

<b>DATE OF PANEL DECISION</b>	5 March 2025
<b>PANEL MEMBERS</b>	Chris Wilson (Chair), Juliet Grant, Grant Christmas
<b>APOLOGIES</b>	None
<b>DECLARATIONS OF INTEREST</b>	Council nominated members Peter Wilkins and Luciano Casmiri are conflicted due to the Council interest in the development application (Council was landowner at the time DA was lodged and referred to the Southern Regional Planning Panel).

## DELEGATION REQUEST – DETERMINATION OF DEVELOPMENT APPLICATION PPSSTH-387

### Development Application

PPSSTH-387 – SHOALHAVEN – DA2024/1145 - 37 Norfolk Avenue, SOUTH NOWRA - Industrial Building - Construction of a new industrial (warehouse) building with ancillary facilities (office space and amenities) on Lot 100 DP 1096630 and proposed Lot 105 of SF9294 (Parent Lot 137 DP 1124258) Norfolk Avenue, South Nowra.

### BACKGROUND

The Minister for Planning and Public Spaces provided approval under section 2.16(6) 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).

With respect to PPSSTH-387 (DA2024/1145) Shoalhaven City Council has made a request of the Southern Regional Planning Panel that delegation to determine DA2024/1145 be granted. The panel has been advised by Council that Shoalhaven City Council transferred ownership of the subject land to a private entity. Council now seeks delegation to determine the matter as it no longer owns the subject site.

### Application Details

<i>Council Reference</i>	DA2024/1145 ( <i>Panel reference</i> )
<i>Panel Reference</i>	PPSSTH-387
<i>Lodgement Date</i>	26 February 2024
<i>Address</i>	37 Norfolk Avenue, SOUTH NOWRA
<i>Applicant</i>	Georgia Wright
<i>Owner</i>	Avesta Group Pty Ltd
<i>SEE Planner</i>	Allen Price & Scarratts Pty Ltd
<i>EDC:</i>	\$16,374,833.06

### ***Proposed Development***

Construction of Industrial Building and ancillary facilities including:

- Construction of single level building totalling a gross floor area of 7,102m<sup>2</sup>;
- Construction of ancillary 2 level office space totalling a gross floor area of 1,414m<sup>2</sup> (703m<sup>2</sup> first floor; 711m<sup>2</sup> second level);
- Overall, the gross floor area with ancillary facilities is 8,944m<sup>2</sup>;
- Supporting services, lunch/meal, amenities, plant and storage areas;
- Onsite car parking for 64 vehicles including 1 disabled car parking space, 9 motor bike parking spaces and 6 bicycle parking spaces – 73 total car parking spaces (not including bicycle parking);
- Onsite loading bays and truck circulation;
- Retaining walls to compensate for site falls to the east; and
- Landscape area.

The application triggered a referral to the panel because at the time of lodgement, the land owner was Shoalhaven City Council and the CIV was greater than >\$5 million in accordance with Schedule 6 of the *State Environmental Planning Policy (Planning Systems) 2021*.

### ***Summary:***

Since lodgement of the DA, Shoalhaven City Council has transferred ownership of the subject land to a private entity. Council is of the opinion that given it no longer owns the subject site, the trigger for the application to be determined by the Regional Planning Panel no longer applies.

The Panel notes that:

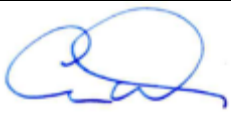


- The Development Application was referred to the Southern Regional Planning Panel as a Regionally Significant Development at the time the DA was lodged;
- The change in land ownership does not alter the jurisdiction of the panel to determine the DA.
- While risks associated with the land the subject of the DA being in Council ownership have been ameliorated, to ensure transparency, accountability and a higher level of scrutiny where the EDC for a DA is over \$5M, and Council had an interest in the application at the time of lodgement, the panel remains as the consent authority;
- In this case, the Panel is satisfied that the level of Council interest is now minor and that there are no outstanding caveats on the development of the land;
- Further, Council has sufficient processes in place to ensure transparency and accountability for its decision and have engaged an independent assessment planner to prepare the assessment report and make recommendations in relation to the development application; and
- The site is appropriately zoned industrial and generally free of constraints.

### **PANEL RESOLUTION**

This is a resolution of the Panel made on 5 March 2025 in accordance with Schedule 2 Part 5 of the EP&A Act.

That pursuant to section 2.16(6)(c) of the EP&A Act 1979 the Panel resolves to delegate to Shoalhaven City Council the power to make a determination as consent authority under section 4.56 of the EP&A Act on:

PPSSTH-387 – SHOALHAVEN – DA2024/1145 - 37 Norfolk Avenue, SOUTH NOWRA - Industrial Building - Construction of a new industrial (warehouse) building.

PANEL MEMBERS	
 Chris Wilson (Chair)	 Juliet Grant
 Grant Christmas	