

DETERMINATION AND STATEMENT OF REASONS

SYDNEY SOUTH PLANNING PANEL

DATE OF DETERMINATION	1 December 2022
DATE OF PANEL DECISION	29 November 2022
DATE OF PANEL MEETING	29 November 2022
PANEL MEMBERS	Helen Lochhead (Chair), Heather Warton, Susan Budd, Carol Provan, Kent Johns
APOLOGIES	None
DECLARATIONS OF INTEREST	None

Papers circulated electronically on 23 November 2022.

MATTER DETERMINED

PPSSSH-118 – Sutherland Shire – MA22/0137 – 5-9 Ozone Street, Cronulla - S4.56 modification to DA18/0323 – changes to internal layouts, parking allocations, finishes and landscaping components.

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.

MODIFICATION APPLICATION

The panel determined to approve the modification application pursuant to section 4.56 of the *Environmental Planning and Assessment Act 1979*.

The decision was unanimous.

REASONS FOR THE DECISION

The panel determined to approve the application for the reasons outlined in the council assessment report. In particular, the Panel did not support the removal of the green wall, the raising of the planter walls and the deletion of the landscaped forecourt at street level. Further, the Panel supported retention of the requirement of 1 car space per dwelling.

CONDITIONS

The modification application was approved subject to the conditions in the council assessment report

CONSIDERATION OF COMMUNITY VIEWS

In coming to its decision, the panel considered written submissions made during public exhibition. The panel notes that issues of concern included:

- Height and built form of the building
- Construction hours and site management
- Car parking
- Reduction in landscaping
- Noise from the communal area

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 in the submissions received.

The panel notes that the issues raised by the submissions were related to the original approval rather than this modification.

PANEL MEMBERS

Helen Lochhead (Chair)



Heather Warton



Susan Budd



Carol Provan



Kent Johns



SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	PPSSSH-118 – Sutherland Shire – MA22/0137
2	PROPOSED DEVELOPMENT	S4.56 modification to DA18/0323 – changes to internal layouts, parking allocations, finishes and landscaping components.
3	STREET ADDRESS	5-9 Ozone Street, Cronulla
4	APPLICANT/OWNER	Applicant: The Trustee for Ozone Cronulla Unit Trust/Rebel Property Owner: Robert Ell & Allen Linz
5	TYPE OF REGIONAL DEVELOPMENT	Section 4.56 Modification Application
6	RELEVANT MANDATORY CONSIDERATIONS	<ul style="list-style-type: none"> Environmental planning instruments: <ul style="list-style-type: none"> State Environmental Planning Policy (Planning Systems) 2021 State Environmental Planning Policy (Building Sustainability Index) 2004 State Environmental Planning Policy (Resilience and Hazards) 2021 State Environmental Planning Policy No. 65 Design Quality of Residential Development Sutherland Shire Local Environmental Plan 2015 Draft environmental planning instruments: Nil Development control plans: <ul style="list-style-type: none"> Sutherland Shire Development Control Plan 2015 Planning agreements: Nil Provisions of the <i>Environmental Planning and Assessment Regulation 2021</i> 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: 15 November 2022 Written submissions during public exhibition: 2 Total number of unique submissions received by way of objection: 2
8	MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> Kick Off Briefing: 27 September 2022 <ul style="list-style-type: none"> <u>Panel members</u>: Stuart McDonald (Acting Chair), Heather Warton, Carol Provan, Kent Johns <u>Council assessment staff</u>: Meredith Bagnall, Beth Morris, Sri Soerono <u>Applicant representatives</u>: Greg Barr, Lucy Langley, Stephen Kerr, Bill Clements Final briefing to discuss council's recommendation: 29 November 2022 <ul style="list-style-type: none"> <u>Panel members</u>: Helen Lochhead (Chair), Heather Warton, Susan Budd, Carol Provan, Kent Johns <u>Council assessment staff</u>: Thomas Mithen, Meredith Bagnall, Beth Morris, Sri Soerono, Amanda Treharne
9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Attached to the council assessment report

