



Report of Meeting

Sutherland Shire Local Planning Panel

Tuesday, 20 August 2019

6:00pm

Rooms 202, 203 & 204

Level 2, Administration Building,

4-20 Eton Street, Sutherland

SUTHERLANDSHIRE

PANEL: Grant Christmas (Chair), Mary Lynne Taylor, Julie Savet Ward, David Corry

STAFF IN ATTENDANCE: Manager, Development Assessment and Certification (Simone Plummer) and Manager, Major Development Assessment (Mark Adamson)

DISCLOSURES OF INTEREST

File Number: 2015/14239

There were no declarations of interest.

SSLPP044-19	Proposal:	DA19/0268 - Replacement and extension of existing first floor deck
	Property:	Lot 3 DP 343767, (2) Dodson Avenue, CRONULLA
	Applicant:	Vaughan Milligan Development Consulting Pty Ltd
	File Number:	DA19/0268

There were no registered speakers against the proposal.

Speaking for the proposal were Vaughan Milligan and Garry Walker.

PANEL DECISION:

THAT:

1. Pursuant to the provisions of Section 4.16 and 4.17 of the Environmental Planning and Assessment Act 1979, Development Application No19/0268 for replacement and extension of existing first floor deck at Lot 3 DP 343767 2 Dodson Avenue, Cronulla is determined by the refusal of development consent for the reasons outlined below.
 - 1.1 The application is considered unacceptable pursuant to the provisions of s4.15(1)(a)(i) of the Environmental Planning and Assessment Act 1979 in that the proposed development fails to comply with Clause 2.1 R2 Low Density Residential zone of Sutherland Shire Local Environmental Plan 2015 having regard to the following zone objective:
 - To protect and enhance existing vegetation and other natural features and encourage appropriate bushland restoration particularly along ridgelines and in areas of high visual significance.

1.2 The application is considered unacceptable pursuant to the provisions of s.4.15(1)(a)(i) of the Environmental Planning and Assessment Act 1979 in that the proposed development fails to satisfy Clause 6.9 - Limited development on foreshore area of Sutherland Shire Local Environmental Plan 2015 having regard to the following:

- *Cl.6.9(1) Objectives*
 - (d) *to protect and enhance significant natural features and vegetation on the foreshore area,*
 - (f) *to restore and revegetate foreshore areas to improve estuarine flora and fauna habitat,*
 - (g) *to minimise any adverse visual impact of development when viewed from adjacent land and waterways by using a design and materials that complement the natural landscape of the foreshore area,*

- *Cl.6.9(2) Development Standard*
 - (a) *the alteration, extension or rebuilding of an existing dwelling wholly or partly on the foreshore area if the footprint of the extension or alteration will not extend any further forward of the foreshore building line than the footprint of the existing dwelling,*

- *Cl.6.9(3) Matters for Consideration*
 - (a) *the appearance of the development, from both the foreshore area and the adjacent waterway, will be compatible with the surrounding area, and*
 - (c) *the natural qualities of the foreshore area are retained or restored as far as practicable through the retention or reinstatement of natural levels and endemic vegetation, and*
 - (g) *in the case of development for the alteration, extension or rebuilding of an existing building (or the erection of a new building) wholly or partly in the foreshore area, the alteration, rebuilding or new building will not have an adverse impact on the amenity or aesthetic appearance of the foreshore,*

1.3 The submitted written request pursuant to clause 4.6 of Sutherland Shire Local Environmental Plan 2015, fails to justify the proposed contravention of the clause 6.9 development standard in accordance with clause 4.6(3)(a) and 4.6(3)(b). The submitted written request has not adequately addressed the matters required to be demonstrated by subclause (3) in that:

- strict compliance with the development standard is not unreasonable or unnecessary in the circumstances of the case; and
- there are insufficient environmental planning grounds to justify contravening the development standard.

1.4 The application is considered unacceptable pursuant to the provisions of s.4.15(1)(a)(i) of the Environmental Planning and Assessment Act 1979 in that the proposed development fails to satisfy Clause 6.10 - Development on the foreshores of Port Hacking, Georges River, Woronora River and Port Botany of Sutherland Shire Local Environmental Plan 2015 having regard to the following:

- *Cl.6.10(1) Objectives*
 - (f) *to protect amenity and scenic quality,*
 - (j) *to ensure that the type, bulk, scale and size of development is appropriate for the location and protects and improves the natural scenic quality of the surrounding area,*
 - (k) *to ensure that decisions in relation to development involve consideration of the broader and cumulative adverse impacts of the development on the catchment.*

- *Cl.6.10(3) Matters for Consideration*
 - (b) *the suitability of the development, its relationship with the surrounding area and its impact on the natural scenic quality, taking into account:*
 - (iii) *the bulk, scale, size and overall built form design of any building or work involved,*
 - (d) *how the visual amenity and scenic qualities of the foreshores can be protected,*
 - (g) *the cumulative impacts of the development and other development on the catchment.*

1.5 The application is considered unacceptable pursuant to Section 4.15 (1)(a)(i) of the Environmental Planning and Assessment Act 1979 in that it fails to satisfy Clause 6.14 - Landscape areas of Sutherland Shire Local Environmental Plan 2015 having regard to the following:

- *Cl6.14(1) objectives*
 - (a) *to ensure adequate opportunities exist for the retention or provision of vegetation that contributes to biodiversity and, in the case of trees, enhances the tree canopy of Sutherland Shire,*
 - (b) *to minimise urban run-off by maximising permeable areas on the sites of development,*
 - (c) *to ensure that the visual impact of development is minimised by appropriate landscaping and that the landscaping is maintained,*
 - (d) *to ensure that landscaping carried out in connection with development is sufficient to complement the scale of buildings, provide shade, screen parking areas and enhance workforce amenities.*

- *Cl6.14(3) 35% Minimum Landscaped Area Development Standard*

- 1.6 The submitted written request pursuant to clause 4.6 of Sutherland Shire Local Environmental Plan 2015, fails to justify the contravention of the development standard in clause 6.14 in accordance with Clause 4.6(3)(a) and 4.6(3)(b). The submitted written request has not adequately addressed the matters required to be demonstrated by subclause (3) in that:
- strict compliance with the development standard is not unreasonable or unnecessary in the circumstances of the case; and
 - there are insufficient environmental planning grounds to justify contravening the development standard.
- 1.7 The application is considered unacceptable pursuant to the provisions of s.4.15(1)(a)(i) of the Environmental Planning and Assessment Act 1979 in that the proposed development fails to satisfy Clause 6.16 – Urban Design - General of Sutherland Shire Local Environmental Plan 2015 having regard to the following:
- Cl.6.16(1) Objectives
 - (b) the extent to which any buildings are designed and will be constructed to:
 - (i) strengthen, enhance or integrate into the existing character of distinctive locations, neighbourhoods and streetscapes, and
 - (ii) contribute to the desired future character of the locality concerned,
- 1.8 The application is considered unacceptable pursuant to the provisions of s.4.15(1)(a)(iii) of the Environmental Planning and Assessment Act 1979 in that the proposed development fails to comply with the development control in Chapter 2.1.2.3 Dwelling Houses of Sutherland Shire Development Control Plan 2015 which permits two or three storey development to extend to a maximum 60% of the depth of the site measured from the property boundary.
- 1.9 The application is considered unacceptable pursuant to the provisions of s.4.15(1)(a)(iii) of the Environmental Planning and Assessment Act 1979 in that the proposed development fails to comply with the minimum 1500mm side setback development control in Chapter 2.1.2.3 Dwelling Houses of Sutherland Shire Development Control Plan 2015.
- 1.10 The application is considered unacceptable pursuant to Section 4.15 (1)(e) of the Environmental Planning and Assessment Act, 1979, in that the granting of development consent would set an undesirable precedent for future inappropriate development and is therefore not in the public interest.

REASON FOR THE DECISION:

1. The Panel considered that the lack of landscaped area on the waterside of the site makes the application unacceptable.
2. The Panel considered that the failure of the development to comply with clause 6.9 'Limited development on foreshore area' and clause 6.14 'minimum landscaped area' development standards contained in Sutherland Shire Local Environment Plan 2015 were two critical factors which should lead to refusal of the application. The lack of adequate landscaping within the foreshore area would result in the development having insufficient green space to soften the built form of the development and insufficient native vegetation to contribute to the biodiversity of the local environment.
3. The Panel considered that there needs to be an integrated approach to the establishment of further landscaped areas across the entire site if additional built form forward of the foreshore building line were to be considered acceptable. The Applicant's suggested use of planter boxes is considered by the Panel to be a piecemeal approach on a site that is prominent in the public domain and insufficient in its contribution to the natural environment. The Panel considered that there was a need to reduce the amount of existing hard paved surfaces and increase the porous areas in accordance with the Council's published landscaped area standards.
4. The Panel considered that a more sensitive and aesthetically responsible design was required if a balcony addition forward of the foreshore building line was proposed in the future.

VOTES: The decision was unanimous.

SSLPP045-19	Proposal:	DA18/1457 - Demolish existing structures, construction of a multi dwelling development containing 10 dwellings with consolidation of lots and strata subdivision
	Property:	Lots 20 & 21 DP 35181, (5-7) Kurrajong Street, Sutherland
	Applicant:	Greg Kellner and Jefferson Rose
	File Number:	DA18/1457

Speaking against the proposal were Sonja Michels, Soren Hughes, Marcela Bilek, Phillip Barnes and Andrew Mathas. Marcela Bilek also presented on behalf of Beth Hopkins.

There were no registered speakers for the proposal.

PANEL DECISION:

THAT:

1. Pursuant to the provisions of Section 4.16 and 4.17 of the Environmental Planning and Assessment Act 1979, Development Application No18/1457 to demolish existing structures, construction of a multi dwelling development containing 10 dwellings with consolidation of lots and strata subdivision at Lot 20 DP 35181, Lot 21 DP 35181 7 Kurrajong Street, Sutherland, 5 Kurrajong Street, Sutherland is determined by the refusal of development consent for the reasons outlined below:
 - a) The application is considered unacceptable pursuant to the provisions of s4.15(1)(a)(i) of the Environmental Planning and Assessment Act 1979 in that it does not promote orderly and economic use and development of the land pursuant to Section 1.3(c) and (g) of the Environmental Planning and Assessment Act 1979, specifically the narrow site width forcing a cramped design that results in unacceptable bulk, scale and massing.
 - b) The application is considered unacceptable pursuant to the provisions of s4.15(1)(a)(i) of the Environmental Planning and Assessment Act as insufficient information was submitted to satisfy the provisions of the Greater Metropolitan Regional Environmental Plan No.2 – Georges River Catchment, Clause 6.4 from the Sutherland Shire Local Environmental Plan 2015 and Parts A and B, Chapter 38 of the Sutherland Shire Development Control Plan 2015 as the applicant has failed to demonstrate that the subject land has a benefit to drain water through a downstream property or if the adjoining property has granted consent for an easement for drainage purposes to be created through their land. No information has been provided to certify that any existing pipeline has the capacity to accommodate additional stormwater generated by the development.

- c) The development is considered unacceptable pursuant to the provisions of Section 4.15(1)(a)(i) of the Environmental Planning and Assessment Act 1979 in that the proposal fails to satisfy Objective (5), Zone R2 Low Density Residential from the Sutherland Shire Local Environmental Plan 2015 as the design of the development is not single dwelling in character and is not consistent with the streetscape and neighbourhood character of the zone.
- d) The development is considered unacceptable pursuant to the provisions of Section 4.15(1)(a)(i) of the Environmental Planning and Assessment Act 1979 as the development exceeds the maximum building height permitted by Clause 4.3 from the Sutherland Shire Local Environmental Plan 2015. Specifically Dwellings 9 and 10 exceed 8.5m and have building heights of 8.9m and 9.1m respectively. The applicant has failed to submit a written request in accordance with the requirements of Clause 4.6 of Sutherland Shire Local Environmental Plan 2015 to enable an assessment of this variation.
- e) The development is considered unacceptable pursuant to the provisions of Section 4.15(1)(a)(i) of the Environmental Planning and Assessment Act 1979 in that the proposal fails to satisfy Clause 4.3(1)(a)(i)(ii), (b), (c), (d), (e) and (f) from the Sutherland Shire Local Environmental Plan 2015 as it is considered that the design of the development is not in keeping with the existing scale or is compatible with existing built form of the surrounding developments.
- f) The development is considered unacceptable pursuant to the provisions of Section 4.15(1)(a)(i) of the Environmental Planning and Assessment Act 1979 in that the proposal fails to satisfy Clause 6.2 from the Sutherland Shire Local Environmental Plan 2015 as insufficient information has been provided showing the extent and location of retaining walls, benching and the extent of earthworks to be undertaken to accommodate the development.
- g) The development is considered unacceptable pursuant to the provisions of Section 4.15(1)(a)(i) of the Environmental Planning and Assessment Act 1979 in that the proposal fails to satisfy Clause 4.4(1)(a), (b), (c) from the Sutherland Shire Local Environmental Plan 2015. Despite the development complying with the numerical and prescriptive maximum floor space ratio development standard pursuant to the Clause, it is considered that the design is not in keeping with the characteristics of the local area, the design results in unacceptable bulk and scale in the context of the locality and will result in unacceptable negative density and intensity in regard to the streetscape and landscape qualities of the area.
- h) The development is considered unacceptable pursuant to the provisions of Section 4.15(1)(a)(i) of the Environmental Planning and Assessment Act 1979 as the development fails to provide the minimum 35% of landscaped area pursuant to Clause 6.14 from the Sutherland Shire Local Environmental Plan 2015. In this regard, the applicant proposes a landscape ratio of 30.4%. The applicant has failed to submit a written request in accordance with the requirements of Clause 4.6 of Sutherland Shire Local Environmental Plan 2015 to enable an assessment of this variation.

- n) The development is considered unacceptable pursuant to the provisions of Section 4.15(1)(a)(iii) of the Environmental Planning and Assessment Act 1979 in that the proposal fails to satisfy Control 4.2(3), Part A, Chapter 5 of the Sutherland Shire Development Control Plan 2015 as the development will have an unacceptable impact upon an existing large street tree, being *Eucalyptus botryoides* – Southern Mahogany (Tree 2), which will have an impact upon the streetscape and landscape character of the locality. Further, the removal of a boundary Tree No. 6 (Peppercorn - *Schinus areira*) is not supported as the applicant has not provided any justification of its removal given that it is not located in the area where the development will be constructed.
- i) The development is considered unacceptable pursuant to the provisions of Section 4.15(1)(a)(i) of the Environmental Planning and Assessment Act 1979 in that the proposal fails to satisfy Clause 6.16(b)(i)(ii), (d), (e), (g) and 6.17(c), (d), (e), (f) from the Sutherland Shire Local Environmental Plan 2015 and Controls 1.2(1), (7), (10), Chapter 5 of the Sutherland Shire Development Control Plan 2015. Specifically, the development has unacceptable building bulk, the development does not result in a high quality design to strengthen, enhance and/or integrate into the existing streetscape character, the development does not contribute to the existing and/or desired future character, private open space areas are constrained and inadequate, the development does not correspond with the landform, the proposal does not satisfy Crime Prevention Guidelines.
- j) The development is considered unacceptable pursuant to the provisions of Section 4.15(1)(a)(iii) of the Environmental Planning and Assessment Act 1979 in that the proposal fails to satisfy Control 1.2(1), Part A, Chapter 5 of the Sutherland Shire Development Control Plan 2015 as the first floor of Dwellings 8, 9 and 10 are located within the required 40% portion of the site which will have an adverse impact upon the spatial continuity, degree of openness in the rear setbacks and will have an effect on residential amenity of adjoining developments, given that the development is located within in a low density residential zone.
- k) The development is considered unacceptable pursuant to the provisions of Section 4.15(1)(a)(iii) of the Environmental Planning and Assessment Act 1979 in that the proposal fails to satisfy Control 1.2(4), Part A, Chapter 5 of the Sutherland Shire Development Control Plan 2015 as it is considered that dwelling entries, safe pedestrian access and wayfinding are considered poor and access to dwellings are through private open space areas, specifically for Dwellings 4 to 7 inclusive. The design in its current form is considered unacceptable and potentially dangerous in regard to vehicle/pedestrian conflict.
- l) The development is considered unacceptable pursuant to the provisions of Section 4.15(1)(a)(iii) of the Environmental Planning and Assessment Act 1979 in that the proposal fails to satisfy Controls 2.2(2)(8), Part A, Chapter 5 of the Sutherland Shire Development Control

Plan 2015 as the development is not setback a minimum 7.5m or within the established street setback and as such, the development will not be compatible with the established, the desired future streetscape character and will result as a dominant building form along the streetscape. Further, more than one-third of the built form is located within the articulation zone which will have an adverse impact upon the design quality of the development and poor façade/architectural merit.

- m) The development is considered unacceptable pursuant to the provisions of Section 4.15(1)(a)(iii) of the Environmental Planning and Assessment Act 1979 in that the proposal fails to satisfy Control 4.2(3) Part A, Chapter 5 of the Sutherland Shire Development Control Plan 2015 as the development will have an adverse impact upon existing canopy trees that are in good health on the vicinity of the side, rear and front setbacks of the development.
- o) The development is considered unacceptable pursuant to the provisions of Section 4.15(1)(a)(iii) of the Environmental Planning and Assessment Act 1979 in that the proposal fails to satisfy Controls 5.2(3) and (8), Part A, Chapter 5 of the Sutherland Shire Development Control Plan 2015 as insufficient information has been submitted to demonstrate that Dwellings 2, 3, 9, and 10 received the minimum 3 hours of solar access at midwinter due to shadows cast by other dwellings, fencing and topographic constraints.
- p) The development is considered unacceptable pursuant to the provisions of Section 4.15(1)(a)(iii) of the Environmental Planning and Assessment Act 1979 in that the proposal fails to satisfy Controls 2.2(10) and 7.2(1)(2)(4), Part A, Chapter 5 of the Sutherland Shire Development Control Plan 2015 as car parking is proposed within the front setback of the development, insufficient parking is provided and fails to provide a car wash bay, which is contrary to the aforementioned controls.
- q) The development is considered unacceptable pursuant to the provisions of Section 4.15(1)(a)(iii) of the Environmental Planning and Assessment Act 1979 in that the proposal fails to satisfy Controls 7.2(4), Part A, Chapter 5 of the Sutherland Shire Development Control Plan 2015 as the application fails to provide a car wash bay.
- r) The development is considered unacceptable pursuant to the provisions of Section 4.15(1)(a)(iii) of the Environmental Planning and Assessment Act 1979 in that the proposal fails to satisfy Controls 7.2(6)(10), Part A, Chapter 5 of the Sutherland Shire Development Control Plan 2015 as insufficient information has been provided to demonstrate that the development will not have an external impact upon on-street car parking availability as a result of the proposed 4 driveway crossovers, will not result in pedestrian and vehicular conflict and will require the removal of one large mature tree and may impact other large mature trees located within the road verge.

- s) The development is considered unacceptable pursuant to the provisions of Section 4.15(1)(a)(iii) of the Environmental Planning and Assessment Act 1979 in that the proposal fails to satisfy Control 7.2(8) Part A, Chapter 5 of the Sutherland Shire Development Control Plan 2015 as insufficient information has been submitted to demonstrate that vehicles are able to enter and leave in a forward direction and in 3 or less turns.
- t) The development is considered unacceptable pursuant to the provisions of Section 4.15(1)(a)(iii) of the Environmental Planning and Assessment Act 1979 in that the proposal fails to satisfy Control 9.2(1), Part A, Chapter 5 of the Sutherland Shire Development Control Plan 2015 as the application fails to satisfy the Crime Prevention through Environmental Design requirements and principles, specifically the design of the development lacks opportunities for the passive surveillance of all communal spaces.
- u) The development is considered unacceptable pursuant to the provisions of Section 4.15(1)(a)(iii) of the Environmental Planning and Assessment Act 1979 in that the proposal fails to satisfy Control 10.2(1) to (6) inclusive, Part A, Chapter 5 of the Sutherland Shire Development Control Plan 2015 and the Sutherland Shire “Environmental Specification – Waste Collection for New Multi-Unit Dwellings and Residential Flat Buildings” as insufficient information was submitted to demonstrate that the development has adequate capacity to accommodate waste storage and generation within the site. That is, the number of bins and storage proposed for the development is deficient and based on incorrect collection periods, and the number of vehicular crossings reducing the available on-street/kerbside area for bin storage.
- v) The application is considered unacceptable as there are inconsistencies between the Statement of Environmental Effects, the Arboricultural Impact and Tree Management Plan and the plans of development, specifically regarding tree removal and retention.
- w) The application is considered unacceptable pursuant to the provisions of s4.15(1)(a)(iii), (b), (c) of the Environmental Planning and Assessment Act 1979 in that subject land is not suitable for the proposed development. Approval of the application will create an undesirable planning precedent.
- x) The application is considered unacceptable pursuant to the provisions of s.4.15(1)(e) of the Environmental Planning and Assessment Act 1979 in that the development is not within the public interest, particularly having regard to those matters raised in the submissions objecting to the application.

REASON FOR THE DECISION:

1. The Applicant has failed to submit written requests in accordance with Clause 4.6 of the Sutherland Shire Local Environmental Plan 2015 to enable an assessment of the non-compliance with the development standards relating to landscaped area and building height. Accordingly, in the absence of such written requests, the Panel has no power to grant consent to the application. In any event, the application has been assessed having regard to section 4.15 of the Environmental Planning and Assessment Act 1979. The Panel has concluded that the application will result in an unacceptable and significant impact on the environment and would adversely affect the amenity of nearby residents.

2. The Panel considered that the proposal does not comply with a number of key planning controls; has poor site planning and layout; and would result in the loss of a number of large, mature onsite and road verge trees that are worthy of retention. In particular, the development would cause the loss of the Peppercorn tree (Tree No. 6) located on the common boundary with No. 3 Kurrajong Street and mostly within the neighbouring property.

VOTES: The decision was unanimous.

SSLPP046-19	Proposal:	MA18/0400 - Section 4.55(2) Modification to DEV880076 - Modify the approved caravan park by consolidating 9 sites into 4 larger sites in the eastern portion of the caravan park and to provide internal road access to proposed sites C and D: amendment to Conditions 1, 6 and 8
	Property:	Lot 129 DP 777968, (1) Menai Road, Woronora
	Applicant:	Wattle Residential Parks Pty Limited
	File Number:	MA18/0400

Speaking against the proposal were Kevin McIntosh, Peter Tilley, Dave Maher, Greg Skinner, Bruce Whiting and Lisa Monaghan.

Speaking for the proposal were Ellen Robertshaw and Christian Martin.

PANEL DECISION:

THAT:

Pursuant to the provisions of Section 4.55(1A) of the Environmental Planning and Assessment Act 1979, the application to modify Development Consent No. DEV880076 dated 14 Mar 1988 for redesign of the Woronora Caravan Park to Comply with Ordinance 71 Requirements at Lot 129 DP 777968, 1 Menai Road, Woronora, be approved subject to the modified conditions contained in **Appendix "A"** of the report subject to the following:

- Condition 7A: delete "conspicuous".
- Condition 12: add the words "excluding any tent, or any caravan or other portable device after the words "The installation of any future moveable dwellings..." and delete the reference to "MA10/0400" and replace with "MA18/0400".
- Condition 21: refer to "Section 3.1(8)" instead of "Section 3.1(7)" of SSDCP2015.

REASON FOR THE DECISION:

1. The Panel considered that the application satisfies the statutory requirement that the development to which the consent as modified relates will remain substantially the same development as that for which consent was originally granted.
2. The Panel considered that the proposed rationalisation of the number of lots on the site was an acceptable outcome but was strongly and unanimously of the view that the landowner

needed to prepare a comprehensive masterplan to designate and control development into the future. The landowner should take immediate steps to consult with the Council about the provisions of such a masterplan which should include comprehensive details of how the site is to be planned, landscaped and serviced in future years. Thereafter, the Panel is of the view that a comprehensive development application should be lodged with the Council to get effect to the provisions of the masterplan.

3. The Panel considered that the any future, non-temporary built form on Lots A to D inclusive would require prior development consent as the current use of the site was an “existing use” pursuant to section 4.65 of the Environmental Planning and Assessment Act 1979. As such, any enlargement, expansion or intensification of the use of the site requires a development application to be lodged to Council, before consideration and determination of an application under section 68 of the Local Government Act 1993.

VOTES: The decision was unanimous.

SSLPP047-19	Proposal:	DA18/0049 - Temporary use of a moveable dwelling as an exhibition home at Woronora Caravan Park
	Property:	Lot 129 DP 777968, (1) Menai Road, Woronora
	Applicant:	Wattle Residential Parks Pty Ltd
	File Number:	DA18/0049

Speaking against the proposal were Kevin McIntosh, Peter Tilley, Dave Maher, Greg Skinner, Bruce Whiting and Lisa Monaghan.

Speaking for the proposal were Ellen Robertshaw and Christian Martin.

PANEL DECISION:

THAT:

Pursuant to the provisions of Section 4.16 of the Environmental Planning and Assessment Act, 1979, Development Application No. 18/0049 for temporary use of a moveable dwelling as an exhibition home at Woronora Caravan Park at Lot 129 DP 777968 1 Menai Road, Woronora is determined by the granting of a **deferred commencement** development consent subject to the conditions contained in **Appendix "A"** of the report and the following amendments to those conditions:

- Condition 2: remove the reference to "BASIX certificate".
- Condition 3: be amended to read "This Development Consent is limited to a period of 1 year from the issue of a Notice of Installation for Section 68 Application CC(ASS) 18/0012."
- Condition 5: be amended to read "This consent relates only to the use of the moveable dwelling on Lot D for the purpose of a temporary exhibition home. The building is not to be used for any purpose other than as an exhibition home and must not be used for more than 52 days in the 1 year period of approval in accordance with clause 2.8 of the Sutherland Shire Local Environmental Plan 2015. A register is to be kept by the site operator to record the number of days of use of the exhibition home with such register to be available for inspection by authorised Council officers at any time during normal business hours. The use of the building is to cease at the conclusion of the 1 year period unless development consent for another use is granted."

REASON FOR THE DECISION:

1. The Panel noted that there seemed to be a general misconception about the statutory planning process for the site. As the current use of the site is an "existing use" pursuant to section 4.65 of the Environmental Planning and Assessment Act 1979 any enlargement, expansion or intensification of the use of the site requires a development application to be lodged, before consideration and determination of an application under section 68 of the Local Government Act 1993.

2. The Panel accepts that any new moveable dwelling on the site is required to be 2 storey because of the flooding impacts. Therefore, the proposed 2 storey built form of the exhibition home was consistent with likely future development on the site.
3. The Panel considered that the proposal to establish an exhibition home was a reasonable commercial arrangement to assess whether such a proposal was feasible in the market. The proposed single moveable dwelling would not have any significant impacts on the locality for the proposed 1 year period.
4. The Panel concluded that the proposal is satisfactory on its merits and was acceptable having regard to the Council's planning controls. The Panel was not persuaded by the objector's submissions that approval of the application would lead to the likely increased density and amenity impacts that were asserted by the submissions.

VOTES: The decision was unanimous.

The Meeting closed at 7.55pm.