



**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

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**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

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**Special Infrastructure Contributions**

Does the development application require Special Infrastructure Contributions conditions (section 7.24)? No

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**Conditions**

Have draft conditions been provided to the applicant for comment? Yes

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## **1 Executive summary**

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- 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-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**

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- 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 m<sup>2</sup>. Land to the west and south is zoned RE1 Public Recreation for a future active and passive recreation precinct of over 12 hectares.



## **5 The proposal**

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- 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**

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- 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.







Section	Comments
	<p>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.</p>
Traffic	<p>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 that can be considered outside of the scope of this development application, but are integral to it operating efficiently.</p> <p>The Local Traffic Committee at its meeting of 8 August 2023 resolved as follows:</p> <ol style="list-style-type: none"> <li>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:             <ol style="list-style-type: none"> <li>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.</li> <li>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.</li> <li>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.</li> <li>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.</li> <li>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.</li> </ol> </li> </ol> <p>Our Traffic Engineer noted:</p> <ul style="list-style-type: none"> <li>• <i>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.</i></li> </ul>

Section	Comments
	<ul style="list-style-type: none"> <li>• <i>The kerb space on both sides of Triton Parade and Nabthorpe Parade is currently unrestricted for parking.</i></li> <li>• <i>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.</i></li> <li>• <i>The proposed signs associated with the proposed traffic treatments comply with AS1742.1, AS 1742.2, AS 1742.3 and TfNSW delineation guidelines.</i></li> <li>• <i>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.</i></li> <li>• <i>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.</i></li> <li>• <i>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.</i></li> <li>• <i>The proposed at grade pedestrian crossing across Nabthorpe Parade will allow students, parents and residents having priority over vehicles and cross the street safely.</i></li> <li>• <i>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.</i></li> <li>• <i>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.</i></li> <li>• <i>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 Triton 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 signalling the intersection of Triton Parade and Aerodrome Drive.</i></li> <li>• <i>It is therefore recommended that the proposed bus zones in Triton Parade, the raised and the at-grade pedestrian</i></li> </ul>

Section	Comments
	<i>crossing across Nabthorpe Parade with associated signage and the proposed kiss and drop zone on the western side of Nabthorpe Parade be approved.</i>
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

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- 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).
  - d 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

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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.



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Alan Middlemiss  
Coordinator Planning Assessment



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Judith Portelli  
Manager Development Assessment



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Peter Conroy  
Director City Planning and Development