

SYDNEY WESTERN CITY PLANNING PANEL ASSESSMENT REPORT

Panel Number:	PPSSWC-363.
Application Number:	2023/455/1.
Local Government Area:	Camden.
Development:	Construction of two x two storey teaching facilities across Stages 3 and 4, increased student and staffing numbers, signage and associated site works.
Capital Investment Value:	\$13,936,000.
Site Address(es):	50 Heath Road, Leppington
Applicant:	Anglican Schools Corporation.
Owner(s):	Anglican Schools Corporation.
Date of Lodgement:	28 August 2023.
Number of Submissions:	No submissions received.
Classification:	<ul style="list-style-type: none"> Regionally significant. Integrated development.
Recommendation:	Approve with conditions.
Regionally Significant Development Criteria (Schedule 6 of State Environmental Planning Policy (Planning Systems) 2021):	General development capital investment value >\$5 million for Private Infrastructure Facilities.
List of All Relevant Section 4.15(1)(a) Matters:	<ul style="list-style-type: none"> State Environmental Planning Policy (Planning Systems) 2021. State Environmental Planning Policy (Precincts - Western Parkland City) 2021. State Environmental Planning Policy (Transport and Infrastructure) 2021. State Environmental Planning Policy (Resilience and Hazards) 2021. State Environmental Planning Policy (Industry and Employment) 2021. State Environmental Planning Policy (Biodiversity and Conservation) 2021. Camden Growth Centres Development Control Plan 2023. Camden Development Control Plan 2019.
List all Documents Submitted with this Report for the Panel's Consideration:	<ul style="list-style-type: none"> Assessment report. State Environmental Planning Policy (Transport and Infrastructure) 2021 assessment table.

	<ul style="list-style-type: none"> • State Environmental Planning Policy (Precincts - Western Parkland City) 2021 assessment table. • Camden Development Control Plan 2019 assessment table. • Camden Growth Centre Precincts Development Control Plan 2023 assessment table. • Applicant's written request seeking to justify the contravention of a development standard. • Recommended conditions. • Proposed plans.
Development Standard Contravention Request(s):	Clause 4.3 – Height of buildings.
Report Prepared By:	Jessica Mesiti, Executive Planner.
Report Date:	November 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 checked="" type="checkbox"/>	<input 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 DA/2023/455/1 for the construction of two x two storey teaching facilities across Stages 3 and 4, increased student and staffing numbers, signage and associated site works at 50 Heath Road, Leppington.

The Panel is the consent authority for this DA as the capital investment value (CIV) of the development is \$13,936,000. This exceeds the CIV threshold of \$5 million for Council to determine the DA pursuant to Schedule 7 of State Environmental Planning Policy (Planning Systems) 2021.

SUMMARY OF RECOMMENDATION

That the Panel determine DA/2023/455/1 for the construction of two x two storey teaching facilities across Stages 3 and 4, increased student and staffing numbers, signage and associated site works development 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 the construction of two x two storey teaching facilities across Stages 3 and 4, increased student and staffing numbers, signage and associated site works at 50 Heath Road, Leppington.

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 \$13,936,000. The CIV threshold for Council to determine a DA for private infrastructure facilities is \$5 million.
State Environmental Planning Policy (Precincts - Western Parkland City) 2021 (Western Parkland City SEPP).	The development is permitted with consent in the applicable R2 Low Density Residential zone, is consistent with the zone objectives and acceptable in terms of the Western Parkland City SEPP's other matters for consideration.
State Environmental Planning Policy (Transport and Infrastructure) 2021 (Transport and Infrastructure SEPP).	<p>The DA was referred to Transport for NSW for comment pursuant to the Transport and Infrastructure SEPP. Comments have been received and applicable conditions recommended.</p> <p>Consideration of the design quality principles for schools as set out in Schedule 8 in relation to the proposed</p>

	development has been provided and is attached to this report.
State Environmental Planning Policy (Industry and Employment) 2021 (Industry and Employment SEPP).	<p>Council staff are satisfied that the 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.</p> <p>Council staff have also considered the Industry and Employment SEPP's Schedule 5 assessment criteria and are satisfied that the proposed signage is consistent those controls.</p>
State Environmental Planning Policy (Resilience and Hazards) 2021 (Resilience and Hazards SEPP).	<p>Council's Specialist Support Environmental Health Officer has reviewed the proposal and concluded that it is consistent with DA/2015/502/1 which approved the staged development of an 894 place primary and high school.</p> <p>Remediation of the site has been undertaken in accordance with the conditions of that DA. Therefore, the site is considered suitable for the proposed use.</p>
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.

The DA was publicly exhibited for a period of 14 days in accordance with Camden Community Participation Plan 2021. The exhibition period was from 5 September 2023 to 25 September 2023 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 9m above finished ground level. However, the development will have a maximum height of 9.043m above finished ground level. The contravention is assessed in detail in this report and is supported by Council staff.

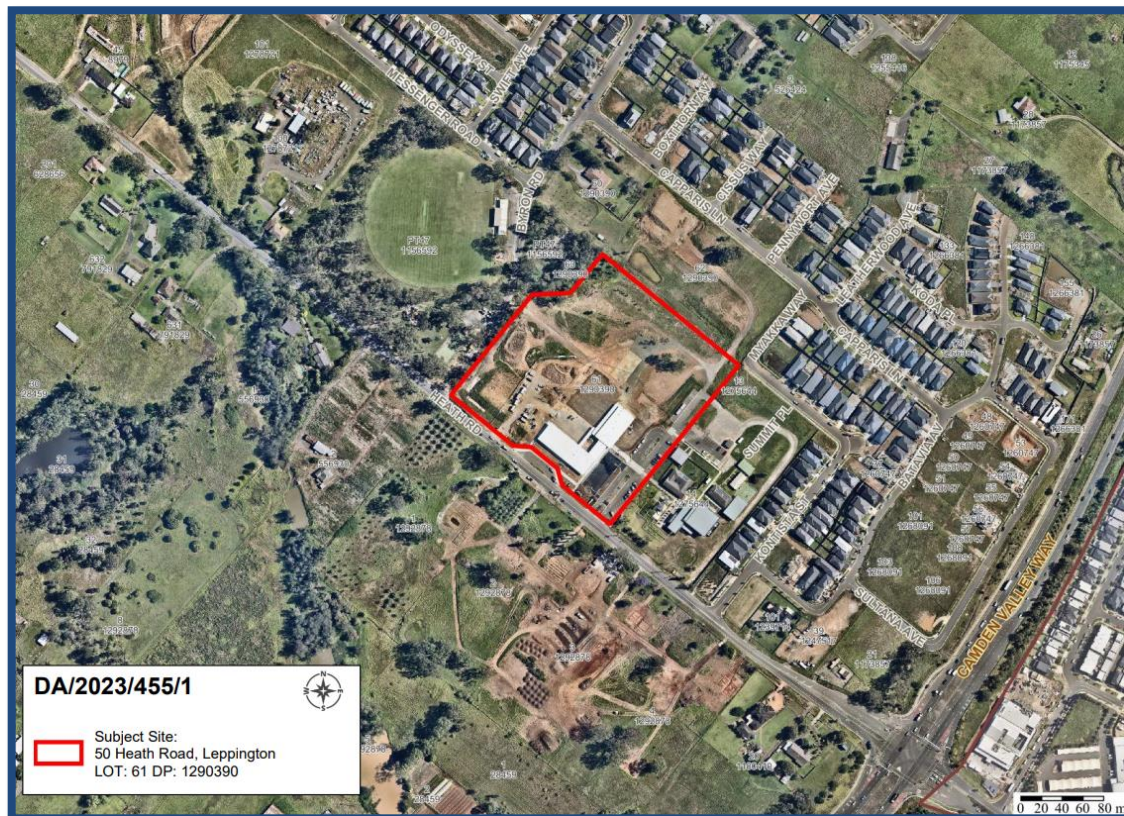
At its meeting of 4 August 2016, the Sydney Western City Planning Panel approved DA/2015/502/1 which granted Concept Approval for the staged development of an 894 place primary and high school, remediation of contaminated land, construction of stage 1 for a 100 place preparatory and primary school and associated site works at 50 Heath Road, Leppington. The proposed development satisfies Section 4.24 of the Environmental Planning and Assessment Act 1979 in that the proposal is not 'inconsistent with the consent for the concept' approved under DA/2015/502.

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
9m maximum building height.	9.043m maximum building height.	0.043m (0.47%).

AERIAL PHOTO



THE SITE

The site is commonly known as 50 Heath Road, Leppington and is legally described as Lot 61 in DP 1290390. The site is irregular in shape, with an overall site area of approximately 5.39 hectares. A high point generally runs east-west across the site with the land falling from this point to the east, south and north.

As noted above, at its meeting of 4 August 2016 the Sydney Western City Planning Panel approved DA/2015/502/1 which granted Concept Approval for the staged development of an 894 place primary and high school and construction of Stage 1 for a 100 place preparatory and primary school at 50 Heath Road, Leppington.

On 13 August 2020 Council staff approved DA/2019/989/1 that facilitated Staged 2 of the concept approval, namely the construction of a new junior school building containing four classrooms for a maximum of 100 students and 9 staff, connection to prep school building, covered pedestrian link to administration building, landscaping works, drainage and associated works.

The existing development on the site includes a single-story preparatory and junior school building, a demountable building, a single storey administration and staff building, outdoor learning and recreational areas as well as car parking facility along the eastern side boundary. The existing buildings cover Stages 1 and 2 of the Concept Approval granted under DA/2015/502/1.

The area of the site on which the Stage 3/4 building is proposed has been previously cleared of vegetation and structures. Site works including earthworks have been undertaken under previous DAs approved for the site.

The site is identified as bushfire prone land and is partially mapped along the north-western boundary as vegetation buffer.

Access to the site is via the two-way driveway from Heath Road, with a bus bay slightly further north along Heath Road at the front of the school. There is an existing 71 space car park, including three accessible car parking spaces. Pedestrian access to the site is provided via Heath Road.

The site is located on the northern side of Heath Road and is bounded by Byron Road along the northwest boundary, with a public recreation area and one low density residential dwelling, Capparis Lane along the rear boundary as well as Myakka Way and the Hope Anglican Church along the south-east side boundary. The site is approximately 500m northwest of the Willowdale Shopping Centre Precinct in Denham Court.

The surrounding area is predominantly characterised by established low density residential dwellings to the north and east, with a staged development of 291 residential lots (approved under DA/2022/94/1) currently under development on the southern side of Heath Road. A public recreation area is located immediately northwest of the site.

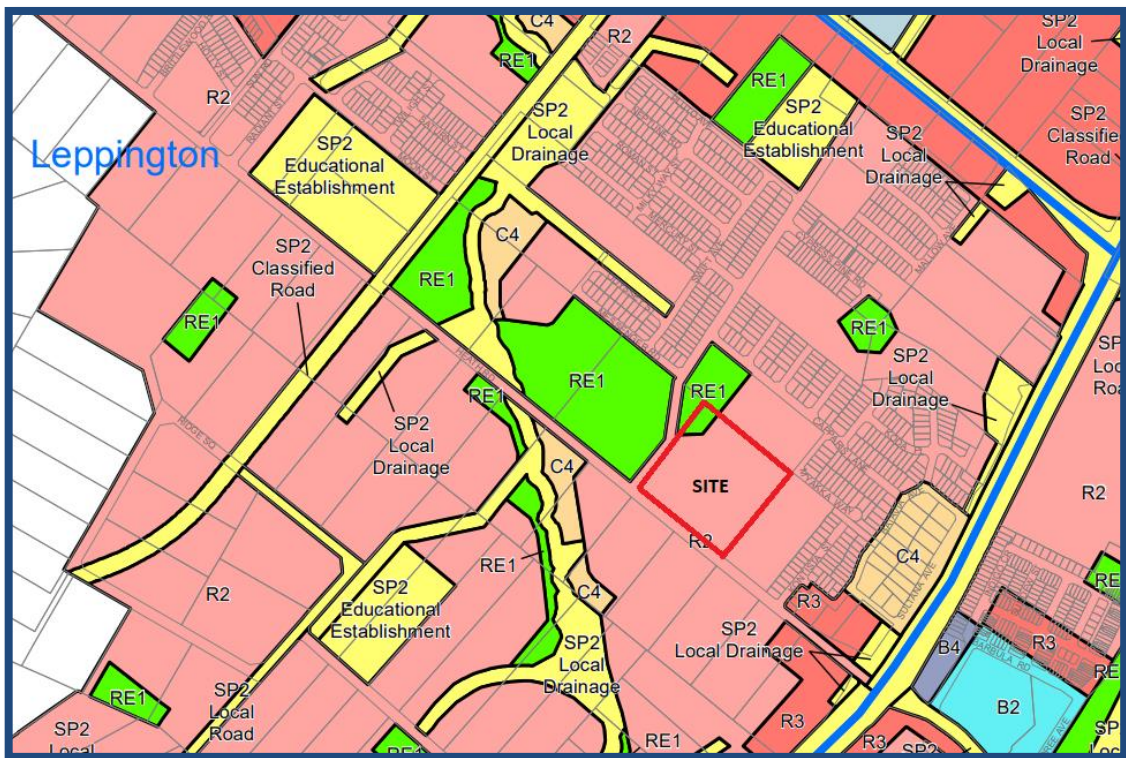
HISTORY

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

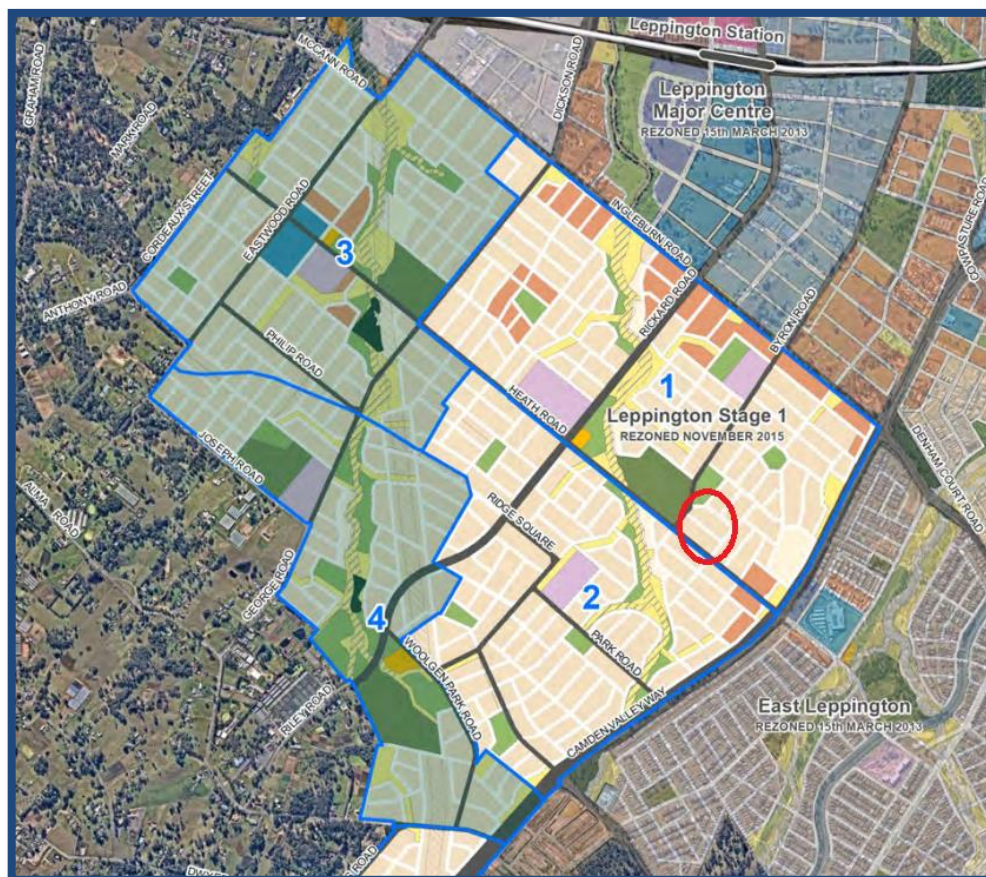
Date	Development
4 August 2016	Approval of DA/2015/502/1 - Concept / staged development application for an 894 place primary and high school, remediation of contaminated land, construction of stage 1 for a 100 place preparatory and primary school and associated site works.
29 September 2017	Approval of DA/2015/502/2 - Section 96(1A) Modification – Layout, design and associated modifications.
13 August 2020	Approval of DA/2019/989/1 - Construction of a new junior school building containing four classrooms for a maximum of 100 students and 9 staff (Stage 2 works), connection to preparatory school building, covered pedestrian link to administration building, landscaping works, drainage and associated works
6 May 2020	Approval of DA/2015/502/3 - Section 4.55 modification to approved primary school and secondary school concept

	approval incorporating new junior school, and changes to Stage 1 works including design changes to prep school and administration buildings, associated changes to landscaping, drainage and earthworks, deletion of approved soccer field and hardcourt and associated changes to the wording of conditions of consent.
12 October 2021	Approval of DA/2015/502/4 - Section 4.55 modification to an approved primary and secondary school concept approval and associated works to amend the approved on-site circulation and car parking layout, minor alterations and additions to the approved preparatory school and administration building, new outdoor covered learning area and changes to internal pedestrian pathways.
26 May 2022	Approval of DA/2019/989/2 - Section 4.55 modification to the approved Stage 2 development for 100 students to allow primary and secondary school students.
1 December 2022	Approval of DA/2022/574/1 - Construction and installation of two modular buildings for food technology and science lab learning with storage and amenities, including decking, balustrading, ramps and access stairs, walkway connection to the primary school buildings, landscaping, stormwater and associated works representing Stage 3 of Concept Plan Approval (DA/2015/502/1 as amended).
8 December 2022	Approval of DA/2019/989/3 - Section 4.55 modification to an approved junior school as part of a staged concept for primary and secondary school development to amend the design and height of the approved classroom building, modify external colours and finishes, amend the wording of associated conditions of consent.

ZONING MAP



LEPPINGTON INDICATION LAYOUT PLAN



THE PROPOSAL

DA/2023/455/1 seeks approval for the construction of two x two storey teaching facilities across Stages 3 and 4, increased student and staffing numbers, signage and associated site works.

Specifically, the development involves:

- Stage 3 includes a new two storey classroom building containing four general learning areas on the ground floor, four general learning areas on the first floor, breakout spaces, amenities, communication and electronic rooms and undercover staircases with a lift;
- Stage 4 includes a new two classroom building containing three general learning areas on the ground floor and three general learning areas on the first floor, breakout spaces, amenities, communication and electronic rooms and undercover staircases with a lift;
- The building across both stages has a total proposed Gross Floor Area (GFA) of approximately 1,650m²;
- Proposed finishes include fibre-cement cladding in a neutral colour with, profiled metal roof and coloured vertical and horizontal sunshades;
- Increase student numbers from 200 to 690;
- Increase staff numbers from 23 to 54;
- A new one storey waste room is to be located to the north of the Stage 2B Modular classrooms;
- Erection of three business identification signs with signage type 1 (12.2m wide x 0.35m high) to be installed on the southern elevation of the Stage 3/4 building and signage type 2 (2.32m wide x 2.32m high) to be installed on the western and eastern elevations of the building; and,
- Associated site works including landscaping and stormwater drainage.

PANEL BRIEFING

Council staff briefed the DA to the Panel on 23 October 2023. The following discussion provides an assessment of how the issues raised by the Panel at the briefing have been addressed:

1. *Council queried the maximum building height and requested clarification from the applicant on the maximum height above finished ground level.*

Officer comment:

The applicant submitted a revised roof plan which confirms a minor height exceedance at one point of the ridge line above natural ground level. A height plane diagram has been submitted which identifies an exceedance of 0.043m. A Section 4.6 written request to vary the height of buildings development standard has been submitted with the DA.

2. *The panel queried how the kiss and ride will operate with the increased student numbers. The applicant advised they are increasing the timeframes for the kiss and ride by approximately 10 minutes in the afternoon.*

Officer comment:

A Traffic Management Plan has been prepared by Leppington Anglican School to describe the proposed operational traffic management arrangements for the school during school pick-up and drop-off times. All members of the school's community will be made aware of the proposed traffic management arrangements to ensure the safety of students and a smooth flow of traffic to and from the College site during peak periods. The new kiss and ride time will operate in the afternoons for 20 minutes from 2:50pm to 3:10pm. This has been increased by 10 minutes from the current operating time of 2:50pm-3:00pm to better assist traffic flows.

3. *The panel queried the Transport for NSW referral response and the applicant advised Transport for NSW had requested SIDRA modelling to better understand the impact of the development on the nearby intersections.*

Officer comment:

TfNSW initially requested additional information including SIDRA traffic modelling to be undertaken to model the impacts of the proposed development on the performance of nearby intersections. Council staff questioned the additional information request by TfNSW given the proposed development is consistent with the concept approval (and therefore the traffic modelling undertaken under DA/2015/502/1 that permits a school for up to 894 students). TfNSW provided revised comments stating that they raise no objections to the proposed development subject to the previous conditions issued by Roads and Maritime Services, dated 24 July 2015.

4. *The panel requested the applicant and Council re-visit the concept approval to ensure the subject development remains consistent with the concept approval.*

Officer comment:

The proposed development is consistent with the concept approval / master plan approved under DA/2015/502. The footprint, scale and setbacks of the Stage 3 / 4 building is consistent with the approved master plan and the proposed maximum student numbers (i.e. 690 students) do not exceed the 894 cap approved by the concept DA.

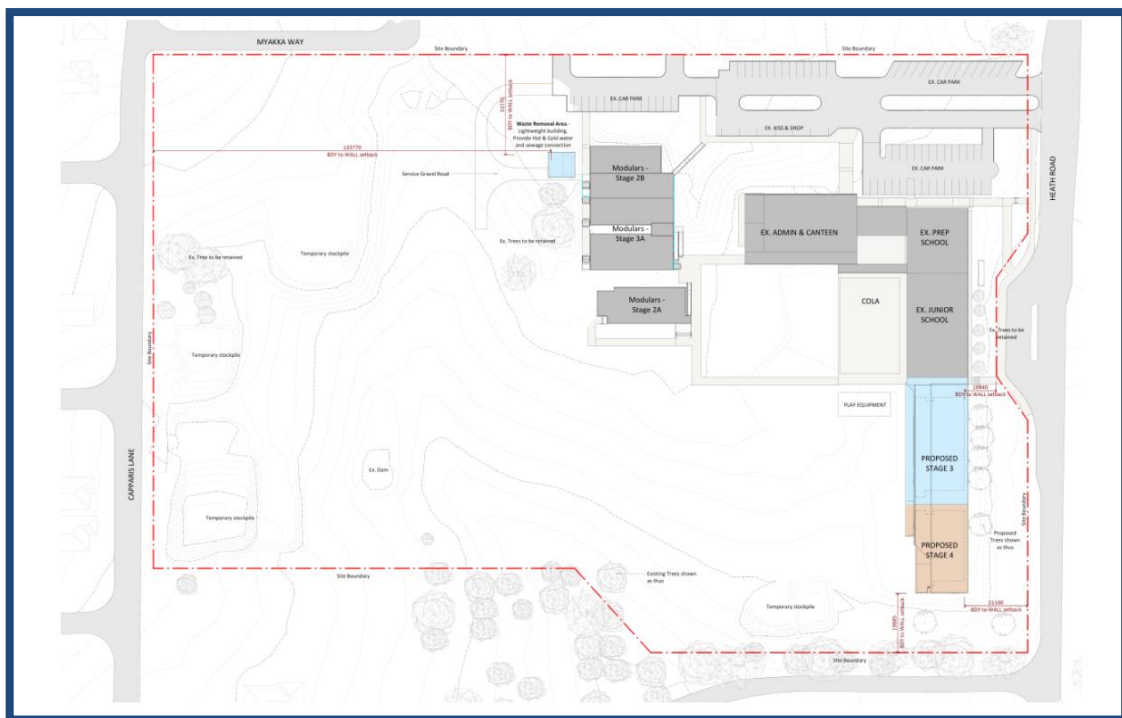


Image 1 - Proposed site plan

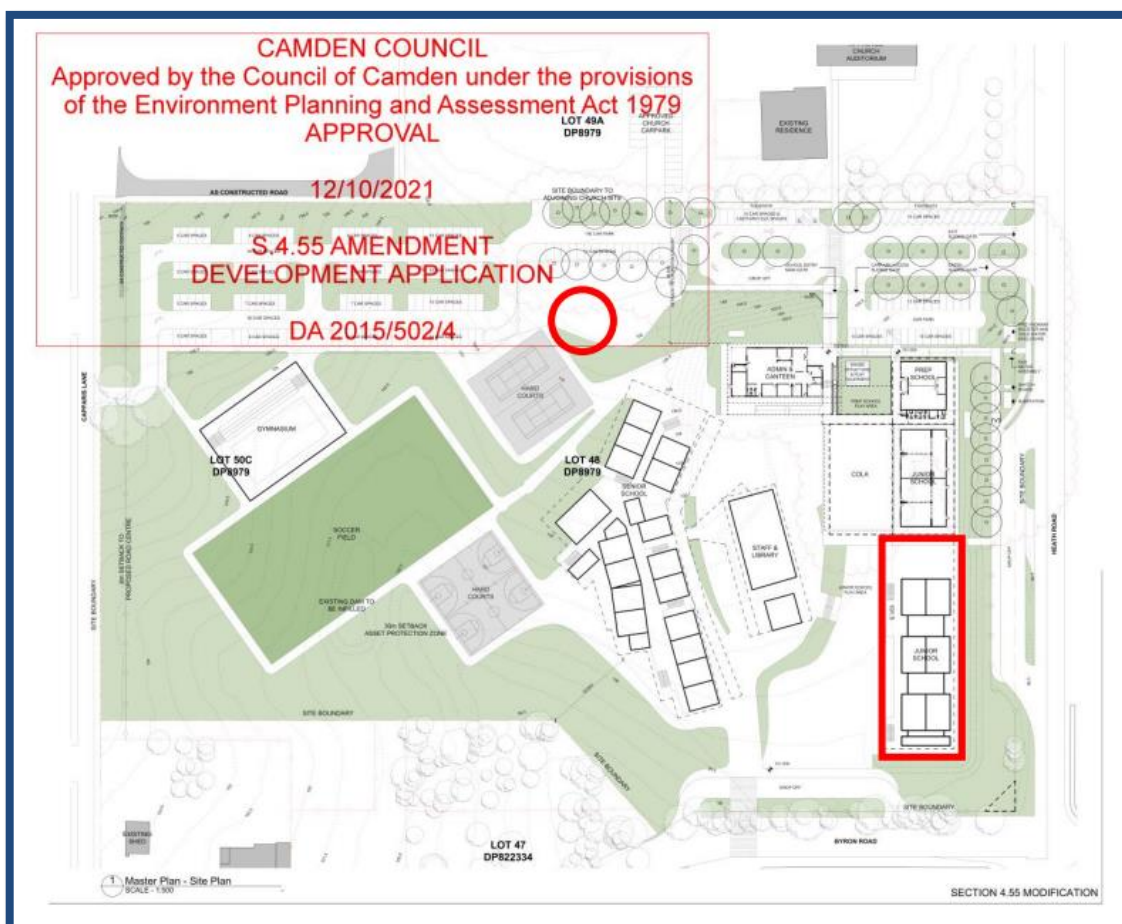


Image 2 - Approved site plan under Concept DA

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:

- State Environmental Planning Policy (Planning Systems) 2021.
- State Environmental Planning Policy (Precincts - Western Parkland City) 2021.
- State Environmental Planning Policy (Transport and Infrastructure) 2021.
- State Environmental Planning Policy (Resilience and Hazards) 2021.
- State Environmental Planning Policy (Industry and Employment) 2021.
- State Environmental Planning Policy (Biodiversity and Conservation) 2021.

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 \$13,936,000. The CIV threshold for Council to determine a DA for private infrastructure facilities such as schools is \$5 million pursuant to Schedule 6 of the Planning Systems SEPP.

State Environmental Planning Policy (Precincts - Western Parkland City) 2021 (Western Parkland City SEPP)

The Western Parkland City SEPP aims to co-ordinate the release of land for residential, employment and other urban development in the North West Growth Centre, the South West Growth Centre, the Wilton Growth Area and the Greater Macarthur Growth Area.

Site Zoning

The site is zoned R2 Low Density Residential pursuant to Appendix 2, Section 2.2 of the Western Parkland City SEPP – Appendix 5 Camden Growth Centres Precinct.

Development Characterisation

The development is characterised as an ‘educational establishment’ by the Western Parkland City SEPP.

Permissibility

An “educational establishment” is permitted with consent in the R2 Low Density Residential zone pursuant to the land use table in Appendix 2 of the Western Parkland City SEPP.

Planning Controls

An assessment table in which the development is considered against the Western Parkland City SEPP's planning controls is provided as an attachment to this report.

Proposed Contravention – Clause 4.3 Height of buildings

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 9m above finished ground level. However, the development will have a maximum height of 9.043m above finished ground level. The contravention relates to a small portion of the proposed buildings (as indicated on the submitted plans).

Pursuant to Appendix 2, Section 4.6(3) of the Western Parkland City SEPP, 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:

- the height of buildings development standard is exceeded by a variation of less than 0.5%, which is negligible and will not be discernible when viewed from the public domain. In addition, the area of the proposed building that exceeds the height of buildings development standard represents less than 0.01% of the overall building footprint;
- the exceedance of the height of buildings development standard is a result of minor and localised variations in the topography of the existing earthworks approved as part of the Concept DA;
- the Stage 3 / 4 Building has been designed with a consistent finished floor levels (FFL) along the length of the new building being RL 101.350 (ground floor) and RL 104.950 (first floor). This ensures accessibility to all areas of the building and avoids the needs for internal ramps and steps;
- the exceedance of the height of buildings development standard results in negligible additional overshadowing of the adjoining public domain. The proposed Stage 3 / 4 development does not overshadow any private open space or living spaces;
- the exceedance of the height of buildings development standard does not have any adverse impacts on the visual privacy of any existing or future adjoining development; and
- the proposed exceedance of the height of buildings development standard does not have any visual impacts or impact any significant views to or from the public domain.

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

Pursuant to Appendix 2, Section 4.6(4) of the Western Parkland City SEPP, Council staff are satisfied that:

- the applicant's written request has adequately addressed the matters required to be demonstrated by Appendix 2, Section 4.6(3) of the Western Parkland City SEPP, and
- 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:

- the development is consistent with the objectives of the development standard:

(a) To establish the maximum height of buildings.

The 9m height standard aims to establish / facilitate a two storey built form. The proposed new Stage 3 / 4 Building is a two storey building. The proposed minor exceedance of the development standard is not inconsistent with this objective.

(b) To minimise visual impact and protect the amenity of adjoining development and land in terms of solar access to buildings and open space.

The amenity of adjoining development, having regard to solar access, visual bulk and privacy, will be preserved. The development is not located in the vicinity of any dwellings and will present a bulk and scale that is reasonable for the surrounding streetscape.

(c) To facilitate higher density development in and around commercial centres and major transport routes.

This objective is not relevant to the proposed development as it is not located in or around a commercial centre or adjacent to a major transport route.

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

R2 Low Density Residential

- To provide for the housing needs of the community within a low density residential environment.

This objective is not relevant to the development as it does not propose any residential development.

- To enable other land uses that provide facilities or services to meet the day to day needs of residents.

The development enables and promotes the continued operation of an educational establishment that provides facilities / services to meet the day to day needs of residents.

- To allow people to carry out a reasonable range of activities from their homes where such activities are not likely to adversely affect the living environment of neighbours.

This objective is not relevant to the development.

- To support the well-being of the community by enabling educational, recreational, community, religious and other activities where compatible with the amenity of a low density residential environment.

The development supports the well-being of the community by providing an educational establishment which is compatible with the amenity provided in a low density residential environment.

- To provide a diverse range of housing types to meet community housing needs within a low density residential environment.

The proposal does not include housing as it is for private infrastructure to support the residential zone.

- the variation to the height of buildings development standard is negligible and will not be discernible;
- the contravention relates to a small portion of the proposed building that is well set back from public roads and spaces;
- the contravention of the development standard will not have any adverse amenity impacts including overshadowing, view loss or visual privacy impacts; and,
- the proposed development is consistent with the approved Concept DA (DA 2015/502 (as modified)) as required under section 4.24 of the EP&A Act.

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

Consequently, it is recommended that the Panel support this proposed contravention to the Western Parkland City 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.

Educational Establishments

Chapter 3 of the SEPP applies to the proposed development type. Section 3.36 of the SEPP states that development for the purpose of a school may be carried out with development consent on land that is within a prescribed zone. The R2 Low Density Residential zone is a prescribed zone under this clause.

In addition, Schedule 8 Design Principles also apply, and are addressed in an assessment table provided as an attachment to this report. The proposal is consistent with the Design Principles in Schedule 8 of the Transport and Infrastructure SEPP.

Referral to Transport for NSW (TfNSW)

The DA was referred to TfNSW for comment pursuant to Section 2.122 of the Transport and Infrastructure SEPP as, pursuant to Schedule 3 of the Transport and Infrastructure SEPP, the development is classed as traffic generating development. TfNSW reviewed the proposal and advised that they have no objections to the development on traffic grounds.

TfNSW confirmed that the proposal is consistent with the concept master plan approved under DA/2015/502/1. The previous conditions issued by Roads and Maritime Services dated 24 July 2015 remain applicable. The previous conditions are included as an attachment to this report.

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

The Resilience and Hazards SEPP regulates hazardous and offensive development and aims to ensure that the consent authority has sufficient information to assess whether or not development is hazardous or offensive. The Resilience and Hazards SEPP also provides a Statewide planning approach to the remediation of contaminated land.

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 proposal is consistent with DA/2015/502/1 which approved the staged development of an 894 place primary and high school. Remediation of the site has been undertaken in accordance with the terms of that consent. Therefore, the site is considered suitable for the proposed use.

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.

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.

(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 unreasonable adverse impacts upon the Hawkesbury-Nepean Catchment 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

The development control plans that apply to the development are:

- Camden Development Control Plan 2019; and
- Camden Growth Centres Development Control Plan 2023.

Camden Development Control Plan 2019 (Camden DCP)

An assessment table in which the development is considered against the Camden DCP is provided as an attachment to this report.

Camden Growth Centres Development Control Plan 2023 (CGDCP DCP)

An assessment table in which the development is considered against the Camden Growth Centres DCP is provided as an attachment to this report.

(a)(iiia) 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.

Bush Fire Impacts

A small part of the site is mapped as bush fire prone land which renders the proposed school as a special bush fire protection purpose pursuant to Section 100B(6)(a) of the *Rural Fires Act 1997*. Accordingly the development is classed as integrated development and the DA was referred to the NSW Rural Fire Service (RFS) for approval. The RFS reviewed the proposal and raised no objection. A bushfire safety authority was granted and General Terms of Approval were provided which are included in the recommended conditions of consent.

(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 5 to 25 September 2023 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 objection and a Bush Fire Safety Authority granted.
Transport for NSW.	No objections and recommendation made to ensure that the proposal is consistent with the conditions prescribed by the Road and Maritime Services dated 24 July 2015 under DA/2015/502/1.
Sydney Water.	No objection and conditions recommended.
Camden Police Area Command.	No objection and conditions recommended.

Conditions that require compliance with the Bush Fire Safety Authority and external referral recommendations are recommended.

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 Appendix 5, Section 4.6(3) of State Environmental Planning Policy (Precincts - Western Parkland City) 2021 to the contravention of the height of buildings development standard in Section 4.3 of State Environmental Planning Policy (Precincts - Western Parkland City) 2021, and**
- ii. approve DA/2023/455/1 for the construction of two x two storey teaching facilities across Stages 3 and 4, increased student and staffing numbers, signage and associated site works at 50 Heath Road, Leppington subject to the conditions attached to this report for the following reasons:**
 - 1. The Panel has considered the written request to contravene State Environmental Planning Policy (Precincts - Western Parkland City) 2021 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 Section 4.3 of State Environmental Planning Policy (Precincts - Western Parkland City) 2021 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 Section 4.3 of State Environmental Planning Policy (Precincts - Western Parkland City) 2021 and the objectives for development within the R2 Low Density Residential.**
 - 2. The development is consistent with the objectives and controls of the applicable environmental planning instruments, being State Environmental Planning Policy (Precincts - Western Parkland City) 2021, State Environmental Planning Policy (Transport and Infrastructure) 2021, State Environmental Planning Policy (Industry and Employment) 2021 and State Environmental Planning Policy (Biodiversity and Conservation) 2021.**
 - 3. The development is consistent with the objectives of the Camden Growth Centres Development Control Plan 2023 and Camden Development Control Plan 2019.**

- 4. The proposed development is not inconsistent with the concept approval / master plan approved for the site.**
- 5. The development is of an appropriate scale and form for the site and the character of the locality.**
- 6. Subject to the recommended conditions, the development is unlikely to have any unreasonable adverse impacts on the natural or built environments.**
- 7. For the above reasons, the development is a suitable use of the site and its approval is in the public interest.**