

## Report to Sydney West Joint Regional Planning Panel

JRPP No.	Item (2013SYW043)
DA No:	JRPP-13-634
Proposed Development:	Educational Establishment – Alterations and Additions
Development Type:	“Private infrastructure and community facilities” – Capital Investment Value > \$5 million
Lodgement Date:	18 April 2013
Land/Address:	Lot 9 DP 2518, H/N 69 Farm Road, Riverstone
Land Zoning:	1(a) General Rural pursuant to Blacktown Local Environmental Plan 1988
Value Of Development:	\$6,925,000
Applicant:	Lippmann Partnership Pty Ltd
Report Author:	Melissa Parnis, Assistant Team Leader Planning (North)
Instructing Officers:	Judith Portelli, Manager Development Services & Administration and Glennys James, Director City Strategy and Development
Date Submitted to JRPP:	3 February 2014
Date Considered by JRPP:	13 February 2014

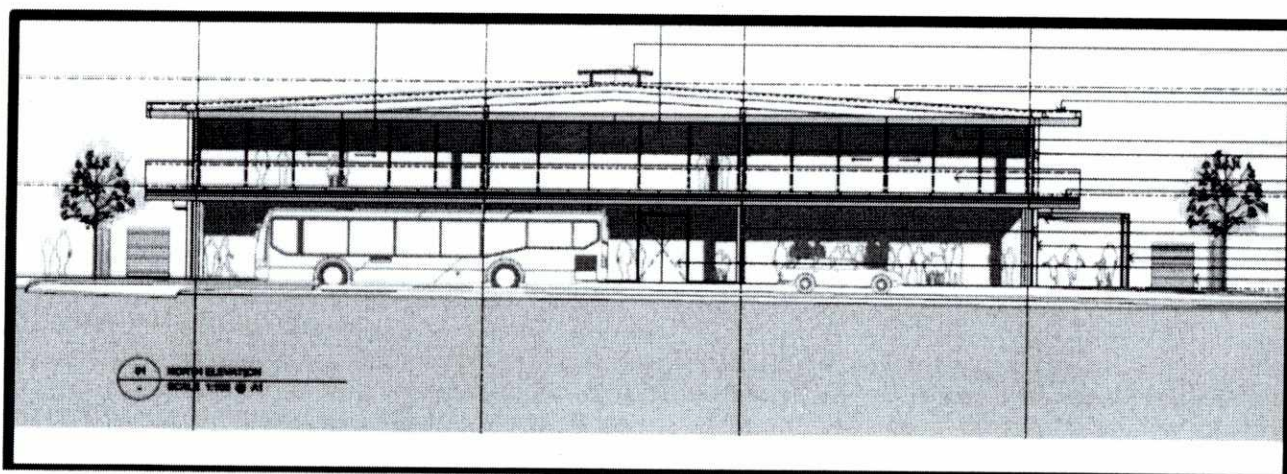


Figure 1: Photomontage (Source: Lippmann, 2013)

## ASSESSMENT REPORT

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Attachment 1 – Development Application plans

Attachment 2 – Proposed Conditions of Consent

Attachment 3 – Assessment of compliance with School Standards – Lippmann Partnership Pty Ltd

Attachment 4 – Assessment against Clause 16 of the Growth Centres SEPP



## 1 Executive Summary

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- 1.1 Blacktown City Council is in receipt of a Development Application (DA) from the Lippmann Partnership Pty Ltd on behalf of the Australian Christian College, for alterations and additions to an existing Educational Establishment on the subject site. The Capital Investment Value of the proposed development is \$6.925 million.
- 1.2 The proposal seeks approval for the construction of a new 2 storey building which includes 24 classrooms, hall, change rooms, stores, amenities rooms and canteen. It is anticipated that, with the addition of the new building, the school will cater for approximately 600 students.
- 1.3 In addition to the proposed building, the DA also seeks approval for a bus bay with a student pick-up and drop-off area and expansion of the existing carpark to provide for a total of 62 car parking spaces.
- 1.4 Demolition of 4 existing buildings is to form part of a separate Development Application.
- 1.5 The proposed development constitutes "Regional Development" requiring referral to a Joint Regional Planning Panel (JRPP) for determination, as the Educational Establishment has a Capital Investment Value of more than \$5 million. Schedule 4A of the Environmental Planning and Assessment Act 1979 identifies that private infrastructure and community facilities over \$5 million is to be determined by the JRPP. As such, while Council is responsible for the assessment of the DA, determination of the Application will be made by the Sydney West Joint Regional Planning Panel.
- 1.6 The development proposal seeks to upgrade the existing vehicle access at the north-eastern corner of the site and provide a new 7.5m wide combined ingress/egress driveway located at the north-western corner of the site. The two driveways will provide access to the carpark as well as a new parent drop-off and pick-up zone and bus bay facility to service the school.
- 1.7 The subject site is currently zoned 1(a) General Rural pursuant to Blacktown Local Environmental Plan (BLEP) 1988. The proposed development is defined as an Educational Establishment, which is permissible within the zone with development consent. In addition, pursuant to Draft Blacktown Local Environmental Plan 2013 the subject site is proposed to be zoned RU4 Primary Production Small Lots, which prohibits Educational Establishments. However, pursuant to Clause 28 of State Environmental Planning Policy (Infrastructure) 2007 the proposed Educational Establishment is permitted with consent on land in a prescribed zone. RU4 is a prescribed zone under Clause 28 and, as such, Educational Establishments are permissible with development consent within the proposed zone.
- 1.8 The subject site is located in the Marsden Park North Precinct within the North West Growth Centre as identified by State Environmental Planning Policy (Sydney Region Growth Centres) 2006. The Minister for Planning and Infrastructure has written to Council seeking comments in relation to an Application under the Precinct Acceleration Protocol to facilitate the early release of the Marsden Park North Precinct for precinct planning. It is noted, however, that as of the writing of this report the Marsden Park North Precinct has not been released for precinct planning.
- 1.9 The Development Application was notified in accordance with Blacktown Development Control Plan 2006, Part K – *Notification of Development Applications* to adjoining and nearby property owners and occupants for a period of 20 days from 12 June 2013 to 1 July 2013. In response to

the public exhibition 1 submission was received.

- 1.10 The submission was from an adjoining owner and raised concerns regarding privacy, drainage and traffic issues. It is considered that the grounds for objection are insufficient to warrant refusal of the Application. These concerns have been addressed by the Applicant and have been responded to in Section 10 of this report. While the objections raise important issues, it is considered that appropriate conditions can be imposed to address any valid concerns.
- 1.11 The proposed development has been assessed against the relevant matters for consideration pursuant to Section 79C of the Environmental Planning and Assessment Act 1979, including suitability of the site and the public interest, and is considered satisfactory. The proposed development is considered satisfactory with regard to key issues such as Built Form, Access, Stormwater Drainage, ESD, Site Contamination, Salinity, Traffic and Privacy Issues, subject to the imposition of suitable conditions of Consent to satisfactorily address the impact of the development, especially with regard to mitigating the impact of car parking demand generated by the proposal.
- 1.12 In light of the above it is recommended that the Sydney West Joint Regional Planning Panel approve the DA subject to the imposition of suitable conditions of Consent. Recommended conditions are provided at **Attachment 2** to this Report.

## 2 Location

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- 2.1 The site is located within the suburb of Riverstone and is approximately 12km north-west of the Blacktown CBD.
- 2.2 The site is located within close proximity to the Marsden Park Precinct within the North West Growth Centre which was rezoned to provide for approximately 10,000 dwellings by the NSW Government on 4 October 2013.
- 2.3 The site is also located in the Marsden Park North Precinct within the North West Growth Centre, as identified under State Environmental Planning Policy (Sydney Region Growth Centres) 2006.
- 2.4 The land is bounded by Farm Road to the north of the site. The site adjoins existing rural residential properties to the north, south, east and west.



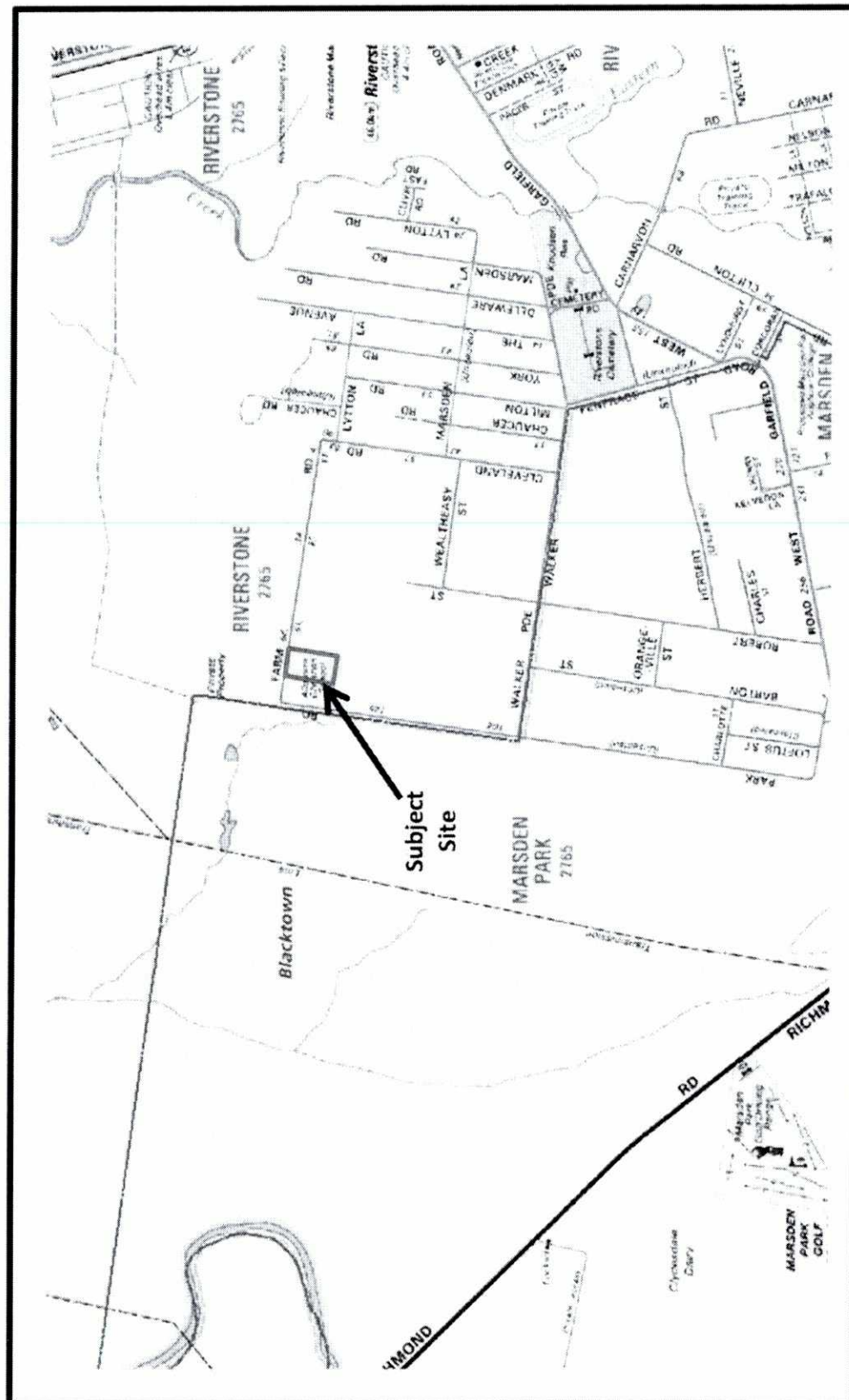


Figure 2: Location Context (Source: Blacktown City Council, 2013)

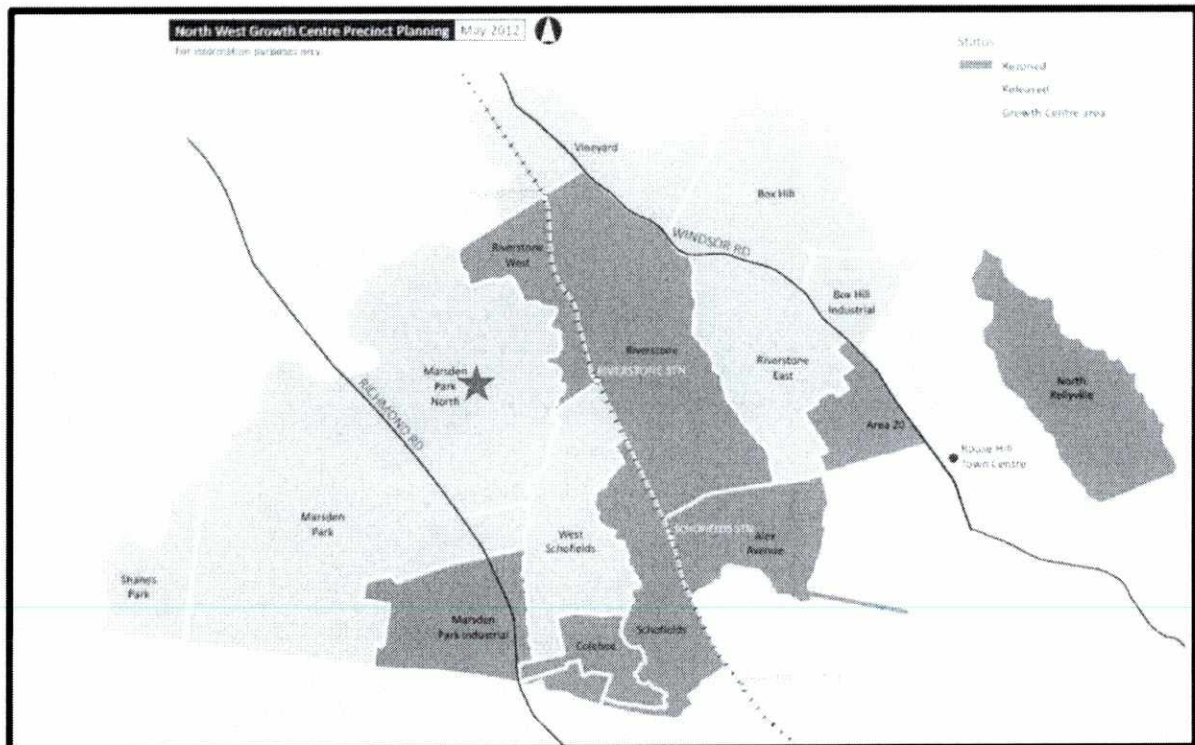


Figure 3: North West Growth Centre (Source: Department of Planning and Infrastructure, 2013)

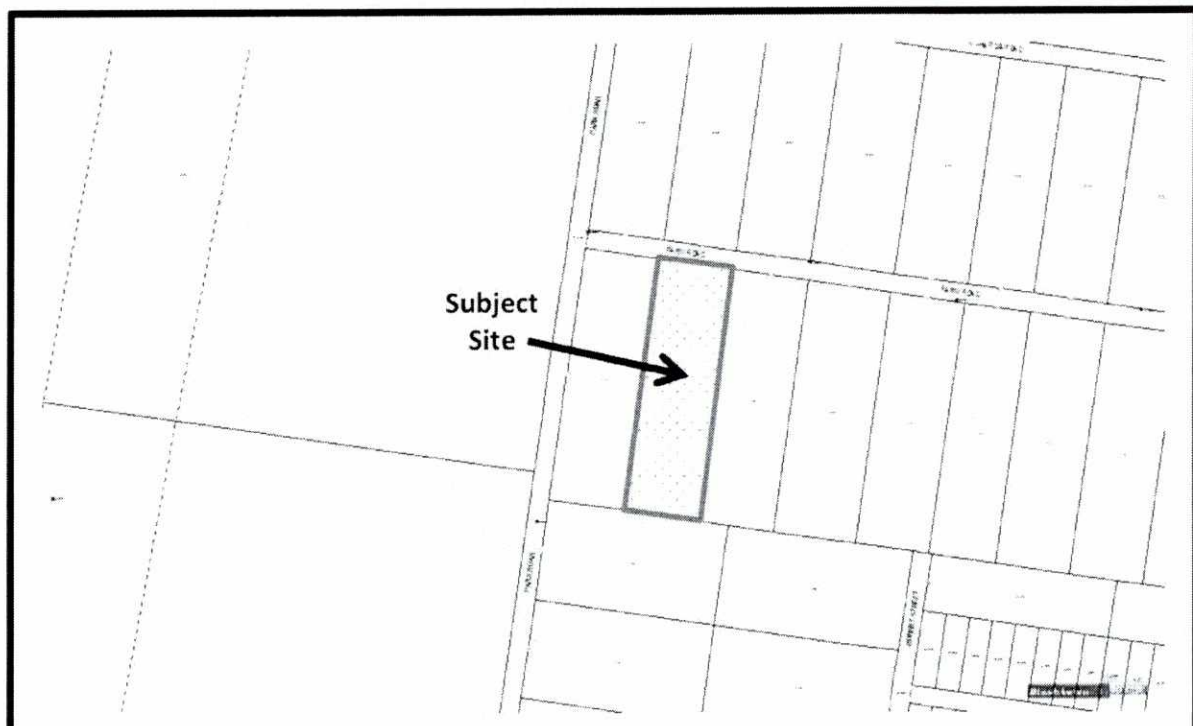


Figure 4: Location Plan (Source: Blacktown City Council, 2013)

### 3 Site Description and Locality

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- 3.1 The subject site, being Lot 9 DP 2518, is also known as No. 69 Farm Road, Riverstone.
- 3.2 The locality is predominantly characterised by large rural residential allotments with nearby agricultural/farming uses.
- 3.3 The site is located within the Marsden Park North Precinct within the North West Growth Centre, which has been identified by the State Government as a future urban area. The Minister for Planning and Infrastructure has written to Council seeking comments in relation to an Application under the Precinct Acceleration Protocol to facilitate the early release of the Marsden Park North Precinct for precinct planning. However, detailed planning for the Marsden Park North Precinct has not commenced to date by the State Government.
- 3.4 The area of the site is approximately 2.138 hectares.
- 3.5 The site has one street frontage, to Farm Road at the northern end of the site.
- 3.6 The land slopes from the east to the west, with a low point centrally within the site. There is a fall of approximately 3m across this distance.
- 3.7 There is an existing padmount station and right of access benefitting Endeavour Energy located in the north-west corner of the subject site.
- 3.8 The subject site is identified as being within the Medium Flood Risk Precinct under Council's Flood Risk Precinct Maps. The term Medium Flood Risk Precinct is defined as land below the 1 in 100 year flood level that is not within a High Flood Risk Precinct. In addition, the lot is shown as flood prone on mapping under State Environmental Planning Policy (Sydney Region Growth Centres) 2006.
- 3.9 The property also directly adjoins 3 rural residential properties to the east, west and south.
- 3.10 The school site currently contains existing school structures and supporting infrastructure, including a sports field at the rear of the site, multi-purpose hall and existing classrooms and administration buildings. The site is cleared of any vegetation, with trees located at the south-eastern corner of the site.
- 3.11 The subject site is zoned 1(a) General Rural pursuant to Blacktown Local Environmental Plan 1988, as is all land around the site within the Marsden Park North Precinct.





Figure 5: Aerial Photo of Site and Surrounds (Source: Nearmap, 2013)

## 4 History and Current Use of the Site

- 4.1 The subject site is zoned 1(a) General Rural pursuant to Blacktown Local Environmental Plan (BLEP) 1988. The site was zoned accordingly when the BLEP first came into force in 1988.
- 4.2 Council's records indicate that the site was approved for use as a dwelling, garage and barn stable on 23 February 1987.
- 4.3 On 2 November 1998 Council approved the construction of a Place of Public Worship and Educational Establishment on the subject site, including the provision of a bus bay. The Development Application identified that the ultimate capacity for the school would be 250 students, between K-12. It is noted that the bus bay was not constructed by the developer.
- 4.4 Minor modifications and additions were approved on the site in May 2000, including construction of a demountable building for use as a chapel and classrooms in May 2000; an awning in March 2000; temporary classrooms and amenities in April 1999; and the change of use of an existing residence to a school administration building and classrooms and the erection of a fence in July 2005. The approved modifications and additions did not propose to increase the school's capacity from the approved 250 students.
- 4.5 On 21 June 2010 the construction of a multi-purpose hall at the Australian Christian College was approved by a Private Certifier as a Complying Development under the Building Education Revolution.
- 4.6 On 8 November 2010 Council approved the construction of a 100m x 50m playing field at the rear (south) of the subject site, filling of the existing dam, retaining walls, redirection of the overland flow and the removal of 54 trees under Notice of Determination No. 09-2675.



## 5 The Proposal

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- 5.1 Blacktown City Council is in receipt of a Development Application (DA) from the Lippmann Partnership Pty Ltd on behalf of the Australian Christian College for alterations and additions to an existing Educational Establishment on the subject site. The Capital Investment Value of the proposed development is \$6.925 million.
- 5.2 The proposal seeks approval for the construction of a new 2 storey building which includes 24 classrooms, multi-use activity rooms, change rooms, stores, amenities rooms and canteen.
- 5.3 The proposal also seeks to modify the existing vehicle access point to Farm Road as well as the provision of a new 7.5m wide combined ingress/egress driveway to be located on the north-western boundary, to enable use of a new bus bay, parent pick-up and drop-off area and entry to the carpark.
- 5.4 Off-street car parking is proposed for a total of 62 cars for staff and visitors. The development generates a theoretical demand for 61 car parking spaces and, therefore, the provision of 62 car parking spaces is considered satisfactory.
- 5.5 Associated landscaping is proposed on property boundaries and internally within the development site. A Landscape Plan prepared by Peter Glass and Associates for the development has been submitted to Council for consideration.
- 5.6 The new development will increase the student population to 600 students and staff to 48, consisting of 8 administrative staff and 40 teaching staff for school years Kindergarten to Year 12.
- 5.7 The hours of operation for the school are from 8am to 4pm. There are no regularly scheduled events for after school hours, however the Applicant has advised that there may be 3 - 4 evening events a year comprising parent-teacher meetings or end of year meetings.
- 5.8 Whilst the original submitted DA sought approval for the demolition of 4 buildings within the school, the Applicant has advised Council that demolition will no longer be included within the Development Application. A separate DA approval will be required for demolition works.
- 5.9 The Applicant has submitted an Acoustic Assessment prepared by Renzo Tonin & Associates (NSW) Pty Ltd which takes into consideration the potential noise impacts from the operation of the proposed new buildings, carpark and traffic.
- 5.10 The Acoustic Assessment has undertaken an assessment in accordance with the provisions of the *Protection of the Environment Operations Act 1997*, the Environment Protection Authority's Industrial Noise Policy and the NSW Road Noise Policy. Noise impacts of the proposed development have been quantified and compared to current NSW noise guidelines. The findings of this study are that:
  - Mechanical plant items are to be located in enclosures at ground level on the east and west sides of the new building. Once the final equipment selections have been made at the detailed design phase of the project, should any additional noise mitigation be determined to be required it will not be onerous and could be achieved using standard noise control treatments and commonly available building materials.

- Noise from the formalised carpark on the west side of the new building is not expected to be an issue during the day when the college is in operation.
  - Noise from vehicles on Farm Road during the worst case morning peak hour is predicted to comply with the NSW Road Noise Policy.
  - Noise from students both inside classrooms and on the external north balcony is not expected to be an issue with up to 60 students on the balcony.
- 5.11 Council's Environmental Health Unit requested additional acoustic testing on the basis of the increase in student numbers from the existing 250 students to 600 students. The Applicant submitted additional acoustic data, including measured background readings, quantification of outdoor play and the predicted noise level at the 2 nearest sensitive receivers.
- 5.12 In summary, the expected noise level within the school's operational hours exceeds the maximum recommended levels to the extent below:

	Current dB(A)	Predicted dB(A)	Maximum* dB(A)
Receiver (East Boundary)	50 dB(A)	53 dB(A)	46 dB(A)
Receiver (West Boundary)	56 dB(A)	59 dB(A)	46 dB(A)

\*Maximum Acceptable Noise Level derived from AAAC Technical Guideline, accepted by NSW Land and Environment Court. Maximum levels are provided on the basis that play time does not exceed 2 hours per day.

The consultant makes 2 points regarding the noise exceedence:

Receiver (East Boundary)	<i>"There are already buildings shielding the area....further fencing would <u>not</u> provide any significant benefits"</i>
Receiver (West Boundary)	<i>"It would be possible to not increase noise levels ....by construction of a 1.8m high lapped timber fence along the common western boundary."</i>

An assessment against the Acoustic Report's findings is provided within this report at Section 9.

- 5.13 An assessment of traffic and parking implications, prepared by Transport and Traffic Planning Associates, has been submitted for the proposal. The Report has undertaken an assessment of the existing conditions and implications of the proposed development on the surrounding road network. The report has identified that with the increase in student numbers the development will generate a maximum 117 car movements and 10 bus movements from school arrival/departure times over a nearly 2 hour period, noting that bus movements are more concentrated. Accordingly, the rate of vehicle arrival will only be a maximum 85 in/out in one hour, with staff movements earlier or later. In this regard the report concludes that the proposed vehicle access arrangements will be suitable, the proposed on-site set-down/pick-up and parking provision will be appropriate, there will not be any adverse traffic implications in terms of operational performance, safety or traffic related environmental implications, and provision for internal circulation will be suitable and appropriate.
- 5.14 A Stage 1 Preliminary Site Contamination Investigation Report for the proposed development has been prepared by Environment and Natural Resource Solutions and submitted for consideration as part of the DA. The site investigation has provided a preliminary assessment of potential site contamination on the site and assessed the need for further investigations, if any. The Report has concluded that, given the proposal to replace existing educational buildings, it is



assessed that there is a relatively low risk to site users and that the site may be considered acceptable for continued educational and residential land use.

- 5.15 A Salinity Assessment Report prepared by GeoEnviro Consultancy Pty Ltd for the subject development has been submitted. The Report has undertaken an assessment of soil salinity in accordance with the Western Sydney Regional Organisation of Councils draft Salinity Code of Practice. The Report has concluded that, as the site is situated within a saline prone environment, recommendations include that building construction materials include concrete piers and that battering of slope excavations occur throughout the development process.

- 5.16 Refer to **Attachment 1** for the Development Plans.

## 6 Planning Controls

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

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

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

**(b) State Environmental Planning Policy (Infrastructure) 2007**

SEPP (Infrastructure) 2007 applies to the subject development, establishing provisions and development controls for Educational Establishments. A detailed assessment against these provisions has been undertaken in Section 9 of this report.

In addition, the Infrastructure SEPP aims to ensure that the Roads and Maritime Services (RMS) is made aware of and allowed to comment on types of development nominated as "traffic generating development" listed in Schedule 3 of the SEPP. Schedule 3 identifies any use with 50 or more students. The proposed development therefore triggers the Infrastructure SEPP referral provisions. The DA was referred to the RMS/SRDAC for comment in accordance with the Infrastructure SEPP. RMS referred the Application to the Sydney Regional Development Advisory Committee (SRDAC) who raised no objections in principle subject to conditions. The RMS' specific comments are outlined in Section 7. A copy of any determination will be forwarded to the RMS in accordance with Clause 104(4) of the SEPP, following any Consent being granted.

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

SEPP No. 55 relates to the remediation of contaminated lands. This policy states that land must not be developed if it is unsuitable for a proposed use because it is contaminated. If land is considered to be unsuitable, remediation must take place before the land is developed. The Applicant has submitted a Phase 1 Preliminary Site Contamination Investigation Report prepared by Environment and Natural Resource Solutions dated 20 May 2013, which has concluded that the site may be considered acceptable for

continued educational and residential land use. Furthermore, should the development be approved, a **condition** will be imposed requiring the recommendations of the abovementioned report to be implemented (**condition 8.7.3**).

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

The subject site is located in the Marsden Park North Precinct within the North West Growth Centre. Whilst the Minister for Planning and Infrastructure has written to Blacktown City Council regarding an application for the release of the Marsden Park North Precinct under the Precinct Acceleration Protocol, the Marsden Park North Precinct has not yet been released for precinct planning by the Minister in accordance with Clause 276 of the Environmental Planning and Assessment Regulation 2000 (the Regulation). As such, in accordance with Clause 17 of the Growth Centres SEPP the DA does not require referral to the Department of Planning and Infrastructure. The Application has been assessed against Clause 16 of the Growth Centres SEPP and the development is considered satisfactory. A detailed assessment against Clause 16 is held at **Attachment 4**. In addition, the matters under Clause 19, Development on flood prone and major creeks land – additional heads of consideration, have been taken into consideration. Council's Engineering Section has undertaken a detailed assessment of the proposal, including consideration of the flood prone land. Further assessment of flood prone land is undertaken in Section 9.

**(e) Blacktown Local Environmental Plan 1988**

The land is zoned 1(a) General Rural pursuant to Blacktown Local Environmental Plan 1988 (BLEP). The proposed use is defined in the BLEP as "Educational Establishment", which is permissible within the zone with development consent.

**(f) Draft Blacktown Local Environmental Plan 2013**

Draft Blacktown Local Environmental Plan 2013 (DBLEP 2013) was placed on public exhibition between 23 January 2013 and 19 April 2013. The DBLEP 2013 proposes to rezone the subject site to RU4 Primary Production Small Lots, which prohibits "Educational Establishments". However, pursuant to Clause 28 of the Infrastructure SEPP, the proposed Educational Establishment is permitted with consent on land in a prescribed zone. RU4 is a prescribed zone under Clause 28 and therefore Educational Establishments are permissible with development consent within the zone.

## 7 External Referrals

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

Section	Comments
<b>Roads and Maritime Services (RMS)</b>	The DA, being an Educational Establishment involving more than 50 students, was referred to the RMS on 3 May 2013 pursuant to Clause 104 of SEPP (Infrastructure) 2007. The traffic impact of the proposed development was considered by the Sydney Regional Development Advisory Committee (SRDAC) on 29 May 2013. The Committee and RMS made the following comments on the application:



Section	Comments
	<p>1. All works/regulatory signposting associated with the proposed development are to be at no cost to RMS.</p> <p>In addition to the above, the SRDAC and RMS provided the following advisory comments for consideration in the determination of the Application:</p> <p>1. A Construction Traffic Management Plan detailing construction vehicle routes, number of trucks, hours of operation, access arrangements and traffic control should be submitted to Council prior to the issue of the Construction Certificate.</p> <p>2. The car parking provision is to be to Council's satisfaction.</p> <p>3. The layout of the proposed car parking areas associated with the subject development (including driveways, grades, turn paths, sight distance requirements, aisle widths, aisle lengths and parking bay dimensions) should be in accordance with AS 2890.1-2004 and AS2980.2-2002 for heavy vehicle usage.</p> <p>4. The swept path of the longest vehicle (including buses and garbage trucks) entering and exiting the subject site, as well as manoeuvrability through the site, shall be in accordance with AUSTROADS. In this regard a plan shall be submitted to Council for approval, which shows that the proposed development complies with this requirement.</p> <p>Council's Engineering and Traffic Sections have reviewed the submitted documentation and are satisfied with it. Should the development be approved, a <b>condition</b> will be imposed requiring the submission of a Construction Traffic Management Plan, provision of 62 car parking spaces and compliance with relevant Australian standards for car parking and vehicle swept paths (<b>condition 4.3</b>).</p>

## 8 Internal Referrals

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

Section	Comments
<b>Development Services</b> <b>Engineering and Drainage Engineering</b>	Initial concerns were raised in regard to stormwater quality, stormwater quantity and flood prone land requirements. The Applicant was requested to submit additional information on a number of occasions to Council's satisfaction. On 21 October 2013 Council received the required additional information. The Sections now raise no objection subject to the imposition of appropriate <b>conditions</b> of Consent ( <b>conditions 6.2, 6.4 and 6.5</b> ). Section 9 provides further assessment of the development proposal and the flood impact.
<b>Building</b>	Council's Building Section originally requested further demolition documentation and compliance with the Building Code of Australia in respect of the accessible access on the upper level of the proposed building. The Applicant amended the development proposal, removing demolition from the DA and providing lift access to the upper level of the proposed building. Council's Building Section now raises no objection subject to the imposition of an appropriate <b>condition</b> of Consent ( <b>condition 5.1</b> ).

Section	Comments
<b>Traffic</b>	<p>Council's Traffic Management Section assessed the traffic report prepared by Transport and Traffic Planning Associates in support of the DA and made the following comments:</p> <p>No objection in principle is raised with the DA from a traffic management point of view based on the following:</p> <ol style="list-style-type: none"> <li>1. The anticipated traffic movements due to the proposed expansion of the college and the exiting through traffic on Farm Road combined will still remain within the limit of a local rural street.</li> <li>2. Proposed access driveways and parking in terms of adequacy and design comply with the relevant planning requirements and standards.</li> <li>3. The proposed internal circulation pattern and on-site pick-up and drop-off facility and bus parking appears to be satisfactory.</li> <li>4. It is envisaged that there will be minimal impact on on-street parking in the area.</li> <li>5. It is envisaged that there will be minimal impact on the intersection of access roads with Garfield Road West, given that there are 4 access points along Garfield Road West that are expected to be used by the school traffic.</li> </ol>
<b>Environmental Health</b>	<p>Initial concerns were raised by Council's Environmental Health Unit in relation to the detail provided in the submitted Acoustic Assessment, particularly as a result in the increase in student numbers from 250 to 600 children. As such the Applicant was requested to submit a detailed Acoustic Report considering the existing noise environment as well as maximum expected noise level at the nearest sensitive receivers. A Noise Monitoring Addendum for the proposal was submitted to Council on 4 September 2013. Council's Environmental Health Unit reviewed the submitted additional information and raised no objection subject to the imposition of an appropriate <b>condition</b> of Consent, including restricting outdoor activities to 2 hours per day and the installation of a 1.8m high lapped timber fence along the common western boundary, primarily due to the potential increase in noise from the existing playing fields from the significant increase in student numbers. The comments from Council's Environmental Health Unit have been taken in consideration and are addressed in detail in regard to acoustic impact in Section 9 (<b>condition 3.5.3</b>).</p>

## 9 Assessment

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

### 9.2 Blacktown Development Control Plan 2006

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

Section	Comment	Complies
<b>Part A</b>		
<b>Tree Preservation</b>	The subject site does not propose the removal of any trees.	<b>Yes</b>



Section	Comment	Complies
<b>Pollution Control</b>	A Waste Management Plan (WMP) prepared in accordance with the requirements of the DCP has been submitted with the Development Application. The applicant will be required to comply with the waste classification guidelines as a <b>condition</b> of any consent granted ( <b>condition 8.8.1</b> ).	<b>Yes</b>
<b>Noise Reduction</b>	An Acoustic Assessment has been submitted with the Application. The proposed development is considered satisfactory subject to a <b>condition</b> requiring compliance with the recommendations of the submitted Acoustic Assessment as well as conditions for the erection of a new 2.1m high fence at full cost to the developer and limitation of outdoor play to 2 hours per day only ( <b>condition 8.4</b> ). Further assessment in relation to noise impact is discussed below.	<b>Yes</b>
<b>Car Parking</b>	The development provides for a total of 62 car parking spaces and complies with the BDCP controls for car parking. The proposed location of the car parking is considered suitable with respect to the site, proposed buildings and adjoining properties. Appropriate <b>conditions</b> have been included requiring the development to comply with appropriate Australian Standards with respect to car parking, manoeuvrability, disabled car parking spaces and signage ( <b>condition 4.3</b> ).	<b>Yes</b>
<b>Solar Access</b>	The proposed development does not propose an adverse impact on adjoining properties in regard to solar access. Whilst the adjoining owner to the east of the site is partially overshadowed between 1pm and 3pm on the Winter Solstice (June 21), the property receives well in excess of the minimum 4 hours sunlight between 9am and 3pm on June 21. It should be noted that the neighbour's site is covered in significant stands of vegetation which cast their own shadows. Also, the proposed new fencing at minimum 2.1m height will cast a shadow of in excess of 1.5m in any case over the neighbour's property. It is further noted that there is no shadow affectation on adjoining properties on the Summer Solstice (December 21) between 9am and 3pm. As such, solar access is considered satisfactory.	<b>Yes</b>
<b>Traffic Generating Development</b>	The applicant has submitted a Traffic Assessment Report identifying the implications of the proposed development on the surrounding street network, car park design and car parking. Whilst it is acknowledged that the increase in student numbers from 250 pupils to 600 pupils will be significant, the existing local road network can cater for the increase provided that Park Road is suitably upgraded. Refer to further discussion on the road network in Section 10.	<b>Yes</b>
<b>Crime Prevention through Environmental Design</b>	The siting and design of the proposed development has taken into consideration CPTED measures, including natural surveillance, design of fencing to secure the site and suitable landscaping.	<b>Yes</b>
<b>Development of Flood Prone Land</b>	The subject site is identified as being located within a Medium Flood Risk Precinct. Council's Drainage Engineering Section has undertaken a detailed assessment of the documentation submitted, including a Flood Study and Flood Emergency Response Plan. <b>Conditions</b> will be imposed identifying that, during operation, the	<b>Yes</b>

Section	Comment	Complies
	Flood Emergency Response Plan is to be operative. Furthermore, a <b>condition</b> has been imposed requiring the building to be 300mm at or above the calculated 100 year ARI Flood Level ( <b>condition 6.9</b> ).	
<b>Part O</b>		
<b>Waste Management Plan</b>	A Waste Management Statement prepared in accordance with the requirements of the DCP has been submitted with the Development Application. A <b>condition</b> will be imposed requiring additional waste services for the site, given the expansion of the school from 250 students to 600 students ( <b>condition 8.5</b> ).	<b>Yes</b>
<b>Part R</b>		
<b>Water Sensitive Urban Design &amp; Integrated Water Cycle Management</b>	Council's Engineers have undertaken an assessment of the proposal in accordance with the requirements of BDCP Part R. Accordingly, an Engineering <b>condition</b> has been included and sufficient information has been provided to satisfy the requirements of BDCP Part R ( <b>condition 8.11.2</b> ).	<b>Yes</b>

### 9.3 Context and Scale

The subject site contains an existing Educational Establishment with 250 students. The surrounding locality is characterised by rural residential and agricultural uses. Notwithstanding this, the locality is identified for future urban planning by the State Government as part of the North West Growth Centre. The current character of the area is largely determined by the planning controls applying under the provisions of Blacktown Local Environmental Plan 1988 and Blacktown Development Control Plan 2006. The proposed development, as alterations and additions to an existing Educational Establishment, satisfies the requirements under the current planning controls and is consistent with the infrastructure and educational requirements of a future urban area.

The proposed Educational Establishment is designed to be in keeping with the surrounding area, taking into consideration the size of the subject site, height and setback controls to minimise the impacts on the adjoining area. Furthermore, the development is considered to be of a high architectural standard and will contribute to the future quality and identity of the area.

The proposal complies with the development standards established within the Blacktown Development Control Plan 2006. A number of supporting technical studies have been submitted with the Application, including an Acoustic Assessment and Traffic Assessment to identify the implications the proposed development may have on the amenity of the surrounding uses. Overall, the development is considered to be in keeping with the surrounding context and the size of the subject site and aims to minimise potential conflicts with adjoining properties through landscaping, fencing and the overall siting of the Educational Establishment on the site. As outlined above, the site will be in the Marsden Park North Release Area and will provide a necessary community facility in its future urban context.

The proposed Educational Establishment is 2 storeys in height with a maximum height of 8.9m at the roof ridgeline, which is less than the maximum permissible roof ridgeline height within Part C of the DCP. The main wall of the building will have a minimum proposed setback of 7.5m to the adjoining property to the east, which is considered satisfactory. Further, fixed metal louvers will be provided along with high sill windows along the eastern and western walls of the building.



#### 9.4 Hours of Operation

The School's operating hours are between 8.00am and 4.00pm. The Applicant has further advised that there are no regularly scheduled events for after school hours and that there may be 3 - 4 evening events a year, for parent-teacher meetings or end of year meetings.

The proposed hours of operation are considered satisfactory from a noise perspective as the Applicant has submitted an Acoustic Assessment taking into consideration the proposed hours of operation of the Educational Establishment.

Council's Environmental Health Section has reviewed the Acoustic Assessment as identified in Section 8 above, and in summary has provided recommendations including restricting outdoor activities to 2 hours per day and the provision of a 1.8m high lapped timber fence along the common western boundary.

Due to the increase in its student numbers from 250 students to 600 students, to address the potential noise and privacy impacts of the development, **conditions** will be imposed requiring a 2.1m high solid lapped and capped fence for the full length of all rear and side property boundaries. Furthermore, **conditions** will be imposed restricting outdoor activities to 2 hours per day excluding Physical Education classes which must be supervised at all times.

In addition, suitable **conditions** will be imposed limiting the school to 4 evening events per year, and during such events traffic management measures are to be implemented. In addition a **condition** will be imposed limiting the hours of operation, as proposed by the Applicant (**condition 11.2.5**).

#### 9.5 Landscaping

The proposal does not seek approval for the removal of any existing trees on site.

The Applicant has submitted a detailed Landscape Plan. The submitted Landscape Plan provides for the extensive embellishment of the site through predominant use of native species, particularly on the eastern property boundary. The landscape treatment proposed on-site is proposed to provide screening to adjoining development, embellish the car parking area and contribute to the management of stormwater flows on site. A **condition** will be imposed requiring the development to be consistent with the submitted Landscape Plan, which is considered satisfactory (**condition 10.6**).

#### 9.6 Parking

Blacktown Development Control Plan 2006 requires the provision of 1 space per 100 students for visitors, 1 space per staff member and 1 space per 5 students in senior high school.

The Applicant has identified that there will be:

- 48 staff members, including 40 teaching staff and 8 administrative staff members; and
- 600 students, including 35 in Year 12.

As such, in accordance with the Blacktown Development Control Plan 2006 (BDCP), the development generates 48 staff car parking spaces, 6 car parking spaces for visitors associated with student numbers as well as 7 car parking spaces for Year 12 students. In summary, the development is required to provide a total of 61 car parking spaces in accordance with BDCP 2006. The development will provide 62 parking spaces, including 1 disabled car parking space, which satisfies Council's requirements. In light of this, a **condition** will be imposed on any

consent granted requiring the development to comply with appropriate Australian Standards with respect to car parking, manoeuvrability, disabled car parking spaces and signage (**condition 4.3**).

## 9.7 School Standards

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

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

The Applicant has submitted a table detailing compliance with the abovementioned School Standards, which is held at **Attachment 3**. As such the proposal is considered to satisfy the School Standards. In addition, a **condition** will be imposed requiring compliance with the School Standards (**condition 2.4.4**).

## 9.8 Salinity & Soil Aggressivity

A Salinity Assessment Report prepared by GeoEnviro Consultancy Pty Ltd for the subject development has been submitted. The Report has undertaken an assessment of soil salinity in accordance with the Western Sydney Regional Organisation of Councils draft Salinity Code of Practice. The report has concluded that as the site is situated within a saline prone environment, recommendations including building construction materials, such as concrete piers and battering of slope excavations, should occur throughout the construction of the development.

Accordingly, a **condition** will be imposed requiring that the recommendations be implemented, as well as final sign-off from a suitably qualified consultant verifying that the recommendations of the Assessment Report have been implemented and this is to be submitted prior to occupation (**condition 10.9.2**).

## 9.9 Cut and Fill

The Applicant has identified that there will be 808 cubic metres of excavation (cut) and 799 cubic metres of fill across the development site. The proposed earthworks seeks a maximum of 900mm fill adjoining the proposed carpark, with less fill on the eastern side of the site and a maximum 900mm cut on the south-eastern corner of the proposed building. Cut and fill is not proposed on any property boundaries, proposing to return to natural ground level internally within the subject site. As such, side boundary fencing will be required to have a height of 2.1m to address any privacy concerns as a result of change in levels internally within the site. It can be seen that there will be net cut and fill, however, a **condition** will be imposed that should there be any importation of fill required, the fill is required to be certified as clean fill (**condition 8.7**).

## 9.10 Fencing

The existing Educational Establishment provides for a lapped and capped timber fence along the eastern property boundary, as well as 2.1m high school style open palisade fencing on the front property boundary. The existing fencing on the northern property boundary is in good condition and is proposed to be retained. There is a chainwire fence on the southern and western property boundaries. A **condition** will be imposed requiring replacement of the existing fences on the eastern and western property boundaries with a 2.1m high lapped and capped timber fence for



the full length of the western property boundary and from the northern property boundary for the full length of the proposed building on the eastern property boundary (**condition 4.2.3**).

#### **9.11 External Building Materials and Colours**

A suitable variety of external materials has been selected for the proposed development. Details of proposed colours have not been submitted to Council and therefore a **condition** will be imposed requiring submission of proposed colours for Council approval prior to the release of the Construction Certificate (**condition 4.2.1(a)**).

#### **9.12 Impacts during Construction**

A **condition** of Consent will be imposed to mitigate any potential impacts on the amenity of the surrounding neighbourhood resultant from the development, including a Construction Traffic Management Plan and an Environmental Management Plan prior to release of the Construction Certificate (**condition 3.5.3**).

#### **9.13 Social and Economic Impact**

It is considered that the proposed school expansion will have a positive social and economic impact on the locality as it will provide a desirable community use which will complement the future urban development in this area.

#### **9.14 BCA Compliance**

A **condition** of Consent would require that the proposed development complies with the applicable requirements of the Building Code of Australia, including accessibility requirements (**condition 5.1**).

#### **9.15 Water Management**

The Application has been reviewed by Council's Development Engineers who have raised no objection to the proposed development subject to the implementation of a **condition** of Consent (**condition 6.11.2**).

#### **9.16 General Services**

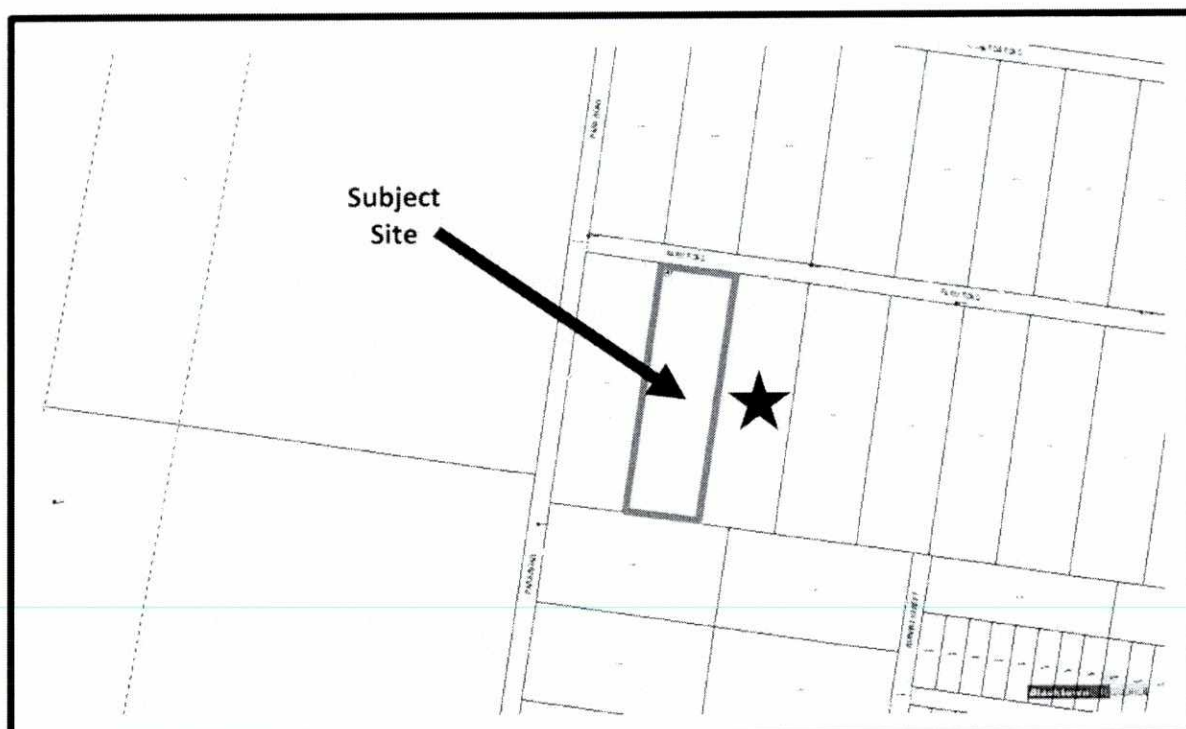
The subject site has access to services such as power and telecommunications. Furthermore, on-site sewage disposal is provided through a pump-out irrigation system, and use of rainwater tanks for potable water is used. **Conditions** will be imposed on this Consent requiring the Applicant to appropriately address the increase in demands for site sewage disposal and obtain Service Authority Clearances prior to occupation (**conditions 10.9.1 and 10.3.1**).

## **10 Public Comment**

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10.1 The subject Development Application was notified in accordance with Blacktown Development Control Plan 2006, Part K – Notification of Development Applications, to adjoining and nearby property owners and occupants for a period of 20 days from 12 June 2013 to 1 July 2013. An advertisement was also placed in the local newspaper and a sign was erected on the development site advising of the public notification.

10.2 In response to the public notification **1 individual submission** was received. The location of the objector is identified in Figure 7 below.



★ Location of Objector

Figure 6: Location of objector (Source: Blacktown City Council, 2013)

10.3 The concerns of the objector have been summarised below, together with Town Planning comments thereon:

#### 10.4 PRIVACY

- *My privacy has been completely taken off me at the back half of my property with the Multi-purpose Hall (and new demountable building) built with windows and balcony and stairs overlooking my property. Only the trees I have planted at the front of my property have given me privacy around my house.*

*Now this 2 storey building, 24 class plus rooms is to overlook the front of my property. On the plans I looked at there were no size or height of the windows which go full length of building, both floors. Is there balconies on my side? Why is building so close to my boundary?*

*I like to go outside and work in my garden, mow the grass, feed my animals during the day. Will I be having an audience everytime I go outside? I like to look at and take photos of the beautiful red sunsets to the west, now my view will be obscured by tall concrete buildings.*

#### Town Planning comment:

- The objector is located at H/N 61 Farm Road, Riverstone, to the east of the subject site.
- The objector makes reference to the Multi-purpose Hall approved as a Complying Development Application as part of the Commonwealth Government's Building Education



Revolution. This Application was approved by a Private Certifier in March 2010 and currently exists on the site. It is noted that the existing Multi-purpose Hall is located a minimum 18m from the common property boundary. The Multi-purpose Hall is proposed to be retained as part of the Educational Establishment.

- The proposed 2 storey building is located on the eastern side of the subject site, with eaves setback 5.5m and wall setback 7.5m from the common property boundary with the objector.
- There is an existing lapped paling fence along the property boundary, however a **condition** will be imposed on any Consent issued requiring the construction of a 2.1m high solid lapped and capped timber fence on the common boundary at full cost to the developer (**condition 4.2.3**).
- An open terrace is proposed to be provided on the north elevation on the first floor. However, a **condition** will be imposed on any Consent issued requiring fixed privacy screening on the eastern elevation of the terrace area to address any potential privacy concerns and acoustic screening for the full extent of the terrace (**condition 4.1.1(a)**). Also, high sill windows are proposed which will ensure no overlooking by students in classrooms.
- In respect to concerns regarding privacy as a result of windows on the eastern elevation of the building, the classroom and multi-purpose room windows have a proposed sill height of 1.7m above finished floor level, therefore addressing any privacy concerns. Windows are proposed at the rear of the building on the eastern elevation, however there is no first floor proposed in this area and is instead a void area.
- To further address privacy concerns the Applicant has proposed significant landscaping along the eastern property boundary, including eucalyptus trees. Should the development be approved, a **condition** will be imposed requiring compliance with the submitted Landscape Plans (**condition 10.6**).
- In relation to concerns regarding loss of views, it is advised that the building height at the roof ridgeline are 7.9m above ground level, rising to a maximum of 8.7m at the peaks of the skylight in the central area. Whilst there is no maximum height for the area, the proposed height is consistent with the height requirements of a 2 storey dwelling.
- Furthermore, whilst the development does propose cut and fill, with the proposed works on the eastern elevation (adjoining the objector) being a maximum 600mm of fill and 800mm of cut, this work will be partly contained under the proposed building with works transitioning to natural ground level at the boundary. Refer to the Cut and Fill drawing at **Attachment 1** for details. Proposed earthworks will be setback from the common boundary.

## 10.5 WATERCOURSE

- *On the site map no distance or measurements from the front boundary of the school to where the stormwater drain will be located to take stormwater from my property. Will it be in the same place? Will pipes be big enough? The front of their property is not to be built up and concreted in with car and bus set downs. There will now be no grass swathe to let backed up water during heavy rains to escape my property.*

- *I will not be changing again where the water comes out of my property. I have established trees and gardens around my dam. I shouldn't have to change the size, shape or level of the dam to suit them.*

**Town Planning comment:**

- The objector is concerned regarding the impacts of the development on the existing drainage flows and the impact on her property.
- Council's Engineers have reviewed the concerns of the objector and provided the following comments:
  - Hydraulic modelling has been supplied by the applicant and checked by Council's Drainage Design Engineers.
  - The flow of stormwater through the subject site in the natural low point across the northern end of the site, parallel to Farm Road, has been designed to cater for the 100 year storm event.
  - A natural low point in the adjoining property (H/N 61) has been dammed within the property, with an overflow from the dam discharging into the natural low point within the subject development site.
  - There should be no adverse impact on the existing stormwater overland flows through H/N 61 from the proposed development.
  - Furthermore, a check of the hydraulic capacity of the school site with full blockage of the proposed piped stormwater system within the school has shown no upstream ponding of stormwater affecting any residence, building or other improvement within H/N 61.
  - Council Officers have undertaken a site inspection with the resident of H/N 61 and are satisfied that the proposed development will have no adverse impact on the existing flow of stormwater.

**10.6 BUS BAY AND SET DOWN AREA**

- *How many cars and buses actually fit in the set down area?*
- *I think they really need one extra lane for buses only. If the estimate of 10 buses and approximately 197 cars is correct, it would be safer than cars and buses jostling for spaces together. There is room for the new building to go back further. How many cars and buses can queue in the queuing area, where do they go after that? My interest in this is nearly every afternoon the cars and bus are queued up past my driveway and in my driveway. I shut my doors and windows because of the cancer causing fumes floating into my place. How much more cancer causing fumes will I get with 10 buses and about 250 cars? When demolition of the buildings begins, add dust pollution, noise pollution, workers' cars and trucks to the fumes. This area is still a rural area.*

**Town Planning comment:**

- The objector is concerned that there is insufficient area within the bus bay and pick-up/drop-off zone for the demand generated by the school.



- It is noted that the 197 cars of which the objector makes reference to is incorrect. The Traffic Report identifies that 198 students will travel to school via car and that recorded set-down/pick-up activity of the existing college revealed that the per occupancy for set-down/pick-up ranged from 1.8 to 2.6 students per car. As such the 198 students travelling to school by car is divided by a car occupancy rate of 1.8 students per car, resulting in 110 vehicle movements for school arrival/departure times.
- Furthermore, the submitted Traffic Report identifies that, as a result of the development, the school would generate 117 car movements of which 7 would be Year 12 students parking on-site and 10 bus movements. Surveys of the existing school indicated that the arrival and departure periods extend nearly 2 hours, although bus movements were more concentrated. Accordingly the rate of vehicle arrival is likely to be 85 in/out in one hour, with staff movements occurring earlier and later.
- In relation to the objector's suggestion to provide additional queuing areas for parent drop-off, this can be facilitated by extending the bus bay further into the site and providing another row of parent drop-off spaces in between and being parallel to the first row of drop-off spaces. This will be conditioned on any Consent granted (**condition 5.1.1(b)**).
- The bus bay caters for the existing school buses servicing the site. In this regard the school currently operates a minibus service for the school, with 4 minibus vehicles servicing the site. It has been advised that currently 60% of students are transported by the minibuses operated by the school. The bus bay is capable of being serviced with a 12.5m standard size bus, however this does not currently occur.
- A set-down/pick-up area is provided within the bus bay for a minimum of 4 cars, as well as a queuing area for 14 cars.
- Council's Traffic Management Section has reviewed the documentation submitted and the proposed plans and has raised no objection to the proposal. In this regard it has been advised that the proposed access driveways and parking, in terms of adequacy and design, comply with the relevant planning requirements and standards and that the proposed internal circulation pattern, on-site pick-up and drop-off facility, and bus parking appears to be satisfactory.
- Notwithstanding this, should the development be approved, a **condition** will be imposed requiring a Plan of Management, including staffing of the bus bay/pick-up and drop-off area during the afternoon peak period and installation of prominent signage to encourage parents to use the drop-off and pick-up facility. This is not required in the morning as parents typically drop-off children over a wider period of 2 hours from 7.30am to 9.30am (**condition 11.5.5**).
- In regard to the objector's concerns regarding fumes and pollution as a result of the development, it is advised that the proposed development is a permissible use within the 1(a) General Rural Zone. Council's Traffic Management Section has advised that there is capacity within the local road network for the traffic generated by the development. In addition, demolition will be the subject of a separate DA and its own conditions. However, to ensure appropriate site management, a Construction Management Plan will be **conditioned** on any Consent granted to address any noise and traffic implications as a result of the construction of the development (**condition 3.5.1**).

## 10.7 ROADS

- *Roads in immediate area of the school – Park, Farm and Cleveland Roads are not suitable for the amount of traffic generated by the school now. Park Road is half pothole tar seal, half dirt road. You have to pull over to let buses past in some section of Park Road which is too narrow. Cleveland Road just had about half re-tar sealed by Council and the other half is still potholed. Farm Road is not bad yet. There are narrow corners at both ends of Farm Road. Blind corner at Walker Parade and Park Road needs a stop sign. Corner of Cleveland and Walker always has a very large pothole, makes turning this corner dangerous.*
- *How much does the school contribute to cost of upkeep of roads in the area?*

### **Town Planning comment:**

- The objector is concerned that the existing road network cannot cater for the existing demand, nor the future traffic demand that will be generated by the school, and that the existing road network is deteriorating as a result of the school.
- The submitted Traffic Assessment identifies that the vehicle movements for school arrival/departure times would be a maximum of 117 cars and 10 buses. It was further identified that surveys of the existing school arrival and departure period extends for nearly 2 hours although the bus movements are more concentrated. Accordingly, the rate of vehicle arrival will only be some 80 to 85 In/Out in one hour (staff movements will be earlier and later). The Traffic Assessment further advised that the current on-street set-down/pick-up activity will cease and all movements will be through the access driveways with:
  - The morning movements being ingress through the eastern driveway and egress through the western driveway (no queuing occurrence).
  - The afternoon movements being ingress and egress through the western driveway (through the queuing area).
- The Traffic Report identifies that vehicle movements of this magnitude (based on the maximum school population) will not present any adverse traffic implications. This is particularly the case having regard for:
  - The existing school population.
  - The low vehicle movements along Farm Road.
  - The dispersal of access movements through the numerous access intersections on Garfield Road West.
  - The proposed upgrading of Richmond Road and Garfield Road West by the Roads and Maritime Services.
- Council's Traffic Management Section has reviewed the submitted Traffic Assessment and has raised no objection in principle to the proposed development as the anticipated traffic movements due to the proposed expansion of the college and the existing through traffic on Farm Road combined will still remain within the limit of a local residential street.



- In relation to the maintenance of existing roads, Council's Engineering Section undertook an inspection of the road network in the vicinity of the existing school on 10 January 2014. The majority of the roads have a central seal 6m to 7m wide, are bitumen sealed, and are constructed to a rural standard. The overall condition of the roads was good, although some sections had been pothole patched. The standard of construction is likely to be a shale pavement of approximately 200mm thickness, as this was the usual standard applied when the roads in the area were sealed some years ago. It is evident that regular maintenance and resurfacing is carried out as required to maintain the road network in an acceptable condition.
- The inspection also revealed that a number of potholes were evident on Cemetery Road and a request has been forwarded to Council's Maintenance Section for action. The unsealed sections of road were well gravelled and well graded. In general, the inspection found that the roads were of an acceptable standard for **occasional** bus use.
- Council's Engineers further advised that some sections of Park Road were narrower with a 5m wide seal in places, but generally wider, with very good sight distance, and therefore regarded as acceptable for bus use on an occasional basis.
- Concerning the developer's contribution to the maintenance of local roads, a Contributions Plan does not currently apply to this area. As such, the developer is not required to pay Section 94 contributions for this development. In light of this, Council cannot impose a condition requiring payment of a contribution to maintain the local road network.
- However, the proposal will result in a significant (greater than 50%) increase in student numbers, and it is noted that a long section of Park Road has only a gravel surface and which will be the primary access route for traffic to the school coming from Garfield Road West and Richmond Road. This gravel stretch is approximately 600m in length and a new 2 coat seal will cost in the order of \$42,000. Council considers this upgrade both necessary and reasonable to be borne by the applicant in the circumstances and a **condition** will be imposed requiring the upgrade of this part of Park Road prior to occupation of the development (**condition 6.10.1**). It is noted that the increased traffic to the school (by parents and larger vehicles) will be significant and the present gravel stretch of Park Road is long, dusty and potentially dangerous as it will break-up quickly with the increased vehicle movements. Whilst the Marsden Park North Precinct is close to being released, precinct planning will take up to 18 months and there is no timeframe available for services provision (water and sewer). Therefore this part of the precinct (around Park Road) may remain in its current state for some time.
- It should be noted that reconstruction of the full-width road adjacent to the development site, and the provision of an off-road bus bay and drop-off area, is considered warranted by the substantial increased development proposed and this has been **conditioned** accordingly (**condition 6.10.1**).

## 11 Section 79C Consideration

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

Head of Consideration	Comment	Complies
<p>a. the provisions of:</p> <ul style="list-style-type: none"> <li>i. any environmental planning instrument (EPI)</li> <li>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</li> <li>(iii) any development control plan</li> <li>(iiia) any planning agreement</li> <li>(iv) the regulations</li> </ul>	<ul style="list-style-type: none"> <li>The provisions of the relevant EPIs relating to the proposed development are summarised under Section 6 of this report.</li> <li>The proposal is permissible within the 1(a) General Rural Zone and satisfies the zone objectives outlined under Blacktown Local Environmental Plan 1988.</li> <li>The subject site is proposed to be rezoned under Draft Blacktown Local Environmental Plan 2013 which was placed on public notification between 23 January 2013 and 19 April 2013 to RU4 Primary Production Small Lots. Educational Establishments are prohibited within this zone, however RU4 is a prescribed zone under the SEPP (Infrastructure), making Educational Establishments permissible with development consent within the RU4 Zone.</li> <li>Blacktown Development Control Plan 2006 applies to the subject site.</li> <li>The proposed development is consistent with the desired future character of the area.</li> <li>A detailed assessment of the Application is provided under Section 9 of this report.</li> </ul>	Yes
<p>b. the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality</p>	<ul style="list-style-type: none"> <li>An assessment of the key issues is provided in Section 9 of this report and it is considered that the likely impacts of the development have been satisfactorily addressed.</li> </ul>	Yes
<p>c. the suitability of the site for the development</p>	<ul style="list-style-type: none"> <li>The subject site is zoned 1(a) General Rural and permits "Educational Establishment" with Consent.</li> <li>The proposal has been designed taking into consideration the site's constraints and locality.</li> <li>The site is therefore considered suitable for the proposed development.</li> </ul>	Yes
<p>d. any submissions made in accordance with this Act or the regulations</p>	<ul style="list-style-type: none"> <li>As noted in Section 10 of this report, the Application was placed on public notification for a period of 20 days and 1 submission was received.</li> <li>A response to the matters raised within the</li> </ul>	Yes




	submission is provided in Section 10 and does not warrant refusal of the DA.	
e. the public interest	<ul style="list-style-type: none"> <li>No adverse matters relating to the public interest arise from the proposal and the provision of an Educational Establishment is desirable and is considered to be in the public interest.</li> </ul>	Yes

## 12 Concluding Comments

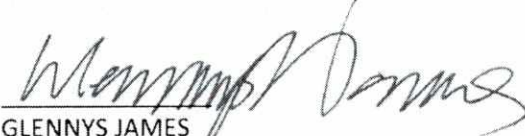
- 12.1 The proposed development has been assessed against the matters for consideration listed in Section 79C of the Environmental Planning & Assessment Act 1979 and is considered to be satisfactory. In this regard it is considered that likely impacts of the development have been satisfactorily addressed and that the proposal is in the public interest. Further, the subject site is considered suitable for the proposed development subject to the upgrade of the gravel section of Park Road and provision of additional queuing areas as outlined above.
- 12.2 The proposal is consistent with the objectives of Blacktown Local Environmental Plan 1988 and the 1(a) General Rural Zone and is permissible in the zone with development consent. The proposal also complies with the provisions set out in State Environmental Planning Policy (Infrastructure) 2007 and Blacktown Development Control Plan 2006, and is considered satisfactory with regard to relevant matters such as Built Form, Access, Stormwater Drainage, ESD, Site Contamination, Salinity, Traffic and Privacy issues subject to the imposition of suitable conditions of consent to satisfactorily control the development.

## 13 Recommendation

- 13.1 The Development Application be approved by the Sydney West Joint Regional Planning Panel subject to the conditions held at Attachment 2.
- 13.2 The Applicant be advised of the Sydney West Joint Regional Planning Panel's decision.
- 13.3 The Objector be advised of the Sydney West Joint Regional Planning Panel's decision.

  
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