

DATE OF DETERMINATION	Wednesday, 22 August 2018
PANEL MEMBERS	Nicole Gurran (Chair), Bruce McDonald, Stuart McDonald, Steve Simpson, Michael Forshaw
APOLOGIES	Helen Lochhead
DECLARATIONS OF INTEREST	None

Public meeting held at Sutherland Shire Council, 4-20 Eton St, Sutherland on 22 August 2018, opened at 2.05pm and closed at 5.20pm.

MATTER DETERMINED

2017SSH045 – Sutherland – DA17/1626 at 89-91 Willarong Rd, Caringbah (Lot 1 in SP 8148) (as described in Schedule 1)

PANEL CONSIDERATION AND DECISION

The Panel considered: the matters listed at item 6, 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.

The Panel adjourned during the meeting to deliberate on the matter and formulate a resolution.

The Panel determined to approve the development application pursuant to section 4.16 of the *Environmental Planning and Assessment Act 1979*.

The decision was unanimous.

REASONS FOR THE DECISION

1. The proposed development will provide additional housing supply and choice, including affordable rental housing, within the Sutherland Shire and the Sydney South District in a location with ready access to the amenities and services provided by Caringbah centre and the metropolitan transport services available from Caringbah Rail Station
2. The Panel has considered the Applicants request to vary the development standard contained in Cl. 4.3(2) of Sutherland Shire LEP 2015 relating to maximum building height and considers that compliance with the standard is unnecessary in the circumstances of this case as that variation responds to the accommodation of the additional floor space entitlement secured under SEPP (Affordable Rental Housing) 2009, will facilitate access to roof top communal open space and improve amenity to this space, so encouraging positive social interaction of residents. Further, the additional height will not generate unacceptable impacts on nearby premises, is of minor perception in the planned context of the locality and remains consistent with the objectives of the standard.
3. The proposed development adequately satisfies the relevant State Environmental Planning Policies including SEPP (Affordable Rental Housing) 2009, SEPP 55 -Remediation of Land, SEPP

65 Design Quality of Residential Apartment Development and its associated Apartment Design Guide, SEPP (Infrastructure) 2007 and Greater Metropolitan Regional Environmental Plan No2- Georges River Catchment.

4. The proposal adequately satisfies the applicable objectives and provisions of Sutherland Shire DCP 2015.
5. The proposed development subject to the conditions imposed will have no unacceptable adverse impacts on the natural or built environments including the amenity of nearby buildings the use of the adjoining school playgrounds or the utility of the local road system.
6. While the proposed development will be situated in a residential context now comprising detached dwellings, the proposed development is considered to be of acceptable form and scale consistent with the planned residential apartment context and character of the locality within which the site is placed.
 - a. The proposed development will isolate adjoining site No 87 Willarong Road. However, the Panel notes that the applicant has provided material demonstrating that this issue has been addressed consistently with the principles established by the NSW Land and Environment Court.

In consideration of conclusions 1-6 above the Panel considers the proposed development is a suitable use of the site and approval of the proposal is in the public interest.

CONDITIONS

The development application was approved subject to the conditions in the Council Assessment Report with the following amendments.

89-91 Willarong Road, Caringbah - Conditions to be amended to read as follows

2. Design Changes Required

A. Before Construction

The following design changes must be implemented:

- i) To preserve the trees numbered 18 and 19:
 - The footings of the proposed decks to units G01 and G02 must be isolated pier and beam construction. The piers must be hand dug and located such that no roots of a diameter greater than 50mm are severed or injured in the process of any site works during the construction period. The beam must be located on or above the existing soil levels. The location and details of any footings within the Tree Protection Zone (TPZ) shall be detailed in accordance with i) above and on the Construction Certificate Plans.
 - Within the TPZ of T18 and T19, the basement must be constructed using piling rig only under the direct supervision of the consulting Arborist as outlined in the Tree Protection Conditions.

- ii) Interlocking pavers or similar must be utilised as the surface treatment of the driveway entry where visible from the street to denote a shared zone and break up the expanse of concrete.
- iii) Hydrant boosters and meter must be fully enclosed with unlockable screens or doors
- iv) Ensure fencing to the front setback and private open space of Units G06 and G07 is to be no greater than 1200mm in height and open form. Privacy is to be achieved through the provision of screen planting.
- v) All landscape retaining walls and planter boxes must be constructed in masonry, stone or gabions. Timber is not acceptable.
- vi) Permission must be obtained from 95 Willarong Road, Caringbah (Caringbah High School) prior to pruning Tree as outlined in the 'Pruning of Trees on Private Land Condition'.
- vii) The entry path to the building is to be amended to become a ramp extending perpendicular from the front boundary to the front door. When measured from the front boundary, the ramp is to comprise of a 0.9m landing following be a 1:14 ramp for a 7.7m length and then a 1.2m landing followed by a 1:14 ramp for a 3.5m length and then a 1.5m landing. To accommodate this ramp, Unit G.07 will need to be amended so that the entry door is swapped with the laundry.
- viii) Clotheslines located on balconies are to be fitted at or below the balcony balustrade height.
- ix) Storage lockers adjacent to car spaces 3, 5, 7, 8, 9, 11, 25 (and 26), 39, 41 and 42 are to be linked to the same unit allocated to the adjacent car space.
- x) Visitor car space no. 1 is to be dually used as a carwash bay.

Details of these design changes must be submitted to and approved by the Director of Shire Planning prior to the issue of a Construction Certificate.

42. Car Parking Allocation

A. Before Subdivision

Parking must be allocated on the following basis:

- i) Residential dwellings: a minimum one bay per dwelling
- ii) Residential visitors: ten bays
- iii) Car wash bay: one bay (2nd used dually as a visitor space)
- iv) Adaptable Residential Dwellings: "Disable" bays

B. Ongoing

The car-parking provided must only be used in conjunction with the dwellings and/or tenancies contained within the development and not for any other purpose.

PANEL MEMBERS



Nicole Gurrán (Chair)



Bruce McDonald



Stuart McDonald



Steve Simpson



Michael Forshaw

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	2017SSH045 – Sutherland – DA17/1626
2	PROPOSED DEVELOPMENT	Demolition of existing structures and construction of an Affordable Rental Housing residential flat building containing 45 units and 2 levels of carpark
3	STREET ADDRESS	89-91 Willarong Rd, Caringbah (Lot 1 in SP 8148)
4	APPLICANT/OWNER	Landmark Group Australia Pty Ltd
5	TYPE OF REGIONAL DEVELOPMENT	Private infrastructure and community facilities over \$5 million
6	RELEVANT MANDATORY CONSIDERATIONS	• Environmental planning instruments: ○ State Environmental Planning Policy (Affordable Rental Housing) 2009 ○ State Environmental Planning Policy No. 65 – Design Quality of Residential Flat Development (SEPP65) ○ State Environmental Planning Policy No. 55 – Remediation of Land ○ State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 ○ Sutherland Shire Local Environmental Plan 2015 (SSLEP 2015) ○ Greater Metropolitan Regional Environmental Plan No.2 – Georges River Catchment • Draft environmental planning instruments: Nil • Development control plans: ○ Sutherland Shire Development Control Plan 2015 (SSDCP 2015) ○ Planning agreements: Section 7.11 Contributions: – 2016 Shire Wide Open Space and Recreational Facilities Contribution Plan – 2016 Community Facilities Plan • Provisions of the <i>Environmental Planning and Assessment Regulation 2000</i>: Nil • Coastal zone management plan: Nil • 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 <i>Environmental Planning and Assessment Act 1979</i> or regulations • The public interest, including the principles of ecologically sustainable development
7	MATERIAL CONSIDERED BY THE PANEL	• Council assessment report: 8 August 2018 • Written submissions during public exhibition: 2 • Verbal submissions at the public meeting: ○ Support – Nil ○ Object – Nil ○ On behalf of the applicant – Benjamin Black, Phillip Lord, Howard Moutrie, Adam Martinez
8	MEETINGS AND SITE INSPECTIONS BY THE PANEL	• Site inspection and briefing meeting 21 February 2018 • Site Inspection 22 August 2018 • Final briefing meeting to discuss council's recommendation, 22 August 2018, 12.50pm. Attendees: ○ <u>Panel members</u>: Nicole Gurran (Chair), Bruce McDonald, Stuart McDonald, Michael Forshaw and Steve Simpson ○ <u>Council assessment staff</u>: Carine Elias, Lauren Franks, Mark Adamson

9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Attached to the council assessment report