

SYDNEY WESTERN CITY PLANNING PANEL

Panel Number:	PPSSWC-62
Application Number:	2020/60/1
Local Government Area:	Camden
Development:	Demolition of existing basketball courts and cricket nets, tree removal and the construction of a 1200 seat school hall with indoor netball/basketball court, covered walkway, driveway construction, landscaping and associated works
Capital Investment Value:	\$8.28 million
Site Address(es):	1 Sedgwick Street, Smeaton Grange
Applicant:	Alleanza Architecture
Owner(s):	Trustees of the Roman Catholic Church for the Diocese of Wollongong
Date of Lodgement:	31 January 2020
Number of Submissions:	None
Classification:	Integrated development
Recommendation:	Approve with conditions
Regional Development Criteria (Schedule 7 of State Environmental Planning Policy (State and Regional Development) 2011):	Community facility that has a capital investment value >\$5 million
List of All Relevant Section 4.15(1)(a) Matters:	<ul style="list-style-type: none"> • State Environmental Planning Policy (State and Regional Development) 2011. • State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017. • State Environmental Planning Policy No 55 - Remediation of Land. • Sydney Regional Environmental Plan No 20 - Hawkesbury-Nepean River. • Camden Local Environmental Plan 2010. • 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. • Camden Local Environmental Plan 2010 assessment table. • State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017 assessment table. • Recommended conditions. • Proposed plans (Architectural, Landscape and Engineering). • Correspondence from the NSW Rural Fire Service.

Report Prepared By:	David Rowley, Senior Town Planner.
Report Date:	20 May 2020.

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 Clauses Requiring Consent Authority Satisfaction

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

Special Infrastructure Contributions

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

Conditions

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

PURPOSE OF REPORT

The purpose of this report is to seek the Sydney Western City Planning Panel's (the Panel's) determination of a development application (DA) for a 1200 seat school hall with indoor netball/basketball court at 1 Sedgwick Street, Smeaton Grange (otherwise referred to as 101 Smeaton Grange Road, Smeaton Grange).

The Panel is the consent authority for this DA as the capital investment value (CIV) of the development is \$8.28 million. This exceeds the CIV threshold of \$5 million (private infrastructure or community facility) for Council to determine the DA pursuant to Schedule 7 of State Environmental Planning Policy (State and Regional Development) 2011.

SUMMARY OF RECOMMENDATION

That the Panel determine DA/2020/60/1 for a school hall 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 a school hall at 1 Sedgwick Street, Smeaton Grange.

The DA has been assessed against the *Environmental Planning and Assessment Act 1979*, the *Environmental Planning and Assessment Regulation 2000*, 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 (State and Regional Development) 2011.	The Panel is the consent authority for this DA as the development has a CIV of \$8.28 million which exceeds the CIV threshold of \$5 million for Council to determine the DA.
State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017 (Education SEPP).	The development is permissible in accordance with clause 35(3) of the SEPP
State Environmental Planning Policy No 55 - Remediation of Land.	Council staff have reviewed the site history with regard to contamination and have found the site to be suitable for its intended use. A condition of consent regarding unexpected finds has been recommended.
Sydney Regional Environmental Plan No 20 - Hawkesbury-Nepean River (SREP 20).	The development is consistent with the aim of SREP 20 (to protect the environment of the Hawkesbury-Nepean River system) and all of its planning controls.
Camden Local Environmental Plan 2010 (Camden LEP).	While 'educational establishments' are identified as prohibited development in the IN1 General Industrial zone under Camden Local Environmental Plan 2010, the proposed works are permitted with consent under Clause 35(3) of the Education SEPP. The development is acceptable with regard to the other matters for consideration prescribed under Camden LEP 2010.

The DA was publicly exhibited for a period of 14 days in accordance with the Camden Development Control Plan 2019. The exhibition period was from 25 March to 7 April 2020. No submissions were received.

The development has been assessed against State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017 and the Camden Local Environmental Plan 2010. The development is consistent with the objectives, controls and standards contained in these planning instruments.

In accordance with Clause 35(6)(a) of the State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017, the applicant has submitted a 'Design Verification Statement' prepared by a suitably qualified architect which addresses the design quality principles set out in Schedule 4.

The Education SEPP prescribes that any provision of a development control plan (such as the Camden DCP 2019) has no effect, regardless of when the development control plan was made. Therefore, the controls of the Camden DCP 2019 do not apply to the site. However, it is noted that the proposal is consistent with the controls contained in Camden DCP 2019.

The proposed development does not seek to increase student or staff numbers at the school and accordingly there will not be any change in the traffic generation potential or parking requirements for the site.

The applicant has submitted an adequate stormwater management strategy that, subject to the recommended conditions, will provide adequate stormwater management.

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

AERIAL PHOTO



THE SITE

The site is legally described as Lot 51 in DP 1077229 and is commonly known as 1 Sedgwick Street or 101 Smeaton Grange Road, Smeaton Grange.

The site is irregularly shaped with an area of 10.23 hectares and three road frontages. It has a frontage of 283 metres to Smeaton Grange Road to the south-west, 440 metres to Sedgwick Street to the south-east, and 180 metres to Hartley Road to the north-east. The site shares a common boundary with four industrial allotments to the north-west, which is 405.8 metres in length.

The site slopes downwards from its south-western boundary to its north-eastern corner by 12 metres over 432 metres. There is a cluster of vegetation in the south-east of the site and a line of trees along the eastern boundary, which is identified as bushfire prone land.

The site is occupied by the Magdalene Catholic High School, which was approved in 2000 and opened in 2002. On 10 December 2018 the Panel approved the expansion of the school through the development of a two-storey general learning area (Panel Ref: 2018SSW029). On 24 December 2019 Council approved the construction of a car park and an increase to the maximum number of student and staff permitted. The maximum number now permitted is 100 staff and 1190 students.

Vehicular access to the site is gained via two separate driveways from Smeaton Grange Road. A bus pick-up and drop-off zone is also located on Smeaton Grange Road, which provides pedestrian access to the site.

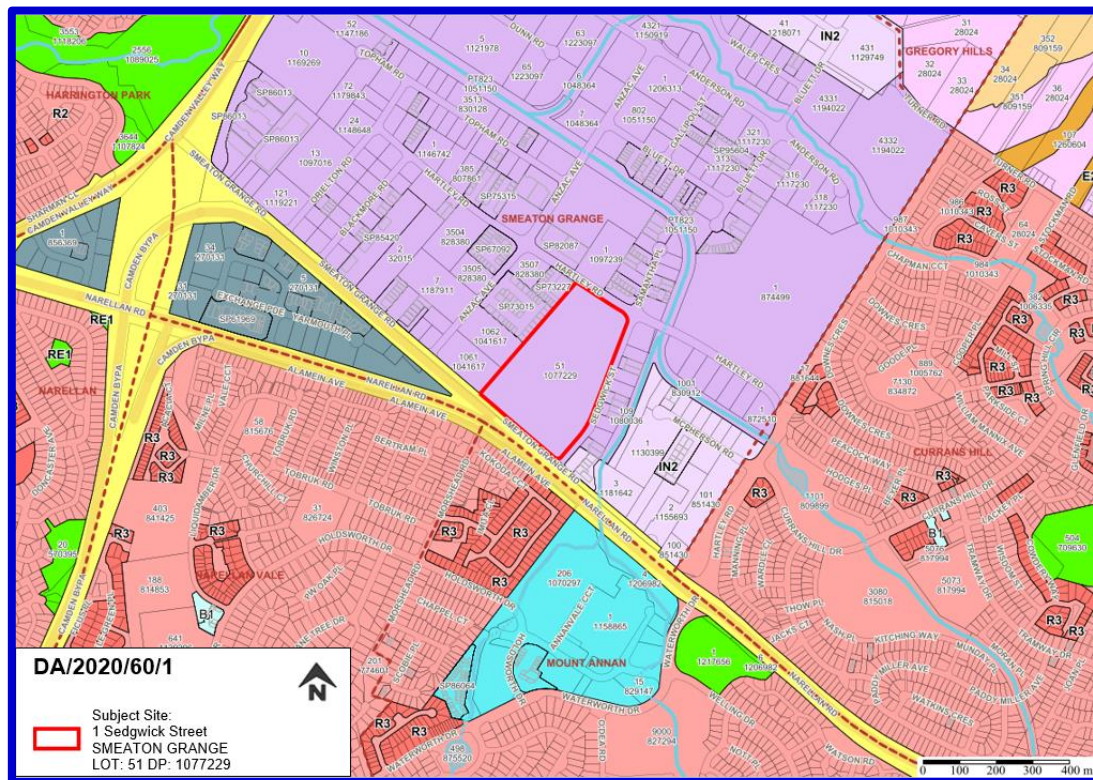
Among the various buildings associated with the school is a heritage item known as 'Smeaton Grange', which includes the main homestead, a former cottage, and stables. Smeaton Grange is identified in Schedule 5 of the Camden Local Environmental Plan 2010 as having local significance.

In addition to two existing playing fields, the school has recently constructed new basketball courts and cricket nets in the northern corner of the site.

The area of proposed works is approximately 3,000 square metres and located immediately adjacent to the north western boundary, well separated from the bushfire prone land on the site. The area of proposed works has a fall of 2.5 metres over 65 metres from south to north.

The site is located within the Smeaton Grange industrial area, which was developed in the 1990s and early 2000s and is characterised by a mix of light industrial, general industrial, warehousing, indoor recreation and storage uses to the north, east and west of the site. To the south-east of the site, beyond Smeaton Grange Road, is Narellan Road and the residential suburbs of Narellan Vale and Mount Annan. The closest residential property is 75 metres from the subject site, over 200 metres from the proposed works, and is separated by significant roads.

ZONING PLAN



HISTORY

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

Date	Development
11 October 1999.	Approval of DA/1999/1250/1 for the establishment of a co-educational high school (Stage 1).
26 April 2001.	Approval of DA/2000/2320/1 for the erection of five class-room blocks, library and staff amenities block (Stage 2).
9 September 2002.	Approval of DA/2002/1191/1 for additions to the existing administration building and two outbuildings.
10 December 2018.	Approval of DA/2018/765/1 for the construction of a two-storey general learning area
24 December 2019.	Approval of DA/2019/627/1 for the construction of a car park.

THE PROPOSAL

DA/2020/60/1 seeks approval to construct a 1200 seat school hall with indoor netball/basketball court associated with the existing school.

Specifically, the development involves:

- the demolition of existing asphalt basketball courts and cricket nets, and a portion of the existing driveway;

- the removal of four trees;
- earthworks and the construction of drainage works;
- the construction of a 1200 seat school hall with indoor netball/basketball court,
 - the development will be constructed of a mix of translucent polycarbonate wall cladding, painted fibre cement, unpainted concrete panels, and large glazed elements. The development's maximum height will be 10.6m above existing ground level;
- the construction of a covered walkway terminating at a face brick tower to signify entry to the hall and relate to the existing covered walkways;
- the construction of a new driveway and eight new car parking spaces, including one accessible space;
- landscaping and associated works.

PANEL BRIEFING

Council staff briefed the Panel on the DA on 17 April 2020. The Panel did not raise any issues to be addressed, noting that the proposal appeared to comply with relevant controls and seems to integrate reasonably well with its surrounding context.

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 (State and Regional Development) 2011.
- State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017.
- State Environmental Planning Policy No 55 - Remediation of Land.
- Sydney Regional Environmental Plan No 20 - Hawkesbury-Nepean River.
- Camden Local Environmental Plan 2010.

State Environmental Planning Policy (State and Regional Development) 2011 ('SRD SEPP')

The SRD SEPP identifies development that is State significant or regionally significant development.

The Panel is the consent authority for this DA as the CIV of the development is \$8.28 million. This exceeds the CIV threshold of \$5 million (private infrastructure or community facility) for Council to determine the DA pursuant to Schedule 7 of the SRD SEPP.

State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017 ('Education SEPP')

The Education SEPP applies to the subject development. Part 4 of the SEPP 2017 outlines the development controls for schools where development is permitted with consent. In accordance with clause 35(6)(a) of the SEPP, the applicant has submitted a 'Design Verification Statement' (prepared by Alleanza Architecture) which addresses the design quality principles set out in Schedule 4 of the SEPP 2017.

Clause 35(6)(b) requires the consent authority to consider whether the development enables the use of the school facilities (including recreational facilities) to be shared with the community. At this stage, the proposal does not anticipate its use for other community purposes, although it is a possibility in future, and there are existing opportunities for community use throughout the site including playing courts, a sporting oval, cricket nets and a general assembly area. The proposed building will not reduce the ability of the community to utilise the school for community purposes.

Clause 35(9) of the SEPP prescribes that any provision of a development control plan (such as the Camden DCP 2010) has no effect, regardless of when the development control plan was made. Therefore, the controls of the Camden DCP 2019 do not apply to the development.

Planning Controls

An assessment table in which the development is considered against the controls in the Education SEPP is provided as an attachment to this report.

State Environmental Planning Policy No 55 - Remediation of Land ('SEPP 55')

SEPP 55 provides a State-wide planning approach to the remediation of contaminated land.

Clause 7 of SEPP 55 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.

Council staff have reviewed the site history and considered the suitability with regard to contamination. The site has been used as a school since 2000 and prior to this, the site was used by the Catholic Church as a religious house, retreat centre and place of religious education from the early 1960s. Therefore, contamination is not considered to be an issue with regards to the proposed development as there are no known previous uses of the site that would have resulted in potential land contamination.

A standard contingency condition is recommended that requires any contamination found during construction to be managed in accordance with Council's Management of Contaminated Lands policy.

Sydney Regional Environmental Plan No 20 - Hawkesbury-Nepean River ('SREP 20')

SREP 20 aims to protect the environment of the Hawkesbury-Nepean River system by ensuring that the impacts of future land uses are considered in a regional context.

The development is consistent with the aim of SREP 20 and all of its planning controls. There will be no detrimental impacts upon the Hawkesbury-Nepean River system as a result of the development. Appropriate erosion, sediment and water pollution control measures have been proposed as part of the development.

Camden Local Environmental Plan 2010 ('Camden LEP')

Site Zoning

The site is zoned IN1 General Industrial pursuant to Clause 2.2 of the Camden LEP.

Land Use Definitions

The development is defined as a "educational establishment" by the Camden LEP.

Permissibility

"Educational establishments" are a prohibited use in the IN1 General Industrial zone under Camden LEP. However, the proposed works are permitted with consent by virtue of cl. 35(3) of the Education SEPP (as the works are to be carried out on land within the boundaries of an existing school).

Environmental Heritage

Clause 5.10 of the Camden LEP 2010 sets out the requirements for development involving heritage items listed under Schedule 5 of the LEP. The site is identified as containing a local heritage item (item I140) associated with the former use of the land 'Smeaton Grange'. The item consists of a homestead, stables, cottage and surrounding grounds. The buildings are of significance as they are evidence of the historical growth and development of the late Victorian pastoral properties of the district and its historical association with the influential figures such as William Hilton Hovell and the Fitzpatrick and Sedgewick Families. The homestead was built by the Fitzpatrick Family in 1894 and later used as a residence for army officers during the second world war.

The development of the school to date has incorporated the three heritage buildings on the site and incorporates the heritage buildings into the operation of the school. The homestead being adapted into the administration building for the school and the cottage and stables converted into a Careers Office and Gallery. The homestead can be viewed from Smeaton Grange Road. The cottage and stables are not visible from Smeaton Grange Road, Sedgewick Street or Hartley Road as they are enclosed by the central courtyard in the school.

The proposed building does not directly adjoin the heritage items and will not obscure views to the homestead as viewed from Smeaton Grange Road. No demolition or alterations are proposed to the heritage buildings.

A Heritage Impact Statement (HIS) has been submitted with the development application. The HIS concludes that the proposed buildings will not have an adverse impact on the significance of the heritage items and Council staff agree with the conclusions of the report.

Planning Controls

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

(a)(ii) the provisions of any proposed instrument that is or has been the subject of public consultation under this Act and that has been notified to the consent authority (unless the Secretary has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved)

Draft Environment State Environmental Planning Policy (Draft Environment SEPP)

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

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

Pursuant to Clause 35(9) of the State Environmental Planning Policy (Educational Establishments and Child Care Facilities) a provision of a development control plan that specifies a requirement, standard or control does not apply in relation to development for the purpose of an educational establishment that requires development consent. Therefore, an assessment of the proposal against the Camden Development Control Plan 2019 is not required.

It is noted the DCP does not include any site-specific controls which apply to the land. Issues ordinarily considered under the Camden DCP 2019 relating to environmental management, erosion and sedimentation, salinity, water management, waste management, acoustics, heritage and parking are considered elsewhere within this report or are addressed via recommended conditions of consent.

(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 2000* 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.

Traffic Impacts

The applicant has submitted a traffic report and supporting information in support of the DA. The report and supporting information demonstrate that the development will not have a significant negative impact upon the surrounding road network and the

operation of surrounding intersections. Council staff have reviewed the report and supporting information and agree with their conclusions.

Bush Fire Impacts

The site is identified as bushfire prone land. The development is classified as being for a special fire protection purpose. A bushfire safety authority has been issued by the Rural Fire Service with no specific conditions.

Acoustics

An acoustic report was not submitted in support of the application. Council staff have reviewed the proposal and consider an acoustic report is not warranted on the basis that:

- the location of the proposed hall is over 200 metres from the nearest residential premises;
- the building will share a boundary with the neighbouring industrial / commercial site;
- the hall is located approximately 200 metres north-east of Narellan Road and is orientated to the south-east. Given this distance, road internal noise levels are able to be achieved through standard construction measures; and
- suitable conditions are recommended to require the internal noise level to meet the criteria for school halls as per the Australian Standards.

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

As demonstrated by the above 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 Development Control Plan 2019. The exhibition period was from 25 March to 7 April 2020. 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 2000*, environmental planning instruments, development control plans and policies. Based on the above 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.

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.

RECOMMENDED

That the Panel approve DA/2020/60/1 for a school hall at 1 Sedgwick Street, Smeaton Grange subject to the conditions attached to this report.