

ITEM	425 Hume Highway, Yagoona
	Alterations and additions to Yagoona Public School including a new learning facilities building and landscaped open space area
JRPP REF.	2018SSH007
FILE	DA-1105/2017
ZONING	SP2 – Infrastructure: Educational Establishment
DATE OF LODGEMENT	22 November 2017
APPLICANT	Blue Visions Management Pty Ltd
SITE AREA	23,114m²
OWNERS	Department of Education
AUTHOR	Development

SUMMARY REPORT

This matter is reported to the Sydney South Planning Panel in accordance with the provisions of *State Environmental Planning Policy (State and Regional Development) 2011*. The proposed development has an estimated capital investment value that exceeds the threshold of \$5 million for '*Private infrastructure and community facilities*' (Schedule 7, CI 5(b)).

Development Application No. DA-1105/2017 proposes the construction of a new two (2) storey building consisting of sixteen (16) new learning facilities and associated landscaped area. Subsequently, the application includes an increase to the student population by 184 students taking the total number of students to 782.

The proposal has been assessed against the relevant provisions of *State Environmental Planning Policy (Infrastructure) 2007*, *State Environmental Planning Policy No. 55 (Remediation of Land)*, *State Environmental Planning Policy (Educational Establishments and Childcare Facilities) 2017*, *Greater Metropolitan Regional Environmental Plan No 2 – Georges River Catchment*, *Bankstown Local Environmental Plan 2015* and *Bankstown Development Control Plan 2015*. The application fails to comply with CI 4.3 of BLEP 2015 in regards to building height. As the report details, the proposed non-compliance is considered to be appropriate in the context of the site.

The application was advertised and notified for a period of twenty eight (28) days. No submissions were received with respect to the proposed development.

In accordance with *SEPP (Educational Establishments and Child Care Facilities) 2017*, Clause 57 requires a referral to the New South Wales Roads and Maritime Services. On initial review, this body identified existing traffic issues on the local road networks primarily relating to the afternoon pick up period namely long queuing, delays, vehicles crossing the centre road line to drive around queued vehicles and unsafe and aggressive behavior. An addendum to the traffic report prepared by the applicant addressing the RMS comments was submitted and conditions of consent were provided to Council by the RMS.

The application was also referred to Sydney Trains as triggered by Clause 85 of *State Environmental Planning Policy (Infrastructure) 2007*. Conditions of consent were provided by this body.

POLICY IMPACT

This matter has no direct policy implications.

FINANCIAL IMPACT

This matter has no direct financial implications.

RECOMMENDATION

It is recommended that the application be approved subject to the conditions included at Attachment 'B'.

DA-1105/2017 ASSESSMENT REPORT

SITE & LOCALITY DESCRIPTION

The subject site is known as 425 Hume Highway, Yagoona. It is zoned SP2 – Infrastructure: Educational Establishment and has an area of 23,114m². The site falls to the south by approximately 10 metres representing a fall of 1 in 0.04m.

The site has frontage to the Hume Highway to the north (164.83m) and Mulla Road to the east. The site is also bounded to the west by the Bankstown Regents Park Railway. Extending along a considerable portion of the sites eastern boundary (contained wholly within the site) is a one way drop off/ pick up driveway that extends north off Mulla Road and exits to the Hume Highway. Three (3) formalised drop off / pick up bays exist on this access way and motorists egressing this driveway are confined to turning left on the Hume Highway. No signal arrangements exist at this intersection.

The site is currently occupied by Yagoona Public School which has a student population of 598 children and 43 staff members. Existing structures on the site include:

- eight (8) permanent buildings used as learning spaces, community room, hall, library and administration office ;
- four (4) covered outdoor learning areas (C.O.L.A.); and
- ten (10) temporary demountable learning rooms.

The site contains two (2) car parking areas with forty (40) spaces for staff provided in total. The primary carpark is accessed off a separate driveway via the Hume Highway. The secondary carpark is on the northern section of the pickup/drop off lane accessed via Mulla Road.

Existing developments in the locality include local shops (Yagoona village centre) to the north with primarily 3 storey residential flat buildings to the east (Mulla Road) and south of the site (Melanie Street). The context of the site is illustrated in the aerial photo shown below.

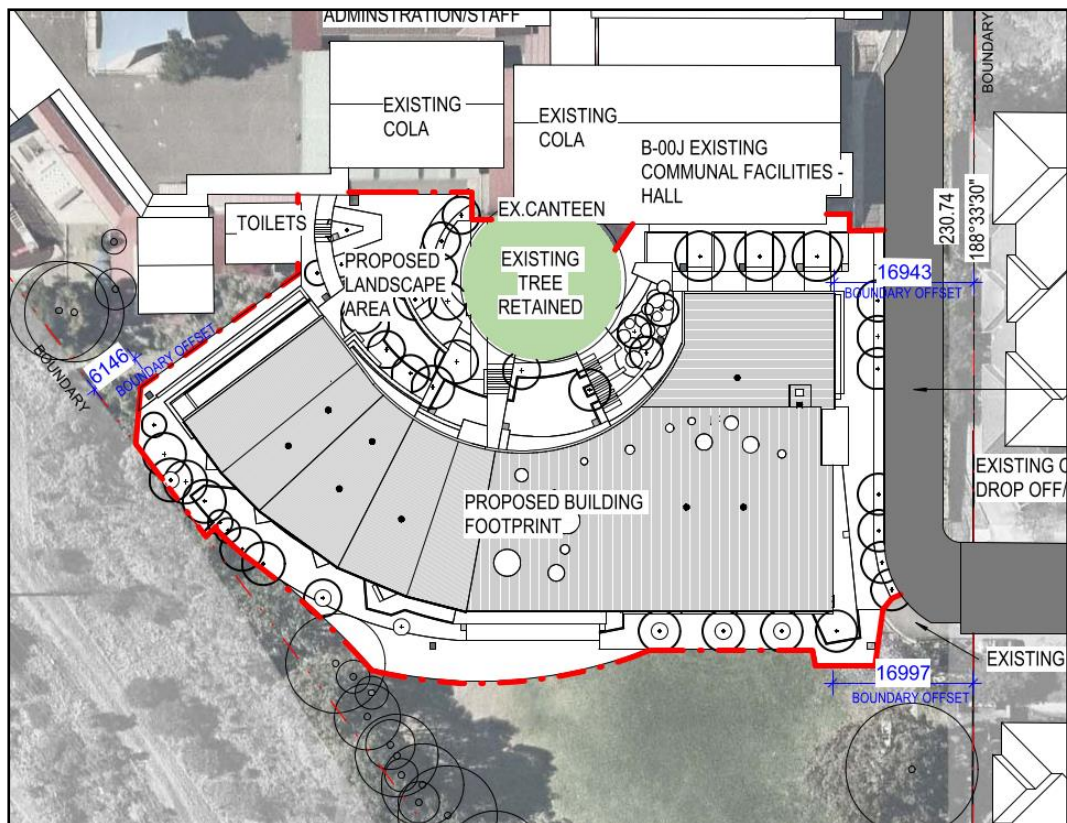


PROPOSED DEVELOPMENT

DA-1105/2017 proposes the following:

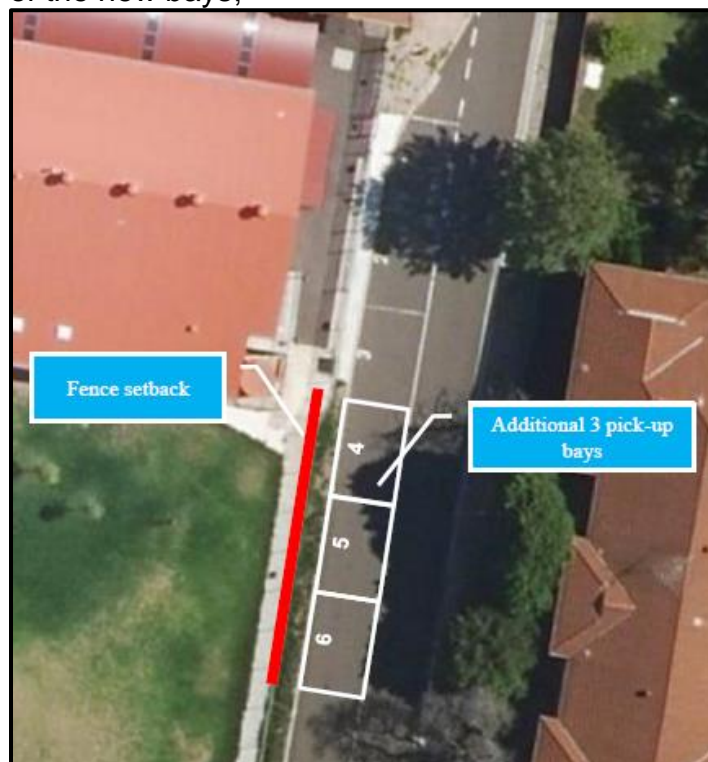
- Removal of fourteen (14) existing trees and vegetation;
- Construction of a two (2) storey building consisting of:
 - Sixteen (16) home base classrooms;
 - Nine (9) withdrawal spaces;
 - Nine (9) practical activity spaces;
 - Three (3) office spaces;
 - Three (3) interviews rooms;
 - Staff room;
 - Administration area including sick bay and security store;
 - Associated toilet facilities for staff and students and utility spaces.
- Associated landscaping works including a new courtyard.
- Three (3) additional vehicle parent drop off/pick up bays to provide six (6) bays in total;
- Subsequent increase to the student population by 184 students bringing the total number of students to 782.
- Additional 16 staff bringing the total number of staff to 59 staff (including 8 non-teaching).

An extract of the proposed site plan is provided below to illustrate the proposal:



The applicant has proposed the following measures to mitigate the impact of traffic:

- The addition of three (3) pick up / drop off parking bays doubling the current capacity. This will result in a total six (6) bays being provided on site. Below is an extract from the applicant traffic report illustrating the location and arrangement of the new bays;



- Child name system requiring parents to display their child's name on the front of their vehicles windscreen to assist teachers to escort students to the correct vehicles. It is proposed this will result in the quicker collection of students;
- Staggered student finishing times to manage the arrival times of parents and reduce queueing demand. Year 1 and 2 students are to finish at 3pm and year 3 and 4 students to finish at 3:15pm. Year 5 to 6 students are to finish at 3pm but only to be collected after 3:20pm or from offsite (see below).
- The proposal includes an alternative pick up location for year 5 and 6 students at Reynolds Avenue (via Alice Park). Access to the alternative location would be on foot via existing footpaths and refuge islands across Brancourt Avenue and is a 450 metre or 7 minute walk.

Conditions of consent have been sought to ensure the relevant 'Kiss and Go' signage is provided to Reynolds Avenue. Regular information is provided to parents regarding the current pick up arrangements and a traffic management plan is prepared in consultation with Council's Traffic committee yearly to review the impact of the proposal on traffic.

The below figure is an extract from the applicant's traffic report in regards to the alternative pick up location on Reynolds Avenue.



SECTION 4.15 ASSESSMENT

The proposed development has been assessed pursuant to section 4.15 of the *Environmental Planning and Assessment Act, 1979*.

Environmental planning instruments [section 4.15(1) (a) (i)]

State Environmental Planning Policy (State and Regional Development) 2011

According to *SEPP (State and Regional Development) 2011*, a regional panel may exercise the consent authority functions of the Council for the determination of applications for development of a class or description included Schedule 7 of this Policy (as mandated by Cl 4.5 (b) of *Environmental Planning and Assessment Act 1979*).

Schedule 7 of *SEPP (State and Regional Development) 2011*, includes 'private infrastructure and community facilities over \$5 million'. The proposed development falls within this category (under Clause 5 (b)) as it is an 'educational establishment' with a capital investment value in excess of \$5 million. Accordingly, the application has been reported to the Sydney South Planning Panel for determination.

A Panel briefing was held on 21 March 2018, at which the Panel members requested that certain matters be elucidated in Council's assessment of the proposed development. These matters are summarised below. Further assessment of these matters are addressed in the relevant sections of the assessment that follows.

Variation to building height

The proposed development results in a non-compliance with Council's nine (9) metre building height control as prescribed by the Bankstown Local Environmental Plan 2015 (Clause 4.3 (2)) and associated Height of Buildings Map. The proposed total building height is 9.91 metres thus a 0.91m departure from this standard. The Panel's initial review of the applicant's address of the Clause 4.6 of BLEP 2015 deemed the justification and presentation of 'environmental planning grounds' to vary the development standard as insufficient. The applicant has since provided amended justification and Council's assessment considers this amended information to satisfy Clause 4.6 in regards to varying Clause 4.3. A copy of the applicant's justification is provided as an attachment to this report.

Traffic

The submitted documentation noted existing traffic issues in regards to afternoon student pick up in and around the school grounds. The Panel raised concerns in regards to the detail provided and sought additional information from the applicant as well as comments from the NSW Roads and Maritime Services. Comments from this body were required under *SEPP (Educational Establishments and Child Care Facilities) 2017*. The RMS raised no objection to the proposal subject to recommended conditions of consent. Council's traffic engineer has also reviewed the amended information submitted by the applicant. Conditions of consent has been imposed to assist in the mitigation of any traffic impacts resulting from this application.

State Environmental Planning Policy (Infrastructure) 2007

Clause 85 of *State Environmental Planning Policy (Infrastructure) 2007* requires proposed developments adjacent to rail corridors to be referred to the relevant rail authority due to the potential impact of developments on rail safety.

The subject site adjoins the Bankstown Regents Park Train Line and subsequently the application was referred to Sydney Trains for comment. No objections were raised by this body, subject to conditions of consent relating to the submission of an electrolysis report, submission of a risk assessment, details of the machinery to be used on site and ensuring future fencing limits opportunities for vandalism. Sydney Trains requirements have been included as recommended conditions of consent at Attachment 'B' to this report.

When assessing developments adjacent to the rail corridor, Clause 87 of *State Environmental Planning Policy (Infrastructure) 2007* requires the consent authority to consider the likely impact of rail noise and vibration on sensitive uses such as Educational Establishments. Council's assessment notes the acoustic report submitted as part of the application ('Yagoona Public School, Acoustic Report for Development Application', dated 04/08/2017, prepared by Sean Matthews) addresses any potential impacts in accordance with the "Department of Planning Development Near Rail Corridors and Busy Roads – Interim Guideline". The recommendations of this report are to be implemented in the construction and use of the development. Consequently, a condition of consent has been imposed.

State Environmental Planning Policy No. 55 - Remediation of Land

The provisions of Clause 7 (1) of *State Environmental Planning Policy No. 55 - Remediation of Land* specifies that a consent authority must not consent to the carrying out of any development on land unless:

- a) *it has considered whether the land is contaminated, and*
- b) *if the land is contaminated, it is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out, and*
- c) *if the land requires remediation to be made suitable for the purpose for which the development is proposed to be carried out, it is satisfied that the land will be remediated before the land is used for that purpose.*

It is understood the development site has been used for the purpose of an educational establishment since 1952 and the development application presented to the Panel proposes the continued use of the site for the purpose of a school.

The applicant has undertaken soil sampling and the results contained within Section 8 of the submitted geotechnical report ('Geotechnical Investigation and Preliminary Waste Classification', Reference DoEAMD-16-78, dated 3 August 2017) notes there to be no contaminants present. Council is satisfied there is no evidence to suggest the site is contaminated as such it is not considered further investigation in regard to potential site contamination is necessary.

The applicant's report recommends the incorporation of an unexpected finds protocol in the works management plan. A condition of consent has been imposed requiring the recommendations of this report to be complied with. The condition can be found in Attachment 'B' of this report.

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

Clause 3 – Aims of Policy

The aim of this Policy is to 'facilitate the effective delivery of educational establishments...across the State' through the provision of a consolidated planning and design framework for such applications and 'allowing for the efficient development, redevelopment or use of surplus government owned land'.

The aims of this Policy are achieved as this EPI takes precedence over Council's controls by virtue of Clause 35 (9). Thus, this policy provides for a singular planning framework to which the proposal complies. The proposal meets the relevant aims of this Policy.

Clause 33 - Definition of "prescribed zone"

"Zone SP2: Infrastructure" is listed as a prescribed zone.

Clause 35 – Schools – Development permitted with consent

Sub clause 6 notes that before determining a development application for the purpose of a school or ancillary facilities to a school, the consent authority must take into consideration the design quality of the development in accordance with the principles (below) and, whether the development enables the use of school facilities (including recreational facilities) to be shared with the community.

- Principal 1 – Context, Built form and landscape.
The placement and building envelope of the proposal is considered to be empathic to the surrounding development with a large 16.9 metre setback to the eastern boundary (Mulla Road). The height of the proposal remains consistent to the nearest building form being the three storey residential flat buildings on Mulla Road. The subject building consists of three elements joined by hallways and a roof. The separation between these elements do not raise any concerns in regards to the site conditions (topography, orientation and climate). This modular design allows the inclusion of open space and this is positioned around a central landscaped courtyard. The multi-functional nature of this open door area (sensory garden, information learning space, outdoor learning space) is considered to positively benefit the amenity on site. The placement of the proposal including its setback from Mulla Road would result in a negligible impact on the streetscape. The design of the structure is responsive to Mulla Road, with a formalised entry addressing this frontage (eastern elevation). The subject site is not located within a scenic protection area.

- **Principal 2 - Sustainable, Efficient and durable**
 The proposal in particular the design of the structure is not considered to adversely impact the environmental (natural or built), social or economic sphere. As the use of the site is for the purpose of a public school, it can be said there will be some positive social impacts with the provision of additional facilities to Yagoona Public School. Explicit information has not been provided from the applicant in relation to the design minimising the consumption of energy, water and natural resource nor is there information regarding the reduction of waste through recycling. Although, it is considered the orientation of the building and the skylights on the roof allow for a high level of passive solar access and the multi-room design allows for cross-ventilation of the learning spaces. The multi-room design also allows for the use of the learning spaces to be flexible thus capable of being adapted in future to assist in the needs of the school where required.
- **Principal 3 – Accessible and inclusive**
 The subject proposal only relates to a partial section of the site hence this principle is only explored in this regard. The development is considered to provide a clear entry point on Mulla Road and the improvements of the Mulla Road access way through the school would provide a clear path of travel for visitors. It should be noted the proposal includes a new school main office and meeting rooms which can be considered the primary destination for visitors. The applicant has not advised of any plans for the facility to be shared with the community but the proposal could facilitate other uses including activities outside of school hours.
- **Principal 4 – Health and safety**
 This principle notes that *'good school development optimises health, safety and security within its boundaries and the public domain'*. Yagoona Public School is existing and the proposal provides limited opportunity to change the existing school layout or location. The subject site is bounded by the Hume Highway and the Bankstown Regents Park rail line. The implications this may have on health are noted in Principle 5 – Amenity. Conditions of consent have been imposed in this regard.
- **Principal 5 – Amenity**
 The proposal includes a variety of spaces that are capable of being used for a range of activities including educational, community and informal purposes. The building has a significant setback off Mulla Road and through access from this frontage to the Hume Highway. The use of the building (educational or community) would not adversely change the existing amenity of the adjacent developments or local neighbourhood.

The site is bounded by the Hume Highway to the north and the Bankstown Regents Park Railway to the west. In accordance with Principle 5, '*schools located near busy roads or near rail corridors should incorporate appropriate noise mitigation measures to ensure a high level of amenity for occupants*'. The applicant has provided an acoustic report in this regard and a condition of consent has been included to ensure the recommendations of this report are implemented. It is considered the design of the proposed building provides for appropriate and efficient learning spaces for its target student population. The proposal includes passive solar and ventilation by virtue of the floor plan proposed and it is considered the design provides for appropriate storage and for the provision of services.

- **Principal 6 – Whole of life, flexible and adaptive**
The proposal is for a building at the rear of the existing Yagoona Public School. Subsequently, the school's design has only been reviewed at a microscale. It is considered the proposal may allow for additional uses (educational or community) as a result of the flexible learning spaces and is consistent with this principle.
- **Principle 7 – Aesthetics**
It is considered the landscaped courtyard included in this proposal will be aesthetically pleasing. The design of the structure is not considered inconsistent with this principle in regards to '*achieving a built form that has good proportion and balances composition of elements*'. Any impacts of the built form proposed is limited by the setback and location of the building on the subject site, this includes the ability of the proposal to positively impact on the quality and sense of identity of the Yagoona neighbourhood.

The proposal is considered to be consistent with the above principles.

Clause 57 – Traffic generating development

The proposed development triggers a referral to Roads and Maritime Services (RMS) as the development is for an extension of an existing school and would result in the addition of more than 50 students.

RMS have reviewed the proposed development and advised no objection is raised, subject to conditions of consent relating to the provision of technical information prior to construction, the need for a Road Occupancy License for any works that impact Hume Highway and traffic monitoring. The recommended conditions provided by RMS have been included as conditions of consent in Attachment 'B' to this report.

Greater Metropolitan Regional Environmental Plan No 2 – Georges River Catchment

The site is located within land identified as being affected by *Greater Metropolitan Regional Environmental Plan No 2 – Georges River Catchment*. The proposed works are consistent with the relevant planning principles outlined in Clause 8 of the GMREP No 2 and the proposal does not include any of the listed development types

that have specific planning requirements as listed under Clause 11 - 'planning control table'.

Bankstown Local Environmental Plan 2015

The proposed development is generally satisfactory with regard to the relevant provisions of the *Bankstown Local Environmental Plan 2015*, including the following:

Clause 1.2 Aims of Plan

The proposed development is consistent with the relevant aims of the BLEP 2015:

- a) *to manage growth in a way that contributes to the sustainability of Bankstown, and recognises the needs and aspirations of the community,*
- b) *to protect and enhance the landform and vegetation, especially foreshores and bushland, in a way that maintains the biodiversity values and landscape amenity of Bankstown,*
- c) *to protect the natural, cultural and built heritage of Bankstown,*
- d) *to provide development opportunities that are compatible with the prevailing suburban character and amenity of residential areas of Bankstown,*
- e) *to minimise risk to the community in areas subject to environmental hazards by restricting development in sensitive areas,*
- f) *to provide a range of housing opportunities to cater for changing demographics and population needs,*
- g) *to provide a range of business and industrial opportunities to encourage local employment and economic growth,*
- h) *to provide a range of recreational and community service opportunities to meet the needs of residents of and visitors to Bankstown,*
- i) *to achieve good urban design in terms of site layouts, building form, streetscape, architectural roof features and public and private safety,*
- j) *to concentrate intensive trip-generating activities in locations most accessible to rail transport to reduce car dependence and to limit the potential for additional traffic on the road network,*
- k) *to consider the cumulative impact of development on the natural environment and waterways and on the capacity of infrastructure and the road network,*
- l) *to enhance the quality of life and the social well-being and amenity of the community.*

The proposal is consistent with the aims of this Plan and does not hinder the attainment of these. The additional facility to the existing school site will service the community and the assessment carried out (as summarised by this report) has reviewed the proposals impacts in regards to the built and natural environment. Particular consideration has been given to the proposals impact on the existing road network and public safety. Conditions of consent have been imposed to ensure any impacts of this proposal on traffic are mitigated.

Clause 2.3 Zone objectives and Land Use Table

The site is located in "Zone SP2 Infrastructure: Educational Establishment", which permits development for the purpose 'shown on the Land Zoning Map, including any

development that is ordinarily incidental or ancillary to development for that purpose'. Educational Establishments and any development ancillary to this use is permitted with consent. Moreover, the proposal is consistent with the objectives of the SP2 zone, being:

- To provide for infrastructure and related uses.*
- To prevent development that is not compatible with or that may detract from the provision of infrastructure.*

Clause 4.3 Height of buildings

According to the LEP Height of Buildings Map, there is a 9 metre maximum building height for the subject site. The proposal exceeds this by 0.91 metres with a height at the ridge line of 9.91 metres (10.1% departure). The other elevations of the building are compliant with a general height of 7.6 metres on the south, east and west elevations. The applicant is seeking a departure from this development standard in accordance with the provisions contained within Clause 4.6 of BLEP. This is detailed below.

It should be noted, the proposed floor to ceiling heights are 3 metres for the ground level and 3.8 metres for the upper floor. It is not considered these are excessive and the breach in height is the result of the roof design.

Clause 4.4 Floor space ratio

According to the LEP Floor Space Ratio Map, the site does not have a prescribed Floor Space Ratio.

Clause 4.6 Exceptions to development standards

Clause 4.6 of Bankstown Local Environmental Plan 2015 enables the consent authority to grant development consent despite a proposal contravening a development standard. The applicant is required to submit a written request for consideration that justifies the contravention of the development standard by demonstrating:

- a) that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and*
- b) that there are sufficient environmental planning grounds to justify contravening the development standard.*

Consent must not be granted with a contravention of a development standard unless:

- a) the consent authority is satisfied that:*
 - (i) the applicant's written request has adequately addressed the matters required to be demonstrated by subclause (3), and*
 - (ii) the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out, and*
- b) the concurrence of the Secretary has been obtained.*

The applicant is seeking to contravene Clause 4.3 of BLEP 2015 in regards to the maximum permitted height of building. Clause 4.6 of BLEP 2015 does not explicitly exclude this provision from applying to development standards in regards to height.

The subject site has a prescribed maximum building height of nine (9) metres and the proposal exceeds this at 9.91 metres for a portion of the roof line. A report outlining the applicant's justification for this non-compliance has been submitted and is provided as attachment 'C' of this report. In summary, the applicant notes the development standard to be *'unreasonable or unnecessary in the circumstances of the case because the proposed height variation will result in a better design outcome'* than that of a compliant building.

The applicant notes:

- *The building will not cause any significant overshadowing impacts on open space, playground areas or public or private spaces;*
- *The design does not present an attempt to attain additional development yield on site given that no applicable FSR controls exist and that the proposed FSR is only 0.3:1;*
- *The architectural design adds to the streetscape and amenity of the school and neighbourhood;*
- *The design incorporates a sloped roof to account for the topography of the site, which is characterised by maximum heights only on the central part of the development;*
- *The design allows for an increase in landscaped areas and open space (outdoor learning and play spaces) which is required in a school environment;*
- *The variation is relatively minor in nature considering the adjoining development to the east has a maximum height of 13m and is in the range of 3 storeys.*
- *A development that strictly complied with the building height standard would result in an increase in building footprint and a resulting loss in playground space, landscaping and outdoor learning areas. The spread of home base rooms into other areas of the site would result in an inferior design outcome for the site and school.*
- *With a relatively small allowance in building height, this building allows for further development opportunities to cater for additional staff and students in the future as required.*
- *Strict compliance to building height would result in an increase in building footprint and a resulting loss in playground space, landscaping and outdoor learning areas. The spread of home base room into other areas of the site would result in an inferior design outcome for the site and school.*
- *...should the development have been able to be complying development under the State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017 (SEPP – EE&CCF) then the height would have been a maximum of 12 - 22m (depending on setback) and no variation would have been required.*

Clause 4.6, BLEP 2015 requires the applicant to provide '*sufficient environmental planning grounds to justify the contravention of the development standard*'. The applicant has noted the following planning grounds;

- *Although the proposed development exceeds the maximum height limit for the site, the development has been designed with consideration of the site and surrounding development some of which is up to 13m or 3 storeys;*
- *The new learning facility is consistent with built form of developments on and surrounding the site;*
- *There is no expected view loss from surrounding developments as a result of this proposal;*
- *There are no significant overshadowing impacts on existing school buildings, nearby developments, public areas or private open space.*
- *The proposal will not cause adverse privacy impacts on nearby residential developments with the bordering Mulla Road, Hume Highway and railway creating an effective buffer zone between the development and existing residential properties; and*
- *View lines are minimized from classrooms resulting in greater privacy for the neighbouring developments.*

The consent authority must be satisfied the proposal is in the public's interest and Clause 4.3 of BLEP 2015 directs the consent authority to determine this by reviewing the proposals consistency with the '*objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out*'.

The objectives of Clause 4.3 – Height of building are as follows:

- a) to ensure that the height of development is compatible with the character, amenity and landform of the area in which the development will be located,*

Council's comment:

The character of the locality surrounding the subject site is mixed. The site is considered separate from the Yagoona Local Centre, divided by the Hume Highway. Development to the north and north west of the site includes one to two storey commercial developments. The future character of these sites is considered to be of high density commercial and residential uses. The centre is generally zoned B2 – Local Centre, with a height limit of 20 metres and 2:1 Floor Space Ratio as prescribed by BLEP 2015.

Beyond the railway line to the west is low density residential development including single storey cottages and two storey dual occupancy development. This area is zoned R2, with a prescribed height of 9m and a 0.5:1 floor space ratio. It is considered the site is significantly distant from this area due to the railway line, associated lands, and Benny Lane.

The most immediate and relevant locality to this proposal is the high density three storey residential flat buildings to the east of the subject site. This locality starts at the Hume Highway and continues south east until the Bankstown CBD. A small number of single storey residential cottages remain in this area

but given the R4 land use zoning and a 13 metre prescribed height limit, it is considered the desired future use of this locality is high density residential. As such, the 9.91 metre high proposal is considered to be consistent with the adjoining built form and remains consistent with the existing and future character of the area.

The proposal has a considerable 16.997 metre setback to the eastern boundary and utilises existing access arrangements. It is not considered the proposal is inconsistent with the existing amenity or landform of the area which the development is located.

- b) *to maintain the prevailing suburban character and amenity by limiting the height of development to a maximum of two storeys in Zone R2 Low Density Residential,*

Council's comment:

The subject site is zoned SP2 but remains two storeys in construction.

- c) *to provide appropriate height transitions between development, particularly at zone boundaries,*

Council's comment: The subject site has a unique land zoning to serve the purpose for the use as a school therefore is not a traditional zone boundary. The location of the school is confined by key infrastructure such as the railway and Hume Highway which best links the subject site to the built form seen on Mulla Road with a prescribed height of building of 13m. The proposal is 9.91m high and located between the height limit of 20 metres to the north and 9 metres to the west.

- d) *to define focal points by way of nominating greater building heights in certain locations.*

Council's comment: The subject site is has not been nominated by the BLEP 2015 as a focal point area.

The applicant's response is below:

- *There are no adverse impacts of the proposal on the school, streetscape or amenity of the area;*
- *The height of the building will present an architectural element for the school;*
- *The proposed development is located directly adjoining an R4 High Density Residential zone to the east, with a maximum height limit of 13m, thereby this proposal provides a transition between that zoning and the railway and low density residential area to the west;*
- *The proposal will not significantly inhibit neighbouring properties solar access during the winter solstice, if at all;*
- *The proposal has been designed with the slope of the site and this is one of the reasons for the relatively minor height variation and the differences in height variation across the building footprint;;*
- *The height will reduce the hard stand footprint of the building which is in keeping with the character of the local area; and*
- *It is an important expansion of public infrastructure which is consistent with surrounding landform, scale and intensity.*

The objectives of the SP2 – Infrastructure land use zone are as follows:

- *To provide for infrastructure and related uses.*
Council's comment: The proposal is for the intensification of an existing school (Yagoona Public). It is considered the application is consistent with this zone objective.
- *To prevent development that is not compatible with or that may detract from the provision of infrastructure*
Council's comment: It is not considered the proposal will hinder additional development or operation of Yagoona Public School.

The applicant's written response is below:

- *The facility provides additional education infrastructure for a growing community that is consistent with the nearby high density residential zoning;*
- *The land use and design are consistent with surrounding developments and provide an attractive architectural and landscape solution for the site;*
- *The development will provide permanent, high quality educational services to meet day to day infrastructure needs of the Yagoona community; and*
- *The building proposed allows for further development opportunities on surrounding school land to cater for the provision of future staff and students in the future.*

Council is of the view the proposed breach to the prescribed height limit is supportable with significant merit in relation to the context of the subject site and the surrounding localities. As outlined above, Council is satisfied with the applicant's response of the matters raised in Clause 4.6 (3) of BLEP 2015.

Draft environmental planning instruments [section 4.15(1) (a) (ii)]

There are no draft environmental planning instruments applicable to the proposed development.

Development control plans [section 4.15(1) (a) (iii)]

In accordance with Clause 35 (9), *SEPP (Educational Establishments and Child Care Facilities) 2017*, Council's Development Control Plan has no effect on this development. This is regardless of when the Development Control Plan was made.

Consideration has been given to Part B11 – Tree Management Order, Bankstown Development Control Plan 2015 in the assessment of the proposed removal of fourteen (14) trees and associated vegetation on site. The appropriate condition of consent has been included to allow for the removal of the listed trees. Council's tree management officer has provided a condition of consent in regards to replacement planting.

Planning agreements [section 4.15(1) (a) (iiia)]

There are no planning agreements applicable to the proposed development.

The regulations [section 4.15(1) (a) (iv)]

The proposed development is not inconsistent with the relevant provisions of the *Environmental Planning and Assessment Regulation 2000*.

The likely impacts of the development [section 4.15(1)(b)]

It has been demonstrated that the proposed development would not have any unreasonable or unacceptable impact on the environmental (built and natural), social, or economic sphere of the surrounding locality.

Suitability of the site [section 4.15(1)(c)]

The site is suitable for the proposed development. It is permitted with consent in the SP2 Infrastructure: Educational Establishment zone and is designed to respond appropriately to the context of the site and its locality. Matters concerning traffic can be appropriately addressed by conditions of consent.

Submissions [section 4.15(1)(d)]

The application was advertised and notified for a period of 28 days. No objections were received with respect to the proposed development.

The public interest [section 4.15(1)(e)]

Having regard to the matters discussed in this assessment report, it is considered that the proposed development would not contravene the public interest or any parties or bodies representing the public.

CONCLUSION

DA-1105/2017 has been assessed according to the relevant provisions of *State Environmental Planning Policy (Infrastructure) 2007*, *State Environmental Planning Policy No. 55 (Remediation of Land)*, *State Environmental Planning Policy (Education Establishments and Child Care Facilities) 2017*, *Greater Metropolitan Regional Environmental Plan No 2 – Georges River Catchment*, *Bankstown Local Environmental Plan 2015* and *Bankstown Development Control Plan 2015*.

The proposed development is consistent with the existing use of the site. It demonstrates a high quality built form that would contribute positively to the operation of Yagoona Public School. The proposal is generally compliant with the planning framework with the exception of the total building height (CI 4.3 – Bankstown Local Environmental Plan 2015). No public submissions have been received with respect to the proposed development, and no adverse impacts on the surrounding locality are expected as a result of this proposal.