

## RECORD OF DEFERRAL

### SOUTHERN REGIONAL PLANNING PANEL

<b>DATE OF DEFERRAL</b>	Tuesday, 16 April 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.

Public meeting held at Shellharbour City Council on 16 April 2019, opened at 11.33am and closed at 2.00pm.

#### MATTER DEFERRED

2018STH006 – Shellharbour City Council – DA0005/2018 at Marina Drive Shell Cove (as described in Schedule 1).

#### REASONS FOR DEFERRAL





The Panel resolved as follows:

- The panel agreed to defer the determination of the matter until a supplementary report is produced that provides:
  - An assessment of the applicant's Visual Impact Assessment received by Council on the 15<sup>th</sup> April 2019;
  - Minor amendment to conditions 19 and 45 to reflect the findings of the acoustic report and providing a level of performance assessment;
  - Amendment to condition 58 to delete reference to weekend deliveries;
- That on receipt of the supplementary report the Panel will determine the matter electronically;
- That the carparking assessment strategy be included in the Urban Design Guidelines applying to Precinct D to ensure future development applications are assessed against the strategy, noting that all visitor spaces of residential and mixed use development must be provided on site.

The decision to defer the matter was Unanimous. The Panel adjourned during the meeting to deliberate on the matter and formulate a resolution.

#### 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 2019: <ul style="list-style-type: none"> <li>In support – nil</li> <li>In objection – nil</li> <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>In support – none</li> <li>In objection – none</li> <li>Council assessment officer – Madeline Cartwright</li> <li>On behalf of the applicant – Simone Dyer, Susanne Pini &amp; Glenn Wheatley</li> </ul> </li> </ul>

<b>8</b>	<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>• Final briefing to discuss council's recommendation, 16 April 2019, at 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> </ul>
<b>9</b>	<b>COUNCIL RECOMMENDATION</b>	Approval
<b>10</b>	<b>DRAFT CONDITIONS</b>	Attached to the council assessment report