

RECORD OF DEFERRAL

SOUTHERN REGIONAL PLANNING PANEL

DATE OF DEFERRAL	28 th September 2022
PANEL MEMBERS	Renata Brooks (A/Chair), Tim Fletcher, Tim Wilson
APOLOGIES	None
DECLARATIONS OF INTEREST	Cr. Mitchell Nadin – Did not participate – conflict due to Council interest Cr. Russell Fitzpatrick – Did not participate – conflict due to Council interest

Public meeting held at Bega Valley Commemorative Civic Centre and by Public Teleconference on 20 September 2022, opened at 2.15 and closed at 4.30pm.
Papers circulated electronically on 7 September 2022.

MATTER DEFERRED

PPSSTH-97 – Bega – DA2021.358 - 35-37 Quondolo Street, Pambula

Demolition of existing building and construction of a new commercial building (comprising supermarket, drive through bottle shop and licensed café)

REASONS FOR DEFERRAL

The panel agreed to defer the determination of the matter to allow for the following information to be provided and for the completion of a supplementary assessment by council as follows;




1. The Panel's independent heritage adviser to undertake a review of relevant documents provided by the applicant and heritage advisors to Council and provide advice to the Panel on:
 - a. The veracity and completeness of the assessments of heritage conservation matters in the context of the requirements of Clause 5.10 (1), (2), (4), (5) and (6) of the Bega Valley Local Environmental Plan 2013
 - b. The appropriateness of the proposed bulk, scale, form and finishes of the proposed development, in the context of the Quondolo Street Conservation Area, relevant planning controls, history of the building and issues raised by the members of the public in public meetings and submissions.
 - c. The potential for alternative building forms and finishes which would be more compatible and appropriate to the relevant historical context and existing built form character of the village.
2. The applicant to provide Council within 6 weeks of the date of publication of this record of deferral:
 - a. A preliminary site investigation by an appropriately qualified person into the potential for contamination of the site including consideration of whether the site can be made suitable for the proposed use.
 - b. Details of the proposed use of the existing shed as a temporary bottle shop including access, servicing (deliveries and waste disposal) and parking arrangements and how this temporary use is proposed to be managed concurrently with other physical works on site.
 - c. Details of numbers of articulated and large rigid service vehicles which will be required to service (deliveries and waste disposal) the proposed supermarket and bottle shop on a daily and weekly basis, including management approaches to co-ordinating truck movements within the 7.00am – 8.00am morning peak.

3. Council is to prepare a supplementary report assessing the information provided within 3 weeks of receipt.

Once the Panel has received all the information it will be uploaded onto the Planning Portal and the matter will be determined electronically.

If requested information from the applicant is not provided within 6 weeks, the Panel may move to determine the DA based on the information currently at hand.

The decision to defer the matter was unanimous. The Panel adjourned during the meeting to deliberate on the matter and formulate a resolution.

PANEL MEMBERS	
 Renata Brooks (A/Chair)	 Tim Fletcher
 Chris Wilson	

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	PPSSTH-97 – Bega – DA2021.358
2	PROPOSED DEVELOPMENT	Demolition of existing building and construction of a new commercial building (comprising supermarket, drive through bottle shop and licensed café) and associated on-site carparking, landscaping, new culvert crossing, site services, waste management arrangements, access arrangements, off-site works and other works as documented in the development application
3	STREET ADDRESS	35-37 Quondola Street, Pambula
4	APPLICANT/OWNER	Elizabeth Slapp - Planned Town Planning Solutions for Kel and Jeanette Stolzenhein/ Bega Valley Shire Council
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 (Hazards and Resilience) 2021 State Environmental Planning Policy (Planning Systems) 2021 State Environmental Planning Policy (Transport and Infrastructure) 2021 Draft environmental planning instruments: Nil Development control plans: <ul style="list-style-type: none"> Bega Valley Development Control Plan 2013 Bega Valley section 94 and 94A Contributions Plan 2014 Planning agreements: Nil Relevant provisions of the <i>Environmental Planning and Assessment Regulation 2000</i> including: <ul style="list-style-type: none"> Regulation 92(b) – demolition of building 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: 16 August 2022 Written submissions during public exhibition: 115 Verbal submissions at the public meeting: 19 <ul style="list-style-type: none"> Kate Liston-Mills, Peter Reid, Dr Frances Perkins, Merrill Ralfs, Anthony McDonell obo Martine Matheson, Maree Hawkins, Christopher Ralfs, Michael Brosnan, Michelle Richmond, Howard Jones, Frazer Buchanan, Andrew North obo Ian Thomas, Jody McKenzie Smith obo Dean Lewis, Cheryl Turner obo Angela George, Anthony McDonell, Todd Wiebe, Katrina Woods, Matthew Crossley obo Ruth Hamilton, Shirley Bazley. <u>Council assessment staff</u>: Mark Fowler – Assessment Officer On behalf of the applicant – Mark Evans – Whiteacre Legal, Elizabeth Slapp – Planned Town Planning Solutions, Katrina Keller – Phillip Leeson Architects, Matthew McCarthy – McLaren Traffic Total number of unique submissions received by way of objection: 115 and 2 Petitions

8	MEETINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> • Briefing: 12 October 2021 <ul style="list-style-type: none"> ○ <u>Panel members</u>: Gordon Kirkby (Chair), Tim Fletcher, Renata Brooks ○ <u>Council assessment staff</u>: Keith Tull, Mark Fowler • Site inspection: 30 November 2021 <ul style="list-style-type: none"> ○ <u>Panel members</u>: Tim Fletcher, Chris Wilson ○ <u>Council assessment staff</u>: Mark Fowler, Cecily Hancock • Briefing: 7 December 2021 <ul style="list-style-type: none"> ○ <u>Panel members</u>: Renata Brooks (Acting Chair), Chris Wilson, Tim Fletcher ○ <u>Council assessment staff</u>: Mark Fowler, Cecily Hancock • Public Briefing: 7 December 2021 <ul style="list-style-type: none"> ○ <u>Panel members</u>: Renata Brooks (Acting Chair), Chris Wilson, Tim Fletcher ○ <u>Council assessment staff</u>: Mark Fowler, Cecily Hancock • Site inspection: 6 April 2022 <ul style="list-style-type: none"> ○ <u>Panel members</u>: Renata Brooks (Acting Chair) ○ <u>Council assessment staff</u>: Cecily Hancock • Briefing: 11 May 2022 <ul style="list-style-type: none"> ○ <u>Panel members</u>: Renata Brooks (Acting Chair), Chris Wilson, Tim Fletcher ○ <u>Council assessment staff</u>: Mark Fowler, Cecily Hancock • Final briefing to discuss council's recommendation: 20 September 2022 <ul style="list-style-type: none"> ○ <u>Panel members</u>: Renata Brooks (Acting Chair), Chris Wilson, Tim Fletcher ○ <u>Panel appointed</u>: Stephen Davies – Independent Heritage Advisor ○ <u>Council assessment staff</u>: Mark Fowler – Assessment Officer, Keith Tull – Planning Manager, Cecily Hancock – Planning Co-ordinator, Elizabeth Schindler – Strategic Planner, Jamie Picket – Council development engineer, Peter Kabaila – Council heritage advisor
9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Attached to the council assessment report