

SYDNEY SOUTH PLANNING PANEL - ASSESSMENT REPORT

Panel Reference	PPSSSH-113
DA Number	DA-512/2021
LGA	Canterbury Bankstown Council
Proposed Development	Demolition of existing structures and construction of a two storey classroom building and use as an educational establishment, with student and staff amenities, pathway connection to the adjacent school property, increase in student numbers, associated signage and landscape works.
Street Address	55 MacDonald Street, Lakemba
Applicant/Owner	Crawford Architects Pty Limited
Date of DA lodgement	10 May 2021
Number of Submissions	1 Submission
Recommendation	Refusal
Regional Development Criteria (Schedule 7 of the SEPP (State and Regional Development) 2011	As outlined in Part 2.4 clause 2.20 and Schedule 6, Clause 5 of the SEPP (Planning Systems) 2021 the application is declared as regionally significant development. The proposed educational establishment has a capital investment value of \$7,088,564.00 and falls within this category
List of all relevant s4.15(1)(a) matters	<ul style="list-style-type: none"> • State Environmental Planning Policy (Planning Systems) 2021 • State Environmental Planning Policy (Resilience and Hazards) • State Environmental Planning Policy (Housing) 2021 • State Environmental Planning Policy (Transport and Infrastructure) 2021 • State Environmental Planning Policy No 64 – Advertising and Signage • State Environmental Planning Policy (Biodiversity and Conservation) 2021 • Canterbury Local Environmental Plan 2012 (CLEP 2012) • Canterbury Development Control Plan 2012 (CDCP 2012) • Community Participation Plan (CPP) • Draft Consolidated Canterbury Bankstown Local Environmental Plan
List all documents submitted with this report for the Panel's consideration	<ul style="list-style-type: none"> • Attachment 1: Architectural Plans • Attachment 2: Survey Plan • Attachment 3: Landscape Plan • Attachment 4: Statement of Environmental Effects • Attachment 5: Acoustic Report • Attachment 6: Flood Risk Management Report • Attachment 7: Civil Engineering Plan • Attachment 8: Access Report • Attachment 9: BCA Compliance Statement • Attachment 10: Waste Management Plan • Attachment 11: Stage 1 Preliminary & Stage 2 Detailed Site Investigation • Attachment 12: Traffic Report • Attachment 13: Remedial Action Plan • Attachment 14: Cost Estimate Report

Summary of key submissions	1 Submission was received, which was in support of the proposal
Report prepared by	Christine Sison – Senior Town Planner
Report date	30 November 2022

Summary of s4.15 matters

Yes

Have all recommendations in relation to relevant s4.15 matters been summarised in the Executive Summary of the assessment report?

Legislative clauses requiring consent authority satisfaction

No

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 summarised, in the Executive Summary of the assessment report? 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

**No –
amendments
no longer
require a
Clause 4.6**

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?

Special Infrastructure Contributions

No

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*

Conditions

No

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

EXECUTIVE SUMMARY REPORT

This matter is reported to the Sydney South Planning Panel as the development application is for an educational establishment which exceeds a capital investment value of \$5 million in accordance with Part 2.4 clause 2.20 and Schedule 6, Clause 5 in SEPP (Planning Systems) 2021.

Development Application No. DA-362/2022 proposes the demolition of existing structures and the construction of a two storey classroom building and use as an educational establishment with student and staff amenities, pathway connection to the adjacent school property, adding 200 students, associated signage and landscape works.

DA-362/2022 has been assessed against the relevant provisions of the State Environmental Planning Policy (Resilience and Hazards) 2021, State Environmental Planning Policy (Transport and Infrastructure) 2021, State Environmental Planning Policy No. 64 (Advertising and Signage), Canterbury Local Environmental Plan 2012 (CLEP 2012), Canterbury Development Control Plan 2012 (CDCP 2012).

The application was advertised for 28 days (from 1 June 2022 – 21 June 2022) in accordance with the Canterbury Bankstown Community Participation Plan. One (1) submission was received which was in support of the development.

POLICY IMPACT

This matter has no direct policy implications.

FINANCIAL IMPACT

This matter has no direct financial implications.

RECOMMENDATION

It is recommended that the Panel support Council's recommendation to refuse the application.

DA-362/2022 ASSESSMENT REPORT

SITE & LOCALITY DESCRIPTION

- The subject site is legally identified as being Lot 1 in Deposited Plan 948945, No. 55 MacDonald Street, Lakemba. The site has an area of 1024m² and is rectangular in shape. It has a south western frontage to MacDonald Street of 14.935m.
- The site is located within an R4 High Density Residential zone and surrounded by R4 and RE1 (Public Recreation) zones.
- The site falls to the rear with an approximate 2.9 metre change in level from the south-western (front) boundary (RL 24.85) to the north-eastern boundary (RL 21.97).
- The existing structure on site is a two storey residential flat building (6x 2 bedroom units), with a concrete slab at the rear that is utilised for parking.
- Adjoining sites to the north, south and west consist of 2-3 storey residential flat buildings.
- The site is not within an identified Heritage Conservation Area nor does it contain or is in the vicinity of any heritage items of significance.

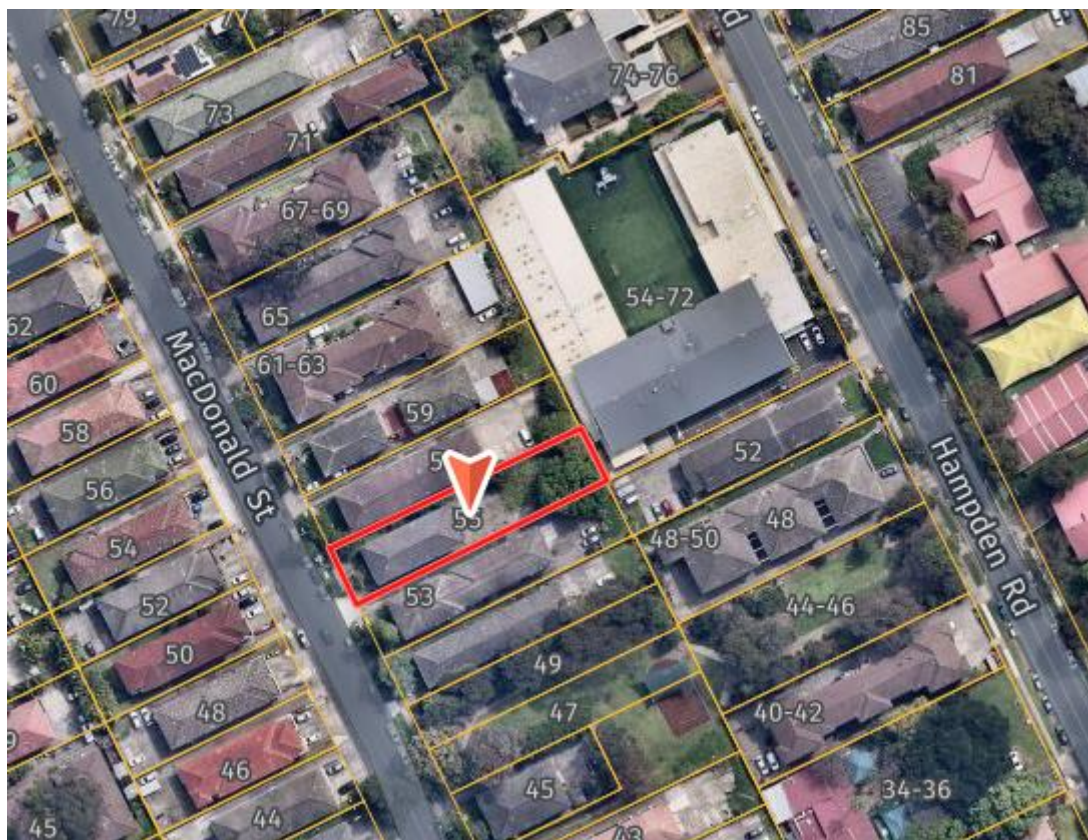


Figure 1: Aerial view of the subject site outlined in red (Source: Nearmap)

PROPOSED DEVELOPMENT

The DA seeks approval for the demolition of existing structures and construction of a two storey classroom building and use as an educational establishment, with student and staff amenities, pathway connection to the adjacent school property, increase in student numbers, associated signage and landscape works.

In summary, the proposed development includes the following components:

- Demolition of existing building;
- Site preparation works and remediation;
- Removal of 5 trees
- Construction and use of building as an educational establishment (2 storeys), including:
 - Ground Floor
 - 4 classrooms with an operable bi-fold wall between (to combine rooms);
 - 1 female bathroom
 - 1 accessible bathroom
 - 3 staircases
 - 1 lift
 - Store rooms
 - First Floor;
 - 4 classrooms with an operable bi-fold wall between (to combine rooms);
 - 1 male bathroom
 - 1 female bathroom
 - 1 accessible bathroom
 - 1 staff bathroom
 - 3 staircases
 - 1 lift
- Associated landscape works
- A ramp connecting to the rear site which has an existing educational facility.

The proposed development will increase the capacity for the existing school on the adjoining lot at 54-72 Hampden Road, Lakemba and hold an additional 200 students.

BACKGROUND

The subject site was sold in May 2021 to Rissalah College Ltd who also own an adjoining site to the rear. The existing building on the subject site contains a residential flat building (RFB) with 6x 2 bedroom units which was granted approval on 1 February 1967. The construction of the RFB was completed on 13 July 1967. Council has no records of any DA or CDC applications being lodged for this site between 1967 and this current application.

The lot at the rear (north-east) of the subject site is known as 'Rissalah College' and identified as No. 54-72 Hampden Road, Lakemba. Council's records show that there have been several applications (DA & CDC) lodged for this site including the following that are relevant to the existing school:

- Proposed classroom and storeroom (Approved 3 October 1996)
- Extension to existing school (Approved 8 January 1997)
- Awning for weather protection (Approved 15 July 1997)
- Alterations and refurbishment of existing primary school including demolition of structures within the existing building (Approved 6 May 2009)

- Development proposed a capacity for 420 students (Kindergarten to year 6), and 20 staff members.
- Construction of a new multi-purpose hall, library and specialist classrooms (Approved 11 December 2009)
- Two additional classrooms to the first floor (Approved 28 November 2014)

A request for further information was submitted to the applicant on 17 August 2022. Further requests for information were submitted to the applicant on 12 October and 24 October 2022.

A Panel briefing was held on 6 September 2022 which discussed the following key issues:

- Loss of affordable housing. The Housing SEPP needed to be addressed
- Existing approved number of students and projected population to be confirmed
- RL's required to accurately calculate building height
- Impacts of bulk, scale and setbacks of new development on local context to be addressed
- Landscape plan to include plant species, sizes and schedule to be provided
- Overshadowing. Accuracy of submitted shadow diagrams
- Floor space ratio non-compliance
- Traffic report including bus and bike parking needs resolution. Limited opportunity for street parking
- Security provisions, more detail required during, and outside of school hours
- Rationale for street tree removal
- Need for acoustic report to determine acoustic impacts on adjoining dwellings
- Location of solar panels.

The letter of 11 October 2022 in addition to the issues raised at the panel briefing, requested the following information:

- Revised statement of environmental effects
- Additional information on landscaping,
- Amended shadow diagrams
- Changes to building depth and articulation
- Revised design reducing FSR
- Amended plans showing RLs and Height of Building
- A traffic and parking assessment
- Detail of operation/management of access gates
- Details of stormwater, including trunk drainage pipe running through site.
- Amended stormwater management plans
- Further information on solar panels
- Demolition plan

The letter of 24 October 2022 requested the following information:

- A Remedial Action Plan

Both letters provided a deadline of 1 November 2022 to provide the additional information. A meeting was held with the applicant on 24 October 2022 to discuss the amendments.

On Friday, 11 November 2022, at 4:53pm the applicant uploaded:

- An amended acoustic report which incorporates additional recommendations for acoustic privacy, and reflects the architectural changes of the development.
- An amended cost estimate was submitted to reduce the cost to reflect the reduction of 2 classroom
- Amended landscape drawings which included the quantities for all plants species, as well as reflect the changes made to the architectural plans
- A remedial action plan as previously requested by Council's Environmental Health Officer
- An amended Statement of Environmental Effects which provided responses to the previous letters
- An amended traffic report to reflect the changes to the proposed increase in students from 300 to 200.

This report has been based upon the plans and information submitted on 7 November 2022 & 11 November 2022

RELEVANT APPLICATIONS TO SUBJECT PROPOSAL

There are no applications at 55 MacDonald Street, Lakemba that are relevant to this proposal.

Statutory Considerations

When determining this application, the relevant matters listed in Section 4.15C of the Environmental Planning and Assessment Act 1979 must be considered. In this regard, the following environmental planning instruments, development control plans, codes and policies are relevant:

- State Environmental Planning Policy (Planning Systems) 2021
- State Environmental Planning Policy (Resilience and Hazards)
- State Environmental Planning Policy (Housing) 2021
- State Environmental Planning Policy (Transport and Infrastructure) 2021
- State Environmental Planning Policy No 64 – Advertising and Signage
- State Environmental Planning Policy (Biodiversity and Conservation) 2021
- Canterbury Local Environmental Plan 2012 (CLEP 2012)
- Canterbury Development Control Plan 2012 (CDCP 2012)
- Community Participation Plan (CPP)
- Draft Consolidated Canterbury Bankstown Local Environmental Plan

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

State Environmental Planning Policy (Planning Systems) 2021

As outlined in Part 2.4 clause 2.20 and Schedule 6, Clause 5 of the SEPP (Planning Systems) 2021 the application is declared as regionally significant development. The proposed educational establishment has a capital investment value of \$7,088,564 and falls within this category.

State Environmental Planning Policy (Resilience and Hazards) 2021

This State Environmental Planning Policy aims to promote the remediation of contaminated land for the purposes of reducing risk to human health or any other aspect of the environment. The SEPP states that a consent authority must not consent to the carrying out of development

unless it has considered whether the land is contaminated. If the land is contaminated, it must ascertain whether it is suitable in its contaminated state for the proposed use or whether remediation of the land is required.

A review of the history of the subject site shows that it has only been used for residential purposes. Council's Environmental Health Officer (EHO) requested that a Remedial Action Plan be submitted for review. Council's EHO raised no objections in response to the submitted remedial action plan.

State Environmental Planning Policy (Housing) 2021

Part 3, Clause 46 & 47 of the SEPP (Housing) 2021 refers to the reduction of availability of affordable housing, due to the demolition of an existing residential flat building on the subject site. The applicant stated that a response prepared by Hamptons Property Services was prepared, which identifies that an affordable housing contribution is payable. This document was not received by Council and therefore has not been addressed as part of the application.

State Environmental Planning Policy (Transport and Infrastructure) 2021

Part 3.1 – Aims of Chapter

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

The aims of this Policy are achieved as this EPI takes precedence over Council's controls by virtue of clause 3.1(f) and provides for a singular planning framework.

Clause 3.34(1) - Definition of "prescribed zone"

Zone R4 - High Density Residential' is a prescribed zone.

3.36 – Schools – Development permitted with consent

Clause 3.36(1) Development for the purpose of a school may be carried out by any person with development consent on land in a prescribed zone.

Clause 3.36(6) notes that before determining a development application for the purpose of a school and ancillary facilities to a school, the consent authority must take into consideration the design quality of the development in accordance with the principles (in Schedule 8) and, whether the development enables the use of school facilities (including recreational facilities) to be shared with the community.

- **Principle 1 – Context, Built form and landscape.**

The subject site is not listed as a heritage item, nor is it within the vicinity of a heritage item.

The Height of Buildings Map identifies a maximum building height for the site which the school building exists to be 8.5 metres. The building height of the development is unable to be accurately assessed as the requested information (RL's of the natural ground level directly beneath the ridge points of the development) has not been submitted.

The development is proposed in a way that follows the natural slope of the site and does not propose excessive cut or fill. The submitted landscape plan includes 5 tree removals, and 15 tree replacements, as well as a combination of shrubs and groundcovers around the development.

- **Principle 2 - Sustainable, Efficient and durable**

The development is not considered to significantly alter the consumption of water and natural resources. As part of the proposal, photovoltaics have been proposed as well as adequate landscaping.

- **Principle 3 – Accessible and inclusive**

An access report has been submitted and referred to Council's Building Surveyors for comment. Council's Building Surveyors are satisfied with the proposal, subject to conditions.

- **Principle 4 – Health and safety**

The development provides an accessible and welcoming environment, which integrates adequate bathroom facilities, water stations, stairs, ramps and lifts into the overall design.

Concerns are raised regarding safety as raised by Council's Traffic Engineer with regard to the site's boundaries and the surrounding public domain. Council's Traffic Engineer indicates that the proposed pick-up/drop-off arrangement for the development is unsatisfactory which creates safety concerns.

- **Principle 5 – Amenity**

The proposed development includes open spaces at the rear through the removal of 2 classrooms on the subject site as well as the main campus (located on the site to the rear).

The submitted information indicates that the adjoining sites will be capable of receiving solar access to their windows between 9am-12pm.

With regard to privacy, screening has been put in place to minimise overlooking adjoining properties as well as providing privacy for students.

Storage and service areas are located appropriately within the development.

The application was referred to Council's Environmental Health Officer raised concerns regarding the amended acoustic report (V2, dated 3/11/2022). Concerns were raised regarding the following:

- The amended acoustic report recommends the walkway between the existing college and the proposed building be covered with an acoustically treated awning 2.5m above the ground, with additional shielding on the sides (including raising the southern boundary fence to 2.5m). The awning and associated barriers have not been mentioned in the Statement of Environmental Effects, and they are not shown in the updated plans.
Amended plans are required showing the recommended acoustic treatments to the walkway.
- The Statement of Environmental Effects and traffic report recommend Secondary school pick-ups be transferred to MacDonald Street. Noise from pick-up including increased traffic noise has not been considered in the Acoustic Report. An amended acoustic report is required addressing vehicle movements.

- **Principle 6 – Whole of life, flexible and adaptive**

The proposed classrooms are adaptable and can be utilised by different groups/cohorts.

The development includes solar collectors, as well as the integration of landscaping around the building.

• **Principle 7 – Aesthetics**

Proposed 1.8m aluminium fence & gate will not be visually prominent when viewed from the street. The built form will be adequately broken up through the proposed landscaping.

The amended designs are in character with the surrounding locality in terms of building design and finishes.

The building depth has been reduced through the removal of 2 classrooms. This is seen to be more in character with the surrounding development and reduces the impacts on adjoining properties.

State Environmental Planning Policy No 64 – Advertising and Signage

The application proposes 1 identification sign along the MacDonald Street frontage. It has a dimension of 1.545m X 1.5m.

The signage is to have an acrylic base with digitally printed translucent graphics and be an LED logo & backlit sign.

STATE ENVIRONMENTAL PLANNING POLICY NO 64 – ADVERTISING AND SIGNAGE		
Standard	Proposal	Complies
1. Character of the area		
Is the proposal compatible with the existing or desired future character of the area or locality in which it is proposed to be located?	The proposed sign is compatible with the proposed character of the area and the locality in which it is to be situated.	Yes
2. Special Areas		
Does the proposal detract from the amenity or visual quality of any environmentally sensitive areas, heritage areas, natural or other conservation areas, open space areas, waterways, rural landscapes or residential areas?	The subject site is not in a heritage conservation area or a heritage item. The existing nature of the site will remain similar to its previously approved building footprint, therefore, will not detract from the amenity or visual quality of the residential area. The proposed signage is simple and does not detract from the locality.	Yes.
3. Views and Vistas		
Does the proposal obscure or compromise important views?	The proposed signage is located on the building, and will not obscure or compromise any important views	Yes.
Does the proposal dominate the skyline and reduce the quality of vistas?	The proposed sign will not dominate the skyline or reduce the quality of vistas.	Yes.
Does the proposal respect the viewing rights of other advertisers?	Given the location and height of the structure the signs are to be applied to, it will respect the viewing rights of other advertisers.	Yes.
4. Streetscape, Setting or landscape		
Is the scale, proportion and form of the proposal appropriate for the streetscape, setting or landscape?	The proposed scale, proportion and the form of signs are appropriate for the surrounding setting and streetscape.	Yes.
Does the proposal reduce clutter by	The development only proposes one sign,	Yes.

STATE ENVIRONMENTAL PLANNING POLICY NO 64 – ADVERTISING AND SIGNAGE		
Standard	Proposal	Complies
rationalising and simplifying existing advertising?	and does not introduced clutter to the appearance of the building	
Does the proposal screen unsightliness?	No unsightliness to screen.	N/A
Does the proposal protrude above buildings, structures or tree canopies in the area or locality?	Proposed sign does not protrude above buildings, structures or tree canopies	Yes
5. Site and Building		
Is the proposal compatible with the scale, proportion and other characteristics of the site or building, or both, on which the proposed signage is to be located?	The signs are compatible with the size of the site, the surrounding buildings and character of the site.	Yes.
Does the proposal respect important features of the site or building or both?	The signs respect the features of the site they are located within.	Yes.
Does the proposal show innovation and imagination in its relationship to the site or building or both?	The proposed signage is relevant to the development. The design is appropriate	Yes.
6. Associated devices and logos with advertisements and advertising structures		
Have any safety devices, platforms, lighting devices or logos been designed as an integral part of the signage or structure on which it is to be displayed?	No lighting proposed. Signage is located in an appropriate space on the building.	Yes
7. Illumination		
Would illumination result in unacceptable glare?	Sign is to be backlit, and will not cause unacceptable glare	Yes
Would illumination affect safety for pedestrian, vehicles or aircraft?	Proposed signage is appropriate, and will not result in significant/unreasonable illumination	Yes
Would illumination detract from the amenity of any residence or other form of accommodation?	The sign faces the street, and proposes to be backlit. This will not detract from the amenity of any residence or other form of accommodation of adjoining properties.	Yes
Is the illumination subject to a curfew?	Subject to condition if the application were to be approved	Yes
8. Safety		
Would the proposal reduce the safety for any public road?	The proposed signs are not considered to affect the safety of pedestrians or vehicles, as it is located within the property boundary line. Therefore, it is not considered to affect vehicle safety.	Yes.
Would the proposal reduce the safety for pedestrians or cyclists?	The proposed signage will not reduce the safety for pedestrians or cyclists	Yes

State Environmental Planning Policy (Biodiversity and Conservation) 2021

The proposal has been assessed against the relevant aims and objectives of this State Environmental Planning Policy which seeks to protect remaining native vegetation within urban areas.

The proposed development seeks approval for the removal of 5 trees, which is considered suitable subject to the proposed 15 replacement plantings on site. The application was referred to Council's Tree Management Officer for their comment, no objections were raised subject to conditions.

Canterbury Local Environmental Plan (CLEP) 2012

This site is zoned R4 High Density Residential Zone under CLEP 2012. The controls applicable to this application are discussed below.

Clause 1.2 Aims of Plan

For the reasons set out below the proposed development is inconsistent with the relevant aims of the CLEP 2012, in particular aim 1.2(2)(c) to ensure that development is of a design and type that supports the amenity and character of an area and enhances the quality of life of the community.

Clause 2.3 Zone objectives and Land Use Table

Clause 2.3(2) in CLEP 2012 requires the consent authority have regard to the objectives for development in a zone when determining a development application in respect of land within the zone.

The objectives of the R4 High Density Residential Zone are:

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

The proposed development meets the objectives of the R4 zone as it enables for other land uses which provide facilities or services to meet the day to day needs of residents.

The following clauses of the Canterbury Local Environmental Plan 2012 were taken into consideration:

Provision/ Standard	Requirement	Proposal	Complies
Part 2 Permitted or Prohibited Development			
2.1-2.3 Zoning	R4 High Density Residential	Clause 3.36 (1) of the SEPP (Transport and infrastructure) 2021 states that development for the purpose of a school may be carried out by any person with development consent on land in a prescribed zone (which includes R4) Development is permitted with consent	Y
2.7 Demolition requires development consent	The demolition of a building or work may be carried out only with development consent.	Permitted with consent	Y
Part 4 Principal Development Standards			

Provision/ Standard	Requirement	Proposal	Complies
4.3 Height of Buildings	8.5m	RL's along the natural ground line on section plans were requested to calculate the accurate building height. These were not provided in the amended architectural plans – height appears to be approximately 8.5m but cannot be confirmed. Insufficient information has therefore been provided to allow for a full and proper assessment to take place.	N
4.4 Floor Space Ratio	0.75:1	Site area: 1024m ² Ground floor GFA: 351.7m ² First floor GFA: 331.7m ² Total GFA: 683.4m ² FSR: 0.67:1	Y
5.6 Architectural roof features	Development consent must not be granted to any such development unless the consent authority is satisfied that— (a) the architectural roof feature— (i) comprises a decorative element on the uppermost portion of a building, and (ii) is not an advertising structure, and (iii) does not include floor space area and is not reasonably capable of modification to include floor space area, and (iv) will cause minimal overshadowing, and (b) any building identification signage or equipment for servicing the building (such as plant, lift motor rooms, fire stairs and the like) contained in or supported by the roof feature is fully integrated into the design of the roof feature.	Roof design is appropriate	Y

Provision/ Standard	Requirement	Proposal	Complies
5.10 Heritage Conservation	<p>Requirement for consent Development consent is required for any of the following—</p> <p>(a) demolishing or moving any of the following or altering the exterior of any of the following:</p> <p>(i) a heritage item,</p> <p>(ii) an Aboriginal object,</p> <p>(iii) a building, work, relic or tree within a heritage conservation area,</p> <p>(b) altering a heritage item that is a building by making structural changes to its interior</p> <p>(c) disturbing or excavating an archaeological site</p> <p>(d) disturbing or excavating an Aboriginal place of heritage significance,</p> <p>(e) erecting a building on land—</p> <p>(i) on which a heritage item is located or that is within a heritage conservation area, or</p> <p>(ii) on which an Aboriginal object is located or that is within an Aboriginal place of heritage significance,</p> <p>(f) subdividing land—</p> <p>(i) on which a heritage item is located or that is within a heritage conservation area, or</p> <p>(ii) on which an Aboriginal object is located or that is within an Aboriginal place of heritage significance.</p>	Not applicable	N/A
Part 6 Local Provisions			
6.1 Acid Sulfate Soils	Development consent must not be granted under this clause for the carrying out of works unless an acid sulfate soils management plan has been prepared for the proposed works in accordance with the Acid Sulfate Soils Manual and has been provided to the consent authority.	Not affected by acid sulfate soils	N/A

Provision/ Standard	Requirement	Proposal	Complies
6.2 Earthworks	<p>Before granting consent to development including earthworks, the following must be considered:</p> <ul style="list-style-type: none"> (a) drainage patterns and soil stability (b) the likely future use or redevelopment of the land, (c) quality of the fill or the soil to be excavated, or both, (d) effect of development on existing and likely amenity of adjoining properties, (e) the source of any fill material and the destination of any excavated material, (f) the likelihood of disturbing relics, (g) the potential for adverse impacts on, any waterway, drinking water catchment or environmentally sensitive area, (h) appropriate measures proposed to avoid, minimise or mitigate the impacts of the development. 	<p>Development does not propose to cut into the natural ground. Proposed building follows the slope of the site.</p>	Y

Provision/ Standard	Requirement	Proposal	Complies
6.3 Flood Planning	<p>This clause applies to land at or below the flood planning level.</p> <p>Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that the development:</p> <ul style="list-style-type: none"> (a) is compatible with the flood hazard of the land, and (b) will not significantly adversely affect flood behaviour resulting in detrimental increases in the potential flood affectation of other development or properties, and (c) incorporates appropriate measures to manage risk to life from flood, and (d) will not significantly adversely affect the environment or cause avoidable erosion, siltation, destruction of riparian vegetation or a reduction in the stability of river banks or watercourses, and (e) is not likely to result in unsustainable social and economic costs to the community as a consequence of flooding. 	Site is not affected by flooding	N/A
6.4 Stormwater Management	<p>Consent must not be granted unless:</p> <ul style="list-style-type: none"> (a) Water permeable surfaces are maximized having regard to soil characteristics affecting on-site stormwater infiltration. (b) Includes on-site detention if practical as an alternative means of water supply. (c) Avoids significant impacts of run-off on adjoining land or the environment or minimises and mitigates impacts. 	<p>Had been referred to Council's Development Engineers who requested that a service protection report be submitted in their 2 previous requests for further information. This was required to verify the location, size and depth of the existing drainage trunk main DN 375 located parallel to the site rear boundary.</p> <p>Insufficient information was submitted for Council's Development Engineer to support the application.</p>	N

Provision/ Standard	Requirement	Proposal	Complies
6.6 Essential Services	Essential services must be available or adequate arrangements have been made to make them available, including: <ul style="list-style-type: none"> - the supply of water; - the supply of electricity (substation); - the disposal and - management of sewage; - stormwater drainage or on-site conservation; - suitable vehicular access. 	Ausgrid is satisfied with the proposal, subject to conditions	Y

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

On 30 June 2020 the Canterbury Bankstown Local Planning Panel endorsed the Planning Proposal (PP_2019_CBANK_005) to proceed to the Department of Planning, Industry and Environment for finalisation and making. The Planning Proposal seeks to produce a single set of planning rules and align the Bankstown LEP 2015 and Canterbury LEP 2012 into a consolidated Local Environmental Plan.

The Planning Proposal however does not propose any change to the planning or development provisions relating to this site.

As the Planning Proposal has been exhibited it must be considered under Section 4.15 (1)(a)(ii) of the Environmental Planning and Assessment Act, 1979. The Draft CBLEP also seeks to insert a saving provision "If a development application has been made before the commencement of this Plan in relation to land to which this Plan applies, and the application has not been finally determined before that commencement, the application must be determined as if this Plan had not commenced".

For the same reasons as set out above under the considerations of the CLEP 2012 the proposed development is not considered consistent with the CBLEP.

Part B1 – Transport and Parking

An assessment of the proposal against the car and bicycle parking rates in Part B1 of CDCP 2012 is provided below:

Standard	Requirement	Proposal	Complies
Car Parking	Secondary School/Other Educational Establishment A Traffic and Parking Assessment Report with a survey of similar establishments is	No parking has been proposed as part of this application A Traffic and Parking Impact Assessment (TPIA) was provided by the applicant. It was noted that the main campus of the school (fronting Hampden Road) was approved with a shortfall of 5 spaces in the original DA. As per the TPIA, there will be an additional 4 on-street parking demand. On-street parking is a major concern as	N

	required.	<p>there is no on-site parking provided for drop-off and pick-up areas at the existing school noting that the current school population is 930 students (years K – 10). The additional 200 secondary school students will significantly intensify the traffic congestion and road safety issues in Hampden Road and MacDonald Street, Lakemba.</p> <p>On-site parking should be provided for the staff and drop-off and pick-up area in order to improve traffic congestion within the vicinity of the school.</p> <p>The proposed development cannot be supported on traffic and parking grounds, in its current form, due to the existing traffic and road safety issues within the vicinity of the school.</p> <p>Council's Traffic Engineer noted that the development cannot be supported on traffic and parking grounds due to the existing traffic and road safety issues within the vicinity of the school.</p>	
Service and Delivery	Provide for adequate bus parking facilities	A bus zone for 3 mini-buses is existing at the southern end of the College frontage as stated in TPIA. TPIA recommends that this bus zone be extended for one additional bus or a similar bus zone be established in MacDonald Street (North of property No. 55). No objections were raised by Council's Traffic Engineer for bus parking facilities	Y
Bicycle parking	Staff: Minimum 1 space per 10 staff. Students: Adequate provision of bicycle parking for students.	TPIA notes that 7 bicycle spaces should be provided. This has not been shown on plans.	N

Part B2 – Landscaping and Part B3 – Tree Preservation

The application proposes 15 new trees in replacement of the 5 trees to be removed. The existing tree within the front setback is to be retained, in addition to the existing street tree. The application was referred to Council's Tree Management Officer who assessed the development against Parts B2 and B3 of the CDCP 2012 and raised no objections subject to conditions that could be imposed if the application was to be supported.

Part B4 – Accessible and Adaptable Design

The access report prepared by Lindsay Perry Access was submitted as part of the DA. The report concludes that the design generally complies with the relevant standards. Where the design includes some non-compliances, these matters can be resolved through minor design changes or BCA Performance Solutions at the relevant Construction Certificate stage. On this

basis, the design is considered acceptable from an accessible and adaptable design perspective. Has been referred to Council's Building Surveyor for their comment, whom are satisfied subject to conditions.

Part B5 – Stormwater and Flood Management

The application was referred to Council's Development Engineer who raised concerns regarding existing Council infrastructure and the proposed stormwater management system. The applicant states that the location of infrastructure is shown on the Civil Engineering drawings, however Council's Development Engineer requested a Service Protection Report which was not provided. The submitted documents were insufficient, and Council's Development Engineer was therefore unable to verify the location, size and depth of the existing drainage trunk main DN 375 parallel to the site rear boundary.

Part B7 – Crime Prevention and Safety

An assessment of the proposed design against the relevant provisions of Part B7 is provided in the table below:

Standard	Requirement	Proposal	Complies
Crime Prevention through Environmental Design	Avoid blind corners	Achieved	Y
	Provide natural surveillance for communal and public areas.	Street facing classrooms have windows oriented towards MacDonald Street	Y
	Provide clearly visible entries.	Achieved	Y
	Design the fence to maximise natural surveillance from the street to the building.	Design of proposed fencing is appropriate	Y
	Avoid landscaping that obstructs natural surveillance.	Landscaping within the setbacks is appropriate, and will not obstruct natural surveillance	Y
	Ensure buildings are clearly identified by street numbers.	Noted – to be conditioned	Y
	Use materials that reduce the opportunity for vandalism.	Achieved, the proposed development does not proposed blank walls	Y
	Use security hardware and/or human measures only where required to reduce opportunities for unauthorised access	Fencing in proposed as part of this application. Further information was not provided with regard to how this would be managed before and after school hours to prevent unauthorised access. A plan of management was not submitted with the application.	N

Part B9 - Waste

The application was referred to Council's Resource Recovery Team for their consideration. No objections were raised, subject to conditions.

Part F1 – Signage

F1.2.2 – General Design and Siting Controls	C1: Signage is not permitted to project above the predominant building	Signage does not project above the predominant building scale (Wall sign)	Y
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	<p>scale. In particular do not use interrupt any views, vistas or skylines, interrupt pedestrian movement, or cause overshadowing</p> <p>C2: Signage shall complement the streetscape, landscape or building</p> <p>C3: Relate signage to the architectural lines and detail on a building façade, or in the absence of architectural detail or decoration, relate to the design lines of adjoining buildings. Do not obscure significant features such as doors, windows and architectural detailing.</p> <p>C4: Landscape features, landscaping and architectural features are to be used to blend signage in with the surrounding and integrate with the building or site.</p> <p>C5: Signage is not to dominate in terms of scale, number, proportion and form or any other attributes.</p> <p>C6: The amount of signage may be limited due to the cumulative impact on a locality or a building</p> <p>C7: Design and place signage so that it does not have any detrimental effect on occupants of residential properties</p>	<p>C2: Signage is appropriate and complements the streetscape and building</p> <p>C3: Proposed signage is appropriate.</p> <p>C4: Signage compliments the proposed development— landscaping is appropriate.</p> <p>The size of signage is appropriate given the scale of the building. Only 1 sign is proposed to identify the school</p> <p>C6: Only one sign in proposed, at an appropriate scale</p> <p>C7: Proposed sign is to be backlit, and will not have any detrimental effects on the adjoining residential properties</p>	
F1.2.3 – Appearance and Maintenance	C1: A high standard of design and presentation is to be achieved	C1: The proposed signage is of a high standard of design and presentation.	Y

	<p>C2: Signs must be professionally sign written and of durable materials</p> <p>C3: Design signs for easy maintenance</p> <p>C4: Repair and remove unsafe or unsightly signage</p> <p>C5: Remove signage that is no longer necessary or unsightly to avoid clutter.</p>	<p>C2: Noted</p> <p>C3: Location of sign is appropriate</p> <p>C4: Noted</p> <p>C5: Noted</p>	
Part F1.2.4 – Wording and Content	<p>C1: Where the text of an advertisement is in a language other than English, include an English translation of a sufficient size to be legible to the public</p> <p>C2: Signage is not to include offensive or objectionable material in the content of an advertisement</p> <p>C3: The size of the name or logo, of the owner or lease of signage, shall be a maximum of 0.25m², and placed only within the advertising display area.</p> <p>C4: When a business or organisation offers a product or service, the name of the business or organisation should have greater dominance than the product or service.</p>	<p>C1: Proposed text on signage is appropriate</p> <p>C2: Text on signage is appropriate</p> <p>C3: 'Name of owner is not included in the proposed signage</p> <p>C4: Signage clearly shows the name of the school. Signage is not dominated but the educational services.</p>	Y
Part F1.3 – Siting Controls	<p>F1.3.1 (Residential Zones)</p> <p>C1: Locate all signs wholly within the property</p> <p>C2: Signage content can only indicate the purpose for which the</p>	<p>C1: Signage is located on the wall of the proposed building</p> <p>C2: Signs is being used for the purpose of identification</p>	Y

	<p>property is lawfully used</p> <p>C3: Signage is to be affixed to the wall of the dwelling or a fence</p> <p>C4: Freestanding signs are only permitted in relation to a non-residential use where the signage suits the character of the building or the locality.</p>	<p>C3: Signage is affixed to the wall of the school</p> <p>C4: Not applicable</p>	
F1.4.1 Illuminated Signs	<p>C1: Brightly illuminated signs (and some illuminated signs altogether) may not be compatible with heritage items or significant streetscapes</p> <p>C2: Signage shall be located so that it is not close to, or directly visible from, the windows of habitable rooms of residential properties.</p> <p>C3: Minimise the spill effects or escape of light beyond the subject sign. The lighting intensity of signage must be capable of modification or control after installation.</p> <p>C4: Council may impose a curfew on sign illumination between 11pm to 7am, or restrict illumination to hours of operation where it is considered that residential properties maybe adversely impacted</p> <p>C5: Conceal or integrate the light source to any illuminated signage within the sign.</p>	<p>Development is not located within a heritage site.</p> <p>Sign is to be backlit, and oriented to the street. It is appropriately setback, and screened by landscaping. The proposed illumination will not have detrimental effects on adjoining neighbours. Has been referred to Council's EHO for comment. No objections were raised in regard to the illumination of the proposed signage.</p>	Y

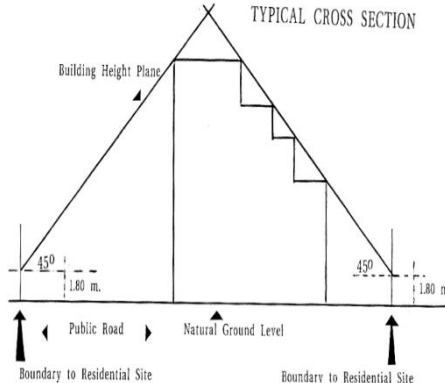
F1.4.2 – Vehicular and Pedestrian Safety	<p>C1: Signage is to be designed and located so as to preserve vehicular and pedestrian safety.</p> <p>C2: Design and place signage so it does not get confused with traffic signs, or instructions given by traffic signals or other devices. Signs with red, green and yellow lights will not be permitted on main roads or near traffic signals.</p> <p>C3: Flashing signs in all areas are prohibited</p> <p>C4: Place signage so that it does not block the view of traffic signals or traffic signs, or distract drivers.</p> <p>C5: Design and place freestanding signs so that they do not create a safety risk to pedestrians and motorists</p>	<p>C1: Signage will not impact vehicular and pedestrian safety</p> <p>C2: Design and location of signage will not result in confusion with traffic signs or traffic signals</p> <p>C3: Noted – not proposed</p> <p>C4: Signage will not block the view of traffic signals</p> <p>C5: Freestanding signage has not been proposed as part of this application</p>	Y
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Part F8 – Non-Residential Development in Residential Zones

The objective of Part F8 is to:

‘To reduce unreasonable amenity impacts on surrounding residents caused by non-residential uses’.

Standard	Requirement	Proposal	Complies
Part F8	C1 Non-residential development in a residential zone will be assessed for its impact on residential amenity	Noted	Y
	C2 Non-residential development in a residential zone will only be acceptable where adverse impacts on the amenity of residences in the immediate area (for example through traffic generation, parking demand, noise or any other form of pollution that is incompatible with residential uses) are avoided or minimised.	<p>Application was referred to Council's Traffic Engineer who noted that the proposed development cannot be supported on traffic and parking grounds, in its current form, due to the existing traffic and road safety issues within the vicinity of the school.</p> <p>The additional 200 secondary school students will significantly intensify the traffic congestion and</p>	N

		road safety issues in Hampden Road and MacDonald Street, Lakemba.	
	C3 Council may impose conditions of consent to minimise any impact on residential amenity including limiting the scale of the development, restricting hours of operation or the like	Noted – implications of the development will be most prominent before and after school due to pick-ups and drop-offs, and staff leaving the facility. As noted above, the proposal does not seek to provide any on-site parking, and concerns were raised regarding the safety of students and staff during peak hours.	N
	C4 Building design needs to be compatible with surrounding area.	Colours/finishes of the proposed development are in character with the existing streetscape	Y
	C5 The non-residential component of buildings that adjoin residential zones should comply with the Building Height Plane.	The development does not comply with the Building Height Plane control given the width of the site	N
	 <p>Figure: F8.1: Building Height Plane</p>		

SUBMISSIONS

Submission

Proposal will reduce traffic pressure on Hampden Road as students will be able to enter through MacDonald Street.

Response

The proposal was referred to Council's Traffic Engineer for their comments. The submitted Traffic and Parking assessment did not demonstrate satisfactory arrangements for students and staff to access and exit the school, particularly at peak hours.

Submission

Co-educational high schools are needed to decrease pressure on other High Schools in the locality.

Response

This is not a planning consideration that can be assessed as part of this application.

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

There are no planning agreements applicable to the proposed development.

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

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

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

Based on the above assessment, the likely impacts of the proposed development are minor in nature and considered acceptable for the type and scale of development.

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

Based on the above assessment, the site is suitable for the proposed development.

Submissions [section 4.15(1)(d)]

The application was advertised for 28 days (from 1 June 2022 – 21 June 2022) in accordance with the Canterbury Bankstown Community Participation Plan. One (1) submission was received from this period which was in support of the development.

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

For the reasons outlined within this report, approval of the proposed development would not be in the public interest.

CONCLUSION

The Development Application has been assessed in accordance with the provisions of Section 4.15 of the Environmental Planning and Assessment Act 1979, relevant State Environmental Planning Policies, Canterbury Local Environmental Plan 2012 and Canterbury Development Control Plan 2012.

The submitted information is found to be insufficient and not demonstrate compliance with several key issues including traffic/parking; acoustic privacy; reduction of availability of affordable housing; building height & height plane; and stormwater management.

The application was referred to Council's Traffic Engineer who raised concerns regarding the amended information. Traffic and parking concerns did not demonstrate compliance with Principle 4 (Health and Safety) of the SEPP (Transport and Infrastructure), as well as Part B1, Part F8 (C2) of the CDCP 2012.

The submitted acoustic report was referred to Council's Environmental Health Officer for their comment, where additional concerns were raised, thus not complying with Principle 5 (Amenity) of the SEPP (Transport & Infrastructure).

Insufficient information was submitted to address the reduction of availability of affordable housing as required by SEPP (Housing).

The requested information to determine building height was not submitted in the amended architectural plans. As a result of this, an accurate assessment against Principle 1 (Context, built form and landscape) SEPP (Transport and Infrastructure) and Clause 4.3 (Building Height) of the CLEP 2012 were unable to be completed. Additionally, compliance with the Building Height Plane in Part F8 (C5) of the CDCP 2012 was not achieved.

Additional information was requested by Council's Development Engineer to demonstrate compliance with stormwater management concerns. Insufficient information was submitted to determine compliance with the Clause 6.4 of the CLEP 2012 and Part B5 of the CDCP 2012.

For the reasons outlined above, this application has not provided the relevant information to demonstrate that it is worthy of support.

RECOMMENDATION

As per the above, the development fails to demonstrate compliance with several key issues including traffic/parking; acoustic privacy; reduction of availability of affordable housing; building height & height plane; and stormwater management.

It is recommended that the application be refused due to insufficient information and non-compliance with the SEPP (Transport and Infrastructure), Canterbury Local Environmental Plan 2012, Canterbury Development Control Plan 2012 and SEPP (Housing).



Christine Sison

DEVELOPMENT ASSESSMENT OFFICER