

## Assessment against planning controls

### 1. Environmental Planning and Assessment Act 1979

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:		
(i) Any environmental planning instrument (EPI)	<p>The proposal is considered to be consistent with the relevant EPIs, including SEPP (State and Regional Development) 2011, SEPP No. 55 – Remediation of Land, SEPP (Educational Establishments and Child Care Facilities) 2017 which includes the 7 ‘design quality principles’, SREP No. 20 – Hawkesbury- Nepean River, the Central City District Plan 2018, SEPP (Sydney Region Growth Centres) 2006, and Blacktown Local Environmental Plan 2015.</p> <p>The proposed development is a permissible land use within the R2 Low Density Residential zone and satisfies the zone objectives outlined under SEPP (SRGC) 2006.</p> <p>The proposed land use is educational establishment. This is a permissible land use in the R2 Low Density Residential zone. The proposal satisfies the R2 Low Density Residential zone objectives outlined under the SEPP (SRGC).</p> <p>The proposal is consistent with the Riverstone Precinct Plan, with the exception of the development standard which permits a maximum building height of 9 metres. The applicant has submitted a request to vary this development standard pursuant to Clause 4.6 of the SEPP (SRGC). The height control is varied by up to 1.74 m, or 20 %.</p>	<p>Satisfactory</p> <p>Satisfactory</p>
(ii) any proposed instrument that is or has been the subject of public consultation under this Act	There are no draft instruments relevant to the application.	Not applicable.
(iii) Any development control plan (DCP)	<p>Blacktown City Council Growth Centre Precincts Development Control Plan September 2016 applies to the site. The site is located in the south portion of the “Alex Avenue and Riverstone Precinct”, and is within Schedule 2 Riverstone Precinct.</p> <p>Blacktown DCP 2015 applies to the site – re provisions relating to local heritage, parking and access, and stormwater. There is discussion at part 10 of this document. The proposed development is compliant with the relevant controls established under the Growth Precincts DCP and BDCP.</p>	<p>Yes</p> <p>Yes, subject to conditions</p>
(iiia) Planning agreement	N/A	

Heads of Consideration s4.15	Comment	Complies
(v) The regulations	The DA is compliant.	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, parking and access, design, bulk and scale, overshadowing, noise, privacy, waste management, salinity, contamination 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 and the design is consistent with the previously approved subdivision for the site.</p> <p>In view of the above, it is accepted that the proposed development will not have any unfavourable social, economic or environmental impacts. The proposed works will enhance the utility of the existing school without introducing any detrimental impacts.</p>	<p>Yes, subject to conditions</p> <p>Yes</p> <p>Yes</p>
c. The suitability of the site for the development	<p>The subject site is zoned R2 Low Density Residential. Schools are permissible on the site with development consent.</p> <p>There is a maximum height limit of 9 m applicable to the site under SEPP (SRGC) 2006.</p> <p>Schedule 2 Schools-complying development of SEPP (Educational Establishments and Child Care Facilities) 2017 permits a building height (whether a new building, or an existing building as a result of an addition or alteration) to not exceed 4 storeys, and to not exceed 22 m from ground level (mean).</p> <p>The existing buildings on site are 10.9 m – 13.6 m in height. A proposed maximum building height of 10.74 m is sought for the proposed Learning Hub. This is 1.74 m greater than the maximum building height permitted, and exceeds the maximum building height by 20% increase. The applicant has provided a request to vary from the height development standard at Clause 4.3(1) of SEPP (SRGC). This justification statement is discussed further below. The applicant's request to vary from the height development standard is located at <b>attachment 7</b>.</p> <p>Side and rear setbacks for buildings 12 m or less in height are to be located more than 5 m from any side or rear property boundary with land in a residential zone; the proposal complies.</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.</p> <p>The site is in the general vicinity of complimentary land uses, including a local centre, primary school, private high school, and the Riverstone Railway Station, which further demonstrates that the site is well serviced and suitable for this form of development within an area where residential density has increased and the population is projected to</p>	<p>Yes</p> <p>No, see discussion below</p> <p>Yes</p> <p>Yes, considered on merit. Proposed height is permitted under Education and Childcare SEPP.</p> <p>Yes</p> <p>Yes</p>

Heads of Consideration s4.15	Comment	Complies
	increase in the near future.	
d. Any submissions made in accordance with this Act, or the regulations	The application was advertised for comment for a period of 14 days from 21 February to 8 March 2018. No submissions were received in response to notification.	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 and administration space for the school to meet the needs of the local community within the Riverstone Precinct. Conditions have been imposed in relation to acoustic amenity, waste management, parking allocation, a green travel plan and operational management plan.	Satisfactory

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

The Sydney Central City Planning Panel (SPP) is the consent authority for Crown Development with a capital investment value (CIV) of over \$5 million. The proposed development has a CIV of \$15,970,980. As such, Council is responsible for the assessment of the DA and determination of the application is to be made by the Sydney Central City Planning Panel.

## 3. 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 the granting of development consent.

A Preliminary Environmental Site Investigation Report prepared by Environmental Investigation Services (EIS) was submitted with the application and appropriate conditions of consent were applied as part of that approval. The report confirmed that the site is can be made suitable for the proposed use, subject to conditions of consent.

The site investigation found contaminants, namely zinc, TRH and asbestos, following a selection of six soil samples, and the discovery of one fragment of fibre cement found near one of the bore holes. An additional fragment of suspected asbestos containing material (sACM) was identified at the ground surface in the vicinity of BH3 during the previous September 2017 investigation. An Intrusive HAZMAT Survey has been prepared by WSP to further assess the extent of hazardous materials at the site. This report identifies that asbestos containing materials and SMF containing materials were identified in several locations within Block A and C as well as lead based paint within Block C.

Council's Environmental Health section reviewed the reports, and have requested that a Remediation Action Plan (RAP) be prepared, based on the investigation findings, and be endorsed by a NSW Environment Protection Authority accredited Site Auditor. The Site Auditor is to review the validation report(s) and submit to Council a Site Audit Statement to verify that the investigation, remediation and validation were carried out in accordance with EPA guidelines, and confirm that the site is suitable for the use/proposed use. Conditions of consent have been provided which have been incorporated in **attachment 9**.

## 4. SEPP (Educational Establishments and Child Care Facilities) 2017

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 assessment of the 7 design principles of the Design Guide for Schools outlined under Section 4 of the Education and Childcare SEPP.

### 4.1. Design quality principles

The development satisfies the 7 design principles.

Principle	Control	Town Planning comment
<b>1. Context built form and landscape</b>	<p>Schools should be designed to respond to and enhance the positive qualities of their setting, landscape and heritage, including Aboriginal cultural heritage.</p> <p>The design and spatial organisation of buildings and the spaces between them should be informed by site conditions such as topography, orientation and climate.</p> <p>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.</p> <p>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.</p>	<p>The built form of the proposal is suitable for the site and will involve additions to the existing administration building (Building A) including new entry, a new 2-storey learning building (Learning Hub known as Building O), the removal of demountable classrooms and associated landscaping throughout the site, including accessible pathways and ramps.</p> <p>The design and layout of the proposed works is appropriate to existing school buildings and landscaping and will not result in any negative or detrimental impacts.</p> <p>The proposal is well resolved will greatly enhance the utility of the school and is appropriate it the site context.</p> <p>N/A</p>
<b>2. Sustainable, efficient and durable</b>	<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 proposal adopts a range of ESD initiatives and includes solar panels for energy generation and rainwater tanks for energy efficiency. The proposal will provide social and economic benefits through job creation and additional student opportunities and facilities in the absence of any detrimental impacts.</p>

Principle	Control	Town Planning comment
<b>3. Accessible and inclusive</b>	<p>School buildings and their grounds should provide good way finding and be welcoming, accessible and inclusive to people with differing needs and capabilities.</p> <p>(Note: Way finding 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 proposed development is capable of meeting accessibility requirements as confirmed in the Accessibility Review Report submitted with the application.</p>
<b>4. Health and safety</b>	<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>CPTED measures have been incorporated into the design of the new Learning Hub building and the addition to the administration building will improve passive surveillance of McCulloch Street and the entry to the school.</p>
<b>5. Amenity</b>	<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>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>The proposed Learning Hub building will provide modern learning studio, practical activities area, presentation space, learning common, medium learning space, learning studios, small learning space, special programs, storage areas and amenities.</p> <p>A series of COLA are proposed at ground floor and first floor levels in the form of an undercroft area and balconies.</p> <p>Outdoor learning areas are also proposed which provide great learning environments and student amenity as alternate learning spaces.</p> <p>The new learning building and extension to the admin building will have good access to light and ventilation and provide the requisite ancillary storage and service areas in the learning building and administration building.</p>
<b>6. Whole of life, flexible and adaptive</b>	<p>School design should consider future needs and take a whole-of-life-cycle 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 proposal includes alterations and additions to the existing administration building and new 2-storey Learning Hub building to eliminate the need for the demountable classrooms currently used at the school.</p> <p>ESD principles have been incorporated, with the use of solar panels and rainwater tanks.</p>

Principle	Control	Town Planning comment
<b>7. Aesthetics</b>	<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 and reflect the use, internal design and structure of the buildings.</p>

## 5. 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 Sydney Regional Environmental Plan No. 20 and the specific planning policies and recommended strategies in Clause 6.

The planning policies and recommended strategies under this Plan are considered to be met through the development controls of SEPP (Sydney Region Growth Centres) 2006. The development complies with the development standards and controls established by SEPP (SRGC) to enable the orderly development of the site. As the site is already developed and demolition and additions are proposed that do not increase the net developable area, there is no need for further consideration of this regional planning instrument. Therefore, the proposal is considered to satisfy Clause 4 of SREP 20.

## 6. Central City District Plan 2018

Although 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.

Outlined below is where the Development Application is consistent with the overarching planning priorities of the *Central City District Plan 2018*:

### Infrastructure

- Infrastructure adapts to meet future needs
- Creating great places
- Contributing to the provision of services to meet communities' changing needs.

## 7. SEPP (SRGC) 2006

SEPP (SRGC) – Appendix 4 Alex Avenue and Riverstone Precinct Plan applies to the site.

The tables below provide a summary assessment of the General and Precinct specific development standards established within the SEPP (SRGC) and the proposal's compliance with these standards.

The development complies with the development standards contained within the SEPP (SRGC) with the exception of building height, which we note is permissible under the height development controls of Schedule 2 – complying development within the Education and Childcare SEPP.

Compliance with SEPP (Sydney Region Growth Centres) 2006 General controls within main body of the SEPP		
Clause	Proposal	Complies
2 Aims of Policy		
(a) to co-ordinate the release of land for residential, employment and other urban development in the North West Growth Centre, the South West Growth Centre and the Wilton Priority Growth Area,		The proposal is consistent with these aims.
(b) to enable the Minister from time to time to designate land in growth centres as ready for release for development,		
(c) to provide for comprehensive planning for growth centres,		
(d) to enable the establishment of vibrant, sustainable and liveable neighbourhoods that provide for community well-being and high quality local amenity,		
(e) to provide controls for the sustainability of land in growth centres that has conservation value,		
(f) to provide for the orderly and economic provision of infrastructure in and to growth centres,		
(g) to provide development controls in order to protect the health of the waterways in growth centres,		
(h) to protect and enhance land with natural and cultural heritage value,		
(i) to provide land use and development controls that will contribute to the conservation of biodiversity.		
Part 4 Development controls – general		
Cl. 18 Water recycling & conservation	Sydney Water's 'Growth Servicing Plan July 2014 to June 2019' indicates that 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.	Yes. Subject to a condition.
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 & major creeks land—additional heads of consideration	N/A the site is not flood prone.	N/A
Cl. 20 Development on and	N/A the site is not on or near Riverstone	N/A

near certain land at Riverstone West	West.	
Cl. 21-24 Vegetation	N/A This part does not apply to this Precinct. The site is also located on Biodiversity Certified land.	N/A
Cl. 25-26 Cultural heritage landscape area	<p>The site is identified as containing a local item of European heritage.</p> <p>This is discussed further below, at Clause 5.10. A Heritage Impact Statement has been provided by Urbis. The local item will be protected during the construction works, and the proposed landscaping will improve the appearance and setting of the curtilage of the heritage item.</p>	Yes. Subject to a condition.

**Compliance with SEPP (Sydney Region Growth Centres) 2006  
Appendix 4 – Alex Avenue and Riverstone Precinct Plan 2010**

Clause	Proposal	Complies
<b>1.2 Aims of Precinct Plan</b>		
<p>(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,</p> <p>(b) to protect and enhance the environmentally sensitive and natural areas and the cultural heritage of those Precincts,</p> <p>(c) to provide for recreational opportunities within those Precincts,</p> <p>(d) to provide for multifunctional and innovative development in those Precincts that encourages employment and economic growth,</p> <p>(e) to promote housing choice and affordability in those Precincts,</p> <p>(f) to provide for the sustainable development of those Precincts,</p> <p>(g) to promote pedestrian and vehicle connectivity with adjoining Precincts and localities and within the Alex Avenue and Riverstone Precincts,</p> <p>(h) to provide transport infrastructure to meet the needs of the community,</p> <p>(i) to provide for the orderly development of the Riverstone Scheduled Lands.</p>		The proposal is consistent with the Aims of the Precinct Plan.

**Part 2 Permitted or prohibited development**

<p><b>1 Objectives of zone</b></p> <ul style="list-style-type: none"> <li>To provide for the housing needs of the community within a medium density residential environment.</li> <li>To provide a variety of housing types within a medium density residential environment.</li> <li>To enable other land uses that provide facilities or services to meet the day to day needs of residents.</li> <li>To support the well-being of the community by enabling educational, recreational, community, and other activities where compatible with the amenity of a medium density residential environment.</li> </ul>		The proposal is consistent with the objectives of the zone.
<b>2.1 Zoning &amp; Land Use</b>	<u>Educational Establishment:</u>	Yes



<b>Tables</b> ➤ R2 Low Density Residential zone	<p>Educational establishment is permissible with consent in this R2 Low Density Residential zone.</p> <p>The proposal meets the objectives of the zone by providing additional learning areas and administration facilities to enable an increase in student numbers at the school and allow the replacement of demountable classrooms on the site.</p> <p>The proposal will have no adverse impact in neighbouring properties.</p>	
<b>2.6 Subdivision</b>	Subdivision is not proposed.	N/A
<b>2.6A Demolition</b>	<p>Demolition is proposed. Demolition plans have been included in the application, and waste management plan.</p> <p>Conditions have been provided by Council's Building section.</p>	Yes

#### Part 4 Principal development standards

<b>4.3 Height of buildings</b> Max. 9 m	<p>Building height development standard is 9m as shown on the building height map.</p> <p>The objectives of this clause are to:</p> <ul style="list-style-type: none"> <li>• to establish the maximum height of buildings;</li> <li>• to protect the amenity of adjoining development and land in terms of solar access to buildings and open space;</li> <li>• to facilitate higher density development in and around the local centre, the neighbourhood centres and major transport routes while minimising impacts on adjacent residential, commercial and open space areas;</li> <li>• to provide for a range of building heights in appropriate locations that provide a high quality urban form.</li> </ul> <p>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.</p>	<p>Maximum height proposed is 10.74 m. Existing buildings on site range in height between 10.9 and 13.5 m in height. Clause 4.6 exception-request providing a justification to vary from the controls has been provided by applicant.</p> <p>Shadow diagrams have been submitted that demonstrate that the additional height does not cause any overshadowing to adjacent residential properties or have an adverse visual impact to dominant. The existing building form and proposed works which are setback 39.7m from McCulloch Street will not impact the amenity of adjoining development and land in terms of solar access to buildings and open space.</p>	<p>No – discussed at <b>attachment 8</b>. Applicant's request to vary from standard is at <b>attachment 7</b>. Acceptable on its merits.</p>
<b>4.4 Floor space ratio</b>	Not mapped	N/A	N/A
<b>4.6 Exceptions to development standard</b>	Request must be in writing	1.74 m height variation sought for Blocks O and A (extension). The applicant has submitted a clause 4.6	Yes. The clause 4.6 request is satisfactory in

		<p>statement in support of a variation to height which is provided at <b>attachment 7</b>.</p> <p>Council's consideration of the request is at Section 7 of the Assessment Report and <b>attachment 8</b>.</p> <p>Height variation is 1.74m measured from ground (mean).</p>	this instance.
<b>Part 5 Miscellaneous provisions</b>			
<b>5.6 Architectural roof features</b>	The Applicant does not seek to apply this clause.	N/A	N/A
<b>5.9 Preservation of trees or vegetation</b>	<p>(1) The objective is to preserve the amenity of the area through the preservation of trees and other vegetation.</p> <p>(2) This clause applies to species or kinds of trees or other vegetation that are prescribed for the purposes of this clause by a DCP.</p> <p>(3) A person must not ringbark, cut down, top, lop, remove, injure or wilfully destroy any tree or other vegetation to which any such DCP applies without development consent or permit granted by Council.</p> <p>(4) The refusal by Council to grant a permit to a person who has duly applied for the grant of the permit is taken for the purposes of the Act to be a refusal by the Council to grant consent for the carrying out of an activity for which a permit was sought.</p> <p>(5) This clause does not apply to a tree or other vegetation that the Council is satisfied is dying or dead and is not required as the habitat of native fauna.</p> <p>(6) This clause does not apply to a tree or other vegetation that the Council is satisfied is a risk to human life or property.</p> <p>(7) A permit under this clause cannot allow any ringbarking, cutting down, topping, lopping, removal, injuring or destruction of a tree or other vegetation (a) that is or forms part of a heritage item, or (b) that is within a heritage conservation area.</p> <p>(8) This clause does not apply</p>	<p>The proposal requires the removal of 18 trees from the site to accommodate the additional learning building, associated outdoor learning areas and landscaped area, and the addition to the administration building.</p> <p>These 18 trees are located within the footprint of the development works and have been approved for removal by Council's Civil and Open Space Infrastructure section.</p> <p>A Preliminary Tree Assessment Report prepared by Paul Shearer Consulting was submitted. The remaining trees are viable for retention in the existing environment. The school campus has numerous mature trees within its existing landscaped areas and adjacent to the site boundaries. The loss of vegetation is considered acceptable and is unavoidable given the concept proposed and the concomitant footprint, include new accessible pathways and ramps. There will be substantial benefits associated with the project and there is extensive new planting proposed. The removal of the 18 trees is offset by additional garden areas, and useable landscaped play space.</p> <p>A comprehensive landscape strategy has been developed for the site which will be progressively implemented, and which will include new trees (deciduous) and landscaped species to compensate for the loss of</p>	Yes, subject to conditions

	<p>to or in respect of (a) the clearing of native vegetation that is authorised by a development consent or property vegetation plan under the <i>Native Vegetation Act 2003</i> or that is otherwise permitted under Division 2 or 3 of Part 3 of that Act, or</p> <p>(b) the clearing of vegetation on State protected land (within the meaning of clause 4 of Schedule 3 to the <i>Native Vegetation Act 2003</i>) that is authorised by a development consent under the provisions of the <i>Native Vegetation Conservation Act 1997</i> as continued in force by that clause or</p> <p>(c) trees or other vegetation within a State forest, or land reserved from sale as a timber or forest reserve under the <i>Forest Act 1916</i>, or</p> <p>(d) action required or authorised to be done by or under the <i>Electricity Supply Act 1995</i>, the <i>Roads Act 1993</i>, or the <i>Surveying Act 2002</i>, or</p> <p>(e) plants declared to be noxious weeds under the <i>Noxious Weeds Act 1993</i>, or</p> <p>(f) native vegetation to which clause 6.4 of this Precinct Plan applies, or</p> <p>(g) existing native vegetation to which clause 6.5 of this Precinct Plan applies.</p>	<p>vegetation. Satisfactory.</p> <p>Construction works will be done in accordance with the recommendations of the Preliminary Tree Assessment Report to ensure suitable protection for trees to be retained on site.</p> <p>In addition, a condition has been imposed which requires a Tree Management Plan to be submitted prior to works commencing. The plan should be issued by an Arborist with AQF Level V qualifications that meets AS:4970-2009 Protection of Trees on Development sites. This should be submitted for review by Council's tree management section before works commence on site.</p>	
<b>5.10 Heritage conservation</b>	<p>The objectives of this clause are:</p> <p>(a) to conserve the environmental heritage of the Alex Avenue and Riverstone Precincts, and</p> <p>(b) to conserve the heritage significance of heritage items and heritage conservation areas including associated fabric, settings and views, and</p> <p>(c) to conserve archaeological sites, and</p> <p>(d) to conserve places of Aboriginal heritage significance.</p> <p>The consent authority must before granting consent under this clause consider the effect of the proposed development on the heritage significance of</p>	<p>The site is identified as a local heritage item, curtilage only, being Riverstone High School – Slab Building.</p> <p>A Statement of Heritage Impact has been prepared by Urbis and submitted with the DA.</p> <p>The proposed works on the site will retain the greater green curtilage around the heritage-listed slab cottage, ensuring a positive heritage outcome. The proposed additions and modifications to the school buildings would be clearly discernible as contemporary, whilst the proposed materiality and finishes would be sympathetic to the heritage cottage located</p>	Yes, satisfactory.

	the item or area concerned.	on the site. The HIS states that: "the proposed works .... [are] located in an area of the site which is physically separated from the slab hut by existing, to be retained, contemporary school buildings. The proposed works would have no physical impact on the heritage item located on the site nor would the established curtilage around the slab cottage be impeded... The proposed works would have an acceptable level of impact on the established view to, from, and across the heritage item."	
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#### Part 6 Additional local provisions

<b>6.1 Public utility infrastructure</b>	The site is currently serviced with connections for sewer, water, stormwater and electricity. The provision of services will be conditioned appropriately.	Yes
<b>6.4 &amp; 6.5 Native vegetation</b>	The site is not identified on the Native Vegetation Protection Map or on the Riparian Protection Area Map. The site is also located on Biodiversity Certified land.	N/A

## 8. Blacktown LEP 2015

BLEP 2015 applies to the site. The following table outlines the proposal's compliance with the LEP:

Controls/requirements		Proposal	Complies
<b>5.10 Heritage conservation</b>	<b>(1) Objectives</b> The objectives of this clause are as follows: (a) to conserve the environmental heritage of Blacktown, (b) to conserve the heritage significance of heritage items and heritage conservation areas, including associated fabric, settings and views, (c) to conserve archaeological sites, (d) to conserve Aboriginal objects and Aboriginal places of heritage significance.	The proposed works are in line with the objectives set out in Blacktown City Council Local Environment Plan (LEP) 2015.	Yes
	<b>(2) Requirement for consent</b> Development consent is required for any of the following: (a) demolishing or moving any of the following or altering the exterior of any of the following (including, in the case of a building, making changes to its detail, fabric, finish or appearance): (i) a heritage item, (ii) an Aboriginal object, (iii) a building, work, relic or tree within a heritage conservation area, (b) altering a heritage item that is a building by making structural changes to its interior or	The subject site contains a heritage listed item, and is located in the vicinity of a heritage listed item. The proposed works as detailed in the HIS letter, outlines the alterations and additions that are proposed.  Accordingly, consent for the proposed works is required under Clause (2) of the Blacktown LEP	Yes

Controls/requirements	Proposal	Complies
<p>by making changes to anything inside the item that is specified in Schedule 5 in relation to the item,</p> <p>(c) disturbing or excavating an archaeological site while knowing, or having reasonable cause to suspect, that the disturbance or excavation will or is likely to result in a relic being discovered, exposed, moved, damaged or destroyed,</p> <p>(d) disturbing or excavating an Aboriginal place of heritage significance,</p> <p>(e) erecting a building on land:</p> <p>(i) on which a heritage item is located or that is within a heritage conservation area, or</p> <p>(ii) on which an Aboriginal object is located or that is within an Aboriginal place of heritage significance,</p> <p>(f) subdividing land:</p> <p>(i) on which a heritage item is located or that is within a heritage conservation area, or</p> <p>(ii) on which an Aboriginal object is located or that is within an Aboriginal place of heritage significance.</p> <p><b>(4) Effect of proposed development on heritage significance</b> The consent authority must, before granting consent under this clause in respect of a heritage item or heritage conservation area, consider the effect of the proposed development on the heritage significance of the item or area concerned. This subclause applies regardless of whether a heritage management document is prepared under subclause (5) or a heritage conservation management plan is submitted under subclause (6).</p> <p><b>(5) Heritage assessment</b> The consent authority may, before granting consent to any development:</p> <p>(a) on land on which a heritage item is located, or</p> <p>(b) on land that is within a heritage conservation area, or</p> <p>(c) on land that is within the vicinity of land referred to in paragraph (a) or (b), require a heritage management document to be prepared that assesses the extent to which the carrying out of the proposed development would affect the heritage significance of the heritage item or heritage conservation area concerned.</p>	<p>2015.</p> <p>A HIS letter prepared by Urbis in response to this provision was submitted. The assessment below considers the potential impact of the proposed works.</p> <p>This HIS letter has been prepared in response to this provision, the assessment covered below satisfies this provision.</p>	<p></p> <p>Yes</p> <p>Yes</p>

## 9. Blacktown City Council Growth Precincts Development Control Plan September 2016 (Growth Precincts DCP)

Growth Precincts DCP applies to the site with regard to the proposed development. The following table outlines the proposal's compliance with Growth Precincts DCP.

Compliance with BCC Growth Centre Precincts DCP 2018		
Part 2.0 – Precinct Planning Outcomes (from main body of DCP)		
Element/Control	Proposal	Complies
<b>2.2 The Indicative Layout Plan</b> ➤ DA is to be generally in accordance with ILP	The proposal is consistent with the ILP.	Yes
<b>2.3 Subdivision site analysis</b> The following clauses must be addressed:		
<b>2.3.1 Flooding and water cycle management</b>	The site and proposal are not affected by flood constraints. Appropriate WSUD measures are proposed.	Yes
<b>2.3.2 Salinity and soil management</b> ➤ Land within the <b>Areas of potential salinity and soil aggressivity risk</b> figure, must be accompanied by a salinity report. A qualified person is to certify the project upon completion of the works. ➤ The Salinity Management Plan is to be in accordance with <b>Appendix C</b> of the DCP. All works are to comply with the plan.	The site is not identified as subject to soil aggressivity risk.  Suitable conditions of consent are recommended to be imposed to ensure that appropriate construction measures are undertaken.	Yes
<b>2.3.3 Aboriginal and European heritage</b> ➤ Are there any areas of Aboriginal heritage value within or adjoining the site, and is the site identified on the <b>European cultural heritage sites</b> figure? If so, a report is required from a qualified consultant.	The site is identified as containing a local heritage item. See discussion above against Clause 5.10 of BLEP, and Clause 4.4 of BDCP below.	Yes, subject to conditions of consent.
<b>2.3.4 Native vegetation and ecology</b> ➤ Native trees/vegetation to be retained where possible. ➤ Is the site identified on the <b>Riparian Protection Area</b> figure. If so, native vegetation to be managed in accordance with <b>Appendix B</b> of the DCP. ➤ Does the site adjoin land zoned E2. ➤ A landscape plan is to be submitted with the DA. Trees to be selected from <b>Appendix D</b> of the DCP.	The site is not in a riparian area and does not adjoin E2 zoned land.  Furthermore, the site is not identified on the North West Growth Centre Native Vegetation Protection Map. Pursuant to the Biodiversity Certificate Order the subject site is not identified as 'native vegetation protection area' on the SEPP North West Growth Centre Vegetation Map. Development can therefore occur without the need for any further assessment of flora and fauna under the Threatened Species Conservation Act 1995 and the Environment Protection and Biodiversity Conservation Act 1999.  Appropriate conditions are to be imposed regarding the planting of appropriate trees to replace the 18	Yes, subject to conditions of consent.

	trees to be removed. A Tree Management Plan is also required to be submitted for approval.	
<b>2.3.5 Bushfire hazard management</b> ➤ Development is to be consistent with Planning for Bushfire Protection 2006	N/A the site is not identified as bushfire affected or within a buffer zone.	N/A
<b>2.3.6 Site contamination</b> ➤ All subdivision DA's to be accompanied by a Stage 1 Preliminary Site Investigation. ➤ Where required a Stage 2 investigation is to be carried out.	Our Environmental Health Officer has viewed the condition of the site and surrounding land and has provided conditions of consent. A Remediation Action Plan is required to be submitted for approval.  Conditions of consent are recommended to be imposed to ensure that appropriate measures are undertaken should any potentially hazardous materials such as asbestos be identified during demolition activities, and if any contamination is identified during excavation works, without any limitations in accordance with the National Environment Protection (Assessment of Site Contamination) Measure (NEPM) 1999 as amended 2013.	Yes, subject to conditions of consent.
<b>2.3.7 Odour assessment and control</b> ➤ Is the site adjacent to odour generating activities and is a buffer or additional supporting information required.	The site is not adjacent to odour generating activities.  The proposed residential development is in keeping with the zoning objectives of the SEPP, and is not considered to be adversely affected by the risk of odour.	Yes

<b>Compliance with BCC Growth Centre Precincts DCP 2018 Part 4.0 - Development in the Residential Zones (from main body of DCP)</b>		
<b>Other development in residential areas (Section 4.4)</b>		
<b>Control/Requirement</b>	<b>Proposal</b>	<b>Complies</b>
<b>Objectives</b> a. To establish appropriate controls to minimise the adverse effects of non-residential development on surrounding residential development. 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. c. To ensure that non-residential development is appropriately located. d. To avoid concentrations of non-residential uses in any particular area where the cumulative impact on residential amenity would be unacceptable.	The proposed non-residential use is consistent with these objectives.	Satisfactory
<b>Controls</b> 1. Non-residential development on residential zoned land is to comply with the requirements of <b>Section 4.1</b> and <b>Clauses 4.2.9 to 4.2.10</b> of this	The proposed non-residential use is consistent with these clauses. The development complies with clause 4.29 visual and acoustic privacy. An acoustic report has been submitted, which meets the	Yes, condition recommended to be imposed to meet maximum levels of noise

DCP in relation to residential amenity and sustainable building design.	requirements of the clause. The development is capable of meeting the criteria in Table 4-7. A landscaping plan has been provided which is suitable for providing privacy to adjoining residential development. The setback from McCulloch Street to the proposed Learning Hub is 39.7 m.	emission, including impacts to and from the school, on the surrounding residential development.
6. 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.	Provision of interim parking provision of an additional 40 car parking spaces satisfies the requirements for the educational establishment.	Yes
8. 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"> <li>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;</li> </ul>	The proposal is consistent with the height and scale of the desired future character of this Precinct.	Yes
<ul style="list-style-type: none"> <li>the proposed development will contribute to an undesirable clustering of that type of development, or non-residential uses in general, in the area;</li> </ul>	The proposed development is consistent with the existing development on site. The predominant land use in the surrounding area is residential. Satisfactory.	Yes
<ul style="list-style-type: none"> <li>an undesirable effect on the amenity of the surrounding area will be created;</li> </ul>	The proposed alteration and addition to the educational establishment has been carefully considered with regard to its impact on the amenity of the surrounding area, with particular reference to traffic and parking impacts, and noise and privacy impacts. We do not consider this to result in an undesirable effect.	Yes
<ul style="list-style-type: none"> <li>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;</li> </ul>	The proposed alteration and addition to the educational establishment is expected to draw patronage from families living or working in the surrounding neighbourhood and further afield. The overall scale of the use is consistent with that expected in R2 Low density zoning of the Riverstone Precinct. The existing road network is capable of accommodating the traffic generation from the development with parking provision of 105 car parking spaces provided on-site, and bus parking bays at McCulloch Street being increased from a capacity of 2 buses to 8 buses. The Applicant has demonstrated that the design and operation of the proposal is appropriate to manage potential additional noise impacts. Satisfactory.	Yes
<ul style="list-style-type: none"> <li>a noise nuisance will be created;</li> </ul>	The Applicant has demonstrated that the design and operation of the proposal is appropriate to manage potential additional noise impacts. Satisfactory.	Yes
<ul style="list-style-type: none"> <li>the development will generate</li> </ul>	The existing road network is capable of	Yes



traffic out of keeping with the locality;	accommodating the additional traffic generation.	
<ul style="list-style-type: none"> <li>adequate facilities are provided for the purposes of parking, loading and deliveries;</li> </ul>	On-site car parking and loading facilities are provided. These arrangements are unchanged. Satisfactory.	Yes
<ul style="list-style-type: none"> <li>adequate provision is made for access by disabled persons.</li> </ul>	Suitable access is provided throughout the development. These arrangements have been improved as a result of the additions, with access ways, entries, ramps being made accessible, to comply with Australian Standards. Satisfactory.	Yes
9. Non-residential development in residential zones should be similar in bulk, scale, height and siting to the surrounding buildings.	The components of the developments (Learning Hub and admin extension) are comparable in bulk, scale and height to the existing buildings on site, which have a suitable setback of 39.7 m from McCulloch Street. Satisfactory.	Yes
10. Finishes, materials, paving and landscaping are to be consistent with those of surrounding residential development.	Satisfactory.	Yes

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

**Section 3 – Relevant figures**

<b>Control</b>	<b>Comment</b>
<b>Figure 3.1 Precinct Indicative Layout Plan</b>	The proposal is consistent with the ILP.
<b>Figure 3.2 Key elements of the water cycle management and ecology strategy</b>	N/A the site is clear of these systems.
<b>Figure 3.3 Flood prone land</b>	N/A the site is not identified as flood prone.
<b>Figure 3.4 Areas of potential salinity and soil aggressivity risk</b>	N/A The site is identified as lower salinity risk and is not identified as soil aggressivity risk.
<b>Figure 3.5 Aboriginal Cultural Heritage Sites</b>	N/A the site is not identified as containing potential Aboriginal heritage values.
<b>Figure 3.6 European Cultural Heritage Sites</b>	The site is identified as containing potential European heritage values (local heritage item – curtilage of slab building).
<b>Figure 3.7 Bushfire risk and Asset Protection Zone requirements</b>	N/A the site is not identified as a bushfire risk area.
<b>Figure 3.8 Residential structure</b>	The proposal is consistent with the Low density residential structure.
<b>Figure 3.9 Precinct road hierarchy</b>	The proposal is consistent with the precinct road hierarchy as a local street.

## 10. Blacktown Development Control Plan (BDCP) 2015

BDCP 2015 applies to the site with regard to the proposed development (alterations and additions to educational establishment). The following table outlines the proposal's compliance with BDCP. The proposed alterations and additions, associated works and landscaping are consistent with these requirements.

Controls/requirements		Proposal	Complies
<b>Part A Section 4 Environmental Protection</b>			
<b>4.3 Tree Preservation</b>	<p>No trees are to be removed without consent. Legal provisions for the preservation of trees are in force under Blacktown DCP, and under SEPP (SRGC).</p> <p>These provisions require the consent of Council for the removal of trees as well as for the lopping or topping of trees. However, where development approval has been given, trees within 3 m of the perimeter of a building may be removed without further approval.</p>	Refer to discussion in Section 4 in relation to SEPP (SRGC) 2006 above	Yes, subject to conditions
<b>6.3 Car parking</b>	<p>1 space/staff</p> <p>1 space/100 students</p> <p>1 space for delivery vehicles, drop off area for buses</p>	<p>The propose development would require:</p> <p>Increased number of students: 250 students increased to 880</p> <p>Additional staff: 45 increased to 105</p> <p>Spaces required: 9 for students and 105 for teaching staff = 114. 107 provided.</p> <p>The existing 67 spaces on the site are to be retained. Provision for additional parking (40 car parking spaces) has been made.</p> <p>It is noted that the maximum parking demand recorded on site was 29 car parking spaces.</p> <p>The provision of parking is guided by The Department's Educational Facilities Standards and Guidelines.</p> <p>With the interim provision of parking providing an additional 40 car parking spaces, the Department's requirements are exceeded, and the requirements of Clause 6.3 of BDCP are met.</p>	<p>Yes, acceptable.</p> <p>Refer to discussion at Part 7 of Assessment Report.</p>
<b>8.1 Solar Access</b>	New development should retain reasonable levels of solar access to neighbouring properties and the public domain	The shadows cast by the new learning building do not impact on any adjoining properties.	Yes
<b>Part G Site Waste Management and Minimisation</b>			
Appendix 1	Waste Management Plan	A Waste Management Plan has been submitted with the application.	Yes