

SOUTHERN JOINT REGIONAL PLANNING PANEL

Meeting held at Shoalhaven City Council on Thursday 28th August 2014 at 1.00pm -1. 12pm

Panel Members: Allen Grimwood (Acting Chair), Pam Allan, Alison McCabe, Ernie Royston, Michelle Bishop

Apologies: Cllr Greg Watson Declarations of Interest: None

Determination and Statement of Reasons

2012STH015 – Shoalhaven LGA – RA12/1001 [at Shoalhaven River, Terara Rd, Terara] as described in Schedule 1.

Date of determination: 28 August 2014

Decision:

The Panel determined to approve the development application as described in Schedule 1 pursuant to section 80 of the *Environmental Planning and Assessment Act 1979*.

Panel consideration:

The Panel considered: the matters listed at item 6, the material listed at item 7 and the material presented at meetings and the matters observed at site inspections listed at item 8 in Schedule 1.

Reasons for the panel decision:

The Panel supported the recommendation contained in the Council Assessment Report which responded to the resolution of the Panel on 18 June 2013 to defer the matter for the following reasons:






- a) *The development application RA12/1001 2012STH015 – Extension of area over the Shoalhaven River where sand is won via dredging be deferred for a further report that addresses the following: 2012STH015 (Section 79C Assessment Report) 4*
 - i) *A clear understanding of what is now being considered;*
 - ii) *The relationship of existing consents to what is currently proposed and whether these operate as an integral function of the proposal or as a separate activity;*
 - iii) *Identification of mitigation measures needed for the amended proposal and their appropriateness or otherwise;*
 - iv) *Deletion of any reference of Stage 2; and*
 - v) *Appropriate owner's consent.*
- b) *The applicant be required to provide the relevant information to assist Council in providing the report, specifically the owner's consent.*
- c) *The matter be reported to the panel as a matter of urgency.*

Conditions: The development application was approved subject to the conditions in Attachment A of the Council Assessment Report and subject to the following condition being amended:

Condition 53:

- All works associated with the approved development (both dredging and upon the land based site) must occur between the hours of 7am to 6pm Monday to Friday, 8am to 1pm Saturday with no work on Sundays and Public Holidays. Access to the site for deliveries is to be confined to between the above operating hours.
Additionally heavy vehicle movements along Terara Road and Moss Street are restricted to outside peak school times of 8:00am to 9:30am and 2:30pm to 4:00pm Monday to Friday.

Panel members:

 Allen Grimwood (Chair)	 Pam Allan	 Alison McCabe
 Ernie Royston	 Michelle Bishop	

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SCHEDULE 1

1	JRPP Reference – LGA- Council Reference: 2012STH015 – Shoalhaven LGA – RA12/1001
2	Proposed development: Extension of area over the Shoalhaven River where sand is won via dredging (to be then processed at the existing land based facilities)
3	Street address: Shoalhaven River, Lot 1 DP 787495 (No. 123 Terara Road), Lot 2 DP787495 (No. 125 Terara Road), Lot 1 DP1184790 (Terara Road), Lot 2 DP 1184790 (Terara Road) and Lot 3 DP 1184790 (Terara Road), Terara
4	Applicant/Owner: Allen Price and Associates (as agents for Shoalhaven Sands Pty Ltd) / KR and JMM Gibson, Trade & Investment (Crown Lands) and Burruga Island Pty Limited
5	Type of Regional development: Satisfies the criteria of Clause 8 (Particular Designated Development) (a) of Schedule 4A of the EPA Act as it is for an extractive industry that meets the requirements for designated development
6	Relevant mandatory considerations <ul style="list-style-type: none"> • Environmental Planning and Assessment Act 1979 • Environmental Planning and Assessment Regulation 2000 • State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2011 • State Environmental Planning Policy (State and Regional Development) 2011 • State Environmental Planning Policy (Infrastructure) 2007 • State Environmental Planning Policy 55 – Remediation of Land; • State Environmental Planning Policy 71 – Coastal Protection; • Deemed SEPP (Illawarra Region Environmental Plan); • Shoalhaven Local Environmental Plan 1985 (as amended); • Shoalhaven Local Environmental Plan 2014; • Development Control Plan No. 93 – Waste Not (Site Minimisation and Management); • Development Control Plan No.106 – Development on Flood Prone Land; and • Shoalhaven Contribution Plan 2010. • 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 EPA Act or EPA Regulation. • The public interest.
7	Material considered by the panel: Council Assessment Reports to panel meetings held on 18 June 2013 and 28 August 2014. Written submissions during public exhibitions: 13 submissions, 1 petition and an additional submission received on 28 August 2014. Verbal submissions at the panel meeting on 18 June 2013: Support- 2; Against- 4; On behalf of the applicant- 1 Verbal submissions at the panel meeting on 28 August 2014: Support- None; Against- None; On behalf of the applicant- None
8	Meetings and site inspections by the panel: Site inspection and briefing meeting on 6 December 2012, further site inspections on 17 June 2013, 18 June 2013 and 28 August 2014, briefing meeting and public determination meeting on 18 June 2013, final briefing meeting and public determination meeting on 28 August 2014
9	Council recommendation: Approval subject to conditions
10	Draft conditions: See Attachment A to Council Assessment Report to Panel meeting held on 28 August 2014