



Assessment Report

DA 2022.453 – PPSSTH-233

Bega Showground Pavilion



PREPARED FOR: BEGA VALLEY SHIRE COUNCIL

BY: SKM PLANNING PTY LTD – 6 MURPHY CRESCENT, GRIFFITH NSW –
ADMIN@SKMPLANNING.COM

DATE OF FINAL ISSUE – 4-09-2023

PREPARED BY – KELLY MCNICOL M.PL (DIRECTOR)

The purpose for which this report may be used and relied upon is limited for that which it was commissioned. This document is not considered to be covered by copyright law, however the images within it have been sourced from other plans and reports which may be subject to copyright.

Contents

1	Executive Summary	7
2	Introduction	9
	2.1 Site Description	9
	2.2 Surrounding Land Uses	10
3	Development	12
	3.1 Description of Development	12
	3.2 Physical layout and design.....	13
	3.3 Development Background and Boundary Adjustment	15
	3.4 Uses and activities	15
	3.5 Related Development.....	21
4	Statutory context	23
	4.1 Regional significance	23
	4.2 Permissibility	23
	4.3 Other Approvals	23
	4.4 Mandatory matters for consideration.....	24
5	Engagement.....	31
	5.1 Consultation	31
	5.2 Submissions and Advise	31
6	Assessment	33
	6.1 Heritage.....	33
	6.2 Traffic and parking.....	34
	6.3 Noise	36
	6.4 Other issues	41
7	Recommendation.....	45
	Appendices	
	Appendix A – List of Documents.....	46
	Appendix B – Recommended Conditions of Consent	48

Panel Reference	PPSSTH-233
DA Number	2022.453
LGA	Bega Valley Shire Council
Proposed Development	<ul style="list-style-type: none"> • Construction of an attached one and two-storey addition to the existing heritage listed Bega Showground Pavilion. The proposed addition will be known as the Bega Showground Community Centre. • Minor alterations to the existing heritage listed Bega Showground Pavilion. • Landscaping works, including the construction of a new yarning circle. • Other minor works as documented in this proposal and the documentation included with the DA submission. • Boundary adjustment
Street Address	40 Upper Street, Bega NSW 2550
Applicant	The Trustee for EAS Investment Trust – trading as Planned Town Planning Solutions
Owner (Lot 1 SEC 49 DP758076)	Crown Reserve 580108 Bega Showground Land Managers
Owner (Lot 2 SEC 49 DP758076)	Bega Valley Shire Council
Date of DA lodgement	19 January 2023
Total number of Submissions	Eight (five in support, two providing comments and one objection)
Recommendation	Approval subject to conditions
Regional Development Criteria (Schedule 6 of the State Environmental Planning Policy (Planning Systems) 2021)	<p>The proposal has been referred to the Southern Regional Planning Panel as the consent authority under Clause 4.5(b) of the <i>Environmental Planning and Assessment Act 1979</i> as the development comprises the following in accordance with Clause 20 and Schedule 7 of State Environmental Planning Policy (State and Regional Development) 2011:</p> <p>“Council related development over \$5 million</p> <p>Development that has a capital investment value of more than \$5 million if—</p>

	(b) the council is the owner of any land on which the development is to be carried out.”
List of all relevant s4.15(1)(a) matters	<p>Relevant Environmental Planning Instruments</p> <p><i>State Environmental Planning Policies (SEPPs)</i></p> <ul style="list-style-type: none"> • State Environmental Planning Policy (Planning Systems) 2021 • State Environmental Planning Policy (Resilience and Hazards) 2021 • State Environmental Planning Policy (Resources and Energy) 2021 • State Environmental Planning Policy (Transport and Infrastructure) 2021 <p><i>Local Environmental Plan</i></p> <ul style="list-style-type: none"> • Bega Valley Local Environmental Plan 2013. <p>Draft Environmental Planning Instruments</p> <ul style="list-style-type: none"> • State Environmental Planning Policy (Resilience and Hazards) 2021 (Remediation of Land) <p>Planning Agreements (existing/draft)</p> <ul style="list-style-type: none"> • Nil <p>Relevant Council Policy</p> <ul style="list-style-type: none"> • Bega Valley Development Control Plan 2013
List all documents submitted with this report for the Panel's consideration	<ul style="list-style-type: none"> • Attachment 1: Current plans of the proposed development • Attachment 2: Recommended conditions of consent • Attachment 3: Additional information submitted by the applicant
Clause 4.6 requests	N/A
Key issues	<ul style="list-style-type: none"> • Noise and amenity issues • Heritage • Traffic and Parking
Report prepared by	Kelly McNicol – Director, SKM Planning
Report date	25 September 2023

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 clauses 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
Clause 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?	N/A
Special Infrastructure Contributions	
Does the DA require Special Infrastructure Contributions conditions (S7.24)?	No
Conditions	
Have draft conditions been provided to the applicant for comment?	YES

1 Executive Summary

This report provides an assessment of a Regionally Significant development (RSD) application for the Bega Showground Community Centre. The development site is located within the existing Bega Showground site (Crown Reserve 580108) and a portion of the Bega Memorial Swimming Pool site (Bega Valley Shire Council (Council) owned Land). The Applicant is Planned Town Planning Solutions (the Applicant) acting for and on behalf of the Bega Showground Land Managers who are the Crown land managers of the Crown Reserve.

Council has considered the merits of the proposal in accordance with relevant matters under section 4.15(1), the objects of the *Environmental Planning and Assessment Act 1979* (EP&A Act), principles of ecologically sustainable development, and issues raised in submissions as well as the Applicant's response to these.

The proposal has a capital investment value of over \$15 million dollars and has been funded as part of the Bushfire Local Economic Recovery Fund. The proposal is considered RSD pursuant to clause 3 of Schedule 6 of State Environmental Planning Policy (Planning Systems) 2021 as it is considered Council related development over \$5 million as Council owns a portion of site. Therefore, the Southern Regional Planning Panel is the consent authority for the development.

The proposal includes alterations and additions to the existing Bega Showground Pavilion (a local heritage item) to create the Bega Showground Community Centre which would be used for a range of activities and uses such as functions, training and education, music and theatrical performances, markets and recreation. The Community Centre and the existing Pavilion would also be used as an emergency evacuation centre.

The development application was publicly exhibited in accordance with the Bega Valley Community Engagement Strategy from 1 May 2023 to 29 May 2023 (a period of 28 days). During the public exhibition period a total of eight public submissions and two government agency submissions were received. Of the eight public submissions, five were in support of the development, two provided comments and raised some concerns and one was by way of objection. Public submissions raised concern with the potential noise and amenity impacts of the use of the development for functions, especially at night, issues with siting and design, traffic and tree removal. None of the government agencies or internal Council referrals raised concerns with the proposal and recommended conditions of consent.

Council has identified heritage, traffic and parking and noise as the key assessment issues.

Council is satisfied that the proposal has been designed to complement the existing Pavilion without detracting from the heritage significance of the item. The retention of the Poultry Pavilion would also provide a suitable transition between the heritage item and the new built form. Council's assessment of heritage concluded that the proposal would not be expected to have a detrimental impact on the heritage significance of the Pavilion or any other items in the locality.

In terms of traffic, Council's assessment concluded the worst-case scenario traffic and parking impacts of the development would not be expected to have an impact on the surrounding road network subject to the recommended conditions of consent including the preparation of a Traffic Management Plan (TMP) to be implemented during events.

Council also considers the potential impacts from operational noise associated with the use of the Community Centre as described in the Applicant's Environmental Noise Impact Assessment (ENIA) are acceptable and the potential residual noise impacts on nearby residential receivers, including sleep disturbance, can be suitably mitigated and managed through the stringent recommended conditions of consent and best practice noise management procedures including restricting the number of patrons on site at any given time to 400.

Council is satisfied that the impacts of the development have been addressed in the development application and can be adequately managed through the recommended conditions of consent. Council's assessment concludes the proposal is in the public interest and recommends to the Southern Regional Planning Panel that the development application be approved subject to the draft conditions of consent.

2 Introduction

This report details Bega Valley Shire Council's (Council) assessment of a Regionally significant development application (RSD) for an addition to the Bega Showground Pavilion. Planned Town Planning Solutions (the Applicant) for and on behalf of the Bega Showground Land Managers proposes the construction of an attached one and two-storey addition to the existing local heritage listed Bega Showground Pavilion (Pavilion). The proposed addition will be known as the Bega Showground Community Centre.

2.1 Site Description

The site is located in Bega approximately 700 m to the south-east of the Bega town centre. The site contains two lots (see **Figure 1**):

- Lot 1 SEC 49 DP758076 contains the Bega Showground including the existing Pavilion, showground area and a number of other buildings and structures. The lot has an area of 3.55 ha with frontage to Upper Street, Parker Street and Park Lane. The Pavilion is listed as a local heritage item (I016) in Schedule 5 of the Bega Valley Local Environmental Plan 2013.
- Lot 2 SEC 49 DP758076 contains the Bega Memorial Swimming Pool, Bega Park and the Boer War Memorial which is listed as a local heritage item (I087) in Schedule 5 of the Bega Valley Local Environmental Plan 2013. The existing Pavilion is predominantly located on Lot 1 with a small portion of the structure on Lot 2.

The Showground and existing Pavilion has its primary access from Upper Street. The driveway is bitumen sealed and provides for the two-way movement of vehicles. A secondary access is provided at the junction of East Street and Tathra Road. This access is concrete sealed between the road carriageway and the site boundary of Lot 2 DP744052 which is part of the Showground land but does not form part of the development application. The remainder of the internal road is unsealed and constructed of road building gravel. The site contains several trees, grassed and landscaping areas and footpaths. The proposal does not include the removal of any native vegetation.

The topography of the site gradually slopes from the southern boundary to the northern boundary. A Council owned gravity sewer main runs through the showground area of the site and provides sewer reticulation for the existing Pavilion. The site is connected to overhead electrical infrastructure which is located in Upper Street. The site drains to Council's stormwater infrastructure in Upper Street.

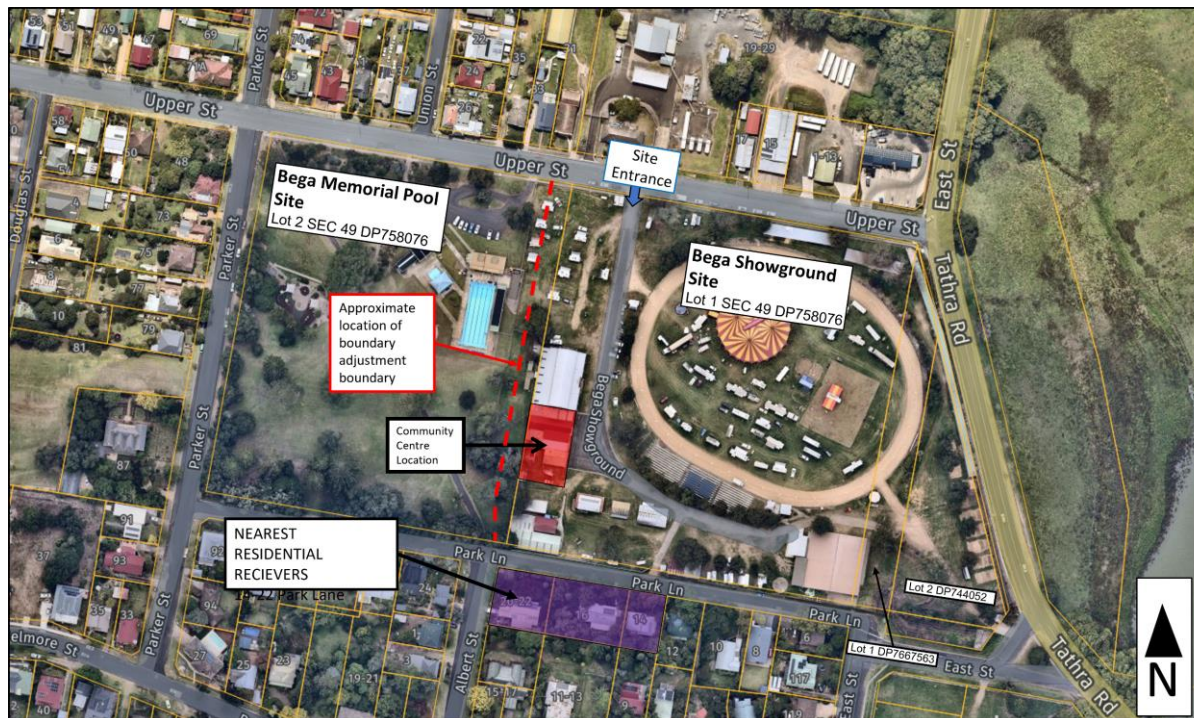


Figure 1: The Site

2.2 Surrounding Land Uses

The site is located in an area which contains a mixture of uses including, industrial, residential, recreational and commercial (see **Figure 2**). To the south of the site across Park Lane are a number of single detached dwellings. To the west of Bega Park across Parker Street are more single detached dwellings. To the east of the site and across Tathra Road is the Glebe Wetlands and farmlands. To the north of the site are industrial and commercial uses and some single detached dwellings.

The nearest sensitive receiver to the Pavilion building is a dwelling at 20-22 Park Lane and another at 35 Upper Street.

Pedestrian and vehicular access to the site is gained from Upper Street which is a local Council Road that connects to both Gipps Street and Tathra Road that then connect into Carp Street, a local arterial road to the north and west. Carp Street connects to the Princes Highway at a roundabout 12.5 km to the west of the site.

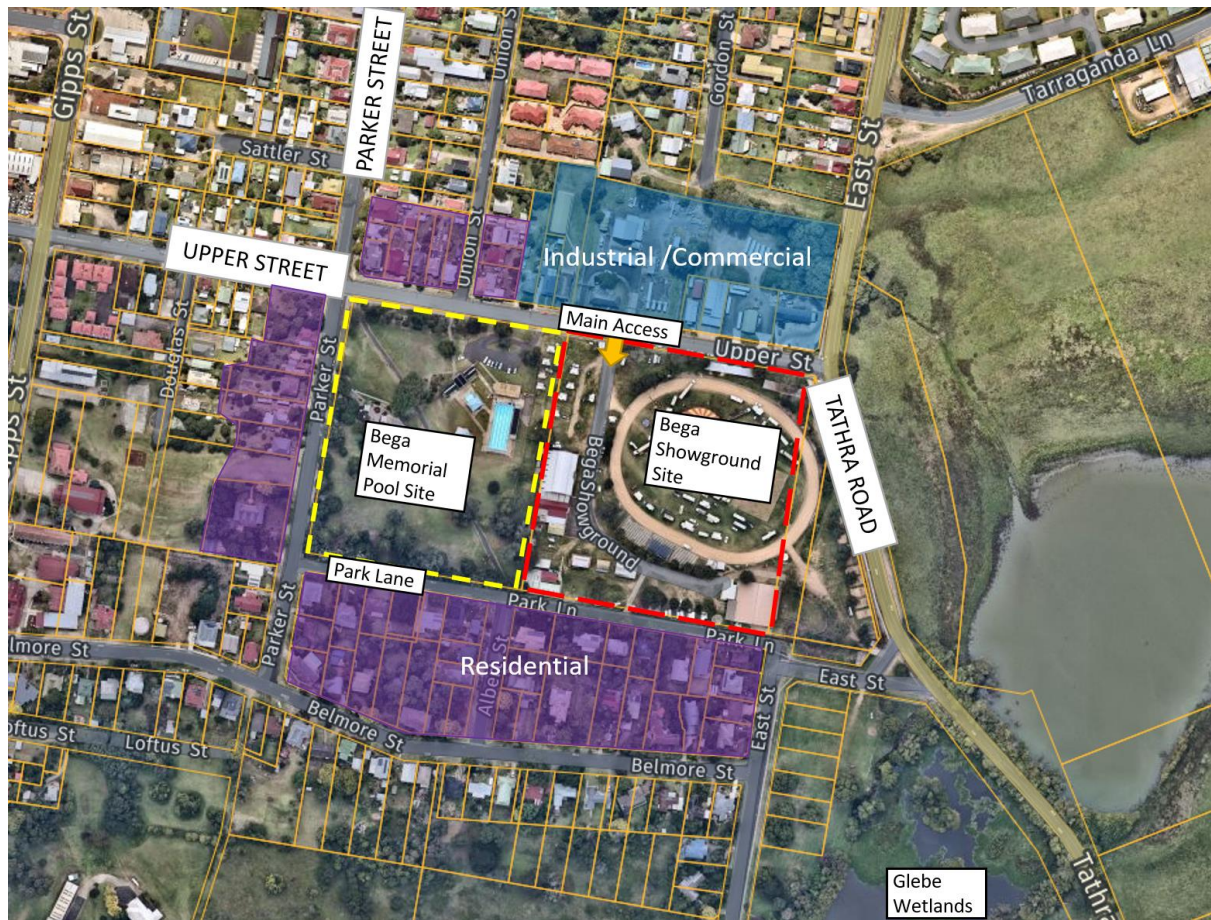


Figure 2: Site and Surrounds

3 Development

3.1 Description of Development

The main components of the development are summarised in **Table 1** and shown in **Figures 3 to 8**.

Table 1: Main Components of the Development

Aspect	Description
Development summary	<p>Alterations and additions to the Bega Showground Pavilion (Pavilion), including:</p> <ul style="list-style-type: none">• Construction of an attached two storey addition to the Pavilion.• Minor alterations to the existing Pavilion.• Landscaping including a yarning circle and footpaths• Boundary adjustment between Lots 1 and 2 SEC 49 DP758076
Site area and development footprint	<ul style="list-style-type: none">• Bega Showground Site: 3.55 ha.• Bega Memorial Swimming Pool Site: 3.1 ha.• Development footprint: approximately 1250 m².
Demolition	<ul style="list-style-type: none">• The proposal does not include any demolition works. All required demolition is to be carried out under DA2022.190.
Built form	<ul style="list-style-type: none">• Two storey addition to the Pavilion with the following components:<ul style="list-style-type: none">○ Ground Floor: function room, reception and office area, amenity facilities, two accessible toilets, commercial kitchen, lift and stairs and connection to existing Pavilion.○ First Floor: function room, ticket office with turnstiles, amenity facilities, accessible toilet, storage areas, lift and stairs and veranda.

Landscaping	<ul style="list-style-type: none"> • Landscaping concept plan for the site includes some additional paving areas including a concrete ramp and pathway connection to the adjoining Bega Park and Memorial Swimming Pool • Landscaping also includes: a yarning circle with log seating, planting beds, bench seats and some new turfed areas.
Gross Floor Area (GFA)	<ul style="list-style-type: none"> • Ground floor: 858.5 m². • First floor: 781 m². • Existing Pavilion: 740 m².
Access	<ul style="list-style-type: none"> • Continued use of the two-way driveway off of Upper Street
Car parking	<ul style="list-style-type: none"> • Continued use of an informal parking area. Three accessible parking spaces on new hardstand are proposed. • A total of 281 informal parking spaces are available within the showground site including: <ul style="list-style-type: none"> ○ 55 spaces off the internal roadway. ○ 96 spaces on the grassed area to the north of the Pavilion. ○ 130 overflow parking spaces within the existing showground oval.
Hours of Operation	<ul style="list-style-type: none"> • 8 am – 11 pm, Monday to Saturday; and • 8 am – 10 pm, Sundays and Public Holidays
Capital Investment Value (CIV)	\$17,049,844.9 (inclusive of GST)

3.2 Physical layout and design

New addition to the Pavilion

Gordon Building Design has designed the proposed two storey extension to follow a similar form to the existing local heritage listed Pavilion building. The proposed extension would cut into the topography of the site and present as a single storey when viewed from the south and west. A simplistic design was chosen to maintain the emphasis on the existing Pavilion. The

design includes a ridgeline which is positioned below the existing Pavilion. Construction materials include metal cladding, clerestory windows, glazing at the veranda level including double doors and side-panel windows. The colour scheme includes a mixture of neutral colours including light grey, white and beige.



Figure 3: 3D Perspective of New Addition from South-East



Figure 4: 3D Perspective of New Addition from the East

Minor alterations to the existing Pavilion

The proposal also includes some minor alterations to the existing pavilion including:

- Restoration of a portion of the southern elevation.
- Alterations to the wall cladding on the western elevation.
- Replacement of lighting
- Installation of fire evacuation signage.
- Other minor alterations

3.3 Development Background and Boundary Adjustment

The Bega Showground Land Managers (Applicant) received funding from the Bushfire Local Economic Recovery Fund to create a new Community Centre which could also function as an emergency evacuation centre. Following the receipt of the funding, the Applicant commenced the planning stage of the development including discussions with Council regarding the lease of a portion of Lot 2 SEC 49 DP758076. At the 16 November 2022 Ordinary Meeting of Council, the following was resolved:

1. *That Council approve a five (5) year lease to Bega Showground Land Managers for occupation of part Lot 2 Sec 49 DP 758076 at Upper Street, Bega for an annual rental fee as determined by a registered Valuer, noting a rebate may be applied once assessed against Council's Rental Assessment and Rebate Procedure.*
2. *That Council approve, in principle, option one (1) in the attached boundary options paper for a boundary adjustment to benefit NSW Crown Lands for a portion of Lot 2 Sec 49 DP 758076 at Upper Street, Bega to rectify the building encroachments on Council land.*
3. *That Bega Showground Land Managers be advised they will need to submit a planning proposal to amend the Bega Valley Local Environmental Plan 2013 to reclassify part Lot 2 Sec 49 DP 758076, from 'community land' to 'operational land'.*
4. *That Bega Showground Land Managers be responsible for all costs associated with the reclassification process, including the payment of compensation to Council for the portion of Lot 2 Sec 49 DP 758076 acquired for consolidation with the Crown Land they manage.*
5. *That authority be delegated to the Chief Executive Officer to negotiate a suitably sized portion of Lot 2 Sec 49 DP 758076 for the required boundary adjustment with consideration of the future development needs of Council for the pool and associated infrastructure.*
6. *That authority be delegated to the Chief Executive Officer and Mayor to execute on behalf of Council any documentation to formalise the above course of action.*

The proposal has been amended to include the boundary adjustment and the Applicant as detailed in Attachment 3 that provides details on the extent of the Boundary Adjustment.

3.4 Uses and activities

The Community Centre would be utilised for a range of activities, including:

- Recreation and leisure purposes.

- Performing and visual arts.
- Public art installations.
- Exhibition and entertainment activities for the Bega Show Society.
- Training facility.
- Functions.
- Major evacuation centre in the case of an emergency event including bushfires.

The centre would also be used to support limited caravan and camping operations in the surrounding showground. The Applicant has prepared a draft Plan of Management which suggests some typical examples of meetings, events, activities, and functions to occur in the Community Centre including:

- Meeting rooms for community groups.
- Rooms for community education and training.
- Dance, yoga and other recreational activities.
- Community events and festivals.
- Movie screenings.
- Private functions – birthdays and weddings.
- Music and theatrical performances.
- Art exhibitions.
- School activities.

Patron Capacity

The new addition would contain two open areas to be used for events, functions and as an evacuation centre. The ground floor area would cater for 96 seats for events and functions and 120 seats at tables to provide dining for residents in times of emergency. The ground floor also contains a connection area between the existing Pavilion and the Community Centre which could cater for 112 patrons.

The first-floor area would cater for 352 seats in an auditorium set up for events and also 352 seats around tables for functions. The verandah would have capacity to cater for 99 patrons for events and functions. The patron entry area could cater for an additional 71 patrons.

The existing Pavilion would cater for 240 seats in an auditorium set up for events and 384 seats around tables for functions. This area would also cater for 81 evacuation beds or alternatively 210 seats around tables for dining in times of emergency. The Pavilion also contains an annex which could cater for 119 patrons.

The Applicant has estimated that the total patron capacity of the total facility would be (see **Figure 5** and **Figure 6**):

- Community Centre Ground floor: 303

- Community Centre First floor: 567
- Existing Pavilion: 689
- TOTAL: 1,559

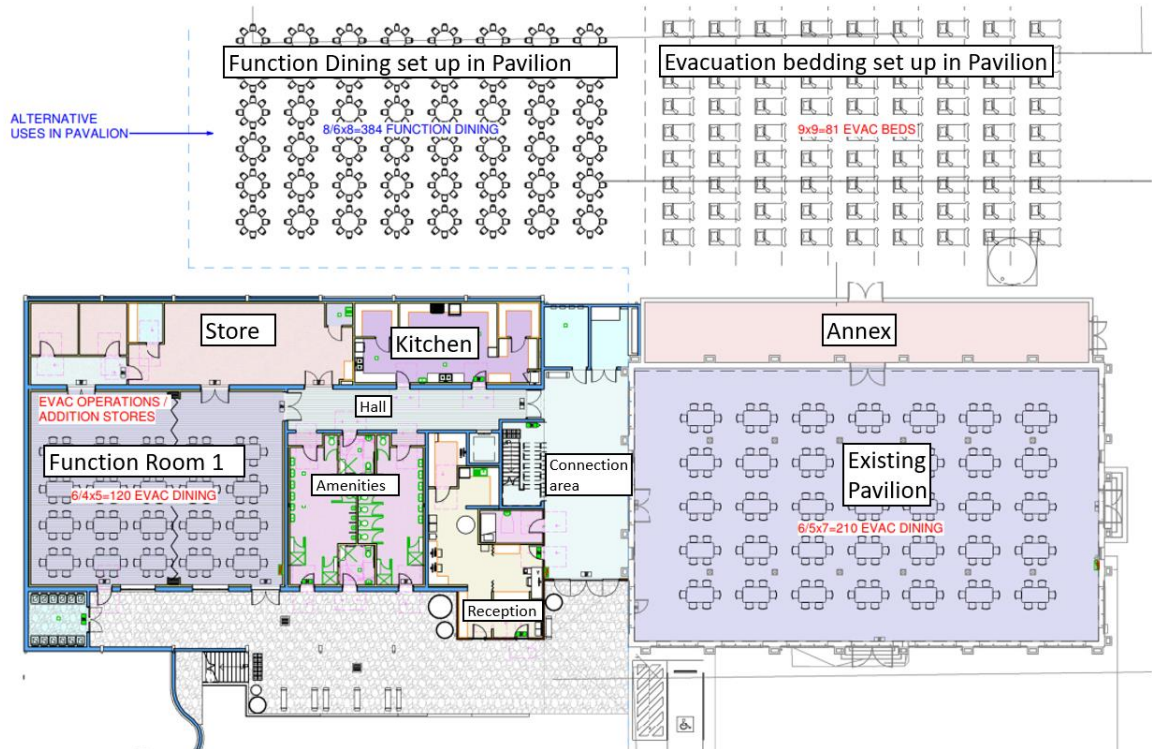


Figure 5: Ground Floor and Pavilion Layout

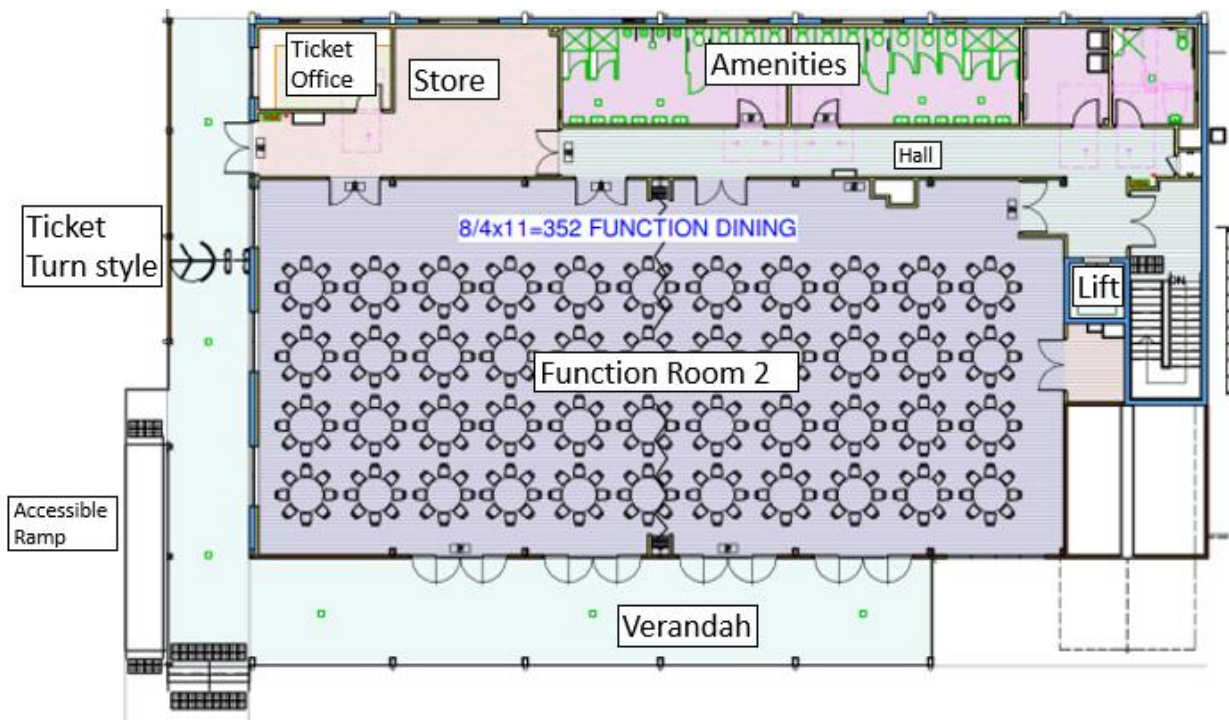


Figure 6: First Floor Layout

Draft Plan of Management

The draft Plan of Management includes examples of events which have occurred in the past within the existing Pavilion which would also be expected to utilise the expanded facility. These include the annual Chamber of Commerce Business Awards with catering for 350 patrons, weddings catering for 70 -120 patrons and markets which see around 400 patrons in attendance. Based on the expected size and types of events to use the expanded facility, it would not be anticipated that the maximum potential number of patrons would reach the capacity of the facility (which is 1,559 patrons). The Draft Plan of Management suggests the expected capacity of the Community Centre and main Pavilion would be;

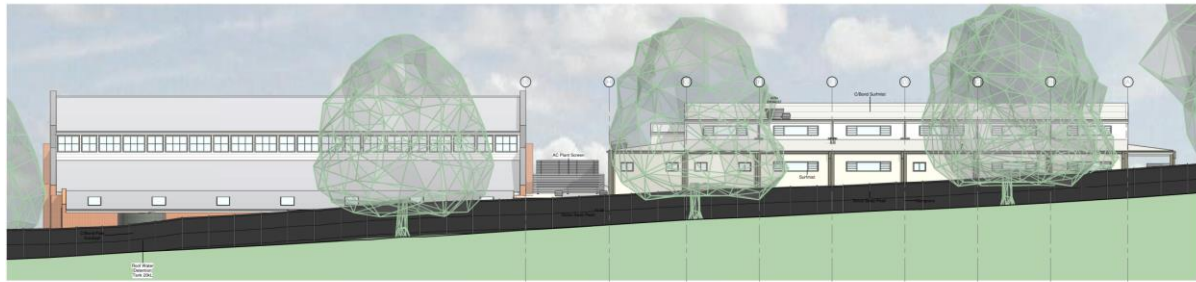
- Community Centre Ground floor: 120
- Community Centre First floor: 352
- Existing Pavilion: 384
- Total: 856

The draft Plan of Management also includes a number of proposed measures to limit the potential amenity impacts on surrounding sensitive receivers including nearby residents, including:

- Limiting the hours of operation to 8 am to 11 pm – Mondays to Saturdays and 8 am to 10 pm on Sundays and Public Holidays.
- Requiring Class 1 Security for events with the consumption of alcohol.
- Noise management measures including:
 - Ensuring project specific noise levels are maintained at all sensitive receivers.
 - Ensuring the external doors of the facility are closed after 10pm.
 - Restricting noise levels in the external car park area after 10pm.

The draft Plan of Management also includes some other operational management measures related to safety and security, waste management, access and environmental sustainability.





WEST ELEVATION



NORTH ELEVATION



SOUTH ELEVATION

Figure 7: Elevations

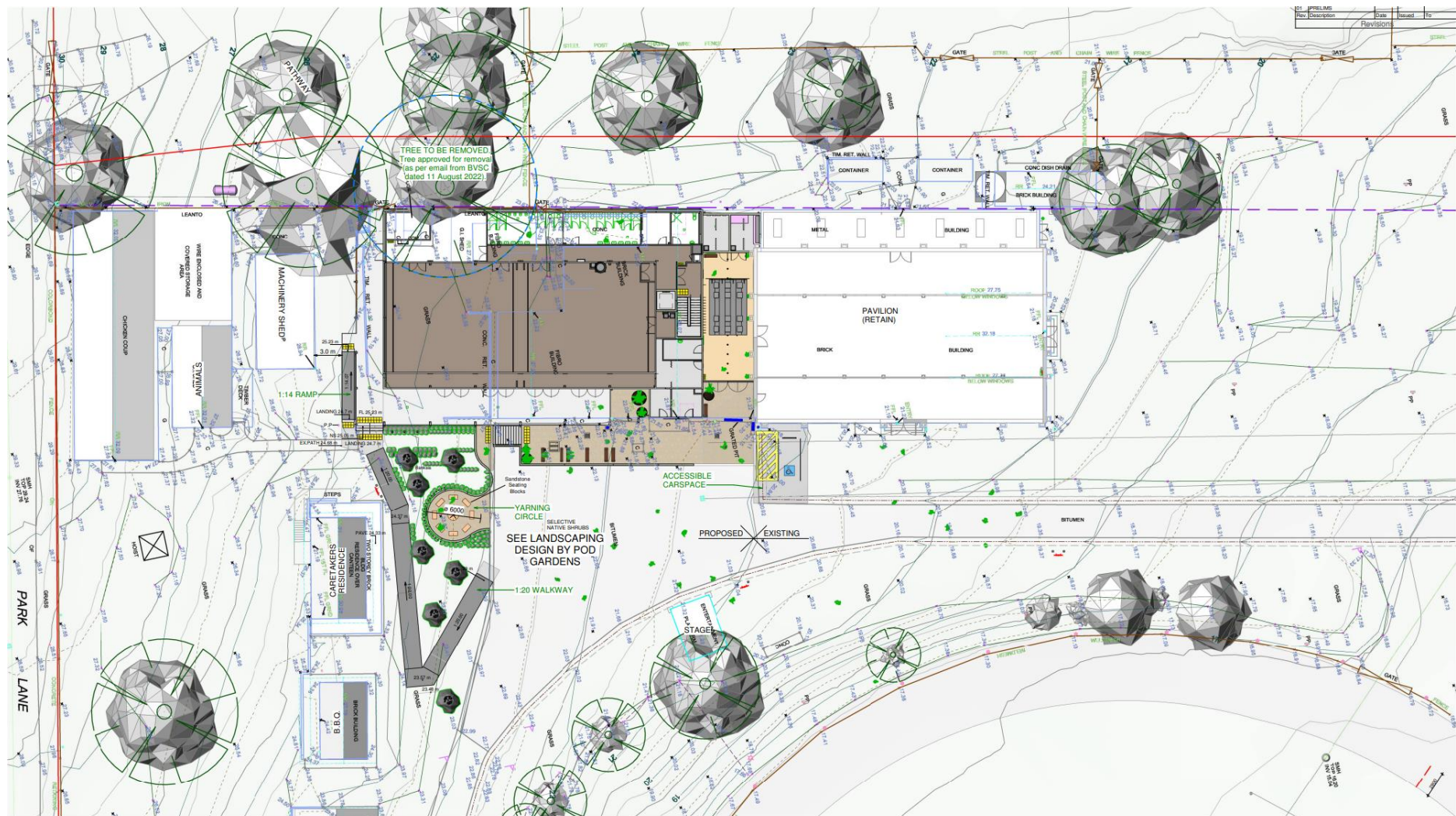


Figure 8: Proposed Site Plan with Survey

3.5 Related Development

DA 2022.190 – Demolition

To facilitate the proposed development, DA 2022.190 was submitted to Bega Valley Shire Council on 03 June 2022 for the demolition of existing structures on the showground site, including:

- Gatehouse, caretakers residence, committee room, tea room, lunch space and store and the foyer to the existing Pavilion
- Partial demolition of the former poultry pavilion building and retention.

The development application was approved subject to conditions on 25 May 2023.

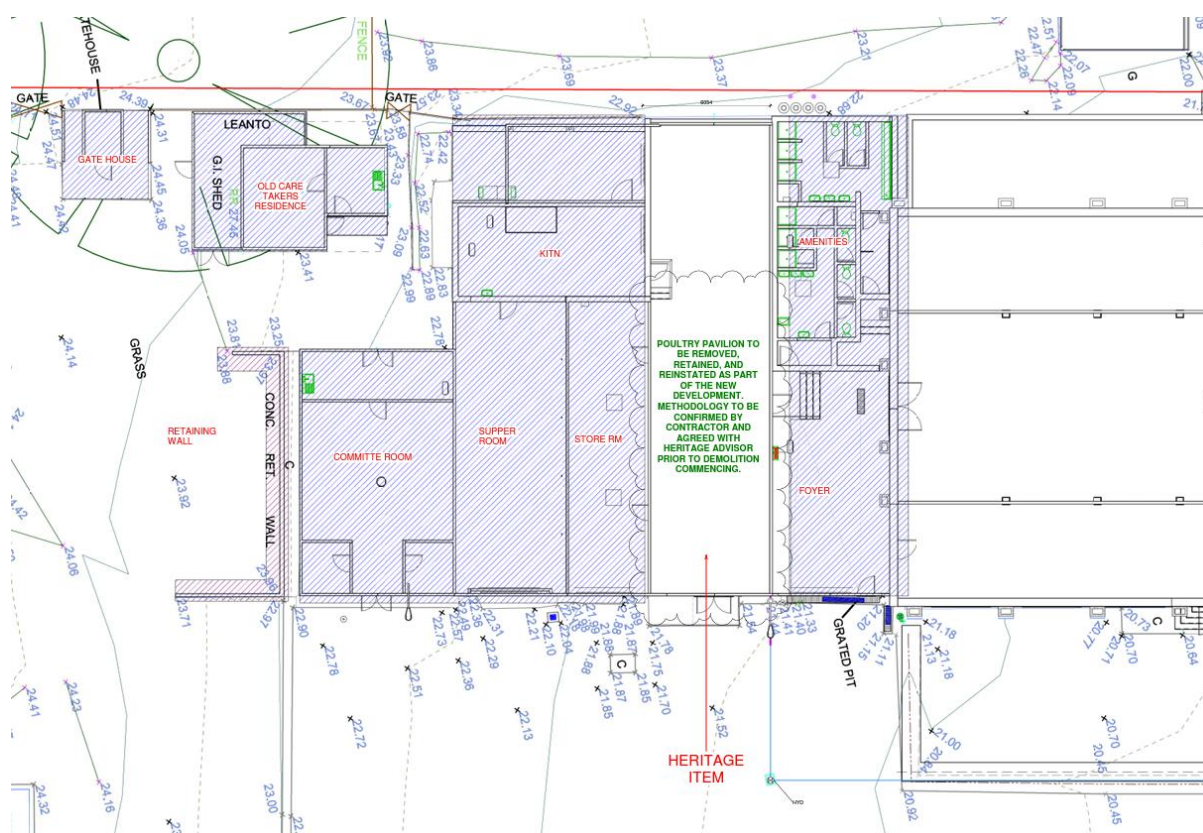


Figure 9: Blue Hatched Area to be Demolished to Facilitate this Development

Tree Removal

A tree located at the boundary of the Pavilion site with the Memorial Pool site was required to be removed to facilitate the built form of the development. A Tree Removal Permit was submitted to Council on 29 July 2022 and approved on 11 August 2022.

Boundary Adjustment

To facilitate the proposal and ensure that sufficient setbacks are provided around the existing Pavilion and the Community Centre a boundary adjustment is required. The existing Pavilion is located directly on the boundary between Lot 1 and 2 DP758076 and the new Community Centre would follow the western façade line. As the walls and doorways on this elevation are not proposed to be fire rated to meet the requirements of the National Construction Code (NCC) the boundary of Lot 1 must be relocated to the west. The Applicant has provided an indicative boundary adjustment plan which relocates the boundary around 7.5 m to the west into Lot 2.

The applicant has clarified that the boundary adjustment is being proposed as part of this application to ensure that fire rating to meet the requirements of the National Construction Code (NCC) can be met.

Council has recommended a condition requiring the boundary adjustment to be completed prior to the occupation certificate being issued for the development.

4 Statutory context

4.1 Regional significance

The proposal is considered Regionally Significant development (RSD) which is a category of development requiring consent under Part 4 of the EP&A Act. RSD are categorised in SEPP (Planning Systems) 2021 at Schedule 6 to include:

- General development over \$30 million
- Council related development over \$5 million
- Crown development over \$5 million
- Private infrastructure and community facilities over \$5 million
- Other categories

As the proposal is partially located on Council owned land, the development is considered RSD. Section 4.5 of the EP&A Act stipulates that the Southern Regional Planning Panel is the consent authority for RSD. As such, the proposal was referred to the Southern Region Planning Panel for determination.

4.2 Permissibility

The site is zoned RE1 Public Recreation zone in the Bega Valley Local Environmental Plan 2013 (BVLEP). The Applicant has proposed the development represents a 'community facility' which is defined as:

a building or place—

- (a) owned or controlled by a public authority or non-profit community organisation, and*
- (b) used for the physical, social, cultural or intellectual development or welfare of the community,*

but does not include an educational establishment, hospital, retail premises, place of public worship or residential accommodation.

The Bega Showground Land Managers are considered a form of non-profit community organisation and the Community Centre would be utilised for a space to support the *physical, social, cultural or intellectual development or welfare of the community*.

Community facilities are permissible with consent in the RE1 zone.

4.3 Other Approvals

No other approvals are required to facilitate the development.

4.4 Mandatory matters for consideration

Section 4.15 of the EP&A Act outlines the matters that a consent authority must take into consideration when determining development applications. These matters are summarised as:

- provisions of environmental planning instrument (EPI), including draft instruments, development consent plans, planning agreements and the Environmental Planning and Assessment Regulation 2021.
- the environmental, social, and economic impacts of the development.
- the suitability of the site.
- any submissions.
- the public interest, including the objects of the EP&A Act and the encouragement of ecologically sustainable development.

Council has considered all these matters in the following sections of this report.

4.4.1 Environmental Planning Instruments

Under section 4.15 of the EP&A Act, the consent authority is required to take into consideration any environmental planning instrument (EPI) that is of relevance to the development, the subject of the development application. Therefore, the assessment report must include a copy of, or reference to, the provisions of any EPIs that substantially govern the project and that have been considered in the assessment of the project.

Bega Valley Local Environmental Plan 2013

Clause 1.2(2) Aims of the Plan

The Aims of the Plan:

- (a) to protect and improve the economic, natural and social resources of Bega Valley through the principles of ecologically sustainable development, including conservation of biodiversity, energy efficiency and taking into account projected changes as a result of climate change,*
- (b) to provide employment opportunities and strengthen the local economic base by encouraging a range of enterprises, including tourism, that respond to lifestyle choices, emerging markets and changes in technology,*
- (c) to conserve and enhance environmental assets, including estuaries, rivers, wetlands, remnant native vegetation, soils and wildlife corridors,*
- (d) to encourage compact and efficient urban settlement,*
- (e) to ensure that development contributes to the natural landscape and built form environments that make up the character of Bega Valley,*
- (f) to provide opportunities for a range of housing choice in locations that have good access to public transport, community facilities and services, retail and commercial services and employment opportunities,*
- (g) to protect agricultural lands by preventing land fragmentation and adverse impacts from non-agricultural land uses,*
- (h) to identify and conserve the Aboriginal and European cultural heritage of Bega Valley,*

- (i) to restrict development on land that is subject to natural hazards,*
- (j) to ensure that development has minimal impact on water quality and environmental flows of receiving waters.*

In assessing the DA, including all accompanying reports, plans and advice from agencies and internal staff, it is considered that the development is not contrary to the Aims of the Plan as addressed and detailed throughout this assessment report.

Clause 2.3 Zone Objectives and Land Use Table

The site is zoned RE1 – Public Recreation. The objectives of the RE1 zones are as follows:

- *To enable land to be used for public open space or recreational purposes.*
- *To provide a range of recreational settings and activities and compatible land uses.*
- *To protect and enhance the natural environment for recreational purposes.*

The proposal is considered consistent with the objectives of the zone as the proposal is for a community facility which would be for the use of the residents of the LGA.

Clause 4.3 Height of Building

The site is subject to a maximum building height of 10 metres. The maximum building height of the proposed development is 9.15m as measured from the natural surface level to the apex of the roof.

Clause 5.10 Heritage Conservation

The Objectives of the Clause are:

- (a) to conserve the environmental heritage of Bega Valley,*
- (b) to conserve the heritage significance of heritage items and heritage conservation areas, including associated fabric, settings and views,*
- (c) to conserve archaeological sites,*
- (d) to conserve Aboriginal objects and Aboriginal places of heritage significance.*

An assessment of the potential heritage impact of the development including consideration of this clause has been carried out in **Section 6** of this report.

Clause 5.21 Flood planning

The objective of this Clause is to minimise the flood risk to life and property associated with the use of land, to allow development on land that is compatible with the flood function and behaviour on the land, taking into account projected changes as a result of climate change, to avoid adverse or cumulative impacts on flood behaviour and the environment and to enable the safe occupation and efficient evacuation of people in the event of a flood.

The site is not considered flood prone land pursuant to this clause or the Bega and Brogo Rivers Flood Study at Bega (2014).

Clause 6.2 Earthworks

The objective of this clause is to ensure that earthworks for which development consent is required will not have a detrimental impact on environmental functions and processes, neighbouring uses, cultural or heritage items or features of the surrounding land.

The proposed development includes minor earthworks to prepare the site and to excavate for footings and concrete slabs. The Applicant has submitted an Erosion and Sediment Control Plan which would be implemented during the construction of the development. Council has recommended a condition of consent which requires the implementation of this plan for the duration of all construction works on site.

There is no detail regarding the quality of the material to be excavated or any fill. As such it is recommended that the Applicant dispose of any material, not tested and determined as suitable for use on any particular land, to an authorised waste management facility. It is further recommended that any fill material be Virgin Excavated Native Material (VENM).

State Environmental Planning Policies

State Environmental Planning Policy (Planning Systems) 2011 (PS SEPP)

RSD are categorised in the PS SEPP at Schedule 6 to include:

- General development over \$30 million.
- Council related development over \$5 million.
- Crown development over \$5 million.
- Private infrastructure and community facilities over \$5 million.
- Other categories.

As the proposal is partially located on Council owned land, the development is considered RSD as it is council related development over \$5 million. Section 4.5 of the EP&A Act stipulates that the regional planning panel is the consent authority for RSD.

State Environmental Planning Policy (Transport and Infrastructure) 2021 (TI SEPP)

The TI SEPP aims to facilitate the effective delivery of infrastructure across the State and lists the types of development which are considered traffic generating development. The development is considered traffic generating development in accordance with the TI SEPP as the proposal would require over 200 traffic movements in a peak hour as categorised in Schedule 3 of the TI SEPP.

In a letter received by Council on 12 July 2023, TfNSW raised no objections to the development but requested that Council should consider enhancing the infrastructure and services related to active and public transportation to and from the Bega Valley Showground.

The TI SEPP also requires under Clause 2.48 Determination of development applications for the consent authority before determining a development application take into consideration any response to a notice from an electricity supply authority any impact on their electricity

infrastructure. The application was referred to Essential Energy who provided no objection to the development subject to advisory notes being provided.

State Environmental Planning Policy (Resilience and Hazards) 2021 (RH SEPP)

The RH SEPP aims to identify development with the potential for significant offsite impacts, in terms of risk and/or offence. A development is defined as potentially hazardous and/or potentially offensive if, without mitigating measures in place, the development would have significant risk and/or adverse impact on offsite receptors. The development would not require the storage of quantities of DGs in excess of the triggers established in the Department's Applying (the former) SEPP 33 Guidelines and therefore a Preliminary Hazard Analysis (PHA) was not required.

4.4.2 Bega Valley Development Control Plan (BVDCP 2013)

The following sections of BVDCP 2013 are considered relevant to the assessment of this application:

Section 5 General Development

Aboriginal Heritage

The development application was not supported by an Aboriginal Cultural Due Diligence Report. The Applicant has provided an AHIMS web service search which confirmed that no identified Aboriginal sites or places are located within 200 m of the site. The Applicant has suggested that the site is highly modified and it is considered highly unlikely that the proposed works would impact any potential Aboriginal cultural heritage items. Council considers the location of the proposed works would be in an area presently occupied by buildings and agrees with the Applicant that the likelihood of uncovering any items would be low. Council has recommended a condition of consent requiring the preparation and implementation of an unexpected finds protocol for heritage items during construction works.

Non Aboriginal Heritage

An assessment against this section of the BVDCP and also Clause 5.10 of the BVLEP 2013 has been carried out in **Section 6** of this report.

Access and Mobility

The intent of this Clause is to ensure that development is accessible and meets the relevant requirements of the National Construction Code (NCC). The development application included an Access Report prepared by Eric Martin and Associates which concluded the development had been designed to meet the access and mobility provisions of the NCC.

Off Street Parking and Bicycle Parking

Council has assessed the off-street parking requirements in the DCP in **Section 6** of this report.

4.4.3 Objects of the EP&A Act

The objects of the EP&A Act are the underpinning principles upon which the assessment is conducted. The statutory powers in the EP&A Act (such as the power to grant consent) are to be understood as powers to advance the objects of the legislation, and limits on those powers are set by reference to those objects. Therefore, in making an assessment, the objects should be considered to the extent they are relevant. A response to the objects of the EP&A Act is provided at Table 2.

Table 2: Consideration Against Objects of the EP&A Act

Objects of the EP&A Act	Consideration
(a) to promote the social and economic welfare of the community and a better environment by the proper management, development and conservation of the State's natural and other resources,	The proposal involves the partial redevelopment of an existing community facility that would provide for the current and future needs of the community. The development would not negatively impact on the economic welfare of the community, nor the natural environment.
(b) to facilitate ecologically sustainable development by integrating relevant economic, environmental and social considerations in decision-making about environmental planning and assessment,	The proposal includes some measures to deliver Ecologically Sustainable Development (ESD).
(c) to promote the orderly and economic use and development of land,	The proposal is an orderly and economic use of the land as the proposal provides for contemporary new spaces to be used for the community and private functions.
(d) to promote the delivery and maintenance of affordable housing,	Not applicable.
(e) to protect the environment, including the conservation of threatened and other species of native animals and plants, ecological communities and their habitats,	Not applicable.

(f) to promote the sustainable management of built and cultural heritage (including Aboriginal cultural heritage),	<p>The proposal has been designed to complement the historical significance of the Pavilion.</p> <p>The proposal would promote the sustainable management of built and cultural heritage, as detailed in Section 6 of this report.</p>
(g) to promote good design and amenity of the built environment,	The building has a contemporary functional design which would integrate with the surrounding environment as detailed in Section 6 .
(i) to promote the sharing of the responsibility for environmental planning and assessment between the different levels of government in the State,	Council publicly exhibited the proposal (see Section 5.1), which included consultation with internal areas of Council and other public authorities and consideration of their responses (Sections 5.1 to 5.2).
(j) to provide increased opportunity for community participation in environmental planning and assessment.	Council publicly exhibited the proposal as outlined in Section 5.1 , which included notifying adjoining landowners, placing a notice in newspapers and displaying the proposal on Council's website during the exhibition period.

4.4.4 Environmental Planning and Assessment Regulation 2021

Subject to any other references to compliance with the EP&A Regulation cited in this report, the requirements for Notification (Part 6, Division 6) and Fees (Part 15, Division 1AA) have been complied with.

4.4.5 Section 4.15(1) matters for consideration

Section 4.15(1)	
Evaluation	Consideration
(a)(i) any environmental planning instrument	Satisfactorily complies. Council's consideration of the relevant EPIs is provided in Section 4.4.1 of this report.

(a)(ii) any proposed instrument	Satisfactorily complies. Council's consideration of the relevant draft EPIs is provided in Section 4.4.1 of this report.
(a)(iii) any development control plan, and	Refer to Section 4.4.2 of this report.
(a)(iiia) any planning agreement	Not applicable.
(a)(iv) the regulations Refer Division 8 of the EP&A Regulation	The application satisfactorily meets the relevant requirements of the EP&A Regulation, including the procedures relating to applications (Part 6 of the EP&A Regulation), public participation procedures for SSD and Schedule 2 of the EP&A Regulation relating to EIS.
(b) the likely impacts of that development including environmental impacts on both the natural and built environments, and social and economic impacts in the locality	The impacts of the proposed development have been appropriately mitigated or conditioned as discussed in Section 6
(c) the suitability of the site for the development	The site is suitable for the development as discussed in Sections 3, 4 and 6 .
(d) any submissions	Consideration has been given to the submissions received during the exhibition period. See Section 5 and 6 .
(e) the public interest	The proposal is considered to be in the public interest. See Section 6 and 7 .

5 Engagement

5.1 Consultation

Consultation by the Applicant

The Applicant undertook a range of consultation activities throughout the preparation of the EIS including, emails, phone conversations and face-to-face (virtual) meetings with Council. The Applicant also notified and afforded an opportunity to comment to the South Coast People and the NTSCorp Pty Ltd under Section 24JB96) of the *Native Title Act 1993*. In this regard, notification was given on 31 October 2022 and the notification period expired on 28 November 2022 – no comments were received.

Consultation by Council

After accepting the development application and supporting information, Council notified the application in accordance with Bega Valley Community Engagement Strategy that involved:

- made it publicly available from **1 May 2023** until **29 May 2023** (28 days) on Council's website;
- wrote to landowners and occupiers in the vicinity of the site to advise them of the public exhibition and the procedures for making a submission; and
- notified and invited comments from State government agencies and internal areas of Council.

5.2 Submissions and Advise

Government Agency Submissions

Department of Planning and Environment (Crown Lands)

Conditional land owners Consent was granted for the lodgement of the development application from Crown Lands to the Applicant on 27 September 2022 for Crown Reserve 580108.

Crown Lands were notified of the public exhibition of the development application and invited to comment. In a letter dated 9 May 2023, Crown Lands objected to the development. This objection was later withdrawn by Crown Lands as it was confirmed that land owners consent had been provided. A further letter was provided by Crown Lands dated 08 August 2023 providing approval for the boundary adjustment between Lot 1 Sec 49 DP 758076 and Lot 2 Sec 49 DP 758076.

TfNSW

Following the exhibition period, Council referred the development application to TfNSW. In a letter received by Council on 12 July 2023, TfNSW raised no objections to the development but requested that Council should consider enhancing the infrastructure and services related to active and public transportation to and from the Bega Valley Showground.

Public Submissions

During the public exhibition period a total of eight unique submissions were received from the public. Five of the submissions were in support of the development, two submissions provided comments and one submission objected to the development. The following issues were raised in the public submissions:

- Unnecessary demolition of existing buildings and structures which are over 100 years old.
- Loss of public open space due to boundary adjustment and encroachment.
- Removal of a mature tree.
- Likely noise and traffic impacts to Park Lane when being used for events.
- Inappropriate siting of the extension given the proximity of residential receivers.

The issues raised in the submissions have been reviewed and assessed in **Section 6** of this report.

6 Assessment

Council has considered the Statement of Environmental Effects, development plans and the technical studies and reports submitted with the development application, the issues raised in the submissions and advice from government agencies in the assessment of the development. Council considers the key assessment issues are heritage, traffic and parking and noise.

A number of other issues have also been considered. These issues are considered to be relatively minor and are addressed in **Error! Reference source not found.** in **Section 6.4.**

6.1 Heritage

The existing Showground Pavilion is a local heritage item designated in the BVLEP. The proposal would be located at the southern extent and attached to the Pavilion and therefore the development has the potential to impact the heritage significance of the item. The statement of significance in the BVLEP provides the following for the item:

The listing includes not only the hall but the but the timber/iron buildings to the south, one of which is evident in a photo dated 1905, This is a large brick showground pavilion dating from the turn of the century, generally intact and in good condition. It has an elevated position and is prominent in the townscape. It is a good example of a showground pavilion from the early 20th century and demonstrates the importance which the annual show had to the local rural community.

As required by Clause 5.10 of the BVLEP, the development application included a Statement of Heritage Impact (SHI) prepared by Eric Martin & Associates. The report follows a separate report by Eric Martin and Associates Issue 4 dated 2 June 2022 that details the proposed demolition of some of the existing buildings. This report recommended the retention of the essential parts of the 1905 Poultry Pavilion for use in the proposed development.

The SHI for this development primarily looked at the potential impact of the new attached Community Centre building on existing Pavilion. The SHI noted the following in terms of the siting, design, height and form of the proposed building:

- The building follows a similar form and is slightly smaller than the existing Pavilion.
- The building is cut into the hill to maintain a lower roof height than the existing Pavilion
- The original Poultry Pavilion remains in its original position which is lightly proud of the new building and the east façade restored / reconstructed to the original 1905 detail.
- The building is not very visible from the north (from Upper Street but will be imposing facing internally to the existing Showground).

The SHI concluded that the proposal would have little impact on the heritage significance of the Pavilion and would replace several poor-quality buildings and therefore should be supported.

One of the public submissions raised concerns with the demolition of the existing buildings to make way for the Community Centre. As detailed earlier in this report, approval of the

demolition of the existing buildings detailed in the submission has been assessed and approved under a separate development application.

Council's Assessment

Council is satisfied that the proposal has been designed to complement the existing Pavilion without detracting from the heritage significance of the item. The retention of the Poultry Pavilion would also provide a suitable transition between the heritage item and the new built form. Council notes the issue raised in the public submission however, the demolition of these structures would be carried out under a separate development consent and therefore the demolition is not relevant to this development.

Council's assessment concludes that the proposal would not be expected to have a detrimental impact on the heritage significance of the Pavilion or any other items in the locality.

6.2 Traffic and parking

The development has the potential to cause traffic and parking impacts which could affect the safety, efficiency and capacity of the local road network. The development application included a Traffic and Parking Impact Assessment (TPIA) prepared by McLaren – Traffic Engineering & Road Safety Consultants.

Traffic Assessment

The TPIA was informed by traffic surveys conducted at key intersections from 11:00 am to 2:00 pm and 5:00pm to 8:00 pm which would represent the main usage periods for the Community Centre for lunch and dinner events. The traffic surveys were utilised to assess the performance of the key intersections using SIDRA. The TPIA found that all key intersections were operating with little or now delay with optimal level of service (LoS A).

The TPIA utilised a first principles assessment to estimate the future traffic generation of the proposed development based on a total of 856 patrons occupying the site with one car utilised per 3 patrons. This assessment established that a total of 286 vehicle trips would be expected in both peak periods. The TPIA then assigned movements out of the site and into the road network based on the traffic surveys and the location of residential areas surrounding the site. The traffic generations rates and assigned movements were then entered back into the SIDRA model to understand the traffic impact of the development on key intersections. The SIDRA modelled concluded the performance of the majority of the intersections would remain at an LoS A with the exception of the East Street and Upper Street intersection which would perform at an LoS B during the midday period. LoS B is considered a good level of intersection performance with limited delays.

The TPIA concluded the potential worst case scenario impacts of the site operating with 856 patrons entering or leaving the site during peak periods would not be detrimental to the performance of the surrounding road network which would necessitate upgrades.

Parking Assessment

The TPIA calculated the potential parking requirements of the development based on the car parking rates in Council's DCP at **Table 3**:

Table 3: Council DCP Parking Rates

Land use	Scale	Scale type	Rate	Spaces required	Spaces provided
Function Centre	1192m ²	GFA	1 per 4m ² GFA	298	284
	856	Seats	1 per to seats	86	284
TOTAL				298	284

The proposal includes the construction of three formal accessible parking spaces in close proximity to the main entrance of the Community Centre and Pavilion. The proposal also identifies that a total of 151 informal spaces would be available in close proximity to the Community Centre and a total of 130 overflow spaces would be available in the centre of the showground if required.

As depicted in Table 3, based on a GFA of 1192 m², the proposal would not comply with the rates in the DCP and would be deficient by 14 parking spaces. The TPIA also suggested that over 280 on street parking spaces would be available in the surrounding street network based on the results of a parking survey.

The TPIA concluded that sufficient on and off-street parking arrangements would be available for the operation of the Community Centre subject to ongoing internal traffic management by the Showground Land Managers.

Council's engineering section requested the Applicant provide additional information for them to complete an assessment of the development application including a swept path analysis of a delivery truck manoeuvring through the site and into a loading area and a justification for not providing formal car parking arrangements. In response to this request, the Applicant provided a swept path plan of a heavy rigid vehicle manoeuvring to a loading area at the proposed main entrance of the Community Centre. The Applicant also confirmed that the TPIA assessed a worst-case scenario of all the function areas of the Community Centre and existing Pavilion in operation at one time. However, the Applicant has suggested that larger events on the site in these function areas would be capped at 350 patrons. The Applicant also suggested that through the use of bunting and markings and traffic management, the informal parking areas would be sufficient for events up to a maximum of 350 patrons.

Council's Assessment

Council has carefully reviewed the Applicant's TPIA in consultation with internal engineering staff and TfNSW. Council considers the TPIA has provided a satisfactory assessment of the existing traffic environment in the locality and the potential traffic and parking impacts of the development. Council does not consider that any upgrades to the existing internal driveway or local road network are necessary. Council also considers that the informal parking arrangements are suitable for the site in this instance to avoid large areas of impervious surfaces which would only be required for larger events.

The Applicant's proposed informal parking layout to facilitate the development and the use of the Showground for other events would require on the ground traffic management and control to ensure cars park within the proposed informal parking spaces and pedestrian conflict is avoided. To this end, Council has recommended a condition of consent requiring the preparation and implementation of a Traffic Management Plan (TMP) including the use of internal traffic controllers to guide light vehicles to designated informal parking spaces during large events with over 250 patrons expected. The TMP would form part of the detailed Plan of Management which Council has recommended be prepared as a condition of consent.

Council's assessment concludes the worst-case scenario traffic and parking impacts of the development would not be expected to have an impact on the surrounding road network subject to the recommended conditions of consent.

6.3 Noise

The development has the potential to emit noise during operation including events occurring at night time which could impact the amenity of the locality. The development application included an Environmental Noise Impact Assessment (ENIA) prepared by Day Design Pty Ltd Consulting Acoustic Engineers which assessed operational noise impacts on the nearest sensitive receivers including dwellings on Park Lane to the south of the site and on Upper Street to the north of the site. The Bega Memorial Swimming Pool and Bega Park were also treated as sensitive receivers in the ENIA (see **Figure 10**).



Figure 10: Sensitive Receivers Assessed in the ENIA.

The ENIA established the existing background noise levels through the use of a noise logger at 26 Park Lane to the south-west of the site. Based on these background levels and in accordance with the EPA's Noise Policy for Industry (NPI), the ENIA established the following project noise trigger level (PNTL) criteria for the development.

Residential Receivers:

- 40 dBA during the day
- 37 dBA in the evening
- 34 dBA at night

Active Recreational Receivers 53 dBA when in use

The ENIA also established the sleep disturbance threshold for residential receivers was 52 dBA L_{AFmax} .

The ENIA established that the main sources of noise from the use of the Community Centre would include noise from events including music, vehicles entering and exiting the car parks and mechanical plant. The ENIA assessed the proposal in operational during the following hours:

- 8am – 11 pm, Monday to Saturday; and
- 8am – 10 pm, Sundays and Public Holidays

Internal Noise (noise from events)

The ENIA calculated noise emissions during the proposed hours of operation for events including a maximum of 400 patrons with background music and raised voices.

Mechanical Plant

The ENIA calculated the noise emissions based on the sound power levels and location of proposed mechanical plant and equipment from the manufacturers. Mechanical plant for the proposed Community Centre includes air conditioners, exhaust fans including for a commercial kitchen and the lift motor.

Car Park Noise Emissions

The ENIA calculated the noise emissions from the use of the car park based on the proposed car park arrangements (not including overflow parking around the oval) including 193 vehicles entering or exiting the site in any given 1 hour period.

Cumulative Predicted Noise Levels

The ENIA predicted the cumulative $L_{eq\ 15\ minute}$ noise levels from all sources at the nearest residential receivers with the results provided in **Table 4**.

Table 4: Cumulative Noise Levels

Receiver Location	Predicted Noise Level	Criterion (day, evening, night)	Compliance
R3 – 16 Park Lane			
- Car Park	28 dBA		
- Events	39 dBA		
- Plant	29 dBA		
Cumulative	36 dBA	40 dBA	Yes
		37 dBA	Yes
		34 dBA	No (+2 dBA)
R4 – 20-22 Park Lane			
- Car Park	23 dBA		
- Events	21 dBA		
- Plant	33 dBA		

Cumulative	33 dBA	40 dBA	Yes
		37 dBA	Yes
		34 dBA	Yes
R5 – 24-26 Park Lane			
	19 dBA		
- Car Park	14 dBA		
- Events	32 dBA		
- Plant			
Cumulative	32 dBA	40 dBA	Yes
		37 dBA	Yes
		34 dBA	Yes
R8 – 35 Upper Street			
- Car Park	31 dBA		
- Events	<10 dBA		
- Plant	27 dBA		
Cumulative	32 dBA	40 dBA	Yes
		37 dBA	Yes
		34 dBA	Yes

The ENIA concluded that the predicted noise levels from an event with 400 attendees including the cumulative impacts of the use of the car park and mechanical plant would comply with the day, evening and early night (7 pm -11 pm) at receivers R4, R5 and R8. However, the nearest residential receiver at 16 Park Lane would experience predicted noise levels which exceed the PNTL during the early night period without mitigation.

Sleep Disturbance

The ENIA also assessed the potential for sleep disturbance. The NPI requires an assessment of the maximum noise level event (L_{AFmax}) to occur during operations on the potential for sleep disturbance at nearby residential receivers. The ENIA established that noise from a car door slamming in the car park of the Community Centre should be used to assess sleep disturbance as the L_{AFmax} event between 10 pm and 11 pm. The ENIA concluded that the predicted noise level of the door slamming at the nearest receivers would be below the established PNTL.

Proposed Noise Mitigation Measures

As the results of the noised modelling found that an exceedance of the PNTL would be expected at the nearest residential receiver, the ENIA recommended the following noise mitigation and management measures:

- All external doors of the Community Centre to be kept closed during events after 10pm.
- People should not make unreasonable levels of noise the car parks after 10 pm.
- Do not exceed the proposed hours of operation.

Council's Assessment

Council has carefully considered the ENIA, the issues raised in the public submissions regarding noise impacts and the Applicant's proposed mitigation measures in the assessment of the development application. Council notes that the ENIA was based on the operations of the Community Centre in isolation and did not include the potential cumulative noise impacts of other areas of the Showground site including the existing Pavilion acting in unison. Council also notes that ENIA only modelled an event with 400 patrons and based on the capacity of the Community Centre and the Main Pavilion the building could cater for 856 patrons.

As there is no surety that the operation of Community Centre and the Pavilion at maximum capacity (being events with a total 856 patrons) could achieve the PNTL for the development, Council has recommended a condition of consent which restricts the night-time use of the Community Centre and Pavilion to 400 patrons.

Council has also included the mitigation and management measures proposed in the ENIA as recommended conditions of consent. To ensure these measures reduce the noise levels at residential receivers below the PNTL and in consideration of the noise related concerns raised in the public submissions, Council has required a noise verification report to be submitted following the use of the site for an event with 350-400 patrons with monitoring at 16 Park Lane during the night time period of 10pm – 11pm. Should noise levels above the PNTL of 34 dBA be experienced, additional management or mitigation measures must be proposed by an acoustic engineer and implemented to the satisfaction of Council. Council also considers the proposed management and mitigation measures to be heavily reliant on good facility management and education of patrons. To this end Council has required the preparation and implementation of a detailed Plan of Management for the entire Showground site which provides operational mechanisms to ensure the proposed noise management measures are effectively implemented.

Council's assessment concludes that the potential impacts from operational noise associated with the use of the Community Centre as described in the ENIA are acceptable and the potential residual noise impacts on nearby residential receivers, including sleep disturbance, can be suitably mitigated and managed through the stringent recommended conditions of consent and best practice noise management procedures.

6.4 Other issues

Findings	Recommendations
Bushfire Management	
<ul style="list-style-type: none">• The grasslands around the Glebe Ponds to the east of the site are considered bushfire prone land as mapped on Council's Bushfire Prone Land Map.• The 50 m bushfire buffer area around the grasslands extends into a small portion of the site around 200 m from the Pavilion.• Council undertook an assessment of the site in accordance with Planning for Bushfire Protection 2019 and Australian Standards AS3959-2018 – Construction of Buildings in Bushfire Prone Areas.• Council has determined the Bushfire Attack Level for the proposed development was BAL-LOW and has recommended the following condition of consent:<ul style="list-style-type: none">◦ <i>From the start of building works, and in perpetuity to ensure ongoing protection from the impact of bush fires, the property around the building must be maintained as an inner protection area (IPA), in accordance with the requirements of Appendix 4 of Planning for Bush Fire Protection 2019, as follows: Where an APZ of 50m can be provided, no further BPMs are required.</i>• Council is satisfied the potential; bushfire related constraints on the site can be managed through the implementation of the APZ and a requirement that the construction must comply with Sections 4 (BAL LOW) Australian Standard AS3959-2018.	<ul style="list-style-type: none">• Require an APZ to be implemented for the life of the development.• Require construction to comply with the relevant Australian Standards for BAL-LOW.
Landscaping	
<ul style="list-style-type: none">• The proposal includes some landscaping works to soften the appearance of the Community Centre and integrate the development into the broader Showground site.• The Applicant submitted a Landscape Plan with the development application prepared by Ben Kaye Garden Design.• The Landscape Plan includes the retention of all existing trees on the site, the construction of accessible concrete walkways from the existing paved roadway to the verandah at the southern extent of the Community Centre.• The Landscape Plan also includes the construction of a yarning circle with sandstone log seating and surrounded by seven new Coastal Banksia trees.	<ul style="list-style-type: none">• Require the landscaping to be installed to the satisfaction of Council prior to the issue of an Occupation Certificate for the Community Centre.

Findings	Recommendations
<ul style="list-style-type: none"> Some additional plantings are proposed near the main entry and verandah including: Climbing Guinea Vine, White Correa, Tree and fan Aloe and Fine Leaf Matt Rush. The proposed landscaping would integrate well with the existing showground and direct patrons to seating areas and the main entries of the Community Centre and Pavilion. One of the public submissions raised concern with the removal of a tree in Bega Park to facilitate the development. A tree removal permit was granted by Council for the removal of the tree on 11 August 2022. As such, the tree removal does not form part of this development application and is not a matter which can be considered in the assessment of the development. Council is satisfied that the Applicant has provided adequate landscaping including accessible footpaths to complement the Community Centre, provide visual interest and integrate the development with the existing Showground without detracting from the heritage significance of the Pavilion. 	
Stormwater	
<ul style="list-style-type: none"> The new roof area and other impervious surfaces associated with the proposal would increase the amount of stormwater discharging from the site. The Applicant included a Concept Stormwater Drainage Plan prepared by Marchman O'Neill Engineers including stormwater detention calculations for the 1 in 10 year Average Recurrence Interval (ARI) event. The proposed stormwater system includes a pit and pipe network collecting water from new paved areas and downpipes from the roof connecting to a new 20,000 L stormwater detention tank located on the western side of the existing Pavilion. The detention tank would be utilised to ensure stormwater is retained and then slowly discharged into Council's system following a storm event. The tank and the impervious surface pit and pipe network would discharge to an existing kerb inlet pit in Upper Street via a new 300 mm stormwater pipe. Council's Engineering section reviewed the proposed stormwater system and did not raise any issues and recommended standard conditions of consent requiring the preparation and submission of a detailed stormwater and drainage design prepared in accordance with Council's Development Construction Specifications. 	<ul style="list-style-type: none"> Require the Applicant to design and implement a stormwater system in accordance with Council's requirements.

Findings	Recommendations
<ul style="list-style-type: none"> Council is satisfied that the proposed stormwater collection and conveyance system is generally in accordance with the stormwater controls in Section 6.3 of the DCP and the Development Construction Specifications. Subject to the preparation of detailed plans and the implementation of the new stormwater system, the development should not impact the locality due to increase stormwater runoff. 	
Plan of Management	
<ul style="list-style-type: none"> To avoid amenity impacts in the locality, especially at residential receivers, the development must operate in accordance with a Plan of Management which provides restrictions to limit the use of the site and management and mitigation measure to avoid noise and traffic issues. The Applicant provided a draft Plan of Management (PoM) for the operation of the Community Centre with the development application. The draft PoM is summarised in Section 3.4 of this report and includes: <ul style="list-style-type: none"> Limiting the occupation of the Community Centre to 472 Patrons and the existing Pavilion to 384 patrons. Restricting the hours of operation to 8am – 11pm, Mondays to Saturdays and 8am – 10pm, Sundays and Public Holidays. <ul style="list-style-type: none"> The draft PoM suggests that any variation to these hours can be endorsed by the Bega Showground Land Managers. Requiring a Class 1 Security Operative to be onsite for the duration of events which serve alcohol. Requiring the noise mitigation measures proposed in the ENIA to be adhered to. Details of other operational requirements including waste management, administration, access and plan monitoring. Some of the public submissions raised concerns regarding potential amenity impacts associated with inappropriate management of events. Council considers the draft PoM lacks sufficient detail to effectively operate the Community Centre and avoid or mitigate any amenity impacts on the locality. The PoM does not include adequate protocols to be followed to implement noise management measures including restricting noise in the carpark areas at night. It also permits the use of the 	<ul style="list-style-type: none"> Require the Applicant to prepare a detailed Plan of Management.

Findings	Recommendations
<p>site for 856 patrons within three different function area when the ENIA only assessed the potential noise impacts of 400 patrons at a function within the Community Centre.</p> <ul style="list-style-type: none"> • Council has recommended a condition of consent requiring the preparation of a detailed PoM which provides protocols, management and mitigation measures and restrictions to be followed in the holding of events to reduce the potential for amenity impacts to be felt at the surrounding residential receivers. 	
Contributions	
<ul style="list-style-type: none"> • Council's Section 7.12 Contribution Plan (formerly 94A) applies to the development. • A contribution of 1% of the cost of development is payable to Council prior to the issue of a construction certificate. • The cost of the development is \$17,498,449 inclusive of GST and therefore a contribution of \$170,498.45 is payable. 	<ul style="list-style-type: none"> • Require the payment of a \$170,498.45 Section 7.12 Contribution prior to the issue of a construction certificate.

7 Recommendation

It is recommended that the Planning Panel:

- **considers** the findings and recommendations of this report
- **accepts and adopts** all of the findings and recommendations in this report as the reasons for making the decision to grant consent to the development application
- **grants consent** for the application in respect of the Bega Showground Community Centre, subject to the conditions in the attached development consent
- **Incorporates** the recommended conditions of consent into a Notice of Determination (see **Attachment B**).

Recommended by: Mark Fowler – Planning Services Coordinator, Bega Valley Shire Council

Attachments

Attachment A – List of Documents

Council has relied on the following documents in the assessment of the development application:

Plan, Specification or Report	Plan Reference and Date
Architectural Plan set (DWG. No 4351) prepared by Gordon Building Design Pty Ltd	A-100 – Cover Sheet, Revision 03, 29-03-2023
	A-101 – Location Plan, Revision 03, 29-03-2023
	A-102 – Site Plan, Revision 03, 29-03-2023
	A-103 – Detail Site, Revision 03, 29-03-2023
	A-104 – Parking Concept, Revision 04, 21-06-2023
	A-111 – Services / Survey, Revision 03, 29-03-2023
	A-113 – Landscaping Plan, Revision 03, 29-03-2023
	A-151 – Lower Floor, Revision 03, 29-03-2023
	A-152 – Upper Floor, Revision 03, 29-03-2023
	A-153 – Dining Layout, Revision 03, 29-03-2023
	A-154 – Seating Layout, Revision 03, 29-03-2023
	A-155 – Roof Plan, Revision 03, 29-03-2023
	A-171 – Detail Layout 1, Revision 03, 29-03-2023
	A-172 – Detail Layout 2, Revision 03, 29-03-2023
	A-201 – Elevations 1, Revision 03, 29-03-2023
	A-202 – Elevations 2, Revision 03, 29-03-2023
	A-301 – Sections 1, Revision 03, 29-03-2023

	A-302 – Sections 2, Revision 03, 29-03-2023 A-303 – Sections 3, Revision 03, 29-03-2023 A-311 – Grid Sections 1, Revision 03, 29-03-2023 A-312 – Grid Sections 2, Revision 03, 29-03-2023 A-601 – G.F.A Plan, Revision 03, 29-03-2023 A-602 – Schedules, Revision 03, 29-03-2023 A-603 – Sediment and Erosion Control, Revision 03, 29-03-2023
Access Report prepared by Eric Martin and Associates	Reference 21263, 06-12-2022
Environmental Noise Impact Assessment prepared by Day Design Pty Ltd	Reference 7496-2.1R, 12-12-2022
Traffic and Parking Impact Assessment prepared by McLaren Traffic Engineering	Reference 210223.01FA, 10-01-2023
BCA Assessment Report prepared by Steve Watson & Partners	Reference 2022/0814 R1.1
Landscape Plan prepared by Ben Kaye Garden Design	Reference 2022.09.BSCC.A0.2, 02-2023
Statement of Heritage Impact prepared by Eric Martin and Associates	Reference 21263, 06-12-2023
Stormwater Drainage Concept Plan prepared by Marshman O'Neill	C1.1 – Roof Stormwater, 11-2022 C1.2 – Ground Surface Stormwater, 11-2022
Site Boundary Realignment	Sheet 0-102, 11/8/2023
Proposed subdivision Plan prepared by Michael G Collins	Surveyor Ref: 74194 Dated 9/12/2022

Attachment B – Recommended Conditions of Consent