

## Report to Sydney Central City Planning Panel

SWCCP reference	2018SWC067
DA No.	DA/393/2015/A
Date of receipt	17 April 2018
Proposal	Section 4.55(1A) Modification to an education establishment
Street address	119 Rausch Street, TOONGABBIE NSW 2146
Property Description	Lot 111 DP 749237
Applicant	Reitsma Constructions
Owner	Campion Foundation Limited
Submissions	Three (3)
List of All Relevant s79C(1)(a) Matters	<ul> <li>Environmental Planning and Assessment Act and Regulations</li> <li>State Environmental Planning Policy No. 55</li> <li>State Environmental Planning Policy (Vegetation in non-rural areas) 2017</li> <li>State Environmental Planning Policy (Sydney Harbour Catchment) 2005</li> <li>State Environmental Planning Policy (State and Regional Development) 2011</li> <li>State Environmental Planning Policy (Infrastructure) 2007</li> <li>Parramatta Local Environmental Plan 2011</li> </ul>
Recommendation	Approval
Council Officer	Jonathan Cleary, Senior Development Assessment Officer

## 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 has been received, has it been attached to the assessment report ?	No
Special Infrastructure Contributions	
Does the DA require Special Infrastructure Contributions conditions (Section 7.24)?	No
Conditions	
Have draft conditions been provided to the applicant for comment ?	Yes

## SITE DESCRIPTION AND CONDITIONS

The site is legally known as Lot 11 in DP 749237 at No. 119 Rausch Street, Toongabbie. The site is irregular in shape and has an overall area of 4.197 hectares. It is heavily vegetated around the perimeter of the site and surrounded by typical low density residential developments. The site is bounded by Hurley Street to the north, Rausch Street & Austin = Woodbury Pace to the east, south and Guiren and Jago Place to the west.



Figure 1: Site Locality Map (GeoCortext)



Figure 2: Aerial view of site (January 2018)

The site currently contains 6 buildings including a two-storey seminary building; a locally significant heritage item, identified as *Marist Fathers Seminary*, listed under the Parramatta Local Environmental Plan 2011.

The immediate surrounding areas comprise predominantly single and two storey dwelling houses.

The site is currently being uses as a tertiary educational institution known as *The Campion Teritage College* which was established in 2011 following the sale of the site to the Catholic Diocese of Parramatta.

## **ASSESSMENT UNDER SECTION 4.55**

## THE PROPOSAL

Consent is sought to modify the approved *tree removal, demolition of storage sheds, removal of demountable buildings, landscaping works and alterations and additions to the existing educational establishment including construction of 6 new student accommodation buildings, library, dining hall, chapel, gymnasium, academic teaching space, maintenance facility, and 90 parking spaces* as follows:

- 1. Relocated the approved on-site detention system; and
- 2. Removal of three (3) additional trees.

The works have not been completed.

#### Has the consent lapsed? No

The following is an assessment of the modification against the relevant section of the Environmental Planning and Assessment Act 1979.

#### Section 4.55 – 1a: Modifications involving minimal environmental impact

A consent authority may, on application being made by the applicant or any other person entitled to act on a consent granted by the consent authority and subject to and in accordance with the regulations, modify the consent if:

(a) it is satisfied that the proposed modification is of minimal environmental impact, and

#### Planners Comment:

The proposal relates to the relocation of an approved on-site detention system only as follows:

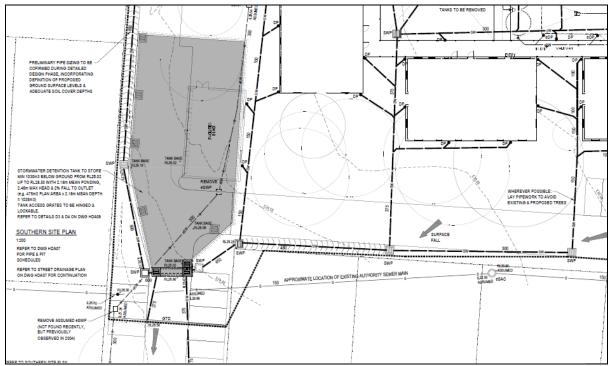


Figure 3: Extract of approved stormwater plan showing location of OSD.

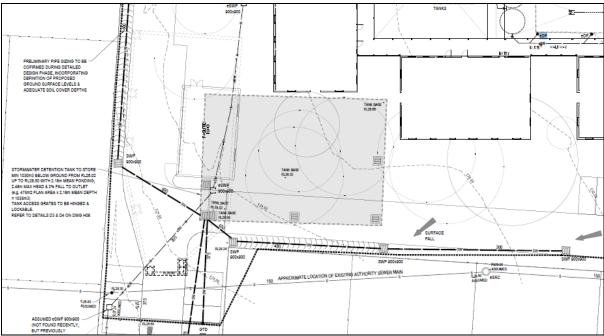


Figure 4: Extract of proposed stormwater plan showing location of OSD.

The application includes the removal of three additional trees from the site.

(b) it is satisfied that the development to which the consent as modified relates is substantially the same development as the development for which the consent was originally granted and before that consent as originally granted was modified (if at all), and

### Planners Comment:

The proposed modification does not alter the overall operation of the educational establishment and impacts on the stormwater drainage of the site only

- (c) it has notified the application in accordance with:
- (i) the regulations, if the regulations so require, or

(ii) a development control plan, if the consent authority is a council that has made a development control plan that requires the notification or advertising of applications for modification of a development consent, and

### Planners Comment:

The Parramatta Development Control Plan 2011 has been considered in the assessment of the proposal, in particular the management of stormwater and the removal of trees. In summary, the proposal continues to appropriately drain stormwater without further impacting on adjoining properties and the removal of trees is acceptable.

(d) it has considered any submissions made concerning the proposed modification within any period prescribed by the regulations or provided by the development control plan, as the case may be.

### Planners Comment:

The application was notified to the adjoining properties from 26 April 2018 till 10 May 2018. In response, three (3) submissions were received. The concerns raised in the submissions have been address later in this report.

### Section 4.55 – All Applications for Modifications

In determining an application for modification of a consent under this section, the consent authority must take into consideration such of the matters referred to in section 4.15 (1) as are of relevance to the development the subject of the application.

The consent authority must also take into consideration the reasons given by the consent authority for the grant of the consent that is sought to be modified.

#### Planners Comment:

The modification has been considered in with respect to the matters referred to under Section 4.15 of the EP&A Act.

## **ENVIRONMENTAL PLANNING INSTRUMENTS**

### STATE ENVIRONMENTAL PLANNING POLICY 55 – REMEDIATION OF LAND

SEPP 55 was considered under the assessment of the original development application. The proposed works would not affect the assessment of SEPP 55 undertaken in the original application.

# SYDNEY REGIONAL ENVIRONMENTAL PLAN (SYDNEY HARBOUR CATCHMENT) 2005 (DEEMED SEPP)

The SREP was considered during the assessment of the original development application.

The site is not located on the foreshore or adjacent to a waterway and therefore, with the exception of the objective of improved water quality, the objectives of the SREP are not applicable to the proposed development.

The development is consistent with the controls contained with the deemed SEPP.

# STATE ENVIRONMENTAL PLANNING POLICY (STATE AND REGIONAL DEVELOPMENT) 2011

Pursuant to Schedule 7 of SEPP (State and Regional Development) 2011, the proposal relates to "5 Private Infrastructure and community facilities over \$5 million" which is defined as "Development that has a capital investment value of more than \$5 million for any other the following purposes: (b) affordable housing, child care centre, community facilities, correctional centres, **educational establishments**, group homes, health services facilities or places of public worship"

The application is referred to the Sydney Centre City Planning Panel for determination.

## STATE ENVIRONMENTAL PLANNING POLICY (INFRASTRUCTURE) 2007

The provisions of SEPP (Infrastructure) 2007 were considered in the assessment of the original development application.

None of the proposed changes require changes to the conditions included to address the requirements of the SEPP.

# STATE ENVIRONMENTAL PLANNING POLICY (VEGETATION IN NON-RURAL AREAS) 2017

The removal of trees on the subject property were considered during the assessment of the original application.

The modification proposes the removal of an additional 3 trees from the site identified as Tree 210 - Spotted Gum (*Corymbia maculate*), *Tree 211 – Tallowwood (Eucalyptus microcorys), and Tree 214 – Red Ironbark (Eucalyptus sideroxylon*). The trees are proposed for removal as the proposed location of the OSD system requires their removal. Council's Tree and Landscape Officer has reviewed the application and raise no objections to the removal of the vegetation from the subject site subject to conditions.

## PARRAMATTA LEP 2011

The proposed modification does not involve the change to any approved building layout or envelope and would not alter compliance with the Parramatta LEP 2011 as considered under the original application.

## PARRAMATTA DCP 2011

The proposed modification does not involve any change to the approved building layouts, locations, or envelopes.

The proposal would not alter compliance with the Parramatta LEP 2011 as considered under the original application.

## REFERRALS

INTERNAL REFERRALS	COMMENT
Development Engineer	The relocation of the OSD system is supported subject to the appropriate modification of conditions.
Landscape	The removal of the trees is supported in this instance. Recommended condition modifications are provided.
Heritage	The proposed modification raises no concerns with respect to the heritage value of the property.

EXTERNAL REFERRALS

## COMMENTS

No external referrals required.

## PUBLIC CONSULTATION

The application was notified in accordance with Council's notification procedures contained within Appendix 5 of DCP 2011. In response three (3) submissions were received. The issues raised within those submissions are addressed below. Issues have been grouped to avoid repetition.

#### Further Tree Removal

The submissions raise concern with respect to the removal of additional trees from the site to facilitate the relocation of the On-Site Detention system.

The relocation of the on-site detention system is a result of the interference with the electrical substation. The removal of the additional trees is a direct result of the more-appropriate OSD location.

Council's Tree and Landscape officer has reviewed the proposal and supports the removal of the three additional trees.

#### Flooding of adjoining residential property

The submissions raise concerns that the existing stormwater drainage on site results in the flooding of an adjoining residential property during storm events.

The approved development includes a condition of consent requiring that overland flow from the proposed development must be directed to Rausch Street property frontage and away from the adjoining properties. To facilitate this, the condition also recommends a concrete kerb line around the outer edge of the driveway to prevent runoff to the adjoining sites.

The proposed modification does not seek to amend this requirement and would remain.

#### Traffic control

The submissions raise concerns with respect to traffic management during the demolition and construction periods of the development.

The approved development includes a condition of consent requiring a Pedestrian and Traffic Management Plan to be prepared, submitted, and approved by Council prior to the commencement of works. The PTMP must include vehicle ingress and egress details, pedestrian protection, and pedestrian management.

The implementation of the PTMP would minimise the potential for conflicts between pedestrians and heavy vehicles entering and leaving the site.

## **DEVELOPMENT CONTRIBUTIONS**

An adjusted development contribution is not payable as the value of the modification works do not increase the estimated development.

## CONCLUSION

After consideration of the development against Section 4.15 of the Environmental Planning and Assessment Act 1979, and the relevant statutory and policy provisions, the proposal *is* suitable for the site and *is* in the public interest. Therefore, it is recommended that the application be approved subject to the imposition of appropriate conditions.

## RECOMMENDATION

### Approval

That the Sydney Centre City Planning Panel as the consent authority, modify development consent DA/393/2015 for tree removal, demolition of storage sheds, removal of demountable buildings, landscaping works and alterations and additions to the existing educational establishment including construction of 6 new student accommodation buildings, library, dining hall, chapel, gymnasium, academic teaching space, maintenance facility, and 90 parking spaces to include modifications comprising the relocation of an on-site detention system and removal of additional trees on land at Lot 111 DP 749237, 119 Rausch Street, Toongabbie NSW 2146 as shown on the plans submitted with the modification of determination, for a period of five (5) years from the date on the **original** Notice of Determination subject to the following modifications:

### Modify condition no. 1 in the following way:

1. The development is to be carried out in accordance with the following plans endorsed with Council's Stamp as well as the documentation listed below, except where amended by other conditions of this consent:

Drawing №	Dated
Cover page drawing no. DA00, Rev D by Gardner Wetherill & Associates	26 June 2015
Survey Plan drawing no. DA01, Rev D by Gardner Wetherill & Associates	26 June 2015
Site Plan drawing no. DA03, Rev E by Gardner Wetherill & Associates	6 October 2015
Basement Floor Plan drawing no. DA04, Rev D by Gardner Wetherill & Associates	26 June 2015
Ground Floor Plan drawing no. DA05, Rev D by Gardner Wetherill & Associates	26 June 2015
First Floor Plan drawing no. DA06, Rev D by Gardner Wetherill & Associates26 June 2015	
Roof Plan drawing no. DA07, Rev D by Gardner Wetherill & Associates	26 June 2015
Elevations Plan drawing no. DA08, Rev C by Gardner Wetherill & Associates	26 June 2015

Drawing N <sup>0</sup>	Dated
Elevation and Sections Plan drawing no. DA 09, Rev B by Gardner Wetherill & Associates	26 June 2015
Landscape Plan by iScape Landscape Architecture	January 2015
Hydraulic Services – Street Location Plan Project No. 2017-0226 drawing Nos H01/P7 prepared by INLINE Hydraulic Services	14.06.18
Hydraulic Services – Soil & Water Management Plan Project No. 2017-0226 drawing Nos H02/P7 prepared by INLINE Hydraulic Services	14.06.18
Hydraulic Services – Basement Plan Project No. 2017-0226 drawing Nos H03/P7 prepared by INLINE Hydraulic Services	14.06.18
Hydraulic Services – Northern Site Plan Project No. 2017-0226 drawing Nos H04/P7 prepared by INLINE Hydraulic Services	14.06.18
Hydraulic Services – Southern Site Plan Project No. 2017-0226 drawing Nos H05/P7 prepared by INLINE Hydraulic Services	14.06.18
Hydraulic Services – Eastern Site Plan Project No. 2017-0226 drawing Nos H06/P7 prepared by INLINE Hydraulic Services	14.06.18
Hydraulic Services – Street Drainage Plan Project No. 2017-0226 drawing Nos H07/P7 prepared by INLINE Hydraulic Services	14.06.18
Hydraulic Services – Stormwater Details Project No. 2017-0226 drawing Nos H08/P7 prepared by INLINE Hydraulic Services	14.06.18

Document(s)	Dated
Statement of Environmental Effects by Glendinning Minto & Associates Pty Ltd	June 2015
Clause 4.6 variation by Glendinning Minto & Associates Pty Ltd	12 October 2015
Heritage Impact Assessment by NBRS & Partners	April 2015
Acoustic Assessment by Renzo Tonin & Associates	9 April 2015
QS report by Mitchell Brandtman (NSW) Pty Ltd	2 April 2015
BCA Section J Assessment by Energylab Pty Ltd	undated
Waste Management Plan	23 June 2015
Draft Plan of Management by Glendinning Minto & Associates Pty Ltd	June 2015

Document(s)	Dated
Arboricultural Impact Assessment (Ref No – 1288- 15AIA by Tree Wise Men Australia Pty Ltd	June 2015
Flood Impact Report Ref. 1234FRMP240315let prepared by Stefani Group	24 March 2015
Phase 2 contamination report by Coffey Environmental Australia Pty Ltd	4 April 2016

**Note:** In the event of any inconsistency between the architectural plan(s) and the landscape plan(s) and/or stormwater disposal plan(s) (if applicable), the architectural plan(s) shall prevail to the extent of the inconsistency.

**Reason:** To ensure the work is carried out in accordance with the approved plans.

## Modify condition no. 10 in the following way:

10. Trees to be retained are identified in the submitted Arboricultural Impact Assessment Report by Tree Wise Men (Ref No – 1288-15AIA) dated June 2015:

Tree No's: 7,10,14-15, 17-19, 21-23, 26-63, 67, 81-82, 87, 96-99, 103, 106-134, 136, 138-142, 144-145, 148, 158-160, 165-168, 180-181, 188, 192-194, 197, 199, 203-205, **210-211, 214**, 216-217, 220 and 224.

**Reason:** To protect significant trees which contribute to the landscape character of the area.

### Modify condition no. 30 in the following way:

30. No work is to commence on the storm water system until the detailed final storm water plans have been approved by the Certifying Authority.

Prior to the approval of storm water drainage plans, the person issuing the Construction Certificate must ensure:

- (a) The final drainage plans are consistent with the Concept Drainage Plans with the notes there on, approved with the Development Consent.
   Note:
- The reference Hydraulic services, "Street Location Plan" drawing No. H01/P7 of project No. 2017 0226, Revision "P7" dated 14/06/2018, prepared by Inline Hydraulic Services.
- Hydraulic services, "Soil & Water Management Plan" drawing No. H02/P7 of project No. 2017 0226, Revision "P7" dated 14/06/2018, prepared by Inline Hydraulic Services.
- Hydraulic services, "Basement Plan" drawing No. H03/P7 of project No. 2017 0226, Revision "P7" dated 14/06/2018, prepared by Inline Hydraulic Services.
- Hydraulic services, "Northern Site Plan" drawing No. H04/P7 of project No. 2017 0226, Revision "P7" dated 14/06/2018, prepared by Inline Hydraulic Services.

- Hydraulic services, "Southern Site Plan" drawing No. H05/P7 of project No. 2017 0226, Revision "P7" dated 14/06/2018, prepared by Inline Hydraulic Services.
- Hydraulic services, "Eastern Site Plan" drawing No. H06/P7 of project No. 2017 0226, Revision "P7" dated 14/06/2018, prepared by Inline Hydraulic Services.
- Hydraulic services, "Street Drainage Plan", drawing No. H07/P7 of project No. 2017 0226, Revision "P7" dated 14/06/2018, prepared by Inline Hydraulic Services.
- Hydraulic services, "Stormwater Details" drawing No. H08/P7 of project No. 2017 0226, Revision "P7" dated 14/06/2018, prepared by Inline Hydraulic Services.

Concept Plans are concept in nature only and not to be used for construction purposes as the construction drawing. Rectified Stormwater plan addressing all the issues and notes must be prepared with details, and submitted with the application for Construction Certificate to the Principal Certifying Authority for approval).

- (a) The stormwater plan shall be amended and comply with the following requirements.
  - (i) The OSD tank size shall be increased by at least additional 115m<sup>2</sup> to 544m<sup>2</sup>.
  - (ii) The extended detention storage (primary storage) capacity of the OSD tanks shall be at least 633m<sup>3</sup> and the flood detention storage (secondary storage) shall be 327m<sup>3</sup> with the total capacity of 960m<sup>3</sup>.
  - (iii) The overflow weir within the OSD tank shall be raised by 300mm from RL28.20mAHD to 28.50mAHD.
  - (iv) The secondary orifice (the upper level orifice for flood detention) shall be raised to provide the 1:1.5 year's water level at RL27.60mAHD (invert level of orifice). In this regard, the following shall be complied with
  - (v) The secondary orifice shall be centred at RL 27.79mAHD), or
  - (vi) If twin orifice of smaller size is used, each of the two (2) orifices shall be of 291mm dia and centred at RL27.75mAHD.
  - (vii) The outlet pipe size shall be increased from 450mm to 525mm dia to allow the total combined outflow of 389l/s from the OSD tank.
- (viii) A 250mm wide Heavy-duty Galvanised steel grated drain shall be provided across the driveway at the immediate upstream side of the adjoining the surface collection pit SWP27. The grate surface level of the grated drain and the surface collection pit SWP27 shall be higher than the top water level within the OSD tank (RL28.50m)
- (ix) The OSD tank shall be relocated further upstream side so as to avoid the primary orifice being drowned during minor storm events up to 1 in 5 year's storm. The primary orifice is noted to be drowned during minor storm events.
- (b) The proposed On-Site Detention (OSD) System has been designed by a suitably qualified Hydraulic Engineer, in accordance with the Upper

Parramatta River Catchment Trust "On-Site Detention Handbook" and Council's Drainage Code E4 and stormwater Drainage Guidelines.

- (c) The design achieves:
  - (i) a Site Storage Requirement of 470 m3/ha and a Permissible Site Discharge of 80 L/s/ha (as per 3rd edition of UPRCT's handbook); or
- When using the Extended/Flood detention method (4th edition of UPRTC's handbook), the Site Reference Discharge (Lower Storage), SRDL of 40 I/s/ha, Site Storage Requirement (Lower Storage) SSRL of 300 m3/ha and Site Reference Discharge (Upper Storage), SRDU of 150 I/s/ha, Site Storage Requirement (Total) SSRT of 455 m3/ha as per the submitted OSD calculation.
- (d) Overland flow from the proposed development area shall be directed to Rausch street property frontage to prevent the adverse effects from the overland flows to the downstream properties. To facilitate the overland flow diversion, a concrete kerb line shall be constructed at the outer edge of the driveway. The Kerb line shall go around the outer edge of the North Eastern car park. Details shall be submitted to the approval of the Principal Certifying authority.
- (e) Detailed drainage plans with cross sectional details of OSD storage areas; pits etc., OSD Detailed Design Submission and OSD Detailed Calculation Summary Sheet are submitted and are acceptable.

Reason: To minimise the quantity of storm water run-off from the site, surcharge from the existing drainage system and to manage downstream flooding.

Modify condition no. 39 in the following way:

- 39. Details of the proposed New Pit over the existing stormwater pipeline within the public domain i.e. along the kerb & gutter on Rausch Street shall be prepared in accordance with the requirements of council's Civil Infrastructure Unit. The details include the following requirements:
  - (a) Details of the new Pit.

The details of the new pit including the connection details as shall be prepared in accordance with Council Standard Plan (*Please contact the council's civil Infrastructure Unit for requirement details on kerb inlet pit type, connections requirements and the relevant standard plan number/drawing*).

(b) The connection into the stormwater system shall be in the direction of flow (not against the flow).

The drawings including the construction details shall be submitted to the satisfaction of council's Civil Infrastructure Unit for approval. No work within the public domain shall commence prior to obtaining the approval of the drawings.

Reason: To ensure that the stormwater works within public domain comply with council's requirements.

Modify condition no. 93 in the following way:

- 93. Construction of the proposed New Pit over the existing stormwater pipeline within the public domain i.e. along the kerb & gutter on Rausch Street shall comply with the following requirements
  - (a) The connection into the stormwater system shall be in the direction of flow (not against the flow).
  - (b) Constructions of new Pit.

A new pit shall be constructed over the existing street stormwater pipe in front of 119 Rausch Street. The new pit shall be constructed in accordance with Council Standard Plan). (Please contact the council's civil Infrastructure Unit for requirement details on kerb inlet pit type, connections requirements and the relevant standard plan number/drawing).

- (c) Request for inspection by council's Civil Infrastructure Unit, of works during progression as required by Council's Civil Infrastructure Unit.
- (d) The work must be inspected by the engineer from Council's Civil Infrastructure Unit and approved prior to backfilling.
- (e) Remediation of site upon completion of work to the satisfaction of Council's Civil Infrastructure Unit.

Upon completion of the work separate Work-As-Executed plan shall be prepared on the approved stormwater plan together with the certificate of compliance from a qualified Engineer and submitted to council for record and sign off. Reason: To ensure that the stormwater work comply with council's requirements.

#### Modify condition no. 100 in the following way:

100. The trees to be removed are identified in the submitted Arboricultural Impact Assessment Report by Tree Wise Men (Ref No – 1288-15AIA) dated June 2015:

Tree No's 1-9, 11-13, 16, 24, 25, 64-66, 68-76, 78-80, 83-86, 88-95, 100-102, 104-105, 135, 137, 143, 146-147, 149-157, 162-164, 169-179, 182-191, 195-196, 198, 200-202, 206-209, **210-211**, 212-213, **214**, 215, 218-219 and 221-223 require removal.

**Reason:** To facilitate development.

## Report prepared by:

## Development Assessment Officer Development Assessment Team

## Signature:

## Date:

	All DA foos paid
	All DA fees paid.
	Consent of all owners provided.
	DA notified in accordance with Council's Notifications DCP.
	Acknowledgement letters sent to all persons who lodged submissions.
	All issues raised in submissions have been considered in the assessment of
	the application.
	Conciliation Conference process followed (for DA's with more than 7 unique
	submissions received within notification period)
	Comments from stakeholders considered in assessment of application.
	Relevant matters for consideration (s79C assessment) addressed in report.
	Section 94A Contributions recalculated (if required).
	Standard conditions of consent and extraordinary conditions or reasons for
	refusal prepared.
	Letters responding to objectors prepared.
	DOP Statistics Sheet completed and attached.
	Development standard variations and all other Pathway fields have been
	completed.
	All tasks have been closed off; including (but not limited to):
	Additional information
	All referrals
	Finalise Assessment
	<ul> <li>Directions/Determinations Meeting task</li> </ul>