URBIS

STATEMENT OF ENVIRONMENTAL EFFECTS

Amending DA Mater Maria College 5 Forest Road, Warriewood

Prepared for

CATHOLIC SCHOOLS OFFICE, DIOCESE OF BROKEN BAY

26 October 2021

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Report Number 1

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1. INTRODUCTION

1.1. OVERVIEW

This Statement of Environmental Effects (**SEE**) has been prepared on behalf of Catholic Schools Office (Diocese of Broken Bay) (**the applicant**) to accompany a Development Application (**DA**) for a new student cap at Mater Maria College (5 Forest Road, Warriewood) (**the College**).

As outlined in this SEE, the proposal will importantly allow for the school to meet the current student demands of the area, whilst mitigating potential traffic and parking impacts on the locality.

The DA is submitted to Northern Beaches Council under section 4.12 of the *Environmental Planning and Assessment Act 1979* (**EP&A Act 1979**).

It is intended that this application will, in accordance with section 4.17 of the EP&A Act, amend the student cap condition of the approved N1038/00. Section 4.17 of the EP&A Act 1979 allows the applicant to retain the existing consent (being N1038/00) whilst amending a component of that approval through a separate consent. This will enable the alteration of part of N1038/00 so that it becomes consistent with the proposal contemplated in this development application.

1.2. RELATIONSHIP WITH N1038/00

This development application is lodged under section 4.12 of the EP&A Act 1979 and is to be assessed in accordance with the relevant provisions. The application seeks to utilise the provisions of section 4.17 of the Act such that, at the issuance of a development consent for the subject application, N1038/00 will be amended to ensure that the two consents are consistent with each other and may operate simultaneously over the site.

Section 4.17(1)(b) of the EP&A Act 1979 provides that a condition of development consent may be imposed requiring the modification (or surrender) of another development consent relating the same land as indicated below.

4.17 Imposition of conditions

(1) Conditions—generally

A condition of development consent may be imposed if:

- (a) it relates to any matter referred to in section 4.15 (1) of relevance to the development the subject of the consent, or
- (b) it requires the modification or surrender of a consent granted under this Act or a right conferred by Division 4.11 in relation to the land to which the development application relates, or
- (c) it requires the modification or cessation of development (including the removal of buildings and works used in connection with that development) carried out on land (whether or not being land to which the development application relates), or
- (d) it limits the period during which development may be carried out in accordance with the consent so granted, or
- (e) it requires the removal of buildings and works (or any part of them) at the expiration of the period referred to in paragraph (d), or
- (f) it requires the carrying out of works (whether or not being works on land to which the application relates) relating to any matter referred to in section 4.15 (1) applicable to the development the subject of the consent, or
- (g) it modifies details of the development the subject of the development application, or
- (h) it is authorised to be imposed under section 4.16 (3) or (5), subsections (5)– (9) of this section or section 7.11, 7.12, 7.24 or 7.32. (b it requires the modification or surrender of a consent granted under this Act or a right conferred by Division 4.11 in relation to the land to which the development application relates

In practice, this clause allows a condition of one development consent to require the modification of another development consent, through the over-writing of specific conditions in that original consent so they are consistent with the new consent. In order to effect this modification, clause 97 of the Environment Planning and Assessment Regulation 2000 (EP&A Regulation), requires, under section 4.17(5) of the Act, that the proponent issue a notice of modification to the consent authority for the pre-existing DA. Section 4.14(5) states:

(5) Modification or surrender of consents or existing use rights

If a consent authority imposes (as referred to in subsection (1) (b)) a condition requiring the modification or surrender of a consent granted under this Act or a right conferred by Division 4.11, the consent or right may be modified or surrendered subject to and in accordance with the regulations.

The notice of modification effectively modifies the pre-existing DA, so that it must be read to be in accordance with the 'amending' DA. This requirement removes any inconsistencies between the original consent and the amended DA consent. The notice of modification is utilised to resolve any inconsistencies between the two consents, so that the two consents can sit concurrently on the site and continue to operate. The 'amending' DA consent supersedes any inconsistency in the pre-existing DA.

1.3. SUPPORTING DOCUMENTATION

The DA is accompanied by the following documentation:

- Traffic Impact Assessment prepared by Urbis (Appendix A)
- Green Travel Plan prepared by Urbis (Appendix B)

1.4. REPORT STRUCTURE

This SEE is structured as follows:

- Section 2 Site Context: identifies the site and describes the existing development and local and regional context.
- Section 3 Project History: outlines the approvals history and pre-lodgement discussions with key stakeholders.
- Section 4 Proposed Development: provides a detailed description of the proposal.
- Section 5 Strategic Context: identifies and analyses the State, regional and local strategic planning
 policies relevant to the site and proposed development.
- Section 6 Statutory Context: provides a detailed assessment of the State and local environmental planning instruments and plans relevant to the site and development.
- Section 7 Section 4.15 Assessment: provides an assessment of the proposal against the matters of consideration listed in Section 4.15 of the EP&A Act.
- Section 8 Conclusion: provides an overview of the development assessment outcomes and recommended determination of the DA.

SITE CONTEXT

2.1. SITE DESCRIPTION

The site is located at 5 Forest Road, Warriewood. and is legally described as Lot 13 in DP 1083731 within the Northern Beaches LGA. The site is located on the lower Warriewood Escarpment at the western end of the Warriewood Valley, and has a total area of approximately 51,500 sgm. 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.

Figure 1 Aerial of Subject Site



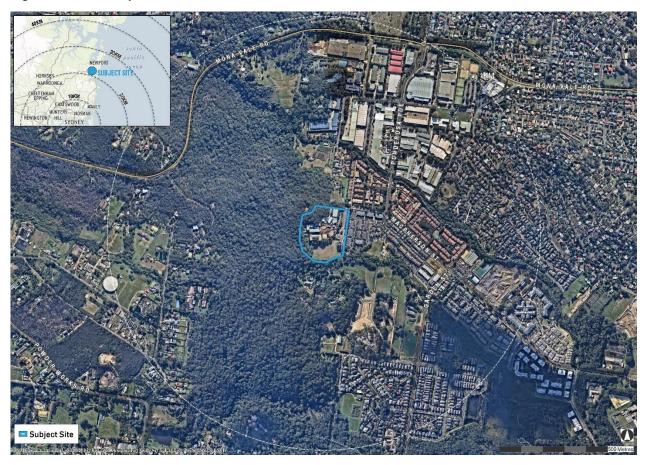
Source: SixMaps

2.2. **SURROUNDING DEVELOPMENT & LOCALITY**

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. This area was identified in 1997 as being capable of accommodating more intensive urban development and has recently seen a significant increase to the number and density of residential dwellings.

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.

Figure 2 Site Locality



2.3. EXISTING DEVELOPMENT

The site is located within the Warriewood Valley Urban Land Release Area and is occupied by Mater Maria Catholic College which was relocated to the current campus in 1964. 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.

A Stage 1 redevelopment of the site was approved by the previous Pittwater Council in 2000 (N1038/00/2). Construction has commenced for the new multi-use building approved which incorporates new administration spaces, a library, and teaching spaces.

3. PROJECT HISTORY

3.1. APPROVALS

Redevelopment of School (DA, 2000)

Development Application N1038/00 was approved in 2000 for the redevelopment of Mater Maria College. The aim of the project was to upgrade 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."

Updates to School (Modification, 2017)

Modification application N1038/00/2 was approved on 6 December 2017, with the objective to update the learning spaces to meet current building and construction standards, improve safety and security and meet the current curricula demand of the school communities.

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.

3.2. REQUEST FOR WITHDRAWAL OF MODIFICATION APPLICATION

Modification application 2019/0293 was lodged in June 2019 seeking to modify condition D232 to increase the student cap to 1,100 to align with current numbers and associated minor car park upgrades to accommodate the additional students. A request for withdrawal was sent by Principal Planner, Rebecca Englund on 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 new DA submitted.

The application was withdrawn on 24 September 2019.

The current DA subject to this SEE seeks consent for a new student cap under a DA pathway as recommended by Council.

3.3. PRE-LODGEMENT DISCUSSIONS

The applicant arranged a Pre-Lodgement meeting with Council to discuss the above matters, which was held on 21st July 2020. The following table outlines the key issues raised in the meeting relating to this DA and how they have been addressed

Table 1 Pre-Lodgement Meeting Comments

Matter	Response			
Traffic and Parking				
Council's Traffic Engineer provided the following response:				
The applicant is seeking approval to increase the school student limit from 850 to 1,100.	No comment.			
The applicant will be required to submit a Traffic Impact Assessment that demonstrates that the increase in student	A TIA is submitted with this application (Appendix A), demonstrating that the increase in student numbers is unlikely to			

Matter	Response
numbers will not have a negative impact on the surrounding local traffic network.	have any adverse impact on the two key intersections on Casuarina Drive.
Further, the applicant will need to ensure that the number of parking spaces required by the increase in student population can and will be accommodated wholly within the site.	The TIA submitted with this application (Appendix A) identifies that the College currently has a larger reliance on private vehicles than the average secondary school, with a student demand for over 40 spaces in the three tested scenarios (approved, current, and proposed).
	The proposed Green Travel Plan (Appendix B) will address this long-standing issue, with strategies to encourage sustainable travel across the school community and a focus on reducing student parking demand.
The submission should also include a 'Dropoff/pick-up management plan' to be adopted by the school at all times during morning and afternoon pick-up/drop-off periods.	The TIA submitted with this application includes a management plan for the drop-off/pick-up area which addresses safety and operational issues (Section 3.4, Appendix A).
All assumptions in terms of parking and traffic generation must be in accordance with Council's DCP and the RMS Guide To Traffic Generating Developments.	Traffic generation has been calculated in accordance with the <i>RMS Guide to Traffic Generating Developments</i> .
	Parking generation has been calculated in accordance with RMS Trip Generations Surveys, Schools Analysis Report 2014, and is supported by current parking surveys.
All assessments should take into account the currently approved development and proposed development, not the existing scenario.	All assessments compare the currently approved student cap (850) and the proposed student cap (1,100). The existing scenario is only used to calculate the demand associated with the existing and proposed student caps.
The development will be required to provide an evacuation plan that demonstrates the school can control egress from the site through the Garden Street or Macpherson Street. This will be included as an operational condition of the future consent.	No comment.
The need for this is generated to prevent the development trying to evacuate to the north in the event of a Bushfire emergency and impacting on the network at the Ponderosa and Mona Vale Road intersection.	

Matter

The Evacuation plan would detail how this is to occur and what measures they would be able to put in place to manage a self-evacuation of the campus. I am putting the onus on the School to develop this as not to be onerous in the first instance and this would allow Council to use a simple submit and approve condition operationally.

Response

Development Application or Modification

A new development application is recommended, as opposed to a modification application, noting that Council has previously raised issue with a similar modification application (MOD2019/0293) not being considered substantially the same as was previously approved, due specifically to the increase in the number of students proposed.

The current DA subject to this SEE seeks consent for a new student cap under a DA pathway as recommended by Council.

New Student Cap Condition

Council is open to considering a flexible condition as discussed in the planning circular PS17-004. 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.

Any plans associated with such a condition must include clear steps and criteria, and any issues such as Rural Fire Service requirements for evacuation plans and the like must address the final number of students.

A flexible condition has been prepared for Council's consideration in **Section 4.2**.

Application Requirements

- Electronic copies (USB)
- Statement of Environmental Effects
- Cost of works estimate/ Quote
- Site Plan
- Architectural plans of proposed changes to car park
- A4 Notification Plans
- Survey Plan
- Site Analysis Plan
- Demolition Plan (if any proposed)
- Excavation and fill Plan
- Waste Management Plan (Construction & Demolition)
- Erosion and Sediment Control Plan / Soil and Water Management Plan

The scope of work has changed since this pre-lodgement was held. No physical works are proposed in this application. As such, only the items underlined are required for submission with this application.

Nevertheless, both an Access Report (Appendix D) and BCA Report (Appendix E) have been enclosed to the application to confirm that the current school facilities reflect the current BCA and Access provisions. The current Bushfire Report for the school is also enclosed in Appendix C.

Matter

Response

- Stormwater Management Plan / Stormwater Plans and On-site Stormwater Detention
- (OSD) Checklist
- Geotechnical Report
- Bushfire Report
- Traffic and Parking Report
- Access Report
- Integrated Development Fees

DCP Controls

A4 Localities - Warriewood Valley

Warriewood Valley is situated at the base of the escarpment, known as Ingleside Chase Reserve, between Mona Vale and Warriewood (see map). It comprises of land known as "Stage 1 Release" and land identified as the Warriewood Valley Release Area.

The Warriewood Valley Release Area, first identified in 1997 as a Release Area, comprises of 110 hectares including 32.68 hectares of industrial/commercial land and associated community facilities and infrastructure. Two recent reviews have been undertaken, firstly the Warriewood Valley Strategic Review 2012 and secondly the Warriewood Valley Strategic Review Addendum Report 2014. The Release Area now includes land within 400m of the Warriewood Sewerage Treatment Plant (known as Buffer Areas 1, 2 and 3) encompassing an area of approximately 190 hectares.

Warriewood Valley Release Area is primarily a residential area expected to provide a total of 2,451 new dwellings (this figure includes the dwellings approved under the former Part 3A legislation but does not include development in Stage 1 Release considered to be completed in 1997.). When completed, it is anticipated to accommodate 6,618 residents (based on an average household occupancy of 2.7 persons per household).

Warriewood Valley Release Area continues to be developed as a desirable urban community in accordance with the adopted planning strategy for the area, and will include a mix of low to medium density housing, industrial/commercial development, open space and community services. The creekline corridors, roads and open space areas form the backbone of the new community, complemented with innovative water management systems, the natural environment,

This DCP control is addressed in **Section 5.2**).

Matter Response pedestrian/cycle path network, public transport, and recreation facilities. Stage 1 Release, has a residential component and a business/industrial component. The residential area is characterised by two storey residential attached dwellings with the area fully developed. The industrial/business area is defined by up to three storey large complexes that generally contain smaller units. The majority of the business/industrial zoned land has been developed with some smaller parcels still to be developed in the northern industrial area. The Warriewood Valley locality is characterised by a mix of residential, retail, commercial, industrial, recreational, and educational land uses. Warriewood Valley is affected by various hazards and contains heavily vegetated areas, threatened species, or areas of natural environmental significance, which are identified on various maps within the Pittwater LEP 2014. A number of identified heritage items are located in Warriewood Valley. B3.1 Landslip Hazard, B3.2 Bushfire Hazard The scope of work has changed since this pre-lodgement was held. No physical works Any proposed construction must comply with the are proposed in this application. requirements of the Geotechnical Risk Management Policy for Pittwater. The school is a special fire protection purpose under the Rural Fires Act, and as such the proposal will be integrated development, and referred to the NSW RFS.

As per the engineer's comments at the beginning of this table.

Refer to responses at the beginning of this table.

4. PROPOSAL

4.1. OVERVIEW

The existing consent permits a maximum enrolment capacity of 850 students. The College is currently operating above this cap, with approximately 1,040 student enrolments. It is therefore proposed to increase the enrolment capacity to 1,100 students to meet the needs of the locality.

No physical works are required.

4.2. PROPOSED CONDITION

Planning Circular

As recognised in Planning Circular (PS 17-004) released in September 2017 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 Mater Maria Catholic 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.

Proposed Condition

Considering the above Planning Circular, it is proposed to use a flexible condition for enrolment capacity.

Our assessment is based on 1,100, however, has not tested the environmental student limit. As such, it is proposed to use a combination – numerical cap for 1,100 students, and further studies required beyond this.

Approved cap condition

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. If the number of students increases beyond 1,100 then the school must also submit 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 A 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.

5. STATUTORY CONTEXT

5.1. STATE ENVIRONMENTAL PLANNING POLICY (EDUCATIONAL **ESTABLISHMENTS AND CHILD CARE FACILITIES)**

State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017 (ESEPP) seeks to facilitate the delivery of new and improved education facilities by streamlining approval processes across NSW. Part 5 of the SEPP seeks to simplify planning approval pathways for schools by enabling development for the purpose of a school to be carried out by any person with development consent on land in a prescribed zone (Clause 35).

The ESEPP enables a range of development types to be carried out as exempt, complying, or development without consent for the purpose of a school. Some of the works identified in the school's master plan fall within the exempt or development without consent provisions under the Education SEPP. However, the works the subject of this development application require development consent from Council.

SP2 (Educational Establishment) is a prescribed zone for the purposes of the ESEPP (Clause 33) and development for the purpose of a school is, therefore, permissible on the site with consent.

Clause 57 – Traffic Generating Development

Clause 57 stipulates that development for the purposes of an 'educational establishment' that will accommodate 50 of more students and will involve the development of a new premises on a site that has direct vehicular and pedestrian access to a road will be referred to the RMS. A referral to the RMS will be made during the assessment of the development application.

5.2. PITTWATER LOCAL ENVIRONMENTAL PLAN 2014

Pittwater Local Environmental Plan 2014 (the LEP) is the primary environmental planning instrument applying to the site and the proposed development.

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.

The proposal seeks to increase the student capacity of the College. There are no changes to the existing land use on the site.

As the proposal does not include any physical works, there are no other relevant LEP provisions.

5.3. PITTWATER DEVELOPMENT CONTROL PLAN 2014

Pittwater Development Control Plan (the DCP) provides detailed planning controls relevant to the site and the proposal. An assessment against the relevant controls is provided in the table below, demonstrating that the proposal complies with the DCP.

Table 2 DCP Compliance

Control	Provision/Objective	Comment	Consistency			
PART A SHAPING DEVELOPMENT IN PITTWATER						
A4.16 Warriewood Valley Locality	Warriewood Valley Release Area continues to be developed as a desirable urban community in accordance with the adopted planning strategy for the area and will include a mix of low to medium density housing, industrial/commercial development, open space and community services.	The proposal will support the growing population of the Warriewood Valley Locality. Providing more local enrolment places in an established school close to residents will contribute a desirable urban community.	Yes			

Control	Provision/Objective	Comment	Consistency			
PART B GENEI	ART B GENERAL CONTROLS					
B6 Access and						
B6.3 Off- Street vehicle Parking Requirements	There are no car parking rates identified within the DCP for educational land uses.	As demonstrated in the TIA (Appendix A), the proposal is not anticipated to have any significant impacts on the local road network	Yes			
B6.7 Transport and Traffic Management	A statement is required demonstrating that the proposed development can be provided with adequate transport and will not cause any adverse or unsafe traffic management issues.	and the Green Travel Plan (Appendix B) offers the opportunity to address long- standing issues often associated with secondary schools by reducing congestion, reducing cars parking in surrounding residential streets, reducing local pollution, and importantly increasing physical activity in students.				

6. **SECTION 4.15 ASSESSMENT**

6.1. LIKELY IMPACTS OF THE PROPOSAL

6.1.1 Traffic and Parking

The College currently has a larger reliance on private vehicles than the average secondary school, with a student demand for over 40 spaces in the three tested scenarios (approved, current, and proposed). The proposed Green Travel Plan prepared by (Appendix B) will address this long-standing issue, with strategies to encourage sustainable travel across the school community and a focus on reducing student parking demand.

The two key intersections used to access the school on Casuarina Drive have the same level of service (A & 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.

A drop-off / pick-up management plan is provided to address safety and operational issues, which is to be adopted by the school during morning and afternoon drop-off/pick-up periods.

A TIA has been prepared by Urbis is submitted with this application (Appendix A) which demonstrates that the proposal will not have any significant impacts on the local road network. The Green Travel Plan approach offers the opportunity to address long-standing issues often associated with secondary schools by reducing congestion, reducing cars parking in surrounding residential streets, reducing local pollution, and importantly increasing physical activity in students.

6.1.2 Bushfire

Parts of the site are identified as Vegetation Category 1 and Vegetation Buffer on the Bushfire Prone Land Map. Section 100B of the Rural Fires Act identifies that the use of the site as an educational establishment is considered a Special Fire Protection Purpose and the application must be considered under Section 4.46 of the EP&A Act by the NSW RFS for a Bushfire Safety Authority.

Council have identified in pre-lodgement discussions that the proposal will require an updated evacuation plan demonstrating that the school can control egress from the site through the Garden Street or Macpherson Street. The current Bushfire Report for the school is also enclosed in Appendix C. This will be included as an operational condition of the future consent and does not require formal assessment as part of this application.

6.2. SUITABILITY OF THE SITE

The site is well established as an educational facility, and the proposal will increase the number of enrolment opportunities for the local Warriewood Community. The site is considered highly suitable for the proposed development.

6.3. SUBMISSIONS

It is acknowledged that submissions arising from the public notification of this application will need to be assessed by Council.

6.4. **PUBLIC INTEREST**

The proposed development is considered in the public interest for the following reasons:

- It complies with the relevant State and local planning controls.
- No adverse environmental, social or economic impacts will result I.
- It will provide result in positive impacts for both the school community and wider locality, with the provision of increased student capacity in an established local school within an urban release area that is experiencing an ongoing population increase.

7. CONCLUSION

The proposal has been assessed in accordance with section 4.15 of the EP&A Act and is considered appropriate for the site and the locality:

- The proposal satisfies the applicable planning controls and policies.
- The proposal will not result in any adverse environmental impacts: it has been demonstrated that the proposed additional enrolments are unlikely to have any adverse impacts on the existing operations of key intersections and parking demand will be addressed through a Green Travel Plan.
- The increased student capacity is an expected update arising from the 17 years that have passed from when the original DA was approved and ties in with the recently approved modification to upgrade school facilities to meet the current needs of the community.
- The proposal will result in positive impacts for both the school community and wider locality, with the provision of increased student capacity in an established local school within an urban release area that is experiencing an ongoing population increase.
- The site is well established as an educational facility, and the proposal will increase the number of enrolment opportunities for the local Warriewood Community. The site is considered highly suitable for the proposed development.

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

DISCLAIMER

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APPENDIX A TRAFFIC IMPACT ASSESSMENT

APPENDIX B GREEN TRAVEL PLAN

APPENDIX B

APPENDIX C BUSHFIRE REPORT

APPENDIX D ACCESS REPORT

APPENDIX E BCA REPORT

