

PLANNING PROPOSAL

Powells Creek School Site, Victoria Avenue, Concord West

Nov 2012

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Powells Creek School Planning Proposal

1. Introduction

This Planning Proposal recommends an amendment to the *City of Canada Bay Local Environmental Plan 2008*.

The Planning Proposal responds to the decision by the State Government to locate a new public primary school and community facilities on Council owned land at Powells Creek Reserve, Concord West. As the Department of Planning and Infrastructure may be aware, the NSW State Government allocated funds in this year's NSW State budget to facilitate the construction of the school.

The school will be constructed over 64 Victoria Avenue, Concord West - Lot 5 DP 778667 and 66 Victoria Avenue, Concord West – Lot 2 DP 218758 and will contain 28 home bases (classrooms) including 4 special education classes, administration/staff area, library, communal hall, canteen, student facilities, games courts and parent drop off area. The site will also accommodate a long day child care centre, early childhood centre and an out of school hours care centre.

An area to the south of the school part Lot 118 DP752023 (crown land) will be used as a "shared use zone". This shared use zone will include driveway access, car park area and playing fields. Shared use of this area enables the school to have the primary use during school hours, whilst community use would continue before and after school hours.

The Department of Education and Community wish to enter into a long term lease with Council to accommodate the school on the subject site. 64 Victoria Ave (Lot 5 DP 778667) is classified as operational and 66 Victoria Avenue Lot 2 DP 218758 is classified as community land. In order for a long term lease to be executed Lot 2 DP 218758 will need to be reclassified from community to operational land.

To permit the school it is recommended that Lot 5 DP 778667 and Lot 2 DP 218758 are zoned to SP2 Infrastructure – School and that Lot 2 DP 218758 be reclassified to operational land.

2. The site

The site is located in the suburb of Concord West within the City of Canada Bay Local Government Area. It comprises land with the following addresses:

- Lot 5 DP 778667 (64 Victoria Avenue, Concord West)
- Lot 2 DP 218758 (66 Victoria Avenue, Concord West)

The site is adjoined by parkland to the south and Bicentennial Park to the west, on the other side of Homebush Bay Drive which forms the western boundary. There is industrial development to the north and south-east and low density residential dwellings along the eastern boundary. Victoria Avenue runs horizontally through Lot 5, DP 778667.

3. Site Identification



Figure 1: Aerial photograph of the subject location



Figure 2: Subject location.

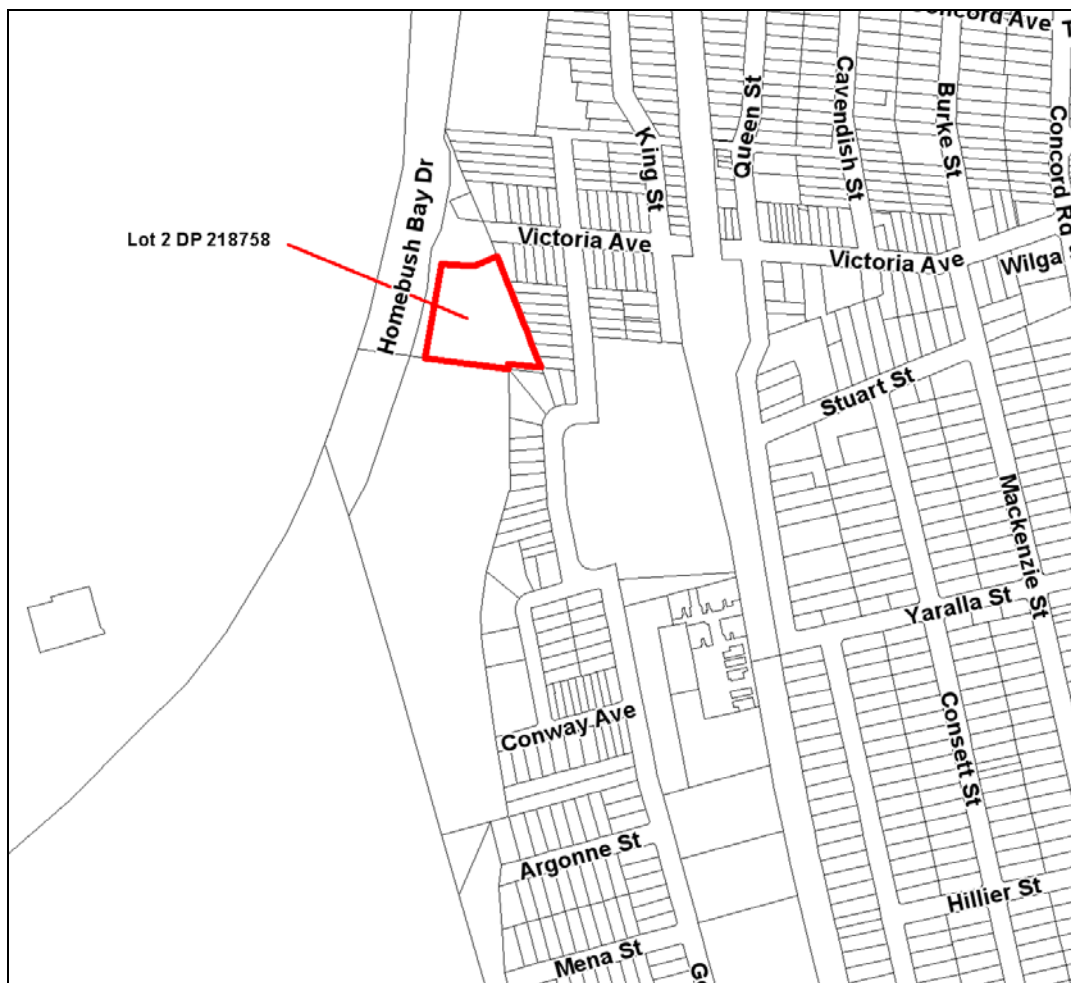


Figure 3: Land to be reclassified.

4. PART 1 – Objectives and Intended Outcomes

1. The objectives of the Planning Proposal are to:
 - i. Facilitate the construction of a new public primary school and associated community facilities.
 - ii. Enable the land to be leased and licensed to the Department of Education and Community.
2. The intended outcome of the Planning proposal is to:
 - i. Zone land 64 Victoria Avenue, Concord West - Lot 5 DP 778667 and 66 Victoria Avenue, Concord West – Lot 2 DP 218758 SP2 Infrastructure and permit a school;
 - ii. Reclassify Lot 2 DP 218758 from community to operational land.

4. PART 2 – Explanation of Provisions

Proposed amendments to Canada Bay Local Environmental Plan 2008

Canada Bay Local Environmental Plan 2008	Amendments
Schedule 4 Classification and reclassification of public land Part 1 land classified, or reclassified, as operational land – no interests changed.	Include Lot 2 DP 218758, 66 Victoria Avenue as land to be reclassified as operational land.
Land Zoning Map	Amendment of the Canada Bay LEP 2008 Land Zoning Map (sheet LZN 002) in accordance with the proposed zoning map shown at attachment 1.

5. PART 3 – Justification

Section A - Need for a planning proposal

Is the planning proposal a result of any strategic study or report?

This Planning Proposal follows an approach by the Department of Education and Community (DEC) to lease Council owned land in Concord West for the purpose of a primary school.

Council considered the request by DEC at a meeting on 7 August 2012

Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

The Planning Proposal is necessary to reclassify the land to operational and enable its long term lease to the Department of Education and Community.

Is there a net community benefit?

It is intended that the Planning Proposal will deliver a net community benefit. The community benefits include:

- The establishment of a primary school in Concord West will assist in meeting the future needs of the rapidly growing population in Canada Bay and enable children who live locally to be educated locally.
- The long term lease of the land to the Department of Education and Community will enable community use of school facilities outside of school hours.
- The planning for a school on the site will facilitate the remediation of the land and address existing issues in relation to flooding.

Section B - Relationship to strategic planning framework

Is the planning proposal consistent with the objectives and actions contained within the applicable regional or sub-regional strategy?

The Planning Proposal is consistent with the aims, objectives and provisions of the *NSW 2021 Plan*.

Table 3 - Consistency with State Plan:

Key Direction	Statement of Consistency
<i>Improve education and learning outcomes for all students</i>	The Planning Proposal aims to facilitate the construction of a school to service the local community.

Is the planning proposal consistent with the objectives and actions contained within the applicable regional or sub-regional strategy?

The Planning Proposal is consistent with the aims, objectives and provisions of the Metropolitan Strategy (as supported by the *draft Inner West Subregional Strategy*).

Is the planning proposal consistent with the local council's Community Strategic Plan, or other local strategic plan?

FuturesPlan20

FuturesPlan20 (FP20) outlines the City's vision for the next 20 years. The City of Canada Bay has set targets, objectives and actions to achieve the themes outlined in FP20.

In summary the Planning Proposal is consistent with the following FP20 outcomes:

- 1.4.1 My City is well managed and my needs are met through high quality services and well maintained infrastructure.
- 4.1.2 Encourage shared use of public space and facilities.
- 7.4.2 Identify and support the development of community spaces for arts and culture.

Is the planning proposal consistent with the applicable state environmental planning policies?

Table 4 - State Environmental Planning Policies (SEPPs):

Note: SEPPs which have been repealed, or which were never finalised are not included in this Table

No.	SEPP Title	Consistency of Planning Proposal
1	Development Standards	Not applicable.
4	Development Without Consent and Miscellaneous Exempt and Complying Development	Not applicable.
6	Number of Storeys in a Building	Not applicable
14	Coastal Wetlands	Not applicable.
15	Rural Landsharing Communities	Not applicable.
19	Bushland in Urban Areas	Not applicable.
21	Caravan Parks	Not applicable.
22	Shops and Commercial Premises	Not applicable.
26	Littoral Rainforests	Not applicable.
29	Western Sydney Recreational Area	Not applicable.
30	Intensive Agriculture	Not applicable.
32	Urban Consolidation (Redevelopment of Urban Land)	Not applicable.
33	Hazardous and Offensive Development	Not applicable.
36	Manufactured Home Estates	Not applicable.
39	Spit Island Bird Habitat	Not applicable.
41	Casino Entertainment Complex	Not applicable.
44	Koala Habitat Protection	Not applicable.
47	Moore Park Showground	Not applicable.
50	Canal Estate Development	Not applicable.
52	Farm Dams, Drought relief and Other Works	Not applicable.

53	Metropolitan Residential Development	Not applicable.
55	Remediation of Land	Consistent. A contamination assessment is being undertaken in accordance with clause 6 of the SEPP. The Planning Proposal does not contain provisions that contradict or would hinder application of this SEPP.
59	Central Western Sydney Economic and Employment Area	Not applicable.
60	Exempt and Complying Development	Not applicable.
62	Sustainable Aquaculture	Not applicable.
64	Advertising and Signage	Not applicable.
65	Design Quality of Residential Flat Development	Not applicable.
70	Affordable Housing (revised Schemes)	Not applicable.
71	Coastal Protection	Not applicable.
	SEPP (Building Sustainability index: BASIX) 2004	Not applicable.
	SEPP (Housing for Seniors or People with a Disability) 2004	Not applicable.
	SEPP (Major Development) 2005	Not applicable.
	SEPP (Sydney Region Growth Centres) 2006	Not applicable.
	SEPP (Infrastructure) 2007	Not applicable.
	SEPP (Kosciuszko National Park-Alpine Resorts) 2007	Not applicable.
	SEPP (Mining, Petroleum Production and Extractive Industries) 2007	Not applicable.
	SEPP (Temporary Structures and Places of Public Entertainment) 2007	Not applicable.
	SEPP (Exempt and Complying Development Codes) 2008	Not applicable.
	SEPP (Rural Lands) 2008	Not applicable.
	SEPP (Western Sydney Parklands) 2009	Not applicable.

	SEPP (Affordable Rental Housing) 2009	Not applicable.
	State Environmental Planning Policy (Western Sydney Employment Area) 2009	Not applicable.

Table 5 - Regional Environmental Plans (REPs) - Deemed SEPPs:

Note: Former REPs which have been repealed are not included in this Table

No.	REP Title	Consistency of LEP
5	Chatswood Town Centre	Not applicable.
6	Gosford Coastal Areas	Not applicable.
7	Multi-Unit Housing: Surplus Government Sites	Not applicable.
8	Central Coast Plateau Areas	Not applicable.
9	Extractive Industry (No 2 - 1995)	Not applicable.
10	Blue Mountains Regional Open Space	Not applicable.
11	Penrith Lakes Scheme	Not applicable.
13	Mulgoa Valley	Not applicable.
14	Eastern Beaches	Not applicable.
16	Walsh Bay	Not applicable.
17	Kurnell Peninsula (1989)	Not applicable.
18	Public Transport Corridors	Not applicable.
19	Rose Hill Development Area	Not applicable.
20	Hawkesbury-Nepean River (No. 2-1997)	Not applicable.
21	Warringah Urban Release Area	Not applicable.
24	Homebush Bay Area	State Environmental Planning Policy (Homebush Bay Area) Amendment 2012 removed the application of SREP 24 to land within the City of Canada Bay.
25	Orchard Hills	Not applicable.
26	City West	Not applicable.
27	Wollondilly Regional Open Space	Not applicable.
28	Parramatta	Not applicable.
29	Rhodes Peninsula	Not applicable.

30	St Marys	Not applicable.
31	Regional Parklands	Not applicable.
33	Cooks Cove	Not applicable
	Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005	Consistent. The Planning Proposal does not contain provisions that contradict or would hinder application of this SREP.

Is the planning proposal consistent with applicable Ministerial Directions (s 117 directions)?

Table 6 - Review of consistency of the Planning Proposal with the Ministerial Directions under s.117 of the Environmental Planning & Assessment Act 1979:

1. Employment and Resources

No.	Title	Comment
1.1	Business and Industrial Zones	Not applicable.
1.2	Rural zones	Not applicable.
1.3	Mining, Petroleum Production and Extractive Industries	Not applicable.
1.4	Oyster Aquaculture	Not applicable.
1.5	Rural Lands	Not applicable.

2. Environment and Heritage

No.	Title	Comment
2.1	Environmental Protection Zones	Consistent
2.2	Coastal Protection	Not applicable.
2.3	Heritage Conservation	Powells Creek Reserve is listed as an item of environmental heritage under the Canada Bay LEP 2008. To fully understand the implications of future development arising from the proposed rezoning and reclassification, a heritage impact assessment will be prepared should the Planning Proposal proceed through Gateway. Clause 5.10 of the LEP contains provisions to ensure that the impact on the heritage item is minimised as part of the assessment of an application.
2.4	Recreation Vehicle Areas	Not applicable.

3. Housing, Infrastructure and Urban Development

No.	Title	Comment
3.1	Residential Zones	Not consistent.
3.2	Caravan parks and Manufactured Home Estates	Not applicable.
3.3	Home Occupations	Not applicable.
3.4	Integrating Land Use and Transport	Not applicable.
3.5	Development Near Licensed Aerodromes	Not applicable.

4. Hazard and Risk

No.	Title	Comment
4.1	Acid Sulfate Soils	Inconsistent A Planning Proposal should not propose an intensification of land uses on land identified as having a probability of containing acid sulfate soils unless it has considered an acid sulfate soils study. An acid sulfate soils study is being prepared.
4.2	Mine Subsidence and Unstable Land	Not applicable.
4.3	Flood Prone Land	Inconsistent. The City of Canada Bay does not have any flood related policies. Therefore, no land is identified as being flood prone in a study prepared by Council. The land is however located on land known to be flood affected. A flood study is being prepared.
4.4	Planning for Bushfire Protection	Not applicable.

5. Regional Planning

No.	Title	Comment
5.1	Implementation of Regional Strategies	Not applicable.
5.2	Sydney Drinking Water Catchments	Not applicable.
5.3	Farmland of State and Regional Significance - NSW Far North Coast	Not applicable.
5.4	Commercial and Retail Development along the Pacific Highway	Not applicable.
5.5	Development in the vicinity of Ellalong, Paxton and Millfield (Cessnock LGA)	Not applicable.
5.8	Second Sydney Airport - Badgerys	Not applicable.

	Creek	
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6. Local Plan Making

No.	Title	Comment
6.1	Approval and Referral Requirements	Consistent.
6.2	Reserving Land for Public Purposes	Not applicable.
6.3	Site Specific Provisions	Consistent.

7. Metropolitan Planning

No.	Title	Comment
7.1	Implementation of the Metropolitan Strategy	Consistent.

Section C: Environmental, social and economic impact.

Is there any likelihood that critical habitat or threatened species, population or ecological communities, or their habitats, will be adversely affected as a result of the proposal?

Council's Local Planning Strategy does not identify any endangered ecological communities, vulnerable species or areas of high biodiversity significance on the land. This information was sourced from an Estuary Vegetation Management Plan prepared in 2008, a Flora Inventory prepared in 2003 and a Fauna Survey prepared in 2003.

The proposed rezoning is unlikely to adversely affect critical habitats, threatened species or ecological communities.

Are there any other likely environmental effects as a result of the Planning Proposal and how are they proposed to be managed?

Potential impacts relate to:

- Traffic – access to car parking and generation of additional traffic into and out of Victoria Avenue, potential vehicular/pedestrian conflicts arising out of children walking to school, parents/carers picking up and dropping off school children;
- Heritage – the site is identified as a heritage item under the Canada Bay Local Environmental Plan 2008 for its landscape features;
- Flooding - stormwater drainage issues and flooding given that the site has a history of flooding and drainage problems;
- Contamination – the site is classified as Unhealthy Building Land and will require remediation.
- Acid Sulfate Soils – the land is identified as being affected by Class 2 Acid Sulfate Soils.

The above matters are being addressed through the preparation of appropriate studies and reports by DEC.

How has the planning proposal adequately addressed any social and economic effects?

Economic effects

n/a

Social effects

The Planning Proposal will facilitate a community school which will assist in meeting the future needs of the rapidly growing population in Canada Bay and enable children to be educated locally. A long day child care centre, early childhood centre and an out of school care centre are to be provided on the site as well as shared space for community activities and sport.

Section D: State and Commonwealth interests

Is there adequate public infrastructure for the planning proposal?

This Planning Proposal involves rezoning to facilitate a school. There are considered to be minimal implications for existing established infrastructure.

Table 6 Availability of public infrastructure

Infrastructure	Availability	Comment
Public Transport	Available	The site is in close proximity to Concord West Railway Station, which provides services on City Rail's Northern Line. The Northern Line provides services to and from Sydney's CBD, as well as services to Epping, North Sydney, Chatswood and Hornsby.
Utilities	Available	All utility providers will be notified of the Planning Proposal, however it is understood that the use of the site as a school can be catered for in terms of water, sewer and electricity.
Roads	Available	The site has access to George Street, which links Parramatta Road to the south. Parramatta Road is listed under the RMS's Schedule of Classified & State and Regional Roads, and is a major arterial road which links Sydney CBD with the inner west and Sydney's western suburbs, as well as the M4 Motorway. The RTA will be afforded an opportunity to comment on the Planning Proposal.
Waste Management and Recycling services	Available	The Planning Proposal will not result in any significant implications for waste management and recycling services.
Essential Services	Available	The Planning Proposal does not seek to increase demand on essential services.

What are the views of State and Commonwealth public authorities consulted in the gateway determination?

State and Commonwealth public authorities will be consulted following the outcomes of the gateway determination.

6. PART 4 – Mapping

A Site Identification Map, Land Application Map and current and proposed Land Zoning Maps are attached to this Planning Proposal in Appendix A.

7. PART 5 – Community Consultation

Details of the Community Consultation that is to be undertaken on the Planning Proposal

There will be no further public consultation undertaken as part of the Planning Proposal as the community was consulted on the proposed rezoning and reclassification as part of the preparation of a Comprehensive Local Environmental Plan for the City of Canada Bay.

The draft amended LEP was exhibited from 20 August 2012 to 17 September 2012.

Exhibition of the draft LEP included:

- a. advertisements in the local newspaper;
- b. individually addressed letters/emails to landowners affected by the rezoning/reclassification;
- c. letters to government agencies;
- d. notification on Council's dedicated website - www.canadabaylep.com.au.

The exhibition material comprised a package of documents in an electronic form on the Council's website and in hard copy at the Canada Bay Civic Centre, Drummoyne and at Concord and Five Dock libraries.

A public hearing chaired by an independent assessor was also held on the 22 October 2012 for the proposed reclassification of Council owned land.

Following the public exhibition, one (1) submission was received. This submission raised concern in relation to traffic impacts arising as a consequence of the new school. A traffic and transport report is presently being prepared.

8. PART 6 – Project Timeline

It is Council's understanding that the Department of Education and Community are in the process of preparing a development application for the new school and associated facilities and would like to lodge the application with Council before the end of the year.

As there will be no further public consultation undertaken it is requested that this proposal be expedited to enable the construction of the new school on this site.

Stage	Completion Date
Commencement date of Gateway	November 2012

Completion of required technical information	December 2012
Government agency consultation	Completed
Commencement and completion dates for public exhibition	Completed
Dates for public hearing	Completed
Consideration of submissions	Completed
Consideration of a proposal post exhibition	Completed
Date of submission to the Department to finalise the LEP	December 2012
Anticipated date RPA will make the plan (if delegated)	January 2013
Anticipated date RPA will forward to the Department for notification	January 2013

Appendix A

- Site Identification Map
- Land Application Map
- Current Land Zoning Map
- Proposed Land Zoning Map