

DETERMINATION AND STATEMENT OF REASONS

SOUTHERN REGIONAL PLANNING PANEL

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| 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, Susan Budd |
| APOLOGIES | None |
| DECLARATIONS OF INTEREST | None |

Papers circulated electronically on 5 May 2023.

MATTER DETERMINED

PPSSTH-187 – Shoalhaven – RA22/1004 at 84 Cambewarra Road, Bomaderry - Lot 100 DP 1237704 – Internal and external alterations and additions to refurbish the existing Bomaderry Basketball Stadium (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 agreed with the recommendations and balance of considerations in Council's independent assessment report and determined to approve the application for the reasons outlined in that report.

The Panel agreed with the conclusions of the Council's independent assessment report that the proposal would provide an updated sporting facility that would be a significant asset for the community and that approval was in the public interest.

CONDITIONS

The Development Application was approved subject to the recommended conditions in Council's Independent Assessment Report, subject to a number of amendments as follows:

Condition 1 General

Amend the General Condition to include a reference in Schedule 1 to the report titled "*Hazardous Materials Inspection – Shoalhaven Basketball Stadium – Bomaderry*" (12 September 2019).

Condition 3 Noise Specific Conditions

Amend to clarify the hours of operation by including an additional paragraph within the condition as follows:

The use of the courts for games/training and/or competition should cease by 10.30pm. There must be no activity occurring within the approved building after 11.00pm, unless otherwise agreed to by Council in writing.

Condition 36 Operational Plan of Management

Amend to strengthen management of site operations through the Operational Plan of Management by replacing the wording in condition 36 b) and d) as follows:

b) *noise monitoring and mitigation*

d) *management and coordination of car parking during all major events across the precinct*

Condition 43 Operational Requirements

Amend to ensure consistency regarding the hours of operation of the proposed basketball courts with existing sporting facilities by including in 43 a) the following additional sentence:

"Basketball games are to cease at 10.30pm."



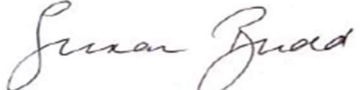
Condition 27 Asbestos Removal

To ensure the consent clearly identifies all obligations relating to asbestos management and removal amend paragraph 1 of condition 27 to include a reference to the Hazardous Substances Management Plan and Hazardous Materials Inspection report as follows:

Asbestos removal must be carried out in accordance with *AS2601-2 SafeWork NSW – Code of Practice, Demolition Work [ISBN 978-0-642-78415-5]* and *SafeWork NSW – Code of Practice, How to Safely Remove Asbestos [ISBN 978-0-642- 9]* as applicable, and any requirements specified in the Hazardous Substances Management Plan forming part of the *Hazardous Materials Inspection – Shoalhaven Basketball Stadium - Bomaderry* (Sept 2019) by a person holding the relevant licence issued by SafeWork NSW.

CONSIDERATION OF COMMUNITY VIEWS

In coming to its decision, the Panel notes that no written submissions were made as a result of the public notification and exhibition of the development application and therefore no issues of concern were raised.

| PANEL MEMBERS | |
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|  Chris Wilson (Chair) |  Juliet Grant |
|  Susan Budd | |

| SCHEDULE 1 | | |
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| 1 | PANEL REF – LGA – DA NO. | PPSSTH-187 – Shoalhaven – RA22/1004 |
| 2 | PROPOSED DEVELOPMENT | Internal and external alterations and additions to refurbish the existing Bomaderry Basketball Stadium |
| 3 | STREET ADDRESS | 84 Cambewarra Road, Bomaderry - Lot 100 DP 1237704 |
| 4 | APPLICANT/OWNER | Shoalhaven City Council c/o CM+ Conybeare Morrison International Pty Ltd |
| 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 (Planning Systems) 2021 State Environmental Planning Policy (Resilience and Hazards) 2021 State Environmental Planning Policy (Transport & Infrastructure) 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 2021</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 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"> Council / Applicant Briefing: 7 March 2023 <ul style="list-style-type: none"> <u>Panel members</u>: Chris Wilson (Chair), Juliet Grant, Susan Budd <u>Council staff</u>: Andre Vernez, Cathy Bern, Rebecca Lockhart <u>Council Consultant assessment planner</u>: Jack Rixon (Mecone) <u>Applicant representatives</u>: Sedat Erol (Leo Town Planning), Jonathan Widagdo (CM Plus), Catherine Ng (CM Plus), Antonino Lalli (CM Plus), Anthony Meta (SCC) <u>Other</u>: Amanda Moylan (DPE) Site inspection: 8 March 2023 <ul style="list-style-type: none"> <u>Panel members</u>: Chris Wilson (Chair), Juliet Grant, Susan Budd <u>Council staff</u>: Andre Vernez <u>Council Consultant assessment planner</u>: Jack Rixon (Mecone) <u>Applicant representatives</u>: Anthony Meta (SCC), Annie Westley (SCC) <u>Other</u>: Amanda Moylan (DPE) 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, Susan Budd <u>Council staff</u>: Andre Vernez, Cathy Bern, Rebecca Lockhart <u>Council Consultant assessment planner</u>: Jack Rixon (Mecone) <u>Applicant representatives</u>: Antonino Lalli, Catherine Ng, Jonathan Widagdo (CM+) <u>Other</u>: Amanda Moylan (DPE) |
| 9 | COUNCIL RECOMMENDATION | Approval |
| 10 | DRAFT CONDITIONS | Attached to the Council Assessment <i>Report and as amended by the Panel</i> |