

## DETERMINATION AND STATEMENT OF REASONS

### SOUTHERN REGIONAL PLANNING PANEL

<b>DATE OF DETERMINATION</b>	19 December 2019
<b>PANEL MEMBERS</b>	Pam Allan (Chair), Alison McCabe, Renata Brooks and Graham Rollinson
<b>APOLOGIES</b>	None
<b>DECLARATIONS OF INTEREST</b>	Marianne Saliba and John Murray declared a conflict of interest as Council owns the development site

Papers circulated electronically between 12 December 2019 and 19 December 2019.

#### MATTER DETERMINED

2018STH025 – Shellharbour – DA 287/2018 at Old Bass Point Road, Shellharbour – subdivision (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.

#### Development application

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



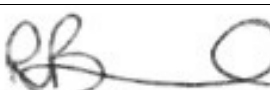

- The development is a suitable use of the land that will not have significant environmental impacts on the natural and built environment or adverse social and economic impacts in the locality.
- The development is consistent with the applicable objectives and provisions of relevant environmental planning instruments and the desired future character and coastal amenity of the area. It is generally consistent with MP07\_0027 as modified by MOD 1 and Statement of Commitments schedule, which is the approved concept plan that applies to the site.
- The development will increase the supply and diversity of housing in the locality.

#### CONDITIONS

The development application was approved subject to the conditions in the supplementary council assessment report.

#### CONSIDERATION OF COMMUNITY VIEWS

In coming to its decision, the panel notes that no written submissions were made during public exhibition and therefore no issues of concern were raised.

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

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	2018STH025 – Shellharbour – DA 287/2018
2	PROPOSED DEVELOPMENT	Subdivision of land to include nine (9) superlots – seven (7) of which are designated for future medium density integrated housing development and two (2) for future residential flat buildings, two (2) residual lots, civil infrastructure – road construction, stormwater drainage and water quality treatment devices, earthworks, public domain works including street tree planting and footpaths within the subdivision (Precincts B2/C2 land subdivision)
3	STREET ADDRESS	Lot 4002 in DP 1235539, Harbour Boulevard, Shell Cove
4	APPLICANT OWNER	Australand Corporation (NSW) Pty 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 (State and Regional Development) 2011</li> <li>State Environmental Planning Policy (Coastal Management) 2018</li> <li>State Environmental Planning Policy No 55 – Remediation of Land</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> </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: gazette in 2017</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	MATERIAL CONSIDERED BY THE PANEL	<ul style="list-style-type: none"> <li>Council assessment report: 12 November 2019</li> <li>Written submissions during public exhibition: nil</li> <li>Verbal submissions at the public meeting on 26 November 2019: <ul style="list-style-type: none"> <li>Council assessment officer – Nancy Sample</li> <li>On behalf of the applicant – Chris Randle and Simone Dyer</li> </ul> </li> <li>Supplementary Council assessment report: 12 December 2019</li> <li>Supplementary Council Assessment Report: 18 December 2019</li> </ul>
8	MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> <li>Briefing: 30 October 2018 <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>: Nancy Sample, Jasmina Micevski, Victoria Nicholson, Luke Preston, Tyson Perry, Scott Haylett, David Purvis-Smith and Vicki Walker</li> </ul> </li> <li>Briefing: 17 September 2019 <ul style="list-style-type: none"> <li><u>Panel members</u>: Pam Allan and Alison McCabe</li> </ul> </li> </ul>

		<ul style="list-style-type: none"> <li>○ <u>Council assessment staff</u>: Grant Meredith, Jasmina Micevski, Nancy Sample, Madeline Cartwright and Vicki Walker</li> <li>• Final briefing to discuss council's recommendation, 26 November 2019, 12pm. 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>: Nancy Sample, Jasmina Micevski, Melissa Boxall, Grant Micevski, Andrew Lee, Justin McKinnon, Prabin Kayastha and Vicki Walker</li> </ul> </li> <li>• Papers were circulated electronically between 12 December 2019 and 19 December 2019</li> </ul>
9	<b>COUNCIL RECOMMENDATION</b>	Approval
10	<b>DRAFT CONDITIONS</b>	Attachment H to the supplementary council assessment report