

Report to Sydney West Joint Regional Planning Panel

JRPP No.	Item (2013SYW037)
DA No:	JRPP-13-369
Proposed Development:	Construction of an Educational Establishment – The Ponds High School and Primary School
Development Type:	“Crown Development” – Capital Investment Value > \$5 million
Lodgement Date:	13 March 2013
Land/Address:	Proposed Lot 1 in the subdivision of Part Lot 47 DP 28833, Part Lot 43 DP 28833, Lots 41 and 42 DP 28833 and Proposed Lot 400 in the subdivision of Part Lot 101 DP 1161271 H/Ns 90 and 98-102 Hambledon Road, Schofields
Land Zoning:	R2 Low Density Residential, SP2 Infrastructure – Drainage, SP2 Infrastructure – Classified Road, SP2 Infrastructure – Educational Establishment, SP2 Infrastructure – Local Road and RE1 Public Recreation pursuant to State Environmental Planning Policy (Sydney Region Growth Centres) 2006
Value Of Development:	\$39,768,000
Applicant:	Department of Education and Communities c/- Public Works
Report Author:	Melissa Parnis, Town Planner
Instructing Officers:	Judith Portelli, Manager Development Services and Administration Glennys James, Director City Strategy and Development
Date Submitted to JRPP:	11 October 2013
Date Considered by JRPP:	24 October 2013



THE PONDS HS-PS AERIAL VIEW

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

ASSESSMENT REPORT

CONTENTS

1. Executive Summary	Page 3
2. Location	Page 4
3. Site Description and Locality	Page 6
4. History and Current Use of the Site	Page 8
5. The Proposal	Page 9
6. Planning Controls	Page 10
7. External Referrals	Page 12
8. Internal Referrals	Page 16
9. Public Comment	Page 19
10. Council Assessment	Page 19
11. Section 79C Consideration	Page 27
12. General Comments	Page 28
13. Recommendation	Page 29

ATTACHMENTS

- Attachment 1 – Development Application Plans
- Attachment 2 – Proposed Conditions of Consent
- Attachment 3 – Compliance with School Standards – Letter from Government Architect’s Office
- Attachment 4 – Environment Protection Authority Letter
- Attachment 5 – Applicant’s Traffic Comments in response to Council Traffic and RMS Comments

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 Educational Establishment being The Ponds High School and Primary School on the subject site. The Capital Investment Value of the proposed development is \$36.768 million.
- 1.2 The proposal seeks approval for a new 21 classroom primary school and a new 7 stream (7 class groups per year) high school. It is anticipated that the High School will cater for 1,400 students and the Primary School for 630 students in the future.
- 1.3 The development includes classrooms and associated structures for both the High School and Primary School, including administration and staff facilities, hall, free play areas and games court, libraries, covered outdoor learning areas (COLA) as well as associated amenities and landscaping.
- 1.4 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.
- 1.5 Two vehicular access points are proposed along Wentworth Street accessing 2 separate car parking facilities, being a 36 space car parking facility and a 38 space car parking facility. Vehicle access to a 74 space car parking facility is to be provided via a new entry/exit along Riverbank Drive. In addition to this, a new bus bay is proposed midway along Riverbank Drive.
- 1.6 Council's Traffic Management Section (TMS) and the Roads and Maritimes Services (RMS) have recommended the provision of a second bus bay along Wentworth Street. However, concerns are raised given the significant redesign this would require for the proposal, including a potential loss in already limited car parking numbers. As such, the provision of a second bus bay is not supported and instead a Plan of Management is proposed to be conditioned which will include staggered school starting and finishing times for the Primary and High Schools.
- 1.7 Off-street car parking is proposed for a total of 148 cars as well as potential for overflow car parking. The provision of 148 car parking spaces does not satisfy the Blacktown City Council Growth Centre Precincts Development Control Plan 2010 requirements for car parking as there is a 47 space shortfall. To reduce this shortfall it is proposed to include a condition requiring an Operational Plan of Management for the High School and requirement in it to prohibit senior high school students driving to school. This will ensure that the 40 student parking spaces generated by this proposal do not park in the local streets. This will leave only a visitor shortfall of 7 spaces. The proposed number of car parking spaces does satisfy the Government's School Facilities Standards, which in accordance with State Environmental Planning Policy (Infrastructure) 2007 take precedence over Council's DCP. A condition is also recommended to be imposed requiring the provision of an additional 7 visitor car parking spaces on site to minimise on-street parking impacts on the local streets in the area.
- 1.8 The subject site is zoned R2 Low Density Residential, SP2 Infrastructure – Drainage, SP2 Infrastructure – Classified Road, SP2 Infrastructure – Educational Establishment, SP2 Infrastructure – Local Road and RE1 Public Recreation pursuant to State Environmental Planning Policy (Sydney Region Growth Centres) 2006. Notwithstanding the zoning of the

subject properties, the development is proposed within the portion of the site that is zoned R2 Low Density Residential.

- 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 9 July 2013 to 23 July 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 with the exception of car parking which can be addressed with appropriate conditions. 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, especially with regard to mitigating the impact of car parking demand generated by the proposal.
- 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 in the eastern part of the "Alex Avenue Precinct" of the North West Growth Centre, immediately adjacent to The Ponds residential estate to the east and approximately 2.5km from the local centre at Schofields and the Rouse Hill Regional Centre.

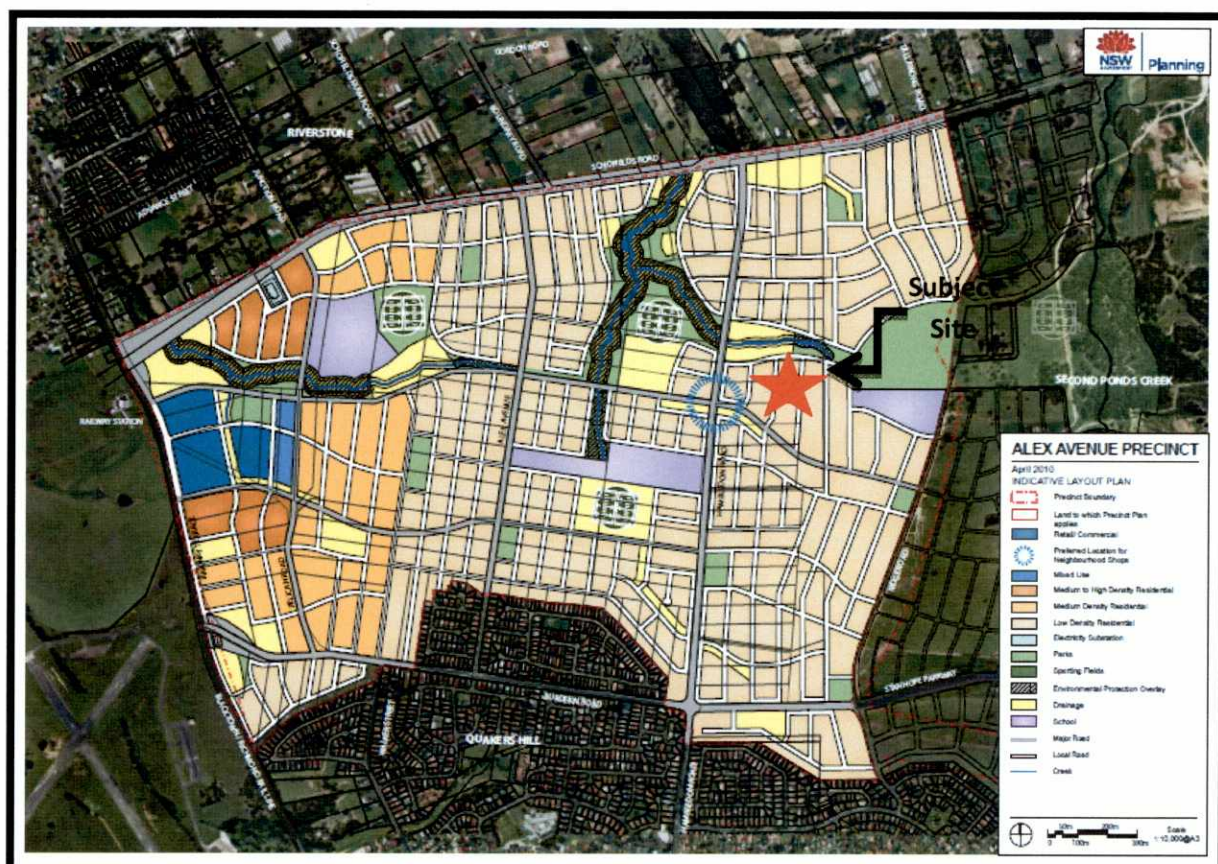


Figure 2: Alex Avenue Precinct (NSW Department of Planning and Infrastructure, 2010)

- 2.2 The land is bounded by the approved extension to Riverbank Drive to the south, Hambledon Road to the west, proposed Wentworth Street to the east and directly abuts a proposed drainage corridor to the north of the subject site. The subject site is currently surrounded by adjoining rural dwellings and uses to the north and south, within an area identified for future Urban Development in accordance with the State Government's rezoning of the Alex Avenue Precinct in May 2010.

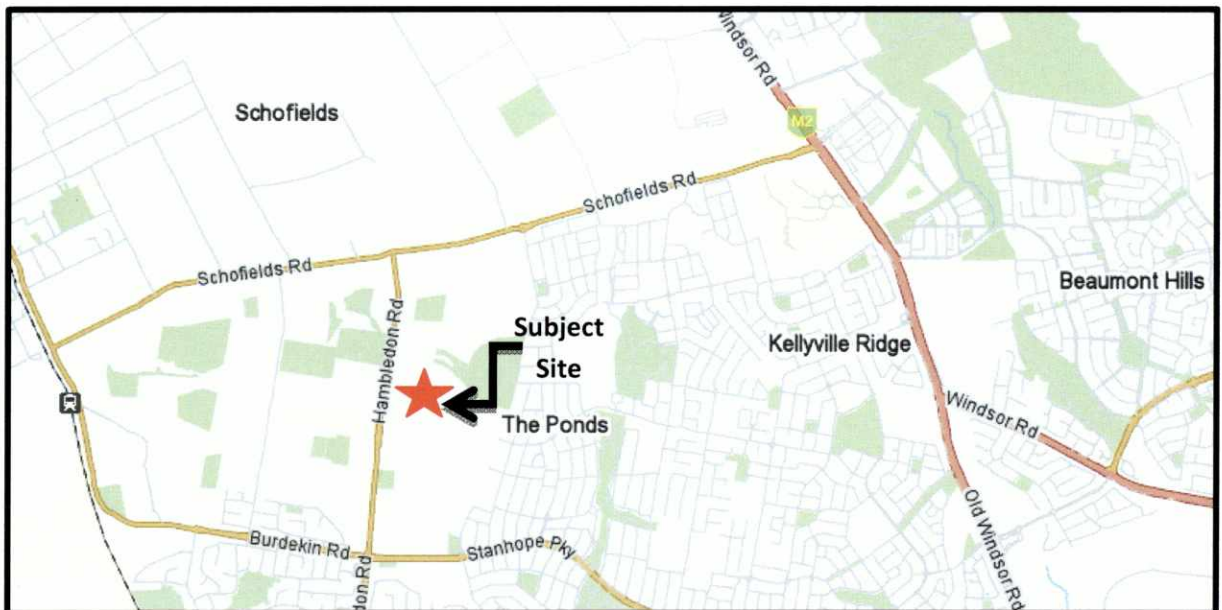


Figure 3. Location Context (Source: Whereis, 2013)

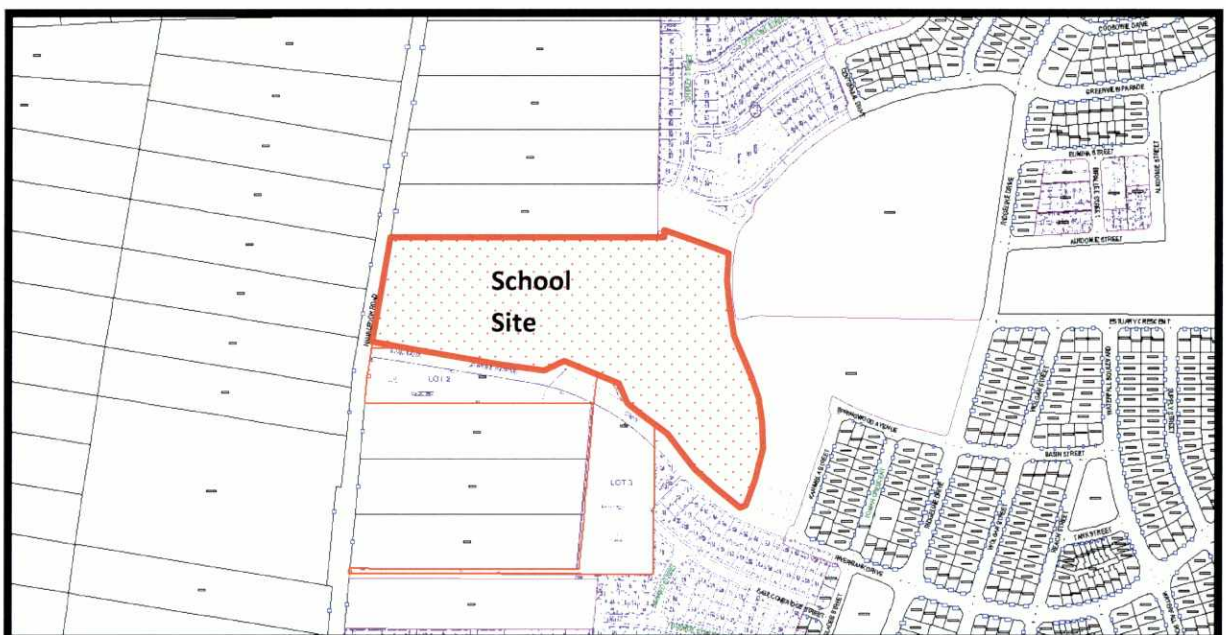


Figure 4. Location Plan (Source: Blacktown City Council, 2013)

3. Site Description and Locality

- 3.1 The subject site, being proposed Lot 1 within the subdivision of Part Lot 47 DP 28833, Part Lot 43 DP 28833, Lots 41 and 42 DP 28833 and proposed Lot 400 in the subdivision of Part Lot 101 DP 1161271, H/Ns 90 and 98-102 Hambledon Road, Schofields, is located within Stage 4 of The Ponds Release Area.

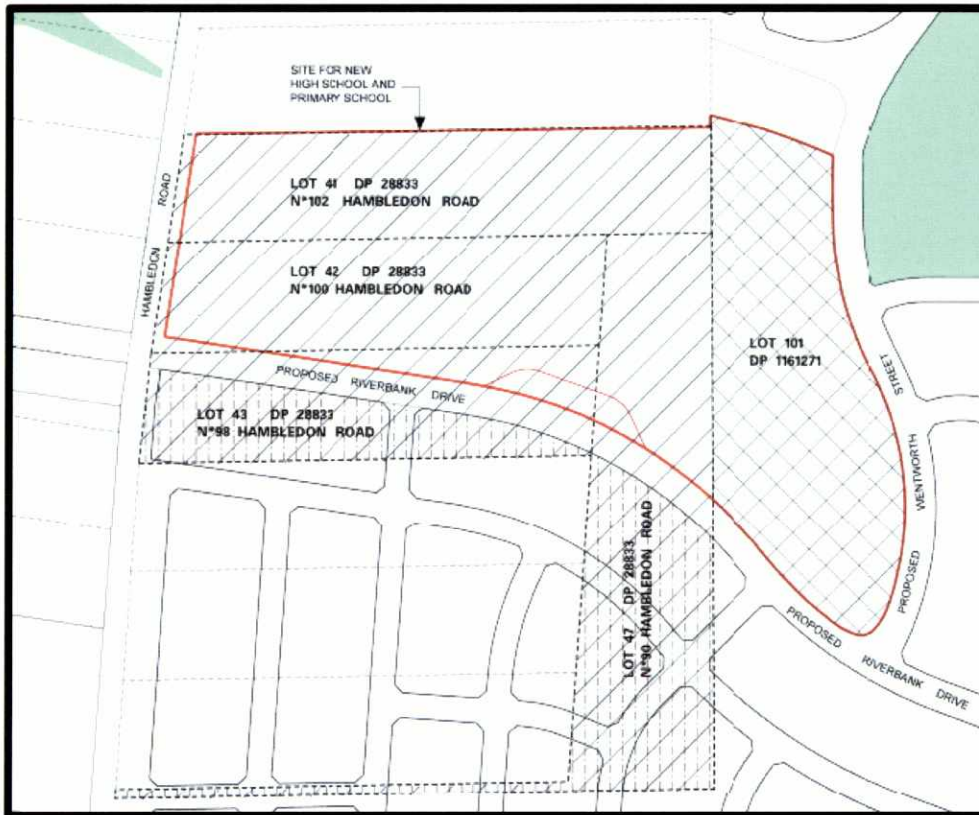


Figure 5. Location of School Site within Subject Lots (Source: NSW Public Works, 2013)

- 3.2 The Ponds and surrounding Stanhope Gardens and Kellyville Ridge residential areas have been subject to a number of Development Applications for 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 8.72 hectares.
- 3.4 The site has 3 street frontages, being Hambledon Road to the west, the extension to Riverbank Drive to the south and proposed Wentworth Street to the east. In addition, the site directly abuts a proposed drainage corridor to the north of the subject site.
- 3.5 The contours of the site show that the land generally falls towards the west and also to the north-east and south to south-east.
- 3.6 There are 9 trees located on the subject site which are proposed to be removed to facilitate the development of the site. The site benefits from Biodiversity Certification pursuant to the Threatened Species Conservation Act 1995.
- 3.7 The subject site has been used for poultry farming and rural grazing for a number of years, with a number of buildings located on the site consisting of 2 dwellings and various sheds used for poultry or associated rural uses. These uses are typical of that adjoining the subject site.

- 3.8 The subject site is zoned R2 Low Density Residential and SP2 Infrastructure – Drainage, SP2 Infrastructure – Classified Road, SP2 Infrastructure – Educational Establishment, SP2 Infrastructure – Local Road and RE1 Public Recreation pursuant to State Environmental Planning Policy (Sydney Region Growth Centres) 2006. The development is proposed to be located within the portion of the site that is zoned R2 Low Density Residential as shown in Figure 6 below.

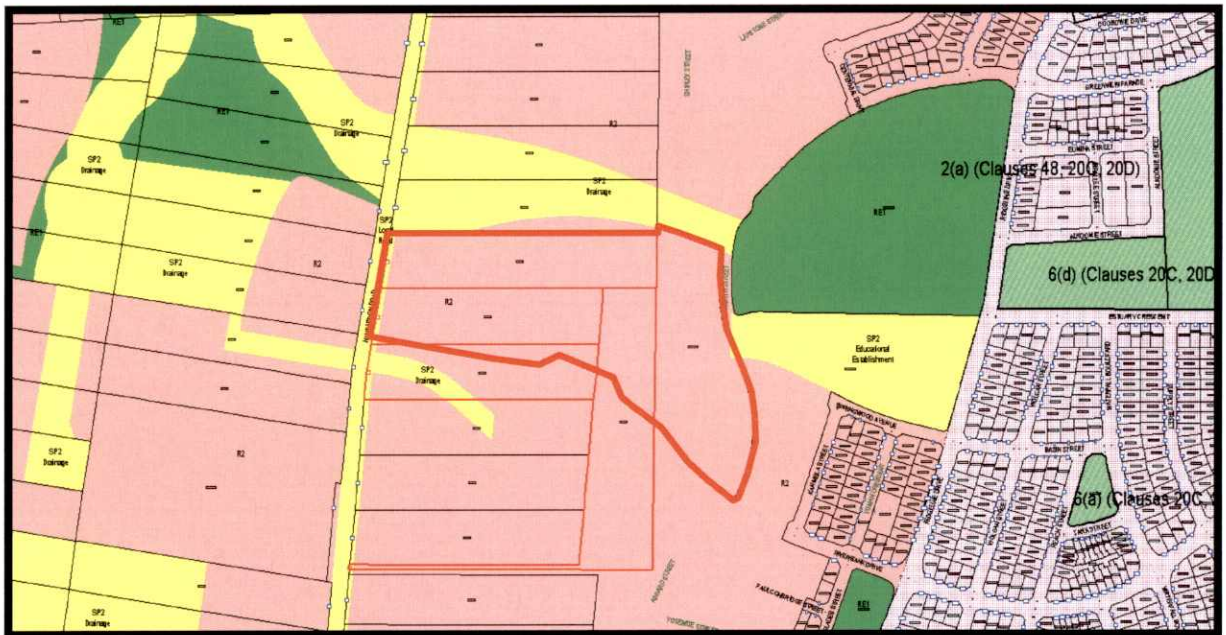


Figure 6. Zoning Plan (Source: Blacktown City Council, 2013)



Figure 7. Aerial Photo of Site and Surrounds (Source: NSW Government, 2013)

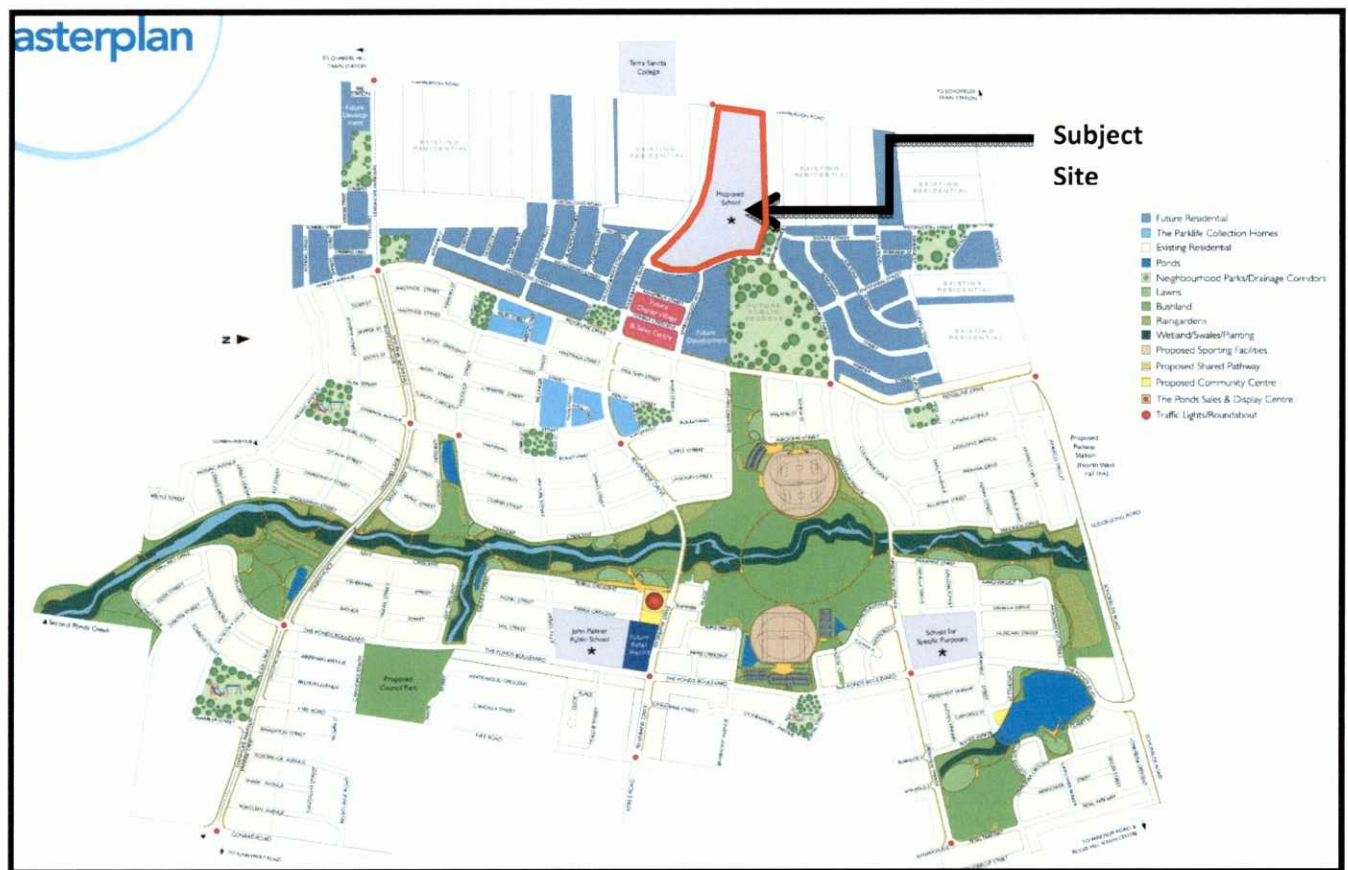


Figure 8. The Ponds Masterplan (Source: Landcom and Australand, 2013)

4. History and Current Use of the Site

- 4.1 On 17 May 2010 the Alex Avenue and Riverstone Precincts were rezoned and gazetted as Appendix 4 to State Environmental Planning Policy (Sydney Region Growth Centres) 2006. The portion of the subject site on which the proposed Educational Establishment is located was rezoned at that time to R2 Low Density Residential.
- 4.2 On 2 March 2012 Council approved the creation of residue lot 400 for Landcom (now NSW UrbanGrowth) under Notice of Determination No. 11-2616 (as amended). This subdivision addressed site contamination, salinity and archaeological heritage for proposed Lot 400.
- 4.3 On 12 August 2013 Council approved the consolidation of 4 existing lots into 3 lots and 1 new road, as well as deletion of the DCP road pattern affecting the School Site under Notice of Determination No. 13-856. In addition, this Development Application included road construction, including the bus bay on Riverbank Drive. The subject site was created as residue Lot 1 from a paper plan Subdivision Application.
- 4.4 Residue Lot 400 under Notice of Determination No. 11-2616 and Residue Lot 1 under Notice of Determination No. 13-856 are proposed to be consolidated and form part of the school site.
- 4.5 The abovementioned Subdivision Applications will have to be registered prior to occupation, with site validation occurring prior to the Construction Certificate. This will be **conditioned** accordingly (**conditions 10.10.5 and 6.3.1**).

- 4.6 The subject site has been used for poultry farming and rural grazing for a number of years, with a number of buildings located on the site consisting of 2 dwellings and various sheds used for poultry or associated rural uses.

5. The Proposal

- 5.1 Council is in receipt of a Development Application (DA) from the Department of Education and Communities for the construction of a new Educational Establishment being The Ponds High School and Primary School at The Ponds at the subject site. The Capital Investment Value of the proposed development is \$39.768 million.
- 5.2 The proposal seeks approval for a new 21 classroom primary school and a new 7 stream (7 class groups per year) high school. It is anticipated that the High School will cater for 1,400 students and the Primary School 630 students in the future
- 5.3 The proposal includes the provision of:
- (a) Primary School – The new 21 Core Primary School will consist of:
 - i. 21 homebases (classrooms)
 - ii. Library
 - iii. Special programs
 - iv. Hall
 - v. COLA (Covered Outdoor Learning Area)
 - vi. Administration and staff facilities
 - vii. Toilets for students
 - viii. Canteen
 - ix. Kiln
 - x. Paved assembly court with flagpole
 - xi. Games court
 - xii. 36 space carpark, waste pad and area for deliveries
 - xiii. Free play area
 - xiv. Landscaping
 - (b) High School – The new 7 Stream High School will comprise of:
 - i. Administration and staff facilities
 - ii. Gymnasium with associated spaces
 - iii. Library
 - iv. General learning units with approximately 35 classrooms and associated spaces
 - v. Science learning units (3 science laboratories, each with 2 classrooms and associated spaces)
 - vi. Visual arts learning unit (1 workshop with 2 classrooms and associated spaces)
 - vii. Performance learning unit (1 workshop with 2 classrooms and associated spaces)
 - viii. Fitness learning unit (1 fitness lab with 2 classrooms and associated spaces)
 - ix. Materials learning unit type 1 (1 kitchen with 2 classrooms and associated spaces)

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- x. Materials learning unit type 2 (woodworking/metal workshop with 2 classrooms and associated spaces)
 - xi. Outdoor covered workshop
 - xii. 6 outdoor learning spaces and 2 covered outdoor spaces
 - xiii. 1 canteen
 - xiv. Paved assembly area
 - xv. 2 specialist units
 - xvi. 2 games courts
 - xvii. 1 games field
 - xviii. 112 space carpark, waste pad area for deliveries and service roads
 - xix. Bus bay
 - xx. Landscaping
- 5.4 Two vehicular access points are proposed along Wentworth Street accessing 2 separate car parking areas, being a 36 space car parking facility and a 38 space car parking facility. Vehicle access to a 74 space car parking facility is to be provided via a new entry/exit along Riverbank Drive. In addition to this, a new bus bay is proposed midway along Riverbank Drive.
- 5.5 Off-street car parking for a total of 148 cars has been provided for staff, as well as potential for overflow car parking areas in the freeplay area for special events. There is still a shortfall of 47 spaces, being 7 spaces for visitors and 40 spaces for Year 12 students under the Growth Centres Development Control Plan.
- 5.6 The proposed School operational hours for both the Primary and High School are between 8.30am and 3.30pm. Non-school hours are 7am to 10pm Monday to Friday and 7am to 6pm Saturdays and Sundays. Non-school hour activities include sporting and community activities.
- 5.7 The proposal also seeks approval for the demolition of all existing structures on site, including 9 trees located on the site. An Arboricultural Assessment Report has been submitted as part of the Development Application that recommends the removal of trees 1 to 8 and the retention and protection of tree 9. A suitable **condition** will be imposed requiring the recommendations of the Arboricultural Assessment Report to be implemented (**condition 3.1.2**).
- 5.8 The Applicant has submitted a number of supporting technical studies including Aboriginal Heritage Due Diligence Report, Aboriginal Cultural Heritage Assessment Report, Aboriginal Archaeological Technical Report, Bushfire Report, Salinity Assessment, Site Contamination Assessment and Acoustic Assessment. These reports have been reviewed and are discussed in further detail in Section 10 – Council Assessment.
- 5.9 Refer to **Attachment 1** for the Development Application Plans.

6. Planning Controls

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

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

SEPP (State and Regional Development) 2011 requires "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 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 Infrastructure SEPP 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 proposed school with more than 50 students. The proposed development therefore triggers the Infrastructure SEPP referral requirements. The DA was referred to the RMS for comment by way of the Sydney Regional Development Advisory Committee (SRDAC) in accordance with the Infrastructure SEPP. The SRDAC, incorporating the RMS, raised no objections in principle subject to conditions. The RMS' 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 being 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 July 2013, which has concluded that the site is suitable for the proposed development subject to recommendations for remediation of the site. Furthermore, should the development be approved, a **condition** will be imposed requiring the recommendations of the abovementioned report be implemented and the site validated as being suitable for school/recreational purposes (**condition 6.3.1**).

(d) State Environmental Planning Policy (Sydney Region Growth Centres) 2006

The subject site is zoned R2 Low Density Residential, SP2 Infrastructure – Drainage, SP2 Infrastructure – Classified Road, SP2 Infrastructure – Educational Establishment, SP2 Infrastructure – Local Road and RE1 Public Recreation pursuant to State Environmental Planning Policy (Sydney Region Growth Centres) 2006. Notwithstanding the zoning of the subject properties, the development is proposed within the portion of the site that is zoned R2 Low Density Residential. The proposed use is defined as an "*Educational Establishment*", which is permissible within the zone with Consent.

7. External Referrals

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

Agency	Comments
Roads and Maritime Service (RMS)	<p>The DA, being an Educational Establishment involving more than 50 students, was referred to the RMS on 21 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 29 May 2013. The Committee and RMS made the following comments on the Application:</p> <ul style="list-style-type: none"> • To enable students to be dropped in the school grounds and not on the local street, the bus drop-off point on Wentworth Street should be configured similar to the bus bay on Riverbank Drive, i.e. indented into the site. • Due to the number of high pedestrian movements at the main entrance, it should be relocated away from the Everglades/Wentworth Street T-intersection. • The proposed wombat crossing should be located closer to the Public School and away from the intersection of Wentworth Street and Everglades Road. • All vehicular and pedestrian access to Hambledon Road shall be denied and appropriate fencing erected along the entire Hambledon Road frontage. <p>Council's Traffic Management Section (TMS) reviewed the comments provided by the RMS and the Applicant's response to the issues raised by RMS. Council's Traffic Section advised that:</p> <ul style="list-style-type: none"> • TMS supports the provision of a bay on Wentworth Street should there be a bus service introduced in the future by bus operator(s)/TfNSW (Transport for NSW). This bus bay can be used as a drop-off area in the meantime. • While relocating the main entrance is desirable, the proposal for a RMS style pedestrian fence could be an option as recommended by the consultant. TMS supports the provision of a RMS style pedestrian fence. • TMS supports the proposed wombat crossing being relocated closer to the school and away from the intersection of Wentworth Street and Everglades Road. <p>As such, suitable conditions will be imposed to address the above matters, excluding the provision of a bus bay on Wentworth Street – refer to Section 10 below for further discussion on this issue.</p> <p>In addition to the above, RMS provided the following requirements for inclusion into the determination of the Application:</p> <ul style="list-style-type: none"> • All works/regulatory signposting associated with the proposed development are to be at no cost to RMS. • A significant number of vehicles and pedestrians will access the site at the start and end of the school day. 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 should be incorporated into the neighbouring local road network:

	<ul style="list-style-type: none"> ○ 40km/hr School Zones are to be installed in Riverbank Drive and Wentworth Street in accordance with specified conditions. ○ Council should ensure that parking, drop-off and pick-up zones and bus zones are in accordance with RMS standards. <ul style="list-style-type: none"> • RMS is responsible for speed management along all public roads within New South Wales. RMS is the only authorised organisation that can approve speed zoning changes and authorise the installation of speed zoning traffic control devices on the road network within New South Wales. The Developer must obtain written authorisation from RMS to install the School Zone signs and associated pavement markings. • 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 Zone signs and associated pavement markings must be installed in accordance with RMS's approval/authorisation, guidelines and specifications. • The Developer must maintain records of all dates in relation to installing/altering/removing traffic control devices related to speed. • Following installation of all School Zone signs and pavement markings, the Developer must arrange an inspection with RMS for formal handover of the assets to RMS. <p>In addition to the above, the SRDAC and RMS provided the following advisory comments to the Joint Regional Planning Panel for its consideration in the determination of the Application:</p> <ol style="list-style-type: none"> 1. 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 park bay dimensions) should be in accordance with AS 2890.1-2004 and AS 2890.2-2002 for heavy vehicle usage. 2. 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.
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 21 March 2013 as a portion of the site is identified as being within an Asset Protection Zone. Comments were received from the NSW Rural Fire Service on 29 April 2013, with recommendations for the following comments and conditions of Consent:</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 will be included in any consent granted:</p>

	<ol style="list-style-type: none"> 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". <ul style="list-style-type: none"> Water and Utilities <p>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 will be included in any consent granted:</p> <ol style="list-style-type: none"> Water, electricity and gas are to comply with Section 4.1.3 and 4.2.7 of "Planning for Bush Fire Protection 2006". Access <p>The intent of measures for internal roads is to provide safe operational access for emergency services personnel in suppressing a bush fire, while residents are accessing or egressing an area. To achieve this, the following condition will be included in any consent granted:</p> <ol style="list-style-type: none"> Internal roads shall comply with Section 4.2.7 of "Planning for Bush Fire Protection 2006". Evacuation and Emergency Management <p>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 will be included in any consent granted:</p> <ol style="list-style-type: none"> A Bush Fire Emergency Evacuation Plan is to be prepared in accordance with the NSW Rural Fire Service document "Guide for Developing a Bush Fire Emergency Evacuation Plan". Design and Construction <p>The intent of measures is that buildings are designed and constructed to withstand the potential impacts of bush fire attack. To achieve this, the following conditions will be included in any consent granted:</p> <ol style="list-style-type: none"> New construction within 100 metres of the bush fire vegetation to the east/north-east as per Public Works Site Plan DA03 dated 6/03/2013 shall comply with Sections 3 and 5 (BAL 12.5) Australian Standard AS3959-2009 "Construction of Buildings in Bush Fire Prone Areas" and Section A3.7 Addendum Appendix 3 of "Planning for Bush Fire Protection". Structure and shade materials within 100 metres of the bush fire vegetation to the east/north-east, as per Public Works Site Plan DA03 dated 6/03/2013 shall be non-combustible or have a Flammability Index of no greater than 5 when tested in accordance with Australian Standard AS1530.2-1993 "Methods for Fire Tests on Building Materials, Components and Structures – Test for Flammability of Materials". 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".
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	This will be included as a condition in any consent granted.
Environment Protection Authority	<p>On 29 May 2013, the Development Application was referred to the NSW Environment Protection Authority (EPA) on the basis that, as the proposal is a State Government School, the State will be responsible for the proposed activity. Section 6 of the <i>Protection of the Environment Operations Act 1997</i> (NSW) (POEO Act) outlines that the EPA is the appropriate regulatory authority for any activities carried on by the State.</p> <p>The EPA provided a detailed response identifying its main concerns that any development consent ensures that the proponent adequately addresses predicted environmental impacts and proposed mitigation measures, especially those associated with:</p> <ul style="list-style-type: none"> (a) Remediation of site contamination (include dust control and management during remediation of the subject site and overall project site). (b) Construction-related noise and vibration (including recommended standard construction hours and respite periods for high noise impact work). (c) Construction-related dust control and management. (d) Construction-related erosion and sediment control. (e) Potential noise impacts of school activities on surrounding residents and appropriate feasible and reasonable noise mitigation and management to ensure compatibility of school and residential land uses. <p>The EPA has provided detailed comments in relation to the proposal, which are held at Attachment 4 to this report. Council's Environmental Health Unit has reviewed the recommendations of the EPA and recommends imposing a relevant condition in any consent granted (condition 3.1.5).</p>
Office of Environment and Heritage	<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 Office of Environment and Heritage (OEH) on 21 March 2013 as a Due Diligence Draft Report identified a new potential archaeological deposit located on the site. It was advised by OEH that the consent authority is to decide whether the Due Diligence process is adequate for its assessment purposes under the Environmental Planning and Assessment Act 1979.</p> <p>Council has undertaken a detailed assessment of the Aboriginal significance of the site, which is discussed in further detail within Section 10 below.</p>
NSW Office of Water	<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 Office of Water (NOW) given the site's proximity to a watercourse. It was advised by NOW that as the Applicant is a Public Authority it is therefore exempt from the need to obtain a Controlled Activity Approval.</p>

8. Internal Referrals

8.1 The subject Development Application was referred to the following 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 38A on Council File JRPP-13-369).
Building	No objections subject to the imposition of appropriate conditions of Consent (Enclosure 23A and 24A on Council File JRPP-13-369).
Traffic	<p>The Application was referred to Council's Traffic Management Section (TMS). TMS provided the following initial comments:</p> <ol style="list-style-type: none"> 1. It is noted that the proposed development is a combined Primary and High School with a total of 2,000 students and 90 teachers. No information has been provided for non-teaching staff at both schools. There is no off-street parent drop-off area proposed for the school. A total of 148 parking spaces are proposed in 3 separate locations gaining access from Riverbank Drive and Wentworth Street. The submitted Traffic Impact Assessment indicated some 1,074 additional vehicular trips generated by the proposed development during each morning and afternoon school peak period. 2. The proposed school has frontages along Hambledon Road, Riverbank Drive and Wentworth Street. Access to the school is proposed from Riverbank Drive and Wentworth Street and no access from Hambledon Road. Riverbank Drive is a collector road with a 11m wide carriageway. Wentworth Street is a local road with a 9m wide carriageway. A significant amount of traffic is expected to be generated by the school on surrounding streets, including drop-off and pick-up activities. 3. TMS suggested roundabout controls at the intersections of Riverbank Drive and Wentworth Street and Riverbank Drive and Beauchamp Road in the pre-DA meeting. The proposed roundabouts should be provided by the developer of the school on traffic management and road safety grounds at no cost to Council. This should be included as a condition in any consent granted (condition 7.7.1). 4. Given that there is no off-street parent drop-off area proposed within the school, all drop-off and pick-up activities will be carried out on public roads in the vicinity of the proposed school. The roads that will be impacted by the drop-off and pick-up activities are not limited to Riverbank Drive and Wentworth Street where the school will have direct frontages, but potentially all nearby streets in the area such as Beauchamp Road, Faulconbridge Street, Springwood Street, and Everglades Street will be affected. TMS raised grave concerns regarding not having an off-street parent drop-off area and once the school is in full operation it will impact a lot of residents in the surrounding streets as the majority of the streets are local roads with only 9m wide carriageways. 5. An indented bus bay for 8 buses is proposed as part of the development along the Riverbank Drive school frontage, which is considered adequate for the proposed school. 6. DA documents indicate that the school halls and gymnasium will be made available for hire to the community outside school hours and this would generate parking demand for 360 vehicles. School parking areas can

	<p>accommodate 148 vehicles only and the remaining 210 vehicles will be parked on the surrounding road network as indicated in the traffic report. On-road parking for such special events is expected to create amenity and road safety issues for future residents of the area. TMS does not support school facilities being hired out for private functions unless all parking demand can be met within the site itself.</p> <ol style="list-style-type: none"> 7. The 6 metre wide access driveways for parking areas are considered satisfactory. 8. Provision of 148 car parking spaces, including 12 disabled parking spaces, is considered insufficient for this development as there will be additional parking demand for functions that can be organised in the school halls/ gymnasium. No disabled parking spaces are shown on the DA drawings. Marking of disabled car parking in accordance with AS 2890.6 – 2009 would further reduce the total available parking to 144 spaces. 9. Layout of the proposed car parking area, including circulation aisles/ramps, driveways, grades, turn paths, sight distance requirements, aisle widths, aisle lengths, parking bay dimensions and headroom clearance, is to be in accordance with AS 2890.1- 2004. Disabled car parking should be provided in accordance with AS 2890.6 – 2009. 10. DEC should liaison with RMS for school zone requirements. 11. Council would require wombat crossings from the day school starts. Location of wombat crossings can be determined in consultation with school operators. 12. All vehicles must enter and leave the development in the forward direction. <p>TMS' concerns were conveyed to the Applicant, particularly the concerns regarding the provision of a bus bay on Wentworth Street and the inadequate number of car parking spaces to satisfy the Growth Centres DCP.</p> <p>The Applicant prepared a detailed response attempting to address TMS and RMS concerns regarding these matters. A copy of the Applicant's traffic response is held at Attachment 5.</p> <p>Comments from Council's TMS in response to the Applicant's Traffic Report at Attachment 5 are provided below.</p> <p>SRDAC COMMENTS: The following comments are provided on the issues raised by the SRDAC letter of 29 May 2013.</p> <ul style="list-style-type: none"> ▪ TMS supports the provision of a bay on Wentworth Street should there be a bus service introduced in the future by bus operator(s)/TfNSW (Transport for NSW). Outside school zone hours this bus bay can be used as a drop-off area in the meantime. ▪ While relocating the main entrance is desirable, the proposal for a RMS style pedestrian fence could be an option as recommended by the consultant. TMS supports the provision of a RMS style pedestrian fence. ▪ TMS supports the proposed wombat crossing being relocated closer to the school and away from the intersection of Wentworth Street and Everglades Road. <p>COUNCIL COMMENTS:</p> <ul style="list-style-type: none"> ▪ Parent set-down / pick-up facility: McLaren Traffic Consultants cited 2
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	<p>reasons for not providing a parent on-site drop-off/pick-up facility: (i) internal vehicle/pedestrian conflicts and (ii) cost for the facility as it will be typically required for 15 to 30 minutes duration during the set-down / pick-up parent parking activity.</p> <p>The consultant raised concerns about the vehicle/pedestrian conflict within the school premises but was not concerned about the same conflict to occur on public roads. This is largely due to the fact that this conflict will occur on public roads which then become the responsibility of the road controlling authority, which in this case is Blacktown City Council. The policy by DET not to provide on-site parent drop-off is a long-standing position, however where the drop-off bay can be separated from the internal school movements this would address the consultant's concerns. It is worth noting that the Glenwood High School has provided drop-off/pick-up facility on school land along Forman Avenue, Glenwood which is operating successfully. TMS' view is that the proposed school should be required to introduce a similar set-down / pick-up facility as the Glenwood High School has. This is a very similar situation with the school located at the intersection of 2 collector roads as in Glenwood.</p> <p>While it is acknowledged that the use of kerbside space is being used around existing public schools for parent drop-off/pick-up activities, TMS' preference is to lessen the impact of such activity with the provision of some form of on-site parent drop-off/pick-up facility so that congestion on public roads can be minimised.</p> <ul style="list-style-type: none"> ▪ Use of school halls and gymnasium by community: TMS is not satisfied with the response given by proponent traffic consultant in support of hiring out school halls and gymnasium for private functions. The traffic report with the DA indicated that such use would generate parking demand for approximately 360 vehicles. School parking areas can accommodate 148 vehicles only and the remaining 210 vehicles will be parked on the surrounding road network. On-road parking for such special events is expected to create amenity and road safety issues for future residents of the area. Consequently, an event TMP should be conditioned where parking cannot be provided in accordance with the DCP requirements (condition 10.10.4). ▪ Parking: No information is provided on the total staff numbers for the development. As the total numbers for teaching and non-teaching staff is still unknown, it is not clear how many staff members will be parking on the surrounding local residential streets. It is noted that the proponent traffic consultant's additional comments admitted that parking provision has not complied with the Growth Centres DCP requirement. <p>In support of not providing parking required under the Growth Centres DCP, McLaren Consultant criticised Council's parking rates as excessive and would encourage use of private vehicles by staff and students. It is to be noted that Council's parking rates are developed as a result of years of experience gained in observing school operations within the Blacktown City Council area. Council's parking rates are successfully implemented to meet the parking demands of various types of developments including schools.</p> <p>Clearly it would be desirable for the development to comply with Council's DCP, however it may not be able to be applied should the</p>
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	<p>Department of Education's own code be applicable under the SEPP (Infrastructure).</p> <p>McLaren Consultant's suggestion is to introduce a Workplace Travel Plan and a Traffic Management Plan to deal with the deficiency in parking provision. This should be conditioned should Council's DCP not be able to be applied.</p> <p>McLaren Consultant also suggested that the school will have a complaint register to deal with residents' complaints about parking in their streets. This may be a good idea in theory, but in practice the school does not have the authority to prevent anyone legally parking in residential streets if a vehicle is parked properly. This is another form of acknowledgment that parking is insufficient within the school and the consultant is trying to address the potential parking implications on the surrounding local residential streets.</p> <ul style="list-style-type: none"> ▪ Surrounding Road Network: In addition to all parent drop-off and pick-up activities, there will be some staff parking occurring on public roads in the vicinity of the proposed school. The roads that will be impacted by the drop-off and pick-up activities are not limited to Riverbank Drive and Wentworth Street where the school will have direct frontages, but potentially all nearby streets in the area such as Beauchamp Road, Faulconbridge Street, Springwood Street, and Everglades Street will be affected. TMS raised serious concerns as to not having an off-street drop-off area and adequate parking within the school to meet the needs of the school. It is highly likely that once the school is in full operation it will impact a lot of residents in the surrounding streets as the majority of the streets are local roads with a 9m wide carriageway. Council will be asked to implement parking restrictions to stop improper parking in the surrounding local residential roads. <p>These comments in relation to the provision of a bus bay and parking impacts are discussed in further detail in Section 10.</p>
Environmental Health	No objections subject to the imposition of appropriate conditions of Consent (Enclosure 54A on Council File JRPP-13-369) (conditions 3.1, 8.12 and 12).
Heritage Planner	The submitted draft Due Diligence Report and subsequent Aboriginal Cultural Heritage Assessment Report and Aboriginal Archaeological Technical Report dated June 2013 were reviewed by Council's Heritage Planner. Council's Heritage Planner recommends that should the proposed development be approved the development should implement the full recommendations contained within Section 6.0 of the Aboriginal Cultural Heritage Assessment Report including all recommendations for further consultation, excavation protocols and future education and interpretation programs as a condition in any consent granted (condition 6.2).

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 9 July to 23 July 2013. In response to the public exhibition **no submissions were received**.

10. Council Assessment

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

(a) Blacktown City Council Growth Centre Precincts Development Control Plan 2010

The provisions of the Blacktown City Council Growth Centre Precincts Development Control Plan 2010, in particular Section 4.7 Other Development in Residential Zones, is relevant to the proposal. The following table outlines that the Application is generally compliant with the relevant provisions of the DCP, with the exception of car parking provision.

Section	Comment	Complies
4.7.1 General Requirements		
Site Coverage	The Growth Centres DCP identifies that the maximum site coverage of buildings is 60% of the total site area and with a landscaped area of 20%. The proposal has a total Floor Space Ratio of 42% and provides for a landscaped area greater than 20% of the site.	Yes
Suitability of the Site	The subject site is considered suitable for the development of an Educational Establishment as the site caters for the future educational demands of the surrounding urban area within The Ponds and the Alex Avenue Precinct. Furthermore, the design is in keeping with future surrounding urban development. All buildings are setback a minimum of 11m from a property boundary and are a maximum of 2 storeys in height.	Yes
4.7.3 Educational Establishments		
Locational Preferences	The Growth Centres DCP identifies that Educational Establishments are preferably to be located on land with frontage to a collector road. Corner sites are preferred. The subject site is a corner lot, with frontage to Riverbank Drive which is a collector road.	Yes
Design	<p>The Growth Centres DCP states:</p> <p><i>In assessing applications, Council will consider the following:</i></p> <ul style="list-style-type: none"> ▪ <i>the privacy and amenity of adjoining developments;</i> ▪ <i>the need and adequacy for provision of buffer zones to surrounding residential development;</i> ▪ <i>urban design;</i> ▪ <i>location;</i> ▪ <i>the size of the land where the development is proposed;</i> ▪ <i>traffic generation and the impacts of traffic on the road network and the amenity of nearby residents;</i> ▪ <i>the availability of parking;</i> ▪ <i>the scale of buildings and their capacity; and</i> 	Yes

Section	Comment	Complies
	<ul style="list-style-type: none"> <i>hours of operation and noise impacts.</i> <p>A detailed assessment of these matters has been undertaken in the rest of this Section.</p>	
Car Parking	<p>The Growth Centres DCP requires the provision of 1 car space per staff member, 1 car space per 100 students for visitors and 1 space per 5 Year 12 students for Senior High Schools.</p> <p>The Applicant has submitted a parking statement to address these matters. A total of 148 car parking spaces has been provided on site. In addition, overflow car parking is available for larger out-of-school hour activities.</p> <p>The proposed number of car parking spaces does not comply with the Growth Centres DCP requirements for car parking. However, the development complies with the School Standards for car parking and the Infrastructure SEPP identifies that in the event of an inconsistency between the School Standards and a DCP, the School Standards prevail.</p> <p>A detailed assessment of car parking is provided below.</p>	No
Noise	<p>The Applicant has submitted an Acoustic Assessment which has been reviewed by Council's Environmental Health Unit and is considered satisfactory subject to conditions. A detailed assessment of noise impacts and the amenity of adjoining residents is provided below.</p>	Yes
Hours of Operation	<p>The proposed School operational hours are between 8.30am and 3.30pm. Non-school hours are 7am to 10pm Monday to Friday and 7am to 6pm Saturdays and Sundays. Non-school hour activities include sporting and community activities. The DCP states that hours of operation are to be between 7am and 9pm, however Council may consider a variation based on the merits of the application. The proposed extension of 1 hour Monday to Friday is considered satisfactory as the development complies with the noise standards.</p>	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 State Environmental Planning Policy (Sydney Region Growth Centres) 2006 and the Blacktown City Council Growth Centre Precincts Development Control Plan 2010 (Growth Centres DCP). The proposed development has been designed to be consistent with the desired future character and is complementary to existing development in the locality.

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 Growth Centres DCP, in particular the development controls established within Section 4.7.3 Educational Establishments and Places of Public Worship. 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 size of the subject site and aims to minimise potential conflicts with adjoining properties through landscaping, fencing and the siting of buildings on the subject site.

The proposed Educational Establishment is not more than 2 storeys in height with a maximum height of 8.8m for any building, which is less than the maximum permissible building height of 9m in accordance with the Growth Centres SEPP, excluding individual elements of the Covered Outdoor Learning Area which has a maximum height of 11m and the Performance Lab which is a maximum of 9.9m. The building height has been measured from the finished ground levels as a result of the reshaping of the land. However, the exceedance satisfies the controls within Clause 5.6 of the Growth Centres SEPP which enables architectural features to exceed the height limits set by Clause 4.3 with development consent. The proposed features meet the objectives of Clause 5.6 as they are an architectural roof feature element of the building on the uppermost portion of the building. The features do not result in increased overshadowing and the lift feature within the Performance Lab is contained within the architectural feature. Further it is noted that both the elements which exceed the building height are not enclosed buildings, i.e. an unenclosed Covered Outdoor Learning Area (COLA) and lift adjoining an open stairwell. In addition, the sites are located internally within the development. Notwithstanding this, Clauses 4.3 and 5.6 of Appendix 4 of the Growth Centres SEPP are considered satisfied. Further, it is noted that the Development Controls for building height are suitable in the surrounding residential context, however the school site is a standalone street block with street frontages. The objectives of the development controls are to protect the amenity of adjoining development and land in terms of solar access to buildings and open space. The development of the Educational Establishment does not jeopardise the amenity of adjoining development and land with respect to overshadowing. Overall, the proposed building height is considered satisfactory.

With respect to building setbacks, proposed setbacks are between 11m, which is to the bus bay on Riverbank Drive and 36m to the north of the site. It is considered that a sufficient buffer has been provided to adjoining properties and road reserves.

(c) Hours of Operation

The School operational hours for both the Primary and High Schools are proposed to be between 8.30am and 3.30pm. Non-school hours are 7am to 10pm Monday to Friday and 7am to 6pm Saturdays and Sundays. Non school hour activities include sporting and community activities.

The proposed hours of operation are considered satisfactory from a noise perspective as the Applicant has submitted an Acoustic Assessment taking into consideration the proposed hours of operation of the site with respect to school activities, peak car parking periods and out of hours use.

Council's Environmental Health Unit has reviewed the Acoustic Report and imposed **conditions** requiring written evidence be provided to Council identifying that the recommendations of the Acoustic Report have been implemented, including structural recommendations and acoustic measures. Furthermore, **conditions (conditions 11.2.7 and 10.10.2)** have been included within the draft 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.

However, there is a concern that the peak start and finish times for both schools will be at the same time, making the bus bay usage higher and the potential for school buses to then stop at the Wentworth Street on-street bus stop more likely and this normal bus stop is not designed to cater for this level of activity. As such, it is recommended that in both School Plans of Management that the operating hours for both schools be staggered to spread the peak times and associated bus and car movements so as to minimise congestion. It is suggested that the staggered operating time be for at least 30 minutes for both the start and finish times of the Primary and High Schools. This will be included as a **condition** in any consent granted (**condition 10.10.3**). This will help to reduce the demand for a second bus bay on Wentworth Street.

(d) Landscaping

The subject site is currently vacant with no existing structures or vegetation located thereon. The Applicant has submitted a detailed landscape plan. The submitted landscape plan provides for the extensive embellishment of the site through predominant use of native species. In addition, a high quality landscaping treatment is proposed adjacent to adjoining property boundaries. The landscaping treatment proposed on site will provide screening to adjoining development, embellish the car parking area and contribute to the management of stormwater flow on the site. A suitable **condition** will be imposed requiring the development to be consistent with the submitted Landscape Plan, which is considered satisfactory (**condition 8.1.4**).

(e) Parking

The Growth Centres Development Control Plan requires the provision of 1 space per 100 students, 1 space per staff member and 1 space per 5 students in Senior High School.

The Applicant has identified that there will be 32 staff members and 600 students for the Primary School and 105 staff members and 1,200 students plus 200 senior students (total 1,400 students) at the High School. Based on these numbers, a total of 137 car parking spaces will be required for staff members, 18 spaces for visitors based on the number of students and a further 40 car parking spaces for senior students. This results in 195 car parking spaces required on site to satisfy the controls within the Growth Centres DCP. **The proposal only provides for 148 car spaces.**

Clause 32 of State Environmental Planning Policy (Infrastructure) 2007 identifies that if there is an inconsistency between a specified School Facility Standard and a provision of a Development Control Plan the Standard prevails to the extent of the inconsistency.

The submitted Traffic Report identifies that the School Facility Standard specifies the provision of 21 car parking spaces for 400 primary school students and 110 car spaces for a 1,400 place High School. As such the proposed 148 car spaces satisfies the School Standards which override Council's DCP.

Notwithstanding the above, Council continues to have concerns regarding the shortfall in car parking spaces as required by the Growth Centres DCP and the future impact this will have on the surrounding road network and the amenity of adjoining owners. The provision of 148 car parking spaces only satisfies the required number of car parking spaces for staff, however there is a shortfall of 7 car parking spaces for visitors based on the number of students and no provision for the 40 car parking spaces required for senior students. In light of this, it is recommended that a **condition** be imposed requiring the provision of an additional 7 car parking spaces to be provided on site as this is achievable with some minor site reconfiguration (**condition 6.1.1**). However this is not possible for the 40 student spaces. Therefore in regard to student parking it is recommended that the Operational Plan of Management for the High School include a requirement to prohibit Senior Students from driving to school. This will be included as a **condition** in any consent granted (**condition 10.3**).

With regard to Council's traffic concerns in relation to out of school hours activities, potential on-site parking areas can be provided in the free play area in the south-east corner of the site. A **condition** will be placed on any consent granted requiring a Traffic Management Plan to facilitate use of the overflow parking area during peak parking demand for any large out of school hours event (**condition 10.10.4**).

(f) Bus Bays

Two vehicular access points are proposed along Wentworth Street accessing 2 separate car parking facilities, being a 36 space car parking facility and a 38 space car parking facility. Further, vehicular access to a 74 space car parking facility is to be provided via a new entry/exit along Riverbank Drive. In addition to this, a new bus bay is proposed midway along Riverbank Drive.

TMS has requested the provision of a second bus bay for the Primary School off Wentworth Street. RMS' comments similarly support the concept of the second bus bay. However the Applicant has identified that they do not consider this necessary as drop-off/pick-up locations and timing for the High School and Primary School are to be different. **Attachment 5** provides the Traffic Impact Assessment in response to Council's request.

Council's TMS has reviewed the response by the Applicant's traffic consultant, however still do not agree as outlined in Section 8 above.

However, whilst RMS and TMS concerns regarding the bus bay are noted, there is serious concern that another individual bus bay in this location will result in the further displacement of much needed parking which is already limited. As such the priority must be given to maximising on-site parking opportunities wherever possible. Therefore the provision of an additional bus bay on Wentworth Street is not supported, but to reduce the likelihood of there being demand for buses to stop at Wentworth Street it is recommended that operating hours of the High School and Primary School not be the same and be staggered to spread the peak times. This will be included as a **condition** in any consent granted (**condition 10.10.3**).

(g) School Standards

In accordance with Clause 32 of the Infrastructure SEPP 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 Architects Office has been prepared and is provided 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. In addition, a **condition** will be imposed requiring compliance with the School Standards (**condition 2.5.3**).

(h) Heritage

The subject site contains no items of European heritage significance. In regard to Aboriginal Heritage, the submitted draft Due Diligence Report and subsequent Aboriginal Cultural Heritage Assessment Report and Aboriginal Archaeological Technical Report dated June 2013 were reviewed by Council's Heritage Planner. Council's Heritage Planner recommends that, should the proposed development be approved, the development should implement the full recommendations contained within Section 6.0 of the Aboriginal Cultural Heritage Assessment Report including all recommendations for further consultation, excavation protocols and future education and interpretation programs as **conditions** in any consent granted. Furthermore, a condition will be imposed requiring the applicant to obtain an "Aboriginal Heritage Impact Permit" pursuant to Section 90 of the National Parks and Wildlife Act 1974. On this basis all heritage issues have been satisfactorily addressed (**condition 6.2.1**).

(i) Contamination

The Applicant has submitted a Contamination Investigation prepared by the NSW Public Works Department dated July 2013, which has concluded that the site is suitable for the proposed development subject to recommendations for remediation of the site. Furthermore, should the development be approved, a **condition** will be imposed requiring the recommendations of the abovementioned report be implemented. A site contamination validation report will also be required to be prepared by a suitably qualified consultant to confirm that the site is suitable for a school and recreational purposes prior to commencement of any building works (**condition 6.3.1**).

(j) Salinity and Soil Aggressivity

A Salinity Assessment prepared by SESL Australia dated 17 July 2013 was submitted as part of the Application. The report concludes that based on the investigation the site is suitable for the proposed development, subject to compliance with recommendations of the report.

Accordingly, a **condition** will be imposed requiring that the recommendations be implemented during construction. The final sign-off from a suitably qualified consultant verifying that the requirements of the Salinity Management Plan have been implemented is to be submitted prior to occupation (**conditions 6.4.2 and 10.10.1**).

(k) Bushfire

A portion of the site on its Wentworth Street edge has been identified as being within an Asset Protection Zone (APZ) on the NSW Bushfire Protection map.

The Application was referred to the NSW Rural Fire Service for comment, who have raised no objections to the proposal subject to **conditions (conditions 8.3 and 10.8)**.

As such, the proposal is considered satisfactory with respect to bush fire protection subject to the imposition of the abovementioned **conditions** of Consent.

(l) Cut and Fill and Retaining Works

The Applicant has identified that there will be no earth removed from the site. Whilst earthworks are proposed for the site, imported fill is not proposed. A **condition** 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 (**condition 6.3.1**).

(m) Fencing

The development proposes 2.1m fencing on all property boundaries in accordance with the School Standards. In this regard the Application provides for school standard fencing on all fences, being metal open palisade style fencing “school fence” which will be **conditioned** accordingly, excluding the northern boundary which is to be a solid fence in accordance with the recommendations of the Acoustic Assessment (**condition 10.7.7**).

(n) 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.

(o) Developer Contributions

The subject site falls within Section 94 Contributions Plan No. 20 – Riverstone and Alex Avenue Precincts. Council’s Section 94 Officer has advised that a State Government School does not generate Section 94 Contributions.

(p) Impacts during Construction

Conditions of Consent will be imposed to mitigate any potential impacts on the amenity of the surrounding neighbourhood resultant from the development (**conditions 7.8, 8.4 and 8.7**).

(q) Social and Economic Impacts

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

(r) BCA Compliance

A **condition** of Consent will require that the proposed development complies with the applicable requirements of the Building Code of Australia, including accessibility requirements (**condition 8.5**).

(s) 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 a **condition** of Consent (**condition 7.7.1**).

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 erosion and sedimentation controls (**condition 9.3**).

A Waste Management Plan (WMP) has been prepared and submitted as part of the Application. **Conditions** of Consent will be included within the Consent requiring compliance with the submitted WMP, including a commercial waste contractor to service the site (**conditions 11.2.8 and 12.1.7**).

The subject site has access to services such as water, sewer, power, telecommunications and gas supply. A **condition** will be imposed on the Consent requiring the Applicant to obtain Service Authority Clearances prior to occupation (**condition 10.3.1**).

11.1 Consideration of the matters prescribed by Section 79C of the Environmental Planning and Assessment Act 1979 is summarised below:

Head of Consideration	Comment	Complies
a. the provisions of:		Yes
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	<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 R2 Low Density Residential Zone and satisfies the zone objectives outlined under State Environmental Planning Policy (Sydney Region Growth Centres) 2006. A detailed assessment of the Application is provided under Section 10 of this Report. The proposed development is consistent with the desired future character of the area. The Blacktown City Council Growth Centre Precincts Development Control Plan applies to the subject site. The car parking proposed for the school does not meet the DCP requirements. The DCP requires 195 spaces, whilst the Applicant proposes only 148 spaces. The shortfall in parking can be addressed with conditions of consent. 	No
(iii) any development control plan		
(iiia) any planning agreement		

<i>(iv) the regulations</i>		
<i>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</i>	<ul style="list-style-type: none"> An assessment of the key issues is provided in Section 10 and it is considered that the likely impacts of the development have been satisfactorily addressed but is only satisfactory if subject to the imposition of conditions relating to parking and operational requirements specified in a Plan of Management. 	Yes
<i>c. the suitability of the site for the development</i>	<ul style="list-style-type: none"> The subject site is zoned R2 Low Density Residential and permits an “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
<i>d. any submissions made in accordance with this Act or the regulations</i>	<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
<i>e. the public interest</i>	<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 but is only satisfactory if subject to the imposition of conditions relating to parking and operational requirements specified in a Plan of Management.
- 12.2 The proposal is consistent with the objectives of State Environmental Planning Policy (Sydney Region Growth Centres) 2006 and the R2 Low Density Residential Zone and is permissible in the zone with Development Consent. The proposal also complies with the provisions set out in State Environmental Planning Policy (Infrastructure) 2007 and the Blacktown City Council Growth Centre Precincts Development Control Plan 2010 with the exception of parking, 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.
- 12.3 Whilst the proposal does not satisfy the Blacktown City Council Growth Centre Precincts Development Control Plan 2010 with respect to car parking, **conditions** including prohibiting senior student car parking in the High School’s Operational Plan of Management and the requirement for additional visitor car parking will alleviate concerns regarding the impact of car parking on the surrounding road network and amenity of future adjoining residential properties. As the provision of another bus bay on Wentworth Street, whilst desirable, will result in the displacement of car parking, the preferred option is to require the operating

hours of the Primary and High Schools to be staggered and documentation be provided in the Operational Plan of Management for both Schools to ensure the designated bus bay on Riverbank Drive can cater for both school peak demands. It is considered that all these measures will ensure that both Schools can integrate with their surroundings without causing on-street parking and traffic congestion problems in the immediately surrounding residential areas.

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 and subject to the Crown as applicant agreeing to the conditions of Consent as provided for under Section 89 of the Environmental Planning and Assessment Act 1979.

13.2 The Applicant be advised of the Sydney West Joint Regional Planning Panel's decision.



MELISSA PARNIS



JUDY PORTELLI



GLENNYS JAMES