the assessment report that a 5-storey building which is set back 44m from those properties would be better for the amenity of those properties than a 3-storey building at 32m from them.
- 3) The Panel notes that the council's Design Advisory Committee supports the application.
- 4) The Panel notes that the proposal has a FSR of only about two-thirds of the permissible FSR of 2:1. To achieve the same amenity with a 3-storey building would require that the proposal be built to only about half the permissible FSR, which the Panel considers would be an unreasonable requirement.
- 5) The Panel is satisfied that, given the change of zoning between the site and the Nolan Avenue properties, the proposal has reduced its impact of overlooking and overshadowing to a reasonable level by a large setback and extensive new landscaping at three levels.
- 6) The Panel notes the concern of objectors about the narrow width of Toms Lane. This application cannot change this, except where the site abuts the lane. The 1.4m wide dedication to the width of the lane makes it possible that eventually most of the lane will be widened as other properties along it are redeveloped.
- 7) The applicant is to comply with the requirements of paragraph 14.2 on page 23 of the planning assessment report by 1 March 2011. Following satisfaction of that requirement, the Panel will communicate by electronic means to make a determination.

#### **MOTION CARRIED**

The meeting concluded at 8.00 pm.

Endorsed by

John Roseth  
Chair, Sydney East Region Planning Panel  
25 January 2011