



DATE OF DETERMINATION	14 March 2018
PANEL MEMBERS	Alison McCabe (Chair), Julie Savet Ward, Andrew Kelly, Graham Rollinson
APOLOGIES	Pam Allan, Renata Brooks
DECLARATIONS OF INTEREST	Marianne Saliba chose not to participate in this matter, due to her conflict of interests as Mayor on a Council owned DA

Public meeting held at Civic Centre at 76 Cygnet Ave, Shellharbour City Centre on 14 March 2018, opened at 11:10 am and closed at 11:46am

MATTER DETERMINED

2017STH010 – Shellharbour – 2017STH010 at Harbour Boulevard, 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 the addition of the following conditions:

1. The levels on proposed Lot 5068 are to remain as existing for the rear 50% depth of the lot to ensure that the transition to the Old Bass Point Road properties adjoining the eastern boundary is maintained at the existing conditions.
2. No approval is granted for any further subdivision of the proposed superlots under this consent.

The Panel adjourned (11:30 am) during the meeting to deliberate on the matter and formulate a resolution.

The decision was Unanimous.



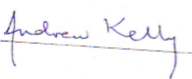

REASONS FOR THE DECISION

The reasons for the decision of the Panel were:

- The development is consistent with the Boat Harbour Precinct Concept Plan Approval of 2011.
- The development has been assessed relative to the statutory planning provisions applicable to the site and found to be appropriate.
- The development is satisfactory relative to those matters of merit assessment required to be considered in this instance.
- Conditions have been included to provide more certainty regarding the ground levels between proposed lot 5068 and the Old Bass Point Road boundaries and clarify that this consent does not include any further subdivision of the proposed superlots.

CONDITIONS

The development application was approved subject to the conditions in the Council Assessment Report and two additional conditions referred to above

PANEL MEMBERS	
 Alison McCabe (Chair)	 Julie Savet Ward
 Andrew Kelly	 Graham Rollinson

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	2017STH010 – Shellharbour – 2017STH010
2	PROPOSED DEVELOPMENT	Torrens title subdivision comprising of 58 residential lots, eight (8) superlots, three (3) public reserves & three (3) residue lots
3	STREET ADDRESS	Harbour Boulevard, Shell Cove
4	APPLICANT/OWNER	Australia Corporation (NSW) Pty Ltd (Frasers Property) / 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 No 55 – Remediation of Land ○ Shellharbour Local Environment 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 Environmental Planning and Assessment Regulation 2000: 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"> • Supplementary Council Memo: 12 March 2018 • Council assessment report: 28 February 2017 • Written submissions during public exhibition: One (1) • Verbal submissions at the public meeting: <ul style="list-style-type: none"> ○ On behalf of the applicant – Glen Colquhoun and Chris Randle.
8	MEETINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> • Site inspection and briefing meeting 10 May 2017 • Site inspection 14 March 2018 • Final briefing meeting to discuss council’s recommendation, 14 March 10:30am. Attendees: <ul style="list-style-type: none"> ○ <u>Panel members</u>: Alison McCabe (Acting Chair), Julie Savet Ward, Andrew Kelly, Graham Rollinson ○ <u>Council assessment staff</u>: Victoria Nicholson, Grant Meredith Geoff Hoynes, Ryan Schulter, Adam de Clouett, Ben Coddington, Bernard Howard, Tyson Perry
9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Attached to the council assessment report