

SYDNEY EAST JOINT REGIONAL PLANNING PANEL

Meeting held at Sutherland Shire Council on Wednesday 17 February 2016 at 3:30 pm

Panel Members: John Roseth (chair), David Furlong, Sue Francis, Carol Provan and Kevin Schreiber

Apologies: None - Declarations of Interest: Carol Provan and Kevin Schreiber declared a non-pecuniary, non-significant interest.

Determination and Statement of Reasons

2015SYE135 – Sutherland - DA15/1178 - Demolition of Existing Structures & Construction of Two (2) x Four (4) Storey Residential Flat Buildings - 1-13 Dianella Street, Caringbah as described in Schedule 1.

Date of determination: 17 February 2016

Decision:

The panel determined to accept the recommendation of the assessment report to approve the development application as described in Schedule 1 pursuant to section 80 of the *Environmental Planning and Assessment Act 1979*.

Panel consideration:

The panel considered: the matters listed at item 6 as addressed in the Council Assessment Report, the material listed at item 7 and the material presented at meetings and the matters observed at site inspections listed at item 8 in Schedule 1.

Reasons for the panel decision:

The Panel approved the application for the following reasons:

The proposal fits into the desired future character of the area, which is zoned for high density.

The variation of the FSR standard, as justified by a written submission under section 4.6 of the Sutherland LEP 2015, is on the basis that the floor space above that permissible under the controls is for underground parking. This has no impact and additional parking is desirable in this location where on-street parking is limited, providing a better planning outcome and providing sufficient environmental planning grounds in this case, consistent with the principles established by *Four2Five v Ashfield Council* (2015) NSWLEC 90 and subsequent appeals, to allow the variation.

Apart from the variation of the FSR standard, the proposal complies with the relevant planning controls. However, the Panel notes that the proposed Condition 2(iii) results in a breach of the height standard in respect of the lift overrun and stairs. The applicant has provided a clause 4.6 variation to address a numerical breach of a maximum 3.2m to facilitate the overrun and stairs. The Panel considers that the provision of the roof terrace as communal open space is a desirable and better planning outcome; and this provides sufficient environmental planning grounds in this case to vary the height standard.


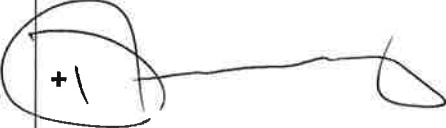
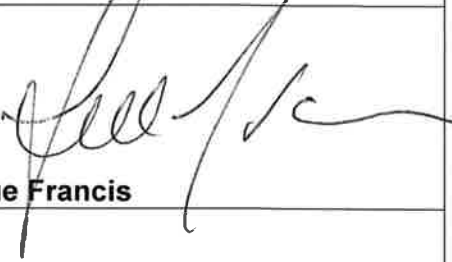


Kevin Schreiber wished to note his concern at the traffic implications of the proposal and of others like it in the area and wished the matter to be referred to the council's Traffic Committee to investigate possible traffic calming measures.

Conditions: The development application was approved subject to the conditions recommended in the assessment report as modified in the letter by JBA Urban Planning Consultants dated 16 February 2016 and addressed to Sutherland Council. Condition 2(iii) is changed as follows: *"Extend the lift and western-most stair of each building to provide access to a maximum of 60 square metres of roof terraces each, to be constructed to be constructed northwest of the stairs and lift and within the roof slope. The lift of Building A is to be re-positioned to be directly adjacent to the western stair. The extent of the lift/stair structure at roof level is to be minimised and integrated into the design of the building. The roof terraces shall be set back a minimum of 1.2m from the edge of the roof together with appropriate balustrades and planting to minimise overlooking from the roof terrace."*

The last paragraph of Condition 2 is changed to *"Details of these design changes are to be submitted to council for approval before lodgement of any application for Construction Certificate for any above-ground works."*

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Panel members:

 John Roseth (chair)	 David Furlong	 Sue Francis
 Carol Provan	 Kevin Schreiber	

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SCHEDULE 1

1	JRPP Reference – LGA- Council Reference: 2015SYE135 – Sutherland - DA15/1178
2	Proposed development: Demolition of Existing Structures & Construction of Two (2) x Four (4) Storey Residential Flat Buildings
3	Street address: 1-13 Dianella Street, Caringbah
4	Applicant/Owner: Pier Property Pty Ltd
5	Type of Regional development: General development with a Capital Investment Value of more than \$20 million
6	Relevant mandatory considerations <ul style="list-style-type: none"> • State Environmental Planning Policy (State and Regional Development) 2011 • State Environmental Planning Policy No. 65 – Design Quality of Residential Flat Development (SEPP 65) • State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 • Greater Metropolitan Regional Environmental Plan No. 2 – Georges River Catchment • Apartment Design Guide (ADG) • Sutherland Shire Local Environmental Plan (SSLEP) 2015 • Draft Sutherland Shire Development Control Plan (DSSDCP) 2015 • The likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality. • The suitability of the site for the development. • Any submissions made in accordance with the EPA Act or EPA Regulation. • The public interest.
7	Material considered by the panel: Council Assessment Report Dated: 8 February 2016 Written submissions during public exhibition: 24 Verbal submissions at the panel meeting: Support- Nil; Against- Ms Julie Fitze; On behalf of the applicant- Mr John Kavanagh, Mr Brendan Hoskins & Mr Scott Eggleton
8	Meetings and site inspections by the panel: Briefing Meeting on 10 December 2015; Site Inspection 17 February 2016
9	Council recommendation: Approval
10	Draft conditions: Attached to council assessment report