

DATE OF DETERMINATION	9 April 2026
DATE OF PANEL DECISION	1 April 2026
PANEL MEMBERS	Chris Wilson (Chair), Juliet Grant, Grant Christmas, Luciano Casmiri
APOLOGIES	Peter Wilkins
DECLARATIONS OF INTEREST	None

Papers circulated electronically on 17 March 2026.

MATTER DETERMINED

PPSSTH-510 – SHOALHAVEN – DA2025/1446 at 441 & 453 Culburra Road Wollumboola (Lot 7 DP 1141006, Lot 1 DP 1017929 & Lot 2 DP 1017929) – Educational establishment: including the construction of two new dormitory buildings and a multi-purpose pavilion. It also comprises modifications to the existing Halloran house and shed, upgrades to another existing shed to incorporate a bushfire refuge, and the creation of a new perimeter road to facilitate emergency egress and bushfire vehicle access. Additional components of the development include onsite effluent disposal and the provision of car parking. (as described in Schedule 1).

PANEL CONSIDERATION AND DECISION

The Panel considered: the matters listed at item 6, the material listed at item 7, 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 Assessment Report. The Panel was satisfied that:

- The development application had been considered in accordance with the requirements of the *Environmental Planning and Assessment Act 1979* and Regulations.
- A thorough assessment in terms of section 4.15 of the *Environmental Planning and Assessment Act 1979* had been undertaken.
- The preconditions to the grant of consent had been satisfied.
- The proposal is unlikely to result in any unacceptable amenity, environmental or land use safety impacts subject to the imposition of the conditions of consent as amended.
- The proposal is considered appropriate, having regard to the zoning of the site, the provisions of the Shoalhaven LEP 2014, and other applicable environmental planning instruments.
- The development will deliver key learning benefits to an existing educational facility.

CONDITIONS

The Development Application was approved subject to the conditions in the Council Assessment Report and as amended by the Council and the Panel following the determination meeting.

Prior to the determination meeting and following publication of the recommended draft conditions on the Planning Portal, the Applicant submitted to the Panel concerns about the wording of several conditions. In response, the Panel requested that the Council review the submission and, if applicable, provide a revised instrument of consent. The Council provided revised conditions of consent that were uploaded to the NSW Planning Portal on 1 April 2026 and subsequently uploaded corrected final conditions on 9 April 2026.

The draft recommended conditions in question were as follows:

- **Condition 20(d) – Car Parking Design Standards – relating to concrete edging**
The Panel is satisfied that the Council has resolved the intent of this condition and the Applicant's concerns by deleting Condition 20 (d).
- **Condition 22(b) – Road Design Standards - relating to the longitudinal grade of road pavement**
The Panel is satisfied that the Council has adequately resolved any concern regarding this condition by clarifying its intent and enabling flexibility through a performance-based approach. The Condition was amended accordingly.
- **Condition 25(c) – Stormwater - Major Development Design Standards (Rural)**
The Panel is satisfied that the Council has clarified the intent of Condition 25(c), which is to ensure that the development complies with the Council's engineering design standards, not only for table drains within the road reserve but also for those within the development site. The Condition has been amended accordingly.
- **Condition 26 and 74– relating to On-Site Detention Design Standards**
The Council's position and recommended conditions regarding on-site detention relate to the Applicant's original submission of a stormwater system comprising 1 underground and 3 above-ground stormwater tanks (55,000 litres). In the Council's opinion, the Integrated Water Cycle Management Strategy (IWCMS) submitted with this scheme demonstrated that the strategy could achieve pre-development peak flow rates for all identified flow rates. The Council also considers that the scheme is consistent with the provisions of the Council's DCP.

However, in response to an RFI from the Council during the assessment process, the Applicant submitted a revised IWCMS based on the installation of 3 above-ground tanks with a total capacity of 25,000 litres. The Applicant claims that the revised IWCMS concludes that:

"Hydraulic modelling demonstrates that for critical design flood (1% AEP), peak discharge from the site remains lower than pre-development, these increases are negligible relative to the receiving Crookhaven River and do not result in any measurable increase in downstream flood levels or hazard".

The Applicant considers that the revised IWCMS is sufficient to ensure acceptable stormwater outcomes both onsite and downstream. However, the Council's position remains that changes to the recommended conditions are not justified, given that the original IWCMS strategy, unlike the revised strategy, can meet all specified pre-development flows.

The Panel acknowledges the Council's position and recommended conditions relating to stormwater management. However, the Panel also accepts that, should the Applicant be able to demonstrate that the revised strategy would not lead to unacceptable on-site or downstream impacts, there should be flexibility to implement an alternative solution.

Subsequently, the Panel requested that the Council amend Conditions 26 and 74 to enable the submission of additional material to the Council for its approval before the relevant CC is issued. The additional material must demonstrate that the revised IWCMS can achieve acceptable on-site and

downstream stormwater outcomes. If not, the Applicant must implement the original scheme as required by the Conditions. The Council has amended Condition 26 and advises that Condition 74 does not require amendment. Condition 26 now reads as follows:

26 Stormwater – Onsite Detention Design Standards

Before the issue of a Construction Certificate, details of on-site detention must be submitted to Council for approval and subsequently provided on the Construction Certificate plans and approved by the Certifier.

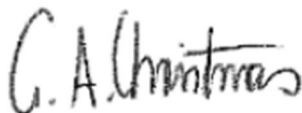
On-site detention must be provided as per certified engineering design plans and specifications prepared by a professional engineer (as defined in the National Construction Code) or surveyor. The on-site stormwater detention (OSD) design must be designed such that stormwater runoff from the site for design storm events up to and including the 1% AEP does not exceed the pre-developed conditions. An alternative solution that would not lead to unacceptable on-site or downstream impacts, supported by appropriate modelling, may be considered.

- To minimise the generation of noise from the pavilion at nighttime, the Panel requested that the Council insert the following wording in Condition 82:

“Use of amplified music or public address (PA) systems is prohibited after 8pm”.

CONSIDERATION OF COMMUNITY VIEWS

In reaching its decision, the Panel notes that only two submissions were made during the exhibition of the development application, one from Crown Lands and one from the Jerrinja Local Aboriginal Land Council. No public submissions were received. Matters raised in those submissions have been adequately addressed during the assessment and determination of the development application.

PANEL MEMBERS	
 Christopher Wilson (Chair)	 Juliet Grant
 Grant Christmas	 Luciano Casmiri

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	PPSSTH-510 – SHOALHAVEN – DA2025/1446
2	PROPOSED DEVELOPMENT	Educational establishment: including the construction of two new dormitory buildings and a multi-purpose pavilion. It also comprises modifications to the existing Halloran house and shed, upgrades to another existing shed to incorporate a bushfire refuge, and the creation of a new perimeter road to facilitate emergency egress and bushfire vehicle access. Additional components of the development include onsite effluent disposal and the provision of carparking.
3	STREET ADDRESS	441 & 453 Culburra Road Wollumboola (Lot 7 DP 1141006, Lot 1 DP 1017929 & Lot 2 DP 1017929)
4	APPLICANT/OWNER	Allen Price Pty Ltd / Presbyterian Church (NSW) Property Trust
5	TYPE OF REGIONAL DEVELOPMENT	Private infrastructure and community facilities over \$5 million
6	RELEVANT MANDATORY CONSIDERATIONS	- Environmental planning instruments: - State Environmental Planning Policy (Biodiversity and Conservation) 2021 - State Environmental Planning Policy (Planning Systems) 2021 - State Environmental Planning Policy (Primary Production) 2021 - State Environmental Planning Policy (Resilience and Hazards) 2021 - State Environmental Planning Policy (Transport and Infrastructure) 2021 - Shoalhaven Local Environmental Plan 2014 - Draft environmental planning instruments: Nil - Development control plans: - Shoalhaven Development Control Plan 2014 - 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	- Council Assessment Report: 17 March 2026 - Written submissions during public exhibition: 1 - Total number of unique submissions received by way of objection: 1
8	MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL	- Site inspection: 3 February 2026 <u>Panel members</u>: Chris Wilson (Chair), Juliet Grant, Grant Christmas, Luciano Casmiri <u>Council assessment staff</u>: Emily May <u>Applicant representatives</u>: Rebecca Lockart (Principal Planner, Allen Price), Georgia Wright (Graduate Planner, Allen Price), Leith Schmidt (Architect / Project Manager, Baxter and Jacobson Architects), Duncan McMaster (Scots College) - Final briefing to discuss council's recommendation: 24 March 2026 <u>Panel members</u>: Chris Wilson (Chair), Juliet Grant, Grant Christmas, Luciano Casmiri <u>Council assessment staff</u>: Emily May, David Zabell

		○ <u>Applicant representatives:</u> Rebecca Lockart (Principal Planner, Allen Price), Georgia Wright (Graduate Planner, Allen Price), Leith Schmidt & Mark Baxter (Architect / Project Manager, Baxter and Jacobson Architects), Joel Lidden (Scots College), Ryan Howes (Civil Engineer, Director Allen Price) ○ <u>DPHI:</u> Tracey Gillett, Gail Fletcher
9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Attached to the Council Assessment Report