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| DATE OF DETERMINATION | 28 TH February 2018 |
| PANEL MEMBERS | Helen Lochhead (Chair), Nicole Gurran, Bruce McDonald, Michael Forshaw and Carol Provan |
| APOLOGIES | |
| DECLARATIONS OF INTEREST | None (<i>must include reason for declaration and whether the member participated or not</i>) |

Public meeting held at Sutherland Council, 4-20 Eton Street, Sutherland on 28 February 2018, opened at 10.55am and closed at 12.40pm.

MATTER DETERMINED

2017SSH028 – Sutherland – DA17/0885 at 49-57 Gerrale 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 adjourned during the meeting to deliberate on the matter and formulate a resolution.

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

The decision was Unanimous.

REASONS FOR THE DECISION

The reasons for the decision of the Panel were:

- The proposed development will add to the supply and choice of housing available to the Sydney South District and Sutherland Shire in a location with ready access to the metropolitan transport services available from Cronulla Rail Station and the employment opportunities, services and amenities provided within Cronulla Centre. Further the proposal will add retail and commercial services complementing the role of the Town Centre and will assist to facilitate the long term evolution of Surf Lane as a commercial/pedestrian environment.
- The Panel considered the Applicants request to vary the development standard contained in Clause 4.3 of Sutherland LEP 2015 relating to maximum building height and considers that compliance with the standard is unreasonable and unnecessary in the circumstances of this case as that variation will not generate unacceptable impacts on nearby premises, and remains consistent with the objectives of the standard.
- The proposed development, subject to the conditions imposed, satisfies the relevant State Environmental Planning Policies including *SEPP 55- Remediation of Land*, *SEPP 65 Design Quality of Residential Apartment Development* and its associated Apartment Design Guide.
- The proposed development adequately satisfies the objectives and provisions of Sutherland LEP 2015 and Sutherland DCP2015.

- The proposed development is considered to be of scale and form consistent with the character of the existing and planned development of the sector of Cronulla Centre and the section of Gerrale Street in which it is placed.
- The proposed development, subject to the conditions imposed will have no unanticipated adverse impacts on the natural or built environment including the amenity of adjoining and nearby residential premises or operation of the local road system. The Panel notes with regards to solar access impacts on the adjoining site to the south of the proposed development, the neighbouring building is constructed without setback on the northern boundary of that allotment. Recognising this, the proposed development has incorporated a setback that exceeds the ADG expectation for an equally shared boundary setback.
- In consideration of conclusions 1-6 above the Panel considers the proposed development is a suitable use of the site and approval of the proposal is in the public interest.

Further briefing was provided to the Panel in relation to SEPP 55, and an additional condition (Number 46) has been added in relation to unexpected finds, as outlined below.

Issues raised in submissions during the meeting with regards to noise and acoustics are addressed by the standard conditions applied by Council which are contained and recommended in Council's assessment report. It is noted that reference has been made to a typographical error in regards the date of the acoustic report (condition 28), which will be corrected.






CONDITIONS

The development application was approved subject to the conditions in the Council Assessment Report with the following amendments.

- Condition 8A – add vii) The maximum size vehicle to service / deliveries to the site is limited to a HRV (as defined in AS2890.2)
- Amend condition 28 to change the date on the referenced Acoustic Report to the 30th of October 2017
- Add new condition 46 in relation to Potential Contaminated Land - Unexpected Finds

During Works

If unexpected contaminated soil and/or groundwater is encountered during any works; all work must cease and the situation must be promptly evaluated by an appropriately qualified and experienced environmental consultant. The contaminated soil and/or groundwater must then be managed under the supervision of the environmental consultant, in accordance with relevant NSW Environment Protection Authority (EPA) Guidelines.

| PANEL MEMBERS | |
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|  Helen Lochhead (Chair) |  Nicole Gurran |
|  Bruce McDonald |  Michael Forshaw |
|  Carol Provan | |

| SCHEDULE 1 | | |
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| 1 | PANEL REF – LGA – DA NO. | 2017SSH028 – Sutherland - DA17/0885 |
| 2 | PROPOSED DEVELOPMENT | Mixed use development comprising of 2 levels of basement parking with 35 non-residential and 113 residential; ground level non-residential use with 7 levels of luxury residential above totaling 63 apartments. The concept proposes to create a public link between Surf Lane and Gerrale Street to enhance pedestrian links and connectivity between the immediate areas. Ground level Surf Lane and Gerrale Street activations and public domain improvements. |
| 3 | STREET ADDRESS | 49-57 Gerrale Street, Cronulla |
| 4 | APPLICANT/OWNER | Iridium Developments Pty Ltd |
| 5 | TYPE OF REGIONAL DEVELOPMENT | General development over \$20 million |
| 6 | RELEVANT MANDATORY CONSIDERATIONS | <ul style="list-style-type: none"> • Environmental planning instruments: <ul style="list-style-type: none"> ○ State Environmental Planning Policy (State and Regional Development) 2011 ○ State Environmental Planning Policy No. 55 - Remediation of Land (SPP 55) ○ State Environmental Planning Policy No. 65 – Design Quality of Residential Flat Development (SEPP 65) ○ State Environmental Planning Policy (Infrastructure) 2007 (Infrastructure SEPP) ○ State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 ○ Apartment Design Guide (ADG) ○ Sutherland Shire Local Environmental Plan 2015 (SLEP2015) • Draft environmental planning instruments: Nil • Development control plans: <ul style="list-style-type: none"> ○ Sutherland Shire Development Control Plan 2015 (SSDCP2015) • 2016 Town Centres s94 Contributions Plan • Planning agreements: Nil • Provisions of the <i>Environmental Planning and Assessment Regulation 2000</i>: Nil • Coastal zone management plan: Nil • The likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality • The suitability of the site for the development • Any submissions made in accordance with the <i>Environmental Planning and Assessment Act 1979</i> or regulations • The public interest, including the principles of ecologically sustainable development |
| 7 | MATERIAL CONSIDERED BY THE PANEL | <ul style="list-style-type: none"> • Council assessment report: 14 February 2018 • Written submissions during public exhibition: 11 (8 as a result of the initial notification and 3 as a result of the re-notification) • Verbal submissions at the public meeting: <ul style="list-style-type: none"> ○ Support – None ○ Object – Jeremy Swan and Brian Katra ○ On behalf of the applicant – Lyndall Wynne and Mohammed Chehelna |

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| 8 | MEETINGS AND SITE INSPECTIONS BY THE PANEL | <ul style="list-style-type: none"> • Site inspection - 21 February 2018 • Briefing meetings - 27 September 2017 and 21 February 2018 • Final briefing meeting to discuss council's recommendation, 28 February 2018, 10.00am. Attendees: <ul style="list-style-type: none"> ○ <u>Panel members</u>: Helen Lochhead (Chair), Nicole Gurran, Bruce McDonald, Michael Forshaw and Carol Provan ○ <u>Council assessment staff</u>: Amanda Treharne, Mark Adamson ○ <u>Present as an observer</u>: Steve Simpson |
| 9 | COUNCIL RECOMMENDATION | Approval |
| 10 | DRAFT CONDITIONS | Attached to the council assessment report |