

Assessment against planning controls: section 4.15, summary assessment and variations to standards

1 Environmental Planning and Assessment Act 1979

1.1 Section 4.15 'Heads of Consideration'

Heads of Consideration	Comment	Complies
a. The provisions of:		
(i) Any environmental planning instrument (EPI)	<p>The proposal is considered to be consistent with the relevant EPIs, including: SREP No. 20 – Hawkesbury-Nepean River, SEPP (State and Regional Development) 2011, SEPP No. 55 – Remediation of Land, SEPP (Educational Establishments and Child Care Facilities) 2017, Blacktown Local Environmental Plan 2015 and the Central City District Plan 2018.</p> <p>The site is zoned RU4 Primary Production Small Lots under Blacktown Local Environmental Plan 2015, which does not permit educational establishments. However, RU4 is a prescribed zone under the provisions of State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017, which permits an educational establishment.</p>	<p>Satisfactory</p> <p>No, but complies with SEPP</p>
(ii) Any proposed instrument that is or has been the subject of public consultation under this Act	The Draft Marsden Park North Precinct Plan under State Environmental Planning Policy (Sydney Region Growth Centres) 2006 is relevant to the DA. The proposal is permissible under the draft plan which proposes to zone this site as SP2 Educational Establishment.	Yes
(iii) Any development control plan (DCP)	Blacktown Development Control Plan 2015 only applies in relation to the provision of car parking, tree preservation, solar access and site waste management.	Yes
(iii a) Any Planning Agreement	N/A	N/A
(iv) The regulations	There are no relevant provisions.	N/A
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, parking and access, design, bulk and scale, overshadowing, noise, privacy, waste management, tree removal, contamination and stormwater management, have been satisfactorily addressed.</p> <p>A detailed 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 considered that the proposed development will be an acceptable extension to an existing school that will soon be situated in an urban environment.</p>	Yes

c. The suitability of the site for the development	<p>The subject site is zoned RU4 Primary Production Small Lots under Blacktown Local Environmental Plan 2015, which does not permit educational establishments. However, RU4 is a prescribed zone under the provisions of State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017, which permits educational establishments with development consent.</p> <p>The land will soon be rezoned to a Special Uses zoning in a new urban setting.</p> <p>The site has an area and configuration that is suited to this form of development. The design solution is based on sound site analysis and responds positively to the existing development on and adjoining the site in what will soon be a zoned residential area.</p>	Yes
d. Any submissions made in accordance with this Act, or the regulations	The application was advertised for comment for a period of 14 days. 2 submissions were received during the notification period. These issues are addressed in attachment 7 in detail.	Satisfactory
e. The public interest	It is considered that no adverse matters relating to the public interest arise from the proposal. The proposal provides additional high quality learning space for the school to meet the needs of the school and the local community.	Yes

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

Summary comment	Complies
<p>The Sydney Central City Planning Panel (SCCPP) is the consent authority for private infrastructure and community facilities over \$5 million.</p> <p>As this DA has a CIV of \$12,617,000, Council is responsible for the assessment of the DA and determination of the application is to be made by the Panel.</p>	Yes

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

Summary comment	Complies
<p>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 the granting of development consent.</p> <p>A Stage 1 Preliminary Site Investigation Report, prepared by ENRS and dated 6 July 2015, was submitted with the application. The report indicates elevated levels of formaldehyde in the soil, as well as areas of asbestos in the soil.</p> <p>The report concludes that the areas of environmental concern can be managed during the redevelopment process and the site can be considered suitable for the proposed land use pending the results of soil validation testing after removal of fill materials and the provision of asbestos clearance certificates.</p> <p>Our Environmental Health Officer reviewed the report and provided conditions requiring a Stage 2 Detailed Site Investigation Report prepared by an appropriately qualified environmental consultant in line with SEPP 55, NSW Environment Protection Authority Guidelines and the National Environment Protection Measures, to be submitted to Council, to determine the extent of the contamination.</p>	

A Remediation Action Plan will also be required. Upon completion of the remediation work we will also require the site to be validated by an EPA accredited site auditor. Appropriate conditions to address these requirements are incorporated in attachment 8.	
--	--

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

Summary comment	Complies
The planning policies and recommended strategies under SREP 20 are considered to be met through the development controls of the Growth Centres SEPP.	Yes

5 State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017

Summary comment
This SEPP aims to facilitate the effective delivery of educational establishments and early education and care facilities across the State, and establishes design quality principles for consideration. The table below provides comments on the 7 design principles of the Design Guide for Schools.

5.1 Design quality principles

The development satisfies the 7 design quality principles.

Principle	Control	Comment
1. Context built form and landscape	Schools should be designed to respond to and enhance the positive qualities of their setting, landscape and heritage, including Aboriginal cultural heritage.	The new school building is designed to enhance its physical context and landscape. The built form of the proposal is suitable for the site and will involve construction of 3 storey school building and associated landscaping.
	The design and spatial organisation of buildings and the spaces between them should be informed by site conditions such as topography, orientation and climate.	The design and layout of the proposed works are appropriate to existing school buildings and will not result in any negative or detrimental impacts.
	Landscape should be integrated into the design of school developments to enhance on-site amenity, contribute to the streetscape and mitigate negative impacts on neighbouring sites.	New landscaping has been integrated into the design to enhance on-site amenity, contribute to the streetscape and mitigate adverse impacts on neighbouring sites.
	School buildings and their grounds on land that is identified in or under a local environmental plan as a scenic protection area should be designed to recognise and protect the special visual qualities and natural environment of the area, and located and designed to minimise the development's visual impact on those qualities and that natural environment.	N/A

2. Sustainable, efficient and durable	<p>Good design combines positive environmental, social and economic outcomes. Schools and school buildings should be designed to minimise the consumption of energy, water and natural resources and reduce waste and encourage recycling.</p> <p>Schools should be designed to be durable, resilient and adaptable, enabling them to evolve over time to meet future requirements.</p>	<p>The new school building combines positive environmental, social and economic outcomes. The construction of the building includes recyclable building materials, structural and roofing steel, and precast concrete. The building is designed to minimise the consumption of energy, water and natural resources.</p> <p>The school building is provided with long horizontal highlight window walls which provide natural light and ventilated classrooms for many days of the year.</p> <p>The existing garbage collection area at the western boundary will continue to be used and equipped to separate and encourage recycled waste.</p> <p>The proposed building is flexible and capable of adapting over time to different configurations due to its modular design and lightweight internal walls which are easily disassembled.</p>
3. Accessible and inclusive	<p>School buildings and their grounds should provide good wayfinding and be welcoming, accessible and inclusive to people with differing needs and capabilities.</p> <p>Note: Wayfinding refers to information systems that guide people through a physical environment and enhance their understanding and experience of the space.</p> <p>Schools should actively seek opportunities for their facilities to be shared with the community and cater for activities outside of school hours.</p>	<p>The new school building will provide good wayfinding at the front door providing directions to the 3 levels of the building. The stairs through the internal atrium are visible, whilst the lift is also accessible for disabled use.</p> <p>The school will seek opportunities for facilities to be shared with the community and cater for activities outside school hours.</p>
4. Health and safety	<p>Good school development optimises health, safety and security within its boundaries and the surrounding public domain, and balances this with the need to create a welcoming and accessible environment.</p>	<p>The building provides a generous light filled atrium where there is direct access to the classrooms. Although air conditioning is provided, the building is designed to provide natural light and ventilation. This will optimise the health of students and staff.</p> <p>The school is provided with fencing around the boundary which will enhance the safety of children, whilst the generous paved front forecourt and landscaped spaces around the building create excellent surveillance.</p>
5. Amenity	<p>Schools should provide pleasant and engaging spaces that are accessible for a wide range of educational, informal and community activities, while also considering the amenity of adjacent development and the local neighbourhood.</p>	<p>The new school building provides pleasant and engaging spaces that are accessible for learning and playing, educational, informal and community activities.</p>

	<p>Schools located near busy roads or near rail corridors should incorporate appropriate noise mitigation measures to ensure a high level of amenity for occupants.</p> <p>Schools should include appropriate, efficient, stage and age appropriate indoor and outdoor learning and play spaces, access to sunlight, natural ventilation, outlook, visual and acoustic privacy, storage and service areas.</p>	<p>N/A</p> <p>The western external play area will include stage and age appropriate learning and play facilities with access to sunlight, natural ventilation and outlook. The paved courtyard at the front of the building will be suitable for more ceremonial uses.</p>
6. Whole of life, flexible and adaptive	<p>School design should consider future needs and take a whole-of-lifecycle approach underpinned by site wide strategic and spatial planning.</p> <p>Good design for schools should deliver high environmental performance, ease of adaptation and maximise multi-use facilities.</p>	<p>The new building is designed to be able to adapt to larger or smaller learning spaces as needs dictate.</p>
7. Aesthetics	<p>School buildings and their landscape setting should be aesthetically pleasing by achieving a built form that has good proportions and a balanced composition of elements.</p> <p>Schools should respond to positive elements from the site and surrounding neighbourhood and have a positive impact on the quality and character of a neighbourhood.</p> <p>The built form should respond to the existing or desired future context, particularly positive elements from the site and surrounding neighbourhood, and have a positive impact on the quality and sense of identity of the neighbourhood.</p>	<p>The proposed development is considered to be appropriate in terms of the composition of building elements, textures, materials, finishes and colours.</p> <p>The proposal is an appropriate scale and form for the future surrounding residential context.</p> <p>The proposed development achieves an appropriate built form that has good proportion and a balanced composition. It will not detrimentally impact on the surrounding neighbourhood which will change substantially over the decade following its rezoning to urban.</p>

5.2 Traffic generating development

Clause 57 requires traffic generating development to be referred to the RMS for the purpose of an educational establishment with 50 or more additional students and with access to any road. The application was referred to the RMS and no objections were raised to the proposal subject to conditions.

6 State Environmental Planning Policy (Sydney Region Growth Centres) 2006 – draft Marsden Park North Precinct Plan

The subject site is located within the Marsden Park North Precinct and the exhibited draft Precinct Plan is still under consideration by the NSW Government following its exhibition.

The subject site is zoned SP2 Educational Establishment under the draft Precinct Plan, which is consistent with the proposed land use, being an extension to an established school.

The proposed development has taken into consideration the proposed Precinct Plan and is designed to be consistent with it.

Under the draft Precinct Plan, floor space ratio, density and height controls are not applicable to the subject site. However, the proposed height of the development is not considered to be out of character with the surrounding future low density residential zone. The proposal will have a 11.9 m building height.

The subject site is not proposed to be identified as a heritage item. However, the heritage item 'Redgate' is located 300 m from the subject site. The proposal will have no adverse impact on the significance of the heritage item. Our Heritage Officer reviewed the proposal and raised no issues with the proposed development.

The subject site is not located within an existing or native vegetation retention area.

During the assessment of the application Clause 16 of the SEPP has been taken into consideration, which requires consideration of certain matters until such time as the process of precinct planning is finalised.

The matters for consideration under Clause 16 of the SEPP are:

- a. *Whether the proposed development will preclude the future urban and employment development land uses identified in the relevant growth centre structure plan.*
- b. *Whether the extent of the investment in, and the operational and economic life of, the proposed development will result in the effective alienation of the land from those future land uses.*
- c. *Whether the proposed development will result in future fragmentation of land holdings,*
- d. *Whether the proposed development is incompatible with desired land uses in any draft environmental planning instrument that proposes to specify provisions in a Precinct Plan or Clause 7A.*
- e. *Whether the proposed development is consistent with the precinct planning strategies and principles set out in any publicly exhibited document that is relevant to the development.*
- f. *Whether the proposed development will hinder the orderly and co-ordinated provision of infrastructure that is planned for the growth centre.*
- g. *In the case of transitional land – whether (in addition) the proposed development will protect areas of aboriginal heritage, ecological diversity or biological diversity as well as protecting the scenic amenity of land.*

The use of the land to enable the growth and expansion of the existing school is consistent with the future surrounding land use which is likely to be mainly low density residential. As indicated previously in this report, the extension of an existing school is an appropriate land use in a future urban precinct and will be a compatible land use with surrounding land. Furthermore, the proposed development is not considered to hinder the future provision of infrastructure to the area.

7 Central City District Plan 2018

Summary comment	Complies
<p>While the Act does not require consideration of District Plans in the assessment of Development Applications, the DA is consistent with the following overarching planning priorities of the Central City District Plan:</p> <p>Liveability</p> <ul style="list-style-type: none"> Improving access to jobs and services Creating great places Contributing to the provision of services to meet communities' changing needs. 	Yes

8 Blacktown Local Environmental Plan (BLEP) 2015

Summary comment
<p>We have assessed the DA against the relevant provisions. The current RU4 Primary Production Small Lots zone is the only area of non-compliance. However, RU4 is a prescribed zone under the provisions of State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017, which permits educational establishments under this zone. The SEPP prevails over BLEP 2015.</p>

9 Blacktown Development Control Plan (BDCP) 2015

Summary comment

We have assessed the DA against the relevant provisions (parking, tree preservation, solar access and site waste management) and it is **compliant with all matters** under Blacktown Development Control Plan 2015.
