

# Assessment report to **Sydney Central City Planning Panel**

Panel reference: PPSSCC-454

DA number DA-23-00653 Date of lodgement 19 June 2023

**Applicant** Barry Hayes - NSW Department of Education

Owner NSW Department of Education

Proposed development

Construction of a temporary education establishment (Nirimba Fields Primary School) for 419 students, including construction of a carparking area for 17 vehicles and associated site preparation works, traffic safety measures and landscaping.

Street address Lot 1 in DP 1285594 Triton Parade & Nabthorpe Parade, Nirimba Fields

Notification period 5-19 July 2023 Number of submissions Nil

#### **Assessment**

#### Panel criteria

Schedule 6 of State Environmental Planning Policy (Planning Systems) 2021  Crown development with a capital investment value exceeding \$5 million (CIV \$7,757,544 excluding GST).

# Relevant section 4.15(1)(a) matters

- State Environmental Planning Policy (Planning Systems) 2021.
- State Environmental Planning Policy (Precincts Central River City) 2021.
- State Environmental Planning Policy (Resilience and Hazards) 2021.
- State Environmental Planning Policy (Transport and Infrastructure) 2021.
- State Environmental Planning Policy (Industry and Employment) 2021.
- Blacktown City Council Growth Centre Precincts Development Control Plan 2010.
- Blacktown Local Strategic Planning Statement 2020.
- Central City District Plan 2018.

Report prepared by Alan Middlemiss, Coordinator Planning Assessment

Report date 28 August 2023

**Recommendation** Approval, subject to conditions listed in attachment 7.

#### **Attachments**

- 1 Location map
- 2 Aerial image
- 3 Zoning extract
- 4 Detailed information about proposal and development application 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?

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?

Special Infrastructure Contributions

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

No

#### **Conditions**

Have draft conditions been provided to the applicant for comment?

Yes



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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:
  - The provision of carparking. On the basis that the school is temporary, we conclude that the provision of carparking is acceptable.
  - The site is flood affected. The applicant has provided the relevant reports, plans and modelling and our engineers have concluded that the temporary use of this part of the site is acceptable, subject to conditions.
  - The use necessitates the provision of bus zones, a raised pedestrian crossing, drop off and pick up zones and at at-grade pedestrian crossing with associated signage. The proposed locations of this infrastructure are outlined in Section 10 of this report. These matters were considered by the Local Traffic Committee at its meeting of 8 August 2023, where the Committee resolved to approve that work, subject to conditions. Reference to those conditions is a 'prior to commencement' item and will be subject to final approval by an Ordinary Meeting of Council.
  - The proposal has been considered against the 7 principles of 'Design quality in schools' prescribed by Schedule 8 of State Environmental Planning Policy (Transport and Infrastructure) 2021 and found to be satisfactory.
- 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.
- 1.5 The Crown has been consulted with regard to the imposition and wording of conditions and agreement has been reached in accordance with Section 4.33(1) (b) of the Environmental Planning & Assessment Act 1979.

# 2 Location

- 2.1 The site is located in the Akuna Vista estate, a master-planned community being developed by Defence Housing Australia featuring more than 1100 residential lots, future local neighbourhood shops, future parks, new roads, drainage and environmental conservation land.
- 2.2 The location of the site is shown at attachment 1.
- 2.3 The site is zoned SP2 Educational Establishment under State Environmental Planning Policy (Precincts Central River City) 2021 and is located in the Schofields Precinct.
- 2.4 The site is located approximately 1.4 km by road (1km directly) from Schofields Railway Station.
- 2.5 Western Sydney Institute of TAFE and a campus of the University of Western Sydney are located 900 m and 1.2 km south and south-east of the site respectively.
- 2.6 Land immediately to the north is land zoned B2 (Local Centre) and RE1 (Public Recreation) featuring a nearly completed local park with an area of 5,748 m². Land to the west and south is zoned RE1 Public Recreation for a future active and passive recreation precinct of over 12 hectares.



2.7 Land to the east of the site is residential land zoned R2 that has been subdivided, featuring some vacant lots and others where dwellings are at various stages of construction or completed.

# 3 Site description

- 3.1 The proposed development is located on Lot 1 in DP 1285594. It is a rectangular shaped, vacant lot with an area of 2.003 hectares, a frontage of approximately 167 m to Triton Parade (to the north) and 120 m to Nabthorpe Parade (to the east).
- 3.2 Roads and footpaths on the northern and eastern perimeters of the site have been constructed and dedicated to Council as public roads.
- 3.3 An aerial image of the site and surrounding area is at attachment 2.

# 4 Background

- 4.1 The site was rezoned on 11 May 2012 from a rural zone under former Blacktown Local Environmental Plan 1988 to the current zoning under what is now State Environmental Planning Policy (Precincts Central River City) 2021.
- 4.2 The earthworks, drainage, infrastructure and ancillary works to establish Akuna Estate were approved via DA-15-00999 on 21 April 2017, this allowed for the site to be cleared, levelled and filled as necessary.
- 4.3 Land for acquisition, including this site, the adjacent RE1 zoned land and the SP2 Drainage land to the west was subdivided via DA-19-01497.
- 4.4 The land was excised from that larger 84 hectares holding on 30 June 2022 as exempt development, to reflect the zoning of the land (SP2 Educational Establishment).
- 4.5 A zoning plan for the site and surrounds is at attachment 3.
- 4.6 The site is partly located on land once part of the 'RAAF Station Schofields', a former Royal Australian Airforce military airbase and aerodrome. The former runways can be seen below.







# 5 The proposal

- 5.1 The development application was lodged by Barry Hayes of the NSW Department of Education on 19 June 2023. As the development is being carried out on behalf of the Crown with an estimated value of between \$5 million and \$20 million, the application is referred to the Sydney Central City Planning Panel for determination.
- 5.2 The applicant proposes the construction of a temporary primary school (Nirimba Fields Primary School), featuring:
  - Temporary use for a period of 3 years to facilitate the anticipated opening of the permanent school in time for Term 1, 2027.
  - Construction and operation of a temporary educational establishment for up to 209 students in 2024 (plus 11 staff), 321 (plus 16 staff) in 2025 and 419 (plus 21 staff) in 2026.
  - Minor site preparation works.
  - Site landscaping including a temporary grassed outdoor play area, tree planting, footpaths/ramps/accessways and perimeter security fencing.
  - Construction of a covered outdoor learning area (COLA).
  - On-site parking for 17 vehicles and a waste collection area, with vehicular access off Nabthorpe Parade.
  - Augmentation of utilities as required for the operation of the school.
  - Decommissioning and removal of the temporary school after a maximum of 3 years from commencement of operation in 2024.
- 5.3 Other details about the proposal are at attachment 4 and a copy of the development plans is 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.
  - Environmental Planning and Assessment Regulation 2021.
  - State Environmental Planning Policy (Planning Systems) 2021
    - Part 2.4 Regionally significant development
    - Schedule 6 Crown development over \$5 million.
  - State Environmental Planning Policy (Precincts Central River City) 2021
    - Chapter 3 Sydney region growth centres
    - Appendix 9 Schofields Precinct Plan.
  - State Environmental Planning Policy (Resilience and Hazards) 2021
    - Chapter 4 Remediation of land.
  - State Environmental Planning Policy (Transport and Infrastructure) 2021
    - Chapter 3 Educational establishments and childcare facilities
      - Part 3.4 Schools specific development controls
      - Part 3.7 Traffic-generating development.



- State Environmental Planning Policy (Industry and Employment) 2021
  - Chapter 3 Advertising and Signage.
- Blacktown City Council Growth Centre Precincts Development Control Plan 2010
  - Schofields Precinct Plan.
- 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 50 property owners and occupiers in the locality between 5 and 19 July 2023. Notice of the development application was also uploaded to Council's website.
- 7.2 We received no submissions.

# 8 Key issues

# 8.1 Carparking is adequate for a temporary school

- 8.1.1 Clause 3.36(9) State Environmental Planning Policy (Transport and Infrastructure) 2021 specifically excludes the application of DCPs in the assessment of an application for a school made under the SEPP. However, we have undertaken an assessment of the carparking based on the controls of the DCP as a general guide. Blacktown Growth Centres DCP 2010 would ordinarily require 1 space per staff member plus 1 space per 100 students. On this basis, the use would require a minimum of 25.19 (say 25) spaces in its third year of operation. Parking for 17 vehicles is proposed representing what would otherwise be a non-compliance of 8 spaces.
- 8.1.2 This is considered acceptable as the use will be temporary and the provision of the most suitable amount of carparking will be determined during the planning of the permanent school on the site.
- 8.1.3 In the temporary school's first year of operation, when only 209 students and 11 staff will be on-site, the parking requirement would ordinarily be 13 spaces (compliance would be achieved), then 21 spaces in its second year of operation with 321 students and 16 staff (representing what would otherwise be a non-compliance of only 4 spaces).
- 8.1.4 The NSW Department of Education is negotiating with Council's Recreation Team to look at shared use of the carpark in the reserve adjoining the site to the south (Reserve 980) for parking when the park is not in use.

### 8.2 Flooding can be addressed by conditions

- 8.2.1 The existing ground surface is above the flood planning level, having been filled by the developer of the subdivision Defence Housing Australia in 2018-2019 as part of previous approvals issued by Blacktown City Council in consultation with our Drainage Engineers.
- 8.2.2 The flood planning level is the same as the 1 in 100 year flood level which is 17.5 m AHD. The proposed finished floor level of the temporary school is 22.8 m AHD, the carparking between 22.5 m AHD and 23.24 m AHD and the playground area 21.5 m AHD at its lowest point.
- 8.2.3 The probable maximum flood level is 26.47 m AHD and this would be the only time according to the flood report that the site would be inundated. Such a flood would



- be accompanied by flood warnings and evacuation orders associated with the Hawkesbury River and would allow several hours to evacuate the site.
- 8.2.4 Whilst the site is flood prone land, it is marked as 'low' in terms of affectation. The applicant has provided the relevant reports, plans and modelling and our engineers have concluded that the temporary use of this part of the site is acceptable, subject to conditions which have been accepted by the NSW Department of Education.
- 8.2.5 The NSW Department of Education has advised that flood management will be in accordance with the Department's Incident Notification and Response Policy and Procedures and that an evacuation plan will need to be completed and implemented prior to the commencement of operation of the school. This will need to be unique to this site and the local conditions. An appropriate condition to this effect is included in the recommended conditions of consent, noting that the temporary school has not been designed for shelter-in-place principles.
- 8.2.6 Therefore, the management of the temporary school in times of flood can be managed to ensure no risk to students or staff.

# 8.3 Off-site traffic matters can be addressed by conditions

- 8.3.1 The approval of bus zones, a raised pedestrian crossing, kiss and drop-off zone, an at-grade pedestrian crossing and associated signage required by this development and that of the permanent school was the subject of determination by the Local Traffic Committee at its meeting of 8 August 2023. The Committee resolved to approve the public domain works involving traffic treatments and signage, subject to conditions. Those works require final approval at a Council Ordinary Meeting but can be undertaken independently of this development application.
- 8.3.2 The cumulative impact of traffic associated with the temporary school has been considered by our Traffic Engineer. The scale and form of the development is unlikely to result in impacts beyond those anticipated by a school, being relatively small in both the school population and the scale of the buildings.
- 8.3.3 The land was zoned for a school and the planning of this area always anticipated this traffic and circulation.

# 8.4 Design quality principles for this temporary school are satisfactory

- 8.4.1 The proposal has been considered against the 7 principles of 'Design quality in schools' prescribed by Schedule 8 of State Environmental Planning Policy (Transport and Infrastructure) 2021, namely:
  - Context, built form and landscape
    - The site is a cleared, flat site appropriately zoned for the proposed use. The temporary school will be orientated facing north allowing ample natural light into classrooms and other spaces. The buildings will be located in a manner that ensures that when the permanent school is under construction, the temporary school can still be used. This will ensure a smooth transfer anticipated to be Term 1, 2027.
  - Sustainable, efficient and durable
    - The applicant has advised that the structures comprising the temporary school are modular, prefabricated demountable structures that are capable of reuse time and time again.
  - Accessible and inclusive
    - The temporary school has been designed to ensure access for all, with simple wayfinding and arrangements.



# • Health and safety

• The temporary school will be constructed to appropriate Building Code of Australian and Department of Education standards.

#### Amenity

- The temporary school has been designed with appropriate spaces in mind, both internally and externally. Outdoor spaces include a covered learning area and a turfed playground.
- Whole of life, flexible and adaptive
  - As noted above, the structures are demountable and capable of reuse time and again.

# Aesthetics

The primary orientation of the structures is to the north, therefore into the site itself and not to the street. The street entry is confined to the carparking area and the school entry zone. The temporary school is anticipated to only be in place for 3 years.

These principles have been elaborated in more detail in attachment 6.

8.4.2 The proposed temporary school meets these design principles sufficient for its temporary nature.

# 9 External referrals

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

Authority	Comments
NSW Police	Acceptable, subject to conditions.
Transport for NSW (Roads & Maritime)	No objection.

# 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.
DSU Engineering	Acceptable, subject to conditions.
Drainage	Acceptable, subject to conditions.
Environmental Health Unit	The Detailed Site Investigation prepared by Douglas Partners states that any PFAS contaminated soils which is brought to the surface during construction is not to be re-used onsite, and must be disposed of at an authorised waste facility. Groundwater is not suitable for use onsite for construction or in the long term.  Prior to any issue of an occupation certificate for the temporary school, a Site Audit Statement completed by an Environmental Protection Authority accredited site auditor that verifies the site is



Section	Comments
	suitable for the most sensitive land use being residential with accessible soils will need to be submitted to Council. No objection is raised to the proposal, subject to conditions.
Traffic	No objection to the proposal, subject to conditions recommended by the Local Traffic Committee. The Local Traffic Committee considered the proposed locations of the bus zones, a raised pedestrian crossing, kiss and drop-off zone, an at-grade pedestrian crossing and associated signage as part of this development. They are matters than can be considered outside of the scope of this development application, but are integral to it operating efficiently.
	The Local Traffic Committee at its meeting of 8 August 2023 resolved as follows:
	1. The installation of the following traffic treatments and associated signage, as part of the proposed construction and operation of the temporary primary school at Lot1/DP 1285594 Triton Parade, Nirimba Fields, be approved:
	a) The proposed "Bus Zone 8:00am-9:30am and 2:30pm-4:00pm School Days" on the northern side of Triton Parade, west of Winjeel Street, as per drawings No. EXT-C03.1, revision 5 and EXT-C03.02, revision 6.
	b) The proposed "Bus Zone 8:00am-9:30am and 2:30pm-4:00pm School Days" on the southern side of Triton Parade, west of Nabthorpe Parade, as per drawing No.EXT-C03.03, revision 8.
	c) The proposed raised pedestrian crossing with associated signage across Nabthorpe Parade, 30m south of Triton Parade as per drawing No. EXT-C03.03, revision 8.
	d) The proposed kiss and drop zone, "No Parking 8:00am-9:30am and 2:30pm-4:00pm School Days" restrictions on the western side of Nabthorpe Parade, approximately 10m south from the proposed vehicular crossing as per drawings No.EXT-C03.04, revision 4 and EXT-C03.05, revision 6.
	e) The proposed at-grade pedestrian crossing across Nabthorpe Parade, between Swordfish and Firefly Streets, with associated signage, as per drawing No. EXT-C03.06, revision 6.
	<ul> <li>Our Traffic Engineer noted:</li> <li>The new temporary primary school will significantly increase pedestrian and vehicle activity in Triton Parade and Nabthorpe Parade. It is not possible to provide accurate data for the crossings warrants prior to opening of the school. The proposed crossings and the kiss and drop zone in Nabthorpe Parade will provide improved pedestrian safety and accessible access to the school.</li> </ul>



Section Co.	mments
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- The kerb space on both sides of Triton Parade and Nabthorpe Parade is currently unrestricted for parking.
- This development does not have Council consent yet.
   However, to expedite the process, plans for the installation of bus zones, pedestrian crossings and their associated signs, and a kiss and drop zone are submitted for consideration and approval of the Local Traffic Committee.
- The proposed signs associated with the proposed traffic treatments comply with AS1742.1, AS 1742.2, AS 1742.3 and TfNSW delineation guidelines.
- The installation of 'Bus Zone 8:00 am 9:30 am and 2:30 pm 4:00 pm School Days' restrictions on both the northern and southern sides of Triton Parade, west of Winjeel Street and Nabthorpe Parade, will allow school buses to stop and pick-up /drop-off students during school days. Outside these hours and non-school days, the kerb space will revert to unrestricted parking.
- The proposed raised pedestrian crossing across Nabthorpe Parade, south of Triton Parade will allow vehicles to slow and let pedestrians cross the street. A raised pedestrian crossing is beneficial from a pedestrian safety and traffic calming perspective and will increase pedestrian safety.
- The proposed kiss and drop zone 'No Parking 8:00 am 9:30 am and 2:30 pm - 4:00 pm School days' on the western side of Nabthorpe Parade will allow parents/carers to drop-off and pick-up students. Outside these hours and during non-school days, the kerb space will revert to unrestricted parking.
- The proposed at grade pedestrian crossing across Nabthorpe Parade will allow students, parents and residents having priority over vehicles and cross the street safely.
- School Infrastructure NSW conducted public consultation via doornock, mail and online survey from 2 June 2023 to 16 June 2023 and received 90 responses. The majority of the respondents strongly supported the proposed bus zones in Triton Parade, the proposed crossings across Nabthorpe Parade and the proposed kiss and drop zone on Nabthorpe Parade, to provide safe and accessible access to the new temporary school.
- However, School Infrastructure NSW also received a petition from residents of Dolphin and Scout Streets requesting to move the proposed kiss and drop zone and the school gate from Nabthorpe Parade to Triton Parade due to traffic and parking congestions when people park their vehicles in their streets.
- School Infrastructure NSW has already responded to the petition and addressed the concerns raised by the residents. The site is located on the corner of Trion Parade and Nabthorpe Parade and moving the proposed kiss and drop zone and the school gate to Triton Parade is practically not possible due to the proposed bus zones on Triton Parade and traffic treatment works involved in Council's future plan for signalising the intersection of Triton Parade and Aerodrome Drive.
- It is therefore recommended that the proposed bus zones in Triton Parade, the raised and the at-grade pedestrian



Section	Comments
	crossing across Nabthorpe Parade with associated signage and the proposed kiss and drop zone on the western side of Nabthorpe Parade be approved.
Section 7.11 contributions	Section 7.11 Contributions for drainage works apply in accordance with Blacktown City Council Contributions Plan No. 24 – Schofields Precinct (Works and Land). However, it is suggested that Council not levy the S7.11 contributions on DA-23-0063 and defer them to the permanent school development application when received. This will provide time for NSW Education to seek confirmation from the Minister of Planning on the direction that public schools should pay Section 7.11 contributions towards stormwater infrastructure, and to also confirm the capacity of the proposed stormwater infrastructure in regard to WSUD facilities in the Schofields Precinct.
Sports & Recreation	No objection, no conditions recommended.
Social Planning	Acceptable, no conditions recommended.
Arboricultural	No objection. However, conditions of consent requesting street trees to be planted have been agreed to be deleted at the request of the Crown as street trees will form part of the permanent school development application.

# 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
•	Gifts	Have staff received a 'gift', that needs to be disclosed, from anyone involved with this application?	No



# 13 Recommendation

- 1 Approve Development Application DA-23-00653 for the reasons listed below, and subject to the conditions listed in attachment 7:
  - a The development has been considered against the 'Design quality in schools' principles of State Environmental Planning Policy (Transport and Infrastructure) 2021 and we have found this temporary facility to be acceptable, on the basis that planning is currently being undertaken to progress work on the permanent school on the same site. (Section 4.15(1)(a)(i) of the Environmental Planning and Assessment Act 1979).
  - b The development is unlikely to unreasonably impact the natural or built environments, or have any such impacts on social and economic impacts of the locality (Section 4.15(1)(b) of the Environmental Planning and Assessment Act 1979).
  - c The site is considered suitable for the proposed development (Section 4.15(1)(c) of the Environmental Planning and Assessment Act 1979).
  - The development is an appropriate response to a significant need to provide additional educational facilities for primary school aged children in this fast-growing part of Sydney. As such, the development is consistent with the strategic context and statutory control objectives for the site established for the North West Growth Area and the Schofields Precinct and is in the public interest. (Section 4.15(1)(c) & (e) 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.

Alan Middlemiss

Coordinator Planning Assessment

Alam Moldbann

Judith Portelli

Manager Development Assessment

Peter Conroy

**Director City Planning and Development**