

<b>DATE OF DETERMINATION</b>	16 November 2016
<b>PANEL MEMBERS</b>	John Roseth (Chair), Julie Savet Ward, Steve Simpson, Kent Johns
<b>APOLOGIES</b>	None
<b>DECLARATIONS OF INTEREST</b>	Sue Francis declared a conflict due to her firm acting for the applicant of this development.

Public meeting held at Sutherland Council, 4 Eton Street, Sutherland on Wednesday, 16 November 2016, opened at 3:40PM and closed at 5:25PM.

#### **MATTER DETERMINED**

2016SYE087 – Sutherland – DA16/0994 - 31-39 Sturt Road & 2-4 Locksley Street Cronulla (AS DESCRIBED IN SCHEDULE 1)

#### **PANEL CONSIDERATION AND DECISION**

The Panel considered: the matters listed at item 6, the material listed at item 7 and the material presented at meetings and the matters observed at site inspections listed at item 8 in Schedule 1.

The Panel determined to approve the development application subject to conditions as described in Schedule 1 pursuant to section 80 of the *Environmental Planning and Assessment Act 1979*.

The Panel adjourned during the meeting to deliberate on the matter and formulate a resolution.

The decision was unanimous.

#### **REASONS FOR THE DECISION**

The Panel has considered the planning assessment report's recommendation to refuse the application as well as the applicant's offer to remove the proposed third floor over the Pines Building. The Panel accepts the assessment officer verbal advice that, without this additional third storey, there will be no impact on the views enjoyed from any of the properties on the other side of Sturt Road. The Panel also notes that other parts of the proposal, which exceed the "deemed to comply" height standard of 8m in the SEPP, do not have any adverse external impact.

The Panel has also given consideration to the assessment report's finding that some of the external spaces receive little sunlight in winter. However, the Panel accepts the applicant's submission that the residents in the residential care facility mostly stay indoors in winter.

As a result of the applicant's offer to remove the proposed third floor addition over the Pines Building, the Panel has come to the conclusion that no grounds remain that would justify the refusal of this application and consequently the Panel unanimously approves it.

#### **CONDITIONS**

The development application was approved subject to the conditions in the Council's "Without Prejudice Conditions", except as follows:





In Condition 1 the reference to Pines Building Third Floor Plan is deleted.

A new condition 2A(v) is added: “The third floor proposed over the Pines Building, including associated fire exit passages and stairways, is to be deleted. The roof of the new part of the building is to match the existing in form and material.”

A new condition is added

“An Operational Management Plan must be prepared and approved by the Director of Shire Planning before the issue of the Construction Certificate. This Plan is to address:

- Stakeholder engagement;
- Waste management;
- Truck and delivery movements;
- Parking management;
- Light spillage;
- And other issues as necessary.”

PANEL MEMBERS	
 John Roseth (Chair)	 Kent Johns
 Julie Savet Ward	 Steve Simpson

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	2016SYE087 – Sutherland – DA16/0994
2	PROPOSED DEVELOPMENT	Extension of an approved Residential Aged Care Facility
3	STREET ADDRESS	31-39 Sturt Road & 2-4 Locksley Street Cronulla
4	APPLICANT/OWNER	Pathways Property Group Pty Limited
5	TYPE OF REGIONAL DEVELOPMENT	General development over \$20 million
6	RELEVANT MANDATORY CONSIDERATIONS	<ul style="list-style-type: none"> <li>• Environmental planning instruments: <ul style="list-style-type: none"> <li>○ State Environmental Planning Policy (Housing for Seniors of People with a Disability) 2004 (Seniors Housing SEPP)</li> <li>○ Sutherland Shire Local Environmental Plan 2015 (SSLEP 2015)</li> </ul> </li> <li>• Draft environmental planning instruments: <ul style="list-style-type: none"> <li>○ Draft Sutherland Shire Development Control Plan 2015 (DSSDCP 2015)</li> </ul> </li> <li>• Planning agreements: Nil</li> <li>• <i>Environmental Planning and Assessment Regulation 2000</i>: Nil</li> <li>• The likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality</li> <li>• The suitability of the site for the development</li> <li>• Any submissions made in accordance with the <i>Environmental Planning and Assessment Act 1979</i> or regulations</li> <li>• The public interest, including the principles of ecologically sustainable development</li> </ul>
7	MATERIAL CONSIDERED BY THE PANEL	<ul style="list-style-type: none"> <li>• Council assessment report: 3 November 2016</li> <li>• Conditions provided in Memorandum: 14 November 2016</li> <li>• ARAP report</li> <li>• Clause 4.6 submissions by the applicant</li> <li>• Written submissions during public exhibition: 30</li> <li>• Verbal submissions at the panel meeting: <ul style="list-style-type: none"> <li>○ Object – Ross Farmer, Stephen Snell, Tim Powditch, Jamie Cherry</li> <li>○ On behalf of the applicant – Graham Skerritt, Michael Watson, Juliette Grant, Markam Ralph, Hayden Calvey, Brendan Moar</li> </ul> </li> </ul>
8	MEETINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> <li>• Briefing meeting: 20 October 2016 and 16 November 2016</li> <li>• Site inspection: 16 October 2016</li> </ul>
9	COUNCIL RECOMMENDATION	Refusal
10	DRAFT CONDITIONS	Memorandum to Assessment Report