

DETERMINATION AND STATEMENT OF REASONS

SOUTHERN JOINT REGIONAL PLANNING PANEL

DATE OF DETERMINATION	23 November 2016
PANEL MEMBERS	Pam Allan (Chair), Alison McCabe, Andrew Kelly, Graham Rollinson Marianne Saliba
APOLOGIES	None
DECLARATIONS OF INTEREST	Graham Rollinson declared a non-pecuniary interest in that he had once worked with two employees of the applicant, ADM Architects. He remained in the meeting and participated in discussion and the decision.

Public meeting held at Lamerton House, Lamerton Crescent, Shellharbour City Centre on Wednesday, 23 November 2016, opened at 11:00AM and closed at 12.10pm.

MATTER DETERMINED

2016STH010 – Shellharbour – DA0029/2016 (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 during the meeting to deliberate on the matter and formulate a resolution. The decision was unanimous.

REASONS FOR THE DECISION

The reasons for the decision of the Panel were:

1. The proposed development is consistent with the planning framework applying to the emerging Shellharbour City Centre.
2. The clause 4.6 exemptions to the height of building standard addressed the relevant considerations and the Panel was satisfied that the objectives of the zone and standard were satisfied and that strict compliance in the particular circumstances was unreasonable and unnecessary.
3. The mixed-use development will contribute to a broader range of housing choice and employment opportunities.

CONDITIONS

Pursuant to Section 80 of the EP&A Act 1979 the Southern Joint Regional Planning Panel grant consent to Development Application No 29/2016 to construct a shop-top housing development up to five storeys including 157 residential apartments, four commercial tenancies and two Lot Subdivision (Staged Development on the land described Lot 4212 DP 809265 Benson Avenue, Shellharbour City Centre) subject to the conditions of consent in Attachment 1 to the Fourth Supplementary Memo dated 22 November 2016 with the following amendment to conditions:

Condition 10A - Redesign the turf areas adjacent to the internal access road and replace with formalised garden beds or landscape planter boxes.

Condition16.

Onsite parking spaces must be provided, as a minimum, as follows:

- a. 218 residential parking spaces (including one space for each adaptable housing unit).

The commercial carpark is to accommodate 3 disabled parking spaces in Stage 1 and 5 disabled spaced in Stage 2.

The overall carparking requirement for commercial spaces may be reduced to accommodate the disabled carparking spaces.



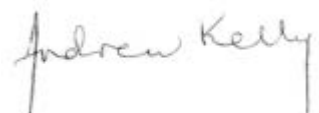


All on-site carparking facilities must be designed and constructed in accordance with the relevant Australian Standard.

New Condition - 78. Road Dedication

Prior to the issue of any Occupation Certificate for any stage of the development, the proposed 30m long public road stub must be dedicated to Council at no cost.

New Condition – 79. Waste Collection

The commercial and residential waste collection at the premises must be managed by a private waste contractor

PANEL MEMBERS			
			
Pam Allan (Chair)		Alison McCabe	
			
Andrew Kelly		Graham Rollinson	
			
Marianne Saliba			

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	2016STH010 – Shellharbour – DA0029/2016
2	PROPOSED DEVELOPMENT	Shop Top Housing Development (Five Storeys High) - 157 Residential Apartments, Three Commercial Tenancies and Two Lot Subdivision (Staged Development); Stage1 - 64 Apartments, Four Commercial Tenancies, Basement Carpark, Private Access Road and Two Lot Subdivision; Stage 2 - 93 Apartments, One Commercial Tenancy and Basement Carpark
3	STREET ADDRESS	Lot 4212 Benson Avenue, Shellharbour City Centre
4	APPLICANT/OWNER	ADM Architects
5	TYPE OF REGIONAL DEVELOPMENT	General development over \$20 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 RFB Development State Environmental Planning Policy No. 71 – Coastal Protection State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 State Environmental Planning Policy (Infrastructure) 2007 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 2013. Planning agreements: Voluntary Planning Agreement required by condition of consent for upgrading of the intersection of Benson Ave and Lamerton Cres <i>Environmental Planning and Assessment Regulation 2000</i>: 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: 9 November 2016 Supplementary Memo: 17 November 2016 Second Supplementary Memo: 18 November 2016 Third Supplementary Memo: 22 November 2016 Fourth Supplementary Memo: 23 November 2016 Written submissions during public exhibition: Nil Verbal submissions at the panel meeting: <ul style="list-style-type: none"> The applicant was represented by Alex Popovic, Angelo Di Martino (ADM Architects), and Elaine Treglown (TCG Planning)
8	MEETINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> 17 March 2016 & 23 November 2016
9	COUNCIL RECOMMENDATION	Approve
10	DRAFT CONDITIONS	As per Attachment 1 to the Fourth Supplementary Memo dated 22 November 2016 with the amendment to conditions listed above.