

**Proposal:** Removal of 18 trees, removal of demountable buildings (comprising of 12 classroom and a store room), demolition of awning type structures, construction of a two (2) storey school / classroom building (comprising of 12 classrooms), construction of a single storey school / classroom building (comprising of 4 classrooms), additions to and reconfiguration of the existing administration building, and associated works

**Location:** No. 36 Lily Street, Wetherill Park (William Stimson Public School) – Lot 1 DP 564629

**Owner:** Department Of Education

**Applicant:** Department Of Education, C/- Johnstaff Projects

**Capital Investment Value:** Confidential

**File No:** DA 525.1/2017

**Author:** Robert Walker, Senior Development Planner, Fairfield City Council

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## **RECOMMENDATION**

1. The written request pursuant to Clause 4.6 of the Fairfield Local Environmental Plan 2013, which seeks a variation to the maximum building height Development Standard (of Clause 4.3 of the Fairfield Local Environmental Plan 2013) be supported.
2. Development Application No. 525.1/2017, for the removal of 18 trees, removal of demountable buildings (comprising of 12 classroom and a store room), demolition of awning type structures, construction of a two (2) storey school / classroom building (comprising of 12 classrooms), construction of a single storey school / classroom building (comprising of 4 classrooms), additions to and reconfiguration of the existing administration building, and associated works, at No. 36 Lily Street, Wetherill Park (William Stimson Public School), be approved, subject to the draft conditions contained within Attachment M.

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## **SUPPORTING DOCUMENTS**

**AT-A** Aerial photograph of the locality  
**AT-B** Fairfield Local Environmental Plan 2013 zoning map extract  
**AT-C** Architectural Plans, including shadow analysis  
**AT-D** Landscape Plans  
**AT-E** Clause 4.6 Written Request  
**AT-F** Design Quality Statement  
**AT-G** Acoustic Report  
**AT-H** Traffic and Transport Assessment Report  
**AT-I** Site Remedial Action Plan  
**AT-J** Biodiversity Assessment, including Assessment of Significance

**AT-K** Preliminary Construction Management Plan  
**AT-L** Submission  
**AT-M** Draft Conditions of Consent

## EXECUTIVE SUMMARY

Council is in receipt of Development No. 525.1/2017 (SWCPP Reference No. 2017SSW066), which seeks Development Consent for the removal of 18 trees, removal of demountable buildings (comprising of 12 classroom and a store room), demolition of awning type structures, construction of a two (2) storey school / classroom building (comprising of 12 classrooms), construction of a single storey school / classroom building (comprising of 4 classrooms), additions to and reconfiguration of the existing administration building, and associated works, at No. 36 Lily Street, Wetherill Park (William Stimson Public School).

The application was made as a 'Crown Development Application', pursuant to Section 89 of the Environmental Planning and Assessment Act 1979.

The application is referred to the Sydney Western City Planning Panel for determination, as pursuant to Clause 5 of Schedule 4A of the Environmental Planning and Assessment Act 1979, 'Crown Development Applications' that have a capital investment value of more than \$5 million, are to be determined by a Regional Panel.

The Sydney Western City Planning Panel were briefed on the application on 15 December 2017 and additional information has been provided following such.

The subject site is zoned 'R2 – Low Density Residential' under the provisions of the Fairfield Local Environmental Plan 2013. The proposed development is permissible within the zone and considered to meet the objectives of zone.

The application is the subject of a written request pursuant to Clause 4.6 of the Fairfield LEP 2013, which seeks a variation to the maximum building height Development Standard (of Clause 4.3 of the Fairfield LEP 2013) from the maximum of 9m to approximately 10m. As the proposed variation, does not provide for any amenity impacts, has negligible visual impacts, provides a minimising of the footprint of buildings over the site, it is considered that compliance with the Development Standard is unreasonable and unnecessary in this instance, and that there are sufficient environmental planning grounds to justify the variation. Accordingly, the request for a variation to the Development Standard does not raise any significant matter with respect to State or Regional Planning, and there would be no public benefit in maintaining the Development Standard, and is supported in this instance.

The application was notified and advertised in accordance with the provisions of the requirements of the Fairfield Citywide Development Control Plan 2013. One (1) submission was received. It is considered that the issues raised within the submission, have either been addressed through the provision of additional information or through the inclusion of conditions which have been included within the recommendation.

The application was referred to Council's Building Certification Coordinator, Development Engineer, Natural Resources Team Leader, Open Space Officer, Senior

Environmental Health Officer, Professional Engineer, Place Manager – Parks Area, along with the Roads & Maritime Services, for comment. The proposal was deemed acceptable, subject to conditions which have been included within the recommendation.

A merit assessment of the application indicates that the proposal is considered to be suitable for the subject site, provided the recommendations made within the accompanying documentation are implemented and the recommended conditions are satisfied.

## **SITE DESCRIPTION AND LOCALITY**

The subject site consists of a single allotment (Lot 1 DP 564629), approximately 2.8 hectares in area, is located on the eastern side of Lily Street, to the south of Shakespeare Park and is known as No. 36 Lily Street, Wetherill Park. The site contains an existing Public School (William Stimson Public School) and has a current approximate student population of 562, with approximately 41 staff.

The site is zoned 'R2 – Low Density Residential' pursuant to the Fairfield Local Environmental Plan 2013 and is located within an established low density residential area, in the suburb of Wetherill Park.

## **PROPOSAL**

The application summarises that the proposal specifically involves the following:

- Removal of 18 trees.
- Removal of demountable classroom buildings and a shipping container.
- Demolition of awning type structures (including a covered outdoor learning area and covered pathways).
- Removal of pathways.
- Construction of a two (2) storey classroom / school building, comprising of 12 classrooms, with withdrawal / common rooms, storage rooms, amenities and movement / common areas. The proposed two (2) storey classroom / school building, is approximately 10m high, and is located in the south eastern portion of the site, setback 34m from the southern boundary and 19m from the eastern boundary (and adjoining residential premises) ) from the nearest common boundaries with residential premises.
- Construction of a single storey (support / special purpose type) classroom / school building, comprising of four (4) classrooms, with withdrawal / common rooms, special programs room, kitchen, storage rooms, amenities and associated breakout spaces. The proposed single storey classroom / school building, is approximately 5m high, and is located in the northern portion of the site, setback 3m from the northern boundary (common boundary with Shakespeare Park) and 29m from the front / western boundary (Lily Street).
- Additions to the administration building and internal reconfiguration of such.
- Establishment of new pathways, with covered awnings.
- Upgrading of the outdoor sports / games area, with associated seating and play equipment.
- Erection of fencing.

- Landscaping works, including a sensory garden with planting zone and vegetable garden.
- Provision for a net increase of four (4) classrooms, to cater for 92 additional students (to provide for a total student population of 654).

## STATUTORY REQUIREMENTS APPLICABLE TO THE APPLICATION

The application has been made as a 'Crown Development Application', pursuant to Section 89 of the Environmental Planning and Assessment Act 1979.

The application has been assessed in accordance with the heads of consideration under Section 79C of the Environmental Planning and Assessment Act 1979, and having regard to those matters, the following, has been identified for consideration.

### **1. State Environmental Planning Policy (State and Regional Development) 2011**

Pursuant to Clause 20 and Schedule 7 of State Environmental Planning Policy (State and Regional Development) 2011, the proposal is declared to be 'Regionally Significant Development'.

### **2. State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017**

The following compliance table, details the assessment of the proposal in accordance with the relevant requirements of State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017.

| Clause     | Control                                      | Requirement                                                                                                                                                                                                                                                                                        | Proposed                                                                                                                                                                                                                                                                                                                                                                                                                              | Compliance |
|------------|----------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------|
| 35 (1)     | Schools – Development permitted with consent | Development for the purpose of a school may be carried out by any person with Development Consent on land in a prescribed zone.                                                                                                                                                                    | The subject site is zoned 'R2 – Low Density Residential' pursuant to the Fairfield Local Environmental Plan 2013. The 'R2 – Low Density Residential' zone, is listed as a 'prescribed zone' under Clause 33 of this Plan.                                                                                                                                                                                                             | Yes        |
| 35 (6) (a) | Schools – Development permitted with consent | Before determining a Development Application for development of a kind referred to in Sub-clause (1), (3) or (5), the consent authority must take into consideration, the design quality of the development when evaluated in accordance with the design quality principles set out in Schedule 4. | A detailed Design Quality Statement, prepared by a Registered Architect (Alison Cox – Registration No. 9635), accompanied the application, which addressed the design quality principles set out in Schedule 4 and the Office of the Government Architect NSW's, Design Guide for Schools.<br><br>The overall design quality of the proposal is considered to be consistent with the design quality principles set out in Schedule 4. | Yes        |
| 35 (6) (b) | Schools – Development permitted with consent | Before determining a Development Application for development of a kind referred to in Sub-clause (1), (3) or (5), the consent authority must take into consideration,                                                                                                                              | The proposed works are not of such nature which provides for sharing with the public / wider community.                                                                                                                                                                                                                                                                                                                               | NA         |

|              |                                  |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |                                                                                                   |
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|              |                                  | whether the development enables the use of school facilities (including recreational facilities) to be shared with the community.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |                                                                                                   |
| 57 (1) & (2) | Traffic – Generating Development | <p>This clause applies to development for the purpose of an Educational Establishment, that will result in the Educational Establishment being able to accommodate 50 or more additional students, and involves, an enlargement or extension of existing premises (or new premises) on a site that has direct vehicular or pedestrian access to any road.</p> <p>Before determining a Development Application for development to which this clause applies, the consent authority, must give written notice of the application to the Roads &amp; Maritime Services within seven (7) days after the application is made.</p> <p>The proposal provides for a net increase of four (4) classrooms, to cater for 92 additional students.</p> |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | Accordingly, written notice was given to the Roads & Maritime Services (pursuant to this Clause). |
| 57 (3) (a)   | Traffic – Generating Development | The consent authority must take into consideration, any submission that the Roads & Maritime Services provides in response to that notice within 21 days after the notice was given.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | <p>Roads &amp; Maritime Services provided the following comments for consideration:</p> <ol style="list-style-type: none"> <li><i>1. It is noted the existing drop-off / pick up zone on Lily Street has reached its capacity. Council should ensure that the additional traffic as a result of the development can be accommodated within the surrounding road network. Roads and Maritime recommends additional drop-off / pick up facility to be provided on Shakespeare Street for the proposed development.</i></li> <li><i>2. Car parking shall be provided to Council's satisfaction.</i></li> <li><i>3. Council should be satisfied that suitable pedestrian paths/facilities are provided within the vehicle accessible areas to corral pedestrians to appropriate crossing locations.</i></li> <li><i>4. All works / regulatory signposting associated with the proposed development are to be at no cost to Roads and Maritime.</i></li> </ol> <p>Council's Professional Engineer (Traffic) has considered these matters, and indicated that Council's Traffic &amp; Transport Branch, are not aware of any current drop-off / pick up issues</p> | Yes                                                                                               |

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|            |                                  |                                                                                                                                                                                                                                                                                | associated with existing school operations, are satisfied that the existing drop-off / pick up areas will be able to satisfactorily accommodate the increased student population and would pursue locations other than on Shakespeare Street to provide additional drop-off / pick up areas (i.e. if the future need arises).                  |                                                                                                                                                                                   |
| 57 (3) (b) | Traffic – Generating Development | The consent authority must take into consideration, the accessibility of the site concerned, including, the efficiency of movement of people and freight to and from the site and the extent of multi-purpose trips, and the potential to minimise the need for travel by car. | A detailed Traffic and Transport Assessment Report accompanied the application, which addressed, site accessibility, the ability for the surrounding local road network to be able to accommodate the additional demand, 'carpooling' and public transport options. Review of such indicates that the proposal is satisfactory in this regard. | Yes                                                                                                                                                                               |
| 57 (3) (c) | Traffic – Generating Development | The consent authority must take into consideration, any potential traffic safety, road congestion or parking implications of the development.                                                                                                                                  | A detailed Traffic and Transport Assessment Report accompanied the application, which concluded that the surrounding local road network will be able to accommodate the additional traffic demand. Review of such (including by Council's Professional Engineer) indicates that the proposal is satisfactory in this regard.                   | Yes                                                                                                                                                                               |
| 57 (4)     | Traffic – Generating Development | The consent authority must give the Roads & Maritime Services a copy of the determination of the application within seven (7) days after the determination is made.                                                                                                            |                                                                                                                                                                                                                                                                                                                                                | Accordingly, Council will need to provide the Roads & Maritime Services a copy of the determination of the application within seven (7) days of the application being determined. |

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

Pursuant to Clause 7 of State Environmental Planning Policy No. 55, 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.*

The application was accompanied by a Stage 1 – Preliminary Site Investigation and a Stage 2 – Detailed Site Investigation, which concluded that the site can be made suitable for the proposed development, subject to either, remediation (following preparation of a Stage 3 – Site Remedial Action Plan), or the development of an unexpected finds protocol in conjunction with the undertaking of an Asbestos Quantification Assessment. Accordingly, the application has been accompanied by a Stage 3 – Site Remedial Action Plan.

The Stage 3 – Site Remedial Action Plan details options for soil remediation works for the site and that subject to such that the site can be made suitable for the proposed development. Subsequently it is considered that the site is suitable for the proposed development and that such is acceptable in this regard.

It is noted that conditions have been included within the recommendation requiring compliance with the Stage 3 – Site Remedial Action Plan and the provision of Stage 4 – Validation and Site Monitoring Reports.

#### **4. Greater Metropolitan Regional Environmental Plan No. 2 – Georges River Catchment**

The proposal does not conflict with any of the provisions of the Greater Metropolitan Regional Environmental Plan No. 2 – Georges River Catchment, and is therefore considered acceptable in this regard.

#### **5. Fairfield Local Environmental Plan 2013**

The subject site is zoned 'R2 – Low Density Residential' under the provisions of the Fairfield Local Environmental Plan 2013. The proposal is defined as a 'school', which is a form of 'educational establishment', which is permissible within the 'R2 – Low Density Residential'.

The objectives of the 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.*

The proposed development is considered to meet the objectives of the 'R2 – Low Density Residential' zone.

Consequently the proposal satisfies the provisions of Part 2 of the Fairfield Local Environmental Plan 2013.

The following compliance table, details the assessment of the proposal in accordance with the relevant requirements of the Fairfield Local Environmental Plan 2013.

| Clause  | Control             | Requirement                    | Proposed          | Compliance                                                                         |
|---------|---------------------|--------------------------------|-------------------|------------------------------------------------------------------------------------|
| 4.3 (2) | Height of Buildings | Maximum building height of 9m. | Approximately 10m | No. However the Application has been accompanied by a written request (pursuant to |

|         |                                     |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |                                                                                         |                                                                                             |
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|         |                                     |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |                                                                                         | Clause 4.6) seeking to justify the non-compliance, which is discussed following this table. |
| 4.4 (2) | Floor Space Ratio                   | Maximum Floor Space Ratio of 0.45:1.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | Approximately 0.2:1                                                                     | Yes                                                                                         |
| 5.9 (3) | Preservation of Trees or Vegetation | Development Consent is required to ringbark, cut down, top, lop, remove, injure or wilfully destroy any tree or other vegetation.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | The proposal involves the removal of 18 trees.                                          | Yes                                                                                         |
| 5.10    | Heritage Conservation               |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |                                                                                         | NA                                                                                          |
| 6.1     | Acid Sulfate Soils                  |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |                                                                                         | NA                                                                                          |
| 6.2 (3) | Earthworks                          | <p>Before granting development consent for earthworks (or for development involving ancillary earthworks), the consent authority must consider the following matters:</p> <p>(a) the likely disruption of, or any detrimental effect on, existing drainage patterns and soil stability in the locality of the development,</p> <p>(b) the effect of the development on the likely future use or redevelopment of the land,</p> <p>(c) the quality of the fill or the soil to be excavated, or both,</p> <p>(d) the effect of the development on the existing and likely amenity of adjoining properties,</p> <p>(e) the source of any fill material and the destination of any excavated material,</p> <p>(f) the likelihood of disturbing relics,</p> <p>(g) the proximity to, and potential for adverse impacts on, any waterway, drinking water catchment or environmentally sensitive area,</p> <p>(h) any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development.</p> | The associated ancillary earthworks are considered to be consistent with these matters. | Yes                                                                                         |
| 6.3     | Flood Planning                      |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |                                                                                         | NA                                                                                          |
| 6.5     | Terrestrial Biodiversity            |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |                                                                                         | NA                                                                                          |
| 6.6     | Riparian Land and Watercourses      |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |                                                                                         | NA                                                                                          |
| 6.9     | Essential Services                  | <p>Development consent must not be granted to development unless the consent authority is satisfied that any of the following services that are essential for the development are available or that adequate arrangements have been made to make them available when required:</p> <p>(a) the supply of water,</p> <p>(b) the supply of electricity,</p> <p>(c) the disposal and management of sewage,</p> <p>(d) stormwater drainage or on-site conservation,</p> <p>(e) suitable vehicular access.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | All relevant services are available to the site.                                        | Yes                                                                                         |

As indicated within the compliance table, the proposal exceeds the maximum building height of 9m permitted by Clause 4.3 (2) of the Fairfield Local Environmental Plan 2013.

The proposal provides an overall maximum height of approximately 10m, to the roof ridge of the two (2) storey classroom / school building.

Accordingly, the application has been accompanied by a written request (made pursuant to Clause 4.6 of the Fairfield Local Environmental Plan 2013) which seeks to justify the non-compliance with the maximum building height Development Standard (of Clause 4.3 (2) of the Fairfield Local Environmental Plan 2013).

The written request includes the following items of justification in relation to the non-compliance with the maximum height limit:

*The proposed building provides for only a minor departure to the maximum height control associated with the roof ridge in the eastern portion of the building. The proposed classroom building is setback some 80m from Lily Street and will have minimal visual impacts as viewed from the streetscape.*

*The building has been deliberately sited and designed to support the educational needs of the school, whilst minimising the environmental impacts of the proposal on adjoining properties and existing buildings at the site. The building is located in the southern portion area of the site with the nearest residential properties located approximately 20m to the west of the proposed building. This separation, in combination with existing landscaping works at the site will mitigate any potential impacts relating to privacy. Shadow diagrams have been prepared as part of Architectural Plans showing that the proposed development will not give rise to unacceptable impacts on the solar access of adjoining properties.*

*The proposed building is of a scale that is largely comparable to the height of existing school buildings, when considering topography and roof-form. The proposed materials and building finishes have been designed with regard to the prevailing character of the area and are compatible with adjoining residential properties.*

*The proposal seeks to remove existing demountable buildings to facilitate the works. Consolidation of teaching spaces in a permanent building will minimise the footprint of buildings at the site whilst maximising outdoor play and learning spaces. In this regard and, the proposal will not cause an inappropriate scale and intensity of development as a result of the proposed building height.*

*The non-compliance with the height of buildings development standard allows for an orderly use of the land, that provides for a well-designed school classroom building, within the environmental capacity of the site. The development will not give rise to adverse streetscape impacts.*

*The variation is considered to be appropriate given that it is limited to the central portion of the site and will not result in any adverse environmental impacts in terms of residential amenity*

The proposed variation of 1m to the 9m maximum building height control, equates to a variation of 11.1%.

It is considered, given the aforementioned items of justification, that the proposed variation, is unlikely to provide any amenity impacts given the positioning of the building on site, has negligible visual impact, provides a minimising of the footprint of buildings over the site, that compliance with the Development Standard is unreasonable and unnecessary in this instance, and that there are sufficient environmental planning grounds to justify the variation.

Furthermore, it is considered that, the proposed development is considered to be in the public interest and that the contravention of the Development Standard does not raise any significant matter with respect to State or Regional Planning and there is no public benefit to maintaining the Development Standard in this instance.

It is noted that in accordance with Planning Circular PS 08-003, Council may assume the Director-General's concurrence.

## 6. Fairfield Citywide Development Control Plan 2013

The following compliance table, details the assessment of the proposal, in accordance with the relevant requirements of the Fairfield Citywide Development Control Plan 2013.

| Section                 | Control                      | Requirement                                                                                                                                                                                                                                                                                                                                                                                      | Proposed                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | Compliance                                                                                                                                                  |
|-------------------------|------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 3.12 (a)                | Erosion and Sediment Control | An Erosion and Sediment Control Plan is required for all development sites where soil disturbance, change or stockpiling will occur. Guidelines are available from the NSW Office of Environment and Heritage and NSW Landcom and will be a condition of approval.                                                                                                                               | A concept Erosion and Sediment Control accompanied the application.                                                                                                                                                                                                                                                                                                                                                                                                                                           | Yes.<br>Furthermore, conditions have been included within the recommendation requiring compliance with the relevant erosion and sediment control standards. |
| 3.12 (b)                | Erosion and Sediment Control | All conditions attached to an approval that specifies how erosion and sediment will be controlled must be, put into place prior to any works occurring onsite, and maintained throughout the course of the works until the site has been effectively stabilised and revegetated.                                                                                                                 |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | Conditions have been included within the recommendation requiring compliance with the relevant erosion and sediment control standards.                      |
| 10.1.1 (a) & 12.1.1 (a) | Car Parking Rates            | <p>School are to provide, one (1) space per employee, plus one (1) space per 10 students in Year 12 (where applicable).</p> <p>The documentation accompanying the application indicates that the school currently has 33 employees and that the proposal provides a net increase of four (4) additional classrooms / teachers.</p> <p>Accordingly, a school with 37 employees is required to</p> | <p>The proposal does not involve any works / changes to the existing car parking arrangements, which provides a total of approximately 68 spaces, 20 formal spaces (i.e. sealed, drained and line marked) and approximately 48 informal spaces (i.e. in areas adjacent to formal parking areas and driveways).</p> <p>Moreover, a detailed Traffic and Transport Assessment Report accompanied the application, which concluded that the proposal is satisfactory in respect to the provision of parking.</p> | Yes                                                                                                                                                         |

|                |                                    |                                                                                                                                                                                                                                     |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |                                                                                                                                               |
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|                |                                    | provide 37 car parking spaces.                                                                                                                                                                                                      |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |                                                                                                                                               |
| 10.1.2         | Vehicle Access and Road Provisions |                                                                                                                                                                                                                                     | The proposal does not involve any amendments / changes to the existing access / driveway arrangements.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | NA                                                                                                                                            |
| 10.1.3 (a)     | Servicing Provisions               | Servicing times should occur between the hours of 8.00am and 6.00pm, where practical, all servicing should occur at one time.                                                                                                       |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | A condition has been included within the recommendation requiring compliance with such.                                                       |
| 10.1.3 (b)     | Servicing Provisions               | Servicing by different vehicles at different times during the day should be avoided where possible.                                                                                                                                 |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | A condition has been included within the recommendation requiring compliance with such.                                                       |
| 10.1.4 (a)     | Management of Waste                | Times when any waste / garbage removal will need to be carried out is between 6.00am and 6.00pm, Monday to Friday, preferably within the same hour of service loading activities.                                                   |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | A condition has been included within the recommendation requiring compliance with such.                                                       |
| 10.1.5         | Advertising and Signage            |                                                                                                                                                                                                                                     | The proposal does not include any signage.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | NA                                                                                                                                            |
| 10.1.6 (a)     | Building Design                    | The height of the building is to be limited to two (2) storeys above ground level in order to maintain the established character.                                                                                                   | The proposal includes a single storey and a two (2) storey building.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | Yes                                                                                                                                           |
| 10.1.6 (b) (a) | Building Design                    | Any new building adjoining residential development should be designed to allow a daily minimum of three (3) hours of direct sunlight to adjoining windows and two-thirds of the private open space, between 9am and 3pm on 21 June. | The proposal does not provide any overshadowing of adjoining residential properties.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | Yes                                                                                                                                           |
| 10.1.6 (b) (b) | Building Design                    | Any new building adjoining residential development should be designed to protect adjoining windows and open spaces from overlooking and unreasonable transmissions of noise.                                                        | <p>The proposed two (2) storey classroom / school building (being the building closest to residential premises) is setback 34m (from the southern boundary) and 19m (from the eastern boundary) from the nearest common boundaries with residential premises. Given this separation, the orientation of the building, the landscaping to be provided directly alongside adjoining residential properties and the provision of privacy louvers, it is considered that the proposal is satisfactory from an overlooking perspective.</p> <p>The application was accompanied by an Acoustic Assessment, which concluded that the proposed school additions and associated increased activity (including additional plant noise and additional traffic), will not</p> | Yes. Furthermore, conditions have been included within the recommendation requiring compliance with the relevant noise criteria requirements. |

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|------------|----------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|            |                                                                |                                                                                                                                                                                                                                                                                                                           | provide a significant change to the prevailing acoustic environment.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |                                                                                                                                                                                                                                                                                                                         |
| 10.1.6 (c) | Building Design                                                | Where a structure is situated on a sloping site, consideration will be given to undercroft parking on the low side of the site, provided that the proposed development does not result in overshadowing or overlooking of an adjoining property, or unacceptable visual dominance when viewed from the adjacent property. | The site is relatively even.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | NA                                                                                                                                                                                                                                                                                                                      |
| 10.1.7.    | Fencing and Screening                                          |                                                                                                                                                                                                                                                                                                                           | Proposed fencing is limited to five (5) relatively small sections of internal fencing (i.e. not boundary fencing), in the vicinity of the support / special purpose type building.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | NA                                                                                                                                                                                                                                                                                                                      |
| 10.1.8 (a) | Landscaping                                                    | To reduce the visual intrusiveness of non-residential development, the landscaping measures detailed will be required for any new development or for more intensive use of any existing operations / activities.                                                                                                          | The overall layout provides substantial landscaping around the perimeter of both proposed school / classroom buildings, along with further landscaping directly alongside adjoining residential properties, which provides for reduced visual intrusiveness upon existing surrounding residential premises.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | Yes                                                                                                                                                                                                                                                                                                                     |
| 10.1.8 (b) | Landscaping                                                    | As a general rule, non-residential development in residential zones will be considered on their merits and judged against the requirements of a comparable activity.                                                                                                                                                      | The overall layout provides substantial landscaping, which shall assist in the integration of the school into the locality.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | Yes                                                                                                                                                                                                                                                                                                                     |
| 12.2       | Car Parking, Vehicle and Access Management – Design Guidelines | Various requirements in relation to the design of car parking areas.                                                                                                                                                                                                                                                      | <p>The proposal does not involve any works / changes to the existing car parking arrangements, which provides a total of approximately 68 spaces, 20 formal spaces (i.e. sealed, drained and line marked) and approximately 48 informal spaces (i.e. in areas adjacent to formal parking areas and driveways).</p> <p>The Applicant has provided the following seeking to justify not needing to formalise / upgrade the existing car parking arrangements:</p> <ul style="list-style-type: none"> <li>- the car park is fitted with code compliant entry and exit points;</li> <li>- the car park has been operating in this condition for a significant period and this requirement has never been directed by Council at any stage; and</li> <li>- the car park does not form part of the scope or budget of this Development Application and cannot be catered for in the budget without effecting provision of other project scope.</li> </ul> | No. However, conditions have been included within the recommendation requiring the existing southernmost / informal car parking area adjacent to the Lily Street frontage being upgraded / formalised to provide a minimum of a 17 spaces, which would therefore provide for a minimum of 37 formalised spaces on site. |

|  |  |  |                                                                                                                                                                                                          |  |
|--|--|--|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--|
|  |  |  | Notwithstanding the response provided by the Applicant, it is considered appropriate that at least 37 car parking spaces be provided to the appropriate standard (i.e. sealed, drained and line marked). |  |
|--|--|--|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--|

## INTERNAL REFERRALS

During the assessment process, comments were sought from a number of sections within Council, as detailed below:

| Section / Officer                          | Comments                                                                                                                                                                         |
|--------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Building Certification Coordinator</b>  | No concern was raised, subject to the inclusion of conditions, which have been included within the recommendation.                                                               |
| <b>Development Engineer</b>                | No concern was raised, subject to the inclusion of conditions, which have been included within the recommendation.                                                               |
| <b>Natural Resources Team Leader</b>       | No concern was raised, subject to the inclusion of a condition, which has been included within the recommendation.                                                               |
| <b>Open Space Officer</b>                  | No concerns were raised.                                                                                                                                                         |
| <b>Senior Environmental Health Officer</b> | No concern was raised, subject to the inclusion of conditions, which have been included within the recommendation.                                                               |
| <b>Professional Engineer (Traffic)</b>     | No concern was raised, subject to the inclusion of a condition, which has been included within the recommendation.                                                               |
| <b>Place Manager – Parks Area</b>          | Clarification has been provided by the Applicant, following issues being raised by Council's Place Manager – Parks Area, which are considered to be satisfactory in this regard. |

## EXTERNAL REFERRALS

During the assessment process, comments were sought from external bodies, as detailed below:

| Section / Officer                    | Comments                                                                                                                                          |
|--------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Roads &amp; Maritime Services</b> | No objection – see assessment in accordance with State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017. |

## PUBLIC NOTIFICATION

The application was notified to adjacent property owners / occupiers and advertised (i.e. a notice published in a local newspaper), in accordance with the requirements of

Appendix B of the Fairfield Citywide Development Control Plan 2013 (from 12 October 2017 until 26 October 2017). One (1) submission was received. Following is a summary of the concerns raised and comments provided in response to such.

- Construction related (residential amenity) impacts

The application has been accompanied by a Preliminary Construction Management Plan, which provides for the implementation of construction management procedures which shall assist in maintaining residential amenity to a satisfactory level. Notwithstanding such, it is noted that one of the construction vehicle access locations and the alternate construction vehicle access location identified within the Preliminary Construction Management Plan (both being off Coleridge Road), are considered to be inappropriate, given the nature of Coleridge Road (being a local road / cul-de-sac), the pavement type of the connecting Council pathways / driveways and the confined nature of the connecting Council pathways / driveways. Accordingly, a condition has been included within the recommendation requiring all construction vehicle access being directly from Lily Street. Furthermore, conditions have been included within the recommendation in relation to construction activities.

- Potential impacts upon trees in the north eastern portion of the site

The proposal does not involve any works in the north eastern portion of the site. While subject to the inclusion of a condition included within the recommendation, which requires all construction vehicle access being directly from Lily Street, the proposal will not provide for any impact upon trees in the north eastern portion of the site. Notwithstanding such, it is noted that the application was accompanied by an Assessment of Significance, in relation to 'Cumberland Plain Woodland' on the site, which concluded that the proposal is unlikely to have a significant impact on the endangered ecological community ('Cumberland Plain Woodland').

Furthermore in this regard, a review of the proposal by Council's Natural Resources Team Leader, raised no concerns. Notwithstanding this, conditions have been included within the recommendation.

## **CROWN DEVELOPMENT**

As previously noted, the application was made as a 'Crown Development Application', pursuant to Section 89 of the Environmental Planning and Assessment Act 1979.

Pursuant to Section 89 (1) (b) of the Environmental Planning and Assessment Act 1979, a consent authority must not impose a condition on its consent to a Crown Development Application, except with the approval of the applicant or the Minister. Accordingly, the recommended conditions have been forwarded to the Applicant for their approval prior to the determination of the application.

Pursuant to Section 81A (6) of the Environmental Planning and Assessment Act 1979, Crown building work that is certified, in accordance with Section 109R, to comply with the technical provisions of the State's building laws, that Section 81A (2) does not apply, which relates to the need for a Construction Certificate, the appointment of a Principal Certifying Authority (and associated notifications) and notice to Council of

commencement of works. The Applicant has indicated that the building works are to be certified in accordance with Section 109R of the Environmental Planning and Assessment Act 1979. Accordingly, the conditions included within the recommendation have been prepared on this basis.

It is noted that Section 109M of the Environmental Planning and Assessment Act 1979, which relates to the occupation / use of new building requiring an Occupation Certificate, does not apply to development undertaken by or on behalf of the Crown. Accordingly, the conditions included within the recommendation have been prepared on this basis.

## **SECTION 79C CONSIDERATIONS**

In determining a Development Application consideration must be given to the matters referred to within Section 79C (1) of the Environmental Planning and Assessment Act 1979, being:

*(a) (i) the provisions of any environmental planning instrument.*

As outlined earlier, consideration has been given to the following Environmental Planning Instruments, which were identified as being of relevance to the proposal:

- State Environmental Planning Policy (State and Regional Development) 2011
- State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017
- State Environmental Planning Policy No. 55 – Remediation of Land
- Greater Metropolitan Regional Environmental Plan No. 2 – Georges River Catchment
- Fairfield Local Environmental Plan 2013.

*(a) (ii) the provisions of any proposed instrument that is or has been the subject of public consultation under this Act and that has been notified to the consent authority.*

There are no Draft Environmental Planning Instruments of relevance which apply to the site.

*(a) (iii) the provisions of any development control plan.*

As outlined earlier, consideration has been given to the Fairfield Citywide Development Control Plan 2013.

*(a) (iiia) the provisions of any 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.*

There are no Planning Agreements or Draft Planning Agreements which apply to the site.

*(a) (iv) the provisions of the regulations.*

There are no noteworthy provisions of the Environmental Planning and Assessment Regulation 2000, that are applicable to the subject application.

*(a) (v) the provisions of any coastal zone management plan.*

Not applicable

*(b) the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality.*

It is considered that the proposal is unlikely to result in an unreasonable environmental impact.

*(c) the suitability of the site for the development*

The site is considered suitable for the proposed development. There are no known constraints which would render the site unsuitable for the proposed development.

*(d) any submissions made*

The submission made has been considered and does not raise issues of such magnitude that would warrant refusal of the application.

*(e) the public interest*

Having regard to the overall assessment, the proposed development is considered to be in the public interest.

## **TOWN PLANNING ASSESSMENT**

In addition to the relevant aforementioned provisions and requirements, including those contained within State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017, the Fairfield Local Environmental Plan 2013 and the Fairfield Citywide Development Control Plan 2013, the other key planning considerations with the application relate to, built form, natural environment, security and safety, traffic, car parking, noise, privacy, overshadowing, and the Design Guide for Schools. The following provides a detailed discussion in relation to these matters.

### **Built form**

The two (2) proposed school / classroom buildings are of a bulk and scale, and are of an architectural form, which is in keeping with the existing permanent buildings on the site. The overall proposal provides for the removal of demountable buildings and replacement with architecturally designed buildings, which consist of high quality finishes. Furthermore, the design provides for the effective use of the site and minimises the overall site coverage of the buildings.

The overall layout has the potential to satisfy the minimum access requirements contained within the BCA, and Australian Standard 1428 – Design for Access and Mobility (as amended). Notwithstanding, conditions have been included within the recommendation requiring compliance with such.

### **Natural Environment**

The site contains vegetation of the ‘Cumberland Plain Woodland’ vegetation community, which is a ‘Critically Endangered Ecological Community’ listed under the Biodiversity Conservation Act 2016 and under the (Commonwealth) Environment Protection and Biodiversity Conservation Act 1999. The proposal involves the removal of 18 trees, within (or directly adjacent to) the footprint of the two (2) proposed school / classroom building. Five (5) of these trees are of the ‘Cumberland Plain Woodland’ vegetation community, while the remaining 13 trees consist of a mixture of non-indigenous natives and introduced species.

Given that the proposal involves the removal of trees of the ‘Cumberland Plain Woodland’ vegetation community, the application has been accompanied by an Assessment of Significance, in relation to ‘Cumberland Plain Woodland’ on the site. The Assessment of Significance concluded that the proposal is unlikely to have a significant impact on the endangered ecological community and therefore no further investigation is required. Additionally, it is noted that the proposed landscaping scheme includes the provision of 18 replacement trees across the site, and includes species which are from the ‘Cumberland Plain Woodland’ vegetation community, therefore complementing the indigenous vegetation being retained on the site and elsewhere within the vicinity of the site.

Furthermore in this regard, a review of the proposal by Council’s Natural Resources Team Leader and Open Space Officer, raised no concerns. Notwithstanding this, conditions have been included within the recommendation in relation to the implementation of tree protection measures during any works.

### **Security and Safety**

The overall layout is in accordance with the ‘principles for minimising crime risk’ (Crime Prevention through Environmental Design) and it is considered that the proposal is satisfactory in this regard. While a detailed Traffic and Parking Impact Assessment Report accompanied the application, which outlined that the proposal provides for a safe road environment.

### **Transport, access and traffic**

The application was accompanied by a detailed Traffic and Transport Assessment Report, which concluded that the proposal is satisfactory from a traffic perspective. Moreover, review of the proposal by Council’s Development Engineer and Council’s Professional Engineer (Traffic), raised no concerns from a traffic perspective, subject to the inclusion of conditions which have been included within the recommendation.

### **Car Parking**

The proposal does not involve any works / changes to the existing car parking

arrangements, which provides a total of approximately 68 spaces, 20 formal spaces (i.e. sealed, drained and line marked) and approximately 48 informal spaces (i.e. in areas adjacent to formal parking areas and driveways).

It is noted that Council's minimum car parking requirements, are for schools to provide, one (1) space per employee, plus one (1) space per 10 students in Year 12 (where applicable). The documentation accompanying the application indicates that the school currently has 33 employees and that the proposal provides a net increase of four (4) additional classrooms / teachers. Accordingly, a school with 37 employees is required to provide 37 car parking spaces.

While it is noted that the application has been accompanied by a detailed Traffic and Transport Assessment Report, which concludes that the proposal is satisfactory from a car parking perspective, it is considered appropriate for the overall school upgrade to also involve upgrade works to existing car parking areas, to provide the required number of car parking spaces to the required design standard. Accordingly, given that the overall required number of car parking spaces for the proposed development is 37 and that there are currently 20 spaces provided on site which are sealed, drained and line marked, conditions have been included within the recommendation requiring the existing southernmost / informal car parking area adjacent to the Lily Street frontage being upgraded / formalised to provide a minimum of a 17 sealed, drained and line marked spaces. This shall provide for the minimum required number of parking spaces (being 37) on site, with the remaining existing informal spaces being maintained as is.

## **Noise**

The application has been accompanied by a detailed Acoustic Report which concluded that the proposed school additions and associated increased activity (including additional plant noise and additional traffic), will not provide a significant change to the prevailing acoustic environment. Moreover, review of the proposal by Council's Senior Environmental Health Officer, raised no concerns from a noise perspective, subject to the inclusion of conditions which have been included within the recommendation.

## **Privacy**

The overall layout generally follows the existing ground levels over the site and provides a minimum setback of 19m to the closest residential premises. Given this, the orientation of the building, the landscaping to be provided directly alongside adjoining residential properties and the provision of privacy louvers, it is considered that the proposal is satisfactory from an overlooking perspective

## **Overshadowing**

The application has been accompanied by a detailed shadow analysis that depicts the overshadowing of the proposed development. In this regard it is noted that the proposal does not provide any overshadowing of adjoining residential properties.

## **Design Guide for Schools**

Review of the proposal found it to be consistent with the 'Design Quality Principles' and 'Design Considerations', contained within the Design Guide for Schools. Furthermore in

this regard, it is noted that a detailed Design Quality Statement, prepared by a Registered Architect (Alison Cox – Registration No. 9635), accompanied the application, which addressed such.

## **DEVELOPER CONTRIBUTIONS**

Developer Contributions are applicable the subject application pursuant to the provisions of the Fairfield City Council Indirect (Section 94A) Development Contributions Plan 2011. Accordingly, a condition has been included within the recommendation requiring payment of such.

## **CONCLUSION**

Having regard to the assessment of the application, the proposed development can be summarised as follows:

1. The subject site is zoned 'R2 – Low Density Residential' under the provisions of the Fairfield Local Environmental Plan 2013. The proposed development is defined as a 'school' which is permissible within the zone.
2. The proposed development is considered to meet the objectives of the 'R2 – Low Density Residential' zone.
3. The proposed development satisfactory addresses key planning considerations; such is in relation to built form, natural environment, security and safety, traffic, car parking, noise, privacy, overshadowing, and the Design Guide for Schools.
4. The assessment has concluded that there would be no significant adverse or unreasonable impacts associated with the development on the locality.
5. It is considered that the issues raised within the submission, have either been addressed through the provision of additional information or through the inclusion of conditions which have been included within the recommendation.

Based on an assessment of the Application, notwithstanding the submission received, the application is considered to be acceptable, and accordingly it is recommended that the application be approved, subject to the conditions contained within Attachment M to this report.

## **RECOMMENDATION**

1. The written request pursuant to Clause 4.6 of the Fairfield Local Environmental Plan 2013, which seeks a variation to the maximum building height Development Standard (of Clause 4.3 of the Fairfield Local Environmental Plan 2013) be supported.
2. Development Application No. 525.1/2017, for the removal of 18 trees, removal of

demountable buildings (comprising of 12 classroom and a store room), demolition of awning type structures, construction of a two (2) storey school / classroom building (comprising of 12 classrooms), construction of a single storey school / classroom building (comprising of 4 classrooms), additions to and reconfiguration of the existing administration building, and associated works, at No. 36 Lily Street, Wetherill Park (William Stimson Public School), be approved, subject to the draft conditions contained within Attachment M.