

**JOINT REGIONAL PLANNING PANEL
(Sydney West)**

JRPP No	2015SYW198DA
DA Number	JRPP-15-02358
Local Government Area	Blacktown City Council
Proposed Development	Construction of a new K-12 school, early learning centre and associated site works
Street Address	Syncarpia Street, Marsden Park
Applicant/Owner	Applicant: Catholic Education Diocese of Parramatta Owner: Stockland Development Pty Ltd
Number of Submissions	Nil
Regional Development Criteria (Schedule 4A of the Act)	Private infrastructure and community facilities over \$5 million
List of All Relevant s79C(1)(a) Matters	• State Environmental Planning Policy (State and Regional Development) 2011 • State Environmental Planning Policy (Infrastructure) 2007 • State Environmental Planning Policy No. 55 – Remediation of Land • State Environmental Planning Policy No. 64 – Advertising and Signage • State Environmental Planning Policy (Sydney Region Growth Centres) 2006 • Blacktown City Council Growth Centres Precincts Development Control Plan 2010 • Letter of offer to enter into Voluntary Planning Agreement
Does the DA require Special Infrastructure Contributions conditions (s94EF)?	Yes. Condition imposed.
List all documents submitted with this report for the panel's consideration	Development Assessment Report, including draft conditions and associated appendices.
Recommendation	Approval subject to conditions
Report by	Blacktown City Council
Report date	August 2016

Report to Sydney West Joint Regional Planning Panel

JRPP No.	2015SYW198 DA
DA No:	JRPP-15-02358
Proposed Development:	Construction of a new K-12 school, early learning centre and associated site works.
Development Type:	Capital Investment Value > \$20 million
Lodgement Date:	28 October 2015
Land/Address:	Lot 1104 DP 1191303, Syncarpia Street, Marsden Park
Land Zoning:	R2 Low Density Residential R3 Medium Density Residential
Capital Investment Value of Approved Development:	\$29,508,796
Applicant:	Catholic Education Diocese of Parramatta
Landowner:	Stockland Development Pty Ltd
Report Author:	Melissa Parnis, Assistant Team Leader Projects
Instructing Officers:	Judith Portelli, Manager Development Assessment Glennys James, Director Design and Development
Date Submitted to JRPP:	27 July 2016



Figure 1. Design perspectives (Source: Thomson Adsett, 2016)

ASSESSMENT REPORT

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ATTACHMENTS

Attachment 1	– Draft conditions of consent
Attachment 2	– Development application plans
Attachment 3	– Applicant's clause 4.6 Exception to development standards request
Attachment 4	– Proposed architectural perspectives
Attachment 5	– Section 79C consideration
Attachment 6	– Assessment of compliance with State Environmental Planning Policy No. 64 – Advertising and Signage
Attachment 7	– Assessment of compliance with State Environmental Planning Policy (Sydney Region Growth Centres) 2006
Attachment 8	– Assessment of compliance with Blacktown City Council Growth Centres Precincts Development Control Plan

1. Summary

- 1.1 Blacktown City Council is in receipt of a Development Application (DA) from the Catholic Education Diocese of Parramatta for an educational establishment. The DA seeks approval for the construction of a new K-12 school, early learning centre and associated site works at Lot 1104 DP 1191303 Syncarpia Street, Marsden Park.
- 1.2 The proposed development constitutes 'regional development' requiring referral to the Joint Regional Planning Panel (JRPP) as it has a capital investment value of \$29.5 million. While Council is responsible for the assessment of the DA, the Sydney West JRPP is the consent authority.
- 1.3 The development is proposed to be located on the portion of the site that is zoned R2 Low Density Residential and R3 Medium Density Residential under State Environmental Planning Policy (Sydney Region Growth Centres) 2006 (Growth Centres SEPP). Educational establishments are permissible in both zones with development consent.
- 1.4 A detailed assessment has been undertaken against the provisions of the Growth Centres SEPP and the Blacktown City Council Growth Centre Precincts Development Control Plan (Growth Centres DCP) 2010.
- 1.5 The development complies with the numerical requirements of the Growth Centres SEPP, with the exception of building height. The Growth Centres SEPP identifies a maximum 9 m height limit in the R2 portion of the site and a maximum 14 m height limit in the R3 portion of the site. However, the development proposes building heights between 4.2 m and 14.6 m. The variation is considered acceptable given the proposed use and central location within the subject site. A boundary setback of between 13.35 m and 65.1 m has been provided, which means the height variation does not have an increase in overshadowing or privacy on adjoining residential properties. The applicant has lodged a clause 4.6 exception to the development standard for the 9 m height limit.
- 1.6 The development also complies with the Growth Centres DCP, including car parking and building setbacks. A minor variation is proposed to the extent of cut and fill proposed, which exceeds the maximum 500 mm requirement at points. Total earthworks is equivalent to 12,122 m³ of cut and 14,522 m³ of fill. No retaining walls are proposed by the development. Given the scale of the development and access requirements associated with an educational establishment, the proposed cut and fill is considered acceptable.
- 1.7 The proposal complies with State Environmental Planning Policy (Infrastructure) 2007, particularly in relation to school facilities standards.
- 1.8 The proposal precedes the adoption of a Section 94 Contributions Plan for the Marsden Park precinct. However, the applicant has submitted a letter of offer for a Voluntary Planning Agreement (VPA) in lieu of the payment of contributions. A deferred commencement consent will be imposed requiring execution of the VPA.
- 1.9 The proposed development was notified to property owners and occupiers within the locality between 1 and 15 December 2015. The DA was also advertised in the local newspapers and a sign was erected on site. In response to notification, no submissions were received.
- 1.10 Overall, the development is considered satisfactory with regard to relevant matters such as siting and design, bulk and scale, privacy, access, traffic impacts, parking and stormwater drainage. The proposed development has been assessed against the relevant matters for consideration under Section 79C of the Environmental Planning and Assessment Act 1979, including the suitability of the site and the public interest, and is considered satisfactory.

- 1.11 It is recommended that the proposed development be approved subject to the conditions documented at **Attachment 1** to this report.

2. Location

- 2.1 The site is located within the Marsden Park Precinct within the North West Growth Centre as identified by the Growth Centres SEPP.
- 2.2 The site is located within a recently approved subdivision. The location of the site is shown in Figure 2 below.
- 2.3 A number of zonings and height limits surround the site, including:
- The land immediately to the north is zoned RE1 Public Recreation and a playing field has been approved on the site
 - The land to the south, west and a portion of the land to the east is zoned R2 Low Density Residential, with a 9 m height limit
 - The land partly adjoining the north of the site and the land partly adjoining the east of the site is zoned R3 Medium Density Residential, with a 14 m height limit.
- 2.4 The site is south-west of the future Northern Village Centre.
- 2.5 The existing locality is characterised by large lot rural residential development, however is undergoing transition with a number of subdivisions and dwellings recently approved within the locality.



Figure 2. Location map (Google maps, 2016)

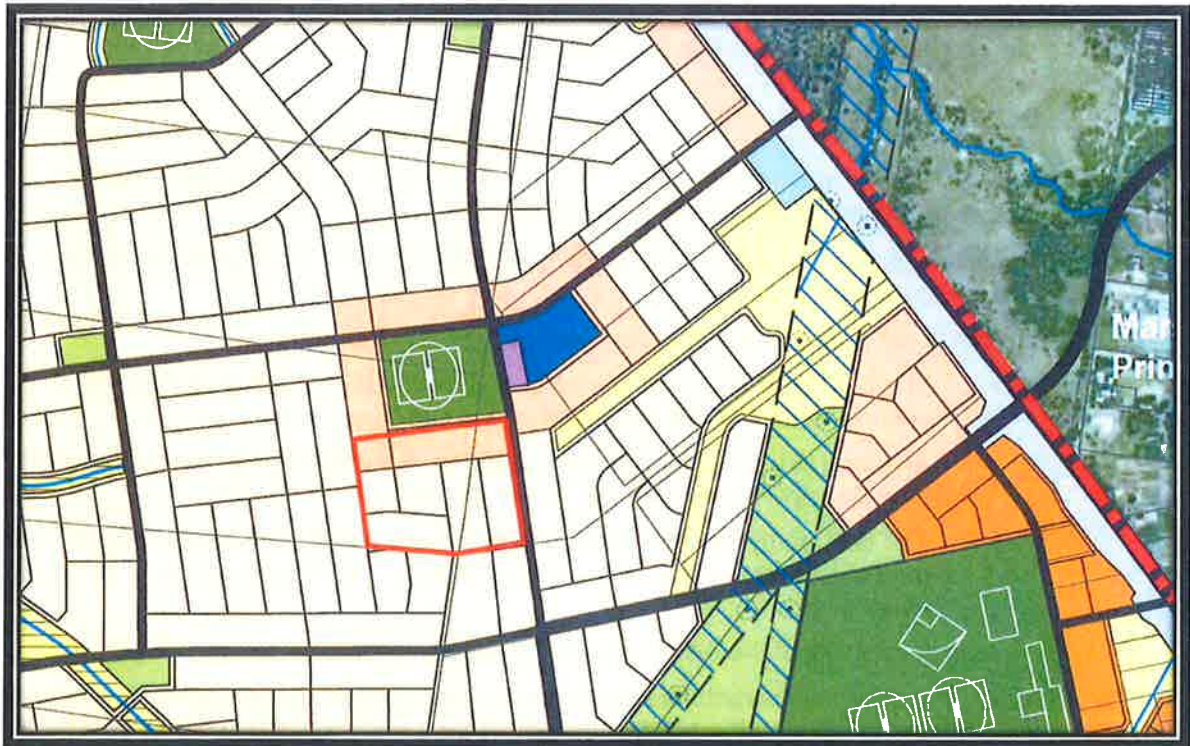


Figure 3. Extract from Marsden Park Indicative Layout Plan (DoPE, 2013)

3. Site description

- 3.1 The site is known as Lot 1104 DP 1191303, Syncarpia Street, Marsden Park.
- 3.2 The site has 4 street frontages, being Northbourne Drive to the east, Frontier Avenue to the south, Syncarpia Street to the west and Cassinia Avenue partly along the northern boundary. The site also adjoins an approved sports field to the north.
- 3.3 Primary access to the school will be from Northbourne Drive and Frontier Avenue. The total site area is 8.082 hectares.
- 3.4 The site is vacant land following the recent subdivision of the site by Stockland Developments Pty Ltd.



Figure 4. Nearmap captured 6 December 2015

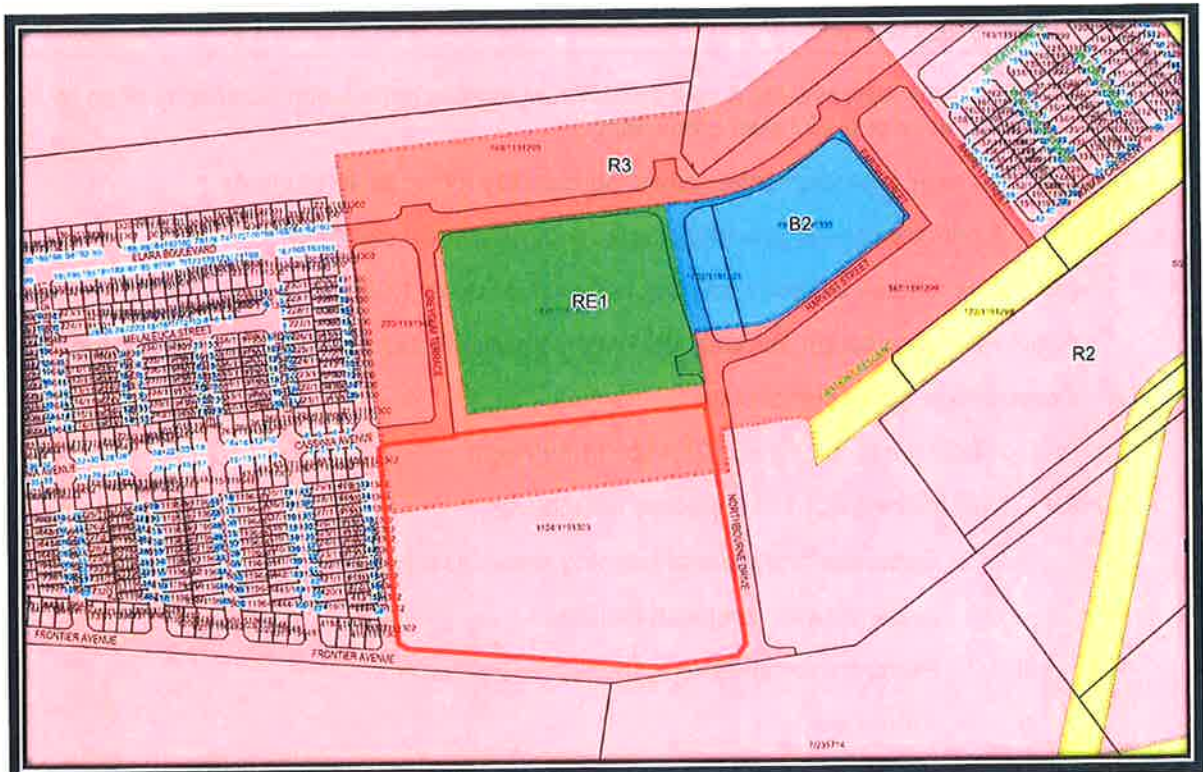


Figure 5. Zoning extract (BCC, 2016)

4. Background

- 4.1 On 4 October 2013 the site was rezoned to R2 Low Density Residential and R3 Medium Density Residential under State Environmental Planning Policy (Sydney Region Growth Centres) 2006. The site was rezoned from its previous 1(a) Rural zoning under Blacktown Local Environmental Plan 1988 to its current zoning as part of the Marsden Park Precinct of the North West Growth Centre.
- 4.2 There have been a number of approvals on the site, including:
- **DA-13-1945** – approved 21 March 2014 for bulk earthworks with associated tree removal over extended construction hours of 7am to 6pm Monday to Friday and 8am to 5pm Saturdays, Sundays and public holidays to facilitate future residential subdivision works (including importation of fill material)
 - **DA-13-1503** – approved 22 November 2013 for temporary stockpiling of material, vegetation removal, augmentation to existing access, erosion and sediment control and associated site works.
 - **DA-13-1805** – approved 21 October 2013 for demolition of the existing and ancillary buildings on site.
 - **DA-13-2051** – approved 28 May 2014 for staged subdivision of the site into 242 residential lots, 8 super lots and 5 residue lots with associated roads, drainage basins and associated works. Lot 1104 and associated bus bay was created under DA-13-2051.

5. The proposal

- 5.1 The DA seeks approval for a new educational establishment with a capacity of up to 1,800 students and 127 staff comprising:
- (a) An early learning centre, providing capacity for up to 40 students
 - (b) A primary school, providing capacity for up to 680 students
 - (c) A secondary school, providing capacity for up to 1,080 students.
- Approval is also sought for adult education classes to cater for 120 additional people.
- 5.2 Construction works comprising:
- (a) A total gross floor area (GFA) of 11,899 sqm
 - (b) New buildings of 1 to 3 storeys comprising:
 - i. Specialist and general learning area classrooms
 - ii. Administration and staff facilities
 - iii. Performance space
 - iv. Amenities
 - v. The Hub (A communal building for learning, gathering, data managing and information gathering – replacing a traditional library)
 - vi. A covered outdoor learning area for assembly, learning, recreation, presentation, communal events such as market days or fetes, parent and friends events, student productions
 - vii. Playing fields, primary play area, ball courts and secondary play area

- (c) Off street car parking for 252 cars in two separate parking areas
- (d) Landscaping of the site
- (e) Site and drainage works, including bulk earthworks
- (f) Lighting in the 2 car parking areas and security lighting throughout the site. There is no lighting proposed on playing fields or playing courts
- (g) Fencing, including a 2.1 m high palisade boundary fence and electronic vehicular entry gates
- (h) Building identification signage on Northbourne Drive and Frontier Avenue.

A copy of the development plans is included at **Attachment 2**.

5.3 The proposed hours of operation include:

- (a) Early Learning Centre arrivals: 6 am – 8 am, Monday to Friday
- (b) Educational establishment: 8 am – 5 pm, Monday to Friday
- (c) Adult education classes: 5 pm – 10 pm, Monday to Friday (2 times a week only)
- (d) Occasional weekend use for school related purposes.

5.4 The maximum building height of the development is 14.6 m. The height exceeds the permissible height limit of 9 m for the R2 portion of the site and 14 m for the R3 portion of the site. The application has been submitted with a clause 4.6 exception to development standard request, which is held at **Attachment 3**.

5.5 The proposal provides building setbacks between 13.35 m and 46.31 m to the western property boundary and a minimum 53 m setback to the southern boundary. Play areas are provided along the eastern and northern boundaries, which are adequately setback through a battered slope and tree planting.

5.6 Off street car parking for 252 cars will be provided in the following two parking areas:

- (a) South car parking area: Accommodating 156 staff, senior student and visitor car parking spaces plus a kiss and drop facility, with separate ingress and egress driveways to Frontier Avenue
- (b) Northern car parking area: Accommodating 96 staff car parking spaces accessed from separate ingress and egress driveways to Northbourne Drive (with separate service vehicle access arrangements).

5.7 A 120 m long bus bay capable of accommodating 5 buses has already been constructed on Northbourne Drive as part of DA-13-2051.

5.8 The development also proposes the construction of 3 pedestrian crossings, include two on Northbourne Drive and one on Frontier Avenue.

5.9 The proposed buildings have been architecturally designed by Thomas Adsett and a design statement has been submitted as part of the DA. Building finishes include masonry walls, including face brickwork on the building facades. The roofing will be a mix of solid and translucent, including prefinished metal deck roofing and cladding in natural colours. The façade colours are designed to reflect the mountains, through use of brickwork patterned to form an abstracted representation of geology of exposed rockfaces and feature cladding elements in natural green to reflect the tree canopy. The roof plane is broken up by a series of 'pop-up' roofs that allow top lighting and ventilation. Individual buildings will have feature colours and entries. Proposed perspectives as well as external finishes are held at **Attachment 4**.

- 5.10 A Traffic Impact Assessment prepared by Thompson Stanbury Associates has been submitted with the DA. The report assesses the suitability of the proposed direct vehicle access arrangements, internal circulation and servicing layout with respect to relevant Australian Standards. In addition, the report assesses the adequacy of the proposed off-street parking provision and investigates the pedestrian infrastructure provisions within the immediate vicinity of the site, to ensure safe and efficient pedestrian connectivity is provided to/from the proposed site access points.

The report concludes that:

- The proposed access arrangements comply with the Australian Standard requirements with respect to the land use proposed and the capacity of the parking
 - The proposed off-street parking provision is considered to be satisfactory in accordance with Blacktown DCP 2015
 - The proposed internal circulation and servicing arrangements suitably conform to the intentions of the relevant requirements of AS2890.1-2004, AS2890.2-2002 and AS2890.6-2009
 - The proposed internal circulation and manoeuvring arrangements are capable of providing for safe and efficient vehicular movements during peak times
 - Pedestrians are supported by adequate public infrastructure within Northbourne Drive and surrounding roads, to ensure the provision of safe pedestrian links between the subject site and adjoining roads
 - The external traffic considerations of the subject development and the entire Marsden Park Precinct were previously undertaken in association with the planning for the entire Marsden Park Precinct, resulting in the preparation of AECOM's Marsden Park Precinct – Traffic and Transport Study 2012 and Schedule 6 (Marsden Park) – Blacktown City Council Growth Centre Development Control Plan 2010.
- 5.11 The DA has been supported by a Noise Impact Assessment prepared by Rodney Stevens Acoustics. The report determines the possible operational noise impacts of the proposed educational establishment on nearby residential receivers and, if necessary, provides acoustic control recommendations so that the development may operate in an acoustically compliant manner.

In order to establish the background noise in this area, unattended noise monitoring was conducted on the site. Baseline noise levels in accordance with the NSW Environment Protection Authority's Industrial Noise Policy were established.

The report undertook an assessment of the predicted general daytime learning classroom noise emissions as follows:

Table 1. Predicted general daytime learning noise emission (Rodney Stevens Acoustics, 2016)

Residential Receiver	Predicted General Learning Classrooms L _{max} Noise at Neighbouring Residential Boundaries	Daytime Noise Criterion	Compliance (Yes / No)
North-western residences	33 dB(A)	45 dB(A)	Yes
Southern residences	39 dB(A)		Yes
Eastern residences	38 dB(A)		Yes
Western residences	36 dB(A)		Yes

The general learning classroom noise levels at the neighbouring residential boundaries are predicted to comply with the daytime criterion of 45 dB(A).

The report also undertook an assessment of the after school activities during evenings and night time periods, to ensure sleep disturbance criteria were being met. The report found the following:

Table 2. Predicted after-school activities noise emission (Rodney Stevens Acoustics, 2016)

Residential Receiver	Predicted After-School Activities L _{max} Noise at Neighbouring Residential Boundaries	Night-time Noise Criterion	Compliance (Yes / No)
North-western residences	26 dB(A)	38 dB(A)	Yes
Southern residences	33 dB(A)		Yes
Eastern residences	37 dB(A)		Yes
Western residences	24 dB(A)		Yes

It was concluded that the after school activities' noise impacts are predicted to comply with the night time criterion of 38 dB(A) at the surrounding residences.

Assessment has also been undertaken on individual uses, including music rooms, the public address system and school bell, garbage truck and delivery vehicle movements, as well as carpark operational noise assessment.

Although the noise impacts from the operation of the development are anticipated to comply with the Industrial Noise Policy guidelines, the following noise control measures are also recommended to further ensure that the development will operate in a noise compliant manner. These include:

- All external windows and doors of the music rooms in the performance building (Block A) should remain closed when in-use
- Signage is to be posted around the development to educate staff and students to be considerate of neighbouring residences and keep their voices down when entering or leaving the development.

6. Planning controls

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

(a) Environmental Planning and Assessment Act 1979

For an assessment against the Section 79C 'Heads of Consideration' refer to **Attachment 5**.

(b) 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 \$20 million. While Council is responsible for the assessment of the DA, determination of the DA will be made by the Sydney West Joint Regional Planning Panel.

(c) State Environmental Planning Policy (Infrastructure) 2007

- i. The development is categorised as 'traffic generating development' under Schedule 3 of State Environmental Planning Policy (Infrastructure) 2007 (SEPP (Infrastructure)) as it is an educational establishment for more than 50 students. The DA was referred to the RMS and the Sydney Regional Development Advisory Committee (SRDAC). The RMS raised no objection to the DA and provided comments and conditions for Council consideration. See Section 7 for further details.
- ii. Under Clause 32 of the SEPP the consent authority is to take into consideration all relevant standards of the following State Government publications:
 - (a) *School Facilities Standards — Landscape Standard* (Version 22 March 2002)
 - (b) *Schools Facilities Standards — Design Standard* (Version 1/09/2006)
 - (c) *Schools Facilities Standards — Specification Standard* (Version 01/11/2008).

The applicant has submitted an assessment detailing compliance with the abovementioned School standards. As such, the proposal is considered to satisfy the School Standards. In addition, a **condition** will be imposed requiring compliance with the School Standards (**condition 3.5.3**).

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

State Environmental Planning Policy No. 55 – Remediation of Land aims to 'provide a State wide planning approach to the remediation of contaminated land'. Where contamination is, or may be, present, the SEPP requires a proponent to investigate the site and provide the consent authority with the information to carry out its planning functions. A Site Audit Statement under the *Contaminated Land Management Act 1997* was issued on 28 May 2015 for Precinct 1 of the Elara Estate, which includes the subject lot. The Site Audit Statement identified that the land is suitable for a range of uses, including day care centres, preschool, primary school and secondary schools. Standard contamination **conditions** will be imposed on any development consent in the event that any contamination is discovered during the building construction phase (**condition 9.10.1**).

(e) **State Environmental Planning Policy No. 64 – Advertising and Signage**

The proposed development also seeks approval for 2 building identification signs. The proposed signage will identify the school and digital notices in relation to school activities. The signage is proposed near each vehicular entry driveway to the 2 carparks, one on Northbourne Drive and the other on Frontier Avenue. The signage is consistent with other school signage in the Blacktown Local Government Area.

Schedule 1 of SEPP 64 sets out assessment criteria for signage, including character of the area, views and vistas, streetscape, site and building illumination and safety.

A compliance table for the proposed signs in accordance with Schedule 1 of SEPP 64 is at **Attachment 6** to this report. In summary, the proposed signage complies with all the criteria of SEPP 64.

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

Appendix 12 Blacktown Growth Centres Precinct of the Growth Centres SEPP applies to the site. The site is zoned part R2 Low Density Residential and R3 Medium Density Residential. Educational Establishments are permissible within both zones with consent. **Attachment 7** provides a summary of the development's compliance with the development standards established within the Growth Centres SEPP. The development complies with the development standards, with the exception of building height. This variation is discussed in detail in Section 9.

(g) **Blacktown City Council Growth Centres Precincts Development Control Plan 2010 (Growth Centres DCP)**

Attachment 8 provides a summary of the development's compliance with the development standards established within the Growth Centres DCP. The development complies with the development standards, in particular Section 4.4.3 Educational Establishments and Places of Worship.

7. External referrals

7.1 The DA was referred to the RMS as summarised in the table below:

Authority	Comments
Roads and Maritime Services (RMS)	RMS raised no objection to the application. In addition, RMS provided comments in relation to the imposition of school zones, as well as parking, drop-off and pick-up zones and bus zones for the development. School zones and associated works will be imposed as conditions of consent (conditions 3.5.1 to 3.5.7).

8. Internal referrals

8.1 The DA was referred to internal sections of Council for comment as summarised in the table below:

Section	Comments
Engineering	No objections subject to conditions (conditions 6.9 and 11.7).
Building	No objections subject to conditions (conditions 5.1 and 9.2.1).
Traffic Management Section (TMS)	No objections subject to conditions (conditions 4.2.2 and 10.2.1).

Section	Comments
Waste Services	No objections subject to conditions (conditions 9.4 and 12.2.6).
Environmental Health	No objections subject to conditions (conditions 7.1 and 13.1).

9. Key issues

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

(a) Growth Centres SEPP

Attachment 7 provides a table that outlines the proposal's compliance with the Growth Centres SEPP. The applicant has lodged a clause 4.6 'Exceptions to development standards' submission to building height. The objective of the clause is to provide an appropriate degree of flexibility in applying certain development standards, and to achieve better outcomes for and from development by allowing flexibility in particular circumstances.

Clause 4.6 requires the consent authority to consider a written request from the applicant that seeks to justify the contravention of the development standard by demonstrating:

- (a) *that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and*
- (b) *that there are sufficient environmental planning grounds to justify contravening the development standard.*

The applicant has submitted a formal written request for the building height variation, which is held at **Attachment 3**.

Clause 4.6 further states the following:

- (4) *Development consent must not be granted for development that contravenes a development standard unless:*
 - (a) *the consent authority is satisfied that:*
 - (i) *the applicant's written request has adequately addressed the matters required to be demonstrated by subclause (3), and*
 - (ii) *the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out, and*
 - (b) *the concurrence of the Director-General has been obtained.*

In accordance with Clause 64 of the Environmental Planning and Assessment Regulation 2000, a consent authority, in this case the JRPP, has 'assumed concurrence' from the Director-General of the Department of Planning and Environment.

Clause 4.3 of the Growth Centres SEPP establishes that the maximum height of buildings on the site is 9 m for the R2 portion of the land and 14 m for the R3 portion of the land. The buildings within the development are located within the 9 m height limit. Figure 6 below identifies the non-compliant elements of the building.

The proposed buildings have the following heights:

Building	Storeys	Permissible height limit	Proposed height
A	1	9 m	9.0 m
B	3	9 m	12.4 m*
C	2	9 m	10.3 m*
D	2	9 m	7.3 m
E	1	9 m	4.8 m
F	3	9 m	13.8 m*
G	1	9 m	4.2 m
H	3	9 m	13.9 m*
J	3	9 m	14.6 m*
L	3	9 m	14.5 m*
COLA	3	9 m	14.5 m*

* Non-compliant with height limit

The proposal seeks variations between 1.3 m and 5.6 m. The non-complying elements only occupy 7.4 % of the total site area and are equivalent to 62.5 % of the total roof area proposed.

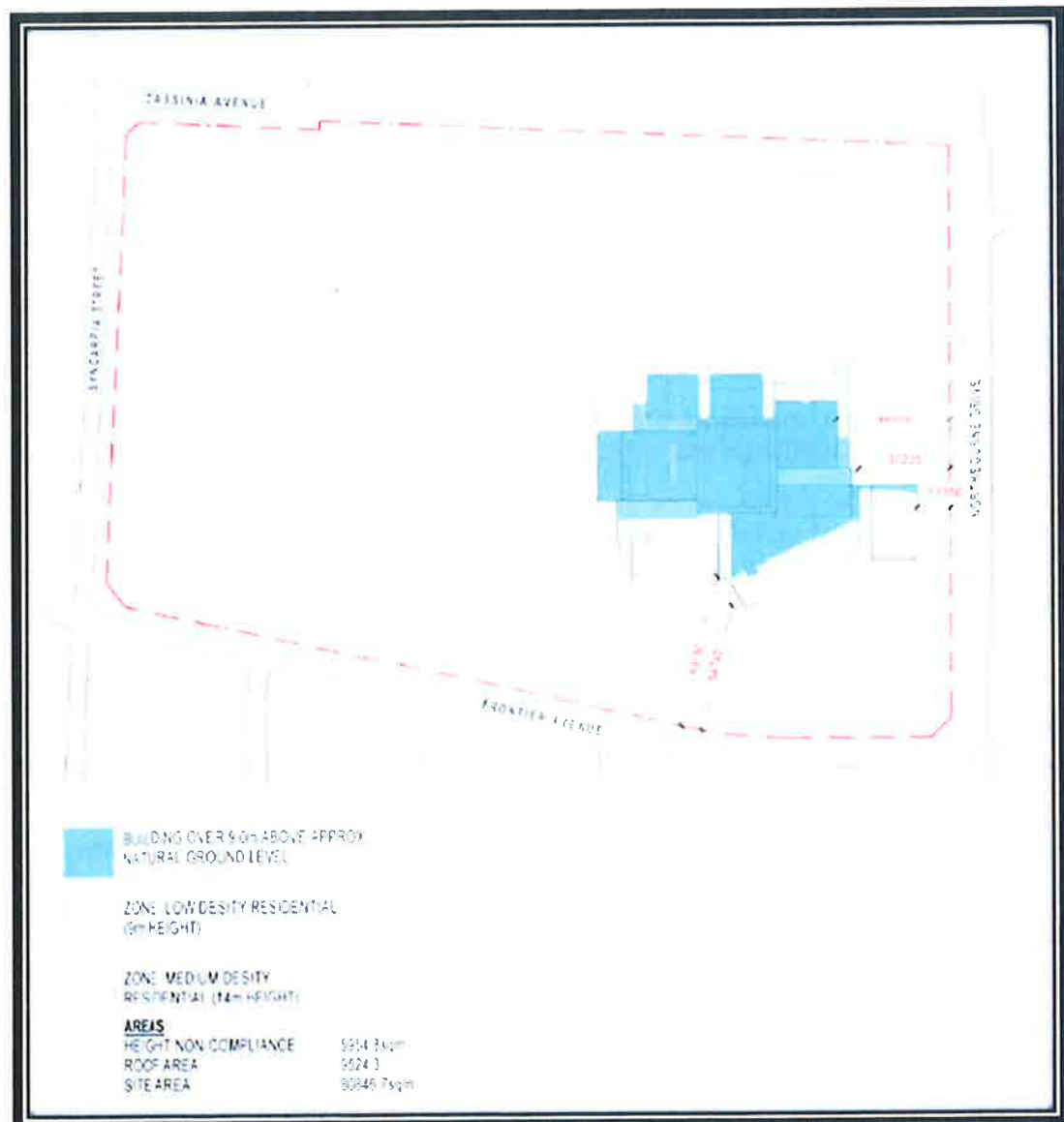


Figure 6. Proposed non-compliance with height of building (Robinson Urban Planning, 2015)

The Land and Environment Court has established the following 'five part test' for a consent authority to take into consideration when deciding whether to grant concurrence to a variation to a development standard:

1. The objectives of the standard are achieved notwithstanding non-compliance with the standard

The objectives of Clause 4.3 Height of buildings are as follows:

- (a) *to establish the maximum height of buildings,*
- (b) *to minimise visual impact and protect the amenity of adjoining development and land in terms of solar access to buildings and open space,*
- (c) *to facilitate higher density development in and around commercial centres and major transport routes.*

The proposal is considered to meet the objectives of the zone, as it is for a non-residential use and is in close proximity to open space and commercial areas. Whilst portions of the development exceed the height limit by between 1.3 m and 5.6 m, the visual impact is considered satisfactory as the proposal has been architecturally designed. Further, a minimum setback of 13.35 m is provided to Northbourne Drive and 54.74 m to Frontier Avenue, which exceeds the minimum setback requirements. The design of the development ensures that there is no overshadowing impact or amenity loss on adjoining housing or open space.

2. The underlying objective or purpose of the standard is not relevant to the development and therefore compliance is unnecessary

The purpose of the standard is considered to be most relevant to residential development. As the proposal is for an educational establishment, variation from the development standard is not considered unreasonable.

3. The underlying object or purpose would be defeated or thwarted if compliance was required and therefore compliance is unreasonable

The purpose of the development standard would not be defeated if compliance was required. However, 100% compliance is considered unreasonable as the variation is acceptable based on merit.

4. The development standard has been virtually abandoned or destroyed by the council's own actions in granting consents departing from the standard and hence compliance with the standard is unnecessary and unreasonable

The development standard has not been previously varied for an educational establishment in the locality.

5. Compliance with the development standard is unreasonable or inappropriate due to existing use of land and current environmental character of the particular parcel of land. That is, the particular parcel of land should not have been included in the zone

The development is a vacant site. Full compliance with the development control would be able to be achieved, but the variations are considered satisfactory given the nature of the proposed use. In addition, compliance with the 9 m height limit is unreasonable and unnecessary as the Infrastructure SEPP provides for the erection of new buildings on existing educational establishment sites with a height limit of 12 m and a setback of 5 m as complying

development. Therefore, the development standard would similarly not be met if this was an existing school site.

(b) Cut and fill

The Growth Centres DCP identified a maximum cut and fill limit of 500 mm. Total earthworks is equivalent to 12,122 m³ of cut and 14,522 m³ of fill. The extent of cut and fill works is considered acceptable given the size of the subject site. Further, the earthworks have been designed to achieve a relative balance of cut and fill quantities and provide pedestrian flow throughout the site and meet accessibility requirements. There are no retaining walls proposed by the development, instead battered slopes are proposed around the site, which also is beneficial from an acoustic perspective. A **condition** will be imposed requiring importation of certified clean fill to make up the 2,400 m³ shortfall (**condition 9.11.1**).

(c) Hours of operation

Control 14 of 4.4.3 Educational Establishments and Places of Worship identifies that the general hours of operation for educational establishments are between 7 am and 9 pm. Despite this, Control 15 states that variation to the approved hours of operation may be approved subject to other requirements of a merit assessment.

The development proposes the following hours of operation:

- (a) Early Learning Centre (before school care): 6 am – 8 am, Monday to Friday
- (b) Educational establishment: 8 am – 5 pm, Monday to Friday
- (c) Adult education classes: 5 pm – 10 pm, Monday to Friday (2 times a week only)
- (d) Occasional weekend use for school related purposes.

The variation in hours is considered acceptable as the applicant has submitted a Noise Impact Assessment, which is outlined in Section 5 of this report. Even with the extended hours of operation, the development complies with the NSW Industrial Noise Policy. This includes the use of the carpark and exiting of vehicles before and after the various hours of operation. In addition, the 6 am opening of the early learning centre provides flexibility for parents as a before school caring facility. There is no proposed after hours use of the playing fields and no lighting of these areas. **Conditions** will be imposed on any consent requiring compliance with the above hours and the uses outlined within the submitted Statement of Environmental Effects (**conditions 12.2.5 and 12.4.1**).

- (d) The DA precedes the adoption of a Section 94 Contributions Plan for the Marsden Park Precinct. However, the applicant has submitted a letter of offer to enter into a VPA in lieu of the payment of contributions. In accordance with the EP & A Act, a VPA must be exhibited for 28 days. In addition, the VPA is required to be reported to Council. Council's Co-ordinator Contributions has agreed to impose a deferred commencement condition that states that the consent will not operate until the VPA is executed by both parties (**condition 1.1**).

10. Public comment

10.1 The DA was notified to adjoining and nearby property owners and occupants for a period of 14 days from 1 to 15 December 2015. An advertisement was also placed in the local newspaper and a notification sign erected on site.

10.2 In response to the public notification, **no submissions were received**.

11. Concluding comments

- 11.1 The proposal is consistent with the objectives of State Environmental Planning Policy (Sydney Region Growth Centres) 2006, with the exception of variations to building height. The proposal complies with the provisions set out in State Environmental Planning Policy (Infrastructure) 2007. The DA meets the requirements of the Blacktown City Council Growth Centre Precincts Development Control Plan 2010. The proposal is considered satisfactory with regard to relevant matters such as built form, access, setbacks, noise, stormwater drainage, site contamination and salinity, subject to the imposition of suitable conditions of consent to satisfactorily control the development.
- 11.2 The proposed variations to building height are considered acceptable given the unique nature of the use and its setting.

12. Recommendation

- 12.1 The Development Application be approved by the Sydney West Joint Regional Planning Panel subject to the conditions held at **Attachment 1**.



Melissa Parnis
Assistant Team Leader Projects



Judith Portelli
Manager Development Assessment



Glennys James
Director Design and Development

**PART 1 – “Deferred Commencement” Conditions under
Section 80 (3) of the Environmental Planning and Assessment Act
1979**

1 DEFERRED COMMENCEMENT MATTERS

- 1.1 Pursuant to Section 80(3) of the Environmental Planning and Assessment Act 1979, this consent is not to operate until the planning agreement the subject of the offer made by the applicant to the Council by letter dated 18 July 2016 has been agreed with Council, executed by the applicant and delivered to the Council.
- 1.2 All of the requirements listed in the above condition must be completed within 60 months of the date of this "Deferred Commencement" consent. Should these matters not be completed to Council's satisfaction within this time period, this "Deferred Commencement" consent will lapse.

PART 2 – General Conditions

2 ADVISORY NOTES

2.1 Terminology

- 2.1.1 Any reference in this document to a "consent" means a "development consent" defined in the Environmental Planning and Assessment Act 1979.
- 2.1.2 Any reference in this consent to a Construction, Compliance, Occupation or Subdivision Certificate is a reference to a certificate as defined by Section 109C of the Environmental Planning and Assessment Act 1979.

2.2 Scope of Consent

- 2.2.1 This consent in no way pre-empts the approval of other uses on the site. Development consent is required for other uses and buildings, including the place of public worship.

2.3 Other Approvals

- 2.3.1 A separate valid Construction Certificate shall be issued prior to commencement of any construction works.
- 2.3.2 The applicant's attention is drawn to the need to obtain separate appropriate approval for any ancillary development not approved by this consent, including:
- (a) the removal of any tree(s) not indicated on the approved plans and any tree(s) located greater than 3 metres from the building perimeter, and
 - (b) any fence, retaining wall, land excavation or filling, advertising structure or other development not being exempt development, and

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- (c) demolition of any existing buildings and associated structures in accordance with the requirements of the State Environmental Planning Policy (Exempt and Complying Development Codes) 2008, and
- (d) the installation of a vehicular footway crossing servicing the development.

2.3.3 This consent does not authorise the encroachment or overhang of any building or structure over or within any easement.

2.4 Services

2.4.1 The applicant is advised to consult with:

- (a) Sydney Water Corporation Limited
- (b) Energy provider
- (c) Natural Gas Company
- (d) The relevant local telecommunications carrier

regarding any requirements for the provision of services to the development and the location of existing services that may be affected by proposed works, either on the land or on the adjacent public road(s).

All approved building construction plans attached to the Construction Certificate should be submitted to and stamped by a Sydney Water Corporation Limited Customer Centre or a Sydney Water Quick Check Agent as an indication that the proposal complies with the Sydney Water requirements. Sydney Water may also require the applicant to obtain a Trade Waste Approval as part of the operation of the approved development. Enquiries should be made to ascertain the Sydney Water requirements for the eventual operation of the approved use.

2.4.2 Underground assets may exist in the area that is subject to your application. In the interests of health, safety, and in order to protect damage to third party assets, please contact Dial Before You Dig at www.1100.com.au or telephone on 1100 before excavating or erecting structures (this is the law in NSW). If alterations are required to the configuration, size, form or design of the development upon contacting the Dial Before You Dig service, an amendment to the development consent (or a new development application) may be necessary. Individuals owe asset holders a duty of care that must be observed when working in the vicinity of plant or assets. It is the individual's responsibility to anticipate and request the nominal location of plant or assets on the relevant property via contacting the Dial Before You Dig service in advance of any construction or planning activities.

2.4.3 Telstra (and its authorised contractors) are the only companies that are permitted to conduct works on Telstra's network and assets. Any person interfering with a facility or installation owned by Telstra is committing an offence under the Criminal Code Act 1995 (Cth) and is liable for prosecution. Furthermore, damage to Telstra's infrastructure may result in interruption to the provision of essential services and significant costs. If you are aware of any works or proposed works which may affect

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or impact on Telstra's assets in any way, you are required to contact: Telstra's Network Integrity Team on phone number: 1800 810 443.

2.5 Identification Survey

- 2.5.1 The applicant is advised to obtain an identification survey from a registered surveyor to ascertain the correct location of the property boundaries, and to ensure the development does not encroach upon adjoining properties.

3 GENERAL

3.1 Scope of Consent

- 3.1.1 This consent relates to the following drawings/details submitted to Council with the Development Application, subject to compliance with any other conditions of this consent:

Drawing No.	Dated	Council's File Enclosure No.
Site Plan* DA.002 Rev. B	25.02.2016	29C
Level 1 Plan DA.003 Rev A	23.09.2015	1D
Level 2 Plan DA.004 Rev. A	23.09.2015	1E
Level 3 Plan DA.005 Rev. A	23.09.2015	1F
Roof Plan DA.006 Rev. A	23.09.2015	1G
Elevations DA.007 Rev. A	23.09.2015	1H
Sections DA.008 Rev. A	23.09.2015	1I
Sections DA.009 Rev. A	23.09.2015	1J
External Finishes DA.012 Rev. A	23.09.2015	1M
Landscape Masterplan LDA-01 to LDA- 07 Rev. A	06.10.2015	1AA to 1GG
Indicative Staging Plan DA.016 Issue B	11.08.2016	43D

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* Note: The scope of this consent is for the above approved works only. This consent does not pre-empt any approval for a future place of public worship, high support needs or multi-purpose areas which will require separate development consent.

3.1.2 This consent endorses the development to be constructed in stages in accordance with the approved staging plan. In this regard, the conditions of this consent are applicable to the relevant stage and supporting external works, including car parking and landscaping works. Areas not in use as part of the relevant stage are to be suitably fenced and cordoned off from access.

3.1.3 The pick-up and drop-off facility within the southern car park is to be constructed as part of Stage 3a or when the primary and secondary school student numbers exceed 870 students, whichever occurs first.

3.2 Services

3.2.1 Low voltage electricity and telecommunications services for the approved development shall be reticulated underground.

3.3 Suburb Name

3.3.1 The land the subject of this consent is known to be located in the following suburb. This suburb name shall be used for all correspondence and property transactions:

Suburb: MARSDEN PARK

3.4 Engineering Matters

3.4.1 Definitions

3.4.1.1 Where this consent requires both engineering and building works to be undertaken, a separate Construction Certificate may be issued for each category of works i.e. a separate construction Certificate for the Engineering works nominated in "Prior to Construction Certificate (Engineering)" and a separate Construction Certificate (for all building works relating to the erection and fit-out of a structure). This excludes all works on existing public roads significant enough to warrant separate engineering approval pursuant to the Road Act 1993. In relation to this consent, an engineering approval pursuant to the Road Act, 1993 or Section 68 of the Local Government Act must be issued for Frontier Avenue and Northbourne Drive, Marsden Park. prior to the issue of the Construction Certificate.

In lieu of issuing a separate Construction Certificate, the above-mentioned engineering works can be included on an overall Construction Certificate provided that SPECIFIC REFERENCE is made to the relevant Engineering works. In such instances, the certifier shall provide evidence that they are accredited to do so. This is not applicable where Roads Act or Local Government Act Approvals are required.

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Council does not permit the private certification of works on existing public roads or reserves, or any land under the care and control of Council. In this regard Council will not accept a Construction or Compliance Certificate from a Private Certifier for any works on Frontier Avenue and Northbourne Drive, Marsden Park.

3.4.1.2 Any Construction Certificate issued in relation to this consent shall incorporate and address the design of those works required by Scope of Engineering Works and other sections of this consent which do not require separate Roads Act 1993 or Local Government Act 1993 approval and any ancillary works necessary to make the construction effective. All works on existing public roads require separate engineering approval pursuant to the Roads Act 1993.

3.4.1.3 The Construction Certificate for Engineering works may be issued by Council or by an appropriately qualified certifier. For Council to issue the Construction Certificate a separate application must be made on the prescribed form complete with detailed plans and specifications. You are further advised that Council does not permit the private certification of works on existing public roads or reserves Council property or any property under the care and control of Council. In this regard Council will not accept a Construction or Compliance Certificate from a Private Certifier for any works on Frontier Avenue and Northbourne Drive, Marsden Park

3.4.1.4 Prior to the issue of any Construction Certificate for the approved development it is necessary to obtain the separate approval of Council pursuant to the Roads Act 1993 for all relevant civil works on existing public roads as nominated in "Prior to Construction Certificate (Engineering)" and/or "Scope of Engineering Works and other sections of this consent " The application for this Engineering Approval must be made on the prescribed form and is to include detailed design plans and specifications prepared by a Chartered Professional Engineer or suitably experienced Registered Surveyor.

3.4.2 Design and Works Specification

3.4.2.1 All engineering works required by Scope of Engineering Works and other sections of this consent must be designed and undertaken in accordance with the relevant aspects of the following documents except as otherwise authorised by this consent:

- (a) Blacktown City Council's Works Specification - Civil (Current Version)
- (b) Blacktown City Council's Engineering Guide for Development (Current Version)
- (c) Blacktown City Council Development Control Plan (Current Version) including Part R – Water Sensitive Urban Design and Integrated Water Cycle Management
- (d) Blacktown City Council Soil Erosion and Sediment Control Policy (Current Version)

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(e) Blacktown City Council On Site Detention General Guidelines and Checklist

Design plans, calculations and other supporting documentations prepared in accordance with the above requirements **MUST** be submitted to Council with any application for Construction Certificate, Road Act 1993 or Local Government Act 1993 Approval.

Any Construction Certificates issued by Private Certifiers must also be accompanied by the above documentations.

NOTE: Any variations from these design requirements must be separately approved by Council.

3.4.3 Payment of Engineering Fees

- 3.4.3.1 If it is the applicant's intention to engage Council to undertake the checking of the engineering design plans and the issue of the Construction Certificate for the engineering works nominated in the "Prior to Construction Certificate (Engineering)" section, it will be necessary to submit the relevant engineering plans to obtain a quote for this service.

A verbal quote will be provided within 48 hours based upon Council's Goods and Services Pricing Schedule. This will also be confirmed in writing.

- 3.4.3.2 If it is the applicant's intention to engage Council to undertake Construction inspections and the issue of the Compliance Certificate for engineering works, it will be necessary to contact Council's Development Services Engineer for a quote.

A verbal quote will be provided within 48 hours based upon Council's Goods and Services Pricing Schedule. This will also be confirmed in writing.

3.4.4 Other Fee and Bond/Securities

- 3.4.4.1 The payment of the following fee to Council's Maintenance Section pursuant to Sections 608 and 609 of the Local Government Act 1993. The fee is subject to periodic review and may vary at actual time of payment.

(a) Vehicular Crossing Application and Inspection Fee: \$135.00 per crossing.

NOTE: This amount is valid until the 30th June 2015 after which time it will be reviewed in accordance with Council's Goods and Services Pricing Schedule.

NOTE: Council may grant a reduction in the above fee dependent upon the timing of the placement of the footpath crossings.

3.4.5 Other Necessary Approvals

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- 3.4.5.1 A separate application or details (as necessary) shall be submitted for the separate approval of Council under the provisions of the Local Government Act 1993 and/or the Roads Act 1993 for any of the following (a) The installation of a vehicular footway crossing servicing the development as required by "Scope of Engineering Works and other sections of this consent" (b) Works on or occupation of existing public roads - that are not covered by a Roads Act Approval - which may require a Road Occupancy Licence or Work Zone Permit.

3.5 Other Matters

- 3.5.1 No construction preparatory work (including tree or vegetation removal, ground clearing, excavation, filling, and the like) shall be undertaken on the land prior to a valid Construction Certificate being issued for the construction works.
- 3.5.2 Any future substation or other utility installation required to service the approved subdivision/development shall not under any circumstances be sited on future or existing Council land, including road reservations and/or public reserves. Any proposal to locate a proposed substation or other utility installation on Council land shall be negotiated with and fully endorsed by the relevant Council Directorates.
- 3.5.3 In accordance with Clause 32 of the State Environmental Planning Policy (Infrastructure) 2007, the following School Standards are to be complied with:
- (a) *School Facilities Standards—Landscape Standard—(current version)*
 - (b) *Schools Facilities Standards—Design Standard (current version)*
 - (c) *Schools Facilities Standards—Specification Standard (current version)*

4 PRIOR TO CONSTRUCTION CERTIFICATE (GENERAL)

4.1 DA Plan Consistency

- 4.1.1 A Construction Certificate for the proposed development shall only be issued when the accompanying plans, specifications and/or details are consistent with the approved Development Application design plans.

4.2 Road Deposit/Bond

- 4.2.1 The following current fee and bond (which is subject to periodic review and may vary at time of payment) shall be lodged with Council:
- (a) Road inspection fee of \$174.00;
 - (b) Road maintenance bond of \$5000.00; and
 - (c) Road maintenance bond administration fee of \$104.

The bond is required to cover the cost of any damage to Council's public assets (eg: road, guttering, footpaths, drainage systems) arising from development works. The bond (less an administration fee) will be refunded upon the completion of the development should there be no damage to Council's assets as a result of the development works.

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The road inspection fee covers Council's costs to inspect public assets adjacent to the development site before and after development work.

4.3 DCP 2010

- 4.3.1 Except as otherwise approved, the design plans which accompany the Construction Certificate shall comply with the design criteria specified in Blacktown City Council Growth Centre Precincts Development Control Plan 2010.

4.4 Services/Utilities

- 4.4.1 The following documentary evidence shall accompany any Construction Certificate:

- (a) A "Notification of Arrangement" Certificate from energy provider, or any other recognised energy provider, stating that electrical services, including the provision of street lighting, have been made available to the development.

4.5 Line marking and Signposting of Public Roads

- 4.5.1 School Zones must be installed along all roads with a direct access point (either pedestrian or vehicular) from the school. School Zones must not be provided along roads adjacent to the school without a direct access point. 40km/hr School Zones are therefore to be installed in Northbourne Avenue and Frontier Avenue.
- 4.5.2 Any parking, drop-off and pick-up zones and bus zones incorporated in the school zone shall be in accordance with Roads and Maritime Services (RMS) standards.
- 4.5.3 The Developer must obtain written authorisation from RMS to install the School Zone signs and associated pavement markings.

To obtain authorisation, the Developer must submit the following for review and approval by RMS, at least 8 weeks prior to student occupation of the site:

- (a) A copy of Conditions of Development Consent.
- (b) The proposed school commencement/opening date.
- (c) Two sets of detailed design plans showing the following:
- i. School property boundaries
 - ii. All adjacent road carriageways to the school property
 - iii. All proposed school access points to the public road network and any conditions imposed/proposed on their use
 - iv. All existing and proposed pedestrian crossing facilities on the adjacent

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road network

- v. All existing and proposed traffic control devices and pavement markings on the adjacent road network (including School Zone signs and pavement markings).
- vi. All existing and proposed street furniture and street trees.

- 4.5.4 All School Zone signs and associated pavement markings must be installed prior to student occupation of the site.
- 4.5.5 School Zones signs and associated pavement markings must be installed in accordance with RMS's approval/authorisation, guidelines and specifications.
- 4.5.6 The Developer must maintain records of all dates in relation to installing/altering/removing traffic control devices related to speed.
- 4.5.7 Following installation of all School Zone signs and pavement markings the Developer must arrange an inspection with RMS for formal handover of the assets to RMS. The installation date information must also be provided to RMS at the same time.

Note: Until the assets are formally handed-over and accepted by RMS, RMS takes no responsibility for the School Zones/assets.

4.6 Special Infrastructure Contribution – Western Sydney Growth Areas

- 4.6.1 A Special Infrastructure Contribution is to be made in accordance with the Environmental Planning and Assessment (Special Infrastructure Contribution – Western Sydney Growth Areas) Determination 2011 (as in force when this consent becomes operative).

More information

Information about the special infrastructure contribution can be found on the Department of Planning's website:

<http://www.planning.nsw.gov.au/PlanningSystem/DevelopmentContributionsSystem/tabid/75/language/en-US/Default.aspx>

4.7 Voluntary Planning Agreement

- 4.7.1 A Construction Certificate must not be issued unless the requirements of the planning agreement entered into by the applicant and Council to satisfy the deferred commencement condition 1.1 of this consent have been complied with to the satisfaction of Council's Contribution Coordinator, Section 94 Officer or an officer of the Council acting in those positions.

4.8 Drop-off/ pick up zone

These conditions are imposed for the following reasons:

- (a) To ensure compliance with the terms of the relevant Environmental Planning Instruments and/or the Building Code of Australia and/or Council's codes, policies and specifications.
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- 4.8.1 Prior to the release of a Stage 1 construction certificate, a Plan of Management for the on-site drop-off and pick-up arrangement to be constructed in the northern car park, including any traffic control devices or staffing requirements, is to be submitted to Council for separate approval.

5 PRIOR TO CONSTRUCTION CERTIFICATE (PLANNING)

5.1 Aesthetics/Landscaping

- 5.1.1 The reflectivity index of glass used in the external facade of the building is not to exceed 20 percent.
- 5.1.2 Any bathroom or w.c. in the external wall of the building shall be fitted with translucent glazing.
- 5.1.3 Landscaping is to be provided in accordance with the approved landscaping plan. Landscaping may be provided in staging, as approved by the staging plan endorsed by condition 3.1.1 of this consent.

5.2 Access/Parking

- 5.2.1 The internal driveway and parking areas are to be designed in accordance with Australian Standard 2890.1.
- 5.2.2 Car parking is to be provided in stages in accordance with the approved staging plan. A total of 244 car parking spaces are to be provided on site designed having minimum internal clear dimensions in accordance with Australian Standard 2890.1 as follows:
- Car Space: 2.5m x 5.4m
- 5.2.3 All internal roads and other paved areas shall be designed to provide continuous surface drainage flow paths to approved points of discharge.
- 5.2.4 Access to and parking for persons with disabilities shall be designed in accordance with Australian Standard 2890.6.
- 5.2.5 Appropriate signposting and line-marking of the on-site pick up and drop off is to be provided.

6 PRIOR TO CONSTRUCTION CERTIFICATE (BUILDING)

6.1 Building Code of Australia Compliance

- 6.1.1 All aspects of the building design shall comply with the applicable performance requirements of the Building Code of Australia so as to achieve and maintain acceptable standards of structural sufficiency, safety (including fire safety), health

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and amenity for the ongoing benefit of the community. Compliance with the performance requirements can only be achieved by :

- (a) Complying with the deemed to satisfy provisions, or
- (b) Formulating an alternative solution which :
 - (i) complies with the performance requirements, or
 - (ii) is shown to be at least equivalent to the deemed to satisfy provision, or
 - (iii) A combination of (a) and (b).

6.1.2 A preliminary assessment of the plans submitted with the application has disclosed that the following design and/or construction issues need to be addressed prior to the issue of any Construction Certificate to ensure compliance with the Building Code of Australia:

- (a) Part D
- (b) Part E
- (c) Part F

6.2 Fire Services

6.2.1 Where any external on-site fire hydrant or hydrant booster assembly is to be located within any building setback from a boundary, the hydrant or booster assembly shall be located or protected in accordance with the requirements of AS 2419.1.

7 PRIOR TO CONSTRUCTION CERTIFICATE (ENGINEERING)

7.1 Compliance with Conditions

7.1.1 All conditions in the "Prior to Construction Certificate (Engineering)" Section and the relevant conditions in the "General" Section of this consent, must be complied with prior to the issue of any Construction certificates.

7.1.2 All fees for Construction and Compliance Certificates, Roads Act 1993 and Local government Act 1993 approvals must be paid to Council prior to the issue of any of the above certificates or approvals.

7.2 Road-works

7.2.1 A Traffic Management / Control Plan shall be included as part of the Roads Act Approval for road and drainage works to be carried out within public road reserves in strict compliance with the requirements of current Australian Standard 1742.3 (Traffic Control Devices for Works on Roads) and current RTA Traffic Control at Work Sites manual. Any persons preparing such traffic control layout plans shall be RTA accredited.

These conditions are imposed for the following reasons:

- (a) To ensure compliance with the terms of the relevant Environmental Planning Instruments and/or the Building Code of Australia and/or Council's codes, policies and specifications.
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- 7.2.2 A Road Opening Occupancy Licence is required from the relevant Road Authorities (Council or RTA) for all works on existing public roads. The application for this licence must be accompanied by a Traffic Management / Control plans.

7.3 Erosion and Sediment Control

- 7.3.1 Soil erosion and sediment control measures for road, drainage, On Site Stormwater Detention and earth works shall be designed in accordance with Council's Soil Erosion and Sediment Control Policy and Engineering Guide for Development. Details are to be included with the plans and specifications to accompany any Construction Certificate.

7.4 Pedestrian crossings

- 7.4.1 Proposed pedestrian crossings are to be approved by the Local Traffic Committee and an approval under the Roads Act 1993 must be issued for all pedestrian crossings prior to the issuing of any construction certificate. Any and all conditions set by the Local Traffic Committee and Roads and Maritime Services must be met.

7.5 Compaction Requirements

- 7.5.1 Special attention is drawn to the following requirements of Council's current Works Specification – Civil.

- (i) The submission of 2 contour lot fill diagrams and lot fill compaction certificates. A Restriction as to User with Council's standard wording must be placed on filled lots.

7.6 Asset Management

- 7.6.1 A detailed estimate of the cost of civil engineering work must be submitted to Council prior to the issue of the Construction Certificate for engineering works. If engineering works are of a value greater than \$25,000; documentary proof of payment of the levy required by the Building and Construction Industry Long Service Payments Act must be provided to Council prior to any approval of engineering plans either by Council or an appropriately accredited certifier.

7.7 Ancillary Works

- 7.7.1 Ancillary works shall be undertaken at no cost to Council to make the engineering works required by this consent effective. Such works shall include but are not limited to the following:

- (a) the relocation of underground services where required by the positioning of new drainage and road infrastructure.
(b) the relocation of above ground power and telephone services.
(c) the matching of new infrastructure into existing or future designed infrastructure.

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7.8 Street Furniture

- 7.8.1 A notation is to be placed on the Engineering Construction Plans "that all light poles street name poles and bus shelters in this subdivision will be black powder coated to the satisfaction of Blacktown City Council. Further that these light poles will comply with Council's specifications".

7.9 Scope of Engineering Works

The following scope of works shall be included in the design documentation accompanying the Construction Certificate for engineering works:

7.9.1 Road and Drainage works

- 7.9.1.1 Overland flows must be intercepted at the property boundary, conveyed through the site in a piped or channelled drainage system to match or set local condition, and discharged in a satisfactory manner.
- 7.9.1.2 Drainage from the site must be connected into Council's existing drainage system.
- 7.9.1.3 Any drainage currently entering the site is to be collected and conveyed in an approved manner to the nearest appropriate point of discharge.

7.9.2 Vehicular Crossings

- 7.9.2.1 Construction of Council's standard commercial and industrial vehicular footway crossing(s) at the property boundary in accordance with Council plan A(BS)103S.

Nominated Crossings: All vehicular crossings

7.9.3 Filling of Land

- 7.9.3.1 Batters are not to exceed a grade or slope of 5 metres horizontal to 1 metre vertical. These are to have topsoil placed on them and vegetated to ensure control of sediment and erosion. No filling including fill batters are to be placed on the drainage reserve area. The fill batters are to be suitably designed to protect them from erosion from the channel.

7.9.4 Footpaths

- 7.9.4.1 The footway area being fully turfed in an appropriate manner to be free draining to the street and of neat appearance.

7.9.5 Finished Boundary Levels

- 7.9.5.1 Finished levels of all internal works at the road boundary of the property must be:

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(a) 4% above the top of the kerb.

7.9.6 Stormwater Quality Control

7.9.6.1 Stormwater Treatment Measures for the proposed development shall be designed in accordance with the requirements of Blacktown Council's DCP Part J – Water Sensitive Urban Design and Integrated Water Cycle Management. Details are to be included with the plans and specifications accompanying any Construction Certificate application.

This plan is considered sufficient in detail for the purpose of issuing consent, the final plan however will need to vary from this concept as follows:

- i. Ensure MUSIC parameters match details on plans (Including but not limited to: Filter media depths)
- ii. Vegetation type for vegetated swales are to be shown on plan and in accordance with Council Guidelines and requirements

Nominated Plan: Plan Set 157810_DA, Rev 01

7.9.6.2 A Maintenance Schedule must be provided for the stormwater treatment measures in accordance with the requirements of Blacktown Council's DCP Part R – Water Sensitive Urban Design and Integrated Water Cycle Management. The designer of the stormwater treatment measures must prepare the Maintenance Schedule and this schedule must show the designer's name, signature and date on it.

8 PRIOR TO CONSTRUCTION CERTIFICATE (ENVIRONMENTAL HEALTH)

8.1 Food Premises

8.1.1 Plans and specifications submitted for issue of a Construction Certificate shall demonstrate compliance with the requirements of;

- o Food Act 2003 and Regulations there under.
- o Australian Standard 4674-2004 *Design, construction and fit-out of food premises*.

8.2 Environmental Management Plan

8.2.1 Prior to the commencement of works, an appropriately qualified person is to submit an comprehensive Environmental Management Plan (EMP) for review and subsequent approval.

The operational measures should include but not be limited to:

- i. proposed schedule of works
- ii. proposed hours of work

These conditions are imposed for the following reasons:

- (a) To ensure compliance with the terms of the relevant Environmental Planning Instruments and/or the Building Code of Australia and/or Council's codes, policies and specifications.
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- iii. noise and vibration controls
 - location of noise sensitive receivers nearest to the site
 - the predicted level of noise likely to affect the nearest noise sensitive receivers
 - list plant and equipment to be used on site including the level of sound mitigation to be undertaken in each case
 - statement outlining whether or not predicted noise levels will comply with the noise criteria outlined in the NSW Industrial Noise Policy
 - where resultant site noise levels are likely to exceed the noise criteria, a proposal is to be submitted outlining the duration and frequency of respite periods afforded to the occupiers of neighbouring property
 - community complaints response and management procedure outlining the course of action to be undertaken following receipt of a complaint concerning offensive noise
- iv. Erosion and Sedimentation Control Strategy
Refer: *Landcom's Managing Urban Stormwater Soils and Construction, 4th Ed*
- v. Site Remediation Plan
This plan must include how the proponent will be assessing, classifying and managing waste uncovered onsite taking into consideration the "Waste Classification Guidelines Part 1: Classifying Waste" (DECCW , Dec'09) and how the waste will be disposed of either on-site or off-site.
- vi. Asbestos Removal strategy satisfying the provisions of the *Protection of the Environment Operations (Waste) Regulation 2005*. Any asbestos material is to be handled and treated in accordance with the WorkCover document "Your Guide to Working With Asbestos - Safety guidelines and requirements for work involving asbestos" (March 2008).
- vii. Dust Control Strategy noting that any stockpiled soil is to be stored on plastic sheeting in an area that is securely bunded with a silt fence and hay bales to prevent surface-water run-off. Plastic sheeting must be placed over the stockpile to minimise wind-blown dust.
- viii. Procedures for validation of imported fill material and the proposed means of disposing overburden. Where Virgin Excavated Natural Material is required, the site demolition and construction contractor must provide certification of the source of the material. The suitability of the Material is to be assessed in accordance with the NSW EPA (2012) *Excavated Natural Material Exemption* prior to being imported to site.

9 PRIOR TO DEVELOPMENT WORKS

9.1 Safety/Health/Amenity

- 9.1.1 Toilet facilities shall be provided on the land at the rate of 1 toilet for every 20 persons or part thereof employed at the site.

These conditions are imposed for the following reasons:

- (a) To ensure compliance with the terms of the relevant Environmental Planning Instruments and/or the Building Code of Australia and/or Council's codes, policies and specifications.
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Each toilet provided shall be:

- (a) a standard flushing toilet, or
- (b) a temporary on-site toilet which is regularly maintained and the waste disposed to an approved sewerage management facility.

9.1.2 A sign is to be erected and maintained in a prominent position on the site in accordance with Clause 98 A (2) of the Environmental Planning and Assessment Regulations 2000 indicating:

- (a) the name, address and telephone number of the principal certifying authority for the work, and
- (b) the name of the principal contractor (if any) for the building work and a telephone number on which that person may be contacted outside working hours, and
- (c) stating that unauthorised entry to the work site is prohibited.

This condition does not apply to:

- (a) building work carried out inside an existing building, or
- (b) building work carried out on premises that are to be occupied continuously (both during and outside working hours) while the work is being carried out.

9.1.3 Soil erosion and sediment control measures shall be provided in accordance with Council's Soil Erosion and Sediment Control Policy.

9.1.4 All soil erosion and sedimentation control measures indicated in the documentation accompanying the Construction Certificate shall be installed prior to the commencement of development works.

9.2 Notification to Council

9.2.1 The person having the benefit of this consent shall, at least 2 days prior to work commencing on site, submit to Council a notice under Clauses 135 and 136 of the Environmental Planning and Assessment Regulation 2000, indicating details of the appointed Principal Certifying Authority and the date construction work is proposed to commence.

9.2.2 At least five (5) full working days written notice must be given for the commencement of engineering works. Such notice must be accompanied by evidence of the contractors Public Liability and Workers Compensation Insurances. For Public Liability Insurance this should be a minimum amount of \$10,000,000.

9.3 Sydney Water Authorisation

9.3.1 Sydney Water Corporation's approval, in the form of appropriately stamped Construction Certificate plans, shall be obtained and furnished to the Principal Certifying Authority to verify that the development meets the Corporation's

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requirements concerning the relationship of the development to any water mains, sewers or stormwater channels.

OR

The approved plans are to be submitted to a Sydney Water Customer Centre or Quick Check Agent, to determine whether the development will affect Sydney Water's sewer and water mains, stormwater drains and/or easements and if further requirements need to be met. The plans must be appropriately stamped and all amended plans will require restamping. For Quick Check Agent details, please refer to the "Building Plumbing and Developing" Section of the website www.sydneywater.com.au, then follow the "Developing Your Land" link or telephone 13 20 92 for assistance.

10 DURING CONSTRUCTION (BUILDING)

10.1 Safety/Health/Amenity

10.1.1 The required toilet facilities shall be maintained on the land at the rate of 1 toilet for every 20 persons or part of 20 persons employed at the site.

10.1.2 A sign is to be erected and maintained in a prominent position on the site in accordance with Clause 98 A (2) of the Environmental Planning and Assessment Regulations 2000 indicating:

- (c) the name, address and telephone number of the principal certifying authority for the work, and
- (d) the name of the principal contractor (if any) for the building work and a telephone number on which that person may be contacted outside working hours, and
- (e) stating that unauthorised entry to the work site is prohibited.

10.1.3 Soil erosion and sediment control measures (including the connection of roofwater downpipes to stormwater drainage lines upon fixing of roof covering) shall be maintained during the development works.

10.1.4 Building and construction materials, plant, equipment and the like shall not be placed or stored at any time on Council's footpath, roadway or any public place.

10.2 Building Code of Australia Compliance

10.2.1 All building work shall be carried out in accordance with the provisions of the Building Code of Australia.

10.3 Nuisance Control

10.3.1 Any objectionable noise, dust, concussion, vibration or other emission from the development works shall not exceed the limit prescribed in the Protection of the

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Environment Operations Act 1997.

- 10.3.2 The hours of any offensive noise-generating development works shall be limited to between 7.00am to 6.00pm, Mondays to Fridays: 8.00am to 1pm, Saturdays; and no such work to be undertaken at any time on Sundays or public holidays.
- 10.3.3 Construction work on all buildings (except that on single dwelling houses and associated structures on the site of a single dwelling house) shall not occur on Saturdays and Sundays on weekends adjacent to a public holiday.

10.4 Waste Control

- 10.4.1 The waste material sorting, storage and re-use requirements of the approved Waste Management Plan and Council's Site Waste Management and Minimisation Development Control Plan shall be implemented during the course of development works.

10.5 Construction Inspections

- 10.5.1 The person having the benefit of this consent is required to notify the Principal Contractor for the building construction project that various mandatory and critical stage inspections must be conducted by an accredited certifier, and may include inspections (where applicable):

- (a) After excavation for, and prior to placement of, any footings; and
- (b) Prior to pouring any in-situ reinforced concrete building element; and
- (c) Prior to the covering of the framework for any floor, wall roof or other building element, and prior to covering waterproofing in any wet areas; and
- (d) Prior to covering waterproofing in any wet areas (but for a minimum of 10% of rooms with wet areas in any class 2,3 or 4 building); and
- (e) Prior to covering any stormwater drainage connections; and
- (f) After the building work has been completed and prior to any Occupation Certificate being issued in relation to the building.

The critical stage inspection "(f)" must be carried out by the Principal Certifying Authority.

Any inspection conducted by an accredited other than the nominated PCA for the project must be verified by way of a Compliance Certificate issued for the relevant works.

Note: Failure to ensure the relevant inspections are conducted will preclude the issue of an Occupation Certificate.

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10.6 Acoustic Measures

- 10.6.1 In accordance with the Noise Impact Assessment prepared by Rodney Stevens Acoustics (Report No. 150363R1 Rev. 4 dated 17 February 2016 and held at Enclosure 29B on Council File JRPP-15-2358), the noise control recommendations made for mitigating potential noise sources are to be incorporated into the detailed design, including assessment and recommendations for the mechanical plant equipment. Written evidence is to be provided to Council from an appropriately qualified acoustic consultant which states that the proposed measures will adequately achieve the required noise attenuation.

10.7 Waste Control

- 10.7.1 The waste material sorting, storage and re-use requirements of the approved Waste Management Plan and Council's Site Waste Management and Minimisation Development Control Plan shall be implemented during the course of development works.

10.8 Uncovering Archaeological Evidence

- 10.8.1 The applicant must inform Council if archaeological material or evidence of the potential for archaeological material is discovered during construction. The applicant must ensure that all work ceases and the nominated archaeologist must attend the site to assess the nature of the discovery and inform the Council of the evidence.

10.9 Aboriginal Archaeology

- 10.9.1 The applicant must ensure that, if any archaeological material indicating aboriginal occupation, ceremony or activity is uncovered during construction activities on any location within the proposed development, all works are to cease immediately and representatives of the Office of Environment and Heritage (National Parks and Wildlife Service) and a member of each of the Western Sydney Aboriginal Stakeholder Groups is to be contacted.

10.10 Site Contamination

- 10.10.1 Should any contaminated material be unearthed or fly-tipped rubbish be encountered during construction, all works are to cease immediately. In this situation, a Remediation Action Plan (RAP) is to be submitted to Council for further consideration and all potentially contaminated material is to be tested, removed or undergo remediation. In this regard, the environmental consultant engaged for this project is to be on site for regular monitoring of the approved site works.

10.11 Other Matters

- 10.11.1 Throughout the duration of the works, the applicant is to demonstrate compliance with the following approval parameters:

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- (a) The applicant is to ensure that validation for the entire subject site can be prepared by a suitably qualified environmental consultant in accordance with Council's Contamination Land Policy.
- (b) The applicant is to ensure that the site has been satisfactorily secured so as to prevent any unauthorised dumping of illegal fill/waste building materials (i.e. non-V.E.N.M soils) from entering onto the development site.
- (c) Appropriate dust suppression measures are to be incorporated into the site works process, so as to ensure that adjoining properties in the local vicinity are not negatively impacted upon by dust generated from the development site.
- (d) A maximum 2,400 m³ of imported fill is approved by this application. Any fill material imported to the site shall be certified at the source by a suitably qualified consultant as VENM fill material, non-slightly saline and non-aggressive to concrete or steel. If the importation of fill is undertaken under a specific EPA exemption, relevant details of the EPA exemption shall be forwarded to Council prior to the importation of fill to the site.

Should Council receive any complaints regarding non-compliance with any of the above matters or other such operational type matters, then Council will have no alternative but to fully investigate the complaint and pursue an appropriate course of action.

10.11.2 The development is to be constructed in accordance with the approved schedule of materials, finishes and colours (External Finishes Plan, drawing number DA.012 Revision A, dated 23.09.2015 and held at enclosure 1M on Council File JRPP-15-02358).

10.11.3 All landscaping is to be provided in accordance with the approved Landscape Masterplan prepared by Ground Ink (Drawing No. LDA-01 to LDA-07 Revision A dated 6.10.2015 and held at enclosures 1AA to 1FF on Council File JRPP-15-02358/A).

10.12 Environmental Health

10.12.1 Written evidence is to be provided to Council from an appropriately qualified acoustic consultant stating that the plant and equipment, particularly air conditioning condensers and any other plant or equipment, have been selected to meet the project noise criteria.

10.12.2 On completion of the installation of the ventilation system, a Compliance Certificate is to be submitted to Council certifying that the system has been installed and commissioned in accordance with the approved details.

10.12.3 The food preparation areas shall be constructed so as to comply with the

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requirements of;

- (a) The Food Act 2003 and Regulations there under.
- (b) Australian Standard 4674-2004 *Design, construction and fit-out of food premises.*
- (c) Australian Standard 1668.2-2002 *The use of ventilation and air conditioning in buildings – Ventilation design for indoor air contaminant control.*

11 DURING CONSTRUCTION (ENGINEERING)

11.1 Notice of work Commencement

11.1.1 At least 5 full working days written notice shall be given of the commencement of engineering works. Such notice shall be accompanied by evidence of the contractor's Public Liability and Workers Compensation Insurances. For Public Liability Insurance this should be a minimum of \$20,000,000.

11.1.2 A minimum of 5 working days written notice is to be provided to all occupiers of properties adjacent to any works approved by this consent and which is to be carried out on Council controlled lands such as roads, drainage reserves and parks. The written notice must contain details of the proposed works, a contact name and phone number and the proposed start and finish dates of the work. A copy of the notice is to also be provided to Councils Development Services Engineers.

11.2 Service Authority Approvals

11.2.1 Prior to commencement of construction of footway crossings a clearance shall be obtained from the relevant telecommunications carriers and Endeavour Energy that all necessary ducts have been provided under the proposed crossing.

11.3 Boundary Levels

11.3.1 Any construction at the property boundary, including fences and driveways shall not be carried out until alignment levels have been fixed.

11.4 Compaction Requirements

11.4.1 Land shall be filled where necessary. All fill including existing fill shall be compacted in accordance with the Council's "Works Specification - Civil (current version)". A compaction certificate shall be obtained from a Registered Engineer (NPER) verifying that the correct compaction requirements have been met.

11.4.2 Removal of any unsuitable soil and/or fill material and its replacement with suitable material compacted in accordance with the current version of Council's "Works Specification - Civil".

These conditions are imposed for the following reasons:

- (a) To ensure compliance with the terms of the relevant Environmental Planning Instruments and/or the Building Code of Australia and/or Council's codes, policies and specifications.
- (b) To ensure that no injury is caused to the amenity of the area, to other persons or to private and public property.
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11.4.3 Special attention is drawn to the following requirements of Council's Works Specification - Civil (Current Version):

- (a) Submission of compaction certificates for fill within road reserves.
- (b) Submission of compaction certificates for road sub-grade.
- (c) Submission of compaction certificates for road pavement materials (sub-base and base courses).
- (d) The submission of 2 contour lot fill diagrams and lot fill compaction certificates. A restriction as to User with Council's standard wording must be placed on filled lots.
- (e) Compliance Certificates from road material suppliers.

11.5 **Maintenance of Soil Erosion Measures**

- 11.5.1 Soil erosion and sediment control measures shall be implemented in accordance with Council's Soil Erosion and Sediment Control Policy.
- 11.5.2 Re-vegetation must be applied to disturbed areas as soon as practical after completion of earthworks and must be established prior to release of the maintenance security. All open drains must be turfed.
- 11.5.3 All required soil erosion and sediment control measures are to be maintained during the entire construction period until disturbed areas are restored by turfing paving or revegetation. Infringement Notices incurring a monetary penalty may be issued by Council where the maintenance of measures is inadequate.

11.6 **Filling of Land & Compaction**

- 11.6.1 Land shall be filled where necessary. All fill including existing fill must be compacted in accordance with the Council's "Works Specification - Civil (Current Version)". A compaction certificate is to be obtained from a practising Civil Engineer verifying that the correct compaction requirements have been met.
- 11.6.2 Removal of any unsuitable soil and/or fill material and its replacement with suitable material compacted in accordance with Council's "Works Specification - Civil (Current Version)".
- 11.6.3 Regular wetting down of the site must be undertaken during the course of works being carried out in order to control wind blown dust from the site.
- 11.6.4 Roads adjoining the site must be kept clean and free of all excavated /transportable spoil materials.
- 11.6.5 Trucks transporting fill must have their loads covered.

These conditions are imposed for the following reasons:

- (a) To ensure compliance with the terms of the relevant Environmental Planning Instruments and/or the Building Code of Australia and/or Council's codes, policies and specifications.
- (b) To ensure that no injury is caused to the amenity of the area, to other persons or to private and public property.
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- 11.6.6 Site filling and compaction is to be carried out under the supervision of a Chartered Geotechnical Engineer and shall be in accordance with Blacktown City Council's "Works Specification - Civil (Current Version)". Minimum standard compaction of 95% must be achieved and certified by a NATA registered soils lab and details submitted to Council.
- 11.6.7 Provisions of "Shaker Pads" and wash-down areas for trucks leaving the site details are to be shown on plans.
- 11.6.8 During the course of placement of filling the applicant shall undertake further testing for potential soil contamination. Validation of the imported fill material will be required.
- 11.6.9 All testing and validation of the fill material shall be undertaken by a suitably qualified environmental consultant in accordance with Council's Policy and Procedures for the determination of Rezoning Development and Building Applications involving Contaminated Land. A Remediation and Validation Report documenting the testing undertaken shall be submitted to Council for approval.
- 11.6.10 Should any remediation works be required documentary evidence prepared by a suitably qualified environmental consultant validating the site is to be submitted to Council for approval.
- 11.6.11 Only clean fill shall be deposited on site in accordance with Council's Works Specification - Civil (Current Version). Note: dry builder's waste i.e. bricks plaster and timber industrial waste or putrescible materials are not to be deposited on site.

11.7 Inspections of Works

- 11.7.1 Inspection Compliance Certificates issued by a Registered Engineer (NPER) or Registered Surveyor or Compliance Certificates issued by an accredited certifier, under Part A of Environmental Planning and Assessment Act 1979 as amended, are to be issued for works covered by the Construction Certificate for engineering works at the completion of the following mandatory inspection stages: -

(i) Soil Erosion and Sediment Control

- (a) Implementation of erosion and sediment control
- (b) Revegetation of disturbed areas
- (c) Construction of major controls (i.e gabions mattresses shotcreting etc)
- (d) Removal of sediment basins/ fencing etc.
- (e) Internal sediment/ pollution control devices
- (f) Final Inspection

(ii) Traffic Control

- (a) Implementation of traffic control

These conditions are imposed for the following reasons:

- (a) To ensure compliance with the terms of the relevant Environmental Planning Instruments and/or the Building Code of Australia and/or Council's codes, policies and specifications.
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- (b) Maintenance of traffic control during works
- (c) Removal of traffic control

(iii) Construction of Drainage works (including inter-allotment)

- (a) Pipes before backfilling including trench excavation and bedding
- (b) Sand Backfilling
- (c) Final pipe inspection
- (d) Pit bases and headwall aprons
- (e) Pit Walls/ wingwalls/ headwalls
- (f) Concrete pit tops
- (g) Connection to existing system
- (h) Tailout works
- (i) Final Inspection

(iv) Footpath Works

- (a) Footpath Trimming and/or turfing (to ensure 4% fall)
- (b) Final Inspection

(v) Stormwater Quality Control

- (a) Installation of Stormwater Quality Control devices
- (b) Final Inspection

(vi) Final overall Inspections

- (a) Preliminary overall final inspection
- (b) Overall final inspection

ALTERNATIVELY, one comprehensive Inspection Certificate or Compliance certificate may be issued to include all of the above-mentioned stages of construction.

Where Council is appointed as the Principal Certifying Authority for the development (e.g. all Torrens Title subdivisions), only Compliance Certificates issued by accredited certifiers will be accepted at the completion of the above-mentioned stages. Any Compliance Certificate must certify that the relevant work has been completed in accordance with the pertinent Notice of Determination / Development Consent and Construction certificate.

- 11.7.2 Inspection of the works required pursuant to the engineering approval issued under the Roads Act 1993 must be made by Council's Development Overseers who can be contacted on 9839 6586 between 7am - 8am and 12.30pm - 1.30pm. A site inspection is required prior to commencement of work. A minimum twenty-four (24) hours notice must be given prior to any required inspection. A schedule of mandatory inspections is listed in Council's Works Specification – Civil (current version).

These conditions are imposed for the following reasons:

- (a) To ensure compliance with the terms of the relevant Environmental Planning Instruments and/or the Building Code of Australia and/or Council's codes, policies and specifications.
- (b) To ensure that no injury is caused to the amenity of the area, to other persons or to private and public property.
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11.8 Public Safety

- 11.8.1 The applicant is advised that all works undertaken in a public place are to be maintained in a safe condition at all times. Council may at any time and without prior notification make safe any such works Council considers to be unsafe and recover all reasonable costs incurred from the applicant.

11.9 Site Security

- 11.9.1 Chain wire gates and security fencing must be provided around the site in order to prevent unauthorised access and dumping of rubbish.

12 PRIOR TO OCCUPATION CERTIFICATE

12.1 Road Damage

- 12.1.1 The cost of repairing any damage caused to Council's assets in the vicinity of the land as a result of the development works shall be met in full by the applicant/developer.

Note: Should the cost of damage repair work not exceed the road maintenance bond Council will automatically call up the bond to recover its costs. Should the repair costs exceed the bond amount a separate invoice will be issued.

12.2 Compliance with Conditions

- 12.2.1 An Occupation Certificate shall not be issued until such time as all conditions of this consent, other than "Operational" conditions, have been satisfied. The use or occupation of the development prior to compliance with all conditions of consent, other than "Operational" conditions, may render the applicant/developer liable to legal proceedings.
- 12.2.2 Prior to occupation/use of a new building, it is necessary to obtain an Occupation Certificate from the Principal Certifying Authority in accordance with the provisions of Section 109H of the Environmental Planning & Assessment Act 1979.

12.3 Service Authorities

- 12.3.1 The following documentary evidence shall accompany any Occupation Certificate:
- (a) A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained. Applications must be made through an authorised Water Servicing Coordinator. Please refer to the "Building Plumbing and Developing" Section of the website www.sydneywater.com.au, then follow the "Developing Your Land" link or telephone 13 20 92 for assistance. Following application a "Notice of Requirements" will advise of water and sewer extensions to be built and charges to be paid. Please make early contact with the Coordinator since building of water/sewer extensions can be time

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consuming and may impact on other services and building, driveway or landscape design. The Section 73 Certificate must be submitted to the Principal Certifying Authority prior to the occupation of the development.

- 12.3.2 A final written clearance shall be obtained from Sydney Water Corporation, Energy provider and Telstra (or any other recognised communication carrier) if such clearance (in the form of a Section 73 Certificate, Notification of Arrangement, etc) has not previously been issued.

12.4 Fire Safety Certificate

- 12.4.1 An interim or final fire safety certificate complying with Clause 153 of the Environmental Planning and Assessment Regulation 2000 shall be issued prior to the use or change of use of the building, except in the case of any Class 1a and Class 10 building(s).

- 12.4.2 A final fire safety certificate complying with Clause 153 of the Environmental Planning and Assessment Regulation 2000 shall be issued prior to the use or change of use of the building, except in the case of any Class 1a and Class 10 building(s).

12.5 Temporary Facilities Removal

- 12.5.1 Any hoarding or similar barrier erected to protect a public place shall be removed from the land and/or public place.

- 12.5.2 Any temporary toilet facilities provided during construction works shall be appropriately dismantled, disconnected and removed from the land.

- 12.5.3 Any temporary soil erosion control measure installed during development works shall be removed and other permanent measures required by Council's Soil Erosion Control Policy shall be provided.

- 12.5.4 Any temporary builder's sign or other site information sign shall be removed from the land.

- 12.5.5 Any temporary site access provided for the purpose of development works shall be removed and the kerb and gutter and/or previous roadworks reinstated in a manner satisfactory to Council. Should the reinstatement involve the provision of a new vehicular crossing, layback, kerb and gutter or road shoulder works the separate approval of Council's Maintenance Section shall be obtained (and any appropriate fees paid) prior to such works commencing.

12.6 Fee Payment

- 12.6.1 Any fee payable to Council as part of a Construction, Compliance or Occupation Certificate or inspection associated with the development (including the registration of privately issued certificates) shall be paid in full.

These conditions are imposed for the following reasons:

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12.7 Engineering Matters

12.7.1 Surveys/Certificates/Works As Executed plans

12.7.1.1 A Work-As-Executed plan (to a standard suitable for scanning) signed by a Chartered Professional Engineer or a Registered Surveyor must be lodged with Blacktown City Council when the engineering works are completed. Council requires the Work-As-Executed plans to be submitted in both hardcopy and electronically on a CD (in PDF and DWG format). All engineering Work-As-Executed plans MUST be prepared on a copy of the original, stamped Construction Certificate plans for engineering works.

12.7.1.2 A certificate from a Chartered Professional Civil Engineer must be obtained and submitted to Council verifying that the constructed Stormwater Quality Control system will function effectively in accordance with Blacktown Council's DCP Part J – Water Sensitive Urban Design and Integrated Water Cycle Management.

12.7.1.3 Written evidence is to be obtained from the Roads & Traffic Authority indicating compliance with its requirements including the payment of any necessary works supervision fees.

12.7.1.4 Special attention is drawn to the following requirements of Council's Works Specification - Civil (Current Version):

(a) The submission of two (2) contour lot fill diagrams and lot fill compaction certificates. A restriction as to User with Council's standard wording must be placed on filled lots.

12.7.1.5 The submission to Council of all Inspection/Compliance Certificates required by the "During Construction (Engineering)" Section of this consent.

12.7.2 Easements/Restrictions/Positive Covenants

12.7.2.1 Any easement(s) or restriction(s) required by this consent must nominate Blacktown City Council as the authority to release vary or modify the easement(s) or restriction(s). The form of easement or restriction created as a result of this consent must be in accordance with the following:

(a) Blacktown City Council's standard recitals for Terms of Easements and Restrictions (Current Version).

(b) The standard format for easements and restrictions as accepted by the Lands Title Office.

12.7.2.2 Restrictions and/ or positive covenant must be registered with Land and Property Information over the overland flow-path.

These conditions are imposed for the following reasons:

- (a) To ensure compliance with the terms of the relevant Environmental Planning Instruments and/or the Building Code of Australia and/or Council's codes, policies and specifications.
- (b) To ensure that no injury is caused to the amenity of the area, to other persons or to private and public property.
- (c) It is in the public interest that they be imposed.

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12.7.2.3 Restrictions and positive covenants must be registered with Land and Property Information over the Stormwater Quality Control devices and outlet works.

12.7.2.4 A Restriction as to User over the site shall be created under Section 88B of the Conveyancing Act 1919 in the following terms:

Further development of the lot burdened may require the payment of Section 94 Contributions for works not levied by the planning agreement entered into by the applicant and Council to satisfy the deferred commencement condition 1.1 of this consent.

NOTE: The final wording of the recital of the Restriction as to User is to be to Council's satisfaction.

12.7.2.5 All Section 88B restrictions and covenants created, as part of this consent shall contain a provision that they cannot be extinguished or altered except with the consent of Blacktown City Council.

12.7.3 Inspections

12.7.3.1 Any **additional** Council inspections beyond the scope of any Compliance Certificate package and needed to verify full compliance with the terms of this consent will be charged at the individual inspection rate nominated in Council's Fees and Charges Schedule.

12.8 Food Premises

12.8.1 The premises shall be registered with Council's Environmental Health Unit. The attached application form shall be used for registration purposes.

12.8.2 Trading must not commence until an Occupation Certificate for the development has been issued.

12.8.3 The installation of any grease arrestor shall comply with the requirements of the Sydney Water Corporation. A copy of the Corporation's Trade Waste Agreement, shall be submitted to Council.

12.9 Landscaping/Car Parking

12.9.1 All landscaping shall be completed in accordance with approved landscaping design plan for the relevant stage as endorsed by the approved staging plan. All turfed areas shall be finished level with adjoining surfaces and graded to approved points of drainage discharge.

12.9.2 Off-street car parking shall be encouraged by the installation of appropriate, permanent and prominent signs indicating its availability.

12.9.3 All common areas and internal driveways shall be appropriately illuminated by the

These conditions are imposed for the following reasons:

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- (b) To ensure that no injury is caused to the amenity of the area, to other persons or to private and public property.
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use of bollard lighting or the like to provide for the safety and convenience of occupants and other people resorting to the land at night.

- 12.9.4 Entrance/exit points are to be clearly signposted and visible from the street and the site at all times.
- 12.9.5 Access and parking for people with disabilities shall be provided in accordance with Australian Standard 2890.1.
- 12.9.6 All car parking is to be provided in accordance with the approved plans for the relevant stage as endorsed by the approved staging plan. All required internal roads and car parking spaces shall be line-marked, sealed with a hard standing, all-weather material to a standard suitable for the intended purpose.
- 12.9.7 A 2.1m "school fence" is to be provided on all property boundaries adjoining public roads as identified by the approved plans. All fencing is to be at full cost to the developer.

12.10 Food Premises

- 12.10.1 Prior to the issue of an Occupation Certificate, documentation shall be submitted to Council certifying that the ventilation system has been installed and is operating in accordance with Australian Standard 1668.2:2002 *The use of ventilation and air conditioning in buildings – Ventilation design for indoor air contaminant control*.

12.11 Other matters

- 12.11.1 All linemarking and signposting of public roads are to be completed in accordance with condition 3.5 of this consent and to the satisfaction of RMS prior to the release of any Occupation Certificate.
- 12.11.2 Written confirmation prepared by a suitable qualified acoustic consultant is to be submitted to Council identifying that the recommendations of the Acoustic Assessment have been implemented for the relevant stage.
- 12.11.3 All signage is to comply with relevant Australian Standards, including Australian Standard 4282 to ensure no spillage of light affecting the amenity of adjoining residential properties.

13 OPERATIONAL (PLANNING)

13.1 Access/Parking

- 13.1.1 All required off-street car parking spaces and internal roads shall be maintained to a standard suitable for the intended purpose. In this regard, a total of 244 car parking spaces are to be provided on site at all times, excluding the pick-up and drop-off aisles. Gates to the car parking are to be open at all times that the school and associated uses are operating.

These conditions are imposed for the following reasons:

- (a) To ensure compliance with the terms of the relevant Environmental Planning Instruments and/or the Building Code of Australia and/or Council's codes, policies and specifications.
- (b) To ensure that no injury is caused to the amenity of the area, to other persons or to private and public property.
- (c) It is in the public interest that they be imposed.

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13.1.2 All loading and unloading operations shall take place at all times wholly within the confines of the land.

13.1.3 Access and parking for people with disabilities shall be maintained in accordance with provisions of Australian Standards 1428.1 and 2890.1.

13.2 General

13.2.1 Spillage of light, if any, shall be controlled so as not to cause nuisance to the amenity of adjoining land.

13.2.2 If artificial lighting is proposed full details are to be submitted indicating the manner in which adjoining properties are to be protected.

13.2.3 Should an intruder alarm be installed on the land it shall be fitted with a timing device in accordance with the requirements of the Protection of the Environment Operations Act 1997.

13.2.4 Emission of sound from the land shall be controlled at all times so as to not unreasonably impact upon nearby owners/occupants.

13.2.5 The hours of operation of the development shall not be outside of the following nominated times.

Any alteration to these hours will require the separate approval of Council.

Approved hours of operation:

- (a) Early Learning Centre arrivals: 6am –8am, Monday to Friday
- (b) Educational establishment: 8am – 5pm, Monday to Friday
- (c) Adult education classes: 5pm – 10pm, Monday to Friday (2 times a week only)
- (d) Occasional weekend use for school related purposes as identified in the submitted Statement of Environmental Effects prepared by Robinson Urban Planning dated 28 September 2015 and held at Enclosure 2B on Council File JRPP-15-02358.

The playing fields and courts are not to be used out of the above approved hours of educational establishment .

13.2.6 Arrangements shall be made for an effective commercial refuse removal service.

13.3 Landscaping

13.3.1 All landscaped areas provided in accordance with the approved landscaping design plan shall be maintained at all times in a suitable manner.

These conditions are imposed for the following reasons:

- (a) To ensure compliance with the terms of the relevant Environmental Planning Instruments and/or the Building Code of Australia and/or Council's codes, policies and specifications.
- (b) To ensure that no injury is caused to the amenity of the area, to other persons or to private and public property.
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13.4 Use of Premises

- 13.4.1 The use of the approved development shall, at all times, be conducted in a manner consistent with the terms and conditions of this consent. In this regard, all uses are to be consistent with the information submitted in the Statement of Environmental Effects prepared by Robinson Urban Planning dated 28 September 2015 and held at Enclosure 2B on Council File JRPP-15-02358.

13.5 Other Matters

- 13.5.1 This consent grants approval for the use of the site for an early learning centre, primary school and high school (Kindergarten to Year 12), being a maximum 40 students for the early learning centre, a maximum of 680 students for the primary school and a maximum 1,080 students for the secondary school as well as 127 staff members. Approval is also granted for adult education classes for up to 120 people.

Any alteration to the student numbers or staffing numbers will require the further consent of Council.

- 13.5.2 Any further expansion and or modification to the school including additional classrooms, increase in student or staffing will require the further approval of Council.
- 13.5.3 A Plan of Management is to be prepared and used for the ongoing supervision of drop off and pick-up zones during afternoon peak periods (i.e. 1 hour past school finishing times). In addition, the Plan of Management is to address the marshalling of pedestrians during morning and afternoon peak periods.

13.6 Emergency Procedures

- 13.6.1 Instructions concerning procedures to be adopted in the event of an emergency shall be clearly displayed on the premises for both public and staff information at all times to the satisfaction of Council.

14 OPERATIONAL (ENVIRONMENTAL HEALTH)

14.1 Environmental Management

- 14.1.1 Upon receipt of a justified complaint in relation to noise pollution emanating from the premises, an acoustical assessment is to be carried out in accordance with the requirements of the Department of Environment and Conservation's Environmental Noise Management - NSW Industrial Noise Policy and provide recommendations to mitigate the emission of offensive noise from the premises. The report shall be prepared by an appropriately qualified acoustic consultant that is a member of the Association of Australian Acoustic Consultants and shall be submitted to Council for consideration.

These conditions are imposed for the following reasons:

- (a) To ensure compliance with the terms of the relevant Environmental Planning Instruments and/or the Building Code of Australia and/or Council's codes, policies and specifications.
- (b) To ensure that no injury is caused to the amenity of the area, to other persons or to private and public property.
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- 14.1.2 A post commissioning report produced by an independent organisation that is eligible for membership with the *Association of Australian Acoustic Consultants* within 3 – 6 months of the centre operating to validate the Acoustic reports findings.
- 14.1.3 Any activity carried out in accordance with this approval shall not emit electromagnetic interference or electromagnetic radiation beyond the boundary of the premises.
- 14.1.4 Any activity carried out in accordance with this approval shall be performed in accordance with the requirements of the Radiation Control Act 1990 and regulation thereunder.
- 14.1.5 In accordance with the NSW Environmental Protection Authority, 1998, *Guidelines for Consultants Reporting on Contaminated Sites*, NSW EPA, Chatswood, at the completion of the remediation action plan a validation report prepared by an Environmental Protection Authority accredited site auditor is to be submitted to Council for consideration.
- 14.1.6 Bunding is to be designed and installed in accordance with:
- Department of Environment and Conservation Guidelines - *Technical BU Bunding and Spill Management*;
 - Department of Environment and Conservation Guidelines “*Surface water management on the covered forecourt areas of service stations*”;
 - *Australian Standard 1940-1993: The storage and handling of flammable and combustible liquids*; and
 - *Australian Standard/New Zealand Standard 4681:2000: The storage and handling of Class 9 (miscellaneous) dangerous goods and articles*.
- 14.1.7 Any activity carried out in accordance with this approval shall not give rise to air pollution (including odour), offensive noise or pollution of land and/or water as defined by the Protection of the Environment Operations Act 1997.
- 14.1.8 All waste generated on the site is to be stored, handled and disposed of in such a manner as to not create air pollution (including odour), offensive noise or pollution of land and/or water as defined by the Protection of the Environment Operations Act 1997.
- 14.1.9 In accordance with the requirements of Part 5.7 Protection of the Environment Operations Act 1997, Council is to be informed of any pollution incident that occurs in the course of carrying out the approved activity where material harm to the environment is caused or threatened.

These conditions are imposed for the following reasons:

- (a) To ensure compliance with the terms of the relevant Environmental Planning Instruments and/or the Building Code of Australia and/or Council’s codes, policies and specifications.
- (b) To ensure that no injury is caused to the amenity of the area, to other persons or to private and public property.
- (c) It is in the public interest that they be imposed.

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GENERAL MANAGER

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Blacktown City Council

ATTACHMENT 2

PR - Site Plan DA
1 500

Thomson Adsett

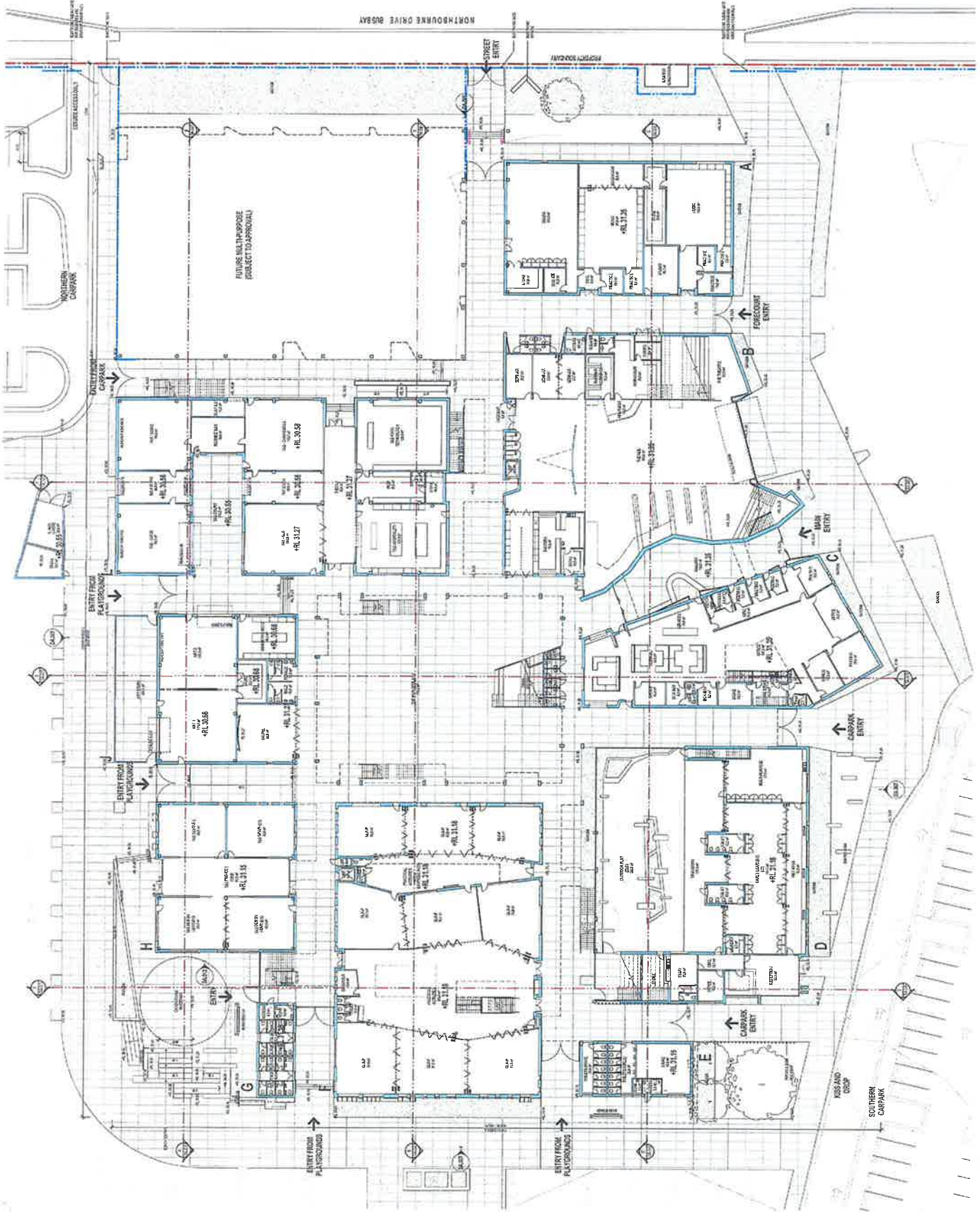
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MARSDEN PARK
CATHOLIC EDUCATION
PRECINCT

CNR FRONTIER AVENUE &
NORTHBOURNE DRIVE
LOT 272 DP 1191300
CATHOLIC EDUCATION DIOCESE OF
SYDNEY, N.S.W., AUST.

SITE PLAN

14-0161	DA 002
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SYMBOL	DESCRIPTION
	BOUNDARY WALL
	BOUNDARY LINE
	BOUNDARY WALL WITH FOUNDATION
	BOUNDARY WALL WITH FOUNDATION AND FOOTING
	BOUNDARY WALL WITH FOUNDATION AND FOOTING AND DRIVEWAY
	BOUNDARY WALL WITH FOUNDATION AND FOOTING AND DRIVEWAY AND GATE
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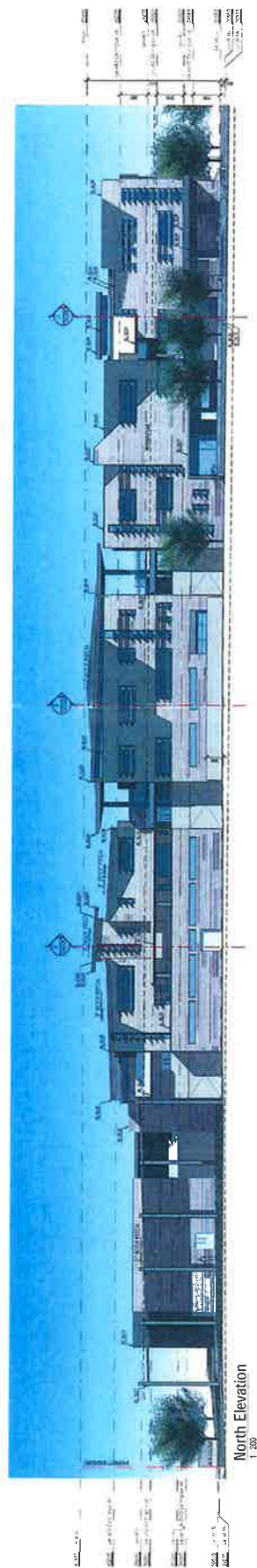
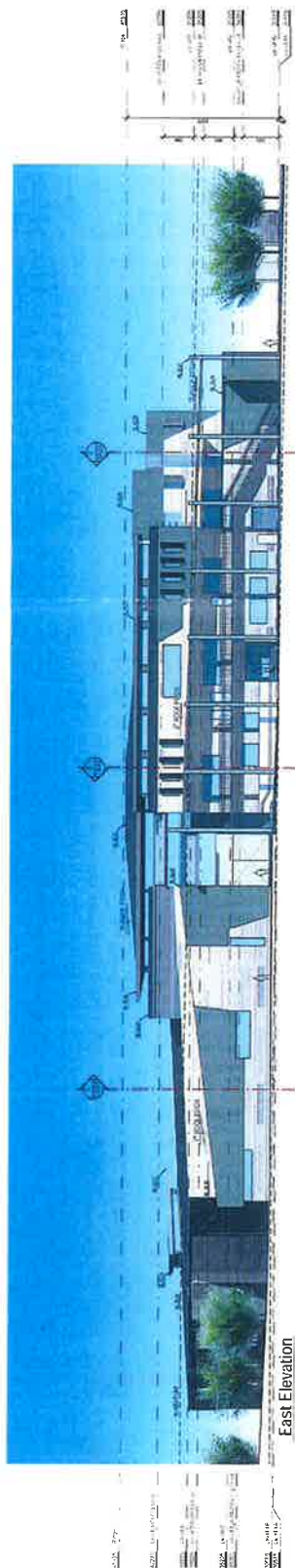
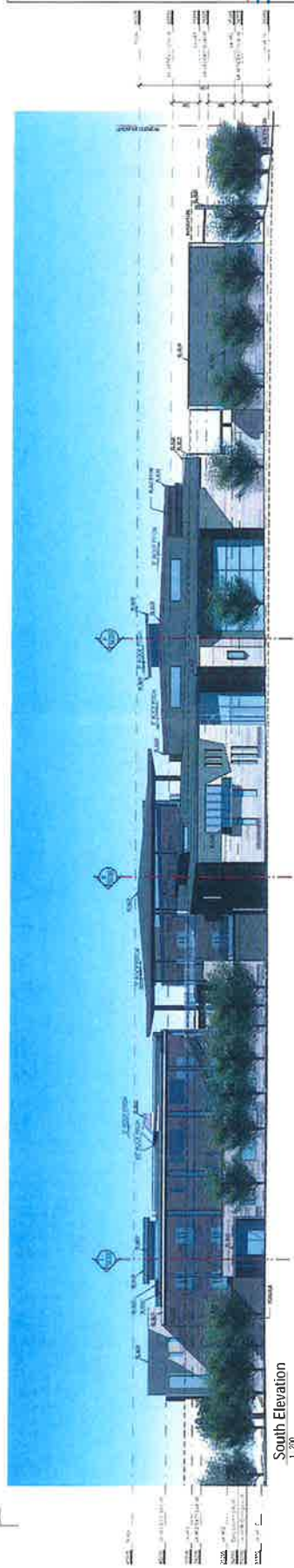
NOTE: REFER TO LAYOUTS DRAWINGS FOR EXACT PRELIMINARY LOCATIONS.

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NORTHBOURNE DRIVE LOT 272
BP 191300
CATHOLIC EDUCATION,
DIOCESE OF PARRAMATTA
LEVEL 1 PLAN

14.0161	DA-003	A
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Level 1 Plan

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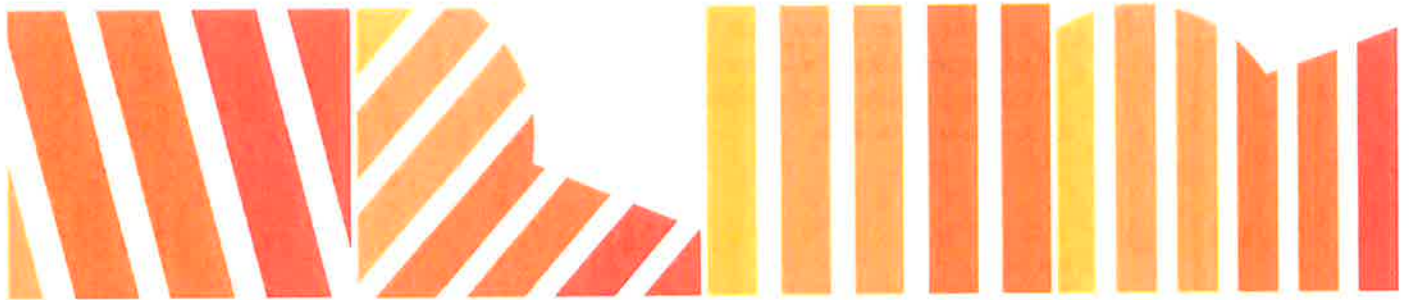
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**Clause 4.6 Exception to Development Standards
SEPP (Sydney Region Growth Centres) 2006 – Height of buildings**

Proposed Educational Establishment, Marsden Park



Submitted to Blacktown City Council
Prepared on behalf of Catholic Education Office
28 September 2015 |15057

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1.0 Preliminaries

1.1 Land to which this variation applies

This exception to development standard request is written in support of a development application (DA) proposing the following development on part of Lot 272, bounded by Northbourne Drive, Frontier Avenue, Syncarpia Street and Cassina Avenue, and within Elara at Marsden Park (the site):

1. A new *educational establishment* with a population capacity of up to 1,800 students and 127 staff comprising:
 - (a) An Early Learning Centre providing capacity for up to 40 students
 - (b) A Primary School providing capacity for up to 680 students
 - (c) A Secondary School providing a capacity for up to 1,080 students (evening adult education classes will cater for around 120 additional people)
2. Construction works comprising:
 - (a) A total gross floor area (GFA) of 11,899m²
 - (b) New buildings of one to three storeys comprising:
 - (i) Specialist and general learning area classrooms
 - (ii) Administration and staff facilities
 - (iii) Performance space
 - (iv) Amenities
 - (v) The Hub (A communal building for learning, gathering, data managing and information gathering – replacing a traditional library)
 - (vi) Marketplace (A covered outdoor learning area for assembly, learning, recreation, presentation, communal events such as market days or fetes, parent and friends events, student productions)
 - (vii) Playing fields, primary play area, ball courts and secondary play area
 - (c) Off street car parking for 252 cars in the following two parking areas:
 - (i) South car parking area: Accommodating 156 staff and visitor car parking spaces plus a kiss and drop facility, with separate ingress and egress driveways to Frontier Avenue
 - (ii) Northern car parking area: Accommodating 96 staff car parking spaces accessed from separate ingress and egress driveways to Northbourne Drive (with separate service vehicle access arrangements)
 - (d) Landscaping of the site
 - (e) Site and drainage works
 - (f) Lighting
 - (g) Fencing
 - (h) Signage
3. Use of the entire site as an *educational establishment* operating between the following hours:
 - (a) Early Learning Centre arrivals: 6am – 8am, Monday to Friday
 - (b) Educational establishment: 8am – 5pm, Monday to Friday
 - (c) Adult education classes: 5pm – 10pm, Monday to Friday (occurring twice a week only)
 - (d) Occasional weekend use for school related purposes.

It should be read in conjunction with the accompanying Statement of Environmental Effects (SEE), also prepared by Robinson Urban Planning Pty Ltd.

1.2 Relevant environmental planning instrument

This exception to development standard relates to State Environmental Planning Policy (Sydney Region Growth Centres) 2006 (SEPP Growth Centres) - Appendix 12 - Blacktown Growth Centres Precinct Plan.

1.3 Relevant development standard

The development standard to which this exception to development standard relates is the building height standard at cl. 4.3 of SEPP Growth Centres – Appendix 12, which states:

4.3 Height of buildings

(1) The objectives of this clause are as follows:

- (a) to establish the maximum height of buildings,
- (b) to minimise visual impact and protect the amenity of adjoining development and land in terms of solar access to buildings and open space,
- (c) to facilitate higher density development in and around commercial centres and major transport routes.

(2) The height of a building on any land is not to exceed the maximum height shown for the land on the Height of Buildings Map.

land on the Height of Buildings Map."

As shown on Figure 1 below, the site is subject to a 14m and a 9m building height standard. The proposal complies with the 14m building height standard, but exceeds the 9m building height standard.

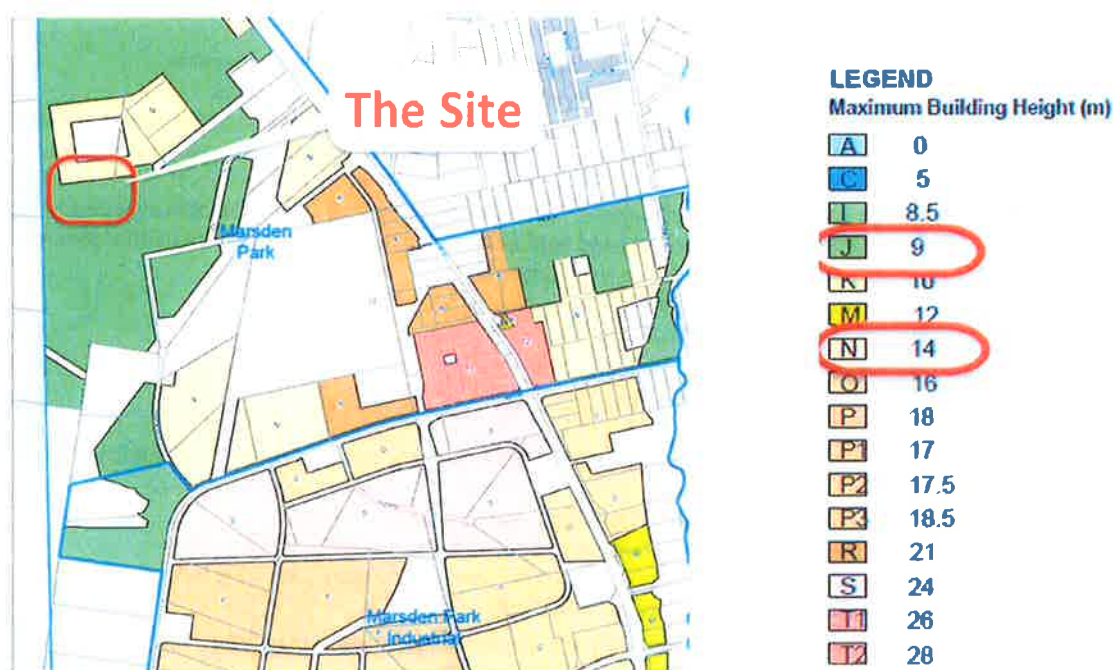


Figure 1 – Height of Buildings Map, Growth Centres SEPP

1.4 Proposed variation to the standard

As summarised in **Table 1**, a number of the proposed buildings exceed the 9m building height standard. **Figure 2** shows the location of the proposed non-complying buildings in plan and **Figure 3** shows the extent of non-compliance in elevation.

As shown by **Figure 2**:

- The non-complying elements are setback as follows:
 - Northbourne Drive: 13.35m to 46.335m
 - Frontier Avenue: 54.74m minimum
- The non-complying elements occupy:
 - 7.4% of the total site area (5,954.8m² of the 8.08ha site)
 - 62.5% of the total roof area (5,954.8m² of the total 9,524.3m² roof area)

Table 1 – Building height (non-complying buildings shown in red)

Building	Storeys	RL	Height in metres
A	1	40.32	9.0
B	3	43.39	12.4
C	2	41.55	10.3
D	2	38.41	7.3
E	1	35.94	4.8
F	3	44.90	13.8
G	1	35.34	4.2
H	3	45.01	13.9
J	3	45.22	14.6
L	3	45.03	14.5
COLA	3	45.77	14.5



Figure 2 – Proposed non-compliance with the 9m height of buildings standard (in plan)



Figure 3 – Proposed non-compliance with the 9m height of buildings standard (in elevation) (Source: Thomson Adsett. DA.007)



view from south-east



view from cassinia avenue



view from north-west



view from south-west



view from north-east

Figure 4 – Proposed perspectives (Source: Thomson Adsett, DA.010)

2.0 Justification for the exception and matters for consideration

SEPP Growth Centres, Appendix 12, cl. 4.6 states:

4.6 Exceptions to development standards

(1) The objectives of this clause are as follows:

- (a) to provide an appropriate degree of flexibility in applying certain development standards to particular development,
- (b) to achieve better outcomes for and from development by allowing flexibility in particular circumstances.

(2) Development consent may, subject to this clause, be granted for development even though the development would contravene a development standard imposed by this or any other environmental planning instrument. However, this clause does not apply to a development standard that is expressly excluded from the operation of this clause.

(3) Development consent must not be granted for development that contravenes a development standard unless the consent authority has considered a written request from the applicant that seeks to justify the contravention of the development standard by demonstrating:

- (a) that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and
- (b) that there are sufficient environmental planning grounds to justify contravening the development standard.

(4) Development consent must not be granted for development that contravenes a development standard unless:

- (a) the consent authority is satisfied that:
 - (i) the applicant's written request has adequately addressed the matters required to be demonstrated by subclause (3), and
 - (ii) the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out, and
- (b) the concurrence of the Director-General has been obtained.

(5) In deciding whether to grant concurrence, the Director-General must consider:

- (a) whether contravention of the development standard raises any matter of significance for State or regional environmental planning, and
- (b) the public benefit of maintaining the development standard, and
- (c) any other matters required to be taken into consideration by the Director-General before granting concurrence.

(6) ...

(7) After determining a development application made pursuant to this clause, the consent authority must keep a record of its assessment of the factors required to be addressed in the applicant's written request referred to in subclause (3).

(8) This clause does not allow development consent to be granted for development that would contravene any of the following:

- (a) a development standard for complying development,
- (b) a development standard that arises, under the regulations under the Act, in connection with a commitment set out in a BASIX certificate for a building to which State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 applies or for the land on which such a building is situated,
- (c) clause 5.4.

Table 2 assesses the proposed variation from the height of buildings standard against these cl. 4.6 considerations. More details follows in Sections 3.0 and 4.0 (assessing the proposed variation against the accepted five part test for the assessment of a development standard variation established by the NSW Land and Environment Court in *Wehbe v Pittwater Council* [2007] NSW LEC 82 and the principles outlined in *Winten Developments Pty Ltd v North Sydney Council* [2001] NSWLEC 46).

Table 2 – Exception to standard – SEPP Growth Centres, Appendix 12 - Clause 4.6

SEPP Growth Centres, Appendix 12 - Cl 4.6	Compliance
(1) The objectives of this clause are as follows: (e) to provide an appropriate degree of flexibility in applying certain development standards to particular development (f) to achieve better outcomes for and from development by allowing flexibility in particular circumstances.	Flexibility is appropriate in this instance given that: • The 9m height standard does not appropriately reflect the needs of a contemporary <i>educational establishment</i> • The 9m height standard, which would normally reflect a low density residential form is not reasonable for the site which is to be occupied by an <i>educational establishment</i> • SEPP Infrastructure enables the erection of school buildings (as complying development) within an existing <i>educational establishment</i> with a height of 12m and a boundary setback of 5m. Given this, the 9m standard has limited relevance • The functional requirements of the proposed non-complying elements necessitate a built form that has a height greater than 9m • The perspectives at Figure 4 illustrate that proposal has an appropriate form and scale • As detailed in Section 4.0 of the SEE, the proposal will not give rise to any unreasonable or unexpected adverse amenity impacts for surrounding properties (in terms of overshadowing, views/outlook, noise and privacy, or traffic impacts). • The proposed <i>educational establishment</i> has been designed to achieve a better outcome with a reduced building footprint and maximised play areas and landscaped areas noting that: – A building site coverage of 11.8% is proposed when the DCP permits a maximum of 60% – A landscaped area of 70.6% is proposed when the DCP requires a minimum of 20% – A FSR of just 0.15:1 is proposed A reduction in height to achieve compliance with the height standard would result in increased site cover reduced playground space and landscaped areas (resulting in an inferior outcome) • The Traffic Impact Assessment by Thomson Stanbury concludes that the traffic impacts of the proposal will be acceptable.
(2) Development may contravene a standard	✓ The height standard is not excluded from the clause.
(3) Written request required that seeks to justify the contravention of the standard by demonstrating: (a) that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and (b) that there are sufficient	✓ Compliance with the 9m height standard is unreasonable and unnecessary as: • SEPP Infrastructure provides for the erection of new buildings on existing <i>educational establishment</i> sites with a height of 12m and a setback of 5m as complying development • A 9m height standard, which would normally reflect a low to medium density residential form, is not reasonable for the site which is to be occupied by an <i>educational establishment</i> • The functional requirements of the proposed non-complying elements necessitate a built form that has a height greater than 9m

SEPP Growth Centres, Appendix 12 - CI Compliance
4.6

environmental planning grounds to justify contravening the development standard.	- The non-complying elements are setback as follows: - Northbourne Drive: 13.35m to 46.335m - Frontier Avenue: 54.74m minimum - The non-complying elements occupy: 7.4% of the total site area (5,954.8m² of the 8.08ha site) 62.5% of the total roof area (5,954.8m² of the total 9,524.3m² roof area) - As detailed in the SEE, the height non-compliance does not give rise to any unreasonably adverse overshadowing, privacy, view, bulk/scale/streetscape or other environmental effects. - See also points at subclause (1) above.
(4) Development consent must not be granted unless: (a) the consent authority is satisfied that: (i) the written request has addressed subclause (3) (ii) the proposed development is in the public interest (consistent with the objectives of the standard and the zone) (b) the concurrence of the Director-General has been obtained.	Subclause 3 has been adequately addressed (see above). The objectives of the height standard are stated cl. 4.3(1) are as follows with an assessment of the proposal's compliance: (a) to establish the maximum height of buildings Noted (b) to minimise visual impact and protect the amenity of adjoining development and land in terms of solar access to buildings and open space, The visual impacts of the proposal have been minimised as: - The non-complying elements are setback as follows: - Northbourne Drive: 13.35m to 46.335m - Frontier Avenue: 54.74m minimum - The non-complying elements occupy: 7.4% of the total site area (5,954.8m² of the 8.08ha site) 62.5% of the total roof area (5,954.8m² of the total 9,524.3m² roof area) - The proposed <i>educational establishment</i> has been designed to achieve a better outcome with a reduced building footprint and maximised play areas and landscaped areas noting that: - A building site coverage of 11.8% is proposed when the DCP permits a maximum of 60% - A landscaped area of 70.6% is proposed when the DCP requires a minimum of 20% - A FSR of just 0.15:1 is proposed Thomson Adsett has prepared shadow diagrams (DA.011) which show that shadows cast by the proposed <i>educational establishment</i> are wholly contained with the site and that the proposed playing fields and other play spaces have good solar access. (c) to facilitate higher density development in and around commercial centres and major transport routes. The site is located near the Marsden Park retail centre and is located on a Collector Road (Northbourne Drive)

SEPP Growth Centres, Appendix 12 - CI Compliance
4.6

The objectives of Zone R2 are:

- *To provide for the housing needs of the community within a low density residential environment.*
- *To enable other land uses that provides facilities or services to meet the day to day needs of residents.*
- *To allow residents to carry out a reasonable range of activities from their homes, where such activities are not likely to adversely affect the living environment of neighbours.*
- *To support the well-being of the community, by enabling educational, recreational, community, religious and other activities where compatible with the amenity of a low density residential environment.*

The proposal satisfies these objectives as the proposed *educational establishment* will provide a valuable education service to meet the day to day needs of residents in Marsden Park. It has also been designed to be compatible with the amenity of a future low or medium density residential environment.

Blacktown Council has delegation with respect to cl. 4.6.

(5) The Director-General must consider: (a) whether contravention raises any matter of significance for State or regional environmental planning (b) the public benefit of maintaining standard (c) other matters.	✓ The provision of an <i>educational establishment</i> on the site will assist in meeting the demand for increased student places in Marsden Park. The proposal does not raise any other matters of significance for State or regional planning. ✓ No other matters of public interest arise, as the impacts of the non-complying element are reasonable.
(6) N/A	N/A
(7) Consent authority must keep a record of matters in subclause (3).	Noted
(8) N/A	N/A

3.0 *Wehbe v Pittwater Council* [2007] NSW LEC 827

In his decision in *Wehbe v Pittwater Council* [2007] NSW LEC 827, Chief Justice Preston expressed the view that there are five different ways in which an objection may be well founded and that approval of the objection may be consistent with the aims of the policy. The five tests are considered below.

(i) The objectives of the standard are achieved notwithstanding non-compliance with the standard

Consistency with the objectives of the standard and zone, and the absence of any environmental impacts, would demonstrate that strict compliance with the height standard is both unreasonable and unnecessary in this instance.

Table 2 demonstrates compliance with the objectives of the standard and zone, satisfying Wehbe test (i). As such, it is unreasonable and unnecessary in this circumstance to comply with the development standard.

(ii) the underlying objective or purpose of the standard is not relevant to the development and therefore compliance is unnecessary

Not applicable. The underlying objective or purpose of the standard is relevant to the development and is achieved as outlined in (i) above.

(iii) the underlying object or purpose would be defeated or thwarted if compliance was required and therefore compliance is unreasonable

Not applicable. The underlying object or purpose of the standard would not be defeated or thwarted if compliance was required. However, the objectives of Zone R2 to

- *To enable other land uses that provide facilities or services to meet the day to day needs of residents.*
- *To support the well-being of the community by enabling educational, recreational, community, religious and other activities where compatible with the amenity of a medium density residential environment.*

would be defeated and thwarted if compliance with the 9m height standard was required as it would preclude construction of the required infrastructure development on the site that has height greater than 9m.

(iv) the development standard has been virtually abandoned or destroyed by the Council's own actions in granting consents departing from the standard and hence compliance with the standard is unnecessary and unreasonable

This exception to development standards request does not rely on this reason.

(v) the zoning of the particular land is unreasonable or inappropriate so that a development standard appropriate for that zoning is also unreasonable and unnecessary as it applies to the land and compliance with the standard would be unreasonable or unnecessary. That is, the particular parcel of land should not have been included in the particular zone

Zone R2 is an appropriate zone for the site as it permits an *educational establishment*. However, the 9m height standard, which would normally reflect a low or medium density housing form, is not reasonable for permitted *educational establishment*.

4.0 *Winten Developments Pty Ltd v North Sydney Council [2001] NSWLEC 46*

The exception to development standards request is assessed below against the accepted test for the assessment of development standard variation established by *Winten Developments Pty Ltd v North Sydney Council [2001] NSWLEC 46*.

A Is the planning control in question a development standard?

Yes, SEPP Growth Centres SEPP, Appendix 12, cl. 4.3(2) is a development standard.

B What is the underlying object or purpose of the standard?

The underlying objectives of the standard are assessed in **Table 2**.

C Is compliance with the development standard unnecessary or unreasonable in the circumstances of the case?

Table 2 demonstrates that compliance is unnecessary and unreasonable.

D. Is compliance with the development standard consistent with the aims of the Policy (to provide flexibility in the application of development standards); and, in particular, does compliance with the development standard tend to hinder the attainment of the objects specified in Section 5(a)(i) and (ii) of the Environmental Planning and Assessment Act, 1979?

The arguments contained in this cl. 4.6 exception to development standards request support the case to allow flexibility in the application of the standard.

The non-compliance with the development standard allows for an orderly use of the land and has been designed with consideration to the desired future character of the area.

Additionally, the Objects of the Act are satisfied as:

- The departure from the height standard will have no negative consequences in terms of the proper management, development and conservation of natural and artificial resources, including agricultural land, natural areas, forests, minerals, water, cities, towns and villages for the purpose of promoting the social and economic welfare of the community and a better environment; and
- The departure from the height standard allows for the orderly and economic use of the site in a manner which otherwise achieves the outcomes and objectives of the relevant planning controls.

E. Is the objection well founded?

As the cl. 4.6 exception to development standards request appropriately addresses *Wehbe v Pittwater Council [2007] NSW LEC 827*, the proposed variation is well founded.

5.0 Public interest and matters of State or regional significance

5.1 Is the proposal in the public interest?

This cl. 4.6 exception to development standards request and the accompanying plans and technical reports contained within the SEE demonstrate the public advantages of developing an *educational establishment* on the site. In summary, no unreasonable public disadvantages have been identified as it has been demonstrated that any environmental or other impacts associated with the development are minimal and/or can be adequately managed.

5.2 Matters of State or Regional Significance

The provision of a new *educational establishment* on the site will assist in meeting the demand for increased student places in Marsden Park. The proposal does not raise any other matters of significance for State or regional planning.

5.3 The public benefit of maintaining the standard

There is no public benefit in maintaining strict compliance with the development standard in this instance.

6.0 Summary justification

A summary of the matters set out in this cl. 4.6 exception to development standards request to vary the 9m height of buildings standard follows:

Flexibility is appropriate

Flexibility is appropriate in this instance given that:

- The 9m height standard does not appropriately reflect the needs of a contemporary *educational establishment*
- The 9m height standard, which would normally reflect a low density residential form, is not reasonable for the site which is to be occupied by an *educational establishment*
- SEPP Infrastructure enables the erection of school buildings (as complying development) within an existing *educational establishment* with a height of 12m and a boundary setback of 5m. Given this, the 9m standard has limited relevance
- The functional requirements of the proposed non-complying elements necessitate a built form that has a height greater than 9m
- The perspectives at **Figure 4** illustrate that proposal has an appropriate form and scale
- As detailed in Section 4.0 of the SEE, the proposal will not give rise to any unreasonable or unexpected adverse amenity impacts for surrounding properties (in terms of overshadowing, views/outlook, noise and privacy, or traffic impacts).
- The proposed *educational establishment* has been designed to achieve a better outcome with a reduced building footprint and maximised play areas and landscaped areas noting that:
 - A building site coverage of 11.8% is proposed when the DCP permits a maximum of 60%
 - A landscaped area of 70.6% is proposed when the DCP requires a minimum of 20%
 - A FSR of just 0.15:1 is proposedA reduction in height to achieve compliance with the height standard would result in increased site cover reduced playground space and landscaped areas (resulting in an inferior outcome)
- The Traffic Impact Assessment by Thomson Stanbury concludes that the traffic impacts of the proposal will be acceptable.

Compliance is unreasonable or unnecessary

Compliance with the 9m height standard is unreasonable and unnecessary as:

- SEPP Infrastructure provides for the erection of new buildings on existing *educational establishment* sites with a height of 12m and a setback of 5m as complying development
- A 9m height standard, which would normally reflect a low to medium density residential form, is not reasonable for the site which is to be occupied by an *educational establishment*
- The functional requirements of the proposed non-complying elements necessitate a built form that has a height greater than 9m
- The non-complying elements are setback as follows:
 - Northbourne Drive: 13.35m to 46.335m
 - Frontier Avenue: 54.74m minimum
- The non-complying elements occupy:

- 7.4% of the total site area (5,954.8m² of the 8.08ha site)
- 62.5% of the total roof area (5,954.8m² of the total 9,524.3m² roof area)
- As detailed in the SEE, the height non-compliance does not give rise to any unreasonably adverse overshadowing, privacy, view, bulk/scale/streetscape or other environmental effects.

Height standard objectives

The objectives of the height standard are stated cl. 4.3(1) are as follows with an assessment of the proposal's compliance:

(a) to establish the maximum height of buildings

Noted

(b) to minimise visual impact and protect the amenity of adjoining development and land in terms of solar access to buildings and open space,

The visual impacts of the proposal have been minimised as:

- The non-complying elements are setback as follows:
 - Northbourne Drive: 13.35m to 46.335m
 - Frontier Avenue: 54.74m minimum
- The non-complying elements occupy:
 - 7.4% of the total site area (5,954.8m² of the 8.08ha site)
 - 62.5% of the total roof area (5,954.8m² of the total 9,524.3m² roof area)
- The proposed *educational establishment* has been designed to achieve a better outcome with a reduced building footprint and maximised play areas and landscaped areas noting that:
 - A building site coverage of 11.8% is proposed when the DCP permits a maximum of 60%
 - A landscaped area of 70.6% is proposed when the DCP requires a minimum of 20%
 - A FSR of just 0.15:1 is proposed

Thomson Adsett has prepared shadow diagrams (DA.011) which show that shadows cast by the proposed *educational establishment* are wholly contained with the site and that the proposed playing fields and other play spaces have good solar access.

(c) to facilitate higher density development in and around commercial centres and major transport routes.

The site is located near the Marsden Park retail centre and is located on a Collector Road (Northbourne Drive) Thomson Adsett has prepared shadow diagrams (DA.011) which show that shadows cast by the proposed *educational establishment* are wholly contained with the site and that the proposed playing fields and other play spaces have good solar access.

(d) to facilitate higher density development in and around commercial centres and major transport routes.

The site is located near the Marsden Park retail centre and is located on a Collector Road (Northbourne Drive)

Zone objectives

The objectives of Zone R2 are:

- *To provide for the housing needs of the community within a low density residential environment.*
- *To enable other land uses that provides facilities or services to meet the day to day needs of residents.*
- *To allow residents to carry out a reasonable range of activities from their homes, where such activities are not likely to adversely affect the living environment of neighbours.*
- *To support the well-being of the community, by enabling educational, recreational, community, religious and other activities where compatible with the amenity of a low density residential environment.*

The proposal satisfies these objectives as the proposed *educational establishment* will provide a valuable education service to meet the day to day needs of residents in Marsden Park. It has also been designed to be compatible with the amenity of a future low or medium density residential environment.

Objects of the Act

The Objects of the Act are satisfied as:

- The departure from the height standard will have no negative consequences in terms of the proper management, development and conservation of natural and artificial resources, including agricultural land, natural areas, forests, minerals, water, cities, towns and villages for the purpose of promoting the social and economic welfare of the community and a better environment
- The departure from the height standard allows for the orderly and economic use of the site in a manner which otherwise achieves the outcomes and objectives of the relevant planning controls.

Impacts

- The proposal will not give rise to any unreasonable or unexpected adverse amenity impacts for surrounding properties (privacy, overshadowing, noise, visual impacts, student pick-ups/drop-offs etc) as addressed in the SEE.

Public interest

- No unreasonable public disadvantages have been identified as it has been demonstrated that any environmental or other impacts associated with the development are minimal and/or can be adequately managed.

Other tests

- The proposed variations satisfy the tests and considerations established in *Wehbe v Pittwater Council [2007] NSW LEC 82* and *Winten Developments Pty Ltd v North Sydney Council [2001] NSWLEC 46*.



CATHOLIC EDUCATION PRECINCT 7

CNR, FRONTIER AVENUE &
NORTHBOURNE DRIVE
LOT 272 DP 1191300

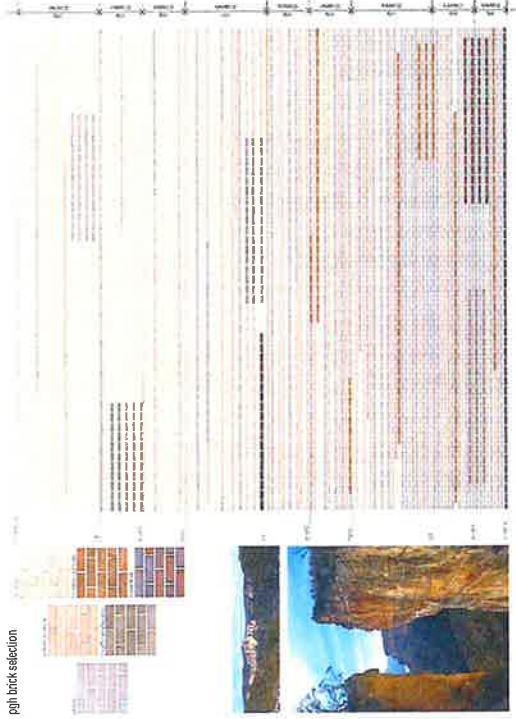
CATHOLIC EDUCATION, DIOCESE OF
PERIMANATTA

DA ISSUE	
DATE	10/10/2023
ISSUED BY	DAISSUE
REVISION	1
APPROVED BY	DAISSUE
CHECKED BY	DAISSUE
DATE	10/10/2023

FACADE PERSPECTIVES

14.0161 DA.015 A
DATE: 10/10/2023

path brick selection



MATERIAL FINISHES



(ROOF SHEETING) FINISH AROUND CLADDING TO UPPER LEVELS



(ROOF SHEETING) FINISH AROUND CLADDING TO UPPER LEVELS



(ROOF SHEETING) FINISH AROUND CLADDING TO UPPER LEVELS



(ROOF SHEETING) FINISH AROUND CLADDING TO UPPER LEVELS



(ROOF SHEETING) FINISH AROUND CLADDING TO UPPER LEVELS

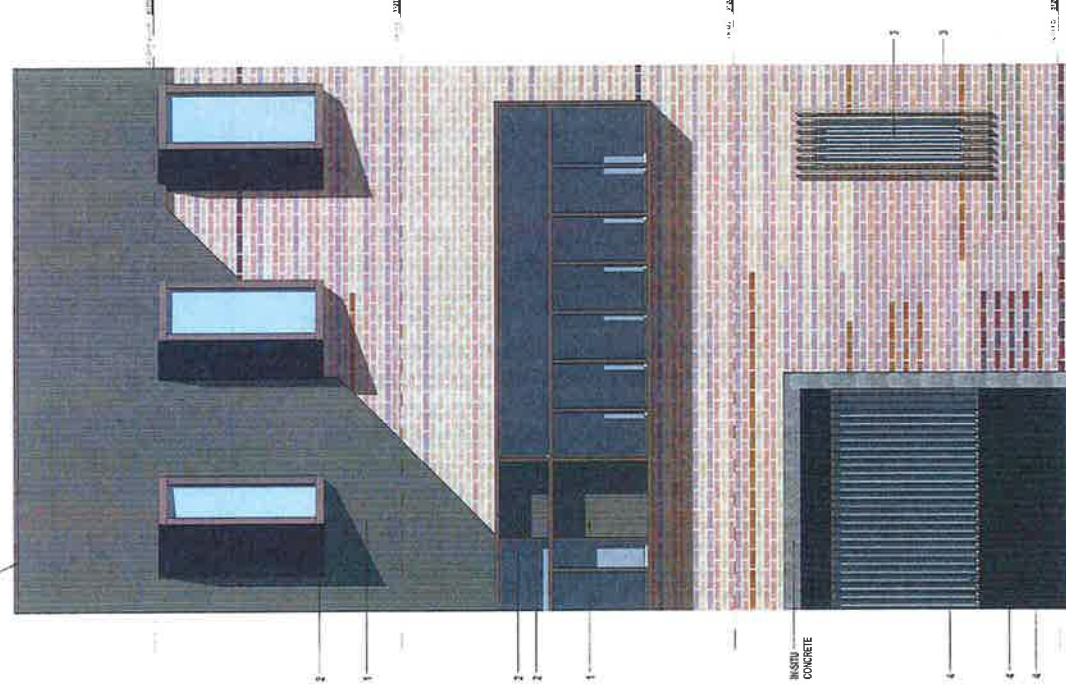


SAMPLE OF PROPOSED BRICKWORK FINISHES 1:100 (SCALE BUILDING)



SAMPLE OF PROPOSED BRICKWORK FINISHES 1:100 (SCALE BUILDING)

Colour Detail Elevation
1/25



CONCRETE



CONCRETE

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CATHOLIC
EDUCATION
PRECINCT
MARSDEN PARK
CNR FRONTIER AVENUE &
NORTHBOURNE DRIVE
LOT 272
DP 1191300
CATHOLIC EDUCATION,
DIOCESE OF PARRAMATTA
EXTERNAL FINISHES

14.0161	DA.012	A
14.0161	DA.012	A

DA no. : JRPP-15-02538

Proposal: Educational Establishment

Location: Lot 1104 DP 1191303, Syncarpia Street, Marsden Park

Compliance with Section 79C of the Environmental Planning and Assessment Act 1979		
Heads of Consideration 79C	Comment	Complies
a. The provisions of : (i) Any environmental planning instrument (EPI) (ii) Any development control plan (DCP) (i) The regulations	The provisions of the relevant EPIs relating to the proposed development are summarised under Section 6 of this report. The proposal is considered to be consistent with the relevant SEPPs, including Growth Centres SEPP and SEPP (Infrastructure) 2007. The proposed development is a permissible land use within the R2 Low Density Residential and the R3 Medium Density Residential zone and satisfies the zone objectives outlined under the Growth Centres SEPP. The development complies with the maximum FSR. A height variation is sought by the application, however, on its merits, the exception to the development standard is considered acceptable. The Growth Centres DCP applies to the site. The proposed development is compliant with all of the numerical controls established under the DCP.	Yes
b. The likely impacts of the development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality	An assessment of the key issues relating to the proposed development is provided under Section 9. It is considered that the likely impacts of the development, including traffic, noise, parking and access, bulk and scale, overshadowing, privacy, stormwater, waste management and the like, have been satisfactorily addressed. A thorough site analysis was undertaken to ensure that the proposed development will have minimal impacts on surrounding properties. In view of the above it is believed that the proposed development will not have any unfavourable social, economic or environmental impacts.	Yes
c. The suitability of the site for the development	The subject site is zoned R2 Low Density Residential and R3 Medium Density Residential. Educational establishments are permissible on the site with development consent. The sites location within the Marsden Park Precinct, a recently zoned residential area makes the site suitable for use as a school. The site is located on a collector road within close proximity to recreational and business area, making the site highly suitable for an educational establishment.	Yes
d. Any submissions made in accordance with this Act, or the regulations	No submissions were received as a result of notification.	Yes
e. The public interest	It is considered that no adverse matters relating to the public interest arise from the proposal. The proposal provides an educational establishment within a growing residential area.	Yes

DA no. : JRPP-15-02538
Proposal: Educational Establishment, with 2 school illuminated school identification signs
Location: Lot 1104 DP 1191303, Syncarpia Street, Marsden Park

Compliance with State Environmental Planning Policy No. 64 Schedule 1 – Assessment Criteria	
SEPP 64 Criterion	Comments
Character of the area. Is the proposal compatible with the existing or desired future character of the area or locality in which it is proposed? Is the proposal consistent with a particular theme for outdoor advertising in the area or locality?	The site is located within the R2 Low Density zone. However, the proposed use is consistent with the use of the land as an Educational Establishment. As the signage is located within the newly subdivided residential area, there is no theme of outdoor advertising in the area or locality.
Special Areas. Does the proposal detract from the amenity or visual quality of any environmentally sensitive areas, heritage areas, natural or other conservation areas, open space areas, waterways, rural landscapes or residential areas?	The proposed signage will not detract from any sensitive activity/site in the area as it is in association with the school and is simple in nature. The signage is minimal and incorporated into the design of the school's landscaping and car parkin.
Views and Vistas. Does the proposal obscure or compromise important views? Does the proposal dominate the skyline and reduce the quality of vistas? Does the proposal respect the viewing rights of other advertisers?	The proposed signage will not obscure or compromise views due to the size and design of the signage. The signage will not dominate the skyline or reduce the quality of vistas due to its location and size within the development. The proposed signage will not obscure or detract from other proposed signage.
Streetscape, setting or landscape Is the scale, proportion and form of the proposal appropriate for the streetscape, setting or landscape? Does the proposal contribute to the visual interest of the streetscape, setting or landscape? Does the proposal reduce clutter by rationalising and simplifying existing advertising?	Yes, the signage is considered to be in proportion to the scale of development on the site as an educational establishment. The signs will assist in the public being able to identify the school effectively. The proposed signage is considered to be relatively simplistic.

Does the proposal protrude above buildings, structures or tree canopies in the area or locality?	These signs, will not obstruct views and will not impact on other buildings in the area. Given the location, design and size of the proposed signage, the proposal is considered satisfactory.
Site and building Is the proposal compatible with the scale, proportion and other characteristics of the site or building, or both, on which the proposed signage is to be located? Does the proposal respect important features of the site or building, or both? Does the proposal show innovation and imagination in its relationship to the site or building, or both?	Yes, the signage is considered to be in proportion to the surrounding areas to which it relates. Yes, the proposal respects the architectural elements of the existing building. The signs are considered an appropriate response to the proposed activity on site.
Illumination Would illumination result in unacceptable glare? Would illumination affect safety for pedestrians, vehicles or aircraft? Would illumination detract from the amenity of any residence or other form of accommodation? Can the intensity of the illumination be adjusted, if necessary? Is the illumination subject to a curfew?	Minimal illumination is proposed to identify school events. The signage will not result in glare impact on residential uses, is not in close proximity to any traffic lights and will be conditioned to comply with relevant Australian Standards.
Safety Would the proposal reduce the safety for any public road? Would the proposal reduce the safety for pedestrians or bicyclists? Would the proposal reduce the safety for pedestrians, particularly children, by obscuring sightlines from public areas?	It is considered that the signage will not reduce the safety for people within the public domain. The proposed signage is to improve the road safety by facilitating safe traffic movement of pedestrians and cars. Further, adequate setbacks are achieved.

DA no. : JRPP-15-02538

Proposal: Educational Establishment

Location: Lot 1104 DP 1191303, Syncarpia Street, Marsden Park

Compliance with SEPP (Sydney Region Growth Centres) 2006 General controls within main body of the SEPP		
Clause	Proposal	Complies
Part 5 Development controls – flood prone and major creek land		
Cl.19 Development on flood prone and major creeks land—additional heads of consideration	The site is not located on flood prone land.	N/A
Cl. 20 Development on and near certain land at Riverstone West	The site is not located within the Riverstone West Precinct.	N/A
Compliance with SEPP (Sydney Region Growth Centres) 2006 Appendix 4 - Alex Avenue and Riverstone Precinct Plan 2010		
Clause	Proposal	Complies
Part 2 Permitted or prohibited development		
2.1 Zoning & Land Use Tables	The site is zoned R2 and R3. 'Educational establishment' is permissible in both zones with development consent.	Yes
Part 4 Principal development standards		
4.1 – 4.1AG Minimum lot size	The site is not for the construction of a dwelling. There is no minimum lot size for an educational establishment.	N/A
4.1B Residential Density	Minimum residential density requirements do not apply to educational establishments.	N/A
4.3 Height of Buildings ➤ R3 zone – 14 m ➤ R2 zone – 9 m	The buildings are located within the R2 zoned portion of the site. Maximum height proposed is 14.6 m, which exceeds the permissible height limit by 5.6 m.	No – Clause 4.6 variation sought and discussed in main report. The exception to the development standard is considered acceptable in this instance.

4.4 Floor space ratio (NB. calculations to be in accordance with 4.5)	There is no floor space ratio control for the site.	N/A
4.6 Exceptions to development standard ➤ Request must be in writing	A written clause 4.6 request has been submitted.	Yes – Attachment 3 to report.
Part 5 Miscellaneous provisions		
5.6 Architectural roof features	N/A	N/A
5.9 Preservation of trees or vegetation	The site is clear of vegetation.	N/A
5.10 Heritage conservation	The site does not contain a European heritage item. In regards to aboriginal heritage, an AHIP has been issued on the site.	Yes
Part 6 Additional local provisions		
6.1 Public utility infrastructure	Satisfactory arrangements have been made with the servicing authorities. Further, a condition will be imposed requiring servicing clearances.	Yes
6.2 Information and education facilities in zone R2 Low Density Residential	The proposal is defined as an 'educational establishment', therefore this provision is not applicable.	N/A
6.4 & 6.5 Native vegetation	The site is clear of vegetation.	N/A

Proposal: Educational Establishment**Location:** Lot 1104 DP 1191303, Syncarpia Street, Marsden Park

Compliance with BCC Growth Centre Precincts DCP 2010												
Part 4.0 - Development in the Residential Zones (from main body of DCP)												
SPECIFIC EDUCATIONAL ESTABLISHMENTS AND PLACES OF WORSHIP												
4.4.3 Educational Establishments and Places of Worship												
Element/Control	Proposal	Complies										
Places of worship are to be located within centres or co-located within other community facilities in residential areas so as to create a community focal point, to share facilities such as parking, and to minimise impacts on residential areas.	N/A	N/A										
Places of public worship and educational establishments are preferable to be located on land within frontage to a collector road. Corner sites are preferred.	The site is a superlot with 3 road frontages and adjoins a Council sportsfield.	Yes										
The privacy and amenity of adjoining developments	Minimum setback provided is 13.5m to the street. There are no adjoining residential.	Yes										
The need and adequacy of buffer zones to surrounding residential development.	See above.	Yes										
Urban design	Buildings are architecturally designed.	Yes										
Location	Satisfactory – co-located with playing fields and local centre.	Yes										
The size of the land where the development is proposed	The site has an area of 8 ha.	Yes										
Traffic generation and impacts of traffic on the road network and the amenity of nearby residents.	A traffic report has been submitted and reviewed by Council's Traffic Section.	Yes										
The availability of parking:	POPW – Not proposed at this stage Early Learning – 7 spaces 1800 students – 18 spaces 127 staff – 127 spaces 180 year 12 students – 36 Total required – 188 spaces Total proposed – 252 spaces	Yes										
<table><tr><th>Land use</th><th>Parking requirement</th></tr><tr><td>POPW</td><td>1 space per 4 seats OR 1 space per 10 sqm of seating area (whichever is greater)</td></tr><tr><td>Primary and Secondary Schools</td><td>1 space per staff member plus 1 space per 100 students</td></tr><tr><td>Senior High School</td><td>1 space per staff member 1 space per 5 students in Year 12</td></tr><tr><td>Tertiary and Adult Educational Establishments</td><td>1 space per 5 seats OR 1 space per 10 sqm of floor area (whichever is greater)</td></tr></table>	Land use	Parking requirement	POPW	1 space per 4 seats OR 1 space per 10 sqm of seating area (whichever is greater)	Primary and Secondary Schools	1 space per staff member plus 1 space per 100 students	Senior High School	1 space per staff member 1 space per 5 students in Year 12	Tertiary and Adult Educational Establishments	1 space per 5 seats OR 1 space per 10 sqm of floor area (whichever is greater)		
Land use	Parking requirement											
POPW	1 space per 4 seats OR 1 space per 10 sqm of seating area (whichever is greater)											
Primary and Secondary Schools	1 space per staff member plus 1 space per 100 students											
Senior High School	1 space per staff member 1 space per 5 students in Year 12											
Tertiary and Adult Educational Establishments	1 space per 5 seats OR 1 space per 10 sqm of floor area (whichever is greater)											

The scale of buildings and their capacity	The scale of the buildings are considered acceptable.	Yes
Hours of operation and noise impacts	An Noise Impact Assessment has been submitted and is considered satisfactory.	Yes
Traffic report to be submitted as part of DA.	A Traffic Report has been submitted and is considered satisfactory.	Yes
Landscape Plan to be submitted as part of DA.	A landscape plan has been prepared by Ground Ink for the DA and is considered satisfactory.	Yes
Provision of overflow car parking	An excess of 62 car parking spaces has been provided.	Yes
Designed to minimise noise disturbance	Minimum setbacks of 13 m has been provided. Battered slopes lower the playing fields to reduce noise impact on adjoining residential properties.	Yes
Acoustic report to be submitted. Development to comply with DECCW noise guidelines.	An Noise Impact Assessment has been submitted and is considered satisfactory.	Yes
Where appropriate, buffers should be put in place to limit noise impacts on the surrounding area.	Minimum setbacks of 13 m has been provided. Battered slopes lower the playing fields to reduce noise impact on adjoining residential properties. Surrounding property boundaries are also sufficiently landscaped.	Yes
Sources of noise such as garbage collection, machinery, parking areas and air conditioning plants are site away from adjoining properties and screened/insulated by walls or other acoustic treatment. Noise levels are not to exceed specified limits at the most affected point of the property boundary.	The Noise Impact Assessment has undertaken a detailed assessment of the noise impacts of garbage trucks, delivery vehicles, plant and equipment and car park areas. The potential noise impact is considered to comply with the NSW Industrial Noise Policy.	Yes
The general hours of operation for POPW and Educational Establishments are between 7am and 9pm. Variation to the approved hours of operation may be approved by Council subject to other requirements or a merit assessment.	(a) Early Learning Centre arrivals: 6am –8am, Monday to Friday (b) Educational establishment: 8am – 5pm, Monday to Friday (c) Adult education classes: 5pm – 10pm, Monday to Friday (2 times a week only) (d) Occasional weekend use for school related purposes. A merit assessment has been undertaken in the main report and the hours of operation are found to be satisfactory.	Yes

OTHER DEVELOPMENT IN RESIDENTIAL AREAS		
4.4.1 General requirements		
Site analysis information is required.	Site analysis plan has been submitted.	Yes
Except as provided for in the specific controls, minimum frontage is 15 m.	All site frontages exceed 15 m.	Yes
Non-residential development on residential zoned land is to comply with the requirements of Section 4.1 and Clauses 4.2.9 and 4.2.10 of this DCP in relation to residential amenity and sustainable building design.	Visual and acoustic privacy, sustainable building design and fencing are considered satisfactory.	Yes
Front setback – 4.5 m to building façade line	Minimum 13 m setback provided to all boundaries.	Yes
Side setback – 900 mm		
Rear setback – 4 m (ground level) and 6 m (upper level)		
Corner setback – 2 m		
Not permitted on battle-axe allotments.	The site is not a battle-axe lot.	Yes
Maximum site coverage is 60 % of total site area.	Building site coverage is 11.8%.	Yes
Minimum landscaped area is 20% of total site area.	Landscaped area is 70.6%.	Yes
Car parking to comply with DCP.	See above.	Yes
Have regard to effects of non-residential development in residential zones, including: - Will it be out of character, particularly in relation to height and scale? - Will it contribute to undesirable clustering of land uses? - Amenity of surrounding area - Traffic generation - Noise impact - Adequate provision of facilities for parking, loading and deliveries - Access by disabled persons	The development provides for an educational establishment to meet the needs of the locality. Whilst portions of the development exceed the permissible height limit, the setbacks and location of these buildings ensure that the amenity impacts on the adjoining residents is negligible. Submission of supporting documentation including a Noise Impact Assessment and Traffic Report identifies the development is compliant with relevant EPA and RMS requirements. The proposal provides for satisfactory parking and loading areas and meets required accessibility standards.	Yes
DEVELOPMENT IN RESIDENTIAL ZONES		
Site Responsive Design (Section 4.1)		
Control/Requirement	Proposal	Complies
4.1.1 Site analysis plan	A site analysis plan has been submitted.	Yes
4.1.2 Cut and fill ➤ Max. 500mm cut/fill ➤ Validation Report for imported fill	Cut and fill plan submitted. Cut and fill exceeds maximum requirements, however, battered slopes proposed on	No – Discussed in main report.

➤ Where cut on the boundary, retaining walls must be integrated with its construction, otherwise minimum 450mm from boundary ➤ Max. 600mm high walls ➤ Max. 1200mm combined wall height ➤ Min 0.5m between each step	northern and western boundaries retaining to NGL at the boundary. Given the accessibility and useability requirements for a development of this scale, cut and fill is considered acceptable. No retaining walls are proposed.	Variation considered acceptable.
4.1.3 Sustainable building design ➤ BASIX Certificate ➤ Indigenous species to make up more than 50% of plant mix on landscape plan ➤ Plant species to be selected from Appendix D ➤ Outdoor clothes lines/drying areas required	BASIX Certificate not required. However, buildings have been designed to increase natural ventilation and solar access.	Yes
4.1.4 Salinity, sodicity & aggressivity ➤ To comply with Salinity Management Plan developed at subdivision phase	Conditions are to be imposed to ensure compliance with an salinity requirements	Yes
Compliance with Schedule 6 – Marsden Park Precinct (Precinct specific controls)		
Relevant figures		
Control	Comment	
Indicative Layout Plan	The development is for an Educational Establishment within land identified as residential on the ILP. However, the use is permissible in the zone under the Growth Centres SEPP, which takes precedence.	
Figure 3-2 Water cycle management and ecology strategy	Site is not affected by this map.	
Figure 3-3 Flood Prone Land	Site is not identified as a flood prone area.	
Figure 3-4 Areas of potential salinity	The site is not identified as an area of potential salinity.	
Figure 3-5 Aboriginal cultural heritage	The site is not identified as having archaeological site significance. However, an Aboriginal Heritage Impact Permit (AHIP) C0000307 has been issued on the site by the Office of Environment and Heritage on 4 April 2014.	
Figure 3-6 European cultural heritage	The site is not identified as having European cultural heritage.	
Figure 3-7 Bushfire risk	The site is not identified as bushfire prone land.	
Figure 3-8 Sites that require additional contamination investigation	The site is not identified as requiring additional contamination investigation.	