

SUTHERLAND SHIRE COUNCIL ASSESSMENT REPORT

Panel Reference	PPSSSH-123
DA Number	DA22/0995
LGA	Sutherland Shire Council
Proposed Development	Upgrade of existing car parking and construction of a new basement car park and increase of student capacity to 970 students for Shire Christian School
Street Address	16 Allies Road, Barden Ridge, NSW, 2234
Applicant/Owner	Urbis Pty Ltd
Date of DA lodgement	25 October 2022
Number of Submissions	First public notification - 14 submissions Second notification of amended plans - 10 submissions
Recommendation	Deferred Commencement Consent
Regional Development Criteria (Schedule 6 of the SEPP (State Environmental Planning Policy (Planning Systems) 2021)	Private infrastructure or community facilities over \$5 million
List of all relevant s4.15(1)(a) matters	<ul style="list-style-type: none"> • Sutherland Shire Local Environmental Plan 2015 (SSLEP 2015). • Sutherland Shire Development Control Plan 2015 (SSDCP 2015). • State Environmental Planning Policy (Resilience and Hazards) 2021 • State Environmental Planning Policy (Transport and Infrastructure) 2021 • State Environmental Planning Policy (Biodiversity and Conservation) 2021 • State Environmental Planning Policy (Planning Systems) 2021 • Section 7.12 Development Contribution Plan 2016 - Sutherland Shire. • Community Engagement Strategy 2022-2026
List all documents submitted with this report for the Panel's consideration	<ul style="list-style-type: none"> • Architectural Plans, Engineering Drawings and Landscape Plans • Pre-Application Discussion Letter • Conditions of Consent • Operational Plan of Management, Geotechnical Letter, Remedial Action Plan • General Terms of Approval (WaterNSW), Ausgrid & TfNSW Referral conditions
Report prepared by	Benjamin Buchanan

Report date	October 2023
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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**

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 TO SSPP

Schedule 6 of State Environmental Planning Policy (Planning Systems) 2021, requires this application to be referred to the Sydney South Planning Panel (SSPP) as the development is for “*private infrastructure or community facilities over \$5 million*”. The application submitted to Council nominates the value of the project as \$6,370,100

PROPOSAL

The application is for the upgrade to the existing car park areas, construction of a new basement car park and increase student capacity to 950 students for Shire Christian School.

THE SITE

The subject site is located at 16 Allies Road, Barden Ridge.

ASSESSMENT OFFICER'S RECOMMENDATION

1.0 THAT:

- 1.1 That Development Application No. DA22/0995 for Upgrade of existing car parking and construction of a new basement car park and increase of student capacity to 970 students at Lot 3 DP 777667 16 Allies Road, Barden Ridge is determined by the granting of a deferred commencement development consent subject to the conditions contained in [Appendix “A”](#).

ASSESSMENT OFFICER'S COMMENTARY

2.0 DESCRIPTION OF PROPOSAL

The proposal involves the increase of the approved student numbers and to construct a basement carpark with new access from Allies Road at the Shire Christian School. The School was established and has been in operation at the site since 1981. The new driveway is 7m at the position of existing footpath and splays out to 9.5m (measured to wingtips). The basement parking structure is proposed with 69 spaces and located within the area of existing sports field. The proposal seeks to re-instate the sports field over the roof of the basement structure, with transition in levels to surrounding school yard, new ball catching mesh fence, tree planting and landscape works. A proposed vehicle access for future Ausgrid maintenance is also proposed from the existing surface car parking area.

33 existing car parking spaces are to be removed from the site to be consolidate into the 69 space basement. These existing parking areas are located at the rear (northern end) of the school being accessed from a

driveway running along the western edge of the site. The application seeks to delete the informal parking areas with the areas to remain as paved open space.

An increase in student population from 750 to 950 is sought with a variation buffer of 20 (effective total of 970 students).

A site plan is provided below.

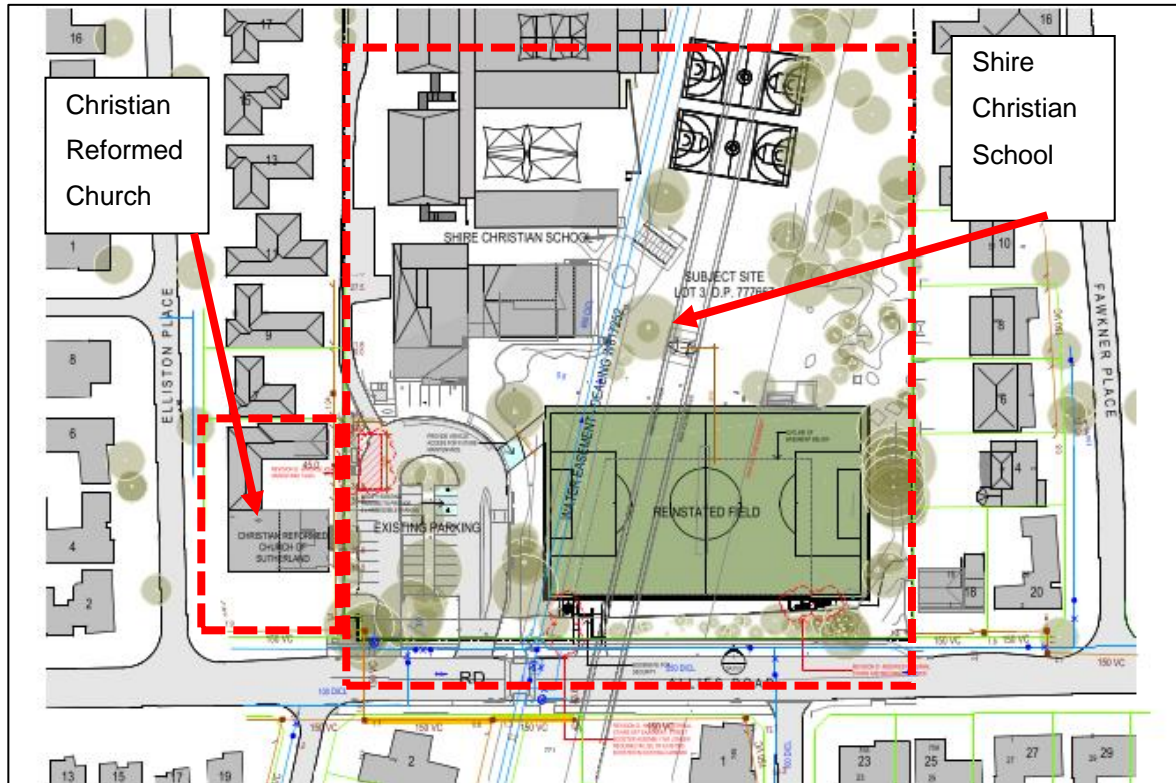


Figure 1: Site plan



Figure 2: Northern parking areas proposed to be removed. Paved areas to remain

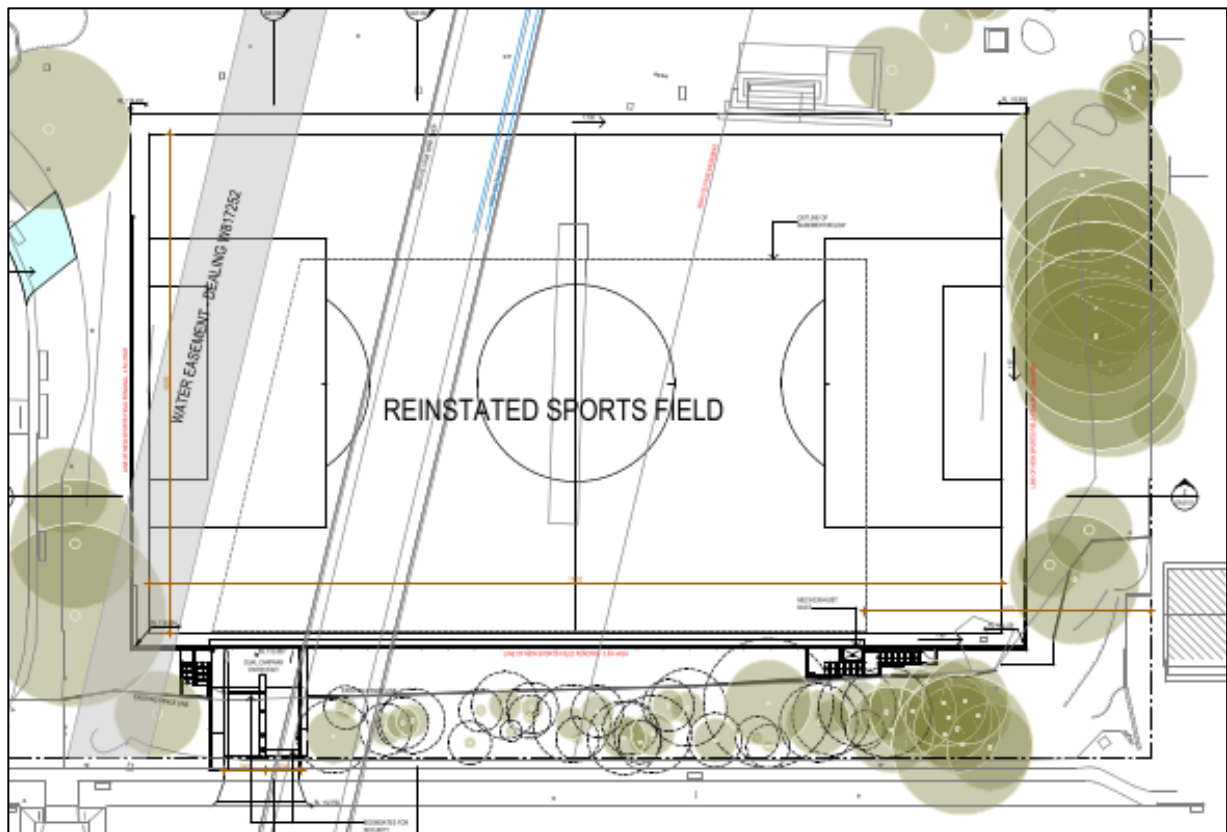


Figure 3: Re-instated sport field

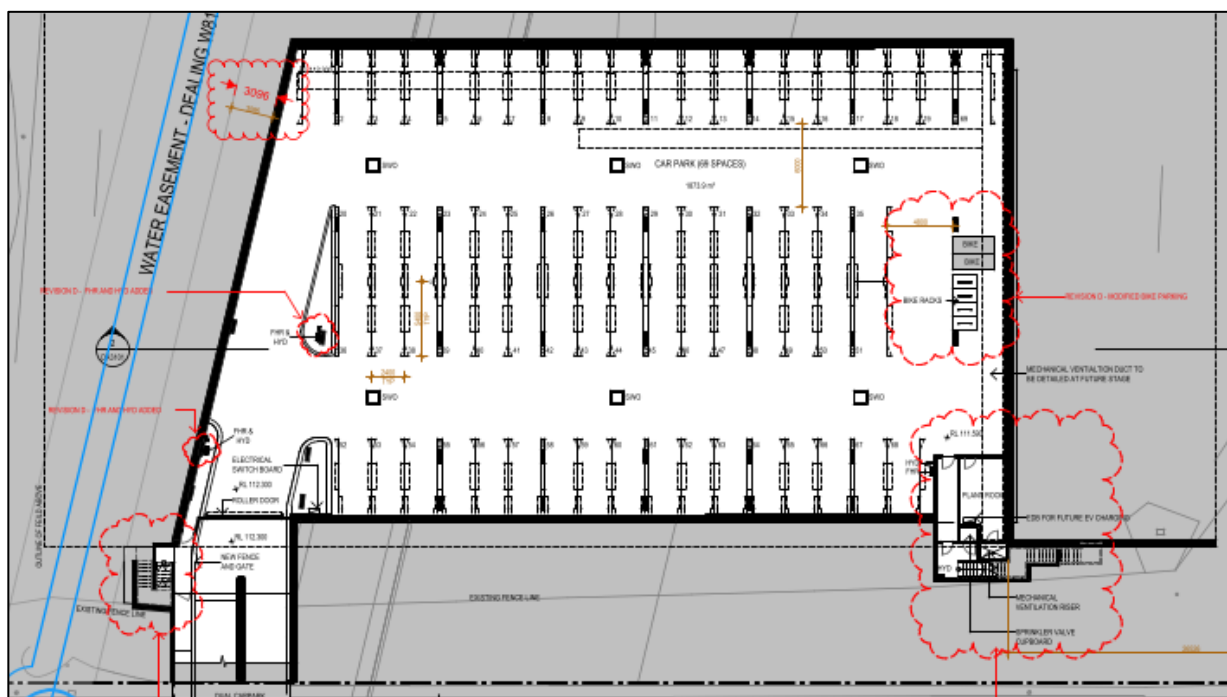


Figure 4: Basement carpark plan

3.0 SITE DESCRIPTION AND LOCALITY

The site is located at 16 Allies Road, Barden Ridge, accessed off the northern side of Allies Road, midway between Elliston and Fawcner Place. The site accommodates the Shire Christian School which is a pre-to-Year 12 independent co-education school which was founded in 1981.

The property is 142.3m wide along the Allies Road frontage, 243.84m deep along the eastern boundary and has an area of 3.572ha. The land slopes moderately from west to east. Natural features of the site include numerous mature trees spread around the perimeter, particularly along the frontage and around the open spaces adjoining the drainage and transmission line easements. The site is traversed by a 7.3m wide drainage easement and 45.72m wide easement for overhead transmission lines. The subject site is not mapped as bushfire prone land or flood affected.

The site accommodates numerous educational buildings along with associated external open spaces / sport fields for student use. The buildings are located to the west of the burdening easements, with open spaces, sporting and play areas within the easement corridors.

The streetscape in vicinity to the site is characterised by predominantly low density residential single dwellings. The adjoining eastern site operates as the Christian Reformed Church of Sutherland and Lucas Height Community School is located at the western end of Allies Road (approximately 500m away).

A locality plan and zoning map extract are provided below.



Figure 5: Locality plan

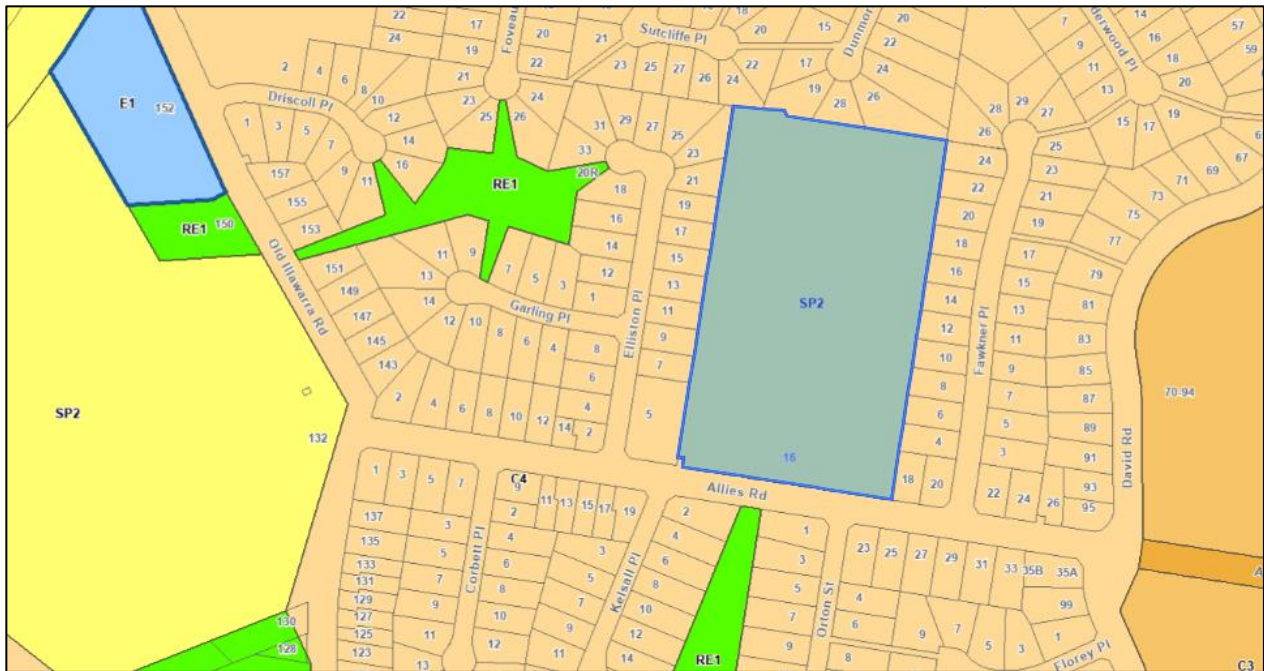


Figure 6: Zoning map

4.0 BACKGROUND

A history of the development proposal is as follows:

- A pre-application discussion (PAD) was held on 23 September 2021 regarding this development. As a result of this a formal letter of response was issued by Council dated 26 October 2021. A full copy of the advice provided to the Applicant is contained on file / within Appendix “B” of this report and the main points contained in this letter are as follows:
 - Student Capacity
 - Traffic and Parking
 - Basement Design
 - Tree and Landscape Considerations
 - Engineering Matters
- The current application was submitted on 25 October 2022.
- The application was placed on exhibition, with the last date for the initial public submissions being 10 November 2002. 28 August 2023.
- In response to initial referral comments, on 8 December 2022 Council officers requested additional information relating to:
 - Sydney Water referral
 - Lack of information for NSW Fire and Rescue requirements, Hydrant Coverage, etc
 - BCA and Access matters.
- On 22 December 2022 further referral comment was received which confirmed that there were deficiencies in information submitted. This information and requests were forwarded to the applicant and related to:
 - Geotechnical Report / Groundwater
 - Detailed Site Contamination investigation

- On 16 May 2023 Council officers requested additional information be provided to address issue/concerns relating to the following:
 - Masterplan
 - Operational (and Traffic) plan of management
 - Parking provision summary
 - Detailed Site Investigation required (DSI for contamination investigation)
 - Sydney Water referrals
 - Groundwater and Integrated Development referral for Water NSW
 - Works within the transmission easement (Ausgrid) – response to conditions / requirements of Ausgrid
 - Transport for NSW (TFNSW - RMS) - response to conditions / requirements of TfNSW
 - BCA matters
 - Car park accessibility
 - Fire Hydrant cover of the basement car park, booster and fire truck parking location
 - Mechanical ventilation and car park exhausted location
 - Materials (Ball catching mesh fencing)
 - Construction and site management plan
 - Stormwater Management
 - Waste Servicing
- On 30 May Council met with the applicant to discuss the above items and request for information letter which included requirements for additional investigations and external referrals.
- Amended plans and documents were lodged via the via NSW Planning Portal on 16 June 2023. Neighbour notification plans were received on 11 July 2023 with additional structural engineering information submitted for WaterNSW referral on 14 August. On 21 August 2023, the Detail Site Investigation (DSI) report was received.
- The amended application was placed on exhibition, with the last date for the public submissions being 28 August 2023.
- In response to the recommendations and following assessment of the DSI, Council formally requested that the Remedial Action Plan (RAP) as recommended by the DSI, be submitted).
- The RAP was lodged on 8 September 2023 (Appendix C).
- WaterNSW General Terms of Approval (GTAs) were received on 12 September 2023 (Appendix D).
- On 13 September 2023, Sydney Water advised Council that the requested Out of Scope - Building application was rejected on 14 July 2023 due to insufficient information which was requested through the applicants Water Services Co-ordinator (WSC). This information was shared with the applicant who responded with additional information. This information was submitted to Sydney Water via the planning portal on 14 September 2023 for referral to the agencies engineering team.

5.0 ADEQUACY OF APPLICANT'S SUBMISSION

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

Regarding the outstanding Sydney Water referral, please to the Section 10 *Specialist Comments*.

6.0 PUBLIC PARTICIPATION

The application was notified in accordance with the provisions of Council's Community Engagement Strategy. Council notified 171 adjoining or affected owners of the proposal and 14 submissions were received.

Following assessment and identifying that the application triggered the need for an Integrated Development referral to Water NSW, once revised plans were received from the applicant, Council renotified the application with an extended notification of 28 days.

Revised Plans

The applicant lodged revised plans on 16 June 2023 which were used during the extended re-notification period. In response to extended renotification of these plans 10 submissions were received.

The summary of issues below is in relation submissions received during each notification period.

7.0 SUBMISSIONS

The key issues identified in the submission/s are as follows:

Issue 1: Student Population and 'Masterplan' Details

Comment: Refer *Assessment* section of this report

Issue 2: Traffic, Parking, and Pedestrian Safety

Comment: Several submissions were received noting concerns for impacts of increased traffic movements, congestion and for the parking outcomes. Concern is also raised for the surplus of parking provided and for future masterplan details. These matters are discussed in more detail in the *Assessment* section of this report.

Issue 3: Stormwater Management

Comment: Concerns for stormwater run-off was raised by neighbours, particularly those landowners who adjoin the eastern boundary of the school and are located on lower levels at Fawkner Place. Council's Development Engineer requested that the existing stormwater lines & pipes be investigated and that detailed long sections of proposed stormwater lines from the basement floor carpark (showing all invert levels of pit & pipes and levels of natural surface) to the existing drainage system be provided. The civil engineering report also indicated that 1.1m³ OSD will be provided with a 60mm controlled orifice. The applicant was required to demonstrate that the OSD tanks and calculations comply with Council's Development Control Plan 2015 and Stormwater Specification 2009. A cross section of grass catch drain was also to be provided for the basement roof carpark. Stormwater filter/treatment device is also now proposed. In combination, the revised information demonstrates that notwithstanding the increased impervious surface (carpark roof), the stormwater outcomes will be managed in accordance with the relevant controls and result in a better

outcome than existing. Subject to the recommended stormwater conditions of consent, this element of the proposal is considered acceptable.

Issue 4: Location of Mechanical Exhaust Riser

Comment: In response to original neighbouring concerns and on request from Council officers, the mechanical ventilation shaft has been relocated away from the closest eastern neighbours. It was originally proposed with an approximate setback on 10m, however, amended plans have now increased this to over 25m. It is also located more than 30m away from the nearest neighbours on the opposite side of Allies Road. Revised submission also indicates a concern of carpark exhaust stack (as relocated) will kill trees. It is noted that a large portion of the southern side of the basement is proposed with a series of louvered ventilation openings (natural ventilation). The Building Code of Australia (BCA) requires the mechanical ventilation exhaust in where the car park is not 'open' or not naturally ventilated to the extent required by Section 4 of AS.1668.4. These are typically Construction Certificate (CC) details identified in the BCA reporting but considered necessary as ventilation louvres are only provided on one elevation (due to site slope). The outcomes with the amended location are not considered unreasonable and are supported subject to a recommended condition of consent relating to noise and operation of plant and equipment generally for the basement car park and for ventilation.

Issue 5: Streetscape and Carpark Entry

Comment: Concerns for the car park entry being out of character with the streetscape were submitted during the original and revised notification period. The architectural plans indicate a roller door with boom gate near to the road reserve. The streetscape is characterised by low density dwellings for much of the upper and lower portions. Centrally, Allies Road contains an existing parking area associated with the adjacent Church. Provision of a new parking area onsite within a basement and with entry from Allies Road is a reasonable approach with splayed walls limiting the visual impacts on driveway ramp walls. The location of the entry was also determined following assessment of the alternatives and in agreement with Councils Traffic Engineer. The boom gates and roller doors are not unreasonable nor result in adverse impacts upon the broader streetscape, subject to recommended conditions to set the boom gates back and allow 2 cars to queue onsite leading to the entry.

Issue 6: Amenity Impacts (Visual and Acoustic Privacy and Solar Access)

Comment: Concerns were raised regarding the potential for privacy/overlooking (from proposed site levels), noise and solar access impacts associated with the proposal. Further discussion is provided within the *Assessment* section of the report.

Issue 7: Tree Loss and Landscaping

Comment: Further discussion is provided within the *Assessment* section 11 of the report.

Issue 8: Vandalism concerns

Comment: Concerns were raised that the basement would attract vandalism. The Plan of Management outlines CCTV and security measures employed at the school. This surveillance is recommended to be extended to cover the key entry points of the basement. An appropriate condition has therefore been

recommended.

Issue 9: Impact on Property Values

Comment: Impact on property prices is not a key matter for consideration under section 4.15 of the Environmental Planning and Assessment Act 1979 and does not constitute a reasonable ground for refusal. The proposal is a permissible use and will be utilised as part of an existing school.

Issue 10: Excavation, Dilapidation, Construction Impacts and Asbestos Management

Comment: Councils Development Engineers have recommended conditions for bulk excavation security bonds and dilapidation reporting to be carried out on the closest neighbours at No.18 Allies Road and 4 and 6 Fawkner Place prior to construction. Geotechnical works will be governed by an appropriate condition and plan for asbestos removal is detailed in the Remedial Action Plan requested by Council. Several conditions have been recommended in respect of site soils and asbestos management to ensure safe management of this material. The application was also required to submit a Constructional and Site Management Plan during assessment which was satisfactory, and a relevant condition imposed in this regard.

The submissions received have been considered as part of this assessment and where appropriate, have been addressed by way of design change and/or condition.

8.0 STATUTORY CONSIDERATIONS

The property is within Zone SP2 – Educational Establishment under the provisions of Sutherland Shire Local Environmental Plan 2015 (SSLEP2015). Further, State Environmental Planning Policy (Transport and Infrastructure) 2021 (T&I SEPP) indicates that the development is within a “prescribed zone” and the proposed development is permitted with development consent.

The following Environmental Planning Instruments (EPIs), Development Control Plans (DCPs), Codes or Policies are relevant to this application:

- Sutherland Shire Local Environmental Plan 2015 (SSLEP 2015).
- Sutherland Shire Development Control Plan 2015 (SSDCP 2015).
- State Environmental Planning Policy (Resilience and Hazards) 2021
- State Environmental Planning Policy (Transport and Infrastructure) 2021
- State Environmental Planning Policy (Biodiversity and Conservation) 2021
- State Environmental Planning Policy (Planning Systems) 2021
- Section 7.12 Development Contribution Plan 2016 - Sutherland Shire.
- Community Engagement Strategy 2022-2026

9.0 COMPLIANCE

9.1. State Environmental Planning Policy (Resilience and Hazards) 2021

Chapter 4 Remediation of Land (Previously SEPP 55)

Chapter 4 of State Environmental Planning Policy (Resilience and Hazards) 2021 (Resilience and Hazards

SEPP) 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.

A site inspection identified that the location of proposed basement works onsite is currently occupied by a large sporting field which has been historically levelled using fill material (likely imported to site).

A review of Council's GIS and historical aerial photos has shown that the school and associated playing field area has been in place since 1981.



Figure 7: 1984 aerial photo indicating at grade car park and playing field and school buildings had been constructed. The construction of surrounding residential subdivision and adjoining dwellings had not yet occurred.

A search of Council's records, including historical files, has revealed that the site appears predominantly vacant with 2 small structures located onsite (1970 aerals). A search of Council's contaminated land register does not identify the site as being potentially contaminated, however, given the significant excavation proposed and unknown origin of the original fill forming the sports field, Council's Environmental Scientist requested that a Detail Site Investigation (DSI) be undertaken. A review of the completed DSI (JK Environments Pty Ltd, Detailed Site Investigation, report ref: E34118PW rpt2, dated 16 August 2023) found soil containing bonded asbestos containing material (ACM) beneath the surficial soil which would be excavated for the works. The concentration of asbestos exceeds the human health criteria and as such the removal of the soil must be undertaken as per a remedial action plan (RAP). The RAP was subsequently submitted and is considered satisfactory subject to recommended conditions of development consent.

In conclusion, the site is suitable for the proposed development in accordance with requirements of the Resilience and Hazards SEPP, subject to the condition relating to Management of Site Soil/Fill Material,

9.2. State Environmental Planning Policy (Biodiversity and Conservation) 2021

Chapter 11 of the State Environmental Planning Policy (Biodiversity and Conservation) 2021 (Biodiversity and conservation SEPP) sets out the plan objectives and planning principles for the Georges River Catchment. Part 11.4 includes several aims and objectives for the environment and water quality within the catchment. Appropriate stormwater management and water quality measures are proposed and have been reviewed and supported by Councils Engineering clinic and there is likely to be minimal adverse impacts on water quality. Council is of the view that with the implementation of the recommended conditions of consent, the proposal would be consistent with the aims and objectives of the Biodiversity and Conservation SEPP 2021.

It is noted that as from 21 November 2022, new Chapter 6 of the SEPP consolidates Chapters 7-11 related to water catchments (including Georges River catchment). The Georges River Catchment is defined as a “regulated catchment.” Division 4 contains controls for development for specific purposes, including at Clause 6.21 (Stormwater Management).

A savings provision under Clause 6.65 of the SEPP confirms that the former provisions referred above continue to apply to an application for development consent lodged, but not finally determined, before the commencement of *State Environmental Planning Policy Amendment (Water Catchments) 2022*, i.e. the subject application).

9.3. 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 private infrastructure or community facilities over \$5 million.

As such, the application is referred to the South Sydney Planning Panel for determination.

9.4. State Environmental Planning Policy (Transport and Infrastructure) 2021

Chapter 2 – Infrastructure

Development likely to affect an electricity transmission or distribution network (clauses 2.47 and 2.48).

Division 5, Subdivision 2 of the Transport and Infrastructure SEPP (T&I SEPP) relates to development that has the potential to impact on electricity supply. This application involves

- *the penetration of ground within 2m of an underground electricity power line or an electricity distribution pole or within 10m of any part of an electricity tower, and;*
- *development carried out within or immediately adjacent to an easement for electricity purposes (whether or not the electricity infrastructure exists),*

Council therefore referred the DA to Ausgrid and invited them to provide comments about the potential safety risks. In this case, Ausgrid have advised of several necessary conditions to be imposed with any

development consent. Original referral noted that the basement roof would need to be constructed to cater for a 100tonne loading. The applicant responded with the access plan, illustrated below, to enable Ausgrid access to its electrical tower and powerline asset. This negates the need to driving heavy equipment onto the basement roof (re-instated playing field). Ausgrid have confirmed in writing of the agreement between parties and recommended conditions to form part of any development consent (Appendix E).



Figure 8: Extract from the agreed Ausgrid Access Plan prepared by AJC Architects

Chapter 3 Educational establishment and childcare facilities

The primary aim of this chapter is to facilitate the effective delivery of educational establishments and early education and care facilities across the State.

Part 3.4 (Schools)

Clause 3.36 contains specific development controls and considerations for the proposed development. Before determining a development application, the consent authority must take into consideration the design quality of the development when evaluated in accordance with the (Section 3.36(6)(a)) design quality principles set out in Schedule 8 and detailed below:

Schedule 8 Design quality principles in schools—Chapter 3

Principle 1—context, built form and landscape

Schools should be designed to respond to and enhance the positive qualities of their setting, landscape and heritage, including Aboriginal cultural heritage. The design and spatial organisation of buildings and the spaces between them should be informed by site conditions such as topography, orientation and climate.

Landscape should be integrated into the design of school developments to enhance on-site amenity, contribute to the streetscape and mitigate negative impacts on neighbouring sites.

School buildings and their grounds on land that is identified in or under a local environmental plan as a scenic protection area should be designed to recognise and protect the special visual qualities and natural environment of the area, and located and designed to minimise the development's visual impact on those qualities and that natural environment.

Principle 2—sustainable, efficient and durable

Good design combines positive environmental, social and economic outcomes. Schools and school buildings should be designed to minimise the consumption of energy, water and natural resources and reduce waste and encourage recycling.

Schools should be designed to be durable, resilient and adaptable, enabling them to evolve over time to meet future requirements.

Principle 3—accessible and inclusive

School buildings and their grounds should provide good wayfinding and be welcoming, accessible and inclusive to people with differing needs and capabilities.

Note—

Wayfinding refers to information systems that guide people through a physical environment and enhance their understanding and experience of the space.

Schools should actively seek opportunities for their facilities to be shared with the community and cater for activities outside of school hours.

Principle 4—health and safety

Good school development optimises health, safety and security within its boundaries and the surrounding public domain, and balances this with the need to create a welcoming and accessible environment.

Principle 5—amenity

Schools should provide pleasant and engaging spaces that are accessible for a wide range of educational, informal and community activities, while also considering the amenity of adjacent development and the local neighbourhood. Schools located near busy roads or near rail corridors should incorporate appropriate noise mitigation measures to ensure a high level of amenity for occupants.

Schools should include appropriate, efficient, stage and age appropriate indoor and outdoor learning and play spaces, access to sunlight, natural ventilation, outlook, visual and acoustic privacy, storage and service areas.

Principle 6—whole of life, flexible and adaptive

School design should consider future needs and take a whole-of-life-cycle approach underpinned by site wide strategic and spatial planning. Good design for schools should deliver high environmental performance, ease of adaptation and maximise multi-use facilities.

Principle 7—aesthetics

School buildings and their landscape setting should be aesthetically pleasing by achieving a built form that has good proportions and a balanced composition of elements. Schools should respond to positive elements from the site and surrounding neighbourhood and have a positive impact on the quality and character of a neighbourhood. The built form should respond to the existing or desired future context, particularly, positive elements from the site and surrounding neighbourhood, and have a positive impact on the quality and sense of identity of the neighbourhood.

An assessment of the proposal having regard to the design quality principles is provided below:

Principle	Officer Comment
1 - Context, built form and landscape	The basement car park has been designed to minimize impacts on existing tree canopy to the Allies Road frontage and to respond to and enhance the

	positive qualities of the streetscape and landscape setting through new planting and discreet driveway entry location.
2 - Sustainable, efficient and durable	The basement car park is designed to be durable and is deemed appropriate in terms of its consumption of energy, water and natural resources.
3 - Accessible and inclusive	The proposal maintains and improves accessible parking options and achieves adequate wayfinding outcomes
4 – Health and Safety	Health, safety and security within the boundaries of the school and surrounding public domain has been considered, and subject to the imposition of conditions of consent is considered to be acceptable.
5 - Amenity	The proposal provides for an improved sports field capable of use for a range of educational, informal and community activities. The development takes advantage of its opportunities and works carefully within the infrastructure constraints. Amenity impacts upon adjoining residents have been minimised and acceptable with improved landscape between boundary and ball catch mesh fencing installation
6 – Whole of life, flexible and adaptive	The proposed basement parking and sporting field supports the school's core functions with an onsite facility that adapts to the changing demand of teaching curriculum. The usefulness of the carpark/sport field is maximised in the event of changing and future demands.
7 - Aesthetics	The basement driveway includes splayed entry walls to minimize the visual impact of these elements in the streetscape. The accompanying landscape strategy is aesthetically pleasing and enhances the existing landscape qualities are characteristics of the site and context.

Part 3.7 General Development Controls

The application was required to be referred to Transport for NSW (TfNSW) for comment as the student population will be increased (formally) by more than 50 additional students and involve enlargement or extension of existing premises. Clause 3.58 relates to *Traffic-generating development* associated with the increase to student population which is proposed to increase from 750 to 970 students. Specifically, the control requires:

Clause 3.58 Traffic-generating development

- (1) *This section applies to development for the purpose of an educational establishment—*
 - (a) *that will result in the educational establishment being able to accommodate 50 or more additional students, and*
 - (b) *that involves—*
 - (i) *an enlargement or extension of existing premises, or*
 - (ii) *new premises,*
- on a site that has direct vehicular or pedestrian access to any road.*

TfNSW responded with several conditions of which one example requires the school zone signs and pavement marking to be installed in accordance with TFNSW specifications. All of the recommendations appear readily achievable and are applied as recommended to the development consent (Appendix F).

9.5. Sutherland Shire Local Environmental Plan 2015

The proposal has been assessed for compliance against Sutherland Shire Local Environmental Plan 2015. The proposal does not involve additional FSR to the site and achieves the objectives of the SP2 Zone. A compliance table with a summary of the applicable numeric development standard is contained below:

Sutherland Shire Local Environmental Plan 2015			
CLAUSE	REQUIRED	PROPOSAL	COMPLIANCE
cl.4.3 Height of Building	12m	Basement car parking roof extends up to 1.3m above existing ground level (EGL)	Yes

Other Controls

Clause 3.36(9) of the T&I SEPP sets out that the provisions of a DCP have no effect on a school development proposed under Clause 3.36 (i.e., development with consent). Accordingly, the provisions of Sutherland Shire Development Control Plan 2015 (SSDCP2015) have no effect on the proposal.

9.6. Sutherland Shire Development Control Plan 2015

Notwithstanding the above regarding Clause 3.36 (T&I SEPP), the objectives of the controls relating to design elements (streetscape, building form, building setbacks, landform, landscaping, building layout, solar access, visual and acoustic privacy) have been considered as these controls broadly seek to ensure that any use that is permissible within a zone is developed in a manner that is consistent with the zone objectives and contribute to a harmonious local environment.

These matters are largely addressed elsewhere in the report and the proposal is consistent with the relevant objectives of the SSDCP2015. Further, the proposal is generally consistent with the following Chapters of SSDCP2015 which are applicable to the proposal and have been considered in depth by the relevant internal specialists.

- Chapter 36 – Roads, Vehicular Access, Traffic, Parking and Bicycles
- Chapter 38 – Stormwater and Groundwater Management
- Chapter 39 – Natural Resource Management
- Chapter 40 – Environmental Risk – Contaminated Land Management

10.0 SPECIALIST COMMENTS AND EXTERNAL REFERRALS

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

Water NSW

The application was referred to WaterNSW pursuant to s.4.47 of the EP&A Act, 1979 as works constituting 'integrated development'. This was due to the geotechnical report indicating 'seepage' within the

investigation boreholes and the likely need for dewatering during construction. Dewatering of the site is an activity that requires a Water Supply Work permit under s90(2) of the Water Management Act 2000. WaterNSW's request for information was satisfied when the applicant responded with a 'tanked' basement design, and their General Terms of Approval (GTA's) were granted on 13 September 2023. These conditions are included in the development consent.

Sydney Water

Two (2) critical Sydney Water assets identified as CICL trunk watermain are in the associated easement which traverses the site and will be partially beneath the proposed transition slab leading from the basement roof into existing ground levels surrounding the sports field (as shown below).

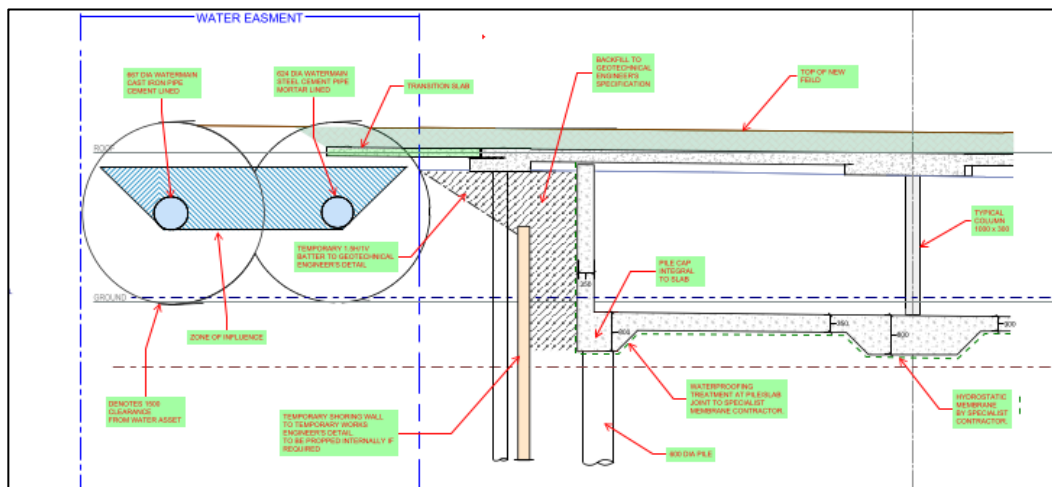


Figure 9: Basement and watermain section showing structural details

Council officers made early enquiries with Sydney Water in November 2022 as to the need and type of information required for referral. The applicant submitted a basic Building Plan assessment which was not sufficient in the context of the critical assets. Sydney Water requested an *Out of Scope – Building Application* to be submitted for assessment in December 2022. This request was forwarded to the applicant at that time. The applicant did not submit the necessary information until July 2023. When the information was lodged by the Water Service Co-ordinator (WSC) and the referral made via the Planning Portal, the application was 'rejected' on 14 July 2023 by Sydney Waters engineering team due to missing information / details on the plans. However, Council was advised on 17 July 2023 of acknowledgement of referral (noting it was pending), with no update on the issue until mid-September. At this time Council was advised that no further information had been submitted from the applicants WSC to resolve the rejected application.

No conditions of approval have been granted in relation to the Sydney Water referral at the time of this report being prepared.

As there has been no response or conditions offered to govern the proposed works within and adjacent to the easement area, Council officers do not recommend conditional consent for the application. Whilst all other key matters have been resolved, the options to progress the application remain limited only to a deferred commencement consent which would enable the appropriate approval and conditioning to be obtained from Sydney Water, beyond the SSPP determination time.

It is considered likely that the engineering outcomes required by Sydney Water for protection of the water asset can be reasonably resolved between the applicant (via their representing Water Services Coordinator) and Sydney Water. If the approval is not obtained within 24 months, the recommended wording of the deferred commencement conditions will result in the consent lapsing. If for some unforeseen reason, design changes are required because of this referral (which impact the basement design), the application may be modified via a s.4.55 application. Minor changes have been allowed for and detailed in the 'design changes required' condition.

Transport for NSW (TfNSW)

Under Clause 3.58 of the T&I SEPP, the proposal is traffic generating development. Therefore, a referral was made to TfNSW. The agency's response includes recommended conditions which seek to ensure that school zone marking, signposting and other similar traffic management items are undertaken in accordance with the relevant TfNSW specifications prior to Occupation Certificate.

Ausgrid

The proposal was referred to Ausgrid and conditions obtained as detailed in Section 9 of this report.

Traffic Engineer

The application was referred to Council's Traffic Engineer at the Pre-Application stage where the traffic and parking outcomes and future capacity implications of the school (and concerns of Council) were discussed. The driveway access point to the proposed basement was also discussed, with the alternatives presented and the most viable option worked through.

Despite Council seeking additional information from the applicant in relation to the school's future intentions, the DA was not submitted with a future masterplan (*refer Assessment*). However, from a traffic and parking perspective, it was acknowledged that the current DA has merit in that:

- *The car park should provide improved safety and utility for the existing internal use of the site*
- *The car park should reduce the impact on surrounding streets during special events*
- *The current demand for school enrolments and the fact that the school (and traffic therein) is currently operating near to the proposed student cap*

Considering the above and having clearly noted the approval of the current DA does not support further expansion, traffic and parking related conditions of consent have been recommended, some of which were incorporated into the submitted Operational Plan of Management (i.e. signposting, Green Travel Plan, Parking Management), with a student cap and EV Charging recommendations also made. The Operational Plan of Management is attached as Appendix G to this report.

Environmental Health

The application was referred to Council's Environmental Health Unit who raised no objection to the proposal subject to recommended noise conditions, which are intended to minimise the impact of noise from the

development, the use of the premises and all sound producing plant, equipment, machinery and mechanical ventilation systems.

Engineering (Development Team)

The application was referred to Council's Assessment Team Engineer who requested additional information to deal with issues/non-compliances relating to the following;

- Vehicle and Pedestrian Access
- Construction and Site Management Plan - requiring details and vehicle movement and "entry" and Exit" areas to be shown, including traffic management information
- Stormwater Management – requesting evidence of existing pipelines and pits, cross section of grass catch drains and OSD details.
- Waste Servicing operations
- Fire Hydrant Cover and NSW Fire and Rescue requirements, - booster, hardstand etc.

Upon receipt of revised plans and documents, Council's Development Engineer has confirmed that the key matters have been addressed subject to recommended conditions of consent.

Landscape Specialist

Council's Landscape Specialist team reviewed the submitted landscape design, arborist report and the commentary from Pre-DA discussions. They found that the applicants arborist and landscape recommendations were acceptable and that the landscape plan is satisfactory subject to the recommended conditions of consent.

Refer *Assessment* section for further discussion relating to tree removal and replacement conditions.

Building Surveyor

Council's Building Surveyor provided initial input noting concerns for accessibility provision and with relation to NSW Fire and Rescue requirements and fire hydrants.

Upon review of revised plans and information, it was noted that;

1. *The RFI letter and other submitted documents confirm that performance solutions will be sought to address any non-compliances with the BCA.*
2. *The originally proposed fire hydrant booster assembly has been removed and in lieu, the existing fire hydrant booster assembly will be used. As the existing assembly is located within the existing carpark, there should be sufficient room for the brigade vehicle to park whether a suction-outlet is required or not (not indicated). Additionally, a performance solution will be sought to not require simultaneous pressure and flow to the proposed basement carpark hydrants and sprinklers.*

Given the above, no conditions will be required to be imposed for this application other than the prescribed conditions for all new work.

Waste Officer

Council Environmental Waste Strategy Officer was referred the application for comments. It was noted that due to the schools onsite private collection arrangements, no objection / concern was raised to the proposed works and ongoing waste operations.

Environmental Scientist

An initial referral response from Council Environmental Scientist identified the need for a Detailed Site Investigation (DSI) to deal with contamination concerns that might arise with the unknown fill source when excavated for the proposed basement. It was also identified that the application would likely require referral to WaterNSW as 'integrated development' due to water seepage encountered in the borehole testing and described by the submitted Geotechnical Report. WaterNSW specifically confirmed that "seepage", in addition to interception of the groundwater table, was a trigger for referral.

This additional information was request in December 2022, with site testing not undertaken by the applicant until June/July 2023. Notwithstanding the time delays, appropriate information was ultimately submitted with the DSI and subsequent remedial action plan (RAP) now addressed with via recommended conditions of consent.

WaterNSW have issued General Terms of Approval (GTA's) as the basement is indicated to be tanked (waterproofed to ensure no ingress of water) and therefore the agency concerns relating primarily to dewatering during construction are resolved subject to the GTAs' applied to the recommendation conditions of consent.

11.0 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.

11.1. Student Population (Proposed) and Surplus Parking Capacity Implications

At the Pre-DA stage, Council's planning and traffic engineering officers requested the draft masterplan be provided, which was referred to in documentation and discussion. The preliminary basement design involved 80 car spaces and requested operational consideration of a student population to 970 students.

The need for surplus parking facilities was raised in Council's request for information (RFI) and by neighbouring landowners at DA stage. Whilst reference to a future masterplan is made, the applicant's planning for broader school improvements and facilities has been noted as 'on hold' to focus on the school's current student population and to deal with the schools parking configurations which are fragmented over the site.

With the proposal resulting in 36 surplus parking spaces (based on the current student numbers proposed) the question of the surplus allowing for student population increased has been raised. The submitted

documentation (Traffic Report) also alludes to this. In response to concerns, the applicant has provided Council with their engagement brief and the history and reasoning behind the current application.

Council was advised that the applicant (Urbis) was engaged to review planning controls and review of previous approvals. The review was noted to have identified that the school was operating beyond the capacity conditions imposed under DA08/0745 approved on 24 October 2008. Condition 27 on this consent sets the maximum capacity at 750 students.

General Operation/Amenity Condition 1 - Student Numbers

There shall be no increase in student numbers beyond the approved school population of 750 students, as a consequence of occupation and use of the additional class rooms the subject of this development consent.

Current school management claim to have not been aware of the limit. The school representatives reiterated this in the meeting with Council officers (May 2023). Urbis noted that their engagement was to initially review existing school facilities with the view to upgrade to contemporary teaching needs and review the site and identify area for new school buildings or additions. This analysis was ultimately design to led to concept masterplan for the school.

At the time of the formal response to Council's RFI (dated 16 June 2023), the applicant explains that a draft masterplan has not been prepared.

With current enrolment at 950 students, the immediate response was directed at dealing with ongoing operations, to enable a fluctuation of 20 additional students and deal with the fragmented existing parking situation. A parking proposal was developed to better consolidate the parking needs for 96 full time staff. Limited area is available onsite for additional parking, except for the easement constrained areas occupied by playing fields and open spaces beneath powerlines and above water easement. These areas are for play and sports and further expansion of at grade parking is undesirable. Notably, certain works of this nature can be done without consent under T&I SEPP.

The response to current capacity levels (950 students) and considering what future investment and capacity in the school might involve, the proposed basement parking solution (and the surplus capacity) is noted to 'futureproof' the site whilst dealing with the needs of parking for:

- Visitor parking
- Parent volunteers
- Approx. 9 music tutors
- Approx. 6 sports coaches
- Regular consultants (Speech Therapist and Occupational Therapist, etc.)
- Non-teaching staff, IT support, site staff, maintenance staff and finance staff.

The applicant notes that the surplus parking aims to cater for the site if curriculum changes (leading to increase to support staff). It is argued that the additional 36 parking spaces will reduce demand for on-street parking as these services are required as part of normal school function and as the statement notes,

increasingly so. The school maintains the policy to not allow students to park on the site is reasonable. The applicant also maintains that the increase is not directly associated with a future enrolment increase, which is disputed in submissions from neighbouring properties.

Council officers are of the view that the applicant is at no advantage by withholding any masterplan details if they did currently exist, nor is it a requirement of the relevant planning instruments that one be submitted. Rather, Council is required to consider the application on its merits, and justification of the merits have been provided to Council by the applicant

Based on the applicant's justification and reliance on the existing and likely increasing level of non-teaching staffing needs, Council officers are of the view that it is reasonable for a portion of the proposed surplus parking capacity to be dedicated to the non-teaching staff which the school relies upon. For example, the 15 additional tutors and coaches, the therapy consultants and other staff would (based on the applicant's figures) account for most of the 36 surplus spaces at present levels. Council therefore recommends that 20 of the 36 surplus spaces is allocated by way of conditioned amendment to the Plan of Management and that practical arrangement is implemented for these staff/services. These tutors, assistance and other workers may only be onsite for short periods of time in any given day. Access to onsite parking should be allowed for in an unobstructed manner.

The investment into the parking structure is significant and the additional justification provides clarity as to the operations and assistance staffing / support needs for contemporary schooling. The desire to futureproof for the schools possible future needs is logical as there are limited alternatives parking of this nature if future needs are identified.

Any traffic impacts are also justified and following review by Council's Traffic Engineer are considered acceptable within the road network capacity (discussed further below).

The consideration of future needs is one detailed under 3.36(6) (a) T&I SEPP, Principle 6 as follows:

School design should consider future needs and take a whole-of-life-cycle approach underpinned by site wide strategic and spatial planning. Good design for schools should deliver high environmental performance, ease of adaptation and maximise multi-use facilities.

Whilst the proposal exceeds the current staff parking requirements (+ 36 spaces), potential future needs have been considered by the proposal design. The relocation of 32 spaces, plus a reduction of 1 to form 2 accessible spaces, indicates a logical consolidation and re-organisation of the existing fragmented parking solution.

If it were the case that further increase in student numbers were to be applied for in the future, this would require development consent (noting some complying or exempt provisions) and additional consideration of the amenity impact and further analysis of the traffic impacts would be necessary. In respect of this application, there is a known outcome from the current student population (950 students) and whilst

unauthorised operation at current numbers has occurred for some time these operations have not led to unreasonable impacts. The additional 20 students applied for to deal with likely fluctuations on current numbers is not unreasonable. However, the parking surplus and internalising of the needs ancillary staff (as recommended by condition) is considered necessary to reduce existing on-street competition parking with Year 12 students and minimise the demand for parking which is noted for surrounding streets during school hours.

11.2. Traffic and Parking

Concern for traffic congestion and parking impacts were received by Council with both the initial and revised neighbour notifications. Reference was made of the proximity to another school (being Lucas Height Community School located within 500m), a nearby recent Woolworths approval (near the western intersection of the Old Illawarra Road) and for the general peak time congestion generated by existing (and proposed formalisation) of the 950 students. Specifically, parking for students and parents in the surrounding streets is raised as a concern. These are all considered relevant and a common concern for this type of development.

For this reason, the T&I SEPP requires TfNSW (as traffic generating development) and Councils Development Control Plan requires a Traffic and Parking Report to be submitted for assessment. Neighbouring submissions question the accuracy of the content, however, Councils Senior Traffic Engineer also reviewed the report and responded to planning officers. Key to the response was the necessary improvement that should be applied to reduce queuing, applying an effective Green Travel Plan, signposting and enable future EV charging. Support with these conditions is offered on the basis of a student population condition not exceeding 970.

It is acknowledged that every application of this nature leads to some increased pressure upon on the existing road networks. Notwithstanding, Council is also mindful of the limited opportunities to roll out new school facilities of this nature, the increasing demand for these facilities as the Sutherland Shire community grows, the service these facilities bring to the broader community and the relevant zoning of the land. In this case, Shire Christian School was established on this land before the construction of all surrounding residential dwellings in 1981 which demonstrates the significant changes to the immediate locality over time and the likelihood of change into the future.

From a parking perspective, street parking pressure should be reduced by the additional capacity onsite which is a positive outcome and why it is recommended that non-teaching staff are allowed obstructed access for onsite parking. The Plan of Management must reflect this.

With regards to traffic impacts, congestion and pedestrian safety, internal specialists and TfNSW raised no major concern subject to the recommended conditions and on these grounds, the proposal is considered acceptable.

11.3. Urban Design and Site Planning

Schedule 8 of the T & I SEPP, Clause 6.16 of SSLEP 2015 and Council's DCP set design quality principles

and certain matters of consideration relating to urban design.

The car parking entry presents to Allies Road which is the primary street frontage. Figure 8 below demonstrates the entry is rather discreetly incorporated into the existing raised levels of the front landscaped setback area.



Figure 10: Basement entry montage

This has been achieved with the lowering of the overall height of the basement structure from the preliminary Pre-DA stage design (up to 2m out of ground) to what was ultimately submitted with the DA (generally less than 1m out of ground). Whilst any basement entry is not a predominant characteristic of the Allies Road streetscape, (which is largely low density residential), the parking facility is consistent with built forms anticipated for educational establishments for which the school land is zoned.

A notably recessive aesthetic and splayed form to the driveway entry walls assists to minimise the visual impacts of the driveway ramp. The Pre-DA design sought to include the driveway entry point opposite Orton Street (which was not supported). The switching of driveway entry location to the current position assists in creating closer connection to the existing school access points. This conforms better with the T&I SEPP principle 3 which details 'wayfinding'. It is noted that internal access from the existing carpark was explored at Pre-DA stage, however basement ramp entry over the water pipes within the easement was not achievable.

The ball catching net fencing is typical for sporting fields and with recessive colouring has limited visual impacts. The apparent bulk and scale of the basement design is minimised in comparison to preliminary design presented at the Pre-DA stage and the impacts on the streetscape and neighbouring amenity have been minimised through the changes requested by Council.

As indicated in the *Compliance* section of this report, there is an absence of controls applicable to this building typology, however the broader planning objectives have been considered. It is also considered appropriate for the numeric controls contained within “complying development” provisions of the T & I SEPP (whilst not applicable) to be considered as a reasonable guideline to inform the basic approach to site planning, including setbacks, particularly in consideration of the applicable design quality principles set out in Schedule 8 of the T&I SEPP.

Both SSDCP2015 and the T&I SEPP require development to respond to the prevailing street setback pattern. In this case, the the average distance of the front setbacks of all existing development that is located within the immediate vicinity of the development should inform the proposed development. The setbacks proposed to Allies Road frontage are not inconsistent with the closest neighbouring dwelling at No.18 Allies Road. The basement is adequately designed to sit well within the existing battered slope of the landform which is acceptable.

Finally, the landscape design submitted is supported by Council's Landscape Officer and seeks to compensate any minimised but necessary tree loss with more compensatory native planting to enhance the landscape qualities of the site frontage and sports field surrounds. The urban design and site planning outcomes are therefore considered acceptable and supported with the amended proposal.

11.4. External Amenity Impacts

Concerns were raised regarding the potential for overlooking, noise and solar access impacts associated with the proposal. Visual impacts of privacy and overlooking were raised as a concern, specifically from the lower eastern side of the sports field (Fawkner Place). The raising of the sports playing field is the primary concern. When the applicant met with Council for Pre-DA discussions, Council raised this issue. The preliminary design sought to minimise excavation and indicated the proposed car park as higher out of the ground. In the lowest southern-eastern corner, the sport field level was proposed at RL.116.49, being nearly 2m above the existing ground level of RL.114.44 (in parts) as shown below.

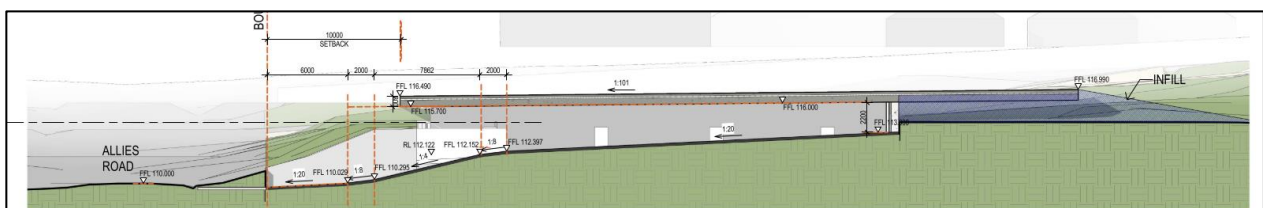


Figure 11: Section from pre-DA drawing indicating sport field level up to 2m out of ground

In response to Council's initial amenity and streetscape concerns, the DA design has responded by setting the car parking to a typical basement configuration being generally no higher than 1m out of ground. The proposed DA design of the sports field level is much closer to existing levels where there are currently no unreasonable impacts. Adjusted levels in the south-east corner of the basement / and sports field level is now at RL.115.129. In the location centred behind the soccer goal, the proposed level is RL.115.32. The minor level difference is due to drainage fall in the roof design. These levels are taken at the eastern edge of the basement protruding above the existing ground level. The setback of the sport field roof to the eastern site boundary (shared with Fawkner Place residents) is 10m away and is best illustrated in the landscape

section images below

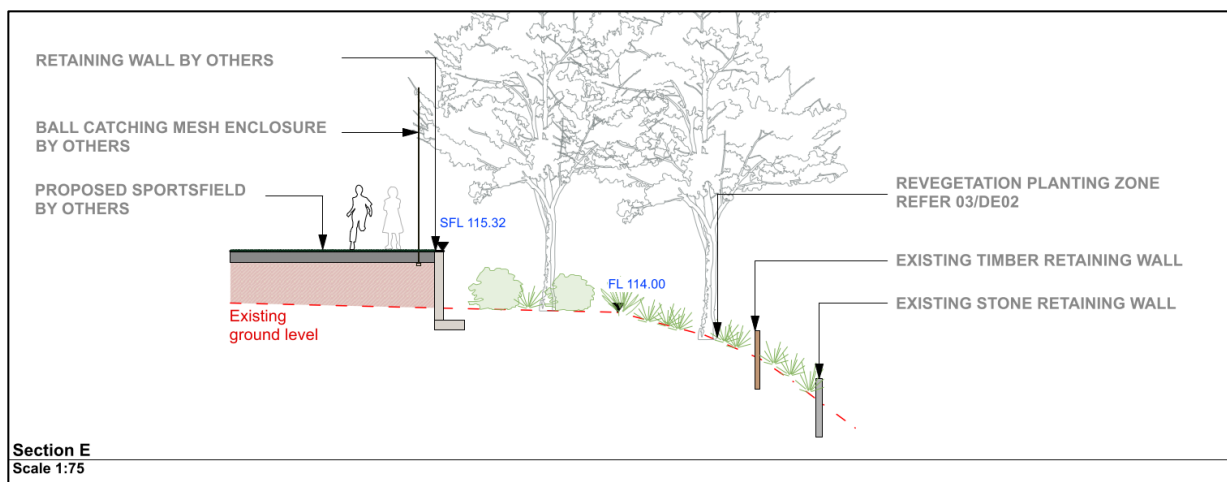


Figure 12: Landscape section indicating separation and landscape buffer to neighbouring properties

Council officers, and SSPP representatives visited the site during assessment and stood at the eastern end of the site sports field to observe the large setbacks and the area of proposed new tree planting that would result from the proposal. The inspection assisted in consideration of the potential visual and aural privacy impacts from any increase to the sports field. There were no unreasonable overlooking impacts assessed as resulting from the proposal and the mitigating factors including the large separation and landscaping serve to enable a balanced outcome between new structure/sports field and reasonable amenity preservation for adjoining neighbours.

With regard to the acoustic impacts and concerns, it is also noted that ball catching nets located at the edge of the new basement will minimise the opportunities for students to approach the eastern boundary and intensify noise near the site boundary during sports. Outcomes are considered similar to existing. Noise and compliant management process is now also detailed in the submitted Plan of Management.

Conditions of consent are applied with respect to noise generated from plant and equipment operation (mechanical elements such as gates, roller doors, mechanical ventilation etc). These elements are also well separated from the nearby sensitive receptors (residential neighbours). Council's Environmental Health Officer considered the standard conditions to be appropriate in the circumstances.

With regards to solar impacts, the basement car parking structure has no additional overshadowing impact whatsoever on nearby adjoining properties. There may be a very long mid-winter afternoon shadow cast to the east by the ball catching net, however, this would not result in a loss of solar access to eastern neighbours such that no non-compliance with SSDCP2015 provisions would occur. Notwithstanding, the ball catching net is predominately open mesh.

11.5. Trees and Landscaping

The proposed development involves the removal of 7 trees and the extent of tree loss is minimised by the positioning of driveway ramp within the least vegetated area and with the setbacks proposed. Council's policy requires 8:1 replacement and therefore 56 replacements are required to be planted. The landscape

plan indicates 25 canopy trees to be planted onsite and therefore the remaining 31 may be planted offsite or by Deed of Agreement. A Deed of Agreement payment enables Council to arrange planting via their planting programs offsite in suitable alternative public areas.

In addition to the 25 onsite replacement trees, the landscape plan indicates hundreds of small shrubs and ground covers, all of which will contribute to a pleasing enhancement of the native landscape quality of the site which will be both visible in the streetscape and will be enjoyed by students and staff. Acceptable landscape outcomes have therefore been proposed or will be achieved subject to recommended conditions of consent.

11.6. Acid Sulfate Soils

The subject site is identified as within 'Class 5' on the Acid Sulfate Soils Maps and the provisions of Clause 6.1 are therefore applicable. The objectives of this Clause are to ensure that development does not disturb, expose or drain acid sulphate soils and cause environmental damage.

Within Class 5, the trigger under SSLEP 2015 is works within 500m of adjacent Class 1, 2, 3 or 4 land that is below 5m AHD and by which the watertable is likely to be lowered below 1m AHD on adjacent Class 1, 2, 3 or 4 land.

Given the nature of the proposed works, excavation and a basement car park construction, there is unlikely to be an impact on the water table on adjacent Class 1, 2, 3, or 4.

11.7. 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.

11.8. 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.

11.9. Archaeological Sensitivity

Council records indicate that the subject site is rated medium in terms of Archaeological Sensitivity. A site inspection did not reveal any evidence of shell material or significant sandstone features within the development zone. The proposal does not warrant an Aboriginal Archaeological Study being undertaken.

11.10. Hours of operation

The Operational Plan of Management provides a breakdown of existing hours relating to the associated activities of the school. Whilst these were not previously defined by operation conditions of DA08/0745, no objection is raised to the ongoing operation with the hours noted in the Operational Plan of Management submitted as amended information to this DA. The Operational Plan of Management forms part of the recommended approved documents.

12.0 DEVELOPMENT CONTRIBUTIONS

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

This contribution is based upon the proposed cost of the development and has been calculated at 1% of \$6,370,100 (the estimated cost of development identified on the development application form). Therefore, the Section 7.12 levy for the proposed development is \$63,701.00

13.0 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.

14.0 CONCLUSION

The property is within Zone SP2 – Educational Establishment under the provisions of Sutherland Shire Local Environmental Plan 2015 (SSLEP2015). Further, State Environmental Planning Policy (Transport and Infrastructure) 2021 (T&I SEPP) indicates that the development is within a “prescribed zone” and the proposed development is permitted with development consent.

In response to the public notifications, 14 submissions were received initially and when re-notified, 10 submissions were received. The matters raised in these submissions have been dealt with by design changes or conditions of consent where appropriate.

The proposal complies with the relevant height limit applicable under SSLEP2015, is consistent with the relevant principles and development standards applicable under the T & I SEPP and the proposal does not give rise to any conflict with the underpinning objectives of the SSDCP controls, where relevant.

Council officers are largely supportive of a high-quality learning / educational environment and the provision of additional facilities to enhance education within the Sutherland Shire. Resolution of the matters raised at Pre-DA and in the formal requests for information (by Council and external agencies) during the DA assessment are considered sufficient to enable the development to achieve an appropriate urban design outcome for the site, particularly given the basements new entry point within the context of the surrounding low density residential environment.

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. DA22/0995 may be supported for the reasons outlined in this report.

The officer responsible for the preparation of this Report is:

Author: Benjamin Buchanan- Assessment Officer Date: 2 October 2023

Checked by: Sue McMahon – Senior Manager Date: 12 October 2023

Electronically Published by Administration Officer: [xx](#)