

<b>DATE OF DETERMINATION</b>	Wednesday, 11 May 2022
<b>DATE OF PANEL DECISION</b>	Tuesday, 10 May 2022
<b>DATE OF PANEL MEETING</b>	Tuesday, 3 May 2022
<b>PANEL MEMBERS</b>	Chris Wilson (Acting Chair), Renata Brooks and Susan Budd
<b>APOLOGIES</b>	None
<b>DECLARATIONS OF INTEREST</b>	None

Papers circulated electronically on 26 April 2022.

#### **MATTER DETERMINED**

PPSSTH-137 – Shoalhaven City Council – SF10633 at 169 Hockeys Lane, CAMBEWARRA - Lot 1 DP 1281124  
121 Taylors Lane, CAMBEWARRA - Lot 2 DP 1281124 Taylors Lane, CAMBEWARRA - Lot 5 DP 1256748 –  
Staged residential subdivision to create 126 Torrens Title allotments (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 the site inspection 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, subject to the resolution of the following matters.

1. The Panel sought clarification regarding the number and location of nest boxes required. This has been addressed via an amendment to condition 19 to specifically state the number of nest boxes and where they are to be located. The amended condition is reproduced below.
2. The Panel also sought clarification on whether the environmental report (contamination report) submitted with the DA was considered by Council to be a “preliminary site investigation” (PSI) as per the requirements of the Contaminated Land Planning Guidelines. Council’s Environmental Health Officer confirmed that the Environmental Risk and Planning Report submitted with the DA was considered a PSI prepared in accordance with the Contaminated Land Planning Guidelines, and therefore satisfied section 4.6(2) of the Resilience and Hazards SEPP (formerly clause 7(2) of SEPP 55).

The Panel was satisfied that these matters had been satisfactorily addressed.

#### **CONDITIONS**

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

- Condition 17 has been amended to replace “competent person” with “suitably qualified professional”.

- Condition 19 has been amended and reads as follows:

*Prior to the commencement of any clearing work, a total of 40 fauna nest boxes must be installed in suitable locations along the Good Dog Creek riparian corridor in accordance with that outlined in the Biodiversity Development Assessment Report by Lodge Environmental (Reference No. LE1315, Revision 1, dated 21/09/2021) and as directed by a suitably qualified ecological consultant. The nest boxes are to be of an appropriate size to provide suitable replacement habitat for the hollows that are to be removed. Installation of the nest boxes is to be incorporated in the Construction Environment Management Plan (CEMP). Shoalhaven City Council must inspect and certify in writing the nest boxes are in place prior to works commencing.*

- Condition 25: Sub-condition (d) has been inserted and reads as follows:

*A street tree planting regime which includes shrubs and trees representative of the existing PCT and known to be utilised by local fauna, as outlined in the Biodiversity Development Assessment Report by Lodge Environmental (Reference No. LE1315, Revision 1, dated 21/09/2021). Suitable plants are included in Shoalhaven City Council Town Street Planting Strategy;*

- Condition 50 has been amended to read as follows:

*Prior to the issue of a Subdivision Works Certificate, a Vegetation Management Plan (VMP) is to be prepared by a suitably qualified ecologist. The VMP is to outline how the 50m riparian buffer of Good Dog Creek on Lot 127 is to be restored to a native vegetated corridor. The VMP is to include a schedule of works and suitable performance measures. Any revegetation works are to be completed prior to the issue of a Subdivision Certificate. The VMP is to operate for a minimum of three (3) years and until all appropriate performance measures have been met. The plan is to be approved by Council prior to the commencement of any works.*

- Condition 75 has been amended to remove the word “sufficient”.
- Condition 89 has been amended to replace “the maintenance period or 6 months” with “a period of 12 months”.
- Under Part E, a condition was inserted that requires the developer to comply with its Shoalhaven Water Certificate of Compliance.

## **CONSIDERATION OF COMMUNITY VIEWS**




In coming to its decision, the Panel considered written submissions made during public exhibition. The Panel noted the issues of concern included:

- Design of proposed allotments with no small allotments to be permitted;
- Lack of existing infrastructure;
- Tree removal and proposed removal of tree nominated as No. 20 which should be retained as significant due to species and age;
- Noise and amenity impacts;
- Lack of area for visitor parking;
- Housing density is too high;
- Timing of the development to be deferred to the last stage of the URA to allow completion of the loop road.

The Panel considers that concerns raised by the community have been adequately addressed in the Council Assessment Report and that no new issues require assessment.

In relation to concerns about tree removal and density, the Panel notes advice that Council has purchased the adjacent lot for open space, with the intention that the trees located on this lot will be retained, and that additional vegetation will be planted in the riparian zone of Good Dog creek under a Vegetation

Management Plan. There has also been a reduction in lots from 142 to 126 since the proposal was exhibited, significantly reducing density.

PANEL MEMBERS	
 Chris Wilson (Chair)	 Renata Brooks
 Susan Budd	

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	PPSSTH-137 – Shoalhaven – SF10633
2	PROPOSED DEVELOPMENT	<p>Staged residential subdivision to create 126 Torrens Title allotments, including:</p> <ul style="list-style-type: none"> <li>▪ 124 residential allotments;</li> <li>▪ One (1) drainage reserve;</li> <li>▪ One (1) residue lot; and</li> <li>▪ Provision of roads, drainage and utility infrastructure along with associated landscaping works.</li> </ul>
3	STREET ADDRESS	<p>169 Hockeys Lane, CAMBEWARRA - Lot 1 DP 1281124</p> <p>121 Taylors Lane, CAMBEWARRA - Lot 2 DP 1281124</p> <p>Taylors Lane, CAMBEWARRA - Lot 5 DP 1256748</p>
4	APPLICANT/OWNER	<p>Applicant: Makereng P/L</p> <p>Owner: Q &amp; J Brown (Lots 1 &amp; 2) &amp; Shoalhaven City Council (Lot 5)</p>
5	TYPE OF REGIONAL DEVELOPMENT	Council related development over \$5 million
6	RELEVANT MANDATORY CONSIDERATIONS	<ul style="list-style-type: none"> <li>• Environmental planning instruments: <ul style="list-style-type: none"> <li>○ Shoalhaven Local Environmental Plan 2014</li> <li>○ State Environmental Planning Policy (Resilience and Hazards) 2021</li> <li>○ State Environmental Planning Policy (Biodiversity and Conservation) 2021</li> <li>○ State Environmental Planning Policy (Transport and Infrastructure) 2021</li> <li>○ State Environmental Planning Policy (Planning Systems) 2021</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 2000</i>: Nil</li> <li>• Coastal zone management plan: Nil</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: 6 April 2022</li> <li>• Written submissions during public exhibition: 3</li> </ul>
8	MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> <li>• Briefing: Wednesday, 9 March 2022 <ul style="list-style-type: none"> <li>○ <u>Panel members</u>: Chris Wilson (Acting Chair), Renata Brooks and Susan Budd</li> <li>○ <u>Council assessment staff</u>: Andre Vernez, Rebecca Lockhart</li> <li>○ <u>Department representatives</u>: Verity Rollason and Amanda Moylan</li> </ul> </li> </ul>

		<ul style="list-style-type: none"> <li>• Site inspection: Tuesday, 3 May 2022 <ul style="list-style-type: none"> <li>○ <u>Panel members</u>: Chris Wilson (Acting Chair), Renata Brooks and Susan Budd</li> <li>○ <u>Council assessment staff</u>: Andre Vernez</li> <li>○ <u>Department representatives</u>: Verity Rollason</li> <li>○ <u>Applicant representative</u>: Mark Rigoni</li> </ul> </li> <li>• Final briefing with applicant and submitters: Tuesday, 3 May 2022 <ul style="list-style-type: none"> <li>○ <u>Panel members</u>: Chris Wilson (Acting Chair), Renata Brooks and Susan Budd</li> <li>○ <u>Council assessment staff</u>: Andre Vernez</li> <li>○ <u>Department representative</u>: Verity Rollason</li> <li>○ <u>Applicant representative</u>: Mark Rigoni</li> <li>○ Submitters: None attended.</li> </ul> </li> <li>• Final briefing to discuss council's recommendation: Tuesday, 3 May 2022 <ul style="list-style-type: none"> <li>○ <u>Panel members</u>: Chris Wilson (Acting Chair), Renata Brooks and Susan Budd</li> <li>○ <u>Council assessment staff</u>: Andre Vernez</li> <li>○ <u>Department representative</u>: Verity Rollason</li> </ul> </li> </ul>
9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Attached to the Council Assessment Report, dated 4 <sup>th</sup> May, 2022