

City Development



To: Michelle Burns - Planning Panels Secretariat

Copy: Regional Development Committee

From: Andre Vernez
Acting Unit Manager - Development
Shoalhaven City Council

Subject: PPSSTH-39 - Council Reference RA20/1000 - Beach Rd BERRY - Lot 4 DP 834254
- Residential subdivision to create 29 Torrens Title allotments, including 28 residential
allotments, one (1) residue lot containing Coomonderry Swamp to be dedicated as an
extension to the adjacent Seven Mile Beach National Park, associated remediation,
demolition, and landscaping works and the provision of roads, drainage, and services

Date: 7 December 2020

File: RA20/1000/4 CONTACT: Andre Vernez - 02 4429 5210

Council notes that State Environmental Planning Policy (Koala Habitat Protection) 2020 recently commenced on 30 November 2020 and repealed State Environmental Planning Policy (Koala Habitat Protection) 2019.

The section 4.15 assessment report submitted to the Southern Regional Planning Panel omits this.

It is noted that this application was registered with Council on 17 March 2020. State Environmental Planning Policy (Koala Habitat Protection) 2019 commenced on 1 March 2020 and has only recently been repealed. The assessment was completed prior to 30 November 2020. Whilst a decision has not been made, usually, a development application is assessed under the provisions that apply at the time of lodgement.

However, the then draft and now made Environmental Planning Instrument (EPI) was considered as part of the assessment. As there is no local population, there is likely to be low or no impacts on koalas or habitat, and the EPI would not change the assessment or outcome.

Accordingly, it is considered the wording of Condition 2 in the draft determination, although referencing the repealed SEPP, should be retained as it refers to the relevant SEPP that was addressed in the submitted Biodiversity Development Assessment Report (BDAR).

The condition relating to planting of Koala feed trees within the proposed lots was adopted from the recommendations in the submitted BDAR addendum addressing the Koala SEPP 2019 (dated 29/10/2020) and is not a requirement of the SEPP, therefore it should not make a difference if the SEPP has been replaced.

The SEPP 2019 also provides a more extensive list of koala feed trees, which would provide the developer with more flexibility when selecting trees to plant. The condition requires koala feed

trees to be incorporated into planting on the lots, but not all trees planted would need to be koala feed trees. The planting within the revegetation areas needs to reflect the native vegetation community present and it is recommended that landscaping on the lots also do this.

A handwritten signature in black ink, appearing to read 'A. Vernez'.

Andre Vernez
Acting Unit Manager - Development
Date: 7 December 2020