

25 July 2022

Director, Social and Infrastructure Assessments
Department of Planning and Environment
Locked Bag 5022
Parramatta NSW 2124

RE: Notice of Exhibition – New School - Minarah College (SSD 30759158)

**PROPERTY: 268-278 Catherine Fields Road, CATHERINE FIELD
LOT: 1001 DP: 1234527**

I refer to the above State Significant development application (DA) currently being assessed by your department and thank you for the opportunity to comment.

Council officers have undertaken a review of the DA and supporting information. This letter provides feedback on the DA for your consideration.

Of note, as the submission deadline concludes on Monday 25 July 2022, this submission has not been reported to the elected Council for formal consideration and endorsement. A further submission or amendments to this submission may be lodged from the elected Council following their consideration of this submission at their meeting on 9 August 2022.

Camden Council objects to the proposed development on the following grounds:

- The proposal is inconsistent with the public interest based on the number of objections received and substantiated concerns raised by the community.
- The proposal is an inappropriate use of a rural / unsewered property.
- The proposed development will result in unacceptable impacts on the amenity of the area and fails to meet the objectives of the RU4 Primary Production Small Lots zone.
- The site is affected by flooding and there is a lack of flood free evacuation routes.
- A school of this size / intensity should not be considered / approved prior to any precinct planning / re-zoning for this portion of the South West Growth Area. The inappropriateness of the proposal is evidenced by the inconsistency with the current zone objectives; the lack of applicable developer contributions; the lack of services (especially suitable roads and sewer); and the inconsistency with the matters for consideration in clause 3.21 of the State Environmental Planning Policy (Precincts-Western Parkland City) 2021.

- The proponent is seeking to develop relatively cheap rural land prior to precinct planning / rezoning. This provides a private benefit for the proponent at the expense of the wider community.
- A school of this size / intensity is not a planned or desirable use on land zoned RU4 Primary Production Small Lots.
- Catherine Fields Road is a rural road that is not designed to cater for a development of this size / intensity.

These key matters are outlined in further detail in this letter.

1. Planning

1.1 Public Interest

Camden Council, whilst not the consent authority or the body responsible for the assessment of the DA, has received a significant number of letters, emails and phone calls from concerned residents in relation to this proposal. All of the residents have expressed their strong objection to this proposal. Camden Council respects the views of its residents and it is clear that the public interest will not be served if this development is approved.

The community has raised the following key concerns with the proposed development:

- The site is an inappropriate location for a school;
- The proposal will result in unacceptable traffic impacts;
- Catherine Fields Road is a rural road that is not designed to cater for the level of traffic (both vehicle and pedestrian) that will result from this proposal;
- The site and surrounding area is not serviced by sewer;
- There will be significant water runoff and there is a lack of established drainage system to cater for the runoff;
- The site and Catherine Fields Road are subject to flooding;
- Being a rural area there is a lack of infrastructure to support a school;
- There are no footpaths / bike paths for the use of students;
- The proposed school will have an unreasonable impact on the rural amenity of the area;
- The proposed school does not cater for the local community and yet results in significant / unreasonable impacts for surrounding residents;
- The poor local infrastructure (rural road with no lighting) will result in safety issues for vehicles and pedestrians; and
- The approval of this school will have a significant impact on future planning within the Catherine Fields Precinct.

Given the significant and substantiated concerns approval of the application would not be in the public interest.

1.2 Site Suitability

The proposed school site is currently zoned RU4 Primary Production Small Lots and is located on a rural road with no shoulder, formed kerb and gutter, footpath, lighting or piped underground stormwater system. The land is also not served by reticulated sewer.

No road upgrades are proposed beyond the provision of turning facilities directly in front of the school at a late stage in its development (Stage 4).

A rural site of this nature is not suitable for the proposed school.

1.3 Zone Objectives

The objectives of the RU4 Primary Production Small Lots zone are:

- *To enable sustainable primary industry and other compatible land uses.*
- *To encourage and promote diversity and employment opportunities in relation to primary industry enterprises, particularly those that require smaller lots or that are more intensive in nature.*
- *To minimise conflict between land uses within this zone and land uses within adjoining zones.*

The proposed development is not compatible with primary industry; does not encourage or promote employment opportunities in relation to primary industry enterprise; and does not minimise conflict between land uses within this zone.

A school of this scale (or any scale) effectively alienates any potential primary industry on adjoining or nearby sites due to conflicts in terms of amenity for school children.

1.4 Matters for Consideration in Growth Centres

Clauses 3.21 and 3.26 of the State Environmental Planning Policy (Precincts-Western Parkland City) 2021 contains a number of matters for consideration until finalisation of precinct planning for land. As Catherine Field is still in the very early stages of precinct planning these matters must be taken into consideration.

In particular, Council submits that the proposed development precludes future urban and employment development land uses from this site and that the development will hinder the orderly and co-ordinated provision of infrastructure that is planned for the Growth Centre.

The extent of the investment and the operational and economic life of the proposed development means that the school (if approved) would need to be 'planned around' rather than forming part of the precinct planning process itself. Schools are a critical piece of infrastructure for Growth Centres which often have ramifications for the

placement of collector roads, playing fields, recreation spaces and neighbourhood centres. By approving the location of the school ahead of any precinct planning, the consent authority would be 'putting the cart before the horse' rather than planning the location of a future school within the Catherine Fields Growth Centre in an orderly and co-ordinated fashion.

1.5 Contributions

The Camden Contributions Plan applies to the site. No contributions are applicable to the development. As such the school is not required to contribute to any of the future road upgrades or other infrastructure works which may be planned as a result of precinct planning for this area of Catherine Fields.

It is noted that the Growth Area Contributions Plan in Camden require contributions based on net developable area (NDA) rather than land use and as such the school would be required to contribute towards the infrastructure for which it will directly benefit. Approval of this application, prior to the finalisation of any precinct planning / development of a Contributions Plan, will provide a private benefit to the proponent to the detriment of the wider community.

The proposed school, with a capacity of up to 1500 students, will clearly generate a demand for public infrastructure (road, stormwater drainage etc) and yet the proposed school will make no contribution to the provision of this infrastructure.

The proponent is seeking to develop relatively cheap rural land prior to precinct planning / rezoning. This provides a private financial benefit for the proponent at the expense of the wider community.

1.6 Shared Use

The application claims to be beneficial for the community of Catherine Fields however it is difficult to determine what, if any, use of school facilities is proposed to be shared with the community. It is noted that subclause e3.36(6) State Environmental Planning Policy (Transport and Infrastructure) 2021 requires the consent authority to take this into consideration.

1.7 Sewer / Pump Out System

Council understands that the proposal will rely on either on-site wastewater disposal or a pump out system for Stage 1 and 2. The development will be unable to proceed to Stage 3 until the connection of reticulated sewer. Camden Council does not support the reliance on pump out systems due to the potential for failure and reliance of transport vehicles to pump them out. This combined with the lack of flood free access means that pump out vehicles may be prevented from accessing the school in the event of a flood.

Given the uncertainty as to the timing of any reticulated sewer, it is considered inappropriate to approve a development that relies on the provision of this essential infrastructure (past Stage 2).

1.8 Sewer / Onsite Disposal

The alternate to a pump put system for the school's first two stages is on-site disposal. The capacity for this system and planned redundancies in the event of a failure should be carefully considered in the assessment of the application. Strict measures will need to be put in place to prevent any primary or secondary contact by future users of the school and the disposal areas.

1.9 Staging and Road Works

The staged road works in front of the school are not supported by Council. If the development is approved (despite the objections of Council), the road works, including channelised intersection and median, should be delivered with Stage 1 to reduce the impact on the community and to reduce the impact on school users who would be impacted by construction works later down the track when the future stage triggers their requirement.

2. Noise and Vibration

2.1 Operations

The noise from children participating in outdoor play will exceed Council's Environmental Noise Policy (2018) criteria of background +10dB(A) by up to +8dB(A) when students / children participate in play under "scenario 2" (that restricts high school students participating at the same time as primary school and childcare). This exceedance will be ongoing and impact at least four adjoining residential properties. Under "scenario 1" (restricting primary school students participating at the same time as high school and childcare) there is an exceedance of +4dB for the same properties / residents.

The above exceedance will occur despite recommended acoustic walls around the high school and primary school outdoor play areas and a further acoustic boundary fence around the school property boundary (i.e. two acoustic fences).

Council does not support the level of exceedances from students/children participating in outdoor play where noise levels could be up to 14-18dB(A) above known background levels during the day (background being 36dB). Furthermore, it is not appropriate to attempt to resolve the noise issues with the use of acoustic walls as this has an unreasonable impact on the rural landscape character of the area.

The noise exceedance demonstrates that the proposal is an overdevelopment of the site / inappropriate use for the locality.

2.2 Operations Gap – Traffic Noise

No discussion or modelling of the vehicles accessing the site for pick up and drop off, staff or sewer pump out trucks was presented in the application. An assessment should be undertaken of the existing residences along Catherine Fields Road affected by additional traffic generated by this development.

2.3 Construction

Noise levels from demolition, earthworks and construction activities are predicted to exceed criteria by up to +40dB(A) impacting at least nine adjoining residential properties. This exceedance occurs despite attempts to mitigate and manage noise from various activities.

Council recommends, in addition to the noise control recommendations in the acoustic report, that (if the development is approved) suitably sized temporary noise barriers be placed around the perimeter of the site as a further measure to assist in reducing construction noise. The temporary barriers should remain in place until works for each stage of development is completed.

3. Traffic

3.1 Rural Road

Catherine Fields Road is a rural road with no shoulder, formed kerb and gutter, footpath, lighting or piped underground stormwater system. A road of this nature is not designed to cater for the level of traffic proposed as part of the subject development application.

3.2 Bus Shelter

The Environmental Impact Assessment (EIS) states that a bus shelter will not be provided by the developer but rather that Council should provide it. The bus stop seeks to accommodate students that may use public buses. The report includes a transport plan which seeks to encourage modes other than private cars as modes of transport, ensuring facilities accommodate for the needs of users is an effective way to achieve this. The proponent should be required to provide any bus shelter / facilities.

The EIS also states that the school proposes a covered waiting area adjacent to the pedestrian access – the covered waiting area is not depicted clearly on the architectural plans and this should be further considered in the assessment of the DA.

3.3 Staged Road Works

The traffic report states that channelised right turn entry is not required until Stage 4. Council disagrees with this conclusion and if the application is approved Council requests that this be required as part of Stage 1.

3.4 Footpath Width

Indented bus bays are proposed on the eastern side of Catherine Fields Road at the western frontage of the school. A 1.8m wide footpath is proposed adjacent to the indented bus bay. Council has had to widen several paths surrounding schools to 3m as narrower paths proved insufficient to accommodate the needs of pedestrians. In some cases overflow onto roads has been observed. It is recommended that the footpath width be increased to 3m.

3.5 Bicycle Parking

48 bicycle spaces are proposed where Austroad requires 216. The reduction is stated to be due to lack of facilities to cycle to the school. Whilst this is certainly the case at present, Council would submit that this is evidence that the site is not suitable for the proposed school. Once the area is rezoned, through appropriate precinct planning, there will be far greater bicycle access to the site (or the site identified to be most suitable for a school through the precinct planning exercise).

3.6 Speed Bumps Required

If approved, speed bumps should be placed along the kiss and ride. AS2890.1-2004 requires parking aisles which exceed 100m to include traffic control devices such as speed humps.

4. Flooding

Flood maps indicate that the Catherine Field Road will be inundated from frequent events like 20% AEP (1 in 5 years) restricting evacuation to both northern and southern directions and the road subject to high hazard during rarer floods, such as the Probable Maximum Flood (PMF).

Considering the school activities, assessing a range of flood events including rare events up to PMF, a flood response procedure, including road signs must be prepared.

In accordance with Council's Flood Risk Management Policy, the applicant is required to provide the Emergency Management Plan in line with the SES Camden Local Flood Plan.

5. Public Health

The proposed development should ensure compliance with (but not limited to) the following:

- Food Act 2003;
- Food Regulation 2015;
- Food Standards Code; and
- AS4674: Design, construction and fit out of food premises.

Non compliances with the above have been noted in the proposal.

6. Conditions of Consent

For the reasons outlined in this letter the proposed school is an inappropriate use for the site and the application should be refused. That said, if the Department disagrees with Council's assessment and considers the application warrants approval, Council requests the opportunity to provide feedback on potential / proposed conditions of consent.

7. Conclusion

For the reasons outlined above, Camden Council objects to the proposed development.

The subject site is zoned RU4 Primary Production Small Lots and is located on a rural road with no shoulder, formed kerb and gutter, footpath, lighting or piped underground stormwater system. The land is also not served by reticulated sewer. The land is unsuitable for the proposed development and will result in unacceptable impacts for residents of adjoining/surrounding properties.

The proponent is seeking to develop relatively cheap rural land prior to precinct planning / rezoning. This provides a private financial benefit to the proponent at the expense of the wider community. The proposed development, if approved, would also hinder the orderly and co-ordinated provision of infrastructure in the Catherine Fields Growth Centre.

Should you have any enquiries in relation to this matter, please do not hesitate to contact the undersigned on 02 4645 5631.

Yours sincerely,



Mr Jamie Erken
Manager Statutory Planning
(Planning and Environmental Services)