

Report to Sydney West Joint Regional Planning Panel

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| JRPP No. | Item (2013SYW028) |
| DA No: | JRPP-13-126 |
| Proposed Development: | Construction of an Educational Establishment – School for Specific Purposes |
| Development Type: | “Crown Development” – Capital Investment Value > \$5 million |
| Lodgement Date: | 5 February 2013 |
| Land/Address: | Lot 1532 DP1138152, No. 201 The Ponds Boulevard, The Ponds |
| Land Zoning: | 5(a) Special Uses - School (Clause 20C) (Clause 20D) pursuant to the Blacktown Local Environmental Plan 1988 |
| Value Of Development: | \$12,937,000 |
| Applicant: | Department of Education and Communities |
| Report Author: | Melissa Parnis, Town Planner |
| Instructing Officers: | Judith Portelli, Manager Development Services & Administration and Trevor Taylor, Acting Director City Strategy and Development |
| Date Submitted to JRPP: | 6 August 2013 |
| Date Considered by JRPP: | 11 July 2013 |

VIEW FROM THE PONDS BOULEVARD



Figure 1: Photomontage (Source: NSW State Government, 2013)

ASSESSMENT REPORT

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1 Executive Summary

- 1.1 Blacktown City Council is in receipt of a Development Application (DA) from the Department of Education and Communities for the construction of a new School for Specific Purposes at The Ponds at the subject site. The Capital Investment Value of the proposed development is \$12.9 million.
- 1.2 It is anticipated that the proposed school will cater for up to 128 students by 2015 from Kindergarten to Year 12. It is anticipated there will be a 2 specialised staff per classroom, plus up to 10 administrative staff for the general operation of the school. The proposed school will have the facilities entitlement of a maximum of 16 classes. The School for Specific Purposes facilities cater for students ranging from moderate to severe intellectual disabilities including physical disabilities.
- 1.3 The proposal includes the construction of:
 - An administration building
 - Library
 - Sixteen classrooms
 - Multi-purpose centre
 - Hydrotherapy building
 - Covered outdoor learning area, and
 - Playing games court.
- 1.4 The proposal also includes 2 assembly areas with areas of 75 sq.m and 149 sq.m. All buildings are linked by covered walkways.
- 1.5 The proposed development constitutes "Regional Development" requiring referral to a Joint Regional Planning Panel (JRPP) for determination, as the Educational Establishment has a Capital Investment Value of more than \$5 million. Schedule 4A of the Environmental Planning and Assessment Act, 1979 identifies that Crown Development over \$5 million is to be determined by the JRPP. As such, while Council is responsible for the assessment of the DA, determination of the Application will be made by the Sydney West Joint Regional Planning Panel.
- 1.6 Vehicular access to the car parking facilities is to be provided via a new entry/exit driveway located midway along The Ponds Boulevard. In addition, a "service vehicle only" vehicle access is provided to Greenview Parade.
- 1.7 Off street car parking is proposed for a total of 45 cars including one space for a person with a disability located in an outdoor car parking area. In addition, provision has also been made for a bus bay and pick up and drop off zone accessed from The Ponds Boulevard as part of the school development.
- 1.8 The subject property is currently zoned 5(a) - Special Uses – School (Clause 20C and 20D) pursuant to the Blacktown Local Environmental Plan 1988. The proposed development is defined as *Educational Establishment* which is permissible in the zone with Development. In addition, pursuant to the Draft Blacktown Local Environmental Plan 2013, the subject site is proposed to be zoned R3 Medium Density Residential, which proposes to prohibit *Educational Establishments*. However, pursuant to Clause 28 of State Environmental Planning Policy (Infrastructure) 2007 the proposed Educational Establishment is permitted with Consent on land in a prescribed zone in any event.

- 1.9 The subject Development Application was notified in accordance with Blacktown Development Control Plan 2006 Part K – Notification of Development Applications to adjoining and nearby property owners and occupants for a period of 14 days from 13 March 2013 to 27 March 2013. In response to the public exhibition, no submissions were received.
- 1.10 The proposed development has been assessed against the relevant matters for consideration pursuant to Section 79C of the Environmental Planning and Assessment Act 1979, including suitability of the site and the public interest, and is considered satisfactory. The proposed development is considered satisfactory with regard to key issues such as Built Form, Access, Stormwater Drainage, ESD, Site Contamination, Salinity, Social and Economic Impacts and the like, subject to the imposition of suitable conditions of Consent to satisfactorily address the impact of the development.
- 1.11 In light of the above, it is **recommended** that the Sydney West Joint Regional Planning Panel approve the DA subject to the imposition of suitable conditions of Consent. Recommended conditions are provided at **Attachment 2** to this Report.

2 Location

- 2.1 The subject site is located approximately 10km north of the Blacktown CBD.
- 2.2 The subject site is located in Stage 3 of The Ponds Estate development.
- 2.3 The site is located at the northern end of The Ponds, within close proximity to The Lake Parklands and adjoining release areas including, the Alex Avenue, Riverstone and Areas 20 Precincts within the North West Growth Centre.
- 2.4 The land is bound by The Ponds Boulevard to the east of the site, Greenview Parade to the south of the site, Vanilla Drive to the west of the subject site and Spearmint Street to the north of the subject site. The subject site also adjoins 2 residential properties to the south west of the site.

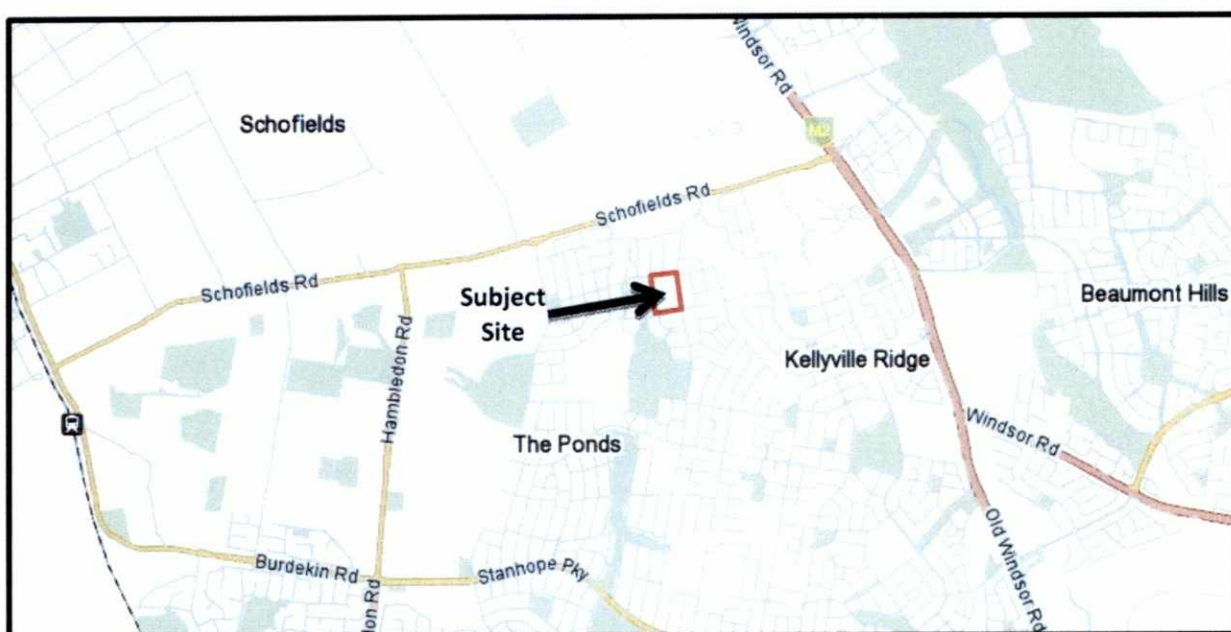


Figure 2. Location Context (Source: Whereis, 2013)

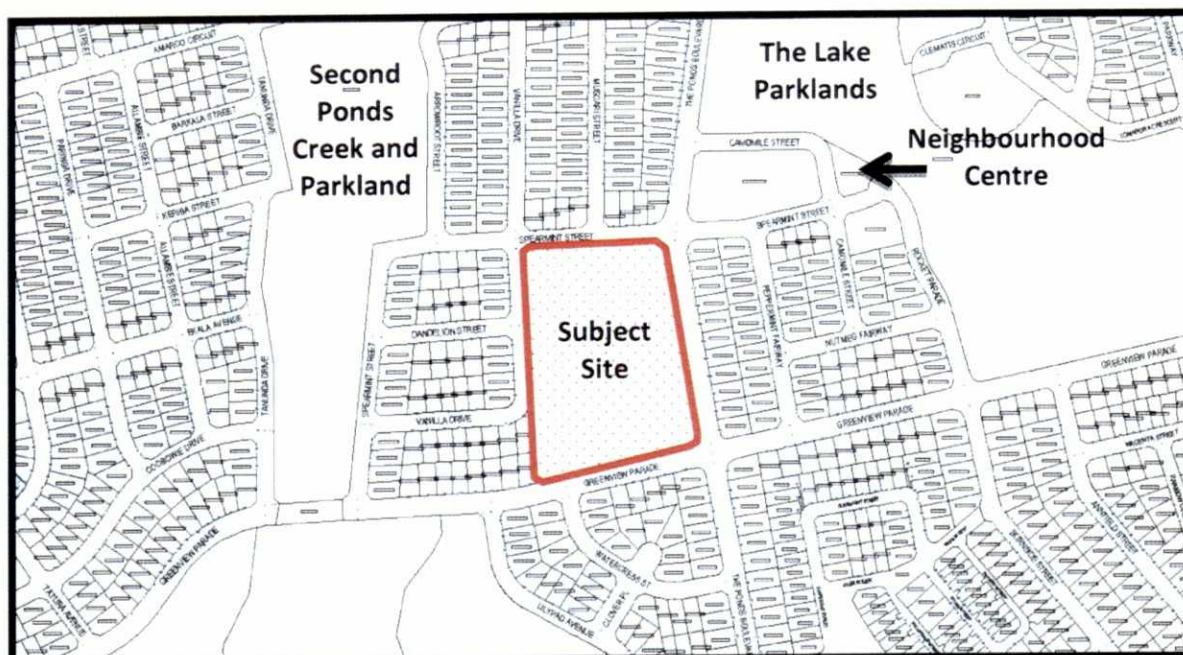
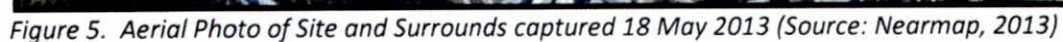
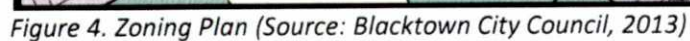


Figure 3. Location Plan (Source: Blacktown City Council, 2013)

3 Site Description and Locality

- 3.1 The subject site, being Lot 1532 DP1138152, No. 201 The Ponds Boulevard, The Ponds, is located within The Ponds Release Area.
- 3.2 The Ponds and surrounding Stanhope Gardens and Kellyville Ridge areas have been subject to a number of Development Applications for the subdivision, residential development and associated facilities to support the residential development, such as schools and open space.
- 3.3 The area of the subject site is approximately 3.108 hectares.
- 3.4 The site has four street frontages being The Ponds Boulevard to the east, Greenview Parade to the south, Vanilla Drive to the west and Spearmint Street to the north.
- 3.5 The property also adjoins 2 residential properties at the south-western corner of the site.
- 3.6 The land slopes from its south eastern corner to its north-western corner, with a fall of approximately 8m across this distance.
- 3.7 An electrical substation is proposed to be located on the southern boundary adjoining Greenview Parade of the site.
- 3.8 Lot 1532 is currently vacant with no existing structures located on the site. The site is cleared of any significant vegetation, with no trees located on the site.
- 3.9 The area surrounding the site is predominantly characterised by land which has been recently subdivided and utilised for low density residential development in the form of single storey and 2 storey dwellings.
- 3.10 The subject site is zoned 5(a) Special Uses - School pursuant to Blacktown Local Environmental Plan 1988 as shown in Figure 4 below.



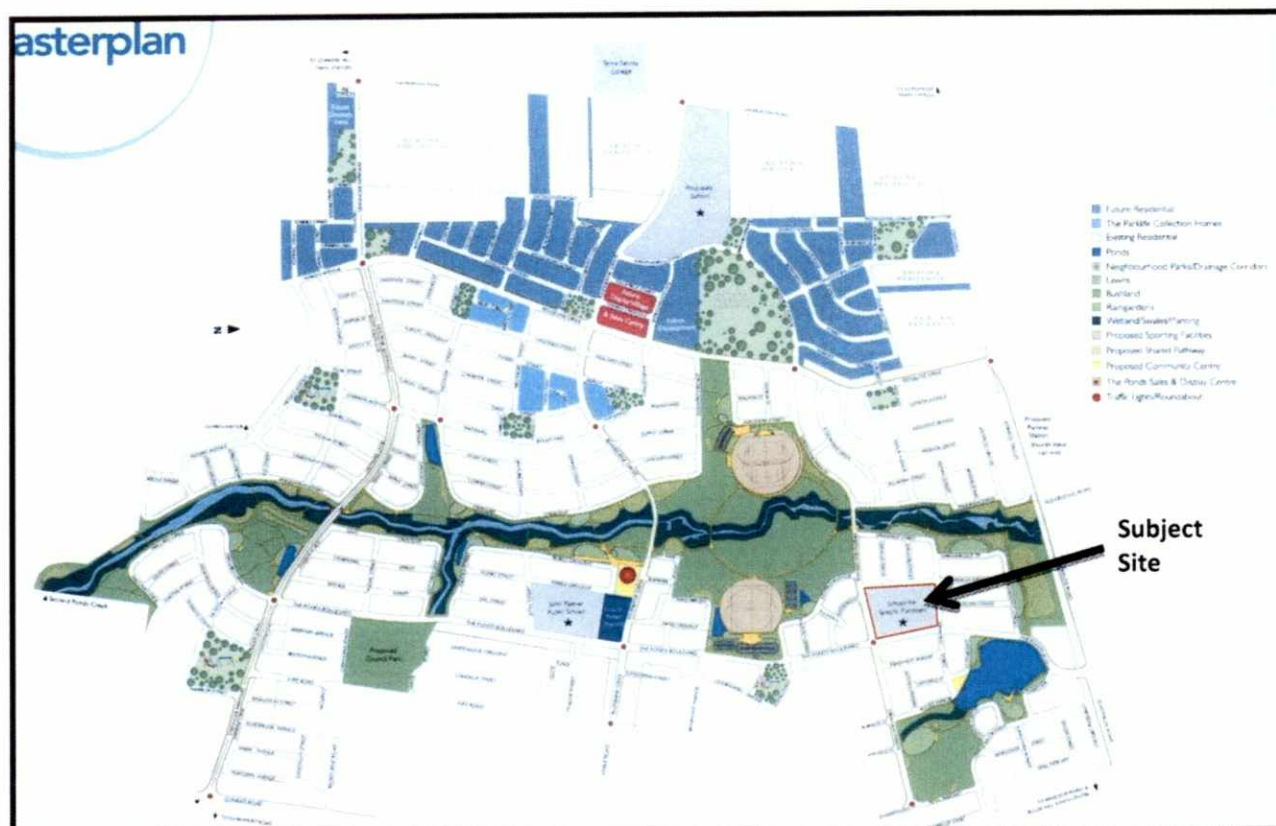


Figure 6. The Ponds Masterplan (Source: Landcom and Australand, 2013)

4 History and Current Use of the Site

- 4.1. The subject site has been subject to a previous Development Application with respect to the subdivision of the land to create the residual Lot 1532 within Precinct 4 of Stage 3 of the Second Ponds Creek Residential Development.
- 4.2. On 24 February 2006, Blacktown Local Environmental Plan 1988 (BLEP 1988) Amendment No. 202 was gazetted which allowed the rezoning and reconfiguring of land uses with The Ponds Release Area for residential purposes. The subject land, being Precinct 4 of Stage 3, was rezoned from 2(a) Residential (delayed service area) to 5(a) Special Uses – School.
- 4.3. DA-06-2407 was previously approved by Council on 16 May 2007 and facilitated the creation of 1 residue lot, public roads and bulk earthworks over Precincts 1, 2 and 4. As such, the subject site (located in Precinct 4) is vacant and clear of any vegetation. In addition, Council approved DA-08-1039 on 21 October 2008 for the creation of residential lots and public roads south of the proposed school lot within Precinct 1.
- 4.4. On 5 May 2009, Council approved DA-09-507 for the creation of the residue lot and minor zone boundary variation in accordance with Clause 10(3) of the BLEP 1988 creating the current lot that is the school site to facilitate the transfer of the land to the then Department of Education and Training.
- 4.5. The site is currently vacant land and clear of any vegetation.

5 The Proposal

- 5.1. Council is in receipt of a Development Application (DA) from the NSW Department of Education and Communities for the construction of an Educational Establishment – School for Specific Purposes at the subject site. The Capital Investment Value of the proposed development is \$12.9 million.
- 5.2. The proposal includes the construction of:
- An administration building
 - Library
 - Sixteen classrooms
 - Multi-purpose centre
 - Hydrotherapy pool building
 - Covered outdoor learning area, and
 - Playing games court.
- 5.3. The proposal also includes 2 assembly areas with areas of 75 sq.m and 149 sq.m. All buildings are linked by covered walkways.
- 5.4. Off street car parking is proposed for a total of 45 cars including one space for a person with a disability located in an outdoor car parking area. Vehicular access to the car parking facilities is to be provided via a new entry/exit driveway located midway along The Ponds Boulevard.
- 5.5. An on-site drop-off/pick-up area with a capacity of 6 vehicles is proposed at the front entry to the school buildings adjacent to Buildings A and G (the Administration and Hydrotherapy buildings). This area has a capacity of approximately 6 cars. Loading/servicing for the proposed school is expected to be undertaken by a variety of commercial vehicles up to and including 8.8m long medium rigid trucks. The loading area is to be located at the southern end of the site, with vehicular access to be provided via a new “service vehicle only” driveway located midway along the Greenview Parade site frontage.
- 5.6. The proposed School operational hours are between 7.30am to 6pm, with non-school hours being hydrotherapy pool activities. Non-school hours are 7am to 7.30am and 6pm to 10pm Monday to Friday and 7am to 6pm Saturdays and Sundays.
- 5.7. Refer to **Attachment 1** for Development Plans.

6 Planning Controls

- 6.1. The planning controls that relate to the proposed development are as follows:

(a) **State Environmental Planning Policy (State and Regional Development) 2011**

SEPP (State and Regional Development) 2011 confers "Regional Development" as listed in Schedule 4A of the Environmental Planning and Assessment Act 1979 to the Joint Regional Planning Panel (JRPP) for determination. The proposed development constitutes "Regional Development" requiring referral to a Joint Regional Planning Panel (JRPP) for determination as the proposed development has a Capital Investment Value of more than \$5M and is considered a community development. As such, while Council is responsible for the assessment of the DA, determination of the Application will now be made by the Sydney West Joint Regional Planning Panel.

(b) State Environmental Planning Policy (Infrastructure) 2007

SEPP (Infrastructure) 2007 applies to the subject development, establishing provisions and development controls for Educational Establishments. A detailed assessment against these provisions has been undertaken in Section 10 of this report.

In addition, the SEPP Infrastructure aims to ensure that the Roads and Maritime Services (RMS) is made aware of and allowed to comment on types of development nominated as "traffic generating development" listed in Schedule 3 of the SEPP. Schedule 3 identifies any use with more than 200 vehicles. The proposed development therefore triggers the Infrastructure SEPP. The DA was referred to the RMS/SRDAC for comment in accordance with the Infrastructure SEPP. RMS referred the Application to its Sydney Regional Development Advisory Committee (SRDAC) who raised no objections in principle subject to conditions. The RMS's comments are outlined in Section 7 of this Report. In addition, a copy of any determination will be forwarded to the RMS in accordance with Clause 104(4) of the SEPP, following any Consent granted.

(c) State Environmental Planning Policy No.55 – Remediation of Land

SEPP No. 55 relates to the remediation of contaminated lands. This policy states that land must not be developed if it is unsuitable for a proposed use because it is contaminated. If land is considered to be unsuitable, remediation must take place before the land is developed. The Applicant has submitted a Contamination Investigation prepared by the NSW Public Works Department dated March 2013, which has concluded that the site is suitable for the proposed development subject to the following recommendations:

- *Any soil material that is to be excavated and disposed of in a NSW OEH licensed landfill should be assessed and classified (with TCLP testing, where appropriate) in accordance with the Waste Classification Guidelines (NSW DECC, 2009) and relevant legislation.*
- *Any imported material should be validated in accordance with the Sampling Design Guidelines (NSW EPA, 1995), the Guidelines for Assessing Service Station Sites (NSW EPA, 1994), and the Guidelines for the NSW Site Auditor Scheme (NSW DEC, 2006). The fill material should not contain asbestos, and not be acid sulphate soil or saline soil. The imported fill material should be "virgin excavated natural material" (VENM) or "excavated natural material" (ENM), as defined in the Waste Classification Guidelines (NSW DECC, 2009) because of their low risk of contamination.*
- *An Environmental Site Management Plan should be prepared. This Plan should include a contingency plan for the assessment/management of any unexpected discovery of contamination during the course of earthworks.*

All of the above works should be undertaken by a suitably qualified environmental professional and independently reviewed by the Principal.

It is noted that the Applicant has identified that no fill works or importation of fill material are proposed as part of the development. Furthermore, should the development be approved, **conditions** will be imposed requiring the recommendations of the abovementioned report be implemented (conditions 4.9.1 and 7.9.1).

(d) Blacktown Local Environmental Plan 1988

The land is zoned 5(a) Special Uses - School pursuant to the Blacktown Local Environmental Plan 1988 (BLEP). The proposed use is defined in the BLEP as “*Educational Establishment*”, which is permissible within the zone, with Consent.

Clause 20C of BLEP 1988 applies to certain land within the Second Ponds Release Area and states:

20C Development on certain land at Schofields and Kellyville Ridge, Parklea Release Area

- (1) *This clause applies to part of Lot 404, DP 1029932, and part of Lot A, DP 397496, as shown edged heavy black on the map marked “Blacktown Local Environmental Plan 1988 (Amendment No 202)”.*
- (2) *In addition to any other requirement of this plan, the council must not grant Consent to development of land to which this clause applies, unless the council is satisfied that, in so far as the nature of the development proposed allows, the development will:*
 - (a) *contribute towards achieving water quality and flow objectives of the council by the Application of total water cycle management principles, including WSUD (water sensitive urban design), best practice stormwater management and treatment systems, and minimising adverse impacts on the water cycle to the greatest extent possible, and*
 - (b) *be environmentally sustainable by achieving agreed environmental outcomes acceptable to the council, particularly in relation to water and air quality, and*
 - (c) *protect, enhance, maintain and restore land and water resources, their associated ecosystems, ecological processes, biological diversity and water quality, and*
 - (d) *encourage best practice in the use and management of land and water resources so as to increase water efficiency, reduce reliance on imported water, and improve at-source retention of water quality, flooding, erosion, salinity and sedimentation, and*
 - (e) *contribute to the conservation of biodiversity, and the protection and enhancement of the riparian corridor, and*
 - (f) *contribute to the conservation of Aboriginal heritage.*
- (3) *In addition to any other requirement of this plan, the council must not consent to the erection of a building on land within Zone No 3 (a) that is shown on the map marked “Blacktown Local Environmental Plan 1988 (Amendment No 202)” unless the total of the gross floor areas of all shops and commercial premises on that land will not exceed 1,500 sq.m.*

The proposed development is considered to be Environmentally Sustainable Development, achieved through design and proposed landscaping and discussed in further detail in Section 10 - Assessment. Overall, the proposed development is considered to satisfy the provisions of Clause 20C of BLEP 1988.

In addition, Clause 20D applies to certain land within the Second Ponds Release Area and states:

20D Restriction on certain subdivisions at Schofields and Kellyville Ridge, Parklea Release Area

- (1) *The object of this clause is to require assistance towards the provision of regional transport infrastructure and services to satisfy needs that will arise from development of land to which this clause applies, but only if land is developed intensively for urban purposes.*
- (2) *This clause applies to part of Lot 404, DP 1029932, and part of Lot A, DP 397496, as shown edged heavy black on the map marked "Blacktown Local Environmental Plan 1988 (Amendment No 202)".*
- (3) *Despite any other provisions of this plan, Consent must not be granted for a subdivision of land to which this clause applies that will create a lot with an area of less than 40 hectares, unless the Director-General has certified in writing to the consent authority that satisfactory arrangements have been made to contribute to the provision of regional transport infrastructure in relation to the land comprising that lot.*
- (4) *The reference in subclause (3) to a lot of less than 40 hectares does not include a reference to any such lot:*
 - (a) *identified in the certificate as a residue lot, or*
 - (b) *that is proposed in the Development Application to be reserved or dedicated for public utilities, education facilities, or any other public purpose.*
- (5) *Subclause (3) does not apply to a subdivision for the purpose of rectifying an encroachment upon any existing allotment.*
- (6) *State Environmental Planning Policy No 1—Development Standards does not apply to this clause.*

Clause 20D requires the provision of regional transport infrastructure and services to satisfy needs that will arise from development of land to certain land within the Second Ponds Creek Release Area. As the proposal is for an Educational Establishment, Clause 20D does not apply to the subject development in accordance with Clause 20D(4)(b).

(e) Draft Blacktown Local Environmental Plan 2013

The Draft Blacktown Local Environmental Plan 2013 (DBLEP 2013) was placed on public exhibition between 23 January 2013 and 19 April 2013. The DBLEP 2013 proposes to rezone the subject site to R3 Medium Density Residential. Educational Establishments are not permissible within the zone in accordance with the land use table of Part 2 of the DBLEP 2013, however, the SEPP (Infrastructure) takes precedence over the DBLEP 2013 which identifies Educational Establishments as permissible within prescribed zones, of which R3 is identified as a prescribed zone. As such, Educational Establishments are permissible within the R3 zone with Development Consent.

7 External Referrals

7.1 The subject Development Application was referred to the following external authorities as summarised in the table below:

| Section | Comments |
|--|---|
| Roads and Maritime Services (RMS) | <p>The DA, being an Educational Establishment involving more than 50 students, was referred to the RMS on 5 March 2013 pursuant to Clause 104 of SEPP (Infrastructure) 2007. The traffic impact of the proposed development was considered by the Sydney Regional Development Advisory Committee (SRDAC) on 21 March 2013 and no objections were raised subject to the following conditions, which will be imposed on any consent granted.</p> <ul style="list-style-type: none"> • The Developer must obtain written authorisation from RMS, before occupancy, to remove/relocate any existing Speed Limit signs and/or associated pavement markings. • The Developer must contact RMS at least 6 weeks prior to the completion of the development, for RMS to then undertake an assessment for the installation of any Speed Limit signs and/or associated pavement markings. <p>In addition to the above, the Committee and RMS provided the following advisory comments to Council for consideration and these have been conditioned accordingly (Conditions 2.5, 7.6.5, 7.8.2, 5.3.2, 4.2, 2.11.1, 2.11.2, 2.9.1):</p> <ul style="list-style-type: none"> • The layout of the proposed car parking areas associated with the subject development (including driveways, grades, turn paths, sight distance requirements, aisle widths, aisle lengths and parking bay dimensions) must be in accordance with AS 2890.1-2004 and AS2890.2-2002 for heavy vehicle usage. • 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 AUSTRROADS [Guide to Road Design]. In this regard, a plan shall be submitted to Council for approval, which shows that the proposed development complies with this requirement. • School Zones 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. Road Safety precautions and parking zones are to be incorporated into the neighbouring local road network: <ul style="list-style-type: none"> ○ 40km/hr School Zones are to be installed on The Ponds Boulevard in accordance with the following requirements. [more detail below]. ○ Council should ensure that parking, drop-off and pick-up zones and bus zones incorporated are in accordance with RMS standards. • RMS is responsible for speed management along all public roads within the State of New South Wales. RMS is the only delegated authority to assess and authorise speed limited and install speed limit signage on all roads in NSW. Therefore, the Developer must obtain written authorisation from RMS in relation to any School Zone signs and associated pavement markings and/or remove/relocate any existing Speed Limit signs. |

| Section | Comments |
|------------------------|--|
| | <p>To obtain authorisation, the Developer must submit the following for review and approval by RMS, at least 6 weeks prior to student occupation of the site:</p> <ul style="list-style-type: none"> (a) A copy of Conditions of Development Consent, (b) The proposed school commencement/opening date, (c) Two sets of detailed design plans showing the following: <ul style="list-style-type: none"> ○ 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. <ul style="list-style-type: none"> • All School Zone signs and associated pavement markings are to be assessed and installed by RMS. • All School Zone signs and associated pavement markings must be installed prior to student occupation of the site. • School Zones signs and associated pavement markings must be in accordance with RMS School Zone Guidelines. • The Developer must maintain records of all dates in relation to installing/altering/removing traffic control devices related to speed. <p>Note: All School Zone signs and associated pavement marking are the responsibility of RMS. Once installed, no changes/relocation/removal of the school zone signs and associated pavements markings can be made without prior approval from RMS. All works/regulatory signposting associated with the proposed development are to be at no cost to the RMS.</p> |
| NSW Rural Fire Service | <p>In accordance with Section 90 of the Environmental Planning and Assessment Act 1979, the proposed development is not Integrated Development as it is made by the Crown. Notwithstanding this, the Application was referred to the NSW Rural Fire Service on 26 March 2013 as a portion of the South West corner of the site is identified as within an Asset Protection Zone. Comments were received from the NSW Rural Fire Service on 15 April 2013, with recommendations for the following comments and conditions of Consent (Conditions 4.3, 7.7, 8.4):</p> <ul style="list-style-type: none"> • Asset Protection Zones <p>The intent of measures is to provide sufficient space and maintain reduced fuel loads so as to ensure radiant heat levels of buildings below critical limits and to prevent direct flame contact with a building. To achieve this, the following condition shall apply:</p> <ol style="list-style-type: none"> 1. At the commencement of building works and in perpetuity the entire property shall be managed as an inner protection area (IPA) as outlined within section 4.1.3 and Appendix 5 of "Planning for Bush Fire Protection 2006" and the NSW Rural Fire Service's document "Standards for asset protection zones". |

| Section | Comments |
|---------|---|
| | <ul style="list-style-type: none"> Water and Utilities The intent of measures is to provide adequate services of water for the protection of buildings during and after the passage of a bush fire, and to locate gas and electricity so as not to contribute to the risk of fire to a building. To achieve this, the following condition shall apply: <p style="margin-left: 40px;">Water, electricity and gas are to comply with section 4.1.3 and 4.2.7 of "Planning for Bush Fire Protection 2006". [published by NSW Rural Fire Service]</p> Evacuation and Emergency Management The intent of measures is to provide suitable emergency and evacuation (and relocation) arrangements for occupants of special fire protection purpose developments. To achieve this, the following condition shall apply: <ol style="list-style-type: none"> Arrangements for emergency and evacuation are to comply with section 4.2.7 of "Planning for Bush Fire Protection 2006". Landscaping <ol style="list-style-type: none"> Landscaping to the site is to comply with the principles of Appendix 5 "Planning for Bush Fire Protection 2006". |

8 Internal Referrals

8.1 The subject Development Application was referred internal sections of Council as summarised in the table below:

| Section | Comments |
|--------------------|--|
| Engineering | No objections subject to the imposition of appropriate conditions of Consent (Enclosure 17A on Council File JRPP-13-126). (Conditions 2.4, 2.11, 5, 7.1) |
| Building | No objections subject to the imposition of appropriate conditions of Consent (Enclosure 16A on Council File JRPP-13-126). (Conditions 2.8, 3.1, 4, 7.5) |
| Traffic | Comments from Council's Traffic Management Section (TMS) have been received as follows: <p>TMS has completed the assessment of the DA and the supporting Traffic and Parking Assessment Report prepared by Varga Traffic Planning P/L, and have provided the following comments:</p> <ol style="list-style-type: none"> Off street car parking is proposed for a total of 45 cars including one disabled space located in an outdoor car parking area which is considered adequate. Vehicular access to the car parking facilities is to be provided via a new entry/exit driveway located midway along The Ponds Boulevard. The proposed driveway is considered adequate for the development. An on-site drop-off/pick-up area with a capacity of 6 vehicles is proposed at the front entry to the school buildings adjacent to Buildings A and G (the Administration and Hydrotherapy buildings). The proposed drop-off/pick-up area is considered adequate for the school. Loading/servicing for the proposed school is expected to be undertaken by a variety of commercial vehicles up to and including 8.8m long medium rigid trucks. The loading area is to be located at the southern end of the site, with vehicular access to be provided via a new "service vehicle only" driveway located midway along the Greenview Parade site frontage. The proposed |

| Section | Comments |
|----------------------|---|
| | <p>loading facilities are considered adequate for the development.</p> <p>5. A wombat crossing is required along the Ponds Boulevard frontage of the school with 40 km/h school zone.</p> <p>These comments will be conditioned, should the development be approved. (Conditions 4.2, 7.6)</p> |
| Environmental Health | No objections subject to the imposition of appropriate conditions of Consent (Enclosure 37A on Council File JRPP-12-1529). (Conditions 6, 4.11, 9) |

9 Public Comment

- 9.1 The subject Development Application was notified in accordance with Blacktown Development Control Plan 2006 Part K – Notification of Development Applications to adjoining and nearby property owners and occupants for a period of 14 days from 13 March to 27 March 2013. In response to public exhibition, no submissions were received.

10 Assessment

- 10.1 An assessment of the key issues relating to the proposed development is presented below:

(a) Blacktown Development Control Plan 2006

The provisions of the Blacktown Development Control Plan 2006, Part A, - General Guidelines, Part C, Section 10.2 – Places of Public Worship and Educational Establishments, Part M – Second Ponds Creek, Part O – Site Waste Management & Minimisation and Part R – Water Sensitive Urban Design and Integrated Water Cycle Management are relevant to the proposal. The following table outlines that the Application is generally compliant with the relevant provisions of the Blacktown DCP.

| Section | Comment | Complies |
|--------------------------|---|------------|
| Part A | | |
| Tree Preservation | The subject site does not contain any trees and as such, is considered satisfactory with respect to Tree Preservation. | Yes |
| Pollution Control | A Waste Management Statement prepared accordance with the requirements of the DCP has been submitted with the Development Application. | Yes |
| Noise Reduction | An Acoustic Assessment has been submitted with the Application. The proposed development is considered satisfactory subject to conditions requiring compliance with the recommendations of the submitted Acoustic Assessment. (Conditions 4.11.1, 7.9.3) | Yes |
| Car Parking | The development provides for a total of 45 car parking spaces and complies with the BDCP controls for car parking. The proposed location of the car parking is considered suitable with respect to the site, proposed buildings and adjoining properties. Appropriate conditions have been included requiring the development to comply with appropriate Australian Standards with respect to car parking, manoeuvrability, disabled car parking spaces and signage. (Condition 4.2) | Yes |

| Section | Comment | Complies |
|--|---|----------|
| Solar Access | The proposed Place of Public Worship achieved a minimum separation of 16.5m from its nearest property boundary and all proposed buildings are single storey in height. The Educational Establishment will therefore not cause any unreasonable overshadowing over adjoining land uses. | Yes |
| Traffic Generating Development | The Applicant has submitted a Traffic Impact Assessment identifying the implications of the proposed development on the surrounding street network, Application design and car parking. | Yes |
| Crime Prevention through Environmental Design | The siting and design of the proposed development has taken into consideration CPTED measures, including natural surveillance, design of fencing to secure the site, landscaping and proposed lighting within the development. | Yes |
| Part C | | |
| Definitions | The proposed development falls within the definitions of "Educational Establishment" within the <i>Blacktown Local Environmental Plan 1988</i> . | Yes |
| Locational Preferences | <p>The subject site is located within the 5(a) Special Uses - School pursuant to the Blacktown Local Environmental Plan 1988. Educational Establishments are permissible with the zone with Consent.</p> <p>The subject site is located upon main public transport routes to centres, including Blacktown and Rouse Hill. Furthermore, the site is accessible to collector roads including The Ponds Boulevard.</p> <p>The proposed development has a minimum setback of 16m from the property boundary and provides adequate landscaping and fencing to suitably address possible conflicts including noise, privacy implications and overshadowing.</p> <p>The subject Educational Establishment is located within the subject site, with car parking and road reserves acting as a buffer to the proposed development to the nearest residential uses. In addition, a detailed landscaping plan has been submitted by the Applicant identifying a buffer zone between the development and adjoining residential properties. Furthermore, a 1.8m high boundary fence is proposed to surround the development. The size of the land is considered to be suitable for the proposed development.</p> | Yes |
| Pedestrian Safety Measures | A Traffic and Parking Assessment Report prepared by Varga Traffic Planning P/L dated 22 January 2013 has been prepared for the subject Development Application. The Traffic Impact Assessment has been reviewed by Council's Traffic Management Section and is considered satisfactory. Furthermore, the Application was referred to the Roads and Maritime Services (RMS)/Sydney Regional Development Assessment Committee in accordance with the Infrastructure SEPP. The RMS/ | Yes |

| Section | Comment | Complies |
|---|--|----------|
| | SRDAC did not object to the proposal subject to conditions . | |
| Landscaping | A detailed landscaping plan has been submitted detailing extensive landscaping throughout the site through a variety of native trees, grasses and shrubs. The proposed landscaping effectively embellishes the car parking area and impact of the built structure on adjoining properties. | Yes |
| Off-Street Car Parking | The proposal provides for 45 car parking spaces and complies with the BDCP controls for car parking for both stages of the proposed development. A detailed assessment of the required car parking is provided below. | Yes |
| Part M | | |
| Land Use | The subject site is zoned 5(a) Special Uses – School pursuant to the Blacktown Local Environmental Plan 1988. The proposed development as an Educational Establishment is permissible with consent. Furthermore, the school buildings are of a scale and character consistent with the surrounding area and integrated with community uses, including close proximity to parklands and the neighbourhood community centre within The Ponds development area. | Yes |
| Circulation Network | Suitable access has been provided to the subject site, linking the existing street network. Furthermore, access to the site is provided from collector roads. A Traffic Statement has also been submitted with the proposal identifying that the proposed development is suitable within the existing road network. | Yes |
| Site Planning | The development has been considered with regards to implications with respect to Stormwater Management, Land Capability – Salinity and Sodidity, Aboriginal Heritage, Contamination, Cut and Fill as well as Flora and Fauna. A detailed discussion of these matters is undertaken within the following pages of this report. | Yes |
| Part O | | |
| Waste Management Plan | A Waste Management Statement prepared accordance with the requirements of the DCP has been submitted with the Development Application. | Yes |
| Part R | | |
| Water Sensitive Urban Design & Integrated Water Cycle Management | Council's Engineers have undertaken an assessment of the proposal in accordance with the requirements of BDCP Part R. Accordingly, appropriate Engineering conditions have been included and sufficient information has been provided to satisfy the requirements of BDCP Part R. Comments and conditions are held at Enclosure 17A on Council File JRPP-13-126. (Conditions 2.11.1 & 2.11.5) | Yes |

(b) Context and Scale

The site falls within an area characterised by new low density residential subdivision and housing development. The desired future character of the area is largely determined by the planning controls applying under the provisions of the Blacktown Local Environmental Plan 1988 and the Blacktown Development Control Plan 2006 – Part M Second Ponds Creek. The proposed development has been designed to be consistent with the desired future character and complementary to existing development of the locality in the residential community.

The proposed Educational Establishment is designed to be in keeping with the surrounding area, taking into consideration the size of the subject site, height and setback controls of the surrounding locality. Furthermore, the development is considered to be of a high architectural standard and will contribute to the future quality and identity of the area. The site's proximity to services, facilities and public transport makes the site suitable for the proposal.

The proposal complies with the development standards established within the Blacktown Development Control Plan, in particular the development controls established within Section 10.2 Places of Public Worship and Educational Establishments within Part C – Development in Residential Zones. A number of supporting technical studies have been submitted with the Application, including an Acoustic Assessment and Traffic Impact Statement to identify the implications the proposed development may have on the amenity of the surrounding uses. Overall, the scale of the development is considered suitable with the surrounding context and the size of the subject site and aims to minimise potential conflicts with adjoining properties through landscaping, fencing and the overall siting of the Educational Establishment on the subject site.

The proposed Educational Establishment is single storey in height with a maximum height of 7.5m of any structure, which is less than the maximum permissible roof ridgeline height of 10m within the DCP – Part M. In addition, the proposal does seek approval for shade shelters internally within the development. All proposed setbacks exceed 16m to adjoining properties and road reserves which provides sufficient buffer to adjoining properties. The built form is further designed to provide active street frontages to Greenview Parade and The Ponds Boulevard.

(c) Hours of Operation

The school operational hours are 7.30am to 6pm Monday to Friday, with non-school hours being in relation to the use of the hydrotherapy pool. The non-school hours are 7am to 7.30am and 6pm to 10pm Monday to Friday and 7am to 6pm Saturdays and Sundays. The hydrotherapy pool is a key component of the students' therapy which cannot always occur during the school hours.

The proposed hours of operation are considered satisfactory as the Applicant has submitted an Acoustic Assessment taking into consideration the proposed hours of operation of the Educational Establishment with respect to school activities, peak car parking periods and out of hours use of the pool. The Acoustic Report has identified that there may be marginal exceedance of 1dB during recess and lunch breaks when children are playing outside, a 2db of the night time NSW DEC Industrial Noise Policy (INP) criterion for out of hours activities use of the pool as well as a 3dB small exceedance of Application and traffic noise on Local roads during peak hours only. Further acoustic investigation is recommended for mechanical plant information prior to construction. The Acoustic Report identifies these exceedances as minimal and as such, recommendations include in-principle recommendations such as standard noise control measures for mechanical plant

equipment, and architectural treatment for the school including materials for façade and roof constructions to address acoustic impacts of the proposal.

Council's Environmental Health Section have reviewed the Acoustic Report and imposed **conditions** requiring written evidence be provided to Council identifying that in-principle the recommendations of the Acoustic Report be implemented including structural recommendations and acoustic measures. Furthermore, **conditions** (Conditions 4.11.1 and 7.9.3) have been included within any consent regarding the hours of operation and that verification of implementation of Acoustic measures be provided to Council prior to the operation of the school.

(d) Landscaping

The subject site is currently vacant with no existing structures or vegetation located on the site. The Applicant has submitted a detailed landscape plan. The submitted landscape plan provides for the extensive embellishment of the site through predominate use of native species. In addition, a high quality landscape buffer is proposed on adjoining property boundaries, and in particular the south west area of the site which adjoins existing residential properties. The Landscape treatment proposed on-site is proposed to provide screening to adjoining development, embellish the car parking area and contribute to the management of stormwater flow on site. Suitable **conditions** will be imposed requiring the development to be consistent with the submitted Landscape Plan held at Enclosures 36B on Council's File, which is considered satisfactory. (Condition 7.6.1)

(e) Parking

The Blacktown Development Control Plan requires the provision of 1 space per 100 students as well as 1 space per staff member.

It is anticipated that the school will cater for 128 students by 2015 and provide for 40 staff members. The proposed development seeks to provide off street car parking is proposed for a total of 45 cars including one disabled space located in an outdoor car parking area which satisfies the Blacktown Development Control Plan 2010 requirements for car parking.

In addition, an on-site drop-off/pick-up area with a capacity of 6 vehicles is proposed at the front entry to the school buildings adjacent to Buildings A and G (the Administration and Hydrotherapy buildings).

(f) School Standards

In accordance with Clause 32 of the State Environmental Planning Policy (Infrastructure) 2007, the consent authority is to take into consideration all relevant standards of the following State Government publications:

- (a) *School Facilities Standards—Landscape Standard—Version 22* (March 2002),
- (b) *Schools Facilities Standards—Design Standard* (Version 1/09/2006),
- (c) *Schools Facilities Standards—Specification Standard* (Version 01/11/2008).

As the proposed school is a State Government School, a compliance letter from the NSW Government's Architects Office has been prepared and is held at **Attachment 3** to this report. The compliance letter identifies that the design of the proposed school is consistent with the principles within the School Standards. As such, the proposal is considered to satisfy the School Standards.

(g) Heritage

The subject site contains no items of European heritage significance. In regards to Aboriginal Heritage, an "Aboriginal Heritage Impact Permit" pursuant to Section 90 of the National Parks and Wildlife Act 1974 was issued for the Second Ponds Creek Release Area in 2006, including for destruction of Aboriginal objects within Potential Archaeological Deposit 40 as identified in an October 2005 report by Jo MacDonald Cultural Heritage Management Pty Ltd, which covered part of the subject site. This process was undertaken as part of the Subdivision Application. As such Heritage has been satisfactorily addressed. (Condition 7.6.1)

(h) Contamination

The Applicant has submitted a Contamination Investigation prepared by the NSW Public Works dated March 2013 which has concluded that the site is suitable for the proposed development subject to the following recommendations:

- *Any soil material that is to be excavated and disposed of in a NSW OEH licensed landfill should be assessed and classified (with TCLP testing, where appropriate) in accordance with the Waste Classification Guidelines (NSW DECC, 2009) and relevant legislation.*
- *Any imported material should be validated in accordance with the Sampling Design Guidelines (NSW EPA, 1995), the Guidelines for Assessing Service Station Sites (NSW EPA, 1994), and the Guidelines for the NSW Site Auditor Scheme (NSW DEC, 2006). The fill material should not contain asbestos, and not be acid sulphate soil or saline soil. The imported fill material should be "virgin excavated natural material" (VENM) or "excavated natural material" (ENM), as defined in the Waste Classification Guidelines (NSW DECC, 2009) because of their low risk of contamination.*
- *An Environmental Site Management Plan should be prepared. This Plan should include a contingency plan for the assessment/management of any unexpected discovery of contamination during the course of earthworks.*

All of the above works should be undertaken by a suitably qualified environmental professional and independently reviewed by the Principal.

It is noted that the Applicant has identified that no fill works or importation of fill material proposed as part of the development. Furthermore, should the development be approved, **conditions** will be imposed requiring the recommendations of the abovementioned report be implemented. As such, the site is considered suitable with respect to site contamination. (Conditions 7.9.1 and 4.9)

(i) Salinity & Soil Aggressivity

A Salinity Assessment has been prepared by SESL Australia dated 22 April 2013 was submitted as part of the Application. The report concludes that the site is suitable for the proposed development without any significant risk of mobilising damaging salts or any significant risk of damage to concrete or metal structures. No special building construction methods will be required for the proposed works as the salt levels are present below 3.0m depth, however the salinity of the subsoil at BH15 and BH 16 will pose plant growth issue if any excavated soils are left on the surface. It is a recommendation of SESL that works may proceed with the Salinity Management Response Checklist (Salinity Response 1 – Appendix C) addressed in the Development Application.

Accordingly, **conditions** will be imposed requiring all works to be undertaken in accordance with the requirements of the Salinity Management Plan (SMP) and final sign-off from a suitably qualified consultant verifying that the requirements of the SMP have been implemented is to be submitted prior to the issue of an Occupation Certificate. (Conditions 4.10 and 7.9.2)

(j) Bushfire

The south west portion of the site has been identified as within an Asset Protection Zone (APZ) on NSW Bushfire Protection maps. Figure 7 below identifies the extent of bush fire for the site.

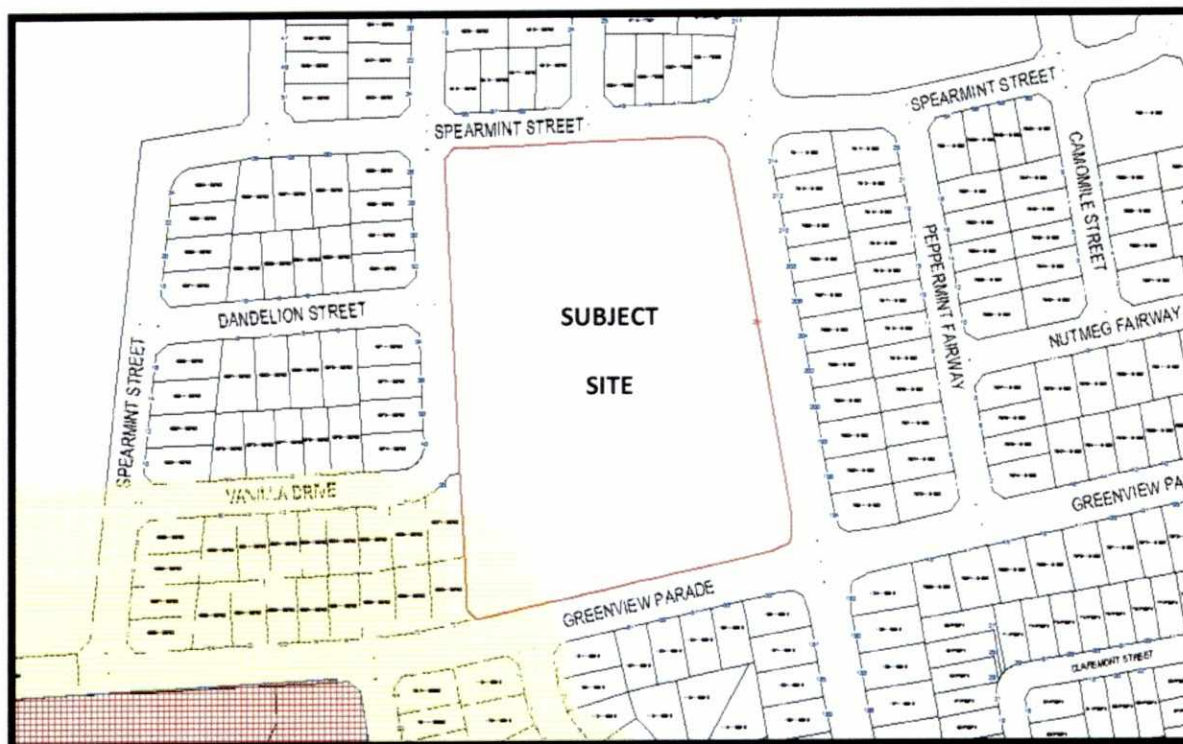


Figure 7: Extent of Bushfire Affection (Source: Blacktown City Council, 2013)

The Application was referred to the NSW Rural Fire Service for comment who have stated:

- **Asset Protection Zones**

The intent of measures is to provide sufficient space and maintain reduced fuel loads so as to ensure radiant heat levels of buildings below critical limits and to prevent direct flame contact with a building. To achieve this, the following conditions shall apply:

At the commencement of building works and in perpetuity the entire property shall be managed as an inner protection area (IPA) as outlined within section 4.1.3 and Appendix 5 of "Planning for Bush Fire Protection 2006" and the NSW Rural Fire Service's document "Standards for asset protection zones".

- **Water and Utilities**

The intent of measures is to provide adequate services of water for the protection of buildings during and after the passage of a bush fire, and to locate gas and electricity so as not to contribute to the risk of fire to a building. To achieve this, the following condition shall apply:

Water, electricity and gas are to comply with section 4.1.3 and 4.2.7 of "Planning for Bush Fire Protection 2006".

- **Evacuation and Emergency Management**

The intent of measures is to provide suitable emergency and evacuation (and relocation) arrangements for occupants of special fire protection purpose developments. To achieve this, the following condition shall apply:

Arrangements for emergency and evacuation are to comply with section 4.2.7 of "Planning for Bush Fire Protection 2006".

- **Landscaping**

Landscaping to the site is to comply with the principles of Appendix 5 "Planning for Bush Fire Protection 2006".

As such, the proposal is considered satisfactory with respect to bush fire protection subject to the imposition of the abovementioned **conditions** of Consent. (Conditions 4.3, 7.7, 8.4)

(k) Cut and Fill and Retaining Works

The Application has identified that there will be 0 cubic metres of earth removed from the site. **Conditions** will be imposed requiring any importation of fill to require validation, however, the design of the buildings is maintained within the natural topography of the land and therefore cut and fill works are likely to be minimal.

(l) Fencing

The development proposes 2.1m fencing on all property boundaries in accordance with the School Standards. In this regard, the Application is providing for school standard fencing on all fences being metal open palisade style fencing "school fence" which will be **conditioned** accordingly. (Condition 7.6.7)

(m) External Building Material and Colours

A suitable variety of external materials, consistent with the scale and character of development in the locality has been selected for the proposed development. The Applicant has submitted details of colours and finishes which is considered satisfactory.

(n) Developer Contributions

The subject site falls within Contribution Plan No. 5 – Parklea Release Area. However, on 8 March 2006, Council resolved to endorse the Second Ponds Creek Planning Agreement (subject to amendments) and granted the General Manager Authority to finalise the terms and execute the document under Power of Attorney. The execution of a Planning Agreement now means that any Development Application within the Second Ponds Creek release Area would not need to be levied for S94 Contributions. The concurrence of Council's Section 94 Officer has been obtained, confirming that the Second Ponds Creek Planning Agreement applies to the proposed development.

(o) Impacts during Construction

Conditions of Consent will be imposed to mitigate any potential impacts on the amenity of surrounding neighbourhood resultant from the development. (Conditions 4.4 and 4.7)

(p) Social and Economic Impact

It is considered that the proposed Education Establishment will have a positive social and economic impact on the locality.

(q) BCA Compliance

A **condition** of Consent would require that the proposed development complies with the applicable requirements of the Building Code of Australia, including accessibility requirements. (Condition 2.8)

(r) Water Management

The Application has been reviewed by Council's Development Engineers who have raised no objections to the proposed development subject to the implementation of **conditions** of Consent. (Condition 2.11.5)

(s) Soil Management

The proposed development is not expected to have an adverse impact in regarding the soil erosion or sedimentation. A **condition** of Consent will require the Applicant to ensure the proposal is carried out in compliance with erosions and sedimentation controls. (Conditions 3.1.4 and 3.1.5)

(t) Waste Management

A Waste Management Plan (WMP) has been prepared and submitted as a part of the Application. A **condition** of Consent will be included within the Consent requiring compliance with the submitted WMP, including a commercial waste contractor to service the site. (Condition 8.2.8)

(u) General Services

The subject site has access to services such as water and sewer, power, telecommunications and gas supply. **Conditions** will be imposed on this Consent requiring the Applicant to obtain Service Authority Clearances prior to the issue of any Occupation Certificate. (Condition 7.3.1)

11 Section 79C Consideration

11.1 Consideration of the matters prescribed by Section 79C of the Environmental Planning and Assessment Act is summarised below:

| Head of Consideration | Comment | Complies |
|--|--|----------|
| <p>a. the provisions of:</p> <ul style="list-style-type: none"> i. any environmental planning instrument (EPI) ii. any proposed instrument that is or has been the subject of public consultation under this Act and that has been notified to the consent authority (unless the Director-General has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved), and (iii) any development control plan (iiia) any planning agreement (iv) the regulations | <ul style="list-style-type: none"> The provisions of the relevant EPIs relating to the proposed development are summarised under Section 6 of this report. The proposal is permissible within the 5(a) Special Uses - School and satisfies the zone objectives outlined under the Blacktown Local Environmental Plan 1988. The subject site is proposed to be rezoned under the Draft Blacktown Local Environmental Plan 2013 which was placed on public notification between 23 January 2013 and 19 April 2013 to R3 Medium Density Residential. Educational Establishments are prohibited within the zone, however R3 is a prescribed zone under the SEPP (Infrastructure), making Educational Establishments permissible with Development Consent within the R3 zone. The Blacktown Development Control Plan applies to the subject site. The proposed development is consistent with the desired future character of the area. A detailed assessment of the Application is provided under Section 10 of this Report. | Yes |
| b. the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality | <ul style="list-style-type: none"> An assessment of the key issues is provided in Section 10 of this Report and it is considered that the likely impacts of the development have been satisfactorily addressed. | Yes |
| c. the suitability of the site for the development | <ul style="list-style-type: none"> The subject site is zoned 5(a) Special Uses - School and permits "Educational Establishment" with Consent. The proposal has been designed taking into consideration the site's constraints and locality. The site is therefore considered suitable for the proposed development. | Yes |
| d. any submissions made in accordance with this Act or the regulations | <ul style="list-style-type: none"> As noted in Section 9 of this Report, the Application was placed on public notification for a period of 14 days and no submissions were received. | Yes |
| e. the public interest | <ul style="list-style-type: none"> No adverse matters relating to the public interest arise from the proposal and the provision of an Educational Establishment is desirable and is considered to be in the public interest. | Yes |

12 General Comments

- 12.1 The proposed development has been assessed against the matters for consideration listed in Section 79C of the Environmental Planning & Assessment Act 1979 and is considered to be satisfactory. In this regard it is considered that likely impacts of the development have been satisfactorily addressed and that the proposal is in the public interest. Further, the subject site is considered suitable for the proposed development.
- 12.2 The proposal is consistent with the objectives of Blacktown Local Environmental Plan 1988 and the 5(a) Special Uses - School and is permissible in the zone with Development Consent. The proposal also complies with the provisions set out State Environmental Planning Policy (Infrastructure) 2007 and the Blacktown Development Control Plan 2006, and is considered satisfactory with regard to relevant matters such as Built Form, Heritage, Access, Stormwater Drainage, ESD, Site Contamination, Salinity, Social and Economic Impacts and the like subject to the imposition of suitable conditions of Consent to satisfactorily control the development.

13 Recommendation

- 13.1 The Development Application be approved by the Sydney West Joint Regional Planning Panel subject to the conditions held at **Attachment 1**.
- 13.2 The Applicant be advised of the Sydney West Joint Regional Planning Panel's decision.



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