

## COUNCIL ASSESSMENT REPORT

### SOUTHERN REGIONAL PLANNING PANEL

<b>PANEL REFERENCE &amp; DA NUMBER</b>	PPSSTH-169 – DA0078/23
<b>PROPOSAL</b>	Alterations and additions to existing educational establishment 'St Peter's Anglican College' Broulee
<b>ADDRESS</b>	Lot 1 DP1037342 [61 Train Street Broulee]
<b>APPLICANT</b>	COLLIERS INTERNATIONAL HOLDINGS (AUSTRALIA) LIMITED Mr Iain Davidson
<b>OWNER</b>	Anglican Diocese Canberra-Goulburn
<b>DA LODGEMENT DATE</b>	17/08/2022
<b>APPLICATION TYPE (DA, Concept DA, CROWN DA, INTEGRATED, DESIGNATED)</b>	Integrated (Bushfire NSW RFS)
<b>REGIONALLY SIGNIFICANT CRITERIA</b>	Clause 5 Schedule 6 of <i>State Environmental Planning Policy (Planning Systems) 2021</i> as it comprises of private infrastructure and community facilities over \$5 million.
<b>CIV</b>	\$23,082,388 (excluding GST)
<b>CLAUSE 4.6 REQUESTS</b>	<u>Cl.4.3. Height of Buildings</u> The proposal has a building height of 11.85m on a site with a height limit of 8.5m.
<b>KEY SEPP/LEP</b>	SEPP Infrastructure SEPP Biodiversity and Conservation SEPP Resilience and Hazards SEPP Coastal Eurobodalla LEP 2012
<b>TOTAL &amp; UNIQUE SUBMISSIONS KEY ISSUES IN SUBMISSIONS</b>	First submission period - 10 submissions Second submission period – 4 submissions Third submission period – 3 submissions <ul style="list-style-type: none"> <li>• Height</li> <li>• Traffic and parking</li> <li>• Noise</li> <li>• Visual impacts</li> <li>• Privacy</li> <li>• Biodiversity</li> </ul>
<b>DOCUMENTS SUBMITTED FOR CONSIDERATION</b>	<ul style="list-style-type: none"> <li>• Architectural plans</li> <li>• Landscaping plans</li> <li>• Stormwater Concept plans</li> <li>• Design Report</li> <li>• Aboriginal Cultural Heritage Due Diligence</li> </ul>

	<ul style="list-style-type: none"> <li>• Access Report</li> <li>• Acoustic Report</li> <li>• BCA Compliance Report</li> <li>• Biodiversity Development Assessment Report</li> <li>• Clause 4.6 Variation request</li> <li>• Cost estimate report</li> <li>• Design Quality Statement</li> <li>• Preliminary Environmental Site Investigation Report</li> <li>• Statement of Environmental Effects</li> <li>• Safer by Design report</li> <li>• Social Benefit Assessment</li> <li>• Traffic Report</li> <li>• Vegetation Management Plan</li> <li>• Visual Impact Assessment</li> <li>• Waste Management Plan</li> </ul>
<b>SPECIAL INFRASTRUCTURE CONTRIBUTIONS (\$7.24)</b>	\$230,083.00.
<b>RECOMMENDATION</b>	Approval
<b>DRAFT CONDITIONS TO APPLICANT</b>	Yes
<b>SCHEDULED MEETING DATE</b>	25 October 2023
<b>PREPARED BY</b>	Catherine Watkins, Senior Development Assessment Planner
<b>DATE OF REPORT</b>	6 October 2023

## EXECUTIVE SUMMARY

The proposed development (DA0078/23) seeks consent for the Alterations and additions to an existing educational establishment 'St Peter's Anglican College' and an increase in student numbers from approximately 700 students to 900 students (prep-12) and has been assessed in accordance with the requirements of the EP&A Act and other relevant planning controls.

Pursuant to *State Environmental Planning Policy (Planning Systems) 2021* the proposal is declared to be regionally significant development on the basis that the application involves a Private infrastructure and community facilities (educational establishments) with a capital investment value of the development of more than \$5 million. Accordingly, the consent authority for the application is the Southern Regional Planning Panel.

The proposed works include demolition, the construction of a two (2) storey sports and recreation centre (including use for community purposes), new buildings (learning areas, administration and music areas), alterations to existing car parking and bus drop-off areas, associated landscaping, acoustic treatment, stormwater infrastructure and bushfire protection works and tree removal. The sports and recreation facility is proposed for use by the community for sports activities (basketball courts and gym areas) outside school hours.

The works will be undertaken in two (2) stages: Stage 1: demolition of demountables; new bus loop and alterations to bus drop-off areas; construction of new music areas; administration building; sports and recreation building and additional visitor and staff parking. Stage 2: New learning area building and bike storage areas.

The subject site is known as Lot 1 DP1037342, 61 Train Street Broulee ('the site') and comprises a single allotment with three (3) road frontages including a primary road frontage to the south (Train Street), which provides the main pedestrian and vehicular access to the school, and two secondary access points (Caitlin Crescent) to the north and north-east. The site occupies an irregularly shaped area of 10.9ha (109,000m<sup>2</sup>).

Existing development on the site consists of a number of buildings (Junior and Senior school), with the main buildings aligned along a pedestrian corridor, consisting of a mix of 1-2 storey rendered buildings located primarily within the southern and western parts of the site adjacent to the main sports oval. Existing buildings provide junior and senior learning areas, library, science building, a performing arts centre, and trade and design buildings. Existing parking areas are located within the south, southwest and northern parts of the site adjacent to the main oval. Several single storey demountable buildings also exist on the site, currently used as classrooms.

The site is located on the fringe of a developing residential area of Broulee, to the north of a local business zoned area and an Early Learning Centre and to the north, west and south of low density residential development (1-2 storey dwellings).

The site is zoned R2 Low Density Residential and pursuant to Clause 2.2 of the *Eurobodalla Local Environmental Plan 2012* ('LEP 2012') and the provisions of *State Environmental Planning Policy No 65 (Transport and Infrastructure) 2021* ('SEPP Infrastructure') Chapter 3 development for the purpose of an educational establishment is permissible with development consent.

The principle planning controls relevant to the proposal include *State Environmental Planning Policy No 65 (Transport and Infrastructure) 2021* ('SEPP Infrastructure') Chapter 3 and *Eurobodalla Local Environmental Plan 2012*. A Development Control Plan does not apply (pursuant to SEPP Infrastructure cl.3.36(9)).

The proposal seeks a variation to a development standard including:

- Clause 4.3 Height of Buildings

The proposal is consistent with various provisions of the planning controls including:

- The proposal is considered to comply with the various objects of the EP&A Act relating to the orderly and economic development of land.
- The proposal complies with matters for consideration under Section 4.15(1) of the Act in relation to potential impacts to the surrounding area.

The proposal is integrated development pursuant to Section 4.46 of the *Environmental Planning and Assessment Act 1979* ('EP&A Act') s.100b *Rural Fires Act 1997*. A referral to Essential Energy and Transport for New South Wales (TfNSW) pursuant to *State Environmental Planning Policy (Transport and Infrastructure) 2021* ('Transport and Infrastructure SEPP') raised no objections subject to imposition of recommended conditions of consent.

The application was placed on public exhibition from 19 August 2022 to 5 September 2022, with ten (10) unique submissions being received. The application was re-exhibited upon submission of additional information between 1 March 2023 to 15 March 2023 (four (4) submissions received) and between 21 July 2023 and 8 August 2023 (3 submissions received). These submissions raised issues relating to building height, streetscape and site context, noise, traffic and parking, visual impacts and potential acoustic, privacy and overshadowing impacts. These issues are considered further in this report.

The application is referred to the Southern Regional Planning Panel ('the Panel') as the development is '*regionally significant development*', pursuant to Section 2.19(1) and Clause 4 of Schedule 6 of *State Environmental Planning Policy (Planning Systems) 2021* as the proposal is development for *Private infrastructure and community facilities (educational establishments)* with a CIV over \$5 million.

A briefing was held with the Panel on 7 December 2022 and a further briefing and site visit was held on 3 May 2023 where key issues were discussed, including the exceedance of building height (variation to development standard under *Eurobodalla Local Environmental Plan* (LEP) 2012), built form, potential traffic and car parking issues and noise impacts. Inadequate arrangements for waste management were also raised.

The key issues associated with the proposal include:

1. **Noise** - associated primarily with the sports & recreation centre (P10) and proximity to eastern site boundary. Acoustic mitigation and management measures are proposed including acoustic wall construction.
2. **Traffic and Car Parking** – Car and bus parking, vehicle access and traffic issues associated with an expansion to the existing school with access points from Caitlin Crescent and Train Street. The application was amended to include increased car and bus vehicle access from Train Street including additional entry/exit points and car parking for visitors and staff. Any increase to car parking from Caitlin Crescent has been removed from the application.
3. **Bulk and Scale** - The sports & recreation building to be constructed proposes an overall building height of 11.85m in a residential area with a maximum allowable building height of 8.5m. A Clause 4.6 Variation request has been lodged with the application.

The bulk and scale of the proposal is considered suitable in the context of the site and surrounds.

4. *Bushfire* – the subject development relates to a listed Special Fire Protection Purpose (SFPP) ('educational establishment') located on bushfire prone land and is therefore classified as integrated development under Section 4.46 of the EP&A Act. The development application and accompanying Report was referred to the NSW Rural Fire Service who issued General Terms of Approval under Division 4.8 of the EP&A Act 1979 and a Bush Fire Safety Authority under section 100B of the *Rural Fires Act 1997*.

Following a detailed assessment of the proposal, pursuant to Section 4.16(1)(b) of the *EP&A Act*, DA0078/23 is recommended for approval subject to the reasons contained at **Attachment A** of this report.

## 1. THE SITE AND LOCALITY

### 1.1 The Site

The subject site consists of one (1) allotment (Lot 1 DP1037342) located on the northern side of Train Street and east of George Bass Drive, in Broulee.

The site is irregular in shape with a frontage of 150.475 along Train Street, a depth of 429m. The site has two additional access points from Caitlin Crescent to the north. The site has a surveyed area of 10.87 hectares.

The site is constrained by easements for services (water, sewer) along the eastern and northern boundaries.

The site is located within the R2 Low Density Residential zone under Eurobodalla LEP 2012 and accommodates a school known as 'St Peter's Anglican College' Broulee. The site is located within a developing residential area of Broulee, to the north of a local business area and approximately 600m west of Broulee Beach.

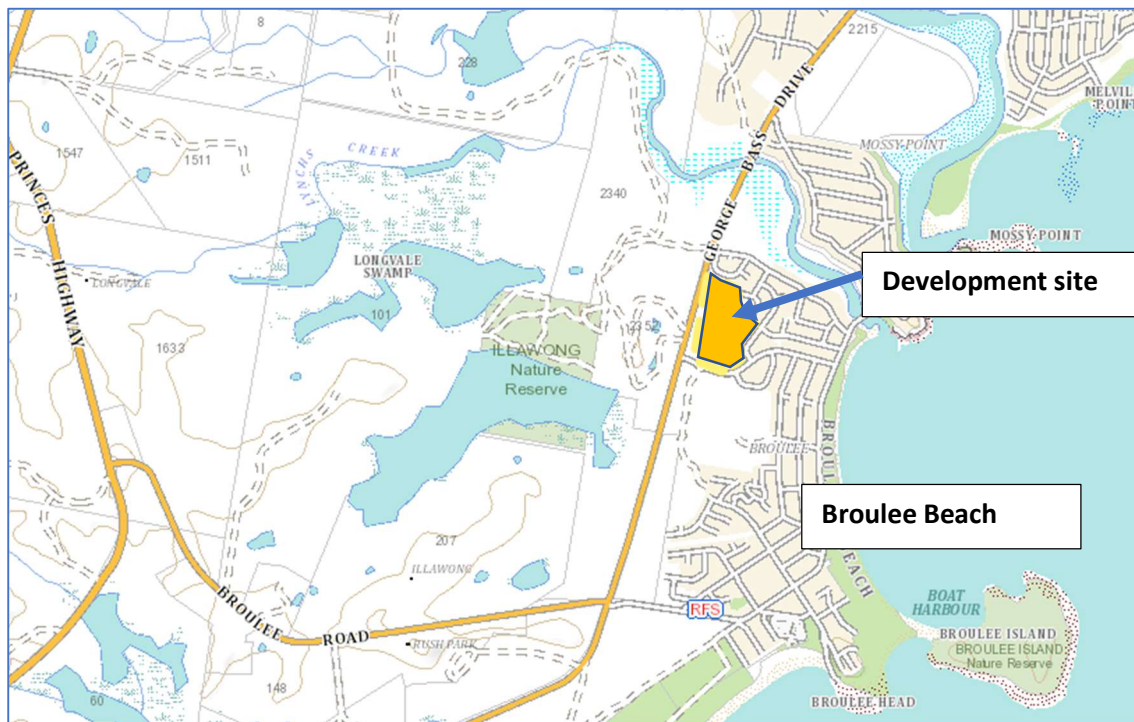


Figure 1: Location Map



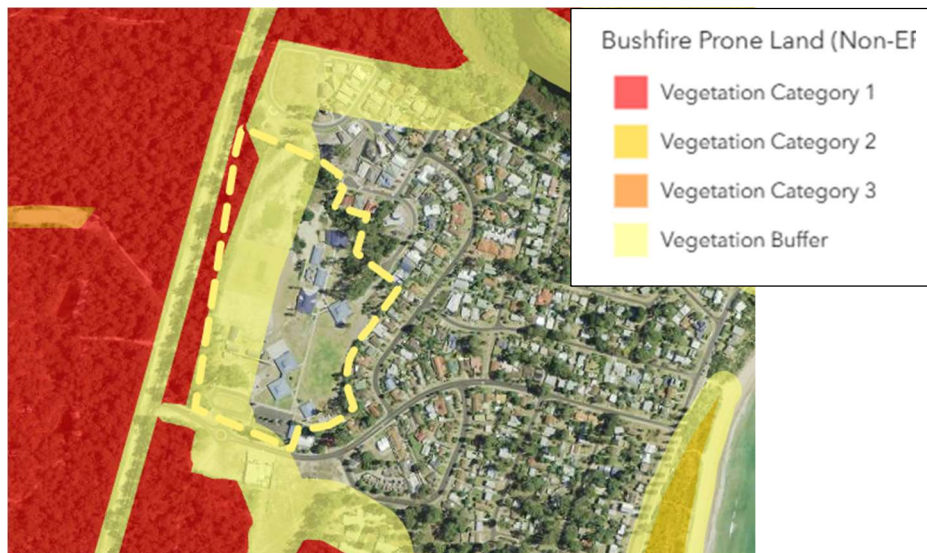


Figure 2: Aerial photo of the site and surrounds

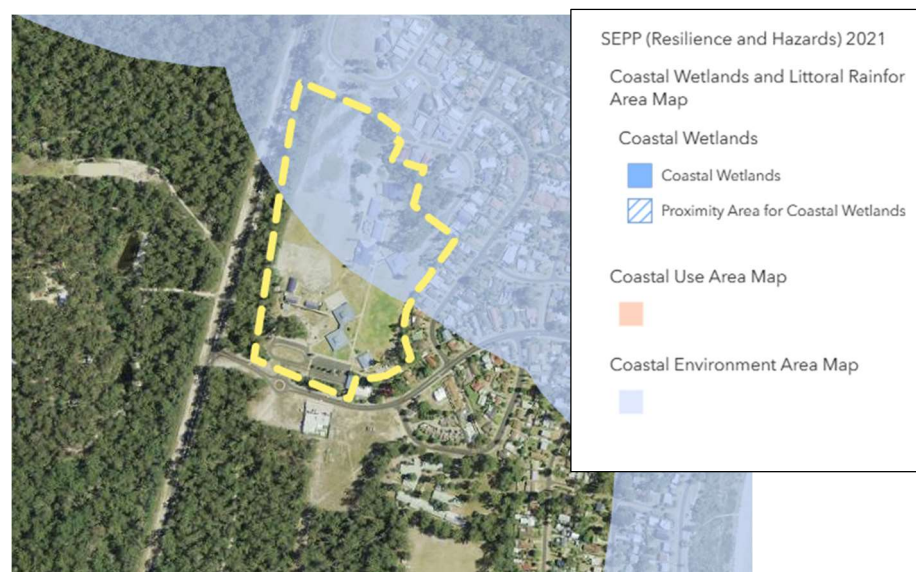




**Figure 3. Biodiversity Mapping**

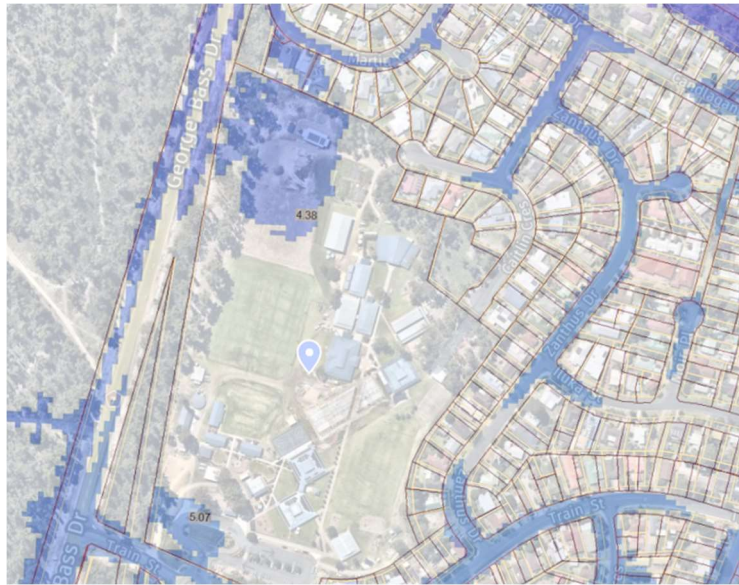


**Figure 4. Bushfire Prone Land**



**Figure 5. Coastal Environment Area Map**





**Figure 6. Flood affected area**

### Photographs



*Northern access gate entry from Caitlin Cr*



*Looking north from access gate entry along Caitlin Cr*



*Existing northern parking area (P11)*



*Existing northern parking area (P11) looking towards P7*



	
<i>Existing entry area to P3 and P4</i>	<i>Existing parking area P13 (fenced)</i>
	
<i>Existing parking area P4</i>	<i>Oval area existing – proposed area for P10</i>
	
<i>Rear of properties to the east (east of proposed P10)</i>	<i>Rear of properties to the east (east of proposed P10)</i>

The school campus currently contains buildings and structures that are predominantly confined to the southern and north-eastern part of the site with playing fields located within the western and south-eastern part of the site. The northern part of the site contains playing fields, with some scattered buildings and structures and a vegetable garden.

- Existing Buildings (12 buildings):
  - E3. Early learning centre
  - E4. Junior Learning area

- E7. Senior learning areas
- E8. Campus Library
- E9. Senior Science
- E10. Campus Performing Arts Centre
- E12. Bush school
- E13. D&T Trade workshop
- E14. Campus Hub – Design Development
- E15. Maintenance
- E16.and E17. Demountables
- Existing Outdoor learning

Primary vehicular access to the Campus is provided via Train Street at the site's southern frontage. The driveway provides access to an at-grade on-site parking areas, as well as a kiss and drop area located and bus drop off bay. A staff/overflow parking area is located within the northern part of the site, accessed via Caitlin Crescent.

<b>Existing car parking - Description</b>	<b>Existing parking**</b>	<b>Proposed*</b>
Main parking area ( <i>P4 location</i> )	67 spaces	124 spaces
Staff parking (west) ( <i>P13 location</i> )	26 spaces (informal)	39 spaces
Staff/overflow parking (north) ( <i>P11</i> )	20-30 informal spaces	Nil additional
total	<b>123 spaces</b> ( <i>formal/informal</i> )	<b>163 spaces</b>
<i>*Site plan (formal spaces)</i>		
<i>** Traffic report (Table 5)</i>		

<b>Existing bus parking/kiss and ride</b>	<b>Existing parking**</b>	<b>Proposed*</b>
bus drop-off	8 buses	9 buses
kiss-and-ride	7 vehicles	13 vehicles
<i>** Traffic report p.18</i>		

The site has a maximum fall of approximately 3m from the south-east of the site to the north-west and has a number of trees scattered throughout the site, including along the western, northern and north-eastern boundaries.

The site is mapped as bush fire prone (vegetation category 1 and vegetation buffer) and includes mapped areas of biodiversity.

## 1.2 The Locality

The site is located to the east of George Bass Drive a key coastal transport connection between Moruya to the south and Batemans Bay to the north, within a developing residential area of Broulee. The school is accessed primarily from Train Street to the south (a main collector road serving Broulee) with alternate access from Caitlin Crescent to the north (2 access points). The site adjoins vegetated areas adjacent George Bass Drive to the west, residential development to the north and east, business zoned land (B2 zone) opposite Train Street to the south. Broulee Primary School is located 125m to the south-east on Train Street.

The closest high schools are located within 0.5km – 10km including Carroll College – a Catholic Secondary school (500m to the south-west) and Moruya High School (10km to the south-west).

The school is serviced by school bus services in the morning and afternoon period and is within 1km of a regular bus route (860) servicing Moruya to Batemans Bay.

## **2. THE PROPOSAL AND BACKGROUND**

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### **2.1 The Proposal**

The application seeks development consent for alterations and additions to the existing school 'St Peter's Anglican College' at Broulee. The site currently caters for approximately 700 students from Prep to Year 12. The proposal includes additions incorporating a number of new buildings and extensions together with revisions to the existing bus drop-off and car parking areas.

It is anticipated the school will cater to approximately 900 students by 2027.

The applicant has advised the school was affected by the 2019-2020 bushfires during which a number of buildings were lost or damaged and temporary buildings were erected in response to that impact (nominated on the plans as demountables). The application is associated with facilities recently approved and currently under construction (DAs/complying development) including the Senior Science and Vocational Education and Training (VET) Hub buildings.

The proposed development comprises:

#### **Increase in school capacity**

- Increase from 700 students to provide a school for 900 students and 72 staff by 2027.

#### **Buildings/works**

- Demolition of demountable buildings and associated hardstand areas;
- Construction of four (4) new school buildings including Junior learning areas, Specialist music areas and associated works:
  - P5. Junior learning areas
  - P6. Specialist music areas - Cultural Centre Extension
  - P7. Community hub administration building
  - P10. Sports and Recreation Centre
- Construction of new outdoor landscape and play areas
- Construction of new car parking and drop off areas (new bus loop, bus drop-off, kiss-and-ride, 163 parking spaces (formal and informal) (increase in 46 parking spaces)
- Construction of new facilities (waste and bike storage)
- Removal of trees (within the proposed development area of the site plus additional tree removal for bushfire asset protection zone purposes)
- Associated earthworks, landscaping and circulation works including construction of acoustic fencing.
- Water infrastructure
- Sewer infrastructure
- Stormwater infrastructure including on site detention

The works will be undertaken in 2 stages:

#### **Stage 1:**

- Demolition (removal of demountable units)
- P3. New bus loop
- P4. Visitor car park
- P6. Cultural Centre extension



- P7. Community hub and administration building
- P10. Sports & Recreation Centre
- P13. Staff car parking
- P16. Waste enclosure
- P18 Boundary acoustic treatment

#### Stage 2:

- P5. Junior learning areas
- P17. Bike storage

In detail, the proposed development comprises of (key buildings):

#### **Sports and Recreation Centre (P10)**

Construction of a new 1-2 storey sports and recreation centre located to the east of the existing outdoor learning areas. The building consists of 2 sections containing a main single storey (playing courts/floor and equipment store) and a two storey section (entry, gym, amenities and storeroom on the ground floor and uniform shop, classrooms, office and storerooms on the first floor).

- Use by school students
- Use by community (sport, recreation and in times of emergency)
  - o Hours of operation (School and community use):
  - o *8am to 5pm Monday - Friday (school)*
  - o *7am to 9pm on Monday - Sunday (community use).*
- Floor area: 2830m<sup>2</sup>
- Overall building height: 11.85m



**Perspective View - looking north-east towards P10 Proposed Sport & Recreation Centre**



**Perspective View looking west towards P10 Proposed Sport & Recreation Centre**

### **Community Hub Building (P7)**

- Construction of a new 1 storey administration and community building (College reception, office, meeting rooms, amenities, sick bay)
- Floor area: 470m<sup>2</sup>
- Overall building height: 7.60m



Perspective View looking north towards P7 Community Hub from P1 (entry concourse)

### **Specialist music areas - Cultural Centre Extension (P6)**

- Construction of a new 1 storey extension to culture centre (classrooms, music storeroom, music practice rooms, recording studios, office areas).
- Floor area: 425m<sup>2</sup>
- Overall building height: 4.85m

### **Junior school classrooms (P5)**

- Construction of a new 1 storey extension building (classrooms, learning space, staff room, office and amenities)
- Floor area: 665m<sup>2</sup>
- Overall building height: 4.85m

#### **Construction of new outdoor and play areas:**

- P1. Entry concourse
- P2. Nature play
- P9. External learning area

#### **Construction of new car parking and drop off areas:**

- P3. Bus drop off loop
- P4. Proposed parking areas (visitor)
- P13. Staff parking

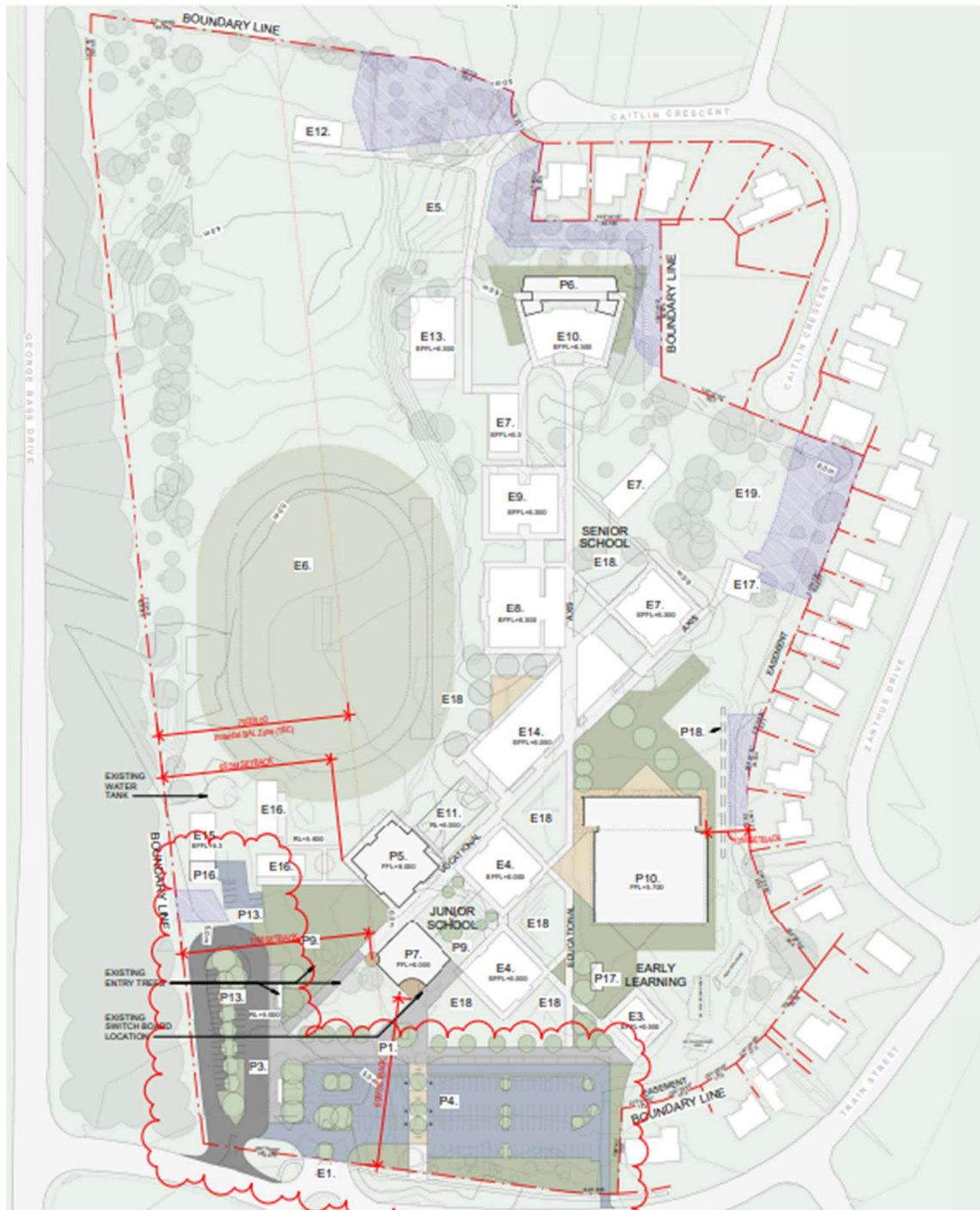
#### **Construction of new school facilities:**

- P16. Waste area
- P17. Bike storage

- Acoustic fencing (P18) to be constructed to the east of P10 sports and recreation centre
- Earthworks
- **Landscaping**
  - Removal of trees located within the developed areas of the site and additional tree removal for bushfire asset protection zone purposes
  - Replacement planning including new trees and associated landscaping and earthworks.
- Services / infrastructure

**Table 1: Development Data**

<b>Control</b>	<b>Proposal</b>
Site area	10.87 hectares
FSR	Not applicable to this site
Height of Building	8.5m
Clause 4.6 Requests	Yes – Height of buildings (11.85m proposed)
Tree removal	Removal of trees located within the developed areas of the site plus additional tree removal for bushfire asset protection zone purposes
Earthworks	Associated with building construction.
Landscaping	Landscape plan submitted.
Car Parking	Construction of new car parking and drop off areas (new bus loop, bus drop-off, kiss-and-ride, 163 parking spaces (formal and informal) (increase in 46 parking spaces)
Services	Water, sewer and stormwater proposed
Hours of Operation	<p>School operational hours:</p> <ul style="list-style-type: none"> <li>○ 8am to 5pm Monday - Friday (school)</li> </ul> <p>Building P10: Communal Activities: (sport, recreation and in times of emergency) and performance centre.</p> <ul style="list-style-type: none"> <li>○ Hours of operation:</li> <li>○ 8am to 5pm Monday - Friday (school)</li> <li>○ 7am to 9pm on Monday - Sunday (community use).</li> </ul>



**Figure 7: Site Plan**

*Extract from Campus Site plan – proposed (existing buildings ‘E’ No. and proposed buildings ‘P’ No.)*

## 2.2 Background

Pre-lodgement advice (PLM – A0086/22) was provided prior to the lodgement of the application on 5/7/2022 where various issues were discussed. A summary of the key issues are outlined below:

- Height – variation request
- Potential impacts on the residential areas
- Bushfire



The development application was lodged on 17 August 2022. A chronology of the development application since lodgement is outlined below including the Panel's involvement (briefings, deferrals etc) with the application:

**Table 2: Chronology of the DA**

Date	Event
17 August 2022	DA lodged
19 August 2022 - 5 September 2022	Exhibition of the application
17 August 2022	DA referred to external agencies
16 November 2022	Request for Information from Council to applicant
7 December 2022	Panel Briefing
17 February 2023	Amended plans lodged (revised site layout including amended traffic and parking areas and additional reports) dated 17/2/23 and 24/2/23 under CI 38(1) of the <i>Environmental Planning and Assessment Regulation 2021</i> ('2021 EP&A Regulation') on Select Date.
21 March 2023	Request for Information from Council to applicant
3 May 2023	Panel Briefing and site visit
4 May 2023	Request for Information from Council to applicant including request for consideration of revised bus and car parking at Train St
18 July 2023	Applicant lodged additional information including revised plans (additional entry/exit points and bus loop) including a Social Benefit Report
24 July 2023 – 31 August 2023	DA referred to external agencies* <i>*technical issues with NSW Planning Portal</i>
19 September 2023	Council meeting determination – Application referred to Council (public meeting) for consideration of waiving payment of contributions.

## 2.3 Site History

Details of previous key development consents relating to the development site are outlined in Table 3.

**Table 3: Previous Development Consents**

Date	Application No.	Development approved
2 October 2021	DA01/857	Stage 1 of an Educational Establishment (1 building)
28/05/2002	DA927/07	Education facility (stage 2) – as modified (DAM7927/02; DAM8927/02; DAM927/02; DAM9927/02)

Date	Application No.	Development approved
	DA325/05	Education facility (stage 3)
	DA172/09	additions to education establishment
28/01/2003	DA782/03	SIGN
05/08/2004	DA1165/04	ADVERTISING SIGN
06/12/2004	DA325/05	EDUCATION FACILITY STAGE 3
01/08/2006	DA861/06	MULTI-PURPOSE HARD COURT & CLASSROOM ADDITIONS
12/02/2008	DA476/08	RELOCATABLE SENIOR STUDENT SEMINAR ROOM
05/11/2008	DA172/09	ADDITIONS TO EDUCATION ESTABLISHMENT
19/01/2010	CD2/10	NEW PRIMARY LIBRARY AND LANGUAGE LAB
17/05/2010	CD74/10	CONSTRUCT PRIMARY CLASSROOMS
02/04/2012	DA466/12	SINGLE SIDED ILLUMINATED BUSINESS IDENTIFICATION SIGN
01/08/2014	DA596/14	ERECTION OF MICROWAVE LINK ANTENNA
30/06/2016	DA710/16	SHED
31/08/2017	DA53/18	BUS SHELTER
01/05/2019	DA301/19	New shed
12/03/2020	CDC0039/20	CDC20/004 - Administration building and amenities - D&C Ferguson
17/11/2020	DA0087/21	Classroom

#### Other Relevant History

##### **DA01/857**

On 23 September 2001, the Eurobodalla Shire Council granted development consent to DA01/857 for the "Stage 1 of an educational establishment" involving clearing of approximately 3.6ha, the provision of the necessary infrastructure and the erection of a building containing 4 classrooms and amenities.

The site has been subsequently developed under a number of development applications and approval pathways (Part 4 approvals pathway and complying development).

#### Concurrent Applications

- S68 applications for complying development applications

#### Adjacent Approvals/ Applications

- Broulee subdivision DA0493/22 for Stage 7 residential development (80 allotments). Located to the south of Train Street and is currently under consideration by Council.

### 3. STATUTORY CONSIDERATIONS

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#### 3.1 Biodiversity Conservation Act 2016

Under section 7.9(2) *Biodiversity Conservation Act 2016* (BC Act), a biodiversity development assessment report (BDAR) is required unless the proposed development is not likely to have any significant impact on biodiversity values.

The site is mapped as containing areas of biodiversity refer **Figure 3**.

In accordance with the Biodiversity Values Map, the development site is identified as containing areas of “biodiversity”, within the northern and western fringes of the site, excluding the areas containing the existing school buildings. The consent authority must consider whether the development is likely to have an impact on flora and fauna on the site and what measures are proposed to avoid, minimise or mitigate the impacts of the development.

A Biodiversity Development Assessment Report (BDAR) accompanied the development application which considered the impacts on native vegetation (0.25ha) required for building construction and bushfire hazard management (asset protection areas).

The design approach includes locating buildings primarily within the cleared areas of the site, mapping and avoidance of Habitat Bearing Trees. The total impact on native vegetation or habitat is identified as 0.25ha to PCT 659 (Bangalay Sand Forest of the Sydney Basin and South East Corner bioregions, listed as Endangered under the BC Act).

The Biodiversity Development Assessment Report (BDAR) concluded that after all avoidance and mitigation measures impacts will occur requiring payment of ecosystem credits. Potential impacts to vegetation may occur during construction, however these are proposed to be minimised through the preparation and implementation of a Construction Environmental Management Plan, to be implemented during the construction stage of the development.

Councils Environmental Planner reviewed the proposal and identified no objections subject to imposition of conditions in relation to tree removal and protection in identified biodiversity areas.

#### 3.2 Environmental Planning and Assessment Act 1979 ('EP&A Act').

When determining a development application, the consent authority must take into consideration the matters outlined in Section 4.15(1) of the *Environmental Planning and Assessment Act 1979* ('EP&A Act'). These matters as are of relevance to the development application include the following:

- (a) *the provisions of any environmental planning instrument, proposed instrument, development control plan, planning agreement and the regulations*
  - (i) *any environmental planning instrument, and*
  - (ii) *any proposed instrument that is or has been the subject of public consultation under this Act and that has been notified to the consent authority (unless the Planning Secretary has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved), and*
  - (iii) *any development control plan, and*

- (iiia) *any planning agreement that has been entered into under section 7.4, or any draft planning agreement that a developer has offered to enter into under section 7.4, and*
- (iv) *the regulations (to the extent that they prescribe matters for the purposes of this paragraph), that apply to the land to which the development application relates,*
- (b) *the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality,*
- (c) *the suitability of the site for the development,*
- (d) *any submissions made in accordance with this Act or the regulations,*
- (e) *the public interest.*

These matters are further considered below.

It is noted that the proposal is Integrated Development (s4.46) and was referred to NSW RFS. This is discussed further in the body of this Report.

### **3.3 Environmental Planning Instruments, proposed instrument, development control plan, planning agreement and the regulations**

The relevant environmental planning instruments, proposed instruments, development control plans, planning agreements and the matters for consideration under the Regulation are considered below.

#### **(a) Section 4.15(1)(a)(i) - Provisions of Environmental Planning Instruments**

The following Environmental Planning Instruments are relevant to this application:

- *State Environmental Planning Policy (Planning Systems) 2021*
- *State Environmental Planning Policy (Biodiversity and Conservation) 2021*
- *State Environmental Planning Policy (Resilience and Hazards) 2021*
- *State Environmental Planning Policy (Transport and Infrastructure) 2021*
- *Eurobodalla Local Environmental Plan 2012;*

A summary of the key matters for consideration arising from these State Environmental Planning Policies are outlined in **Table 4** and considered in more detail below.

**Table 4: Summary of Applicable Environmental Planning Instruments**

<b>EPI</b>	<b>Matters for Consideration</b>	<b>Comply (Y/N)</b>
State Environmental Planning Policy (Planning Systems) 2021	Chapter 2: State and Regional Development <ul style="list-style-type: none"> <li>Section 2.19(1) declares the proposal regionally significant development pursuant to Clause 4 of Schedule 6 as it comprises Private infrastructure and community facilities (educational establishments) where the CIV exceeds \$5,000,000.</li> </ul>	Y



State Environmental Planning Policy (Biodiversity & Conservation) 2021	Chapter 2: Vegetation in non-rural areas Chapter 4: Koala Habitat Protection 2021	Y
SEPP (Resilience & Hazards)	Chapter 2: Coastal Management <ul style="list-style-type: none"> <li>Section 2.10(1) &amp; (2) - Development on land within the coastal environment area</li> <li>Section 2.12 - Development in coastal zone generally — development not to increase risk of coastal hazards.</li> <li>Section 2.13 - Development in coastal zone generally - coastal management programs to be considered.</li> </ul> Chapter 4: Remediation of Land <ul style="list-style-type: none"> <li>Section 4.6 - Contamination and remediation has been considered in the Contamination Report and the proposal is satisfactory subject to conditions.</li> </ul>	Y
State Environmental Planning Policy (Transport and Infrastructure) 2021	Chapter 2: Infrastructure <ul style="list-style-type: none"> <li>Section 2.48(2) (Determination of development applications—other development) – electricity transmission - the proposal is satisfactory subject to conditions.</li> </ul> Chapter 3: Educational Establishments <ul style="list-style-type: none"> <li>Section 3.58 - Traffic-generating development</li> </ul>	Y
Proposed Instruments	No compliance issues identified.	Yes
LEP	Eurobodalla LEP 2012 <ul style="list-style-type: none"> <li>Clause 2.3 – Permissibility and zone objectives</li> <li>Clause 4.3 – Height of Buildings</li> <li>Clause 4.6 – Variation to Development Standard</li> <li>Clause 5.10 – Heritage</li> <li>Clause 5.21 – Flood planning</li> <li>Clause 6.1 – Public infrastructure</li> <li>Clause 6.4 – Earthworks</li> <li>Clause 6.9 – Stormwater management</li> </ul>	Y
DCP	Eurobodalla Residential zones Development Control Plan <ul style="list-style-type: none"> <li>s.2.6 Car parking and access</li> <li>s.4 Built Form</li> <li>s.5 Solar Access</li> <li>s. 6.2 Tree preservation</li> <li>s. 7.2 Earthworks</li> <li>s.7.3 Stormwater management</li> <li>s. 7.5 waste management</li> </ul>	Y

#### **Section 4.47 – Development that is Integrated Development (EP&A Act 1979)**

The site is designated as Bushfire Prone Land as the site contains designated Category 1 vegetation and the vegetation buffer.

The subject development relates to a listed Special Fire Protection Purpose (SFPP) ('educational establishment') located on bushfire prone land and is therefore classified as integrated development under Section 4.46 of the EP&A Act. The development is also captured under Section 100B of the Rural Fires Act 1997 and must obtain a Bush Fire Safety Authority from the Commissioner of the NSW Rural Fire Service.

The application is accompanied by a Bushfire Hazard Assessment, prepared by Harris Environmental Consulting dated 28/7/22. The Report provides an independent bushfire assessment and recommendations for new building construction and bushfire mitigation and management measures.

The development application and accompanying Report was referred to the NSW Rural Fire Service seeking general terms of approval. The NSW RFS issued General Terms of Approval under Division 4.8 of the EP&A Act 1979 and a Bush Fire Safety Authority under section 100B of the Rural Fires Act 1997 on 26 October 2022 (confirmed by correspondence dated 13 March 2023 and 12 September 2023) subject to recommended conditions.

Section 4.47, subsections (1), (2) and (3) of the EP&A Act 1979 state as follows:

**4.47 Development that is integrated development**

- (1) *This section applies to the determination of a development application for development that is integrated development.*
- (2) *Before granting development consent to an application for consent to carry out the development, the consent authority must, in accordance with the regulations, obtain from each relevant approval body the general terms of any approval proposed to be granted by the approval body in relation to the development. Nothing in this section requires the consent authority to obtain the general terms of any such approval if the consent authority determines to refuse to grant development consent.*
- (3) *A consent granted by the consent authority must be consistent with the general terms of any approval proposed to be granted by the approval body in relation to the development and of which the consent authority is informed. For the purposes of this Part, the consent authority is taken to have power under this Act to impose any condition that the approval body could impose as a condition of its approval...*

Having regard for the above, the consent authority can be satisfied that General Terms of Approval have been obtained from the NSW Rural Fire Service (s.4.47(2)), and that the recommended draft consent conditions are consistent with the General Terms of Approval that have been granted.

**Consideration of the relevant SEPPs is outlined below.**

*State Environmental Planning Policy (Planning Systems) 2021 ('Planning Systems SEPP')*

**Chapter 2: State and Regional Development**

The proposal is *regionally significant development* pursuant to Section 2.19(1) as it satisfies the criteria in Clause 5 of Schedule 6 of the Planning Systems SEPP as the proposal is development for alterations to an existing school (it comprises Private infrastructure and community facilities (educational establishments) where the CIV exceeds \$5,000,000. Accordingly, the Southern Regional Planning Panel is the consent authority for the application. The proposal is consistent with this Policy.

## *State Environmental Planning Policy (Biodiversity and Conservation) 2021*

### Chapter 2: Vegetation in non-rural areas

*Chapter 2 Vegetation in non-rural areas* applies to the proposal as the land is zoned R2 Low Density Residential and is located within the Eurobodalla Shire Council area. The proposal involves the removal of selected trees and vegetation works within the site for building construction and associated works including for asset protection zone purposes.

This is discussed in the Biodiversity section of this report. Councils Environmental Planner reviewed the proposal and identified no objections subject to imposition of conditions in relation to vegetation and biodiversity management.

### Chapter 4: Koala Habitat Protection 2021

*Chapter 4 Koala habitat protection 2021* applies to the proposal as the site is located within the Eurobodalla Shire Council area (listed in Schedule 2) and is not exempt under Clause 4.4(3).

The Biodiversity Report lodged with the application identifies the subject land contains known feed trees for the koala (Core Koala Habitat) however, does not have recent history of koala sightings (within the past 18 years) within 2.5km of the Subject Land.

The proposal is considered to be consistent with SEPP, subject to the imposition of a condition of consent in relation to vegetation management.

## *State Environmental Planning Policy (Resilience and Hazards) 2021*

### Chapter 2: Coastal Management

The site is mapped as being within a coastal environment area.

- Section 2.10(1) & (2) - Development on land within the coastal environment area
- Section 2.12 - Development in coastal zone generally —development not to increase risk of coastal hazards.
- Section 2.13 - Development in coastal zone generally - coastal management programs to be considered.

The provisions of Chapter 2 of *State Environmental Planning Policy (Resilience and Hazards) 2021* (*the Resilience and Hazards SEPP*) have been considered in the assessment of the development application.

The potential impacts on the coastal environment have been considered and recommended draft consent conditions imposed in relation to vegetation retention and removal, Aboriginal cultural heritage, stormwater disposal and erosion and sediment control measures during construction.

### Chapter 4: Remediation of Land

Section 4.6 of Resilience and Hazards SEPP requires consent authorities to consider whether the land is contaminated, and if the land is contaminated, it is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out.

In order to consider this, a Preliminary Site Investigation ('PSI') has been prepared for the site.

The PSI consisted of a search of historical records and a site walkover. This research found that the site was covered in bushland from 1961 until 2005 when it was evident trees had been cleared from the site and the existing school began construction. No historical mining or exploration activities were identified within 300m of the site and no ongoing mining activities were identified within the 1000m buffer areas.

The site has historically been identified as undeveloped bushland and currently contains an 'existing school, with about 15 single-storey school buildings already present, surrounded by grassed areas, playgrounds, and sports fields, and some carparking at the southern end. Remnant bushland is present along the western boundary'.

The potential sources of contamination were considered to be Heavy metals (arsenic, cadmium, chromium, copper, nickel, lead, zinc and mercury); Organochlorine pesticides (OCP); Total recoverable hydrocarbons (TRH); Benzene, toluene, ethylbenzene, xylenes, naphthalene (BTEXN); Polycyclic aromatic hydrocarbons (PAH) and Asbestos.

The report concluded that the site can be made suitable for the proposed school development (additions) subject to recommended mitigation and management measures. The proposal is considered to be consistent with Chapter 4: Remediation of Land, subject to imposition of recommended conditions of consent in relation to implementing an unexpected finds protocol (UFP) and management procedures for asbestos works during demolition and construction.

#### *State Environmental Planning Policy (Transport and Infrastructure) 2021*

##### Chapter 2: Infrastructure

The provisions of Chapter 2 of *State Environmental Planning Policy (Transport and Infrastructure) 2021* ('the Infrastructure SEPP') have been considered in the assessment of the development application.

The application was referred to Essential Energy, the energy provider, due to the works being within the vicinity of electricity infrastructure. The energy provider identified the site can be made suitable for the proposed school development subject to conditions of consent being imposed in relation to Essential Energy electricity requirements.

##### Chapter 3 – Educational establishments and child care facilities

Clause 3.11 of the SEPP requires consideration of *Planning for Bush Fire Protection* before carrying out the development in an area that is identified as bush fire prone land.

In this instance, the site is identified as bushfire prone land within the western and north and south-western portions of the site due to the proximity of the site to vegetation. Schools are listed as a type of Special Fire Protection Purpose (SFPP) under section 100B(a) of the *Rural Fires Act 1997*. As previously discussed, the application was referred to the NSW RFS who have issued a Bushfire Safety Authority and General Terms of Approval for the proposed development.

The development site is zoned R2 Low Density Residential under the provisions of the Eurobodalla Local Environmental Plan 2012 (ELEP). Clause 3.34 of the Education SEPP identifies the R2 Low Density Residential zone as a 'prescribed zone'.

Clause 3.36(1) of the Infrastructure SEPP makes provision for development involving a school to be undertaken with development consent in a prescribed zone (being the R2 Low Density Residential zone). In this regard, it should be noted that the proposed development is prohibited under the provisions of the ELEP and it is therefore the provisions of the Education SEPP permit the use on the site.



Clause 3.36(6) of the Education SEPP requires that consent authorities consider:

- (a) *the design quality of the development when evaluated in accordance with the design quality principles set out in Schedule 8, and*
- (b) *whether the development enables the use of school facilities (including recreational facilities) to be shared with the community.*

A Masterplan Design Quality Report assessed the design against the required criteria in Schedule 8. The Design Quality Report indicates that the proposed development satisfies the criteria, including:

*Principle 1 – context, built form and landscape*

*Principle 2- sustainable, efficient and durable*

*Principle 3 - accessible and inclusive*

*Principle 4 - health and safety*

*Principle 5 - amenity*

*Principle 6 - whole of life, flexible and adaptive*

*Principle 7 - aesthetics*

The Design Quality Report outlines the design response as follows (in part):

- Appropriate site selection to minimise environmental impacts, promote connectivity and creating interconnection through the campus connecting the junior and senior schools.
- A design which considers efficiency, sustainability and durability, using passive strategies of natural light and solar orientation.
- Inclusion of safety and amenity features including maintenance of view corridors, upgraded amenities
- A design that has considered heritage, bushfire, biodiversity, traffic and amenity impacts of the proposal.

Following community consultation and in response to a request for additional information during the assessment process the applicant submitted a Visual Impact Assessment to allow for further consideration of the design criterial - Principle 7 Aesthetics.



**Figure 8: Photomontage (perspective) view looking north from Train St**



**Figure 9: Photomontage (perspective) view west from eastern perimeter of site (rear of properties fronting Zanthus Drive)**

The visual impacts are limited to the immediate vicinity of the site (adjoining development) with minimal impacts demonstrated within the locality (views from public areas / local streets). The design of the development (new buildings) are concentrated within the developed areas of the site (the east and south), minimising potential impacts on vegetation and allowing for implementation of bushfire management measures.

The applicant provided the following response (RFI report dated 6 February 2022) in relation to the design/ location of the P10 building (in part):

*Originally, the Sports and Recreation Centre was located on the Western Boundary straddling George Bass Drive however this location contravened the recommendation's outlined in the 'Planning for Bushfire Protection 2019' guide. (PBP, 2019) The Sports and Recreation Centre was then relocated from the western to the eastern property boundary to achieve compliance with PBP 2019 and move the building out of the area of land mapped on the Council's bushfire prone land map. .... The impacts of bushfire on the site and the requirement to relocate the building away from the predominant hazard was the driving factor in the planning and location of the Sports and Recreation Centre (P10).*

It is proposed to install acoustic mitigation measures to minimise potential noise impacts on surrounding development for the Sports & Recreation Centre including minimising windows/open façade, landscaped earth bund and acoustic fencing.

The Statement of Environmental Effects indicates the Sports & Recreation Centre can be shared with the community. The proposed hours of operation are:

- 8am to 5pm Monday - Friday (school)
- 7am to 9pm on Monday - Sunday (community use).

The acoustic measures are discussed in more detail in the Key Issues section of this report. Condition of consent have been recommended in relation to an operational management and noise monitoring following construction in relation to operational with hours.

Clause 3.58 Traffic Generating Development of the Infrastructure SEPP requires referral to Transport for New South Wales (TfNSW) for an education establishment that will be able to

accommodate 50 or more additional students (an additional 200 students are proposed under this application).

Initial consultation with bus operators was undertaken by the applicant however additional consultation has been undertaken following submission of the revised plans. The response provided identifies management measures that can be implemented in the operation of the development to minimise potential traffic impacts on the local street network. It is considered the site can be made suitable for the proposed school development subject to conditions of consent being imposed in relation to car parking, traffic management and acoustic measures.

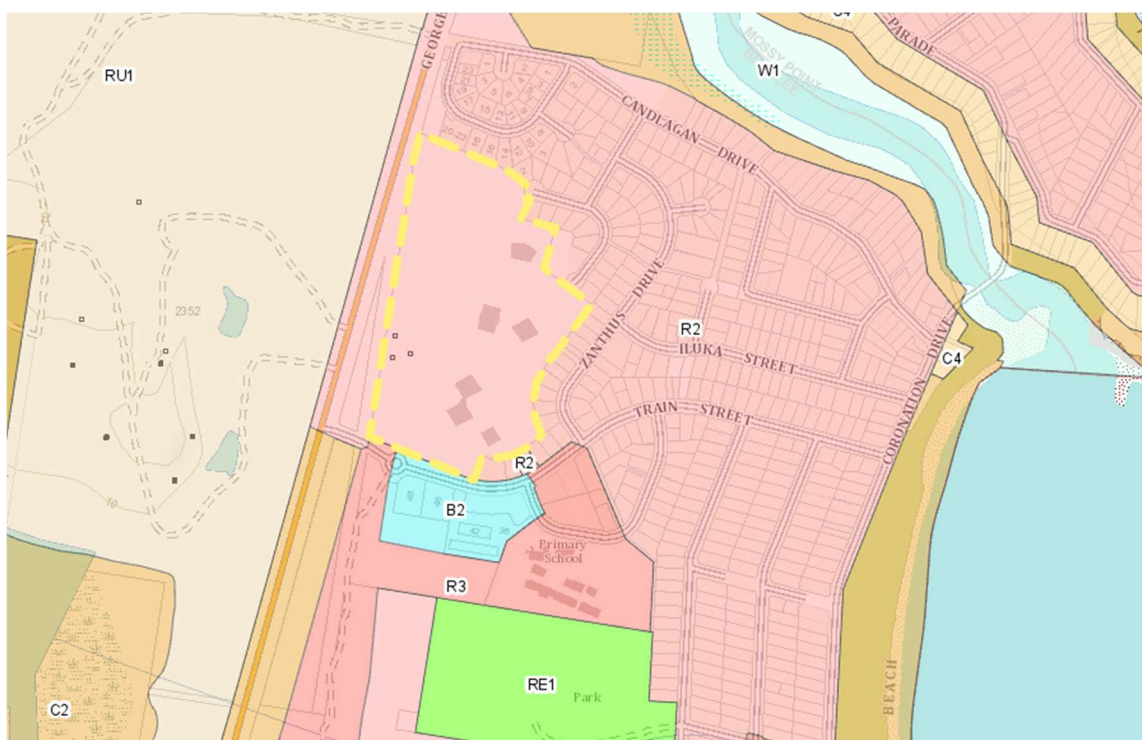
### *Eurobodalla Local Environmental Plan 2012*

The relevant local environmental plan applying to the site is the *Eurobodalla Local Environmental Plan 2012* ('the LEP').

### *Zoning and Permissibility (Part 2)*

The site is located within the R2 Low Density Residential zone pursuant to clause 2.3 of ELEP (refer zoning map below).

### **Zoning Map**



**Figure 10: Zoning map extract (NSW Planning Portal)**

According to the definitions in Clause 4 (contained in the Dictionary), the proposal satisfies the definition of (educational establishment) which is a not a permissible use with consent in the Land Use Table in Clause 2.3. Notwithstanding the use is permitted in the R2 zone under the Education SEPP, which prevails.

The aims of the LEP include:

- *To provide for the housing needs of the community within a low density residential environment.*

- *To enable other land uses that provide facilities or services to meet the day to day needs of residents.*
- *To encourage residential development that is consistent with the character of the neighbourhood.*

The proposal is considered to satisfy the relevant objective in that it provides for continued use of an existing educational establishment that includes a Sports & Recreation facility for use by the community. The proposal has considered the potential impacts of the development on the locality and incorporates management and mitigation measures to minimise potential impacts (built form, heritage and environmental and biodiversity values).

#### *General Controls and Development Standards (Part 2, 4, 5 and 6)*

The LEP contains controls relating to development standards, miscellaneous provisions and local provisions. The controls relevant to the proposal are considered in **Table 5** below. The proposal does not comply with the development standard/s in Part 4 of the LEP Clause 4.3 and accordingly, a Clause 4.6 request has been provided with the application for the exceedance of the maximum Height of buildings.

**Table 5: Consideration of the LEP Controls**

<b>Control</b>	<b>Requirement</b>	<b>Proposal</b>	<b>Comply</b>
Minimum subdivision Lot size (CI 4.1)	550m <sup>2</sup>	N/A	N/A
Height of buildings (CI 4.3(2))	8.5 metres	11.85m	No
FSR (CI 4.4(2))	Not adopted	-	-
Clause 4.6 Variation to Development Standard	Proposed	Refer discussion.	
Land acquisition (CI 5.1/5.1A)		N/A	N/A
Heritage (CI 5.10)	Heritage impacts	Refer discussion.	Yes
Flood planning (CI 5.21)	flood planning	Refer discussion.	Yes
Public utility infrastructure (CI 6.1)	Connection to infrastructure	Refer discussion.	Yes
Earthworks (CI 6.4)	Consider impacts	Refer discussion.	Yes
Stormwater Management (CI 6.9)	Minimise impacts	Refer discussion.	Yes

The proposal is considered to be generally consistent with the LEP.

#### Clause 4.6 Exception to development standards



The proposal includes construction of a sports centre (P10) which includes a request for a variation to the building height.

Description of Non-compliance

Development Standard:	Height of Buildings
Requirement:	8.5m
Proposed:	11.85m
Percentage variation to requirement:	4.7% - 29.3%

Clause 4.6(4) of the LEP establishes preconditions that must be satisfied before a consent authority can exercise the power to grant development consent for development that contravenes a development standard. Clause 4.6(2) provides this permissive power to grant development consent for a development that contravenes the development standard is subject to conditions.

The two preconditions include:

1. Tests to be satisfied pursuant to CI 4.6(4)(a) – this includes matters under CI 4.6(3)(a) and (b) in relation to whether the proposal is unreasonable and unnecessary in the circumstances of the case and whether there are sufficient environmental planning grounds to justify contravening the development standard and whether the proposal is in the public interest (CI 4.6(a)(ii)); and
2. Tests to be satisfied pursuant to CI 4.6(4)(b) – concurrence of the Planning Secretary.

These matters are considered below for the proposed development having regard to the applicant's Clause 4.6 request.

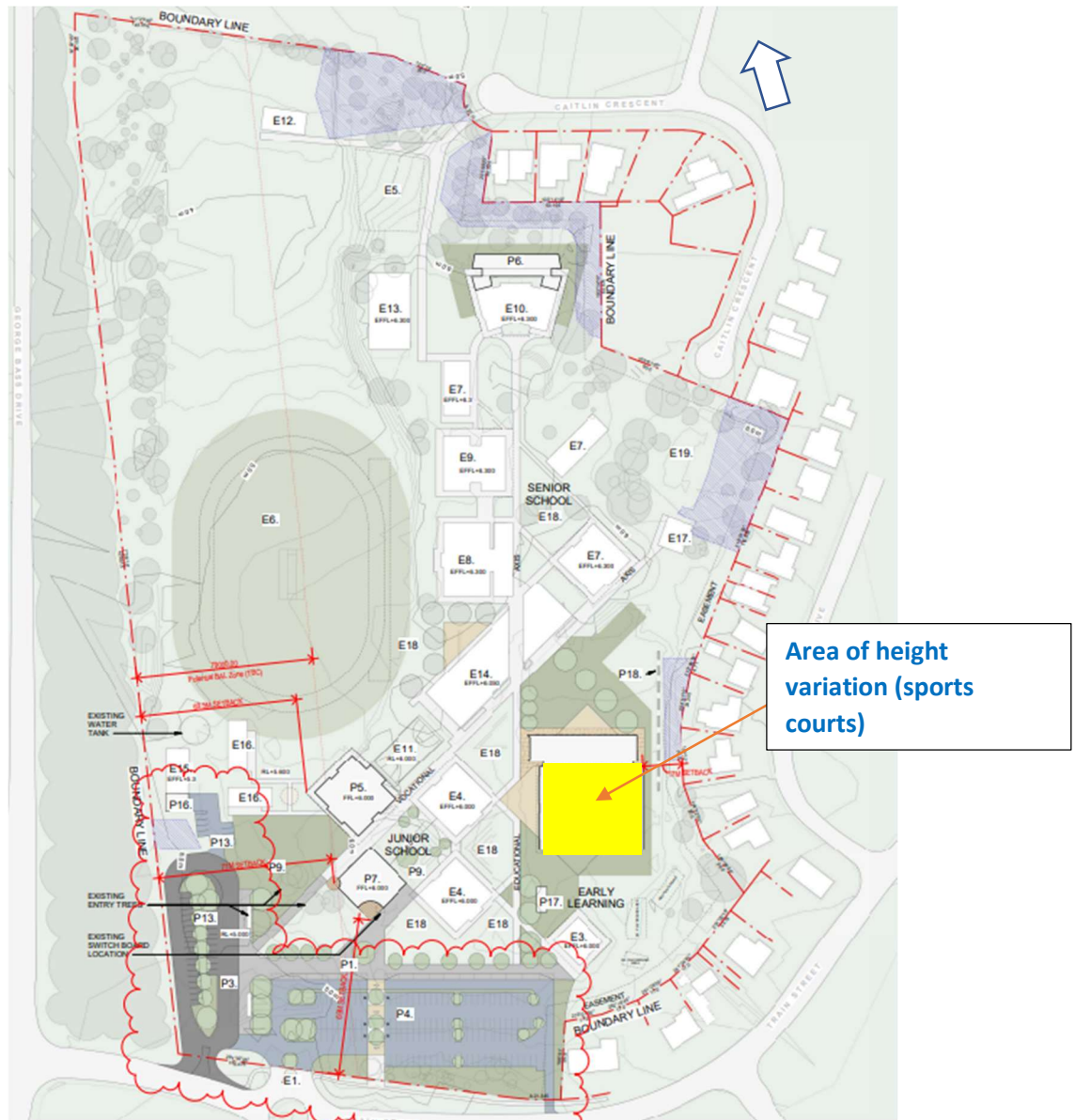
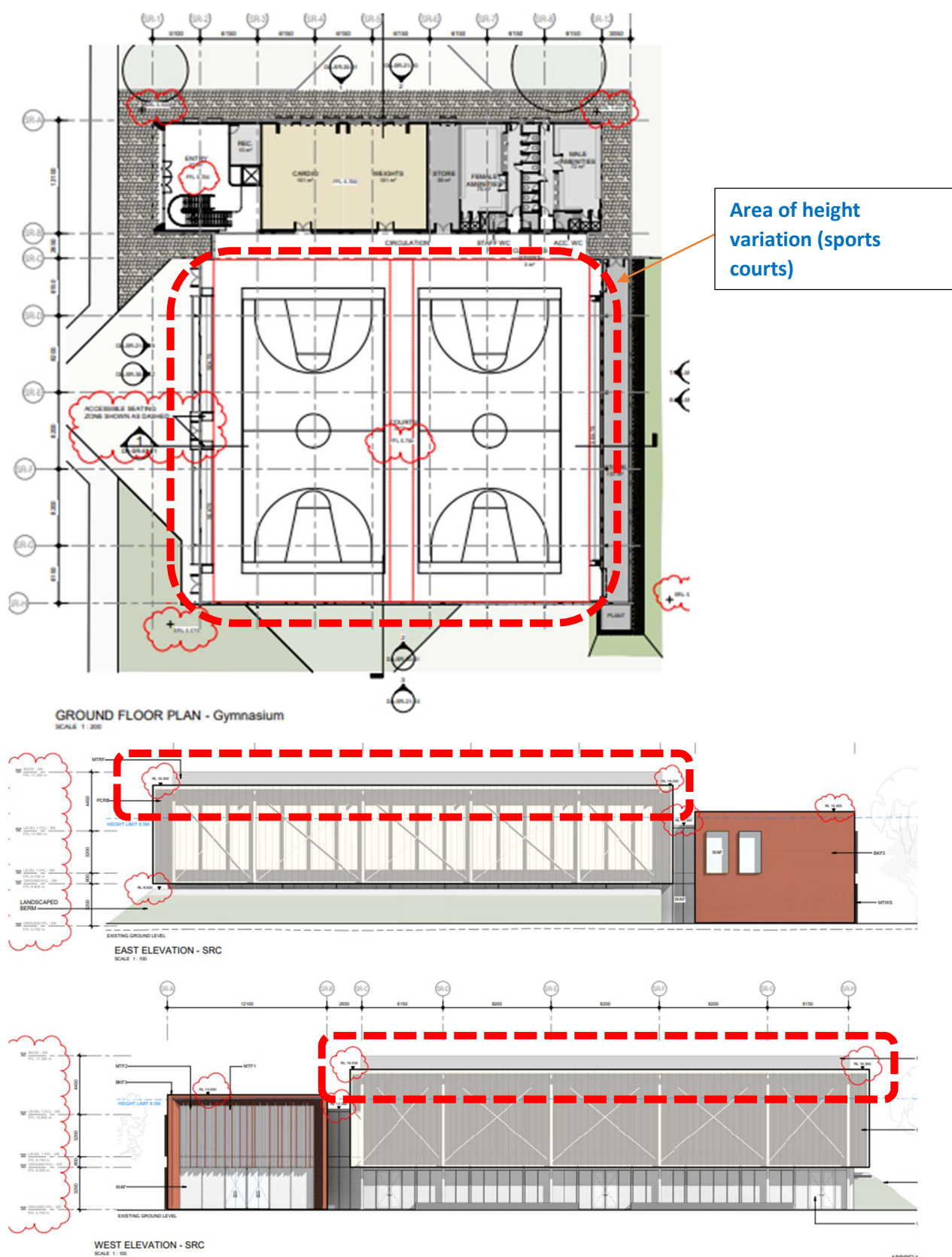


Figure 11: Locality plan– location of building - height variation (sports centre)  
(Dwg. DA-11-01 prepared by Cox Architecture)



**Figure 12: Floor plan and elevations– area of height variation (sports centre) (P10)**  
 (Dwg. DA-SR-21-01 and Dwg. DA-SR-30-02 prepared by Cox Architecture)

## **Assessment of Request to Vary a Development Standard**

The following assessment of the variation to Clause 4.3 - Height of Buildings development standard, has taken into consideration the recent judgements contained within *Initial Action Pty Ltd v Woollahra Municipal Council* [2018] NSWLEC 118 (*Initial Action*), *Rebel MH v North Sydney Council* [2018] NSWLEC 191, *Four2Five Pty Ltd v Ashfield Council* [2015] NSWLEC 90, and *Wehbe v Pittwater Council* (2007) 156 LGERA 446; [2007] NSWLEC 827.

### **Clause 4.6 Exceptions to Development Standards**

(1) *The objectives of this clause are as follows:*

(a) *to provide an appropriate degree of flexibility in applying certain development standards to particular development,*

(b) *to achieve better outcomes for and from development by allowing flexibility in particular circumstances.*

(2) *Development consent may, subject to this clause, be granted for development even though the development would contravene a development standard imposed by this or any other environmental planning instrument. However, this clause does not apply to a development standard that is expressly excluded from the operation of this clause.*

**Comment:** Clause 4.3 - Height of Buildings development standard is not expressly excluded from the operation of this clause.

(3) *Development consent must not be granted for development that contravenes a development standard unless the consent authority has considered a written request from the applicant that seeks to justify the contravention of the development standard by demonstrating—*

(a) *that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and*

(b) *that there are sufficient environmental planning grounds to justify contravening the development standard.*

(4) *Development consent must not be granted for development that contravenes a development standard unless—*

(a) *the consent authority is satisfied that—*

(i) *the applicant's written request has adequately addressed the matters required to be demonstrated by subclause (3), and*

(ii) *the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out, and*

(b) *the concurrence of the Planning Secretary has been obtained.*

### **Clause 4.6 (4)(a)(i) (Justification) Assessment**

Clause 4.6 (4)(a)(i) requires the consent authority to be satisfied that the applicant's written request seeking to justify the contravention of the development standard has adequately addressed the matters required to be demonstrated by cl 4.6(3). There are two separate matters for consideration contained within cl 4.6(3) as follows:

(a) *that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and*

**Comment:**

In the matter of *Wehbe v Pittwater Council* (2007) 156 LGERA 446; [2007] NSWLEC 827, Preston CJ provides the following guidance (paragraph 43) to inform the consent authority's finding:

*'The rationale is that development standards are not ends in themselves but means of achieving ends. The ends are environmental or planning objectives. Compliance with a development standard is fixed as the usual means by which the relevant environmental or planning objective is able to be achieved. However, if the proposed development proffers an alternative means of achieving the objective, strict compliance with the standard would be unnecessary (it is achieved anyway) and unreasonable (no purpose would be served).'*

Notwithstanding the non-compliance, it is noted that the proposal will achieve the objectives of Clause 4.3. The strict enforcement of the development standard is considered to be unreasonable and unnecessary for the following reasons:

- Strict compliance with Clause 4.3 would not allow construction of a suitable sport facilities where the intent of the proposal is to provide a sports centre for school and community use that provides indoor sport facilities that cater to sports such as netball.
- The variation involves a small portion of the site and the development will not result in significant visual impacts, view loss, privacy impacts and solar access is achieved to neighbouring properties.
- The proposal involves alterations to an existing educational establishment which will provide facilities and services to the community.

The Applicant's written request has demonstrated that the objectives of the development standard are achieved, notwithstanding the non-compliance with the development standard. In doing so, the Applicant's written request has adequately demonstrated that compliance with the development standard is unreasonable or unnecessary in the circumstances of this case as required by cl 4.6(3)(a).

*(b) that there are sufficient environmental planning grounds to justify contravening the development standard.*

**Comment:** In the matter of *Initial Action Pty Ltd v Woollahra Municipal Council* [2018] NSWLEC 118, Preston CJ provides the following guidance (paragraph 23) to inform the consent authority's finding that the applicant's written request has adequately demonstrated that there are sufficient environmental planning grounds to justify contravening the development standard:

*'As to the second matter required by cl 4.6(3)(b), the grounds relied on by the applicant in the written request under cl 4.6 must be "environmental planning grounds" by their nature: see Four2Five Pty Ltd v Ashfield Council [2015] NSWLEC 90 at [26]. The adjectival phrase "environmental planning" is not defined, but would refer to grounds that relate to the subject matter, scope and purpose of the EPA Act, including the objects in s 1.3 of the EPA Act.'*

s1.3 of the EPA Act reads as follows:

### **1.3 Objects of Act** (cf previous s5)

*The objects of this Act are as follows:*

*(a) to promote the social and economic welfare of the community and a better environment by the proper management, development and conservation of the State's natural and other resources,*



- (b) to facilitate ecologically sustainable development by integrating relevant economic, environmental and social considerations in decision-making about environmental planning and assessment,
- (c) to promote the orderly and economic use and development of land,
- (d) to promote the delivery and maintenance of affordable housing,
- (e) to protect the environment, including the conservation of threatened and other species of native animals and plants, ecological communities and their habitats,
- (f) to promote the sustainable management of built and cultural heritage (including Aboriginal cultural heritage),
- (g) to promote good design and amenity of the built environment,
- (h) to promote the proper construction and maintenance of buildings, including the protection of the health and safety of their occupants,
- (i) to promote the sharing of the responsibility for environmental planning and assessment between the different levels of government in the State,
- (j) to provide increased opportunity for community participation in environmental planning and assessment.

The applicants written request provides the following justification for contravening the development standard (in part):

1. **Headroom requirements - Built form (sports facilities) –**  
*the height of the building is required to provide the necessary headroom for activities (like basketball and netball) that will be conducted in the higher section of the building. Headspace requirements are also relevant for the two storey section which has required ceiling heights of 3.2 metres for rooms on both levels, although the height exceedance for this section of the building is very minor (0.4 metres or 5%).*
  - **Minimum clear height for playing surface.** A minimum clear height of 8300mm (8.3 metres) required between the playing surface and the underside of the roof structure is required for netball (as per Netball Australia's National Facilities Policy, Version 02: March 2016 – Technical Manual, page 16).
  - **Depth of roof structure.** The span of the roof is 43.05 metres. The roof structure is required to span this distance. Advice from the Project Engineers ACOR has given the following design parameters to achieve this span:
    - a. Minimum depth of roof truss– 1.9 metres
    - b. Minimum fall – 3 degrees
    - c. Minimum overall depth of roof structure - 3.35 metres
  - **Minimum floor level.** Existing ground levels within the building footprint range from 5.45 to 5.575 metres (AHD). The proposed finished floor level is 5.7 metres (AHD). Given the large footprint of the building, the depth required for the floor structure, and the need to avoid stormwater ingress, this is considered to be a reasonable minimum.

*These factors result in the proposed maximum building height of 17.35 metres (AHD) (5.7 + 8.3 + 3.35 = 17.35 metres).*
2. **Roof structure span - Built form requirements (sports facilities) –**  
*The depth of the roof structure is required to span the 43 metre width of the playing surface. Sporting code requirements for clear runoff area preclude the use of columns midway along the span.*

**Comment:** It is agreed that the height and design of the sports centre which accommodates playing courts requires a building design to meet technical standards in relation to building height to accommodate sports such as netball. The existing natural ground levels within the vicinity of the sports building (P10) building floor level are between RL 5.40m and RL5.8m approximately, with a proposed finished floor level of RL5.7m i.e. consistent with existing ground levels, requiring minimal cut/fill areas. The applicant's first and second justification points, which assess the quality of design and the enhancement of the built environment's amenity within the development context, are deemed satisfactory in justifying the breach of building height for the proposed structure.

3. ***Bushfire protection: the Sports and Recreation Centre is classed as an assembly building (Class 9b under the Building Code of Australia) and is therefore a Special Fire Protection Purpose under the Rural Fires Act 1997. It is therefore required to meet demanding locational requirements in terms of its Asset Protection Zone. This requirement precludes an alternative location further west on the Campus.***

**Comment:** the building has been located within the eastern developed part of the site (existing sports oval) offset required distances from existing vegetation that adjoins the western site boundary, bushland identified as the primary bushfire threat. The proposal has considered potential risks and justified the location of buildings in relation existing and proposed development.

4. ***Improved sport and recreation facilities for the College and community: the Sports and Recreation Centre will provide a consolidated set of sport and recreation facilities capable of being cost-effectively managed as a single facility. This will result in the provision of quality facilities that would be difficult to provide cost-effectively in otherwise than a single building envelope.***

**Comment:** The cost-effective management of a single building is not identified as an environmental planning ground. The sports centre building is proposed for school and community use which provides associated social benefits which are outlined in the applicants Social Benefit Assessment and include the ability of the proposal to provide a facility that provides increased opportunities for community social interaction and the ability to contribute positively to the safety, health and wellbeing of the community.

Accordingly, the Environmental Planning Grounds (1) (2) and (3) provided by the applicant are sufficient to justify the variation to the development standard. The fourth environmental planning ground which relates to cost effective management of the site provided by the applicant is not sufficient. The community use of the sports community facility and associated positive social benefits has not been referenced by the applicant as an environmental planning ground to justify the proposed development.

In this regard, the applicant's written request has demonstrated that the proposed development has regard for orderly and economic use and development of the land, promotes the sustainable management of built and cultural heritage and is of good design and amenity, therefore satisfying cls 1.3 (c), (f) and (g) of the EPA Act.

Therefore, the applicant's written request has adequately demonstrated that there are sufficient environmental planning grounds to justify contravening the development standard as required by cl 4.6 (3)(b).

Therefore, Council is satisfied that the applicant's written request has adequately addressed the matters required to be demonstrated by cl 4.6(3).

**Clause 4.6 (4)(a)(ii) (Public Interest) Assessment**

cl 4.6 (4)(a)(ii) requires the consent authority to be satisfied that:

*(ii) the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out*

**Comment:**

In considering whether or not the proposed development will be in the public interest, consideration must be given to the underlying objectives of the Height of Buildings development standard and the objectives of the R2 Low Density Residential zone. An assessment against these objectives is provided below.

**Objectives of Development Standard**

The underlying objectives of the standard, pursuant to Clause 4.3 – 'Height of buildings' of the ELEP 2012 are:

(1) The objectives of this clause are as follows:

***(a) to ensure that buildings are compatible with the height, bulk and scale of the existing and desired future character of the locality,***

**Comment:**

The proposed building height breach occurs within a developed part of the site within the eastern portion and will be visible from dwellings immediately adjacent to the site boundary however is screened from view from the wider area (public land) by existing development and vegetation that adjoins the site boundaries.

Character and compatibility are considered in the context of the site and surrounds when assessing a proposal. The 'character' of an area includes consideration of how a place 'looks and feels' and what makes one neighbourhood distinctive from another (Planning Circular PS 21-026). It is important to understand that this includes consideration of a range of factors including how character is created by built and natural elements and that respecting existing character does not mean that new development cannot occur.

The height and scale of the proposed buildings are considered compatible with building typology associated with educational establishments which typically include larger scale or large footprint buildings such as a hall or sports complex to cater to students. The proposal is located within the grounds of an established school complex and the sports centre is proposed within an area of the site that is substantially screened from view, while considering environmental constraints which impact on building location such as flooding and bushfire.

This area of Broulee is undergoing substantial new development including within the vicinity of the site including a range of commercial and residential uses.

***(b) to minimise visual impact, disruption of views, loss of privacy and loss of solar access to existing development.***

**Comment:**

The applicant provides the following justification for the proposed variation to the height of buildings.

1. **Visual and acoustic impacts (minimised or mitigated)**

*The (above) photomontages clearly demonstrate that the building will be only barely visible from significant viewpoints in the public domain being Train Street and the eastern end of Caitlin Crescent.*

*The building will be significantly visible from the rear of some residential properties in Zanthus Drive, noting that the photomontage is taken from within the College campus. Views from the adjoining residential properties will be further screened by:*

- *Structures and landscaping in the rear yards of adjoining properties;*
- *Existing and proposed trees, landscaping and the proposed acoustic wall located within the College campus.*

**Extract from Clause 4.6 report: Photomontages views from Train St (existing and proposed):**



**Comment:** the applicant has submitted a series of photomontages which include existing and proposed views from within the site and from the immediate surrounds. The properties to the east of the site obtain existing views associated with open playing fields (obscured by fencing) and this will be impacted by proposed view loss associated with trees lines and open sky areas.

**Extract from Clause 4.6 report: Photomontages views from rear of properties at Zanthus Dr (existing and proposed):**



The application involves building construction and site mitigation measures that include construction of the sports centre within the eastern part of the site for access and bushfire protection purposes and associated mitigation measures including installation of acoustic barriers (2.4m height) inset 17m from the eastern side boundary and an earthen bund area adjacent to the eastern side of the building. It is considered that the proposal will cause minor adverse visual impacts which are limited to the immediate surrounds. Justification on environmental planning grounds that consider good design and amenity of the built environment is provided by the applicant in relation to the building height and location.

2. **Privacy** - *The proposed building is located a minimum of 17 metres from the rear boundaries of any of the adjoining residential properties. Generally a distance of 12 metres is accepted to be the maximum extent of the "privacy sensitive zone" and the proposed building will be well beyond the "privacy sensitive zone". Consequently there will be no adverse impact on the privacy of adjoining residential properties and the proposed variation to building height will not have any additional impact on privacy.*

**Comment:**

The building design of the Sports Centre identifies minimal windows to be located on the eastern elevation i.e. limited to east facing windows proposed to the single storey classroom portion of the building.

3. **Solar access** - *Shadow diagrams have been prepared for the proposed building to identify the extent of shadowing. These have been prepared for the winter solstice (June 21) which is when the winter sun is lowest and shadows are their longest. The shadow diagrams have been prepared for hourly intervals from 9am to 3pm. All shadows from the building are contained within the College campus property until just before 3pm as shown on the two shadow diagrams...*

**Comment:**

The shadow diagrams illustrate that minimal overshadowing occurs outside the site boundaries as the building has a proposed 17m offset from the site boundary and provides sufficient separation distances.

The proposal is compatible with the with the existing school buildings and has considered the surrounding and nearby development. For this reason, the proposal is assessed as achieving Objective (a).

Due to the siting of the proposed buildings, the development will not result in any significant adverse impacts on the locality including neighbouring properties. For this reason, the proposal is assessed as achieving Objective (b).

**Zone Objectives – R2 Low Density Residential**

The underlying objectives of the R2 Low Density Residential zone are:

- *To provide for the housing needs of the community within a low density residential environment.*
- *To enable other land uses that provide facilities or services to meet the day to day needs of residents.*



Comment: The proposal maintains the existing use of the site as an educational establishment which provides educational opportunities for students within a growing residential area. The site is located within the vicinity of a growing residential area of Broulee including a proposed subdivision to the south of the site. An increase in student numbers proposed under this application, and associated school infrastructure will provide facilities and services for residents including a sports centre/community facility that will be available for community use.

For the reasons detailed above, the proposal is considered to be consistent with the objectives of the R2 Low Density Residential Zone.

**Clause 4.6 (4)(b) (Concurrence of the Secretary) Assessment**

cl. 4.6(4)(b) requires the concurrence of the Secretary to be obtained in order for development consent to be granted.

Planning Circular PS20-002 dated 5 May 2020, as issued by the NSW Department of Planning and Environment, advises that the concurrence of the Secretary may be assumed for exceptions to development standards under environmental planning instruments that adopt Clause 4.6 of the Standard Instrument. In this regard, given the consistency of the variation to the objectives of the zone, the concurrence of the Secretary for the variation to the Height of buildings Development Standard is assumed by the Southern Regional Planning Panel.

**Clause 5.10 Heritage**

Clause 5.10(5) states that the consent authority may require an assessment of the potential impact of a development on heritage significance for development on land that is within the vicinity of a heritage item or a heritage conservation area. In this regard, the site is not located within the vicinity of heritage listed items or areas.

Clause 5.10(8) states that the consent authority must in relation to an Aboriginal places of heritage significance consider the effect of the proposed development on the heritage significance of the place and any Aboriginal object known or reasonably likely to be located at the place and consider any response received by the local Aboriginal communities.

Accordingly, the applicant submitted an Aboriginal Due Diligence Assessment (prepared by Niche Environment and Heritage dated 10 February 2023) which was undertaken in accordance with the Environment & Heritage (OEHS)'s *Due Diligence Code of Practice for the Protection of Aboriginal Objects in New South Wales*. The site contains identified Aboriginal cultural heritage Aboriginal sites.

The Aboriginal Due Diligence Assessment was referred to the Aboriginal Heritage Office as a non-statutory referral, however as the application had not been accompanied by an Aboriginal Cultural Heritage Report i.e. identified in the Due Diligence Assessment as not required, the application was not referred under *National Parks and Wildlife Act 1974* (NPW Act).

A request for additional information was sent to the applicant who provided additional information in relation to potential impacts on vegetation and clarification of details of protection areas in vicinity of Aboriginal cultural heritage sites.

It is considered that due to the location of the proposed structure within the development site and the resulting distance between the proposed structure and the heritage items, including protection and management measures to be implemented during construction, any potential impacts on items of heritage significance can be managed. Recommended draft consent

conditions have been imposed requiring the development include construction, management and mitigation measures as outlined in the submitted specialist report including an unexpected finds protocol.

#### Clause 5.21 Flood planning

The site is identified as containing areas subject to flooding within the south-western corner of the site. Councils Development Engineer has identified the proposed buildings including the Sports and Recreation Centre (P10) are located outside of the identified flood area. The development can comply with the flood planning controls applicable to the development site subject to imposition of conditions of consent which require all new buildings to be constructed with floor levels above the identified flood planning level.

On this basis, it is considered that the relevant flood planning considerations are satisfied.

#### Clause 6.1 Public utility infrastructure

The consent authority must ensure that services essential for the development are available. In this regard, recommended draft consent conditions require connection to services in accordance with public authority requirements. Detailed engineering drawings for stormwater drainage are to be prepared by a suitably qualified person and submitted to the Certifier prior to the issue of a Construction Certificate. Recommended draft consent conditions also require approval requirements from relevant service authorities are integrated in to the design of the development and completed prior to occupation.

#### Clause 6.4 Earthworks

Clause 6.4 requires the consent authority considers the impact of earthworks associated with the proposal and in particular:

- (a) *the likely disruption of, or any detrimental effect on, existing drainage patterns and soil stability in the locality,*
- (b) *the effect of the proposed development on the likely future use or redevelopment of the land,*
- (c) *the quality of the fill or the soil to be excavated, or both,*
- (d) *the effect of the proposed development on the existing and likely amenity of adjoining properties,*
- (e) *the source of any fill material and the destination of any excavated material,*
- (f) *the likelihood of disturbing relics,*
- (g) *the proximity to and potential for adverse impacts on any watercourse, drinking water catchment or environmentally sensitive area,*
- (h) *any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development.*

Conditions of consent are to be imposed in relation to implementation and runoff and erosion control measures; soil and water management, construction including the recommendations made in the Preliminary Environmental Site Assessment Report.

Compliance with recommended conditions of consent will ensure the proposed earthworks are undertaken to minimise potential impacts on the environment.

#### Clause 6.9 Stormwater Management

The consent authority must consider the potential impacts of the development and minimise potential impacts of urban stormwater on land adjoining downstream properties, native bushland and receiving waters.

Stormwater drainage is to be managed via a mix of rainwater capture and storage, on site absorption trenches, management of overland flow and discharge to Council's drainage network.

A condition of consent will require engineering drawings and calculations for the drainage of stormwater to be prepared by a suitably qualified person and submitted to and approved by the Principal Certifier prior to the issue of a Constructoin Certificate. In order to mitigate potential impacts from stormwater run-off, the following details are requested:

**(b) Section 4.15 (1)(a)(ii) - Provisions of any Proposed Instruments**

There are several proposed instruments which have been the subject of public consultation under the EP&A Act, and are relevant to the proposal, including the following:

- *Draft Remediation of Land SEPP*

Proposed amendments do not impact on the proposed development or require any additional assessment.

The proposal is generally consistent with these proposed instruments.

**(c) Section 4.15(1)(a)(iii) - Provisions of any Development Control Plan**

The following Development Control Plan is relevant to this application:

- *Eurobodalla Residential Zones Development Control Plan* ('the DCP')

Note: the provisions of a Development Control Plan do not apply in relation to standards and controls in relation to consent and purpose provisions under Clause 3.36(9) *State Environmental Planning Policy (Transport and Infrastructure) 2021*.

The overall aims of the DCP and parking provisions have been considered in the assessment. Refer **Table 6** below.

**Table 6: Consideration of the Eurobodalla Residential Zones DCP**

Clause	Required	Proposed	Comment	Comply
s.2.6 Car parking and access	To ensure development provides safe and adequate access and on-site parking arrangements	New passenger vehicle and bus parking areas	Subject to conditions, the consent authority can be satisfied provisions of this Section have been met.	Y
s.4 Built Form	To ensure that buildings respond to the topography of the site and the existing and desired future character of the streetscape,	A range of detached buildings for school and community use.	A variety of buildings that have been considered in relation to the existing school	Y

	contributes positively to the local area.		context. Refer further discussion regarding height and solar access in the Key Issues section of this report.	
s.5 Solar Access	To maximise solar access to adjacent residential development.	Proposed built form inset from site boundary.	This aspect of the development is considered satisfactory. Refer further discussion in the Key Issues section of this report.	Y
s. 6.2 Tree preservation	To minimise impacts on native flora and fauna, particularly threatened species.	Tree removal for development and bushfire asset protection zone purposes.	Subject to conditions, the consent authority can be satisfied provisions of this Section have been met.	Y
s. 7.2 Earthworks	To retain the natural slope of the land, and ensure that the bulk and scale of new development is responsive to site topography.	Minimal earthworks proposed for building construction and infrastructure purposes.	Subject to conditions, the consent authority can be satisfied provisions of this Section have been met.	Y
s.7.3 Stormwater management	To ensure that stormwater run-off has no detrimental impact on neighbouring properties, public spaces and Council infrastructure	Stormwater connection and disposal proposed.	Subject to conditions, the consent authority can be satisfied provisions of this Section have been met.	Y
s. 7.5 waste management	To further the objectives of the Site Waste Minimisation and Management Code	A Waste Management Plan has been submitted.	Subject to conditions, the consent authority can be satisfied provisions of this Section have been met.	Y

## **Contributions**

The following contributions plans are relevant pursuant to Section 7.18 of the EP&A Act and have been considered in the recommended conditions (notwithstanding Contributions plans are not DCPs they are required to be considered):

- *Eurobodalla S7.11 Local Infrastructure Contributions Plan 2022*
- *Eurobodalla S7.12 Contributions Plan 2022*

The applicant has requested an exemption from developer contributions under s7.11 and s7.12 of the EP&A Act for the following reasons:

- Non-government school with a not-for-profit/charity status (St Peter's Anglican College).
- Potential community social benefits.

St Peter's Anglican College is a registered charity on the Australian Charities and Not-for-profits Commission (ACNC) established in 2012.

- *Eurobodalla S7.11 Local Infrastructure Contributions Plan 2022*

This plan does not apply to the proposal (applies to residential development and car-parking deficient development in town centres).

- *Eurobodalla S7.12 Contributions Plan 2022*

This plan applies to all land in the Eurobodalla LGA with a proposed cost of development of \$100,000 or more. The subject application (educational establishments) are not exempt from the payment of contributions. An Application for Exemptions can be made (s1.4) for Registered charities, not-for-profit organisations or social housing providers. The applicant is making a request for an exemption in this instance as a registered charity.

This was referred to Council meeting determination due to the applicants request to waive payment of contributions. The matter was originally deferred (from 28 March 2023 meeting date) and subsequently determined by Council meeting 19 September 2023.

The Council passed a motion at a Council Meeting that *Council does not provide an exemption to the payment of section 7.12 developer contributions under the Eurobodalla s7.12 Contributions Plan 2022, that would be attributed to any development consent issued under DA0078/23.*

This Contributions Plan has been considered and payment of contributions included the recommended draft consent conditions.

- *Water and Sewer Charges*

Water and sewer charges apply to development in accordance with Councils' *Water Supply And Sewerage Headworks Charges Policy*.

Council's *Water Supply and Sewerage Headworks Charges Policy* outlines the charges to be applied to developers for the increase in demand or loading that an average residential dwelling or house, otherwise known as an 'equivalent tenement' (ET), will have on Council's water and sewer infrastructure. Headworks charges for development are determined by assessing the demands on Council's water supply and sewerage infrastructure of that development and comparing them with an equivalent tenement. Development is therefore assessed in numbers of ET, and water and sewer headworks charges are levied as multiples of the adopted developer charges.



In this instance, the proposal relates to *Commercial and Industrial development* category development and therefore Equivalent Tenement (ET) loadings for different types of development are to be in accordance the NSW Water Directorate's *Section 64 Determinations of Equivalent Tenements Guidelines*.

Calculations:

	Payable ETs	Amount Payable
<b>Sewer</b>	<b>S64 ET guidelines: Table 2 – 0.05 ET/person</b>	
	<p><b>Student population:</b> current 704 projected (2032) 911. This does not include staff, the ET guideline has person as the unit, therefore staff to be included to determine ET. ABS 2022 – 13.1 students/teacher, no consideration for administration staff as conservative approach so as not to over-charge, 54 current and 70 projected.</p> <p><b>Based on the above, ETs approximated at: 37.9 current, 49.05 projected.</b></p> <p><b>ON RECORD: Credit of 12.18 ETs.</b></p> <p>Previous S68s issued without additional ET's as they were to be determine at DA stage and student numbers provided.</p> <p><b>To be charged effectively immediately 25.7 ETs.</b></p> <p><b>To be charge due to population increase, 11.1 additional ETs.</b></p> <p><b>Total additional ETs to be charged under this DA, 36.8 ETs.</b></p>	<p>ET Amount (Sewer DSP2): <b>\$ 9,545.00</b></p> <p>Immediate 25.7 ETs (payable): <b>\$245,306.50</b></p> <p>Additional 11.1 ETs (payable): <b>\$105,949.5</b></p> <p><b>\$79,380.00</b></p>
<b>Water</b>	<p><b>S64 ET guidelines: Table 2 – 0.03 ET/student.</b> Refer to Sewer comments regarding student/staff numbers.</p> <p><b>ETs approximated at: 22.74 current, 29.43 projected.</b></p> <p><b>ON RECORD: Credit of 12.18 ETs.</b></p> <p>Previous S68s issued without additional ET's as they were to be determine at DA stage and student numbers provided.</p> <p><b>To be charged effectively immediately 10.5 ETs.</b></p> <p><b>To be charge due to population increase, 6.6 additional ETs. Total additional ETs to be charged under this DA, 17.1 ETs.</b></p>	<p>ET Amount: <b>\$ 7,560.00</b></p> <p>Immediate <b>10.5</b> ETs (payable): <b>79,380</b></p> <p>Additional <b>6.6</b> ETs (payable): <b>\$49,896</b></p>

Note: s68 (*Local Government Act 1993*) applications are lodged with Council including for water supply, sewerage and stormwater drainage works that require approval. As outlined in the History section of this report the site contains a number of applications (including complying development applications) which did not seek consent for increased student numbers. As this application seeks consent for increased student (population) numbers additional Water Supply and Sewerage Headworks Charges apply.

Water and sewer charges are identified in the recommended draft conditions to be charged at prior to construction and prior to occupation stages of the development.

**(d) Section 4.15(1)(a)(iia) – Planning agreements under Section 7.4 of the EP&A Act**

There have been no planning agreements entered into and there are no draft planning agreements being proposed for the site.

**(e) Section 4.15(1)(a)(iv) - Provisions of Regulations**

Section 61 of the 2021 EP&A Regulation contains matters that must be taken into consideration by a consent authority in determining a development application, with the following matters being relevant to the proposal:

- Demolition - provisions of AS 2601;

Section 62 (consideration of fire safety) and Section 64 (consent authority may require upgrade of buildings) of the 2021 EP&A Regulation have been considered in relation to the proposal. The applicant submitted a Building Code of Australia (BCA) Assessment report which identified required building code compliance requirements.

These provisions of the 2021 EP&A Regulation have been considered and are addressed in the recommended draft conditions (where necessary).

**3.4 Section 4.15(1)(b) - Likely Impacts of Development**

The likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality must be considered. In this regard, potential impacts related to the proposal have been considered in response to SEPPs, LEP and DCP controls outlined above and the Key Issues section below.

The consideration of impacts on the natural and built environments includes the following:

- Context and setting – The proposal is considered to be generally consistent with the context of the site, in that the proposed development is an alteration to an existing education facility and is considered appropriate in the local context. The application has taken into account potential visual impacts and the neighbouring residential character and context, reducing visual bulk where possible and incorporating appropriate setbacks to minimise potential impacts.
- Access and traffic – The proposal involves construction of additional access points for both passenger vehicles and buses and has considered the potential impacts on the local street network. It has taken into account the potential effects on traffic and parking, with provisions made for additional parking spaces to ensure increased parking capacity.
- Public Domain – the potential impacts on the public domain are limited to the front of the site and interface between existing parking areas/ vehicle access and the local street network. Pedestrian and vehicular connection is proposed to allow for connection of the site to neighbouring shops and facilities.
- Utilities – connection to existing utilities is proposed. Public infrastructure connection is required and can be managed through the development process in accordance with Authority requirements.
- Heritage – the proposal has considered potential impacts on heritage and management and mitigation measures will be implemented to ensure areas with heritage values are protected through the development phase of the development.

- Water/air/soils impacts – the site has been considered suitable for education use purposes in relation to contamination. Treatment and management of stormwater and implementation of erosion control measures is proposed. A construction management plan has been prepared to minimise potential impacts during construction works.
- Flora and fauna impacts – tree and vegetation removal is proposed within the perimeter areas of the site to facilitate the development. The impacts will be minimised through implementation of a biodiversity and vegetation management strategy.
- Natural environment – the proposal is within a developed area of an existing educational establishment and no significant changes to the natural contours of the site are proposed.
- Noise and vibration – the applicant submitted a specialist report in consideration of noise and vibration during the construction and operational phases of the development. The potential impacts require site specific design and mitigation (building construction requirements, earthen bund, acoustic wall) and further noise measuring following construction to ensure ongoing noise management and operational hours are suitable.
- Natural hazards – is the site affected by any natural hazards such as flooding and bushfire and the hazards have been adequately addressed by the proposal (consultant reports and NSW RFS requirements).
- Safety, security and crime prevention – Crime Prevention Through Environmental Design (CPTED) Principles have been considered in the design of the proposal with a Crime Prevention Report has been undertaken by the applicant. New buildings are to be located in proximity to existing buildings and are proposed around a central pedestrian access way, allowing for surveillance from adjoining areas. The proposed acoustic wall is to consider transparent building construction materials and additional signage installed to minimise opportunities for crime.
- Social impact – the proposal involves provision of additions to an existing education facility and construction of new buildings including a Sports and Recreation building that will be available for community use. Schools can contribute to the improved health and safety of the community, provide education opportunities which can lead to improved economic prospects, provide opportunities for cultural understanding and provide resources to the community such as facilities for meetings, events and recreational purposes.
- Economic impact – employment generation, economic benefits related to increased workforce and employment opportunities, opportunities during construction, increased facilities capable of use for community events, meetings and recreational uses, increased enrolments which provide increased population in the area that creates opportunities for business investment.
- Site design and internal design – As discussed in this report the proposal relates to alterations and additions to an existing school, with proposed buildings centred around existing development within the southern portion of the site. New buildings have primarily been located within the eastern portion of the site to minimise potential impacts from associated bushfire risk from the vegetated areas to the west and to provide access from existing site access and parking areas.

- Construction –the potential impacts from construction been considered in the proposal. The applicant has submitted a Construction Management Plan and recommended conditions of consent require management and mitigation measures to be implemented during construction, including consideration of demolition, noise, dust, site management including limiting hours of construction.
- Cumulative impacts –the development has considered potential impacts in relation to traffic flow, transport infrastructure, parking demand, visual impacts, potential habitat and biodiversity, water and air quality, cultural and historical heritage and bushfire risk. The proposal is generally consistent with the planning controls and it is considered on balance, the proposal will not lead to adverse cumulative impacts.

Accordingly, it is considered that the proposal will not result in any significant adverse impacts in the locality as outlined above.

### **3.5 Section 4.15(1)(c) - Suitability of the site**

The site is considered to be suitable for the proposal on the following basis:

- The development is compatible with the context and character of the existing built environment
- Utilities and services available to the site are adequate for the development
- The development will provide improved parking and access for vehicles and will not lead to unmanageable transport demands
- The air quality and microclimate are appropriate for the development
- No hazardous land uses or activities are within the vicinity of the site
- It has been demonstrated that impacts of the development can be mitigated and managed, where required, through compliance with conditions of consent.
- The development is compatible with the identified bushfire and flood risk
- The proposal will not impact on the cultural heritage significance of heritage items or areas.
- The development site can be managed to minimise impacts on native and significant vegetation.

### **3.6 Section 4.15(1)(d) - Public Submissions**

These submissions are considered in Section 5 of this report.

### **3.7 Section 4.15(1)(e) - Public interest**

The proposal is considered to be in the public interest on the following basis:

- Potential impacts associated with the proposal are mitigated or are addressed through the imposition of conditions of consent, as demonstrated throughout this assessment report.
- The above assessment indicates that the proposal is generally consistent with the relevant planning controls.
- The proposal is consistent with the regional strategy to provide education and employment opportunities in appropriate locations.
- The application was reported to Council in relation to payment of contributions and this matter has been addressed through provision of consent conditions.

- The new facilities are associated with an existing school development and may assist in attracting students and staff to the high school, which have the ability to provide long term economic benefits to the wider region.
- The proposal allows for school and community use for facilities with the ability to provide positive impacts to the community.
- Neighbouring landowners were notified of the proposal and the submissions were considered in the assessment of the application.
- The proposal will not have any significant detrimental effect on the health and safety of the public as a result of compliance with relevant planning controls, standards, construction codes and recommendations made in supporting technical reports with management and mitigation measures required during construction and operational phases of the development.

#### 4. REFERRALS AND SUBMISSIONS

##### 4.1 Agency Referrals and Concurrence

The development application has been referred to various agencies for comment/concurrence/referral as required by the EP&A Act and outlined below in **Table 7**.

There are no outstanding issues arising from these concurrence and referral requirements subject to the imposition of the recommended conditions of consent being imposed.

**Table 7: Concurrence and Referrals to agencies**

Agency	Concurrence/ referral trigger	Comments (Issue, resolution, conditions)	Resolved
<b>Concurrence Requirements</b> (s4.13 of EP&A Act)			
Environment Agency Head (Environment, Energy & Science Group within DPIE)	S7.12(2) - <i>Biodiversity Conservation Act 2016</i>	The proposal is <u>not</u> likely to significantly affect threatened species. The proposal has provided a biodiversity development assessment report.	N/A
<b>Referral/Consultation Agencies</b>			
RFS	S4.14 – EP&A Act Development on bushfire prone land	Refer comment below – integrated development (Special Fire Protection Purpose)	Y
Electricity supply authority	Section 2.48 – <i>State Environmental Planning Policy (Transport and Infrastructure) 2021</i> Development near electrical infrastructure	Suitable subject to conditions.	Y
Rail authority	Section 2.97 – <i>State Environmental Planning Policy (Transport and Infrastructure) 2021</i>	Not applicable.	N/A



	Development land that is in or adjacent to a rail corridor.		
Transport for NSW (TfNSW)	Section 3.58 - <i>State Environmental Planning Policy (Transport and Infrastructure) 2021</i> Development that is deemed to be traffic generating development.	The proposal involves the increase of more than 50 students for an existing school.  Suitable subject to conditions.	Y
Design Review Panel	CI 28(2)(a) – SEPP 65 Advice of the Design Review Panel ('DRP')	Not applicable.	N/A
NSW Police	(s4.15) (likely impacts of development)	No referral response received. The referral was a non-statutory referral relating to crime prevention.  It is considered that this aspect of the development has been addressed by the applicant and is suitable subject to imposition of conditions i.e. safety and security; lighting.	N/A
Heritage NSW	(s4.15) (likely impacts of development) The application was referred to Heritage NSW as a non-statutory referral due to the Aboriginal Heritage search results which identified works within the vicinity of existing and identified new items.	The referral was not accepted by Heritage NSW as a due diligence report has been provided in support of the application. Refer further discussion in this report.	N/A
<b>Integrated Development (S 4.46 of the EP&amp;A Act)</b>			
RFS	S100B - <i>Rural Fires Act 1997</i> bush fire safety of subdivision of land that could lawfully be used for residential or rural residential purposes or development of land for special fire protection purposes	Concurrence provided.	Y

## 4.2 Council Officer Referrals

The development application has been referred to various Council officers for technical review as outlined **Table 8**.

**Table 8: Consideration of Council Referrals**

Officer	Comments	Resolved
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Engineering	Council Engineers reviewed the submitted development plans and considered that there were no objections subject to conditions.	Y
Traffic	Council Engineers and the Local Traffic Sub-Committee reviewed the proposal and raised initial concerns in relation to site design, traffic generation and car parking. The applicant subsequently revised the design of the proposal a design that is considered subject to conditions.	Y
Environmental Planner	Suitable subject to conditions in relation to biodiversity management and mitigation measures and offsets.	Y
Waste	Suitable subject to conditions.	Y
Building	Suitable subject to conditions.	Y

The outstanding issues raised by Council officers are considered in the Key Issues section of this report.

### 4.3 Community Consultation

The proposal was notified in accordance with Council's Community Participation Plan from 19 August 2022 to 5 September 2022, with ten (10) unique submissions being received. The application was re-exhibited upon submission of additional information between 1 March 2023 to 15 March 2023 (four (4) submissions received) and between 21 July 2023 and 8 August 2023 (3 submissions received).

The notification included the following:

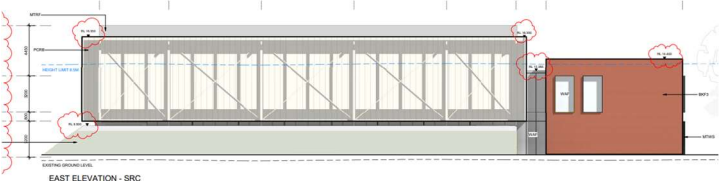

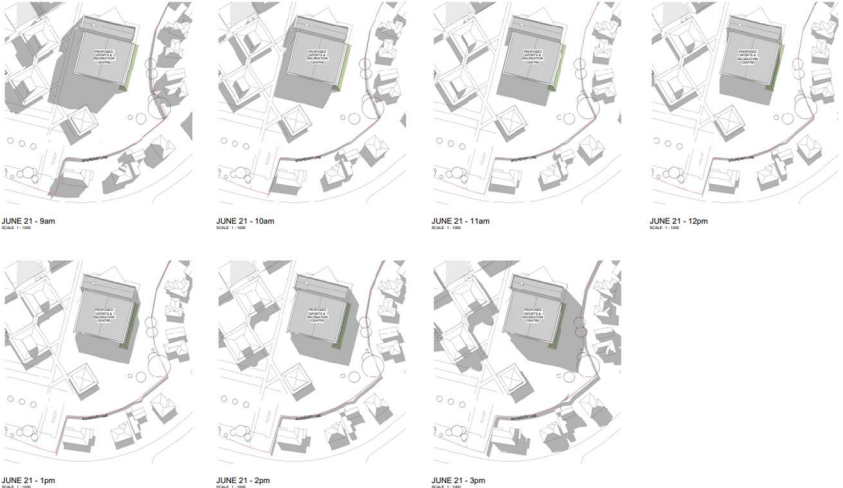
- A sign placed on the site;
- Notification letters sent to adjoining and adjacent properties (to 51 properties);
- Notification on the Council's website.

The Council received a total of ten (10) unique submissions during the first notification period, four (4) submissions during the second notification period and three (3) submissions during the third notification period. No submissions in favour of the proposal were received. The issues raised in these submissions are considered in **Table 9**.

**Table 9: Community Submissions**

Issue	Council Comments
Noise	<p>The applicant submitted a specialist report in consideration of noise and vibration during the construction and operational phases of the development. The potential impacts require site specific design and mitigation including building construction requirements, earthen bund and acoustic wall.</p> <p>Recommended consent conditions require further noise measuring following construction to ensure ongoing noise management and operational hours are suitable as proposed.</p> <p><b>Outcome:</b> Council is satisfied that potential noise impacts can be effectively managed through the detailed design and can be</p>

	satisfactorily addressed subject to the imposition of relevant recommended conditions of consent (Attachment A).
Traffic and parking	<p>Existing car parking in the northern part of the site (Caitlin Crescent) was approved under previous development applications.</p> <p>The proposal was amended during the assessment process to remove the additional car parking proposed in the north of the site from Caitlin Crescent and provide additional car parking and access from the south (Train Street).</p> <p>A recommended condition of consent requires gates to be installed at Caitlin Crescent entry to minimise car access at this location. The Train Street car parking and bus and car parking area has been revised during the assessment process to provide for additional off street parking.</p> <p><b>Outcome:</b> Council is satisfied that the design of the proposal presents an improved traffic and parking outcome and can be satisfactorily addressed subject to the imposition of relevant recommended conditions of consent (Attachment A).</p>
Bulk and scale/ character and visual impact	<p>Public submissions raised concern about potential visual impacts and loss of views from private and public spaces, particularly in relation to the P10 Sports and Recreation Centre. The applicant identified:</p> <ul style="list-style-type: none"> <li>- The building is set back 17m from the eastern site boundary;</li> <li>- The building location in the eastern part of the site is due to bushfire risk;</li> <li>- The building design is required to provide adequate building height and spans for sports activities;</li> <li>- The design of the building has minimised eastern facing windows/openings;</li> <li>- The acoustic wall could be constructed from transparent materials;</li> <li>- The visual impacts of the development are limited to the immediate vicinity to the adjoining properties to the east and are minimal when viewed from the wider area i.e. screened by existing development and vegetation.</li> </ul> <p>Recommended conditions of consent require implementation of noise mitigation and management measures to ensure that potential impacts are minimised.</p> <p><b>Outcome:</b> Council is satisfied that the design of the proposal has satisfactorily addressed the built form and visual impacts of the development subject to the imposition of relevant recommended conditions of consent (Attachment A).</p>
Loss of privacy	<p>Concern was raised in public submissions in relation to potential loss of privacy, in particular windows of the P10 Sports Centre located on the eastern elevation.</p> <p>The building design of the Sports Centre identifies minimal windows to be located on the eastern elevation i.e. limited to east facing</p>

	<p>windows proposed to the single storey classroom portion of the building.</p> <p>East elevation:</p>  <p>EAST ELEVATION - SRC SCALE 1:100</p> <p>The area for sports activities (basketball courts) etc. is screened at ground level by a landscaped earthen bund with no windows / overlooking to adjoining areas proposed.</p> <p>Perspective view (eastern elevation):</p>  <p><b>Outcome:</b> Council is satisfied that the design of the proposal has satisfactorily addressed the built form and privacy impacts of the development subject to the imposition of relevant recommended conditions of consent (Attachment A).</p>
<p>Solar access</p>	<p>Concern was raised in public submissions about overshadowing to existing residential developments that adjoin the site to the east. This related to the proposed P10 Sports Centre, being proposed above the allowable building height. The applicant advise the building, while 11.85m in height is proposed to be located 17m set back from the eastern side boundary and therefore potential overshadowing is minimised.</p> <p>Extract from submitted shadow diagrams.</p>  <p>JUNE 21 - 9am SCALE 1:100</p> <p>JUNE 21 - 10am SCALE 1:100</p> <p>JUNE 21 - 11am SCALE 1:100</p> <p>JUNE 21 - 12pm SCALE 1:100</p> <p>JUNE 21 - 1pm SCALE 1:100</p> <p>JUNE 21 - 2pm SCALE 1:100</p> <p>JUNE 21 - 3pm SCALE 1:100</p> <p>JUNE 21 - 4pm SCALE 1:100</p>

	<p><b>Outcome:</b> Council is satisfied that the design of the proposal has satisfactorily addressed potential overshadowing and solar access.</p>
Impacts on vegetation	<p>Concern was raised in public submissions about potential impacts on biodiversity, vegetation, flora and fauna.</p> <p>The applicant submitted a Biodiversity Development Assessment Report (BDAR) which potential impacts to native vegetation occur due to thinning and clearance to prepare building footprints and maintain bushfire Asset Protection Zones.</p> <p><b>Outcome:</b> Council has considered this report and following a detailed assessment, concluded the report is satisfactory subject to implementation of biodiversity and vegetation management plans and offsetting through the retirement of ecosystem credits as outlined in recommended conditions of consent. The applicant proposes additional landscaping and tree planting and will be required to undertake re-vegetation of identified areas as a condition of consent.</p>
Hours of operation – school and music rooms	<p>Concern was raised in public submissions about potential impacts of the development in relation to increased operational hours proposed for use of facilities i.e. anti-social behaviour, noise, traffic and parking.</p> <p>The proposal involves operational hours:</p> <p>School operational hours:</p> <ul style="list-style-type: none"> <li>○ 8am to 5pm Monday - Friday (school)</li> </ul> <p>Building P10: Communal Activities and performance centre: (sport, recreation and in times of emergency)</p> <ul style="list-style-type: none"> <li>○ Hours of operation:</li> <li>○ 8am to 5pm Monday - Friday (school)</li> <li>○ 7am to 9pm on Monday - Sunday (community use).</li> </ul> <p>The applicant submitted a number of specialist reports that addressed potential impacts (including noise, crime prevention and traffic and parking reports). The hours of operation were revised during the assessment process to reduce the number of out-of-school use operational hours.</p> <p><b>Outcome:</b> Council is satisfied that the design of the proposal has satisfactorily addressed the potential impacts of the development subject to the imposition of relevant recommended conditions of consent (Attachment A). Conditions of consent require post-consent noise monitoring to be undertaken to address the ongoing management of the operation of the site and demonstrate the development as proposed is capable achieving and maintaining amenity outcomes during operational hours.</p>



## **5. KEY ISSUES**

The following key issues are relevant to the assessment of this application having considered the relevant planning controls and the proposal in detail:

### **5.1 Building Height**

The proposed building form presents a mix of building forms and styles that is consistent with built form that is typically associated with educational development, providing a mix of building types and materials. The proposed alterations have considered the site constraints and locality.

The design of the proposed buildings and location in relation to existing buildings and site boundaries are considered acceptable. The applicant has demonstrated the proposed Sports and Recreation Centre which exceeds the required building height is suitable in the context and character of the development, with management and mitigation measures proposed to minimise potential impacts to immediate neighbours and the wider locality.

The buildings are set back from site boundaries within the existing developed areas of the site and potential visual and amenity impacts are limited to the immediate locality.

The applicant has addressed the issues raised in relation to building placement, built form acoustic and visual impacts satisfactorily with amended plans and documentation. Accordingly, this issue is considered satisfactory and approval of the application is recommended.

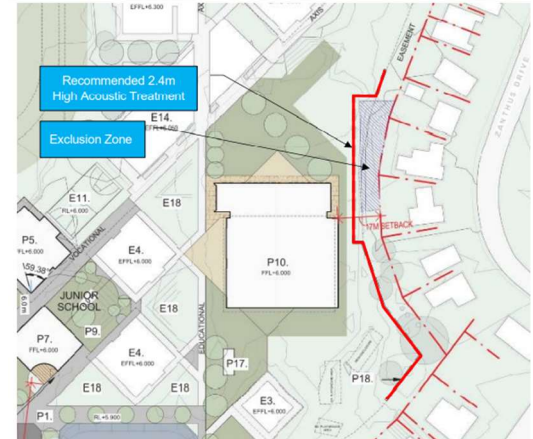
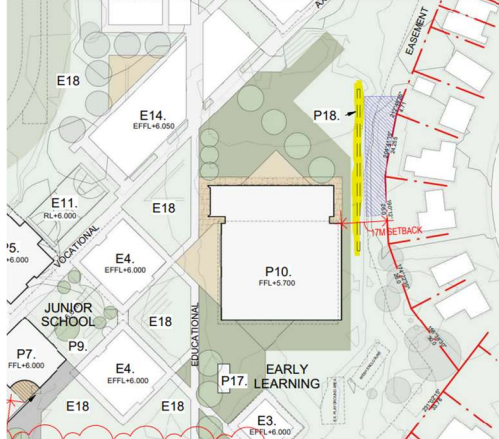
Resolution: The issue has been resolved through recommended conditions of consent as outlined in **Attachment A**.

### **5.2 Noise and vibration Assessment**

The potential for noise and vibration to impact on adjoining properties is an important consideration given the nature of the proposed development which include performance areas and sports and recreation buildings in addition to classrooms. The application was accompanied by an Acoustic Report prepared by ACOR Consultants (dated 15/12/22) which considered this issue.

The report identified sensitive residential receivers to east, south-east and north and the current noise environment (road traffic noise) and potential noise sources from children playing, indoor classroom and the activities associated with the proposed Sports and Recreation Centre (sports and school assembly uses), gymnasium and extension to the Performing Arts Centre.

The design of the development was revised during the assessment process to increase acoustic measures to buildings and reduce the extent of the acoustic wall.

Initial Proposal - Extract from submitted development plan (area of proposed acoustic wall shown in red)	Revised Proposal - Extract from submitted development plan (area of proposed acoustic wall highlighted in yellow)
	

The recommendations include built form construction requirements for building and façade materials, specific building design recommendations including minimising window locations, vibration isolation and construction of physical barriers including an earthen bund and acoustic wall. The acoustic wall is proposed to minimise HVAC equipment noise from the Sports and Recreation Centre plant room and is to be located inset from the site boundary in consideration of existing easements and identified Aboriginal heritage exclusion zones.

The report concluded that the proposed development would achieve the relevant design criteria with the implementation of the architectural and mechanical recommendations provided in the report. A recommended condition of consent requires preparation of a Construction Management Plan during the construction phase of the development and submission of an Acoustic Implementation Report and Noise Management Plan to be submitted within 12 months of operation of the development to reduce the likelihood of noise impacts during the on-going use of the development. Council has considered this report and following a detailed assessment, concluded the report is satisfactory and recommended management and mitigation measures can be implemented in accordance with recommended conditions of consent.

**Resolution:** The issue has been resolved through recommended conditions of consent as outlined in **Attachment A**.

### 5.3 Traffic and Parking

The potential traffic and parking impacts on the locality are an important consideration given the school is currently operational and increased student numbers are proposed which propose to increase the capacity of the school from approximately 700 students to 900 students by 2027. The application was accompanied by a Traffic Impact Assessment prepared by Stantec, dated 3/2/23 (as amended) and an Addendum dated 17 July 2023 which considered this issue.

The Traffic Report considered the potential traffic impacts of the proposal including undertaking an assessment of existing traffic and parking conditions, suitability of the proposed parking (supply and layout), service vehicle requirements, pedestrian and bicycle requirements, traffic generation, the suitability of the proposed access arrangements and the potential impacts on the surrounding road network.

The proposal was assessed by Council and Transport for New South Wales (TfNSW) who concluded that the initial proposal was not suitable in relation to traffic and parking impacts. The peak traffic congestion times are associated with before and after school pick ups which see increased bus and vehicle activity particularly within the southern portion of the site at the Train Street entry.

The proposal was amended during the assessment process in response to Council concerns and public submissions, providing an alternate design to remove additional carparking proposed at Caitlin Crescent in the north of the site and provide a revised bus and car parking design within the developed southern areas of the site (away from residences) including additional entry/exit locations at Train Street.

Initial Proposal - Extract from submitted development plan (area of proposed increased parking highlighted in yellow)	Revised Proposal - Extract from submitted development plan (area of proposed increased parking highlighted in yellow)

Council has considered this report and comments provided from TfNSW and following a detailed assessment, concluded the proposal as amended is satisfactory. The proposal provides for increased entry/exit points to the school for vehicles including separate bus and passenger vehicle access points, and is considered to be an improvement to the current site conditions.

**Resolution:** The issue has been resolved through recommended conditions of consent as outlined in **Attachment A**.

## 5.4 Biodiversity and Vegetation

The potential impacts on biodiversity and conservation are an important consideration as the site contains and adjoins areas mapped as containing native vegetation and biodiversity. The application was accompanied by a Biodiversity Development Assessment Report

(BDAR) prepared by Lodge Environmental, dated 19 September 2023 (as amended) due to the vegetation clearing proposed which considered this issue.

The BDAR identified potential impacts to native vegetation will total a maximum of 0.31 ha for thinning and clearance to prepare footprints and maintain Asset Protection Zones. The design of the proposal has considered avoidance and minimise principles. Site specific habitat and vegetation surveys were undertaken identifying potential impacts and requiring offsetting in accordance with the Biodiversity Offset Scheme.

The BDAR concluded that after all avoidance and mitigation measures, the proposal will result in the maximum impact to 0.31 ha of native vegetation (associated with 659 – Bangalay - Old-man Banksia open forest on coastal sands, Sydney Basin Bioregion and South East Corner Bioregion which is associated with 3 candidate species habitat). This requires 9 Ecosystem Credits for PCT 659 and 23 Species Credits to be discharged by the proponent.

Council has considered this report and following a detailed assessment, concluded the report is satisfactory subject to implementation of biodiversity and vegetation management plans and offsetting through the retirement of ecosystem credits as outlined in recommended conditions of consent.

**Resolution:** The issue has been resolved through recommended conditions of consent as outlined in **Attachment A**.

## **5.5 Heritage**

The potential impacts on Aboriginal cultural heritage are an important consideration due to the proximity of the proposed works to heritage items. The application was accompanied by an Aboriginal Due Diligence Assessment (prepared by Niche Environment and Heritage dated 10 February 2023) which considered this issue.

The Due Diligence Assessment was undertaken in accordance with the Environment & Heritage (OEH)'s *Due Diligence Code of Practice for the Protection of Aboriginal Objects in New South Wales*. The site contains identified Aboriginal cultural heritage Aboriginal sites.

The site inspection identified the site has been significantly disturbed due to existing development, a bushfire event in 2019, previous earthworks, vegetation clearance, underground utilities, the construction of various buildings and facilities, and the installation of landscaping throughout the area including construction of paths and roads.

The Assessment recommended a number of areas be protected by fencing or 'no-go' zones, harm avoidance in relation to vegetation clearing, implementation of an unexpected finds protocol and ongoing management measures.

The Assessment concluded 'all planned construction works will avoid impacts to identified Aboriginal cultural heritage' and that through the implementation of measures outlined in Recommendations section of the report potential impacts associated with vegetation clearance will be appropriately managed.

It is considered that due to the location of the proposed structure within the development site and the resulting distance between the proposed structure and the heritage items, including protection and management during construction, any potential impacts on items of heritage significance can be managed. Recommended draft consent conditions of consent have been imposed requiring the development include construction, management and mitigation measures as outlined in the submitted specialist report including an unexpected finds protocol.

Resolution: The issue has been resolved through recommended conditions of consent as outlined in **Attachment A**.

## 6. CONCLUSION

This development application has been considered in accordance with the requirements of the EP&A Act and the Regulations as outlined in this report. Following a thorough assessment of the relevant planning controls, issues raised in submissions and the key issues identified in this report, it is considered that the application can be supported for the following reasons:

- The Panel can be satisfied that the General Terms of Approval have been obtained from NSW Rural Fire Service in accordance with Section 4.47(2) of the EP&A Act and have been included as a recommended condition of consent (Attachment D).
- The Panel can be satisfied that the provisions of the following State Environmental Planning Policies have been considered and satisfied:
  - i) Chapter 2, section 2.19(1) of *State Environmental Planning Policy (Planning Systems) 2021*
  - ii) Chapter 2, section 2.48(2) and Chapter 3, section 3.58 of *State Environmental Planning Policy (Transport and Infrastructure) 2021*
  - iii) Chapter 2, section 4.9(2) of the *State Environmental Planning Policy (Biodiversity and Conservation) 2021*.
  - iv) Chapter 2, section 2.10-2.13 and Chapter 4, section 4.6(4) of the *State Environmental Planning Policy (Resilience and Hazards) 2021*
- The Panel can be satisfied that the provisions of Clauses 2.3, Clause 4.6, Clause 6.4 and Clause 6.9 of *Eurobodalla Local Environmental Plan 2012* have been considered and satisfied.
- The Panel can be satisfied that the relevant provisions of the environmental planning instruments, plans and policies that apply to the development have been considered in the assessment of the application.
- The proposed development is considered satisfactory having regard for the matters for consideration provided in s.4.15 of the EP&A Act.

It is considered that the issues as outlined in the Key Issues section of this report have been resolved satisfactorily through amendments to the proposal and/or in the recommended draft conditions at **Attachment A**.

## 7. RECOMMENDATION

That the Development Application DA No. 0078/23 for Alterations and additions to existing educational establishment 'St Peter's Anglican College' at 61 Train Street Broulee be APPROVED pursuant to Section 4.16(1)(a) or (b) of the *Environmental Planning and Assessment Act 1979* subject to the draft conditions of consent attached to this report at Attachment A.

The following attachments are provided:

- Attachment A: Draft Conditions of consent



- Attachment B: Architectural Plans
- Attachment C: Clause 4.6 Request
- Attachment D: NSW Rural Fire Service General Terms of Approval
- Attachments E – Z (Reports and Plans including applicant response to Requests for Information)