

SYDNEY WEST CENTRAL PLANNING PANEL

Panel Reference Number	2017SYW132
DA Number	DA 2017/418
Local Government Area	Cumberland
Proposed Development	Demolition of existing amenities block and PE storage building; removal of 4 existing demountable classrooms and relocation of 2 on-site during construction; construction of a three storey school building with a total of 10 classrooms; installation of a temporary amenities demountable for the duration of construction; and associated landscaping and site works
Street Address	68 Fowler Road, Merrylands
Applicant/Owner	NSW Department of Education c/- Johnstaff
Number of Submissions	One
Regional Development Criteria (Schedule 4A of the Act)	Crown Development with Capital Investment Value >\$5 million
List of All Relevant s4.15 (1a) Matters	<ul style="list-style-type: none"> • State Environmental Planning Policy No. 55 – Remediation of Land • State Environmental Planning Policy (Infrastructure) 2007 (SEPP Infrastructure) • State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017 • State Regional Environmental Plan (Sydney Harbour Catchment) 2005 • State Environmental Planning Policy (Coastal Management) 2018 • Holroyd Local Environmental Plan 2013 (HLEP 2013) • Holroyd Development Control Plan 2013 (HDCP 2013)
Recommendation	Approval, subject to conditions
Report by	Sarah Pritchard, Senior Development Planner, Cumberland Council
Meeting date	10 May 2018



Figure 1 – Perspective of proposed development at Merrylands Public School from Fowler Road
(Source: JDH Architects 2017)

TABLE OF CONTENTS

1	Executive Summary.....	1
2	Site and Context.....	2
3	Background	3
4	The Proposal	4
5	Planning Controls	4
6	Key Issues.....	6
7	External Referrals.....	8
8	Internal Referrals.....	9
9	Public Comment	10
10	Section 4.15 Consideration.....	22
11	Conclusion	23
12	Recommendation	24

TABLE OF FIGURES

Figure 1 – Perspective of proposed development at Merrylands Public School from Fowler Road (Source: JDH Architects 2017).....	1
Figure 2 – Location Map (Source: Cumberland Council, 2017).....	2
Figure 3 – Zoning Map (Source: Cumberland Council, 2017).....	3
Figure 4 – Aerial Photo of Site and Surrounds (Source: Cumberland Council, 2017)	3

ATTACHMENTS

Attachment 1 – Architectural Plans

Attachment 2 – Draft determination

1 Executive Summary

- 1.1 This development proposes alterations and additions to Merrylands Public School including temporary relocation of two demountables, construction of a new 3 storey building with 10 general learning classrooms and removal of 8 established trees. A copy of the architectural plans is provided as **Attachment 1** to this report.
- 1.2 The development, proposed by the Crown and with a capital investment value of more than 5 million dollars, requires referral to the Sydney West Central Planning Panel (the Panel). While Council is responsible for the assessment of the DA, the Panel is the consent authority.
- 1.3 This report summarises the key issues associated with the Development Application (DA) and provides an assessment of the relevant matters for consideration in accordance with the Environmental Planning and Assessment Act 1979, State Environmental Planning Policy (Educational Establishments and Child Care Centres) 2017 (SEPP Education), State Environmental Planning Policy No 55 – Remediation of Land, State Environmental Planning Policy (Infrastructure) 2007, Holroyd Local Environmental Plan 2013 (HLEP 2013) and Holroyd Development Control Plan 2013 (HDCP 2013).
- 1.4 The application was publicly notified for 21 days from 18 October to 8 November, 2017. During this period one submission was received.
- 1.5 Schools are a prohibited land use within the R2 – Low Density Residential zone pursuant to HLEP 2013. However, the works are permitted with consent pursuant to clause 35 of the SEPP Education.
- 1.6 The proposal will provide for a net increase of six (6) classrooms, catering for 138 additional students. This will result in a total capacity of 575 students for the school.
- 1.7 The proposal involves 2651.3m² of additional floor area, resulting in a floor space ratio (FSR) of 0.3:1. This complies with the maximum FSR standard (0.5:1) applying to the site.
- 1.8 The proposal involves a non-compliance with the 9 m maximum height standard applying to the subject site. The application was accompanied by a written request to vary the standard pursuant to clause 4.6 of HLEP 2013. The request to vary the height standard is well founded and addresses the relevant statutory requirements.
- 1.9 The application was referred to NSW Roads and Maritime Services (RMS) for comments as the proposal constitutes traffic-generating development pursuant to clause 57 of the SEPP Education. RMS advised that they have no objection to the proposal subject to conditions being imposed on any consent.
- 1.10 The proposed alterations to the existing school campus are considered to have acceptable impacts on the surrounding residential zoned land.
- 1.11 The proposal is considered satisfactory with regard to key issues such as heritage impact, design and siting, bulk and scale, traffic and parking, noise generation, stormwater drainage and social and economic impacts. The proposed development has been assessed as satisfactory against the relevant matters for consideration pursuant to section 4.15 of the Environmental Planning and Assessment Act 1979.
- 1.12 It is recommended that the Panel approve the DA subject to the imposition of appropriate conditions. Recommended conditions are provided at **Attachment 2** to this Report.

2 Site and Context

- 2.1 The site, located at 68 Fowler Road, Merrylands, has an area of 16,685.7m² and forms lots 299-318 (inclusive) in DP 628. The site is bounded by Morris Street to the north, Holdsworth Street to the east, Matthew Street to the south, and Fowler Road to the west. The Fowler Road School is located on the opposite side of Matthew Street to the south. The site is illustrated in Figure 2 below hatched in red:

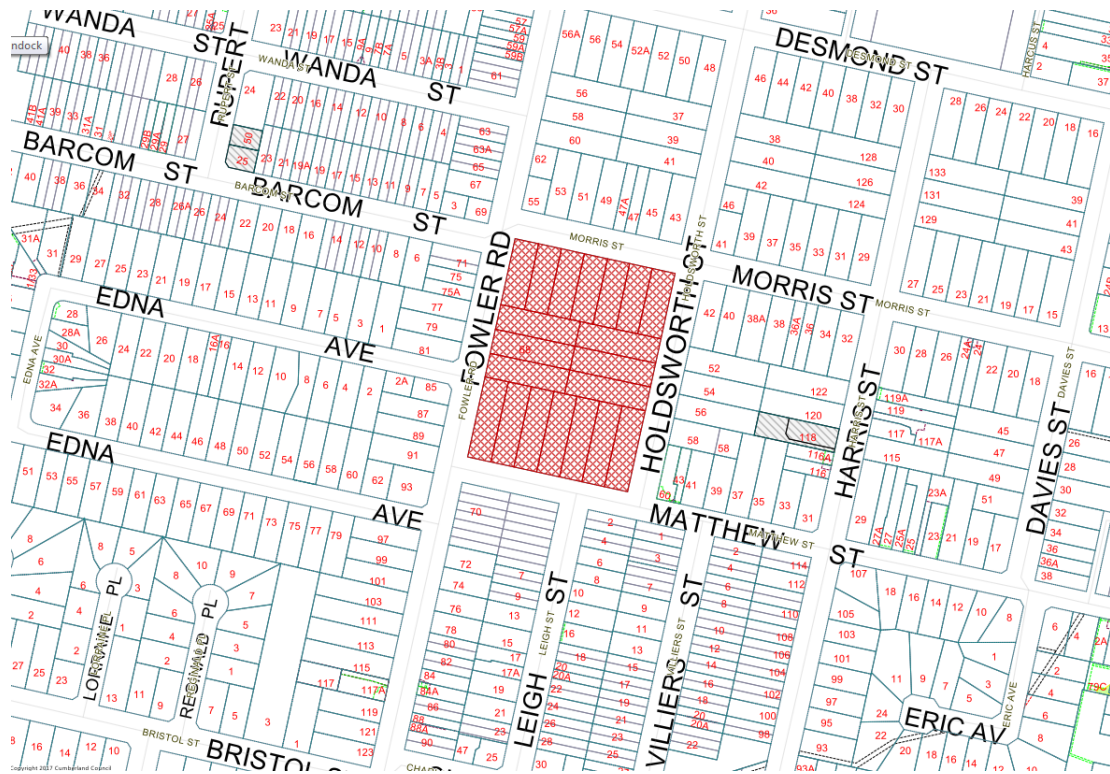


Figure 2 – Location Map (Source: Cumberland Council, 2017)

- 2.2 The site falls approximately 12 m towards Morris Street in the north. The existing improvements on site include 14 buildings of various ages and architectural styles, as well as outdoor play structures associated with the school. There are also a number of established trees on site.
- 2.3 The site is comprised of twenty (20) separate allotments, is rectangular in shape and has an area of 1.669 ha.
- 2.4 To the south of the subject site, on the opposite side of Matthew Street, is the Fowler Road School; a special school for students with mental health and behavioural disorders. All other surrounding sites are occupied by one and two storey dwellings.
- 2.5 The subject site and most of the surrounding land is zoned R2 – Low Density Residential pursuant to HLEP 2013. There are sections of R3 – Medium Density Residential to the north west and to the south as shown in Figure 3 below.

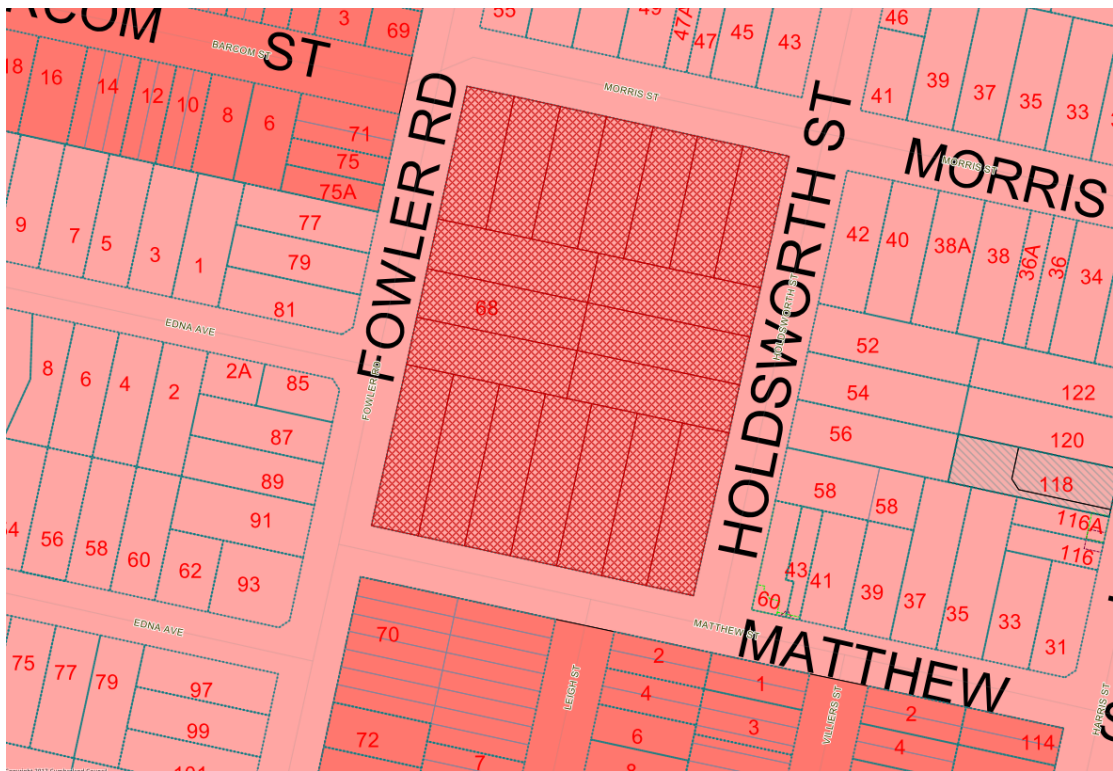


Figure 3 – Zoning Map (Source: Cumberland Council, 2017)



Figure 4 – Aerial Photo of Site and Surrounds (Source: Cumberland Council, 2017)

3 Background

3.1 The Merrylands Public School has been subject to a number of applications and approvals over recent years as follows;

- On 27 August 2009, NSW Nation Building and Jobs Plan Taskforce granted approval for a new hall, covered outdoor learning area and associated works.

- On 13 October 2006, Council issued development consent no. 2006/681 for an awning on lots 315 and 316.
- On 24 March 2005, Ministerial approval was granted for the erection of a new library.
- On 3 September 2003, Council issued development consent no 2003/957 for the addition of an accessible bathroom/toilet within the school grounds.
- On 13 June 2002, Council issued development consent no 2002/170 for erection of a new library.

4 The Proposal

- 4.1 The Statement of Environmental Effects (SEE) submitted with the application provides the following description of the proposed development:

This proposal forms part of the School Infrastructure NSW programme, representing an opportunity for temporary classrooms to be replaced with permanent classrooms, as well as an opportunity to increase the teaching capacity of the School. This project will pick up a portion of the forecast growth in demand for education within the sub-region.

The proposed development comprises:

Demolition of:

- *Demountable classroom blocks (two (2) of which will be relocated on-site for the duration of the construction works);*
 - *Existing Amenities Block; and*
 - *PE Storage Building.*
- *Excavation and site works associated with the new classroom building;*
- *Construction of a new three (3) storey classroom building comprising:*
 - *Ten (10) Homebase classrooms with associated withdrawal spaces and balcony area;*
 - *Ground floor undercroft connecting the main outdoor circulation area with the sports field; and*
 - *Storage, movement, accessibility and amenities facilities;*
- *Associated landscaping works;*
- *Temporary amenities block for the duration of construction; and*
- *Net increase of six (6) homebase classrooms and teaching spaces, catering for 138 additional students.*

5 Planning Controls

- 5.1 The planning controls that relate to the proposed development are as follows:

a. State Environmental Planning Policy No 55 – Remediation of Land

SEPP 55 aims to provide a state wide planning approach to the remediation of contaminated land. The SEPP requires the consent authority to consider whether a site may be contaminated in the assessment of any development application.

A Stage 1 and Stage 2 contamination assessment report prepared by Environmental Investigation Services (EIS) was submitted with the application and is available on the Council file. EIS concludes that the potential risks

associated with contamination within the investigation area are low, and that further investigation and/or remediation is not necessary. The report identifies uncontrolled fill as a possible source of contamination and recommends that an unexpected finds protocol be implemented during the works to mitigate any risks with potential contamination.

Appropriate conditions of consent are recommended to ensure that the unexpected finds protocol is implemented during the works and that Council is notified of any new information that comes to light regarding contamination of the site.

b. State Environmental Planning Policy (Educational Establishments and Child Care Centres) 2017

Clause 35 of the *State Environmental Planning Policy (Educational Establishments and Child Care Centres) 2017* (SEPP Education) provides that development for the purpose of a school may be carried out by any person with development consent on land in a *prescribed zone*. Pursuant to clause 33, the R2 Low Density Residential zone is identified as a *prescribed zone*. Accordingly, the proposed development is permitted with consent on the subject site.

The proposal complies with the relative provisions of the SEPP Education and satisfies the design quality principles at Schedule 4 of the SEPP. A detailed assessment is available on Council's file.

The application was referred to NSW Roads and Maritime Services pursuant to clause 57 of the SEPP Education. RMS advised that the proposal is satisfactory subject to conditions. The comments from RMS are outlined in section 7 of this report.

c. State Environmental Planning Policy (Infrastructure) 2007

The application was referred to RMS in accordance with clause 104 of the SEPP Infrastructure (Traffic-generating development). The comments from RMS are outlined in section 7 of this report.

d. State Regional Environmental Plan (Sydney Harbour Catchment) 2005

The subject site is within the boundary of the Sydney Harbour Catchment as defined in the SREP. However, there are no provisions in the SREP that are relevant to the assessment of this application.

e. State Environmental Planning Policy (Coastal Management) 2018

The subject site is not identified as a coastal wetland nor is it land identified as "proximity area for coastal wetlands" as per Part 2, Division 1 of the SEPP Coastal Management 2018.

f. Holroyd Local Environmental Plan (HLEP) 2013

The development is generally consistent with the provisions of the LEP, with the exception of the building height, which exceeds the 9 m maximum that applies to the subject site. This issue is discussed at section 6 of this report.

A detailed assessment against the provisions of the HLEP is available on Council's file.

g. Holroyd Development Control Plan (HDCP) 2013

HDCP 2013 applies to the site. The development is generally consistent with the provisions of the DCP, with the exception of the number of storeys and off street car parking controls.

A detailed assessment against the provisions of the HDCP is available on Council's file.

6 Key Issues

6.1 Variations to HLEP 2013 development standards

The proposed development is generally consistent with the requirements of the LEP, with the exception of the permissibility of the land use, and the non-compliance with the height standard.

The permissibility of the land use does not require further assessment as the proposal is permitted with consent pursuant to clause 35 of the SEPP Education.

The applicant submitted a written request to vary the height standard pursuant to clause 4.6 of the LEP.

The maximum height of buildings standard applying to the subject site is 9 m, and the proposal has a height of 12.4 m which is greater than the permitted maximum. The environmental impacts of the non-compliance have been assessed and are considered satisfactory. The applicant's written request to vary the standard pursuant to clause 4.6 of HLEP 2013 adequately addresses the requirements of clause 4.6 and demonstrates that compliance with the standard would be unreasonable and unnecessary in the circumstances. The applicant's written request reads in part:

Strict compliance [with the standard] would result in an increase in the building footprint and consequently reduce the outdoor learning and play space at the site, and opportunities for additional landscaped areas. Therefore, in order to accommodate the additional teaching spaces there would need to be a redistribution of development across the site which would result in an inferior design outcome for the sake of numerical compliance.

The proposal is consistent with the objectives of the height standard, has no adverse impacts on neighbouring properties or on the heritage significance of the subject site. It is considered that there are sufficient environmental planning grounds to justify a contravention of the standard in this case, and that the variation should be supported.

6.2 Variations to HDCP 2013 development controls

a. Car parking

The existing school does not comply with the minimum car parking requirements under Part A of HDCP 2013, and the proposed additions will exacerbate the non-compliance.

The DCP requires a minimum of one space per staff member, and 1 space per 100 students. The proposed modifications result in a total capacity of 575 students and 42 staff at the school. This requires a minimum of 42 staff spaces plus 5.75 (6) spaces for visitors, or a total of 48 spaces. The plans submitted with the application show 25 off street spaces, resulting in a deficiency of 23 spaces for the school.

However, the subject development in itself only generates net additional demand for 8 parking spaces (6 x staff + 1.36 x visitor).

There is limited capacity to provide additional off street parking on the site and no additional parking is proposed as part of this application (although this application formalises some informal on site parking arrangements).

The proposal can be supported despite the non-compliance with the DCP parking rate as:

- The Department of Education has identified that there is demand for additional school facilities in the area, and this development will satisfy some of that demand;
- The shortfall in parking is largely attributable to the existing developments on site with only 8 additional spaces required as a result of the proposal;
- The site is located within an area that is predominantly low-density residential, there will be limited competition for on-street parking during the day as residents will generally be away from their residences during the times when the school is open.

6.3 Environmental Management - Salinity

The Salinity Potential in Western Sydney map prepared by the former DIPNR, indicates the Site and the Merrylands area generally is within a region of moderate salinity potential. A Preliminary Salinity Assessment report prepared by Environmental Investigation Services was submitted with the application. The report concludes that the saline conditions of the soil be reviewed by the structural engineer during the design process. Standard conditions of consent are included in the draft determination at attachment 1, requiring that the detailed design of the development incorporate measures to mitigate the impacts of salinity on the development.

6.4 Traffic Generation

Alterations to the existing school facility constitute traffic-generating development for the purposes of the SEPP Education (clause 57). That is, the development is for the purpose of an educational establishment and will result in the educational establishment being able to accommodate 50 or more additional students, and that involves the enlargement or extension of existing premises on a site that has direct vehicular or pedestrian access to any road.

The application was referred to RMS for comments. As detailed elsewhere in this report, RMS advised that the proposal is satisfactory subject to conditions. The RMS recommended conditions are included in the draft determination at **Attachment 2**.

6.5 Visual Presentation, Built form

The SEE submitted with the application provides the following commentary regarding the proposed built form:

The built form of the proposed school building provides a balance between the need for additional learning space, minimising impacts upon existing playing areas, improving connectivity across the site, and the building's contribution to the surrounding streetscapes and internal site amenity.

Alternative options for reducing the height of the building would result in additional site coverage, reducing the amount of open space available to

students. Because the [building] is located centrally within the site and is contained within a visual setting of existing built form higher on the topography of the site, the height of the building is not considered to be excessive and will not result in adverse visual outcomes when viewed from the public domain or internally.

The proposed new building will contain all additional overshadowing within the subject site and will not give rise to any adverse impacts upon the privacy of surrounding residential development due to the separation provided to external boundaries.

Having regard to the analysis provided by the applicant, it is agreed that the proposed building will have acceptable visual presentation to the surrounding properties, and the public domain. Furthermore, the proposal will not result in any adverse impacts on neighbouring properties in terms of visual privacy or overshadowing, despite the non-compliance with the height limit.

6.6 Noise

The school has the potential to generate a range of noise impacts on nearby residential properties. The proposed development is also potentially impacted by road traffic from Fowler Road which is classified as a 7000 series regional road by RMS and is also identified as a classified road under Table 10, section 9, Part A of HDCP 2013.

The application was accompanied by an Acoustic Report prepared by Cundall (reference 1015561, revision A dated 10 July 2017). The report provides design recommendations to ensure appropriate acoustic performance of the proposed building. The report also considers the noise impacts of the proposal on the nearest residential receivers, concluding that there will not be any significant change to the prevailing acoustic environment as a result of the proposal, and that any additional activity noise will be limited to the daytime period.

The report was reviewed by Council's Environmental Health Officer and is considered satisfactory subject to standard consent conditions. The EHO's recommended conditions are included in the draft determination at **Attachment 2** to this report.

Subject to compliance with the recommended conditions, the proposal will have an acceptable impact on the surrounding residential areas and the impacts of road traffic on the proposed classrooms will be satisfactory.

7 External Referrals

- 7.1 The subject Development Application was referred to the following public agencies as summarised in the table below.

Referral Agency	Comment
Roads and Maritime Services	The application was referred to RMS under clause 57 of the SEPP Education and clause 104 of the SEPP Infrastructure. RMS advised that the proposal is satisfactory subject to conditions. The recommended conditions have been included in the draft determination at Attachment 1 to this report.

8 Internal Referrals

- 8.1 The subject application was referred to a number of internal sections of Council as summarised in the table below:

Referral	Comment
Development Engineering	The proposed stormwater drainage system complies with the relevant provisions of HDCP 2013 and Council's On-site Stormwater Detention policy. As such, the application can be approved subject to standard consent conditions.
Landscaping & Tree Management	The proposed works will provide adequate protection to existing trees to be retained on site. Proposed landscaping will enhance the amenity of the subject site. As such, the application can be approved subject to conditions.
Traffic Engineering	<p>Council's Traffic Engineer advised that inadequate details have been provided regarding the on-site parking arrangements to demonstrate compliance with the Australian Standard. The Engineer requested that additional information be provided to demonstrate compliance with the Australian Standard and for off street parking to be provided in accordance with the minimum requirements of HDCP 2013.</p> <p>Conditions have been included in the draft determination requiring parking spaces and manoeuvring areas to comply with the relevant Australian Standard. As discussed elsewhere in this report, the proposal is considered supportable despite the non-compliance with the DCP parking rate.</p>
Environmental Health Unit	The proposed development is satisfactory subject to implementation of the recommendation of the acoustic assessment report, asbestos management plan and erosion and sediment control plan submitted with the application. As such, the application can be approved subject to conditions.
Heritage	The proposed works provide a positive addition to the site and can be supported. No recommended conditions.
Waste Management	The proposed waste management arrangements are satisfactory. No recommended conditions.
Building Services	The proposal is satisfactory subject to standard conditions.
Property	Council's Property section requested that the applicant demonstrate legal right to use the closed section of Matthew Street (to the south of the subject site), for staff parking. The application was deferred to request either a memorandum of understanding between

Referral	Comment
	<p>Council and the Department of Education, or a lease agreement.</p> <p>The applicant did not provide any information to satisfy Council's concerns with regard to this issue. The applicant later advised that they were not seeking to rely on Matthew Street for staff parking and requested that Council assess the application on the basis that there is no dedicated parking available in Matthew Street. As discussed elsewhere in this report, the proposal is considered satisfactory despite the non-compliance with the DCP parking rate.</p>

9 Public Comment

- 9.1 In accordance with the HDCP 2013, a sign was placed on the site, the proposal was advertised in the local newspaper and was notified to the owners and occupiers of surrounding sites for a period of 21 days from the 18 October 2017 to 8 November 2017. During this time, one submission was received.

The submission identified concerns regarding height and the number of storeys, traffic and congestion, encroachment of the proposed building into the existing open space on the site, unsympathetic character of the proposed building and visual privacy impacts on the surrounding residential properties.

These concerns were addressed by the applicant as follows:

The Department of Education undertook an assessment of the school's enrolment statistics and found the following:

- The school has experienced an increase in enrolments by 39% over the last 6 years (304 in 2010 to 423 in 2016). Growth is expected to continue in a stable manner in the short to medium term (475 students by 2021 up to 550 students by 2031).*
- Long term demographic projections indicate a growth in primary students of 23.89% across the Holroyd Primary Schools Area in the period from 2016 to 2031. This will generate an additional 1160 primary aged students.*
- Demand generated by Merrylands City Centre Revitalisation: The centre revitalisation is expected to deliver an increase in housing supply demand on the Holroyd Primary Schools Area particularly the Merrylands East Public School. Although Merrylands East Public School is better located to cater for the students coming out of the town centre development, it is on a small-scale site and does not have the capacity to expand.*

Based on the above, it was deemed that the expansion of Merrylands Public School would cater for the increase in demand while reducing the impact on Merrylands East Public School. Merrylands Public School is currently accommodating students in seven demountable buildings. Additionally, the scope of the project is not only to increase school capacity, but also to remove the temporary accommodation and relocate the students into a permanent building. The school has an existing enrolment of 437 student and 36 staff. The proposed upgrades for the school includes a net increase in six teaching spaces, catering for an additional 138 students.

The traffic impact on the surrounding area has been analysed by qualified Traffic Engineers; please refer to the traffic report for further details.

It is a requirement by the Department of Education to provide at least 10 square metres of outdoor area per student, therefore a minimum of 5,750 sqm useable play space is required to accommodate the proposed growth. Following a feasibility study reviewing different options, including 2 storey and 3 storey options, either a 2 storey option with rooftop play area or a three storey option with undercroft area would be needed to comply with this requirement. Given the constrained nature of the site, it was agreed with the Department of Education to provide a 3 storey building to maximise external play space.

The building has been sited appropriately from a masterplan perspective, replacing an old toilet structure, maximizing the northern sun into the learning spaces, and minimizing the western sun. Using the fall of the land, we have appropriately sited the building so that it is as far away as possible from the Heritage listed building at the high end of the site. We proposed not to construct the building on the existing playing field, thus giving a generous setback of 50 m from the building line to the boundary on Morris Street.

Please refer to the elevations and streetscape elevation provided in the DA set, the height of the building does not appear overbearing in its context when viewed from either of the surrounding streets, as it is the same height as the Heritage Listed building (Block A). As stated by the heritage consultant, the proposed increase in bulk, scale and height of the new development would not negatively impact the heritage significance of the site. Specifically, it would not dominate nor complete with existing buildings on site.

We took in strong consideration the heritage nature of the site. In fact, the proposed new development would comprise of brickwork with vertical timber finish battens to articulate the screening wrapping around the building. The Heritage consultant found the proposed materials and finishes to be sympathetic to the existing structures within the campus; please refer to heritage report for more details.

Please consider also that the new 3 storey building operational hours will generally be week days from 8 am to 4.30 pm. For this reason, we believe it would not create major privacy issues to the surrounding residential properties. Also, note that the distance of the proposed building to the property of 49 Morris Street is more than 80 m and that the existing vegetation on the school site, on Morris Street and on the above-mentioned property will also act as a screen to limit privacy issues, as well as the proposed sun-shading to the northern elevation. We do not agree that properties more than 80 m away from the building will lead to privacy concerns for residents on Morris Street, nor nearby residents on any of the other surrounding streets.

The issues raised in the submission have been adequately addressed by the applicant and do not warrant refusal of the application.

10 Section 4.15 Consideration

10.1 Consideration of the matters prescribed by section 4.15 of the Environmental Planning and Assessment Act is summarised below:

Head of Consideration	Comment	Comply
a. the provisions of: (i) any environmental	The provisions of relevant EPIs relating to the proposed development are summarised in Section 5 of this report	

Head of Consideration	Comment	Comply
planning instrument (EPI) (ii) any draft environmental planning instrument (EPI) (iii) any development control plan (iiia) any planning agreement (iv) the regulations	<p>There are no draft EPIs relevant to the subject application.</p> <p>The proposal is considered to be generally consistent with the provisions of HDCP 2013</p> <p>There are no existing or proposed planning agreements that relate to the DA.</p> <p>There are no provisions in the regulations relevant to the assessment of the application.</p>	Yes
b. the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality	An assessment of key issues relating to the proposed development is provided in Section 6 of this report. It is considered that the likely impacts of the development in the locality are satisfactory.	Yes
c. the suitability of the site for the development	<p>The proposed development will expand the capacity of the existing school which already operates at the subject site.</p> <p>The site is considered suitable to accommodate the proposed development.</p>	Yes
d. any submissions made in accordance with this Act or the regulations	The DA was notified to adjoining and neighbouring owners and advertised in the local newspapers in accordance with HDCP 2013. One submission was received during the notification period. The issues raised in the submission have been addressed in the assessment of the application and do not warrant refusal of the application.	Yes
e. the public interest	The public interest is served by facilitating the orderly and economic use 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 light of the foregoing analysis, it is considered that approval of the proposed development would not be contrary to the public interest.	Yes

11 Section 4.33 – Determination of Crown development applications

- 11.1 The application was made on behalf of the Department of Education and as such is properly characterised as a 'Crown development application' pursuant to section 4.32 of the Environmental Planning & Assessment Act.

- 11.2 Draft conditions were sent to the applicant for approval and correspondence dated 27 April 2018 confirmed that the applicant agrees to the conditions provided in the draft determination.

12 Conclusion

- 12.1 The proposed development has been assessed against the matters for consideration listed in section 4.15 of the EP & A Act 1979 and is satisfactory. The site is suitable for the proposed development, the likely impacts of the development in the locality are acceptable and that the proposal is not contrary to the public interest.
- 12.2 The proposal is considered to provide for an appropriate built form presentation to Fowler Road and to Morris Street. The relationship with the existing heritage listed buildings on site is satisfactory, despite the difference in architectural style and orientation within the site.
- 12.3 The provision of off street parking is considered satisfactory to support the development despite non-compliance with the DCP parking rate.
- 12.4 The application has been referred to a number of internal sections of Council, and to RMS. Most of the referrals advised that the proposal is satisfactory subject to conditions. The additional information requested by the Traffic Engineering section can be addressed by condition of consent, and the additional information requested by the Property section is not necessary as the applicant no longer seeks to rely on the Matthew Street car park to provide for staff parking.
- 12.5 The operation of the school facility is considered to create an acceptable amenity impacts on the surrounding residential developments.

13 Recommendation

- 13.1 The Development Application be approved by the Sydney West Central Planning Panel subject to the conditions provided at **Attachment 2**.