

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

Public meeting held at Lamerton House, Shellharbour City Council, Lamerton Crescent on 3 July 2017, opened at 4:30pm and closed at 5:00 pm. Decision determined electronically on the 10 July 2017.

MATTER DETERMINED

2017STH008 – Shellharbour - DA97-2017 at The Promontory Drive & Wharf Parade, 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*.

The Panel adjourned the meeting due to an administrative error whereby the Assessment Report was not made publically available until 29 June 2017. The Planning Panels procedures stipulate that the Assessment Report must be publically available at least seven days prior the public meeting.

During this period, further information was requested to be provided by Council, with determination to be made electronically when that information is provided. 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:

- The data provided in the Supplementary Report satisfactorily addresses the items of concern raised by the Panel at the meeting on the 3 July 2017. The variations sought to the Urban Design Guidelines in this instance have been clarified and supported by Council as detailed in the report.
- Concerns regarding the creation of the two (2) narrow dwellings at this location have been addressed, allowing for appropriately constructed occupational amenity.

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.	2017STH008 – Shellharbour - DA97-2017
2	PROPOSED DEVELOPMENT	Residential development Shell Cove - 18 dwellings and 18 lot Torrens title subdivision
3	STREET ADDRESS	The Promontory Drive & Wharf Parade, Shell Cove
4	APPLICANT/OWNER	Frasers Property Australia 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. 71 – Coastal Protection ○ State Environmental Planning Policy (State and Regional Development) 2011 ○ State Environmental Planning Policy (SEPP) No. 55 – Remediation of Land ○ 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 • 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
7	MATERIAL CONSIDERED BY THE PANEL	<ul style="list-style-type: none"> • Council assessment report: 19 June 2017 • Written submissions during public exhibition: Nil • Verbal submissions at the public meeting: <ul style="list-style-type: none"> ○ Support – Nil ○ Object – Nil ○ On behalf of the applicant – Simone Dyer – Design Director, FPA
8	MEETINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> • Site inspection and briefing meeting 10 May 2017 • Final briefing & public meeting to discuss council's recommendation, 3 July 2017. Attendees: <ul style="list-style-type: none"> ○ <u>Panel members</u>: 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