

<b>DATE OF DETERMINATION</b>	27 May 2021
<b>PANEL MEMBERS</b>	Helen Lochhead (Chair), Stuart McDonald, Heather Warton, Jack Boyd, Peter Scaysbrook
<b>APOLOGIES</b>	None
<b>DECLARATIONS OF INTEREST</b>	None

**MATTER DETERMINED**

PPSSSH-69 – SUTHERLAND SHIRE – MA20/0412 at S/P 545, Lots 1 to 3 S/P 9336, Lots 1 to 4 S/P 48254, Lots 4 to 6 S/P 67206 – 5 to 9 Ozone Street, Cronulla – S4.56 modification to DA18/0323 – involving changes to the internal layout of basement levels 1, 2 and 3 (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.

**Development application**

The panel determined to approve the modification 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 section 4.56 modification application for the reasons outlined in the council assessment report, the proposed modifications to the internal layout of the basement levels are acceptable, subject to minor condition changes. This application satisfies the requirement that the development to which the consent as modified relates and will remain substantially the same development as the originally granted consent. The changes provide adequate car parking for the approved number of units and will have no adverse impacts in terms of access and manoeuvring on each basement level and the internal changes to the basement levels will have no impact on the building form above ground level and as approved.

**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 one submission made during public exhibition. The panel notes that issue of concern raised in the submission did not apply to this application and the objector has clarified it is in relation to Modification Application No. 21/0080.

The panel considered the concerns raised by the community submission and acknowledge that the issue raised was not relevant to this modification.

PANEL MEMBERS



Helen Lochhead (Chair)



Stuart McDonald



Heather Warton



Jack Boyd



Peter Scaysbrook

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	PPSSSH-69 – SUTHERLAND SHIRE – MA20/0412
2	PROPOSED DEVELOPMENT	S4.56 modification to DA18/0323 – involving changes to the internal layout of basement levels 1, 2 and 3
3	STREET ADDRESS	S/P 545, Lots 1 to 3 S/P 9336, Lots 1 to 4 S/P 48254, Lots 4 to 6 S/P 67206 – 5 to 9 Ozone Street, Cronulla
4	APPLICANT/OWNER	Ozone Cronulla Pty Ltd
5	TYPE OF REGIONAL DEVELOPMENT	CIV > \$5M - Council interest
6	RELEVANT MANDATORY CONSIDERATIONS	<ul style="list-style-type: none"> <li>• Environmental planning instruments: Nil</li> <li>• Draft environmental planning instruments: Nil</li> <li>• Development control plans: Nil</li> <li>• Planning agreements: Nil</li> <li>• Provisions of the <i>Environmental Planning and Assessment Regulation 2000</i>: Nil</li> <li>• Coastal zone management plan: 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: 22 April 2021</li> <li>• Written submissions during public exhibition: 1</li> </ul>
8	MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> <li>• Briefing: Thursday, 29 April 2021 <ul style="list-style-type: none"> <li>○ <u>Panel members</u>: Helen Lochhead (Chair), Stuart McDonald, Heather Warton, Peter Scaysbrook</li> <li>○ <u>Council assessment staff</u>: Meredith Bagnall, Carine Elias, Mark Adamson</li> </ul> </li> <li>• Final briefing to discuss council’s recommendation: Thursday, 27 May 2021 <ul style="list-style-type: none"> <li>○ <u>Panel members</u>: Helen Lochhead (Chair), Stuart McDonald, Heather Warton, Peter Scaysbrook, Jack Boyd</li> <li>○ <u>Council assessment staff</u>: Meredith Bagnall, Carine Elias, Mark Adamson</li> </ul> </li> </ul>
9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Attached to the council assessment report