

DATE OF DETERMINATION	10 October 2016
PANEL MEMBERS	Alison McCabe (Chair), Renata Brooks, Peter Brennan and Graham Rollinson
APOLOGIES	Pam Allen
DECLARATIONS OF INTEREST	The Chair declared a non-pecuniary interest in that she previously has done work for Frasers' tax section but had no involvement in any other Frasers properties or this development.

Public meeting held at Shellharbour City Council on Monday, 10 October 2016, opened at 1:05pm and closed at 2:00pm.

MATTER DETERMINED

2016STH009 – Shellharbour City Council – DA0032/2016 – Lot 1279 DP 1175512 The Farm Way, Shell Cove (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* subject to amendments.

REASONS FOR THE DECISION

The reasons for the decision of the Panel were:

- The proposal generally complies with the Boat Harbour Precinct Part 3A Concept Approval and associated Building Design Guidelines
- The proposal provides a diversity of housing product to support the local housing market and housing affordability objectives
- The proposal provides positive economic and social benefits in the locality.

PANEL RESOLUTION

A. The JRPP resolved to grant approval to DA No. 32/2016 40 Lot Torrens Subdivision and construction of 40 townhouses with garages and landscape works at Lot 1279 DP 1175512, Shallows Road, Shell Cove, subject to the schedule of conditions contained within Attachment 1 of this report, with the following amendments:

1. Deletion of Condition DC1, 5d and 34, and
2. Deletion of Condition 41 and replace with the following:

“Release of Certificate

The Subdivision Certificate must not be released until the walls of the dwellings and garages have been constructed to a minimum height of 1m above ground level. Evidence that this requirement has been satisfied must be provided in the form of a registered surveyor's identification survey report. This survey report must show all allotment boundaries and the position of the buildings in relation to the boundaries. The distance of the buildings to the boundaries must be in accordance with the approved plans.”

B. The Panel requests that all future Development Applications within the Harbour Precinct demonstrate how the total yield is to be achieved across the totality of the site in accordance with the Part 3A Concept Approval.

PANEL MEMBERS	
 Alison McCabe (Chair)	 Renata Brooks
 Peter Brennan	 Graham Rollinson

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	2016STH009 – Shellharbour City Council – DA0032/2016
2	PROPOSED DEVELOPMENT	40 lot Torrens subdivision and construction of 40 townhouses with garages and landscape works
3	STREET ADDRESS	Lot 1279 DP 1175512 The Farm Way, Shell Cove
4	APPLICANT/OWNER	Australand Corporation (NSW) Pty Ltd (now Frasers) / Shellharbour City Council
5	TYPE OF REGIONAL DEVELOPMENT	Council related development over \$5 million
6	RELEVANT MANDATORY CONSIDERATIONS	• Environmental Planning and Assessment Act Part 3A Concept Approval – MP07_0027 • Illawarra-Shoalhaven Regional Plan 2015 • State Environmental Planning Policy No 55 – Remediation of Land • State Environmental Planning Policy No 71 – Coastal Protection • State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 • State Environmental Planning Policy (State and Regional Development) 2011 • State Environmental Planning Policy (Affordable Rental Housing) 2009 • Shellharbour Local Environmental Plan (LEP) 2013 • Shellharbour Development Control Plan (DCP) 2013 • Shellharbour Section 94 Contributions Plan 2013 • Medium Density Building Design Guidelines • NSW Coastal Policy 1997 • 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	• Council assessment report dated 26 September 2016 • Written submissions during public exhibition: none • Verbal submissions at the panel meeting: - o On behalf of the applicant – Adrian Arnaudon
8	MEETINGS AND SITE INSPECTIONS BY THE PANEL	• Site inspection on 10 October 2016
9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Attached to the council assessment report