

DETERMINATION AND STATEMENT OF REASONS

SYDNEY WESTERN CITY PLANNING PANEL

DATE OF DETERMINATION	24 September 2024
DATE OF PANEL DECISION	24 September 2024
DATE OF PANEL MEETING	2 September 2024
PANEL MEMBERS	Justin Doyle (Chair), Louise Camenzuli, David Kitto, Karen Hunt George Brticevic
APOLOGIES	None
DECLARATIONS OF INTEREST	None

Papers circulated electronically on 28 August 2024.

MATTER DETERMINED

PPSSWC-424 – Campbelltown – DA605/2024/DA-C at 6 St Johns Road, Campbelltown

Staged redevelopment of an existing primary school and associated works

PANEL CONSIDERATION AND DECISION

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

Development application

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

The decision was unanimous.

REASONS FOR THE DECISION

The panel determined to approve the application substantially for the reasons outlined in the council assessment report.

In coming to that determination, the Panel concluded:

- The proposed redevelopment works at this existing school are permissible within the R2 Low Density zoning and are consistent with the zone objectives of that zone and are also encouraging of the objectives of Chapter 3 of State Environmental Planning Policy (Transport and Infrastructure) 2021 directed to the delivery of educational establishments across NSW, with which they comply.
- The DA when implemented subject to the Conditions will meet the controls and objectives outlined in the Campbelltown (Sustainable City) Development Control Plan 2015.
- The approved redevelopment of the school does not propose any increase in student numbers such that there is not expected to be any material increases in impacts on the surrounding residential areas of significance.
- The use is not changing and there is no evidence of any contaminating activities affecting the site. Statutory requirements in relation to environmental risks is reported to have been complied with.

- e) The proposal is less than the maximum building height of 8.5 metres and will be compatible with the surrounding locality.
- f) No proposed tree removal is proposed which will affect the adjacent mapped biodiversity area.

In response to a query raised by the Panel, the Applicant confirmed that the project architect DTA has reviewed the school provision for sanitary facilities and confirms that the school satisfies the minimum requirements for facilities.

CONDITIONS

The Conditions proposed by the Council were generally agreed to by the Applicant, but by email of 6 September 2024, Council advised as to some matters which remained in disagreement. The points of disagreement were reported in a table which is reproduced below with the Panel's decision in relation to each noted.

12. Construction Standards

Original Condition proposed

New construction must comply with Section 3 and Section 6 (BAL 19) Australian Standards AS3959-2018 *Construction of buildings in bushfire prone areas* or the relevant requirements of the *NASH Standard- Steel Framed Construction in Bushfire Areas* (incorporating amendment A- 2015). New construction must also comply with the construction requirements of *Planning for Bush Fire Protection 2019*.

Condition reason: Rural Fire Service general terms of approval.

Proposed revision

The Applicant submitted that as its bushfire report recommended that only building Block A and B comply with a construction rating of BAL 19 (because it was submitted Block P bushfire attack level is BAL Low), the condition ought be amended to read:

'Block A and Block B must comply with Section 3 and Section 6 (BAL 19)...'

Panel's determination

The Panel accepts the Council's position that the condition must reflect the RFS General Terms of Approval. If the RFS is able to advise in writing that it does not object to the proposed change before the Notice of Determination issues, then the Panel agrees to and authorises the Applicant's proposed change being made. That is a matter that can be resolved between the Council and the Applicant. If the RFS does not confirm within 21 days of the date of this report that it will agree to the proposed change, then the condition as drafted by the Council should be adopted and the issue can be addressed through a modification application if warranted.

32. Geotechnical report

Agreed revised Condition

The Panel accepts the change to the condition agreed to by the Applicant and the Council:

Prior to issue of a construction certificate, a comprehensive geotechnical investigation and report must be prepared and certified by a professional Geotechnical Engineer registered on the NER, with all testing undertaken and results reported by a NATA endorsed testing laboratory, showing that the land will not be subject to subsidence, slip, slope failure or erosion. The report shall provide appropriate geotechnical information and recommendations for civil and structural engineering

design. Proposed retaining walls, footings and other structural designs shall be reviewed and certified by the Geotechnical Engineer.

Condition reason: To inform the certifier of any structural design requirements for the approved building works.

33. Tree removal compensation

Agreed revised condition

On the basis that the Panel is advised that the Applicant has offered and agreed to the commitment recorded in the proposed condition, the Panel accepts the wording of the condition:

- a. In accordance with Part 7.2 Minor development of the Campbelltown City Council's Comprehensive Koala Plan of Management (CKPOM); Trees T7, T9 & T10 are required to be compensated for removal either by replacement trees to the required ratio or the monetary equivalent, which is calculated below.

Tree No.	Botanical Name	Common Name	DBH	Size Class	Number of Compensatory Planting
7	<i>Eucalyptus tereticornis</i>	Forest Red Gum	680	Large	20
9	<i>Lophostemon confertus</i>	Brush Box	100	Small	10
10	<i>Lophostemon confertus</i>	Brush Box	200	Medium	15
TOTAL					45

- b. The Following options are provided for offset planting on the site:
- Option 1: A total of 45 trees are required to be provided on the site, offset planting locations are required to comply with the Asset Protection Zones and requirements of the General Terms of Approval issued by the Rural Fire Service dated 27 May 2024.
 - Option 2: Provision of 22 trees on site offset planting locations are required to comply with the Asset Protection Zones and requirements of the General Terms of Approval issued by the Rural Fire Service dated 27 May 2024. In addition, a financial compensation for that planting is required to be paid to Council of \$805.00.
 - Option 3: Financial contribution in lieu of the provision of 45 trees on site. A contribution of \$1575.00 is to be paid to Council.

Prior to the issue of a Construction Certificate the applicant shall contact Council to obtain an invoice for payment of compensation in accordance with Table 1 above, the compensation shall be paid prior to the issue of a Construction Certificate.

Where onsite planting is selected in accordance with the Campbelltown Koala Plan of Management a vegetation management plan is required to be prepared in accordance with Council's Vegetation Management Plan Guidelines and submitted to the Certifier for approval prior to the issue of a Construction Certificate.

- c. Compensatory trees to be planted should be smooth bark Eucalypts from preferred Koala tree species such as:
- *Eucalyptus amplifolia* – Cabbage Gum
 - *Eucalyptus punctata* - Grey Gum
 - *Eucalyptus tereticornis*- Forest Red Gum
 - *Eucalyptus viminalis* – Manna Gum

Condition reason: To ensure compliance with the Koala Plan of Management.

38. Dilapidation Report

Panel's determination

A minor revision has been made by the Panel to the updated Condition proposed by the Council as marked up below to clarify that the certifier can determine finally that the dilapidation reports supplied are sufficient.

Prior to issue of a Construction Certificate, the applicant shall submit a dilapidation report to the appointed Principal Certifier, for all buildings in the vicinity of the subject works and for any other infrastructure that the principal certifying authority determines are reasonably likely to ~~may~~ be affected by the works on the subject site.

46. Construction Management Plan

The Panel determined the following condition should be imposed to ensure impacts during construction are planned for so they can be minimized.

Prior to the commencement of any works on the land, a Construction Management Plan (CMP) is required to be prepared for each stage of the development. Each CMP shall be approved by the appointed principal certifier. The CMP is required to detail the following appropriate mitigation measures to control construction impacts including;



- Dust mitigation measures;*
- Provision of sanitary facilities for all staff and students continue to meet BCA requirements during construction;*
- Noise control measures;*
- Location of temporary vehicular entry points to the site;*
- Perimeter fencing;*
- Provisions for pedestrian traffic and any diversions that are proposed (if required);*
- Work zone requirements, if proposed*
- The number of type of vehicles to be used during the construction, proposed routes, turning paths and parking arrangements.*

The recommendations of the CMP are required to be undertaken as part of the development. A copy of the CMP shall be kept on the site for the duration of the works, in accordance with SafeWork NSW requirements and copies shall also be forwarded to Campbelltown City Council for record keeping purposes.

The Panel determined that the development application should otherwise be approved subject to the conditions in the council assessment report.

CONSIDERATION OF COMMUNITY VIEWS

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

PANEL MEMBERS	
 Justin Doyle (Chair)	 Louise Camenzuli



David Kitto



George Brticevic



Karen Hunt

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	PPSSWC-424 – Campbelltown – DA605/2024/DA-C
2	PROPOSED DEVELOPMENT	Staged redevelopment of an existing primary school and associated works
3	STREET ADDRESS	6 St Johns Road, Campbelltown Lot 32 DP 1045123
4	APPLICANT/OWNER	Catholic Education Diocese of Wollongong
5	TYPE OF REGIONAL DEVELOPMENT	Private infrastructure and community facilities over \$5 million
6	RELEVANT MANDATORY CONSIDERATIONS	<ul style="list-style-type: none"> Environmental planning instruments: <ul style="list-style-type: none"> State Environmental Planning Policy (Planning Systems) 2021 State Environmental Planning Policy (Biodiversity and Conservation) 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 Campbelltown Local Environmental Plan 2015 Draft environmental planning instruments: Nil Development control plans: <ul style="list-style-type: none"> Campbelltown (Sustainable City) Development Control Plan 2015 Planning agreements: Nil Provisions of the <i>Environmental Planning and Assessment Regulation 2021</i>: Nil [or enter the clauses if relevant] Coastal zone management plan: [Nil] The likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality The suitability of the site for the development Any submissions made in accordance with the <i>Environmental Planning and Assessment Act 1979</i> or regulations The public interest, including the principles of ecologically sustainable development
7	MATERIAL CONSIDERED BY THE PANEL	<ul style="list-style-type: none"> Council assessment report: 27 August 2024 Written submissions during public exhibition: 0
8	MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> Briefing to discuss council's recommendation: 2 September 2024 <ul style="list-style-type: none"> <u>Panel members</u>: Justin Doyle (Chair), Louise Camenzuli, David Kitto, Karen Hunt, George Brticevic <u>Council assessment staff</u>: Ellise Mangion, Karl Okorn
9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Attached to the council assessment report and as amended