



Report of Meeting

Sutherland Shire Local Planning Panel

Tuesday, 26 November 2019

eDetermination

SUTHERLANDSHIRE

PANEL: Charles Hill (Chair), Grant Christmas, Julie Savet Ward, David Corry

The following application was determined electronically as it met the pre-determined test for electronic determination being:

1. The Panel trigger is a pre-existing non-compliance
2. There are no objections
3. The officer recommends support for the application
4. The non-compliance is not made worse.

DISCLOSURES OF INTEREST

File Number: 2015/14239

SSLPP081-19	Proposal:	DA19/0658 - Construction of an attached patio roof over existing balcony/terrace
	Property:	Lot 4 DP 529633, (1) Bermuda Place Burraneer
	Applicant:	Sunscreen Patios & Pergolas
	File Number:	DA19/0658

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.19/0658 for construction of an attached patio roof over existing balcony/terrace at Lot 4 DP 529633, (1) Bermuda Place Burraneer be approved subject to:

- 1.1** Clause 4.6 of Sutherland Shire Local Environmental Plan 2015, the written submission in relation to the variation to Cl.6.9 Limited Development on the Foreshore Area satisfies the relevant provisions of Clause 4.6 and is therefore supported. It is recommended that the provisions of Clause 4.6 be invoked and that the Foreshore Area development standard be varied, in respect to this application.
- 1.2** That Development Application No. 19/0658 for Construction of an attached patio roof over existing balcony/terrace at Lot 4 DP 529633 1 Bermuda Place, Burraneer be approved, subject to the conditions contained in **Appendix A** of the Council's assessment report.

REASON FOR THE DECISION:

By email on 26 November 2019 the SSLPP reviewed the application, the plans, report and draft consent and noted two requests for contravention to development standards, being for height and foreshore area.

The Panel agreed to determine the application by way of approval subject to the conditions, on the basis that:

- the proposed rectangular awning is limited to 25m² in size and
- is over an existing verandah on the second storey, thereby creating no physical impact on the foreshore and
- it will have a negligible impact when viewed from the waterway as the bulk of the existing building is the main object in view.

The Panel noted that:

- the subject land is located within Zone E4 Environmental Living pursuant to the provisions of Sutherland Shire Local Environmental Plan 2015. The proposed development, being addition of an awning to a dwelling, is a permissible land use within the zone with development consent.
- in response to public exhibition, no submissions were received.
- the proposal includes a variation to the development standard for building height and foreshore area under the Sutherland Shire Local Environmental Plan 2015.

The Panel agreed with Council's assessment that the applicant's written submission demonstrates that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case. It also demonstrates sufficient environmental planning grounds to justify varying this development standard.

It considered that the proposed development is in the public interest as the proposal complies with the objectives for both the foreshore area and the E4 Environmental Living zone.

In addition, the proposed variation does not raise any matters of State or regional environmental planning significance. There is also no public benefit to maintain the development standard in the circumstances of this case.

In conclusion it considered that the variation to the foreshore area development standard satisfies all relevant parts of Clause 4.6 and therefore the variation can be supported.

The Panel noted the application has been assessed having regard to the Heads of Consideration under Section 4.15 of the Environmental Planning and Assessment Act 1979. The application will not result in

any significant impact on the environment or the amenity of nearby residents. Following assessment, Development Application No. DA19/0658 may be supported for the reasons outlined in Council's assessment report.

VOTES

The decision was unanimous.