



SYDNEY CENTRAL CITY PLANNING PANEL

COUNCIL ASSESSMENT REPORT

Panel Reference	PPSSCC-92
DA Number	DA/241/2020
LGA	City of Parramatta Council
Proposed Development	Demolition of existing two-storey 'Brothers residence' building, removal of thirty-five (35) trees, construction of a new three-storey car park in the north-east corner of the site for 260 vehicles with access from Darcy Road and associated landscaping works, pedestrian access upgrades and ancillary structures. The proposal is Nominated Integrated Development under the Water Management Act 2000. The application is to be determined by the Sydney Central City Planning Panel.
Street Address	Lot 1 in DP 1095407, 2 Darcy Road, Westmead NSW 2145
Applicant	Catholic Education Office - Diocese of Parramatta
Owner	Trustees of The Marist Brothers
Date of DA lodgement	29 April 2020
Number of Submissions	Nil (0)
Recommendation	Approval, subject to conditions
Regionally Significant Development	Clause 5 of Schedule 7 of the State Environmental Planning Policy (State and Regional Development) 2011 as the development has a Capital Investment Value (CIV) in excess of \$5 million. The proposed development has a CIV of \$12,637,000 (including GST).
List of all relevant s4.15(1)(a) matters	<ul style="list-style-type: none">• Environmental Planning and Assessment Act 1979• Environmental Planning and Assessment Regulation 2000• State Environmental Planning Policy 55 – Remediation of Land• State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017• State Environmental Planning Policy (Infrastructure) 2007• State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017• State Environmental Planning Policy (State and Regional Development) 2011

	<ul style="list-style-type: none"> • Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005 • Water Management Act 2000 • Parramatta Local Environmental Plan 2011 • Parramatta Development Control Plan 2011
List all documents submitted with this report for the Panel's consideration	<ul style="list-style-type: none"> • Attachment 1 – Consolidated conditions of consent • Attachment 2 – Architectural plans • Attachment 3 – Applicant's agreement to conditions
Report prepared by	Shaylin Moodliar, Senior Development Assessment Officer
Report date (to SCCPP)	12 October 2020 (for electronic determination)

Summary of s4.15 matters

Yes

Have all recommendations in relation to relevant s4.15 matters been summarised in the Executive Summary of the assessment report?

Legislative clauses requiring consent authority satisfaction

Yes

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 summarized, in the Executive Summary of the assessment report?

e.g. Clause 7 of SEPP 55 - Remediation of Land, Clause 4.6(4) of the relevant LEP

Clause 4.6 Exceptions to development standards

N/A

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

No

Does the DA require Special Infrastructure Contributions conditions (s7.24)?

Note: Certain DAs in the Western Sydney Growth Areas Special Contributions Area may require specific Special Infrastructure Contributions (SIC) conditions

Conditions

Yes (refer to attachment 3)

Have draft conditions been provided to the applicant for comment?

Note: in order to reduce delays in determinations, the Panel prefer that draft conditions, notwithstanding Council's recommendation, be provided to the applicant to enable any comments to be considered as part of the assessment report

**City of Parramatta**

File No: DA/241/2020

**ASSESSMENT REPORT –
Environmental Planning & Assessment Act 1979****SUMMARY**

DA No:	DA/241/2020
Property:	Lot 1 in DP 1095407, 2 Darcy Road, WESTMEAD NSW 2145 (Parramatta Ward)
Proposal:	Demolition of existing two-storey 'Brothers residence' building, removal of thirty-five (35) trees, construction of a new three-storey car park in the north-east corner of the site for 260 vehicles with access from Darcy Road and associated landscaping works, pedestrian access upgrades and ancillary structures. The proposal is Nominated Integrated Development under the Water Management Act 2000. The application is to be determined by the Sydney Central City Planning Panel.
Date of receipt:	29 April 2020
Applicant:	Catholic Education Office - Diocese of Parramatta
Owner:	Trustees of The Marist Brothers
Property owned by a Council employee or Councillor:	The site is not known to be owned by a Council employee or Councillor
Political donations/gifts disclosed:	None disclosed on the application form
Submissions received:	Nil (0)
Recommendation:	Approval, subject to conditions
Assessment Officer:	Shaylin Moodliar

Legislative requirements

Zoning	SP2 (Educational Establishment) under Parramatta Local Environmental Plan 2011
Other relevant legislation/state environmental planning policies (SEPP)/policies:	Environmental Planning and Assessment Act 1979, Environmental Planning and Assessment Regulation 2000, State Environmental Planning Policy No.55 - Remediation of Land, State Environmental Planning Policy (Infrastructure) 2007, State Environmental Planning Policy (State and Regional Development) 2011, State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017 and SREP (Sydney Harbour Catchment) 2005
Planning Controls & Policy	Parramatta Section 94A Contributions Plan 2011 (Outside CBD) (Amendment 5), Parramatta Development Control Plan 2011 (PDCP 2011),

	Policy for the handling of unclear, insufficient and amended development applications
Bushfire Prone Land	No
Heritage	No
Heritage Conservation Area	No
Integrated development	Yes – under s91 of Water Management Act 2000
Crown Development	No – Catholic Education Office - Diocese of Parramatta is not part of, nor is the application lodged on behalf of, the Crown and is separate to the NSW Department of Education.
Designated Development	No
Delegation	Sydney Central City Planning Panel (SCCPP)

1. EXECUTIVE SUMMARY

The State Significant Development (SSD) Application (Number SSD-10383) was submitted to the Department of Planning, Industry and Environment in March 2020 and commenced public exhibition 2 April 2020. The SSD seeks approval for:

- A new Parish Church;
- A Catholic Early Learning Centre (CELC) within an existing building;
- New landscaping; and
- A primary school with capacity for approximately 1,680 students, to provide expanded facilities for the existing Mother Teresa Primary School on the site and to relocate the existing Sacred Heart Primary School at Ralph Street, Westmead to 2 Darcy Road, Westmead.

The SSD will generate a demand for an additional 141 car parking spaces on the site, and will increase the daily trips during peak periods. The SSD is separate to the proposed DA/241/2020 and each application are not dependent on each other. Further, the proposed 3-storey car park increases the available parking spaces and improves the traffic for the 3 schools within the site by providing a one-way directional traffic from the internal 'loop road' located at the north-eastern portion of the site.

The proposal under the Development Application lodged with Council seeks approval for demolition of existing two-storey 'Brothers residence' building, removal of thirty-five (35) trees, construction of a new three-storey car park in the north-east corner of the site for 260 vehicles with access from Darcy Road and associated landscaping works, pedestrian access upgrades and ancillary structures on land at 2 Darcy Road, Westmead.

The application is required to be referred for determination to the Sydney Central City Planning Panel (SCCPP) pursuant to Clause 5 of Schedule 7 of the State Environmental Planning Policy (State and Regional Development) 2011 as the Capital Investment Value of the original application exceeds \$5 million.

The proposal is consistent with the form of the existing Darcy Road streetscape and as envisaged for the site by the applicable planning controls. The site is located within the Westmead precinct and is zoned SP2 (Educational Establishment) under the Parramatta LEP 2011 (PLEP 2011). There are no maximum height of building or maximum Floor Space Ratio controls on the site under the PLEP 2011.

The proposal generally complies with the applicable requirements of the Parramatta Development Control Plan 2011 (PDCP 2011) in respect to site planning, facilities and building design.

No submissions were received by Council in response to the public notification process.

It is recommended that the application be approved in accordance with the draft conditions included in Attachment 1.

2. SITE DESCRIPTION, LOCATION AND CONTEXT

The subject site is legally described as Lot 1 in DP 1095407 and Lot 1 in DP 1211982, and is commonly known as 2 Darcy Road, Westmead. The development site and proposed works are located entirely within Lot 1 in DP 1095407. Note that Lot 1 in DP 1211982, is under the ownership of the Trustees of the Marist Brothers.

An aerial photograph of the site and immediate surrounds is included in **Figure 1** with the site outlined in blue.



Figure 1 - Aerial view of locality showing adjoining development. Source: Nearmap dated 3 August 2020



Figure 2 - Aerial view of locality showing adjoining development (subject site highlighted in yellow). Source: GIS Online

The site is located on the southern side of Darcy Road between Bridge Street to the west and Hawkesbury Road to the east. To the north is the Westmead Hospital & health precinct. To the south, is the Western Railway line. To the east is the Western Sydney University – Westmead campus.

The site is bounded by Darcy Road to the north, the T1 North Shore & Western / T5 Cumberland train lines to the south, the Western Sydney University Westmead Campus to the east, and residential uses to the west.

Across Darcy Road, further to the north of the site, is the Westmead Health and Education Precinct comprising the Westmead Hospital, Westmead Private Hospital and the Western Sydney University Medical Research Institutes. The Westmead Health and Education Precinct, the WCC site and the surrounding residential land collectively form part of the recently nominated Westmead Priority Precinct Area.



Figure 3 – Locational context of the Catholic Education Office - Diocese of Parramatta schools. *Source: Ethos Urban*

Currently, the Westmead Catholic Education Campus (subject site) comprises of four separate schools, a Parish and priest residence (see **Figure 3**). The subject site contains three separate schools located on the main site with the three schools currently accommodating approximately 2,630 students and 190 staff.

The following schools are located on land at 2 Darcy Road, Westmead:

- Mother Teresa Primary School - coeducational (K-6) school founded in 2009;
- Catherine McAuley Westmead - girls' (7-12) high school with approximately 1,150 students; and

- Parramatta Marist High School - boys' (7-12) high school founded in 1920 with approximately 1,150 students.



Figure 4 – Existing Buildings and uses at 2 Darcy Road, Westmead. *Source: Alleanza Architecture*

The southern portion of the site contains open sports fields associated with the Parramatta Marist High School. The existing Brother's residence is located in the north-eastern corner of the site, and an at grade car park occupies the western part of the site, to the north of the sports fields. **Figure 4** shows the location of the existing school buildings, including the two-storey 'Brother's residence' building, the car park area and the sports fields that make up the site.

The site forms part of the Westmead Innovation District/Health and Education Precinct an emerging a high density, mixed-use development precinct. The site is located in close proximity to the proposed Westmead Light Rail station.

3. THE PROPOSAL

Approval is sought for demolition of existing two-storey 'Brothers residence' building, removal of thirty-five (35) trees, construction of a new three-storey car park in the north-east corner of the site for 260 vehicles with access from Darcy Road and associated landscaping works, pedestrian access upgrades and ancillary structures.

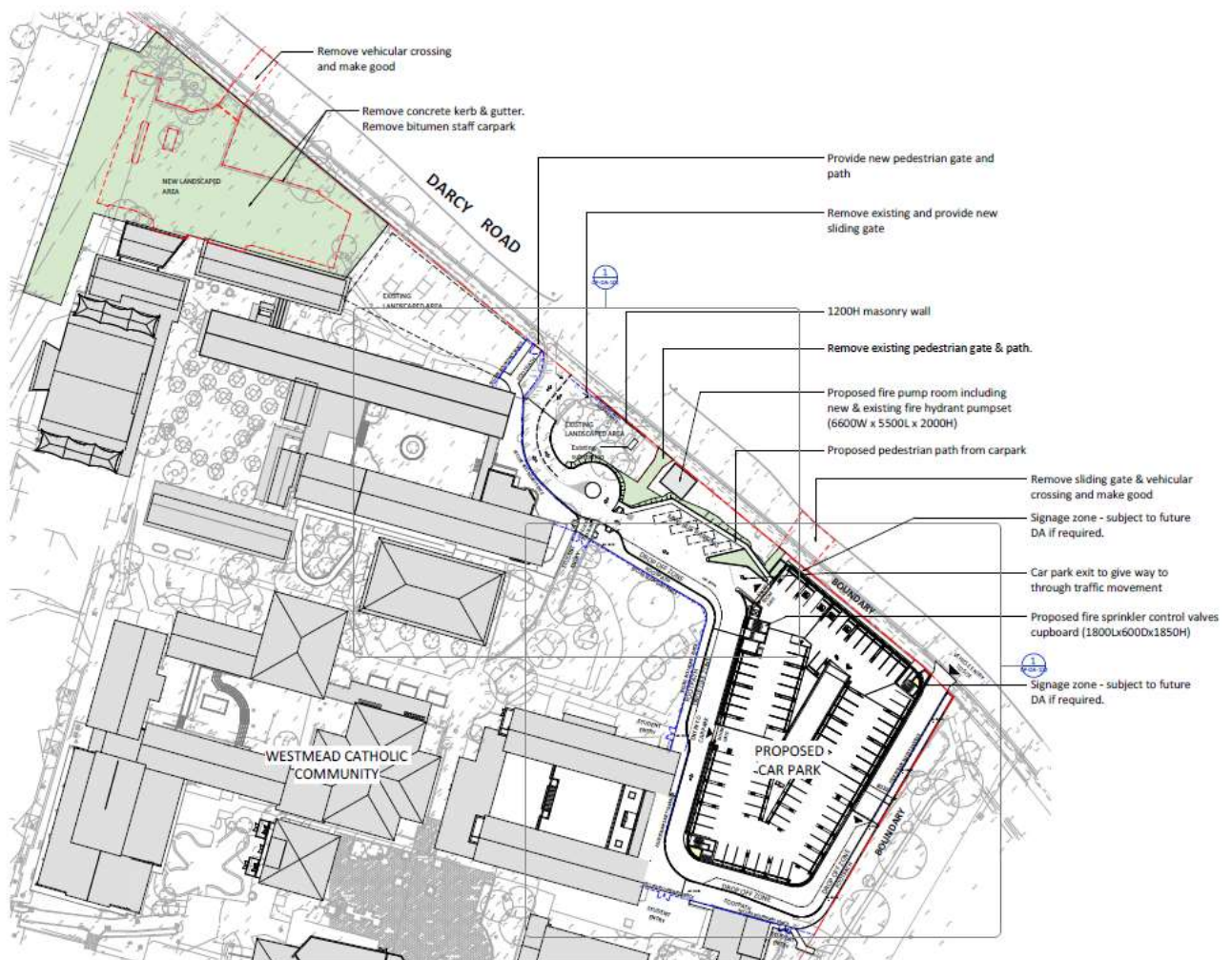


Figure 5 - Proposed Site Plan. Source: Alleanza Architecture

Specifically, approval is sought as follows:

Demolition works

- Demolition of the existing two-storey 'Brother's residence' building located within the north-eastern corner of the site and the internal driveway and concrete paving to the west;
- Remove approximately 34 car parking spaces and 8 drop-off and pick-up spaces which exist within the north-eastern portion of the site;
- Remove pedestrian gate and footpath between the existing substation/kiosk and the eastern boundary along Darcy Road frontage;
- Remove the existing vehicular sliding gate from the Darcy Road traffic-signalised intersection;
- Demolish the metal shed and concrete paving to the south of the existing two-storey 'Brother's residence' building;
- Demolish the existing Darcy Road boundary fence along the north-eastern frontage of Darcy Road between the eastern vehicular crossing and the eastern boundary;
- Remove the eastern vehicular crossing from Darcy Road between the Darcy Road traffic-signalised intersection and the eastern boundary; and
- Remove the vehicular crossing from Darcy Road (to the west of the traffic-signalised intersection on Darcy Road), internal driveway and concrete kerb and gutter along the along Darcy Road frontage.

Tree removal

- Removal of thirty-five (35) trees towards the north-eastern portion of the site.

Construction of 3-storey car park

Basement Level (RL 21.60 – RL 23.30)

- Eighty-nine (89) car parking spaces, communications area, lift core and 3 fire stairs.

Ground Level car park (RL 24.30 – RL 26)

- Seventy-eight (78) car parking spaces including 4 accessible spaces with separate entry and exit boom gates to/from the western loop road, communications area, main switch room, lift core and 3 fire stairs; and
- Approximately 21 drop-off and pick-up bays for parents transporting high school students along the south-eastern and north-western areas of the internal loop road.

Level 1 car park (RL 29.30)

- Ninety-three (93) car parking spaces, communications area, lift core (RL 33.20 to the top of the structure) and 3 fire stairs.

Associated landscaping works, pedestrian access upgrades and ancillary structures

- Loop road entry driveway along eastern boundary off Darcy Road with 'drop off zone' entry and pedestrian footpath;
- Mini bus parking spaces opposite drop off zone between the Darcy Road boundary and the exit driveway from the car park;
- Associated tree and shrub plantings along Darcy Road front setback area;
- New 1.2m high masonry wall within the Darcy Road front setback area between the existing driveway entrance (signalised intersection on Darcy Road) and the existing substation/kiosk; and
- New internal boundary fences along the southern edge of the new internal pedestrian footpath and the existing internal driveway from the signalised intersection on Darcy Road.

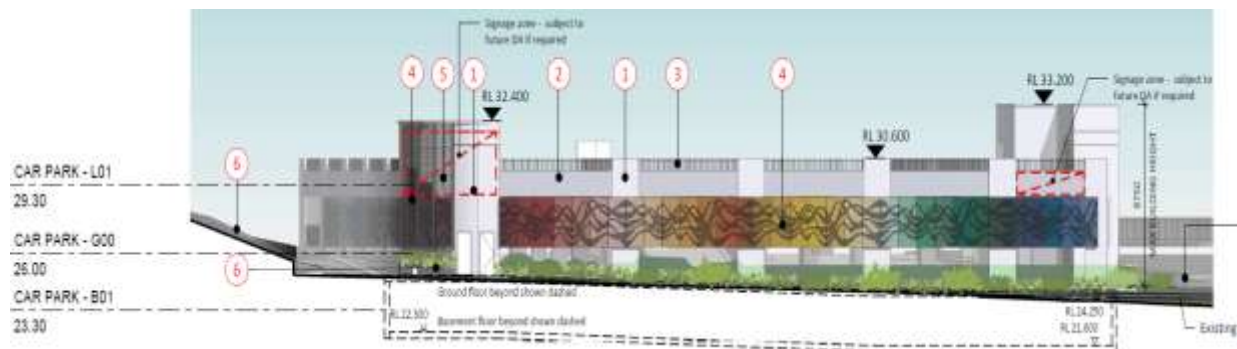


Figure 6 - Northern elevation (as viewed from Darcy Road). Source: Alleanza Architecture

Note: The proposal does not seek any business/building identification signage.

Amended plans

Salient differences between the original application lodged on 29 April 2020 and the current application are as follows:

- Amended architectural and landscape plans providing additional trees and deep soil along Darcy Road;
- Revised arborist letter outlining the removal of several trees along the Darcy Road frontage;
- Review of the design of the decorative screen along Darcy Road;

- Response to the traffic and transport issues raised in the submissions for the SSD; and
- Amended plans maintaining the proposed 260 parking spaces as well as providing an improved pick-up drop-off arrangement to alleviate existing concerns.

4. SECTION 4.15(1) – MATTERS FOR CONSIDERATION - GENERAL

The proposal, as amended, has been assessed under the provisions of the *Environmental Planning and Assessment Act 1979*. The matters below are those requiring the consideration of the Sydney Central City Planning Panel (SCCPP).

4.1 Section 4.47 Development that is Integrated Development

The proposal is defined as a 'Nominated Integrated' development under the provisions of Section 4.46 of the *Environmental Planning and Assessment Act 1979*, as an approval is required from the Water NSW, in accordance with the requirements of the *Water Management Act 2000*.

The application was referred to the Water NSW pursuant to Section 4.47(2) of the *Environmental Planning and Assessment Act 1979*.

Water NSW issued General Terms of Approval (GTA), Ref No: IDAS1124783, dated 30 June 2020, for part of the proposed development requiring a Water Supply Work approval under the *Water Management Act 2000*.

Water NSW noted that the GTA do not constitute an approval under the *Water Management Act 2000* and the applicant “...must apply to Water NSW for a Water Supply Work approval after consent has been issued by Council and before the commencement of any work or activity.”

The applicant has been advised of Water NSW requirements and the GTA issued by Water NSW form Condition No.5 of the draft Notice of Determination.

5. Provisions of Environmental Planning Instruments (Section 4.15(1)(a)(i))

5.1 State Environmental Planning Policy No.55 – Remediation of Land

- ☒ A Site inspection reveals the site does not have an obvious history of a previous land use that may have caused contamination;
- ☒ Historic aerial photographs were used to investigate the history of uses on the site;
- ☒ A search of Council records did not include any reference to contamination on site or uses on the site that may have caused contamination;
- ☒ A search of public authority databases did not include the property as contaminated;
- ☒ The Statement of Environmental Effects states that the property is not contaminated.

A 'Preliminary Site Investigation: Proposed car park at 2 Darcy Road, Westmead', Revision 1, Report No.P1907547JR04V01, prepared by Martens & Associates Pty Ltd, dated 3 April 2020 was submitted for the site. Council's Environmental Health Compliance team reviewed the report which states if the recommendations are implemented the site is considered suitable for the proposed development. Council's Environmental Health Compliance raised no objections subject to the imposition of conditions.

The proposal is acceptable in respect to the requirements of SEPP 55.

5.2 Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005

The site is located within the designated hydrological catchment of Sydney Harbour and is subject to the provisions of the above SREP. The Sydney Harbour Catchment Planning Principles must be considered and where possible achieved in the carrying out of development within the catchment. The key relevant principles include:

- protect and improve hydrological, ecological and geomorphologic processes;
- consider cumulative impacts of development within the catchment;
- improve water quality of urban runoff and reduce quantity and frequency of urban runoff; and
- protect and rehabilitate riparian corridors and remnant vegetation.

The site is sufficiently far upstream from the Parramatta River that it is not identified as being within the Foreshores and Waterways Area which extends west only to Parramatta CBD. The proposal, as amended, is consistent with the controls contained within the deemed SEPP.

5.3 State Environmental Planning Policy No.64 – Advertising and Signage

The proposal does not seek any business/building identification signage. It is noted there are two (2) signage zone areas affixed to the northern elevation of the car park fronting Darcy Road on the plans. A condition of consent is imposed ensuring any business/building identification signage are subject to separate applications (see Condition No.103).

5.4 State Environmental Planning Policy (Infrastructure) 2007

The provisions of ISEPP have been considered in the assessment of the development application. The application is not subject to clause 45 of the SEPP as the development does not propose works within the vicinity of electricity infrastructure that trigger a written referral to the energy authority.

Darcy Road is a classified RMS State road. The proposed 3-storey car park for 260 vehicles with access from Darcy Road is ancillary development to an educational establishment and was referred to Transport for NSW under Schedule 3 and Clauses 101 & 104 of the ISEPP.


Transport for NSW reviewed the proposal and noted that the proposed car park coincides with a State Significant Development application (SSD-10383) for the redevelopment of the Westmead Catholic Community Education Campus, currently under assessment with the Department of Planning, Industry and Environment (DoPIE). Transport for NSW raised no objections to the proposed development, subject to recommended Parramatta Light Rail and traffic-related conditions.

5.5 State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017

The proposed 3-storey car park is separate to the existing school buildings on the site and the proposal does not include any new school buildings. The proposal does not require assessment under Parts 4 and 7 or Schedule 4 of this SEPP, therefore, the proposed ancillary development (i.e. car park) to the existing 3 schools within the site is consistent with the controls contained within this SEPP.

5.6 Parramatta Local Environmental Plan 2011 (PLEP 2011)

The relevant matters to be considered under Parramatta Local Environmental Plan 2011 for the proposed development are outlined below.

Control	Comments	Compliance
Clause 2.3 Zone objectives and Land Use Table	The site is within Zone SP2 Infrastructure (Educational Establishment) in accordance with the provisions of PLEP 2011. A multi-storey car park structure is ancillary to the existing schools on the site and are permitted with consent in Zone SP2.	Yes
Clause 2.6 Subdivision – consent requirements	Consolidation or subdivision of existing or newly created lots within the Westmead Catholic Community site are not proposed under this application.	N/A
Clause 2.7 Demolition requires development consent	The proposal seeks demolition of the existing building within the north-eastern portion of the site which is permissible with consent.	Yes
Clause 4.3 Height of Buildings	No building height control applies to the site.	N/A
Clause 4.4 Floor Space Ratio	No FSR control applies to the site.	N/A
Clause 5.10 Heritage Conservation	<p>The site is not identified as being a heritage item or being within a heritage conservation area. However, the site adjoins two heritage listed items on the adjoining land owned by the Western Sydney University which are:</p> <ul style="list-style-type: none"> - Western Sydney University (Item No. I628); and - Victorian Residence (within the grounds of UWS) (Item No. I629). <p>The site has the potential to contain Aboriginal archaeological deposits, and is listed on the State Heritage Inventory as having moderate archaeological research potential. The proposal is therefore deemed readily acceptable from this aspect.</p>	Yes
Clause 6.1 Acid Sulfate Soils	The site has an Acid Sulfate Soils Classification of 5 affecting the eastern portion of the site. A 'Preliminary Geotechnical and Hydrogeological assessment: 2 Darcy Road, Westmead – Stage 1: Multi-storey carpark' report, Revision 1, Report No.P1907547JR03V01, prepared by Martens & Associates Pty Ltd, dated 3 April 2020 was submitted for the site. The report concludes that ' <i>...site investigations for an ASS assessment or preparation of an ASS management plan (ASSMP) are considered not to be required</i> '. Further, Water NSW issued General Terms of Approval (GTA), Ref No: IDAS1124783, dated 30 June 2020, for part of the proposed development requiring a Water Supply Work approval under the Water Management Act 2000. The proposal satisfies this clause.	Yes, subject to conditions
Clause 6.2 Earthworks	Excavation of the site is proposed for the proposed 3-storey car park. Council's Catchment and Development Engineer and no objections were raised, and subject to conditions, the proposal satisfies this clause.	Yes, subject to conditions
Clause 6.3 Flood Planning	Council's Catchment and Development Engineer reviewed the proposal and recommended appropriate stormwater related conditions which will be imposed on the draft Notice of Determination.	Yes, subject to conditions
Clause 6.5 Water Protection 		
Figure 7 – Map showing site (highlighted) and 'riparian land and waterways' affected portion of the site. Source: GIS Online.		

The western portion is identified as a 'riparian land and waterways' under the PLEP 2011 (see **Figure 7**). The affected portion of land within the subject site does not pertain to the proposed location of the car park.

Council's Catchment and Development Engineer reviewed the proposal and no objections were raised, and subject to imposition of stormwater drainage related conditions which are contained on the draft Notice of Determination. The proposal satisfies this clause.

6. Provisions of any proposed instrument that is or has been the subject of public consultation under this Act and that has been notified to the consent authority (Section 4.15(1)(a)(ii))

The Draft Parramatta LEP 2020 was placed on public exhibition on the 31 August 2020, with exhibition closing on the 12 October 2020. The draft LEP will replace the five existing LEPs that apply within the City of Parramatta Local Government Area and will be the primary environmental planning instrument guiding development and land use decisions made by the City of Parramatta Council.

Whilst the draft LEP must be considered when assessing this application, the Draft Parramatta LEP 2020 is neither imminent nor certain and therefore limited weight has been placed on it.

Notwithstanding, the proposed development is consistent with the objectives of the Draft Parramatta LEP 2020.

7. Provisions of Development Control Plans (Section 4.15(1)(a)(iii))

7.1 Parramatta Development Control Plan 2011 (PDCP 2011)

The proposed development has been assessed having regard to the relevant desired outcomes and prescriptive requirements within of the PDCP 2011.

Where there is conflict between PLEP 2011 and the SEPPs listed above the SEPP controls prevail to the extent of the inconsistency and as such are not included below.

The following table sets out the proposal's compliance with the prescriptive requirements of the Plan:

Development Control	Comment	Comply
<i>Part 2 Site planning</i>		
2.11 Site Analysis	A site analysis plan has been submitted.	Yes
2.12.1 Views and Vistas	The site is not identified as containing significant views.	N/A
2.12.2 Water Management	Refer to 'Clause 6.5 Water Protection' comments under Section 5.6 of this report above.	Yes
2.12.3 Soil Management	Appropriate conditions are imposed ensuring that the proposal minimises sedimentation of waterways and not unduly contribute to wind-blown soil loss.	Yes, subject to conditions
2.12.4 Land Contamination	Refer to 'SEPP No. 55' comments under Section 5.1 of this report above.	Yes
2.12.5 Air Quality	The proposal does not affect the local air quality.	N/A
2.12.6 Development on Sloping Land	The proposed 3-storey car park adequately responds to the local topography within the site.	Yes
2.12.7 Biodiversity	The site does not adjoin bushland or land zoned E2 or W1 and the proposal satisfies this clause.	Yes
2.12.8 Public Domain	There is no change within the existing Darcy Road concrete footpath within the public domain. Appropriate conditions are recommended for the removal of the kerb and gutter along Darcy Road. Refer to 'Civil Assets' comments under Section 8.3 of this report below.	Yes, subject to conditions
<i>Part 3 Development Principles</i>		

3.1 Preliminary Envelope	A maximum building height and floor space ratio controls do not apply to the site. The desired future character of the site is primarily educational establishment (i.e. school building) development. Therefore the building envelope controls for ancillary development (i.e. carpark structure) to an educational establishment do not exist for the site.	N/A
3.2 Building Elements	The 3-storey built form of the car park is consistent with the desired future character of the Westmead precinct. The car park facade complements and provides a positive contribution to the streetscape. The building façade is broken up by architectural feature as viewed from the Darcy Road public domain.	Yes
3.3 Environmental Amenity	Minimum landscape or deep soil provisions do not apply to the site. The proposal provides adequate tree and shrub plantings.	Yes, subject to conditions
3.4 Social Amenity	<p>The site is zoned SP2 Infrastructure (Educational Establishment) in accordance with the provisions of PLEP 2011. The school site is not considered to be publically accessible to the general population. The site area is greater than 5000m², and in lieu of an arts plan, the proposed perforated pattern treatment on the metal screen of the car park fronting Darcy Road is considered acceptable in this instance.</p> <p>Lift core access to all car parking levels and four (4) accessible parking spaces are provided within the 3-storey car park. The proposal complies with the Disability Discrimination Act, 1992.</p> <p>Integrated landscaping within the Darcy Road streetscape with controlled entry/exit of the 3-storey car park is provided and is acceptable from a security perspective.</p>	<p>No, but acceptable treatment along the Darcy Road car park façade</p> <p>Yes</p> <p>Yes</p>
3.5 Heritage	Condition No.84 of the draft Notice of Determination require all work to cease if any Aboriginal or European archaeological relics are discovered (or are believed to be discovered) during works, and the NSW Office of Environment and Heritage must be notified, in accordance with the NSW Heritage Act. In addition, refer to 'Clause 5.10 Heritage Conservation' comments under Section 5.6 of this report above.	Yes, subject to conditions
3.6 Movement and Circulation	<p>There are currently 4 car parks located across the site which, with 3 car parks located off Darcy Road, collectively provide a total of approximately 301 car parking spaces and approximately 26 drop-off and pick-up spaces. Approximately 212 car parking spaces and 18 drop-off and pick-up spaces are located within the south-western portion of the site and these are unchanged by the proposal. Further, approximately 55 car parking spaces located within the north-western portion of the site are unchanged by the proposal.</p> <p>The proposed 3-storey car park will remove approximately 34 car parking spaces and 8 drop-off and pick-up spaces which exist within the north-eastern portion of the site.</p> <p>The proposal provides 260 car parking spaces within the 3-storey car park with one-way directional traffic within the internal loop road with access from Darcy Road. Exit from the 3-storey car park to Darcy Road is via the existing signalised intersection on Darcy Road.</p> <p>Note the largest vehicle to access the multi-storey car park site will be a mini-bus. No coaches or waste collection vehicles will access this part of the school site. The proposal satisfies this clause.</p> <p>Refer to 'Traffic and Transport Engineer' comments under Section 8.3 of this report below.</p>	Yes, subject to conditions
3.7 Residential subdivision	No subdivision/boundary adjustment are proposed.	N/A
	<i>Section 4.3 Strategic Precincts</i>	
4.3.4 Westmead Strategic Precinct	No specific controls under Westmead Strategic Precinct apply to the subject site.	Yes

	The Westmead Strategic Precinct has a primary function of a regionally significant health and education hub. The proposed 3-storey car park provides opportunities to strengthen the primary function while providing additional car parking to the school site.	
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8. REFERRALS

8.1 Sydney Central City Planning Panel briefing (3 June 2020)

The matters raised by the Panel at its Briefing meeting are addressed below:

Issues Raised	Comment
<p><i>Whether a DA can be determined on a site where a school SSD application is underway. Council to check the statutory requirements in this regard.</i></p> <p><i>If the DA can be determined, the need to assess it separate from the SSD plans, as these are still under consideration by State government</i></p>	<p>Council has obtained legal advice and given that the two applications (SSD & DA) will not be dependent on each other, there is no legal impediment for the SCCPP to determine DA/241/2020 whilst there is a SSD separately under assessment on the same site.</p>
<p><i>Potential for retention of trees on site</i></p>	<p>The proposal retains significant trees within the site, and provide for planting of significant new trees, shrubs and ground cover.</p> <p>To offset the proposed tree removal, a row of 14 <i>Elaeocarpus</i> trees are proposed to be planted along Darcy Road frontage area to assist in creating a landscape buffer to the proposed car park. Further, two (2) trees (an <i>Elaeocarpus</i> and a <i>Tristaniopsis</i>) are proposed to be planted in the 'boomerang-shaped' area adjacent to the exit ramp of the carpark. In addition, three (3) <i>Syzygium Luehmannii</i> trees are proposed to be planted to the west of the multi-storey car park, in the area where the existing at-grade car park is proposed to be removed.</p> <p>When this additional planting is considered, there will be a net increase in tree planting within the development site (35 to be removed and approximately 39 to be replanted).</p>
<p><i>Traffic on Darcy Road and the local transport network, including plans for road widening</i></p>	<p>It is anticipated that improved public transport in the area will assist in achieving the mode share target outlined in the Framework Travel Plan.</p> <p>The queue length for the south approach at the signalised intersection (i.e. the car park exit) has been reviewed to ensure there would be no back-log of traffic extending from the site to Darcy Road. The length of the internal one-way directional traffic loop road within the site is approximately 240m, which is greater than the predicted queue length of approximately 109m in length in the school peak periods. Therefore, there would be sufficient queueing space on-site for vehicles not to extend onto Darcy Road. In addition, the parking aisle length within the multi-level car park itself would provide additional queueing space for vehicles on-site without impacting Darcy Road.</p>
<p><i>Heritage considerations, and the status of the school Chapel</i></p>	<p>The site is not listed as containing any heritage items. Demolition of buildings/structures under this proposal pertains to the existing two-storey 'Brother's residence' building and the metal shed and concrete paving to the south, both of which are located in the north-eastern corner of the site.</p>

<i>Façade treatment of the proposed carpark, how this is to be screened, and interfaces with the local context on each side of the building</i>	The revised landscape plans include additional tree plantings along the northern Darcy Road frontage to assist in screening the proposed car park, and to re-create the landscape buffer to Darcy Road. In addition, the decorative screen to the northern façade of the 3-storey car park has been reconsidered, and now comprises more natural colours to be more recessive, and to enhance the landscape buffer.
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Table 1: SCCPP briefing notes and response.

8.2 External

Authority	Comment
Transport for NSW (TfNSW)	<p>TfNSW (formerly known as the Roads and Maritime Services) reviewed the proposal and provided a response. The recommended Construction and Pedestrian Traffic Management Plan (CPTMP) condition was amended and consolidated into a singular CPTMP condition (Condition No.42) from Council's Traffic and Transport Engineer. TfNSW reviewed the revised CPTMP condition (Condition No.42) and raised no objections.</p> <p>The applicant has reviewed, and agreed, to the conditions of consent (refer to attachment 3).</p>
Water NSW	<p>Water NSW reviewed the proposal and provided General Terms of Approval (GTA) - Reference Number: IDAS1124783, dated 30 June 2020 - for part of the proposed development requiring a Water Supply Work approval under the <i>Water Management Act 2000</i> (WM Act). Refer to Condition No.5 (Water NSW requirements) of the draft Notice of Determination.</p> <p>The applicant has reviewed, and agreed, to the conditions of consent (refer to attachment 3).</p>
Office of Environment and Heritage	<p>A referral was sent to the NSW Office of Environment and Heritage via the NSW Planning Portal website. No response has been received.</p> <p>Nonetheless, Condition No.84 of the draft Notice of Determination require all work to cease if any Aboriginal or European archaeological relics are discovered (or are believed to be discovered) during works, and the NSW Office of Environment and Heritage must be notified, in accordance with the NSW Heritage Act.</p> <p>The applicant has reviewed, and agreed, to the conditions of consent (refer to attachment 3).</p>

Table 2: External referrals.

8.3 Internal

Council section	Comment
Landscape Tree Management Officer	<p>Council's Landscape Tree Management Officer reviewed the proposal and provided the following:</p> <p><i>"In total thirty-five (35) trees are proposed to be removed for this development application. The proposal is for a car park with a basement, ground floor and a first floor level. Seven (7) of the trees proposed for removal are located along the Darcy Road frontage of the site and removal is proposed due to soil level changes and service location in this area. All other tree removal is for the excavation for the car park and level changes required for the proposed entry and exit roads for the proposed car park.</i></p> <p><i>Of the thirty-five 35 trees proposed for removal three (3) trees are exempt species and seven (7) trees are located within three (3) metres of the building and require no approval for removal. The submitted Arborist report identifies thirty-two (32) trees as having a low – moderate landscape significance rating. The remaining three (3) trees have been given a high landscape significance rating but are located in the middle of the proposed car park area. Sixteen (16) new replacement native trees with shrub and ground cover planting are included in the landscape proposal along the Darcy Road frontage of the site.</i></p>

	<p><i>The following trees are approved to be removed to facilitate development (refer to submitted Arboricultural Impact Assessment & Tree Protection Specification prepared by Tree IQ (Report No – WEST/CATHEW/AIA/ Rev 'B') dated 6 April 2020:</i></p> <ul style="list-style-type: none"> - <i>Tree No's 1-18, 22-23, 28, 31-32, 47-51, 95, 97-99 & 183-185."</i> <p><u>Comment:</u> Council's Landscape Tree Management Officer reviewed the proposal and raised no objections subject to recommended tree removal/protection conditions.</p> <p>The applicant has reviewed, and agreed, to the conditions of consent (refer to attachment 3).</p>
Urban Design	<p>Council's Urban Design team reviewed the proposal and provided the following:</p> <p><i>"While the development itself is considered fairly low-impact, any proposed schemes should recognise the strategic potential of this site. The scheme has remained fundamentally unchanged since the previous submission; therefore, the following comments should be addressed in future amendments.</i></p> <p><u>Strategic context</u></p> <ul style="list-style-type: none"> • <i>Given the location of this proposal and its proximity to not only the existing Westmead rail station and high-intensity of special uses (health and educational), but future Metro and Light Rail stops, the proposal should demonstrate:</i> <ul style="list-style-type: none"> - <i>the ability for structures to be retrofitted in the future if desired, by maintaining a generous floor-to-floor height for all parking levels above ground;</i> - <i>the potential for parking capacity to be expanded in the future without the need for redevelopment; and</i> - <i>the potential for access to continue along the eastern boundary and meet up with the cul-de-sac at Farmhouse Road into the future.</i> <p><u>Interface with Darcy Road</u></p> <ul style="list-style-type: none"> • <i>The priority for Darcy Road is to re-create a landscape buffer in keeping with the character of the street. The existing mature canopy trees should be retained and protected where possible and new large canopy indigenous species street trees should be provided.</i> • <i>The proposal should recognise that the future DCP for Parramatta proposes greater street setbacks on RMS arterial roads to allow for canopy tree planting. The Roads and Maritime Service prohibit the planting of street trees within the street reservation of arterial roads, therefore the proposed control will impose a 10m front setback on Darcy Road to support the necessary environmental amenity to the public domain.</i> • <i>For this site, a minimum 6m front setback is considered appropriate to provide deep soil wide enough for canopy trees. The prevailing setback along this section of Darcy Road is 6m or greater. Large canopy trees in this location would provide shade for pedestrians and when the crowns grow to a semi mature height they would also shade the carpark and minimise undesirable heat loading to the structure and cars parked within it.</i> • <i>Ensure that all make good works to Darcy Road are in keeping with the Parramatta Public Domain Guidelines for final approval of City Assets and Operations Team.</i> <p><u>Material Response</u></p> <ul style="list-style-type: none"> • <i>Consideration must be given to the rooftop treatment to minimise any adverse impact to future high-rise residential development to the east. The use of shading devices and/or cool materials are to be demonstrated in future submissions."</i> <p><u>Comment:</u> The 10m setback as recommended by Council's Urban Design team is subject to the future DCP which does not have any statutory weight. In the context of the current controls and other setbacks in the precinct (i.e. there is no setback control for this site, the current DCP has a nil setback control on the Western Sydney University site to the east, and several buildings on both sides of the road are built close to the boundary) it seems unreasonable to impose a 6m setback on this site, when the objectives of the DCP can still be achieved.</p>

	<p>The proposed 2m setback to Darcy Street is considered acceptable given the numerous buildings with small setbacks, including Western Sydney University to the east, where the DCP stipulates a nil setback. In addition, the concept of 10m landscape setbacks on either side of Darcy Road cannot be achieved given the existing, and likely future, built form of the Westmead Innovation District/Health and Education Precinct.</p>
Traffic and Transport Engineer	<p>Council's Traffic and Transport Engineer reviewed the proposal and provided the following:</p> <p><i>"...the subject site comprises a primary school and two high schools, namely, Mother Teresa Primary School, Catherine McCauley Westmead and Parramatta Marist High School with 2,767 enrolled students and 286 car parking spaces provided at the site.</i></p> <p><i>The State Significant Development (SSD) for the Westmead Catholic Community is proposed to progressively increase the student population by an additional 1,680 primary school schools by 2033. According to the Traffic and Parking Impact Assessment report, the proposed expansion of the Westmead Catholic Community Education Campus would be required to provide 472 parking spaces by 2033.</i></p> <p><i>The proposed development (this DA) is for the construction of a multi storey car park with 260 spaces. In addition, it is proposed that staff car parks at Catherine McCauley (54 spaces) and front office (20 spaces) be closed as part of the Westmead Catholic Community Education Campus redevelopment. As a result, there will be only 186 additional parking provision compare to current parking provision.</i></p> <p><i>It is noted that the main traffic concern regarding the Westmead Catholic Community expansion (SSD) is the pick-up and set down of students and the congestion that the proposed expansion causes. However, the proposed development (this DA) is expected to alleviate the pick-up and set down delays and improves traffic conditions for the following reasons:</i></p> <ul style="list-style-type: none"> <i>• It includes a new pick-up set down area for the two high schools which reduces demand for the pick-up set down area at the west of and would be used exclusively for the primary school.</i> <i>• The car park would reduce demand for all day parking spaces in the west car park that could then be used for pick-up set down purposes.</i> <i>• The proposed car park results in the traffic from the site being distributed across two intersections rather than one.</i> <i>• The exit from the proposed car park and pick-up set down area allows traffic to turn right out onto Darcy Road (the existing main access does not have a right turn out onto Darcy Road) which would alleviate traffic congestion to the west of the site on Darcy Road for westbound traffic.</i> <i>• The car park component of the proposal would primarily be used by teachers and staff (the peak for this traffic generally does not coincide with the peak for pick-up and set down of students).</i> <i>• The proposed car park is small compared to those for Westmead Hospital.</i> <i>• Traffic modelling shows satisfactory intersection conditions with the car park."</i> <p><u>Comment:</u> Council's Traffic and Transport Engineer supported the proposal on traffic and parking grounds as there are sufficient parking spaces provided on-site and the proposal can be supported on traffic and parking grounds, subject to imposition of recommended conditions of consent.</p> <p>The applicant has reviewed, and agreed, to the conditions of consent (refer to attachment 3).</p>
Civil Assets	<p>Council's Civil Assets team reviewed the proposal and recommended standard conditions regarding the existing driveway crossing to be returned to kerb and gutter and noted the <i>"existing footpath crossing is approximately halfway along the Darcy Road frontage."</i></p> <p>The applicant has reviewed, and agreed, to the conditions of consent (refer to attachment 3).</p>
Environmental Health Officer (acoustic)	<p>The proposal was reviewed by Council's Environmental Health Officer. No objections or concerns were raised with respect to the recommendations and conclusions in the submitted acoustic report.</p>

	The applicant has reviewed, and agreed, to the conditions of consent (refer to attachment 3).
Environmental Health Officer (waste management)	The proposal was reviewed by Council's Environmental Health Officer. No objections or concerns were raised with respect to the Waste Management Plan. The applicant has reviewed, and agreed, to the conditions of consent (refer to attachment 3).
Environmental Health Officer (contamination)	The proposal was reviewed by Council's Environmental Health Officer. It is noted that all works are to be completed as per the recommendations in the Preliminary Site Investigation: Site Contamination Assessment, prepared by Martens Consulting Engineers, Report No. P1907547JR04V01, dated April 2020. No objections or concerns were raised with respect to SEPP No.55 by Council's Environmental Health Officer. The applicant has reviewed, and agreed, to the conditions of consent (refer to attachment 3).
Catchment and Development Engineer	Council's Catchment and Development Engineer reviewed the proposal, noted the site is not subject to mainstream flooding and recommended stormwater drainage related conditions. The applicant has reviewed, and agreed, to the conditions of consent (refer to attachment 3).
Heritage Advisor	Council's Heritage Advisor reviewed the proposal and noted from a ' <i>...heritage perspective, the proposal is acceptable without conditions.</i> ' The applicant has reviewed, and agreed, to the conditions of consent including Condition No.84 (requirements for Aboriginal or European archaeological relics).

Table 3: Internal referrals.

9. Other Matters

9.1 Development Contributions

Parramatta Council Section 94A Plan requires that development contributions be paid based on the development cost of works. The cost report provided by the applicant has disclosed the cost of works as \$12,637,000 (including GST).

Council's Land Use Planning team have reviewed the proposal including the amending DA/241/2020, and advised the new contribution fee of \$126,370.00 is to be paid prior to the issue of a construction certificate related to the proposed car park. Further, the Special Infrastructure Contribution (SIC) maps for the Western Sydney Growth Area under Schedule 4 of the EPA Act 1979, currently do not apply to the City of Parramatta Council. As such, Condition No.34 reflects the monetary contribution to be paid under this application.

9.2 Bonds

In accordance with Council's Schedule of Fees and Charges, the developer will be obliged to pay Security Bonds to ensure the protection of civil infrastructure located in the public domain adjacent to the site.

A standard condition of consent has been imposed requiring the Security Bond to be paid prior to the issue of a Construction Certificate.

10. Any planning agreement that has been entered into under section 7.4, or any draft planning agreement that a developer has offered to enter into under section 7.4 (Section 4.15(1)(a)(iiia))

The proposal does not include any Voluntary Planning Agreements (VPAs) and section 7.4 does not apply to the application.

11. Provisions of Regulations (Section 4.15(1)(a)(iv))

All relevant provisions of the Regulations have been considered in the assessment of this proposal. Applicable Regulation considerations have been addressed by appropriate consent conditions.

12. Impacts of the Development (Section 4.15(1)(b))

Relevant matters have been addressed elsewhere in this report.

13. Suitability of the Site (Section 4.15(1)(c))

The relevant matters pertaining to the suitability of the site for the proposed development have been considered in the assessment of the original proposal. Conditions of consent are proposed to further minimise any impacts on neighbouring properties as well as future users within the Westmead Catholic Community schools. There are no known major physical constraints, environmental impacts natural hazards or exceptional circumstances that would hinder the suitability of the site for the proposed development.

14. Public submissions (Section 4.15(1)(d))

In accordance with Council's notification procedures that are contained in Appendix 5 of PDCP 2011 and under the provisions of Section 4.46 of the Environmental Planning & Assessment Act 1979, owners and occupiers of adjoining and surrounding properties were given notice of the application for a 28-day period between 13 May 2020 and 11 June 2020.

The notification period for this application was extended to enable additional residents to be notified for a 28-day period between 3 June 2020 and 2 July 2020. No submissions were received during both notification periods.

CONCILIATION CONFERENCE

On 11 December 2017, Council resolved that:

"If more than 7 unique submissions are received over the whole LGA in the form of an objection relating to a development application during a formal notification period, Council will host a conciliation conference at Council offices."

Conciliation Conference – Not Required

The application received no unique submissions during the formal notification period and as a result a Conciliation Conference was not required to be held.

15. Public Interest (Section 4.15(1)(e))

The proposal has been assessed against the relevant planning policies applying to the site having regard to the objectives of the controls. As demonstrated in the assessment of the proposed car park, the proposal will allow the development of the site in accordance with its environmental capacity and future vision for Westmead.

16. CONCLUSION

After consideration of the development against Sections 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. The application has been assessed relative to Sections 4.15(1) of the Environmental Planning and Assessment Act 1979, taking into consideration all relevant state and local planning controls.

As such, the application is recommended for approval for the following reasons:

1. The development is permissible under Parramatta Local Environmental Plan 2011 and satisfies the requirements of all of the applicable planning controls.
2. The development will be compatible with the emerging and planned future character of the area.
3. For the reasons given above, approval of the application is in the public interest.

Therefore, it is recommended that the application be approved subject to conditions.

17. RECOMMENDATION

Approval

That, pursuant to Section 4.16(1)(a) of the Environmental Planning and Assessment Act 1979, the Sydney Central City Planning Panel (SCCPP), as the consent authority, grant consent to Development Application No. DA/241/2020 for demolition of existing two-storey 'Brothers residence' building, removal of thirty-five (35) trees, construction of a new three-storey car park in the north-east corner of the site for 260 vehicles with access from Darcy Road and associated landscaping works, pedestrian access upgrades and ancillary structures on land at 2 Darcy Road, Westmead NSW 2145 for a period of five (5) years within which physical commencement is to occur from the date on the Notice of Determination, subject to conditions of consent.

The reasons for the conditions imposed on this application are as follows:

1. To facilitate the orderly implementation of the objectives of the Environmental Planning and Assessment Act 1979 and the aims and objectives of the relevant Council Planning instrument.
2. To ensure that the local amenity is maintained and is not adversely affected and that adequate safeguards are incorporated into the development.
3. To ensure the development does not hinder the proper and orderly development of the subject land and its surrounds.
4. To ensure the relevant matters for consideration under Section 4.15 of Environmental Planning and Assessment Act 1979 are maintained.