

## DEVELOPMENT APPLICATION ASSESSMENT REPORT

<b>Application Number:</b>	DA2021/2083
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<b>Responsible Officer:</b>	Julie Edwards
<b>Land to be developed (Address):</b>	Lot 13 DP 1083731, 5 Forest Road WARRIEWOOD NSW 2102
<b>Proposed Development:</b>	Increase in student numbers at an existing educational establishment from 850 students to 1100 students
<b>Zoning:</b>	SP2 Infrastructure
<b>Development Permissible:</b>	Yes
<b>Existing Use Rights:</b>	No
<b>Consent Authority:</b>	Northern Beaches Council
<b>Delegation Level:</b>	NBLPP
<b>Land and Environment Court Action:</b>	No
<b>Owner:</b>	Trustees of the Roman Catholic Church
<b>Applicant:</b>	Trustees of the Roman Catholic Church

<b>Application Lodged:</b>	03/11/2021
<b>Integrated Development:</b>	Yes
<b>Designated Development:</b>	No
<b>State Reporting Category:</b>	Community facility
<b>Notified:</b>	15/11/2021 to 29/11/2021
<b>Advertised:</b>	15/11/2021
<b>Submissions Received:</b>	12
<b>Clause 4.6 Variation:</b>	Nil
<b>Recommendation:</b>	Approval

<b>Estimated Cost of Works:</b>	\$ 0.00
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### EXECUTIVE SUMMARY

This application seeks consent to increase the maximum number of students at Mater Maria College from 850 to 1100, an increase of 250 students or 29.4%. The applicant has proposed a flexible condition to allow for fluctuation in student numbers without the need for subsequent Development or Modification Applications.

The application is referred to the Northern Beaches Local Planning Panel due to the number of submissions exceeding 10.

A pre-lodgment meeting for this proposal was held with Council and the applicant responded to the majority of the matters in the advice provided.

The notification of the application resulted in 12 submissions being made, all of which were in objection to the proposal. Concerns raised in the objections predominantly relate to traffic and parking.

Critical assessment issues include the impact on the local traffic network and parking. The existing College does not provide any parking within the school grounds for students and relies on the availability of kerbside parking in surrounding streets. The application has been supported by a Traffic Impact Assessment which has been reviewed by Councils Traffic Engineer and Transport for NSW, both of which have not raised any objections to the increase in student numbers, subject to special conditions.

This report concludes with a recommendation that the NBLPP grant APPROVAL to the development application, subject to conditions.

## **PROPOSED DEVELOPMENT IN DETAIL**

The application seeks approval to increase the maximum enrolment capacity of the Mater Maria College from 850 students to 1100 students.

The College is currently operating above the approved maximum student number, with approximately 1040 student enrolments in 2021.

The College is proposing a flexible condition for enrolment capacity in line with the Planning Circular (PS 21-038) released on 2 December 2021 called "*Regulating expansion of schools*".

The circular discusses how non-government schools can experience fluctuations in enrolments due to changes in population and parental preference. This is evident by the significant growth experienced by the College since the original consent was granted in 2001.

The College has recently completed major works within the campus and does not anticipate any significant capital projects in the next 5 years. Based on the existing facilities on site, the College has the capacity to accommodate up to 1100 students in current facilities and allows for an approximate 10% fluctuation (based on the assessment of traffic and bushfire arrangements).

The applicant has proposed the following flexible condition:

### ***Approved Enrolment Capacity***

*At the commencement of each school year, the school must submit to Council, the number of students enrolled for the current calendar year and the number of enrolments for the previous calendar year.*

*The number of students may increase over 1,100 by a maximum of 10% (110 students) subject to the submission of the following information to the satisfaction of Council:*

- An updated traffic and pedestrian management plan to reflect the increased number of students. The plan is to provide details of any road works or other necessary traffic management and/or operational measures that would be required to support the increased number of students.*
- An updated Bushfire Emergency Management and Evacuation Plan shall be prepared, consistent with 'Development Planning- A Guide to Developing a Bush Fire Emergency Management and Evacuation Plan December 2014' to account for the increase in student numbers and to ensure the safe evacuation of the school in the event of a bushfire.*

*Any additional increase in students above the 10% permitted by this condition will require development consent.*

The applicants submission and supporting documents to increase the numbers is based on 1100 students, however, the environmental impacts of an increase above 1100 students (1210 students) has not yet been tested or modelled in any of the supporting documentation submitted with the application. As such, Council cannot consider any further increase to what has been submitted and assessed in the report, that being 1100 students. A separate application would need to be lodged to increase the student numbers beyond the 1100 proposed in this Development Application.

No physical works are proposed under this development application.

## **ASSESSMENT INTRODUCTION**

The application has been assessed in accordance with the requirements of the Environmental Planning and Assessment Act 1979 and the associated Regulations. In this regard:

- An assessment report and recommendation has been prepared (the subject of this report) taking into account all relevant provisions of the Environmental Planning and Assessment Act 1979, and the associated regulations;
- A site inspection was conducted and consideration has been given to the impacts of the development upon the subject site and adjoining, surrounding and nearby properties;
- Notification to adjoining and surrounding properties, advertisement (where required) and referral to relevant internal and external bodies in accordance with the Act, Regulations and relevant Development Control Plan;
- A review and consideration of all submissions made by the public and community interest groups in relation to the application;
- A review and consideration of all documentation provided with the application (up to the time of determination);
- A review and consideration of all referral comments provided by the relevant Council Officers, State Government Authorities/Agencies and Federal Government Authorities/Agencies on the proposal.

## **SUMMARY OF ASSESSMENT ISSUES**

Pittwater 21 Development Control Plan - B6.3 Off-Street Vehicle Parking Requirements

Pittwater 21 Development Control Plan - B6.6 On-Street Parking Facilities

## **SITE DESCRIPTION**

<b>Property Description:</b>	Lot 13 DP 1083731 , 5 Forest Road WARRIEWOOD NSW 2102
<b>Detailed Site Description:</b>	<p>The subject site consists of one allotment located on the western end of Forest Road.</p> <p>The site is irregular in shape with a frontage of approximately 165m along Forest Road and a depth of approximately 214m. The site has a surveyed area of 51470m<sup>2</sup>.</p>

The site is located within the SP2 Infrastructure zone - educational establishment and accommodates Mater Maria Catholic College. The school currently comprises of ten buildings including administration, classrooms, a lecture theatre, a gymnasium, and a library. Vehicle and pedestrian access to the College is via Forest Road and Angaphora Circuit.

The site contains undeveloped areas of native bushland to the west, north and south of the established building elements. Fern Creek traverses the southern portion of the site. There are no known threatened species on the site.

### **Detailed Description of Adjoining/Surrounding Development**

The site is located within the Warriewood Valley Urban Land Release Area. The 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 storey 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.

### **Site Inspection**

A site inspection was conducted 15 March 2022.

Map:



## **SITE HISTORY**

The Mater Maria College has been in its current location since 1964.

A search of Council's records has revealed the following relevant site history:

### **Relevant Applications:**

#### ***Application N1038/00 for Redevelopment of Mater Maria College, Warriewood was determined 23/11/2001***

The application was for the upgrade to the existing school facilities to meet the current needs of students, staff and visitors. Condition D232 of the consent states: "the capacity of the school is to be restricted to a maximum of 850 students."

#### ***Application N1038/00/S96/2 for Modification to consent N1038/00 for the redevelopment of Mater Maria College, Warriewood was determined on 06/12/2017***

The application included changes to building footprints and envelopes, including:

- A two-winged building containing administration areas, staff studies and general amenities (canteen), library; and
- Additions to existing Block D.

#### ***Application Mod2019/0293 for Modification of Development Consent N1038/00 granted for the redevelopment of Mater Maria Catholic College was withdrawn 24/09/2019***

The Modification application was lodged in June 2019 seeking to modify condition D232 to increase the student cap to 1100 students to align with current numbers and associated minor car park upgrades to accommodate the additional students. A request for withdrawal was sent 16 September 2019, advising that:

- *Council was not satisfied that the development is substantially the same as that approved.*
- *Issues were identified with the traffic assessment submitted with the application.*
- *The application be withdrawn, and a DA submitted.*

The application was withdrawn on 24 September 2019.

### **Prelodgement Meeting**

#### ***PLM2020/0143***

A Prelodgement Meeting was held with the applicants on 21 July 2020, to discuss a proposal to increase the number of students from 850 to 1100.

The prelodgment meeting raised several concerns with the proposal, specifically to do with traffic and parking, and that an evacuation plan is required showing that the school can control egress from the site through the Garden Street or McPherson Street. Furthermore, Council was open to considering a **flexible condition** as discussed in the Planning Circular PS17-004 (replaced by PS 21-038 2 December 2021). The applicant would need to propose such a condition as part of the development application, including clear criteria for any such outcomes-based condition for Council to assess.

The notes concluded that the proposal may be supported subject to Council's Traffic Engineers being satisfied with the information provided with the application and the impacts created by the proposed

increase in student numbers. Those impacts were not able to be assessed at the prelodgement stage due to the absence of the information.

Council was unable to give a firm indication at the prelodgement stage as to whether the application would be supported.

**Other Associated Applications:**

- Application N0006/13 for Shade Structure was determined 03/06/2013.
- Application N0508/10 for Erection of shade sails was determined 28/10/2010.
- Application N0513/08 for Erection of three new shade sails was determined 08/12/2008.
- Application N0243/08 for Erection of security fencing around perimeter of site was determined 02/10/2008.
- Application N0057/07 for Construction of a waste water disposal system was on 21/12/2007.
- Application N0021/07 for a shade structure was determined 26/03/2007.
- Application N0020/05 for Construction of a shade structure was on determined 23/02/2005.
- Application 0128/88 for School Additions was determined 20/06/1988.

The land has been used for educational purposes for an extended period.

**ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979 (EPAA)**

The relevant matters for consideration under the Environmental Planning and Assessment Act, 1979, are:

Section 4.15 Matters for Consideration	Comments
Section 4.15 (1) (a)(i) – Provisions of any environmental planning instrument	See discussion on “Environmental Planning Instruments” in this report.
Section 4.15 (1) (a)(ii) – Provisions of any draft environmental planning instrument	Draft State Environmental Planning Policy (Remediation of Land) seeks to replace the existing SEPP No. 55 (Remediation of Land). Public consultation on the draft policy was completed on 13 April 2018. The subject site has been used for residential purposes for an extended period. The proposed development retains the residential use of the site and is not considered a contamination risk.
Section 4.15 (1) (a)(iii) – Provisions of any development control plan	Pittwater 21 Development Control Plan applies to this proposal.
Section 4.15 (1) (a)(iiia) – Provisions of any planning agreement	None applicable.
Section 4.15 (1) (a)(iv) – Provisions of the Environmental Planning and Assessment Regulation 2000 (EP&A	<u>Division 8A</u> of the EP&A Regulation 2000 requires the consent authority to consider "Prescribed conditions" of development consent. These matters have been addressed via a condition of

Section 4.15 Matters for Consideration	Comments
Regulation 2000) - Note, the DA was lodged prior to the 2021 Regulation 2021.	<p>consent.</p> <p><u>Clauses 54 and 109</u> of the EP&amp;A Regulation 2000 allow Council to request additional information. No additional information was requested in this case.</p> <p><u>Clause 92</u> of the EP&amp;A Regulation 2000 requires the consent authority to consider AS 2601 - 1991: The Demolition of Structures. This clause is not relevant to this application.</p> <p><u>Clauses 93 and/or 94</u> of the EP&amp;A Regulation 2000 requires the consent authority to consider the upgrading of a building (including fire safety upgrade of development). This matter has been addressed via a condition of consent.</p> <p><u>Clause 98</u> of the EP&amp;A Regulation 2000 requires the consent authority to consider the provisions of the Building Code of Australia (BCA). This matter has been addressed via a condition of consent.</p>
Section 4.15 (1) (b) – the likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality	<p><b>(i) Environmental Impact</b> The environmental impacts of the proposed development on the natural and built environment are addressed under the Pittwater 21 Development Control Plan section in this report.</p> <p><b>(ii) Social Impact</b> The proposed development will not have a detrimental social impact in the locality considering the character of the proposal.</p> <p><b>(iii) Economic Impact</b> The proposed development will not have a detrimental economic impact on the locality considering the nature of the existing and proposed land use.</p>
Section 4.15 (1) (c) – the suitability of the site for the development	The site is considered suitable for the proposed development.
Section 4.15 (1) (d) – any submissions made in accordance with the EPA Act or EPA Regs	See discussion on “Notification & Submissions Received” in this report.
Section 4.15 (1) (e) – the public interest	No matters have arisen in this assessment that would justify the refusal of the application in the public interest.

## EXISTING USE RIGHTS

Existing Use Rights are not applicable to this application.

## BUSHFIRE PRONE LAND

The site is classified as bush fire prone land and the proposed development is to increase the number of students that attend the school. The site is used for a special fire protection purpose under Section

100B of the Rural Fires Act 1997. As such, the proposal is integrated development and requires a bush fire safety authority from the NSW Rural Fire Service.

The application was referred to the NSW RFS as integrated development. The NSW RFS issued a bush fire safety authority, subject to conditions. The recommendations of the Bush Fire Report, along with the conditions from the NSW RFS as part of the bush fire safety authority, have been included as part of the recommended conditions of consent.

### NOTIFICATION & SUBMISSIONS RECEIVED

The subject development application has been publicly exhibited from 15/11/2021 to 29/11/2021 in accordance with the Environmental Planning and Assessment Act 1979, Environmental Planning and Assessment Regulation 2021 and the Community Participation Plan.

As a result of the public exhibition process council is in receipt of 12 submission/s from:

Name:	Address:
Mrs Noeline O'Connor	11 Ilford Road FRENCHS FOREST NSW 2086
Mrs Deborah Louise Hallam	30 Tango Avenue DEE WHY NSW 2099
Mr Robert Scott	3 Edwin Ward Place MONA VALE NSW 2103
Mr Craig Everett	19 / 13 - 19 Angophora Circuit WARRIEWOOD NSW 2102
Rebecca Hurley	57 / 2 Forest Road WARRIEWOOD NSW 2102
Judith Ann Tye	8 / 10 Angophora Circuit WARRIEWOOD NSW 2102
Mr Gregory Brian Tye	154 Warriewood Road WARRIEWOOD NSW 2102
Mrs Lynette Judith Bradley	2 / 10 Angophora Circuit WARRIEWOOD NSW 2102
Ms Judy Anne Spicer	17 / 13 - 19 Angophora Circuit WARRIEWOOD NSW 2102
Mrs Caitlin Judy Mullane	4 / 10 Angophora Circuit WARRIEWOOD NSW 2102
Sue Jenkins	Address Unknown
Mrs Jo-Anne Patricia Stanning	Po Box 1604 MONA VALE NSW 1660

The following issues were raised in the submissions:

- Traffic and Parking
- Compliance with previous approval
- Emergency Evacuation

The above issues are addressed as follows:

- **Traffic and Parking**  
 The following is a list of concerns relating to traffic and parking:
  - *The local area does not have the capacity for additional on-street parking to offset the increased student numbers;*
  - *Increased traffic congestion in the surrounding streets during the peak morning and afternoon periods;*
  - *Existing issues relating to rubbish collect, street cleaning and Council clean up will be exacerbated by the increased student parking;*



- Concern that emergency vehicles will not be able to access the surrounding streets due to illegal and overparking;
- The TIA was inaccurate as it was completed during 'Covid' times and Term 3, when there is/was reduced school attendance and general traffic is/was reduced;
- Compliance with the Green Travel Plan will be impossible for the school to implement;
- Request for Council to apply additional parking measures - the request includes Angophora Circuit to be one way, more timed parking, residential parking permits and more enforcement of parking restrictions by Council Rangers.

Comment:

The College currently does not provide any onsite car parking for students and no car parking is proposed to accommodate the increased student numbers. A *Traffic Impact Assessment* (TIA) was submitted with the application, which assessed the availability of parking in the streets surrounding the College and the potential impact on the road network. The TIA has been reviewed by both Council's Traffic Engineer and TfNSW, who have raised no objections to the proposed increase in student numbers to 1100 subject to conditions. These conditions include the implementation of the applicants *Green Travel Plan*, *Drop-Off/Pick-Up Management Plan*, monitoring and reporting back to Council. The matter has been addressed in detail elsewhere in this report.

The kerbside of the road is for car parking, unless marked otherwise. Rubbish bins are to be located on the kerb and not on the road for collection. If a rubbish bin is located on the kerb and a car is parked in front of the bin, the Waste Collection Officer is required to exit the Rubbish Truck and manoeuvre the rubbish bin into a location where it can be accessed. If cars are parked legally, then it is Council's responsibility to make appropriate allowances for the collection of rubbish bins, as well as street cleaning or Council clean up. Any incidents of rubbish not being collected should be reported to Council for investigation.

The roads and streets surrounding the College have been designed in accordance with standard road design. The application has been reviewed by Councils Traffic Engineers and TfNSW who have raised no concerns regarding access for emergency vehicles.

The parking study in the TIA was completed 11 August 2021, which falls within Term 3 of the school year and the *Travel Behaviour Survey* was completed March 2021, which falls within Term 1. The College, through the applicant, has confirmed that in-person learning was occurring during these dates. High School Certificate takes place in Term 4 and Year 12 students do not attend school during normal school hours from the end of Term 3. The application has been reviewed by both Councils Traffic Engineers and TfNSW, who have not raised any concerns with the date and time these surveys were completed.

Councils Traffic Engineer has reviewed the *TIA*, *Green Travel Plan* and proposed flexible student numbers condition. As part of the recommendations of the *Green Travel Plan*, there will be annual monitoring of student and staff travel habits and this will inform future decision making, including when to make interventions. The plans also recommend a designated staff member who will be responsible for the Green Travel Plans' administration and monitoring as well as being the liaison for Council and the TfNSW. The recommendations of the Green Travel Plans have been included as a condition of consent. Councils Traffic Engineer has raised no objections to the proposed Green Travel Plan subject to conditions.

The application was referred to Councils Traffic Engineers, who have not recommended any additional parking or traffic requirements for surrounding streets near the College. Councils Rangers regularly patrol the area in question. However, they are unable to be always be there. If a car is parked illegally (double parked, blocking traffic, parked longer than the required) then

this should be reported to the Council Rangers to investigate.

- **Compliance with Previous Approval**

The submission raised the following; "*The original planning approval was for 850 students, this number was surpassed in 2012. I am not sure why this was not addressed previously. The school has shown disregard in the approved student numbers and I doubt will restrict the number of students to the 1100 planned*".

Comment:

Schools can experience fluctuations in enrolments due to changes in population and parental preference. The College is the only Catholic co-education High School on the Northern Beaches and has experienced significant growth since 2001. While the College has exceeded the approved student capacity, it is in the process of rectifying this issue, by lodging a new development application.

If the College exceeds 1100 students this can be reported to Council to investigate. The College can also apply for a new development application to increase students numbers. A new development application would require the College to demonstrate any increase in student numbers will not adversely affect on-street parking and the local road network.

- **Emergency Evacuation**

The submissions raised concern that the school or surrounding area would not be able to evacuate from the area efficiently and quickly.

Comment:

The application has been reviewed by Councils Traffic Engineers and TfNSW, who have raised no concerns regarding access for emergency vehicles or emergency egress from the College or surrounding area. Furthermore, the school has submitted an Emergency Management Plan and Bushfire Evacuation Plan, which has been developed in accordance with 'A Guide for Developing a Bushfire Evacuation Plan' Planning and Environment Services - NSW Rural Fire Service and provides details for how the College will evacuate in the event of an emergency.

## REFERRALS

Internal Referral Body	Comments
Building Assessment - Fire and Disability upgrades	<b>Supported</b> The application has been investigated with respects to aspects relevant to the Building Certification and Fire Safety Department. As there are no physical works proposed as part of the application, there are no concerns with the application and no conditions are imposed.
Environmental Health (Industrial)	<b>Supported</b> The proposed increase in cap of student numbers is not likely to affect the criteria which the Environmental Health team assess. We have no objections to the proposal.
Strategic and Place Planning (Development Contributions)	<b>Supported</b> DA2021/2083 proposes the increase in the enrolment capacity of Mater Maria Catholic College at 5 Forest Road, Warriewood Valley

Internal Referral Body	Comments
	<p>from 850 to 1,100 students. The DA seeks an amendment to an operational condition for 850 students previously granted in 2001 on the site under N1038/00.</p> <p>No physical works are proposed under this DA. Physical works associated with the increase in enrolment capacity have been levied under previous development applications.</p> <p>As no physical works are proposed under this DA, contributions are not payable under the Warriewood Valley Contributions Plan.</p>
Traffic Engineer	<p><b><i>Supported, subject to conditions</i></b></p> <p>The existing consent (N1038/00) for Mater Maria College permits a maximum enrolment capacity of 850 students. The College is currently operating above this cap, with approximately 1,040 students.</p> <p>Modification Application (MOD2019/0293) was lodged to change the capacity. However, Council directed the College to apply through a DA process. Therefore, DA (DA2021/2083) has been lodged to increase the capacity to 1,100 students.</p> <p>There are no changes to the existing land use on the site. No physical work is required.</p> <p><b>Parking:</b></p> <p>PDCP 2014 does not specify parking rates for Educational Land Uses.</p> <p>A Traffic Impact Assessment (TIA) has been submitted (2021/759155) and provides the following parking breakdown:</p> <p><u>Available Parking:</u></p> <ul style="list-style-type: none"> <li>• <b>Off-Street:</b> 97 among them 91 for Staff (including 5 Accessible parking), 2 visitor parking, 1 bus bay and three (3) 30 minutes parking. No parking is available for students. Current parking occupancy is 85%.</li> <li>• <b>On-Street:</b> 174 spaces available on surrounding streets Forest Road, Casuarina Drive, Callistemon Way and Angophora Circuit. Among them 27 are 4-hour parking, 1 is 1-hour parking and the rest are unrestricted. About 50% are used by School. The maximum occupancy rate is about 77.</li> </ul>

Internal Referral Body	Comments
	<p data-bbox="520 320 651 349"><u>Required:</u></p> <ul data-bbox="555 389 1433 703" style="list-style-type: none"> <li data-bbox="555 389 1433 456">• Based on the existing parking rate of staff parking (0.75), the required number of parking for 120 staff = 90,</li> <li data-bbox="555 456 1433 524">• Based on the existing parking rate of student parking (0.05), the required number of parking for 1,100 students = 55,</li> <li data-bbox="555 524 1433 568">• Total = 90+55=145,</li>   <li data-bbox="555 600 1433 703">• Based on RMS Guidelines, by considering average parking rate (0.11) for 1,100 students total parking requirement (Staff + Student) = 121</li> </ul> <p data-bbox="520 815 1394 987">The TIA indicates that the school currently has a larger reliance on private vehicles than the RMS Guidelines suggest is likely for secondary schools. Further, existing travel behaviour indicates the demand associated with the approved and proposed student capacities both exceed the existing on-site parking provision by 40.</p> <p data-bbox="520 1028 1426 1272">Behavioural changes and strategies by encouraging staff, students and parents to use sustainable transport modes for their travel to and from the College could reduce this parking demand and therefore reduce the number of on-site parking spaces required. This not only prevents the need for additional on-site school car-park but also frees up parking spots in the surrounding streets and improves traffic flow around the school. Hence, safety will be improved.</p> <p data-bbox="520 1384 1414 1659">Based on the benefits of behavioural changes and in line with Council's comments at the pre-lodgement meeting (2020/369278), a Green Travel Plan (GTP) has been prepared and submitted (2021/759156). The GTP approach offers the opportunity to address long-standing issues often associated with secondary schools by reducing congestion, reducing car parking in surrounding residential streets, reducing local pollution, and importantly increasing physical activity in students.</p> <p data-bbox="520 1738 1426 2011">The proposed GTP will address this long-standing issue, with strategies to create a mode shift toward sustainable travel across the school community and a focus on reducing student parking demand. This is considered a better outcome than the development of a new on-site car park. The GTP initiative is impressive. However, behavioural changes are difficult to achieve and some strategies may be legally challenging and few others rely on external bodies like Council, TfNSW etc.</p>

Internal Referral Body	Comments
	<p>TfNSW has reviewed the submission and notes there are no physical works proposed and that the school is already operating with approximately 1040 student enrolments. As such, TfNSW raises no objections to the formal increase of enrolments from 850 to 1100 students.</p> <p><b>Traffic:</b>  Primary vehicle access to the School via Forest Road. Also, a pedestrian entrance is located on Angophora Circuit.</p> <p>There are two key intersections on Casuarina Drive used to access the school. Both are controlled by roundabouts.</p> <ul style="list-style-type: none"> <li>- Forest Road/Casuarina Drive/Macpherson Street;</li> <li>- Angophora Circuit/Casuarina Drive/Callistemon Way.</li> </ul> <p>Sidra Modelling has been done to analyse traffic impact based on TfNSW <i>Trip Generations Surveys, Schools Analysis Report 2014</i> and tested for approved, current and proposed student capacity.</p> <p>Both key intersections used to access the school on Casuarina Drive remain the same level of service (A &amp; B) in the three tested scenarios (approved, current, and proposed), indicating that the proposed additional enrolments are unlikely to have any adverse impacts on the existing operations of these intersections.</p> <p><b>Drop-Off / Pick-Up Management Plan</b></p> <p>A drop-off/pick-up management plan is provided to address safety and operational issues. It will be communicated to new and existing parents and be adopted by the school during morning and afternoon drop-off/pick-up periods.</p> <p>Also, to facilitate a Drop-off / Pick-up facility and ensure pedestrian safety, Council required the Developer to build a footpath at the cul-de-sac end of Forest Road.</p> <p><b>Public transport</b></p> <p>There are limited public bus connections between the school and local areas. However, there are many school services in the morning and afternoon peak periods providing access for north (Avalon), south (Manly) and east (Terrey Hills) residing students.</p>

Internal Referral Body	Comments
	<p><b>Active transport</b></p> <p>The local road network (including Forrest Road, Macpherson Street and Casuarina Drive) provides shared footpaths on both sides of the road. Pedestrian islands are available in all directions at the roundabout at the Forest Road and Casuarina Drive intersection. This facilitates safe pedestrian access to the school from the surrounding residential areas and bus stops.</p> <p><b>Pedestrian safety:</b> No concerns.</p> <p><b>Bushfire / Emergency Evacuation:</b> As per the DA Pre-lodgement Meeting, the developer was required to provide an evacuation plan that demonstrates the school can control egress from the site through Garden Street or Macpherson Street. The Council recommended this to prevent the development from trying to evacuate to the north in the event of an Emergency and impacting the network at the Ponderosa Parade and Mona Vale Road intersection.</p> <p>However, the submitted Bushfire / Emergency Evacuation Plan includes Pittwater RSL Club carpark as an offsite emergency assembly point. This would require the school to evacuate to the north through the Ponderosa Pde/Jubilee Ave intersection, a scenario Council specifically wanted to avoid. The Evacuation Plan will therefore require revision so as to minimise evacuation traffic impacts.</p> <p>The New South Wales Rural Fire Service (NSW RFS) / Bush Fire Safety Authority confirms that subject to the General Terms of Approval being met, the proposed development will meet the NSW Rural Fire Service requirements for Bush Fire Safety under s100b of the Rural Fires Act 1997. (Trim: 2022/587059).</p> <p>The Bushfire / Emergency Evacuation Plan will be reviewed periodically and no less frequently than once every three years from the date of implementation or in the event of any information, incident, injury, or illness that would demonstrate the need for a review, or resulting from any legislative or organisational change that would warrant a review. The reviewed Plan should be submitted to Council for consideration.</p>

Internal Referral Body	Comments
	<p><b>Footpath:</b> To assist pedestrian access to/from the school a footpath, in accordance with Council's standard specifications, will be required around the cul-de-sac at the western end of Forest Road. The footpath to extend between the western edge of the vehicular crossing serving the School and the driveway serving No.2 Forest Road. Detailed designs demonstrating compliance will be requested as consent condition for Roads Act approval with construction to be completed prior to the issue of an Occupation Certificate.</p> <p><b>Ongoing</b></p> <p>All facilities should be maintained throughout the lifetime of the project.</p> <p>Parking impacts are reviewed annually and evaluate the success of the GTP. Necessary measures need to be taken to minimise the impacts.</p> <p><b>Conclusion</b> Given the above, the development proposal can be approved with conditions.</p>

External Referral Body	Comments
Roads and Maritime Service - SEPP (Transport and Infrastructure) 2021, s2.122 - Traffic generating development	<p><b>Supported</b> TfNSW has reviewed the submission and notes there are no physical works proposed and that the school is already operating with approximately 1040 student enrolments. as such, TfNSW raises no objection to the formal increase of enrolments from 850 to 1100 students.</p>
Integrated Development - Rural Fire Service - Rural Fires Act, s100B - Subdivisions and Special Fire Protection Purposes	<p><b>Supported, subject to conditions</b> The New South Wales Rural Fire Service (NSW RFS) has considered the information submitted. General Terms of Approval, under Division 4.8 of the Environmental Planning and Assessment Act 1979, and a Bush Fire Safety Authority, under section 100B of the Rural Fires Act 1997, are now issued subject to conditions.</p>

## ENVIRONMENTAL PLANNING INSTRUMENTS (EPIS)\*

All, Environmental Planning Instruments (SEPPs and LEPs), Development Controls Plans and Council Policies have been considered in the merit assessment of this application.

In this regard, whilst all provisions of each Environmental Planning Instruments (SEPPs and LEPs),

Development Controls Plans and Council Policies have been considered in the assessment, many provisions contained within the document are not relevant or are enacting, definitions and operational provisions which the proposal is considered to be acceptable against.

As such, an assessment is provided against the controls relevant to the merit consideration of the application hereunder.

**State Environmental Planning Policies (SEPPs) and State Regional Environmental Plans (SREPs)**

**SEPP Educational Establishments and Child Care Facilities 2017**

**PART 4 - SCHOOLS**

Part 4, Clause 35 of State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017 stipulates that:

*(6) Before determining a development application for development of a kind referred to in subclause (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 4, and*

*(b) whether the development enables the use of school facilities (including recreational facilities) to be shared with the community.*

Comment:

The proposal is for the increase in student numbers. No works are proposed as part of the application. The design quality principles set out in Schedule 4 do not apply and there is no change in school facilities.

**SEPP (Resilience and Hazards) 2021**

**Chapter 4 – Remediation of Land**

Sub-section 4.6 (1)(a) of Chapter 4 requires the consent authority to consider whether land is contaminated. Council records indicate that the subject site has been used for educational facility purposes for a significant period with no prior land uses. In this regard it is considered that the site poses no risk of contamination and therefore, no further consideration is required under sub-section 4.6 (1)(b) and (c) of this Chapter and the land is suitable for the educational facility land use.

**Pittwater Local Environmental Plan 2014**

Is the development permissible?	Yes
After consideration of the merits of the proposal, is the development consistent with:	
aims of the LEP?	Yes
zone objectives of the LEP?	Yes

Principal Development Standards

No physical works are proposed as part of the application and there will be no changes to the



Development Standards under the PLEP2014 .

Compliance Assessment

<b>Clause</b>	<b>Compliance with Requirements</b>
1.9A Suspension of covenants, agreements and instruments	Yes
5.10 Heritage conservation	Yes
5.21 Flood planning	Yes
6.1 Warriewood Valley Release Area	Yes
7.1 Acid sulfate soils	Yes
7.2 Earthworks	Yes
7.4 Floodplain risk management	Yes
7.6 Biodiversity protection	Yes
7.7 Geotechnical hazards	Yes
7.10 Essential services	Yes

**Pittwater 21 Development Control Plan**

Built Form Controls

No physical works are proposed as part of the application. There will be no changes to the Built Form Controls under the P21DCP.

Compliance Assessment

<b>Clause</b>	<b>Compliance with Requirements</b>	<b>Consistency Aims/Objectives</b>
A1.7 Considerations before consent is granted	Yes	Yes
A4.14 Warriewood Locality	Yes	Yes
A4.16 Warriewood Valley Locality	Yes	Yes
B3.1 Landslip Hazard	Yes	Yes
B3.6 Contaminated Land and Potentially Contaminated Land	Yes	Yes
B3.11 Flood Prone Land	Yes	Yes
B4.15 Saltmarsh Endangered Ecological Community	Yes	Yes
B4.18 Heathland/Woodland Vegetation	Yes	Yes
B5.15 Stormwater	Yes	Yes
B6.3 Off-Street Vehicle Parking Requirements	No	Yes
B6.6 On-Street Parking Facilities	Yes	Yes
B6.7 Transport and Traffic Management	Yes	Yes
C6.5 Utilities, Services and Infrastructure Provision	Yes	Yes
D14.1 Character as viewed from a public place	Yes	Yes

Detailed Assessment

**B6.3 Off-Street Vehicle Parking Requirements**

Merit Consideration

The development is considered against the underlying Outcomes of the Control as follows:

- ***An adequate number of parking and service spaces that meets the demands generated by the development.***

Comment:

P21DCP does not have a parking requirement for an educational institution and the parking rate is calculated from the *RMS Generations Survey, Schools Analysis Report, 2014*. The applicant has provided a TIA, which provides the required carparking spaces for the site, which has been reviewed by Councils Traffic Engineer.

Required Parking:

- Based on the existing parking rate of staff parking (0.75), the required number of parking for 120 staff = **90 spaces**
- Based on the existing parking rate of student parking (0.05), the required number of parking for 1,100 students = **55 spaces**
- Total = 90+55=**145**
- Based on RMS Guidelines, by considering the average parking rate (0.11) for 1,100 students, the total parking requirement (Staff + Students) = **121 spaces**

Available Parking:

**Off-Street:** 97 among them 91 for Staff (including 5 Accessible parking), 2 visitor parking, 1 bus bay and 3 x 30 minute parking spaces. No parking is available for students. Current parking occupancy is **85%**.

**On-Street:** 174 spaces are available on surrounding streets, including; Forest Road, Casuarina Drive, Callistemon Way and Angophora Circuit. Among them, 27 are 4-hour parking, 1 is 1-hour parking and the rest are unrestricted. About 50% are used by the College. The maximum occupancy rate is about 77.

The College currently does not supply onsite car parking for students and no car parking is proposed for students under this DA. A TIA submitted with the application assessed the availability of parking in the streets surrounding the College. The parking study was based on the number of Provisional 'P' plates found to be parking on the surrounding streets.

A Green Travel Plan (GTP) was prepared by the applicant to reduce the Colleges reliance on private vehicles, with a focus on reducing student parking demand. The applicant has proposed changes and strategies to reduce parking demand and therefore reduce the number of onsite/off site parking. The GTP provides a plan to reduce the Colleges reliance on private vehicles, by introducing student parking permits. A condition is recommended limiting the number of parking permits the school issues to students. This along with greater monitoring by the College should help to curb the current reliance on on-street parking.

Councils Traffic Engineer has also reviewed the application and supports the proposal subject to conditions. These conditions include the implementation of the Green Travel Plan and Drop-Off / Pick-Up Management Plan, monitoring and reporting back to Council.

The TIA has demonstrated that there is on-street parking available to accommodate student numbers and residents. If student enrolment exceeds 1100, the College needs to submit a revised Development Application to Council with a new TIA, demonstrating that the surrounding streets and road network can accommodate the increased traffic and parking demand. The applicant will also need to demonstrate that they have/will implement any recommendations of the reports, such as details of any road works or other necessary traffic management and/or operational measures that would be required to support the increased number of students.

It is considered that there is adequate carparking within the College and surrounding area to accommodate the proposed increased numbers of students.

- ***Functional parking that minimises rainwater runoff and adverse visual or environmental impacts while maximising pedestrian and vehicle safety.***

Comment:

No changes are proposed to the existing car parking on the site.

- ***Safe and convenient parking.***

Comment:

No changes are proposed to the existing car parking on the site.

Having regard to the above assessment, it is concluded that the proposed development is consistent with the relevant objectives of P21DCP and the objectives specified in s1.3 of the Environmental Planning and Assessment Act, 1979. Accordingly, this assessment finds that the proposal is supported, in this circumstance.

## **B6.6 On-Street Parking Facilities**

To facilitate the Pick-up/ Drop-off zone and ensure pedestrian safety, Councils Traffic Engineer has recommended a condition requiring the College to provide additional footpaths within the Drop-off/Pick-up zone.

## **THREATENED SPECIES, POPULATIONS OR ECOLOGICAL COMMUNITIES**

The proposal will not significantly affect threatened species, populations or ecological communities, or their habitats.

## **CRIME PREVENTION THROUGH ENVIRONMENTAL DESIGN**

The proposal is consistent with the principles of Crime Prevention Through Environmental Design.

## **Planning Circular (PS 21-038) Regulating expansion of schools**

As recognised in Planning Circular (PS 21-038) released 2 December 2021 *Regulating the Expansion of Schools*, Non-government schools can experience fluctuations in enrolments due to changes in population and parental preference. This is evidenced by the significant growth experienced by the College since the original consent was granted in 2001.

The Circular provides options for the consent authority to consider whether a capacity condition should be addressed as a prescriptive, numerical cap or an outcome-based condition with criteria to assess. Where caps on student or staff numbers are to be applied, they are to be based on clear evidence that the operational capacity of the school should be limited according to the environmental constraints of the site and/or the surrounding locality.

The College has recently completed major works on the current campus and does not anticipate any significant capital projects in the next 5 years. Based on the existing facilities on site, the school has the capacity to accommodate up to 1100 students and the applicant in their proposed condition proposed to allow a further 10% fluctuation of student numbers (up to 1210 students).

The current 2022 enrolment numbers for the school are 1072 with an enrolment forecast for 2023 of 1100. The current number for Year 7 enrolments in 2023 is 235, which is likely to drop to 225 by Term 1

2023. Generally, the College finalises enrolments two years prior, at the end of Term 1 and sends out first round offers at the beginning of Term 2. It is anticipated Year 7 enrolments will be maintained at approximately 225 students.

Due to the ongoing nature of fluctuating student enrolment numbers the applicant proposed the following flexible Student Capacity condition:

### **Student Capacity**

*At the commencement of each school year, the school must submit to Council the number of students enrolled for the current calendar year and the number of enrolments for the previous calendar year.*

*The number of students may increase over 1,100 by a maximum of 10% (110 students) subject to the submission of the following information to the satisfaction of Council:*

- *An updated traffic and pedestrian management plan to reflect the increased number of students. The plan is to provide details of any road works or other necessary traffic management and/or operational measures that would be required to support the increased number of students.*
- *An updated Bush Fire Emergency Management and Evacuation Plan shall be prepared consistent with 'Development Planning- A Guide to Developing a Bush Fire Emergency Management and Evacuation Plan December 2014' to account for the increase in student numbers and to ensure the safe evacuation of the school in the event of a bushfire.*

*Any additional increase in students above the 10% permitted by this condition will require development consent.*

The applicant's submission to increase student numbers assessment is based on 1100 students. No evidence has been provided to Council to demonstrate that an increase to student numbers above 10% will not impact on the local traffic network or on-street parking. The environmental student limit for the site (1,210 students) has not yet been tested. As such, Council cannot consider any further increase to what has been submitted and assessed in this report (that being 1100 students). If the applicant wishes to pursue an outcome based consent condition in the future that anticipates a further increase in student numbers, they would be required to undertake traffic and parking modelling to establish what specific traffic measures would be provided if the student population were to grow beyond the 1100. This is to ensure that an appropriate assessment of impacts of the additional students can be completed, and Council is satisfied with the mitigation measures. A separate application would need to be lodged to increase the student numbers beyond the 1100 proposed in this Development Application.

### **CONCLUSION**

The site has been inspected and the application assessed having regard to all documentation submitted by the applicant and the provisions of:

- Environmental Planning and Assessment Act 1979;
- Environmental Planning and Assessment Regulation 2021;
- All relevant and draft Environmental Planning Instruments;
- Pittwater Local Environment Plan;
- Pittwater Development Control Plan; and
- Codes and Policies of Council.

This assessment has taken into consideration the submitted plans, Statement of Environmental Effects, all other documentation supporting the application and public submissions, and does not result in any unreasonable impacts on surrounding, adjoining, adjacent and nearby properties subject to the conditions contained within the recommendation.

In consideration of the proposal and the merit consideration of the development, the proposal is considered to be:

- Consistent with the objectives of the DCP
- Consistent with the zone objectives of the LEP
- Consistent with the aims of the LEP
- Consistent with the objectives of the relevant EPIs
- Consistent with the objects of the Environmental Planning and Assessment Act 1979

## **PLANNING CONCLUSION**

This proposal involves an increase in the student enrolment capacity from 850 to 1100 students and is being referred to the NBLPP due to it being a "contentious development", in that it attracted 10 or more unique submissions (total of twelve (12) submissions).

The concerns raised within the submissions have been addressed within the report and a merit assessment was carried out against the relevant planning controls and other policies and legislation.

The critical assessment issues are traffic and parking, which have been comprehensively considered by Councils Traffic Engineers and TfNSW and have been addressed within this report.

It has been found that the increase in the student enrolment capacity from 850 students to 1100 students will not have an adverse effect on the local road network or the availability of on-street parking. Additional measures proposed by the applicant, such as the GTP and pick-up and drop-off management plan, will help to alleviate some of the traffic and parking issues associated with the College.

The proposed flexible enrolment condition as proposed by the applicant, allowing the College to exceed 1100 students (to a maximum of 10% or a further 110 students) cannot be supported, as the environmental student limit for the site (1,210 students) has not yet been tested. As such, Council cannot consider any further increase to student numbers above what has been submitted and assessed in this report.

On the balance of all relevant matters, and after a comprehensive assessment of all documentation submitted by the applicant and issues raised by the residents, this report concludes that the NBLPP, as the consent authority, should APPROVE the development application, subject to the attached conditions.

It is considered that the proposed development satisfies the appropriate controls and that all processes and assessments have been satisfactorily addressed.

## RECOMMENDATION

THAT the Northern Beaches Local Planning Panel, on behalf of Northern Beaches Council as the consent authority grant Development Consent to DA2021/2083 for Increase in student numbers at an existing educational establishment from 850 students to 1100 students on land at Lot 13 DP 1083731, 5 Forest Road, WARRIEWOOD, subject to the conditions printed below:

### DEFERRED COMMENCEMENT CONDITIONS

#### 1. **Bushfire / Emergency Evacuation Plan**

The Bushfire/Emergency Management Plans shall be amended to avoid evacuation procedures which rely upon or propose emergency evacuation to the north to/through the Ponderosa Parade/Jubilee Avenue intersection or other egress routes linking to Mona Vale Road.

The revised plans are to be lodged with Council for review by Council's Transport Network Manager and confirmation that the plans have satisfied the requirement.

Reason: To minimise traffic impacts on the network associated with evacuation procedures.

#### 2. **Footpath Construction Approval**

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.

Reason: To facilitate a Drop-off/Pick-up facility and to ensure pedestrian safety.

Evidence required to satisfy the deferred commencement condition/s must be submitted to Council within two (2) years of the date of this consent, or the consent will lapse in accordance with Clause 76 of the Environmental Planning and Assessment Regulation 2021. This evidence is to be submitted along with a completed 'Deferred Commencement Document Review Form' (available on Council's website) and the application fee, as per Council's Schedule of Fees and Charges.

Upon satisfaction of the deferred commencement condition/s, the following conditions apply:

### DEVELOPMENT CONSENT OPERATIONAL CONDITIONS

#### 3. **Approved Plans and Supporting Documentation**

The development must be carried out in compliance (except as amended by any other condition of consent) with the following:

a) Approved Plans

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<b>Reports / Documentation – All recommendations and requirements contained within:</b>		
<b>Report No. / Page No. / Section No.</b>	<b>Dated</b>	<b>Prepared By</b>
Marta Maria College Green Travel Plan	April 2021	Urbis
Traffic Impact Assessment - Mater Maria College, Warriewood	7 September 2021	Urbis
Mater Maria College 5 Forest Road, Warriewood NSW	3rd July 2017	Morris Goding Accessibility Consulting
PRELIMINARY BCA ASSESSMENT REPORT 16/357 BCA Assessment	7 July 2017	Building Control Group
EMERGENCY MANAGEMENT PLAN - BUSHFIRE IN CATASTROPHIC CONDITIONS	Effective Date January 2020	-
EMERGENCY MANAGEMENT PLAN	Effective March 2022	-
BUSHFIRE PROTECTION ASSESSMENT DEVELOPMENT APPLICATION FOR AMENDMENTS TO THE DEVELOPMENT CONSENT FOR THE MATER MARIE CATHOLIC COLLEGE LOT 13 in DP 1083731, FOREST ROAD, WARRIEWOOD Assessment number - B223880	21.06.2022	Australian Bushfire Protection Planners Pty Limited

b) Any plans and / or documentation submitted to satisfy the Deferred Commencement Conditions of this consent as approved in writing by Council.

c) Any plans and / or documentation submitted to satisfy the Conditions of this consent.

In the event of any inconsistency between conditions of this consent and the drawings/documents referred to above, the conditions of this consent will prevail. Reason: To ensure the work is carried out in accordance with the determination of Council and approved plans.

4. **Compliance with Other Department, Authority or Service Requirements**

The development must be carried out in compliance with all recommendations and requirements, excluding general advice, within the following:

<b>Other Department, Authority or Service</b>	<b>EDMS Reference</b>	<b>Dated</b>
NSW Rural Fire Service	Response NSW RFS Referral	14 August 2022

(NOTE: For a copy of the above referenced document/s, please see Application Tracking on Council's website [www.northernbeaches.nsw.gov.au](http://www.northernbeaches.nsw.gov.au))

Reason: To ensure the work is carried out in accordance with the determination and the statutory requirements of other departments, authorities or bodies.

5. **Footpath Construction**

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.

Reason: To facilitate a Drop-off/Pick-up facility and to ensure pedestrian safety.

6. **Accessible parking facilities**

Any future accessible parking needs for the school should be provided within the school premises and designed in accordance with 'AS/NZS 2890.6 - 2009 Parking facilities - Off-street parking for people with disabilities'.

Reason: To provide access to persons with mobility impairment or disabilities.

**ON-GOING CONDITIONS THAT MUST BE COMPLIED WITH AT ALL TIMES**

7. **Review of Bushfire / Emergency Evacuation Plan**

The Bushfire / Emergency Evacuation Plan will be reviewed periodically and no less frequently than once every three years from the date of implementation or in the event of any information, incident, injury, or illness that would demonstrate the need for a review, or resulting from any legislative or organisational change that would warrant a review. The reviewed Plan must be submitted to Councils Transport Network Manager for consideration.

Reason: To ensure the Bushfire / Emergency Evacuation Plan has been up to date to incorporate changes.

8. **Maximum Student Numbers**

The maximum number of students at the school must not exceed 1100.

Reason: To restrict the impacts of the school on the local area.

9. **School Issued Car parking Permits**

The College is to issue a maximum of 50 on-street Student Parking Permits.

The number of parking permits issued by the College needs to be provided to Council yearly for review.

Reason: To minimise the impact of student car parking on streets/roads surrounding Mater Maria College.

10. **Parking review of Green Travel Plan**

Parking impacts relating to school operations are to be reviewed for the first two years of the consent's operation. This is to evaluate the success of the Green Travel Plan. The parking review report which reviews on-street parking occupancies in streets within a 400m walking catchment of the school shall be submitted to Councils Transport Network Manager annually for review.



Reason: To minimise parking impacts.

11. **Off-Street Parking Facilities**

Existing off-street parking facilities should be maintained to the intended purpose throughout the lifetime of the project

Reason: To facilitate and manage off-street parking facility.