

# JRPP REPORT

<b>JRPP NO:</b>	2010SYW081
<b>DA NO:</b>	653/2011/JP
<b>PROPOSED DEVELOPMENT:</b>	THE DEVELOPMENT APPLICATION IS FOR A MASTERPLAN FOR THE STAGED DEVELOPMENT OF A SCHOOL ACCOMODATING 1,000 STUDENTS (KINDERGARTEN TO GRADE 12); A PRE-SCHOOL; A CHURCH; AND ASSOCIATED SITE WORKS.
<b>SUBJECT SITE:</b>	LOT 1, DP 242713 AND LOT 6, DP 241932, NO. 2-4 GUM NUT CLOSE, KELLYVILLE
<b>APPLICANT:</b>	GREATER SYDNEY CONFERENCE C/- DON FOX PLANNING
<b>LODGEMENT DATE:</b>	4 NOVEMBER 2010
<b>REPORT BY:</b>	DEVELOPMENT ASSESSMENT CO-ORDINATOR ROBERT BUCKHAM
<b>RECOMMENDATION:</b>	APPROVAL

## EXECUTIVE SUMMARY

The proposed application is for a Masterplan for 9-stages for the development of the site for the purpose of a school accommodating 1,000 students (kindergarten to grade 12); church and associated site works.

A status report was previously presented to the Joint Regional Planning Panel (JRPP) on 24 March 2011 and it was recommended that the application be deferred until such time as the applicant resolved engineering issues, namely the proposed construction of the hall over a drainage swale and other outstanding issues including staging details, building setbacks, parking and traffic generation, bus transport, acoustic impacts and landscaping. The issues have now been adequately addressed.

The application was referred to the NSW RFS as the development is classified as 'Integrated Development' pursuant to the provisions of Section 91 of the Environmental Planning and Assessment (EP& A) Act, 1979. The application was also referred to the NSW Roads and Traffic Authority (RTA), and the NSW Police. The application was not required to be referred to the Office of Water as the drainage swale is not a defined water course.

The application seeks to vary development standards relating to building height under State Environmental Planning Policy (SEPP) Sydney Region Growth Centres, and the front setback control within the North Kellyville Development Control Plan (DCP). Adequate justification has been provided for the height variation. The front setback variation is not supported.

The Masterplan was previously publicly exhibited and notified to surrounding properties. No submissions were received.

It is recommended that the application be approved subject to the recommended conditions of consent.

## BACKGROUND

Owner:	Australasian Conference Association Ltd.
Applicant:	Greater Sydney Conference C/- Don Fox Planning
Zoning:	R1 General Residential R2 Low Density Residential SP2 Infrastructure
Area:	40,464m <sup>2</sup>
Existing Development:	Temporary school buildings
Capital Investment Value (CIV):	\$29, 245,000

## MANDATORY REQUIREMENTS

1. EP&A Act 1979 – Satisfactory
2. SEPP (State and Regional Development) 2011 – Satisfactory
3. SEPP (Infrastructure) 2007 – Satisfactory
4. SEPP Sydney Regional Growth Centres (SRGC) 2006 – Satisfactory
5. North Kellyville DCP – Variation, see report
6. BHDGP Part D, Section 1 – Parking – Satisfactory
7. Section 94 Contribution – Not applicable to educational establishments
8. Special Infrastructure Contribution – Administered by Department of Planning.

## SUBMISSIONS

1. Exhibition: Yes, 30 days (63 days including the Christmas exclusion period).
2. Notice Adj. Owners: Yes, 30 days (63 days including the Christmas exclusion period).
3. Number Advised: Twenty-four (24)
4. Submissions Received: Nil

## REASONS FOR REFERRAL TO JRPP

1. Capital Investment Value in excess of \$5 million

## HISTORY

- 27/11/2009** Consent granted by Council's Development Assessment Unit (DAU) to Development Application No. 1407/2009/HC for Stage 1 development of the site for an education establishment (located towards the rear of the site) involving installation of 5 demountable buildings, a temporary at-grade car parking area, road works, realignment of an existing swale /easement, earthworks to create a playing field, construction of a storage shed and conversion of an existing dwelling into a temporary administration building.

- 25/03/2010** Pre-lodgement meeting held with council staff for a proposed masterplan and staged developemnt.
- 04/05/2010** Consent granted by Council's Development Assessment Unit (DAU) to Section 96 Modification Application No. 1407/2009/HC/A involving the deletion of the required local street and lane traversing the site in a north-south orientation (identified within the North Kellyville DCP) and an increase of on-site parking spaces from 12 spaces to 48 spaces.
- 04/11/2010** Subject Development Application No. 653/2011/JP lodged.
- 16/11/2010** Amended MUSIC Modelling Report submitted to Council.
- 22/11/2010** Development Application No. 711/2011/HC lodged proposing Stage 2 development works involving construction of the middle school building and the school hall over the swale (this application is currently under assessment and cannot be determined until such time as the subject Masterplan is determined).
- The applicant was requested to delete the hall as the hall had been referred to the NSW Nation Building Taskforce (the Taskforce) as an Infrastructure Project Application. Given the Taskforce's requirement for consultation with Council, the applicant requested Council's comments regarding:
- The proximity of the building to the swale.
  - The building design and setback to Hezlett Road.
  - Any conditions that Council would normally impose.
- Although the hall was formally removed from the proposal, the questions raised were relevant in the assessment of the subject Masterplan.
- 25/11/2010** Meeting was held with the applicant to discuss concerns regarding the location of the hall. The applicant was advised that the construction of a building being located over a drainage swale would not be supported; and that the setback must take into account the future road widening of Hezlett Road as identified in the North Kellyville DCP.
- 26/11/2010** The subject Development Application No. 653/2011/JP was placed on public exhibition and notified to surrounding properties until 31 January 2011.
- 01/12/2010** Letter sent to the applicant outlining concerns with the works proposed under the Masterplan application, the Stage 2 application and the Infrastructure Project Application.
- The applicant was advised that the location of the hall would not be supported and was required to be amended to remove encroachments over the drainage swale, including resolution of other issues such as site stormwater and floodplain issues.

- 14/02/2011** Revised MUSIC modelling data submitted to Council.
- 28/02/2011** Amended Flood Study and letter submitted to Council in response to issues raised in Council's letter dated 1 December 2010. The letter justifies the proposed design of the swale, the increase to the finished floor level (FFL) of the hall to RL 75.5 AHD resulting in a building over the 9m height limit (thus non-compliant with the SEPP SRGC), and increased setbacks to Hezlett Road. The letter again requested Council's agreement to the position of the hall and the design and location of the swale.
- 03/03/2011** Meeting with applicant to discuss outstanding engineering and swale design information requested by Council staff.
- 16/03/2011** Correspondence sent to the applicant outlining additional information required specifically in relation to the subject Development Application (No. 653/2011/JP), including:
- Staging details.
  - Building setbacks to future road alignments.
  - Setbacks to residential properties to the south.
  - Parking, vehicular access, traffic generation and bus transport.
  - Shadow diagrams.
  - Visual presentation to Gum Nut Close.
  - Acoustic impacts.
  - Retention of significant trees.
  - Revised MUSIC modelling.
  - Site stormwater management.
  - Issues raised by RFS, Police and RTA.
- 21/03/2011** Amended Flood Study submitted to Council.
- 22/03/2011** Revised engineering plans submitted to Council.
- 24/03/2011** Briefing provided to the JRPP. The issues raised included the permissibility of parking associated with the church.
- 31/03/2011** Additional correspondence and amended plans relating to the location of the school hall submitted to Council seeking Council's agreement to the position of the hall, its setback to Hezlett Road and its location relating to the swale to enable the Taskforce to consider the applicant's separate application for the hall.
- 07/04/2011** Correspondence sent to the applicant advising that Council is not in a position to support the proposed location of the hall as the amended swale design is unsatisfactory and the Masterplan application has not been determined due to outstanding matters raised in council's letter dated 16 March 2011.

It was requested that an amended development be considered involving the relocation of the hall and submission of plans, flood modelling, civil engineering concept etc. The JRPP's comments with respect to permissibility of church car parking were also requested to be addressed given the two zoning s on the site.

**14/04/2011** Consent granted under Delegated Authority to a Section 96(1A) Application No. 1407/2009/HC/B which included modifications to engineering conditions imposed on the Stage 1 approval in relation to the construction of the swale.

**17/07/2011** Consent granted under Delegated Authority to a Section 96 Modification Application No. 1407/2009/HC/C. The application proposed a modification to the approved Stage 1 development involving a realignment of the swale/easement around the outside of the hall building.

**20/07/2011** Subsequent to resolution of the swale design and approval of the Section 96 Modification Application No. 1407/2009/HC/C, a letter was sent to applicant responding to previous requests for agreement to the hall building in order to permit an application for the hall to be lodged with the Nation Building Taskforce.

The applicant was advised that no objection was raised to the hall location however full support is subject to the following requirements:

- Determination of the Masterplan including the final location of school buildings.
- Resolution of engineering works and swale realignment approved under Section 96 Modification Application No. 1407/2009/HC/C.
- The Hall building being located wholly outside of the swale.
- Retention and protection of Tree 8.
- Concurrence of the Director-General with respect to the hall building height variation, as per provisions of SEPP (SRGC).

**29/08/2011** Letter sent to the applicant requesting the remaining outstanding issues relating to the Masterplan be addressed by 12 September and advising that if no information is submitted the application will be recommended for refusal.

**30/08/2011** Letter submitted by applicant confirming that the additional information is being compiled and will be submitted to Council.

**12/09/2011** Additional information submitted to Council responding to Council's letter dated 16 March 2011 and providing the following:

- A revised Masterplan with amendments including details of bus stop locations, building setbacks to future road alignments, the deletion of 1 vehicular access from Gum Nut Close, swept path diagrams and provision for 120 bicycle storage spaces and 4 motorcycle parking spaces.
- Confirmation that staging details will be submitted with detailed Future Development Applications.

- Provision of a variable setback from the middle and senior school buildings to the southern boundary ranging between 6-10m.
- Shadow diagrams demonstrating there will be no impact to existing or future residential development.
- Rationale for location of car parking areas along Gum Nut Close frontage including to provide separation between school and road and residences and to provide high visibility of car parking to ensure useability.
- Supplementary traffic and parking advice stating that some 180 spaces will be provided
- Revised MUSIC modelling and stormwater management plans.
- Supplementary acoustic advice and the deletion of the 3.3m high acoustic wall previously proposed to be constructed on a 2.2m mound on the western side of the playing field.
- Amended landscape plan and revised Arborist report which concludes that nine (9) trees must be removed as a result of the development.

**22/09/2011** Additional information submitted confirming trees 13, 23 and 24 will be retained as a result of the approved swale realignment.

**05/10/2011** Letter sent to applicant requesting submission of Taskforce approval relating to the hall.

Applicant submitted Taskforce documentation which grants approval with conditions for Infrastructure Project Application No. 10/0188EI 'Construction of a New Multi Purpose Hall in two (2) stages and associated works'.

**16/11/2011** Consent granted under delegated Authority to Section 96 Modification Application No. 1407/2009/HC/D to modify the Stage 1 approval to increase the maximum number of students at the school from 180 to 260.

## **PROPOSAL**

The proposal is for a Masterplan involving the 9-staged development of the site for a school accommodating 1,000 students (kindergarten to grade 12); church and associated site works.

The Masterplan involves demolition of the existing temporary school buildings approved under Development Application No. 1407/2009/HC, construction of new school buildings to accommodate 1,000 students (pre-school and kindergarten to grade 12), a church and associated site works.

The site contains an existing overland flow path (swale) and drainage easement which the application originally proposed to construct a building over, then later sought to divert around the hall building. Following the report of the application status to the JRPP on 24 March 2011, this issue has now been satisfactorily resolved and the manner of diversion is considered to be acceptable to Council staff. The issue was resolved by way of a Section 96 Modification Application to the temporary school approval which approved the realignment of the swale around the hall building. As such, the Masterplan has been amended and no longer proposes building encroachments over the easement.

The amended Masterplan also takes into account that the site is affected by road widening of Hezlett Road and Gum Nut Close as identified in the North Kellyville DCP. Accordingly, buildings are proposed to the future boundaries.

All vehicular access to the site is from Gum Nut Close. The amended Masterplan deleted a secondary access way to the at-grade car park area which provided an 'exit' point. This has enabled one access way to be used for both entry and exit and reduced the number of vehicular access points to Gum Nut Close from six to five.

The public transport arrangements have not been amended and the applicant continues to propose a short term arrangement whereby up to 4 buses will queue along the school side of Gum Nut Close. These buses will perform a u-turn at the cul-de-sac of Gum Nut Close which is an arrangement previously approved by Council.

In the long term when more than 4 buses are required, bus stops will be provided along the Hezlett Road frontage of the site which can accommodate 5 buses. Additionally, a separate single bus stop on the eastern side of Hezlett Road is also proposed. The RTA has expressed concern with respect to this aspect of the proposal however written comments have not yet been received.

The internal 'kiss and drop' area originally proposed to accommodate twelve (12) vehicles will continue to be maintained. The amended Masterplan also makes provision for four (4) motorcycle parking spaces and 120 bicycle storage spaces.

The Masterplan indicates that a total of 180 parking spaces will be provided when the school is fully operational. Car parking is proposed within an existing at grade car park area and a separate two-level car park is also proposed under future stages.

Temporary access from Hezlett Road is proposed only during the construction stages so as to minimise interference with the existing school in operation.

The school includes a pre-school which will operate as a preparatory school for prospective students and will cater for children aged 3-5 years.

The church is proposed to operate mainly on weekends but may have occasional funerals or other ceremonies during weekdays. However, details of congregation numbers have not been provided at this stage. It is indicated that in the evenings on weekdays, small group meetings of some 30-40 people may congregate in the church.

## **ISSUES FOR CONSIDERATION**

### **1. SEPP (State and Regional Development) 2011**

Prior to the introduction of State Environmental Planning Policy - State and Regional Development, Clause 13(B) of SEPP Major Development which was applicable at the time the application was lodged provided that a development for the purpose of an educational establishment with a CIV of more than \$5 million required a Joint Regional Planning Panel to exercise the consent authority's function.

Schedule 4A of the EP&A Act which recently commenced on 1 October 2011 repealed Clause 13(b) of SEPP (Major Development). The new Schedule 4A continues to identify education establishments with a CIV of more than \$5 million as development requiring a Joint Regional Planning Panel to exercise the consent authority's function.

According to the requirements of the Act and the SEPP, the application having a CIV of more than \$5 million is referred to and listed with the JRPP for determination.

## **2. Compliance with SEPP (Sydney Region Growth Centres) 2006**

### **a. Permissibility**

The subject site is located within the North Kellyville Precinct, and is zoned pursuant to SEPP (Sydney Region Growth Centres) 2006. The SEPP SRGC identifies the zoning of the site as being R1 General Residential, R2 Low Density Residential and SP2 Infrastructure (see Attachment 3).

The R1 zoning affects the front half of Lot 6. The R2 zoning affects the rear half of Lot 6 and the whole of Lot 1. The SP2 zoning affects the eastern boundary along Hezlett Road and the north-eastern corner of the site.

#### R1 General Residential zone

The objectives of the R1 zone are:

- *To provide for the housing needs of the community.*
- *To provide for a variety of housing types and densities.*
- *To enable other land uses that provide facilities or services to meet the day to day needs of residents.*
- *To encourage medium density housing in locations of high amenity adjoining open space and accessible transport corridors.*
- *To support the well being of the community, including educational, recreational, community, religious and other activities and, where appropriate, neighbourhood shops if there will be no adverse effect on the amenity of proposed or existing nearby residential development.*
- *To allow for low intensity tourist and visitor accommodation that does not interfere with residential amenity.*
- *To provide for a variety of recreational uses within open space areas.*

The church and the multi-purpose school hall are proposed to be located over the R1 zoning fronting Hezlett Road.

Pursuant to SEPP SRGC 'places of public worship' and 'education establishment' are permissible land uses in the R1 zone and satisfy the objectives with respect to providing facilities to meet the needs of residents and which support the well being of the community without adversely affecting amenity.

#### R2 Low Density Residential zone

The objectives of the R2 zone are:

- *To provide for the housing needs of the community within a low density residential environment.*
- *To enable other land uses that provide facilities or services to meet the day to day needs of residents.*
- *To provide for a variety of housing types but primarily low density detached housing.*
- *To support the well being of the community, including educational, recreational, community, religious and other activities if there will be no adverse effect on the amenity of the proposed or existing nearby residential development.*

The car park, school buildings, pre-school and sports oval are proposed to be located over the R2 zoning affecting the rear portion of the site.

Pursuant to SEPP SRGC 'education establishment' is a permissible land use within the R2 zoning.

The proposed school and ancillary facilities satisfy the objectives of the R2 zone with respect to providing facilities to meet the needs of residents and which support the well being of the community without adversely affecting amenity.

The car park which is proposed in the R2 zone will be used by both the school and the church. However 'places of public worship' are a prohibited land use in the R2 zone despite the zone objective implying that religious activities are acceptable. Notwithstanding this, given that the car park is ancillary to the school, the location of the car park is permissible within the zone.

It is noted that a 'child care centre' is also a prohibited land use in the R2 zone. Given that the pre-school will not operate as a child-care centre but rather as a preparatory school for prospective students, the pre-school is therefore ancillary to the school and considered permissible within the zone.

#### SP2 Infrastructure zone

The objectives of the SP2 zone are:

- *To provide for infrastructure and related uses.*
- *To prevent development that is not compatible with or that may detract from the provision of infrastructure.*

There are no buildings proposed to over the portion of the site zoned SP2. The buildings adjacent to the SP2 zone provide adequate setback and would not hinder the above objectives from being satisfied.

#### **b. Height of Buildings**

Clause 4.3 of the SEPP SRGC stipulates the maximum height of buildings. The clause states:

*“(1) The objectives of this clause are as follows:*

- (a) to preserve the amenity of adjoining development in terms of solar access to dwellings, private open space and bulk and scale,*
- (b) to provide for a range of residential building heights in appropriate locations that provide a high quality urban form,*
- (c) to facilitate higher density neighbourhood and town centres while minimising impacts on adjacent residential areas,*
- (d) to provide appropriate height controls for commercial development,*
- (e) to restrict the height of buildings within the curtilage of heritage items.*

*(2) Except as provided by this clause, the height of a building on any land is not to exceed the maximum height shown for the land on the Height of Buildings Map.”*

Accordingly, the *Height of Buildings Map* identifies the maximum height for this site as 9m.

Clauses 2(A)(a) and 4.6 of the SEPP also provide flexibility to allow height standard variations if certain circumstances are met without a SEPP 1. Whilst the Masterplan is a concept and does not fully detail the heights of all buildings, the application does indicate that the church and hall would exceed the 9m height limit.

With respect to the school hall, the applicant sought approval from the Taskforce but also sought comments from Council. The plans proposed a minor portion of the hall roof toward the rear (away from the public main road) to be approximately 9.8m above the finished ground level - exceeding the SEPP's standard by 800mm. Council staff advised

that there was no objection to the proposed hall location and the height variation subject to several conditions including determination of the overall Masterplan. It is considered that the height exceedence is minimal and variation is considered acceptable as the non compliance does not create any detrimental impacts on neighbours through overshadowing or privacy impacts.

In this regard, the proposed Masterplan is generally satisfactory.

## 2. North Kellyville DCP, 2008

The application has been assessed against the relevant standards and objectives of the North Kellyville DCP which is the locality specific DCP applicable to this site and identifies the site as located within the Smalls Creek precinct.

The application complies with the standards of the DCP with the exception of front setback controls. However, it is noted that the proposal is for a concept of the site only, and that the detailed assessment of any DCP variations is to be undertaken when staged applications for the future developments are submitted to Council.

DEVELOPMENT STANDARD	DCP REQUIREMENTS	PROPOSED DEVELOPMENT	COMPLIANCE
2.2 Indicative Layout Plan (ILP)	<p>The site is identified as requiring 4 new roads to be constructed.</p> <p>NB: a variation to the ILP involving the non-provision of 3 of the roads has already been approved under DA No. 1407/2009/HC.</p> <p>The variation to the Indicative Layout Plan provided in the North Kellyville DCP was considered acceptable. The non provision of the roads required to traverse the development site allow for the orderly development of the adjoining sites in accordance with the intent of the North Kellyville DCP. In addition, drainage of the site was appropriately addressed</p>	Road construction has partially been approved under the Stage 1 approval and further construction will occur under future stages. The specific road construction requirements have been recommended as conditions of consent.	Yes
3.1 Street Network and Design	<p>The sites frontage to Hezlett Road (sub-arterial) is affected by road widening.</p> <p>The site requires the construction of a new laneway along the</p>	The amended Masterplan takes into account future road widening of Hezlett Road and proposes setbacks that are to the future boundary.	Yes

DEVELOPMENT STANDARD	DCP REQUIREMENTS	PROPOSED DEVELOPMENT	COMPLIANCE
	western boundary.		
	No direct vehicular access to Hezlett Road is permitted. Access is to be provided through rear lanes or secondary streets.	All access is provided from the secondary street which is Gum Nut Close.	Yes
3.3 Public Transport	Bus stops to be provided generally in accordance with the DCP.	Bus stops will be provided along the Hezlett Road route identified in the DCP however the location of the stop is 3 blocks south of the location identified in the DCP. This is acceptable as it is generally in accordance with the DCP.	Yes
3.5 Public Domain Works	Street trees planting to be provided to all streets with a spacing of between 7m and 10m with a minimum of 1 tree per lot frontage.	The amended Landscape Plan does not provide street trees, however this issue can be resolved by conditions of consent.	Yes, subject to condition.
4.2.1 Front Setbacks	Educational establishments and places of public worship must have front setbacks consistent with setback controls for residential buildings – i.e. 4.5m to the building facade line and 3.5m to the articulation zone.	The amended Masterplan demonstrates that building setbacks to Hezlett Road are minimum 4.5m to the future boundary. However, the corner of the church building encroaches the setback by 2m.	No, Refer commentary below.
6.1 Integrated Stormwater Management	Numerous provisions pertaining to floor levels, drainage designs, post-construction phase stormwater management, Water Sensitive Urban Design strategies, detention volumes etc.	Matters relating to stormwater management have been satisfactorily addressed.	Issue addressed.
6.3 Bushfire Hazard Management	Numerous provisions to prevent loss of life and property due to bushfires, to ensure adequate fuel	The NSW Rural Fire Service reviewed this aspect of the proposal and raised no objections.	Yes

DEVELOPMENT STANDARD	DCP REQUIREMENTS	PROPOSED DEVELOPMENT	COMPLIANCE
	management of asset protection zones, and to define construction standards applicable to lots with bushfire prone vegetation.		
6.4 Tree & Bushland Protection	Submission of a Tree Management Plan prepared by a qualified arborist.	An Arboricultural Assessment has been submitted. No objection raised.	Yes
6.5 Contamination Management	Submission of site contamination assessment to establish that the proposed redevelopment is suitable for the site.	The site contamination assessment has been undertaken. No objection raised.	Yes

#### Front Setbacks

The objectives for building setbacks are:

- 1. To provide a variety of streetscapes that reflect the character areas, environmental constraints, house types and road hierarchies.*
- 2. To encourage attractive and cohesive streetscapes.*
- 3. To reduce the visual dominance of garages on the streetscape.*
- 4. To encourage the use of eaves, verandas, balconies and feature elements on the front facades of dwellings.*

#### Comments

Clause 4.2.1 of the DCP requires educational establishments and places of worship to have front setbacks which are consistent with the setback controls for residential buildings. In this regard, a 4.5m front setback to the building facade line and 3.5m to the articulation zone is required for the proposed hall and church facing Hezlett Road.

The amended Masterplan generally complies with this requirement by providing a minimum 4.5m setback from the hall to the future boundary to Hezlett Road. However, the church building provides a corner setback of only 2.5m and does not comply.

The variation to the front setback control is not supported, however the general location of the church building is considered acceptable. The setback provides opportunities for landscaping and will reduce the visual impact of the church building.

### **3. Baulkham Hills DCP Part D, Section 1 - Parking**

The application has also been assessed against the relevant standards and objectives of the Baulkham Hills DCP: Part D, Section 1 – Parking which is applicable to the site pursuant to Clause 1.3 of the North Kellyville DCP.

DEVELOPMENT STANDARD	DCP REQUIREMENTS	PROPOSED DEVELOPMENT	COMPLIANCE
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DEVELOPMENT STANDARD	DCP REQUIREMENTS	PROPOSED DEVELOPMENT	COMPLIANCE
2.1 General Parking Requirements	All car parking spaces must be provided onsite.	Satisfactory.	Yes
	Stacked parking will not be included in assessment of number of parking spaces.	No stacked parking proposed within Masterplan.	Yes
	Access arrangements in bush fire prone areas to be in accordance with Planning for Bushfire Protection 2006.	Satisfactory.	Yes
2.1.2 Mixed Use Parking	Where the component uses are operated concurrently, parking will be assessed as the sum of requirements for each component. Component parking requirements are to be based on requirements in Table 1. Calculations shall include an appropriate proportion of any shared common or administrative area.	Details of usage to be submitted under future staged applications.	Yes
2.1.3 Dual use Parking	Where the component uses are not operated concurrently, parking provisions will be based on whichever of the components generates the greatest car parking requirement. The onus will be on the applicant to satisfy Council that the uses are not operated concurrently.	Details of usage to be submitted under future staged applications.	Yes
	Where main usage periods of component uses do not coincide, Council may consider a reduction in the parking requirements provided the total parking is not less than that needed for the component that generates the greatest requirement. The onus will be on the applicant to satisfy Council that the main usage periods do not coincide.	Details of usage to be submitted under future staged applications.	Yes
Table 1	School –	180 parking spaces will	Yes

DEVELOPMENT STANDARD	DCP REQUIREMENTS	PROPOSED DEVELOPMENT	COMPLIANCE
Required Minimum Car Parking provisions	1 space/employee plus 1 space/8 year 12 students, plus 1 space/30 students enrolled for visitors and/or parent parking Based on 1,000 students 80 employees 50 Year 12 students Parking required is: 80 spaces for employees, plus 6.25 for Year 12 students, plus 33.33 spaces for visitors. <u>TOTAL</u> required is 119.58 spaces i.e. 120 spaces.	be provided.  NB: traffic report utilises the parking rate provided in the North Kellyville DCP applicable to 'Special Area Controls' and states that 85 spaces are only required. However the North Kellyville DCP rate is not applicable as the site is not within the special area precinct.	
	Church – 1 space per 5 seats	Patronage/seating details are not provided at this stage, however the traffic report suggests that if there is a surplus of parking not used by the school (i.e. 180 spaces minus the DCP's required 120 = 60), the church can potentially accommodate a minimum 300 persons.	Yes
2.2 Parking for Disabled Persons & Parents with Prams	A proportion of total parking required to be provided for disabled persons in accordance with Table 2.	Satisfactory.	Yes
	A continuous, accessible path of travel in accordance with AS 1428.1 to be provided between each parking space and an accessible entrance to the building or to a wheelchair accessible lift.	Details of parking areas to be submitted under future staged applications.	N/A
	Set down areas to be level with a gradient < 1:40, have adequate circulation space and be located away from traffic flow. Adjacent	Satisfactory.	Yes

DEVELOPMENT STANDARD	DCP REQUIREMENTS	PROPOSED DEVELOPMENT	COMPLIANCE
	kerb ramps to be provided to allow access to footpath, building entrance or wheelchair accessible lift.		
	Table 2 Disabled Persons Parking Provisions Schools: 3% Individual churches: 3%	Details to be submitted under future staged applications.	Yes
2.3 Bicycle Parking	Provision of bicycle parking for Schools: 1 space per 5 pupils over year 4. Bicycle parking to be located in proximity to building entrances and clustered in lots not exceeding 16 spaces.	120 bicycle storage spaces provided based on an estimated 600 students over year 4. Bicycle storage spaces provided in small clusters adjacent to each school building.	Yes
2.4 Motorcycle Parking	Motorcycle parking to be provided for all developments with on-site parking of more than 50 spaces, at a rate of 1 motorcycle parking space for every 50 car parking spaces or part thereof.	The amended Masterplan provides 4 motorcycle parking spaces.	Yes
	Motorbike spaces should be 1.2 metres wide and 2.5 metres long when spaces are 90 degrees to the angle of parking.		Yes
2.6 Set Down Areas	Set down areas must not conflict with the movement of other traffic, pedestrians and other vehicle parking.	Satisfactory.	Yes
	Education establishments should provide set down areas for cars.	Provided for 12 cars.	Yes
2.7 Car Park Design Layout	Layout to be in accordance with Australian Standards.	Details to be submitted under future staged applications.	Yes
2.7.3 Pedestrian Circulation & Safety	Parking areas to be designed so that pedestrian entrances and exits are separate from vehicle entrances and exits.	Satisfactory.	Yes
2.8 Landscaping	Outdoor parking areas to be provided with 2m wide landscaping strips:	The amended Masterplan incorporates landscaping between rows and	Yes

DEVELOPMENT STANDARD	DCP REQUIREMENTS	PROPOSED DEVELOPMENT	COMPLIANCE
	Between rows served by different aisles. Between spaces at a rate of one/ten.	between parking spaces.	
	Outdoor parking areas to be screened by a minimum of 2m wide landscaping strips. Such landscaping is to be mature and dense and designed according to Part D Section 3 – Landscaping of the DCP.	Satisfactory.	Yes
	Driveways are to be screened by a minimum of two metre wide landscaping strip on either side.	Satisfactory.	Yes
2.9 Loading & Delivery Requirements	All loading and delivery areas are to be provided on-site.	Site servicing will occur within the internal future drop-off/pick-up loop road.	Yes
	Service vehicles are to be able to efficiently manoeuvre to and from loading and delivery areas in accordance with AUSTROADS Design Vehicular and Turning Templates	Satisfactorily addressed via the provision of swept path diagrams.	Yes
2.10 Access Driveways	Access driveway widths are to comply with AS 2890.1-1993 Parking Facilities – Part 1: Off Street Car Parking.	Details to be submitted under future staged applications.	Yes
	Access driveways should not be entered from or exited onto intersections where one or more of the intersecting roads are a collector, sub-arterial or arterial road.	No access for vehicles from Hezlett Rd which will be a sub arterial road in future.	Yes

## 6. Integrated Development – NSW Rural Fire Service

The application is classified as 'integrated development' pursuant to Section 91 of the Environmental Planning and Assessment Act, 1979 as the development requires approval from the Rural Fire Service (RFS).

The application was referred to RFS for assessment and was considered satisfactory subject to the Bushfire Safety Authority included at Attachment 10.

## 7. NSW Roads and Traffic Authority and Council's Traffic Comments

Under the provisions of SEPP Infrastructure 2007 Clause 104(3)(b)(i) the consent authority must *"take into consideration any submission that the RTA provides in response to that notice within 21 days after the notice was given"*

A copy of comments from the RTA are included at Attachment 11. Primarily the RTA raised concern about the ultimate location of bus stops along Hezlett Road as the bus company will be required to rely on a future u-turn facility at the proposed signalised intersections of Gum Nut Close and Hezlett Road and Samantha Riley Drive and Hezlett Road. U-turn facilities are not supported by the RTA and the applicant must demonstrate how the bus stops will function without u-turn facilities. The RTA would also not approve the proposed traffic signals at the intersection of Hezlett Road and Gum Nut Close unless it is demonstrated to RTA's satisfaction that the warrants are met in accordance with Traffic Signal Design Manual.

Council's Traffic Section has provided the following comments.

- i. The warrants for traffic signals at the intersection of Gum Nut Close and Hezlett Road will be separately forwarded to Roads and Maritime Services. These warrants will be based on traffic modelling for the North Kellyville, Box Hill and Rouse Hill Development areas with a 10 year projection. The warrants will also deal with pedestrian activity generated by the proposed school and other adjacent landuses.
- ii. Parking along Gum Nut Close will be possible under the design guidelines specified in the North Kellyville DCP. However this parking will not be encouraged for staff and students as all of this demand should be met by parking provisions within the site. No doubt there will be extensive parking by parents for drop off and pick up demand, and it is expected that the majority of this demand will occur along the kerb in Gum Nut Close.
- iii. Pedestrian access direct to Hezlett Road will be an integral part of planning for this school. It is an undisputed fact that local bus services will pick up and drop off children along the Hezlett Road frontage. They will do this to avoid travelling into Gum Nut Close where traffic and pedestrian movements may inhibit the safe movement of large vehicles. The use of the Hezlett Road frontage as a bus bay will be the most efficient means of transporting large numbers of children to and from the school.
- iv. Pick up and drop off of children by buses mixing with general traffic in Gum Nut Close will not be the safest option for the school. The provision of suitable Bus Zone along both sides of Hezlett Road fronting the school will be the best option for stakeholders. However there will be a significant demand for pedestrians to cross this sub-arterial link. As a result, it is recommended that traffic signals be installed as part of the first stage construction of the school to meet the growing demand for a safe pedestrian crossing.
- v. It is noted that Roads and Maritime Services is the approval authority for all matters relating to traffic signals. However, the projected traffic and pedestrian warrants clearly meet the criteria specified in Roads and Maritime Services requirements for signals and there should be no dispute concerning their installation as part of the school DA assessment. All other road related matters in this location are the sole responsibility of Council through the Local Traffic Committee.

The issues raised by the RTA (Refer Attachment 11) particularly in relation to the relocation of access to the future local road have been considered however deemed unnecessary in this instance.

## **ENGINEERING COMMENTS**

Council's Engineer reviewed the original proposal and raised several significant issues which included the location of the hall building over a swale and easement; unresolved floodplain and stormwater management issues; inconsistencies with the requirements of the North Kellyville DCP; non-compliance of floor levels with flood planning levels; and building setbacks which did not demonstrate regard to the road widening along the site's frontage.

In view of the resolution of the swale realignment previously referred to in this report, Council's Engineer reviewed the amended Masterplan and details recently submitted to Council and advised that the issues previously raised have been satisfactorily addressed. In this regard, the Engineer has raised no further issues or objections to the proposal subject to recommended conditions of consent.

## **ENVIRONMENTAL HEALTH & SUSTAINABILITY COMMENTS**

The application in its original form in terms of the potential acoustic impacts was considered unacceptable. Council staff requested the relevant noise criteria be compared to predicted noise levels when the school would be operating and use of worst case noise scenarios. Additionally, objection was raised to the proposed construction of a 3.3m high acoustic barrier along the western side of the playing field, which due to level differences including a 2m high earth mound would result in a wall height of 5.3m.

Subsequent to further review of the supplementary acoustic information and amended Masterplan recently submitted to Council the acoustic wall was removed. The conclusions of the acoustic assessment are satisfactory and there are no objections to the proposal subject to conditions. The recommended conditions ensure on-going monitoring during the process of the various stages.

## **NSW POLICE COMMENTS**

The NSW Police reviewed the application and raised several Crime Prevention Through Environmental Design (CPTED) matters that should be considered prior to the construction stages.

## **CONCLUSION**

The proposal has been assessed having regard to the provisions of Section 79C of the Environmental Planning and Assessment Act 1979, State Environmental Planning Policy Sydney Region Growth Centres, the North Kellyville Development Control Plan and the Baulkham Hills Development Control Plan.

As already noted, the application was exhibited and notified to surrounding properties and no submissions were received. The development does not result in any adverse impacts to neighbouring properties and provides a facility which benefits the locality and community.

As a result the proposed Development Application is considered satisfactory subject to conditions of consent.

## **RECOMMENDATION**

The Development Application be approved subject to the conditions of consent:

## **GENERAL MATTERS**

### **1. Development in Accordance with Submitted Plans (as amended)**

The development being carried out in accordance with the approved plans and details submitted to Council, as amended in red, stamped and returned with this consent. No work (including excavation, land fill or earth reshaping) shall be undertaken prior to the issue of the Construction Certificate, where a Construction Certificate is required

The amendments in red include: - 4.5 metre setback to Gum Nut Close

#### REFERENCED PLANS

DRAWING NO	DESCRIPTION	SHEET	DATE
1068.07	Cover Sheet	A00	-
1068.07	Site Plan (Ground Level)	A02	05/08/2011
1068.07	Site Plan (Upper Level)	A03	09/09/2011
1068.07	Demolition Plan	A04	03/11/2010
1068.07	Site Sections	A05	03/11/2010
1068.07	Envelope Control	A06	20/06/2011

## **2. Compliance with Masterplan**

Approval is granted for the proposed Masterplan in accordance with the plans and details provided with the application to provide guidance for future development of the site. All Stages of works the subject of the Masterplan will require the submission and approval by Council, of a Development Application.

## **3. Provision of Parking Spaces**

The development is required to be provided with 180 off-street car parking spaces. These car parking spaces shall be available for off street parking at all times. Each stage of development is required to provide carparking commensurate for that stage of works on the basis of student and staff numbers.

## **4. Compliance with NSW Rural Fire Service Requirements**

Compliance with the requirements of the NSW Rural Fire Service attached as Attachment 1 to this consent and dated 24 October 2011.

## **5. Compliance with NSW RTA Requirements**

Compliance with the requirements of the NSW Roads and Traffic Authority (RTA) marked as Attachment 2, dated 31 October 2011 being restricted to Item 5.

## **6. Crime Prevention through Environmental Design (CPTED) Factors**

The CPTED factors outlined in the NSW Police letter 7 December 2010 attached to this consent as Attachment 3 shall be considered by the applicant in their operation.

## **7. Tree Removal**

Approval is granted for the removal of all trees indicated for removal on Landscape Master Plan Drawing No. MP-001 Issue A Revision 03 prepared by Stanton Dahl Architects dated 08/09/2010.

All other trees are to remain and are to be protected during all works, and will be assessed as part of future development applications.

## **8. Trees to be retained**

All tree indicated for retention on Landscape Master Plan Drawing No. MP-001 Issue A Revision 03 prepared by Stanton Dahl Architects dated 08/09/2010 are to be retained and protected.

## **9. Planting Requirements**

All trees planted as part of the approved landscape plan are to be minimum 75 litre pot size. All shrubs planted as part of the approved landscape plan are to be minimum 200mm pot size. All groundcovers are to be planted at 5/m<sup>2</sup>.

Additionally dense planting is to be provided to all landscape areas.

#### **10. Contamination**

Any new information, which comes to light during construction works, which has the potential to alter previous conclusions about site contamination, shall be immediately notified to Council.

#### **11. Stockpiles**

Stockpiles of topsoil, sand, aggregate, spoil or other material capable of being moved by water, to be stored clear of any drainage line, easement, natural swale, footpath, kerb or roadside.

#### **12. Acoustic Requirements**

The recommendations of the Acoustic Assessment and Report prepared by PKA Acoustic Consulting Pty Ltd, referenced as Project 209 004, dated September 2010 and submitted as part of the Development Application are to be implemented as part of this approval. In particular:

- Specialised teaching spaces, such as music rooms and woodwork/metalwork areas etc. should be assessed prior to the fit out of these areas in order to assure compliance;
- To achieve compliance with background + 10dB(A) a barrier or suitable acoustic screen of 2metres high.
- A solid (masonry or FC Sheet or equivalent construction) parapet/barrier is required around the perimeter of the upper deck of the carpark.
- The western façade of the ground floor of the carpark must be blanked off with a masonry or FC sheet wall.
- Where mechanical plant is incorporated on site (including air-conditioning units) such plant will need to be designed to comply with the criteria in Section 4.1 of the Acoustic Assessment.

#### **13. Street Naming**

A written application for street naming must be submitted to Council for approval.

The street names proposed must comply with Guidelines for the Naming of Roads produced by the NSW Geographical Names Board. The guidelines can be obtained from the Boards website:

<http://www.gnb.nsw.gov.au/>

The application must nominate three suggested names per street, in order of preference, and must relate to the physical, historical or cultural character of the area.

Council has adopted street naming "themes" for the North Kellyville precinct. Contact Council's Subdivision team for more information on the names/ themes relevant to this site.

#### **14. Engineering Works and Design**

The design and construction of the engineering works outlined below must be provided as part of each subsequent Development Application lodged under this master-plan approval and in accordance with the following documents and requirements:

- a) Council's Design Guidelines Subdivisions/ Developments
- b) Council's Works Specifications Subdivisions/ Developments

Any variance from these documents requires separate approval from Council.

The design certification and construction approval of these engineering works require an Engineering Construction Certificate (ECC) to be obtained prior to the commencement of any works.

An ECC can only be issued by Council.

For Council to issue an ECC the following must be provided:

- a) A completed application form.
- b) Four copies of the design plans and specifications.
- c) Payment of the applicable application and inspection fees.
- d) Payment of any required security bonds.
- e) Payment of a long service levy.

The following engineering works are required:

**i. Partial Width Road Reconstruction – Gum Nut Close**

The partial width reconstruction of Gum Nut Close is required, including any necessary service adjustments and ancillary work required to make the construction effective.

Road Name	Formation (Footpath/ Carriageway/ Footpath) (m)	Traffic Loading N(ESA)
Gum Nut Close	Road Type: DCP Local Street (Amended) (Figure 10) 3.5m/ 2m/ 10.6m/ 2m/ 4.5m (22.6m total) OR 3.5m/ 5.3m/ 4m/ 5.3m/ 4.5m (22.6m total)	5 x 10(5)

The design must incorporate a standard kerb return radius of 7.5m based on a 4m splay corner unless otherwise directed by Council.

The wider 4.5m verge must be located on the southern side of Gum Nut Close fronting the development site correlating with the cycleway shown in Figure 16 of the North Kellyville DCP.

Where partial width reconstruction exists opposite, the completed road must comply with the overall requirements outlined in the table above. Where partial width reconstruction does not exist opposite, you will be responsible for the formation of the footpath verge, kerb and gutter and the reconstruction of 6m of road pavement. This new road pavement must transition into the existing road pavement opposite to provide for a total minimum carriageway width of 10m. Additional pavement reconstruction may be necessary to provide for this carriageway width.

Any requirements relating to partial width road reconstruction from the relevant section of Council's DCP must also be complied with. Any proposal that includes partial width reconstruction must be accompanied by a traffic safety statement as per Council's DCP.

The existing Gum Nut Close road reserve is 20.115m wide. This must be increased to 22.6m to provide for the above formation, requiring 1.2425m of road widening on either side. The master-plan submission refers to 1.385m which must be reduced to 1.2425m as per the above requirements. This road widening must be excised from the development site and dedicated as public road, at no cost to Council, as part of the subsequent Development Application for these roads works.

The above works are required as part of the first stage of the school development.

**ii. Partial Width Road Construction**

The partial width construction of the roads listed below is required, including footpath paving and other ancillary work to make this construction effective.

Road Name	Formation (Footpath/ Carriageway/ Footpath) (m)	Traffic Loading N(ESA)
Proposed Road 1	Road Type: DCP Minor Street (Figure 11) 3.5m/ 8.3m/ 4m/ 2m (17.8m total)	5 x 10(5)
Proposed Road 2	Road Type: DCP Minor Street (Figure 11) 3.5m/ 8.3m/ 4m/ 2m (17.8m total)	5 x 10(5)

The design must incorporate a standard kerb return radius of 7.5m based on a 4m splay corner unless otherwise directed by Council.

The above roads are located partially within the subject site adjacent to the site's western and southern boundaries. A bond for the construction and dedication of these roads is able to be submitted in lieu of their construction up-front, subject to the following requirements:

- The full width road construction must occur in conjunction with one or more adjacent developments.
- The completed road must comply with the overall requirements outlined in the table above.
- Any requirements relating to partial width road reconstruction from the relevant section of Council's DCP must also be complied with.
- Any proposal that includes partial width reconstruction must be accompanied by a traffic safety statement as per Council's DCP.
- Any such bonding arrangement does not limit the developer's responsibility to construct and dedicate these roads as public road, at no cost to Council.
- The bond amount must be based on 150% of the total value of carrying out such works or \$20,000.00, whichever is the greater. The value of this bond shall be confirmed with Council prior to submission and may be in the form of cash or an unconditional bank guarantee.
- The bond is refundable upon written application to Council along with payment of the applicable bond release fee, and is subject to all work and the dedication of these roads being completed to the satisfaction of Council.
- An existing subdivision over 6 Gum Nut Close adjacent has been approved pursuant to Development Consent DA 582/2011/ZB, requiring the construction of the road adjacent to the sites western boundary.
- The road adjacent to the site's southern boundary must be constructed in conjunction with any future development of 151-159 Samantha Riley Drive.
- The bond release application form is available on Council's website.
- Should Council be required to undertake these works, costs will be deducted from the security bond. Should costs exceed the value of the bond, Council will issue an invoice for the recovery of these remaining costs.

### iii. **Flooding/ Overland Flow Path**

The piped stormwater connection/ overland flow path between Hezlett Road and Gum Nut Close shown on the approved plan must be designed and constructed in accordance

with the details and documents approved pursuant to Development Consent DA 1407/2009/HC, being the first stage development of the subject site.

All future buildings must be considerate of the flooding constraints imposed by this piped stormwater connection/ overland flow path, including the need for a 500mm freeboard between the top water level and the finished floor level and flood free access.

Any proposed bridge crossing over this piped stormwater connection/ overland flow path requires separate consent as part of each subsequent Development Application lodged under this master-plan approval.

**iv. Concrete Footpath Paving**

A 1.5m wide concrete footpath, including access ramps at all intersections, must be provided on both sides of both proposed roads in accordance with the DCP and the above documents.

**v. Concrete Cycleway**

A 2.5m wide concrete cycleway, including access ramps at all intersections, must be provided on the southern side of Gum Nut Close fronting the site in accordance with the DCP and the above documents. This cycleway is not included in Council's Contribution Plan 13.

**vi. Street Names Signs**

Street name signs and posts are required, as approved by Council.

**vii. Hezlett Road Ultimate Design**

The design and construction of the works covered by this consent must be considerate and reflective of the ultimate design/ level of Hezlett Road in accordance with the design for this road prepared by Council.

**viii. Temporary Turning Heads**

Temporary cul-de-sac turning heads must be provided at the end of all roads that will be extended into adjoining properties. The cul-de-sac must have a 19m diameter at its widest point measured from the face of kerb on each side.

**ix. Footpath Verge Formation**

The grading, trimming, topsoiling and turfing of the Hezlett Road footpath verge fronting the development site is required to ensure a gradient between 2% and 4% falling from the boundary to the top of kerb is provided. This work must include the construction of any retaining walls necessary to ensure complying grades within the footpath verge area. All retaining walls and associated footings must be contained wholly within the subject site. Any necessary adjustment or relocation of services is also required, to the requirements of the relevant service authority. All service pits and lids must match the finished surface level.

**x. Stormwater Drainage – Temporary Management**

Grassed swale drains or temporary piped drainage must be installed to intercept, control and redirect surface stormwater runoff from upstream undeveloped properties.

**xi. Water Sensitive Urban Design Elements (Public)**

Public water sensitive urban design elements, consisting of a bio-retention swale in Gum Nut Close and both proposed "minor streets" are required. The bio-retention swales must be provided as part of the road works.

Detailed plans for the water sensitive urban design elements must be submitted to Council for approval. The detailed plans must be suitable for construction, and include detailed and representative longitudinal and cross sections of the proposed infrastructure. The design must be accompanied, informed and supported by detailed water quality and quantity calculations that demonstrate compliance with the

environmental targets prescribed in the North Kellyville DCP. The following requirements apply:

1. The bio-retention swales must be 4m wide and yield a detention volume of 0.75m<sup>3</sup> per linear metre.

All calculations are to be provided to Council.

These elements must be designed and constructed in accordance with best practice water sensitive urban design techniques and guidelines. Such guidelines include, but are not limited to, the following:

- Water Sensitive Urban Design – Technical Guidelines for Western Sydney, 2004, <http://www.wsud.org/tech.htm>; and
- Australian Runoff Quality – A Guide to Water Sensitive Urban Design, 2005, <http://www.ncwe.org.au/arq/>.

## **xii. Water Sensitive Urban Design Elements (Private)**

Private water sensitive urban design elements within the site, consisting of a stormwater reuse tank and two separate bio-retention areas as outlined in the report prepared by Cardno dated 31 August 2011; are to be located generally in accordance with the plans and information submitted with the application, subject to the following amendments:

- a) The total storage volume provided must be increased from 376.46m<sup>3</sup> to 402.76m<sup>3</sup> (minimum), in order to comply with the requirements of Section 6.1 of the North Kellyville DCP.

The above volume has been derived based on a “residential net developable area” of 3.919ha; being the R1 and R2 zoned portions of the subject site plus half the width of Gum Nut Close but excluding the flood prone area within the site.

The portions of road-side swale in Gum Nut Close and both proposed “minor streets” attributable to the subject development provide a combined storage volume of 196.46m<sup>3</sup> based on the above.

Approximately 33% of the 300m<sup>3</sup> stormwater reuse tank is available as detention storage at any one time, yielding a further 100m<sup>3</sup> of storage.

The two separate bio-retention areas have a combined volume of 80m<sup>3</sup>.

- b) The total treatment surface area provided must be increased from 1377.79m<sup>2</sup> to 1998.69m<sup>2</sup> (minimum), in order to comply with the requirements of Section 6.1 of the North Kellyville DCP.

The above treatment surface area has been derived based on a “residential net developable area” of 3.919ha; being the R1 and R2 zoned portions of the subject site plus half the width of Gum Nut Close but excluding the flood prone area within the site.

The portions of road-side swale in Gum Nut Close and both proposed “minor streets” attributable to the subject development provide a combined treatment surface area of 1047.79m<sup>2</sup> based on the above.

The two separate bio-retention areas have a combined treatment surface area of 330m<sup>2</sup>.

As part of each subsequent Development Application lodged under this master-plan approval, the applicant must demonstrate that compliance with the above overarching targets has been achieved.

Detailed plans for the water sensitive urban design elements must be submitted to Council for approval. The detailed plans must be suitable for construction, and include detailed and representative longitudinal and cross sections of the proposed infrastructure. The design must be accompanied, informed and supported by detailed

water quality and quantity calculations that demonstrate compliance with the environmental targets prescribed in the North Kellyville DCP.

These elements must be designed and constructed in accordance with best practice water sensitive urban design techniques and guidelines. Such guidelines include, but are not limited to, the following:

- Water Sensitive Urban Design – Technical Guidelines for Western Sydney, 2004, <http://www.wsud.org/tech.htm>; and
- Australian Runoff Quality – A Guide to Water Sensitive Urban Design, 2005, <http://www.ncwe.org.au/arq/>.

### **15. Street Trees**

Street trees in Gum Nut Close and both proposed “minor streets” must be provided at a spacing of between 7m and 10m. Corner lots must have a minimum of two trees and normally three trees. The location of street trees must compliment driveway locations. The species and size of all street trees must comply with Council’s requirements and Section 3.5 and Appendix B from the North Kellyville DCP. Street trees can be provided by Council subject to payment of the applicable fee as per Council’s Schedule of Fees and Charges.

### **16. Upgrading of Existing Water and Sewerage Services**

Should the development necessitate the installation or upgrade of water or sewerage services within an area that is either heavily vegetated or traversed by a natural swale, services must be located in a route that causes the least amount of impact on the natural environment. Excavation by hand or small machinery is required where the ecological impact would otherwise be considered excessive.

### **17. Recycled Water**

The subject site must be connected to Sydney Water’s Rouse Hill Recycled Water Scheme, unless written evidence from Sydney Water is submitted advising that this service is not available.

### **18. Water Sensitive Urban Design Handover Process**

An operations and maintenance plan must be prepared for all WSUD proposals. The operations and maintenance plan must include:

- a. The location and type of each WSUD element, including details of its operation and design;
- b. A brief description of the catchment characteristics, such as land uses, areas etc;
- c. Estimated pollutant types, loads and indicative sources;
- d. Intended maintenance responsibility, Council, landowner etc;
- e. Inspection method and estimated frequency;
- f. Adopted design cleaning/ maintenance frequency;
- g. Estimate life-cycle costs;
- h. Site access details, including confirmation of legal access, access limitations etc;
- i. Access details for WSUD measure, such as covers, locks, traffic control requirements etc;
- j. Description of optimum cleaning method and alternatives, including equipment and personnel requirements;
- k. Landscape and weed control requirements, noting that intensive initial planting is required upfront to reduce the requirement for active weed removal;
- l. A work method statement;
- m. A standard inspection and cleaning form.

All constructed WSUD elements within public areas, being roads or drainage reserves, are to be transferred to Council at the end of the project. The following is required in order to facilitate this handover process:

- n. The developer will be responsible for the maintenance of the item for a defined maintenance period agreed to by Council. For example, the consultation draft document entitled Managing Urban Stormwater: Urban Design prepared by the SMCMA and the then NSW DECCW suggests that the developer maintain WSUD elements within a subdivision until a given proportion of the dwellings on the lots created, say 80%, are erected and occupied.
- o. The operations and maintenance plan for this element (above) is submitted to Council for review/ revision and subsequent approval.
- p. Council staff inspects the WSUD measure to confirm that it is being maintained in accordance with the approved maintenance plan.
- q. A whole of life assessment is provided for the WSUD measure which is based upon the expenses incurred during the maintenance period, and documentation is provided to confirm these expenses.
- r. WAE drawings and any required engineering certifications are provided to Council.
- s. Where water quality monitoring has been determined by Council as being required, monitoring results must be submitted to Council for review.
- t. Details of all incidents including OHS incidents, public safety, WSUD performance and complaints received should be provided.

If Council determines that the WSUD measure is not complying with the conditions of this approval or monitoring identifies that it is not performing as anticipated, Council may request that alterations be made to the WSUD element prior to transfer.

For the purposes of complying with the above a WSUD treatment system is considered to include all functional elements of the system as well as any landscaped areas directly surrounding the system.

Refer to the consultation draft document entitled Managing Urban Stormwater: Urban Design (October 2007) prepared by the SMCMA and the then NSW DECCW for more information.

#### **19. Protection of Public Infrastructure**

Council must be notified of any damage to public infrastructure caused by the development. Adequate protection must be provided prior to work commencing and maintained during building operations. Any damage caused must be made good, to the satisfaction of Council, before an Occupation Certificate can be issued. Public infrastructure includes the road pavement, kerb and gutter, concrete footpaths, drainage structures, utilities and landscaping fronting the site.

#### **20. Structures Adjacent to Piped Drainage Easements**

Buildings and structures, including footings and brick fences, adjacent to existing or proposed drainage easements must be located wholly outside the easement. A design must be provided by a structural engineer certifying that the structure will not impart a load on the pipe in the easement.

#### **21. Requirements for Council Drainage Easements**

No works are permitted within existing or proposed public drainage easements unless approved by Council. Where works are permitted, the following requirements must be adhered to:

Provision for overland flow and access for earthmoving equipment must be maintained.

The existing ground levels must not be altered. No overland flow is to be diverted out of the easement.

No fill, stockpiles, building materials or sheds can be placed within the easement.

New or replacement fencing must be approved by Council. Open style fencing must be used.

## **22. Vehicular Access and Parking**

The formation, surfacing and drainage of all driveways, parking modules, circulation roadways and ramps is required, with their design and construction complying with:

- a) AS/ NZS 2890.1:2004
- b) AS/ NZS 2890.6:2009
- c) AS 2890.2:2002
- d) DCP Part D Section 1 – Parking
- e) Council's Driveway Specifications

Where conflict exists the Australian Standard must be used.

The following must be provided:

- i. All driveways and car parking areas must be prominently and permanently line marked, signposted and maintained to ensure entry and exit is in a forward direction at all times and that parking and traffic circulation is appropriately controlled.
- ii. All driveways and car parking areas must be separated from landscaped areas by a low level concrete kerb or wall.
- iii. All driveways and car parking areas must be concrete or bitumen. The pavement design must consider the largest design service vehicle expected to enter the site.
- iv. All driveways and car parking areas must be graded, collected and drained by pits and pipes to a suitable point of legal discharge.

## **23. Gutter and Footpath Crossing Application**

Each driveway requires the lodgement of a separate gutter and footpath crossing application, accompanied by the current fee as prescribed by Council's Schedule of Fees and Charges.

## **24. Supervision of Works**

All work in the road reserve must be supervised by a suitably qualified and experienced person. The supervisors name, address and contact phone number must be submitted to Council prior to works commencing in the road reserve. A construction programme and anticipated duration of works must be submitted to Council prior to works commencing in the road reserve.

## **25. Public Liability Insurance**

All contractors working in the road reserve must have a current public liability insurance policy with an indemnity limit of not less than \$10,000,000.00. A copy of this insurance must be submitted to Council prior to works commencing in the road reserve.

## **26. Dedication of Road Widening**

The Gum Nut Close road widening required to be dedicated requires a separate application or road dedication plan. This dedication must occur at no cost to Council.

## **27. Dedication of Public Road**

The required dedication of the proposed "minor streets" requires a separate application or road dedication plan. This dedication must occur at no cost to Council.

## **28. Road Widening – Hezlett Road**

The road widening along the sites frontage to Hezlett Road, zoned SP2 and identified for acquisition by the relevant maps accompanying the Growth Centres SEPP and Council's Contribution Plan 13, must be excised from the remainder of the site and created as a separate lot, requiring a separate application.

### **29. Consolidation of Lots**

Both lots must be consolidated into a single lot before an Occupation Certificate is issued for any stage of development under this master-plan approval. A copy of the registered consolidation plan must be submitted to Council.

### **30. Protection of Existing Trees**

The trees that are to be retained are to be protected during all works with 1.8m high chainwire fencing which is to be erected at least three (3) metres from the base of each tree and is to be in place prior to works commencing to restrict the following occurring:

- Stockpiling of materials within the root protection zone,
- Placement of fill within the root protection zone,
- Parking of vehicles within the root protection zone,
- Compaction of soil within the root protection zone.

All areas within the root protection zone are to be mulched with composted leaf mulch to a depth of not less than 100mm.

The installation of services within the root protection zone is not to be undertaken without consultation with Council's Tree Management Officer.

Additional tree protection methods as detailed in the Arboricultural Impact Assessment prepared by Arboreport Vegetation Management Consultants dated 11/04/2010 are to be strictly adhered to.

### **31. Acoustic Compliance Report**

The acoustic consultant shall progressively inspect the installation of the required noise suppressant components as recommended in report titled SDA School Kellyville prepared by PKA Acoustic Consulting dated September 2010.

Certification is to be provided to Council as to the correct installation of components and that the required criteria's have been met.

### **32. Western Sydney Growth Areas – Payment of Special Infrastructure Contribution**

A special infrastructure contribution is to be made in accordance with the Environmental Planning and Assessment (Special Infrastructure Contribution – Western Sydney Growth Areas) Determination 2011 (as in force when this consent becomes operative).

More Information:

Information about the special infrastructure contribution can be found on the Department of Planning's website:

<http://www.planning.nsw.gov.au/PlanningSystem/DevelopmentContributionsSystem/tabid/75/language/en-US/Default.aspx>

Please contact the Department of Planning regarding arrangements for the making of a payment.

### **33. Traffic Signals**

Traffic signals to be provided by the applicant at no cost to Council at the intersection of Hezlett Road and Gum Nut Close, providing controlled access for students and others to cross the road.

## **THE USE OF THE SITE**

### **34. Lighting**

Any lighting on the site shall be designed so as not to cause a nuisance to other residences in the area or to motorists on nearby roads and to ensure no adverse impact

on the amenity of the surrounding area by light overspill. All lighting shall comply with the *Australian Standard AS 4282:1997 The Control of Obtrusive Effects of Outdoor Lighting*.

### **35. Final Acoustic Report**

Within three months from the issue of any Occupation Certificate, an acoustical compliance assessment is to be carried out by an appropriately qualified person, in accordance with the EPA's (DECCW) - *Industrial Noise Policy* and submitted to Council for consideration.

This report should include but not be limited to, details verifying that the noise control measures as recommended in the acoustic report submitted with the application are effective in attenuating noise to an acceptable noise level and that activity does not give rise to "offensive noise" as defined under the *Protection of the Environment Operation Act 1997*.

### **36. Offensive Noise - Acoustic Report**

The proposed use of the premises and/or machinery equipment installed must not create offensive noise so as to interfere with the amenity of the neighbouring properties.

Should an offensive noise complaint be received and verified by Council an acoustic assessment is to be undertaken (by an appropriately qualified consultant), and an acoustic report is to be submitted to Council for review. Any noise attenuation recommendations recommended and approved by Council must be implemented.

### **37. Student Numbers**

Consent is granted for the use of the school for a maximum of 1000 students and 80 staff. Any proposed increase requires the prior consent of Council.

## **ATTACHMENTS**

1. Locality Plan
2. Aerial Photograph
3. Zoning Map
4. Masterplan
5. Elevations
6. 9m Building Height Limit
7. Shadow Diagrams
8. Landscape Plan
9. Concept Design Plan of Drainage Swale (1407/2009/HC/C)
10. RFS General Terms of Approval
11. RTA Comments
12. Status Report to JRPP 24 March 2011
13. Prelodgement Notes

## ATTACHMENT 1 – LOCALITY PLAN



## SUBJECT SITE



### PROPERTIES NOTIFIED

**THE HILLS**  
Sydney's Garden Shire

THE HILLS SHIRE COUNCIL

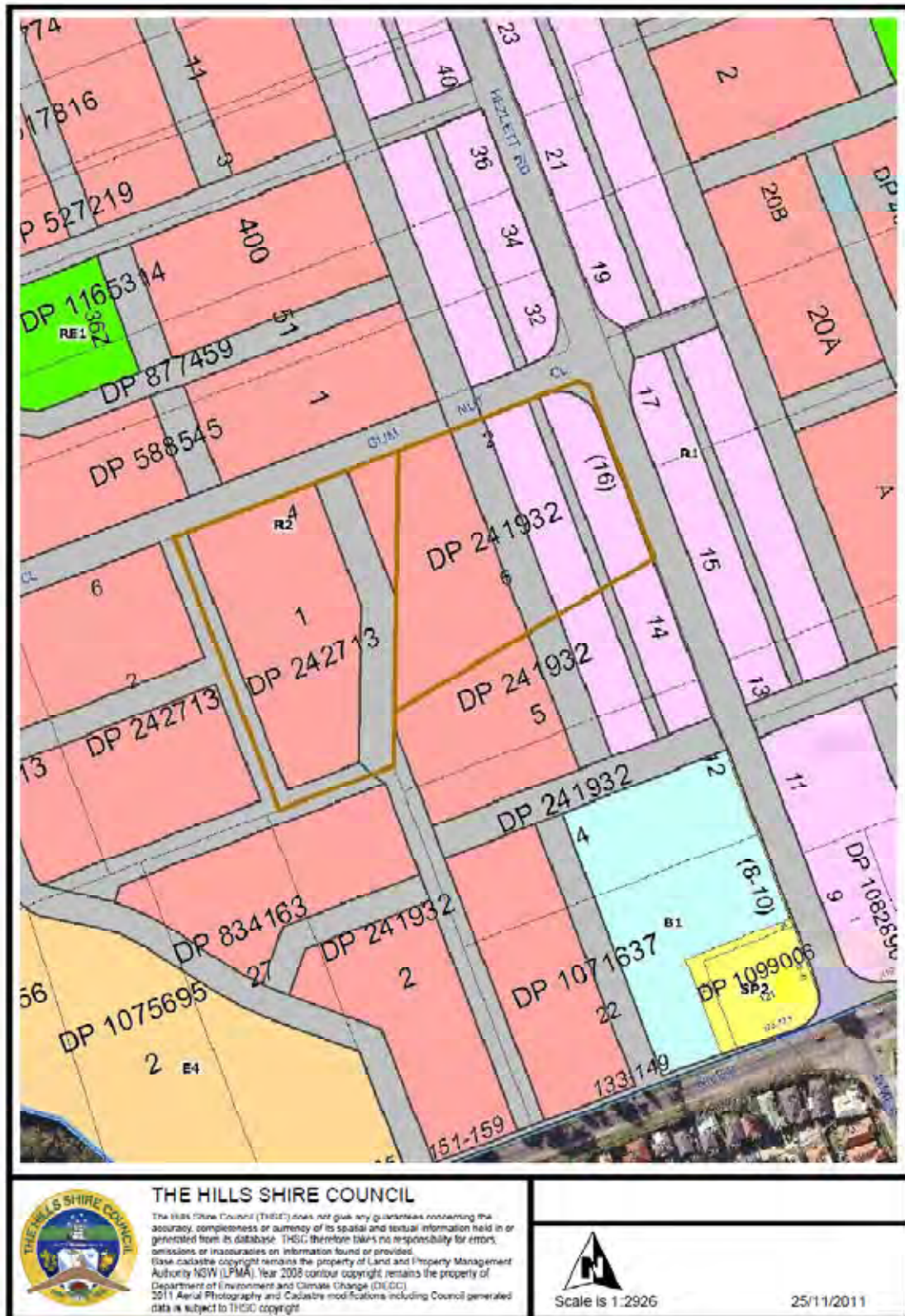
THE HILLSHIPE COUNCIL DOES NOT GIVE ANY GUARANTEES CONCERNING THE ACCURACY, COMPLETENESS OR CURRENCY OF THE TEXTUAL INFORMATION HELD IN OR GENERATED FROM ITS DATABASE

BASIS/CADASTRE COPYRIGHT LAND & PROPERTY INFORMATION NOW (LP). CADASTRE UPDATE INCLUDING CO UNCIL GENERATED DATA IS SUBJECT TO THE COPYRIGHT.

## ATTACHMENT 2 – AERIAL PHOTOGRAPH



# ATTACHMENT 3 – ZONING MAP



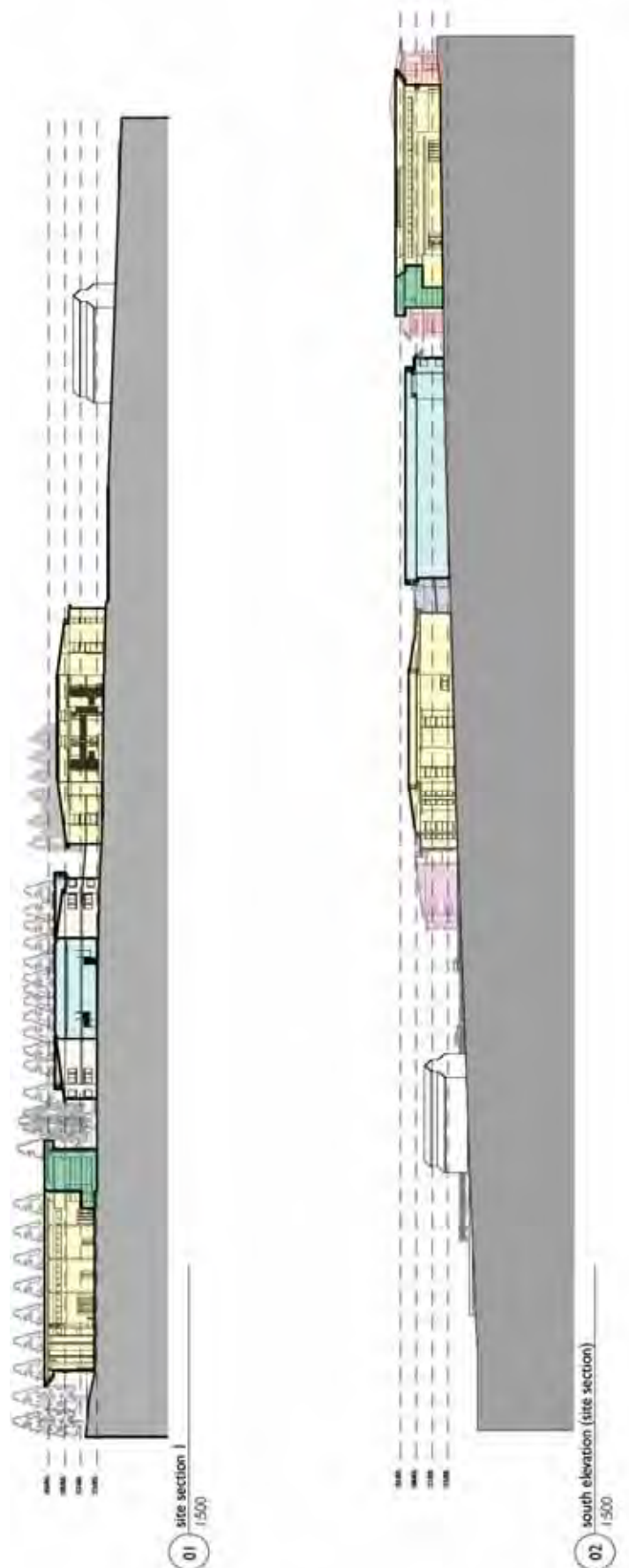
## ATTACHMENT 4 – MASTERPLAN

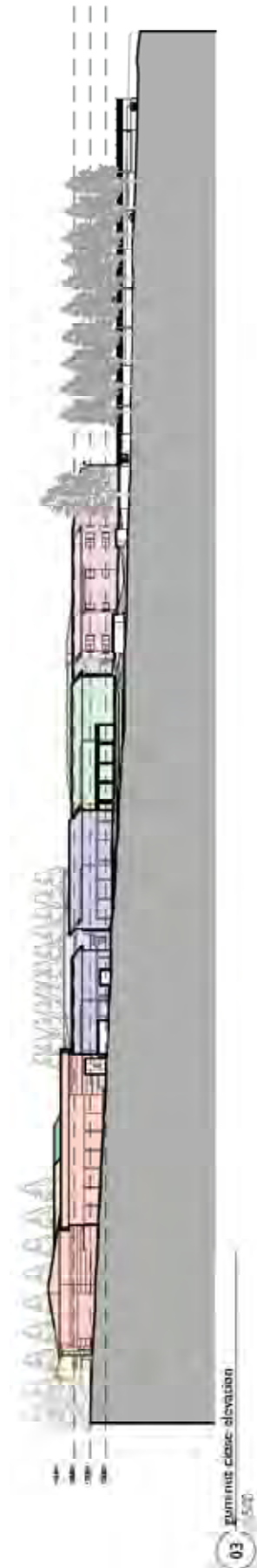


## ATTACHMENT 4 – MASTERPLAN (UPPER LEVEL)

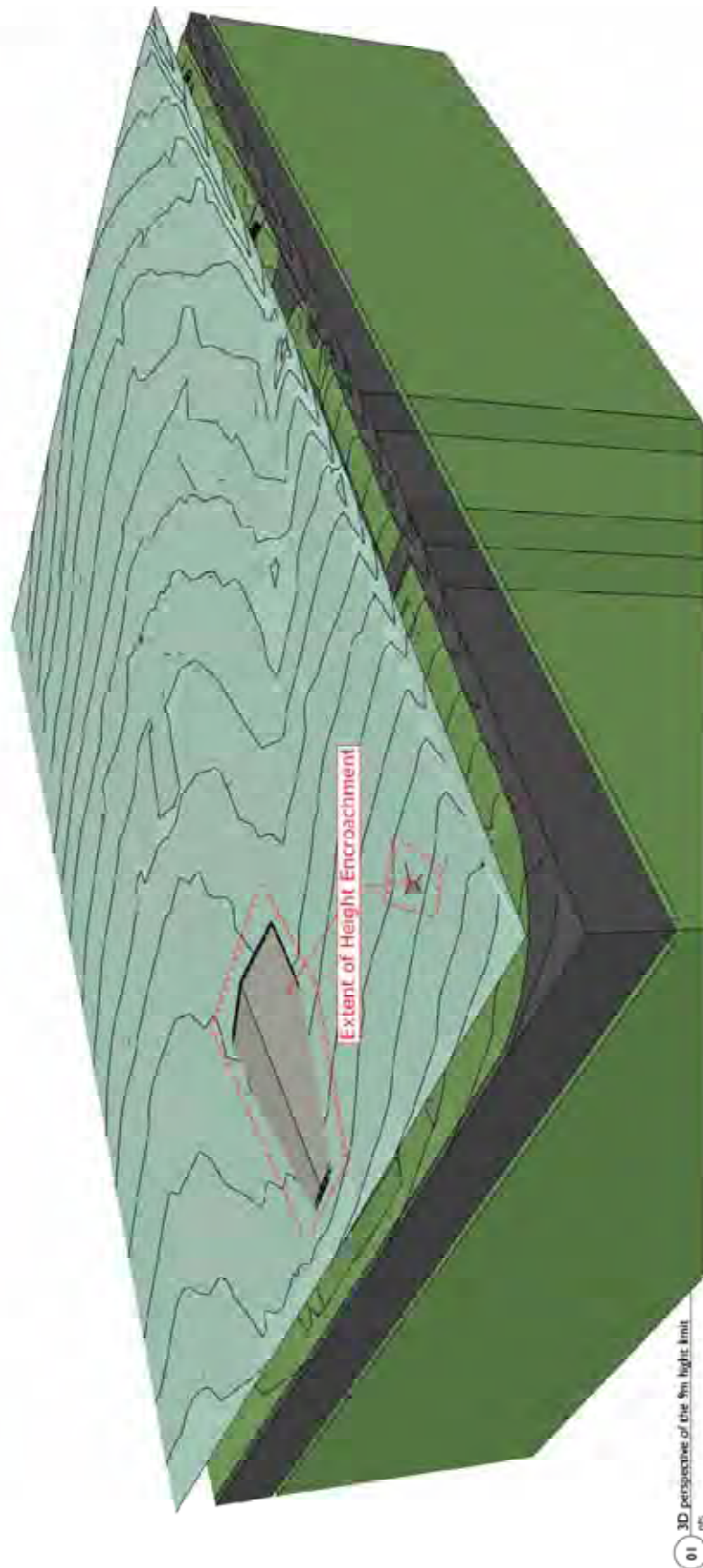


## ATTACHMENT 5 – ELEVATIONS

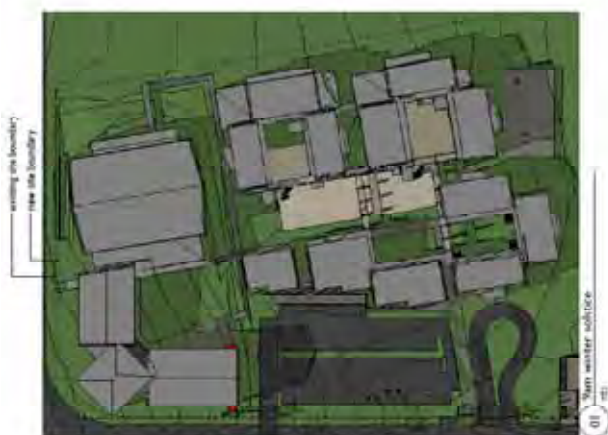




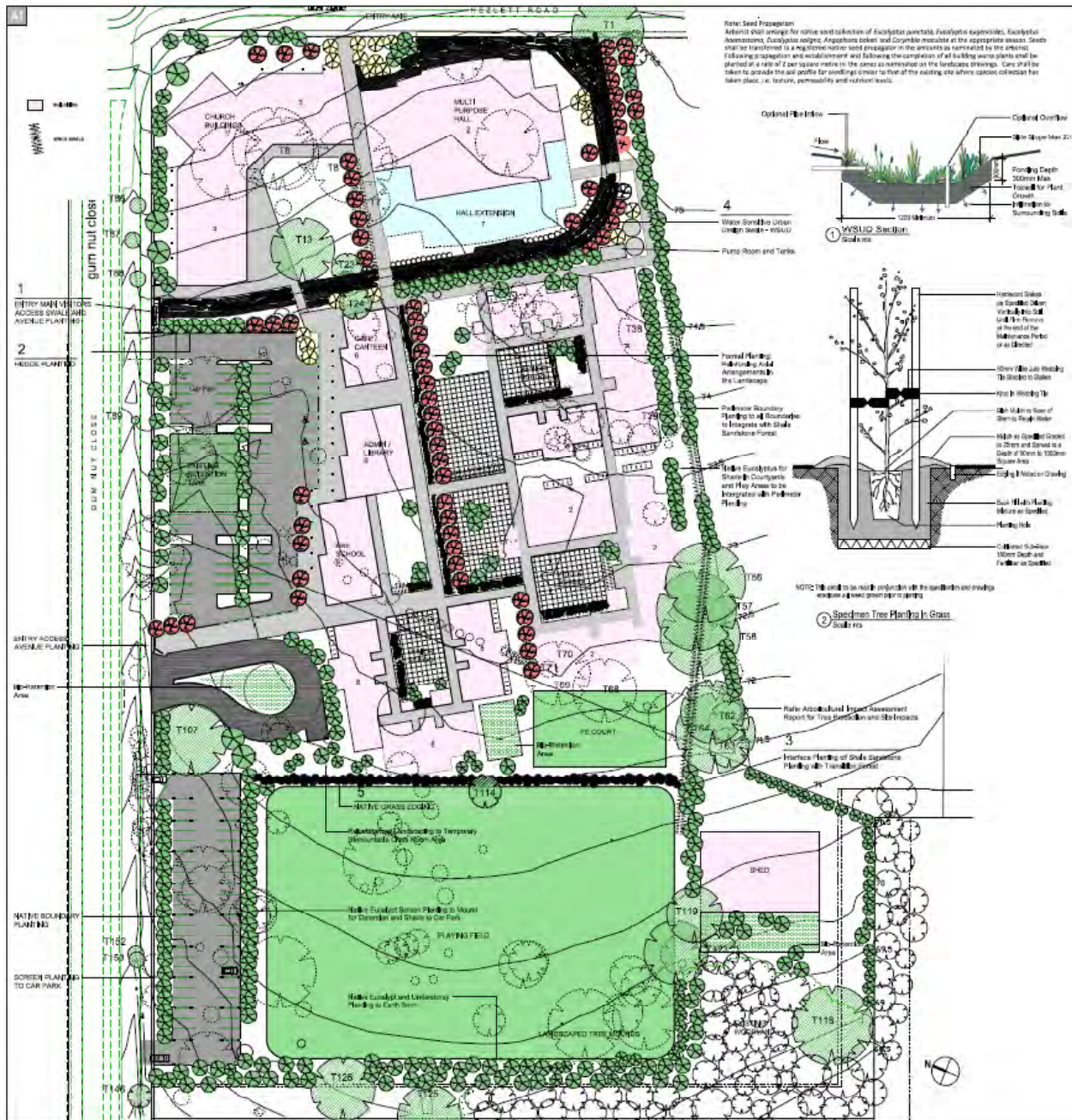
## ATTACHMENT 6 – 9M BUILDING HEIGHT LIMIT



## ATTACHMENT 7 – SHADOW DIAGRAMS



## ATTACHMENT 8 – LANDSCAPE PLAN



AMENDED PLANS

SEVENTH DAY ADVENTIST COLLEGE  
NOT FOR CONSTRUCTION

DATE: 10/05/2016  
DRAWN: [Name]  
CHECKED: [Name]  
APPROVED: [Name]

LEGEND

PROPOSED  
EXISTING  
FUTURE


HEZLETT ROAD

10th Avenue SW

Swale alignment originally approved.

Recently approved swale realignment.

## ATTACHMENT 10 – RFS GENERAL TERMS OF APPROVAL

<i>All communications to be addressed to:</i>		
Head Office NSW Rural Fire Service Locked Mail Bag 17 Granville NSW 2142	Head Office NSW Rural Fire Service 15 Carter Street Lidcombe NSW 2141	
Telephone: 1300 679 737 Email: <a href="mailto:csc@rfs.nsw.gov.au">csc@rfs.nsw.gov.au</a>	Facsimile: (02) 867 7983	
<hr/>		

The General Manager The Hills Shire Council PO Box 75 Castle Hill NSW 1765	Your Ref: 653/2011/JP Our Ref: D10/2170 DA10112674621 IC
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DOC. No.:

BOX No.:

27 OCT 2011

THE HILLS SHIRE COUNCIL

24 October 2011

**Attention:** Venetin Aghostin

Dear Sir / Madam,

**Integrated Development for 2-4 Gum Nut Close Kellyville**

I refer to your letter dated 22 September 2011 seeking general terms of approval for the above Integrated Development in accordance with Section 91 of the *Environmental Planning and Assessment Act 1979*.

The NSW Rural Fire Service (RFS) has reviewed the proposed Master Plan and advises this response is to be deemed a bush fire safety authority as required under section 100B of the *Rural Fires Act 1997* and is issued without any specific conditions.

Notwithstanding the above, the RFS advises that any future buildings associated with a special fire protection purpose developments will be required to be assessed under Section 100B of the *Rural Fires Act 1997*.

In order to achieve the above, the requirements of *Planning for Bush Fire Protection 2006* should be considered from the early planning stages within the proposed development. This should include consideration of the following key issues and bush fire protection measures:

- Asset protection zones in accordance with Appendix 2 of *Planning for Bush Fire Protection 2006*.
- Internal access in accordance with section 4.2.7 of *Planning for Bush Fire Protection 2006*. This includes the provision of perimeter roads.
- Water supply for fire fighting purposes in accordance with section 4.2.7 of *Planning for Bush Fire Protection 2006*.

1

- Construction of future buildings in accordance with Appendix 3 of *Planning for Bush Fire Protection 2006* and AS3959 – *Construction of Buildings in Bush Fire Prone Areas*.
- Landscaping in accordance with Appendix 5 of *Planning for Bush Fire Protection 2006*.
- Emergency evacuation measures in accordance with section 4.2.7 of *Planning for Bush Fire Protection 2006*.

This should include consideration of the impacts that the proposed development will have on the access / egress arrangements and evacuation capability of the surrounding areas of existing development under a bush fire emergency scenario.

The aims and objectives of *Planning for Bush Fire Protection 2006* state the need to provide for the protection of human life and minimise the impacts on property from a bush fire threat. With this in mind, the RFS also recommends adherence to the aims and objectives of *Planning for Bush Fire Protection 2006* in their future planning and design process for the proposed development.

For any enquiries regarding this correspondence, please contact Iona Cameron.

Yours sincerely



Nika Fomin  
**Team Leader Development Assessment**

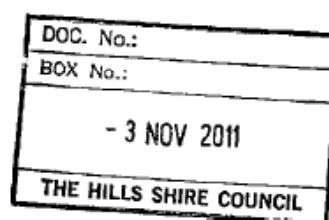
The RFS has made getting additional information easier. For general information on *Planning for Bushfire Protection 2006*, visit RFS web page at [www.rfs.nsw.gov.au](http://www.rfs.nsw.gov.au) and search under *Planning for Bushfire Protection 2006*.

Our Reference: RDC 10M2374 Vol 2 – SYD 10/00974/02  
 Your Reference: 653/2011/JP  
 Contact: Pahee Sellathurai  
 Telephone: 8849 2219



**Transport**  
 Roads & Traffic  
 Authority

The General Manager  
 The Hills Shire Council  
 DX 8455  
 CASTLE HILL



Attention: Venetia Aghostin

STAGED DEVELOPMENT OF A COMBINED COMMUNITY CENTRE, CHURCH K-12  
 SCHOOL AND PRE SCHOOL - 2-4 GUM NUT CLOSE, KELLYVILLE

Dear Sir/Madam,

Reference is made to Council's correspondence dated 22 September 2011 with regard to the abovementioned development application, which was referred to the Roads and Traffic Authority (RTA) in accordance with Clause 104 and Column 2 of Schedule 3 of State Environmental Planning Policy (Infrastructure) 2007. I wish to advise that the Sydney Regional Development Advisory Committee (SRDAC) considered the traffic impact of this development application at its meeting held on 5 October 2011.

Below are the committee's recommendations and RTA comments for consideration in the determination of the development application:

1. The applicant is proposing traffic signals at the intersection of Hezlett Road and Gum Nut Close. The applicant provided some traffic volumes quoting a previous report by Maunsell Aecom which contradicts the traffic consultant's own traffic report for this development application. The RTA would like to receive details of the traffic report that demonstrate the need for traffic signals at this location.
2. A detailed plan showing the proposed parking arrangements along Gum Nut Close frontage of the site shall be submitted to the RTA and Council for review. The plan shall include the details of the cross section of Gum Nut Close. From the plans submitted, it seems that no parking lanes are provided in the ultimate layout of Gum Nut Close.
3. To improve pedestrian amenity and road safety, the Council should request the applicant to remove all access, including pedestrian access, from Hezlett Road. All access to the site should be provided on Gum Nut Close.
4. The RTA raises concerns about the ultimate location of the bus stops along Hezlett Road. It is noted that North Kellyville DCP, 2008 identifies Hezlett Road as a bus routes. However,

**Roads and Traffic Authority of New South Wales**

LEVEL 11, 27-31 ARGYLE STREET PARRAMATTA NSW 2150  
 PO BOX 973 PARRAMATTA CBD NSW 2150 DX 28555  
[www.rta.nsw.gov.au](http://www.rta.nsw.gov.au) | 13 22 13

locations of bus stops should be selected to provide a safe access to and from the school. Pick up and drop off along the Gum Nut Close frontage of the site is the safest option.

5. All works associated with the proposed development are to be at no cost to the RTA.

In accordance with Clause 104(4) of State Environmental Planning Policy (Infrastructure) 2007, it is essential that a copy of Council's determination on the proposal (conditions of consent if approved) is forwarded to the RTA at the same time it is sent to the developer.

Any further enquires in relation to this matter can be directed to Pahee Sellathurai on 8849 2219.

Yours faithfully



Owen Hodgson  
Chairman, Sydney Regional Development Advisory Committee

31 October 2011

Our Reference:  
Your Reference:  
Contact:  
Telephone:

RDC 10M2374 – SYD10/00974 & SYD10/00999  
653/2011/JP & 711/2011/HC  
Pahea Sellathurai  
8849 2219

**SRDAC**

**SYDNEY  
REGIONAL  
DEVELOPMENT  
ADVISORY  
COMMITTEE**

The General Manager  
The Hills Shire Council  
DX 8455  
CASTLE HILL

Attention: Venetin Aghostin

**MASTERPLAN AND STAGE 2 DEVELOPMENT FOR A COMBINED COMMUNITY CENTRE,  
CHURCH K-12 SCHOOL AND PRE SCHOOL  
2-4 GUM NUT CLOSE KELLYVILLE**

Dear Sir/Madam,

Reference is made to Council's correspondence dated 24 November 2010 with regard to the abovementioned development application, which was referred to the Roads and Traffic Authority (RTA) in accordance with Clause 104 and Column 2 of Schedule 3 of State Environmental Planning Policy (Infrastructure) 2007. I wish to advise that the Sydney Regional Development Advisory Committee (SRDAC) considered the traffic impact of this development application at its meeting held on 1 December 2010.

Below are the committee's recommendations and RTA comments for consideration in the determination of the development application:

1. To improve pedestrian amenity and road safety, the Council should request the applicant to remove all access, including pedestrian and vehicular access, from Hazlett Road. All access to the site should be provided on Gum Nut Close.
2. It is noted that no designated "kiss and drop" area has been provided for the primary school children to be dropped off. A safe and convenient "kiss and drop" zone shall be provided on the school side of Gum Nut Close. This area should be commensurate with the gates and pedestrian pathways for the school.
3. A pre-school is proposed within the site. An adequate car parking facility within the site shall be provided for safe and convenient drop off and pick up.
4. In the interim, all the required bus stops are to be provided on the school side of the Gum Nut Close. These bus stops need to be separate from the "kiss and drop" area.

Roads and Traffic Authority  
ABN 64 480 155 255



27-31 Argyle Street,  
Parramatta NSW 2150

PO Box 973 Parramatta CBD NSW 2124  
DX 28555 Parramatta

T (61) 182

[www.rta.nsw.gov.au](http://www.rta.nsw.gov.au)

5. The RTA raises concerns about the ultimate location of the bus stops along Hezlett Road. It is understood that the bus company relies upon a future u-turn facility at the proposed signalised intersections of Gum Nut Close/Hezlett Road and Samantha Riley Drive/Hezlett Road. The RTA does not support the establishment of u-turn facilities at these intersections. The applicant needs to demonstrate how the proposed bus stops will function without the u-turn facilities.
6. It is noted that a number of vehicular access points for the proposed car parks are provided along Gum Nut Close. Combined entry and exit points should be provided along Gum Nut Close to improve road safety and to minimise conflict points.
7. The applicant is proposing traffic signals at the intersection of Hezlett Road and Gum Nut Close. The RTA will not grant approval to the proposed traffic signals unless it is demonstrated to RTA satisfaction that the warrants are met in accordance with Traffic Signal Design Manual
8. The swept path of the longest vehicle (including garbage trucks) entering and exiting the subject site, as well as manoeuvrability through the site, shall be in accordance with AUSTROADS. In this regard, a plan shall be submitted to Council for approval, which shows that the proposed development complies with this requirement prior to the release of the Construction Certificate.
9. A significant number of vehicles and pedestrians will access the site at the start and end of the school day. School Zones accompanied by flashing lights must be installed along all roads with a direct access point (either pedestrian or vehicular) from the school. School Zones must not be provided along roads adjacent to the school without a direct access point.

The Roads and Traffic Authority (RTA) is responsible for speed management along all public roads within the state of New South Wales. Therefore, the applicant must obtain written authorisation from RTA to install the School Zone signs and associated pavement markings and/or remove / relocate any existing Speed Limit signs.

To obtain authorisation the Developer must submit the following, at least six (6) weeks prior to student occupation of the site, for review and approval by the RTA:

- a) A copy of Council's development conditions of consent,
- b) The proposed school commencement / opening date,
- c) Two (2) sets of detailed design plans showing the following:
  - School property boundaries
  - All adjacent road carriageways to the school property
  - All proposed school access points to the public road network and any conditions imposed / proposed on their use.
  - All existing and proposed pedestrian crossing facilities on the adjacent road network
  - All existing and proposed traffic control devices and pavement markings on the adjacent road network (including School Zone signs and pavement markings).
  - All existing and proposed street furniture and street trees.
10. School Zone signs, flashing lights and pavement marking patches must be installed in accordance with RTA's approval / authorisation, guidelines and specifications.
11. All School Zone signs and pavement markings must be installed prior to student occupation of the site. It is noted that the school will be active in Term 1 2011. Therefore the School Zone must be installed in Gum Nut Close before the start of Term 1 2011.

12. All School Zone signs, flashing lights and pavement markings are to be installed at no expense to the RTA.

13. The Developer must maintain records of all dates in relation to installing, altering, removing traffic control devices related to speed.

14. Following installation of all School Zone signs and pavement markings the Developer must arrange an inspection with the RTA for formal handover of the assets to the RTA. The installation date information must also be provided to the RTA at the same time.

**Note:** Until the assets are formally handed -over and accepted by the RTA, the RTA takes no responsibility of the School Zones / assets.

15. The provision of off-street car parking and bicycle storage should be provided to the satisfaction of Council. It is noted that there is a lack of details of bicycle facilities and pertinent storage.

16. The layout of the proposed car parking areas, and driveway associated with the subject development (including, grades, turn paths, sight distance requirements, aisle widths, aisle lengths and parking bay dimensions) should be in accordance with AS2890.1 - 2004.

17. A Demolition and Construction Traffic Management Plan detailing construction vehicle routes, number of trucks, hours of operation, access arrangements and traffic control should be submitted to Council, for approval, prior to the issue of a construction certificate.

18. All vehicles are to enter and leave the site in a forward direction.

19. All vehicles should be wholly contained on site before being required to stop.

20. All works associated with the proposed development are to be at no cost to the RTA.

In accordance with Clause 104(4) of State Environmental Planning Policy (Infrastructure) 2007, it is essential that a copy of Council's determination on the proposal (conditions of consent if approved) is forwarded to the RTA at the same time it is sent to the developer.

Any further enquires in relation to this matter can be directed to Pahee Sellathurai on 8849 2219.

Yours faithfully



Chris Goudanas  
Chairman, Sydney Regional Development Advisory Committee

7 December 2010

## JRPP STATUS REPORT

<b>JRPP NO:</b>	2010SYW081
<b>DA NO:</b>	653/2011/JP
<b>PROPOSED DEVELOPMENT:</b>	THE DEVELOPMENT APPLICATION IS FOR A MASTERPLAN INVOLVING THE STAGED DEVELOPMENT OF THE SITE FOR THE PURPOSE OF A SCHOOL ACCOMMODATING 1,000 STUDENTS (KINDERGARTEN TO GRADE 12); A CHURCH; AND ASSOCIATED SITE WORKS.
<b>SUBJECT SITE:</b>	LOT 1, DP 242713 AND LOT 6, DP 241932, NO. 2-4 GUM NUT CLOSE, KELLYVILLE
<b>APPLICANT:</b>	GREATER SYDNEY CONFERENCE C/- DON FOX PLANNING
<b>LODGEMENT DATE:</b>	4 NOVEMBER 2010
<b>REPORT BY:</b>	SENIOR TOWN PLANNER VENETIN AGHOSTIN
<b>RECOMMENDATION:</b>	DEFERRAL FOR CONTINUED ASSESSMENT

### EXECUTIVE SUMMARY

The proposed development is for a 9-stage Masterplan involving the development of the site for the purpose of a school accommodating 1,000 students (kindergarten to grade 12); including a church and associated site works.

The application was publicly exhibited and notified to surrounding properties for a period of sixty-three (63) days due to the Christmas/New Year holiday exclusionary period. It is noted that no submissions were received.

A number of issues remain outstanding in relation to proposed engineering and drainage works and realignment of an existing natural watercourse and easement. The proposal is also non-compliant with respect to the building height standard provided in State Environmental Planning Policy (SEPP) Sydney Region Growth Centres, and other development standards provided in the North Kellyville Development Control Plan (DCP) and the Baulkham Hills DCP Part D, Section 1 – Parking. In its current form, the proposal is unsatisfactory with respect to the provisions of Section 79C of the Environmental Planning and Assessment (EP&A) Act, 1979.

Correspondence has been sent to the applicant outlining the deficiencies with the proposal. The applicant submitted a flood study and details of the watercourse design which were reviewed and assessed to be unsatisfactory. The majority of deficiencies are still to be addressed at such time after a resolution on engineering matters is achieved. In this regard, it is recommended that the application be deferred to provide the applicant an opportunity to address the issues raised.

The application was referred to the NSW Rural Fire Service (RFS) as it is classified as 'Integrated Development' pursuant to the provisions of Section 91 of the EP&A Act and the Rural Fire Services Act, 1997. The application has also been referred to the NSW Roads and Traffic Authority pursuant to State Environmental Planning Policy (Infrastructure) 2007 and the NSW Police Force. The comments received are addressed further within this report.

#### BACKGROUND

#### MANDATORY REQUIREMENTS

Owner:	Australasian Conference Association Ltd	1.	<u>Section 79C (EP&amp;A Act)</u> - Unsatisfactory
Zoning:	R1 General Residential R2 Low Density Residential SP2 Infrastructure	2.	<u>SEPP Sydney Region Growth Centres 2006</u> - non-compliance
Area:	40,464m <sup>2</sup>	3.	<u>SEPP Major Development 2005</u> - Satisfactory
Existing Development:	Temporary school buildings	4.	<u>North Kellyville DCP</u> - non-compliances
Capital Investment Value	\$33,000,000.00	5.	<u>BHDGP Part D, Section 1 - Parking</u> - non-compliances
		6.	<u>Section 94 Contribution</u> - Not applicable to education establishments

#### SUBMISSIONS

#### REASONS FOR REFERRAL TO

1. Exhibition:	Yes, 63 days due to Christmas/New Year holiday exclusionary period. As per the BDCP the exclusionary period applies to the last 2 weeks of December and the first 2 weeks of January.	1.	Capital Investment Value in excess of \$10 million pursuant to SEPP (Major Development) 2005
2. Notice adj. owners:	Yes, 63 including the Christmas exclusion period		
3. Number advised:	Twenty-four (24)		
4. Submissions received:	Nil		

#### HISTORY

**27/11/2009** Council's Development Assessment Unit (DAU) granted consent to Development Application No. 1407/2009/HC for Stage 1 of the development of the site for an education establishment.

**25/3/2010** Pre-lodgement meeting with Council staff with respect to the proposed Masterplan.

<b>4/11/2010</b>	The subject Development Application No. 653/2011/JP was lodged with Council.
<b>16/11/2010</b>	Amended MUSIC Modelling Report submitted to Council, dated November 2010.
<b>16/11/2010</b>	Development Application No. 711/2011/HC submitted to Council proposing Stage 2 of the proposed Masterplan involving construction of the middle school building and the school hall. At the same time, correspondence was received requesting deletion of the proposed hall from the Stage 2 application on the basis that the hall will be submitted to the NSW Nation Building Taskforce as an Infrastructure Project Application.
<b>25/11/2010</b>	Meeting with applicant in relation to the location of the proposed hall and the realignment of the existing natural watercourse.
<b>26/11/2010</b>	Application placed on public exhibition and notified to surrounding properties until 31 January 2011.
<b>1/12/2010</b>	Correspondence sent to the applicant specifically in relation to site stormwater management, floodplain issues and the location of the hall advising that the proposed realignment of the swale is unsatisfactory.
<b>14/2/2011</b>	MUSIC modelling data submitted to Council.
<b>28/2/2011</b>	Amended Flood Study submitted to Council.
<b>3/3/2011</b>	Meeting with applicant to discuss engineering information requested by Council officers.
<b>16/3/2011</b>	<p>Correspondence sent to the applicant outlining additional information required, including:</p> <ul style="list-style-type: none"> <li>• Staging details.</li> <li>• Building setbacks to future road alignments.</li> <li>• Building setbacks to southern adjoining residential properties.</li> <li>• Parking, vehicular access, traffic generation and bus transport.</li> <li>• Overshadowing impacts.</li> <li>• Lack of presentation to Gum Nut Close.</li> <li>• Acoustic impacts.</li> <li>• Retention of significant trees.</li> </ul> <p>To date, this information has not been addressed as the applicant has focused on resolving the site stormwater management and floodplain issues prior to any further changes to the Masterplan.</p>
<b>21/3/2011</b>	Amended Flood Study submitted to Council.
<b>22/3/2011</b>	Revised engineering plans submitted to Council.
<b>24/3/2011</b>	Briefing provided to the JRPP.
<b>31/3/2011</b>	Additional correspondence and amended plans (relating to the location of the school hall only) received from the applicant seeking Council's agreement in principle to the position of the hall in terms of its setback to Hezlett Road and its location relating to the swale to enable the NSW Nation Building Taskforce to consider the applicant's separate application for the hall.

**7/4/2011** Correspondence sent to the applicant advising that agreement cannot be provided as the amended swale design submitted to Council is unsatisfactory and also that the status of the Masterplan has not yet been determined due to outstanding matters. It was requested that an amended development be considered involving the relocation of the hall and submission of architectural information, flood modelling, civil engineering concept etc. The comments made by the JRPP with respect to the permissibility of the church car parking were conveyed to the applicant to address.

## **PROPOSAL**

The proposal is for a Masterplan involving the 9-staged development of the site for the purpose of a 7<sup>th</sup> Adventist school.

The Masterplan involves demolition of the existing temporary school buildings, construction of new school buildings to accommodate 1,000 students (kindergarten to grade 12), a church and associated site works.

The site contains an existing overland flow path and drainage easement which the application has proposed to divert. This issue has not been satisfactorily resolved to date.

In the short term until such time as only 4 buses are required, buses will utilise Gum Nut Close. At such time when more than 4 buses are required, bus stops will be provided along Hezlett Road.

An internal 'kiss and drop' area is proposed which can accommodate twelve (12) vehicles.

Car parking is proposed within an existing at grade car park area which will be upgraded to provide ninety (90) spaces including one (1) for disabled parking. A separate two-level car park is also proposed under future stages which will provide ninety-two (92) parking spaces. A total of one-hundred and eighty-two (182) off-street parking spaces will be provided when the school is fully operating.

The school includes a pre-school for which the operational details are not provided.

The church is proposed to operate on weekends only, however details of patronage have not been provided at this stage.

The location of school buildings requires the removal of a number of significant trees which have not all been supported by the Arboricultural Assessment report.

## **ISSUES FOR CONSIDERATION**

### **1. Compliance with SEPP (Major Development) 2005**

Clause 13(B) of SEPP (Major Development) 2005 provides the following referral requirements to a Joint Regional Planning Panel:-

- (1) *This Part applies to the following development:*
  - (a) *development that has a capital investment value of more than \$10 million,*
  - (b) *development for any of the following purposes if it has a capital investment value of more than \$5 million:*
    - (i) *affordable housing, air transport facilities, child care centres, community facilities, correctional centres, educational establishments, electricity*

*generating works, electricity transmission or distribution networks, emergency services facilities, health services facilities, group homes, places of public worship, port facilities, public administration buildings, public ferry wharves, rail infrastructure facilities, research stations, road infrastructure facilities, roads, sewerage systems, telecommunications facilities, waste or resource management facilities, water supply systems, wharf or boating facilities,*

- (c) *Crown development that has a capital investment value of more than \$5 million,*
- (d) *development for the purposes of eco-tourism facilities that has a capital investment value of more than \$5 million,*
- (e) *designated development,*
- (f) *subdivision of land into more than 250 lots.*

The proposed development has a capital investment value of \$33,000,000.00 thereby requiring referral to, and determination by, a Joint Regional Planning Panel. In accordance with this requirement the application was referred to, and listed with, the JRPP for determination.

## **2. Compliance with SEPP (Sydney Region Growth Centres) 2006**

### **a. Permissibility**

The SEPP SRGC identifies the zoning of the site as being R1 General Residential, R2 Low Density Residential and SP2 Infrastructure (see Attachment 3).

The R1 zoning affects the front half of Lot 6. The R2 zoning affects the rear half of Lot 6 and the whole of Lot 1. The SP2 zoning affects the north-eastern corner of the site.

The various buildings are proposed to be located over the zones as follows:

- **R1 General Residential zone**

The church and the multi-purpose school hall are proposed to be located over the R1 zoning fronting Hezlett Road.

Pursuant to SEPP SRGC 'places of public worship' and 'education establishment' are permissible land uses in the R1 zone.

The proposed uses of a church and school hall are considered to satisfy the objectives of the R1 zone with respect to being land uses that "...provide facilities or services to meet the day to day needs of residents"; and which "support the well being of the community, including educational...community, religious and other activities".

- **R2 Low Density Residential zone**

The car park, school buildings, preschool and sports oval are proposed to be situated over the R2 zoning affecting the rear portion of the site.

Pursuant to SEPP SRGC 'education establishment' is a permissible land use within the R2 zoning.

Generally, the proposed use as a school with associated facilities is considered to satisfy the objectives of the R2 zone with respect to being land uses that "...provide facilities or services to meet the day to day needs of residents"; and which "...support the well being of the community, including educational...community...and other activities".

It must be noted that 'child care centre' and 'places of public worship' are prohibited land uses in the R2 zone.

The applicant has not confirmed whether the pre-school will accommodate kindergarten students or whether it will operate as a 'child care centre' in order to establish its permissibility.

The applicant proposes that the car park in the R2 zone be used for both the school and the church. However, the church is prohibited in the R2 zone. Based on the applicant's information, it appears the church is independent of the school as the school only operates on weekdays whilst the church only operates on weekends. As such the permissibility of the church car parking being within a zone in which a church is prohibited has not been established.

Comments from Council's Forward Planning section indicate that the location of the car park would be acceptable if the church operated as ancillary to the school.

Notwithstanding this, legal advice is currently being obtained in relation to this matter, and specifically with respect to:

- 1) Permissibility of land uses within the R1 General Residential and R2 Low Density Residential zones, and
- 2) The SEPP's provisions for 'development near zone boundaries' in Appendix 2 – North Kellyville, Part 5, Clause 5.3; and in so far as they can be applied to the subject development.

Clause 5.3 provides as follows:

**"5.3 Development near zone boundaries**

- (1) *The objective of this clause is to provide flexibility where the investigation of a site and its surroundings reveals that a use allowed on the other side of a zone boundary would enable a more logical and appropriate development of the site and be compatible with the planning objectives and land uses for the adjoining zone.*
- (2) *This clause applies to so much of any land that is within the relevant distance of a boundary between any 2 zones. The relevant distance is 20 metres.*
- (3) *This clause does not apply to:*
  - (a) *land zoned B1 Neighbourhood Centre, B2 Local Centre, RE1 Public Recreation, E1 National Parks and Nature Reserves, E2 Environmental Conservation, E3 Environmental Management, E4 Environmental Living or W1 Natural Waterways or*
  - (b) *land within the coastal zone, or*
  - (c) *land proposed to be developed for the purpose of sex services or restricted premises.*
- (4) *Despite the provisions of this Precinct Plan relating to the purposes for which development may be carried out, consent may be granted to development of land to which this clause applies for any purpose that may be carried out in the adjoining zone, but only if the consent authority is satisfied that:*
  - (a) *the development is not inconsistent with the objectives for development in both zones, and*
  - (b) *the carrying out of the development is desirable due to compatible land use planning, infrastructure capacity and other planning principles relating to the efficient and timely development of land.*
- (5) *The clause does not prescribe a development standard that may be varied under this Precinct Plan."*

Based on the above provision, it would appear that a prohibited use can be approved within a distance of 20 metres from the zone boundary or otherwise, *if it would enable a more logical and appropriate development of the site and be compatible with the planning objectives and land uses for the adjoining zone*; and if the provisions of Sub-Clause 4 are satisfied.

It is considered that the proposal would satisfy the provisions of Sub-Clause 4 as the development is consistent with the objectives of both zones, and the uses are compatible.

It is noted that although the R2 zone prohibits 'places of public worship', the zone objective implies religious activities as follows:

*To support the well being of the community, including educational, recreational, community, **religious** and other activities if there will be no adverse effect on the amenity of the proposed or existing nearby residential development.*

As mentioned, legal advice is currently being obtained in relation to interpretation of this provision. In the event that the legal advice indicates that the above provision can be applied, the applicant may be required to amend the plans as the shared car parking area and the pre-school under the current proposal are generally beyond the 20m distance referred to in the SEPP, with the exception of approximately 3 parking spaces (see Attachment 4).

- **SP2 Infrastructure zone**

There are no buildings proposed to be located over the portion of the site zoned SP2.

**b. Part 4, Principal Development Standards – Height of Buildings**

The relevant standard with respect to the maximum height of buildings is contained in Part 4, Clause 4.3 which stipulates:

- (1) *The objectives of this clause are as follows:*
  - (a) *to preserve the amenity of adjoining development in terms of solar access to dwellings, private open space and bulk and scale,*
  - (b) *to provide for a range of residential building heights in appropriate locations that provide a high quality urban form,*
  - (c) *to facilitate higher density neighbourhood and town centres while minimising impacts on adjacent residential areas,*
  - (d) *to provide appropriate height controls for commercial development,*
  - (e) *to restrict the height of buildings within the curtilage of heritage items.*
- (2) *Except as provided by this clause, the height of a building on any land is not to exceed the maximum height shown for the land on the Height of Buildings Map.*

Accordingly, the *Height of Buildings Map* identifies the maximum height for this site as 9m.

Whilst the Masterplan is a concept and does not fully detail the heights of all buildings, the application does indicate that: the church may exceed the height limit; and the multi-purpose hall is certain to exceed the height limit due to the earthworks required in the vicinity of the hall which will raise floor levels. The plans submitted in relation to the hall indicate that a minor portion of the roof of the hall toward the rear (away from the public main road) will be approximately 9.8m above the finished ground level, thus exceeding the standard by 800mm.

Clause 2(A)(a) and (b) of the SEPP provides flexibility when considering a development that exceeds the height limit where Council is satisfied that the development:

- (a) is located:*
  - (i) on a prominent street corner, or*
  - (ii) adjacent to land in Zone B1 Neighbourhood Centre or Zone B2 Local Centre or that is a public open space, or*
  - (iii) on land with a finished ground level slope equal to or more than 15%, and*
- (b) is not likely to have an adverse impact on the existing or future amenity of any adjoining land on which residential development is permitted, having regard to over shadowing, visual impact and any impact on privacy.*

Whilst it is satisfied that the hall is consistent with sub-clause (b) in terms of impacts on adjoining residences due to its distance, it is considered that the hall is not on a 'prominent street corner'.

It is noted that Clause 4.6 of the SEPP also provides flexibility to allow variations to the SEPPs development standards. The sub-clauses stipulate the following:

- (2) Consent may, subject to this clause, be granted for development even though the development would contravene a development standard imposed by this or any other environmental planning instrument. However, this clause does not apply to a development standard that is expressly excluded from the operation of this clause.*
- (3) Consent must not be granted for development that contravenes a development standard unless the consent authority has considered a written request from the applicant that seeks to justify the contravention of the development standard by demonstrating:*
  - (a) that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and*
  - (b) that there are sufficient environmental planning grounds to justify contravening the development standard.*
- (4) Consent must not be granted for development that contravenes a development standard unless:*
  - (a) the consent authority is satisfied that:*
    - (i) the applicant's written request has adequately addressed the matters required to be demonstrated by subclause (3), and*
    - (ii) the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out, and*
  - (b) the concurrence of the Director-General has been obtained.*

The applicant has not addressed the above provisions of Clause 4.6, Sub-clause 3.

Notwithstanding, the provisions, it is important to note that whilst the applicant has sought Council's assessment of the variation to the building height standard of the SEPP, the applicant is seeking approval for construction of the hall from the NSW Building Education Revolution (BER) Taskforce. In this regard, Council is not the consent authority to vary the non-compliance with the building height.

### 3. Compliance with North Kellyville DCP 2008

The proposed development has been assessed against the relevant development standards and objectives of the North Kellyville DCP. The following standards are relevant:

DEVELOPMENT STANDARD	DCP REQUIREMENTS	PROPOSED DEVELOPMENT	COMPLIANCE
2.2 Indicative Layout Plan (ILP)	The site is identified as requiring 4 new roads to be constructed.  NB: a variation to the ILP involving the non-provision of 3 of the roads has already been approved under DA No. 1407/2009/HC.	Construction of the 1 remaining new road along the western boundary of the site.	Yes
3.1 Street Network and Design	The sites frontage to Hezlett Road (sub-arterial) is affected by road widening.  The site requires the construction of a new laneway along the western boundary.	Building setbacks have not taken into account future road widening, as such proposed setbacks are to the current boundary instead of the future boundary – pending submission of amended plans.	No
3.3 Public Transport	Bus stops to be provided generally in accordance with the DCP.	Will provide bus stops however locations are not depicted on the Masterplan.	Yes
3.5 Public Domain Works	Street trees planting to be provided to all streets with a spacing of between 7m and 10m with a minimum of 1 tree per lot frontage.	Landscape Plan does not provide street trees, however this issue can be resolved by conditions of consent.	Yes, subject to condition.
4.2.1 Front Setbacks	Educational establishments and places of public worship must have front setbacks which are consistent with the setback controls for residential buildings – i.e. 4.5m.	Building setbacks to Hezlett Road are 4.5m to the current boundary instead of the future boundary – pending submission of amended plans.  The corner of the church encroaches to only 2.5m to the current boundary.	No
4.2.2 Side and Rear Setbacks	Side and rear setback controls are only identified for residential developments with side setbacks such as 1.5m for multi dwelling housing and 6m for residential flat buildings.	In the absence of controls for schools, the Masterplan proposes setbacks ranging from 7m to 9m to the closest residential boundary. The setbacks are generally considered to be satisfactory however the provision of first floor	No, pending the provision of measures to protect the privacy and amenity of the adjoining residential property.

DEVELOPMENT STANDARD	DCP REQUIREMENTS	PROPOSED DEVELOPMENT	COMPLIANCE
	<u>Objectives</u> 1. To create an attractive and cohesive streetscape that responds to the character areas. 2. To minimise the impacts of development on neighbouring properties in regard to view, privacy, and overshadowing. 3. To provide appropriate separation between buildings. 4. To create opportunity for articulation on the site walls.	windows overlooking the neighbouring residential property needs to be addressed by the applicant in order that the objectives of the control can be achieved.	
4.4 Private & Communal Open Space Design	Development should not prevent 50% of the required principal private open space of adjacent properties from receiving at least 3 hours of sunlight between 9am and 3pm at the winter solstice (21 June).	There is sufficient distance to the south adjoining residential properties to ensure full solar access to neighbouring properties is achieved.	Yes
4.5 Site Access, Parking & Site Servicing	No driveways permitted on Hezlett Road. Access is to be provided through rear lanes or secondary streets.	All access is provided from the secondary street which is Gum Nut Close.	Yes
4.10 Visual & Acoustic Privacy	Direct overlooking of main habitable areas and private open space should be minimised through building layout, window and balcony location and design, and the use of screening devices, including landscaping.	Proposed middle school building which is 2-storeys contains windows facing the southern residential property and no privacy screening.  Acoustic impact has not been satisfactorily resolved and the application proposes an acoustic wall (up to 5.3m high) along the western boundary of the site which is an unsatisfactory solution to attenuate noise.	No

<b>DEVELOPMENT STANDARD</b>	<b>DCP REQUIREMENTS</b>	<b>PROPOSED DEVELOPMENT</b>	<b>COMPLIANCE</b>
6.1 Integrated Stormwater Management	Numerous provisions pertaining to floor levels, drainage designs, post-construction phase stormwater management, Water Sensitive Urban Design strategies, detention volumes etc.	Unsatisfactorily addressed to date, however the applicant has been in regular communication with Council officers in an effort to resolve these issues and the applicant has indicated that amended engineering plans are in the process of being submitted to Council.	No, however currently in the process of being addressed by the applicant.
6.3 Bushfire Hazard Management	Numerous provisions to prevent loss of life and property due to bushfires, to ensure adequate fuel management of asset protection zones, and to define construction standards applicable to lots with bushfire prone vegetation.	The NSW Rural Fire Service reviewed this aspect of the proposal and raised objections and a number of issues which are yet to be addressed.	No
6.4 Tree & Bushland Protection	Submission of a Tree Management Plan prepared by a qualified arborist.	An arboricultural assessment has been submitted which recommends that some trees can be removed but that other significant trees should be retained. However, the Masterplan is inconsistent with the recommendations of this report and indicates removal of the significant trees.	No
6.5 Contamination Management	Submission of site contamination assessment to establish that the proposed redevelopment is suitable for the site.	The site is currently operating as a temporary school with Council approval. In this regard, the submission of a site contamination assessment is not required as this aspect has already been assessed.	N/A

#### 4. Compliance with Baulkham Hills DCP Part D, Section 1 - Parking

The proposed development has also been assessed against the relevant development standards and objectives of the Baulkham Hills DCP Part D, Section 1 – Parking which is applicable to the development as per Clause 1.3 of the North Kellyville DCP. The following standards are relevant:

DEVELOPMENT STANDARD	DCP REQUIREMENTS	PROPOSED DEVELOPMENT	COMPLIANCE
2.1 General Parking Requirements	All car parking spaces must be provided onsite.	Satisfactory.	Yes
	Car parking for child care centres must be situated in a convenient location, allowing for safe movement of children to and from the centre.	Separate parking for the 'preschool' is not provided however clarification is still required regarding whether the pre-school is in reference to the kindergarten or a 'child care centre'.	Issue unresolved
	Stacked parking will not be included in assessment of number of parking spaces.	No stacked parking proposed within Masterplan.	Yes
	Access arrangements in bush fire prone areas to be in accordance with Planning for Bushfire Protection 2006.	NSW Rural Fire Service requested further information with respect to this matter.	No
2.1.2 Mixed Use Parking	Where the component uses are operated concurrently, parking will be assessed as the sum of requirements for each component. Component parking requirements are to be based on requirements in Table 1. Calculations shall include an appropriate proportion of any shared common or administrative area.	Application does not clearly outline how the concurrent use of the parking will occur between the church, school and hall.	No
2.1.3 Dual use Parking	Where the component uses are not operated concurrently, parking provisions will be based on whichever of the components generates the greatest car parking requirement. The onus will be on the applicant to satisfy Council that the uses are not operated concurrently.	This matter has not been satisfactorily addressed.	No

DEVELOPMENT STANDARD	DCP REQUIREMENTS	PROPOSED DEVELOPMENT	COMPLIANCE
	Where main usage periods of component uses do not coincide, Council may consider a reduction in the parking requirements provided the total parking is not less than that needed for the component that generates the greatest requirement. The onus will be on the applicant to satisfy Council that the main usage periods do not coincide.	This matter has not been satisfactorily addressed.	No
Table 1 Required Minimum Car Parking provisions	School – 1 space/employee plus 1 space/8 year 12 students, plus 1 space/30 students enrolled for visitors and/or parent parking Based on 1,000 students 80 employees 50 Year 12 students Parking required is: 80 spaces for employees, plus 6.25 for Year 12 students, plus 33.33 spaces for visitors. <u>TOTAL</u> required is 119.58 spaces	180 provided. It is noted that the traffic report states that 85 spaces are only required as it has not taken into account the DCP requirement for visitor spaces.	Yes, parking for the school complies however this will depend on clarification from the applicant pertaining to concurrent use of parking between the church, school and the hall.
	Church – 1 space per 5 seats	No details of seating provided however 120 movements estimated in the traffic report based on an example of an existing church.	No
2.2 Parking for Disabled Persons & Parents with Prams	A proportion of total parking required to be provided for disabled persons in accordance with Table 2.	Satisfactory.	Yes
	A continuous, accessible path of travel in accordance with AS 1428.1 to be provided between each parking space and an accessible entrance to the building or to a wheelchair accessible lift.	Details of parking areas to be submitted under future staged applications.	N/A

DEVELOPMENT STANDARD	DCP REQUIREMENTS	PROPOSED DEVELOPMENT	COMPLIANCE
	Set down areas to be level with a gradient <1:40, have adequate circulation space and be located away from traffic flow. Adjacent kerb ramps to be provided to allow access to footpath, building entrance or wheelchair accessible lift.	Satisfactory.	Yes
	Table 2 Disabled Persons Parking Provisions Schools: 3% Individual churches: 3%	Details to be submitted under future staged applications.	Yes
2.3 Bicycle Parking	Bicycle parking to be located in proximity to building entrances and clustered in lots not exceeding 16 spaces.	No bicycle parking proposed.	No
	Provision of shower and change facilities for bicycle riders should be provided in accordance with Table 3. Table 3 provision of bicycle parking according to land use: Schools: 1 space per 5 pupils over year 4.	Details of facilities not submitted by applicant.	No
2.4 Motorcycle Parking	Motorcycle parking to be provided for all developments with on-site parking of more than 50 spaces, at a rate of 1 motorcycle parking space for every 50 car parking spaces or part thereof.	Not provided.	No
	Motorbike spaces should be 1.2 metres wide and 2.5 metres long when spaces are 90 degrees to the angle of parking.		No
2.6 Set Down Areas	Set down areas must not conflict with the movement of other traffic, pedestrians and other vehicle parking.	Satisfactory.	Yes
	Education establishments should provide set down areas for cars.	Provided for 12 cars.	Yes

<b>DEVELOPMENT STANDARD</b>	<b>DCP REQUIREMENTS</b>	<b>PROPOSED DEVELOPMENT</b>	<b>COMPLIANCE</b>
2.7 Car Park Design Layout	Layout to be in accordance with Australian Standards.	Pending further details.	No
2.7.3 Pedestrian Circulation & Safety	Parking areas to be designed so that pedestrian entrances and exits are separate from vehicle entrances and exits.	Satisfactory.	Yes
2.8 Landscaping	Outdoor parking areas to be provided with 2m wide landscaping strips: <ul style="list-style-type: none"> <li>Between rows served by different aisles.</li> <li>Between spaces at a rate of one/ten.</li> </ul>	Landscaping between rows is provided – complies. Landscaping between 10 parking spaces is not provided – non-compliance.	No
	Outdoor parking areas to be screened by a minimum of 2m wide landscaping strips. Such landscaping is to be mature and dense and designed according to Part D Section 3 – Landscaping of the DCP.	Satisfactory.	Yes
	Driveways are to be screened by a minimum of two metre wide landscaping strip on either side.	Satisfactory.	Yes
2.9 Loading & Delivery Requirements	All loading and delivery areas are to be provided on-site.	Location of service area appears to be within drop off zone. This is to be clarified by applicant.	No
	Service vehicles are to be able to efficiently manoeuvre to and from loading and delivery areas in accordance with AUSTROADS Design Vehicular and Turning Templates	Details have not been provided.	No
2.10 Access Driveways	Access driveway widths are to comply with AS 2890.1-1993 Parking Facilities – Part 1: Off Street Car Parking.	Details have not been provided.	Yes
	Access driveways should not be entered from or exited onto intersections where one or more of the intersecting roads are a collector, sub-arterial or arterial road.	No access for vehicles from Hezlett Rd which will be a sub arterial road in future.	Yes

#### **SUBDIVISION ENGINEERING COMMENTS**

Council's Subdivision and Certification Team have reviewed the application and raised the following key issues with respect to the proposal:

- The location of the hall building over an existing easement and swale cannot be supported as the proposed realignment of the swale is unsatisfactory and contrary to Council's design requirements.
- Unresolved site floodplain and stormwater management issues which have not been supported by appropriate flood analysis, therefore the submission of a Flood Impact Report is required.
- Inconsistencies with the Integrated Stormwater Management requirements of the North Kellyville DCP.
- Floor levels of the hall would not comply with the Flood Planning Level to provide sufficient freeboard above the estimated 1 in 100 year ARI flood level.
- Masterplan has not demonstrated the ultimate road widths affecting existing site boundaries and the proposed building setbacks have not taken into account the road widening along the sites Hezlett Road frontage.

#### **TRAFFIC MANAGEMENT COMMENTS**

Council's Traffic Management Section have reviewed the application and raised no objections subject to the following conditions:

- A bus stop catering for 5 buses, including appropriate shelter/marshalling areas is provided on the school side of Hezlett Road.
- A conventional bus stop for a single bus, including a shelter is provided on the eastern side of Hezlett Road, opposite the school.
- As Hezlett Road will ultimately be constructed as a 4-lane road, the kerbside lanes shall be marked as parking lanes. Buses can therefore use parking lanes as bus stops with no additional widening required on either side.
- Traffic signals to be provided by the applicant at no cost to Council at the intersection of Hezlett Road and Gum Nut Close, providing controlled access for students and other pedestrians to cross the road.
- Buses can use Gum Nut Close in the interim, until such time as no more than 4 buses are required to service the school, at which time buses must relocated to Hezlett Road for pick-up and drop-off.

#### **TREE MANAGEMENT COMMENTS**

Council's Tree Management Section have required the submission of an amended landscape plan and design modification in order to:

- Retain trees numbered 6, 68, 69, 71, 119, and 126 as these are considered of high significance as highlighted in the applicant's Arboricultural Impact Assessment.
- Retain trees numbered 8, 18, 22-24, 38, 39, 106, 114 as these are considered of medium significance and are suitable for retention.

An updated arborist report was also requested which reflects the details of the proposed landscaping scheme and incorporates the retention of these trees.

#### **HEALTH & ENVIRONMENTAL PROTECTION COMMENTS**

Council's Health & Environmental Protection Team have reviewed the proposal and highlighted the following concerns particularly with respect to the acoustic report prepared by PKA Acoustic Consultants dated September 2010:

- The report states the measured existing LAeq results for the site and does not demonstrate the proposed LAeq levels from the proposed development.
- To accurately identify potential impacts on neighbouring residents, present and future, the relevant noise criteria is required to be compared to predicted noise levels that will be generated from the site when operating.
- Predicted noise levels from all school activities likely to generate noise, such as children in active play and the use of the car parks as well as the use of the church are to be calculated with worst case scenario noise levels to be utilised.

- The recommendations of the acoustic report includes two alternative methods to achieve acoustical compliance for both background +5dB(A) and background +10dB(A). The Health & Environmental Protection Team consider that compliance with background +5dB(A) is the appropriate measurement, however the report recommends that to achieve compliance with this measure would require the construction of a 3.3m high barrier along the western flank of the playing field. Due to the contour change from the eastern side to the western side of the playing field, this would result in a 3.3m high acoustic wall including a 2m high earth mound/berm. The total height would be 5.3m from the receivers end.
- Impacts such as overshadowing, visual appearance and requirement for a landscaping buffer to the acoustic wall to be further considered.

#### **WASTE MANAGEMENT COMMENTS**

The Waste Management Team has raised no issues or objections with respect to the proposed Masterplan.

#### **NSW ROADS & TRAFFIC AUTHORITY COMMENTS**

The NSW Roads & Traffic Authority have reviewed the application and raised a number of concerns with the proposal as follows:

- Removal of all pedestrian and vehicular access from Hezlett Road.
- Provision of a designated 'kiss and drop' zone for primary school children on the school side of Gum Nut Close, commensurate with gates/pathways.
- Car parking facilities within the site for drop off and pick up of pre-school children.
- In the interim, all required bus stops to be provided on the school side of Gum Nut Close, separate from the 'kiss and drop' zone.
- The RTA has raised concern about the ultimate location of bus stops along Hezlett Road as the bus company will be required to rely on a future u-turn facility at the proposed signalised intersections of Gum Nut Close/Hezlett Road and Samantha Riley Drive/Hezlett Road. U-turn facilities are not supported by the RTA and the applicant must demonstrate how the bus stops will function without u-turn facilities.
- Combined entry and exit points should be provided along Gum Nut Close to improve road safety and to minimise conflicts.
- RTA would not approve the proposed traffic signals at the intersection of Hezlett Road and Gum Nut Close unless it is demonstrated to RTA's satisfaction that the warrants are met in accordance with Traffic Signal Design Manual.
- A plan to be submitted demonstrating that the swept path of the longest vehicle (including garbage trucks) entering and exiting the site, and manoeuvrability through the site will comply with AUSTROADS.
- Provision of off-street car parking and bicycle storage.
- Layout of the car parking areas and driveways associated with the subject development (including grades, turn paths, sight distance requirements, aisle widths, aisle lengths and parking bay dimensions) to be in accordance with AS2890.0-2004.
- Vehicles to be wholly on site before being required to stop.

#### **NSW POLICE COMMENTS**

The NSW Police have reviewed the application and raised a number of Crime Prevention Through Environmental Design (CPTED) factors that can generally be considered prior to the construction stage. The Police also raised concerns regarding traffic, car parking and bus transport arrangements, however advice on these matters has also been provided by the NSW RTA and Council's internal Traffic Management Section as detailed above.

**NSW RURAL FIRE SERVICE COMMENTS**

Given the site is bush fire prone land and is therefore Integrated Development the application was referred to the NSW Rural Fire Service (RFS). The RFS reviewed the application and requested the submission of additional information in order to carry out a complete assessment of bushfire risk. The information requested included the submission of an amended Bush Fire Assessment report which addresses the provisions of the Rural Fires Regulation 2008 and which provides assessment based on the existing conditions rather than based on future development of site and surrounds.

**SYDNEY WATER COMMENTS**

Sydney Water were notified of the proposal and provided comments to Council in relation to future site servicing requirements that the applicant must comply with, if the application is determined by way of approval. At such time, the applicant will require to obtain a Section 73 Certificate and consult with Sydney Water in relation to their requirements.

**CONCLUSION**

The proposal has been assessed having regard to the provisions of Section 79C of the Environmental Planning and Assessment Act 1979, State Environmental Planning Policy Sydney Region Growth Centres, the North Kellyville Development Control Plan and the Baulkham Hills Development Control Plan. The proposal is considered to be unsatisfactory in its current form.

The applicant is presently attempting to address the outstanding matters and has been in on-going communication with Council officers in relation to the matters.

As already noted, the application was publicly exhibited and notified to surrounding properties however no submissions were received that would require to be considered.

Given the scale of the development, it is considered appropriate to defer the development application to allow the applicant to submit the outstanding information and for continued assessment by Council.

Given the extent of work already undertaken by the applicant on the development application, it is considered inappropriate to seek withdrawal.

**RECOMMENDATION**

It is recommended that the Development Application be deferred to allow the applicant to resolve outstanding matters and for continued assessment by Council with respect to the issues associated with the proposal site.

**ATTACHMENTS**

1. Locality Plan
2. Aerial Photograph
3. Land Zoning Map
4. Development Near Zone Boundaries Map
5. Masterplan
6. Elevations
7. Landscape Plan
8. Proposed Hall and Swale Realignment

## ATTACHMENT 1 – LOCALITY PLAN



□ SUBJECT SITE

✓ PROPERTIES NOTIFIED

**THE HILLS**  
Sydney's Garden Shire

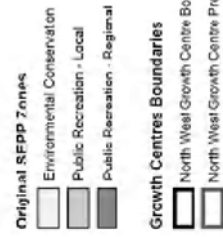
THE HILLS SHIRE COUNCIL

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## ATTACHMENT 2 - AERIAL PHOTOGRAPH



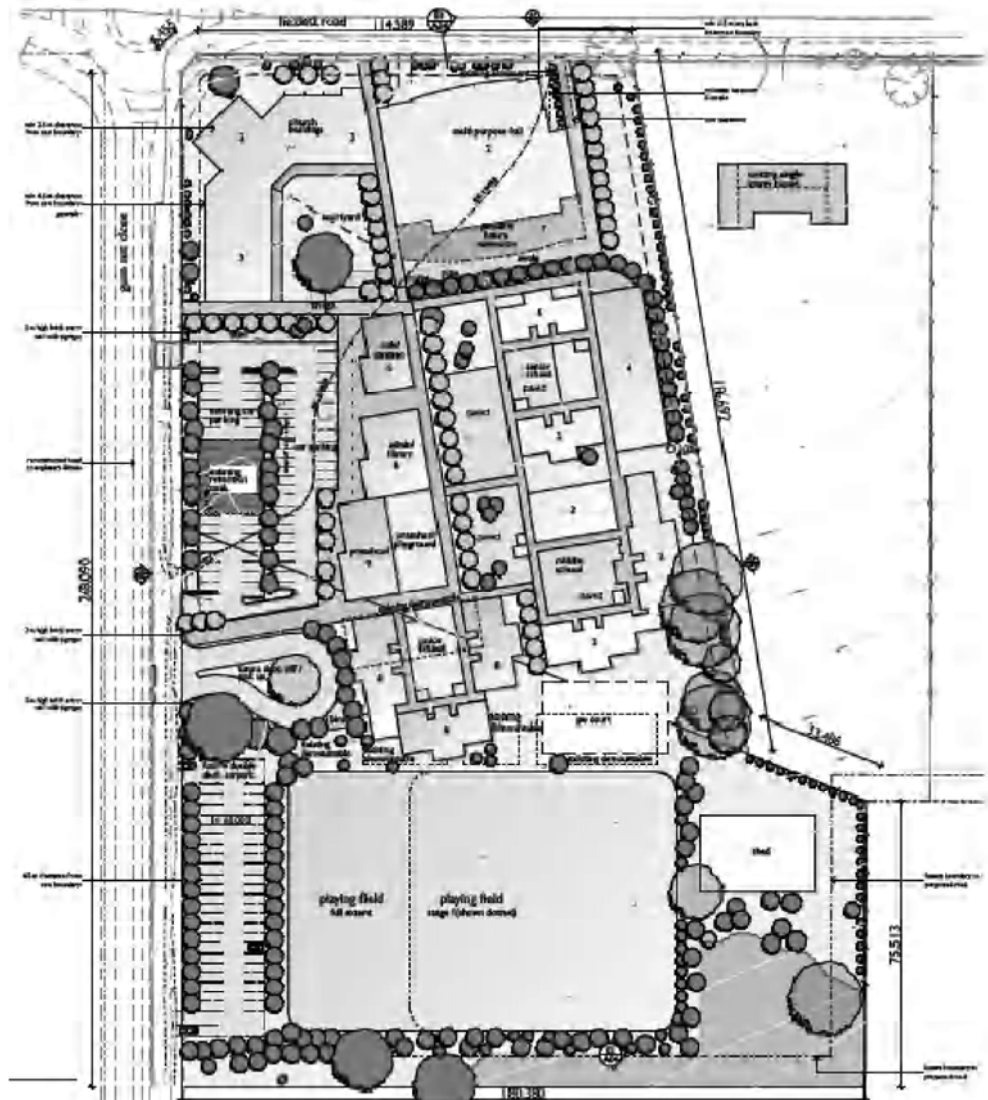
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**ATTACHMENT 4 – DEVELOPMENT NEAR ZONE BOUNDARIES MAP**

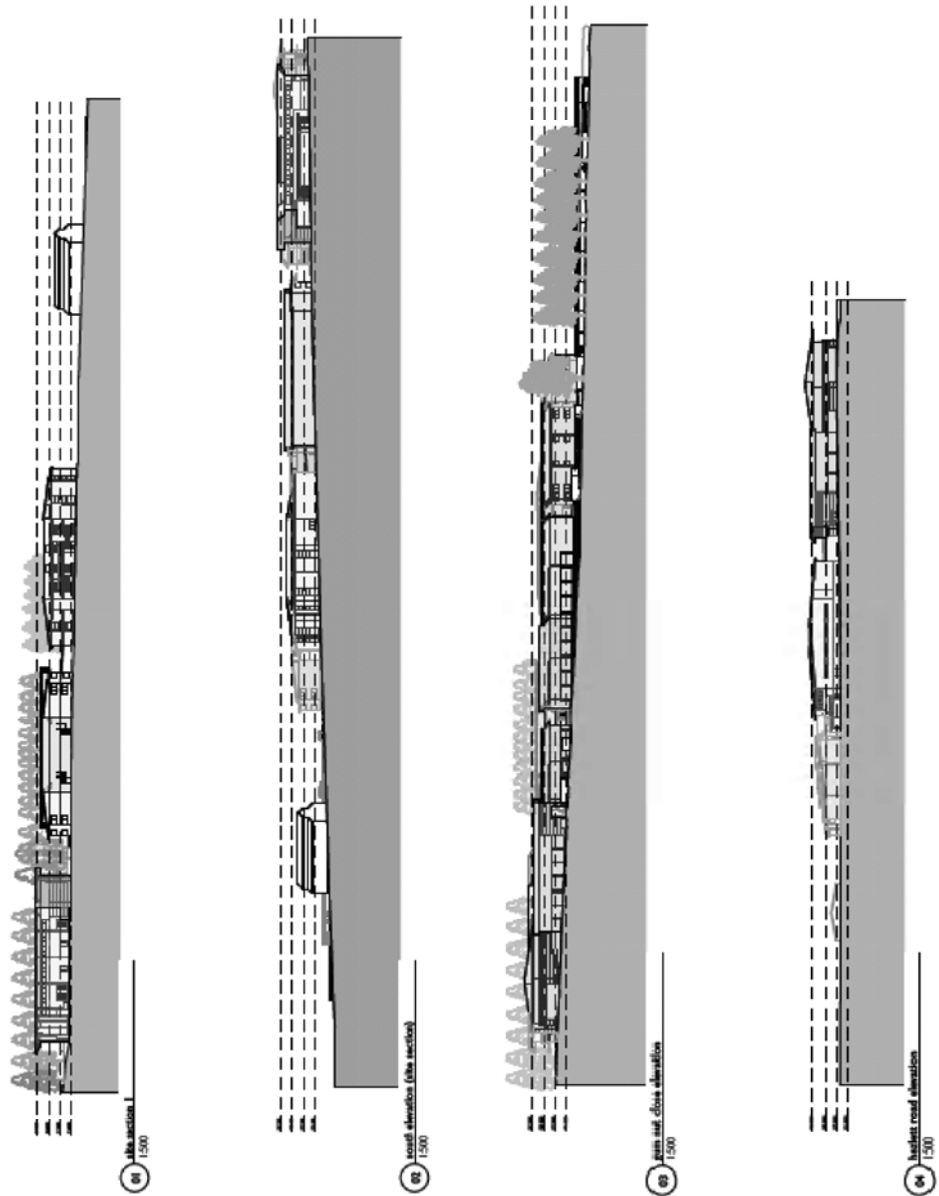


## ATTACHMENT 6 – MASTERPLAN

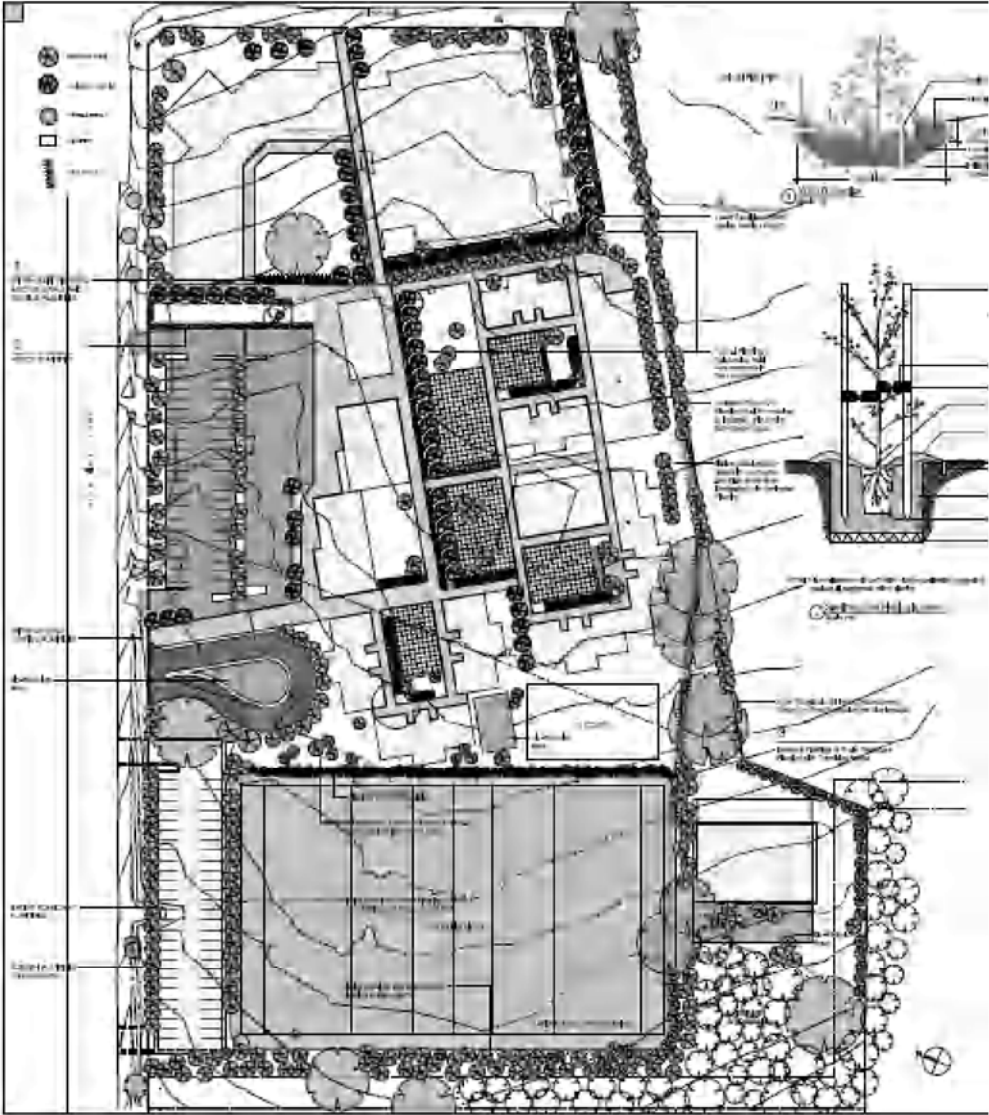


staging		stage 5
	stage 1	stage 6
	stage 2	stage 7
	stage 3	stage 8
	stage 4	stage 9

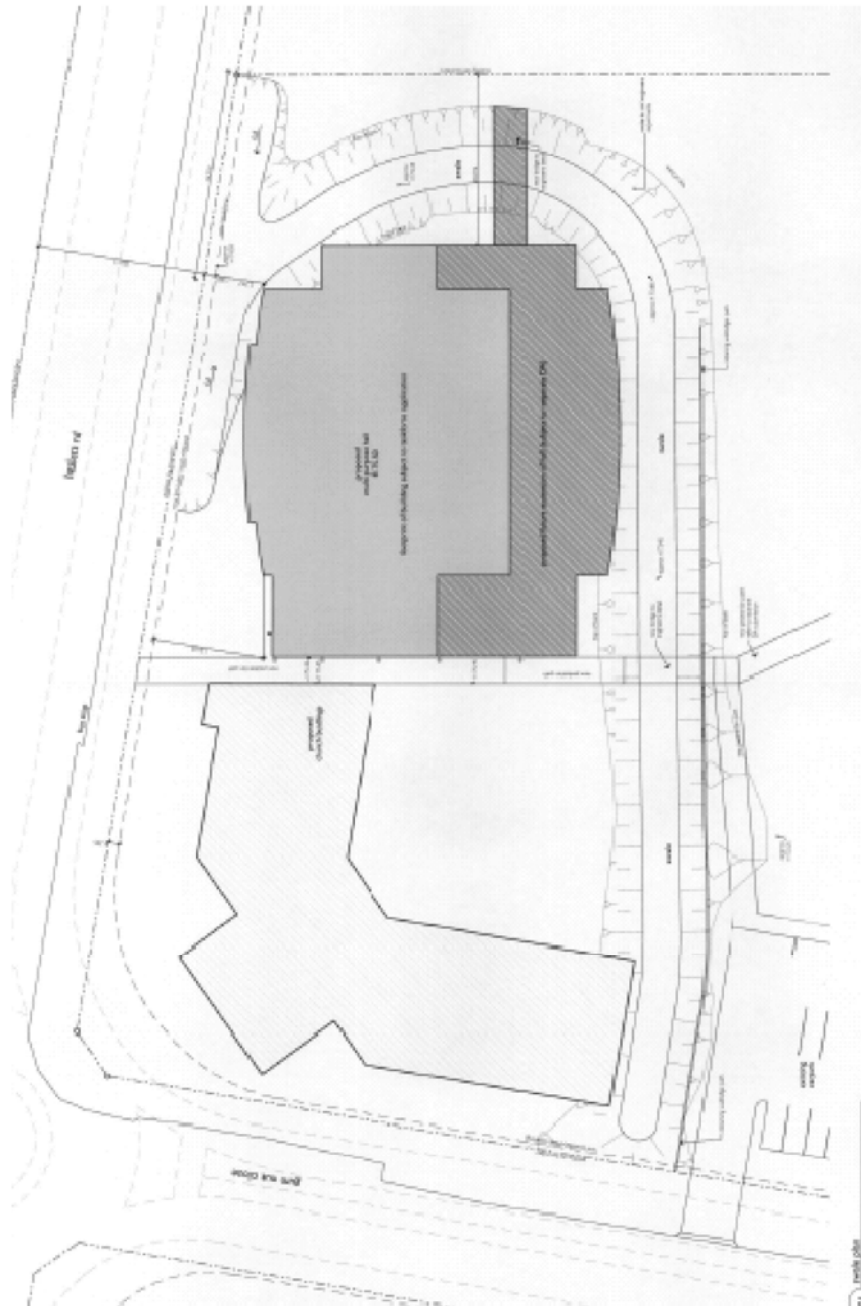
## ATTACHMENT 7 – ELEVATIONS



ATTACHMENT 8 – LANDSCAPE PLAN



## ATTACHMENT 9 – PROPOSED HALL AND SWALE REALIGNMENT



The Hills Shire Council



**PLANNING SERVICES - DEVELOPMENT CONTROL  
PRE-LODGE MENT ASSESSMENT (90/2010/PRE)**

**25 March 2010, 8.30am**

**APPLICANT:** Ellen Robertshaw - Don Fox Planning  
Peter Dahl – Stanton Dahl and Associates Pty Ltd  
Rod Long - Masterbuild

**CONTACT:** Ellen Robertshaw ph: 0408 023 202  
erobertshaw@donfoxplanning.com.au

**PROPERTY:** Lot 1, DP 242713 and Lot 6, DP 241932  
2 – 4 Gum Nut Close, Kellyville

**ZONING:** Part R1 General Residential and R2 Low Density pursuant to  
SEPP (Sydney Region Growth Centres) 2006

**SITE AREA:** 40,464m<sup>2</sup>

**PROPOSAL:** Masterplan for Staged Development of Educational Establishment

**OFFICERS IN  
ATTENDANCE:** Paul Osborne – Manager Development Assessment Services  
Fletcher Rayner – Principal Forward Planner  
Jason Wong – Development Assessment Coordinator  
Simon Turner – Senior Town Planner  
Vidya Sivakumar – Senior Subdivision Engineer

**BACKGROUND**

On 24 November 2009, Council granted consent to Development Application No. 1407/2009/HC for Stage One of an Educational Establishment involving the placement of five (5) demountable buildings and at grade, fifty(50) space car park fronting Gum Nut Close, minor earthworks to create a playing field, construction of a storage shed and conversion of an existing dwelling on the site into a temporary administration building. The approval permitted a maximum of 180 students and weekday operations only.

A Section 96(1A) modification to 1407/2009/HC was lodged with Council on 17 February 2010, proposing the delete the requirement to provide a local road and laneway as per the North Kellyville DCP, reinstate the original design for the grade car park fronting Gum Nut Close (which was required to be redesigned to accommodate the proposed roads and a watercourse), amend landscaping, tree retention and tree bond requirements and revise required road and engineering works.

**PROPOSAL**

The proposal is for a Masterplan for Staged Development of an Educational Establishment and Place of Public Worship at 2 – 4 Gum Nut Close, Kellyville. Key

features of the Masterplan are summarised as follows:

- The development will occur in seven (7) stages and separate Development Applications will be lodged for each stage.
- The total development will include new Church buildings, a Multi-purpose Hall, 9 x two (2) storey Class Room blocks, café/canteen, administration/library and pre-school buildings, two (2) storey employee car park fronting Gum Nut Close located on the western boundary, and internal loop road from Gum Nut Close providing car drop-off and pick-up. In addition, the Stage 1 demountable buildings will be removed and the car park and playing field will be modified.
- 4.5m setbacks are proposed to Hezlett Road for the Multi-purpose Hall and Church buildings. 4.5m setbacks are proposed to Gum Nut Close for the Church buildings and at grade car park. Less than 2m setbacks are proposed to the new two (2) storey car park from Gum Nut Close and the future minor street along the western boundary.
- The Place of Public Worship and the School will operate together, and a dual use of the at-grade car park is proposed.
- A total of 900 students are proposed, from kindergarten to Year 12.

#### **ISSUES DISCUSSED**

- The concurrent operation of the Place of Worship and the School raises potential security and site management issues, which will be addressed by the applicant.
  - The applicant has recently met with bus operators regarding bus servicing to the site. The applicant has advised that bus servicing from the Hezlett Road frontage may be difficult, given the width of the road way and the site topography. Furthermore, a new bus bay to Hezlett Road may be a sub-optimal streetscape outcome, and could affect the siting of the Multi-purpose Hall and Church buildings. Alternate bus servicing arrangements from Gum Nut Close are also being investigated by the applicant.
  - Council has received advice from ComfortDelGro Cabcharge (operators of Westbus and Hillsbus) as follows:
    - Their position on bus servicing for the site is to have two (2) bus bays of approximately 70 metres long on either side of Hezlett Road to accommodate five (5) buses on each side (subject to clarification of the final school population).
    - Both sides of the Hezlett Road should have a 70 metre long bus shelter to accommodate waiting students.
    - CDC requires a permanent turning movement to allow buses to set down or pick up and then operate in the reverse direction. This could be accommodated by provision of a B signal within a set of traffic lights, to allow a u-turn movement at the intersections of Gum Nut Close and Hezlett Road and Samantha Riley Drive and Hezlett Road.
- NB. Council's Traffic Section have already advised that the school will be responsible for the provision of traffic lights at the Gum Nut Close and Hezlett Road intersection, where students will need to cross the road.
- In the short term, CDC will provide up to four (4) buses to the site and will drop

and pick up in Gum Nut Close. The buses will turn at the end of Gum Nut Close with a three point turn. This short term arrangement would be in place for up to a maximum of four (4) buses, beyond which, all school bus servicing would move to Hezlett Road. This position has been negotiated with the Transport Workers Union, subject to the Union checking the adequacy of turning arrangements.

You may discuss this issue further with Council's Manager Infrastructure Planning, Andrew King (Ph: 9843 0242) or Mr Stephen Timbrell, Planning Manager at ComfortDelGro Cabcharge (Ph: 0401 450 049).

- In the event the proposed buildings are setback further from Hezlett Road to accommodate bus servicing, and they encroach over a zone boundary and onto land that would prohibit the development, Clause 5.3 of the Sydney Region Growth Centres SEPP allows consent to be granted to allow these uses within 20m of a zone boundary.
- There may also be options to re-position the proposed loop road closer to the Multi-purpose Hall and Church buildings to permit servicing of these buildings.
- Council's Traffic Section have advised that any bus servicing from Gum Nut Close should be separated from any "kiss-and-ride" area for cars.
- The North Kellyville DCP specifies a minimum 4.5m setback to roads, and the indicative setbacks for the Multi-purpose Hall and Church buildings appear satisfactory.

However, the new two (2) storey car park should be redesigned to provide a minimum 4.5m setback to Gum Nut Close and the future minor street along the western boundary and you should consider reducing the scale of the building and consider the effective use of the slope of the site.

- The Sydney Region Growth Centres SEPP specifies a maximum building height of 9m, however variations, may be considered as specified in Clause 4.3 of the SEPP.
- The applicant should contact the NSW Department of Environment, Climate Change and Water to confirm the status of the water course that traverses the site. The Masterplan should consider any advice from DECCW and be designed accordingly (i.e., provide required setbacks to watercourse/drainage easement and consider overland flows).
- The Masterplan should consider the demand for car parking likely to be generated by students and accommodate this demand on the site. In this regard, the school is proposed to cater for Year 12 students, and the minimum driving age is currently 17 years in NSW.
- The Masterplan needs to consider the interface with future development on adjoining lots.
- Existing trees on the site should be retained and incorporated into the Masterplan.
- Section 94 Contributions are not payable at this time, but you should confirm this position when you lodge the DA. A Special Infrastructure Contribution will be payable to the Department of Planning.

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#### **IMPORTANT ADVICE**

- A further meeting with Council Officers should be arranged prior to lodging a Development Application.
- Development Applications will not be accepted unless all the required information (as per this advice and Council's submission requirements) is provided.
- It is the responsibility of the applicant to address all issues raised and any further issues that may arise as a result of more detailed information being provided and/or detailed assessment being undertaken.
- Development Applications presented to Customer Service for lodgement will not be accepted after 4.00pm.
- A CD with a PDF copy of all documents should be lodged with the DA.

#### **PRELODGE**



Paul Osborne  
Manager Development Assessment Services  
26 March 2010

#### **INFORMATION REQUIREMENTS**

##### **COMPLETED APPLICATION FORM**

You must have the written consent of all current owners.

##### **STATEMENT OF ENVIRONMENTAL EFFECTS (8 copies)**

##### **REPORTS/PLANS (4 copies)**

- Traffic Report
- Acoustic Report
- Contamination Report
- Geotechnical Assessment
- Soil Salinity Assessment Report
- Tree Assessment Report
- Flora and Fauna Report
- Bushfire Report

##### **SITE PLANS (4 copies)**

These plans should include the following information:

- Be produced in ink and be not less than A4 and no greater than A1 in size;
- Be of suitable scale (1:500 or 1:1000 wherever possible). In cases where there is more than 1 sheet an overall plan at 1:4000 should be submitted to illustrate the overall layout;
- Include existing boundaries and lot or portion numbers in broken lines/lettering;
- Proposed boundaries as form lines with proposed dimensions and areas;
- Proposed lots consecutively numbered and include any easements and restricted development areas;
- Widths of all existing roads;
- Footpath and pavement widths of all proposed internal roadways;
- Position of all intersecting adjoining property boundaries, existing roads or property boundaries of land on the opposite side of all existing roads adjoining the site;
- All vegetation and trees on the subject property (separate plan);

- Contours in one metre intervals at Australian Height Datum;
- All existing buildings, watercourses, drains, dams, swamps, easements, right-of-ways, structures or permanent improvements;
- All services;
- Dimensions and area of site;
- Location, size and height of all buildings;
- Distance to all boundaries from buildings and courtyard fences;
- Existing trees (indicating whether or not they are to be removed or retained);
- Original ground levels and proposed finished ground levels;
- Location of services;
- Location and general description of any adjoining developments;
- Extent of landscaped area provided;
- Site coverage calculations; and
- Height of all buildings at site boundaries and internal site levels.

**ARCHITECTURAL PLANS (4 copies)**

- Layouts of buildings (existing and proposed);
- Number of employee/student/visitor spaces;
- Location of services/ancillary features;
- Building elevations;
- Indicative Streetscape Perspectives;
- Indicate external materials/finishes/colours;
- Must be at an appropriate scale (eg. Scale 1:100 or Scale 1:200); and
- Shadow diagrams from the future buildings (i.e. 9.00am, 12.00pm and 3.00pm in mid-winter).

**CONCEPT ON-SITE DETENTION PLANS AND DETAILS (4 copies)**

**LANDSCAPE PLANS** – refer to BHDCP Part D Section 3 **(4 copies)**

**EARTHWORKS PLAN** showing existing and proposed levels/contours **(4 copies)**

**WASTE MANAGEMENT PLAN** - refer to BHDCP Part C Section 3 **(4 copies)**

**SEDIMENT EROSION CONTROL PLAN** - refer BHDCP Part C Section 3 **(4 copies)**