

COUNCIL ASSESSMENT REPORT

Panel Reference	PPSWES -171
DA Number	2023/38
LGA	Bathurst Regional
Proposed Development	Partial demolition, additions and alterations to an existing educational establishment (St Stanislaus College)
Street Address	220 Bentinck Street, Bathurst
Applicant/Owner	Henry Burnett of DFP Planning Pty Ltd on behalf of St Stanislaus' College Site owned by The Trustees of the Vincentian Fathers
Date of DA lodgement	16 February 2023
Total number of Submissions Number of Unique Objections	Zero
Recommendation	Approval
Regionally significant Development (Schedule 6 of the SEPP (Planning Systems) 2021	Capital investment value (CIV) of the development is \$28,534,000.00. This exceeds the CIV threshold of \$5 million for private infrastructure or community facilities for Council to determine the DA pursuant to Schedule 6 of State Environmental Planning Policy (Planning Systems) 2021.
List of all relevant s4.15(1)(a) matters	<ul style="list-style-type: none"> • Bathurst Regional Local Environmental Plan 2014 • State Environmental Planning Policy (Planning Systems) 2021. • State Environmental Planning Policy (Biodiversity and Conservation) 2021 • State Environmental Planning Policy (Transport and Infrastructure) 2021 • State Environmental Planning Policy (Resilience and Hazards) 2021 • The Environmental Planning and Assessment Regulation 2021
List all documents submitted with this report for the Panel's consideration	<ul style="list-style-type: none"> • Statement of Environmental Effects • DA Plans • Demolition Plans • Heritage Impact Statement • Addendum to Heritage Impact Statement • Clause 4.6 Variation Request • Architectural Design Statement • Access Report • Addendum to Access Report • Schedule of External Finishes • Fire Safety Upgrade Strategy Report • Draft Notice of Determination

Clause 4.6 requests	The submitted Clause 4.6 variation request relates to a height exceedance under Clause 4.3 <i>Height of buildings</i>.
Summary of key submissions	Not applicable.
Report prepared by	Daniel Dwyer – Senior Development Control Planner, Bathurst Regional Council with David Nelson – Senior Health & Building Surveyor and Tamsin McIntosh – Senior Heritage Planner
Report date	30 September 2023

Summary of s4.15 matters **Yes**
Have all recommendations in relation to relevant s4.15 matters been summarised in the Executive Summary of the assessment report?

Legislative clauses requiring consent authority satisfaction **Yes**
Have relevant clauses in all applicable environmental planning instruments where the consent authority must be satisfied about a particular matter been listed, and relevant recommendations summarized, in the Executive Summary of the assessment report?
e.g. Clause 7 of SEPP 55 - Remediation of Land, Clause 4.6(4) of the relevant LEP

Clause 4.6 Exceptions to development standards **Yes**
If a written request for a contravention to a development standard (clause 4.6 of the LEP) has been received, has it been attached to the assessment report?

Special Infrastructure Contributions **No**
Does the DA require Special Infrastructure Contributions conditions (S7.24)?
Note: Certain DAs in the Western Sydney Growth Areas Special Contributions Area may require specific Special Infrastructure Contributions (SIC) conditions

Conditions **No**
Have draft conditions been provided to the applicant for comment?
Note: in order to reduce delays in determinations, the Panel prefer that draft conditions, notwithstanding Council's recommendation, be provided to the applicant to enable any comments to be considered as part of the assessment report

PURPOSE OF REPORT

The purpose of this report is to seek the Western Regional Planning Panel's (The Panel's) determination of a Development Application (DA) for partial demolition, additions and alterations to an existing educational establishment (St Stanislaus College) at 220 Bentinck Street, Bathurst.

The Panel is the consent authority for this DA as the capital investment value (CIV) of the development is \$28,534,000.00. This exceeds the CIV threshold of \$5 million for private infrastructure or community facilities for Council to determine the DA pursuant to Schedule 6 of State Environmental Planning Policy (Planning Systems) 2021.

SUMMARY OF RECOMMENDATION

That the Western Regional Planning Panel determine DA 2023/38 for partial demolition, additions and alterations to an existing educational establishment (St Stanislaus College) pursuant to Section 4.16 of the *Environmental Planning and Assessment Act, 1979*, by granting consent subject to the conditions attached to this report.

SUMMARY OF ATTACHMENTS

The follow plans and documents are submitted for consideration with this report:

Attachment No.	Description
1	Statement of Environmental Effects
2	DA Plans
3	Demolition Plans
4	Heritage Impact Statement
5	Addendum to Heritage Impact Statement
6	Clause 4.6 Variation Request
7	Architectural Design Statement
8	Access Report
9	Addendum to Access Report
10	Schedule of External Finishes
11	Fire Safety Upgrade Strategy Report
12	Draft Notice of Determination

EXECUTIVE SUMMARY

Bathurst Regional Council has received a Development Application (DA) for partial demolition, additions and alterations to an existing educational establishment (St Stanislaus' College) at 220 Bentinck Street, Bathurst.

The DA has been assessed against the *Environmental Planning and Assessment Act 1979*, the *Environmental Planning and Assessment Regulation, 2021*, relevant environmental planning instruments, development control plans and policies.

A summary of the assessment of all relevant environmental planning instruments is provided below with a detailed assessment provided later in the report.

State Environmental Planning Policy	Comment
State Environmental Planning Policy (Planning Systems) 2021.	The Panel is the consent authority for this DA as the development has a CIV of \$28,534,000.00 which exceeds the CIV threshold of \$5 million (private infrastructure or community facilities) for Council to determine the DA.
State Environmental Planning Policy (Biodiversity and Conservation) 2021	Given that the proposed development is predominantly occurring within the existing built footprint, there will likely be no adverse impact on koalas or koala habitats.
State Environmental Planning Policy (Transport and Infrastructure) 2021	<p>The proposed development is permissible under the Transport and Infrastructure SEPP. The proposed development is in accordance with the design principles prescribed under Schedule 8 of the SEPP.</p> <p>The application does not seek approval for enlargement or expansion of the existing educational establishment and does not propose any additional student capacity. Referral to Transport for NSW is therefore not required.</p>
State Environmental Planning Policy (Resilience and Hazards) 2021	A Preliminary Site Investigation is not considered to be warranted in this instance, given that an educational facility has operated on the subject site since 1867 and that the proposed development is predominantly occurring within the existing built footprint.
Bathurst Regional Local Environmental Plan 2014	The subject site is zoned SP2 Infrastructure. The Land Zoning Map for this locality identifies that the purpose for the subject site is "Education". The proposed development, being additions and alterations to an existing educational establishment, is therefore consistent with the special purpose zoning. The maximum height of buildings for the subject site is 9 metres. A Clause 4.6 variation is included in the application for proposed exceedances above the maximum height of buildings. The subject site is a locally listed Heritage Item and is within the Bathurst Heritage Conservation Area.

The DA was publicly exhibited for a period of 14 days in accordance with the Bathurst Regional Community Participation Plan. The exhibition period was from 27 February 2023 to 13 March 2023 and no submissions were received.

The development has been assessed against State Environmental Planning Policy (Transport and Infrastructure) 2021, Bathurst Regional Local Environmental Plan 2014 and the Bathurst Regional Development Control Plan 2014. The development is generally consistent with these planning policies and the controls therein. To the extent that there is a variation to the HOB provision of BRLEP 2014 it is considered minor and supportable.

Part 3.4, Clause 3.36(9), of the State Environmental Planning Policy (Transport and Infrastructure) 2021 states that any provision of a development control plan (such as the Bathurst Regional Development Control Plan 2014) has no effect, regardless of when the Development Control Plan was made. Therefore, the controls of the Bathurst Regional Development Control Plan 2014 do not apply. However, it is noted that the proposal is generally consistent with the objectives and controls contained within the DCP subject to recommended conditions.

The proposed development does not propose a change to the existing student numbers for the College. While the College has operated at up to 900 students in the past, the optimum number of students for the operation of the College into the future is approximately 700 students. The current number of boarders is 87 with a plan to increase this to 120 boarders when the proposed development has been completed.

Given there is no increase to the number of students or staff, no additional car parking is required as part of this development.

The application is submitted with a written Clause 4.6 request to vary the maximum height of buildings applying to the land under the Bathurst Regional Local Environmental Plan 2014. The maximum building height proposed is 14.7 metres, whereas the prescribed maximum is 9.0 metres. The written request demonstrates that compliance with the development standard is unreasonable and unnecessary in this instance and that there are sufficient environmental planning grounds to justify the contravention of the standard including the retention of heritage fabric, improved accessibility and fire egress, the discrete location of the exceedances, the minimal visual impact and the use of suitable materials to minimise bulk and scale.

AERIAL PHOTOS OF SITE AND SURROUNDS



Figure 1: Aerial photo of site and immediate surrounds (source: Bathurst Regional Council)



Figure 2: Aerial photo of site (source: Bathurst Regional Council)

THE SITE

The site is known as St Stanislaus' College ("Stannies"), a Catholic day and boarding school for males, providing education from Year 7 to Year 12. The site is located at 220 Bentinck Street, Bathurst. The subject site is zoned SP2 Infrastructure and has a total area of 21.7 hectares. The site comprises the following lots:

Lot	Section	DP	Area (ha)
1	118	758065	2.023
2	118	758065	1.963
11	117	758065	0.2023
12	117	758065	0.2023
13	117	758065	0.2023
14	117	758065	0.2023
15	117	758065	0.2023
16	117	758065	0.2023
17	117	758065	0.2023
161	-	750357	7.56
226	-	750357	0.07398
249	-	750357	6.475
1	-	132171	0.2793
2	-	132171	0.6357
3	-	132171	0.6311
4	-	132171	0.0744
100	-	1163597	0.607
TOTAL			21.73858

The site contains a multi storey school complex constructed in various stages over its 156 year existence on the subject land.

The subject site has frontage to Bentinck Street, Brilliant Street and Havannah Street, however its primary vehicular accesses are via Bentinck and Seymour Streets.

Adjacent land to the north, north-east and south-east is zoned residential and predominantly contains residential buildings. Adjoining and adjacent land to the south-west is zoned SP2 Infrastructure and contains a variety of public infrastructure uses such as Forestry Corporation NSW, Spatial Services NSW, TAFE NSW and Charles Sturt University.

ZONING

The subject site is zoned SP2 Infrastructure.

The Land Zoning Map for this locality identifies that the purpose for the subject site is "Education". The proposed development, additions and alterations to an existing educational establishment, is therefore consistent with the special purpose zoning.

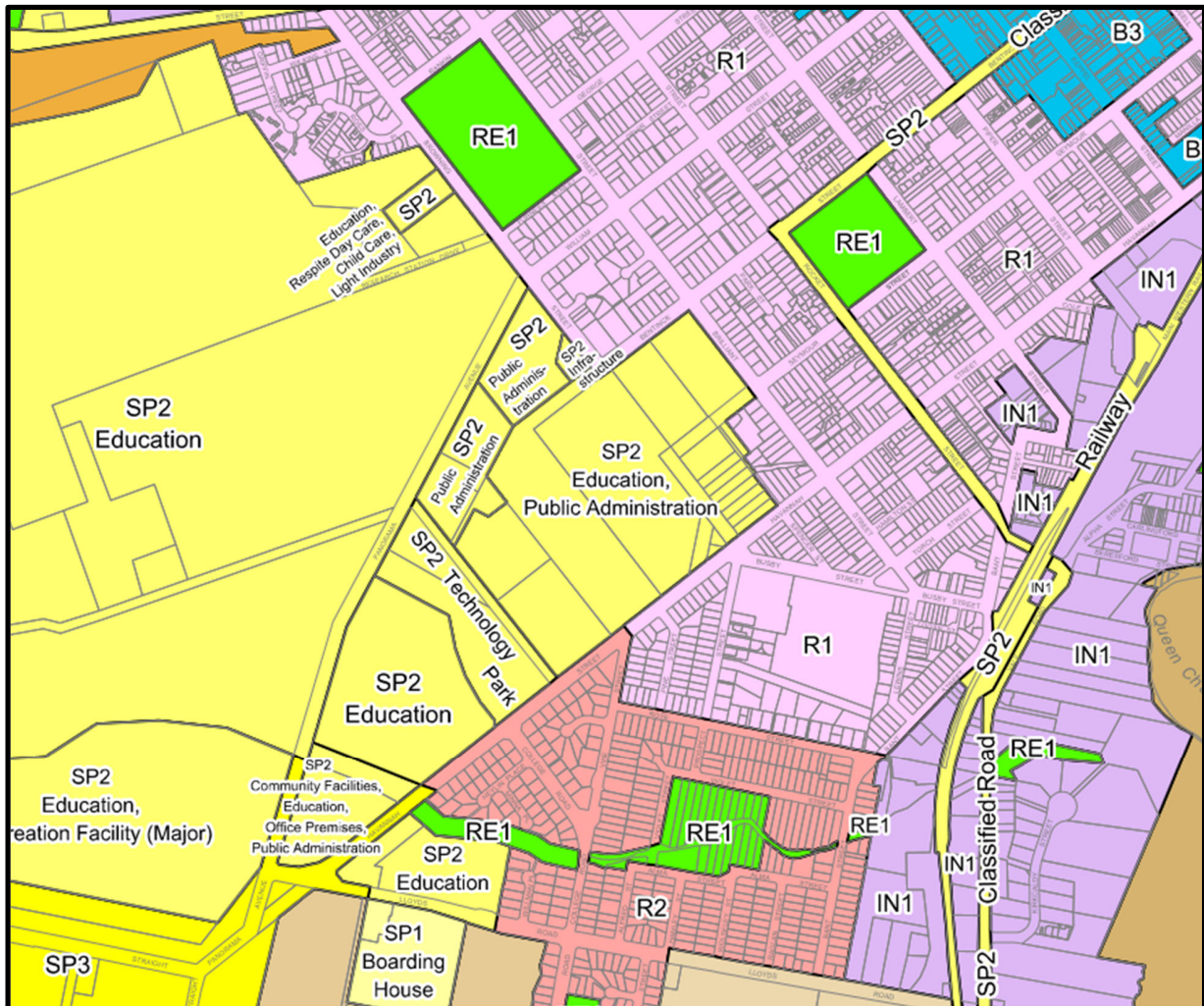


Figure 2: Land Zoning Map (source: NSW Department of Planning & Environment)

Zone SP2 Infrastructure

1 Objectives of zone

- provide for infrastructure and related uses.
- To prevent development that is not compatible with or that may detract from the provision of infrastructure.

2 Permitted without consent

Environmental protection works; Extensive agriculture; Intensive plant agriculture; Roads

3 Permitted with consent

Aquaculture; The purpose shown on the Land Zoning Map, including any development that is ordinarily incidental or ancillary to development for that purpose.

4 Prohibited

Any development not specified in item 2 or 3.

BACKGROUND

The relevant Development Application background of the site is summarized in the table below:

Year	Application No.	Development
1940	(BAB1940/0057)	Extensions to St Stanislaus' College.
1951	(BAB1951/0186)	Extensions to St Stanislaus' College
1971	(BAB1971/0178) (BAB1971/0061)	Science Laboratory Additions to school
1973	(BAB1973/0232)	Library and additional classrooms
1974	(BAB1974/0011)	Temporary classroom
1978	(BAB1978/0008)	Extensions to art room
1979	(BAB1979/0008)	Additions to shed
1980	(BAB1980/0418)	Additions and alterations to boarding area
1982	(BAB1982/0440) (BAB1982/0104) (BAB1982/0003)	New classrooms Alterations to dormitories and Fire stairs
1986	(BAB1986/0031)	Springboard and swimming pool fence
2003	(DA 20023/0158) (DA2003/0834) (DA2003/0653)	Performing Arts Centre & gymnasium Fire alarm monitoring system Shelter for seats
2004	(DA2004/0514)	Convert auditorium to dormitory accommodation
2008	(DA2008/0705)	Two temporary marquees for festival
2010	(DA2010/369) (DA2010/804) (DA2010/0803)	New classrooms and workshop, Kitchen refurbishment and Internal alterations to dormitories
2012	(DA2012/89) (DA2012/0558) (DA2012/0162)	Internal alterations to dormitory accommodation and Scoreboard
2016	(DA2016/0024)	Rooftop solar panel installation

EXISTING INFRASTRUCTURE/SITE CONFIGURATION

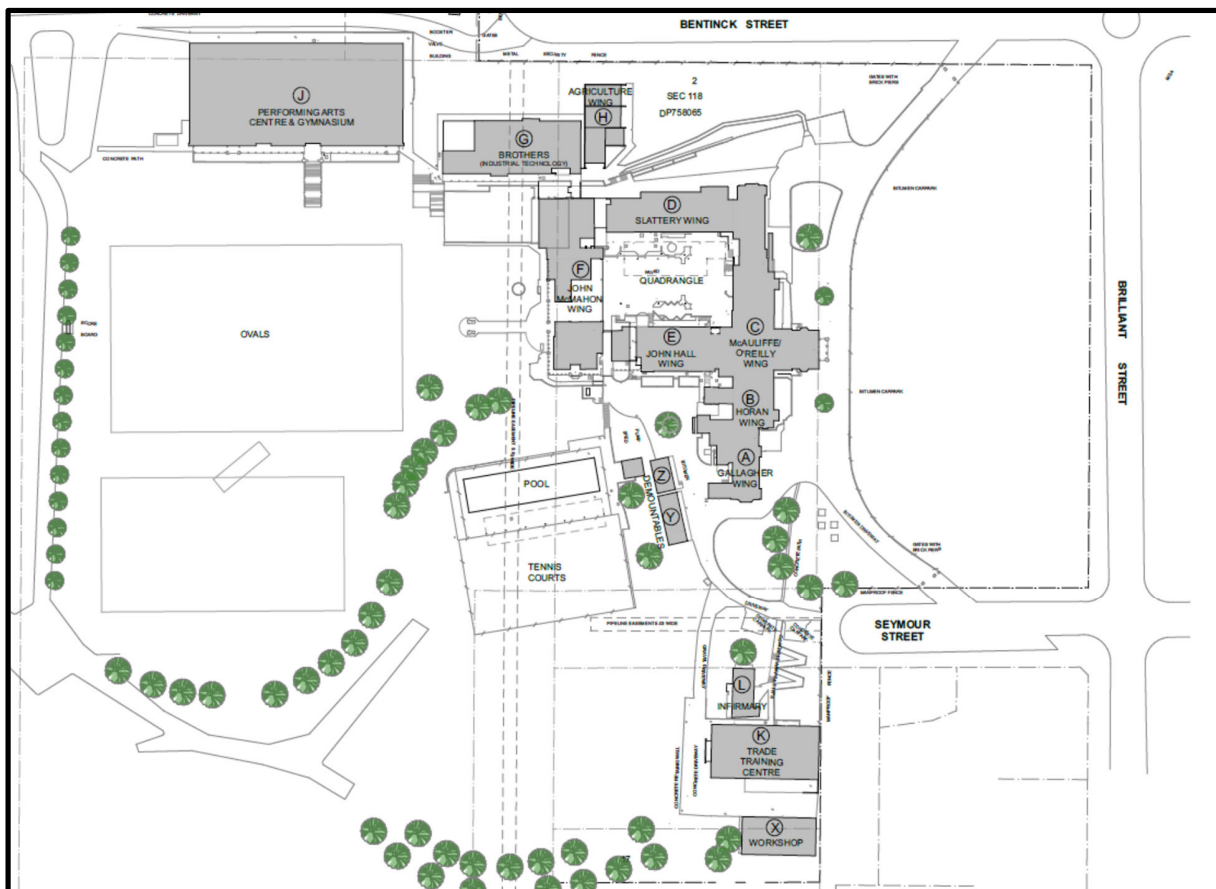


Figure 3 Existing site layout (source: Stanton Dahl)

Building	Name	Description
A	Gallagher Wing	Building A is three storeys (with mezzanine) and is presently used principally for boarding uses including refectory, dormitory and recreation uses. Other uses include staff laundry, staff accommodation and records storage.
B	Horan Wing	Building B is three storeys and is presently used for staff/meeting rooms and senior's refectory on the ground floor, Vincentian father's accommodation and facilities on the first floor, and boarding dormitory on the second floor.
C	McAuliffe/O'Reilly Wing	Building C is three storeys and is presently used for the Marble Hall and staff administration on the ground floor, the chapel and Vincentian father's accommodation and facilities on the first floor, and boarding dormitory and the chapel void and choir risers on the second floor.
D	Slattery Wing	Building D is two storeys and is presently used for an infirmary and science learning areas on the ground floor and boarding dormitory and learning centre/common room on the first floor.
E	John Hall Wing	Building E is four storeys (including a basement level) and is presently used principally for boarding accommodation.

		Other uses include music practice rooms, a book room and archives.
F	John McMahon Wing	Building F is three storeys and includes the library, senior study area, canteen, undercroft, uniform shop, and ceramics on the ground floor; learning spaces on the first floor; and learning and staff areas on the second floor.
G	Brothers Wing	Building G is two storeys and includes Technological and Applied Studies (TAS) learning areas.
H	Agriculture Wing	Building H is single storey
J	Performing Arts Centre and Gymnasium	Building J is two storeys and includes both performing arts learning areas and indoor recreation (gymnasium) uses.
K	Trade Training Centre	Building K is two storeys and includes trade training facilities.
L	Infirmery	Building L is single storey and was formerly used as the infirmary.
X	Workshop	Building X is two storeys and includes Technological and Applied Studies (TAS) learning areas.
Y	Demountable	Building Y is a single storey demountable building.
Z	Demountable	Building Z is a single storey demountable building.

THE PROPOSAL

This Development Application seeks approval for:

Partial demolition, additions and alterations to an existing educational establishment (St Stanislaus College)

The proposed demolition, additions and alterations are summarised as follows:

- **Internal Alterations:** including library, administration, boarding accommodation and facilities, staff areas, teaching facilities and a wellbeing centre;
- **External Additions:** including the installation of four (4) lifts, balconies, access ramp to the principal pedestrian entrance and a new covered outdoor area;
- **Demolition:** including part of the Horan wing (Block B) and canteen/senior study rooms to create a larger undercroft (Block F); and
- **Staging:** The construction of the development in stages.

The proposed development relates to Buildings A to F as shown below:

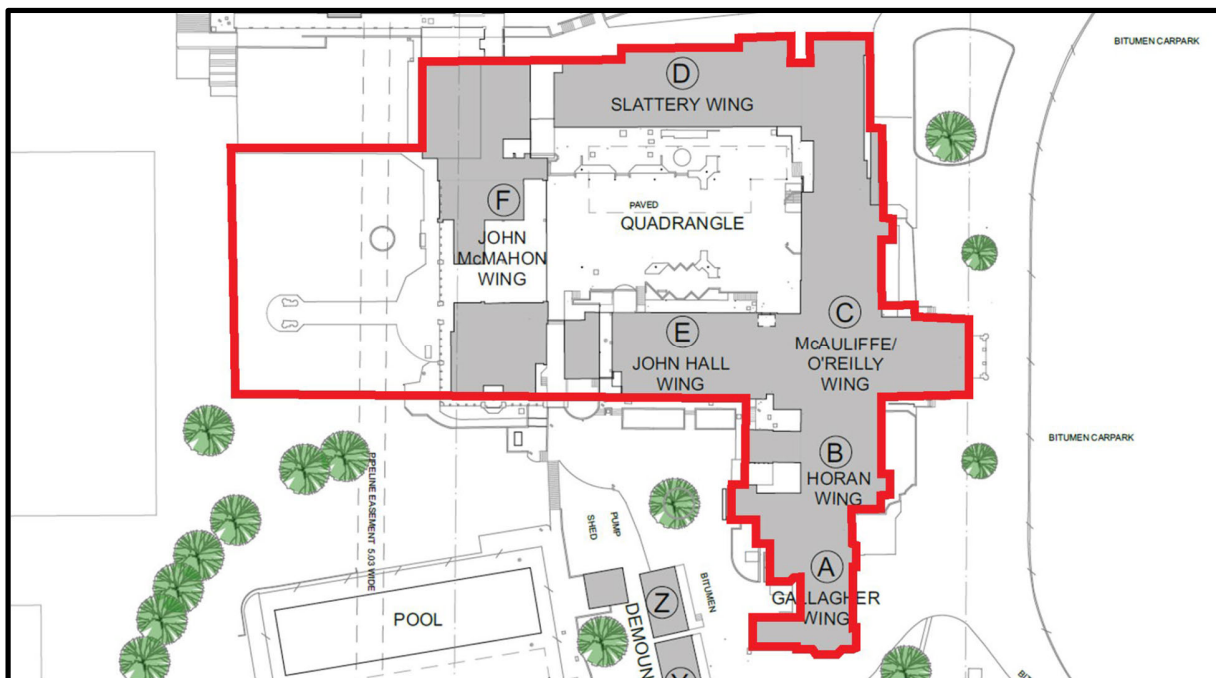


Figure 4 Development site identification (source: DFP Planning Pty Ltd)

The following table outlines the particulars of each component of the proposed works:

Internal Alterations	
Component	Description of works
Marble Hall and Entry Foyer	Internal alterations are proposed to relocate the principal pedestrian entrance to the Marble Hall. The Slattery Museum will be retained and unaltered by the proposal. Internal alterations are proposed replacing the parlour office with an interview room and the taxidermy displays (to be relocated within the school) with a reception (southern side) and entry to the new central learning hub (northern side).
Library	Internal alterations are proposed to create a central learning hub/library on the ground floor of Block C replacing existing administration areas. This will entail some demolition of internal walls. The new library extends into the southern return of Block D.
Administration	Existing administration areas are proposed to be relocated to the southern end of Block C and in Block B.
Boarding Accommodation and Facilities	<p>Accommodation</p> <p>The proposed development seeks to rationalise the existing boarding accommodation to locate all boarding areas on the first and second floors across Blocks B, C and E. The boarding accommodation will remove the Vincentian accommodation (currently unused) in proximity to boarding accommodation.</p> <p>The proposed development includes six boarding dormitories comprising a total of 120 beds as follows:</p>

	<p>Three dormitories are located on the first floor and include:</p> <ul style="list-style-type: none"> - Dormitory 1: 16 bed capacity - Dormitory 2: 17 bed capacity - Dormitory 5: 21 bed capacity <p>Three dormitories are located on the second floor and include:</p> <ul style="list-style-type: none"> - Dormitory 3: 20 bed capacity - Dormitory 4: 20 bed capacity - Dormitory 6: 26 bed capacity <p>Facilities</p> <p>The proposed internal alterations provide improved boarding facilities within Block E including a boarding activity space at the basement level (replacing dormitories) and a new boarding kitchen and dining area at ground level (replacing dormitories).</p>
Staff Areas	The proposed internal alterations relocate and create a staff hub and boarding staff accommodation within Block A replacing a boarder's refectory, dormitory and recreation area.
Teaching Facilities	<p>The proposed internal alterations create new teaching facilities principally within Block F including:</p> <ul style="list-style-type: none"> • Ground Level: Science Technology Engineering Arts and Mathematics (STEAM) Hub (north of undercroft) replacing the library and senior study area; and uniform shop and food technology teaching facilities altering the existing ceramics/uniform shop. • First Floor Level: General Learning Areas (GLAs), seminar rooms and IT replacing learning spaces, staff offices, art and altering the IT layout. • Second Floor Level: GLAs and seminar rooms replacing learning spaces and staff rooms. <p>It is noted no internal alterations are proposed to the central wing of Block D.</p>
Wellbeing Centre	The proposed internal alterations will create a new wellbeing centre within Block D including new infirmary rooms at the ground level and staff areas for wellbeing staff including counsellor, careers, chaplain, learning supports, year co-ordinators and Aboriginal education at the first floor level.
External Additions	
Lifts	The proposed external additions include the installation of four (4) lifts.
Balconies	The proposed external additions include the installation of balconies facing the central (internal) courtyard.
Accessible Entrance	The proposed external additions include a new accessible entrance to Building C
Covered Outdoor Area	The proposed external additions include a new covered outdoor area to the rear of Block F

Demolition	
Canteen and Senior Study	To facilitate the expansion of the undercroft area to Building F, the canteen and senior study rooms are proposed to be demolished
Part of Horan Wing	To facilitate improved College circulation, a single storey part of the Horan wing is proposed to be demolished

While the proposal is not a staged development or concept development application within the meaning of Division 4.4 of the Environmental Planning and Assessment Act, 1979, it is proposed that the project will be carried out in the following phases:

Phase	Level	Details
1	Ground	Block B: Welcome Hub Block C: Wellbeing Centre and Central Learning Hub Block F: STEAM Hub, COLA and Food Tech, BBQ Area
	First	Block C: Boarding Dormitory 1 Block F: GLA Enquiry Hub
	Second	Block F: GLA Enquiry Hub
2	Ground	Courtyard/Block A: New External Circulation
	First	Block A: Staff Room Block B: Boarding Dormitory 2
	Second	Block A: Boarding Staff Accommodation Block B: Boarding Dormitory 4 Block C: Boarding Dormitory 3
3	Ground	Block E: Boarding Dining Room, Kitchen and Terrace Courtyard: Lift circulation (excluding Block F - Phase 1)
	First	Block C: Support Services Block E: Boarding Dormitory and Verandah
4	Basement	Block E: Boarding Activity Space
	Second	Block E: Boarding Dormitory 6
5	Ground	Block A: Staff Development Hub

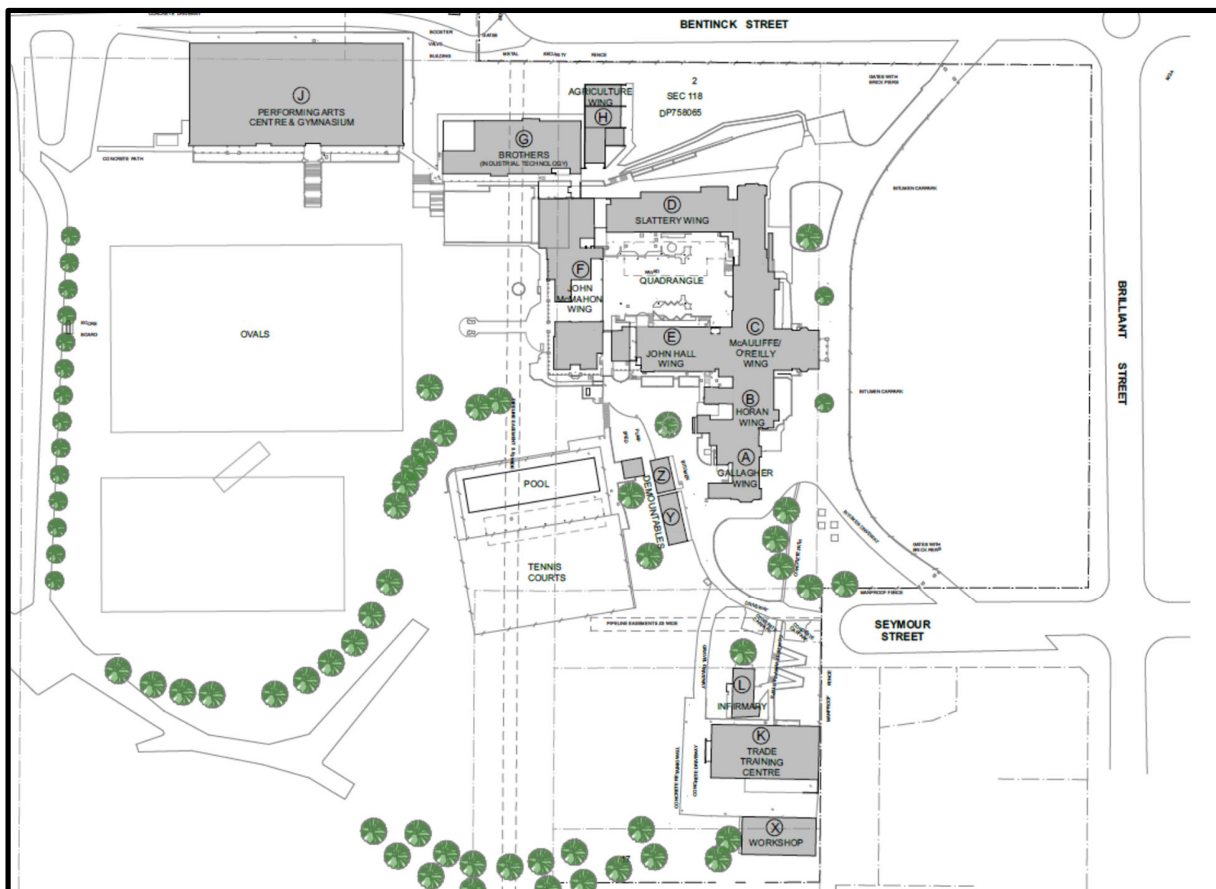


Figure 5 Existing site layout (source: Stanton Dahl)

PANEL BRIEFING

Council representatives briefed the Western Regional Planning Panel on 29 August 2023 via video conference.

The Panel did not raise any significant concerns and did not request additional information from the applicant but did request that a condition be imposed to the effect that:

Prior to the issue of the issue of a Construction Certificate the applicant is to submit to Council detailed plans of each intervention into original building fabric (e.g. removal of walls, widening of existing openings, creation of new openings) to ensure that such interventions have as little impact as possible and to ensure that contractors are aware of their obligations to retain original fabric.

ASSESSMENT

Environmental Planning and Assessment Act 1979 – Section 4.15(1)

In determining a DA, the consent authority is to take into consideration such of the following matters as are of relevance to the development the subject of the DA:

(a)(i) the provisions of any environmental planning instrument

The environmental planning instruments that apply to the proposed development are:

- State Environmental Planning Policy (Planning Systems) 2021.
- State Environmental Planning Policy (Transport and Infrastructure) 2021.
- State Environmental Planning Policy (Resilience and Hazards) 2021.
- State Environmental Planning Policy (Biodiversity and Conservation) 2021.
- Bathurst Regional Local Environmental Plan 2014.

State Environmental Planning Policy (Planning Systems) 2021

The aims of State Environmental Planning Policy (Planning Systems) 2021 are to identify development that is State significant development, to identify development that is State significant infrastructure and critical State significant infrastructure and to identify development that is regionally significant development.

5 Private infrastructure and community facilities over \$5 million

Development that has a capital investment value of more than \$5 million for any of the following purposes—

- (a) *air transport facilities, electricity generating works, port facilities, rail infrastructure facilities, road infrastructure facilities, sewerage systems, telecommunications facilities, waste or resource management facilities, water supply systems, or wharf or boating facilities,*
- (b) *affordable housing, child care centres, community facilities, correctional centres, **educational establishments**, group homes, health services facilities or places of public worship.*

Pursuant to Schedule 6 of the SEPP, the Panel is the determining authority for this DA as the proposed development has a CIV of \$28,534,000.00 which exceeds the CIV threshold of \$5 million (private infrastructure or community facility) for Council to determine the DA.

State Environmental Planning Policy (Transport and Infrastructure) 2021

State Environmental Planning Policy (Transport and Infrastructure) 2021 aims to facilitate the effective delivery of educational establishments and early education and care facilities across the State and applies to the subject development being for the purpose of a 'educational establishment'.

Clause 3.36 of the SEPP outlines the development controls for schools where development is permitted with consent. Clause 3.36 parts (1), (6) and (9) are relevant to the assessment of the proposal:

3.36 Schools—development permitted with consent

- (1) *Development for the purpose of a school may be carried out by any person with development consent on land in a prescribed zone.*

...

- (6) *Before determining a development application for development of a kind referred to in subsection (1), (3) or (5), the consent authority must take into consideration—*
- (a) *the design quality of the development when evaluated in accordance with the design quality principles set out in Schedule 8, and*
 - (b) *whether the development enables the use of school facilities (including recreational facilities) to be shared with the community.*
- ...
- (9) *A provision of a development control plan that specifies a requirement, standard or control in relation to development of a kind referred to in subsection (1), (2), (3) or (5) is of no effect, regardless of when the development control plan was made.*
- ...

The following table provides an evaluation of the proposal in accordance with the design quality principles set out in Schedule 8 of State Environmental Planning Policy (Transport and Infrastructure) 2021.

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.	<p>The proposed additions and alterations have been designed to maintain the significant parts of the internal and external fabric of the original building.</p> <p>With the exception of the new access ramp into the Marble Hall, all external interventions have been confined to the central courtyard and rear elevation in order to maintain external appearance of this landmark building.</p> <p>Internal interventions have been designed so that original room configurations can be “read” whilst creating open plan learning, administration and social wellbeing spaces.</p> <p>New open plan learning, administration and social wellbeing spaces in the original building will benefit from a northerly aspect providing passive solar access.</p>
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.	The proposed additions and alterations will result in minimal intervention with existing landscaping on the site. No significant vegetation removal is proposed.
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	The school’s location within the Bathurst Heritage Conservation area, its prominent elevated position and subsequent landmark building status have all been considered in the design of the proposed additions and alterations hence why external interventions have predominantly been confined to the central courtyard and rear elevation.

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.	<p>The proposed development is predominantly occurring within the footprint of the existing school buildings which makes achieving a high level of efficiency and ongoing sustainability difficult to achieve, however the proposed configuration takes advantage of natural light and ventilation where possible.</p> <p>New open plan learning, administration and social wellbeing spaces in the original building will benefit from a northerly aspect providing passive solar access.</p>
Schools should be designed to be durable, resilient and adaptable, enabling them to evolve over time to meet future requirements.	<p>A key element of the proposal is to provide equitable access to all parts of the existing building to ensure its functionality into the future.</p> <p>New open plan learning and social wellbeing spaces have been designed to be flexible/adaptable for current and future use.</p>
Principle 3—accessible and inclusive	
<p>School buildings and their grounds should provide good wayfinding and be welcoming, accessible and inclusive to people with differing needs and capabilities.</p> <p>Note— Wayfinding refers to information systems that guide people through a physical environment and enhance their understanding and experience of the space.</p>	<p>A key element of the proposal is to provide equitable access to all parts of the existing building this includes new access ramps and four new lifts.</p> <p>Another key element of the proposal is to reinstate the Marble Hall as the primary entrance to the College. The current primary entrance is off-centre and not obvious to anyone arriving at the College.</p>
Schools should actively seek opportunities for their facilities to be shared with the community and cater for activities outside of school hours.	Improved accessibility with lifts and ramps will enable parts of the College, for example the chapel, to be used by the public.
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.	<p>Reinstatement of the Marble Hall as the primary entrance to the College will allow for all movements in and out of the College to be monitored.</p> <p>Reconfiguration of the boarder's accommodation spaces such as moving away from traditional dormitory halls to smaller home-like accommodation pods will improve the health and safety of students.</p>
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.	<p>Reconfiguration of the boarder's accommodation spaces such as moving away from traditional dormitory halls to smaller home-like accommodation pods with their own kitchen, lounge, amenities and group study spaces will greatly improve the amenity for boarders.</p> <p>Providing equitable access to all parts of the existing building with new access ramps and four new lifts will ensure all educational, social and sporting spaces can be utilised by all.</p>
Schools located near busy roads or near rail corridors should incorporate appropriate noise mitigation measures to ensure a high level of amenity for occupants.	The College is not directly adjacent to any major road or rail corridors and therefore noise mitigation is not warranted.
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.	A key element of the proposed development is to provide inviting and flexible open plan learning, social wellbeing and recreation spaces within the confines of the existing College.
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.	<p>A key element of the proposed development is to provide inviting and flexible open plan learning, social wellbeing and recreation spaces within the confines of the existing College. The new open plan spaces will be highly adaptable and therefore capable of being used well beyond their initial intended purpose.</p> <p>The proposed development is predominantly occurring within the footprint of the existing school building which makes achieving a high level of efficiency and ongoing sustainability difficult to achieve, however the proposed configuration takes advantage of natural light and ventilation where possible.</p> <p>The key principle of the proposal is to ensure that this landmark heritage building has purpose and is actively used into the future which in turn ensures its maintenance and preservation.</p>
Principle 7—aesthetics	
School buildings and their landscape setting should be aesthetically pleasing by achieving	With the exception of the new access ramp into the Marble Hall, all external interventions

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.	have been confined to the central courtyard and rear elevation in order to maintain external appearance of this landmark building.
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.	The proposed lift towers will have the appearance of a light-weight construction with a steel frame and glass infill. The light-weight appearance will ensure the lift towers are recessive and therefore do not dominate the original heritage fabric of the building.

With reference to Clause 3.36(6) of the SEPP, the proposed development has been assessed against the design principles set out under Schedule 8 of the SEPP. The proposed development is considered to be consistent, where applicable, with the design principles prescribed under Schedule 8.

The application does not seek approval for enlargement or expansion of the existing educational establishment and does not propose any additional student capacity. Accordingly, Section 3.58 does not apply and therefore a referral to Transport for NSW is not required.

State Environmental Planning Policy (Resilience and Hazards) 2021

State Environmental Planning Policy (Resilience and Hazards) 2021 requires the consent authority to be satisfied that the site is suitable for its intended use (in terms of contamination) prior to granting consent.

A Preliminary Site Investigation is not considered to be warranted in this instance, given that an educational facility has operated on the subject site since 1867, that the proposed development is predominantly occurring within the existing built footprint and that no change of use is proposed.

State Environmental Planning Policy (Biodiversity and Conservation) 2021

Given that the proposed development is predominantly occurring within the existing built footprint, there will likely be no adverse impact on koalas or koala habitats.

Bathurst Regional Local Environmental Plan 2014

The subject site is zoned SP2 Infrastructure. The Land Zoning Map for this locality identifies that the purpose for the subject site is "Education". The proposed development, being additions and alterations to an existing educational establishment, is therefore consistent with the special purpose zoning.

The maximum height of buildings for the subject site is 9 metres (Clause 4.3). A Clause 4.6 variation is included in the application for proposed exceedances above the maximum height of buildings. The proposed exceedances solely relate to lift towers and associated balconies in the central courtyard and on the rear facade. The subject site is a locally listed Heritage Item and is within the Bathurst Heritage Conservation Area.

2.2 Zoning of land to which Plan applies

The subject site is zoned SP2 Infrastructure.

The Land Zoning Map for this locality identifies that the purpose for the subject site is “Education”. The proposed development, additions and alterations to an existing educational establishment, is therefore consistent with the special purpose zoning.

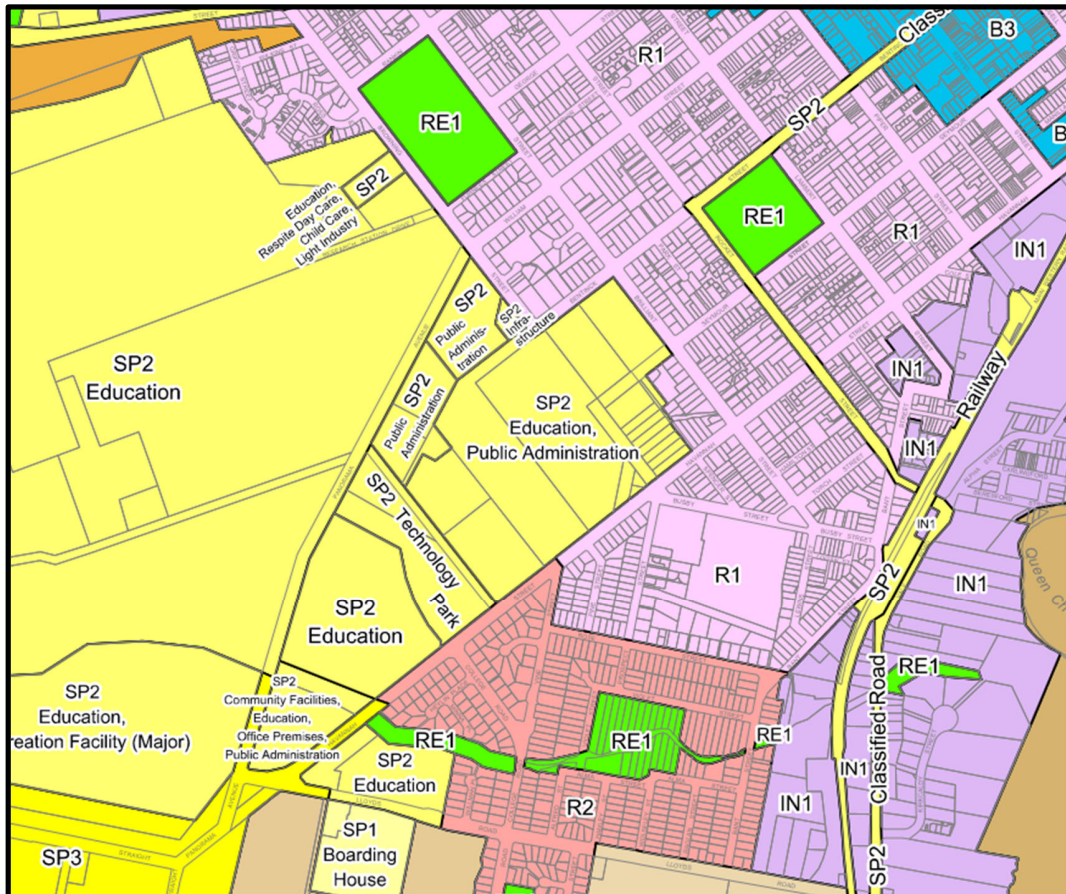


Figure 2: Land Zoning Map (source: NSW Department of Planning & Environment)

2.3 Zone objectives and Land Use Table

Zone SP2 Infrastructure

1 Objectives of zone

- To provide for infrastructure and related uses.
- To prevent development that is not compatible with or that may detract from the provision of infrastructure.

2 Permitted without consent

Environmental protection works; Extensive agriculture; Intensive plant agriculture; Roads

3 *Permitted with consent*

Aquaculture; The purpose shown on the [Land Zoning Map](#), including any development that is ordinarily incidental or ancillary to development for that purpose

4 *Prohibited*

Any development not specified in item 2 or 3

2.7 Demolition requires development consent

The application seeks consent for the partial demolition of various parts of the existing college as noted above under “The Proposal” and discussed below under “Clause 5.10 Heritage Conservation”.

4.3 Height of buildings

The *Height of buildings map* for this locality indicates a maximum building height of 9 metres.

The proposed development does not comply with the maximum building height development standard. The proposal includes four new lift towers and associated balconies, all situated external to the existing building but within the central courtyard and on the rear facade. The proposed lift towers will have an overall height of 14.7 metres representing a 5.7 metre or 63.3% exceedance.

The figures below identify the location and context of the proposed height exceedances.



Figure 6 Proposed Internal Courtyard Elevation (Non-Conforming Lift/Balcony Shaded Red) (source: DFP Planning Pty Ltd)



Figure 7 Proposed Internal Courtyard Elevation (Non Conforming Lift/Balcony Shaded Red) (source: DFP Planning Pty Ltd)



Figure 8 Proposed Rear Elevation of Block A and Block B (Non-Conforming Lift Shaded Red) (source: DFP Planning Pty Ltd)



Figure 9 Proposed Rear Elevation of Block F (Non-Conforming Lift Shaded Red)
(source: DFP Planning Pty Ltd)

See discussion below in relation to Clause 4.6 Variation request.

4.6 Exceptions to development standards

- (1) The objectives of this clause are as follows—
 - (a) to provide an appropriate degree of flexibility in applying certain development standards to particular development,
 - (b) to achieve better outcomes for and from development by allowing flexibility in particular circumstances.
- (2) Development consent may, subject to this clause, be granted for development even though the development would contravene a development standard imposed by this or any other environmental planning instrument. However, this clause does not apply to a development standard that is expressly excluded from the operation of this clause.

Clause 4.3 Height of buildings of the Bathurst Regional Local Environmental Plan 2014 (and the associated map) is a development standard as defined in Section 1.4 of the Environmental Planning and Assessment Act 1979 as follows:

“development standards means provisions of an environmental planning instrument or the regulations in relation to the carrying out of development, being provisions by or under which requirements are specified or standards are fixed in respect of any aspect of that development, including, but without limiting the generality of the foregoing, requirements or standards in respect of:

- (c) *the character, location, siting, bulk, scale, shape, size, height, density, design or external appearance of a building or work,*

Clause 4.3 *Height of buildings* is not expressly excluded from the operation of Clause 4.6 *Exceptions to development standards*.

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

A written Clause 4.6 justification has been submitted with the Development Application and it is considered that it adequately justifies the contravention of the height of buildings development standard as outlined below.

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

It is considered that compliance with the height of buildings development standard would be both unreasonable and unnecessary in this case as the proposed lift towers do not protrude above the height of the existing building, are located in the central courtyard and on the rear facade, provide equitable access to all parts of the building and will have minimal environmental impact (particularly in relation to heritage).

The proposed development is considered to be consistent with the objectives of the height of buildings development standard which are:

(a) to establish the maximum height limit to which buildings may be erected in certain locations.

As the proposed lift towers do not protrude above the height of the existing building, are located in the central courtyard and on the rear facade, they will not dominate the skyline or create a visual intrusion when this landmark building is viewed from locations across the City. The exceedances are therefore not considered to be inconsistent with the objective of the development standard.

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

It is considered that there are sufficient environmental planning grounds to justify contravention of the height of buildings development standard. The relevant grounds are as follows:

Visual Amenity

As the proposed lift towers do not protrude above the height of the existing building, are located in the central courtyard and on the rear facade, will not dominate the skyline or create a visual intrusion when this landmark building is viewed from locations across the city.

Heritage Impact

Being external to the existing building, the proposed lift towers and associated balconies will have minimal impact on the original fabric of the heritage building. When compared to the alternative of carving out lift shafts within the existing building, external lift towers and associated infrastructure is obviously the lowest impact option. The towers will have the appearance of a light-weight construction with a steel frame and glass infill. The light-weight appearance will ensure the lift towers are recessive and therefore do not dominate the original fabric of the building.

Equitable Access

The proposed lift towers will provide equitable access to the upper floors of the existing building which is not currently available. The scale of the existing building and the complexity of levels means that lifts are the only practical solution to provide access to the upper floors. Without lift access it will be difficult to continue to operate the College on this site into the future which would be to the detriment of the heritage item itself and to the City of Bathurst.

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

(a) the consent authority is satisfied that—

- (i) the applicant's written request has adequately addressed the matters required to be demonstrated by subclause (3), and**
- (ii) the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out, and**

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

It is considered that the applicant's written request adequately addresses the matters outlined above in subclause (3).

It is considered that the proposed development, with the maximum building height exceedances, is in the public interest because:

- The development is not inconsistent with the objective of Clause 4.3 *Height of buildings* in that it will not dominate the skyline or create a visual intrusion when this landmark building is viewed from locations across the City:
- The development is not inconsistent with the objectives of the SP2 Infrastructure zone in that it will enhance and support the ongoing use of a substantial piece of educational infrastructure.

Consent authorities may assume the Secretary's concurrence for exceptions to development standards for applications made under Clause 4.6 subject to certain conditions. Concurrence may not be assumed by a delegate of the consent authority if the development will contravene a development standard by more than 10%. In that instance, the application must be determined by the relevant Local Planning Panel (LPP) unless:

- the proposed development is regionally significant development, in which case the relevant regional or Sydney district planning panel will be the consent authority and may assume concurrence (this also applies to State Significant Development which has been delegated to a regional or Sydney district planning panel); or
- a Minister is the consent authority.

The proposed development is regionally significant development and will be determined by the Western Regional Planning Panel.

- (5) In deciding whether to grant concurrence, the Planning Secretary must consider—
- (a) whether contravention of the development standard raises any matter of significance for State or regional environmental planning, and
 - (b) the public benefit of maintaining the development standard, and
 - (c) any other matters required to be taken into consideration by the Planning Secretary before granting concurrence.

Not applicable as the application will be determined by the Western Regional Planning Panel.

- (6) Development consent must not be granted under this clause for a subdivision of land in Zone RU1 Primary Production, Zone RU2 Rural Landscape, Zone RU3 Forestry, Zone RU4 Primary Production Small Lots, Zone RU6 Transition, Zone R5 Large Lot Residential, Zone C2 Environmental Conservation, Zone C3 Environmental Management or Zone C4 Environmental Living if—
- (a) the subdivision will result in 2 or more lots of less than the minimum area specified for such lots by a development standard, or
 - (b) the subdivision will result in at least one lot that is less than 90% of the minimum area specified for such a lot by a development standard.

Not applicable.

- (7) After determining a development application made pursuant to this clause, the consent authority must keep a record of its assessment of the factors required to be addressed in the applicant's written request referred to in subclause (3).

Council acknowledges its obligations to record the assessment.

- (8) This clause does not allow development consent to be granted for development that would contravene any of the following—
- (a) a development standard for complying development,
 - (b) a development standard that arises, under the regulations under the Act, in connection with a commitment set out in a BASIX certificate for a building to which State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 applies or for the land on which such a building is situated,
 - (c) clause 5.4,
 - (caa) clause 5.5,
 - (ca) clause 6.1, 6.2, 6.3, 7.7, 7.8 or 7.11.

Clause 4.3 *Height of buildings* is not expressly excluded from the operation of Clause 4.6 *Exceptions to development standards*.

5.10 Heritage conservation

The subject site contains a locally listed Heritage Item (Item No. 9 St Stanislaus' College and curtilage). The subject site is within the Bathurst Heritage Conservation Area. It is on the State Heritage Inventory (SHI), but it is not a State Heritage item.

SHI record number 10080342 includes the following statement of significance:

An outstanding and architecturally magnificent Catholic School college group designed by local architect Edward Gell. The early decades of teaching of the school was predominantly by fathers of the Vincentian order, most notably Father Joseph Slattery a forerunner in the science of X-rays and Radiography. A small but highly significant museum to Father Slattery is contained within a room off the School's main hall.

A Heritage Impact Statement was submitted with the development application. It details the history of the site and iterations of buildings that now wholly comprise the school. In relation to the heritage impacts discussed within the report, the following analysis is provided:

Proposed Works: Phase 1 Slattery, McAuliffe O'Reilly	Heritage Impact	Response
Removal of the non-compliant disabled ramp on south-east side of marble hall, McAuliffe Building under chapel	<ul style="list-style-type: none"> Positive heritage impact <p>The removal of this modern element will conserve the setting of this Victorian and sensitive 1950s section of the building.</p>	Agreed.
Expansion of a 1950s door and building a disabled ramp on north-west side of marble hall, McAuliffe Building under chapel	<ul style="list-style-type: none"> Acceptable heritage impact <p>The ramp will be a new low-rise structure providing updated equal access to the school, including access to the existing lift. The 1950s door is inelegantly inserted into a Gothic-style window.</p>	<p>Agreed in Principle. Assess whether or not this meets accessibility requirements for "main entry" access. Position proposed would seem to indicate "secondary entry" therefore not an acceptable location.</p> <p>Construction Certificate plans must demonstrate that the new principal public entrance to the building where the new ramp is proposed demonstrates grandeur expected of a formal entrance to a building of its heritage significance. Its detailing should be consistent with recommendation R6 of the Heritage Impact Statement prepared by Unwelt (Australia) Pty Limited dated December 2022 and must be complementary to the existing building. Its overall design must be approved by Council prior to any Construction Certificates being issued.</p>

Fit-out of the north-western end of the ground floor Slattery Building for the Wellbeing Centre. This includes adapting two windows in the rear wall of the new library facing the quadrangle to become large access doors.	<ul style="list-style-type: none"> • Acceptable heritage impact <p>The interiors are 1940s and unremarkable. Some of the face brick wall surface will be retained as representative samples. The interior here has moderate heritage significance and some change with no impact on the exterior would have an acceptably small impact on the significance of the place. The affected windows in the rear wall have square openings and are not characteristic of the early Victorian Gothic of the school.</p>	Agreed.
Adaptation of bathroom windows in the rear wall of the Slattery Building facing the quadrangle at first floor level they to become access doors	<ul style="list-style-type: none"> • Acceptable heritage impact <p>The affected windows in the rear wall have square openings and are not characteristic of the early Victorian Gothic of the school.</p>	Agreed.
Fit-out of the ground floor McAuliffe O'Reilly Building for the Central Learning Hub/ Library. This involves removing several areas of the walls along the central corridor to make larger spaces, and includes removing five original windows to storage, and five out of Rendered brickwork can be put back to the original appearance, so this work is intended to be reversible. seven original doors. Smaller openings will be made into perpendicular walls. All original joinery moved would be labelled and stored on site to enable future reinstatement. Non-original door leaves will be discarded. One door here will be retained closed. Rendered brickwork can be put back to the original appearance, so	<ul style="list-style-type: none"> • Acceptable heritage impact <p>The interiors are Victorian and significant. The masonry walls are rendered brickwork, which is standard construction. The original joinery has high significance and all original items to taken out will be retained on site. Steel- framed windows are not original but will be retained on site as well. Wall nibs and bulkheads supported by steel beams will indicate the original form of the walls. The school has precedent for keeping original joinery in storage in good condition. The school has a strong need to project an open and supervised character, which the design seeks to achieve. This is necessary to project a necessary image to ensure the continued viability of the school.</p>	Agreed.

this work is intended to be reversible.		
Insertion of a platform lift into the ground floor McAuliffe O'Reilly Building for the Library 2 space. This causes the removal of two doors in tall frames that appear to be original, though they have been relocated if they are not new fabric made to match.	<ul style="list-style-type: none"> Acceptable heritage impact. <p>The male bathrooms here have little significance because they have been altered in several phases since the 1940s. The provision of equal access is essential for the school buildings to continue in their original function. The two Victorian style doors and frames must be retained on site.</p>	Agreed.
Removal of bird display cases on either side at the rear of the marble hall, removal of plain brick back walls, retention of arched openings.	<ul style="list-style-type: none"> Acceptable heritage impact. <p>The bird displays would be retained on the school site, though they are unlikely to be covered by the heritage listing. The plain walls of rendered brick are original but they have a tolerance for change since no original fixtures or finishes would be affected. The arched openings with a profiled finish facing the marble hall will be retained.</p>	Agreed.
Proposed Works: Phase 1 Horan Wing Ground Floor: Welcome / Finance	Heritage Impact	Response

Removal of an original door to allow for an opening of compliant width to access the disabled toilet, adjacent to the concrete stairs.	<ul style="list-style-type: none"> Acceptable heritage impact <p>The original door would be labelled and stored on site. Umwelt recommends that the door frame be adjusted to the required width with matching additional sections of architrave to match.</p>	Agreed. Note condition to salvage and store on site required.
Fit-out of the Finance section (south- west side of main corridor) will add several partition walls across the rectory and add an opening through plain brickwork. Several new partitions will create semi-private workspaces for staff. A non-original opening will be in-filled with a partition to create the meeting room. No original doors will be removed, but one early steel- framed window and a non-original timber-framed window in the main corridor wall will be relocated to storage.	<ul style="list-style-type: none"> Neutral heritage impact <p>Several of the new partitions would be placed in the alignment of previous walls. The new partitions would be slim light-weight walls contrasting with the original heavy masonry, so they would be understood as new and could easily be removed with no adverse heritage impact. The insertion of a new opening in the wall to the main corridor would affect plain rendered brickwork that could be reinstated to the same appearance. Short sections of original skirting would be removed, labelled and stored on site.</p>	Agreed.
One original external door will be closed permanently.	<ul style="list-style-type: none"> Neutral heritage impact <p>This is appropriate to retain original fabric with a different circulation pattern.</p>	Agreed.
Fit-out of the Administration section (north-east side of main corridor) will add several partition walls across the rectory and add an opening through plain brickwork. No original doors will be removed, but one early steel- framed window and a non-original timber-framed window will be relocated to storage.	<ul style="list-style-type: none"> Acceptable heritage impact <p>The alterations here retain most significant period fixtures. New partitions and fixtures could easily be reversed.</p>	Agreed.
Proposed Works: Phase 5 Horan Wing Ground Floor:	Heritage Impact	Response
Demolition of the ground floor Senior Refectory Annexes 1	<ul style="list-style-type: none"> Small adverse heritage impact 	Agreed.

and 2. Annex 2 is an early building attached to the original building. Annex 1 was built circa 1962.	The removal of the outer room would have a positive impact. The removal of Annex 2 would have some adverse heritage impact removing an early room, though this room has been compromised by much alteration. Umwelt recommend that Annex 2 remains.	
Proposed Works: Phase 1 Horan Wing Ground Floor: Welcome / Administration	Heritage Impact	Response
Fit-out of the Administration section (north-east side of main corridor) will add several partition walls across the Wilkinson Room and make an opening through plain brickwork between the Wilkinson Room and the O'Reilly Room. Another two doors would be made through plain brickwork along the main corridor. No original windows would be removed.	<ul style="list-style-type: none"> • Neutral heritage impact Some of the new partitions would be placed in the alignment of previous walls. The new partitions would be slim light-weight walls contrasting with the original heavy masonry, so they would be understood as new and could easily be removed with no adverse heritage impact. The insertion of two new openings in the wall to the main corridor would affect plain rendered brickwork that could be reinstated to the same appearance. Short sections of original skirting would be removed, labelled and stored on site. Similarly, the door between the Wilkinson and O'Reilly Rooms could be bricked up and the skirting reinstated at a later date if desired. 	Agreed.
Proposed Works: Phases 1 and 3 Slattery, McAuliffe O'Reilly Buildings	Heritage Impact	Response

Fit-out of the north-western end of the first floor Slattery Building for the Wellbeing Centre in Phase 3.	<ul style="list-style-type: none"> Acceptable heritage impact <p>The interiors are 1940s and unremarkable. Many of the interior elements will be retained as representative samples. The interior here has moderate heritage significance and some change with no impact on the exterior would have an acceptably small impact on the significance of the place.</p>	Agreed.
Fit-out of the first floor McAuliffe O'Reilly Building for the Boarding Dormitory 1. This involves removing several areas of the walls along the central corridor to make different spaces. Several original doors would be relocated within the central corridor walls without the loss of this original joinery. New light-weight partitions will be built to make new habitable spaces and bathrooms. The new walls will be kept away from windows. The existing bathrooms on this floor do not contain significant fabric. One timber mantelpiece would be affected and moved to safe storage on site.	<ul style="list-style-type: none"> Acceptable heritage impact <p>The interiors are Victorian and significant. The masonry walls are rendered brickwork, which is standard construction. The original joinery has high significance. Wall nibs and bulkheads supported by steel beams will indicate the original form of the walls.</p>	Agreed. Note condition required that interior significant features must be maintained and protected during works.
Proposed Works: Phase 2 Horan and Gallagher Wings	Heritage Impact	Response

Fit-out of the south-eastern end of the first floor Gallagher Building for the Wellbeing Centre in Phase 2. New partitions would be constructed in the rear space of the toilets for new toilets, affecting this minor space. The major space would be more open as a staff study area. The lift would not touch original fabric. The new verandah would cause the removal of two 1940s windows to become a door in a rear wall that is not prominent.	<ul style="list-style-type: none"> Acceptable heritage impact <p>The interiors are 1940s and unremarkable. Many of the interior elements will be retained as representative samples. The interior here has moderate heritage significance and some change with no impact on the exterior would have an acceptably small impact on the significance of the place.</p>	Agreed.
Fit-out of the first floor Horan Building B for the Boarding Dormitory 2. This involves removing several areas of the walls along the central corridor to make different spaces. Several original doors would be relocated nearby without the loss of this original joinery. New light-weight partitions will be built to make new habitable spaces and bathrooms. The new walls will be kept away from windows. The existing bathrooms and kitchenettes on this floor do not contain significant fixtures.	<ul style="list-style-type: none"> Acceptable heritage impact <p>The interiors are Victorian and significant. The masonry walls are rendered brickwork, which is standard construction. The original joinery has high significance. Wall nibs and bulkheads supported by steel beams will indicate the original form of the walls.</p>	Agreed. Note condition required that interior significant features must be maintained and protected during works.
Proposed Works: Phase3 and 4 John Hall	Heritage Impact	Response
	<ul style="list-style-type: none"> Neutral heritage impact 	Agreed.

<p>The fit-out of the ground and first floor levels of the John Hall building in Phase 3, and the second floor in Phase 4 would have no adverse heritage impact because the interiors of this early 1960s building have little heritage significance. The new partition walls have been designed to make no change to how the building is seen from the outside.</p>	<p>At ground level, change is concentrated in areas of previous change. On the upper levels, care has been taken to retain all of the original windows. While the affected brickwork is face brick, this affected work in relatively plain brickwork English bond brickwork could be replicated in the future to reverse this work. This work is essential for this large three-storey building with timber-framed floors to be deemed to comply with the NCC for egress. This walkway and vertical links has been designed with care for the minimum impact in achieving requirements.</p>	
<p>Proposed Works: Phase 2 Horan B, Gallagher A Wings and McAuliffe O'Reilly C Second Floor</p>	<p>Heritage Impact</p>	<p>Response</p>
<p>Fit-out of the south-eastern end of the second floor Gallagher Building for the Boarding Staff Accommodation in Phase 2. New partitions would be constructed to isolate the stairs. The major space would be retained open. The lift would cause the removal of two 1940s windows to become a door in a rear wall that is not prominent.</p>	<ul style="list-style-type: none"> • Acceptable heritage impact <p>The interiors are 1940s and unremarkable. Many of the interior elements will be retained as representative samples. The interior here has moderate heritage significance and some change with no impact on the exterior would have an acceptably small impact on the significance of the place.</p>	<p>Agreed. Note condition required that interior significant features must be maintained and protected during works.</p>
<p>Restoration of two sets of original glazed doors and side lights in timber at the ends of the central section of the main corridor. This is their original location.</p>	<ul style="list-style-type: none"> • Positive heritage impact <p>The door sets have been carefully stored in the basement. The restoration of these door sets is a very positive move and demonstrates the capacity of the school to restore removed joinery.</p>	<p>Agreed.</p>

Fit-out of the second floor Horan Building B and McAuliffe O'Reilly C for the for the Boarding Dormitories 3 and 4 would fit-out large spaces with no significant internal fabric other than window architraves and staff moulds around to arches. The new partition walls will be kept away from windows.	<ul style="list-style-type: none"> Neutral heritage impact The interiors are Victorian but contain few significant fixtures. The new work is largely light-weight partitions and fixtures, which could be reversed. 	Agreed.
Three new egress doors in the south- western wall to access the new external circulation system	<ul style="list-style-type: none"> Acceptable heritage impact The new doors would retain the original lancet windows, and affect areas of external face brickwork only. This work could be reversed. 	Agreed.
Proposed Works: Phase 5 Gallagher Wing Ground Floor: Staff Development Hub	Heritage Impact	Response
Fit-out of the Boarders' Refectory.	<ul style="list-style-type: none"> Positive heritage impact The interior of this 1940s building contain no features of architectural interest other than the window frames. The removal of the relatively recent timber mezzanine would have some positive impact by unifying the space. 	Agreed.

The above recommendations will be imposed as conditions of consent.

An addendum to the HIS was submitted in response to a Fire Safety Upgrade Strategy Report submitted to Council upon request. The two reports clarify the extent of fire upgrades required to be conducted on the building and particularly, the fire report determines a method that will have the least intrusive impact on the building. That being said, should a fire break out in the premises and the fire protect measures are triggered, the mechanism will result in a deluge of water being continuously run over the internal windows, and effectively flood the building. This would ultimately have a significant impact on the overall health of the building, though if effective, would save the building from being razed. In recognition that some type of fire protection method is required, the proposed method is the least intrusive and is considered satisfactory in terms of heritage impact.

7.5 Essential services

- (a) **the supply of water** – The existing college is connected to Council's reticulated water system. As noted in the SoEE, there is a significant reduction in the number of

plumbing fixtures which will result in reduced demand on the reticulated water system.

- (b) **the supply of electricity** – The existing college is connected to mains electricity. At this stage there is no indication that the proposal will require upgrades to the existing electricity supply infrastructure.
- (c) **the disposal and management of sewage** – As noted in the SoEE, there is a significant reduction in the number of plumbing fixtures which will result in reduced demand on the reticulated sewer system.
- (d) **stormwater drainage or on-site conservation** – Stormwater from the proposed external building work will be conveyed to the existing stormwater drainage system.
- (e) **suitable vehicular access** – The subject site has frontage to Bentinck Street, Brilliant Street and Havannah Street, however its primary vehicular accesses are via Bentinck and Seymour Streets.

7.6 Mount Panorama environs

The Mount Panorama Environs Map identifies a small section of collage land is within the Mount Panorama Environs. No part of the proposed development is occurring within the identified section.

- (a)(ii) the provisions of any proposed instrument that is or has been the subject of public consultation under this Act and that has been notified to the consent authority (unless the Secretary has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved)***

None applicable.

- (a)(iii) the provisions of any development control plan***

Pursuant to Part 3.4, Clause 3.36(9), of the State Environmental Planning Policy (Transport and Infrastructure) 2021 any provision of a development control plan (such as the Bathurst Regional Development Control Plan 2014) has no effect, regardless of when the development control plan was made. Therefore, the controls of the Bathurst Regional DCP 2014 do not apply to the site. However, it is noted that the proposal is consistent with the objectives and controls contained within the DCP subject to recommended conditions.

Issues ordinarily considered under these DCPs relating to heritage, erosion and sedimentation, and parking are considered elsewhere within this report or are addressed via recommended conditions of consent.

- (a)(iia) the 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***

None applicable.

- (a)(iv) the regulations (to the extent that they prescribe matters for the purposes of this paragraph)***

The *Environmental Planning and Assessment Regulation, 2021* prescribes several matters that are addressed in this report and the Draft Conditions attached to the report.

Demolition of the building (clause 61 EPAR 2021)

61 Additional matters that consent authority must consider

- (1) *In determining a development application for the demolition of a building, the consent authority must consider the Australian Standard AS 2601—2001: The Demolition of Structures.*

As the proposal includes a demolition of many parts of the existing college, a condition has been imposed to ensure that the demolition is undertaken in accordance with Australian Standard AS 2601—2001: *The Demolition of Structures*.

Upgrading of the building (clause 64 EPAR 2021)

64 Consent authority may require upgrade of buildings

- (1) *This section applies to the determination of a development application that involves the rebuilding or alteration of an existing building if—*
- (a) *the proposed building work and previous building work together represent more than half of the total volume of the building, or*
 - (b) *the measures contained in the building are inadequate—*
 - (i) *to protect persons using the building, if there is a fire, or*
 - (ii) *to facilitate the safe egress of persons using the building from the building, if there is a fire, or*
 - (iii) *to restrict the spread of fire from the building to other buildings nearby.*
- (2) *The consent authority must consider whether it is appropriate to require the existing building to be brought into total or partial conformity with the Building Code of Australia.*
- (3) *In this section—*
- previous building work** means building work completed or authorised within the previous 3 years.
- total volume of a building** means the volume of the building before the previous building work commenced and measured over the building's roof and external walls.

Having regard to Clause 64 of the Regulations it is considered that the building requires upgrading as it relates to fire, egress and spread of fire. The report from Davis Group dated 11/8/2023 has identified a large number of NCC non-compliances and in the opinion of Council, the existing building does not have adequate protection for occupants to exit the building in the event of an emergency. As such, because of the proposed redevelopment, the building should be upgraded in terms of fire safety and egress.

NOTE: When referring to 'the building' this is taken to mean the main school buildings as shown on page 8 of the Davis Group report. This building is divided into segments nominated as A, B, C, D, E and F.

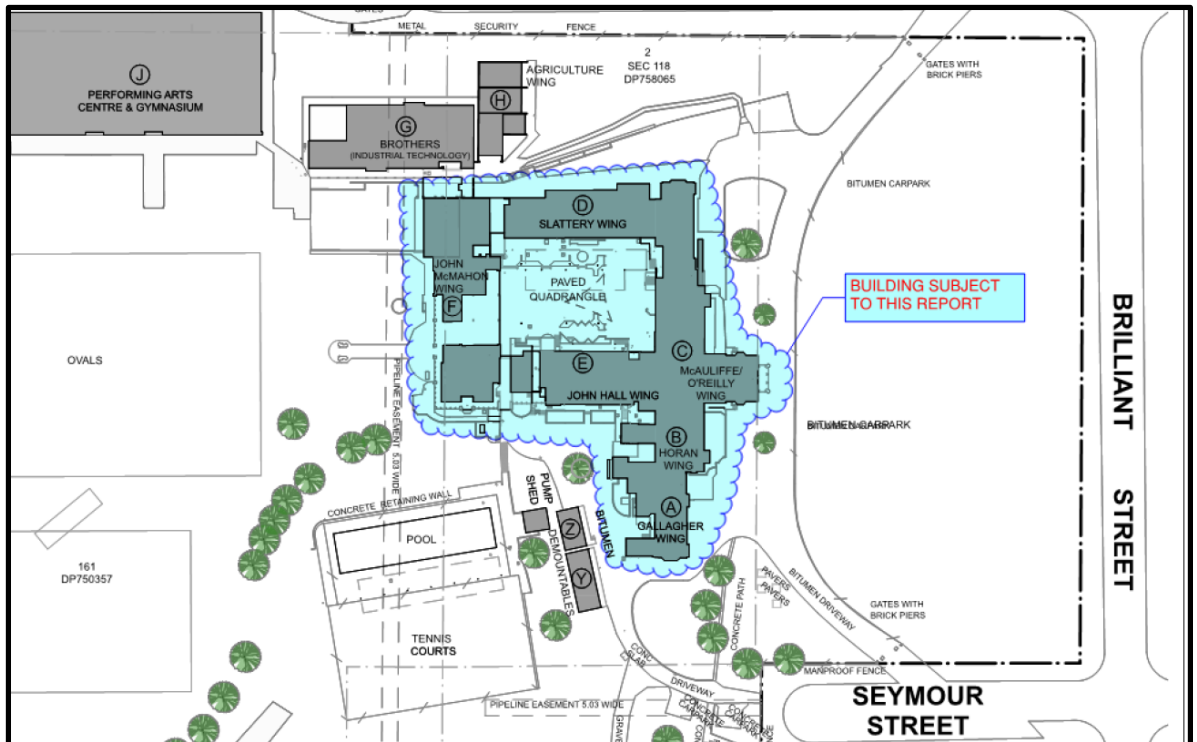


Figure 10 Site plan (source: David Group)

The Building has been assessed by Davis Group as being:

BCA CLASSIFICATION	Class 3 – Boarding Class 5 – Administration offices Class 9b - School
RISE IN STOREYS	6
FLOOR AREA LIMITATIONS	8,000 m ²
VOLUME LIMITATIONS	48,000 m ³
TYPE OF CONSTRUCTION	Type A
CLIMATE ZONE	Zone 7
APPROXIMATE FLOOR AREA	Basement – 800 m ² Ground – 5,000 m ² Upper Ground – 500 m ² First – 4,550 m ² Second – 2,850 m ² Total 13,700 m ²

The report from Davis group mentions:

2.5 PHASING OF UPGRADE WORKS

A single development application has been lodged for the proposed development, however, it is anticipated the works will occur over 5 phases.

It is expected multiple construction certificates and part occupation certificates will be issued throughout the course of the development. As such, it is recommended the upgrade works detailed in this report occur while the works are occurring that part of the building. For example, the upgrading works relevant to the part of the building in phase 1 should occur during the phase 1 development works.

Therefore, part occupation certificates can be issued for specific parts of the building, after the development and upgrading works have been completed in that part of the building. This prevents a circumstance from arising where an occupation certificate cannot be issued for works that have been completed as part of phase 1 until the upgrading works in phase 5 have been completed.

Upgrade works that affect multiple phases should be completed as part of the phase to which the system is relevant. For example, in the case of the fire hydrant system, the upgrade works to the brigade booster assembly should be completed as part of phase 1 as the fire hydrant booster assembly is required to serve all parts of the building. However, upgrading specific fire hydrants in the building should occur when the development is occurring in that specific part of the building and fire hydrant coverage is required.

To ensure that the life safety of the occupants of the renovated parts of the building is not compromised by the proposed and required upgrading work not being completed in other parts of the building, a condition should be imposed on the Consent requiring an assessment of the level of compliance required for life safety to be provided for assessment prior to the issue of any occupation certificate.

The Report from Davis Group includes an assessment of Sections C Fire Resistance, D1 Access and Egress, D2 Provision for Escape, D3 Access for People with a Disability, E Services and Equipment and G Ancillary Provisions of the NCC 2022.

It is not considered necessary to upgrade the building in accordance with Sections B Structure, F Health and Amenity and J Energy Efficiency of the NCC2022.

Section D4 Access for People with a Disability is applicable to the new building work and to the 'affected part' path of travel from the principal pedestrian entrance to that new building work. The affected part upgrade is detailed in the report from Vista Access Architects, report number 22063 dated 9/2/2023. Consideration of this issue is required at the time of considering the construction certificate.

Historically the main entrance to the Marble Hall would have been through the front of the building. The current stairs may make this impossible without significant or destructive construction. The alternate arrangement is to provide the main entrance or "principle public entrance" through a door in the generally western wall of the Marble Hall which is where reception is proposed to be located. See the Access Statement from Vista dated 14/4/2023. This is considered to be appropriate provided the access to and through the door complies with AS1428.1 and the design is approved by the Council's Heritage Planner. A condition of Consent is to be imposed for this design to be submitted to Council for consideration prior to any work in this area.

- (b) *the likely impacts of the development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality***

Design

The proposed additions and alterations have been designed to maintain the significant parts of the internal and external fabric of the original building. With the exception of the new access ramp into the Marble Hall, all external interventions have been confined to the central courtyard and rear elevation in order to maintain external appearance of this landmark building. Internal interventions have been designed so that original room configurations can be “read” whilst creating open plan learning, administration and social wellbeing spaces.

Solar Access

New open plan learning, administration and social wellbeing spaces in the original building will benefit from a northerly aspect providing passive solar access.

Views (to and from the surrounding land)

The proposed additions and alterations have been designed to maintain the significant parts of the internal and external fabric of the original building. With the exception of the new access ramp into the Marble Hall, all external interventions have been confined to the central courtyard and rear elevation in order to maintain external appearance of this landmark building.

Potential overshadowing of the surrounding land

Not applicable.

Privacy of surrounding land

Not applicable.

Potential for noise transmission to the surrounding land

While some noise will be generated during the demolition and construction phases, conditions will be imposed to ensure that such work is undertaken during standard work hours (between 7.00 am and 8.00 pm on weekdays and 8.00 am and 8.00 pm on weekends and public holidays).

Streetscape/Visual Impact Landscape or scenic quality

The proposed additions and alterations have been designed to maintain the significant parts of the internal and external fabric of the original building. With the exception of the new access ramp into the Marble Hall, all external interventions have been confined to the central courtyard and rear elevation in order to maintain external appearance of this landmark building.

Landscaping

The proposed additions and alterations will result in minimal intervention with existing landscaping on the site. No significant vegetation removal is proposed.

Compatibility with adjoining and surrounding land uses

Given that an educational facility has operated on the subject site since 1867, that proposed external interventions are predominantly confined to the central courtyard and rear elevation and that the site will continue to operate as a school, there will be negligible impact on adjoining and surrounding land uses as a result of the proposed development.

Safety, Security and Crime

The proposed development is unlikely to give rise to any safety, security or crime issues.

Fencing

The subject site has existing perimeter and internal fencing. No additional fencing is proposed.

Drainage

Conditions will be imposed in relation to the disposal of household and stormwater drainage. As noted in the SoEE, there is a significant reduction in the number of plumbing fixtures which will result in reduced demand on the reticulated sewer system. Stormwater from the proposed external building work will be conveyed to the existing stormwater drainage system.

Site Access

The subject site has frontage to Bentinck Street, Brilliant Street and Havannah Street, however its primary vehicular accesses are via Bentinck and Seymour Streets.

Parking / Maneuvering Areas

Given there is no increase to the number of students or staff, no additional car parking is required as part of this development.

Traffic Generation

Given there is no increase to the number of students or staff there will be no additional traffic resulting from the proposed development.

Potential lighting impacts on night sky

A condition will be imposed to ensure that any exterior lighting is installed in accordance with AS 4282 *Control of the Obtrusive Effects of Outdoor Lighting*.

Aboriginal Heritage

The subject site is identified as being of Low Sensitivity under the Bathurst Regional Local Government Area Aboriginal Heritage Study. No Aboriginal sites or places have been

identified on or in the vicinity of the subject site. The proposed development will be wholly undertaken within the existing footprint of the school therefore there is little potential for impacts on Aboriginal Heritage. A condition will be imposed in relation to the preparation of an Unexpected Finds Protocol addressing both Aboriginal and European archaeology.

Environmental Impacts

The proposed development will be wholly undertaken within the existing footprint of the school therefore impacts on the natural environment will be negligible. Impact on the built environment have been discussed earlier in this report.

Erosion & Sediment Control

A condition will be imposed to ensure that appropriate erosion and sediment control measures are implemented. It is acknowledged that there will be minimal natural ground disturbance involved in the proposal.

Flora and Fauna

The proposal does not involve the removal of any significant vegetation.

Social Impacts

The enhancement and modernization of the existing school will have a positive social impact on the students and staff.

Economic Impacts

The ongoing operation of the College well into the future with modern facilities and a positive reputation will have immeasurable economic benefit to Bathurst.

Pollution / Trade Waste

Given that the proposed works include relocation of the main kitchen, conditions will be imposed to ensure that appropriate trade waste treatment equipment is installed and that a Trade Waste approval is obtained from Council.

(c) the suitability of the site for the development

As demonstrated by the above assessment, the site is considered to be suitable for the proposed development given that an educational facility has operated on the subject site since 1867 and that the proposed development is predominantly occurring within the existing built footprint.

(d) any submissions made in accordance with this Act or the regulations

No submissions were received.

(e) the public interest

The public interest is served through the detailed assessment of this DA under the *Environmental Planning and Assessment Act, 1979*, the *Environmental Planning and Assessment Regulation, 2021*, environmental planning instruments, development control plans and policies. Based on the assessment, the development is consistent with the public interest.

EXTERNAL REFERRALS

No external referrals we required.

FINANCIAL IMPLICATIONS

This matter has no direct financial implications for Council.

CONCLUSION

The DA has been assessed in accordance with Section 4.15(1) of the *Environmental Planning and Assessment Act, 1979* and all relevant instruments, plans and policies. The DA is recommended for approval subject to the conditions attached to this report.

RECOMMENDATION

That the Western Regional Planning Panel determine DA 2023/38 for partial demolition, additions and alterations to an existing educational establishment (St Stanislaus College) pursuant to Section 4.16 of the *Environmental Planning and Assessment Act, 1979*, by granting consent subject to the conditions attached to this report.