

DATE OF DETERMINATION	11 October 2022
DATE OF PANEL DECISION	10 October 2022
DATE OF PANEL MEETING	29 August 2022
PANEL MEMBERS	Justin Doyle (Chair), Louise Camenzuli, Nicole Gurran, Lara Symkowiak
APOLOGIES	Ashleigh Cagney
DECLARATIONS OF INTEREST	None

Papers circulated electronically on 29 September 2022.

MATTER DETERMINED

PPSSWC-254 – CAMDEN – DA/2022/742/1 at GREGORY HILLS DRIVE GREGORY HILLS 2557

Staged construction of the Gregory Hills temporary primary school and associated site works.

PANEL CONSIDERATION AND DECISION

The Panel considered: the matters listed at item 6, the material listed at item 7 and the material presented at meetings and briefings listed at item 8 in Schedule 1.

Development application/ Application for modification of consent

The Panel determined to approve the development application pursuant to section 4.16 of the *Environmental Planning and Assessment Act 1979*.

The decision was unanimous.

REASONS FOR THE DECISION

The Panel determined to approve the application for the reasons outlined in the Council Assessment Report and the following additional reasons.

- The Panel considers that the development is an appropriate response to the pressing need to provide additional educational facilities for the primary school aged children of this fast-growing population. As such the development is consistent with the strategic context and statutory control objectives for the site established for the South West Growth Area and the Turner Road Precinct.
- The Council assessment staff has considered the development against the design quality in schools principles and has found this interim facility to be acceptable, on the basis that work is currently being undertaken to progress work on the redevelopment across the larger site for a permanent school. With changes resolved during the DA assessment including the partial widening of Long Reef Circuit's carriageway and additional planting of the street, and provision of a bus stop along the northern side of Wallarah Circuit, the transport impacts have been found to be acceptable and as such the development has been assessed to be consistent with the objectives of State Environmental Planning Policy (Transport and Infrastructure) 2021 (Transport and Infrastructure SEPP).
- The potential for interaction between students and construction has been addressed by a requirement that any works within the nearby Council road reserves must be the subject of a construction management plan signed off by the Council. Attention will also presumably be given to this issue in the processing of the DA for the completion of the permanent school.

- A preliminary site investigation conducted to inform the assessment of this DA has concluded that there is no significant contamination that will obstruct the use of the land as a school. The requirements of State Environmental Planning Policy (Resilience and Hazards) 2021 (Resilience and Hazards SEPP) have been sufficiently addressed.
- A small portion of the site near its south western corner is mapped as bush fire prone land, noting that the integrated development provisions in Division 4.8 of the Environmental Planning and Assessment Act 1979 do not apply to crown development. The Panel has considered the bushfire assessment report and accepts the advice that the APZ necessary to protect the school from bushfire risk requires the stand of Cumberland Plains Woodland to be removed.

There is only one aspect of Council's assessment with which the Panel had concern, which related to the possible removal of trees within a stand of threatened Cumberland Plains Woodland trees adjacent to the proposed footprint of the new temporary buildings. Condition 2.0 – 15 *"Tree Survey Plan and Hollow Bearing Trees/Active Nests"* in the recommended conditions refers to preparation of a *"tree survey plan to identify the location, type and condition of existing trees to be removed"*. The assessment report states relevantly *"It is noted that the APZ will coincide with the stand of Cumberland Shale Plains Woodland in the site's south western quadrant. This may require some tree removal and associated works in order to comply with the RFS's Bush Fire Safety Authority."*





The Panel has however been assured by the Applicant that no tree removal is proposed as part of this DA, and that no tree removal is required by the bushfire advice obtained. Accordingly, Condition 2.0 - 15 can be deleted. The Panel understands the Applicant consents to such deletion.

CONDITIONS

The Development Application was approved subject to the conditions in the Council Assessment Report which the Panel understands to have been agreed to by the Applicant, except for the deletion of Condition 2.0 – 15 *"Tree Survey Plan and Hollow Bearing Trees/Active Nests"* for the reasons stated above.

CONSIDERATION OF COMMUNITY VIEWS

In coming to its decision, the Panel notes no public submissions made during public exhibition, and therefore no issues of concern were raised.

PANEL MEMBERS	
 Justin Doyle(Chair)	 Louise Camenzuli
 Nicole Gurran	 Lara Symkowiak

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	PPSSWC-254 – CAMDEN – DA/2022/742/1
2	PROPOSED DEVELOPMENT	Staged construction of the Gregory Hills temporary primary school and associated site works.
3	STREET ADDRESS	GREGORY HILLS DRIVE GREGORY HILLS 2557
4	APPLICANT/OWNER	Applicant: Department of Education, c/- DFP Planning Pty Ltd Owner: Minister for Education and Early Childhood Learning
5	TYPE OF REGIONAL DEVELOPMENT	Crown development over \$5 million
6	RELEVANT MANDATORY CONSIDERATIONS	<ul style="list-style-type: none"> Environmental planning instruments: <ul style="list-style-type: none"> State Environmental Planning Policy (Planning Systems) 2021. State Environmental Planning Policy (Precincts - Western Parkland City) 2021. State Environmental Planning Policy (Transport and Infrastructure) 2021. State Environmental Planning Policy (Resilience and Hazards) 2021. State Environmental Planning Policy (Industry and Employment) 2021. State Environmental Planning Policy (Biodiversity and Conservation) 2021. Draft environmental planning instruments: Nil Development control plans: <ul style="list-style-type: none"> Camden Development Control Plan 2019. Turner Road Development Control Plan 2007 Planning agreements: Nil Relevant provisions of the <i>Environmental Planning and Assessment Regulation 2021</i> Coastal zone management plan: Nil The likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality The suitability of the site for the development Any submissions made in accordance with the <i>Environmental Planning and Assessment Act 1979</i> or regulations The public interest, including the principles of ecologically sustainable development
7	MATERIAL CONSIDERED BY THE PANEL	<ul style="list-style-type: none"> Council Assessment Report: 28 September 2022 Written submissions during public exhibition: 0
8	MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> Kick-Off Briefing: Monday, 15 August 2022 <ul style="list-style-type: none"> <u>Panel members</u>: Justin Doyle (Chair) <u>Council assessment staff</u>: Ryan Pritchard, Jamie Erken, Ante Perica, Jessica Backo <u>Applicant representatives</u>: Shay Bergin, Natasha Bartley, Marcus Trimble, Sarah Kelly, Nick Marcovich, Luke Denmeade, Michael Ashe Applicant Briefing: Monday, 29 August 2022 <ul style="list-style-type: none"> <u>Panel members</u>: Justin Doyle (Chair), Louise Camenzuli, Nicole Gurran, Lara Symkowiak <u>Council assessment staff</u>: Ryan Pritchard, Jamie Erken <u>Applicant representatives</u>: Shay Bergin, Natasha Bartley, Marcus Trimble, Sarah Kelly, Nick Marcovich, Luke Denmeade, Michael Ashe

9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Attached to the Council Assessment Report, as amended