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10 May 2023

Steven Findlay
Manager, Development Assessments
Northern Beaches Council
725 Pittwater Road, Dee Why NSW

Dear Steven,

SECTION 4.55(1A) APPLICATION TO AMEND DA2021/2083 | MATER MARIA CATHOLIC COLLEGE, WARRIEWOOD

This letter has been prepared by Urbis Pty Ltd on behalf of Catholic Schools Broken Bay (**CSBB, the Applicant**) in support of a section 4.55(1A) application to modify DA2021/2083, dated 4 November 2022 in relation to Mater Maria Catholic College (**Mater Maria**), located at 5 Forest Road, Warriewood.

Since the approval of DA 2021/2083 in November 2022, ongoing discussions have occurred between CSBB, Northern Beaches Council and Urbis's traffic and planning teams to ensure that the traffic management of Forest Road maintains student safety and reduces queuing on the street.

Based on information prepared by Urbis' traffic team, provided to Council in February 2023 (enclosed in **Appendix A**), Council have suggested new conditions which CSBB are now seeking formal approval for as part of a Section 4.55 Modification.

The application has been prepared in accordance with the *Environmental Planning and Assessment Act 1979 (EP&A Act)* and *Environmental Planning and Assessment Regulations 2021 (EP&A Regulations)*.

This letter is accompanied by the following documentation:

- Traffic advice prepared by Urbis
- Email correspondence from Northern Beaches Council

1. SITE AND SURROUNDING CONTEXT

Mater Maria is an independent co-educational secondary school, established in 1962 by the Sisters of the Good Samaritan and is located in the Catholic Diocese of Broken Bay. The site is located at 5 Forest Road, Warriewood which is legally described as Lot 13 DP 1083731. Access to Mater Maria is available for all vehicles and pedestrians via Forest Road.

The surrounding locality is characterised by a mix of residential, retail, commercial, industrial, recreational, and educational land uses. Development to the east and north-east of the site is characterised mostly by two story medium density residential flat buildings, and two storey single detached dwellings. Land to the west, south, and north of the site is comprised of native bushland. Further north and north-east is characterised generally by light industrial and commercial land uses.

1.1. PLANNING BACKGROUND

Consent was granted by Pittwater Council in 2000 (DA ref N1038/00) for the redevelopment of Mater Maria College including refurbishment to existing school buildings. As part of the consent, a maximum student cap of 850 students for the site.

Consent was granted by Pittwater Council on 6 December 2017 (DA ref N1038/00/2) for a modification to the original consent allowing for upgrades to learning spaces to meet current building and construction standards and improve safety and security. The student cap was not amended as part of this modification.

Consent was granted by Northern Beaches Council on 4 November 2022 (DA ref 2021/2083) for a separate operational consent to increase in student numbers from 850 students to 1100 students. As part of the consent, two deferred conditions of consent were introduced in relation to Bushfire/Emergency Evacuation and Footpath Construction. Council specifically requested:

By 31 January 2023 a footpath shall be constructed around the cul-de-sac of Forest Road between the western edge of the vehicular crossing serving the College and the driveway of No.2 Forest Road. The design and construction shall be in accordance with Council's standard specifications.

Detailed designs demonstrating compliance are to be submitted to Council in the form of an application for a s138 Approval under the Roads Act.

Separately, the Northern Beaches Traffic Committee met on 6 December 2022 to review traffic management along Forest Road. Four issues were identified:

1. During school hours, excessive traffic causes queuing effects and impacts the roundabout performance.
2. Valuable parking spots are occupied by abandoned vehicles, caravans, box & boat trailers and heavy vehicles. Also, often illegal parking and parallel parking have been observed.
3. Visibility is compromised at times.
4. Increased traffic volume and dangerous traffic flow create potential risks of either head-on collisions or damaging parked vehicles.

Based on discussions between CSBB, Urbis and Northern Beaches Council, the introduction of a new zebra crossing has been recommended by Council on the eastern side of 2 Forest Road to provide safe crossing for students (refer to **Figure 1**).

Figure 1 Proposed Traffic Management Measures



Source: Urbis

2. PROPOSED MODIFICATION

This Section 4.55(1A) application proposes to modify DA 2021/2083. The proposed modifications reflect ongoing discussions between Northern Beaches Council and CSBB on the traffic management of Forest Road. The modifications recommended by Council specifically seeks to:

- Delete *Condition 2. Footpath Construction* (the intention of this condition is also covered in Condition 5)
- Amend *Condition 5. Footpath Construction* to reflect amended traffic management measures agreed to by CSBB and Northern Beaches Council.

The existing and proposed conditions are provided in the table below. This wording has been reviewed and supported by the Northern Beaches Traffic Planning team prior to lodgement of the modification.

Current Condition	Proposed Condition
<p><i>2. Footpath Construction</i></p> <p><i>By 31 January 2023 a footpath shall be constructed around the cul-de-sac of Forest Road between the western edge of the vehicular crossing serving the College and the driveway of No.2 Forest Road. The design</i></p>	<p><i>5. The applicant shall provide a safe pedestrian crossing facility between the pedestrian access point at the College and the northern footpath on Forest Road, east of the driveway at 2 Forest Road.</i></p>

Current Condition	Proposed Condition
<p><i>and construction shall be in accordance with Council's standard specifications.</i></p> <p><i>Detailed designs demonstrating compliance are to be submitted to Council in the form of an application for a s138 Approval under the Roads Act.</i></p> <p><i>Reason: To facilitate a drop-off/pick-up facility and to ensure pedestrian safety.</i></p>	<p><i>This facility is to include, but not limited to, signage, line marking and kerb blisters to ensure compliance with the requirements of AS 1742.10-2009 Manual for the uniform traffic control devices Pedestrian Control and protection.</i></p> <p><i>The design and construction shall be in accordance with Council's standard specifications.</i></p>
<p>5. Footpath Construction</p> <p><i>A footpath shall be constructed around the cul-de-sac of Forest Road between the western edge of the vehicular crossing serving the College and the driveway of No.2 Forest Road in accordance with s138 Approval under the Roads Act.</i></p> <p><i>Reason: To facilitate a Drop-off/Pick-up facility and to ensure pedestrian safety.</i></p>	<p><i>Detailed designs demonstrating compliance are to be submitted to and approved by Council through an Application to the Northern Beaches Council Local Traffic Committee.</i></p> <p><i>Reason: To facilitate a drop-off/pick-up facility and to ensure pedestrian safety.</i></p>

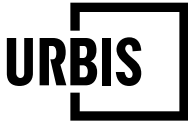
3. SECTION 4.55 ASSESSMENT

The proposed modifications have been assessed in accordance with section 4.55(1A) of the EP&A Act in the following sections of this correspondence

3.1. MINIMAL ENVIRONMENTAL IMPACT

The proposed modifications will have minimal environmental impact for the reasons listed below:

- The proposed physical modifications do not result in any changes to the approved student numbers associated with Mater Maria College. In fact, changes to the traffic management will increase the capacity of the existing drop off and pick up arrangements and ensure that the safety of students is maintained.
- The proposed modification can satisfactorily meet existing conditions of consent relating to DA 2021/2083. Where amendments to the existing conditions are sought, these are incorporated to



ensure that the approved development can be constructed in a way that does not impact on the safety of students, staff and residents.

- The proposed design development modifications are minor and will not create additional environmental impacts than what was assessed under DA 2021/2083.

Based on the above, the proposed modifications can be assessed in accordance with section 4.55(1A) of the EP&A Act.

3.2. SUBSTANTIALLY THE SAME DEVELOPMENT

The development as proposed to be modified will remain substantially the same as the approved development as outlined below:

- The proposed alterations do not result in any changes to the operation of the school including:
 - Any increase to the existing student numbers or capacity above the approved cap.
 - Any change in current hours of operation for the school.
- The proposed modifications seek to improve traffic management matters on Forest Road. The modification does not seek to increase student numbers on site but aims to reflect the intentions of the original proposal to address long-standing issues often associated with secondary schools including reducing both congestion and cars parking in surrounding residential streets as well as pedestrian safety.
- The proposed amendments to conditions of consent aim to reflect the intentions of DA 2021/2083 to increase student numbers but ensure that the physical works associated with the consent can be supported by Council's Traffic Planning Team and the Traffic Committee.

Accordingly, the proposed modifications can be assessed in accordance as a modification to the original development in accordance with section 4.55 of the EP&A Act.

3.3. PUBLIC NOTIFICATION AND SUBMISSIONS

The section 4.55 application will not need to be notified given the minor nature of the proposal.

4. SECTION 4.15 ASSESSMENT

The application has been assessed in accordance with the relevant matters for consideration listed in Section 4.15 of the EP&A Act.

4.1. ENVIRONMENTAL PLANNING INSTRUMENTS

The proposed modifications have been assessed in accordance with the relevant State and local environmental planning instruments, including:

- *State Environmental Planning Policy (Transport and Infrastructure) 2021 (Transport and Infrastructure SEPP)*
- *Pittwater Local Environmental Plan 2014 (the LEP)*

The development as proposed to be modified will continue to comply with the relevant provisions as summarised below.

4.1.1. State Environmental Planning Policy (Transport and Infrastructure) 2021

The Transport and Infrastructure SEPP seeks to facilitate the delivery of new and improved education facilities by streamlining approval processes across NSW. The SP2 Educational Establishment zone is a prescribed zone for the purposes of the Transport and Infrastructure SEPP and development for the purpose of a school is, permissible on the site with consent.

Traffic Generating Development

Pursuant to Section 3.58 of the Transport and Infrastructure SEPP, development for the purpose of an educational establishment that will result in the educational establishment being able to accommodate 50 or more additional students, is considered 'traffic-generating development' and must be referred to TfNSW prior to determination.

The proposed modifications do not seek any changes to the approved student capacity. As such, referral to TfNSW is not required.

Design Quality Principles

In accordance with Section 3.36 of the Transport and Infrastructure SEPP, before determining a development application for development for the purpose of 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 8 of the Transport and Infrastructure SEPP.

Given the minor nature of the proposed modifications, it is noted that the proposed works remain consistent with the design quality principles in the following ways:

- Provides improved wayfinding accessibility into the campus.
- Optimises health, safety and security within the school boundaries and the surrounding public domain, and balances this with the need to create a welcoming and accessible environment.
- Responds to the surrounding context of the site.

4.1.2. Pittwater Local Environmental Plan 2014

The site is zoned SP2 Educational Establishment in accordance with the LEP. The College is defined as an 'educational establishment' in accordance with the LEP. An educational establishment is permitted with development consent in the SP2 zone.

Physical works relate solely to traffic management along Forest Road. As such, the proposal does not result in any changes to built form within the Mater Maria Campus and remains consistent with the relevant LEP controls.

4.2. DRAFT ENVIRONMENTAL PLANNING INSTRUMENTS

No draft environmental planning instruments are relevant to this proposal.

4.3. DEVELOPMENT CONTROL PLAN

Pittwater Development Control Plan 2014 (the DCP) provides detailed planning controls relevant to the site and the proposal.

In accordance with Chapter B6 Access and Parking, the proposed modifications will substantially comply with the relevant provisions as summarised below:

- No changes are proposed to student or staff numbers or associated parking within the site
- The proposed modifications are proposed to ensure adequate traffic calming measures are introduced along Forest Road to minimise adverse or unsafe traffic management issues.

In summary, the proposal remains compliant with the relevant DCP controls for the site and provides traffic management measures which have been supported by Northern Beaches Council.

4.4. PLANNING AGREEMENT

No planning agreements are relevant to this proposal.

4.5. REGULATIONS

The application has been prepared in accordance with the relevant provisions of the *Environmental Planning and Assessment Regulation 2021*.

4.6. LIKELY IMPACTS OF THE PROPOSAL

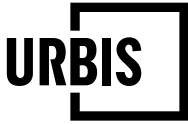
The proposed modifications have been assessed considering the potential environmental, economic and social impacts as outlined below:

- **Built Form and Urban Design:** No changes are proposed to the overall bulk and scale of the approved development. The physical changes associated with the modification include the introduction of a new crossing and a new footpath. As such, the works improve pedestrian access and connection along the streetscape.
- **Transport, Traffic and Parking:** The proposed development as modified does not involve an increase in staff employed or students attending Mater Maria College. Improvements to the traffic arrangements have been reviewed by Council's Traffic Planning team prior to lodgement and have been supported as an improved outcome for both residents of Forest Road and staff, students and parents of Mater Maria College.
- **Social and Economic Impacts:** The minor modifications proposed do not result in any changes to the social and economic benefits of the approved Mater Maria College. The school will still provide learning opportunities within a growing area of the Northern Beaches LGA.

4.7. SUITABILITY OF THE SITE

The site is considered highly suitable for the development as modified for the following reasons:

- Modifications are proposed to an existing school to ensure that the approved development can be undertaken without impacting on traffic movement of the surrounding residential properties.



- The proposed design development modifications are minor and will not create additional environmental impacts than what were assessed under DA 2021/2083.

4.8. PUBLIC INTEREST

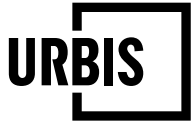
The modified proposal is considered in the public interest for the following reasons:

- The proposed modifications remain compliant with the relevant State and local planning controls including the relevant provisions of the Transport and Infrastructure SEPP and Pittwater LEP.
- The proposed design development modifications aim to improve the traffic management associated with the approved student capacity of Mater Maria.
- The proposal aims to provide improvements to traffic movement and student safety along Forest Road. The proposed modifications have been supported by Council's traffic engineers with the final works to be reviewed by Council's Traffic Committee prior to construction.

5. CONCLUSION

The proposed modifications have been assessed in accordance with section 4.55(1A) and section 4.15 of the EP&A Act and are considered appropriate as summarised below:

- **The proposal is of minimal environmental impact:** the proposed modifications are minor in nature and will not create additional environmental impacts than what was assessed under DA 2021/2083.
- **The proposal is substantially the same development:** the proposal results in minor updates to conditions of consent associated with the traffic management of Forest Road reflecting the overall intent of the approved development to increase student numbers without impacting surrounding residential development.
- **The proposal satisfies the applicable planning controls and policies** including the relevant provisions of the Transport and Infrastructure SEPP and the LEP.
- **The social and economic impacts are acceptable** and continues to provide contemporary learning facilities within an existing educational establishment to meet the needs of the surrounding LGA.
- **The proposal remains suitable for the site** as the proposal remains permissible with consent within the SP2 zone. Given the minor nature of the proposed modifications, the proposal is considered to remain consistent with the Design Quality Principles in schools outlined in Schedule 8 of the Transport and Infrastructure SEPP.
- **The proposal is in the public interest** and will provide improvements to traffic and student safety along Forest Road.



Having considered all relevant matters, we conclude that the proposed modifications are appropriate for the site and approval is recommended, subject to appropriate conditions of consent.

Please do not hesitate to contact the undersigned should you wish to discuss our application in greater detail.

Kind regards,

A handwritten signature in black ink that reads "Brigitte Bradley". The signature is written in a cursive, flowing style.

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