

JOINT REGIONAL PLANNING PANEL (Sydney East Region)

JRPP No	2014SYE082
DA Number	DA-2015/4
Local Government Area	ROCKDALE
Proposed Development	Demolition of existing structures and the construction of an educational establishment for special needs students (Cainsfoot School) comprising seven detached buildings, swimming pool, play areas, boundary fencing and associated car park and lot consolidation.
Street Address	50A Francis Avenue, BRIGHTON LE SANDS
Applicant/Owner	The Department of Education and Communities (DEC)
Number of Submissions	Nine (9)
Regional Development Criteria (Schedule 4A of the Act)	Development with a CIV over \$5 million which is council related, lodged by or on behalf of the Crown (State of NSW), private infrastructure and community facilities or eco-tourist facilities.
List of All Relevant s79C(1)(a) Matters	<p>Relevant environmental planning instruments: s79C(1)(a)(i)</p> <ul style="list-style-type: none"> State Environmental Planning Policy (Infrastructure) 2007 (ISEPP) State Environmental Planning Policy (State and Regional Development) 2011 Rockdale Local Environmental Plan 2011 (RLEP 2011) <p>There is no relevant proposed instrument that is or has been the subject of public consultation under the Act and that has been notified to the consent authority: s79C(1)(a)(ii)</p> <p>Relevant development control plan: s79C(1)(a)(iii)</p> <ul style="list-style-type: none"> Development Control Plan 2011 (DCP 2011) <p>There is no relevant planning agreement that has been entered into under section 93F, or any draft planning agreement that a developer has offered to enter into under section 93F: s79C(1)(a)(iv)</p> <p>There is no relevant coastal zone management plan: s79C(1)(a)(v)</p>

	The relevant matters prescribed by the Regulations which are applicable to this matter are contained in Clause 226. The application is a Crown application: Regulations s79C(1)(a)(iv).
List all documents submitted with this report for the panel's consideration	<ul style="list-style-type: none"> • Survey Plan prepared by Vince Morgan (surveyors) Pty Ltd; • Architectural Plans, including shadow diagrams, signage details and sample board prepared by NBRS Architects; • Landscape Plan prepared by NBRS Architects; • Engineering details including Stormwater Design, Internal Road Design, Roof Water Design and Retaining Walls Design all prepared by Woods Grieve Pty Ltd; and • Statement of Environmental Effects, prepared by Chris Young Planning.
Recommendation	Approval
Report by	Leonie Derwent (GAT and Associates)

Precis

The proposal is for demolition of all existing structures and the construction of an educational establishment for special needs students (Cainsfoot School) comprising seven detached buildings, swimming pool, play areas, boundary fencing and associated car park and lot consolidation. The Cainsfoot School is currently located in Turrella and provides education to children with special needs, including mental and physical impairment and is an important sub-regional facility. The school is one of three within the Sydney Region.

The existing school community has consistently raised issues about the current school having multiple levels that are unsuitable for wheelchairs. The existing school site needs to be upgraded however there are a number of constraints which will restrict the expansion and/or redevelopment of the school including the presence of a heritage item in the middle of the site and the slope of the land. For several years the Department of Education and Communities has been investigating more suitable sites and the subject site has been chosen as the most suitable for the school's relocation. This proposal will therefore facilitate the school's relocation to a more suitable site.

Under Clause 226 of the Environmental Planning and Assessment Regulation 2000 the application is Crown Development. The applicant is identified as a prescribed person under Division 4 Clauses 88, 89 and 89A of the Environmental Planning and Assessment Act, 1979.

The land is zoned SP2 Special Uses under the Amendment No. 4 (dated 31 August 2013) to the Rockdale Local Environmental Plan 2011 (RLEP 2011). The proposal is defined as an *educational establishment* and is permissible with development consent. There are no controls which relate to the maximum height of a building or Floor Space Ratio (FSR) for this site.

The proposal complies with requirements in Rockdale Local Environmental Plan 2011 (RLEP 2011) and generally complies with the controls in DCP 2011.

The following documentation forms part of the Development Application (DA) -

- Survey Plan prepared by Vince Morgan (surveyors) Pty Ltd;
- Architectural Plans prepared by NBRS + Partners;
- Landscape Plan prepared by NBRS + Partners;
- Stormwater Concept Plans, Road Layout details, Roof water details and retaining wall details prepared by Wood & Grieve Engineers;
- Acoustic DA Acoustic Assessment prepared by Acoustic Logic;
- Stage 1 Preliminary Contamination Investigation incorporating information on geology, hydrogeology and acid sulphate soils information prepared by NSW Public Works – Project Management;
- BCA Capability Statement prepared by NBRS + Partners;
- Traffic and Parking Impact Assessment prepared by Varga Traffic Engineers;
- Arborist Report prepared by Matrix Landscapes;
- Pre DA meeting notes 15 July 2013;
- Waste Management and Minimisation Plan prepared by NBRS+ Partners;

The proposal has a Capital Investment Value (CIV) greater than \$5 million which is council related, lodged by or on behalf of the Crown (State of NSW), private infrastructure and community facilities or eco-tourist facilities.

Officer Recommendation

1. That development application DA-2015/4 for the demolition of existing structures and the construction of an educational establishment for special needs students (Cainsfoot School) comprising seven detached buildings, swimming pool, play areas, boundary fencing and associated car park and lot consolidation be APPROVED subject to the conditions attached to this report.

Report Background

PROPOSAL

The site was originally one of 15 sites which were examined by the Department of Education and Communities (DEC) as a possible new site for the Cainsfoot School. A Planning Proposal was prepared to facilitate the relocation of the school to a more suitable site and details of the sites which were considered, alternative site investigations and decisions are contained within a report to Council dated 15 May 2013 (Ref ORD11).

The DEC has appointed NBRS + Partners as Architectural Head Design Consultant Services to coordinate delivery of design works for the relocation of school from Turrella to Francis Avenue, Brighton Le Sands.

The proposal was originally presented to Council as a Pre DA application on 15 July 2013. At this time the Planning Proposal was with the Department of Planning to rezone the land from RE1 Public Recreational and RE2 Private Recreation to SP2 Infrastructure. The proposal was generally supported however there were issues raised which needed to be addressed as part of the DA submission. These issues included attention to the stormwater,

flooding, levels, design of each building out of the ground, cut and fill, traffic and parking and treatment of the school at its boundaries.

The DA was lodged on the 2 July, 2014. On the 4 August additional information was requested from the applicant and by letter dated 19 September 2014 the applicant's planner, Mr Chris Young provided a response to the several issues including clarification on traffic, landscaping location and species proposed, reason for the proposed height of the canopy, acoustic issues, details of afterhours use, acid sulphate soils, lighting details, tree removals, kiosk location, flooding and stormwater management.

The proposal is for the redevelopment of land located at 50A Francis Avenue, Brighton Le sands as a Special Needs School as follows:

Demolition

Demolition of all structures on including site works.

New Buildings and Structures

The proposed development comprises seven (7) detached buildings and facilities and includes:

- 17 home-bases (classrooms), with associated storage and break out spaces
- Library
- Special programs space
- Multipurpose space
- Covered outdoor learning area (COLA)
- Indoor Heated pool
- Administration and Staff Areas
- Assembly Court
- Storage
- Access Driveway and Parking incorporating student drop off facilities and a porte cochere for disabled students
- Connection to services
- Ancillary works such as fencing, signage, air conditioning, outdoor seating, covered climbing play area, (relocated from the existing site) and landscaped areas.

Lot Consolidation

The proposal includes the consolidation of all of the existing lots. The use of the car park and pedestrian access way (existing single width exit driveway) by the Rugby Club, authorised Council employees and third party users for access from Francis Avenue through to the CA Redmond Field must be provided on title. A condition of consent will apply.

Parking and Service and Loading Facilities

The proposal will provide for vehicular and pedestrian access from Francis Avenue via the existing entrance/exit which is opposite Henson Street. This driveway will serve as the sole vehicular access point into the school car park. 40 cars will be accommodated onsite. A drop off system has been designed for within the site which will utilise an arrival/waiting area/pick up area and porte cochere (portico like structure at the main entrance). The porte cochere will particularly meet the needs of children in wheelchairs. The existing 'exit only' driveway, which is located on the southern boundary of the site, will become a pedestrian only access way. This will provide pedestrian access from Francis Avenue through to the CA Redmond sports field at the rear of the site. A traffic and parking assessment report prepared by Varga Traffic Planning Pty Ltd forms part of the development application. The report states that the proposal will meet parking demands for the proposed development and that the internal roadway and drop-off/pick-up area have been designed to accommodate large passenger

vehicles as specified in AS2890.1, allowing them to enter and exit the site in a forward direction, and negotiate the internal round about without difficulty.

Tree Removal and Landscaped Areas

An arborist's report prepared by Landscape Matrix Pty Ltd forms part of the development application. An assessment has been made of 35 trees which are on the subject site or the immediately adjoining site. 18 of these trees are proposed to be removed. Five (5) of the 18 trees have been assessed as being of high landscape value and will be removed as a result of the proposed development. In view that these trees will be compensated for in the final design, there has been no objections raised to the loss of these trees from the site.

The proposed scheme has been designed to create a direct flow between the home bases (classrooms) and the outdoor spaces on the site. The natural features in the North Eastern corner of the site will be retained to reinforce the natural buffer in this corner, to provide shade to the playground and to provide spatial separation between the school and the adjacent dwellings. The design aims to create attractive, functional and educational landscapes, provide comfort to users by providing climate control to the built environment, create a positive connection with the wider community and to provide spatial definition within the site. Detailed Landscape Plans prepared by NBRS + Partners forms part of the development application. In addition, a Landscape Design Statement forms part of the development application and this is contained within Section 3.2 of the SEE prepared by Chris Young Planning Pty Ltd.

Signage

School signage will be provided at the front of the site. Other signs, such as directional signage will be provided within the site as required. Signage is shown on plans numbered DA106 and DA107.

Site Layout and Façade Treatments

The school has been designed to meet the special needs of the children who will attend the school. The junior and senior areas have been separated onto different areas on the site. The design has allowed for ample separation between the school buildings and the closest residential neighbours. An existing exit only driveway will be removed from the southern boundary, adjacent to residential neighbours, and all vehicular access will be consolidated into the driveway which is located further to the north, opposite Henson Road.

The school buildings themselves are single storey and will be set amongst a landscaped setting. The larger buildings and structures (library, pool and COLA) are larger in scale than the 17 classroom buildings to reflect their functional requirements and sense of place within the hierarchy of school buildings. These buildings, along with the administrative functions of the school, will be located in the centre of the site.

The elevations are provided on plans numbered DA106 and DA107 and a sample board of external colours and finishes is provided on plan numbered DA108.

Operating Hours, Staff Numbers, Pupil numbers

The school will accommodate 108 children and a maximum 50 staff (both full time and part time staff).

The school will operate during the school terms with students in attendance from 8.30am until 3pm. Vehicle arrival times are from 8.20am – 9.00am and from 2.45pm – 3.30pm. The vehicles will enter the school from the new driveway on Francis Street.

During the school day, recess is from 10.30 – 11am (seniors) and 11 – 11.30am (juniors). Lunch will be 12.10 – 1.00pm (seniors) and 1.10pm – 2.00pm (juniors).

Teachers and other staff will be onsite from 8am until 6pm (generally from 8.15am until 4pm).

EXISTING AND SURROUNDING DEVELOPMENT

The site is a large parcel of land which consists of six (6) allotments (in whole or part). The site has an area of 14,800 m² although it only has two (2) narrow street frontages to Francis Avenue which consist of the width of the existing driveways into the site. The majority of the site is set back behind the row of 10 residential properties which have frontages onto Francis Street. This is shown on the site analysis plan numbered DA100.

The largest part of the subject site is developed as (disused) bowling greens and associated buildings. There are existing trees and vegetation on the site. The northern part of the site is parkland and this area has a number of medium to large trees scattered across the area.

The surrounding land uses are predominately residential with open space adjoining the site on its northern, western and southern sides. To the north of the site is White Creek Reserve and a row of residential properties which line the western side of Francis Street. To west and south of the site is the CA Redmond Sporting field and residential properties which address Francis Avenue. To the east, on the opposite side of Francis Avenue are residential uses. Reference can be made to the site analysis plan numbered DA100.

PLANNING CONSIDERATION

The proposed development has been assessed under the provisions of the Environmental and Planning Assessment Act, 1979. The matters below are those requiring the consideration of the Joint Regional Planning Panel.

Section 91A – Development that is Integrated Development

The proposed development is Integrated Development. The Department of Primary Industries ,Office of Water (NOW) was advised of the development application with respect to the dewatering of the site for the purposes of construction. By letter dated 21 July 2014 NOW advised that:

- Based upon the provided, NOW understands that the site may contain actual or potential acid sulphate soils but it is unlikely that the site is substantially contaminated.
- The proposed school facility is to be constructed using methods which will minimise the disturbance of the soil.
- Insufficient information was provided in regard to the dewatering of the site. Unless it can be demonstrated that the pool construction will not require dewatering of 3 megalitres or more, the dewatering would be deemed to be an aquifer interference activity. It would be expected that the excavation and construction at the property will be conducted in accordance with the principles of the *Aquifer Interference Policy*.

- An authorisation for the take of groundwater as part of the anticipated dewatering of the site is required. As such, General terms of Approval appropriate to the proposed aquifer interference activity have been provided.

Comment: The Terms of Approval referred to above have been included in the draft approval.

Section 79C (1) Matters for Consideration - General

Provisions of Environmental Planning Instruments (S.79C (1)(a)(i))

State Environmental Planning Policy No 55 – Contaminated Land (SEPP 55)

The site has been identified as being contaminated. As part of the development application a Stage 1 Preliminary Contamination Investigation was carried out as detailed in the report prepared by NSW Public Works – Project Management. Further information was presented in a Remedial Action Plan provided by SMEC Testing Services Pty Ltd dated February 2014. Council's Environmental Health Officer has reviewed the RAP and has no objections to the issue of a development consent subject to conditions of consent. Accordingly the provisions of SEPP55 are considered to have been met.

State Environmental Planning Policy (Infrastructure) 2007 (ISEPP)

The application does not fall into either the exempt or complying categories under ISEPP.

Due to the number of children who will be accommodated at the school (108 - more than 50 pupils), the application requires referral to the Roads Maritime Services (RMS).

The RMS have advised that they have no objections to the proposal subject to the works being clear of the M5 corridor which runs along the western boundary line of the site.

Comment: The proposed works are wholly within the subject site.

State Environmental Planning Policy (State and Regional Development) 2011

The proposed development is a regional development as it involves a Development Application which is lodged on or behalf of the Crown (State of NSW) and which has a CIV greater than \$5 million and is accordingly referred to the Sydney East Joint Regional Planning Panel (JRPP) for determination.

Rockdale Local Environmental Plan 2011 (RLEP 2011)

The site is zoned SP2 Infrastructure under the provisions of RLEP 2011 (Amendment 4). Development for the purpose of a special needs school is permissible with consent. The proposal is consistent with the objectives of the zone. The relevant clauses that apply to the proposal are below.

Clause 2.2 – Zoning of land to which plan applies

The SP2 Infrastructure zoning of the land allows for the development of the land for infrastructure and related uses. The zoning map identifies the site as a 'school', therefore the proposal is satisfactory in terms of use. A school is defined as:

‘school means a government school or non-government school within the meaning of the Education Act 1990.’

Clause 5.9 – Preservation of trees and vegetation

The proposal involves the removal of 13 of the existing 35 trees which are on the site in order to accommodate the development. An Arboricultural Impact Report prepared by Landscape Matrix Pty Ltd was submitted as part of the development application. The report has been prepared in respect of the trees that are potentially affected by the proposed redevelopment of the site as a school. Council's tree officer has reviewed the proposal and the Arboricultural impact Report and has raised no objection to the removal of the trees. Further, the site will be landscaped and supplemented with new trees when the building works are completed.

Clause 6.1 – Acid Sulfate Soils

The site is within an area classified as Class 3 and 4 in the acid sulfate soils map. It is predominately within a Class 4 area. A geotechnical and acid sulphate soils report forms part of the application. In regard to acid sulphate soils the conclusions of the report find that an acid sulphate soils management plan (ASSMP) will be required for construction, however the use of steel screw piles or driven piles would negate the need to prepare an ASSMP. The SEE states that this construction method has been adopted in the design. In this regard NOW has issued Terms of Approval under Section 91 the Environmental Planning and Assessment Act which have been incorporated into the draft approval.

Clause 6.2 – Earthworks

The proposal does not involve basement construction or extensive excavation however it does involve drainage and stormwater works. A stormwater management plan (SBSWP) forms part of the development application and addresses flooding issues affecting the site and stormwater runoff volumes and flow rates. By memo dated 24 November 2014 Council's engineers have reviewed the stormwater management and flood management information (as well as traffic) and have raised no objections subject to conditions of consent. Appropriate conditions of consent have been incorporated into the draft approval.

Clause 6.3 – Development in areas affected by aircraft noise

The site is located near the 20 ANEF contour for 2023/24. An acoustic report forms part of the development application and addresses this issue. A condition of consent is proposed to ensure that the recommendations of the report are incorporated into the final design. This will involve treatments for building constructions in order to comply with AS2021:2000.

Clause 6.6 – Flood Planning

The site is affected by flooding. The DA was referred to Council's engineers who have made an assessment of the SBSWMP which was prepared by Wood & Grieve Engineers and my memo dated 24 November 2014 have raised no objections subject to conditions of consent. Appropriate conditions of consent have been incorporated into the draft approval.

Clause 6.7 – Stormwater

The proposed stormwater system has been reviewed by Council's development engineers and is consistent with this clause. By memo dated 24 November 2014 the engineers have no

objection to the proposal. Appropriate conditions of consent have been incorporated into the draft approval.

Clause 6.12 – Essential Services

Services are generally available on the site and have been designed to meet the capacity of the school and facilities in the area. The applicant's Statement of Environmental Effects (SEE) has outlined that the following services will be provided:

- Hydraulic Services
- Site Services
- Sanitary Waste and Drainage
- Fire Hydrant and Hose Reel Services
- Gas Services
- Mechanical Plant Waste and Water
- Power Supply

Provisions of any proposed instrument that is or has been the subject of public consultation under this Act and that has been notified to the consent authority (S.79C(1)(a)(ii))

There are no Draft Environmental Planning Instruments applying to this proposal.

Provisions of Development Control Plans (S.79C(1)(a)(iii))

Development Control Plan 2011(DCP 2011)

The proposal has been assessed against the objectives and controls under DCP 2011 and associated documents being the Technical Specifications for Parking, Technical Specifications for Stormwater, Waste Minimisation and Management and Landscaping. The following issues are relevant to determine compliance of the proposal with the objectives of DCP 2011.

Part 4 – General Principles for Development

4.1 Site Planning

A detailed site analysis was carried out as part of the development application. It being noted that this site was zoned as SP2 under amendment 4 of the RLEP after analysis of several sites, including the subject site were undertaken.

4.1.2 Heritage Conservation

There are no heritage matters to consider in relation to this development application.

4.1.3 Water and Stormwater Management/Flood risk/Groundwater

These matters have been assessed by NOW (integrated development) and by Council's engineers and no objections have been raised which would prevent a development consent being granted. Terms of Approval as issued by NOW and appropriate conditions of consent form part of the draft approval.

4.1.4 Soil Management

The proposal does not involve extensive cut and fill of the site.

4.1.5 Contaminated Land

A geotechnical report which makes an assessment of contamination risks of this site forms part of the development application. Council's Environmental Health Officer has reviewed the development application and the Remedial Action Plan which has been provided by SMEC Testing Services Pty Ltd and has no objections to the proposal on the basis of contamination and notes the conclusion of the report as follows:

"Following completion of the activities outlined in the RAP the site will be suitable for a land use setting a preschool, primary school or secondary school".

Conditions of development consent have been included in the draft approval.

4.1.7 Tree Preservation

As discussed, the development will require the removal of several trees however these will be compensated for in the final outcome. Based upon this information, the Council's tree officer has raised no objections to the proposal.

4.1.9 Lot size and consolidation

The site will be consolidated into one allotment.

4.2 Streetscape and site context

The proposal is acceptable in regards to the streetscape of Francis Avenue with the exception of the height of the COLA which exceeds the height of all of the surrounding development, which is a maximum of two (2) stories in height. A condition of consent is recommended to reduce the height of the COLA.

4.3 Landscape Planning and Design

A landscape plan forms part of the DA and will provide landscaping of the site including the compensation of all trees to be lost as a result of the redevelopment. The existing driveway along the southern boundary of the site will be landscaped as a pedestrian only access way through the site from Francis Avenue to the CA Redmond Sporting field at the rear.

4.4 Sustainable Building Design

The proposal was accompanied by an energy and water efficiency report, including shadow diagrams. An acoustic report was also submitted.

4.5 Social Equity

The proposal will provide a number of social benefits to the wider community including a special needs school which will provide for the long term care of special needs children.

4.6 Car Parking

An independent traffic report forms part of the DA and has made an assessment of the proposal having regard to the proposed number of school pupils, the access driveway into the site, the drop off system and the capacity of the surrounding road network. It finds the proposal to be acceptable. Additional information was also sought and was provided by the applicant's planner by letter dated 19 September 2014.

Council's engineers have raised no objections to the proposal on parking or traffic grounds.

4.7 Site Facilities

Site facilities are provided for within the development and can also be accommodated within the site.

Any Planning Agreement that has been entered into under section 93F, or any draft planning agreement that the developer has offered to enter into under section 93F (S.79C(1)(a)(iia))

The proposal is not subject to a Voluntary Planning Agreement (VPA).

Provisions of Regulations (S.79C(1)(a)(iv))

Clauses 92-94 of the Regulations outline the matters to be considered in the assessment of a development application. Clause 92 requires the consent authority to consider the provisions of AS 2601:1991 - Demolition of Structures when demolition of a building is involved. In this regard a condition of consent is proposed to ensure compliance with the standard.

The Regulations requires notification to relevant authorities that may have an interest in the application. The proposal is integrated development has been notified to NOW and General Terms of Approval for Dewatering have been received. The development application has also been notified to the RMS, Sydney Water, Ausgrid, NSW Police and the recommendations provided are included in the draft Notice of Determination.

All relevant provisions of the Regulations have been considered in the assessment of this proposal.

Impact of the Development (S.79C(1)(b))

Character / Streetscape / Density / Bulk / Scale

The proposed development has been designed to take into account the existing streetscape and context of the site within this predominantly residential precinct. The siting, height, built form and design are appropriate with regard to the surrounding development and the desired future character of this precinct. The only exception to this is the height of the COLA within the centre of the site which stands at approximately 9m high. Given that the height of all other surrounding buildings is a maximum of two (2) storeys in height it is considered that the COLA should be reduced to a maximum height of 5 metres. An appropriate condition of consent has been incorporated into the draft approval.

The development is satisfactory in terms of its scale, form, materials and finishes and relationship with the adjacent residential development.

Landscape

The site will be landscaped upon completion of the building works. Detailed landscape plans form part of the development application as does a landscape design statement. The design of the buildings and layout of the development has been considered hand in hand with the landscape features of the site and the needs of the students and community expectations.

Visual Privacy

There are no issues with regard to loss of visual privacy.

Given that the site is located on the Princes Highway and within a B2 Local Centre zone and is well separated from residential development there are no visual privacy issues.

Overshadowing and Solar Access

There are no adverse impacts from overshadowing of the proposal. The buildings are generally single storey in height and the larger buildings are located away from boundaries. There is good spatial separation between the school buildings and the closet residences. Shadow diagrams have been prepared and reference should be made to plans numbered DA109 and DA110.

Safety and Security

An assessment has been made of the development in terms of Crime Prevention through Environmental Design (CPTED) and the proposal is acceptable. Refer to Section 4.16 of the applicant's SEE and to Appendix 4 of the SEE.

Traffic/Parking

The application has been accompanied by a Traffic and Parking Assessment Report which was prepared by Varga Traffic Planning Pty Ltd.

The traffic report has been reviewed and is supported. Council sought additional information in regard to the need for the use of the driveway along the southern boundary and clarification on staff numbers parking spaces which will be provided. The need for a service bay was also questioned. The applicant responded with information by letter dated 19 September 2014 as follows:

The driveway will be retained as an additional arrival point.

Comment: The driveway is not required and is located on the southern boundary adjacent to residential neighbours and is therefore more suited to use as a pedestrian access way only. It will be subject to a benefit on title in favour of members of the rugby club, authorised Council employees and third party users in order to provide safe and orderly access from Francis avenue to the open space (CA Redmond sports field) at the rear of the site.

The proposed development will have a maximum of 50 full time and part time staff. This requires 25 spaces to be provided. The actual parking requirement is likely to be 33-34 spaces based upon an occupancy of 1.2 persons per vehicle and therefore the proposal still complies. The disabled spaces comply with requirements.

The largest vehicle is likely to be an 11 seater Hiace van. The school does not require a dedicated bus. Deliveries are done outside school hours (pupil attendance hours).

Comment: The proposal is acceptable on this basis and no objections have been raised by Council's engineers. The proposal was referred to Council's Engineers who have raised no objections to the proposal on traffic grounds and have imposed appropriate conditions of development consent.

In regard to the above assessment the proposal is satisfactory in regard to traffic and parking.

Noise

An acoustic report prepared by Acoustic Logic forms part of the development application and the recommendations of the report have been included as conditions of consent.

Views and Vistas

There are no significant views or vistas to consider. The proposed development is located behind the row of residential properties which address Francis Avenue and is a low scale development consisting predominately of single storey buildings spread evenly across the site. Views through the site into the open space along the western, southern and northern boundaries will be largely retained as the buildings are predominately single storey in height and the design breaks the proposal up into several modules .

Management of Waste

Adequate waste storage has been provided onsite and conditions of consent have been included in the draft notice of approval.

Environmental Health

Council's Environmental Health Officer has reviewed the DA including the contamination report prepared by SMEC and has provided by conditions of development consent which have been included in the draft notice of approval.

After hours use by third parties

Negotiations have been ongoing between the applicant and Rockdale Council and the Rugby Club who use the CA Redmond sporting field. The negotiations stem from a desire to ensure that access from Francis Avenue to the sporting fields is maintained following the redevelopment of the site as a school. It has been agreed that a benefit in favour of the Rugby Club members, authorised Council employees and third parties be applied to the title of the land when it is consolidated into one allotment. This will ensure that outside school hours, that access is maintained to this open space. A condition of consent forms part of the draft approval.

Suitability of the Site (S.79C(1)(c))

The relevant matters pertaining to the suitability of the site for the proposed development have been considered in the assessment of the proposal. Additional conditions of consent are proposed to further minimise any impacts on neighbouring properties. There are no known major physical constraints, environmental impacts, natural hazards or exceptional circumstances that would hinder the suitability of the site for the proposed development.

Public Submissions (S.79C(1)(d))

The development application has been notified in accordance with Council's Development Control Plan 2011 and nine (9) submissions have been received. The issues which have been raised include:

50 staff are proposed but parking for only 40 vehicles with two (2) disabled spaces is provided. Concern that parking on the street will be a concern.

Comment: A traffic and parking assessment report prepared by Varga Traffic Planning Pty Ltd forms part of the development application. The analysis of the proposal by this consultant indicates that the proposal is satisfactory.

The location of the garbage storage.

Comment: The proposal includes garbage storage within the site and a waste management plan was submitted as part of the development application. Council's officer has raised no objections to the proposal.

Vision of vehicles in the driveway from Francis street, given that Francis Street is narrow and is a designated cycleway route.

Comment: No objections have been raised by Council's engineers in regard to vision from Francis Street.

The footpath is too narrow along Francis Street. Traffic implications.

Comment: No objections have been raised by Council's engineers in regard to traffic along Francis Street or to any problem associated with the narrowness of Francis Street.

What is meant by "After hour use of the school facilities"

Comment: There will be community access though the site into the CA Redmond sporting fields when the school is not in operation. A condition of consent will apply.

Loss of parklands

Comment: The north eastern corner of the site will be retained in its natural state. While part of the reserve is within the boundaries of the subject site on balance the overall needs of the community have been taken into account and a special needs school on this site is considered to outweigh the retention of the entire reserve /open space in this instance.

Residents have direct access into the park, loss of access.

Comment: There will be community access though the site into the CA Redmond sporting fields when the school is not in operation. A condition of consent will apply.

Flood risk.

Comment: The Council's engineers have raised no objections subject to conditions of consent.

Impact upon White Oak Reserve, well established trees (bushland and wetlands) and birdlife. The proposal should avoid this area. Loss of open space, which is contrary to Council's Recreation strategy.

Comment: This was considered when the site (and others) were assessed as part of the rezoning process. On balance, this site is the most suitable for the purposes of the special needs school. As part of the proposal an arborist has made an assessment of the loss of trees and examined trees for signs of wildlife and has concluded that the proposal is acceptable. The proposal includes the compensation of trees which will be lost and this will ensure the long term growth of native vegetation and support of wildlife.

Concern about contamination given previous use of the Reserve as a dump (1940's – 1950's).

Comment: the Council's Environmental Officer has made an assessment of the contamination report which forms part of the development application and has raised no objections subject to conditions of consent.

Provide future public access.

Comment: This will be provided for and a condition will apply to ensure public access out of school hours into the sporting field at the rear.

Sports field use will conflict with cars.

Comment: The negotiations which have been carried out between the rugby club, Council and the applicant will provide for the use of the carpark during rugby times. It is understood that this area is currently used by rugby players and supporters when games are on.

Public Interest (S.79C(1)(e))

The proposal has been assessed against the relevant planning policies applying to the site having regard to the objectives of the controls. As demonstrated in the assessment of the development application, the proposal will allow the development of the site in accordance with its environmental capacity and future vision for the area. In this regard the site is specifically zoned SP2 for the use of a school. Furthermore, the proposal does not create unreasonable impacts on surrounding properties. As such it is considered that the development application is in the public interest.

CONCLUSION

The proposed development has been considered under S79C(1) of the Environmental Planning and Assessment Act, 1979. The application involves the demolition of existing structures and the construction of an educational establishment for special needs students (Cainsfoot School) comprising seven detached buildings, swimming pool, play areas, boundary fencing and associated car park and lot consolidation.

The proposal is integrated development. It is consistent with the objectives of the controls under RLEP 2000, DCP 2011 and relevant state policies. As such, the application DA-2015/4 is recommended for approval.