

<b>DATE OF DETERMINATION</b>	Monday, 17 December 2018
<b>PANEL MEMBERS</b>	Alison McCabe (Chair), Renata Brooks, Lindsay Fletcher and Graham Rollinson
<b>APOLOGIES</b>	Pam Allan
<b>DECLARATIONS OF INTEREST</b>	None

Public meeting held at Shellharbour City Council on 17 December 2018, opened at 2:38pm and closed at 5:00pm.

#### **MATTER DETERMINED**

2018STH007 – Shellharbour City Council – DA 619/2017 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 briefings and the matters observed at site inspections listed at item 8 in Schedule 1.

The Panel adjourned during the meeting to deliberate on the matter and formulate a resolution.

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

#### **CONDITIONS**

The development application was approved subject to the conditions in the Council Assessment Report with the addition and amendments to the following conditions.

##### **New Condition**

#### **1. Landscaping Condition – Boat Ramp Car Park**

Appropriate landscaping must be implemented within the landscape buffer areas along the western and eastern sides of the boat ramp car park. The purpose of this landscape is to effectively mitigate the visual appearance of the overall height of the boat ramp car park retaining wall and acoustic fence structure. A landscape plan must be submitted to, and approved by, Council (City Development). The plan must include plant species that will attain sufficient height and growth habit to screen the wall structure. Species selected must be suitable for the coastal environment and be easy to maintain.

##### **Amended Conditions**

#### **2. Service and 88B Instrument – amendment to point - f. to read:**

Lots 1038-1045 inclusive have a rear building line of 10 metres to the dwelling. The intent of the restriction is to ensure future development on these lots can satisfy the private open space solar access requirements of Precinct A urban design guidelines and provide for appropriate setbacks to any acoustic treatment for the boat maintenance and storage facility. Shellharbour City Council is the authority that can modify, vary or release this restriction.

### 3. Acoustic Fencing – amended to read:

The acoustic fencing must be constructed and installed in accordance with the approved plans and documentation prior to the issue of a Subdivision Certificate. The acoustic fence along the north-western boundary of Lot 1001 must be setback a minimum 6m from the north-eastern (front) boundary in accordance with the approved plans and documentation.

The materials, design, colours and treatment of the acoustic fencing throughout Precinct A must create a cohesive aesthetic. Any acoustic fence facing the public domain must incorporate appropriate public art to the satisfaction of Council's Public Art Officer.

The wall shall integrate graffiti prevention techniques including the use of anti-graffiti paint and coatings and be painted in dark colours (excluding black).





The decision was unanimous.

#### REASONS FOR THE DECISION

1. The proposed subdivision plan is consistent with the approved concept plan and Urban Design Guidelines for the site
2. Additional conditions have been included to mitigate the impact of the acoustic wall

#### CONSIDERATION OF COMMUNITY VIEWS

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

PANEL MEMBERS	
 Alison McCabe (Chair)	 Renata Brooks
 Lindsay Fletcher	 Graham Rollinson

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	2018STH007 – Shellharbour City Council – DA 619/2017
2	PROPOSED DEVELOPMENT	Torrens title subdivision comprising of 58 residential lots, six (6) superlots, one (1) lot for future boat maintenance facility, one (1) public reserve and three (3) residue lots.
3	STREET ADDRESS	Lots 4002 & 4003 in DP 1235539, Harbour Boulevard, Shell Cove
4	APPLICANT OWNER	Australand Corporation (NSW) Pty Ltd Holdings Ltd (Fraser's 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"><li>• Environmental planning instruments:<ul style="list-style-type: none"><li>○ State Environmental Planning Policy No 71 – Coastal Protection</li></ul></li></ul>

		<ul style="list-style-type: none"> <li>○ State Environmental Planning Policy (State and Regional Development) 2011</li> <li>○ State Environmental Planning Policy No 55 – Remediation of Land</li> <li>○ State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007</li> <li>○ Shellharbour Local Environmental Plan 2013</li> <li>○ Concept approval MP07_0027</li> <li>• Draft environmental planning instruments: Nil</li> <li>• Development control plans: <ul style="list-style-type: none"> <li>○ Shellharbour Development Control Plan</li> <li>○ Urban design guidelines for precinct A</li> </ul> </li> <li>• Planning agreements: Nil</li> <li>• Provisions of the <i>Environmental Planning and Assessment Regulation 2000</i>: Nil</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 <i>Environmental Planning and Assessment Act 1979</i> or regulations</li> <li>• The public interest, including the principles of ecologically sustainable development</li> </ul>
7	<b>MATERIAL CONSIDERED BY THE PANEL</b>	<ul style="list-style-type: none"> <li>• Council assessment report: 3 December 2018</li> <li>• Supplementary Council assessment memorandum: 7 December 2018</li> <li>• Written submissions during public exhibition: nil</li> <li>• Verbal submissions at the public meeting: <ul style="list-style-type: none"> <li>○ In support - nil</li> <li>○ In objection - nil</li> <li>○ Council assessment officer – Victoria Nicholson</li> <li>○ On behalf of the applicant – Simone Dyer</li> </ul> </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>• Site inspection on 17 December 2018</li> <li>• Final 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> </ul>
9	<b>COUNCIL RECOMMENDATION</b>	Approval
10	<b>DRAFT CONDITIONS</b>	Attached to the council assessment report