

JOINT REGIONAL PLANNING PANEL
Southern Regional Planning Panel

RPP No	PPSSTH-3
DA Number	DA-2019/698
Local Government Area	Wollongong City
Proposed Development	Removal of 15 demountable classrooms, minor demolition works and tree removals. Construction of 20 new classrooms -Blocks H & I, alterations and additions to Blocks A, C & D, new carpark and associated site works and landscaping.
Street Address	Dapto Public School 66 Sierra Drive HORSLEY NSW 2530
Applicant/Owner	Department of Education (DoE)
Number of Submissions	24 in total
Regional Development Criteria Schedule 4A of the Act)	<p>The proposal has been referred to the Joint Regional Planning Panel as the consent authority pursuant to Section 4.5(b) of the Environmental Planning and Assessment Act 1979 as it involves Crown development with a capital investment value of more than \$5 million which is defined as Regionally significant development under State Environmental Planning Policy (State and regional Development) 2011 Schedule 7 Clause 4.</p> <p>The application also involves an exception to a development standard at Clause 4.3 of Wollongong Local Environmental Plan 2009 Building Height.</p>
List of All Relevant s 4.15(1)(a) Matters	<ul style="list-style-type: none"> List all of the relevant environmental planning instruments: s4.15(1)(a)(1) – <p><u>State Environmental Planning Policies (SEPPs):</u></p> <ul style="list-style-type: none"> § SEPP No. 55 – Remediation of Land § SEPP (State and Regional Development) 2011 § SEPP (Educational Establishments and Child Care Facilities) 2017 § SEPP (Infrastructure) 2007 § SEPP (Coastal Management) 2018 <p><u>Local Environmental Planning Policies:</u></p> <ul style="list-style-type: none"> § Wollongong Local Environmental Plan 2009 <p><u>Other policies</u></p> <ul style="list-style-type: none"> § West Dapto Release Area Section 94 Contributions Plan (2017) <ul style="list-style-type: none"> List any proposed instrument that is or has been the subject of public consultation under the Act and that has been notified to the consent authority: s4.15(1)(a)(ii) <ul style="list-style-type: none"> § Nil List any relevant development control plan: s4.15(1)(a)(iii) <ul style="list-style-type: none"> – Wollongong Development Control Plan 2009 List any relevant planning agreement that has been entered into under section 7.4, or any draft planning agreement that a developer has offered to enter into under section 7.4: s4.15(1)(a)(iia) <ul style="list-style-type: none"> – Nil

	<ul style="list-style-type: none"> List any relevant regulations: s4.15(1)(a)(iv) eg. Regs 92, 93, 94, 94A, 288 AS 2601 in respect of any demolition. List any coastal zone management plan: s4.15(1)(a)(v) Wollongong Coastal Zone Management Plan
List all documents submitted with this report for the panel's consideration	Attachment 1 – Plans Attachment 2 - Vicual Impact Assessment Attachment 3 - Visual Impact photos Attachment 4 - Clause 4.6 Statement Attachment 5 Conditions
Recommendation	DA-2019/698 be approved subject to the conditions contained within Attachment 5.
Report by	Maria Byrne, Development Project Officer

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? Yes

Special Infrastructure Contributions

Does the DA require Special Infrastructure Contributions conditions (S7.24)? No

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 and Recommendation Cover Sheet

Reason for consideration by Joint Regional Planning Panel

The proposal has been referred to the Joint Regional Planning Panel as the consent authority pursuant to Section 4.5(b) of the Environmental Planning and Assessment Act 1979 as it involves Crown development with a capital investment value of more than \$5 million which is defined as Regionally significant development under State Environmental Planning Policy (State and regional Development) 2011 Schedule 7 Clause 4.

The application also involves an exception to a development standard at Clause 4.3 of Wollongong Local Environmental Plan 2009 Building Height.

Proposal

The proposed development comprises:

- Removal of 15 existing demountable classrooms and associated structures;
- Demolition of existing pathways, fences and retaining walls;
- Removal of 7 trees;
- Site excavation and preparation works;
Construction of a new part two (2) and part three (3) storey building containing 20 home-bases (Blocks H and I);
- Alterations and additions to administration block (Block A);
- Alterations and additions to library block (Block D);
- Internal refurbishment of Canteen (Block C);
- Construction of a new on-site staff carpark (30 spaces);
- New line-marking to existing staff carpark to provide three accessible spaces; and
- Associated site works and new landscaping.

The works are proposed to be undertaken in two (2) phases. The first phase comprises construction of Blocks H and I, along with the alterations and additions to Blocks A and D. The second phase comprises of the removal of the demountable classrooms and construction of the additional staff carpark.

Demolition includes the removal of existing concrete pathways, timber retaining walls and covered concrete seating. Minor internal and external demolition of Blocks A, C and D will also be undertaken.

Excavation will be required to a depth of 3.5 metres to accommodate Blocks H and I. The excavation is required to minimise the difference in ground floor levels of Blocks H / I and Blocks D/E, creating a landscaped courtyard between the buildings. In addition, the first-floor level of Blocks H and I is at a similar reduced level to the playing fields located to the north.

Alterations and additions are proposed to be undertaken to Blocks A, C and D as part of the works.

As part of the second phase of works, a new asphalt staff carpark will be located north of the existing services area. The carpark will provide a total of 30 spaces. Access to the proposed carpark is from the existing services area, with no modifications to the existing driveway from Sierra Drive. Site works associated with the new carpark include a new retaining wall with balustrade, new concrete pathway to link with the existing carpark and new stormwater drainage.

The 14 existing demountable classrooms will be removed following the construction of Blocks H and I and the relocation of students into the new building. The net increase in student capacity after all works are completed is 132 students.

Tree removal is proposed.

Permissibility

The site is zoned R2 Low Density Residential pursuant to Wollongong Local Environment Plan 2009. The proposal is categorised as Information and Education facility and is permissible in the zone with development consent.

Consultation

The proposal was notified in accordance with Council's Notification Policy and in total received sixteen (16) submissions.

Following the SRPP site briefing inspection, modifications were required to the location of the buildings, tree retention, and visual analysis report. Correspondence with the applicant and DoE representatives were pursued to resolve the matters raised by the Panel.

Firstly, a visual analysis was provided, which was renotified to affected neighbours. A further six (6) submissions were received. Following the lodgement of the visual analysis, requested changes to retain trees on site required the re-location of Buildings I and H further to the east. Amended plans were provided and the application was again renotified to affected neighbours. Two further submissions were received from the same neighbouring properties.

Referral advice was sought from Council's Landscape, Environment, Traffic, Geotechnical, Stormwater, Contributions and Community Safety officers. Conditionally satisfactory advice was provided.

External advice was sought from RMS (TfNSW) and New South Wales Rural Fire Service. Satisfactory referral advice was received.

The proposal is integrated development pursuant to the Rural Fires Act 1997 as the site is identified as bushfire affected and special use for school purposes. The NSW Rural Fire Service issued concurrence for the development on 23 August 2018 and the response has been attached to the proposed conditions of consent.

Main Issues

The main issues arising from assessment of the application relate to the following:

- Height – Clause 4.6 Exception to development standard - 22% exceedance.
- Traffic – requires a Traffic Impact Assessment, a Green Travel Plan, Wombat crossing to be considered separately by Wollongong City Council's Local Traffic Committee.
- Environment - A peer reviewed Preliminary Environmental Site Assessment (PESA) prepared by a certified contaminated land consultant
- Tree removal
- Impact on neighbouring properties

Sixteen (16) submissions were received following exhibition of the application. A summary of the issues raised are as follows:

- Height / 3 storeys
- Safety/Health
- Playground/Overcrowding relating to new school
- Height
- Traffic impacts
- Overlooking/privacy
- Overshadowing
- View loss
- Construction impacts including noise and excavation
- Tree removal
- Property values/ waste of money

RECOMMENDATION

DA-2019/698 be approved subject to the conditions provided in Attachment 5.

1 APPLICATION OVERVIEW

1.1 DETAILED DESCRIPTION OF PROPOSAL

The proposed development comprises:

- Removal of 15 existing demountable classrooms and associated structures;
- Demolition of existing pathways, fences and retaining walls;
- Removal of trees;
- Site excavation and preparation works;
- Construction of a new part two (2) and part three (3) storey building containing 20 home-bases (Blocks H and I);
- Alterations and additions to administration block (Block A);
- Alterations and additions to library block (Block D);
- Internal refurbishment of Canteen (Block C);
- Construction of a new on-site staff carpark (30 spaces);
- New line-marking to existing staff carpark to provide three accessible spaces; and
- Associated site works and new landscaping.

The works are proposed to be undertaken in two (2) stages. The first stage comprises construction of Blocks H and I, along with the alterations and additions to Blocks A and D. The second stage comprises the removal of the demountable classrooms and construction of the additional staff carpark.

Demolition includes the removal of existing concrete pathways, timber retaining walls and covered concrete seating. Minor internal and external demolition of Blocks A, C and D will also be undertaken.

Excavation will be required to a depth of 3.5 metres to accommodate Blocks H and I. The excavation is required to minimise the difference in ground floor levels of Blocks H / I and Blocks D/E, creating a landscaped courtyard between the buildings. In addition, the first-floor level of Blocks H and I is at a similar reduced level to the playing fields located to the north.

Alterations and additions are proposed to be undertaken to Blocks A, C and D as part of the works, as follows:

Block A – Administration

- Internal refurbishment of existing offices;
- Demolition at the western end of the building; and
- New addition at the western end of Block A to create additional staff space (46m²).

Block C – Canteen

- Internal refurbishment of canteen including new flooring, cabinetry and fixtures and fittings; and
- Upgrade to mechanical exhaust system.

Block D – Library

- New southern extension to Library (66m²)

As part of the second phase of works, a new asphalt staff carpark will be located north of the existing services area. The carpark will provide a total of 30 spaces. Access to the proposed carpark is from the existing services area, with no modifications to the existing driveway from Sierra Drive. Site works associated with the new carpark include a new retaining wall with balustrade, new concrete pathway to link with the existing carpark and new stormwater drainage.

The 14 existing demountable classrooms will be removed following the construction of Blocks H and I and the relocation of students into the new building.

Tree removal is also proposed.

1.2 BACKGROUND

Application Number	Description	Decision
DA-2002/2264	Construction of new Primary School	Approved
DA-2002/2264/A	Construction of new Primary School Modification to change Traffic conditions and construct homebases	Approved
DA-2004/845	Erection of four shade sails	Approved
DA-2005/222	Shed	Approved
DE-2009/118	Construction of a new special programs room, outdoor learning centre, extension of staffroom under SEPP Infrastructure 2007	Completed
DE-2009/122	COLA and classroom upgrade	Completed
DE-2014/17	Installation of three (3) demountable classrooms	Completed
DE-2015/167	Installation of a demountable classrooms	Completed
DE-2016/149	Installation of demountable classroom	Completed

No pre-lodgement meeting was held for the proposal.

Customer service actions

There are no outstanding customer service requests of relevance to the development.

1.3 SITE DESCRIPTION

The site is located at Dapto Public School, 66 Sierra Drive, HORSLEY NSW 2530 and the title reference is Lot 69 DP 877854. The site is an irregular rectangular shape and slopes from the northern boundary to Sierra Drive to the south. The site currently contains Dapto Public School, which is an existing co-educational primary school catering for Years K – 6. The school opened on its current site in late January 2004. Dapto Public School has a current enrolment of 738 students with 36 staff.

Current buildings on site include seven (7) single storey brick buildings with Covered Outdoor Learning Area (COLA), a covered games courts, 14 demountable classrooms and three (3) shed structures. The permanent buildings are described as follows:

- Block A: Administration Building;
- Block B: Hall;
- Block C: Canteen (a COLA links Blocks B and C);
- Block D: Library;
- Block E: Six (6) home-bases;
- Block F: Four (4) home-bases; and
- Block G: Eight (8) home-bases.

The existing permanent buildings are located on the southern portion of the site with play areas and sports fields located on the north-west portion of the site. The demountable classrooms are located in the north-east corner of the site adjacent to Sierra Drive. which consists of various buildings and a COLA centre.

There are currently two main vehicular access points from Sierra Drive. The south driveway entry provides access to the staff carpark located in the south-east corner of the site. This car park contains 33 marked parking spaces, including one (1) accessible space. The second driveway is located to the north of Block B and provides access for service vehicles. There is a dedicated school bus zone located on Sierra Drive.

The site also contains (15) demountable buildings located to the northeast of the site. The site has access via Sierra Drive.

The site is located in a predominately low-density residential area. Surrounding land uses to the east, north and west of the site are characterised by single detached one and two storey dwelling houses. South of the site is a large stormwater detention pond and Reed Creek.

Property constraints

Council records identify the land as being impacted by the following constraints:

- Acid sulphate soils
- Bushfire
- Heritage: Aboriginal buffer
- 88b restrictions including

2. Terms of Restriction on the Use of Land thirdly referred to in the abovementioned Plan:

No vehicular ingress or egress shall be gained or taken to or from the land hereby burdened across the designated parking bay located within the public road designated by the symbol © Restriction on the use of land without the prior written consent of the Council of the City of Wollongong or otherwise than in strict compliance with such conditions as that Council may impose.

Name of authority empowered to release, vary or modify the Restriction on the use of Land thirdly referred to in the abovementioned plan.

The Council of the City of Wollongong.

- Coastal Wetland Buffer 100m
- Coastal Hazard
- Obstacle Limitation Surface: 110 m to 200 m AHD



Figure 1: Aerial photograph



Figure 2: WLEP 2009 zoning map



Figure 3: Site photograph - looking southwest toward the location of the new building

1.4 SUBMISSIONS

The application was notified in accordance with WDCP 2009 Appendix 1: Public Notification and Advertising. This included a notice in The Advertiser. Sixteen (16) submissions were initially received, followed by a further eight submissions and the issues identified are discussed below.

Concern	Comment
<p>1. Overdevelopment of the site</p> <ul style="list-style-type: none"> • School expansion unsustainable • Three storey primary school • Traffic • Adverse health and safety impacts • Excavation to achieve smaller footprint and provide bigger buildings 	<p>The proposal is not considered to be an overdevelopment of the site. The proposal has been relocated to retain trees on site. It complies with Council's Development Control Plan 2009 (WDCP) in relation to building setbacks, parking, manoeuvring and landscaping provisions required for such a proposal. The development is stepped in line with the slope of the land and excavation is required, which is considered to be acceptable.</p> <p>The proposed additions and alterations to an existing Information and education facility (Dapto Primary School) is permissible in the R2 Low Density Residential zone and complies with maximum floor space ratio required under WLEP 2009.</p> <p>Restricting development at the school and NSW School guidelines are wider DoE matters outside the scope of the current DA. The proposal is permissible on the land under the Wollongong Local Environmental Plan 2009 (WLEP).</p> <p>Monetary/property values and health impacts raised are noted.</p> <p>Safety has been addressed and complies with SEPP and principles of CPTED.</p>
<p>2. Amenity for students</p> <ul style="list-style-type: none"> • Play space/area • Overcrowding • Construction noise • Safety concerns - 3 storey building 	<p>The 132 additional students (17.9% increase) is necessary in this instance due to the area being in an urban growth area where the provision of new school has not yet been established. The site is of sufficient size to accommodate the number of proposed student and staff. As the demountable buildings are to be replaced with the new buildings the additional numbers are considered reasonable. Note:</p> <p>Planning Circular PS 17-004, it is not the purpose of this DA to establish a 'cap' on the number of students or staff within this School site and it is proposed that Council recognise the need for flexibility in this regard. As noted in the Planning Circular, <i>"Public schools are legally required to accommodate all children within their local catchment, and intake can fluctuate considerably between years and may be hard to predict"</i>.</p> <p>Construction noise impacts will be addressed via hours of operation conditions.</p>
<p>3. Out of character for the surrounding area:</p> <ul style="list-style-type: none"> • Area is characterised by single and two storey residential homes • Height, design and proximity to neighbour • Bulk, form, scale in this location 	<p>The proposal includes additions to an existing school within an area of urban growth. Two new blocks (I and H) located side by side to the northern side of existing blocks E and D are proposed. Block H is a two storey building and Block I is a three storey building. Although the buildings are proposed at two and three storeys, Block H will generally appear as a single storey building from the rear and Block I as a two storey building due to the topography of the site.</p> <p>Taking into account compliant number of storeys, floor space ratio, and generous setbacks to the buildings; on balance, the proposal is considered not unreasonable development in relation to character of the neighbourhood. The neighbouring properties were generally established prior to the inception of the school. When the school was built on</p>

Concern	Comment
	<p>the site it was of a design and height that blended with the surrounding residential character.</p> <p>It could be reasonably anticipated that the existing school would be expanded in the future and demountable buildings would be replaced by permanent classrooms resulting in new buildings on site. However, a three storey building in excess of the height limit may not have been necessarily anticipated.</p>
<p>4. Amenity impacts to neighbouring properties:</p> <ul style="list-style-type: none"> • Overshadowing • Privacy • Loss of views/view sharing principle/visual impact • Noise • Air pollution during construction 	<p>The proposal was re-located to address issues raised in relation to tree removal and close proximity to the western boundary. The proposal as amended is considered to provide better amenity for neighbouring properties to the western boundary of the proposal.</p> <p>Vehicle entry via Orchid Close is not permitted as per an existing section 88B Restriction on Title; therefore, it is anticipated that there will be no vehicular movements through the northern side of the site.</p> <p>Construction impacts will be addressed via consent conditions.</p> <p>The Visual Impact Analysis as submitted by the Applicant outlines the view impact from neighbouring properties particularly from a neighbour on the northern side of the site and addresses established Court Principles. Council has reviewed the analysis and considers the view loss to neighbours that adjoin the site on the northern side of the site as high. The new building will impact expansive current views enjoyed across rear boundaries to the escarpment. Block I is approximately 35 metres in length and as viewed from the rear appears two storeys. Pursuant to WLEP 2009, Block I exceeds the building height limit by a maximum of 2.3 metres as a result of the roof pitch required for air-conditioning components. The impact of the height limit exceedance is considered to have an impact on view loss from adjoining properties to the north. See view loss analysis Attachment 2</p> <p>The submitted shadow diagrams demonstrate compliance with solar access requirements to neighbouring properties.</p> <p>The proposal has been designed to minimise overlooking through the positioning of the building on the site and proposed landscaping.</p> <p>Normal school noise is to be expected during school hours. Construction noise impacts will be addressed via consent conditions.</p>
<p>5. Traffic and parking:</p> <ul style="list-style-type: none"> • Impact on local road network • Number of vehicles • Safety for drivers and pedestrians 	<p>Council's Traffic Officer has reviewed the application and the traffic impact assessment and is satisfied that traffic and car parking demand generated by the proposed development is acceptable.</p> <p>The proposal complies with Council's parking requirements.</p>
6. Antipathy with Department of Education	The application was assessed against the relevant

Concern	Comment
	The application has been assessed under relevant planning legislation but matters pertaining to DoE condemnations are noted.
7. Landscaping requirements, tree removal	Council's Landscape Officer is satisfied that landscaping as amended with retention of trees on the western boundary meets requirements and conditionally satisfactory referral advice has been received.

Frequency of Issues Raised:

Issue No.	1	2	3	4	5	6	7
Frequency	17	9	7	12	14	6	4

Some of the issues identified in submissions received whilst technically unresolved are considered to have been adequately addressed by way of design changes or conditions of consent. The applicant has provided detailed justification for an exception to development standard pursuant to WLEP 2009 as relates to height, which was considered and is capable of support.

1.5 CONSULTATION

1.5.1 INTERNAL CONSULTATION

Council's Geotechnical, Stormwater, Landscape, Development Contributions, Environment, Safer Community Action Team (SCAT) officers have and Traffic Engineers have reviewed the application and provided conditionally satisfactory referral advice.

1.5.2 EXTERNAL CONSULTATION

Rural Fire Service

Advice received by applicant letter dated 23 August 2018. General Terms of Approval, under Division 4.8 of the 'Environmental Planning and Assessment Act 1979', and a Bush Fire Safety Authority, under Section 100B of the 'Rural Fires Act 1997', have been issued (letter dated 23 August 2018) subject to conditions included in the consent.

Roads and Maritime Services

RMS does not believe the development will have a significant impact on State road network and on this basis does not object to the development application.

2 ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979 – 4.15 EVALUATION

DIVISION 4.6 CROWN DEVELOPMENT

A *prescribed person* regarding Crown Development is defined in the Regulations as including a *public authority* (not being a Council). As the land owner is the Department of Education, the application is Crown Development.

In accordance with this Division, a consent authority must not refuse a Crown DA (except with the approval of the Minister) or impose a condition except with the approval of the applicant (or the Minister).

Following completion of the assessment of this application, a draft set of conditions was sent to the applicant f. On 3 April 2020, correspondence was received from the applicant confirming the proposed conditions were acceptable.

2.1 SECTION 4.15(1)(A)(1) ANY ENVIRONMENTAL PLANNING INSTRUMENT

2.1.1 STATE ENVIRONMENTAL PLANNING POLICY NO. 55 – REMEDIATION OF LAND

A desktop audit of previous land uses does not indicate any historic use that would contribute to the contamination of the site. There are no earthworks proposed and the proposal does not comprise a change of

use. No concerns are raised in regard to contamination as relates to the intended use of the land and the requirements of clause 7.

Council's Environment Officer has reviewed the application in relation to contamination and provided conditionally satisfactory referral advice.

2.1.2 STATE ENVIRONMENTAL PLANNING POLICY (STATE AND REGIONAL DEVELOPMENT) 2011

Pursuant to Clause 8 of Schedule 1 the SRD SEPP establishes that any proposed development that has a capital investment value of more than \$20 million for the purpose of alterations or additions to an existing school is state significant development (SSD). The capital investment value of the project is greater than \$5m as such it is defined as Regionally Significant Development, however less than \$20m as determined by the Quantity Surveyors cost report prepared by Turner & Townsend accompanying the development application form. As such the proposal does not meet the SSD threshold and will be determined by the Southern Regional Planning Panel.

2.1.3 STATE ENVIRONMENTAL PLANNING POLICY (COASTAL MANAGEMENT) 2018

3 Aim of Policy

The aim of this Policy is to promote an integrated and co-ordinated approach to land use planning in the coastal zone in a manner consistent with the objects of the Coastal Management Act 2016, including the management objectives for each coastal management area, by:

- (a) managing development in the coastal zone and protecting the environmental assets of the coast, and*
- (b) establishing a framework for land use planning to guide decision-making in the coastal zone, and*
- (c) mapping the 4 coastal management areas that comprise the NSW coastal zone for the purpose of the definitions in the Coastal Management Act 2016.*

Part 2 Development controls for coastal management areas

11 Development on land in proximity to coastal wetlands or littoral rainforest

Note. The Coastal Wetlands and Littoral Rainforests Area Map identifies certain land that is inside the coastal wetlands and littoral rainforests area as "proximity area for coastal wetlands" or "proximity area for littoral rainforest" or both.

(1) Development consent must not be granted to development on land identified as "proximity area for coastal wetlands" or "proximity area for littoral rainforest" on the Coastal Wetlands and Littoral Rainforests Area Map unless the consent authority is satisfied that the proposed development will not significantly impact on—

- (a) the biophysical, hydrological or ecological integrity of the adjacent coastal wetland or littoral rainforest, or*
- (b) the quantity and quality of surface and ground water flows to and from the adjacent coastal wetland or littoral rainforest.*

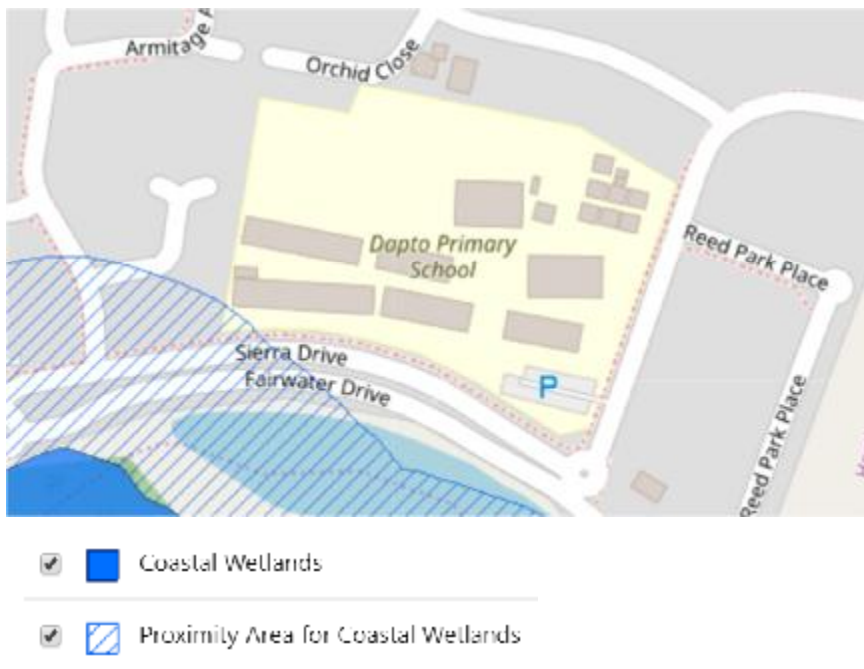


Figure 4: Coastal SEPP mapping

In consideration of the companion Coastal Management Act 2016 Part 2 Section 6 Coastal wetlands and littoral rainforests area is relevant.

(1) The coastal wetlands and littoral rainforests area means the land identified by a State environmental planning policy to be the coastal wetlands and littoral rainforests area for the purposes of this Act, being land which displays the hydrological and floristic characteristics of coastal wetlands or littoral rainforests and land adjoining those features.

(2) The management objectives for the coastal wetlands and littoral rainforests area are as follows:

(a) to protect coastal wetlands and littoral rainforests in their natural state, including their biological diversity and ecosystem integrity,

(b) to promote the rehabilitation and restoration of degraded coastal wetlands and littoral rainforests,

(c) to improve the resilience of coastal wetlands and littoral rainforests to the impacts of climate change, including opportunities for migration,

(d) to support the social and cultural values of coastal wetlands and littoral rainforests,

(e) to promote the objectives of State policies and programs for wetlands or littoral rainforest management.

It is considered that in context only a small section at the south/western corner of the site is mapped Coastal Wetland Buffer; however, the area of the site to be developed under this application does not fall within the area mapped as Coastal Wetland or Coastal Wetland Buffer. Council's Environment Officer has reviewed the application and provided satisfactory referral advice. The proposal is therefore considered satisfactory with regard to the requirements of the SEPP and Act as to the matters outlined for consideration prior to development consent being granted such that no adverse impacts are anticipated.

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

The aims of this policy are to streamline and standardise requirements and design considerations for educational facilities. This policy applies to the state. The provisions relevant to the proposal are discussed below:

Part 4 Schools – specific development controls

Clause 35 Schools—development permitted with consent

Wollongong Local Environmental Plan 2009 (WLEP 2009) zones the site as R2 Low Density Residential and permits 'Information and education facilities' with consent. In addition, under clause 33 of the Education SEPP, the R2 Low Density zone is listed as a 'prescribed zone' whereby development for the purpose of a school can be undertaken. Clause 35(1) of the Education SEPP states that 'Development for the purpose of a school may be carried out by any person with development consent on land in a prescribed zone.'

The proposal entails expansion of the school to provide new classrooms and associated facilities to cater for growth in the region. An increase in students is assumed given the net increase in classrooms. 20 home-bases are proposed in new buildings Block H and I.

The proposed development is intended to facilitate a school population increase of 132 students (738 currently, accommodating up to 870) with an additional 15 staff (36 currently, accommodate up to 51).

With reference to Planning Circular PS 17-004, it is not the purpose of this DA to establish a 'cap' on the number of students or staff within this School site and it is proposed that Council recognise the need for flexibility in this regard. As noted in the Planning Circular, "Public schools are legally required to accommodate all children within their local catchment, and intake can fluctuate considerably between years and may be hard to predict".

Clause 57 – Traffic Generating Development

Clause 57(1) states the following:

'This clause 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.'*

The proposed development entails 'an enlargement or extension of existing premises' that will accommodate an additional 132 students. Therefore, written notice of the DA is required be provided to the Roads and Maritime Services (RMS).

A Traffic Report has been prepared by Woolacotts Consulting Engineers that assesses the impacts of the proposed alterations and additions to Dapto Public School on the existing road network, in particular the Fairwater Drive / Sierra Drive Roundabout.

Council's Traffic Engineer has provided conditionally satisfactory referral advice.

Clause 35 (6) Before determining a development application for development of a kind referred to in subclause (1), (3) or (5), the consent authority must take into consideration:

- (a) the design quality of the development when evaluated in accordance with the design quality principles set out in Schedule 4,*

See assessment of Design Quality Principles below:

principles set out in Schedule 4,

See assessment of Design Quality Principles below:

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.

The proposal involves new buildings and minor alterations to existing school buildings. The design and spatial organisation of buildings respond to the climate and topography of the site; however, that said, excavation is required to a depth of 3.5 metres for the lower floor to minimise the difference between ground floor levels of Blocks H/I and D/E. The site is not identified as an area of scenic protection. The proposal will be of a greater scale and form than the existing built scale on-site, notably the three storey component of the proposal. However, the school requires enlargement due to the increased population in the area and the requirements of the Department of Education at this time.

A Landscaping Concept Plan has also been provided which demonstrates consistency with this principle.

Block H is setback a minimum 8.8 metres from the western boundary.

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.

The proposal adopts a range of ESD initiatives including solar panels to the proposed new building and incorporates the use of rainwater tanks. The proposed development responds to the increased demand for educational facilities in the Dapto area due to the increase in residents in this urban release area. The additions to the existing school are of considered durable will assist in meeting the requirements for the local community at this point in time. The Green Travel Plan outlines recommendations to encourage alternate modes of transport to reduce car dependency for staff.

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.

The development is capable of meeting the requirements for accessibility according to report prepared by Group DLA dated 3 June 2019; however, final detail will take place during design development stage as follows:

In our opinion, through ongoing design development and detailing of the proposed new works and Affected Part areas, the proposed design is capable of compliance with the relevant statutory accessibility legislation and will ensure reasonable access provisions for people with disability to and within the proposed development (new works) areas can be achieved.

The existing layout of functions that can be used by the community were designed so as to facilitate secure after hours use. The existing Hall can be used by community groups (pursuant to Clause 29(4) of the SEPP).

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.

The proposed design ensures that natural light, ventilation and acoustics are used to create healthy and safe learning and teaching environments. The existing school site is fenced at the boundary. There are multiple existing secondary pedestrian entry and exit points and are secure and are open at the start and end of the day only. They are locked during school hours to ensure that all visitors and students enter and leave via the main entry during school hours.

CPTED measures have been incorporated into the design and management of the site to ensure a high level of safety and security for students and staff.

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.

The principle of amenity for the proposed new building is to provide a variety of teaching and learning spaces that have access to natural light and ventilation and have good acoustics. Each learning area has a combination of open floor areas, presentation areas, practical activity areas and withdrawal spaces.

The home bases are flexible and can be opened to each other in groups of two (2) to enable team teaching. This is complemented by a range of new and existing informal and outdoor learning spaces. The layout of the new school building provides a perimeter edge that encloses the main outdoor activities / free play area to Blocks E and D. This allows for the provision of passive surveillance in one main area, for the safety of students.

The layout of the proposed alterations and additions have been designed around principles developed with the Department of Education – Technical Stakeholder Groups and the Project Reference Group (which includes staff, school and school community representatives).

The visual amenity of neighbouring properties to the north are impacted by the height of the proposal. A visual impact assessment was provided by the applicant, which was reviewed by Council.

The proposal was re-located to address issues raised in relation to tree removal and close proximity to the western boundary. The proposal as amended is considered to provide better amenity for adjoining properties along the western boundary of the site.

A Visual Impact Analysis was submitted by the Applicant. Council has reviewed the analysis and considers the view loss to neighbours that adjoin the site on the northern side of the site as high. The new building will impact expansive current views enjoyed across rear boundaries to the escarpment. Block I is approximately 35 metres in length and as viewed from the rear appears two storeys but exceeds the height limit pursuant to WLEP 2009, by a maximum of 2.3 metres. The extent of the variation to the height limit is considered to have an impact on the view loss from adjoining properties to the northern side of the site; however, adjoining neighbours to the west where existing tree loss has been minimised are considered to experience a minor impact. See view loss analysis Attachment x

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.

Factors that ensure the buildings can be used well into the future are: use of long lasting, low maintenance materials to ensure its use stand up to the impacts associated with school buildings, framed construction that allows the internal walls to be reconfigured in the future to adapt to future learning requirements and finally, providing a variety of learning spaces that have good amenity for teachers, students & the community.

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.

The proposal will have high quality external finishes, which will be aesthetically pleasing. The proposal is a larger scale and form than surrounding development but is required due to the increased population in this urban growth area.

Clause 35 (b) whether the development enables the use of school facilities (including recreational facilities) to be shared with the community.

The school has the capability to provide opportunities for community use.

(7) Subject to subclause (8), the requirement in subclause (6) (a) applies to the exclusion of any provision in another environmental planning instrument that requires, or that relates to a requirement for, excellence (or like standard) in design as a prerequisite to the granting of development consent for development of that kind.

None

Clause 38 Existing schools – exempt development

Noted - the development is not exempt development. However, it is relevant to note that tree removal can be exempt development and may be removed or pruned at a later date under the SEPP if in accordance with the provisions of this clause.

Part 7 General development controls

57 Traffic-generating developments

(1) This clause 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.

In relation to 1a, the current application seeks approval to increase the capacity of the school greater than 50 students. Dapto Public School has a current (2019) enrolment of 738 students with 36 staff. Proposed 870 students with an additional 15 staff.

In relation to 1b, the application involves an extension to an existing school on site by way of a two storey building and a three storey building.

(2) Before determining a development application for development to which this clause applies, the consent authority must:

(a) give written notice of the application to Roads and Maritime Services (RMS) within 7 days after the application is made, and

(b) take into consideration the matters referred to in subclause (3).

(3) The consent authority must take into consideration:

(a) any submission that RMS provides in response to that notice within 21 days after the notice was given (unless, before the 21 days have passed, RMS advises that it will not be making a submission), and

(b) the accessibility of the site concerned, including:

(i) the efficiency of movement of people and freight to and from the site and the extent of multipurpose trips, and

(ii) the potential to minimise the need for travel by car, and

(c) any potential traffic safety, road congestion or parking implications of the development.

With regard to (2)(a), the RMS have been consulted. In relation to (3)(a), RMS does not believe the development will have a significant impact on State road network and on this basis does not object to the development application.

In relation to (3)(b)(i), Council's Traffic Engineer has reviewed the application and further information provided and provided conditionally satisfactory referral advice.

In relation to (3)(b)(ii), the applicant has submitted a Green Travel Plan to encourage sustainable modes of transport to the school which has the potential to minimise the need for travel by car (students and staff), particularly noting the site is well serviced by public transport.

In relation to (3)(c), despite the increased capacity of the school, the larger parking area and the implementation of a Green Travel Plan will adequately address road congestion and parking implications of the development.

(4) The consent authority must give RMS a copy of the determination of the application within 7 days after the determination is made.

Noted.

2.1.5 STATE ENVIRONMENTAL PLANNING POLICY (INFRASTRUCTURE) 2007

34 Development permitted with consent

(7) Solar energy systems Except as provided by subclause (8), development for the purpose of a solar energy system may be carried out by any person with consent on any land.

36 Development permitted without consent

(3) Solar energy systems Development for the purpose of a solar energy system may be carried out by or on behalf of a public authority without consent on any land if—

(a) it is ancillary to an existing infrastructure facility or an educational establishment within the meaning of State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017, and

(b) in the case of development for the purpose of a photovoltaic electricity generating system—the system has the capacity to generate no more than 100kW.

The system has the capacity to generate greater than 100kW and development consent is required.

Note: Clause 104 has been considered under Clause 57 – Traffic Generating Development of the SEPP (Educational Establishments and Child Care Facilities) 2017 above.

2.1.6 WOLLONGONG LOCAL ENVIRONMENTAL PLAN 2009

Clause 1.4 Definitions

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

(a) a school, or

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

Part 2 Permitted or prohibited development

Clause 2.2 – zoning of land to which Plan applies

The zoning map identifies the land as being zoned R2 Low Density Residential.

Clause 2.3 – Zone objectives and land use table

The objectives of the zone are as follows:

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

The proposal is satisfactory with regard to the above objectives as it provides a facility to service the needs of the local community on a day to day basis.

The land use table permits the following uses in the zone.

Attached dwellings; Bed and breakfast accommodation; Boarding houses; Boat launching ramps; Centre-based child care facilities; Community facilities; Dual occupancies; Dwelling houses; Environmental facilities; Exhibition homes; Exhibition villages; Group homes; Health consulting rooms; Home-based child care; Hospitals; Hostels; Information and education facilities; Jetties; Multi dwelling housing; Neighbourhood shops; Oyster aquaculture; Places of public worship; Pond-based aquaculture; Recreation areas; Recreation facilities (indoor); Recreation facilities (outdoor); Residential flat buildings; Respite day care centres; Roads; Semi-detached dwellings; Seniors housing; Shop top housing; Signage; Tank-based aquaculture; Veterinary hospitals

The proposal is categorised as an *Information and education facility* as defined above and is permissible in the zone with development consent.

In addition, under clause 33 of the Education SEPP, the R2 Low Density zone is listed as a 'prescribed zone' whereby development for the purpose of a school can be undertaken. Clause 35(1) of the Education SEPP states

that 'Development for the purpose of a school may be carried out by any person with development consent on land in a prescribed zone.'

Clause 2.7 Demolition requires development consent

The development seeks approval for the demolition of existing concrete pathways, timber retaining walls and covered concrete seating. Minor internal and external demolition of Blocks A, C and D will also be undertaken thereby satisfying the provisions of this clause.

Part 4 Principal development standards

Clause 4.3 Height of buildings

The proposed building height of 11.3 metres exceeds the maximum of 9 metres permitted for the site.

The application involves an exception to a development standard at Clause 4.3 of Wollongong Local Environmental Plan 2009 as the height variation is greater than 10% (exceedance of 25.55%).

Clause 4.4 Floor space ratio

Maximum FSR permitted for the zone: 0.5:1

Site area: 29 037.69m²

GFA:

BLOCK	EX m2	NEW m2	TOTAL
A	403.51 m2	45.99 m2	449.50 m2
B	468.83 m2	-	468.83 m2
C	63.27 m2	-	63.27 m2
D	386.47 m2	64.25 m2	450.72 m2
E	650.86 m2	-	650.86 m2
F	487.13 m2	-	487.13 m2
G	781.30 m2	-	781.30 m2
H	-	397.48 m2 (x2 levels)	794.96 m2
I	-	472.52 m2 (x3 levels)	1,417.56 m2
			TOTAL GFA: 5,564.13 m2

FSR: 5564.13m² /29037.69m² = 0.192:1

Clause 4.6 Exceptions to development standards

The application involves an exception to a development standard at Clause 4.3 of Wollongong Local Environment Plan 2009 as the height variation is greater than 10% (25.55%). The subject development seeks an exception to the maximum height development standard for a partial roof component that extends above the 9 metre height limit. The applicant has submitted a Clause 4.6 exception request statement addressing the requested exception which is included as Attachment 4 of this report.

The table below outlines Council's assessment:

WLEP 2009 clause 4.6 proposed development departure assessment	
Development departure	Clause 4.3 of WLEP 2009
Is the planning control in question a development standard	Yes
4.6 (3) Written request submitted by applicant contains a justification:	
that compliance with the development standard is	Justification as provided by applicant at Attachment 4.

unreasonable or unnecessary in the circumstances of the case, and	
that there are sufficient environmental planning grounds to justify contravening the development standard.	Justification as provided by applicant at Attachment 4.
4.6 (4) (a) Consent authority is satisfied that:	
the applicant's written request has adequately addressed the matters required to be demonstrated by subclause (3), and	<p>The statement submitted by the applicant is considered to have addressed the matters required to be demonstrated, in that compliance to the development standard is unnecessary or unreasonable in the circumstances of the case.</p> <ul style="list-style-type: none"> • The proposed development consistent with the WLEP 2009 objectives for building height • The proposed building height provides an appropriate height transition which responds to the local topography as detailed above. The bulk and scale of the development is considered reasonable when viewed from the rear. In this regard requiring compliance is unnecessary as it would not result in a development that achieves greater compatibility or consistency with the adjoining development to the north or future development to the south. <p>The proposed height exception does not result in significant additional shadowing of the site to the south and the 3 storey component reduces the overall building footprint on the site.</p>
the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out, and	<p>The statement demonstrates that the proposed development will be in the public interest because it is consistent with the objectives of the height standard and land use.</p> <p>As discussed above, the statement has demonstrated that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case and that there are sufficient environmental planning grounds specific to the site to justify contravening the development standard.</p> <p>The requested departure from the development standard will not hinder the attainment of the objectives specified in section 5(a)(i) and (ii) of the EP&A Act.</p> <p>It is considered that strict numerical compliance with the building height development standard in the context of the proposal site would not result in significant overall public benefit.</p>
the concurrence of the Secretary has been obtained.	Referral to the Department of Planning is not required (Planning Circular PS 18-003 issued 21 February 2018) as the SRPP assumes the Secretary's concurrence.

Part 5 Miscellaneous provisions

Clause 5.10 Heritage conservation

An Aboriginal Heritage buffer zone has been identified on the site, however development intrusion into the buffer area already exists as such a condition for unexpected finds protocol and consultation with The NSW Office of Environment and Heritage are to be imposed.

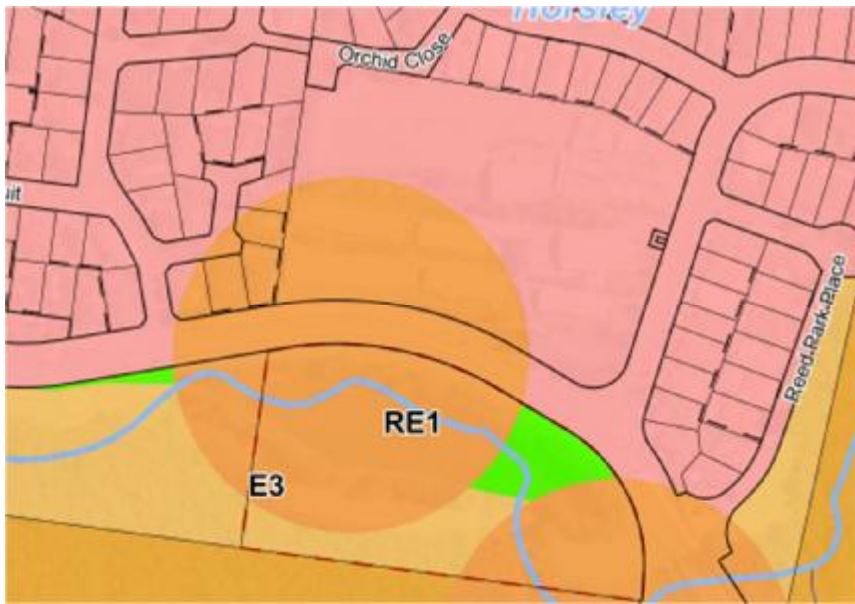


Figure 5: Aboriginal Heritage Buffer mapping

Clause 5.12 Infrastructure development and use of existing buildings of the Crown

(1) This Plan does not restrict or prohibit, or enable the restriction or prohibition of, the carrying out of any development, by or on behalf of a public authority, that is permitted to be carried out with or without development consent, or that is exempt development, under State Environmental Planning Policy (Infrastructure) 2007.

(2) This Plan does not restrict or prohibit, or enable the restriction or prohibition of, the use of existing buildings of the Crown by the Crown

Part 6 Urban release areas

Clause 6.1 Arrangements for designated State public infrastructure

The objective of this clause is to require satisfactory arrangements to be made for the provision of designated State public infrastructure before the subdivision of land in an urban release area to satisfy needs that arise from development on the land, but only if the land is developed intensively for urban purposes.

6.2 Development control plan

An assessment under WDCP 2009 D16 – West Dapto Release Area, has been undertaken at 2.3.1 below.

6.3 Relationship between Part and remainder of Plan

A provision of this Part prevails over any other provision of this Plan to the extent of any inconsistency.

Part 7 Local provisions – general

Clause 7.1 Public utility infrastructure

A condition will be imposed upon the development consent requiring approval from the relevant authorities for any required augmentation of electricity, water and sewage to service the development.

Clause 7.5 Acid Sulfate Soils

The proposal is identified as being affected by class 5 acid sulphate soils. Council's Environment Officer has reviewed the proposal and provided satisfactory referral advice.

Clause 7.6 Earthworks

The proposal comprises earthworks to prepare the site for construction of the proposed additions to the school. Council's Environment Officer has reviewed the application in relation to proposed earthworks and provided conditionally satisfactory referral advice. The earthworks are not expected to have a detrimental impact on environmental functions and processes, neighbouring uses or heritage items and features surrounding land.

Condition to be imposed in relation to unexpected finds protocols for both contamination and aboriginal heritage matters

Clause 7.9 Airspace operations

The proposal is identified as being located on land within the flight path of the Illawarra Regional Airport (110m to 200m AHD: Departure Envelope). The proposal at RL 35.5m AHD does not penetrate the Limitation or Operations Surface and is therefore, considered acceptable.

2.2 SECTION 4.15(1)(A)(II) ANY PROPOSED INSTRUMENT

Draft West Dapto Development Contributions Plan (2020)

2.3 SECTION 4.15(1)(A)(III) ANY DEVELOPMENT CONTROL PLAN

2.3.1 WOLLONGONG DEVELOPMENT CONTROL PLAN 2009

The main design considerations come from the Education SEPP; however, an assessment of the proposed development has been carried out with regard to WDCP2009. The main issues arising from the assessment under the DCP are outlined below.

CHAPTER A2 – ECOLOGICALLY SUSTAINABLE DEVELOPMENT

Development controls to improve the sustainability of development throughout Wollongong are integrated into the relevant chapters of this DCP.

Generally speaking, the proposal is considered to be consistent with the principles of Ecologically Sustainable Development.

CHAPTER D1 – CHARACTER STATEMENTS

Horsley

The proposal is considered to be consistent with the existing and desired future character for the locality.

PRECINCT PLAN – Chapter D16: West Dapto Release Area

The objectives of the Chapter at (m) state:

(m) guide planning and development of well-located schools, childcare centres, and adult education facilities to support the community educational needs.

10 COMMUNITY AND EDUCATION PRINCIPLES

Community facilities are an increasingly important component of local service provision across a range of areas in the public and private sector. For example, there is a clear trend in public health and alternative education to use local community facilities for regular and specialist community services rather than develop individual facilities. Council understands this increases the importance of flexible design, location and efficiencies to be achieved by these facilities for them to make the best contribution to community outcomes.

Principle 9: Coordination Council will work with the State Government and non-government schools' sector to promote best-practice education outcomes for the community of West Dapto. This will include sharing data and integrating asset solutions, such as opportunity for shared and joint-use facilities. Planning for the provision of education is important for West Dapto's growing community. In NSW, the Department of Education provides funds and regulates education services for NSW students from early childhood to secondary school. The Department of Education provided previous support for the six primary schools and two high schools based on the projected housing provision and related future population estimates. Figure 12 shows some indicative school locations within the release area. The distribution of schools in the release area ideally would be spread across the residential areas of the five stages. There would be two new primary schools in the vicinities of Darkes Road/West Dapto Road and Wongawilli Village. In Stage 3 of the release area, a new secondary school in proximity to Bong Bong Town Centre supported by three primary schools; potentially Jersey Farm/Robins Creek (Bong Bong Primary School on Figure 12), Bong Bong/Cleveland (Stage 3 Primary School on Figure 12) and Avondale/Moorland (Stage 4 Primary School in Figure 12). A third secondary school potentially located in Calderwood Urban Release Area has been approved and will service a primary school in Marshall Mount area (shown in Figure 12 as Yallah Primary School) as well as the required primary schools in Calderwood. A special needs school should be either co-located with or separate to a mainstream school in the release area.

The objective of this Chapter as it relates to schools and facilities to support the community educational needs has not kept pace with development. Although identified as required in this Chapter, a new school in the vicinity has not yet materialised. Therefore, the current school in Dapto the subject of this application requires additions to provide educational facilities at a primary school level at this point in time.

CHAPTER E1: ACCESS FOR PEOPLE WITH A DISABILITY

The development is capable of meeting the requirements for accessibility according to report prepared by Group DLA dated 3 June 2019; however, final detail will take place during design development stage.

CHAPTER E2: CRIME PREVENTION THROUGH ENVIRONMENTAL DESIGN

The NSW Police Force “Safer by Design Course” provides 4 main principles that are used in the assessment of proposed development to minimise the opportunity for crime.

These 4 key principles are:

- Surveillance Measures (natural/technical/formal, lighting and landscaping);
- Access Control;
- Territorial reinforcement; and
- Activity and Space Management.

Each of these principles is discussed below.

Surveillance

Opportunities for crime can be reduced by providing opportunities for effective surveillance. The surveillance principle indicates that offenders are often deterred from committing a crime in areas with high levels of surveillance. From a design perspective, deterrence of crime can be achieved by providing:

- Clear sight lines between public and private places and maximising natural surveillance;
- Appropriate lighting and effective guardianship of communal and/or public areas; and
- Landscaping that make places attractive but does not provide offenders with a place to hide or entrap victims.

Dapto Public School has frontage to Sierra Drive within direct surveillance from the public domain and surrounding residential land uses. Security patrols by the schools preferred security contractor after school hours will also provide for additional surveillance.

Access Control

The principle of access control is to use physical and symbolic barriers to attract, channel or restrict the movement of people to minimise opportunities for crime and increase the effort required to commit a crime. Dapto Public School is fenced within clearly delineated access points for staff and students. After-hours access to the Site is restricted.

Territorial Reinforcement

This principle involves the community ownership of public spaces and that residents will be more comfortable in visiting a communal area that is well-cared for and to which they feel they own. Well used places also reduce opportunities for crime and present as a deterrent to criminals. Also, designing with clear transitions and boundaries between public and private spaces, and clear design cues on what the area is used for is recommended. During school days and hours, the school will be heavily used by staff and students. After hours and during school holiday periods access to the school will be restricted. Security fencing around the school's boundary clearly defines the school's territory.

Space Management

This principle provides that space which is appropriately utilised and well cared for reduces the risk of crime and antisocial behaviour. Space management strategies include activity coordination, site cleanliness, rapid repair of vandalism and graffiti, the replacement of lighting and the removal or refurbishment of decayed physical elements.

Presentation of the school is managed by the school itself, generally repairs and maintenance of the Site occurs as required. The proposed new multi-purpose hall will assist in improving the overall presentation of the school,

which will improve the amenity, casual surveillance and ultimately public safety and sense of security within the Site and surrounding area.

In this regard, the proposal meets the requirements of this Chapter.

CHAPTER E3: CAR PARKING, ACCESS, SERVICING/LOADING FACILITIES AND TRAFFIC MANAGEMENT

The Traffic Impact Assessment found that the additional traffic generated by the development would not affect the level of service at the Fairwater Drive/Sierra Drive intersection.

A Green Travel Plan has been prepared which puts forward several measures aimed at addressing Traffic and Car Parking demands. These measures are to be implemented and continually monitored.

The Traffic Section supports this approach and recommends that the implementation and monitoring of these measures are tied to a condition of consent.

CHAPTER E6: LANDSCAPING

Council's Landscape Officer has reviewed the application in relation to proposed tree removal and landscaping and provided conditionally satisfactory referral advice.

CHAPTER E7: WASTE MANAGEMENT

A Site Waste Minimisation and Management Plan has been provided in accordance with this chapter.

CHAPTER E10 ABORIGINAL HERITAGE

An Aboriginal buffer zone has been identified on the site. The site has previously undergone construction works including excavation to develop the school and provide landscaping with no Aboriginal finds reported. To ensure that any unexpected finds are identified conditions will be imposed.

CHAPTER E14 STORMWATER MANAGEMENT

Council's Stormwater Engineer has assessed the application and has provided satisfactory referral advice with the imposition of conditions.

CHAPTER E16 BUSHFIRE MANAGEMENT

The site is identified as containing bush fire prone land (Vegetation Buffer)

Section 100B of the RF Act, in conjunction with section 4.14 of the EP&A Act, requires a 'bushfire safety authority' to be issued by the Commissioner of the NSW Rural Fire Service (RFS), for subdivision of bushfire prone land that could lawfully be used for residential or rural residential purposes or for development of bushfire prone land for a 'special fire protection purpose'.

A 'bushfire safety authority' authorises development to the extent that it complies with standards regarding setbacks, provision of water supply and other matters considered by the Commissioner to be necessary to protect persons, property or the environment from danger that may arise from a bushfire.

The proposed development is for works relating to an educational establishment on bushfire prone land and accordingly, a 'bushfire safety authority' is required in this instance as the development is a 'special fire protection purpose'.

A Bush Fire Assessment Report was prepared by Building Code & Bushfire Hazard Solutions Pty Limited, which concluded:

The highest Bushfire Attack Level to the proposed school buildings and alterations and additions was determined to be 'BAL Low' therefore there are no construction provisions applicable under AS3959 – 2009.

Concurrence was issued by NSW RFS on 23 August 2018 subject to conditions.

CHAPTER E17 PRESERVATION AND MANAGEMENT OF TREES AND VEGETATION

The proposal includes removal of trees to provide the building footprint. The applicant amended the design to retain trees on the western boundary that provide amenity of surrounding residential dwellings. The application was referred to Council's Landscape Officer and satisfactory referral advice was provided.

CHAPTER E19 EARTHWORKS (LAND RESHAPING WORKS)

The proposal involves earthworks and excavation to prepare the site for the development. The application was referred to both Council's Geotechnical Engineer and Environment Officer and satisfactory referral advice was provided.

CHAPTER E20 CONTAMINATED LAND MANAGEMENT

No concerns are raised in regard to contamination. Council's Environment Officer has provided conditionally satisfactory referral advice. To ensure that any unexpected finds are identified conditions will be imposed.

CHAPTER E21 DEMOLITION AND HAZARDOUS BUILDING MATERIALS MANAGEMENT

The proposal involves demolition of all structures on site and a Site Waste Management Plan has been submitted. Standard demolition and asbestos management conditions will be imposed on any consent to be issued.

CHAPTER E22 SOIL EROSION AND SEDIMENT CONTROL

Conditions of consent are recommended in regard to appropriate sediment and erosion control measures to be in place during works.

2.3.2 WEST DAPTO RELEASE AREA SECTION 94 CONTRIBUTIONS PLAN (2017)

The application is a Crown Development application.

The subject lot is covered by the West Dapto Section 94 Development Contributions Plan 2017. This plan levies residential land based on the number of lots/dwellings created by development. The development proposes alterations and additions to Dapto Public School, and there are no new lots or dwelling being created. As such, there are no development contributions required to be levied or paid for this development.

2.4 SECTION 4.15(1)(A)(IIIA) ANY PLANNING AGREEMENT THAT HAS BEEN ENTERED INTO UNDER SECTION 7.4, OR ANY DRAFT PLANNING AGREEMENT THAT A DEVELOPER HAS OFFERED TO ENTER INTO UNDER SECTION 7.4

There are no planning agreements entered into or any draft agreement offered to enter into under S7.4 which affect the development.

2.5 SECTION 4.15(A)(IV) THE REGULATIONS (TO THE EXTENT THAT THEY PRESCRIBE MATTERS FOR THE PURPOSES OF THIS PARAGRAPH)

92 What additional matters must a consent authority take into consideration in determining a development application?

Conditions of consent are recommended with regard to demolition.

93 Fire safety and other considerations

No change of use proposed.

94 Consent authority may require buildings to be upgraded

Building works are proposed to enlarge the existing school.

2.6 SECTION 4.15(1)(B) THE LIKELY IMPACTS OF DEVELOPMENT

There are not expected to be adverse environmental impacts on either the natural or built environments or any adverse social or economic impacts in the locality.

This is demonstrated through the following:

- The proposal is satisfactory with regard to the applicable planning controls as detailed in the body of this report.
- Submissions raised following notification would not preclude the development.

- Internal and external referrals are satisfactory subject to appropriate conditions of consent

Context and Setting:

In regard to the matter of context, the planning principle in *Project Venture Developments v Pittwater Council* [2005] NSWLEC 191 is relevant in that it provides guidance in the assessment of compatibility. The two major aspects of compatibility are physical impact and visual impact. In assessing each of these the following questions should be asked:

- Are the proposals physical impacts on surrounding development acceptable? The physical impacts include constraints on the development potential of surrounding sites.
- Is the proposals appearance in harmony with the buildings around it and the character of the street?

In response to the first question, matters such as overshadowing, privacy concerns, bulk scale and setbacks are relevant. The development is considered acceptable given the circumstances of the case. The development is within the allowable FSR for the site.

In regard to the visual impact, the development is considered to be largely in harmony with the surrounding buildings; however, view loss is anticipated for properties adjoining on the northern boundary. The area is characterised by low rise residential developments. The affected dwellings will lose existing views to the escarpment; however, extensions to the school are necessary as there is no other local public school provided by the Department of Education to date.

In summary, the proposal has been assessed with regard to the amenity impacts from the development, the zoning, FSR for the land, and existing and future character of the area, and is considered to be compatible with the local area.

Access, Transport and Traffic:

Council's Traffic Engineer and RMS have provided satisfactory referral advice in relation to the proposal.

Public Domain:

The proposal is not expected to have unreasonable adverse impacts on the public domain.

Utilities:

The proposal is not envisaged to place an unreasonable demand on utilities supply. Existing utilities are adequate to service the proposal.

Heritage:

The site is located in close proximity to possible Aboriginal Heritage. Given the nature of the proposal and the distance of the proposed works from the site, the proposal is not envisaged to have an adverse impact on heritage items; however, a condition will be imposed regarding unanticipated finds protocols.

Other land resources:

The proposal is considered to contribute to orderly development of the site and is not envisaged to impact upon any valuable land resources.

Water:

The site is presently serviced by Sydney Water, which can be readily extended to meet the requirements of the proposed development.

Soils:

Council's Environment Officer has reviewed the proposal and provided conditionally satisfactory referral advice.

Air and Microclimate:

The proposal is not expected to have any negative impact on air or microclimate.

Flora and Fauna:

There is tree removal proposed. Council's Landscape and Environment officers have provided conditionally satisfactory referral advice. Conditions with regard to fauna management have also been imposed.

Waste:

A condition will be attached to any consent granted that an appropriate receptacle be in place for any waste generated during the construction.

Energy:

The proposal is not envisaged to have unreasonable energy consumption.

Noise and vibration:

A condition will be attached to any consent granted that nuisance be minimised during any construction, demolition, or works.

Natural hazards:

Council records list the site as bushfire affected and concurrence has been provided by New South Wales Rural Fire Service.

Technological hazards:

Council records list the site as acid sulphate soil affected, which can be conditioned.

Safety, Security and Crime Prevention:

This application does not result in any greater opportunities for criminal or antisocial behaviour.

Social Impact:

Precautionary Principle – there are not considered to be significant uncertainties regarding the likely impacts of the proposal. There are not expected to be adverse environmental impacts on either the natural or built environments. In general terms, there is not expected to be adverse social or economic impacts in the locality. The proposal is satisfactory with regard to the applicable planning controls as detailed in the body of this report. Internal and external referrals are satisfactory subject to appropriate conditions of consent.

Economic Impact:

The proposal is generally not expected to create negative economic impact.

Site Design and Internal Design:

The application does request an exception to a development standard – Building Height as outlined at WLEP 2009 clause 4.6. which is capable of support. The application does request variation to Council's development Control Plan 2009 as outlined above.

Construction:

A condition will be attached to any consent granted that all works are to be in compliance with the Building Code of Australia. Conditions of consent are recommended in relation to construction impacts such as hours of work, erosion and sedimentation controls, works in the road reserve, excavation, demolition and use of any crane, hoist, plant or scaffolding.

Cumulative Impacts:

The proposal is not expected to have negative cumulative impacts.

2.7 SECTION 4.15(1)(C) THE SUITABILITY OF THE SITE FOR THE DEVELOPMENT

Does the proposal fit in the locality?

The proposal is considered appropriate with regard to the zoning of the site and is not expected to have negative impacts on the amenity of the locality and the impacts on adjoining property owners are not considered unreasonable as discussed throughout the report.

Are the site attributes conducive to development?

There are no site constraints that would prevent the proposal.

2.8 SECTION 4.15(1)(D) ANY SUBMISSIONS MADE IN ACCORDANCE WITH THIS ACT OR THE REGULATIONS

Refer to Section 1.3.

2.9 SECTION 4.15(1)(E) THE PUBLIC INTEREST

The application is not expected to have any unreasonable impacts on the environment or the amenity of the locality. It is considered appropriate with consideration to the zoning and the character of the area and is therefore, considered to be in the public interest.

3 CONCLUSION

This application has been assessed as satisfactory having regard to the Heads of Consideration under Section S4.15(1) of the Environmental Planning and Assessment Act 1979, the provisions of Wollongong Local Environmental Plan 2009 and all relevant Council DCPs, Codes and Policies.

The application contained a detailed submission addressing Clause 4.6 (3) of WLEP2009 'Exceptions to development standards' in relation to Maximum Height, which has been considered and is capable of support.

No adverse internal or external referral matters were raised. It is acknowledged that some of the issues identified in submissions are technically unresolved, however it is considered these matters should not preclude the development from proceeding in the public interest.

4 RECOMMENDATION

DA-2019/698 be approved subject to the conditions contained in Attachment 5.

5 ATTACHMENTS

- 1 Architectural Plans
- 2 Visual Impact Assessment
- 3 Visual impact photos
- 4 Clause 4.6 'Exceptions to Development Standards' Statement
- 5 Conditions