

DATE OF PANEL DECISION	29 July 2024
PANEL MEMBERS	Chris Wilson (Chair), Juliet Grant, Grant Christmas
APOLOGIES	None
DECLARATIONS OF INTEREST	None

DELEGATION REQUEST – DETERMINATION OF 4.55 MODIFICATION DEVELOPMENT APPLICATION PPSSTH-352

Development Application

PPSSTH-352 – SHOALHAVEN – MA24/1082 - 41 Main Road Cambewarra – Proposed modification of approved subdivision RA21/1003 - Modification to staging of development

BACKGROUND

On 3 June 2024 Shoalhaven City Council requested that the Southern Regional Planning Panel delegate its decision-making functions to Council to determine a Section 4.55 modification application (MA24/1082). The modification application was referred as Regionally Significant as the modification seeks to amend PPSSTH-138 (RA21/1003) which was determined by the Southern Regional Planning Panel. The consent was issued on 15 March 2023.

The approved development was for a Staged residential subdivision to create 256 Torrens Title allotments and provision of associated civil infrastructure and landscaping. Construction of landscaped open space and associated embellishment on Council land is also proposed. The subject site is to be developed following construction of the developments to the east, approved under SF 1084 and SF 10895 with connectivity via Roads 01, 03, 14, 19 and 22. Development of the site has been divided into six stages (refer to Council's request as attached).

The overall intent of the proposed modification is to modify the approved staging plan to provide a more efficient development of the site. The modified proposal is only likely to include modifications to Conditions 1 (Stamped Plans), 2 (Staged Development) and 77 (Local Infrastructure Provisions), as well as necessary modifications to the general terms of approval provided by the Rule Fire Service to reflect the modified staging.

Application Details

PPSSTH-352 Lodged on 8/04/24.

Section 4.55 modification MA24/10824/1201

Address – 41 Main Road Cambewarra

Applicant: Michael Braithwaite (New Quest Properties for NePro23 unit Trust)

Owner: S Hay, E Reid, E Mobbs

R&M Penfold

CR Evison

Newpro Pty Ltd

Shoalhaven City Council

SEE Planner:

EDC:

History:

- The Application was lodged on 08/04/2024.

- Internal referrals were provided to the Property, Drainage & Development Engineers, Strategic Planning, Water Asset Planning, and Asset Strategy sections of Council.
- The application was registered as an RSDA via the Portal on 29/04/2024.
- The application was notified from 08/05/2024 to 05/06/2024. Three (3) submissions were received.
- External referrals were issued to NSW RFS and Endeavour Energy.

Summary:

Council advises that:

- *The modification application is considered simple and minor and appropriate for delegation – minor changes due to proposed changes to staging.*
- *RFS and Engineering have provided recommended conditions of consent.*
- *Section 7.11 contributions have been recalculated to reflect the proposed amended staging.*

This application constitutes the 2nd modification sought to RA21/1003, with the first modification approved by council on 3 October 2023 (Ref: DS23/1280).

Power to Delegate

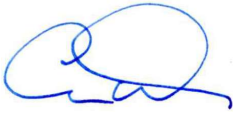


The Minister for Planning and Public Spaces has provided approval under section 2.16 (6)(c) of the *Environmental Planning and Assessment Act 1979* (EP&A Act) for any Sydney District or Regional Planning Panel to delegate any of its functions under the EP&A Act or any other Act (other than the power of delegation) to the general manager or other staff of a council, for any area or part of any area for which the Sydney district or regional planning panel is constituted.

PANEL RESOLUTION

The Panel has turned its mind to Council's request and the relevant material provided and concurs that the modification application is minor in nature with negligible risk to the integrity of the planning process. The Panel also notes that the Applicant does not object to the matter being delegated to Council for determination. Under these circumstances, the Panel considered it appropriate for the matter to be determined by the General Manager of Shoalhaven City Council.

Consequently, on 29 July 2024, the Panel resolved in accordance with section 2.16(6)(c) of the *Environmental Planning and Assessment Act, 1979* to delegate to the General Manager of Shoalhaven City Council the power to determine (as consent authority under section 4.56 of the Act) the following modification application:

PPSSTH-352 – SHOALHAVEN – MA24/1082 - 41 Main Road Cambewarra – Proposed modification of approved subdivision RA21/1003 - Modification to staging of development.

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