



THE HILLS
Sydney's Garden Shire

THE HILLS SHIRE COUNCIL
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26 June 2019

Mr Scott Hay
Department of Planning and Environment
By Email: Scott.Hay@planning.nsw.gov.au

Your Ref: SSD 9772

Dear Mr Hay

Comments for Santa Sophia Catholic College (SSD 9772)

The following comments are provided for consideration in the assessment of the Application:

As the Department is aware, Council at its Ordinary meeting of 17 October 2018 considered a report on a planning proposal to enable the inclusion of a new school on a portion of land within the Box Hill North Town Centre and redistribute the commercial and residential floor space to the remainder of the Town Centre. To achieve this, the proposal sought to amend LEP 2012, as it applies to the Box Hill North Town Centre, to:

- Increase the maximum Floor Space Ratio from 1:1 to a range of 1:1 to 2:1; and
- Increase the maximum Height of Buildings from 16 metres (4-5 storeys) to range of 16 metres to 27 metres (up to 8 storeys).
- The subject site is to remain with a FSR of 1:1 and height of 16 metres.

As part of the planning proposal application, the proponent committed to a number of key outcomes with respect to the school including the amount of ground floor (4,630m²) and rooftop (1,900m²) play space. Provisions to secure this minimum amount of play space within the proposed school site are included in the draft The Hills Development Control Plan 2012 Part D Section 17 Box Hill North. The areas of outdoor play space, particularly the active ground level space is unclear. It appears that the applicant is relying on all external areas including balconies in their calculations. Given the proposed student capacity of the school the school should incorporate useable open space to cater for the needs of the school. Reliance on Council's open space is not supported.

Height

As identified above, the school site is subject to a 16 metre height limit. The proposal appears to rely on the proposed heights of the surrounding development lots included in the planning proposal to justify the height notwithstanding the reasoning provided by to Council for the increase in height in the planning proposal was to offset the loss of area occupied by the school. It is considered that the planning proposal is not considered imminent or certain and therefore should not be relied upon in justifying the height contravention.

Further to this, the subdivision works plan for the town centre roads (Development Application 1542/2019/ZB) propose to cut the roads that frame the school site by some 2m

to 3m. This results in the actual building height being approximately 29.5m above future finished ground levels.

Although this is a matter for the Department, the justification of the height contravention appears deficient.

Design Excellence

The proposal is subject to Clause 7.7 – Design Excellence of The Hills LEP 2012. The clause in part (Subclause 4(g)) reads;

“In considering whether the development exhibits design excellence, the consent authority must have regard to the following matters

“the findings of a panel of 3 or more persons that has been convened by the consent authority for the purposes of reviewing the design excellence of the development proposal.”

Clarification is sought as to Council's role in this process given that Council is not the consent authority.

Parking and Pick-up/Drop-off

Limited detail is provided in relation to the parking relied upon off site. It is noted that the description of the proposal identifies “Off-site staff car parking”. Clarification is sought as to whether this forms part of this application or, as anticipated, whether it is intended to be lodged as a future application. In any event the limitations on the use outside of standard school hours are questioned given the limited opportunities for on-site parking or availability of public transport.

It is also noted that the pick-up drop-off area will not be sufficient once the school has reached full capacity. Given the location within the town centre, it is recommended that further measures be put in place to support student pick up and drop off.

Traffic, Transport and Access

The subject application relies upon two underdetermined development applications currently before Council. DA 2051/2018/ZB relates to the reconstruction of Red Gables Road fronting the school and beyond. This application also includes the northern extension of Fontana Drive beyond the school site frontage terminating at a roundabout at Road B and the planned traffic lights at the Red Gables Road and Fontana Drive intersection. The RMS has objected to those planned traffic lights (even based on projected traffic volumes) on a number of occasions. The applicant for DA 2051/2018/ZB has recently amended that application to replace these traffic lights with a priority control/ stop sign intersection however the intent to eventually install traffic lights is still identified in that submission. That intent carries through all the traffic modelling and reporting associated with the current planning proposal lodged over the rest of the town centre site to increase building heights and FSR in response to the school, the separate application 1542/2019/ZB with Council under assessment for the two town centre Roads A and B relied upon for the school and the school SSDA 9772 itself. Until these applications are resolved in association with the RMS, it is recommended that the proposal be held in abeyance. It would be appreciated if any relevant comments from RMS or Transport NSW be forwarded to Council for review.

Infrastructure Contributions

The proposed development is subject to The Hills Section 7.12 Contributions Plan. A contribution of 1% of the cost of works will be applicable prior to the issue of any construction certificate. While a VPA does apply to the land, it does not anticipate nor does it account for or exempt this proposed school development from application of The Hills Section 7.12 Contributions Plan.

Council staff are able to provide further technical advice in relation to any recommended draft conditions of consent prepared by the Department should the issues raised above be resolved to your satisfaction.

If you have any queries in relation to the above, please contact me on 9843 0267.

Yours faithfully

A handwritten signature in dark ink, appearing to be 'RB' followed by a long horizontal stroke.

Robert Buckham

PRINCIPAL EXECUTIVE PLANNER