

COUNCIL ASSESSMENT REPORT

Panel Reference	2018SNH019
DA Number	DA57/2018
LGA	Lane Cove
Proposed Development	Construction of a three storey education facility on an existing school site, construction of a covered outdoor learning area, expansion of existing school hall, alterations to existing classrooms, removal of trees, conversion of two classrooms to a canteen and Outside of School Hours care facility, landscaping and all associated works.
Street Address	30-32 Kingslangley Road, Greenwich
Applicant/Owner	Applicant- TSA Management Owner - Department of Education
Date of DA lodgement	27 March 2018
Number of Submissions	Total 5 unique submissions
Recommendation	That the Applicant's written request to vary the <i>height of buildings</i> development standard be supported. That the application be approved subject to draft conditions
Regional Development Criteria (Schedule 7 of the SEPP (State and Regional Development) 2011	The Development Application is referred to the Sydney North Planning Panel as the development is declared to be regionally significant development pursuant to Schedule 7 of State Environmental planning Policy (State and Regional Development) 2011. The development is classified as Crown Development pursuant to division 4.6 of the EP&A Act 1979 and has a capital investment value of more than \$5 Million.
List of all relevant s4.15(1)(a) matters	<ul style="list-style-type: none"> • Lane Cove Local Environmental Plan 2009 • State Environmental Planning Policy (Vegetation in Non-Rural Areas) • Biodiversity Conservation Act, Environmental Protection and Biodiversity Act • State Environmental Planning Policy No.55 – Remediation of Land • State Environmental Planning Policy (Educational Facilities and Childcare Facilities) 2017 • State Environmental Planning Policy (Infrastructure) 2007 • Development Control Plan, pursuant to clause 35 of State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017.
List all documents submitted with this report for the Panel's consideration	<ul style="list-style-type: none"> • Plans • Notification Map • Think Planners – Clause 4.6 written request to vary Height of Buildings development standard. • JBS&G Environmental Site Assessment • Combined Submissions • Detailed Pick-up and Drop-off Parking comments • Applicant's feedback to Draft conditions of consent. • Council's response to Applicant's feedback to Draft conditions of consent. • Schedule 1 - Draft conditions of Consent
Report prepared by	Michael Stephens
Report date	14 November 2018

Summary of s4.15 matters

Have all recommendations in relation to relevant s4.15 matters been summarised in the Executive Summary of the assessment report?	Yes
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Legislative clauses requiring consent authority satisfaction

Have relevant clauses in all applicable environmental planning instruments where the consent authority must be satisfied about a particular matter been listed, and relevant recommendations summarized, in the Executive Summary of the assessment report?	Yes
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e.g. Clause 7 of SEPP 55 - Remediation of Land, Clause 4.6(4) of the relevant LEP

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?	Yes
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Special Infrastructure Contributions

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

Have draft conditions been provided to the applicant for comment?	Yes
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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

Sydney North Planning Panel 14 November 2018
30-32 KINGSLANGLEY ROAD, GREENWICH

Subject: 30-32 Kingslangley Road, Greenwich
Record No: DA18/57-01 - 50730/18
Division: Environmental Services Division
Author(s): Michael Stephens

Property:	30-32 Kingslangley Road, Greenwich Lot 1 DP 746491
DA Ref:	DA2018/57
SNPP Ref:	2018SNH019
Date Lodged:	27 March 2018
Cost of Work:	CIV >\$5,000,000 (Redacted for integrity of public tender process)
Owner:	Department of Education
Applicant:	TSA Management

Description of the proposal to appear on determination	Construction of a three storey education facility on an existing school site, construction of a covered outdoor learning area, expansion of existing school hall, alterations to existing classrooms, removal of trees, conversion of two classrooms to a canteen and Outside of School Hours care facility, landscaping and all associated works.
Zone	R2 Low Density Residential
Permissible Use	Yes, Clause 35 (1) of SEPP (Educational Facilities and Childcare Facilities) 2017 states that development for the purpose of a school may be carried out in a prescribed zone. A prescribed zone includes the R2 Low Density Residential zone.
Heritage Status	N/A
Adjacent to Bushland	No - The site is not located adjacent to SEPP 19 Bushland
Foreshore Area	No - The site is not located within the Foreshores and Waterways Development Area as indicated in the Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005
BCA Classification	Type 9b (Assembly Building), 10a (non-habitable building), 10b (structure).
Stop the Clock used	Yes - 54 Days
Notification	Neighbours Refer to Neighbour Notification Map (Attachment 1) Progress Association Greenwich Progress Association

Executive Summary

The development application proposes construction of a three storey education facility on an existing school site, construction of a covered outdoor learning area, expansion of existing school hall, alterations to existing classrooms, removal of trees, conversion of two classrooms to a canteen and Outside of School hours facility, landscaping and all associated works.

The application is required to be referred to the Sydney North Planning Panel for determination as it is considered regionally significant development pursuant to Clause 20 of SEPP (State and Regional Development) 2011).

In accordance with Council's Notification Policy the application was notified to surrounding properties and a total of 6 unique submissions were received. The main concerns related to acoustic impact, light spill, removal of trees, bulk and scale, and conservation of Aboriginal Heritage,

The site is zoned R2 Low Density Residential in which permissibility for a school is gained by the State Environmental Planning Policy (School Facilities and Childcare Centres) 2017. The proposed development meets with the development standard for Floor Space Ratio although seeks variation to the development standard for height as outlined in the Lane Cove Local Environment Plan 2009. The proposed development is consistent with the Design Quality Principles of the SEPP (School Facilities and Childcare Centres) 2017.

The facilities would cater for an increase in student capacity from 276 to 368 (25%), with an increase in staff from 28 to 49 (43%). The increased capacity seeks to meet the growing demand of the catchment area given the development within the Greenwich Village and surrounding areas.

The site contains soil containments and a Remediation Action Plan must be prepared that seeks to remediate those contaminants in accordance with SEPP 55 prior to the issue of any operative consent.

The proposed development would result in the removal of 26 trees which would impact the landscaped quality of the site although is considered to be reasonable given the constraints of the site and proposed replacement planting.

Draft conditions of consent have been provided to the applicant. The applicant's response and Council's further response is indicated in Attachments 6 & 7. Where appropriate agreement has been reached, the draft conditions have been amended accordingly.

The Applicant seeks an alternative solution to gain equitable access to the school for students and staff with mobility impairment. The alternate solution is not considered acceptable and must be resolved prior to the issue of any operative consent.

The proposed development is suitable for the site and in the public interest. The application is recommended for approval by the Sydney North Planning Panel subject to a deferred commencement and draft conditions to apply to an operative consent.

Referral to the Sydney North Planning Panel

The Development Application is referred to the Sydney North Planning Panel as the development is declared to be regionally significant development pursuant to Schedule 7 of State Environmental planning Policy (State and Regional Development) 2011. The development is classified as Crown Development pursuant to division 4.6 of the EP&A Act 1979 and has a capital investment value of more than \$5 Million.

SITE DISCRIPTION

Greenwich Public School caters for primary school aged children and is split over two campuses. The subject site, being the northern campus caters for years 2-6, whilst the southern campus, subject of a separate application, caters for years K-1.

The campus is located within the generally low density residential area of Greenwich along River Road which is classified as a regional road. The site entry is from Kingslangley Road to the north which is a local road. The site is surrounded by low density residential dwelling houses to the north, east and west.



Figure 1. The subject site shown crosshatched in red within the context of the Land Use planning map of the surrounding area. Source - Lane Cove Local Environment Plan 2009.

The site has an area of 21,400m² and is irregular in shape with an average width of 150m and depth of 140m.

The existing school comprises the main school buildings which are two storeys in height and located centrally on the site. The school hall and covered outdoor learning area is located adjacent to the school building. This central area of the school also contains an outdoor astro turf play area and two demountable class rooms. The landform falls away from this area to both the west and south. These areas are well vegetated and include a significant number of trees in a bushland setting. Towards the west of the site there is a basketball court and cricket nets. On the southern side of the site is a reduced size soccer field. At the southeastern corner of the site there are ten demountable classrooms. The main entry to the school is from Kingslangley road which has a short frontage of 37m. The entry includes a pedestrian path and driveway leading towards a car park for 26 vehicles adjacent to the main school buildings.

The school is located approximately 1.3km from St Leonard's train station by foot. There are bus stops located on Kingslangley Road at the front entry of the school that service the 265 state bus route which operates between North Sydney Station and the Lane Cove Village via Greenwich. There are bus stops located on River Road at the rear pedestrian entry to the school. This services the 261 state bus route which operates between the City and Lane Cove Village via Greenwich, Northwood and Longueville.

PREVIOUS DEVELOPMENT

BA303/1991 - Construction of a brick wall.

DA48/2006 - Construction of a covered outdoor learning area.

DA77/2002 - Boardwalk, sports field spectator seating, outdoor classroom and playground.

Previous development on the site is not considered to have a bearing on the proposed development given their nature.

BACKGROUND

The upgrades to the Greenwich Public School over both campuses have been proposed by the *Department of Education and Communities* as a part of their \$6 billion investment (previously \$4.2 billion when this project was conceived) in school infrastructure over the next four years (2018-2021). The State Government introduced School Infrastructure NSW to coordinate asset management across the State.

PROPOSAL

The following two diagrams show the existing and proposed site plans for the school's campus.



Figure 2. The existing site plan of the school's campus

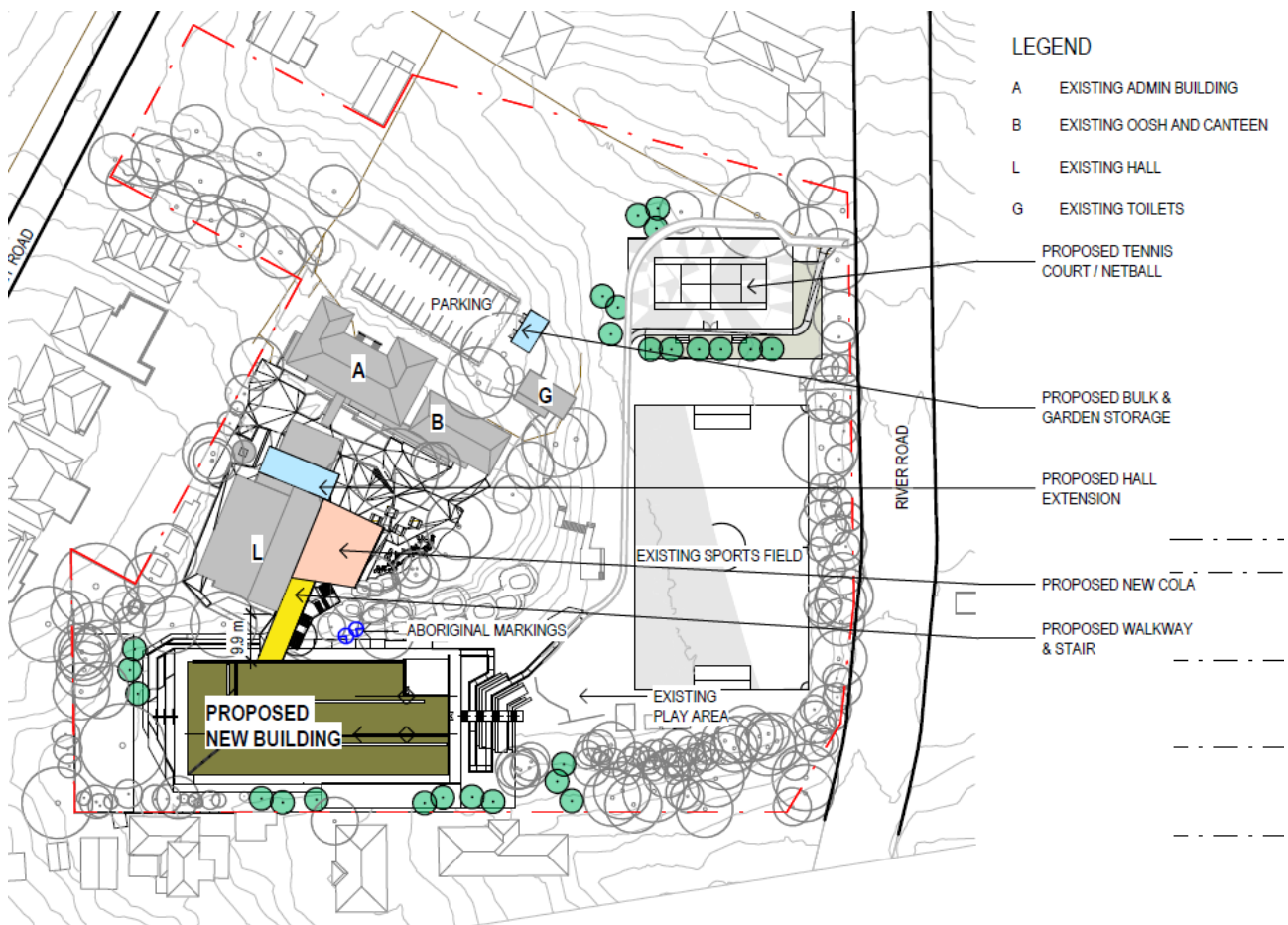


Figure 3. The proposed site plan of the school's campus.

The proposal seeks consent for the following works to be undertaken:

- Construction of a three storey education building on the western side of the site where a tennis court is currently located. The building contains 18 home base rooms (classrooms), four maker spaces, group rooms of varying sizes, two amphitheatre spaces, a library, outdoor terrace, lift and stair access, storage, and maintenance rooms. A 40kw solar panel system is proposed to be installed on the roof.
- Expansion of the existing school hall towards the eastern side integrating with the existing covered outdoor learning area.
- Construction of a new covered outdoor learning area on the southern side of the school hall.
- Conversion of two classrooms within the main school building to a Canteen and Outside of Hours School care facility for 150 students.
- Conversion of one classroom within the main school building to an administration area and another to a dedicated science classroom.
- Construction of a bulk and garden storage shed adjacent to the car park.
- Removal of the ten demountable buildings from the site.
- Landscaping works throughout the site including replacement canopy planting, screen planting the provision of pathways, ramps and outdoor furniture.

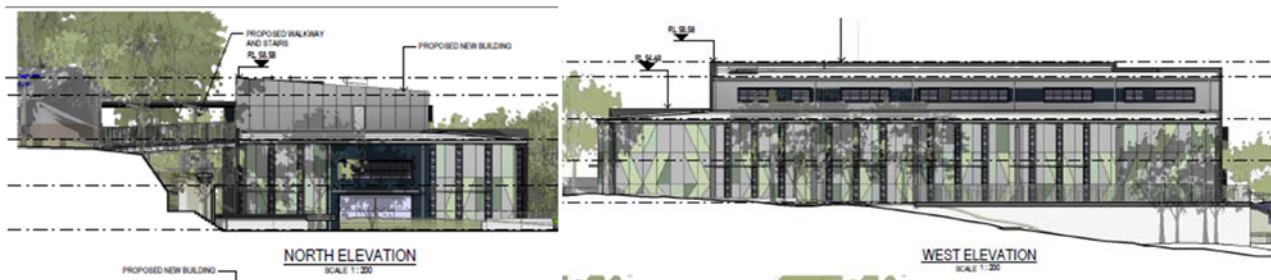


Figure 3: Northern and western elevations of the proposed three storey education facility.

The upgraded facilities would cater for an increase in the student population by 92 from 276 to 368 whilst allowing the removal of all demountable classrooms.

The increase in student population would also result in an increase in staff from 22 teachers to 34 and an increase in administrative / support staff members from 6 to 15. It is noted that a portion of the staff members would be employed part time.

Crown Development

As the development application was made on behalf of the Department of Education it is classified as Crown Development under the provisions of section 4.6 of the EP&A Act 1979.

REFERRALS

Development Engineer

Council's Development Engineer raises no objection to the proposed development. The need for On-Site Detention was discussed although is considered not to be necessary. The increase in impervious surfaces on the site is minimal in context to the size of the site. Furthermore, the sites proximity to Gore Creek reduces the impact on Council's stormwater infrastructure. The Development Engineer also considered the need for dilapidation reports to be undertaken where excavation exceeds 1m in depth and is within 5m of adjoining structures. A review of the proposed plans indicates all excavation is maintained outside of this zone of influence and therefore the requirement is not needed or required.

A total of 13 draft conditions have been recommended should consent be granted.

The Applicant has raised objection to the imposition of an Infrastructure Bond to the amount of \$10,000. The bond is imposed in accordance with section 4.17(6) of the EP&A act and provides sufficient flexibility for the applicant. A bank guarantee may be accepted in lieu of a cash bond. The applicant has proposed an alternative condition that would require a dilapidation report and any remediation works to be undertaken under the guidance of the Principal Certifier. It would not be appropriate for the principal certifier to oversee works on Council land and would be outside the scope of the Development Consent. Council would accept an appropriate bank guarantee to the value of \$10, 000 as an alternative.

Traffic, Transport and Parking

Councils Traffic Engineer has considered the submission of the Roads and Maritime Services and is generally satisfied that the proposed increase in the capacity of the school would not have an unreasonable impact on the traffic and parking provisions within of the surrounding area.

The following issues have been considered:

Pick-up and Drop-off Parking

A review of the traffic information highlights that while there would be additional congestion in both morning and afternoons, such is reasonable and within the capacity of the road system to accommodate safe and efficient movement of traffic.

The detailed comments are provided as Attachment 5

Staff Parking

The proposed development would result in an increase in staff from 28 to 49 which includes both teachers and support staff. It is noted that some of staff are employed on a part time basis. Based on staff levels and the parking rates provided in *Part R - Traffic, Transport and Parking* of the Lane Cove DCP 2009, the school would require 25 parking spaces. The existing car park on site has spaces for 26 vehicles which would adequately meet the parking demand.

Despite the adequate provision of parking it is recommended that a Green Travel Plan be developed and include staff to assist in managing and reducing the long-term reliance on single occupant private vehicles.

Congestion

An analysis of the SIDRA modeling results indicate that the intersections would operate in a similar satisfactory capacity or condition with the new development.

Arboricultural

Council's Tree Assessment officer is satisfied that the removal of 26 trees is necessary to facilitate the development due to their conflicting location or high impact created by the buildings footprint and ancillary development such as stormwater services.

The proposed pedestrian bridge (*shown in yellow on the proposed site plan above*) would result in the removal of a stand of turpentine trees. The potential to relocate the pedestrian bridge and stairs that connect to the new building was discussed. A location towards the north of the site was considered although from an arboricultural perspective would still result in the removal of a number of trees, including Turpentine. From a site planning perspective as discussed in further detail elsewhere in this report, the current location would provide the most efficient and accessible connectivity throughout the site and reduce adverse amenity impacts to the adjoining residential properties to the north.

There would be an expectation that the detailed replacement planting scheme be implemented in order to compensate for the loss in canopy cover and the general landscaped quality of the area. Furthermore the retention, monitoring and protection of the remaining trees on the site is to be carried out in a manner that would allow these trees to be retained in a viable and healthy condition in the long term.

Council's Tree Assessment Officer supports approval of the proposed development and has recommended draft conditions that would ensure that the development at completion would retain and maintain a reasonable landscaped quality.

Ecology

The proposed development would result in the removal of 26 trees, including 13 *Syncarpia glomulifera* (Turpentine) and 2 *Angophora costata* (Sydney red gum), 2 *Cinnamomum camphora* (Camphor laurels) along with a number of planted native and exotic trees.

Threatened Ecological Communities which include Ecologically Endangered Communities are defined and listed under Schedule 2 of the Biodiversity Conservation Act. The *Sydney Turpentine-Ironbark Forest (as described in the determination of the Scientific Committee under Division 5 of Part 2 of the TSC Act)* is included in this schedule.

Given that *Syncarpia glomulifera* (Turpentine) is a species associated with the Sydney Turpentine-Ironbark Forest Ecologically Endangered Community, Council has sought further advice from a Consultant Environmental Scientist who has extensive knowledge of the local area. Ms Susan Butler after reviewing the Applicant's Flora and Fauna Assessment is in agreement that the vegetation on site does not form part of an Endangered Ecological Community.

Council Assessment: Areas previously mapped as Turpentine Ironbark Margin Forest under the revised vegetation classification are now classified as Coastal Enriched Sandstone Gully Forest. *The Native Vegetation of the Lane Cove LGA Study* by Storm Consulting (2010) prepared for Lane Cove Council has been consistent with the revised vegetation classification described by Tozer *et al* (2006). The Coastal Enriched Sandstone Gully Forest is not listed as an Endangered Ecological Community.

Applicants Assessment: The Applicant has also made an assessment of the vegetation on the site and has put forward that the natives to be removed do not align to a native Plant Community Type. The use of "Plant Community Types" is a classification methodology which is maintained within BioNet Vegetation Classification Application by the Office of Environment and Heritage. There are approximately 1500 NSW Plant Community Types. Each Plant Community Type includes a description of its relationship and degree of fit to the Threatened Ecological Communities (which includes EECs) as defined in the Biodiversity Conservation Act and other relevant NSW and Commonwealth legislation.

The majority of the vegetation on site and in particular the stand of trees where the proposed pedestrian bridge is to be located is not consistent with a Plant Community Type. The native trees in this area are mainly planted and do not align to natural vegetation mapped in the area.

Planning Comment: it is noted that The Native Vegetation of the Lane Cove LGA Study has mapped areas of Coastal Enriched Sandstone Moist Forest approximately 175m to the southwest within the Lane Cove Bushland Park which is zoned E2 Environmental Conservation. The park is within the gully between Osborne Park / Northwood and Greenwich.

Furthermore, the vegetation does not contain a natural native understorey or ground cover that would be expected in a plant community. The area is highly disturbed and has been cleared, within landscaped garden beds or transitioned to hard surfaces. The area therefore is considered of low resilience and even left to regenerate would not be consistent with any Plant Community Type including any Threatened Ecological Communities or Endangered Ecological Communities.

To summarise, both Councils Environmental Scientist and the Applicant's Ecologist are in agreement that the native vegetation on the site does not make up an Ecologically Endangered Community.

Therefore under the *definition* in Section 7.2 of the Biodiversity Conservation Act 2016 the proposed development is not *likely to significantly affect threatened species*, as no ecologically endangered community is present on the site and an assessment is not required. The removal of identified trees is not objected to and draft conditions have been proposed to protect trees to be retained and provide replacement plantings.

Landscape Architecture

Council's Landscape Architect has recommended that the spacing of replacement planting particularly along the western boundary adjacent to the proposed new building. Although given that this boundary is shared with a number of dwelling houses the detailed design proposed by the Applicant has been designed in such a way to ensure that appropriate landscape screening is provided for these dwellings and their private open space. Council's landscape architect has also made draft recommendations regarding the size of replacement planting to be utilised. By specifying replacement plantings to be 4m in height at the time of plantings the development at completion would have reestablished a degree of its landscaped character which over time seeks to return to its former quality.

Building Surveyor / Access

Council's Principal Building Surveyor is satisfied that the proposed development is capable of achieving compliance with the Performance Requirements of the Building Code of Australia (2016) based on the Deemed-to-satisfy provisions. It would be appropriate that any outstanding technical compliance matters are to be addressed during the preparation of detailed Crown Certificate plans pursuant to section 6.28 of the Act.

The assessment outlined that disabled access must be provided from the main allotment boundary to the new building and linked to the administrative building, outdoor recreation areas and OOSH building by accessible ramps or pathways.

Comment: The current proposal has a section of path that does not comply with the required maximum 1:40 gradient. The non-complying section is located adjacent to the main school building (Building A) and connects the main entry path and car parking area to the centre area of the school. This section of the path also functions as a driveway for maintenance vehicles to travel throughout the school and therefore the applicant has stated that it cannot be converted to an accessible graded ramp that would require a number of switchbacks.

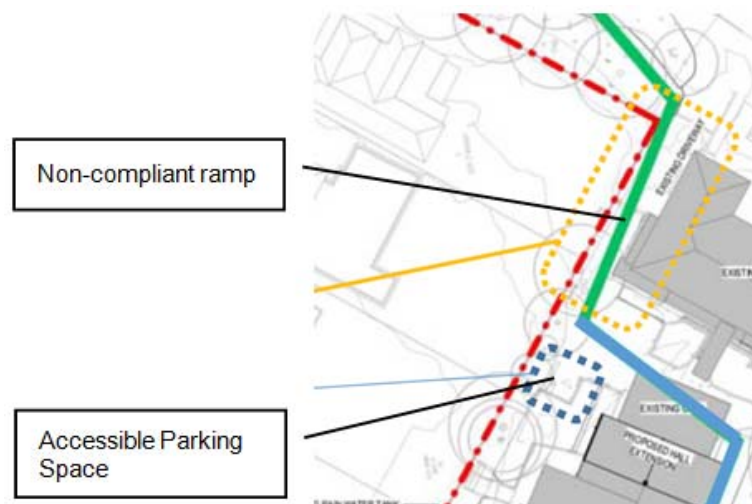


Figure 4: The area marked with a yellow bubble shows the non-compliant ramp to access the centre portion of the school. The blue bubble shows the proposed parking space.

The applicant proposes that accessible access can be provided via an alternative solution. It is proposed that persons with a disability would be able to access the school from the designated disabled parking space located at the top of the maintenance driveway adjacent to the extended school hall. From this parking space the occupant would be able to access the new school building and all other indoor and outdoor areas that would normally be used by the students.

This solution is considered unacceptable given that students with a disability would need to be dropped off / picked up at the designated disabled parking space at the start and finish of the school day. The ramped area appears to be highly trafficked by students and staff throughout the day and would result in a serious safety hazard. The parents or caregivers would be required to drive into the centre of the school to what is an outdoor recreation area before the start of the school day and after the final bell where students are gathering. The alternate solution would also draw unnecessary attention to those students that would be required to use the facility.

Schools have an obligation to provide equitable access for their students, staff and visitors to all facilities from the front entry.

A Deferred Commencement matter requirement has been included in the draft conditions for consideration by the Panel that would require this obstacle to be addressed and satisfactorily resolved by a suitable qualified independent access consultant and in a manner that is equitable.

Disabled access has been provided within the school including all areas normally used by the school patrons in accordance with part D of the BCA and complying with the 'Design and Construction' requirements of Australian Standard AS1428.1-(2009)

A number of fire safety upgrades and infrastructure are to be incorporated into the site including; a fire hydrant system, smoke detection and alarm system, emergency lighting, illuminated exit and directional exit signage, portable fire extinguishers, construction standards and the provision of two exit staircases providing egress from the new building.

Council's Principal Building Surveyor raised objection to the proposed alternate solution regarding equitable access although raises no other objections to the proposed development and has outlined draft conditions of consent should an approval be given.

Environmental Health and Waste

Council's Manager of Environmental Health has commented on the following issues:

Acoustic

The Acoustic Report by GHD has considered both the intrusive noise impacts for students and emission noise impacts for the surrounding residents and made recommendations that are to be implemented as draft conditions.

Contamination

An environmental site assessment (Attachment 2) was undertaken by JBS&G utilising a desktop review and soil sampling in conjunction with geotechnical investigations already undertaken. The site has been used as a school since at least 1943. The northwestern corner of the site where the main new building is proposed appears to have been used for agriculture before earthworks were undertaken some time prior to 1961. The existing tennis court appears to have been constructed around 1986.

An Asbestos Management Plan was implemented July 2013 due to the presence of Asbestos on the ground in four locations on the site.

The borehole samples undertaken as a part of JBS&G's environmental investigations identified the presence of friable asbestos at Bore Hole 10 near ground level, and the presence of heavy metals (lead) in the soil sample from Bore Hole 12. (see pages 6-7 of JBS&G environmental site assessment report)

Bore Hole 10 is located at the existing cricket nets, whilst Bore Hole 12 is located at the southwestern corner of the existing tennis court where the area appears to have been filled. Both samples are within the footprint of the new proposed building.

Given the contaminants present there is a potentially unacceptable risk and appropriate site management would be required during the development works. The consultant has made recommendations regarding the required remediation measures.

As a result of this assessment a Deferred Commencement Consent is sought that would ensure that a suitable Remediation Action Plan is prepared before an operative consent is granted.

Waste storage and collection

The weekly functioning of the School and OOSH care facility would result in the accumulation of waste at the following rates:

- 4 x 240L recycling bins and;
- 12 x 240L waste bins.

The proposed development would continue to utilise bulk waste containers that are emptied by a commercial contractor on site. It is recommended that collection of waste receptacles be restricted to the hours of 7am to 7pm given the location within a low density residential area.

Heritage - Aboriginal

The application was referred to the Aboriginal Heritage Office given that the Applicant has identified a potential aboriginal site. Whilst no item is listed on the NSW, State Heritage Register, Inventory or the Lane Cove Local Environmental Plan 2009, the Department of Education Section 170 Heritage and Conservation Register refers to aboriginal heritage on the site. The register indicates '*evidence of Aboriginal cultural activity in the school grounds have been noted*'. Given the reference indicated, the site has been investigated for aboriginal heritage. One rock shelter located to the west of the proposed three storey education facility showed some evidence of ochre and charcoal. In their assessment the art was found to be of locally available natural pigments within the overhang and is likely of Aboriginal Origin. A site card was prepared for the Office of Environment and Heritage and is registered on the Aboriginal Heritage Information Management System.

Input from an Aboriginal Stakeholder has been obtained from the Metropolitan Local Aboriginal Land Council who were presented two options for the site. They expressed their support for option two

being the current proposal given that option one would have likely involve impact to the rock shelter. MLALC also expressed their willingness to assist in ongoing management and education relating to the site.

The proposed development (option 2) has no terracing of its retaining walls in the vicinity of the rock shelter. A 2.8m setback has been established that would involve the excavation of the lower section of the slope in front of the shelter only. A Geotechnical Report has been compiled that assesses the risk of impact from excavation and vibrations during construction. Recommendations have been made that the proposed development can proceed, with caution. A Construction Management Plan and Conservation Management Strategy should be implemented for the site that includes consultation with Aboriginal Stakeholders.

The Aboriginal Heritage Officer considered the assessment made by the applicant although does not consider the Aboriginal Site to be as described by the Applicant's consultants. The AHO is of the opinion that the rock shelter art is the product of decades of use by school children on the site, using available clay and materials.

Regardless of the conflicting opinions of the origin of the rock art both parties are confident that the proposed development can proceed without impacting the rock art site. For abundant caution the recommendations made in the Applicant's Due Diligence Assessment are recommended to be imposed as conditions of consent. The Consent Authority may be satisfied that regardless of the heritage significance of the site the proposed development can proceed without adversely impacting the rock art site.

Environmental Planning and Assessment Act 1979 - Section 4.15 Evaluation

(a)(i) Provisions of any Environmental Planning Instrument

Lane Cove Local Environmental Plan 2009

Clause 2.3 Zone Objectives and Land Use Table

The site is zoned R2 Low Density Residential pursuant to the Lane Cove Local Environment Plan 2009. *Schools* are not a permitted use within the R2 Zone by LCLEP2009, however the development is permissible as the R2 Zone is a 'prescribed zone' within the SEPP (Educational Facilities and Childcare Facilities) 2017. Development for the purpose of a School may be carried out within a prescribed zone.

Clause 4.3 Height of Buildings - Non-Compliance

The site has a maximum building height of 9.5m.

The proposed development has a maximum height of 15.38m and would therefore contravene the development standard. The maximum building height was measured from the solar panels upon the roof in the south western corner of the new building (RL 58.1) to the existing ground level below (RL 42.72). I note that the Applicant has cut their section approximately three quarters of the way down the buildings length which does not account for the fall of the land where the existing cricket nets are located. (Refer to Survey sheet 2)

In response to the contravention the Applicant has lodged a written request to vary the development standard pursuant to cl4.6 of LCLEP 2009 which is addressed below.

Clause 4.4 Floor Space Ratio - Complies

The site area of 21,400m² and has a maximum permitted FSR of 0.5:1 which equates to a GFA of 10,700m²

The proposed gross floor area would consist of:

- New education building = 3000m²
- Expanded Hall = 445m²
- Existing School Buildings = 850m² (approx)
- Toilet Blocks and Sheds = 102 m²

Floor Space Ratio = approx 4,397 GFA m² / Site area 21,400m²
= approx 0.20:1

The proposed development has an FSR of 0.20:1 and would therefore comply with the development standard.

Clause 4.6 Variations to Development Standards

The proposed education building being part 2, part 3 storeys results in a breach of the 9.5m maximum height control for the site. The maximum building height as measured from the southwestern corner of the library level is 15.38m. The extent of the variation is 62%.

The Applicant's written request to vary the development standard has been included as Attachment 3.

In assessing an exception to vary a development standard, the following needs to be considered:

1. Is the planning control a development standard?

Yes, Clause 4.3 – Height of Buildings is a development standard.

2. What is the underlying object or purpose of the standard?

(1) The objectives of this clause are as follows:

- (a) to ensure development allows for reasonable solar access to existing buildings and public areas,*
- (b) to ensure that privacy and visual impacts of development on neighbouring properties, particularly where zones meet, are reasonable,*
- (c) to seek alternative design solutions in order to maximise the potential sunlight for the public domain,*
- (d) to relate development to topography.*

In summary, the purpose of Clause 4.3 is to ensure that the transition in built form and land use intensity of the development is suitable with regard to the topography of the area and the types of development.

3. Is compliance with the development standard unreasonable or unnecessary in the circumstances of the case?

Preston CJ, in Wehbe v Pittwater Council [2007] NSWLEC 827, stated that "the rationale is that development standards are not ends in themselves but means of achieving ends. The ends are environmental or planning objectives. Compliance with a development standard is fixed as the

usual means by which the relevant environmental or planning objective is able to be achieved. However, if the proposed development proffers an alternative means of achieving the objective, strict compliance with the standard would be unnecessary (it is achieved anyway) and unreasonable (no purpose would be served)."

Compliance with the development standard is considered to be unreasonable and unnecessary in the circumstances of the case. It is commonly accepted that a mechanism to determine whether compliance with development standard is unreasonable or unnecessary is to establish that compliance with the objectives of the control is achieved.

Objectives of the particular standard

The objectives of Clause 4.3 Height of Buildings are as follows:

4.3 Height of buildings

(1) *The objectives of this clause are as follows:*

- (a) *to minimise any overshadowing, loss of privacy and visual impacts of development on neighbouring properties, particularly where zones meet, and*
- (b) *to maximise sunlight for the public domain, and*
- (c) *to relate development to topography.*

With regard to the objectives of the standard the following issues have been considered.

Overshadowing: The proposed building seeks to minimise its impact on solar access available to the adjoining dwelling houses. The orientation of the site and siting of the building would result in a degree of additional overshadowing to the adjoining dwellings within the morning hours in mid winter although this impact is not considered to be unreasonable and would likely still be present even with a compliant building form. The extent of the additional setback proposed for the third storey, where the variation is greatest, seeks to minimise its impact on adjoining dwellings. The dwellings likely to be impacted by the variation are 144 and 146 River Road, both of these dwellings have a favorable northern orientation which would allow them to retain good levels of solar access throughout the middle portion of the day and in compliance with Council's Development Control Plan provisions for solar access to dwelling houses.

Privacy: Particular attention has been taken to the siting of the proposed development and the design of the western elevation to ensure that privacy to the neighbouring dwelling houses is maintained. A significant setback of 9m to the property boundary has been established that extends to 15.2m for the third storey. The setback creates building separation between the new building and the adjoining dwellings. The upper storey in which presents the height breach is setback further to continue this effect and provide adequate levels of visual privacy via separation. Given the extent of roof below these upper level windows, student and staff would not have an opportunity to look directly down to the adjoining properties but rather gain district views back towards the tree canopies of the surrounding area.

The proliferation and design of window openings along the first two storeys of the western elevation further seek to prevent undue overlooking by angling windows sharply to the north in contrast to the outlook.

Visual Impact: The design of the building and specifications of finishes are sympathetic to the landscape character of the area. The siting of the building given the setback and the use of neutral and tonal colours would minimise any visual impact as viewed from the adjoining properties. The bulk and scale seeks to relate to the topography and mass further from the boundary and back towards the centre of the school. The retention of trees and replacement

planting along the western setback area would further seek to soften the visual perception of the building.

Public Domain Solar Access: The proposed variation would not impact the public domain.

Topography: The development relates to the topography as it has an increased setback on the upper storey in order to address the fall of the land across the building towards the properties boundary with the neighbouring dwellings. The footprint of the building has been sunken into the topography at the northern end and is only established above the existing ground level at the southern end as the topography falls towards the south. Given the use of the building a single floor plate has been proposed to allow for large, open and connected spaces that would be accessible for all students to use.

Objectives for development within the zone

The subject site is zoned R2 Low Density Residential Zone pursuant to LCLEP 2009. Whilst schools are not permissible within the zone under LCLEP 2009, the State Environmental Planning Policy (Education Facilities and Childcare Centres) 2017 provides permissibility for schools within a prescribed zone. The definition of a prescribed zone includes the R2 Low Density Residential zone. Regardless the development meets the relevant objectives for the zone.

The objectives of the R2 zone are as follows:

Zone R2 Low Density Residential

1 Objectives of zone

- *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.*
- *To retain, and where appropriate improve, the existing residential amenity of a detached single family dwelling area.*
- *To encourage new dwelling houses or extensions of existing dwelling houses that are not highly visible when viewed from the Lane Cove River or Parramatta River.*
- *To ensure that landscaping is maintained and enhanced as a major element in the residential environment.*

With regard to the objectives of the standard the following issues have been considered:

Facilities and Services: The Greenwich Public School is an integral part of the community as an educational facility that directly provides for the primary schooling needs of the prescient.

Residential Amenity: The proposed development seeks to minimise its impact on the amenity of neighbouring residents. The siting and design of the new building provides significant setbacks to adjoining properties and focuses the development back towards the centre of the site to minimise acoustic impacts. The visual privacy of adjoining properties has also been addressed and is considered satisfactory in this context.

Landscaping: Whilst a number of trees are to be removed the proposed development has enabled the retention of significant trees where possible and proposed significant landscaping and canopy replacement planting throughout the site. The overall landscaped area of the site remains

high and is well distributed throughout the site, particularly along boundaries to soften the development form neighbouring properties.

The proposed development is permissible within the zone and meets the relevant objectives of the zone.

4. Are there sufficient environmental planning grounds to justify contravening the development standard?

The decision in *Four2Five Pty Ltd v Ashfield Council [2015] NSWLEC 90*, indicates that merely showing that the development achieves the objectives of the development standard is insufficient to justify that a development is unreasonable or unnecessary in the circumstances of the case for the purposes of an objection under Clause 4.6. The case also demonstrates that the requirement in Clause 4.6(3)(b) of the LEP to justify there are sufficient environmental planning grounds for the variation, requires identification of grounds particular to the circumstances of the proposed development, and not simply grounds that apply to any similar development on the site or in the vicinity.

The Applicant's written request has outlined a number of planning grounds to justify the contravention.

- The proposed development meets the intention of the development standard and results in a refined building form that has regard to its location and proximity to neighbouring residential properties.
- Privacy to adjoining dwellings has been satisfactorily addressed.
- The proposed development is not an overdevelopment of the site given the compliance with the Floor Space Ration control.
- The Lane Cove LEP does not have the same regard to the use, being an educational facilities, as the previous SP2 zoning would despite being a permissible use under the SEPP (Education Facilities and Child Care Centres) 2017.
- The proposed development would not result in undue or unreasonable amenity impacts to adjoining properties.
- Views are not impacted.

The following unique grounds have also been raised.

The new building being over three levels responds to the constraints of the site and the desire to retain significant areas of outdoor space for the purpose of both landscaping and outdoor recreation areas for the students. The area chosen for the new building allows for connectivity with the core area of the school and has less significant constraints due to the topography given a large portion of the building footprint is located over the existing basketball court. Whilst each level has a large footprint, this reflects the internal layouts including the provision of various sized rooms and groups spaces. Vital to this is providing good accessibility throughout each floor area to minimise the use of ramps and lifts. The main bridge from the core area of the school for examples connects directly to the third storey at grade.

The height of the building is further impacted by the requirement to provide high ceilings to maximise the amenity of these areas including providing solar access and natural ventilation.

5. Is compliance with the development standard consistent with the objectives of the development standard and the relevant objectives of the land zone?

In the circumstances of this case it is considered unnecessary and unreasonable to comply with the development standard given that the objectives of the standard and the land zone have been

met regardless of the contravention. Compliance with the development standard is unlikely to result in a development that better meets those objectives and in some instances would have unfavorable outcomes in the obtainment of the objectives. In this instance, to achieve the required GFA, which to note is significantly below the FSR for the site, the same level of amenity for adjoining residents would not necessarily be achieved. The current proposal provides significant setbacks to minimise the perception of bulk and massing, and reduce amenity impacts to neighbouring dwellings. Furthermore these setback areas are of an appropriate width and area to cater for replacement planting which would improve the landscape amenity of the area.

6. Will strict compliance with the development standard tend to hinder the attainment of the objects specified in section 1.3 of the EPA Act?

The proposed development is considered to be consistent with the objects of the Act. A strictly complying development is likely to hinder the obtainment of these objectives considering the nature of the development and the constraints of the site. The proposed development directly supports the social welfare of the community by providing an accessible and high quality educational facility within a residential area. The development is orderly and makes best use of the existing school site considering the demand for schooling within the area. The development has regard to the environmental quality of the site, seeks to minimise its building footprint and provide quality outdoor space for both recreation and native landscaping. The proposed building is of good design and amenity for the future users with a focus on providing durable and low maintenance facilities to increase the lifespan of the development.

7. Is the exception well founded?

The proposed development is in the public interest as it would provide for the needs of the community whilst responding to the constraints of the site and having regard to the amenity of the surrounding residents. The Applicant's written request to vary the development standard is well founded and adequately outlines how the proposed development would meet the objectives of the development standard and land use zone whilst also providing a better planning outcome in the circumstances of the case. The consent authority may be satisfied that the provisions of clause 4.6 have been met.

Clause 5.10 - Heritage Significance

Schedule 5 of the Lane Cove Local Environmental Plan 2009 does not identify the site as a local heritage item.

Section 7.11 Development Contribution Plan

The proposed development is exempt from Council's Section 7.11 Development Contribution Plan.

State Environmental Planning Policy (Vegetation in Non-Rural Areas)

The proposed development seeks consent to the removal of 26 Trees as identified in the Arborist Report by 'Birds Tree Consultancy' dated 4 December 2017. The report identified the species, size and location of each tree and discussed the impact of the proposed development making recommendations as to which trees are to be retained, pruned or removed. Council's Tree Assessment officer has reviewed the information provided and raises no objection to the proposed removal of 26 trees subject to replacement planting.

Biodiversity Conservation Act, Environmental Protection and Biodiversity Act

The site does not contain any ecological endangered community or threatened species. The vegetation on the site is highly disturbed and lacks resilience. The vegetation generally does not include mid storey or ground cover vegetation and would have limited resilience to enable regeneration. Holistically the site does not represent any Plant Community Type listed under the Biodiversity Conservation Act.

No threatened fauna were recorded on site and no limiting habitat was present. Appropriate draft conditions have been recommended that would ensure that in the unlikely event that nests or fauna are located in trees approved to be removed, that this would be undertaken by a fauna ecologist and those animals suitably relocated.

State Environmental Planning Policy No.55 – Remediation of Land

Pursuant to clause 7(1)(a) of the SEPP the consent authority can be satisfied that the land is not contaminated.

An Environmental Site Assessment was undertaken by JBS&G utilising a desktop review and limited intrusive investigations. The site is deemed to present unacceptable risks that are to be mitigated prior to the development works being undertaken on the site. Two sample locations identified the presence of friable asbestos and lead in the soils.

A Deferred Commencement Consent is sought that would ensure that a suitable Remediation Action Plan is prepared before operative consent is granted.

State Environmental Planning Policy No.64 – Advertising and Signage

No advertising or signage is proposed.

State Environmental Planning Policy (Educational Facilities and Childcare Facilities) 2017

Part 4 Schools - specific development controls.

Clause 35 - Schools- development permissible with consent

Pursuant to clause 35(1) development for the purpose of a school is permissible within a prescribed zone. The R2 Low Density zone is identified as a prescribed zone pursuant to clause 33.

Clause 35(6)(a)

The sub-clause requires that seven design principles as set out in Schedule 4 of the SEPP must be considered. The following table addresses each principle;

Design Principle	Proposed Development
Principle 1- context, built form and landscape	<p>The proposed new building and alterations to the existing buildings focus the schools facilities around the core area of the site. The three storey new building on the western side of the site is the most significant addition and requires a variation to a development standard given its height. Despite the variation, the siting relates to the topography and provides building separation to the adjoining residential properties to ensure the overall bulk and massing is compatible with the character of the area.</p> <p>Despite the removal of 26 trees the proposed site planning would</p>

	enable significant areas of landscaping to be integrated throughout the site to enhance the amenity on site and mitigate adverse impacts to adjoining properties.
Principle 2- sustainable, efficient and durable	<p>The proposed development encompasses the whole site and incorporates various elements that contribute to the environmental sensitivity of the design.</p> <p>Natural light and ventilation is maximised and controlled by the orientation of the buildings windows and use of high ceilings and provision of window louvers and awnings.</p> <p>The roof area is utilised to incorporate solar panels reducing the schools demand for grid electricity.</p> <p>The design incorporates sensitive urban design measures including rainwater reuse onsite from the roof of the new building.</p> <p>The building is to be constructed utilising durable and low maintenance materials as specified in the Educational Facilities Standards and Guidelines.</p>
Principle 3- accessible and inclusive	The proposed new buildings and modifications to existing buildings are not sufficient to meet this principle. The access to the school needs to be accessible and not rely on an alternate solution. Once addressed, the proposed development would meet this principle.
Principle 4- health and safety	The design of the new building and maximised outdoor spaces provide high levels of amenity for students and staff. The provision of natural light, ventilation and landscaped external areas are all ideal elements of the design.
Principle 5- amenity	<p>The proposed development incorporates significant upgrades to both internal and external learning and play spaces. The internal learning spaces maximise natural light and ventilation to the varying spaces and uses.</p> <p>The visual impact of the proposed building is reduced by its siting, articulated design, finishes, the provision of screening landscaping and its sympathetic design in respect to the existing heritage building.</p> <p>Noise impacts to neighbours are ameliorated by the incorporation of acoustic absorbing material and appropriate setbacks from boundaries.</p> <p>The location, design and separation of the new buildings prevent overshadowing impacts to nearby neighbours and amenity impacts are reasonable in this context.</p>
Principle 6- whole of life, flexible and adaptive	The design strays away from traditional classrooms and incorporates home bases and adaptable breakout and varying sized groups. This approach is consistent with modern educational practices. The building is constructed utilising durable and low maintenance materials as specified in the Educational Facilities Standards and Guidelines and is considered acceptable.
Principle 7- aesthetics	The proposed development provides for a high quality built form that is compatible with the site and the surrounding residential area. The bulk

	and massing of the new building seeks to reduce its impact on neighbouring dwellings. The landscaped setback and specification of neutral finishes would minimise the visual imposition of the building and seek to retain an acceptable landscaped character of the site.
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Clause 35(6)(b)

The clause requires that the consent authority must take into consideration: *“(b) whether the development enables the use of school facilities (including recreational facilities) to be shared with the community.”*

Whilst the proposal does not immediately propose the specific use of school facilities to be shared with the community, the proposed school facilities would not restrict the future use of school facilities including the outdoor recreational space outside of school hours for appropriate community activities.

Clause 42 - State significant development for the purpose of schools

The proposed development does not constitute State Significant Development.

Clause 57 - Traffic Generating Development

Pursuant to clause 57 (1) and (2) the proposed development would result in the development accommodating 50 or more additional students and was referred to the Roads and Maritime Services.

Pursuant to clause 57:

(3) the consent authority is to take into consideration:

(a) Roads and Maritime Services Submission

The RMS raises no objections to the proposed development although has noted that the surrounding local roads are congested and concerns have been raised in the Local Traffic Committee for Councils attention. The RMS advised that Council should be satisfied with the proposed development in terms of its impact on the road network and if any subsequent mitigation measures are required.

No conditions were recommended.

(b) Accessibility of the site:

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

The impact of the increased numbers of vehicle trips required to drop off and pick up students has been considered. There would be an increased degree of congestion although sufficient capacity in the vicinity of the site to cater for the morning and afternoon peak drop offs and pickups is available. The implementation of a Green Travel Plan would seek to increase the number of students walking to the school considering this travel mode is underrepresented in the survey data when compared to the number of students that travel from within walking distance.

Drops offs and pickups can often be multi-purpose trips as parents then travel to and from work, visit the neighbourhood shops or take their children to after school activities.

There are limited requirements for freight and equipment to travel to the site and would generally be accommodated outside of school hours.

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

The Applicant has included in the Traffic Impact Assessment report the parameters for preparing a Green Travel Plan. The Green Travel Plan would be a mechanism to manage the travel demand of the site and seek to encourage a shift away from the use of private motor vehicles. The parameters outline the key tasks associated with producing a site specific plan and address both staff and students. A draft condition requiring the development and implementation of a Green Travel Plan has been recommended consistent with the Applicant's Traffic Impact Assessment.

(c) Potential traffic safety, road congestion or parking implication of the development Pursuant to clause

Whilst there is some observed congestion during the peak drop off and pick up times this is generally limited in its intensity and duration. The afternoon peak is generally more condensed to align with school finish time whilst the morning drop off is somewhat spaced out.

The increased staff numbers would not unreasonably impact the availability of on-street parking given that the existing site carpark has sufficient capacity to cater for the demand created.

Clause 57(4)

Pursuant to clause 57(4) the consent authority must provide Roads and Martine Services with a copy of the determination. This action has been included in the recommendation of the report.

State Environmental Planning Policy (State and Regional Development) 2011

This application is captured by Part 4 of the SEPP which provides that the SNPP is the Consent Authority for this application.

State Environmental Planning Policy (Infrastructure) 2007

Pursuant to clause 104 of the Infrastructure SEPP 2007 certain development types specified in Schedule 3 are required to be referred to the Roads and Martine Services as traffic generating development. Educational establishments, which by definition include schools, were repealed from the Schedule following the commencement of the State Environmental Planning Policy (Education Facilities and Childcare Facilities) 2017 on 1 September 2017 and are now addressed under that policy. This report addresses SEPP (Education Facilities and Childcare Facilities) 2017 above including the requirement to refer the application to the RMS for comment.

(a)(ii) Provisions of any draft EPI

The subject site is not affected by any provision of a Draft EPI.

(a)(iii) Provisions of any Development Control Plan

Subject to clause 35 of State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017 any provision of a development control plan that specifies a requirement, standard or control in relation to development for the purpose of a school is of no effect, regardless of when the development control plan was made.

Notwithstanding, the Lane Cove Development Control Plan 2009 does not provide specific controls relating to development for the purpose of Schools. More specific matters such as tree removal, landscaping, access, environmental health and traffic have been dealt with by the specific internal and external referral staff as outlined earlier in this report.

(b) Likely impacts of the development

Social

The public school is a key piece of public infrastructure for the local community. The proposed upgrades to the School would have a positive social benefit for the surrounding community by providing increased capacity and upgrades to the teaching environment within the school.

Economic

The school is a public asset owned by the state. No adverse economic impacts are attributed to the upgrading of the schools facilities. The greater capacity and utility provided by the school upgrade and expansion would have a positive economic impact in the precinct.

Character

The proposed upgrades to the school are consistent with the character of the existing school and its location in a generally low density residential area. The new education building has been sited with regard to the surrounding properties and seeks to harmonise with the bushland setting that the school has. Whilst there are a notable number of trees to be removed the proposed landscape plan indicated significant replacement planting that is responsive to the constraints of the site and seeks to re-establish canopy cover through the school. The removal of demountable buildings and reestablishment of outdoor recreational area are considered to significantly and positively contribute to the character of the school.

Parking

The proposed development would provide sufficient on-site parking for the increased staff numbers and therefore would not unreasonably impact the availability of on-street parking in the vicinity of the site.

Traffic

There would be a degree of increased traffic congestion around the site in the morning and afternoon peak periods given the increase in drop-offs and pick-ups of students. Whilst it is sought to reduce the reliance on the car as the method of transport to school by the implementation of a Green Travel Plan the extent of restricted parking along Kingslangley Road would be sufficient to cater for the anticipated additional trips generated. The congestion caused during the peak periods has been observed and is generally orderly and lasts for a short duration of between 10-15 minutes in the afternoon.

Acoustic

Regard has been taken to restrict openings and elevated outdoor areas away from the sensitive receivers surrounding the school, particularly the dwellings located along the northern and western boundaries of the site. The open stairwells pathways interlinking the schools buildings and facilities have been maintained within the central portion of the school where possible. The acoustic report has recommended conditions regarding the location and use of bells and PA systems to reduce the impact on neighbouring dwellings. Although it is noted that these noise emissions would be limited to

day time hours when the tolerance for noise emission is not as restricted. The removal of the basketball court on the western side of the school may be seen favorably to the adjoining neighbours. The south eastern corner of the site is considered to be a more appropriate location for the replacement multi-purpose outdoor sports court given the higher ambient noise levels associated with the traffic noise generated by River Road.

Visual Privacy

The three storey education building has been designed with offset angled windows along the northern and western sides which would seek to prevent overlooking to the adjoining dwellings along on the neighbouring properties. The additional setback employed on the third storey library level would also ameliorate and prevent overlooking. The upper level terrace area is located at the south eastern corner of the building and looks back over the school rather than neighbouring dwellings. The elevated pedestrian bridge is located within the central circulation area of the school and is at sufficient distance from the neighbouring dwellings to the north to prevent unreasonable overlooking.

Environmental

The proposed development would have a significant impact on the existing natural environment of the site given the removal of 26 trees. The location of the proposed buildings and ancillary infrastructure has been designed to reduce the impact on trees where possible although unfortunately given other constraints on the site would require the removal of a significant number of native, mature trees. Alternative schemes have been considered such as relocating the pedestrian bridge that provides equitable access to the proposed main building although this is likely to result in adverse impacts to students and adjoining residents. The quality and extent of replacement planting would seek to retain the sites canopy cover in the long-term and rejuvenate the landscaped character of the site and area.

Overshadowing

The proposed three storey education building on the western side of the site is the only building that would result in overshadowing to adjoining properties. Given the siting of the building and the orientation of the site the adjoining dwelling being 48B Kingslangley Road and 144 River Road are the only two properties that would be impacted between 9am and 3pm in midwinter. This impact would occur in the morning hours of mid-winter only. Both properties would receive good solar access from the north/northwest from at least noon onwards.

(c) Suitability of the site for development

The site is considered to be suitable for the proposed development. The existing school is located on a large site within a residential area that can accommodate an increase in student numbers and associated outdoor recreation space. The proposed education building would allow the removal of the eight existing demountable buildings that the school is currently functioning with. The proposed Outside of School Hours care facility would make use of the school facilities particularly the outdoor areas and prevent the need for students to travel via bus to the Greenwich Road campus where the OOSH facility currently operates.

(d) Submissions

The development application was publically notified by Council to a large area surrounding the campus which is primarily residential as shown in Attachment 1.

The Department of Education and Communities undertook separate consultation both prior to and during the assessment of the Application.

In total 5 submissions were received from residents and one from a community association. (See Attachment 4)

The main concerns raised in order of prevalence were acoustic impact, light spill, removal of trees bulk and scale, and conservation of Aboriginal Heritage,

- *Adverse impacts due to noise from PA systems*

Comment: The Applicant's acoustic assessment has addressed the potential for adverse noise impacts and provided recommendations to mitigate these impacts. A draft condition has been recommended that would require these recommendations to be undertaken. A verification report at the completion of works would also be required.

- *Adverse impacts due to external lighting to adjoining residents.*

Comment: Generally the school would operate between the hours of 7:00am to 6:00pm only which reduces the potential likelihood of external lighting causing undue impacts to surrounding residential receptors. Regardless a draft condition has been recommended that would require external lighting to not cause adverse impacts to adjoining residents.

- *Tree Protection not provided (particularly northern and eastern facades) (particularly along boundaries)*

Comments: Those stands of trees not directly affected by the development and therefore outside the scope of the Applicant's arborist report have been addressed by way of draft conditions by Council's arborist.

- *Traffic Congestion along Kingslangley Road during pick up and drop off times.*

Comment: the additional student numbers would result in additional use of parking on Kingslangley Road for school drop offs and pickups. The parking restrictions along this section of the road seek to allow for the most efficient movement of vehicles. The Applicant has also proposed the implementation of a Green Travel Plan to encourage the shift away from vehicles. The congestion caused by pickups and drop-offs has been observed and is generally more condensed in the afternoon. The increased student numbers would result in some additional congestion levels although is not considered to be unsafe or unreasonable.

- *Aboriginal Heritage investigated, protected and preserved.*

Comment: The applicant has undertaken reasonable due diligence in investigating the possible aboriginal heritage object. In their assessment they have addressed the likelihood that the drawings found beneath a rock overhang are of Aboriginal origin and discussed a second design option that would prevent any adverse impacts to the rock overhang. The Metropolitan Local Aboriginal Land Council was consulted as a part of this process. The Aboriginal Heritage Office who provided referral advice to Council is confident that the drawings are modern recreations although agrees that given the proposed development would not impact the rock overhang then the recommendation of the due diligence assessment can be followed regardless and the development proceed without objection.

- *Concern regarding the height of the school building.*

Comment: It is acknowledged that the proposed building would result in a variation to the height control although the Applicant has sought a variation to the development standard. The written

request is considered to be well founded in the specific circumstances of the case and would be in the public interest. The building is sufficiently setback from the boundary and steps back its third storey to reduce the imposition of its bulk and massing on adjoining neighbours.

- *Potential overlooking to 48A and 48B Kingslangley Road due to three storey building.*

Comment: The orientation of windows along the western façade that fronts these properties have been design to ensure that overlooking would not occur. The location of windows on the third storey being setback further from the floor below would prevent a view being gained down and towards the adjoining properties.

- *Proximity of the building to adjoining properties.*

Comment: The proposed building is sufficiently setback and is further stepped back at the third storey and is considered to be a sympathetic transition between the built form and the adjoining dwellings.

- *The noise generated by the OOSH facility especially during school holidays.*

Comment: The noise associated with the Outside of Hours School Care facility is considered reasonable and aligns with the SEPP (Education Facilities and Child Care Centres) 2017 which seeks to utilise school facilities for additional community and commercial purposes. The facility would cater for up to 150 students between 7am till 6pm.

- *Loss of trees to facilitate the building footprint, pedestrian bridge and stairs to the new building.*

Comment: It is agreed that the loss of a group of turpentine trees would have an impact on the overall environmental character of the site. The Department of Education has considered alternative locations for the pedestrian ramp although none of which are considered suitable. Moving the ramp towards the north would result in unreasonable acoustic and privacy impacts to the adjoining dwellings to the north. There would be a large number of students traversing this area between classes. It is also considered that the central location of the pedestrian bridge allows for the efficient navigation of the school for students and particularly those with restricted mobility. Council has sought advice regarding the ecological impact of removing these trees and is satisfied that the trees although healthy do not make up an endangered ecological community and their removal would not impact the species in the long term. The proposed replacement planting arrangements focus on specific species, groupings and densities to reestablish canopy cover and provide screening for the adjoining properties, is considered appropriate and is supported.

- *No rainwater reuse*

Comment: a rainwater reuse tank would be provided that would collect rainwater from the proposed main building for reuse on site. The reuse tank is identified on the Hydraulic Plans and has been addressed in the draft conditions

- *That the external cladding be sympathetic with the built and natural environment.*

Comment: The proposed finishes as specified by the applicant have been included as a draft condition and are considered to be high quality and sympathetic to the surrounding environmental character of the site.

- *That the on-street parking area on the northern side of River Road be removed to facilitate traffic flow.*

Comment: The existing parking arrangements are not proposed to be altered. The availability of parking in close proximity to the school assists in parents dropping off students efficiently.

- *The submission of the Lane Cove Bushland Society questioned the removal / impact of a number of trees; T2, T3, T4, T5, T12, T14-T20, T21, T23, T26, T30, T31 for various reasons.*

Comment: Council's Tree Assessment officer has assessed the requirement to remove trees on the site and has considered the arboriculture impact of the development with respect to existing encroachments, building footprints and underground services. The removal of these trees is considered reasonable in order to accommodate the proposed building footprint, recreation spaces and ancillary works required to increase the capacity of the school to provide for the needs of the current and future community. The replacement planting proposed seeks to retain the overall landscaped character of the site and the area.

- *Concern regarding the setback of the school from the common boundary with 48A and 48B Kingslangley Road.*

Comment: the siting of the building has provided a significant setback of 9m which is increased to approximately 14m for the upper storey. The setback would enable screening planting to be established along this boundary. The built form adequately transitions to the surrounding low density residential development.

(e) Public Interest

The proposed upgrades to the Greenwich Public School are considered to be in the public interest. The school is a critical piece of public infrastructure that directly services the needs of the surrounding community. There is an ongoing demand for additional public school spaces potentially to be accelerated by proposed rezoning within the St Leonard's South area.

The variation to the development standard for height would result in a better planning outcome for the site considering the individual circumstances of the case. The proposed building best makes use of the space available and enables the retention of large consolidated areas of recreational space and landscaping.

The development would provide high quality teaching and associated facilities that are fit for the future.

CONCLUSION

The Development Application has been assessed in accordance with Section 4.15 of the Environmental Planning and Assessment Act 1979 is recommended for approval by the Sydney North Planning Panel.

The proposed expansion and upgrade of this existing school site would facilitate a major public benefit by providing for the existing and future education needs of the local community. The increased student capacity seeks to accommodate the demands of the growing population within the area.

The proposed use is a permitted use within the zone pursuant to the SEPP (Educational Facilities and Childcare Centres) 2017 and meets with the development standard for Floor Space Ratio although seeks variation to the development standard for height as outlined in the Lane Cove Local Environment Plan 2009. The expanded and upgraded facilities are designed in accordance with the 7 Design Principles of the SEPP (Educational Facilities and Childcare Centres) 2017 and are based on the Department of Education's "Educational Facilities Standards and Guidelines".

The proposed development would result in the removal of 26 trees most of which are native. The justification for the building footprint is supported and it is acknowledged that alternate schemes would result in undue impacts to adjoining residential properties. The proposed replacement planting seeks to retain the landscape character of the site and area.

The deferred commencement matters would ensure that appropriately designed accessible access is provided into the school and to all areas usually utilised by students and staff.

The submissions from surrounding residents and community groups have been considered and addressed in the draft conditions for review by the Panel.

The proposed development is considered to meet the objectives of the Lane Cove Local Environmental Plan, R2 Low Density Residential Zone and the Design Principles outlined in the State Environmental Planning Policy (Educational Facilities and Child Care Centers) 2017 and is therefore recommended for approval by the Sydney North Planning Panel subject to Draft Conditions.

The proposed expansion and upgrade of the Kingslangley Road school campus is strongly supported and represents a considered and well designed facility that would continue to serve the local precinct.

REPORT ATTACHEMENTS

The following attachments have been provided to the panel in addition to this report and are numbered 1 through 7.

1. Notification Map
2. Think Planners – Clause 4.6 written request to vary Height of Buildings development standard.
3. JBS&G Environmental Site Assessment
4. Combined Submissions
5. Detailed Pick-up and Drop-off Parking comments
6. Applicant's feedback to Draft conditions of consent.
7. Council's response to Applicant's feedback to Draft conditions of consent.

Schedule 1 - Draft conditions of Consent

RECOMMENDATION

- A. That the Applicant's written request to vary the *height of buildings* development standard contained in clause 4.4 of Lane Cove Local Environmental Plan 2009 be supported for DA2018/119.
- B. That the Sydney North Planning Panel as the consent authority grant Deferred Development Consent pursuant to section 4.16(3) of the Environmental Planning and Assessment Act 1979 to Development Application 2018SNH019 for construction of a three storey education facility on an existing school site, construction of a covered outdoor learning area, expansion of existing school hall, alterations to existing classrooms, removal of trees, conversion of two classrooms to a canteen and Outside of School hours facility, landscaping and all associated works. at 30-32 Kingslangley Road, Greenwich, subject to the conditions outlined in Schedule 1.

- C. That the Council provide the RMS with a copy of the Determination pursuant to Clause 57(4) of SEPP (Educational Facilities and Childcare Centres) 2017.

Michael Mason
Executive Manager
Environmental Services Division

ATTACHMENTS:

There are no supporting documents for this report.