

DETERMINATION AND STATEMENT OF REASONS

NORTHERN REGIONAL PLANNING PANEL

DATE OF DETERMINATION	23 April 2024
DATE OF PANEL DECISION	23 April 2024
DATE OF PANEL BRIEFING	17 April 2024
PANEL MEMBERS	Dianne Leeson (Chair), Stephen Gow, Michael Wright, Leo Hauville and Peter Orr
APOLOGIES	None
DECLARATIONS OF INTEREST	Leo Hauville noted that he has an acquaintance as a teacher at Newington. This teacher taught both his daughters Maths at St Pauls College in Kempsey over ten years ago. He would not call him a friend. Leo Hauville participated in the meeting.

Papers circulated electronically on 4 April 2024.

MATTER DETERMINED

PPSNTH-281 – Nambucca Valley – DA2023/336 – 327 Tamban Road, Eungai Creek & 387 Tamban Road, Tamban – Educational establishment (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.

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.

In determining to approve the Application, the Panel notes:

- The proposed development is permissible with consent and consistent with the objectives of Nambucca Local Environmental Plan 2010.
- The site can be made suitable for the proposed development with adequate access, services and bush fire protection
- The proposed development will sit well within the landscape and of a style sympathetic to the rural surrounds
- The location of buildings and proposed use of the site will have no adverse impact on local biodiversity values

The Panel found the proposed development is in the public interest providing social and economic benefit through construction, ongoing employment and cultural engagement opportunities.

The Panel notes there were no submissions.

CONDITIONS

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

- Amend Condition 1 to read as follows:

1 Approved plans and support documentation

Development must be carried out in accordance with the following approved plans and documents, except where the conditions of this consent expressly require otherwise.

Approved plans				
Plan number	Revision number	Plan title	Drawn by	Date of plan
DA0001	2	Cover Sheet	AJC Architects	20/12/23
DA0002	2	Site Photographs	AJC Architects	20/12/23
DA1101	5	Existing Site Context Plan	AJC Architects	20/12/23
DA1102	2	Site Analysis	AJC Architects	20/12/23
DA1103	5	Proposed Site Context Plan	AJC Architects	20/12/23
DA1104	5	Proposed Site Plan	AJC Architects	20/12/23
DA2101	3	Typical Cabins	AJC Architects	20/12/23
DA2102	3	Typical Cabins Accessible	AJC Architects	20/12/23
DA2105	3	Reception and Dining Hall	AJC Architects	20/12/23
DA3301	2	Materials Board	AJC Architects	20/12/23

Approved document			
Document title	Version number	Prepared by	Date of document
Access Report	1	funktion	18 December 2023
Bushfire Assessment Report	-	Midcoast Building and Environmental	December 2023
Flora and Fauna Assessment	2	WolfPeak	30 January 2024
Site Infrastructure Report	-	Barker Ryan Stewart	20 December 2023
Traffic Report	-	JMT Consulting	19 December 2023
Civil Engineering Plan	A	Barker Ryan Stewart	20 December 2023
Water Management Plan	-	JHA	19 December 2023
Waste Management Plan	-	UFD	19 December 2023
Statement of Environmental Effects	-	Brickwood Planning Services	December 2023
Stage 1 Desktop Site Contamination Assessment	-	Regional Geotechnical Solutions	22 February 2024

In the event of any inconsistency between the approved plans and document, the approved **plans** prevail.

In the event of any inconsistency with the approved plans and a condition of this consent, the condition prevails.

Condition reason: To ensure all parties are aware of the approved plans and supporting documentation that applies to the development.

- Amend Condition 6 to read as follows:

6. Contaminated Land Remediation Action Plan

In the event the Detailed Site Investigation required by Condition 5 determines that soil contamination has occurred, a Rehabilitation Action Plan shall be provided that addresses the requirements of relevant EPA guidelines and Council's Contaminated Land Policy, prior to the issue of any Construction Certificate.

Condition reason: To facilitate the remediation of the land.

- Amend Condition 20(a) by deleting the words 'Pre and reo prior' and inserting 'Prior'

- Amend Condition 34 to read as follows:

34. Rainwater Tanks

Prior to issue of an Occupation Certificate rainwater tanks and water treatment plants must be installed to provide a potable water supply as follows:

- A minimum capacity of 200kL to service the student and staff accommodation cabins
- A minimum capacity of 60kL to service the reception/ dining/ health care facility
- It is noted that the RFS GTAs requires separate water supply for firefighting purposes.

Condition reason: To ensure adequate water supply for the development.

- Amend Condition 36 to read as follows: insert the words after 'Part 1: Off-street Car Parking', 'and'

36. Prior to the issue of a construction certificate, all parking is to be in accordance with Australian Standard AS 2890.1 - 1993 "Parking Facilities Part 1: Off-street Car Parking" and "Part 6 – Parking for People with Disabilities", Australian Standard AS 2890.2 -1993 "Off-street Parking – Commercial Vehicle Facilities" and the Roads and Maritime Services of New South Wales "Guide to Traffic Generating Developments" – December 1993

Condition reason: TO ensure car parking is built to relevant standards.

- Amend Condition 37 to read as follows:

37. Prior to the issue of an Occupation Certificate, either:

- a right of carriageway is to be made over the access from Tamban Road and secondary access from Tamban Road to the proposed development; OR
- consolidate Lots 21,22,25,26,41,42,43 DP755559; OR
- an alternative option to the satisfaction of Council which provides legal and practical access to the development for the life of the development.

Evidence of the registration of the required Right of Carriageway or Consolidation is to be provided to the Principal Certifying Authority should these options be pursued.

Condition reason: To ensure access to the proposed development is able to be utilised indefinitely.

- Amend Condition 39 to read as follows:



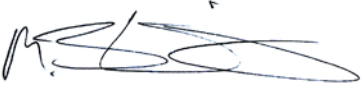


39. Contaminated Land Site Audit Statement

Prior to the issue of any Occupation Certificate for the development, a Site Audit Statement shall be provided if the Detailed Site Investigation referred to in Condition 5 detects any contamination requiring remediation, as defined by the relevant EPA guidelines and a Remediation Action Plan has been prepared and implemented as per Condition 6.

Condition reason: To ensure the land is remediated.

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	
 Dianne Leeson (Chair)	 Stephen Gow
 Michael Wright	 Leo Hauville
 Peter Orr	

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	PPSNTH-281 – Nambucca Valley – DA2023/336
2	PROPOSED DEVELOPMENT	Educational establishment
3	STREET ADDRESS	327 Tamban Road, Eungai Creek & 387 Tamban Road, Tamban
4	APPLICANT/OWNER	Newington College Newington College/SWAMM Pty Ltd
5	TYPE OF REGIONAL DEVELOPMENT	Private infrastructure and community facilities 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 (Transport and Infrastructure) 2021 State Environmental Planning Policy (Planning Systems) 2021 State Environmental Planning Policy (Primary Production) 2021 State Environmental Planning Policy (Resilience and Hazards) 2021 State Environmental Planning Policy (Biodiversity and Conservation) 2021 Nambucca Local Environmental Plan 2010 Draft environmental planning instruments: Nil Development control plans: <ul style="list-style-type: none"> Nambucca Development Control Plan 2010 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: uploaded 3 April 2024 (amended on 5 April 2024) Amended Council Assessment Report received: 10 April 2024 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"> Applicant Briefing: 17 April 2024 <ul style="list-style-type: none"> <u>Panel members</u>: Dianne Leeson (Chair), Stephen Gow, Michael Wright, Leo Hauville and Peter Orr <u>Applicant representatives</u>: Robert Pitt, Ross Xenos and Toby James <u>Council assessment staff</u>: Charles Watt and Daniel Walsh <u>Department staff</u>: Carolyn Hunt Final briefing to discuss council's recommendation: 17 April 2024 <ul style="list-style-type: none"> <u>Panel members</u>: Dianne Leeson (Chair), Stephen Gow, Michael Wright, Leo Hauville and Peter Orr <u>Council assessment staff</u>: Charles Watt and Daniel Walsh <u>Department staff</u>: Carolyn Hunt
9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Attached to the Council Assessment Report and amended on 12/04/2024