

DETERMINATION AND STATEMENT OF REASONS

NORTHERN REGIONAL PLANNING PANEL

DATE OF DETERMINATION	19 July 2023
DATE OF PANEL DECISION	18 July 2023
DATE OF PANEL MEETING	11 July 2023
PANEL MEMBERS	Dianne Leeson (Chair), Stephen Gow, and Sharon Cadwallader
APOLOGIES	Michael Wright
DECLARATIONS OF INTEREST	Stephen McCarthy

Public meeting held by MS Teams videoconference on 11 July 2023, opened at 2:00pm and closed at 3:45pm.

MATTER DETERMINED

PPSNTH-169 – Ballina – DA 2022/75 at 62 Horizon Drive, West Ballina – Stem & Digital Technology Centre and modified Master Plan (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, subject to conditions, for the reasons given in Council's Assessment Report.

The Panel agrees the principal issues are flooding, and traffic and road safety.

The Panel is satisfied the impacts of the development can be adequately mitigated through imposition of conditions and accepts Council's assessment that the development as approved by this consent does not exacerbate flood conditions to the east of the site.

In determining this Application, the Panel has made clear the approval relates to the STEM buildings and related works only, and the amendment to the Master Plan in terms of overall layout and student/teacher populations. This approval does not authorise the construction of any other buildings or other activities which will require separate approvals.

The Panel concluded the development is an appropriate use of the site as an expansion of an existing approved facility; and will have positive social and economic impacts through the provision of additional educational facilities and employment during construction and ongoing operation.

The Panel has imposed additional conditions and modified other recommended conditions to address issues raised, including those raised in submissions.

CONDITIONS

The Development Application was approved subject to the conditions in the Council Assessment Report with the following amendments:



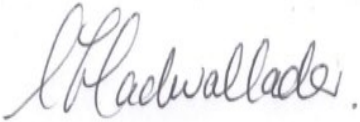
- Insert new Condition 2 which reads as follows and renumber accordingly:
This consent authorises the works shown as Stage 1 on the Staging Plan, Revision H, prepared by Raunik Design Group, dated 26/04/2023, which includes the erection of the Stem and Digital Technology Centre, and all associated works (including vegetation removal, earthworks, infrastructure servicing, bus and car parking, service road, vehicular access and infrastructure servicing works). Consent is also granted for the 30 x on-street car parking spaces to be provided along Riverbend Drive. In addition, the remaining works as shown on the Long Term Master Plan prepared by Raunik Design Group, dated 26/04/2023 is provided with in principal/concept support. Separate development applications are to be lodged with Council for the remaining development works, as generally shown on the Masterplan.
- Amend Condition 9 (now condition 10) to read as follows:
The educational establishment (as shown on the Long Term Master Plan, Revision X, prepared by Raunik Design Group dated 26/04/2023) has a total approved capacity of 1114 students and 119 staff members. This capacity is not to be exceeded without the prior consent of the consent authority.
- Amend former condition 26 (now condition 27) to read as follows:
Prior to issue of a Construction Certificate, a Construction Management Plan shall be submitted to and approved by Council. The plan shall address but not be limited to the following matters where applicable:
 - i. Hours of operation (including hours of operation during school days);*
 - ii. Contact details of the site manager;*
 - iii. Traffic management (construction vehicle movements are to be in a forward direction, no reversing onto or off the school campus to ensure pedestrian safety);*
 - iv. Noise, dust and vibration management;*
 - v. Waste management;*
 - vi. Erosion and sediment control;*
 - vii. Dilapidation survey measures;*
 - viii. Safe activity protocols for work to be undertaken during school hours and construction*
- Amend former Condition 61 (now condition 62) to include the following at the end of the condition:
Any amendments made to the Critical Incident Management Policy shall be provided to Council.

CONSIDERATION OF COMMUNITY VIEWS

In coming to its decision, the Panel considered written submissions made during public exhibition and heard from all those wishing to address the Panel. The Panel notes that issues of concern included:

- Vehicle Movements
- Car Parking
- Flooding
- Stormwater
- Infrastructure capacity
- Suitability of the site
- Devalue land
- Proposal description
- Noise
- Carbon monoxide emissions
- Advertising
- Approval pathway
- Historic development on the site

The Panel considers that concerns raised by the community have been adequately addressed in the Assessment Report and that no new issues requiring assessment were raised during the public meeting. The Panel notes that in addressing these issues appropriate conditions have been imposed.

PANEL MEMBERS	
 Dianne Leeson (Chair)	 Stephen Gow
 Sharon Cadwallader	

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	PPSNTH-169 – Ballina – DA 2022/75
2	PROPOSED DEVELOPMENT	<p>Alterations and additions to an existing Educational Establishment involving:</p> <ul style="list-style-type: none"> • the construction of a Stem & Digital Technology Centre, containing 12 senior classrooms plus breakout area and integrated staff offices, • upgrading of existing vehicular access, bus bay and car parking supply, • removal of vegetation, earthworks and infrastructure works, • amendments to the Master Plan for the Educational Establishment and associated increase in student and staff numbers
3	STREET ADDRESS	Lot 10 in DP 1001995, 62 Horizon Drive, West Ballina
4	APPLICANT OWNER	Newton Denny Chapelle Emmanuel Anglican College
5	TYPE OF REGIONAL DEVELOPMENT	Private infrastructure and community facilities over \$5 million
6	RELEVANT MANDATORY CONSIDERATIONS	<p>Note: Application lodged prior to consolidation of SEPPs in March 2022</p> <ul style="list-style-type: none"> • Environmental planning instruments: <ul style="list-style-type: none"> ○ Ballina Local Environmental Plan (BLEP) 2012 ○ State Environmental Planning Policy (Biodiversity and Conservation) 2021 ○ State Environmental Planning Policy (Planning Systems) 2021 ○ State Environmental Planning Policy (Resilience and Hazards) 2021 ○ State Environmental Planning Policy (Transport and Infrastructure) 2021 • Draft environmental planning instruments: Nil • Development control plans: <ul style="list-style-type: none"> ○ Ballina Development Control Plan (BDCP) 2012 • 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: 4 July 2023 <ul style="list-style-type: none"> ○ Attachment 1: Draft Conditions of consent ○ Attachment 2: Architectural Plans ○ Attachment 3: Traffic Impact Assessment ○ Attachment 4: Transport for NSW Response (26 May 2023) ○ Attachment 5: Stormwater and Flooding Response ○ Attachment 6: Infrastructure Services Report ○ Attachment 7: EAC Critical Incident Management Policy ○ Attachment 8: Public Submissions • Verbal submissions at the public meeting: <ul style="list-style-type: none"> ○ Speakers - Nil

		<ul style="list-style-type: none"> ○ Council assessment officer – Jessica Hutley ○ On behalf of the applicant – Damian Chapelle • Total number of unique submissions received by way of objection: 11
8	MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> • Briefing: 26 October 2022 <ul style="list-style-type: none"> ○ <u>Panel members</u>: Paul Mitchell (Chair), Penny Holloway, Stephen Gow, Sharon Cadwallader and Jeff Johnson ○ <u>Council assessment staff</u>: Georgia Lee, Andrew Smith, Patrick Knight and Noramon Decharat • Site inspection: 22 February 2023 <ul style="list-style-type: none"> ○ <u>Panel members</u>: Dianne Leeson (Chair), Stephen Gow, Michael Wright, Sharon Cadwallader and Stephen McCarthy ○ <u>Council assessment staff</u>: Georgia Lee, Andrew Smith, Patrick Knight and Matthew Wood • Final briefing to discuss council's recommendation: 11 July 2023 <ul style="list-style-type: none"> ○ <u>Panel members</u>: Dianne Leeson (Chair), Stephen Gow, and Sharon Cadwallader ○ <u>Applicant representatives</u>: Damian Chapelle, Luke Rytenskild, Cendra Tondera, Ryan Beavis, Luke Wright. Kelley Malaba, Lindsay Walker & Rob Tobias ○ <u>Council assessment staff</u>: Jessica Hutley, Naomi McCarthy, Patrick Knight, Rachael Jenner ○ <u>Department Staff</u>: Carolyn Hunt, Louisa Agyare and Lisa Ellis
9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Attached to the Council Assessment Report