

## Sydney Western City Planning Panel

<b>Panel Reference</b>	PPSSWC-323
<b>DA Number</b>	4606/2022/DA-C
<b>LGA</b>	Campbelltown
<b>Proposed Development</b>	Construction of an Educational Establishment, New Driveway, Carparking, Landscaping & Removal of Trees over Four (4) Stages
<b>Street Address</b>	381 St Andrews Road, Varroville
<b>Applicant</b>	BKA Architecture Pty Ltd
<b>Owner</b>	Serbian Orthodox Aged Care & Education Prop Fund
<b>Date of DA lodgement</b>	23 November 2022
<b>Number of Submissions</b>	Nil
<b>Recommendation</b>	Approval
<b>Regional Development Criteria</b>	CIV > \$5M – Private infrastructure and community facilities over \$5 million. The CIV is \$14,851.725.75 (excluding GST)
<b>List of all relevant s4.15(1)(a) matters</b>	<ul style="list-style-type: none"> <li>• State Environmental Planning Policy (Biodiversity and Conservation) 2021</li> <li>• State Environmental Planning Policy (Planning Systems) 2021</li> <li>• State Environmental Planning Policy (Resilience and Hazards) 2021</li> <li>• State Environmental Planning Policy (Transport and Infrastructure) 2021</li> <li>• Campbelltown Local Environmental Plan 2015</li> <li>• Campbelltown (Sustainable City) Development Control Plan 2015</li> <li>• Campbelltown Local Infrastructure Contributions Plan 2018</li> <li>• Environmental Planning and Assessment Regulation 2021</li> </ul>
<b>List all documents submitted with this report for the Panel's consideration</b>	<ol style="list-style-type: none"> <li>1. Recommended Conditions of Consent</li> <li>2. Architectural, Landscape, and Civil Plans</li> <li>3. Visual Impact Assessment</li> <li>4. 4.6 Variation Statement</li> <li>5. NSW Rural Fire Service - General Terms of Approval</li> <li>6. APA Group approval</li> <li>7. Water NSW approval</li> </ol>
<b>Report prepared by</b>	Ms M. Smith – Senior Town Planner Campbelltown City Council
<b>Report date</b>	4 December 2023

### Executive Summary

- The site adjoins Mount Carmel Catholic College to the south, the Upper Canal to the north, Ingleburn dam and a dwelling house to the west, and undeveloped land to the east, has a total land area of 58.03 hectares, and is mapped as containing potential Koala habitat and biodiversity values.
- The application proposes the construction of an educational establishment, driveway, carparking, landscaping and removal of trees over four stages.

- The land is zoned C3 Environmental Management under the Campbelltown Local Environmental Plan 2015, and an educational establishment is permitted with consent in the zone.
- The NSW Rural Fires Service issued a bushfire safety authority for the development of bushfire prone land for a special fire protection purpose.
- The application was referred to Water NSW due to the proposed development being adjacent to the Upper Canal. Water NSW issued conditions of approval.
- The application involves a variation to the Campbelltown Local Environmental Plan with regards to the maximum proposed building height.
- The application was publicly notified and exhibited from 27 February until 21 March 2023. No submissions objecting to the proposed development were received.
- The application is recommended for approval in accordance with the recommended conditions of consent in Attachment 1 to this report.

### **Application History**

- The application was lodged on 23 November 2022.
- Water NSW issued conditions on 7 February 2023.
- Public exhibition concluded on 21 March 2023.
- A panel kick-off briefing was held on 24 April 2023.
- NSW Rural Fire Service issued a bushfire safety authority on 8 March 2023.
- Gorodok Pty Limited (APA Group) issued its conditions on 15 February 2023.
- Jemena advised of acceptance of the proposal on 9 May 2023.
- Additional information was requested from the applicant on 10 May 2023 in relation to:
  - a) Sydney Western City Planning Panel comments;
  - b) Clarification of the proposal;
  - c) Asset protection zones for bushfire over an adjoining site;
  - d) Detail of easements and demonstration of no conflicts with easements;
  - e) Aboriginal Due Diligence Assessment
  - f) Visual impact assessment;
  - g) Potable drinking water management plan;
  - h) Noise and vibration assessment report;
  - i) Detailed site and soil specific assessment;
  - j) Detailed site plan showing the proposed location of the wastewater management system;
  - k) Detailed drainage plan;
  - l) Site specific wastewater management report;
  - m) Arboricultural impact assessment;
  - n) A preliminary site investigation;

- o) DRAINS and MUSIC modelling;
- p) Details of the existing and proposed driveways;
- q) Swept path diagrams.

### **Panel Kick-Off Briefing**

At the panel briefing held on 24 April 2023 the following matters were raised:

- Additional tree planting and/or landscaping within the carpark, driveway, and around playing fields is encouraged;
- Solar panels and provision of electric vehicle parking is encouraged;
- Queries regarding proposed student numbers and amount of amenities proposed and their proximity to classrooms.

### **The Site**

The site contains Stage 1 of St Sava College, and includes a chapel, administration building, K-1 classroom, and car parking.

The site comprises two allotments with a total area of 58.03 hectares. The identification and site area of each lot is provided below:

- Lot 3 DP 88405      20.3 hectares
- Lot 5 DP            37.73 hectares

The site adjoins Mount Carmel Catholic College to the south, the Upper Canal to the north, Ingleburn dam and a dwelling house to the west, and undeveloped land to the east.

Vehicle access is provided to the site from St Andrews Road which connects to Campbelltown Road approximately 4km to the southeast.

The site adjoins one state heritage item, being the Upper Canal, and one local heritage item being the Ingleburn Dam.

The site is mapped as being located within bushfire prone land, and as containing potential Koala habitat and biodiversity values.

### **The Locality**

The subject site is located at the north-western fringe of the Local Government Area boundary and is situated within Campbelltown's Scenic Hills. To the north and west of the site is the Camden Local Government Area with its boundary adjoining the suburb of Leppington (Emerald Hills).

The site is situated approximately 3.2km from the Hume Motorway and 1km south of Camden Valley way. Currently there is no vehicular access to these areas or a connection to Camden Valley Way. Access is from St Andrews Road, which connects to Campbelltown Road and the M5 Motorway and other major roads.

## **The Proposal**

The application proposes the construction of an educational establishment, driveway, car parking, landscaping and removal of trees over four stages.

A summary of the proposed development's stages is provided below:

### Stage 1

- Construction of two buildings for year 3-6 students;
- Construction of a secondary administration building, and
- Construction of basketball/tennis court.

### Stage 2

- Construction of three secondary school clusters for year 7-12 students;
- Construction of building clusters for Library, Science, Visual Arts & Staff Units, Technological and Applied Studies (TAS) units; and
- Construction of the canteen and amenities buildings.

### Stage 3

- Construction of the multi-purpose hall building; and
- Construction of 68 car parking spaces.

### Stage 5 (fourth construction phase)

- Construction of the playing fields and courts; and
- Construction of an amenities block.

## **1. Planning Provisions**

The proposed development has been assessed against the relevant matters for consideration under Section 4.15 of the Environmental Planning and Assessment Act 1979 (EP&A Act).

### **1.1 Rural Fires Act 1997**

Section 100B of the Rural Fires Act 1997 (RFS Act) requires a bushfire safety authority for development of bushfire prone land for a special fire protection purpose.

A special fire protection purpose includes a school.

The development application has been lodged as integrated development within the meaning of Section 4.46 of the EP&A Act.

The NSW RFS issued a bushfire safety authority and general terms of approval on 8 March 2023 which have been included within the recommended conditions of consent.

### **1.2 State Environmental Planning Policy (Biodiversity and Conservation) 2021**

#### Chapter 4 Koala Habitat Protection 2021

This chapter of the SEPP applies to Local Government Areas that are listed in Schedule 2 of this SEPP, as Campbelltown LGA is listed in Schedule 2 this SEPP applies to the proposed development.

The objectives of this chapter are to encourage the conservation and management of areas of natural vegetation that provide habitat for koalas to support a permanent free-living population over their present range and reverse the current trend of koala population decline.

Section 4.8 of this chapter, development assessment process, applies to land which an approved koala plan of management applies. The consent authority's determination must be consistent with the approved koala plan of management that applies to the land.

The flora and fauna assessment submitted in support of this application concludes that the *Lophostemon confertus* is listed as a shelter tree within the CKPOM, the vegetation within the subject site contained significantly less than 15% of PKFTs meaning that it does not meet the definition of Potential Koala Habitat as per the CKPOM.

As no PKFTs are proposed for removal, and the vegetation within the Subject Site does not conform to Potential Koala Habitat, no further assessment under the CKPOM should be required, as no impacts to Koalas are expected as a result of the proposed development.

It is considered that the proposal satisfies the provisions of Chapter 4, subject to compliance with the recommendations of the flora and fauna assessment.

The subject site is located within the Georges River Catchment and as such this SEPP applies to the application. The Biodiversity and Conservation SEPP generally aims to protect the environment of the Georges River system by ensuring that the impacts of future land uses are considered in a state, regional, and local context.

When a consent authority determines a development application, planning principles are to be applied (Chapter 11). Accordingly, a table summarising the matters for consideration in determining development applications (Sections 11.6 and 11.7), and compliance with such is provided below.

<b>Section 11.6 General Principles</b>	<b>Comment</b>
the aims of this plan,	The plan aims to protect the environment of the Georges River system by ensuring that the impacts of future land uses are considered in a regional context.
the likely effect of the proposed plan, development or activity on adjacent or downstream local government areas,	The proposed development will not impact on adjacent or downstream LGAs.
the cumulative impact of the proposed development or activity on the Georges River or its tributaries,	Council's Engineers have reviewed the proposal and are satisfied subject to conditions.

any relevant plans of management including any River and Water Management Plans approved by the Minister for Environment and the Minister for Land and Water Conservation and best practice guidelines approved by the Department of Urban Affairs and Planning (all of which are available from the respective offices of those Departments),	The site is located within an area covered by the Campbelltown District Stormwater Management Plan, as outlined within Campbelltown City Council Stormwater Asset Management Plan 2016-2026.
the Georges River Catchment Regional Planning Strategy (prepared by, and available from the offices of, the Department of Urban Affairs and Planning),	Consistent with the strategy.
all relevant State Government policies, manuals and guidelines of which the council, consent authority, public authority or person has notice,	The proposal is consistent with Council policy.
whether there are any feasible alternatives to the development or other proposal concerned.	Other alternatives are not required.
<b>Section 11.7</b>	<b>Comment</b>
Acid sulfate soils	The site is not affected by Acid Sulfate Soils
Bank disturbance	The site is not located near a riverbank.
Flooding	The site is not flood affected.
Industrial discharges	N/A the site is not zoned for industrial uses.
Land degradation	Conditions are recommended to address erosion and sediment control.
On-site sewage management	A satisfactory on-site sewage management system is proposed.
River-related uses	N/A the proposed development is not on the foreshore.
Sewer overflows	A satisfactory on-site sewage management system is proposed.
Urban/stormwater runoff	Stormwater runoff will be appropriately managed through engineering design and conditions of consent.
Urban development areas	N/A
Vegetated buffer areas	Consistent with the aims and objectives of the SEPP.
Water quality and river flows	N/A
Wetlands	N/A

It is considered that the proposal satisfies the provisions of this chapter of the SEPP, subject to appropriate stormwater management and sedimentation and erosion controls being implemented.

### 1.3 State Environmental Planning Policy (Planning Systems) 2021

Schedule 6 of the Planning Systems SEPP lists development for private infrastructure and community facilities with a Capital Investment Value (CIV) of over \$5 million as regionally significant development. As the proposed development has a CIV of 14,851.725.75 (excluding GST), it is a regionally significant development. Pursuant to section 2.15 of the Environmental

Planning and Assessment Act 1979, the Sydney Western City Planning Panel is the consent authority for regionally significant development and is therefore the consent authority for this development application.

#### 1.4 State Environmental Planning Policy (Resilience and Hazards) 2021

Pursuant to Clause 4.6(1) of State Environmental Planning Policy (Resilience and Hazards) 2021, the consent authority must not consent to the carrying out of any development on land unless:

- a) It has considered whether the land is contaminated, and
- b) If the land is contaminated, it is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out, and
- c) If the land requires remediation to be made suitable for the purpose for which the development is proposed to be carried out, it is satisfied that the land will be remediated before the land is used for that purpose.

#### Comment:

Pursuant to Chapter 4 of the SEPP, Council is also required to undertake a merit assessment of the proposed development. The following table summarises the matters for consideration in determining development application.

<b>Clause 7 - Contamination and remediation to be considered in determining development application</b>	<b>Comment</b>
(1) A consent authority must not consent to the carrying out of any development on land unless:	
(a) it has considered whether the land is contaminated, and	The preliminary site investigation identifies that a detailed site inspection should be undertaken as there may be contamination on site.
(b) if the land is contaminated, it is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out, and	The PSI has been included in the conditions of consent and a DSI will be prepared post approval.
(c) if the land requires remediation to be made suitable for the purpose for which the development is proposed to be carried out, it is satisfied that the land will be remediated before the land is used for that purpose.	If the land requires remediation, the applicant will be required to prepare a RAP and submit it to Council for review and approval. A condition of consent is recommended to ensure this occurs.

Based on the above assessment, the proposal is considered to satisfy the relevant objectives and provisions of SEPP (Resilience and Hazards) 2021. Therefore, it is considered that the subject site will be suitable for the proposed development.

## 1.5 State Environmental Planning Policy (Transport and Infrastructure) 2021

### Chapter 2 Infrastructure

The aim of Chapter 2 of the SEPP is to facilitate the delivery of effective infrastructure across the state by –

- (a) improving regulatory certainty and efficiency through a consistent planning regime for infrastructure and the provision of services, and*
- (b) providing greater flexibility in the location of infrastructure and service facilities, and*
- (c) allowing for the efficient development, redevelopment or disposal of surplus government owned land, and*
- (d) identifying the environmental assessment category into which different types of infrastructure and services development fall (including identifying certain development of minimal environmental impact as exempt development), and*
- (e) identifying matters to be considered in the assessment of development adjacent to particular types of infrastructure development, and*
- (f) providing for consultation with relevant public authorities about certain development during the assessment process or prior to development commencing, and*
- (g) providing opportunities for infrastructure to demonstrate good design outcomes.*

### Division 12A Pipelines and Pipeline Corridors

#### Section 2.77 – Determination of development applications

Subject to Section 2.77(1)(a) of the Infrastructure SEPP, the consent authority must give written notice to the pipeline operator for development within the licence area of a pipeline for gas, or for petroleum or other liquid fuels, licensed under the Pipelines Act 1967, inviting comments about potential safety risks.

**Comment:** APA Group has one pipeline located within a 6-metre-wide easement through the site for the Moomba to Sydney Ethane Pipeline (Wilton to Botany Section). This easement is located within Jemena's 24.385m wide easement (Central Trunk – Wilton to Horsley Park).

A Land Use Change Safety Management Study (SMS) was facilitated by APA and completed in November 2022. St Sava College attendance to the SMS process was required to ensure the risks associated with the ethane pipeline and any development in vicinity were understood and appropriately mitigated. APA have advised in their referral that a further SMS process is not required for this proposal.

APA have not raised an objection subject to recommended conditions.

The application was also referred to Jemena for comment. Jemena confirmed that the site is subject to the Jemena Gas Networks (JGN) High Pressure Gas Pipeline (Licence 1). Jemena advised that a SMS was conducted in 2020 and that Jemena accepts the proposed development. Jemena have not requested that any conditions be imposed.

### Chapter 3 Educational establishments and child care facilities

The aim of Chapter 3 of the SEPP is to facilitate the effective delivery of educational establishments and early education and care facilities across the State by –

- (a) *improving regulatory certainty and efficiency through a consistent planning regime for educational establishments and early education and care facilities, and*
- (b) *simplifying and standardising planning approval pathways for educational establishments and early education and care facilities (including identifying certain development of minimal environmental impact as exempt development), and*
- (c) *establishing consistent State-wide assessment requirements and design considerations for educational establishments and early education and care facilities to improve the quality of infrastructure delivered and to minimise impacts on surrounding areas, and*
- (d) *allowing for the efficient development, redevelopment or use of surplus government-owned land (including providing for consultation with communities regarding educational establishments in their local area), and*
- (e) *providing for consultation with relevant public authorities about certain development during the assessment process or prior to development commencing, and*
- (f) *aligning the NSW planning framework with the National Quality Framework that regulates early education and care services, and*
- (g) *ensuring that proponents of new developments or modified premises meet the applicable requirements of the National Quality Framework for early education and care services, and of the corresponding regime for State regulated education and care services, as part of the planning approval and development process, and*
- (h) *encouraging proponents of new developments or modified premises and consent authorities to facilitate the joint and shared use of the facilities of educational establishments with the community through appropriate design.*

Chapter 3, Part 3.7, Section 3.58 of the Transport and Infrastructure SEPP requires that the consent authority must give written notice to Transport for NSW of development for the purpose of an educational establishment that will result in the educational establishment being able to accommodate 50 or more additional students, and that involves an enlargement or extension of existing premises, or new premises on a site that has direct vehicular or pedestrian access to any road.

Transport for NSW have not raised any objections to the expansion of the establishment subject to Council being satisfied with the traffic impact assessment.

<b>Principle 1 – context, built form and landscape</b>	
<b>Requirement</b>	<b>Comment</b>
Schools should be designed to respond to and enhance the positive qualities of their setting, landscape and heritage, including Aboriginal cultural heritage. The design and spatial organisation of buildings and the spaces	The proposed development's design has been influenced by the site, scale, climate and topography of the site. The Statement of Environmental Effects submitted in support of this application details that the design gives

between them should be informed by site conditions such as topography, orientation and climate.	appreciation of the existing building that is “the heart of St Sava College”.
Landscape should be integrated into the design of school developments to enhance on-site amenity, contribute to the streetscape and mitigate negative impacts on neighbouring sites.	The proposed landscaping will be integrated into the design of the development and additional landscaping is proposed to screen car parking areas which will positively contribute to the existing streetscape.
School buildings and their grounds on land that is identified in or under a local environmental plan as a scenic protection area should be designed to recognise and protect the special visual qualities and natural environment of the area and located and designed to minimise the development’s visual impact on those qualities and that natural environment.	A visual impact assessment has been submitted in support of this application and demonstrates that the proposed development protects the visual qualities of the Scenic Hills and how the buildings are designed to minimise any visual impact on the qualities.
<b>Principle 2 – sustainable, efficient and durable</b>	
Good design combines positive environmental, social and economic outcomes. Schools and school buildings should be designed to minimise the consumption of energy, water and natural resources and reduce waste and encourage recycling.	The proposed development will provide positive environmental outcomes by landscaping, positive social outcomes by provide an educational service and religious services, and economic outcomes through job creation. Energy efficient measures will be incorporated into the buildings.
Schools should be designed to be durable, resilient and adaptable, enabling them to evolve over time to meet future requirements.	The proposed development will use durable materials and can evolve to meet future requirements.
<b>Principle 3 – accessible and inclusive</b>	
School buildings and their grounds should provide good wayfinding and be welcoming, accessible and inclusive to people with differing needs and capabilities.	It is considered the proposed pedestrian pathways, covered walkways, and siting of the main office and general learning spaces would offer good way finding, that is welcoming, accessible and inclusive to people with differing needs and capabilities.
Schools should actively seek opportunities for their facilities to be shared with the community and cater for activities outside of school hours.	The chapel is used by the school and the general public.
<b>Principle 4 – health and safety</b>	
Good school development optimises health, safety and security within its boundaries and the surrounding public domain, and balances this with the need to create a welcoming and accessible environment.	The school will provide appropriate school fencing and has adopted CPTED principles while creating a welcoming environment.
<b>Principle 5 – amenity</b>	
Schools should provide pleasant and engaging spaces that are accessible for a wide range of educational, informal and community activities, while also considering the amenity of adjacent development and the local neighbourhood.	The proposed development will accommodate a range of activities. The school buildings will accommodate education for school children between kindergarten and year 12, the hall and basketball/tennis court will provide sporting opportunities, and the chapel will provide

	opportunities for the community.
Schools located near busy roads or near rail corridors should incorporate appropriate noise mitigation measures to ensure a high level of amenity for occupants.	St Andrews road is no through road, and the subject site is not located near a rail corridor.
Schools should include appropriate, efficient, stage and age appropriate indoor and outdoor learning and play spaces, access to sunlight, natural ventilation, outlook, visual and acoustic privacy, and storage and service areas.	The proposed development includes appropriate indoor and outdoor spaces, access to sunlight, natural ventilation, outlook, visual and acoustic privacy, and storage and service areas.
<b>Principle 6 - whole of life, flexible and adaptive</b>	
School design should consider future needs and take a whole-of-life-cycle approach underpinned by site wide strategic and spatial planning. Good design for schools should deliver high environmental performance, ease of adaptation and maximise multi-use facilities.	The proposed development provides a whole-of-life-cycle approach by accommodating children from kindergarten through to year 12. The proposal provides additional facilities to cater for the expanding school and provides multi-use facilities.
<b>Principle 7 - aesthetics</b>	
School buildings and their landscape setting should be aesthetically pleasing by achieving a built form that has good proportions and a balanced composition of elements. Schools should respond to positive elements from the site and surrounding neighbourhood and have a positive impact on the quality and character of a neighbourhood.	The proposed development is designed to complement the environmental surrounds and the Scenic Hills. The buildings have been nestled into the landscape to avoid any visual impacts on the surrounds.
The built form should respond to the existing or desired future context, particularly, positive elements from the site and surrounding neighbourhood, and have a positive impact on the quality and sense of identity of the neighbourhood.	The proposed development responds well to the existing context and will have a positive impact on the streetscape.

## 1.6 Campbelltown Local Environmental Plan 2015

The proposed development has been assessed against the relevant provisions of Campbelltown Local Environmental Plan 2015 (CLEP 2015). This assessment is discussed below:

### Permissibility

The land subject to the proposed development is zoned C3 Environmental Management under the provisions of the CLEP 2015.

The proposed development is defined as 'educational establishment' and is permitted with consent in the C3 zone.

*Educational establishment means a building or place used for education (including teaching), being:*

- (a) a school, or
- (b) a tertiary institution, including a university or a TAFE establishment, that provides formal education and is constituted by or under an Act.

### **Zone C3 Environmental Management**

The objectives of the C3 zone under CLEP 2015 are:

- To protect, manage and restore areas with special ecological, scientific, cultural or aesthetic values.
- To provide for a limited range of development that does not have an adverse effect on those values.
- To enable development for purposes other than rural-residential only if that development is compatible and complementary, in terms of design, size and scale, with the character of land in the zone.
- To allow cellar door premises, restaurants and cafes only where they are directly associated with the agricultural use of the land.
- To protect, and maintain the environmental, ecological and visual amenity of, the Scenic Hills, the Wedderburn Plateau and environmentally sensitive lands in the vicinity of the Georges River from inappropriate development.
- To preserve the rural heritage landscape character of the Scenic Hills.
- To protect and enhance areas of scenic value and the visual amenity of prominent ridgelines.
- To protect bushland, wildlife corridors and natural habitat, including waterways and riparian lands.
- To ensure the preservation and maintenance of environmentally significant and environmentally sensitive land.

**Comment:** The proposed development would provide for an educational use that will not have an adverse effect on the values of the C3 zone.

The proposed development is considered to be compatible and complimentary in terms of design, size and scale, and with the character of the surrounds.

The proposed development would not adversely impact on the environmental, ecological and visual amenity of the Scenic Hills.

The proposed development will preserve the rural heritage landscape character of the Scenic Hills.

The proposal would maintain and not adversely impact the visual amenity of prominent ridgelines.

### **Minimum lot sizes for certain land uses in certain environment protection zones**

The objectives of Clause 4.1D are to allow for certain non-residential land uses, to minimise any adverse impact on local amenity and the natural environment, to achieve satisfactory environmental and infrastructure outcomes, and to minimise land use conflicts.

**Comment:** The CLEP enables development consent to be granted for an educational establishment in the C3 zone if the lot sizes is equal to or greater than 10 hectares. The development site is 58.03 hectares in total and is compliant with this requirement.

## Height of buildings

The objectives of Clause 4.3 are to nominate a range of building heights that will provide a transition in built form and land use intensity across all zones, to ensure that the heights of buildings reflect the intended scale of development appropriate to the locality and the proximity to business centres and transport facilities, to provide for built form that is compatible with the hierarchy and role of centres, and to assist in the minimisation of opportunities for undesirable visual impact, disruption to views, loss of privacy and loss of solar access to existing and future development and to the public domain.

**Comment:** The building height prescribed by the CLEP is 9m, the proposed development exceeds this control and has a maximum height of 10.064m and therefore fails to comply with this standard by a margin of 12 percent. The applicant has made a written request pursuant to clause 4.6(3) of the CLEP 2015 seeking to justify the proposed contravention of the maximum building height standard, and this is discussed below.

## Exceptions to development standards

The objective of Clause 4.6 is to provide an appropriate degree of flexibility in applying certain development standards to particular development, to achieve better outcomes for and from development by allowing flexibility in particular circumstances.

Clause 4.6 of the CLEP 2015 states that development consent may be granted for development even though the development would contravene a development standard imposed by the CLEP 2015 or any other environmental planning instrument.

Development consent must not be granted for development that contravenes a development standard unless the consent authority has considered a written request from the applicant that seeks to justify the contravention of the development standard by demonstrating:

- (a) that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and
- (b) that there are sufficient environmental planning grounds to justify contravening the development standard.

**Comment:** A written request from the applicant that seeks to justify the contravention of the development standard was provided with the application, which is attached to this report. The applicant's first argument in support of the proposed building height variation is that compliance is unreasonable or unnecessary in the circumstances of the case, because the underlying objectives of the control and the objectives of the zone are achieved despite the non-compliance with the numerical development standard.

The objectives of the maximum building height standard are as follows:

- (a) to nominate a range of building heights that will provide a transition in built form and land use intensity across all zones,
- (b) to ensure that the heights of buildings reflect the intended scale of development appropriate to the locality and the proximity to business centres and transport facilities,

- (c) to provide for built form that is compatible with the hierarchy and role of centres,
- (d) to assist in the minimisation of opportunities for undesirable visual impact, disruption to views, loss of privacy and loss of solar access to existing and future development and to the public domain

The applicant contends that the proposed development, despite the numerical non-compliance, remains consistent with the objectives, based on the following:

The height of buildings control is set to respond to variations in the natural landform. The proposed height exceedance does not impact the reflection of natural landforms or height control across the site and the proposed building with the height exceedance better reflects the natural landform.

The site has a reasonable fall across the site and the height control constrains the built form outcome, and that the height controls and topography restrict designing a compliant development.

The non-compliance will not be evident when viewed from the public domain due to the location of the building on the site.

The bulk and scale of the proposed development is not inconsistent with the existing character of the site and the existing built form, and the proposed scale of the development relates to the built form envisaged by the planning controls.

The design of the development is compatible with the character of the local area and is capable of existing in harmony.

The requirement for strict compliance with the control would be counterproductive to achieving the aims to support educational facilities in this rural area, particularly when the scale of development will not be perceptibly different to a strictly compliant proposal. The site is not located in business centre, where issues of height, bulk and scale are more acute.

The surrounding area is characterised by predominantly rural development, with a mixture of developments on large parcels of land. The setback of the building from St Andrews Road and the general open rural landscape ensures that there is minimal impact.

The characteristics of the site and the circumstances of the proposed development allow for the proposed height. The potential site development is in keeping with the existing planning controls and the form of development that is satisfactory with the planning controls.

The proposed development will promote orderly development of the land and will provide educational facilities in the locality.

The proposed scale of development relates to the built form envisaged by the planning controls, specifically building height, despite the relatively minor numerical departure from the height of buildings development standard. The proposed non-compliance will better achieve the aims of permitting such developments, than would a scheme that strictly complied through the reduction in height.

The non-compliance with building height will not result in any significant amenity impacts on neighbouring properties, or visual impacts in terms of how the building presents to the street.

Development consent must not be granted for development that contravenes a development standard unless:

- (a) the consent authority is satisfied that:
  - i) the applicant's written request has adequately addressed the matters required to be demonstrated by subclause (3), and
  - ii) the proposed 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 zone in which the development is proposed to be carried out, and
- (b) the concurrence of the Secretary has been obtained

**Comment:** With regard to subclause (a)(i), the Panel must be satisfied that the applicant's written request has adequately addressed how the development standard is unreasonable and unnecessary in the circumstances of the case, and that there are sufficient environmental planning grounds to justify contravening the development standard. In this regard, in the opinion of Council staff, the applicant's written request does correctly identify that the proposed development does satisfy the objectives of the maximum building height standard and the objectives of the C3 Environmental Management zone and would have a notably distinct absence of adverse planning impacts upon surrounding properties and the public domain. In this regard, the applicant's written request has adequately addressed how the development standard is unreasonable and unnecessary in the circumstances of the case, and that there are sufficient environmental planning grounds to justify contravening the development standard.

With regard to subclause (a)(ii), the proposed development is consistent with the objectives of the maximum building height standard and the objectives of the C3 Environmental Management zone and is considered to be in the public interest.

With regard to subclause (b), in deciding whether to grant concurrence, the Secretary must consider:

- (a) whether contravention of the development standard raises any matter of significance for State or regional environmental planning, and
  - (b) the public benefit of maintaining the development standard, and
  - (c) any other matters required to be taken into consideration by the Secretary before granting concurrence.
- In May 2020, Planning Circular 20-002 (Variations to development standards) advised consent authorities that all consent authorities may assume the Secretary's concurrence under clause 4.6 of a local environmental plan that adopts the Standard Instrument. Accordingly, the Panel must consider points (a), (b) and (c) above. In this regard, the following is noted:

- Contravention of the development standard raises no matters of significance for State or regional environmental planning.
- Given the absence of adverse planning outcomes arising from the proposed variation, a greater public benefit would be achieved by varying the development standard in question. This is because the additional building height would facilitate the positive planning outcome of the orderly construction of a high-quality building and will provide a high level of amenity for staff and students.
- No other matters requiring consideration have been identified.

### **Heritage conservation**

The objective of Clause 5.10 of the CLEP is to conserve the environmental heritage of Campbelltown, to conserve the heritage significance of heritage items and heritage conservation areas, including associated fabric, settings and views, to conserve archaeological sites, and to conserve Aboriginal objects and Aboriginal places of heritage significance.

**Comment:** The site adjoins one state heritage item, being the Upper Canal, and one local heritage item being the Ingleburn Dam.

A heritage Impact Statement was submitted in support of this application and concludes that the subject site does not meet the criteria for identification as a place of local significance and that the remnant structures on the site are of limited significance and will be retained. Overall, the statement concludes that there are no heritage considerations that would prevent the proposed development from being approved in its current form.

An Aboriginal Due Diligence Assessment was also submitted in support of this application that has identified that the site is has variable disturbance across the site from high disturbance around the current school buildings and carpark to low disturbance in the areas of uncleared land around the creek lines. The report has identified that there is a moderate potential for Aboriginal artefacts and/or deposits of archaeological and cultural significance to be present.

The applicant is commissioning an Aboriginal Cultural Heritage Assessment Report which will be completed after the issue of development consent. The Aboriginal Cultural Heritage Assessment Report forms part of the approved development and this report will be required to be complied with.

### **Earthworks**

The objective Clause 7.1 of CLEP 2015 is to ensure that earthworks for which development consent is required will not have a detrimental impact on environmental functions and processes, neighbouring uses, cultural or heritage items or features of the surrounding land.

**Comment:** The proposed cut and fill to accommodate the development have been minimised and the proposed buildings have been designed to respond to the topography of the site. It is not considered that the earthworks will detrimentally impact on the surrounding sites.

## **Salinity**

The objective Clause 7.4 of CLEP 2015 is to provide for the appropriate management of land that is subject to salinity and the minimisation and mitigation of adverse impacts from development that contributes to salinity.

**Comment:** A geotechnical investigation has been submitted in support of this application and addresses salinity.

The findings of the investigation conclude that in accordance with AS2159-2009 the exposure classification for the onsite soils is non-aggressive to both concrete and steel. In accordance with AS2870-2011 the soils are classified as A1.

## **Preservation of the natural environment**

The objective of Clause 7.5 is to preserve the natural environment.

**Comment:** The subject site is zoned C3 Environmental Management, therefore this clause applies. Subclause 3 states that development consent must not be granted to the removal of soil or bush rock from any land to which this clause applies, however subclause 4 states that subclause 3 does not prevent the relocation of soil or bush rock within the same site.

A flora and fauna assessment has been submitted in support of this application that concludes that no bush rock is located within the subject site, and if soil is to be removed to accommodate the proposed development, it will be relocated elsewhere within the site. In this regard, this satisfies this requirement of the CLEP.

## **Scenic protection and escarpment preservation**

The objective of Clause 7.6 is to recognise and protect the scenic, environmental, cultural and historic qualities of the Scenic Hills and the landscape setting of Campbelltown, to protect visual aesthetic amenity and views to and from the Scenic Hills, to reinforce the visual dominance of landscape over built form, and to ensure development on land to which this clause applies is appropriate for the location and is located and designed to minimise its visual prominence in the landscape.

**Comment:** It is acknowledged that the buildings proposed as part of this development would be visible from St Andrews Road, albeit in a less trafficked portion of the road. Views to and from the site are restricted by the topography of the general area and vegetation, particularly to the south and north of the development area. The development is not highly visible and would not significantly impact on the scenic landscape character of the locality.

## **Essential services**

Clause 7.10 specifies that development consent must not be granted unless the consent authority is satisfied that any of the following services that are essential for the development are available or that adequate arrangements have been made to make them available when required the supply of water, the supply of electricity, the disposal and management of sewage, stormwater drainage or on-site conservation, suitable road and vehicular access, telecommunication services, and the supply of natural gas.

**Comment:** The subject site is currently serviced by essential services including water and electricity and existing services will be augmented. The existing onsite wastewater system will also be augmented accordingly to accommodate the increase in the development.

### **Terrestrial biodiversity**

The objective of Clause 7.20 is to maintain terrestrial biodiversity by protecting native fauna and flora, protecting the ecological processes necessary for their continued existence, encouraging the conservation and recovery of native fauna and flora and their habitats, and maximising connectivity and minimising habitat fragmentation.

**Comment:** The subject site contains land that is identified as being of areas of biodiversity significance, therefore this clause applies. A flora and fauna assessment has been submitted in support of this application and details that the proposed development has been designed to avoid impact on areas that contain biodiversity significance.

The assessment also states that no locally occurring native trees are proposed for removal and a small area of 0.01ha of Cumberland Plain Woodland are required to be managed for bushfire protection.

The assessment concludes that the proposed development will not adversely impact on any ecological communities or any flora or fauna.

## **1.6 Campbelltown (Sustainable City) Development Control Plan 2015**

The proposed development has been assessed against the relevant development controls of the Campbelltown (Sustainable City) Development Control Plan 2015 - Volume 1 (SCDCP).

### **Part 2 - Requirements Applying to All Types of Development**

Part 2 of SCDCP contains requirements that apply to all types of development. Compliance with the relevant controls is outlined in the table below:

<b>Part</b>	<b>Requirement</b>	<b>Proposed</b>	<b>Compliance</b>
<b>Part 2 Requirements Applying to all Types of Development</b>			
2.2 Site Analysis	A Site Analysis Plan shall be lodged with the development application for all development involving the construction of a building and the Torrens title subdivision of land. The scope of the site analysis will depend on the scale and nature of the development and shall address: <ul style="list-style-type: none"> <li>i) contours, slope and north point;</li> <li>ii) existing landscaping and vegetation;</li> <li>iii) existing buildings and</li> </ul>	A satisfactory site analysis plan has been submitted in support of this application.	Yes

Part	Requirement	Proposed	Compliance
	structures; iv) location of windows and other openings on adjoining buildings; v) roads, access points, parking, and traffic management devices and the like; vi) linkages; open space networks, pedestrian/cycle paths and the like; vii) easements, services, existing infrastructure and utilities; viii) hydraulic features, drainage lines, water features, drainage constraints, and the like; ix) natural hazards (e.g. flooding, bushfire); x) solar orientation, overshadowing, prevailing winds; xi) views and vistas to, from and within the site; xii) a streetscape analysis; xiii) special environmental features such as threatened species habitat, endangered ecological communities and wetlands; xiv) items and relics of and/or aboriginal place of heritage significance ; and xv) any identified road widening applying to the subject land		
2.3 Views and Vistas	Development shall appropriately respond to Campbelltown's important views and vistas to and from public places.	A visual impact assessment has been submitted in support of this application and demonstrates that the proposed development responds to Campbelltown's views and vistas.	Yes
	District views and existing significant view corridors as	As above.	Yes

Part	Requirement	Proposed	Compliance
	viewed to and from public places shall be protected		
2.4.1 Rain Water Tanks	A rain water tank shall be provided for all new buildings containing a roof area greater than 100sqm for all development not specified by BASIX. The rain water tank shall have a minimum capacity in accordance with Table 2.4.1.	Rainwater tanks are provided.	Yes
	Above ground water tanks shall be located behind the primary or secondary building line	Rainwater tanks are located behind the building lines.	Yes
2.4.3 Natural Ventilation	The design of new buildings shall be encouraged to maximise opportunities for cross flow ventilation, where practical, thus minimising the need for air conditioning.	Cross ventilation will be achieved.	Yes
2.4.4 Light Pollution	Outdoor lighting shall be designed to minimise pollution from the unnecessary dispersion of light into the night sky and neighbouring properties.	Conditions have been recommended to address outdoor lighting.	Complies by condition
2.5 Landscaping - Design Requirements	Landscape design shall enhance the visual character of the development and complement the design/use of spaces within and adjacent to the site.	The proposed landscaping will enhance the visual character of the development and will provide additional landscaping to screen car parking areas.	Yes
	Landscape design shall retain and enhance the existing native flora and fauna characteristics of a site wherever possible.	Existing flora and fauna characteristics are retained where possible.	Yes
	Landscape design shall add value to the quality and character of the streetscape.	Additional landscaping is proposed to soften the existing car parking areas and will contribute to the quality of the streetscape.	Yes
	The Landscape Concept Plan shall illustrate mature height, spread of species, trees to be removed/retained and shall be prepared by a suitably qualified person.	The landscape plan demonstrates height, spread, and species and has been prepared by a landscape architect.	Yes

Part	Requirement	Proposed	Compliance
	Landscaping shall maximise the use of locally indigenous and other drought tolerant native plants and avoid the use of invasive species.	The majority of species selected are native.	Yes
2.6 Weed Management Plan	A Weed Management Plan shall be submitted with any DA within land zoned for rural, environmental protection or waterways purposes that: <ul style="list-style-type: none"> <li>i) is proposed on site of two (2) or more hectares in area; or</li> <li>ii) have a significant infestation of noxious or environmental weeds present</li> <li>iii) is within 100 metres of a watercourse</li> </ul>	A condition is recommended requiring the submission of a weed management plan prior to the issue of a Construction Certificate.	Complies by condition
2.7 Erosion and Sediment Control - Design Requirements	An Erosion and Sediment Control Plan shall be prepared and submitted with a development application proposing construction and/or activities involving the disturbance of the land surface.	A satisfactory erosion and sediment control plan has been submitted in support of this application.	Yes
2.8 Cut, Fill and Floor Levels	A Cut and Fill Management Plan (CFMP) shall be submitted with a development application where the development incorporates cut and/or fill operations.	A cut and fill management plan has been submitted in support of this application.	Yes
	For any dwellings within residential zones, the maximum level of cut shall not exceed 1.0 metres below the ground level (existing) and the maximum level of fill shall not exceed 1.0 metre above ground level (existing), when measured at any corner of the building platform.	The proposal is not for a dwelling.	N/A
	Development incorporating any cut or fill shall comply with the following requirements: <ul style="list-style-type: none"> <li>i) minimum cross fall of 1% to any adjoining waterway; and</li> <li>ii) batters to be no steeper</li> </ul>	Proposed cut and fill is compliant with these requirements.	Yes

Part	Requirement	Proposed	Compliance
	<p>than i2H:1V ('H' stands for the term 'horizontal distance' and 'V' stands for the term 'Vertical distance';</p> <p>iii) batters to be no steeper than 6H:1V for public areas.</p>		
	All fill shall be 'Virgin Excavated Natural Material' (VENM).	A condition is recommended to ensure all fill material is VENM.	Complies by condition
	No fill shall be deposited in the vicinity of native vegetation.	Fill is not proposed within the vicinity of native vegetation.	Yes
2.9 Demolition - Design Requirements	<p>A development application involving demolition shall be considered having regard to the following information:</p> <p>i) a detailed work plan prepared by a suitably qualified person, in accordance with AS2601-2001- The Demolition of Structures (as amended);</p> <p>ii) details of the licensed demolition contractor engaged to carry out the work (including name, address and building licence number);</p> <p>iii) a hazardous materials report that lists details of methods to prevent air, noise and water pollution and the escape of hazardous substances into the public domain;</p> <p>iv) details of any asbestos or other hazardous substances to be removed from the site and/or damaged during demolition; and</p> <p>v) a dilapidation report where any demolition work is to be undertaken within the zone of influence of any other structure.</p>	Demolition does not form part of this application.	N/A
2.10.1 Water	A comprehensive Water Cycle	A satisfactory WCMP has	Yes

<b>Part</b>	<b>Requirement</b>	<b>Proposed</b>	<b>Compliance</b>
Cycle Management	Management Plan (WCMP) shall be prepared and submitted as part of a development application.	been submitted in support of this application.	
2.10.2 Stormwater - Design requirements	All stormwater systems shall be sized to accommodate the 100-year ARI event (refer to Section 4 of Council's Engineering Design Guide for Development available from Council's website at <a href="http://www.campbelltown.nsw.gov.au">www.campbelltown.nsw.gov.au</a>	Proposed stormwater system is satisfactory.	Yes
2.10.3 Stormwater Drainage - Design requirements	A stormwater Drainage Concept Plan shall be prepared by a suitably qualified person, and submitted with all development applications, involving construction (except for internal alterations/fitouts), demonstrating to Council how the stormwater will be collected and discharged from the site.	A satisfactory stormwater plan has been submitted in support of this application.	Yes
	The stormwater concept plan shall include the following information as a minimum: <ul style="list-style-type: none"> <li>i) locations, layouts and sizes of stormwater pipes and pits;</li> <li>ii) minimum grades and capacity of stormwater pipes; and</li> <li>iii) existing and proposed easements, site contours and overland flow path/s.</li> </ul>	As above.	Yes
2.11.1 Aboriginal Heritage	This section contains controls relating to the management of Aboriginal heritage values and to ensure areas identified as European cultural heritage sites or archaeological sites are managed.	The applicant has undertaken an AHIMS search of the site with a 200m buffer and know known Aboriginal sites were found.	N/A
2.11.2 Heritage	Any development application made in respect to development on land that is:	As the subject site adjoins the Upper Canal, a heritage Impact Statement was submitted in support of	Yes

Part	Requirement	Proposed	Compliance
	<ul style="list-style-type: none"> <li>i) occupied by a heritage item; or</li> <li>ii) adjoining land occupied by a heritage item; or</li> <li>iii) located within a heritage conservation area, shall provide a Statement of Heritage Impact (SHI) that assesses the impact of the proposed development on the heritage significance, visual curtilage and setting of the heritage item or conservation area.</li> </ul>	<p>this application.</p> <p>The HIS concludes that there are no heritage considerations that would prevent the proposed development from being approved in its current form.</p>	
<p>2.12 Retaining Walls - Design requirements</p>	<p>Any retaining wall that is not complying or exempt development as specified in the E&amp;CDC shall be designed by a suitably qualified person.</p>	<p>Retaining wall design is provided by landscape architects</p>	<p>Yes</p>
	<p>In the case of retaining walls constructed to support proposed fill on an allotment, the following design criteria shall apply:</p> <ul style="list-style-type: none"> <li>i) No filling shall be permitted within 2 metres of any property boundary unless sufficient details are submitted to Council illustrating how privacy, overshadowing, stormwater management and access issues have been addressed to Council's satisfaction.</li> </ul>	<p>No fill is proposed within 2m of any boundary.</p>	<p>N/A</p>
	<p>In the case of retaining walls constructed to support proposed cut on an allotment, the following design criteria shall apply:</p> <ul style="list-style-type: none"> <li>i) The retaining wall shall be setback a minimum of 450mm from the rear and side boundary of the</li> </ul>	<p>Retaining walls are greater than 450mm from any boundary.</p>	<p>Yes</p>

Part	Requirement	Proposed	Compliance
	lot containing the cut.		
	Any retaining wall and associated structures shall be designed to be located wholly within the property boundary, except where written or legal agreements have been reached between relevant parties to Council's satisfaction.	Retaining walls are wholly within the boundaries.	Yes
	Any retaining wall requiring work on neighbouring properties shall require the consent of the adjoining owner/s.	Work is not proposed on adjoining sites.	N/A
	Retaining walls higher than 900mm shall be designed by a structural engineer and made from appropriate material.	A condition is recommended in this regard.	Complies by condition
2.13 Security Design requirements	Development shall be designed to maximise, where possible, casual surveillance opportunities to the street and surrounding public places.	The proposed development has incorporated CPTED principles and will provide for causal surveillance.	Yes
	External lighting shall be designed to: i) encourage the use of safe areas; ii) define safe corridors for movement of people; and iii) allow facial recognition of approaching pedestrians at 15 metres.	External lighting will encourage the use of safe areas and define safe corridors.	Yes
	Development shall incorporate appropriate landscaping, fencing and security devices to assist in crime prevention.	Appropriate landscaping and fencing are proposed to assist in crime prevention.	Yes
2.14.1 Salinity	A detailed Salinity Analysis and Remedial Action Plan shall be prepared and submitted with the development application if:  i) the site has been identified as being subject to a salinity hazard	A geotechnical investigation has been submitted in support of this application and addresses salinity.  The findings of the investigation conclude that in accordance with AS2159-2009 the exposure	Yes

Part	Requirement	Proposed	Compliance
		classification for the onsite soils is non-aggressive to both concrete and steel. In accordance with AS2870-2011 the soils are classified as A1.	
2.14.2 Bushfire - Design requirements	Development applications relating to land identified on the Bushfire Prone Land Map shall be accompanied by a Bushfire Hazard Assessment Report prepared by a suitably qualified person.	A bushfire report has been submitted in support of this application and a referral to NSW Rural Fire Service has been undertaken.  NSW Rural Fire service have not raised any concerns with the proposal and have issued a bushfire safety authority and general terms of approval.	Yes
2.14.3 Subsidence	Any development on a site located within South Campbelltown Mine Subsidence District, or Appin Mine Subsidence District may be at risk of the effects of subsidence from past and/or future underground mining. An appropriate engineering outcome shall be achieved.	The subject site is not identified as with the Mine Subsidence District.	N/A
2.15.1 Waste Management Plan - Design requirements	A detailed 'Waste Management Plan' (WMP) shall accompany development applications for certain types of development/land uses, as detailed in Table 2.15.1 and for any other development that in the opinion of Council a WMP is required.	A satisfactory WMP has been submitted in support of this application.	Yes
	Plans submitted with a development application shall detail the following (as applicable): i) the size and location of waste and recycling storage areas; ii) routes for occupants to access waste and recycling areas; iii) collection point and/or access route for collection vehicles;	The submitted architectural plans show sufficient detail in regard to waste management.	Yes

Part	Requirement	Proposed	Compliance
	iv) ventilation of waste and recycling 2.15 storage areas; v) location of garbage chute and service rooms; vi) bin and storage area washing facilities; and vii) occupants' disposal points for all waste streams. Note: Waste Management Plan forms		
2.15.2 Waste Management During Demolition and Construction	Waste and recyclable streams shall be stored separately on site	A dedicated waste storage room is proposed.	Yes
	All storage areas/containers for each waste and recycling stream shall be kept on the site at all times and shall be indicated on the site plans/drawings as part of the WMP.	As above.	Yes
	Where material cannot be reused or recycled, it shall be disposed of at an appropriately licensed waste management or recycling facility. Details of disposal arrangements shall be specified in the WMP for each material type	The WMP submitted in support of this application details the disposal arrangements.	Yes
	Convenient and safe heavy vehicular access to waste and recycling material storage areas shall be provided	Convenient and safe access is provided.	Yes
	The removal, handling and disposal of asbestos or other hazardous materials shall be carried out in accordance with WorkCover NSW, NSW Environment & Protection Authority (EPA), Office of Environment and Heritage and other regulatory authority guidelines and requirements	A condition is recommended to ensure that in the event that any asbestos is discovered the removal must be in accordance with the requirements of WorkCover NSW, NSW Environment & Protection Authority (EPA), and the Office of Environment and Heritage.	Complies by condition
2.15.3 On-going Waste Management	Provision shall be made for all waste and recycling storage containers to be located	The waste storage room has been integrated into the design on the multi-	Yes

Part	Requirement	Proposed	Compliance
	behind the primary and secondary building line and out of public view	purpose hall.	
	Any room(s) for storing garbage and recycling receptacles shall be located in a position that provides convenient access for residents, maintenance and waste collection staff. Bin storage rooms shall complement the development and not be visibly obtrusive when viewed from any public place.	The waste storage area will not be obtrusive from any public place.	Yes
	A waste collection point shall be nominated demonstrating that waste-loading operations can occur on a level surface not adjacent to steep gradients, vehicle ramps and pedestrian access points.	Waste-loading operations will occur on a level surface.	
	The path for wheeling bins between waste storage area(s) and the collection vehicle shall be free of steps or kerbs and have a maximum gradient of 1V:8H	The bin wheeling path is free of steps and flat.	Yes
	Where the bin-carting route from the storage area to the collection point exceeds the maximum distance or gradient, or a large number of bins need to be moved around the site, a dock leveller, bin lift or tow tug device may be used.	Not applicable.	N/A
	The maximum travel distance between any storage area/point and the collection point for all bins shall be 30 metres.	Less than 30m.	Yes
	Where it is intended that collection vehicles are to drive onto private property to collect waste and recycling, the development shall be designed to provide for: i) the safe and efficient service of the	Waste vehicles have sufficient space for movement and to enter and exit the site in a forward direction.	Yes

Part	Requirement	Proposed	Compliance
	<p>development with minimal need to reverse;</p> <p>ii) adequate clearance to accommodate waste collection by a heavy rigid vehicle, in accordance with the dimensions detailed in Table 2.15.2.</p> <p>iii) vehicles to enter and exit in a forward direction;</p> <p>iv) pavement construction that is sufficient to withstand a heavy rigid collection vehicle of 24 tonnes gross vehicle mass.</p>		
	<p>A development must be designed in a manner that allows for servicing by Council's waste collection vehicles, regardless of the intended servicing arrangements.</p>	<p>Council's waste collection vehicles would be able to service the site.</p>	<p>Yes</p>
<p>2.16.1 Water - Design requirements</p>	<p>Where connection to the reticulated water supply system is not available, development shall be provided with:</p> <p>i) sufficient water storage to cater for all relevant activities of the proposed use of the development.</p> <p>ii) sufficient storage for firefighting purposes in accordance with Planning for Bushfire Protection 2006, NSW Rural Fire Service.</p>	<p>The subject site is connected to Sydney Water.</p>	<p>N/A</p>
<p>2.16.2 Electricity</p>	<p>Details of the proposed method of power supply shall be provided as part of the development application for any development involving the construction of a building within rural and environmental protection zones.</p>	<p>The subject site is connected to electricity.</p>	<p>Yes</p>
<p>2.16.3 On-Site Wastewater Sewage</p>	<p>On-site Wastewater Management Systems and Private Recycled Water</p>	<p>Conditions are recommended to ensure compliance with the</p>	<p>Complies by condition</p>

Part	Requirement	Proposed	Compliance
Management	<p>Schemes shall comply with the following codes and standards:</p> <ul style="list-style-type: none"> <li>i) Council's Wastewater Management and Water Recycling Strategy 2009;</li> <li>ii) Environmental &amp; Health Protection Guidelines: On-site Sewage Management for Single Households 1998;</li> <li>iii) NSW Guidelines for the Management of Private Recycled Water Schemes 2008;</li> <li>iv) NSW Guidelines for Greywater Reuse in Sewered, Single Household Residential Premises 2007;</li> <li>v) the then Department of Environment &amp; Conservation NSW, Environmental Guidelines Use of Effluent by Irrigation, 2004;</li> <li>vi) AS/NZS 1547: On-site Domestic Wastewater Management (as amended);</li> <li>vii) AS/NZS 3500 National Plumbing and Drainage Standards and NSW Code of Practice - Plumbing and Drainage (as amended);</li> <li>viii) AS/NZS 1546.1 On-site domestic wastewater treatment units Part 1: Septic Tanks (as amended);</li> <li>ix) AS/NZS 1546.2 On-site domestic wastewater treatment units Part 2: Waterless composting toilet (as amended);</li> <li>x) AS/NZS 1546.3: On-site domestic wastewater treatment units Part 3: Aerated Wastewater</li> </ul>	relevant codes and standards.	

Part	Requirement	Proposed	Compliance
	<p>treatment systems (as amended);</p> <p>xi) AS/NZS 3500 National Plumbing and Drainage Standard (as amended);</p> <p>xii) National Water Quality Management Strategy- Australian Guidelines for Water Recycling (Phase 1) 2006; and</p> <p>xiii) National Water Quality Management Strategy- Australian Guidelines for Water Recycling Stormwater Harvesting and Reuse 2009.</p>		
	<p>All development applications for an on-site wastewater management system or private recycled water scheme shall be accompanied by a site specific wastewater report for all wastewater facilities located on the premises. The report shall be prepared by a suitably qualified person/company specialising in wastewater and water recycling systems in accordance with Council's Wastewater Management and Water Recycling Strategy 2009.</p>	<p>A satisfactory wastewater assessment report has been submitted in support of this application.</p>	<p>Yes</p>
	<p>The type of wastewater management system and method of reclaimed effluent application shall be determined having regards to the following:</p> <p>i) allotment size and slope;</p> <p>ii) soil classification; and</p> <p>iii) proximity to water courses.</p>	<p>The proposed system is satisfactory in regard to the allotment size and slope, soil classification, and proximity to water courses.</p>	<p>Yes</p>
	<p>On-site Wastewater Management Systems &amp; Private Recycled Water Schemes shall be designed, installed, operated and maintained in accordance with the manufacturer's specifications.</p>	<p>A condition of consent is recommended to ensure that the system is designed, operated and maintained in accordance with the manufacturer's specifications.</p>	<p>Complies by condition</p>

Part	Requirement	Proposed	Compliance
	<p>All wastewater management systems and private recycled water schemes shall be provided with the following minimum buffer distance:</p> <ul style="list-style-type: none"> <li>i) 100 metres to permanent surface waters;</li> <li>ii) 250 metres to domestic groundwater well; and</li> <li>iii) 40 metres to other waters</li> </ul>	<p>Council's Environmental Health Officer has reviewed the proposed system and is satisfied with the buffer distances.</p>	<p>Yes</p>
<p>2.17 Work On, Over or Near Public Land</p>	<p>Written approval shall be obtained from Council, prior to the commencement of any works, activities or occupancy upon public land, including roads, road related areas, stormwater connections, Council car parks, footpaths or nature strips.</p>	<p>A condition is imposed that requires a S138 approval to be obtained.</p>	<p>Yes</p>
<p>2.18 Work on Land Adjacent to the Upper Canal Corridor</p>	<p>Where subdivision or major development (other than individual residential dwellings and ancillary structures) is proposed adjacent to the Upper Canal corridor, applicants shall consult with Water NSW as part of the process of preparing the development application.</p>	<p>This application was referred to Water NSW for comment.</p>	<p>Yes</p>
	<p>Any written requirements of Water NSW shall be submitted with the development application and the development application documentation shall show how the requirements have been addressed</p>	<p>Water NSW have provided recommended conditions on 7 February 2023. These conditions have been included in the consent.</p>	<p>Yes</p>
	<p>Prior written approval shall be obtained from Water NSW for any access that may be required to the Upper Canal corridor during the construction phase.</p>	<p>Conditions from Water NSW are included in the consent.</p>	<p>Yes</p>
	<p>Access points to the Upper Canal for Water NSW staff and contractors to carry out inspections and maintenance shall be retained or provided</p>	<p>As above</p>	<p>Yes</p>

Part	Requirement	Proposed	Compliance
	in accordance with Water NSW requirements.		
	Site preparation and construction works carried out adjacent to or crossing the Upper Canal shall avoid impacting on water quality and damaging the Canal infrastructure, in accordance with Water NSW requirements	As above	Yes
	Stormwater systems serving development adjacent to the Upper Canal shall be designed to ensure that stormwater does not enter the Canal. Stormwater management measures shall accommodate and not impede upstream flows from any systems that convey stormwater across, along or under the Upper Canal.	As above	Yes
	Appropriate security fencing shall be provided, or existing security fencing retained along the length of development boundaries that directly adjoin the Upper Canal corridor boundary, in accordance with Water NSW requirements.	As above	Yes
	The State Heritage status of the Upper Canal shall be taken into account when designing development adjacent to the Canal corridor.	The proposed development has taken the Upper Canal into account with its design and buildings have been located away from the canal.	Yes
2.20 Development on Land Adjacent to, or Affected by a Gas Easement	Development and use of land within the easement is restricted by the conditions of the easement and applicants shall demonstrate compliance with any restrictions imposed by the easement when submitting applications for development.	APA Group have provided conditions which have been included in the consent.  Jemena have not raised any issues with the proposed development and have not recommended any conditions.	Yes
2.21 Acoustic Privacy	Development shall comply with any relevant provisions in the following documents. The	A satisfactory acoustic assessment has been submitted in support of	Yes

Part	Requirement	Proposed	Compliance
	<p>event of an inconsistency between the noise related controls in this plan and the documents below, the documents below prevail to the extent of the inconsistency.</p> <p>i) The NSW Noise Policy for Industry (NPfI)</p> <p>ii) The NSW Road Noise Policy</p> <p>iii) The NSW Development Near Rail Corridors and Busy Roads - Interim Guideline</p> <p>iv) Association of Australasian Acoustical Consultants Guideline for Child Care Centre Acoustic Assessment</p>	this application.	

## 1.7 Campbelltown Local Infrastructure Contributions Plan

The proposed development was considered by Council's Development Contributions Officer who has determined that contributions are applicable to the proposed development.

Accordingly, a condition is imposed to ensure the payment of S7.12 Contributions are paid prior to the issue of a construction certificate. The contributions have been broken down per stage.

## 2. Environmental Planning & Assessment Regulation 2021

Applicable Regulation considerations including compliance with the Building Code of Australia, notice of commencement of works, sign on work sites, critical stage inspections and records of inspection have been addressed by appropriate consent conditions.

## 3. Impacts on the Natural and Built Environment

Section 4.15(1)(b) of the EP&A Act requires Council to consider the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality.

## 4. Social and Economic Impacts

Socially, the proposal would provide a modern educational establishment that will cater for the local community and cater for a range of ages of children from kindergarten to year 12. Additionally, the existing development includes a chapel for religious use and the school will hold occasional events.

Economically, the proposal would be beneficial to the overall local economy with workers being employed during the construction phase of the development, and jobs will be created with the ongoing operation of the educational establishment.

## **5. Site Suitability**

The site is considered to be suitable for the proposed development, as the existing farm facilities would be redeveloped to support a sustainable agricultural enterprise, and the existing campus student accommodation would be redeveloped to provide improved residential amenity.

The proposal, subject to the general terms of approval, is considered to be suitable for the proposed development with respect to the development of bushfire prone land for a special fire protection purpose.

The proposal is considered to be compatible with the heritage significance of the Upper Canal and compatible being set within the Scenic Hills.

Council's Environmental Specialist is satisfied that direct impacts to biodiversity values have been avoided, minimised and offset.

## **6. Submissions**

The application was publicly notified and exhibited from 27 February until 21 March 2023. No submissions objecting to the proposed development were received.

## **7. The Public Interest**

The application is considered to have satisfactorily responded to the future desired outcomes expressed in the environmental planning instruments and development control plan, and would provide a development outcome that, on balance, would result in a positive impact for the community. Accordingly, it is considered that the approval of the proposed development would be in the public interest.

## **8.0 Conclusion**

The development application has been assessed against the relevant matters for consideration under Section 4.15 of the Environmental Planning and Assessment Act 1979, the Environmental Planning and Assessment Regulation 2021, State Environmental Planning Policy (Transport and Infrastructure) 2021, Campbelltown Local Environmental Plan 2015 and Campbelltown (Sustainable City) Development Control Plan 2015.

The proposed development, subject to the recommended conditions, is considered to satisfy relevant State legislation and State Environmental Planning Policies including the Rural Fires Act 1997, SEPP (Resilience and Hazards) 2021, SEPP (Transport and Infrastructure) 2021, SEPP Biodiversity and Conservation 2021, and other relevant legislation.

The site is considered to be suitable for the proposed development, as it would provide a modern educational establishment and accommodate school aged children from kindergarten through to year 12.

Accordingly, the application is recommended for approval.