JRPP No. 2013SYW041

Proposal: Construction of an education establishment being a high school to cater for six hundred (600) students.

Location: Lot 210, DP 13905, No. 217-233 Horsley Road, Horsley Park

Owner: Holy Apostolic Catholic Assyrian Church of the East Property Trust

Proponent: Mr Joseph Meelis (Assyrian Schools Limited

Capital Investment Value: $16,311,000

File No: DA 209.1/2013

Author: Karl Berzins, Consultant Planner
Fairfield City Council

RECOMMENDATION

That the application proposing the construction of an education establishment be approved subject to conditions as outlined in Attachment H of this report.

SUPPORTING DOCUMENTS

AT-A	Site and Architectural Plans	Page
AT-B	NSW Office of Water Letter and General Terms of Approval	Pages
AT-C	Plan of Onsite Detention Basin	Pages
AT-D	Letter from RMS	Pages
AT-E	Letters of Objections	Pages
AT-F	Acoustic Report	Pages
AT-G	Traffic and Parking Assessment Including Supplementary Report	Pages
AT-H	Draft Conditions of Consent	Pages

EXECUTIVE SUMMARY

Pursuant to Schedule 4A of the Environmental Planning & Assessment Act 1979 the proposal has been referred to the JRPP because the proposed development falls within the category of private Infrastructure and community facilities over $5 million.

It is proposed to construct a Catholic Christian Assyrian School for use by the General Community. The school, known as "Saint Narsai Assyrian High School" will cater for 600 students. The high school will have a total of 52 staff members, including both teaching and administration staff.

The proposed hours of operation of the high school are:

- 7:00am to 5:00pm Mondays to Fridays; and
- 8:00am to 12:00pm (midday) Saturdays and Sundays.

A car park, accommodating 98 car parking spaces (including 2 disabled spaces) plus

delivery/emergency spaces, minibus spaces and a drop off/pick up area is proposed to be located at the front of the site. Separate driveways are provided for ingress and egress. A pedestrian walkway is proposed to be located between the drop off/pick up area and the entry point to the school.

The subject site is located at 217-233 Horsley Road, Horsley Park. It is situated on the northern side of Horsley Road, between Delaware Road and Greenway Place and opposite Lincoln Road. It is an irregular shaped allotment with a north-south orientation, having a frontage of 130.96m to Horsley Road, a rear boundary of 156.17ms and side boundaries of between 249.55m and 276.25m. The total area of the site is approximately 37,259.4m² (3.73ha).

Council approved a similar sized school but with a different design on the subject land at its Ordinary Meeting in April 2009. Development Consent No 1185.1/2008 was issued on the 12th May 2009. In accordance with the terms of the consent, the site has been cleared in the recent past and engineering works have been undertaken to provide level building platforms.

The Assyrian Church has advised Council that when considering tenders for the construction of the school buildings, professional advice alerted them to the fact that the proposal could be improved to comply with NSW School Facility Standards recommendations. Before proceeding further, the church undertook a review of the proposed education facility and a number of concerns were identified in the original design, in respect to the built environment and education facility functionality.

The church has managed these concerns and finetuned the design resulting in the current development application before Council.

The proposed high school being an educational establishment is a permissible use with Council's consent within the Non-Urban Residential 1(a) zone under Fairfield Local Environmental Plan 1994 and the RU4 (primary production – small lots) zone under Fairfield Local Environmental Plan 2013.

The application is an Integrated Development pursuant to the provisions of the Environmental Planning and Assessment Act, 1979 and accordingly, was referred to Roads and Maritime Services (RMS) and the Department of Primary Industry (NSW Office of Water). The latter has raised no objection to the proposal and has provided its General Terms of Approval. The RMS considered the application at its Sydney Regional Development Advisory Committee (SRDAC) where it raised no objection to the proposal and provided comments which have been incorporated as conditions of development consent.

This assessment of the application has considered all relevant requirements of Section 79C of the Act and finds that there will be no significant adverse or unreasonable impacts associated with the development. The school has been designed and sited to have minimal impact on the environment and the amenity of adjoining residents. The proposal has been designed to have a minimal impact on flooding in the locality, minimal impact on the visual amenity of the area, the traffic impacts can be absorbed by the local traffic network and the noise impacts have been reduced from the previous proposal and can be ameliorated through conditions of consent.

Some road works will be required on the frontage of the land to ensure safe passage of vehicles in and around the school.

All of these matters have been addressed and are covered as conditions of development consent.

The application was notified to adjoining and surrounding owners and occupiers (2km radius from the site) for a period of thirty days (18th April to 18th May) and a notice was placed in a local newspaper. In response sixty (60) pro forma letters of objection and twenty one (21) individual letters of objection have been received. Two (2) letters supporting the proposal have also been received.

Residents' concerns are acknowledged however there are no issues significant enough to warrant refusal of the application. The current proposal is an improvement on the previously approved design of the high school in that visually the school is more recessive in the landscape. The proposed design also reduces noise impacts and is in general a more environmentally sustainable development.

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

SITE DESCRIPTION AND LOCALITY

The subject site is located at 217-233 Horsley Road, Horsley Park. It is situated on the northern side of Horsley Road, between Delaware Road and Greenway Place and opposite Lincoln Road. It is an irregular shaped allotment with a north-south orientation, having a frontage of 130.96m to Horsley Road, a rear boundary of 156.17ms and side boundaries of between 249.55m and 276.25m. The total area of the site is approximately 37,259.4m² (3.73ha).

The site has been cleared in the recent past and engineering works have been undertaken to provide level building platforms.

There are two waterways traversing the site, namely the left bank tributary of Reedy Creek and Reedy Creek. The topography of the site is regular with a 10m cross-fall from the north-western to the south-eastern corner of the site. The eastern boundary of the site adjoins and contains Reedy Creek a watercourse draining to the north.

The site is situated approximately 1.5km from the Horsley Park Village. Access to the site is from Horsley Road, which is a single lane each way traffic with unformed shoulders.

The area is characterised by one and two storey detached dwellings along with sheds and agricultural related outbuildings. These structures are situated on large parcels of land surrounded by large open space, typical of rural-residential allotments.

A number of land uses occur in the locality including farming activities, places of worship, schools and child care centres, whilst a number of older cottages and modern dwellings also exist.

The subject site is immediately adjoined by three (3) eastern allotments fronting Delaware Road. These allotments are improved, each containing a single storey dwelling and some outbuildings that are located between approximately 38 and 85m from the eastern boundary of the subject land.

To the north of the site is a battle-axe allotment with an access handle off Delaware Road. This allotment is improved with a single storey dwelling that is approximately 5.5m from the north-western corner of the site. To the north of this battle-axed allotment is a two-storey brick veneer dwelling that is located approximately 11m from the site's northern boundary.

The western adjoining allotment fronting Horsley Road is improved with a single storey dwelling that is located approximately 95m from the site's western property boundary.

The southern adjoining properties on the opposite side of Horsley Road comprise two (2) allotments. These allotments are improved with four sheds and a single storey dwelling.

In general, the locality surrounding the subject site is semi-rural and rural residential in nature. The agricultural activities in the area are generally low intensive farmlands. The newer residential dwellings are generally on 1 hectare allotments in response to Council's decision in 1996 that reduced the minimum subdivision in 1(a) zone to 1 hectare. On the basis of the large residential dwellings erected in the area, it appears as though the area is increasingly undergoing a transition from the traditional farmlands with small cottages to larger residential dwellings with large curtilage.

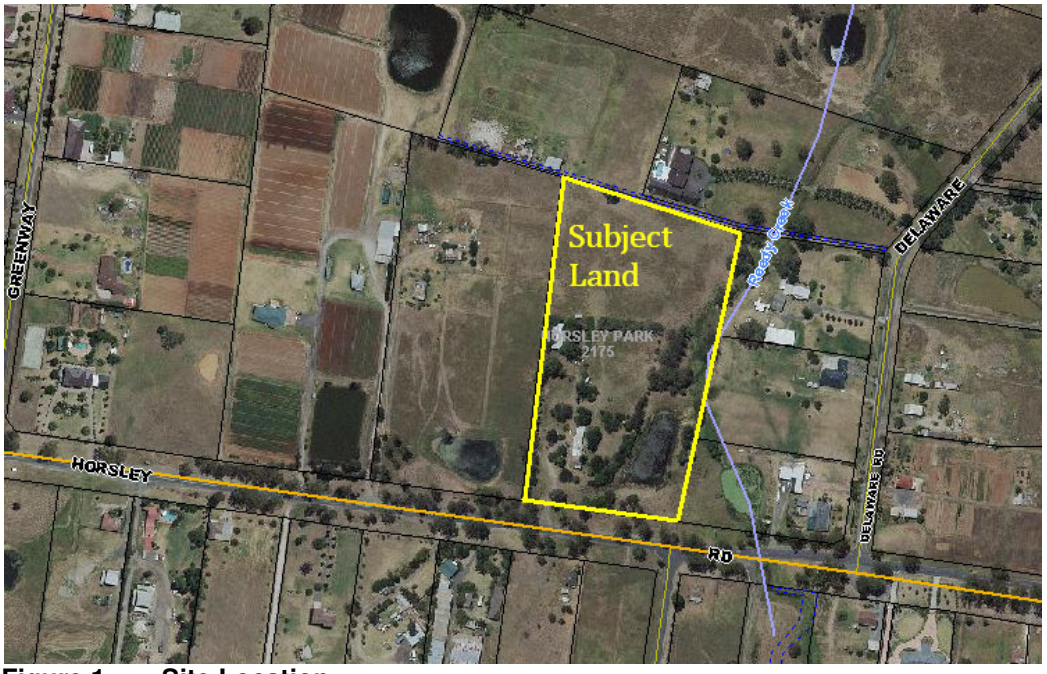


Figure 1 Site Location

DEVELOPMENT HISTORY

Development Application No. 329/2006 – lodged March 2006

Development Application No. 329/2006 was lodged with Council in March 2006 for the construction of a high school at the site. Due to issues of concern raised by Council in relation to the proposed development and the documentation submitted, the application was subsequently withdrawn by the applicant.

Development Application No. 1010/2007 - lodged September 2007

Development Application No. 1010/2007 was submitted to Council in September 2007, which proposed the construction of high school and tertiary college with associated land fill, realignment of water course, landscaping and car parking. This application amended the previous application as follows:

- Deletion of the chapel;
- Deletion of the gymnasium and associated change rooms;
- Deletion of 1 tennis court;
- Deletion of an outdoor basketball court;
- Relocation of swimming pool from the eastern to western boundary;
- Increase of 14 learning units (from 23 to 37);
- Reduction of 31 car parking spaces (from 124-93); and
- A modified car park design.

A number of issues were identified in the processing of this application and further amendments by the applicant resulted in the applicant withdrawing this application with advice that a further application would be submitted.

Development Application No. 1185.1/2008- lodged June 2008

The application involved the demolition of the existing structures at the site, the filling of a dam, the realignment of the creek and the construction of a high school. The high school consisted of a multi-purpose hall, a swimming pool, tennis court, administration building, one and two storey classroom buildings, a maintenance store and an amphitheatre. Vehicle access to the high school was via separate entry and exit driveways off Horsley Road whilst a separate pedestrian access was also proposed. A right turn bay was proposed along Horsley Road to allow vehicles to turn into the site without impeding westbound traffic. In addition, a bus bay was also proposed to be provided on site plus ninety eight (98) car parking spaces.

The application was advertised in the local press and notified to neighbouring properties within a 2km radius of the site for a period of twenty-one (21) days. Approximately 175 submissions were received in response to the public consultation process, all of which objected to the application, except for 3 submissions which supported the proposal. The issues of concern to surrounding residents include non-compliance with Fairfield LEP, non-compliance with the objectives of the zone, non-compliance with Fairfield City Wide DCP 2006, impacts on the rural lifestyle of the area, impacts on the character of the area, waste disposal system, adequacy of infrastructure in the area to accommodate the development and traffic related issues. The matter was referred to the Independent Hearing and Assessment Panel for consideration.

One of the issues that required careful consideration related to the potential noise impacts of the school on adjoining and local residents. The applicant submitted an Acoustic Study that identified that there are no guidelines for assessing noise impacts from schools. It was acknowledged that the proposed school will alter the existing acoustic environment within the rural/residential area.

Council engaged an independent acoustic consultant to review the noise impacts of the development. The conclusions drawn suggest that whilst the school design could have further improved the acoustic performance of the proposal, Council's acoustic expert recommended operating measures relating to the outdoor activities associated with the school which should act to minimise and mitigate potential noise impacts on the surrounding locality.

The Independent Hearing and Assessment Panel recommended to Council that the application be approved subject to conditions. Council considered that matter at its Ordinary Meeting in April 2009 and resolved to approve the development application subject to conditions. Development Consent No 1185.1/2008 was issued on the 12th May 2009.

A construction certificate (CC) was issued on the 13 June 2012 for the construction of the School, Pool and Tennis Court. All necessary deposits and bonds were submitted in accordance with the DA conditions.

An Engineering construction certificate No 1185.1/2008 was issued on the 29 February 2012 for works for Road Construction, Drainage Works, Concrete Driveways and Sedimentation Control on Horsley Road.

Significant engineering works consisting of surveying, land clearing, building demolition, dam filling and bulk earthworks have been undertaken on the site, representing substantial commencement on the project as defined by Development Consent No. 1185.1/2008.

The Assyrian Church has advised Council that when considering tenders for the construction of the school buildings, professional advice alerted them to the fact that the proposal could be improved to comply with NSW School Facility Standards recommendations. Before proceeding further the church undertook a review of the proposed education facility and a number of concerns were identified in the original design, in respect to the built environment and education facility functionality.

The church has managed these concerns and finetuned the design resulting in the current development application before Council.

PROPOSAL

It is proposed to construct a Catholic Christian Assyrian School for use by the General Community. The school, known as "Saint Narsai Assyrian High School" will cater for 600 students. The high school will have a total of 52 staff members, including both teaching and administration staff.

The proposed hours of operation of the high school are:

- 7:00am to 5:00pm Mondays to Fridays; and
- 8:00am to 12:00pm (midday) Saturdays and Sundays.

A car park, accommodating 98 car parking spaces (including 2 disabled spaces) plus delivery/emergency spaces, minibus spaces and a drop off/pick up area is proposed to be located at the front of the site. Separate driveways are provided for ingress and egress. A pedestrian walkway is proposed to be located between the drop off/pick up area and the entry point to the school.

The site and architectural plans are shown in Attachment A. The following facilities and uses are to be accommodated within the proposed one and two storey buildings on the site.

Ground floor:

- Administration Building with Reception Area, Offices, Meeting Rooms, administration area, uniform shop canteen;
- 3 x male and female bathrooms;
- 12 x learning units;
- Library;
- 6 x specialty classrooms (2 x Visual Arts; 2 x industrial art/wood/metal; 1 x music; and, 1 x Drama);
- Wood/Metal work indoor workshops;
- 1x Drama and 1 x Visual Arts Workshop and,
- Covered Outdoor Learning Area (COLA) between the Library and Administration building.

First Floor:

- Communal staff room, kitchen and staff study room
- 15 x learning units;
- 2 x male and female bathrooms;
- 4 x Science Labs
- Open Class Room/ Temporary Hall
- 3 x specialty classrooms (3 x Food Tec)).

Shared Grounds and Facilities:

- New front, side and rear boundary fences;
- Identification sign;
- 92 car parking spaces, 2 disabled car parking spaces, 1 delivery/emergency space and 3 minibus spaces;
- Service vehicle zone
- A ‘kiss and drop’ in the car park is proposed for the morning and afternoon peak times;
- A clearly identified pedestrian walkway between the drop off/pick up area and the entry point to the school;
- Covered outside learning area (COLA)
- Centre Court Yard (Enclosed by Buildings)
- Maintenance storeroom.
- A landscaped open stormwater system between the school and the car park.

Site Works:

- Regrading of the existing site;
- Realigning Reedy Creek along the eastern side of the site and the establishment of a riparian zone; and,
- A Wastewater Management System including a new, onsite secondary Sewerage Treatment Plant and a new sub surface irrigation system.
- Provision of On-site Detention Basins

Off site works:

- Expand the width of the Horsley Road / Lincoln Road intersection to allow through traffic to pass vehicles waiting to turn right into Lincoln Road; and,
- Construct a protected right turn bay from Horsley Road so vehicles turning right into the site will not impede westbound through traffic.

COMPARISON OF APPROVED DEVELOPMENT AND PROPOSED DEVELOPMENT

The proposed development does not involve any change to the approved use, hours of operation or to the number of students (600) accommodated at the high school. The changes proposed generally relate to the design and layout of the proposed school buildings and include:

- Total site coverage of buildings reduced from 4749 m^2 to 4413m^2;
- Maximum building height reduced from 11.4 metres to 11.0 metres;
- Minimum front setback of buildings from Horsley Road increased from approximately 39.6 metres to 74.4 metres;
- Minimum setback from eastern boundary increased from approximately 22 metres to 39 metres;
- Minimum setback from western boundary reduced from 9.4 metres to 5 metres (it should be noted that the Covered Outdoor Learning Area (COLA) is setback approximately 3.5 metres from the western boundary;
- Swimming pool and tennis court from the north-western corner of the site have been deleted;
- Outdoor amphitheatre and above ground seating in the north-eastern portion of the site have been deleted;
- Multi-purpose hall has been deleted from the western side of the ground floor of the development however a temporary hall is shown on Level 1 on the south-eastern corner of the development;
- The roof form of the development has been changed from pitched roofs to skillion roofs;
- Landscaping adjacent to the bus drop off zone near the southern boundary has been deleted and additional landscaping is shown between the car parking area and the southern most proposed buildings.

STATUTORY REQUIREMENTS APPLICABLE TO THE SITE

1. **State Environmental Planning Policy (Infrastructure) 2007**

The purpose of Statement Environmental Planning Policy (Infrastructure) 2007 is to provide a consistent planning regime for infrastructure and the provision of services across NSW. The SEPP repealed a number of State Environmental Planning Policies, including SEPP 11 – Traffic Generating Development. It is applicable to the application, as the proposed development exceeds 50 students.

The RMS raised no objection to the proposal but provided the following comments to assist Council in its assessment of the application:

RMS has reviewed the proposed modifications and raises no objection subject to off−street parking being designed and constructed in accordance with AS 2890.1 - 2004 and AS 2890.2−2002, provision of safe pedestrian crossing facilities designed and constructed in accordance with Austroads and implementation of a 40km/hr School Speed Zone which is subject to the following requirements:

1. *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 to be provided along roads adjacent to the school without a direct access point. Road Safety precautions and parking zones should be included into the neighbouring local road network: 40km/hr School Zones are to be installed in Horsley Drive in accordance with the following conditions.*
   - *Council should ensure that parking, drop−off and pick−up zones and bus zones incorporated are in accordance with RMS standards.*
2. *RMS is responsible for speed management along all public roads within the state of New South Wales. That is, RMS is the only authorised organisation that can approve speed zoning changes and authorise installation of speed zoning traffic control devices on the road network within New South Wales. Therefore, the Developer must obtain written authorisation from the RMS to install the School Zone signs and associated pavement markings and/or remove / relocate any existing Speed Limit signs. To obtain authorisation the Developer must submit the following, at least six (6) weeks prior to student occupation of the site, for review and approval by the RMS:*
   a) A copy of Council's development conditions of consent,
   b) The proposed school commencement I opening date,
   c) Two (2) sets of detailed design plans showing the following:
      - *School property boundaries*
      - *All adjacent road carriageways to the school property*
      - *All proposed school access points to the public road network and any conditions imposed / proposed on their use*
      - *All existing and proposed pedestrian crossing facilities on the adjacent road network*
      - *All existing and proposed traffic control devices and pavement markings on the adjacent road network (including School Zone signs and pavement markings).*
      - *All existing and proposed street furniture and street trees.*
3. *School Zone signs and pavement marking patches must be installed in accordance with RMS's approval / authorisation, guidelines and specifications.*
4. *All School Zone signs and pavement markings must be installed prior to student occupation of the site.*
5. *All School Zone signs and pavement markings are to be installed at no expense to the RMS.*
6. *The Developer must maintain records of all dates in relation to installing, altering, removing traffic control devices related to speed.*

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

The RMS comments can be incorporated as conditions of consent.

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

Comment [k1]: This needs to be reworked once amended comments from EMB are received.

The provisions of SEPP 55 – Remediation of Contaminated Lands is applicable to the subject site. SEPP 55 provides state-wide planning controls for the investigation and remediation of contaminated lands with the view of reducing the risk of harm to human health and the environment.

Clause 7 of SEPP 55 stipulates that Council shall not grant consent to any development unless:

(a). it has considered whether the land is contaminated, and
(b). if the land is contaminated, it is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out, and
(c). if the land requires remediation to be made suitable for the purpose for which the development is proposed to be carried out, it is satisfied that the land will be remediated before the land is used for that purpose.

A contamination assessment report prepared by Martens and Associates Pty Ltd was submitted in support of the application. The report was dated 2006 and accompanied the original application DA 1185.1/2008.

The contamination assessment report was assessed by Council's Environmental Management Branch (EMB) against the provisions of SEPP 55. EMB has advised that the proposed development is considered to be consistent with the provisions of SEPP 55 and that the subject site is suitable for the intended use as a school on the proviso that additional information was provided from the owners of the site in regard to any activities on the site after 2006 that had the potential to contaminate the site.

A statutory declaration made by Archbishop Mar Meelis Zaia on behalf of the owner advised that landfill has been imported on to the site in accordance with development consent no. 1185.1/2008 and that the fill was virgin excavated material. Council's Environmental Management Branch (EMB) have re-inspected the site and advised that there are no objections or conditions with respect to the issue of land contamination.

3. Sydney Regional Environmental Plan No. 20 – Hawkesbury Nepean River

Sydney Regional Environmental Plan (SREP) 20 is applicable to the proposed development. SREP 20 aims to consider the impact of development within the Hawkesbury-Nepean River system in a regional context. The plan sets out issues related to water quality and quantity, agriculture and urban development and regulates development that has the potential to impact on the river environment.

Under the requirements of the SREP, Council is required to consider the general planning considerations and any specific planning policies that may relate to the land or development before it may determine a development application.

The Statement of Environmental Effects submitted in support of the application provides a detailed analysis of the proposed development against the provisions of SREP and has demonstrated that the proposed development is consistent with the aims and strategies of SREP 20.

4. Fairfield Local Environmental Plan 2013 (FLEP2013) and Fairfield Local Environmental Plan 1994 (FLEP1994)

a) Savings Provision

Fairfield LEP 2013 (FLEP2013) was gazetted on 17 May 2013 and became effective on 31 May 2013. Clause 1.8A of FLEP2013 provides as follows:

> *1**.8A Savings provisions relating to pending development approvals (local)***
> *If a development application has been made before the commencement of this Plan in relation to land to which this Plan applies and the application has not been finally determined before that commencement, the application must be determined as if this Plan has been exhibited but had not commenced.*

The subject development application was lodged on the 5th April 2013.In accordance with clause 1.8A the development application must therefore be considered under the provisions of both FLEP1994 and FLEP 2013.

b) Fairfield LEP 1994 (FLEP1994)

Zone Objectives

The subject site is zoned Non-Urban Residential 1(a) under Fairfield Local Environmental Plan 1994. The proposed development is defined as an 'education establishment' and is a use that is permitted with Council consent in the zone.

The objectives of Non Urban-Residential 1(a) zone are as follows:

(a) To allow rural-residential development;

(b) To achieve attractive high quality development which is sympathetic to the rural environment and minimizes risks from natural and man-made hazards;

(c) To ensure that development does not unreasonably increase demand for public facilities and services;

(d) To allow people to carry out a reasonable range of agricultural activities which are compatible with the living environment of neighbours; and

(e) To limit activities that have a detrimental effect on the environment, particularly on noise levels and on the quality of soil, air and water.

The zoning of the site permits an 'education establishment' and therefore would fulfil Council's aim of providing land to accommodate 'different lifestyles, incomes and cultures' and yet provide economic and employment opportunities. The proposal is also responsive to the needs of the local Assyrian community.

The site has been cleared in the past and therefore there is no impact on environmentally sensitive land. The proposal has been designed to minimise flood risk on the subject land as well as adjoining lands. The proposal does not have a negative impact on the environmental heritage of the locality.

As the proposed development is providing its own buses to transport students to and from the proposed school and the school will provide an onsite sewerage treatment system, it is considered that the proposed development is unlikely to result in an unreasonable demand for public facilities and services.

The proposal complies with a number of the above objectives.

Development of flood-liable land

As the subject site is located within a flood-liable land, the provisions of Clause 11 of the LEP are applicable to the proposed development. Clause 11 of the LEP outlines the provisions in relation to the carrying out of development within a flood-liable land, which reads as follows:

(1) The Council must not consent to the erection of a building or the carrying out of a work on flood-liable land unless the provisions of the Council's Flood Management Policy that relate to the proposed development have been taken into consideration. Copies of the Flood Management Policy are available for inspection at the Council's Office.

(2) The Council may refuse consent to an application to carry out any development which in its opinion will:

- *(a) adversely affect flood behaviour, including the flood peak at any point upstream or downstream of the proposed development and the flow of floodwater on adjoining lands,*
- *(b) increase the flood hazard or flood damage to property,*
- *(c) cause erosion, siltation or destruction of riverbank vegetation in the locality,*
- *(d) affect the water table on any adjoining land,*
- *(e) affect riverbank stability,*
- *(f) affect the safety of the proposed development in time of flood,*
- *(g) restrict the capacity of the floodway,*
- *(h) require the Council, the State Emergency Service or any other Government agency to increase its provision of emergency equipment, personnel, welfare facilities or other resources associated with an evacuation resulting from flooding, or*
- *(i) increase the risk to life and personal safety of emergency services and rescue personnel.*

(3) For the purpose of subclauses (1) and (2), the Council may consult with and take into consideration the advice of the Department of Water Resources and NSW Public Works in relation to the delineation of floodways, the height to which floors should be raised and any other flood-proofing measures.

The applicant's hydraulic engineer consultant has submitted a number of reports in relation to the provision of stormwater drainage facilities for the site. The information includes the stormwater concept plans providing on-site detention in accordance with Council's Rural Area On-Site Detention Stormwater Drainage Policy. As the upper reaches of the Reedy Creek runs along the eastern boundary of the site a Flood Risk assessment has also been required.

To cater for the required on-site detention storage volumes it is proposed to provide both above ground storage within the car park and the use of larger stormwater pipes below this car park area, located at the southern end of the site. More detailed construction details are to be provided with the Construction Certificate application.

The submitted flood study assessment has assessed both the 100 year ARI and PMF (Peak Maximum Flood) rainfall events. The results indicate that there will be no adverse effects on existing water surface level in Reedy Creek or the adjacent properties. This is proposed to be achieved by proposed channel and creek formation works located along the eastern boundary of the site.

As it is proposed to have all buildings above the existing ground levels through the use of structural pier and beam engineering, there is considered to be no impact on the water surface levels attributable to the buildings.

Whilst the report prepared by the applicant's consultant is appropriate to assess the subject site it is also recommended that the report be forwarded to Council's Engineering Consultant for the Reedy Creek study to confirm finished floor levels of the buildings and associated works, prior to the issue of a Construction Certificate.

Accordingly, a condition of consent is recommended to be imposed which requires the Flood Risk Assessment report be submitted and assessed by Council's Engineering Consultant in order to confirm finished floor levels, prior to the issue of a Construction Certificate.

Clause 12 of the LEP outlines the provisions in relation to the carrying out of developments in the vicinity of creeks and waterways, which read as follows:

(1) A person must not erect any structure within 20 metres of the top of the bank or mean high water mark of any creek or waterway within the City of Fairfield except with the consent of the Council.

(2) The Council must not grant a consent referred to in sub clause (1) unless it has made an assessment of the effect which the carrying out of the proposed development will have on ecological systems, the stability of banks, water quality and the needs of existing and potential users of water from those creeks and waterways.

(3) A person must not carry out development on any land to which this plan applies:
(a) below high water mark, or
(b) forming part of the bed or banks or within 20 metres of the top of the bank of a river, creek, lake, bay, lagoon or other natural watercourse, or

(c) which has been reclaimed,
without the consent of the Council.

As the proposed development involves the construction of structures and earthworks within 20m of Reedy Creek, the application constitutes an Integrated Development under the EPA Act, 1979 and requires the concurrence of the Department of Primary Industry. The correspondence received from the Department of Primary Industry (Office of Water) dated 19 July 2013 has indicated that the Office of Water is satisfied that the proposed development is in accordance with its requirements and accordingly has issued General Terms of Approval to the application (a copy of which is included in Attachment B of the report).

Therefore, it is considered that the development satisfies Clause 12 of the LEP.

Clause 13 of the LEP outlines the provisions in relation to the landfill and clearing. The proponent has previously cleared and filled the land in accordance with the requirements of Development Consent No. 1185.1/2008. The current proposal requires additional earthworks, including the construction of a 250m^3 OSD basin, adjoining and above Reedy Creek. These works will have minimal environmental impact and will be subject to a licence issued by the NSW Office of Water.

Clause 15 of the LEP outlines the provisions in relation to water, sewerage, drainage and electricity, which reads as follows:

The Council must not grant consent to development of land to which this plan applies unless arrangements satisfactory to the relevant authority have been made for the provision of water, sewerage, drainage and electricity services to the land.

The site is presently connected to Sydney Water's main water supply. In this regard, a Section 73 Sydney Water Certificate with respect to the provision of Sydney Water's main water supply is required to be obtained. This can be appropriately dealt with as a condition of consent.

With respect to electricity, the site is presently connected to an energy distribution network. Again, a condition would be imposed requiring the applicant to obtain the necessary certificate from Integral Energy with respect to their requirements.

As Horsley Park is not connected to an existing sewerage scheme, the applicant proposes a Wastewater Treatment System and an Effluent Re-Use system for the development. Council's Community Health Branch is satisfied that the proposed Wastewater Treatment and an Effluent Re-Use system are adequate to cater for the proposed high school.

The issue of drainage has been addressed earlier in this report.

c) Fairfield LEP 2013 (FLEP2013)

The subject site is zoned RU4 (primary production – small lots). Educational establishments are a permissible use within the zone.

The zone objectives are as follows:

- *To enable sustainable primary industry and other compatible land uses.*
- *To encourage and promote diversity and employment opportunities in relation to primary industry enterprises, particularly those that require smaller lots or that are more intensive in nature.*
- *To minimise conflict between land uses within this zone and land uses within adjoining zones.*
- *To ensure that development is sympathetic to the rural environment and minimises risks from natural and man-made hazards.*

The proposed use given its siting and other design features is considered to be a compatible use in the locality. The proposal has been designed to have a minimal impact on the environment and a lesser acoustic impact on neighbours than the previous high school layout (DA 1185.1/2008).

Clause 4.3 of FLEP 2013 relates to height of buildings. The maximum height of buildings prescribed for the subject land is 9 metres. The maximum height of the development is 11 metres where the buildings are two storey. The objectives of Clause 4.3 are as follows:

(a) to establish the maximum height for buildings,
(b) to ensure that the height of buildings complements the streetscape and character of the area in which the buildings are located,
(c) to minimise the visual impact, disruption of views, loss of privacy and loss of solar access to existing development.

The excedence of the maximum prescribed height in the circumstances of this case is considered to be acceptable because the buildings are well setback from the street and adjoining residential buildings. It is considered that the proposal does not result in a disruption of views, loss of privacy and loss of solar access to existing development. The proposal has been designed, with the scheme stepping down the site to follow the slope. This allows the buildings to be sited into the landscape thereby substantially reducing visual impact to the nearby community. The highest point of buildings has been reduced by up to 3 metres from the previously approved DA, thereby lessening the impact of the development on the environment and surrounding residents. The simplified building forms and roofs are visually more appropriate to the rural context.

Clause 6.6 of FLEP 2013 relates to riparian land and watercourses and applies to the subject land as shown in Figure 1 below. Sub-clauses (3) & (4) state as follows:

(3) Before determining a development application for development on land to which this clause applies, the consent authority must consider:
(a) whether or not the development is likely to have any adverse impact on the following:
(i) the water quality and flows within the watercourse,
(ii) aquatic and riparian species, habitats and ecosystems of the watercourse,
(iii) the stability of the bed and banks of the watercourse,
(iv) the free passage of fish and other aquatic organisms within or along the watercourse,
(v) any future rehabilitation of the watercourse and riparian areas, and
(b) whether or not the development is likely to increase water extraction from the watercourse, and
(c) any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development.
(4) Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that:

(a) the development is designed, sited and will be managed to avoid any significant adverse environmental impact, or
(b) if that impact cannot be reasonably avoided—the development is designed, sited and will be managed to minimise that impact, or
(c) if that impact cannot be minimised—the development will be managed to mitigate that impact.

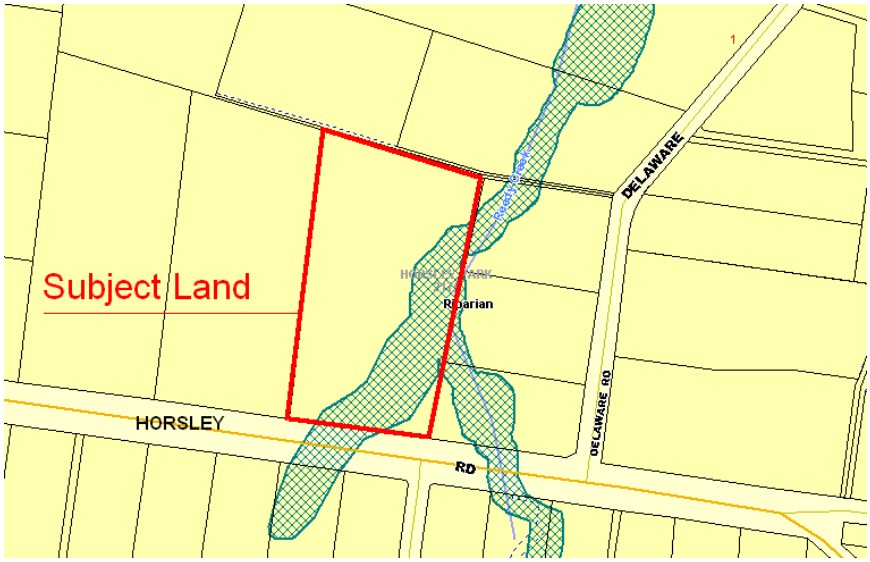


Figure 1. Riparian Land as defined by Fairfield LEP 2013.

The applicant has enacted development consent No 1185.1/2008 and undertaken works within the riparian zone of Reedy Creek in accordance with plans approved by the NSW Office of Water. The works associated with the current proposal are very similar to previously approved works and essentially consist of the regrading of Reedy Creek and the reshaping of the banks of the watercourse to minimise the potential for erosion and at the same time effectively convey stormwater flows. The proposal also includes the planting of appropriate riparian vegetation within the watercourse.

A new OSD basin is proposed within 40 metres of the water course as shown in Attachment C. The OSD basin is "off-line", appropriately located and designed to have minimal impact in terms of discharge into Reedy Creek.

It is considered that the proposed development has been designed, sited and will be managed to avoid any significant adverse environmental impact. The NSW Office of Water has issued General Terms of Approval for the proposal.

The development is subject to the provisions of clause 6.3 – Flood Planning which specifies that:

Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that the development:
(a) is compatible with the flood hazard of the land, and
(b) will not significantly adversely affect flood behaviour resulting in detrimental increases in the potential flood affectation of other development or properties, and

(c) incorporates appropriate measures to manage risk to life from flood, and
(d) will not significantly adversely affect the environment or cause avoidable erosion, siltation, destruction of riparian vegetation or a reduction in the stability of river banks or watercourses, and
(e) is not likely to result in unsustainable social and economic costs to the community as a consequence of flooding.

The applicant has provided a flood study which was updated for the 1%, 5% and PMF events. The flood modelling results indicate that:

- No flood level impacts on upstream or downstream properties.
- Swale flows along the southern site boundary up to the 1% AEP are contained within the site.
- The adjusted car park is flood free in the 1% AEP event.
- The amended OSD location is flood free in the 1% AEP event.
- Both OSD's discharge to the creek above the 1% AEP creek water level.
- School buildings are above PMF flood levels.

Council's engineer has endorsed the findings of the applicant's flood study and the proposal is considered to comply with the requirements of Clause 6.3.

5. Fairfield City Wide Development Control Plan 2013 – Chapter 4 - Development Principals for Rural Land, Chapter 10 – Miscellaneous Development and Chapter 12 – Car parking, vehicle access and management

Fairfield City Wide Development Control Plan 2013 (the DCP) applies to all land in the City of Fairfield including the subject site, except the Fairfield Town Centre, Cabramatta Town Centre, Fairfield Heights Town Centre, Canley Vale and Canley Heights Town Centre and Bonnyrigg Town Centre which are covered by specific Development Control Plans. The DCP is a detailed document that supplements the statutory provisions of Fairfield LEP2013 and in the circumstances of this case the statutory provisions of Fairfield LEP1994.

The following provides an assessment of the proposed development against the relevant chapters of the DCP.

Chapter 4 – Development Principles for Rural Land

This chapter of the DCP applies to the subject land as it is zoned RU4 under FLEP 2013 and Non Urban-Residential 1(a) under FLEP 1994. Chapter 4 sets out specific issues relevant to the rural area that should be addressed as part of any proposed development.

Section 4.1 Existing Character

The objectives of Section 4.1 Existing Character are as follows:

a. *To ensure development is consistent with the existing character of the rural area;*
b. *To prohibit any further intensive agricultural activities such as piggeries and poultry farms; and*
c. *Ensure all new development in the area has regard to its rural setting and minimise adverse effects on the environment and adjoining residents*

It is considered that the proposed development is more intensive than surrounding rural residential developments and agricultural activities in particular with respect to built form and scale. Notwithstanding the above the proposal has been designed so that the placement of buildings on the site ensure that the development has regard to the rural setting of the area. That is, the orientation and siting of the buildings enable the provision of substantial separation between the buildings and site's property boundaries. It is noted that the minimum front setback of buildings from Horsley Road will be 74.4 metres, the minimum setback from eastern boundary will be 39 metres, the minimum setback from northern boundary will be 25 metres and the minimum setback from western boundary will be approximately 2 metres. It should be noted that the nearest dwelling to the western boundary is approximately 70 metres distant. Also landscaping is proposed around the school especially on the northern boundary.

The presentation of the development to Horsley Road is that of the cluster of two storey buildings screened by landscaping. The designed response combined with the topography of the site, being a gently sloped site from the west to the east, are considered appropriate in terms of minimising the bulk and scale of the development. It is considered that sufficient curtilage has been provided to ensure that the development would not dominate the surrounding rural residential developments.

The control of Section 4.1.1 Existing Character of the DCP is:

> *To ensure new development is consistent with Council's intention to provide a suitable environment for rural-residential living and at the same time allow the retention of the semi-rural character of the area*

It is considered that the design and siting of the proposal is such that the semi-rural character of the area will be retained.

Being an educational establishment, the proposed development is considered to be a more intense use of the site than that of a rural-residential development particularly in terms of the number of people that will be occupying the site, noise generation associated with the outdoor activities relating to the school and traffic generation. However, the submitted documentation has demonstrated that the development is sensitively designed with regard to the amenity of surrounding rural-residential developments and there will be an acceptable impact upon the amenity of surrounding rural-residential properties.

Section 4.2 - Road Access and Points

The Controls of Section 4.2.7 Access Points of the DCP are as follows:

a. *Access driveways should be as far as possible follow natural contours rather than cutting across the contours. Extensive cut and fill should be avoided in order to:*
   - *Retain the natural character of the site by reducing the intrusive appearance of driveways.*
   - *Lessen the possibility of erosion thereby minimising maintenance costs.*
   - *Allow an informal lot layout and dwelling placement.*
   - *Allow easier manoeuvring and reduce speeding.*

The proposed driveways do not require excessive cut. Both driveways have been designed to allow easy manoeuvring. The development proposes separate entry and exit driveway that are perpendicular to Horsley Road and a car park within the front of the site accommodating 98 car parking spaces plus 3 designated bus bays and a kiss and drop area near the entry to the school that does not interfere with the bus zone or the car parking area. The driveway arrangements are not considered to be inconsistent with the intention of the DCP for development in the rural area.

   - *Driveways are to be landscaped along the edges and should be constructed of compacted gravel, paved and sealed in brown, green, grey or ochre tones. Regardless of the proposed method of internal construction all driveways must be sealed between the property boundary in accordance with drawing S-226 found on page 6 of this chapter.*

The landscape plans submitted with the application indicate that the proposed internal driveways will be landscaped with canopy tree plantings. The driveways will be required to be sealed as a condition of development consent.

Section 4.3 – Landscaping

A concept landscape plan submitted with the application is adequate. More detailed landscaping plans are to be submitted to and approved by Council prior to the issue of a construction certificate. This aspect can be covered as a condition of consent.

The site has been cleared of remnant vegetation in accordance with the conditions of development consent No. 1185.1/2008.

Section 4.4 Sewerage Disposal

A Wastewater Management Assessment report prepared by Martens Consulting Engineers has been submitted the application. The report indicates that the site is unlikely to be connected to the existing sewerage system with the closest suitable connection located some 2.5km away. As such, the report provides an analysis of the characteristic of the site, its constraints and suitability for a wastewater treatment system.

The application proposes that all wastewater (sewage) to be generated by the development be treated on site. The wastewater to be generated on the site it to be treated on site using a secondary sewage treatment plant and it is proposed that the

secondary treatment plant be located towards the north-eastern corner of the site adjacent to the maintenance store. The submitted report indicates that the area required for the disposal of treat effluent is 5,940m² and an area of 6,627m² is proposed along the northern portion of the site. This part of the site will be modified in accordance with Australian Standards to enable effluent disposal. The treated sewage will be piped by a series of underground pipes and disposed to the identified irrigation field by a sub-surface irrigation system.

Council's Community Health Branch, having reviewed the proposed secondary sewage system, is satisfied that the proposed wastewater treatment system is in accordance with Council's On-Site Sewage Management Strategy and is adequate to accommodate the proposed development. Approval of the on-site wastewater treatment system is required pursuant to Section 68A of the Local Government Act (1993) and this aspect can be covered as a condition of development consent.

Section 4.8 Criteria for Rural Building Design

4.8.1 Siting of development

a. *In determining the sitting of a building, consideration should be given to the following factors:*

- *Dwellings should be orientated to make the best use of sunlight and views. Living areas should have a northerly aspect to minimise energy and the amount of sunshine that a building is exposed to during the year.*

The proposed development is not a dwelling.

- *West facing walls should have very few windows for protection against hot westerly winds and summer sun.*

The applicant advised that the north-south orientation of the site makes it necessary to provide west facing windows to provide for natural light and ventilation. On the basis of the current design, it is considered appropriate that conditions be added to any development consent requiring the provision of protection from the elements to the west facing windows.

- *Slopes and access to views.*

As the site is gently sloping downwards to the east and the school buildings have been designed with the scheme stepping down the site to follow the slope. This allows the building to flow with the natural profile of site. Substantially reducing visual impact to the nearby community. The development is unlikely to result in the obstruction of views from any surrounding allotments.

- *Protection from wind and adverse weather.*

The architectural drawings show that appropriate shading and shelters are to be provided within the playground to provide protection to students from the elements.

- *The preservation of prominent ridgelines from intrusion by new buildings.*

The proposal does not protrude Above a ridgeline.

- *Buildings should not be sited on overland flow paths identified by Council. This may increase any potential flood hazard or flood damage to buildings.*

The finished floor levels of the buildings are elevated above the 1 in 100 year flood level. The drainage concept plan has demonstrated that the proposed development has been designed to satisfactorily divert overland flows around the buildings with ultimate discharge into Reedy Creek.

- *The dwelling should be set back from roads and surrounding dwellings in order to reduce noise and other disturbances.*

The proposed buildings are set well back from adjoining dwellings.

- *Driveway access.*

Two driveways are proposed to serve the development and are considered to have a satisfactory design.

- *Retaining the existing vegetation for possible incorporation with the landscape of the buildings.*

There is no significant remnant vegetation on the site. The landscaping design provides a layered profile from the front of the education facility, thereby softening the visual impact of building from the road. The provision of rear and side boundary landscaping will help screen the development.

- *Future use and enjoyment of the site.*

It is considered that the proposed development has been designed which is unlikely to compromise the future use and enjoyment of the site.

4.8.3 Specific building design criteria

a. *Avoid monolithic structures by grouping buildings in a more sympathetic way, through the use of landscaped features and contours, as depicted in the figure shown on page 15 of chapter 4.*

   Roofline of a building is critical to the way that the building blends in with the natural topography of the land. On flat landscapes and sites with hills as backdrops, hipped roofs are generally more appropriate. Split-level homes are generally more suited to sloping sites. The roofline can be staggered according to degree of slope. The use of wider eaves and in particular, verandas can bring the roof edge closer to the ground thereby integrating the dwelling into the overall landscape. Dormer windows can be used to allow upper floor accommodation while minimising wall height and roof bulk.

b. *The predominant colours of the rural area are the range of greens, greys and brown of the vegetation. Similar or complementary colours are therefore appropriate for new buildings and additions. Any ancillary buildings should be similar materials, style and colours to the main dwelling building. Highly reflective surfaces such as large expanses of glass or unpainted metal decking should be avoided. Suitable roofing materials*

include painted corrugated iron, colour bond, slate shingles or tiles in grey, brown, green or ochre tones.

The applicant contends that the development satisfies the building design criteria in the following manner:

- The current proposal has a reduced site coverage compared to the previously approved proposal, resulting in an increase in usable green space.
- Simplified building forms and roofs visually create a calmer more relaxed aesthetic far more in keeping with the language and forms of an educational facility and more appropriate to the rural context. From Horsley Road, changes to the way the building presents itself to the public interface denotes it as an education facility as opposed to the townhouse appearance of the original scheme.
- Simplified design and standardisation of buildings to reduce buildings costs and improve ease of construction thereby improving the viability of scheme. This results in a reduction to the construction period for the new facility and subsequently its impact on the local residents during the construction phase.
- Improved sense of address and identity for education facility created by the positioning and treatment of administration facilities, the inclusion of a generous forecourt celebrating the arrival to the school and the relationship the administration to the adjacent GLA building defining a gateway into the student precinct.
- Improved security provisions and clear definition of public and student zones and ability to secure site after hours as well as education facility's hours.
- Improved and more appropriate finishes and materials with smarter masonry buildings and lightweight elements clad in FC sheet or veneer panels. Omission of colour bond proposed in original scheme for less of an industrial look and improved impact resistance at lower levels.

The applicant's contentions are supported and the proposed building design is satisfactory.

4.8.3 Setbacks

a. *Front:*
   - *No building is to be built within 30m of either Wallgrove Road or Elizabeth Drive.*
   - *In all other situations the minimum setback shall be no less than 15 metres of the average existing setback whichever is the less.*

The site is not on either Wallgrove Road or Elizabeth Drive, and therefore, the minimum front setback is 15m. The proposed development is setback at least 74m from Horsley Road, and therefore, complies.

- *Side:*
- *Dwelling must be setback minimum of 5m.*
- *Ancillary structures must be setback a minimum of 3m.*

The building located closest to the eastern property boundary is the maintenance shed located in the north-eastern corner of the site. It is setback a minimum of 4.2m from the eastern boundary and therefore, complies.

The building located closest to the western property boundary is the COLA. It is setback a minimum of 3.5m from the eastern boundary and therefore, complies.

4.8.4 Building Height

a. *Dwelling should be no greater than two storeys in height.*
b. *The wall height of the building should not exceed 6.5 metres above natural ground level at any point and the overall height of the building including the roof shall not exceed 9 metres.*
c. *Ancillary structures should not exceed 5 metres in height, including the roof, above natural ground level.*

This issue has been previously discussed in this report in the section dealing with compliance with Fairfield Local Environmental Plan 2013.

4.8.5 Cut and Fill

a. *A maximum fill of 1 metre will be permitted where the filling is contained within the building envelope by a drop edge beam.*
b. *Filling of the ground outside the building envelope is not permitted.*

No fill is proposed to be introduced to the site apart from the filling of the existing dam in the south-eastern corner of the site as allowed under Clause 13(4) of the LEP.

4.8.6 Fencing

To maintain a rural setting, boundary and other fencing should be inconspicuous. Post and wire or post and rail fences in natural or earth tones are preferred. Hedges are also suitable.

The DA documentation does not specify fencing details. This aspect of the development can be conditioned. Specific conditions will be imposed to ensure students do not have access to areas affected by the 1:100 year flood event. The fencing will be not be visually prominent.

Chapter 10 – Miscellaneous Development

Section 10.1 of the DCP applies to those developments that are permissible in residential zones but are non-residential in nature including schools.

The principal aim of this section is to impose appropriate controls to ensure that non-residential activities in residential zones are compatible with the predominant residential environment while providing an important service to the community.

The following compliance table outlines an assessment of the proposed development against the relevant Sections of Chapter 10 the DCP.

Criteria	**Proposed**	**Compliance**
Parking Provisions		

All off-street parking and access and vehicle management should refer to Chapter 12 – Car Parking, Vehicle and Access Management.	The proposal has been designed having regard to the requirements of Chapter 12 of the DCP.	Complies
Vehicle Access & Road Provisions		
Vehicle access and driveways to properties should be in the location that allows the shortest, most direct access over the nature strip from the road.	The proposed entry and exit driveways are perpendicular to the street, providing the shortest connection to the road.	Complies.
Building Design		
The height of the building is to be limited to two storeys above ground level in order to maintain the established character.	The proposed development is limited to two storeys and therefore, the proposed development complies.	Complies.
Any new building adjoining residential development should be designed: • To allow a daily minimum of 4 hours of direct sunlight to adjoining windows and open spaces at mid-winter, and • To protect adjoining windows and open spaces from overlooking and unreasonable transmission of noise.	The submitted shadow diagrams demonstrate that the proposal would not result in any overshadowing of any adjoining properties. The proposal is unlikely to result in any visual privacy issues to any neighbouring properties due to the substantial separation between the development and neighbouring properties. Also, the submitted acoustic report has demonstrated that the proposal is unlikely to result in an unreasonable noise impact upon any neighbouring properties.	Complies.
Fencing & Screening		
Boundary fences to public roads are to be visually acceptable and in character with other development in the locality;	A 2.4m high metal palisade style fence will be required as a condition of consent on the Horsley Road frontage.	Acceptable

Timber or masonry materials are to be used in the construction of any boundary fences that are required to adequately screen storage, car parking or service areas and generally complement the building and surrounding environment. Wire mesh fences are not acceptable.	Can be covered as a condition of consent.	Complies.
Where there is potential for a development to cause nuisance to adjoining residences such as traffic movement, parking, headlight glare or security lighting, adequate protective screening must be provided, comprising screen fencing and/or landscaping to Council's satisfaction.	The applicant does not anticipate that any lighting associated with the school including headlight glare would be problematic. With respect to night time, traffic will exit the site from the eastern driveway and there is no dwelling that will be directly impacted by headlight glares from vehicles exiting the site. The applicant argues that traffic noise will not be unreasonable, having regard to the acoustic assessment submitted.	Complies.
The following criteria applies to security fencing: • Must not contain barbed wire, chain wire, razor wire, broken glass or the like. • Must be designed with landscaping and gardens to reduce the visual impact of walls and in keeping with streetscape and neighbourhood character. • Must provide opportunities in fencing design for natural surveillance.	Can be covered as a condition of consent.	Complies

• Must be designed to highlight entrances, and be compatible with buildings, letterboxes and garbage storage areas. • Will only be permitted where it can be demonstrated that a security risk exists.		
The following criteria applies to the construction of fences: • Must be constructed from lightweight materials including those that are 'see through' in design such as panels, lattice, timber or metal pickets, which are set into a timber frame or between bricks where any solid base is no taller than 1 metre.	The proposed front boundary fence is to be constructed with masonry piers with metal infill grills and the sides and rear boundary fences will be timber paling fence.	Complies.
The following criteria applies to front boundary fences: • Maximum height of 1.5m generally along front boundaries provided that they are a high quality design, and • Constructed from lightweight materials such as timber, lattice, metal pickets etc.	The front fence is to be 2.4m high palisade style fence to keep students and visitors out of land on the site that is flood prone.	Acceptable for safety reasons.
The following criteria applies for side and rear boundary fences: Maximum height of 2.0m generally, Council may consider a height up to 2.2m on sites where it can be demonstrated that a significant security risk exists. An overall maximum height of 2.4m may be considered if the site is sloping and the fence	Can be covered as a condition of consent.	Acceptable.

incorporates a retaining wall.		
Landscaping		
To reduce the visual intrusiveness of non-residential development, the landscaping measures detailed will be required for any new development or for more intensive use of any existing operations/activities.	The landscape plans propose landscaping along the front, sides and rear boundaries.	Complies.

Overall, it is considered that the proposed development is consistent with the objectives and controls of Chapter 10 of the DCP. Whilst it is considered that the proposed development is a significant development proposed for the locality, it is unlikely to result in an adverse impact upon the amenity of surrounding rural-residential properties particularly in terms of visual privacy and overshadowing. Also, the overall bulk and scale of the development is considered to be appropriate, having regard to the nature of the development and the school buildings being sited a substantial distance from surrounding rural- residential properties and the public domain.

Chapter 11 – Flood Risk Controls

This chapter of the DCP sets out the objectives, performance criteria and controls in relation to the assessment of development applications within land subject to flooding. It identifies the various Land Use Categories and the Flood Risk Precincts. The site is identified as within a Low Flood Risk Precinct and in accordance with Schedule 2 of Chapter 11, the site (being educational establishment) is identified as a 'Sensitive Use and Facility'.

Council's Development Engineers have advised that the stormwater and flood modelling prepared by Martens Consulting Engineer, as amended, has demonstrated that the proposed development achieves the objectives of Chapter 11 of the DCP. Accordingly, conditions of consent have been provided which are to be incorporated into any development consent to be issued.

Chapter 12 - Car Parking, Vehicle and Access Management

The intention of Chapter 12 of the DCP is to ensure that adequate car parking is provided for developments. The parking should be physically attractive yet visually and functionally subservient to the buildings they serve and the environment in which they are set. On-site parking should be safe, meet the needs of users and function efficiently.

Criteria	**Proposal**	**Compliance**
12.1 Parking Rate		
Education establishments – Schools – 1 *space per employee plus 1 space per 10 students in Year 12*	Based on the parking rate, the proposed development catering for 600 students (100 in Year 12) and 52	Complies. Additional spaces above the development control

(where applicable).	staff requires 62 car parking spaces. The proposal provides for 98 car parking spaces (including 2 disabled spaces).	have been provided.
12.2 Design Guidelines		
Dimensions of spaces & aisles - This Code adopts the parking requirements in the current Australian Standards 2890 – Parking Facilities, which allows various combinations of minimum bay length, bay width and access way width.	All the proposed car parking spaces have been designed to comply with AS2890.	Complies.
12.3 Access, Manoeuvring & Layout		
Streetscape & Parking The following principles should be observed when designing for vehicular access: • The design and location of vehicular access points should not interrupt the continuity of a streetscape. • Footpath re-direction to allow vehicular access will not be permitted; • Entry/exit points should be clearly identified. Larger sites or those with a high vehicle turnover should provide separate entry/exit points to minimise potential vehicle conflict; • On-street queuing of vehicles should be minimised through the creation of adequate on-site 'waiting areas'. The depth of the queuing bays required will depend on the traffic expected to be generated by the development.	It is considered that the design and location of the driveways are unlikely to interrupt the continuity of the streetscape. As the frontage of the site is not provided with footpath, no footpath is to be re-directed. The applicant advises that the entry/exit points will be clearly identified with landscape and signage and the proposed 'drop off and pick up' area provides sufficient space for queuing of vehicles.	Complies.
Driveways Near Intersections	The proposed driveways are not located within 6m of	Complies.

• Sites located near intersections pose problems of safe entry to and exit from parking areas. To ensure safe vehicle movements near intersections on local and collector roads are not permitted within 6m of a splay corner. • Vehicle access and driveways to properties should be at least 30m or as far as possible from an intersection with an Arterial Road, Zone 5(b), or Sub Arterial Road, Zone 5(c).	a splay corner or located within 30m of an Arterial Road.	
Driveway & Ramp Width The appropriate driveway width is dependent upon: • Whether entry and exit points are combined or separate; • The types of vehicles using the site; • The number of vehicles using the site; and • The amount of traffic on the access road.	The proposed driveway width is considered adequate accommodate one-way private vehicles and buses that will be accessing the site, as contended by the applicant.	Complies.
Vehicle Movement Direction Whenever possible, vehicle movement within the car park should be in a forward direction to lessen the chance of collision.	The parking arrangements allow vehicles to enter and exit the site in a forward direction.	Complies.
Manoeuvring To function effectively a car park must provide appropriate manoeuvring room. The amount of manoeuvring space required is dependent upon the number and size of vehicles using the site and the arrangement of parking and loading bays.	A review of the car park indicates that the manoeuvring area complies with Australian Standards.	Complies.
Pedestrian & Car Park Layout	An identified pedestrian path is proposed through	Acceptable.

When sites have both pedestrian and vehicular access there is a reasonable change of conflict. To help minimise the likelihood of such conflict:- • Parking areas should be designed so that through traffic is either excluded or minimised; • Pedestrian entrances/exits should be separated from the vehicular entrances/exits: • Those developments generating a significant amount of pedestrian movement throughout the car park (such as shopping centre or office parks) should establish a clear and convenient pedestrian route. This route should minimise the number of points which cross vehicle paths and be appropriately marked to heighten driver awareness (e.g. through zebra crossings, a change in pavement material, lighting or signage).	the car park to be used by students.	
12.4 Site Works		
Landscaping Perimeter Planting – on those sites where the building is set back from the front or side boundaries landscaping should be carried out along the perimeters. Front planting beds should have a minimum depth of 3m and side beds a minimum of 1m.	The applicant contends that the submitted landscape plan incorporates significant landscaping, both within and around the car park, to soften the visual impact of the car park. The proposed landscaping within and around the car park is considered to provide some visual relief and is satisfactory.	Acceptable.
Line Marking	The drawings clearly show	Complies.

Maximise the capacity of parking areas can be achieved through clear identification of all parking spaces. Line marking parking bays provides drivers with a clear guideline on where to locate vehicles.	all the car parking spaces. It is to be made as a condition of any development consent that all the car parking spaces be line marked.	
Pavement Materials Those areas of a car park which will be traversed by vehicles and pedestrians need to be constructed of materials which will resist wear and offer sufficient traction in order to allow safe, effective movement by users. Pavement materials which are appropriate for car park surfaces include pattern stamped concrete, paves (clay or concrete), pebblecrete, concrete and asphalt.	The applicant advised that the driveway will be constructed of bitumen and the pedestrian walkway will be constructed of coloured concrete.	Complies.
Boom Gates The location of boom gates should be such that they allow sufficient queuing space for vehicles entering the site (this space will vary according to car park capacity) and where appropriate, enable visitors to the site to gain access to space without having to pass through the boom gates.	A sliding gate is proposed at the entry and exit driveway. The applicant advised that these gates will be opened between 7.00am and 5.00pm, 7 days a week.	Complies.
Signage To ensure the efficient operation of parking areas:- • Vehicle entry and exit points to the site should be clearly marked with either pavement arrows or signage; • The location of any parking/loading areas which are out of sight of the driver should be clearly indicated with	The applicant advised that appropriate signage will be provided.	Complies.

signage; • Desired traffic movement should be indicated through the use of arrow painted on the pavement preferably in a highly visible colour such as white or yellow.		
Lighting The safety of vehicles and occupants in a car park can be enhanced through the use of appropriate illumination. Suitable lighting will allow easy observation/monitoring of car parks and thereby limit the cover darkness provides to anyone contemplating vehicle theft or vandalism. Lighting can also clearly outline paths and roadway details to pedestrians and drivers who are attempting to navigate the car park at night. Lighting can provide drivers with an early warning of approaching pedestrians thereby minimising possible conflict. Lighting may be either wall mounted, free standing pole lights or bollard lights. In some instances all three forms of lighting may be incorporated to provide effective illumination.	Applicant advised that appropriate lighting will be provided. This aspect can be covered as a condition of development consent.	Acceptable.
12.5 Special Requirements		
Drivers with a disability Spaces required – A minimum of 2 spaces in every 100 spaces provided is to be designated for use by drivers with a disability. Location – Spaces should be located close to the entry of the building to minimise travel distances and maximise accessibility. Spaces should be located	Of the 98 car parking spaces proposed, 2 are disabled spaces as required. These spaces are located close to the entry to the building.	Complies.

on level ground. Access – Parking areas should recognise the needs of the disabled by ensuring gutters/stairs or other obstacles do not impede access into the building. Identification – Spaces for the disabled should be clearly identified by both signage and stencilled disabled symbol on the surface. The space should be painted blue. Width of Space – Car spaces for the disabled should have a minimum width of 3.8m.		
Bicycles To encourage the use of bicycles, new developments should incorporate appropriate bicycle parking/storage facilities. The cheapest and most space efficient form of bike parking is the 'bike rail'. Bike Rails avoid damage through warping associated with some bike storage systems. A single car parking bay can provide storage space for 6 bikes. Alternatively, they can be placed around the perimeter of a building in areas where they will not act as obstructions. Bicycle parking is often in high demand at educational or recreational facilities, corner shops and civic buildings.	The proposed development does not propose to provide any bicycle storage system on site. Can be covered as a condition of development consent, although it is anticipated that most of the students would be transported to the school by private vehicles or private buses.	Condition of consent.

Overall, the applicant has demonstrated that the proposed development achieves compliance with the requirements of Chapter 12 of the DCP.

INTERNAL REFERRALS

During the assessment process, comments were sought from a number of sections within Council, as detailed below:

Building Control Branch	No objection has been raised subject to conditions.
Development Engineering	No objection has been raised subject to conditions.
Environmental Management Branch (EMB)	The issue of land contamination has been satisfactorily addressed by the provision of a statutory declaration by the land owner advising that no contaminated material has been bought onto the site since the original land contamination report which accompanied the original application. In terms of noise the EMB branch has requested additional technical information to which the acoustic consultant has responded by providing advice as to why the submitted report is adequate. Given that the noise impacts of the proposed development will be less than the previous proposal due to elimination of some external uses as well as better shielding of noise generating areas by building design and the independent advice received by Council on the previous application that acoustic impacts were satisfactory, it is considered that it is not warranted to refuse the application on noise grounds. The proposal is an appropriate use of the land in the circumstances and should be supported subject to its operation being controlled with appropriate conditions designed to minimise the change to the acoustic environment and its potential impacts on the locality.
Landscape Plans	The landscape plan has been examined and found to be satisfactory.
Catchment Management	Additional flood modelling was required for the 1%, 5% and PMF events. Amended flood modelling results indicate: • No flood level impacts on upstream or downstream properties. • Swale flows along the southern site boundary up to the 1% AEP are contained within the site. • The adjusted car park is flood free in the 1% AEP event. • The amended OSD location is flood free in the 1% AEP event. • Both OSD's discharge to the creek above the 1% AEP creek water level.

	• School buildings are above PMF flood levels. Therefore the proposal is considered to be satisfactory both in terms of on-site and of-site flood impacts.
Community Health Branch	No objection has been raised subject to the applicant obtaining a Section 68A Approval under the Local Government Act 1993 for the waste water system.
Traffic Engineering Branch	As a consequence of the development proposal, there will be traffic impacts on The Horsley Drive and the signalised intersection of The Horsley Drive and Wallgrove Road. A review of the applicants traffic report has found that the proposal will have an insignificant effect on the signalised intersection and traffic on The Horsley Drive

EXTERNAL REFERRALS

Pursuant to the provisions of the EPA Act, 1979, the application is an Integrated Development and requires the concurrence of the Roads and Maritime Services(RMS) and the Department of Primary Industry. (NSW Office of Water).

The application was referred to the NSW Office of Water on the basis that the proposal is located within 40m of a natural watercourse, namely Reedy Creek and Reedy Creek Tributary. The NSW Office of Water raised no objection to the proposal and has provided its General Terms of Approval, a copy of which is included in Attachment B of this report.

The RMS have raised no objection to the proposal and have provided traffic comments on the proposal. The comments provided by the RMS are shown in Attachment D and can be covered as conditions of consent

PUBLIC NOTIFICATION

In accordance with the Fairfield City-Wide Development Control Plan 2006, the application was notified to adjoining and surrounding owners and occupiers (2km radius from the site) for a period of thirty days (18th April to 18th May) and a notice was placed in a local newspaper. In response sixty (60) pro forma letters of objection and twenty one (21) individual letters of objection have been received. Two (2) letters supporting the proposal have also been received. The public submissions are shown in Attachment E. The following table provides a summary of the grounds of objection together with comments.

Objector's Concern	Grounds of Objection	Comment
Character	The development is not	It is considered that the proposal does

	in keeping with the rural character of the locality. The proposed school will destroy the rural character.	not result in a disruption of views, loss of privacy and loss of solar access to existing development. The proposal has been designed, with the scheme stepping down the site to follow the slope. This allows the buildings to be slotted into the landscape thereby substantially reducing visual impact to the nearby community. The simplified building forms and roofs are visually appropriate to the rural context. The setbacks and proposed landscaping will also lessen the impact of the development when viewed from public roads and private properties.
Not Local	The school will not serve the needs of local people and will attract children from the broader region	The applicant has advised that the Saint Harmizd Primary School in Greenwood Park (a suburb adjoining Horsley Park) will act as the principal feeder school to the proposed high school. This concern is more related to traffic and will be discussed below.
Sewage Treatment	The proposed sewage system will not be able to cope with the number of students and teachers proposed. This will also lead to pollution of the adjacent creek system.	The Wastewater Management Study prepared by Martens & Associates Pty Ltd for the proposed high school is satisfactory and Council's in-house wastewater disposal experts has raised no objection to the proposed development in terms of the proposed Wastewater Management System subject to standard conditions of consent.
Noise	The school will create unacceptable levels of noise.	The major sources of potential noise impact are the materials facility (workshops), music rooms, the COLA, GLAs and outdoor recreation areas. In terms of the indoor noise sources, the building design and separation distance of the nearest residential receivers result in an acceptable level of impact. Details of mechanical plant are unavailable at this stage. However, given the site layout and the distance to neighbouring residences, achieving acceptable noise levels during plant operations is likely to be achieved with consideration given to low noise plant selection and sensible plant location.

		The assessment noise impacts of children playing in outdoor recreation areas (to the north of the school buildings) is not as clear cut. The applicant's acoustic consultant has advised as follows: *We consider attempting to assign a noise level to noise emissions from school children involved in outdoor activities, predominantly during recess and lunch breaks and then comparing it with a predetermined criterion for the purposes of assessing "offensiveness", to be inappropriate. Being an essential part of every residential community, schools are located to permit ready access to students and, by definition, are generally surrounded by residential premises. An assessment based on a comparison between a measured and/or predicted level with a specific criterion may set an undesirable precedent for both existing and future schools.* Council also engaged an independent acoustic consultant to assess the previous application which had the potential to generate more external noise. The consultant's report lead to Council imposing a number of development consent conditions designed to minimise the impacts of external activities on the surrounding locality. It is not unreasonable to acknowledge that a land use will change the existing acoustic environment in this locality. The question that arises therefore is whether the change in acoustic levels for a particular period during the day warrants the refusal of the application. Acknowledging that a change in the acoustic environment will be produced it is considered that the proposed development is a permissible and appropriate use and should be supported subject to its operation being controlled with appropriate conditions designed to minimise the change to the

		acoustic environment in the locality.
Traffic	• The school will create unacceptable levels of traffic along the Horsley Road. • The increase in traffic will have detrimental impacts on nearby intersections. • The traffic report is outdated and inadequate, and does not take into account the impacts on nearby intersections. • The total number of traffic movements due to the proposed increase means that Horsley Road will now exceed the RTA maximum environmental capacity of 500 vehicles per hour. This level of traffic will endanger pedestrians and the community. • Not enough on-site car parking provided. • The local roads cannot cope with this development. As such, the site is not suitable for a school.	The existing road network is capable of accommodating the additional traffic projected to be generated by the proposed high school with the proposed traffic management measures associated with vehicle access to and from the subject site. The proposed expansion of the Horsley Road and Lincoln intersection allows through traffic to pass any vehicles that are stationary and waiting to turn right into Lincoln Road. Furthermore, the proposed installation of a protected right turn bay from Horsley Road allows vehicles turning right into the site without impeding westbound through traffic. Based on information supplied by the applicant, Council's traffic engineer has advised that the additional traffic generated by the school will have an insignificant effect on the local road network and the signalised intersection at The Horsley Drive and Wallgrove Road intersection.
Notification	• A large number of residents have not been formally notified of this major application (Council notified residents within 2km radius, as occurred last time). • Council and the	The application was notified to adjoining and surrounding owners and occupiers (2km radius from the site) for a period of thirty days and a notice was placed in a local newspaper. The applicant provided an updated traffic report to Council on the 18th June 2013. The findings of this report are as follows:

	JRPP should not have to review an application based on misleading and inaccurate information (outdated traffic report)	*The change in demand in local traffic between 2007 and 2013 is very small (9%) indicating that no major change of Land Use or road connectivity has occurred over the last 7 years. The total hourly volume of traffic in Horsley Rd at Lincoln Rd, local traffic plus generated traffic, was 799 in the 2006 report. Using the 2013 counts the total demand is amended to 815 per hour, 16 more vehicles, an increase of 2%.* *We conclude there has been no significant change in traffic over the last 7 years that no further analysis of the intersection of Horsley Rd and Lincoln Rd is required.* *The Horsley Drive and Wallgrove Road intersection is the subject of major strategic plans and upgrades and will be subject to large variations in demand. The school is unlikely to have any impact of the growth of regional traffic and could not properly be included in the strategic design parameters.*
Design	• The proposed buildings are not sensitively designed and are not compatible with the locality, particularly due to height, size, and roof form. The buildings will cause adverse visual impact. • The proposed level of fill is well in excess of Council's maximum level of 1 metre	It is considered that the proposed development is more intensive than surrounding rural residential developments and agricultural activities in particular with respect to built form and scale. Notwithstanding the above the proposal has been designed so that the placement of buildings on the site ensure that the development has regard to the rural setting of the area. That is, the orientation and siting of the buildings enable the provision of substantial separation between the buildings and site's property boundaries. It is noted that the minimum front setback of buildings from Horsley Road will be 74.4 metres, the minimum setback from eastern boundary will be 39 metres, the minimum setback from northern boundary will be 25 metres and the minimum setback from western boundary will be approximately 2 metres. It should be noted that the nearest dwelling to the western boundary is approximately 70 metres distant. Also landscaping is proposed around the school especially on the northern boundary.

		The presentation of the development to Horsley Road is that of the cluster of two storey buildings screened by landscaping. The designed response combined with the topography of the site, being a gently sloped site from the west to the east, are considered appropriate in terms of minimising the bulk and scale of the development. It is considered that sufficient curtilage has been provided to ensure that the development would not dominate the surrounding rural residential developments. The only fill on the site that exceeds 1 metre is located in an area where there was a pre-existing dam. This fill has been placed on the site in accordance with Development Consent No. 1185.1/2008.
Future Primary School	Is a future primary school proposed? If so, there should be a Masterplan undertaken for the two sites	Council has been advised by the applicant that they are in the process of purchasing adjoining land to the west of the subject land for the purpose of utilising this land as a buffer to residential development to the west. Council is not aware of any proposal to construct a primary school on the subject land or on the adjoining land to the west.
WSEA	The proposal is inconsistent with the aims and objectives of the Western Sydney Employment Area.	The Western Sydney Employment Area SEPP does not apply to the subject land.
Site unsuitable	This site is not suitable for a school	The proposed school has been designed to be located on that part of the site that is not flood prone. The proposal is well set back from neighbours and the amenity of the locality will not be significantly affected. Waste water can be disposed of on the site in an acceptable environmental manner. The site is serviced by an adequate road network. It is concluded that the site is suitable school use.

In summary, there are no issues that would warrant outright refusal of the application. Residents concerns can be addressed through conditions of consent

SECTION 79C CONSIDERATIONS

The proposed development has been assessed and considered having regard to the matters for consideration under Section 79C of the Environmental Planning and Assessment (EP&A) Act 1979 and no issues have arisen that would warrant the application being refused on planning grounds. The following is a brief assessment of the proposal with regard to Section 79C.

In determining a development application, a consent authority is to take into consideration such of the following matters as are of relevance to the development the subject of the development application:

(a) the provisions of:

(i) Any environmental planning instrument

This report has demonstrated that the proposed development is permissible within the Non-Urban Residential 1(a) zone under the provisions of FLEP1994 this being the principle applicable planning instrument. The proposed development is defined as an 'education establishment' and is a use that is permitted with Council consent.

The subject site is zoned RU4 (primary production – small lots) under the provisions of FLEP2013. Educational establishments are a permissible use within the zone. Under the LEP, the maximum height of buildings prescribed for the subject land is 9 metres. The maximum height of the development is 11 metres where the buildings are two storey. The excedence of the maximum prescribed height in the circumstances of this case is considered to be acceptable because the buildings are well setback from the street and adjoining residential buildings. It is considered that the proposal does not result in a disruption of views, loss of privacy and loss of solar access to existing development.

Consideration of the development under the provisions of Statement Environmental Planning Policy (SEPP) (Infrastructure) 2007, SEPP 55 – Remediation of Land and Sydney Regional Environmental Plan No. 20 – Hawkesbury Nepean River Environmental Plan have been found to be satisfactory.

(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

There is currently no draft environmental planning instrument of relevance that affects this site.

(iii) any development control plan

The proposed development complies with the manner in which car parking has been assessed for educational establishments under the provisions of Fairfield City Wide Development Control Plan 2006 - Chapter 12 –Car parking, Vehicle access and Management.

The proposal is consistent with Chapter 4 – Rural Development and Chapter 10– Miscellaneous Development of the City Wide DCP as demonstrated in the body of this report.

(iiia) any planning agreement that has been entered into under section 93F, or any draft planning agreement that a developer has offered to enter into under section 93F, and

Not applicable

(iv) the regulations (to the extent that they prescribe matters for the purposes of this paragraph),

There are no matters prescribed by the Regulations that apply to this development.

(b) the likely impacts of the development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality

Noise Impacts

The application is accompanied by Acoustic Assessment Report prepared by SLR Consulting Australia Pty Ltd and dated January 2013. A further acoustic assessment by the same consultant relating to outdoor noise associated with the development was lodged with Council in August 2013. These reports are shown in Attachment F.

The major sources of potential noise impact are the materials facility (workshops), music rooms, the COLA, GLAs and outdoor recreation areas. In terms of the indoor noise sources, the building design and separation distance of the nearest residential receivers result in an acceptable level of impact. Details of mechanical plant are unavailable at this stage. However, given the site layout and the distance to neighbouring residences, achieving acceptable noise levels during plant operations is likely to be achieved with consideration given to low noise plant selection and sensible plant location. This aspect can be covered as a condition of development consent. The assessment noise impacts of children playing in outdoor recreation areas (to the north of the school buildings) is not as clear cut. The applicant's acoustic consultant has advised as follows:

We consider attempting to assign a noise level to noise emissions from school children involved in outdoor activities, predominantly during recess and lunch breaks and then comparing it with a predetermined criterion for the purposes of assessing "offensiveness", to be inappropriate. Being an essential part of every residential community, schools are located to permit ready access to students and, by definition, are generally surrounded by residential premises. An assessment based on a comparison between a measured and/or predicted level with a specific criterion may set an undesirable precedent for both existing and future schools.
In the judgement of Justice Pain in the Land and Environment Court case of Meriden School v Pedavoli, noise from children playing outdoors was found to not constitute offensive noise.

Council also engaged an independent acoustic consultant to assess the previous application which had the potential to generate more external noise than the current application due to building design and additional proposed external uses. The independent consultant's report lead to Council imposing a number of development consent conditions designed to minimise the impacts of external activities on the surrounding locality.

It is not unreasonable to acknowledge that the proposed land use will change the existing acoustic environment in this locality. The question that arises therefore is whether the change in acoustic levels for a particular period during the day warrants the refusal of the application.

Acknowledging that a change in the acoustic environment will be produced it is considered that the proposed development is a permissible and appropriate use and should be supported subject to its operation being controlled with appropriate conditions designed to minimise the change to the acoustic environment in the locality. This approach is similar to Council's consideration of this issue for development application No. 1185.1/2008.

Traffic Impacts

The application is accompanied by a traffic report prepared by Masson Wilson Twiney, traffic and transport consultant, (Appendix 4 of the Statement of Environmental Effects) and an updated traffic report prepared by Stapleton Transportation and Planning Pty. Ltd. and lodged with Council on the 18th June 2013. These reports are shown in Attachment G.

Council's Traffic Engineering Section is satisfied that the proposed development has provided more car parking spaces than required and the parking arrangements have been designed to comply with Australian Standards 2890 in that vehicles, buses and service vehicles would be enter, turn and exit the site in a forward direction and in a safe manner.

In terms of the additional traffic that is likely to be generated by the proposal, the applicant's traffic consultant, Stapleton Transportation and Planning Pty. Ltd. advises that the change in demand in local traffic between 2007 and 2013 is very small (9%) indicating that no major change of Land Use or road connectivity has occurred over the last 7 years. The total hourly volume of traffic in Horsley Rd at Lincoln Rd, local traffic plus generated traffic, was 799 in the 2006 report. Using the 2013 counts the total demand is amended to 815 per hour, 16 more vehicles, an increase of 2%.
We conclude there has been no significant change in traffic over the last 7 years that no further analysis of the intersection of Horsley Rd and Lincoln Rd is required.

Council's Traffic Engineering Section is also satisfied with the proposed improvements to Horsley Road, namely:

- The proposed right turn bay on Horsley Road to allow vehicles turning right into the site without impeding westbound through traffic; and

- The proposed expansion of the Horsley Road/Lincoln Road intersection would adequately allow through traffic to pass vehicle awaiting to turn right into Lincoln Road.

Overall, it is considered that the applicant's traffic consultants have sufficiently demonstrated that whilst the proposed development would result in an increase of traffic volumes along Horsley Road, Horsley Road has sufficient capacity to accommodate the additional traffic and the levels of service of the intersections of Horsley Road with Lincoln Road, Delaware Road and the proposed entry and exit driveways would still be satisfactory. Accordingly, it can be concluded that the proposed development is unlikely to result in adverse traffic impacts upon the locality.

The applicant's traffic consultant has advised Council that The Horsley Drive and Wallgrove Road intersection is the subject of major strategic plans and upgrades and will be subject to large variations in demand. The school is unlikely to have any impact of the growth of regional traffic and could not properly be included in the strategic design parameters.

Council's traffic engineer has confirmed that the additional traffic generated by the school will have an insignificant effect on the local road network and the signalised intersection at The Horsley Drive and Wallgrove Road intersection.

Water Pollution

The application proposes that all wastewater (sewage) to be generated by the development be treated on site. The wastewater to be generated on the site it to be treated on site using a secondary sewage treatment plant and it is proposed that the secondary treatment plant be located towards the north-eastern corner of the site adjacent to the maintenance store. The submitted report indicates that the area required for the disposal of treat effluent is 5,940m² and an area of 6,627m² is proposed along the northern portion of the site. This part of the site will be modified in accordance with Australian Standards to enable effluent disposal. The treated sewage will be piped by a series of underground pipes and disposed to the identified irrigation field by a sub-surface irrigation system.

Council's Community Health Branch, having reviewed the proposed secondary sewage system, is satisfied that the proposed wastewater treatment system is in accordance with Council's On-Site Sewage Management Strategy and is adequate to accommodate the proposed development. Approval of the on-site wastewater treatment system is required pursuant to Section 68A of the Local Government Act (1993) and this aspect can be covered as a condition of development consent.

All construction impacts relating to water pollution can be addressed by conditions of development consent.

Odours

The site is located in an area where there are a number of agricultural activities. It appears that none of these activities would cause an odour that would unreasonably interfere with the proposed new school. The high school includes science rooms close on the eastern side of the proposed buildings. The science rooms, are not expected to

produce offensive odours and are located over 120 metres from the nearest dwelling. A condition of consent requiring an appropriate exhaust system for the science room is considered appropriate.

Impact on Biodiversity.

The site has been cleared of any significant vegetation in accordance with the conditions of the previous development consent. The applicant will be required to prepare a Vegetation Management Plan as well as establishing a riparian corridor along Reedy Creek. These aspects will be covered as a condition of development consent.

Amenity

It is considered that the proposed development is unlikely to result in any adverse visual privacy and overshadowing of any adjoining rural-residential properties, having regard to the siting of the buildings and the spatial separation between the school buildings and surrounding rural-residential properties. The curtilage provided between the buildings and its property boundaries are proposed to be planted with vegetation as outlined in the submitted concept landscape plan prepared by Michael Siu landscape architect. The issue of noise pollution has been addresses in a previous section.

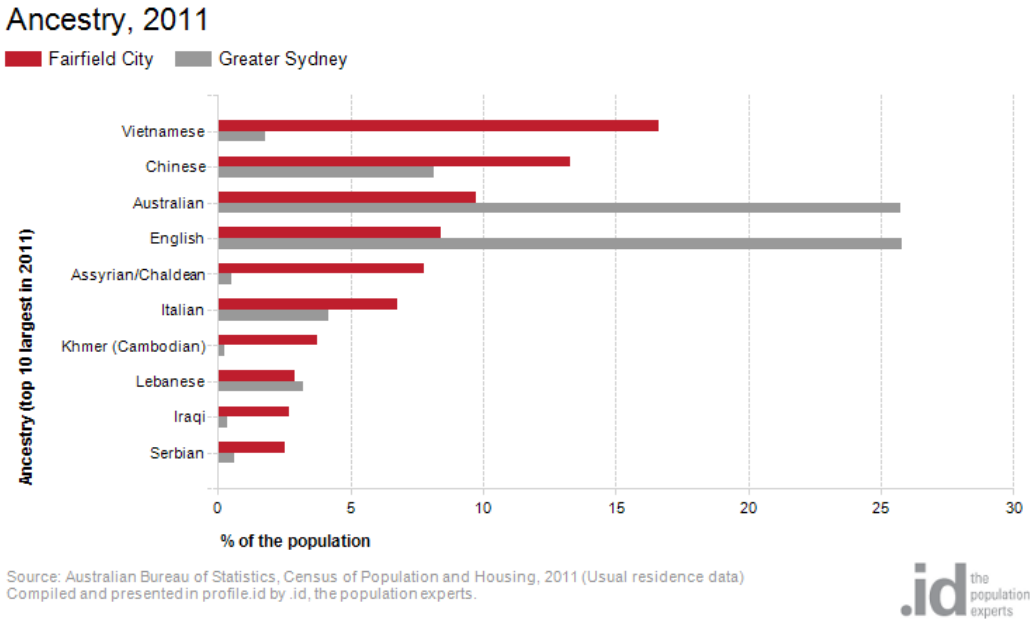
The proposed high school will change the amenity of the locality but the impacts of the school are not significant enough to warrant refusal of the application on this ground.

Social and Economic Impacts

The school will result in several social benefits, primarily through the creation of new education facilities for Fairfield's Assyrian community. The following graph shows that 7.8% (14,600 people) of Fairfield's population has an Assyrian/Chaldean ancestry and that there is a concentration of this ancestry in the Fairfield LGA in comparison to the rest of the Sydney metropolis.

The proposed school will meet a social demand as well as reducing the demand on existing educational establishments and future public facilities in the area.

The proposal will have positive economic benefits. The two primary benefits will be the creation of jobs during the construction phase and the creation of 52 permanent jobs during the operational phase, to serve both the academic and administrative needs of the school. There may also be economic benefit to the Horsley Park shops from patronage from the school.



(c) the suitability of the site for the development

The site is considered suitable for the proposed development. There are no known constraints which would render the site unsuitable for the proposed development.

(d) any submissions made

Submissions made to the development by way of objection have been previously considered and do not raise issues of such magnitude as would warrant the refusal of this development proposal.

(e) the public interest

Having regard to this assessment the proposed development is considered to be in the public interest and warrants approval.

SECTION 94 AND SECTION 94A

The proposed development has an estimated construction cost of $16,311,000. In accordance with Fairfield City Councils adopted s94A contribution plan this requires payment of a development contribution of $163,311.00. A condition of development consent has been imposed which specifies this amount is payable.

CONCLUSION

The subject site is zoned 1(a) Non-Urban Residential under Fairfield LEP 1994, for which the proposed development, which is defined as an 'education establishment' under Fairfield LEP, is a permissible use with the consent of Council.

The application is an Integrated Development pursuant to the provisions of the Environmental Planning and Assessment Act, 1979 and accordingly, was referred to Roads and Maritime Services (RMS) and the Department of Primary Industry (NSW Office of Water). The latter has raised no objection to the proposal and has provided its General Terms of Approval. The RMS considered the application at its Sydney Regional Development Advisory Committee (SRDAC) where it raised no objection to the proposal and provided comments which have been incorporated as conditions of development consent.

This assessment of the application has considered all relevant requirements of Section 79C of the Act and finds that there will be no significant adverse or unreasonable impacts associated with the development. The school has been designed and sited to have minimal impact on the environment and the amenity of adjoining residents. Conditions will be imposed to regulate noise emissions from the school to reasonable levels.

Residents' concerns are acknowledged however there are no issues that would warrant outright refusal of the application. Residents concerns can be addressed through conditions of consent.

Accordingly, it is recommended that the application be approved subject to conditions outlined in Attachment H of this report.

RECOMMENDATION

1. That development application No. 209.1/2013 for an educational establishment at 217-233 Horsley Road, Horsley Park West be approved subject to conditions as outlined in Attachment H of this report.