

DETERMINATION AND STATEMENT OF REASONS

SOUTHERN REGIONAL PLANNING PANEL

DATE OF DETERMINATION	3 December 2024
DATE OF PANEL DECISION	3 December 2024
DATE OF PANEL BRIEFING	26 November 2024
PANEL MEMBERS	Chris Wilson (Chair), Juliet Grant, Grant Christmas, Mitchell Nadin, Russell Fitzpatrick
APOLOGIES	None
DECLARATIONS OF INTEREST	None

Papers circulated electronically on 15 November 2024.

MATTER DETERMINED

PPSSTH-350 – BEGA VALLEY – DA2023.299 at 64 Culgoa Crescent, Pambula Beach being Lot 388 DP750227 and Lot 485 DP728071 – Alterations to existing education facility, a secondary storey addition over existing classrooms and associated outdoor covered areas (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 reasons outlined in the Council's Assessment Report. In particular, the panel was satisfied that the proposed development:

- is permissible with consent under Chapter 3 of the *State Environmental Planning Policy (Transport and Infrastructure) 2021*.
- meets the design quality principles in Schedule 8 of the *State Environmental Planning Policy (Transport and Infrastructure) 2021*.
- is generally consistent with the objectives of the R3 Medium Density Residential Zone and development standards applying to the development under the *Bega Valley Local Environmental Plan 2013 (BVLEP)*.
- is suitable for the site and will not have unacceptable impacts on the environment or the amenity of neighbouring properties, subject to the recommended conditions of consent, as amended.

The panel noted that the proposed development did not seek an increase in student numbers and that the existing car parking and traffic arrangements for the development were adequate. Following the panel's site inspection, further information was requested regarding the design of the proposed architectural screen, the proposed mitigation measures to manage impacts during construction particularly relating to noise, traffic, parking and student safety, and the need for a detailed operational management plan.

During the consideration of the council assessment report, the panel requested and received confirmation from the assessment planner that State Environmental Planning Policy (Sustainable Buildings) 2022 was a relevant consideration under s4.15 of the Environmental Planning and Assessment Act (1979). Council assessment staff further confirmed that with respect to Section 3.2 of the SEPP, subclause (1) requires the consent authority to consider whether the development is designed to enable a range of matters, including waste minimisation in the construction and demolition phases, peak energy demand reduction, use of natural lighting and ventilation, renewable energy, metering and monitoring of energy use and minimisation of potable water consumption. The clause does not require the development to demonstrate that it achieves all the relevant matters or achieve set numerical targets, merely that it is designed to enable them to be achieved. The SEPP does not prescribe any standards for subclause (1) and on balance, it is considered that the proposal has given due consideration of these matters.

Subclause (2) however requires the consent authority to be satisfied that the embodied emissions attributed to the development have been quantified. With respect to Subclause (2), while the SEE was silent on this clause in the SEPP (including Cl. 3.2), the application was accompanied by a NABERS Embodied Emissions Materials Form, prepared by the applicant using the NABERS Embodied Emissions Tool. The completion of this Form satisfies the requirements for reporting embodied emissions in accordance with subclause (2).

The panel concurred with the conclusion in Council's assessment report and additional information provided by Council that the proposal is both compatible and consistent with the surrounding built and natural environment and any potential impacts will be mitigated through the imposition of targeted conditions of consent.

The panel also agreed that the considerations established in SEPP (Sustainable Buildings) 2022 have been met. The panel did however suggest that the Applicant be encouraged to incorporate the recycling of roof water into its design as a further sustainability measure.

CONDITIONS



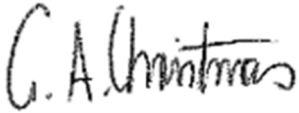


The Development Application was approved subject to the conditions in the Council's Assessment Report with the following amendments.

- Correction to the cover page of Notice of Determination to specify that the development application has been determined by Southern Regional Planning Panel.
- Relocation of Condition 28 within the consent to specify dust control requirements are provided prior to the commencement of works.
- Relocation of Condition 46 to clarify access from the adjoining reserve to be required "during construction" phase.
- For clarity regarding the requirements of the Construction Environmental Management Plan, amend Condition 18 by deleting the final sentence and replacing with the following *"In the event that events or conditions arise that result in the CEMP being updated or revised, details are to be provided to the Council for approval."*

The panel noted Council's advice that the applicant had agreed to the conditions.

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	
 Christopher Wilson (Chair)	 Juliet Grant
 Grant Christmas	 Mitchell Nadin
 Russell Fitzpatrick	

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	PPSSTH-350 – BEGA VALLEY – DA2023.299
2	PROPOSED DEVELOPMENT	Alterations to existing education facility, a secondary storey addition over existing classrooms and associated outdoor covered areas
3	STREET ADDRESS	64 Culgoa Crescent, Pambula Beach (Lot 388 DP750227 and Lot 485 DP728071)
4	APPLICANT/OWNER	Applicant: Austin McFarland Pty Ltd Owners: Trustees of the Roman Catholic Church for the Archdiocese of Canberra & Goulburn
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"> SEPP(Sustainable Buildings) 2022 SEPP (Resilience and Hazards) 2021 SEPP (Biodiversity and Conservation) 2021 SEPP (Transport and Infrastructure) 2021 Bega Valley Local Environmental Plan 2013 Draft environmental planning instruments: Nil Development control plans: <ul style="list-style-type: none"> Bega Valley Development Control Plan 2013 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: 15 November 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"> Briefing: 24 May 2024 <ul style="list-style-type: none"> <u>Panel members</u>: Chris Wilson (Chair), Juliet Grant, Grant Christmas, Russell Fitzpatrick <u>Council assessment staff</u>: Cecily Hancock, Rob Quick <u>Council consultant assessment planner</u>: Michael Brewer (415 Urban Planning), <u>Applicant representatives</u>: Kevin Kelly and Nick Cooke <u>DPHI</u>: Amanda Moylan, Tracey Gillett Site inspection: 23 May 2024 <ul style="list-style-type: none"> <u>Panel members</u>: Chris Wilson (Chair), Juliet Grant, Grant Christmas, Russell Fitzpatrick <u>Council assessment staff</u>: Cecily Hancock, Mark Fowler <u>Council consultant assessment planner</u>: Michael Brewer (415 Urban Planning), <u>Applicant representatives</u>: Kevin Kelly and Nick Cooke

		<ul style="list-style-type: none">• Panel only meeting to discuss council’s assessment report and recommendation: 26 November 2024<ul style="list-style-type: none">○ <u>Panel members</u>: Chris Wilson (Chair), Juliet Grant, Grant Christmas, Mitchell Nadin, Russell Fitzpatrick○ <u>DPH</u>! Amanda Moylan, Tracey Gillett
9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Attached to the Council Assessment Report