

## COUNCIL ASSESSMENT REPORT

<b>Panel Reference</b>	<b>PPSSEC-198</b>
<b>DA Number</b>	<b>DA/2022/0281</b>
<b>LGA</b>	<b>Inner West</b>
<b>Proposed Development</b>	Construction of a multi-purpose hall (MPH) at Canterbury Boys High School (CBHS)
<b>Street Address</b>	220-252 Holden Street ASHBURY NSW 2193
<b>Applicant/Owner</b>	Belinda Elogious (applicant), Minister of Education (owner)
<b>Date of DA lodgement</b>	29 April 2022
<b>Total number of Submissions</b>	2
<b>Recommendation</b>	<b>Approval</b>
<b>Regional Development Criteria (Schedule 7 of the SEPP (State and Regional Development) 2011)</b>	Crown Development with a Capital Investment Value over \$5 million
<b>List of all relevant s4.15(1)(a) matters</b>	<ul style="list-style-type: none"> <li>• State Environmental Planning Policy (Biodiversity and Conservation) 2021</li> <li>• State Environmental Planning Policy (Resilience and Hazards) 2021</li> <li>• State Environmental Planning Policy (Transport and Infrastructure) 2021</li> <li>• State Environmental Planning Policy (Planning Systems) 2021</li> <li>• Draft Inner West Local Environmental Plan 2020</li> <li>• Ashfield Local Environmental Plan 2013 (ALEP 2013)</li> </ul>
<b>List all documents submitted with this report for the Panel's consideration</b>	<ul style="list-style-type: none"> <li>• Council's Assessment Report</li> <li>• Architectural Plans</li> </ul>
<b>Summary of key submissions</b>	<ul style="list-style-type: none"> <li>• Height, Bulk and Scale</li> <li>• Visual presentation and impacts to streetscape</li> <li>• Removal of trees and impact on retained trees</li> <li>• Impact on Heritage</li> <li>• Materials and Finishes</li> </ul>
<b>Report prepared by</b>	<b>Chirag Bhavan – Senior Assessment Planner</b>
<b>Report date</b>	2 September 2022

### 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**

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**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*

**No**

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**Conditions**

Have draft conditions been provided to the applicant for comment?

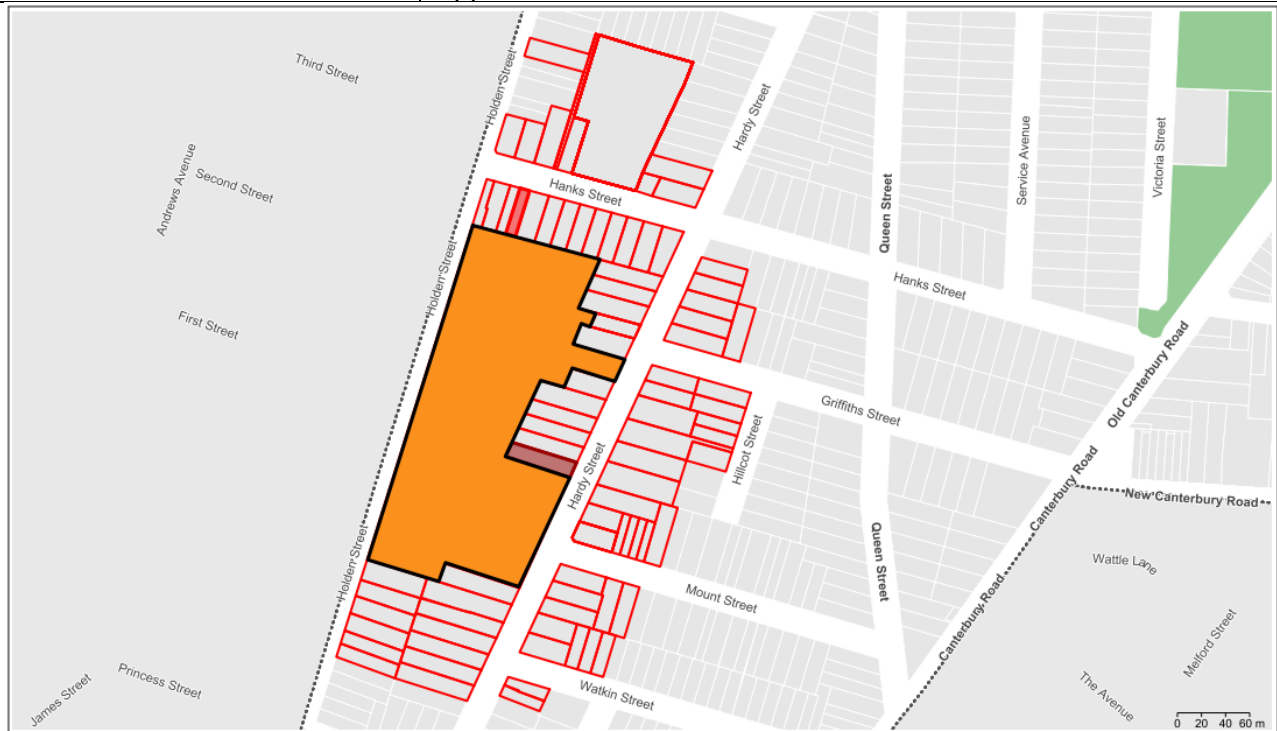
*Note: in order to reduce delays in determinations, the Panel prefer that draft conditions, notwithstanding Council's recommendation, be provided to the applicant to enable any comments to be considered as part of the assessment report*

**Yes**

# INNER WEST

## DEVELOPMENT ASSESSMENT REPORT

<b>Council Application No.</b>	DA/2022/0281
<b>Panel Reference No.</b>	PPSSEC-198
<b>Address</b>	220-252 Holden Street ASHBURY NSW 2193
<b>LGA</b>	Inner West
<b>Proposal</b>	Construction of a multi-purpose hall (MPH) at Canterbury Boys High School (CBHS).
<b>Date of Lodgement</b>	29 April 2022
<b>Applicant</b>	Belinda Elogious
<b>Owner</b>	Crown Land- responsible to Minister of Education
<b>Number of Submissions</b>	Initial: 2
<b>Value of works</b>	\$7,308,979.00
<b>Reason for determination at Planning Panel</b>	Crown Development with a Capital Investment Value over \$5 million
<b>Main Issues</b>	Removal of trees Impact on Heritage
<b>Recommendation</b>	Approved with Conditions







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**INNER WEST**

Created on 22/08/2022  
Map Scale: 1:3300

### LOCALITY MAP

Subject Site		Objectors	
Notified Area		Supporters	

## 1. Executive Summary

This report is an assessment of the application submitted to Council for construction of a multi-purpose hall (MPH) at Canterbury Boys High School (CBHS), located at 220-252 Holden Street Ashbury.

The application was notified to surrounding properties and 2 submissions were received in response to the notification.

The main issues that have arisen from the application include:

- Removal of trees
- Impact on Heritage

The proposal is considered acceptable on the balance of the assessment, subject to suitable conditions of consent, and therefore the application is recommended for approval.

## 2. Proposal

The proposal seeks consent for the construction of a multi-purpose hall (MPH) for use in conjunction with the existing school on the site being CBHS. Specifically, the works include the following:

- Demolition of minor structures and site works
- Construction of a single level multi-purpose hall featuring a gymnasium, stage, seating area, storerooms, toilets, shower cubicles, equipment rooms, kitchen and office
- Associated site landscaping
- The removal of 11 trees and replacement of trees at a ratio of a minimum of 1:1 on the site (within school grounds).

## 3. Site Description

The subject site is located on the eastern side of Holden Street, between Hanks Street and Princess Street. The site consists of 1 allotment and is irregular in shape with a total area of 27,100 sqm and is legally described as Lot 100 in DP 738051, more commonly referred to as 220-252 Holden Street Ashbury.

The site has a frontage to Holden Street of 262.9 metres and a secondary frontage of approximate 91.9 metres to Hardy Street.

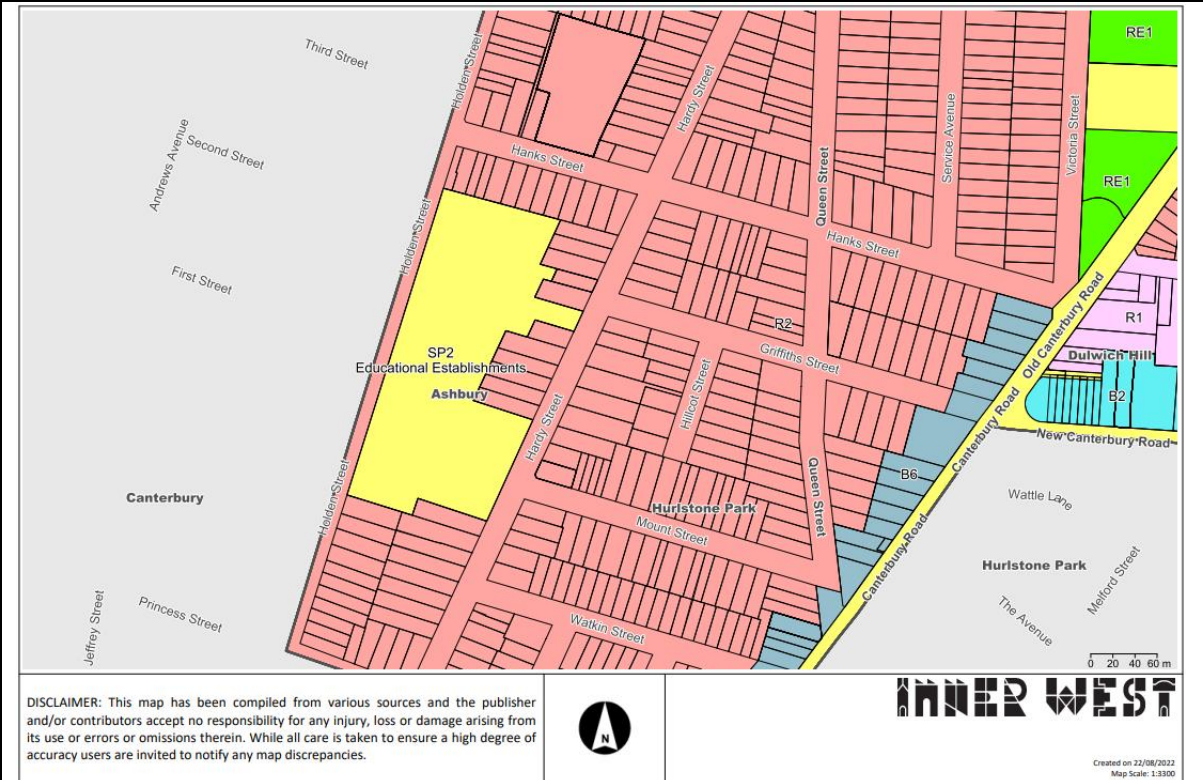
The site is currently used as a school being CBHS and contains five separate buildings ranging from 1 to 3 storeys in height, two multi-purpose sport courts, a sports field and a parking lot. Surrounding development includes primarily 1 to 2 storey detached dwelling houses as well as Blick Oval to the west of the site, Hurlstone Park Village Centre to the east of the site, and Canterbury Girls High School to the south of the site.

The subject site is listed as a local heritage item – Number I96 “School, including interiors”.

There are 28 trees located on the site and 4 trees located on Hardy Street which are within the immediate vicinity of the proposed development.



**SITE MAP**



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**INNER WEST**

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Map Scale: 1:5000

**LAND ZONE MAP**

## 4. Background

### 4(a) Site history

The following application outlines the relevant development history of the subject site and any relevant applications on surrounding properties.

#### Subject Site

Application	Proposal	Decision & Date
010.2003.00000293.001	New (Building Work) Education Establishment (School) - Construction of four shade structures in the main courtyard of Canterbury Boys High School.	25/11/2003 - Approved
010.2007.00000172.001	Outdoor Learning area- Construction of a roof structure for outdoor learning area for Canterbury Boys High School. Installation of a rainwater tank.	27/09/2007 - Approved
PDA/2021/0152	Proposed Multi-Purpose Hall (MPH) at Canterbury Boys High School	31/05/2021 - Advice Letter Issued

#### Surrounding properties

Not applicable

### 4(b) Application history

The following table outlines the relevant history of the subject application.

Date	Discussion / Letter / Additional Information
03/05/2022	Application lodged
17/05/2022 – 16/06/2022	Application notified
11/08/2022	Council assessment briefing to Sydney Eastern City Planning Panel

## 5. Assessment

The following is a summary of the assessment of the application in accordance with Section 4.15 of the *Environmental Planning and Assessment Act 1979*.

### 5(a) Environmental Planning Instruments

The application has been assessed against the relevant Environmental Planning Instruments listed below:

- *State Environmental Planning Policy (Biodiversity and Conservation) 2021*
- *State Environmental Planning Policy (Resilience and Hazards) 2021*
- *State Environmental Planning Policy (Transport and Infrastructure) 2021*
- *State Environmental Planning Policy (Planning Systems) 2021*
- *Inner West Local Environmental Plan 2022*
- *Ashfield Local Environmental Plan 2013 (ALEP 2013)*
- *Comprehensive Development Control Plan 2016 for former Ashfield LGA (ADCP 2016)*
- *Disability (Access to Premises — Buildings) Standards 2010*

The following provides further discussion of the relevant issues:

#### 5(a)(i) *State Environmental Planning Policy (Resilience and Hazards) 2021*

##### Chapter 4 Remediation of land

Section 4.16 (1) of the SEPP requires the consent authority not consent to the carrying out of any development on land unless:

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

In considering the above, there is evidence of contamination on the site.

The applicant has provided a Detailed Site Investigation report that concludes:

*“For the proposed multi-purposes hall, site remediation and validation of the subject site will be required to address the PAH, rubbish and asbestos impacted soil and this may involve excavation and removal of all impacted soil.”*

A Remediation Action Plan (RAP) has also been provided which concludes:

*“Subject to site remediation as outlined in the RAP above, we consider the site to be suitable for the Proposed Multi-Purpose Hall.”*

On the basis of this report the consent authority can be satisfied that the land will be suitable for the proposed use and that the land can be remediated.

To ensure that these works are undertaken, conditions are included in the recommendation of this report to ensure works are carried out in accordance with Clause 4.6 of SEPP 55.

#### 5(a)(ii) *State Environmental Planning Policy (Transport and Infrastructure) 2021*

##### Chapter 3 Educational establishments and childcare facilities

The proposed development is permitted with consent pursuant to the provisions of Clause 3.36. The proposed MPH fits the purpose of a *gym, indoor sporting facility or hall* under Section 3.40(1)(ii) of the SEPP.

Clause 3.36(6) of the SEPP specifies design requirements which must be considered to ensure the proposed development is in accordance with the design quality principles set out in Schedule 8 and whether the proposed development enables the use of school facilities to be shared with the community. The following table provides an assessment of the application against the applicable provisions:

Principle	Comment
Principle 1 - Context, built form and landscape	<ul style="list-style-type: none"> <li>• The proposed MPH is located on a vacant part of the site which fronts Hardy Street to the east. The building has been designed to follow the slope of the land and is appropriately separated from existing structures on the site. While the intended use of the building as a gymnasium does require a larger building mass, the building is a single storey structure with a distributed scale and form which does not dominate the streetscape.</li> <li>• The proposal requires the removal of 11 trees from the site to facilitate the development. The proposed replacement planting and new landscaping is considered to enhance on-site amenity, contribute to the streetscape and mitigate negative impacts on neighbouring sites (refer to Section 5(a)(iii) for further discussion).</li> <li>• The proposal has been appropriately designed to minimise impacts on the Heritage buildings on the site as well as adjoining Heritage items, and makes a positive contribution to the character of the area.</li> </ul>
Principle 2 - Sustainable, efficient and durable	<ul style="list-style-type: none"> <li>• The principles of environmentally sustainable development have been considered as part of the design. The orientation, materials, finishes and design elements will maximise natural ventilation and assist in minimising energy consumption.</li> <li>• The proposed building has been designed to be adaptable and support multiple purposes and will accommodate both indoor sports activities as well as assemblies and presentations.</li> </ul>
Principle 3 - Accessible and inclusive	<ul style="list-style-type: none"> <li>• The proposed building is designed to be on level ground close to the Hardy Street entrance of CBHS and is accessible and inclusive to people with differing access needs.</li> <li>• The proposed building has been designed to be accessible from both Hardy Street and Holden Street entrances of CBHS and is well integrated with the existing staff carpark from Hardy Street to maximise wayfinding</li> <li>• The proposed MPH is intended to be used by CBHS during school hours and for use by the community outside of school hours and is designed to be adaptable to cater for a range of activities.</li> </ul>
Principle 4 - Health and safety	<ul style="list-style-type: none"> <li>• The application was accompanied by documentation addressing Crime Prevention Through Environmental Design ('CPTED') principles. The provided recommendations outlined within this report will ensure the development provides surveillance and safety for all persons utilising the MPH as well as the broader community.</li> </ul>
Principle 5 - Amenity	<ul style="list-style-type: none"> <li>• The proposed building has been designed to be adaptable and support multiple purposes and will accommodate both indoor sports activities as well as assemblies and presentations.</li> <li>• The proposed building will not result in any adverse amenity impacts to surrounding residential uses or the broader community and has been designed in consideration of neighbouring views, privacy (visual and acoustic) and solar access.</li> <li>• The proposed building has been designed to provide a high level of amenity for occupants in terms of accessibility, sunlight, natural ventilation, outlook, visual and acoustic privacy, storage and service areas.</li> </ul>
Principle 6 - Whole of life, flexible and adaptive	<ul style="list-style-type: none"> <li>• The proposed building has been designed to be adaptable and support multiple purposes and will accommodate both indoor sports activities as well as assemblies and presentations.</li> <li>• The proposed MPH is intended to be used by CBHS during school hours and for use by the community outside of school hours and is designed to be adaptable to cater for a range of activities.</li> </ul>



Principle 7- Aesthetics	<ul style="list-style-type: none"> <li>• The building has an articulated form that maintains visual interest from the public domain and is compatible with existing buildings across the site. The design includes elements such as varied roof forms, colour, materials and finishes, fenestration and articulation to mitigate the bulk and scale of the building.</li> <li>• The proposed building is of an appropriate height, scale and proportion for the intended use as a MPH and makes a positive contribution to the desired future character and surrounding neighbourhood.</li> </ul>
Clause 3.36(6)(b)	<ul style="list-style-type: none"> <li>• <i>whether the development enables the use of school facilities (including recreational facilities) to be shared with the community.</i></li> <li>• The proposed MPH is intended to be used by CBHS during school hours and for use by the community outside of school hours and is designed to be accessible and adaptable to cater for a range of activities.</li> </ul>

### Traffic Generating Development

Clause 3.58 of the SEPP requires certain education establishment development applications to be referred to Transport for NSW (TfNSW) / Roads Maritime Services (RMS). Clause 3.58(1) applies to an enlargement or extension of existing premises being able to accommodate 50 or more additional students. The proposal seeks approval for a new MPH with no change to the existing student capacity of the school. On this basis, the application does not meet the requirements of traffic generating development, and as such, the application was not required to be referred to TfNSW / RMS.

Overall, the proposed development is considered acceptable with regard to the aims and provisions of the SEPP and the application is recommended for approval.

### *5(a)(iii) State Environmental Planning Policy (Biodiversity and Conservation) 2021*

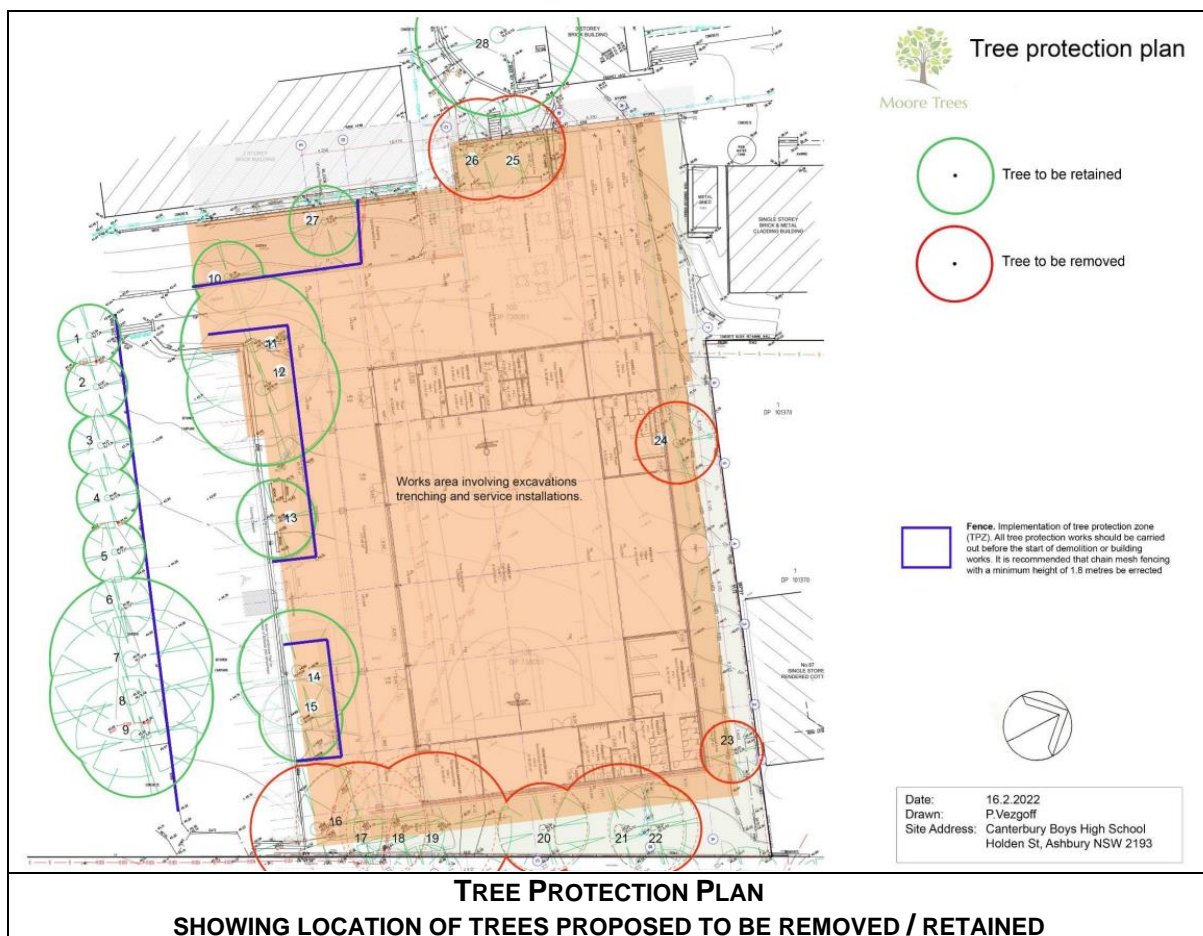
#### Chapter 2 Vegetation in non-rural areas

The protection/removal of vegetation identified under the SEPP and gives effect to the local tree preservation provisions of Council's DCP.

The application seeks the removal of vegetation from within the site. The application was referred to Council's Tree Management Officer whose comments are summarised as follows:

- *The application proposes the removal of 11 trees to facilitate the proposal.*
- *The trees represent approximately 600m<sup>2</sup> of canopy coverage as a whole.*
- *Trees 17-22 provide a high level of amenity to the Hardy Street frontage. Note that tree 22 appears to have been incorrectly identified. It is not a Eucalyptus microcorys but a E. cinerea.*
- *No objection is raised to the removal of Tree 14, 20 and 22 as they are in decline or have defects that warrant removal. Trees 23-26 are small in stature and should not be viewed as a constraint on the development. The remainder of the trees were observed to have minor defects that ordinarily wouldn't warrant removal but are unlikely to survive the construction process. Therefore removal is supported subject to replacement planting. To offset the canopy loss, the replacement trees shall be in a container size of no less than 400 litres and the trees shall be capable of attaining a minimum mature height of 15 metres.*

- In accordance with s6 C15 of the Tree DCP, the existing three spans of the overhead electrical network are to be redirected underground and new street trees planted to the Hardy Street frontage.



In light of the commentary above, the proposed removal of 11 trees from the site is considered acceptable, subject to suitable replacement planting. Further conditions of consent are also recommended to ensure the protection of all trees proposed to be retained and for the overhead electrical network to be redirected underground and new street trees planted to the Hardy Street frontage.

Overall, the proposal is considered acceptable with regard to the SEPP subject to the imposition of conditions, which have been included in the recommendation of this report.

**5(a)(iv) Ashfield Local Environment Plan 2013 (ALEP 2013)**

The application was assessed against the following relevant clauses of the *Ashfield Local Environmental Plan 2013*:

- Clause 1.2 - Aims of Plan
- Clause 2.3 - Land Use Table and Zone Objectives
- Clause 2.7 - Demolition
- Clause 5.10 - Heritage Conservation
- Clause 6.1 - Earthworks

The following provides further discussion of the relevant issues:

(i) Clause 2.3 - Land Use Table and Zone Objectives

The subject site is Zoned SP2 – Infrastructure (Educational Establishment) under the *ALEP 2013*. The *ALEP 2013* defines the development as:

**educational establishment** means a building or place used for education (including teaching), being—

(a) a school, or

(b) a tertiary institution, including a university or a TAFE establishment, that provides formal education and is constituted by or under an Act.

The proposed multipurpose hall is a building or place intended to be used for educational purposes in conjunction with the existing school on the site and is therefore, permissible in the zone.

The development is permitted with consent within the land use table. The development is consistent with the objectives of the SP2 zone.

(ii) Clause 5.10 - Heritage Conservation

The subject site is listed as a local heritage item under *ALEP 2013* as School and Interiors, 220-252 Holden Street. CBHS is also listed on the Department of Education's S170 register.

The Public Works Department's initial Heritage and Conservation Register identified important schools designed by the Department of Public Instruction (subsequently the Department of Education) and the NSW Government Architect.

The Statement of Significance as outlined on the Ashfield Heritage Register Listing is as follows:

*The school is situated on land granted to Chaplain Richard Johnson in 1793 close to his farm house, Canterbury Vale, an impressive and well crafted educational building providing an important streetscape element.*

In accordance with the requirements of Clause 5.10 of the *ALEP 2013* the consent authority must consider the effect of the proposed development on the heritage significance of the heritage item or area concerned. As part of the current assessment the applicant has prepared and submitted a heritage impact statement (HIS) undertaking an assessment of the developments potential impact on the heritage item on the site.

This HIS has been reviewed by Council's Heritage Advisor who acknowledged that that the site of the proposed hall was a site previously identified for a new building in the mid 1980s and that the demountables that occupied the site were moved out of the way.

Whilst the site of the proposed new MPH is considered appropriate, having been intended as the site of a new building in past school expansion plans, the proposed palette of materials, in particular the use of vertical metal cladding and dark colours bears little relationship to the character of the existing historic building stock of the heritage listed school. Furthermore, the use of dark colours introduces an additional heat load and is not considered an appropriate colour palette for use in conjunction within a complex with a distinctive heritage character such as this.

Conditions of consent are recommended to ensure a revised palette of materials be employed which does not include standing seam metal and, for a revised colour palette which conforms to medium solar absorptancy under BASIX.

Overall, the proposal is compliant with the requirements of clause 5.10 of the ALEP 2013 and is recommended for support, subject to suitable conditions of consent which ensure suitable materials, finishes and colours which complement the distinctive heritage character of the site.

### 5(b) Inner West Local Environmental Plan 2022

IWLEP 2022 was gazetted on the 12<sup>th</sup> of August 2022. As per Section 1.8A – Savings provisions, of this plan, as the subject development application was made before the commencement of this Plan, the application is to be determined as if the IWLEP 2022 had not commenced.

Section 4.15(1)(a)(i) of the *Environmental Planning and Assessment Act 1979* requires consideration of any Environmental Planning Instrument (EPI), and (1)(a)(ii) also requires consideration of any EPI that has been subject to public consultation. The subject application was lodged on 03 May 2022, on this date, the IWLEP was a draft EPI, which had been publicly exhibited and was considered imminent and certain.

Notwithstanding this, the amended provisions of the draft EPI do not alter the outcome of the assessment of the subject application.

### 5(c) Development Control Plans

The application has been assessed and the following provides a summary of the relevant provisions of Inner West Comprehensive Development Control Plan (DCP) 2016 for Ashbury, Ashfield, Croydon, Croydon Park, Haberfield, Hurlstone Park and Summer Hill.

IWCDCP2016	Compliance
<b>Section 1 – Preliminary</b>	
B – Notification and Advertising	Yes
<b>Section 2 – General Guidelines</b>	
Chapter A – Miscellaneous	
1 - Site and Context Analysis	Yes - refer to discussion under Section 5(a)(ii)
2 - Good Design	Yes - refer to discussion under Section 5(a)(ii)
3 - Flood Hazard	N/A
4 - Solar Access and Overshadowing	Yes
5 - Landscaping	Yes
6 - Safety by Design	Yes – refer to discussion below
7 - Access and Mobility	Yes
8 - Parking	Yes - refer to discussion below
9 - Subdivision	N/A
10 - Signs and Advertising Structures	N/A
11 - Fencing	N/A
12 - Telecommunication Facilities	N/A
13 - Development Near Rail Corridors	N/A

14 - Contaminated Land	Yes - refer to discussion under Section 5(a)(i)
15 - Stormwater Management	Yes
Chapter B – Public Domain	N/A
Chapter C – Sustainability	
1 – Building Sustainability	Yes
2 – Water Sensitive Urban Design	Yes
3 – Waste and Recycling Design & Management Standards	Yes
4 – Tree Preservation and Management	Yes – refer to discussion under Section 5(a)(iii)
5 - GreenWay	N/A
6 – Tree Replacement and New Tree Planting	Yes – refer to discussion under Section 5(a)(iii)
Chapter D – Precinct Guidelines	N/A
Chapter E1 – Heritage items and Conservation Areas (excluding Haberfield)	
1 – General Controls	Yes – refer to discussion under Section 5(a)(iv)
2 – Heritage Items	Yes – refer to discussion under Section 5(a)(iv)
3 – Heritage Conservation Areas (HCAs)	N/A
4 – Building Types and Building Elements within HCAs	N/A
5 – Retail and Commercial Buildings	N/A
6 – Apartments and Residential Flat Buildings	N/A
7 – Subdivision and lot consolidation affecting heritage items or in heritage conservation areas	N/A
8 - Demolition	Yes
9 – Heritage Conservation Areas, Character Statements and Rankings	N/A
Chapter E2 – Haberfield Heritage Conservation Area	N/A
Chapter F – Development Category Guidelines	N/A

The following provides discussion of the relevant issues:

#### Use of Hall / Plan of Management

The use of the proposed MPH is to provide facilities to CBHS as well as for the broader community, in line with the NSW Department of Education – *Educational Facilities Standards and Guidelines*, which include the following:

- A purpose-built performance space and full-size all-weather sport facility to enable the school to hold sports activities, school assemblies, music recitals as part of normal school operations and in collaboration with other schools.
- The maximum seating capacity of the proposed MPH of 535 students and is expected to be fully utilised once per term for assemblies.
- Community access to the facility outside of school operating hours is yet to be established but expected to be as follows:
  - Weekdays – not after 9:00pm
  - Saturday – between 9:00am and not after 9:00pm
  - Sunday – between 9:00am and 4:00pm

The application was supported by a Plan of Management detailing the use of the MPH outside of school hours, maximum capacity, operational arrangements and acoustic mitigation

matters. Given the MPH will not result in an increase in student numbers and that recommendations have been provided to manage the impacts of the proposal with regard to these matters, it is considered that the on-going operation of the MPH is appropriate for the site and surrounding properties and can be appropriately managed by way of conditions of consent requiring these recommendations to form part of any final consent.

Section 2, Chapter A, Part 8 - Parking

The proposed development includes the provision of an additional accessible carparking bay however, relies on the existing 45 carparking spaces at CBHS to support the parking requirements of the proposed MPH under the ADCP2016:

Parking Spaces	Required Parking Spaces (Gymnasium)	Total Parking Spaces Provided
<b>Cars</b>	4 spaces per 100sqm of gross floor area = 25	45
<b>Accessible</b>	5 spaces per 100 spaces of car park = 1.25	2
<b>Bicycle</b>	1 per 400sqm of gross floor area + 1 per 200sqm gross floor area for students = 5	10

Given that the proposed MPH will not result in an increase to the existing student and staff numbers, the existing traffic and parking generation for the operation of the site will remain largely unchanged. It is noted that additional parking demand may be generated from the use of the proposed MPH outside normal school operation as follows:

- Occasional events (graduation ceremonies and presentations held during PM peak hours 1 – 4 times a year: peak demand would be for 100 vehicles
- Weekend usage: 40 vehicles (60 attendees at 1.5 persons per vehicle)

However, due to the frequency of these events and weekend usage of the MPH, it is considered that the existing car parking spaces and surrounding on-street parking are sufficient to accommodate any additional parking demand generated.

It is likely that some additional traffic movements will be generated during construction, however these movements will occur before and after the peak school activity movements and are temporary. Suitable conditions of consent are recommended, requiring a construction management traffic plan be prepared to mitigate any pedestrian and vehicle conflicts during the construction phase.

The application was accompanied by a traffic report which was reviewed by Council’s Development Engineer and found to be acceptable with regard to traffic volume anticipated to be generated by the proposed development and existing parking arrangements.

As such, the proposed development is considered satisfactory and recommended for approval subject to conditions.

Section 2, Chapter A, Part 6 - Safety by Design

The application was accompanied by documentation addressing Crime Prevention Through Environmental Design (‘CPTED’) principles. This assessment has identified and recommended measures to be implemented to ensure security and safety for the students, staff and adjoining residents. These measures include recommendations such as:

### **Surveillance**

- At a minimum, surveillance cameras should be installed in discrete and suitable areas;
- Lighting should be provided at all entry points, public areas, and walkways. This lighting can be automatically controlled by time clocks and/or sensors where appropriate;
- Low level bollard lighting should be considered near the residential properties to the north;
- Lighting should be provided in accordance with the relevant Australian Standards; and
- Lighting fixtures should be 'vandal proof' where possible.

### **Access Control**

- Driveway entry gates are to be sturdy, 'vandal proof' and fast operating;
- The different uses should be clearly identified as such by signage or other treatments;
- Ensure the entries are provided with an architectural treatment/materials/colours to make them readily identifiable for students, staff and community;
- Fire exit doors should be fitted with measures to restrict unauthorised access; and
- All areas should be fitted with doors that comply with Australian Design Standards.

### **Territorial Enforcement**

- The MPH including all internal rooms should be clearly identified; and
- Establish a clear hierarchy of private and public spaces through distinct landscaping treatments and building materials such as planting, footpaths and building identification signs where suitable. This has been demonstrated in the proposed landscaping plan.

### **Space Management**

- Any burnt out lighting should be replaced quickly;
- Ensure adequate and timely asset management and maintenance;
- General cleaning and rubbish collection should be undertaken regularly;
- Graffiti should be removed as soon as possible; and
- Vandal-proof and graffiti-proof finishes should be considered.

The provided recommendations outlined within this report ensure a high level of security and safety for all persons utilising the development, as well as the broader community, and are recommended for support. A condition requiring compliance with the recommendations is included in the recommended conditions of approval.

### **5(d) The Likely Impacts**

The assessment of the Development Application demonstrates that, subject to the recommended conditions, the proposal will have minimal impact in the locality.

### **5(e) The suitability of the site for the development**

Provided that any adverse effects on adjoining properties are minimised, this site is considered suitable to accommodate the proposed development, and this has been demonstrated in the assessment of the application.

### **5(f) Any submissions**

The application was notified in accordance with the Community Engagement Framework for a period of 30 days to surrounding properties.

2 submissions were received in response to the initial notification.

The following issues raised in submissions have been discussed in this report:

- Height, Bulk and Scale – refer to Section 5(a)(ii)
- Visual presentation and impacts to streetscape – refer to Section 5(a)(ii)
- Removal of trees and impact on retained trees – refer to Section 5(a)(iii)
- Impact on Heritage – refer to Section 5(a)(iv)
- Materials and Finishes – refer to Section 5(a)(iv)

In addition to the above issues, the submissions raised the following concerns which are discussed under the respective headings below:

**Issue:** Inadequate Notification - 'Hardy Street not mentioned in notification letter/Hardy Street not notified'

**Comment:** The subject site is legally described as Lot 100 DP 738051 being 220-252 Holden Street Ashbury and was notified in accordance with Council's Community Engagement Framework which included properties on Hardy Street within close proximity to the proposed development (refer to Locality Map).

**Issue:** Reduced visual privacy and amenity from removal of mature trees (No. 87 Hardy Street)

**Comment:** The proposed MPH is appropriately setback from neighbouring residential dwellings and will not result in adverse amenity impacts in terms of views, overshadowing or acoustic impact. Windows which are proposed to the northern elevation of the MPH, in close proximity to a neighbouring dwelling at No. 87 Hardy Street, are situated more than 1m below the existing boundary fence and as such direct sight lines will not be facilitated. The application was also supported by a plan of management which included recommendations to mitigate the impact of acoustic noise and should form part of any future consent.

**Issue:** Poor visual amenity of higher parts of the proposed hall visible from Hardy Street

**Comment:** The proposed MPH has been appropriately designed for the purpose of a multi-use facility and provides a suitable built form, in terms of height, bulk, scale and articulation to ensure visual interest without dominating the streetscape, as viewed from Hardy Street. The highest portion of the building is located away from neighbouring buildings and as a result the development does not result in adverse impacts in terms of neighbouring amenity.

## 5(g) The Public Interest

The public interest is best served by the consistent application of the requirements of the relevant Environmental Planning Instruments, and by Council ensuring that any adverse effects on the surrounding area and the environment are appropriately managed.

The proposal is not contrary to the public interest.

### Construction Hours

The proposal seeks consent for construction hours beyond those which form part of Council's standard construction hours for Class 9 Buildings. The additional construction hours are being pursued to facilitate construction works relating to internal fit out and soft landscaping between 1:00pm to 5:00pm on Saturdays.



While the nature of these works are generally considered minor and unlikely to result in adverse nuisance to neighbouring properties in terms of dust, noise, vibration, it is recommended that demolition works and the use of heavy machinery during these times be restricted.

Note: the revised construction hours which form part of the draft conditions of consent were reviewed by the applicant who agreed to the restriction of demolition and the use of heavy machinery between 1:00pm and 5:00pm on Saturdays.

Therefore, it is recommended that the revised construction hours which are included in the draft conditions of consent form part of any final consent.

## 6 Referrals

### 6(a) Internal

The application was referred to the following internal sections/officers and issues raised in those referrals have been discussed in section 5 above.

- Architectural Excellence Panel (AEP) - The proposal has been reviewed by Council's AEP who raised no objection to the proposed development subject to consideration being given to replacement tree planting along the eastern side of the site to enhance the streetscape character of Hardy Street. As part of further consultation with Council's Urban Forest Officer, conditions have been recommended to ensure the location of the replacement planting is suitable in terms of long term viability and streetscape presentation. It is considered that the proposal is acceptable in this regard and provides an acceptable balance between built form and open space.
- Building Certification - The proposal was accompanied by a National Construction Code (NCC) / Building Code of Australia (BCA) report which has been reviewed by Council's Building Certification Team. No objections were raised to the proposed development subject to suitable conditions of consent requiring compliance with the NCC / BCA and fire safety requirements.
- Development Engineering – Council's Development Assessment Engineering Team have reviewed the proposed stormwater plans, geotechnical report and traffic impact assessment and outlined generally no objection to the proposed development, subject to the imposition of suitable conditions of consent.
- Environmental Health - Council's Environmental Health Team have undertaken a review of the proposed development with regard to SEPP 55 contamination and acoustic impacts as detailed in the Detailed Site Investigation, Remedial Action Plan and Acoustic report submitted with the application. No objections were raised to the proposed development subject to suitable conditions of consent regarding contamination management and remediation and acoustic compliance.
- Heritage - The application has been reviewed by Council's Heritage Advisor who found the proposed development to be satisfactory subject to suitable conditions of consent requiring a revised palette of materials, finishes and colours which complement the distinctive heritage character of the site. These conditions form part of Council's recommendation.
- Urban Forest - The proposal has been reviewed by Council's Urban Forest Team who outlined no objection to the proposed tree removal and proposed landscape/planting

plans. Appropriate conditions of consent regarding tree replacement and protection of neighbouring trees are recommended to form part of any final approval.

- Waste Management - The proposal has been reviewed by Council's Resource Recovery (Waste Management) Team who outlined no objection, subject to suitable conditions of consent regarding waste collection and disposal methods. They noted that as the number of students is to remain the same there will be no significant increase in the waste generated and users of the hall can dispose of their waste in the existing waste facilities already located on site.

#### 6(b) External

N/A – the application was not required to be referred to any external bodies.

### 7. Section 7.11 Contributions/7.12 Levy

There is no formal mechanism under the Ashfield Section 94A Contributions Plan 2014 or the *Environmental Planning and Assessment Act 1979* which provides an exemption or expressly excludes Crown Developments of educational establishments from the payment of s7.12 contributions. In this regard, a contribution of \$73,089.79 would be required for the development under Ashfield Section 94A Contributions Plan 2014.

However, as prescribed under Section 7.13 of the EP&A, the imposition of any condition of consent requiring the payment of a contribution, is at the discretion of the consent authority.

In this regard, whilst the Ashfield 94A Contribution Plan does apply to the land and has been considered as part of the assessment of the application, it is recommended that the consent authority under s7.13 of the EP&A waive the applicable s7.12 contributions in this instance, as the proposed development provides the following public benefits:

- Caters to future population demands for educational and community / childcare services;
- Provides a new community facility for use by the local population at no up-front cost/nor ongoing cost to Council;
- The waiving of the s7.12 levy would not significantly impact Council's ability to deliver the Ashfield 94A Plan work schedule, given the work schedule is mostly completed and will be soon repealed by a new draft contribution plan.
- The draft contribution plan's supporting Community Assets Needs Study 2021 identifies school halls as important community venues that are to be encouraged. School halls provide "asset buffers" that could be considered as part of future strategies to meet future demand where new or upgraded Council-owned facilities are not able to be provided.

Given the nature of the proposed development which provides an inherent benefit to the community, an exemption from the payment of s7.12 development contributions is recommended.

### 8. Conclusion

The proposal generally complies with the aims, objectives and design parameters contained in *Ashfield Local Environmental Plan 2013* and Inner West Comprehensive Development Control Plan (DCP) 2016 for Ashbury, Ashfield, Croydon, Croydon Park, Haberfield, Hurlstone Park and Summer Hill.

The development will not result in any significant impacts on the amenity of the adjoining premises/properties and the streetscape and is considered to be in the public interest.

The application is considered suitable for approval subject to the imposition of appropriate conditions.

## **9. Recommendation**

- A. That the Sydney Eastern City Planning Panel exercising the functions of the Council as the consent authority, pursuant to s4.16 of the *Environmental Planning and Assessment Act 1979*, grant consent to Development Application No. DA/2022/0281 for Construction of a multi-purpose hall (MPH) at Canterbury Boys High School (CBHS). at 220-252 Holden Street ASHBURY NSW 2193 subject to the conditions listed in Attachment A below.