

<b>DATE OF DETERMINATION</b>	Thursday, 9 June 2022
<b>DATE OF PANEL DECISION</b>	Thursday, 9 June 2022
<b>DATE OF PANEL MEETING</b>	Tuesday, 31 May 2022
<b>PANEL MEMBERS</b>	Chris Wilson (Acting Chair), Renata Brooks and Tim Fletcher
<b>APOLOGIES</b>	Graham Rollinson
<b>DECLARATIONS OF INTEREST</b>	Chris Homer: Shellharbour Council has an ownership stake

Papers circulated electronically on 24 May 2022.

Site inspection was undertaken on 31 May 2022 at 11:00am.

### **MATTER DETERMINED**

PPSSTH-119 – Shellharbour – DA0606/2021 at Lot 3007 and Lot 3000 DP1258171 (Formerly Lot 9009 DP1254656) The Promontory Drive Shell Cove 2529 – Construction of two Residential Flat Buildings containing 52 apartments, with basement parking and landscaping (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 the site inspection 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 Panel determined to approve the application for the reasons outlined in Council's Assessment Report. The Panel was satisfied that, subject to the conditions recommended by Council with some minor amendments, the impacts of the proposal were acceptable and in the public interest.




### **CONDITIONS**

The Development Application was approved subject to Council's recommended conditions with several amendments aimed at strengthening the overall planning outcome. These amendments are as follows:

- Conditions 19 was amended to include the need for details to be approved by the Certifier and implemented during construction;
- Condition 20 was amended to include the need for details to be approved by the Certifier;
- Condition 26 was added to ensure the metal screens on the western elevation can be moved by residents;
- Condition 63 was amended to ensure that the Operational Plan of Management (PoM) is included as part of bylaws of any future subsequent strata plan;
- Condition 64 was added to ensure that the requirements of the PoM as required by Condition 63 are applied to the development in perpetuity; and
- Condition 66 was amended to detail the inclusion of the area of public land to be used for private access to the development and associated landscaping.

### 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	
 Chris Wilson (Acting Chair)	 Renata Brooks
 Tim Fletcher	

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	PPSSTH-119 – Shellharbour – DA0606/2021
2	PROPOSED DEVELOPMENT	Demolition of existing commercial building and retention of one heritage building, consolidation of Lot 2 and 3 and construction of shop top housing development comprising of four (4) commercial and 17 residential units with basement parking (shop top housing).
3	STREET ADDRESS	Lot 3007 and Lot 3000 DP1258171(Formerly Lot 9009 DP1254656) The Promontory Drive Shell Cove 2529
4	APPLICANT/OWNER	J. Cain (Applicant) Harbour Cove Developments Pty Ltd (Owner) Shellharbour City Council (Owner of Car Park)
5	TYPE OF REGIONAL DEVELOPMENT	Crown 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>SEPP - (State and Regional Development) 2011 – Council related Development over \$5 million</li> <li>SEPP (Resilience and Hazards) 2021</li> <li>SEPP 65 – Design Quality of Residential Apartment Development.</li> <li>SEPP (Building Sustainability Index – BASIX) 2004</li> <li>Shell Cove Boat Harbour Concept Plan 07_0027 MOD 1</li> <li>Shellharbour Local Environmental Plan 2013</li> <li>Shell Cove Medium Density Housing Design Guidelines Precinct B2 and C2.</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: 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	MATERIAL CONSIDERED BY THE PANEL	<ul style="list-style-type: none"> <li>Council Assessment Report: 23 May 2022</li> <li>Addendum Council Assessment Report and recommended conditions of consent (amended 01.06.22): <b>2 June 2022</b></li> <li>Written submissions during public exhibition: Nil</li> </ul>
8	MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> <li>Site inspection: 31 May 2022 <ul style="list-style-type: none"> <li><u>Panel members</u>: Chris Wilson (Acting Chair), Renata Brooks and Tim Fletcher</li> <li><u>Council assessment staff</u>: Madeline Cartwright, Nicole Doughty, Jessica Saunders</li> <li><u>DPE</u>: Sung Pak</li> </ul> </li> </ul>

		<ul style="list-style-type: none"> <li>• Final briefing to discuss council's recommendation: 31 May 2022 <ul style="list-style-type: none"> <li>○ <u>Panel members</u>: Chris Wilson (Acting Chair), Renata Brooks and Tim Fletcher</li> <li>○ <u>Council assessment staff</u>: Madeline Cartwright, Nicole Doughty, Jessica Saunders, Jasmina Micevski</li> <li>○ <u>DPE</u>: Sung Pak</li> </ul> </li> </ul>
9	<b>COUNCIL RECOMMENDATION</b>	Approval
10	<b>DRAFT CONDITIONS</b>	Attached to the Council Assessment Report