

DATE OF DETERMINATION	Thursday, 26 th March 2020
PANEL MEMBERS	Gordon Kirkby (Chair), Renata Brooks, Tim Fletcher, Pete Harrison and Chelsea Newman
APOLOGIES	None
DECLARATIONS OF INTEREST	None

Papers circulated electronically between 4 March 2020 and 11 March 2020.

MATTER DETERMINED

PPSSTH-8 – Queanbeyan-Palerang Regional Council – DA2018.223 at 9 Wilson Street, Braidwood – Braidwood Central School upgrades (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.

Application to vary a development standard

Following consideration of a written request from the applicant, made under cl 4.6 (3) of the Palerang Local Environmental Plan 2014 (LEP), that has demonstrated that:

- a) compliance with cl. 4.3 (Height of Buildings) is unreasonable or unnecessary in the circumstances; and
- b) there are sufficient environmental planning grounds to justify contravening the development standard.

the panel is satisfied that:

- a) the applicant's written request adequately addresses the matters required to be addressed under cl 4.6 (3) of the LEP; and
- b) the development is in the public interest because it is consistent with the objectives of cl. 4.3 (Height of Buildings) of the LEP and the objectives for development in the R2 - Low Density Residential zone; and
- c) the concurrence of the Secretary has been assumed.

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 State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017
- The Panel is satisfied that the potential impact of the development on the heritage listed buildings and the town itself have been comprehensively investigated and reviewed. The overall design responds well to this core issue.
- The S4.6 building height variation request has sound planning justification.

- The Panel is satisfied that parking provision can be managed given the relatively low traffic generation, wide streets and apparent availability of adequate on-street parking spaces (including the 90 degree provision). The Panel notes that the parking arrangements are acceptable to both Council and the RMS.
- The Panel is satisfied that the proposed tree retention and replacement is acceptable given the size and layout of development of the site and the declining health of a number of trees.
- The Panel accepts the heritage justification for not consolidating land titles.

CONDITIONS

The development application was approved subject to the conditions in the council assessment report with the following amendments:

- Condition 11 re sediment and erosion controls should clarify when the Erosion and Sediment control plan is to be submitted and who is to approve it.

11. Sediment and erosion controls

Prior to the commencement of works, an Erosion and Sediment Control Plan is to be submitted and approved by Council. The Plan should be designed to prevent soil erosion, water pollution or the discharge of loose sediment on surrounding land, as follows:

- (a) divert uncontaminated run-off around cleared or disturbed areas*
- (b) erect a silt fence to prevent debris escaping into drainage systems or waterways,*
- (c) prevent tracking of sediment by vehicles on roads, and*
- (d) stockpile topsoil, excavated material, construction and landscaping supplies and debris within the site.*

Prior to and during construction activities, sediment and erosion controls are to be installed and maintained in accordance with the approved plan.

Reason: To minimise environmental impact associated with any works & to prevent soil erosion/water pollution.

- Condition 29 to be amended to include the words “within the site” at the end of the first sentence and remove the second sentence requiring that replacement trees are to native.

29. Replanting

Each tree removed throughout this development is to be replaced in a more suitable nearby area within the site. Trees that will grow to a height of greater than 3 m should not be planted in the vicinity of powerlines. Consider the proximity of the tree to adjoining properties and the road reserve once it matures and the location of the mature tree and its roots to household drainage and underground services. Trees should not be planted closer than 3 m to a building. Invasive species considered noxious or environmental weeds should not be planted. Protect and maintain the replacement trees to ensure that they properly establish and survive long term.

Reason: To replace removed vegetation with species suitable to the local environment, reduce visual impacts, maintain character & reinforce visual amenity

- Condition 24 to be amended to remove the words “except for car parks”.






24. Car Parking to Comply with AS2890

All car parks must comply with AS2890 - 2004 Parking Facilities

Reason: To provide adequate off-street car parking.

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	
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 Tim Fletcher	 Pete Harrison
 Chelsea Newman	

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	PPSSTH-8 – Queanbeyan-Parlerang Regional Council – DA2018.223
2	PROPOSED DEVELOPMENT	Upgrade works to Braidwood Central School
3	STREET ADDRESS	9 Wilson Street, Braidwood Lot 2 DP39022, Lot 3 DP39022, Lot 4 DP39022, Lot 5 DP39022, Lot 6 DP39022, Lot A DP156575, Lot B DP156575, Lot C DP156575, Lot D DP156575, Lots 16 DP758152, Lot 17 DP758152, Lot 18 DP758152 Lot 19 DP758152, Lot 20 DP758152, Lot 1 DP 86338, Lot 2 DP 999104 Lot 3 DP 999104
4	APPLICANT/OWNER	Applicant: Clarke Keller Owner: Department of Education
5	TYPE OF REGIONAL DEVELOPMENT	Council related development over \$5 million
6	RELEVANT MANDATORY CONSIDERATIONS	<ul style="list-style-type: none"> Environmental planning instruments: <ul style="list-style-type: none"> State Environmental Planning Policy No. 55 Contaminated Land Management State Environmental Planning Policy (Educational Establishments and Child Care Facilities_ 2017 State Environmental Planning Policy (Sydney Drinking Water Catchment) 2011 State Environmental Planning Policy (State and Regional Development) 2011 Parlerang Local Environmental Plan 2014 Draft environmental planning instruments: Nil Development control plans: Nil Planning agreements: Nil Provisions of the <i>Environmental Planning and Assessment Regulation 2000</i>: Nil 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: 21 February 2020 Clause 4.6 height variation request Written submissions during public exhibition: 0
8	PAPERS CIRCULATED ELECTRONICALLY	<ul style="list-style-type: none"> Papers circulated electronically between 4 March 2020 and 11 March 2020.
9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Attached to the council assessment report