

Assessment report to Sydney Central City Planning Panel

Panel reference:

Development application

DA number	SPP-22-00006	Date of lodgement	8 August 2022
Applicant	Clive Furnass (Paynter Dixon)		
Owner	Toongabbie Christian College Ltd		
Proposed development	Demolition of a portion of a school building and removal of demountable classrooms, removal of trees and construction of a new 3-storey school building with outdoor roof terrace and connection into an existing 2-storey building.		
Street address	30-40 Metella Road, Toongabbie		
Notification period	31 August to 29 September 2022	Number of submissions	0

Assessment

Panel criteria Schedule 6 of the State Environmental Planning Policy (Planning Systems) 2021	Private infrastructure and community facilities over \$5 million (CIV \$18,311,119)
Relevant section 4.15(1)(a) matters	- State Environmental Planning Policy (Biodiversity and Conservation) 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	Olivia Betts
Report date	27 April 2023
Recommendation	Approve, subject to conditions listed at attachment 7.

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 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? Not applicable

Special Infrastructure Contributions

Does the DA require Special Infrastructure Contributions conditions (section 7.24)? 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	4
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.....	6
10	Internal referrals.....	9
11	Conclusion	9
12	Recommendation.....	10

1 Executive summary

- 1.1 The key issues that need to be considered by the Panel in respect of this application are:
- the proposal is a 'Nominated Integrated Development' under Section 4.46 of the Environmental Planning and Assessment Act 1979. The proposal requires concurrent approval from the Natural Resources Access Regulator, under the Water Management Act 2000, due to works proposed being within 40 m of a watercourse. This is acceptable as general terms of approval have been provided
 - The need to limit the number of students attending the school. The applicant has agreed to the total number of students to be capped at 1,100 for the school
 - the removal of 7 trees and relocation of 2 trees. The tree removal is acceptable as the trees do not have high retention value, and will be offset with 58 new trees planted in the site
 - the site is flood affected. The applicant has provided the relevant reports and plans, our engineers have assessed the proposal and consider it acceptable in relation to flooding, subject to conditions
 - the proposed variation to the car parking requirements under Blacktown Development Control Plan 2015. The variation is 10 car spaces and is required due to the formalising of the number of students on-site. This variation is considered acceptable as the school has been operating within the proposed 1,100 students
- 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 This report recommends that the Panel approve the application subject to the recommended conditions listed in attachment 7.

2 Location

- 2.1 The development site is part of Toongabbie Christian School at 30-40 Metalla Road, Toongabbie.
- 2.2 The development surrounding the site is predominately low-density detached housing with multi-dwelling housing bordering the site on south-eastern end of Octavia Street.
- 2.3 The southern boundary of the site is next to Girraween Creek, and further south are 2 large sporting fields and a number of residential dwellings. Girraween Creek divides Blacktown City Council from City of Parramatta Council.
- 2.4 The site is approximately 900 m from Toongabbie railway station and there are bus stops along Metella Road.
- 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 1275210. It is an irregular shaped lot with an area of 3.092 ha.
- 3.2 The existing school buildings front and have access from Metella Road (North) and Octavia Street (East), with future play space approved under DA-22-00572 fronting Portia Road (West).

3.3 An aerial image of the site and surrounding area is at attachment 2.

4 Background

- 4.1 The site is zoned SP2 - Educational Establishment and R2 Low Density Residential 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.
- 4.2 The school was established in 1981 as a primary school and expanded to include a high school over the balance of the 1980's.
- 4.3 The school has had numerous approvals for extensions throughout the years and over that time has expanded onto neighbouring residential lots.
- 4.4 Recent approvals are set out below.
- 4.4.1 CDC-22-01787 - Issued - 23/11/2022 - Demolition of existing school building (Block F)
- 4.4.2 DA-22-00572 - Approved - 30/09/2022 - Demolition of existing dwelling, outbuildings and fencing, and removal of vegetation. The proposal included the remediation of the site for use as an additional outdoor play area for up to 70 students of the College.
- 4.4.3 CDC-21-02416 - Issued - 13/12/2021 - Refurbishment for the provision of new male and female changerooms to Block M and storage space and toilets to Block G
- 4.4.4 DA-19-00607 - Approved - 30/05/2019 - signage for the school
- 4.4.5 CDC-19-00462 - Issued - 24/01/2019 - Internal alterations - refurbishment and alterations to existing admin building and building G
- 4.4.6 CDC-17-00061 - Issued - 10/01/2017 - Classrooms at 34 Octavia Street
- 4.4.7 MOD-15-01241 - Approved - 22/07/2015 - To modify conditions on approval DA-14-01020
- 4.4.8 DA-14-01020 - Deferred commencement - 24/12/2014 - Proposed car parks and alterations to existing school.
- 4.5 The zoning plan for the site and surrounds is at attachment 3.

5 The proposal

- 5.1 The development application has been lodged by Clive Furness (Paynter Dixon) c/o Toongabbie Christian School.
- 5.2 The applicant proposes:
- demolition of a portion of the 2-storey primary school building and uniform shop
 - removal of demountable classrooms
 - construction of a new 3-storey primary school building with outdoor roof terrace and connection into existing 2-storey building including:
 - out-of-school-hours (OOSH) facilities
 - administrative offices, kitchens, amenities and storage rooms
 - new uniform shop

- 21 classrooms - 3 classrooms for each year from kindergarten to year 6
 - extracurricular rooms
 - reconfiguration of the existing car park to enable the addition of 5 car spaces
 - removal of 7 trees and transplanting of 2 trees to facilitate the new buildings
 - landscaping works including 58 replacement trees
 - stormwater works.
- 5.3 Other details about the proposal are at attachment 4 and a copy of the development plans is at attachment 5.
- 5.4 Throughout our assessment process, additional information was requested from the applicant in relation to planning, tree removal, environmental health, biodiversity and drainage. These matters have since been addressed and the application is now ready for determination by the Sydney Central Planning Panel.

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 (Biodiversity and Conservation) 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 Environmental Plan 2015
 - Blacktown Development Control Plan 2015
 - Blacktown Local Strategic Planning Statement 2020
 - Central City District Plan 2018.

7 Issues raised by the public

- 7.1 The proposed development was notified to 176 property owners and occupiers in the locality between 31 August and 29 September 2022. The development application was also advertised on Council's website, on our 'Have your say' page and a sign was erected on the site.
- 7.2 We received no submissions.

8 Key issues

8.1 The proposal will comply with the Natural Resource Access Regulator's requirements

- 8.1.1 The proposal is a 'Nominated Integrated Development' under Section 4.46 of the Environmental Planning and Assessment Act 1979. It requires concurrent approval from the Natural Resources Access Regulator, under the Water Management Act 2000, due to the proposed construction of the new school building and associated works being within 40 m of Girraween Creek.

- 8.1.2 The Natural Resource Access Regulator has provided its General Terms of Approval to this proposal and these are included in the draft conditions of consent at attachment 7.

8.2 Number of students proposed to be capped

- 8.2.1 Previous approvals for Toongabbie Christian School have not restricted the number of students on-site. We have requested a cap on the number of students to control car parking, traffic and amenity impacts on the surrounding area. The capping has been agreed to by the applicant.
- 8.2.2 The application does not propose to increase the number of students to more than that of the school's current operations. The current number of students fluctuates between 1,075 and 1,095.
- 8.2.3 An operational condition has been included on the consent to restrict the number of students to a total of 1,100.

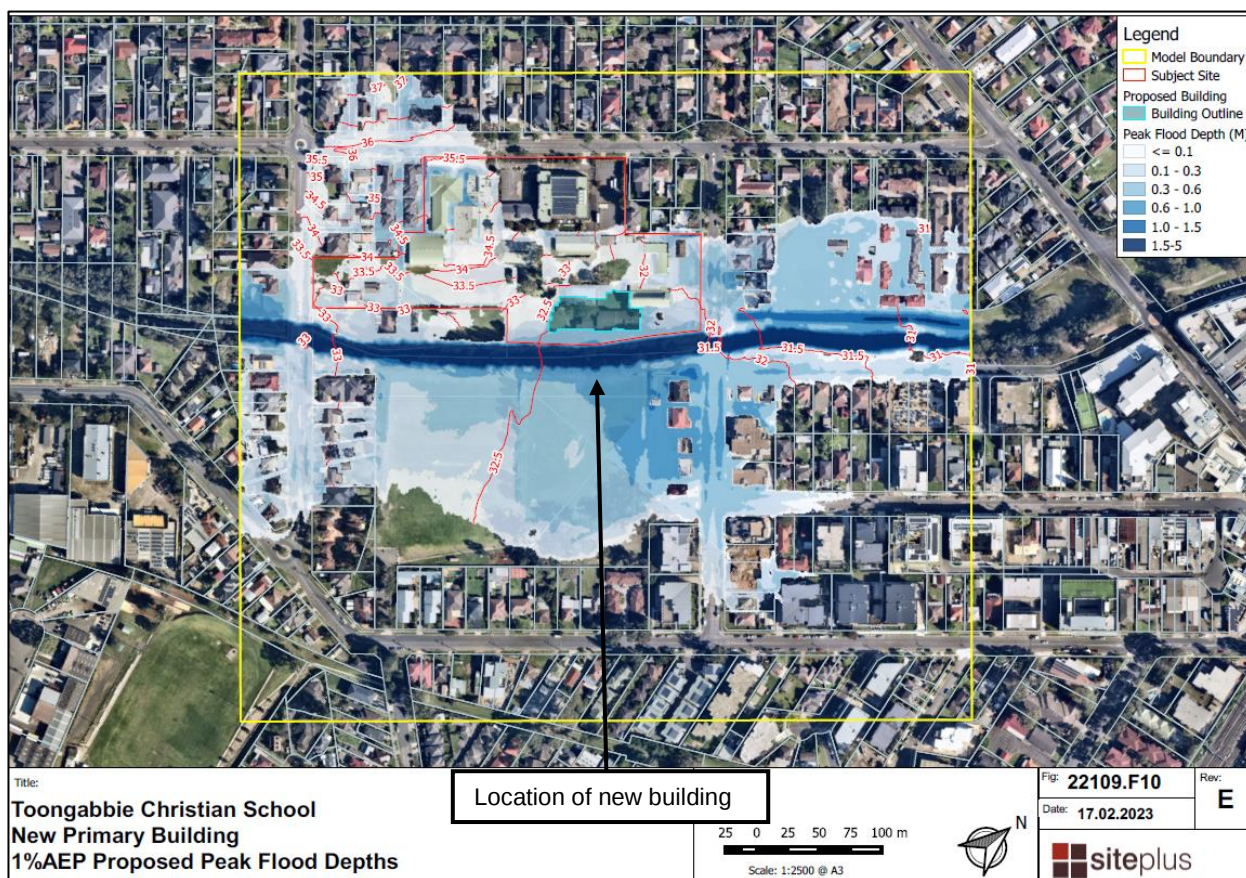
8.3 Tree removal

- 8.3.1 An Arboriculturally Impact Assessment Report prepared by Jacksons Nature Works (dated 2 August 2022) investigated 9 trees that will be impacted by the proposed development.
- 8.3.2 A total of 7 trees are proposed to be removed and 2 (crepe myrtle) trees are to be relocated on-site because they are located within the building footprint:
- all 9 trees have low retention value
 - the 7 trees to be removed are 2 x red bottlebrush, 4 x cheese tree and 1 x brush box
 - all other trees on-site will be retained and protected during the construction phase
 - To compensate the loss of existing trees, the landscape concept plan includes 58 new trees, which will be planted prior to the occupation of the facility.
 - The application was reviewed by Council's arborist and removal of the trees was considered acceptable, subject to conditions.

8.4 The site is flood affected

- 8.4.1 The site is on flood prone land within the Greystanes Creek floodplain. Flood affectation is rated as Low, Medium and High flood risk as shown on the plan below. The 1% AEP flood level is RL 32.48.
- 8.4.2 The applicant was required to provide extensive additional information in relation to flooding and drainage at the request of our engineering and drainage sections.
- 8.4.3 The minimum habitable floor level for the proposed school building is to RL 33.03 (including 500 mm freeboard) and the finished floor level for the sports storage is RL 32.63 (including 100 mm freeboard).
- 8.4.4 The new school building including portion of existing building will be situated in the risk area of the site and will cater for 541 students and relevant staff members.
- 8.4.5 A condition of consent will be the requirement for a Flood Management Plan required to be prepared prior to the issue of the Construction Certificate. This plan is required to address warning signs, notice of procedures, recommendations shelter-in place or evacuate, measures for safe evacuation. All the signage and notice of procedures/measures will be required to be in place prior to occupation of the new school building to ensure the instructions are clear and easy to follow.

8.4.6 Council's engineers have assessed the information provided and consider the proposal is acceptable subject to conditions.



Page 58 of Flood Study and Risk Management Study, dated February 2023, prepared by Siteplus

8.5 Variation to the car parking controls is considered acceptable

- 8.5.1 There are currently 120 spaces onsite for 110 full-time staff (131 employed) with student numbers fluctuating between 1075 and 1095.
- 8.5.2 The proposed development will provide 5 additional onsite parking spaces.
- 8.5.3 An assessment of carparking against Blacktown Development Control Plan 2015 has been undertaken, and results in a proposed variation of 10 spaces.

Controls	Required car parking	Proposed
Staff parking 1 space/staff member	110 staff full-time (131 staff employed) = 110	110 staff full-time (131 staff employed) = 110
Students 1 space/100 students	1,100 (students)/100 = 11	1,100 (students)/100 = 11
Senior high school 1 space/5 y12 students	Approx 70 (students)/5 = 14	The school's policy is that year 12 students cannot park onsite.
	135	125

8.5.4 The variation is considered acceptable for the following reasons:

- the school has been operating for a number of years with up to 1,100 students and this proposal maintains 1,100 students
- Council has not received complaints about car parking issues within the general vicinity of the school
- no objections were received for the extension to the school during the public notification of the application
- the school does not permit students to park in school grounds. A condition of consent will require the school to provide a plan of management prior to occupation certificate covering advice to students to not drive to school and providing alternative transport options.

9 External referrals

9.1 The development application was referred to the following external authorities for comment:

Authority	Comments
Natural Resource Access Regulator	General terms of approval provided on 4/10/2022.

10 Internal referrals

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

Section	Comments
Building	No objections, conditions provided
Environmental Health	No objections, conditions provided
Traffic	No objections
Drainage	No objections, conditions provided
Open Space (trees)	No objection, conditions provided
Property	No objection
Engineering	No objections, conditions provided
Biodiversity	No objection, conditions provided
Section 7.11 contributions	No objections, conditions provided

11 Conclusion

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

12 Disclosure of political donations and gifts

- 12.1 Under Section 10.4 of the Environmental Planning and Assessment Act 1979, a disclosure statement must be lodged in certain circumstances in relation to any planning application, i.e. a development application, an application to modify a consent and an application to make an environmental planning instrument or development control plan.
- 12.2 A disclosure statement of a reportable political donation or gift must accompany a planning application or submission (including a submission either objecting to or supporting the proposed development) if the donation or gift is made within 2 years before the application or submission is made. If the donation or gift is made after the lodgement of the application, a disclosure statement must be sent to Council within 7 days after the donation or gift is made. The provision also applies to an associate of a submitter.
- 12.3 A disclosure statement may be made available for viewing upon a written request to Council in line with Section 12 of the Local Government Act 1993.
- 12.4 Disclosures:
- Political donations Has a Disclosure statement been received in relation to this application? No
If yes, provide Disclosure statement register reference
 - Gifts Have staff received a 'gift', that needs to be disclosed, from anyone involved with this application? No

13 Recommendation

- 1 Approve Development Application SPP-22-00006 for the reasons listed below, and subject to the conditions listed at attachment 7.
 - a The proposal is in the public interest by way of providing a new primary school building within an existing school [Section 4.15(1)(e) of the Environmental Planning and Assessment Act 1979]
 - b The site is considered suitable for the proposed development, being in a R2 Low Density Residential Zone and SP2 - Educational Establishment [Section 4.15(c) of the Environmental Planning and Assessment Act 1979]
 - c The proposal will not have any adverse social, economic or environmental impacts on the area [Section 4.15(1)(b) of the Environmental Planning and Assessment Act 1979]
- 2 Council officers notify the applicant of the Panel's decision.

14 Declaration and endorsement

We, the undersigned, declare, to the best of our knowledge that we have no interest, pecuniary or otherwise, in this development application or persons associated with it; and we have provided an impartial assessment.



Olivia Betts
Senior Town Planner



Judith Portelli
Manager Development Assessment



Peter Conroy
Director City Planning and Development