

SYDNEY SOUTH WEST PLANNING PANEL

Panel Reference	2016SYW101
DA Number	DA/2016/479
Local Government Area	Camden Council
Proposed Development	Use and development of the site for a special purposes school including demolition of existing buildings, construction of 16 new classrooms, a hydrotherapy pool and multipurpose hall, reconstruction and extension of the existing carpark, tree removal, landscaping and associated site works.
Street Address	4 Richardson Road and 1A and 1B Wilson Crescent Narellan
Applicant/Owner	Coffey Projects C/- NSW Department of Education
Number of Submissions	Nil
Recommendation	Approve with recommended conditions
Regional Development Criteria (Schedule 4A of the EP&A Act)	Crown development that has a capital investment value of more than \$5 million
List of All Relevant s79C(1)(a) matters	• State Environmental Planning Policy (State and Regional Development) 2011 • State Environmental Planning Policy (Infrastructure) 2007 • State Environmental Planning Policy No 55 – Remediation of Land • Deemed State Environmental Planning Policy No 20 – Hawkesbury-Nepean River • Camden Local Environmental Plan 2010 • Camden Development Control Plan 2011
Does the DA require Special Infrastructure Contributions conditions (s94EF)?	No
List all documents submitted with this report for the panel's consideration	• Statement of Environmental Effects prepared by NSW Public Works dated January 2016. • Development Plans. • Contamination Investigation prepared by NSW Public Works dated December 2015. • Statement of Heritage impact prepared NSW Public Works dated December 2015.

	• Bushfire Protection Assessment prepared by Eco Logical dated 24 July 2015. • Traffic & Parking Impact Assessment prepared by McLaren Traffic Engineering dated 17 December 2015. • Stormwater Management Concept Plan prepared by NSW Public Works dated December 2015.
Report prepared by	Aisling McGrath – Executive Planner (Camden Council)
Report date	October 2016

Summary of s79C matters

Have all recommendations in relation to relevant s79C matters been summarised in the Executive Summary of the assessment report?	Yes
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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
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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?	Not Applicable
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Special Infrastructure Contributions

Does the DA require Special Infrastructure Contributions (S94EF)? Note: Certain Das in the Western Sydney Growth Areas Contribution Area may require specific Special Infrastructure Contributions (SIC) conditions.	No
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Conditions

Have draft conditions been provided to the applicant for comment? Note: in order to reduce delays in determinations, the Panel prefers 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.	Yes
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PURPOSE OF REPORT

The purpose of this report is to seek the Sydney South West Planning Panel's (the Panel) determination of a development application (DA) for the use and development of a site for a special purposes school including demolition of existing buildings, construction of 16 new classrooms, a hydrotherapy pool and multipurpose hall, reconstruction and extension of the existing carpark, tree removal, landscaping and associated site works at 4 Richardson Road and 1A and 1B Wilson Crescent, Narellan.

The Panel is the determining authority for this DA as, pursuant to Part 4 of State Environmental Planning Policy (State and Regional Development) 2011 and Schedule 4A of the Environmental Planning and Assessment Act 1979, the development is development has a capital investment value over \$5 million which is lodged by or on behalf of the Crown (State of NSW) exceeding the monetary criteria for Council to determine the DA.

SUMMARY OF RECOMMENDATION

That the Panel:

1. Determine DA 479/2016 for the use and development of the site for a special purposes school including demolition of existing buildings, construction of 16 new classrooms, a hydrotherapy pool and multipurpose hall, reconstruction and extension of the existing carpark, tree removal, landscaping and associated site workspursuant to Section 80 of the *Environmental Planning and Assessment Act 1979* by granting consent subject to the conditions contained in this report.

EXECUTIVE SUMMARY

Council is in receipt of a DA for the use and development of the site for a special purposes school including demolition of existing buildings, construction of 16 new classrooms, a hydrotherapy pool and multipurpose hall, reconstruction and extension of the existing carpark, tree removal, landscaping and associated site works at 4 Richardson Road and 1A and 1B Wilson Crescent, Narellan.

The DA has been assessed against the *Environmental Planning and Assessment Act 1979*, the Environmental Planning and Assessment Regulation 2000, relevant Environmental Planning Instruments, Development Control Plans and policies. A summary of the relevant EPIs and DCP are noted below with a detailed assessment contained later in this report.

State Environmental Planning Policy (Infrastructure) 2007	The development is classed as traffic generating development in accordance with Clause 104 of the ISEPP. Approval from the RMS has been obtained, the development is considered satisfactory.
State Environmental Planning Policy No 55 – Remediation of Land	The proposed development is considered suitable for its intended use and complies with SEPP 55 requirements.
Deemed State Environmental Planning Policy No 20 – Hawkesbury-Nepean River	The proposed development is considered to comply with the deemed SEPP as there will be no detrimental impacts upon the Hawkesbury-Nepean River.

Camden Local Environmental Plan 2010	The proposed development fully complies with the Camden LEP 2010 controls.
Camden Development Control Plan 2011	The proposed development fully complies with Camden DCP controls.

The DA was publicly exhibited for a period of 14 days in accordance with Council's Development Control Plan 2011. No submissions were received at the time of this reports preparation.

Based on the assessment, the DA complies with all relevant controls and Council recommends the DA be approved subject to the conditions contained in this report.

The DA is Crown development as the owner of the land is a statutory body. A copy of the recommended conditions was provided to the applicant for review. The applicant does not accept two of the conditions to be imposed on the consent relating to student and staff numbers being capped. The panel will need to resolve this as part of their review and determination of the application.

AERIAL PHOTO



THE SITE

The site is commonly known as 4 Richardson Road and 1A and 1B Wilson Crescent, Narellan and is legally described as Lot 2, DP 1121907, Lot 6, DP 859872 & Lot 1, DP 882155.

The site has a frontage of approximately 130m to Richardson Road and an overall area of 1.46 hectares. The site slopes from west to east and currently contains a number of buildings. Nine (9) existing buildings on the site were used by the former Hope Christian School and are currently unoccupied.

The site is currently accessed via a right of way through 1A Wilson Crescent. There is no vehicular access off Richardson Road. The existing car park straddles the two properties (4 Richardson Road and 1a Wilson Crescent) and provides 38 car spaces. The car park is currently used by the church and was also used by Hope Christian School. The existing right of way allows both the school site and the church to use the carpark.

A number of trees exist throughout the site consisting of a mixture of local natives and exotic species.

The site is in close proximity to residences in Wilson Crescent, however the area is characterised by a number of different land uses. St Thomas Chapel which is a local heritage item is located on 1A Wilson Crescent. Narellan World of Learning day care centre adjoins the site to the north-east. Narellan Cemetery which is a local heritage item adjoins the site to the south. Wilson Reserve and Camden Golf Course adjoin the site to the south-west. Narellan Public School is located opposite on the eastern side of Richardson Road.

HISTORY

There is no history of relevant development applications for this site on Council records. The heritage reports indicate that the Hope Christian School occupied the school site from 2006 to 2012.

THE PROPOSAL

DA 479/2016 seeks approval for the use and development of the site for a special purposes school including demolition of existing buildings, construction of 16 new classrooms, a hydrotherapy pool and multipurpose hall, reconstruction and extension of the existing carpark, tree removal, landscaping and associated site works.

Specifically, the proposed development involves:

- Demolition of all existing school buildings except the existing library which will remain;
- Construction of 16 single storey classrooms, an administration building, hydrotherapy pool and multipurpose hall;
- Use of the development as a special purposes school to accommodate 112 students and 36 staff;
- Hours of operation include 7.00am to 9.00pm Monday to Friday and 9.00am to 5.00pm Saturday, Sunday and Public Holidays. The hydrotherapy pool and

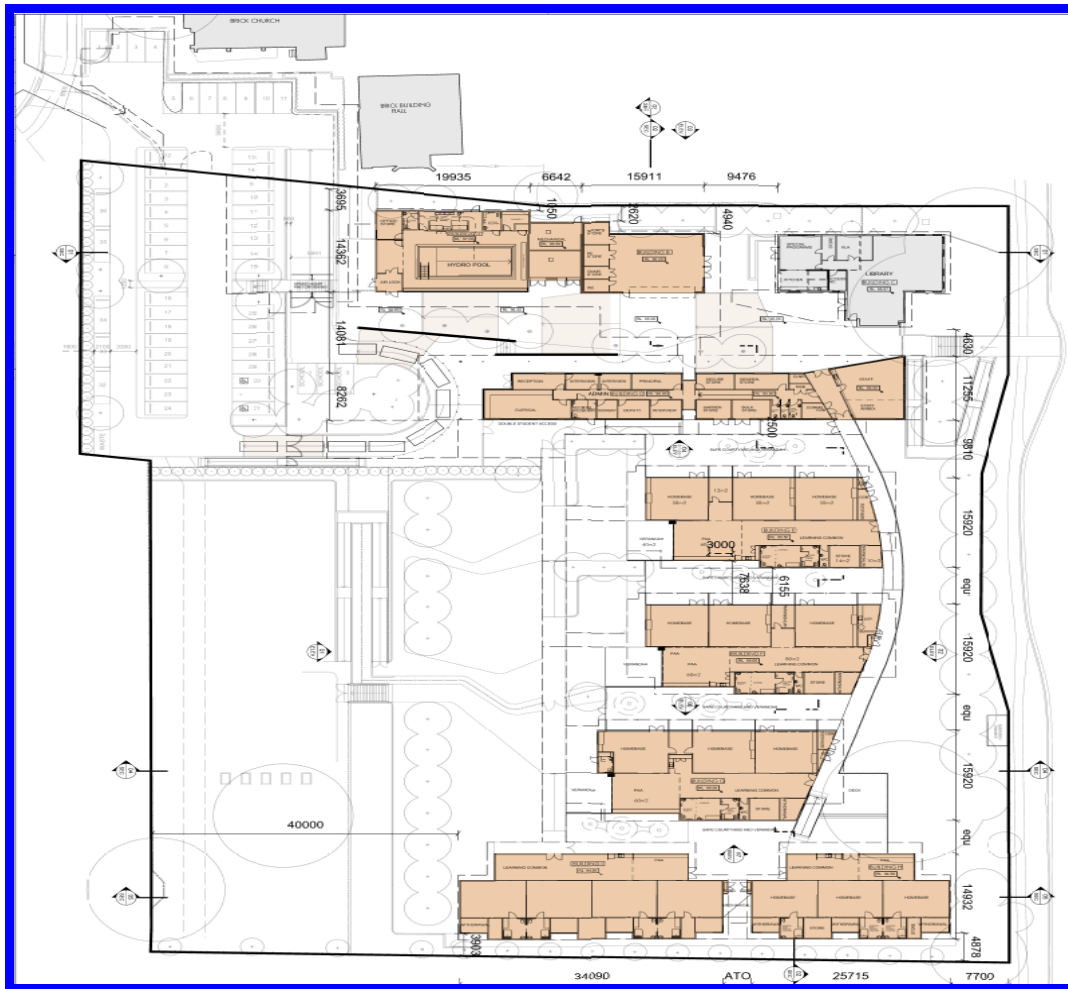
multipurpose hall will be used outside of core school hours, for ancillary uses of the school only;

- Reconstruction and extension of the existing car park to provide a total of 49 car spaces (36 on the school site & 13 on 1A Wilson Crescent);
- Upgrade of the existing access way off Wilson Crescent;
- Provision of a new pick up/drop off area internal to the site;
- Removal of 40 trees (11 local natives);
- Embellishment and landscaping of the site;
- Construction of drainage infrastructure; and
- Associated site works

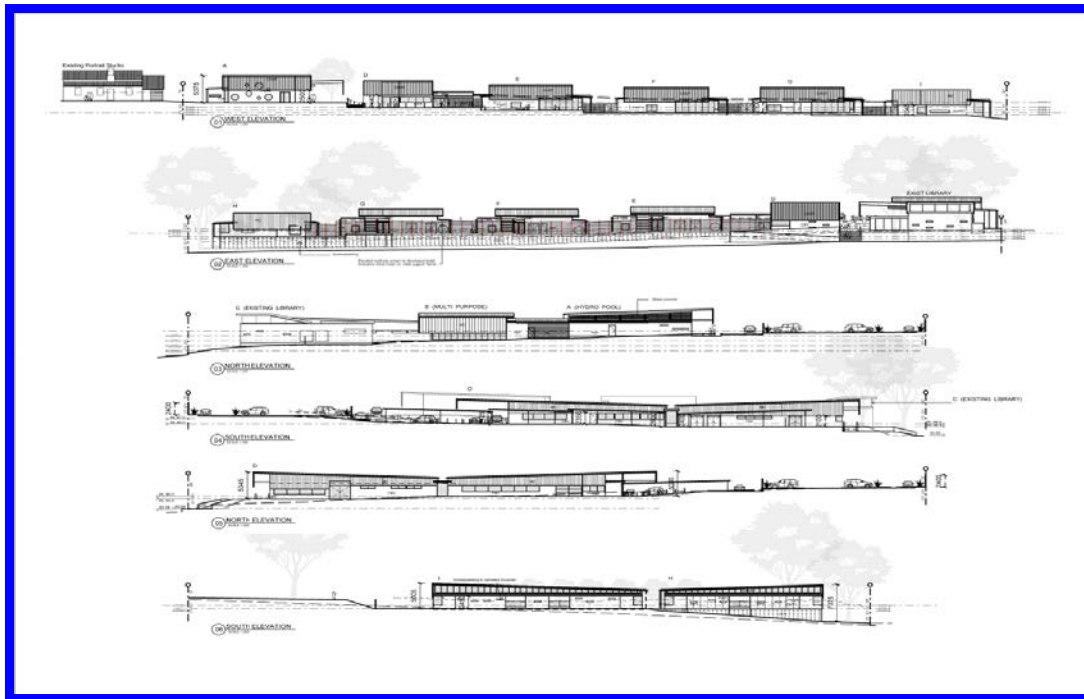
The application proposes construction of buildings on the site known as 4 Richardson Road only. The car park is proposed on all three sites being 4 Richardson Road, 1A and 1B Wilson Crescent. The right of carriageway will be amended and upgraded as part of this DA to service the revised car parking layout.

The value of the works is \$13,000,000 (including GST).

PROPOSED SITE & FLOOR PLAN



PROPOSED ELEVATIONS



A full copy of the proposed plans is provided as an attachment to this report.

ASSESSMENT

Environmental Planning and Assessment Act 1979 – Section 79(C)(1)

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:

- State Environmental Planning Policy (State and Regional Development) 2011.
- State Environmental Planning Policy (Infrastructure) 2007.
- State Environmental Planning Policy No 55 – Remediation of Land.
- Deemed State Environmental Planning Policy No 20 – Hawkesbury-Nepean River.
- Camden Local Environmental Plan 2010.

An assessment of the proposed development against these Environmental Planning Instruments is detailed below.

State Environmental Planning Policy (State and Regional Development) 2011 (SEPP)

Pursuant to Clauses 20 and 21 of the SEPP, the proposed development is included in Schedule 4A of the *Environmental Planning and Assessment Act 1979* and has a CIV of \$13 million. This exceeds the CIV threshold of \$5 million for Council to determine the DA and therefore it is referred to the Panel for determination.

State Environmental Planning Policy (Infrastructure) 2007)

Pursuant to Clause 104 of the ISEPP, the DA was referred to Roads and Maritime Services (RMS) for comment as the proposed development is traffic generating development. The RMS raised no objection to the proposed development.

State Environmental Planning Policy No 55 – Remediation of Land (SEPP)

The SEPP requires Council to be satisfied the site is suitable for its intended use (in terms of contamination) prior to granting consent. The applicant has submitted a contamination assessment and a hazardous materials survey for the site in support of this DA. Council's Environmental Health Officer is satisfied these reports demonstrate the site is suitable for its intended use as a school.

Conditions of consent regarding demolition of buildings and a standard contingency condition are recommended that requires work to cease if any contamination is found during construction, as it must be managed in accordance with Council's Management of Contaminated Lands Policy.

Deemed State Environmental Planning Policy No 20 – Hawkesbury-Nepean River (SEPP)

The proposed development is consistent with the aim of the SEPP (to protect the environment of the Hawkesbury-Nepean River system) and all of its planning controls.

There will be no detrimental impacts upon the Hawkesbury-Nepean River system as a result of the proposed development. Appropriate erosion and sediment control measures have been proposed and are considered satisfactory.

Camden Local Environmental Plan 2010 (LEP)

Permissibility

The site is zoned R2 Low Density Residential under the provisions of the LEP. The proposed development is defined as an "educational establishment" by the LEP which is a permissible land use in the zone. The proposal is consistent with the objectives of the zone.

Zone Objectives

The objectives of the R2 Low Density Residential Zone are as follows:

- To provide for the housing needs of the community within a low density residential environment.
- To enable other land uses that provide facilities or services to meet the day to day needs of residents.
- To allow for educational, recreational, community and religious activities that support the wellbeing of the community.
- To minimise conflict between land uses within the zone and land uses within adjoining zones.

Officers Comments

The proposed school meets the objectives of the zone as it will provide an educational service that meets the day to day needs of the community and does not create conflict with adjoining land zones. The site has historically been used as a school.

Relevant Clauses

The DA was assessed against the following relevant clauses of the LEP.

Clause	Requirement	Provided	Compliance
2.7 Demolition requires development consent	Demolition requires development consent.	Consent has been sought for demolition as part of this DA.	Yes
4.3 Height of Buildings	Maximum 9.5m building height	A maximum building height of 7.3m is proposed.	Yes
5.9 & 5.9AA Trees or Vegetation	Preserve the amenity of the area through the preservation of trees and other vegetation	The DA proposes the removal of 40 trees to facilitate the proposed development. The vegetation to be removed includes 11 local native trees, shrubs and weed species. Council's Landscape Officer has confirmed the retention value of the vegetation as a whole is low and none of the trees warrant retention. All vegetation is within the site boundaries. The removal of this vegetation is considered acceptable in this instance and the landscaping	Yes

Clause	Requirement	Provided	Compliance
		proposed will offset any loss.	
5.10 Heritage Conservation	Consideration as to whether a heritage management document should be prepared that assesses the extent to which the carrying out of the proposed development would affect the heritage significance of the heritage item or heritage conservation area concerned	There are 2 local heritage items (St. Thomas Church and the Narellan Cemetery) adjoining the site with another heritage item the Narellan Public School to the east across Richardson Road. A statement of heritage impact was submitted in support of the DA. The report concludes the proposed development will not materially impact the heritage significance of items in the vicinity. Council staff support the findings of the report. The works are not considered to result in any adverse impacts on the heritage items from the proposed development	Yes
7.2 Airspace Operations	Development consent must not be granted to development if the consent authority is satisfied that the proposed development will penetrate the Obstacle Limitation Surface	The proposed development will not penetrate the OLS. The DA was referred to Camden Airport for comment. No issue was raised.	Yes

Clause	Requirement	Provided	Compliance
	as shown on the Obstacle Limitation Surface (OLS) Map		
7.4 Earthworks	Consider a number of matters relating to earthworks including detrimental effects on drainage patterns, fill quality and amenity of adjoining properties	It is considered the earthworks proposed will not have any adverse impact on environmental functions of adjoining land uses. Adequate conditions will be included in the consent.	Yes

(a)(ii) The Provisions 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 (unless the Director-General has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved)).

There are no draft Environmental Planning Instruments applicable to the proposed development.

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

Camden Development Control Plan 2011 (DCP)

The following is an assessment of the proposed development's compliance with the controls in the DCP.

Control	Requirement	Provided	Compliance
B1.1 Erosion and Sedimentation	Erosion, sediment and dust control measures	Erosion and sedimentation control measures have been provided and are considered to be sufficient. The applicant has submitted details of soil erosion and sediment control which demonstrate compliance with the Managing Urban Stormwater – Soils and Construction, Landcom ('The Blue Book') and Council's Engineering Specifications.	Yes
B1.2 Earthworks	Minimise cut and fill	The DA proposes a maximum cut of 2m and maximum fill 2.4m. The works are required to raise the existing grade to facilitate the new use. Given	Yes

Control	Requirement	Provided	Compliance
	Use only clean fill	the nature and location of the site this is considered acceptable. Imported fill will be required to comply with the standard Council requirements for clean fill material, this is a recommended condition.	Yes
B1.3 Salinity Management	Salinity resistant construction	The development will be constructed to be salinity resistant. A condition of consent will require compliance with the minimum building requirements for Salinity.	Yes
B1.4 Water Management	Compliance with Council's engineering specifications	Plans detailing concept on-site stormwater detention and disposal have been lodged in support of the DA. These plans are considered acceptable. A condition is recommended requiring the proposed development to comply with Council's Engineering Specifications.	Yes
B1.5 Trees and Vegetation	Preserve the amenity of the area, including biodiversity values, through the preservation of trees and other vegetation	The DA proposes vegetation removal to facilitate the proposed development. The removal of this vegetation is considered acceptable as the majority of the vegetation are weed species and does not warrant retention. Council's Landscape Officer is satisfied the landscaping proposed will offset any loss.	Yes
B1.8 Environmental and Declared Noxious Weeds	All applications for development are to consider the need to minimise weed dispersion and to ensure weed infestations are managed during the stages of development	Conditions will be imposed on the consent regarding removal and management of weeds.	Yes
B1.9	Waste	A detailed waste management	Yes

Control	Requirement	Provided	Compliance
Waste Management Plan	management plan	plan will be required as a condition of consent.	
B1.10 Bushfire Risk Management	A Bushfire Protection Report must be submitted to support and any that is mapped as bushfire prone land.	A bushfire report has been submitted and the application referred to the RFS as the development is classified as integrated development. The RFS have issued a bushfire safety authority subject to GTAs.	Yes
B1.12 Contaminated and Potentially Contaminated Land	Contamination assessment and remediation (if required)	The applicant has submitted a detailed contamination assessment and a hazardous materials investigation report for the site. Council staff are satisfied the site is suitable for its intended use. A condition is recommended providing instruction in the event of any unexpected contamination finds if encountered.	Yes
B1.13 Mine Subsidence	Applications for development within the Mine Subsidence Board (MSB) prior to the submission of a DA to Council	The applicant has submitted MSB approval with the DA.	Yes
B1.15 Development near Camden Airport	Buildings or structures within the Camden Airport Master Plan must not exceed the obstacle height limit shown on the OLS Map	The application was referred to Camden Airport for comment. No issues were raised.	Yes
B1.16 Acoustic Amenity	Compliance with Council's Environmental Noise Policy	The DA was supported by an acoustic report and is generally compliant with Council's Environmental Noise Policy. A 2.4m high acoustic barrier was proposed along a section of the western boundary of the	Yes

Control	Requirement	Provided	Compliance
		site to protect adjoining residence from noise generated from the carpark. Having discussed the proposed fence with owner of the adjoining property, the owner indicated that they are satisfied for the existing fence to be retained and that they do not want a new higher fence installed as it would impact sunlight to their property.	
B2 Landscape Design	Landscaping is to be designed to integrate new development with existing landscape character of the street and be sensitive to site attributes, existing landscape features, streetscape view and vistas	The trees and shrubs to be planted within the site will integrate with the existing character of the area. The proposed landscaping will enhance the site's presentation along Richardson Road. The planting proposed will provide appropriate screening from the development and the heritage items (St. Thomas Chapel and the Narellan Cemetery) on adjoining lots.	Yes
	Landscaping to enhance the visual setting, accentuate the design qualities of the built form	The landscaping proposed softens the built form.	Yes
	Landscaping to encourage development of tree canopy to soften built environment	The landscaping proposed provides a softening effect to the development without forming a physical barrier.	Yes
	Landscape design to consider solar access within the site and adjacent sites	The planting proposed will not result in overshadowing of adjacent premises.	Yes
	A landscape plan must be	High quality detailed landscaping plans have been	Yes

Control	Requirement	Provided	Compliance
	provided	provided and are considered acceptable.	
B3.1 European Heritage	Development within the vicinity of a heritage item must be assessed to determine whether it will have any impact on the significance of the heritage place and how this can be mitigated	There are 2 heritage items adjoining the proposed development site. Item 134 (The Narellan Cemetery), Item 136 (St. Thomas Church). Item 130 (The Narellan Public School) which are located in the vicinity of this site. The applicant has submitted a statement of heritage impact to support the application. Council's heritage officer is satisfied there will be no adverse impact on the heritage items subject to a number of conditions being imposed on the consent.	Yes
B3.2 Aboriginal Heritage	An Aboriginal Heritage Impact Permit (AHIP) is required from OEH for any activity likely to have an impact on Aboriginal objects and places before work takes place	Due Diligence Code of Practice for the Protection of Aboriginal Objects in NSW (DECW, 2010) has been considered as part of this application. No aboriginal items or places have been recorded within the site.	Yes
B5.1 Off-street Car Parking Rates and Requirements	Education establishments require 1 car parking space per staff member plus 1 parking space per 100 students to be provided on site	A total of 36 staff will be employed at the school. The development proposes a total of 49 car spaces including 2 accessible spaces on site which complies with the DCP requirements. The proposed special needs school will not have any students that will drive to school. The car parking arrangement as proposed includes the provision of car spaces within the adjoining lots 1A & 1B Wilson Crescent. There is an existing right of carriage	Yes

Control	Requirement	Provided	Compliance
		through 1 Wilson Crescent which currently provides access to the site. The existing right of carriageway will be amended as part of this DA to allow the continued use of the access and car park by both the school and the church. Conditions to be imposed on the consent requires a plan of subdivision to be lodged to consolidate 1B Wilson Crescent and 4 Richardson Road and amend the right of carriageway accordingly. Council's Traffic Engineers have reviewed the Traffic report submitted to support the DA are and satisfied with the proposed access, pick up/drop off areas and car parking arrangement proposed. The DA was referred to the RMS for comment who raised no issue with the proposed development.	

Traffic & Parking

The traffic report submitted to support the DA examines the broader access, traffic, and parking issues associated with the proposed special purposes school. Council officers are satisfied with the proposed development and agree with the following conclusions:

- The forecast traffic generation for the proposed special purposes school results in less traffic movements than what was expected for the previous Hope Christian School.
- Traffic modelling based on the proposed development shows a minor impact on the surrounding intersection performances. The existing level of service will be retained.
- The proposal provides access and off street car parking in accordance with the Section B5 of the Camden DCP 2011.
- The car park and circulation is in accordance with the relevant Australian Standards.

- The amended car parking layout and right of carriageway proposed will allow the church on 1a Wilson Crescent to continue to use the schools car park and visa versa as per the existing arrangement.

(a)(iia) The Provision of any Planning Agreement that has been entered into under Section 94F, or any draft Planning Agreement that a developer has offered to enter into under Section 93F

No relevant agreement exists or has been proposed as part of this DA.

(a)(iv) The Regulations

The Regulations prescribe several matters that are addressed in the conditions contained in this report.

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

It is considered that the likely impacts of the development, including residential amenity, social and economic, traffic, parking and access, safety, site contamination, stormwater quality, bushfire, waste management have been satisfactorily addressed and that the proposed development would result in beneficial social impacts in the locality.

(c) The suitability of the site

The subject site is considered suitable for the proposed development as the purpose and scale of the development is consistent with the zone. The site has in the past been the Hope Christian School. This special purposes school will provide an additional educational facility for the community and one that assists with the education of children with disabilities.

(d) Any submissions made in accordance with this Act or the Regulations

The DA was publicly exhibited for 14 days in accordance with the DCP. The exhibition period was from 1 June 2016 to 14 June 2016. No submissions were received.

(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 Plans* and policies. Based on the above assessment, the proposed development is consistent with the public interest.

EXTERNAL REFERRALS

Rural Fire Service

The application was referred to the RFS in accordance with Section 100B of the *'Rural Fires Act 1997'* for the development of land for special fire protection purposes.

The RFS have issued a bushfire safety authority which is referenced in the consent as general terms of approval.

Roads and Maritime Services (RMS)

The DA was referred to the RMS pursuant to Clause 104 of the ISEPP, as the proposed development is classed as a traffic generating development. The RMS reviewed the application and raises no objection to the proposed development.

Mine Subsidence Board (MSB)

The site is located within the South Campbelltown Mine Subsidence District and requires the approval from the Mine Subsidence Board pursuant to the *Mine Subsidence Compensation Act 1961*.

The applicant has submitted the plans which have been approved by the MSB for the proposed development.

Camden Local Area Command (CLAC)

Safety by Design and Crime Prevention Through Environmental Design (CPTED) has been considered for the school proposal.

The DA was referred to the CLAC for comment who identified the site as a 'low crime' risk. The CLAC have recommended several safety features for this development which are included as recommended conditions of consent.

Camden Airport

The application was referred to Camden airport for comment. No concerns have been raised.

CONCLUSION

The DA has been assessed in accordance with Section 79C(1) of the *Environmental Planning and Assessment Act 1979* and all relevant instruments, plans and policies. Accordingly, DA 479/2016 is recommended for approval subject to conditions.