

## COUNCIL ASSESSMENT REPORT

Panel Reference	PPS-2019ECI020
DA Number	DA.2019.016
LGA	Burwood Council
Proposed Development	Croydon Public School Alterations and Additions – Construction of a three storey building – Extension of carpark – Landscaping – Increase in student and staff numbers
Street Address	39 Young Street, Croydon
Applicant/Owner	Schools Infrastructure NSW C/- DFP Planning/ Department of Education
Date of DA lodgement	27/02/2019
Number of Submissions	1
Recommendation	Approval
Regional Development Criteria (Schedule 4A of the EP&A Act)	The application is referred to the Regional Planning Panel as the proposal was lodged on behalf of the Crown (State of NSW) and has a capital investment value over \$5 million.
List of all relevant s79C(1)(a) matters	<p>Environmental Planning Instruments:</p> <ul style="list-style-type: none"> <li>State Environmental Planning Policy No. 55 (SEPP 55) – Remediation of Land</li> <li>State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017</li> <li>State Environmental Planning Policy No. 64 – Advertising and Signage</li> <li>State Environmental Planning Policy (State &amp; Regional Development) 2011</li> </ul> <p>Local Environmental Plan:</p> <ul style="list-style-type: none"> <li>Burwood Local Environmental Plan 2012</li> </ul> <p>Development Control Plan:</p> <ul style="list-style-type: none"> <li>Burwood Development Control Plan 2013</li> </ul> <ul style="list-style-type: none"> <li>The likely social, environmental and economic impacts of the development</li> <li>The suitability of the site for the development</li> <li>The Public Interest</li> <li>Submissions made under the Act and Regulations</li> </ul>
List all documents submitted with this report for the Panel's consideration	<p>The document list can be accessed from the following link:</p> <p><a href="http://ecouncil.burwood.nsw.gov.au/Application/ApplicationDetails/010.2019.00000016.001/">http://ecouncil.burwood.nsw.gov.au/Application/ApplicationDetails/010.2019.00000016.001/</a></p>
Report prepared by	Emily May
Report date	07 November 2019

### Summary of s79C matters

Have all recommendations in relation to relevant s79C 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?

Yes

**Special Infrastructure Contributions**

Does the DA require Special Infrastructure Contributions conditions (S94EF)?

**No**

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

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**Conditions**

Have draft conditions been provided to the applicant for comment?

**Yes**

*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*

**(PPS-2019ECI020) DA.2019.016 – 39 YOUNG STREET CROYDON – CROYDON PUBLIC SCHOOL ALTERATIONS AND ADDITIONS - CONSTRUCTION OF A THREE STOREY BUILDING – EXTENSION OF CARPARK – LANDSCAPING – INCREASE IN STUDENT AND STAFF NUMBERS**

REPORT BY DEVELOPMENT ASSESMENT OFFICER

**Owner:** Department of Education

**Applicant:** Schools Infrastructure NSW C/- DFP Planning

**Location:** 39 Young Street, Croydon

**Zoning:** R2 Low Density Residential

**Proposal**

The application proposes the construction of a 3 storey building fronting Boundary Street to contain 18 new classrooms and amenities; increasing the existing car parking area to provide for 35 vehicles; alterations and additions to Buildings A, H and Q, the removal of 49 trees; and increasing the school population from 685 student and 55 staff to include 1,000 students and 72 staff.

**Regional Planning Panel Referral Criteria**

The application is referred to the Regional Planning Panel as the proposal was lodged on behalf of the Crown (State of NSW) and has a capital investment value over \$5 million.

**Statutory Requirements**

The application is assessed under the provisions of Section 4.15 of the Environmental Planning and Assessment Act 1979, as amended, which include:

- State Environmental Planning Policy No. 55 (SEPP 55) – Remediation of Land
- State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017
- State Environmental Planning Policy No. 64 – Advertising and Signage
- State Environmental Planning Policy (State & Regional Development) 2011
- Burwood Local Environmental Plan (LEP) 2012
- Burwood Development Control Plan (DCP) 2013
- The likely social, environmental and economic impacts of the development
- The suitability of the site for the development
- The Public Interest
- Submissions made under the Act and Regulations

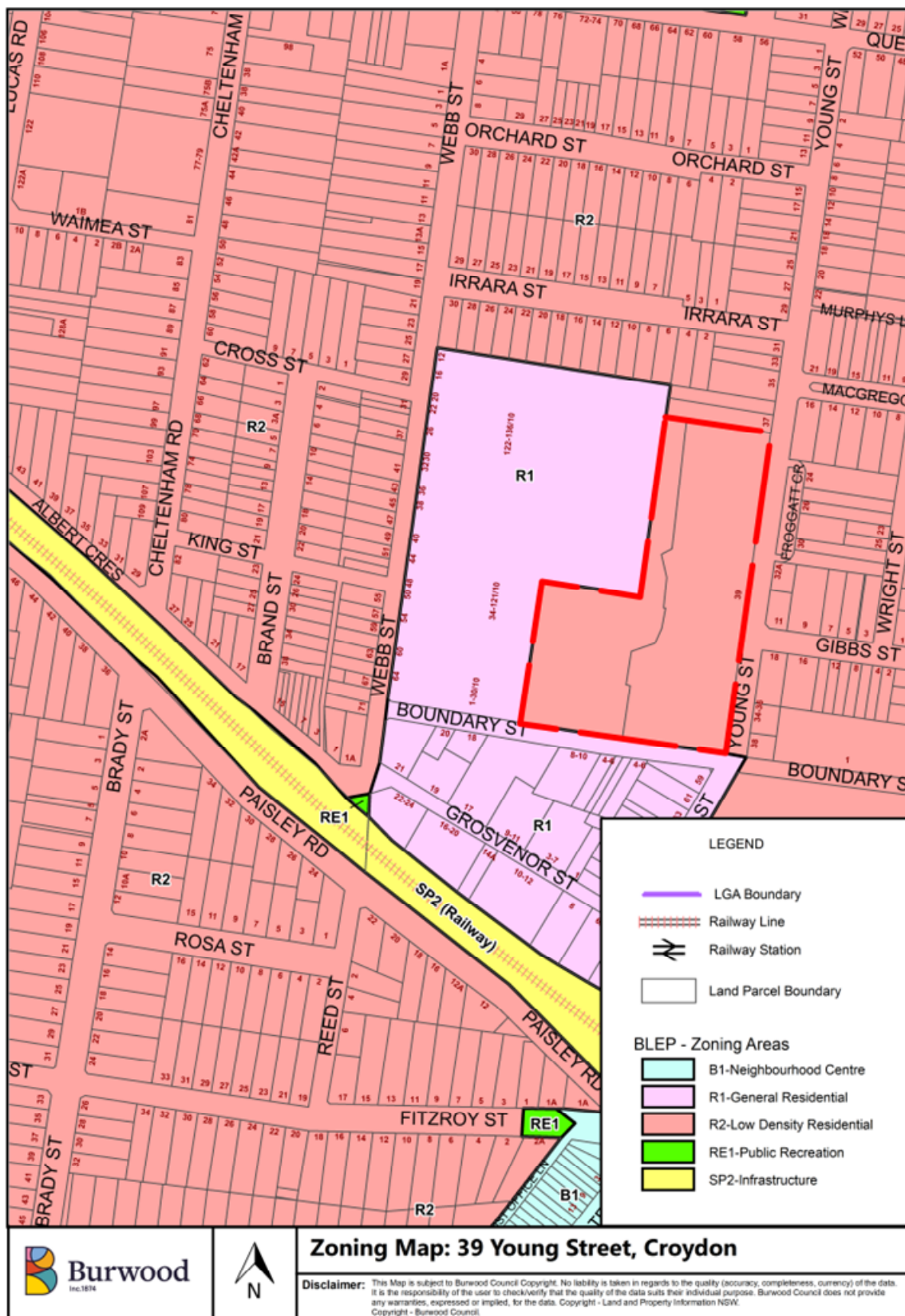
These matters are considered in this report.

## Locality



Figure 1: Aerial image of 39 Young Street, Croydon.





## **Background**

This report provides an assessment of DA.2019.016 seeking approval for a multitude of works required to cater for the growing needs of Croydon Public School. These works include:

- Construction of Building N, a 3 storey building located on the south-west of the site, fronting Boundary street, to contain 18 new classrooms and amenities;
- Extension of the existing car parking area to provide for 35 vehicles;
- Alterations and additions to Building Q at the northern end of the site, to include 4 new classrooms and amenities;
- Alterations and additions to Building H located to the west of 'Town Square' to extend the existing hall and the add a canteen and storage areas;
- Alterations to enclose the existing first floor verandah on Building A, located to the north of 'Town Square';
- Tree removal required (49 trees) for the re-development of the school;
- Increase school population to 1,000 students and 72 staff; and
- Construction of 5 business identification signs comprising the school name, fronting Young Street.

The site is known as 39 Young Street Croydon and has a legal description of Lots 1 and 2 DP225904. The combined site area as per the deposited plan equates to 1.9478ha.

A Pre-Development Application meeting took place on 6 November 2018. Council met with the applicant and discussed the proposed work; particularly the issues in relation to heritage, car parking and tree removal were highlighted.

The proposal has been assessed with regard to impacts on surrounding development, including overshadowing and traffic. As the proposal relates to an existing educational establishment, it is considered that the detailed design of the overall development is capable of providing acceptable outcomes in relation to amenity, streetscape, noise, traffic and parking, and construction impacts.

## **Subject Site**

Croydon Public School opened in February 1884 and the original school building is listed as an item of local heritage significance in LEP 2012. The site is listed as item No. 170 *Croydon Public School (Main 1884 building only)*. There are also a number of heritage items of local significance in the vicinity of the site, including the Froggatt Crescent Heritage Conservation Area which is to the immediate east across Young Street, on Froggatt Crescent.

The existing school has 11 buildings (including 4 portable classrooms) and the facilities comprise:

- 28 classrooms/learning areas;
- School hall;
- Canteen;
- Amenities building;
- Library;







Image 1: Front of Heritage Building (Source: DFP Planning, February 2019)



Image 2: Rear of Heritage Building (Source: DFP Planning, February 2019)





Image 3: Street view of Heritage Building (Source: DFP Planning, February 2019)



Image 4: School Hall (Source: DFP Planning, February 2019)





**Image 5: Outdoor Play Area and Building P (Source: DFP Planning, February 2019)**



**Image 6: Play Area and Portable Classrooms (Source: DFP Planning, February 2019)**



Image 7: Rear of Building I (Source: DFP Planning, February 2019)



Image 8: Amenities Building with Building Q behind (Source: DFP Planning, February 2019)





Image 9: Street view of Building P (Source: DFP Planning, February 2019)

### **SURROUNDING DEVELOPMENT**

The surrounding land uses are predominantly residential uses. To the north and east is low density residential development consisting of 1-2 storey residential dwellings and PLC Sydney Girls School buildings. To the west is the Hampton Court development at 10 Webb Street which comprises a mix of 2 storey terraces/townhouses and 8 storey apartment buildings and open space on the site of the former Croydon Steam Brick Company brickworks. To the south is a mix of 1-2 storey low and medium housing developments on the southern side of Boundary Street, together with a new 8 storey apartment building.

### **STATUTORY PLANNING FRAMEWORK**

The proposed development is subject to the following Environmental Planning Instruments (EPIs), Development Control Plans (DCPs), Codes and Policies:

- State Environmental Planning Policy No. 55 – Remediation of Contaminated Land;
- State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017;
- State Environmental Planning Policy No. 64 – Advertising and Signage;
- State Environmental Planning Policy (State & Regional Development) 2011;
- Burwood Local Environmental Plan 2012; and
- Burwood Development Control Plan 2013.

## **STATE ENVIRONMENTAL PLANNING POLICY NO 55 – REMEDIATION OF CONTAMINATED LAND**

This policy provides a framework for the assessment, management and remediation of contaminated land. Clause 7(1) of the Policy prevents Council from consenting to development unless:

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

The site is not identified by Council or any other authority as being subject to or potentially subject to contamination, however as part of the redevelopment of the school, and the history of the site as a former brick pit in the 1960s, the site has been subject to contamination testings and reports. As a result, Council's Environment and Health team has recommended site remediation works and a site validation report is to be undertaken to mitigate any effect of soil contamination.

## **STATE ENVIRONMENTAL PLANNING POLICY (EDUCATIONAL ESTABLISHMENTS AND CHILD CARE FACILITIES) 2017**

This SEPP applies to development proposals for education facilities and child care centres and aims to standardise planning assessments requirements and also introduces exempt and complying categories of development. Clause 35(6) requires the determining authority to take into consideration seven design quality principles in Schedule 4 of the SEPP.

The Applicant's planning consultant (DRF Planning) has explained in their Statement of Environmental Effects, which is included as an attachment to this report, how these principles have been successfully incorporated into the proposed development. An assessment of the principles in relation to the proposal is set out below:

<b>Principles</b>	<b>Comments</b>
Principle 1  Context, built form and landscape	The development proposal reflects the site conditions and topography, the height and design is within the context of the surrounding buildings on the site. Hard and soft landscaping has been used to soften and screen the new building works from the street and to provide new opportunities for outdoor learning and play.
Principle 2  Sustainable, efficient and durable	The development incorporates shading devices and new openings to enhance cross ventilation, and has oriented new buildings to the north for solar access and to capture breezes.
Principle 3  Accessible and inclusive	Improvements to accessibility to current standards of existing buildings with the addition of lifts, ramps, complying handrails, signage and accessible amenities and to pathways through the site. New buildings to comply with current standards.
Principle 4	

Health and Safety	Upgrades are proposed to existing staff and student amenities, site safety and security systems. Outdoor learning and play opportunities maximised for exercise and health benefits.
Principle 5 Amenity	Amenity is improved through re-design of 'in-between spaces' to create useful and desirable spaces for use by students, staff and visitors.
Principle 6 Whole of life, flexible and adaptive	The proposal enhances the existing buildings for continued relevance and use as teaching spaces. Durable and low maintenance materials have been selected to provide modern school facilities for students.
Principle 7 Aesthetics	The design of the addition is considered to be aesthetically satisfactory and compliments the original buildings on the site. The building uses similar materials including brick, sandstone and concrete to connect with the traditional form of the buildings on site and in the surrounds.

### **STATE ENVIRONMENTAL PLANNING POLICY NO 64 – ADVERTISING AND SIGNAGE**

The provisions of SEPP 64 have been considered in the assessment of the development application. The proposal includes 5 business identification signs that will be visible from the public domain. The signage is compliant with the aims of Clause 3 (1) and the Schedule 1 to the SEPP.

### **STATE ENVIRONMENTAL PLANNING POLICY (STATE & REGIONAL DEVELOPMENT) 2011**

The proposed development has a capital investment value greater than \$5 million (\$18,835,700.00) and has been lodged on behalf the Crown (State of NSW). It is for these reasons the proposed development is to be determined by the Sydney Eastern City Planning Panel.

### **BURWOOD LOCAL ENVIRONMENTAL PLAN 2012**

The Burwood Local Environmental Plan 2012 came into effect on 9 November 2012. The subject site is located in the **R2 Low Density Residential** zone under the Burwood Local Environmental Plan 2012. The existing development and the proposed alterations and additions are best described as an '*educational establishment*' which is permissible with consent in the zone. The objectives for development in R2 Low Density Residential zone are as follows:

- *To provide for the housing needs of the community within a low density residential environment.*
- *To enable other land uses that provide facilities or services to meet the day to day needs of residents.*

Burwood LEP 2012 also contains a number of controls including some numerical development standards; a summary of the assessment of the application against the relevant planning controls within LEP 2012 is shown in Table 1 below.



**Table 1: Assessment of the proposed development against Burwood LEP 2012**

<b>Development Standard</b>	<b>Requirement</b>	<b>Proposed</b>	<b>Compliance</b>
Part 4.3 – Height of Buildings	Maximum building height of 8.5 metres	Building N – 13.17m Building Q – 10m Building H – 6.6m Building A – 7.4m	No  Request submitted under Clause 4.6 of the LEP 2012 <b>(see comments below)</b> .
Part 4.4 – Floor Space Ratio (FSR)	Maximum FSR of 0.55:1	The total site area for Croydon Public School campus is 22,616.50m <sup>2</sup> .  The site has an existing floor area of 4,580.25m <sup>2</sup> which combined with the additional 2,743.85m <sup>2</sup> produces an overall floor area of 7,315.05m <sup>2</sup> .  Comparing this to the overall site area equates to a FSR of 0.32:1 which complies with the maximum allowable FSR of 0.55:1	Yes

#### Clause 4.6 – Exceptions to Development Standards

In accordance with Clause 4.6(3), for Council to consent to an exception to a development standard it must have considered a written request from the applicant that seeks to demonstrate that:

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

The applicant has submitted a written variation request under Clause 4.6 for the departure of the proposed development from the maximum building height standard. The submitted request presents an adequate justification that has regard to the objectives of the height limit standard in LEP 2012, and the objectives of the R2 Low Density Residential zone. It also addresses relevant case law concerning variations to development standards; whether non-compliance is reasonable and necessary in the circumstances of the case; the planning grounds to justify the contravention; and the public interest. Based on the request, the following reasons support approval of the departure from the development standard.

#### Clause 4.3 – Maximum Height of Buildings

The applicant is seeking to vary Clause 4.3 Height of Buildings of LEP 2012. Under the provisions of LEP 2012 the Maximum Building Height for the subject site is 8.5 metres above the existing natural ground level. The proposed new development exceeds the height limit of 8.5 metres by 4.67 metres (Building N) and 1.5 metres (Building Q) which equates to a variation of 54.9% and 17.6% respectively (see Table 1).

**Table 2: Proposed additions to Building Q and new Building N proposed height variations**

<b>Building</b>	<b>Current Height of Building (m)</b>	<b>Maximum Height of Building under LEP 2012 (m)</b>	<b>Proposed Height of Building (m)</b>	<b>Percentage Variation</b>
<b>N</b>	N/A	8.5m	13.17m	54.9%
<b>Q</b>	10m	8.5m	10m	17.6%

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

- a. to establish the maximum height of buildings to encourage medium density development in specified areas and maintain Burwood's low density character in other areas,*
- b. to control the potentially adverse impacts of building height on adjoining areas.*

The proposed development achieves the objectives of Clause 4.3 Maximum Building Height notwithstanding non-compliance with the standard. The variation to the development standard is proposed in response to meeting the educational needs of the local residents and community, by providing learning spaces in a built form which respond to contemporary teaching techniques. The local character of the area typically contains single or two storey detached dwellings. However, the variation to the building height will not be out of character with the desired future of the locality, given an 8-storey residential flat building is located south west of the site and the land to the south of the site is zoned R1 General Residential, with a maximum height limit of 26 metres.

The underlying object or purpose of the Maximum Building Height standard is not relevant to the development and compliance is unnecessary in this instance as the site is a school complex. The elements of the school buildings (Building N and Building Q) that exceed the maximum building height are located so that they will not cause adverse impacts on the built environment or the amenity of nearby properties. Please refer to Figures 3 and 4 which demonstrate the location of the buildings in relation to the site and adjoining neighbourhood.



Figure 3: Site Context Plan with Buildings N and Q highlighted in yellow (Source: DFP Planning, February 2019)

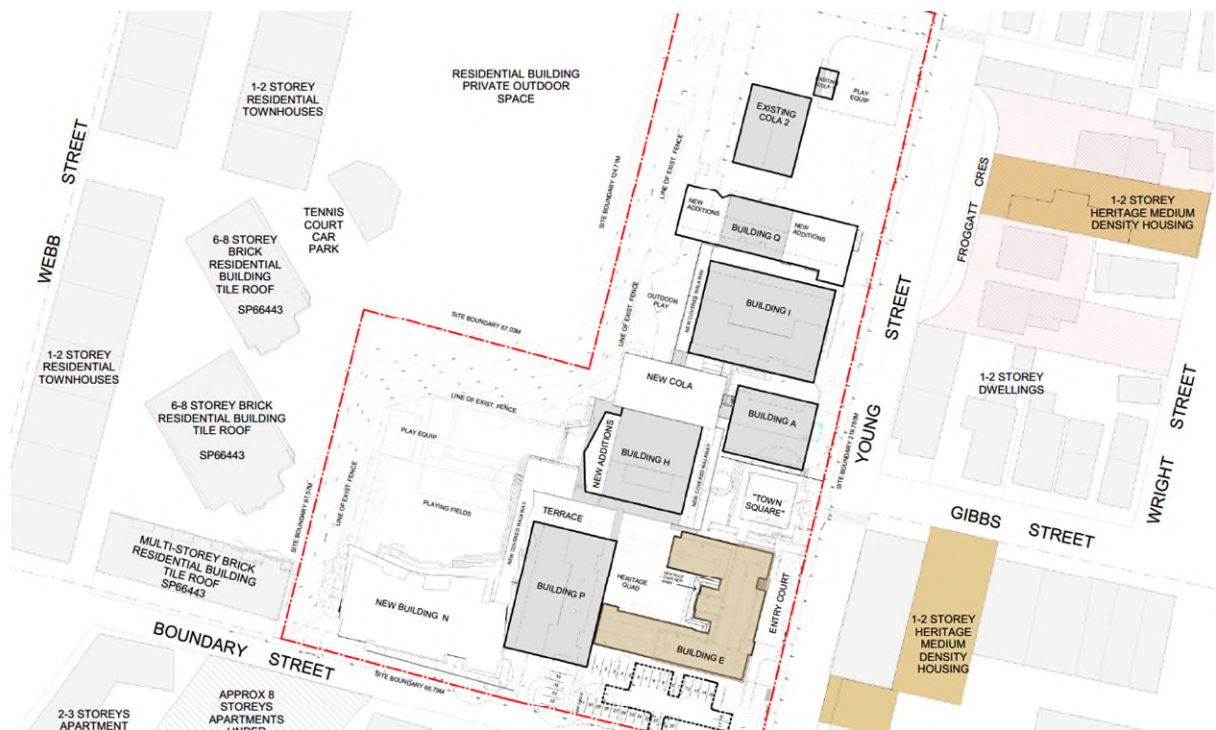
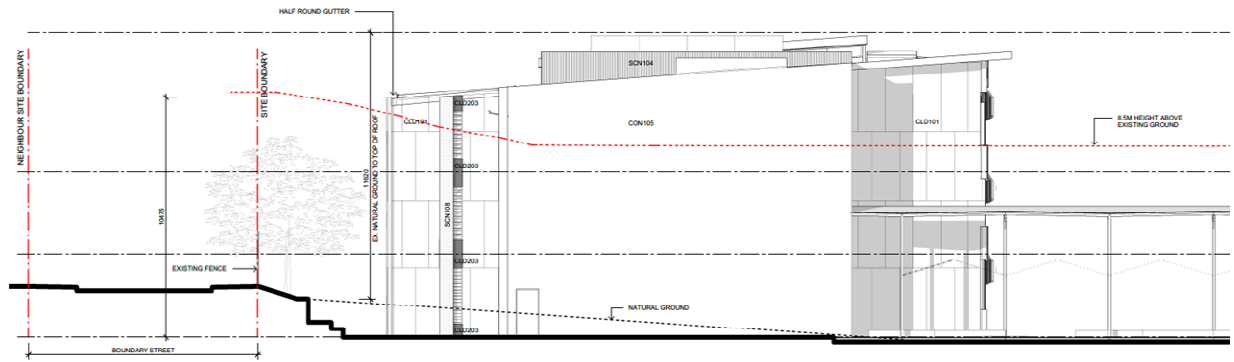


Figure 4: Site and Neighbouring Context Plan (Source: DFP Planning, February 2019)







**Figure 4: Building N – East Elevation (Source: NBR Architecture, Dated 26/02/2019)**

#### Overshadowing:

The shadow diagrams provided by NBR Architecture demonstrate the proposal will not reduce solar access for any property to less than 3 hours during the day during the winter solstice. The greatest instance of overshadowing of neighbouring properties during this period occurs in the morning to the properties located south of Building N (Boundary Street). However from midday onwards, the shadowing occurs on the road and within the property boundaries of the school only. It is for these reasons the minor impact of the overshadowing during the winter solstice is considered acceptable.



**Figure 5: Winter solstice shadow diagrams for 9am, 12 Midday and 3pm. The existing overshadowing is represented in grey, while yellow represents the overshadowing which would result from the proposed building work (Source: NBR Architecture, Dated 26/02/2019).**

It is evident that the proposal has been designed to control the potentially adverse impacts of building height on adjoining areas to be able to meet the objectives of Clause 4.3, despite contravening the development standard.

#### Public Interest

The LEP 2012 notes that for consent to be granted, consideration needs to be given to the public benefit of the development. Previous Land and Environment Court Cases have identified that a proposed development will be in the public interest as long as it is consistent with the objectives for development within the zone and the objectives of the standard in which the development is proposed to vary.

The objectives of the Low density residential – R2 zone are to provide for the housing needs of the community within a low density residential environment; and to enable other land uses that provide facilities or services to meet the day to day needs of residents. The proposed alterations and additions to Croydon Public School are within the public interest as it will enhance and support the educational needs of the community.

#### Clause 4.6 – Exceptions to Development Standards - Conclusion

In accordance with Clause 4.6(4)(a)(i), the applicant's written request has satisfactorily addressed the matters required by subclause (3) as the written request seeks to justify the contravention of the development standard by demonstrating:

- that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case as:
  - a. the variation to the height standard will not cause adverse impacts on the built environment or the amenity of nearby properties;
  - b. the design is a more efficient use of land as it allows for a greater portion of the landscaped area/playground space to be maintained than would otherwise be produced by a compliant design with the same gross floor area;
- that there are sufficient environmental planning grounds to justify contravening the development standard as:
  - a. The development is proposed in response to meeting the educational needs of the local residents and community;
  - b. The variation to the building height will not be out of character with the desired future of the locality.
  - c. The proposal will not reduce solar access for any property to less than 3 hours during the winter solstice and is considered reasonable in the circumstances.

In addition, the applicant's written request has satisfactorily addressed Clause 4.6(4)(a)(ii) as it is considered that the proposed development will be in the public interest because it is consistent with the objectives of the maximum height standard and the objectives for development within the R2 - Low Density Residential zone. On this basis, the requirements of Clause 4.6(3) are satisfied and the variation supported.

#### Clause 5.9 – Preservation of trees or vegetation

The applicant proposes to remove of 49 trees from the site. Council's Tree Management Officer has raised no objection to the removal of the trees, subject to recommended conditions. The proposed growth in the school population for both student and staff numbers has increased the load on available building space with tree removal an unavoidable consequence.

The applicant has provided an Arboricultural Impact Assessment by Mackay Tree Management (dated 13 September 2018 and 11 February 2019). The reports state the majority of trees to be removed are native species with varying size, condition and age ranges. Several trees show high environmental and landscape significance. Some trees may have good condition but the removal of co dependant, nearby trees reduces their retention value because of their vulnerability to withstand environmental pressures as stand-alone individuals.

Seventy eight (78) trees are located within three (3) metres of proposed buildings or facilities upgrades and are the subject trees of the arborist report. Other school trees which are located away from the upgrades are not impacted and are not included in the Arboricultural Impact Assessment. Forty-nine assessed trees require removal to allow for the school expansion. Thirty six trees, within 3 metres of the proposed works, are to be retained and protected. Recommendations to ensure their ongoing viability, through all stages of the development, is given in the Arborist report.

Where possible, larger trees on the Young Street frontage have been retained to, as far as possible, maintain the school's existing street character. Removed trees will be replaced with suitable, small canopy trees as part of the school's landscaping upgrades.



### Clause 5.10 – Heritage Conservation

The property is listed as a heritage item (Item 170) under Schedule 5 of the LEP 2012. The significance of the property relates predominately to the Main 1884 Building (including extensions up to 1930), fronting Young Street and marked 'Building E' on the submitted plans.

The property is also located within the vicinity of a number of heritage items, as well as the Froggatt Crescent Heritage Conservation Area. A Statement of Heritage Impact prepared by NBR Architecture, dated 20 February 2019 was submitted with the development application and has been reviewed by Council's Heritage Advisor along with the development.

The Statement of Heritage Impact notes the proposed alterations and additions to the site will not impact or visually dominate on the significance of the Main 1884 Building, or the adjacent heritage items or conservation area. The continued use of the building as a school is a desirable outcome and supports the protection of the heritage fabric of the buildings. Council's Heritage Advisor has raised no objections to the proposal on heritage grounds, subject to conditions of consent.

### **BURWOOD DEVELOPMENT CONTROL PLAN 2013**

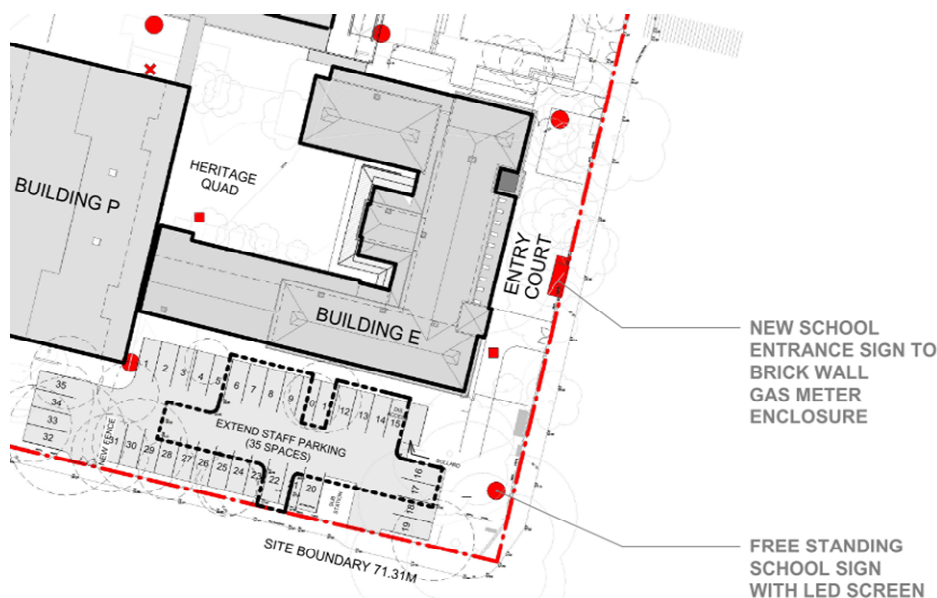
Overall it is considered that the proposed development will result in alterations and additions that have been designed with a high level of architectural merit. The proposal complies with most of the relevant provisions of Burwood DCP, except for signage and car parking which is discussed in detail below.

#### Signage

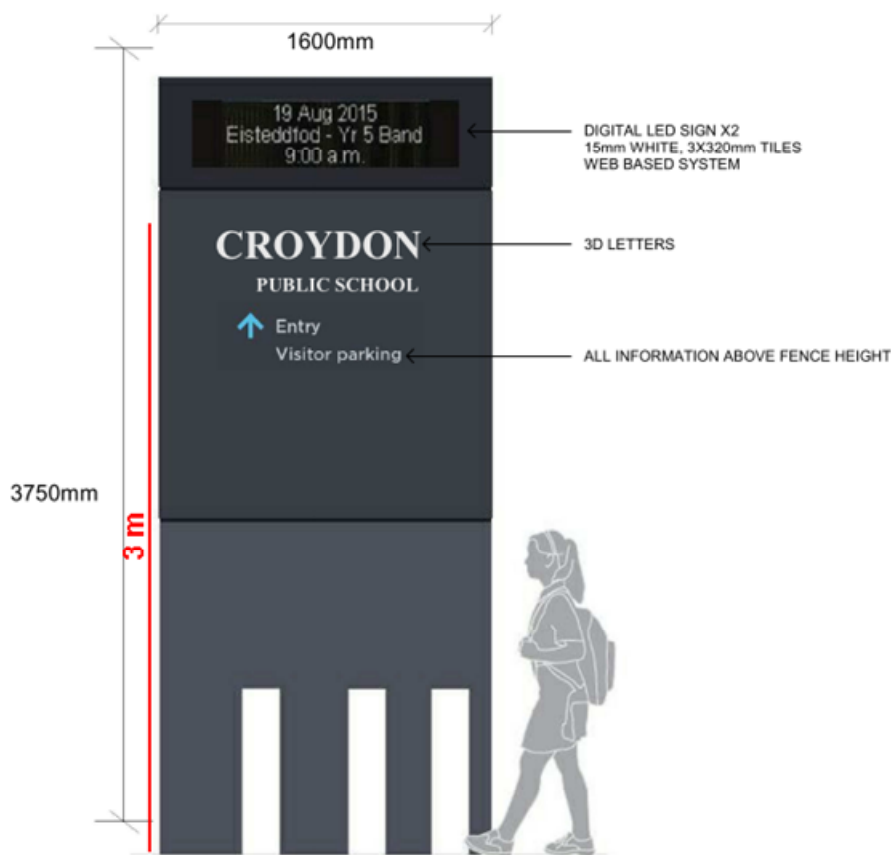
The provisions for signage in comparison with the proposed work are highlighted in Table 2 below:

**Table 3. Burwood DCP Signage Controls**

Part 5.6 Signage and Advertising – 5.6.2 School Sign Controls	Proposed Signage Non-Compliance
<ul style="list-style-type: none"><li>School signs are to be no greater than 3m<sup>2</sup></li><li>Are not to be more than 3m in height</li><li>There are to be no more than 3 signs</li></ul>	<ul style="list-style-type: none"><li>Of the 5 signs proposed, one freestanding school sign with LED screen is proposed with an area of 6m<sup>2</sup></li><li>The same freestanding school sign with LED screen is proposed with a height of 3.75m</li><li>There are 5 signs proposed</li></ul>



**Figure 6: Location of the freestanding school sign with LED screen.**



**Figure 7: Freestanding school sign with LED screen details annotated with the maximum height of 3m as per Council's DCP**

Although departures to the numerical controls are evident with the proposed signage, justification has been provided in the Statement of Environmental Effects by the applicant's consultant planner:

*'The size, location, content and materials of the signs are deemed appropriate for a public school facility which requires wayfinding to the general public. In this regard, the proposed variation to the maximum signage area under Burwood DCP is considered justified.'*

However, to ensure the signage enhances the visual presentation, character and heritage of the locality, a condition of consent will be imposed to restrict the height of the freestanding school sign with LED screen to 3m. This will help to prevent excessive signage and visual clutter, and reduce the variation to Council's signage controls.

### Car Parking

In contrast, the proposed provision of car parking is not considered sufficiently justified. Burwood DCP requires one space per classroom, resulting in a requirement of 44 spaces based on the proposed number of classes. The shortfall of 9 spaces is considered unsatisfactory and Council's Traffic and Transport Team have recommended a condition of consent for the car park to be redesigned to provide 44 car parking spaces.

## **CONSULTATION**

### Internal Referrals

Council's Traffic and Transport, Building Services, Environment and Health, Engineering and Stormwater Engineering Teams have recommended a number of conditions of consent to be included in any approval.

Council's Tree Management Officer has raised no objection is raised to the proposed removal of trees as detailed in the Aboricultural Impact Assessment (AIA) reports by MacKay Tree Management, dated 13 September 2018 and 11 February 2019.

Council's Heritage Team have noted that the new three-storey building, Block N, is located a sufficient distance from the historic buildings on the site. It is considered that the new building would have minimal impact upon the heritage significance of the site. Similarly, other building additions within the school building are not expected to impact the school's heritage significance. However, there are concerns with respect to the location of the fire hydrant booster, pumpset and booster assembly being in close proximity to the most-significant heritage building. This concern is discussed further in the Crown Application Conditions Section of this report.

### Neighbour notification

The proposed development was placed on Public Notification for the period 28/03/2019 until 22/04/2019. In response one submission was received which raised concerns regarding the following:

#### *1. Insufficient on-site car parking*

Comment: A condition of consent implemented by Council's Traffic and Transport team has prescribed a minimum of 44 off-street car parking spaces must be provided on-site to comply with Burwood Councils Development Control Plan 2013.

#### *2. Increases in residential density and associated pressure on car parking space near Croydon Public School and Croydon train station*

Comment: The area to the south of Boundary Street, boarded by Webb Street, Young Street up to the south of Grosvenor Street have a maximum building height of 26 metres. The increase in density in this area is will allow for a more efficient use of the land and allow occupants to utilise the close proximity to Croydon Station. The increased density will allow for a variety of housing types to support a diverse neighbourhood. The location of the area zoned for higher density is suitable given its proximity to public and active transport infrastructure, shops, services, schools, and public open space. In addition, Burwood's Development Control Plan acknowledges cars will continue to be utilised as a form of transport; it is for this reason car spaces are required to be provided on-site at a rate depend upon the development type.

#### *3. Acoustic levels "I hear every word spoken by staff on the loudspeaker used in the playground and all bells that ring"*

Comment: A condition of consent provided by Council's Environment and Health Team states: the noise emitted by the use of the premises, building services, equipment, machinery and ancillary fittings shall be in compliance with the noise criteria as defined in the NSW Noise Policy for Industry (NPI). This will satisfy the Protection of the Environment Operation Act 1997 clause referring to the prevention of "offensive noise."

#### *4. Implement No Parking zone in Young Street for use as a drop off zone*

Comment: The removal of the existing ½ hour parking in Young Street along the school frontage near Boundary Street and replacement with "No Parking 8.00am to 9.30am and 2.30pm to 4.00pm School Days" is considered appropriate as it located on the same side of the street as the school. It is not considered necessary to install this change post implementation of the works as it is likely to take some time for the school to increase its student enrolments to 1,000. Council will monitor the traffic and parking situation around the school and will implement the parking change(s) if or when it is considered necessary.



## 5. Possible relocation of pedestrian crossing

Comment: The relocation of the zebra crossing from near Gibbs Street to near Froggatt Crescent is not supported. It would result in a significant loss of drop off/pick up parking along the school frontage and also unrestricted parking on the eastern side of Young Street as No Stopping zones would be required to be installed on both the approach and departure to the zebra crossing.

### **CROWN APPLICATION – CONDITIONS**

Noting that the proposed works is a Crown application, Council provided the applicant with a number of recommended conditions on 25 September 2019. The applicant responded on 21 October 2019 and advised several of Council's conditions were not satisfactory and/or a required modification.

Council has not objected to the majority of the recommendations provided by the applicant and the conditions have been amended accordingly. However, Council does not agree with the applicant's recommendation to delete a condition relating to the minimum number of off-street car parking spaces and Council wishes to press the relevant conditions.

The school currently provides 24 spaces and the Department of Education are proposing 35 spaces. Council's DCP requires 44 spaces. The area surrounding the school has a high demand for on street parking and therefore the school should provide adequate parking as required in Council's DCP so as not to place additional pressure on parking in the surrounding residential streets.

In this regard the following condition is proposed by Council;

A minimum of 44 off-street car parking spaces must be provided on-site. The design, layout, signage, line marking, lighting and physical controls of all off-street parking facilities must comply with the minimum requirements of Australian Standard AS/NZS 2890.1 - 2004 Parking facilities Part 1: Off-street car parking and Council's Development Control Plan. The layout, design and security of bicycle facilities either on-street or off-street must comply with the minimum requirements of Australian Standard AS 2890.3 – 1993 Parking Facilities Part 3: Bicycle Parking Facilities.

Similarly, Council's Heritage Advisor raised concerns in respect to the location of the fire hydrant booster, pumpset and booster assembly in close proximity to the most-significant heritage building. This is because the most prominent view of the historic school building is from the intersection of Young Street and Boundary Street, and the collection of utilities will be right at the centre of the most significant view of the school. It is for this reason Council recommended a condition which specified a relocation of the hydrant booster, pumpset and booster assembly. However the Department of Education proposed this condition to be deleted given the hydrants/boosters are required in this position to comply with the relevant standards.

As a compromise, instead Council proposes a condition to conceal the structures;

The fire hydrant booster, pumpset and booster assembly must be enclosed in a suitably screened enclosure.

### **CONCLUSION**

This application has been assessed having regard to the Heads of Consideration under Section 4.15(1) of the *Environmental Planning and Assessment Act 1979*, the provisions of the relevant SEPP's Burwood LEP 2012 and all relevant Council DCPs, Codes and Policies.

The proposal generally complies with the Burwood LEP 2012 and Burwood DCP 2013. Proposed variations have been discussed throughout the report and conditions are recommended where required.

Accordingly, it is recommended that consent be granted to Development Application No. DA.2019.016, 39 Young Street Croydon, subject to conditions provided at Attachment 1.