

ITEM	40 Hector Street, CHESTER HILL NSW 2162
	Demolition and removal of various existing buildings at Salamah College, alterations and additions to existing buildings, construction of a sports centre and child care centre and an increase in staffing and student numbers to 1550
FILE	2015SYW064. DA-174/2015
ZONING	SP2 Infrastructure: Educational Establishment
DATE OF LODGEMENT	5 March 2015
APPLICANT	Hamec Australia Pty Ltd
OWNERS	Salamah College Limited
ESTIMATED VALUE	\$27,104,063
SITE AREA	64,700m²
AUTHOR	Development Services (Ian Woodward)

SUMMARY REPORT

This matter is reported to the Sydney West Joint Regional Planning Panel in accordance with the provisions of State Environmental Planning Policy (State and Regional Development) 2011, as the proposed development incorporates an educational establishment and has a capital investment value (CIV) in excess of \$5 million. The proposed development has an estimated CIV of \$27,104,063.00.

Development Application No. DA-174/2015 proposes the demolition of some existing structures currently located on site, the construction of new classroom facilities, a sports centre and a 90 place child care centre, and an increase in student numbers from the currently approved 300 to a proposed 1,550.

DA-174/2015 has been assessed against the following:

- Threatened Species Conservation Act 1995;
- State Environmental Planning Policy (State and Regional Development) 2011;
- State Environmental Planning Policy No. 55 – Remediation of Land;
- State Environmental Planning Policy (Infrastructure) 2007;
- Bankstown Local Environmental Plan, 2015;
- Bankstown Development Control Plan, 2015; and
- Bankstown Development Engineering Standards.

The application fails to comply with planning controls relating to the maximum permitted height of building controls contained in LEP 2015 and DCP 2015, and the provisions of DCP 2015 in relation to setbacks, maximum permitted building length, exceedance of the environmental capacity of the road network, and the need for a social impact assessment for school facilities.

The application was advertised and neighbour notified for a period of twenty-one (21) days from 25 March 2015 to 14 April 2015. Amended plans and documentation were received and the application renotified for a period of 14 days from 20 November 2015 to 3 December 2015. A final set of amended plans and reports were received on 12 April, 2016 and that submission is the subject of this assessment report. The application was renotified for a period of 21 days from 19 April 2016 to 3 May 2016.

In total, 19 submissions have been received from 9 different households or organisations (some households submitted responses to more than one notification period). Included in these figures, Sydney Water provided comments in relation to the application and recommended certain conditions be imposed. This submission was made as part of the notification process, as Sydney Water own land adjacent to the site.

The public submissions raise concerns relating to:

- acoustic impacts during construction and post occupation;
- the appearance and design of the proposed acoustic fence, including potential drainage issues, ongoing maintenance, and a request that the fence be made higher;
- impact of landscaping on sewer lines;
- overshadowing;
- privacy impacts;
- whether the acoustic fence will require tree pruning in the vicinity of the fence;
- a claim that the area is a residential area;
- traffic impacts generally and also the potential for a claimed existing problem with speeding vehicles to be exacerbated;
- a lack of need for additional school facilities;
- a request that easements on adjoining properties which favour the subject site be deleted; and
- whether the mosque facility on site will be open to the public and will have a “call to prayer”.

The issues raised in the public submissions will be addressed in detail in the report. However, in summary, the proposal represents the expansion of an existing educational facility on a site which has been zoned for such uses. The site is a large site and is capable of accommodating the proposed development. The likely impacts of the development have been appropriately managed and the development is recommended for approval.

POLICY IMPACT

The proposed development does not raise any policy impacts.

FINANCIAL IMPACT

The proposed development does not raise any financial impacts.

RECOMMENDATION

It is recommended that the application be approved subject to the attached conditions.

ATTACHMENTS

- A - Section 79C Assessment Report
- B - Conditions of Consent
- C - Locality Plan
- D- Applicant's Clause 4.6 submission

DA-174/2015 ASSESSMENT REPORT

SITE & LOCALITY DESCRIPTION

The subject site is known as 40 Hector Street, Chester Hill. The site is an irregular allotment that is currently zoned SP2 Infrastructure: Educational Establishment. The site has an area of 64,700m² and has frontage to Hector Street of 101m and to Priam Street of 15.24m. The land has a fall from south west to north east of 10.74 metres. Owing to the large size of the site, this fall occurs over a distance of 377 metres and therefore can be described as a gentle slope (2.8% average fall).

The site has a history of educational uses. Prior to 1996, the site was owned by Department of Defense and was used by the Royal Australian Air Force as part of a larger allotment which has since been subdivided to form the subject site. The use of the subject portion of the site by the RAAF included a residential component. This site was disposed of by the Commonwealth Government and following the issue of a development consent in 1996 (DA-13/1996), the site was used for a religious college, known as Southern Cross Bible College. The College had residential accommodation elements as well as teaching facilities. In 2006, a development consent (DA-328/2006) was granted to Bob Hughes Christian School for internal fit out for a science laboratory, continuing the use of the site for religious education purposes.

Salamah College has occupied the site for the purpose of a school from 2012. It is understood that the School is utilising the 1996 development consent, which placed a limit on student numbers of 300, with operating hours from 8am to 5pm Monday to Friday. It is understood that the enrollment is currently in the order of 743 students.

Image 1. Arial photo of subject site



The subject site is currently occupied by several single and two storey brick and tile buildings.

The central and eastern portions of the site are characterised by a mix of buildings and car parking areas, with the central portion of the site occupied by a primary building with a library and hall. The existing secondary block is located towards the northern site boundary while the primary block is located along the southern boundary. An existing single storey brick building with central courtyard is located towards the Hector Street frontage of the site. This building is currently used for prayer purposes.

The western portion of the site is characterised by sports fields, car parking areas, demountable classrooms and a large water tower element.

Vehicle access to the site is currently available from both Hector Street and Priam Street.

There are a total of 156 trees on site including indigenous, planted native and exotic tree species of varying ages and stages of maturity. The subject site has been highly modified with the removal of native under storey and ground cover plants and shrubs.

The locality

The site is located at the northern fringe of the Bankstown Local Government Area. The site shares its northern boundary with property owned by Sydney Water which contains three large water pipes known as the "Pressure Tunnel, Shaft No. 1 and associated infrastructure", which is identified in Bankstown Local Environmental Plan 2015 as a heritage item of State significance. This infrastructure continues to the Potts Hill Reservoir complex, along the northern fringe of the local government area and then beyond. Elements of this item east of the Potts Hill Reservoir site are listed on the State Heritage Register, but not the pipeline adjacent to the subject site. The Auburn Local Government Area is located further north beyond the Sydney Water property and comprises low density residential development in the vicinity of the site.

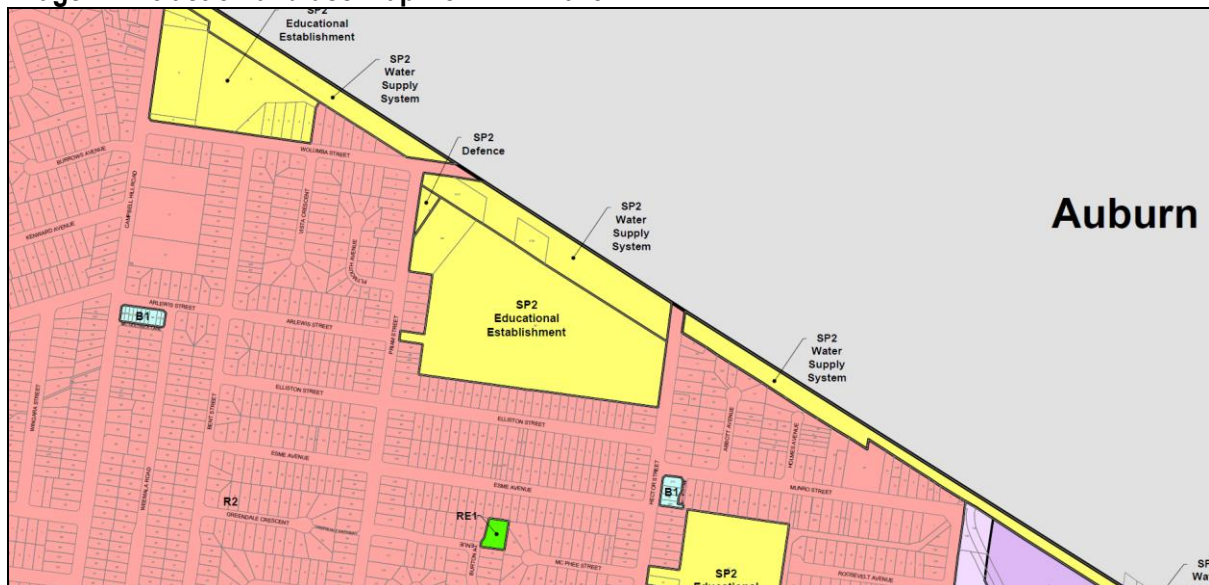
Hector Street forms the eastern boundary of the site with single storey low density residential development located on the opposite side of Hector Street.

The site has a small, 15.24 metre frontage to Priam Street, with the majority of the western boundary of the site adjoining the rear yards of residential dwellings that front Priam Street. The exception to this is a Department of Housing development which adjoins to the north west of the site. This development comprises four x 3 storey unit blocks and a single storey car parking structure. This land was formerly owned by the Commonwealth Government and formed part of the larger RAAF site of which the subject site was part. It was later subdivided and is now in private ownership and used for housing. Land further to the west beyond Priam Street has been developed for a mix of single and two storey residential development which is generally of a low density scale and character.

The site's southern boundary adjoins the rear yard of 26 residential dwellings, 25 of which have frontage to Elliston Street, and one which addresses Hector Street in the south eastern corner of the site. These dwellings are generally single storey in nature with some two storey residential dwellings interspersed. A number of these properties have outbuildings located in close proximity to the common boundary. A child care centre, known as 89 Priam Street, adjoins the south- western corner of the site. Land further to the south of the site can be described as generally being of a low density residential scale.

Image 2 is an extract of the land use map from LEP 2015 and it shows the areas in the vicinity of the site being predominantly residential in nature, with school development also in close proximity including Sefton High School 160 metres southwest of the site and Chester Hill North Public School 300 metres northwest of the site.

Image 2. Extract of land use map from LEP 2015



PROPOSED DEVELOPMENT

The Development Application proposes the use of the site for a 1,550 place primary and secondary school, catering for years K – 12, and a 90 place child care centre. The proposal is referred to in the submitted documentation as "Salamah College". Works which form part of this development application, are described in the applicants Statement of Environmental Effects as follows:

- Demolition and removal of various existing buildings and structures including:
 - Removal of nine (9) demountable buildings located throughout the site, including the buildings adjoining the existing sports oval and to the south and west of the secondary school block as well as the buildings along the southern boundary to the east and west of the existing primary block and the building along the thoroughfare to the west of the existing lower primary block;

- Removal of the dwelling along the northern boundary (previously referred to in previous site plans as *'The Cottage'* or caretaker's residence); and
- Removal of a tennis court to allow for the proposed office building and additional proposed car parking along the northern boundary of the site.
- Construction of a part single and part two (2) storey sports centre comprising the following:
 - Ground floor including an indoor field and retention of the existing swimming pool (existing swimming pool to be retained and the new sports building built around the existing swimming pool) as well as associated amenities and storage areas; and
 - First floor comprising a gymnasium in the south-eastern corner of the building, with the remaining area comprising void areas over the proposed indoor field and swimming pool below.
- Construction of alterations and additions to the existing Secondary school building block on the northern boundary of the site comprising the following:
 - Internal alterations to the existing ground floor and extension of the building footprint consisting of four (4) science rooms, a woodwork room, a food technology room, storage area and toilets in the southern wing and six (6) classrooms, office/administration and sick bay areas, two separate amenities areas, a canteen and storage areas in the central portion of the building. A large undercroft area is also proposed along the eastern and western elevations on this level;
 - Internal alterations to the existing first floor and extension to the building footprint consisting of two (2) visual arts rooms, three (3) TAS (textiles and art) rooms, a music room and storage areas in the southern wing and eight (8) classrooms, six (6) computer rooms, a staff room and two separate amenities and storage areas in the central portion of the building;
 - New Second floor consisting of sixteen (16) classrooms located on the eastern and western ends of the central portion of the building. The resulting Secondary block will comprise 48 teaching rooms comprising 30 general classrooms, 6 computer labs and 12 specialty classrooms (art, music etc). This will adequately cater for the expected 40 classes of secondary students by 2025. Lift access is provided to each of the proposed levels of this building and verandas and external stairs provide access to the rooms on each level proposed within this building.
- Alterations and additions to the lower primary block comprising the following:

- Alterations and additions to the existing ground floor to provide a revised classroom layout with eight (8) general classrooms and a computer room, canteen, additional amenities and a revised layout for the hall;
 - New first floor proposed comprising a prayer hall, library and auditorium;
 - Undercroft area at ground level. The resulting Lower Primary block will comprise a total of 8 classrooms (plus a computer room) and associated hall, prayer and auditorium facilities.
- Primary Block

Construction of alterations and additions to the existing primary building block on the southern boundary of the site comprising the following:

- Internal alterations to the existing ground floor and extension of building footprint on the eastern elevation with two (2) additional classrooms, provision of a lift and external stairs and an undercroft area;
 - Internal alterations to the existing first floor and extension of building footprint on the eastern elevation with four (4) additional classrooms, provision of a lift and external stairs; and
 - Internal alterations to the existing second floor and extension of building footprint on the eastern elevation with seven (7) additional classrooms, provision of a lift and external stairs. The resulting Primary block will comprise staff facilities, an office and administration area, sick bay, amenities, computer lab and support room as well as two (2) classrooms on the ground floor and a further 20 classrooms located on the first and second levels. This primary block will comprise a total of 22 classrooms and associated staff facilities.
- Construction of a new office building adjoining the existing secondary school on the northern boundary of the site comprising the principal's office, reception, waiting room and office areas, kitchen, meeting room and amenities and storage areas.
 - Construction of an awning to cover the bus and pick up bays along the main pedestrian and vehicular thoroughfare from Hector Street and adjoining the school office and along the southern and western elevations of the proposed sports centre.
 - Provision of a total of 285 car parking spaces (200 spaces accessed off Hector Street and 85 spaces accessed off Priam Street). The existing access points into the school are to be retained. It should be noted that as a result of suggested conditions of consent, this will be reduced to 269 parking spaces.

- Construction of a Child Care Centre for 90 children (with 12 staff) comprising a single storey building with an associated outdoor play area and car parking with pick-up/drop-off spaces.

The applicant has proposed the construction of an acoustic barrier along the southern boundary of the site and portion of the western boundary of the site. The submitted acoustic report suggests that this barrier will be constructed of Hebel block or lapped and capped timber and will have heights ranging from 1.5 metres along a portion of the Hector Street frontage, and between 2 metres to 3.3 metres along the common boundary with residential properties. Where the fence has a height greater than 2.0 metres, it will comprise a 2 metre solid vertical component, with the remaining height consisting of a Perspex or metal sheet at a 45⁰ angle away from the boundary. A box gutter is proposed to ensure stormwater associated with the structure does not affect adjoining residents. Although the acoustic report refers to the lower section of the fence being of Hebel or timber construction, the submitted plans make reference to the lower portion of the fence being of Hebel construction only.

The proposed maximum number of school staff is to be 108 staff. This level of staffing is anticipated to be reached by 2025. Childcare staff proposed is 12. Office staff proposed is 15. Therefore, total staff numbers associated with the development is 135. The proposed maximum number of students is 1550.

The proposed hours of the School are as follows:

- Primary & Secondary Schools - 8am to 6 pm Monday to Sunday
- Boarding - 24hrs (unmodified)
- Sports Hall – 8am to 10pm Monday to Sunday
- Childcare - 7am to 7pm Monday to Friday
- Prayer Block (“Mosque”) 5am to 10pm Monday to Sunday. It should be noted that the applicant has indicated that the existing “Mosque” building is used as approved for prayer/worship and the existing classrooms are used accordingly for prayer/religious purposes. The existing 6 classrooms will not be used for primary and secondary classrooms as part of this school application.

As the applicant is proposing no changes to this portion of the site’s use and suggests that this element is reliant on past approvals, it will be a recommendation of this report that this area of the development be excluded from any approval issued.

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 Planning Legislation

The following Acts and Policies are applicable to this development.

Threatened Species Conservation Act 1995

The site contains *Eucalyptus nicholii* (Narrow leafed black peppermint), which is listed as vulnerable under the provisions of the Act.

The applicant submitted an assessment report, prepared by Australis Tree Management, to accompany the application. The report concludes that the specific occurrences of this vegetation are horticultural plantings of no relevance to the species. The application has been reviewed by Council's Tree Management Officer and the proposal would not represent a significant threat to the EEC. Accordingly, no formal referral to the Office of Environment & Heritage was required under the Act.

State Environmental Planning Policy (State and Regional Development) 2011

Part 4 of this SEPP calls up Schedule 4A of the Environmental Planning and Assessment act 1979 to identify the types of development that are required to be determined by a Regional Panel. Schedule 4A captures development that has a capital investment value of more than \$5 million for development classified as "*Private infrastructure and community facilities over \$5 million*", including educational establishments.

The development is for a private school which will have a capital investment value in excess of \$5 million (proposed \$27 million) and hence, the JRPP is the determining authority for this development application.

State Environmental Planning Policy No 55—Remediation of Land

Clause 7 of SEPP 55 states:

- 1) *A consent authority must not consent to the carrying out of any development on land unless:*
 - (a) *it has considered whether the land is contaminated, and*
 - (b) *if the land is contaminated, it is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out, and*
 - (c) *if the land requires remediation to be made suitable for the purpose for which the development is proposed to be carried out, it is satisfied that the land will be remediated before the land is used for that purpose.*

- (2) *Before determining an application for consent to carry out development that would involve a change of use on any of the land specified in subclause (4), the consent authority must consider a report specifying the findings of a preliminary investigation of the land concerned carried out in accordance with the contaminated land planning guidelines.*

The site has been used historically for educational and educational boarding uses and the proposed development is for expansion of such uses. Prior to educational uses commencing on site in the 1990's, the site was used as residential accommodation for the Royal Australian Air Force, who had operational facilities nearby in Villawood. Accordingly, and in the absence of any investigation beyond analysis of the historical uses that have been present on the site, it would be reasonable to conclude that the types of uses (residential and education) that have existed in the past would be unlikely to be uses that would give rise to significant concerns in relation to the potential for contamination being found at the site.

In 2006, Development Application No. DA-491/2006 was made to Council for the subdivision of the site into two lots and the construction of an aged care accommodation facility on the proposed western lot. The line of subdivision was essentially immediately west of the existing school buildings that occupy the central portion of the site. The western portion of the existing site comprising the sports field, pool area, and south western car park were to be excavated to accommodate basement level parking structures. At that time, a preliminary contamination investigation was submitted by Geotechnique Pty Ltd which concluded that there were no noted indications of underground storage tanks or other indicators of soil contamination, either aromatic or visual. The report also indicates that based on the study of aerial photos, the site and adjoining properties do not appear to have been used for any contaminating activities.

It was recommended in the Geotechnique report that a Phase 2 investigation should be carried out as a condition of consent in relation to the playing field only, where it was noted that the field appeared to be on fill material. Whilst that earlier development application proposed removal of the soil associated with the sports field to make way for basement areas, this current application does not. Hence such a condition has little relevance in this instance. Little has occurred at the site in the way of development since that report was prepared and its conclusions are considered to remain valid.

Further, based on past use of the nearby Villawood area for munitions manufacture and other war time defense related land uses, Council has previously undertaken extensive historical investigation of the locality and in particular, has focused on sites previously used for defense purposes to determine areas where potentially contaminating activities may have historically taken place. This has led to Council identifying specific sites and areas where further contamination investigations are required. Neither this site, nor sites in the vicinity of the site, have been identified as such a location.

It is considered that the provisions of Clause 7 of SEPP have been satisfied as consideration has been given to whether there is a risk of contamination and the potential for widespread contamination at the site is low. However, in the unlikely event that during site works, contaminated soils should be encountered, it is recommended that an unexpected finds protocol be implemented. A suitable condition is included in the draft conditions of consent that deals with this matter.

State Environmental Planning Policy (Infrastructure) 2007

The scale of the development triggers a referral under the SEPP, under Clause 104 to the Roads and Maritime Services (RMS). The SEPP also contains certain provisions relating to school development and specified certain matters which Council must take into consideration.

RMS Referral

The Roads and Maritime Services (RMS) have considered the proposal and have raised no objection to the proposal.

Other considerations under the SEPP

Clauses 27 to 32 of the SEPP apply to school developments and have been considered in the assessment of this application. There are not considered to be any conflicts with the provisions of these clauses.

Local Planning Legislation and Policies

Bankstown Local Environmental Plan 2015

The following clauses of the *Bankstown Local Environmental Plan 2015* were taken into consideration:

- 1.2 Aims of Plan
- 1.3 Land to which Plan applies
- 1.4 Definitions
- 1.7 Maps
- 1.9A Suspension of covenants, agreements and instruments
- 2.1 Land use zones
- 2.2 Zoning of land to which Plan applies
- 2.3 Zone objectives and Land Use Table
- 2.7 Demolition requires development consent
- 4.3 Height of buildings
- 4.4 Floor space ratio
- 4.5 Calculation of floor space ratio and site area
- 4.6 Exceptions to development standards
- 5.6 Architectural roof features
- 5.9 Preservation of trees or vegetation
- 5.9AA Trees or vegetation not prescribed by development control plan

- 5.10 Heritage conservation
- 6.1 Acid sulfate soils
- 6.2 Earthworks
- 6.3 Flood planning
- 6.4 Biodiversity
- 6.6 Development in areas subject to aircraft noise
- 6.8 Special provisions applying to child care centres

An assessment of the Development Application found that the proposal complies with the matters raised in each of the above clauses of Bankstown Local Environmental Plan 2015 with the exception of Clause 4.3, which is dealt with in detail in later sections of this report.

Of particular relevance are the following provisions.

Clause 1.2- Plan Objectives

The objectives of the LEP 2015 are as follows:

- (2) The particular aims of this Plan are as follows:
 - (a) to manage growth in a way that contributes to the sustainability of Bankstown, and recognises the needs and aspirations of the community,
 - (b) to protect and enhance the landform and vegetation, especially foreshores and bushland, in a way that maintains the biodiversity values and landscape amenity of Bankstown,
 - (c) to protect the natural, cultural and built heritage of Bankstown,
 - (d) to provide development opportunities that are compatible with the prevailing suburban character and amenity of residential areas of Bankstown,
 - (e) to minimise risk to the community in areas subject to environmental hazards by restricting development in sensitive areas,
 - (f) to provide a range of housing opportunities to cater for changing demographics and population needs,
 - (g) to provide a range of business and industrial opportunities to encourage local employment and economic growth,
 - (h) to provide a range of recreational and community service opportunities to meet the needs of residents of and visitors to Bankstown,
 - (i) to achieve good urban design in terms of site layouts, building form, streetscape, architectural roof features and public and private safety,
 - (j) to concentrate intensive trip-generating activities in locations most accessible to rail transport to reduce car dependence and to limit the potential for additional traffic on the road network,
 - (k) to consider the cumulative impact of development on the natural environment and waterways and on the capacity of infrastructure and the road network,
 - (l) to enhance the quality of life and the social well-being and amenity of the community.

Assessment of the proposed development against the relevant matters in Clause 2 is provided as follows.

Urban Design

The design of the development is generally consistent with the planning controls that apply to the site. Some minor height variations are proposed (an LEP matter), as well as variations to the maximum lengths of building permitted (a DCP matter). Apart from these variations, the development is compliant with the urban design related provisions of Council's planning controls.

The site is a large site and is capable of accommodating the building forms proposed. Adequate setbacks have been maintained to adjoining residential areas and the site still retains large areas of open space and existing vegetation. On balance, it is considered that the design of the development is suitable.

Protection of vegetation and bushland

This issue has been addressed under the section of this report dealing with State Environmental Planning Policies and was found to be a satisfactory outcome for the site.

Trip generation and traffic management issues

This issue has been partially addressed under the section of this report dealing with State Environmental Planning Policies and the report states that RMS has not raised objection to the proposal. The proposal was accompanied by a traffic and parking report prepared by *McLaren Traffic Engineering*, which lends support to the proposal. The application was referred to Council's Roads and Infrastructure Department, and specifically to Council's Traffic Engineers for assessment. The comments received from Council's Traffic Engineers indicate the application can be supported, but with amendments to improve traffic and pedestrian movements within and around the site.

The proposed development will provide adequate car parking and bus parking, in accordance with the provisions of Council's planning controls and car parking generated by this proposal will be accommodated on site at pick up and drop off times. A traffic management plan has been submitted that details the manner in which the School will manage these periods.

The *McLaren* report provides an assessment of the performance of the local road network both with and without the School traffic added to the network. The results of that analysis are provided in the table below. It should be noted that the table provides a 2% annual compounding of traffic over a 10 year period, to account for normal background growth. There is a dispute between the applicants Engineers and those of Council, as to whether the 2% should be applied to established residential neighbourhoods. In this regard, Council's position is that the background rate should be applied. For the sake of completeness, both analyses are included in the table.

Table 1. Analysis of the local road network

Location	Period	Existing	Existing plus future college	Existing +2%	Existing +2% + future college
Priam St south of Wolumba Street	AM	353	370	430	447
	PM	542	570	661	689
Wolumba Street, West of Priam Street	AM	465	476	567	578
	PM	490	504	597	611

From the RMS' Guide to Traffic Generating Developments, for collector roads such as Priam Street and Wolumba Street, the environmental goal for peak hour volume is 300 vehicles per hour. The environmental maximum peak hour volume is 500 vehicles per hour.

As can be seen from the current AM and PM peak traffic data in Table 2, all four existing peaks currently exceed the environmental goal of 300 vehicles per hour, and the maximum environmental volume of 500 vehicles per hour is currently exceeded in Priam Street for the PM peak. In the absence of the College development, three of the four peaks would exceed the maximum volume in 10 years time and all would exceed the environmental goal.

Under future conditions of the school, (based on the future transport mode) these two-way volumes in Priam Street are expected to increase from 353 vehicles per hours in the morning peak to 370, and from 542 vehicles per hour in the afternoon peak to 570. This represents an increase of 4.8% and 5.2% respectively against current volumes. Adopting the 2% background growth over 10 years, the two-way volumes further increase to 447 and 689 respectively, representing increases of 21.6% and 27.12% respectively, although the majority of this increase is a result of the background growth alone and cannot be attributed to the development.

The intersections surrounding the site have been modelled under the following scenarios using SIDRA modelling:

- existing,
- existing plus 2% annual increase, and
- existing plus 2% plus the development's traffic,.

The intersections that were modelled are the Boundary Road/ Ferndell Street, Campbell Hill Road / Wolumba Street, and Wolumba Street/ Priam Street intersections, as well the access points to the School site on Hector Street and Priam Street. The analysis shows that when the development's traffic is assigned to the network, all intersections will continue to function at the same level of service that they currently operate at an average level of service of "A".

Traffic generation is a typical issue associated many Sydney schools and it is almost inevitable that there will be some level of impact at these key times at most school sites. The issue for Council to consider is whether the proposed design seeks to minimise the problems and whether the resultant likely level of impact is acceptable.

In this regard, Council's Traffic Engineers have advised that the amount of additional traffic that can be attributed to the proposed School is minor in overall terms and the proposal is considered to be acceptable in terms of traffic impacts, subject to the adoption of conditions of consent that require implementation of the submitted traffic management plan. This traffic management plan proposes the use of mini buses, processes around drop off/pick up movements, and other practices to reduce the impacts of the development on the road network.

Compatibility with the prevailing suburban character of the area

This matter for consideration is difficult to quantify as the provisions of the LEP specifically permit development on this large site for educational purposes. The site has a long history of educational uses and, given its size, it should reasonably be expected that over time, some expansion of the use may occur.

In addition, a range of uses are permitted in the surrounding residential zone which are of larger scale both in terms of building mass and off-site impacts than typical residential development. The specific wording of Clause 1.2(d) of LEP 2015 does not require a development to be compatible with immediately surrounding development, but rather requires compatibility "with the prevailing suburban character and amenity of residential areas of Bankstown".

The character of the area contains a mix of land uses, including school uses on the site and in the immediate vicinity. The use of the site for educational purposes for a long period of time in the past has partially defined the character of the immediate area.

The proposal involves the use of the site for land use which is more intense than surrounding low density residential development, but a use which is consistent with the purpose for which the site was zoned. Comparatively, the development has an overall floor space ratio of 0.25:1, whereas the adjoining residential areas would have the capacity to support floor space ratios of 0.5:1. Given the site's zoning, it is likely that any permitted form of development will be of a kind that has a different level of privacy, acoustic, traffic and visual impacts to typical residential development. However, the LEP does not require all these impacts to be eliminated.

The assessment contained within previous and later sections of this report suggest that the level of impact of the proposal is acceptable and on these grounds, it is considered that the development is not incompatible with the prevailing suburban character and amenity of the locality of the development site.

Land Use Table

The subject site is zoned SP2 Infrastructure under the provisions of Bankstown Local Environmental Plan 2015.

The following uses are identified as being permitted with consent within this zone:

Roads; The purpose shown on the Land Zoning Map, including any development that is ordinarily incidental or ancillary to development for that purpose

All other development is prohibited within the zone.

The purpose specified on the map is “Educational Establishment”. This is a defined term within the LEP and is:

educational establishment means a building or place used for education (including teaching), being:

- (a) a school, or*
- (b) a tertiary institution, including a university or a TAFE establishment, that provides formal education and is constituted by or under an Act.*

The use of the site for the purposes of a primary and secondary school would constitute “educational purposes”, and the proposed sports facility would be considered to be ordinarily incidental or ancillary to the use of the site as an educational establishment.

The proposed child care centre is also considered to be ancillary to the dominant use of the site as a school. The applicant has submitted examples of other school facilities within Sydney where child care centres are collocated with schools and has also provided details regarding the enrolment of the centre, indicating that the majority of enrolments will be for siblings of students of the College. The proposed child care centre will be owned and operated by the School, rather than by a third party. A special transitional pre-school program “Readiness Program” will be provided for 2 years prior Kindergarten. The centre will also provide child care services for parents and teachers coming back from maternity leave to allow and encourage them to come back to work as early as possible.

On this basis, the proposed child care centre can be considered to be an ancillary element of the College. Suitable conditions are recommended to ensure that this nexus remains.

Clause 4.3- Height of Buildings

Under the provisions of Clause 4.3, the maximum permitted height of buildings is 9.0 metres, which is also the applicable height throughout the surrounding low density residential zone.

The proposed development fails to comply with the maximum permitted height, proposing the following:

- Lower primary and hall – 12.64 metres (2 storeys);
- Secondary block – 13.74 metres (3 storeys);
- Primary block – 10.816 metres (3 storeys); and
- Sports centre – 10.022 metres (1 and 2 storeys).

The applicant has made a submission, under the provisions of Clause 4.6 of Bankstown Local Environmental Plan 2015, seeking variation to the provisions of Clause 4.3. A copy of the applicant's submission is attached to this report. In summary, the applicant argues:

- *The proposal involves a variety of building heights which are generally compatible with the character, amenity and landform of the area in which the development will be located given the surrounding residential development is largely 1 and 2 storey development. The majority of the buildings are located towards the central portion of the site and away from adjoining properties.*
- *The proposal involves building heights which allow a transition to lower height buildings characterised by the adjoining residential development. The proposal generally comprises two storey development, with some three storey elements in limited locations throughout the site.*
- *The subject site and proposed height of buildings provides a defined focal point by providing greater building heights on a large site zoned for infrastructure adjoining the water pipeline to the north. Given the site's size and isolated nature to the north and east and parts of the western boundary, ensure the site is capable of sustainable greater building heights with minimal impacts to adjoining development.*

.....

The proposed variation to the building height development standard allows for a better planning outcome as it will allow a proposal to provide additional educational opportunities on a site which is already used for the purposes of a school on an appropriately zoned site. This will ensure a more efficient use of the subject site. The proposal will achieve a high standard of education accommodation given it accords with minimum area requirements, achieves sufficient ventilation and solar access and provides specialised and standard classrooms to allow for improved educational opportunities for current and future students.

The proposal seeks to increase the height of the built form which is located in a convenient location close to various uses and bus services which is a preferred planning outcome. Overall the variation with the height control allows for a better planning outcome while it minimises the impacts to the surrounding properties and ensure for an appropriate height transition along Hector Street.

Specifically, in relation to the particular breaches, the applicant states:

- *The height limit exceedance of the proposed secondary block is located along the northern side boundary which adjoins the water pipeline land. Therefore, there will be no adverse impacts on the amenity of the adjoining land in this instance;*

- *The lower primary block and hall building is located centrally within the site and therefore the height exceedance of this building will not result in any adverse impacts to adjoining land;*
- *The sports centre is located at a significant distance from side boundaries and is separated from adjoining land by car parking and landscaping. Therefore, it is considered the height exceedance of this building will not cause any amenity impacts to adjoining land; and*
- *While the primary block is located in closest proximity to the adjoining residential land to the south of the site, this building already consists of up to three (3) storeys with the proposed addition being located on the northern side of this building, which is located facing into the existing school ground and away from adjoining land.*
- *The proposal for the Primary Block has been amended in response to Council advice. Part of the proposed Primary Block additions remains 3 storeys, however this is set back a distance from the boundary greater than the building height. The two storey component (eave height 6.099m) is set back 8.985m. The minimum setback of the third storey where it exceeds 9m is 16.065m setback. The maximum ridge height of new work in the Primary block is 12.59m at the far northern end of the Primary Block.*
- *The amended shadow diagrams illustrate that while there will be some minor additional overshadowing caused by this proposal adjoining land during mid-winter. However no habitable rooms are affected at all and well over 50% of private open space receives over 4 hours sunlight at midwinter, comfortably well in excess of the control.*

The points raised in the applicant's submission, as reproduced above, are considered to be valid. Each specific breach of the height limit, is without significant impact and the development has been designed with a substantial 8.99 to 16 metre minimum setback to residential development to the south.

The primary school building is the closest structure to the southern boundary, where the site adjoins residential development. The existing building is a part three storey structure and the proposed works will continue the three storey element along the existing southern setback of the building. This existing and proposed setback for the three storey element is 16.065 metres. The two storey element has a smaller setback also maintains the existing 8.985 metre two storey setback to the southern boundary. Accordingly, whilst the extent of the building may be increased eastward as part of this development proposal, the existence of a part two and part three storey building in this location, with the same setbacks as existing is not new and the impacts of the expanded development will be acceptable.

The proposed secondary school and "lower primary" and hall buildings are located in the northern and central portions of the site respectively, with significantly larger setbacks to the southern boundary of the site than the primary school building discussed above.

In regards to the proposed sports centre, the building will have a setback of 30.3 metres to the southern boundary and 32 metres to the western boundary, with the existing car park and landscaped areas occupying this setback area. Accordingly, the impacts of the additional height of these buildings is expected to be low.

It should be noted that, whilst the LEP establishes a height limit of 9 metres for development on this site, State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 permits school development up to 12 metres in height to occur on existing school sites, with setbacks of 5 metres to adjoining residential property to occur as Complying Development. The fact that such development is able to be approved under the complying development scheme would suggest that there is a reasonable expectation that School development will have a different but acceptable scale and height to typical low density residential development.

Whilst the proposal involves variations to the height limit, the increased height within the site allows for larger areas of open space to be provided between the buildings and to the property boundaries and also balances the need for car parking, building footprints, playground space, circulation areas and landscaped buffers. This is considered to be a better planning outcome on a large site such as this rather than spreading the bulk of the building across lower building elements that consequently would occupy larger footprints and reduce opportunities for landscaped areas throughout the site.

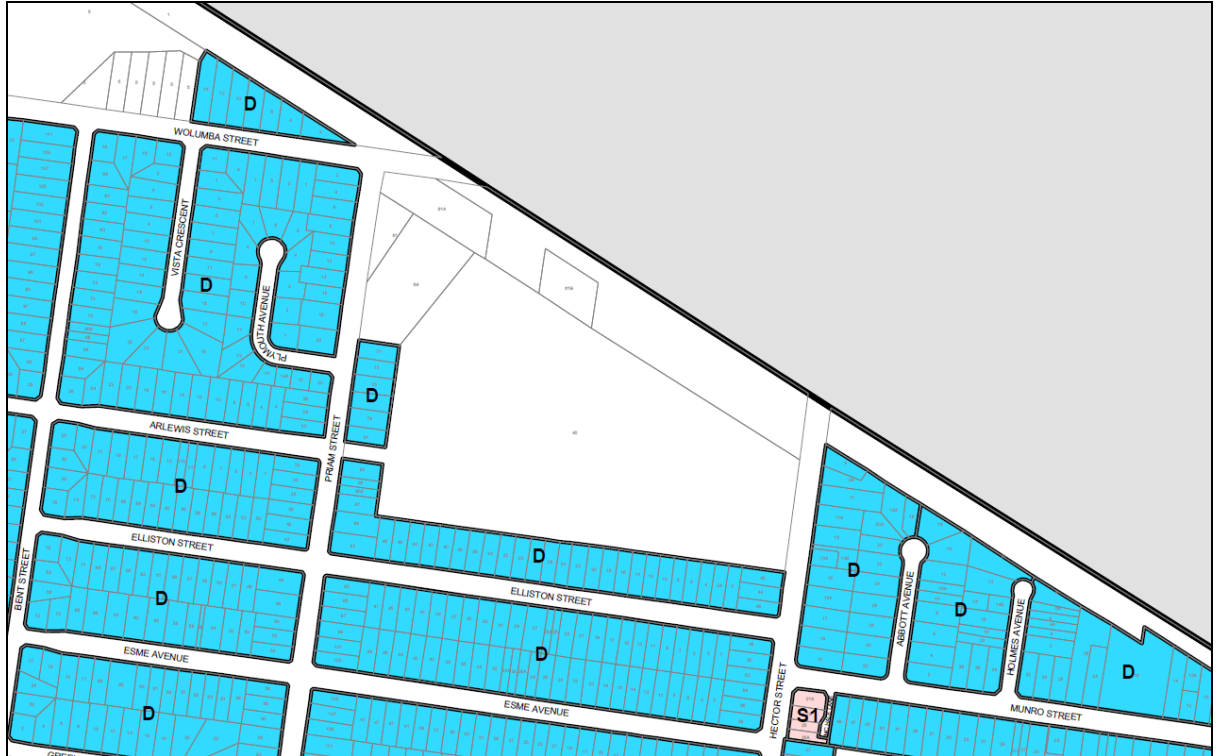
It is considered that the applicant's Clause 4.6 submission has demonstrated that there is sufficient planning grounds in this instance to support variation of the provisions of Clause 4.3, that strict application of the standard is unnecessary, and that the approval of the variation will be in the interests of the general public.

Clause 4.4- Floor space ratio

Under the provisions of Clause 4.4, the maximum floor space ratio for a building on any land is not to exceed the floor space ratio shown for the land on the Floor Space Ratio Map. In this instance, the floor space ratio map does not indicate a maximum permitted floor space ratio.

Although no maximum floor space ratio applies to the development, it is worth noting that the total floor area of the development is 16,492.6m², which equates to a floor space ratio of 0.25:1. Image 3 is an extract of the "Floor Space Ratio Map" referred to in Clause 4.4 of the LEP. The image provides some context of the surrounding area, with the area indicated in blue on the map being areas subject to a maximum permitted floor space ratio of 0.5:1.

Image 3. Floor space ratio map



Clause 5.9 & 5.9AA- Preservation of trees or vegetation

Clause 5.9 and 5.9AA state as follows:

5.9 Preservation of trees or vegetation

- (1) The objective of this clause is to preserve the amenity of the area, including biodiversity values, through the preservation of trees and other vegetation.
- (2) This clause applies to species or kinds of trees or other vegetation that are prescribed for the purposes of this clause by a development control plan made by the Council.
- (3) A person must not ringbark, cut down, top, lop, remove, injure or wilfully destroy any tree or other vegetation to which any such development control plan applies without the authority conferred by:
 - (a) development consent, or
 - (b) a permit granted by the Council.

.....

5.9AA Trees or vegetation not prescribed by development control plan

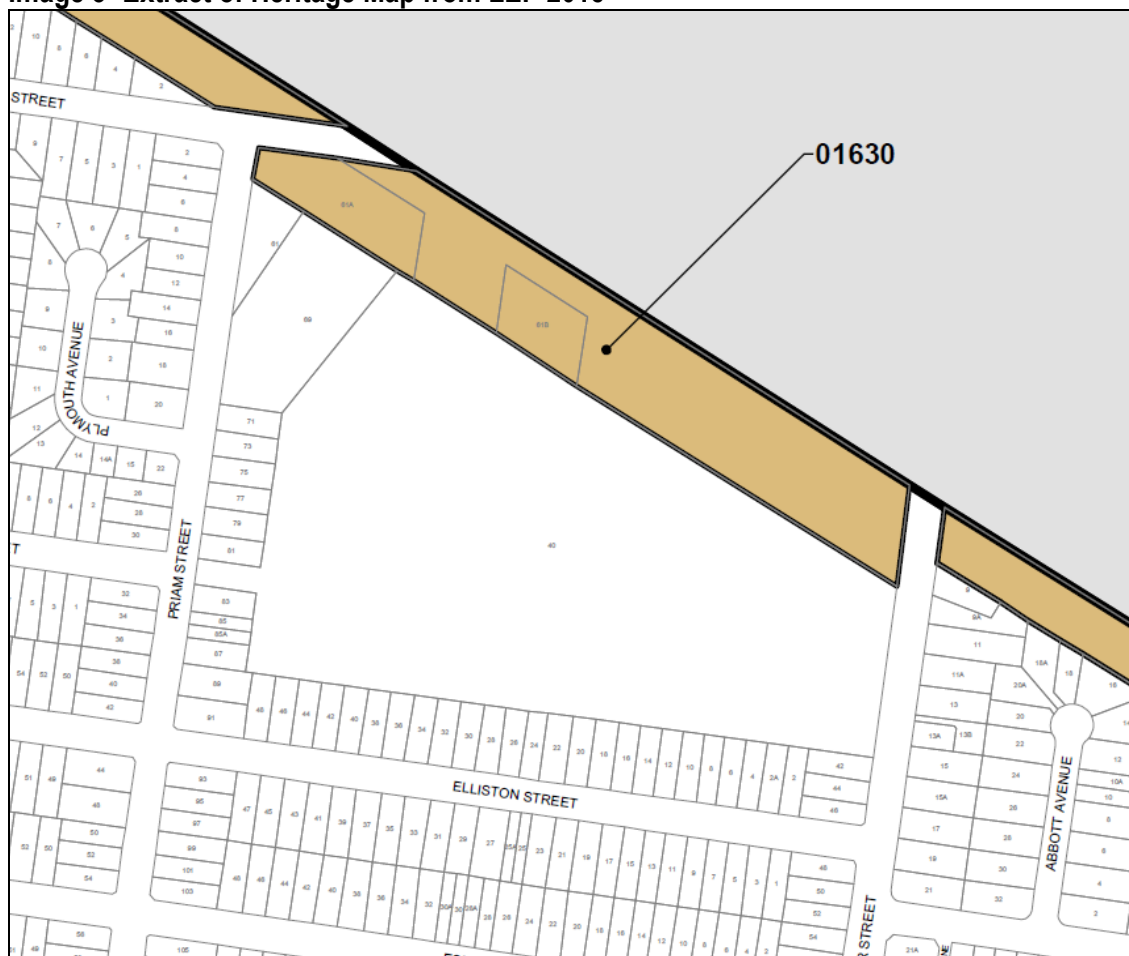
- (1) This clause applies to any tree or other vegetation that is not of a species or kind prescribed for the purposes of clause 5.9 by a development control plan made by the Council.
- (2) The ringbarking, cutting down, topping, lopping, removal, injuring or destruction of any tree or other vegetation to which this clause applies is permitted without development consent.

Previous sections of this report have indicated that Council's Tree Management Officer has reviewed the proposed development and has given support to the proposed development. Accordingly, any development consent would serve as the approval required for the removal of vegetation.

Clause 5.10 Heritage Conservation

The northern boundary of the site is owned by Sydney Water and contains three above ground water pipelines. That site is identified as a heritage item of State significance in Bankstown Local Environmental Plan. An extract of the "Heritage Map" is included at Image 3. The Item is listed as "Pressure shaft No. 1 and associated infrastructure". Accordingly, the provisions of Clause 5.10 of LEP 2015 apply to the development application.

Image 3- Extract of Heritage Map from LEP 2015



The objectives of Clause 5.10 and the relevant provisions are reproduced as follows:

(1) Objectives

The objectives of this clause are as follows:

- (a) to conserve the environmental heritage of Bankstown,

- (b) to conserve the heritage significance of heritage items and heritage conservation areas, including associated fabric, settings and views,
- (c) to conserve archaeological sites,
- (d) to conserve Aboriginal objects and Aboriginal places of heritage significance.

.....

(5) Heritage assessment

The consent authority may, before granting consent to any development:

- (a) on land on which a heritage item is located, or
 - (b) on land that is within a heritage conservation area, or
 - (c) on land that is within the vicinity of land referred to in paragraph (a) or (b),
- require a heritage management document to be prepared that assesses the extent to which the carrying out of the proposed development would affect the heritage significance of the heritage item or heritage conservation area concerned.

The existing development accommodates at grade car parking, various school buildings, and playing fields in the vicinity of the site's northern boundary. The existing pipes are located approximately 45 metres from the site's northern boundary with the area between the site and the item containing a mix of grassed areas and trees. The existing buildings and car parking areas in the vicinity of the northern boundary have setbacks to the common boundary of 2 metres to the car park, 3 metres to the administration building, and 8.5 metres to the "Houston Block" which will become the secondary school building.

Setbacks to the car parking areas and administration building will remain unchanged, while the secondary school building will have a setback reduced from 8.5 metres to 3 metres, and a bin storage area will also be introduced in this area.

The development site has a history of school development, with various structures located in the vicinity of the site's northern boundary. Whilst the secondary school building will be larger than what currently exists in this location, and with a reduced setback, this must be viewed in the overall context of the site and the item itself. In particular:

- The site is almost 6.5 hectares in area and used for urban purposes at present,
- The buildings will be a minimum of 48 metres from the item,
- The item itself stretches for over 7km through the Bankstown local government area along the entire width of the northern fringe of the Bankstown Local Government Area and is lined by various residential, industrial, open space, and special use land uses. The item also continues beyond the local government area boundaries.

On this basis, it is considered that a relatively small amount of additional school development in the location proposed will not have a significant impact on the item, and that no additional investigation is necessary.

Part 6- Additional local provisions

The following clauses have been considered in the assessment of this development application.

- 6.1 Acid sulfate soils
- 6.3 Flood planning
- 6.4 Biodiversity
- 6.8 Special provisions applying to child care centres

The site is not affected by acid sulfate soils, flooding, or biodiversity listings. In regard to the provisions of Clause 6.8, it states:

Despite any other provision of this Plan, development consent must not be granted for the purpose of a child care centre on land if the vehicular access to that land is from:

- (a) a classified road, or
- (b) a cul-de-sac road or a road where the carriageway between kerbs is less than 10 metres.

Hector Street is not a classified road and has a carriageway width (kerb to kerb) of 12.3 metres. Accordingly, the proposal is satisfactory when assessed against the provisions of this Clause.

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

There are no draft planning instruments which affect this proposal.

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

The following tables and commentary provides a summary of the development application against the controls contained in Part B7- Educational Establishments and B8- Child Care Centres of Bankstown Development Control Plan 2015.

Assessment of the School component of the development

STANDARD	PROPOSED	BDCP 2015 PART B7		LEP 2015 COMPLIANCE
		REQUIRED	COMPLIANCE	
Floor space ratio	▪ 0.25:1	▪ 0.5:1 maximum allowable	Yes	N/A
Minimum frontage	▪ 101m to Hector Street ▪ 15.24m to Priam Street	▪ Not stated	N/A	N/A
Height	▪ Lower primary and hall – 12.64 metres (2 storeys); ▪ Secondary block – 14.47 metres (3 storeys); ▪ Primary block – 10.816 metres (3 storeys); and ▪ Sports centre – 10.022 metres (1 and 2 storeys).	▪ 12m maximum wall height	No	N/A

STANDARD	PROPOSED	BDGP 2015 PART B7		LEP 2015 COMPLIANCE
		REQUIRED	COMPLIANCE	
Road capacity	<ul style="list-style-type: none"> Environmental capacity is exceeded 	<ul style="list-style-type: none"> Environmental capacity should not be exceeded 	No	N/A
Setbacks	<ul style="list-style-type: none"> 70 metres Minimum to new construction. Southern setback of 8.985m to 2 storey component of primary school building and 16.065m to 3 storey component. Northern setback of 3.89m to 33.5m to the secondary school building. 	<ul style="list-style-type: none"> 9.0m to Hector Street and Priam Street or equal to the wall height (12.64m maximum to nearest new elevation) 5m to side boundary, or a distance equal to the maximum wall height. <p>For the primary school building this equates to 5.9m to 2 storey component and 10.816m setback to 3 storey component.</p> <p>For the secondary school building this equates to 13.7m setback.</p>	Yes	N/A
Driveway width	6.0m minimum for two way flow	6 metres or greater for two way flow	Yes	N/A
Deep Soil Zones	<ul style="list-style-type: none"> 10.5m to child care centre to Hector Street N/A 8.985m min to side boundary to primary school building 	<ul style="list-style-type: none"> 9m to primary frontage 6m to secondary frontage 5m to side and rear boundaries 	<p>Yes</p> <p>Yes</p>	N/A
Parking provisions	285 car parking spaces	<ul style="list-style-type: none"> 1 per employee or classroom (123 spaces required), plus 1 per 8 year 12 students (16 spaces required) 1 per staff (12 spaces required) Total 151 required 	Yes	N/A
Solar access	Properties will receive a minimum of 2 hours solar access to a living room	<ul style="list-style-type: none"> 2 hours to living room between 8am and 4pm mid winter 	Yes	N/A

STANDARD	PROPOSED	BDGP 2015 PART B7		LEP 2015 COMPLIANCE
		REQUIRED	COMPLIANCE	
	between 8am and 4pm mid winter and a minimum of 3 hours to principal open space between 9am and 3pm mid winter	<ul style="list-style-type: none"> 3 hours to principal open space between 9am and 3pm mid winter 		
Front fence	No change to fencing forward of the building line	Maximum permitted height of 1.0 metres	N/A	N/A
Social impact assessment	No social impact assessment lodged	Social impact assessment to be lodged with the DA	No	N/A
Waste storage areas	Located within the school grounds and not visible from public spaces. Conditions have been provided by Council's Resource Recovery Team.	To be to the satisfaction of Council.	Yes	N/A

Note: “*” There are slight discrepancies between the gross floor area calculated by Council and the applicant. In all instances, Council's figures are used where a discrepancy exists.

The various matters identified in the compliance table are dealt with in the following sections. Issues relating to building height, and environmental capacity of the road network have been dealt with previously and are not repeated here.

Setbacks

The proposed secondary school building proposes a setback to the northern boundary of between 3.89 and 33.5 metres, whereas the DCP requires a setback of 5 metres of the equivalent of the building height (13.7 metres). Despite the reduced setback to the northern boundary this portion of the site is located adjacent to the Sydney Water pipe line to the north, is not visible from public spaces, has no impact on other land and compensates for the reduced setback in some sections of the site by providing more than double the setback required due to the skewed nature of the boundary in this area. On this basis, the proposed reduced setback is considered worthy of support.

Issues related to built form

The existing buildings to be modified and the new buildings that breach the maximum wall length control are:

- Secondary School – The existing building is 50m in length and will be increased to 78m.
- Lower Primary + Hall - Existing = The existing building is 72m in length and will be increased to 90.8m
- Sports centre – This is a new building which is proposed to be 62.91m in length.

The relevant objectives of the control are found at “Section- 4” of the DCP and are:

(e) To have schools that are compatible with the prevailing character and amenity of the locality of the development.

(f) To have schools that do not adversely impact on the living environment or residential amenity of adjoining dwellings and the surrounding area.

The non-compliant buildings are located in the northern portion of the site, in the case of the secondary school building, and the central portion of the site, in the case of the “lower primary & library and hall” building. That building is a minimum distance of 22 metres from the southern boundary of the site, which is the common boundary with the nearest residential properties fronting Elliston Street. The non-compliant element of the building is that building’s northern elevation and, as such, does not address any residential properties. When viewed from the south, this building is stepped in plan and in elevation and contains a mix of single storey and two storey building elements. This ensures that the view from residential properties is not that of a large blank unarticulated building wall.

Similarly, the sports centre, being the remaining non-compliant building, is part single storey and part two storey, with the change in height being roughly about the midpoint of the building. The two storey element contains a projecting first floor and the single and two storey components of the building are differentiated by different, but complementary, colours and finishes. The building is separated from the residential properties to the south by over 15 metres with car parking and landscaping located between the building and common boundary.

The sports centre is a purpose built facility and it is unlikely that it would be fit for purpose if smaller, simply for the sake of complying with the numerical building length control.

Separation of other teaching buildings could be possible, but this would result in a number of smaller buildings distributed across the site and would most likely not deliver the same amount of open space that can be provided by consolidation of building forms. Lastly, it is worth noting the size of the site and the ability of the development to maintain large setbacks to residential properties. Whilst it may be appropriate to seek numerical compliance on a smaller site where there may not be the same ability to offset the impacts that exist on a large site, the size of the subject site means that opportunities are available to mitigate the impacts of large building forms.

Having regard to these factors, the design of the development is considered to satisfy the objectives of the control, despite the numerical non-compliance.

Social Impact Assessment

The DCP requires the applicant to submit a Social Impact Assessment, to the satisfaction of Council. This requirement is in the Section of the DCP titled “Safety & Security” and so it is assumed that such a report would be aimed at addressing safety and security concerns. The site is already a school campus, is gated, has active frontage to Hector Street, with office areas addressing this street, and has a gate house to manage access to the site.

It is considered that safety and security has been considered in the design of the development and so a Social Impact Assessment is not necessary in this instance.

Assessment of the child care component of the development

STANDARD	PROPOSED	BDCP 2015 PART B6		LEP 2015 COMPLIANCE
		REQUIRED	COMPLIANCE	
Minimum frontage	▪ 101m to Hector Street	▪ Not stated	Yes	N/A
Height	▪ Single storey	▪ Single storey	Yes	N/A
Setbacks	▪ 15 metres to primary frontage ▪ 5 metres to southern boundary	▪ 5.5 metres to primary frontage ▪ 1.5 metres to side boundary	Yes	N/A
Hours	▪ 7am to 7 pm Monday to Friday	▪ 7am to 6pm Monday to Friday	No	N/A
Solar access	Properties will receive a minimum of 3 hours solar access to a living room between 8am and 4pm mid winter and a minimum of 3 hours to principal open space between 9am and 3pm mid winter	▪ Minimum 2 hours to living room between 8am and 4pm mid winter ▪ Minimum 3 hours to principal open space between 9am and 3pm mid winter	Yes	N/A

The compliance table indicates that the proposed hours of the child care centre, with a 7pm finish, differ from those permitted by the DCP, which stipulates a 6pm finish. The proposed school is to cease operating at 6pm.

The applicant has not submitted a case for supporting a 7pm finish and as such, it is considered that Council's standard hours be retained by way of a condition of development consent.

Planning agreements [section 79C(1)(a)(iii)(a)]

There are no planning agreements applicable to the proposed development.

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

The proposed development does not raise any matters of concern when assessed against the provisions of the Regulations.

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

The likely impacts associated with this development can be categorized as traffic and parking impacts, loss of vegetation, acoustic impacts, visual impacts, potential reduction in visual privacy for nearby residents, and overshadowing,

Traffic, car parking, and the removal of vegetation have been discussed previously in this report and have been found to be acceptable. The remaining matters are discussed as follows.

Acoustic Impacts

The applicant's Statement of Environmental Effects included an acoustic assessment from Acoustic Logic, which suggested that the proposal will have an acceptable level of impact with boundary fences of between 1.8 metres and 3.3 metres in height introduced.

In order to reduce the potential visual impacts of such fences, the applicant has proposed that they be constructed of Hebel panel or lapped and capped timber fencing to a height of 2.0 metres. Any remaining elements higher than 2.0 metres will be Perspex or metal sheeting, set at an angle of 45° away from the neighbouring residential properties. A 600mm wide box gutter will sit on the School's side of the fence, between the top of the Hebel panels and the sloped Perspex or sheet metal angled element. This is to ensure that stormwater from the sloped element does not spill onto adjoining properties. The design of the fence is considered to be acceptable.

The type of fencing must be viewed in the context of the site being a school site, consistent with the Infrastructure zoning of the site. However the zoning of the site and the non- residential nature of the development (existing and proposed) does not mean that the design of the fence can be completely out of character with what could reasonably be expected at a residential/ special uses interface.

The applicant has proposed either sheet metal fencing or Perspex elements for those parts of the fence that have a height greater than 2.0 metres. The material must be visually recessive and it is considered appropriate that conditions of consent require any elements above 2.0 metres in height to be of Perspex material. The sloping nature of the fence and the required material (via conditions) will ensure that the visual impact of the fencing is acceptable. In regard to the lower portion of the fence, given the likely maintenance issues that may be associated with a lapped and capped portion of an acoustic fence, it is considered more appropriate that a long lasting material such as Hebel be used for the lower section of the fence. This will also be dealt with by way of appropriate conditions.

In terms of the resultant acoustic impact of the development, the acoustic report has been assessed by Council's City Planning & Environment Unit and no objection is raised to the proposal, subject to the imposition of appropriate conditions of consent.

Privacy

The greatest opportunity for privacy impacts is associated with buildings located close to the southern boundary of the site, where the site adjoins the rear yard areas of existing residential developments. The nearest such building is the "primary school" building, which is located around the midpoint of the site's southern boundary.

The development provides a significant setback to the southern boundary of 8.985m to the 2 storey component of the primary school building and 16.065m to the 3 storey element, with the area between the building and boundary to be extensively landscaped. It is acknowledged that the regenerated landscaped area will take time to establish and it is considered that despite the significant setback, it is appropriate to require all windows to the southern elevation of this building to have minimum sill heights of 1.5 metres above finished floor level. Given the age and likely heights of students using these classrooms, this will ensure the privacy currently afforded to the residential areas to the south will remain unchanged.

The proposed child care centre has a setback to the southern boundary of the site of 5 metres. The height of the boundary wall at this point and the relative floor and finished surface levels means that privacy impacts will not be experienced at this point.

Visual impacts

The development is setback greater than the required distance to the site's southern boundary, where the interface with low density residential development occurs.

The setback controls contained within Council's DCP are based on the height of the development to ensure that larger scale developments have a greater setback to adjoining properties. This will ensure that, despite the breaches of the height limit proposed in the application, the visual impacts of the development will remain acceptable when viewed from the southern adjoining residential properties. This is partially a consequence of the separation of the buildings and the size of the site, which allows substantial landscaping to reduce the impacts of the built form.

When viewed from public spaces, such as Hector Street and Priam Street, the proposal will retain the existing school presence, with the child care centre being the main addition to the Hector Street frontage. The design of the child care centre and the proposed landscape treatments will ensure that the proposal will have an acceptable visual impact when viewed from these public areas.

Overshadowing

The development application has been accompanied by shadow diagrams. These plans show that, whilst the development will result in the loss of some solar access to the rear yards of some adjoining properties, all properties will still receive a level of solar access that is compliant with Council's planning controls.

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

Based on the findings of the previous sections of this report, it is considered that the site is suitable for the proposed development.

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

The application was advertised and neighbour notified for a period of twenty-one (21) days from 25 March 2015 to 14 April 2015. Seven submissions were received as a result of this notification process. Of these submissions, one indicated that a formal objection would be submitted in the near future (and was), and one was from Sydney Water providing suggested conditions of consent. This submission was made as part of the notification process, as Sydney Water own land adjacent to the site.

Amended plans and documentation were received and the application renotified for a period of 14 days from 20 November 2015 to 3 December 2015. Four submissions were received on this occasion, with three submissions being made from persons who made a submission during the original notification period.

A final set of amended plans and reports were received on 12 April, 2016 and that submission is the subject of this assessment report. The application was renotified for a period of 21 days from 19 April 2016 to 3 May 2016. Five submissions were received, three from persons who previously made submissions. In addition, Sydney Water provided comments in relation to the application and recommended certain conditions be imposed.

The main issues raised in the objections are assessed in the following sections.

- *Acoustic impacts during construction and post occupation.*

The acoustic report indicates that the proposed development will not have an unreasonable impact on the acoustic amenity of residential development in the vicinity of the site, with the proposal being compliant with environmental noise criteria to all residential receivers. This is subject to the construction of the acoustic barrier, which has been discussed previously in this report.

The earlier analysis concluded that the design of the acoustic wall, whilst being higher than traditional boundary fencing, was acceptable due to the limitation of the vertical element of the wall to 2.0 metres in height with any higher elements being of a design and finish (via condition), that will be visually recessive.

- *The appearance and design of the proposed acoustic fence, including potential drainage issues, ongoing maintenance, and a request that the fence be made higher.*

The request to make the fence higher has not been a common theme through the public submissions. As higher fencing is not required for acoustic purposes and is likely to have additional visual and overshadowing issues than the fence that has been proposed, it is not recommended that this be pursued.

Drainage from the fence will be dealt with via a box gutter on the applicant's side of the fence, and conditions of consent have been foreshadowed earlier in this report to require the fencing to be of Hebel blockwork for the lower sections and clear Perspex for the upper areas to reduce visual and maintenance issues over the life of the development.

Some concerns have been raised in submissions that the existing southern boundary fence is in poor condition and that the proposed new fence may be set inside the site, rather than replacing the existing paling fence. It will be a condition of consent that the proposed acoustic fence be located on the boundary, replacing the existing fence, and at full cost to the applicant.

- *Traffic issues generally and in particular around pick up and drop off times.*

This issue has been addressed previously. In summary, the proposed car park facilities comply with the requirements of Council's planning controls, and Council's Traffic Engineers have concluded that the proposed drop off and pick up arrangements are satisfactory. It was found that the environmental capacity of the road network is exceeded at the peak period in three of the four scenarios at present and that this will be exacerbated in the future such that all peaks associated with the local road network exceed the environmental capacity of the road in the future. This will hold true with or without the School development and the traffic report submitted with the development application has suggested that only minimal additional traffic can be attributed to the proposed expanded School facility.

Accordingly, the conclusions of the applicant's and Council's Traffic Engineers are that the proposal can be supported on traffic management grounds.

Some objections have raised the issue of motorists behaving contrary to the road rules at present, and a suggestion that this will be exacerbated as a consequence of the development proceeding. This is an issue which is separate to this development application, and one which cannot be resolved through the development application process.

- *Whether the acoustic fence will require tree pruning in the vicinity of the fence.*

The submission does not object on the grounds that tree requires pruning to accommodate the fence but does suggest that this may be required and seeks clarification at whose cost this will be. Conditions of consent will deal with tree pruning requirements and such requirements will be at the applicant's expense.

- *A claim that the area is a residential area.*

Whilst the area surrounding the site is predominantly residential in nature, the site is zoned for educational purposes. Earlier sections of this report have found that the development is not incompatible with the character of the surrounding area.

- *Need for additional school facilities.*

The supply of school facilities is a matter for the market to determine. The development is permitted at this site.

- *A request that easements on adjoining properties which favour the subject site be deleted.*

The objector has indicated that the subject site benefits from easements for services that traverse adjoining land and has suggested that such services should not affect adjoining land and that the associated easements be extinguished.

This is not a matter for this development application to resolve. The applicant will need to make suitable arrangements with service providers to service the site and if this is to occur through existing easements, this is a matter for the service provider to determine.

- *Mosque facility.*

The applicant has not proposed any changes to the existing "Mosque" and has suggested that this facility operates under an existing consent. As this application does not propose any changes to the facility, conditions of consent have been drafted to indicate that any consent given for this development application excludes the mosque operations.

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

In considering whether the development is in the interests of the general public, there must be a weighing of the positive and negative aspects of the proposal. The provision of school facilities are considered to fulfil an important community need and, provided the impacts of such facilities can be appropriately managed, can be considered to be in the interests of the wider community.

All development, regardless of its scale or the nature of the use, will have some level of impact on the local area. Earlier sections of this report have identified the potential impacts associated with the proposal and the general conclusion reached at each stage of the report is that, whilst there will be some level of impact on the surrounding area resulting from the proposed development, the level of impact will be acceptable.

Accordingly, it is considered that the approval of the proposed development on this site is in 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, the relevant State Environmental Planning Policies, Bankstown Local Environmental Plan 2015 and Bankstown Development Control Plan 2015.

The report has provided detailed analysis of all potential issues associated with the proposal. The LEP zones this site for school infrastructure purposes and neither the LEP nor the DCP requires potential impacts associated with School development to be eliminated. Rather, the documents seek to manage the level of impact. On balance, it is considered that the potential impacts of the development are acceptable and within the limits envisaged by Council's LEP and DCP.