

<b>DATE OF DEFERRAL</b>	5 June 2023
<b>DATE OF PANEL DECISION</b>	5 June 2023
<b>DATE OF PANEL MEETING</b>	16 May 2023
<b>PANEL MEMBERS</b>	Chris Wilson (Chair), Doug Lord, Susan Budd
<b>APOLOGIES</b>	None
<b>DECLARATIONS OF INTEREST</b>	None

Papers circulated electronically on 28 April 2023.

### **MATTER DEFERRED**

PPSSTH-102 – Shoalhaven - RA21/1000 at Lot 1 DP 1184790 at Terara Rd Terara (located on Pig Island), Lot 2 DP 1184790 at Terara Rd Terara (located on Pig Island), Lot 3 DP 1184790 at Terara Rd Terara (located on Pig Island), Lot 4 DP 1184790 at Terara Rd Terara (located on Pig Island), Bed of Shoalhaven River below the Mean High Water Mark – Extractive Industry (Sand Mine – Terara Shoalhaven Sands) – Proposed extension to approved dredge area.

### **REASONS FOR DEFERRAL**

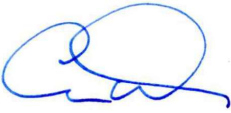

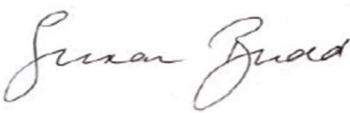
The panel deliberated on the matter and agreed unanimously to defer the determination to allow Council to prepare an updated assessment report and amended draft conditions of consent addressing the following matters:

- A summary of key supporting documents, and their key conclusions, which have been considered and relied on in the assessment
- A summary of all relevant matters for the Panel to consider when forming its view on issues that require the Panel to be satisfied of a particular matter as a precondition to the grant of consent
- A summary at the end of the report identifying how each of the environmental impacts of the development have been assessed and why these impacts are considered satisfactory:
  - o Flooding
  - o Geomorphology
  - o Biodiversity – marine and land flora and fauna
  - o Water quality
- Background information which
  - o details how the proposed development differs from the development as originally proposed
  - o Discusses how the dredge area configuration was determined
  - o Includes a plan identifying the initial submitted dredge area versus the amended dredge area (in ha)
- Further details of:
  - o Environmental impacts of silt and mud replacing sand
  - o The bait collection assessment expanded to describe why impacts are acceptable
  - o Confirmation of the edge areas of the dredge including confirmation that the batter edges do not encroach on the intertidal zone.
- Clarification of the following matters in relation to permissibility of the development:
  - o Existing use rights – further address ‘land’ and ‘expansion’ and how the application satisfies s164 of the EPA Act
  - o Objectives of the W2 zone – addressing each objective in detail
  - o Review of the project against the provisions of the Resources SEPP.
- Supplementary information provided in relation to flooding

- A review of the matters raised in the late community submission received on 11 May 2023.
- Further detail regarding the appropriate length of time that extraction should occur noting the likely changes in the receiving environment over an extended period.

Council is requested to upload the updated assessment report and draft conditions of consent responding to the matters raised above by Monday 5 June 2023.

When this information has been received, the panel will determine the matter electronically.

PANEL MEMBERS	
 Chris Wilson (Chair)	 Doug Lord
 Susan Budd	

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	PPSSTH-102 – Shoalhaven - RA21/1000
2	PROPOSED DEVELOPMENT	Extractive Industry (Sand Mine – Terara Shoalhaven Sands) – Proposed extension to approved dredge area
3	STREET ADDRESS	The following parcels of land form the subject site: <ul style="list-style-type: none"> <li>• Lot 1 DP 1184790 at Terara Rd Terara (located on Pig Island)</li> <li>• Lot 2 DP 1184790 at Terara Rd Terara (located on Pig Island)</li> <li>• Lot 3 DP 1184790 at Terara Rd Terara (located on Pig Island)</li> <li>• Lot 4 DP 1184790 at Terara Rd Terara (located on Pig Island)</li> <li>• Bed of Shoalhaven River below the Mean High Water Mark</li> </ul>
4	APPLICANT/OWNER	Applicant: SAM 8888 Pty Ltd C/- Ernest Panucci Owner: Burruga Island Pty Ltd (Lots 1-4 DP 1184790), Department of Planning & Environment – Crown Land (Bed of the Shoalhaven River below the mean high water mark)
5	TYPE OF REGIONAL DEVELOPMENT	Designated development - extractive industry
6	RELEVANT MANDATORY CONSIDERATIONS	<ul style="list-style-type: none"> <li>• Environmental planning instruments: <ul style="list-style-type: none"> <li>○ State Environmental Planning Policy (Planning Systems) 2921</li> <li>○ State Environmental Planning Policy (Resilience and Hazards) 2021</li> <li>○ State Environmental Planning Policy (Biodiversity and Conservation) 2021</li> <li>○ Shoalhaven Local Environmental Plan 2014</li> </ul> </li> <li>• Draft environmental planning instruments: Nil</li> <li>• Development control plans: <ul style="list-style-type: none"> <li>○ Shoalhaven Development Control Plan 2014</li> </ul> </li> <li>• Planning agreements: Nil</li> <li>• Provisions of the <i>Environmental Planning and Assessment Regulation 2021</i>: Clause 23 (6) and Schedule 3, section 26</li> <li>• Coastal zone management plan: Coastal Environment Area and Coastal Use Area within SEPP (Resilience and Hazards) 2021</li> <li>• The likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality</li> <li>• The suitability of the site for the development</li> <li>• Any submissions made in accordance with the <i>Environmental Planning and Assessment Act 1979</i> or regulations</li> <li>• The public interest, including the principles of ecologically sustainable development</li> </ul>
7	MATERIAL CONSIDERED BY THE PANEL	<ul style="list-style-type: none"> <li>• Council assessment report: 26 April 2023</li> <li>• Late submission from member of the public: 11 May 2023</li> <li>• Written submissions during public exhibition: 3</li> <li>• Total number of unique submissions received by way of objection: 3</li> </ul>
8	MEETINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> <li>• Briefing: 9 March 2022 <ul style="list-style-type: none"> <li>○ <u>Panel members</u>: Chris Wilson (Acting Chair), Renata Brooks, Doug Lord</li> <li>○ <u>Council assessment staff</u>: Justin Lamerton, Rebecca Lockart, Andre Vernez</li> <li>○ <u>Other</u>: Amanda Moylan (DPE), Verity Rollason (DPE)</li> </ul> </li> <li>• Site inspection: 3 May 2022 <ul style="list-style-type: none"> <li>○ <u>Panel members</u>: Chris Wilson (Acting Chair), Renata Brooks, Doug Lord</li> </ul> </li> </ul>

		<ul style="list-style-type: none"> <li>○ <u>Council assessment staff</u>: Justin Lamerton</li> <li>○ <u>Applicant</u>: Steve McCormac &amp; Mitchell McCormac (Terara Sands)</li> <li>○ <u>Other</u>: Verity Rollason (DPE)</li> </ul> <ul style="list-style-type: none"> <li>● Council Briefing: 3 May 2022 <ul style="list-style-type: none"> <li>○ <u>Panel members</u>: Chris Wilson (Acting Chair), Renata Brooks, Doug Lord</li> <li>○ <u>Council assessment staff</u>: Justin Lamerton, Rebecca Lockart</li> <li>○ <u>Other</u>: Verity Rollason (DPE)</li> </ul> </li> <li>● Final briefing to discuss council's recommendation: 16 May 2023 <ul style="list-style-type: none"> <li>○ <u>Panel members</u>: Chris Wilson (Chair), Doug Lord, Susan Budd</li> <li>○ <u>Council assessment staff</u>: Justin Lamerton, Rebecca Lockart, Alexander Aronsson, Ben Coddington</li> <li>○ <u>Applicant representatives</u>: Ernie Panucci, Jeffrey Fulton (Martens), Max de Beer, Daniel Dhiacou (Martens), Chris Gippel (Flicks Systems), Mitchell McCormac, Steve McCormac, Jason Wasiak.</li> <li>○ <u>Other</u>: Amanda Moylan (DPE)</li> </ul> </li> </ul>
9	<b>COUNCIL RECOMMENDATION</b>	<b>Approval</b>
10	<b>DRAFT CONDITIONS</b>	Attached to the council assessment report