

DETERMINATION AND STATEMENT OF REASONS
SOUTHERN REGIONAL PLANNING PANEL

DATE OF DETERMINATION	15 April 2025
DATE OF PANEL DECISION	15 April 2025
PANEL MEMBERS	Chris Wilson (Chair), Juliet Grant, Grant Christmas
APOLOGIES	None
DECLARATIONS OF INTEREST	Council interest modification

Papers circulated electronically on 11 April 2025.

MATTER DETERMINED

PPSSTH-484 - SHOALHAVEN - MA2025/1009 - 41A Main Road, BADAGARANG - Lot 1 DP 1289976 - S4.55(2) Modification - Residential Subdivision - Proposed Modification lots 550 – 555 (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 listed at item 8 in Schedule 1.

Application for modification of consent

The Panel determined to approve the modification application pursuant to section 4.55(2) of the *Environmental Planning and Assessment Act 1979*.

The decision was unanimous.

REASONS FOR THE DECISION

The Panel determined to approve the modification application for the reasons outlined in the Council Assessment Report. The panel was satisfied that:



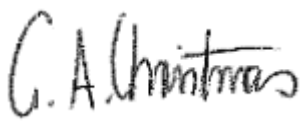
- The modification application had been considered in accordance with the requirements of the *Environmental Planning and Assessment Act 1979*.
- The modification was substantially the same development as to that originally approved.
- A through assessment in terms of section 4.15 of the *Environmental Planning and Assessment Act 1979* has been undertaken.
- The reasons given for the grant of the original consent had been fully considered.

CONDITIONS

The modification application was approved subject to the Councils recommended modifications to conditions 1, 9, 31, 35, 38, and 63 as identified in Councils Assessment Report.

CONSIDERATION OF COMMUNITY VIEWS

In coming to its decision, the Panel notes that no written submissions were made during public exhibition and therefore no issues of concern were raised.

PANEL MEMBERS	
 Christopher Wilson (Chair)	 Juliet Grant
 Grant Christmas	

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	PPSSTH-484 – SHOALHAVEN – MA25/1009
2	PROPOSED DEVELOPMENT	S4.55(2) to RA21/1003 - modification to align subdivision layout with SF10804 (as proposed to be modified DS23/1169 & stage 4 of SF10804)
3	STREET ADDRESS	<p>Primary address:</p> <ul style="list-style-type: none"> 41A Main Road BADAGARANG - Lot 1 DP 1289976 <p>Original consent was over:</p> <ul style="list-style-type: none"> Taylors Lane, BADAGARANG - Lot 1 DP 1256748 Taylors Lane, BADAGARANG - Lot 2 DP 1256748 Taylors Lane, CAMBEWARRA - Lot 1191 DP 1256749 15A Main Rd, BADAGARANG - Lot 1271 DP 1264383 126 Taylors Lane, BADAGARANG - Lot 61 DP 1281131 Taylors Lane, BADAGARANG - Lot 62 DP 1281131 49 Hockeys Lane, CAMBEWARRA - Lot 1 DP 1281802 Taylors Lane, BADAGARANG - Lot 2 DP 1281802 Taylors Lane, CAMBEWARRA - Lot 3 DP 1281802 41A Main Rd, BADAGARANG - Lot 1 DP 1289976 Main Rd, BADAGARANG - Lot 2 DP 1289976 15 Main Rd, CAMBEWARRA - Lot 3 DP 1289976 41 Main Rd, CAMBEWARRA - Lot 4 DP 1289976
4	APPLICANT/OWNER	Michael Braithwaite from - The Trustee for NewPro 23 Unit Trust Shoalhaven City Council & NewPro 23
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 (Resilience and Hazards) 2021 State Environmental Planning Policy (Biodiversity and Conservation) 2021 State Environmental Planning Policy (Planning Systems) 2021 Shoalhaven Local Environmental Plan 2014 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: 10 April 2025 • 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"> • Final Briefing: 9 April 2025 <ul style="list-style-type: none"> ○ <u>Panel members</u>: Chris Wilson (Chair), Juliet Grant, Grant Christmas ○ <u>Council assessment staff</u>: Elizabeth Downing, Justin Lamerton ○ <u>DPHI</u>: Amanda Moylan, Nikita Lange
9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Attached to the Council Assessment Report