

DETERMINATION AND STATEMENT OF REASONS
SOUTHERN JOINT REGIONAL PLANNING PANEL

DATE OF DETERMINATION	1 May 2018
PANEL MEMBERS	Pam Allan (Chair), Alison McCabe, Renata Brooks, Michael Mantei, David Brown
APOLOGIES	None
DECLARATIONS OF INTEREST	None

Public meeting held Wollongong City Council, 41 Burelli St, Wollongong on 1 May 2018, opened at 1:42 pm and closed at 2.02 pm.

MATTER DETERMINED

2017STH033 – Wollongong - DA-2017/1554

10A Acacia Avenue Gwynneville

Educational Facility - demolition of existing classroom and administration buildings and construction of new education library and administration buildings.

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 the matters observed at site inspections listed at item 8 in Schedule 1.

The Panel determined to approve the development application as described in Schedule 1 pursuant to section 4.16 (previously section 80) of the *Environmental Planning and Assessment Act 1979*.

The decision was unanimous.

REASONS FOR THE DECISION

The reasons for the decision of the Panel were:





- The panel is satisfied that all material impacts of the proposed development have been identified and are either acceptable or adequately mitigated by conditions of consent
- The panel is satisfied that the land will be suitable for the proposed development subject to compliance with conditions of consent
- The panel is satisfied that public submissions have been taken into account in the assessment
- The panel is satisfied that the proposed development is consistent with all relevant environmental planning instruments and Wollongong Development Control Plan 2009.
- The Applicant in behalf of the Crown agreed to the conditions as amended.

CONDITIONS

The development application was approved subject to the conditions in the Council Assessment Report and the revised conditions of consent, with the following amendments:

1. Amendment to Condition 1 to include the reference to the following plans and specifications outlined in the Addendum Report – Approved Plans and Specifications (V2): 10 May 2018 (attached)

2. Amendments to Conditions 4, 27, 35, 36 and 78 as detailed in the memo circulated to the Panel and as requested by the applicant: Addendum Report – Draft Conditions of Consent: 1 May 2018 (attached).

PANEL MEMBERS	
 Pam Allan (Chair)	 Alison McCabe
 Renata Brooks	 Michael Mantei
<i>Approved via email 9/5/18 at 9:54 am</i> David Brown	

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	2017STH033 – Wollongong - DA-2017/1554
2	PROPOSED DEVELOPMENT	Educational Facility - demolition of existing classroom and administration buildings and construction of new education library and administration buildings
3	STREET ADDRESS	Gwynneville Public School, 10A Acacia Avenue, Gwynneville
4	APPLICANT/OWNER	NSW Department of Education
5	TYPE OF REGIONAL DEVELOPMENT	General development over \$30 million
6	RELEVANT MANDATORY CONSIDERATIONS	<ul style="list-style-type: none"> Environmental planning instruments: <ul style="list-style-type: none"> State Environmental Planning Policy No 55 – Remediation of Land State Environmental Planning Policy (Infrastructure) 2007 State Environmental Planning Policy No (Educational Establishments and Child Care Facilities) 2017 State Environmental Planning Policy (State and Regional Development) 2011 State Environmental Planning Policy Coastal Management) 2018 (2016 draft at time application was lodged) Wollongong Local Environment Plan 2009 Draft environmental planning instruments: Nil Development control plans: <ul style="list-style-type: none"> Wollongong Development Control Plan 2009 Planning agreements: Nil Wollongong Section 94 Contributions Plan 2017 Provisions of the Environmental Planning and Assessment Regulation 2000: Nil 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"> Addendum Report – Approved Plans and Specifications: 10 May 2018 Addendum Report – Draft Conditions of Consent: 1 May 2018 Council assessment report: 19 April 2017 Written submissions during public exhibition: Nil Verbal submissions at the public meeting: <ul style="list-style-type: none"> On behalf of the applicant – Jess Ford (Town Planner URBIS) and Rob Chan (Architect, Hayball)
8	MEETINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> Site inspection 1 May 2018 Final briefing meeting to discuss council's recommendation, 1 May 2018. Attendees: <ul style="list-style-type: none"> Panel members: Pam Allan (Chair), Alison McCabe, Renata Brooks, Michael Mantei, David Brown Council assessment staff: Martin Jameson
9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	As attached to Determination and Statement of Reasons. (Addendum Report – Approved Plans and Specification (V2): 10 May 2018 and Draft Conditions of Consent: 1 May 2018)

JOINT REGIONAL PLANNING PANEL
(Southern Region)

JRPP No	2017STH033
DA Number	DA-2017/1554
Report by	Martin Jameson - Development Project Officer

Addendum Report v.2 (10/5/2018)

Approved Plans and Specifications (DRAFT)

Existing & Demolition Site Project Plan No. 2141.11 Dwg.01.01 Rev. 6 dated 9 April 2018 prepared by hayball

Site Plan Proposed Project No. 2141.11 Dwg.01.02 Rev. 7 dated 9 April 2018 prepared by hayball

Floor Plan- Project No. 2141.11 Dwg.A11.DA03.01 Rev. 2 dated 7 November 2017 prepared by hayball

Roof Plan - Project No. 2141.11 Dwg.A11.DA03.02 Rev. 2 dated 7 November 2017 prepared by hayball

Elevations Plan - Project No. 2141.11 Dwg.A11.DA06.01 Rev. 3 dated 16 November 2017 prepared by hayball

Sections Plan - Project No. 2141.11 Dwg.A11.DA06.10 Rev. 3 dated 16 November 2017 prepared by hayball

Elevations Plan Project No. 2141.11 Dwg.B11.DA06.01 Rev. 3 dated 16 November 2017 prepared by hayball

Floor Plan – Ground Level Project No. 2141.11 Dwg.B11.DA03.01 Rev. 3 dated 16 November 2017 prepared by hayball

Floor Plan – Upper Level (5HB) Project No. 2141.11 Dwg.B11.DA03.02 Rev. 3 dated 16 November 2017 prepared by hayball

Roof Plan – Ground Level (6HB) Project No. 2141.11 Dwg.B11.DA03.03 Rev. 3 dated 16 November 2017 prepared by hayball

Roof Plan – Upper Level (5HB) Project No. 2141.11 Dwg.B11.DA03.04 Rev. 3 dated 16 November 2017 prepared by hayball

Sections Plan Project No. 2141.11 Dwg.B11.DA06.10 Rev. 3 dated 16 November 2017 prepared by hayball

Material & Finishes Schedule Project No. 2141.11 Dwg.20.00 Rev.3 16 November 2017 prepared by hayball

Intrusive Hazmat Surveys PS106122-Gwynneville P.S.-OHHRPT- 001 Rev A dated 25 October 2017 prepared by WSP

Additional Contamination Investigation REF: E29858KPrpt3 dated 12 March 2018 prepared by Environmental Investigation Services

Demolition Work Plan PS106122-Gwynneville P.S-Demolition Work Plan-OHH-LTR-001 Rev A dated 16 March 2018 prepared by WSP

JOINT REGIONAL PLANNING PANEL
(Southern Region)

JRPP No	2017STH033
DA Number	DA-2017/1554
Report by	Martin Jameson - Development Project Officer

Addendum Report – Draft Conditions of Consent

Revised Draft Conditions of Consent

Draft Conditions of Consent were sent to the applicant for approval in accordance with Section 4.33 (1)(b) of EP&A Act.

The applicant has reviewed the draft conditions and proposed several amendments after the conditions were forwarded to the Secretariat. A summary of the proposed amendments is provided below:

Condition 3 - Bushfire Prone Land

Existing (abridged) condition text and amendment:

“Asset Protection Zones

- a) *Any part of the property within ~~50m~~ **40m** of the proposed and retained buildings shall be maintained in perpetuity as an inner protection area (IPA) as outlined within section 4.1.3 and Appendix 5 of 'Planning for Bush Fire Protection 2006' and the NSW Rural Fire Service's document 'Standards for asset protection zones'.*

The applicant requests the distance be amended to 40m in order to align with the 40m APZ recommended in the Bushfire Assessment Report prepared by Peterson Bushfire and submitted as part of the DA. This 40m APZ was established using a 'worse-case hazard scenario'. In addition, it was noted that:

- The distance measure of the APZ or IPA is not defined in the referenced documents 'planning for bush fire protection 2006' and 'Standards for asset protection zones'
- There is no apparent basis for the council / RFS to request the APZ to increase from 40m to 50m.

The implications of the increase to 50m may require clearing of understorey vegetation in the APZ (noting that the 40m zone is already clear).

Comment: The RFS has reviewed the conditions in light of the applicant's request and recommended that the distance may be retained at 50m.

The applicant is agreeable to this.

Condition 4 - Building Code of Australia

Existing (abridged) condition text and amendment:

- d) *The operation of all doorways are to be confirmed at the detailed design stage to confirm AS1428.1 compliant circulation space is provided.*

~~*Plans will be required to be modified to comply or a performance based solution will be required to address this non-compliance.*~~

- b) *At each bank of toilets where there is an accessible unisex sanitary compartment, ambulant facilities for both male and female students must be provided in accordance with AS 1428.1*

~~*Plans will be required to be modified to comply or a performance based solution will be required to address this non-compliance.*~~

The sub condition references the need for plans to be updated. The Plans were updated to respond to Items 4d) and 4h) prior to lodgement of the DA.

Comment: The proposed change is acceptable.

Condition 27 (untitled)

Existing (abridged) condition text and amendment:

"b) All proposed retaining walls to be masonry or concrete construction;"

The applicant requests that 'concrete' construction is added to allow flexibility on the material selection of the retaining walls.

Comment: The intent of this condition was to minimise ongoing maintenance, the proposed change is acceptable.

- c) *the location of all proposed and existing overhead and underground service lines. The location of such service lines shall be clear of the dripline of existing and proposed trees; and*

amend as follows:

c) the location of all proposed overhead (and underground) service lines.

i The location of proposed trees shall be clear of existing and proposed service lines; and;

ii. The location of proposed overhead service lines shall be clear of the dripline of existing trees; and;

iii. The location of proposed underground service lines shall be clear of the tree protection zone of existing trees"

The applicant asserts the previous wording implies that existing services will have to be rerouted if they were located within dripline of existing trees.

Comment: The intent of the condition is maintained and proposed change is acceptable.

Condition 35 Planting to Child care centres, schools or near playgrounds

Existing (abridged) condition text and amendment:

"The developer shall ensure that proposed planting is child friendly and must not include any of the types of plants listed below:

...

~~b) Plants with profuse scented flowers or known to attract a high numbers of bees, spiders and insects
plants with profuse flowering that are likely to require excessive maintenance or be a vector
for pests or high concentrations of insects or invertebrates that may cause a disruption or
hazard to people or property;"~~

The applicant asserts that flowering plants and insects are an essential feature for the social and ecological wellbeing of any community space and their presence are an opportunity for students to engage with nature. Landscape design best practise suggests all urban habitats should provide shelter and food sources for foraging native fauna including insects.

Comment: The intent of the condition is maintained and proposed change is acceptable.

~~c) Species which produce small nuts or fruits
plants which produce excessive amounts of fruits or nuts, or which may be considered
particularly enticing to children, toxic or likely to pose a choking hazard"~~

The applicant that the wording of this condition is problematic in that many common and key species of trees, shrubs and groundcovers may produce small seeds, fruits or nuts.

Comment: The intent of the condition is maintained and proposed change is acceptable.

Condition 36) Construction Environmental Management Plan

Existing (abridged) condition text and amendment:

~~Prior to the commencement of work, a construction environmental management plan shall be prepared.
The plan shall address as minimum the vehicle traffic, dust, plant and machinery noise, water and sediment
management, site security, working hours, contact information, incident response and contingency
management. The plan shall be implemented at all times during the course of demolition and construction.~~

The applicant has requested this condition be deleted as the requirements are duplicated in condition 16, which reads as follows:

"16) Construction Environmental Management Plan

*Prior to the commencement of any works at the site, a detailed Construction Environmental Management Plan (CEMP) prepared by a suitably qualified person shall be submitted to the Council.
The CEMP shall include (but not be limited to) the following details:*

- *plan of proposed demolition materials and construction storage areas;*
- *parking for construction workers during the demolition and construction phases;*
- *the type of materials/plant/equipment to be transported to and stored at the site and how is it to be transported and stored;*
- *timing of delivery of materials;*
- *the proposed access points to the site during demolition and construction; and*
- *address all environmental aspects of the development's demolition and construction phases including erosion and sediment control; dust suppression and noise and waste management."*

Comment: The intent of the condition is maintained and proposed deletion is acceptable.

Condition 78 Site Contamination Validation Report and Site Contamination Audit Statement

Existing (abridged) condition text and amendment:

A Site Contamination Validation Report shall be submitted to the Council, prior to occupation of the site. The Site Contamination Validation Report shall be prepared by a suitably qualified and experienced consultant who is certified under one of the following schemes:

- a) The Environment Institute of Australia and New Zealand's (EIANZ) Certified Environmental Practitioner (Site Contamination) scheme (CEnvP (SC)), or*
- b) The Soil Science Australia (SSA) Certified Professional Soil Scientist Contaminated Site Assessment and Management (CPSS CSAM) certification.*

This validation report shall verify that:

- a) all site decontamination and remediation works have been satisfactorily completed;*
- b) the site is not affected by any soil strata and/or groundwater table contamination above NSW EPA threshold limit criteria; and*
- c) the site no longer poses any environmental or health risk and is therefore suitable for the proposed development."*

The applicant has noted that the condition does not require a Site Contamination Audit Statement and this wording should not be included.

Comment: The intent of the condition is maintained and proposed change is acceptable.