

SYDNEY WESTERN CITY PLANNING PANEL ASSESSMENT REPORT

Panel Number:	PPSSWC-256.
Application Number:	2022/760/1.
Local Government Area:	Camden.
Development:	Demolition of some existing structures, tree removal, construction of a three storey building and a 'learning street', reconfiguration of a car park, playing courts and paths, display of signage, associated site works and increase in maximum school population from 850 to 1,410.
Capital Investment Value:	\$16,106,189.
Site Address(es):	347 Narellan Road, Currans Hill.
Applicant:	Mount Annan Christian College Ltd.
Owner(s):	C3 Church Mount Annan.
Date of Lodgement:	9 August 2022.
Number of Submissions:	None.
Number of Unique Objections:	None.
Classification:	1. Regionally significant. 2. Integrated development.
Recommendation:	Approve with conditions.
Regionally Significant Development Criteria (Schedule 6 of State Environmental Planning Policy (Planning Systems) 2021):	Private infrastructure and community facilities >\$5 million.
List of All Relevant Section 4.15(1)(a) Matters:	<ol style="list-style-type: none"> 1. State Environmental Planning Policy (Planning Systems) 2021. 2. State Environmental Planning Policy (Transport and Infrastructure) 2021. 3. State Environmental Planning Policy (Resilience and Hazards) 2021. 4. State Environmental Planning Policy (Industry and Employment) 2021. 5. State Environmental Planning Policy (Biodiversity and Conservation) 2021. 6. Camden Local Environmental Plan 2010. 7. Camden Development Control Plan 2019.
List all Documents Submitted with this Report for the Panel's Consideration:	<ol style="list-style-type: none"> 1. Camden Local Environmental Plan 2010 assessment table. 2. Camden Development Control Plan 2019 assessment table. 3. Design Quality Principles in Schools

	<p>assessment table.</p> <p>4. State Environmental Planning Policy (Industry and Employment) 2021 assessment table.</p> <p>5. Applicant's written request seeking to justify the contravention of a development standard.</p> <p>6. Development perspective images.</p> <p>7. Recommended conditions.</p> <p>8. Proposed plans.</p>
Development Standard Contravention Request(s):	Maximum building height.
Summary of Key Submission Issues:	None.
Report Prepared By:	Ryan Pritchard, Coordinator Statutory Planning Services and Giselle Pineda, Town Planner.
Report Date:	26 June 2023.

Summary of Section 4.15 Matters

	Yes
Have all recommendations in relation to relevant Section 4.15 matters been summarised in the Executive Summary of the assessment report?	<input checked="" type="checkbox"/>

Legislative Sections Requiring Consent Authority Satisfaction

	Yes
Have relevant sections 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?	<input checked="" type="checkbox"/>

Development Standard Contraventions

	Yes	N/A
If a written request for a contravention to a development standard has been received, has it been attached to the assessment report?	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Special Infrastructure Contributions

	Yes	No
Does the application require Special Infrastructure Contributions?	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Conditions

	Yes
Have draft conditions been provided to the applicant for comment?	<input checked="" type="checkbox"/>

PURPOSE OF REPORT

The purpose of this report is to seek the Sydney Western City Planning Panel's (the Panel's) determination of a development application (DA) for alterations and additions to the Mount Annan Christian College at 347 Narellan Road, Currans Hill.

The Panel is the consent authority for this DA as the capital investment value (CIV) of the development is \$16,106,189. This exceeds the CIV threshold of \$5 million for Council to determine the DA pursuant to Schedule 6 of State Environmental Planning Policy (Planning Systems) 2021.

SUMMARY OF RECOMMENDATION

That the Panel determine DA/2022/760/1 for alterations and additions to the Mount Annan Christian College pursuant to Section 4.16 of the *Environmental Planning and Assessment Act 1979* by granting consent subject to the conditions attached to this report.

EXECUTIVE SUMMARY

Council is in receipt of a DA for alterations and additions to the Mount Annan Christian College (the college) at 347 Narellan Road, Currans Hill.

The DA has been assessed against the *Environmental Planning and Assessment Act 1979*, the *Environmental Planning and Assessment Regulation 2021*, relevant environmental planning instruments, development control plans and policies.

A summary of the assessment of all relevant environmental planning instruments is provided below with a detailed assessment provided later in the report.

State Environmental Planning Policy (Planning Systems) 2021.	The Panel is the consent authority for this DA as the development has a CIV of \$16,106,189. The CIV threshold for Council to determine the DA is \$5 million.
State Environmental Planning Policy (Transport and Infrastructure) 2021 (Transport and Infrastructure SEPP).	The DA was referred to TransGrid, Endeavour Energy, Jemena Gas Networks, the Always Powering Forward Group and Transport for NSW for comment pursuant to the Transport and Infrastructure SEPP and the comments received have been considered.
State Environmental Planning Policy (Resilience and Hazards) 2021 (Resilience and Hazards SEPP).	Council staff have assessed a detailed contamination assessment submitted in support of the DA and are satisfied that the site is suitable for the development.
State Environmental Planning Policy	Council staff are satisfied that the

(Industry and Employment) 2021 (Industry and Employment SEPP).	signage is consistent with the Industry and Employment SEPP's objectives in that it is compatible with the desired amenity and visual character of the area, will provide effective communication by displaying the development's name and will be of a high quality design and finish. Council staff have also considered the Industry and Employment SEPP's Schedule 5 assessment criteria and are satisfied that the signage is consistent with it.
State Environmental Planning Policy (Biodiversity and Conservation) 2021 (Biodiversity and Conservation SEPP).	The development is considered satisfactory in terms of the matters for consideration in Chapter 6 of the Biodiversity and Conservation SEPP.
Camden Local Environmental Plan 2010 (Camden LEP).	The development is permitted with consent in the applicable RU2 Rural Landscape zone, is consistent with the zone's objectives and acceptable in terms of the Camden LEP's other matters for consideration.

The DA was publicly exhibited for a period of 14 days in accordance with Camden Community Participation Plan 2021. The exhibition period was from 16 to 29 August 2022 and no submissions were received.

The applicant proposes a contravention to the height of buildings development standard that applies to the site. The development standard limits buildings to a maximum height of 9.5m above existing ground level. However, the development will have a maximum height of 10.4m above existing ground level. The contravention is assessed in detail in this report and is supported by Council staff.

Based on the assessment, it is recommended that the DA be approved subject to the conditions attached to this report.

KEY PLANNING CONTROL VARIATIONS

Control	Proposed	Variation
9.5m maximum building height.	10.4m maximum building height.	0.9m (9.5%).

AERIAL PHOTOS





THE SITE

The site is commonly known as 347 Narellan Road, Currans Hill and is legally described as Lot 3, DP 1254100. The site is irregular in shape and has a frontage of 62m to Narellan Road, a maximum depth of 1,093m and an area of 10.8ha. The part of the site that contains the college generally slopes downwards from south west to north east by 3m.

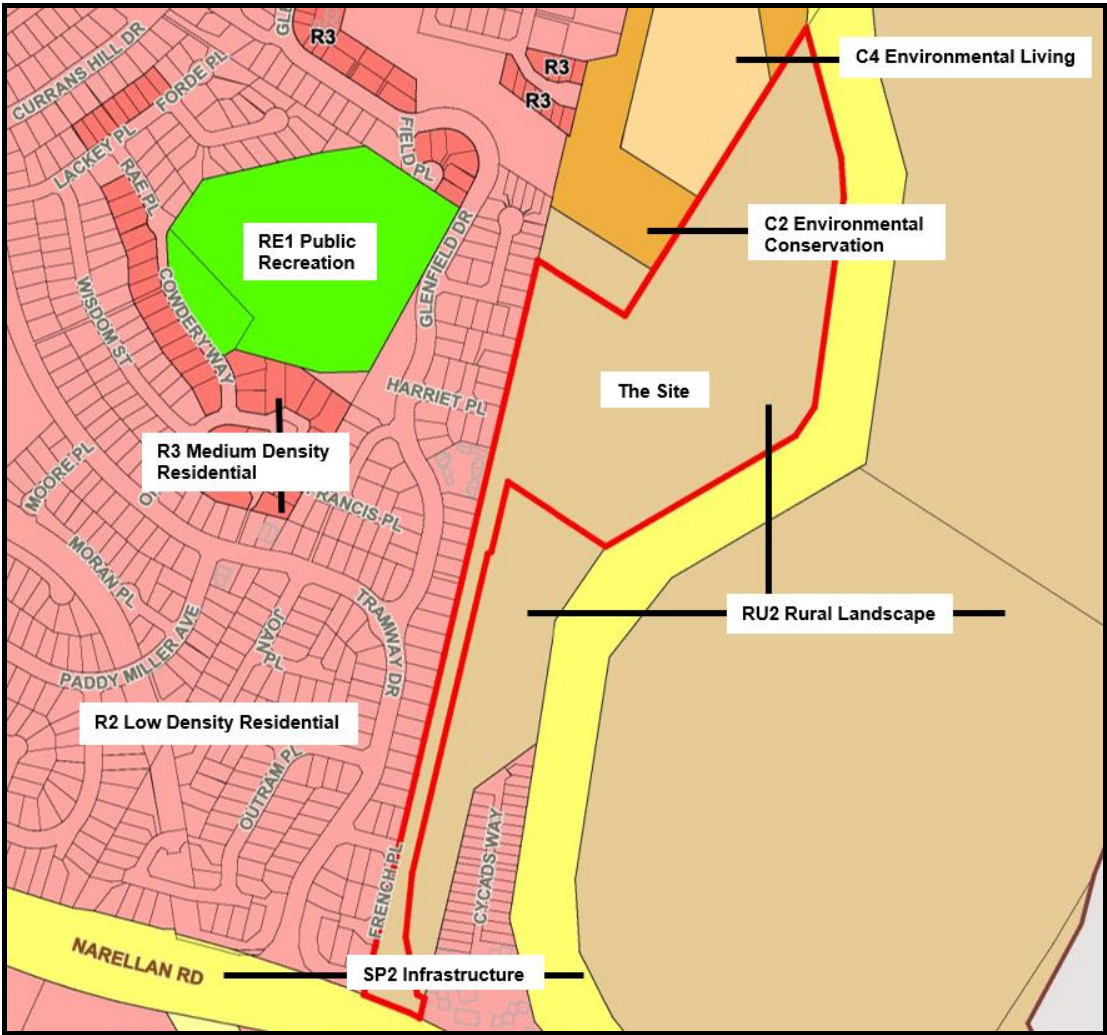
The site contains the college, the C3 New Hope Mount Annan Church and surrounding grounds. Commencing in the late 1990s, the college is a private primary and secondary school that is located on the northern part of the site. The southern part of the site contains a private road that provides access from Narellan Road across an adjoining property (359 Narellan Road). The college is located 543m to the north of Narellan Road.

The college consists of a series of mostly single storey buildings set within landscaped grounds that contain scattered vegetation. The site contains part of a TransGrid overhead electricity transmission line that runs north-south to the west of the college buildings. An ancillary car park for the college and church is located

underneath the transmission line. Part of the site is mapped as bush fire prone land. On 19 October 2021 Council staff, under delegation from the Panel, approved the demolition of some existing school buildings and the construction of new general learning areas and a 'learning street' in the southern part of the site (within the blue circle on the aerial photo).

To the west and north west lies the established low density residential suburb of Currans Hill whilst to the north lies the newly developed residential suburb of Gregory Hills and St. Gregory's College. To the east lies the WaterNSW Upper Canal (a State heritage item), the Campbelltown Scenic Hills and Kenny Creek. To the south lies a developing residential subdivision, an existing seniors housing development, Narellan Road and the Australian Botanic Garden Mount Annan.

ZONING PLAN



HISTORY

The relevant development history of the site is summarised in the following table:

Date	Development
19 October 2021.	Approval of DA/2021/519/1 for the staged construction of three general learning areas.

22 June 1998.	Approval of DA/1997/160/1 for the construction of the college.
---------------	--

THE PROPOSAL

DA/2022/760/1 seeks approval for alterations and additions to the Mount Annan Christian College.

Specifically the development involves:

1. Demolition of existing building 11 and part of existing building 10.
2. Removal of 34 trees.
3. Construction of a three storey building that will contain general learning areas, a lecture theatre, seminar rooms and amenities. The building will include a covered circulation 'learning street' that will connect into the college's existing pedestrian path network. The building will be constructed of a mix of off-form concrete, fibre cement cladding, metal sheeting and glazing. The building will have a maximum height of 10.4m above existing ground level.
4. Demolition of part of the ancillary car park and its reconfiguration to provide 175 general car parking spaces, 13 kiss and drop car parking spaces and two bus parking spaces.
5. Construction of a landscaped entry plaza adjoining the ancillary car park.
6. Reconfiguration of the existing playing courts on the eastern side of the site and the pedestrian path network throughout the site.
7. Display of three free-standing building identification signs that will range in height from 600mm (sign B) to 6.3m (sign A1).
8. Landscaping including the planting of 117 new trees and an appropriate mix of shrubs, grasses and groundcovers.
9. Associated site works including earthworks, drainage and services.
10. Increasing the maximum school population from 850 students and staff to 1,300 students and 110 staff (for a maximum school population of 1,410 students and staff).

The development will be carried out in three stages being the car park and entry plaza works (stage A), the demolition works and construction of the new building (stage B) and construction of the 'learning street' canopy (stage C).

PANEL BRIEFING

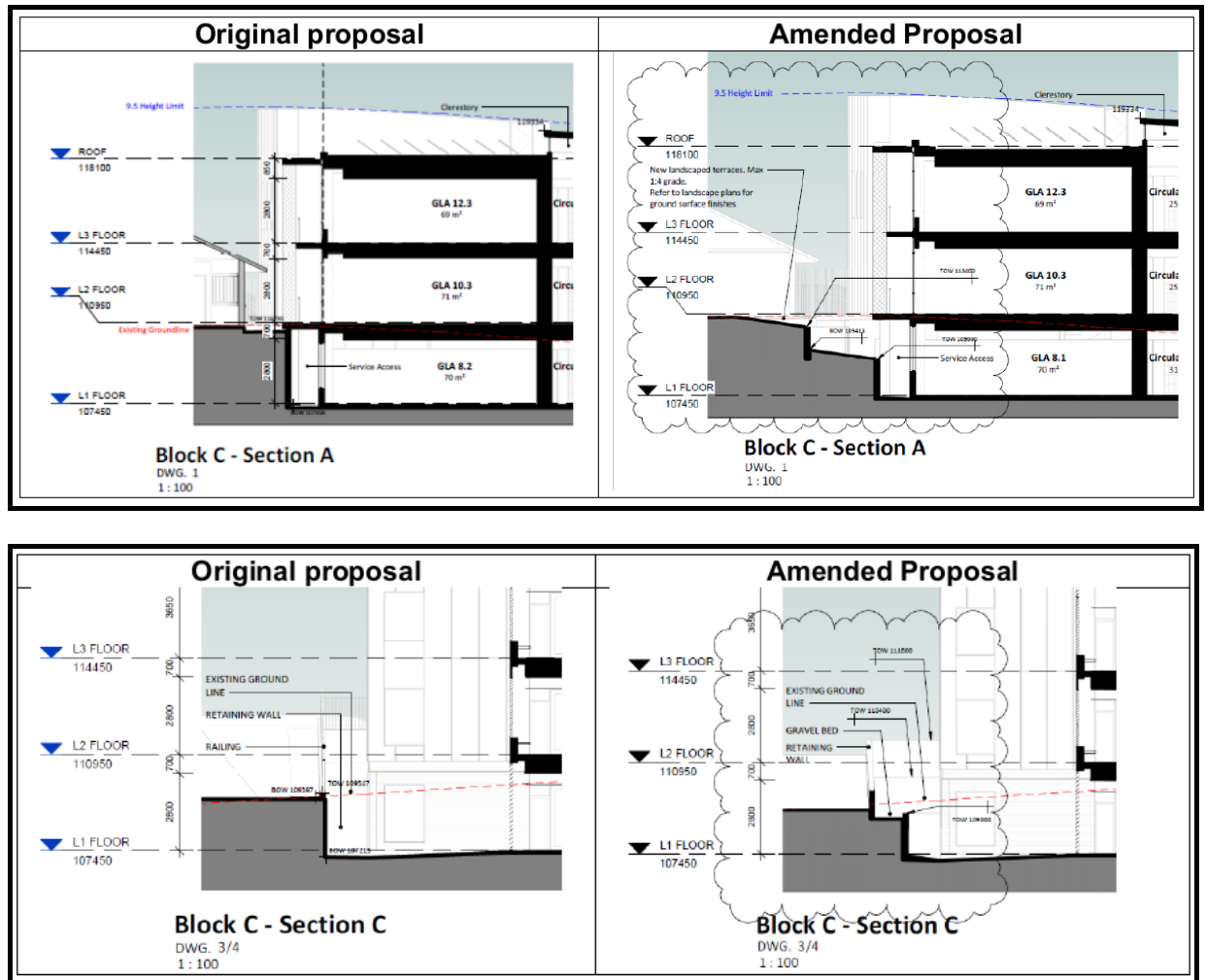
Council staff briefed the DA to the Panel on 7 November 2022. The following discussion provides an assessment of how the issues raised by the Panel at the briefing have been addressed:

1. The Panel noted that part of the buildings, including three learning areas, is proposed to be subterranean. This may be ok depending upon the actual proposed use, but the Panel would prefer to see a small height exceedance, given the isolated nature of the site, if this would improve the amenity of the affected learning areas to provide some level of solar access. Overshadowing caused by the building also needs to be considered.

Officer comment:

The applicant has submitted amended plans to address this issue. The amendments include:

- a. The demolition of part of building 10 (to the south of the new building) to allow that ground area to be recontoured and introduce a stepped retaining wall in order to allow more daylight into the ground floor general learning areas:



- b. The addition of skylights to the retained part of building 10 to improve daylight access. The applicant has also advised of the intention to demolish building 10 in the future.
- c. The removal of two general learning areas from the ground level to reduce the number of subterranean classrooms.

- d. The addition of east facing windows to general learning area 8.3 to provide increased daylight and outlook to it.

The combination of these measures is considered to be a satisfactory response to this issue and will ensure reasonable daylight access for occupants of the new building and the retained part of building 10.

2. *The Panel was informed that TransGrid has objected to the car park works within the easement and that the applicant is meeting with TransGrid to resolve the submission.*

Officer comment:

The applicant met with TransGrid to discuss the development which resulted in amended plans being provided and referred to TransGrid. TransGrid subsequently provided two responses containing a list of amendments that should be made and recommended several design and construction related conditions. The applicant has amended the plans to address both TransGrid responses and a standard condition is recommended to ensure compliance with TransGrid's recommended conditions. Furthermore, given the extent of works within the easement a condition is recommended that requires the applicant to obtain TransGrid's approval of its detailed design plans prior to the issue of a construction certificate.

3. *The Panel presently sees no issue with the small height breach of 900mm over the 9.5m maximum building height development standard.*

Officer comment:

As described in this report, Council staff recommend that the Panel support the proposed contravention to the height of buildings development standard.

4. *The car parking for the school is compliant however car parking for the site's church must be addressed.*

Officer comment:

The college shares the site and car park with the C3 New Hope Mount Annan Church. However, the church does not operate during school hours so there is no clash between their respective parking demands.

ASSESSMENT

Environmental Planning and Assessment Act 1979 - Section 4.15(1)

In determining a DA, the consent authority is to take into consideration such of the following matters as are of relevance to the development the subject of the DA:

(a)(i) the provisions of any environmental planning instrument

The environmental planning instruments that apply to the development are:

1. State Environmental Planning Policy (Planning Systems) 2021.
2. State Environmental Planning Policy (Transport and Infrastructure) 2021.

3. State Environmental Planning Policy (Resilience and Hazards) 2021.
4. State Environmental Planning Policy (Industry and Employment) 2021.
5. State Environmental Planning Policy (Biodiversity and Conservation) 2021.
6. Camden Local Environmental Plan 2019.

State Environmental Planning Policy (Planning Systems) 2021 (Planning Systems SEPP)

The Planning Systems SEPP identifies development that is State significant development, infrastructure and critical infrastructure and regionally significant development.

The Panel is the consent authority for this DA as the CIV of the development is \$16,106,189. The CIV threshold for Council to determine the DA is \$5 million pursuant to Schedule 6 of the Planning Systems SEPP.

State Environmental Planning Policy (Transport and Infrastructure) 2021 (Transport and Infrastructure SEPP)

The Transport and Infrastructure SEPP aims to facilitate the effective delivery of infrastructure across the State.

Referral to TransGrid

The DA was referred to TransGrid for comment pursuant to Section 2.48 of the Transport and Infrastructure SEPP as the development will involve works within a TransGrid electricity transmission line.

TransGrid initially objected to the development and Council staff requested that the applicant address the issues raised. The applicant met with TransGrid to discuss the development which resulted in amended plans being provided and referred to TransGrid. TransGrid subsequently provided two responses containing a list of amendments that should be made and recommended several design and construction related conditions. The applicant has amended the plans to address both TransGrid responses and a standard condition is recommended to ensure compliance with TransGrid's recommended conditions. Furthermore, given the extent of works within the easement a condition is recommended that requires the applicant to obtain TransGrid's approval of its detailed design plans prior to the issue of a construction certificate.

Referral to Endeavour Energy (Endeavour)

The DA was referred to Endeavour for comment pursuant to Section 2.48 of the Transport and Infrastructure SEPP as the site contains an Endeavour electricity substation.

Endeavour raised no objections to the development and recommended compliance with a number of technical guidelines and requirements. A condition requiring compliance with Endeavour's technical guidelines and requirements is recommended.

Referral to Jemena Gas Networks (Jemena)

The DA was referred to Jemena for comment pursuant to Section 2.77 of the Transport and Infrastructure SEPP as a high-pressure gas pipeline exists to the east of the site.

Jemena raised no objections to the development and noted that the pipeline is located approximately 510m away from the site.

Referral to Always Powering Ahead Group (APA Group)

The DA was referred to the APA Group for comment pursuant to Section 2.77 of the Transport and Infrastructure SEPP as a high-pressure gas pipeline exists to the east of the site.

APA raised no objections to the development and noted that the works will be partially located outside of the pipeline's heat radiation zone and will not result in a change in the pipeline location class.

Water Supply Systems

A small part of the development (the reconfigured playing courts on the eastern side of the site) is within 'affected land' as defined by the Transport and Infrastructure SEPP. The development is considered to be consistent with the 'Guideline for Development Adjacent to the Upper Canal and Warragamba Pipelines'. The development was referred to WaterNSW for comment and no objections were raised with standard construction management conditions being recommended.

Schools - Development permitted with consent

Section 3.36 of the Transport and Infrastructure SEPP requires that the design quality of the development must be considered when evaluated in accordance with the design quality principles set out in Schedule 8 of the SEPP. An assessment table in which the development is considered against the principles is provided as an attachment to this report. Consideration must also be given as to whether the development enables the use of school facilities (including recreational facilities) to be shared with the community. The applicant has advised that no community use is proposed however such uses would still be capable of being carried out and that the 'learning street' could be used by the community, including the on-site church community, outside of school hours.

Referral to Transport for NSW (TfNSW)

The DA was referred to TfNSW for comment pursuant to Section 3.58 of the Transport and Infrastructure SEPP as the development involves an enlargement and extension of an existing school that will accommodate 50 or more students.

TfNSW initially requested additional information relating to the cumulative impacts of the development and a current planning proposal application to permit a residential aged care facility on adjoining land at 353 Narellan Road and traffic modelling of the development's impacts upon the operation of the intersection of Narellan Road and the private road that provides access to the site. The applicant provided this information which was referred to TfNSW. TfNSW subsequently advised that it raises no objections to the development subject to a condition that a final school travel plan and transport access guide be provided to it for review and approval prior to the issue

of an occupation certificate. TfNSW also suggested that an existing pedestrian path that connects the college to Narellan Road be widened to be a shared pedestrian/cyclist path.

TfNSW's recommended condition has been incorporated into the conditions recommended by Council staff. However, Council staff do not consider it necessary that the existing pedestrian path connecting the college to Narellan Road be upgraded to a shared path. This is because the path is already 1.8m wide which is considered to be a sufficient width for pedestrians and the low number of students likely to cycle along it from and to Narellan Road. This is supported by the applicant who advises that surveys of the existing school population show that almost all staff and students drive/are driven to the college. Furthermore, the expanded college will accommodate 680 primary school age students who are unlikely to cycle. Overall, the extent of works required to comply with this suggestion are not justified by the low number of cyclists expected to visit the site.

Pursuant to Section 3.58 of the Transport and Infrastructure SEPP, Council staff have assessed the accessibility of the site, including the efficiency of people and freight movement to and from it, the extent of multi-purpose trips, the potential to minimise the need for travel by car and any potential traffic safety, road congestion and parking implications of the development. The development is considered to be acceptable in terms of these matters in that:

1. Safe and efficient access to the site will be provided via Narellan Road and the existing private road.
2. The development's scale will not result in any unreasonable adverse traffic safety or road congestion issues.
3. The applicant has submitted a draft travel access guide and a draft green travel plan in support of the DA that document existing transport options and outline strategies for sustainable transport. A condition is recommended that requires these documents to be finalised prior to the issue of an occupation certificate, implemented and regularly reviewed.
4. There are existing pedestrian paths connecting the college to Currans Hill to the west and Narellan Road to the south which will help facilitate pedestrian and cyclist movements.
5. The proposed off-street car parking provision more than complies with Camden Development Control Plan 2019.

State Environmental Planning Policy (Resilience and Hazards) 2021 (Resilience and Hazards SEPP)

The Resilience and Hazards SEPP provides a state wide planning approach to the remediation of contaminated land.

Section 4.6 of the Resilience and Hazards SEPP requires the consent authority to consider if the site is contaminated. If the site is contaminated, the consent authority must be satisfied that it is suitable in its contaminated state for the development. If the site requires remediation, the consent authority must be satisfied that it will be remediated before the land is used for the development. Furthermore, the consent authority must consider a preliminary contamination investigation in certain circumstances.

The applicant has submitted a detailed contamination assessment in support of the DA. This assessment found the site to be suitable for the development from a contamination perspective. Council staff have reviewed the assessment, agree with its findings and are satisfied that the site is suitable for the development. A standard contingency condition is recommended that requires any contamination found during works to be managed with development consent obtained for remediation if required.

State Environmental Planning Policy (Industry and Employment) 2021 (Industry and Employment SEPP)

The Industry and Employment SEPP aims to ensure that signage is compatible with the desired amenity and visual character of an area, provides effective communication in suitable locations and is of high quality design and finish.

The development includes three free-standing building identification signs. Section 3.6 of the Industry and Employment SEPP requires the consent authority to be satisfied that signage is consistent with the objectives as set out in Section 3.1(1)(a) of the SEPP and the assessment criteria specified in Schedule 5 of the SEPP. An assessment table in which the development is considered against these matters is provided as an attachment to this report.

State Environmental Planning Policy (Biodiversity and Conservation) 2021 (Biodiversity and Conservation SEPP)

The development is considered satisfactory in terms of the matters for consideration in Chapter 6 of the Biodiversity and Conservation SEPP. There will be no unreasonable adverse impacts upon the Hawkesbury-Nepean Catchment as a result of the development.

Camden Local Environmental Plan 2010 (Camden LEP)

Site Zoning

The site is zoned RU2 Rural Landscape pursuant to Clause 2.2 of the Camden LEP.

Development Characterisation

The development is characterised as 'building identification signs' and an 'educational establishment' by the Camden LEP.

Permissibility

'Building identification signs' and an 'educational establishment' are permitted with consent in the RU2 Rural Landscape zone pursuant to the land use table of the Camden LEP. The proposed demolition is permitted with consent pursuant to Section 2.7 of the Camden LEP.

Planning Controls

An assessment table in which the development is considered against the Camden LEP's planning controls is provided as an attachment to this report.

Development Standard Contravention

The applicant proposes a contravention to the height of buildings development standard that applies to the site. The development standard limits buildings to a maximum height of 9.5m above existing ground level. However, the development will have a maximum height of 10.4m above existing ground level. The contravention relates to small sections of the building's roof and is shown on the proposed plans.

Contravention Assessment

Pursuant to Clause 4.6 of the Camden LEP the applicant has submitted a written request that seeks to justify the contravention of the development standard. In summary, the applicant's written request provides the following justification for the contravention:

1. Compliance with the standard is unreasonable and unnecessary as the minor height exceedances will not have any unreasonable adverse impacts upon views, visual amenity, solar access, heritage or traffic generation (via additional floor space).
2. The development is consistent with the objectives of the development standard in that the building will be consistent with the existing built form of the site, will not disrupt views, privacy or solar access and will not impact the WaterNSW Upper Canal to the east.
3. There are site-specific environmental planning grounds that justify the contravention related to developments siting and design and the site's topography and context.
4. The development is consistent with the relevant objectives of the RU2 Rural Landscape zone in that it's siting and design will maintain the existing character of the site and the minor height exceedances will not adversely impact upon the scenic quality of the site's rural setting nor views to the Campbelltown Scenic Hills to the east.

A copy of the applicant's written request is provided as an attachment to this report.

Pursuant to Section 4.6(4) of the Camden LEP 2010 Council staff are satisfied that:

1. The applicant's written request has adequately addressed the matters required to be demonstrated by Section 4.6(3) of the Camden Local Environmental Plan 2010.
2. The development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zones in which the development is proposed to be carried out.

The development standard contravention is supported for the following reasons:

1. The development is consistent with the objectives of the development standard:
 - a. *To ensure that buildings are compatible with the height, bulk and scale of the existing and desired future character of the locality.*

The building is compatible with the existing and future character of the site and surrounding area. The building will be located on a part of the site that slopes downwards to the north and will be cut into a hill. This gives the building the appearance of a two and a half storey development when viewed from within most of the site and the surrounding area which is appropriate given the prevailing building height in the area. The building's bulk and scale will be ameliorated by having it 'fractured' into different elements which will be reinforced by earthy, warm material and finish changes. The building will also be partially screened from view by existing buildings on the site.

- b. *To minimise the visual impact, disruption of views, loss of privacy and loss of solar access to existing development.*

The development will not have any unreasonable adverse impacts upon visual amenity, views, privacy and solar access given its physical separation from other properties, its location on a lower part of the site, being cut into a hill and the installation of skylights in adjoining building 10 to preserve reasonable daylight access.

- c. *To minimise the adverse impact of development on heritage conservation areas and heritage items.*

The development will not have any unreasonable adverse impacts upon the WaterNSW Upper Canal to the east. The development will be well separated from the canal and neither impact its ongoing function or views of it. The DA was referred to WaterNSW for comment and no objections were raised with standard construction management conditions being recommended.

- 2. The development is consistent with the objectives for development within the zone in which the development is proposed to be carried out:

- a. *To encourage sustainable primary industry production by maintaining and enhancing the natural resource base.*

The site contains an established school and church and because of this the development will not negatively impact the natural resource base.

- b. *To maintain the rural landscape character of the land.*

The development will maintain the rural landscape character of the land, in the context of the site containing an established school and church, due to it being clustered with other school buildings, cut into a hill, having its bulk ameliorated by 'fracturing' and using varied but appropriate earthy, warm materials and finishes.

- c. *To provide for a range of compatible land uses, including extensive agriculture.*

The further development of an established school site is supported and compatible with the existing character of the site and area.

- d. *To protect and enhance areas of scenic value by minimising development and providing visual contrast to nearby urban development.*

The development's visual impacts will be minimised as the building will be clustered with other school buildings, be cut into a hill, have its bulk ameliorated

by 'fracturing' and use varied but appropriate earthy, warm materials and finishes. This will ensure that views of the Campbelltown Scenic Hills to the east will not be adversely impacted and that the overall site will still provide a visual contrast to denser residential development in Currans Hills to the west.

e. To maintain the visual amenity of prominent ridgelines.

The development's siting and design will not adversely affect views of the Campbelltown Scenic Hills to the east.

f. To permit non-agricultural uses (including tourism-related uses) that are compatible with the agricultural, environmental and conservation values of the land.

The further development of an established school site is supported and compatible with the values of the land, in the context of the site containing an established school and church.

3. The contravention relates to small sections of the building's roof and will range from 200mm to 900mm. The contraventions are very minor and will not visually read as additional building height when viewed from the surrounding area.

It is noted that the Panel may assume the concurrence of the Planning Secretary pursuant to Planning Circular PS 20-002.

Consequently, it is recommended that the Panel support this proposed contravention to the Camden LEP.

(a)(ii) the 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 (unless the Secretary has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved)

Draft Environment State Environmental Planning Policy (Draft Environment SEPP)

The development is consistent with the Draft Environment SEPP in that there will be no detrimental impacts upon the Hawkesbury-Nepean River system as a result of it.

Draft Remediation of Land State Environmental Planning Policy (Draft Remediation of Land SEPP)

The development is consistent with the Draft Remediation of Land SEPP in that it is consistent with the Resilience and Hazards SEPP.

(a)(iii) the provisions of any development control plan

Camden Development Control Plan 2019 (Camden DCP)

It is noted that Section 3.36(9) of State Environmental Planning Policy (Transport and Infrastructure) 2021 specifies that development control plans do not apply to schools. Notwithstanding, an assessment table in which the development is considered against the Camden DCP is provided as an attachment to this report.

(a)(iia) the provisions of 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

No relevant planning agreement or draft planning agreement exists or has been proposed as part of this DA.

(a)(iv) the regulations (to the extent that they prescribe matters for the purposes of this paragraph)

The *Environmental Planning and Assessment Regulation 2021* prescribes several matters that are addressed in the conditions attached to this report.

(b) the likely impacts of the development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality

As demonstrated by the assessment, the development is unlikely to have any unreasonable adverse impacts on either the natural or built environments, or the social and economic conditions in the locality.

Noise Impacts

The applicant has submitted an acoustic report and related information in support of the DA. Council staff have reviewed the report and information and are satisfied that, subject to the recommended conditions, the development will not have an unreasonable adverse impact upon surrounding properties. The recommended conditions will impose requirements relating to construction, mechanical plant operation, limiting the number of students in the western plaza/outdoor play area to a maximum of 250 at any one time and requiring a short term noise monitoring program to be completed.

Bush Fire Impacts

The northern part of the site, outside of where the new building will be constructed, is mapped as bush fire prone land. The development is therefore classed as integrated development as it is a special bush fire protection purpose pursuant to Section 100B(6)(a) of the *Rural Fires Act 1997*. The applicant has provided a bush fire report in support of the DA and the DA was referred to the NSW Rural Fire Service (RFS) for comment. The RFS has granted a Bush Fire Safety Authority for the development subject to conditions that require the establishment of an asset protection zone (APZ), compliance with bush fire resistant construction standards and other requirements related to access, water and utility services, landscaping and emergency and evacuation planning. A condition is recommended that requires compliance with the RFS's Bush Fire Safety Authority.

Tree Removal and Landscaping

The development will include the removal of 34 trees in order to facilitate the construction of the new building and the car park works. It is noted that the removal does not trigger the biodiversity offsets scheme and that the vegetation is not significant as it has been historically thinned, is severely weed infested and is isolated from other patches of vegetation. However, the removal will be offset by the planting of 117 new trees and an appropriate mix of shrubs, grasses and groundcovers. This is a superior outcome for the site as it will result in more trees in

appropriate locations that will provide better softening and microclimate control for the school buildings and car park. This will also include replacement tree planting to offset the trees removed along the western boundary of the car park that borders existing residential properties in Currans Hill.

Construction Impacts

A condition is recommended that requires a construction management plan to be prepared. The plan will cover risks associated with the potential interaction between students and construction activities (including vehicles movements) and detail how the construction activities can be carried out whilst allowing the school operations to be clearly separated and continued in a safe manner. This condition is commonly imposed on developments involving works within operating schools and has previously been accepted by the Panel.

All other likely impacts have been assessed in other sections of this report.

(c) *the suitability of the site for the development*

As demonstrated by the assessment, the site is considered to be suitable for the development.

(d) *any submissions made in accordance with this Act or the regulations*

The DA was publicly exhibited for a period of 14 days in accordance with Camden Community Participation Plan 2021. The exhibition period was from 15 to 29 August 2022 and no submissions were received.

(e) *the public interest*

The public interest is served through the detailed assessment of this DA under the *Environmental Planning and Assessment Act 1979*, the *Environmental Planning and Assessment Regulation 2021*, environmental planning instruments, development control plans and policies. Based on the assessment, the development is consistent with the public interest.

EXTERNAL REFERRALS

The external referrals undertaken for this DA are summarised in the following table:

External Referral	Response
NSW Rural Fire Service.	No objections and a Bush Fire Safety Authority granted.
TransGrid	Amendments and conditions recommended.
Endeavour Energy.	No objections and conditions recommended.
Jemena Gas Networks.	No objections.
Always Powering Forward Group.	No objections.
Transport for NSW.	No objections and conditions recommended.
WaterNSW	No objections and conditions recommended.
Sydney Water.	No objections.

FINANCIAL IMPLICATIONS

This matter has no direct financial implications for Council.

CONCLUSION

The DA has been assessed in accordance with Section 4.15(1) of the *Environmental Planning and Assessment Act 1979* and all relevant instruments, plans and policies. The DA is recommended for approval subject to the conditions attached to this report.

RECOMMENDATION

That the Panel:

- i. support the applicant's written request lodged pursuant to Section 4.6(3) of Camden Local Environmental Plan 2010 to the contravention of the height of buildings development standard in Section 4.3 of Camden Local Environmental Plan 2010, and
- ii. approve DA/2022/760/1 for alterations and additions to the Mount Annan Christian College at 347 Narellan Road, Currans Hill subject to the conditions attached to this report for the following reasons:
 1. The Panel has considered the written request to contravene Camden Local Environmental Plan 2010 in relation to the height of buildings development standard. The Panel considers that the written request from the applicant adequately demonstrates that compliance with the development standard in Clause 4.3 of Camden Local Environmental Plan 2010 is unreasonable and unnecessary in the circumstances of the case, and that there are sufficient environmental planning grounds to justify contravening the development standard. The Panel is also satisfied that the development will be in the public interest because it is consistent with the objectives of the development standard in Clause 4.3 of Camden Local Environmental Plan 2010 and the objectives for development within the RU2 Rural Landscape zone.
 2. The development is consistent with the objectives and controls of the applicable environmental planning instruments, being 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 and Camden Local Environmental Plan 2010.
 3. The development is consistent with the objectives of Camden Development Control Plan 2019.
 4. The development is considered to be of an appropriate scale and form for the site and the character of the locality.

- 5. Subject to the recommended conditions, the development is unlikely to have any unreasonable adverse impacts on the natural or built environments.**
- 6. For the above reasons, the development is a suitable use of the site and its approval is in the public interest.**