

Assessment report to Sydney Central City Planning Panel

Panel reference:

Development application

DA number	SPP-21-00012	Date of lodgement	12 November 2021
Applicant	School Infrastructure NSW / Mecone		
Owner	School Infrastructure NSW / NSW Department of Education		
Proposed development	Demolition of minor structures, site works and construction of a single storey building for use as vocational education and training facility with related carparking and landscaping.		
Street address	47 Johnson Avenue, Seven Hills.		
Notification period	1 to 15 December 2021	Number of submissions	0

Assessment

Panel criteria Section 7, SEPP (State and Regional Development) 2011	<ul style="list-style-type: none"> Crown development over \$5 million (CIV \$8.3 million)
Relevant section 4.15(1)(a) matters	<ul style="list-style-type: none"> State Environmental Planning Policy (Biodiversity and Conservation) 2021 State Environmental Planning Policy (Industry and Employment) 2021 State Environmental Planning Policy (Planning Systems) 2021 State Environmental Planning Policy (Resilience and Hazards) 2021 State Environmental Planning Policy (Transport and Infrastructure) 2021 Blacktown Local Strategic Planning Statement 2020 Central City District Plan 2018. Blacktown Local Environmental Plan 2015 Blacktown Development Control Plan 2015
Report prepared by	Tim Moore, Planning Consultant
Report date	June 2022
Recommendation	Approve, subject to deferred commencement consent including conditions listed at 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 Overview of recommended changes to conditions of consent
- 8 Draft conditions of consent

Checklist

Summary of section 4.15 matters

Yes

Have all recommendations in relation to relevant section 4.15 matters been summarised in the Executive summary of the Assessment report?

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?

Not applicable

Special Infrastructure Contributions

Does the DA require Special Infrastructure Contributions conditions (section 7.24)?

No, not applicable

Conditions

Have draft conditions been provided to the applicant for comment?

Yes

Contents

1	Executive summary	4
2	Location	4
3	Site description	5
4	Background.....	5
5	The proposal.....	5
6	Assessment against planning controls	6
7	Issues raised by the public	6
8	Key issues	6
9	External referrals	7
10	Internal referrals.....	7
11	Conclusion	8
12	Recommendation.....	8

1 Executive summary

- 1.1 The key issues that need to be considered by the Panel in respect of this Crown development application are:
- stormwater management. Our engineers have assessed the proposed civil engineering documentation and MUSIC modelling and require amendments to the capacity and design of stormwater management and onsite detention. Due to the nature of the amendments, a deferred commencement consent condition is recommended
 - the variation to the car parking control. The proposed development provides 8 onsite parking spaces, inclusive of 1 accessible space while the Blacktown Development Control Plan 2015 requires a total of 16 spaces. Our traffic team support the proposed parking variation
 - the number of trees proposed for removal. The proposed development will result in the removal of 32 trees, none of which have been assessed as having high retention value. All other existing trees will be maintained and protected during the construction phase. The proposed landscaping plan specifies planting of 40 new trees which we consider acceptable
 - there is a low potential for contamination. A preliminary Site Investigation prepared by Aecom concludes the site is suitable for the proposed use with appropriate measures to control unforeseen risks.
- 1.2 Assessment of the application against the relevant planning framework and consideration of matters by our technical departments have 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 As this development application is lodged on behalf of the Crown, Clause 4.33 of the Environmental Planning and Assessment Act 1979 applies. This clause specifies that a consent authority (other than the Minister) must not refuse consent except with the approval of the Minister or must not impose a condition on a consent except with the approval of the applicant or the Minister. In this case, the applicant has raised concerns with some of the recommended conditions of consent, including the deferred commencement consent conditions. On basis the Panel will require a briefing with Council and the applicant before making its decision. Council's response to the disputed conditions will be included in a separate memo to the panel.
- 1.5 This report recommends that the Panel approve the application subject to deferred commencement consent including conditions listed at attachment 8.

2 Location

- 2.1 The development site is part of Seven Hills High School at 47 Johnson Avenue, Seven Hills.
- 2.2 Access to the site is from Johnson Avenue, to the north of the existing school buildings.
- 2.3 Development surrounding the school site is predominantly low density detached housing.
- 2.4 The school is approximately 2 km north of Seven Hills railway station. Bus routes run along Johnson Avenue.
- 2.5 The location of the site is shown at attachment 1.

3 Site description

- 3.1 The proposed development is located on Lot 1 DP 195534. Seven Hills High School occupies this lot and the adjacent Lot 1 DP 123754, which together have a combined area of 8.79 ha.
- 3.2 The existing school buildings are on the western part of the larger school site. Playing fields extend to the north and east and adjoin low density residential development fronting Katrina Street (north), Yvonne Street and Marnpar Road (east).
- 3.3 The site of the proposed development is an irregular shaped area of open space, in the north-western corner of the school site.
- 3.4 An aerial image of the site and surrounding area is at attachment 2.

4 Background

- 4.1 A pre-DA meeting on 19 May 2021 identified various issues including car parking, potential dual use by TAFE NSW, site contamination, trees, landscaping, traffic management, earthworks and waste management. These matters have been addressed in the application submitted.
- 4.2 The site is zoned SP2 - Educational Establishment under the Blacktown Local Environmental Plan 2015. The proposed use can be characterised as an educational establishment and is therefore development that is permissible with consent. The proposed use is also permissible with consent under Chapter 3 of the State Environmental Planning Policy (Transport and Infrastructure) 2021. Refer to the discussion of the Transport and Infrastructure SEPP at attachment 6.
- 4.3 The zoning plan for the site and surrounds is at attachment 3.

5 The proposal

- 5.1 The Crown development application has been lodged by Schools Infrastructure NSW / Mecone on behalf of the NSW Department of Education.
- 5.2 The applicant proposes:
 - demolition of minor structures and site works
 - construction of a single storey building with workshops, learning spaces, loading bay, staff facilities and amenities
 - a new vehicle access point from Johnson Avenue to 8 parking spaces and a bus bay
 - realignment of an existing driveway for site access and waste collection
 - removal of 32 trees and landscaping works including 40 replacement trees
 - use of the new building as a vocational and education training facility, operating from 7 am to 5 pm weekdays, with capacity for 64 students.
- 5.3 The teaching facility will be available primarily to existing year 11 and 12 students of Seven Hills High School, plus students from the Nirimba Collegiate group of schools in the surrounding locality. These include Quakers Hill High School and Riverstone High School and Wyndham College. The existing high school cap of 748 students, inclusive of the 64 students at the proposed training facility, will be maintained.
- 5.4 Other details about the proposal are at attachment 4 and a copy of the proposed development drawings is at attachment 5.

6 Assessment against planning controls

- 6.1 A full assessment of the development application against relevant planning controls is at attachment 6, including:
- Environmental Planning and Assessment Act 1979
 - State Environmental Planning Policy (Biodiversity and Conservation) 2021
 - State Environmental Planning Policy (Industry and Employment) 2021
 - State Environmental Planning Policy (Planning Systems) 2021
 - State Environmental Planning Policy (Resilience and Hazards) 2021
 - State Environmental Planning Policy (Transport and Infrastructure) 2021
 - Blacktown Local Strategic Planning Statement 2020
 - Central City District Plan 2018.
 - Blacktown Local Environmental Plan 2015
 - Blacktown Development Control Plan 2015

7 Issues raised by the public

- 7.1 The proposed development was notified to 119 property owners and occupiers in the locality between 1 and 15 December 2021. It was also advertised on Council's website and a sign was erected on the site.
- 7.2 We received no submissions.

8 Key issues

8.1 A deferred consent is recommended to allow for stormwater management and onsite detention require amendments and design modifications

- 8.1.1 Based on our engineering team's assessment of the proposed civil engineering and MUSIC modelling, a range of amendments to the capacity and design of stormwater management and onsite detention are still required.
- 8.1.2 Due to the nature of the amendments a deferred commencement consent condition is recommended.
- 8.1.3 The applicant has raised concerns with some of the recommended conditions of consent and deferred commencement. The areas in disagreement will be set out in a separate memo for discussion with the Panel at a briefing.

8.2 The removal of 32 trees is proposed but 40 new trees will replace them

- 8.2.1 An Arboricultural Impact Assessment prepared by ArborSafe investigated 59 trees potentially impacted by the proposed development.
- 8.2.2 A total of 32 trees are proposed to be removed because they are impacted by the building footprint:
- 17 of these trees have moderate retention value . These trees are of moderate quality with an estimated remaining life expectancy of 15-25 years and dimensions and prominence that cannot be readily replaced within 10 years. 8 of these 17 trees are Cumberland Plain Woodland vegetation.
 - 8 trees have low retention value
 - 7 are in poor condition and require removal irrespective of the development.

- 8.2.3 The remainder of trees assessed will be retained and protected during the construction phase.
- 8.2.4 To compensate the loss of existing trees the landscape concept plan includes 40 new trees, which will be planted prior to occupation of the facility. We recommend that at least 10 of these trees should also be Cumberland Plain Woodland species. This will be included as a condition of the consent.

8.3 The proposed variation to the car parking requirement is considered acceptable

- 8.3.1 The proposed development will provide 8 onsite parking spaces, inclusive of 1 accessible space while Blacktown Development Control Plan 2015 requires a total of 16 spaces. Our traffic team support the proposed parking allocation and consider the proposed parking provision as acceptable because:
- most students are existing Seven Hill High School students who already attend the site.
 - other students from the Nirimba Collegiate high schools in the surrounding district will be transported from the college to the training facility in a school bus.
 - only a select number of visiting students attend this vocational training facility for specialised subjects only.
 - the 8 spaces provided will be available for the 8 teaching staff, consistent with the Blacktown Development Control Plan requirement for 1 car space per staff member.
 - the proposal meets the requirements of the Building Code of Australia for 1 accessible space.
 - this vocational training facility is not a normal school environment.

8.4 The site has low potential for contamination

- 8.4.1 Based on the submitted Preliminary Site Investigation prepared by Aecom, the site is considered to have low potential for significant contamination. It has been used as a high school since 1959 and agricultural uses prior to that. No obvious signs of previous contaminating uses were identified although small amounts of bonded asbestos materials were identified within the area investigated. The source of this and other potential contaminants is estimated to be from imported fill (as part of earlier earth works), hazardous building materials from nearby school buildings and from agricultural uses prior to the school.
- 8.4.2 The site is still considered suitable for the proposed development subject to measures to control the risks associated with asbestos materials and waste classification to guide disposal options for any soil removed from site during construction.
- 8.4.3 Conditions included at attachment 8 address these requirements.

9 External referrals

- 9.1 The development application was not required to be referred to any external authorities for comment.

10 Internal referrals

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

Section	Comments
Building	Acceptable subject to conditions provided.
Engineering	Acceptable subject to conditions provided.
Traffic	No objection.
Asset Design Team	No comment required.
Drainage	Acceptable subject to deferred commencement conditions provided.
Waste	No comment required.
Environmental Health Unit	Acceptable subject to conditions provided.
Recreational Planning and Design (Open Space)	Acceptable subject to conditions provided.
Arboricultural Team	Acceptable subject to conditions provided.
Property	No objection.

11 Conclusion

- 11.1 The proposed development has been assessed against all relevant matters and is considered to be satisfactory. The likely impacts of the development have been satisfactorily addressed and the proposal is in the public interest. The site is considered suitable for the proposed development subject to conditions.

12 Recommendation

- 1 Approve Development Application SPP-21-00012 subject to a deferred commencement consent including conditions listed at attachment 8, for the reasons listed below:
 - a The proposal is an appropriate form and scale of development for the site and complies with the relevant provisions of the applicable planning controls [Section 4.15(c) of the Environmental Planning and Assessment Act 1979]
 - b The proposed development will not create an adverse environmental impact on existing or future potential adjoining development with regard to visual bulk, overshadowing, solar access, amenity or privacy impacts [Section 4.15 (b) of the Environmental Planning and Assessment Act 1979]
- 2 Council officers notify the applicant of the Panel's decision.



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