

DETERMINATION AND STATEMENT OF REASONS
SYDNEY SOUTH PLANNING PANEL

DATE OF DETERMINATION	1 November 2021
PANEL MEMBERS	Helen Lochhead (Chair), Stuart McDonald, Heather Warton, Jack Boyd Peter Scaysbrook
APOLOGIES	None
DECLARATIONS OF INTEREST	None

Papers circulated electronically on 1 November 2021.

MATTER DETERMINED

PPSSSH-91 – SUTHERLAND – MA21/0270 - 5 Ozone Street, Cronulla 2230 - Modify Conditions 1 and 6 to incorporate separate approvals for the amalgamation of units 403/404, 502/503 and 702/703

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 listed at item 8 in Schedule 1.

The panel is satisfied that:

- a) the applicant addresses the matters required to be addressed under Section 4.56 of the Environmental Planning and Assessment Act 1979
- b) the development is in the public interest because it is consistent with the objectives of the SSLEP 2015 and the objectives for development in the Zone B3 Commercial Core; and
- c) the concurrence of the Secretary has been assumed

Development application

The panel determined to approve the modification to the development consent 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 modification for the reasons outlined in the council assessment report, essentially as the development remains substantively the same as the originally granted consent. The modifications are internal changes to the layout of the building and will have negligible impact on the external form of the development or amenity of neighbours. The amendment also improves the percentage of units achieving solar access requirements under the ADG.

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 notes that no written submissions were made during public exhibition and therefore no issues of concern were raised.

PANEL MEMBERS	
 Helen Lochhead (Chair)	 Stuart McDonald
 Heather Warton	 Jack Boyd
 Peter Scaysbrook	

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	PPSSSH-91 – SUTHERLAND – MA21/0270
2	PROPOSED DEVELOPMENT	S4.56 modification to DA18/0323 – modify conditions 1 and condition 6 to incorporate separate approvals for the amalgamation of units 403/404, 502/503 and 702/703
3	STREET ADDRESS	5, 7 & 9 Ozone Street, Cronulla 2230
4	APPLICANT/OWNER	Greg Barr / Strata Plan 9336 Proprietors & Strata Plan 48254 Proprietors & Strata Plan 545 Proprietors
5	TYPE OF REGIONAL DEVELOPMENT	General development over \$30 million
6	RELEVANT MANDATORY CONSIDERATIONS	<ul style="list-style-type: none"> Sutherland Shire Local Environmental Plan 2015 (SSLEP 2015). Sutherland Shire Development Control 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
7	MATERIAL CONSIDERED BY THE PANEL	<ul style="list-style-type: none"> Council assessment report: 28 October 2021 List any council memo or supplementary report received: 28 October 2021 Appendices: A – Draft Modified Consent Conditions B –SEPP 65 Design Principles C - Apartment Design Guide (ADG) –Building Key Design Criteria D - SSDCP 2015 Compliance Table E - Architectural Drawings Written submissions during public exhibition: 0

		<ul style="list-style-type: none"> Total number of unique submissions received by way of objection: 0
8	MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> Briefing: 27 September 2021 <ul style="list-style-type: none"> <u>Panel members</u>: Helen Lochhead (Chair), Stuart McDonald, Heather Warton <u>Council assessment staff</u>: Mark Adamson, Carine Elias, Meredith Bagnall <u>Applicant representatives</u>: Stephen Kerr, Gregg Barr <u>DPIE representatives</u>: Alexandra Hafner, Leanne Harris <u>Note</u>: Applicant briefing was requested to provide the Panel with clarification and to respond to issues Site inspection: Panel members visited the site individually on different days due to Covid-19 precautions. Final briefing to discuss council's recommendation: 1 November 2021 <ul style="list-style-type: none"> <u>Panel members</u>: Helen Lochhead (Chair), Stuart McDonald, Heather Warton, Jack Boyd, Peter Scaysbrook <u>Council assessment staff</u>: Meredith Bagnall, Mark Adamson, Carine Elias
9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Attached to the council assessment report