

## DETERMINATION AND STATEMENT OF REASONS

### SOUTHERN REGIONAL PLANNING PANEL

<b>DATE OF DETERMINATION</b>	Tuesday, 14 May 2019
<b>PANEL MEMBERS</b>	Pam Allan (Chair), Alison McCabe, Renata Brooks and Graham Rollinson
<b>APOLOGIES</b>	None
<b>DECLARATIONS OF INTEREST</b>	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 8 May 2019 and 14 May 2019.

#### MATTER DETERMINED

2018STH006 – Shellharbour City Council – DA0005/2018 at Marina Drive 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 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's assessment report dated 27/11/18 and supplementary reports dated 1/4/19 and 8/5/19

#### CONDITIONS

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

#### CONSIDERATION OF COMMUNITY VIEWS

No written or verbal objections were made in relation to this application.

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

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	2018STH006 – Shellharbour City Council – DA0005/2018
2	PROPOSED DEVELOPMENT	Staged construction of a single storey building to be used as a food and drink premises (Tavern) with associated basement, loading dock and signage
3	STREET ADDRESS	Lot 4003 DP1235539 Marina Drive Shell Cove (Old Bass Point Road, Shellharbour)
4	APPLICANT OWNER	Australand Corporation (NSW) Pty Ltd Holdings Ltd. Part of Frasers Property Australia Shellharbour City Council
5	TYPE OF REGIONAL DEVELOPMENT	Council related development over \$5 million
6	RELEVANT MANDATORY CONSIDERATIONS	<ul style="list-style-type: none"> <li>Environmental planning instruments: <ul style="list-style-type: none"> <li>State Environmental Planning Policy (State and Regional Development) 2011</li> <li>State Environmental Planning Policy No 71 – Coastal Protection</li> <li>State Environmental Planning Policy No 55 – Remediation of Land</li> <li>State Environmental Planning Policy No 64 – Advertising and Signage</li> <li>Concept Plan Approval MP07_0027</li> <li>Shellharbour Local Environmental Plan 2013</li> </ul> </li> <li>Draft environmental planning instruments: Nil</li> <li>Development control plans: <ul style="list-style-type: none"> <li>Shellharbour Development Control Plan 2013</li> <li>Shell Cove Precinct D Urban Design Guidelines (June 2017)</li> <li>Shellharbour City Council Section 94 Contributions Plan 2016 Amendment 1</li> </ul> </li> <li>Planning agreements: Nil</li> <li>Provisions of the Environmental Planning and Assessment Regulation 2000: Schedule 3A Entertainment venues</li> <li>Coastal zone management plan: Nil</li> <li>The likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality</li> <li>The suitability of the site for the development</li> <li>Any submissions made in accordance with the Environmental Planning and Assessment Act 1979 or regulations</li> <li>The public interest, including the principles of ecologically sustainable development</li> </ul>
7	MATERIAL CONSIDERED BY THE PANEL	<ul style="list-style-type: none"> <li>Council assessment report: 27 November 2018</li> <li>Written submissions during public exhibition: nil</li> <li>Verbal submissions at the public meeting on 17 December 2018: <ul style="list-style-type: none"> <li>Council assessment officer – Madeline Cartwright.</li> <li>On behalf of the applicant – Simone Dyer</li> </ul> </li> <li>Council supplementary assessment report: 1 April 2019</li> <li>Verbal submissions at the public meeting on 16 April 2019: <ul style="list-style-type: none"> <li>Council assessment officer – Madeline Cartwright</li> <li>On behalf of the applicant – Simone Dyer, Susanne Pini &amp; Glenn Wheatley</li> </ul> </li> <li>Supplementary Council assessment report: 8 May 2019</li> </ul>

8	<b>MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL</b>	<ul style="list-style-type: none"> <li>• Site inspection and briefing: 28 June 2018</li> <li>• Briefing to discuss council's recommendation, 17 December 2018, 1:00pm Attendees:               <ul style="list-style-type: none"> <li>○ <u>Panel members</u>: Alison McCabe (Chair), Renata Brooks, Lindsay Fletcher and Graham Rollinson</li> <li>○ <u>Council assessment staff</u>: Madeline Cartwright and Victoria Nicholson</li> </ul> </li> <li>• Public determination meeting: 17 December 2018</li> <li>• Final briefing to discuss council's recommendation, 16 April 2019, 11am. Attendees:               <ul style="list-style-type: none"> <li>○ <u>Panel members</u>: Pam Allan (Chair), Alison McCabe, Renata Brooks and Graham Rollinson</li> <li>○ <u>Council assessment staff</u>: Madeline Cartwright, Jasmina Micevski, Melissa Boxall, Grant Meredith, Nancy Sample, Ben Coddington, Luke Preston, Adam deClouett, Vicki Walker and Zoe Madaschi</li> </ul> </li> <li>• Public determination meeting: 16 April 2019</li> <li>• Circulation of papers: 8 May 2019 to 14 May 2019</li> </ul>
9	<b>COUNCIL RECOMMENDATION</b>	Approval
10	<b>DRAFT CONDITIONS</b>	Attached to the council assessment report