



DATE OF DEFERRAL	26 November 2019
PANEL MEMBERS	Pam Allan (Chair), Alison McCabe, Renata Brooks and Graham Rollinson
APOLOGIES	None
DECLARATIONS OF INTEREST	Marianne Saliba and John Murray declared a conflict of interest as Council owns the development site

Public meeting held at Shellharbour Civic Centre on 26 November 2019, opened at 2.01pm and closed at 3.25pm.

MATTER DEFERRED

2018STH026 – Shellharbour – DA 331-2018 at Lot 4003, DP 1235539, Old Bass Point Road, Shellharbour – subdivision (as described in Schedule 1)

REASONS FOR DEFERRAL

1. The Panel resolved to defer the determination of DA331/2018 for a supplementary report which addresses the following:





Development application DA331/2018 be deferred for a further report which addresses the following:

- i. Details of the amendments to the originally submitted DA documentation;
- ii. Compliance with the relevant conditions and statement of commitments in the Concept Approval as modified;
- iii. Compliance with the Urban Design Guidelines and the relevant date of adoption and details of the relevant provisions including minimum lot size;
- iv. History of relevant previous approvals affecting the site;
- v. Specific details and/or plans of:
 - a. Finished levels;
 - b. Running total of dwelling yields throughout Shell Cove;
 - c. Retaining walls and relative height;
 - d. Landscaping of swales;
- vi. Further information any biodiversity outcomes of the Concept Approval and how the current proposal meets them and how it satisfies Clause 6.5 of the LEP, including details of an updated on site visit by Council staff;
- vii. Cross sections to demonstrate the relationship of existing and finished levels including the boundary conditions and location of any retaining walls, swales, engineering structures etc for the interface with the existing residential development for each lot adjoining the northern edge of the site;
- viii. A staging plan for the two stages;
- ix. An assessment according to SEPP 55 Remediation of Land for Stage 1;
- x. Evolution of the need to stage the application to deal with further contamination issues; and

- xi. Review of the conditions to remove duplications and inconsistencies; edit to remove ambiguities, clarify outcomes sought (including triggers for submission of the DA for Stage 2), and respond to additional information.

2. On receipt of the supplementary report the Panel will determine the matter electronically.

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

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

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	2018STH026 – Shellharbour – DA 331-2018
2	PROPOSED DEVELOPMENT	Six (6) stage subdivision of Lot 403, DP1235539 into 59 lots comprising of 42 housing lots, 4 public reserve lots, 9 future residential superlots and 4 residual lots (Precincts F/F land subdivision)
3	STREET ADDRESS	Lot 4003, DP 1235539, Old Bass Point Road, Shellharbour
4	APPLICANT OWNER	Australand Corporation (NSW) Pty Ltd (Fraser's Property) Shellharbour City Council (Land)
5	TYPE OF REGIONAL DEVELOPMENT	Council related development over \$5 million
6	RELEVANT MANDATORY CONSIDERATIONS	<ul style="list-style-type: none"> • Environmental planning instruments: <ul style="list-style-type: none"> ○ State Environmental Planning Policy (State and Regional Development) 2011 ○ State Environmental Planning Policy (Coastal Management) 2018 ○ State Environmental Planning Policy No 55 – Remediation of Land ○ Shellharbour Local Environmental Plan 2013 • Draft environmental planning instruments: Nil • Development control plans: <ul style="list-style-type: none"> ○ Shellharbour Development Control Plan 2013 • 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	<ul style="list-style-type: none"> • Council assessment report: 12 November 2019 • Written submissions during public exhibition: nil • Verbal submissions at the public meeting: <ul style="list-style-type: none"> ○ Council assessment officer – Nancy Sample, Senior Development Assessment Officer ○ On behalf of the applicant – Chris Randle (Senior Development Manager) and Simone Dyer (Development Director, Shell Cove) from Fraser’s Property Australia
8	MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> • Site visit: 20 June 2019 <ul style="list-style-type: none"> ○ <u>Panel members</u>: Pam Allan (Chair), Renata Brooks and Graham Rollinson ○ <u>Council assessment staff</u>: Nancy Sample • Briefing: 17 September 2019 <ul style="list-style-type: none"> ○ <u>Panel members</u>: Pam Allan and Alison McCabe ○ <u>Council assessment staff</u>: Grant Meredith, Jasmina Micevski, Nancy Sample, Madeline Cartwright and Vicki Walker • Final briefing to discuss council’s recommendation, 26 November 2019, 12 pm. Attendees: <ul style="list-style-type: none"> ○ <u>Panel members</u>: Pam Allan (Chair), Alison McCabe, Renata Brooks and Graham Rollinson ○ <u>Council assessment staff</u>: Nancy Sample, Jasmina Micevski, Melissa Boxall, Grant Micevski, Andrew Lee, Justin McKinnon, Prabin Kayastha and Vicki Walker
9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Attachment 1 to the council assessment report