

SOUTHERN JOINT REGIONAL PLANNING PANEL

Meeting held at Shoalhaven City Council on Wednesday 16 March 2016 at 1:00 pm

Panel Members: Pam Allan (chair), Allen Grimwood, Alison McCabe, Greg Watson and Ernie Royston

Apologies: None - Declarations of Interest: None

Determination and Statement of Reasons

2015STH024 Shoalhaven RA15/1002 [at 170 Riversdale Rd and Bundanon Rd, Illaroo] as described in Schedule 1.

Date of determination: 16 March 2016

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 as addressed in the Council Assessment Report, 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 adopted the assessment of those matters in the Council Assessment Report, except for the matters detailed below.

The principal reason for the panel decision was that the proposal was found to be acceptable pursuant to S79C of the Environmental Planning & Assessment Act, 1979 and that the deferred commencement provisions of the Act will ensure resolution of access prior to further detailed development applications being considered.

Conditions: The development application was approved subject to the conditions in Appendix A of the Council Assessment Report as amended at the meeting. The panel adopts the Council Assessment Report except as follows:

Deferred Commencement

Pursuant to Section 80(3) of the Environmental Planning and Assessment Act 1979, this development application has been determined by granting of "Deferred Commencement" Consent, subject to the following matter(s) being resolved:

- a) *Legal rights of access existing over Lot 7314 DP 1166766, Illaroo Road, Illaroo that benefit the whole of the development site (i.e. land as described on Page 1);*
- b) *Additional rights of access having been granted over Lot 71 DP 714894 (No.439 Koloona Drive, Watersleigh), Lot 7315 DP 1166783, Bundanon Road, Illaroo and Lot 3 DP 622014 Riversdale Road, Tapitallee to benefit the whole of the development site (i.e. land as described on Page 1);*
- c) *Development consent, if required, has been granted to the use of the Lot 7314 DP 1166766, Illaroo Road, Illaroo, Lot 71 DP 714894 (No.439 Koloona Drive), Watersleigh and Lot 3 DP 622014 Riversdale Road, Tapitallee for the purposes of the accessing the approved development.*

An operational consent cannot be issued until survey plans of the subject easement as required by points 1a) and b) have been registered with the NSW Land and Property Information (LPI) Office and a copy of the registered plans submitted to Council and associated development consent as required by 1c) submitted to Council, or documentation is submitted that is otherwise acceptable to Council.

a) Condition No 1c: and the following paragraph, which is as follows:

- c) Development consent, if required, has been granted to the use of the Lot 7314 DP 1166766, Illaroo Road, Illaroo, Lot 71 DP 714894 (No.439 Koloona Drive), Watersleigh and Lot 3 DP 622014 Riversdale Road, Tapitallee for the purposes of the accessing the

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approved development

b) Condition No 7n is to be amended to refer to Lot 1 in DP 751273 as follows:

- 7n. At the point where the existing access road intersects the property boundary of Lot 101 DP 751273, all internal road access shall comply with the following requirements:
- i. A minimum formed carriageway width of four metres, with a trafficable area of 6.5m (i.e. trafficable verges);
 - ii. A minimum vertical clearance of four metres to any overhanging obstructions, including tree branches;
 - iii. Curves have a minimum inner radius of six metres and are minimal in number to allow for rapid access and egress;
 - iv. The minimum distance between inner and outer curves is six metres.
 - v. The crossfall is not more than 10 degrees;
 - vi. Maximum grades for sealed roads do not exceed 15 degrees and not more than 10 degrees for unsealed roads;
 - vii. Bridges clearly indicate load rating and pavements and bridges are capable of carrying a load of 15 tonnes; and
 - viii. Roads do not traverse a wetland or other land potentially subject to periodic inundation (other than a flood or storm surge).

c) Condition No 13, which reads as follows:

Design Modifications (Stage 2)

13. The catering building proposed as part of Stage 2 must be positioned within the approved building envelope so as to ensure appropriate separation is provided between this building and the existing Boyd studio building.






d) Condition No 33 which is to remain as drafted in the original draft attachment A as follows:

Accommodation Building Use (Stage 3)

33. The accommodation component of the development (i.e. Stage 3) is to be used in conjunction with the creative learning centre (i.e. is to be used by people using the creative learning centre and cannot be used independently as a building that provides short term accommodation).

Approved conditions are in Schedule B

Panel members:

 Pam Allan (chair)	 Allen Grimwood	 Alison McCabe
 Greg Watson	 Ernie Royston	

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SCHEDULE 1

1	JRPP Reference – LGA- Council Reference: 2015STH024 Shoalhaven RA15/1002
2	Proposed development: A new creative learning centre building, a new accommodation building and a new catering building; the refurbishment and upgrade of the existing Riversdale Homestead; demolition of the existing storage/workshop and car parking area; new car parking area; and associated landscape and access road improvements
3	Street address: Lot 101 DP 751273 (Por 101) 170 Riversdale Rd, Illaroo, Lot 224 DP 751273 (Por 224) Bundanon Rd, Illaroo and Lot 227 DP 751273 (Por 227) Bundanon Rd, Illaroo
4	Applicant/Owner: Locale Consulting Pty Ltd/ Bundanon Trust and Crown Lands Office
5	Type of Regional development: General development with a Capital Investment Value of more than \$20 million
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 (State and Regional Development) 2011 • State Environmental Planning Policy No. 55 – Remediation of Land • State Environmental Planning Policy (Rural Lands) 2008 • Shoalhaven Local Environmental Plan 2014 • Shoalhaven Development Control Plan 2014 • Shoalhaven Contributions 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, including the principles of ecologically sustainable development.
7	Material considered by the panel: Council Assessment Report Dated: March 2016 Written submissions during public exhibition: three (3) Council's legal advice dated 8 March 2016 Emailed submission from applicant dated 10 March 2016 Written submission from applicant dated 14 March 2016 Written submission from elected Council dated 15 March 2016 Verbal submissions at the panel meeting: Support- Greg Pullen; Against- Kathryn Kelly and Annette Fry; On behalf of the applicant- Deborah Ely
8	Meetings and site inspections by the panel: Site Visit and briefing meeting on 10 February 2016
9	Council recommendation: Deferred commencement approval
10	Recommended conditions: Attached to Council Assessment Report as Attachment A