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| JRPP Ref. No.: | 2015SYW070 |
| DA No.: | DA15/0324 |
| APPLICANT: | Cadence Australia |
| PROPERTY OWNER: | NSW Department of Education and Communities |
| PROPOSED DEVELOPMENT: | Glenmore Park School for Special Purpose (SSP) |
| PROPERTY ADDRESS: | 12-40 Ridgetop Drive, Glenmore Park |
| PROPERTY DESCRIPTION: | Lot 6700 DP 882806 |
| DATE RECEIVED: | 16 April 2015 |
| ASSESSING OFFICER: | Mathew Rawson, Environmental Planner |
| CATEGORY OF DEVELOPMENT: | Crown Development with Capital Investment Value > \$5 Million = \$15.979 Million |

Assessment Report

Executive Summary

A Development Application has been received from Cadence Australia for a proposed educational establishment (Glenmore Park School for Special Purpose (SSP)) at Lot 6700 DP 882806, No. 12-40 Ridgetop Drive, Glenmore Park.

The subject site is zoned R2 – Low Density Residential under the Penrith Local Environmental Plan (LEP) 2010. Educational establishments are prohibited in the R2 zone, however Clause 28 of the State Environmental Planning Policy (Infrastructure) 2007 (Infrastructure SEPP) permits 'educational establishments' with consent.

The proposed development is Crown Development and has a capital investment value in excess of \$5 million. As such, the Sydney West Region Joint Planning Panel has the function of determining the application in accordance with Section 23G of the Environmental Planning and Assessment Act 1979.

The proposed development has been advertised in the local newspaper and notified to the owners and occupiers of adjoining and nearby properties. A total of 71 property owners and occupiers were notified in the surrounding area and invited to make a submission during the exhibition period from 27 April to 11 May 2015. In response, 5 public submissions were received in relation to the proposal and these are addressed in the body of this report.

An assessment of the proposed development under Sections 23G, 79C, 89, and 91 of the Environmental Planning and Assessment Act 1979 has been undertaken and the following key issues have emerged as a result of this assessment process:

- Site design, context and setting;
- Accessibility;
- Access, parking and traffic;
- Bushfire hazard;

- Extent of likely amenity impacts on adjoining residences;
- Stormwater management.

These matters are discussed in detail in this report.

The proposed development is in accordance with the relevant provisions of the Environmental Planning Instruments and Development Control Plan applicable to the subject site and is unlikely to have a negative impact on the surrounding environment. The proposed development will provide the delivery of educational programs to a maximum of 128 students between the ages of 4 and 18, all of which will have some form of intellectual, physical, sensory or emotional disabilities. There will be 42 staff employed as part of the operations of the school. The site is suitable for the proposed development and the proposal is in the public interest. This report recommends that the application be approved, subject to recommended conditions of consent.

There are 10 appendices to this report, as detailed below.

- Appendix 1 – Recommended Conditions of Consent;
- Appendix 2 – Location Plan and Aerial Views of Site;
- Appendix 3 – Site Plan and Elevations;
- Appendix 4 – Zoning Extract;
- Appendix 5 – Landscape Plan;
- Appendix 6 – Roads and Maritime Services Authority's Requirements;
- Appendix 7 – NSW Rural Fire Service Requirements;
- Appendix 8 – Sydney Water Requirements;
- Appendix 9 – Development Control Plan Compliance Table;
- Appendix 10 – Applicant's Concurrence to Recommended Conditions of Consent.

Background

The site is located within Glenmore Park Area Stage 1 which was released by the NSW Land & Housing Corporation in May 1989. The main objective of this land release was to create a 'village' feel with several sub-areas and neighbourhoods in order to accommodate an expected population of between 20,000 and 25,000 residents.

During master planning for the Glenmore Park estate the subject site was originally intended to be developed for the purposes of a primary school. However, the site located at 60-78 Deerubbin Drive, within Glenmore Park Stage 2 is now intended to service the mainstream schooling needs of the southern catchment of Glenmore Park into the future.

The project timing seeks to have the new facility available for use by students for the first teaching period in 2017 following an approximate 12 month build period.

A pre-lodgement meeting was held with Council officers on 6 January 2015 and the issues raised at the meeting have been addressed by the applicant.

Site and Surrounds

The site is located at 12-40 Ridgetop Drive, Glenmore Park and is comprised of a single 3 Ha lot with the legal description of Lot 6700 in Deposited Plan 882806, as demonstrated in the location plan and aerial view at Appendix 2.

The site is located on the eastern side of Ridgetop Drive, approximately 100 m south of the intersection of Shearwater Drive and Glenmore Parkway, the main east west link through Glenmore Park (refer to the location plan at Appendix 2).

The site has not been previously developed and consists of a grass covered paddock with a few trees covering the central and northern portions of the lot.

The site sits within an area of the estate that typically contains low density housing. Bushland reserves and parklands are also in close proximity. New residential subdivision is also taking place to the south and south-east of the site, which comprises Glenmore Park Stage 2.

Single residential properties back directly onto the southern and eastern boundaries of the site. Residential dwellings are also located directly opposite the site to the west along Ridgetop Drive. To the north, there are electrical transmission lines within an open space corridor. The site is also in proximity to the Mulgoa Nature Reserve, approximately 50 m to the south, which forms the primary bushfire hazard for the site.

The Proposed Development

The development proposal consists of the following aspects:

- Construction of a new special purpose educational establishment including:
 - 16 new class rooms to accommodate approximately 128 students and 42 staff;
 - Multi-purpose hall building;
 - Hydrotherapy pool;
 - School administration building;
 - New playground areas;
 - Security fencing.
- Construction of an at-grade car park accessed from Ridgetop Drive that will accommodate pick up and drop off areas for buses and cars as well as parking for 48 vehicles.
- Associated landscaping and construction of a pedestrian pathway along the development's frontage to Ridgetop Drive.
- The proposed school's teaching hours are 8:00am to 3:30pm Monday to Friday.

Refer to Appendix 3 for copies of the site plan and elevations which show details of the proposed works.

The following plans/documents have accompanied the Development Application:

- Survey Plan by Rygate Surveyors;
- Architectural Plans by GSA Group;
- Statement of Environmental Effects by City Plan Services;
- Arborist Report by Michael Shaw, Consulting Arborist;
- Bushfire Report by Kleinfelder;
- Traffic and Parking Assessment Report by Varga Traffic Planning;
- BCA Compliance Report by Certis – Building Certification;
- Acoustic Report by Acoustic Logic;

- Contamination Assessment Report by EBG Environmental Geoscience;
- Stormwater Assessment and Water Sensitive Urban Design by Taylor Thomas Whitting;
- Access Report by Certis Access Consultancy;
- Landscape Plan by GSA Group;
- Geotechnical Site Investigation by Crozier;
- Utility Services Report by ARUP;
- DA Cost Estimate by Davis Langdon.

Planning Assessment

The proposed development has been assessed against Sections 23G, 79C, 89 and 91 of the Environmental Planning and Assessment Act 1979 (the Act) and based on this assessment, the following issues have been identified for further consideration.

1. Section 23G – Joint Regional Planning Panels

Under Section 23G of the Act, a regional panel is taken to be the Council whose functions are conferred on a regional panel.

Development applications for development by a Crown Authority with a Capital Investment Value (CIV) greater than \$5 million are to be determined by the relevant regional panel. The proposed development has a CIV of \$15.98 million. The Sydney West Region Joint Planning Panel therefore has the function of determining the subject Development Application in accordance with Section 23G of the Environmental Planning and Assessment Act 1979.

2. Section 89 – Crown Developments

The Development Application was lodged on behalf of the NSW Department of Education and Communities and therefore the proposal is defined as a Crown Development. In accordance with Section 89(1)(b) the recommended conditions of consent were provided to the applicant for their agreement. The agreement to the conditions can be found at Appendix 10 and therefore the Panel is able to determine the application including the imposition of the agreed conditions.

3. Section 91 – Integrated Development

The development is Integrated Development under Section 91 of the Act as the site is identified as being bushfire prone land and a school is identified as development for a Special Fire Protection Purpose (SFPP). Any SFPP proposal on bushfire prone land requires the issue of a Bushfire Safety Authority from the Rural Fire Service (RFS) under Section 100B of the Rural Fires Act 1997.

The RFS provided General Terms of Approval (GTAs) subject to conditions of consent relating to compliance with the provisions of Planning for Bushfire Protection (PBP) 2006. Refer to Appendix 7 for a copy of the GTAs.

A Bushfire Threat Assessment was prepared by Kleinfelder which determined that the proposed development complies with the aims and objectives of PBP. All proposed performance-based controls meet the acceptable solutions detailed in Chapter 4 of the PBP for Special Fire Protection Purpose developments.

As there is no bushfire prone vegetation located within 100m of the proposed buildings on the development site, BAL-LOW applies to the construction elements of the proposal.

The required asset protection zone (APZ) in the south of the site will be provided and will comply with the relevant requirements, through the proposed location of the car park. The APZ for the proposed development will be maintained in perpetuity through the managed grounds and car park, surrounding roads and residential development.

The easement for transmission lines to the north of the site was previously identified as a bushfire hazard however the latest bushfire prone mapping has removed this as a hazard due to the management of the land required by the electricity supply authority. Despite this, the proposed fire trail at the northern edge of the site is still proposed to give access to emergency vehicles and provide necessary overflow car parking during any special events at the school.

Access to the site is proposed via an entrance towards the site's southern boundary. Subject to approval of the application, an Evacuation Management Plan will be prepared for the proposed development in accordance with the relevant RFS guidelines and as required by the RFS GTAs. This plan will include procedures specifically relating to bushfire emergencies, outlining the details such as emergency assembly areas.

The layout of the proposed school has addressed all bushfire related issues. It has taken into consideration adequate separation of the proposed buildings from the surrounding bushfire prone vegetation and has provided appropriate access into the subject site.

4. Section 79C(1)(a)(i) – Any Environmental Planning Instrument

State Environmental Planning Policy (Infrastructure) 2007 (Infrastructure SEPP)

Division 3 Educational Establishments

Clause 28(1) states that development for the purpose of an 'educational establishment' is permitted with consent in a prescribed zone. In this case, an R2 low density residential zone is considered a prescribed zone. The proposed school is therefore permissible with consent.

Clause 32(2), states that before determining a Development Application for a school the consent authority must take into consideration all relevant standards of the following State Government publications:

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

The Department of Education and Communities (DEC) has indicated that these standards are currently under a comprehensive review. As a response to Stage 1 of the review, a new system titled 'The Educational Facilities Standards and Guidelines' has been created and can be accessed via the DEC's website. The standards provide a benchmark for all new school developments.

As such, the new standards and guidelines have been taken into consideration when preparing this application and associated architectural and landscape design plans.

Division 5 Electricity Transmission or Distribution

Clause 45 of the SEPP requires the Consent Authority to consider any development application (or an application for modification of consent) for any development carried out:

- within or immediately adjacent to an easement for electricity purposes (whether or not the electricity infrastructure exists);
- immediately adjacent to an electricity substation;
- within 5m of an overhead power line; or
- in the case of a swimming pool, any part which is within 30m of a structure supporting an overhead electricity transmission line and/or within 5m of an overhead electricity power line.

Notwithstanding that the subject site is over 130 metres away from the transmission lines, the property is directly adjacent to this corridor. As a result the development application was referred to the electricity supply authority (Endeavour Energy) on 20 April 2015 however no response has been received to date.

Division 17 Roads and Traffic

Clause 104 of the SEPP states that any development that meets or exceeds the thresholds in Column 1 of the Table to Schedule 3 is required to be referred to Roads and Maritime Services (RMS) for comment. Schedule 3 states that an educational establishment that has a capacity of 50 or more students constitutes "traffic generating development". As the proposed school meets this threshold, the proposal was referred to the RMS for comment. The RMS raised no objections subject to recommended conditions of consent. Refer to Appendix 6 for a copy of the RMS response.

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

SEPP 55 aims to provide a framework for the assessment, management and remediation of contaminated land throughout the State. Clause 7 of SEPP 55 prevents consent authorities from consenting to a development unless it has considered whether the land is contaminated and 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.

A Stage 1 Preliminary Site Investigation including Supplementary Sampling was conducted by EBG Environmental Geoscience. The site is considered to have a low likelihood of contamination being present as a result of current and historical land use activities.

The soil analysis results of the soil sampling for 'waste classification' were also assessed against the soil contaminant threshold concentrations set at levels appropriate to the proposed development. The results did not exceed the Health Based Soil Investigations Levels listed in the National Environment Protection (Assessment of Site Contamination) Measure.

Due to the historical uses of the site and considering the site has a low likelihood of contamination, the study concluded that a Detailed Stage 2 Environmental Site Assessment is not necessary. EBG has provided recommendations in relation to imported soil and materials during construction. Apart from these recommendations the study has concluded that the site is suitable for the proposed development and associated infrastructure.

Sydney Regional Environmental Plan No. 20 – Hawkesbury-Nepean River (No. 2 – 1997)
(SREP 20)

SREP 20 integrates planning with catchment management to protect the Hawkesbury-Nepean river system, requiring the impact of future land use to be considered in a regional context. The plan covers water quality and quantity, environmentally sensitive areas, riverine scenic quality, agriculture and urban and rural-residential development. It controls development that has the potential to impact on the river environment. The plan applies to all parts of the catchment in the Sydney region (15 local government areas), except for land covered by Sydney Regional Environmental Plan No. 11 - Penrith Lakes Scheme (SREP 11).

The proposal is in accordance with the general planning considerations set out in the *SREP 20* as well as relevant specific planning policies and related recommended strategies contained in *SREP 20*.

Penrith Local Environmental Plan 2010

Clause 2.3 Permissibility

The site is zoned R2 Low Density Residential under the Penrith Local Environmental Plan (LEP) 2010 (refer to the zoning plan at Appendix 4).

Educational facilities are prohibited in the R2 - Low Density Residential zone. Notwithstanding the provisions of the LEP, the proposal is permissible with consent under the Infrastructure SEPP. Clause 8(1) of the Infrastructure SEPP provides that *'if there is an inconsistency between this Policy and any other environmental planning instrument, whether made before or after the commencement of this Policy, this Policy prevails to the extent of the inconsistency'*. The provisions of this Clause serve to override the prohibition of educational establishments in the land use table within the Penrith LEP 2010.

Clause 2.3 Zone objectives

The objectives of the R2 zone are:

- *To provide for the housing needs of the community within a low density residential environment.*
- *To enable other land uses that provide facilities or services to meet the day to day needs of residents.*
- *To promote the desired future character by ensuring that development reflects features or qualities of traditional detached dwelling houses that are surrounded by private gardens.*
- *To enhance the essential character and identity of established residential areas.*
- *To ensure a high level of residential amenity is achieved and maintained.*

The proposed school will provide facilities and services to meet the day to day needs of local residents whilst retaining the high levels of residential amenity through development that is consistent with the character of the area. Therefore this proposal is consistent with the zone's objectives.

Clause 4.3 Height of buildings

The site is subject to a maximum building height of 8.5 m. The proposed development is comprised of single storey buildings and, despite the section of significant filling in the north-eastern corner of the site to achieve a level building platform, is compliant with the control.

Clause 7.1 Earthworks

At the highest point of fill, the floor level of one of the buildings will be 4.25 m above the existing ground level. Despite this significant level change the works are considered to be acceptable given that the related retaining wall is setback 12 m from the eastern boundary and the buildings are setback 16 m from the eastern adjoining residential boundary. At these setbacks the buildings would still comply with the building envelope control in the Penrith Development Control Plan 2014.

The proposed earthworks are integral to the future use and development of the land. The proposed student cohort includes children with moderate to severe physical disabilities which require lesser gradients than that of typical schools. Therefore, filling of the site is required to provide suitable gradients across the development.

The earthworks will be achieved primarily through the regrading of the site by way of transportation of material from the southern section where 'cutting' is proposed to the northern section of the site where filling is proposed. Recommended conditions of consent will ensure that any fill material brought on site is subject to a validation certificate and that any material taken off site is disposed of in accordance with Environment Protection Authority (EPA) requirements.

Given that the subject site represents a high point in relation to the surrounding topography, it is not considered that there will be any adverse impacts on existing drainage corridors especially given the significant stormwater catchment infrastructure associated with the proposed works.

The site is not identified as having any heritage value or the potential for the development to disturb any relics.

Clause 7.4 Sustainable development

The proposed development incorporates principles of sustainable development through the following measures:

- Rainwater harvesting and re-use for landscaping;
- Low energy lighting fixtures;
- Solar tube lighting;
- Selection of construction materials based on minimised environmental impact;
- Orientation of buildings and play areas based on solar access;
- Solar energy (considered for future installation).

Additionally, under Council's Development Control Plan, buildings not covered by BASIX requirements are required to:

- a) Demonstrate minimum standards defined by the Water Efficiency Labelling and Standards (WELS) Scheme. Minimum WELS ratings are 4 star dual flush toilets, 3 star showerheads, 4 star taps (other than bath outlets and garden taps) and 3 star urinals. Water efficient washing machines and dishwashers are to be used wherever possible;
- b) To install rainwater tanks to meet 80% of non-potable demand including outdoor use, toilets, and laundry.

A recommended condition of consent is proposed to ensure compliance with these requirements.

5. Section 79C(1)(a)(iii) – Any Development Control Plan

Penrith Development Control Plan 2014

The proposed development is generally in accordance with the relevant provisions of Penrith Development Control Plan 2014 as set out in the DCP compliance table at Appendix 9.

6. Section 79C(1)(a)(iv) – The Regulations

Fire Safety

Under Part 9 of the Environmental Planning and Assessment Regulation 2000 owners of buildings must provide the FRNSW Commissioner with a copy of the Fire Safety Certificate for the building (along with the current Fire Safety Schedule). The Fire Safety Certificate is issued when essential fire safety measures have been assessed by a qualified person as being capable of performing to the standard defined by the Schedule. A recommended condition of consent is proposed to ensure that this occurs on an annual basis.

Prescribed Conditions

The relevant prescribed conditions of the Regulations, such as the requirement for compliance with the BCA, can be imposed as conditions of consent where applicable.

Advertising and Notification

Advertising and neighbour notification were carried out in accordance with the requirements of the Regulations.

Clause 92 - Additional Matters

Any demolition can be conditioned to be in accordance with the provisions of AS 2601.

The development is not subject to the Government Coastal Policy.

The development is not situated on land subject to an order made under Schedule 5 of the Act (paper subdivisions).

7. Section 79C(1)(b) – The Likely Impacts of the Development

Site Design, Context and Setting

The proposed development has been designed to be compatible with surrounding development in terms of built form and external building materials and finishes. The

proposed development maintains sufficient buffer distances to adjoining residential properties and will not pose any adverse impact on existing or future surrounding land uses.

Concerns were raised with the applicant in relation the extent of fencing surrounding the site and its impact on the aesthetics and visual prominence of the site. In consideration of the these concerns the applicant and the Department of Education and Communities (DEC) explored a number of alternatives in an attempt to provide a solution. However, none of these offered an acceptable level of security or Work Health and Safety (WHS) to the DEC in relation to the school's occupants, assets or the public.

With reference to aesthetic concerns raised as a result of the extent of fencing surrounding the site, additional landscape plantings will be provided at medium height in front of the fence which will supplement the retention of existing street trees to reduce visual prominence. Refer to Appendix 5 for a copy of the landscape plan.

The proposed landscape works will provide for embellishment of the site with suitable ground covers, shrubs and trees which, at maturity, will complement the scale, design and function of the development as well as providing for a 5 metre buffer zone between all adjoining residential boundaries.

The built form of the proposal is considered to be compatible with the surrounding and adjacent land uses considering its single storey design and generous setbacks from boundaries. Accordingly it is not considered to have any major impact on the visual amenity of the area. Parking areas do not dominate the streetscape and are appropriately screened by landscaping. The proposal demonstrates high quality design with appropriate use of colours, interesting architectural elements and a variety of finishes.

Natural Environment – Flora and Fauna

The site is not identified as containing any Threatened Species or Endangered Ecological Communities.

An arborist report prepared by Michael Shaw - Consulting Arborist has accompanied the application. This report details that of the 76 trees that cover the site, the majority of the trees on the site have a 'medium' level of significance and most of are unaffected by the footprint of the proposed development. Any trees identified as having high significance are unaffected and will be retained and protected.

In total 12 trees will require removal. All trees that require retention will be protected in accordance with the recommendations contained in this report. The extent of tree removal is negligible and compensatory tree planting is to be provided elsewhere on the site.

Accessibility

The application has been designed to respond to the needs of students, all of which will have some form of disability. As indicated on the submitted plans, careful consideration has been given to the layout and planning of the school to ensure that ramp grades are accessible and there are substantial numbers of accessible sanitary facilities. The application has been accompanied by an assessment of Building Code of Australia (BCA) compliance and an appraisal of accessibility, both prepared by Certis.

The report concludes that subject to detailed design, the proposal will provide equitable access for people with disabilities. The proposal was reported to Council's Access Committee at its meeting held on 10 April 2015. At that meeting, the Committee was very supportive of the proposal but requested that the following matters be considered in Council's assessment of the proposal:

- Concern regarding the number of accessible car parking spaces provided for the development. In relation to this aspect it is noted that most students will arrive at school by mini-bus so the overall number of accessible spaces may not be an issue. It was suggested by the Committee that an additional 2 spaces be provided.
- The provision of a shared pathway width of 2.5 m to the Ridgetop Drive frontage.
- Re-think the idea of flipping the administration building with the swimming pool. There could be safety and security issues having the administration building at the rear of the site.
- Toilet blocks should have both right hand and left hand transfer.
- Consideration should be given to employees with a disability.

These matters have been addressed by way of amended plans which included an increase in the number of disabled car parking spaces, the provision of a pedestrian pathway along the front of the site (although the 2.5 m width is unable to be accommodated), a retention of the hydrotherapy pool in its current position and amendments to the floor plan of the staff administration building.

Access, Parking and Traffic

The application has been accompanied by a Traffic and Parking Assessment Report prepared by Varga Traffic Planning Pty Ltd which concludes that the proposed vehicle access and car parking arrangements are satisfactory. The additional traffic flows generated by the proposed development can be accommodated by the surrounding road network with existing intersections retaining a similar level of service upon completion of the development.

Vehicular access to the site is via a two way ingress/egress point at the southern portion of the site from Ridgetop Drive. In relation to car parking, the proposed development includes construction of pick up/drop off areas, waiting bays and 50 car parking spaces (including 4 accessible spaces) for staff and visitors. It is noted that during special events there may be a lack of off street car parking, however the use of the fire trail at the northern edge of the site for overflow car parking will offset this demand. Additionally the installation of a no-parking zone along the Ridgetop Drive frontage of the site will ensure that 2 way traffic flow will be retained despite the limited road width.

The siting of the proposed access and car parking area to the south of the school has been raised in submissions received, on the basis that an alternate option exists from the roundabout at the intersection of Shearwater Drive and Ridgetop Drive. Vehicular access from this roundabout is not considered to be practicable or of greater benefit given the following:

- The proposed location of the school's vehicular access driveway is consistent with the feasibility study masterplan undertaken by the DEC in late 2013
- The southern portion of the site where the driveway and car park is currently proposed lies within a 100m asset protection zone (APZ) for Mulgoa Nature Reserve. Any buildings within an APZ require additional fire protection measures which would significantly increase the cost of construction.

- The northern portion of the site, in the vicinity of the Ridgetop Drive and Shearwater Drive roundabout, lies within a 30m setback adjacent to the electricity pylon corridor. The setback is home to the best natural vegetation on the site and will provide visual and physical amenity for students. Relocating the vehicular access driveway and entire car park to the northern setback would result in the loss of the amenity provided by this vegetation.
- A Sydney Water easement runs along the northern boundary of the site and contains a trunk water main. As such an access of this roundabout would require the consent of Sydney Water and would need to consider the impacts upon this infrastructure.
- Relocation of the vehicular access driveway and car park would require a complete redesign of the building layout.
- Provision of an internal road connecting the roundabout to the southern portion of the site where the car park is currently proposed would result in a significant increase in construction costs, a significant loss of valuable site area and significantly affect the streetscape and visual appearance of the school.

In any event, it is noted that the proposed school is small in scale, with only 128 students, and will generate minimal levels of traffic activity when compared to a conventional school. As such, there is no benefit from a “traffic” perspective in relocating the car parking area from the southern part of the site to the northern part of the site.

Council’s Traffic Engineer is satisfied with the proposed access; parking and traffic related aspects of the proposal subject to recommended conditions and the inclusion of conditions received from the RMS (refer to Appendix 6). Accordingly, it is considered that the vehicular access and car parking area should be retained on the southern part of the site as currently proposed.

Safety, Security and Crime Prevention

The proposal will assist in activating the presently vacant site. The development has been designed with direct surveillance of the street frontage and public domain. The layout of the development also provides lines of sight between public and private spaces which will be maintained during the night by a suitable lighting scheme.

The proposed works will assist in improving the presentation of the site, which will improve the amenity, casual surveillance and ultimately public safety and sense of security within the site and surrounding area.

The application was referred to Council’s Community Safety Officer and a number of measures have been recommended in relation to adequate lighting, securing the site after hours, graffiti, and out of hours surveillance via CCTV and regular security patrols. These recommendations can be suitably conditioned.

During assessment of the application consideration was given to relocating the hydrotherapy pool to the front of the site. However it was determined having regard to CPTED principles that the staff administration building should be located at the front of the site and form a logical first point of contact for persons entering the site. Any use of the pool outside of school hours will be organised by the school where adequate lighting, supervision as well as the users’ familiarity with the site will ensure adequate safety and security arrangements.

Noise

The application was accompanied by a Noise Emission Assessment (NEA) report by Acoustic Logic. This report has outlined that the proposed layout of the school, in relation to the position of playgrounds relative to residential dwellings, represents the best acoustic layout for the site.

In terms of the school's classrooms and internal areas, an analysis of noise from classrooms, the school hall and the associated mechanical equipment, indicates that compliance with noise emission goals for the site is achievable.

The NEA has determined that the noise emitted from the outdoor play areas will result in a noise level of 57 dBA at the nearest residential receiver. The Industrial Noise Policy provides recommended noise levels for residences and in this suburban situation recommends a noise level of 55-60 dBA. The predicted noise level falls within this range. The outdoor play areas have been designed and located to achieve the best possible acoustic outcome, being centrally located within the development and shielded from adjoining residences by other school structures.

In regard to traffic and car park noise, the NEA does not predict actual noise levels that may be expected from car park activities, instead it states "in the event that all students leave at the same time, noise levels are likely to exceed EPA Industrial Noise Policy criteria from the use of the car park".

The NEA states that "almost any moderately sized school located in a residential area will exceed EPA guidelines with respect to noise generated by the pick up/drop off period" and that "strict compliance with acoustic guidelines (in particular noise from playgrounds and during pick-up/drop-off) is not achieved (and for schools located in residential areas, it is in fact generally not achievable)". In consideration of this noise emission exceedance, the NEA requires the construction of 1.8m high solid fencing to provide acoustic mitigation to nearby residential receivers.

Ultimately, the location of the car parking area is considered the most appropriate and alternative locations or solutions other than the provision of acoustic fencing are not available. It is also noted that the noise exceedance associated with school drop off/pick up activities will be for a short period of time each day and, given that the proposed school is small in scale (only 128 students), it will generate minimal levels of traffic activity when compared with a conventional school.

The NEA does not address noise impacts associated with the hydrotherapy pool. The Statement of Environmental Effects states that the hours of operation of the hydrotherapy pool are 9am-3pm and that "these hours however, may be extended, to include additional hours (before or after) and perhaps weekends, depending on community demand for this facility". A condition of consent is recommended that restricts the hours of operation to between 9am and 3pm. Operation outside of these hours would require further noise impact assessment. The proposed mechanical plant to be installed is a "PoolPac" reverse cycle unit produced by "Air Change". This unit will be located in a plant room and will be attenuated to meet all acoustic requirements.

The construction site will adhere to the noise control and regulation measures in accordance with AS 2436:2010 "Guide to noise control on construction, maintenance and demolition sites". Furthermore, the works will adhere to the EPA Construction Noise Guidelines which require the proponent to take into consideration and employ all reasonable and feasible measures to ensure that the impact on noise receivers is minimised. These requirements have been included as recommended conditions of consent.

Odour

Submissions were received regarding the emission of odour from the hydrotherapy pool and its proximity to adjoining residential development. An Odour Intensity Assessment was carried out by Benbow Environmental at a similar special needs facility, The Ponds School (near Kellyville) and was submitted by the applicant to demonstrate the likely impacts of the proposed development. On this school site there is a heated hydrotherapy pool which will be very similar to the proposed hydrotherapy pool at Glenmore Park.

The Odour Intensity Assessment ultimately found that "external to the pool building there was an absence of odour and the intensity was ranked between 0–1 [on a scale of 1-10]. The potential for there to be odour complaints at Glenmore Park is therefore extremely unlikely".

While there is the risk of impacts in terms of odour and noise resulting from the hydrotherapy pool, the risk of such effects eventuating is very low. All air mechanically exhausted from the pool will pass through a filter before entering the atmosphere, removing foreign particles which would otherwise contribute towards odour.

Council's Environmental Health Officer has reviewed the application and raised no objections to the proposed development.

Stormwater Management

The development site will not increase peak stormwater runoff from the site during rainfall events up to the 1 in 100 year ARI event. Additionally the development will comply with Council's Water Sensitive Urban Design (WSUD) Policy by incorporating a treatment train including 4 vegetated bioretention basins and 4 Humeceptor Gross Pollutant Traps to ensure that the quality of stormwater discharge from the site will not result in adverse environmental outcomes.

The proposed development is therefore suitable and acceptable, as it complies with all the relevant stormwater management requirements and is acceptable in relation to Council's WSUD design criteria.

8. Section 79C(1)(c) – The Suitability of the Site for the Development

The subject site is deemed suitable for the development for the following reasons:

- The use is permissible with consent and consistent with the zone objectives.
- The use is compatible with surrounding/adjoining land uses.
- Stormwater from the site is able to drain to Council's satisfaction.
- The site is adequately serviced by transport, water and sewer infrastructure which has the capacity to cope with any increase in demand associated with the proposed development.

9. Section 79C(1)(d) – Any Submissions made in relation to the Development

Public Submissions

The proposed development was advertised in the local newspaper and notified to the owners and occupiers of adjoining and nearby properties pursuant to the requirements of the EP&A Regulations. Affected property owners and occupiers were notified in the surrounding area and invited to make a submission on the proposal during the exhibition period from 27 April to 11 May 2015.

In response, 5 submissions were received. The following issues were raised in the submissions and have formed part of the assessment.

| <i>Issue Raised</i> | <i>Comments</i> |
|---|--|
| Siting of access point, traffic volumes and road width | <p>As detailed in Section 7 of this report, the submitted Traffic Report and assessment by Council's Traffic Engineer ultimately found that the design as proposed is acceptable given that the proposed school is small in scale, with only 128 students, and will generate minimal levels of traffic activity when compared with a conventional school. As such, there would not be any benefit from a "traffic" perspective in relocating the car parking area from the southern part of the site to the northern part of the site.</p> <p>Whilst it is acknowledged that the road width is limited this is addressed by way of a recommended condition of consent requiring the installation of a 'no stopping zone' along the site's frontage to retain two way traffic flow in Ridgetop Drive. The loss of on street parking is off set by the provision of adequate off street parking in the formed southern car park and overflow car park.</p> |
| Construction impacts (hoarding/fencing requirements, parking for workers, vehicular access and length of construction period) | <p>Appropriate conditions of consent will be imposed to ensure that all parking, access and manoeuvring of construction vehicles occurs on site.</p> <p>Additionally, one of the prescribed conditions of the Regulations requires the erection of fences and hoardings in proximity of public places, thus reducing the potential for any safety issues for pedestrians and passers-by.</p> <p>As outlined in the background section of this Report the applicant is expecting a 12 month build program.</p> |
| Hydrotherapy pool noise and odour emission impacts | <p>As detailed in Section 7 of this report, the potential to relocate the hydrotherapy pool has been investigated and ultimately found to be of no benefit given that the noise and odour assessments have found that there will be minimal impact as a result of the pool and the potential for adverse CPTED outcomes as a result of its re-siting.</p> |
| Impact on property values | <p>The site was always earmarked for use as a school. As such no significant impacts on property values are considered likely given that the site was always intended for the school and there has been transparency in the</p> |

| Issue Raised | Comments |
|---------------------|--|
| | master planning process. There is no empirical evidence to suggest that this type of development will decrease the value of homes in the area. |

External Referral Comments

The table below summarises the results of external referrals in relation to the proposal.

| Referrals | Comments |
|-----------------------------|--|
| Rural Fire Service | General Terms of Approval were provided as the proposal involves development of bush fire prone land for a special fire protection purpose. Refer to Appendix 7. |
| Roads and Maritime Services | No objection, subject to conditions of consent. Refer to Appendix 6. |
| Endeavour Energy | No response received. |
| Sydney Water | No objection, subject to the requirement for a Section 73 Certificate under the Sydney Water Act 1994. Refer to Appendix 8. |

Internal Referral Comments

The table below summarises the results of internal referrals in relation to the proposal.

| Referrals | Comments |
|---|---|
| Building Surveyor | No objection, subject to conditions. |
| Development Engineer | No objection, subject to conditions. |
| Senior Traffic Engineer | No objection, subject to conditions. |
| Landscape Architect | No objection, subject to suggested design features of the landscaped playground areas which were communicated to the applicant. |
| Environmental Health Officer – Environmental Management | No objection, subject to conditions. |
| Environmental Health Officer – Public Health | No objection, subject to conditions. |
| Senior Water Management Officer | No objection, subject to conditions. |
| Community Safety Coordinator | No objection, subject to conditions. |
| Tree Management Officer | No objection. |
| Senior Social Planner | No objection. |

| Referrals | Comments |
|------------------|---|
| Access Committee | No objection, subject to consideration of matters raised in Section 7 of this report. |

10. Section 79C(1)(e) – The Public Interest

The site is suitable for the proposed development. The proposed development is permissible with consent and the proposal meets the aims and objectives of the relevant environmental planning instruments. The matters raised in the public submissions have been considered and addressed. External agencies including the RMS, RFS, Sydney Water and Endeavour Energy have been consulted and raised no objections. The development proposal will provide for significant public benefit in terms of delivering a state of the art facility catering for the needs of students with disabilities. For these reasons the proposal is in the public interest.

Section 94 Contributions

The proposed development does not trigger the levying of any contributions under any of the applicable Section 94 Contributions Plans.

Conclusion

The proposed development is in accordance with the relevant provisions of the Environmental Planning Instruments and Development Control Plan pertaining to the land. The proposed development is unlikely to have a negative impact on the surrounding environment. The proposed development has been assessed against the relevant heads of consideration contained in Sections 23G, 79C, 89 and 91 of the Environmental Planning and Assessment Act 1979 and has been found to be satisfactory. The site is suitable for the proposed development and the proposal is in the public interest. The proposal is therefore worthy of support.

Recommendation

That:

1. Development Application No. DA15/0324 for an Educational Establishment at 12-40 Ridgetop Drive, Glenmore Park be approved subject to the recommended conditions outlined in Appendix 1.
2. Those making submission be notified of the determination.
3. The RMS and RFS be forwarded a copy of the Notice of Determination.

Appendices

- Appendix 1 – Recommended Conditions of Consent
- Appendix 2 – Location Plan and Aerial Views of Site
- Appendix 3 – Site Plan and Elevations
- Appendix 4 – Zoning Extract
- Appendix 5 – Landscape Plan
- Appendix 6 – Roads and Maritime Services Authority's Requirements
- Appendix 7 – NSW Rural Fire Service Requirements
- Appendix 8 – Sydney Water Requirements
- Appendix 9 – Development Control Plan Compliance Table
- Appendix 10 – Applicant's Concurrence to Recommended Conditions of Consent