

DATE OF DETERMINATION	Wednesday 20 March 2019
PANEL MEMBERS	Bruce McDonald (Chair), Nicole Gurrán, Michael Forshaw, Steve Simpson
APOLOGIES	Helen Lochhead
DECLARATIONS OF INTEREST	None

Public meeting held at Sutherland Shire Council, 4-20 Eton Street, Sutherland on 20 March 2019, opened at 1.35pm and closed at 2.25pm.

MATTER DETERMINED

2018SSH042 – Sutherland – MA18/0308 at Lot B DP 404838, Lot C DP 404838, Lot A DP 406146, Lot 1 DP 408232, Lot 2 DP 408232, Lot 1 DP 1223476 - 2 Locksley Street, Cronulla, 37 Sturt Road, Cronulla, 2A Locksley Street, Cronulla, 4 Locksley Street, Cronulla, 39 Sturt Road, Cronulla, 31 Sturt Road, 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 briefings 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 pursuant to section 4.55 of the *Environmental Planning and Assessment Act 1979*.

The decision was unanimous.

REASONS FOR THE DECISION

1. The Panel is satisfied that the proposed development is substantially the same as that for which consent was originally granted and that the proposed modification is of minimal environmental impact.
2. The proposed development continues to adequately satisfy the relevant State Environmental Planning Policies including SEPP (Housing for Seniors or People with a Disability) 2004
3. The proposal continues to adequately satisfy the applicable objectives and provisions of Sutherland Shire LEP 2015 and Sutherland Shire DCP 2006.
4. The proposed development, subject to the conditions imposed, will have no adverse impacts on the built or natural environment including the amenity of nearby residential premises or the operation of the local road system.
In that regard the Panel particularly notes the original condition has been amended to enable supplies of bread to occur between 7am and 8pm, Mondays to Fridays (inclusive).

In consideration of conclusions 1-4 above the Panel considers the proposed development, subject to the conditions imposed is a suitable use of the site and approval of the proposal is in the public interest.

CONDITIONS

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

- Delete Condition 14a iv
- Delete Condition 14a v
- Amend Condition 29 to be read as follows:

'29. Collection & Delivery Services

A. Ongoing

To minimise the impact noise impact on the surrounding environment, the collection and delivery of goods and materials (including garbage and recycling waste) from the premises shall not take place between the hours of 8.00pm and 8.00am on any day.





Notwithstanding the above, bread deliveries are permitted between 7:00am and 8:00pm Monday to Friday (inclusive).'

CONSIDERATION OF COMMUNITY VIEWS

In coming to its decision, the Panel considered written submissions made during public exhibition and heard from all those wishing to address the panel. The Panel notes that issues of concern included:

- Delivery times
- Use of onsite open space

The Panel considers that concerns raised by the community have been adequately addressed in the assessment report and that no new issues requiring assessment were raised during the public meeting. The Panel notes that in addressing the issue raised by both the applicant and a member of the community, the condition relating to the timing of bread deliveries, Condition 29 was modified to contain bread deliveries between 7am and 8pm Mondays to Fridays.

PANEL MEMBERS	
 Bruce McDonald (Chair)	 Nicole Gurran
 Michael Forshaw	 Steve Simpson

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	2018SSH042 – Sutherland – MA18/0308
2	PROPOSED DEVELOPMENT	Section 4.55(2) Modification of DA16/0994 - Internal layout changes, extension to lower ground floor plan, adjustments to building heights and lower ground floor level, adjustment to driveway and ramp, addition of a new roof exhaust, plus the removal of condition 14A iv, v and amend condition 29
3	STREET ADDRESS	Lot B DP 404838, Lot C DP 404838, Lot A DP 406146, Lot 1 DP 408232, Lot 2 DP 408232, Lot 1 DP 1223476 - 2 Locksley Street, Cronulla, 37 Sturt Road, Cronulla, 2A Locksley Street, Cronulla, 4 Locksley Street, Cronulla, 39 Sturt Road, Cronulla, 31 Sturt Road, Cronulla
4	APPLICANT/OWNER	Pathways Property Group Pty Limited
5	TYPE OF REGIONAL DEVELOPMENT	General development over \$30 million
6	RELEVANT MANDATORY CONSIDERATIONS	<ol style="list-style-type: none"> 5. Environmental planning instruments: <ul style="list-style-type: none"> ○ State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 (Seniors Housing SEPP) ○ Sutherland Shire Local Environmental Plan 2015 (SSLEP 2015) 6. Draft environmental planning instruments: Nil 7. Development control plans: <ul style="list-style-type: none"> ○ Sutherland Shire Development Control Plan 2015 (SSDCP 2015) 8. Planning agreements: Nil 9. Provisions of the <i>Environmental Planning and Assessment Regulation 2000</i>: Nil 10. Coastal zone management plan: Nil 11. The likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality 12. The suitability of the site for the development 13. Any submissions made in accordance with the <i>Environmental Planning and Assessment Act 1979</i> or regulations 14. 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: 27 February 2019 • Written submissions during public exhibition: 6 • Verbal submissions at the public meeting: <ul style="list-style-type: none"> ○ In support – Nil ○ In objection – Rhonda Fisher, Ross Farmer ○ Council assessment officer – Slavco Bujaroski, Carolyn Howell ○ On behalf of the applicant – Michael Watson, Markam Ralph, Graeme Skerritt
8	MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> • Briefing: 1 February 2019 • Site inspection: 20 March 2019 • Final briefing to discuss council's recommendation, 20 March 2019, 1.05pm. Attendees: <ul style="list-style-type: none"> ○ <u>Panel members</u>: Bruce McDonald (Chair), Nicole Gurran, Steve Simpson, Michael Forshaw ○ <u>Council assessment staff</u>: Slavco Bujarowski, Carolyn Howell
9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Attached to the council assessment report