

DATE OF DEFERRAL	17 November 2022
DATE OF PANEL DECISION	17 November 2022
DATE OF PANEL MEETING	Tuesday, 25 October 2022
PANEL MEMBERS	Chris Wilson (Acting Chair), Renata Brooks, Susan Budd
APOLOGIES	None
DECLARATIONS OF INTEREST	None

Electronic determination and Council briefing was held by teleconference on 25 October 2022, opened at 10:00am and closed at 12:30pm.

Papers circulated electronically on 13 October 2022.

MATTER DEFERRED

PPSSTH-136 – Shoalhaven – RA21/1002 – Flatrock Road, Mundamia – Construction of Materials Recycling Facility as Addition to an Existing Waste or Resource Management Facility

The decision to defer the matter was unanimous.

REASONS FOR DEFERRAL

The panel agreed to defer the determination of the matter to allow Council to prepare an addendum assessment report addressing the following matters:

1. Clear description of the development

Confirmation of the scope of the Application before the Panel for determination noting that clearing, bulk earthworks, platform, and retaining wall construction have been/are already being undertaken.

2. Justification for the proposed Materials Recycling Facility (MRF)

Justification for constructing the MRF in terms of the expected waste diversion rates and resource recovery markets. Where possible, the justification should reference relevant policy documents and relevant targets for MRFs (e.g. targets established under the NSW EPA Waste Avoidance and Resource Recovery Strategy)

3. Clarification regarding site investigation requirements for contamination

An explanation of the proposed recommended conditions of consent relating to potential contamination on the site, which appear to be at odds with the recommendations of the Preliminary Site Investigation (PSI), which concluded that there is a low risk of site contamination, and that no further investigation is required. As such, the PSI recommended an unexpected finds protocol in the conditions only.

Clarification of whether there is other technical information which suggests an increased risk and requirement for a Detailed Site Investigation, noting this is required by the recommended condition of consent (No. 16).

If the requirement for a DSI is recommended to be retained, the conditions should specify actions to be taken should the DSI identify contamination to be present (e.g. a remediation action plan and site validation).

4. Clarification regarding the location of asset protection zones (APZ) for the site

Clarification of whether the APZs recommended for this site are to be contained within the site boundary, and if relevant, the recommended widths for these APZs.

5. Stormwater management and proposed condition No. 26

Clarification regarding the proposed stormwater (surface water) management for the operational MRF facility as separate from any sediment, erosion, and surface water management activities associated with prior earthworks on the site.

6. Water supply and usage conditions from Shoalhaven Water

A summary of Shoalhaven Water's response to the Council's second referral, including what (if any) condition(s) of consent were required by Shoalhaven Water in its response.

7. EPA GTAs

Clarification as to whether the increase in traffic noise associated with the MRF is below the established criteria (< 2 dB(A)), and consideration of whether the potential impact on nearby residents is acceptable and whether any additional conditions are required to mitigate residual traffic noise.

8. Environmental Monitoring

A review of the recommended conditions that require monitoring (e.g. meteorological monitoring and acoustic monitoring) and complaints protocols against equivalent conditions required by the existing EPA licence and existing conditions of consent, and consideration whether the new monitoring and complaints handling conditions are required for the MRF.

9. Revised Conditions of Consent

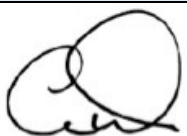


The Panel requested that the Council review all the consent conditions to:

- ensure that all conditions are relevant to the site and to remove those that are superfluous.
- include a requirement for an operational management plan which includes references to monitoring requirements under the existing EPA licence for the site.
- confirm all relevant reports are included in proposed condition 1 or that relevant recommendations in the technical reports are included by way of other proposed conditions

DATES FOR RESPONSE

The Panel expects that a revised or addendum assessment report and conditions of consent that respond to the material and the matters raised above will be submitted to the Panel within 4 weeks from the date of this deferral record.

Upon receipt of this information, the Panel will seek to determine the matter electronically.

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

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	PPSSTH-136 – Shoalhaven – RA21/1002
2	PROPOSED DEVELOPMENT	Construction of Materials Recycling Facility as Addition to an Existing Waste or Resource Management Facility.
3	STREET ADDRESS	Lot 436 DP 808415 (Flatrock Road, Mundamia)
4	APPLICANT/OWNER	Lorri Field for The Trustee for LCTP Family Trust & The Trustee for LEF Trust & The Trustee for Valentinetti Family Trust
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 (Resilience and Hazard) 2021 State Environmental Planning Policy (Biodiversity and Conservation) 2021 State Environmental Planning Policy (Transport and Infrastructure) 2021 State Environmental Planning Policy (Planning Systems) 2021 Draft environmental planning instruments: Nil Development control plans: <ul style="list-style-type: none"> Shoalhaven Development Control Plan 2014 Planning agreements: <ul style="list-style-type: none"> 2018/9303-169: Hockleys Lane, Cambewarra 2018/9304-198: Taylors Lane, Cambewarra Provisions of the <i>Environmental Planning and Assessment Regulation 2000</i>: Nil 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: 12 October 2022 Clause 4.6 variation – Clause 4.3 Building Height Written submissions during public exhibition: 0 Total number of unique submissions received by way of objection: 0
8	MEETINGS 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, Andre Vernez Site inspection: 3 May 2022 <ul style="list-style-type: none"> <u>Panel members</u>: Chris Wilson (Acting Chair), Renata Brooks, Susan Budd <u>Council assessment staff</u>: Andre Vernez, Cathy Bern Final briefing to discuss council's recommendation: 25 October 2022 <ul style="list-style-type: none"> <u>Panel members</u>: Chris Wilson (Acting Chair), Renata Brooks, Susan Budd <u>Council assessment staff</u>: Andre Vernez, Cathy Bern, Daniel Lidbetter, Nadine Page – Consultant Assessment Planner (Cardno)

		<ul style="list-style-type: none">○ <u>Applicant representatives:</u> Lorri Field (Director PDC), Peter Windley (Shoalhaven City Council)
9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Attached to the council assessment report