



## **Report of Meeting**

### **Independent Hearing and Assessment Panel**

**Held on Tuesday, 27 June 2017  
commencing at 6:00pm  
in the Council Chambers,  
Level 2, Administration Building,  
4-20 Eton Street, Sutherland**

PRESENT: Charles Hill (Chairperson/Expertise in Planning), Grant Christmas (Expertise in Law), Michael Mantei (Expertise in Planning Law) and Christine Theodore (Community Representative with Expertise in Property Law).

Staff in attendance was the Manager Major Development Assessment (Mark Adamson).

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**Disclosures of Interest**

**File Number: 2016/260430**

There were no disclosures of interest declared.

**IHAP015-17      Proposal:      Construction of a Dual Occupancy and Inclinor with 2 Lot  
Strata Subdivision - Port Hacking Road, Dolans Bay**  
**Property:      Lot 344 DP1202512 (No. 632) Port Hacking Road, Dolans Bay**  
**Applicant:     Peter Yannopoulos**  
**File Number:   DA16/1658**

**Mr Lake, on behalf of the Applicant, addressed the Panel regarding this matter.**

**IHAP RECOMMENDATION:**

THAT:

1. Pursuant to the provisions of Clause 4.6 of Sutherland Shire Local Environmental Plan 2015, the written submission in relation to the variation to the height development standard 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 height development standard be varied to 10.5m, in respect to this application.
2. Pursuant to the provisions of Section 80 of the Environmental Planning and Assessment Act, 1979, Development Application DA16/1658 for construction of a dual occupancy and inclinor with two lot strata subdivision at Lot 344 DP 1202512 (No. 632) Port Hacking Road, Dolans Bay, is determined by the granting of development consent subject to the conditions contained in Appendix "A" of this report with the following amendments:
  - a. The determination be deferred until such time as the consent of the owner of Lot 343 in DP 1202512 is received to the making of the application as it relates to the proposed regrading of the driveway. In the alternative, if the Council considers it more appropriate, a deferred commencement consent be granted with a condition restricting the carrying out of the development until the owners' consent is provided to the works to the driveway.
  - b. The provision of a dilapidation report be imposed as a condition of development consent.

**PANEL COMMENTARY:***Site Visit*

The Panel inspected the subject site and the immediate locality.

*Presentations to Panel at the Public Meeting*

The applicant's architect briefed the Panel on the proposed development, but did not raise any issues. In that regard the architect also accepted condition 2(A)(iii) in relation to the deletion of the inclinor.

*Consideration of Issues*

The Panel was satisfied that the Council officer's assessment report had adequately addressed the concerns of the residents.

In that regard the Panel noted in particular, that the proposed development was a permissible use within the E4 Environmental Living zone, and that the development involved a variation in the height development standard of SSLEP 2015 and the number of storeys in draft SSDCP 2015 control. The Panel were of the view that the Applicant's request for a variation of these standards had been made and as such supported the subject application.

The Panel however noted in particular that the application proposes physical work on the adjoining Lot 343 within the right of way. The owner of that land does not appear to have given owners consent to the lodgement of the application.

The Panel were also of the view that a dilapidation report should be prepared, given the extent of proposed earthworks, particularly adjoining Lot 343.

*Reasons for Variation from Council Officer's Recommendation*

The applicant needs to provide owners' consent for the works proposed on the driveway, before formal consent may be issued for the subject application.

Secondly a dilapidation report will ensure that any damage caused by works on the subject property, may be identified.

**VOTES: 4:0****ASSESSMENT OFFICERS RECOMMENDATION:**

THAT:

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2. Pursuant to the provisions of Section 80 of the Environmental Planning and Assessment Act, 1979, Development Application DA16/1658 for construction of a dual occupancy and inclinor with two lot strata subdivision at Lot 344 DP 1202512 (No. 632) Port Hacking Road, Dolans Bay, is determined by the granting of development consent subject to the conditions contained in Appendix "A" of this report.

The Meeting closed at 6.30 pm.