

DETERMINATION AND STATEMENT OF REASONS

SOUTHERN REGIONAL PLANNING PANEL

DATE OF DETERMINATION	26 November 2020
PANEL MEMBERS	Gordon Kirkby (Chair), Renata Brooks, Susan Budd, Ernie Royston
APOLOGIES	None
DECLARATIONS OF INTEREST	<p>Tim Fletcher: I will declare a COI for this matter, given that I was a long-term employee of SCC, currently work casually for them and did have dealings with the subject property owner when I worked full time for Council.</p> <p>Greg Watson: I will be an apology for this meeting as I will declare an interest in the item because of my membership of Shoalhaven Council.</p>

MATTER DETERMINED

PPSSTH-54 – Shoalhaven – RA20/1002 at 6 Flinders Road, South Nowra, NSW 2541 – Construction of a mixed-use development consisting of an industrial building to be used for light industry, depot and ancillary office, additional parking, vehicle manoeuvring areas and landscaping to support the existing use of the site by Shoalhaven Water (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 and the matters observed at site inspections listed at item 8 in Schedule 1.

Development application

The panel determined to approve the development application pursuant to section 4.16 of the *Environmental Planning and Assessment Act 1979*.

The decision was unanimous.

REASONS FOR THE DECISION

The panel determined to approve the application for the reasons outlined in the council assessment report.

CONDITIONS

The development application was approved subject to the conditions in the council assessment report with the following amendments.

- Condition 8 in Part B of the Draft Determination is to be amended to read as follows:

8. Flora and Fauna Management

Prior to the commencement of work(s) associated with this development, the person benefitting from this consent must:

- Amended the approved site plan to show all trees to be retained including the trees to be retained in the northern part of the site. Trees identified on the amended site plan to be retained are to be in accordance with Figure 4 in the approved Flora and Fauna Assessment prepared by Lodge Environmental dated 24 January 2020, Project Code: LE1113; and*
- The approved erosion and sediment control measures must be implemented by the contractor, and inspected and approved by the PCA prior to the commencement of any other site works. The erosion and sediment measures must be maintained for the life of the construction period and until runoff catchments are stabilised."*

- A new condition is to be inserted below Condition 42 in PART D of the Draft Determination as follows:

43. Earthworks and Excavation

Approved earthworks (including any structural support or other related structure for the development):

- (i) *must not cause a danger to life or property or damage to any adjoining building or structure on the lot or to any building or structure on any adjoining lot.*
- (ii) *must not redirect the flow of any surface or ground water or cause sediment to be transported onto an adjoining property.*
- (iii) *that is fill brought to the site, must contain only virgin excavated natural material (VENM) as defined in Part 3 of Schedule 1 to the Protection of the Environment Operations Act 1997 (POEO Act).*
- (iv) *that is excavated soil to be removed from the site, must be disposed of in accordance with any requirements under the Protection of the Environment Operations (Waste) Regulation 2005.*
- (v) any excess excavated soil material proposed to be exported off the site as part of the construction work be accompanied by either a VENM certificate or Waste Classification Report. This work must be undertaken by a certified professional soil scientist or equivalent

Any excavation must be carried out in accordance with Excavation Work: Code of Practice (ISBN 978-0-642-785442), published in July 2012 by Safe Work Australia."

3. A new condition is to be inserted below Condition 60 in PART F of the Draft Determination as follows:




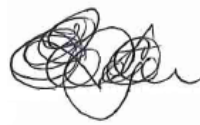
61. Telecommunication Tower

In the event that the telecommunication tower is no longer required to support the approved use of the site, the tower is to be removed and the site restored, to a condition that is similar to its condition before the facility was constructed.

Reason: *this condition is imposed in accordance with the recommendations of the NSW Telecommunications Facilities Guideline including Broadband, which requires the removal of discussed telecommunication towers from the land and reinstatement of the site in the event that the tower is no longer required."*

CONSIDERATION OF COMMUNITY VIEWS

No submissions were received in relation to the development application. The development is broadly consistent with the relevant EPIs, Council's DCP, no submissions were received to the application, the site is suitable for the development and is in the public interest.

PANEL MEMBERS	
 Gordon Kirkby (Chair)	 Renata Brooks
 Susan Budd	 Ernie Royston

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	PPSSTH-54 – Shoalhaven – RA20/1002
2	PROPOSED DEVELOPMENT	Construction of a mixed-use development consisting of an industrial building to be used for light industry, depot and ancillary office, additional parking, vehicle maneuvering areas and landscaping to support the existing use of the site by Shoalhaven Water
3	STREET ADDRESS	6 Flinders Rd, SOUTH NOWRA - Lot 72 DP 1032397
4	APPLICANT/OWNER	Shoalhaven City Council
5	TYPE OF REGIONAL DEVELOPMENT	LALC CIV over \$5M
6	RELEVANT MANDATORY CONSIDERATIONS	<ul style="list-style-type: none"> • Environmental planning instruments: <ul style="list-style-type: none"> ○ Shoalhaven Local Environmental Plan 2014 ○ State Environmental Planning Policy No 55 - Remediation of Land ○ State Environmental Planning Policy No 44 - Koala Habitat Protection ○ State Environmental Planning Policy (Infrastructure) 2007 ○ State Environmental Planning Policy (State and Regional Development) 2011 ○ State Environmental Planning Policy No 33 - Hazardous and Offensive Development • Draft environmental planning instruments: Nil • Development control plans: <ul style="list-style-type: none"> ○ Shoalhaven Development Control Plan 2014 • Planning agreements: Nil • Provisions of the Environmental Planning and Assessment Regulation 2000: Clause 94 of the Environmental Planning and Assessment Regulation 2000 applies to the proposed development and a partial building upgrade will be required to the existing building. • 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 Environmental Planning and Assessment Act 1979 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: 30 October 2020 • Written submissions during public exhibition: Nil
8	MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> • Final briefing to discuss council's recommendation: Wednesday, 11 November 2020 <ul style="list-style-type: none"> ○ <u>Panel members</u>: Gordon Kirkby (Chair), Renata Brooks, Susan Budd, Greg Watson, Ernie Royston ○ <u>Council assessment staff</u>: Elliott Weston
9	COUNCIL RECOMMENDATION	Approval

10	DRAFT CONDITIONS	Attached to the council assessment report
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