

DETERMINATION AND STATEMENT OF REASONS

SOUTHERN REGIONAL PLANNING PANEL

DATE OF DETERMINATION	Wednesday, 29 July 2020
PANEL MEMBERS	Renata Brooks (Acting Chair), Tim Fletcher and Stuart McDonald
APOLOGIES	Graham Rollinson
DECLARATIONS OF INTEREST	<p>Gordon Kirkby: The Applicant, Frasers Property Australia is a client of Ethos Urban, the consultancy firm that work for. Ethos Urban prepared the Statement of Environmental Effects. I have no direct role in this project, however I consider that there is a conflict of interest for this project.</p> <p>Marianne Saliba: Shellharbour Council is the owner.</p> <p>John Murray: As SCC are part of the proponents.</p>

Public meeting held Public Teleconference on 29 July 2020, opened at 10:10am and closed at 10:25am.

MATTER DETERMINED

PPSSTH-24 – Shellharbour City Council – Lot 9009 DP1254656 (formally known as Lot 1091 DP 1254727) Harbour Boulevard, Shell Cove (Precinct B2) – Shell Cove Marina (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.

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 proposed development as conditioned:

- is consistent with relevant statutory requirements, development controls and objectives
- Is generally consistent with the applicable provisions of the relevant state planning policies including SEPP 65 and the Apartment Design Guide, and any departures are well justified
- Has been designed to respect and enhance the coastal character of the Shell Cove Development and the specific character of Precinct B2.

CONDITIONS

The development application was approved subject to the conditions in the council assessment report with amendments as follow to remove ambiguities, reflect changes to government policy in relation to Section 7.11 contributions and address:

- Management of noise impacts arising from common walls between apartment bedrooms and living areas/balconies of adjacent bedrooms
- Management of stacked parking to ensure paired car parking spaces are allocated only to individual two and three bedroom apartments
- a) Condition 6 – wording included requiring approval of Construction Environmental Management Plan,

- b) Condition 7 – wording included requiring approval of Stormwater Management Plans,
- c) Condition 8 - following wording included relating to the discussion of acoustic measures required during construction,

This detail must include confirmation that the minimum acoustic performance of the building elements is to comply with the National Construction Code (NCC) +5 (5 points better than the minimum requirements of the NCC).




- d) Condition 11 – wording included requiring approval of charging point details,
- e) Condition 15 – wording amended as per late item submitted to Panel regarding timing of Section 7.11 contributions payment.
- f) Condition 53 – Wording included as follows relating to allocation of stacked parking spaces,

Pairs of stacked parking spaces must be allocated together to the same apartment.

- g) Condition 42 – condition relating to landscape maintenance period included in error and deleted.

CONSIDERATION OF COMMUNITY VIEWS

In coming to its decision, the panel considered one written submissions made during public exhibition which raised matters only in relation to process which the Panel was satisfied had been addressed. No issues were raised during the public meeting.

PANEL MEMBERS	
	
Renata Brooks (Acting Chair)	Tim Fletcher
	
Stuart McDonald	

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	PPSSTH-24 – Shellharbour City Council – DA0501/2019
2	PROPOSED DEVELOPMENT	Residential Flat Building containing 116 apartments and basement parking.
3	STREET ADDRESS	Harbour Boulevard
4	APPLICANT/OWNER	Applicant: Australand Corporation (NSW) Pty Ltd trading as Frasers Property Australia Owner: Shellharbour City Council
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"> SEPP – (State and Regional Development) 2011 – Council related Development over \$5 million SEPP 55 – Remediation of Land SEPP 65 – Design Quality of Residential Apartment Development SEPP (Building Sustainability Index – BASIX) 2004 Shell Cove Boat Harbour Concept Plan 07-0027 MOD 1 Shellharbour Local Environmental Plan 2013 Shell Cove Design Guidelines for Medium Density Housing and Apartments – Precinct B2 and C2 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: SEPP (Coastal Management) 2018 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: 13 July 2020 Written submissions during public exhibition: 1 Verbal submissions at the public meeting: <ul style="list-style-type: none"> Council assessment officer – Amanda Gray On behalf of the applicant – Simone Dyer, William Smart, Edward Murray and Jim Murray
8	MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> Site inspection: 3 March 2020 <ul style="list-style-type: none"> <u>Panel members</u>: Tim Fletcher Site inspection: 28 July 2020 <ul style="list-style-type: none"> <u>Panel members</u>: Stuart McDonald Briefing: Tuesday, 3 March 2020 <ul style="list-style-type: none"> <u>Panel members</u>: Renata Brooks (Acting Chair), Tim Fletcher and Stuart McDonald <u>Council assessment staff</u>: Madeline Cartwright, Luke Preston, Prabin Kayastha and Ryan Stirling

		<ul style="list-style-type: none"> • Final briefing to discuss council's recommendation, Wednesday, 29 July 2020, 9:15am. Attendees: <ul style="list-style-type: none"> ○ <u>Panel members</u>: Renata Brooks (Acting Chair), Tim Fletcher and Stuart McDonald ○ <u>Council assessment staff</u>: Madeline Cartwright, Vicki Walker, Justin McKinnon, Prabin Kayastha, Jasmina Micevski and Bernard
9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Attached to the council assessment report