

DATE OF DETERMINATION	Wednesday, 15 May 2019
PANEL MEMBERS	Pam Allan (Chair), Alison McCabe, Renata Brooks and Graham Rollinson
APOLOGIES	None
DECLARATIONS OF INTEREST	Cr Marianne Saliba and Cr John Murray have declared conflicts of interest for this development application as Shellharbour City Council is the landowner.

Papers circulated electronically between 13 May 2019 and 15 May 2019.

MATTER DETERMINED

2017STH025 – Shellharbour – DA 385/2017 at Lot 8032 DP 1072187 Cove Boulevard, Shell Cove – shop top housing (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 briefings and the matters observed at site inspections listed at item 8 in Schedule 1.

The Panel determined to approve the development application pursuant to section 4.16 of the *Environmental Planning and Assessment Act 1979*.

The decision was unanimous.

REASONS FOR THE DECISION

The panel determined to approve the application for the reasons outlined in the council assessment report dated 29 March 2019 and the supplementary council assessment report dated 8 May 2019.

CONDITIONS

The development application was approved subject to the conditions in the Supplementary Council Assessment Report dated 8 May 2019.

CONSIDERATION OF COMMUNITY VIEWS

In coming to its decision, the Panel considered written submissions made during public exhibition and heard from all those wishing to address the panel. The Panel notes that issues of concern included:

- Aesthetic quality of design
- Boardwalk width
- Parking and traffic
- View loss
- Bulk and scale
- Environmental impact

- Social infrastructure
- Urban design guidelines
- Impacts of and to Bass Point Quarry

The Panel considers that concerns raised by the community have been adequately addressed in the assessment report and that no new issues requiring assessment were raised during the public meeting.

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

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	2017STH025 – Shellharbour – DA 385/2017
2	PROPOSED DEVELOPMENT	Mixed use development comprising eight (8) food and drink/business premises and 45 residential apartments
3	STREET ADDRESS	Lot 8032 DP 1072187 Cove Boulevard, 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	• Environmental planning instruments: - o State Environmental Planning Policy No 71 – Coastal Protection - o State Environmental Planning Policy (Coastal Management) 2018 - o State Environmental Planning Policy (State and Regional Development) 2011 - o State Environmental Planning Policy No 55 – Remediation of Land - o State Environmental Planning Policy No 65 – Advertising and Signage - o State Environmental Planning Policy (Building and Sustainability Index: BASIX) 2004 - o Shellharbour Local Environmental Plan 2013 • Draft environmental planning instruments: Nil • Development control plans: - o Shellharbour Development Control Plan 2013 - o Precinct D Urban Design Guidelines

		• 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	• Council assessment report: 29 March 2019 • Written submissions during public exhibition: nine (9) • Verbal submissions at the public meeting on 16 April 2019: ○ Council assessment officer – Jasmina Micevski ○ On behalf of the applicant – Simone Dyer, Susanne Pini & Glenn Wheatley • Supplementary Council assessment report: 8 May 2019
8	MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL	• Site inspection and briefing: 28 June 2018 • Final briefing to discuss council's recommendation, 28 June 2018, 9:30 am. Attendees: ○ <u>Panel members</u>: Pam Allan (Chair), Alison McCabe, Renata Brooks and Graham Rollinson ○ <u>Council assessment staff</u>: Jasmina Micevski, Madeline Cartwright, Melissa Boxall, Grant Meredith, Nancy Sample, Ben Coddington, Luke Preston, Adam deClouett, Vicki Walker and Zoe Madschi • Public determination meeting: 16 April 2019 • Circulation of papers: 8 May 2019 to 15 May 2019
9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Attached to the council assessment report