

# SOUTHERN REGIONAL PLANNING PANEL

## SUPPLEMENTARY COUNCIL ASSESSMENT REPORT

<b>Panel Reference</b>	<b>PPSSTH-483</b>
<b>DA Number</b>	DA2025/0026
<b>LGA</b>	Snowy Valleys Council
<b>Proposed Development</b>	Demolition of existing structures including bowling green, relocation of existing playground and construction of a 'multi-purpose & evacuation centre' comprising of 2 x indoor multi court recreational facility/emergency evacuation centre and includes a storeroom, plant room, amenities, kitchen/kiosk, administration, meeting room, first aid room, waste room, off street parking and the provision of building identification signage.
<b>Street Address</b>	Lots 701 DP 1059193, and Lot 1, Section 81 DP 759004, Russell Street and Richmond Street, Tumut, known as Richmond Park
<b>Applicant/Owner</b>	Snowy Valleys Council
<b>Date of DA lodgment</b>	7 March 2025
<b>Number of Submissions</b>	168 Submissions comprising 100 submissions in support and 68 against
<b>Recommendation</b>	Approval, subject to conditions.
<b>Regional Development Criteria (Schedule 6 of the SEPP (Planning Systems) 2021)</b>	The proposed development is council related development with an estimated development cost of over \$5 million.
<b>List of all relevant 4.15 matters</b>	<ul style="list-style-type: none"> <li>• <i>Environmental Planning and Assessment Act 1979</i></li> <li>• <i>Environmental Planning and Assessment Regulation 2021</i></li> <li>• <i>State Environmental Planning Policy (Planning Systems) 2021</i></li> <li>• <i>State Environmental Planning Policy (Sustainable Buildings) 2022</i></li> <li>• <i>State Environmental Planning Policy (Resilience and Hazard) 2021</i></li> <li>• <i>State Environmental Planning Policy (Transport and Infrastructure) 2021</i></li> <li>• <i>State Environmental Planning Policy (Biodiversity and Conversation) 2021</i></li> <li>• <i>State Environmental Planning Policy (Industry and Employment) 2021</i></li> <li>• <i>Tumut Local Environmental Plan 2012</i></li> <li>• <i>Snowy Valley Development Control Plan 2024</i></li> </ul>

<b>List all documents submitted with this report for the Panel's consideration</b>	<ol style="list-style-type: none"> <li>1. Recommended Conditions of Consent</li> <li>2. Perspectives</li> <li>3. Shadow Diagrams</li> <li>4. Applicant's response to Heritage</li> <li>5. Richmond Park &amp; Stockwell Gardens Plan of Management</li> <li>6. Letter from Department of Planning, Housing and Infrastructure (Crownlands) dated 2 May 2025</li> </ol>
<b>Report prepared by</b>	Jeremy Swan – Independent Town Planning Consultant on behalf of Council
<b>Report date</b>	24 June 2025

### 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 (S7.11EF)?

*Note: Certain DAs in the Western Sydney Growth Areas Special Contributions Area may require specific Special Infrastructure Contributions (SIC) conditions*

**N/A**

### Conditions

Have draft conditions been provided to the applicant for comment?

*Note: in order to reduce delays in determinations, the Panel prefer that draft conditions, notwithstanding Council's recommendation, be provided to the applicant to enable any comments to be considered as part of the assessment report*

**No**

## 1. PURPOSE OF ADDENDUM REPORT

The purpose of this addendum report is to seek the Southern Regional Planning Panel (the Panel) determination of a Development Application (DA) proposing the demolition of existing structures including bowling green, relocation of existing playground and construction of a 'multi-purpose & evacuation centre' comprising of 2 x indoor multi court recreational facility/emergency evacuation centre and includes a storeroom, plant room, amenities, kitchen/kiosk, administration, meeting room, first aid room, waste room, off street parking and the provision of building identification signage at Lots 701 DP 1059193, and Lot 1, Section 81 DP 759004, Russell Street and Richmond Street, Tumut, known as Richmond Park.

The Panel is the determining authority for this DA as, pursuant to Part 2.4 of State *Environmental Planning Policy (Planning System) 2021* and Part 2.15 of the *Environmental Planning and Assessment Act 1979*, as the capital investment value (CIV) of the proposed development exceeds the CIV threshold of \$5 million for council related development.

On 11 June 2025 the application was considered by the Panel at a public meeting with a recommendation of approval. The application was deferred by the Panel on 18 June 2025.

The Panel noted the following:

1. *The Applicant must complete / provide the information set out above to the independent assessment planner to enable him to complete his supplementary assessment report. Any additional information must be uploaded to the Planning Portal by Friday 20 June 2025.*
2. *The independent assessment planner is required to provide a supplementary assessment report responding the above matters, which must be uploaded to the Planning Portal by 26 June 2025.*
3. *When the addendum assessment report is received it will be published on the Sydney and Regional Planning Panel website and the Panel will finalise its determination.*
4. *The Panel's Determination and Statement of Reasons will be published on the Sydney and Regional Planning Panels website once finalised.*

The information requested by the Panel is as follows:

1. **Consideration of late information including:**
  - (a) *Supplementary submissions provided to the panel and uploaded as late information received in the planning portal.*
  - (b) *Amended noise impact assessment uploaded on the planning portal on 9 June 2025.*
2. **Perspectives**
  - (a) *Provision of perspectives illustrating the built form within the existing residential context particularly from numbers 2 and 4 Robertson Street, and numbers 31 to 35 Richmond St.*
3. **Shadow Diagrams**
  - (a) *Consideration of the predicted impact of overshadowing on the residential properties at 2 and 4 Robertson Street having regard to applicable guidance on solar access*
4. **Heritage Impacts**
  - (a) *Consideration of any heritage impacts of the development as required under clause 5.10(5) Tumut LEP on nearby local heritage items particularly Sefton House.*

5. **Categorisation of Crown Land under the Care, Control and Management of Council**
  - (a) *Explanation regarding the Plan of Management for the Crown Reserve, which is under the care and control of Council.*
  - (b) *Clarification of the boundaries for each land use on the reserve and the categorization of land across the reserve (e.g. community use / operational land).*
6. **Car Parking**
  - (a) *Clarification and justification of adopted car parking rates having regard to Tumut DCP.*
7. **Emergency Evacuation Centre**
  - (a) *Function and adequacy of the emergency evacuation centre having regard to relevant guidelines including Guideline\_Evacuation\_Management\_Dec\_2023.pdf*
  - (b) *Details of consultation and engagement with relevant emergency services in terms of the functionality of the facility should there be an emergency in the Snowy Valleys LGA.*
  - (c) *Confirmation that there are sufficient facilities and general compliance with any BCA requirements for the emergency evacuation centre.*
  - (d) *Consideration of the Transport Infrastructure SEPP and implications for emergency services facilities and this DA.*
8. **Plan of Management**
  - (a) *The need to expand on the requirements contained within the POM to include proactive community liaison during its operation as a multi-purpose facility.*
  - (b) *Consideration of the land and environment court planning principle (Dayho v Rockdale City Council [2004] NSWLEC 184) regarding monitoring compliance with a condition of consent.*
9. **Redrafted Conditions**
  - (a) *Should the panel be of a mind to support the application, provide an updated instrument of consent with the supplementary report which has regard to the above matters.*

This addendum report addresses the deferral issues/matters raised by the Panel and is now re-referred to the Panel for determination.

The assessment completed in the previous report remains valid and is to be considered in conjunction with the addendum report for the determination of the application.

## **2. SUMMARY OF RECOMMENDATION**

That the Panel determine DA2025/0026 consisting of demolition of existing structures including bowling green, relocation of existing playground and construction of a 'multi-purpose & evacuation centre' comprising of 2 x indoor multi court recreational facility/emergency evacuation centre and includes a storeroom, plant room, amenities, kitchen/kiosk, administration, meeting room, first aid room, waste room, off street parking and the provision of building identification signage by way of approval pursuant to Section 4.16 of the Environmental Planning and Assessment Act 1979 subject to the conditions contained in **Attachment 1** to this report.

### 3. DEFERRAL MATTERS

At the determination meeting on 11 June 2025 the Panel deferred consideration of that DA to allow for the provision of an Addendum Report and revised Conditions of Consent to address key matters for consideration by the Panel.

The following discussion provides an assessment of how the issues identified / raised by the Panel in the Record of Deferral from the determination meeting have been addressed:

#### 1. *Consideration of late information including:*

- (a) Supplementary submissions provided to the panel and uploaded as late information received in the planning portal.*
- (b) Amended noise impact assessment uploaded on the planning portal on 9 June 2025.*

#### Item (a)

##### Officer Comment

The following information has been reviewed and considered. Where a new issue has been raised that wasn't considered in the Planning report considered by the panel on 11 June 2025 or addressed elsewhere in this Supplementary report has been addressed below.

##### Allan Tonkin

- No new issues or not addressed elsewhere in this Supplementary report.

##### Louise Halsop

- No new issues or not addressed elsewhere in this Supplementary report.

##### Rick Hargraves

- Lack of Conflict of Interest Policy / Probity Plan / Concern about Independent Assessment

##### Officer Comment

Clause 66A of the Environmental Planning and Assessment Regulation 2021 (Regulation) states that a “*Council-related development application must not be determined by the consent authority unless (a) the council has adopted a conflict of interest policy, and the council considers the policy in determining the application.*”

On a plain reading of clause 66A(1), the prohibition only applies where the consent authority determines the application. Where the determining function is undertaken by an independent panel, clause 66A does not apply. The underlying mischief that clause 66A is intended to address, namely, the risk of conflict arising where Council determines its own application, is not present.

Accordingly, the absence of a conflict of interest policy will not invalidate the Panel's determination or cause non-compliance with clause 66A.

In respect of a probity plan, this is a matter for Council and not the assessment of this DA.

In respect of concerns about the independent assessment, the author of this report has not been influenced by any member of Council in the preparation of this assessment and remains independent and is not employed by Council. Notwithstanding, this DA will be determined by an independent Panel made up of panel members appointed by the State, and no Council nominated panel members have participated in the determination of this application.

Grace Hooper – verbal submission and additional supplementary submission

- Long term adverse social impacts.

Officer Comment

Concerns were raised in respect of long term social impacts. Council's DCP does not require a Social Impact Assessment.

Clause 4.15(1)(b) requires the consent authority to consider 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 original assessment report considered the "social and economic impacts". It is considered that the proposed development will have a positive social impact on the community with the provision of a community building that is able to be used by multiple sports and age groups.

- 4 metre wall, where is the structural engineering report of certification.

Officer Comment

Structural engineering and certification is not required at DA stage, this is typically provided at Construction Certificate stage.

Erika Harvey

- No new issues or not addressed elsewhere in this Supplementary report.

Item (b)

In respect of (b) the applicant provided an amended noise impact assessment uploaded on the planning portal on 9 June 2025.

This amended noise impact assessment considered the noise impact of 250 people using the facility at any one time. The amended report concluded that even with 250 persons in the facility at one time, the proposed development would be capable of complying with the applicable noise criteria.

It is considered that the use of the facility for up to 250 persons will not be a regular occurrence, and suitable conditions of consent have been recommended limiting this to occur only up to 4 special event times a year.

## **2. Perspectives**

- (a) Provision of perspectives illustrating the built form within the existing residential context particularly from numbers 2 and 4 Robertson Street, and numbers 31 to 35 Richmond St.*

### Officer Comment

The applicant has prepared perspectives (**Attachment 2**) that illustrate the built form within the existing context with 11 viewpoints selected, including from numbers 2 and 4 Robertson Street (Viewpoints 2 and 3) and numbers 31 to 35 Richmond Street (Viewpoints 5, 6 and 7).

The applicant has provided an aerial site plan that details the location of each viewpoint and the Reduced Level (RL) of each viewpoint.

## **3. Shadow Diagrams**

- (a) Consideration of the predicted impact of overshadowing on the residential properties at 2 and 4 Robertson Street having regard to applicable guidance on solar access*

### Officer Comment

The applicant has prepared shadow diagrams (**Attachment 3**) that detail the extent of shadowing on the winter solstice at 9am, midday and 3pm.

These shadow diagrams show that there is no shadowing cast on either 2 or 4 Robertson Road on the winter solstice.

At 9am on the winter solstice, the shadowing of the proposed development is contained to the park. At midday, the shadow cast is contained to the park. At 3pm the shadow extends onto Robertson Road but does not reach No. 2 and 4 Robertson Road.

The Snowy Valley Council Development Control Plan (**DCP**) 2024 does not specifically contain any specific controls in respect of solar access. The DCP does at section 1.2 include a series of General Principles for Development as follows:

- **Ensure appropriate building height, bulk and form** - *The scale and form of new buildings should be in keeping with the predominant surrounding buildings. Roof forms and building heights should match those of neighbouring buildings. Minimise building bulk and height on or near boundaries to avoid overshadowing and overlooking neighbours.*

- ***Provide for good solar access*** - *Provide for good solar access in all new developments and avoid overshadowing of neighbours.*

Given that there is no overshadowing in the middle of winter (winter solstice), which is the worst day of the year for solar access, it is considered that the proposed development:

- satisfies the above general principles and minimises building bulk and height on or near boundaries; and
- Avoids overshadowing of neighbours and avoids overshadowing on any residential properties.

In addition, in my experience where Councils have solar access controls, the expectation is that dwellings should receive at least 2 – 3 hours of sunlight in the middle of winter between 9am and 3pm. In this instance, as there is no overshadowing impact from the development on No.2 and 4 Robertson Road and any other residential property the shadow diagrams demonstrate that the environmental impact is acceptable.

#### **4. Heritage Impacts**

- (a) *Consideration of any heritage impacts of the development as required under clause 5.10(5) Tumut LEP on nearby local heritage items particularly Sefton House.*

#### **Officer Comment**

Clause 5.10(5) of Tumut Local Environmental Plan (LEP) 2012 states:

**(5) *Heritage assessment*** *The consent authority may, before granting consent to any development—*

*(a) on land on which a heritage item is located, or*

*(b) on land that is within a heritage conservation area, or*

*(c) on land that is within the vicinity of land referred to in paragraph (a) or (b),*

*require a heritage management document to be prepared that assesses the extent to which the carrying out of the proposed development would affect the heritage significance of the heritage item or heritage conservation area concerned.*

Richmond Park is not land on which a heritage item is located, nor is it located within a heritage conservation area.

Richmond Park however, is located on land within the vicinity of 2 Heritage Items, namely:

- Local Item I54 – 103 Capper Street (Corner Richmond Street) – Residence; and
- Local Item I77 – 29A Richmond Street – Sefton House.

Below is a figure showing the location of the item in the context of Richmond Park.





**Figure 1 – Location of Richmond Park in the context of 2 local Heritage Items within Vicinity**  
(Source – Spatial Viewer, Planning Portal)

The applicant has provided a supplementary response in respect of heritage (**Attachment 4**)

The applicant states that

*The design and siting of the proposed multi-purpose facility has been carefully considered to ensure that potential impacts on the nearby heritage item, Sefton House, are minimised and managed appropriately. The following measures will be implemented to respect and preserve the heritage significance of Sefton House:*

**1. Sympathetic Design Approach**

*The new building incorporates a contemporary but restrained architectural language that avoids mimicking historic styles while maintaining a respectful relationship in scale, materials, and colour palette. This approach ensures a clear distinction between old and new, while acknowledging and complementing the character of Sefton House.*

**2. Appropriate Siting and Setbacks**

*The building is located approximately 50 metres from Sefton House, providing a generous physical separation that helps to retain the item's visual prominence within its setting. This buffer reduces the potential for overshadowing or visual domination.*

**3. Retention of Key View lines**

*The development has been designed to retain key public view corridors to and from Sefton House, particularly from nearby streetscapes. Landscaping and massing have been configured to avoid obstructing important visual connections to the heritage item.*

#### **4. Landscape Integration**

*A landscape buffer comprising low-scale native plantings and complementary hardscape elements will be provided between the new development, the primary intersection Richmond and Russell Streets and Sefton House, softening the visual transition and maintaining a cohesive precinct character.*

#### **5. Material and Colour Selection**

*External finishes have been chosen with sensitivity to the surrounding context. Earthy tones ensure the new building sits harmoniously within the recreational setting without competing visually with Sefton House.*

In considering the impacts of the proposed development on the 2 nearby heritage items it is considered that the impacts are acceptable from a heritage perspective for the following reasons:

- Sefton House, at 29A Richmond St, is located approximately 40m from the Site and across an intersection that has the existing bowling club located opposite it. The applicant has located the single storey element on the corner of Russell and Richmond Street which is the area of the site that has the most impact, the built form is setback from the corner with parking in front, which is then screened with dense landscaping, below is the perspective taken from the corner of Richmond & Russell St (**Attachment 2**) taken in front of Sefton House. I also note that the site sits within an R3 Medium Density zone which permits residential apartment buildings and townhouses. On balance, it is considered that the heritage impacts are acceptable on Sefton House.



**Figure 2 – Viewpoint 10 – Cnr Richmond & Russell Street** (Source – Applicant, please note that Viewpoint 10 is referenced incorrectly on the site aerial that details the location of viewpoints, the location of viewpoint 10, is shown on this plan as being viewpoint 11)

- 103 Capper Street is located on the corner of Richmond and Capper Street and located a minimum of 180 metres from the subject works. In between the 103 Capper St and the proposed works is an Amphitheatre Street, this can be seen at Viewpoint 7 of **Attachment 2**. In addition, the proposed works are cut into the slope to minimise the height and therefore minimise impact on 103 Capper Street. I also note that the site sits within an R3 Medium Density zone which permits residential apartment buildings and townhouses. For these reasons, it is considered that the heritage impacts are acceptable on 103 Capper Street.

In summary, Clause 5.10, in particular 5.10(5) has been considered and on balance for the reasons described above the proposed development is considered acceptable from a heritage perspective.

## 5. Categorisation of Crown Land under the Care, Control and Management of Council

- (a) Explanation regarding the Plan of Management for the Crown Reserve, which is under the care and control of Council.*
- (b) Clarification of the boundaries for each land use on the reserve and the categorization of land across the reserve (e.g. community use / operational land).*

### Officer Comment

The Plan of Management for the Crown Reserve (Richmond Park) is provided at **Attachment 5**. The Plan of Management was endorsed by Crown Lands (**Attachment 6**) This Plan of Management was adopted by Council on 15 May 2025 and carried unanimously.

The Richmond Park & Stockwell Gardens Plan of Management includes Section 4 Future Use & Management. In particular, Clause 2.6 outlines Future Development, namely the Multipurpose Centre and includes a copy of the Site Concept Plan, with the Plans the subject of this DA included as Appendix A including the relocated playground.

Clause 4.4 specifies Development and Use. Clause 4.1 of the Plan of Management states “*The Local Government Act 1993 requires all 'Community' land to be categorised. The categories that apply to the land subject to this Plan of Management are 'Park' and 'general Community Use'. The whole of Stockwell Gardens is categorised as Park, whilst the categories of Richmond Park as shown in Figure 7.*”

Figure 7 of the Plan of Management is extracted below:





**Figure 3 – Figure 7 of the Richmond Park & Stockwell Gardens Plan of Management** (Source – Richmond Park & Stockwell Gardens Plan of Management)

Under the Local Government Act 1993, land is to be classified as either '*Community*' or '*Operational*' land. Richmond Park is classified as '*Community*'.

As detailed above, the Local Government Act 1993 requires all '*community*' land to be categorised. As detailed above the categorisation of Richmond Park is '*general community use*' and '*park*' and the proposed development is consistent with this categorisation.

## 6. Car Parking

(a) Clarification and justification of adopted car parking rates having regard to Tumut DCP.

### Officer Comment

Clause 3.2.3 Car Parking of Council's DCP is the applicable section of the DCP that details the car parking requirements for proposed developments.

Clause 3.2.3.1 Car Parking Requirements includes the following relevant statements:

*“Sufficient on-site car parking is to be provided for all development proposals.*

*The demand for car parking generated by any development should be provided for on-site (on the development site).*

*Larger and more complex development applications may require a specific Parking Study or Traffic Impact Assessment to justify the proposed development in terms of access, provision of car parking and impact on the local road network.*

*Parking requirement rates included in the following Car Parking Requirements Table 1 are to be calculated in accordance with proposed gross floor area (GFA) and rounded-up to the next highest whole number.”*

The relevant section of Table 1: Car Parking Requirements is reproduced below:

Land Use	Car Parking Requirement
Recreation	
Recreation Areas	Assessed on merit
Recreation Facilities (indoor)	3 spaces per court / alley (where relevant) or 1 space per 25m <sup>2</sup> GFA
Recreation Facilities (outdoor)	3 spaces per court / alley (where relevant) or 1 space per 50m <sup>2</sup> GFA

The applicant prepared a Traffic Impact Assessment with the DA prepared by Positive Traffic Engineering | Planning.

They applied the rates of the DCP for an indoor court of 3 spaces per court, resulting in the development requiring six (6) on site spaces.

They then looked at the remaining GFA of the development which is approximately 321m<sup>2</sup> and applied the 1 per 25m<sup>2</sup> rate which would require 12.84 parking spaces rounded up to 13 on site parking spaces.

*They state that “Overall, application of Council’s DCP to the proposed development would require a provision of 19 spaces. As the development includes a parking provision of 50 spaces, the parking provision exceeds the minimum requirements of the DCP and would be considered satisfactory.”*

They then applied a “First Principles assessment” of potential parking demands for operational conditions and confirmed that “the site for both basketball (or other potential indoor spaces) would not generate parking demands over and above the proposed parking provision of 50 spaces on site.”

They conclude that *“During large events such as sport state / national championships where peak patron capacity has the potential to occur, it is expected that appropriate and specific plans of management would be developed for each event type which manages traffic and parking demands around the centre. The same requirements would be expected for the operation of the centre as an evacuation centre.”*

The proposed development complies with Council’s adopted car parking rates with the provision of 50 on site carparking spaces where the DCP requires a total of 19.

Draft conditions of consent (**Attachment 1**) will be included to ensure the recommendations of the traffic consultant are included in the Plan of Management.

## **7. Emergency Evacuation Centre**

- (a) Function and adequacy of the emergency evacuation centre having regard to relevant guidelines including Guideline\_Evacuation\_Management\_Dec\_2023.pdf*
- (b) Details of consultation and engagement with relevant emergency services in terms of the functionality of the facility should there be an emergency in the Snowy Valleys LGA.*
- (c) Confirmation that there are sufficient facilities and general compliance with any BCA requirements for the emergency evacuation centre.*
- (d) Consideration of the Transport Infrastructure SEPP and implications for emergency services facilities and this DA.*

### Officer Comment

In response to (a), the applicant states:

*In designing the centre, the architect team have had regards to the guidelines including Guideline Evacuation Management December 2023. We believe that function and adequacy of the centre under those provisions are met including:*

- *The plans include storerooms dedicated to housing any equipment required to quickly establish as an emergency evacuation centre.*
- *The roller door near the entrance, houses multiple power ports, including 3 phase power, for immediate plug and play of any necessary equipment including generators, cool rooms, cooking equipment, and medical equipment.*
- *There is roller door access from the carpark into the sports hall, for pallet jack delivery of food and water if necessary.*
- *There are amenities and dedicated meeting spaces which are all at the disposal of emergency management personal and the community.*
- *Electrical provisions of heating and cooling, and communications capability.*

*Procedures to operate the facility as an emergency evacuation centre will be developed by those responsible for local emergency management as stated in the Guidelines. And these will be tailored to take advantage of this facility in any way they deem necessary. They will undertake an*

*assessment using annexure F of the guidelines. They may indeed use the facility for disaster victim registration, sheltering, and as an evacuation centre.*

In considering the applicant's response to (a), it is considered that an Evacuation Centre can be used for a number of reasons depending on the disaster and the needs of the community at the time.

It is considered that a community use like the facility proposed is capable of meeting a need which is determined at the time of the emergency, and that the facility is capable of satisfying the guidelines.

In response to (b) the applicant has stated that the following consultation with relevant emergency services has taken place in respect of the facility.

- Mr David Buchtmann, Senior Regional Disaster Welfare Officer Murrumbidgee and Far West District, representative for Disaster Welfare and Business Continuity Homes NSW was invited to an early meeting in 2021 for the project.
- Mrs Donna Martin, a RFS representative with experience in emergency management was appointed by Council to a community working group to assist the council team on the project. She provided input into the functionality of the facility under emergency circumstances.

In response to (c) the applicant has advised that *"The BCA consultant engaged for the project has confirmed that, as an emergency use for community contact Class 9b building the building has been designed with a sufficient number of facilities and generally complies with the National Construction Code. The amenities provisions exceed codes requirements. A copy of the BCA report has been provided to support the application."*

The BCA report classifies the building as a Class 9b and 10b. The BCA report has undertaken a review of the DA documentation and conditions of consent will be imposed to ensure that the development complies with the relevant BCA/NCC provisions prior to the issue of a Construction Certificate.

In response to (d), State Environmental Planning Policy (Transport and Infrastructure) 2021 (**Transport & Infrastructure SEPP**), under Chapter 2 Infrastructure, Part 2.3 Development Controls, Division 6, Clause 2.49 defines emergency services facility *"means a building or place (including a helipad) used in connection with the provision of services by an emergency services organization, including a police station and related training facility."*

As detailed in the Original Planning Assessment report, the secondary use of the building as an emergency centre is considered to be ancillary to the primary use. Having reviewed the above section of the Transport & Infrastructure SEPP, there is nothing that changes this assessment and there is no specific requirements for the emergency evacuation centre.

For completeness the Original Planning Assessment Report addresses that the subject site does not have a frontage to a classified road as identified in Clause 2.119. The proposed development is not identified in Clause 2.120.

Council referred the DA to Transport for NSW who confirmed that the DA does not meet the criteria for traffic generating development and therefore no further assessment against the SEPP is required.

## **8. Plan of Management**

- (a) The need to expand on the requirements contained within the POM to include proactive community liaison during its operation as a multi-purpose facility.*
- (b) Consideration of the land and environment court planning principle (Dayho v Rockdale City Council [2004] NSWLEC 184) regarding monitoring compliance with a condition of consent.*

### Officer Comment

An updated instrument of consent has been prepared that expands on the requirement for a POM including the need for proactive community liaison during its operation as a multi-purpose facility and is provided at **Attachment 1** to this Supplementary Report.

## **9. Redrafted Conditions**

- (a) Should the panel be of a mind to support the application, provide an updated instrument of consent with the supplementary report which has regard to the above matters.*

### Officer Comment

An updated instrument of consent has been prepared having regard to the above matters and is provided at **Attachment 1** to this Supplementary Report.

## **4. CONCLUSION**

This Supplementary Report addresses the deferral issues/matters raised by the Panel at the determination meeting of 18 June 2025 and record of deferral issued 18 June 2025 and is now re-referred to the Panel for determination.

The proposal is consistent with all relevant environmental planning instruments and is considered satisfactory. The proposed development has been assessed against the relevant matters for consideration pursuant to Section 4.15 of the Environmental Planning and Assessment Act, 1979, including likely impacts, the suitability of the site for the development, and the public interest, and the proposed development is considered appropriate.

Considering the above, it is recommended that the Southern Regional Planning Panel determine the Development Application pursuant to Section 4.16(1) of the Environmental Planning and Assessment Act 1979 and grant consent subject to the to the conditions as provided at **Attachment 1**.



## 5. RECOMMENDATION

That the Panel grant consent to DA 2025/0026 for the demolition of existing structures including bowling green, relocation of existing playground and construction of a 'multi-purpose & evacuation centre' comprising of 2 x indoor multi court recreational facility/emergency evacuation centre and includes a storeroom, plant room, amenities, kitchen/kiosk, administration, meeting room, first aid room, waste room, off street parking and the provision of building identification signage at Lots 701 DP 1059193, and Lot 1, Section 81 DP 759004, Russell Street and Richmond Street, Tumut, known as Richmond Park pursuant to Section 4.16 of the *Environmental Planning and Assessment Act 1979* subject to the conditions in **Attachment 1** to this report.