

SOUTHERN REGIONAL PLANNING PANEL

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| Panel Reference | PPSSTH-8 |
| DA Number | DA.2018.223 |
| Local Government Area | Queanbeyan-Palerang Regional Council |
| Proposed Development | Upgrade works to Braidwood Central School |
| Street Address | 9 Wilson Street, Braidwood |
| | <div> <div> Lot 2 DP39022 Lot 3 DP39022 Lot 4 DP39022 Lot 5 DP39022 Lot 6 DP39022 Lot A DP156575 Lot B DP156575 </div> <div> Lot C DP156575 Lot D DP156575 Lots 16 DP758152 Lot 17 DP758152 Lot 18 DP758152 Lot 19 DP758152 Lot 20 DP758152 Lot 1 DP 86338 Lot 2 DP 999104 Lot 3 DP 999104 </div> </div> |
| Applicant/Owner | Clarke Keller on behalf of NSW Department of Education |
| Date of Lodgement | 14 November 2018 |
| Number of Submissions | Nil |
| Key Issues | Heritage Building Height |
| Regional Development Criteria | Crown development with a capital investment value of more than \$5 million |
| List of All Relevant s4.15(1)(a) Matters | State Environmental Planning Policy No. 55 Contaminated Land Management State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017 State Environmental Planning Policy (Sydney Drinking Water Catchment) 2011 State Environmental Planning Policy (State and Regional Development) 2011 Palering Local Environmental Plan 2014 |
| List all documents submitted with this report for the panel's consideration | Attachment 1 - Agreed conditions of consent |
| Recommendation | Approval with conditions |
| Report prepared by | Luke Perkins |

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| Report date | 21 February 2020 |
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1.0 Executive Summary

This application seeks approval for upgrade works to Braidwood Central School including the construction of two (2) new buildings, alterations and additions to three (3) existing buildings and associated site embellishments.

The current student population is 352 and after the alterations the capacity will increase to 440 students (an increase of 88 students) and three (3) additional teaching staff.

The development application is a Crown Development under Division 4.6 of Part 4 of the *Environmental Planning and Assessment Act 1979 (EP&A Act)*. The consent authority is the Southern Regional Planning Panel (Southern) as it meets the criteria under Schedule 7 of State Environmental Planning Policy (State and Regional Development) 2011 - Crown development that has a *Capital Investment Value (CIV) of more than \$5 million*.

The proposal is permissible by virtue of the *State Environmental Planning Policy (Educational Establishments and Child Care Facilities 2017) (SEPP (Educational))* and the main issues raised in the assessment relate to:

- Compatibility of the development with the heritage significance of the site and its surrounds.
- Maximum building height

Despite a proposed 3.29m (50.6%) variation to the 6.5 maximum building height established under Clause 4.3 of the Palerang Local Environmental Plan 2014 the proposed development is compatible with the heritage nature of several existing buildings on the school site and responds to the physical characteristics of the landform. The development will not result in adverse impacts to adjoining properties by way of loss of amenity such as overshadowing or overlooking, or adverse impacts to the character of the site or the surrounding locality.

As a crown development application, in accordance with 4.33(1)(b) of the *Environmental Planning and Assessment Act 1979* the imposition of the conditions requires the approval of the applicant or the Minister. The applicant agreed to the attached recommended conditions (Attachment 1) on 18 February 2020.

2.0 Introduction

2.1 Description of Proposal

The subject application seeks approval for upgrade works to Braidwood Central School including the construction of two (2) new buildings, alterations and additions to three (3) existing buildings and associated site embellishments to accommodate for an increase in student enrollment numbers from 352 to 440 and an additional three (3) teaching staff.

The proposal specifically includes the following:

- Demolition of existing junior toilets (Building B);
- Relocation of Kinder playground;
- Construction of a two (2) storey building (Building 1) containing six (6) general learning areas (to be used primarily for math, personal development, health and physical education);
- Construction of a single storey (Building 2) containing two (2) key learning areas (music and drama), amenities and a bag storage area;
- Alterations to existing Building F to accommodate for a change of use from staff facilities to two (2) new class rooms and amenities;
- Alterations to existing Building T to accommodate for a change of use from a lecture theater to senior student study area;
- Additions and alterations to existing Building A (additions shown as Building 4) to provide staff office, amenities and meeting rooms;
- Installation of rainwater capture and re-use tanks;
- Provision of two (2) additional accessible parking spaces; and
- Associated infrastructure and landscaping works.

2.2 Background

Braidwood Central School

The subject site has operated as an educational establishment of varying formats since 1854. A brief synopsis of development upon the site follows:

- In 1849, Braidwood Public School opened in temporary, rented premises, in Wilson Street, opposite the present site. In October 1851, original school building (now Building G) was under construction. Permanent building of Braidwood Public School was completed in 1852. By 1854, it was ready for occupation. In 1872, the school was divided into boys' and girls' departments. Proposed plan to convert part of the Headmaster's Residence into weather sheds and lavatory for pupils was provided in 1878 (Building A).
- Brick extension to 1854 building was constructed in 1881. School canteen was built in 1902.

- Old Primary/Staff Block was built in 1948. Woodwork/Year 6 Room was opened in 1956, now Building K. Official opening of Science Block in 1961, the proposed work was a timber building to contain one science room, one preparation room and a storeroom.
- In 1965, Art Block – Building H was opened. Kindergarten/Staff Prep Rooms (now Building D) was built in 1967. School Canteen, in relocatable buildings was replaced by Building C in 1968.
- In 1970, Home Science, which was a relocatable building from ex Moruya High School was demolished and replaced by Building E. Relocatable building from Bowral High School was demolished and replaced by Building F in 1971. Senior Studies was accommodated in relocatable building from Goulburn High School in 1972, now Building L. Around the same time, Room 21, relocatable building from Araluen School was demolished and replaced by Building M.
- In 1978, Year 1 and 2 rooms were converted, then demolished in 1980 and replaced by Building B.
- Demountable buildings installed to accommodate additional classrooms and Administration in 1981. In 1984, the black demountables were erected, the Assembly Hall and canteen were built, and lobbying continued for upgrading of the school complex and site. Stage 1 of the redevelopment was announced in 1988. In 1989, closure of Park Lane and occupation of the Police Paddocks. Stage 1 of the new buildings occupied in 1990.

DA.2018.186

DA.2018.186 was approved by Council staff under delegated authority on 26 April 2019 for the construction of a waste collection/storage area, the removal of three (3) demountable classrooms and one (1) transportable classroom from the site and associated site works.

2.3 Description of subject site

The subject site is legally described as Lots 2-6 DP39022, Lots A-D DP156575, Lots 16-20 DP758152, Lot 1 DP 86338, and Lots 2-3 DP999104 and is commonly known as 9 Wilson Street Braidwood – Braidwood Central School. The site is bound by Wilson Street to the south, Ryrie Street to the West, McKeller Street to the North and Wallace Street and Park Lane to the East.

The subject site currently operates as Braidwood Central School with 352 current students. Existing structures upon the site are as follows:

- Several one (1) and two (2) storey brick classroom blocks;
- A two (2) storey concrete and brick science and library building;
- A brick and steel gymnasium;
- Several steel and fabric shade structures; and
- Several demountable classroom structures.

Vehicular access to the site is provided via existing driveways from Ryrie Street and Wilson Street. Surrounding developments consists of predominantly single storey dwellings, though several two (2) storey commercial tenancies adjoin the eastern boundary of the site.



Figure 1: Locality plan

3.0 Evaluation

The proposed development has been assessed under Section 4.15 heads of consideration of the EP&A Act. The assessment has identified the following key issues which are elaborated upon for the Panel's consideration.

Section 4.15(1)(a)(i) provisions of any environmental planning instrument

State Environmental Planning Policies

State Environmental Planning Policy No.55 – Remediation of Land

Potential for land to be contaminated (Clause 7(1))

A consent authority must not consent to the carrying out of any development on land unless it has considered whether the land is contaminated. The subject site has been used continuously as a school since 1852 and records do not indicate any previous potentially contaminating activities on the site.

Accordingly, the subject site is considered to be suitable in the current state for the purposes of the proposal. As such the proposed development is considered to satisfy the requirements of the SEPP 55 (Remediation of Land).

State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017 (SEPP (Education))

SEPP (Education) and aims to simplify and standardize planning approvals for education establishments and early education and care facilities.

The provisions of the SEPP have been considered with the following clauses being of relevance to the proposed development:

Development permitted with consent (Clause 35)

Development for the purposes of a school, including alterations and additions such as is proposed, is permitted with consent on land zoned R2 - Low Density Residential and B4 - Mixed Use, being prescribed zones. Therefore the proposed development is permissible with consent. Note: the proposed works are limited to the R2 – Low Density Residential zone portions of the subject site.

Design Quality Principles (Clause 35 (6))

Clause 35(6) provides that before determining a development application for a school, the consent authority must take into consideration the design quality of the development when evaluated in accordance with the design quality principles set out in Schedule 4 of the policy.

An assessment of the proposed development against each of the design quality principles follows:

Principle 1—context, built form and landscape

The new works are considered to be appropriately sited and designed as to sit in context with the heritage nature of the existing structures upon the site and surrounding development within the township of Braidwood. The proposed development has been designed in such a way as to integrate the development into the sloping topography of the site and minimizes the perceived bulk of the proposed structures when viewed from the public domain.

The proposed development incorporates functional landscaped elements including canopy trees, mulched garden beds and turfed areas that integrate with both the existing and proposed structures upon the site and positively contribute to the existing streetscape.

Based upon the above, the proposed development is considered to satisfy Principle 1—context, built form and landscape.

Principle 2—sustainable, efficient and durable

The new structures have been designed to incorporate energy saving measures such as solar panels, optimizing glazed elements upon northern elevations and the inclusion of shade structures to reduce the need for mechanical heating and cooling. A range of water sensitive urban design measures including rainwater tanks and rain gardens have been incorporated in to the development as to optimize water reuse.

The proposed structures incorporate adaptable floor plans that will enable changes to classroom layouts in the future and creates different learning opportunities. The proposed materials including precast concrete, colourbond sheeting, powder coated aluminum and fibre cement sheeting are generally durable and resilient to the elements.

Based upon the above, the proposed development is considered to satisfy Principle 2 - sustainable, efficient and durable.

Principle 3—accessible and inclusive

The proposed development incorporates upgrade works to existing pedestrian networks throughout the school including wayfinding signage, accessible pathways and accessible compliant access to all proposed structures along with the provision of two (2) additional onsite accessible car parking spaces.

Based upon the above, the proposed development satisfies Principle 3 - accessible and inclusive.

Principle 4—health and safety

The proposed development appropriately delineates the public and private domains and reinforces the main pedestrian entry to the site from Wilson Street through the proposed building configuration and landscaping treatments.

Based upon the above, the proposed development satisfies Principle 4 – health and safety.

Principle 5—amenity

The proposed development provides for adaptable and flexible learning spaces including the provision of adaptable floor plates and a range of outdoor learning and play areas resulting in a high level of amenity to students and staff. Further, the subject works are not located near any sources of high noise emissions.

The proposed works are suitably integrated into the existing development upon the site and the topography of the site so as to ensure that the development will not result in any significant visual impacts upon any of the surrounding properties.

Based upon the above, the proposed development satisfies Principle 5 – amenity

Principle 6—whole of life, flexible and adaptive

The proposed development will provide capacity to accommodate increased numbers of students and improve the standard of facilities to meet future needs. The new works have been designed to provide a wide variety of adaptable indoor and outdoor learning spaces that will accommodate for future adaptation of the use of the site.

Based upon the above, the proposed development satisfies Principle 6 – whole of life, flexible and adaptive.

Principle 7—aesthetics

The structures utilize a bulk and scale that is complementary to existing heritage style structures upon the site while incorporating contemporary material finishes to appropriately contrast to the existing buildings on the school site and surrounding development. An understated, sympathetic, but contemporary colour palette has been proposed. The removal of the demountable buildings will also significantly improve the overall appearance of the school. The proposed development is considered to contribute positively to the quality and character of the site and the broader locality.

Based upon the above, the proposed development satisfies Principle 7 – aesthetics.

Design standards in PLEP (Clause 35 (7))

The Palerang Local Environmental Plan 2014 does not contain any design quality standards.

Competitive Design Process (Clause 35 (8))

There are no competitive design process requirements set out in a relevant environment planning instrument as a prerequisite and as the capital investment value is less than \$50 million this clause is not applicable.

Traffic-generating development (Clause 57)

The proposed development will result in the accommodation of 50 or more additional students and involves the enlargement or extension of existing premises on a site that has direct vehicle and pedestrian access to a road. As such, Council referred the application to NSW RMS for comment.

The NSW RMS initially raised concern in relation to the need for the provision of an additional bus queuing area when peak predicted student numbers are achieved. To address this issue the Applicant submitted additional information demonstrating that such an area was capable of being provided within the existing Ryrie Street Road reserve should demand arise. Following receipt of this information the NSW RMS advised that no objection was raised to the proposed development.

Traffic and Parking:

The subject application was accompanied by a Traffic Impact Assessment prepared by Ontoit giving consideration to the potential impacts of the proposed development upon traffic and transport conditions in the locality. This report found that likely additional traffic movements and parking demand as a result of the proposed development are capable of being accommodated for within existing infrastructure without resulting in any significant impacts. This position was confirmed by Council's Development Engineer who reviewed the subject application and the accompanying Traffic Impact Assessment and advised that the development is not expected to have significant impacts on the function and level of service of the surrounding road networks and that satisfactory parking arrangements are provided within proximity of the site to accommodate for likely additional demand as a result of the development.

Conclusion

The proposed development is considered to satisfy the requirements of the SEPP (Education).

State Environmental Planning Policy (Sydney Drinking Water Catchment) 2011

Clause 11 of the SEPP requires that consent not be granted to development within the Sydney Drinking Water Catchment without the concurrence of Water NSW. The subject application was referred to WaterNSW for concurrence. Following receipt of additional information and several amendments to the proposal Council received general terms of approval from WaterNSW on 10 October 2019 which have been included in the recommended conditions of consent.

State Environmental Planning Policy (State and Regional Development) 2011

As the proposal is a Crown development with a capital investment value (CIV) of over \$5 million, the development is classed as Regional Development. The consent authority for the proposed development is the NSW Southern Regional Planning Panel (the Panel).

The DA has been assessed and processed by Council for submission to the Panel for determination.

Palerang Local Environmental Plan (PLEP) 2014

Aims of the PLEP 2014 (Clause 1.2)

The proposed development is generally consistent with the broad aims of the PLEP 2012.

Permissibility

The subject site is Zoned part R2 - Low Density Residential and B4 -Mixed Use under the Palerang Local Environmental Plan 2014. The proposed development is limited to the R2 Low Density Residential zoned portion of the land. As such, no further assessment will be undertaken against the provisions relevant to the B4 – Mixed Use zone.

While development for the purposes of a school such as is proposed is prohibited within the R2 zone under the PLEP 2014, the proposed development is permissible with consent under Clause 35 of SEPP (Education) which prevails in this instance.

Zone Objectives

An assessment of the proposal against the objectives of the R2 Low Density Residential zone is included below:

| Objectives | Complies |
|------------------------------------------------------------------------------------------------------------|-----------------|
| ➤ To provide for the housing needs of the community within a low density residential environment. | NA |
| ➤ To enable other land uses that provide facilities or services to meet the day to day needs of residents. | Yes |
| ➤ To ensure that new development complements the scale, density and form of existing development. | Yes |

Comments: The proposed development is considered to provide for the day to day needs of the Residents while being of a built form that is complementary to the existing development within the locality.

Part 4: Principal development standards

An assessment of the proposal against the relevant provisions contained within Part 4 of the PLEP 2014 is provided below.

Height of building

| Cl. | Standard | Controls | Proposed | Complies |
|------------|---------------------------|-----------------|-----------------|--------------------------------------------------------|
| 4.3 | Height of building | 6.5m | 9.79m | No - See Clause 4.6 Assessment below. |

Clause 4.6 Exceptions to Development Standards

Under Clause 4.6 of the PLEP 2014, the consent authority may consider a variation, where that variation would achieve a better outcome.

As demonstrated in the table above, the proposed development fails to comply with the maximum permitted building height development standard permitted under Clause 4.3 - Height of Buildings of the PLEP 2014 by 50.6% (3.29m). The area of non-compliance of the proposed works is shown outlined in yellow within Figure 2 below which also demonstrates the extent of breaches of existing structures upon the site.

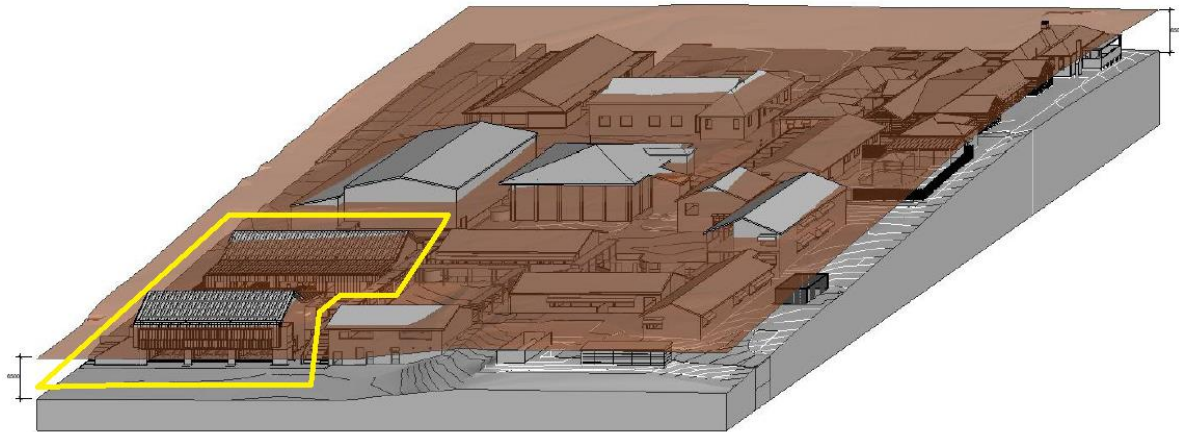


Figure 2: Height Encroachment Diagram

Clause 4.6(3) of the PLEP 2014 states the following:

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

- (a) that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case; and*
- (b) that there are sufficient environmental planning grounds to justify contravening the development standard.”*

The applicant has provided a written request that seeks to justify the proposed contravention of the height of building development standard on the following grounds:

- A significant proportion of the existing buildings on site are taller than the 6.5m height limit noted in the Palerang LEP for this site. Proposed new Buildings 1 and 2 are also taller than this height limit. Buildings 1 and 2 are appropriate in scale when considered in context with the existing buildings on site and the School’s heritage setting;
- The departures are purposeful in recognition of the topography of the site and the School’s heritage significance and presence within the historic Braidwood Township;
- The height of proposed building 1 and 2 will have no impact on the natural character and landscape significance of Braidwood;
- Building 1 is a two-storey building, in order for it to have the smallest footprint possible within this constrained site, yet still provide the six GLAs required by the brief;
- Building 1 is sited on a ridgeline, taking advantage of the 3.5m change in level to tuck a second storey (Lower Ground Floor) under the Ground Floor. From the High School Playground, the apparent height of the building will be one storey (3.55m walls and 3.73m roof, 7.28m total);

- Existing Building Y, located adjacent to proposed Building 1, is configured in a similar way to proposed Building 1, also being located on the ridgeline. The finished floor levels of Buildings 1's Lower Ground Floor and Ground Floor are closely matched to Building Y's, to facilitate accessible paths of travel between the two. Proposed Building 1 is taller than existing Building Y due solely to its more steeply pitched roof;
- Building 2 is single-storey and only exceeds the height limit due to its roof pitch;
- Building 2 ridgeline will be at a similar Relative Level (RL) to that of adjacent existing Building H;
- Both Building 2 and Building H are dwarfed by the excessive bulk and height of existing adjacent Building Q, the Gymnasium;
- The height of proposed buildings 1 and 2 will have negligible impact on residential amenity currently enjoyed by existing dwellings on adjoining and adjacent lands;
- The height of proposed buildings 1 and 2 is managed through architectural merits of the individual buildings and the establishment of site and species selective landscaping treatments;
- The height of proposed buildings 1 and 2 would not be out of character with the majority of school buildings on-site, which are predominantly in excess of 6.5 metres in height; and
- The height of proposed buildings 1 and 2 will be generally reflective of the architectural characteristics common to the more heritage significant buildings within the school precinct and Braidwood generally.

Clause 4.6(4) of the PLEP 2014 states the following:

"Development consent must not be granted for a development that contravenes a development standard unless:

(a) the consent authority is satisfied that:

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

The applicant's written request to justify the contravention of the building height standard adequately addresses the matters required to be demonstrated in subclause 4.6(3), specifically, that compliance with the standard is unnecessary or unreasonable in the circumstances of the case, and that there are sufficient environmental planning grounds to justify contravening the development standard. The written request is considered to provide sufficient substantive information on the environmental planning grounds relating to streetscape, form and amenity compatibility and the abandonment of the control as a result of significant existing breaches upon the site.

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

The proposal is considered to be consistent with the objectives of the development standard in that:

- The proposed development is considered to positively contribute the character and landscape of the locality and results in an aesthetically pleasing development that is consistent with existing development upon the site; and
- The proposed development will result in no visual impacts, loss of amenity or solar access impacts to any surrounding residence;

The area of the proposed height breach is located within the R2 Low Density Residential zone under the PLEP 2014. The proposal is generally consistent with the objectives of the R2 Low Density Residential zone in that:

- The proposed development will not limit or remove housing opportunity and choice within the boundaries of the Braidwood Township;
- Would ensure the continuance of the existing school as a modern learning facility having local and regional importance in meeting the day to day educational needs of the community it serves; and
- The scope of the redevelopment works would be in keeping with the heritage significance of both the school site and the greater area of the Braidwood Township.

(b) the concurrence of the Secretary has been obtained.”

The panel may assume the concurrence of the Director-General under the Planning Circular PS 18-003 issued in February 2018.

In conclusion, the applicant's written request to justify the contravention of the height of buildings development standard is considered to be well founded in that the applicant has satisfactorily demonstrated that compliance with the standard is unnecessary or unreasonable in the circumstances of the case, and that there are sufficient environmental planning grounds to justify contravening the development standard.

Part 5: Miscellaneous Provisions

The relevant provisions contained within Part 5 of the PLEP 2014 are addressed below as part of this assessment:

5.10 Heritage conservation

Clause 5.10(4) of the PLEP 2014 requires that prior to granting consent to development upon a heritage item or within a heritage conservation area such as is proposed that consideration be given to the effect of the proposed development upon the heritage significance of the item or area.

The subject site is located entirely within State Heritage Conservation Area – “Braidwood and its Setting” while Part of the subject site (Lots 198, 19, and 20 Section 5 DP 758152) is listed as Local Heritage Item I154 under the PLEP 2014 containing an 1878 Headmaster's residence, 1854 classroom and picket fence (Note: the statement of significance for this item relates only to the headmaster's residence). Assessment of effect of the proposed development upon both the state and local heritage listing follows:

Braidwood and its Setting Heritage Conservation Area

Statement of significance:

Braidwood and its setting are of state significance as an excellent surviving example of a Georgian period town plan, dating from the late 1830s. The plan, which retains high integrity, reflects colonial administration as applied to the outer reaches of the Nineteen Counties from the 1820s, following earliest European settlement in the area. The surviving historic elements in the surrounding landscape strengthen the town's significance.

The town buildings reflect key phases of development, commencing with the initial construction period

in the 1840s, and consolidation in the later half of the century following the gold boom. The integrity of Wallace Street as a fine collection of 19th century buildings makes it particularly significant. The high proportion of 19th century buildings throughout the town contributes further to its heritage value and creates fine streetscapes often with delightful views to the pastoral surrounds.

The abrupt transition at the town boundary between built and pastoral landscapes highlights significant historical settlement patterns, specifically the large land grants on the north, east and south sides of the town obtained by McKellar, Wilson and Coghill, and passed on to the Maddrells and eventually others. The juxtaposition of a cohesive town set within an historic pastoral landscape on the north, east and south sides is also significant. The closer settlement on the western side reflects the subdivision of the former Church and School Estate.

In NSW, colonial towns that retain significant historic form and fabric to the extent that Braidwood does, are rare.

Some 20th century elements in the town reflect later phases of development. Construction circa 1936 is significant for its association with the emergence from the Great Depression and amalgamation of the Municipality of Braidwood with the Tallaganda Shire. Development in the 1950s, particularly to the west of town is significant for its association with post WWII population growth and the mid 1950s wool boom. 20th century development is reflected in most towns in NSW and, in the context of Braidwood, is considered to be of local significance only.



Figure 3 Braidwood and its setting heritage conservation area (subject site shown in red)

The proposed structures are considered to be suitably designed through the use of appropriate massing and built form as to integrate with the existing heritage nature of development both upon the site and within the locality without trying to imitate the existing structures.

The proposed materials and finishes comprising of precast concrete, colourbond sheeting, powder coated aluminum and fibre cement sheeting in muted grey, off white and cream tones are considered to appropriately integrate with existing development upon the site and within the broader conservation area. Further, in recognition of the proposed development's

siting within the State list heritage conservation area, the subject application required the concurrence of the Heritage Council of NSW under the Heritage Act 1977. General terms of approval were received from the Heritage Council of NSW on 13 December 2019 which raised no objection to the proposed development subject to the imposition of conditions of consent relating to compliance with approved documentation, details of final material finishes and management and recording measures to be implemented throughout the construction process which have been included in the recommended conditions of consent. Based upon the above, the proposed development is not considered likely to result in any negative effects upon the heritage significance of the conservation area.

1154 – School Buildings

Statement of significance:

The headmaster's cottage to the school it retains good integrity and continues to serve the school. Historic and aesthetic value.



Figure 4 Former headmaster's cottage as viewed from Wilson Street

While the proposed development involves additions and alterations to the headmaster's cottage the proposed works to appropriately delineate the old and the new. Council's heritage advisor reviewed the subject application in relation to the local heritage significance of the development and noted the proposed works to the cottage; consisting of restoration of the external façade, internal alterations and additions linked by a lightweight breezeway; are considered to positively contribute to the ongoing preservation of the heritage and not detract from its significance. Accordingly the proposed development is not considered likely to result in any negative effects upon the heritage significance of the item.

Part 6: Local Provisions

The relevant provisions contained within Part 6 of the PLEP 2014 are addressed below as part of this assessment:

6.1 Earthworks

Clause 6.1 of the PLEP 2014 establishes a number of matters requiring consideration for development involving earthworks such as the proposed development.

A condition of consent is recommended requiring the implementation and ongoing management of sediment and erosion control measures throughout the construction process.

With the implementation of such measures the proposed earthworks are considered unlikely to result in any significant detrimental environmental impacts.

6.4 Drinking Water Catchments

Clause 6.4 of the PLEP 2014 makes provision for developments within a drinking water catchment. The subject site is located within the Sydney Drinking Water Catchment and as such is required to result in a neutral or beneficial impact upon water quality within the catchment. Following several amendments to the proposal throughout the assessment process the proposed development Council received concurrence from WaterNSW advising that the proposal was capable of resulting in a beneficial impact upon water quality subject to the implementation of certain measures which have been included with the recommended conditions of consent. As such, the proposed development is considered unlikely to result in any significant impacts upon water quality within the catchment.

6.11 Essential services

Clause 6.11 of the PLEP 2014 requires satisfactory arrangements to be made for water supply, stormwater drainage, solid domestic waste, sewage, and the treatment and disposal of effluent. Along with the supply of electricity and suitable vehicle access.

The subject site features existing water, wastewater, stormwater and electricity connections along with existing vehicular access arrangements. As such, the subject site is considered to feature suitable existing essential services for the purposes of the proposed development.

Section 4.15(1)(a)(ii) the provisions of any proposed instrument

Nil

Section 4.15(1)(a)(iii) provisions of any development control plan

There is no Development Control Plan applicable to the subject site.

Section 4.15(1)(a)(iia) provisions of any planning agreement that has been entered into under section 7.4, or any draft planning agreement that a developer has offered to enter into under section 7.4

There is no planning agreement applicable to the proposed development.

Section 4.15(1)(a)(iv) the regulations (to the extent that they prescribe matters for the purposes of this paragraph)

Matters specified under the EP&A Regulations 2000 have been considered in the assessment of this application.

Provisions of AS 2601-1991 in relation to demolition of structures (Clause 92)

The development application involves the demolition of structures. A condition is recommended to be included in any consent issued to require works to be undertaken in accordance with the provisions of AS 2601-2001: *The Demolition of Structures*.

Consent authority may require buildings to be upgraded (Clause 94)

Conditions of consent are recommended requiring all new works and alterations and additions to existing buildings be undertaken in accordance with the relevant provisions of the Building Code of Australia.

Section 4.15(1)(a)(v) provisions of any coastal zone management plan (within the meaning of the Coastal Protection Act 1979)

Not applicable

Section 4.15(1)(b) the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality

The following matters have been considered in the assessment of this application:

Natural Environment

The subject site is not identified within Council's Terrestrial Biodiversity map (PLEP). The site is not considered to be of specific environmental significance. The development requires the removal of a number of established trees, with replacement plantings proposed as part of the landscaping plan for the site.

The development is not likely to have any long term adverse impacts on the natural environment. Conditions of consent are recommended to minimise impact to the natural environment.

Landscaping / Tree Removal

The development requires the removal of 27 site trees (comprised of 22 exotic, 4 weed and 2 native species) to allow for proposed works. Council's Tree Management Officer noted that the two native trees are showing low to medium signs of degradation including beetle damage and bark inclusion while exotic and weeds species are considered to be of low retention value and as such raised no objection to the removal of the trees subject to replacement planting at a one to one ratio utilizing locally native species. The proposed development also includes significant landscaping works across the site that are considered to be an overall improvement to the streetscape presentation of the site. As such, the proposed landscaping and tree removal works are considered unlikely to result in any significant works.

Specific concern was raised by Panel members throughout the site inspection in relation to the proposed removal of two Golden Cypress (*Cupressus macrocarpa*) (See Figure 5 below) which are located within the foot print of proposed Building 4 being the addition to Building A (the former headmaster's cottage). In recognition of these concerns the Applicant engaged a further Tree Assessment prepared by Arbor Management Australia for these trees which found the two trees to be of low retention value and to be subject of recent branch failure which is likely to affect the overall viability and longevity of the tree. The trees were also reassessed by Council's Tree Management officer who agreed with the findings of the Applicant's tree assessment. In recognition of the low retention value of the trees, structural degradation and impacts of retention upon the proposed development the removal of these trees is considered to be an appropriate outcome in this instance.



Figure 5 Existing Golden Cypress (*Cupressus macrocarpa*) within the proposed footprint of Building 4

Built Environment

It is considered that the bulk and scale of the development is suitably managed through physical and visual articulation of the building and integration within the existing slope of the site as to reduce the appearance of bulk when viewed from the surrounding locality and to integrate with existing development upon the site and within the locality. The proposed development suitably respond to the heritage nature of development both upon the site and within the locality.

The development is unlikely to have any significant adverse impacts on the built environment that warrant refusal or redesign of the development and therefore is therefore considered to be satisfactory in its current form.

Social Impact

The proposed development is considered likely to result in positive social impacts through the provision of additional educational infrastructure for a growing population.

Economic impact

The proposed development will not result in any significant adverse impacts or negative economic impacts upon the locality or community. During the construction period the development will bring short-term employment opportunities to the local economy.

Developer Contributions

Council's Development Engineer has reviewed the proposed development and has advised that developer contributions, either Section 7.11 or Section 64 contributions, are not applicable to the proposed development under the relevant contribution plans.

Section 4.15(1)(c) – The suitability of the site for the development

The site is generally considered to be suitable for the proposed development.

The proposed works suitably respond to the heritage character of existing development within the locality along with the topographical constraints of the site. The development will not give rise to unmanageable transport demands. Adequate recreational opportunities, passive and active, exist on site and within close proximity to the school site. The expansion of the school is capable of being serviced and there will be significant impacts upon adjoining properties.

Section 4.15(1)(d) Any submission made in accordance with this Act or the Regulations

The application was notified within the local newspaper to adjoining land owners/occupiers. The application was initially notified from 19 December 2018 to 9 January 2019. The application was subsequently re-notified from 1 May 2019 to 15 May 2019 due to the receipt of amended plans and additional information in relation to the subject application.

No submissions were received during either of the exhibition periods.

Section 4.15(1)(e) The public interest

The proposed development is considered to be generally in the public interest and will provide a valuable service to the local community. The proposal will have minimal adverse effect on the public interest. Conditions of consent regarding site management throughout the construction process are recommended as to ensure there is minimal impact on surrounding properties during construction period.

4.0 Referrals

The following referrals were undertaken:

Internal

Building Surveyor

Council's Building Surveyor reviewed the subject application and raised no objection to the proposed works subject to the imposition of conditions of consent including requirements that all new works comply with the Building Code of Australia and the implementation of appropriate fire safety measures.

Development Engineer

Existing Services – Water, Wastewater and Storm water

Council's Development Engineer has reviewed the potential impact of the proposed development upon Council infrastructure and has noted that the subject site features suitable existing water, wastewater and storm water connections for the purposes of the proposed development.

Traffic and parking - Technical Advice

A Traffic Impact Assessment prepared by Ontoit giving consideration to the potential impacts of the proposed development upon traffic and transport conditions in the locality

accompanied the subject application. This report found that likely additional traffic movements and parking demand as a result of the proposed development are capable of being accommodated for within existing infrastructure without resulting in any significant impacts. Council's Development Engineer reviewed this report and advised that the development is not expected to have significant impacts on the function and level of service of the surrounding road networks and that satisfactory parking arrangements are provided within proximity of the site to accommodate for likely additional demand as a result of the development.

Tree Management Officer

Council's Tree Management Officer has reviewed the proposed development and notes that while the proposed development includes the removal of 27 site trees (comprised of 22 exotic, 4 weed and 2 native species) the two native trees are showing low to medium signs of degradation including beetle damage and bark inclusion while exotic and weeds species are considered to be of low retention value and as such no objection is raised to the proposed tree removal subject to replacement planting at a one to one ratio utilizing locally native species (included within recommended conditions of consent).

External

WaterNSW

Clause 11 of the SEPP requires that consent not be granted to development within the Sydney Drinking Water Catchment without the concurrence of Water NSW. The subject application was referred to WaterNSW for concurrence. Following receipt of additional information and several amendments to the proposal Council received general terms of approval from WaterNSW on 10 October 2019 which have been included in the recommended conditions of consent.

The Heritage Council of NSW

In recognition of the proposed development's siting within the State list heritage conservation area the subject application required the concurrence of the Heritage Council of NSW under the Heritage Act 1977. General terms of approval were received from the Heritage Council of NSW on 13 December 2019 which raised no objection to the proposed development subject to the imposition of conditions of consent relating to compliance with approved documentation, details of final material finishes and management and recording measures to be implemented throughout the construction process which have been included in the recommended conditions of consent.

NSW Roads and Maritime Service

The proposed development will result in the accommodation of 50 or more additional students and involves the enlargement or extension of existing premises on a site that has direct vehicle and pedestrian access to a road. As such, Council referred the application to RMS for comment.

The RMS initially raised concern in relation to the need for the provision of an additional bus queuing area when peak predicted student numbers are achieved. To address this issue the Applicant submitted additional information demonstrating that such an area was capable of being provided within the existing Ryrie Street Road reserve should demand arise. Following receipt of this information the RMS advised that no objection was raised to the proposed development.

Biodiversity and Conservation

The subject application was initially accompanied by a preliminary Aboriginal Cultural Heritage Report which identified the potential for the subject site to contain areas of Aboriginal cultural heritage as such the subject application was referred to Biodiversity and Conservation for comment. Additional information as requested including further literature studies, community consultation and site specific investigations. This report found that the subject site was unlikely to contain any items of Aboriginal cultural heritage significance and as such the proposed development is unlikely to impact upon any such items. The Biodiversity Conservation Division reviewed this report and advised that the proposed works do not require approval under the National Parks and Wildlife Act 1974 and the no objection was raised to the proposed development.

5.0 Conclusion

The development is Regional Development for the purposes of the State Environmental Planning Policy (State and Regional Development) 2011 and the Southern Regional Planning Panel is the consent authority for the application.

The application has been assessed under the relevant State Environmental Planning Policies and Palerang Local Environmental Plan 2014. This assessment found that the development generally satisfies the controls and requirements of these instruments. While the subject application seeks a variation request under Clause 4.6 of the PLEP 2014 to vary the maximum building height of 6.5m by 50.6% (3.29m), this variation was found to be suitably justified through environmental planning grounds in that the control has for all purposes been abandoned upon the site and the proposed variation will result in no visual impacts, loss of amenity or solar access impacts to any surrounding residence.

The other relevant matters for consideration under section 4.15 of the EP&A Act have also been considered. The development is suitable for the site, will have an acceptable impact on the site, local area and neighboring properties. The submissions from agencies have been considered and conditions recommended where appropriate. No public submissions were received that related to this development. There are no significant public interest concerns resulting from the development.

The development is recommended for conditional approval.

6.0 Recommendation

- 1. That Development Application DA.2018.223 for upgrade works to existing Braidwood Central School known as 9 Wilson Street, Braidwood and legally identified as Lots 2-6 DP39022, Lots A-D DP156575, Lots 16-20 DP758152, Lot 1 DP 86338, and Lots 2-3 DP999104 be Approved subject to the conditions in Attachment 1.**
- 2. WaterNSW, The Heritage Council of NSW and the NSW Roads and Maritime Services be advised of the outcome of the determination.**