

DATE OF DETERMINATION	Thursday, 20 June 2019
PANEL MEMBERS	Pam Allan (Chair), Renata Brooks, Susan Budd, Graham Rollinson and John Murray
APOLOGIES	Marianne Saliba
DECLARATIONS OF INTEREST	Graham Rollinson noted that he has been involved in the development of nearby commercial and retail developments. The Panel considered that this did not preclude his participation in the Panel decision.

Public meeting held at Shellharbour City Council on 20 June 2019, opened at 1.28pm and closed at 2.05pm.

MATTER DETERMINED

2018STH017 – Shellharbour – DA 262/2018 at 16 College Avenue, Shellharbour City Centre – mixed use development (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 4.16 of the *Environmental Planning and Assessment Act 1979*.

The decision was unanimous.

REASONS FOR THE DECISION

- The panel generally agreed with the assessment and balance of considerations in Council's assessment report.
- The Panel considered the clause 4.6 variation request to vary clauses 4.3 Height of Buildings of Shellharbour Local Environmental Plan 2013 adequately addresses the matters in clause 4.6(3) of LEP 2013 and that the variation is otherwise appropriate having regard to the matters in clause 4.6 (4)(a)(ii) of LEP 2013. The proposed development does not undermine the planning framework applying to the Shellharbour City Centre.
- The development will contribute to a broader range of housing choice and employment opportunities for the Local Government Area of Shellharbour City.
- The design has undergone significant refinement with input from a design review panel
- The development is consistent with the desired future character of the locality and is considered to be 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 14 –
Future Flight Procedures – Illawarra Regional Airport

The applicant must engage an appropriately qualified and experienced consultant in airspace procedural design, to review any future flight procedures Illawarra Regional Airport including Runways and ensure that its future functionality is not impacted by the development. In the event that such review highlights an impact, mitigation measures and design solutions for amendments to the building must also be included.

- Amend Condition 72 – (Addition of ‘h.’ for landscape operation and maintenance requirements)
Operational Plan of Management

The developer shall prepare an Operational Management Plan which addresses all operational and management procedures to be employed, to ensure that the 7 business premises and use of the rooftop Common Open Space (COS), can operate safely and without disturbance to the surrounding locality.

Matters to be addressed include (but are not limited to):

- a. hours of operation of the various uses within the business premises and use of the rooftop Common Open Space (COS);
 - b. noise emissions generated by mechanical plant to satisfy criteria set out in the EPA’s *Industrial Noise Policy 2000*;
 - c. management of deliveries, all loading and unloading operations associated with servicing the site must be carried out within the confines of the site, at all times and must not obstruct other properties/units or the public way;
 - d. management measures to control vehicle activity;
 - e. the emergency management of the movement of people within and surrounding the site;
 - f. maintenance regime – graffiti removal etc;
 - g. security management – lighting, CCTV etc; and
 - h. the necessary operational and maintenance requirements of all landscaped areas including rooftop COS. Such requirements must ensure that the landscaping is maintained in perpetuity and in accordance with the Landscaping Plans by Taylor Brammer Landscape Architects.
- New Condition 14 -
Provision for Grease Traps






Prior to the release of the Construction Certificate, fit out plans for the business/retail premises showing a minimum of 5 of the premises including grease traps, must be submitted for the approval of the Principal Certifying Authority.

- New Condition 76 –
Sydney Water Grease Trap Installation

The premises identified in Condition 14, must have appropriately designed grease traps installed prior to the Occupation Certificate to avoid unnecessary retrofitting upon final occupation of these tenancies.

CONSIDERATION OF COMMUNITY VIEWS

No submissions were made by the public.

PANEL MEMBERS	
 Pam Allan (Chair)	 Renata Brooks
 Susan Budd	 Graham Rollinson
 John Murray	

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	2018STH017 – Shellharbour – DA 262/2018
2	PROPOSED DEVELOPMENT	Mixed Use Development – Seven Storey Building Comprising Seven Business Premises and 77 Residential Apartments. Shop top housing including two basement parking levels and roof top common area
3	STREET ADDRESS	2018STH017 – Shellharbour – DA 262/2018
4	APPLICANT/OWNER	Design Warehouse Australia/ Shiloh Pty Ltd
5	TYPE OF REGIONAL DEVELOPMENT	General development over \$30 million
6	RELEVANT MANDATORY CONSIDERATIONS	<ul style="list-style-type: none"> • Environmental planning instruments: <ul style="list-style-type: none"> ○ State Environmental Planning Policy No. 55 – Remediation of Land ○ State Environmental Planning Policy No 65 – Design Quality of Residential Flat Building Development ○ State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 ○ Shellharbour Local Environmental Plan 2013 • Draft environmental planning instruments: Nil • Development control plans: <ul style="list-style-type: none"> ○ Shellharbour Development Control Plan 2013 ○ Shellharbour Section 94 Contributions Plan 2016 • Planning agreements: Nil

		<ul style="list-style-type: none"> • 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: 3 June 2019 • Clause 4.6 variation request to increase height of building • Written submissions during public exhibition: Nil • Verbal submissions at the public meeting: <ul style="list-style-type: none"> ○ In support – none ○ In objection – none ○ Council assessment officer – Bryce Koop ○ On behalf of the applicant – Carlo Di Giulio (City Plan Services), Robert Gizzi (Design Workshop Australia), Amanda Kostovski (Design Workshop Australia) and Neihad Al-Khalidy (SLR Engineers)
8	MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> • Site inspection and briefing: 30 October 2018 • Final briefing to discuss council's recommendation, 20 June 2019, 10.30am. Attendees: <ul style="list-style-type: none"> ○ <u>Panel members</u>: Pam Allan (Chair), Renata Brooks, Susan Budd, Graham Rollinson and John Murray ○ <u>Council assessment staff</u>: Bryce Koop, Jasmina Micevski, Melissa Boxall, Joel Sinclair, Nancy Sample, Madeline Cartwright, Luke Preston, Justin McKinnon and Vicki Walker
9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Attached to the council assessment report