

12.1 32 Oswald Street, Victoria Park - Proposed Additions to Existing Primary School (Victoria Park Christian School)

Location	Victoria Park
Reporting officer	Planning Officer
Responsible officer	Manager Development Services
Voting requirement	Simple majority
Attachments	<ol style="list-style-type: none"> 1. Attachment 1- Plans and Documentation (final)- 32 Oswald Street [12.1.1 - 7 pages] 2. Attachment 2 - Merged TIA and Technical Memorandum - 32 Oswald Street [12.1.2 - 55 pages] 3. Attachment 3 - Acoustic Report - 32 Oswald Street [12.1.3 - 14 pages] 4. Attachment 4- Community Consultation Submission Table - 32 Oswald Street [12.1.4 - 7 pages] 5. Attachment 5 - Applicant Response to consultation results - 32 Oswald Street [12.1.5 - 7 pages]

Landowner	Australasian Conference Association
Applicant	Sally Matthews
Application Date	21 December 2020
DA/BA or WAPC Reference	5.2020.704.1
MRS Zoning	Urban
TPS Zoning	Residential
R-Code Density	R30
TPS Precinct	P5 – Raphael Precinct
Use Class	Educational Establishment
Use permissibility	'AA' (discretionary)
Lot Area	1013m ²
Right-of-Way (ROW)	N/A
Municipal Heritage Inventory	N/A
Residential Character Study Area/Weatherboard Precinct	Residential Character Study Area
Surrounding Development	Subject lot is surrounded by existing low scale medium density residential dwellings to the south-east, south and south-west. Another school (Regent College) is located in close proximity to the east with commercial and mixed-use development located nearby to the north.

Recommendation

That Council:

1. Approve the application submitted by Sally Matthews on behalf of Australasian Conference Association (DA Ref: 5.2020.704.1) for Additions to the Existing Educational Establishment and increase to permitted student numbers at No. 32 (Lot 137) Oswald Street, Victoria Park as indicated on the plans dated received 21 December 2020 and 16 June 2021, in accordance with the provisions of

the Town of Victoria Park Town Planning Scheme No. 1 and the Metropolitan Region Scheme, subject to the following conditions:

1. The total number of enrolled students shall not exceed 150. Further approval will be required from the Town for any future increase in enrolled students.
2. Prior to the submission of an application for a building permit, the applicant is to prepare and submit an updated Traffic Impact Statement to the satisfaction of the Town, reflecting the amended proposal and inclusive of:
 - A reduction in the maximum number of students to 150;
 - The provision of 10 additional on-site car bays;
 - Removing reference to a possible future proposal for up to 230 students;
 - The implementation of the measures required by condition 5 below.
 - Deleting reference to retention of the existing kiss and drop bays within the existing on-site car parking.
3. The following traffic management measures as outlined in the Cardno Traffic Impact Statement and additional Technical Memorandum dated 15 March 2021 and 4 May 2021 respectively, are to be implemented to the satisfaction of the Town at all times, inclusive of but not limited to the following traffic management measures:
 - The proposed kiss and drop arrangement along Oswald Street during school hours;
 - Staggered start and finish times for year groups;
 - Further encouragement of the private bus use;
 - Further encouragement of the use of public and active transport modes.
4. A Memorandum of Understanding between the School and the Town is to be prepared and executed by both parties to the satisfaction of the Town, which includes commitments from the school to implement the required traffic management measures, to inform and educate staff and parents of the required traffic management measures and to work with the Town to resolve any issues that may arise (see Advice note 5) and any recommended additional or modified measures for the future.
5. The wall of classroom 4 fronting Oswald Street shall be provided with windows to the satisfaction of the Town (see related advice note).
6. No kiss and drop/collection or bus drop off/collection is to occur within the existing car park and is to be restricted to Oswald Street only.
7. A minimum of 30 car parking bays, including an ACROD bay, shall be provided on site in accordance with the approved plans. These bays shall be marked and allocated in accordance with the approved plans.
8. Prior to the first occupation of the development hereby approved, all approved car parking spaces together with their access aisles shall be clearly paved, sealed, marked and drained in accordance with Australian Standards AS2890.1 and arranged so that all vehicles may at all times leave or enter the street in a forward gear. All parking bays and access aisles shall thereafter be maintained to the satisfaction of the Town.

9. The required acoustic screening treatment as stated at Part 5, Note 1 the Acoustic Assessment (Attachment 3) provided to the Town on 24 June 2021 is to be implemented prior to occupation of the building, to the satisfaction of the Town.
10. A maximum of 50 children are permitted to attend classes within the new 'Early Teaching Block' at any one time, consistent with the amended Acoustic Assessment, date stamped 24 June 2021 (Attachment 3). Changes to the maximum number of students permitted within the new 'Early Teaching Block' will require further approval from the Town in addition to the provision of an amended Acoustic Assessment.
11. Existing trees identified on the approved site plan must be retained and protected in accordance with AS 4970-2009 and to the satisfaction of the Town.
12. The proposed trees (shown on the site plan dated 16/06/21) shall be a species of tree that has the potential at maturity to be a minimum height of 5m and a minimum canopy width of 4m and is a minimum size of at least 35 litres when planted. The proposed tree shall be maintained via an automated irrigation system or other similar method by the landowner or developer for the first two summers after the occupation of the dwelling. If the proposed tree is of poor health and is removed, it is to be replaced with a suitable replacement tree by the owner or developer to the satisfaction of the Town.
13. A Tree Growth Zone, as shown on the approved plans shall be maintained to the satisfaction of the Town. No structure, unless water permeable, is to encroach within the Tree Growth Zone.
14. Complete details of the proposed external colours, finishes and materials to be used in the construction of the buildings are to be provided to the satisfaction of the Town prior to submission of an application for building permit. The development shall be constructed in accordance with the approved details and shall be thereafter maintained to the satisfaction of the Town.
15. Prior to the submission of an application for building license for this development, Lots 139, 140 158 & 159 are to (a) be amalgamated into a single lot on a Certificate of Title; or (b) the Owner entering into a legal agreement with the Town prepared by the Town's Solicitors at the owner's cost requiring amalgamation to be completed within twelve months of the issue of a building license (refer to related advice note)
16. The development, once commenced, is to be carried out in accordance with the approved plans at all times, unless otherwise authorised by the Town.
17. This approval does not include approval for any signage. Signage is to be the subject of separate approval from the Town.
18. All stormwater must be contained and disposed of on-site at all times, to the satisfaction of the Town (refer to related Advice Note).
19. Prior to lodging an application for a building permit, the applicant must submit and have approved by the Town, and thereafter implement to the satisfaction of the Town, a construction management plan addressing the following matters:
 - i. How materials and equipment will be delivered and removed from the site;

- ii. How materials and equipment will be stored on the site;
 - iii. Parking arrangements for contractors;
 - iv. Construction waste disposal strategy and location of waste disposal bins;
 - v. Details of cranes, large trucks or similar equipment which may block public thoroughfares during construction;
 - vi. How risks of wind and/or water borne erosion and sedimentation will be minimised during and after the works;
 - vii. Construction traffic and pedestrian management; and
 - viii. Other matters likely to impact on the surrounding properties.
20. All plant, equipment and external fixtures, including but not restricted to airconditioning units, satellite dishes and non-standard television aerials, but excluding solar collectors, are to be located such that they are not visible from the primary street or secondary street.
21. All building works to be carried out under this development approval are required to be contained within the boundaries of the subject lot.
22. This approval is valid for a period of twenty four months only. If the subject development is not substantially commenced within the twenty four month period, the approval shall lapse and be of no further effect.

Advice Notes:

AN1 - Should the applicant be aggrieved by this decision a right of appeal may exist under the provisions of the Town Planning Scheme or Metropolitan Region Scheme and the applicant may apply for review of the determination of Council by the State Administrative Tribunal within 28 days of this decision.

AN2 - Stormwater drainage design is to cater for a 1:100 year storm event. All stormwater drainage for commercial developments shall be designed and signed by a practicing Hydraulic Consultant. An overland flow path is to be included in the design to ensure diversion of stormwater from the developments during storm events.

AN3 - Crossover location and construction shall comply with the Town's Specifications for Crossover Construction. A separate application must be made to the Town's Street Life Sub Program (tel 9311 8115) for approval prior to construction of a new crossover.

AN4 - Any modifications to the approved drawings, other than those authorised by this approval, may require the submission of an application for an Amendment to Planning Approval and reassessment of the proposal.

AN5 – In relation to Condition 4, the Memorandum of Understanding should include the following commitments:

- To implement the traffic management measures referred to in Condition 3;
- To submit relevant documentation referred to in conditions 2 and 3;
- The measures that the school employ to inform and educate staff and parents of the traffic management measures that have been implemented and need to adhere to these;
- To provide evidence of total enrolment and actual attendance numbers for students when

- requested by the Town;
- To work with the Town to resolve any traffic related concerns that may arise from the operation of the school; and
- To continually monitor the management of traffic in and around the school and where necessary implement any modified or additional measures.

AN6 – In relation to condition 5, in order to meet this condition and satisfy the needs for the teaching space, the removal of windows from the wall facing the south-west boundary is supported.

AN7 - The direction of traffic should only be undertaken by suitably qualified individuals and should only be considered after a formal risk evaluation has been undertaken. Direction of traffic resulting in a collision/incident could lead to the individuals involved being held liable. The Town does not recommend, endorse or encourage school staff directing traffic. The Town does, however, recommend parents of students being informed/educated/reminded of traffic rules.

AN8 - Your attention is drawn to the need to comply with the requirements of Part D3 of the Building Code of Australia - Access for People with Disabilities, including parking, sanitary facilities and tactile indicators in accordance with AS 1428.1, AS 1428.4, AS 1428.5 and AS/NZS 2890.6.

AN9 - In addition to the disabled access and facility requirements of the Building Code of Australia, it is the responsibility of the building owner/developer to ensure the development complies with the Disability Discrimination Act 1992. Further information may be obtained from the Disability Services Commission.

AN10 - Unauthorised verge tree pruning or removal is subject to a penalty under the Activities on Thoroughfares and Public Places Local Law 2000, Division 1 – General, 2.1 General Prohibitions.

AN11 - Sound levels created are not to exceed the provisions of the Environmental Protection (Noise) Regulations 1997.

B. Request the Chief Executive Officer to inform submitters of the Council's decision on the application.

Purpose

For Council to consider an application for additions to the existing Educational Establishment at No. 32 Oswald Street, Victoria Park (Victoria Park Christian School) including an increase in permitted student numbers.

In brief

- The application seeks approval for a new addition (teaching block) to the existing Educational Establishment (Victoria Park Christian School) and increase the maximum number of students to 150 (100 currently permitted).
- The subject site falls within the Residential zone of the Raphael Precinct. The land use 'Educational Establishment' is a discretionary 'AA' land use.

- The purpose of the addition is to provide a new teaching block to accommodate Kindergarten, Pre-Primary and Year 1 students in a specialist building.
- Car parking and traffic management were identified as major concerns from the community as part of the community consultation process stemming from the proposed increase in student numbers (originally proposed and advertised as an increase to 180 students with no increase in on-site car parking).
- Following consideration of public submissions and feedback from Town Officers, the applicant has reduced the number of proposed students to a maximum of 150 and has accommodated an addition 10 on-site car bays, thereby lessening the impact of the proposal on existing public car parking infrastructure.

Background

1. Development Approval (DA09/0251) was granted by Council on 29 April 2009 for Additions to the Existing Educational Establishment. As part of the approval, Condition 5 stated the following:
"Student enrolment shall not exceed 100 children without seeking approval from Council."
2. Due to the wording of the above condition, the Town has no delegation to approve the proposed increase in student numbers forming part of the current application, and the decision is the responsibility of Council.
3. Subsequently, further development approval was granted on 4 December 2009 for Modifications to Planning Approval. As part of the approval, Condition 1 stated the following:
"A minimum of 20 car parking bays being provided within the modified car park for the exclusive use of staff and visitors to the site."
4. Other relevant development approvals related to the educational establishment issued after the two above approvals have not modified the permitted maximum number of students nor the minimum number of car parking bays required on site.

Application Summary

5. The application seeks approval for a new addition (teaching block) to the existing Educational Establishment.
6. Associated with the new classroom block, the original application proposed an increase in the maximum number of students from 100 to 180 and increase in staff from 10 to 14, with no additional on-site car bays (herein referred to as 'the original application').
7. The applicant on 8 June 2021 and 16 June 2021 subsequently amended the proposal to be an increase to the maximum student and staff numbers to 150 and 14 respectively, with an additional 10 car parking bays on-site (herein referred to as 'the amended application').
8. The development plans at Attachment 1 show the new teaching block, the size and height of the building and new tree planting located internally on the subject site to account for existing trees shown to be removed. The development plans indicate the following:
 - The new teaching block measures 499m² in area;
 - Is low scale with a maximum wall height of 2.7 metres;
 - Demonstrates a lot boundary (side) setback of 3.6 meters to the closest south-west residential dwelling (34 Oswald);
 - A setback of 3.0 metres to Oswald Street;

- A new landscaped play space bordered by the new teaching block;
- Four new trees planted on site to compensate for the four existing trees shown to be removed due to the proposed development.

Applicants' summary

- The applicant has provided the following information in support of the proposal (see Attachment 1):
 - The school has been in Victoria Park for over 90 years and on the current site since the 1960s. Therefore, this is a well-established use of the site for educational purposes of young children for over 60 years within the Town of Victoria Park.
 - The school has currently approximately 135 students enrolled and with the addition of this new building and further future planned improvements, the school looks to expand to 180 students, with the addition of the new teaching block, in the medium term (2-5 years).
 - The school caters to students from the local area as well as the wider metropolitan area. The school has a dedicated student bus service for out of area students and a functioning kiss and drop area accommodated within the school grounds carpark area.
 - The proposed teaching block is to be located in the current playground area to the west of the school site. The building proposed is single storey with a skillion roof of brick and metal roof sheet construction. The new playground will be to the east of the new block adjacent to the current open grassed play area.
 - Existing mature trees have sought to be retained for shade with a minimum amount being removed within the building footprint. All removed trees will be replaced by 1 medium new trees on the site per tree removed. The school promotes play and nature experiences and is proposing a nature playground adjacent to the new teaching block. Note that as per the survey attached 23 trees are to be retained on the site.
- On 8 June 2021, the applicant has provided additional information in support of the proposal, in response to submissions collected during community consultation:
- Schools are active in regards to increase traffic movements focused around pick up and drop off times. These times are,
 - 8.30 am – 8.40am; and
 - 3pm – 3.30pm.
 - *The majority of traffic movement is very short-term pulling up to allow students to exit/ enter the car. Younger years i.e. Kindy to Preprimary may require the parking of cars to walk students into the school, though a drop off and pick up flow through service is offered by Victoria Park Christian School.*
 - *The school has and proposes a range of differing approaches to minimise traffic impact on the surrounding area, these are:*
 1. *Providing increased onsite parking, an additional 10 bays, increasing total car bays on site to 31.*
 2. *Continuing to provide kiss and drop area 1*
 3. *Providing kiss and drop area 2*
 4. *Continuing to provide a student bus service*
 5. *Continuing staggered school pick up times*
 6. *Further encouraging students walking to school.*
 7. *Continuing to provide school event parking.*

Further explanation on the above points is contained within Attachment 5 supplied by the applicant as part of their response to comments received during community consultation.

12. On 16 June 2021, the applicant has provided additional information in support of the proposal:

- *The Victoria Park Christian Primary School proposes the addition of a new teaching block to accommodate the existing years Kindergarten, Pre- Primary and Year 1 in a specialist building that is designed to cater for these younger years with a fenced nature playground for the exclusive use of these years. In association with this new building is the refurbishment of the existing carpark to increase parking facilities from the current amount to 31 car bays.*
- *The school has currently approximately 135 students enrolled and with the addition of this new building, the school looks to expand to 150 students, with the addition of the new teaching block, in the medium term (2-5 years).*
- *It is noted that the capacity of the school is under Council control. The applicant seeks to cease the Council control of enrolment numbers as the capacity of the school is adequately managed by the Town Planning Scheme and the Town of Victoria Park Planning department. The removal of this council capacity approval requirement would negate the current parallel approval regimes and reduce duplicated red tape processes.*

Relevant planning framework

Legislation	Town Planning Scheme No. 1 <i>Planning and Development (Local Planning Schemes) Regulations 2015</i>
State Government policies, bulletins or guidelines	WAPC Transport Impact Assessment Guidelines - Volume 4 individual developments
Local Planning Policies	Local Planning Policy 3 – Non-Residential Uses in or Adjacent to Residential Areas (LPP3) Local Planning Policy 23 – Parking (LPP23) Local Planning Policy 37 – Community Consultation on Planning Proposals (LPP37) Local Planning Policy 39 – Tree Planting and Retention Policy (LPP39)
Other	Not applicable.

General matters to be considered

Town Planning Scheme No. 1 Provisions Scheme Text	Not applicable.
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TPS precinct plan statements/structure plan	<p>The statement of intent within Precinct Plan P5 state the following in respect to non-residential development and traffic:</p> <p>"Further non-residential uses will only be permitted where they are small in scale, maintain the residential character and provide for day-to-day local needs..."</p> <p>Council will endeavor to discourage the movement of commercial traffic into residential streets from main roads adjacent to the precinct. Safe, accessible movement for pedestrians, cyclists, public transport and private vehicles is an important aim for the precinct."</p>
Local Planning Policy objectives	<p>The following objectives of LPP3 are relevant in determining the application:</p> <ul style="list-style-type: none"> • To ensure non-residential uses are compatible with the residential character, scale and amenity of surrounding residential properties. • To minimise the impacts of non-residential development through appropriate and sufficient management of car parking and traffic generation, noise, visual amenity and any other form of emissions or activities that may be incompatible with surrounding residential uses. • To ensure that the appearance and design of non-residential development is compatible with surrounding residential properties and the streetscape in terms of building size and scale, the provision of adequate landscaping treatments, the retention of existing mature trees and the suitable design and location of advertising signage. <p>The following objectives of LPP23 are relevant in determining the application:</p> <ul style="list-style-type: none"> • To ensure that adequate provision of parking for various services, facilities and residential developments and to efficiently manage parking supply and demand. <p>The following objectives of LPP39 are relevant in determining the application:</p> <ul style="list-style-type: none"> • To ensure appropriate 'medium' or 'large' trees are planted which are suited to their environment and location where 'trees worthy of retention' have been removed or do not exist on private land. • To assist with achieving the Town of Victoria Park's objective to increase tree canopy coverage to 20% by increasing tree canopy coverage on public and private land.
Deemed Clause 67 of Planning and Development (Local Planning Scheme) Regulations 2015	<p>The following are relevant matters to be considered in determining the application :</p> <p>a) The aims and provisions of this Scheme and any other local planning scheme</p>

	<p>operating within the Scheme area;</p> <p>g) Any local planning policy for the Scheme area;</p> <p>m) The compatibility of the development with its setting including the relationship of the development to development on adjoining land or on other land in the locality including, but not limited to, the likely effect of the height, bulk, scale, orientation and appearance of the development.</p> <p>n) the amenity of the locality including the following</p> <ul style="list-style-type: none"> (i) environmental impacts of the development; (ii) the character of the locality; (iii) social impacts of the development; <p>(s) the adequacy of —</p> <ul style="list-style-type: none"> (i) the proposed means of access to and egress from the site; and (ii) arrangements for the loading, unloading, manoeuvring and parking of vehicles; <p>(t) the amount of traffic likely to be generated by the development, particularly in relation to the capacity of the road system in the locality and the probable effect on traffic flow and safety;</p> <p>(y) any submissions received on the application;</p>
Urban Forest Strategy	<p>The following strategic outcome is relevant to the application:</p> <p>SO1 – Plant and protect sufficient trees by 2020 to achieve the 20% tree canopy target as supported by Council.</p>

Compliance assessment

The table below summarises the planning assessment of the proposal against the provisions of the Town of Victoria Park Town Planning Scheme No.1, the Town's local planning policies, the Residential Design Codes and other relevant documents, as applicable. In each instance where the proposal requires the discretion of Council, the relevant planning element is discussed in the detailed assessment section following from this table.

Additions to Existing Educational Establishment and Increase to Maximum Student Numbers

Land Use	Educational Establishment	'AA' (discretionary) land use
Car Parking	Educational Establishment (private school) – minimum of 14 bays per 100 students, plus staff car parking at a rate of 0.07 bays per student.	<p>Noting the previous approval of 2009 which required a minimum of 20 car bays for 100 students :</p> <p><i>Original application</i></p> <ul style="list-style-type: none"> • 180 students required an additional 17 on-site car bays ie. total of 37 on-site car bays; • 21 existing on-site car bays (1 bay surplus); • No additional on-site car bays proposed. • Therefore proposed parking shortfall of 16 bays. <p><i>Amended application</i></p> <ul style="list-style-type: none"> • 150 students requires an additional 10 on-site car bays ie. total of 30 on-site car bays; • 21 existing on-site car bays (1 bay surplus); • 10 additional on-site car bays proposed, being a total of 31 on-site car bays. • Therefore proposed 1 bay parking surplus.
Tree Planting	Four 'trees worthy or retention' shown to be removed.	4 'medium' trees with a minimum pot size of 35L shown to be planted on the site plan, compensating for the removal of the 4 existing trees (as shown on the site plan forming part of Attachment 1).

Strategic alignment

Civic Leadership	
Strategic outcome	Intended public value outcome or impact

CL01 – Everyone receives appropriate information in the most efficient and effective way for them	Community consultation was undertaken for the proposal to provide the community with an opportunity to make comments regarding the proposal.
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Environment	
Strategic outcome	Intended public value outcome or impact

EN02 - A safe, interconnected and well maintained	The proposal may impact travelling through this
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transport network that makes it easy for everyone to get around.	particular area of Victoria Park given the existing traffic issues. However, it is considered the traffic mitigation measures proposed and number of onsite car parking bays reduces the potential impact of additional vehicle movements through this area around school times.
EN07 - Increased vegetation and tree canopy.	The proposal is maintaining the number of trees on site by replacing removed trees at a 1-for-1 ratio and has the possibility to maintain or increase the tree canopy area, depending on tree species selected.

Social	
Strategic outcome	Intended public value outcome or impact

S02 - An informed and knowledgeable community.	Ensure sufficient information is provided regarding the application to allow the community to be appropriately informed.
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Engagement

Internal engagement	
Environmental Health	Standard conditions and advice notes recommended. Noise Management Plan is acceptable.
Engineering	<p>The Street Improvement team support the proposed Victoria Park Christian school expansion to 150 students. This is based on a revised car park to allow 31 parking spaces including 1 ACROD bay. The following parking management measures are also to be implemented:</p> <ul style="list-style-type: none"> • That school staff actively manage the existing "Kiss n Ride" zone in the schools car park. The temporary closure of parking bays 19, 20, 28 and 29 would improve car park circulation however the relevant Australian Standard does not require this and it would result in four bays not being available at the peak time they will be used by the school community. • The school provide a new "Kiss n Ride" zone along the schools Oswald Street boundary and is actively managed; • The school staggers start and finishing times for different year levels.
Parking	<p>Traffic flow and parking within the area are very high at peak times for school pick-up and drop-off times. There are three schools within close proximity competing for parking and traversing the local streets.</p> <p>A review of the submitted plans shows;</p> <ul style="list-style-type: none"> • no designated student pickup and drop-off areas. • no management plan for the orderly collection and drop-off of students.

As a result it can be expected that any expansion of the school & its student numbers within the area will increase demand for parking and the associated issues with traffic flow that will result in further local resident complaints and negative interactions between motorists.

External engagement

Stakeholders	Town of Victoria Park Residents
Period of engagement	Consultation was undertaken from 7 May 2021 to 21 May 2021.
Level of engagement	Consult
Methods of engagement	<ul style="list-style-type: none"> Letters to owners and occupiers along Colombo, Hordern and Oswald Streets; and Sign on site;
Advertising	As above.
Submission summary	14 submissions were received. All were objections from a mix of owners and occupiers within close proximity of the subject site.
Key findings	<p>A summary of the submissions received during community consultation period, along with the Town's response, can be found in Attachment 4. The main issues raised relate to existing traffic and parking conditions around the school and in nearby streets, and concerns that this will be exacerbated by the proposed development.</p> <p>It should be noted that consultation occurred on the original application (ie. proposed 180 students and no additional on-site car parking).</p>

Risk management consideration

Risk impact category	Risk event description	Consequence rating	Likelihood rating	Overall risk level score	Council's risk appetite	Risk treatment option and rationale for actions
Financial	Not applicable.					
Environmental	Not applicable.					
Health and safety	Not applicable.					
Infrastructure	Not applicable.					

/ ICT systems/ utilities						
Legislative compliance	The proponent has a right of review to the State Administrative Tribunal against Council's decision including any conditions.	Moderate	Unlikely	Medium	Low	Accept – Ensure the Council has all relevant information to make an informed decision.
Reputation	Negative public perception towards the Town if development approval is granted given the objections received.	Moderate	Unlikely	Medium	Low	Accept - ensure that the public submissions have been adequately considered in determining the application.
Service delivery	Not applicable.					

Financial implications

Current budget impact	Sufficient funds exist within the annual budget to address this recommendation.
Future budget impact	The applicant has a right of appeal to SAT against any conditions of approval or refusal. Should the applicant appeal to SAT there may be costs for the Town to engage legal and/or other representation.

Analysis

Proposed addition (new student block)

- The school has two road frontages being Colombo Street and Oswald Street. The proposed addition is adjacent to the Oswald Street frontage and proposes a formalised pedestrian entry off this street as an alternative to the Colombo Street frontage. Access to the on-site car park remains from Colombo Street.

14. The proposed development sits appropriately within the lot. From the street, the setback of 3.0m is approximately in line with existing residential development found further down Oswald Street to the south-east, respecting the established street setback pattern.
15. The proposed teaching block is to be located in the current playground area to the west of the school site. The building is single storey in height with a skillion metal roof and face brick walls.
16. In terms of the classroom design and materials, the proposal generally compliments the surrounding development. While a skillion roof form is not a traditional roof form for development in the area, in this instance the roof form is considered acceptable as the proposal is a non-residential development. Additionally, existing trees, as shown on the site plan, would screen some of the development. The change in roof pitch also helps delineate the building as forming part of the school instead of another residential property.
17. It is noted that the façade treatment of the building to Oswald Street largely comprises blank walls, with windows to an office space only. Opportunity exists for additional windows to be provided in the portion of the classroom 4 wall facing Oswald Street, while potentially removing the windows of Classroom 4 facing the south-west boundary to meet functional teaching needs. It is considered that the inclusion of windows fronting Oswald Street would not only improve the presentation of the building to Oswald Street but also improve interaction/surveillance between the building and the street. The applicant has indicated some reservations about this, including the safety of students in this area with reduced visibility. However, the area is secured from public access and a number of windows exist along this elevation of the building. Accordingly, condition 5 recommends the inclusion of additional windows facing Oswald Street.
18. The proposed building setback of 3.6m from the adjoining lot (side) boundary exceeds the typical setback for a single storey residential building (1-1.5m). As such, it is not considered to create an undue impact in respect to building bulk near that particular lot boundary.
19. The building's active frontages face inwards, reducing the effect of noise onto neighbouring properties directly adjoining the subject site.
20. With respect to the potential noise impact, the Acoustic Report submitted by the applicant (see Attachment 3) states the following:
 - The proposed early learning centre would only operate during school hours, thus the centre would only be open during the day period on weekdays (excluding Public Holidays). From the information provided, we understand that the number of children attending the early learning centre would be limited to 50.
 - Noise generated from children playing is within acceptable limits prescribed by the *Environmental Protection (Noise) Regulations 1997* within the Educational Establishment's operating times;
 - Air Conditioning condenser units located on the side of the building are shown to be screened to ameliorate any noise produced by the machines and demonstrate compliance with the respective noise requirements; and
 - Considering the noise from the children playing and the condenser units, the proposal demonstrated potential noise levels within acceptable noise limits set under the *Environmental Protection (Noise) Regulations 1997*.
21. In summary, the proposed addition (new student block) is appropriately located and is of a size and scale that would not detrimentally impact the surrounding properties, with the building's orientation also reducing the impact of noise on adjoining residential properties.

Proposed increase in student numbers

22. As previously stated in this report, a condition of the previous 2009 development approval (DA09/0251) limited student numbers to a maximum of 100 with any increase in student numbers to be approved by Council. The figure of 100 was indicated by the applicant as the number of students proposed and was imposed to limit the parking and traffic impacts.
23. In the applicant's correspondence of 6 April 2021, the applicant notes that there are currently 135 enrolled students, and that they request an increase in the maximum number of students to 180 from the previously approved 100 students.
24. In regards to noise, the Acoustic Assessment (Attachment 3) submitted in support of the original application found the proposed increase in noise levels to be within acceptable limits. It is noted that the maximum possible noise generated from the proposal was based on the assumption that the total number of students occupying the new building would be 50.
25. Subsequently, further information provided to the Town on 16 June 2021 reduced the maximum number of students from 180 to 150.
26. An increase in student numbers can be considered provided that noise, traffic and car parking impacts resulting from the increase in students is appropriately managed or addressed.
27. To ensure the proposal complies with the acceptable noise limits as stated in the attached acoustic report. A condition has been recommended to limit total occupancy of students within the new teaching block to 50. This condition would ensure the noise generated from activities from this new noise source are within acceptable limits. Further increases to student numbers could be contemplated through another development application.
28. Fundamentally, in considering the increase to student numbers, consideration must be given to the intensification of the non-residential land use in a primarily residential zone and if the level of intensification is appropriate given the current existing traffic and car parking problems localised in this part of Victoria Park.

Car Parking and Traffic Management

29. The applicant has submitted a Traffic Impact Statement (Attachment 2) addressing the traffic generated by the increase in student numbers proposed as part of the original application (total of 180 students) as well as a possible future scenario with up to 230 students. Key findings of the report are as follows:
 - Currently verge parking is available for parents/visitors of the school along the southern frontage of the school (along Colombo Street) as well as on-street bays along the northern frontage of the school (along Oswald Street).
 - The school operates a private bus service to transport students to and from school. Approximately 30 students currently use this service (which is approximately 22% of the current student population).
 - Bike parking for staff and students is provided by the school (approximately 10 bike bays).
 - Given the availability of parking within the surrounding area of the School as well as initiatives aimed at reducing parking demand (e.g. the private bus service), the current parking arrangement would be sufficient enough to accommodate the increase in student numbers.
 - The proposed development represents a trip generation of approximately 46 vehicles during the AM and PM peak hours for 45 additional students and 96 vehicles during the AM and PM peak hours

for 95 additional students. Note that the actual traffic generated is likely to be lower given that a proportion of students use the private bus service operated by the school or walk/cycle if they live nearby.

- The SIDRA assessment shows that the nearby intersections will operate at an acceptable level of service for all scenarios analysed.
 - Overall, the number of crashes occurring near the site is low.
30. In response to comments raised by the Town, an additional technical memorandum (page 50-55 of Attachment 2) has been prepared by the applicant's traffic consultant, including the following:
- Existing on-street bays along Oswald Street can be utilised as a proposed drop off/pick up zone for Kindy to Year 2 families. The area would be staffed each morning and afternoon to supervise the area between 8:30-8:45am and 3:00-3:30pm to ensure cars are not parked for prolonged periods.
 - Parents will be educated on the appropriate use of the kiss and drop area.
 - Based upon existing bus use (22%), an existing ratio of approximately 1.5 students per family/vehicle and a proposed maximum of 180 students, the number of anticipated vehicle trips is approximately 94 in the morning and 94 again in the afternoon. [Note – using the same assumptions, this would reduce to approximately 78 vehicles at both the AM and PM peak for a maximum of 150 students].
 - The school surrounds (including surrounding streets) has the capacity to service more vehicles during drop off/pick up periods than the estimated demand.
 - The following additional parking management measures will be considered by the school to reduce parking impacts:
 - staggered start and finishing times for certain year level;
 - verge parking along Colombo Street on school frontage.
 - encouraging further use of school bus service.
31. Having reviewed the Traffic Impact Statement, Final plan set and additional technical memorandum, the Town's Engineering team have provided the following comments:
- "The Street Improvement team support the proposed Victoria Park Christian school expansion from 135 enrolled students to 150 students. This is based on a revised car park to allow 31 parking spaces including one ACROD bay. The following parking management measures are also to be implemented:*
- *That school staff actively manage the existing "Kiss n Ride" zone in the schools car park. This includes temporary closure of parking bays 19,20,28,29 to allow car park circulation during peak times;*
 - *That school staff actively manage the existing "Kiss n Ride" zone in the schools car park. The temporary closure of parking bays 19, 20, 28 and 29 would improve car park circulation however the relevant Australian Standard does not require this and it would result in four bays not being available at the peak time they will be used by the school community.*
 - *The school provide a new "Kiss n Ride" zone along the schools Oswald Street boundary and is actively managed;*
 - *The school staggers start and finishing times for different year levels."*
32. Having regard to the above comments from the Town's Engineering team, for the modified car park to function properly from a vehicle circulation perspective, it is necessary for the 2 bay kiss and drop bays in the existing car park to be removed, with all kiss and drop areas to be along Oswald Street, and in addition the school bus should also collect and drop off students in this location also. Recommended condition 6 of approval covers this matter.
33. The concerns of many submitters relating to the traffic impact of the development are acknowledged. Many of the concerns centre around existing traffic and parking impacts generated by the School and

other nearby schools, and a contention that this would be exacerbated by approval of the development.

34. It is noted that the public submissions related to the original application. Not only has the applicant now reduced the number of students to 150 (previously 180) and provided 10 additional on-site car bays (now compliant), it is apparent that while the original proposal was advertised as being for an additional 80 students (180 students proposed minus 100 students permitted) the reality is that the amended application only proposes an additional 15 students (150 students proposed minus 135 currently enrolled).
35. In the context of the amended application proposing an additional 15 students from that currently occurring, it is considered that the implementation of the following measures will improve the parking and traffic situation from that currently experienced:
- 10 additional on-site car bays;
 - A new kiss and drop facility along Oswald Street;
 - Staggered start and finish times for certain year levels;
 - Encouraging further use of public transport.
36. Considering the above, and having regard to the relevant provisions of LPP3 and clause 67(s) and (t) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, the proposal is not expected to have an adverse impact on the safety of road users or traffic conditions in the area. This being said, recommended conditions 2-4 seek to ensure the effective management of traffic and parking resulting from the development.

Summary:

37. The proposed new addition (teaching block), forming the 'works' component of the proposed development, is of a form and scale that is complementary to the school and the surrounding area and is considered to not pose an issue of building bulk towards neighbouring properties nor the street. As such, the new addition (teaching block) is considered acceptable.
38. It is considered that the proposed traffic management strategies contained in the applicant's supporting documentation (Attachment 3) along with the refurbished car parking area will manage the increase of student numbers to 150 students. Conditions relevant to the proposed car parking area, associated car bays and traffic management strategies are considered necessary to ensure the landowner takes the necessary action to reduce the impact of traffic and car parking generated from the intensification of the existing educational establishment.

Relevant documents

[Local Planning Policy 3 – Non-Residential Uses in or Adjacent to Residential Areas \(LPP3\)](#)

[Local Planning Policy 23 – Parking \(LPP23\)](#)

[Local Planning Policy 39 – Tree Planting and Retention Policy \(LPP39\)](#)

Further consideration

In response to questions raised at the Agenda Briefing Forum, the following information is provided:

39. Approval was granted by the Metropolitan Central Joint Development Assessment Panel on 11 September 2017 for additions and alterations to Regent College. Conditions 1 and 2 of the approval

restrict the total number of student enrolments to 420, with there being no more than 395 students on site at any time. This was determined having regard to existing student numbers (256), existing on-site car parking provided and required (54 bays required; 13 bays provided), accepting the existing shortfall and then requiring that additional on-site bays (minimum of 29 bays) be provided for the additional students proposed (139 additional students).

40. This application for Victoria Park Christian School has been calculated in the same manner i.e. considering existing approved student numbers (100), existing on-site parking provided and required (20 bays required; 21 bays provided); then requiring additional on-site bays (minimum 10 bays) be provided for the additional students proposed (50 additional students).
41. On this basis, the same methodology has been used in calculating the car parking and student numbers for both schools, and Regent College have greater student numbers due to there being a historical parking shortfall for the site and the 2017 application providing 29 additional on-site parking bays).
42. The following streets are considered to contain nearby available parking (ie. within 400 m walking distance from the school):
 - Oswald Street (Washington St and Hordern St) 2P 8AM - 5:30PM Mon-Fri
 - Hordern Street (Armagh St - Colombo St) 2P 8AM - 5:30PM Mon-Fri
 - Colombo Street (Albany Highway - Hordern St) - West Side 2P 8AM - 6PM Mon-Fri
 - Colombo Street (Washington St - Hordern St) - East Side 2P 8AM - 5:30PM Mon-Fri
 - Washington Street (Heirisson Way - Geddes St) - 2P 8AM - 5:30PM Mon-Fri
 - Washington Street (Geddes St - Cargill St) 3P 8AM - 5:30 PM Mon-Fri
 - Geddes Street (Hordern St - Washington St) Unrestricted
 - Geddes Street (Gloucester St - Washington St) embayed parking bays 2P 8AM - 5:30PM Mon-Fri