

## JOINT REGIONAL PLANNING PANEL

### (Southern Region)

JRPP No	<b>2017STH033</b>
DA Number	<b>DA-2017/1554</b>
Local Government Area	Wollongong City Council
Proposed Development	Educational Facility - demolition of existing classroom and administration buildings and construction of new education library and administration buildings.
Street Address	Gwynneville Public School, 10A Acacia Avenue, GWYNNEVILLE Lot 61 DP 22656, Lot 1 DP 205112, Lot 1 DP 435199
Applicant/Owner	NSW Department of Education
Number of Submissions	One (1)
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 (Infrastructure) 2007</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>• State Environmental Planning Policy (Infrastructure) 2007 Review</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 and documentation by WSP Australia</p>

	Planning documents by Urbis
Recommendation	It is recommended that DA-2017/1554 be determined by way of approval subject to the conditions contained within Attachment 6.
Report by	Martin Jameson - Development Project Officer

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#### Summary of s4.15 matters

Have all recommendations in relation to relevant s79C 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 (S94EF)? **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 classroom and administration buildings, construction of new learning hub buildings, library, covered outdoor learning area, administration and staff buildings, fencing and landscaping. The applicant has confirmed that the school will continue to operate during the construction phase with temporary facilities being provided 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 R2 Low Density 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 R2 zone is listed as a prescribed zone.

#### **Consultation**

The proposal was notified in accordance with Council's Notification Policy and received one (1) submission which is discussed at section 1.3 of the assessment report.

#### **Main Issues**

There are no outstanding issues with the development.

#### **RECOMMENDATION**

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

## 1 APPLICATION OVERVIEW

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### 1.1 DETAILED DESCRIPTION OF PROPOSAL

The proposal comprises the following:

- Demolition of classroom Buildings B00C, B00D, B00E and B00F (see plan reference);
- Demolition of the administration and staff building, special programs building, canteen and amenities;
- Construction of two new learning hub buildings, library and administration and staff buildings;
  - Single storey buildings to be constructed in a 'U' shape, generally upon existing school footprint, predominately fronting Acacia Avenue.
  - Library will be constructed in between the two learning hub elements to connect the two learning areas. The administration building connecting to the eastern learning hub along the eastern boundary
- Construction of a new covered outdoor learning area (COLA);
  - Existing COLA to be retained, new COLA constructed adjoining new administration, staff and canteen building.
- Installation of a new metal boundary fence and gates along the southern boundary;
  - 2.1m height to align with NSW Department of Education standards.
- New landscaping around the new learning building and administration buildings;
  - Including; concrete walls, planter boxes, sensory garden beds, planting beds (subsoil drainage, tiered seating steps with garden beds and feature planting, paths connecting entry to toilet facilities, new turfed areas and regarded pavement to provide accessible path around existing embankment;
  - Removal of 12 trees.

The proposed development will increase the school's capacity to approximately 275 students, an additional 25 students.

The applicant has confirmed that the school will continue to operate during the construction phase with temporary facilities being provided 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.

Section 4.32 of the EP&A Act allows for DAs 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 Clause 89 of the EP&A Act.

### 1.1 BACKGROUND

Gwynneville Public School (the school) caters for children from Kindergarten to Year 6, with an existing equivalent capacity of 250 students. The school employs approximately 11 full-time teaching staff. The school is outgrowing the current facilities and needs to upgrade by providing new teaching, outdoor learning and administration spaces.

#### Development History

- DA-2006/1712 - Covered walkways

- DE-2009/143 - Gwynneville Public Primary School - Construction of a new hall, covered outdoor learning area including covered pathways, fencing on the eastern boundary and associated site works.
- DE-2013/25 - Demountable installation - portable one storey classroom
- DE-2014/41 - Installation of a demountable classroom
- DE-2014/149 - Demountable installation - Gwynneville Public School
- DE-2017/114 - School upgrade project - Wollongong and Gwynneville Public Schools - request for initial meeting with Council

Council met with the proponent on two occasions regarding the proposal, the applicant has satisfactorily addressed all matters discussed at these meetings.

#### Customer service actions

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

## **1.2 SITE DESCRIPTION**

The site is located at Gwynneville Public School, 10A Acacia Avenue, GWYNNEVILLE and the title references are Lot 61 DP 22656, Lot 1 DP 205112 and Lot 1 DP 435199.

The site has an area of 28,890m<sup>2</sup>, with frontages to Acacia Avenue to the south and to Berkeley Road via a pathway to the east.

The site contains an established public school with Library (Building D4); Assembly Hall (Building B00N); Established single storey school buildings fronting Acacia Avenue (Building B00C, B00D, B00E and B00F); Three classroom demountables (D1, D2 & D3); Special education programs (Building B00B); Covered outdoor learning area (COLA); Pedestrian access via Acacia Avenue and Berkeley Road; and Vehicular access via Acacia Avenue & associated on-site car park (16 spaces).

Development in the surrounding area is summarised as:

- North is the Princes Motorway providing connections to Sydney CBD and the NSW South Coast.
- East are residential neighbourhoods containing low and medium density dwellings and Gwynneville Preschool. Further east is Wiseman Park Bowling Club and St Bridget's Catholic Primary school.
- South are residential neighbourhoods containing low density dwellings.
- West is the Princes Motorway and residential neighbourhoods contain low density dwellings

#### Property constraints

- Council records identify the land as being bushfire affected. The application has addressed the bushfire affectation and is satisfactory in this respect.
- Acid Sulfate Soils - Class 5. The development does not raise any concerns with regard to acid sulfate soils.

There are no restrictions on the title (88b and deposited plan) that would preclude the proposal.

## **1.3 SUBMISSIONS**

The application was notified in accordance with WDCP 2009 Appendix 1: Public Notification and Advertising. This included a notice in The Advertiser.

One (1) submission was received and the issues identified are discussed below.

**Table 1: Submissions**

Concern	Comment
<i>The Applicant has not provided the State-wide NSW SafeWork Asbestos Implementation Plan for</i>	Compliance with NSW Safework requirements with regard to the handling of

Concern	Comment
NSW.	asbestos will be subject of proposed condition of consent.
<i>The Applicant of the above DA-2017/1554 has not declared in full, the site's Remediation Action Plan (RAP).</i>	Areas that require remediation have been identified and appropriate measures will be required as per draft conditions of consent.
<i>The Applicant has not offered, Construction Site Dust Management Plans, in this DA's for neighbouring occupant's health.</i>	Conditions are proposed regarding dust, demolition and asbestos management.
<i>Missing from the DA are Active Control Measures / A Plan - To be accountable for and a timeline for the neighbourhood throughout construction phases for dust monitoring and control.</i>	Conditions are proposed with regard to demolition/construction in addition to NSW Safe work requirements pertaining to asbestos and a remediation action plan.
<i>Consideration to natural water ways and our homes on Acacia Avenue.</i>	The proposal has been assessed in this respect and no environmental impact on water ways or homes will result, subject to compliance with draft conditions of consent.
<i>Request for notification of demolition, excavation and construction phases</i>	Notification requirements will be subject to Safework NSW guidelines and recommendations of the remediation action plan.  Notwithstanding, conditions are proposed with regard to minimising nuisance and compliance with applicable regulatory authorities.

## 1.4 CONSULTATION

### 1.4.1 INTERNAL CONSULTATION

#### **Geotechnical Engineer**

Council's Geotechnical Officer has reviewed the application and has provided a satisfactory referral. No specific conditions were recommended.

#### **Stormwater Engineer**

Council's Stormwater Officer has reviewed the application and given a satisfactory referral. Conditions of consent were recommended and are included in the draft conditions at attachment 6.

#### **Landscape Architect**

Council's Landscape Officer has reviewed the application and given a satisfactory referral. Conditions of consent were recommended and are included in the draft conditions at attachment 6.

#### **Traffic Engineer**

Council's Traffic Officer has reviewed the application and given a satisfactory referral. Conditions of consent were recommended and are included in the draft conditions at attachment 6.

#### **Environment Officer**

Council's Environment Officer has reviewed the application and given a satisfactory referral subject to draft conditions of consent at attachment 6.

### **Safer Community Action Team (SCAT) Officer**

Council's SCAT Officer has reviewed the application and given a satisfactory referral. No specific conditions were recommended.

## **1.4.2 EXTERNAL CONSULTATION**

### **Rural Fire Service**

Required under 100b of the Rural fire Act 1997.

No objection was raised, and the RFS has provided a bush fire safety authority as required under section 100B of the 'Rural Fires Act 1997' subject to conditions incorporated at attachment 6.

### **Roads and Maritime Services**

Required under clauses 101, 102 of State Environmental Planning Policy (Infrastructure).

No objection was raised, subject to subject to one condition in relation to Development Near Rail Corridors and Busy Roads – Interim Guideline, 2008 which has been incorporated at attachment 6:“

## **2 ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979 – 4.14 CONSULTATION AND DEVELOPMENT CONSENT — CERTAIN BUSH FIRE PRONE LAND**

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Development proposals involving schools on bushfire prone land area are defined as 'Special Fire Protection Purpose' (SFPP) under section 100B of the Rural Fire Act 1997 and requires assessment in accordance with Planning for Bushfire Protection 2006 (PBP) guidelines.

The property is identified as containing bushfire prone land as mapped on the Wollongong Bushfire Prone Land Map. A Bush Fire Assessment Report has been prepared by Peterson Bushfire which found the development satisfactory and provided recommendations with regard to landscaping, building design and services. The development was deemed able to comply with PBP guideline

The application was referred to the Rural Fire Service who recommended the development satisfactory subject to conditions.

## **3 ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979 – 4.15 EVALUATION**

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### **3.1 SECTION 4.15(1)(A)(1) ANY ENVIRONMENTAL PLANNING INSTRUMENT**

#### **3.1.1 STATE ENVIRONMENTAL PLANNING POLICY (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. As it has a Capital Investment Value of more than \$5M and is a Crown Development.

#### **3.1.2 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. Zinc, lead and asbestos were detected within the general site area.

The ESA recommended that there are considered to be no unacceptable contamination risks at the site based on the current site configuration. 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.

Council's Environmental Officer has reviewed the proposal and found it satisfactory subject to draft conditions.

Subject to draft conditions with regard to remediation, the site is satisfactory for the purpose for which the development is proposed.

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

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

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

Wollongong Local Environmental Plan 2009 (WLEP 2009) zones the site as R2 Low Density Residential, and prohibits 'Educational Establishments.' However, under clause 33 of the Education SEPP, the R2 Low Density 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 R2 Low Density Residential zone.

*(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 under schedule 4 below.

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

The applicant has provided the following response to (b) which is considered to adequately address this matter:

*"The community currently uses the school facilities (hall/classroom/library) for language, art and sporting classes. The School's principal/clerical staff manage access, hiring agreement and insurances. The school facilities will be operated in accordance with the NSW Department of Education's policy for Community Use of School Facilities (Policy). The Policy encourages schools to make their facilities available for use by the community because of the mutual benefits, including:*

- Access to services to support families and communities.*
- Enhanced co-operation and goodwill between the community.*
- The provision of additional extracurricular learning opportunities.*
- Better access for communities and schools to state-of-the-art facilities.*
- Opportunities for parents and the broader community to become better informed about and participate in the school's operation and activities.*
- More effective use of valuable school facilities; and*
- Opportunities for the community to play a positive part in school security through out-of-hours use of the facilities.*

*The Policy is implemented through the Community Use of School Facilities Implementation Procedures (Procedures). The Procedures outline direction and requirements for schools when*



*considering community use of facilities to ensure the use is regulated. Development approval for the use of the school facilities is not required under the Education SEPP 2017 and can continue to function as per the current arrangement.”*

## **Part 7 General development controls**

### **57 Traffic-generating development**

This clause only applies to the enlargement of existing premises or new premises where 50 or more students are accommodated. Only 25 additional students are proposed.

## **Schedule 4 Schools—design quality principles**

### **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 built form elements and reuse of 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. There are no heritage constraints on the land, nor is the land 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 and a rain water tanks. The proposal will also provide positive social and economic benefits for the local community particularly in terms of job creation and reducing pressure of surrounding public schools.

### **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 proposal is capable of complying with relevant provisions for accessibility, as outlined in the Access Review by Morris Goding Accessibility Consulting

### **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 construction of the learning buildings along

the Acacia Avenue boundary will increase passive surveillance. A range of open spaces and sports facilities will be available for students to encourage passive recreation. The proposal will also upgrade the existing security fence along Acacia Avenue.

#### 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 intent of the proposal is to replace the ageing school facilities. The upgraded facilities have been designed to ensure flexibility and longevity.

#### 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 and in keeping with the low density residential context.

### 3.1.4 STATE ENVIRONMENTAL PLANNING POLICY (INFRASTRUCTURE) 2007

#### **Division 17 Roads and traffic**

##### Subdivision 2 Development in or adjacent to road corridors and road reservations

#### **101 Development with frontage to classified road**

The development site shares a boundary (north/west) with the adjacent Princes Motorway which is a classified road.

*(2) The consent authority must not grant consent to development on land that has a frontage to a classified road unless it is satisfied that:*

*(a) where practicable, vehicular access to the land is provided by a road other than the classified road, and*

No access to the classified road is provided.

*(b) the safety, efficiency and ongoing operation of the classified road will not be adversely affected by the development as a result of:*

*(i) the design of the vehicular access to the land, or*

*(ii) the emission of smoke or dust from the development, or*

*(iii) the nature, volume or frequency of vehicles using the classified road to gain access to the land, and*

The development will not impact upon the operation of the classified road.

*(c) the development is of a type that is not sensitive to traffic noise or vehicle emissions, or is appropriately located and designed, or includes measures, to ameliorate potential traffic noise or vehicle emissions within the site of the development arising from the adjacent classified road.*

Being an educational establishment, the development may be classified as a type which is sensitive to traffic noise or vehicle emissions.

The development was referred to the NSW Roads and Maritime Services (RMS) which did not object to the development subject to conditions of consent requiring that prior to the issue of the construction certificate developer shall demonstrate to the consent authority that the development complies with the NSW Government's Development Near Rail Corridors and Busy Roads – Interim Guideline, 2008.

It is noted the development relates an existing use, subject to compliance with this condition the redevelopment is appropriately located and designed, and will include measures to ameliorate potential traffic noise or vehicle emissions.

#### *102 Impact of road noise or vibration on non-road development*

*(1) This clause applies to development for any of the following purposes that is on land in or adjacent to the road corridor for a freeway, a tollway or a transitway or any other road with an annual average daily traffic volume of more than 40,000 vehicles (based on the traffic volume data published on the website of RMS) and that the consent authority considers is likely to be adversely affected by road noise or vibration:*

...

*(d) an educational establishment or centre-based child care facility.*

*(2) Before determining a development application for development to which this clause applies, the consent authority must take into consideration any guidelines that are issued by the Secretary for the purposes of this clause and published in the Gazette.*

The RMS have advised that the average annual daily traffic volume for the Princes Motorway is approximately 80,000, therefore this clause applies.

The RMS recommended a condition of consent as outlined above.

### **3.1.5 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.

### **3.1.6 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 **R2 Low Density 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 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 school is an educational facility that provides primary age education services which meets the day to day needs of the residents. The proposed redevelopment will enable the school to better provide these services.

The proposal has regard to the above objectives.

The proposal is classified as a school, as defined below. Schools are permitted in the R2 Low Density Residential Zone subject to CI 35 of the SEPP (Educational Establishments and Child Care Facilities) 2017.

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

*Note.*

*Schools are a type of educational establishment—see the definition of that term in this Dictionary.*

#### Clause 2.7 Demolition requires development consent

The development entails demolition. The demolition of a building or work may be carried out only with development consent.

### **Part 4 Principal development standards**

#### Clause 4.3 Height of buildings

The maximum proposed building height of 7.5m does not exceed the maximum of 9m permitted for the site.

#### Clause 4.4 Floor space ratio

The proposal will increase the overall gross floor area by 348.01m<sup>2</sup>, bringing the total gross floor area to 2024.87m<sup>2</sup>.

Maximum FSR permitted for the zone: 0.5:1

FSR proposed: 0.07:1

#### Clause 5.11 Bush fire hazard reduction

Bush fire hazard reduction work authorised by the Rural Fires Act 1997 may be carried out on any land without development consent. It is noted the site contains bushfire prone land and hazard reduction work may be required as per conditions of consent recommended by the RFS.

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

#### Clause 7.1 Public utility infrastructure

The development site is already serviced by electricity, water and sewage services.

#### Clause 7.5 Acid Sulfate Soils

The proposed site is identified as being affected by class 5 acid sulfate soils.

An acid sulfate soils management plan is not required as the subject lot is located about 30 AHD and approximately 380 metres from adjacent Class 4 land that is not below 5 metres Australian Height Datum. No impact on/or by acid sulfate soils will result due to the development.

#### Clause 7.6 Earthworks

The proposal requires earthworks to enable the development. The earthworks are not expected to have a detrimental impact on environmental functions and processes, neighbouring uses or heritage items and features surrounding land.

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

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

The Department of Planning and Environment is reviewing the State Environmental Planning Policy (Infrastructure) 2007 (Infrastructure SEPP).

The exhibition period concluded on 7 April 2017 review and draft document is currently under consideration.

The review does not introduce any further considerations for this development.

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

#### 3.3.1 WOLLONGONG DEVELOPMENT CONTROL PLAN 2009

##### 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 expanded upon under the Chapter E3 section of this report, see below.

##### CHAPTER A2 – ECOLOGICALLY SUSTAINABLE DEVELOPMENT

Development controls to improve the sustainability of development throughout Wollongong are integrated into the relevant chapters of this DCP as detailed below.

Generally speaking, the proposal is considered to be consistent with the principles of Ecologically Sustainable Development. The proposal adopts a range of ESD principles including solar panels and a rainwater tank.

##### CHAPTER D1 – CHARACTER STATEMENTS

###### Gwynneville

The proposal relates to an existing school and will not comprise Gwynneville's categorisation as a low to medium residential suburb. The proposal is considered to be consistent with the existing and desired future character for the locality.

##### CHAPTER E1: ACCESS FOR PEOPLE WITH A DISABILITY

###### 3 DESIGN REQUIREMENTS

Access and facilities for people with a disability must be provided in accordance with the requirements of the Disability Discrimination Act 1992, Building Code of Australia, Disability (Access to Premises - buildings) Standards 2010 and the relevant Australian Standards.

An Accessibility Review has been undertaken by Morris Goding Accessibility Consulting and has been provided in support of the application.

A BCA Report has been undertaken by Steve Watson & Partners and has been provided in support of the application. The report identifies several minor non-compliance, which may be addressed in conditions of consent.

##### CHAPTER E2: CRIME PREVENTION THROUGH ENVIRONMENTAL DESIGN

<i>Control/objective</i>	<i>Comment</i>	<i>Compliance</i>
<u>3.1 Lighting</u>	The application has not addressed provision of lighting.  The development consent will contain conditions requiring security lighting provided to areas accessible to the public, in accordance with AS4282 (1997) The Control of the Obtrusive Effect of Outdoor Lighting.	Yes
<u>3.2 Natural surveillance and sightlines</u>	The building design, landscaping and site layout preserves natural surveillance and sightlines.	Yes
<u>3.3 Signage</u>	Wayfinding and school identification signage is	Yes

	to be provided at the discretion of the operator.	
<u>3.4 Building design</u>	The new learning buildings will be constructed to present toward Acacia Avenue, increasing passive surveillance to the street and public domain.	Yes
<u>3.5 Landscaping</u>	The landscape plan does not include any elements that compromise surveillance or access.	Yes
<u>3.6 Public open space and parks.</u>	NA	NA
<u>3.7 Community facilities and public amenities</u>	NA	NA
<u>3.8 Bus stops and taxi ranks</u>	NA	NA

### 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>	25 additional students (no year 12 students) & 1 additional staff 1 additional space required.	No additional spaces required.	No – see below*
<i>Bicycle parking</i>	<i>1 bicycle space per 10 students above grade 4</i>	NA - Less than 10 extra students proposed above grade 4	NA	NA
<i>Motorbike</i>	<i>1 motor cycle space per 25 car parking spaces</i>	NA	NA	NA

#### \* Variation request

A Traffic Assessment prepared by TDG has been submitted in support of the application.

TDG addressed this matter as follows:

*“The proposal will result in an increase of 25 students and one staff member on-site. On this basis, the statutory parking requirement for the redevelopment of the school is one parking space.*

*The parking surveys outlined within Section 2.4 indicate that there is a minimum of three parking spaces available within the school car park. The surveys also indicate there is ample on-street parking capacity within the vicinity of the site. Therefore, it is considered that the increased parking requirement of one staff parking space can readily be accommodated within the on-site car park, with ample overspill car parking available in the vicinity of the school.”*

With consideration of the findings of TDG, provision of public transport to the site and availability of on-street parking in the vicinity of the site, the provision of car parking is acceptable.

Furthermore, it is noted Council's Traffic Engineer has reviewed the Traffic Assessment and concurred with TDG's findings on the basis of the following:

The proposed increase in staff and students would only need 1 additional car parking space based on the requirements of Schedule 1 of Chapter E3 of the DCP. However the applicant is not proposing any changes to the access or parking arrangements.

Given that there is sufficient additional capacity within the local streets surrounding the site (as detailed in the Traffic Assessment), the traffic and parking impacts from the proposals are not thought to be significant.

Refuse collection and servicing will continue as existing.

The proposed variation is acceptable with regard to the requirements of Clause 8 Variations to development controls in the DCP of Chapter A1.

#### 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 servicing arrangement is proposed which is satisfactory. A waste management plan has been submitted with the proposal which details how onsite collection is to occur. Council's Traffic Engineer has assessed the application in this regard and found it satisfactory.

### **CHAPTER E6: LANDSCAPING**

A Landscape Concept plan prepared by Tract has been provided with the application.

The plan has been assessed against the controls of Chapter E6 with respect to minimum information requirements to accompany a development application, neighbourhood amenity and character, interaction with car parking areas and other general landscaping requirements. The landscape plan was satisfactory.

Furthermore, Council's Landscape Architect has assessed the proposal and found it to be satisfactory, subject to conditions of consent.

### **CHAPTER E7: WASTE MANAGEMENT**

A Site Waste Minimisation and Management Plan (SWMMP) have been submitted and are generally satisfactory with the following exception;

The SWMMP indicates the reuse of demolished concrete, bricks and tiles as fill possibly on-site, which is unacceptable. Conditions are proposed regarding waste management, asbestos and the disposal of excess excavated material.

### **CHAPTER E9 HOARDINGS AND CRANES**

Hoardings erected during the demolition and construction phases will be required to comply with the requirements of Chapter E9.

### **CHAPTER E12 GEOTECHNICAL ASSESSMENT**

A Geotechnical Investigation report prepared by JK Geotechnics has been submitted with the application. The report makes recommendations with respect to site preparation, footing design and slab design

The application has been reviewed by Council's Geotechnical Engineer in relation to site stability and the suitability of the site for the development. No conditions were recommended.

### **CHAPTER E14 STORMWATER MANAGEMENT**

A stormwater management plan prepared by WSP Australia which addresses the stormwater management within the site and the design of the onsite detention system.

The plan is satisfactory with regard to the controls of Chapter E14.

The application has been reviewed by Council's Stormwater Engineer and found to be satisfactory subject to conditions.

## **CHAPTER E15 WATER SENSITIVE URBAN DESIGN**

Whilst Chapter E15 of Wollongong DCP 2009 does not strictly apply, information has been submitted with the application claiming MUSIC modelling for the proposed treatment train (includes 8 x 'Stormfilter Cartridges' by 'Stormwater360' and 'Enviropod 200' pit baskets) demonstrates the stormwater quality performance targets contained in Table 2 of Chapter E15 will be achieved.

A condition requiring the maintenance of the installed water sensitive urban design measures is to be included as a condition of consent.

## **CHAPTER E16 BUSHFIRE MANAGEMENT**

The site is classified as bushfire prone, this affectation is categorised as 'Vegetation Buffer' and is limited to the western half of the site.

A Bushfire Assessment Report prepared by Peterson Bushfire has been submitted with the application. The report concludes that with the adoption of the recommendations contained within, the proposed development will comply with Planning for Bushfire Protection 2006 for infill Special Fire Protection Purpose (SFPP) development. The development consent will require compliance with these recommendations.

The application was referred to the Rural Fire Service who found the development satisfactory subject to conditions.

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

The development entails the removal of 12 trees.

An Arboricultural Impact Assessment Report prepared by Paul Shearer Consulting has been submitted with the application which considers the health and value of the subject trees and supports the proposed removal.

Council's Landscape Architect has assessed the proposal in this respect and found it to be satisfactory subject to conditions.

## **CHAPTER E19 EARTHWORKS (LAND RESHAPING WORKS)**

The proposal requires earthworks to enable the development. The earthworks are not expected to have a detrimental impact on environmental functions and processes, neighbouring uses or heritage items and features surrounding land.

## **CHAPTER E20 CONTAMINATED LAND MANAGEMENT**

Whilst the site is not classed as contaminated land the applicant has provided a Hazardous Material Survey, Preliminary Site Investigation and Environmental Site Assessment.

The development has been assessed under SEPP 55 and was found to be satisfactory.

The development consent will require a remediation action plan for the area of fill impacted by lead and zinc and a site specific asbestos management plan be developed, as recommended in the Environmental Site Assessment.

It is noted Council's Environmental Officer has assessed the proposal in this respect and found it satisfactory subject to conditions.

## **CHAPTER E21 DEMOLITION AND ASBESTOS MANAGEMENT**

A Demolition Work Plan has been submitted with the application.

Due to details not yet being known, the Demolition Work Plan does not fully meet the requirements of Chapter E21. Draft conditions require a detailed demolition plan.

It is noted Council's Environmental Officer has assessed the proposal in this respect and found it satisfactory subject to conditions.

## **CHAPTER E22 SOIL EROSION AND SEDIMENT CONTROL**

A sediment and erosion control plan has been submitted with the application and is satisfactory.



Conditions of consent are recommended in regard to appropriate sediment and erosion control measures to be in place during works.

### 3.3.2 WOLLONGONG SECTION 94A DEVELOPMENT CONTRIBUTIONS PLAN

The cost of works is >\$100,000 (\$12) however an exemption from a s94A 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 full exemption from the levy is recommended.

### 3.4 SECTION 4.15(1)(A)(IIIA) 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 entered into or any draft agreement offered to enter into under S93F which affect the development.

### 3.5 SECTION 4.15(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?

As the development requires demolition works the consent will be conditioned with respect to compliance with AS 2601.

### 3.6 SECTION 4.15(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.

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

#### Context and Setting:

The land use (educational establishment / school) is permitted in the subject R2 Low Density Residential Zone and is consistent with zone objectives.

The proposal is appropriate considering the historical use of the site as a school and minor overall intensification. Furthermore, the proposed built form, site works and landscape treatment is an improvement to the current development.

#### Access, Transport and Traffic:

The car parking and servicing arrangement has been assessed against the relevant development controls and the proposal was found to be satisfactory in this respect. It is noted a minor variation was proposed with regard to car parking, this was acceptable.

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

Public Domain:

The proposed redeveloped school will have an improved interaction with the public domain in terms of interactivity, visual impact and access.

Utilities:

The proposal is not envisaged to place an unreasonable demand on utilities supply. Existing utilities are adequate to service the proposal.

Heritage:

No heritage items will be impacted by the proposal.

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.

Several water sensitive urban design measures have been incorporated into the proposal.

Soils:

The development entails 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 development entails redevelopment of the landscaped component of the site. In addition, several trees are to be removed.

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

The proposed landscaping (incl. tree removal) has been assessed against the relevant development controls and is acceptable. No significant adverse impacts will result.

Waste:

The existing waste disposal service is to be retained which is acceptable.

The consent will contain conditions with respect to waste management during demolition and construction to mitigate potential environmental impacts.

Energy:

The redevelopment will incorporate several environmentally sustainable design elements.

The proposal is not envisaged to have unreasonable energy consumption and will result in a more sustainable design to the current school.

Noise and vibration:

The development entails a minor intensification of the existing school (25 additional students) in addition to redevelopment of the site which may alter the acoustic impact school operations have on nearby residents and sensitive receivers (Gwynneville Preschool).

An Acoustic Report prepared by Acoustic Logic was submitted with the application and reported findings on the existing acoustic environment and acceptable acoustic output attributed to the proposed redevelopment, with reference to relevant EPA and relevant acoustic guidelines. Conditions were recommended to mitigate potential impacts.

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, Gwynneville Public School is acoustically acceptable and will not negatively impact on the acoustic amenity of surrounding receivers.”*

In addition to the above, it is noted that a draft condition is proposed minimise nuisance during any construction, demolition, or works.

Natural hazards:

The site is classified as bush fire affected. A Bushfire Assessment Report has been submitted with the application in addition the application was referred to the RFS for commentary.

The application has also been assessed with respect to the controls of the Chapter E16 Bushfire Management poof the DCP and Planning for Bushfire Protection and was acceptable.

The proposal is acceptable with regard to bushfire protection, subject to conditions of consent.

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 additional or significant opportunities for criminal or antisocial behaviour.

Social Impact:

The proposal constitutes the redevelopment of public and community infrastructure with general improvements to the school made on multiple fronts, in addition the capacity of the school will be increased by 25 places.

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 an additional teacher, 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 minor variation to DCP car parking controls is proposed and is acceptable.

With regard to potential overshadowing due to the design of new buildings, shadow diagrams have been submitted with the application that demonstrate any additional overshadowing attributed to the development is well within that required by Council for residential development (which does not strictly apply to this proposal).

A draft condition is proposed 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:

The proposal is not expected to have any negative cumulative impacts.

The redevelopment is anticipated to have a beneficial impact to both those attending the school, the community and occupiers of the nearby public domain.

### **3.8 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.

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

One (1) submission received, addressed at section 1.3 above.

### **3.10 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.

### **3.11 SECTION 4.6 CROWN DEVELOPMENT**

In accordance with sub clause (1) (b) of s4.33 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 endorsed by the crown, satisfying the requirements of Division 6.

## **4 CONCLUSION**

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 mentioned 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 R2 Low Density Residential Zone. The proposal involves variations to development controls under WDCP2009. Variation request statements and justification have been provided for the noncompliance 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.

## **5 RECOMMENDATION**

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It is recommended that the Joint Regional Planning Panel determine DA-2017/1544 pursuant to Section 4.16 of the Environmental Planning & Assessment Act 1979 by way of approval subject to the conditions provided at Attachment 6.

## **6 ATTACHMENTS**

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