

DETERMINATION AND STATEMENT OF REASONS
SOUTHERN REGIONAL PLANNING PANEL

DATE OF DETERMINATION	6 October 2022
DATE OF PANEL DECISION	5 October 2022
DATE OF PANEL MEETING	21 September 2022
PANEL MEMBERS	Chris Wilson (Acting Chair), Renata Brooks, Susan Budd
APOLOGIES	None
DECLARATIONS OF INTEREST	None

Papers circulated electronically on 9 September 2022.

MATTER DETERMINED

PPSSTH-130 – Shoalhaven – RA21/1001 at 17 Norfolk Avenue, South Nowra – Proposed 47 Unit Industrial Development, including take away food and drink premises, access, signage, and landscaping (as described in Schedule 1).

PANEL CONSIDERATION AND DECISION

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

Development application

The Panel determined to approve the development application pursuant to section 4.16 of the *Environmental Planning and Assessment Act 1979*.

The decision was unanimous.

REASONS FOR THE DECISION

The Panel determined to approve the application for the reasons outlined in the Council Assessment Report.

CONDITIONS

The Development Application was approved subject to the conditions in the Council Assessment Report with the following amendments.

- Condition 1 was amended to reference ‘take away food and drink premises’ instead of ‘ancillary café’ to ensure consistency with the approved development description on the title page;
- Condition 1(c) was included as an additional ‘deferred commencement’ condition requiring an instrument to be created in accordance with section 88 of the *Conveyancing Act 1919* to ensure an adequate mechanism for the creation of the required APZ prior to the consent becoming operational;
- Condition 2 was amended to provide the correct hyperlink to the Prescribed Conditions of Development Consent under the *Environmental Planning and Assessment Regulation 2021*;
- Condition 17 (now 1(c)) was deleted and inserted as a deferred commencement condition to ensure an adequate mechanism for the creation of the required APZ is established prior to the consent becoming operational;
- Condition 38 (now Condition 37) was amended to incorporate Condition 57 to provide clarity around landscaping requirements;
- Condition 53 was deleted as it was a duplicate of condition 48; and
- Condition 77 (now Condition 74) was amended to reference 7:00 am instead of 9:00 am being the start time for industrial premises across the site consistent with the development as proposed and assessed.

Additional changes to conditions:

Following the Panels consideration of the DA, the applicant requested the Panel consider amendments to two (2) conditions recommended by the Council. These were as follows:

- a) The applicant considered that condition 4 as drafted hindered its ability to sell industrial units off the Plan. Council subsequently advised that while condition 3 is clear in that it requires an occupation certificate for the whole site, it agreed that there might be circumstances where the first use of individual units does not require development consent.

Consequently, following advice from Council, the Panel has agreed that more appropriate wording for the first paragraph of Condition 4 should read as follows:

'This consent does not approve the use of each industrial unit. Separate approval where relevant shall be obtained for the occupation and use of each industrial unit'




- b) The applicant also questioned the need for condition 35 (now 34) which requires details relating to the provision of a Waste Storage Room which was never proposed. On review of the Council's AR, it identifies the need for an additional Waste Collection Point associated with Unit 19. Following advice from Council, the Panel agrees that condition 34 should read as follows:

'Prior to the issue of a Construction Certificate, detailed plans must be submitted to the Certifier that demonstrates that an additional Waste Collection Point for Unit 19'

The Panel requests that Council make these amendments prior to the issue of the Notice of Determination (NoD).

CONSIDERATION OF COMMUNITY VIEWS

In coming to its decision, the Panel considered the one (1) written submission made during the public exhibition of the development application and associated documentation.

PANEL MEMBERS	
 Chris Wilson (Acting Chair)	 Renata Brooks
 Susan Budd	

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	PPSSTH-130 – Shoalhaven – RA21/1001
2	PROPOSED DEVELOPMENT	Proposed 47 Unit Industrial Development, Ancillary Café, access driveways, signage and landscaping
3	STREET ADDRESS	17 Norfolk Avenue, SOUTH NOWRA
4	APPLICANT/OWNER	Richard Amos – Set Consultants for Shoalhaven City Council
5	TYPE OF REGIONAL DEVELOPMENT	Council related development over \$5 million
6	RELEVANT MANDATORY CONSIDERATIONS	<ul style="list-style-type: none"> Environmental planning instruments: <ul style="list-style-type: none"> State Environmental Planning Policy (Biodiversity and Conservation) 2021 State Environmental Planning Policy (Industry and Employment) 2021 State Environmental Planning Policy (Resilience and Hazards) 2021 State Environmental Planning Policy (Transport and Infrastructure) 2021 Shoalhaven Local Environmental Plan 2014 Draft environmental planning instruments: Development control plans: <ul style="list-style-type: none"> Shoalhaven Development Control Plan 2014 Planning agreements: Nil Relevant provisions of the <i>Environmental Planning and Assessment Regulation 2000</i> Coastal zone management plan: Nil 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 <i>Environmental Planning and Assessment Act 1979</i> or regulations The public interest, including the principles of ecologically sustainable development
7	MATERIAL CONSIDERED BY THE PANEL	<ul style="list-style-type: none"> Council Assessment Report: 17 August 2022 Written submissions during public exhibition: 1 Total number of unique submissions received by way of objection: 1
8	MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> Briefing: 9 March 2022 <ul style="list-style-type: none"> <u>Panel members</u>: Chris Wilson (Acting Chair), Renata Brooks, Susan Budd <u>Council assessment staff</u>: Rebecca Lockart, Justin Lamerton, Andre Vernez Site inspection: 26 July 2022 <ul style="list-style-type: none"> <u>Panel members</u>: Chris Wilson (Acting Chair), Renata Brooks, Brian Kirk <u>Council assessment staff</u>: Andre Vernez, Elizabeth Downing Final briefing to discuss council's recommendation: 21 September 2022 <ul style="list-style-type: none"> <u>Panel members</u>: Chris Wilson (Acting Chair), Renata Brooks, Susan Budd <u>Council assessment staff</u>: Elizabeth Downing, Cathy Bern, Tyson Ek-Moller (Consultant Planner) <u>Applicant representatives</u>: David Cannon – Set Consultants <u>DPE</u>: Amanda Moylan, Tracey Gillett

9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Attached to the Council Assessment Report