

SYDNEY WESTERN CITY PLANNING PANEL

Panel No:	2018SSW029
DA Number:	2018/765/1
Local Government Area:	Camden.
Proposed Development:	Alterations and additions to an existing secondary high school including the construction of a two-storey general learning area, tree removal and associated site works.
Street Address(es):	1 Sedgewick Street, Smeaton Grange
Applicant / Owner:	Michael Luckman from City Plan Services on behalf of Catholic Education Office, Dioceses of Wollongong/Trustees of the Roman Catholic Church for The Diocese of Wollongong
Date of DA Lodgement:	26 June 2018.
Number of Submissions:	No submissions were received.
Recommendation:	Approve with conditions.
Regional Development Criteria (Schedule 7 of State Environmental Planning Policy (State and Regional Development) 2011):	Private Infrastructure Facility capital investment value >\$5 million.
List of All Relevant s4.15(1)(a) Matters:	<ul style="list-style-type: none"> • State Environmental Planning Policy (State and Regional Development) 2011. • State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017 • State Environmental Planning Policy (Infrastructure) 2007. • State Environmental Planning Policy No 55 - Remediation of Land. • Sydney Regional Environmental Plan No 20 - Hawkesbury-Nepean River. • Camden Local Environmental Plan 2010 • Camden Development Control Plan 2011.
List all Documents Submitted with this Report for the Panel's Consideration:	<ul style="list-style-type: none"> • Assessment report. • Recommended conditions. • Camden LEP Assessment Table. • Proposed plans (Architectural, Landscape and Engineering). • Correspondence from the NSW Rural Fire Service and the Roads and Maritime Services. • Statement of Environmental Effects • Acoustic Report • Traffic Report

	<ul style="list-style-type: none"> • Heritage Impact Statement • Design Statement • Arborist Report • Bushfire Report • Access Report • BCA Report • Additional information from applicant
Report Prepared By:	Jordan Davies, Senior Town Planner
Report Date:	12 October 2018

Summary of Section 4.15 matters

Have all recommendations in relation to relevant s4.15 matters been summarised in the Executive Summary of the assessment report?	Yes
---	-----

Legislative Clauses Requiring Consent Authority Satisfaction

Have relevant clauses in all applicable environmental planning instruments where the consent authority must be satisfied about a particular matter been listed and relevant recommendations summarised in the Executive Summary of the assessment report?	Yes
---	-----

Clause 4.6 Exceptions to Development Standards

If a written request for a contravention to a development standard (clause 4.6 of the Camden LEP 2010) has been received, has it been attached to the assessment report?	N/A
--	-----

Special Infrastructure Contributions

Does the DA require Special Infrastructure Contributions (s7.24)?	No
---	----

Conditions

Have draft conditions been provided to the applicant for comment?	Yes
---	-----

PURPOSE OF REPORT

The purpose of this report is to seek the Sydney Western City Planning Panel's (the Panel's) determination of a development application (DA) for alterations and additions to a high school at 1 Sedgewick Street, Smeaton Grange.

The Panel is the consent authority for this DA as, pursuant to Schedule 7 of State Environmental Planning Policy (State and Regional Development) 2011, the capital investment value (CIV) of the proposed development is \$7.1 million. This exceeds the CIV threshold of \$5 million for a private infrastructure facility for Council to determine the DA.

SUMMARY OF RECOMMENDATION

That the Panel determine DA/2018/765/1 for alterations and additions to a high school pursuant to Section 4.16 of the *Environmental Planning and Assessment Act 1979* by granting consent subject to the conditions attached to this report.

EXECUTIVE SUMMARY

Council is in receipt of a DA for alterations and additions to a high school at 1 Sedgewick Street, Smeaton Grange.

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 assessment of all relevant environmental planning instruments is provided below with a detailed assessment provided later in the report.

State Environmental Planning Policy (State and Regional Development) 2011.	The Panel is the determining authority for this DA as the proposed development has a CIV of \$7.1 million which exceeds the CIV threshold of \$5 million for a Public Infrastructure Facility for Council to determine the DA.
Camden Local Environmental Plan 2011 (CLEP 2010)	The site is zoned IN1 General Industrial under CLEP 2010. The proposed development is for the purpose of an 'educational establishment' which is ordinarily a prohibited use in the IN1 Zone. However, pursuant to Schedule 1 'Additional Permitted Uses', Clause 22 of the CLEP 2010, an 'educational establishment' is permitted with development consent on the subject land.
State Environmental Planning Policy (Infrastructure) 2007 (ISEPP).	The DA was referred to the Roads and Maritime Services and Endeavour Energy for comment pursuant to the ISEPP and the comments received have been considered.
State Environmental Planning Policy No 55 - Remediation of Land.	Council staff have reviewed the site history with regards to contamination and have found the site to be suitable for its intended use (with regards to contamination).
Sydney Regional Environmental Plan No 20 - Hawkesbury-Nepean River (SREP).	The proposed development is consistent with the aim of the SREP (to protect the environment of the Hawkesbury-Nepean River system) and all of its planning controls.
State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017.	The proposed development is consistent with the requirements of the SEPP. In accordance with clause 35 (6)(a) of the SEPP, the applicant has submitted a 'Design Verification Statement' prepared by a suitably qualified architect which addresses the design quality principles set out in Schedule 4.

The DA was publicly exhibited for a period of 14 days in accordance with Camden Development Control Plan 2011. The exhibition period was from 19 July to 1 August 2018. No submissions were received regarding the proposed development.

The proposed development has been assessed against the State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017, Camden Local Environmental Plan 2010 and Camden Development Control Plan 2011. The development is consistent with these planning policies and controls.

In accordance with Clause 35(6)(a) of the State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017, the applicant has submitted a 'Design Verification Statement' prepared by a suitably qualified architect which addresses the design quality principles set out in Schedule 4.

The SEPP requires that any provision of a development control plan (such as the Camden DCP 2010) has no effect, regardless of when the development control plan was made. Therefore, the controls of the Camden DCP 2011 do not apply to the site. However, it is noted that the proposal is not inconsistent with the controls within the Camden DCP 2011.

The proposed development does not seek to accommodate additional student or staff numbers at the school. Rather, the proposed 'general learning area' building is to facilitate new teaching and learning methods that reflect the current curriculum and provide for more adaptable learning areas such as collaborative learning areas and space for additional curriculum subjects (such as science, dance/performing arts, food technology and science).

The applicant has submitted a traffic report and supporting information in support of the DA. The report and supporting information demonstrate that the proposed development will not have a significant detrimental impact upon the surrounding road network and the site has sufficient off-street car parking. Council staff have reviewed the report and supporting information and agree with their conclusions subject to a condition capping student and staff numbers at existing levels being 1020 students (142 of which are enrolled in Year 12) and 82 full time staff.

The applicant has submitted a management strategy that, subject to the attached conditions, will provide adequate stormwater management.

Based on the assessment, it is recommended that the DA be approved subject to the conditions attached to this report.

COMPLIANCE WITH KEY PLANNING CONTROLS

Control	Proposed	Variation
11m maximum building height.	9.6m maximum building height.	None.
1:1 maximum floor space ratio.	0.107:1 floor space ratio.	None.

AERIAL PHOTO



THE SITE

The site is known as 1 Sedgwick Street, Smeaton Grange and is legally described as Lot 51 DP 107729.

The site is located within the Smeaton Grange industrial area which is characterised by a mix of light industrial, general industrial, warehousing, indoor recreation and storage uses.

The site contains a school known as 'Magdalene Catholic High School'. The site includes various buildings that are associated with the school including staff rooms, classrooms, library, chapel, and other associated buildings that are one (1) and two (2) storeys in height. The site also has a playing field, netball courts and trees scattered throughout the site. As identified under the Camden LEP 2010, the site contains local heritage Items (Item I140) that has been retained throughout development of the school. The items include the former stables, outbuildings, grounds, landscaping and a homestead that has been adapted into a school administration building.

Access to the site consists of a driveway off Smeaton Grange Road leading into a car park comprising of 101 marked spaces and a bus bay/drop off/pick up area off Smeaton Grange Road. The site is bound by three (3) road frontages being Smeaton Grange Road, Sedgwick Street and Hartley Road. The north-western boundary of the site adjoins several industrial units and warehouses that are currently occupied by various businesses.

South of Smeaton Grange Road is Narellan Road and beyond is Narellan Vale and Mount Annan residential areas. The closest residential property is 75m from the subject site, however is separated by Narellan Road.

HISTORY

The relevant development history of the site is summarised in the following table:

Date	Development
11 October 1999	Development consent 1999/1250 granted for establishment of a high school (Stage 1).
26 April 2001	Development consent 2000/2320 granted for the erection of five (5) classroom blocks, library and staff amenities block (Stage 2).
9 September 2002	Development consent 2002/1191 granted for additions to the existing administration building and two outbuildings.

THE PROPOSAL

Development Application 2018/765/1 seeks approval for alterations and additions to an existing secondary high school including the construction of a two-storey general learning area, tree removal and associated site works.

Specifically, the proposed development involves:

- Construction of a two (2) storey General Learning Area (GLA) block. The GLA block consists of 21 new teaching spaces split between the lower ground floor (7 spaces) and the ground floor (14 spaces) and will be known as block 'L';
- Courtyard on the lower ground floor area;
- One (1) lift, entrance foyer, multiple staircases and staff and student bathrooms;
- Undercover walkway to connect existing block A and proposed block L;
- Removal of 20 Claret Ash trees within the area of the proposed building;
- Landscaping and new tree plantings surrounding the new building; and
- Associated drainage works, earthworks and site works to facilitate the building.

ASSESSMENT

Environmental Planning and Assessment Act 1979 – Section 4.15(1)

In determining a DA, the consent authority is to take into consideration such of the following matters as are of relevance to the development the subject of the DA:

(a)(i) the provisions of any environmental planning instrument

The environmental planning instruments that apply 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.
- Sydney Regional Environmental Plan No 20 – Hawkesbury-Nepean River.

- State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017.
- Camden Local Environmental Plan 2010.

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

Pursuant to Schedule 7 of the SEPP, the Panel is the determining authority for this DA as the proposed development has a CIV of \$7.1 million which exceeds the CIV threshold of \$5 million for a private infrastructure facility for Council to determine the DA.

Camden Local Environmental Plan 2010 (LEP)

Site Zoning

The site is zoned IN1 General Industrial pursuant to clause 2.2 of the Camden LEP 2010.

Land Use Definitions

The proposed development is defined as a “educational establishment” by the Camden LEP 2010.

Permissibility

The proposed development is for the purpose of an ‘educational establishment’ which is ordinarily a prohibited use in the IN1 General Industrial zone. However, pursuant to Schedule 1 ‘Additional Permitted Uses’, Clause 22 of the Camden LEP 2010, development for the purpose of an ‘educational establishment’ is permitted with development consent on the subject land.

Environmental Heritage

Clause 5.10 of the Camden LEP 2010 sets out the requirements for development involving heritage items listed under Schedule 5 of the LEP. The site is identified as containing a local heritage item (item I140) associated with the former use of the land ‘Smeaton Grange’. The items consist of a homestead, stables, cottage and surrounding grounds. The buildings are of significance as they are evidence of the historical growth and development of the late Victorian pastoral properties of the district and its historical association with the influential figures such as William Hilton Hovell and the Fitzpatrick and Sedgwick Families. The homestead was built by the Fitzpatrick Family in 1894 and later used as a residence for army officers during the second world war.

The development of the school to date has incorporated the three heritage buildings on the site and incorporates the heritage buildings into the operation of the school. The homestead being adapted into the administration building for the school and the cottage and stables converted into a Careers Office and Gallery. The homestead can be viewed from Smeaton Grange Road. The cottage and stables are not visible from Smeaton Grange Road, Sedgewick Street or Hartley Road as they are enclosed by the central courtyard in the school.

The proposed building does not directly adjoin the heritage items and will not obscure views to the homestead as viewed from Smeaton Grange Road. No demolition or alterations are proposed to the heritage buildings.

A heritage impact statement has been submitted with the development application. The heritage impact statement concludes that the proposed buildings will not have an adverse impact on the significance of the heritage items and Council staff agree with the conclusions of the report.

State Environmental Planning Policy (Infrastructure) 2007 (ISEPP)

Roads and Maritime Services (RMS)

The DA was referred to the RMS for comment pursuant to Clause 104 of the ISEPP as, pursuant to Schedule 3 of the ISEPP, the proposed development is classed as traffic generating development.

The RMS reviewed the application and raised no objections to the proposed development.

Endeavour Energy (Endeavour)

The DA was referred to Endeavour for comment pursuant to Clause 45 of the ISEPP as the site contains an existing pad mounted electrical substation and low voltage underground electricity cables.

Endeavour Energy raised no objections to the proposed development and recommended compliance with a number of technical guidelines and requirements. A condition requiring compliance with Endeavour's technical guidelines and requirements is recommended.

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

SEPP 55 requires the consent authority to be satisfied that the site is suitable for its intended use (in terms of contamination) prior to granting consent.

Council staff have reviewed the site history and considered the suitability with regards to contamination. The site has been used as a school since 2000 and prior to this, the site was used by the Catholic Church as a religious house, retreat centre and place of religious education from the early 1960s. Therefore, contamination is not considered to be an issue with regards to the proposed development as there are no known previous uses of the site that would have resulted in potential land contamination.

A standard contingency condition is recommended that requires if any contamination is found during construction it must be managed in accordance with Council's Management of Contaminated Lands Policy.

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

The SEPP 2017 applies to the subject development being for the purpose of a 'school'. Part 4 of the SEPP 2017 outlines the development controls for schools where development is permitted with consent. In accordance with clause 35 (6)(a) of the SEPP, the applicant has submitted a 'Design Verification Statement' (prepared by

Alleanza Architecture) which addresses the design quality principles set out in Schedule 4 of the SEPP 2017.

Clause 35 (6)(b) required the consent authority to consider whether the development enables the use of the school facilities (including recreational facilities) to be shared with the community. The proposed general learning area is primarily for the use of the school to carry out teaching and ordinary functions associated with education. There are existing opportunities for community use throughout the site including playing courts, a sporting oval, cricket nets and a general assembly area. The proposed building will not reduce the ability of the community to utilise the school for community purposes.

Clause 35 (9) of the SEPP requires that any provision of a development control plan (such as the Camden DCP 2010) has no effect, regardless of when the development control plan was made. Therefore, the controls of the Camden DCP 2011 do not apply to the development.

Sydney Regional Environmental Plan No 20 - Hawkesbury-Nepean River (SREP 20)

The proposed development is consistent with the aim of SREP 20 (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 and water pollution control devices have been proposed as part of the development.

(a)(ii) the provisions of any proposed 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 Secretary has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved)

Draft Environment SEPP

The Draft Environment SEPP ended exhibition on 31 January 2018. The purpose of the SEPP is to consolidate seven existing SEPP's into a consolidated document to simplify the rules for a number of water catchments, waterways, urban bushland and the Willandra Lakes World Heritage Property. Within this SEPP, the only relevant SEPP is Deemed State Environmental Planning Policy No. 20 Hawkesbury – Nepean River.

Exhibition of the Draft Environment SEPP has concluded and any submissions are yet to be reviewed, it is considered that the SEPP is not imminent or certain and accordingly, no significant weight to this proposed planning instrument has been given in this instance.

(a)(iii) the provisions of any development control plan

The development control plan that applies to the land is:

- Camden Development Control Plan 2011 (DCP).

Pursuant to Clause 35 (9) of the State Environmental Planning Policy (Educational Establishments and Child Care Facilities) a provision of a development control plan that specifies a requirement, standard or control does not apply in relation to development for the purpose of an educational establishment that requires development consent. Therefore, an assessment of the proposal against the Camden Development Control Plan 2011 is not required.

It is noted the DCP does include any site-specific controls which apply to the land. Issues ordinarily considered under the Camden DCP 2011 relating to environmental management, erosion and sedimentation, salinity, water management, waste management, acoustics, heritage and parking are considered elsewhere within this report or are addressed via recommended conditions of consent.

(a)(iia) the provisions of any planning agreement that has been entered into under section 7.4, or any draft planning agreement that a developer has offered to enter into under section 7.4

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

(a)(iv) the regulations (to the extent that they prescribe matters for the purposes of this paragraph)

The *Environmental Planning and Assessment Regulation 2000* prescribes several matters that are addressed in the conditions attached to 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

As demonstrated by the above assessment, the proposed development is unlikely to have a significant negative impact on either the natural or built environments, or the social and economic conditions in the locality.

Adverse Impacts Upon the Locality

Traffic and Parking Impacts

The proposed General Learning Area consists of an additional 1,308m² floor area to be utilised by the school. The applicant has indicated that the additional floor area is not intended to accommodate additional student or staff numbers at the school. For this reason, no additional parking is proposed for the development. The applicant has indicated that the additional floor area proposed is required to accommodate new teaching and learning methods that reflect the current curriculum and provide for more adaptable learning areas such as collaborative learning areas and space for additional curriculum subjects (such as science, dance/performing arts, food technology and science).

The applicant has submitted a traffic and parking assessment report to support the proposal and assess any traffic impacts generated by the development. The traffic report also refers to the off-street parking requirements under the Camden DCP 2011 which requires schools to provide off-street parking based on the number of students and staff.

To ensure on-site car parking is appropriately managed, it is recommended a condition of consent 'capping' student and staff numbers at the existing level. This

would entail a condition limiting the number of students to 1020 and the number of staff to 82. Council's traffic engineer supports this approach following review of the submitted traffic impact statement, the recommended 'cap' condition and the intended use of the proposed floor area.

Further, it is noted that unlike a public high school, Magdalene Catholic High School does not have a legal requirement for the intake of students within the local catchment. Therefore, it is considered that capping student numbers will not present an issue for the school in this regard.

The development has also been referred to the Roads and Maritime Services (RMS) as traffic generating development. The RMS did not raise any objections to the proposal.

Bush Fire Impacts

The site is identified as bushfire prone land. The development (educational establishment) is classified as being for a special fire protection purpose. A bushfire safety authority has been issued by the Rural Fire Service subject to conditions related to the establishment of asset protection zones, water and utilities, evacuation and emergency management and landscaping.

Acoustics

An acoustic report has been submitted in support of the application which addresses the impact of road traffic noise and noise arising from mechanical plant for the proposed development. The acoustic report recommends building materials to achieve the required internal noise criteria within the building. Council staff have reviewed the report and agree with the recommendations which will form recommended conditions of consent.

It is noted that the proposed building is not considered to create any adverse impacts regarding noise upon residential properties resulting from the proposed school building. The closest residential property is located 75m from the subject site, however is separated by Narellan Road.

Tree Removal

The proposal involves the removal of twenty (20) claret ash trees in the location in which the new building is proposed. The applicant has explored the option of transplanting the trees to an alternate location within the site and sought advice from an arborist on the viability of transplanting the trees. The advice concluded that transplanting the trees could result in the potential loss of 30%-40% of these trees due to disturbance of the root systems given their size and age. Therefore, it is a more viable option for the applicant to replace the existing trees with new native species around the new building footprint as shown the proposed landscaping plan.

(c) the suitability of the site for the development

As demonstrated by the above assessment, the site is considered to be suitable for the proposed development.

(d) any submissions made in accordance with this Act or the regulations

The DA was publicly exhibited for a period of 14 days in accordance with Camden Development Control Plan 2011. The exhibition period was from 19 July to 1 August 2018. No submissions were received regarding the proposed development.

(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.

Draft Western City District Plan (the District Plan)

A draft district plan or district plan is not a mandatory matter for consideration in the determination of a DA. However, it is considered to be in the public interest to consider the proposed development's consistency with the District Plan given that it is publicly exhibited government planning policy.

It is considered that the proposed development is generally consistent with the District Plan in that it will provide for new educational infrastructure to better serve the community and surrounding area.

EXTERNAL REFERRALS

The external referrals undertaken for this DA are summarised in the following table:

External Referral	Response
NSW Rural Fire Service.	No objection and a Bush Fire Safety Authority granted under Section 100B of the <i>Rural Fires Act 1997</i> .
Roads and Maritime Services.	No objections.
Endeavour Energy.	No objection and conditions recommended.

A standard condition that requires compliance with the external referral responses is recommended.

FINANCIAL IMPLICATIONS

This matter has no direct financial implications for Council.

CONCLUSION

The DA has been assessed in accordance with Section 4.15(1) of the *Environmental Planning and Assessment Act 1979* and all relevant instruments, plans and policies. The DA is recommended for approval subject to the conditions attached to this report.

RECOMMENDED

That the Panel approve DA/2018/765/1 for alterations and additions to a high school at 1 Sedgewick Street, Smeaton Grange subject to the conditions attached to this report.

