

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 DEVELOPMENT APPLICATION PPSSTH-412

Development Application

PPSSTH-412 – SHOALHAVEN – DA24/1201 - 220 Moss Vale Road BADAGARANG 2540 – Residential Subdivision - Subdivision of the site into 148 Torrens Title lots for future residential uses.

BACKGROUND

On 19 June 2024 Shoalhaven City Council requested that the Southern Regional Planning Panel delegate its decision-making functions to Council to determine Development Application (DA24/1201). Council advised that the development application constitutes Regionally Significant development on the basis that the proposal includes the construction of sewer access across a council owned road being Bells Lane, Badagarang. The Council considers that these works are minor in nature (refer to Council's request as attached) and are the only reason for the development being classified as Regionally Significant development.

Application Details

DA/24/1201 (Panel reference: PPSSTH-412) lodged on 3 April 2024

Address – 220 Moss Vale Road Badagarang

Applicant: Ed Karim

Owner: Cambewarra Park Pty Ltd

SEE Planner: Ethos Urban

EDC: \$9,4678,181

Proposed Development:

Subdivision of the site into 148 Torrens Title lots for future residential uses, comprising

- 147 residential allotments and 1 residual allotment for future subdivision.
- Site preparation works including dewatering of farm dams, and associated earthworks.
- Vegetation removal.
- Civil works, including bulk earthworks and retaining walls to create future development lots and required levels for the proposed roads.
- Landscaping including landscaping along the proposed road network.
- The provision of infrastructure and services to lots (sewer, water, electrical and telecommunications).
- Construction of an internal road network including the connection from the Moss Vale Road roundabout, and a portion of the central collector road.

The application triggers a referral to the Panel under Schedule of the Planning Systems SEPP as the EDC is \$9.468M and water and sewer infrastructure works are proposed on Council land.

Summary:

Council is currently obtaining internal comments from relevant internal sections of Council including Building, Engineering, Drainage, Environmental Health Traffic, Open Space and Property who will provide comments/conditions. Concurrence and referrals to external agencies are currently being undertaken. Council will carry out exhibition of the application in accordance with its Community Participation Plan.

Council is of the view that the proposed infrastructure works proposed for Council land (Bells Lane) which trigger the referral of the DA to the Panel are minor. Furthermore, the site is in the Moss Vale Road North Urban Release Area (URA) and residential development is anticipated within the area. It is also understood that the development application is generally consistent with the objectives of the URA.

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.

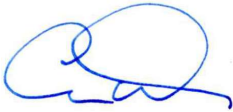


PANEL RESOLUTION

The Panel has turned its mind to Council's request and the relevant material provided. The Panel accepts that to ensure transparency, accountability and a higher level of scrutiny where the EDC for a DA is over \$5M, and Council has an interest in the application, the Planning Panel is the consent authority.

However, in this case the Panel is satisfied that the level of Council interest is minor and relates specifically to the construction of sewer infrastructure under Bells Lane to accommodate ongoing residential development of the area. Further, the development proposal is generally consistent with what is envisaged in the URA, the EDC is not significant (in relation to the Council interest trigger), and Council has sufficient processes to ensure transparency and accountability for its decision. Under these circumstances the Panel is satisfied that there is negligible risk to the integrity of the planning process.

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 development application:

PPSSTH-412 – SHOALHAVEN – DA24/1201 - 220 Moss Vale Road BADAGARANG 2540 – Residential Subdivision - Subdivision of the site into 148 Torrens Title lots for future residential uses

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