

<b>DATE OF DETERMINATION</b>	Thursday, 16 June 2022
<b>PANEL MEMBERS</b>	Chris Wilson (Acting Chair), Renata Brooks, Tim Fletcher and Chris Homer
<b>APOLOGIES</b>	Graham Rollinson
<b>DECLARATIONS OF INTEREST</b>	None

Public meeting held via Public Teleconference on 30 March 2022, opened at 11:04am and closed at 11:48am.

#### **PLANNING PROPOSAL**

PP-2021-342 – Shellharbour City Council – AT 95-105 Cooby Road, Tullimbar (AS DESCRIBED IN SCHEDULE 1)

#### **PANEL CONSIDERATION AND DECISION**

The panel considered: the material listed at item 4, and the material presented at meetings and matters observed at site inspections listed at item 5 in Schedule 1.

As the planning proposal authority, the Panel determined to recommend to the Minister that the proposed instrument, as described in Schedule 1, should be made, subject to three fundamental changes as described below.

The decision to recommend that the plan be made was unanimous noting however that Chris Homer voted against the majority for matter 3.

#### **REASONS FOR THE DECISION**

The Panel deliberated on 4 key issues of concern raised in previous briefings and the subject of additional information. These were as follows:

##### **1. Precinct 4 (The Vegetation Arc)**

- The Panel determined that the LEP should be amended to extend the E3 zoning to Precinct 4 to protect the EEC vegetation commonly referred to as the 'Vegetation Arc', and that Precinct 4 support a maximum of two lots, each with an appropriately located dwelling entitlement.

##### **2. Precinct 5 (Rocky Knoll)**

- The Panel determined that to protect the 'Rocky Knoll' landform in Precinct 5 the LEP should be amended to apply a minimum lot size of 1,000 sqm to that land within Precinct 5 located above the 65m contour. The Panel was satisfied that this amendment would provide enough flexibility to minimise earthworks with appropriately located dwellings.





##### **3. Lots fronting Cooby Road**

- The Panel supports the proposal to enable a maximum of 8 lots along Cooby Road as reflective of the current settlement pattern in this area. No amendment required.

**Note:** Chris Homer disagreed with the majority on this matter believing the Council's position had been fully justified.

#### 4. Site-Specific Provisions

- The Panel determined that the LEP be amended to include a special clause requiring the preparation of a staging plan prior to the submission of a subdivision application. The staging plan must include provisions:
  - To protect riparian areas and remnant vegetation, including visually prominent locations, and
  - Requiring landscaping for both public and private domains.

PANEL MEMBERS	
 Chris Wilson (Acting Chair)	 Renata Brooks
 Tim Fletcher	 Chris Homer

SCHEDULE 1		
1	<b>PANEL REF – LGA – PLANNING PROPOSAL NO. - ADDRESS</b>	PP-2021-342 – Shellharbour City Council – AT 95-105 Cooby Road, Tullimbar
2	<b>LEP TO BE AMENDED</b>	Shellharbour Local Environmental Plan 2013
3	<b>PROPOSED INSTRUMENT</b>	Planning proposal to amend Shellharbour Local Environmental Plan 2013 the proposal seeks to rezone the land to a mix of R2 Low Density Residential, R5 Large Lot Residential, E4 Environmental Living, E3 Environmental Management and E2 Environmental Conservation and proposes minimum lot sizes ranging from 300m <sup>2</sup> to 4000m <sup>2</sup> . A concept plan provided with the proposal indicates the potential for approximately 137 lots.
4	<b>MATERIAL CONSIDERED BY THE PANEL</b>	<ul style="list-style-type: none"> <li>• Response to Panel deferral:               <ul style="list-style-type: none"> <li>○ by the applicant: 3 May 2022</li> <li>○ by Council: 13 May 2022</li> <li>○ by the DPE Regional team: 19 May 2022</li> </ul> </li> <li>• Post Exhibition Submissions report: 28 March 2022</li> <li>• Written submissions during public exhibition: 6</li> <li>• Verbal submissions at the public panel meeting:               <ul style="list-style-type: none"> <li>○ On behalf of the applicant – Michael Rodgers</li> </ul> </li> </ul>
5	<b>MEETINGS AND SITE INSPECTIONS BY THE PANEL</b>	<ul style="list-style-type: none"> <li>• <b>Briefing: Wednesday, 30 March 2022</b> <ul style="list-style-type: none"> <li>○ <u>Panel members</u>: Chris Wilson (Acting Chair), Renata Brooks, Tim Fletcher and Chris Homer</li> <li>○ <u>DPE Staff</u>: Grannie Miller, Graham Towers &amp; Sung Pak</li> </ul> </li> </ul>

		<ul style="list-style-type: none"><li>• <b>Site inspection: 31 May 2022</b><ul style="list-style-type: none"><li>○ <u>Panel members</u>: Chris Wilson (Acting Chair), Renata Brooks, Tim Fletcher and Chris Homer</li><li>○ <u>Council assessment staff</u>: Nicole Doughty, Madeline Cartwright, Jessica Saunders</li><li>○ DPE Staff: Sung Pak</li></ul></li><li>• <b>Final briefing: Tuesday, 31 May 2022</b><ul style="list-style-type: none"><li>○ <u>Panel members</u>: Chris Wilson (Acting Chair), Renata Brooks, Tim Fletcher and Chris Homer</li><li>○ <u>DPE staff</u>: Sung Pak</li></ul></li></ul>
--	--	-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------