

DATE OF DETERMINATION	Thursday, 8 October 2020
PANEL MEMBERS	Renata Brooks (Acting Chair), Tim Fletcher, Noni Ruker and Graham Rollinson
APOLOGIES	None
DECLARATIONS OF INTEREST	Marianne Saliba: Shellharbour Council is the applicant. Gordon Kirkby: Ethos Urban is engaged by Frasers to undertake planning work for the Shell Cove development. John Murray: Council is part of the application.

Papers circulated electronically on 22 September 2020.

MATTER DETERMINED

PPSSTH-34 – Shellharbour – DA0058/2020 at Lot 5071 DP 1238340 15 Cormorant Way SHELL COVE NSW 2529 (Precinct E2) – Residential Flat Building (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 panel determined to approve the application for the reasons outlined in the council assessment report.

- The proposed development is consistent with the concept approval, relevant statutory requirements, development controls and planning objectives
- The proposed development is generally consistent with the applicable provisions of the relevant state planning policies including SEPP 65 and the apartment design guide. The Panel was satisfied that the inconsistency with respect to solar access is justified given the orientation of the site and views to the south.
- The proposed development has been designed to respect and enhance the coastal character of the Shell Cove Development and the specific character of precinct E2.
- Appropriate conditions have been imposed to address the Panel's concerns about the visual impact of the retaining walls along and parallel to the southern boundary of the site and the wall at the service access in building C.

CONDITIONS

The development application was approved subject to the conditions in the council assessment report with the following amendments:

- Add a condition prior to issue of a Construction Certificate requiring detailed plans to be submitted to the Principal Certifier for approval increasing the setback of the waste collection loading dock by 0.5 metres. The landscaping forward of the waste collection loading dock is to be suitably increased to fill the space between the dock and the front boundary.
- Add a condition prior to issue of a Construction Certificate requiring plans to be submitted to the Principal Certifier for approval, detailing the height of the retaining walls located along the

southern side of the development adjacent to lot 5074 DP1238340. No single retaining wall face must be greater than 1.5m high and any proposed level changes greater than 1.5m will need to incorporate a stepped retaining wall with intermediate landscaping.

- Amend condition 11 to add a part (b) "Increase density of planting on southern boundary in front of retaining walls to ensure suitable screening. This will require planting within the adjacent public land."
- Correct references to the acoustic report from 5.4 to 6.4 and clarify the intent of Condition 15 by adding at the end of first paragraph "including further detailed acoustic review". Add a point (c) to the end of the condition "mechanical plant to service the project site".
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- Add a further point to condition 54 "building manager available to move waste bins from basement to ground floor waste collection area when required" to reflect the reliance of the proposed waste management approach on this person.
- Delete condition 61 which conflicts with condition 54.

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	
 Renata Brooks (Acting Chair)	 Tim Fletcher
 Noni Ruker	 Graham Rollinson

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	PPSSTH-34 – Shellharbour City Council – DA0058/2020
2	PROPOSED DEVELOPMENT	Residential Flat Building containing 64 apartments and basement parking, swimming pool and landscaping works.
3	STREET ADDRESS	Lot 5071 DP 1238340 15 Cormorant Way SHELL COVE NSW 2529 (Precinct E2).
4	APPLICANT/OWNER	Applicant: Australand Corporation (NSW) Pty Ltd Owner: Shellharbour City Council
5	TYPE OF REGIONAL DEVELOPMENT	Council related development over \$5 million
6	RELEVANT MANDATORY CONSIDERATIONS	- Environmental planning instruments: - SEPP (State and Regional Development) 2011 - 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 - Shellharbour Local Environmental Plan 2013 - Shell Cove Design Guidelines for Medium Density Housing and Apartments – Precinct E2 - Draft environmental planning instruments: Nil - Development control plans: - 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	- Council assessment report: 22 September 2020 - Written submissions during public exhibition: Nil
8	MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL	- Briefing: Tuesday, 12 May 2020 <u>Panel members</u>: Renata Brooks (Acting Chair), Tim Fletcher and Graham Rollinson <u>Council assessment staff</u>: Madeline Cartwright - Final briefing to discuss council's recommendation: Thursday, 1 October <u>Panel members</u>: Renata Brooks (Acting Chair), Tim Fletcher, Noni Graham <u>Council assessment staff</u>: Madeline Cartwright, Prabin Kayastha, Justin McKinnon, Vicki Walker, Bernard Howard and Jess Saunders

9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Attached to the council assessment report