



# Report of Meeting

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## Sutherland Shire Local Planning Panel

Tuesday, 16 July 2019

6:00pm

Black Box Room

Sutherland Entertainment Centre

30 Eton Street, Sutherland

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SUTHERLANDSHIRE

**PANEL:** Jason Perica (Chairperson), Grant Christmas, Charles Hill and Kurt Ingle.

**STAFF IN ATTENDANCE:** Manager Major Development Assessment (Mark Adamson)

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**DISCLOSURES OF INTEREST**

**File Number: 2015/14239**

There was one declaration of interest by Kurt Ingle who made a non-pecuniary declaration relating to Item 1 (501/60 Ewos Parade Cronulla) as he did some surveying work on the site during construction which may be perceived by others to represent a potential conflict.

<b>SSLPP040-19</b>	<b>Proposal:</b>	<b>DA19/0207 - Construction of a privacy screen attached to the existing residential flat building</b>
	<b>Property:</b>	<b>Lot 14 S/P 93050 (No 60) Ewos Parade, Cronulla, (No 501/60) Ewos Parade, Cronulla</b>
	<b>Applicant:</b>	<b>Vic Lake Architects</b>
	<b>File Number:</b>	<b>DA19/0207</b>

There was no-one registered to speak against the proposal.

Speaking for the proposal was Vic Lake.

**PANEL DECISION:**

The Panel conceptually supports granting approval to Development Application No. 19/0207 for Construction of a privacy screen attached to the existing residential flat building at Lot 14 S/P 93050 60 Ewos Parade, Cronulla, 501/60 Ewos Parade. However, as no conditions for approval were before the Panel, it is appropriate for the matter to be deferred for subsequent determination following receipt of draft conditions for approval, and details from the applicant regarding materials, finishing and fixation of the proposed screen.

Accordingly, the DA is deferred for subsequent determination by the (same) Panel, upon receipt of a further report from Council staff with draft conditions for approval, which can be by electronic means.

**REASON FOR THE DECISION:**

The Panel had regard to the applicant's Clause 4.6 request regarding the maximum Building Height within Clause 4.3 of Sutherland Shire LEP 2015 and formed the view the applicant's written request satisfactorily addressed required matters within Clause 4.6(3) of the LEP. The Panel was satisfied the proposal was consistent with the zone objectives and the objectives of the development standard, notwithstanding the non-compliance, and granting consent would be in the public interest. In forming its view, the Panel had regard to the proposal, site observations, the assessment report and the circumstances of the case.

The proposal is relatively minor, is not visible from the street and has very limited visibility from public areas. The benefits in visual screening from the unit and improved privacy interface between buildings outweighed the very minor visual impact from public places, and other buildings. The new works were well below the existing building height and generally within the silhouette of the building.

The Panel considered that SEPP 65 (Design Quality of Residential Apartment Development) did not apply to the application as the works could not be considered a “substantial refurbishment”.

As outlined in the decision above, while the Panel was supportive of approving the application, conditions of approval were needed in order to determine the matter and it was appropriate to defer determination of the application. It was also appropriate that the details of proposed fixing and finish of the proposed screening be provided by the applicant.

In terms of considering community views, it was noted that no submissions were received.

**VOTES:** The decision was unanimous (3-0).

<b>SSLPP041-19</b>	<b>Proposal:</b>	<b>DA18/1458 - Partial demolition of existing structures, alterations and additions to existing dwelling and construction of a swimming pool and replacement of a roof on existing detached garage</b>
	<b>Property:</b>	<b>Lot 93 DP 773426, (56) Ellesmere Road, Gymea Bay</b>
	<b>Applicant:</b>	<b>Paul Grounds</b>
	<b>File Number:</b>	<b>DA18/1458</b>

There was no-one registered to speak against the proposal.

Speaking for the proposal was Michael Vine.

**PANEL DECISION:**

That pursuant to the provisions of Section 4.16 and 4.17 of the Environmental Planning and Assessment Act 1979, Development Application No. 18/1458 for Partial demolition of existing structures, alterations and additions to existing dwelling and construction of a swimming pool and replacement of a roof on existing detached garage at Lot 93 DP 773426 56 Ellesmere Road, Gymea Bay be approved, subject to the conditions contained in **Appendix "A"** of the report.

**REASON FOR THE DECISION:**

The Panel generally agreed with the environmental assessment as outlined in the Council staff report.

The Panel had regard to the applicant's Clause 4.6 request regarding Development in the Foreshore Area within Clause 6.9(2) of Sutherland Shire LEP 2015 ("the LEP") and formed the view the applicant's written request satisfactorily addressed required matters within Clause 4.6(3) of the LEP. In forming its view, the Panel had regard to the proposal, site observations, the assessment report and circumstances of the case. The Panel was satisfied the proposal was consistent with the zone objectives and the objectives of the development standard, notwithstanding the non-compliance, and granting consent was in the public interest.

The new works were relatively minor, complied with other key development standards in the LEP and were suitably designed for the site and its context. The new works did not project forward of the eastern-most wall of the existing dwelling and the Foreshore Area is, and will remain well vegetated (despite some localised removal of non-native trees/palms) to mitigate the visual impacts of the new works from the waterway.

In terms of consideration of submissions and community views, the Panel agreed with the assessment of the key issues outlined in the assessment report, including relating to view and privacy impacts. The proposal was consistent with a form envisaged by the planning controls, was well within key controls relating to height/scale and impacts were reasonably mitigated by the design and conditions of consent.

**VOTES:** The decision was unanimous.

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<b>SSLPP042-19</b>	<b>Proposal:</b>	<b>DA19/0317 - Modification to the existing shopfront by replacing the existing fixed glazing which surrounds the ATM bunker with a new masonry partition wall. Replacement of the existing advertising signage with 5 new signs</b>
	<b>Property:</b>	<b>Lot 3801 DP 848208, (Nos. 152-194) Allison Crescent, Menai</b>
	<b>Applicant:</b>	<b>Minto Planning Services Pty Ltd</b>
	<b>File Number:</b>	<b>DA19/0317</b>

There was no-one registered to speak

**PANEL DECISION:**

1. That Pursuant to the provisions of Section 4.16 and 4.17 of the Environmental Planning and Assessment Act 1979, Development Application No. 19/0317 for modification to the existing shopfront by replacing the existing fixed glazing which surrounds the ATM bunker with a new masonry partition wall. Replacement of the existing advertising signage with 5 new signs at Lot 3801 DP 848208 (Nos. 152-194) Allison Crescent, Menai be approved, subject to the conditions contained in **Appendix "A"** of the report.
2. That the Panel resolves to delegate the determination of future Development Applications for **Lot 3801 DP 848208, (Nos. 152-194) Allison Crescent, Menai** to the General Manager and other senior staff with delegation to determine Development Applications in accordance Section 2.20 of the EPA Act 1979, but only in circumstances where:
  - (a) There are no public submissions; and
  - (b) The proposal does not increase the gross floor area of the building; and
  - (c) The proposal does not breach any development standard.

**REASON FOR THE DECISION:**

The Panel generally agreed with the environmental assessment as outlined in the Council staff report.

The works are very minor and acceptable.

In terms of consideration of submissions and community views, the Panel noted no submissions were received.

The Panel was of the view certain minor applications such as this DA could reasonably be decided by Council staff and resolved to delegate certain future DAs, in accordance with the decision above.

**VOTES:** The decision was unanimous.

**SSLPP043-19            Sutherland Shire Local Planning Panel - Consideration of delegation to  
Council officers in relation to development appeals  
File Number: CR19-344943**

**PANEL DECISION:**

The Panel had regard to the report from Council staff and resolved:

1. The Sutherland Shire Local Planning Panel (SSLPP) delegate its functions of control and direction for appeals arising from a refusal or deemed refusal of a development application by the SSLPP, pursuant to Section 8.15(4) of the Environmental Planning & Assessment Act, to the Chief Executive Officer and/or Director of Shire Planning of Sutherland Shire Council, in accordance with the Instrument of Delegation as attached to the Council staff report.
2. The SSLPP be updated regularly on any current Land & Environment Court Appeals where the SSLPP was or otherwise would be the determining authority, and Council staff provide a copy any judgement of such matters where the appeal is subject to a hearing.

**VOTES:** The decision was unanimous.

The Meeting closed at **6.22pm**.