

## SYDNEY CENTRAL CITY PLANNING PANEL

SCCPP No	2017SWC0119
DA Number	DA-393/2017
Local Government Area	Cumberland Council
Proposed Development	Alterations and additions to Lidcombe Public School (Heritage listed building) including demolition, tree removal and construction of a new two (2) storey classroom/library building, construction of a single storey administration building, increase in staff and student numbers and associated landscaping, fencing and stormwater works
Street Address	1 Mills Street, LIDCOMBE NSW 2141
Applicant/Owner	<u>Applicant:</u> Department of Education C/- Johnstaff <u>Owner:</u> Department of Education & Training
Number of Submissions	Nil
Regional Development Criteria (Schedule 4A of the Act)	Crown Development with Capital Investment Value (CIV) > \$5 million  (CIV \$14,028,432.00)
List of All Relevant s4.15(1)(a) Matters	<p>List all of the relevant environmental planning instruments: s4.15(1)(a)(i)</p> <ul style="list-style-type: none"> <li>• State Environmental Planning Policy 55 - Remediation of Land</li> <li>• State Environmental Planning Policy (Education Establishments and Child Care Centres) 2017</li> <li>• State Environmental Planning Policy (Infrastructure)</li> <li>• Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005</li> <li>• Auburn Local Environmental Plan 2010</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</p> <ul style="list-style-type: none"> <li>• Nil</li> </ul> <p>List any relevant development control plan</p> <ul style="list-style-type: none"> <li>• Auburn Development Control Plan 2010</li> </ul> <p>List any relevant planning agreement that has been entered into or any draft planning agreement that a developer has offered to enter into</p> <ul style="list-style-type: none"> <li>• Nil</li> </ul>
List all documents submitted with this report for the panel's	<ul style="list-style-type: none"> <li>• Planning assessment report</li> <li>• Recommended Conditions of Consent</li> </ul>

consideration	<ul style="list-style-type: none"> <li>• Contamination Report</li> <li>• Plans</li> </ul>
Recommendation	Approval subject to conditions
Report by	Cumberland Council

# Assessment Report and Recommendation

## SUMMARY

<b>Applicant</b>	Department of Education C/- Johnstaff
<b>Owner</b>	Department of Education & Training
<b>Application No.</b>	DA-393/2017
<b>Description of Land</b>	Lot 1 DP 1095078, 1 Mills Street, LIDCOMBE NSW 2141
<b>Proposed Development</b>	Alterations and additions to Lidcombe Public School (Heritage listed building) including demolition, tree removal and construction of a new two (2) storey classroom/library building, construction of a single storey administration building, increase in staff and student numbers and associated landscaping, fencing and stormwater works
<b>Site Area</b>	24,360m <sup>2</sup>
<b>Zoning</b>	Zone R2 – Low Density Residential Zone R3 – Medium Density Residential
<b>Disclosure of political donations and gifts</b>	Nil disclosure
<b>Issues</b>	Height variation with Cl. 4.6

### 1. Recommendation

***That Development Application No. DA-393/2017 for alterations and additions to Lidcombe Public School (Heritage listed building) including demolition, tree removal and construction of a new two (2) storey classroom/library building, construction of a single storey administration building, increase in staff and student numbers and associated landscaping, fencing & stormwater works on land at 1 Mills Street, LIDCOMBE be approved subject to conditions contained in the attached schedule.***

### 2. History

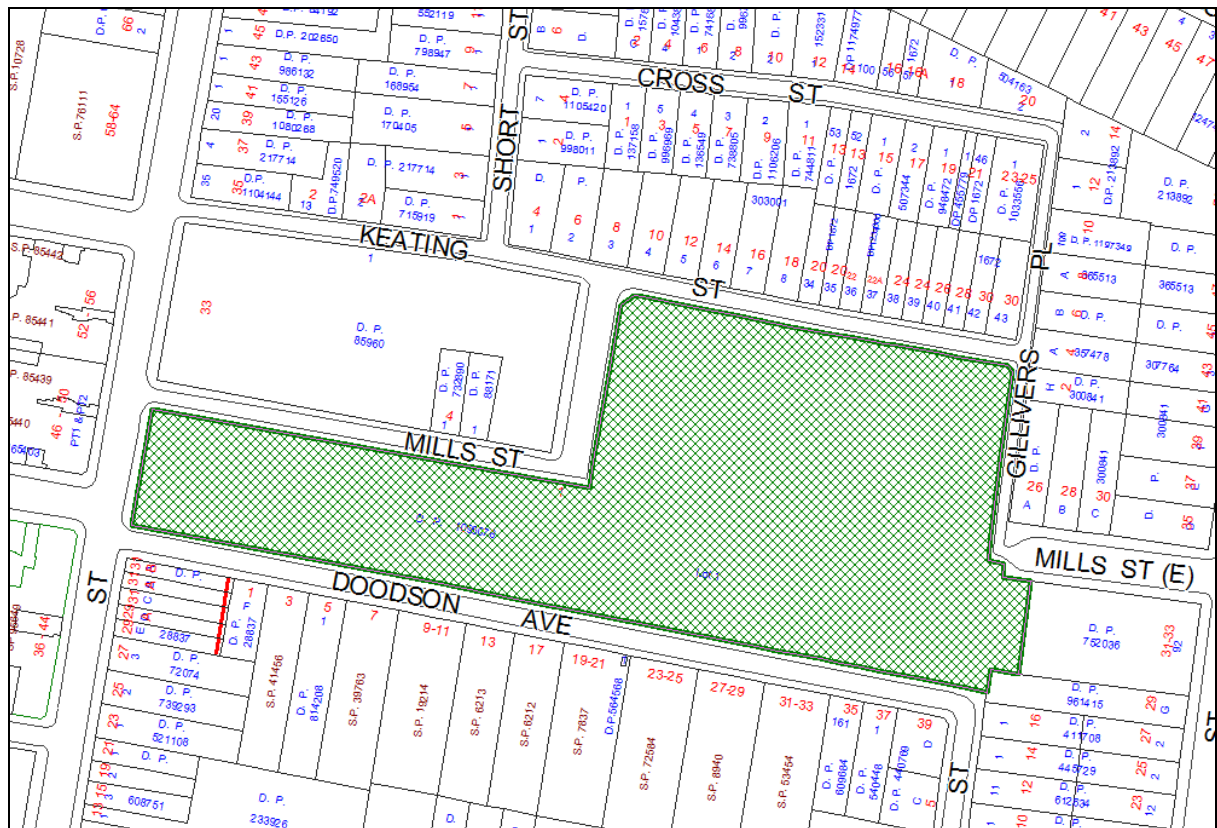
- Pre-lodgement meeting for alterations and additions to existing public school (PL-35/2017) was held to Council staff on 5 July 2017. Applicant advised the proposal is required to be modified to address car parking and flood management.
- Development application DA-393/2017 is lodged with the Council for determination on 18 September 2017.
- The development application was notified between 10 October 2017 and 24 October 2017. No submissions were received.
- An assessment of the development application shows no significant issues arising and the works may be supported.
- This is a Crown application and as such consent has been sought to impose the conditions as per Section 4.33 of the *Environmental Planning and Assessment Act 1979* (as amended). Council officers has received such consent from the Crown.

### 3. Site and Locality Description

The site forms Lot 1 of DP 1095078 and is known as 1 Mills Street, Lidcombe. The site has an area of 24,360m<sup>2</sup>. The subject site is within an area characterised by residential and mixed use developments and is bounded by Keating Street, John Street, Doodson Avenue, Swete Street and Gillvers Place. The site bisects Mills Street through the middle to create Mills Street (East) to the east and Mills Street to the west of the site.

Various building and structures were constructed on site and occupied by the Lidcombe Public School. The existing developments adjoining the site include residential areas comprising mainly single detached dwellings and mixed use development along John Street. St Joachim Catholic Church, Parish Hall & School (Local heritage item No. 139) is also located to the northwest of the site.

The school is listed as a local heritage item in the Auburn Local Environmental Plan 2010 as Item Number 135 being the school and infants department.





#### 4. Description of Proposed Development

Development application Number 393/2017 is proposing alterations and additions to the Lidcombe Public School which includes demolition work and new building work. The works include the following:-

##### Demolition work

Demolition of the existing Blocks E and F, the demountable classroom blocks and one (1) demountable administration building, the existing COLA adjacent to Block D, the shade structure and outdoor play area fronting Mills Street and the existing concrete paths and landscaping.

##### Removal of trees

Removal of 49 trees of various sizes to facilitate the works. It is found that the trees will interfere with the new building works.

##### Construction works

The proposal incorporates the construction of a new two (2) storey classroom/library building and a new single storey staff administration building:

- The classroom building comprising:
  - A total of fourteen (14) homebase classrooms with a net increase of 6 additional classrooms;
  - Associated breakout spaces/withdrawal rooms, and balcony areas;
  - Vertical circulation including two (2) staircases and one (1) access lift;
  - Amenities, storage and communications facilities;
  - Balconies/outdoor learning areas providing access to existing outdoor play area; and
  - New library with extensive associated covered outdoor learning area.
- The single storey staff administration building comprising:
  - Staff Rooms;

- Associated clerical, professional and annexe rooms; and
- Amenities and security store.

The proposal also incorporates the erection of a new demountable building to the existing north-eastern playground area.

The proposal will increase the total gross floor area of the site by 1,826m<sup>2</sup> to become 4,913.9m<sup>2</sup>.

#### Other works

- Relocation of three (3) existing demountable classrooms and buildings to the north-eastern playground area located to the immediate south of the existing demountable classrooms;
- Excavation , associated site landscaping and fencing works, including the planting of 9 replacement canopy trees;

#### Intensity of use

The Statement of Environmental Effects prepared by DFP Planning Consultants on behalf of the NSW Department of Education identifies that there are 805 students enrolled at the school. The report also specifies that there are 45 staff employed at the school.

The report also identifies that the new works will result in:-

- The number of students attending the school increasing by 138 to 943.
- The number of staff increasing by 6 to 51.

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## **5. Referrals**

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### **(a) Internal Referrals**

#### Development Engineer

The development application was referred to Council's Development Engineer and the initial comments received raised concerns with regard to stormwater drainage, parking and vehicle access.

Upon review of the information and subsequent amended plans, Council's engineer advised that the proposed development is satisfactory due to the provision of adequate car parking and vehicle access to the site. The stormwater drainage concept design is capable of being satisfactory subject to the imposition of conditions. Appropriate conditions of consent therefore have been included into the consent where appropriate.

#### Environmental Health

The development application was referred to Council's Environmental Health Officer for comment who has generally raised no objections to the proposal as a Remedial Action Plan was submitted with the application that indicated that the site can be made suitable for the proposed use.

#### Landscape Architect

The development application was referred to Council's Landscape Architect. Whilst the Council's Landscape Architect suggested that some trees could be retained, the correspondence from the Department of Education dated 28 March 2018 advised that all

trees identified for removal should be approved to ensure that construction and building works can be completed. In this regards, no objection is raised to the removal the trees as originally suggested in the Department.

#### Heritage Officer

As per the memorandum dated 16 November 2017, the development is satisfactory with respect to heritage and no objection is raised to the works that are sought. The Heritage Advisor has not recommended any conditions to be included in any consent to the issued.

### **(b) External Referrals**

#### Sydney Water

The development application was emailed over to Sydney Water for advice. As per the correspondence dated 22 March 2018, Sydney Water raised no objection to the works sought subject to conditions which are provided in the condition set.

## **6. The provisions of any Environmental Planning Instruments (EP& A Act s4.15a(i))**

### **Section S4.33 - Determination of Crown development applications**

The Department of Education is a Crown for the purpose of this application. Prior to determination of the development application, the provisions of Clause 4.33 are required to be complied with specific to the placement of any conditions onto any consent issued.

Consent has been sought from the Crown regarding the proposed conditions. In correspondence dated Wednesday 28 March 2018 no objection raised to the agreed conditions.

### **State Environmental Planning Policies**

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

The requirement at Clause 7 of SEPP 55 has been considered in the following table to ensure the site is suitable or can be made suitable to accommodate the proposed development. A Preliminary Stage 1/ Stage 2 Contamination Assessment and Preliminary Salinity Assessment prepared by Environmental Investigation Services (Ref. No. E30429KPrpt) dated 13 June 2017 was submitted with the application. A RAP prepared by Environmental Investigation Services (Ref. No. E30429KPrpt-RAPrev1) dated 6 September 2017 was also submitted with the application. Council's Environmental Health Officer has reviewed the reports and determined that the site is suitable to support such a development.

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

The development application has been assessed under the relevant provisions of the State Policy. It is concluded that the proposed development is fully compliant with the relevant provisions of the State Policy. A detailed assessment is available on Councils file.

#### Design Guide for Schools

The Design Guide for Schools prepared by the Office of the Government Architect NSW has been considered by the applicant. In particular, the document provides for 7 Design Quality Principles that should be followed. The school has been assessed using the Design Guide and the new works are determined as being compliant with the stated provisions.

A detailed assessment is attached to Council's file.

**(c) Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005**

The site is located within the area within the Sydney Harbour Catchment and SREP (Sydney Harbour Catchment) 2005 is applicable to the development application. The development application raises no issues as consistency with the requirements and objectives of the *Auburn Development Control Plan 2010*.

**(d) Auburn Local Environmental Plan 2010 (ALEP)**

The provisions of the ALEP 2010 are applicable to the development application. The application primarily seeks Council's approval to undertake alterations and additions to Lidcombe Public School (Heritage listed building) including demolition, tree removal and construction of a new two (2) storey classroom/library building, construction of a single storey administration building, increase in staff and student numbers and associated landscaping, fencing & stormwater works.

Part 2 – Land Use Table

The subject site is identified as split zoning site which containing R2 Low Density Residential zone and R3 Medium Density Residential zone. In accordance with the ALEP 2010 Land Use Table, the proposed alterations and additions to the educational establishment are permitted with consent within the zone.

Part 4, Clause 4.3 – Height of Buildings

The relevant Height of Buildings Map of the ALEP 2010 indicates a maximum 9m building height applies to the site.

As shown on the architectural plans, the proposal seeks approval to construct a new 2 storey classroom buildings with a maximum height of 11.6m at its highest point when measured from the natural ground level. This will result in a variation of 2.6m or 22.5% to the permissible height.

A Clause 4.6 Variation of Development Standard was submitted with the application seeking Council's approval for 2.6m (22.5%) variation to the library/classroom building. The applicant contends that the variation should be supported by Council for the following reasons:

- The proposed development is consistent with the objectives of the zone and the objectives of the building height control.
- The proposal does not result in any adverse impact from adjoining properties.
- The proposed development comprises a built form of 2 storey development on site
- The variation relates to the slope of the site and the proposed development has been designed to be elevated from the existing natural ground level to level with the finished floor level of the rest of the building.



- The proposed library/classroom building is at least 3.3m setback from the southern side boundary and is at least 15.5m setback from the neighbouring residential development across Doodson Avenue.
- The height variation equates to a maximum 2.608m of the building and is not visually prominent given the proposed development is well separated from the existing residential developments along the southern side of Doodson Avenue.

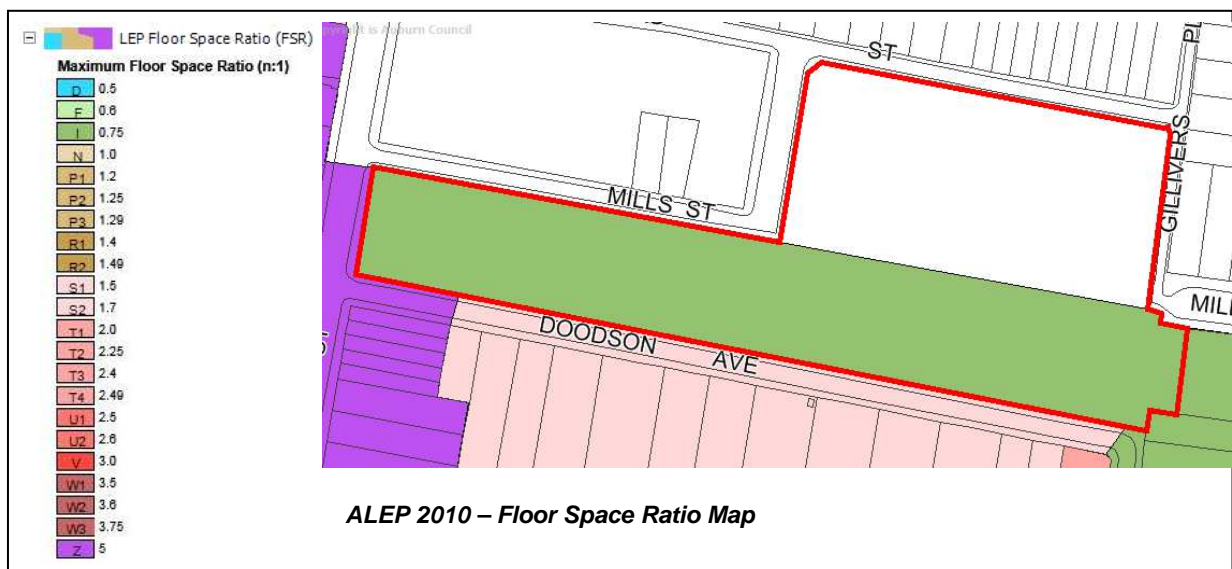
#### Council's comment

It is considered that the non-compliance does not give rise to any additional impact on the amenity of adjoining uses. The proposal is for a purpose built two storey classroom/library building to meet demand for such facilities within the school grounds. As discussed below the proposal does not exceed the FSR requirement as identified in the ALEP 2010.

Therefore, the proposed variation to the development standard is considered acceptable in this regard and can be supported.

#### Part 4, Clause 4.4 – Floor Space Ratio

Generally, a floor space ratio of 0.75:1 applies to the R3 Medium Density zone which is the southern part of the site. It is note that no floor space ratio applies to the R2 Low Density Residential zone which is the northern part of the site in accordance with the Floor Space Ratio Map of the ALEP 2010.



The applicant has not calculated the floor space ratio of the new and existing development however given the size of the site and the size of the playground space, it is clear that the floor space ratio of the R3 portion of the school would not approach 0.75:1. It can be concluded that the floor space ratio of the site is satisfactory.

#### Part 4, Clause 5.10 – Heritage Conservation

The site is listed as a heritage item in the ALEP 2010 as Heritage Item I35. The heritage item is the school site. The assessment identifies that the development work proposed will be acceptable to the site notwithstanding the heritage significance of the school.

A detailed assessment of the development application using the ALEP 2010 is available on Council's file.

## **7. The provisions of any Draft Environmental Planning Instruments (EP& A Act s79C(1)(a)(ii))**

There are no draft planning instruments that will apply to the development application.

## **8. The provisions of any Development Control Plans (EP& A Act s79C(1)(a)(iii))**

### **(a) Auburn Development Control Plan 2010 (ADCP)**

The following provisions of the ADCP 2010 are relevant to the proposed works.

#### Parking and Loading

The relevant requirements and objectives of the Parking and Loading part of the ADCP 2010 have been considered in the assessment of the development application. The parking rates prescribed by the ADCP 2010 for educational establishments are as follows:

<b>School type</b>	<b>Parking rate</b>
<b>Primary Schools</b>	1 space per 2 staff.
<b>Secondary Schools</b>	1 space per 20 year 12 students <i>plus</i> 1 space per 2 staff.
<b>Tertiary Schools</b>	1 space per 6 students <i>plus</i> 1 space per 2 staff.

There are currently 45 staff working at the public school which according to the above table, would require 23 car parking spaces. For an increase of 6 staff to 51 staff, at least 26 car parking spaces would be required to support the school.

It is identified that the school is provided with 48 car parking spaces located within 3 parking areas. There is a surplus of 22 car parking spaces on site and therefore no additional car parking spaces would be required for the increase in staff numbers anticipated at the school.

#### Tree Preservation.

The development application is requesting the removal of 44 trees affected by the development. The trees vary in height, stature, and health. The trees need to be removed because development works will interfere with their root zones and leave canopy. No objection is raised to the removal of the trees.

#### Stormwater Drainage

The stormwater plans submitted with the development application are found to be compliant with the Auburn Development Control Plan 2010 "Stormwater Drainage" chapter and as such are found to be acceptable by the Council engineer. The stormwater drainage plan may be supported.

#### Waste

A demolition and construction waste management plan has been submitted with the development application. The waste management plan is found to be satisfactory for approval.

#### Access and Mobility

The new works have been designed in an appropriate manner. In particular, the new building comprising the classrooms are provided with:-

- A lift linking both floors of the new building comprising the classrooms.
- Suitable toilet needs for the new building to be constructed on both floors.

The new administration office is at grade.

The works are determined as being satisfactory under the heading.

### **Section 7.11 Contributions Plan**

The cost of works for the development is quoted at \$14,028,432.00.

A contribution amount of \$14,028.43 would be calculated. It is noted that the Department of Education does not pay Section 7.11 contributions towards local roads, car parking, open space and recreation, community facilities and plan administration. As such, no Section 7.11 Contribution would be applicable to the development application.

## **9. Disclosure of Political Donations and Gifts**

The NSW Government introduced The *Local Government and Planning Legislation Amendment (Political Donations) Act 2008 (NSW)*. This disclosure requirement is for all members of the public relating to political donations and gifts. The law introduces disclosure requirements for individuals or entities with a relevant financial interest as part of the lodgement of various types of development proposals and requests to initiate environmental planning instruments or development control plans.

The applicant and notification process did not result in any disclosure of Political Donations and Gifts.

## **10. The provisions of the Regulations (EP& A Act s4.15(1)(a)(iv))**

The proposed development raises no concerns as to the relevant matters arising from the *Environmental Planning and Assessment Regulations 2000*.

## **11. The Likely Environmental, Social or Economic Impacts (EP& A Act s4.15(1)(b))**

It is considered that the proposed development will have no significant adverse environmental, social or economic impacts in the locality.

## **12. The suitability of the site for the development (EP&A Act s4.15(1)(c))**

The subject site and locality is not known to be affected by any natural hazards or other site constraints likely to have a significant adverse impact on the proposed development. Accordingly, the site can be said to be suitable to accommodate the proposal. The proposed development has been assessed in regard to its environmental consequences and having regard to this assessment, it is considered that the development is suitable in the context of the site and surrounding locality.

### **13. Submissions made in accordance with the Act or Regulation (EP&A Act s4.15(1)(d))**

Advertised (newspaper) ☒

Mail ☒

Sign ☒

Not Required ☐

In accordance with Council's Notification of Development Proposals section the proposal was publicly exhibited for a period of fourteen (14) days between 10 October 2017 and 24 October 2017. No submissions were received in respect of the proposed development.

### **14. The public interest (EP& A Act s4.15(1)(e))**

The public interest is served by permitting the orderly and economic development of land, in a manner that is sensitive to the surrounding environment and has regard to the reasonable amenity expectations of surrounding land users. In view of the foregoing analysis it is considered that the development, if carried out subject to the conditions set out in the recommendation below, will have no significant adverse impacts on the public interest.

### **15. Operational Plan / Delivery Program**

This assessment and report relates to the Auburn City Council Operational Plan and Delivery Program, Our Places – Attractive and Liveable theme, action “2a.1.1.3 Assess development applications, complying development and construction certificates”.

### **16. Conclusion**

The development application has been assessed in accordance with the relevant requirements of the *Environmental Planning and Assessment Act 1979* (as amended)

The proposed development is appropriately located within the R2 Low Density Residential and R3 Medium Density Residential zones under the relevant provisions of *Auburn Local Environmental Plan 2010*. The proposal is generally consistent with all statutory and non-statutory controls applying to the development. The development is considered to perform adequately in terms of its relationship to its surrounding built and natural environment, particularly having regard to impacts on adjoining properties.

For these reasons, it is considered that the proposal is satisfactory having regard to the matters of consideration under Section 4.15 of the *Environmental Planning and Assessment Act 1979* (as amended) and the development may be approved by the Sydney Central City Planning Panel subject to conditions in the attachment provided.