

SUTHERLAND SHIRE COUNCIL ASSESSMENT REPORT

Panel Reference	PPSSSH-172
DA Number	DA24/0346
LGA	Sutherland Shire
Proposed Development:	Alterations and additions to existing school, increase student capacity, and the construction of a car parking area.
Street Address:	Lot 1 DP 593896,, Lot 2 DP 1190871, 35A Waratah Road, Engadine, Boys Town Oval 35B Waratah Road, Engadine
Applicant/Owner:	The Trustee For Sydney Catholic Schools Trust
Date of DA lodgement	16 July 2024
Number of Submissions:	17
Recommendation:	Deferred Commencement Approval
Regional Development Criteria	Clause 5, Schedule 6 State Environmental Planning Policy (Planning Systems) 2021 - EDC > \$5M – Private infrastructure and community facilities
List of all relevant s4.15(1)(a) matters	<ul style="list-style-type: none"> • State Environmental Planning Policy (Planning Systems) 2021 • State Environmental Planning Policy (Resilience and Hazards) 2021 • State Environmental Planning Policy (Transport and Infrastructure) 2021 • State Environmental Planning Policy (Biodiversity and Conservation) 2021 • Sutherland Shire Local Environmental Plan 2015 (SSLEP 2015). • Sutherland Shire Development Control Plan 2015 (SSDCP 2015). • Section 7.12 Development Contribution Plan 2016 - Sutherland Shire.
List all documents submitted with this report for the Panel's consideration	<ul style="list-style-type: none"> • Draft conditions of development consent. • Pre-Application Discussion comments • Responses from Transport for NSW and NSW Police • Report from the Design Review Panel • Plan of Management
Report prepared by:	Evan Phillips - Senior Development Planner Sutherland Shire Council
Report date	19 May 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

e.g. Section 4.6 of Chapter 4 of SEPP Resilience and Hazards 2021 -Clause 4.6(4) of the relevant LEP

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? **Not Applicable**

Special Infrastructure Contributions

Does the DA require Special Infrastructure Contributions conditions (S7.24)? **Not Applicable**

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

Conditions

Have draft conditions been provided to the applicant for comment? **Conditions made available to applicant prior to Determination**

REPORT SUMMARY

REASON FOR THE REPORT

The application is identified as Regionally Significant Development in accordance with Clause 5, Schedule 6 of the State Environmental Planning Policy (Planning Systems) 2021, as the development is for private infrastructure and community facilities (school infrastructure) which exceeds the estimated development cost (EDC) of \$5 million. The applicant's submission / EDC is \$22,319,632.50 (excluding GST).

PROPOSAL

The application is for alterations and additions to the existing educational establishment known as St John Bosco College, an associated increase in student capacity, and the construction of a car parking area.

THE SITE

The subject site is located at 35A & 35B Waratah Road Engadine bound by Waratah Road (south), Banksia Avenue (east) and Bullecourt Avenue (north). Situated on the site is an educational establishment known as St John Bosco College.

ASSESSMENT OFFICER'S RECOMMENDATION

1.0 THAT:

- 1.1 That Development Application No. DA24/0346 for alterations and additions to existing school, increase student capacity and construction of a carparking area at Lot 1 DP 593896, Lot 2 DP 1190871 35A Waratah Road, Engadine, Boys Town Oval 35B Waratah Road, Engadine is determined by the granting of a deferred commencement development consent subject to the conditions contained in **Appendix A**.

ASSESSMENT OFFICER'S COMMENTARY

2.0 DESCRIPTION OF PROPOSAL

The application is for alterations and additions to the existing educational establishment known as St John Bosco College. The proposal seeks to increase student capacity from 946 to a future enrolment of 1260 and staffing from 87 to 107.

Specifically, the proposal includes the construction of a new 2 storey building described as a General Learning Area (GLA: General classrooms). The new building is to be located in place of four (4) demountable classroom blocks, already removed from the site. The GLA building primarily accommodates 25 general classrooms, art facilities, toilets and it is serviced by internal lifts / stairs. The proposal includes a central circulation spine and the partial demolition of the existing Building M to allow for a bridge connection and an accessible path of travel to the new GLA building. There are 17 trees to be removed under the

application and new tree planting proposed. The application was amended to include a 26 space car parking area in the north-east site portion accessed via Banksia Avenue.

The demountable classrooms originally proposed to be removed and temporarily relocated during construction works to the northern site portion have been removed from the scope of works under the development application as these works have been already undertaken and indicated to have occurred pursuant to the exempt development provisions of State Environmental Planning Policy (Transport and Infrastructure) 2021.

A 'Whole of site', and a site plan limited to the building zone' is provided in **Figures 1** and **2** below.

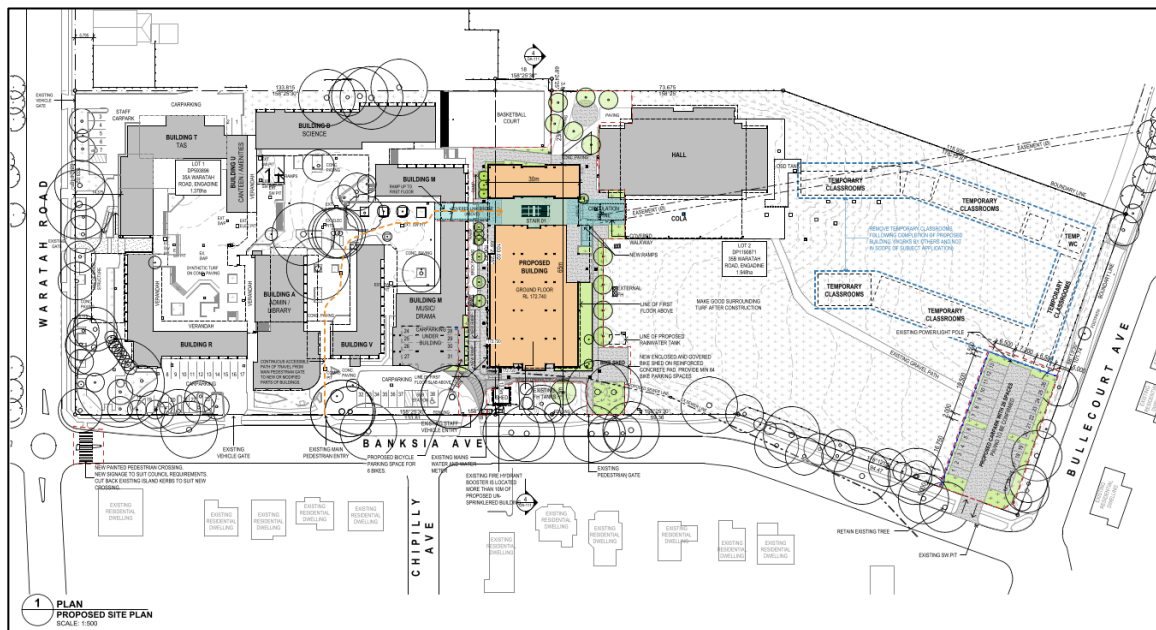


Figure 1: 'Whole of Site' Plan

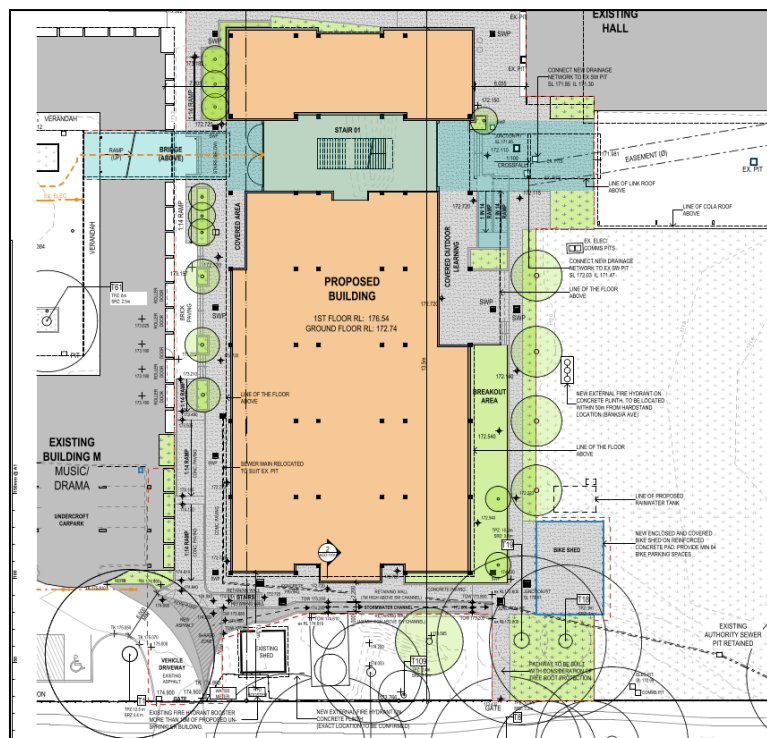


Figure 2: Plan - Building Zone

3.0 SITE DESCRIPTION AND LOCALITY

The subject land is located at 35A & 35B Waratah Road Engadine. Currently situated on the site is an educational establishment known as St John Bosco College. The legal description of the site is Lot 1 DP 593896 and Lot 2 in Deposited Plan 1190871 respectively.

St John Bosco College commenced operations in 1978 and is a coeducational school providing secondary education to years 7-12. There was no condition of development consent placing a limitation to the school capacity, the applicant indicates that the school operates with an enrolment of 946 students and 87 staff. The proposal seeks to enable the future enrolment to 1260 students and supported with an increase to 107 staff.

The site has a north-south orientation. It has a frontage of 103 metres to Waratah Road, 305.6 metres to Banksia Avenue and 101.7 metres to Bullecourt Avenue. The site has a total area of 33,260 square metres. The site falls in a series of tiers from the south (Waratah Road) to the north (Bullecourt Avenue) with a total fall of approximately 12m. The site contains a large number of large native trees primarily at the street peripheries.

It is noted that there are 3 allotments identified as No. 35B Waratah Road, however the proposed works and extent of the school grounds are isolated to the above parcels. Boystown complex including sporting fields and facilities along with the Dunlea Centre which provides accommodation and education to disadvantaged youth is sited on the western adjoining allotments. Whilst also known as 35B Waratah Road each site has separate legal descriptions (being Lot 1 DP 1190871 and Lot 10 DP 1231293).

The streetscape in the immediate vicinity of the subject land is characterised by low density residential development.

An aerial photo, locality plan and zoning map are provided in **Figures 3- 5** below.



Figure 3: Aerial Photograph



Figure 4: Site Locality Photo (development site highlighted in blue dashed line)

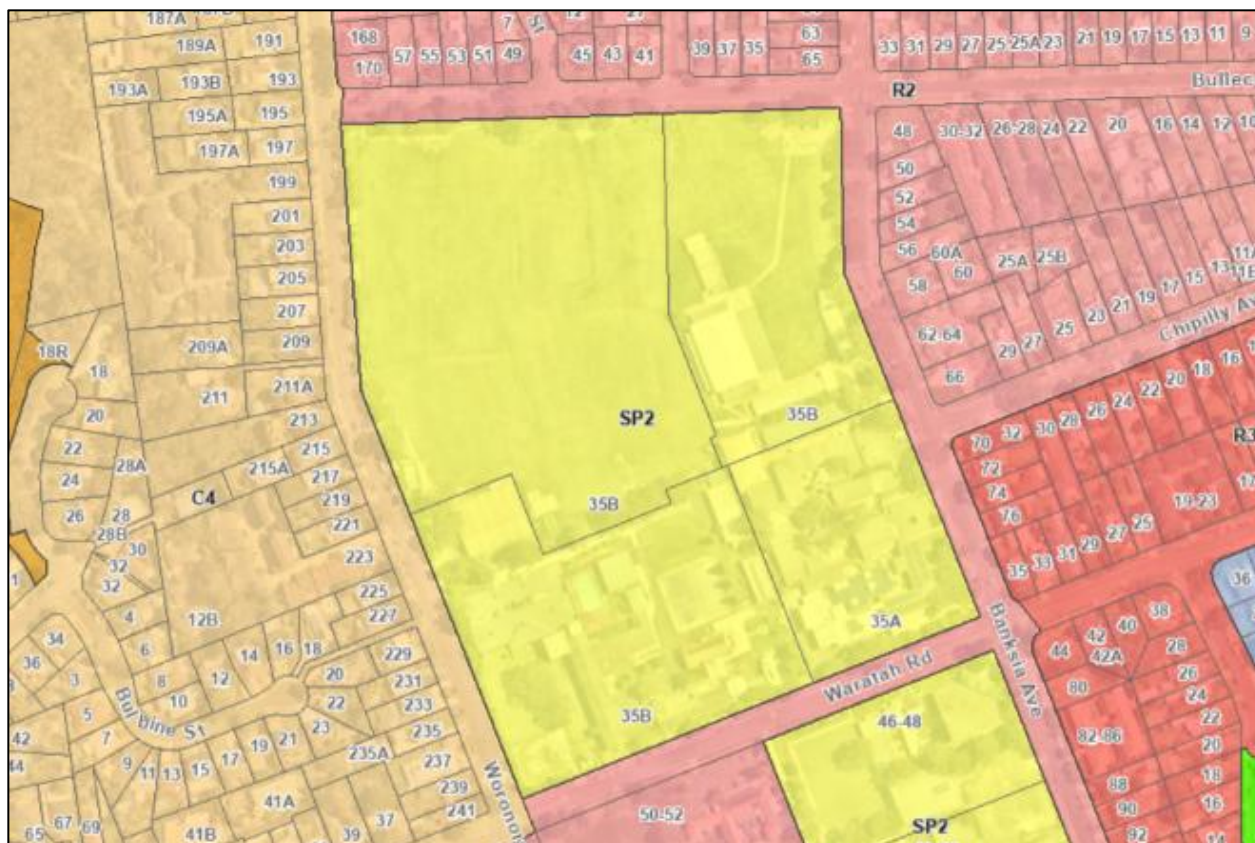


Figure 5: Zoning Map

4.0 BACKGROUND

St John Bosco College commenced operations in 1978 and is a coeducational school providing secondary education to years 7-12. The school operates with an enrolment of 946 students and 87 staff.

Masterplan and additions - DA13/1167

Development Application DA13/1167 for a Masterplan design and alterations and additions to St John Bosco College was approved by the former Joint Regional Planning Panel (JRPP) on 3 April 2014. A number of these have been completed. The subject application seeks to override / extinguish a number of the approved development works from the development consent. This matter is discussed in the assessment component of this report.

Pre- DA Advice – PAD23/0035

- Pre-lodgement (PAD23/0035) advice was sought from Council regarding the subject development application. As a result of this a formal letter of response was issued by Council dated 23 January 2024. A full copy of the advice provided to the Applicant is contained / within **Appendix B** of this report.

DA24/0346 – Subject Application

- The current application was lodged on 16 July 2024.
- The 'kick-off' Preliminary Briefing with the Sydney South Planning Panel was held on 26 August 2024.
- The application was placed on exhibition, with the last date for public submissions being 29 August 2024.

- Council officers requested that the following additional information be addressed on 2 October 2024:
 - Parking Provision – Deficiencies in the submitted traffic report and failure to provide for parking
 - Public Transport and Surrounding Road Network - Deficiencies in the submitted traffic report failing to analyse the existing capacity of services to cater for the additional students. Need for pedestrian crossing within Banksia Avenue
 - Green Travel Plan - Recommendations for the further refinement of the Green Travel plan including cycle to school program and bike parking infrastructure on site along with end of trip facilities (i.e. showers).
 - Urban Design - A design and written response to the commentary of the DRP as part of any revisions submitted to Council.
 - Building Codes - Further information in relation to fire protection including whether a radiant heat shield will be required
 - Flood Planning - Deficiencies in the Flood Impact Assessment (FIA) report in regard to floor levels and flood behaviour adjacent to the development in the PMF event.
 - Contaminated Land – Submission of the Preliminary Site Investigation (PSI) which the Additional Site Investigation (ASI) is based upon to determine whether the pre-existing information is accurate.
 - Waste Management – Further information in relation to ongoing waste management requirements for the school
 - Existing Development Consent (DA13/1167) - Clarification as to the proposed mechanism to address conflict with the existing development consent DA13/1167.

- A site inspection was conducted with the Sydney South Planning Panel on 21 October 2024.
- Council officers requested that the following additional information 29 October 2024
 - Existing Capacity - Clarification as to existing and actual / proposed increase in student / staff numbers.
 - Plan of Management – The submission of a more robust / detailed operational Plan of Management detail
 - Demountable Structures – Clarification as to the demountable structures which have already been installed.

- The following additional information was submitted by the applicant on 15 November 2024.
 - Additional information in relation to existing capacity and staff forecasting (107 staff proposed).
 - Revised traffic assessment and inclusion of an on-site parking area for 26 spaces.
 - Updated Green Travel Plan
 - Clarification to BCA / fire protection and removal of demountable structures from the scope of the application.
 - Response in relation to the flood planning and land contamination issues.
 - Updated waste management plan.
 - Updated Plan of Management.

- A Panel Briefing with the Sydney South Planning Panel was held on 3 December 2024.
- Council officers requested further additional information on 14 January 2025.
 - Further information regarding the proposed mechanism to address the development conflict with DA13/1167.
 - Further refinement of the Plan of Management
 - Design detail of the parking area including dimensions, levels, civil design.
 - Revised Green Travel Plan including certainty in timing of program delivery and the inclusion of further bicycle parking to achieve delivery.
 - Need for a re-notification fee payment.
- Further amended plans and supporting information were lodged on 12 February 2025 addressing the above noted items in Council's letter of request.
- The application was placed on re-exhibition, with the last date for public submissions being 28 February 2025.
- A further revised Plan of Management was submitted by the applicant on 5 March 2025.
- Council officers requested further information in relation to deficiencies in the applicant's submission with regard to flood risk and planning on 13 March 2025.
- Further correspondence between Council staff and the applicant team occurred with additional information submitted by the applicant on 10 & 15 April 2025.
- Final amended plans and supporting information in relation to flood risk and planning was submitted by the applicant on 1 May 2025.

5.0 ADEQUACY OF APPLICANT'S SUBMISSION

In relation to the Statement of Environmental Effects, plans and other documentation submitted with the application and / or after a request from Council, the applicant has provided adequate information to Council to enable an assessment of this application.

6.0 PUBLIC PARTICIPATION

The application was notified in accordance with the provisions of Appendix 1 of the Sutherland Shire Community Engagement Strategy 2023 (SSCES) and requirements of the SSPP until 29 August 2024. 231 properties were notified, and Council has received 13 submissions.

Due to the revised development proposal including the car parking area in the northeastern site portion, the application was re-notified on 30 January 2025 until 28 February 2025 in accordance with the above provisions. An additional 4 submissions were received.

A total of 17 unique submissions have been received in objection to the proposed development and a summary of the main issues raised in the submissions is provided below:

- Intensification of the school and the associated parking strain and traffic congestion / impact on surrounding road network.

- Deficiency / accuracy of the submitted traffic assessment and removal of car park from the development which is needed.
- Additional parking is needed in conjunction with the proposed increase.
- Adequacy of the inclusion of only 26 car spaces in the revised development scheme. Inadequate parking provided for both students and staff.
- Resident / student safety and adequacy of surrounding pedestrian routes including drop-off – pick-up points, narrowness of carriage, need for signage, crossings and formalised pathways.
- Adequacy of stormwater design and impact (including flood impact) on existing infrastructure and the downstream catchment.
- Impacts on surrounding neighbourhood and environment during construction works.

Comment: The key issues identified in the submissions relate to the adequacy of the submitted traffic report, parking provision and adequacy of the surrounding road network / infrastructure to accommodate the proposed intensification of the existing school as there is an existing known parking / traffic strain. These matters are discussed in the specialist referral and assessment discussions of this report below.

In relation to the adequacy of the stormwater design and potential off site flood impact, the proposed development is considered to be acceptable. Suitable conditions of development consent are to be imposed in the event of an approval requiring construction management in line with Council's Policies. This includes the requirement for any separate relevant approvals to be obtained for any occupation of the road reserve along with hours and noise parameters to maintain appropriate neighbourhood amenity during construction.

7.0 STATUTORY CONSIDERATIONS

The property is within Zone SP2 – Educational Establishment under the provisions of Sutherland Shire Local Environmental Plan 2015 (SSLEP 2015). Further, State Environmental Planning Policy (Transport and Infrastructure) 2021 (T&I SEPP) indicates that the development is within a “prescribed zone” and the proposed development is permitted with development consent.

The following Environmental Planning Instruments (EPIs), Development Control Plans (DCPs), Codes or Policies are relevant to this application:

- State Environmental Planning Policy (Planning Systems) 2021
- State Environmental Planning Policy (Resilience and Hazards) 2021
- State Environmental Planning Policy (Transport and Infrastructure) 2021
- State Environmental Planning Policy (Industry and Employment) 2021
- State Environmental Planning Policy (Biodiversity and Conservation) 2021
- Sutherland Shire Local Environmental Plan 2015 (SSLEP 2015).
- Sutherland Shire Development Control Plan 2015 (SSDCP 2015).

Section 7.12 Development Contribution Plan 2016

- Section 7.12 Development Contribution Plan 2016 - Sutherland Shire.

8.0 COMPLIANCE

8.1. State Environmental Planning Policy (Planning Systems) 2021

State Environmental Planning Policy (Planning Systems) 2021 (Planning Systems SEPP) identifies State and Regionally Significant development in NSW. Clause 5, Schedule 6 of the SEPP identifies this application as regionally significant development as it has an estimated development cost (EDC) of more than \$5M – Private infrastructure and community facilities. The applicant's submission / EDC is \$22,319,632.50 (excluding GST). As such, the application is referred to the SSPP for determination.

8.2. State Environmental Planning Policy (Resilience and Hazards) 2021

Chapter 4 Remediation of Land (Previously SEPP 55)

Chapter 4 of State Environmental Planning Policy (Resilience and Hazards) 2021 (Resilience and Hazards SEPP) requires Council to consider whether the land subject to the development proposal is contaminated; and if the site is contaminated, Council must be satisfied that the site is suitable or can be made suitable (i.e. following remediation) for the proposed land use.

The applicant has submitted an Additional Site Investigation (ASI) contamination report. This was prepared to fill data gaps found in the original Preliminary Site Investigation (PSI). This has avoided the need for a Detailed Site Investigation (DSI). This information has been reviewed by Council's Environmental Scientist and is considered acceptable subject to the imposition of conditions of development consent. The ASI involved sufficient sampling to ensure no contamination source/pathway/receptor linkage exists at the site. In conclusion, the site is suitable for the proposed development use in accordance with requirements of the Resilience and Hazards SEPP.

8.3. State Environmental Planning Policy (Sustainable Buildings) 2022

State Environmental Planning Policy (Sustainable Buildings) 2022 (the Sustainable Buildings SEPP) encourages the design and construction of more sustainable buildings across NSW and commenced operation on 1 October 2023. The overarching purpose of the Sustainable Buildings SEPP is to assist NSW's target of achieving net zero greenhouse gas emissions by 2050.

Non-residential Development (chapter 3.2)

In deciding whether to grant development consent to non-residential development, section 3.2 requires the consent authority to consider whether the development is designed to enable: the minimisation of waste from associated demolition and construction, the reuse of building materials, a reduction in peak demand for electricity, including through the use of energy efficient technology, a reduction in the reliance on artificial lighting and mechanical heating and cooling through passive design, the generation and storage of renewable energy, the metering and monitoring of energy consumption, the minimisation of the consumption of potable water.

Development consent must not be granted to non-residential development under the Sustainable Buildings SEPP unless the consent authority is satisfied the embodied emissions attributable to the development have been quantified. A NABERS Embodied emissions materials form accompanies the application and a Sustainability Provisions Report has been prepared confirming that the proposed development has considered and appropriately addressed all the General Sustainability Provisions. The proposed general

sustainability measures have been considered, and the development is acceptable with regard to the requirements listed under chapter 3.2.

8.4. State Environmental Planning Policy (Biodiversity and Conservation) 2021

From 21 November 2022, new Chapter 6 of the SEPP consolidates Chapters 7-11 related to water catchments (including Georges River catchment). The Georges River Catchment is defined as a “regulated catchment.” Division 4 contains controls for development for specific purposes, including at Clause 6.21 (Stormwater Management).

Chapter 6 of the State Environmental Planning Policy (Biodiversity and Conservation) 2021 (Biodiversity and conservation SEPP) sets out the plan objectives and planning principles for the Georges River Catchment. Chapter 6 includes a number of aims and objectives for the environment and water quality within the catchment. Appropriate stormwater management and water quality measures are proposed and have been reviewed and supported by Councils Engineering experts and there is likely to be minimal adverse impacts on water quality. Council is of the view that with the implementation of conditions of consent, the proposal would be consistent with the aims and objectives of the Biodiversity and Conservation SEPP 2021.

8.1. Biodiversity Conservation Act 2016

The Biodiversity Conservation Act 2016 and the Biodiversity Conservation Regulation 2017 outlines the framework for assessment and approval of biodiversity impacts for development that requires consent under the Environmental Planning and Assessment Act 1979. The assessment of the development has revealed that the Biodiversity Offset Scheme (BOS) threshold is not triggered and biodiversity matters have been appropriately assessed via Council’s LEP and DCP objectives and controls.

8.2. State Environmental Planning Policy (Transport and Infrastructure) 2021

Schools – development permitted with consent (clause 3.36)

Chapter 3 Education establishments and child care facilities, Part 3.4 of the Transport and Infrastructure SEPP (T&I SEPP) relates to schools permitted with development consent. The T&I SEPP contains specific development controls and considerations for the proposed development. Before determining a development application, the consent authority must take into consideration the design quality of the development when evaluated in accordance with the design quality principles set out in Schedule 8, and whether the development enables the use of school facilities (including recreational facilities) to be shared with the community. It is noted that the design quality principles have been revised since the lodgement of the application and an assessment of the proposal having regard to the current design quality principles set out in Schedule 8 of the T&I SEPP is set out below:

Principle	
1 - Responsive to context	Satisfactory - The proposed building is considered to be compatible with the existing land use and the context of the surrounding school building and residential area. Landscaping is integrated into the overall design to improve amenity and to help mitigate negative impacts on the streetscape and neighbouring sites. There is an appropriate response to the site conditions in terms of orientation, topography, natural systems, Aboriginal and European cultural heritage.
2 - Sustainable, efficient and resilient	Satisfactory - The proposed development been designed appropriately and aligns with the principles of caring for Country. Robust low maintenance materials are proposed and the building designed to minimise the consumption of resources including appropriate water management.
3 - Accessible and inclusive	Satisfactory - The site provides for good wayfinding and is accessible and inclusive to people with differing needs and capabilities.
4 – Healthy and Safe	Satisfactory - Health, safety and security within the boundaries of the school and surrounding public domain has been considered including transport networks and safe routes for travel to and from school. The proposal adequately aligns with the design principle
5 – Functional and comfortable	Satisfactory - The building provides for engaging spaces with an appropriate level of amenity and is accessible for a range of educational activities. Impacts to adjoining residents has been adequately addressed and is acceptable subject to the imposition of conditions of development consent.
6 – Flexible and adaptable	Satisfactory - The site provides an environment to meet the needs of students and is capable of future adaptation if the need arises so as to maximise usefulness in the event of changing or competing demands.
7 – Visual appeal	Satisfactory - The proposal is sited within an existing school and will not detract from the existing context.

Traffic Generating Development (clause 3.58))

The proposal requires consideration under this clause as it is an educational establishment that has the capacity to accommodate 50 or more additional students and involves the enlargement or extension of existing premises on a site that has direct vehicular or pedestrian access to any road. It is noted the proposal will allow enlargement of the school from its current enrolment of 946 to 1260.

Before determining a development application, the consent authority must give written notice to Transport for NSW (TfNSW) and, by cl.3.58(3), take into consideration:

(b) the accessibility of the site concerned, including—

- (i) the efficiency of movement of people and freight to and from the site and the extent of multi-purpose trips, and*
- (ii) the potential to minimise the need for travel by car, and*

(c) any potential traffic safety, road congestion or parking implications of the development.

TfNSW has advised that the proposed development is not expected to have a significant impact on the classified road network. Further assessment of the proposed intensification of the land use from an accessibility, efficiency of movement of people, external traffic impact perspective along with opportunity to minimise the need for travel by vehicle with Green Travel initiatives has been undertaken. The proposal is considered to be acceptable as detailed in the specialist comment and assessment components of this report.

8.3. Sutherland Shire Local Environmental Plan 2015

The proposal has been assessed for compliance against Sutherland Shire Local Environmental Plan 2015. It is noted that there is no FSR control applying to the site given its designation as a SP2 Zone. A height control applies to the site and is detailed below.

Sutherland Shire Local Environmental Plan 2015			
CLAUSE	REQUIRED	PROPOSAL	COMPLIANCE
4.3 Height of Building	Maximum 12m	11.15m	Yes

8.4. Sutherland Shire Development Control Plan 2015

There are no applicable controls pertaining to building design, within the specified SP2 zone. Sutherland Shire Development Control Plan 2015 (SSDCP2015) requires the application of building form controls for the 'predominant' use in a zone, when specific controls for 'other' uses which are permitted are not detailed.

As a consequence, the objectives of the controls relating to design elements (streetscape, building form, building setbacks, landform, landscaping, building layout, solar access, visual and acoustic privacy,) have been considered. These controls broadly seek to ensure that any use that is permissible within a zone is developed in a manner that is consistent with the zone objectives and contribute to a harmonious local environment. These matters are largely addressed elsewhere in the report and the proposal is considered to be largely consistent with the objectives of the DCP.

The proposal is also noted to be largely consistent with the following Chapters of SSDCP2015 which are applicable to the proposal.

- Chapter 36 – Roads, Vehicular Access, Traffic, Parking and Bicycles
- Chapter 38 – Stormwater and Groundwater Management
- Chapter 39 – Natural Resource Management
- Chapter 40 – Environmental Risk – Contaminated Land Management
- Chapter 41 – Social Impact

9.0 SPECIALIST COMMENTS AND EXTERNAL REFERRALS

The application was referred to the following internal and external specialists for assessment and the following comments were received:

Transport for NSW (TfNSW)

The application was referred to Transport for NSW (TfNSW) for comment in accordance with Clause 3.58 of the State Environment Planning Policy (Transport and Infrastructure) 2021 – Traffic Generating Development. TfNSW has advised that the proposed development is not expected to have a significant impact on the classified road network.

A copy of the TfNSW Response is provided at **Appendix C**

NSW Police Force - In accordance with the Crime Risk Assessment – Police & SSC Protocol the application was referred to the NSW Police Force. Given the nature of the development, the NSW Police Force have indicated that a Crime Risk Assessment is not necessary. The crime in the area is noted to be currently low and it is expected that the development will present minimal impact on policing resources.

A copy of the NSW Police Force is provided at **Appendix D**.

Notwithstanding the above, Council has considered the relevant social impact and Crime Prevention through Environmental Design (CPTED) principles. The school grounds are adequately secured and the general safety and surveillance of the development site and surrounds is considered acceptable.

Design Review Panel (DRP)

Sutherland Shire Council engages the DRP to guide refinement of applications and to ensure design quality is achieved. The T&I SEPP contains 7 design quality principles which align to this development typology and are directly applicable to the proposal. The application has been considered by the DRP. The Panel supports the proposal in its current form.

A detailed copy of the DRP report is provided at **Appendix E**

Traffic Engineer

Council's Traffic Engineer has undertaken an assessment of the proposal including the submitted traffic report with respect to car parking provision and associated traffic related impacts. Initial concerns were raised regarding the submitted traffic assessment and the failure to provide any additional on-site parking for staff. It was considered the report did not appropriately analyse the surrounding pedestrian routes/road network to cater for the additional staff/students.

The applicant has submitted a revised traffic assessment in response and included increased area for staff parking. A maximum of 64 carparking spaces are provided for staff use within the site.

Council's traffic engineer is supportive of the amended proposal and has advised that the school's travel mode survey from the traffic and parking report shows that 90% of staff travel in a car as a driver. With the proposed total of 64 carparking spaces and 107 staff, this will result in 97 staff travelling as a driver and 33 staff parking on the street. In comparison, the existing school providing for 38 parking spaces for 87 staff, results in 79 staff travelling as a driver, and 41 staff parking on the street.

There is a net reduction and demand of approximately 8 on-street parking spaces for staff and based on a merit-based assessment, the proposed parking provisions (staff to parking ratio of 0.6) is acceptable due to this reduction. There is no objection raised to the school not providing any on-site car parking for student use due to the inherent risk / safety issues associated. The requirement to construct a new crossing on Banksia has also been included in the submitted plans and will be a requirement in the consent.

Environmental Officer - Green Travel

The application was referred to Council's Specialist Officer with respect to green travel, air quality and children's health. The revised Green Travel Plan (GTP) has been reviewed and the initiatives and measures suggested previously by Council have been incorporated. This includes the GTP incorporating a 'measure in years' approach for the GTP initiatives so as to provide clarity to program funding and delivery.

There are concerns regarding the inadequate provision of bicycle parking and the inconsistency with the GTP which is further discussed in the assessment of this report. Specifically, the application provides for 6 bicycle parking spaces. Bicycle parking for student use should be consistent with Austroads Guide to Traffic Management which recommends 1 space per 20 students for secondary schools. It is estimated based on the proposed school population that a minimum of 63 bike racks are required. These should be located within an enclosure(s) within proximity to the school entrances. It is noted that these 63 spaces will likely only serve as a temporary measure and additional designated space should be also considered on site to future proof later demand. It is estimated based on the GTP mode share target, and results from Council's Cycle to School program that future demand at the school for bike parking could range from 180 to 400 bike racks.

Flood Engineer

Council's Engineer has undertaken an assessment of the application with respect to flood risk and planning. The draft Sutherland Shire Overland Flood Study indicates the potential for flood affectation at subject site, adjacent to the proposed development footprint, in the Probable Maximum Flood (PMF) event. The development footprint is in the Low Flood Risk Precinct, as per the Draft Study.

The land use is categorised as Sensitive Uses and Facilities and subject to prescriptive flood controls outlined in Sections 5.3 and 5.6 of Chapter 40 in Council's DCP 2015. The development includes external earthworks and the proposed building is cut into the existing slope. The proposed lowest Habitable Flood Level is non-compliant when subject to adjacent ponding. Council's data indicates that the carriageway of Banksia Avenue is at capacity, with floodwaters spilling over top of kerb, sheeting towards the development and is concentrated by existing buildings and landform upstream. While depths are shallow, this constitutes

an overland flow path and results in flood depths along the existing building (proposed to be demolished and replaced) generally in the order of 300mm.

In lieu of a site-specific flood study, the applicant was requested to demonstrate that the proposed development is protected from the ingress of floodwater and to incorporate measures to manage on-site flood behaviour as required, reducing risk to human life and minimising damage to property as per Objective 4.1 in Chapter 40 of SSDCP2015. Given any flood impacts will likely be absorbed within the existing lot, Council requires the building (and internal breezeway) to be protected from upslope runoff and overland floodwaters up to and including the PMF. This requires design amendments to the proposed cut retaining walls, ramp and stairs to the south-east corner and eastern elevation fronting Banksia Avenue.

While the Drains modelling outlined in the Applicant's Flood Statement Letter details the estimated flood conveyance in the PMF event, this is not consistent with Council's Preliminary Flood Study data and Council does not accept the model assumptions and all model inputs. In this regard, the Drains modelling results provided are not considered an accurate representation of flood behaviour at the subject lot and, therefore, do not satisfactorily demonstrate the diversion of floodwater in the PMF.

Given the modelling shortfalls evident, the applicant was requested to simply demonstrate flood protection by means of floodproofing to a minimum 400mm above the invert of any proposed kerb/wall (i.e. max 200mm flood depth plus 200mm freeboard for certainty). This can be feasibly achieved along the full length of the internal kerb and this is anticipated to consist of additional ramping/steps up along the path of travel before descending into the development. Supplementary walls and/or other floodproof elements are required to contain the PMF flood to the corresponding level with freeboard, measured at the upslope edge to be RL 174.84m AHD.

The amended architectural design indicates a 150mm height difference between the top of stairs and new driveway level (RL 174.84 vs IL 174.69m AHD) which is depicted in the figure below and hence does not meet the above minimum criteria.

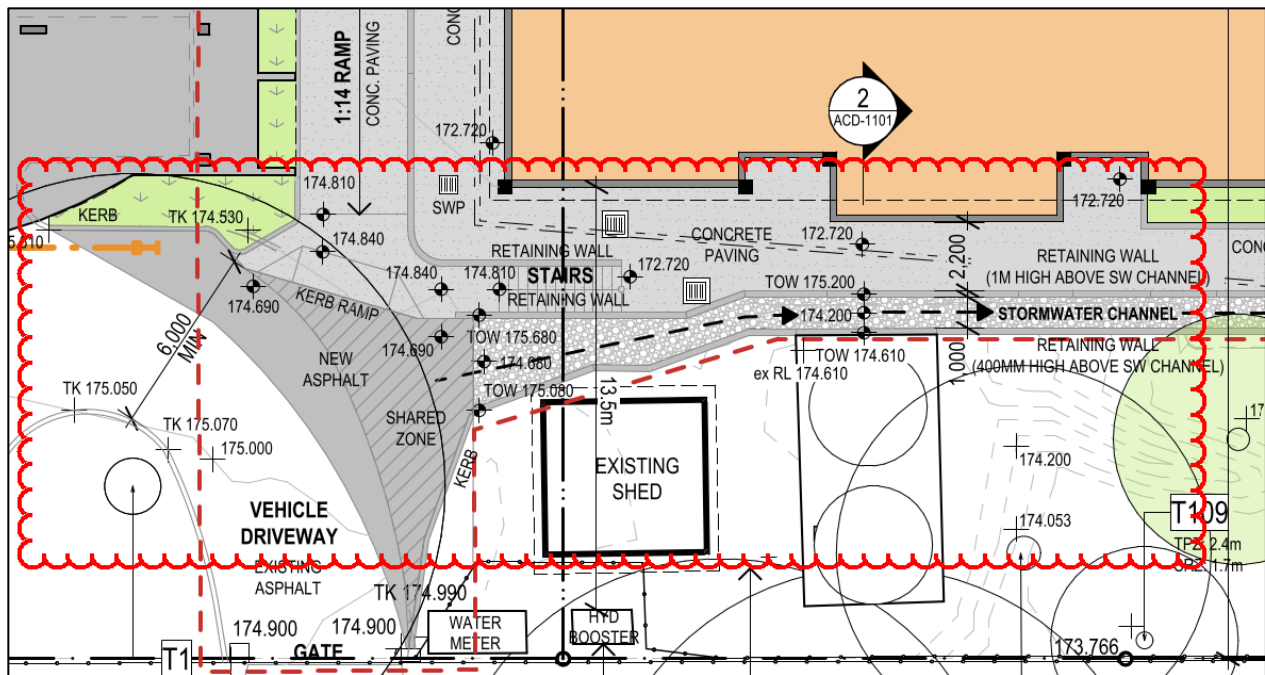


Figure 6: Revised raised driveway, entry / ramp level and flood channel

This is a consequence of raising the existing driveway surface in conjunction with the adjoining raised entry ramp / stair. This raised entry / ramp level is provided at an acceptable finished level should the existing driveway surfacing be retained. This would likely require the replacement of the kerb ramp with stairs comprising 2 to 3 risers. Whilst the applicant has failed to demonstrate that the proposed measures will contain flow to the eastern setback and divert floodwaters to the north, conditions of development consent are provided including required design amendments to meet the intent above.

Engineering (Assessment Team)

Council's Engineer has undertaken an assessment of the application with respect to car parking design, layout, public domain works, stormwater disposal and site management. No objections have been raised in the revised development scheme subject to the imposition of conditions of development consent.

Landscape Architect

Council's Landscape Architect has undertaken an assessment of the application with respect to landscaping, tree removal and retention, and general site planning. No objections to the proposed development have been raised subject to suitable conditions of development consent and this is further discussed in the assessment component of this report.

Environmental Health

The application was referred to Council's Environmental Health Unit who provided comments in relation to building design and neighbourhood amenity (including operational noise and construction activities). No objections to the development proposal have been raised subject to suitable conditions of development consent including compliance with the submitted acoustic report.

Environmental Scientist – Land

The application was referred to Council's Environmental Scientist with respect to contaminated land related matters. The submitted documentation has been reviewed and it is determined that there is no significant risk of localised chemical contamination across the section of the site where the proposed redevelopment works are planned. Soils to be removed offsite are to be suitably classified prior to lawful disposal and an unexpected finds protocol is required for the proposed works. Suitable conditions of development consent are recommended to the above effect.

Building Surveyor

Council's Building Surveyor has reviewed the proposed development with respect to compliance with relevant construction codes and access standards and no objections to the proposed development have been raised subject to prescribed conditions of consent. The submitted BCA report states compliance is readily achievable and given the minimal extent of work to the existing building, it has been considered that an upgrade under section 64 of the EP&A Regulation 2021 is not required. A hydrant booster assembly with suction outlets exists which needs to be reconfigured to be appropriately angled such that the driveway can be used as the emergency vehicle hardstand which has been included on the architectural plans.

Waste Management Officer

The application was referred to Council's Waste Management Officer for assessment in relation to the ongoing waste management requirements for the school. The revised Waste Management Plan has been reviewed and the frequency of bins and ongoing waste management is considered satisfactory for the development. Appropriate conditions have been imposed in this regard.

Heritage Specialist

The application was referred to Council's Heritage Specialist who undertook an assessment of the applicants submitted Heritage Impact statement (HIS), including the potential impacts of the proposed development upon the heritage significance of "The Boys Town" listed item of local environmental heritage under Schedule 5 of the Sutherland Shire Environmental Plan 2015. No objection to the proposed development has been raised and this is further discussed in the assessment component of this report.

10.0 ASSESSMENT

A detailed assessment of the application has been carried out having regard to the matters for consideration under Section 4.15(1) of the Environmental Planning and Assessment Act 1979. The following matters are considered important to this application.

10.1. Existing Development Consent

An existing Development Consent DA13/1167 provided for a three (3) stage master planning approach and major physical alterations and additions to the existing St John Bosco College. The approved works included the following, with the bolded items being completed works:

Stage 1

- **Electrical and stormwater and fire services site infrastructure**
- **Construct proposed hall building**
- Place demountables (required until Stage 3)
- **Demolish existing hall and construct proposed TAS Building**
- Refurbish existing TAS / Music as CLA's
- Refurbish existing food tech kitchen a CLA
- Car park and associated external works

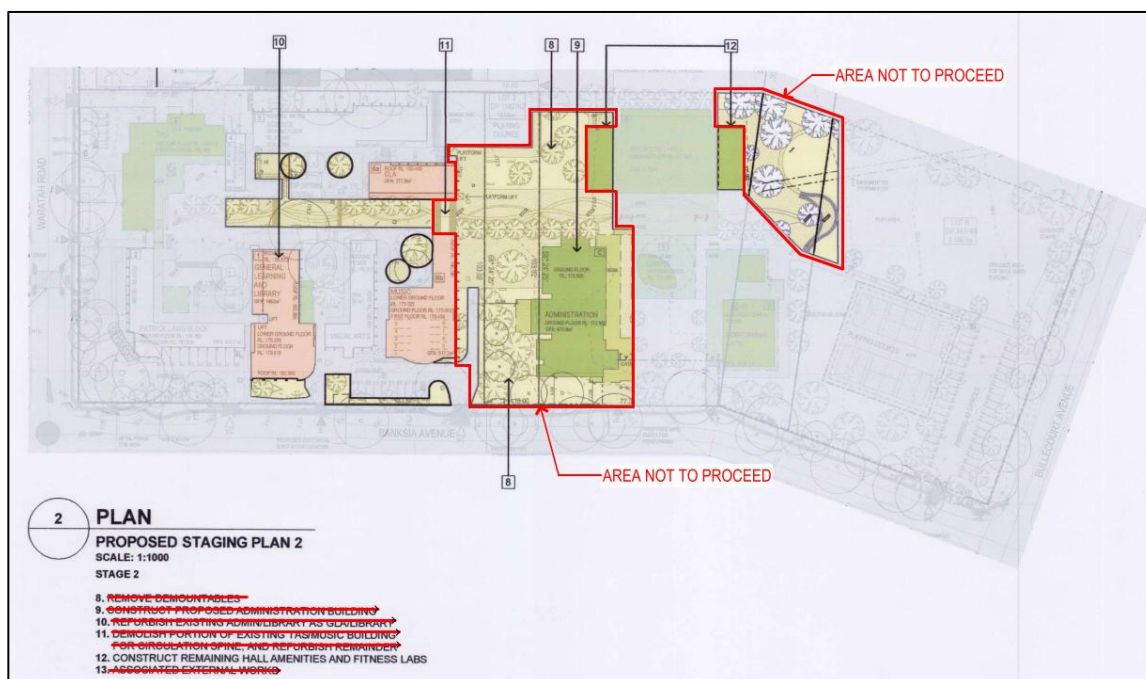
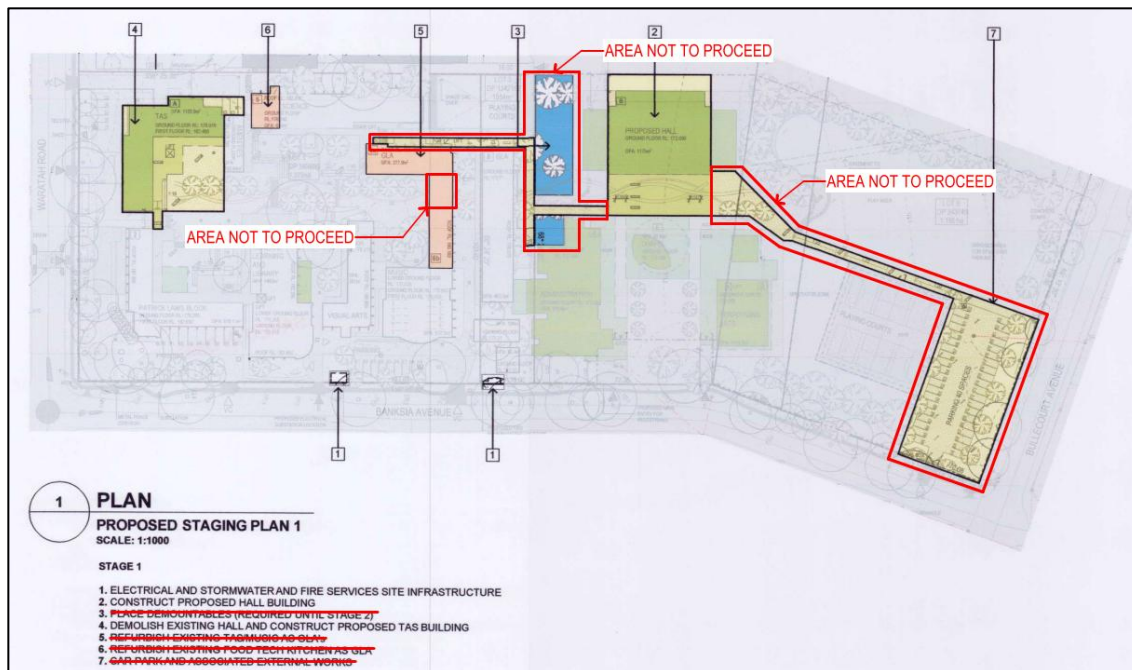
Stage 2

- Remove demountables
- Construct proposed administration building
- Refurbish existing admin/library as GLA/library
- Demolish portion of existing TAS/music building for circulation spine and
- refurbish remainder
- **Construct remaining hall amenities and fitness labs**
- Associated external works

Stage 3

- Construct performing arts building
- Construct proposed chapel building
- Refurbish existing laws block as GLA's
- Refurbish existing visual arts building
- Refurbish existing science labs
- Demolish and refurbish amenities
- Associated and remaining external works

The proposed building is sited in a location which conflicts with elements of the above approved development. The applicant has provided clarification and a plan as to the works which have been undertaken and completed under DA13/1167 along with the scope of works proposed not to proceed and requested to be extinguished under this current development application. The works identified in **Bold** above reflect the completed works and a diagram of the staged works is provided in the figures below. The diagrams indicate the area of works that are not intended to be carried out as well as the works that have been completed.



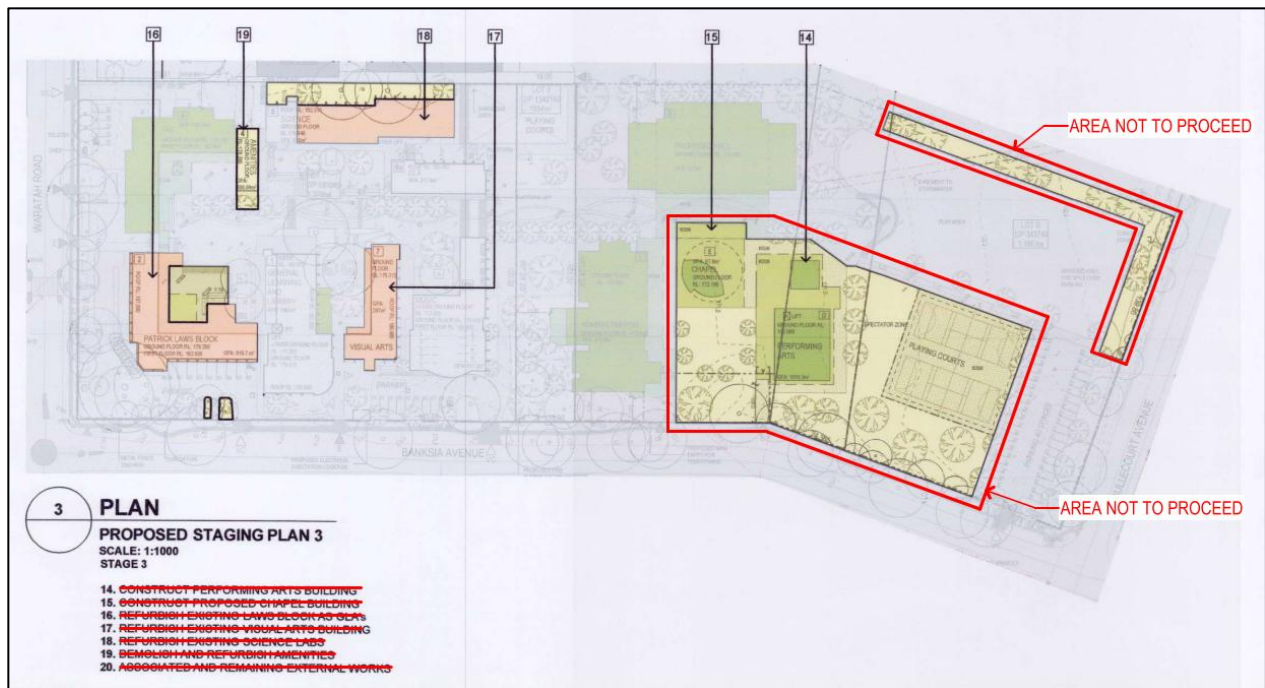


Figure 7, 8 & 9: Plans of complete / incomplete works under DA13/1167.

To address this conflict, the consent authority is able to impose a condition of consent on the subject application which requires the existing consent to be modified. The mechanism in doing so being provided under Section 4.17 (b) of the Environmental Planning and Assessment Act 1979 (Imposition of Conditions) which states:

'A condition of development consent may be imposed if... it requires the modification or surrender of a consent granted under this Act or a right conferred by Division 4.11 in relation to the land to which the development application relates...'

To ensure the orderly development of the land and to remove the conflict between the subject application and existing development consent, Council is of the view that this is most appropriately resolved via a deferred commencement condition which requires DA13/1167 to be amended and the detailed plan extinguishing the relevant works endorsed.

10.2. Urban Design

The design quality principles contained within State Environmental Planning Policy (Transport and Infrastructure) 2021 (T&I SEPP) along with the relevant provisions under cl.6.16 of SSLEP2015 and SSDCP2015 contain matters for consideration in relation to urban design, streetscape, site planning and building form.

The proposal complies with the primary development standard contained within SSLEP 2015 for Building Height (i.e. 16m). This is the only development standard applicable to the development site. There is also an absence of applicable development controls contained within SSDCP 2015 for this building typology in the zone. Notwithstanding this, the basic approach to site planning, building footprint / envelope has been appropriately informed by existing development within the school.

Both SSDCP2015 and the T&I SEPP require development to respond to the prevailing street setback pattern. The proposed setback and street alignment of minimum 13.5m responds to the prevailing setback pattern established within the school grounds and is considered to be appropriate.

The proposed building will be highly visible and prominent when viewed from the public way and adjoining properties. The building being of a substantial bulk / scale and notably of a more modern aesthetic integrates appropriately within the context of the site and does not detract from the prevailing surrounding low density urban character. The blending of old and new architectural styles and building typologies has been achieved and the deeper frontage supports adequate tree protection, with further replacement plantings required at the sites periphery to complement the landscape setting of the locality, streetscape and the broader tree canopy of the Sutherland Shire.

The proposed building does not present an adverse impact to adjoining properties in terms of overshadowing and visual privacy due to the site characteristic, separation and orientation / design of openings in the development. Acoustic privacy has been addressed by the applicant and supported with suitable conditions of development consent.

The proposed development has been considered by the Design Review Panel and is supported on its architectural merit. The building is fit for its intended purpose providing for a high quality learning environment for students. The relevant matters have been considered in the assessment of the application and the proposal is considered to be acceptable.

10.3. Flood Planning

The proposal is located on land which is potentially affected by flooding and as such Clause 5.21 of SSLEP 2015 is applicable. Clause 5.21 requires Council to be satisfied of certain matters prior to development consent being granted. These matters include compatibility; with the flood risk; impact on flooding behaviour; measures to manage risk to life; impact on the environment; and social and economic costs. Further, being an educational establishment, the use is subject to Clause 5.22 of SSLEP2015 – Special Flood Considerations. As discussed in the referral section of the report above, there remain shortfalls with the applicant's submission and architectural design demonstrating acceptable flood proofing. Notwithstanding the above, a design solution will be required via the imposition of development consent to ensure the building (and internal breezeway) is protected from upslope runoff and overland floodwaters. Further, the school is required to adopt and implement a Flood Emergency Evacuation Plan moving forward which is to be incorporated into the ongoing Plan of Management (PoM). Subject to conditions, matters in relation to flood risk and flood planning are adequately resolved to Council's satisfaction.

10.4. Landscape Design

The site is not located in a Greenweb area and there are no ecological communities or threatened species mapped to be on site. There are 17 trees proposed to be removed under this application. Tree 3 (*Eucalyptus sideroxylon* - Mugga Ironbark) and Tree 40 (*Lophostemon confertus* - Brush Box) being the larger of the specimens are not of high retention value and are trees within, or in close proximity to the development

footprint. Their removal is considered to be acceptable subject to tree replacement in line with Council's Tree Replacement Policy (i.e. 72 replacement trees to offset the loss). In terms of tree planting, the applicant proposes 27 trees to be planted in areas surrounding the new development. Of the 45 replacement trees remaining, a minimum of 20 will be required to be provided along the eastern boundary of the site with the remainder either within the site or via Deed of Agreement requiring them to be planted in public areas in accordance with Council's Green Street Program. The general landscape strategy for the proposal is considered to be acceptable. To address the works within proximity to existing trees which must be retained and protected, a requirement for a supervising arborist to be present on site will be imposed for all works within the trees respective protection zones.

10.5. Traffic Impact, Parking Provision and Green Travel

Carparking

The development will increase student capacity and staff numbers at the school from 946 to 1260 and staffing from 87 to 107. There is an existing known strain on the surrounding road network which is attributable to the presence of the educational establishment with impacts on the road network which is significantly observed during pick-up and drop-off times, and overflow student parking in surrounding streets during school hours. There are concerns regarding the additional strain / pressure on the road network in and around the site as a result of this development.

The delivery of the car parking area approved under DA13/1167 has not occurred and, following review of the applicants original Traffic assessment, Council raised concerns regarding the inadequacy of the proposal and failure to provide any parking to support the increase in staff numbers at the school. A revised assessment has been carried out and the applicant proposes a 26 space car parking area under the current application in the location of the previously approved car park. The provision / generation rate has been adequately justified in the traffic assessment and the application is accompanied by a revised Green Travel Plan (GTP) which assesses site suitability and impacts arising from the additional traffic generation and parking demand and provides measures to mitigate possible impacts. Further works within the public way are also required and proposed to improve pedestrian safety. This includes the construction of a new raised pedestrian crossing on Banksia Avenue. The proposed new staff parking area and pedestrian crossing are depicted in the figures below.



Figure 10: Car parking area in North-Eastern corner of site accessed from Banksia Avenue.



Figure 11: Required pedestrian crossing on Banksia Avenue

Bicycle Parking

The application originally provided for 6 bicycle parking spaces with the provision indicated to be based on Council's SSDCP2015 rate of one bicycle parking space per 10 car parking spaces for the first 200 cars. The bicycle parking provided relates to parking for staff use and not for students. As discussed in the referral section of this report above given the quantum of additional students proposed, the proposed 6 additional bicycle spaces is considered inadequate and not conducive to promote this form of travel option. The delivery of bicycle parking facilities is also not identified as an immediate priority in the GTP rather identified as a Level 2 (3-6 years) strategy.

Amended plans have been received whereby a reinforced concrete pad is introduced northward of the proposed building and adjoining the entry access path with notation indicating that an enclosed and covered bike shed is proposed for a minimum 64 bike spaces as shown in the figure below.

Figure 12: Location of bicycle parking

- The reinforced concrete slab to be moved westward to ensure that no new path and concrete areas encroach greater than 10% of the TPZ of the trees in accordance with the relevant Australian Standard.
- That an enclosed / covered structure is not approved and that any future structure will require separate development approval except where exempt and complying development applies. This is noting that bike storage could qualify as 'exempt development' under the T&I SEPP.

The application has been reviewed by Council's Traffic Engineers and the proposal is generally considered to be acceptable. The proposed increase in staff and student numbers will not unreasonably impact upon the existing on-street parking in vicinity to the site. The school maintains defined periods for use including drop off /pick-up and the surrounding pedestrian routes are to be improved. It is concluded that no traffic

generation, parking stress or increased risk to the public is anticipated to any significant degree and on-balance the proposal is considered worthy of support.

10.6. School Operation and Amenity

The prior development consent DA13/1167 indicated an increase in student capacity to 875 students and 73 staff. Noting that there was no condition of development consent placing a limitation to the school capacity, the applicant indicates that the school currently operates with an enrolment of 946 students and 87 staff. The proposal seeks to enable the future enrolment to 1260 students and supported with an increase to 107 staff.

The existing operational parameters (i.e. hours of operation) are not proposed to be changed and the applicant has prepared a revised Plan of Management (PoM) included as **Appendix F** detailing the operational aspects of the school and an acoustic report addressing the building design. There are elements in relation to waste management not addressed in the PoM which require further refinement via condition of consent to ensure an acceptable outcome. The intensification of the existing school from an operational perspective is unlikely to cause any unreasonable amenity impacts on surrounding properties to any significant degree subject to suitable operational / noise management.

10.7. Earthworks

The proposal includes earthworks and therefore Clause 6.2 of SSLEP 2015 is applicable. Clause 6.2 requires certain matters to be considered in deciding whether to grant consent. These matters include impacts on drainage; future development; quality and source of fill; effect on adjoining properties; destination of excavated material; likely disturbance of relics; impacts on waterways; catchments and sensitive areas and measures to mitigate impacts. The relevant matters have been considered and the application is acceptable.

10.8. Stormwater Management

Clause 6.4 of SSLEP 2015 requires Council to be satisfied of certain matters in relation to stormwater management prior to development consent being granted. These matters include maximising permeable surfaces; on-site stormwater retention minimising the impacts on stormwater runoff. These matters have been addressed to Council's satisfaction.

10.9. Heritage and Archaeological Sensitivity

No. 35B Waratah Road contains items of local environmental heritage pursuant to SSLEP 2015 (Item No. A1210 / Item Name: "The Boys Town"). There are buildings of significance which include the former Bakery and Meat Trades buildings (Item No.s 1205 and 1206) near Waratah Road just west of the existing "TAS" building fronting Waratah Road. The site is significant because it is associated with Father Dunlea and his efforts on behalf of the homeless boys in the Sutherland Shire. The large numbers of homeless who lived in the Shire throughout the 1930's and up until the 1950's have left no physical evidence of the ephemeral camps, but the two buildings, the Trade, Meat and Bakery, buildings are evidence of their existence. The location of these buildings is depicted in the figure below.



Figure 11: Location of heritage items

A Heritage Impact statement (HIS) has been prepared in accordance with Clause 5.10 (5) of SSLEP2015 which has been reviewed by Council's specialist Heritage officer. The proposed works are in an area identified as an archaeological site however no deposits have been found to the present. The proposed building and car park is not within the immediate curtilage of the heritage buildings and not anticipated to detract from their respective visual significance. The works are in a location where camping possibly occurred under the Dunlea program however the area has already been disturbed. The application is considered to be acceptable on heritage grounds pursuant to Clause 5.10 of SSLEP 2015 and to address the unlikely possibility in the uncovering of deposits and relics, a suitable unexpected finds condition is recommended in the development consent.

Council records indicate that the subject site is rated medium in terms of Archaeological Sensitivity. A site inspection did not reveal any evidence of shell material or significant sandstone features within the development zone. The proposal does not warrant an Aboriginal Archaeological Study being undertaken. A suitable precautionary condition is recommended to be imposed in the event of unexpected finds.

11.0 DEVELOPMENT CONTRIBUTIONS

The proposed development has a value of greater than \$100,000. In order to provide high quality and diverse public facilities, the proposed development will attract Section 7.12 Contributions in accordance with Council's adopted Section 7.12 Development Contribution Plan 2016.

This contribution is based upon the proposed cost of the development and has been calculated at 1% of \$22,319,632.50 (the estimated cost of development identified on the development application form). Therefore, the Section 7.12 levy for the proposed development is \$223,196.33.

The Housing and Productivity Contribution (HPC) under the Environmental Planning and Assessment (Housing and Productivity Contribution) Order 2023 applies to certain development applications made on or after 1 October 2023 which generate additional infrastructure demand within the Greater Sydney Region. The contribution is intended to allow for the successful coordination and funding of state and regional infrastructure across our State's high growth areas to create better connections to communities, access to jobs, improve liveability and build a strong economy.

A housing and productivity contribution is required for development for which development consent is granted if it involves development of any of the following classes:

- (a) residential development,
- (b) commercial development,
- (c) industrial development.

Given the nature of the land use, the HPC is not applicable to the proposed development.

12.0 DECLARATIONS OF AFFILIATION, GIFTS AND POLITICAL DONATIONS

Section 10.4 of the Environmental Planning and Assessment Act, 1979 requires the declaration of donations/gifts in excess of \$1000. In addition, Council's development application form requires a general declaration of affiliation. In relation to this development application a declaration has been made that there is no affiliation.

13.0 CONCLUSION

The property is within Zone SP2 – Educational Establishment under the provisions of Sutherland Shire Local Environmental Plan 2015 (SSLEP 2015). Further, State Environmental Planning Policy (Transport and Infrastructure) 2021 (T&I SEPP) indicates that the development is within a "prescribed zone" and the proposed development is permitted with development consent.

In response to the public notification of the original and revised development proposal a total of 17 submissions were received. The matters raised in these submissions have been considered in the assessment of the application and dealt with by conditions of consent where appropriate.

Council is largely supportive of a high-quality learning / educational environment and the provision of additional facilities and placement for student education within the locality and local government area. The proposal will be highly visible and prominent when viewed from the public way and surrounding properties and the design as presented to Council integrates well within the context of the existing school grounds and streetscape from both an urban design and landscape perspective.

Concerns arising from Council's assessment, primarily in relation to the intensification of the land use and unresolved external impacts in terms of flood planning, traffic, parking and operational aspects have been addressed and are considered satisfactory subject to the imposition of conditions of development consent.

Deferred commencement is recommended as the most appropriate way to update the exiting consent and reflect changes made under the subject application. This will enable the conditions under the original masterplan approval to be modified by way of Section 4.17(b) of the EP& A Act 1979 to ensure alignment between the two consents. Council officers are satisfied that the previous consent can be modified sufficiently to enable the existing works to continue, whilst the incomplete works are effectively overridden by the subject new consent.

The application has been assessed having regard to the matters for consideration under Section 4.15 of the Environmental Planning and Assessment Act 1979. The application will not result in any significant impact on the environment or the amenity of nearby residents. Following assessment, Development Application No. DA24/0346 may be supported for the reasons outlined in this report.

The officer responsible for the preparation of this Report is the Senior Manager, Development Services who can be contacted on 97100333.