

<b>DATE OF DECISION</b>	17 February 2021
<b>PANEL MEMBERS</b>	Gordon Kirkby (Chair), Renata Brooks, Tim Fletcher, Peter Moran, Graham Rollinson
<b>APOLOGIES</b>	None
<b>DECLARATIONS OF INTEREST</b>	None

#### **PLANNING PROPOSAL**

PP\_2020\_SHELL\_001\_00 – Shellharbour - 2020STH003 at 95-105 Cooby Road, Tullimbar.

The proposal seeks to amend Shellharbour Local Environmental Plan 2013 by Michael Rodger.

#### **PANEL DECISION – EXHIBITION OF PLANNING PROPOSAL**

As the planning proposal authority, the panel determined that the planning proposal as submitted is suitable for public exhibition. The proposal will be exhibited for a minimum of 28 days as per the Gateway determination dated 20 July 2020.






In deliberating on the matter, the Panel noted that the planning proposal was accompanied by a concept layout plan showing a potential future road network and subdivision layout. While this plan has been submitted by the proponent to articulate a potential future development outcome, the plan would more appropriately be considered as part of a future development application. The Panel therefore does not endorse this plan.

The Panel also considered the comments provided by the NSW Rural Fire Service (RFS) in response to consultation with the Authority required as a condition of the gateway approval. Many of the comments provided by the RFS related to the Concept Layout Plan and are therefore more appropriate to be addressed as part of a future development application for the project, should the LEP amendment proceed. The RFS however did specifically raise the need for a Strategic Bush Fire Study to be prepared to demonstrate consistency with s9.1 Direction 4.4 Planning for Bushfire Protection:

*An assessment of the broader suitability of the road network that addresses development potential within the locality (i.e., adjoining 'deferred' land, some of which is currently subject to separate planning proposals) to demonstrate proposed and existing roads can support the fully developed catchment to demonstrates the site is suitable for the development. The SBFS should demonstrate the proposal can support operational response vehicles and orderly evacuation of residents in the event of an emergency.*

The requirement relates both to the subject planning proposal as well as to urban development proposals more broadly in the locality that are outside the scope of this planning proposal. The Panel recommends that dialogue between Council, the RFS and the Department of Planning Industry and Environment commence to address this matter with resolution required prior to a final determination on whether the LEP amendment should be endorsed. This process can occur concurrently with the exhibition of the planning proposal, along with further consideration of the interaction between potential vegetation management for bushfire risk mitigation and biodiversity impacts.

The decision was 4:1 in favour. Peter Moran was of the view that the Strategic Bush Fire Study should be undertaken prior to public exhibition of the Planning Proposal.

PANEL MEMBERS	
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