

## JOINT REGIONAL PLANNING PANEL (Sydney West)

JRPP No	2016SYW109
DA Number	DA-725/2015
Local Government Area	Liverpool
Proposed Development	Alterations and additions to an existing school, carrying out of after-hours events within school grounds, increase in the number of students and staff and associated landscape and drainage works. Council is the consent authority and the Sydney West Joint Regional Planning Panel is the determining authority (proposal is identified as Integrated Development pursuant to s100B of Rural Fires Act 1997)
Street Address	201 Carmichael Drive West Hoxton, Lot 1013 DP 1079422
Applicant/Owner	Fulton Trotter Architects  Trustees of the Roman Catholic Archdiocese
Number of Submissions	1
Regional Development Criteria (Schedule 4A of the Act)	The proposal is an Educational Establishment with a Capital Investment Value of over \$5 million; the Joint Regional Planning Panel is therefore the determining authority.
List of All Relevant s79C(1)(a) Matters	<ul style="list-style-type: none"> <li>• List all of the relevant environmental planning instruments: s79C(1)(a)(i) <ul style="list-style-type: none"> <li>➤ State Environmental Planning Policy No.55 – Remediation of Land.</li> <li>➤ Greater Metropolitan Regional Environmental Plan No. 2 – Georges River Catchment;</li> <li>➤ State Environmental Planning Policy (Infrastructure) 2007;</li> <li>➤ Liverpool Local Environmental Plan 2008;</li> </ul> </li> <li>• List any 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)</li> <li>• List any relevant development control plan: s79C(1)(a)(iii) <ul style="list-style-type: none"> <li>➤ Part 1 – Controls to all development</li> <li>➤ Part 3.8 – Non Residential Development in Residential Zones</li> </ul> </li> <li>• List any 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)</li> <li>• List any coastal zone management plan: s79C(1)(a)(v)</li> </ul>

	<ul style="list-style-type: none"> <li>List any relevant regulations: s79C(1)(a)(iv) eg. Regs 92, 93, 94, 94A, 288</li> <li>➤ Consideration of the National Construction Code and the Building Code of Australia</li> </ul>
Does the DA require Special Infrastructure Contributions conditions (s94EF)?	Note: Certain DAs in those parts of Blacktown, Hawkesbury, Hills, Liverpool, Campbelltown and Camden LGAs that fall within the Special Infrastructure Contributions Area may require specific Special Infrastructure Contributions (SIC) conditions.
List all documents submitted with this report for the panel's consideration	<ol style="list-style-type: none"> <li>1. Draft Conditions of consent</li> <li>2. Architectural/Landscaping/Drainage Plans</li> <li>3. Acoustic Report</li> <li>4. Arboricultural Assessment Report</li> <li>5. Traffic and Parking Assessment Report</li> <li>6. BCA Compliance Report</li> <li>7. Bushfire Assessment Report</li> <li>8. RMS Correspondence</li> <li>9. RFS GTA's</li> <li>10. Previous consent for the school</li> <li>11. Redacted Version of submission</li> </ol>
Recommendation	Approval
Report by	George Nehme
Report date	August 2016

## 1. EXECUTIVE SUMMARY

### 1.1 Reasons for the report

Sydney West Joint Regional Planning Panel is the determining authority as the development application is for an educational establishment with a Capital Investment Value of the over \$5 million, pursuant to Schedule 4A of the Environmental Planning and Assessment Act 1979.

### 1.2 The proposal

Alterations and additions to an existing school, carrying out of after-hours events within school grounds, increase the number of students and staff and associated landscape and drainage works.

### 1.3 The site

The subject site is known as Lot 1013 DP 1079422, 201 Carmichael Drive, West Hoxton and is located on the western side of Carmichael Drive between Moondarra Drive to the north and Montefiore Avenue to the south.

### 1.4 The issues

The main issues are identified as follows:

- 1) Non-compliance with building height
- 2) Traffic issues

These issues are discussed in detail further in this report.

## 1.5 Exhibition of the proposal

The development application was on public exhibition twice. The first public exhibition period was from 26 August 2015 to 10 September 2015 in accordance with Liverpool Development Control Plan 2008 (LDCP 2008). During the first exhibition period no submissions were received.

The development application was placed on public exhibition for a second time from 15 June 2016 to 30 June 2016. During the second exhibition period one submission was received. The concerns raised in the submission are detailed further in this report.

## 1.6 Conclusion

The application has been assessed pursuant to the provisions of the Environmental Planning and Assessment Act (EP&AA) 1979. Based on the assessment of the application and the consideration of the written requests to vary a development standard, it is recommended that the application be approved subject to the recommended conditions of consent (attachment 1).

## 2. SITE DESCRIPTION AND LOCALITY

### 2.1 The site

The subject site is identified as Lot 1013 DP 1079422, 201 Carmichael Drive, West Hoxton and is located on the western side of Carmichael Drive between Moondarra Drive to the north and Montefiore Drive to the south. An aerial photograph of the subject site is provided below.



Figure 1: Aerial photograph of the site

The site is an irregular shaped allotment with a total site area of 47,016m<sup>2</sup>. The subject allotment has multiple frontages including an approximately 153m northern boundary frontage to Moondarra Drive, an eastern boundary frontage of over 300m to Carmichael



Drive and a southern Boundary to Montefiore Avenue of approximately 75m. The subject site is zoned R2 Low Density Residential under the Liverpool Local Environmental Plan 2008.

Currently the subject site contains an existing Educational Establishment known as Clancy Catholic College. The educational establishment was approved under DA-288/2005. The subject development application is seeking alterations and additions to the existing school.

The school provides open space onsite suitable for regular school breaks as both hard surface and grassed areas on the school property. The existing school provides a large expansive oval at the southern portion of the site that is utilised by the school students. The subject proposal also involves the construction of playing courts along the eastern boundary of the site and one of the proposed new building identified as Block M contains a multi-purpose hard playing court. The existing oval and new playing courts are identified below in figures 2 and 3.

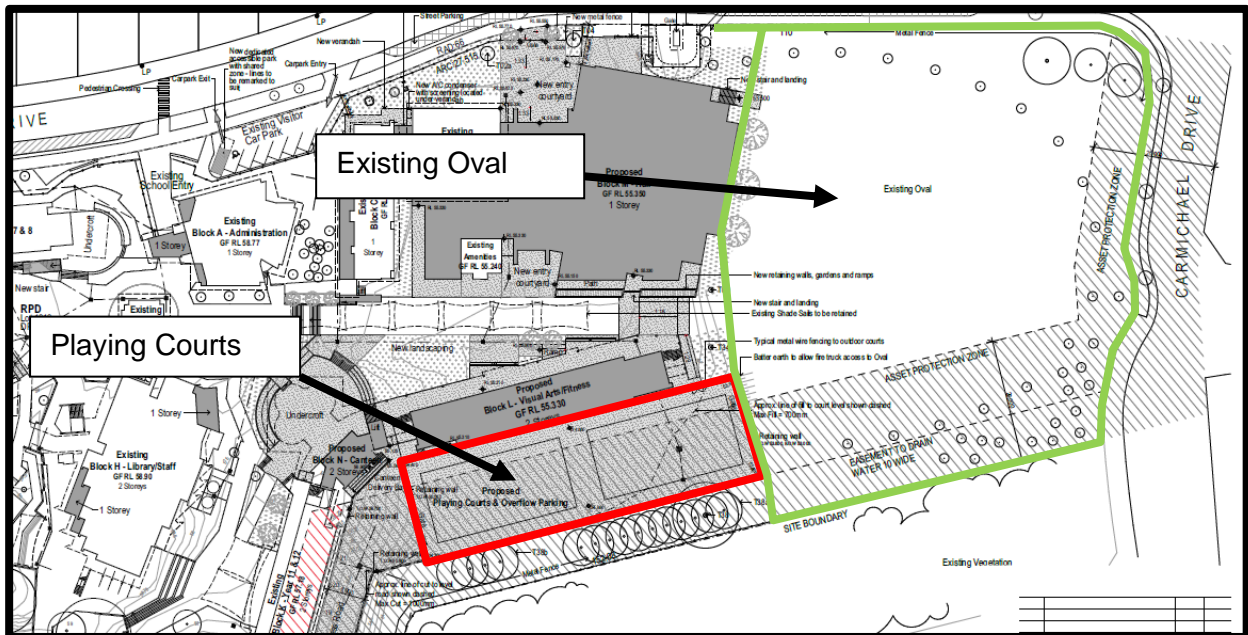


Figure 2: Location of Oval and Playing Courts

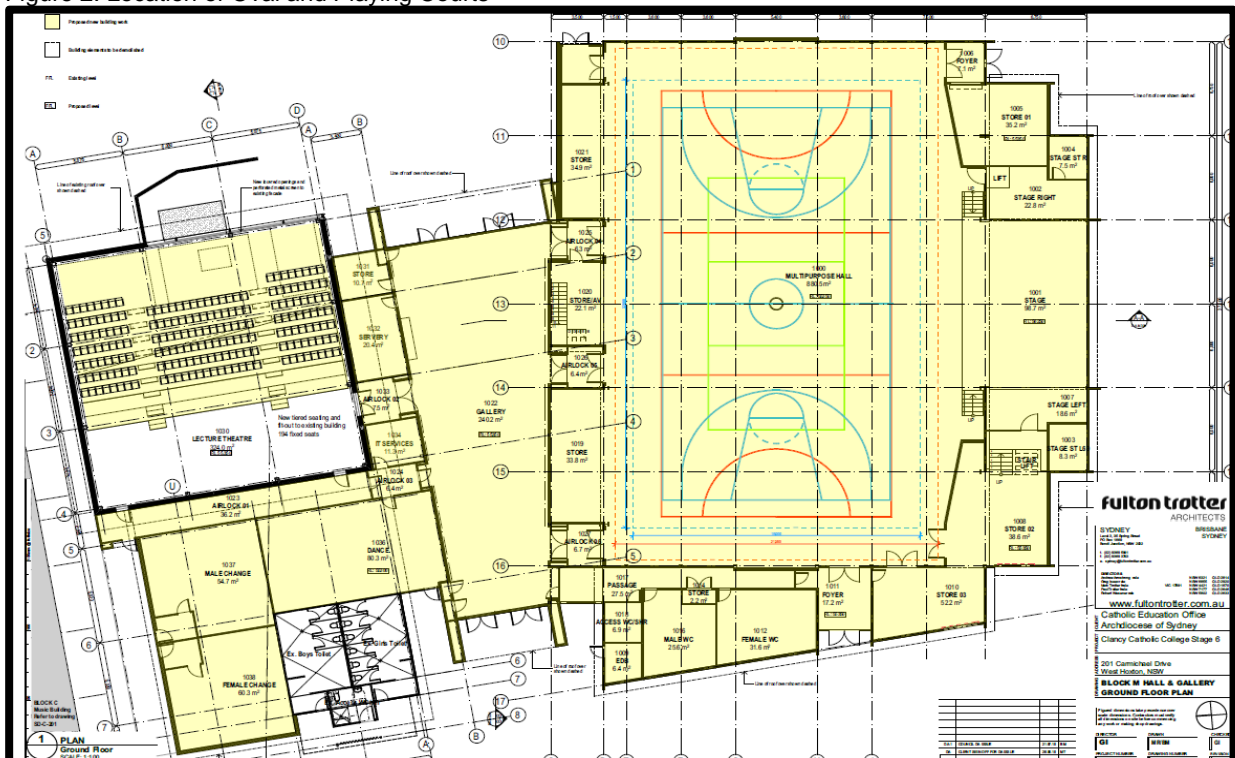


Figure 3: Block m Playing Courts

## 2.2 The locality

The surrounding locality is predominately characterised by low density residential development, consisting of single and double storey detached dwelling houses. Directly south of the subject allotment across Montefiore Avenue is the Greenway Park Community Centre. Located directly north of the subject allotment is the Western Sydney Parklands. Located directly west of the subject allotment is a heavily vegetated sliver of land belonging to Council. Located directly east of the subject allotment across Carmichael Drive are predominately detached single and double storey dwellings. The existing locality is shown in figure 4 below:

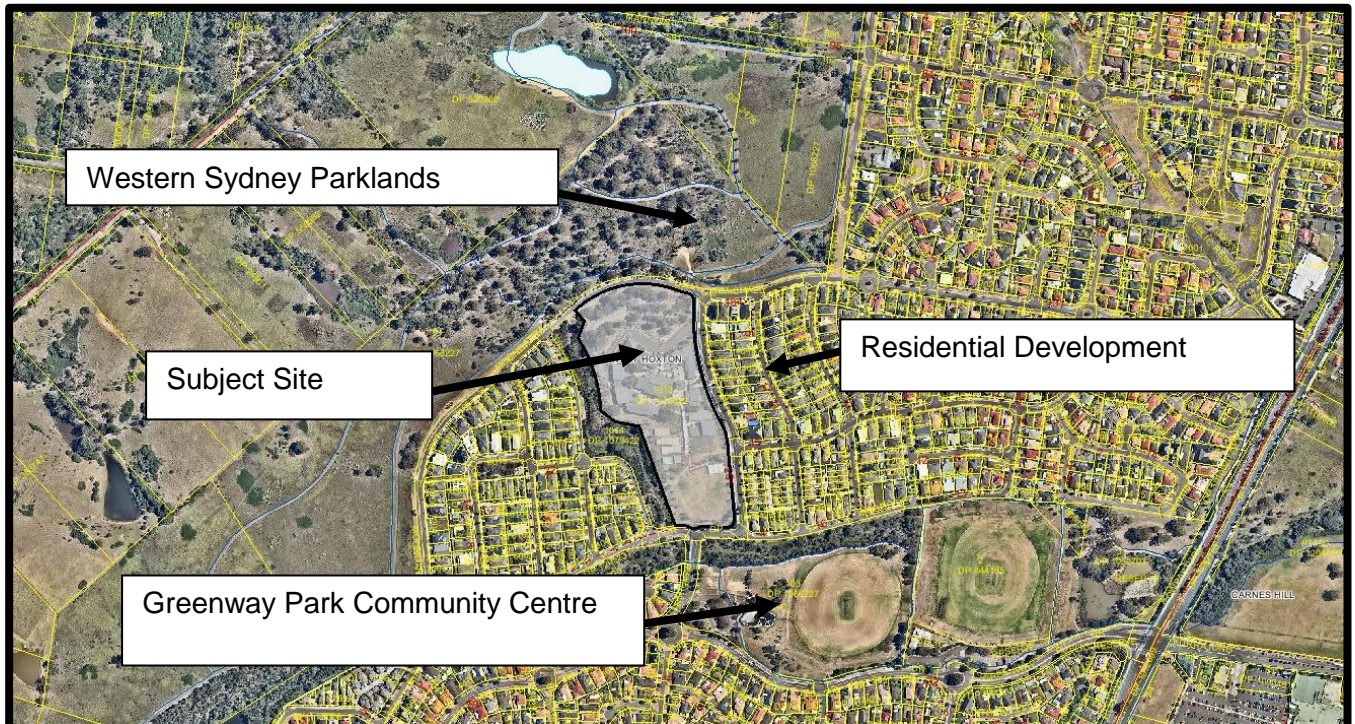


Figure 4: Locality Map

## 2.3 Site affectations

The subject site has number of constraints, which are listed below:

### Bushfire

The subject site is located within a Bushfire prone area. As part of the application a Bushfire Hazard Assessment Report was lodged, prepared by Building Code & Bushfire Hazard Solutions Pty Ltd, dated 12 June 2015, reference 150245 (Attachment 7). The assessment report was referred to the NSW RFS for their General Terms of Approval. The RFS provided correspondence to Council dated 8 October 2015, including their General Terms of Approval.



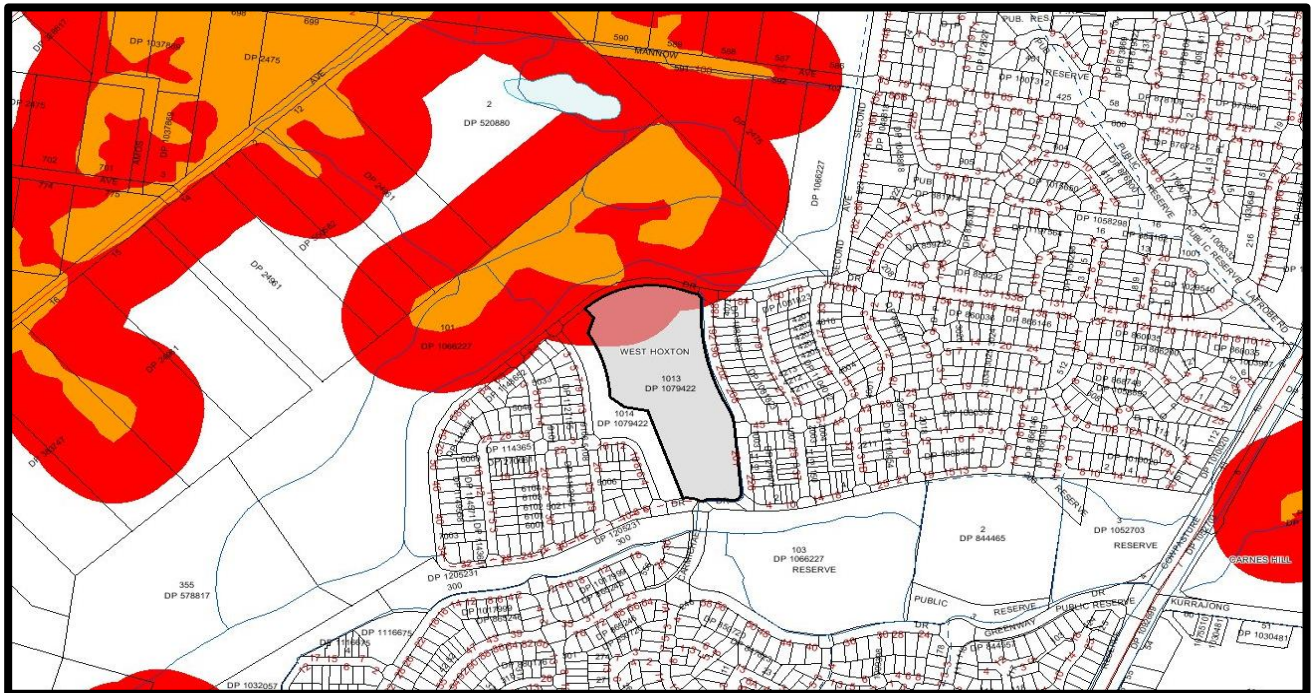


Figure 5: Bushfire Map

### Threatened Ecological Community

The northern portion of the development site comprises a threatened ecological community in the form of Cumberland Plain Woodland. This portion of the site is unaffected by this development.



Figure 6: Threatened Ecological Community

## 3. BACKGROUND

### 3.1 Issues Identified in Initial Assessment

Council sought further information and clarification regarding the following items on 29 January 2016;

- 1) An amended acoustic assessment
- 2) Additional clarification regarding the proposed after school events.
- 3) Amended plans that reflect all updated architectural proposals along with an updated SEE to reflect the most updated plans

The applicant provided the amended documentation in response to the concerns raised on 23 March 2016. The additional information was assessed and considered satisfactory.

#### **4. DETAILS OF THE PROPOSAL**

Development consent is sought for:

- 1) Increase the existing approved school population. The original consent granted by Council (DA-288/2005) allowed a maximum of 1030 students and a total of 99 staff. The subject application seeks approval to increase the number of students to a maximum of 1150 and the number of staff members to a total of 103.
- 2) The proposal seeks approval for the carrying out of a number of mainly after hours events (7:00pm to 9:30pm) upon the school grounds. There are approximately a total of 20 events which occur over the course of the year and which attract on average approximately 300-400 people (parents and carers). It has been identified in the submitted statement of environmental effects that each year there is one large event (a mother's day mass) and which typically attracts up to 1,400 attendees. A traffic report prepared by Lyle Marshall and Associates Pty Ltd has been submitted with the application to outline the traffic management measures put in place during these events. This is discussed in detail below.
- 3) Alterations and additions to the existing educational establishment in the following form;
  - Block A – Administration Building – alterations and additions
    - Enclose spaces under existing roof lines to create a new entry foyer, interview rooms and larger student services space.
  - Block B - Science & General Learning Area (GLA) Building – Alterations and Additions (2 Storey)
    - Extension to ground floor to create new GLA.
    - Demolish existing external stair to verandah and construct new, wider stair to improve circulation.
    - Enclose existing verandah on first floor
    - New science lab extension above GLA on first floor.
    - Reconfigure existing GLA's and multipurpose lab to create 2 x science labs.
    - Increase to the envelope of the building towards the west.
    - Reconfiguration of associated stair and verandah.
  - Block C – Music Building (1 storey)
    - Enclose existing verandah.
    - Extend verandah around east side of building to provide access link to lecture theatre.
    - New lift and stair access to be located at the end of the ramp to the music building.
    - Extension between music and lecture theatre to create new music practice rooms and storage.
  - Block F – TAS Building – alterations 7 additions (2 storey)

- Remove existing kiln and enclose space under existing slab to create a GLA (previously TAS covered workshop).
  - Minor refurbishment to existing spaces to create flexible learning spaces and GLAs
  - Minor extension to the building to create a GCA/HSC Display Classroom.
- Block G – Lecture Theatre (1 storey) – existing shell
  - New tiered seating with control booth
  - Demolish existing change rooms for new dance studio
  - New larger change rooms
  - New roof over existing toilets.
- Block H – Library/ Staff Building – alterations & additions (2 storey)
  - Extension to staff study under line of existing roof to create larger staff work area.
  - Refurbishment of existing canteen area into staff study space.
  - Remove balcony to create extension to existing staff lounge.
  - Increase to the envelope of the extension to staff study under line of existing level over north and west of building to create larger staff work area.
- Block J – Year 9 & 10 Building – alterations (2 storey)
  - Reduction in size of existing first floor break out area.
- Block K – Year 7 & 8 Building and year 11 and 12 building – alterations (2 storey)
  - Modifications to the envelope of the breakout space to allow wider circulation on the verandah and direct access to GLA's.
- Block L – New Art & Fitness Building (2 Storey)
  - Including art studios, kiln, clay & print room, fitness room, GLA's, Change Rooms, and lift.
- Block M – Gallery (1 Storey)
  - New Gallery located between existing lecture theatre building and new hall.
  - To include access to both the lecture theatre, hall and toilets, plus food servery and storage spaces.
  - New hall to include multi-purpose court, storage, control room on mezzanine, stage with mechanical plant rooms above.
  - New entry courtyards to both east and west sides of the gallery.
- Block N – New Canteen and FLA (2 storeys)
  - To be located between existing year 11 and 12 building and new art and fitness building.
  - To include new canteen with undercroft area and new flexible learning area above.
- External Works & Demountable
  - Reposition demountable on site to allow construction of 2 x multi-purpose courts
  - Extend existing driveway to provide delivery access to canteen and overflow parking to the courts.
  - Access carpark within existing visitor's car park to be made complaint.
  - New amphitheatre type seating and hard/soft landscaping opposite new Art & Fitness Building



## Carrying Out of After School Events

As indicated above the proposal is also seeking consent for the carrying out of events after school hours directly related to the proposed use as an educational establishment. Within the traffic and parking assessment submitted with the application prepared by Lyle Marshall & Associates Pty Ltd, dated July 2015, a summary of the events that are to be undertaken within the school year has been provided. The extract from the traffic report is detailed below in figure 7 below.

<b>3.8 College Events Generating Visitor Parking</b>								
The list of events to be held during the college year 2015 and expected attendance at each event and the duration of each event are listed below. The 'Mother's Day Mass' is held in the <i>undercroft</i> and adjacent area near <b>Block B</b> and <b>Block B Level 1</b> .								
Function	Attendance			Duration of Event	Busiest Hour Attendance		Visitor & Teacher Parking Demands	Venue
	Parents	Students	Teachers		Parents	Teachers		
Welcome to new Parents New Enrolments	200 200		30 30	7-7.30pm 7.30-8pm	200 200	30 30	130 130	Block G Block G
Year 11 Assessment Information Night	320		45	7-8pm	320	45	205	Block K
Year 10 Information Night	400		30	7-8pm	400	30	230	Block J
Open Day April	400 -450	300 - 350	100	11am-2pm	200	100	200	Whole Campus
Years 11 & 12 Parent/Teacher Interviews	320	300	85	3.30pm-8.30pm	100	85	185	Block K
Mother's Day Mass	200	1100	100	11am-12.30pm	200	100	200	RPD Undercroft Block B Level 1
Years 7,8,9 & 10 Parent/Teacher Interviews	350	350	90	12pm – 8.30pm	80	90	170	Blocks J and B.
Years 7,8,9 & 10 Parent/Teacher Interviews	150	150	90	3.30 -8.30pm	60	90	150	Blocks J and B
Year 11, 2016 Subject Selection Night	400		45		400	45	245	Block K
Year 7, 2016 Subject Information Night	200 200		30 30	7-8pm 8-9pm	200 200	30 30	130 130	Block G Block G
Year 12 Parent/Teacher Interviews	200		45	3.30pm-8.30pm	100	45	95	Block K
Year 9, 2016 Subject Selection Information Night	300		45	7-8pm	300	45	195	Block J
HSC 2016 Assessment Information Night	300		45	7-8pm	300	45	195	
Arts & Culture Night	450-500		90	8.30pm-9.30pm	150-170	90	165-175	
Special Education Awards Night	70			7-8pm	70		35	
HSC Drama Night	20			7-8pm	20		10	
HSC Music Night	20			7-8pm	20		10	
Father's Day Breakfast	200			7.30am-9.am	200		180	

**Notes:**

1. The parent attendance numbers and car parking demand are estimates only.
2. There have been no complaints by residents about School Visitors parking on-street.

Figure 7: Extract from traffic Report showing after school events

The traffic assessment took into account the event that would generate the highest attendance being the Mother's Day Mass. This event is expected to generate an attendance

of 1400. Based on these numbers the traffic report undertook a survey of the parking availability during these times and it found 291 spaces would be available in the form of the following;

- Designated Parking on Site = 124
- On-site overflow Parking (New Playing Courts) = 56 spaces
- Nearby on-street time restricted parking spaces (non-residential street frontages) = 78 Spaces
- On-street after hours parking spaces (adjacent to school) = 33 Spaces

The traffic report then accounted for a rate of 1 space per 6 seats as required for an entertainment facility within the LDCP 2008. The rate was based on the maximum capacity of 1400, which would be generated by the Mother's Day Mass. The assessment found that it would generate the need for 234 spaces, thus providing sufficient availability for the proposed events during the worst case scenario.

Moreover as part of the proposal an acoustic assessment prepared by Acoustic Studio, dated March 2016, found the proposed development will not create a detrimental impact in terms of noise levels on adjoining residents. Given the fact the proposed events happen infrequently and are directly related to the use of the educational establishment, it is considered they are worthy of support in this instance.

Having regard to the above, appropriate conditions of consent have been imposed stipulating to the number and hours of operation of the after school events.

#### **4.1 History**

- 1) DA-288/2005 was approved for the construction of the secondary school on 7 March 2005
- 2) The subject development application was lodged on 4 August 2015.

### **5. STATUTORY CONSIDERATIONS**

#### **5.1 Relevant matters for consideration**

The following Environmental Planning Instruments, Development Control Plans and Codes or Policies are relevant to this application:

##### Environmental Planning Instruments (EPI's)

- State Environmental Planning Policy No.55 – Remediation of Land.
- Greater Metropolitan Regional Environmental Plan No. 2 – Georges River Catchment;
- State Environmental Planning Policy (Infrastructure) 2007;
- Liverpool Local Environmental Plan 2008;

##### Draft Environmental Planning Instruments

- No applicable draft planning instruments apply to the site

##### Development Control Plans

- *Liverpool Development Control Plan 2008*
  - Part 1 – Controls to all development
  - Part 3.8 – Non Residential Development in Residential Zones

## 5.2 Zoning

The subject site is zoned R2 Low Density Residential pursuant to LLEP 2008 as depicted in figure 8 below;

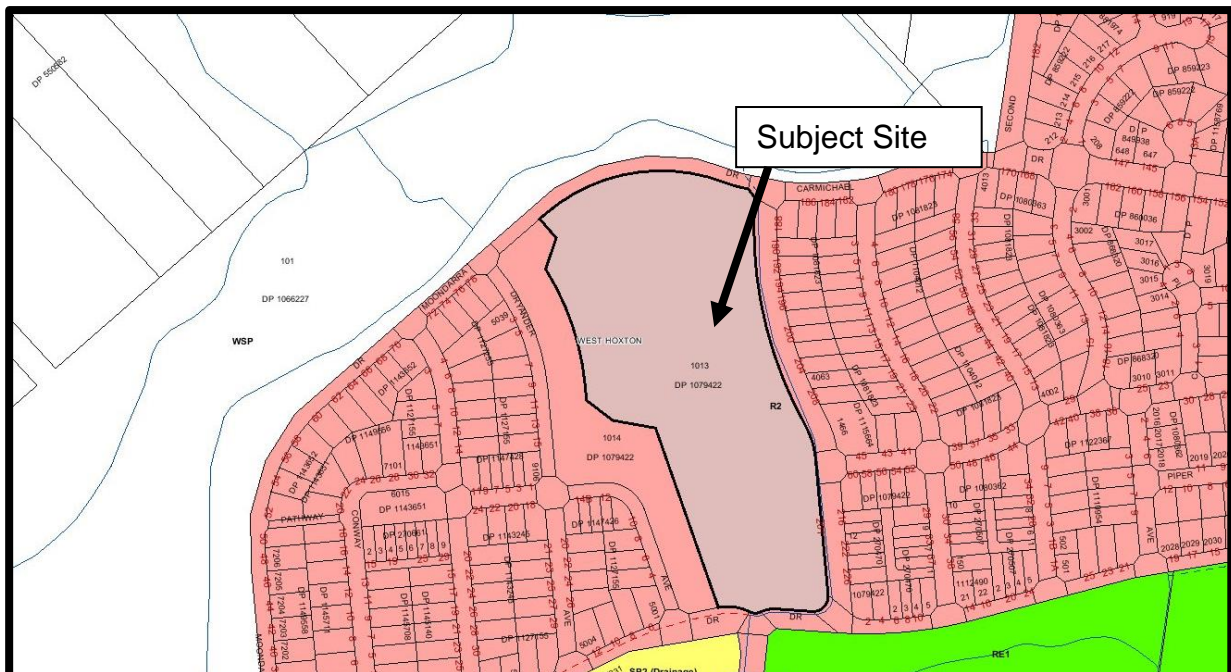


Figure 8: Extract of LLEP 2008 zoning map

## 5.3 Permissibility

The proposed development would be defined as an ‘Educational Establishment’, which is permissible within the R2 Low Density Residential zone.

## 6. ASSESSMENT

The development application has been assessed in accordance with the relevant matters of consideration prescribed by Section 79C of the EP&A Act 1979 and the Environmental Planning and Assessment Regulation 2000 as follows:

### 6.1 Section 79C(1)(a)(1) – Any Environmental Planning Instrument

#### State Environmental Planning Policy No. 55 – Remediation of Land (SEPP 55)

The objectives of SEPP 55 are:

- *to provide for a state wide planning approach to the remediation of contaminated land.*
- *to promote the remediation of contaminated land for the purpose of reducing the risk of harm to human health or any other aspect of the environment.*

Pursuant to clause 7 the above SEPP, Council must consider:

- whether the land is contaminated.
- if the land is contaminated, whether it is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the proposed use.

An investigation into the site history has indicated that the site has been utilised solely as an educational establishment circa 2005. There is no evidence of potential contaminating activities being undertaken at the development site that will bring rise to the need for further investigation pursuant to SEPP 55. The subject site is considered suitable in its current state



to maintain the use as an educational establishment.

The application has been referred to Council's Environmental Health section who did not raise any objection to the proposal in respect to contamination, subject to the following conditions of consent have been imposed on the consent in order to ensure compliance with SEPP 55.

- *The development, including all civil works and demolition, must comply with the requirements of the Contaminated Land Management Act, 1997, State Environmental Planning Policy No. 55 – Remediation of Land, and Managing Land Contamination – Planning Guidelines (Planning NSW/EPA 1998).*
- *Any new information which comes to light during remediation, demolition or construction works which has the potential to alter previous conclusions about site contamination and remediation must be notified to Council and the accredited certifier immediately after discovery. A Section 96 Application under the EP&A Act shall be made for any proposed works outside the scope of the approved development consent.*

<b>Clause 7 - Contamination and remediation to be considered in determining development application</b>	<b>Comment</b>
(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	It is considered that the subject site has been operating as an educational establishment from 2005. The subject site has not been utilised for potentially contaminating land uses. The proposal was reviewed by Council's Environmental Health Staff, and considered satisfactory.
(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	The land is considered suitable in its current state for the continued use as an Educational Establishment.
(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.	It is considered the subject site remains suitable in its current state for the continued use as an Educational Establishment.

Based on the above Council is satisfied that in accordance with clause 7 of SEPP 55, the site will be suitable for the proposed development.

### **State Environmental Planning Policy (Infrastructure) 2007**

Due to the proposal involving an increase in the student population by more than 50 students, the proposal is considered to be traffic generating development, pursuant to schedule 3, column 2 of the State Environmental Planning Policy (Infrastructure) (SEPP Infrastructure) 2007. Therefore an assessment under clause 104 of the SEPP Infrastructure "traffic generating development" must be undertaken. Clause 104 states;

*(1) This clause applies to development specified in Column 1 of the Table to Schedule 3 that involves:*

- (a) new premises of the relevant size or capacity, or*

- (b) an enlargement or extension of existing premises, being an alteration or addition of the relevant size or capacity.*

**Comment:** The proposed development is considered to be an enlargement of an existing educational establishment that involves an increase in the student population by 120 students.

*(2) In this clause, relevant size or capacity means:*

- (a) in relation to development on a site that has direct vehicular or pedestrian access to any road—the size or capacity specified opposite that development in Column 2 of the Table to Schedule 3, or*
- (b) in relation to development on a site that has direct vehicular or pedestrian access to a classified road or to a road that connects to a classified road where the access (measured along the alignment of the connecting road) is within 90m of the connection—the size or capacity specified opposite that development in Column 3 of the Table to Schedule 3.*

**Comment:** The proposal involves the increase in the student population at the school by 120 students

which exceeds the number of students stipulated in column 2 of schedule 3, for development types with access to any roads. Therefore the proposal is considered traffic generating development.

*(3) Before determining a development application for development to which this clause applies, the consent authority must:*

- (a) give written notice of the application to the RTA within 7 days after the application is made, and*
- (b) take into consideration:*

- (i) any submission that the RTA provides in response to that notice within 21 days after the notice was given (unless, before the 21 days have passed, the RTA advises that it will not be making a submission), and*
- (ii) the accessibility of the site concerned, including:*

*(A) the efficiency of movement of people and freight to and from the site and the extent of multi-purpose trips, and*

*(B) the potential to minimise the need for travel by car and to maximise movement of freight in containers or bulk freight by rail, and*

- (iii) any potential traffic safety, road congestion or parking implications of the development.*

**Comment:** The RMS was notified of the application. The RMS provided correspondence dated, 17 June 2016 indicating they raise no concern with the proposal.

Moreover as part of the development proposal Traffic and Parking assessment report was submitted with the proposal, prepared by Lyle Marshall and Associates Pty Ltd, dated July 2015. The traffic impact assessment took into account the proposed student and staff number increase along with the scheduled school events that are to take place

outside school hours. The traffic impact assessment provided the following conclusions with regards to impacts on proposed facilities;

a) Traffic Impacts

The minor increases in peak intersection traffic movements on school days may increase the delay in the right-turn from Carmichael Drive northern approach to limit of Level Service A but all other movements are expected to remain at Level of Service A, providing good operation and spare capacity.

It was also found that the pavement width of 6.48m in Moondarra Drive is too narrow for 2-way traffic movements and kerbside parking on both sides. As such a condition of consent will be imposed prohibiting parking on the north western side of Moondarra Drive adjacent to the Western Sydney Parklands side.

b) Parking

The parking spaces to be provided on site comply with the current Liverpool Council DCP.

For special events held in the multi-purpose hall/gallery/lecture theatre combined. The available on-site parking and on-street parking on the College frontage in Carmichael Drive and Moondarra Drive, (258 spaces) are more than adequate to meet the DCP requirements of 236 spaces for a capacity crowd of 1400. A further 43 spaces are available on the eastern sides of Dryander and Warby Avenue.

c) Vehicular Access

The existing access to the staff car parks from Carmichael Drive is operating with 'spare capacity' and the level of service is not expected to change significantly. The internal driveway is signposted for 10km/hour and is safe for pedestrians and has spare capacity.

The existing service entrance in Moondarra Drive is mainly for service vehicles and has very few movements at busy school arrival and departure times.

d) Pedestrian Safety

The signage restricts vehicle speed to 10km/hr along the 'circulation driveway' within the College Campus. It is recommended that the extended service driveway to the canteen be signposted for 10km/hr.

Conclusion

Based on the above conclusions it can be ascertained that the proposal will not create a detrimental impact on potential traffic safety, road congestion or parking demand on the surrounding locality. The traffic and parking assessment was reviewed by Council's Traffic Engineer and considered satisfactory.

*(4) The consent authority must give the RTA a copy of the determination of the application within 7 days after the determination is made*



**Comment:** The RMS will be notified of the determination.

## **Greater Metropolitan Regional Environmental Plan No. 2 – Georges River Catchment (now deemed SEPP).**

The Greater Metropolitan Regional Environmental Plan No. 2 – Georges River Catchment generally aims to maintain and improve the water quality and river flows of the Georges River and its tributaries.

When a consent authority determines a development application planning principles are to be applied (Clause 7(2)). Accordingly, a table summarising the matters for consideration in determining development application (Clause 8 and Clause 9), and compliance with such is provided below.

<b>Clause 8 General Principles</b>	<b>Comment</b>
When this Part applies the following must be taken into account:	Planning principles are to be applied when a consent authority determines a development application.
(a) the aims, objectives and planning principles of this plan,	The plan aims generally to maintain and improve the water quality and river flows of the Georges River and its tributaries.
(b) the likely effect of the proposed plan, development or activity on adjacent or downstream local government areas,	The proposal provides soil and erosion control measures and a Stormwater Concept Plan. The plans provided have been reviewed by Council's development engineer and considered satisfactory
(c) the cumulative impact of the proposed development or activity on the Georges River or its tributaries,	The proposal has provided suitable storm water concept plans that have been reviewed and considered satisfactory.
d) any relevant plans of management including any River and Water Management Plans approved by the Minister for Environment and the Minister for Land and Water Conservation and best practice guidelines approved by the Department of Urban Affairs and Planning (all of which are available from the respective offices of those Departments),	The site is located within an area covered by the Liverpool District Stormwater Management Plan, as outlined within Liverpool City Council Water Strategy 2004.
(e) the <i>Georges River Catchment Regional Planning Strategy</i> (prepared by, and available from the offices of, the Department of Urban Affairs and Planning),	The proposal includes a Stormwater Concept plan. There is no evidence that with imposition of mitigation measures, the proposed development would affect the diversity of the catchment.
(f) all relevant State Government policies, manuals and guidelines of which the council, consent authority, public authority or person has notice,	The RFS and RMS were both notified of the application and both have issued their concurrence for the proposal.
(g) whether there are any feasible alternatives to the development or other proposal concerned.	The site is located in an area nominated for residential development.

<b>Clause 9 Specific Principles</b>	<b>Comment</b>
-------------------------------------	----------------

(1) Acid sulfate soils	The land is not identified as containing Acid Sulfate Soils.
(2) Bank disturbance	No disturbance of the bank or foreshore along the Georges River and its tributaries is proposed.
(3) Flooding	The subject site is not identified as being flood prone.
(4) Industrial discharges	Not applicable in this instance.
(5) Land degradation	An erosion and sediment control plan aims to manage salinity and minimise erosion and sediment loss.
(6) On-site sewage management	Not applicable.
(7) River-related uses	The proposal does not prevent access to the foreshore area by the public.
(8) Sewer overflows	Not applicable.
(9) Urban/stormwater runoff	A Stormwater Concept Plan proposes connection to existing services.
(10) Urban development areas	The site is not identified as being located within the South West Growth Centre within the Metropolitan Strategy.  The site is not identified as being an Urban Release Area under LLEP 2008.
(11) Vegetated buffer areas	The site is not located within a Vegetated buffer area
(12) Water quality and river flows	A drainage plan proposes stormwater connection to existing services.
(13) Wetlands	Not applicable.

It is considered that the proposal satisfies the provisions of the GMREP No.2 subject to the implementation of appropriate sedimentation and erosion controls during construction. Therefore the development will have minimal impact on the Georges River Catchment.

### **Liverpool Local Environmental Plan 2008**

As stated previously the subject site is zoned R2 Low Density Residential under Liverpool Local Environmental Plan 2008 (LLEP 2008). The proposed development is defined as an *educational establishment* and is permissible with Council consent in the R2 Low Density Residential zone.

### **Zone Objectives**

The objectives of the R2 – Low Density Residential zone are as follows:

- *To provide for the housing needs of the community within a low density residential environment.*
- *To enable other land uses that provide facilities or services to meet the day to day needs of residents.*
- *To provide a suitable low scale residential character commensurate with a low dwelling density.*
- *To ensure that a high level of residential amenity is achieved and maintained.*

The proposed development is considered to be consistent with the objectives of the R2 zone. The proposal allows for an educational establishment that meets the day to day needs of

residents. The proposed educational establishment has been designed to ensure a high level of residential amenity is achieved and maintained.

### **Principal Development Standards**

The following principal development standards are applicable to the proposal:

<b>Development Provision</b>	<b>Requirement</b>	<b>Proposed</b>	<b>Comment</b>
4.3 Height of Building	8.5m	Building L = 9.92m Building M = 10.4m Building N = 10.0m	<b>NO</b> (Refer to clause 4.6 variation below)
4.4 Floor Space Ratio	0.6:1	0.246:1	Yes
5.9 – Preservation of Trees or Vegetation	Councils consent is required prior to the removal of any existing trees of vegetation.	Please Refer to assessment of clause 5.9 below	Yes
7.6 – Environmentally Significant Land	Consider impacts of development on environmentally significant land, bed and banks of waterbody, water quality and public access to foreshore.	The northern portion of the development site comprise of a threatened ecological community in the form of Cumberland Plain Woodland. This portion of the site is unaffected by this development.	Yes

### **Clause 5.9 – Preservation of trees or vegetation**

Clause 5.9(3) states;

*“A person must not ringbark, cut down, top, lop, remove, injure or willfully 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*

Having regard to the above the applicant has submitted an Arboricultural Assessment Report, prepared by Jackson Nature Works, dated 19 July 2015. The report identified 56 trees to be removed. The trees identified for removal are numbered as follows within the Arboricultural assessment report; 1, 2, 3, 5, 5A, 6, 6A, 6B, 6C, 7, 8, 9-15, 17-20, 21, 22, 23, 24-34, 35A, 35, 36, 37, 39, 40, 41, 42, 43, 44,45, 46, 47, 48, 49, 51, 53, 61, 62 & 63.



The assessment report identified 27 trees to retained. The trees identified for retention are numbered as follows within the Arboricultural assessment report; 2A, 4, 38, 38A, 38B, 43A, 43B, 43C, 43D, 44A, 44B, 44C, 44D, 44E, 45A, 45C, 49A, 49B, 50, 54, 54A, 55, 56, 59, 59A, 59B & 60.

The submitted Arboricultural Assessment report was reviewed by Council's Landscaping Officer and considered worthy of support. The tree survey provided within the assessment report indicating the trees to retained or removed is provided below.

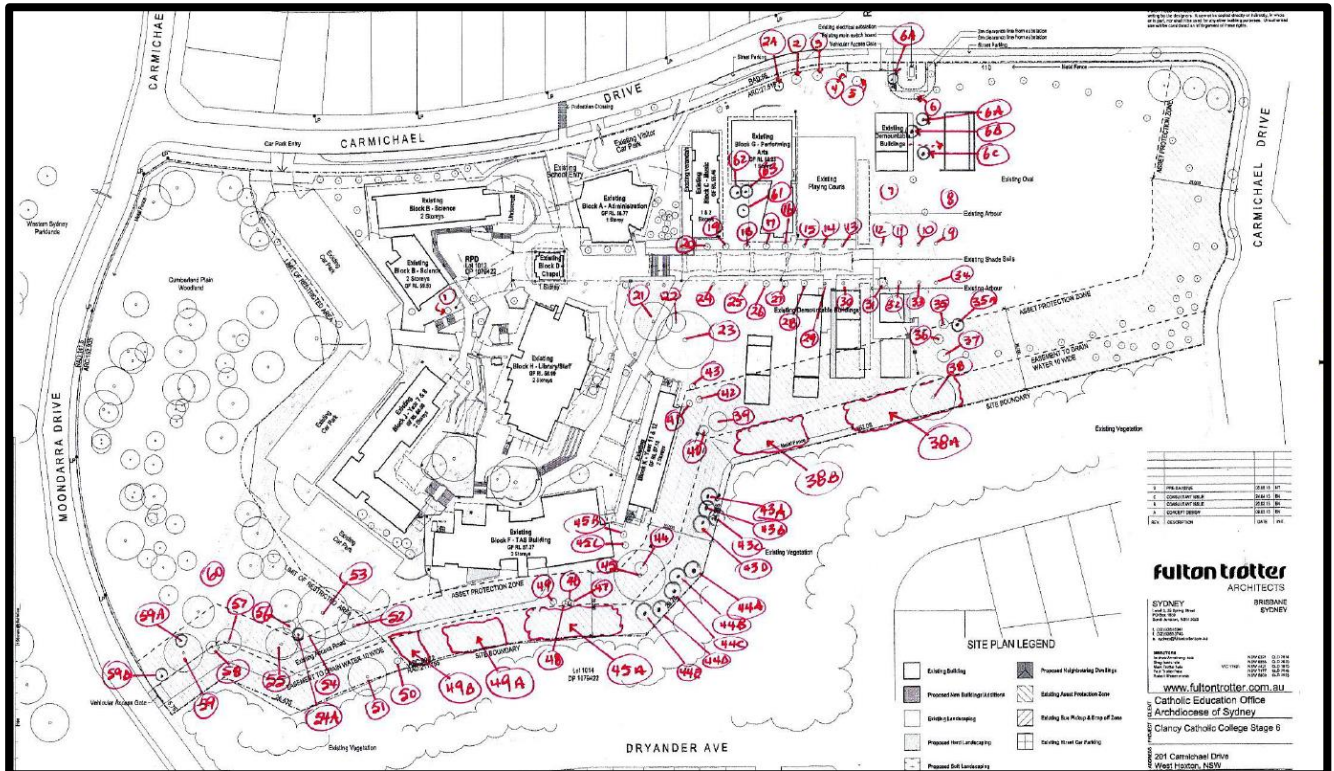


Figure 9: Trees identified for removal or retention within Arboricultural Assessment

The assessment report also identifies that consideration should be given to transplanting certain trees that are to be removed. The report also recommends that tree removal be undertaken by an experienced tree surgeon and the implementation of tree protection measures for the tree to be retained. The submitted Arboricultural assessment report will form part of the suite of approved documents within the attached recommended conditions of consent.

### **Discussion on variation under Clause 4.6 of LLEP 2008 development standards**

As identified in the compliance table above, the proposal is generally compliant with the majority of provisions prescribed by LLEP 2008 with the exception of the following:

#### **Variation to Clause 4.3 Height of Buildings**

Clause 4.3 of the LLEP 2008 stipulates that the maximum height permissible on the subject site is 8.5m. The proposed development has included 3 new buildings which exceed the maximum height limit applicable. Building L has a proposed maximum height of 9.92m representing a variation of 16.7%, Building M has proposed a maximum building height of 10.4m, representing a variation of 22% and Building N has proposed a maximum building height of 10m, representing a variation of 17.6%. Consequently the applicant has provided a clause 4.6 variation to justify the non-compliance. The clause 4.6 variation is contained within the Statement of Environmental Effects which is attached to this report.

The submitted written request to vary Clause 4.3 (Height of buildings) has been assessed against the provisions of Clause 4.6; the objectives of the Clause being varied; and the objectives of the R2 zone, are discussed below:

The objectives and standards of Clause 4.6 of the Liverpool Local Environmental Plan (LEP) 2008 are as follows:

- (a) to provide an appropriate degree of flexibility in applying certain development standards to particular development,*
  - (b) to achieve better outcomes for and from development by allowing flexibility in particular circumstances.*
- (3) *Development consent must not be granted for development that contravenes a development standard unless the consent authority has considered a written request from the applicant that seeks to justify the contravention of the development standard by demonstrating:*
- (a) that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and*
  - (b) that there are sufficient environmental planning grounds to justify contravening the development standard.*
- (4) *Development consent must not be granted for development that contravenes a development standard unless:*
- (a) the consent authority is satisfied that:*
    - (i) the applicant's written request has adequately addressed the matters required to be demonstrated by subclause (3), and*
    - (ii) the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out, and*

#### 1) Circumstances of the development

Alterations and additions to an existing school, carrying out of after-hours events within school grounds, increase the number of students and staff and associated landscape and drainage works.

#### 2) Written request addressing why compliance with the development standard is unreasonable or unnecessary in the circumstances of the case and that there are sufficient planning grounds to justify the contravening of the development standard

The applicant has provided the following comments addressing why compliance with the development standard is unreasonable or unnecessary in this case, as summarised:

- *The proposal is considered to provide for an outcome which satisfies the objectives of clause 4.3 of the LEP.*
- *The subject site is an isolated site which is separated from adjoining lands by a perimeter public road network.*
- *The subject site supports a non-residential use (educational establishment and which whilst being permissible within the zone typically has a built form different to that of the predominant land use (dwellings) within the surrounding R2 zone.*
- *Educational buildings typically have user requirements and characteristics which dictate higher building heights (particularly internal heights) in order to achieve flexibility and amenity.*
- *The proposed buildings and their respective heights as a result of high quality architectural design combined with the buildings being located upon a large isolated site with generous setbacks will have a scale which does not dominate their*

*surroundings and which will make a positive contribution to the character of the locality.*

- *The proposed buildings will not result in any amenity impacts upon adjoining or nearby properties particularly overshadowing of adjoining properties.*

In response to the above, Council provides the following Comments as to why the imposition of the applicable height control is unreasonable and unnecessary in this instance:

- The nominated maximum building height of 8.5m within this zone is to cater for the predominate use of low-density housing development. However the subject development is for an educational establishment which require a different built form, design bulk and scale to enable a functional development. As such it is not considered reasonable in this instance to enforce strict compliance of the 8.5m height limit as the intent of the height limit within this zone is geared towards residential development and not educational establishments.
- The proposed buildings that exceed the maximum building height are located within the centre portion of the development site and are located a sufficient distance from the nearest residential development to prevent any detrimental amenity impacts particularly with overshadowing and privacy.
- The proposed buildings are purpose built buildings for the use in association with the existing educational establishment. The proposed buildings have been specifically designed in that manner to allow for the proper and functional use of those buildings within the educational establishment.
- The built form & scale of the development is not dissimilar to the existing buildings on the school grounds. In addition it is to be noted that the building height standard for complying development for a gym, indoor sporting facility or hall in respect to existing schools under the State Environmental Planning Policy (Infrastructure) 2007 (Clause 31A (4) (a)) is 12m. The height of the proposed new buildings are well within this height limit.

### 3) Consistency with objectives of the development standard Clause 4.3 Height of Buildings

The objectives of Clause 4.3 and assessment are as follows:

- (a) to establish the maximum height limit in which buildings can be designed and floor space can be achieved*
- (b) to permit building heights that encourage high quality urban form,*
- (c) to ensure buildings and public areas continue to receive satisfactory exposure to the sky and sunlight,*
- (d) to nominate heights that will provide an appropriate transition in built form and land use intensity.*

The proposed development is considered to be consistent with the objectives of clause 4.3, in that notwithstanding the height exceedance, the development is well under the applicable FSR development standard of 0.6:1. The proposal allows for a development that encourages high quality urban form through the use of innovative design measures. The proposed buildings allow the maintenance of satisfactory solar access to the development site and the surrounding residential development. The proposed buildings have been designed in a manner that directly reflects the existing and predominate use on the site being an educational establishment. Therefore, having regard to above, it is considered that the proposed development is consistent with the objectives of clause 4.3.

### 4) Consistency with objectives of the zone – R2 Low Density Residential

The objectives of the R2 Low density Residential zone are as follows;

- *To provide for the housing needs of the community within a low density residential environment.*
- *To enable other land uses that provide facilities or services to meet the day to day needs of residents.*
- *To provide a suitable low scale residential character commensurate with a low dwelling density.*
- *To ensure that a high level of residential amenity is achieved and maintained.*

The proposed development is considered to be consistent with the objectives of the R2 zone. The proposal allows for an educational establishment that meets the day to day needs of residents. The proposed educational establishment has been designed to ensure a high level of amenity is achieved and maintained, as well as protect the residential amenity of surrounding residents.

#### 5) Consistency with Clause 4.6 objectives

- b) to provide an appropriate degree of flexibility in applying certain development standards to particular development*
- c) to achieve better outcomes for and from development by allowing flexibility in particular circumstances,*

It is considered appropriate in this instance to apply a degree of flexibility when applying the maximum height development standard applicable to the subject site given the existing use as an educational establishment. It is considered that achieving a greater height in this instance will allow for a development that is better suited to the sole use of the site as an educational establishment. The proposed building heights present a better design outcome despite the non-compliance and allow for a more functional development.

#### 6) Recommendation

With considerations to the discussion above, the proposed variation to the Clause 4.3 “*height of buildings*” has satisfied the provisions of Clause 4.6 and is supported in this circumstance.

### 6.2 Section 79C(1)(a)(ii) - Any Draft Environmental Planning Instrument

There are no draft Environmental Planning Instruments applicable to the site.

### 6.3 Section 79C(1)(a)(iii) - Provisions of any Development Control Plan

Part 1 - General Controls for all Development and Part 3.8 – Non residential Development in Residential Zones of the Development Control Plan 2008 apply to the proposed development and prescribe standards and criteria relevant to the proposal are outlined in the below table.

The following compliance table outlines compliance with the DCP Controls of Part 1.

Controls	Comment	Complies
<b>PART 1 - GENERAL CONTROLS FOR ALL DEVELOPMENT</b>		
2. TREE PRESERVATION	As identified previously in the report an Arboricultural Assessment Report has been submitted identifying 56 trees to be removed. The trees identified for removal were either identified as in poor condition or unable to be retained due to the location of the proposed	Yes

	buildings. The report was reviewed by Councils Landscape Officer and considered satisfactory.	
3. LANDSCAPING	A landscape plan has been submitted and considered satisfactory.	Yes
4. BUSHLAND AND FAUNA HABITAT PRESERVATION	A bushfire assessment report has been submitted with the application. The report has been reviewed by the RFS and considered satisfactory.	N/A
7. DEVELOPMENT NEAR A WATERCOURSE	Subject site is not near a watercourse or river	N/A
8. EROSION AND SEDIMENT CONTROL	Will be addressed through conditions of consent.	Yes
9. FLOODING RISK	Subject site not flood affected	Yes
10. CONTAMINATION LAND RISK	Site not recognised as being contaminated	N/A
11. SALINITY RISK	Proposal will not have detrimental impacts on salinity	Yes
12. ACID SULFATE SOILS	Site is not affected by Acid Sulfate Soils	N/A
13. WEEDS	No identifiable noxious weeds on site	N/A
14. DEMOLITION OF EXISTING DEVELOPMENT	Development site is a carpark	Yes
15. ON-SITE SEWERAGE DISPOSAL	Considered satisfactory	Yes
16. ABORIGINAL ARCHAEOLOGICAL SITES	No items identified	N/A
17. HERITAGE AND ARCHAEOLOGICAL SITES	No heritage sites	N/A
18. NOTIFICATION OF APPLICATIONS	Application was notified in accordance with DCP.	N/A
19. USED CLOTHING BINS	N/A	N/A
20. CARPARKING AND ACCESS  1 space per 1 staff member, plus 1 space per 30 students.	The original consent imposed a condition requiring 119 spaces being provided.  The additional students and staff sought under this approval generate the need for 8 additional spaces in total. Currently there is 119 spaces with the addition of the 8 therefore 127 spaces are required. The proposal provides for a total of 124 spaces thus there is a shortfall of 3 spaces.	<b>NO</b> (See justification below)
21. SUBDIVISION OF LAND AND BUILDINGS	No subdivision proposed	N/A
22. WATER CONSRVATION	N/A	N/A
23. ENERGY CONSERVATION	N/A	N/A
25. WASTE DISPOSAL & RE-USE FACILITIES	Consent will have necessary conditions imposed regarding waste disposal	Yes
26. OUTDOOR ADVERTISING	N/A	N/A



AND SIGNAGE		
-------------	--	--

## DCP Variations

### Car Parking

Based on the requirements stipulated the proposed development requires a total of 127 car spaces. The applicant has provided for 124 car spaces, which does not comply with this requirement, representing a shortfall of 3 spaces. The proposed shortfall was reviewed by Council's Traffic Engineer and considered worthy of support. Justification of the non-compliance is provided below.

Within the traffic assessment provided with the application, prepared by Lyle Marshall & Associates Pty Ltd, dated July 2015 (Attachment 5) the following information has been provided;

- *The maximum number of staff present on any day in a typical week was 99 compared with the staff roster of 101. In addition, on the 2 survey days in March the number of students present was 1046 and 1058 compared with the enrolment of 1097. It follows that 124 on-site parking spaces are adequate to meet the maximum demand on any day for the future staff of 103 and peak student enrolment of 1150.*

It is considered that the shortfall is minor in this instance and it is considered the additional parking provisions provided on-site and the capacity of off-site parking that currently exists within the surrounding street network is capable of accommodating the additional demand generated by the proposed student and staff number increase.

The following compliance table outlines compliance with the DCP Controls of Part 3.8.

Development Control	Provision	Comment
<b>Subdivision, Frontage and Lot Sizes</b>		
	Where it has been demonstrated that a proposed new school, or extensions to an existing school, will require a regular bus service, a minimum site frontage of 60m shall be provided. This is the minimum length necessary for a bus and car set down area and driveway entry and exit points. This includes a minimum length of 40m for a single bus bay.	A site frontage in excess of 60m exists along Carmichael Drive. It has been identified within the submitted traffic report that the school is regularly serviced by the Interline Bus Service during morning and afternoon drop-off and pick up periods. It has been demonstrated that the existing frontage of Carmichael Drive already can cater for 4 buses and 3 drop-off and pick up zones.
	Additional frontage, the equivalent of 12m per bus, may be required if a larger bus set-down area is needed. In this regard, the applicant shall provide written advice from the Ministry of Transport stating the minimum requirements for bus set-down areas for the proposed school population.	N/A
<b>Site Planning</b>		
<b>Site Location</b>	Education Establishments	Site location has not changed

Development Control	Provision	Comment
	<p>should be located;</p> <ul style="list-style-type: none"> <li>- in the general vicinity of recreation areas; and</li> <li>- Within proximity of Public transport; and</li> <li>- On corner lots; and</li> <li>- On streets with widths that permit adequate safe manoeuvrability of vehicles &amp; lines of sight for pedestrians, cyclists and vehicles; and on approach streets within the road hierarchy such as on collector streets; and</li> <li>- Where traffic control devices do not impede vehicular access to sites; and</li> <li>- Where the children will not be adversely affected by lead contamination,</li> <li>- offensive noise and air pollution or by adjacent land uses.</li> </ul>	
	<p>Education Establishments shall not be permitted:</p> <ul style="list-style-type: none"> <li>- Adjacent to industrial activities, which generate significant noise or air pollution.</li> <li>- Streets with a carriageway width of 6.5m or less.</li> <li>- Streets, which are cul-de-sac.</li> <li>- In areas where aircraft noise levels exceed 25 Australian Noise Exposure Forecast (ANEF).</li> </ul>	Site location has not changed
<b>Site Planning</b>	Site planning should be sensitive to site attributes, such as streetscape character, natural landform, existing vegetation, views and land capability.	Complies: The development is sensitive to site attributes.
	The site layout should enhance the streetscape through the use of landscaping and built form.	Complies: The development is of a modern design and provides sufficient landscaped areas which will enhance the streetscape.
	Site planning should enable buildings to address streets	Complies: The buildings have been appropriately

Development Control	Provision	Comment
	and public open spaces.	orientated where possible to address the street.
	The site layout should ensure that the external play area is maximised and enjoys solar access.	Complies: The existing school provides a large oval south of the site to provide for enjoyment and recreation of the students. There are additional playing courts proposed at the south-western portion of the site to allow for further recreation use by the students. .
	The site layout should contribute to personal safety and to the protection of property by permitting casual surveillance of adequately lit outdoor spaces from windows and entries.	Complies: Adequate casual surveillance is provided.
	In areas exposed to significant levels of off-site noise, the site layout and building forms should assist in minimising noise entry.	Complies: Conditions are imposed to ensure that the recommendations of the acoustic report submitted with the application prepared by Acoustic Studio, dated March 2016 are incorporated into the development, to ensure appropriate acoustic privacy is provided.
	The site layout should ensure that the front entrance to the school is easily located and accessible.	Complies: The front entrance is easily accessible and located.
	The layout must be designed around the site attributes such as slope, existing vegetation, land capability and/or solar access.	Complies: The development is designed around the site attributes. Vegetation where possible will be retained Sufficient setbacks will ensure solar access is achieved.
	The siting of windows of habitable rooms on the first floor shall minimise overlooking to the principal private open space of neighbouring properties.	Not Applicable: Given the location of the development site it is considered there will be limited opportunity for overlooking from first floor windows into the principle POS of adjoining neighbours.
	Stormwater from the site must be able to be drained satisfactorily. Where the site falls away from the street, it may be necessary to obtain an easement over adjoining property to drain water satisfactorily to a Council stormwater system. Where stormwater drains directly to the street, there may also be a need to incorporate on-site detention of stormwater where street drainage is inadequate.	Complies: Council's Land Development Officers have reviewed this aspect of the application and have raised no issues.
<b>Setbacks</b>		
<b>Front</b>	Minimum front setback of 5.5m	Complies:

Development Control	Provision	Comment
<b>Setbacks</b>	and a minimum 4m secondary frontage. Verandahs, balconies, eaves and other sun control devices may encroach on the minimum front and secondary setback by up to 1m.	The proposed new building Block M provides for an 8.830m secondary setback which complies with the minimum secondary setback of 4m off Carmichael Drive.  The renovated Block C provides for a 4.115m secondary setback to the verandah.
	Verandahs, balconies, eaves and other sun control devices may encroach on the minimum front and secondary setback by up to 1m.	Complies: The renovated Block C provides for a 4.115m secondary setback to the verandah
<b>Side Setback</b>	Side setback of 8m	Complies: A side setback in excess of 20m has been provided for building F, N and L
<b>Rear Setback</b>	Rear setback of 4m	Complies: A rear setback in excess of 20m is proposed.
<b>Open Space and Landscaped Area</b>		
<b>Outdoor Play Areas</b>	These areas shall not be used for on-site detention of stormwater.	Not Applicable: The development does not require an OSD system.
<b>Landscaped Areas</b>	A minimum of 25% of the site area shall consist of landscaped area, including lawn, deep rooted trees, garden beds and mulched areas.	Complies: In excess of 50% of the site is landscaped.
	There must be an unencumbered area of 5 x 6m in the rear setback for the opportunity to accommodate the planting of deep rooted trees.	Complies: Sufficient space in excess of 5 x 6m is provided to cater for deep rooted trees
	A minimum of 50% of the front setback area shall be landscaped area.	Complies: The majority of the front setback is proposed as landscaped area.
<b>Building Form, Style and Streetscape</b>		
<b>Building Appearance</b>	Where large glass areas cannot be avoided appropriate shade devices shall be incorporated in the design.	Complies: The proposal does not incorporate large expanses of glassed areas.
	The roof design shall be compatible with surrounding properties with respect to height, pitch, building materials and colour	Complies: The roof design is considered compatible with the surrounding properties in terms of pitch, colour and building materials.  Despite the proposed buildings L, M and N exceed the building height, it is not considered the design of the building detract from the predominant residential character of the surrounding locality.
	Buildings shall be designed so that it is in character with the surrounding residential area in	Complies: The development is considered to be of an appropriate bulk and scale and is not

Development Control	Provision	Comment
	terms of bulk, scale, size and height.	considered to create a detrimental impact on the surrounding residential character.
	Buildings adjacent to a street shall be orientated to the street.	Complies: New building M is orientated towards Carmichael Drive. All other buildings are existing or are located away from the street frontage.
	The front pedestrian entrance must be visible from the street.	Complies: The front pedestrian entrance is visible from the street.
	The front building facades shall be articulated, this articulation may include front porches, entries, wall indents, changes in finishes, balconies and/or verandahs.	Complies: The front façade is articulated through the use of different materials and design.
	For two storey developments, the side walls shall be articulated if the wall has a continuous length of over 10m.	Complies: Appropriate articulation is proposed
<b>Security</b>	Entrances to buildings should be orientated towards the front of the site facing the street.	Complies: The entrance of new buildings where applicable have been orientated toward the street.
	The main entrance should not be from rear lanes and should be designed with clear directions and signage.	Complies: The main entrance is accessed from Carmichael Drive
	Blank walls addressing the street frontage and other public places must be avoided.	Complies: No blank walls are proposed.
<b>Landscaping and Fencing</b>	A landscape plan must be submitted to Council with the development application	Complies: A landscape plan prepared by qualified Landscape Architect was submitted with the application.
	Areas of grass are to be limited to play areas. Other landscaped areas are to be planted.	Complies: Grass areas are generally limited to the existing oval and the area of Cumberland Plain Woodland located north of the site fronting Moondarra Drive.
	Trees adjacent to/or within the play area, are to provide shade and allow winter sun entry. Trees adjacent to private open space areas and living rooms should provide summer shade and allow winter sun entry.	Complies: Plantings within the courtyard area provide shade and winter sun access.
	Landscaping species must be appropriate to prevent injury to children. No toxic, spiky or other hazardous plant species.	Complies: Landscaping species are suitable for the intended use of the site.
	The setback areas of development are to be utilised for canopy tree planting. The landscape design for all	Complies: The Landscaping within the setback areas have not changed as part of the development proposal.



Development Control	Provision	Comment
	development must include canopy trees that will achieve a minimum 8m height at maturity within front and rear setback areas. Any tree with a mature height over 8m should be planted a minimum distance of 3m from the building or utility services.	
	Landscape planting should principally comprise of native species to maintain the character of Liverpool and provide an integrated streetscape appearance. Council will consider the use of deciduous trees in small private open space areas such as courtyards for control of local microclimate and to improve solar access.	Complies: Landscaping is comprised of native species.
	The landscaping shall contain an appropriate mix of canopy trees, shrubs and groundcovers. Avoid medium height shrubs (0.6 – 1.8m) especially along paths and close to windows and doors.	Complies: The landscaping provides a mixture of shrubs, groundcovers and canopy trees.
	Tree and shrub planting alongside and rear boundaries should assist in providing effective screening to adjoining properties. The minimum height of screening to be provided is 2.5 to 3m at maturity.	Complies: The landscape plan provided is considered satisfactory.
	Landscaping on any podium level or planter box shall be appropriately designed and irrigated. Landscaping on podium levels and planter boxes should be accessible from internal rooms as appropriate for gardener access.	Not Applicable: Landscaping on podiums is not proposed.
<b>Fencing</b>	Side (behind the building setback) and rear fencing shall be 1.8m in height unless adjoining a park.	Complies: Existing fencing is maintained
	Where a fence adjoins a park it shall be of a high-grade material consistent in quality with the building and the context of the park, and shall be designed to address the park.	Not Applicable: The fencing does not adjoin a park.

Development Control	Provision	Comment
	Fences shall be constructed of materials compatible with the proposed building.	Complies: Existing fencing is maintained
	Fences should not prevent surveillance by the building's occupants of the main open or communal areas within the property or the street frontage.	Complies: Existing fencing is maintained
	Where noise insulation is required, consider the installation of double-glazing or other noise attenuation measures at the front of the building rather than construction of a high solid form fence.	Not Applicable: Existing fencing is maintained
<b>Primary Frontage Fencing</b>	Front fences shall have a maximum height of 1.2m, and constructed of masonry, timber and/or vegetation.	Non-Compliance: Existing fencing is maintained
	The front fence must be at least 30% transparent.	Complies: The front fence is open in style.
	The front wall may exceed 1.2m (to a maximum of 1.8 m) <i>only if:</i> <ul style="list-style-type: none"> <li>- The primary frontage is situated on a Classified road; and</li> <li>- The fence is articulated by 1m and has landscaping in front of the fence; and</li> <li>- The fence does not impede safe sight lines from the street and from vehicles entering and exiting the site; and</li> <li>- Front fences are to be constructed of materials compatible with the proposed design of the building.</li> </ul>	Compliance: Existing fencing is maintained
<b>Carparking and Access</b>		
	All vehicles shall enter and leave the site in a forward direction.	Complies: All vehicles can enter and exit in a forward direction.
	Dead end streets or culs-de-sac present traffic movement and parking problems and are inappropriate locations for Education Establishments.	Not Applicable:
<b>Amenity and Environmental Impact</b>		
<b>Noise</b>	A Noise Impact Assessment Statement prepared by a qualified Acoustics Engineer may be required to be	Complies: A noise impact assessment was submitted with the application, prepared by Acoustic Studio, dated March 2016 which indicated

Development Control	Provision	Comment
	submitted with the application depending on the scale and location of the proposed school.	that the development can achieve acoustic privacy subject to recommendations, Furthermore, Council's Environmental Health Officers have reviewed this aspect of the application and have raised no issues.
	As adjoining uses may be affected by increased noise, the design of the proposed school should take into account the projection of noise from various school activities. Buildings should be located in a manner, which optimises opportunities for ameliorating the noise generated from outdoor play areas.	Complies: The development is unlikely to impact upon the acoustic privacy of adjoining development. Sufficient setbacks are provided, together with landscaping to ensure adequate acoustic privacy is maintained. Furthermore, Council's technical officers have reviewed this aspect of the application and have raised no issues.
<b>Contaminants</b>	All buildings whether to be built, extended, renovated or converted shall not contain any material or substance that will cause lead or asbestos or other contamination or poisoning.	Complies: Conditions are imposed ensuring that the new buildings constructed will not contain any material that is hazardous to the health of the occupants.
<b>Overshadowing</b>	Adjoining properties must receive a minimum of three hours of sunlight between 9am and 3pm on 21 June to at least: <ul style="list-style-type: none"> <li>- One living, rumpus room or the like.</li> <li>- 50% of the private open space.</li> </ul>	Complies: Shadow diagrams submitted indicate that the development will not overshadow adjoining properties.
<b>Privacy</b>	Windows facing side boundaries are to be offset by at least 1m from any habitable room windows in an adjoining dwelling.	Complies: Significant setbacks provided to all side boundaries and thus provided setbacks in excess of 1m from any habitable rooms within adjoining dwellings
	Windows on the first floor that face the side boundary are to avoid unreasonable overlooking by having a minimum sill height of 1.5m, except where they face a street or public open space.	Complies: Windows have been designed to avoid unreasonable overlooking.
	Building siting, window location, balconies and fencing must consider the importance of the privacy of on-site and adjoining buildings and private open spaces.	Complies: The development provides sufficient setbacks coupled with landscaping, and noise attenuation measures will ensure that privacy is maintained to surrounding residential development.
	Landscaping should be used where possible to increase visual privacy of adjoining properties.	Complies: Landscaping where necessary has been utilised to increase visual privacy.
<b>Site Services</b>		
<b>Waste</b>	Waste disposal facilities shall	Complies:

Development Control	Provision	Comment
<b>Management</b>	be provided for development. These shall be located adjacent to the driveway entrance to the site.	A waste storage area is provided.
	Any structure involving waste disposal facilities shall be located as follows: <ul style="list-style-type: none"> <li>- Setback 1m from the front boundary to the street.</li> <li>- Landscaped between the structure and the front boundary and adjoining areas to minimise the impact on the streetscape.</li> <li>- Not be located within 4m of adjacent to an adjoining residential property.</li> </ul>	Complies: Existing waste storage area is maintained.
<b>Electricity Sub Station</b>	In some cases it may be necessary to provide an electricity substation at the front of the development adjacent to the street frontage. This will involve dedication of the area as a public road to allow access by the electricity provider. The front boundary treatment used elsewhere on the street frontage shall be used at the side and rear of the area.	Not Applicable: An electrical substation is located on Carmichael Drive.
<b>Letterboxes and Numbering</b>	The Letterbox shall be located along the front boundary and be clearly visible and accessible from the street.	Complies: Already provided
	The street number of a site must be visible from the street and made of a reflective material to allow visitors and emergency vehicles to easily identify the site.	Complies: Already provided.
<b>Frontage Works and Damage to Council Assets</b>	All areas designated for bus bays or pickup/drop-off zones must be located on the school side of the street.	Not Applicable: Existing bus bays and drop off zones provided along Carmichael Drive.
	Footpaths must be provided along all street frontages.	Complies; Footpath already existing
	The full verge must be paved on the primary street frontage.	Complies: The main entry frontage to the school being Carmichael Drive is already paved.
	A 2.5m wide footpath must be provided on any secondary street frontages.	Existing footpath no change proposed.
	All primary schools must	Not Applicable:

Development Control	Provision	Comment
	provide a children's crossing that is designed to meet current RTA standards.	A primary school is not proposed.
	Where a footpath, road shoulder or new or enlarged access driveway is required to be provided this shall be provided at no cost to Council.	Noted
	Council must be notified of any works that may threaten Council assets. Council must give approval for any works involving Council infrastructure	Noted
	Where there are no existing street trees in front of the site and contributions have not been collected for street tree planting it may a condition of consent that street trees be provided in the footpath area immediately in front of the site, at a rate of 1 tree per 10m of school frontage.	Not Applicable: The frontage of the site contains a number of street trees.

#### **6.4 Section 79C(1)(a)(iia) - Any Planning Agreement or any Draft Planning Agreement**

No planning agreement relates to the site or proposed development.

#### **6.5 Section 79C(1)(a)(iv) – The Regulations**

The Environmental Planning and Assessment Regulation 2000 requires the consent authority to consider the provisions of the Building Code of Australia. If approved appropriate conditions of consent will be imposed requiring compliance with the BCA.

#### **6.6 Section 79C(1)(a) (v) – Any coastal zone management plan (within the meaning of the Coastal Protection Act 1979), that apply to the land to which the development application relates**

There are no or there are Coastal Zones applicable to the subject site.

#### **6.7 Section 79C(1)(b) – The Likely Impacts of the Development**

##### **(a) Natural and Built Environment**

##### ***Built Environment***

The proposed development is not considered to have a negative impact on the surrounding built environment. The proposal is considered to be of an appropriate bulk and scale given the expansive site area. The buildings have been designed to prevent any detrimental impact on the surrounding residential properties.

##### ***Natural Environment***



The proposed development is not considered to have a detrimental impact on the existing natural environment. The proposal has been designed to minimise the potential impact on the natural environment where possible. It avoids any detrimental impact on the existing native vegetation located north of the site.

**(b) Social Impacts and Economic Impacts**

The development is considered beneficial from a social aspect as it provides for an educational establishment that can be utilised by the local community for the betterment of the younger local population.

**6.8 Section 79C(1)(c) – The Suitability of the Site for the Development**

The subject proposal is an expansion of an existing educational establishment. The proposal is considered to incorporate appropriate design techniques and are located a sufficient distance from adjoining residential properties to prevent a detrimental impact in terms of privacy and overshadowing. The proposed development is of an appropriate bulk and scale and has been designed to accommodate the existing site attributes. Given the above, the proposed development is considered suitable for the site.

**6.9 Section 79C(1)(d) – Any submissions made in relation to the Development**

**(a) Internal Referrals**

The following comments have been received from Council's Internal Departments:

Internal Department	Status and Comments
Building	No objection, subject to conditions
Landscaping	No objection, subject to conditions
Environmental Health	No objection, subject to conditions
Land Development Engineering	No objection, subject to conditions
Traffic Engineering	No objection, subject to conditions

**(b) External Referrals**

The following comments have been received from External agencies:

External Department	Status and Comments
Roads and Maritime Services	Satisfactory
Rural Fire Service	Satisfactory

**(c) Community Consultation**

The development application was on public exhibition twice. The first public exhibition period was from 26 August 2015 to 10 September 2015 in accordance with Liverpool Development Control Plan 2008 (LDCP 2008). During the first exhibition period no submissions were received.

The development application was place on public exhibition for a second time from 15 June 2016 to 30 June 2016. During the second exhibition period one submission was received. The concerns raised in the submission are discussed as follows:

## ISSUE 1: Traffic Concerns

The original consent approved for the subject site for an educational establishment (DA-288/2005) required a total of 119 car spaces be provided. This was based on the proposed number of students at the time being a maximum of 1030 and a maximum number of staff being 99. This number of spaces is currently provided on site.

The proposal seeks to increase the student population from 1030 to 1150 and the staff numbers to 103. The additional numbers generate the need for an additional 8 spaces therefore requiring a total of 127 spaces. The proposal has provided for 124 spaces.

The traffic and parking assessment provided with the development proposal has indicated the following;

- *The maximum number of staff present on any day in a typical week was 99 compared with the staff roster of 101. In addition, on the 2 survey days in March the number of students present was 1046 and 1058 compared with the enrolment of 1097. It follows that 124 on-site parking spaces are adequate to meet the maximum demand on any day for the future staff of 103 and peak student enrolment of 1150.*

As such it can be seen from the submitted traffic assessment that the site is not expected to be at capacity at any time taking into account both maximum students and staff permitted. Based on the findings above it is considered that sufficient parking provision has been provided on-site in accordance with the Liverpool Development Control Plan 2008.

There are existing traffic parking restrictions along Carmichael Drive to prevent a conflict between public school bus services and light vehicles during the peak drop-off and pick-up times. There is also a designated bus bay at the front of the development site along Carmichael Drive to enable 4 school buses to stop simultaneously.

Moreover, it is not considered that the increase in the number of students and staff member's proposed under this development application is egregious enough to create a detrimental impact on the current traffic situation.

The proposal was also reviewed by Council's Traffic Engineer and considered satisfactory and would have an acceptable traffic impact on the local road network.

### 6.8 Section 79C(1)(e) – The Public Interest

The subject development site is considered to be in the public interest. The proposed development is considered to represent an appropriate & suitable alterations and additions to an existing educational establishment and the social and public worth are considered to outweigh any concerns raised by residents.

## 7 CONCLUSION

In conclusion, the following is noted:

- The subject Development Application has been assessed having regard to the matters of consideration pursuant to Section 79C of the Environmental Planning and Assessment Act 1979 and the proposal is considered satisfactory.

- The Development Application seeks development consent for the alterations and additions to an existing school, carrying out of after-hours events within school grounds, increase the number of students and staff and associated landscape and drainage works at 201 Carmichael Drive West Hoxton.
- The proposal is consistent with the objectives of the R2 Low Density Residential zone that is applicable to the site under the LLEP. The proposal is also consistent with the objectives of the height development standards despite numerical non-compliance. The application is supported by requests to vary this development standard in order to accommodate the form, scale and density proposed.
- The proposal generally complies with the provisions of the LDCP 2008.
- The proposal provides an appropriate response to the site's context. The scale and built form is consistent with the desired character of the site that is envisaged under the LLEP and LDCP.
- The application was referred to a number of external authorities with no objections raised, subject to imposition of conditions.

It is for these reasons that the proposed development is considered to be satisfactory and notwithstanding the submissions received, the subject application is recommended for approval, subject to conditions.

## **8 ATTACHMENTS**

- 1. Draft Conditions of consent**
- 2. Architectural/Landscaping/Drainage Plans**
- 3. Acoustic Report**
- 4. Arboricultural Assessment Report**
- 5. Traffic and Parking Assessment Report**
- 6. BCA Compliance Report**
- 7. Bushfire Assessment Report**
- 8. RMS Correspondence**
- 9. RFS GTA's**
- 10. Previous consent for the school**
- 11. Redacted Version of submission**