

## DETERMINATION AND STATEMENT OF REASONS

### SOUTHERN REGIONAL PLANNING PANEL

<b>DATE OF DETERMINATION</b>	22 December 2022
<b>DATE OF PANEL DECISION</b>	21 December 2022
<b>DATE OF PANEL MEETING</b>	13 December 2022
<b>PANEL MEMBERS</b>	Chris Wilson (Acting Chair), Angus Gordon, Douglas Lord
<b>APOLOGIES</b>	None
<b>DECLARATIONS OF INTEREST</b>	None <i>(must include reason for declaration and whether the member participated or not)</i>

Papers circulated electronically on 5 December 2022.

#### MATTER DETERMINED

PPSSTH-162 – Shoalhaven – RA22/1003 at RIVER ROAD SHOALHAVEN HEADS 2535 – Coastal protection works including modification of an existing rock revetment structure to ameliorate the end effect erosion (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 subject to strengthened conditions of consent to ensure an integrated outcome. The Panel noted that the beach nourishment program to support the works are being carried out under separate approval and for a broader area. The Panel was of the view that the beach nourishment works must be undertaken concurrently to ensure the integrity of the coastal protection works, and to ensure an integrated outcome consistent with the requirements of Chapter 2 - Coastal Management of the Resilience and Hazards SEPP.

#### CONDITIONS

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

- Administrative correction  
For consistency, replace spelling of “sulphate” with “sulfate” throughout the conditions
- Condition 4 (Staging) – amended to strengthen integrated outcome as follows:

#### Staging

4. The proposed rock armour (concealed and exposed) cannot occur until such time as the sand/beach nourishment works (as referenced in Condition 3 of this consent) have been certified.

- Condition 10 (Coastal Protection Works Management Plan) – amended to include the need for seagrass mapping.

- f) A map of seagrasses in the vicinity of the development to minimise the risk of harm during the construction phase. This is to provide a reference point for seagrasses during construction noting the conditions of the General Terms of Approval issued by DPI Fisheries request a buffer of 5m be maintained.

- Condition 13 (Dilapidation Report) – modified to specify the extent of dilapidation reports for properties/structures:

#### **Dilapidation Report**

- 13. Prior to the commencement of work, the developer must engage a competent person to prepare a dilapidation report in respect of the neighbouring premises (from the boat ramp to the extended wall) and adjacent public infrastructure, including adjacent kerbs, gutters, footpaths (formed or unformed), driveways (formed or unformed), carriageway, reserves and the like to document evidence of any existing damage.

- Condition 19 (Acid Sulfate Soils) – modified to ensure recommendations of the Potential Acid Sulfate Soil Assessment Report are implemented:

#### **Acid Sulfate Soils**

- 19. Excavation of acid sulfate soils, or potential acid sulfate soils must be carried out in accordance with the approved Potential Acid Sulfate Soil Assessment Report to the satisfaction of the Certifier. Excavated material must be treated on-site in accordance with the report or taken to an approved waste disposal facility.

- New Condition 27 (Independent Monitoring/Inspections) – inserted as follows:

#### **Independent Monitoring/Inspections**

- 27. To ensure the integrity of the approved works, independent monitoring/inspections of the placement of the rocks is required at appropriate intervals with final certification of the works to be provided by an appropriately qualified independent expert person once completed.

- New Condition 28 (Ongoing Maintenance) – inserted as follows:




#### **Ongoing Maintenance**

- 28. The ongoing maintenance of the development must be in keeping with Council's coastal management maintenance program for the entire revetment wall and beach nourishment program.

## CONSIDERATION OF COMMUNITY VIEWS

In coming to its decision, the Panel considered written submissions made during and after public exhibition

The Panel considers that concerns raised by the community, where relevant, have been adequately addressed in the Assessment Report and conditions of consent as imposed.

PANEL MEMBERS	
 Chris Wilson (Acting Chair)	 Angus Gordon
 Douglas Lord	

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	PPSSTH-162 – Shoalhaven – RA22/1003
2	PROPOSED DEVELOPMENT	Coastal protection works including modification of an existing rock revetment structure to ameliorate the end effect erosion
3	STREET ADDRESS	River Road Shoalhaven Heads 2535
4	APPLICANT/OWNER	Shoalhaven Council
5	TYPE OF REGIONAL DEVELOPMENT	<b>Certain Coastal Protection Works</b>
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) 2021</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>○ 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>• Relevant provisions of the <i>Environmental Planning and Assessment Regulation 2021</i></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: <b>2 December 2022</b></li> <li>• Written submissions during public exhibition: 2</li> <li>• Total number of unique submissions received by way of objection: 1</li> <li>• The Panel also considered a late submission received from the Shoalhaven Heads Community Forum</li> </ul>
8	MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> <li>• Briefing: 10 October 2022 <ul style="list-style-type: none"> <li>○ <u>Panel members</u>: Chris Wilson (Acting Chair), Angus Gordon, Doug Lord</li> <li>○ <u>Council assessment staff</u>: Andre Vernez, Cathy Bern, Jack Rixon (Council Consultant Planner)</li> </ul> </li> <li>• Site inspection: 26<sup>th</sup> July 2022 <ul style="list-style-type: none"> <li>○ <u>Panel members</u>: Chris Wilson (A/Chair), Doug Lord</li> <li>○ <u>Council assessment staff</u>: Andre Vernez, Nigel Smith</li> <li>○ <u>DPE</u>: Amanda Moylan</li> </ul> </li> <li>• Final briefing to discuss council's recommendation: 13 December 2022 <ul style="list-style-type: none"> <li>○ <u>Panel members</u>: Chris Wilson (Acting Chair), Angus Gordon, Doug Lord</li> <li>○ <u>Council assessment staff</u>: Andre Vernez, Cathy Bern, Jack Rixon (Council Consultant Planner)</li> </ul> </li> </ul>

		<ul style="list-style-type: none"><li>○ <u>Applicant representatives:</u> Luke Moroney, Nigel Smith, Michael Roberts</li></ul>
9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Attached to the Council Assessment Report