

Assessment report to Sydney Central City Planning Panel

Panel reference: 2018SWC057 DA

Development application

DA number	SPP-17-00049	Date of lodgement	21 December 2017
Applicant	NSW Department of Education C/- Urbis Pty Ltd		
Owner	Minister Administering the Technical and Further Education Commission Act 1990 – Asset Management Unit, Department of Education		
Proposed development	Alterations and additions to an existing school including demolition of Building C and covered outdoor learning area (COLA); demolition of part of Building A; construction of a new 2-storey learning hub (Building O), canteen and COLA; construction of an administration extension to Building A and associated alterations and additions; new landscaping around the new learning building and administration building, including upgrade of the internal quadrangle for the purposes of outdoor learning; removal of 18 trees.		
Street address	71 McCulloch Street, Riverstone		
Notification period	21 February to 8 March 2018	Number of submissions	0

Assessment

Panel criteria (Schedule 7, SEPP (State and Regional Development) 2011)	CIV - >\$5M – Crown Development CIV is \$15,970,980
Report prepared by	Ruth Bennett, Senior Project Planner
Report date	12 July 2018
Recommendation	Approval, subject to conditions listed in attachment 8.

Attachments

1. Location map
2. Aerial image
3. Zoning extract
4. Detailed information about proposal and DA submission material
5. Development Application plans
6. Assessment against planning controls
7. Applicant's Clause 4.6 request to vary development standard
8. Council's Assessment of Clause 4.6 request to vary SEPP development standard
9. Draft conditions of consent

Checklist

Summary of section 4.15 matters

Have all recommendations in relation to relevant section 4.15 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 LEP) has been received, has it been attached to the assessment report? Yes

Special Infrastructure Contributions	No
Does the DA require Special Infrastructure Contributions conditions (section 7.24)?	
Conditions	Yes
Have draft conditions been provided to the applicant for comment?	

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1. Executive summary

- 1.1 The key issues that need to be considered by the Panel in respect of this application are:
- Car parking – no additional parking provision is proposed despite an expected increase in staff and student numbers as a result of the extensions and refurbishment of the school. Council's Traffic section has advised that the development is to be self-sufficient for its parking needs rather than relying on on-street parking, and that an area is to be set aside to provide additional staff parking within the site as the numbers grow in the future. The parking shortfall is examined in Section 7 of this report, and an interim additional parking provision has been provided which is satisfactory.
 - The maximum building height that applies to the site is 9 m under SEPP (Sydney Regional Growth Centres). The existing buildings on site are 10.9 - 13.5 m tall and do not comply. The applicant seeks a proposed maximum building height of 10.74 m for the proposed learning hub, and has provided a justification to exceed the height development standard, with reference to Clause 4.3(1) of the SEPP (SRGC) which is at **attachment 7**. The request for variation to the height development standard is addressed in Section 7 of this report and is supported.
 - Tree removal – 18 trees are proposed for removal, including some of moderate retention value. These trees are within the footprint of the proposed alterations and additions. A Preliminary Tree Assessment Report has been submitted with the application and reviewed by Council staff. No objection is raised to the tree removal, and conditions have been provided which require a Vegetation Management Plan to be submitted prior to issue of the Construction Certificate.
 - Site remediation - the Preliminary Environmental Site Investigation report prepared by Environmental Investigation Services, report no. E29849KPrpt2 was reviewed by Council's Environmental Health Unit (EHU). Zinc, total recoverable hydrocarbons (TRH) and asbestos were identified during the investigation above the adopted site assessment criteria (SAC). The report advised that further action is required to manage the risks associated with these contaminants within the proposed development area. Council's EHU has recommended that a Remedial Action Plan (RAP) be prepared based on the investigation findings. The RAP is to be endorsed by a NSW Environment Protection Authority accredited Site Auditor and submitted prior to the issue of any Construction Certificate. The Site Auditor is to review the validation report(s) and submit to Council a Site Audit Statement, to verify that the investigation, remediation and validation were carried out in accordance with EPA guidelines, and confirm that the site is suitable for use as a school prior to commencement of any building works.
- 1.2 Assessment of the application against the relevant planning framework and consideration of matters by Council's technical departments has not identified any issues of concern that cannot be dealt with by conditions of consent.
- 1.3 The application is therefore satisfactory when evaluated against section 4.15 of the *Environmental Planning and Assessment Act 1979*.
- 1.4 This report recommends that the Panel approve the application subject to the recommended conditions listed in **attachment 9**.
- 1.5 Conditions may not be imposed on an application made by or on behalf of the Crown without the prior consent of the Crown. The Crown has been forwarded our proposed conditions and we are yet to receive their feedback.

2. Location

- 2.1 The site is located at 71 McCulloch Street, Riverstone and is shown at **attachment 1**.
- 2.2 The school is located in an established residential area. The site is bordered by Regent Street to the north-west, McCulloch Street to the west, and Riverstone Road to the south-west. East of the site is a residential area which includes large lot residential and rural lots. To the south of the site are large lot residential and rural lots. To the north of the site is Norwest Christian College, a private Pre-School to Year 12 school, and Riverstone Baptist Church. To the west are residential neighbourhoods containing mostly dwelling houses. Riverstone Primary School is located approximately 200 m west of the site. Riverstone CBD is located 500 m west of the site. The site is approximately 7 km from Rouse Hill Town Centre and 2 km from Riverstone Railway Station.
- 2.3 Part of the Riverstone High School site is listed as an item of environmental heritage under Schedule 5, Appendix 4 (Alex Avenue and Riverstone Precinct Plan 2010) of the SEPP (SRGC). The slab cottage located on the grounds is listed as a heritage item under Schedule 5 of the Blacktown Local Environmental Plan 2015 (BLEP). However, it is only the immediate curtilage of the slab cottage that is listed.
- 2.4 A future site for an educational establishment, zoned SP2 Educational Establishment abuts part of the eastern boundary of the site.
- 2.5 A number of new roads will connect to the south of Riverstone Road. The residential traffic from these new areas will result in an increase in traffic, particularly along Riverstone Road and at its intersection with McCulloch Street.

3. Site description

- 3.1 The land is legally known as Lot 1 in DP 800352 with an area of 96,560 m². The land contours show the land has a slight fall from the south of the site to the north.
- 3.2 The site is occupied by Riverstone High School, which has the following facilities:
- established 2-storey school buildings fronting McCulloch Street
 - library
 - agricultural plot
 - assembly hall
 - basketball courts, tennis courts and grass sports fields
 - pedestrian access via McCulloch Street and Riverstone Road
 - vehicle access via McCulloch Street with minimal on-site car parking.
- 3.3 An aerial image of the site and surrounding area is at **attachment 2**.

4. Background

- 4.1 The site is in the R2 (Low Density Residential) zone under SEPP (SRGC), within the Riverstone Precinct, Schedule 2 in the North West Priority Growth Area.

- 4.2 The past zoning under BLEP 1988 was R2. Educational establishments are permitted with consent in the R2 zone.
- 4.3 The zoning plan for the site and surrounds is at **attachment 3**.

5. The proposal

- 5.1 The Development Application has been lodged by the NSW Department of Education.
- 5.2 The applicant proposes the alterations and additions to an existing school including:
- demolition of Building C, part Building A, and a covered outdoor learning area (COLA)
 - construction of a new 2-storey learning hub (Building O), canteen and COLA
 - upgrade of existing stairs to Building A and Building B to provide direct access to Building O
 - alterations and additions to Building A
 - new landscaping and the upgrade of the internal quadrangle for outdoor learning
 - removal of 18 trees
 - no changes are proposed to the car park and access arrangements of the school.
- 5.3 Further details regarding the proposal are provided at **attachment 4**. A copy of the development plans is included at **attachment 5**.

6. Assessment against planning controls

- 6.1 A full assessment of the development application against relevant planning controls is provided at **attachment 6**, including:
- Environmental Planning and Assessment Act 1979
 - State Environmental Planning Policy (State and Regional Development) 2011
 - State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017
 - State Environmental Planning Policy No. 55 – Remediation of Land
 - Sydney Regional Environmental Plan No. 20 – Hawkesbury-Nepean River
 - State Environmental Planning Policy (Sydney Region Growth Centres) 2006
 - Central City District Plan 2018
 - Blacktown City Council Growth Centre Precincts Development Control Plan September 2016
 - Blacktown Development Control Plan 2015.

7. Key issues

7.1 Car Parking

- 7.1.1 Blacktown DCP 2015 requires the provision of car parking at a rate of:
- For primary and secondary schools:
*1 space per staff member, plus 1 space per 100 students, plus
 1 space for delivery vehicles, drop-off area and buses as appropriate.*
- 7.1.2 The school currently employs 27 full time teachers, 2 part time teachers, 12 full time admin staff, and 4 part time admin staff. On an average day there are approximately 45 staff on site (14 admin and 31 teachers). The applicant has indicated that the school has enrolment size of an official enrolment capacity of 880 students, however they operate well below this since scaling back to years 7 – 10 only in the 1990s. The existing car park contains 67 spaces for use by staff, with the maximum parking demand as recorded by the traffic report at 29 parking spaces.
- 7.1.3 At full official capacity staff numbers would increase to 105.
- 7.1.4 Whilst the 105 parking spaces for staff are not required at present, it is expected that staff numbers will only increase gradually over time in line with the expected increase in enrolment numbers. It is the view of Council's Traffic section that an area must be set aside to provide additional staff parking within the site as the numbers grow in the future. Council's view is that each development should be self-sufficient for its parking needs rather than relying on on-street parking. The view of the traffic consultant that additional parking can be accommodated within the surrounding road network is not supported.
- 7.1.5 In response to our request the applicant has provided additional parking.
- 7.1.6 Revision 3 of the site plan depicts an 'interim overflow parking area', which provides for an additional provision of 40 parking spaces, in 4 discrete sections containing 6, 9, 11 and 14 parking spaces. These are located along the access road between the vehicular entry on Riverstone Road to the agricultural plot, and also adjacent to both wings of Building B (eastern elevation). This brings the total parking provision to 107 parking spaces, which is in accordance with the BDCP parking rate required. This will provide adequate provision for future expansion in parking demand following completion of the new works when it is expected that full enrolment numbers will be reached. No traffic safety or congestion issues were identified.
- 7.1.7 The Sydney Central City Planning Panel recently considered another DET school extension at Quakers Hill East Public School. In their deliberations the SPP recommended that DET provide a Green Travel Plan for staff and an Operational Traffic Management Plan for the day to day running of the school. On this basis the same conditions are recommended here as this will reduce likely street congestion in the future. These conditions have been included in the draft list of conditions at **attachment 9**.

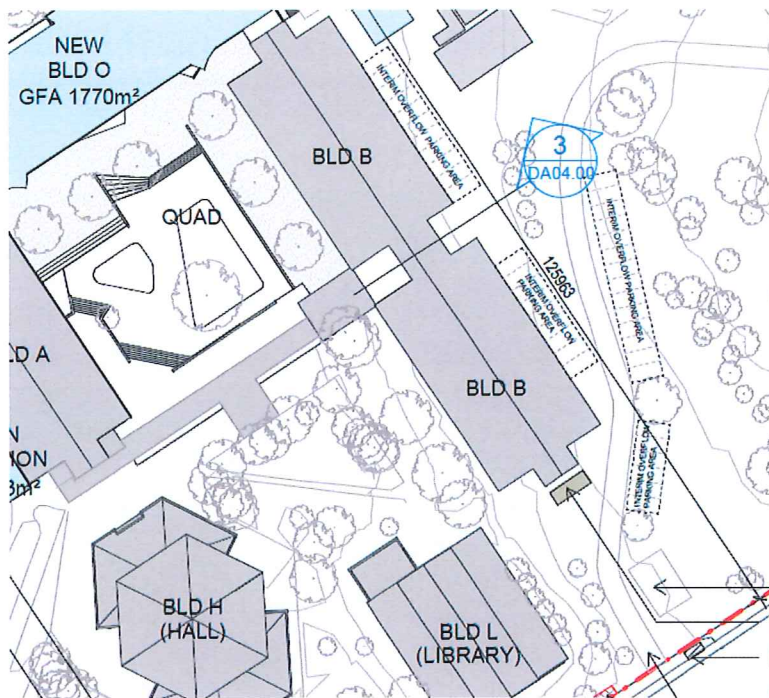


Figure 1 Interim overflow parking area – 40 additional spaces

7.2 Variation to the SEPP (SRGC) development standard

7.2.1 Building height variation

- The maximum building height control that applies to the site is 9 m. This is a height control that has been established for residential development within the R2 Low Density Residential zone.
- The proposed 2-storey Learning Hub has a proposed building height of 10.74 m which exceeds the height development standard by 1.74 m.
- The existing buildings on site are 10.9 – 13.5 m in height and do not comply with the maximum building height control, exceeding it by up to 4.5 m.
- The applicant has provided a justification to exceed the height development standard, with reference to Clause 4.3(1) of the SEPP (SRGC), and has submitted a Clause 4.6 request.
- The Clause 4.6 request seeks to justify that compliance with the height development standard is unreasonable and unnecessary in this instance. The request for variation to the development standard pursuant to Clause 4.6 of the SEPP (SRGC) is at **attachment 7** and we support the variation sought. Council's assessment of the Clause 4.6 request to vary the SEPP development standard is at **attachment 8**.
- It is noted that under the Education and Childcare SEPP the educational establishment provisions at Schedule 2 – complying development, allow for new classroom buildings to be constructed up to 4-storeys or 22 m in height, subject to setback requirements, as complying development in all residential zones. Refer to **attachment 6** which provides assessment against the Education and Childcare SEPP.

7.3 Tree removal

- 7.3.1 The proposal requires the removal of 18 trees from the site to accommodate the additional Learning Hub, associated outdoor learning areas and landscaped area, as well as the additions to the administration building. A Preliminary Tree Assessment Report was submitted with the application which identified 18 trees for removal (Figure 2) as they are located within the proposed development footprint. The site is biocertified under SEPP (SRGC).
- 7.3.2 The Preliminary Tree Assessment Report has been submitted with the application and reviewed by Council staff. The report identified and assessed protected trees located within 15 m of the proposed works, identified significant trees and trees which are deemed worthy of retention. The report recommended that 8 trees be removed due to existing health or condition issues or because they have outgrown their situation. Tree replenishment in more suitable locations is suggested. Twenty-six trees are considered suitable for retention, of which 8 are noted as significant due to their scale, landscape significance and health rating. No objection has been raised to the tree removal of the 18 trees within the development footprint, and their replenishment in more suitable locations.
- 7.3.3 Council's Civil and Open Space Infrastructure section require a Vegetation Management Plan to be submitted prior to works commencing. The plan should be issued by an Arborist with AQF Level V qualifications that meets AS:4970-2009 Protection of Trees on Development sites. This should be submitted for review by Council's tree management section before works commence on site. This has been imposed as a condition prior to works commencing.



Figure 2 Trees proposed for removal

7.4 Site contamination remediation

- 7.4.1 The Preliminary Environmental Site Investigation prepared by Environmental Investigation Services, report no. E29849KPrpt2 was reviewed by Council's Environmental Health Unit (EHU) which has recommended that a Remedial Action Plan (RAP) be prepared based on the investigation findings. The investigation

found that there was potential concern of contaminants being located on site. Zinc, TRH and asbestos were identified.

- 7.4.2 EHU require the RAP to be endorsed by a NSW Environment Protection Authority accredited Site Auditor. The Site Auditor is to review the validation report(s) and submit to Council a Site Audit Statement, to verify that the investigation, remediation and validation were carried out in accordance with EPA guidelines, and confirm that the site is suitable for the use/proposed use. Appropriate conditions have been provided in **attachment 9**.

8. Public exhibition

- 8.1 The proposed development was notified to property owners and occupiers in the locality between 21 February and 8 March 2018. The Development Application was also advertised in the local newspaper and a sign was erected on the site.
- 8.2 Following the close of the exhibition period, Council received no submissions.

9. Internal referrals

- 9.1 The development application was referred to the following internal sections of Council for comment:

Section	Comments
Traffic	Acceptable subject to conditions
City Architect's Office	Acceptable subject to conditions
Engineering / Drainage Engineering	Acceptable subject to conditions
Engineering (Forward Planning)	Acceptable subject to conditions
Building	Acceptable subject to conditions
Civil and Open Space Infrastructure	Acceptable subject to conditions
Environmental Health Unit	Acceptable subject to conditions
Section 94 Contributions	Not applicable

10. Conclusion

- 10.1 The proposed development has been assessed against all relevant matters and is considered to be satisfactory. The proposal is consistent with the project design criteria set out under the Better Placed Design Guide for Schools.
- 10.2 The proposed development has environmental planning merit for the following reasons:
- The project's layout will support an existing educational establishment with a facility that is functional and efficient

- The proposed project will not impact on the residential amenity of the locality, with no unacceptable overshadowing
- The proposed project will create minimal additional traffic impacts as sufficient room is provided for additional bus parking on McCulloch Street, and for increased car parking provision on site. The increase in traffic movements is not expected to result in any significant change to the continued safe and efficient operating performance of the local road network or intersections
- The proposal will not impact on the local heritage item on the site nor on the streetscape adjacent to the site
- The additional new works will provide for learning spaces and improved and increased provision of administrative space, and better connectivity through the site to provide accessibility
- The new works will be integrated within the existing school environment with retention of trees where practicable and landscaping works
- The development is suitable for the site and has demonstrable social and public benefits.

10.3 The proposal is in the public's interest.

11. Recommendation

1. Approve Development Application SPP-17-00049 subject to the conditions listed in **attachment 9**.
2. Council officers to notify the applicant of the Panel's decision.



Ruth Bennett
Senior Project Planner



Judith Portelli
Manager Development Assessment



David Apps
Acting Director Design and Development