

Assessment against planning controls

1 Environmental Planning and Assessment Act 1979

a. Section 4.15 'Heads of Consideration'

The development satisfies the matters for consideration under Section 4.15 of the Act as detailed below.

Heads of Consideration s4.15	Comment	Complies
a. The provisions of: <ul style="list-style-type: none"> (i) Any environmental planning instrument (EPI) (iii) Any development control plan (DCP) (iv) The regulations 	<p>The proposal is considered to be generally consistent with the relevant EPIs, including SEPP (State and Regional Development) 2011, SEPP (Infrastructure) 2007, SEPP No. 55 – Remediation of Land, SREP No. 20 – Hawkesbury-Nepean River, Central City District Plan 2018, SEPP Sydney Region Growth Centres 2006 and Blacktown City Council Growth Centre Precincts DCP 2018.</p> <p>The proposal is permissible within the R2 Low Density Residential zone and satisfies the zone objectives outlined under the Growth Centres SEPP 2006.</p> <p>The proposal is consistent with the Riverstone Precinct Plan, with the exception of the principal development standard for building height. The applicant has submitted a request to vary this development standard pursuant to Clause 4.6 of the SEPP. The height control is varied by up to 4.7 m. The proposed variation is discussed in detail in Section 7 and is considered satisfactory.</p> <p>The proposal is consistent with the Growth Centre Precincts DCP 2018, with the exception of the height of boundary fencing and a merit assessment of the hours of operation.</p> <p>The proposed development is consistent with the desired future character of the area.</p>	Yes
b. The likely impacts of the development, including environmental impacts on both the natural and built environments, and social and economic impacts on the locality	<p>It is considered that the likely impacts of the development, including traffic, access, parking, noise, siting, design, bulk and scale, overshadowing, visual and acoustic privacy, contamination and salinity, waste management and stormwater management have been satisfactorily addressed.</p> <p>A site analysis was undertaken to ensure that the proposed development will have minimal impacts on surrounding properties.</p> <p>In view of the above it is believed that the proposed development will not result in unfavourable social, economic or environmental impacts.</p>	Yes

Heads of Consideration s4.15	Comment	Complies
c. The suitability of the site for the development	<p>The subject site is zoned R2 Low Density Residential and permits 'places of public worship' with consent.</p> <p>The surrounding properties are existing residential properties and the Ambulance Service of NSW, and recently approved residential lots. There are also several other places of public worship, a school and community services in the general area. The proposal is compatible with these existing and future land uses.</p> <p>The site is therefore considered suitable for the proposed development.</p>	Yes
d. Any submissions made in accordance with this Act, or the regulations	No submissions were received as part of the public notification process.	Yes
e. The public interest	<p>The Applicant has demonstrated that potential adverse matters arising from this proposal with regard to public interest have been appropriately considered and mitigated, including the level of activity which will occur on the site and associated acoustic impacts.</p> <p>The proposal provides the opportunity for a community use which is available for the use of a range of age groups and purposes, including other local and community events (such as schools). Therefore the proposal is considered to be in the public interest.</p>	Yes

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

The Sydney Planning Panel (SPP) is the consent authority for a place of public worship development with a Capital Investment Value (CIV) of over \$5 million. The DA has a CIV of \$7,659,633. While we are responsible for the assessment of the DA, determination of the application is to be made by the Sydney Central City Planning Panel.

3 State Environmental Planning Policy (Infrastructure) 2007

SEPP (Infrastructure) 2007 ensures that the Roads and Maritime Services (RMS) is made aware of and allowed to comment on development nominated as 'traffic generating development' listed under Schedule 3 of the SEPP. The proposed development has 201 car parking spaces and therefore triggers the threshold for referral to the RMS.

The RMS raised no objection to the proposal. The RMS provided the following comments for Council's consideration:

- "1. The subject property is within a broad investigation area in relation to the North West Growth Area road network.
2. In the submitted Traffic Report the intersection of Hamilton Street and Crown Street has been modelled as signalised in the future. However, there was no justification provided to upgrade this intersection from the existing roundabout to a signalised intersection.

As a guide, a signalised intersection may be considered if one of the following warrants is met:

(a) Traffic demand:

For each of 4 one-hour periods of an average day:

- (i) The major road flow exceeds 600 vehicles/hour in each direction
- (ii) The minor road flow exceeds 200 vehicles/hour in one direction.

Or

(b) Continuous traffic

For each of 4 one-hour periods of an average day:

- (i) The major road flow exceeds 900 vehicles/hour in each direction
- (ii) The minor road flow exceeds 100 vehicles/hour in one direction
- (iii) The speed of traffic on the major road or limited sight distance from the minor road causes undue delay or hazard to the minor road vehicles
- (iv) There is not any other nearby traffic control light site easily accessible to the minor road.

Or

(c) Pedestrian safety:

For each of 4 one-hour periods of an average day:

- (i) The pedestrian flow crossing the major road exceeds 150 persons/hour
- (ii) The major road flow exceeds 600 vehicles/hour in each direction or, where there is a central median of at least 1.2 m wide, 1,000 vehicles/hour in each direction.

Or

(d) Pedestrian safety — high speed road:

For each of 4 one-hour periods of an average day

- (i) The pedestrian flow crossing the major road exceeds 150 persons/hour
- (ii) The major road flow exceeds 450 vehicles/hour in each direction or, where there is a central median of at least 1.2 m wide, 750 vehicles/hour in each direction
- (iii) The 85th percentile speed on the major road exceeds 75 km/hr.

(e) Crashes:

- (i) The intersection has been the site of an average of 3 or more reported tow-away or casualty traffic accidents per year over a 3 year period, where the traffic accidents could have been prevented by a traffic control light

- (ii) The traffic flows are at least 80% of the appropriate flow warrants.

Therefore, Roads and Maritime does not support proposed replacement of a roundabout with a traffic control signal at the Hamilton and Crown Street intersection until one of the above warrants are met.

From the Riverstone Indicative Layout Plan (ILP), it was noted that the intersection of Garfield Road East and Hamilton Street may be upgraded in future with a Traffic Control Signal subject to meeting Roads and Maritime's above warrants."

In response to the above comments, the Applicant has advised that their traffic modelling retained the intersection of Garfield Road East and Hamilton Street as a roundabout as required by RMS, and not a signalised intersection as suggested by the Indicative Layout Plan road layout. Despite this inconsistency in the analysis of the traffic modelling, this proposal does not propose to alter the intersection at Garfield Road East and Hamilton Street.

Council's Access and Transport Management Section has reviewed the response from RMS and the Applicant, and they raise no objection to the retention of the roundabout and provide the following comments:

"The traffic generation arising from the proposed 500 seat place of worship has been assessed as a net increase over and above existing traffic conditions. The increase is 140 vehicles per hour for the weekday PM peak period and 188 vehicles per hour for the AM Sunday peak period. These trips will be distributed across the existing road network and can be readily accommodated, with minimal impacts on the surrounding road system.

With 201 off-street parking spaces, the development will contain all parking demands within the site and, in particular, it complies with the parking requirement under the Growth Centre DCP. Provision of these within the at-grade carpark will ensure that visitors have convenient and safe access.

The proposed carpark complies with the requirements of AS 2890.1 (2004). The carpark has also been assessed using the computer program Auto Track, as permitted by AS 2890.1 (2004) and operates safely and efficiently. Any minor adjustments to ramp swept paths can be altered at Construction Certificate stage.

The proposed development will create moderate impacts that can be accommodated, while embracing the policies of the Growth Centre DCP.

No objection in principle is raised with the Development Application from a traffic management point of view."

Conditions are recommended to be imposed to ensure the above comments are implemented.

4 Sydney Regional Environmental Plan No. 20 – Hawkesbury-Nepean River

A consent authority must take into consideration the general planning considerations set out in Clause 5 of SREP 20 and the specific planning policies and recommended strategies in Clause 6 of SREP 20. The planning policies and recommended strategies under SREP 20 are considered to be met through the development controls of the Growth Centres SEPP 2006. The development generally complies with the development standards and controls established within the Growth Centres SEPP 2006, and is therefore considered to enable the orderly development of the site. Therefore, the proposal is considered to satisfy Clause 4 of SREP 20.

5 State Environmental Planning Policy No. 55 – Remediation of Land

SEPP 55 aims to 'provide a State wide planning approach to the remediation of contaminated land'. Clause 7 requires a consent authority to consider whether the land is contaminated and if it is suitable, or can be remediated to be made suitable, for the proposed development, prior to granting development consent.

A Preliminary Site Investigation and Salinity Report prepared by DLA Environmental Services dated March 2016 was prepared in accordance with the National Environmental Protection Measure (NEPM) 2013 Guidelines.

This report identified that there is no evidence of contamination or contaminating activities on this site and there is low potential for salinity impacts. Some soils have a mild aggressiveness towards concrete, and therefore the design of structures in contact with these soils should be in accordance with Standard AS 2159 - 1995 'Piling – Design and Installation' 1995. The report concluded that the site is considered suitable for the proposed use.

Therefore, the site is considered satisfactory with respect to site contamination and salinity.

6 Central City District Plan 2018

Whilst the Environmental Planning and Assessment Act 1979 does not require consideration of District Plans in the assessment of Development Applications, an assessment of the Central City District Plan has been undertaken.

The proposal is consistent with the 20 year vision set out in the Central City District Plan 2018 to create a productive, liveable and sustainable city. The proposal is considered to be a positive contribution to this district which fosters cohesive communities and responds to people's needs for services.

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

Appendix 4, Alex Avenue and Riverstone Precinct Plan 2010, to the SEPP applies to the site as it is located within the Riverstone Precinct. The following table provides an assessment of the development standards established within the Growth Centres SEPP and the proposal's compliance with these standards. The development complies with the development standards contained within the SEPP with the exception of building height.

i. Clause 2.3 Zone objectives and land use table

The consent authority must have regard to the objectives for development in a zone when determining a Development Application in respect of land within the zone.

The subject site is zoned R2 Low Density Residential pursuant to the Growth Centres SEPP. Places of public worship are permissible within the zone with consent. The proposal is defined as a place of public worship and the development meets the objectives of the zone.

ii. Clause 4.6 Exceptions to development standards

A consent must not be granted for development that contravenes a development standard unless the consent authority is satisfied that the applicant has made a written request that has adequately addressed the matters required to be demonstrated that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and that there are sufficient environmental planning grounds to justify contravening the development standard. The consent authority must also be satisfied that the proposed development will be in the public interest because it is consistent with the objectives of the zone.

The applicant is seeking an exemption under Clause 4.6 to the height of building development standard. A copy of the applicant's Clause 4.6 variation request is provided at **attachment 8**, while an assessment against the development standards is discussed in detail in Section 7 of the Assessment Report and **attachment 9**.

iii. Clause 6.1 Public utility infrastructure

The consent authority must not grant consent to development unless it is satisfied that any public utility infrastructure that is essential for the proposed development is available, or that adequate arrangements have been made to make that infrastructure available when required.

Council has received confirmation from Sydney Water and Endeavour Energy that drinking water, sewerage and electricity are available in the Riverstone Precinct. In addition, suitable conditions of consent will be imposed requiring a Section 73 Certificate and an Endeavour Energy Notification of Arrangements prior to the release of an Occupation Certificate.

The provisions of SEPP (Sydney Region Growth Centres) 2006 are relevant to the proposal, as addressed in the following table:

Compliance with SEPP (Sydney Region Growth Centres) 2006 General controls within main body of the SEPP		
Clause	Proposal	Complies
Part 4 Development controls – general		
Cl. 18 Water recycling and conservation	<p>Sydney Water's 'Growth Servicing Plan July 2014 to June 2019' indicates that the North West Growth Centre Packages 2 and 3A will deliver trunk water lead-ins under the Housing Acceleration Fund to service 6,500 dwellings in the precinct.</p> <p>A new package of works will also deliver wastewater lead-ins to extend services to 6,500 dwellings in the eastern part of the Riverstone precinct under the Housing Acceleration Fund 2.</p> <p>Developers are responsible for funding and delivering all reticulation works as part of the Section 73 compliance certificate process. This includes any recycled water reticulation works for schemes regulated by the Independent Pricing and Regulatory Tribunal (IPART). Recycled water will therefore be dealt with at the Section 73 Certificate stage.</p>	Yes
Part 5 Development controls – flood prone and major creek land		
Part 6 Development controls – vegetation		
Part 7 Development controls – cultural heritage landscape area		
Cl.19 Development on flood prone and major creeks land - additional heads of consideration	N/A - The site is not identified as flood prone.	N/A
Cl. 20 Development on and near certain land at Riverstone West	N/A - The site is not on or near Riverstone West.	Yes

Cl. 21-24	Vegetation	The site is nominated as containing Shale/Gravel Transition Forest. The site is also located on Biodiversity Certified land. All trees were approved for removal in the Subdivision DA-15-02708.	N/A
Cl. 25-26	Cultural heritage landscape area	The site is not identified as containing potential Aboriginal heritage constraints.	N/A
Compliance with SEPP (Sydney Region Growth Centres) 2006 Appendix 4 – Alex Avenue & Riverstone Precinct Plan 2010			
Clause		Proposal	Complies
1.2 Aims of Precinct Plan			
<p>The particular aims of this Precinct Plan are as follows:</p> <ul style="list-style-type: none"> (a) To make development controls for land in the Alex Avenue and Riverstone Precincts within the North West Growth Centre that will ensure the creation of quality environments and good design outcomes (b) To protect and enhance the environmentally sensitive and natural areas and the cultural heritage of those Precincts (c) To provide for recreational opportunities within those Precincts (d) To provide for multifunctional and innovative development in those Precincts that encourages employment and economic growth (e) To promote housing choice and affordability in those Precincts (f) To provide for the sustainable development of those Precincts (g) To promote pedestrian and vehicle connectivity with adjoining Precincts and localities and within the Alex Avenue and Riverstone Precincts (h) To provide transport infrastructure to meet the needs of the community (i) To provide for the orderly development of the Riverstone Scheduled Lands. 			The proposal is consistent with these aims.
Part 2 Permitted or prohibited development			
2.1 Zoning and Land Use Tables Objectives of zone	<p>The site is zoned R2 Low Density Residential.</p> <p>Places of public worship are permissible with consent.</p> <p>The proposal is consistent with the zone objectives.</p>		Yes
<ul style="list-style-type: none"> • To provide for the housing needs of the community within a low density residential environment. • To enable other land uses that provide facilities or services to meet the day to day needs of residents. • To allow people 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. 			
<ul style="list-style-type: none"> • 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. 			

2.6 Subdivision	<p>Subdivision is not proposed.</p> <p>Note: The proposal is consistent with the subdivision DA-15-02708 which was approved on 19 July 2016 and which created Residue Lot 19 the subject of this DA.</p> <p>This subdivision is required to be registered prior to the issue of any Construction Certificate.</p>	Yes - subject to a condition.
2.6A Demolition	This proposal comprises demolition works/removal of the existing shed only.	Yes
Part 4 Principal development standards		
4.1A Minimum lot size ➤ N/A	N/A	N/A
4.1B Residential Density ➤ Minimum 15 ph	<p>N/A</p> <p>The minimum required residential density was achieved in DA-15-02708 for subdivision.</p>	N/A
4.3 Height of Buildings ➤ Maximum 9 m	The proposal generally satisfies the maximum permitted building height of 9 m, with the exception of the main auditorium which has an elevated roof line with a maximum height of up to 13.7 m. This is a variation of 4.7 m, being 52% for point encroachments only. The youth hall also exceeds the height limit with a height of up to 10.1 m. This is a variation of 1.1 m, being 12%.	<p>No.</p> <p>The Applicant seeks to vary this development control. Refer to further discussion at Section 7 of the Assessment Report and attachment 9 and the Applicant's Clause 4.6 provided at attachment 8.</p>
4.4 Floor space ratio	N/A	N/A
4.6 Exceptions to development standard ➤ Request must be in writing	The applicant has submitted a Clause 4.6 report in support of a variation to height of buildings.	Refer to further discussion at Section 7 of the Assessment Report.
Part 5 Miscellaneous provisions		
5.6 Architectural roof features (1) The objectives of this clause are as follows: (a) To ensure that architectural roof features are decorative elements only	<p>N/A</p> <p>The Applicant does not seek to apply this standard.</p> <p>The Applicant has confirmed that the proposal is not considered to include any architectural roof features (e.g. mast or spire).</p>	N/A

(b) To ensure that the majority of the roof features are contained within the prescribed building height [of 9 m] set out in Clause 4.3.		
(2) Development that includes an architectural roof feature that exceeds, or causes a building to exceed, the height limits set by Clause 4.3 may be carried out, but only with consent.	N/A The Applicant does not seek to apply this standard.	N/A
(3) Development consent must not be granted to any such development unless the consent authority is satisfied that: (a) The architectural roof feature: (i) Comprises a decorative element on the uppermost portion of a building (ii) Is not an advertising structure (iii) Does not include floor space area and is not reasonably capable of modification to include floor space area (iv) Will cause minimal overshadowing. (b) Any building identification signage or equipment for servicing the building (such as plant, lift motor rooms, fire stairs and the like) contained in or supported by the roof feature is fully integrated into the design of the roof feature.	N/A The Applicant does not seek to apply this standard.	N/A
5.9 Preservation of trees or vegetation	All trees were approved for removal in the Subdivision DA-15-02708. Replacement landscaping and street trees are proposed in this DA.	Yes
5.10 Heritage conservation	N/A	N/A
Part 6 Additional local provisions		
6.1 Public utility infrastructure	The development will be appropriately conditioned to ensure adequate provision is made for the provision of electricity, water and sewage services. It is noted that this infrastructure was also required in the recently approved DA-15-02708 for subdivision.	Yes. The provision of services will be appropriately conditioned .

6.2 Attached dwellings, manor homes and multi-dwelling housing in R2 zone	N/A	N/A
6.3 Information and educational facilities in Zone R2 Low Density Residential	N/A	N/A
6.4 and 6.5 Native vegetation	<p>The site is mapped as containing Shale/Gravel Transition Forest at the northern corner of the site and along the south-eastern boundary of the site.</p> <p>The site is located on Biodiversity Certified land.</p> <p>All trees were approved for removal in the Subdivision DA-15-02708.</p>	Yes
6.6 Zone B4 Mixed Use	N/A	N/A
6.7 B1 Neighbourhood Centre	N/A	N/A
6.8 Development on Riverstone Scheduled Lands	N/A	N/A
6.9 Development on certain land identified as Green and Golden Bell Frog habitat	N/A	N/A
6.10 Development of land within or adjacent to public transport corridor	N/A	N/A

8 Blacktown City Council Growth Centre Precincts Development Control Plan 2018

The Growth Centre DCP applies to the site. The following table outlines the proposal's compliance with the DCP. The development complies with the development standards with the exception of boundary fencing and hours of operation, subject to a merit assessment. Both variations are discussed in detail in Section 7 of the Assessment Report.

Compliance with BCC Growth Centre Precincts DCP 2018		
Part 4.0 - Development in the Residential Zones (from main body of DCP)		
Site Responsive Design (Section 4.1)		
Control/Requirement	Proposal	Complies
4.1.1 Site analysis plan	Provided.	Yes
4.1.2 Cut and fill <ul style="list-style-type: none"> ➤ Maximum 500 mm cut/fill ➤ Validation Report for imported fill ➤ Where cut on the boundary, retaining walls must be integrated with its construction, otherwise minimum 450 mm from boundary ➤ Maximum 600 mm high walls ➤ Maximum 1,200 mm combined wall height ➤ Minimum 0.5 m between each step 	<p>The development site is generally level and balanced cut and fill is achieved. The retaining walls do not exceed 600 mm and are accompanied by landscaping. The retaining walls are required to be of masonry construction.</p>	Yes

4.1.3 Sustainable building design <ul style="list-style-type: none"> ➤ 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 and drying areas required 	N/A Suitable plant species are proposed. The landscaping offers suitable screening to the benefit of the adjoining properties Satisfactory. N/A	Yes
4.1.4 Salinity, sodicity and aggressivity <ul style="list-style-type: none"> ➤ To comply with Salinity Management Plan developed at subdivision phase 	The DA is accompanied by a Preliminary Site Contamination Investigation and Salinity Report prepared by DLA Environmental Services Pty Ltd, dated 18 March 2016. This has been reviewed by Council's Environmental Health section and no objection is raised.	Yes
Dwelling design controls (Section 4.2)		
Control/Requirement	Proposal	Complies
4.2.1 Summary of key controls	N/A - tables are not relevant for this form of development	N/A
4.2.2 Streetscape & design	N/A - no specific controls for this form of development	N/A
4.2.3 Front setbacks	N/A - no specific controls for this form of development	N/A
4.2.4 Side and rear setbacks	N/A - no specific controls for this form of development	N/A
4.2.5 Height, massing and siting	N/A - no specific controls for this form of development	N/A
4.2.6 Landscaped area	N/A - no specific controls for this form of development	N/A
4.2.7 Private open space <ul style="list-style-type: none"> ➤ Principal POS to be accessible from the main living area and have a maximum gradient of 1:10. 	N/A	N/A
4.2.8 Garages, access and parking <ul style="list-style-type: none"> ➤ Driveways not to be within 1m of drainage facilities on gutter. ➤ Planting/walls adjacent to driveways must not block sight lines. ➤ Driveways to have soft landscaped areas on either side. 	Driveway is clear of drainage on gutters. Suitable sight lines are achieved. Yes, overall landscaping is provided along the street boundaries.	Yes

<p>4.2.9 Visual and acoustic privacy</p> <ul style="list-style-type: none"> ➤ Acoustic report required if adjacent to railway line or major road, or impacted upon by nearby industrial/commercial area. ➤ No equipment or plant to generate noise level > 5 dBA measured during the hours 7 am to 10 pm. ➤ Internal layout of residential buildings, window openings, location of courtyards and balconies, and building plant to be designed to minimise noise impacts ➤ Noise walls are not permitted. ➤ Development effected by rail or traffic noise is to comply with AS2107-2000 Acoustics: Recommended Design Sound Levels and Reverberation Times for Building Interiors. ➤ Development shall aim to comply with the criteria in Table 4-7. 	<p>The DA is accompanied by a Planning Phase Acoustic Report, prepared by Marshall Day Acoustics. This has been reviewed by Council's Environmental Health Unit and no objection is raised subject to conditions of consent. Capable of being satisfied.</p> <p>Air conditioning units are within the roof area.</p> <p>The proposed layout is satisfactory.</p> <p>N/A - Acoustic walls are proposed along some boundaries. Satisfactory.</p> <p>N/A</p> <p>Satisfactory subject to conditions recommended by Council's Environmental Health section regarding potential acoustic impacts.</p>	<p>Satisfactory.</p> <p>Conditions recommended to be imposed to manage noise emission.</p>
<p>4.2.10 Fencing</p> <ul style="list-style-type: none"> ➤ Front fencing maximum 1 m. ➤ Front fences not to impede sight lines. ➤ Side and rear fences maximum 1.8 m. ➤ Side fences not on a street frontage to be a maximum 1 m high to a point 2 m behind the primary building façade. ➤ Corner lots or lots with side boundary adjoining open space/ drainage, the front fencing style and height is to be continued to at least 4 m behind the building line. ➤ On boundaries adjoining open space/drainage, fencing to be of high quality material and finish. Design to permit casual surveillance with maximum height 1 m or see-through materials for portion above 1 m. 	<p>No front fencing proposed.</p> <p>Satisfactory.</p> <p>Side and rear fencing to be an acoustic wall which is 1.8 m in height at the boundary. The acoustic wall then angles in towards the development to a total height so 2.8 m for noise attenuation purposes.</p> <p>N/A</p> <p>N/A</p>	<p>Yes</p> <p>Yes</p> <p>No, but variation considered acceptable in this instance. Refer to Section 9 of the Assessment Report for further discussion.</p> <p>N/A</p> <p>N/A</p>

<ul style="list-style-type: none"> ➤ Pre-painted steel or timber paling or lapped/capped boundary fencing not permitted adjacent to open space or drainage land or on front boundaries. ➤ Fencing adjoining rear accessways to permit casual surveillance. 	<p>Noted</p> <p>There is no fencing proposed at the eastern corner of the site.</p>	<p>-</p> <p>N/A</p>
General Requirements for Other Developments in Residential Areas (Section 4.4.1)		
Control/Requirement	Proposal	Complies
<p>Objectives</p> <p>a. To establish appropriate controls to minimise the adverse effects of non-residential development on surrounding residential development.</p> <p>b. To maintain consistency in development standards between non-residential and residential land uses and ensure that buildings are similar in height, bulk and scale to surrounding buildings.</p> <p>c. To ensure that non-residential development is appropriately located.</p> <p>d. To avoid concentrations of non-residential uses in any particular area where the cumulative impact on residential amenity would be unacceptable.</p>	<p>Suitable measures are proposed to ameliorate potential adverse impacts on surrounding residential properties, such as restrictions on hours of operation (including restricted hours for outdoor gathering spaces to 8 pm), acoustic walls and landscape screening.</p> <p>The proposed building is generally in accordance with the development control for building height. The bulk and scale of the building is ameliorated through its varied design which breaks up its massing.</p> <p>The building is centrally located within the site, which is suitable in this residential context.</p> <p>The proposal is a one-off for this form of development.</p>	<p>The proposal is consistent with these objectives.</p>
<p>Controls</p> <p>1. Site analysis information as required by Clause 4.1.1 is to be submitted with all applications for non-residential development in residential zones.</p>	<p>Provided.</p>	<p>Satisfactory.</p>
<p>2. Except as provided for in the specific controls below, non-residential development on residential zoned land is to be located on allotments that have a frontage width of greater than 15 metres.</p>	<p>The allotment is greater than 15 m in width.</p>	<p>Yes</p>
<p>3. Non-residential development on residential zoned land is to comply with the requirements of Section 4.1 and Clauses 4.2.9 to 4.2.10 of this DCP in relation to residential amenity and sustainable building design.</p>	<p>Section 4.1 is considered above.</p>	

4. For all non-residential development, the controls relating to lots with frontages greater than 15 metres in the following clauses of this DCP apply: <ul style="list-style-type: none"> • Clause 4.2.3 Front setbacks: 4.5 m • Clause 4.2.4 Side and rear setbacks: 0.9 m and 4 m • Clause 4.2.5 Dwelling height, massing and siting: 2 storeys (3rd subject to cl 4.2.5(1)) • Clause 4.2.8 Garages, site access and parking. 	Front setback is satisfied Side and rear setbacks are satisfied N/A N/A	Yes
5. Non-residential development is not permitted on battle-axe allotments.	N/A	N/A
6. The maximum site coverage of buildings is 60% of the total site area.	The building has a site coverage of 23% of the site.	Yes
7. The minimum landscaped area for non-residential development is 20% of the total site area of the allotment.	27% of the site is landscaped.	Yes
8. Provision of car parking for non-residential uses will be assessed by Council on an individual basis but must be sufficient to meet demand generated by staff and visitors.	Sufficient on site car parking is provided to service the anticipated car parking demand generated by the operation of the development at any one time.	Yes
9. Where there is an inconsistency between the general requirements of this clause and the specific controls in clauses 4.4.2 to 4.4.5 prevail.	Noted	Noted
10. Council will have particular regard to the effects of non-residential development in the residential zones. Council will consider whether:		
<ul style="list-style-type: none"> • The proposed development will be out of character with surrounding residential development, particularly in relation to the height and/or scale of any proposed buildings 	The proposal is considered to provide a suitable height and scale relative to the surrounding residential context and the large size of the subject site. The proposal provides substantial setbacks to surrounding residential and non-residential properties (including the NSW RFS to the south) which is screened by fencing and landscaping.	Satisfactory
<ul style="list-style-type: none"> • The proposed development will contribute to an undesirable clustering of that type of development, or non-residential uses in general, in the area 	A clustering of places of worship, or other community service buildings has not occurred.	Satisfactory
<ul style="list-style-type: none"> • An undesirable effect on the amenity of the surrounding area will be created 	The proposal is not considered to result in an 'undesirable effect' on the amenity of the surrounding area. Suitable design and operational measures are proposed to assist with protecting the amenity of surrounding properties.	Satisfactory

<ul style="list-style-type: none"> The proposed use will draw patronage from areas outside of the surrounding neighbourhood, and the extent to which that patronage might impact on the amenity of residents through factors such as traffic generation, noise or the overall scale of the non-residential use 	<p>The proposal will draw patrons in the immediate vicinity and the greater area. Suitable on-site car parking facilities are proposed, including 2 new vehicular points of ingress and egress to assist with vehicular movements.</p> <p>Suitable design and operational measures are proposed to assist with ameliorating noise impacts and the overall scale of this use.</p>	Satisfactory
<ul style="list-style-type: none"> A noise nuisance will be created 	<p>The Applicant has demonstrated that the proposed use will be appropriately managed to mitigate potential noise nuisance being created.</p>	Satisfactory
<ul style="list-style-type: none"> The development will generate traffic out of keeping with the locality 	<p>Council's Access and Transport Management section advises that the additional trips created by this use will be distributed across the existing road network and can be readily accommodated, with minimal impacts on the surrounding road system.</p>	Satisfactory
<ul style="list-style-type: none"> Adequate facilities are provided for the purposes of parking, loading and deliveries 	<p>Adequate facilities are provided.</p>	Satisfactory
<ul style="list-style-type: none"> Adequate provision is made for access by disabled persons. 	<p>Adequate provision is made for access for persons with a disability.</p>	Satisfactory
<p>11. Non-residential development in residential zones should be similar in bulk, scale, height and siting to the surrounding buildings.</p>	<p>The Applicant states that the <i>"design intent of the proposal is to create a unique Ministry Centre which has a local prominence, while being sympathetic to the residential locality."</i></p> <p>This is achieved by providing a design with multiple rooms or areas which break up the overall building mass with substantial setbacks to the surrounding properties.</p>	Satisfactory
<p>12. Finishes, materials, paving and landscaping are to be consistent with those of surrounding residential development.</p>	<p>The proposed finishes, materials, paving and landscaping are of a high quality finish which compliments the overall site and immediate locality.</p>	Satisfactory
Educational Establishments and Places of Public Worship (Section 4.4.3)		
Control/Requirement	Proposal	Complies
Objectives		
<p>a. To ensure appropriate provision and equitable distribution of education, establishments and places of public worship within the Precinct.</p>	<p>The proposal is consistent with this objective.</p>	Satisfactory
<p>b. To ensure that buildings are not out of character with the type, height, bulk and scale of surrounding buildings.</p>	<p>The proposed building is considered to offer a positive contribution to the existing and desired future character of the immediate locality.</p>	
<p>c. To encourage the appropriate location of facilities to create community focal points, centres of neighbourhood activity and enhance community identity.</p>	<p>The proposal is suitably located.</p>	

d. To mitigate the impacts of noise, privacy, increased traffic and nuisance on surrounding residential development.	The Applicant has demonstrated that suitable design and operational measures are proposed to assist with ameliorating noise and traffic impacts.	
e. To foster iconic and landmark building design within each Precinct.	The proposed building and complimentary landscaping assist with fostering an interesting and modern design which is suitable for this Precinct.	
Controls		
1. Places of worship are to be located within centres or co-located with 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.	This is a stand-alone facility, and is considered to be suitably located.	Satisfactory
2. Places of public worship and educational establishments are preferably to be located on land with frontage to a collector road. Corner sites are preferred.	The proposal is suitably located on a corner.	Satisfactory
3. In assessing applications, Council will consider the following:		
<ul style="list-style-type: none"> The privacy and amenity of adjoining developments 	The proposal provides substantial setbacks to the surrounding residential properties. Boundary acoustic walls are provided, which assist with privacy. The proposal also provides suitably placed windows and openings which are sensitive to the privacy and amenity of adjoining developments.	Satisfactory
<ul style="list-style-type: none"> The need and adequacy for provision of buffer zones to surrounding residential development 	Buffer zones are provided to all surrounding residential development through setbacks, landscaping and screen fencing.	Satisfactory
<ul style="list-style-type: none"> Urban design 	The proposal provides a suitable design which positively contributes to the desired future character of the site and surrounds.	Satisfactory
<ul style="list-style-type: none"> Location 	The location is suitable.	Satisfactory
<ul style="list-style-type: none"> The size of the land where the development is proposed 	The size of the land is suitable.	Satisfactory
<ul style="list-style-type: none"> Traffic generation and the impacts of traffic on the road network and the amenity of nearby residents 	Council's Access and Transport Management section advises that the additional trips created by this use will be distributed across the existing road network and can be readily accommodated, with minimal impacts on the surrounding road system.	Satisfactory
<ul style="list-style-type: none"> The availability of parking 	Sufficient on-site parking is provided.	Satisfactory
<ul style="list-style-type: none"> The scale of buildings and their capacity 	The scale of the building is suitable to meet the varied needs of the proposed use and its anticipated capacity.	Satisfactory

<ul style="list-style-type: none"> Hours of operation and noise impacts. 	<p>The hours of operation are suitable, and are recommended to be conditioned to ensure that surrounding properties have reprieve after hours.</p> <p>All activities and amplified noise and music will be required to be completed at 9:30 pm, with a half an hour allowance to ensure that all patrons leave the site by 10 pm.</p> <p>The use of all outdoor spaces is to cease at 8 pm.</p>	Satisfactory, subject to conditions.
<p>4. A traffic and transport report/statement is to accompany the Development Application addressing the impact of the proposed development on the local road system and defining car parking requirements.</p> <p>Note: Due to the high level of traffic generation and peak nature of traffic volumes accessing these types of land uses, assessment of traffic impacts and pedestrian requirements is required and mitigation measures may need to be incorporated in the design. Such measures may include pedestrian crossings, speed control devices, pedestrian refuges on streets to which the development fronts and the provision of bus and drop off bays. School zones will require additional safety measures such as school crossings, 40 km/h school speed zones and flashing lights in accordance with RMS requirements.</p>	<p>The DA is accompanied by a Traffic Impact Assessment.</p> <p>Council's Access and Transport Management Services has reviewed the proposal and no objection is raised.</p> <p>Further traffic measures are not required.</p>	Satisfactory
<p>5. A landscape plan and associated documentation is to be submitted with the Development Application identifying existing vegetation and community plant species and/or existing design elements of the site layout, and the proposed landscaping treatment of the development.</p>	<p>A Landscape Plan has been submitted.</p>	Satisfactory
<p>6. Car parking spaces shall be provided on site at the following rate</p> <p>Places of Public Worship: 1 space per 4 seats Or 1 space per 10 sqm of seating area (whichever is greater)</p>	<p>Ministry Centre Stage 1 – 250 seat (293 sqm) Worship space:</p> <p>- Parking Demand (spaces per seat) = 63 parking spaces (Parking Demand (spaces per sqm of area) = 30 parking spaces)</p> <p>Entry Foyer (Stage 1 and 2)</p> <p>- Parking Demand (209 sqm) = 21 parking spaces</p> <p>Ministry Centre Stage 2 – 500 seat (605 sqm) Worship space:</p> <p>Parking Demand (spaces per seat) = 125 parking spaces</p>	Satisfactory, subject to conditions .

	<p>(Parking Demand (spaces per sqm of area) = 61 parking spaces)</p> <p>Parking demand comparison with the proposal:</p> <p>Stage 1 Total Parking Demand = 84 parking spaces Total Parking Provided = 104 parking spaces</p> <p>Stage 2 Total Parking Demand = 146 parking spaces Total Parking Provided = 201 parking spaces</p>	
7. For certain uses, the provision of overflow parking may be necessary particularly where such developments incorporate halls used for social gatherings. Overflow parking areas could be provided on open grassed areas and need not be formally sealed or line-marked. Proposed overflow parking areas are to be clearly shown on plans submitted with the Development Application.	Informal overflow car parking is proposed, which offers surplus car parking spaces for activities with a high level of attendees.	Satisfactory
8. Development must be designed to minimise the possibility of noise disturbance to the occupants of adjoining or neighbouring dwellings.	The Applicant has demonstrated that suitable design and operational measures are proposed to assist with ameliorating noise disturbance on neighbouring dwellings.	Satisfactory, subject to conditions .
9. Development must be designed to minimise the possibility of noise to the occupants of adjoining or neighbouring dwellings.	The Applicant has demonstrated that suitable design and operational measures are proposed to assist with ameliorating noise disturbance on neighbouring dwellings.	Satisfactory
10. Where it is likely that a development may cause an adverse noise impact on nearby residential areas, an acoustic report will be required to be submitted to council with the Development application,	<p>An Acoustic Report has been submitted.</p> <p>Refer to Section 7 of the Assessment Report for further discussion.</p>	Satisfactory
11. Development must comply with DECCW noise guidelines in clause 4.2.9.	<p>An Acoustic Report has been submitted.</p> <p>Refer to Section 7 of the Assessment Report for further discussion.</p>	Satisfactory
12. Where appropriate buffers should be put in place to limit noise impacts on the surrounding area.	Noise buffers include acoustic walls and landscaping. The building is centrally located within the site to ensure appropriate separation.	Satisfactory
13. Sources of noise such as garbage collection, machinery, parking areas and air conditioning plants are sited 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.	These sources of noise are appropriately located.	Yes

14. The general hours of operation for places of public worship and educational establishments are between 7 am and 9 pm.	The proposed hours of operation are 8 am – 10 pm 7 days a week including public holidays. Refer to Section 7 of the Assessment Report for further discussion.	No, but variation considered acceptable.
15. Variation to the approved hours of operation may be approved by Council subject to other requirements or a merit assessment. Note: Legislation covering noise impacts and hours of operation is the Protection of the Environment Operations Act 1997 and the Protection of the Environment (Noise Control) Regulation 2000 (Noise Control) Regulation. Applicants should also refer to the Department of Environment, Climate Change and Water website (http://www.environment.nsw.gov.au) for more information regarding noise control.	Refer to Section 7 of the Assessment Report for further discussion.	Merit assessment considered acceptable.

**Compliance with BCC Growth Centre Precincts DCP 2018
Schedule 2 – Riverstone Precinct (precinct specific controls)**

Section 2 – Relevant figures	
Control	Comment
Figure 3.1 Precinct Indicative Layout Plan	The road layout is consistent with the recently approved Subdivision DA which considered the ILP.
Figure 3.2 Key elements of the water cycle management and ecology strategy	N/A - The site is clear of these key elements.
Figure 3.3 Flood prone land	The site is clear of flood prone land.
Figure 3.4 Areas of potential salinity and soil aggressivity risk	The site is identified as Higher Risk Salinity. The DA is accompanied by a Preliminary Site Investigation and Salinity Report. This has been reviewed by Council's Environmental Health section and no objection is raised.
Figure 3.5 Aboriginal Cultural Heritage Sites	N/A - The site is not identified as containing Aboriginal Cultural Heritage Sites.
Figure 3.6 European Cultural Heritage Sites	N/A - The site is not identified as containing European Cultural Heritage Sites.
Figure 3.7 Bushfire risk & Asset Protection Zone requirements	N/A - The site is not identified as subject to bushfire risk.
Figure 3.8 Residential structure	The proposal is consistent with Low Density Residential structures required on this site.
Figure 3.9 Precinct road hierarchy	The proposal is consistent with the Precinct road hierarchy.
4 Scheduled Lands Residential Controls	N/A
5 Centres Development Controls	N/A