

DATE OF DETERMINATION	17 June 2021
PANEL MEMBERS	Helen Lochhead (Chair), Stuart McDonald, Susan Budd, Jack Boyd, Peter Scaysbrook
APOLOGIES	Heather Warton
DECLARATIONS OF INTEREST	None

MATTER DETERMINED

PPSSSH-70 – SUTHERLAND SHIRE – MA21/0080 at 5-9 Ozone Street, Cronulla – S4.56 modification to DA18/0323 – involves modifying the ground floor private open space areas, minor internal changes, window modifications, change to booster location, increase in height and floor space ratio, change to façade cladding and amendments to landscaping (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 development 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 below and in the council assessment report. The proposal includes a variation to the maximum permitted building height and density under SSLEP 2015. These variations have been discussed and are considered acceptable.

The proposed modification represents a similar building footprint that was approved by the Land and Environment Court despite the increase in height and floorspace ratio. The internal changes and minor modifications to the ground floor private open spaces, fencing and landscaping will not result in unacceptable impacts on surrounding properties and the streetscape, in terms of bulk and scale and is recommended for approval with conditions.

This application satisfies the requirement that the development to which the consent as modified relates will remain substantially the same development as that originally granted consent. Further, there is no necessity for consultation with any Minister, public authority, or approval body in respect to the modification sought by this application.

The application has been assessed having regard to the matters for consideration under Section 4.15 of the EP&A Act, together with the provisions of SSLEP2015 and all relevant Council DCPs, Codes and Policies. Following detailed evaluation, it is considered that the modification application No MA21/0080 can be supported.

CONDITIONS






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

CONSIDERATION OF COMMUNITY VIEWS

In coming to its decision, the Panel considered 9 written submissions made during public exhibition and heard from all those wishing to address the Panel. The Panel notes that issues of concern included:

- Development creep
- Private open space vs public streetscape
- Slight height variation

The Panel considers that concerns raised by the community have been adequately addressed in the assessment report. The Panel notes that in addressing these issues the Council officers have addressed these through conditions including additional streetscape planting fronting the public domain

PANEL MEMBERS	
 Helen Lochhead (Chair)	 Stuart McDonald
 Susan Budd	 Jack Boyd
 Peter Scaysbrook	

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	PPSSSH-70 – SUTHERLAND SHIRE - MA21/0080
2	PROPOSED DEVELOPMENT	S4.56 modification to DA18/0323 – involves modifying the ground floor private open space areas, minor internal changes, window modifications, change to booster location, increase in height and floor space ratio, change to façade cladding and amendments to landscaping.
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	S4.56 Modification Application
6	RELEVANT MANDATORY CONSIDERATIONS	<ul style="list-style-type: none"> Environmental planning instruments: <ul style="list-style-type: none"> Sutherland Shire Local Environmental Plan 2015 (SSLEP 2015). State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004. State Environmental Planning Policy No. 55 – Remediation of Land (SEPP 55). State Environmental Planning Policy No. 65 – Design Quality of Residential Flat Development (SEPP 65). State Environmental Planning Policy (Coastal Management) 2018. State Environmental Planning Policy (State and Regional Development) 2011. Apartment Design Guide (ADG) Section 7.11 Development Contribution Plan 2016 Draft environmental planning instruments: Nil Development control plans: <ul style="list-style-type: none"> Sutherland Shire Development Control Plan 2015 (SSLEP 2015). 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: 19 May 2021 Land and Environment Court Orders – received from Council: 17 June 2021 Written submissions during public exhibition: 1
8	MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> Briefing: Thursday, 29 April 2021 <ul style="list-style-type: none"> <u>Panel members</u>: Helen Lochhead (Chair), Stuart McDonald, Heather Warton, Peter Scaysbrook <u>Council assessment staff</u>: Meredith Bagnall, Carine Elias, Mark Adamson <u>DPIE Staff</u>: Michelle Burns, Leanne Harris, Carolyn Hunt Final briefing to discuss council's recommendation: Thursday, 17 June 2021 <ul style="list-style-type: none"> <u>Panel members</u>: Helen Lochhead (Chair), Stuart McDonald, Heather Warton, Jack Boyd, Peter Scaysbrook

		<ul style="list-style-type: none"> ○ <u>Council assessment staff</u>: Meredith Bagnall, Carine Elias, Mark Adamson ○ <u>DPIE Staff</u>: Michelle Burns, Leanne Harris, Carolyn Hunt
9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Attached to the council assessment report