

DETERMINATION AND STATEMENT OF REASONS

SOUTHERN REGIONAL PLANNING PANEL

DATE OF DETERMINATION	19 May 2023
DATE OF PANEL DECISION	19 May 2023
DATE OF PANEL MEETING	16 May 2023
PANEL MEMBERS	Chris Wilson (Chair), Juliet Grant, Brian Kirk
APOLOGIES	None
DECLARATIONS OF INTEREST	None

Papers circulated electronically on 9 May 2023.

MATTER DETERMINED

PPSSTH-142 – Shoalhaven - RA22/1001 at 192 Kerry Street, SANCTUARY POINT – Lot 944 DP 27857, 194 Kerry Street, SANCTUARY POINT – Lot 945 DP 27857, 196 Kerry Street, SANCTUARY POINT – Lot 946 DP 27857, 198 Kerry Street, SANCTUARY POINT – Lot 947 DP 27857, Paradise Beach Road, SANCTUARY POINT – Lot 3 DP 806393, Kerry Street, SANCTUARY POINT – Lot 4 DP 806393 – Demolition of existing structures, removal of trees, construction of two-storey public library building, associated landscaping works and extension of adjacent Council owned car park (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 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's Independent Planner's Assessment Report and noted that the proposal will provide an important community facility for the Sanctuary Point and wider community.

CONDITIONS

The Development Application was approved subject to the conditions recommended by the Council's Independent Planner with the following amendments:

New Condition

- Having regard to the provisions of SEPP (Hazards and Resilience) 2021, and to ensure appropriate management and mitigation measures are in place for any unexpected contamination finds, a new condition is to be included as follows:

Condition 50A

Contamination - Unexpected Finds

- If unexpected, contaminated soil and/or groundwater is encountered during any works:
 - all work must cease, and the situation must be promptly evaluated by an appropriately qualified environmental consultant.

- i) the contaminated soil and/or groundwater must be managed under the supervision of the environmental consultant, in accordance with relevant NSW Environment Protection Authority (EPA) Guidelines.
- b) If unexpected, contaminated soil or groundwater is treated and/or managed on-site; an appropriately qualified environmental consultant must verify that the situation was appropriately managed in accordance with relevant NSW EPA guidelines prior to recommencement of works. The verification documentation must be provided to the satisfaction of the Certifier and Shoalhaven City Council prior to the recommencement of any works.
- c) If contaminated soil or groundwater is to be removed from the site, it must be transported to an appropriately licensed waste facility by an NSW EPA licensed waste contractor in accordance with relevant NSW EPA guidelines including the Waste Classification Guidelines (2014).

Note: An appropriately qualified environmental consultant will have qualifications equivalent to CEnvP "Site Contamination" (SC) Specialist - by Certified Environmental Practitioner or 'Certified Professional Soil Scientist' (CPSS CSAM) by Soil Science Australia (SSA).

Amendment to Condition 28 – Amended Landscape Design Plans

- To enable flexibility regarding future landscape canopy cover, replace "must" with "should" in the preamble sentence to Condition 28 (a) so as to read:

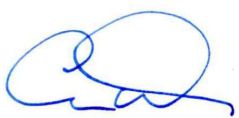

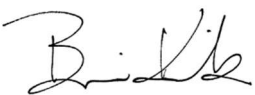
The landscape design plans should

Delete condition 35(b)

- To reduce duplication of information provided in the civil drawings, delete condition 35(b)

CONSIDERATION OF COMMUNITY VIEWS

In coming to its decision, the Panel notes that no written submissions were made during public exhibition and therefore no issues of concern were raised.

PANEL MEMBERS	
 Chris Wilson (Chair)	 Juliet Grant
 Brian Kirk	

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	PPSSTH-142 – Shoalhaven - RA22/1001
2	PROPOSED DEVELOPMENT	Demolition of existing structures, removal of trees, construction of two-storey public library building, associated landscaping works and extension of adjacent Council owned car park
3	STREET ADDRESS	192 Kerry Street, SANCTUARY POINT – Lot 944 DP 27857, 194 Kerry Street, SANCTUARY POINT – Lot 945 DP 27857, 196 Kerry Street, SANCTUARY POINT – Lot 946 DP 27857, 198 Kerry Street, SANCTURAY POINT – Lot 947 DP 27857, Paradise Beach Road, SANCTUARY POINT – Lot 3 DP 806393, Kerry Street, SANCTUARY POINT – Lot 4 DP 806393
4	APPLICANT/OWNER	Shoalhaven City Council c/- Premise / 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 (Resilience and Hazards) 2021 State Environmental Planning Policy (Biodiversity and Conservation) 2021 State Environmental Planning Policy (Transport and Infrastructure) 2021 State Environmental Planning Policy (Planning Systems) 2021 Shoalhaven Local Environmental Plan 2014 Draft environmental planning instruments: Nil 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: 5 May 2023 List any clause 4.6 variation requests here List any council memo or supplementary report received: 9 May 2023 Written submissions during public exhibition: 0 Total number of unique submissions received by way of objection: 0
8	MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> Briefing: 25 May 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 <u>Other</u>: Sung Pak (DPE) 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 <u>Other</u>: Amanda Moylan (DPE) Council / Applicant Briefing: 13 December 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

		<ul style="list-style-type: none"> ○ <u>Applicant representatives</u>: Rennie Rounds (Premise), Rus Manaf (Brewster Hjorth Architects), Anthony Meta (SCC), Stephanie Cascun (SCC) ○ <u>DPE</u>: Amanda Moylan • Final briefing to discuss council's recommendation: 16 May 2023 <ul style="list-style-type: none"> ○ <u>Panel members</u>: Chris Wilson (Chair), Juliet Grant, Brian Kirk ○ <u>Council assessment staff</u>: Andre Vernez, Rebecca Lockart ○ <u>Council Consultant assessment planner</u>: Troy Loveday (Planning Ingenuity) ○ <u>DPE</u>: Amanda Moylan, Tracey Gillet ○ <u>Applicant representatives</u>: Rennie Rounds (Premise), Rus Manaf (Brewster Hjorth Architects), Anthony Meta (SCC), Stephanie Cascun (SCC), Sarah Taylor (SCC)
9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Attached to the Council Addendum Assessment Report and as amended by the Panel