

Navdeep Singh Shergill  
NSW Department of Planning and Environment  
GPO Box 39  
SYDNEY NSW 2001

Dear Sir/Madam

**State Significant Development Application SSD 17\_8614 - New Hurlstone Agricultural High School**

I refer to the abovementioned State Significant Development Application for Hurlstone Agricultural High School (Hawkesbury), which is on exhibition, and open for comment, until 23 February 2018.

Following a detailed review of the proposal, Council Officers have identified a number of matters that require further clarification, information and/or assessment prior to a determination of the Application being made by the Department of Planning and Environment.

Council is formally considering these matters at its Ordinary Meeting on 27 February 2018 and should there be any changes based on Council's consideration of the matter then the Department of Planning and Environment will be notified.

On 8 August 2017, the Department of Planning and Environment issued the Secretary's Environmental Assessment Requirements under Section 78A(8A) of the *Environmental Planning and Assessment Act, 1979* and Schedule 2 of the *Environmental Planning and Assessment Regulation 2000*. The Requirements outline the matters that must be addressed within the Environmental Impact Statement for the proposed development.

The review undertaken has included an assessment as to whether or not the Environmental Impact Statement addresses those matters identified within the Requirements. Where it is considered that they have not been addressed adequately, those matters have been highlighted below.

## State Environmental Planning Policy (Infrastructure) 2007

The Secretary's Requirements stipulated that consideration of State Environmental Planning Policy (Infrastructure) 2007 is to be undertaken. However, such a consideration has not been included within the Environmental Impact Statement.

In particular, Clause 101 of this Policy provides the requirements for development with frontage to a classified road:

- (2) *The consent authority must not grant consent to development on land that has a frontage to a classified road unless it is satisfied that:*
- (a) *where practicable, vehicular access to the land is provided by a road other than the classified road, and*



- (b) *the safety, efficiency and ongoing operation of the classified road will not be adversely affected by the development as a result of:*
  - (i) *the design of the vehicular access to the land, or*
  - (ii) *the emission of smoke or dust from the development, or*
  - (iii) *the nature, volume or frequency of vehicles using the classified road to gain access to the land, and*
- (c) *the development is of a type that is not sensitive to traffic noise or vehicle emissions, or is appropriately located and designed, or includes measures, to ameliorate potential traffic noise or vehicle emissions within the site of the development arising from the adjacent classified road.*

The proposed school is to be sited within the Western Sydney University Richmond Campus which has frontage to Londonderry and Blacktown Roads, which are classified roads.

Clause 104 of State Environmental Planning Policy (Infrastructure) 2007 relate to traffic-generating development. In accordance with Schedule 3 to the Policy, any development having ancillary parking accommodation of 200 or more motor vehicles is identified as traffic-generating development. The proposed development includes the extension of an existing car park to cater for 220 cars plus a bus area for five buses. As a consequence, the application is required to be referred to the Roads and Maritime Services for comment.

It is noted that State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017 also have provision for traffic- generating development as detailed below.

**State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017**

The aim of this Policy is to facilitate the effective delivery of educational establishments and early education and child care facilities across the State.

Part 2 Division 1 of the Policy provides the consultation and notification requirements for educational establishments (including schools). Clause 12, in particular, requires consultation with the State Emergency Services for development on flood liable land. This clause defines flood liable land to mean '*land that is susceptible to flooding by the probable maximum flood event*'. Section 4.4 of the Environmental Impact Statement provides an assessment of the proposal against the provisions of this Policy, however does not address the consultation and notification requirements and how they should be met.

In addition, the Application does not identify that the subject site has land levels below the probable maximum flood level, or the consequences of this. This is discussed further below.

Part 4 of this Policy relates to development for the purposes of schools. Clause 35 (6) requires consideration of the following before determining the Application:

- (a) the design quality of the development when evaluated in accordance with the design quality principles set out in Schedule 4, and
- (b) whether the development enables the use of school facilities (including recreational facilities) to be shared with the community.

The Application provides an assessment of the proposed development against the design quality principles, which is discussed further in this correspondence.

The Environmental Impact Statement has identified that the proposal is defined as traffic-generating development under this Policy, and therefore referral to the Roads and Maritime Services is required.



Following is a discussion of the matters that Council Officers have identified as requiring additional information and further consideration prior to determination of the development application for Hurlstone Agricultural School (Hawkesbury). It is requested that the Department of Planning and Environment consider the matters discussed below before determining the Application.

#### **Approval pathways for other associated works**

The Applicant proposes to commence certain works, including site clearing, earthworks and 'early works', whilst seeking approval for the use of the land for a school and associated buildings to facilitate the completion of the school by 2020.

In this regard, it needs to be ensured that the works for which the Applicant is seeking approval under Part 5 of the *Environmental Planning and Assessment Act, 1979*, are works that can be carried out without consent under an environmental planning instrument.

For example, it would appear that the widening and upgrading of Vines Drive and Maintenance Drive, and the provision of access roads, and stormwater drainage within the subject site would require development consent under State Environmental Planning Policy (Infrastructure) 2007.

In addition, Section 89E(4) of the *Environmental Planning and Assessment Act, 1979* (EP&A Act) states:

- (4) *If part of a single proposed development that is State significant development requires development consent to be carried out and the other part may be carried out without development consent:*
  - (a) *Part 5 does not apply to that other part of the proposed development, and*
  - (b) *that other part of the proposed development is taken to be development that may not be carried out except with development consent.*

As a consequence of Section 89E(4) of the EP&A Act, it would appear that all works associated with the establishment of the school would require development consent.

In this regard, it is requested that the Applicant provide additional information clearly demonstrating how the ancillary and 'early' works can be carried out independently of the school development.

Should it be demonstrated that ancillary and 'early' works can be carried out independently, there is a need to ensure that these works are appropriate to support the development, and there is a legal means by which to ensure that these works are carried out. If approval of these necessary works does not need to be sought with the development application, any development approval for the school needs to provide conditions of consent to ensure these works are actually carried out, and to the standard required to support the development.

#### **Built form**

It is understood that the philosophy of the layout and design of the school is based on Nature and the historic use of the Hawkesbury for agriculture and food production. In this regard, the layout of the buildings alludes to the structure and anatomy of flowering plants. The design of the buildings seek to reflect the simplicity of agricultural building forms.

The Design Verification Statement provides an assessment of the development against the Design Quality Principles of State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017. Relevantly, the following Principles apply:

*Principle 1- context, built form and landscape*

*Schools should be designed to respond to and enhance the positive qualities of their setting, landscape and heritage, including Aboriginal cultural heritage. The design and spatial*



*organisation of buildings and the spaces between them should be informed by site conditions such as topography, orientation and climate.*

*Landscape should be integrated into the design of school developments to enhance on-site amenity, contribute to the streetscape and mitigate negative impacts on neighbouring sites.*

#### *Principle 7- aesthetics*

*School buildings and their landscape setting should be aesthetically pleasing by achieving a built form that has good proportions and a balanced composition of elements. Schools should respond to positive elements from the site and surrounding neighbourhood and have a positive impact on the quality and character of a neighbourhood.*

*The built form should respond to the existing or desired future context, particularly, positive elements from the site and surrounding neighbourhood, and have a positive impact on the quality and sense of identity of the neighbourhood.*

It is considered that the Design Verification Statement does not adequately address the suitability of the design of the development within the context of the locality and having regard to the Design Quality Principles identified above. An assessment of the compatibility of the development to the existing built environment in the locality, both that of the University and of the adjoining residential areas, and the existing rural/agricultural character of the area should be undertaken.

The Design Statement identifies that “*the scale of the proposed new school buildings in relation to the neighbouring building, is significant. Most of the campus buildings are 1 to 2 storeys high & spread out across the WSU (Western Sydney University) site.*” This Statement further justifies how the visual impact of the development has been mitigated when viewed from Vines Drive and from within the University site. However, the Application does not provide a consideration of the visual impact of the development when viewed from outside of the University site, especially when viewed from Londonderry Road, or its impact on the streetscape of Londonderry Road.

#### **Traffic and car parking**

An existing car park area associated with the University is located adjacent to the proposed school. It is intended to modify this existing car park to cater for buses (5 bus spaces), provide a drop off facility (10-12 spaces) and to increase the number of car parking spaces from 142 to 220.

Hawkesbury Development Control Plan requires the proposed school development to provide 276 spaces. A total of 220 car spaces are to be provided, which is a deficit of 56 spaces. In addition, the existing car park is currently associated with the University, resulting in 142 spaces being lost to the University.

The Environmental Impact Statement justifies the provision of less car spaces as follows:

- A comparison of the demand for car parking for the existing Hurlstone Agricultural High School at Glenfield, and applied to the proposed number of staff and students for the subject development indicates a need for 225 spaces based on a 95% usage rate for staff and a 10% usage rate for students.
- In accordance with the NSW Department of Education's Educational Facilities Standards and Guidelines, the number of car parking spaces for the proposed development is 130 spaces.
- The existing capacity at the University of 1,516 car spaces is sufficient to cater for University demand and any overflow requirements.

Given the above, Council Officers consider that provision for car parking to cater for the new school is satisfactory, and that the loss of parking to the University will have no adverse impact on the demand for parking for the University.

The Traffic Impact Assessment states:



*“Traffic modelling for the future travel demand has been modelled for 10 years of background growth and a total population of 1,200 travelling students and 100 staff. Intersections are shown to continue to operate at acceptable Levels of Service. The most critical delays occur at the intersection of Campus Drive and Blacktown Road, however all delays are internal to the site and it is anticipated that users will avoid this intersection as high levels of delay occur. Any traffic impacts within the Campus related to the School operation are expected to occur over only a short period of time, say 30 minutes or less.”*

The Secretary's Environmental Assessment Requirements stipulated that the Environmental Impact Statement address *“the impact of trips generated by the development on nearby intersections, with consideration of the cumulative impacts from other approved developments in the vicinity, and the need/associated funding for upgrading or road improvement works, if required”*.

Whilst the Traffic Impact Assessment has predicted the future Levels of Services for road intersections surrounding the University site, no consideration of the impacts of the development has been given to traffic safety at these intersections. This is more important given that a significant proportion of drivers accessing the University and School will be 'P' plate drivers or drivers with less experience.

In particular, concern is raised in respect to increased traffic, including buses and trucks, at the intersections of Londonderry Road/Southee Road and Londonderry Road/Vines Drive given the close proximity of these intersections to each other, that the intersections are located on a bend, and the fact that Londonderry Road is a classified road.

In this regard, it is requested that consideration be given to the intersections of Londonderry Road/Southee Road and Londonderry Road/Vines Drive being realigned to create a crossroad by redirecting Vines Drive to line up with Southee Road, and including an intersection treatment such as a roundabout.

Safety concerns are also raised for the Campus Drive/Blacktown Road intersection given traffic volumes on Blacktown Road, and the fact that Blacktown Road is a classified road, especially when making a right hand turn from Campus Drive. Consideration is to be given to the need for the upgrading of this intersection, not only to improve its level of service (rated at LOS 'F' as a consequence of the proposed development) but to improve traffic safety.

In addition, no discussion has been provided in respect to the need, or otherwise, for the upgrading of public roads and intersections in the vicinity of the University based on the predicted impacts arising from the development. It would appear that attention has been predominantly given to the impacts of traffic within the University site and the upgrading of roads and parking areas within the University site, and not those on public roads. It should be noted that roads within the University site are private roads, owned and maintained by the University to service the campus.

The Applicant also needs to provide details as to whether or not 40km/hr 'school zones' will be required for public roads within the vicinity of the University site, such as Londonderry Road and Southee Road, and the likely traffic impacts resulting from these zones.

### **Flooding**

The Civil Engineering Report and Stormwater Management Plan provides a flood risk assessment for the development. However, it should be noted that this assessment only relates to flooding as a consequence of stormwater runoff in storm events, and not an assessment of the impacts of riverine flooding from the Hawkesbury River.

The development is located on land that has a level above the 1 in 100 year flood level of 17.5m AHD for the locality, and consequently flood consideration under Clause 6.4 of Hawkesbury Local Environmental Plan 2012 do not apply. However, the land is below the probable maximum flood level.



Recently Infrastructure NSW released the *Resilient Valley, Resilient Communities - the Hawkesbury-Nepean Valley Flood Risk Management Strategy*. This Strategy provides nine key Outcomes with associated Actions to be taken, including the development of a regional land use and road planning framework to assist in the future development of the Hawkesbury Nepean Floodplain in relation to flood risks and the capacity for regional flood evacuation. The timeframes for the completion of the Actions are unknown at this time.

Given this Strategy considers flood impacts on land affected by flood events up to and including the probable maximum flood, it is considered that the impact of the proposed development on the capacity for regional flood evacuation needs to be assessed. It is also considered that any favourable determination of the proposal should require a flood evacuation management plan to be developed and implemented.

### **Contamination**

Clause 7 of State Environmental Planning Policy No. 55 – *Remediation of Land* prevents the granting of development consent unless it is established whether a site is contaminated or not, to what degree at site is contaminated, and whether or not the site is suitable for its proposed use in its contaminated state, or whether the site will be remediated to be made suitable.

The Preliminary Site Investigation Report submitted with the Application states that the frequency of soil sampling carried out on the site was below the recommended level required by the NSW Environment Protection Authority for full site characterisation. Therefore, a Detailed Site Investigation is required to properly determine whether or not the site is contaminated. As this Detailed Site Investigation has not been finalised, approval cannot be granted in accordance with Clause 7 of State Environmental Planning Policy No. 55 - Remediation of Land.

### **Social impact**

It is considered that the social impacts of the school development on the locality have not been adequately addressed. In this regard it is requested that additional information be sought in respect to:

- The impacts of the development on community services in the locality such as youth services; and
- The management measures required to be implemented to avoid potential issues associated with school aged students being in close proximity to university accommodation.

### **Safety**

The Crime Prevention through Environmental Design Statement highlights that “*Access from the school car park ‘drop off’ zone and bus stop, to the school entrance gate, need to be carefully considered*”, however no further discussion is provided within the Environment Impact Study in respect to the appropriateness, or otherwise of the pedestrian access from the car park to the school entrance in terms of safety. An assessment needs to be undertaken having regard to the following consideration:

- The separation of the car park from the school;
- The nature/frequency of use of the rooms within Building 1 and the adequacy of surveillance of the car park and pedestrian access from these rooms;
- Adequacy of surveillance from other buildings within the school;
- Whether areas where surveillance can be carried out are being occupied at critical times.

### **Noise**

It is noted that the Noise and Vibration Assessment report states:





*“Operational noise emission criteria have been set in accordance with the NSW INP (Industrial Noise Policy) and apply predominantly to the proposed non-emergency period alarm, children at play and limited mechanical services noise emissions from the site. As the design progresses, noise mitigation measures will need to be incorporated into the design of the buildings and the surrounding landscape to ensure that noise from the operation of the school can comply with the INP noise emission criteria at neighbouring noise-sensitive land uses.”*

In addition to those matters listed above, noise criteria has also been determined for sporting and concert events to be carried out within Building 4.

Prior to the determination of any application, it should be demonstrated that measures can be incorporated into the design of the development to meet the noise emission criteria.

Thank you for the opportunity to provide comments.

Should you have any questions, please contact me on (02) 45604564.

Yours faithfully

**Colleen Haron** | Senior Town Planner | Hawkesbury City Council  
☎ (02) 4560 4564 | 📠 (02) 4587 7740 | 🌐 [www.hawkesbury.nsw.gov.au](http://www.hawkesbury.nsw.gov.au)