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| <b>DATE OF DETERMINATION</b>    | 22 June 2020  |
| <b>PANEL MEMBERS</b>            | Gordon Kirkby (Chair), Renata Brooks and Tim Fletcher |
| <b>APOLOGIES</b>                | Jo Dodds and Russell Fitzpatrick                      |
| <b>DECLARATIONS OF INTEREST</b> | None  |

Papers circulated electronically between 20 May 2020 and 22 June 2020.

#### **MATTER DETERMINED**

PPSSTH-28 – Bega Valley - 2019.446 - 1 McKee Drive - Educational Establishment - Stage 2 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 proposed development is permissible with consent under Clause 35 of *State Environmental Planning Policy Educational Establishments and Child Care Facilities) 2017* (Education SEPP)
- The Panel is satisfied that proposed development meets the design quality principles in Schedule 4 of the Education SEPP.
- The proposed development is generally consistent with the objectives of the R2 Low Density Residential Zone and development standards applying to the site under *Bega Valley Local Environmental Plan 2013*.
- The Panel is satisfied that the proposed development, subject to the amended conditions of consent, is suitable for the site and will have an acceptable impact on the locality and neighbouring properties.
- The proposed development will have a significant community benefit
- The Panel is satisfied that the removal of the stand of exotic trees is justified given the characteristics of the site and that the requirement for extensive landscaping will go some way to addressing the visual impact of their removal over time. The Panel has included a condition of consent that will require the preparation and submission of a detailed Landscape Plan to Council for approval prior to construction.
- The Panel is satisfied that potential contamination on the site is low risk and able to be remediated

## CONDITIONS

The development application was approved subject to the conditions in the council assessment report, as amended in Council's response to the Panel's request for further information, dated 25/5/2020, with the following amendments:

1. Amend the wording in the first sentence of Condition 1 to:

*Development shall take place in accordance with the following plans, specifications and reports, including the recommendations contained within them, except as may be amended in red on the approved plans and by the following conditions.*

2. Amend the wording of the first sentence of Condition 12 to:




*Because more than 2,500m<sup>2</sup> of land is to be disturbed, a Soil and Water Management Plan (SWMP) is required".*

3. Add a new condition Prior to Construction:

*A detailed landscape plan is to be prepared and submitted to Council for approval. The plan must include details of the type and location of canopy trees and must demonstrate that there will be at least as many new canopy trees planted as those to be removed.*

The Applicant has been consulted on the proposed amendments to the condition of consent and has advised that it does not object to the changes.

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   |  |
|---|--|
| <br>Gordon Kirkby<br>(Chair) | <br>Renata Brooks |
| <br>Tim Fletcher             |  |

| SCHEDULE 1 |                                   |   |
|------------|-----------------------------------|---|
| 1          | PANEL REF – LGA – DA NO.          | PPSSTH-28 – Bega Valley - 2019.446  |
| 2          | PROPOSED DEVELOPMENT              | Educational Establishment - Stage 2 TAFE NSW Connected Learning Centre  |
| 3          | STREET ADDRESS                    | 1 McKee Drive Bega Valley   |
| 4          | APPLICANT/OWNER                   | Gardner Wetherill and Associates  |
| 5          | TYPE OF REGIONAL DEVELOPMENT      | Crown development over \$5 million  |
| 6          | RELEVANT MANDATORY CONSIDERATIONS | <ul style="list-style-type: none"> <li>• Environmental planning instruments: <ul style="list-style-type: none"> <li>– State Environmental Planning Policy 55 Remediation of Land.</li> <li>– State Environmental Planning Policy (State and Regional Development) 2011.</li> <li>– State Environmental Planning Policy (Education Establishments and Child Care Facilities) 2017.</li> <li>– Bega Valley Local Environmental Plan 2013.</li> </ul> </li> <li>• Draft environmental planning instruments: Nil</li> <li>• Development control plans: <ul style="list-style-type: none"> <li>– Bega Valley Development Control Plan 2013</li> </ul> </li> <li>• Planning agreements: Nil</li> <li>• Provisions of the <i>Environmental Planning and Assessment Regulation 2000</i>: Nil</li> <li>• Coastal zone management plan: Nil</li> <li>• The likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality</li> <li>• The suitability of the site for the development</li> <li>• Any submissions made in accordance with the <i>Environmental Planning and Assessment Act 1979</i> or regulations</li> <li>• The public interest, including the principles of ecologically sustainable development</li> </ul> |
| 7          | MATERIAL CONSIDERED BY THE PANEL  | <ul style="list-style-type: none"> <li>• Council assessment report: <b>19 May 2020</b></li> <li>• Written submissions during public exhibition: 0</li> </ul>  |
| 8          | PAPERS CIRCULATED ELECTRONICALLY  | <ul style="list-style-type: none"> <li>• Papers were circulated electronically between 20 May 2020 and 22 June 2020</li> </ul>  |
| 9          | COUNCIL RECOMMENDATION            | Approval  |
| 10         | DRAFT CONDITIONS                  | Attached to the council assessment report   |