

## SUTHERLAND SHIRE COUNCIL ASSESSMENT REPORT

<b>Panel Reference</b>	PPSSSH-116
<b>DA Number</b>	DA22/0643
<b>LGA</b>	Sutherland Shire Council
<b>Proposed Development</b>	The proposal is for the construction of additional educational facilities and a new car park and associated internal road upgrade works, earthworks, stormwater drainage and landscaping at the existing Cook School.
<b>Street Address</b>	1 Pitt Street Loftus
<b>Applicant/Owner</b>	NSW Schools Infrastructure/ NSW Department of Education
<b>Date of DA lodgement</b>	27 July 2022
<b>Number of Submissions</b>	1
<b>Recommendation</b>	Approval with conditions
<b>Regional Development Criteria (Schedule 6 of the SEPP (State and Regional Development) 2011)</b>	Yes
<b>List of all relevant s4.15(1)(a) matters</b>	<ul style="list-style-type: none"> <li>• State Environmental Planning Policy (Planning Systems) 2021</li> <li>• State Environmental Planning Policy (Resilience and Hazards) 2021</li> <li>• State Environmental Planning Policy (Biodiversity and Conservation) 2021</li> <li>• State Environmental Planning Policy (Transport and Infrastructure) 2021</li> <li>• Sutherland Shire Local Environmental Plan 2015 (SSLEP 2015).</li> <li>• Sutherland Shire Development Control Plan 2015 (SSDCP 2015).</li> </ul>
<b>List all documents submitted with this report for the Panel's consideration</b>	<ul style="list-style-type: none"> <li>• Appendix A – Architectural Plans</li> <li>• Appendix B – Landscape Masterplan</li> <li>• Appendix C – Vegetation Management Plan</li> <li>• Appendix D – Design Verification</li> <li>• Appendix E - Conditions of consent</li> </ul>
<b>Report prepared by</b>	Thomas Mithen
<b>Report date</b>	20 June 2023

### Summary of s4.15 matters

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

### Legislative clauses requiring consent authority satisfaction

Have relevant clauses in all applicable environmental planning instruments where the consent authority must be satisfied about a particular matter been listed, and relevant recommendations summarized, in the Executive Summary of the assessment report? **Yes**  
*e.g. Clause 7 of SEPP 55 - Remediation of Land, Clause 4.6(4) of the relevant LEP*

### Clause 4.6 Exceptions to development standards

If a written request for a contravention to a development standard (clause 4.6 of the LEP) has been received, has it been attached to the assessment report? **Not Applicable**

### Special Infrastructure Contributions

Does the DA require Special Infrastructure Contributions conditions (S7.24)? **Not Applicable**  
*Note: Certain DAs in the Western Sydney Growth Areas Special Contributions Area may require specific Special Infrastructure Contributions (SIC) conditions*

### Conditions

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

## REPORT SUMMARY

### REASON FOR THE REPORT

The application is referred to the Sydney South Planning Panel (SSPP) as the development is a Crown development application (DA) with a capital investment of more than \$5,000,000 as nominated under Schedule 6 of State Environmental Planning Policy (Planning Systems) 2021. The application submitted to Council nominates the capital investment value of the project as \$9,630,162.72

### PROPOSAL

The proposal is for the construction of additional educational facilities and a new car park and associated internal road upgrade works, earthworks, stormwater drainage and landscaping at the existing Cook School.

### THE SITE

The site is located on the northern side of Pitt Street, approximately 90m west of its intersection with Rawson Avenue (Old Pacific Highway), Loftus. The existing Cook School is located at the northeast part of the site. The proposed development will be located on the cleared land at the northwest part of the site.

### ASSESSMENT OFFICER'S RECOMMENDATION

That Development Application No. 22/0643 proposal is for the construction of additional educational facilities and a new car park and associated internal road upgrade works, earthworks, stormwater drainage and landscaping at the existing Cook School at Lot 2 DP 1064223 (No. 1) Pitt Street, Loftus be approved, subject to the conditions contained in **Appendix "D"** of the report.

### ASSESSMENT OFFICER'S COMMENTARY

#### 1.0 DESCRIPTION OF PROPOSAL

The proposal is for the construction of additional educational facilities and a new car park and associated internal road upgrade works, earthworks, stormwater drainage and landscaping at the existing Cook School. The proposed development will be located on cleared land to the west of the existing school buildings.

The works involve the construction of four single storey modular classrooms with a shared roof designed to function as an integrated building with common circulation areas and access points. The new building will contain learning spaces, a multi-purpose space, a covered outdoor learning area, staff facilities and administration. The proposed educational facilities will increase the school population by 21 students (years 7 to 12) and 10 staff.

The proposal includes excavation up to approximately 2.5m in depth to facilitate a level building platform for the proposed school building.

An at-grade staff parking area comprising 11 car spaces, including one visitor space, will be constructed at the southern side of the proposed school building. A new 'kiss and ride' short term parking area will be provided within the internal road adjacent to the proposed school building. The proposal also includes upgrade works to the existing unsealed portion of the internal road, including a sealed road and parking area for 13 vehicles adjacent to the existing Cook school.

Following completion of the works, the applicant proposes to upgrade the southern part of the internal road, to include new entry signage at Pitt Street and a new pedestrian footpath and 'Avenue' of street trees.

Whilst the site is predominately cleared, there is a narrow strip of vegetation adjacent to the internal road that will be removed to make way for a drainage swale. The proposal includes a new landscape regime and a replacement tree strategy to offset the loss of existing trees on the site.

The school is currently undertaking consultation with indigenous stakeholders in the area and the outcome of this process is expected to inform the proposed development in accordance with the draft "Connecting with Country" principles established by the NSW Government Architect.

**Figures 1 and 2** provide an extract of the Site Plan and the proposed Landscape Masterplan. The architectural plans are at contained at **Appendix A**. The submitted Landscape Plans are at contained at **Appendix B**.



**Figure 1 – Site Plan**



**Figure 2** – Landscape Masterplan

## 2.0 SITE DESCRIPTION AND LOCALITY

The site is legally described as Lot 2 DP1046223 and known as 1 Pitt Street Loftus. The site has a street frontage to Rawson Avenue in the east and is accessed via an internal road off Pitt Street to the south. The southern part of the internal road is sealed, and the northern part is unsealed and provides informal parking areas for the Cook School. The site is L-Shaped with a total area of 30,060m<sup>2</sup>. The cleared land in the northwest part of the site slopes down from the northwest to southeast, representing a change in level of 6m and a gradient of approximately 4%.

The site has been largely disturbed due to the construction of school buildings in the south and east. The northwest part of the site, which is the location of the proposed development footprint, has been cleared of vegetation by NSW School Infrastructure under Part 5 of the Environmental Planning and Assessment Act, 1979. The remnant native bushland to the west of the development footprint, adjacent to the railway corridor, will be retained and managed in accordance with a Vegetation Management Plan (VMP).

The existing Cook School in the northeast part of the site is an NSW Department of Education (DoE) facility established in 2002, providing support for students who have previously found mainstream education to be educationally and socially challenging. The school incorporates a range of educational facilities for students from Kindergarten to Year 12 and currently caters for 56 students in total, with 35 primary school students (K-6) and 21 high school students (years 7 – 12).



The southern part of the site land contains the Aspect School, which is leased to a private operator and caters for 36 primary school students, providing specialist autism-specific education services for children on the autism spectrum. The Aspect School is accessed separately from Pitt Street.

Adjoining the site to the west is a rail corridor and beyond is the residential suburb of Loftus. Land to the north contains a Telecommunications tower and the Sutherland depot. Adjoining land to the south contains a University of Wollongong Southern Sydney Campus.

The aerial context and site photos are set out in **Figures 3 to 6** below.

**Figures 7 and 8** show the location and land use zone under Sutherland Shire Local Environmental Plan 2015 (SSLEP 2015).



**Figure 3 – Existing Site**





**Figure 4** – View looking north from Pitt Street along the existing internal road (Aspect School is to the left)

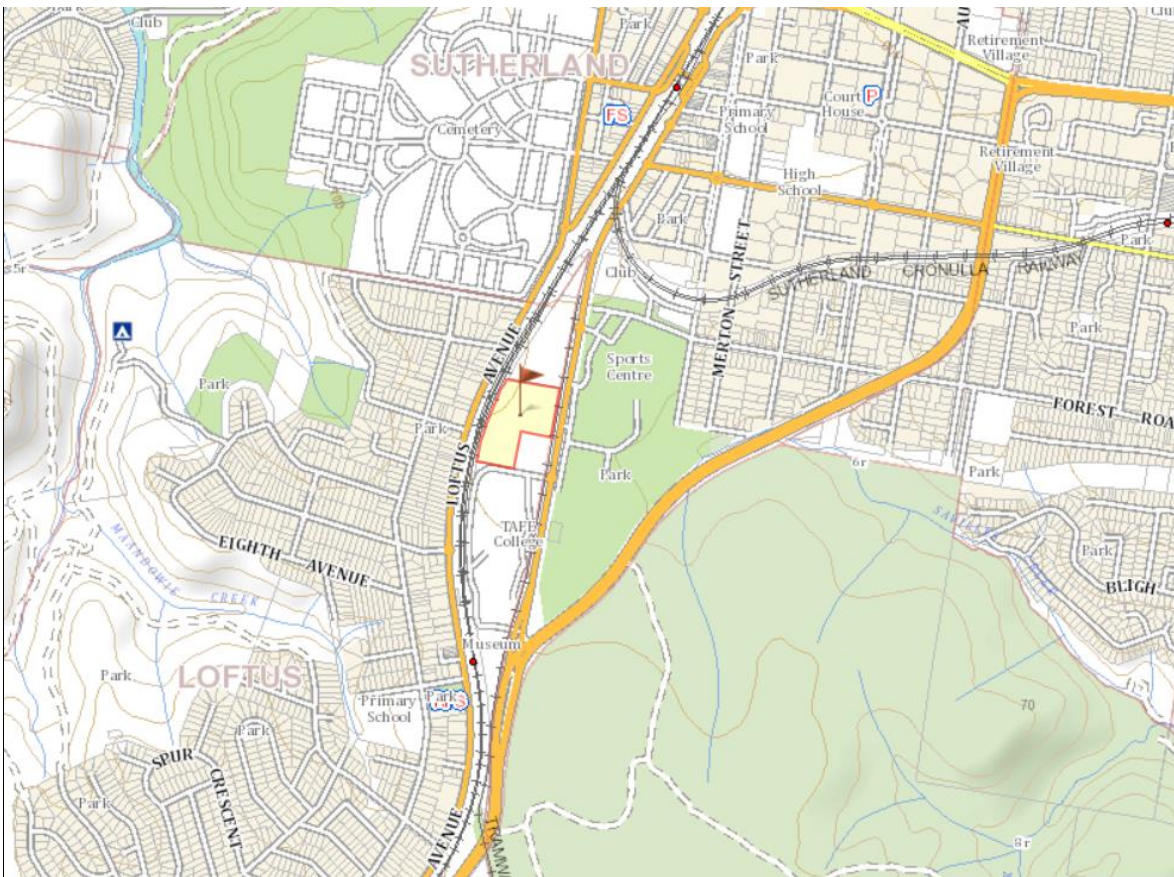


**Figure 5** – View looking north from the internal road showing the cleared land in the northwest of the site (proposed school site)

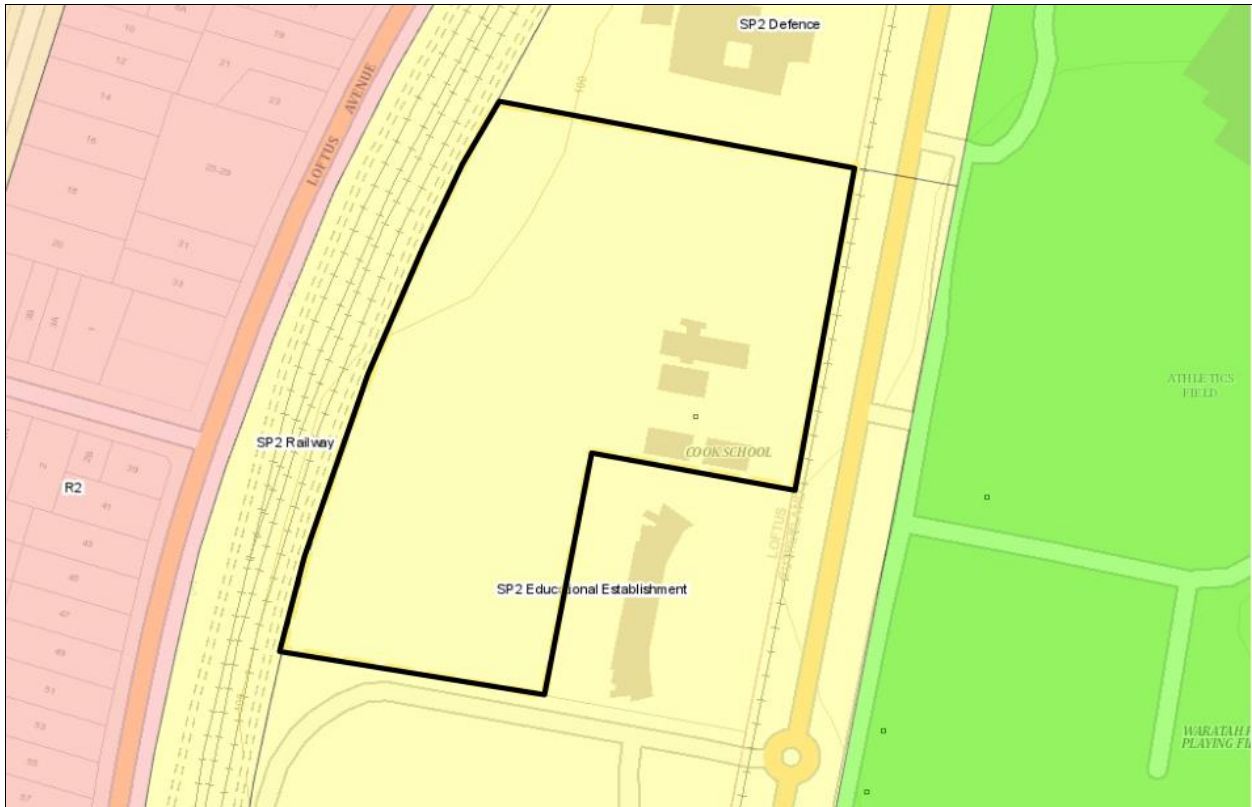




**Figure 6** – View showing the vacant land in the northwest part of the site and the strip of vegetation along the internal road (right side of the photo)



**Figure 7** – Locality Plan



**Figure 8 – Zoning Plan (extract from Sutherland Shire Local Environmental Plan 2015)**

### 3.0 BACKGROUND

A history of the development proposal is as follows:

- The current application was submitted on 20 July 2022.
- The application was placed on exhibition, with the last date for public submissions being 29 August 2022.
- On 30 August 2022, a 'kick-off' briefing was held with the Sydney South Planning Panel (SSPP).
- On 15 September 2022 the application was reviewed by the Design Review Forum (DRF) Panel. The DRF raised concerns with the lack of clear urban structure and the urban design quality in relation to pedestrian and vehicular access, street address, landscape outcomes and 'connection with country' principles. The DRF recommended a more comprehensive site analysis and masterplan to improve the amenity of the site and connection with its broader context.
- On 18 October 2022, Council issued a Request for Additional Information (RFI) raising issues in relation to urban design, tree impacts, landscaping, stormwater drainage, communications tower, fire safety and bushfire.
- On 23 December 2022, the applicant submitted amended plans and documents, including:
  - architectural plans;
  - landscape plan;
  - stormwater plans;
  - design statement;
  - Arborist report;
  - Vegetation Management Plan; and



- bushfire and BCA information.
- On 3 March 2023, Council sent a request for additional information in relation to the 'connection with country' response and the proposed upgrade works to the internal driveway.
- On 6 June 2023, the applicant submitted updated architectural plans to Council.
- On 20 June 2023, the applicant submitted an updated Landscape Masterplan.

#### **4.0 ADEQUACY OF APPLICANT'S SUBMISSION**

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

#### **5.0 PUBLIC PARTICIPATION**

The application was notified in accordance with the provisions of Chapter 42 of Sutherland Shire Development Control Plan 2015 (SSDCP 2015).

Council notified 184 adjoining or affected owners of the proposal. One submission was received from Council's Open Space Assets Unit, who are the asset managers of the Sutherland Shire Hub for Economic Development, located adjacent to the proposed development. No objection was raised to the proposal, subject to conditions in relation to access to public land during construction. Conditions to this effect are included in the recommended development consent.

#### **Revised Plans**

In accordance with the requirements of SSDCP 2015 the amended plans were not publicly notified as, in the opinion of Council, the changes being sought did not intensify or change the external impact of the development to the extent that neighbours ought to be given the opportunity to comment. The summary of issues below is in relation to the plans notified as part of this application.

#### **6.0 STATUTORY CONSIDERATIONS**

The subject land is located within Zone SP2 Educational Establishment, pursuant to the provisions of Sutherland Shire Local Environmental Plan 2015 (SSLEP 2015). The proposed development, being a school, is a permissible land use within the zone with development consent from Council. The following Environmental Planning Instruments (EPIs), Draft EPIs, Development Control Plans (DCPs), Codes or Policies are relevant to this application:

- State Environmental Planning Policy (Planning Systems) 2021
- State Environmental Planning Policy (Resilience and Hazards) 2021
- State Environmental Planning Policy (Biodiversity and Conservation) 2021
- State Environmental Planning Policy (Transport and Infrastructure) 2021
- Biodiversity Conservation Act 2016
- Sutherland Shire Local Environmental Plan 2015 (SSLEP 2015).
- Sutherland Shire Development Control Plan 2015 (SSDCP 2015).

## **7.0 COMPLIANCE**

### **7.1. State Environmental Planning Policy (Planning Systems) 2021**

State Environmental Planning Policy (Planning Systems) 2021 (Planning Systems SEPP) identifies State and Regionally Significant development in NSW. Schedule 6 of the SEPP identifies this application as regionally significant development as it is a Crown DA over \$5 million. As such, the application is referred to the South Sydney Planning Panel (SSPP) for determination.

### **7.2. State Environmental Planning Policy (Resilience and Hazards) 2021**

#### *Chapter 4 Remediation of Land*

Chapter 4 of State Environmental Planning Policy (Resilience and Hazards) 2021 (RHSEPP) requires Council to consider whether the land subject to the development proposal is contaminated; and if the site is contaminated, Council must be satisfied that the site is suitable or can be made suitable (i.e. following remediation) for the proposed land use.

The proposed educational facilities will be sited on the vacant land in the north-western part of the site. A review of Council's GIS and historical aerial photos has shown that the subject land has been vacant since the 1930s. A search of Council's contaminated land register specifies that the site is not potentially contaminated.

In conclusion, the site is suitable for the proposed development in accordance with requirements of the RHSEPP.

### **7.3. State Environmental Planning Policy (Biodiversity and Conservation) 2021**

Chapter 6 of the Biodiversity and Conservation SEPP 2021 sets out the requirements for the protection of bushland in urban areas. Clause 6.1 sets out the aims to protect and preserve bushland within urban areas, recognising these areas have natural heritage value, aesthetic value and are a recreational, educational and scientific resource to the community.

The proposed development will require the removal of 12 trees along a narrow strip of land adjacent to the existing internal driveway to make way for a drainage swale. The existing vegetation needs to be removed to enable the drainage swale to function properly. Council's Landscape officer has raised no objection to the removal of the existing trees, subject to replacement planting on the site.

The native remnant vegetation adjacent to the railway corridor in the western part of the site will be retained. The applicant submitted a Vegetation Management Plan, prepared by Anderson Environment and Planning, which sets out the long-term conservation and ongoing maintenance to protect the VMP lands. **Figure 9** illustrates the VMP lands on the site. A copy of the VMP is provided at **Appendix C**.

Council's Environmental Scientist has raised no objection to the VMP, subject to conditions in relation to the implementation and reporting of the VMP measures and conservation works. Conditions to this effect are included in the recommended development consent. The proposal is therefore acceptable in terms of biodiversity impacts.





**Figure 9 – Extract from the VMP – (VMP lands hatched in yellow)**

#### **7.4. State Environmental Planning Policy (Transport and Infrastructure) 2021**

*Development adjacent to rail corridors / Excavation in, above, below or adjacent to rail corridors (clauses 2.97 and 2.98)*

Division 15, Subdivision 2 of the Transport and Infrastructure SEPP relates to development that has the potential to impact on rail infrastructure. This application relates to development adjacent to a rail corridor used by electric trains and therefore triggers the referral requirements under Section 2.98(2).

Council has notified Sydney Trains of the application seeking their concurrence. Sydney Trains have advised no objection to the proposal subject to the imposition of conditions including but not limited to design details, craneage and fencing before the issue of a Construction Certificate. These conditions are included in the recommended development consent.

*Impact of rail noise or vibration on non-rail development (Clause 2.99)*

Division 15, Subdivision 2 of the Transport and Infrastructure SEPP also relates to development that may be impacted by rail infrastructure that is located close by. This application is for an educational establishment and the site is within close proximity to the rail line.

Clause 2.99 of the Transport and Infrastructure SEPP requires Council to consider whether there is likely to be an adverse affected by rail noise or vibration. In this event, the building must be designed to include noise and vibration attenuation measures to minimise impacts to future occupants as per the NSW Department of Planning's Development near Rail Corridors and Busy Roads - Interim Guideline.

The applicant submitted a Rail Noise and Vibration Assessment (RNVA), prepared by Day Design Pty Ltd, to determine the acceptable noise and vibration levels based on relevant noise guidelines and policies. The RNVA recommends the outdoor noise level for outdoor play areas not exceed 55dBA. The noise level within the outdoor play area on the eastern side of the building will be 47dBA, which complies with the noise criteria. The RNVA also finds the internal noise criteria can be met for the new building with standard building construction. Council's Environmental Health Officer (EHO) has reviewed the RNVA and raises no concerns, subject to conditions in relation to the design complying with the relevant policies and standards and recommendations in the RNVA. Conditions to this effect are included in the recommended development consent. The proposal is acceptable in terms of rail noise and vibration.

#### *Traffic-generating development (clause 2.122)*

Council is required to give written notice to TfNSW for any development with direct access to a road that generates 200 or more vehicles per hour. Whilst the site has direct access to Pitt Street, which is a public road at the southern boundary, the proposed enlargement of the existing school will not generate 200 or more vehicles per hour, and therefore written notice to TfNSW is not required under this clause. The traffic and parking implications are addressed in the 'Assessment' section of this report.

### *Chapter 3 Educational Establishments and Childcare Facilities*

#### *Schools-development permitted with consent (clause 3.36)*

Council must take into consideration the design quality of the development when evaluated against the design quality principles set out in Schedule 8 of the TIA SEPP and whether the development enables the use of the school facilities to be shared with the community. The applicant has submitted a Design Verification statement in response to the design quality principles in Schedule 8 of the SEPP. Refer to **Appendix D** and the 'Assessment' section of this report.

#### *Traffic-generating development (clause 3.58)*

Council is required to give written notice to TfNSW for the enlargement of a school with direct access to a road where it would result in 50 or more additional students and consider the potential traffic safety, road congestion or parking implications of the development. The proposed enlargement of the existing school will result in 21 additional students and therefore written notice to TfNSW is not required under this clause. The traffic and parking implications are addressed in the 'Assessment' section of this report.

## **7.5. Biodiversity Conservation Act 2016**

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



## 7.6. Sutherland Shire Local Environmental Plan 2015

The proposal has been assessed for compliance against Sutherland Shire Local Environmental Plan 2015. A compliance table with a summary of the applicable development standards is contained below:

Sutherland Shire Local Environmental Plan 2015			
CLAUSE	REQUIRED	PROPOSAL	COMPLIANCE
4.3 Height of Building	8.5m	4.65m	Yes
4.4 Floor Space Ratio	No maximum FSR for the site	N/A	N/A

The applicable provisions in the following clauses are addressed in the “Assessment” section of this report.

- 5.21 - Flood Planning
- 6.4 - Stormwater
- 6.5 - Environmentally Sensitive Land - Biodiversity

## 7.7. Sutherland Shire Development Control Plan 2015

The proposal has been assessed for compliance with SSDCP 2015. There are no specific development controls for an educational establishment under SSDCP 2015 however the relevant general provisions in the following chapters are addressed in the “Assessment” section of this report.

- Vehicular access and parking (Chapter 36)
- Stormwater and ground water management (Chapter 38)
- Natural Resource Management (Chapter 39)
- Environmental Risk (Chapter 40)

## 8.0 SPECIALIST COMMENTS AND EXTERNAL REFERRALS

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

### Transport for NSW (Sydney Trains)

The application was referred to Transport for NSW (Sydney Trains) for comment in accordance with section 2.98 of the TIA SEPP, as the subject land is adjacent to a railway corridor. Sydney Trains raised no objection to the proposal, subject to conditions in relation to construction, craneage, fencing, access, environmental impact and consultation. Conditions to this effect are included in the recommended development consent.

### NSW Police Force

The application was referred to the NSW Police Force (Sutherland Shire Police Area Command) for comment in accordance with Council's *Crime Risk Assessment – Police & SSC Protocol 2010*. The Police raised no objection to the proposal, subject to the consideration of the CPTED principles including the provision of clear sight lines and natural surveillance, access control and lighting. This aspect is discussed in the ‘Assessment’ section of this report.

### **Sutherland Council Design Review Forum (DRF)**

The application was referred to Sutherland Council Design Review Forum (DRF) for advice in relation to design aspects of the proposal. The DRF raised concerns with the lack of urban design quality and amenity for students due to the isolated and enclosed nature of the school, and the poor interface with the public domain. The DRF recommended a comprehensive master plan to inform the urban design and landscape outcome, and further consideration in relation to 'connection with country' design principles and framework established by the NSW Government Architect. This aspect is discussed in the 'Assessment' section of this report.

### **Environmental Health**

The application was referred to Council's EHO, who raised no objection to the proposal, subject to conditions in relation to noise intrusion from the rail corridor. Conditions to this effect are included in the recommended development consent.

### **Development Engineer**

The application was referred to Council's Development Engineer who raised no objection to the proposal in terms of vehicular access and staff parking. However, concerns were raised in relation to the lack of student parking provided on the site. This aspect is discussed in the 'Assessment' section of this report. No concerns were raised in relation to stormwater management, subject to a detailed design in accordance with Council's requirements. Conditions to this effect are included in the recommended development consent.

### **Landscape Officer**

The application was referred to Council's Landscape Officer who raised no objection to the proposal, subject to conditions in relation to landscape requirements, tree replacement to offset the removal of existing trees and implementation of protection measures for the existing trees to be retained. Conditions to this effect are included in the recommended development consent.

### **Environmental Science**

The application was referred to Council's Scientist, who raised no objection to the VMP, subject to conditions in relation to the on-going monitoring and management of the VMP. Conditions to this effect are included in the recommended development consent.

### **Heritage Officer**

The application was referred to Council's Heritage Officer, who raised no objection to the proposal from a heritage perspective.

### **Building Section**

The application was referred to Council's Building Officer, who raised no objection to the proposal, subject to the prescribed BCA conditions on any consent granted.



## **Waste Management Section**

The application was referred to Council's Waste Officer who raised no objection to the proposal, subject to a condition in relation to the management of on-going waste. A condition to this effect is included in the recommended development consent.

## **9.0 ASSESSMENT**

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

### **9.1. Traffic and Parking**

#### Traffic Impacts

The application is accompanied by a Traffic Impact Assessment (TIA), prepared by Traffix Traffic and Transport Planners to assess the traffic and parking impacts associated with the proposed increase in the school capacity.

The proposed development will involve an increase in student numbers from 56 to 77 (a net increase of 21 students), and an increase of 10 staff. The TfNSW Guide to Traffic Generating Development does not provide traffic generation rates for school developments. The TIA therefore determines the traffic generation based on the travel mode data provided by the school. On this basis, the proposed development will generate an additional 26 vehicle trips in the morning and evening peak hour times. The nearest key intersection at Pitt Street/Old Princes Highway (Rawson Avenue), which is a three-legged roundabout intersection, will experience a minor average delay of 0.1 second in both the morning and afternoon peak periods. The intersection operates at a Level of Service (LOS) A in both peak periods with spare capacity. The TIA concludes the additional vehicle trip generation will have a negligible impact on the surrounding road network.

Council's Development Engineer raised no objection to the proposal in terms of the traffic generation on the surrounding road network. The proposal is therefore acceptable in terms of traffic impacts.

#### Car Parking

SSDCP 2015 states that the car parking requirement for a school development is to be based on a traffic study. The proposed development will provide a new car park comprising a total of 11 car spaces (10 staff spaces and 1 visitor space). No additional parking will be provided for the students.

The proposed development will require 10 additional staff on the site. Based on a worst-case scenario of all staff driving to the school, the proposal includes 10 car spaces and therefore satisfies the staff parking demand.

To satisfy the additional short-term drop-off and pick-up demands, two additional drop-off and pick-up spaces will be provided adjacent to the new building. The TIA concludes that this is an appropriate provision, noting the minor increase (8 additional vehicles over a half hour period) in short-term parking requirements.

Council's Development Engineer raises no objection in terms of the provision of staff parking but raised concern with the lack of student parking to cater for the increase in student population. The TIA justifies the shortfall on the basis that the school discourages its students driving a car by themselves to the school and therefore no dedicated parking spaces are proposed. The Applicant also advises that: *"SINSW and the Department of Education have confirmed that no students currently drive or will ever drive to Cook School given it is a school for specific purpose. Alternative methods of transport are used at this site (predominantly minibus/ vans) as per comments in the Traffic Impact Assessment."* The travel mode data indicates that currently 70% of students use assisted transport and 30% of students are driven to school by private car. Given that no students will drive to the school, the provision of student parking is not warranted and the proposal is acceptable in that regard.

## **9.2. Bushfire Risk**

The subject site is located within a designated bushfire prone area. Under Clause 100B of the Rural Fires Act 1997, the development of bush fire prone land for a special fire protection purpose, which includes a school, requires referral to the NSW Rural Fire Service for concurrence. However, Section 4.44 of the EP&A Act precludes Crown DAs from the Integrated provisions.

A Bushfire Assessment Report (BAR), prepared by an accredited bushfire consultant - Building Code and Bushfire Hazard Solutions has been submitted with the application. The bushfire assessment confirms the following:

- The proposal has been assessed to the aim and objectives detailed in Chapter 1 'Introduction' and the specific objectives and bushfire protection measures detailed in Chapter 6 'Special Fire Protection Purpose Developments' of Planning Bushfire Protection (PBP).
- Approved vegetation removal of the identified Category 2 Vegetation has occurred within the subject site, resulting in the remaining vegetation determined to be 'Low threat Vegetation' under A1.10 Low threat vegetation – exclusions.
- The minimum required APZs are determined from the Table A1.12.1 of PBP. In this instance the proposed building was found to be located greater than 100 metres from any bushfire hazard and subsequently attracts a Bushfire Attack Level of Low.

In addition, a supplementary Bushfire response letter, prepared by Building Code and Bushfire Hazard Solutions, dated 21 December 2022, confirms the additional re-vegetation identified in the VMP submitted with the amended plans satisfies the requirements for low threat vegetation and the recommendations in the BAR remain valid and in accordance with the requirements of the PBP.

Subject to the imposition of bushfire safety measures in relation to Asset Protection Zones, landscaping, emergency management and utilities the proposal will provide a reasonable level of bushfire protection in accordance with the relevant specifications and requirements of the PBP.

### **9.3. Earthworks**

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

### **9.4. Stormwater Management**

Clause 6.4 of SSLEP 2015 requires Council to be satisfied of certain matters in relation to stormwater management prior to development consent being granted. These matters include maximising permeable surfaces; on-site stormwater retention minimising the impacts on stormwater runoff. These matters have been addressed to Council's satisfaction and conditions have been included in the recommended consent.

### **9.5. Terrestrial biodiversity**

The subject land is identified as containing 'Biodiversity' on the Terrestrial Biodiversity Map and therefore Clause 6.5 of SSLEP 2015 is applicable.

Clause 6.5 requires Council's assessment to consider certain matters. Council must consider the potential adverse impact of the development on vegetation/ flora, fauna, biodiversity and habitat. Of further consideration is the conservation and recovery of flora and fauna and their habitats and the potential to fragment or diminish the biodiversity structure, function and connectivity of the land. The relevant matters have been considered as part of the assessment of this application and the proposal is acceptable in this regard.

Further, clause 6.5 requires Council to be satisfied of certain matters prior to development consent being granted. These matters include the design of the development to avoid or minimise the impact; management to minimise the impact if it cannot be avoided and mitigation if the impact cannot be minimised. These matters have been addressed to Council's satisfaction.

### **9.6. Energy Efficiency and sustainable building techniques**

Clause 6.15 of SSLEP 2015 contains matters for consideration relating to ecologically sustainable development and energy efficiency and sustainable building techniques. The outdoor spaces between the buildings provide opportunity for openings and good levels of natural ventilation and daylight access to the classrooms. The north-south orientation of the building will also ensure solar access in the morning and afternoon at the winter solstice. Sunshade fins along the building façade provide shade and protection from unwanted heat gain during summer. The stormwater drainage system is based on WSUD principles with rock lined drainage swales comprising sedges and rushes.

The relevant matters under Clause 6.15 have therefore been considered as a part of the assessment of the application and the proposal found to be acceptable.



### 9.7. Urban design (non-residential)

Clause 6.16 of SSLEP 2015 contains certain matters of consideration relating to urban design. The proposed development involves the construction of four single storey modular classrooms with a shared roof designed to function as an integrated building with common circulation areas and access points.

The originally lodged application was referred to Council's DRF for comment in relation to the urban design aspects of the development. The DRF raised concerns with the lack of amenity and poor urban design quality of the proposal. The DRF recommended a comprehensive master plan setting out a clear urban structure and landscape regime to improve the amenity of the existing environment for the students.

In response to the issues raised by the DRF, the Applicant submitted amended architectural plans and a Landscape Masterplan, with the changes set out as follows:

- relocation of the building entry to the north and subsequent deletion of the ramp and stair;
- relocation of the administration and staff building to the north to align with the new building entry;
- relocation of the general learning building to the south to facilitate administration staff relocation to new entry point;
- adjustment to the fence and gates to suit the new building layout;
- driveway/roadway alignment rationalised and on-street parking formalised;
- kiss and drop parking spaces adjusted to suit realigned driveway/roadway;
- carpark and driveway entry moved north to suit new driveway/roadway re-alignment;
- landscaping and stormwater updated to suit the new layout;
- introduction of a new footpath and avenue of trees along the main internal road; and
- introduction of 'Connection with Country' elements.

The amended architectural plans and the Landscape Masterplan were reviewed by Council's architect who acknowledged the improvements to the design in response to the DRF comments, but also re-iterated concerns in relation to the lack of commitment regarding the future upgrade of the internal road to the north and the lack of detail in relation to the 'Connecting with Country' aspects of the proposal.

In response to these issues, the Applicant provided further amended plans showing a commitment to seal the northern portion of the internal road and provide a formal car park for the existing school.

In terms of aboriginal cultural heritage, the amended landscape design includes a curved seating wall, yarnning circle and gathering space, endemic plant and tree species and indigenous narrative expressed through school signage. SINSW is currently undertaking consultation with indigenous stakeholders in the area and the outcome of this process is expected to inform the proposed development in accordance with the draft "Connecting with Country" principles established by the NSW Government Architect. Given the lead time involved in the consultation process, it is reasonable to require the development to incorporate the 'Connecting with Country' aspects of the proposal, prior to the commencement of works. A condition to this effect is included in the recommended development consent.

The applicant submitted a Design Verification statement that addresses the design quality principles set out in Schedule 8 of the TIA SEPP and outlines the design rationale for the development. Refer to **Appendix D**.

The amended proposal satisfactorily addresses the design issues raised by the DRF and the design quality principles set out in Schedule 8 of the TIA SEPP in that:

- The relocation of the main entry to the north reduces the need for ramping and provides a welcoming entry and a well-defined pedestrian pathway.
- The design facilitates a central urban spine with a pedestrian pathway that follows the alignment of the entry driveway with good sightlines to the main entry and the car park.
- The development incorporates 'Connecting with Country' elements that will be further developed in accordance with NSW Government Architect principles and processes following consultation with indigenous stakeholders in the area.
- The 'kiss and drop' will be located close to the main entry of the new building and vehicles will be able to utilise the existing turning island to improve site access.
- The additional planting assists in softening the built form and improving site amenity.
- The existing unsealed portion and informal parking areas in the northern section of the road will be upgraded and respond to the existing Cook School.
- The southern part of the internal road will be upgraded following completion of the works including entry signage and a new pedestrian footpath and Avenue planting to reinforce the central spine and improve site amenity and access to the site.

Council officers acknowledge the specialised nature of the school and the limits this places on the built form and design outcome for the site. Notwithstanding, the layout and composition of the built form meets the needs of the end users and facilitates a central urban spine with a welcoming entry and a well-defined pedestrian pathway and landscape regime.

The building design is consistent in bulk and scale with the surrounding educational establishment. The low impact landform is appropriate for the site and represents a good planning outcome for the locality. The amended proposal provides an acceptable level of urban design quality and amenity for the site.

### **9.8. Crime Prevention Through Environmental Design**

Crime Prevention Through Environmental Design (CPTED) involves the design and management of the built and landscaped environment to limit opportunities for crime to occur. CPTED can involve strategies that are designed to increase natural surveillance by encouraging more people to make use of pedestrian thoroughfares and strategies that limit or prevent access to certain areas.

The application was referred to NSW Police Force for comment. The NSW Police recommend a range of CPTED measures that are largely generic with particular emphasis on clear sight lines, natural surveillance, spatial definition through perimeter barriers and lighting. In addition, it was recommended that the proposal incorporate CCTV to monitor common areas. The NSW Police recommendations appear to relate to

residential development and given the predominant use of the site is during the daytime and the sensitivities associated with CCTV surveillance of children, it is not considered appropriate to install CCTV surveillance of the site or the car park areas.

The proposal addresses the 4 key CPTED principles and also the relevant comments provided by the NSW Police, in that:

- security fencing will control access to the building, playground, carpark and surrounding landscape areas;
- the landscape design channels users to main access areas providing good surveillance from the driveway and existing Cook School to the east;
- passive surveillance will be provided from the building entry, windows and existing development surrounding the site;
- clear sightlines are provided along the internal roadway;
- appropriate lighting will be provided to the car park, main entry and building; and
- the main entry design provides a demarcation between public and private space with a distinct change in landscape treatment.

The proposal is acceptable in terms of safety and security.

#### **9.9. Greenweb**

The subject site is identified within Council's Greenweb strategy. The Greenweb is a strategy to conserve and enhance Sutherland Shire's bushland and biodiversity by identifying and appropriately managing key areas of bushland habitat and establishing and maintaining interconnecting linkages and corridors.

The subject site is identified as a Greenweb core area. Having regard for the nature of the proposed development, conditions have been included in relation to additional plantings.

#### **9.10. Threatened Species**

Threatened species are particular plants and animals that are at risk of extinction and include threatened populations and endangered ecological communities. Threatened species, populations and ecological communities are protected by the Biodiversity Conservation Act 2016, NSW Fisheries Management Act 1994 and the Commonwealth Environmental Protection and Conservation of Biodiversity Act 1999.

Council has mapped the known threatened species, populations and endangered ecological communities. Following a review of this information and an inspection of the site it is concluded that the proposed development will not result in any significant impact on threatened species, populations and endangered ecological communities.

#### **9.11. Archaeological Sensitivity**

Council records indicate that the subject site is rated low in terms of Archaeological Sensitivity. An Aboriginal Object Due Diligence, prepared by Niche Environment and Heritage was submitted with the application. Based on a desktop and visual inspection, the report concludes that Aboriginal objects are unlikely to occur



on the development site due to the high level of ground disturbance and modification to the ground surface. Due to previous land use and disturbances, the potential for subsurface Aboriginal objects is considered very low. It recommends the project can proceed without further assessment of an Aboriginal Heritage Impact Permit (AHIP) subject to unexpected finds protocol being in place. Conditions to this effect are included in the recommended development consent.

#### **9.12. Tree Removal**

A narrow strip of vegetation adjacent to the internal roadway will be removed to make way for a drainage swale. The swale is unable to function properly with the existing trees shrubs and ground cover retained. Given there is no other suitable location to direct stormwater flows through the site, the development will require the removal of a total of 12 trees as part of these works.

An Aborist Report, prepared by Civica, has been submitted with the application. Council's Landscape Officer raises no objection to the removal of trees, subject to tree replacement at a ratio of 8:1 to offset the loss of existing trees on the site. Conditions to this effect are include in the recommended development consent.

It is noted that the existing strip of vegetation to be removed would impede sightlines between the existing Cook School to the east and the proposed development to the west. The retention of existing trees and new trees will be managed in accordance with the VMP for the site. The proposal is therefore acceptable in terms of tree removal.

#### **9.13. Telecommunications Tower**

The proposed school building will be located approximately 46m south of the existing telecommunications tower on the northern boundary of the site. The Applicant submitted an Environmental EME report with EME levels presented as a percentage of the ARPANSA Standard. The report indicates the highest calculated level of RF EME coming from the existing equipment at this base station is at approximately 166m and is 1.59% or less than 1/200 of the ARPANSA Standard exposure limit. Following the proposed alterations to the equipment at this site, the highest calculated level of RF EME rises to 4.734%, which is 134 m from the telecommunications tower. The EME report confirms the site is well below the public exposure limit.

### **10.0 DEVELOPMENT CONTRIBUTIONS**

The application is by a public authority for services and community infrastructure and therefore it does not attract any Section 7.12 Contributions in accordance with Council's adopted Section 7.12 Development Contribution Plan 2020.

### **11.0 DECLARATIONS OF AFFILIATION, GIFTS AND POLITICAL DONATIONS**

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

## **12.0 CONCLUSION**

The subject land is located within Zone SP2 Infrastructure zone pursuant to the provisions of SSLEP 2015. The proposed development, being a school, is a permissible land use within the zone with development consent.

In response to the public notification, one submission was received. The matters raised in the submission have been addressed in this report.

The subject site is suitable for the proposed development and will not result in any significant adverse impacts on the surrounding area. The building design is consistent in bulk and scale with the surrounding educational establishment.

The proposal includes a variation to student parking requirements. This variation has been discussed and is considered acceptable.

The proposal will provide additional education facilities to support students who have previously found mainstream education to be educationally and socially challenging. Council officers acknowledge the specialised nature of the school and the limits this place on the built form and design outcome. Notwithstanding, the layout and composition of the built form meets the needs of the end users and provides an acceptable level of urban design quality and amenity for the site.

The application has been assessed having regard to the matters for consideration under Section 4.15 of the Environmental Planning and Assessment Act 1979. The application will not result in any significant impact on the environment or the amenity of nearby residents. Following assessment, Development Application No. 22/0643 may be supported for the reasons outlined in this report.

The officer responsible for the preparation of this Report is:

Author: (Tom Mithen)  
Assessment Officer

Date: 20 June 2023