

## Ordinary Meeting

**Meeting Date:** Monday, 10 October, 2022

**Location:** Council Chambers, City Administrative Building, Bridge Road, Nowra

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Planning Report – S4.15 Assessment – Flatrock Road, Mundamia – Lot 436 DP 808415

COUNCIL ASSESSMENT REPORT

<b>Panel Reference</b>	PPSSTH-136
<b>DA Number</b>	RA21/1002
<b>LGA</b>	Shoalhaven City Council
<b>Proposed Development</b>	Construction of Materials Recycling Facility as Addition to an Existing Waste or Resource Management Facility.
<b>Street Address</b>	Lot 436 DP 808415 (Flatrock Road, Mundamia)
<b>Applicant/Owner</b>	Applicant: PDC Lawyers & Town Planners Owner: Shoalhaven City Council
<b>Date of DA lodgement</b>	7 December 2021
<b>Total number of Submissions</b> <b>Number of Unique Objections</b>	Nil- No submissions received regarding the proposal.
<b>Recommendation</b>	Approval subject to conditions
<b>Regional Development Criteria (Schedule 6 of the SEPP (Planning Systems) 2021)</b>	Schedule 6, Section 3(b) – Council related development over \$5 million The development has a capital investment value (CIV) of more than \$5 million and is for a new recycling facility to be owned and operated by council.
<b>List of all relevant s4.15(1)(a) matters</b>	<ul style="list-style-type: none"> <li>• State Environmental Planning Policy (Resilience and Hazards) 2021</li> <li>• State Environmental Planning Policy (Biodiversity and Conservation) 2021</li> <li>• State Environmental Planning Policy (Transport and Infrastructure) 2021</li> <li>• State Environmental Planning Policy (Planning Systems) 2021</li> <li>• Shoalhaven Local Environmental Plan 2014</li> <li>• Shoalhaven Development Control Plan 2014</li> </ul>
<b>List all documents submitted with this report for the Panel's consideration</b>	Attachment 1 - Determination Document – Approval subject to conditions Attachment 2 – Plans Attachment 3 – “Clause” 4.6 Statement (Clause 4.3 Building Height) Attachment 4 – EPA General Terms of Approval (issued 14 September 2022).
<b>Section 4.6 requests</b>	N/A
<b>Summary of key submissions</b>	N/A
<b>Report prepared by</b>	<b>Daniel Lidbetter, Senior Environmental Planner (Stantec Australia).</b> <b>Reviewed by Nadine Page, Principal Planner (Stantec Australia)</b>
<b>Report date</b>	8 August 2022

**Summary of s4.15 matters**

Have all recommendations in relation to relevant s4.15 matters been summarised in the Executive Summary of the assessment report? **Yes**

**Legislative sections requiring consent authority satisfaction**

Have relevant clauses in all applicable environmental planning instruments where the consent authority must be satisfied about a particular matter been listed, and relevant recommendations summarized, in the Executive Summary of the assessment report? **Yes**

**Section 4.6 Exceptions to development standards**

If a written request for a contravention to a development standard (clause 4.6 of the LEP) has been received, has it been attached to the assessment report? **Yes**

**Special Infrastructure Contributions**

Does the DA require Special Infrastructure Contributions conditions (S7.24)? **No**  
*Note: Certain DAs in the Western Sydney Growth Areas Special Contributions Area may require specific Special Infrastructure Contributions (SIC) conditions*

**Conditions**

Planning Report – S4.15 Assessment – Flatrock Road, Mundamia – Lot 436 DP 808415

Have draft conditions been provided to the applicant for comment?

Yes

*Note: in order to reduce delays in determinations, the Panel prefer that draft conditions, notwithstanding Council's recommendation, be provided to the applicant to enable any comments to be considered as part of the assessment report*

CL22.527 - Attachment 1

Planning Report – S4.15 Assessment – Flatrock Road, Mundamia – Lot 436 DP 808415

### **Executive Summary**

The subject site is located approximately 3km west of the city of Nowra within the existing West Nowra Waste Facility. The site is located in the North-West corner of the site on land legally identified as Lot 436 DP 808415 at Flatrock Road, Mundamia.

The site contains an existing landfill and recycling facility owned and operated by Shoalhaven City Council with a number of approved developments associated with the ongoing operations of the facility. Key features associated with the site or in proximity to the proposal include:

- Vegetation adjacent to the site (running along the western and northern boundaries).
- A creek running adjacent to the site to the west.
- Category 1 and Category 2 bush fire prone land on the proposed MRF site.

The subject Development Application (DA), Development Application No. RA21/1002, seeks approval for construction and operation of a Materials Recycling Facility (MRF) within the existing West Nowra waste and recycling facility.

The land is zoned SP2 Infrastructure under the *Shoalhaven Local Environmental Plan 2014* (SLEP 2014), under which land within the Land Zoning Map including development that is ordinarily incidental or ancillary are permitted with the consent of Council. A request for exceedance of the permitted 11 metre building height pursuant to clause (now section and referred to as such hereafter) 4.6 of SLEP 2014 accompanies the application.

As the development has a capital investment value (CIV) is more than \$5 million, in accordance with section 3(b) of Schedule 6 of SEPP (Planning Systems) 2021, the application constitutes a regional development application, and the Southern Regional Planning Panel is the determining authority for the application.

The development application has been assessed against the following relevant environmental planning instrument and demonstrates compliance with the relevant provisions:

- *Shoalhaven Local Environmental Plan 2014*
- *State Environmental Planning Policy (Resilience and Hazards) 2021*
- *State Environmental Planning Policy (Biodiversity and Conservation) 2021*
- *State Environmental Planning Policy (Transport and Infrastructure) 2021*
- *State Environmental Planning Policy (Planning Systems) 2021*

The application has been assessed against the following chapters of the Shoalhaven Development Control Plan 2014 (SDCP 2014):

- G1: Site Analysis, Site Design and Building Materials
- G2: Sustainable Stormwater Management and Erosion/Sediment Control
- G4: Tree and Vegetation Management
- G5: Biodiversity Impact Assessment
- G7: Waste Minimisation and Management Controls
- G8: Onsite Sewage Management
- G20: Industrial Development
- G21: Car Parking and Traffic

The development demonstrates general compliance with each chapter of SDCP 2014.

The DA was notified in accordance with the *Environmental Planning and Assessment Regulation 2000* (EP&A Regs) and Council's Community Consultation Policy for Development Applications from 22 December 2021 to 21 January 2022.

Planning Report – S4.15 Assessment – Flatrock Road, Mundamia – Lot 436 DP 808415

No submissions have been received for the proposal. Comments received from agencies and internal council referrals have been assessed as being either acceptable matters on their merits or matters that are capable of being resolved via conditions.

The site is suitable for the proposed development in its present form, taking into consideration the proposal before Council. Furthermore, it is considered that the proposal is in the public interest.

The proposal is considered worthy of support. This report recommends that the application be approved in accordance with the reasons for approval attached to this report.



























































































































































































































































































































































































































































































































































































































































































































