



planning consultants

3 January 2019
Our Ref: 9903A.9ER_RFI for main DA

The General Manager
Georges River Council
Civic Centre,
MacMahon Street
Hurstville NSW 2250

Attention: **Ryan Cole, Manager Development and Building**
 [rcole@georgesriver.nsw.gov.au]
 Nicole Askew [naskew@georgesriver.nsw.gov.au]

Dear Ryan and Nicole

DA2017/0657
47-69 Woids Avenue, Allawah
Alterations and additions to existing school

1.0 Introduction

The following response has been prepared by DFP Planning, on behalf of St George Christian School in response to Council's email of 28 May 2018, wherein further information in respect of the development application (DA) for alterations and additions to the existing school at 47-69 Woids Avenue, Allawah was requested. This letter also responds to the matters raised by the Sydney South Planning Panel at the briefing meeting with Council on 8 May 2018.

The plans attached to this letter are similar to those discussed with you at a meeting held in Council's offices on 15 August 2018.

A response to each of the issues raised by the Panel and in Council's email is detailed below.

Attached to this letter are the following:

- Amended architectural plans and revised Design Quality Statement – **Attachment 1**
- Amended landscape plans – **Attachment 2**
- Supplementary traffic and parking advice – **Attachment 3**
- Supplementary heritage impact advice – **Attachment 4**
- Stormwater drainage advice – **Attachment 5**
- Preliminary site investigation reports for 47 & 49 Woids Avenue, Allawah – **Attachment 6**

2.0 Issues raised by Sydney South Planning Panel (SSPP)

2.1 Education SEPP 2017

SSPP comment:

Need to meet the standards of the education SEPP 2017

Council comment:

The SSPP wants a more detailed response to the provisions of the SEPP from that provided in the Statement of Environmental Effects accompanying the development application.

Response

As assessment against the relevant provisions of Part 4 of the Education SEPP is provided in **Section 5.1** of this letter.

It is worth noting that the modifications to the design and location of that part of the building adjacent to the boundary with No. 45 Woids Avenue are such that it satisfies the requirements for complying development under the Education SEPP which respect to the side setback provisions.

2.2 Master Plan

SSPP comment:

Need for an overall site strategy and masterplan to demonstrate accommodation of future needs. Alternative options for site development could have been considered

Council comment:

The SSPP was of the opinion that an overall strategy should be provided for the site and any potential future expansion of the school. This is to include alternative options for providing the additional floor area to the school, which could be located throughout the site, rather than be concentrated on 47 and 49 Woids Avenue. The provision of onsite car parking for the future intensification of the school should be considered now as part of the proposed development so opportunities to provide these facilities are not restricted or lost by the proposed works.

Response

As noted in the Statement of Environmental Effects (SEE) lodged with the DA, the school has no expansion plans at this stage. The proposed alterations and additions are required to facilitate improved learning and teaching environment for students and staff, more flexible timetabling, smaller class sizes and additional outdoor play spaces. **No increase in student numbers or staff numbers is proposed as a result of these works.**

Based on the school's operational and management requirements, redevelopment of 47 and 49 Woids Avenue with a new building and basement car parking represents the logical and efficient use of the land available to the school at this time.

Notwithstanding, it is our understanding that the comments of the Panel related, in part, to the impact of the proposed building on the amenity of the existing dwelling and residents of No. 45 Woids Avenue. This is addressed in **Section 2.3** below and also in **Section 4** of this letter.

2.3 Interface with adjoining property

SSPP comment:

Concerns with regards to the interface and impact on neighbouring properties in terms of privacy, overshadowing, noise and height. These impacts have not been adequately addressed

Council comment:

The SSPP was of the opinion that the proposed new building to 47-49 Woids Avenue should be maximum 2 storeys in height with the additional floor area being relocated to another part of the site which did not have a direct interface with the residential dwellings in the R2 Low Density Residential zone. It was not sufficient to provide privacy screens and similar measures to address potential privacy and noise impacts to a new building which could be located elsewhere on the site to ameliorate these impacts. The SSPP wants the building on 47 and 49 Woids Avenue to be maximum 2 storeys.

Response

We understand that this concern is related to the previous issue regarding the need for a master planned response to development of the school.

The proposed development has been amended to provide an increased setback to No. 45 Woids Avenue. There has also be a redistribution of floorspace onto the existing main building on the Woids Avenue site. Plans of the amended proposal are included at **Attachment 1** to this letter. A detailed description and assessment of the amended development proposal is included in **Sections 4 and 5** of this letter.

2.4 Car Parking

SSPP comment:

Carparking allocation non-compliance – need to meet the minimum requirements

Council comment:

The SSPP acknowledged that additional car parking was proposed to the site as part of the proposed development. However the SSPP was of the opinion that additional car parking should be provided now to the site as part of the proposed development which complies with the car parking requirements such as expanding the proposed basement areas. The SSPP want the development to comply with the onsite car parking requirements.

Response

A revised Traffic and Parking Impact Assessment (TIA) has been prepared by McLaren Traffic Engineering (MTE). A copy of the revised TIA is included at **Attachment 3** to this letter.

Whilst it is acknowledged that car parking for the whole of school development is not provided on site, the additional car parking to be provided is more than would be required to be provided (based on the car parking controls in Kogarah Development Control Plan (DCP) 2013) for the additional floorspace.

It is not practical from an economical or operational perspective to provide additional basement car parking within the existing school site due to the costs associated with this work and the loss of playground space during the construction period. Further, as demonstrated in the TIA at **Attachment 3** and the discussion in **Section 5.4.1** of this letter, additional car parking is not considered necessary for the proposed works.

2.5 Traffic Generation

SSPP comment:

Impact of increased traffic, drop-off and carparking overflow on surrounding streets

Council comment:

The increased in vehicular movements, traffic, and on street parking as a result of future intensification of the site with an increase in staff and student numbers should be considered now and as an overall strategy for the site as the proposed development is significant works and investment.

Response

As noted above, the proposed alterations and additions to the school will not result in any increase in student numbers or any increase in staff. Therefore, no additional traffic movements or traffic generation will occur as a result of the proposed development. This is discussed in more detail in the revised TIA at **Attachment 3** to this letter.

The proposed development will allow for smaller class sizes and provide the school with the opportunity to restructure and reorganise timetabling and classroom locations for the various year groups. This will facilitate separation of drop off/pick up zones for the various year groups which will translate to improved traffic movements in the vicinity of the school.

In addition, MTE has made some recommendations with respect to a one-way traffic flow on Church Lane and additional sign posting for an increased 'kiss and drop' zone along the frontage of Nos. 47 and 49 Woids Avenue. Both recommended changes require the approval of the Local Traffic Committee, however, if implemented they will further assist with improved traffic movements in the vicinity of the school.

3.0 Public Submissions

Council's email of 28 May 2018 identified that 17 objections as well as a petition had been received in relation to the development proposal. In addition, 43 letters of support had also been received in response to the notification of the DA.

The issues raised in the submissions include overshadowing, privacy impacts, and traffic impacts.

Response

It is considered that the amended development proposal will address many of the concerns raised in the objections.

4.0 Amended Proposal

4.1 Introduction

The proposed development has been amended in response to the feedback received from the SSPP and Council. Plans of the amended proposal are included at **Attachment 1** to this letter.

4.2 Description of Amended Development

The proposed development has been amended as follows:

- The proposed new building has been moved away from the boundary with No. 45 Woids Avenue and a setback of 5m (5,030mm) (at ground level) has been provided. (NOTE: The setback of the basement level will be 3,020mm).

- The basement car parking level has been reconfigured to reflect the increased side setback and work around existing trees, structures and buildings to be retained. A total of 39 car parking spaces (including one accessible space) will be provided in the basement.
- The building height adjacent to No. 45 Woids Avenue has been reduced to 3 storeys, with the exception of toilets on the 4th storey which will be recessed and setback 6,350mm from the boundary with No. 45 Woids Avenue. The roof top terrace which will be located above the 3 storey element will be setback 8,410mm from the boundary with No. 45 Woids Avenue.
- The 4th storey has been retained on that part of the building with frontage along the Bogie Lane.
- A 3rd level has been added to the existing main school building on the Woids Avenue site.

An assessment of the amended proposal is provided in **Section 5** of this letter. **Figure 1** below is an extract from the amended architectural plans (**Attachment 1**) showing the relationship of the proposed building to the adjoining residential dwelling on No. 45 Woids Avenue in perspective view.



Figure 1 Perspective view of building as amended in relation to No. 45 Woids Avenue

A total of 55 car parking spaces are proposed to be provided on site. The car parking will be provided as follows:

- The removal of 8 angled parking spaces off Bogie Lane.
- 39 spaces (including 1 accessible space within the new basement car park). 4 bicycle racks and 2 motorcycle spaces are also proposed in the basement;
- 12 spaces within the existing basement car park on the Bellevue Parade site;
- 5 parallel spaces along that part of Bogie Lane accessed from Church Lane;
- 3 spaces off Bogie Lane to the rear of No. 50 Bellevue Parade; and

- 4 spaces off Bogie Lane to the rear of No. 54 Bellevue Parade. In this regard, the school has recently purchased No. 54 Bellevue Parade. A separate change of use DA will be lodged with Council for the use of this property for educational purposes.

Further discussion in relation to traffic generation and car parking is provided in **Section 5.4.1** of this letter.

The relocation of the building and redistribution of the floorspace will not result in any additional trees being removed (other than the 9 trees identified as trees to be removed in the original application documentation) and therefore additional arborist advice is not required.

The relocation of the building has however resulted in changes to the proposed landscaping. In this regard an amended landscape plan has been prepared and is included at **Attachment 2** to this letter.

AJ Whipps provided the civil engineering and stormwater management advice in relation to the original DA. Jones Nicholson Consulting Engineers has considered that original design work having regard to the amended proposal and has advised that, whilst some minor matters will require attention, these are not so significant as to render the AJ Whipps design irrelevant. Therefore, amended stormwater drainage plans are not required for the amended proposal. A copy of the Jones Nicholson advice is included at **Attachment 5** to this letter.

The redistribution of floorspace from the proposed building to provide a 3rd storey on the existing main school building on the Woids Avenue in terms of potential impacts on the heritage item on the site (chapel) has been addressed in the supplementary heritage impact statement at **Attachment 4** to this letter. Further assessment regarding heritage impacts is provided in **Section 5.3.4** of this letter.

Pursuant to Clause 7 of State Environmental Planning Policy 55 – Contamination of Land (SEPP 55), a preliminary site investigation (PSI) of Nos. 47 and 49 Woids Avenue has been undertaken. The findings of that PSI are summarised in **Section 5.2** of this letter. A copy of the PSI report is included at **Attachment 6** to this letter.

5.0 Environmental Assessment

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

Part 4 of the Education SEPP relates to school developments.

Clause 35(1) states the following:

35 Schools—development permitted with consent

- (1) *Development for the purpose of a school may be carried out by any person with development consent on land in a prescribed zone.*

Pursuant to Clause 33 of the Education SEPP, the R2 Low Density Residential Zone is identified as a *prescribed zone*.

47 and 49 Woids Avenue are zoned R2 Low Density Residential under Kogarah Local Environmental Plan 2012 (Kogarah LEP 2012). Notwithstanding that *educational establishments* are a prohibited use in the R2 zone under Kogarah LEP 2012, because the R2 zone is a prescribed zone, pursuant to Clause 35 of the SEPP the proposed development is permissible on this land with consent. The remainder of that part of the school site on which this development is proposed is zoned SP2 – Infrastructure (Educational Establishment) and schools are permitted with consent in the SP2 zone.

As part of the original DA submission, a Design Quality Statement which assessed that proposal against the seven design quality principles set out in Schedule 4 of the Education SEPP was prepared by the project architect NBRS Architecture. That Design Quality Statement has been updated to reflect the changes as detailed in the amended plans at **Attachment 1**. A copy of the amended Design Quality Statement is also included at **Attachment 1**.

Part 7 of the Education SEPP sets out general development controls for traffic-generating development as follows:

- (1) *This clause applies to development for the purpose of an educational establishment:*
 - (a) *that will result in the educational establishment being able to accommodate 50 or more additional students, and*
 - (b) *that involves:*
 - (i) *an enlargement or extension of existing premises, or*
 - (ii) *new premises,**on a site that has direct vehicular or pedestrian access to any road.*
- (2) *Before determining a development application for development to which this clause applies, the consent authority must:*
 - (a) *give written notice of the application to Roads and Maritime Services (RMS) within 7 days after the application is made, and*
 - (b) *take into consideration the matters referred to in subclause (3).*

As previously stated, the proposed development will not result in any additional student or staff numbers at the site; rather the alterations and additions are seeking to provide an improved learning and teaching environment for students and staff, more flexible timetabling, additional outdoor play spaces and smaller class sizes.

We note that the SSPP indicated that the proposal needed *to meet the standards of the Education SEPP 2017*, however, other than the need to prepare a Design Quality Statement, there are no standards *per se* to be met.

5.2 State Environmental Planning Policy No. 55 - Contamination of Land (SEPP 55)

Although Council has not identified the need to prepare a preliminary site investigation (PSI) for the land that is proposed to be used for the purposes of a school (i.e. – 47 and 49 Woids Avenue), pursuant to Clause 7 of SEPP 55, a PSI has been undertaken. A copy of the PSI prepared by Hibbs & Associates Pty Ltd is included at **Attachment 6** to this letter.

The objective of the PSI was to assess the potential for contamination at the site and identify any areas of concern that may need to be considered in relation to the proposed redevelopment. The PSI was conducted in accordance with the relevant provisions of SEPP 55.

An inspection of the site was carried out to collect visual evidence of contamination or activities that may have resulted in potential contamination.

As a result of the desktop investigation and site inspection Hibbs & Associates have:

- Identified that there is an extremely low probability of occurrence for acid sulfate soil (ASS) on the site; and
- Concluded that the potential contamination risk from identified nearby facilities is considered to be low for the development due to distance and the hydrogeological landscape of the area.

The dwellings on these properties have been demolished in accordance with the complying development provisions of Part 7 – Demolition of SEPP (Exempt and Complying Development

Codes) 2008. The demolition works were undertaken in accordance with relevant legislative requirements.

5.3 Kogarah LEP 2012

5.3.1 Zoning and Permissibility

The amended development continues to be a permissible use in the land use zonings that apply to the site by virtue of Kogarah LEP 2012 (in relation to the existing school site which is zoned SP2 – Infrastructure (Educational Establishment)) and the Education SEPP (in relation to 47 and 49 Woids Avenue which are zoned R2 – Low Density Residential), which prevails in the case of any inconsistency with the LEP.

5.3.2 Building Height and Floor Space Ratio

47 and 49 Woids Avenue are zoned R2 Low Density Residential under Kogarah LEP 2012. A building height of 9m and a floor space ratio of 0.55:1 applies to this part of the site under Kogarah LEP 2012. There is no building height or floor space ratio development control on that part of the school site zoned SP2.

The development has been modified to reduce the building height adjacent to No. 45 Woids Avenue however the building on that part of the school zoned R2 will still exceed the 9m building height limit. And in terms of FSR, the quantum of gross floor area (GFA) on this part of the site will still result in development which exceeds the FSR control that applies to this part of the site under Kogarah LEP 2012.

Based on the amended proposal, the maximum extent of the breach of the 9m building height limit is 4.215m (being the top of the skillion roof over the staff room area which sits at RL63.568). This part of the building is setback 8.03m from the boundary with 45 Woids Avenue. The extent of height breach of the amended development is less than that of the originally proposal. To assist Council in comparing the two schemes, **Figures 2 and 3** are a comparison of the height plane plan for the original proposal and the height plane plan for the amended development proposal. What is not readily apparent in **Figures 2 and 3** is the increased setback to the northern boundary with 45 Woids Avenue.

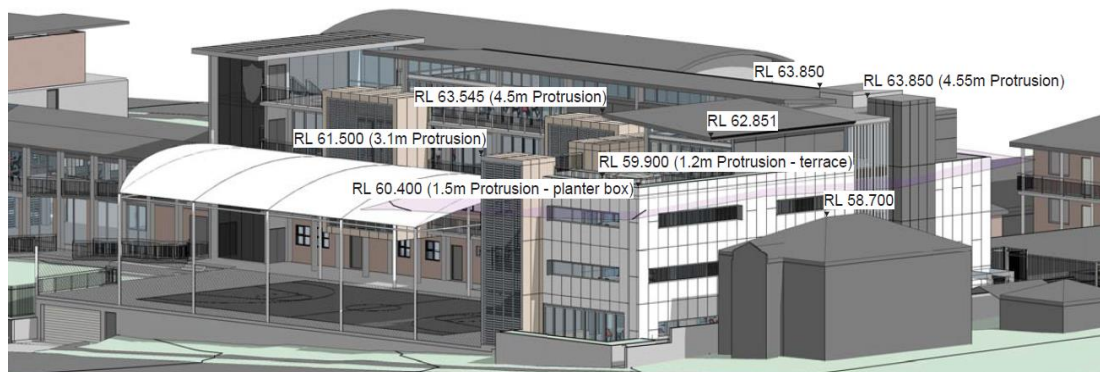


Figure 2 Extract from height plane plan for original DA proposal

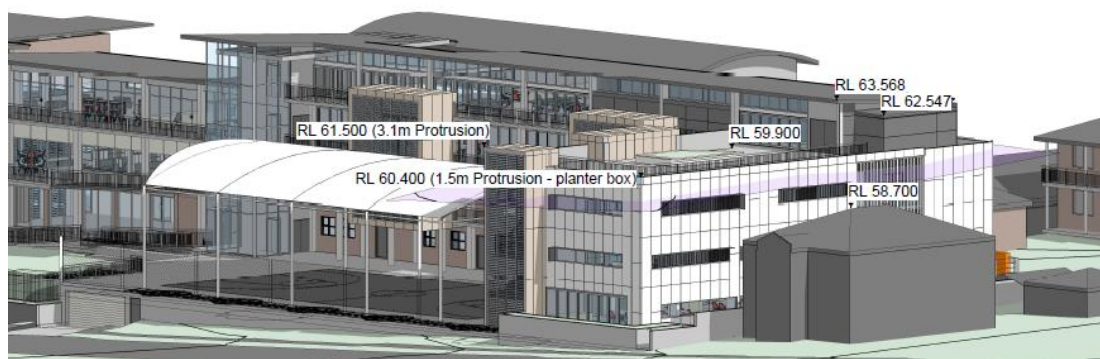


Figure 3 Extract from height plane plan for amended DA proposal

The amended proposal will result in the development on that part of the site which is subject to an FSR control having a FSR of 1.40:1, which exceeds the 0.55:1 FSR control under Kogarah LEP 2012.

A Clause 4.6 written justification to vary the 9m building height and 0.55:1 FSR development standards in relation to development on 47 and 49 Woids Avenue was submitted with the original application. With the exception of the change in the extent by which the building exceeds the height control (which is less than that previously justified), the rationale and justification for the non-compliance with these development standards remains valid in relation to this amended proposal. It is therefore considered that a separate written justification under Clause 4.6 in relation to the amended proposal is not required.

The amended proposal will result in reduced environmental impacts, particularly with respect to:

- The relationship of the northern part of the proposed building with No. 45 Woids Avenue due to the reduction in building height and the increased side setback. This increased setback also provides more opportunities to undertake extensive landscaping between the building and No. 45 Woids Avenue as demonstrated in the amended landscape plans at **Attachment 2**.
- The building adjacent to the boundary with No. 45 Woids Avenue has been designed in accordance with the complying development standards for side setbacks as detailed in Schedule 2 of the Education SEPP. In this regard, a building with a height of less than 12m is required to be setback a minimum of 5m from an adjoining residential property boundary. For those parts of a building greater than 12m but less than 15m in height, the complying development standards require a side setback of 8m.
- Privacy as a result of the provision of a planter along the northern edge of the terrace area. The northern corner of the planter exceeds the 9m height limit by 1.5m, however, as

demonstrated in the perspective at **Figure 1** this element does not constitute a significant feature of the building or dominate the streetscape.

- The redistribution of floorspace onto other parts of the school which will result in better integration of buildings on the site. The scale of the proposed development as amended is considered to be appropriate based on existing development on the school site and within the area generally. In this regard, the prevailing built form of the school comprises two (2) to four (4) storey buildings and built form on the opposite side of Woids Avenue is characterised by three (3) storey residential flat buildings. These elements make a significant contribution to the character of the area.

The design of the built form of the amended proposal has considered the key external impacts of the additional building height and floor space. In this regard the interface of the proposed development with the existing two-storey residence at 45 Woids Avenue and nearby residential dwellings on Bellevue Parade is considered appropriate and acceptable notwithstanding the non-compliances with these development standards.

5.3.3 Tree Preservation

The amended proposal has been designed to ensure no additional trees (beyond the nine (9) trees already identified as trees that will be impacted as a result of the proposed work) will be affected.

5.3.4 Heritage Conservation

The amended design will result in additional built form to the rear of the heritage item on the site, being Item I2 – Former Woids Avenue Congregational Church.

NBRS Architecture – Heritage has provided a supplementary heritage impact statement (HIS) which assesses the potential impacts of the modified development on this heritage item. A copy of the supplementary HIS is included at **Attachment 4** to this letter.

The supplementary HIS notes that the proposed works include partial demolition of existing buildings to the rear of the heritage item to facilitate extensions to the existing school to provide a four storey building comprising: classrooms, an administration building and basement parking. Conservation works to the heritage item are also proposed to ensure the continued maintenance and appreciation of the former Church.

NBRS Architecture – Heritage has concluded that the *proposed development of the site at 51-69 Woids Avenue, will have a positive heritage impact on the identified heritage significance of the former Church building through the removal of later additions, and will enhance its prominence on the school site when viewed from the Woids Avenue frontage. The works are confined to the rear and northern portion of the site and will ensure a continued understanding of the former Church as a free-standing element across the site.*

5.3.5 Earthworks

The extent of earthworks for the amended proposal will be similar to those assessed by Birzulis Associates for the original development proposal.

5.4 Kogarah DCP 2012

A detailed assessment of the proposed development against the relevant development controls in Kogarah DCP 2012 was included in the Statement of Environmental Effects that was submitted with the original DA. The amended proposal will remain generally compliant with most controls in the DCP. Below is discussion relating to those sections of the DCP that relate to the amended development proposal.

Pursuant to Clause 35(9) of the Education SEPP, the requirements, standards or controls in relation to development of a kind referred to in subclause (1), (2), (3) or (5) (of the SEPP) have no effect, regardless of when the development control plan was made.

In this regard, the proposed development is development described in subclause (1) of Clause 35 in that it constitutes development for the purposes of a school in a prescribed zone.

Notwithstanding, the relevant provisions of Kogarah DCP have been addressed below.

5.4.1 Car Parking

Chapter B4 (of the DCP) – Parking and Traffic requires car parking to be provided at the following rates:

- Primary School 1 Space per 100m² GFA
- Secondary School 2 spaces per classroom, plus 1 space/10 students over 17 years

Based on these controls, the school development, including existing facilities and the proposed works, requires a total of 96 car parking spaces to be provided.

The development will provide for a total of 55 parking spaces on site for the school which is a theoretical shortfall of 41 spaces.

However, it is noted that the existing school development has a shortfall of 52 parking spaces (80 spaces required and only 28 spaces provided).

Notwithstanding that the proposed development itself only generates a demand an additional 16 spaces, a total of 27 additional car parking spaces will be provided. Therefore, the development as proposed provides 11 spaces in excess of that required by the DCP.

As discussed in the supplementary Traffic and Parking Impact Assessment at **Attachment 3** to this letter:

The proposed development provides for 55 car parking spaces, which will typically be restricted to staff use only. The increase of 27 car parking spaces, in comparison to the increase in staff (increase of nil staff), is expected to remove 27 on-street parking spaces from the existing parking demand. This is an overall improvement to the surrounding on-street car parking availability.

While the strict application of the DCP requires 96 car parking spaces for the proposed development, the actual likely increase in parking demand is nil parking spaces (no expected increase in students or staff, as there is no proposed increase in the number of students or staff). Hence, the overall addition of 27 spaces is a superior outcome in terms of the overall parking provided on-site.

Furthermore, McLaren Traffic Engineering (MTE) has identified the opportunity to extend the drop off/pick up zone in Woids Avenue along the frontage of 47 and 49 Woids Avenue. This extended area will allow for at least 25¹ drop off/pick up spaces in Woids Avenue and Bellevue Parade.

MTE has acknowledged that the installation of part time “No Stopping” restrictions along the northern side of First Avenue east of Bellevue Parade during school zone times has improved traffic movements around the school. MTE considers that the immediate traffic network could be further improved by limiting traffic movements along Church Lane to one-way east-bound (east of Bellevue Parade). This would eliminate vehicular conflicts within this narrow laneway next to the school.

The change of flow direction in Church Lane and the extension of the drop off/pick up zone in Woids Avenue will require the approval of the Local Traffic Committee. MTE is of the opinion that implementation of these two recommendations will *improve the existing traffic flow conditions during the peak AM and PM student arrival and departure periods, as well as improving the efficiency and safety of the pick-up / drop-off operation within the immediate influence of the school grounds.*

¹ MTE has identified 21 existing spaces along these frontages. If the signage was extended to provide additional “No Parking” signage along the frontage of 47 and 49 Woids Avenue, an additional 4 spaces could be provided.

On the basis that the quantum of car parking proposed as part of the proposed development is a significant improvement on the current situation and no changes to student or staff numbers at the school are proposed, the non-compliance with the DCP parking rate for the school development as a whole (i.e. – existing + proposed) is considered acceptable.

5.4.2 Streetscape Character

Section C.1.1.1 of the DCP relates to streetscape character. It is considered that the amended proposal which provides for greater separation to the adjoining residential land and a decrease in height at the interface with land used for residential purposes will result in a more appropriate streetscape outcome for Woids Avenue.

The existing SGCS campus is an important element of the streetscape character of the area. The proposed works incorporate suitable building finishes and treatments to complement the residential character of the area.

5.4.3 Setbacks

The northern wing of the proposed amended development retains a 4m front setback to Woids Avenue as per the original proposal.

The side setback of 5m to the northern boundary exceeds the minimum 1.2m setback required by Part 1.2.4.3 of Section C1 for buildings have a wall height of greater than 3.5m.

The building has been designed in accordance with the complying development standards relating to side setbacks on sites adjoining residentially zoned land. In this regard, the complying development standards as detailed in Schedule 2 of the Education SEPP require a setback of 5m to an adjoining residential boundary for buildings 12m (or less) in height and a setback of 8m for those parts of a building between 12m and 15m in height. In this regard, if the work was able to be undertaken as complying development pursuant to the Education SEPP² it would comply with the side setback provisions.

It is considered the setback proposed meets the objectives of the DCP side setback controls.

5.4.4 Privacy

The privacy of adjoining residents, particularly residents of No. 45 Woids Avenue, will not be impacted as a result in the increased setback (and increased opportunities for landscaping within the setback area) and reduced height. A planter is proposed to be provided along the northern edge of the terrace area to be located on the roof of the northern wing of the proposed building which will provide screening to adjoining residents. Further, as noted on the original DA plans and also on the amended plans, privacy screens to the windows along the northern elevation of this part of the building will be installed.

5.4.5 Solar Access

The overshadowing impacts of the revised scheme will be similar to those of the development as originally proposed. As noted in the SEE submitted with the development application, the main concentration of additional overshadowing is to the private open space of 52 Bellevue Parade which is located to the west of the location of the proposed building works. Shadows cast by the proposed building will affect the private open space of 52 Bellevue Parade

Control 1 of Section 1.6 of Chapter C1 – Low Density Residential of Kogarah DCP 2013 requires that:

At least 50% of the primary private open space of the proposed development should have access to a minimum of four hours of sunlight between 9am–3pm on 21 June.

² The proposed development cannot be undertaken as complying development due to the existence of a heritage item on the site and the fact that 47 and 49 Woids Avenue are not currently 'within the boundary of an existing school'.

The primary open space of 52 Bellevue Parade is the rear yard. As demonstrated in Drawing No. DA-17 - Hourly Winter Shadow Diagrams at **Attachment 1**, between 11am and 3pm in mid winter, more than 50% of the private open space of 52 Bellevue Parade receives solar access and therefore complies with Control 1 of Section 1.6 of the DCP.

Other properties with frontage to Bellevue Parade which are also affected by overshadowing from the proposed building works are either owned by the school or have been leased to the school under a long term lease arrangement.

Due to the location of the proposed building works in relation to 45 Woids Avenue there is no impact on this property as a result of the proposed development.

The Education SEPP also includes controls relating to overshadowing of adjoining residential properties by complying development proposals. In this regard, a complying development must meet the following standards as set out in Control 7 of Schedule 2 of the Education SEPP:

A new building or an alteration or addition to an existing building must not overshadow any adjoining residential accommodation so that solar access to any habitable room or principal private open space on the adjoining property:

- (a) is reduced to less than 3 hours of solar access between 9:00 am and 3:00 pm at the winter solstice, or*
- (b) is reduced in any manner if solar access to any habitable room on the adjoining property is already less than 3 hours.*

The shadow diagrams at **Attachment 1** demonstrate the amended development proposal would satisfy this control.

5.4.6 Stormwater Management

As noted in **Section 4** of this letter, the original stormwater management design (prepared by AJ Whipps) has been reviewed by Jones Nicholson. Jones Nicholson has confirmed that, subject to some minor amendments, the original stormwater drainage design will adequately service the amended proposal and *has been prepared in accordance with the Institution of Engineers' publication "Australian Rainfall and Runoff" (1987), AS 3500.3-Plumbing and Drainage – Stormwater Drainage, the "Urban Drainage Design" Manual and the Kogarah Council Water Management Policy.*

An appropriate condition of consent requiring the submission of detailed stormwater drainage plans prior to issue of a Construction Certificate can be imposed on any development approval issued for the proposed development.

6.0 Conclusion

It is considered that this letter and the attached revised architectural plans and other supplementary supporting plans and reports address the concerns raised by Council and the Planning Panel particularly in respect of the relationship between the proposed new building and the dwelling on 45 Woids Avenue.

Relevantly, the setback and height of the proposed new building adjacent to the boundary with 45 Woids Avenue complies with the side setback provisions as they relate to complying development for schools (as stated in Control 3 of Schedule 2 of the Education SEPP).

The development does not provide car parking in accordance with the DCP controls however, as noted in the discussion in **Section 5.4.1** of this letter, and in the Traffic and Parking Assessment report prepared by McLaren Traffic Engineering (MTE) at **Attachment 3**, the car parking provided is in excess of that required for the development as proposed.

In addition, Clause 35(9) of the Education SEPP states that the provisions of a development control plan have no effect in relation to development for the purposes of a school in a prescribed zone.



Given that no increase in student or staff numbers is proposed as part of this development application, it is considered unreasonable to require the school to provide car parking that addresses an historical shortfall. As it is, the proposed development provides for 27 additional car parking spaces which is 11 spaces more than the demand generated as a consequence of the proposed works and therefore the extent of the existing shortfall is significantly less than that currently experienced. It is considered that this additional car parking, coupled with the changes in traffic conditions as recommended by MTE, will result in significant improvements to the traffic network in the vicinity of the school.

It would be appreciated if Council could undertake its assessment of the proposed development based on the attached amended plans.

If you have any further queries, please do not hesitate to contact Ellen Robertshaw on 9980 6933.

Yours faithfully

DFP PLANNING PTY LTD

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PARTNER**

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Reviewed: _____

Encl.

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| Attachment 1 | Amended architectural plans and design statement |
| Attachment 2 | Amended landscape plans |
| Attachment 3 | Supplementary traffic and parking advice |
| Attachment 4 | Supplementary heritage advice |
| Attachment 5 | Stormwater drainage advice |
| Attachment 6 | Preliminary site investigation reports for 47 & 49 Woids Avenue, Allawah |