

SUTHERLAND SHIRE COUNCIL ASSESSMENT REPORT

Panel Reference	2018SSH051
DA Number	18/1345
LGA	Sutherland Shire Council
Proposed Development	Alterations and additions to St Patrick's College including partial demolition of building F and construction of a new 5-storey building, tree removal and landscaping and increase of student capacity to 1500
Street Address	551 President Avenue SUTHERLAND NSW 2232
Applicant/Owner	Sydney Catholic Schools
Date of DA lodgement	16 November 2018
Number of Submissions	One (1)
Recommendation	Approval
Regional Development Criteria (Schedule 7 of the SEPP (State and Regional Development) 2011	Schedule 7, 5(b) - Private infrastructure and community facilities with a CIV over \$5 million).
List of all relevant s4.15(1)(a) matters	<ul style="list-style-type: none"> • State Environmental Planning Policy (State and Regional Development) 2011 • State Environmental Planning Policy No. 55 – Remediation of Land. • Draft State Environmental Planning Policy (Remediation of Land) (draft Remed of Land SEPP) • State Environmental Planning Policy (Infrastructure) 2007 • Greater Metropolitan Regional Environmental Plan No. 2 – Georges River Catchment • Draft State Environmental Planning Policy (Environment) (draft Environment SEPP) • Biodiversity Conservation Act 2016 • State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017 (EESEPP) • State Environmental Planning Policy No.64 – Advertising & Signage • Sutherland Shire Local Environmental Plan 2015 (SSLEP 2015). • Sutherland Shire Development Control Plan 2015 (SSDCP 2015). • Sutherland Shire Section 94 Contribution Plans
List all documents submitted with this report for the Panel's consideration	<ul style="list-style-type: none"> • Architectural plans • Draft conditions of consent • Pre-application Discussion letter • Comments Roads & Maritime Service • Comments Design Review Forum
Report prepared by	Evan Phillips
Report date	June 2019

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

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

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?

**Not
Applicable****Special Infrastructure Contributions**

Does the DA require Special Infrastructure Contributions conditions (S7.24)?

Note: Certain DAs in the Western Sydney Growth Areas Special Contributions Area may require specific Special Infrastructure Contributions (SIC) conditions

**Not
Applicable****Conditions**

Have draft conditions been provided to the applicant for comment?

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

**Conditions
made
available prior
to
determination**

REPORT SUMMARY

REASON FOR THE REPORT

The proposal is for an educational establishment with a CIV of \$13,736.800.00. In accordance with the Environmental Planning and Assessment Act, 1979 (EP&A Act) and Schedule 7, 5(b) of State Environmental Planning Policy (State and Regional Development) 2011, the proposal is identified as regionally significant development and the SSPP is the consent authority (private infrastructure and community facilities with a CIV over \$5 million).

PROPOSAL

The application is for Alterations and additions to St Patrick's College including partial demolition of building F and construction of a new 5-storey building, tree removal and landscaping and increase of student capacity to 1500.

THE SITE

The site known as 551 President Avenue Sutherland and is bound by President Avenue to the south, Merton Street to the west, Flora Street to the north and Glencoe Street to the east.

ASSESSMENT OFFICER'S RECOMMENDATION

THAT:

That Development Application No. 18/1345 for alterations and additions to St Patrick's College including partial demolition of building F and construction of a new 5-storey building, tree removal and landscaping and increase of student capacity to 1500 at Lot 1 Sec 44 DP 802, Lot 2 DP 326496, Lot A & Lot B DP 449596, Lot 2, 3 & 5 Sec 44 DP 802, Lot 1 DP 881766, Lot 1 DP 1015888, Lot 10 DP 1069520 (No. 551) President Avenue, Sutherland be approved, subject to the conditions contained in **Appendix "A"** of the report.

ASSESSMENT OFFICER'S COMMENTARY

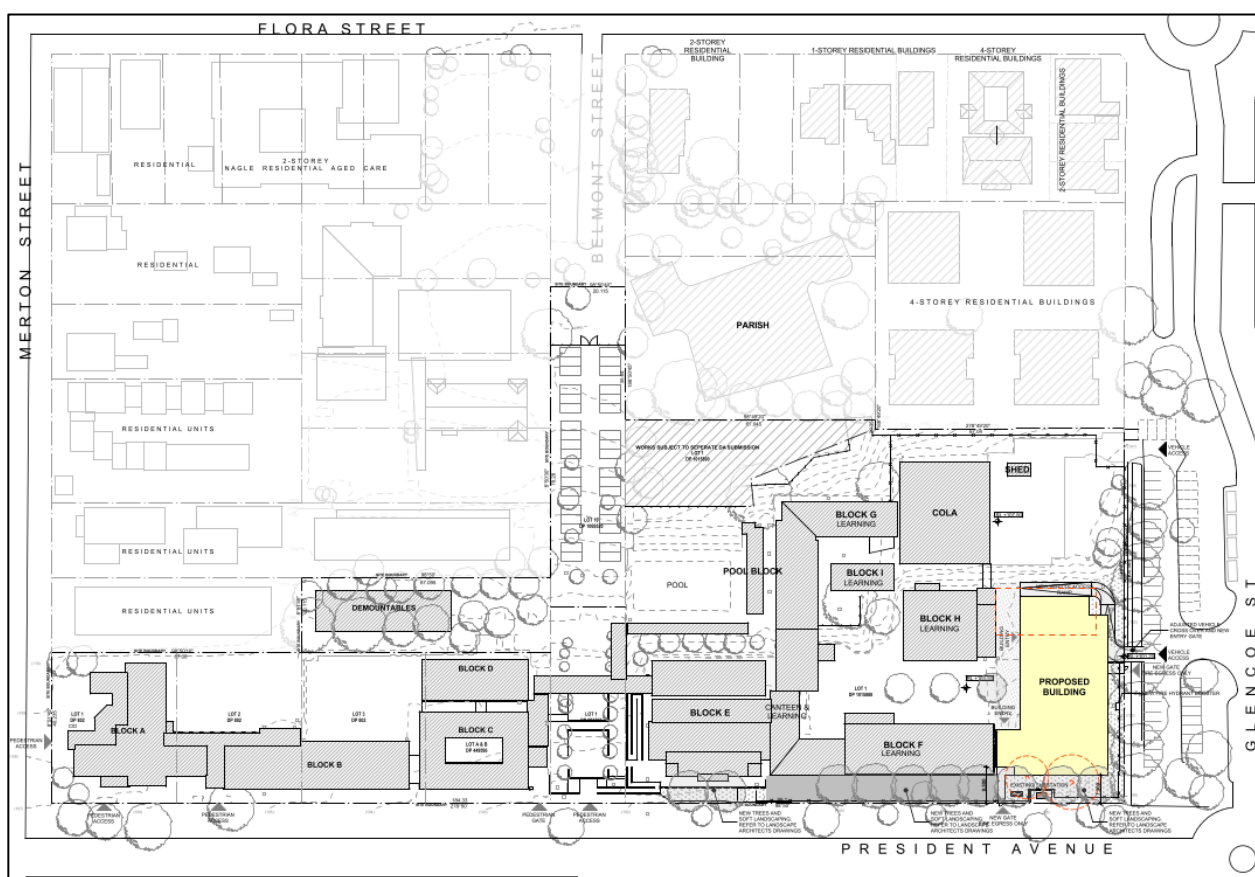
1.0 DESCRIPTION OF PROPOSAL

The proposed development is located at the south eastern corner of the site fronting President Avenue to the south and Glencoe Street to the east. The following main works are proposed:

- Demolition of Blocks J and H, artificial sports court, internal driveway and adjacent stone bank and partial demolition of Block F (stair).
- Construction of a new five (5) storey building accommodating:
 - Lower ground floor - parking for 30 cars (including 1 accessible space) via single width driveway ramp.

- Ground floor - 9 learning rooms, circulation spaces and sanitary facilities.
- First floor - 1 hospitality room, 2 technology and 2 design technology rooms, circulation spaces and change room facilities.
- Second floor - 9 learning rooms, circulation spaces and sanitary facilities.
- Third floor – 6 science rooms, circulation spaces and sanitary facilities.
- Lift core providing access throughout the development.
- Site works including excavation and fill to align the proposed lower ground level car parking with the new modified entry driveway.
- Removal of 2 trees and new perimeter landscaping.
- Provision of hard surface open play space.
- Increase in student population from 1350 to 1500 students.
- Increase in staff from 135 to 150.

A site plan is provided below.



2.0 SITE DESCRIPTION AND LOCALITY

The site is known as 551 President Avenue Sutherland. The site comprises multiple allotments and is irregular in shape bound by President Avenue to the south, Merton Street to the west, Flora Street to the north and Glencoe Street to the east. The site also has a small frontage to Belmont Street which runs into the middle of the site from Flora Street.

St Patrick's Catholic College and St Patrick's Catholic Primary School currently occupy the site and there are various building and structures associated with the educational establishments and a number of

established native trees. The area of the site which the College occupies has an area of approximately 22,086.5m². The site is located east of the Commercial Core of Sutherland, and is surrounded by predominantly medium to high density residential land uses. St Patrick's church immediately adjoins to the north and Sutherland Primary School is located opposite off the western side of Merton Street.

A locality plan and an aerial photo are provided below.

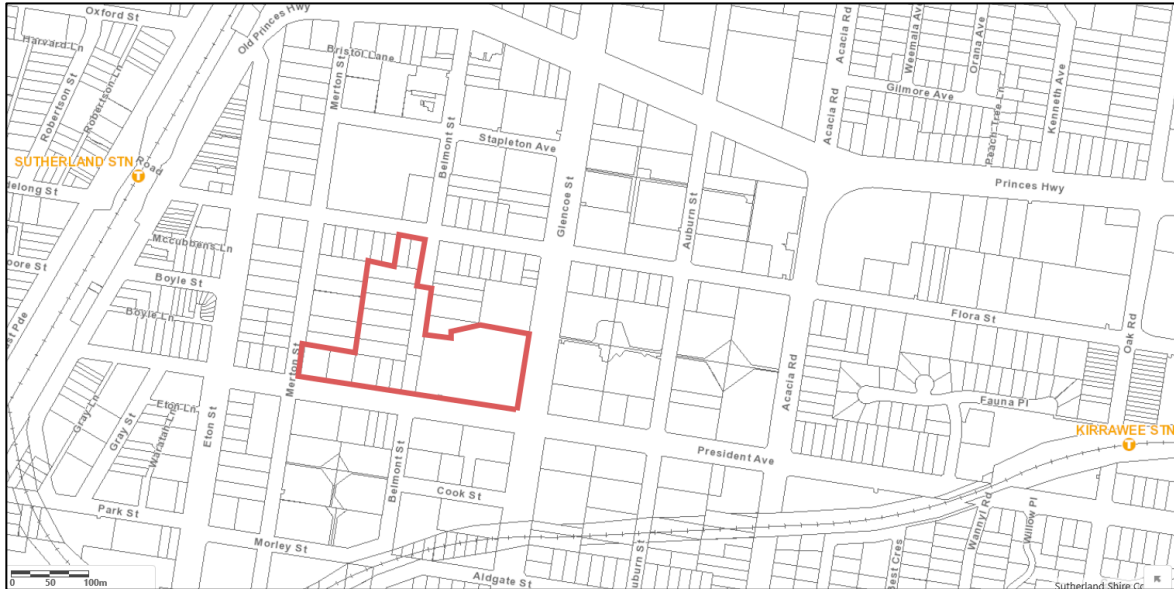


Figure 1: Locality Plan



Figure 2: Aerial Photo - Area of the site occupied by College denoted in blue

3.0 BACKGROUND

A history of the development proposal is as follows:

- A pre-application discussion (PAD) was held on 17 October 2018 regarding this development and proposed works to the Primary School portion of St Patricks Catholic School. As a result of this a formal letter of response was issued by Council dated 13 November 2018. A full copy of the advice provided to the Applicant is contained within **Appendix “B”** of this report and the main points contained in this letter are as follows:
 - Applicable Environmental Planning Instruments and determination pathway.
 - Development of a master plan for the overall establishment.
 - Urban Design and residential amenity including building scale / form and prominent nature of development area, compliance with building height development standard, suitability of street setbacks and general building aesthetic / design.
 - Environmental impacts and landscape design including tree loss / protection.
 - Traffic impact, car parking provision and engineering design.
- The current application was submitted on 16 November 2018.
- The application was publicly exhibited until 25 January 2019 and an information session between Council Officers and interested residents was held during the exhibition period on 15 January 2019.
- Council officers met with the applicant to discuss the requested additional information on 28 March 2019 with respect to the following matters:
 - Development of a concept master plan for the site to ensure new works are being co-ordinated with a long-term future vision for the site.
 - Design amendments and a detailed response to the comments made by the Design Review Forum.
 - Other urban design concerns including:
 - ‘Defensive’ aesthetic and nature of design. Visual height, bulk and scale and lack of building taking advantage of aspect for student amenity.
 - Non-articulated continuous linear setback to President Avenue and loss of vegetation.
 - Unresolved roof form and lack of detail of plant and lift over-runs.
 - Lacking plan detail including northern elevation and fit out (e.g. food preparation / storage areas).
 - Removal of the two Tallwood Gums in frontage and adequacy of landscape design / overall strategy within site including to off-set the loss of trees which provide excellent screening and make a significant contribution to the landscaped character of the streetscape.
 - Deficiencies in the arborist advice / investigations and hydraulic design in the assessment of impacts to Glencoe Street trees.
- Amended plans and additional information were lodged on 29 April 2019 and 3 May 2019.
- The revised application was placed on re-exhibition, with the last date for public submissions being 17 May 2019.
- Amended plans revising the scope of demolition works within the site were lodged 19 June 2019.

4.0 ADEQUACY OF APPLICANT'S SUBMISSION

In relation to the Statement of Environmental Effects, plans and other documentation submitted with the application or after a request from Council, the applicant has provided adequate information to Council to enable an assessment of this application.

5.0 PUBLIC PARTICIPATION

The application was advertised and publicly exhibited until 25 January 2019 in accordance with the provisions of Chapter 42 of Sutherland Shire Development Control Plan 2015 (SSDCP 2015) and administrative requirements of the Sydney South Planning Panel.

Council notified 885 adjoining or affected owners of the proposal and an information session between Council Officers and interested residents was held during the exhibition period on 15 January 2019. The meeting was attended by 1 party. No written submissions / objections to the proposal had been received.

Revised Plans

The applicant lodged revised plans on 29 April 2019 and 3 May 2019. These plans were publicly exhibited in the same way as the original application as, in the opinion of Council, the changes being sought did intensify or change the external impact of the development to the extent that neighbours ought to be given the opportunity to comment.

One submission in response to the proposal was received from Unit 502, 552 President Avenue Sutherland opposite the subject site. A summary of the issues raised are provided below:

- The proposed vegetation only extends in front of the proposed building and existing Block F.
- There is no planting along the remainder frontage in front of blocks B and C continuing to Merton Street which is a missed opportunity
- Further tree planting would screen existing unsightly buildings and dampen noise generated by the school to residents opposite the site.

Comment: The scope of landscaping within the sites frontage has been increased / extended west of the proposed building in response to Council's concern which terminates at the main school entry. This provides a more unified planting approach to link and integrate the new and old building forms. Whilst the benefit of the additional plantings as outlined in the submission above is undeniable (in terms of streetscape / amenity), this is considered to be unreasonable in light of the landscaping proposed and the total expanse of frontage which would need to be covered when the building form is isolated to the eastern most side of the site.

6.0 STATUTORY CONSIDERATIONS

The provisions of the following environmental planning instruments and development control plans are of particular relevance to the assessment of the application:

- *State Environmental Planning Policy (State and Regional Development) 2011*
- *State Environmental Planning Policy No. 55 – Remediation of Land.*
- *Draft State Environmental Planning Policy (Remediation of Land) (draft Remediation of Land SEPP)*
- *State Environmental Planning Policy (Infrastructure) 2007*
- *Greater Metropolitan Regional Environmental Plan No. 2 – Georges River Catchment.*
- *Draft State Environmental Planning Policy (Environment) (draft Environment SEPP)*
- *Biodiversity Conservation Act 2016*
- *State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017 (EESEPP)*
- *State Environmental Planning Policy No.64 – Advertising & Signage*
- *Sutherland Shire Local Environmental Plan 2015 (SSLEP 2015).*
- *Sutherland Shire Development Control Plan 2015 (SSDCP 2015).*
- *Sutherland Shire Section 94 Contribution Plans*

The property is within Zone SP2 Infrastructure and is identified an 'Educational Establishment / Place of Public Worship' on the zoning maps as contained under the provisions of Sutherland Shire Local Environmental Plan 2015 (SSLEP2015).

State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017 (EESEPP) has recently been developed to facilitate the effective delivery of educational establishments and early education and care facilities across the State. Part 4 of the EESEPP indicates that the development is within a "prescribed zone" and the proposed development is permitted with development consent.

7.0 COMPLIANCE

7.1 State Environmental Planning Policy (State and Regional Development) 2011

State Environmental Planning Policy (State and Regional Development) 2011 identifies State and Regionally Significant development in NSW. Schedule 7 of the SEPP identifies this application as regionally significant development as the development is for private infrastructure and community facilities with a CIV over \$5 million. As such, the application is referred to the South Sydney Planning Panel for determination.

7.2 State Environmental Planning Policy No. 55 (Remediation of Land) (SEPP 55)

State Environmental Planning Policy No. 55 – Remediation of Land (SEPP 55) requires Council to consider whether the land subject to the development proposal is contaminated; and if the site is contaminated, Council must be satisfied that the site is suitable or can be made suitable (i.e. following remediation) for the proposed land use.

The applicant has submitted several reports to address potential contamination including a Stage 1 Preliminary Site Investigation and Stage 2 Detailed Site Investigation. The application has been reviewed by Council's Environmental Scientist and is considered to be acceptable subject to the imposition of conditions of development consent, primarily requiring a supplementary assessment (which can only

occur port demolition), the preparation of a remedial action plan (if required) and validation (if required) and accredited site auditor involvement. Further discussion is contained in the Referral section of this report. In conclusion, there is certainty that site can be made suitable (i.e. following remediation) for the proposed land use in accordance with requirements of SEPP 55.

Draft State Environmental Planning Policy (Remediation of Land) (draft Remediation of Land SEPP)

The draft Remediation of Land SEPP seeks to repeal and replace SEPP55 in relation to the management and approval pathways of contaminated land. The draft SEPP was exhibited between January and April 2018. New provisions will be added which will:

- require all remediation work carried out without the need for development consent to be reviewed and certified by a certified contaminated land consultant,
- categorise remediation work based on the scale, risk and complexity of the work, and
- require environmental management plans relating to post remediation, maintenance and management of on-site remediation measures to be provided to Council.

The site and proposal has been assessed against the provisions of SEPP 55 and likelihood of contamination is low. The proposal is satisfactory with regard for the provisions of draft *Remediation of Land SEPP*.

State Environmental Planning Policy (Infrastructure) 2007

Development likely to affect an electricity transmission or distribution network (clause 45)

Division 5, Subdivision 2 of the Infrastructure SEPP relates to development that has the potential to impact on electricity supply. This application involves

- the penetration of ground within 2m of an underground electricity power line or an electricity distribution pole or within 10m of any part of an electricity tower,
- development carried out immediately adjacent to an electricity substation, or
- development carried out within 5m of an exposed overhead electricity power line,
- development involving or requiring the placement of power lines underground, unless an agreement with respect to the placement underground of power lines is in force between the electricity supply authority and the council for the land concerned.

As such Council has notified Ausgrid and invited them to provide comments about the potential safety risks. A summary of Ausgrid's response is provided in the Referral section of the report below and broadly no objections have been raised subject to suitable conditions of development consent.

Greater Metropolitan Regional Environmental Plan No. 2- Georges River Catchment

Greater Metropolitan Regional Environmental Plan No. 2 (GMREP2) includes a number of aims and objectives for the environment and water quality within the catchment. Appropriate stormwater management and water quality measures are proposed and there is likely to be minimal adverse impacts on water quality. Council is of the view that with the implementation of the recommended conditions of consent the proposal would be consistent with the aims and objectives of GMREP2.

Draft State Environmental Planning Policy (Environment) (draft Environment SEPP)

The draft Environment SEPP seeks to simplify the NSW planning system and reduce complexity without reducing the rigour of considering matters of State and regional significance. The draft SEPP was exhibited between October 2017 and January 2018. The SEPP effectively consolidates several SEPPs including SEPP19, SEPP (Sydney Drinking Water Catchment), and GMREP2 and remove duplicate considerations across EPI's. Relevant considerations have been taken into account against the in-force EPIs in this report.

Biodiversity Conservation Act 2016

The Biodiversity Conservation Act 2016 and the Biodiversity Conservation Regulation 2017 outlines the framework for assessment and approval of biodiversity impacts for development that requires consent under the Environmental Planning and Assessment Act 1979. The assessment of the development has revealed that the Biodiversity Offset Scheme (BOS) threshold is NOT triggered and biodiversity matters have been appropriately assessed via Council's LEP and DCP objectives and controls. Further discussion is contained within Environmental Science referral section of this report.

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

The primary aim of this EESEPP is to facilitate the effective delivery of educational establishments and early education and care facilities across the State. Part 4 (Schools) of the EESEPP contains specific development controls and considerations for the proposed development. Before determining a development application the consent authority must take into consideration the design quality of the development when evaluated in accordance with the design quality principles set out in Schedule 4, and whether the development enables the use of school facilities (including recreational facilities) to be shared with the community. Further, Part 7, Clause 57 (Traffic Generating Development) requires written notice to the Roads and Maritime Service (RMS) as the school will accommodate an additional 50 students.

The RMS comments are noted in the referral section of this report below. Sutherland Shire Council engaged its Design Review Forum (DRF) to guide the refinement of development to ensure appropriate design quality is achieved in accordance with the EESEPP. The DRF comments are included in **Appendix "C" and "D"** to this report. Whilst the site is largely a secured site operable during school hours, broadly the development could be considered an enabler of use to be shared with the community. An assessment of the proposal having regard to the design quality principles set out in Schedule 4 of the EESEPP is set out below:

Principle	
1 - Context, built form and landscape	The building, albeit of a greater height than existing site structures, maximises the permitted 20m height under Council's LEP and has been designed to respond to and enhance the positive qualities of the streetscape and landscape setting. The streetscape and amenity of the site is further enhanced with a comprehensive landscape design in the sites frontage extending beyond the immediate confines of the development zone.

2 - Sustainable, efficient and durable	An assessment of the proposal against Section J of the BCA has been submitted and the proposal is indicated to be capable of complying with the applicable energy efficiency requirements. The school is designed to be durable and is deemed appropriate in terms of its consumption of energy, water and natural resources and reduce waste and encourage recycling. The building layout (including basement) is capable of allowing for future expansion / additions.
3 - Accessible and inclusive	The building provides for good wayfinding and accessible and inclusive to people with differing needs and capabilities.
4 – Health and Safety	Health, safety and security within the boundaries of the school and surrounding public domain has been considered, and subject to the imposition of conditions of consent is considered to be acceptable.
5 - Amenity	The building provides for engaging spaces that are accessible for a wide range of educational, informal and community activities. The development maximises its aspect and takes opportunity of the view aspect from upper levels to increase educational amenity. Impacts to adjoining residents has been adequately addressed and is acceptable subject to the imposition of conditions of development consent.
6 – Whole of life, flexible and adaptive	The building accommodates a range of room typologies to deliver high environmental performance, and ease of adaptation if the need arises so as to maximise usefulness in the event of changing or competing demands.
7 - Aesthetics	Subject to minor refinement, the buildings and the landscape is aesthetically pleasing and achieves an identity, suitable for the nature of the context and a built form that has good proportions and a balanced composition of elements so as to have a positive impact on the quality and character of a streetscape and neighbourhood.

State Environmental Planning Policy No. 64 – Advertising & Signage (SEPP64)

The provisions of SEPP64 applies to all signage (including advertising) visible from a public space and includes a number of aims primarily to ensure signage compatibility with desired amenity and visual character of an area, effective communication, and high quality design and finishes. A 'cross' symbol is integrated into the design and fabric of the building as an architectural element / detail (President Avenue elevation). It sign posts and symbolises the building as a Catholic educational establishment and is considered to be a building identification sign. Consideration of the provisions of SEPP64 has been given and the proposal been assessed against Schedule 1 of SEPP64 'assessment criteria' (refer below) and is considered to generally satisfy the criteria.

Assessment Criteria	Assessment
Character of the area	The signage reflects the zoning of the land and nature of the proposed development and is keeping with the existing and desired future character of the area / locality.
Special areas	The signage is not anticipated to detract from the amenity or visual quality of the land and surrounds.
Views and vistas	The signage is not anticipated to obscure or compromise views or be visually dominant in the skyline.
Streetscape, setting or landscape	The signage generally contributes to the visual interest of the building and is appropriate in scale / proportion so as to not dominate the streetscape or cause visual clutter. A landscape strategy is also proposed forward of the proposed and existing structures which enhance the landscape / streetscape setting.
Site and building	Signage is compatible with the scale, proportion and other characteristics of the site or building and shows innovation and imagination in its relationship to the site use and existing buildings.
Associated devices	Not applicable
Illumination	Signage integrated into the fabric of the building as an architectural detail and is not illuminated.
Safety	Signage is not anticipated to reduce safety of surrounding roads or pedestrian routes.

Sutherland Shire Local Environmental Plan 2015

The proposal has been assessed for compliance against Sutherland Shire Local Environmental Plan 2015 (SSLEP2015).

Clause	Control	Proposal	Compliance
4.3 Building Height	20m	19.75m	Yes
4.4 Floor Space Ratio	1.5:1	0.6:1	Yes

Other Controls

Sutherland Shire Development Control Plan 2015 (SSDCP2015) requires the application of building form controls for the 'predominant' use in a zone, when specific controls for 'other' uses which are permitted are not detailed. In this instance however, there are no applicable controls for this building typology, or for development within this specified SP2 zone. Notwithstanding the above, the objectives of the controls relating to design elements (streetscape, building form, building setbacks, landform, landscaping, building layout, solar access, visual and acoustic privacy,) have been considered as these controls broadly seek to ensure that any use that is permissible within a zone is developed in a manner that is consistent with the zone objectives and contribute to a harmonious local environment. These matters are largely addressed elsewhere in the report and the proposal is considered to be largely consistent with the objectives of the

DCP. The proposal is largely consistent with the following Chapters of SSDCP2015 which are applicable to the proposal.

- Chapter 35 – Other Uses - Signage
- Chapter 36 – Roads, Vehicular Access, Traffic, Parking and Bicycles
- Chapter 38 – Stormwater and Groundwater Management
- Chapter 39 – Natural Resource Management
- Chapter 40 – Environmental Risk – Contaminated Land Management
- Chapter 41 – Social Impact

8.0 SPECIALIST COMMENTS AND EXTERNAL REFERRALS

The application was referred to the following internal and external specialists for assessment and the following comments were received:

Roads & Maritime Service (RMS)

The proposed development is traffic generating development under Part 7 – Clause 57 of the EESEPP and has been referred to RMS for comment in accordance with Clause 104 of State Environmental Planning Policy (infrastructure) 2007. No objection to the proposed development has been raised as it is unlikely to have a significant impact on the classified road network. The RMS has indicated that the proponent should be advised that the subject property is within a broad area currently under investigation for the proposed F6 Extension (F6E) Corridor. A copy of this response is contained in **Appendix “E”**.

Ausgrid

Referral has been made to Ausgrid pursuant to Clause 45 Division 5 Subdivision 2 of State Environmental Planning Policy (Infrastructure) 2007 as the development has the potential to impact on electricity supply. Ausgrid have raised no objections subject to suitable conditions of development consent. It is considered that potential impacts to electrical infrastructure can be appropriately mitigated as part of pre-development due diligence and requirements for the Construction Certificate. A copy of this response is contained in **Appendix “F”**

NSW Police Force

In accordance with the *Crime Risk Assessment – Police & SSC Protocol 2010* the application was referred to the NSW Police Force. Comments had not been provided at the time of finalising the assessment report, however the SSPP may consent to the development given the 21 day timeframe for comment has expired. Notwithstanding the absence of comments, Council has considered the relevant Crime Prevention through Environmental Design (CPTED) principles and conditions are recommended to reduce opportunities for crime and to enhance general safety and surveillance of the development site and surrounds.

Design Review Forum (DRF)

The application was considered by Council's DRF on 14 February 2019. A copy of the DRF report is provided at **Appendix “C”**. The DRF raised concern about the future character and the precedent of the

College building to President Avenue and its relationship to the existing and future buildings on site. It recommends that further design development should respond to the following issues:

1. The DA is lacking the information to properly assess its impacts from an urban form perspective.
2. Discussions revealed a planned continuity of future works to the college that were not presented in a masterplan document that would help enable the panel to better assess this current stage in a holistic and cohesive way.
3. Aesthetic discussions centred around clarity of expression [both internal and external] materiality, detailing, articulation and inappropriateness of the scale of the form, as the panel thought it presented as too bulky and an alien presence on the street.
4. If there is a future addition planned that could help articulate and break up the proposed mass to the corner with a base middle and top, it should be shown. All suggested landscaping should be shown on all elevations.

The DRF informally considered the revised design on 9 May 2019 and is broadly supportive of the revised proposal subject to the following refinements.

1. The base of the building could be improved by taking the brickwork to the ground floor soffit and making openings for ventilation within the brickwork. This would provide a more convincing base to the building and improve its relationship with the existing adjoining building.
2. There is not enough distinction in the modelling to articulate the base / middle / top portions of the building form.
3. Darker, recessive tone / colours are suggested for the top level to minimise the visual presence to the street.

A copy of the DRF report is provided at **Appendix “D”**.

Architect

A review of the revised development proposal with respect to architectural merit and urban design quality and the applicant's response to the DRF has been undertaken by Council's Architect. No objections to the proposal have been raised subject to the imposition of design changes below via conditions of development consent to address the DRF comments:

- The external walls of the basement floor carpark facing the two street frontages, where exposed to view, shall be finished with face brickwork from ground level up to the ground floor soffit with gaps / openings within the brickwork for ventilation.
- The material utilised for the external wall finishes to the top floor level shall incorporate a darker, recessive tone / colour.

Landscape Architect

Council's Landscape Architect has undertaken an assessment of the application with respect to landscaping, tree removal and retention, and general site planning. Specific concerns had been originally

raised regarding the loss of trees within the President Avenue frontage, the adequacy of the broader landscape design / strategy to offset the tree loss, along with the impact to trees within the public way along Glencoe Street adjacent to the proposed building. A summary of comments following review of the revised submission / documentation is provided below:

- The ground penetrating radar plans show that the woody roots of 40mm or greater extend out to the edge of the calculated Tree Protection Zones of Trees 9, 10 and possibly 11.
- This is not critical for Trees 1,2,3,4,5,6,7 and 8 (Trees to be removed or located below the proposed level of cut), however it is not good for trees 9, 10 and 11 (these trees agreed to be of high significance and retention value) by both the applicants arborist and myself.
- The proposed Landscape plans could be accepted with conditional changes.

Comment: Whilst Council's Landscape Architect is not satisfied that the impacts to all the trees have been appropriately addressed in the submission documentation to give full certainty to the proposal, suitable conditions of development consent have been recommended in relation to building setbacks and tree protection measures to ensure retention along with landscape treatment of the sites frontages and boundaries.

Traffic Engineer

Council's Traffic Engineer has undertaken an assessment of the application with respect to on-site parking provision, traffic impacts arising from the proposal and the impact of set-down and pick-up activities. A summary of the comments is provided below:

- The proposed 30 additional on-site parking spaces is a significant improvement for staff parking for both Primary School and College and will alleviate some pressure from adjacent on-street parking demand for long term parking.
- Traffic modelling undertaken by the applicant indicates that intersections adjacent to the St Patrick's School and College currently operating satisfactorily with level of service B or better with acceptable intersection delay.
- With additional traffic generated by the proposed modifications, traffic modelling results indicates there will be minor impact on intersection delays to the surrounding road network.
- The proposed additional students will require additional drop-off and pick-up area close to the school. There is no provision for additional drop-off and pick-up zone within the site or adjacent local street. Like any other school in Shire, drop-off and pick-up zone currently struggles to meet demand from current students. It is anticipated that there will be increase in illegal or unsafe drop-off and pick-up activities during school start and finish time.
- The submitted Green Travel Plan (GTP) and Operational Traffic and Management Plan (OTMP) encourages walking/cycling to school to minimise impacts on short term parking to the surrounding road network. However practical and clear action plans to improve active transport mode like walking/cycling to school is not provided and it is recommended that a ride to school program similar to SSC pilot program be employed.

The traffic and parking impacts from the proposed development are considered to be acceptable. However, proposed increase in students number will have adverse impact on the existing on-street drop off and pick-up zone. In order to minimise impacts it is recommended that following conditions of consent be included:

- Cycle to School Plan similar to Council's pilot program be incorporated into the GTP.
- Review and measure the performance and effectiveness of the Plan on a regular interval.

Comment: A suitable condition of development consent is recommended to increase actions / measures in the GTP. The purpose is to minimise the need for trips made by private motor vehicle and the adverse impacts with respect to generating traffic congestion around St Patrick's College which compromise the safety, health and well-being of students and the community.

Engineering (Assessment Team)

Council's Engineer has undertaken an assessment of the application with respect to stormwater disposal, car parking design / provision, access arrangement and site servicing, manoeuvrability, site management (including excavation). Generally, no objections have been raised in the revised development scheme subject to the imposition of conditions of development consent.

Environmental Scientist

The application was referred to Council's Environmental Scientist who made the following comments:

Ecological Assessment

The applicant submitted an Ecological Assessment which has been reviewed. The ecological report indicates: *"This report demonstrates that the areas of the study area mapped by the Biodiversity Values Map are not high biodiversity value land and a request to amend this mapping has been lodged with OEH. This request was followed by a site inspection with Liza Schaefer from OEH on 8 August 2018 to confirm the error in the mapping. As such, this impact assessment has proceeded on the basis that the Biodiversity Values Map does not apply to proposed works. Other triggers for the BOS include a significant impact on threatened species or threatened ecological communities and clearing that exceeds a particular threshold. **Appendix C** demonstrates that a significant impact on GHFF will not result from the proposed works".*

The Office of Environment & Heritage Biodiversity Values Map has been updated and there is a small patch within the school grounds which is not near the proposed development area. The Biodiversity Offset Scheme (BOS) is not triggered in this instance.

Contaminated Land

The contaminated land investigations did not reveal significant or widespread contamination of concern to human health or the environment, apart from some bonded asbestos fragments at one sample point. However, the areas of potential environmental concern as identified by the consultant's (i.e. uncontrolled filling and demolition), have not been thoroughly assessed as indicated by the limited soil sample

locations. The report has also stated that further assessment of the identified areas of potential environmental concern is required to determine the suitability of the site for the proposed development and land use.

The consultants have recommended that a supplementary contamination investigation is undertaken to further characterise the nature and extent of possible asbestos in soil and data gaps in the previous assessments. It is important to realise that bulk excavation is required for the construction of the basement for the multistorey class room building. Therefore, the site soils/ fill materials are destined to be removed from site. The supplementary contamination investigation (to be undertaken following demolition of structures) will determine if there is any unexpected, significant contamination on the site and at the same time will also determine the appropriate waste classification for the material for appropriate offsite disposal.

Significant or widespread contamination is not expected and it is anticipated that the site soils/ fill material can be taken offsite. However, there is the possibility of unexpected asbestos impact in soils and this may require another form of management or remediation as removal off site may be cost prohibitive. This potential issue will be addressed through the conditions of consent requiring further investigation, preparation of a remedial action plan (if required) and validation (if required) and accredited site auditor involvement.

Environmental Health

The application was referred to Council's Environmental Health Unit who provided comments in relation to building design and neighbourhood amenity (including operational noise and construction activities). No objections to the development proposal have been raised subject to suitable conditions of development consent.

Building Surveyor

Council's Building Surveyor has reviewed the proposed development with respect to compliance with relevant construction codes and access standards. The proposed use is 7a (car parking) and 9b (classrooms). A review of the documents provided with the development application reveals that the project can be constructed in its present format without the requirement of significant modifications. The applicant is proposing to construct the building as a deemed to satisfy building without the use of performance solutions. Disabled access and facilities are provided throughout the building and appear sufficient for the proposed use. No specific conditions of development consent are recommended. In issuing the required construction certificate, the accredited certifier must ensure that all works are in compliance with the Building Code of Australia prior to issuing the certificate

Strategic Planning

The applicant's Statement of Environmental Effects indicates that the proposed development warrants an exemption in the circumstances of the case as the development will provide a material public benefit by providing quality educational facilities. Council's Strategic Planning – Senior Policy Advisor has been consulted in relation to applicable Section 7.12 Contributions and has advised that the plan does not allow

for works in kind, nor does this proposal meet the provisions in the plan for an exemption. The plan only allows for an exemption should the proposal be by a Public Authority for services and community infrastructure. Hence the contribution plan applies.

9.0 ASSESSMENT

A detailed assessment of the application has been carried out having regard to the Heads of Consideration under Section 4.15(1) of the Environmental Planning and Assessment Act 1979. The following matters are considered important to this application.

9.1 Urban design

Schedule 4 of the ESEPP, Clause 6.16 of SSLEP 2015 and Council's DCP set design quality principles and certain matters of consideration relating to urban design. The building is in a prominent location and will be an architectural statement identifying the educational establishment. The building design has been amended in response to the DRF and Council concerns. A notably more contemporary aesthetic has been deployed, which whilst in contrast with the existing establishment / and adjoining buildings, is considered generally appropriate so as to respond to the changing characteristics of the College. The applicant has submitted a concept master plan for the overall establishment which is limited to the development zone and immediate surrounds. Whilst conceptual and lacking a full long term vision, there is an understanding and degree of confidence that the proposed new works are being co-ordinated with a long-term future vision for the site. Minor design refinement is recommended via conditions of consent consistent with the recommendations of the DRF to reduce the apparent bulk and scale of the development in the streetscape and to better blend the old and new architectural styles and building typologies within the site.

As indicated in the "compliance" section of this report, there is an absence of DCP controls applicable to this building typology in the zone, however the broader plan objectives have been considered. It is also considered appropriate for the basic approach to site planning, building footprint / envelope and setbacks to be informed by examples of similar developments / land uses, along with the schools interface with the streetscape and adjacent land uses. The "complying development" provisions of the ESEPP (whilst not applicable) set out numeric controls which are also considered reasonable guidelines for this proposal. The controls in relation to street setbacks indicate that setbacks must not be less than the average distance of the front setbacks of development within 70m of the building, or if there is no development within 70m, at least 5m setback to be provided. The revised plans indicate a building setback of 7.3m to President Avenue and 4.19m to Glencoe Street.

President Avenue – The original submission depicted a 7.36m established setback to President Avenue including the immediately adjacent building Block F. The original proposal aligned with this setback. The revised plans indicate an established setback of 7.5m and the proposed building sits forward of this alignment at 7.3m. The reduction of setback to 7.3m is not supported as this fails to align with the established setback and will inadequately reinforce the spatial proportions of the street. This will also set an undesirable cue for future re-development within the site in terms of a broader development strategy and the current perception of openness and opportunity for landscaping will be hindered due to the scale of the building. To address this concern, a condition of consent is recommended requiring an increase in

street setback to 7.5m (or to the minimum required to align with Block F). The building can shift northward within the site to achieve this, or alternatively the increased setback can be absorbed internally with a reduction in building footprint.

Glencoe Street - Whilst a default setback of 5m would be generally anticipated for this form of development under the ESEPP (in the absence of development to establish a definitive street edge), the applicant has undertaken an analysis to demonstrate that a reduced setback could be considered. The submission notes the presence of development opposite President Avenue to the south on the corner of Glencoe Street with a secondary street setback of approximately 3m. No 75-81 Glencoe Street adjoining to the north (within 70m) has not however been considered and is setback approximately 6.5m. This would indicate a setback of 4.75m as a more appropriate approach consistent with the ESEPP and Council's DCP. The revised plans propose a predominant building setback of 4.19m (note: 4.31m originally proposed). An increased setback to the north eastern most portion of the building (9.29m) is proposed which provides articulation in the building form and set suitable cues for future development in the site adjacent to No. 75-81 Glencoe Street. The predominant building setback of 4.19m is not however supported. Coupled with outstanding concerns regarding tree impacts raised by Council's Landscape Architect the development would benefit with an increased setback. It is recommended that the setback be increased by 500mm to achieve 4.69m by moving the building footprint westward 500mm and removing the separation / void between the proposed building and Block F. This will further reinforce the broader objectives of Council's Policies and the ESEPP.

With the setbacks as conditioned, the building is capable of integrating with the scale and character of adjacent buildings fronting President Avenue and Glencoe Street, and will set suitable cues for future buildings within the site to reinforce the desired character of the streetscape as part of a broader architectural and urban design strategy.

9.2 Terrestrial biodiversity

The subject land is identified as containing 'Biodiversity' on the Terrestrial Biodiversity Map. Clause 6.5 of SSLEP2015 requires Council's assessment to consider the potential adverse impact of the development on vegetation/ flora, fauna, biodiversity and habitat. Of further consideration is the conservation and recovery of flora and fauna and their habitats and the potential to fragment or diminish the biodiversity structure, function and connectivity of the land. Further, clause 6.5 requires Council to be satisfied of certain matters prior to development consent being granted. These matters include the design of the development to avoid or minimise the impact; management to minimise the impact if it cannot be avoided and mitigation if the impact cannot be minimised.

Threatened species are particular plants and animals that are at risk of extinction and include threatened populations and endangered ecological communities. Threatened species, populations and ecological communities are protected by the Biodiversity Conservation Act 2016, NSW Fisheries Management Act 1994 and the Commonwealth Environmental Protection and Conservation of Biodiversity Act 1999. The site is mapped as accommodating Sydney Turpentine Ironbark Forrest (STIF).

Council has recently reviewed the mapped Endangered Ecological Communities throughout the Sutherland Shire. This found that the existing vegetation within the area of the proposed works does not accommodate STIF. There is a proposed amendment to SSLEP2015 where the environmentally sensitive mapping layer applicable is proposed to be removed. The amendment to the LEP still needs to be considered by the SSPP and the Council prior to being submitted to the Department of Planning and Environment for Gateway determination.

Notwithstanding the above, the application has been reviewed by Council's Landscape Architect and Environmental Scientist. The broader consideration of potential impacts upon vegetation/ flora, fauna, biodiversity and habitat has been given. It is concluded that the proposed development will not result in any significant impact on threatened species, populations and endangered ecological communities. The relevant matters have been considered as part of the assessment of this application and the proposal is acceptable (refer also to tree / landscape discussion below).

9.3 Tree Removal / Protection and Landscape Design

The proposal involves the removal of existing site vegetation. Of significance are the two Tallowood Gums in the sites frontage which are healthy fully mature specimens and currently provide excellent screening of this corner / existing buildings. While the site does not comprise STIF, these trees make a significant contribution to the landscaped character of the streetscape. As the trees are covered by Council's Tree Protection Order, replacement at a ratio of 8:1 is required in the event of removal in line with Council's adopted Policy.

The above trees cannot be retained based on the location / alignment of the proposed building and the building would be required to be setback to at minimum the alignment of the existing building to enable retention. With the exception of the above trees, the quality of landscaping within the sites frontage is poor. A precursor to considering their removal is for a "complete" landscape solution to be developed across the frontage of the site to offset such tree loss and to ensure a unified planting approach to link and integrate the new and old building forms and for appropriate streetscape presentation. The applicant has provided revised plans in response to Council's concerns which are considered to be acceptable subject to further refinement via the imposition of suitable conditions of development consent. Primarily being the planting of additional trees and a planting schedule representative of the area with species chosen naturally found in the Sydney Turpentine Ironbark Forest.

Specific concerns were also raised in relation to the potential impacts upon the existing street trees within Glencoe Street. The development, including stormwater design had been amended to minimise incursions into the root protection zone of these trees. However, Council's Landscape Architect remains unsatisfied that the impacts to all the trees have been appropriately addressed in the submission documentation including arborist report and root mapping investigations. Notwithstanding the above, suitable conditions of development consent have been recommended by Council's Landscape Architect in relation to tree protection measures to ensure adequate protection for the street trees. The increased building setback of 500mm as conditioned (discussed above) is anticipated to minimise impacts on vegetation by reducing the extent of canopy pruning and incursion to the structural root zones.

9.4 Heritage

The site accommodating Sutherland Primary School (including original building and grounds) opposite Merton Street to the west is identified as an item of environmental heritage pursuant to SSLEP 2015 (Item No 3618). In accordance with Clause 5.1 of SSLEP2015 the consent authority must, before granting consent under this clause in respect of a heritage item or heritage conservation area, consider the effect of the proposed development on the heritage significance of the item or area concerned. The location of the proposed works are located at the eastern most end of the site adjacent to Glencoe Street and is not anticipated to detract from the heritage significance of the item or environmental heritage of the Sutherland Shire. The requirement for a heritage management document to be prepared is not warranted

9.5 Archaeological Sensitivity

Council records indicate that the subject site is rated low in terms of Archaeological Sensitivity. A site inspection did not reveal any evidence of shell material or significant sandstone features within the development zone. The proposal does not warrant an Aboriginal Archaeological Study being undertaken. Notwithstanding the above, and having regard to Clause 5.1 of SSLEP2015 a precautionary condition is recommended to be imposed to ensure suitable steps are undertaken should any Aboriginal objects be unearthed/exposed during the project works.

9.6 Earthworks

The proposal includes earthworks and Clause 6.2 of SSLEP 2015 requires certain matters to be considered in deciding whether to grant consent. These matters include impacts on drainage; future development; quality and source of fill; effect on adjoining properties; destination of excavated material; likely disturbance of relics; impacts on waterways; catchments and sensitive areas and measures to mitigate impacts. The relevant matters have been considered and the application is acceptable.

9.7 Stormwater Management

Clause 6.4 requires Council to be satisfied of certain matters in relation to stormwater management prior to development consent being granted. These matters include maximising permeable surfaces; on-site stormwater retention minimising the impacts on stormwater runoff. These matters have been addressed to Council's satisfaction.

9.8 Traffic impact, Access to the Site and Parking

The development will increase student capacity and staff at the school. There is an existing known strain on the surrounding road network which is attributable by the higher density residential environment and commercial / civic nature of the Sutherland Centre. The presence of educational establishments (including St Patrick's) result in additional impacts on road networks which is significantly observed during pick-up and drop-off times, and overflow student parking in surrounding streets during school hours. There are concerns regarding the additional strain / pressure on the road network in and around the site and Sutherland Centre as a result of this development.

The application has been supported by a detailed Traffic Report, an Operational Traffic and Management Plan (OTPMP) and a Green Travel Plan (GTP) which assesses site suitability and impacts arising from the additional traffic generation and parking demand and provides measures to mitigate possible impacts. The application has been reviewed by the RMS and Council's Traffic Engineers and the proposal is generally considered to be acceptable. The 30 additional parking spaces within the site is a benefit and adequately offset's the increase in staffing as well as enabling additional on-site parking for existing staff. Whilst the proposed increase in students number will ultimately impact upon the existing on-street drop off and pick-up zone, conditions of development consent have been recommended to further improve the GTP to minimise impacts.

A 5.5m wide driveway/vehicle crossing width is required under SSDCP2015 for all developments to enable 2-way movements. While the proposal includes a single lane entry / exit ramp to the basement parking level, this is supported in the circumstances of the case due primarily to the nature of this particular parking area. Any possible 2-way movements would be limited as staff vehicles would typically arrive collectively in the morning and leave in the afternoon. A 5.5m width would also result in a reduction of public parking in the adjacent service road along with potential impacts on vegetation within the public way.

It is concluded that no traffic generation, parking stress or increased risk to the public is anticipated to any significant degree and on-balance the proposal is considered worthy of support.

9.9 Operation & Neighbourhood Amenity

The population of St Patrick's College is proposed to be increased to the following:

- 1500 students (increase of 150)
- 150 staff (increase of 15 staff).

The existing operational parameters (i.e. hours of operation) are proposed to be maintained following completion of the proposed development works. These are as follows:

- Standard school hours: 8.00am - 5.00pm Monday to Friday
- Occasional weekend use: 7.00am to 10.00pm up to 10 times per year (e.g. annual school fete)
- Occasional evening use: finishing at 10.00pm up to 12 times per year (e.g. parent information sessions, which are held outside of normal school operations).

As the proposal maintains the schools existing operational parameters, it is not deemed necessary to provide a condition of consent to reflect this. However, possible impacts arising from the operation of the proposed building form (e.g. plant and machinery, vehicles, student activities) along with noise generated during construction have the possibility of impacting upon neighbouring properties. The applicant has submitted an acoustic assessment which has been reviewed by Council's Environmental Health Officer. Subject to the imposition of suitable conditions reasonable neighbourhood amenity is anticipated to be maintained.

10.0 DEVELOPMENT CONTRIBUTIONS

The proposed development has a value of greater than \$100,000. In order to provide high quality and diverse public facilities, the proposed development will attract Section 7.12 Contributions in accordance with Council's adopted Section 94A Development Contribution Plan 2016.

This contribution is based upon the proposed cost of the development and has been calculated at 1% of \$13,736,800.00 (the estimated cost of development identified on the development application form). Therefore, the Section 7.12 levy for the proposed development is \$137,368.00

11.0 DECLARATIONS OF AFFILIATION, GIFTS AND POLITICAL DONATIONS

Section 10.4 of the Environmental Planning and Assessment Act, 1979 requires the declaration of donations/gifts in excess of \$1000. In addition Council's development application form requires a general declaration of affiliation. In relation to this development application no declaration has been made.

12.0 CONCLUSION

The property is within Zone SP2 Infrastructure and is identified an 'Educational Establishment / Place of Public Worship' on the zoning maps as contained under the provisions of SSLEP2015. Part 4 of the EESEPP also indicates that the development is within a "prescribed zone" and the proposed development is permitted with development consent.

Council is largely supportive of a high quality learning / educational environment and the provision of additional places for student education within the Sutherland locality, largely given the increase in population and known educational demand. Subject to minor refinement, the application has adequately addressed the concerns raised by the DRF and achieves an appropriate architectural / urban design outcome for the site, particularly given the buildings prominent corner location and its interface to the road reserve. The loss of substantial canopy vegetation is off-set with the implementation of a broader landscape strategy which extends beyond the immediate location of the development works. This also enables new and old buildings to be blended into a landscape setting and for future works as part of the broader Concept Master Plan to be appropriately realised. The application also demonstrates that the increase in students and associated staff does not have any detrimental external impacts in terms of traffic, safety and neighbourhood amenity and on-balance the application is recommended to be supported.

The application has been assessed having regard to the Heads of Consideration under Section 4.15 of the Environmental Planning and Assessment Act 1979. The application will not result in any significant impact on the environment or the amenity of nearby residents. Following assessment, Development Application No. 18/1345 may be supported for the reasons outlined in this report.

The officer responsible for the preparation of this Report is the Manager, Major Development Assessment (EPH).