

# **DA-144/2012 ASSESSMENT REPORT**

## **SITE & LOCALITY DESCRIPTION**

The subject site is known as No. 98 Johnston Road, Bass Hill and is zoned 2(a) – Residential A. The site has an area of approximately 3.3 hectares (32,998m<sup>2</sup>), and a frontage of 100m to Johnston Road.

The site is vacant, except for some minor structures located in its south-eastern corner. These structures had previously been used in association with the Bass High agriculture plot, and would be demolished as part of the proposed development.

The site is located adjacent to the existing Bass High School, with which it shares its eastern boundary. Residential dwellings are located immediately to the west of the site. Access to the site is from the south off Johnston Road.

A retail plant nursery adjoins the site to the north, and currently occupies a portion of the site known as Lot 1 in DP 117245, which is a lease lot that does not form part of this application. The location of the site is illustrated in the aerial photo below.



## **PROPOSED DEVELOPMENT**

The Development Application proposes the construction of a new primary and secondary school, and involves:

- 6 single-storey buildings, arranged around a central play area;
- 10 classrooms, which would accommodate up to 9 students each;
- An administration building, library, multi-purpose hall, and hydrotherapy pool;
- A 32-space carparking area, incorporating a pick-up and set-down area, accessed by a single driveway to Johnston Road;
- Demolition of existing sheds and site remediation works; and
- Removal of 14 trees (11 on site and 3 in Council's road reserve).

The school is proposed to operate Monday to Friday between 7.30am – 6.00pm.

For 30 days a year the hydrotherapy pool and hall are proposed to operate for extended hours, to midnight Monday to Saturday and to 10.00pm on Sunday. This is to accommodate requests from community groups and other Schools for Specific Purposes that do not have these facilities, which may use them out of hours if necessary. It is also to enable school performance nights, school presentation nights, or parent-teacher nights that are likely to be held in the proposed school hall.

## **SECTION 79C ASSESSMENT**

The proposed development has been assessed pursuant to section 79C of the *Environmental Planning and Assessment Act, 1979*.

### **Environmental planning instruments [section 79C(1)(a)(i)]**

#### **State Environmental Planning Policy No. 55 – Remediation of Land**

SEPP No. 55 requires Council to consider whether the development site is contaminated and, if it is, whether it is suitable for the proposed development either in its contaminated state or following remediation works.

A Qualitative Risk Assessment and Remedial Options Report has been submitted by the applicant, which includes a review of previous Environmental Site Assessments undertaken in 1999, 2002 and 2003. The report concludes that the site is considered suitable for the proposed school use, subject to remediation or management of some asbestos containing materials (ACM) in the form of fibre cement sheeting located in some fill material on the site. The recommended remediation options involve either removing the affected fill material, or 'capping' the material with a barrier or cover.

Council's Environmental Projects Officer has reviewed the applicant's investigations and the recommended remedial options, and advises they are satisfactory subject to certain conditions, including the need for a Remedial Action Plan and Validation Report.

State Environmental Planning Policy (Infrastructure) 2009

*Part 3 – Division 3 – Educational establishments*

Clause 32 of the ISEPP states that a consent authority must take into consideration all relevant standards contained in the State government's 'School Facilities Standards' before determining a development application for the purposes of a school.

The proposed school has had regard to the School Facilities Standards with respect to its design and layout, and it is considered that the requirements of Clause 32 have been met.

*Part 3 – Division 17 – Roads and traffic*

Clause 104 of the ISEPP requires that 'traffic generating developments' be referred to Roads and Maritime Services (formerly the RTA) for comment. The proposed development seeks approval for a school with more than 50 students, and therefore qualifies as a 'traffic generating development'.

Roads and Maritime Services (RMS) were invited to comment on the proposal. While RMS raised no objection, it was requested that an Operational Traffic Management Plan (OTMP) and Pedestrian Management Plan (PMP) be submitted to Council for approval. The primary concern with respect to traffic is the management of the pick-up and drop-off times for students, and ensuring that there is no queuing of vehicles on Johnston Road.

The details submitted by the applicant examine the likely vehicle occupancy and estimates that 50 vehicles would be utilised in student movements to and from the site (i.e. 50 in the morning, and then 50 again in the afternoon). The anticipated mode of transport for students comprises 16 mini-buses, 29 taxis, and 5 private vehicles.

The applicant proposes to split the pick-up and drop-off of students into 4 x 15-minute intervals. An equal number of parents/drivers would be allocated one of these intervals, and accordingly there would be a maximum of 13 vehicles at the site at any one time. The site is capable of accommodating up to 20 vehicles in the designated set-down area and driveway.

The proposed pick-up and drop-off arrangements, and the OTMP and PMP, have been assessed and supported by Council's Traffic Engineers. The balance of the requirements outlined in RMS' correspondence have been included at Attachment 'B' as recommended conditions of consent.

### Bankstown Local Environmental Plan 2001

The following clauses of the Bankstown Local Environmental Plan 2001 (BLEP 2001) were taken into consideration:

#### *Clause 2 Objectives of this Plan*

- The relevant objectives of the Bankstown Local Environmental Plan 2001 are:
  - (a) *to regulate development in accordance with the following principles:*
    - (i) *new buildings should be designed to achieve:*
      - (A) *good urban design, and*
      - (B) *public and private safety, and*
      - (C) *energy and resource efficiency, and*
    - (ii) *remnant bushland, natural watercourses and threatened species should be protected, and*
    - (iii) *intensive trip generating activities should be concentrated in locations most accessible to rail transport, and*
    - (iv) *new development should not diminish the role of the Bankstown central business district (CBD) as a sub-regional centre, and*
    - (v) *new development in or affecting residential areas should be compatible with the prevailing suburban character and amenity of the locality of the development site.*

The proposed development is not inconsistent with these objectives. The matters raised in each are discussed in more detail at various sections of this report.

#### *Clause 11 Development which is allowed or prohibited within a zone*

- The site is located in Zone 2(a) – Residential A, which permits development for the purposes of 'educational establishments'.

An 'educational establishment' is defined by the LEP as '*a building or place used for education (including teaching) and includes a tertiary institution, including a university... whether or not accommodation for staff or students is provided there and whether or not it is used for the purpose of gain*'. The proposed development falls within this definition and is therefore permitted at the subject site.

*Clause 16 General objectives of these special provisions;*

*Clause 17 General environmental considerations;*

*Clause 19 Ecologically sustainable development; and*

*Clause 20 Trees*

- Council's Development Engineer has reviewed the proposed stormwater concept and advises that it is satisfactory, subject to conditions contained in Attachment 'B'.

- The development application proposes to remove 14 existing trees (11 from within the development site and 3 from Council's road reserve). The proposed tree removal was supported by an Arboricultural Assessment Tree Report, which was assessed by Council's Tree Management Officer. No objection was raised to the proposed tree removal, subject to inclusion of locally endemic tree species in the approved landscape plan.

*Clause 24 Airports*

- The obstacle limitation surface plan prepared by Bankstown Airport Limited prescribes a maximum building height at the subject site of 15.24m. The proposed development would not exceed this maximum height.

*Clause 30 Floor space ratios*

- The BLEP 2001 Floor Space Ratio Map prescribes a maximum floor space ratio of 0.5:1 at the subject site. The proposed floor space ratio (2,620m<sup>2</sup> gross floor area / 27,754m<sup>2</sup> site area) is approximately 0.1:1 and complies.

*Clause 44 Objectives of the residential zones*

- The relevant objectives of the 2(a) – Residential A zone are:
  - *To compliment the single dwelling suburban character of the residential areas of Bankstown City, and*
  - *To ensure sites are of sufficient size to provide for buildings, vehicular and pedestrian access, landscaping and retention of natural topographic features, and*
  - *To ensure that development is of a height and scale which complements existing buildings and streetscapes (noting that 2 storey dwellings may occur throughout residential areas), and*
  - *To allow for some non-residential use that would not adversely affect the living environment or amenity of the area, and*
  - *To encourage energy efficiency and resource conservation measures in the design, construction and occupation of buildings permitted in the zone, and*
  - *To require satisfactory drainage, and*
  - *To require landscaping of development sites.*

The proposed development satisfies these objectives. The proposed school is of an appropriate scale for its context, and relevant environmental matters have been satisfactorily addressed.

#### *Clause 45 General restrictions on development*

- Consent may only be granted for a building in the 2(a) – Residential A zone if it would be compatible with the character and amenity of existing and likely future buildings on adjoining land in terms of its scale, bulk, design, height, siting and landscaping; its operation; traffic generation and carparking; noise, dust, light and odour nuisance; privacy; stormwater drainage; hours of operation; and overshadowing.

The development application is satisfactory with regard to each of these amenity considerations. The proposed school would not have any unreasonable impacts on the amenity of the neighbouring dwellings or the adjoining Bass High School.

#### **Draft environmental planning instruments [section 79C(1)(a)(ii)]**

There are no draft environmental planning instruments applicable to the proposed development.

#### **Development control plans [section 79C(1)(a)(iii)]**

The Bankstown Development Control Plan 2005 (BDCP 2005) supports the BLEP 2001 by providing additional objectives and development controls. Part D11 of the BDCP 2005 applies to the design and function of schools. The following table provides a summary of the development application against the relevant numerical controls.

STANDARD	PROPOSED	BDCP 2005 PART D11		LEP 2001 COMPLIANCE
		REQUIRED	COMPLIANCE	
Floor space ratio	0.1:1	Max. 0.5:1	Yes	Yes
Allotment width	100m	Min. 40m	Yes	N/A
<b>Primary class size</b>	Approx. 10m <sup>2</sup> per student	Max. 3.8m <sup>2</sup> per student	<b>No</b>	N/A
<b>Secondary class size</b>	Approx. 10m <sup>2</sup> per student	Max. 5.6m <sup>2</sup> per student	<b>No</b>	N/A
<b>Building length</b>	Max. 45.5m	Max. 45m	<b>No</b>	N/A
Building height	Max. 9m (average is between 4m and 6m)	Max. 12m	Yes	N/A
Floor-to-floor height	2.7m	Max. 3.3m	Yes	N/A

STANDARD	PROPOSED	BDCP 2005 PART D11		LEP 2001 COMPLIANCE
		REQUIRED	COMPLIANCE	
Front setback	82.8m	Min. 9m	Yes	N/A
Side setback	10.7m	Min. 5m	Yes	N/A
Deep soil zones	35.8m at front and 10.7m side	Min. 9m at front and 5m in side setbacks	Yes	N/A
Free play area	61m <sup>2</sup> per student	Min. 12m <sup>2</sup> per student	Yes	N/A
Car parking	32 spaces	Min. 28 spaces (1 per staff)	Yes	N/A
Acoustic privacy	Acoustic report submitted which concludes that these levels can be met subject to certain noise attenuation measures	Ambient noise levels at the boundary must not be exceeded by more than 5dB(A) for air conditioning and mechanical plant and 10dB(A) for children at play	Yes	N/A
Acoustic wall height	Noise barrier of 2m height recommended in the acoustic report	Max. height for a noise attenuation wall on a boundary is 2m	Yes	N/A

### Class sizes

The DCP states that the gross floor area of classrooms must not exceed 3.8m<sup>2</sup> per primary school student and 5.6m<sup>2</sup> per secondary school student.

The proposed classrooms are designed to provide about 10m<sup>2</sup> per student and do not comply with the maximum area permitted by the DCP. However the proposed development is not for the purposes of a mainstream school. It is a purpose-built school for students with special needs, and accordingly follows a design brief specific to that use. The applicant has provided the following commentary on the methodology that has been used in the design of the proposed classrooms:

*“Classroom area (‘Home Base Unit’) is the same for all classrooms in Schools for Special Purposes. Each classroom has one teacher and one School Learning Support Officer and the number of students in the class is determined by the staffing formula. The staffing formula for classes in special need schools recognises the additional needs some students have and is based upon a Factor of Need (FoN) for each student. The notional class size of a special school is 1 x teacher and 1 x School Learning Support Officer for a total factor of 10.*

*George Bass School (the proposed school) is for students with moderate to severe intellectual and physical disabilities, and:*

- *Students with a moderate intellectual disability are deemed to have a factor of need of 1.111, which leads to a teacher:student ratio of 1:9.*
- *Students with a severe intellectual disability are deemed to have a factor of need of 1.666, which leads to a teacher:student ratio of 1:6.*
- *Vision and hearing classes have 1 x teacher and 1 x School Learning and Support Officer for every 6 students.*

The design of the proposed classrooms follows a specific formula, to ensure that learning spaces are appropriately sized and provide all necessary amenities. Moreover, the DCP is geared toward mainstream schools, and does not contemplate a school designed for specific purposes. Accordingly, strict application of the DCP classroom rates would be unreasonable and a variation in this case is warranted.

### **Building length**

The maximum building length allowed under the DCP is 45 metres. Proposed 'Block C' has a length of 45.5 metres and fails to comply with this numerical standard. The proposed variation is minor (500mm) and relates to a single-storey, articulated building facade that is setback 19.6 metres from the side boundary. The proposed building length is worthy of support.

### **Planning agreements [section 79C(1)(a)(iia)]**

There are no planning agreements applicable to the proposed development.

### **The regulations [section 79C(1)(a)(iv)]**

The proposed development is not inconsistent with the relevant provisions of the Environmental Planning and Assessment Regulation, 2000.

### **The likely impacts of the development [section 79C(1)(b)]**

The proposed development would not have any unacceptable environmental, social, or economic impacts on the locality. Matters concerning noise generation, tree removal, stormwater management and site remediation will be appropriately managed, and the proposed buildings are located toward the centre of the site to mitigate potential impacts to neighbouring properties.

### **Suitability of the site [section 79C(1)(c)]**

The site is suitable for the proposed development. 'Educational establishments' are a permitted land use under the BLEP 2001, access and parking facilities have been appropriately arranged, and the scale and nature of the proposed development is compatible with neighbouring land uses, including the adjacent Bass High School.



**Submissions [section 79C(1)(d)]**

The application was advertised for a period of 21 days. No objections were received during this period.

**The public interest [section 79C(1)(e)]**

It is considered that the proposed development would not contravene the public interest.

**CONCLUSION**

The Development Application has been assessed in accordance with the provisions of Section 79C of the *Environmental Planning and Assessment Act 1979* requiring, amongst other things, an assessment against the provisions contained within *Bankstown Local Environmental Plan 2001* and *Bankstown Development Control Plan 2005*.

The proposal is within the zoning framework for the site and is satisfactory with regard to the development controls that apply to new schools. The proposed variations concerning classroom sizes and building length are worthy of support having regard to the proposed site layout and the specific needs of students intended to be catered for.

The proposed development has been designed to minimise the potential impacts on neighbouring land uses, and no submissions were received in response to the public notification.