

# **MINUTES OF THE SOUTHERN REGION PLANNING PANEL MEETING HELD AT SHOALHAVEN CITY COUNCIL ON 21 OCTOBER 2010 AT 5.00PM**

## **PRESENT:**

Pam Allan	Chair
Alison McCabe	Panel Member
Allen Grimwood	Panel Member

## **IN ATTENDANCE**

Tim Fletcher – Director Finance & Corporate Services, Shoalhaven City Council  
Robert Russell – Development Manager, Shoalhaven City Council  
Stephen McDiarmid – Senior Development Planner, Shoalhaven City Council  
Kelie Lowe – Environmental Services Manager  
Scott Wells – Traffic and Transport Manager

## **APOLOGY:**

Bob Britton – NSW Office of Water

The meeting commenced at 5.00pm. The Chair welcomed everyone to the meeting of the Southern Region Planning Panel.

### **1 Acknowledgement of Country**

### **2 Declaration of Interest**

Allen Grimwood declared that during the years 2007 and 2008 he assisted Shoalhaven City Council to prepare its new principal LEP. However, this was of a general nature and in no way related to the item being considered today.

### **3 Business Item**

#### **ITEM 1      *2009STH007 - Shoalhaven – DA09/2077 – Non-putrescible Waste Facility (Landfill) – 146 Parnell Road, Tomerong***

Stephen McDiarmid, Senior Development Planner, Shoalhaven City Council, provided a PowerPoint presentation giving an overview of the proposed development.

### **5 Public Submissions**

Councillor Gareth Ward - Shoalhaven City Council Councillors  
Veronica Husted - Jervis Bay St Georges Basin Branch of Australian Labour Party.  
Richard Lee - ShUT

Patricia Kahler  
Alan Stephenson  
Richard Campbell - Campbell Family Clan  
Andrew Carter  
David Cannon  
Tim Fletcher

## **6 Business Item 2009STH007 – Shoalhaven (DA9/2007) Recommendation**

**Moved** Alison McCabe, seconded Allen Grimwood, that:

Pursuant to Section 79C of the E P and A Act 1979, it is now recommended that the proposed Non-Putrescible Waste Facility, which is the subject of RA09/1002 (DA09/2077) be REFUSED for the following reasons:

1. The application is considered unacceptable pursuant to the provisions of S79C(1)(a)(i), (b) and (e) of the E P & A Act 1979 in that the proposed development does not comply with the requirements of SEPP 33 as there is insufficient information to determine whether the “hazardous” and “offensive” components of this development have the potential to pose a significant risk and adverse impact in this environmentally sensitive locality.
2. The application is considered unacceptable pursuant to the provisions of S79C(1)(a)(i), (b) and (e) of the E P & A Act 1979 in that the proposed development does not comply with Clauses 9(a) to (d), 11(a) and (b); or 13(1) of the Jervis Bay Regional Environmental Plan (JBREP).
3. The application is considered unacceptable pursuant to the provisions of S79C(1)(a)(i) of the E P & A Act 1979 in that the proposed development does not comply with ‘Objectives’ 1(b), 1(c)(i), 1(c)(iv) and 1(c)(v) of the 1(d) (Rural “D” (General Rural) Zone as detailed in Clause 9 of Shoalhaven Local Environmental Plan 1985 (SLEP 1985).
4. The application is considered unacceptable pursuant to the provisions of s.79C(1)(a)(i), (b) and (e) of the E P & A Act 1979 in that the proposal is likely to intercept or use groundwater and the need for a water license under Part 5 of the WA 1912 has not been addressed, in terms of further surface and groundwater modelling. Without this level of detail, there are concerns that the potential of leachate contaminating both the surface and groundwater tables in this location could pose a significant and adverse impact on the sensitive environs of St Georges Basin and the Jervis Bay Marine Park.
5. The application is considered unacceptable pursuant to the provisions of s.79C(1)(a)(i), (b) and (e) of the E P & A Act 1979 in that the application is deficient in terms of providing an adequate assessment on how threatened species, their populations, ecological communities and/or habitats will be impacted by the subject proposal in this locality, as required under s5A of the NSW E P & A Act, and the location of the intended noise attenuation barrier being proposed within an area identified as “*Land of Ecological Sensitivity*” (Clause 21 of SLEP 1985).
6. The application is considered unacceptable pursuant to the provisions of S79C(1)(a)(i), (b) and (e) of the E P & A Act 1979 in that the applicant has failed to submit any information detailing how the proponent expects to “*avoid or mitigate the threat from bushfire*” as a JRPP (Southern Region) Business Paper – (Item 1) (21 October 2010) – (JRPP Reference 2009STH007) Page 58 consequence of the proposed land activity in accordance with Clause 28 (*Danger of Bushfires*) of SLEP 1985.

7. The application is considered unacceptable pursuant to the provisions of S79C(1)(b) and (e) of the E P & A Act 1979, in that, there will be an unacceptable impact from the intensification of additional truck movements on Gumden Lane and Council's road network given that there has not been any long term, on-going proposal for road maintenance put forward. In addition, without the necessary road maintenance, there will be a detrimental impact on the existing and future amenity of those residents' living in close proximity to the subject site, in terms of additional offensive 'noise' and an unreasonable increase in truck traffic.
8. The application is considered unacceptable pursuant to the provisions of S79C(1)(b) and (e) of the E P & A Act 1979, in that, appropriate details of screening procedures have not been provided which satisfactorily address how all prohibited materials will be adequately recovered from every truck laden with material.
9. The application is considered unacceptable pursuant to the provisions of S79C(1)(c) of the E P & A Act 1979 as the subject site is considered to be an unsuitable use of the subject land.
10. The application is considered unacceptable pursuant to the provisions of S79C(1)(e) of the E P & A Act 1979 as the proposed development is not considered to be in the "Public Interest".

#### **Motion Carried**

The meeting concluded at 6.26 pm.

Pam Allan  
Chair, Southern Region Planning Panel  
Thursday 21<sup>st</sup> October 2010