

## COUNCIL ADDENDUM TO 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>	REVISED 15/12/23

## 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.

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* (ELEP) 2012), built form, potential traffic and car parking issues and noise impacts. Inadequate arrangements for waste management were also raised.

The applicant submitted additional information in response to the matters raised in the Panel Determination Meeting (25 October 2023), in response to the following reasons for deferral:

1. NSW RFS General 'Terms of Approval'
2. Traffic design referral to TfNSW
3. Carpark design
4. Biodiversity response to Koala Habitat Protection
5. Acoustic design of P10 and acoustic wall
6. Glint and glare impact of P10
7. Additional landscaping for P10 eastern site boundary
8. Additional landscape details
9. Draft conditions (revised)

The additional information was submitted by the Applicant on 24.11.23. Council in response requested that the applicant provide revised plans and additional acoustic information in support of the application from an Acoustic Consultant. The applicant lodged revised architectural plans and an additional acoustic statement/document prepared by an Acoustic Consultant in support of removal of the acoustic wall on 14.12.23.

### **Response to Planning Panel Determination Meeting – request for additional information**

#### **1. NSW RFS General 'Terms of Approval'**

The General Terms of Approval were revised in response to the matters raised in the Panel Determination Meeting (25 October 2023), and a revised Bushfire Safety Authority was issued (dated 27 November 2023). This included providing revised asset protection zone requirements to the P10 Sports and Recreation Centre of 17 metres to the eastern side boundary and an additional asset protection zone to the north-east for a minimum distance of 38 metres.

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. A revised Attachment D (RFS Determination) is provided.

#### **2. Traffic design referral to TfNSW**

The proposal was referred to Transport for New South Wales (TfNSW) under Clause 3.58 Traffic Generating Development of the Infrastructure SEPP which requires referral for an education establishment that will be able to accommodate 50 or more additional students (an additional 200 students are proposed under this application).

Transport for New South Wales (TfNSW) was consulted on three (3) occasions during the assessment process in response to submission of revised plans and documents. An updated Key Agency Referral Response Table is provided below. Refer additional discussion provided in updated Key Issues section of this Addendum report.

Agency	Concurrence/ referral trigger	Comments (Issue, resolution, conditions)	Resolved
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
	6.10.22 – <i>TfNSW response 1.</i>	No objections in terms of impacts on state classified road network (Princes Hwy) <ul style="list-style-type: none"> <li>- Consider impacts on surrounding road network</li> <li>- Consultation with bus operators</li> </ul> <i>Refer further discussion in s.5.3 of this report.</i>	
	15.3.23 – <i>TfNSW response 2.</i>	No objections in terms of impacts on state classified road network (Princes Hwy) <ul style="list-style-type: none"> <li>- Supports Council in assessment of negative impact on Train St</li> <li>- Consider mitigation measures for Train St</li> </ul> <i>Refer further discussion in s.5.3 of this report.</i>	
	31.7.23 – <i>TfNSW response 3.</i>	No objections in terms of impacts on state classified road network (Princes Hwy) <ul style="list-style-type: none"> <li>- Consultation with bus operators</li> <li>- Updated plans and management measures</li> </ul> <i>Refer further discussion in s.5.3 of this report.</i>	

### 3. **Carpark design**

The proposal was amended during the assessment process to provide an amended car parking and site layout including additional car parking and bus/car access points to and from Train Street to the south. Refer additional discussion provided in updated Key Issues section of this Addendum report.

### 4. **Biodiversity response to Koala Habitat Protection**

An amended assessment response is provided as follows:

#### 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).

Under *State Environmental Planning Policy (Biodiversity and Conservation) 2021* (cl. 4.2)

**core koala habitat means—**

(a) *an area of land which has been assessed by a suitably qualified and experienced person as being highly suitable koala habitat and where koalas are recorded as being present at the time of assessment of the land as highly suitable koala habitat, or*

(b) *an area of land which has been assessed by a suitably qualified and experienced person as being highly suitable koala habitat and where koalas have been recorded as being present in the previous 18 years.*

The Biodiversity Development Assessment Report (BDAR) lodged with the application identifies the subject land contains known feed trees for the koala however does not have recent history of koala sitings (including at the time of assessment or within the past 18 years) within 2.5km of the Subject Land, and therefore the site does not contain *core koala habitat*.

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

5. ***Acoustic design of P10 and acoustic wall***
6. ***Glint and glare impact of P10***
7. ***Additional landscaping for P10 eastern site boundary***
8. ***Additional landscape details***

9. ***Draft conditions (revised)***

The recommended conditions of consent have been revised following the Planning Panel determination meeting including provision of additional recommended conditions in relation to dilapidation, acoustic and operational management measures.

Refer additional discussion provided in updated Key Issues section of this Addendum report.

**Further discussion of Key issues (following submission of additional information by the Applicant on 24/11/23):**

6. **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:

6.1 **Building Height and Site design**

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 applicant submitted additional information in response to the matters raised in the Panel Determination Meeting (25 October 2023), addressing consideration of potential glint and glare from the proposed building P10 finishes and materials on residents. The proposed P10 façade has been modified in response to the concerns raised to incorporate a Danpalon faced product named 'Softlite' which is described by the applicant as a matt alternative to the original material which incorporated a gloss finish. The applicant submitted technical information in support of the low-glare material, which identified the alternate material has less glare than the originally chosen material. While the applicant did not provide a comprehensive glare analysis report, it is considered the chosen material (as amended) is consistent with materials typically used for this type and scale of project, as evidenced in the applicant submitted additional information which included photographic references to sports complex building/s.

*Extracts from applicants additional information response:*

Danpalon Glare Data and Comparison between 'Regular' and 'Softlite'



Figure 07: Example of the 'Regular' Danpalon originally specified gloss finish



Figure 08: Example of the proposed alternate Danpalon 'Softlite' Matt finish



Figure 09: Example of the proposed alternate Danpalon 'Softlite' Matt finish

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 submitted additional information in response to the matters raised in the Panel Determination Meeting (25 October 2023) including a revised concept landscape plan which proposes additional landscape planting including a mix of shrubs and trees to be located along the eastern side boundary between the P10 Sports Centre and the residential properties to the east at Caitlin Crescent. These consist primarily of a mix of shrubs and trees (*Correa glabra*, *Leptospermum petersonii*, *Lomandra lonifolia*) which are between 40cm - 5m height in addition to retaining existing planting, noting that plant types and densities will be subject to bushfire asset protection zone requirements.

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.

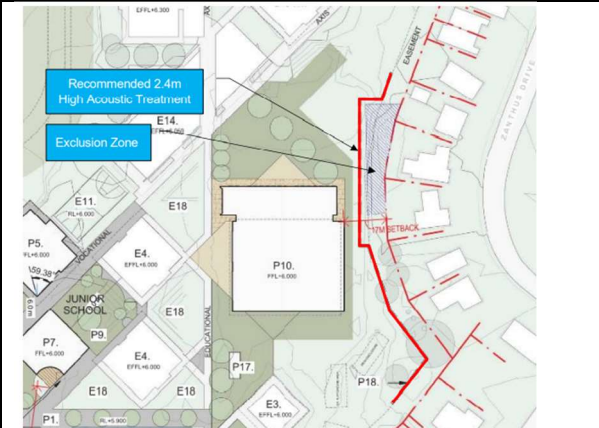
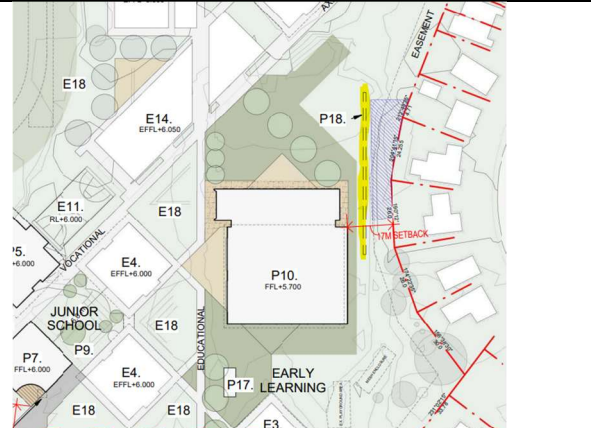
**Resolution:** The issue has been resolved through recommended conditions of consent as outlined in **Attachment A**.

## 6.2 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.

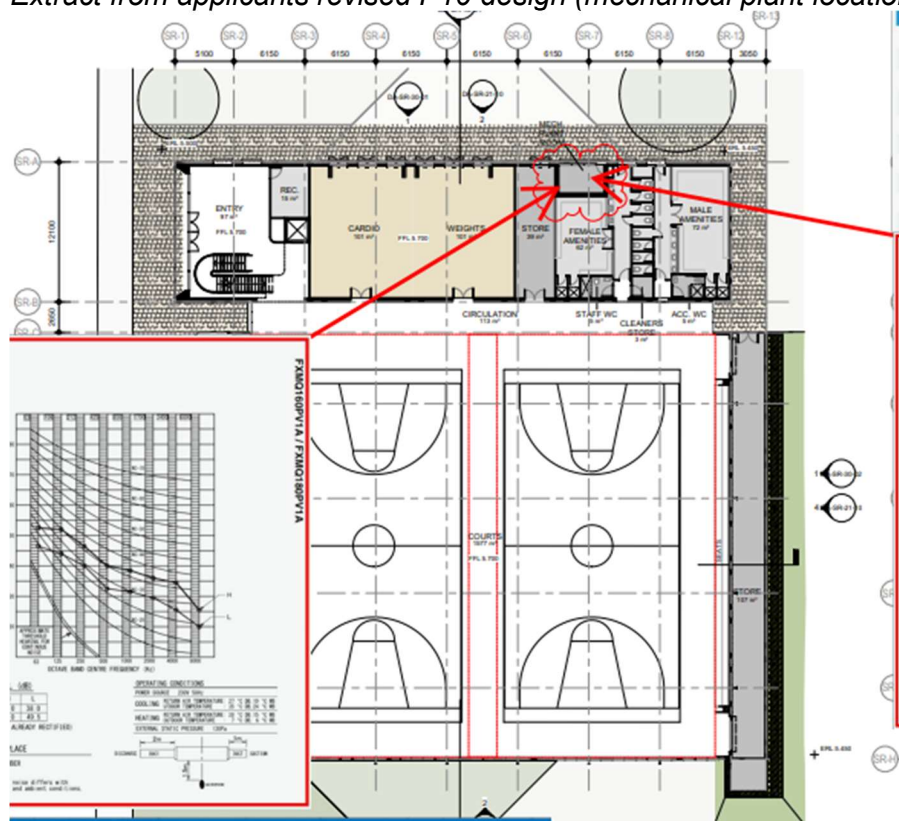
The report concluded that the proposed development would achieve the relevant design criteria with the implementation of the architectural and mechanical recommendations provided in the report. A recommended condition of consent requires preparation of a Construction Management Plan during the construction 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.

The applicant submitted additional information in response to the matters raised in the Panel Determination Meeting (25 October 2023), addressing the details of the mechanical plan for P10 and justification for the acoustic wall. The revised proposal includes the following:

- Removal of the acoustic fence
- relocation of mechanical plan room.

Revised plans were submitted by the Applicant illustrating removal of the acoustic fence and relocation of the mechanical plant room for P10.

*Extract from applicants revised P10 design (mechanical plant location):*



Council has considered this report and submission of additional information which provides improved acoustic outcome i.e. deletion of required acoustic wall and relocation of the mechanical plant room, and following submission of technical information (Acoustic Consultant advice – Appendix H of applicants Response to Information dated 14.12.23) conclude the proposal is satisfactory as amended subject to implementation of management and mitigation measures in accordance with recommended conditions of consent.

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

### 6.3 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.

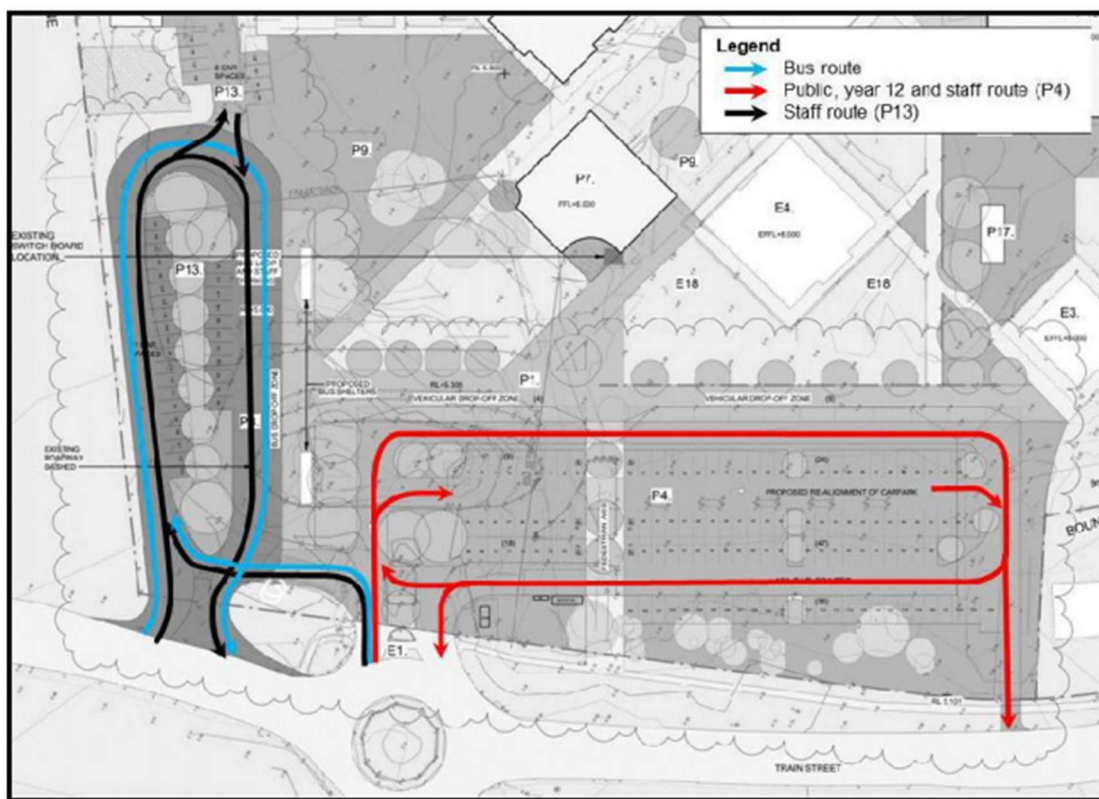
The proposal was amended during the assessment process in response to Council concerns and public submissions, providing an alternate design to remove additional carparking proposed at Caitlin Crescent in the north of the site and provide a revised bus and car parking design within the developed southern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

<b>Initial Proposal - Extract from submitted development plan</b> <i>(area of proposed increased parking highlighted in yellow)</i>	<b>Revised Proposal - Extract from submitted development plan</b> <i>(area of proposed increased parking highlighted in yellow)</i>

Transport for New South Wales (TfNSW) was consulted on three (3) occasions during the assessment process in response to submission of revised plans and documents. The TfNSW referral comments provided no objections to the proposed development in relation to potential impacts on the state road of the Princes Highway (located approximately 3.5km to the west), and advised that Council should be satisfied the proposal should consider potential adverse impacts on the adjacent classified road George Bass Drive. Further detailed assessment and consultation with TfNSW was undertaken which resulted in a revised proposal (as outlined

above) providing additional bus and vehicle car parking and revised entry/exit points to the site from Train Street to the south.

The applicant submitted additional information in response to the matters raised in the Panel Determination Meeting (25 October 2023), including addressing the safety and manoeuvrability ability of vehicles entering and exiting the staff car park. An extract from the applicant additional information (23 November 2023 – Figure 2) identifies the car and bus routes for different vehicle types:



*Figure 02: Revised Front of Campus Carpark and Bus Loop Design*

The applicant submitted swept path analysis which illustrates the car park layout has been designed to accommodate differing design vehicles which may access the site. The applicant provide line marking diagrams and indicative traffic control arrangements for management of vehicles entering and exiting the bus/staff parking area and roundabout.

Council has considered the information submitted throughout the development assessment process including comments provided from TfNSW and additional information submitted following the Panel Determination Meeting (25 October 2023) 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**.

## 6.4 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**.

## **6.5 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**.

## 6.6 Management and operation

The proposed alterations and additions to the school involve use of the school for education activities during standard school hours and use of facilities outside of standard school hours. The applicant submitted additional information in response to the matters raised in the Panel Determination Meeting (25 October 2023), including a Table of Contents for a Plan of Management, outlining matters to be incorporated in to a Plan. These include operating hours for the Sports Centre, roles and responsibilities, rules of conduct and prohibited activities, booking system, equipment and training, communication and feedback and improvement processes. A communication plan for internal and external communication will be developed. The details of the Plan of Management are required to be incorporated in to the operation of the development as a condition of consent.

## 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:

- REVISED documents:
  - Attachment (REVISED) - Attachment A – Draft consent conditions
  - Attachment (REVISED) - Attachment B – Architectural Plans
  - Attachment C: Clause 4.6 Request
  - Attachment (REVISED) - Attachment D – RFS Determination
  - Attachment (REVISED) – Attachment G – Landscape Plans
  - Attachments E – Z (zz1-zz3) (Reports and Plans including applicant response to Requests for Information)
  - Attachment (REVISED) – Additional information response from applicant dated 14.12.23
  - Attachment (REVISED) – referral RMS (TfNSW) Response No 1
  - Attachment (REVISED) – referral RMS (TfNSW) Response No 2
  - Attachment (REVISED) – referral RMS (TfNSW) Response No 3