

DATE OF DETERMINATION	29 November 2021
DATE OF PANEL DECISION	25 November 2021
PANEL MEMBERS	Paul Mitchell (Chair), Penny Holloway, Stephen Gow, David Brown and Joe Vescio
APOLOGIES	None
DECLARATIONS OF INTEREST	Basil Cameron declared a conflict of interest as he is a Councillor, and Council is the owner of the land. The proposal has been previously considered by Council.

Papers circulated electronically on 17 November 2021.

MATTER DETERMINED

PPSNTH-90 – Byron – 10.2021.234.1 at 23 Bayshore Drive, Byron Bay – TAFE NSW Connected Learning Centre (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 following reasons:

1. The proposal is permissible in the B7 zone and is consistent with relevant zone objectives.
2. The development site is suitable for the intended use as it has good access, all other necessary services and is compatible with neighbouring uses.
3. The proposal's amended design and the conditions imposed mean that the proposal will be satisfactory from an environmental perspective.
4. The proposal will provide valuable education facilities and therefore be beneficial from a social perspective.
5. For the reasons given above approval of the application is in the public interest.


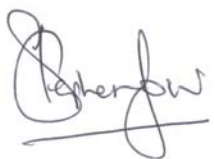



CONDITIONS

The development application was approved subject to the conditions in the council assessment report with the following amendment:

- In Schedule 4, the section under the sub-heading 'Section 170 Heritage and Conservation Register and State Heritage Inventory' to be deleted, up to and not including the sub-heading 'Principal Certifying Authority'.

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	
 Paul Mitchell (Chair)	 Stephen Gow
 Penny Holloway	 David Brown
 Joe Vescio	

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	PPSNTH-90 – Byron – 10.2021.234.1
2	PROPOSED DEVELOPMENT	Proposed educational establishment (TAFE NSW Connected Learning Centre) involving the construction of two (2) single storey buildings, outdoor learning area, car parking and landscaping. The proposal will accommodate a maximum of 45 students and three (3) staff at any one time.
3	STREET ADDRESS	Lot 12 DP 1189646 No. 23 Bayshore Drive, Byron Bay
4	APPLICANT/OWNER	Byron Shire Council
5	TYPE OF REGIONAL DEVELOPMENT	Council related development 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 No. 55 -Remediation of Land ○ State Environmental Planning Policy (State and Regional Development) 2011 ○ State Environmental Planning Policy (Infrastructure) 2007 ○ State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017 ○ State Environmental Planning Policy (Koala Habitat Protection) 2021 & Byron Coast Comprehensive Koala Plan of Management ○ State Environmental Planning Policy (Coastal Management) 2018 ○ State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017 ○ Byron Local Environmental Plan 2014 ○ Byron Local Environmental Plan 1988 • Draft environmental planning instruments: Nil • Development control plans: <ul style="list-style-type: none"> ○ Byron Development Control Plan 2014 • Planning agreements: Nil • Provisions of the <i>Environmental Planning and Assessment Regulation 2000</i>: 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 <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: 17 November 2021 • Written submissions during public exhibition: nil
8	MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> • Briefing: 22 September 2021 <ul style="list-style-type: none"> ○ <u>Panel members</u>: Paul Mitchell (Chair), Stephen Gow, Penny Holloway, David Brown and Joe Vescio

		<ul style="list-style-type: none"> ○ <u>Council assessment staff</u>: Kellie Shapland (consultant) and Chris Larkin ○ <u>Department staff</u>: Amanda Moylan and Lisa Foley • Site inspection: <ul style="list-style-type: none"> ○ <u>David Brown</u>: 9 November 2021 • Final briefing to discuss council's recommendation: 24 November 2021 <ul style="list-style-type: none"> ○ <u>Panel members</u>: Paul Mitchell (Chair), Stephen Gow, Penny Holloway, David Brown and Joe Vescio ○ <u>Council assessment staff</u>: Kellie Shapland (consultant) and Chris Larkin ○ <u>Department staff</u>: Amanda Moylan and Lisa Foley • Applicant Briefing: 24 November 2021 <ul style="list-style-type: none"> ○ <u>Panel members</u>: Paul Mitchell (Chair), Stephen Gow, Penny Holloway, David Brown and Joe Vescio ○ <u>Council assessment staff</u>: Kellie Shapland (consultant) and Chris Larkin ○ <u>Department staff</u>: Amanda Moylan and Lisa Foley ○ <u>Applicant representatives</u>: David Walker, Manuel Duarte, David Brennan and Anisa Sabet <p><u>Note</u>: Applicant briefing was requested to respond to the recommendation in the council assessment report</p>
9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Attached to the council assessment report