

## SOUTHERN REGIONAL PLANNING PANEL (SRPP)

SRPP No	<b>2017STH032 DA</b>
DA Number	<b>DA-2017/1553</b>
Local Government Area	Wollongong City Council
Proposed Development	Educational Facility – Demolition of existing covered outdoor learning area and toilet block, alterations and additions to administrative building and construction of new learning hub building.
Street Address	Wollongong Public School, 67A Church Street, WOLLONGONG  Lot 1 DP 61915, Lot 7 DP 152417, Lot 1 DP 307856, Lot 2 DP 307856, Lot 1 DP 340380, Lot 1 DP 781988, Lot 2 DP 781988, Lot 3 DP 781988, Lot 4 DP 781988, Lot 5 DP 781988, Lot 6 DP 781988, Lot 7 DP 781988
Applicant/Owner	NSW Department of Education c/- Urbis Pty Ltd
Number of Submissions	Eight (8) from four (4) people
Regional Development Criteria	Clause 4 of Schedule 7 of the State Environmental Planning Policy (State and Regional Development) 2011 - Crown development over \$5 million
List of All Relevant 4.15(1) Matters	<p><u>State Environmental Planning Policies (SEPPs):</u></p> <ul style="list-style-type: none"> <li>State Environmental Planning Policy (State and Regional Development) 2011</li> <li>State Environmental Planning Policy no. 55 – Remediation of Land</li> <li>State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017</li> <li>State Environmental Planning Policy (Coastal Management) 2018 (2016 draft at time application was lodged)</li> </ul> <p><u>Local Environmental Planning Policies:</u></p> <ul style="list-style-type: none"> <li>Wollongong Local Environmental Plan 2009</li> </ul> <p><u>Other policies</u></p> <ul style="list-style-type: none"> <li>Wollongong Section 94A Contributions Plan 2017</li> </ul> <p>List any proposed instrument that is or has been the subject of public consultation under the Act and that has been notified to the consent authority: s4.15(1)(a)(ii)</p> <ul style="list-style-type: none"> <li>Nil</li> </ul> <p>List any relevant development control plan: s4.15(1)(a)(iii)</p> <ul style="list-style-type: none"> <li>Wollongong Development Control Plan 2009</li> </ul> <p>List any relevant planning agreement that has been entered into under section 7.4, or any draft planning agreement that a developer has offered to enter into under section 7.4: s4.15(1)(a)(iv)</p> <ul style="list-style-type: none"> <li>Nil</li> </ul> <p>List any relevant regulations: s4.15(1)(iv) e.g. Regs 92, 93, 94, 94A</p> <ul style="list-style-type: none"> <li>Clause 92 matters for consideration being AS 2601-1991 in respect of any demolition works.</li> </ul>
List all documents submitted with this report for the panel's consideration	<p>Architectural plans by Hayball Architects</p> <p>Landscaping plans by Tract Landscape Architects</p> <p>Stormwater plans by WSP Australia</p> <p>Planning documents by Urbis</p> <p>Arborist Report and Addendum Report by Paul Shearer Consulting</p>
Recommendation	It is recommended that DA-2017/1553 be determined by way of approval subject to the conditions contained within Attachment 6.
Report by	Rebecca Welsh - Development Project Officer

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**Summary of s4.15 matters**

Have all recommendations in relation to relevant s4.15 matters been summarised in the Executive Summary of the assessment report? **Yes**

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**Legislative clauses requiring consent authority satisfaction**

Have relevant clauses in all applicable environmental planning instruments where the consent authority must be satisfied about a particular matter been listed and relevant recommendations summarized, in the Executive Summary of the assessment report? **Yes**

*e.g. Clause 7 of SEPP 55 - Remediation of Land, Clause 4.6(4) of the relevant LEP*

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**Clause 4.6 Exceptions to development standards**

If a written request for a contravention to a development standard (clause 4.6 of the LEP) has been received, has it been attached to the assessment report? **Not Applicable**

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**Special Infrastructure Contributions**

Does the DA require Special Infrastructure Contributions conditions (S7.24)? **Not Applicable**  
*Note: Certain DAs in the Western Sydney Growth Areas Special Contributions Area may require specific Special Infrastructure Contributions (SIC) conditions*

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**Conditions**

Have draft conditions been provided to the applicant for comment? **Yes as required under s4.33(1)(b) for Crown development applications**  
*Note: in order to reduce delays in determinations, the Panel prefer that draft conditions, notwithstanding Council's recommendation, be provided to the applicant to enable any comments to be considered as part of the assessment report*

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# Assessment Report and Recommendation Cover Sheet

## Executive Summary

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### Reason for consideration by Joint Regional Planning Panel

The proposal has been referred to Joint Regional Planning Panel pursuant to clause 4 of Schedule 7 of the State Environmental Planning Policy (State and Regional Development) 2011 as the proposal comprises Crown development over \$5 million.

### Proposal

The proposal is for demolition of the existing covered outdoor learning area (COLA) and walkways, demolition of an existing toilet block, minor demolition associated with the administrative building and construction of a new two storey learning hub building, new COLA, alterations and additions to the administration building, new outdoor learning and landscaped areas. An existing toilet block will be refurbished, existing rainwater tanks relocated and installation of new security fencing and gates. Student numbers are proposed to increase from 414 to 575 (increase of 161 students) with staff numbers to increase by eight (8) staff from 37 to 45.

The applicant has confirmed that the school will continue to operate during the construction phase with removal of demountable buildings in the southern portion of the site and erection of two new demountable buildings west of the existing canteen. These works can be carried out under clause 36 (Schools—development permitted without consent) of State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017. An additional site plan showing these works was provided for information purposes only and does not form part of the subject application.

### Permissibility

The site is zoned R1 General Residential pursuant to Wollongong Local Environmental Plan 2009. The proposal is categorised as a school and is permissible in the zone in accordance with clause 33 of the State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017 as the R1 zone is listed as a prescribed zone.

### Consultation

The proposal was notified in accordance with Council's Notification Policy and received eight (8) submissions from four (4) parties which are discussed at section 1.4 of the assessment report.

### Main Issues

- existing and likely future traffic management
- extent of tree removal
- non-provision of car parking

### RECOMMENDATION

It is recommended that the application be approved subject to conditions at Attachment 6.

## 1.1 PROPOSAL

The proposal comprises the following:

### Use

- Increase in student numbers from 414 to 575 (increase of 161 students)
- Staff numbers to increase by eight (8) staff from 37 to 45 staff. This comprises four (4) full time and two (2) part time teachers and two (2) additional administrative staff.

### Site preparation

- Demolition of the following structures:
  - existing COLA,
  - walkways between existing COLA and assembly hall,
  - existing toilet block (B00F),
  - walkways and entry canopy to administration building
- Removal of 26 trees
- Cut and fill to provide level building platform for new learning building and for accessible ramps and outdoor areas (fill up to a maximum of 1.65m)

Note: Removal of three (3) existing demountable classrooms in the southern portion of the site and the provision of two (2) temporary demountable classrooms east of the administration building is noted on the plans, however this work is to be done by others and does not form part of the development proposal (refer Drawing DA02.01 in Attachment 6).

### Works / Construction / building details

- Internal refurbishment of existing administration building including new entry canopy (B00B)
- Construction of a two-storey learning building with 11 studio spaces (B00K)
- Construction of a new COLA
- Refurbishment of toilet block B00H (previously sports store)
- Relocation of existing rainwater tanks
- New security fences and gates (behind community meeting building fronting Smith Street) to separate school use and community meeting space
- New landscaping including low concrete retaining walls, planter boxes and planter beds, tiered seating areas, paths to new toilet block, new turfed areas
- The construction site during works is proposed from Smith Street, at the rear of the existing community building

### Traffic, parking and servicing

- No additional on-site parking for vehicles is proposed.
- New zone for bicycle parking proposed to the south of the new toilet block (B00H)
- Anticipated increase in traffic by 150 trips in both the morning and afternoon peak periods (as identified in the Traffic Report)
- An additional drop-off and pick-up zone is proposed on the Smith Street frontage of the site.
- Vehicle access to the site will remain from Church Street to the existing carpark (central driveway) and waste storage area (southern driveway access).
- Existing location for waste and deliveries will remain, however frequency of waste collection will increase to accommodate increase in student and staff numbers (twice a week for general waste/weekly for recyclable materials).

The applicant has confirmed that the school will continue to operate during the construction phase with the erection of two temporary demountable buildings west of the existing canteen. These works can be carried out under clause 36 (Schools—development permitted without consent) of State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017. An additional site plan showing these works was provided for information purposes only and does not form part of the subject application

Division 4.6 of the EP&A Act provides for development applications to be made by, or on behalf of the Crown. Clause 226 of the Regulations prescribes that a public authority is the Crown for the purposes of section 4.32 of the EP&A Act. The Department of Education is a public authority and is therefore a Crown authority for the purposes of the DA and Division 4.6 of the Act.

## **1.2 BACKGROUND**

Wollongong Public School (the school) was established in 1826 and caters for children from Kindergarten to Year 6, with an existing capacity of 414 students. The school employs approximately 37 teaching and administration staff. The statement of environmental effects states that the school is outgrowing the current facilities and needs to upgrade by providing new teaching, outdoor learning and administration spaces.

### Development History

- DE-2009/188 – New hall and covered outdoor learning area (approved under Nation Building program)
- DA-2007/836 – covered awning to playground – Approved 13/8/07
- DA-1984/415 – new dental clinic – Approved 7/8/84
- DA-1981/959 – Dental clinic to replace existing building – Approved 8/12/81

No formal pre-lodgement meeting was held for the proposal, however a meeting was held to discuss the proposed works on 11 August 2017 (DE-2017/114). At that time the current proposal was intended to follow the approval pathway of Complying Development under the ISEPP, however it was noted that the site has heritage items which meant that a development application was required.

### Customer service actions

There are no outstanding customer service requests of relevance to the development.

## **1.3 SITE DESCRIPTION**

The site is located at Wollongong Public School, 67A Church Street, Wollongong and covers numerous separate allotments\* as identified below:

- Lot 1 DP 61915;
- Lot 1 DP 781988;
- Lot 2 DP 781988;
- Lot 3 DP 781988;
- Lot 4 DP 781988;
- Lot 5 DP 781988;
- Lot 1 DP 307856;
- Lot 2 DP 307856;
- Lot 1 DP 340380
- Lot 6 DP 781988;
- Lot 7 DP 781988; and
- Lot 7 DP 152417.

\*Given the numerous allotments, a condition of consent for the above lots to be consolidated into a single parcel of land is recommended and included in Attachment 6. This requirement has been flagged with the applicant who did not raise concern with any required lot consolidation.

The site has an area of 18,410m<sup>2</sup> with three street frontages, being Church Street, Smith Street and Market Street. Pedestrian access to the school is available from Church Street and Smith Street. A staff car park is accessed from Church Street with an additional service driveway further south along Church Street.

The site currently contains the original school building, fronting Smith Street, with an administration building to the south, single and two storey school buildings, a library, an assembly hall, a COLA and three demountable classrooms. The site also has a community meeting space fronting Smith Street and a detached brick building (previously the headmasters residence) which currently provides counselling services.

The site has a fall from the south-west to the north east and contains numerous trees.

The site is listed as a local heritage item under Wollongong local Environmental Plan 2009 (Item 5935 "Headmasters residence) and adjoins two (2) heritage items (Item No. 6389 – Former Allowrie Terrace) at 69-71 Church Street and Item 6387 – House at 60 Kembla Street.

In terms of surrounding development, the school site adjoins residential flat buildings to the east (fronting Kembla Street) and commercial and residential properties to the south (on the corner of Church and Market Streets). The opposite side of Church Street contains predominantly residential flat buildings, as does the opposite side of Smith Street. Further south of the site is the Wollongong City Centre and B3 Commercial core zone.

An aerial map and zoning map can be found at Attachments 1 and 2 to this report.

#### Property constraints

- Council records identify a portion of the land as being impacted by acid sulphate soils.
- Heritage items
  - Local Heritage Item 5935 – 67A Church Street described as Wollongong Primary School (Lots 1–7, DP 781988; Lot 1, DP 61915 and Lots 1 and 2, DP 307856)
  - Local Heritage item 5935 – 53 Smith Street described as 'Headmaster's Residence' Lots 1–4, DP 781988 and Lot 1, DP 61915
- A small portion of the site in the south-western corner is also identified as being within the Market Street Heritage Conservation Area.
- The site has numerous DPs and there is a Right of Way 3.05m wide on Lot 7 DP781988 (fronting Market Street). There are no restrictions on the title that are affected by the development.

## **1.4 SUBMISSIONS**

The application was notified in accordance with WDCP2009 Appendix 1: Public Notification and Advertising (including the revised plans). This included a notice in The Advertiser. A total of eight (8) separate submissions were received from four (4) parties raising concern with the development, including from Wollongong Local Area Command and Neighbourhood Forum 5. The issues raised in the submissions are discussed below.

**Table 1: Submissions**

Concern	Comment
1. Traffic congestion (particularly on Church Street pick-up/drop-off zone), illegal parking, safety concerns.  Wollongong Local Area Command notes that the existing single drop off/pick up area on Church Street is at capacity.	It is acknowledged that traffic congestion and parking problems currently occur in Church Street and surrounding streets during peak times (drop-off and pick-up periods on school days).  Although this is not unusual for schools, with a proposed increased capacity, measures to minimise adverse traffic impacts from the increased student capacity are needed.  An additional drop-off and pick-up area on the Smith Street frontage of the school is proposed, which will require new traffic signs to be installed. The existing 15 minute parking restriction along the school's Smith Street frontage applies between 8am-9.30am and 2.30pm-4.00pm. Although this will lead to a loss of short

Concern	Comment
	<p>term parking during these hours, the existing 15 minute parking would be predominantly occupied by parents dropping off and picking up students. The overall benefit to traffic conditions in the vicinity of the school is considered to outweigh the loss of 15 minute parking during peak school times only. The additional drop-off/pick-up zone will alleviate traffic congestion from the Church Street school frontage. This change to traffic conditions has been considered by Council's Traffic Committee and is supported.</p> <p>No loss of street trees will result from the proposed changes to the Smith Street parking signs.</p> <p>A green travel plan has also been submitted, and the implementation of this plan will encourage alternate and sustainable modes of transport to the school.</p> <p>These measures are considered adequate to minimise further traffic problems resulting from the proposed development. Council's Traffic division has found the proposal satisfactory.</p>
<p>2. Traffic management is currently an issue for the school so an increase in students by 40% and additional 23 staff will be problematic</p>	<p>Refer comments above regarding the proposed traffic changes to minimise adverse traffic impacts from the increased school capacity.</p> <p>It is also noted that the original documentation stated that the school will have an additional 23 staff, however this was an error. Updated information notes the increased school capacity will necessitate 8 additional staff (4 full-time teachers, 2 part-time teachers and 2 administrative staff). The application has been supported by an empirical assessment of car parking.</p>
<p>3. Lack of parking</p>	<p>The site currently has 31 parking spaces. An additional 8 staff car spaces are required under Chapter E3 of Wollongong Development Control Plan 2009 (1 per additional staff member).</p> <p>The applicant has sought to vary this requirement given the site is well serviced by public transport and the preparation of a Green Travel Plan to encourage car-pooling and other travel modes (public transport, walking, cycling). Based on the site's central location and an empirical assessment of the parking, the development not providing additional car parking within the site is considered acceptable in this instance.</p>
<p>4. Waste collection - noise</p>	<p>The waste storage area is accessed off Church Street (southern driveway). The waste storage and collection arrangements will remain as is, however the submitted Operational Waste Management Plan states that the frequency of general waste collection will increase from one (1) collection per week to a maximum of two (2) collections per week. For recycling, 1 x 3000L bin is collected at call; this is likely to require weekly collection.</p> <p>The noise associated with the waste collection is not considered excessive or unreasonable for the operational needs of the school. However, a condition is recommended for waste collections to be limited to weekday collections after 6am to minimise neighbourhood disturbance.</p>

Concern	Comment
5. No discussions have been held with the local community to discuss the issues and possible solutions	<p>The application was publicly advertised in accordance with Council's notification policy.</p> <p>Comments received by concerned residents as well as from RMS and Wollongong Police have been considered as part of the assessment of the development proposal.</p> <p>It is noted that Council's Traffic Committee recommended that Council, RMS and Police meet with school representatives regarding the changed traffic conditions.</p> <p>Any discussions between the school and the local community can occur independently of the development application process.</p>
6. The Green Travel Plan makes no attempt to quantify the extent to which the parking deficit will be met	The Green Travel Plan outlines recommendations to encourage alternate modes of transport to reduce car dependency for staff. This approach is considered reasonable for the city centre location given that it is well serviced by public transport and access to nearby public car parks. The Green Travel Plan has been supported by Council's Traffic division.
7. Service vehicle access has not been addressed.	The service access for the school is via the southern driveway accessed from Church Street. The current application is not proposing to change this arrangement; however the frequency of waste collection will increase from 1 collection to 2 collections per week. The Operational Waste Management Plan identifies that the waste collection truck is to enter and leave the site in a forward direction. No concerns regarding the servicing of the site have been raised by Council's Traffic division given that the access arrangements are not changing.
8. Noise from school operations, including flag pole 'dinging', PA system, use of mechanical blowers, garbage collection	An acoustic report prepared by Acoustic Logic has been submitted that deals with noise from internal areas, mechanical plant and school bells. The report makes recommendations regarding the PA system (eg direction of speakers, noise from plant equipment) which are included in the recommended conditions of consent. Other operational noise sources are intermittent and typical of a school facility which has been operating on site for many years.

## 1.5 CONSULTATION

### 1.5.1 INTERNAL CONSULTATION

Council's Geotechnical Officer, stormwater engineer, landscape architect, heritage, environment and safety officers have reviewed the application and provided satisfactory referrals subject to conditions where appropriate.

#### **Traffic Engineer**

Council's Traffic Officer has reviewed the application and given a satisfactory referral. A waiver for the provision of on-site car parking (for the additional staff) has been sought and found acceptable given the city centre location (i.e. proximity to public transport), an empirical assessment of car parking and the implementation of a green travel plan. Conditions of consent were recommended in relation to the updated signage required for the Smith Street drop-off/pick-up zone and are included in the consent.



## 1.5.2 EXTERNAL CONSULTATION

### Roads and Maritime Services (RMS)

RMS was consulted as required by the SEPP (Educational and Child Care Facilities) 2017 as part of the development application given the increased school capacity. RMS is of the view that the proposal will not have a significant impact on the State Road Network and does not object to the development. RMS noted that the current operation of the student pick-up and drop-off often results in congestion and subsequent queuing at the signalised intersection of Church Street and Smith Street. A revised proposal which included the additional Smith Street drop-off/pick-up zone (southern side of Smith Street) was re-referred to RMS. The RMS suggested the installation of additional parking signage subject to Council Traffic Committee endorsement.

The proposal for an additional drop-off and pick-up zone to be provided on Smith Street was considered by the Traffic Committee on 13 June 2018. The recommendations of the Traffic Committee were:

#### 3 WOLLONGONG – WARD 2

Wollongong Public School - Smith Street – Replace 15 Minutes Parking with Drop off And Pick Zone.

##### Background:

Wollongong Public School is currently increasing the number of classrooms and students to be accommodated on site which will have implications for the dropping off and collection of students. There are significant parking restrictions on the Smith and Church Street frontages and it is proposed to alter the restrictions on Smith Street to permit additional No Parking restrictions to allow for student drop off and pick up during the start and finish of School.

##### Consultation:

- Consultation has been held with the design consultant.
- RMS, Police and Council are planning to meet with school representatives.

##### PROPOSAL SUPPORTED UNANIMOUSLY

Install No Parking restrictions timed for School times to replace the current 15 minute parking on Smith Street.

The recommendations of the Traffic Committee have been adopted and the minutes published on Council's website. A condition of consent is recommended for the appropriate signs to be installed to reflect the additional drop-off/pick-up area on Smith Street (refer Condition 25 in Attachment 6).

## 2. ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979 – S4.15 EVALUATION

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### 2.1 SECTION 4.15 1(A)(I) ANY ENVIRONMENTAL PLANNING INSTRUMENT

#### 2.1.1 STATE ENVIRONMENTAL PLANNING POLICY NO. 55 – REMEDIATION OF LAND

Council records do not list the site as being contaminated. Notwithstanding, the applicant has provided a Hazardous Material Survey, Preliminary Site Investigation and Environmental Site Assessment (ESA) in which fill / soil sampling was undertaken. Potential contaminants/areas of environmental concern (AEC) including fill and hazardous building materials were identified, including asbestos containing material (ACM) and elevated levels of hydrocarbons which exceeded the Site Assessment Criteria (SAC).

The ESA recommended that a Remediation Action Plan (RAP) be developed and implemented in which case the site can be made suitable for the proposed development.

Potential risks associated with bonded asbestos containing material (ACM) at the ground surface should be managed on an on-going basis via the implementation of an appropriate asbestos management plan. Remediation is required at the BH3 (eastern section of site) location to address the zinc and lead in fill. The ESA recommended that asbestos at the site can be managed via an appropriate, site specific asbestos management plan, during the development and on an on-going basis via the implementation of an appropriate, site specific, asbestos management plan. A condition of consent requiring a Site Contamination Validation Report is recommended as part of the draft conditions in Attachment 6 to verify that the remediation works have been completed and that the site is suitable for the proposed development prior to commencement of the use.

Council's Environmental Officer has reviewed the proposal and found it satisfactory subject to draft conditions including the preparation of a RAP, appropriate asbestos management including an Asbestos Management Plan and the submission of a Site Contamination Validation Report prior to occupation. These recommended conditions are included in Attachment 6.

Subject to the imposition of appropriate conditions of consent, the site can be made suitable for the purpose for which the development is proposed under Clause 7.

### 2.1.2 SEPP (STATE AND REGIONAL DEVELOPMENT) 2011

State Environmental Planning Policy (State and Regional Development) 2011 (SEPP) provides the legislative planning framework for state and regionally significant development.

The SEPP requires "Regionally Significant Development" as listed in Schedule 7 of the SEPP to be referred to Southern Panel for determination. The Capital Investment Value for the proposed development is more than \$5M and the application is a Crown Development (Department of Education).

### 2.1.3 STATE ENVIRONMENTAL PLANNING POLICY (EDUCATIONAL ESTABLISHMENTS AND CHILD CARE FACILITIES) 2017

The aims of this policy are to streamline and standardise requirements and design considerations for educational facilities. This policy applies to the state. The proposed development cannot be exempt development given that the site contains a number of heritage items and involves tree removal (outside scope of Schedule 1). The provisions relevant to the proposal are discussed below:

#### **Part 4 Schools – specific development controls**

##### Clause 35 Schools—development permitted with consent

Wollongong Local Environmental Plan 2009 (WLEP 2009) zones the site as R1 General Residential, and prohibits 'Educational Establishments.' However, under clause 33 of the Education SEPP, the R1 General Residential zone is listed as a 'prescribed zone' whereby development for the purpose of a school can be undertaken.

Clause 35(1) of the Education SEPP states that 'Development for the purpose of a school may be carried out by any person with development consent on land in a prescribed zone.' Thereby, the proposed development is permissible in the R1 General Residential zone.

*Clause 35 (6) Before determining a development application for development of a kind referred to in subclause (1), (3) or (5), the consent authority must take into consideration:*

*(a) the design quality of the development when evaluated in accordance with the design quality principles set out in Schedule 4, and*

See assessment of Design Quality Principles below:

#### **Principle 1—context, built form and landscape**

*Schools should be designed to respond to and enhance the positive qualities of their setting, landscape and heritage, including Aboriginal cultural heritage. The design and spatial organisation of buildings and the spaces between them should be informed by site conditions such as topography, orientation and climate.*

*Landscape should be integrated into the design of school developments to enhance on-site amenity, contribute to the streetscape and mitigate negative impacts on neighbouring sites.*

*School buildings and their grounds on land that is identified in or under a local environmental plan as a scenic protection area should be designed to recognise and protect the special visual qualities and natural environment of the area, and located and designed to minimise the development's visual impact on those qualities and that natural environment.*

The proposal involves new buildings and minor alterations to existing school buildings. The proposal will be in keeping with the existing built form on-site, and is considered an appropriate scale for the surrounding residential context. The proposed development reasonably responds to the heritage constraints on the land and part of the Market Street heritage conservation area. The land is not

within a scenic protection area. A Landscaping Concept Plan has also been provided which demonstrates consistency with this principle.

**Principle 2—sustainable, efficient and durable**

*Good design combines positive environmental, social and economic outcomes. Schools and school buildings should be designed to minimise the consumption of energy, water and natural resources and reduce waste and encourage recycling.*

*Schools should be designed to be durable, resilient and adaptable, enabling them to evolve over time to meet future requirements.*

The proposal adopts a range of ESD initiatives including solar panels to the proposed new learning hub building and use of rain water tanks. The proposed development responds to the increased demand for educational facilities in the city centre due to the increase in residential population which will assist in meeting future requirements for the local community. The Green Travel Plan outlines recommendations to encourage alternate modes of transport to reduce car dependency for staff

**Principle 3—accessible and inclusive**

*School buildings and their grounds should provide good wayfinding and be welcoming, accessible and inclusive to people with differing needs and capabilities.*

*Note.*

*Wayfinding refers to information systems that guide people through a physical environment and enhance their understanding and experience of the space.*

*Schools should actively seek opportunities for their facilities to be shared with the community and cater for activities outside of school hours.*

The development is capable of meeting the requirements for accessibility which is supported by the Access Review prepared by Morris-Goding Accessibility Consulting. The school currently provides for community access to its facilities, which is intended to continue to meet the inclusive principle.

**Principle 4—health and safety**

*Good school development optimises health, safety and security within its boundaries and the surrounding public domain, and balances this with the need to create a welcoming and accessible environment.*

CPTED measures have been incorporated into the design and management of the site to ensure a high level of safety and security for students and staff. The alterations and additions to the administration building along the Church Street boundary will improve passive surveillance. A range of open spaces and sports facilities will be available to encourage passive recreation. The COLA will provide opportunities for outdoor learning and undercover play.

**Principle 5—amenity**

*Schools should provide pleasant and engaging spaces that are accessible for a wide range of educational, informal and community activities, while also considering the amenity of adjacent development and the local neighbourhood.*

*Schools located near busy roads or near rail corridors should incorporate appropriate noise mitigation measures to ensure a high level of amenity for occupants.*

*Schools should include appropriate, efficient, stage and age appropriate indoor and outdoor learning and play spaces, access to sunlight, natural ventilation, outlook, visual and acoustic privacy, storage and service areas.*

The proposal will contain high quality facilities, spaces and equipment for use by students and staff. These will provide students with an enhanced learning environment.

**Principle 6—whole of life, flexible and adaptive**

*School design should consider future needs and take a whole-of-life-cycle approach underpinned by site wide strategic and spatial planning. Good design for schools should deliver high environmental performance, ease of adaptation and maximise multi-use facilities.*

The proposed development incorporates refurbishment of existing buildings and a new classroom building to provide flexibility and longevity intended to meet the ongoing needs of the school and increased capacity.

**Principle 7—aesthetics**

*School buildings and their landscape setting should be aesthetically pleasing by achieving a built form that has good proportions and a balanced composition of elements. Schools should respond to positive elements from the site and surrounding neighbourhood and have a positive impact on the quality and character of a neighbourhood.*

*The built form should respond to the existing or desired future context, particularly, positive elements from the site and surrounding neighbourhood, and have a positive impact on the quality and sense of identity of the neighbourhood.*

The proposal will have high quality external finishes, which will be aesthetically pleasing. The proposal is an appropriate scale and form for the surrounding medium to high density residential and commercial and heritage context.

*Clause 35 (b) whether the development enables the use of school facilities (including recreational facilities) to be shared with the community.*

The school currently provides for opportunities for the community to use its facilities, including the hall, library, and playground for recreational uses as well as language, art and sporting classes. The school facilities are used by the community on request and it is intended to continue this arrangement into the future.

*(7) Subject to subclause (8), the requirement in subclause (6) (a) applies to the exclusion of any provision in another environmental planning instrument that requires, or that relates to a requirement for, excellence (or like standard) in design as a prerequisite to the granting of development consent for development of that kind.*

The site is located within Wollongong City Centre and Clause 7.18 of WLEP2009 requires developments to exhibit design excellence. It is noted that the design quality principles take precedence over the requirements for design excellence under WLEP2009.

**Clause 38 Existing schools – exempt development**

Noted - the development is not exempt development. However, it is relevant to note that tree removal can be exempt development, and may be removed or pruned at a later date under the SEPP if in accordance with the provisions of this clause.

**Part 7 General development controls****57 Traffic-generating development**

*(1) This clause applies to development for the purpose of an educational establishment:*

*(a) that will result in the educational establishment being able to accommodate 50 or more additional students, and*

*(b) that involves:*

*(i) an enlargement or extension of existing premises, or*

*(ii) new premises,*

*on a site that has direct vehicular or pedestrian access to any road.*

In relation to 1a, the current application seeks approval to increase the capacity of the school from 414 to 575 students (additional 161 students). In relation to 1b, the application involves an extension to an existing school on a site with direct vehicular and pedestrian access to Church Street and Smith Street.

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

*(a) give written notice of the application to Roads and Maritime Services (RMS) within 7 days after the application is made, and*

*(b) take into consideration the matters referred to in subclause (3).*

*(3) The consent authority must take into consideration:*

*(a) any submission that RMS provides in response to that notice within 21 days after the notice was given (unless, before the 21 days have passed, RMS advises that it will not be making a submission), and*

*(b) the accessibility of the site concerned, including:*

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

*(ii) the potential to minimise the need for travel by car, and*

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

With regard to (2)(a), the RMS have been consulted for both the original proposal and the amended plans.

In relation to (3)(a), RMS raised no objections on the basis that it will not impact on the State Road network. The RMS response did note that Council should consider the existing traffic congestion issues in the vicinity of the school and the potential for additional traffic, and recommended 'No Parking with School Zone hours' signage is installed along the proposed Smith Street drop-off/pick-up zone. This is further discussed in Part 1.5.2 of this report.

In relation to (3)(b)(i), the site has multiple street frontages and therefore a clear opportunity to diffuse the traffic congestion on Church Street and improve efficiency of car based travel to the school at peak drop-off/pick-up times.

In relation to (3)(b)(ii), the applicant has submitted a Green Travel Plan to encourage sustainable modes of transport to the school which has the potential to minimise the need for travel by car (students and staff), particularly noting the site is well serviced by public transport.

In relation to (3)(c), despite the increased capacity of the school, the implementation of a second drop-off/pick-up area in Smith Street and the implementation of a Green Travel Plan will adequately address road congestion and parking implications of the development.

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

Noted.

## 2.1.4 WOLLONGONG LOCAL ENVIRONMENTAL PLAN 2009

### **Part 2 Permitted or prohibited development**

#### Clause 2.2 – zoning of land to which Plan applies

The zoning map identifies the land as being zoned **R1 General Residential**

#### Clause 2.3 – Zone objectives and land use table

The objectives of the zone are as follows:

- *To provide for the housing needs of the community.*
- *To provide for a variety of housing types and densities.*
- *To enable other land uses that provide facilities or services to meet the day to day needs of residents.*

The proposal is satisfactory with regard to the above objectives as the existing school provides educational facilities for the local residents.

The land use table permits the following uses in the zone.

#### **2 Permitted without consent**

## *Home occupations*

### *3 Permitted with consent*

*Attached dwellings; Bed and breakfast accommodation; Boarding houses; Centre-based child care facilities; Community facilities; Dual occupancies; Dwelling houses; Environmental facilities; Exhibition homes; Group homes; Hostels; Multi dwelling housing; Neighbourhood shops; Places of public worship; Recreation areas; Residential flat buildings; Respite day care centres; Roads; Semi-detached dwellings; Seniors housing; Serviced apartments; Shop top housing; Signage*

### *4 Prohibited*

*Any development not specified in item 2 or 3*

The proposed development is categorised as an *educational establishment* as described below and gains its permissibility from the SEPP (Educational Establishments and Child Care Facilities) 2017 as Clause 33 identifies the R1 General Residential zone as a prescribed zone and Clause 35(1) of the SEPP allows the “development for the purpose of a school to be carried out by any person with development consent on land in a prescribed zone.”

#### Clause 1.4 Definitions

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

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

#### Clause 2.7 Demolition requires development consent

The development seeks approval for the demolition of the existing toilet block and COLA in addition to demolition of existing ramps, thereby satisfying the provisions of this clause.

## **Part 4 Principal development standards**

#### Clause 4.3 Height of buildings

The proposed building height of the new learning hub is 9.42m does not exceed the maximum of 24m permitted for the site.

#### Clause 4.4 Floor space ratio

Maximum FSR permitted for the zone: 1.5:1

FSR proposed: 4336.79sqm GFA /18410sqm site area = 0.24:1

The proposed FSR is well below the maximum permitted FSR.

## **Part 5 Miscellaneous provisions**

#### Clause 5.5 Development within the coastal zone

At the time of lodgement of this application, draft SEPP (Coastal Management) 2016 was an exhibited draft SEPP. On its gazettal on 3 April 2018, Clause 5.5 was repealed. However as it was in effect at the time of lodgement of the application, its provisions have been considered in the assessment of this application.

Consideration has been given to matters prescribed by Clause 5.5 and no concerns are raised in relation to impacts of the proposed. The site is some distance from the foreshore and is not identified as being impacted by coastal hazards. There are not expected to be any adverse impacts on the coastal environment or public access to the foreshore as a result of the application.

The proposal will not impede or diminish access to the coastal foreshore; will be serviced by reticulated water and sewerage services; will appropriately manage stormwater and will not significantly be affected by coastal hazards, or either have a significant impact on coastal hazards, or increase the risk of coastal hazards in relation to any other land.

#### Clause 5.10 Heritage conservation

The site is identified as a local heritage item (Item No. 5935 Wollongong Primary School and Headmaster's Residence). No works to the original school building or headmaster's residence are

proposed as part of this application, however the heritage listing relates to northern portion of the site, as shown in Figure 1 below:



**Figure 1: Local Heritage Item 5935 and portion of site within Market Street Heritage Conservation Area (shown hatched) under Wollongong Local Environmental Plan 2009.**

The proposed development, including a Heritage Impact Assessment has been considered by Council's Heritage officer under the provisions of this clause and has been found satisfactory. The proposed alterations and additions to the administration building (previously the infants building) have been modified to satisfy heritage concerns by retaining the original door opening. The Heritage Impact Assessment notes that *"The trees proposed for removal are located on the eastern boundary of the site. The trees that are proposed to be removed do not contribute to the heritage significance of the site."*

No concerns regarding the proposed development have been raised and no specific heritage conditions of consent recommended.

## **Part 7 Local provisions – general**

### Clause 7.1 Public utility infrastructure

A condition will be imposed upon the development consent requiring approval from the relevant authorities for any required augmentation of electricity, water and sewage to service the development.

### Clause 7.5 Acid Sulfate Soils

The proposal is identified as being affected by class 5 acid sulphate soils, however the areas identified are located in the northern and south-eastern corners of the site, as shown below. No concerns or conditions are considered relevant.





**Figure 2: Extent of Acid sulfate soils**

#### Clause 7.6 Earthworks

The proposal comprises cut and fill associated with the construction of the new learning hub building and for accessible ramps and level outdoor areas. The earthworks are not expected to have a detrimental impact on environmental functions and processes, neighbouring uses or heritage items and features surrounding land.

#### **Part 8 Local provisions—Wollongong city centre**

##### Clause 8.1 Objectives for development in Wollongong city centre

The objectives of this clause have been considered and the proposed development is considered to meet these objectives, particularly with regard to the cultural heritage and for supporting the residential growth of the city centre.

## **2.2 SECTION 4.15 1(A)(II) ANY PROPOSED INSTRUMENT**

### **SEPP (Coastal Management) 2018**

The SEPP commenced on 3 April 2018 and applies to development lodged but not yet determined. The SEPP was in an exhibited draft form at date of lodgement of the development application.

The policy largely replaces SEPP 71 Coastal Protection which has been repealed.

The policy applies to the coastal zone. The Maps published with the SEPP indicate that the land is not located within the coastal zone.

## **2.3 SECTION 4.15 1(A)(III) ANY DEVELOPMENT CONTROL PLAN**

### **2.3.1 WOLLONGONG DEVELOPMENT CONTROL PLAN 2009**

The main design considerations come from the Education SEPP, however an assessment of the proposed development has been carried out with regard to WDCP2009. A full compliance table can be found at Attachment 5. The main issues arising from the assessment under the DCP are outlined below.

## **CHAPTER A1 – INTRODUCTION**

### **8 Variations to development controls in the DCP**

The proposal includes a variation to provision of car parking under Chapter E3, this is discussed under the Chapter E3 section of this report, see below.



## CHAPTER E3: CAR PARKING, ACCESS, SERVICING/LOADING FACILITIES AND TRAFFIC MANAGEMENT

### Car parking

#### **Educational Establishment**

	<i>Rate</i>	<i>Calculation</i>	<i>Provided</i>	<i>Compliance</i>
<i>Car parking</i>	<i>1 car parking space per staff member plus 1 car parking space per 10 Year 12 students.</i>	161 additional students (no year 12 students) & 8 additional staff spaces 8 additional staff spaces required.	No additional spaces required.	No – see below*
<i>Bicycle parking</i>	<i>1 bicycle space per 10 students above grade 4</i>	Approximately 53 students above Grade 4 = 5.3/6 spaces	5	Yes (to be conditioned for 6 spaces)
<i>Motorbike</i>	<i>1 motor cycle space per 25 car parking spaces</i>	NA	NA	NA

#### **\*Exemptions**

##### 7.4 Waiver or Reduction of Parking Spaces

Council has the discretion to waive or reduce the minimum number of car spaces required for a particular site if the reduced provision can be justified in the accompanying Car Parking and Traffic Impact Assessment study.

A variation to this requirement has been submitted by TDG on the basis of:

- The availability of public car spaces in the locality;
- Proximity to public transport nodes; and
- An empirical assessment of car parking
- Implementation of a Green travel plan

A Traffic Impact Assessment study has been submitted by TDG. The empirical assessment of car parking, proximity of the site to public transport and implementation of the green travel plan have been considered by Council's Traffic Engineer and the existing parking provision is considered satisfactory in this instance. The Traffic Impact Assessment also references the Department of Education's *Educational Facilities Standards and Guidelines* (EFSG) which states in relation to the provision of on-site staff parking:

*'In order to ensure that the available site area for teaching learning and play is maximised, to enable community use and to encourage the use of sustainable means of transport to and from the school, on school site parking should be kept to a minimum'*

A new bicycle parking area is proposed to the south of the refurbished toilet block to meet additional bicycle parking demand.

##### Access, Servicing/Loading Facilities and Traffic Management

Chapter E3 requires the site to be able to accommodate a Large Rigid Vehicle.

No change to the existing waste servicing arrangements is proposed. A waste management plan has been submitted with the proposal which details onsite waste collection continuing from Church Street, with increased frequency to accommodate the increased school capacity. Council's Traffic Engineer has assessed the application in this regard and found it satisfactory.

The school currently has a drop-off/pick-up zone along Church Street, which experiences traffic congestion and parking problems at peak periods. The proposed development includes the provision of a second drop-off/pick-up area on the Smith Street frontage of the school, where there is an existing pedestrian access point. This will necessitate a change in signage to reflect 'No Parking with School Zone hours'. This change has been considered by Council's Traffic Committee on 13 June

2018 and has been unanimously supported. It was noted that a recommendation of this committee included that the RMS, Police and Council meet with school representatives regarding implementation.

## **CHAPTER E17 PRESERVATION AND MANAGEMENT OF TREES AND VEGETATION**

The development seeks approval for the removal of 26 trees on the site. The trees proposed for removal are indicated on the landscape plans in Attachment 3 (apart from Tree numbers 24 and 28). The removal of these trees can be summarised as being for the following reasons: located within the proposed building footprint; poor health/condition; trees will be compromised by proposed drainage infrastructure; or will hinder access during construction works.

An Arboricultural Impact Assessment Report prepared by Paul Shearer Consulting has been submitted with the application which confirms the trees proposed for removal are not exempt under the provisions of this chapter and notes that the trees are associated with the Local Heritage Item no. 5935. This report can be found in Attachment 4. The arborist report notes that six (6) of the trees proposed for removal have been awarded a Removal SULE rating.

An addendum to the Arborist Report was submitted on 23 May 2018 from Paul Shearer Consulting. The report identified two (2) additional trees (T24 and T28) requiring removal for the purpose of providing construction site access from Smith Street, on the following basis (from building contractor):

*Space for a site compound will not be possible without the removal of the subject trees T24 and T28. This is due to the following factors:*

- The access road will need to suit the turn radius of the trucks used*
- There is a new culvert which has been installed along the eastern boundary which vehicle access must avoid*
- The vehicular access path would be obstructed by tree 28 and tree 24.*

Of the trees proposed for removal to provide construction access/site compound from Smith Street, tree numbers T6 (spotted gum) and tree numbers T24, T28 (both Brush Boxes) are not supported as these trees are identified as having a moderate retention value and removal is not warranted.

The remaining trees proposed for removal are due to the trees being within the proposed building footprint (or within 3m), or conflicting with the stormwater infrastructure. Compensatory planting is required to compensate for the removal of these trees.

Given the overall number of trees proposed for removal as part of the development, a condition of consent is recommended for the design changes identified in Section 3.10 of the Arborist Report to be implemented to minimize tree impacts in relation to tree numbers T1, T7, T21, T35, T48, T50, T51, T52 and T53. The design changes include methodology for stormwater infrastructure, the on-site detention to be relocated to minimise incursion to <10% (T1), and constructing the ramp to the south of the administration building on piers to reduce the impact on T35 (Forest Red Gum with high retention value). A condition is recommended for amended plans to be prepared demonstrating compliance with these recommendations are required prior to construction works commencing.

The proposed tree removal has been considered by Council's Landscape Division and found satisfactory. A condition of consent is recommended identifying 24 rather than 26 trees permitted for removal and requiring compensatory planting of 24 trees to be planted within the site which can be found in Attachment 6.

### **2.3.2 WOLLONGONG SECTION 94A DEVELOPMENT CONTRIBUTIONS PLAN (2017)**

The application is a Crown Development application.

The cost of works is >\$100,000 (\$12) however an exemption from a S7.12 levy is applicable pursuant to clause 15 (b) of this policy as follows:

*"15. Are there any exemptions to the levy?*

*Council may allow for exemptions (partial or full) in the following circumstances. For an exemption to be considered based on clause 15 (a) to (h), the written application should clearly state which exemption criteria is expected to ensure it is considered and provide all relevant supporting information.*

...

*b. An application by the NSW Government for public infrastructure, such as but not limited to hospitals, police stations, fire stations; education facilities (primary and secondary) and public transport infrastructure. “*

A written request for an exemption under 15b of this plan was requested of the applicant. The applicant provided a response noting that the proposal provides for social and community infrastructure to meet the needs of the growing population and should be exempt from Section 94A contributions. A full exemption is recommended in accordance with the above listed exemption.

## **2.4 SECTION 4.15 1(A)(IIIA) ANY PLANNING AGREEMENT THAT HAS BEEN ENTERED INTO UNDER SECTION 7.4, OR ANY DRAFT PLANNING AGREEMENT THAT A DEVELOPER HAS OFFERED TO ENTER INTO UNDER SECTION 7.4**

There are no planning agreements entered into or any draft agreement offered to enter into under S7.4 which affects the development.

## **2.5 SECTION 4.15 1(A)(IV) THE REGULATIONS (TO THE EXTENT THAT THEY PRESCRIBE MATTERS FOR THE PURPOSES OF THIS PARAGRAPH)**

92 What additional matters must a consent authority take into consideration in determining a development application?

Condition(s) of consent are recommended with regard to demolition works being carried out in accordance with AS 2601.

The site is not located within the Coastal Zone.

## **2.6 SECTION 4.15 1(A)(V) ANY COASTAL ZONE MANAGEMENT PLAN (WITHIN THE MEANING OF THE COASTAL PROTECTION ACT**

There is no Coastal Zone Management Plan currently applicable to the land.

## **2.7 SECTION 4.15 1(B) THE LIKELY IMPACTS OF DEVELOPMENT**

### Context and Setting:

The land use (educational establishment / school) is permitted in the subject R1 General Residential Zone and is consistent with zone objectives.

The proposal is appropriate considering the historical use of the site as a school and proposed intensification to meet the local demand. Furthermore, the proposed built form, site works and landscape treatment will complement the existing site characteristics.

### Access, Transport and Traffic:

The proposed development will enable an increased student population. Given the school currently experiences traffic congestion at peak times, an additional drop-off/pick-up zone will be provided along Smith Street. This will change the street parking conditions (currently 15 minute parking) which will reduce pressure from the Church Street drop-off/pick-up zone.

The car parking and servicing arrangements has been assessed against the relevant development controls and the proposal was found to be satisfactory in this respect. It is noted a variation to the provision of off-street car parking has been sought and found acceptable due to the city centre location and implementation of a green travel plan.

No significant impacts with regard to access transport or traffic will result.

### Public Domain:

No adverse impacts on the public domain are anticipated.

### Utilities:

The proposal is not envisaged to place an unreasonable demand on utilities supply. Suitable conditions are recommended for the applicant to consult with utility providers for any requirements.

Heritage:

The site has heritage significance, being identified as local heritage items under Wollongong Local Environmental Plan 2009. The heritage impacts of the development have been considered by Council's Heritage officer and found satisfactory.

Other land resources:

The proposal is considered to contribute to orderly development of the site and is not envisaged to impact upon any valuable land resources.

Water:

The site is presently serviced by Sydney Water, which can be readily extended to meet the requirements of the proposed development.

The proposal is not envisaged to have unreasonable water consumption.

Soils:

The development involves excavation. In addition, the site contains acid sulfate soils and contaminants which have been identified in an environmental site assessment.

Suitable remediation and management practices may be applied to address these concerns and no adverse impact on soils will result from this development.

Air and Microclimate:

The proposal is not expected to have any negative impact on air or microclimate.

Flora and Fauna:

The proposed development involves the removal of numerous trees as well as additional landscaping of the school grounds. Compensatory planting is recommended for the trees removed.

The site does not contain any threatened species or sensitive biodiversity communities.

Waste:

Suitable conditions will be attached to any consent granted that an appropriate receptacle be in place for any waste generated during the construction. The existing waste storage and collection service will remain as is, with increased frequency (up to 2 times per week) to accommodate the increased school capacity.

Energy:

The proposal is not envisaged to have unreasonable energy consumption. It is noted that solar panels are proposed for the new learning hub building.

Noise and vibration:

An acoustic report prepared by Acoustic Logic was submitted with the application with recommendations to minimise noise impact associated with the development. The report concluded that:

*An analysis of noise from classrooms, the school hall and from mechanical equipment indicates that compliance with noise emission goals for the site is both possible and practical.*

*Based on this assessment the proposed Western Sydney Schools, Wollongong Public School is acoustically acceptable and will not negatively impact on the acoustic amenity of surrounding receivers."*

Conditions are recommended for the development to adhere to the recommendations of the acoustic report.

In addition, a condition will be attached to any consent granted that nuisance be minimised during any construction, demolition, or works.

Natural hazards:

There are no natural hazards affecting the site that would prevent the proposal.

Technological hazards:

There are no technological hazards affecting the site that would prevent the proposal.

Safety, Security and Crime Prevention:

This application does not result in any opportunities for criminal or antisocial behaviour.

Social Impact:

The proposal constitutes the redevelopment of public and community infrastructure with additional teaching facilities and improved open space areas to the school. The capacity of the school will be increased by 161 places to meet the growing demand in the locality.

Overall the proposal will result in a positive social impact.

Economic Impact:

The proposed redevelopment will increase the capacity of the school and enable the employment of 8 additional staff, resulting in a positive economic impact.

Site Design and Internal Design:

The application does not result in any departures from development standards or Council's development control plans with regard to building design or site layout, as outlined above.

A variation to DCP car parking controls is proposed and is acceptable.

With regard to potential overshadowing due to the proposed new learning building, shadow diagrams have been submitted with the application that demonstrate any additional overshadowing attributed to the development satisfies Council's requirements within a residential context.

A condition is recommended that all works are to be in compliance with the Building Code of Australia.

Construction:

Conditions of consent are recommended in relation to construction impacts such as hours of work, erosion and sedimentation controls, works in the road reserve, excavation, demolition and use of any crane, hoist, plant or scaffolding.

Cumulative Impacts:

Subject to the imposition of appropriate conditions, the proposal is not expected to have any negative cumulative impacts. The redevelopment will provide additional capacity for the school to grow, providing a necessary facility for the local community.

## **2.8 SECTION 4.15 1(C) THE SUITABILITY OF THE SITE FOR DEVELOPMENT**

Does the proposal fit in the locality?

The proposal is considered appropriate with regard to the zoning of the site and is not expected to have any negative impacts on the amenity of the locality or adjoining developments.

Are the site attributes conducive to development?

There are no site constraints that would prevent the proposal.

## **2.9 SECTION 4.15 1(D) ANY SUBMISSIONS MADE IN ACCORDANCE WITH THIS ACT OR THE REGULATIONS**

Eight (8) submissions received from four (4) parties, as discussed at Section 1.4 of this report.

## **2.10 SECTION 4.15 1(E) THE PUBLIC INTEREST**

The application is not expected to have any unreasonable impacts on the environment or the amenity of the locality. It is considered appropriate with consideration to the zoning and the character of the area and is therefore considered to be in the public interest.

## **2.11 DIVISION 4.6 CROWN DEVELOPMENT**

In accordance with s4.33 (1) (b) 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. As the applicant for this development is the Department of Education, this division applies.

The draft conditions of consent have been forwarded for endorsement by the Crown, satisfying the requirements of Division 6.

## **3. CONCLUSION**

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This application has been assessed as satisfactory having regard to the Heads of Consideration under Section 4.15 of the Environmental Planning and Assessment Act 1979, the provisions of the relevant State Environmental Planning Policies discussed in this report, Wollongong Local Environmental Plan 2009 and all relevant Council DCPs, Codes and Policies. Schools are permitted with development consent in accordance with clause 33 of the State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017. The proposal is considered to be consistent with the objectives of the R1 General Residential Zone.

The proposal involves variations to development controls under WDCP2009 with regard to car parking. Variation request statements and justification have been provided for the non-compliance in accordance with Chapter A1 of WDCP2009. The variations have been considered and are supported in this instance.

All internal and external referrals are satisfactory. Submissions have been considered in the assessment. It is considered that the proposed development has otherwise been designed appropriately given the nature and characteristics of the site and is unlikely to result in significant adverse impacts on the character or amenity of the surrounding area.

## **4. RECOMMENDATION**

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It is recommended that the Southern Regional Planning Panel determine DA-2017/1553 pursuant to Section 4.16 of the Environmental Planning & Assessment Act 1979 by way of approval subject to the conditions provided at Attachment 6.

## **5. ATTACHMENTS**

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1. Aerial Photograph
2. Zoning Map - Wollongong Local Environmental Plan 2009
3. Proposed Development Plans
4. Planning Documents
5. Wollongong Development Control Plan 2009 Compliance Table
6. Draft Conditions of Consent (for approval by applicant or minister in accordance with Section 4.33 of EP&A Act)