

DATE OF DETERMINATION	10 July 2017
PANEL MEMBERS	Hon. Pam Allan (Chair), Alison McCabe, Renata Brooks, Graham Rollinson
APOLOGIES	None
DECLARATIONS OF INTEREST	Marianna Salibra, John Murray

Public meeting held at Lamerton House, Shellharbour City Council, Lamerton Crescent on 3 July 2017, opened at 4:30 pm and closed at 5:00 pm.

Determined electronically on the 10 July 2017.

MATTER DETERMINED

2016STH007 – Shellharbour - DA 12/2016 at Shell Cove Boat Harbour Precinct (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 the matters observed at site inspections listed at item 8 in Schedule 1.

The Panel determined to approve the development application as described in Schedule 1 pursuant to section 80 of the *Environmental Planning and Assessment Act 1979*.

The Panel adjourned the meeting to request that further information to be provided by Council. A supplementary report was provided by Council to the Panel on the 7 July 2017.

The decision was determined electronically on the 10 July 2017. The decision was unanimous.





REASONS FOR THE DECISION

The reasons for the decision of the Panel were:

- Changes to the Urban Design Guidelines (UDG) since November 2016 have been identified in the report and Council has endorsed the UDG as now presented. Whilst the UDG now show variations to the Harbour Precinct from the Concept Approval (which will be addressed in the future in accordance with the Environmental Planning and Assessment Act 1979), it is acknowledged that the Development Application (DA) for this part of the Precinct is consistent with the Concept Approval. The Panel has given no consideration or weight to aspects of the guidelines that are inconsistent with the Concept Approval.
- The compliance table clearly shows that the UDG have been adopted within the DA. The change made to proposed Condition 59 (hours of operation for the supermarket) is now consistent to the application as publicly exhibited.

CONDITIONS

The development application was approved subject to the conditions in the Council Assessment Report.

PANEL MEMBERS	
 Hon. Pam Allan (Chair)	 Alison McCabe
 Renata Brooks	 Graham Rollinson

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	2016STH007 – Shellharbour - DA 12/2016
2	PROPOSED DEVELOPMENT	Retail component off Shell cove Boat Harbour Precinct comprising of supermarket, liquor tenancy, specialty stores, retail plaza, carpark and signage
3	STREET ADDRESS	The Farm Way, Boolwarro Parade and Cove Boulevard, Shell Cove
4	APPLICANT/OWNER	Australand Corporation (NSW) Pty Ltd / Shellharbour City Council
5	TYPE OF REGIONAL DEVELOPMENT	Council related development over \$5 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. 64 – Advertising and Signage State Environmental Planning Policy No. 71. – Coastal Protection State Environmental Planning Policy (Infrastructure) 2007 Shellharbour Local Environment Plan (LEP) 2013 Draft environmental planning instruments: Nil Development control plans: <ul style="list-style-type: none"> Shellharbour Development Control Plan (DCP) 2013 Shellharbour Section 94 Contributions Plan 2013 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 Other <ul style="list-style-type: none"> Part 3A Concept Approval – MP07_0027 Urban Design Guidelines – Precinct D NSW Coastal Policy 1997
7	MATERIAL CONSIDERED BY THE PANEL	<ul style="list-style-type: none"> Council assessment report: 23 November 2016 Council supplementary report: 16 June 2017 Written submissions during public exhibition: number Verbal submissions at the public meeting: <ul style="list-style-type: none"> Support – Nil Object – Nil On behalf of the applicant – Jim Murray, Layne O’Neill and Glenn Colquhoun
8	MEETINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> Site inspection 12 December 2016 Briefing meeting 10 May 2017 Final briefing meeting to discuss council’s recommendation, 3 July 2017, 3:30 pm. Attendees: <ul style="list-style-type: none"> <u>Panel members</u>: Hon. Pam Allan (Chair), Alison McCabe, Renata Brooks, Graham Rollinson <u>Council assessment staff</u>: Jasmina Micevski, Victoria Nicholson, Anthony Randall
9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Attached to the council assessment report