



Statement of Environmental Effects

Proposed Additions and Alterations to existing Education Facility

Lot 388 DP 750227 & Lot 485 DP728071
64 Culgoa Crescent
Pambula Beach, NSW, 2549

29 September 2023
Reference: S023103

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Attachments

Attachment 1 – BMAT Report

Attachment 2 – AHIMS Report

Supporting Documents

| Document | Ref. No. | Dated | Prepared By |
|----------------------------|----------|---------|-----------------------------|
| Plans | | | Austin McFarland Architects |
| Site Analysis Plan | | | Austin McFarland Architects |
| Bushfire Assessment Report | S023103 | 29/9/23 | SET Consultants Pty Ltd |
| Cut and Fill Plan | | | Austin McFarland Architects |
| Stormwater Plan | | | Austin McFarland Architects |

1 INTRODUCTION

1.1 General

This Statement of Environmental Effects has been prepared by *SET Consultants Pty Ltd* for *Austin McFarland Architects*. This Statement is to accompany a Development Application to Bega Valley Council for the proposed development of Lot 388 DP750277 and Lot 485 DP728071 resulting in alterations and additions to the existing educational establishment.

The purpose of this Statement is to address the planning issues associated with the proposal. Specifically, the Statement is to assess the likely impacts of the development on the environment in accordance with the requirements of the *Environmental Planning & Assessment (EP&A) Act, 1979*.

The proposal is Integrated Development by virtue of the Rural Fires Act 1997.

2 SITE ANALYSIS AND CONTEXT

2.1 The Site

The subject site is legally described as Lot 388 DP750227 and Lot 485 DP728071, and known as 64 Culgoa Crescent, Pambula. The site is located to the south of Pambula Beach Road and west of Culgoa Crescent. The site has an area of approximately 2.68 hectares and is irregular in shape. Figure 1 shows a location image of the subject site and immediate surroundings.



Figure 1 Location map showing the subject site marked in red (SIXMaps).

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The site accommodates the existing School - Lumen Christi Catholic College which is a co-educational kindergarten to year 12 College for students with a maximum of 700 students and 64 staff (full time equivalent). The site is developed with the College buildings being classrooms, halls, staff rooms, administration, open space (covered and uncovered) onsite carparking, drop off/pick up zones and access roads and landscaping. The site has two access points with vehicles entering from Pambula Beach Road and exiting onto Culgoa Crescent. Access and egress to Culgoa Crescent is along the southern boundary which provides access to the car park and administration building, with alternative access Pambula Beach Road along the western side boundary. Figure 2 shows an image of the site.

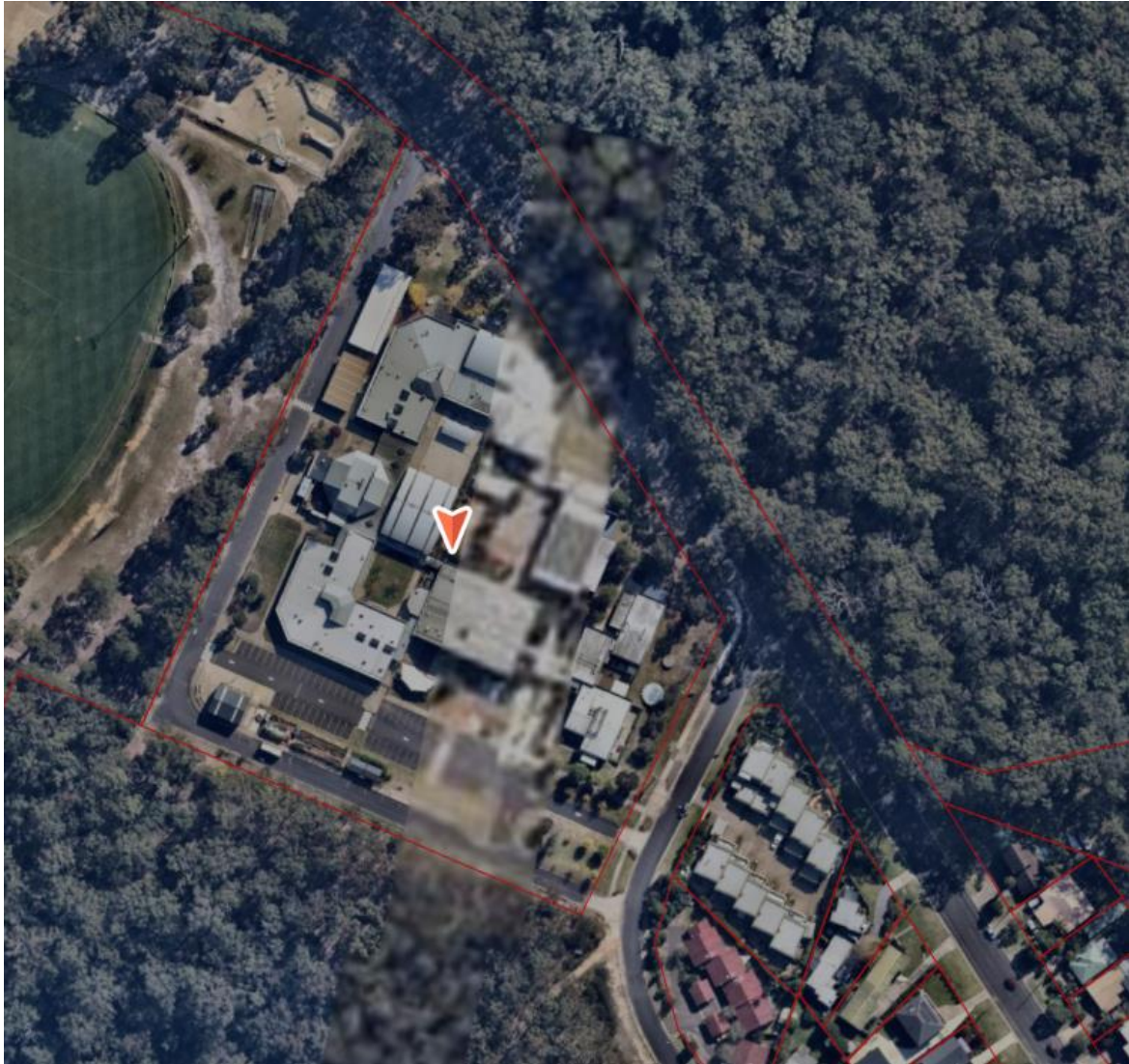


Figure 2 Aerial photograph showing the subject lot highlighted (Nearmap).

The following figures show further site images, as described.

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Figure 3: View looking North along Culgoa Street with School exit on the left



Figure 4: View from access way looking east with building to be altered in the foreground to right



Figure 5: View looking east along existing car park with building to be altered with second storey on the left.



Figure 6: View looking south across northern building proposed to be altered with second storey



Figure 7: View from access way looking east with building to be altered in the foreground



Figure 8: View looking east from proposed site of alterations across Council owned sports field on adjoining lot

2.2 Site Context

The subject site is located within the township of Pambula Beach, a coastal village with many tourist facilities as well as low density residential housing, located 3.4km from Pambula which is between Merimbula approx. 9km and 22km from Eden on the Sapphire Coast within the local government area of Bega Valley. The school is located on the north-eastern outskirts of Pambula

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Beach in the transition zone from the residential area and the industrial area of Pambula with the local sports field and complex to the west of the site. The surrounding developments in the immediate vicinity to the west provide a public sporting complex with playing fields, skate park Sapphire Aquatic Centre, to the east residential development with the remainder of surrounding lands vegetated. The site adjoins the Pambula Beach Road which provides access to Pambula and the Princes Highway.

2.3 Existing Environment

Baseline information in relation to the site's environmental conditions has been drawn from the following sources:

- Site inspection;
- Provided information;
- Review of Bega Valley Shire Councils planning documentation;

A Site Analysis Plan has been prepared by *Austin McFarland Architects* and has been submitted with this application. The subject site is mapped as being bushfire prone land, and terrestrial biodiversity, buffer from classified road, but is not mapped as being flood affected land, heritage, or riparian lands and watercourses.

2.3.1 Bushfire

The subject site is mapped as bushfire prone land. Figure 9 shows an extract of the Bushfire Prone Land map with the subject site outlined in blue. A Bushfire Assessment Report prepared by *SET Consultants* and has been submitted with the application.

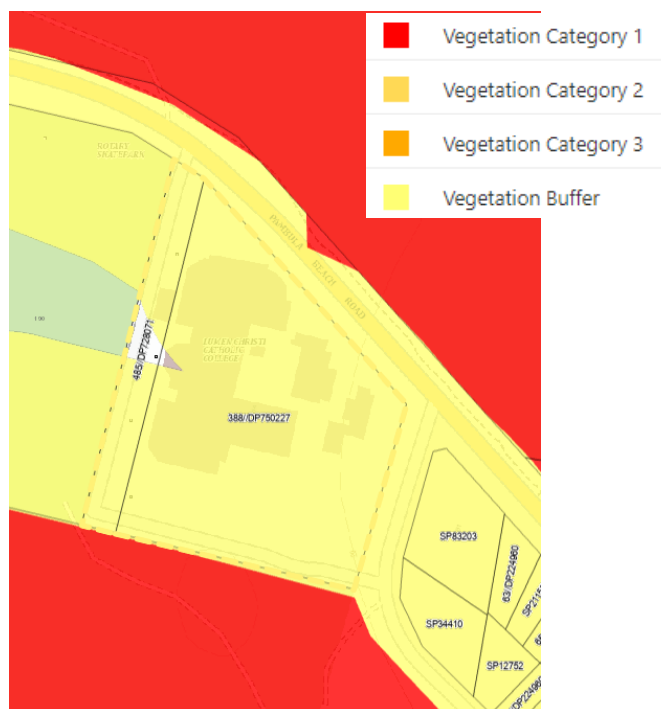


Figure 9 Bushfire Prone Land map showing the subject site outlined in yellow (ePlanning Spatial Viewer)

2.3.2 Biodiversity Values

The site is not mapped under the Biodiversity Values Map and Threshold Tool as containing biodiversity valuable vegetation. A BMAT Report has been submitted with this application. The site is mapped under BVLEP 2014 as containing Terrestrial Biodiversity over sections of the site, as seen in Figure 10 below. This mapping does not correlate to the proposed development area.

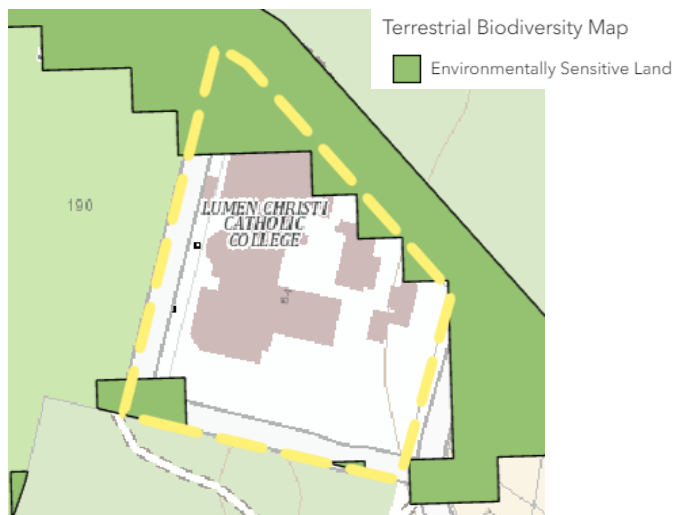


Figure 10 Extract of BVLEP Terrestrial Biodiversity map (ePlanning Spatial Viewer) with site outlined in yellow

2.3.3 Heritage

The subject site is not mapped under the BVLEP 2014 as containing or being located in the immediate vicinity of a Heritage Item. An AHIMS Report did not identify any known Aboriginal sites or places within a 200m buffer around the site.

2.3.4 Traffic & Transport

The subject site has vehicle access from Pambula Beach Road to the north and Culgoa Crescent to the east. There is an existing accessway located along the western boundary from Pambula Beach Road and on the southern boundary onto Culgoa Crescent. The site provides access to, drop off/pick up zones and parking for buses. The site has a local private bus company services for students of the school. There is also a public bus services provided Route 892 Merimbula to Pamula Beach via Pambula which has a stop at Lumen Christi college.

2.3.5 Stormwater Drainage & Infrastructure

Telecommunications, reticulated sewer, water and electricity are available to the subject site. The site naturally drains south. Stormwater plan has been prepared and submitted with this application.

3.1 Description

This proposal is for alterations and additions to the existing Educational Establishment. Figure 11 shows an extract of the Site Plan prepared by *Austin McFarland Architects* which has been submitted as part of this application.

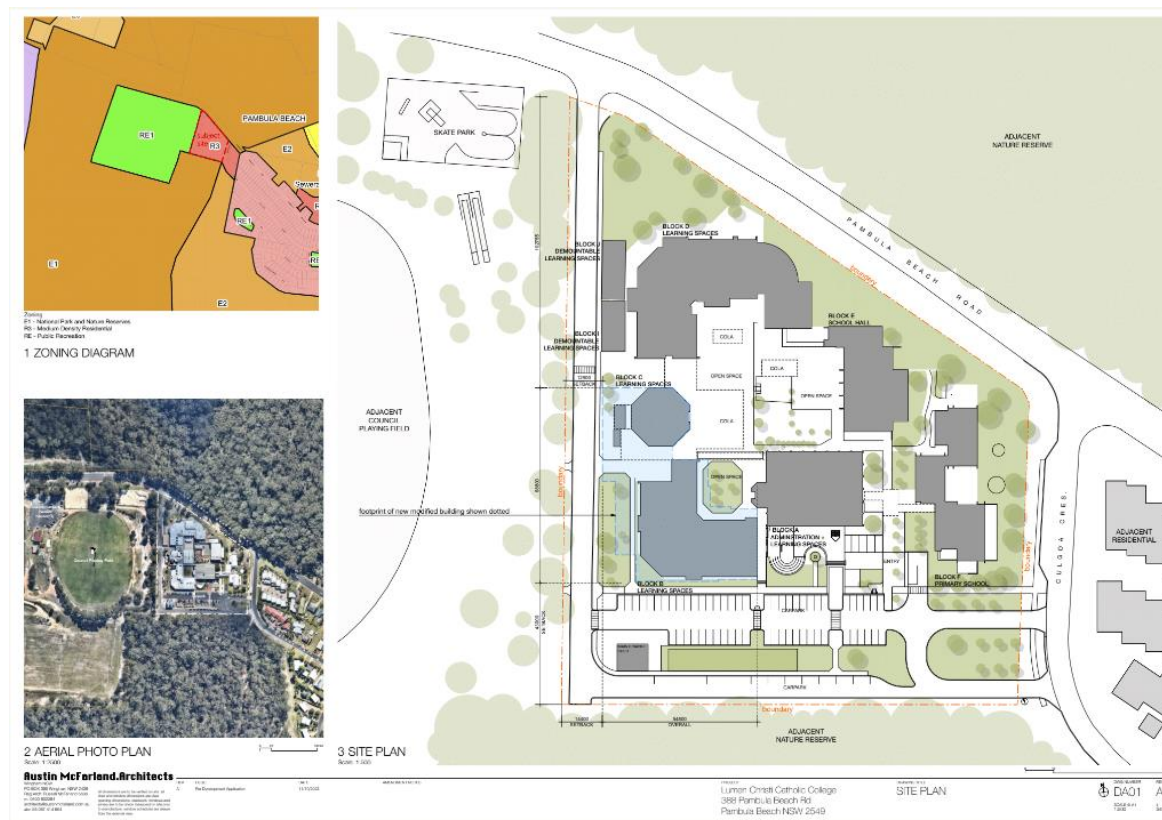


Figure 11 Extract of the Site Plan prepared by *Austin MacFarland Architects*.

Further details of each aspect of the development are provided as follows:

The proposed alterations and additions to the existing building include joining block B TAS and C Science Building extending to the west only extension to the south is the inclusion of perforated metal screens.

Block B Learning Spaces

Addition of 1st floor to accommodate.

- Classrooms general learning areas
- Break out spaces

Block C Learning space

- Extension to building to the southern elevation with cut metal screening.
- Extension to building to the western elevation to extend the
- First floor extension
- New workshops
- Machine rooms

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- Materials handling space
- Classrooms
- Adaptable spaces so can have smaller rooms with lab beside or large classrooms.

The alterations and additions are not to increase the capacity of the school but to create adaptable and flexible learning spaces and staff facilities to better utilise the site and provide modern learning facilities for students, teachers and the school community to meet the expectation of staff, students and carers.

Figure 12 shows an extract of the Elevation Plans prepared by *Austin MacFarland Architects*. A full set of architectural plans have been submitted with this application.



Figure 12 Elevation Plan of new proposed dwelling prepared by the *Papesch Architecture*.

Materials have been included in the submitted Architectural Plans including metal roof sheeting, face brick, blockwork, bagged brickwork, fibre cement sheeting and perforated metal screening .

School capacity

Student population capacity (unchanged)

K-6 150

7-12 521

Total 671

Total staff (FTE rounded) 64

Parking requirements:

| | | | |
|--------------|-------------------------|--------------|------------------|
| Y12 Students | 1 for every 20 students | 75 students | 4 car spaces req |
| Visitors | 1 for every 30 students | 671 students | 23 spaces |
| Staff | 1 for 20 students | 671 students | 34 spaces |

Total required 61

The site accommodates the required car parking spaces.

Physical Works

Physical works associated with the proposed demolition, construction and alterations to existing building involve minor cut and fill to create level area for extension to existing building, inclusion and extension of services and landscaping works. Annotations are included on the Architectural Plans.

4 MATTERS FOR CONSIDERATION

In accordance with Section 4.15 of the Environmental Planning and Assessment Act 1979 (as amended) the relevant matters for consideration are addressed as follows:

4.1 Relevant Legislation

4.1.1 Environmental Planning & Assessment Act 1979

Bushfire Prone Land Map indicates that the subject site is bushfire prone. A Bushfire Assessment Report has been prepared by SET Consultants Pty Ltd and has been submitted with this application demonstrating the development conforms with the specifications and requirements of Planning for Bush Fire Protection as required under s4.14(1(a)) of the Act.

4.1.2 Rural Fires Act

Section 100B of the *Rural Fires Act 1997* requires that the Commissioner of the NSW Rural Fire Service (NSW RFS) issue a Bush Fire Safety Authority (BFSA) for residential, rural residential or rural subdivision and special fire protection purpose developments on bush fire prone land

Shoalhaven City Council's Bushfire Prone Land Map indicates that the subject site is bushfire prone. The proposed development is considered a "special fire protection purpose" in accordance with PBP 2019. Under Section 4.46 of the Environmental Planning and Assessment (EP&A) Act 1979 the proposal is classified as integrated development and requires a Bush Fire Safety Authority under Section 100B of the Rural Fires Act 1997.

This Bushfire Assessment Report has been prepared by SET Consultants Pty Ltd and has been submitted with this application. The following has been extracted from the Bushfire Assessment Reports Conclusion and Recommendations section:

The National Construction Code (2022) has additional Bushfire Protection Measures for certain Class 9 buildings which are detailed in Specification 43 'Bushfire Protection Measures for Certain Class 9 Buildings' Volume 1 NCC (2022). The additional measures relate to Class 9a Primary or Secondary Schools, Class 9b Early Childhood Centre and

*Primary/Secondary Schools and Class 9c Residential Care Building. Of the twelve additional requirements listed above, this assessment has addressed sections 'S43C10 Building envelope'; 'S43C11 Supply of water for fire-fighting purposes'; and 'S43C14 Vehicular access' as these requirements relate specifically to the area of expertise of a BPAD Practitioner. The remaining specifications **will be the responsibility of the Principal Architect, Building Certifier and/or Fire Engineer.***

The subject site is legally described as Lot 388 DP750227 and Lot 485 DP728071, and known as 64 Culgoa Crescent, Pambula. The site is located to the south of Pambula Beach Road and west of Culgoa Crescent. The site has an area of approximately 2.68 hectares and is irregular in shape. The site accommodates the existing School - Lumen Christi Catholic College which is a co-educational kindergarten to year 12 College for students with a maximum of 700 students and 64 staff (full time equivalent).

This proposal is for alterations and additions to the existing building include joining block B TAS and C Science Building extending to the west only extension to the south is the inclusion of perforated metal screens as outlined in the submitted Architectural plans prepared by Austin McFarland Architects. The alterations and additions are not to increase the capacity of the school but to create adaptable and flexible learning spaces and staff facilities to better utilise the site and provide modern learning facilities for students, teachers and the school community to meet the expectation of staff, students and carers. The proposed work involves:

- *Block B Learning Spaces - Addition of 1st floor to accommodate.*
 - *Classrooms general learning areas*
 - *Break out spaces*
- *Block C Learning space*
 - *Extension to building to the southern elevation with cut metal screening.*
 - *Extension to building to the western elevation to extend the*
 - *First floor extension*
 - *New workshops*
 - *Machie rooms*
 - *Materials handling space*
 - *Classrooms*
 - *Adaptable spaces so can have smaller rooms with lab beside or large classrooms.*

The current site comprise Lumen Christi Catholic College, which includes various facilities such as classrooms, halls, staff rooms, administration buildings, both covered and uncovered open spaces, on-site parking, drop-off and pick-up zones, access roads, and landscaping. Adjacent to the site is the well-maintained Pambula Beach Sports Complex, which has been assessed as managed land. The primary bushfire threat to the proposed development emanates from vegetation located to the north and south, associated with Beowa National Park. The slope most significantly influencing bushfire behaviour - 0 to 5° Downslope in a North and South direction.

Given that the development cannot satisfy the requirements for a 10kW/m2 Asset Protection Zone (APZ), a performance-based solution has been prepared to demonstrate alignment with the objectives of Section 6.4, titled 'Development of Existing SFPP Facilities.' The proposed project will involve reconfiguring existing classrooms without increasing the

school's occupancy level. The school will gain the advantage of a new building constructed to a BAL 19 standard, in accordance with Australian Standard AS3959.

The site features two entry points, with vehicles entering from Pambula Beach Road and exiting onto Culgoa Crescent. Access to and from Culgoa Crescent primarily occurs along the southern boundary, providing access to the car park and administration building. An alternative access point to Pambula Beach Road is available along the western boundary. In this particular case, the existing school infrastructure does not meet the requirements outlined in the Acceptable Solutions, specifically regarding the provision of continuous access for emergency vehicles around the entire building. This limitation is primarily due to the presence of the existing school building on the site. However, it's crucial to emphasise that the site already includes a perimeter road, facilitating access around the entire development and providing direct access to potential bushfire threats. Importantly, it should be noted that the proposed development will not alter the current situation, as the new building will replace an existing one within the same footprint. Therefore, we kindly request the NSW Rural Fire Service to consider allowing a variation to BCA S43C14(2) 'Vehicular Access,' as a continuous road surrounding the development is not feasible.

4.1.3 Biodiversity Conservation Act 2016

The purpose of the Act is to maintain a healthy, productive and resilient environment for the greatest well-being of the community, now and into the future, consistent with the principles of ecologically sustainable development (described in section 6(2) of the Protection of the Environment Administration Act 1991).

The proposal will not require the removal of any existing native vegetation or significant trees the proposal requires the removal of planted vegetation adjacent to the existing building to deliver the project as indicated on the architectural plans. A BMAT Report has been provided which shows the site does not contain vegetation mapped as being biodiversity valuable. The area of impact is also below the trigger threshold, and does not require further assessment.

4.1.4 National Parks and Wildlife Act 1974

The NPW Act establishes the legal protection and management of places and objects within New South Wales that are of Aboriginal significance. The Act makes it an offence to willingly and knowingly destroy damage or deface any Aboriginal relic without a permit. Specifically, sections 86, 87 and 90 require consent from Office of Environment and Heritage (OEH) for the destruction or damage of Indigenous objects. The NPW Act also incorporates provisions for the protection and conservation of items or places with high cultural significance.

An AHIMS search was undertaken where it was identified that there are no known Aboriginal sites of places within the vicinity (200m buffer) of the subject site.

The proposed alterations and additions to the school are located within the existing footprint of the site and in an area that has been disturbed to provide the existing buildings and associated infrastructure. If any unexpected archaeological items or items of Indigenous heritage significance sites are found or disturbed during any of the proposed works, then all work must cease

immediately. Permission must be sought from the National Parks and Wildlife Service and consultation with Traditional Landowner Groups before work can continue.

4.2 State Environmental Planning Policies

4.2.1 SEPP Resilience and Hazards

The *State Environmental Planning Policy (Resilience and Hazards) 2021* commenced on 1 March 2022. The SEPP incorporates a number of SEPPs that have since been repealed.

Chapter 4 Remediation of Land

The Chapter introduces planning controls for the remediation of contaminated land and requires an investigation to be made if land contamination is suspected.

Response

The subject lot relates to a residential lot with a school, the site was previously a bowling club. To our knowledge the site does not contain or has been subject to contaminants on the site. An historic photographic assessment has been undertaken and shown below identifying no evidence of major landscape change at the site. A site visit has been undertaken with no observed bulk storage of dangerous goods or chemicals, underground fuel storage tanks, no asbestos or no potential contaminating land uses were sighted, no evidence of spillage of dangerous goods, a review of NSW Office of Environment and Heritage (OEEH) contaminated land - Record of Notices listed by the NSW EPA under the Contaminated Land Management Act 1997 identified no former or current notices within the 100m data buffer and therefore there is no reason to suspect that this property is subject to any contamination. On this basis, the subject site is considered to be suitable for the continued use as a educational establishment (school):



1/3/1948



13/11/1989

4.2.2 SEPP Transport and Infrastructure (2021)

Part 3.4 Schools – specific development controls

This development application is for the construction of a new building and requires consent as it is not a demountable building classroom or replacing a demountable building classroom.

Schedule 8 Design quality principles in schools—Chapter 3

Principle 1—context, built form and landscape

Schools should be designed to respond to and enhance the positive qualities of their setting, landscape and heritage, including Aboriginal cultural heritage. The design and spatial organisation of buildings and the spaces between them should be informed by site conditions such as topography, orientation and climate.

Landscape should be integrated into the design of school developments to enhance on-site amenity, contribute to the streetscape and mitigate negative impacts on neighbouring sites. School buildings and their grounds on land that is identified in or under a local environmental plan as a scenic protection area should be designed to recognise and protect the special visual qualities and natural environment of the area, and located and designed to minimise the development's visual impact on those qualities and that natural environment.

Principle 2—sustainable, efficient and durable

Good design combines positive environmental, social and economic outcomes. Schools and school buildings should be designed to minimise the consumption of energy, water and natural resources and reduce waste and encourage recycling.

Schools should be designed to be durable, resilient and adaptable, enabling them to evolve over time to meet future requirements.

Principle 3—accessible and inclusive

School buildings and their grounds should provide good wayfinding and be welcoming, accessible and inclusive to people with differing needs and capabilities.

Note—

Wayfinding refers to information systems that guide people through a physical environment and enhance their understanding and experience of the space.

Schools should actively seek opportunities for their facilities to be shared with the community and cater for activities outside of school hours.

Principle 4—health and safety

Good school development optimises health, safety and security within its boundaries and the surrounding public domain, and balances this with the need to create a welcoming and accessible environment.

Principle 5—amenity

Schools should provide pleasant and engaging spaces that are accessible for a wide range of educational, informal and community activities, while also considering the amenity of adjacent development and the local neighbourhood.

Schools located near busy roads or near rail corridors should incorporate appropriate noise mitigation measures to ensure a high level of amenity for occupants.

Schools should include appropriate, efficient, stage and age appropriate indoor and outdoor learning and play spaces, access to sunlight, natural ventilation, outlook, visual and acoustic privacy, storage and service areas.

Principle 6—whole of life, flexible and adaptive

School design should consider future needs and take a whole-of-life-cycle approach underpinned by site wide strategic and spatial planning. Good design for schools should deliver high environmental performance, ease of adaptation and maximise multi-use facilities.

Principle 7—aesthetics

School buildings and their landscape setting should be aesthetically pleasing by achieving a built form that has good proportions and a balanced composition of elements. Schools should respond to positive elements from the site and surrounding neighbourhood and have a positive impact on the quality and character of a neighbourhood.

The built form should respond to the existing or desired future context, particularly, positive elements from the site and surrounding neighbourhood, and have a positive impact on the quality and sense of identity of the neighbourhood.

Response

The design has considered and is compliant with the seven principles of design. The design has worked with the school community to ensure that the proposed alterations and additions are sympathetic to the environment, while complimenting the existing school buildings and providing a space that is accessibility and inclusive for the users of the site while providing an economical and robust development that considers the health and safety of the occupants and surrounding sites.

4.2.3 SEPP – Biodiversity and Conservation 2021

The *State Environmental Planning Policy (Biodiversity and Conservation) 2021* commenced on 1 March 2022. The SEPP incorporates a number of SEPPs that have since been repealed.

Chapter 2 Vegetation in Non-Rural Areas

The aim of this Chapter is to protect the biodiversity values of trees and other vegetation in non-rural areas of the State, and to preserve the amenity of non-rural areas of the State through the preservation of trees and other vegetation.

Response

The site is largely cleared, with no additional native trees proposed to be removed as part of this application a number of non native planted trees adjacent to the existing building are required to be removed, these are indicated on the architectural plans. The site is not mapped as containing significant vegetation. There is terrestrial biodiversity on the southern boundary of the site and the north west corner of the site. This proposal does not impact that area.

Chapter 4 Koala Habitat Protection 2021

The chapter aims to encourage the conservation and proper management of areas of natural vegetation that provide habitat for koalas, to ensure permanent, free-living populations over their present range and to reverse the current trend of population decline. The Koala SEPP 2021 applies to land over one hectare in the local government areas (predominantly the state) listed in Schedule 1 of the policy.

Response

There is no vegetation removal and there is no Koala Management Plan for the area.

4.3 Local Environmental Plans

4.3.1 Bega Valley Local Environmental Plan 2013

The site is subject to the provisions of Bega Valley Council Local Environmental Plan (BVLEP) 2013. The proposal is consistent with the controls applicable to the land under BVLEP 2013, as outlined below.

Clause 2.2 – Zoning of land to which Plan applies

The site is subject to the provisions of BV LEP 2013, under which the lot is zoned R3 Medium Density Residential. Figure 13 shows the zoning map of the subject site and surrounding lands.

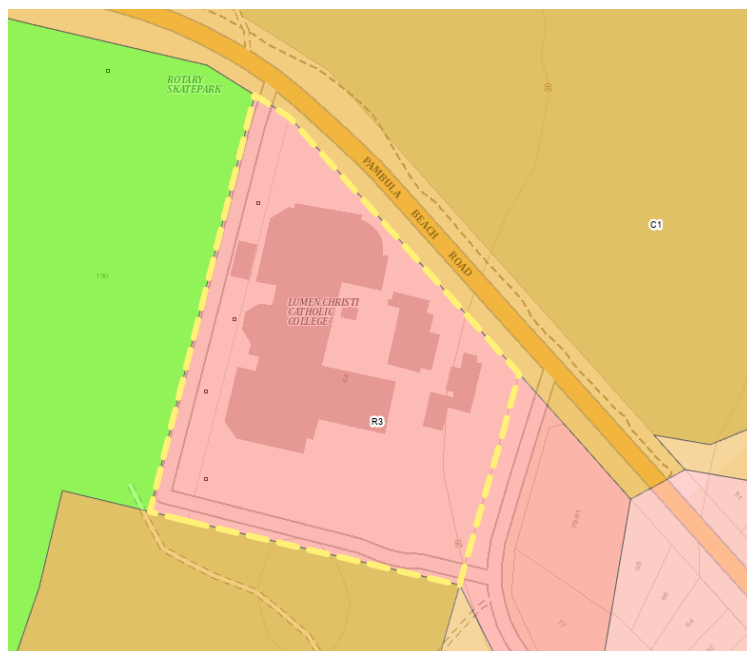


Figure 13 Extract of Bega Valley LEP 2013 Zoning map showing the subject site outlined in yellow (ePlanning Spatial Viewer).

The objectives of the R3 Low Density Residential zone are as follows:

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

Permitted with consent

*Attached dwellings; Boarding houses; Centre-based child care facilities; Community facilities; Group homes; Multi dwelling housing; Neighbourhood shops; Oyster aquaculture; Places of public worship; Respite day care centres; Roads; Seniors housing; Tank-based aquaculture; **Any other development not specified in item 2 or 4***

Prohibited

Advertising structures; Agriculture; Air transport facilities; Airstrips; Amusement centres; Animal boarding or training establishments; Biosolids treatment facilities; Boat building and repair facilities; Boat sheds; Camping grounds; Car parks; Caravan parks; Cemeteries; Charter and tourism boating facilities; Commercial premises; Correctional centres; Crematoria; Depots; Eco-tourist facilities; Emergency services facilities; Entertainment facilities; Extractive industries; Forestry; Freight transport facilities; Function centres; Funeral homes; Heavy industrial storage establishments; Helipads; Highway service centres; Home occupations (sex services); Industrial retail outlets; Industrial training facilities; Industries; Local distribution premises; Marinas; Mooring pens; Moorings; Mortuaries; Open cut mining; Passenger transport facilities; Port facilities; Public administration buildings; Recreation facilities (indoor); Recreation facilities (major); Recreation facilities (outdoor); Registered clubs; Research stations; Restricted premises; Rural industries; Rural workers' dwellings; Service stations; Sewage treatment plants; Sex services premises; Storage premises; Transport depots; Truck depots; Vehicle body repair workshops; Vehicle repair stations; Veterinary hospitals; Warehouse or distribution

centres; Waste or resource management facilities; Water recycling facilities; Water supply systems; Wharf or boating facilities; Wholesale supplies

The proposal is for alterations and additions to an existing educational establishment, which is defined as:-

educational establishment means a building or place used for education (including teaching), being—

(a) **a school**, or

(b) *a tertiary institution, including a university or a TAFE establishment, that provides formal education and is constituted by or under an Act.*

Educational establishments are not prohibited and therefore are identified as permitted with consent.

Clause 4.3 – Height of Buildings

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 a locality,*
- (b) *to minimise visual impact, disruption of views, loss of privacy and loss of solar access to existing development,*
- (c) *to ensure that the height of buildings on or in the vicinity of a heritage item or within a heritage conservation area respect heritage significance.*

Clause 4.3 (2) states that:-

The height of a building on any land is not to exceed the maximum height shown for the land on the Height of Buildings Map.

Figure 14 shows an extract of the BVLEP 2013 Height of Building Map, which applies a maximum height standard of 10m to the subject site.

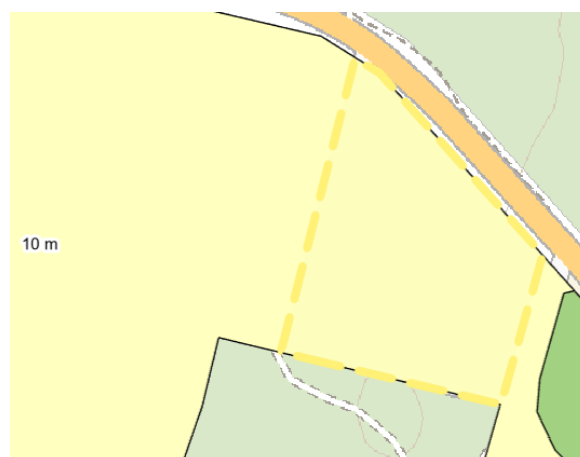


Figure 14 Extract of BVLEP 2013 Height of Buildings map showing the subject site outlined in yellow (ePlanning Spatial Viewer).

Statement of Environmental Effects

Lot 388 DP750277, No. 64 Culgoa Crescent, Pambula Beach

The proposed alterations and additions to the existing structures have a maximum height of 9.6m above natural ground level. Refer to the Architectural Plans prepared by *Austin McFarland Architects* submitted with this application.

Clause 4.4 Floor Space Ratio

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

- (a) to establish the maximum development density and intensity of land use, taking into account the availability of infrastructure to service that site and the vehicle and pedestrian traffic that the development will generate,*
- (b) to ensure that buildings are compatible with the bulk and scale of the locality.*

(2) *The maximum floor space ratio for a building on any land is not to exceed the floor space ratio shown for the land on the Floor Space Ratio Map.*

Figure 12 shows an extract of the BVLEP 2013 Floor Space Ratio Map, which applies a maximum Floor space ratio of 0.6:1 to the subject site.



Figure 15 Extract of BVLEP 2013 FSR map showing the subject site outlined in yellow (ePlanning Spatial Viewer).

The proposal remains compliant with the 0.6:1 requirement.

Site area = 26860m²

Existing GFA is 7360m² = FSR 0.27:1

Proposed GFA is 8451m² = FSR 0.32:1

Clause 6.2 Earthworks

The objective of this clause is to ensure that earthworks for which development consent is required will not have a detrimental impact on environmental functions and processes, neighbouring uses, cultural or heritage items or features of the surrounding land.

The proposed development will involve minimal cut within the site boundaries as the works are to an established building. Refer to the Architectural Plans prepared by *Austin McFarland Architects* which demonstrates cut, located along the western bus road which is less than 1m.

Clause 6.5 Terrestrial Biodiversity

- (1) *The objective of this clause is to maintain terrestrial biodiversity by—*
 - (a) *protecting native fauna and flora, and*
 - (b) *protecting the ecological processes necessary for their continued existence, and*
 - (c) *encouraging the conservation and recovery of native fauna and flora and their habitats.*
- (2) *This clause applies to land identified as “Biodiversity” on the Terrestrial Biodiversity Map.*
- (3) *Before determining a development application for development on land to which this clause applies, the consent authority must consider—*
 - (a) *whether the development is likely to have—*
 - (i) *any adverse impact on the condition, ecological value and significance of the fauna and flora on the land, and*
 - (ii) *any adverse impact on the importance of the vegetation on the land to the habitat and survival of native fauna, and*
 - (iii) *any potential to fragment, disturb or diminish the biodiversity structure, function and composition of the land, and*
 - (iv) *any adverse impact on the habitat elements providing connectivity on the land, and*
 - (b) *any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development.*
- (4) *Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that—*
 - (a) *the development is designed, sited and will be managed to avoid any significant adverse environmental impact, or*
 - (b) *if that impact cannot be reasonably avoided by adopting feasible alternatives—the development is designed, sited and will be managed to minimise that impact, or*
 - (c) *if that impact cannot be minimised—the development will be managed to mitigate that impact.*

The land identified as terrestrial biodiversity (see section 2.3) is located on the southern boundary of the subject site along Pambula Beach Road and the north west corner of the site. The proposal will have no impact on these portions of the land. The proposal will not require the removal of any vegetation and therefore is unlikely to impact on the biodiversity.

4.4 Bega Valley Development Control Plan (2013)

The proposal is subject to a number of Chapters in the Shoalhaven Development Control Plan 2013. The following section outlines how the development complies with the relevant Chapters of the DCP. However, it should be recognised that Section 3.42 of *Environmental Planning and Assessment Act 1979* states that the DCP is only to *provide guidance* and is not a statutory

Statement of Environmental Effects

Lot 388 DP750277, No. 64 Culgoa Crescent, Pambula Beach

document with which compliance must be demonstrated. To this end, recent cases in the Land and Environment Court have made it clear that a DCP does not have the same status or weight as an LEP, and non-compliance with a provision of a DCP does not in itself prevent the granting of consent.

Table 1: Applicable sections of Bega Valley DCP

| DCP Chapter | Response |
|--|--|
| <p>3.1.13 Pambula Beach</p> <p>3.1.13.1 Existing Character Pambula Beach is a village characterised by low density residential development, with some tourist development and limited retail activity. The village is located between National Park and the ocean.</p> <p>3.1.13.2 Desired Future Character New dwellings addressing the ocean in Pambula Beach are responsive to site orientation and solar access, the available view, the effect on dwellings adjacent to and behind the site also seeking of a view, the climate and prevailing winds and the topography. Houses located in the non-oceanfront section of Pambula Beach are considered to be in a more “bushland” environment where subtly different architectural themes and colours may be appropriate. These elements include but are not limited to: extensive use of lightweight construction, extensive glazed areas often protected by louvres, natural timber finishes, bonded sheet metal cladding, off form concrete, natural stone, zincalume steel, fibre cement, plywood cladding.</p> | <p>The proposed extension to the existing school is in keeping with the bulk and scale of the existing buildings on site and have been architecturally designed to sit within the context of the site and the surrounding area.</p> <p>The site is set well back from the ocean. The alterations and additions are to the rear (south west section of the site) and therefore not visible from the Street view of either Pambula Beach Road or Culgoa Crescent.</p> <p>The proposal includes cut metal screening/fascia on the building to resemble the trees that are a dominant feature of the surrounding landscape and to ensure the alterations and additions sit well within the context of the site and provides a visually pleasing façade to the buildings.</p> |
| <p><i>Chapter 5 General Requirements</i></p> <p>5.1 Aboriginal Heritage</p> <p>5.2 Non Aboriginal Heritage</p> | <p>Aboriginal Heritage is addressed in 2.3.3 and 4.1.4 of this statement and an AHIMS assessment is provided as part of this application.</p> <p>There are no identified heritage items on the site or in the vicinity of the site.</p> |

| | |
|--|--|
| <p>5.3 Access and Mobility</p> | <p>All areas of the existing buildings are accessible due to an existing passenger lift located in Block A which connects the 2 existing levels, with the exception of the mezzanine floor in Block C, which is being removed as part of this scope of works, and two classrooms of the Primary School building, Block F, which will remain.</p> <p>The new upper level added to Block B will include the construction of a new passenger lift.</p> <p>All doorways and circulation areas in the newly modified Block B and Block C will be accessible compliant.</p> <p>New accessible amenities will be added to the both the lower and upper levels of the newly modified Block B.</p> <p>Existing Accessible Car-parking will be maintained adjacent to the Main Campus entry, constructed recently as part of the Stage 2 of the Primary School work.</p> |
| <p>5.4 Social and Economic Impacts</p> | <p>There will be no foreseeable negative economic impacts on the locality as a result of this proposal. The development will be providing alterations and additions to an existing educational facility with short term local economic benefits during construction stage. The proposal ensures the school has the latest educational space which continue its viability and provision of education for the students in the area this in turn may assist to contribute to the economic viability of the area. The existing properties surrounding the site will not be adversely impacted by development.</p> |
| <p>5.5 sustainable Design Principles</p> | <p>The design has considered and incorporated SDP, the scale of the proposed development does not require a Sustainable Design Management Plan</p> |
| <p>5.6 Tree and Vegetation Preservation</p> | <p>The proposed alterations and additions to the existing Educational Establishment will not require the removal of significant trees or native vegetation. A number of planted non native trees need to be removed to deliver this proposal as indicated on the plans.</p> |
| <p>5.7 Onsite Sewerage Management</p> | <p>N/A site is connected to reticulated sewer</p> |
| <p>5.8 Planning for Hazards</p> | <p>This statement addresses the hazards relating to the site being bushfire, and coastal hazards refer to 2.3.1 and 4.2.1 in the Statement.</p> |
| <p>5.9 Off Street car and Bicycle Parking</p> <p>School</p> | |

| | |
|---|---|
| <p>1 parking space per 10 students in year 12</p> <p>1 parking space per 30 students for visitors</p> <p>1 parking space per 20 students for staff parking</p> <p>1 bicycle storage space per 20 employees</p> <p>1 bicycle storage space per 10 full time students</p> <p>5.10 subdivision</p> <p>5.11 Signage and Advertising</p> | <p>The proposed alterations and additions to the education establishment will not be increasing the capacity of the school students or teachers, but making better use of the space and more adaptable class room and break out spaces.</p> <p>All existing spaces meet the provisions of AS2890.1 2890.2 and sufficient parking is provided for the school when at capacity.</p> <p>N/A</p> <p>N/A no changes to the signage on site is required as part of the alterations and additions.</p> |
|---|---|

5 THE LIKELY IMPACTS OF THE DEVELOPMENT

5.1 *Context and Setting*

The proposed development will provide the opportunity for alterations and additions to the existing school to ensure that students and staff are provided the appropriate level of education and amenity within the existing school.

The proposed development is considered compatible with the existing context and surrounding area. There are no foreseeable adverse impacts on the existing character or streetscape as a result of this proposal. The alterations with the perforated metal exterior will enhance the view from the southern and western elevations, and will not impact views from the Streets both Pambula Beach Road and Culgoa Crescent.

5.2 *Access and Traffic*

The existing access arrangements remain unchanged under this proposal. The proposal does not increase student or staff numbers. Therefore, the proposal will not increase traffic volumes in the immediate vicinity. No issues relating to access or traffic within the site have been identified.

5.3 *Solar Access*

The alterations and additions to the existing building have considered the solar access and orientation will maintain adequate levels of solar access to neighbouring properties and within the school.

5.4 *Public Domain*

The proposed development will have a positive impact on the public domain, providing an architecturally designed alterations and additions for students, staff and the school community. The design has ensured its compatibility with the existing buildings as well as reflecting its setting

while providing a space that is conducive to learning. The buildings proposed alterations and additions will not impact upon neighbouring properties due to its location to the south western section of the site adjacent to the public reserve with vegetation screening.

The proposed development will not reduce the public recreational opportunities in the locality. The proposal is considered consistent with the desired future character of the site and surrounding properties in the surrounding area of the site, providing a safe and inclusive learning environment for students, and has no significant impacts on public spaces, with the design concept achieving the alterations and additions to remain in keeping with the existing buildings and providing features to blend with the surrounding native vegetation. Nothing in this proposal could be interpreted as being contrary to the public interest.

5.5 *Utilities*

The site has access to reticulated water, sewer and electricity which will be connected to the new works. Details to follow at post-consent stages.

5.6 *Air and Microclimate*

The proposed development will not have a measurable impact on air quality or microclimate.

5.7 *Flora and Fauna*

The proposed alterations and additions are located within the existing school site. The site is cleared with the exception of a few native trees to the rear boundary which are to be retained. A number of landscaping trees (non native) adjacent to the existing building will need to be removed to deliver this project, these are indicated on the architectural plans. No native trees or vegetation are proposed to be removed as part of this application.

5.8 *Waste*

The school has an existing waste collection service and this will continue as part of this proposal. A Waste Management Plan has been provided with this application.

5.9 *Noise and Vibration*

This application is for alterations and additions to an existing educational establishment. Noise and vibration may be associated with the physical works associated with the development of the site. This will be a temporary inconvenience and it is expected that time constraints will be stipulated by way of relevant hours of operation in the development consent during construction.

The School population will be informed of the proposed works and will be restricted from access to the site during the construction.

5.10 *Heritage*

The subject site is not listed as a Heritage Item and is not located in the vicinity of a known heritage item.

5.11 Water

The site has access to reticulated water.

Submitted with this application is a concept Stormwater Plan prepared by Austin McFarland Architects which demonstrates how stormwater will be managed onsite. The carparking will drain to pits and the buildings will be connected to down pipes that connect to the existing stormwater system.

5.12 Natural Hazards

The subject site is mapped as being bushfire prone, a Bushfire Assessment report has been submitted as prepared by Set Consultants. The following has been extracted from the Conclusions and Recommendation:

*The National Construction Code (2022) has additional Bushfire Protection Measures for certain Class 9 buildings which are detailed in Specification 43 'Bushfire Protection Measures for Certain Class 9 Buildings' Volume 1 NCC (2022). The additional measures relate to Class 9a Primary or Secondary Schools, Class 9b Early Childhood Centre and Primary/Secondary Schools and Class 9c Residential Care Building. Of the twelve additional requirements listed above, this assessment has addressed sections 'S43C10 Building envelope'; 'S43C11 Supply of water for fire-fighting purposes'; and 'S43C14 Vehicular access' as these requirements relate specifically to the area of expertise of a BPAD Practitioner. The remaining specifications **will be the responsibility of the Principal Architect, Building Certifier and/or Fire Engineer.***

The subject site is legally described as Lot 388 DP750227 and Lot 485 DP728071, and known as 64 Culgoa Crescent, Pambula. The site is located to the south of Pambula Beach Road and west of Culgoa Crescent. The site has an area of approximately 2.68 hectares and is irregular in shape. The site accommodates the existing School - Lumen Christi Catholic College which is a co-educational kindergarten to year 12 College for students with a maximum of 700 students and 64 staff (full time equivalent).

This proposal is for alterations and additions to the existing building include joining block B TAS and C Science Building extending to the west only extension to the south is the inclusion of perforated metal screens as outlined in the submitted Architectural plans prepared by Austin McFarland Architects. The alterations and additions are not to increase the capacity of the school but to create adaptable and flexible learning spaces and staff facilities to better utilise the site and provide modern learning facilities for students, teachers and the school community to meet the expectation of staff, students and carers. The proposed work involves:

- *Block B Learning Spaces - Addition of 1st floor to accommodate.*
 - *Classrooms general learning areas*
 - *Break out spaces*
- *Block C Learning space*
 - *Extension to building to the southern elevation with cut metal screening.*
 - *Extension to building to the western elevation to extend the*
 - *First floor extension*
 - *New workshops*
 - *Machie rooms*
 - *Materials handling space*
 - *Classrooms*
 - *Adaptable spaces so can have smaller rooms with lab beside or large classrooms.*

The current site comprise Lumen Christi Catholic College, which includes various facilities such as classrooms, halls, staff rooms, administration buildings, both covered and uncovered open spaces, on-site parking, drop-off and pick-up zones, access roads, and landscaping. Adjacent to the site is the well-maintained Pambula Beach Sports Complex, which has been assessed as managed land. The primary bushfire threat to the proposed development emanates from vegetation located to the north and south, associated with Beowa National Park. The slope most significantly influencing bushfire behaviour - 0 to 5° Downslope in a North and South direction.

Given that the development cannot satisfy the requirements for a 10kW/m² Asset Protection Zone (APZ), a performance-based solution has been prepared to demonstrate alignment with the objectives of Section 6.4, titled 'Development of Existing SFPP Facilities.' The proposed project will involve reconfiguring existing classrooms without increasing the school's occupancy level. The school will gain the advantage of a new building constructed to a BAL 19 standard, in accordance with Australian Standard AS3959.

The site features two entry points, with vehicles entering from Pambula Beach Road and exiting onto Culgoa Crescent. Access to and from Culgoa Crescent primarily occurs along the southern boundary, providing access to the car park and administration building. An alternative access point to Pambula Beach Road is available along the western boundary. In this particular case, the existing school infrastructure does not meet the requirements outlined in the Acceptable Solutions, specifically regarding the provision of continuous access for emergency vehicles around the entire building. This limitation is primarily due to the presence of the existing school building on the site. However, it's crucial to emphasise that the site already includes a perimeter road, facilitating access around the entire development and providing direct access to potential bushfire threats. Importantly, it should be noted that the proposed development will not alter the current situation, as the new building will replace an existing one within the same footprint. Therefore, we kindly request the NSW Rural Fire Service to consider allowing a variation to BCA S43C14(2) 'Vehicular Access,' as a continuous road surrounding the development is not feasible.

5.13 Safety, Security and Crime Prevention

The proposed building will not result in an increased level of risk, crime or safety issues that would normally be expected in this area.

5.14 Social Impact in the Locality

This proposal will provide for updated educational facilities to the existing school, to ensure that students and staff have the latest equipment and classroom provisions to ensure that they are provided an appropriate learning space. The proposed development will not disadvantage nor displace any particular socio-economic group. It does not have the potential to adversely impact the community structure, community values or beliefs.

The proposed development is educational in nature and compatible with the existing site and not contradictory to the surrounding development. The proposal will have no measurable impact on the health and safety of the community in the general area or the wider community.

5.15 Economic Impact on Locality

There will be no foreseeable negative economic impacts on the locality as a result of this proposal. The development will be providing alterations and additions to an existing educational facility with short term local economic benefits during construction stage. The existing properties surrounding the site will not be adversely impacted by development. Ensuring the school has the latest

educational space which will assist to continue its viability and provision of education for the students in the area.

5.16 Cumulative Impacts

The cumulative impacts of the development are considered positive. The subject site provides the opportunity to provide improved learning space to an educational facility that meets the needs of the student's staff and community at the school.

There is no significant impact on the surrounding established residential areas, the proposed alterations and additions are west of the residential area. The proposal provides an appropriate addition of the existing school within the area.

6 SUITABILITY OF THE PROPOSAL FOR THE ENVIRONMENT

6.1 Does the Proposal Fit in the Locality

The subject site is appropriately zoned and located in an area identified as an educational establishment the proposal will ensure the schools viability and provides up to date sustainable and inclusive educational facilities for students and staff. The proposal does not deliver any adverse impacts in terms of privacy, overshadowing or outlook to neighbouring properties, and will not have a negative influence on the natural environment.

6.2 Are the Site Attributes Conducive to the Development?

The proposed development is responsive to the site constraints and attributes. The development has taken into account the constraints of the site and provides a development that is in keeping with the existing established school and the streetscape and scale of development in the area.

The site is providing an existing school that is being enhanced with the alterations and additions by way of improved flexible and inclusive learning spaces and improved access to and through the site.

7 PUBLIC INTEREST

There are no features of this proposal that could be interpreted as detrimental to the public interest. The proposal is utilising the existing school site that is appropriately zoned and sized to provide the opportunity for improved educational facilities. There are no aspects of this proposal that could be interpreted as being contrary to the public interest.



ATTACHMENT 1

BMAT Report

Biodiversity Values Map and Threshold Report

This report is generated using the Biodiversity Values Map and Threshold (BMAT) tool. The BMAT tool is used by proponents to supply evidence to a consent authority to determine whether or not a Biodiversity Development Assessment Report (BDAR) is required under [the Biodiversity Conservation Regulation 2017 \(Cl. 7.2 & 7.3\)](#).

The report provides results for the proposed development footprint area identified by the user and displayed within the blue boundary on the map.

There are two pathways for determining whether or not a BDAR is required for the proposed development:

1. Is there Biodiversity Values Mapping?
2. Is the 'clearing of native vegetation area threshold' exceeded?

| Biodiversity Values Map and Threshold Report | | |
|---|---|--------------------|
| Date of Report Generation | | 22/08/2023 9:13 AM |
| Biodiversity Values (BV) Map Threshold - Results Summary | | |
| 1 | Does the development Footprint intersect with BV mapping? | no |
| 2 | Was ALL of the BV Mapping within the development footprinted added in the last 90 days? (dark purple mapping only, no light purple mapping present) | no |
| 3 | Date of expiry of dark purple 90 day mapping* | N/A |
| 4 | Is the Biodiversity Values Map threshold exceeded? | no |
| Area Clearing Threshold - Results Summary | | |
| 5 | Size of the development or clearing footprint | 2,587.2 sqm |
| 6 | Native Vegetation Area Clearing Estimate (NVACE) | 0.0 sqm |
| 7 | Method for determining Minimum Lot Size | LEP |
| 8 | Minimum Lot Size (10,000sqm = 1ha) | 1,000 sqm |
| 9 | Area Clearing Threshold (10,000sqm = 1ha) | 2,500 sqm |
| 10 | Is the Area Clearing Threshold exceeded? | no |
| Is the proposed development assessed above the Biodiversity Offsets Schema (BOS) threshold? Exceeding the BOS threshold will require completion of a Biodiversity Development Assessment Report (BDAR). More details provided on page 2. | | no |

What do I do with this report?

- If the result above indicates a BDAR is required, a Biodiversity Development Assessment Report **may be required** with your development application. Go to <https://customer.lmbc.nsw.gov.au/assessment/AccreditedAssessor> to access a list of accredited assessors. An accredited assessor can apply the Biodiversity Assessment Method and prepare a **BDAR**.
- If the result above indicates a BDAR is not required, you have not exceeded the BOS threshold. This report can be provided to Council to support your development application. You may still require a permit from your local council. Review the development control plan and consult with council. You may still be required to assess whether the development is “likely to significantly affect threatened species” as determined under the test in Section 7.3 of the Biodiversity Conservation Act 2016. You may also be required to review the area where no vegetation mapping is available.
- If all Biodiversity Values mapping within your development footprint are less than 90 days old, i.e. mapping is displayed as dark purple on the map, a BDAR may not be required if your Development Application is submitted within that 90 day period. *Any BV mapping less than 90 days old on this report will expire on the date provided in Line item 3 above.

For more detailed advice about actions required, refer to the **Interpreting the evaluation report** section of the [Biodiversity Values Map Threshold Tool User Guide](#).

Review Options:

- If you believe the Biodiversity Values mapping is incorrect please refer to our [BV Map Review webpage](#) for further information.
- If you disagree with the NVACE result for Line Item 6 above (i.e. area of Native Vegetation within the Development footprint proposed to be cleared) you can undertake a self-assessment. For more information about this refer to the **Guide for reviewing BMAT Tool area clearing threshold results**.

Acknowledgement

I, as the applicant for this development, submit that I have correctly depicted the area that will be impacted or likely to be impacted as a result of the proposed development.

Susan Edwards

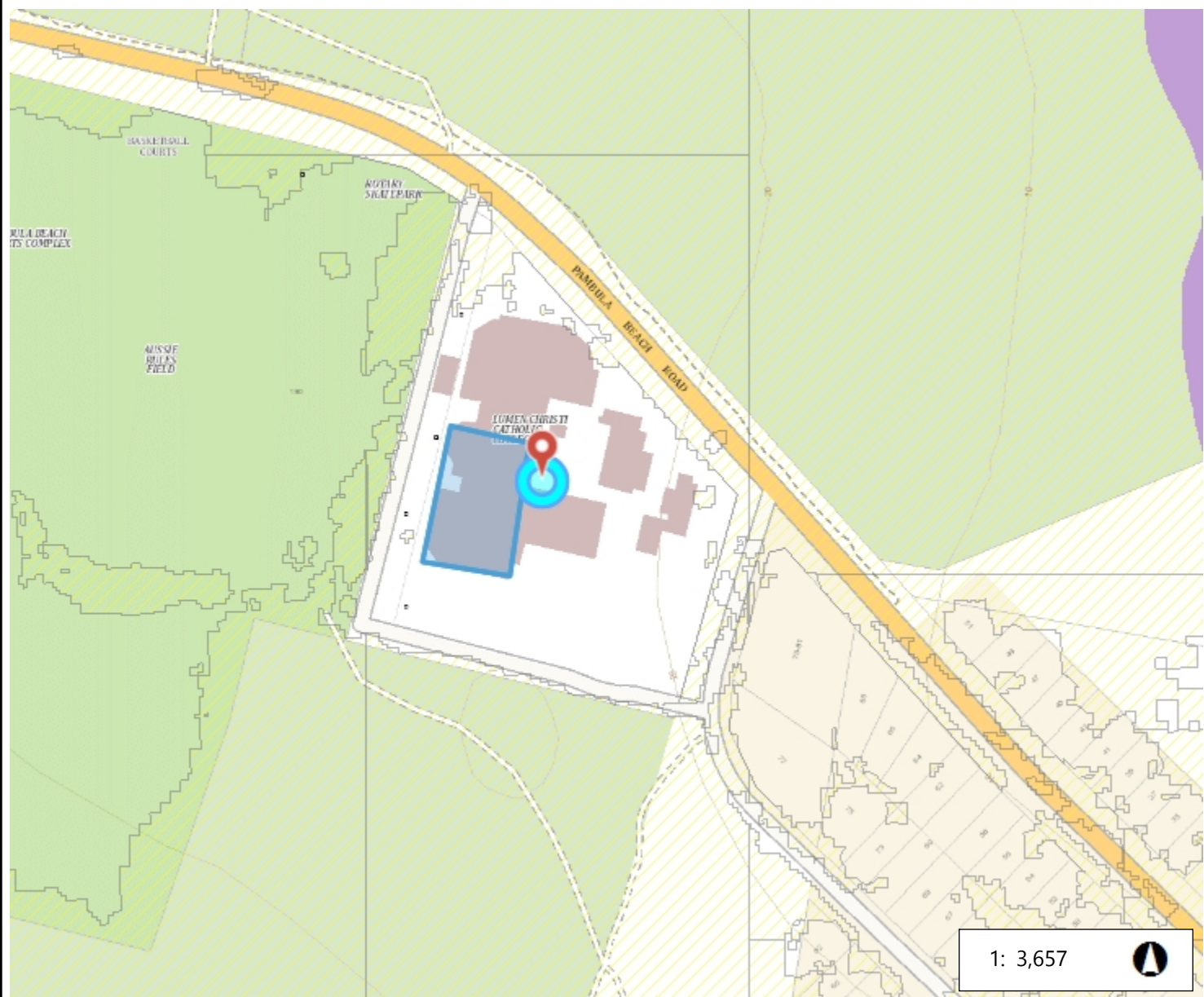
Signature: _____

Date: _____

(Typing your name in the signature field will be considered as your signature for the purposes of this form)

22/08/2023 09:13 AM





Biodiversity Values Map



185.8 0 92.88 185.8 Metres

WGS_1984_Web_Mercator_Auxiliary_Sphere

Legend

-  Biodiversity Values that have been mapped for more than 90 days
-  Biodiversity Values added within last 90 days
-  Native Vegetation Area Clearing Estimate (NVACE)
-  Development area selected by proponent

22/08/2023 09:13 AM

This map is a user generated static output from an Internet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable.

Imagery © Airbus DS/Spot Image 2016

© NSW Department of Customer Service, Basemaps 2019

© NSW Department of Planning and Environment

The results provided in this tool are generated using the best available mapping and knowledge of species habitat requirements.

This map is valid as at the date the report was generated. Checking the [Biodiversity Values Map viewer](#) for mapping updates is recommended.



ATTACHMENT 2

AHIMS Report

Susan Edwards

Date: 22 August 2023

51 Graham Street

Nowra New South Wales 2541

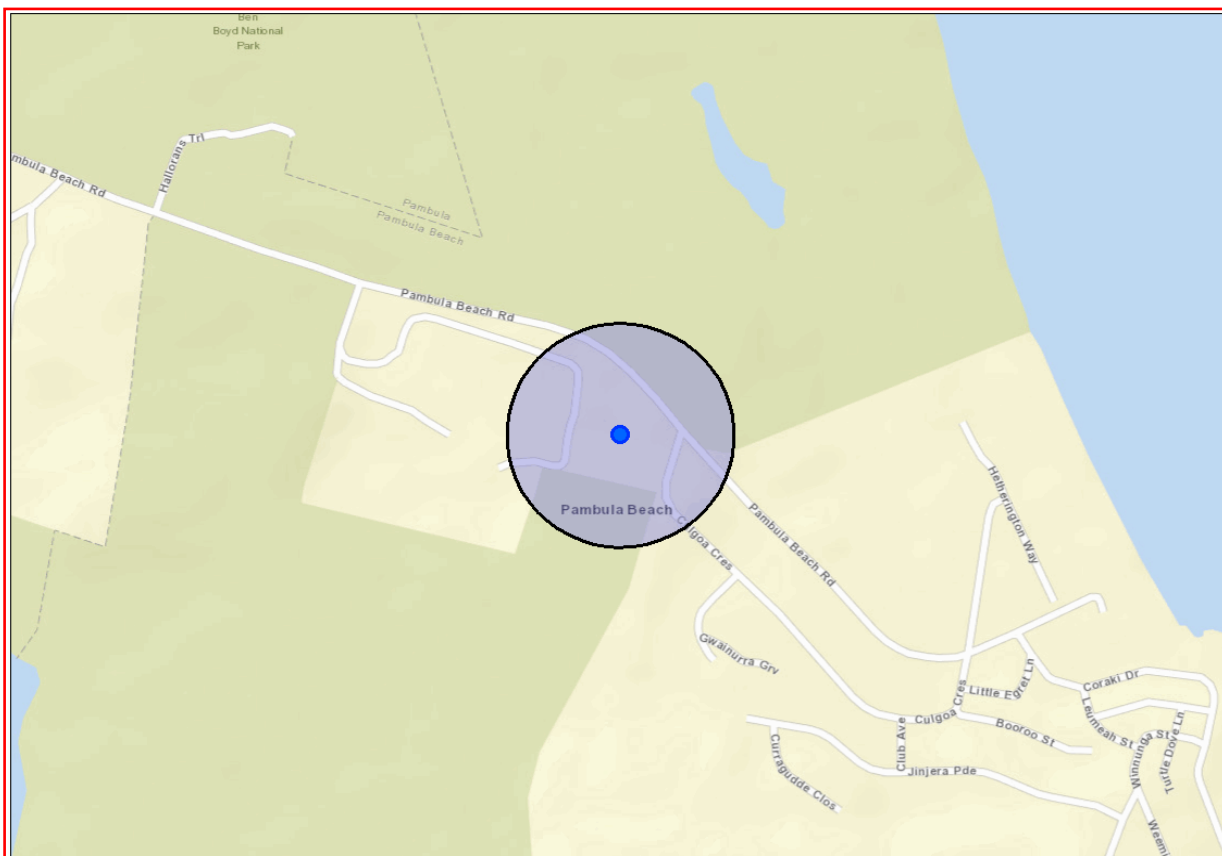
Attention: Susan Edwards

Email: susan@setconsultants.com.au

Dear Sir or Madam:

AHIMS Web Service search for the following area at Address : 64 CULGOA CRESCENT PAMBULA BEACH 2549 with a Buffer of 200 meters, conducted by Susan Edwards on 22 August 2023.

The context area of your search is shown in the map below. Please note that the map does not accurately display the exact boundaries of the search as defined in the paragraph above. The map is to be used for general reference purposes only.



A search of Heritage NSW AHIMS Web Services (Aboriginal Heritage Information Management System) has shown that:

| | |
|---|---|
| 0 | Aboriginal sites are recorded in or near the above location. |
| 0 | Aboriginal places have been declared in or near the above location. * |

If your search shows Aboriginal sites or places what should you do?

- You must do an extensive search if AHIMS has shown that there are Aboriginal sites or places recorded in the search area.
- If you are checking AHIMS as a part of your due diligence, refer to the next steps of the Due Diligence Code of practice.
- You can get further information about Aboriginal places by looking at the gazettal notice that declared it. Aboriginal places gazetted after 2001 are available on the [NSW Government Gazette \(https://www.legislation.nsw.gov.au/gazette\)](https://www.legislation.nsw.gov.au/gazette) website. Gazettal notices published prior to 2001 can be obtained from Heritage NSW upon request

Important information about your AHIMS search

- The information derived from the AHIMS search is only to be used for the purpose for which it was requested. It is not to be made available to the public.
- AHIMS records information about Aboriginal sites that have been provided to Heritage NSW and Aboriginal places that have been declared by the Minister;
- Information recorded on AHIMS may vary in its accuracy and may not be up to date. Location details are recorded as grid references and it is important to note that there may be errors or omissions in these recordings,
- Some parts of New South Wales have not been investigated in detail and there may be fewer records of Aboriginal sites in those areas. These areas may contain Aboriginal sites which are not recorded on AHIMS.
- Aboriginal objects are protected under the National Parks and Wildlife Act 1974 even if they are not recorded as a site on AHIMS.
- This search can form part of your due diligence and remains valid for 12 months.