

# SYDNEY WESTERN CITY PLANNING PANEL

## COUNCIL ASSESSMENT REPORT

<b>Panel Reference</b>	PPSSWC-101
<b>DA Number</b>	DA/2020/522/1
<b>LGA</b>	Wollondilly Shire Council
<b>Proposed Development</b>	Construction of a new learning building and Out of Hours School Care (OOSH) facility, alterations and additions to an existing building and associated landscape works for Wilton Public School
<b>Street Address</b>	11 Greenbridge Drive Wilton Lot 18 DP 270536
<b>Applicant/Owner</b>	Applicant: Brigitte Bradley (Urbis) Owner: NSW Department of Education
<b>Date of DA lodgement</b>	4 September 2020
<b>Number of Submissions</b>	Advertising of proposal from the 14 September 2020 – 13 October 2020 <b>Total submissions = 1</b>
<b>Recommendation</b>	Approve with conditions
<b>Regional Development Criteria (Schedule 7 of State Environmental Planning Policy (State and Regional Development) 2011)</b>	Schedule 7 Regionally significant development. 4 – Crown Development over \$5 Million. Capital Investment Value (CIV) exceeds \$5 million (\$17,021,716). The development is classified as a Crown development application in accordance with the EP & A Regulation.
<b>List of all relevant s4.15(1)(a) matters</b>	<ul style="list-style-type: none"> <li>• <i>Environmental Planning and Assessment Act 1979</i></li> <li>• <i>Environmental Planning and Assessment Regulation 2000</i></li> <li>• <i>Coal Mine Compensation Act 2017</i></li> <li>• <i>Biodiversity Conservation Act 2017</i></li> <li>• <i>Rural Fires Act 1997</i></li> <li>• <i>State Environmental Planning Policy (State and Regional Development) 2011</i></li> <li>• <i>State Environmental Planning Policy No 55 – Remediation of Land</i></li> <li>• <i>State Environmental Planning Policy – Education Establishments 2017</i></li> <li>• <i>Sydney Regional Environmental Planning Policy No 20 – Hawkesbury-Nepean River</i></li> <li>• <i>Wollondilly Local Environmental Plan 2011</i></li> <li>• <i>Wollondilly Development Control Plan (DCP) 2016</i></li> </ul>
<b>List all documents submitted with this report for the Panel's consideration</b>	<ol style="list-style-type: none"> <li>1. Architectural Plans</li> <li>2. Statement of Environmental Effects</li> <li>3. Clause 4.6 Variation</li> <li>4. General Terms of Approval from Subsidence Advisory.</li> <li>5. Landscaping plans</li> <li>6. Access report</li> <li>7. Acoustic Report</li> </ol>

	8. Arboricultural Brief 9. Bushfire Report 10. Wastewater Feasibility Assessment 11. Site Waste Minimisation and Management Plan 12. Traffic and Parking Report and letter 13. External and internal referral table 14. Draft Conditions 15. RFS GTA's 16. Applicant's response to Council's parking issues 17. Proposed signage changes
<b>Clause 4.6 requests</b>	Yes – Further identified in the report below
<b>Report prepared by</b>	Wollondilly Shire Council – Development Services - Max Strassmeir
<b>Report date</b>	12 July 2021

### Summary of s4.15 matters

Have all recommendations in relation to relevant s4.15 matters been summarized 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?  
*e.g. Clause 7 of SEPP 55 - Remediation of Land, Clause 4.6(4) of the relevant LEP* **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? **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.*

## 1. PURPOSE OF REPORT

The purpose of this report is to seek the Sydney Western City Planning Panel's (the Panel) determination of a Crown development application for the construction of a new learning building and Out of Hours School Care (OOSH) facility, alterations and additions to an existing building and associated landscape works for Wilton Public School at 11 Greenbridge Drive Wilton.

The Panel is the determining authority for Crown Development that has a capital investment value of more than \$5 million (pursuant to Schedule 7 of State *Environmental Planning Policy (State and Regional Development)* 2011. The capital Investment Value (CIV) of this proposal is \$17,021,716.

## 2. SUMMARY OF RECOMMENDATION

That the Panel approve DA/2020/522/1 for the construction of a new learning building and Out of Hours School Care (OOSH) facility, alterations and additions to an existing building and associated landscape works for Wilton Public School pursuant to Section 80 of the *Environmental Planning and Assessment Act 1979* subject to the conditions contained in this report.

## 3. EXECUTIVE SUMMARY

Council is in receipt of a development application seeking approval for the following works:

- Constructing of a two storey learning building (Block J) including:
  - 22 home base classrooms;
  - 10 collaborative hub areas;
  - Associated communications and plant room; and
  - Toilets.
- Construction of Block K for the use of Out of Hours School Care (OOSH);
- Construction of outdoor learning space and upgrades to landscaping including the removal of 14 trees and replacement with 16 additional trees surrounding Block J;
- Alterations and additions to the existing hall and covered outdoor learning area (COLA);
- Installation of a new stormwater detention tank; and
- Installation of new rainwater tank.

The Development Application was advertised for a period of 28 days from 14 September 2020, 5 to 13 October 2020. One (1) submission was received.

The site is zoned B4 – Mixed use – pursuant to the Wollondilly Local Environmental Plan 2011. The proposed expansion of the Education Establishment is permissible with consent in the zone.

Although the proposal is on land within a Mine Subsidence District (*Coal Mines Subsidence Compensation Act 2017*), on bushfire prone land (*Rural Fires Act 1997*) and triggers Clause 57 of the State Environmental Planning Policy (Education Establishments and Child Care Facilities) 2017, the Integrated Development provisions of Division 4.8 of the EP & A Act do not apply to Crown development.

The proposal is consistent with the aims and objectives of Wollondilly Local Environmental Plan 2011 and the following legislation and environmental planning instruments:

- *Environmental Planning and Assessment Act 1979*
- *Environmental Planning and Assessment Regulation 2000*
- *Coal Mine Subsidence Compensation Act 2017*
- *Biodiversity Conservation Act 2016*
- *Rural Fires Act 1997*
- *State Environmental Planning Policy No 55 – Remediation of Land*
- *Sydney Regional Environmental Planning Policy No 20 – Hawkesbury-Nepean River*
- *State Environmental Planning Policy (State and Regional Development) 2011*
- *Wollondilly Development Control Plan (DCP) 2016*

The development application was referred for comments externally to NSW Rural Fire Service (RFS) and Subsidence Advisory NSW.

Responses from the RFS and Subsidence Advisory NSW raised no concerns, subject to conditions.

The proposed development is considered satisfactory with due regard to the heads of consideration in Section 4.15 of the *Environmental Planning and Assessment Act, 1979*, including likely impacts, the suitability of the site for the development, and the public interest.

It is recommended that the Sydney Western City Planning Panel determine the development application pursuant to Section 4.16(1) of the *Environmental Planning and Assessment Act 1979* and grant consent subject to the conditions as provided in **Attachment 14**.

#### **4. BACKGROUND**

##### The Site

The site is known as Wilton Public School and has an area of 3 hectares and contains an existing primary school. The site is mapped as being Bushfire Prone Land and located within Wilton Mine Subsidence District. The primary frontage of the school faces Greenbridge Drive Wilton. The site has a large area of trees and is serviced with existing infrastructure.

The existing Wilton Public School comprises a group of administration and classroom buildings with covered assembly areas and walkways, 8 existing demountable classrooms, car parking, access road/driveways, and playground areas equipment.

On 1 April 2010, the Sydney West Joint Regional Planning Panel granted development consent (Consent No. 010.2009.00000458.001) for a new primary school at Lot: 4 DP: 270536 Pembroke Parade, Wilton. The existing school was opened in 2011 to service the urban release area of Wilton/Bingara Gorge Estate.

On 20 November 2018, Council issued a development consent for the installation of ten demountable classrooms and the removal of 39 trees. Three of the classrooms have been installed to date with some of the trees removed. Part of this consent was acted on with the installation of some of the demountables, however as outlined in the Statement of Environmental

Effects the demountables are to be removed at the completion of the new Learning Building (Block J).

### Sydney Western City Planning Panel

On 7 June 2021, Council briefed the panel as to progress of the development application. Council also described its concerns around car parking arrangements during the construction phase as well as the significant shortfall in car spaces in the long term.

The applicant responded to Council concerns on 10 June 2021 and offered comments and recommendations for Council's consideration (included as Attachment 16).

With the applicant approval, additional conditions of consent that require the lodgement of a Construction Environmental Management Plan, a Construction Management Plan and a Construction Traffic Management Plan have been included in the recommended conditions of consent.

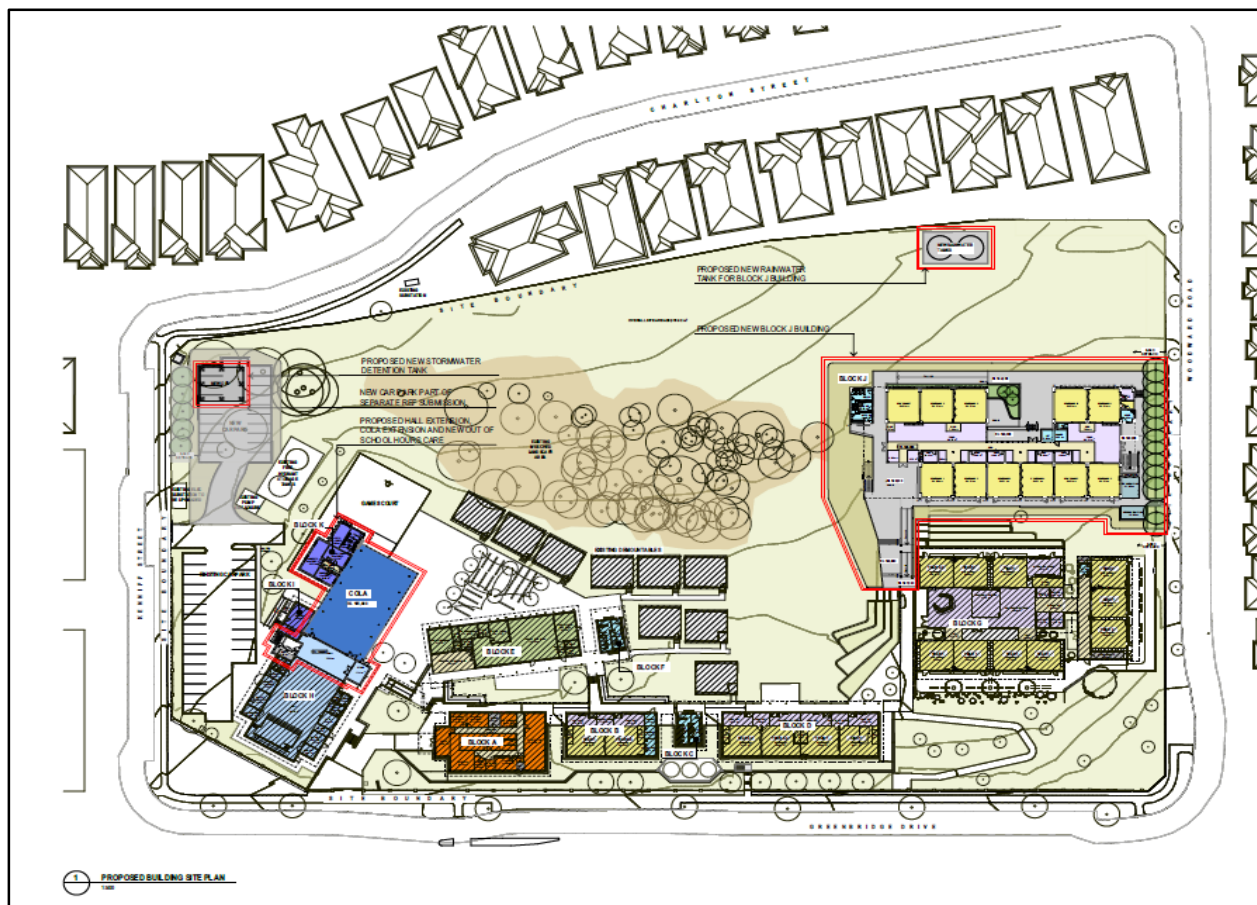




Figure 2 – Location map

### The Subject Application

The subject application was lodged on 4 September 2020 and at the time the site was legally described as Lot 18 DP 270536.

Following a detailed assessment of the proposal, additional information was requested from the applicant to ensure the development:

- satisfied landscaping plans from previous consents (DA.2018.525.1)
- had sufficient capacity to connect to the sewerage system
- had sufficient waste collection arrangements
- satisfied Council's Social and Health Impact Assessment Team
- satisfactorily addressed the parking arrangements and acoustic concerns.

The amended information addresses Council's concerns and enables a determination to be made.

### Notification and Referrals

The application was referred to the relevant authorities for comment, as follows:

- NSW Rural Fire Service (RFS) – land identified as bushfire-prone land within the Wollondilly Shire Council's Bushfire Prone Land Map - *Rural Fires Act (1997)*.
- Subsidence Advisory NSW – land identified as within a Mine Subsidence District - *Coal Mines Subsidence Compensation Act (2017)*.
- Transport for NSW/ Roads and Martine Services – State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017

The Development Application (DA) was advertised and publicly notified for a period of 28 days from 14 September 2020 to 13 October 2020. One (1) submission was received.

#### Panel Briefing

The panel has not been briefed on this development proposal.

### **5. THE PROPOSAL**

The applicant seeks development consent for the following works:

- A new learning building (Block J)
- An extension to the existing administration building (Block A) and a Library,
- A new Canteen,
- A car park to meet the parking demand of the proposed new learning building (Block J).

### **6. ASSESSMENT**

An assessment against 4.15 of the Environmental Planning and Assessment Act 1979 is provided below.

#### ***Environmental Planning and Assessment Act 1979 – Section 4.15***

In determining a DA, the consent authority is to take into consideration the following matters as are of relevance in the assessment of the DA on the subject property.

#### ***(a)(i) The Provisions of any Environmental Planning Instrument***

The Environmental Planning Instruments that relate to the proposed development are:

- *Environmental Planning and Assessment Act 1979*
- *Environmental Planning and Assessment Regulation 2000*
- *Coal Mine Subsidence Compensation Act 2017*
- *Biodiversity Conservation Act 2016*
- *Rural Fires Act 1997*
- State Environmental Planning Policy No 55 – Remediation of Land
- Sydney Regional Environmental Planning Policy No 20 – Hawkesbury-Nepean River
- State Environmental Planning Policy (Sydney Region Growth Centers) 2006
- Wollondilly Development Control Plan (DCP) 2016

An assessment of the proposed DA against the above instruments is detailed below.

#### **Environmental Planning and Assessment Act 1979 (EP&A Act)**

Section 4.46 of the EP&A Act defines integrated development as development that requires development consent and one or more approvals under other State Government Acts. In relation to the subject application the following Acts apply:

- *Coal Mines Subsidence Compensation Act (2017)* – land identified as within a Mine Subsidence District;
- *Rural Fires Act (1997)* – land identified as bushfire-prone land within the Wollondilly Shire Council's Bushfire Prone Land Map.

Although the Integrated Development provisions of Division 4.8 of the EP & A Act do not apply to Crown development, the application was referred to the following State Government Agencies for comment:

- Subsidence Advisory NSW;
- NSW Rural Fire Service.
- Transport for NSW/ Roads and Martine Services

#### *Environmental Planning and Assessment (EP&A) Regulation 2000*

The proposal does not contravene the Environmental Planning and Assessment Regulation.

#### *Coal Mine Subsidence Compensation Act 2017*

In accordance with Section 22 of the *Coal Mine Compensation Act 2017*, an application for approval to alter or erect improvements, or to subdivide land, within a mine subsidence district is to be made to Subsidence Advisory NSW. The site is located within the Wilton Mine Subsidence District.

The application was referred to the Subsidence Advisory NSW who granted approval of the development on 17 September 2020.

#### *Rural Fires Act 1997*

Section 110B of the *Rural Fires Act 1997* provides that a person must obtain a bushfire safety authority from the commissioner of the NSW Rural Fire Service before approval can be granted for the proposed works on the School. Part of the subject site is mapped as bushfire prone and therefore the application was referred to the NSW Rural Fire Service (RFS).

The RFS reviewed the information submitted and issued General Terms of Approval and a Bush Fire Safety Authority, under Section 100B of the *Rural Fires Act 1997*.

#### *State Environmental Planning Policy (State and Regional Development) 2011*

In accordance with Schedule 7 Regionally significant development of the SEPP, the proposed development constitutes 'Regional Development' as it classified as a Crown development and has a Capital Investment Value (CIV) of \$17,021,716, which exceeds the \$5 million threshold. While Council is responsible for the assessment of the Development Application, determination of the Application will be made by the Sydney Western City Central Planning Panel.

#### *Biodiversity Conservation Act 2016*

This Act is the legal framework for land management and the biodiversity conservation in NSW. The site is mapped under the Biodiversity Values Map. As part of the lodged documents, a Biodiversity Development Assessment Report (BDAR) was submitted in accordance with the Act.

The amended report was reviewed by Council's Environmental Officer who is satisfied that all relevant matters have been considered.

This amended report prepared by Eco Logical (dated 25 November 2020) is comprehensive and describes the vegetation as being consistent with the Critically Endangered Ecological Community listed under the *Biodiversity Conservation Act 2016*, Cumberland Plain Woodland (CPW). The condition of the vegetation is poor, does not meet Commonwealth listing (*Environment Protection and Biodiversity Conservation Act 1999*), and is unlikely to support limiting habitat for threatened species.

#### *Biodiversity impacts*

Council agrees that the assessment of impacts to biodiversity are accurate, these are:

- Removal of 0.16 hectares of CPW in poor condition
- Removal of 0.16 hectares of Grey-headed Flying Fox habitat – Significant Impact Criteria (SIC) assessment determined the impact as not significant.
- Removal of one hollow-bearing tree – not identified as supporting limited threatened species habitat

#### *Serious and Irreversible Impact assessment*

CPW is a SAIL listed entity. Council have determined that the proposal will not lead to a SAIL to CPW based on the following:

- Small area of impact relative to the extent of the community within the broader locality. A larger patch of CPW will remain intact to the west of the proposed development site.
- Poor condition of the community – consisting of remnant trees with minimal native mid-storey or groundcover species.

#### *Biodiversity credit offsets*

A total of 3 ecosystem credits are required to be offset for impacts to CPW as a result of the proposal. No species credits are required to be offset.

#### State Environmental Planning Policy No. 55 - Remediation of Land:

The SEPP requires Council to be satisfied that the site is suitable for its intended use (in terms of contamination) prior to granting consent.

In particular, SEPP 55 contains a number of objectives that aim to promote the remediation of contaminated land for the purpose of reducing the risk of harm to human health and the environment:

- a) *By specifying when consent is required, and when it is not required, for a remediation work;*  
*and*

- b) *By specifying certain considerations that are relevant in rezoning land and in determining development applications in general and development applications for consent to carry out a remediation work in particular; and*
- c) *By requiring that a remediation work meet certain standards and notification requirements*

Subject to Clause 7 of SEPP 55, a consent authority must not consent to the carrying out of development on land unless it has considered whether the land is contaminated.

The application is supported by a Preliminary Site investigation prepared by Martens and a Detailed Site investigation (DSI) prepared by Martens. The DSI concludes that 'the site is considered to have a low risk to human and environmental receptors from the proposed development. The submitted DSI is considered to satisfy the requirements of SEPP55.

## **State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017**

### **Clause 57 – Traffic Generating Development**

Clause 57 requires development applications that propose an increase in 50 or more students will require a referral to Transport for NSW.

This application was referred to RMS and Transport for NSW as the agencies are yet to fully merge. The referral response from Transport for NSW is included in attachment 13. The applicant has agreed to impose two additional conditions of consent to satisfy Transport for NSW comments.

### **Schedule 4 – Design Quality Principles.**

<b>Schedule 4 Schools – Design quality Principles</b>		
<b>Principal</b>	<b>Principal Controls</b>	<b>Comment</b>
<b>Principle 1—context, built form and landscape</b>	<p>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.</p> <p>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.</p> <p>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</p>	<p>The proposed new buildings and extensions are considered to be designed to in accordance with the topography of the site.</p> <p>The landscaping will reduce the visual impact of Block J and other landscaping proposed will allow interaction with the children.</p> <p>Not applicable</p>

	the development's visual impact on those qualities and that natural environment.	
<b>Principle 2—sustainable, efficient and durable</b>	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 proposed works will meet the future requirements for Wilton public school with the increases in population in the area.
<b>Principle 3—accessible and inclusive</b>	School buildings and their grounds should provide good way finding and be welcoming, accessible and inclusive to people with differing needs and capabilities. <b>Note—</b> Way finding 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.	All proposed extension will be accessible via existing pathways throughout the site.
<b>Principle 4—health and safety</b>	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.	Crime Prevention Through Environmental Design has been incorporated into the proposed design.
<b>Principle 5—amenity</b>	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 proposed new classrooms will provide art facilities and spaces for equipment to be used by the students.
<b>Principle 6—whole of life, flexible</b>	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	The new buildings will prepare the school for future influx of students and allow the school

<b>and adaptive</b>	deliver high environmental performance, ease of adaptation and maximise multi-use facilities.	to have multi use facilities depending on demands.
<b>Principle 7— aesthetics</b>	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 scale and design of the proposal will complement the surrounding built environment and the proposed landscaping will match the existing landscape environment around the school.

Sydney Regional Environmental Planning Policy No 20 – Hawkesbury-Nepean River (No 2 – 1997)

The aim of Sydney Regional Environmental Planning Policy No 20 – Hawkesbury-Nepean River (SREP) is to protect the environment of the Hawkesbury-Nepean River system by ensuring that the impacts of future land uses are considered in a regional context. The SREP applies to the subject site.

The proposed development is in accordance with the general planning considerations set out in Clause 5 of the REP and the relevant specific planning policies and strategies set out in Clause 6. Provision will be made for adequate erosion and sediment control measures to ensure sediment because of the development is not deposited in the Hawkesbury Nepean River via the stormwater system.

Wollondilly Local Environmental Plan 2011

Characterisation:

**Early education and care facility** means a building or place used for the education and care of children, and includes any of the following—

- (a) a centre-based child care facility,
- (b) home-based child care,
- (c) school-based child care.

**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.

Permissibility:

The proposed development is permissible subject to development approval.

## **Zone B4 Mixed Use**

### **1 Objectives of zone**

- *To provide a mixture of compatible land uses.*
- *To integrate suitable business, office, residential, retail and other development in accessible locations so as to maximise public transport patronage and encourage walking and cycling.*
- *To encourage local employment by facilitating home-based business and employment opportunities.*

### **2 Permitted without consent**

*Nil*

### **3 Permitted with consent**

*Boarding houses; Centre-based child care facilities; Commercial premises; Community facilities; Educational establishments; Entertainment facilities; Function centres; Hotel or motel accommodation; Information and education facilities; Medical centres; Oyster aquaculture; Passenger transport facilities; Recreation facilities (indoor); Registered clubs; Respite day care centres; Restricted premises; Roads; Seniors housing; Shop top housing; Tank-based aquaculture; Any other development not specified in item 2 or 4*

### **4 Prohibited**

*Agriculture; Animal boarding or training establishments; Boat building and repair facilities; Boat sheds; Cemeteries; Crematoria; Depots; Eco-tourist facilities; Extractive industries; Forestry; Freight transport facilities; Heavy industrial storage establishments; Highway service centres; Industrial retail outlets; Industrial training facilities; Industries; Mortuaries; Pond-based aquaculture; Recreation facilities (major); Research stations; Resource recovery facilities; Rural industries; Sex services premises; Storage premises; Vehicle body repair workshops; Vehicle repair stations; Waste disposal facilities; Water recreation structures; Wharf or boating facilities*

## LEP Clauses

	<b>Clause</b>	<b>Comment</b>
<b>Part 2 Permitted or prohibited development</b>		
2.3	Zone objectives and land Use Table	The proposed development is largely consistent with the zone objectives.
2.4	Unzoned land	Not applicable – land is zoned.
2.5	Additional permitted uses for particular land	Not applicable – no additional uses.
2.6	Subdivision—consent requirements	Not applicable – no subdivision proposed.

	Clause	Comment
2.7	Demolition requires consent	Complies – minor demolition of existing structures to fit the new buildings.
2.8	Temporary use of land	Not applicable – application is not for temporary use of land.
<b>Part 4 Principal development standards</b>		
4.1	Minimum subdivision lot size	Not applicable – no subdivision proposed.
4.1AA	Minimum subdivision lot size for community title schemes	Not applicable – proposal is not considered a community title scheme.
4.1A	Minimum lot size for dual occupancies in residential zones	Not applicable – no dual occupancies proposed.
4.1B	Subdivision of certain land in Zone E4 Environmental Living	Not applicable – site is not zoned E4.
4.2	Rural subdivision	Not applicable – no subdivision proposed.
4.2A	Erection of dwelling houses on land in certain residential, rural and environmental protection zones	Not applicable – proposal is not for the erection of a single dwelling house.
4.2B	Boundary adjustments of land in certain rural, residential and environmental protection zones	Not applicable – No boundary adjustment is proposed.
4.3	Height of buildings	<p>A clause 4.6 variation request has been submitted. The proposed new Leaning Building (Block J) will have a maximum building height of 9.83 metres, which exceeds the building height development standard of 9 metres.</p> <p>A detailed CL4.6 variation request is included in the attachments, and is considered acceptable.</p>
4.4	Floor space ratio	Not Adopted by LEP2011
4.5	Calculation of floor space ratio and site area	Not Adopted by LEP2011
4.6	Exceptions to development standards	<p>A written CL4.6 variation request (<b>Attachment 8</b>) has been submitted by the applicant.</p> <p>CL4.6 written request is supported as it accurately demonstrates compliance with the standard is unreasonable or unnecessary in this instance.</p> <p>It is important to note the reasons as to why the proposal does not comply with the standard are:</p>

	Clause	Comment
		<ul style="list-style-type: none"> <li>- The site slopes towards the northern boundary and the height of the structure on the elevation on Woodward Road complies with the 9 metre height.</li> <li>- The area of noncompliance relates to roof space</li> <li>- The proposal reflects the current school facilities with ceiling heights of 2.7 meters with sufficient space for services.</li> </ul> <p>The applicant within the written request Cl.4.6 variation request identifies the following:</p> <p><i>Compliance with the development standard is considered unreasonable and unnecessary in the circumstances of the application based on the following:</i></p> <ul style="list-style-type: none"> <li>• <i>The proposal is consistent with the objectives of the development standard as provided in clause 4.3 of the WLEP 2011 and the relevant objectives of the B4 Mixed Use zone;</i></li> <li>• <i>The area of non-compliance relates to the non-trafficable roof space, and will not result in overlooking, overshadowing or privacy issues to surrounding residential uses.</i></li> <li>• <i>The proposed Block J will replace demountable classrooms which will improve the overall physical appearance and use of the site. The design is responsive to the topography of the site and provides greater opportunity for collaborative learning within the building and improved outdoor learning spaces.</i></li> </ul> <p><i>Considering the above and the particular circumstances of this application, it is unreasonable and unnecessary to require compliance with the height of building standard.</i></p> <p><b>Planner assessment:</b></p> <p><b>Whether the proposed development is consistent with the objectives of the particular standard</b></p> <p>The objectives outlined in clause 4.3 are considered to have been met with the proposal:</p> <ul style="list-style-type: none"> <li>• The proposed structure minimises its impact on the streetscape by stepping down the proposal, does</li> </ul>

	Clause	Comment
		<p>not result in overshadowing, privacy or view impacts.</p> <ul style="list-style-type: none"> <li>• The scale of the development is considered to be similar to the existing development on the site and the other two storey proposals in the area which include two storey dwellings and commercial structures.</li> <li>• The height of the development is compatible with the existing landscape and environmental constraints of the land.</li> </ul> <p><b>Whether the proposed development is consistent with the objectives for development within the zone</b></p> <ul style="list-style-type: none"> <li>• <i>To provide a mixture of compatible land uses.</i></li> <li>• <i>To integrate suitable business, office, residential, retail and other development in accessible locations so as to maximise public transport patronage and encourage walking and cycling.</i></li> <li>• <i>To encourage local employment by facilitating home-based business and employment opportunities.</i></li> </ul> <p>The proposed development is an expansion of an existing facility and is consistent with the objectives of the LEP 2011.</p> <p><b>Whether compliance with the development standard unreasonable or unnecessary in the circumstances of the case</b></p> <p>Compliance with the development standard is considered unnecessary as the proposal is consistent with the objectives of the zone, the area of non-compliance affects a small part of the building that is not habitable space and is located on the part of the building well within the site.</p> <p>In addition, the non-compliance obviates the need for extensive cut which would detrimentally impact the natural topography of the site.</p> <p><b>Whether there are sufficient environmental planning grounds to justify contravening the development standard</b></p> <p>The proposal is considered to be permissible within the zone and is fully compliant with all other relevant clauses of the LEP.</p>

	Clause	Comment
		<p>The information and justification by the applicant has demonstrated that there is significant environmental planning grounds to justify contravening the development standard.</p> <p><b>Whether the proposed development is in the public interest.</b></p> <p>The proposed variation is seen to be within the public interest as it is provided additional education facilities on the site. As such, the specific variation to the development standard is not considered to be detrimental to the public interest.</p> <p><b>Whether the proposed development is consistent with objectives of clause 4.6, being, whether by allowing flexibility in the particular circumstances a better outcome for and from the development is achieved.</b></p> <p>The proposal is demonstrated to be sympathetic to the existing locality. The privacy of existing residential lots surrounding the development are mainlined and no additional overshadowing will occur in relation to the proposed block J.</p> <p><b>Concurrence of the Director General</b></p> <p>The proposed development does not require concurrence from the Director General.</p> <p><b>Any State or regional significant planning matters raised by contravening the standard</b></p> <p>No state or regional significant planning matters are raised</p> <p><b>The public benefit of maintaining the standard</b></p> <p>It is considered that the reasons addressed by the applicant within the Cl.4.6 request are valid. The proposal will provide additional facilities for education, the existing demountables on the site will be removed and the sitting of the proposed structure is well situated in the locality.</p> <p>Based on the assessment above and the written variation request submitted, it is considered to be of minimal impact to the overall development and recommended for support.</p>

	Clause	Comment
		Refer to figure 3 and 4 below which shows the areas of non-compliance to the height.
<b>Part 5 Miscellaneous provisions</b>		
5.1	Relevant acquisition authority	Not applicable – no reserved acquisition.
5.1A	Development on land intended to be acquired for public purposes	Not applicable – no reserved acquisition.
5.2	Classification and reclassification of public land	Not applicable – no public land.
5.3	Development near zone boundaries	Not applicable, as per Clause 5.3(3)(ab) this does not apply to land zoned B4 Mixed Use.
5.4	Controls relating to miscellaneous permissible uses	Not applicable – no miscellaneous permissible uses proposed.
5.5	Development within the coastal zone	Not applicable – Repealed
5.6	Architectural roof features	The proposal does not comply with the height requirements of Clause 4.3, a variation has been requested under Clause 4.6 and the proposal has not sought approval under Clause 5.6
5.7	Development below mean high water mark	Not applicable
5.8	Conversion of fire alarms	Noted, no internal alterations are proposed.
5.9	Preservation of trees or vegetation	Not applicable – Repealed
5.9AA	Trees or vegetation not prescribed by Development Control Plan	Not applicable – Repealed
5.10	Heritage conservation	Not applicable – Site is not located in a Heritage Conservation area.
5.11	Bush fire hazard reduction	Not applicable
5.12	Infrastructure development and use of existing buildings of the Crown	Not applicable
5.13	Eco Tourist Facilities	Not applicable
5.14	Siding Spring Observatory – maintaining dark sky	Not applicable – Not Adopted by LEP2011
5.15	Defence communications facility	Not applicable – Not Adopted by LEP2011
5.16	Subdivision of, or dwellings on, land in certain rural, residential or environment protection zones	Not applicable

	Clause	Comment
5.17	Artificial waterbodies in environmentally sensitive areas in areas of operation of irrigation corporations	Not applicable
5.18	Intensive livestock agriculture	Not applicable
5.19	Pond-based, tank-based and oyster aquaculture	Not applicable
Part 6 Urban release areas		
6.1	Arrangements for designated State public infrastructure	The site is mapped as part of an urban release area. Clauses 6.1, 6.3 and 6.4 are not applicable to this proposal.  Clause 6.2 requires Council to be satisfied that all public utility infrastructure is available prior to issuing a development consent. A condition of consent has been imposed to ensure sewage can be managed for the proposal.
6.2	Public utility infrastructure	
6.3	Development control plan	
6.4	Relationship between Part and remainder of Plan	
Part 7 Additional local provisions		
7.1	Essential services	The site has existing essential services available for connection. A condition of consent is recommended has been imposed to ensure the development is connected to the reticulated sewage scheme prior to the commencement of operation of the development.
7.2	Biodiversity protection	Not applicable – the site is not sensitive land in accordance with the Biodiversity protection mapping.
7.3	Water protection	Not applicable – site has not mapped water protection areas within the property.
7.4	Flood planning	Not applicable – site is not at/below flood planning level.
7.5	Earthworks	Complies – minimal appropriate earthworks involved with construction works.
7.6	Development within a designated buffer area	Not applicable
7.7	Development near coal seam gas well at Menangle	Not applicable
7.8	Concurrence of Planning Secretary	Not applicable
7.9	Development within metropolitan rural area	Not applicable
7.10	Signage at outdoor sporting venues in Zone RE1	Not applicable

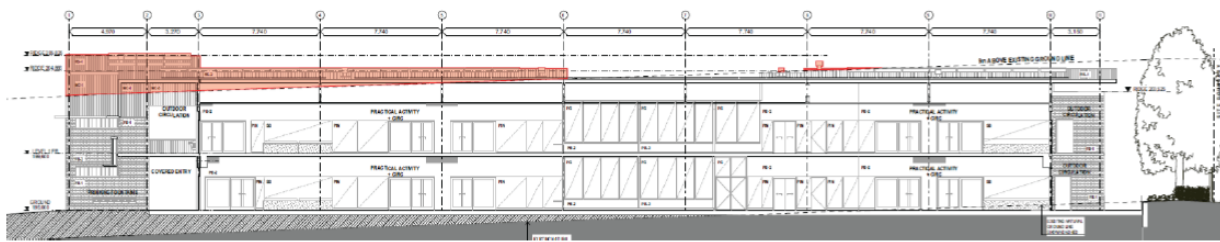


Figure 3 – South view of Block J – red area is above the height limit.

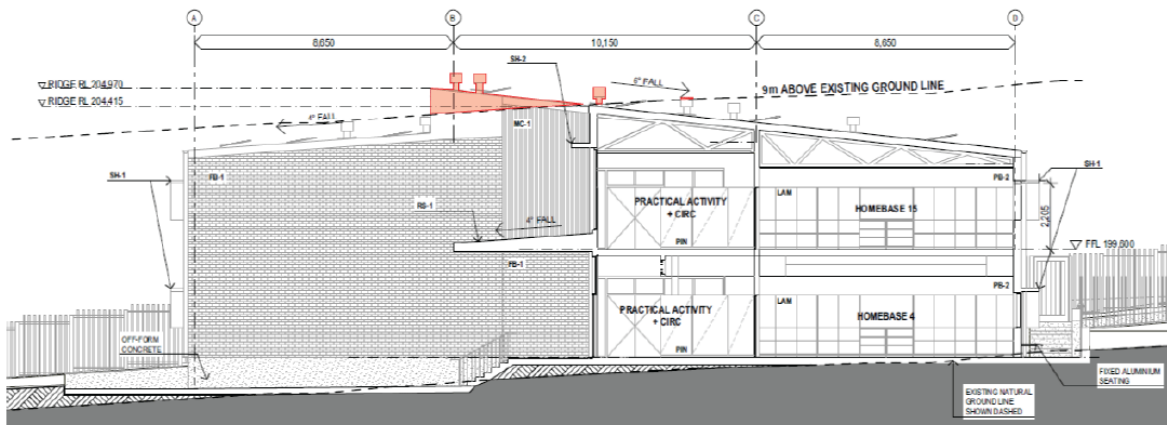


Figure 4 – View of Block J – red area is above the height limit.

**(a)(ii) The Provision of any Draft Environmental Planning Instrument (that is or has been the subject of public consultation under this Act and that has been notified to the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved).**

There is no draft Environmental Planning Instrument applicable to the proposed modifications.

**(a)(iii) The Provisions of any Development Control Plan**

The application has been assessed against the following relevant sections of the DCP.

Volume 1 – General		
Relevant Provisions		Comment
Part 1 – Preliminary		
1.2 Objectives of the Plan		
1	To assist in the realisation of the aims of Wollondilly Local Environmental Plan, 2011.	The development proposal is consistent with the Objectives of the

Volume 1 – General		
Relevant Provisions		Comment
2	The specific controls and volumes of this plan each have objectives as detailed throughout this plan.	Wollondilly Development Control Plan.
1.4	<u>Application of the volumes of this plan</u>  If there is an inconsistency between the volumes of this plan then the earlier volume shall prevail over the later volume. For example, if there is an inconsistency between Volumes 2 and 5, Volume 2 would prevail because it is found earlier in this plan.	
Part 2 – General considerations for all development		
2.1 Objectives		
1	To ensure that developments are undertaken with due regard to human safety.	
2	To ensure that developments do not unreasonably impact on their surrounds.	
3	To ensure that developments achieve a satisfactory level of social equity.	
2.2 Controls		
1	The consent authority shall consider the following safety and human health risks in assessing a development application under this volume:	
a)	Road and traffic hazards;	The application has been referred to Council Development engineers and the RMS who have provided comments.
b)	Bushfire threat;	The application has been referred to the RFS for GTA's, no bushfire threat has been identified as part of this assessment.
c)	Flood risk;	Site is not mapped as flood prone land.
d)	Noise, vibration, pollution,	No surrounding land uses are anticipated to be significantly affected by this development.

Volume 1 – General		
Relevant Provisions		Comment
	odour, radiation or waste from surrounding land uses;	
e)	Exposure to electricity transmission systems;	The site will not be impacted by electricity transmission systems.
f)	Exposure to radiation from telecommunications infrastructure;	The proposal is not located near any telecommunications infrastructure.
g)	Potential exposure to children of material (including signage) from any nearby restricted premises and/or sex services premises;	No known restricted premises and or sex services are located in the surrounding lots to the existing primary school.
h)	Hazards from vehicles within car parking areas; and	The development engineers have reviewed proposed parking and are satisfied with the layout.
i)	Hazard from potential contamination of the land.	No contamination land has been identified with the assessment of this application.
Part 3 – Variation		
There may be situations where the strict application of the controls in this plan is inappropriate. In such cases Council may vary the controls in the plan. The controls in this part apply where a development application proposes to vary a control in this plan.		
3.1 Controls		
1.	<p>In cases where a variation to a control in this plan is sought, the applicant (or person acting on behalf of the applicant) must include in the development application a written request for Council to consider a variation to that control. The written request to vary a control in this plan must:</p> <ul style="list-style-type: none"> <li>▪ Identify the control being varied</li> <li>▪ Outline the non-compliance with the relevant control</li> <li>▪ Include reasons and justification for the non-compliance</li> <li>▪ Outline why compliance with the control is unreasonable or unnecessary in the case of their development</li> </ul>	<p>A variation has been requested in Control 10 of Volume 5, 2.10 parking and manoeuvring.</p> <p>Further details are outlined later in this report.</p>

Volume 1 – General		
Relevant Provisions		Comment
	<b>Part 4 – Community Engagement</b>	
	The purpose of this part is to ensure that members of the public potentially affected by a proposed development have input into the assessment process before a final decision is made on a development application. It outlines Council's notification and advertising procedure for development applications.	
	4.4 Development applications to be advertised	
	This clause contains a list of development types that are advertised development for the purposes of Clause 5 of the EP&A Regulation 2000.	<p>The development application was advertised in accordance with Council's Development Control plan and Community Participation Plan.</p> <p>One submission was lodged during both advertising periods, this is outlined within this report.</p>
	<b>Part 9 – Environmental protection</b>	
	<b>9.1 Objectives</b>	
1.	To improve and maintain environmental outcomes for the areas mapped as natural resources biodiversity and natural resources water under Wollondilly Local Environmental Plan, 2011.	
2.	To improve and maintain environmental outcomes for unmapped areas of biodiversity and/or riparian value.	
3.	To maintain links between identified environmentally sensitive land and provide habitat and riparian corridors and appropriate buffer zones to these areas.	
	<b>9.2 Interpretation</b> (refer to DCP for further details)	
	This clause lists specific definitions used in this part.	Noted
	<b>9.3 Controls</b>	
1.	Development carried out on areas mapped as 'sensitive land' on the Natural Resources – Biodiversity Map and the Natural Resources Water Map under Wollondilly Local Environmental Plan, 2011 shall occur so as to either avoid, minimise or mitigate any adverse impact as detailed in Clause 7.2 and 7.3 of Wollondilly Local Environmental Plan 2011.	<p>Not applicable</p> <p>Land is not mapped as sensitive land.</p>

Volume 1 – General		
Relevant Provisions		Comment
Note: Compliance with the above controls does not guarantee that consent would be granted for the development; the requirements of the Threatened Species Act, 1995, Native Vegetation Act, 2003 and the Environmental Protection and Biodiversity Conservation Act, 1999 would need to be satisfied if approval is required under those acts of legislation.		
Part 10 – Tree Removal		
10.1 Objectives		
1.	Identify trees and other native vegetation for the purpose of clause 5.9(3) of Wollondilly Local Environmental Plan 2011 which states the following:  “(3) A person must not ringbark, cut down, top, lop, remove, injure or wilfully destroy any tree or other vegetation to which any such development control plan applies without the authority conferred by:  (a) development consent; or  (b) a permit granted by the Council”	
2.	Identify trees and other native vegetation that:  ▪ may be removed without a permit or development consent ▪ may be removed with a permit may be removed only with development consent	
10.5 Trees/other native vegetation that may be removed only with development consent (refer to DCP for further details of controls)		
	This clause provides that any tree or native vegetation removal which cannot be carried out as exempt development under clause 10.3 of this volume or by obtaining a permit under clause 10.4 of this volume may only be removed with development consent.	Trees have been proposed to be removed as part of this application. The landscaping plan has proposed suitable replacements throughout other parts of the site.
Part 11 – Landscaping		
11.1 Objectives		
1.	To encourage the planting of endemic species in landscaping.	
2.	To reduce the impact of landscaping on the environment, infrastructure and human safety.	
3.	To create a landscape character that is defined by native vegetation and not introduced species.	
11.2 Recommended Species (refer to DCP for further details of controls)		

Volume 1 – General		
Relevant Provisions		Comment
	This clause contains a list of recommended plant species for the various localities in the Shire.	A landscape plan was lodged as part of this application. The tree officer has reviewed and recommended changes to the proposed species.

Volume 5 – Commercial and Community Uses		
Relevant Provisions		Comment
<b>PART 1 – PRELIMINARY</b>		
<b>1.2 Objectives</b>		
The object of this volume is to ensure commercial and community development achieves the aims of Wollondilly Local Environmental Plan, 2011 by promoting economic activity and local job creation while ensuring developments achieve excellent planning outcomes.		
<b>1.3 Parts of this volume</b>		
The requirements contained within Part 2 apply to all development types to which this volume applies.		
Part 3 applies to specific land uses: Part 4 applies to specific locations:		
<b>Part 2 – General Requirements for all Commercial and Community Uses</b>		
<b>2.1 Sustainability</b>		
Objectives		
To ensure the application of Ecologically Sustainable Development (ESD) principles at all stages of development including demolition, construction and ongoing use over time.		
<b>Controls</b>		
1	Timber sourced from old growth forests may not be used in development subject to this volume.	Noted, the applicant has not proposed to use timber from old growth forests.
2	Impacts to groundwater must be minimised by:	The proposal will not have any significant impact on the groundwater. Standard conditions of consent shall be imposed to ensure runoff to be controlled so it does not leave the construction site.
a)	Ensuring no contaminated runoff enters the groundwater system; and	
b)	Retaining and protecting significant stands of native vegetation; and	

Volume 5 – Commercial and Community Uses		
Relevant Provisions		Comment
c)	Minimising cut and fill; and	
d)	Maximising landscaped areas that are deep soil and are hydraulically connected to the natural soil and groundwater system.	
3	All development resulting in more than 200 square metres of new GFA must provide rainwater collection tank(s) to collect rainfall and runoff from roof areas. The minimum volume of the tank(s) shall be 1,000 litres per 100m <sup>2</sup> (rounded down to the nearest 100m <sup>2</sup> ) of new GFA. Such tank(s) must have their overflows connected to a point for suitable integration with the natural or constructed stormwater drainage system.	Noted, rainwater tanks have been proposed to ensure compliance.
4	Water from rainwater collection tank(s) must be used for at least one of the following:	Not applicable to this proposal.
a)	Irrigation and maintenance of landscaped areas;	
b)	Cleaning and maintenance of built development;	
c)	Toilet flushing;	
d)	Laundry purposes; or	
e)	Car washing.	
5	All plumbing fittings connected to potable water supply must be Triple A or higher rated devices.	Noted.
6	Connection to recycled water is required if serviced by a dual reticulation system. Such water shall be used for all of the purposes listed above at control 4. The requirement to provide water tank(s) does not apply if the development is connected to a recycled water system.	Not applicable to this proposal.
7	Commercial developments where the capital investment value are more than \$500,000 and that result in more than 100m <sup>2</sup> of new GFA must install a photovoltaic system to	The proposal is not considered to be a commercial development.

Volume 5 – Commercial and Community Uses												
Relevant Provisions				Comment								
	complement consumption of electricity from the grid system. The capacity of the system must be no less than 5kW per 100m² of new GFA. Details of the system shall be provided to the consent authority prior to the granting of any development consent											
2.2 Setbacks												
Objectives												
1.	To establish a desired relationship between the street and footpath, public spaces, private spaces and buildings,											
2.	To create and maintain a streetscape character appropriate for towns and villages, and											
3.	To provide continuity in the streetscape											
Controls												
1.	The following setbacks apply for development under this volume: <table><tr><td>Zone</td><td>Front Setback</td><td>Side Setback</td><td>Rear Setback</td></tr><tr><td>B4</td><td>0</td><td>0</td><td>0</td></tr></table>			Zone	Front Setback	Side Setback	Rear Setback	B4	0	0	0	The proposal will have setbacks compliant with the requirements of the zone. The closest boundary to the new classroom building will have a setback of 6 metres.
Zone	Front Setback	Side Setback	Rear Setback									
B4	0	0	0									
2.3 Building Design												
Objectives												
1.	To achieve safe, attractive, equitable and functional buildings.											
2.	To enhance and protect the public space adjacent to commercial premises.											
3.	To preserve the broader rural village character of the towns and their centres.											
Controls												
1.	Buildings on sites adjoining public open space must not cast a shadow onto more than one third of that open space between the hours of 10am and 2pm during the winter solstice (measured at ground level).			Noted, complies.								

Volume 5 – Commercial and Community Uses		
Relevant Provisions		Comment
2.	Colourbond materials shall not be used in the external construction of buildings within the Business (B) Zones unless they account for less than 25% of each front elevation.	Noted, Complies.
3.	External materials used for newly constructed or extended commercial buildings within the business (B) zones shall be consistent with the materials used in adjoining commercial development or shall have a superior quality external finish.	Noted, complies.
4.	Shipping containers shall not be used for storage within developments for commercial or community purposes.	No shipping containers are proposed as part of this proposal.
5.	Building designs must ensure that main entry and exit points are readily identifiable to intending patrons.	The building entry and exit points are identifiable to the internal layout of the school.
6.	All building facades visible from a public place must be designed to reduce bulk and enhance the appearance of the building using appropriate architectural features, articulation and finishes.	The proposed façade that fronts Woodward road has been proposed to be screened by a row of trees to reduce its visual impact.
8.	All facades must be designed in accordance with the Crime Prevention through Environmental Design (CPTED) Guidelines including allowance for casual surveillance of streets and other public places.	The proposal is considered to satisfy CPTED.
9.	There must be a universally accessible and continuous path of travel to connect the public footpath to all car parking areas and the main public entry and exit point of a building.	Noted, complies.  The proposal will link up to the existing footpaths within the school.
12.	Building services, fittings and utilities (including, without limitation, downpipes, conduits and vents and air conditioning units and components) must be integrated with the features of any façade fronting public open space or a public street.	All services have been designed to be predominantly within or hidden from the external elevations of the proposal.

Volume 5 – Commercial and Community Uses		
Relevant Provisions		Comment
13.	Building lights shall illuminate buildings and signs from the top-down rather than the bottom-up to reduce light spill into the night sky.	All lights are proposed to illuminate from top down.
14.	Lift towers and overruns, satellite dishes, motor rooms and service plants, air conditioning units, antennae, telecommunications devices, vent pipes and the like must not be visible from any publically accessible place.	The lift tower is contained within the proposal roof structure.
15.	Security shutters and roller doors on primary facades to a public street are not permitted unless they are open form or transparent. Security devices must be integrated within the design of the shop front structure.	No security shutters are proposed.
2.4 Open space		
Objectives		
1.	To provide a variety of open spaces integrated with, and enhancing, the design and function of buildings such as verandahs, courtyards, balconies and roof top gardens,	
Controls		
1.	Communal Open Space must be provided for developments exceeding the thresholds tabulated below at the rate provided in the table: (See DCP for further details)	Communal open space is not considered to be relevant to the Proposal.  Not applicable
2.5 Outdoor eating and seating		
Objectives		
1.	To encourage aesthetically attractive, comfortable, convenient and safe outdoor furniture for seating and eating areas ancillary to nearby premises or for general public use,	Noted, complies.
Controls		
1.	A minimum 1.8 metres wide linear, unobstructed pedestrian movement pathway	Outdoor eating areas are already in existence for the children at the

Volume 5 – Commercial and Community Uses		
Relevant Provisions		Comment
	must be maintained through the public footpath at all times.	primary school. No further infrastructure is considered to be required.
2.	Outdoor seating and eating areas operating outside daylight hours must be provided with lighting to the relevant Australian Standard.	
3.	Portable heating devices that are gas powered must be fitted with safety devices that automatically shutdown the device when tilted.	
2.6 Landscaping		
Objectives		
1.	To achieve landscaping that is integrated with the design, layout and scale of development and is sensitive to site attributes, streetscape, views and vistas.	
Controls		
1.	Landscaping around the external perimeter of new commercial buildings with a GFA greater than 1,000m <sup>2</sup> must be provided at the rate of at least 20m <sup>2</sup> of consolidated / continuous planted area for every 500m <sup>2</sup> GFA and address the street frontages.	The landscaping plan was reviewed by Council's Tree Officer who has recommended minor amendments. These have been included in the recommended conditions of consent.
2.	Landscaping for new commercial developments shall be in the form of garden beds and achieve the following:	
a)	Use at least 50% native vegetation;	
b)	Use only low maintenance vegetation;	
c)	Reduce or eliminate the need for fencing;	
d)	Use only vegetation that will not damage infrastructure; and	
e)	Provide adequate landscaped area for plants when fully grown.	
3.	All plant species in landscaping must be non-toxic and low-allergen.	

Volume 5 – Commercial and Community Uses		
Relevant Provisions		Comment
4.	Contiguous landscaping areas with an area greater than 50m² shall be provided with and automatic irrigation system(s).	
2.7 External storage		
Objectives		
1.	To ensure wastes are stored in a safe location that does not detract from the aesthetic qualities of commercial developments.	
Controls		
1.	There shall be no storage of goods or waste in areas that are visible to the public or patrons of facilities.	No external storage is proposed as part of this application.
2.8 Public realm		
Objectives		
1.	To create and maintain a consistent character for each town and village centre through the development of a public realm strategy addressing on-street parking, public footpath, public / street furniture, signage and street trees.	
Controls		
1.	All works within the public domain must comply with Council's adopted Design and Construction Specification, Plans of Management and any other strategy adopted by Council for public spaces.	Noted, complies.
2.	Where a driveway crosses a public road frontage and is 5 metres or wider the vehicle lanes on the driveway must be separated to provide a pedestrian refuge within the footpath.	No changes to the driveway crossing are proposed.
3.	Where on street parking is not already provided (including paved shoulder and kerb and guttering) along the full frontages of the site it shall be installed prior to the occupation of any development subject to this volume.	All kerb and guttering is existing.
2.9 Access and Traffic Generation		

Volume 5 – Commercial and Community Uses		
Relevant Provisions		Comment
Objectives		
1.	To provide the opportunity to access development sites by the widest feasible variety of transport modes,	
2.	To ensure delivery areas are suitably isolated from patron traffic to promote pedestrian safety.	
Controls		
1.	Service and delivery vehicles must have a separate access for developments with a GFA greater than 500m². This access may not be shared with the access to be used by patrons of the development.	No changes have been proposed to the existing area utilised for deliveries.
7.	Sites located on a shared pathway route adopted by Council must construct the section of the pathway within the appropriate frontage(s) of the site and connect to the existing pathway network where required by the Consent Authority.	All pathways are existing around the school.
9.	Where new public roads are created street lighting shall be provided in accordance with relevant Australian Standards.	All lighting is existing on the street.
2.10 Parking and Manoeuvring		
Objectives		
a)	To achieve vehicle parking and manoeuvring spaces that do not dominate the streetscape, and	
b)	To ensure developments accommodate parking demands of private land uses within private property.	
Controls		
1.	The construction of vehicle parking and manoeuvring areas must comply with Council's adopted Design and Construction Specifications.	Noted.
2.	Vehicle parking that is located within the front setback must be physically separated by permanent safety structures from road	Complies.

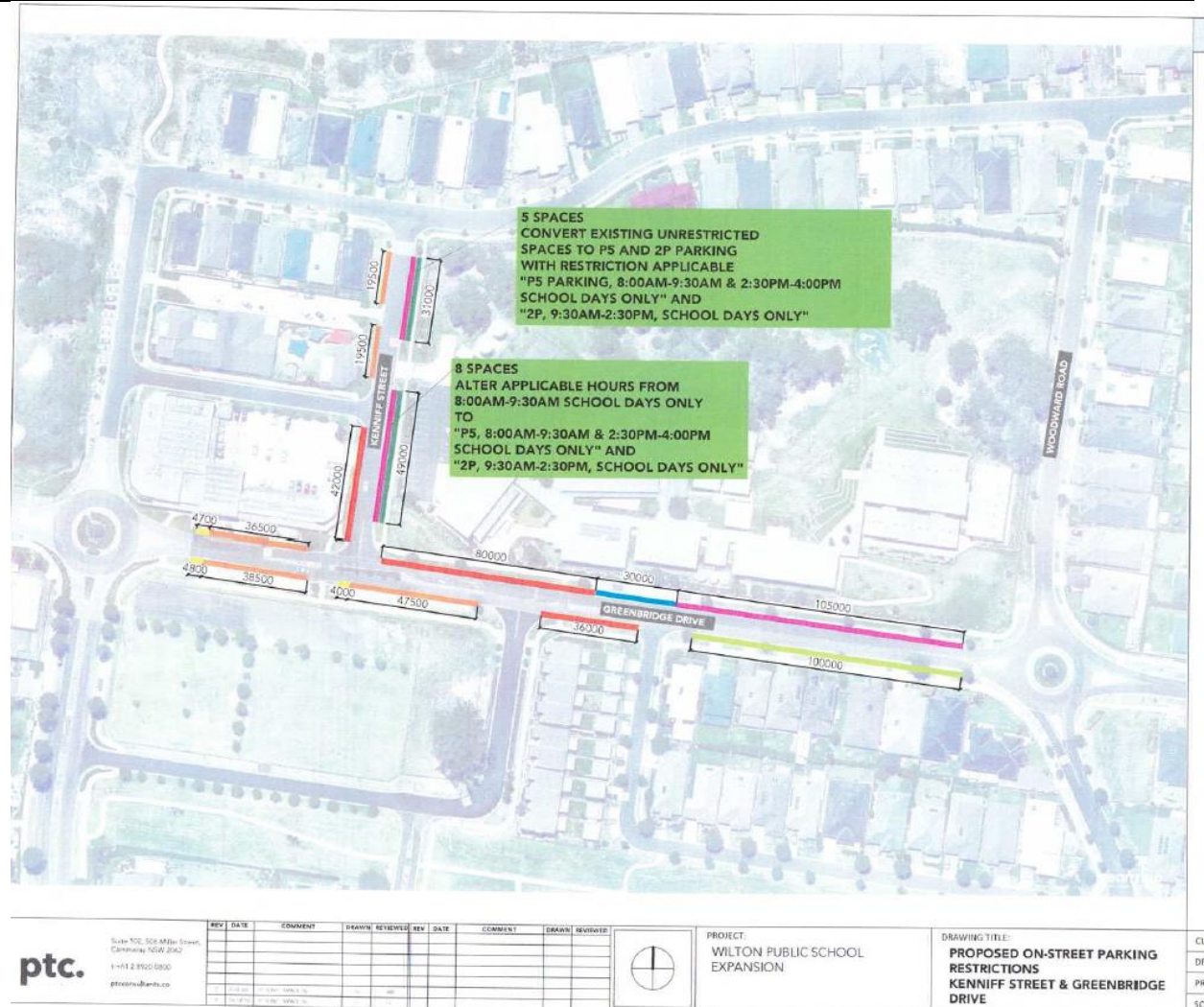
Volume 5 – Commercial and Community Uses		
Relevant Provisions		Comment
	pavement and must not detract from the aesthetics of the streetscape.	
3.	Where security doors or gates are proposed to control access to vehicle parking an intercom system must be provided to facilitate access. Such doors and gates must also be positioned to ensure vehicles stand clear of the public footpath and any specified pedestrian access while the doors and gates are opening.	Noted, existing access gate.
4.	All above ground parking areas with more than 12 parking spaces must be landscaped including shade trees provided at the rate of one (1) canopy tree for every four (4) car parking spaces of part thereof. Shade trees must be located to provide shade to parked vehicles.	Trees are existing around the current parking area.
5.	Manoeuvring space must be sufficient to permit all vehicles to enter and leave a site in a forward direction in accordance with relevant Australian Standards.	Noted, complies.
6.	Parking areas must be linked via a pedestrian path with the nearest public footpath.	Noted, complies.
7.	Parking spaces adjoining pedestrian accesses must be provided with wheel stops or upright kerbs to protect the safety of pedestrians.	Noted
10.	<p>Parking must be provided at the rate tabulated below. The number of spaces shall be rounded up to the nearest whole number of spaces.</p> <p>Note: In a mixed use development the total number of car parking spaces shall be sum of the number of parking spaces required for each component use.</p> <p>a) Numerical Parking Rates (see the DCP for further details of this control)</p>	<p>The proposed development will have 70 staff and 750 students.</p> <p>Based on the table in the DCP the proposal will require 87 parking spaces (including the after-hours day care).</p> <p>The proposal will only provide 47 parking spaces on site, resulting in a shortfall of 40 parking spaces.</p>

Volume 5 – Commercial and Community Uses		
Relevant Provisions		Comment
		<p>Council raised concerns with the parking deficiency but was advised the Department of Education is not obligated to provide onsite parking to staff and that this can be adequately managed. The applicant is also of the belief that there are sufficient parking spaces available on the road network outside of the school. The applicant's justification dated 10 June 2021 is attached to this report.</p> <p>Council's development engineers have reviewed the proposed signage changes to the on street public parking in the locality and determined this will not significantly impact the surrounding properties.</p> <p><i>The proposed changes to on street parking restrictions in Kenniff St (school side) only. This is required for drop off and pick up on school days. The changes have a minor impact the surrounding properties.</i></p> <p><i>The changes affect 13 spaces restricted to 5 minutes (P5) between 8.00am-9.30am &amp; 2.30pm-4.00pm – school days only AND 2 hours (P2) – 9.30am-2.30pm – School Days</i></p>

## Volume 5 – Commercial and Community Uses

### Relevant Provisions

### Comment



11. Car parking areas shall be designed, embellished and located to minimise adverse visual impacts in the locality.

Noted, complies.

## 2.11 Waste Management

### Objectives

- To ensure appropriate waste storage and collection facilities,
- To minimise risk to health and safety associated with handling and disposal of waste and recycled material and ensure optimum hygiene,

Volume 5 – Commercial and Community Uses		
Relevant Provisions		Comment
Controls		
1.	A completed Site Waste Minimisation and Management Plan (SWMMP) complying with the template in Appendix A of the NSW Office of Environment and Heritage’s Model Waste must accompany an application for commercial buildings greater than 500m² in GFA or any commercial development that is likely to produce hazardous waste products.	A waste management plan has been submitted with this proposal.
2.12 On-site waste water and stormwater management		
Note	The following documents will be used by Council (without limitation) in assessing any development application: <ul style="list-style-type: none"><li>Managing Urban Stormwater: Soils and Construction (Volume 1 – The Blue Book provides guidance during the construction of urban subdivisions and is available from Landcom. Volume 2 provides guidance for erosion and sediment control for a range of other activities)</li><li><a href="http://www.environment.nsw.gov.au/stormwater/publications.htm">www.environment.nsw.gov.au/stormwater/publications.htm</a></li><li>Model Code of Practice for erosion and sediment control (A resource guide for local Councils – Landcom)</li><li>Managing urban stormwater: harvesting and reuse <a href="http://www.environment.nsw.gov.au/stormwater/publications.htm">www.environment.nsw.gov.au/stormwater/publications.htm</a></li><li>Australian Runoff Quality <a href="http://www.ncwe.org.au/arq">www.ncwe.org.au/arq</a></li></ul>	
Objectives		
1.	To minimise the impacts of urban development on the environmental values of waterways, groundwater systems and bushland areas,	
Controls		
2.	All stormwater management systems shall comply with Council’s Design & Construction Specification.	The development engineers are satisfied with the proposed stormwater treatment.
3.	For developments providing more than 1000m² of new GFA, a detailed stormwater treatment assessment shall be provided detailing how the development will result in improved stormwater quality and will achieve the principals of Water Sensitive Urban Design.	

## Part 3 – Specific Land Use Controls

### 3.3 Child care centres

#### Objectives

- |    |   |
|----|---|
| 1. | To ensure traffic circulation system and availability of a variety of transport modes allow safe drop off and collection of children. |
|----|---|

#### Controls

- |    |   |  |
|----|---|--|
| 1. | If there is a footpath/cycle way/share way within 100m of the proposed development then a link from the development to that network must be provided in the form of a concrete share way in accordance with Council's Design Speciation and with a width no less than 2.0 metres. | The existing footpath on Greenbridge Drive is the primary access point for pedestrians for the site, complies. |
|----|---|--|

### 3.10 Educational establishments

#### Objectives

- |    |   |
|----|---|
| 1. | To provide for access to and within the site by a variety of modes of transport including pedestrians, cyclists, public transport, service and emergency vehicles,          |
| 2. | To ensure an appropriate traffic circulation system and availability of a variety of transport modes to allow safe drop off and collection of students, staff and visitors. |

#### Controls

- |    |   |   |
|----|---|---|
| 1. | Secure storage must be provided for bicycles, skateboards, scooters and the like in addition to any requirements under Part 3 of this volume. Such storage must be provided at the rate of 20m <sup>2</sup> per 100 students. The storage space must not be narrower than 2 metres in each and every direction. | The storage of bicycles, skateboard and scooters shall be part of the detailed design of this proposal. |
| 2. | Bus stops for schools must ensure that the bus can fully leave the travel lane during loading and unloading of passengers.  | The existing bus stop on Greenbridge drive shall be utilised for this proposal.                         |

3.	If there is a footpath/cycle way/share way within 100m of the proposed development then the development then a link from the development to that network must be provided in the form of a concrete share way in accordance with Council's Design Speciation.	The existing footpath on Greenbridge drive is the primary access point for pedestrians for the site, complies.
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**(a)(iia) 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.**

No planning agreement has been entered into as part of this proposal.

#### **(a)(iv) The Regulations**

The Regulations do not prescribe any additional matters that are relevant to the proposed DA.

#### **(1)(b) The likely impacts of the proposed development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality**

Key matters for consideration when considering the development's potential impact on the natural and built environment are deemed to be as follows:

##### Context and Setting

The development proposal is located on land that has been used for outdoor play for the primary school. The site was approved in 2009 by the regional planning panel for the use of the site as a School.

Surrounding the site is residential dwellings to the North, East and South with a small commercial center to the west. The proposal will not exceed the expectations of the site in terms of the use and the area of the site that is utilized for an Education Establishment.

##### Access and Traffic Impacts

Notwithstanding Council's and Transport for NSW view that insufficient on site car parking is proposed, the Department of Education is not obligated to provide any onsite parking. The proposed changes to parking restrictions around the site have been reviewed and can be accommodated. The wider traffic impacts have been considered by Transport for NSW and subject to the recommended conditions of consent the access and traffic impacts can be managed.

##### Flora & Fauna Impacts

As noted previously, the development has been assessed in relation to its impacts on threatened ecological communities, threatened flora species and threatened fauna species.

The proposal will retire Biodiversity offset credits in relation to the proposed clearing of 0.16 hectares of flora. This is included in the recommended conditions of consent.

### Acoustic Impacts

Noise impacts on adjoining residents has also been considered having regard to the proposed changes to the development. The Environmental Health officer has recommended conditions of consent to ensure the acoustic impact on the surrounding development is maintained.

### Service Infrastructure

#### *Wastewater*

Information has been submitted by the applicant confirming the surrounding pipes have the capacity to accommodate the proposal. A condition of consent has been imposed to ensure the sewage treatment plant has the capacity for the additional students and staff proposed.

#### *Potable Water*

Sydney Water currently services the Wilton locality with potable water. No changes are required for the proposal.

#### *Telecommunications*

Telecommunications are existing on site and no changes to the existing service are required for the proposal.

#### *Electricity*

Electricity connection is existing onsite and no changes to the current service are required for the proposal.

#### *Public Transport*

An existing bus bay is located outside of the primary school. This is to be maintained as part of this development and will be utilized by the school children.

### Social and Economic Impacts

It is anticipated that the proposal will further enhance the site and provide critical facilities to provide primary school education to the immediate local community.

Consultation with all relevant infrastructure service providers has occurred during the assessment of this DA which reveals that all public utility infrastructure can be made available to service the proposed development. Therefore, the land is capable of the proposed extension to the school.

The development is therefore considered to present positive social and economic impacts to meet the needs of its future residents.

### **(1)(c) The suitability of the site**

The proposed development has adequately addressed the key concerns including bushfire, traffic, drainage, tree removal/landscaping and accessibility. In addition, the layout of the proposal has been design to minimise the impact on the surrounding land and maximize the area for children to play outside. The proposed development is compatible with surrounding and adjoining land uses; therefore, Council can be satisfied that the site is suitable for the proposed development.

#### **(1)(d) Any submissions made in accordance with this Act or the Regulations.**

The Development Application was advertised for a period of 28 days from 14 September 2020 to 13 October 2020 and one (1) submission was received.

The application was renotified to the previous submitter on 23 December 2020 to 25 January 2021. No additional submissions were lodged during the second notification period.

The issues raised in the submission are addressed below.

Issued Raised	Number of Times Raised	Comment
"Can the rainwater tanks be located somewhere that does not back onto houses on Charlton Street? Such as over where the current fire tanks are, or closer to the school building? I am concerned (especially because I can't currently find any details on the proposed tanks on the application) that they will intrude on our view if they are tall, and that they will block the breeze because they are so close to the fence line."	1	The proposed location of the rainwater tanks is due to the slope of the site. The size of the tanks is 45,000 litres each with an overall height of 3 metres. These tanks will be appropriately spaced on the site so they do not affect the breeze.

#### **(1)(e) The public Interest**

The public interest is served through the detailed assessment of this DA under *the Environmental Planning and Assessment Act 1979*, the *Environmental Planning and Assessment Regulation 2000*, Environmental Planning Instruments, Development Control Plan and policies.

That assessment has demonstrated that the proposed development has addressed the requirements of the relevant planning instruments and draft development controls applicable to it including the objectives of the zone.

The proposed development has also demonstrated that the site is suitable for the proposal. This proposal will provided additional class rooms for the growing community of Wilton.

A response has been provided to the public submission that was received as part of community consultation.

Based on the above assessment, the proposal is in the interest of the public.

## **7. OTHER MATTERS**

### External and Internal Referrals

The subject DA was referred to a number of internal officers and public agencies and their responses are summarized in **Attachment 13**.

## **8. CONCLUSION**

The proposed development is not considered to have a significant and detrimental impact on the natural or built environment and is suitable for the site, having regard to its consistency with the relevant planning controls applicable to it.

## **9. RECOMMENDATION**

That development application DD010.2020.00000522.001 for the construction of a new learning building and Out of Hours School Care facility, alterations and additions to an existing building and associated landscape works for Wilton Public School at 11 Greenbridge Drive WILTON, Lot 18 LP 270536, be approved subject to the recommended conditions in **Attachment 14** to this report.