

## Report to Sydney West Joint Regional Planning Panel

<b>JRPP No.</b>	<b>Item (2013SYW037)</b>
<b>DA No:</b>	<b>JRPP-13-369</b>
<b>Proposed Development:</b>	<b>Construction of an Educational Establishment – The Ponds High School and Primary School</b>
<b>Development Type:</b>	<b>“Crown Development” – Capital Investment Value &gt; \$5 million</b>
<b>Lodgement Date:</b>	<b>13 March 2013</b>
<b>Land/Address:</b>	<b>Part Lot 47 DP 28833, Part Lot 43 DP 28833, Lots 41 and 42 DP 28833, Part Lot 101 DP 1161271 H/Ns 90 and 98-102 Hambledon Road, The Ponds</b>
<b>Land Zoning:</b>	<b>R2 Low Density Residential and SP2 Infrastructure – Drainage, SP2 Infrastructure – Classified Road, SP2 Infrastructure – Educational Establishment, SP2 Infrastructure – Local Road and RE1 Public Recreation pursuant to the State Environmental Planning Policy (Sydney Region Growth Centres) 2006</b>
<b>Value Of Development:</b>	<b>\$29,296,164</b>
<b>Applicant:</b>	<b>Department of Education and Communities c/- Public Works</b>
<b>Report Author:</b>	<b>Melissa Parnis, Town Planner</b>
<b>Instructing Officers:</b>	<b>Judith Portelli, Manager Development Services and Administration Glennys James, Director City Strategy and Development</b>
<b>Date Submitted to JRPP:</b>	<b>13 November 2013</b>
<b>Date Considered by JRPP:</b>	<b>By Electronic Determination</b>

## ASSESSMENT REPORT

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### ATTACHMENTS

- Attachment 1 – Council Assessment Report on the Development Application as considered by the JRPP on 24 October 2013
- Attachment 2 – Revised Conditions of Consent
- Attachment 3 – Crown’s Letter of Endorsement of Conditions of Consent

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## 1. Summary

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- 1.1 On 24 October 2013 the Sydney West Joint Regional Planning Panel (JRPP) considered a Development Application (DA) for the construction of a new Educational Establishment being The Ponds High School and Primary School at the subject site.
- 1.2 The Panel unanimously deferred its determination of the DA on the basis that the Applicant, being a Crown Authority, and Council resolve outstanding and unagreed conditions.
- 1.3 Pursuant to Section 89 of the Environmental Planning & Assessment (EP&A) Act 1979, Council must not impose a condition on the consent to a Crown Application, including a Section 96 Application, except with the approval of the Crown Applicant or the Minister.
- 1.4 Since that meeting, Council Officers and representatives of the Department of Education and Communities (DEC) have met and resolved all outstanding conditions of consent. In this regard revised conditions can be found at **Attachment 2** to this report and the Crown's letter of endorsement is at **Attachment 3**.
- 1.5 Accordingly, the Application is referred back to the Sydney West JRPP for further consideration and final determination.
- 1.6 It is noted that the Applicant has modified the submitted Development Application to delete proposed High School Block 4. As such, the Capital Investment Value of the development has reduced from \$39.7 million to \$29.3 million.

## 2. Background

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- 2.1 Blacktown City Council is in receipt of a Development Application (DA) from the NSW Department of Education and Communities C/- Public Works for the construction of a new Educational Establishment being The Ponds High School and Primary School at the subject site. The Capital Investment Value of the proposed development is now \$29.3 million.
- 2.2 The proposal seeks approval for a new 21 classroom Primary School and a new 7 stream (7 class groups per year) High School. It is anticipated that the High School will cater for 1,400 students and the Primary School 630 students in the future.
- 2.3 Following assessment and public notification of the proposal, a detailed report on the Application was forwarded to the Sydney West JRPP for consideration at their meeting of 24 October 2013. The report concluded that the proposal is satisfactory with regard to relevant matters such as Built Form, Heritage, Access, Stormwater Drainage, ESD, Site Contamination, Salinity, Social and Economic Impacts and the like subject to the imposition of suitable conditions of Consent to satisfactorily control the development. The proposal was considered satisfactory in terms of the relevant matters for consideration pursuant to Section 79C of the Environmental Planning and Assessment (EP&A) Act 1979, and therefore was recommended for approval subject to conditions. A copy of Council's Development Assessment Report, the Development Application plans and the original "draft" conditions of consent are included at **Attachment 1** to this report.
- 2.4 At its meeting the JRPP considered the Assessment Report as well as Council's draft conditions. Furthermore, the Applicant addressed the Panel identifying conditions of consent that the Crown did not agree with. After careful consideration, the JRPP resolved the following:

*"This is an application by the Department of Education and Communities – Care of Public Works, a Crown Application for the development of a new Junior and Senior School at The Ponds, in a new part of the suburb and adjoining an UrbanGrowth developed residential*



*subdivision. There were no objections received by Council or the Panel secretariat at the time of public notification, and no objectors attended the Panel meeting. Council prepared an assessment report to which was attached Council's proposed conditions of consent, and in particular, traffic conditions requiring the provision of roundabouts, a signalised intersection (apparently), and other traffic devices.*

*The applicant informed the Council and the Panel by letter the day before the public hearing that most of the traffic conditions were not acceptable and objecting to a number of other conditions as well. The objections were so considerable the Panel was unable to deal with them at the meeting and it has had to be deferred. The difference between the parties was so great that the Panel was unable to have any certainty in understanding traffic management and provision of proper facilities for the school and the adjoining residential subdivision. The applicant is refusing to undertake or to provide traffic works which the Council believes is necessary for traffic safety and the applicant alleges that the works are unnecessary or perhaps, that they will or should be carried out by UrbanGrowth or the Council. The Panel understands that the applicant agreed that most of the works required by the Council conditions arise from the school development.*

*The Council advises that none of these works are planned in the Council's Contributions Plan and have not been planned for in the Council budget.*

*As this is a Crown Application, the Panel cannot refuse the Application or impose conditions unacceptable to the applicant without the consent of the Minister.*

*The Panel therefore unanimously defers the Application and directs the Council to meet with the applicant and UrbanGrowth to resolve the outstanding Council concerns about traffic safety and management resulting from the Application for the new school and the residential developments in this area, together with a considered response to the other unacceptable conditions. The Panel then requires after that meeting or series of meetings, that Council prepare a supplementary report dealing with the traffic impacts and proposing a final set of conditions."*

### 3. Traffic Comments

- 3.1 As part of the documentation prepared for the Development Application by the Applicant, a Traffic Impact Assessment (TIA) report prepared by McLaren Traffic Engineering was submitted to Council. Council's Traffic Section reviewed the submitted TIA and provided the following comments:

*"It is noted that the proposed development is a combined primary and high school with a total of 2,030 students and 90 teachers. No information has been provided for non-teaching staff at both schools. There is no off-street drop-off area proposed for the school. A total of 155 parking spaces are proposed in three separate locations gaining access from Riverbank Drive and Wentworth Street. **The TIA indicated some 1,074 additional vehicular trips generated by the proposed development during each morning and afternoon school peak period.***

*The proposed school has frontages along Hambledon Road, Riverbank Drive and Wentworth Street. Access to the school is proposed from Riverbank Drive and Wentworth Street and no access from Hambledon Road. Riverbank Drive is a collector road with an 11m wide carriageway. Wentworth Street is a local road with an 11m wide carriageway. **A significant amount of traffic is expected to be generated by the school on surrounding streets including drop-off and pick-up activities."***

- 3.2 Initial concerns were raised with DEC by Council regarding the impact of the proposed development on traffic generation and the amenity impacts on the surrounding future



residents. The traffic infrastructure demand was further exacerbated as the original school site was to the east of the proposed school site, refer to Figure 1 below for the Original and Proposed school locations. The Original school site was taken into consideration as part of Council's Section 94 Planning, however, with the relocation and expansion of the school to provide for both a High School and Primary School, traffic infrastructure as a result of the school has not been planned to be provided through Section 94 Contributions.

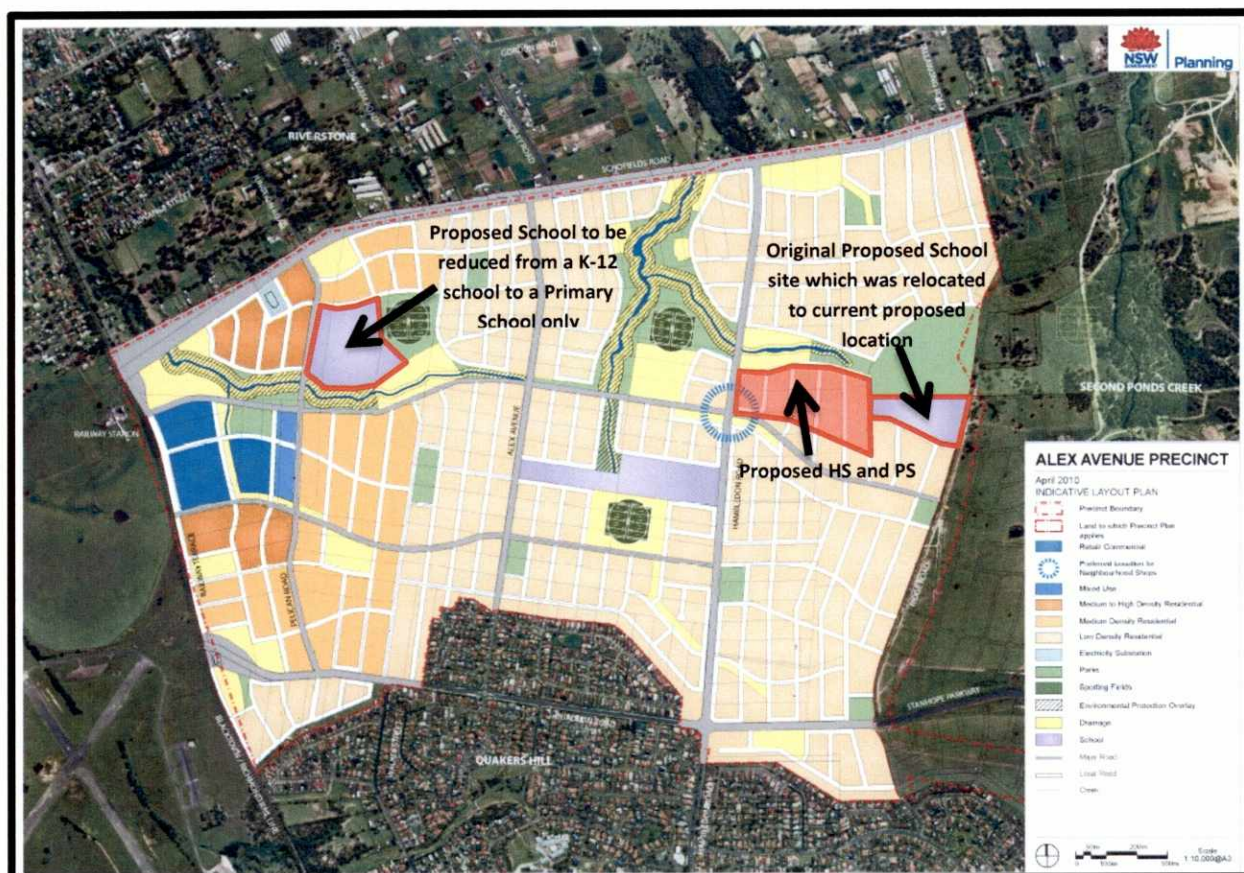


Figure 1: Proposed School Locations (Department of Planning modified by BCC, 2013)

- 3.3 As a result of the above, conditions of consent were imposed on the Applicant to provide for traffic infrastructure, including roundabouts and traffic signals, due to the nexus of the demand for the traffic infrastructure with the development of The Ponds High School and Primary School.
- 3.4 Following the JRPP meeting on 24 October 2013, Council Officers and DEC met to resolve the outstanding conditions of consent. At this meeting Council was advised that in addition to relocating the existing school, it is DEC's intention that the proposed 9 hectare High School and Primary School originally identified on the Alex Avenue Indicative Layout Plan is to be reduced in size, to only a 3 hectare small Primary School (refer to Figure 1 identifying the school in the west of the Alex Avenue Precinct). As such, with formal advice now received of DEC's intention to downsize the Alex Avenue School Precinct, Council is able to re-assess the allocation of Section 94 funding attributed to traffic control measures for that proposed School site and redirect some of those intended measures to this current Application which proposes a much larger combined school proposal. This will ensure that the additional traffic generation and traffic infrastructure required by the current Application can be properly catered for.
- 3.5 In this regard, the roundabout and traffic light conditions are to be addressed in the following manner (Refer to Figure 2 below for location of existing Traffic Infrastructure within Contributions Plan (CP) No. 20):



- a. **Summarised condition:** Roundabouts controls are to be provided at the intersections of Riverbank Drive and Wentworth Street as well as Riverbank Drive and Beauchamp Road at no cost to Council.

**Recommendation to resolve condition:** Contributions Plan No. 20 (CP) is to be reviewed to allow for the possible relocation of CP traffic control signals located adjacent to the school in the western section of the Alex Avenue Precinct. Alternatively, the 2 roundabouts shown in the existing CP at the intersections of Riverbank Drive and Beauchamp Road (noting that the road pattern has been altered from the original DCP) could be provided at the locations requested. As the roundabouts can be covered by Section 94 Contributions, the condition for the roundabouts can be deleted.

- b. **Summarised condition:** Sign posting and lines marking required for the future signalised intersection on Riverbank Drive and Wentworth Street on the assumption of the future signalisation of the intersection at Riverbank Drive and Wentworth Street.

**Recommendation to resolve condition:** The future signalisation has been considered by RMS based on Stage 1 of The Ponds High School and Primary School. Based on Stage 1 student numbers (note: Stage 1 numbers are significantly less than the approved numbers as part of this DA), RMS has advised UrbanGrowth that traffic control signals will not be supported at this location as the site does not presently meet warrants for them. Notwithstanding this, should traffic signals be considered warranted by the RMS in the future, there is the possibility of the relocation of traffic control signals from the now downsized school in the western section of the Alex Avenue Precinct to the proposed school site at the intersection of Wentworth Street and Riverbank Drive. It is also noted that a large proportion of the line marking will be provided as part of the standard road works to be constructed under the subdivision works in DA-13-856. As such, the condition can be deleted.

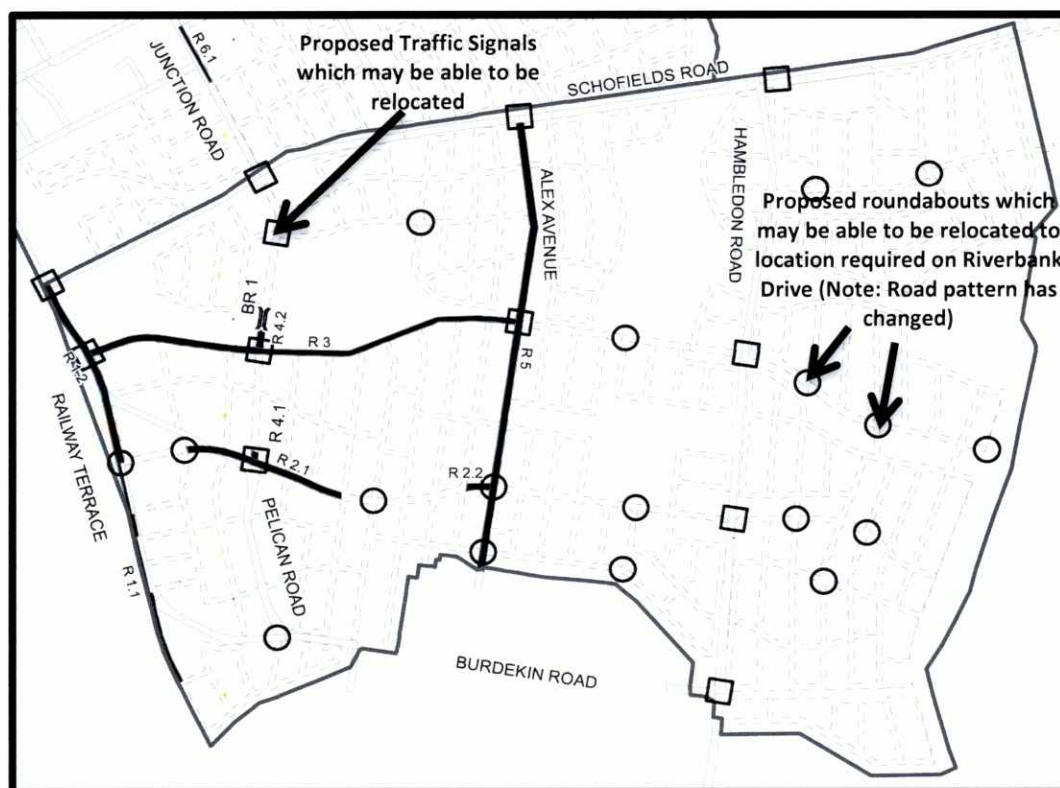


Figure 2: Contributions Plan Traffic Infrastructure location plan (BCC, 2013)

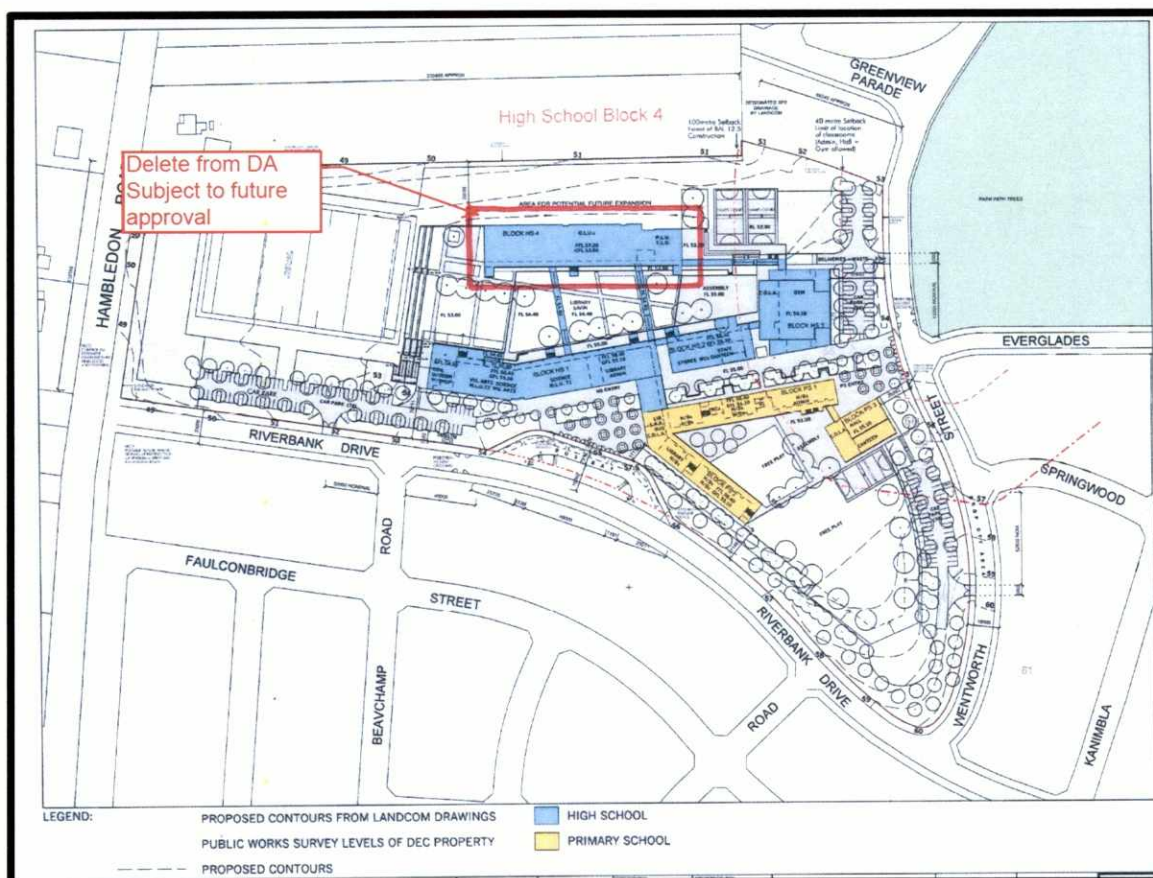
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- 3.6 In light of this, it was resolved that the draft conditions requiring the abovementioned traffic infrastructure would be deleted, as these now can ultimately be catered for by Council through a redirection of traffic infrastructure already proposed under the Section 94 Contributions Plan.
- 3.7 Council notes that it strongly disagrees with the principle adopted by DEC that it does not provide external infrastructure to support its School Applications, as the level of impact created by this development will be significant on the surrounding local road network and community. Council is fortunate in this case that there is funding in the Contributions Plan for this area to provide appropriate infrastructure such as traffic signals to cater for the 2,000+ students and staff attending this school. A review of the Contributions Plan will be recommended in order to achieve the infrastructure changes required by the relocation of the school site. This may not be the case for other future school sites and Council would look to impose appropriate conditions to cater for the impacts created by the school developments at those future sites.

## 4. General Comments

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- 4.1 In accordance with the JRPP's resolution of 24 October 2013, Council and the Applicant have resolved all outstanding conditions regarding the development proposal. In this regard, traffic conditions, including the provision of roundabout controls and signalised intersections, have been reviewed as identified in Section 3 above. It was concluded that whilst Council considers it appropriate that DEC fund external traffic infrastructure that is required as a result of the development of the high school and primary school, in this case Council does have the capability to review the Contributions Plan in order to achieve the infrastructure changes required by the development of the school site. As such, **Attachment 2** provides the revised draft conditions and **Attachment 3** provides the Crown's endorsement letter of the revised conditions.
- 4.2 In addition to the review of unresolved draft conditions of Consent, the Applicant has revised their development proposal to ensure that the Joint Regional Planning Panel is the consent authority for the Development Application in accordance with the Environmental Planning & Assessment Act 1979. In this regard, the Applicant has deleted High School Block 4 from within the subject development Application. Figure 3 below identifies proposed High School Block 4.





*Figure 3: Deletion of High School Block 4 (Department of Education, 2013)*

- 4.3 The deletion of Block 4 from this Development Application is required so that the Capital Investment Value of the project is below \$30 Million and the project can be an Application that the Joint Regional Planning Panel can determine. The planning and building approval of High School Block 4 will be part of a Stage 2 to the High School.
- 4.4 The High School Block 4 is a building consisting of approximately 35 teaching rooms for the purpose of general learning and associated spaces. The rooms are required throughout a school day, providing up to 35 teachers with the spaces required for general teaching of the curricular for years 7 to 12. As a 7 Stream secondary school, permanent buildings, including Block 4, are designed for teaching up to approximately 1,190 secondary students.
- 4.5 The DEC has advised that it still proposes to construct Block 4 in the High School and expects to lodge a Development Application for a planning approval in early 2014. The revised proposed development has been assessed against the matters for consideration listed in Section 79C of the Environmental Planning & Assessment Act 1979 and is considered to be satisfactory. In this regard it is considered that likely impacts of the development have now been satisfactorily addressed and that the proposal is in the public interest. Further, the subject site is considered suitable for the proposed development.
- 4.6 The proposal is consistent with the objectives of State Environmental Planning Policy (Sydney Region Growth Centres) 2006 and the R2 Low Density Zone and is permissible in the zone with Development Consent. The proposal also complies with the provisions set out in State Environmental Planning Policy (Infrastructure) 2007 and the Blacktown City Council Growth Centre Precincts Development Control Plan 2010, and is considered satisfactory with regard to relevant matters such as Built Form, Heritage, Access, Stormwater Drainage, Traffic, Site Contamination, Salinity, Social and Economic Impacts and the like subject to the imposition of suitable conditions of consent to satisfactorily control the development.

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## 5. Recommendation

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1. The Development Application be approved by the Sydney West Joint Regional Planning Panel subject to the conditions held at **Attachment 2**.
2. The Applicant be advised of the Sydney West Joint Regional Planning Panel's decision.
3. Blacktown City Council be requested to consider reviewing and amending Section 94 Contributions Plan No. 20 – Riverstone and Alex Avenue Precincts to address the relocation of Traffic Management Facilities as discussed in this report.



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