



Report of Meeting

Independent Hearing and Assessment Panel

Wednesday, 4 July 2018

Electronic Determination Meeting

SUTHERLANDSHIRE

PRESENT: Grant Christmas (Chair), Mary-Lynne Taylor, Jan Murrell, David Russell

The following two applications were 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

Apologies

There were no apologies.

IHAP041-18	Proposal:	CONSTRUCTION OF AN ATTACHED AWNING (E-DETERMINATION)
	Property:	LOT129 DP 25920 (NO. 26) FOURTH AVENUE, LOFTUS
	Applicant:	ATS AWNINGS AND ADDITIONS
	File Number:	DA18/0246

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. 18/0246 for construction of an attached awning at 26 Fourth Avenue Loftus be approved subject to the Conditions within the Council staff report presented to the Panel formulated for the meeting of 3 July 2018.

REASON FOR THE DECISION:

The Panel agreed with the assessment of environmental considerations outlined within the Council staff report.

The Panel had regard to the applicants' Clause 4.6 variation request regarding the minimum landscaped area standard within Clause 6.14 of Sutherland Shire LEP 2015. Given the proposal did not reduce landscaped area (the non-compliance is pre-existing and not being made worse), the

Panel was satisfied regarding the landscaped area. The Panel formed the view the proposal and the applicant's written request satisfactorily addressed the required matters within clause 4.6 of the LEP, and it was considered compliance with the landscaped area standard was unnecessary and unreasonable in this case.

The Panel reviewed plans and photos of the existing structures on site and as this awning is over an existing verandah, no amendments were considered warranted.

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

VOTES: The decision was unanimous.

ASSESSMENT OFFICER'S 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 minimum landscaped 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 minimum landscaped area development standard be varied to 32.7%, in respect to this application.
2. That Development Application No. 18/0246 for construction of an attached awning at Lot 129 DP 25920 26 Fourth Avenue, Loftus be approved, subject to the conditions contained in Appendix "A" of the report.

IHAP042-18	Proposal:	ALTERATIONS AND ADDITIONS TO EXISTING RETAINING WALL AND FRONT FENCE AND CONSTRUCTION OF A NEW RETAINING WALL AND FENCE (E-DETERMINATION)
	Property:	LOT 101 DP 1008214 (NO. 2) SILVEREYE COURT, WORONORA HEIGHTS
	Applicant:	J L DESIGN
	File Number:	DA18/0288

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. 18/0288 for alterations and additions to existing retaining wall and front fence and construction of new retaining wall and fence at 2 Silvereye Court, Woronora Heights be approved subject to the Conditions within the Council staff report presented to the Panel formulated for the meeting of 3 July 2018.

REASON FOR THE DECISION:

The Panel agreed with the assessment of environmental considerations outlined within the Council staff report.

The Panel had regard to the applicants' Clause 4.6 variation request regarding the minimum landscaped area standard within Clause 6.14 of Sutherland Shire LEP 2015. Given the proposal did not reduce landscaped area (the non-compliance is pre-existing and not being made worse), the Panel was satisfied regarding the landscaped area. The Panel formed the view the proposal and the applicant's written request satisfactorily addressed the required matters within clause 4.6 of the LEP, and it was considered compliance with the landscaped area standard was unnecessary and unreasonable in this case.

The Panel reviewed plans and photos of the existing structures on site and noted this proposal is consistent with adjoining dwellings and would have minimal impact on the streetscape. Further, given the extreme terrain, it provides increased usable yard space. Accordingly, no amendments were considered warranted.

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

VOTES: The decision was unanimous.

ASSESSMENT OFFICER'S 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 minimum landscaped 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 minimum landscaped area development standard be varied to 32%, in respect to this application.
2. Development Application No. 18/0288 for alterations and additions to existing retaining wall and front fence and construction of new retaining wall and fence at Lot 101 DP 1008214 2 Silvereye Court, Woronora Heights is approved, subject to the conditions contained in Appendix "A" of the report.