



# Assessment report to Sydney Central City Planning Panel

Panel reference: PPSSCC-405

## Development application

<b>DA number</b>	SPP-22-00008	<b>Date of lodgement</b>	1 November 2022
<b>Applicant</b>	Ali Hammoud		
<b>Owner</b>	Illuminate NSW Limited		
<b>Proposed development</b>	Demolition of existing structures, tree removal, Stage 1 - erection of temporary demountable private school rooms and use of the existing house as an administration office and car park; Stage 2 - construction of part of a new private 3-storey primary school educational establishment over a basement car park with associated excavation and earthworks, stormwater and landscaping works; Stage 3 - demolish demountable rooms and complete new school building and basement carpark		
<b>Street address</b>	39 Beames Avenue, Rooty Hill		
<b>Notification period</b>	30 November to 12 December 2022	<b>Number of submissions</b>	2

## Assessment

<b>Panel criteria</b> Schedule 6 of the State Environmental Planning Policy (Planning Systems) 2021	<ul style="list-style-type: none"> <li>Capital investment value over \$5 million for private infrastructure and community facilities (proposal has a Capital investment value of \$19.5 million).</li> </ul>
<b>Relevant section 4.15(1)(a) matters</b>	<ul style="list-style-type: none"> <li>Environmental Planning and Assessment Act 1979</li> <li>State Environmental Planning Policy (Biodiversity and Conservation) 2021</li> <li>State Environmental Planning Policy (Planning Systems) 2021</li> <li>State Environmental Planning Policy (Resilience and Hazards) 2021</li> <li>State Environmental Planning Policy (Transport and Infrastructure) 2021</li> <li>Central City District Plan 2018</li> <li>Blacktown Local Strategic Planning Statement 2020</li> <li>Blacktown Local Environmental Plan 2015</li> <li>Blacktown Development Control Plan 2015</li> </ul>
<b>Report prepared by</b>	Jared Spies
<b>Report date</b>	24 May 2023
<b>Recommendation</b>	Refuse, based on the grounds listed in the report.

## Attachments

- 1 Location map
- 2 Aerial image
- 3 Zoning extract
- 4 Detailed information about proposal and DA submission material
- 5 Development application plans
- 6 Applicant's Clause 4.6 variation submission

## Checklist

### Summary of section 4.15 matters

Have all recommendations in relation to relevant section 4.15 matters been summarised in the Executive summary of the Assessment report? Yes

### Legislative clauses requiring consent authority satisfaction

Have relevant clauses in all applicable environmental planning instruments, where the consent authority must be satisfied about a particular matter, been listed and relevant recommendations summarised in the Executive Summary of the Assessment report? Yes

### Clause 4.6 Exceptions to development standards

If a written request for a contravention to a development standard (clause 4.6 of the LEP) has been received, has it been attached to the Assessment report? Yes

### Special Infrastructure Contributions

Does the DA require Special Infrastructure Contributions conditions (section 7.24)? Not applicable

## Contents

1	Executive summary .....	4
2	Location .....	4
3	Site description .....	5
4	Background.....	5
5	The proposal.....	7
6	Assessment against planning controls .....	8
7	Issues raised by the public .....	10
8	Key issues and reasons for refusal.....	10
9	External referrals .....	14
10	Internal referrals.....	15
11	Conclusion .....	16
12	Disclosure of political donations and gifts.....	16
13	Recommendation.....	17
14	Declaration and endorsement.....	18

## **1 Executive summary**

---

- 1.1 The key issues that need to be considered by the Panel in respect of this application are:
- Concerns raised by Transport for NSW relating to the traffic impacts associated with the development that remain unresolved.
  - No owner's consent has been provided for the proposal to drain into the private drainage reserve at the rear of the site. The drainage reserve is owned by the owners of Strata Plan 94026, being the town house development to the south of the site. Given the drainage strategy for the site relies on discharging stormwater into this private drainage reserve, the site is unsuitable for this proposal without this adjoining owner's consent.
  - Flood impacts associated with the development are not yet known as the submitted flood study report is insufficient and requires further flood modelling. This will have implications on the final design of the proposed building.
  - The proposal is inconsistent with the 7 design quality principles for schools outlined in State Environmental Planning Policy (Transport and Infrastructure) 2021 due to safety related flooding issues and the character of the development in the context of the surrounding built form.
  - The applicant's Clause 4.6 variation request is not supported. The actual height of the building is not yet known as it will have to be raised to address flood impacts. The resultant amenity impacts on the neighbouring development therefore cannot be fully assessed.
  - Insufficient information has been provided pursuant to Clause 36 of the Environmental Planning and Assessment Regulation 2021 to enable a thorough assessment of the proposed development in relation to environmental health, traffic, engineering, drainage, biodiversity and open space matters.
  - Demolition of the Stage 1 car park is not supported prior to the Stage 2 carpark being operational because it will displace staff car parking and will force staff to rely on on-street parking during the entire construction of the Stage 2 car park.
- 1.2 Assessment of the application against the relevant planning framework and consideration of matters by our technical departments have identified key issues of concern that cannot be dealt with by conditions.
- 1.3 The application is considered to be unsatisfactory when evaluated against Section 4.15 of the Environmental Planning and Assessment Act 1979.
- 1.4 This report recommends that the Panel refuse the application based on the grounds listed in the Recommendation at section 11 below.

## **2 Location**

---

- 2.1 The site is located at 39 Beames Avenue, Rooty Hill.
- 2.2 Rooty Hill train station is 720 m to the east. Blacktown Central Business District is located 6.2 km to the east.
- 2.3 To the north of the site, on the opposite side of Beames Avenue, is the railway line, Rooty Hill RSL/West HQ, Rooty Hill High School and the Rooty Hill residential suburb. A public reserve is immediately to the west of the site. The locality to the south of Beames Avenue is characterised by single and double storey residential dwellings. A town house development made up entirely of double storey dwellings is to the south (rear of the site) and separated from the site by a 13 m wide private drainage reserve owned by the body



corporate of Strata Plan 94026. The overpass of Francis Road is also immediately to the east of the site.

- 2.4 The location of the site is shown at attachment 1.

### **3 Site description**

---

- 3.1 The site is legally described as Lot 2 DP 1218971 and has a registered site area of 7,534 m<sup>2</sup>. It is zoned R2 Low Density Residential under Blacktown Local Environmental Plan 2015.
- 3.2 The site is irregular in shape. It has a street frontage to Beames Avenue along the northern boundary measuring 20.25 m, an eastern side boundary facing the Francis Road overpass measuring 102.06 m, a southern rear boundary measuring 101.49 m and a western side boundary measuring 95.84 m.
- 3.3 The site is currently occupied by a dwelling, associated outbuildings and a pool. The south eastern corner of the site contains Cumberland Plain Woodland and is mapped as having biodiversity values.
- 3.4 An aerial image of the site and surrounding area is at attachment 2. The zoning plan for the site and surrounds is at attachment 3.

### **4 Background**

---

- 4.1 This site was subject of a previous State Significant Development (SSD-24537961), also for a school. A pre-lodgement meeting was held with Ali Hammoud (the applicant) and Council for that proposal on 18 November 2020. The issues raised in the minutes for that meeting include but are not limited to the following:
- The proposal is a State Significant Development.
  - The need to comply with the requirements of State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017 which was the Planning Policy applicable at the time.
  - Demonstration of the orderly delivery of the proposed development and associated civil infrastructure.
  - The driveway to service the temporary car park needs to be widened to 5.5 m to allow for 2-way traffic movement.
  - Demonstration that there is sufficient parking on site and that there will be no on-street parking or truck queuing traffic related issues resulting from the development. The proposal cannot create on-street parking problems and must be able to cater for its own car parking and truck demands within the site.
  - If the development cannot comply with traffic requirements, it is recommended to seek an alternative site.
  - Flood planning restrictions and levels will apply due to the rear channel water level. A "flood advice letter" is to be obtained for flood development controls/certificates for the site.
  - Securing a legal point of discharge through the rear of the site or any other existing easement.

The land was purchased in May 2021 by the current owner prior to the lodgement of the State Significant Development application. Council then received correspondence on 4 August 2021 from NSW Department of Planning and Environment inviting us to provide comments on that development after it was lodged with the Department. We provided

comments on 19 August 2021, but the application did not continue any further. The issues raised in our comments were as follows:

- The Environmental Impact Statement for the school must address all the requirements already issued by Council in the pre-application meeting minutes.
- The 9 m maximum height limit prescribed by Blacktown Local Environmental Plan 2015 will be exceeded by 6.5 m as the overall building height is 15.5 m. We discourage a building of this height, particularly when the highest point of the proposed building faces towards residential properties to the south. Therefore, we recommend the scale of the building be reduced so that only plant and equipment exceed the height limit. The development application must be accompanied by a Clause 4.6 variation request for any variation to the height limit.
- The engineering plans are to ensure that infrastructure associated with the development is in accordance with Council's Engineering Guide for Development – 2005.
- A detailed traffic and parking assessment is to be prepared for the proposal by an accredited traffic engineer. The assessment is to include the following as a minimum:
  - The capacity and function of the existing road network.
  - Traffic generation of the proposal and its impact on the surrounding road network.
  - Parking provision for the overall development.
  - Assessment of pedestrian movements and safety.
  - Feasibility of alternate modes of transportation.

The applicant and the school proposed were both the same for that proposal as they are for the subject proposal.

- 4.2 The subject application was lodged on 1 November 2022 after the State Environmental Planning Policy (Planning Systems) 2021 changed the determining authority for educational establishments with a Capital investment value of less than \$20 million but more than \$5 million to the Sydney Central City Planning Panel. No pre-lodgement meeting was held.
- 4.3 The application was referred to Transport for NSW for comments in accordance with Clauses 2.119 and 2.122 of the State Environmental Planning Policy (Transport and Infrastructure) 2021 for developments with frontage to a classified road and traffic generating development.
- 4.4 On 30 January 2023, Transport for NSW wrote to Council, identifying a number of issues in relation to the application. The issues raised by Transport for NSW have been discussed in detail in section 8.1 of this report.
- 4.5 On 2 February 2023, at the request of the Sydney Central City Planning Panel chair, we requested the applicant resolve these issues separately with Transport for NSW ahead of the "kick-off" briefing scheduled for 23 February 2023 with the Sydney Central City Planning Panel.
- 4.6 On 17 February 2023, we then sent a separate request for information to the applicant raising internal concerns relating to planning, engineering, traffic, environmental health, biodiversity, recreational planning design and open space matters. It also summarised the issues raised in the objection received from public during the notification period to the development.
- 4.7 On 23 February 2023, the "kick-off" briefing was held with the Sydney Central City Planning Panel chair, Council staff and the applicant's team in attendance. Matters raised

in the request for information were discussed as well as the issues raised by Transport for NSW.

- 4.8 On 17 March 2023 we received additional information from the applicant which included amended plans. This information was initially due on 10 March 2023, but upon request from the applicant, an extension of time (7 days) was granted. This information was assessed and still found to be insufficient to enable us to undertake a proper assessment of the proposal.
- 4.9 On 11 May 2023, we met with the Panel chair in our monthly update meeting to provide an update on the DA assessment progress. During the course of the meeting it was agreed that the application be listed for determination based on the information provided to date.

## **5 The proposal**

---

- 5.1 The development application has been lodged by Ali Hammoud.
- 5.2 The applicant proposes construction of a private 3-storey primary school educational establishment in 3 stages including:
  - Demolition of all existing structures.
  - Removal of up to 14 trees outside of the biodiversity values mapped area of the site and planting of 36 native trees.
  - Basement and lower ground level car parking levels with associated excavation and earthworks.
  - Stormwater management works including the construction of a drainage pipe along the southern boundary that discharges into the private drainage reserve at the rear.
  - Landscaping including groundcovers and shrubs.
- 5.3 Stage 1 of the development proposal includes:
  - Demolition of the existing detached shed, swimming pool and surrounding structures.
  - Removal of up to 14 trees.
  - Alterations to the existing dwelling house to convert it into an administration office and staff amenities building.
  - Installation of a temporary school containing 8 temporary demountable classroom structures and 2 sanitary facility structures.
  - Realignment of the existing driveway further towards the eastern boundary of the site.
  - Construction of a new on-ground car parking area comprising 14 car parking spaces, 1 loading zone and bicycle parking facilities.
  - Use of the site as a primary school for years 0 to 6 comprising a total of 8 classrooms catering for a student population of 200 students and 10 staff.
- 5.4 Stage 2 of the development proposal includes:
  - Demolition of the administration building (converted dwelling house) and all on site car parking areas.
  - Construction of part of a 3-storey school building and including part of the basement and lower ground level car park comprising a total of 39 car parking spaces (5 accessible) and 1 loading zone.
  - Construction of administration and staff rooms, sanitary facilities and 3 classrooms on the ground floor.

- Construction of 6 classrooms and sanitary facilities on level 1 and construction of 6 classrooms and sanitary facilities on level 2, expanding the primary school to comprise a total of 15 classrooms catering for a student population of 450 students and 20 staff.

5.5 Stage 3 of the development proposal includes:

- Decommissioning of the temporary classrooms and 2 sanitary facility structures and removal from the site.
- Extend the construction of the basement carpark to provide an additional 22 car spaces.
- Construction of 6 additional classrooms on the ground floor level.
- Construction of a library and multi-purpose hall on level 2.
- Expanding the primary school to comprise a final total of 21 classrooms catering for a student population of 630 students and 30 staff.

5.6 The building ranges in height from 9.1 m at its northern façade to 11.6 m at its southern façade. It has a single consolidated built form that avoids encroachment into the biodiversity values mapped portion of the site. A variety of materials and colours are proposed for the building including:

- Light grey and brown coloured brick.
- Dark grey and light brown coloured screens over windows.
- Light and blue coloured cladding.
- Grey window frames.

5.7 Other details about the proposal are at attachment 4 and a copy of the development plans is at attachment 5.

## 6 Assessment against planning controls

6.1 A summary assessment of the development application against the section 4.15(1)(a) matters is provide below but only for those planning controls that directly relate to its refusal.

**6.2 Section 4.15 'Heads of Consideration'**

Heads of Consideration	Comment
a. The provisions of: (i) Any environmental planning instrument	Blacktown Local Environmental Plan 2015 applies to the site. The proposal exceeds the 9 m maximum building height limit applicable to the site under Blacktown Local Environmental Plan 2015. The Clause 4.6 variation request is not supported for the reasons listed in section 8.6 below.
(ii) Any proposed instrument that is or has been the subject of public consultation under this Act	N/A
(iii) Any development control plan	Blacktown Development Control Plan 2015 applies to the site. Section 8.2 requires applicants to submit downstream owners consent if stormwater is to be discharged onto downstream owner's land. The proposal relies upon runoff being discharged to the private drainage reserve at the rear of the site, which is not

Heads of Consideration	Comment
	<p>part of the subject land. Downstream owners' consent has not been submitted with this development application.</p> <p>Section 8.5 includes provisions for maximum depth of cut of 0.9 m. However, retaining walls of 3.5 m are proposed to accommodate the excavation associated with construction of the basement parking, which far exceeds the 0.9 m maximum. This is likely to have an impact on the flood liability of the land by displacing flood storage and flows which could also impact on the surrounding residential neighbours.</p>
(iii a) Any planning agreement that has been entered into under section 7.4, or any draft planning agreement that a developer has offered to enter into under section 7.4	<p>A voluntary planning agreement relating to water sensitive urban design and integrated water cycle management between Council and the developer was executed on 16 February 2023. Part J of Blacktown Development Control Plan 2015 requires all development where a S7.11 Contributions Plan applies to meet the water quality requirements through the provision of contributions in line with the Contributions Plan. Developers may also enter into a voluntary planning agreement with Council to offset their water quality requirements off-site, which is the option this developer has chosen. However, this only relates to water quality not water quantity that still requires the stormwater management strategy to not negatively impact on the downstream property.</p>
(iv) The regulations (to the extent that they prescribe matters for the purposes of this paragraph)	<p>The development application is contrary to Clause 36 of the Environmental Planning and Assessment Regulation 2021 as the applicant is required to provide all the necessary and requested information to Council to allow for a proper assessment of the application.</p>
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 environmental impacts of the development cannot be adequately assessed in terms of traffic, environmental health, access, flooding, amenity and drainage. Therefore, the application cannot be supported in its current form.</p>
c. The suitability of the site for the development	<p>The site is not considered suitable for the development as the traffic, environmental health, access, flooding, amenity and drainage impacts that would result from the development at this location have not been addressed to Council satisfaction based on the limited information provided to date.</p> <p>Insufficient information has been provided to determine if the site is suitable for the development from a contamination perspective as a Detailed Site Investigation has not been provided to date. This was requested from the applicant on 17 February 2023.</p>
d. Any submissions made in accordance with this Act, or the regulations	<p>As a result of the notification of the application, 2 individual submissions were received. Some of the issues raised are valid and are similar to our own concerns with the development - refer to Section 7 below.</p>
e. The public interest	<p>The application in its current form is not considered to be in the public interest due to the valid concerns raised by the public during notification as well as the number of planning, engineering,</p>

Heads of Consideration	Comment
	traffic, environmental health and traffic issues that have not been addressed to Council's satisfaction.

## 7 Issues raised by the public

- 7.1 The proposed development was notified to 104 property owners and occupiers in the locality between 30 November to 12 December 2022. The proposal was also placed on Council's website for the public to view and a sign was erected at the front of the site.
- 7.2 We received 2 submissions comprising:
- 1 individual objection from a resident.
  - A submission from School Infrastructure NSW that did not raise any objections to the proposal but rather made recommendations for our consideration.
- 7.3 The issues raised by the resident relate to traffic, safety impacts, insufficient road upgrades and the school not being in character with the surrounding area.
- 7.4 The concerns raised are sufficient to warrant refusal of the development application on the basis that the objector is raising valid concerns similar to our own which the applicant, to date, has not satisfactorily addressed.

## 8 Key issues and reasons for refusal

### 8.1 Concerns raised by Transport for NSW remain unresolved

- 8.1.1 As outlined in Section 4 (Background) above, the applicant was requested to liaise directly with Transport for NSW to resolve the issues it raised. The amended traffic report we received on 17 March indicates that a discussion took place between the applicant's consultant and Transport for NSW on 6 March 2023. It is unclear what discussions occurred to resolve the issues raised by Transport for NSW.
- 8.1.2 In its second response (dated 26 April 2023), Transport for NSW again confirmed that the impacts of the proposed primary school on the classified road network have not been satisfactorily assessed. Transport for NSW recommended that the applicant's traffic impact assessment be revised to address the following key concerns and for the revised traffic report to be submitted back to Transport for NSW for review, namely:
- Use more conservative traffic generation rates. The closest public transport stop/station is the bus stops at Charlotte Road, approximately 500 m from the school access point, which is outside of the walkable distance for primary school kids. Therefore, the traffic generation is under-estimated with the adopted traffic generation rates in Section 7 of the Traffic Report. As such, more conservative traffic generation rates should be used in the assessment.
  - Include further information and data to support the trip distribution assumptions.
  - Include the Francis Road/Charlotte Road and Francis Road/Orion Street intersections. There is potential for development vehicles utilising the Francis Road/ Charlotte Road and Francis Road/ Orion Street intersections to access the broader road network.

Transport for NSW notes that there is vehicle queuing on Charlotte Road approaching Francis Road during peak periods. There have been 5 crashes (including 1 senior injury) reported at the Francis Road/Charlotte Road



intersection over the 5-year period from 1 July 2016 to 30 June 2021. Additional traffic demand exiting Charlotte Road would likely exacerbate the situation, resulting in increasing possibility of car crashes.

- include current, future and long-term scenarios. As significant traffic will be generated by the proposed development, the following scenarios should be included in the traffic impact assessment:
  - Existing traffic condition.
  - Year of each development stage being completed.
  - 10 years after completion of full development.

To ensure that the above requirements are fully addressed, the transport and traffic study must properly ascertain the cumulative study area traffic impacts associated with the development (and any other known proposed developments in the area) and identify the measures to mitigate these impacts

- Include the SIDRA modelling files.
- Include further information on School Zones. A significant number of vehicles and pedestrians will access the site at the start and end of the school day. School Zones must be installed along all roads with a direct access point (either pedestrian or vehicular) from the school if the school is a registered school.

8.1.3 Since insufficient information has been provided to enable Transport for NSW to assess the proposal, Transport for NSW does not support the current proposal.

## **8.2 Owners' consent has not been provided for the proposal to drain into the private drainage reserve at the rear of the site**

8.2.1 The proposal relies upon runoff being discharged to the private drainage reserve at the rear of the site. This private drainage reserve is on the neighbouring land parcel to the south of the site which contains a 60-unit town house complex. This drainage channel forms part of the common property in the strata plan of this town house development known as CP/SP94026. The owners' consent of the strata plan's body corporate is required to discharge stormwater into this land and their drainage channel.

8.2.2 Owner's consent has not been provided to date even though it was requested on 17 February 2023. Therefore, this development cannot discharge stormwater as proposed and so cannot be supported in its current form as it can't be drained.

## **8.3 The applicant has not addressed the flood impacts of the proposal satisfactorily**

8.3.1 The subject site is also affected by overland flow area due to a watercourse adjoining the southern boundary of the site which influences the site's flooding. Therefore, any new development within the 1 in 100 year flood event overland flow area requires a Flood Study Report to ensure that it does not increase the flood risk to life in this proposal or in the surrounding area.

8.3.2 The application was accompanied by a flood study report which was reviewed by our Drainage Engineering Section. Our drainage engineers are not satisfied with the findings of the flood study for the following reasons:

- The flood study is flawed and inconclusive on flood levels and flood risk category due to the following:
  - The flood study does not correctly reflect the proposed building layout.

- The temporary demountable classes are proposed to be located in the flood affected areas of the site but have not been considered in the analysis.
- The catchment impervious percentages are incorrect. The upstream catchment impervious areas cannot be modelled less than 80%.
- It is not clear from the current flood modelling if the flood risk category will be H2 flood hazard rating or higher. If so these areas need to be designed with no access to children or have special designs to reduce the flood risk to H1 (H being a flood hazard indicator where the higher the associated number the higher the flood hazard).
- The proposed buildings do not comply within minimum floor levels due to flooding plus freeboard.
- It is not clear how the basement will be protected from filling up with flood waters.

It should be noted that the above necessary amendments to the flood study could result in higher minimum floor levels being required. The calculations and criteria used in the current flood modelling is flawed and is not a true reflection of the likely impact of this flood event.

- 8.3.3 To mitigate flood risk for the proposed building, the submitted flood study recommends a minimum floor level 0.5 m above the 1 in 100 year flood level being 47.5 m Australian Height Datum. Our drainage engineers have advised that, in accordance with Council's Water Sensitive Urban Design developer handbook, the minimum floor level can be reduced to 0.3 m above the 1 in 100 year flood level or 47.3 m Australian Height Datum. The plans, however, show the ground floor of the building at 47 m Australian Height Datum. The ground floor is therefore proposed 0.3 m below the required minimum floor levels and will not comply.
- 8.3.4 In addition, the Stage 1 demountable buildings will be located within the flood area. Their proposed floor levels have not been indicated on the plans, so there is insufficient information to enable us to understand flood impacts on the demountable buildings being in the flood area. The existing site levels, where the demountables are proposed, are also lower than 47 m Australian Height Datum i.e. lower than the minimum floor level identified in the flood study.
- 8.3.5 Based on the above the proposal does not achieve key objectives of Clause 5.21 of Blacktown Local Planning Panel 2015 relating to flood planning, being:
- To minimise the flood risk to life and property associated with the use of land.
  - To allow development on land that is compatible with the flood function and behaviour on the land, taking into account projected changes as a result of climate change.
  - To avoid adverse or cumulative impacts on flood behaviour and the environment.
  - To enable the safe occupation and efficient evacuation of people in the event of a flood.

Therefore, the proposal cannot be supported in its current form as the site is not suitable.

#### **8.4 The proposal is inconsistent with the design quality principles in State Environmental Planning Policy (Transport and Infrastructure) 2021**



8.4.1 Schedule 8 of the State Environmental Planning Policy (Transport and Infrastructure) 2021 contains 7 design quality principles for schools. Consent authorities must take these into consideration before determining an application for a school. It is considered that the Principles 4, 5 and 7 have not been satisfied as outlined below:

8.4.2 Principle 4 - health and safety:

- Due to the unresolved significant flood issues identified by our flood engineers, the applicant's proposal to put children, staff and parents in a new school which will be at risk of being inundated by floodwaters is considered seriously unsafe.
- Therefore, the proposed location of the buildings does not optimise health, safety and security.

8.4.3 Principle 5 - amenity:

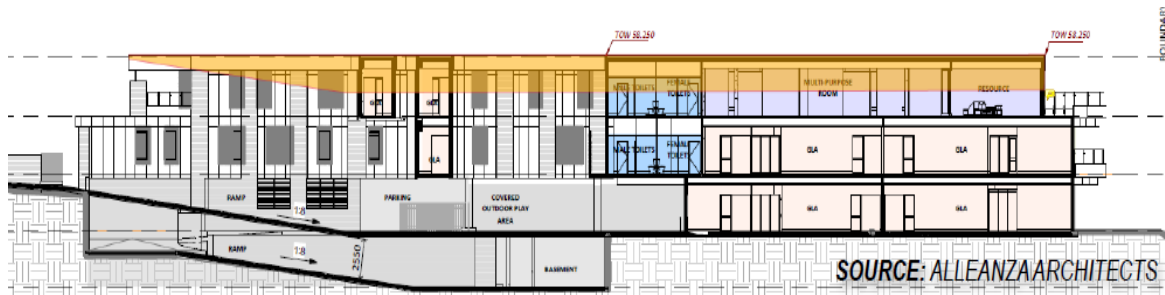
- The amenity of the adjacent town house development to the south will be negatively impacted by the proposal from a visual standpoint. The height, bulk and scale of the proposed 3-storey building is out of character with the town house development that consists entirely of double storey dwellings that are compliant with the applicable 9 m maximum building height limit. Other predominantly residential development in the locality is also characterised by single and double storey-built form that all complies with the same building height limit.
- The 2nd and 3rd storeys of the new school building each have 3 large windows and a balcony that will look out directly onto the southern town house complex. Whilst a 20 m separation between the nearest dwelling and the school building is acknowledged, it is not considered sufficient to prevent privacy impacts on the town house complex. No visual or acoustic screens, frosted glass or other privacy or noise mechanisms are proposed to prevent negative privacy and noise impacts associated with overlooking into the neighbouring town houses.
- Shadow impacts of the proposed building on the dwelling to the south cannot be accurately measured without knowing the ultimate height of the building above natural ground level, which may need to be raised to address flooding.
- Therefore, the amenity of adjacent existing development will be negatively impacted upon by the proposed development.

8.4.4 Principle 7 - aesthetics:

- As a result of the abovementioned amenity and safety issues, it is considered that the proposal will have a negative impact on the aesthetic quality and character of the surrounding neighbourhood.

## **8.5 The applicant's Clause 4.6 variation request is not supported**

8.5.1 Blacktown Local Environmental Plan prescribes a 9m maximum building height for the site. Whilst the amended proposal has lowered the building by introducing basement car parking, the majority of the third floor remains above the height limit as indicated in orange below. Council only accepts rooftop plant and lift overruns to be above the height limit, but in this case all the rooms on the third floor that are associated with the school's operation are above the height limit. The building is still 2.6 m above the height limit according to the applicant's Clause 4.6 variation request.



- 8.5.2 It is unclear how the lift will operate in the absence of a lift overrun on the rooftop. There is no lift mechanism indicated on the plans and this is usually located on the roof. The height exceedance would be more significant if this plant was included on the plans.
- 8.5.3 In addition, as referred at 8.3.1 above, the building will need to be raised to address the flooding affectation of the site. As a result, the overall height of the building, and therefore the actual exceedance, remains unknown until the floor levels satisfactorily address flooding. This also impacts other elements of our assessment, including the shadow impacts of this proposal on the existing dwellings to the south.
- 8.5.4 The highest point of the building faces towards the nearest dwellings to the south of the site. The height of the building should instead be reduced at its southern extent to transition the built form to be similar to a 2-storey development. The northern extent of the building that would remain above the height limit would then be offset by the southern portion that would be below the height limit.
- 8.5.5 Based on the above, the applicant's clause 4.6 variation request cannot be supported.

## **8.6 Insufficient information has been provided to enable a proper assessment of the proposed development**

- 8.7 Insufficient information has been provided to enable Council officers to undertake a proper assessment of the proposal and its potential environmental impacts in relation to environmental health, traffic, engineering, drainage, biodiversity and open space matters. Refer to Section 10, Internal referrals for details.

## **8.8 Demolition of the Stage 1 car park is not supported prior to the Stage 2 carpark being operational**

- 8.8.1 It is proposed to demolish the Stage 1 administration building (existing house) and car park when Stage 2 of the school commences. The cars that would normally park in the Stage 1 car park will then be displaced. These displaced cars will mean that all staff and visitors will have to rely solely on the existing on-street parking along Beames Avenue during the entire construction of the Stage 2 car park which is not supported.
- 8.8.2 The Stage 1 car park will therefore have to remain in place until the Stage 2 building is fully operational, possibly even during stage 3's car parking addition is completed too if access to Stage 2 car park is in any way impacted by the work.

## **9 External referrals**

- 9.1 The development application was referred to the following external authorities for comment:

Authority	Comments
Transport for NSW	Insufficient information provided
Sydney Trains	Approved with conditions
Endeavour Energy	Approved with conditions
Department of Education	Referral rejected as concurrence is not required in this instance, but comments were provided

## 10 Internal referrals

10.1 The development application was referred to the following internal sections of Council for comment:

Section	Comments
Environmental Health	Acceptable, subject to conditions
Open Space Maintenance	<p>Further clarification is required as the amended Tree impact statement has not answered the questions raised in the 17 February 2023 request for information.</p> <p>The Arboricultural impact assessment states that trees 1 - 8 and 75 can be retained but the Stage 1 architectural plans show that these trees have to be removed.</p> <p>The Arboricultural impact assessment states that Tree 74 has a minor encroachment of less than 10% but it cannot be retained. No explanation has been provided for this.</p> <p>The Tree protection plan located on page 62 of the amended Tree impact statement requires the Tree ID numbers to be listed in line with the recommendations.</p> <p>The specifications for the required on-site tree protection signage have not been provided.</p>
Biodiversity	<p>Inconsistencies remain between the reports on which trees are to be retained and which are to be removed. In terms of tree removal there will be 7 to be removed according to the Landscape Plan, 4 to be removed according to the Biodiversity report, 12 in the Statement of Environmental Effects and only 5 to be removed according to the Arborist report and 14 to be removed according to the architectural plans.</p>
Engineering	<p>The nature strips of Beames Avenue and Francis Road are an important part of the development and have not been detailed on the plans i.e. levels, street trees, services, footpath.</p> <p>The driveways at the road boundary must be 4% above the top of kerb to ensure stormwater from the gutter does not enter the site. We require driveway long-sections from the roadway into the carpark that show it can comply with AS2890 and with Council's standard drawing/notes A(BS)103m. The plans are to stipulate gutter invert levels, top of kerb reduced levels, boundary reduced levels and grades.</p> <p>The driveway widths, sections and grades are not as per AS2890. The sweep path plans for the parking areas do not demonstrate 2-</p>

Section	Comments
	<p>way passing movement and do not allow forward entry and exit in one journey without using a parking spot as a turning area at the end of the carpark.</p> <p>The width of the driveway of the above-ground carpark does not allow 2-way movement of vehicles and the carpark and does not allow forward entry and exit in one journey.</p> <p>The proposed location of the raised pedestrian crossing may cause traffic congestion by vehicles waiting to enter the carpark</p>
Drainage	<p>The flood study is inconclusive on flood levels and flood risk category and therefore needs to be amended due to the following:</p> <ul style="list-style-type: none"> <li>• The flood study does not correctly reflect the proposed building layout.</li> <li>• The temporary demountable classes are located in the flood affected areas of the site but are not considered in the analysis.</li> </ul> <p>The catchment impervious percentages are incorrect. The upstream catchment impervious areas cannot be modelled less than 80%.</p> <p>It is not clear from the current flood modelling if the flood risk category will be H2 or higher. If so these areas need to be designed with no access to children or have special designs to reduce the flood risk to H1 (H being a flood hazard indicator where the higher the associated number the higher the flood hazard)</p> <p>The proposed buildings do not comply within minimum floor levels due to flooding plus freeboard.</p> <p>It is not clear how the basement would be protected from filling with flood waters.</p> <p>The design fails to demonstrate vehicle access to allow for the maintenance of the gross pollutant trap proposed. This has not been provided.</p>

## 11 Conclusion

- 11.1 The proposed development has been assessed against all relevant matters and is not considered to be satisfactory. It is considered that the likely impacts of the development have not been satisfactorily addressed and that the proposal is not in the public interest. The site is not considered suitable for the proposed development.

## 12 Disclosure of political donations and gifts

- 12.1 Under Section 10.4 of the Environmental Planning and Assessment Act 1979, a disclosure statement must be lodged in certain circumstances in relation to any planning application, i.e. a development application, an application to modify a consent and an application to make an environmental planning instrument or development control plan.
- 12.2 A disclosure statement of a reportable political donation or gift must accompany a planning application or submission (including a submission either objecting to or supporting the proposed development) if the donation or gift is made within 2 years before the application or submission is made. If the donation or gift is made after the lodgement of the application, a disclosure statement must be sent to Council within 7 days after the donation or gift is made. The provision also applies to an associate of a submitter.
- 12.3 A disclosure statement may be made available for viewing upon a written request to Council in line with Section 12 of the Local Government Act 1993.

#### 12.4 Disclosures:

- |   |   |                                       |
|---|---|---------------------------------------|
| <ul style="list-style-type: none"> <li>• Political donations</li> </ul> | <p>Has a Disclosure statement been received in relation to this application?</p> <p>If yes, provide Disclosure statement register reference</p> | <p>Yes</p> <p>Ref:<br/>D22/552831</p> |
| <ul style="list-style-type: none"> <li>• Gifts</li> </ul>               | <p>Have staff received a 'gift', that needs to be disclosed, from anyone involved with this application?</p>                                    | <p>No</p>                             |

### 13 Recommendation

---

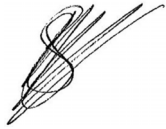
- 1 Reject the Clause 4.6 variation request to exceed the maximum building height because the full extent of the height exceedance is unknown due to the proposed finished floor levels for the development being unknown and the requirement for the building to be raised to address flood risks.
- 2 Refuse Development Application SPP-22-00008 based on the following grounds:
  - a The proposed building exceeds the maximum height plane for the site set out in the Height of Building Map in Blacktown Local Environmental Plan 2015. The finished floor level of the site is still unknown since the building may have to be raised to address flooding impacts, therefore the actual extent of the maximum height exceedance is also unknown. The application is therefore considered to be inconsistent with the provisions of Section 4.15(1)(a)(i) of the Environmental Planning and Assessment Act 1979.
  - b Inadequate information has been provided to complete an assessment of the development application in terms of traffic, engineering, drainage, planning and open space maintenance. Given that inadequate information has been submitted, approval of the application is not considered to be in the public interest under Section 4.15(i)(e) of the Environmental Planning & Assessment Act, 1979. The application can also not be thoroughly assessed to consider it to be consistent with the provisions of Section 4.15(1)(b) and (c) of the Environmental Planning and Assessment Act 1979.
  - c The development application is contrary to Clause 36 of the Environmental Planning and Assessment Regulation 2021 as the applicant is required to provide all the necessary and requested information to allow Council to properly assess the application. Inadequate information has been received to complete an assessment of the proposal in terms of traffic, engineering, drainage, planning and open space maintenance. Given that inadequate information has been received, approval of the application is not considered to be in the public interest under Section 4.15(i)(e) of the Environmental Planning & Assessment Act, 1979. The application can also not be thoroughly assessed to consider it to be consistent with the provisions of Section 4.15(1)(b) and (c) of the Environmental Planning and Assessment Act 1979.
  - d The site is not suitable for this proposed school due to the height limit, the flooding affecting the site, the lack of drainage and its location in a low density residential area. The application is therefore considered to be inconsistent with the provisions of Section 4.15(1)(c) of the Environmental Planning and Assessment Act 1979.
  - e Due to the number of valid concerns raised by the public during notification that are similar to our own concerns with the proposal, the application is considered to not be in the public interest under the provisions of Section 4.16(1)(e) of the Environmental Planning and Assessment Act 1979.

3 Council officers notify the applicant and submitters of the Panel's decision.

## **14 Declaration and endorsement**

---

We, the undersigned, declare, to the best of our knowledge that we have no interest, pecuniary or otherwise, in this development application or persons associated with it; and we have provided an impartial assessment.



---

Jared Spies  
Senior Development Assessment Planner



---

Judith Portelli  
Manager Development Assessment

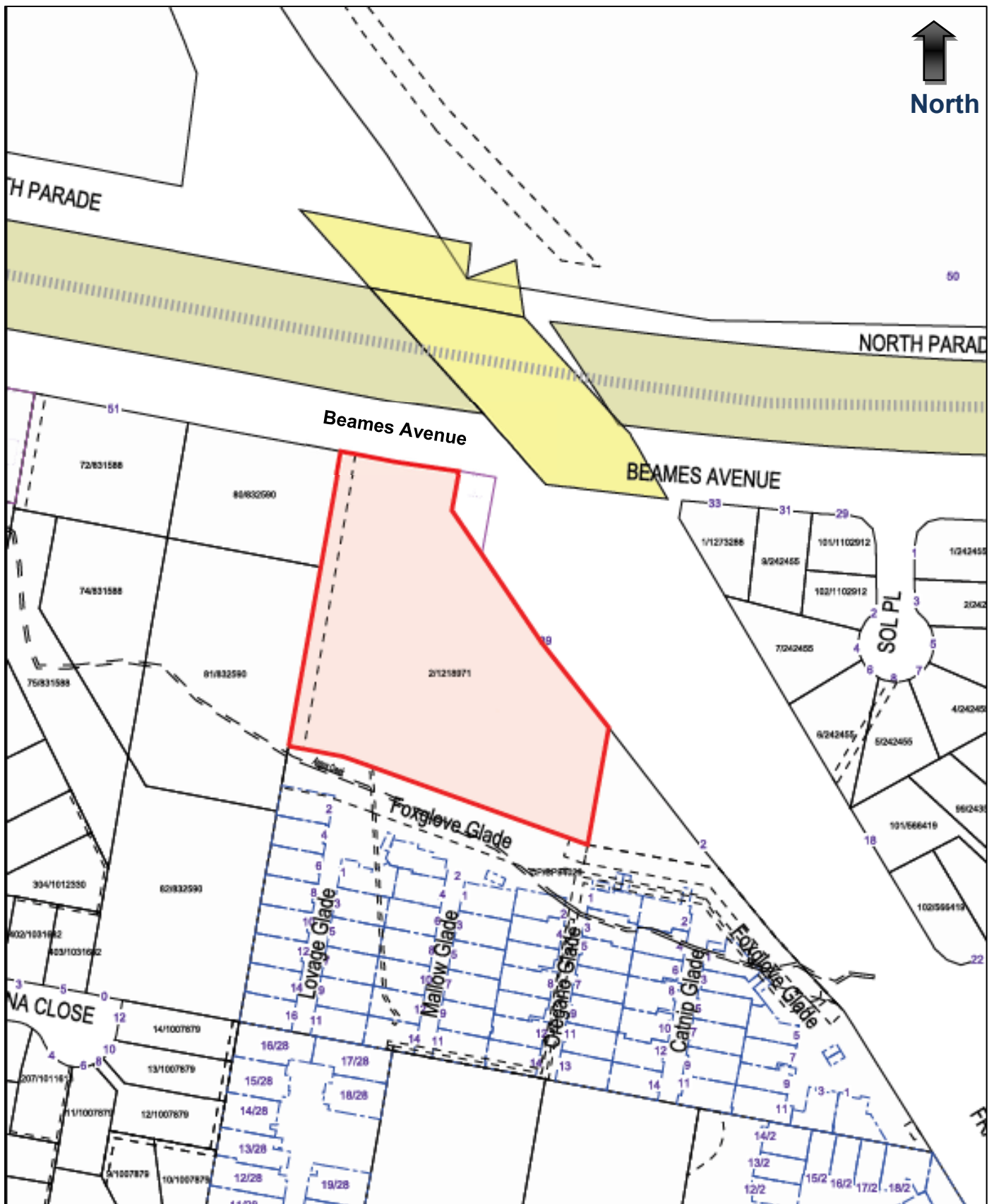


---

Peter Conroy  
Director City Planning and Development



## Location map



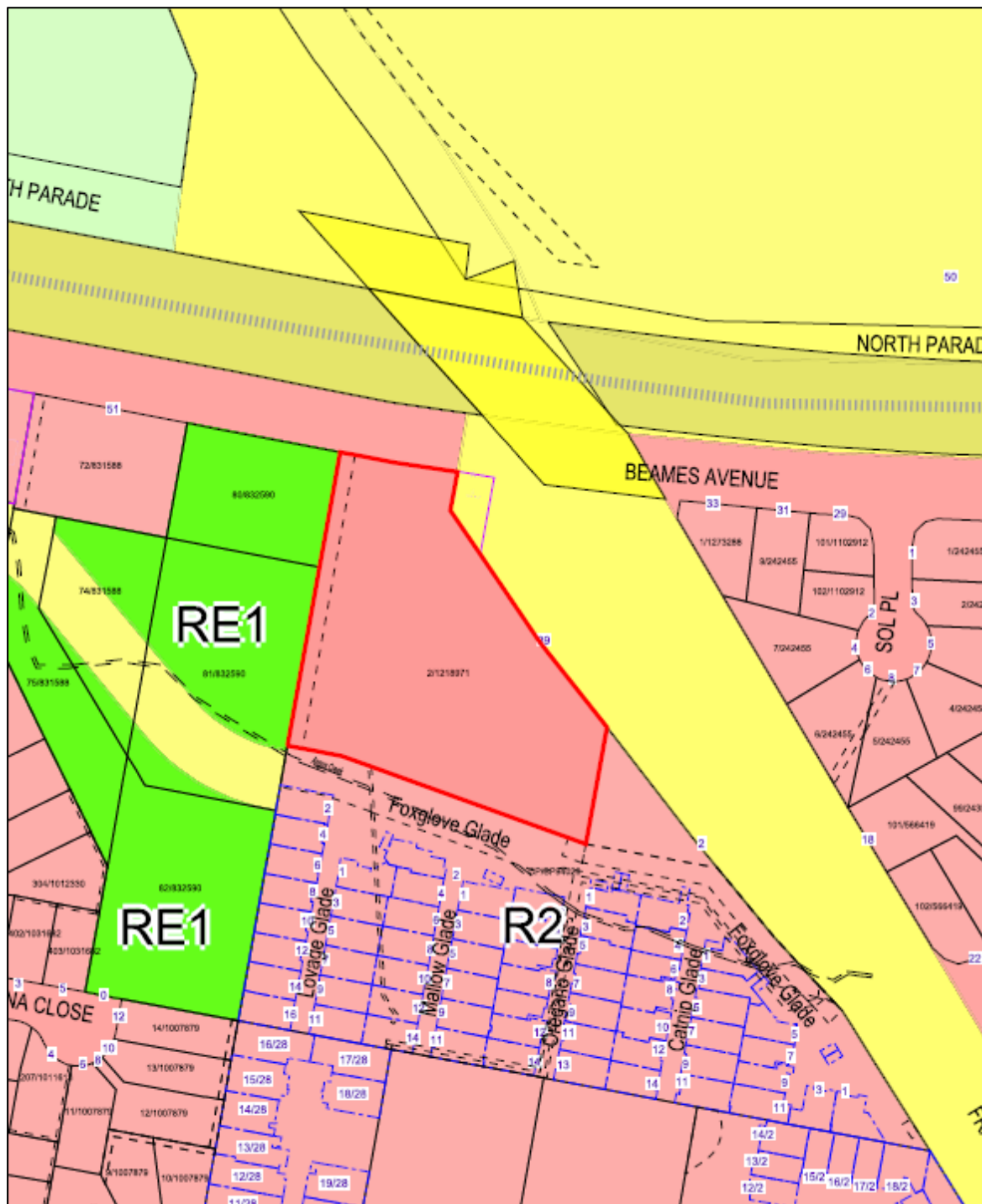


## Aerial image





## Zoning extract



- |   |                               |
|---|-------------------------------|
| <span style="display: inline-block; width: 10px; height: 10px; background-color: #e0f0ff; border: 1px solid black;"></span> | B1 Neighbourhood Centre       |
| <span style="display: inline-block; width: 10px; height: 10px; background-color: #e0ffe0; border: 1px solid black;"></span> | B2 Local Centre               |
| <span style="display: inline-block; width: 10px; height: 10px; background-color: #e0ffff; border: 1px solid black;"></span> | B3 Commercial Core            |
| <span style="display: inline-block; width: 10px; height: 10px; background-color: #e0e0ff; border: 1px solid black;"></span> | B4 Mixed Use                  |
| <span style="display: inline-block; width: 10px; height: 10px; background-color: #e0e0ff; border: 1px solid black;"></span> | B5 Business Development       |
| <span style="display: inline-block; width: 10px; height: 10px; background-color: #e0e0ff; border: 1px solid black;"></span> | B7 Business Park              |
| <span style="display: inline-block; width: 10px; height: 10px; background-color: #e0e0ff; border: 1px solid black;"></span> | E2 Environmental Conservation |
| <span style="display: inline-block; width: 10px; height: 10px; background-color: #e0e0ff; border: 1px solid black;"></span> | E3 Environmental Management   |
| <span style="display: inline-block; width: 10px; height: 10px; background-color: #e0e0ff; border: 1px solid black;"></span> | E4 Environmental Living       |
| <span style="display: inline-block; width: 10px; height: 10px; background-color: #e0e0ff; border: 1px solid black;"></span> | IN1 General Industrial        |
| <span style="display: inline-block; width: 10px; height: 10px; background-color: #e0e0ff; border: 1px solid black;"></span> | IN2 Light Industrial          |
| <span style="display: inline-block; width: 10px; height: 10px; background-color: #e0e0ff; border: 1px solid black;"></span> | R1 General Residential        |
| <span style="display: inline-block; width: 10px; height: 10px; background-color: #e0e0ff; border: 1px solid black;"></span> | R2 Low Density Residential    |
| <span style="display: inline-block; width: 10px; height: 10px; background-color: #e0e0ff; border: 1px solid black;"></span> | R3 Medium Density Residential |
| <span style="display: inline-block; width: 10px; height: 10px; background-color: #e0e0ff; border: 1px solid black;"></span> | R4 High Density Residential   |
| <span style="display: inline-block; width: 10px; height: 10px; background-color: #e0e0ff; border: 1px solid black;"></span> | RE1 Public Recreation         |
| <span style="display: inline-block; width: 10px; height: 10px; background-color: #e0e0ff; border: 1px solid black;"></span> | RE2 Private Recreation        |
| <span style="display: inline-block; width: 10px; height: 10px; background-color: #e0e0ff; border: 1px solid black;"></span> | RU4 Rural Small Holdings      |
| <span style="display: inline-block; width: 10px; height: 10px; background-color: #e0e0ff; border: 1px solid black;"></span> | RU6 Transition                |
| <span style="display: inline-block; width: 10px; height: 10px; background-color: #e0e0ff; border: 1px solid black;"></span> | SP1 Special Activities        |
| <span style="display: inline-block; width: 10px; height: 10px; background-color: #e0e0ff; border: 1px solid black;"></span> | SP2 Infrastructure            |
| <span style="display: inline-block; width: 10px; height: 10px; background-color: #e0e0ff; border: 1px solid black;"></span> | W1 Natural Waterways          |

## Detailed information about proposal and DA submission material

### 1 Overview

- 1.1 The application seeks consent for demolition of existing structures, tree removal, construction of a 3-storey primary school educational establishment over a basement car parking level with associated excavation and earthworks, stormwater and landscaping works over 3 stages.
- 1.1.1 Stage 1 includes:
- Demolition of the existing detached shed, swimming pool and surrounding structures.
  - Removal of 14 non-native trees.
  - Alterations to the existing dwelling house to convert into an administration and staff room building.
  - Installation of 8 temporary classroom structures and 2 sanitary facility structures.
  - Realignment of the existing driveway further towards the eastern boundary of the site.
  - Construction of a car parking area comprising 14 car parking spaces, 1 loading zone and bicycle parking facilities.
  - Use of the site as a primary school comprising a total of 8 classrooms allowing for a student population of 200 students and 10 staff.
- 1.1.2 Stage 2 includes:
- Demolition of the administration building (converted dwelling house) and car parking areas.
  - Construction of part of a 3-storey school building over a basement and lower ground level car parking level comprising of 39 car parking spaces (5 accessible) and 1 loading zone.
  - Construction of administration and staff rooms, sanitary facilities and 3 classrooms on the ground floor level.
  - Construction of 6 classrooms and sanitary facilities on level 1 and construction of 6 classrooms and sanitary facilities on level 2 expanding the primary school to comprise a total of 15 classrooms, allowing for a student population of 450 students and 20 staff.
- 1.1.3 Stage 3 includes:
- Decommissioning of the temporary classrooms and 2 sanitary facility structures and removal from the site.
  - Extension of the basement parking level to provide a total of 61 car parking spaces (5 accessible) and 1 loading zone.
  - Construction of 6 additional classrooms on the ground floor level.

- Construction of a library and multi-purpose hall on level 2 expanding the primary school to comprise a final total of 21 classrooms, allowing for a student population of 630 students and 30 staff.
- 1.2 A variety of materials and colours are proposed for the building's façade including:
- Light grey and brown coloured brick.
  - Dark grey and light brown coloured screens over windows.
  - Light and blue coloured cladding.
  - Grey window frames.

## **2 Traffic and parking**

- 2.1 A Traffic and parking impact assessment report prepared by Hemanote Consultants dated March 2023 accompanies the application.
- 2.2 The report assesses the likely traffic impacts associated with each stage of the proposal. It also identifies proposed road upgrades on Beames Avenue including:
- A pedestrian crossing.
  - New on-street bus zone and no stopping signage.
  - New parking signage relating to proposed 4 on-street parking spaces for drop-off and pick-up of students
- 2.3 The report proposes the use of private school buses for drop-off and pick-up of children including up to 2 vans and 3 mini buses.
- 2.4 The report outlines the proposal's car parking compliance with the Blacktown Development Control Plan 2015 for each stage.

## **3 Landscaping and tree management**

- 3.1 Landscape plans prepared by Ground Ink dated 17 March 2023 accompany the application. These plans propose the removal of 14 non-native trees and the planting of 36 new native trees, shrubs and groundcovers.
- 3.2 A Tree impact and tree protection statement has also been prepared by Mark Bury Consulting dated 10 March 2023, which identifies trees that will require protection throughout the construction process. Methods to protect the identified trees are outlined in the tree impact assessment report by the same author dated 24 March 2021.

## **4 Heritage**

- 4.1 An Aboriginal archaeological assessment prepared by Comber Consultants dated May 2022 accompanies the application to ensure that any Aboriginal archaeology and cultural heritage of the site is not adversely impacted upon by the proposal.
- 4.2 The assessment has determined that the site does not contain Aboriginal archaeological potential and makes the following recommendations:
- An Aboriginal heritage induction should be provided to all employees, contractors and contractors engaged on the project.
  - Implementation of an unexpected finds procedure if any Aboriginal objects are unexpectedly uncovered.

## **5 Geotechnical and salinity management**

- 5.1 A Geotechnical and salinity investigation report prepared by GeoEnviro Consultancy dated May 2021 accompanies the application.
- 5.2 The report contains information on sub-surface conditions. Based on the findings, it provides recommendations relating to:
- Excavations for basements.
  - Basement support.
  - Building foundations.
  - Basement drainage and floor slab.
  - Subgrade preparation and pavement.
  - Durability design based on soil salinity and aggressivity.

## **6 Waste management**

- 6.1 A Waste management plan has been prepared for the site that indicates how waste collection and disposal will be managed during the demolition, construction and operational phases of the development. All waste will be managed by a private waste contractor.

## **7 Biodiversity and vegetation management**

- 7.1 A Biodiversity impact assessment, prepared by Keystone Ecological dated 11 July 2022, considers the likely impacts of the construction of the school on biodiversity. The proposal includes the retention of remnant Cumberland Plain Woodland on the eastern portion of the site as a conservation area. This woodland is proposed to be managed under a vegetation management plan, prepared by the same author and dated 17 March 2023.

## **8 Flooding and stormwater management**

- 8.1 A Flood study and flood risk management study prepared by Site Plus Pty Ltd dated March 2023 accompanies the application. It finds that the building lies on the fringe of the existing 1 in 100 year flood extents. It concludes that:
- the building does not impact the surrounding properties in terms of flood levels and changes in flood hazard. Flood storage volumes are maintained in comparison to the existing scenario. Only minor level increases occur in the adjoining channel with high hazard in the existing scenario and is undevelopable. As no dwelling or egress routes are impacted this is considered an acceptable scenario
  - The site has flood free access to Beames Avenue.
  - Climate change does not significantly worsen flood affectation.
  - The proposed building will have a floor level 0.5 m above the 1 in 100 year flood level ensuring occupants will be safe during all flood events.
- 8.2 Stormwater concept plans prepared by Abel & Brown Pty Ltd dated April 2023 also accompany the application. These plans illustrate how stormwater will be drained from the site for each stage of the development. It is proposed to discharge stormwater into the existing private drainage reserve at the rear of the site.

## **9 Noise**

- 9.1 A Noise impact assessment, prepared by Rodney Stevens Acoustics dated 23 May 2022, details the results of an ambient noise survey and establishes the noise criteria for mechanical plant for the development.
- 9.2 Unattended noise monitoring was conducted at the site between 8 and 15 May 2022 at 2 noise logger locations being at the northern boundary and another at the southern boundary adjacent the residential area. The data obtained from the noise loggers was processed in line with the procedures contained in the NSW Environmental Protection Authority's Noise Policy for Industry to establish noise levels that can be expected at the nearby residential receivers.
- 9.3 The assessment provides noise mitigation measures that would ensure the proposal can comply with the project specific noise criteria including:
  - A minimum of 70% of the underside of the ceiling in the rooftop play area must be treated with absorptive material.
  - The underside of the ceiling in the lower ground play area must be treated with absorptive material.
  - A 1.8 m high solid barrier must be installed along the western and southern boundaries.
  - An appropriately qualified acoustic consultant must review the mechanical plant associated with the development at the detailed design stage when final plant selections have been made.

## **10 Access**

- 10.1 An Access report prepared by Vista Access Architects dated 12 February 2023 accompanies the application.
- 10.2 The report concludes that the proposal achieves the spatial requirements to provide access for people with a disability, subject to the compliance with the recommendations made in the report.

## **11 Energy efficiency**

- 11.1 An Energy efficiency evaluation prepared by Partners Energy dated February 2022 accompanies the application.
- 11.2 This evaluation demonstrates that the proposal's design complies with the design requirements of Section J of the National Construction Code 2019.

## **12 Building code compliance**

- 12.1 A National construction code - building code of Australia report prepared by benchmark Building Certifiers dated 8 March 2022 accompanies the application.
- 12.2 This report assesses the capability of compliance of the architectural plans with the provisions of the Building Code of Australia. It identified areas of potential non-compliance with the deemed-to-satisfy provisions of the Building Code of Australia and makes recommendations to bring the design into compliance. It concludes that, subject to implementation of the recommendations in the report, the building can comply with the provisions of the Building Code of Australia.



DEVELOPMENT APPLICATION

BELLFIELD COLLEGE  
PRIMARY SCHOOL

39 BEAMES AVENUE,  
MOUNT DRUITT, NSW, 2770

Sheet List		
Sheet Number	Sheet Name	Current Revision
DA001	FRONT PAGE	3
DA002	SITE ANAYLSIS	3
DA003	EXISTING SITE PLAN	3
DA004	DEMOLITION SITE PLAN STAGE 1 CONSTRUCTION WORKS	3
DA005	SITE PLAN STAGE 1 CONSTRUCTION WORKS	8
DA006	DEMOLITION SITE PLAN STAGE 2 CONSTRUCTION WORKS	6
DA007	SITE PLAN STAGE 2 BASEMENT CONSTRUCTION WORKS	13
DA007a	SITE PLAN STAGE 2 LOWER GROUND FLOOR CONSTRUCTION WORKS	2
DA008	SITE PLAN STAGE 2 GROUND FLOOR CONSTRUCTION WORKS	6
DA009	PLAN STAGE 2 LEVEL 1 & 2 FLOOR CONSTRUCTION WORKS	6
DA009a	DEMOLITION SITE PLAN STAGE 3 CONSTRUCTION WORKS	2
DA010	OVERALL SITE PLAN	9
DA011	GENERAL FLOOR PLAN BASEMENT	6
DA012	GENERAL FLOOR PLAN LOWER GROUND	13
DA013	GENERAL FLOOR PLAN GROUND FLOOR	12
DA014	GENERAL FLOOR PLAN LEVEL 1 FLOOR	9
DA015	ROOF PLAN	9

Sheet List		
Sheet Number	Sheet Name	Current Revision
DA017	SECTIONS	5
DA018	ELEVATIONS	6
DA019	SITE CUT & FILL DIAGRAM	2
DA020	DETAILED FLOOR PLAN LOWER GROUND (1 of 2)	3
DA021	DETAILED FLOOR PLAN LOWER GROUND (2 of 2)	3
DA022	DETAILED FLOOR PLAN GROUND (1 of 2)	3
DA023	DETAILED FLOOR PLAN GROUND (2 of 2)	3
DA024	DETAILED FLOOR PLAN LEVEL 1 (1 of 2)	3
DA025	DETAILED FLOOR PLAN LEVEL 1 (2 of 2)	3
DA030	GFA PLANS	2
DA031	MATERIAL SCHEDULE	4
DA040	3D BLOCK MODELS	4
DA050	SHADOW DIAGRAMS JUNE 21 9AM	2
DA051	SHADOW DIAGRAMS JUNE 21 MIDDAY	2
DA052	SHADOW DIAGRAMS JUNE 21 3PM	2
DA060	3D VISUALISATIONS	2



3	17.03.2023	Amended DA
2	29.06.2022	For DA
1	19.04.2021	Issue to Planner
Issue	Date	Subject

PA

Architect

ALLEANZA  
ARCHITECTURE

Sydney  
P: 02 8039 8822  
A: L1 695-699 George Street  
Sydney NSW 2000  
W: www.alleanza.com.au

Newcastle  
P: 02 4040 9778  
A: 797 Hunter Street  
Newcastle NSW 2302

Nominated Architect: Charles Glanville NSW Registration No. 3130  
Project

Bellfield College -  
Primary School

Address

39 Beames Avenue, Rooty Hill

Client

Bellfield College

DEVELOPMENT APPLICATION

Scale:	As noted
Sheet size:	A1
Drawn:	GM
Checked:	GM
Verified:	CG

Sheet

FRONT PAGE

20126	DA001	3
Project_no.	Sheet_no.	Issue





3	17.03.2023	Amended DA	
2	29.06.2022	For DA	
1	19.04.2021	Issue to Planner	
Issue	Date	Subject	PA

Architect  
**ALLEANZA**  
ARCHITECTURE

Sydney  
P: 02 8039 8822  
A: L1 695-699 George Street  
Sydney NSW 2000  
W: www.alleanza.com.au

Newcastle  
P: 02 4040 9778  
A: 797 Hunter Street  
Newcastle NSW 2302

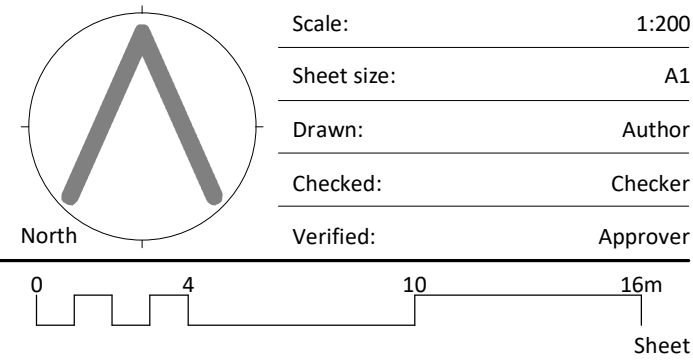
Nominated Architect: Charles Glanville NSW Registration No. 3130  
Project

Bellfield College -  
Primary School

Address  
39 Beames Avenue, Rooty Hill

Client  
Bellfield College

DEVELOPMENT APPLICATION



SITE ANALYSIS

20126	DA002	3
Project_no.	Sheet_no.	Issue





3	17.03.2023	Amended DA
2	29.06.2022	For DA
1	19.04.2021	Issue to Planner
Issue	Date	Subject

Architect

**ALLEANZA**  
ARCHITECTURE

Sydney  
P: 02 8039 8822  
A: L1 695-699 George Street  
Sydney NSW 2000  
W: www.alleanza.com.au

Newcastle  
P: 02 4040 9778  
A: 797 Hunter Street  
Newcastle NSW 2302

Nominated Architect: Charles Glanville NSW Registration No. 3130  
Project

**Bellfield College -  
Primary School**

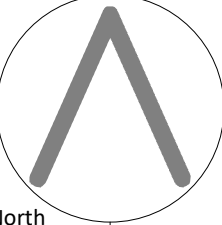
Address

**39 Beames Avenue, Rooty Hill**

Client

**Bellfield College**

**DEVELOPMENT APPLICATION**

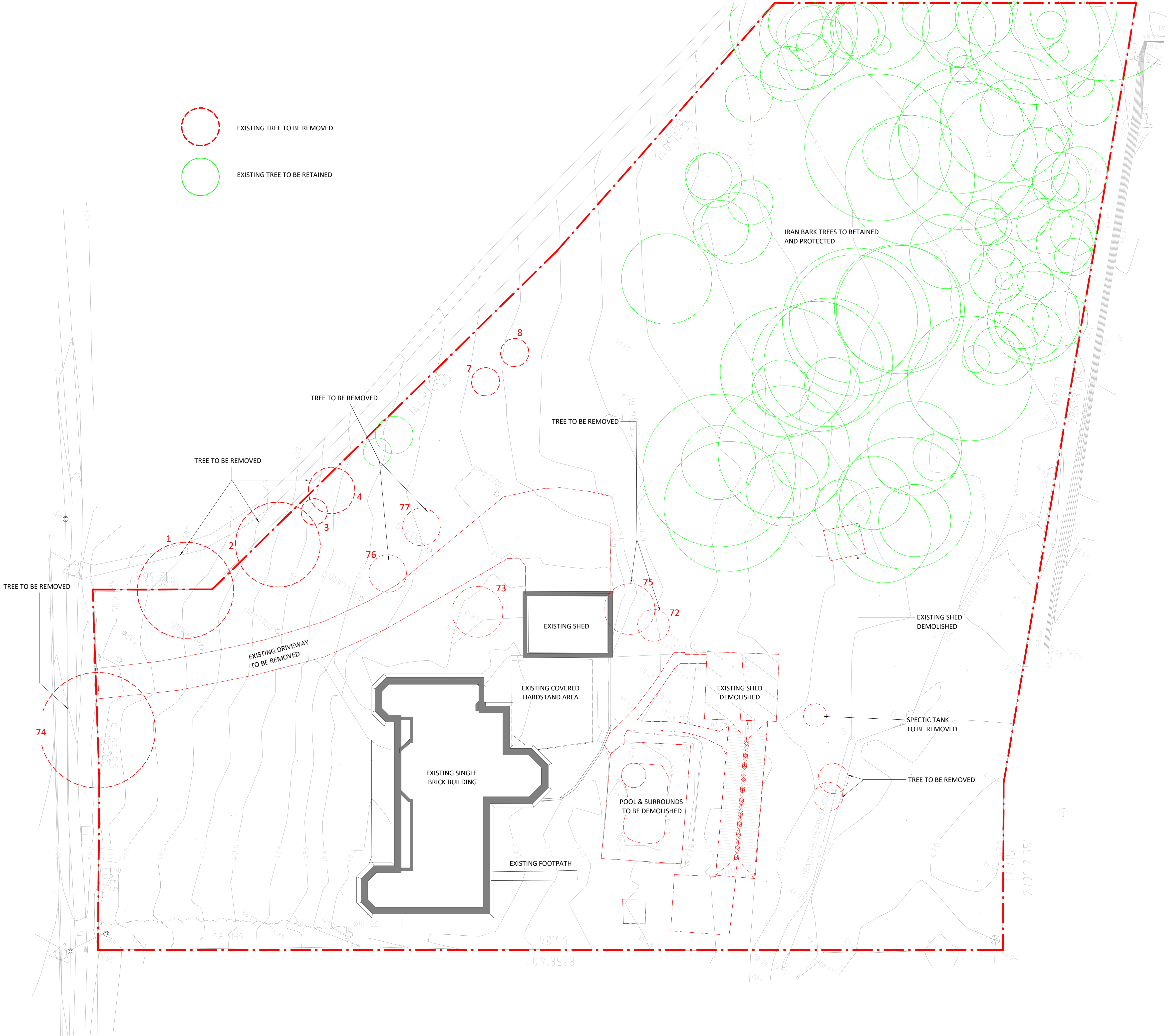
 North	Scale:	As noted
	Sheet size:	A1
	Drawn:	Author
	Checked:	Checker
	Verified:	Approver

Sheet

**EXISTING SITE PLAN**

<b>20126</b>	<b>DA003</b>	<b>3</b>
Project_no.	Sheet_no.	Issue





3	17.03.2023	Amended DA	
2	29.06.2022	For DA	
1	30.03.2022	for information	
Issue	Date	Subject	PA

Architect  
**ALLEANZA**  
ARCHITECTURE

Sydney  
P: 02 8039 8822  
A: L1 695-699 George Street  
Sydney NSW 2000  
W: www.alleanza.com.au

Newcastle  
P: 02 4040 9778  
A: 797 Hunter Street  
Newcastle NSW 2302

Nominated Architect: Charles Glanville NSW Registration No. 3130

Project  
**Bellfield College -  
Primary School**

Address  
**39 Beames Avenue, Rooty Hill**

Client  
**Bellfield College**

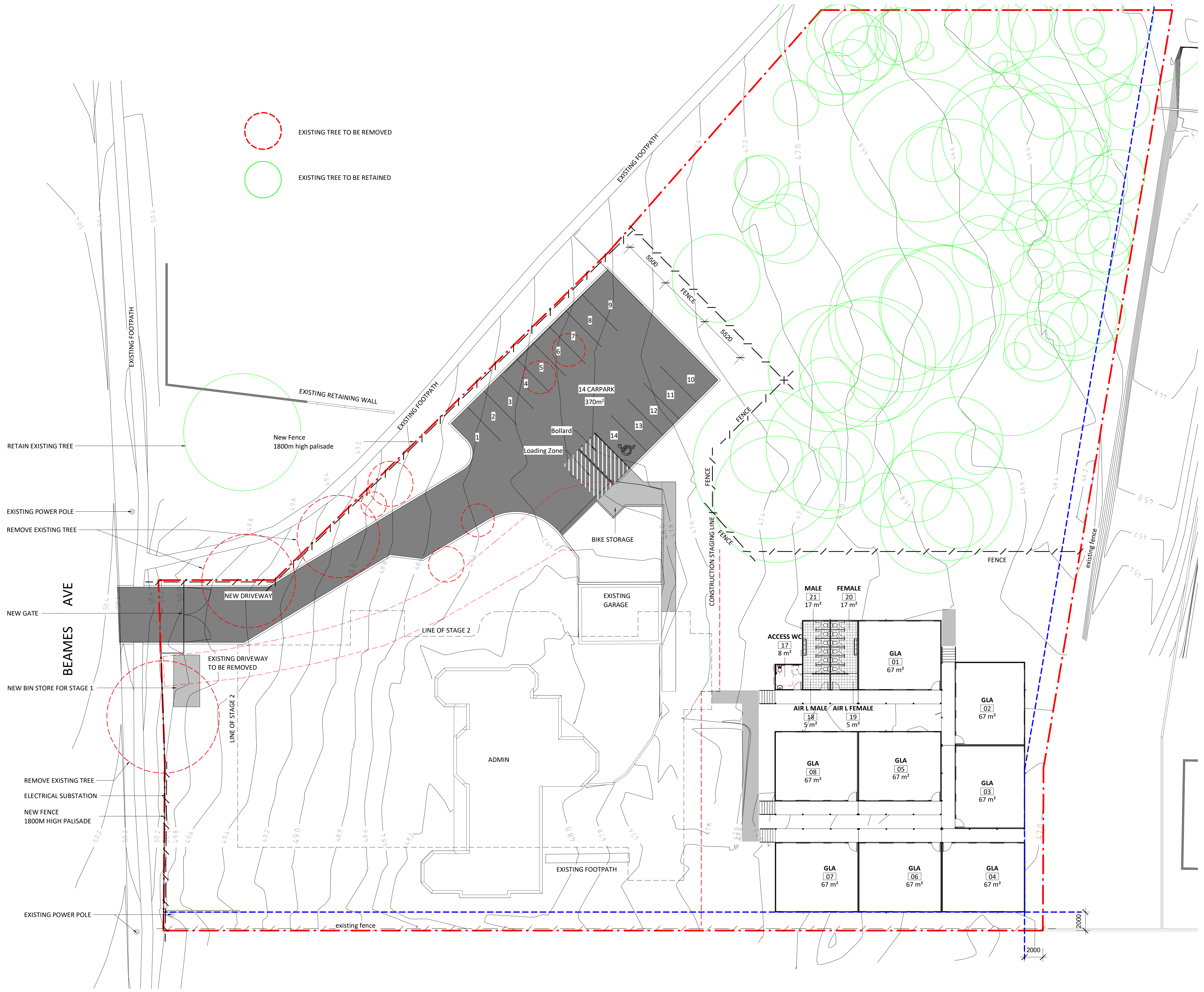
#### DEVELOPMENT APPLICATION

Scale:	
Sheet size:	A1
Drawn:	GM
Checked:	GM
Verified:	CG

Sheet  
**DEMOLITION SITE PLAN STAGE  
1 CONSTRUCTION WORKS**

20126	DA004	3
Project_no.	Sheet_no.	Issue





**Stage 1 Demountable & Student Numbers**

Demountable Phasing	Year	Student No.s
Phase 1		
GLA 01	Kindergarten	25
GLA 02	Year 1	25
GLA 03	Year 2	25
Toilets		
	Phase Total	75 Students
Phase 2		
GLA 04	Year 3	25
GLA 05	Year 4	25
GLA 06		
	Phase 1+2 Total	125
Phase 3		
GLA 06	Year 5	25
GLA 07	Year 6	25
	Total	175 Students 10 Staff members

8	17.03.2023	Amended DA	
7	14.03.2023	For Coordination	
6	29.06.2022	For DA	
5	11.05.2022	for coordination	
4	10.05.2022	for coordination	
3	30.03.2022	for information	
2	24.03.2022	for information	
1	21.02.2022	for information	
Issue	Date	Subject	PA

**ALLEANZA**  
ARCHITECTURE

Sydney  
P: 02 8039 8822  
A: L1 695-699 George Street  
Sydney NSW 2000  
W: www.alleanza.com.au

Newcastle  
P: 02 4040 9778  
A: 797 Hunter Street  
Newcastle NSW 2302

Nominated Architect: Charles Glanville NSW Registration No. 3130  
Project

**Bellfield College -  
Primary School**

Address  
**39 Beames Avenue, Rooty Hill**

Client  
**Bellfield College**

**DEVELOPMENT APPLICATION**

North

0 4 10 16m

Scale:

1:200

Sheet size:

A1

Drawn:

GM

Checked:

GM

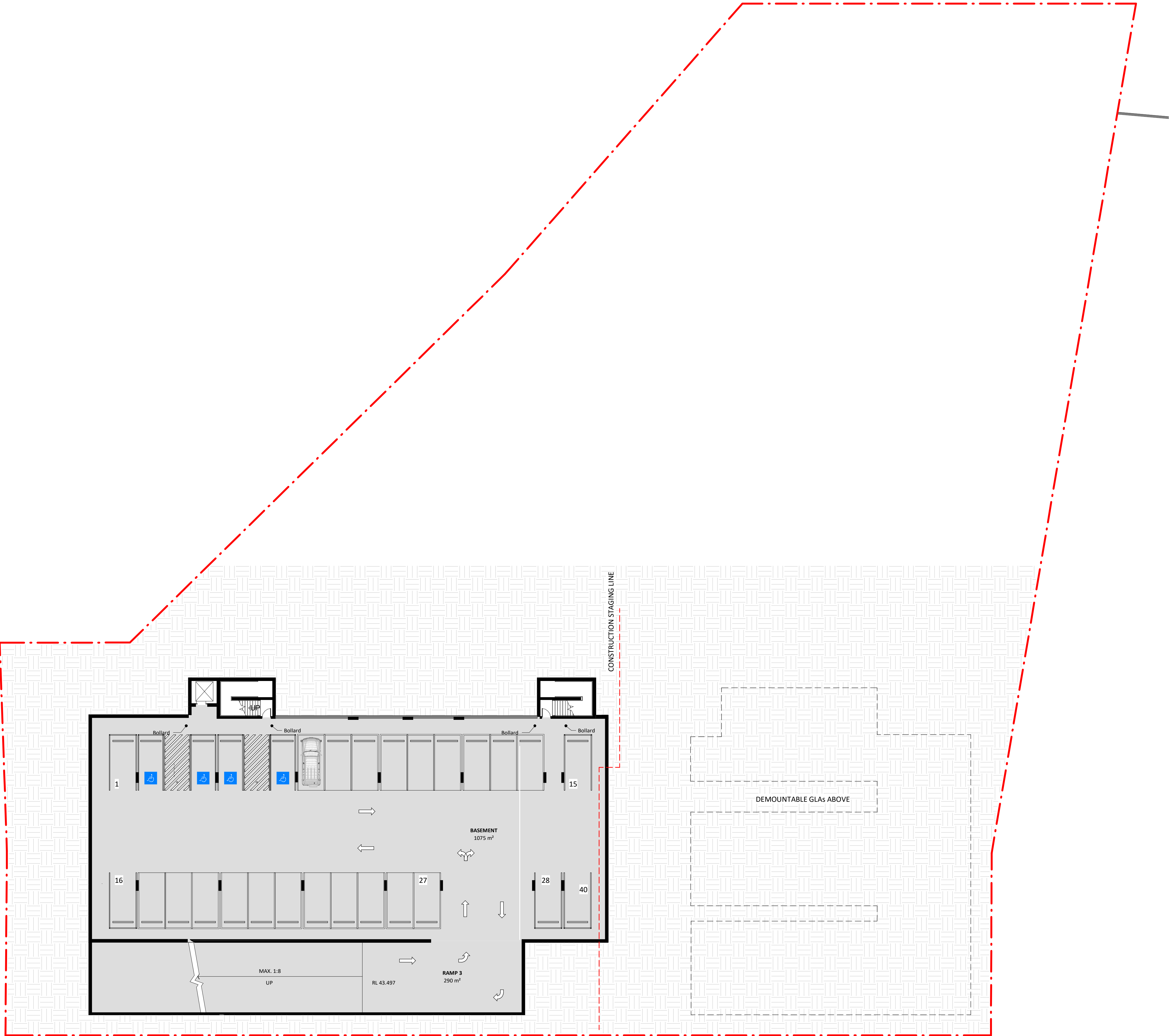
Verified:

CG

**SITE PLAN STAGE 1  
CONSTRUCTION WORKS**







13	17.03.2023	Amended DA
12	14.03.2023	For Coordination
11	10.03.2023	coordination
10	29.06.2022	For DA
9	11.05.2022	for coordination
8	10.05.2022	for coordination
7	30.03.2022	for information
6	22.03.2022	coordination
Issue	Date	Subject

PA

Architect  
**ALLEANZA**  
ARCHITECTURE

<b>Sydney</b> P: 02 8039 8822 A: L1 695-699 George Street Sydney NSW 2000 W: www.alleanza.com.au	<b>Newcastle</b> P: 02 4040 9778 A: 797 Hunter Street Newcastle NSW 2302
--	---

Nominated Architect: Charles Glanville NSW Registration No. 3130

Project

**Bellfield College -  
Primary School**

Address

**39 Beames Avenue, Rooty Hill**

Client

**Bellfield College**

## DEVELOPMENT APPLICATION

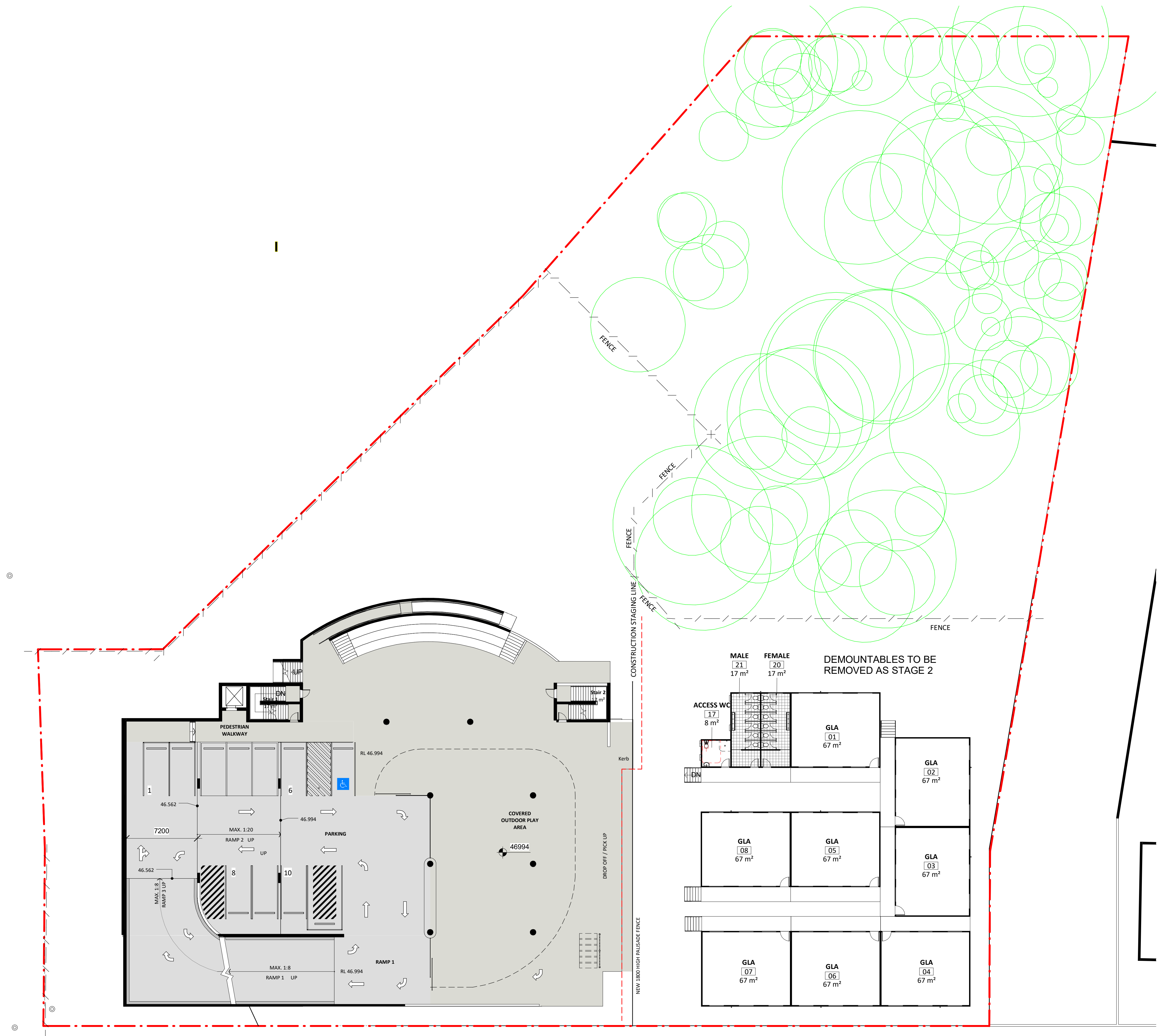
	Scale:	1:200
	Sheet size:	A1
	Drawn:	GM
	Checked:	GM
North	Verified:	CG

0 4 10 16m  
Sheet

**SITE PLAN STAGE 2 BASEMENT  
CONSTRUCTION WORKS**

<b>20126</b> Project_no.	<b>DA007</b> Sheet_no.	<b>13</b> Issue
-----------------------------	---------------------------	--------------------





2	17.03.2023	Amended DA	
1	14.03.2023	For Coordination	
Issue	Date	Subject	PA

Architect  
**ALLEANZA**  
ARCHITECTURE

Sydney  
P: 02 8039 8822  
A: L1 695-699 George Street  
Sydney NSW 2000  
W: www.alleanza.com.au

Newcastle  
P: 02 4040 9778  
A: 797 Hunter Street  
Newcastle NSW 2302

Nominated Architect: Charles Glanville NSW Registration No. 3130  
Project

Bellfield College -  
Primary School

Address  
39 Beames Avenue, Rooty Hill

Client  
Bellfield College

#### DEVELOPMENT APPLICATION

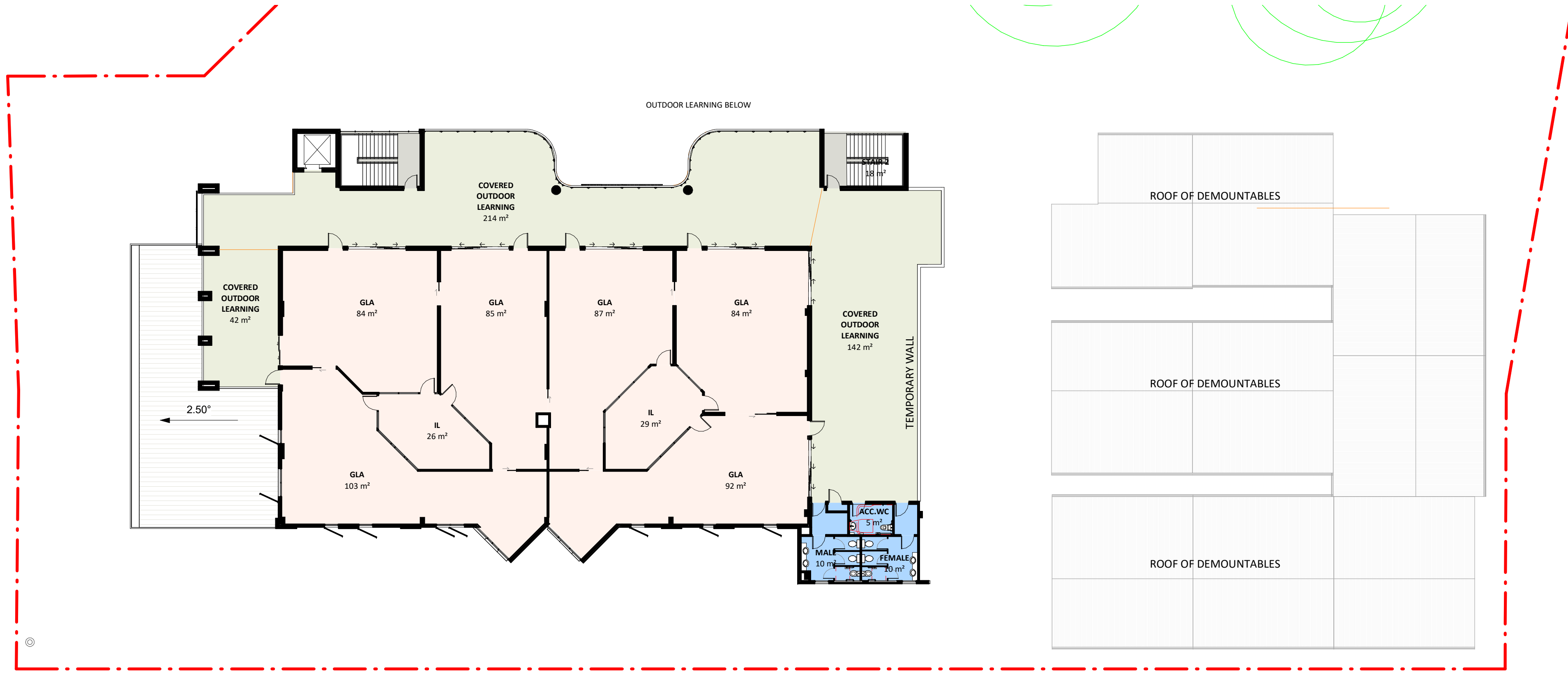
Scale:	As noted
Sheet size:	A1
Drawn:	Author
Checked:	Checker
Verified:	Approver

SITE PLAN STAGE 2 LOWER  
GROUND FLOOR  
CONSTRUCTION WORKS

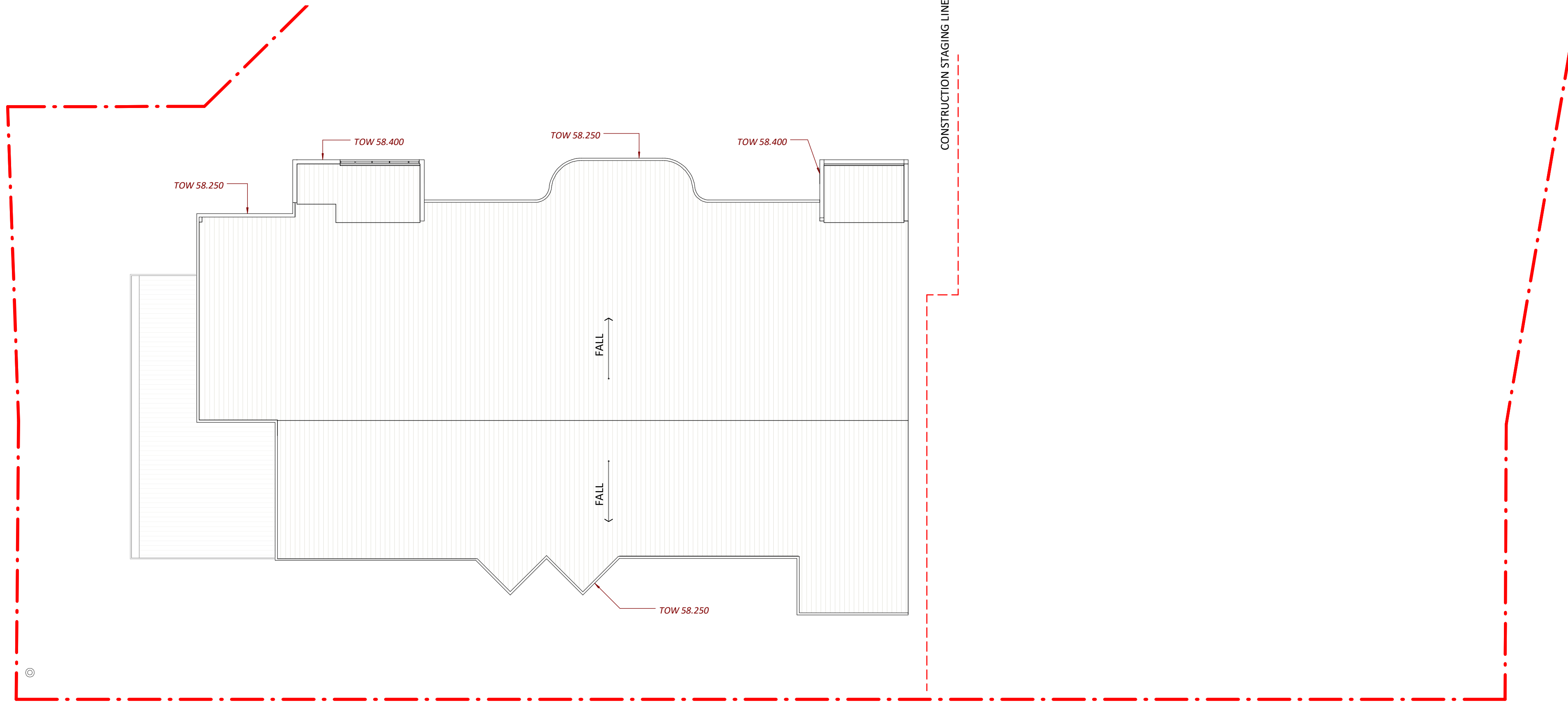
20126	DA007a	2
Project_no.	Sheet_no.	Issue







1 LEVEL 1 Stage 2  
1 : 200



2 LEVEL 2 Stage 2  
1 : 200

6	17.03.2023	Amended DA	
5	14.03.2023	For Coordination	
4	10.03.2023	coordination	
3	29.06.2022	For DA	
2	30.03.2022	for information	
1	09.04.2021	coordination	
Issue	Date	Subject	PA

Architect

**ALLEANZA**  
ARCHITECTURE

**Sydney**  
P: 02 8039 8822  
A: L1 695-699 George Street  
Sydney NSW 2000  
W: www.alleanza.com.au

**Newcastle**  
P: 02 4040 9778  
A: 797 Hunter Street  
Newcastle NSW 2302

Nominated Architect: Charles Glanville NSW Registration No. 3130

Project

**Bellfield College -  
Primary School**

Address

**39 Beames Avenue, Rooty Hill**

Client

**Bellfield College**

**DEVELOPMENT APPLICATION**

Scale: 1:200  
Sheet size: A1  
Drawn: GM  
Checked: GM  
Verified: CG

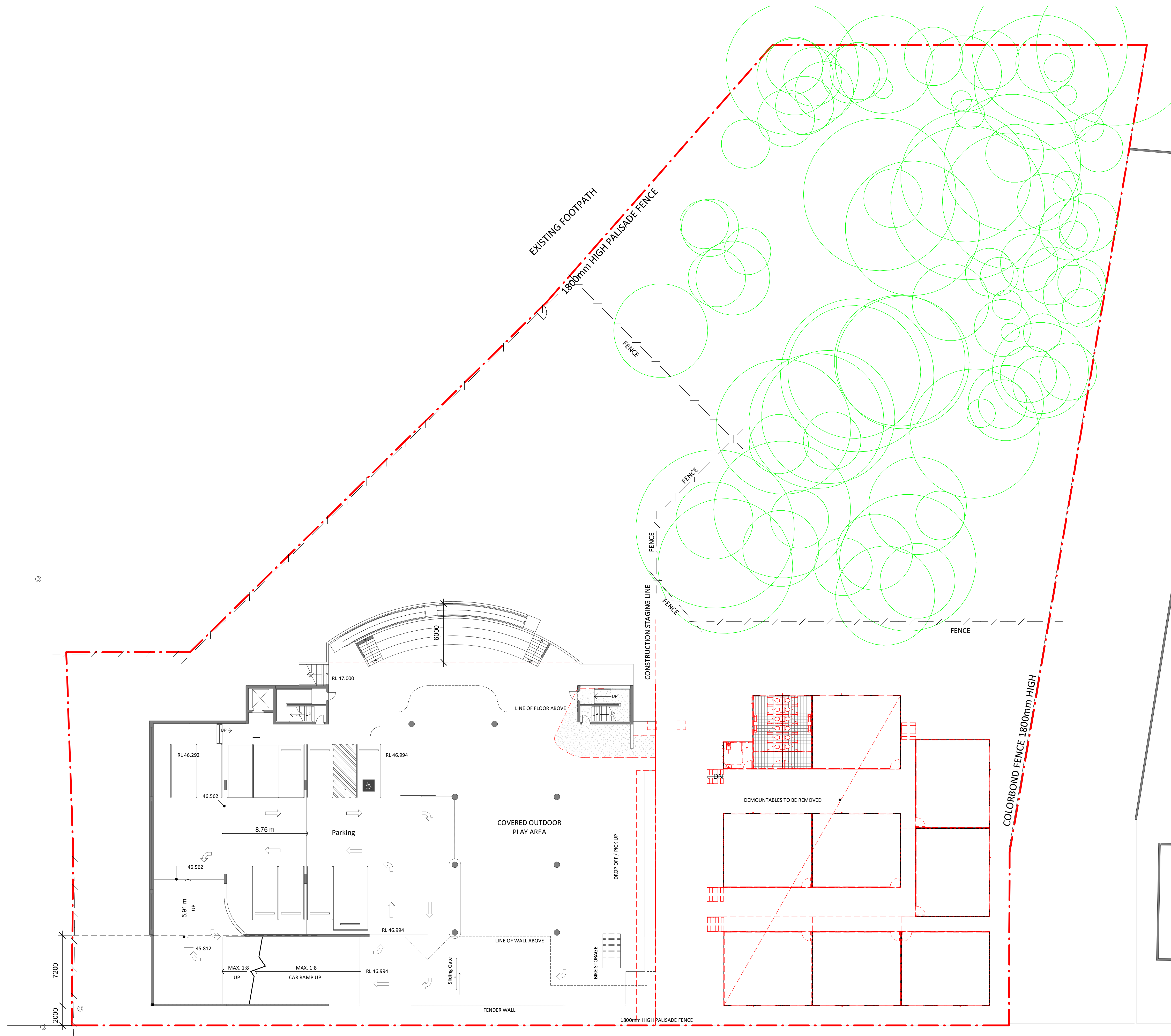
North

0 4 10 16m

Sheet

**PLAN STAGE 2 LEVEL 1 & 2  
FLOOR CONSTRUCTION WORKS**

20126	DA009	6
Project_no.	Sheet_no.	Issue



2	17.03.2023	Amended DA	
1	14.03.2023	For Coordination	
Issue	Date	Subject	PA

Architect  
**ALLEANZA**  
ARCHITECTURE

Sydney  
P: 02 8039 8822  
A: L1 695-699 George Street  
Sydney NSW 2000  
W: www.alleanza.com.au

Newcastle  
P: 02 4040 9778  
A: 797 Hunter Street  
Newcastle NSW 2302

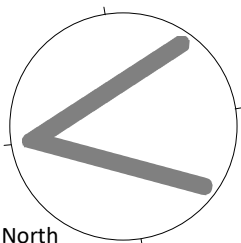
Nominated Architect: Charles Glanville NSW Registration No. 3130  
Project

Bellfield College -  
Primary School

Address  
39 Beames Avenue, Rooty Hill

Client  
Bellfield College

#### DEVELOPMENT APPLICATION



Scale:	As noted
Sheet size:	A1
Drawn:	Author
Checked:	Checker
Verified:	Approver

DEMOLITION SITE PLAN STAGE  
3 CONSTRUCTION WORKS

20126	DA009a	2
Project_no.	Sheet_no.	Issue





Issue	Date	Subject	PA
9	17.03.2023	Amended DA	
8	16.03.2023	For Coordination	
7	14.03.2023	For Coordination	
6	13.03.2023	For Coordination	
5	10.03.2023	coordination	
4	29.06.2022	For DA	
3	17.05.2022	for coordination	
2	05.04.2022	for coordination	

Architect  
**ALLEANZA**  
ARCHITECTURE

Sydney  
P: 02 8039 8822  
A: L1 695-699 George Street  
Sydney NSW 2000  
W: www.alleanza.com.au

Newcastle  
P: 02 4040 9778  
A: 797 Hunter Street  
Newcastle NSW 2302

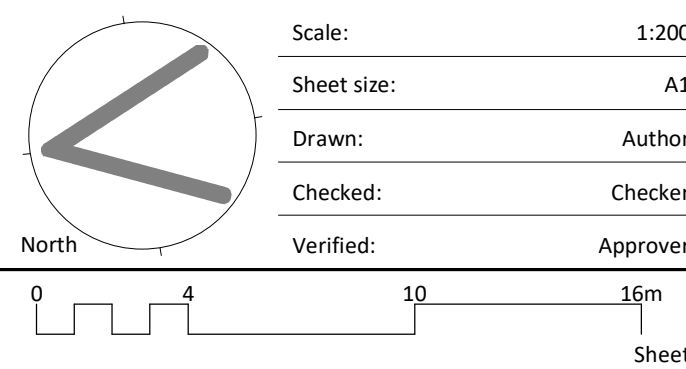
Nominated Architect: Charles Glanville NSW Registration No. 3130  
Project

**Bellfield College -  
Primary School**

Address  
**39 Beames Avenue, Rooty Hill**

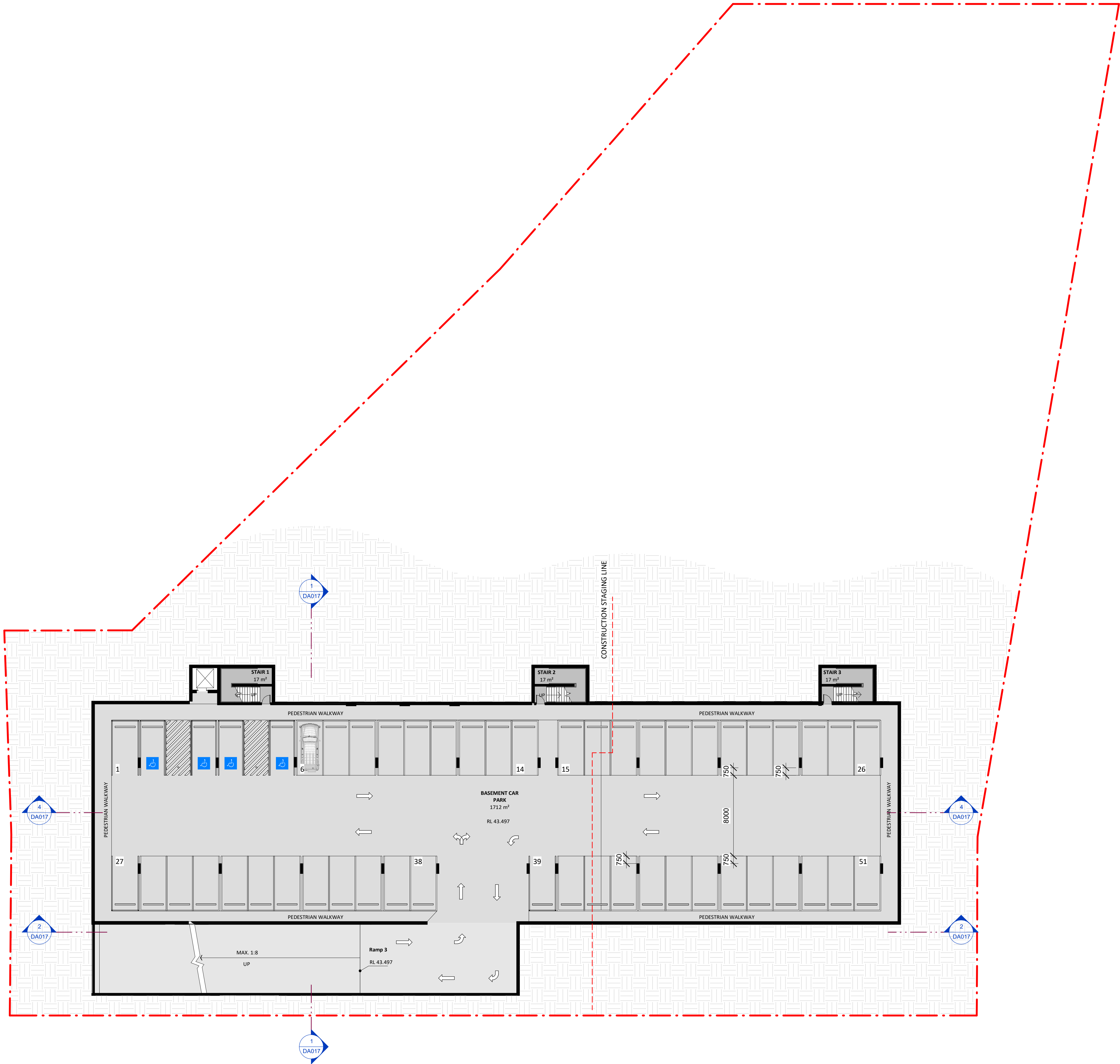
Client  
**Bellfield College**

**DEVELOPMENT APPLICATION**



**OVERALL SITE PLAN**

20126	DA010	9
Project_no.	Sheet_no.	Issue



6	17.03.2023	Amended DA
5	16.03.2023	For Coordination
4	14.03.2023	For Coordination
3	10.03.2023	coordination
2	07.03.2023	Issue to Traffic Eng
1	09.04.2021	coordination
Issue	Date	Subject

PA

Architect  
**ALLEANZA**  
ARCHITECTURE

<b>Sydney</b> P: 02 8039 8822 A: L1 695-699 George Street Sydney NSW 2000 W: www.alleanza.com.au	<b>Newcastle</b> P: 02 4040 9778 A: 797 Hunter Street Newcastle NSW 2302
--	---

Nominated Architect: Charles Glanville NSW Registration No. 3130  
Project

**Bellfield College -  
Primary School**

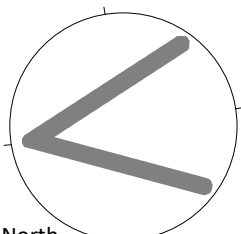
Address

**39 Beames Avenue, Rooty Hill**

Client

**Bellfield College**

## DEVELOPMENT APPLICATION



North

0 4 10 16m

Scale: 1:200

Sheet size: A1

Drawn: Author

Checked: Checker

Verified: Approver

## GENERAL FLOOR PLAN

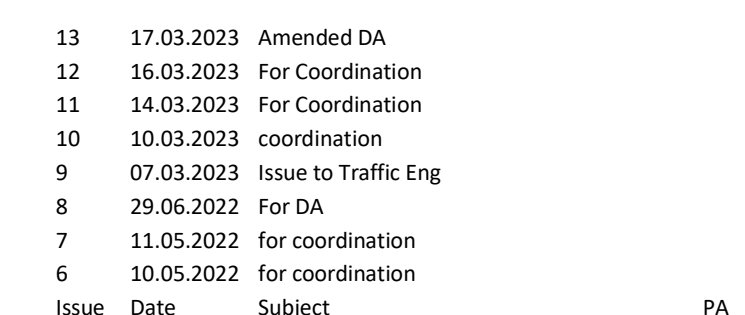
### BASEMENT

**20126**  
Project\_no.

**DA011**  
Sheet\_no.

**6**  
Issue





ALLEANZA  
ARCHITECTURE

**Sydney**  
P: 02 8039 8822  
A: L1 695-699 George Street  
Sydney NSW 2000  
W: [www.allianza.com.au](http://www.allianza.com.au)

**Newcastle**  
P: 02 4040 9778  
A: 797 Hunter Street  
Newcastle NSW 2302

Nominated Architect: Charles Glanville NSW Registration No. 3130

Bellfield College -  
Primary School

39 Beames Avenue, Rooty Hill

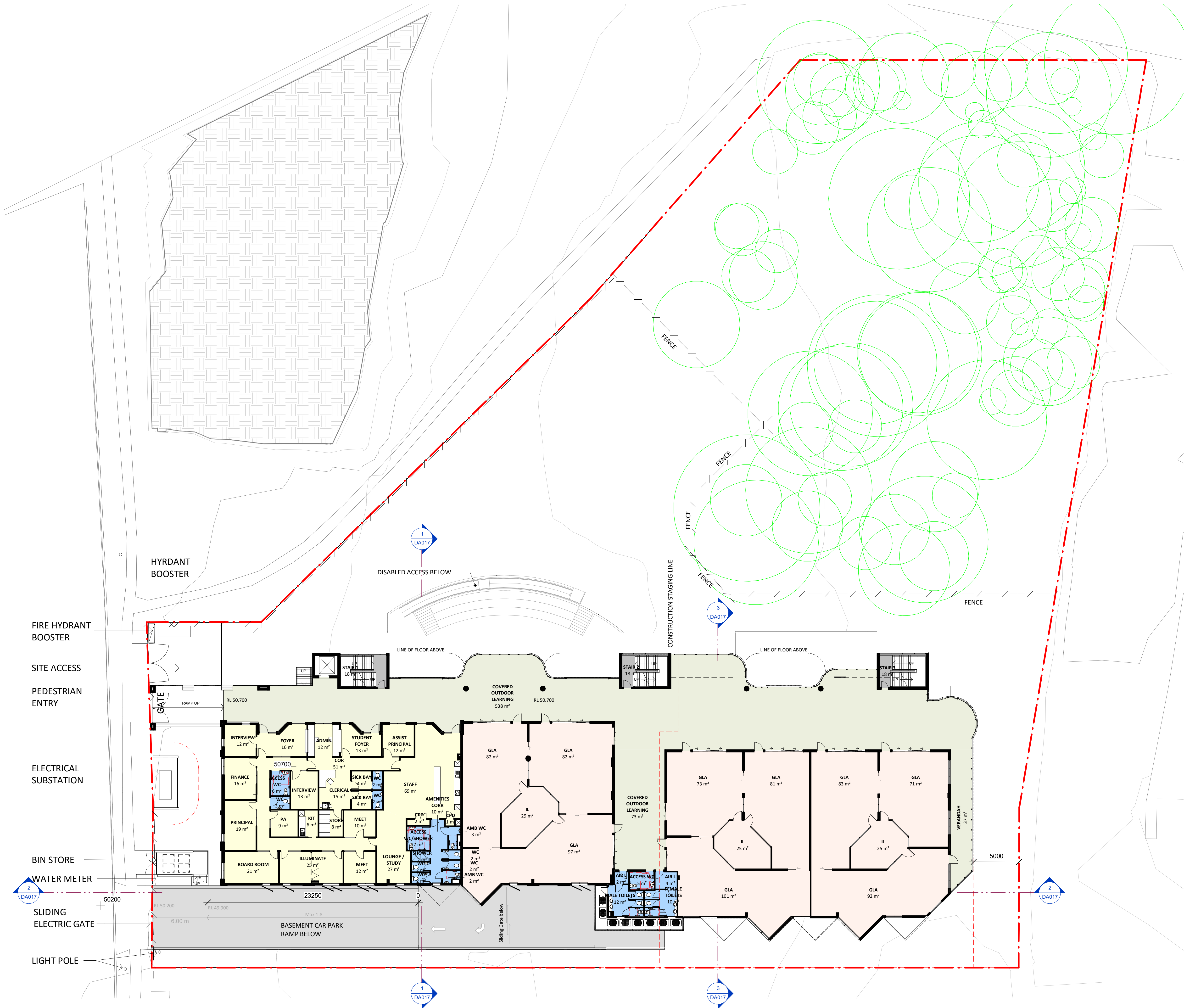
Client  
Bellfield College

Scale:	1:200
Sheet size:	A1
Drawn:	GM
Checked:	GM
Verified:	CG

Sheet  
GENERAL FLOOR PLAN LOWER  
GROUND

20126	DA012	13
Project no.	Sheet no.	Issue





12	17.03.2023	Amended DA	
11	14.03.2023	For Coordination	
10	10.03.2023	coordination	
9	07.03.2023	Issue to Traffic Eng	
8	29.06.2022	For DA	
7	10.05.2022	for coordination	
6	30.03.2022	for information	
5	28.02.2022	coordination	
Issue	Date	Subject	PA

Architect  
**ALLEANZA**  
ARCHITECTURE

Sydney  
P: 02 8039 8822  
A: L1 695-699 George Street  
Sydney NSW 2000  
W: www.alleanza.com.au

Newcastle  
P: 02 4040 9778  
A: 797 Hunter Street  
Newcastle NSW 2302

Nominated Architect: Charles Glanville NSW Registration No. 3130

Bellfield College -  
Primary School

Address  
39 Beames Avenue, Rooty Hill

Client  
Bellfield College

#### DEVELOPMENT APPLICATION

Scale:	1:200
Sheet size:	A1
Drawn:	GM
Checked:	GM
Verified:	CG

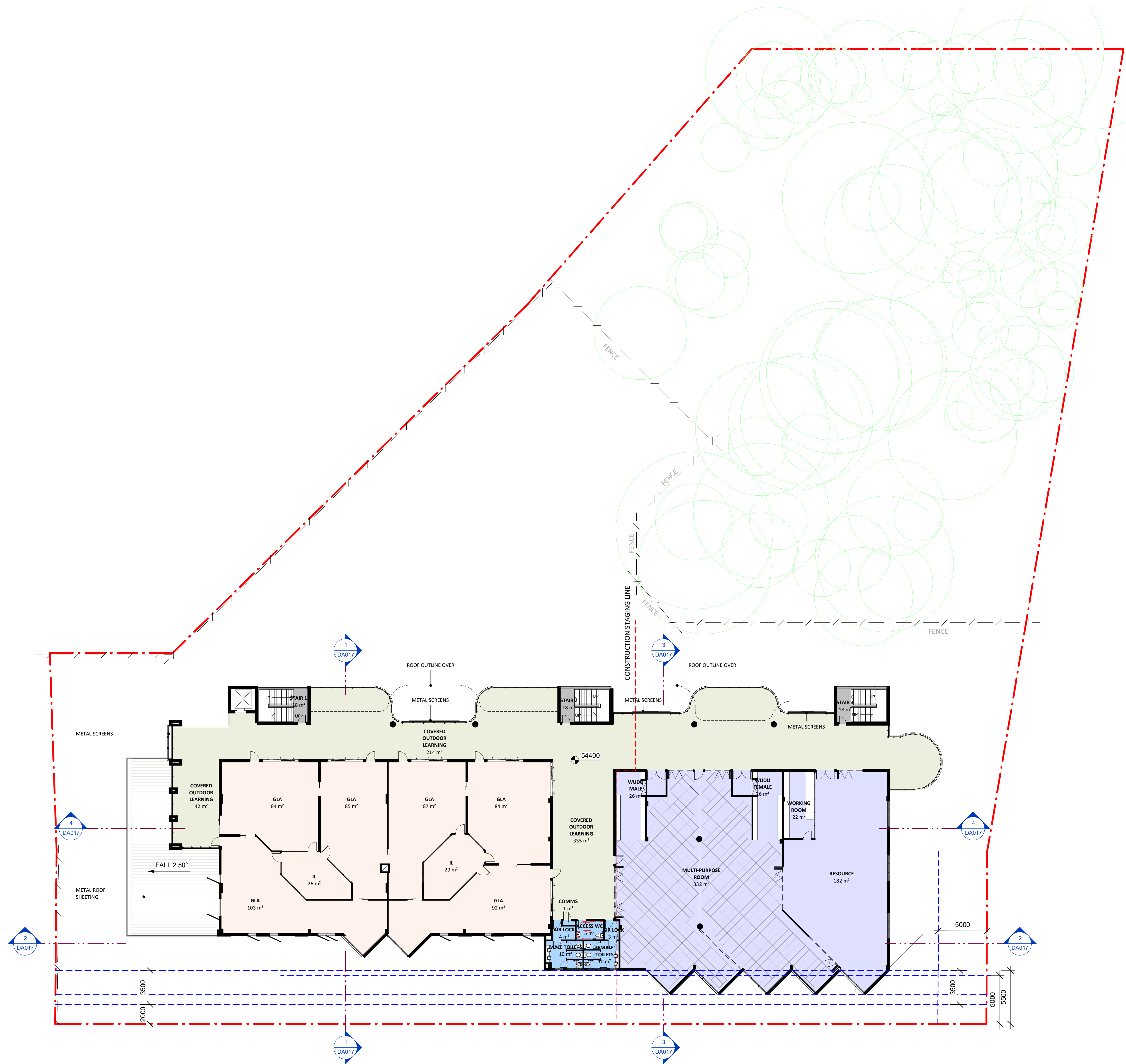
North

0 4 10 16m

GENERAL FLOOR PLAN  
GROUND FLOOR

20126	DA013	12
Project_no.	Sheet_no.	Issue





9	17.03.2023	Amended DA	
8	14.03.2023	For Coordination	
7	10.03.2023	coordination	
6	29.06.2022	For DA	
5	30.03.2022	for information	
4	07.02.2022	coordination	
3	18.01.2022	coordination	
2	19.04.2021	Issue to Planner	
Issue	Date	Subject	PA

Architect  
**ALLEANZA**  
ARCHITECTURE

<b>Sydney</b> P: 02 8039 8822 A: L1 695-699 George Street Sydney NSW 2000 W: www.alleanza.com.au	<b>Newcastle</b> P: 02 4040 9778 A: 797 Hunter Street Newcastle NSW 2302
--	---

Nominated Architect: Charles Glanville NSW Registration No. 3130  
Project

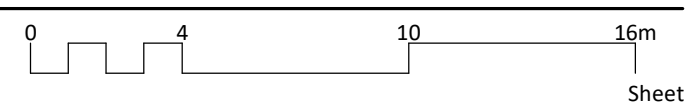
**Bellfield College -  
Primary School**

Address  
**39 Beames Avenue, Rooty Hill**

Client  
**Bellfield College**

#### DEVELOPMENT APPLICATION

Scale:	1:200
Sheet size:	A1
Drawn:	GM
Checked:	GM
Verified:	CG

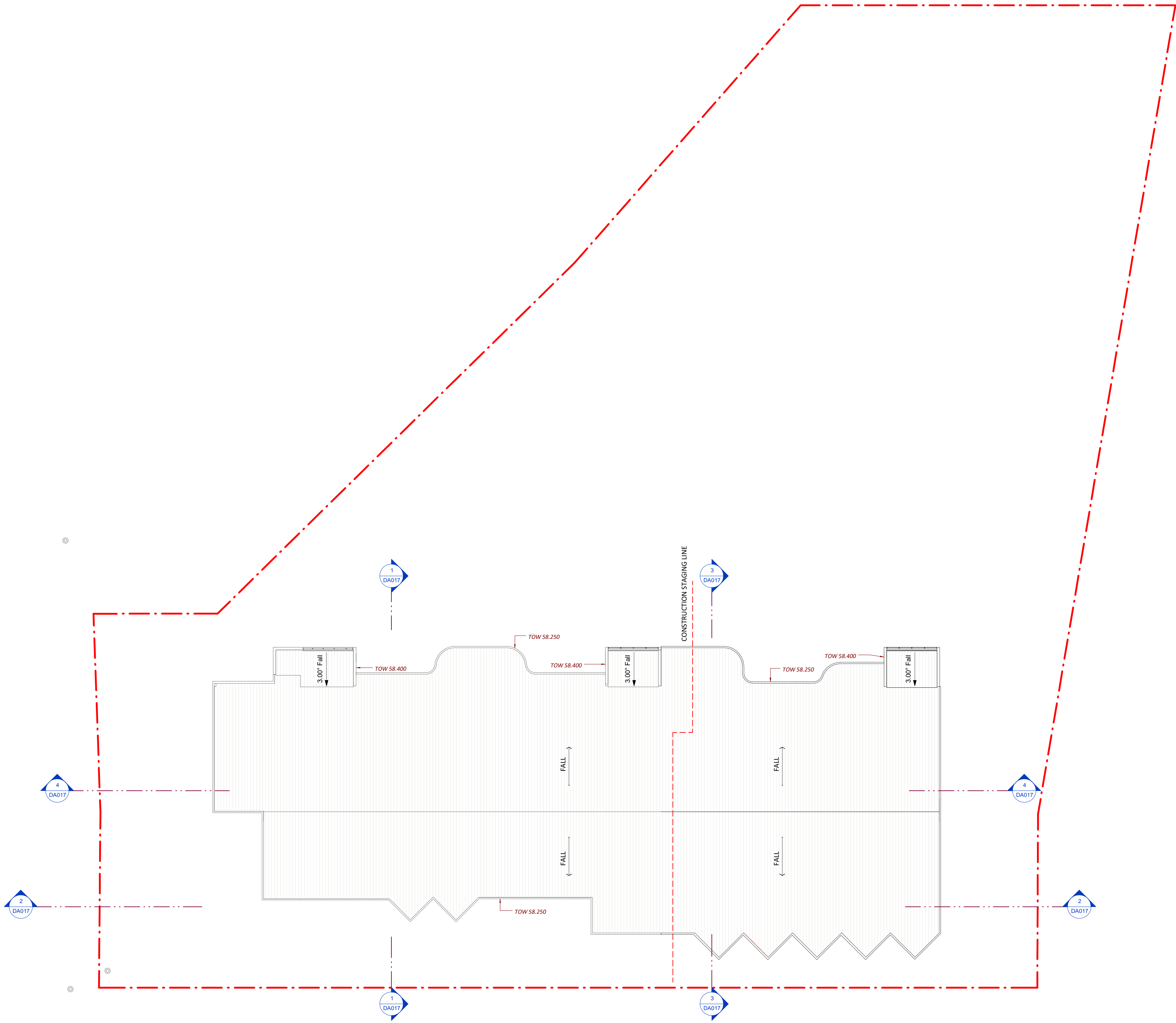


**GENERAL FLOOR PLAN LEVEL 1**

**FLOOR**

<b>20126</b> Project_no.	<b>DA014</b> Sheet_no.	<b>9</b> Issue
-----------------------------	---------------------------	-------------------





9	17.03.2023	Amended DA
8	14.03.2023	For Coordination
7	10.03.2023	coordination
6	29.06.2022	For DA
5	30.03.2022	for information
4	07.02.2022	coordination
3	18.01.2022	coordination
2	19.04.2021	Issue to Planner
Issue	Date	Subject

PA

Architect  
**ALLEANZA**  
ARCHITECTURE

<b>Sydney</b> P: 02 8039 8822 A: L1 695-699 George Street Sydney NSW 2000 W: www.alleanza.com.au	<b>Newcastle</b> P: 02 4040 9778 A: 797 Hunter Street Newcastle NSW 2302
--	---

Nominated Architect: Charles Glanville NSW Registration No. 3130  
Project

**Bellfield College -  
Primary School**

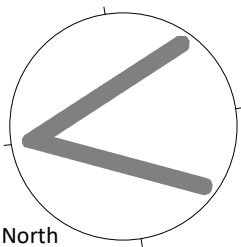
Address

**39 Beames Avenue, Rooty Hill**

Client

**Bellfield College**

## DEVELOPMENT APPLICATION

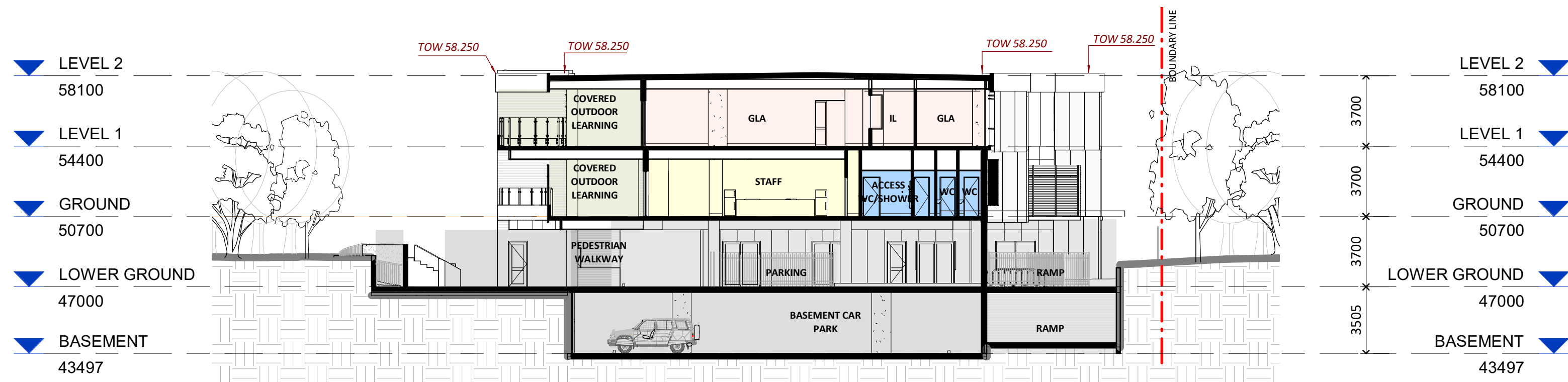


Scale:	
Sheet size:	A1
Drawn:	GM
Checked:	GM
Verified:	CG

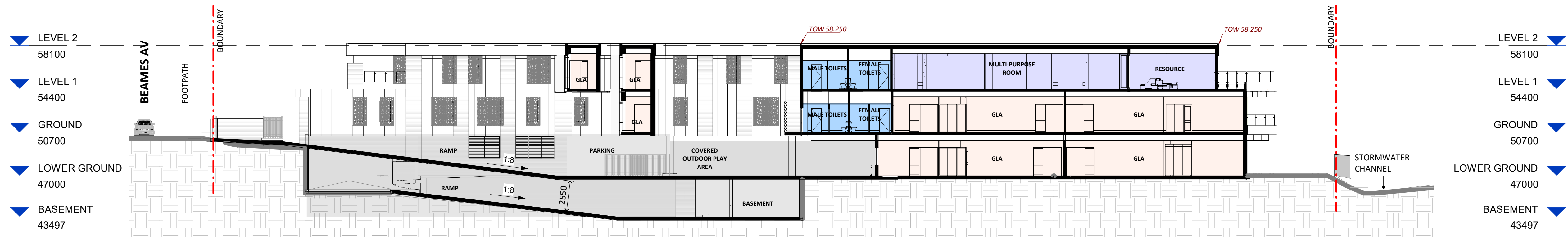
Sheet

## ROOF PLAN

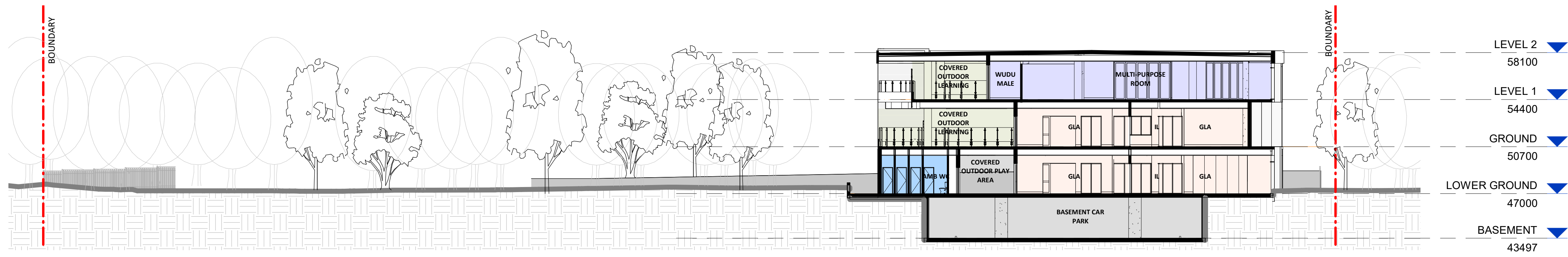
<b>20126</b> Project_no.	<b>DA015</b> Sheet_no.	<b>9</b> Issue
-----------------------------	---------------------------	-------------------



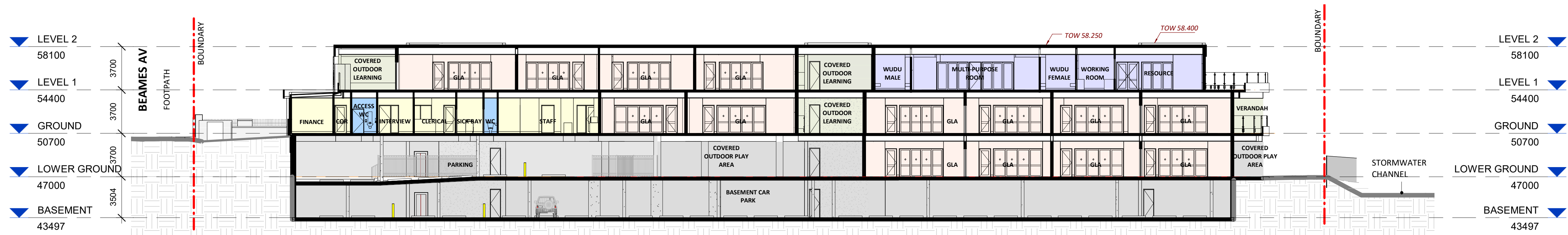
1 CROSS SECTION 1  
1 : 200



2 LONG SECTION 1  
1 : 200



3 CROSS SECTION 2  
1 : 200



4 LONG SECTION 2  
1 : 200

5	17.03.2023	Amended DA
4	14.03.2023	For Coordination
3	09.02.2022	coordination
2	18.01.2022	coordination
1	19.04.2021	Issue to Planner
Issue	Date	Subject

Architect

**ALLEANZA**  
ARCHITECTURE

Sydney  
P: 02 8039 8822  
A: L1 695-699 George Street  
Sydney NSW 2000  
W: www.alleanza.com.au

Newcastle  
P: 02 4040 9778  
A: 797 Hunter Street  
Newcastle NSW 2302

Nominated Architect: Charles Glanville NSW Registration No. 3130

Bellfield College -  
Primary School

Address

39 Beames Avenue, Rooty Hill

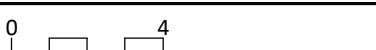
Client

Bellfield College

## DEVELOPMENT APPLICATION

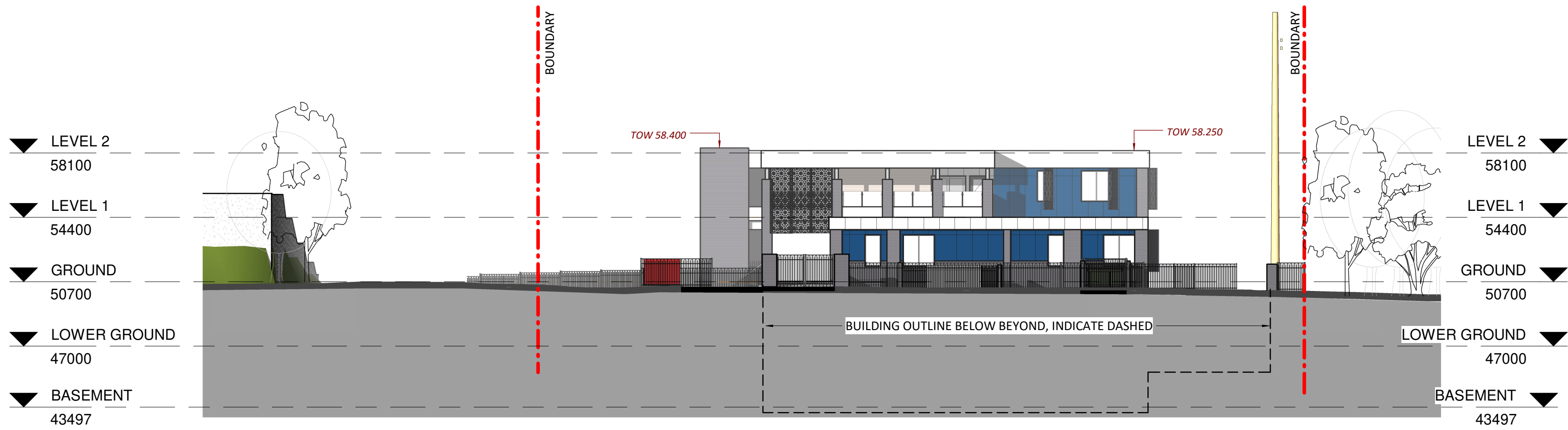
Scale:	1:200
Sheet size:	A1
Drawn:	Author
Checked:	Checker
Verified:	Approver

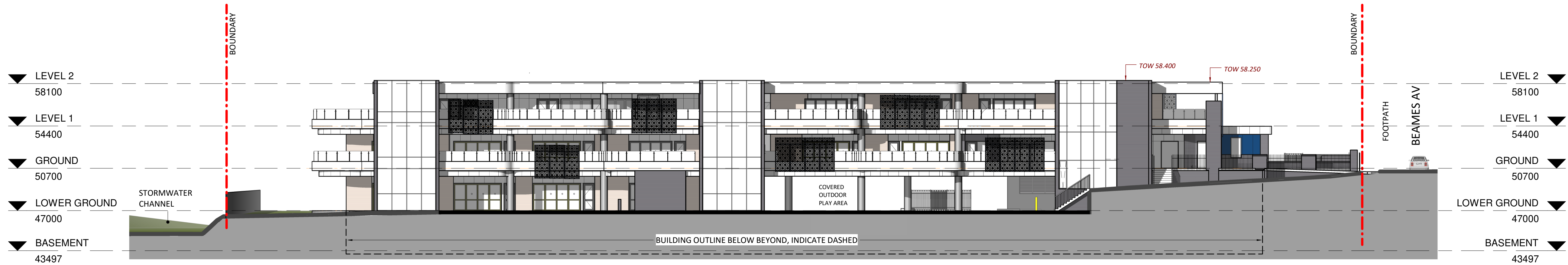
0	4	10	16m
			
Sheet			

SECTIONS		
20126	DA017	5
Project_no.	Sheet_no.	Issue

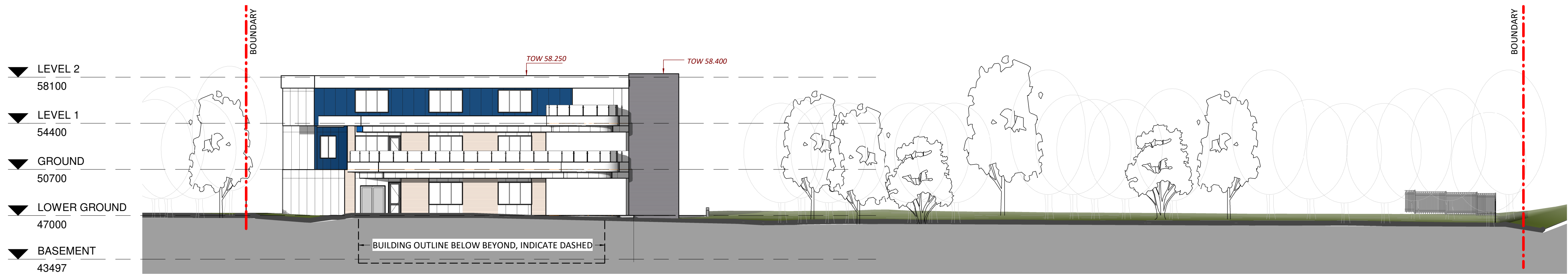




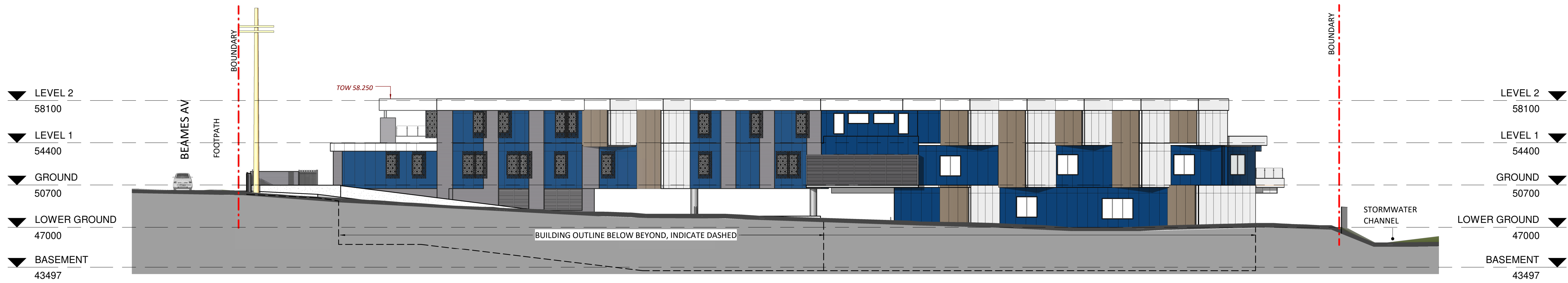
2 North Elevation (Street Elevation)  
1 : 200



1 East Elevation  
1 : 200



4 South Elevation  
1 : 200



3 West Elevation  
1 : 200

6	17.03.2023	Amended DA
5	14.03.2023	For Coordination
4	29.06.2022	For DA
3	09.02.2022	coordination
2	18.01.2022	coordination
1	19.04.2021	Issue to Planner
Issue	Date	Subject

Architect

**ALLEANZA**  
ARCHITECTURE

Sydney  
P: 02 8039 8822  
A: L1 695-699 George Street  
Sydney NSW 2000  
W: www.alleanza.com.au

Newcastle  
P: 02 4040 9778  
A: 797 Hunter Street  
Newcastle NSW 2302

Nominated Architect: Charles Glanville NSW Registration No. 3130  
Project

Bellfield College -  
Primary School

Address

39 Beames Avenue, Rooty Hill

Client

Bellfield College

**DEVELOPMENT APPLICATION**

Scale:	1:200
Sheet size:	A1
Drawn:	Author
Checked:	Checker
Verified:	Approver

0 4 10 16m  
Sheet



2	17.03.2023	Amended DA	PA
1	29.06.2022	For DA	
Issue	Date	Subject	

Architect  
**ALLEANZA**  
ARCHITECTURE

Sydney  
P: 02 8039 8822  
A: L1 695-699 George Street  
Sydney NSW 2000  
W: www.alleanza.com.au

Newcastle  
P: 02 4040 9778  
A: 797 Hunter Street  
Newcastle NSW 2302

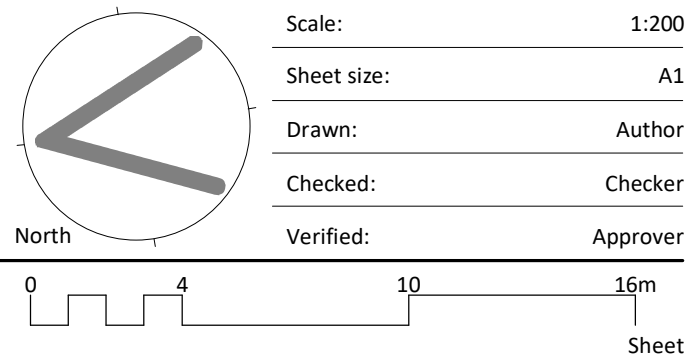
Nominated Architect: Charles Glanville NSW Registration No. 3130  
Project

Bellfield College -  
Primary School

Address  
39 Beames Avenue, Rooty Hill

Client  
Bellfield College

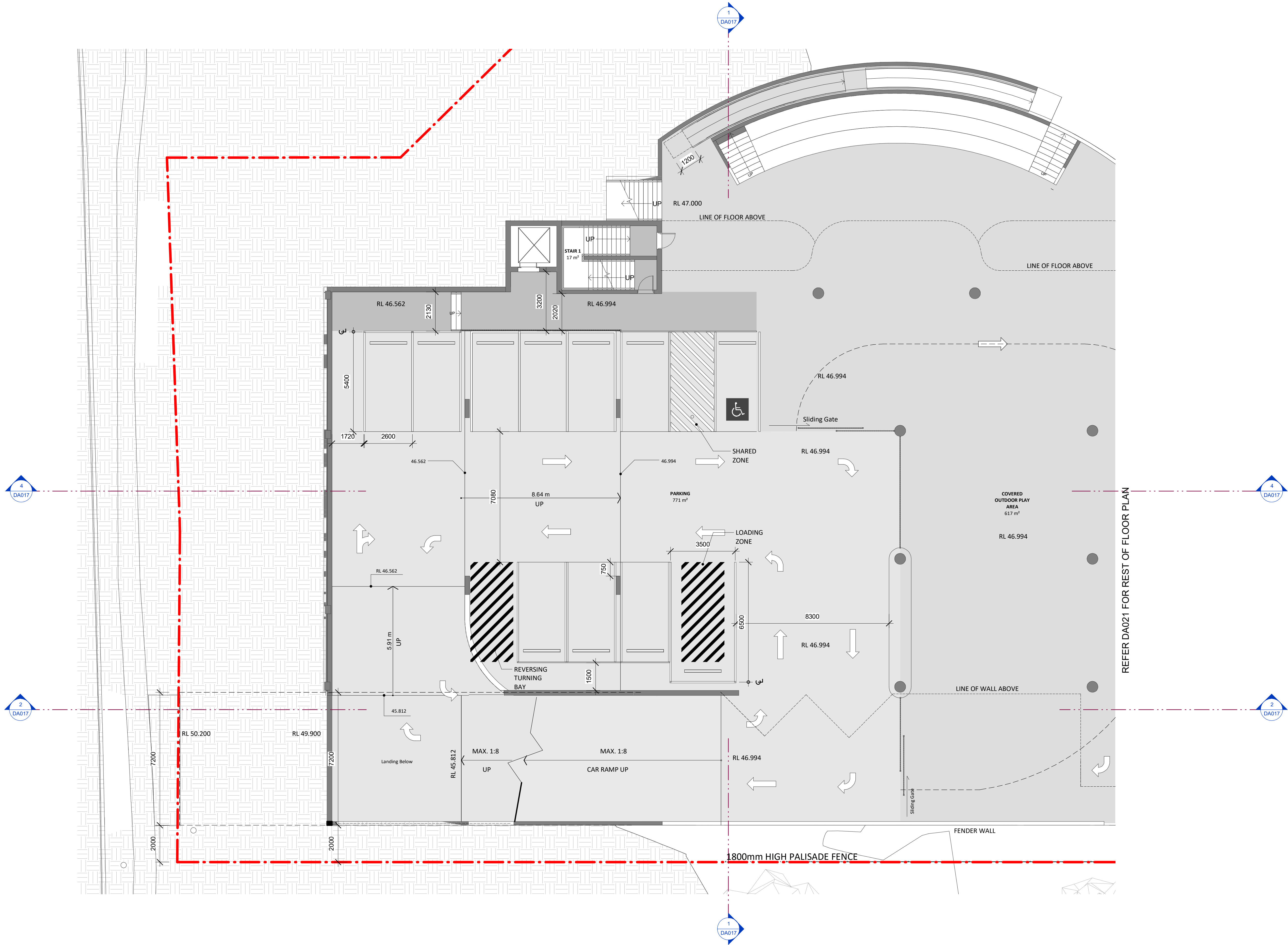
#### DEVELOPMENT APPLICATION



#### SITE CUT & FILL DIAGRAM

20126 DA019 2  
Project\_no. Sheet\_no. Issue





**Note:**  
Contractor to check and verify all dimensions on site prior to commencement of work or preparation of shop drawings.  
**Do not scale this drawing.**

Copyright Alleanza Architecture Pty Ltd unless otherwise agreed in writing. This document may only be used for the express purpose and project for which it has been created and must not be used by any other person or for any other purpose.

Architect

**ALLEANZA**  
ARCHITECTURE

P: 02 8039 8822 W: www.alleanza.com.au  
A: L1 695-699 George Street, Sydney NSW 2000  
Nominated Architect: Charles Glanville NSW Registration No. 3130

Client

Bellfield College

Project

Bellfield College -  
Primary School

Address

39 Beames Avenue, Rooty  
Hill

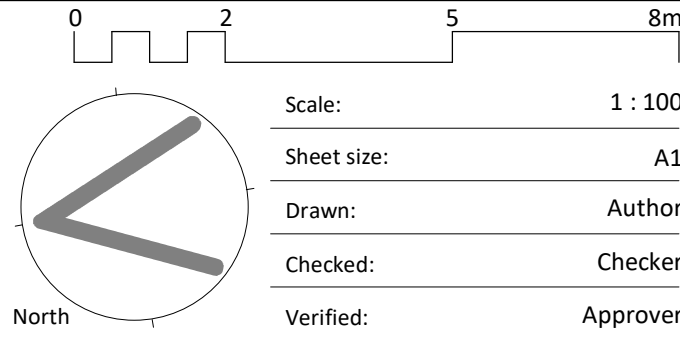
Issue

1 07.02.2022 coordination  
2 29.06.2022 For DA  
3 17.03.2023 Amended DA

Subject

coordination  
For DA  
Amended DA

P.A.

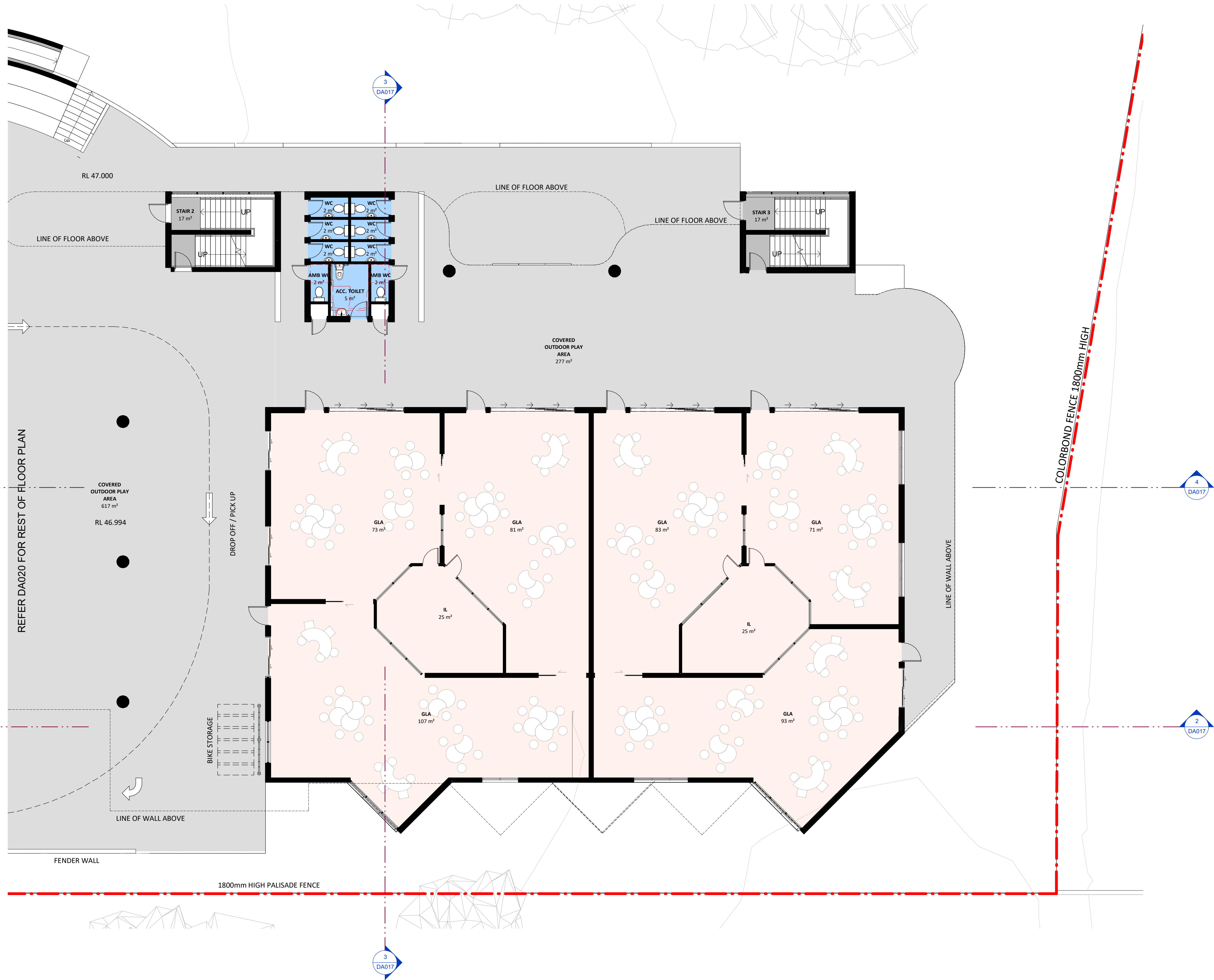


**DEVELOPMENT APPLICATION**

**DETAILED FLOOR PLAN**  
**LOWER GROUND (1 of 2)**

20126 DA020 3  
Project\_no. Sheet\_no. Issue





**Note:**  
Contractor to check and verify all dimensions on site prior to commencement of work or preparation of shop drawings.  
**Do not scale this drawing.**

Copyright Alleanza Architecture Pty Ltd unless otherwise agreed in writing. This document may only be used for the express purpose and project for which it has been created and must not be used by any other person or for any other purpose.

Architect  
**ALLEANZA**  
ARCHITECTURE

P: 02 8039 8822 W: www.alleanza.com.au  
A: L1 695-699 George Street, Sydney NSW 2000  
Nominated Architect: Charles Glanville NSW Registration No. 3130

Client  
**Bellfield College**

Project  
**Bellfield College -  
Primary School**

Address  
**39 Beames Avenue, Rooty  
Hill**

Issue Date Subject  
1 07.02.2022 coordination  
2 29.06.2022 For DA  
3 17.03.2023 Amended DA

P.A.

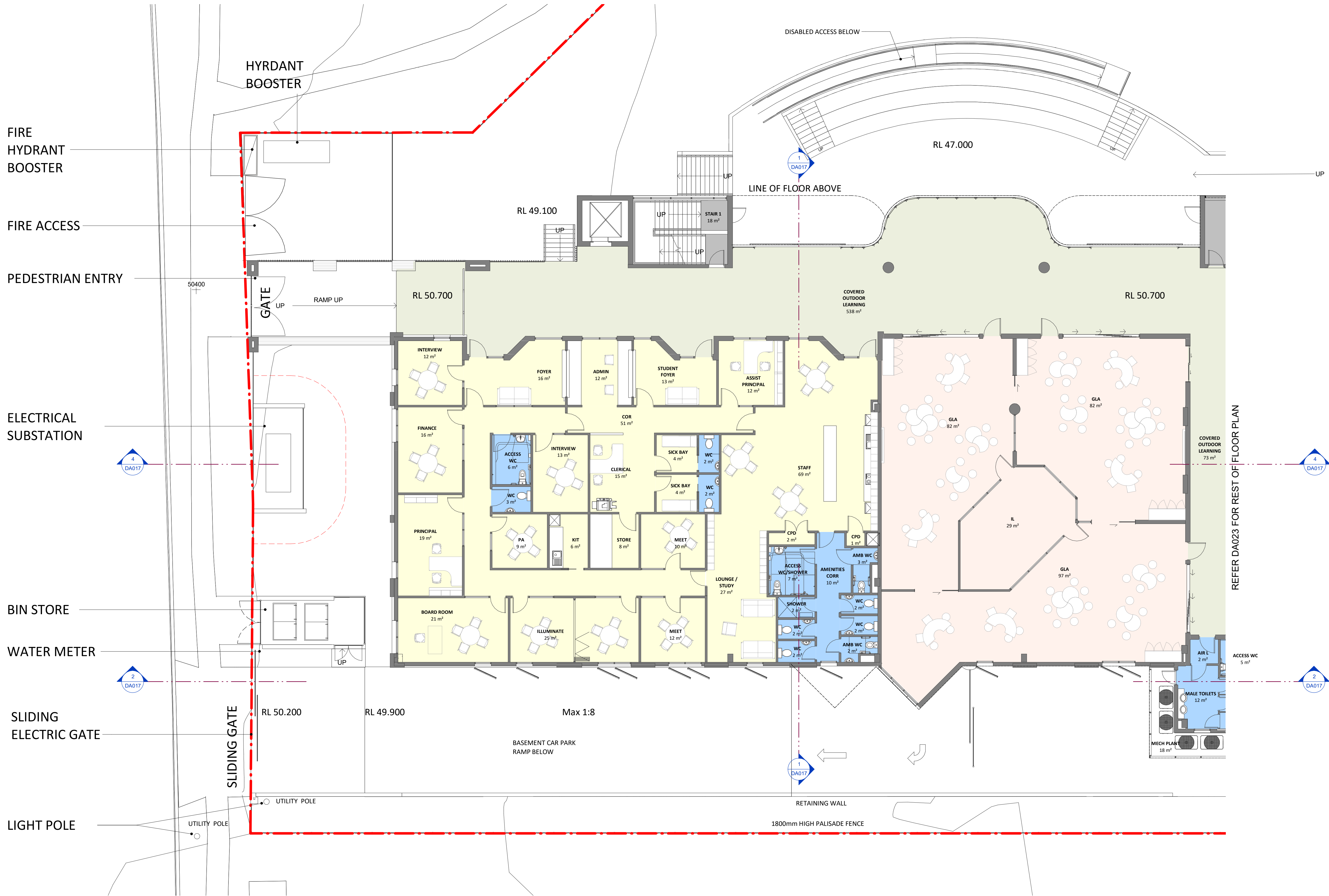
0 2 5 8m

Scale: 1 : 100  
Sheet size: A1  
Drawn: Author  
Checked: Checker  
Verified: Approver

North

**DEVELOPMENT APPLICATION**  
**DETAILED FLOOR PLAN**  
**LOWER GROUND (2 of 2)**

20126 DA021 3  
Project\_no. Sheet\_no. Issue



Note:  
Contractor to check and verify all dimensions on site prior to commencement of work or preparation of shop drawings.  
Do not scale this drawing.

Copyright Alleanza Architecture Pty Ltd unless otherwise agreed in writing. This document may only be used for the express purpose and project for which it has been created and must not be used by any other person or for any other purpose.

Architect

**ALLEANZA**  
ARCHITECTURE

P: 02 8039 8822 W: www.alleanza.com.au  
A: L1 695-699 George Street, Sydney NSW 2000  
Nominated Architect: Charles Glanville NSW Registration No. 3130

Client

Bellfield College

Project

Bellfield College -  
Primary School

Address

39 Beames Avenue, Rooty  
Hill

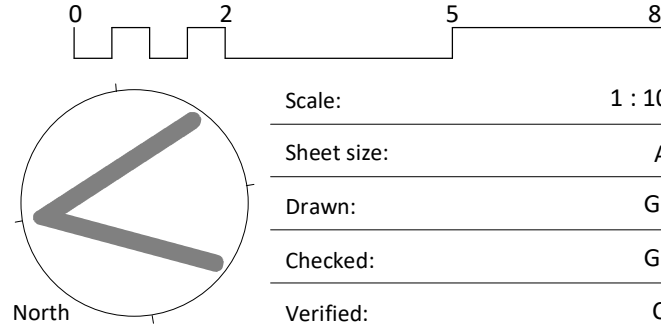
Issue

1 07.02.2022 coordination  
2 29.06.2022 For DA  
3 17.03.2023 Amended DA

Subject

coordination  
For DA  
Amended DA

P.A.



DEVELOPMENT APPLICATION

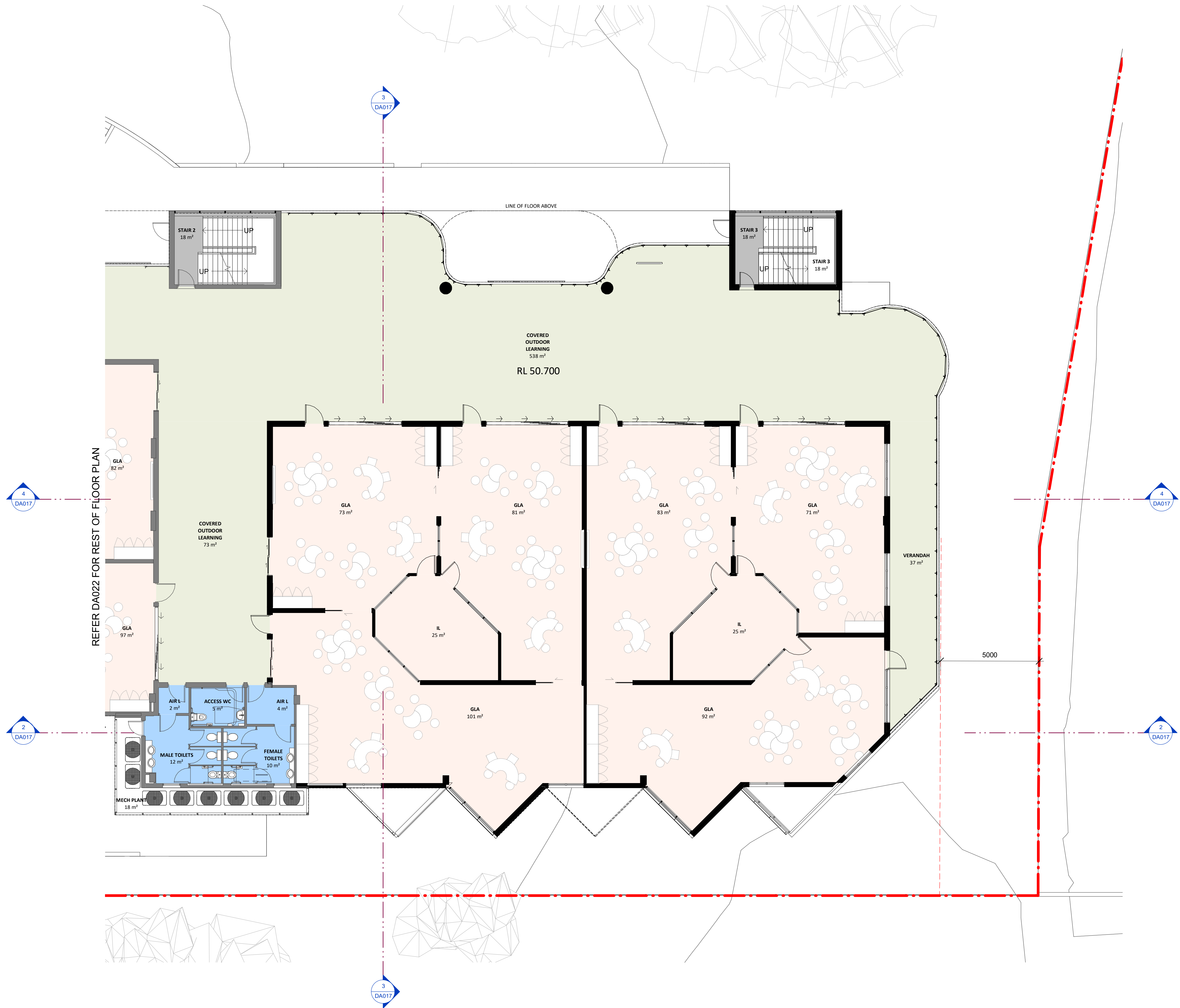
DETAILED FLOOR PLAN  
GROUND (1 of 2)

20126  
Project\_no.

DA022  
Sheet\_no.

3  
Issue





**Note:**  
Contractor to check and verify all dimensions on site prior to commencement of work or preparation of shop drawings.  
**Do not scale this drawing.**

Copyright Alleanza Architecture Pty Ltd unless otherwise agreed in writing. This document may only be used for the express purpose and project for which it has been created and must not be used by any other person or for any other purpose.

Architect

**ALLEANZA**  
ARCHITECTURE

P: 02 8039 8822 W: www.alleanza.com.au  
A: L1 695-699 George Street, Sydney NSW 2000  
Nominated Architect: Charles Glanville NSW Registration No. 3130

Client

Bellfield College

Project

Bellfield College -  
Primary School

Address

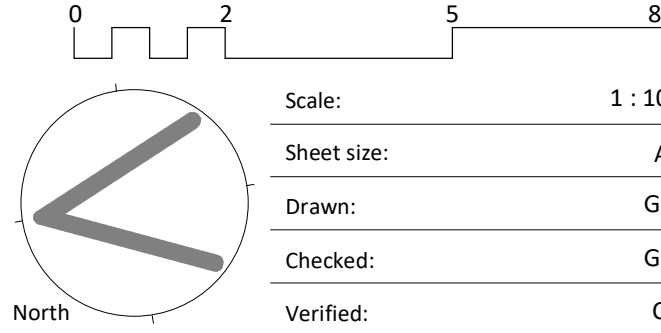
39 Beames Avenue, Rooty  
Hill

Issue

1 07.02.2022 coordination  
2 29.06.2022 For DA  
3 17.03.2023 Amended DA

Subject

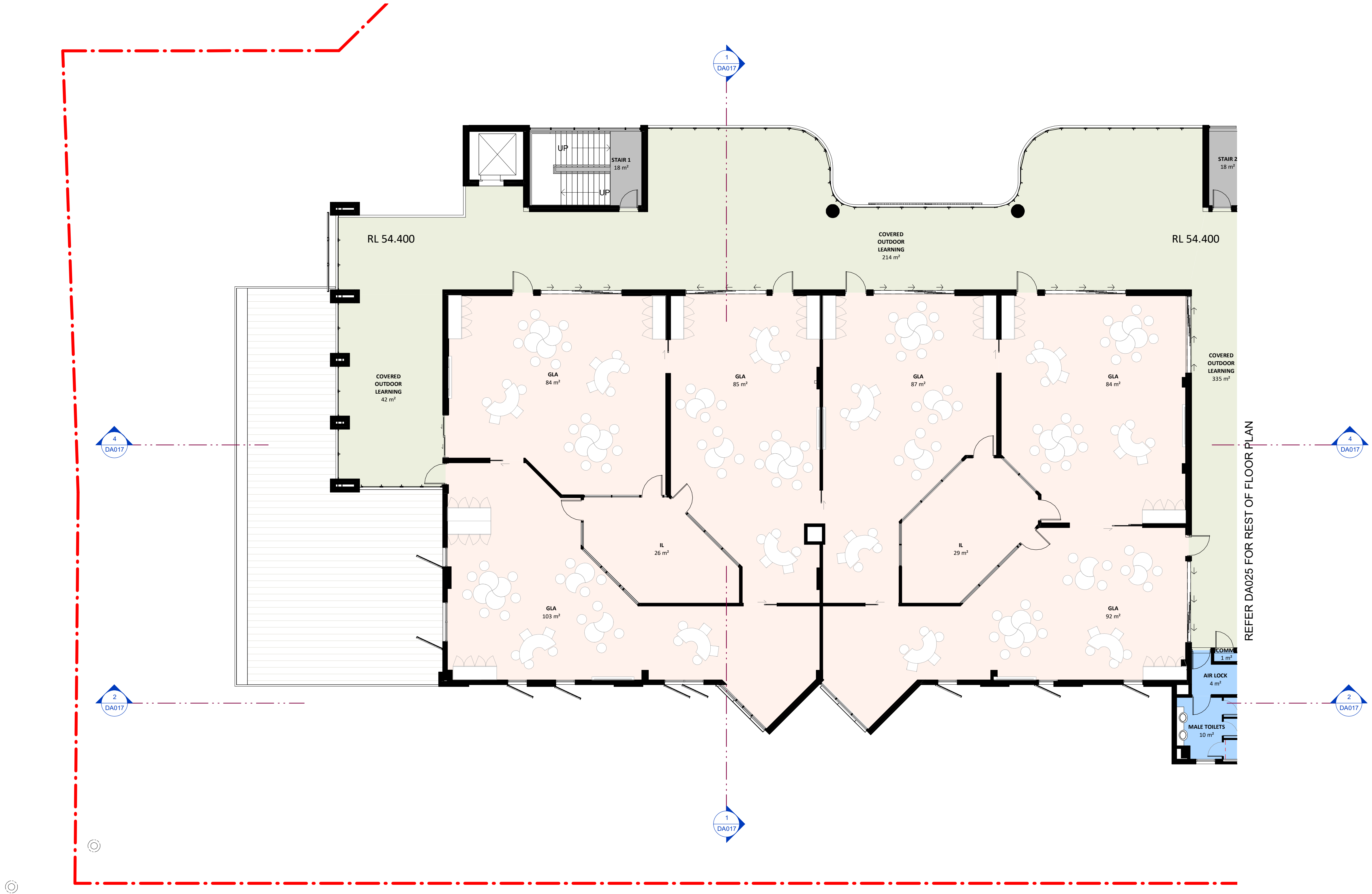
P.A.



**DEVELOPMENT APPLICATION**

**DETAILED FLOOR PLAN**  
**GROUND (2 of 2)**

20126 DA023 3  
Project\_no. Sheet\_no. Issue



**Note:**  
Contractor to check and verify all dimensions on site prior to commencement of work or preparation of shop drawings.  
**Do not scale this drawing.**

Copyright Alleanza Architecture Pty Ltd unless otherwise agreed in writing. This document may only be used for the express purpose and project for which it has been created and must not be used by any other person or for any other purpose.

Architect  
**ALLEANZA**  
ARCHITECTURE

P: 02 8039 8822 W: www.alleanza.com.au  
A: L1 695-699 George Street, Sydney NSW 2000  
Nominated Architect: Charles Glanville NSW Registration No. 3130

Client  
**Bellfield College**

Project  
**Bellfield College -  
Primary School**

Address  
**39 Beames Avenue, Rooty  
Hill**

Issue	Date	Subject
1	07.02.2022	coordination
2	29.06.2022	For DA
3	17.03.2023	Amended DA

P.A.

0 2 5 8m

North

Scale: 1 : 100

Sheet size: A1

Drawn: Author

Checked: Checker

Verified: Approver

**DEVELOPMENT APPLICATION**

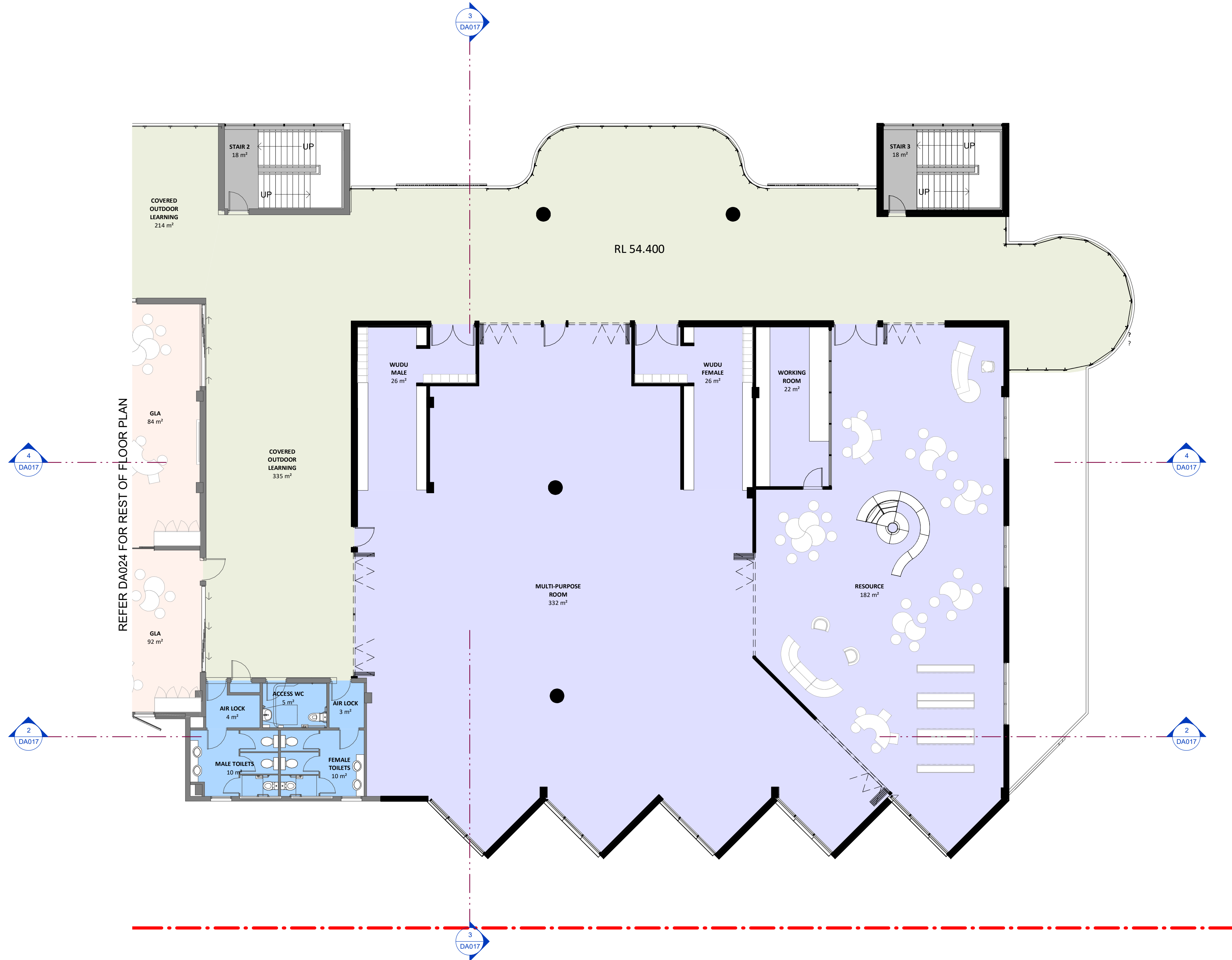
**DETAILED FLOOR PLAN**

**LEVEL 1 (1 of 2)**

20126 DA024 3

Project\_no. Sheet\_no. Issue





**Note:**  
Contractor to check and verify all dimensions on site prior to commencement of work or preparation of shop drawings.  
**Do not scale this drawing.**

Copyright Alleanza Architecture Pty Ltd unless otherwise agreed in writing. This document may only be used for the express purpose and project for which it has been created and must not be used by any other person or for any other purpose.

Architect  
**ALLEANZA**  
ARCHITECTURE

P: 02 8039 8822 W: www.alleanza.com.au  
A: L1 695-699 George Street, Sydney NSW 2000  
Nominated Architect: Charles Glanville NSW Registration No. 3130

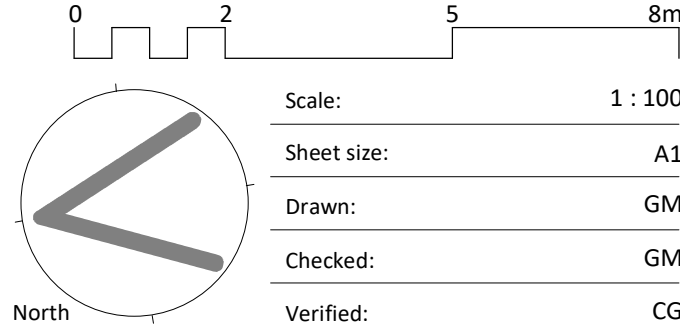
Client  
**Bellfield College**

Project  
**Bellfield College -  
Primary School**

Address  
**39 Beames Avenue, Rooty  
Hill**

Issue	Date	Subject
1	07.02.2022	coordination
2	29.06.2022	For DA
3	17.03.2023	Amended DA

P.A.

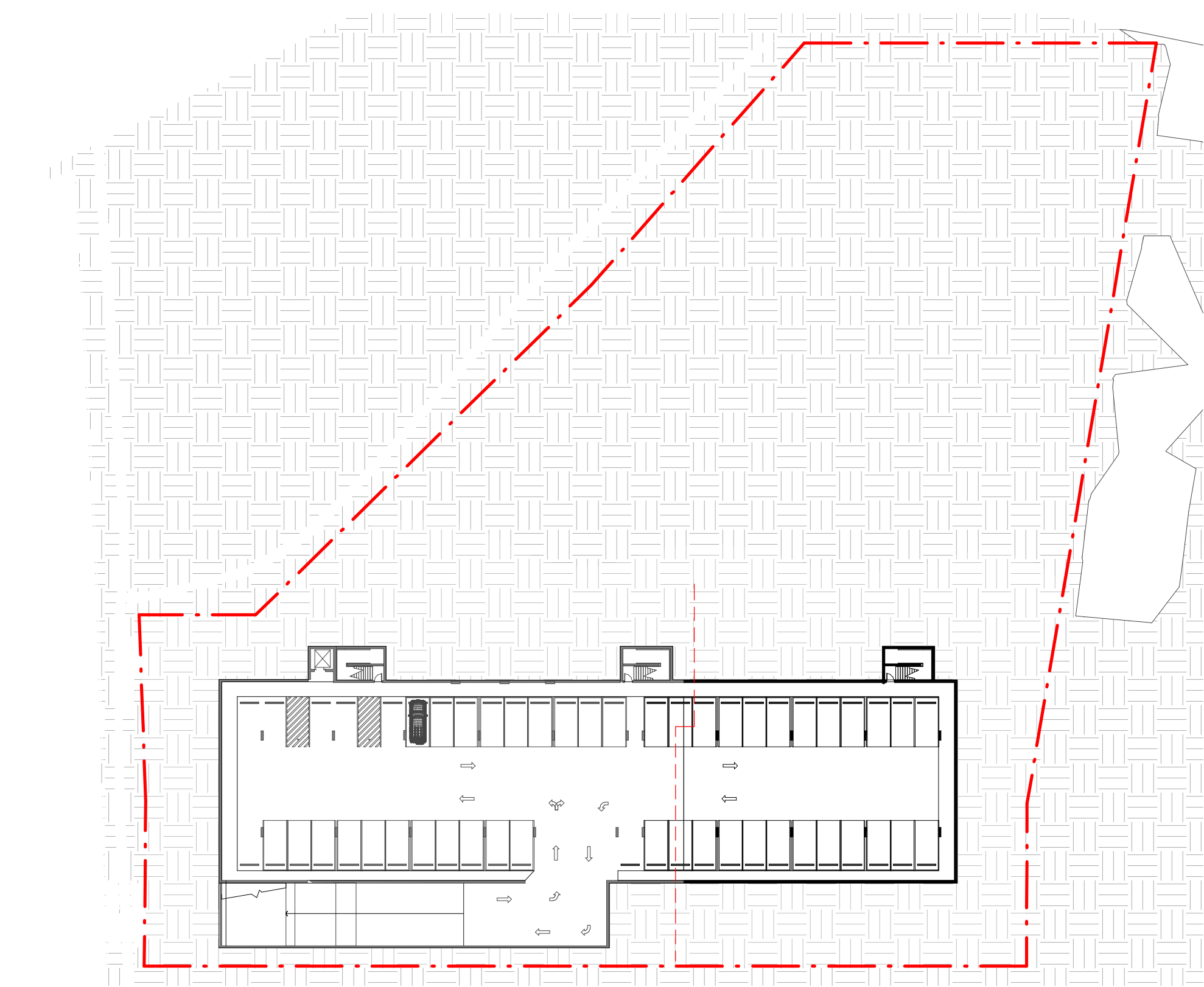


Scale:	1 : 100
Sheet size:	A1
Drawn:	GM
Checked:	GM
Verified:	CG

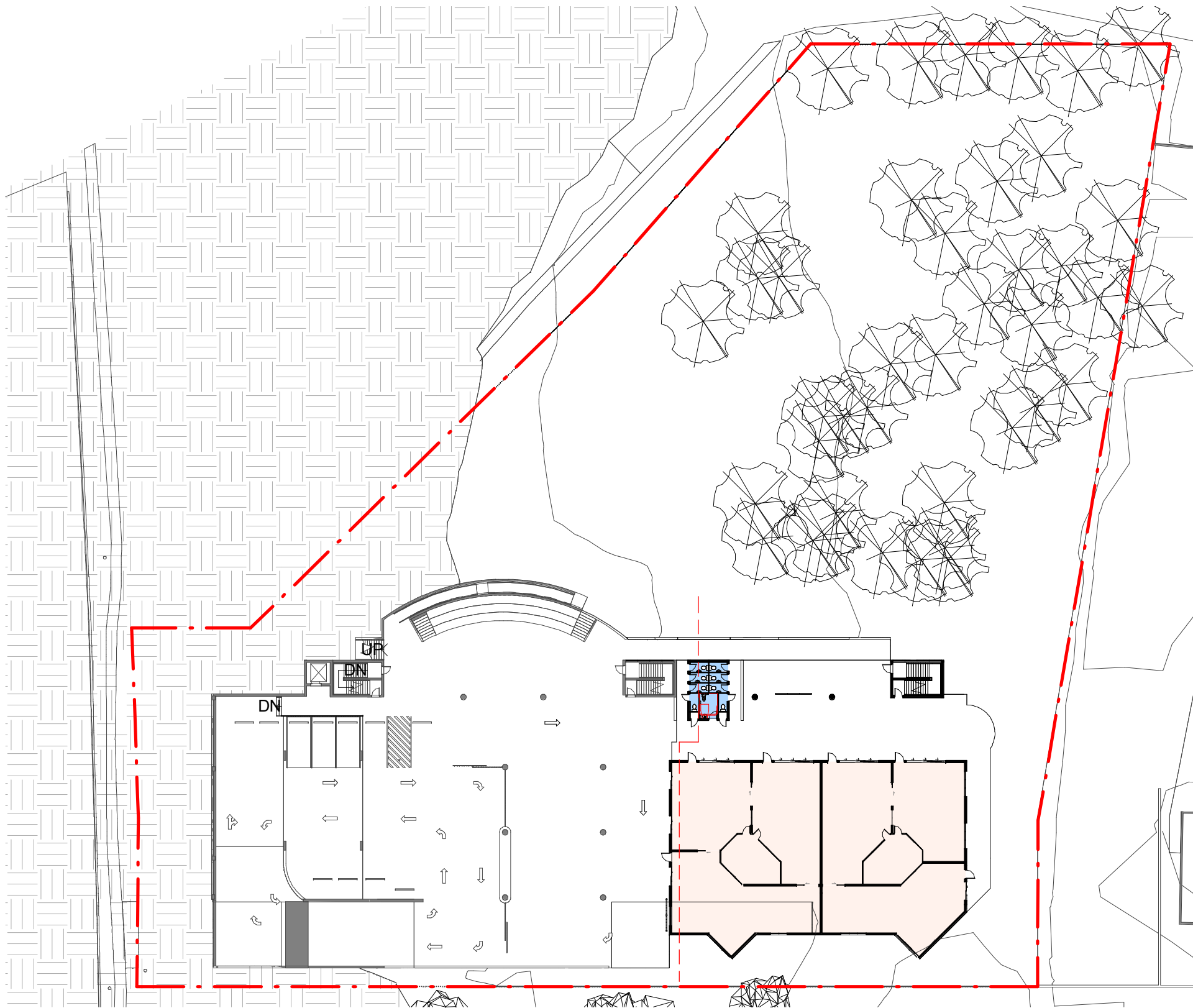
**DEVELOPMENT APPLICATION**  
**DETAILED FLOOR PLAN**  
**LEVEL 1 (2 of 2)**

20126	DA025	3
Project_no.	Sheet_no.	Issue

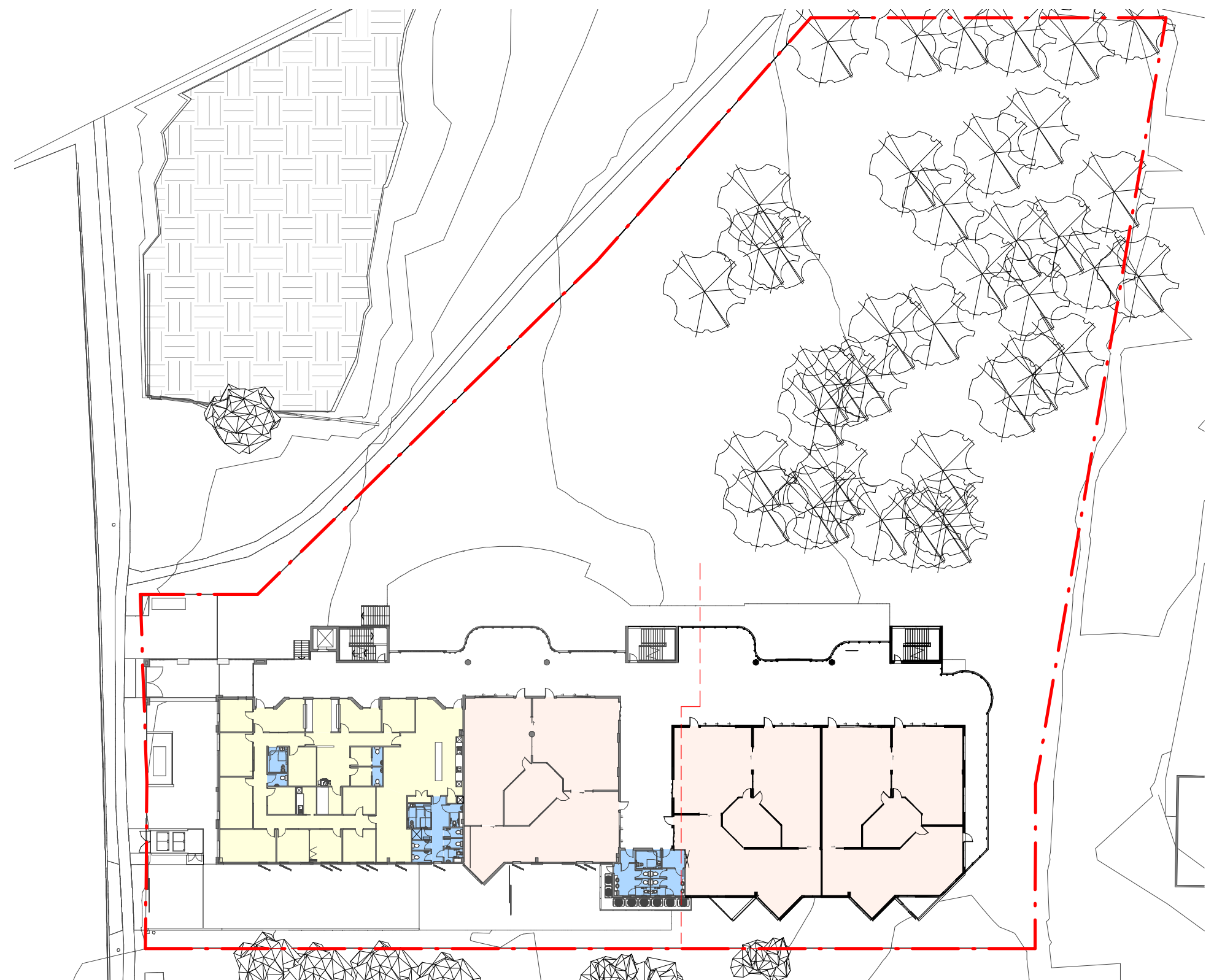




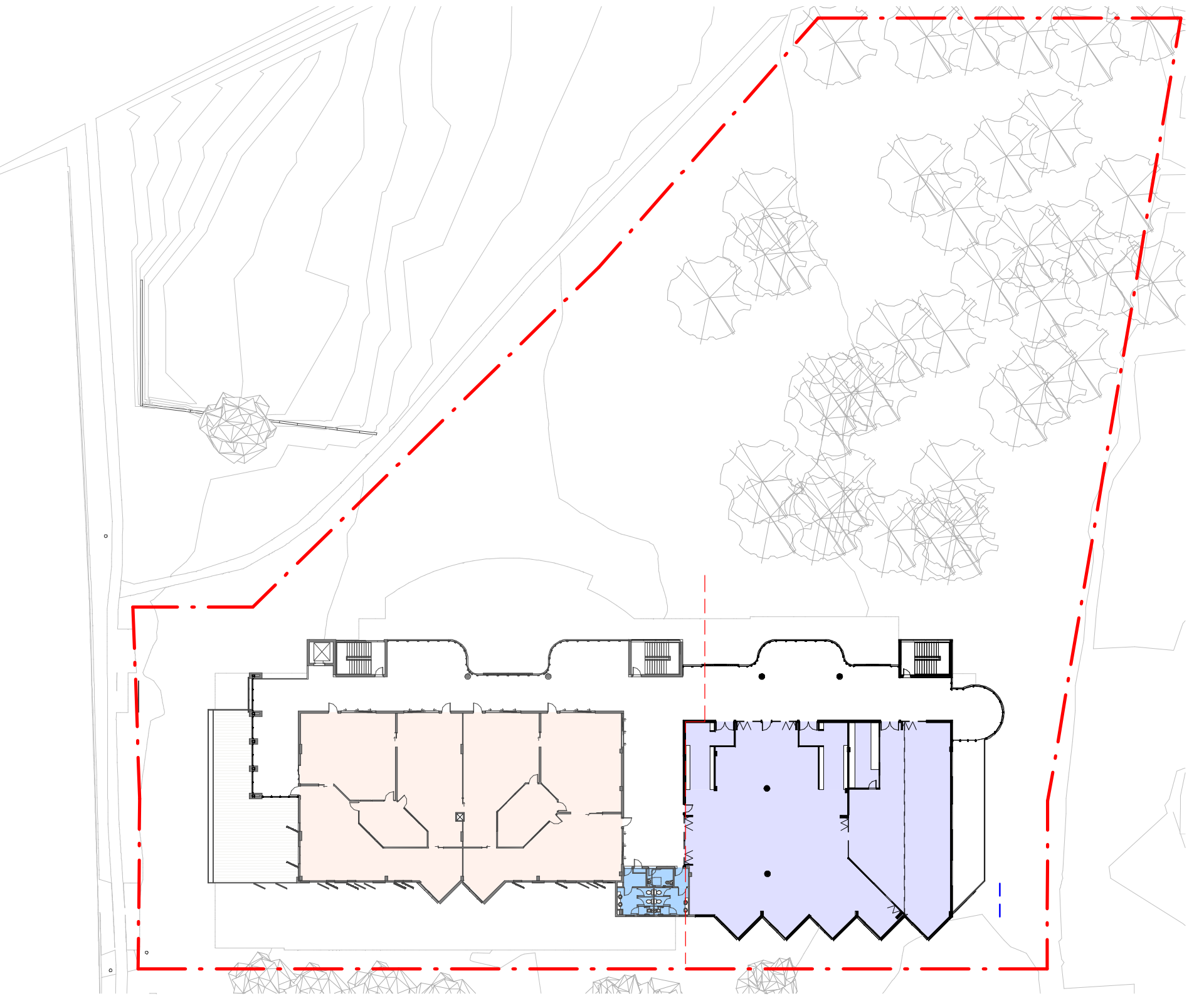
**BASEMENT GFA PLAN**  
1 : 500



**LOWER GROUND GFA PLAN**  
1 : 500



**GROUND GFA PLAN**  
1 : 500



**LEVEL 1 GFA PLAN**  
1 : 500

GFA Schedule	
Level	Area
LOWER GROUND	579 m <sup>2</sup>
GROUND	1315 m <sup>2</sup>
LEVEL 1	1217 m <sup>2</sup>
Grand total: 91	3112 m <sup>2</sup>





6. DETAILED MATERIAL ELVATION (WEST ELEVATION)



1. SCREENS TYPE 1

2. BRICK TYPE 1

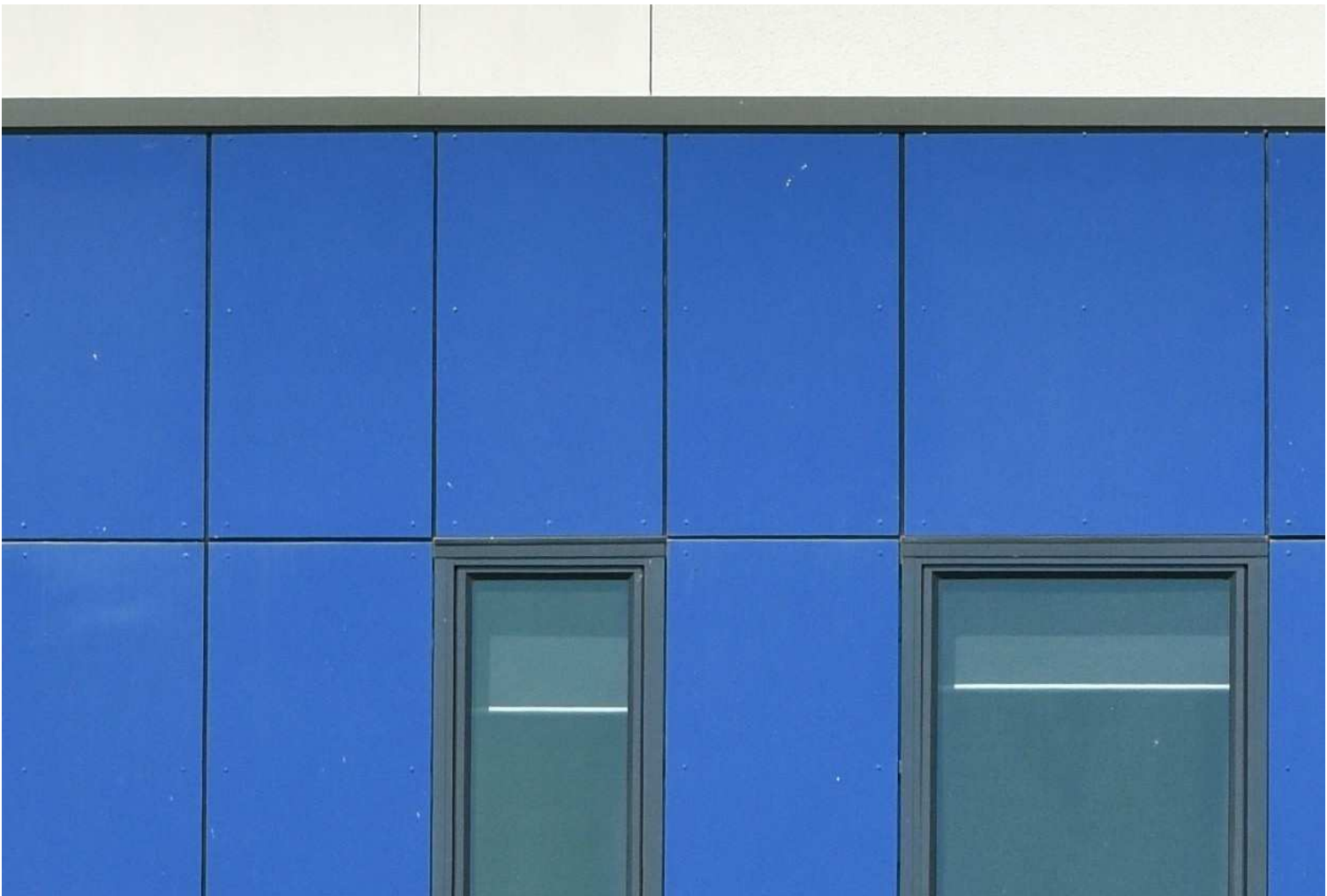


3. SCREEN TYPE 2



4. BRICK TYPE 2

5. LIGHT WEIGHT CLADDING TYPE 1



6. LIGHT WEIGHT CLADDING TYPE 2

7. WINDOW FRAME

4	17.03.2023	Amended DA	
3	29.06.2022	For DA	
2	18.01.2022	coordination	
1	19.04.2021	Issue to Planner	
Issue	Date	Subject	PA

Architect  
**ALLEANZA**  
ARCHITECTURE

**Sydney**  
P: 02 8039 8822  
A: L1 695-699 George Street  
Sydney NSW 2000  
W: www.alleanza.com.au

**Newcastle**  
P: 02 4040 9778  
A: 797 Hunter Street  
Newcastle NSW 2302

Nominated Architect: Charles Glanville NSW Registration No. 3130  
Project

**Bellfield College -  
Primary School**

Address  
**39 Beames Avenue, Rooty Hill**

Client  
**Bellfield College**

## DEVELOPMENT APPLICATION

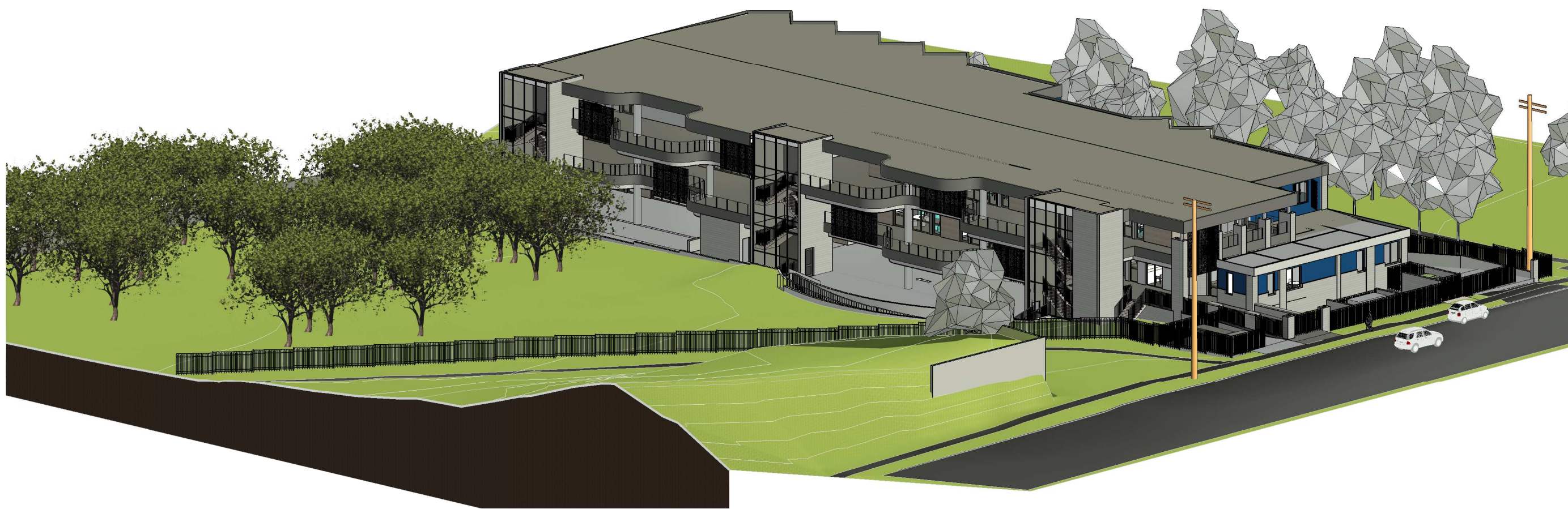
Scale:	NTS
Sheet size:	A1
Drawn:	Author
Checked:	Checker
Verified:	Approver

Sheet

## MATERIAL SCHEDULE

20126	DA031	4
Project_no.	Sheet_no.	Issue





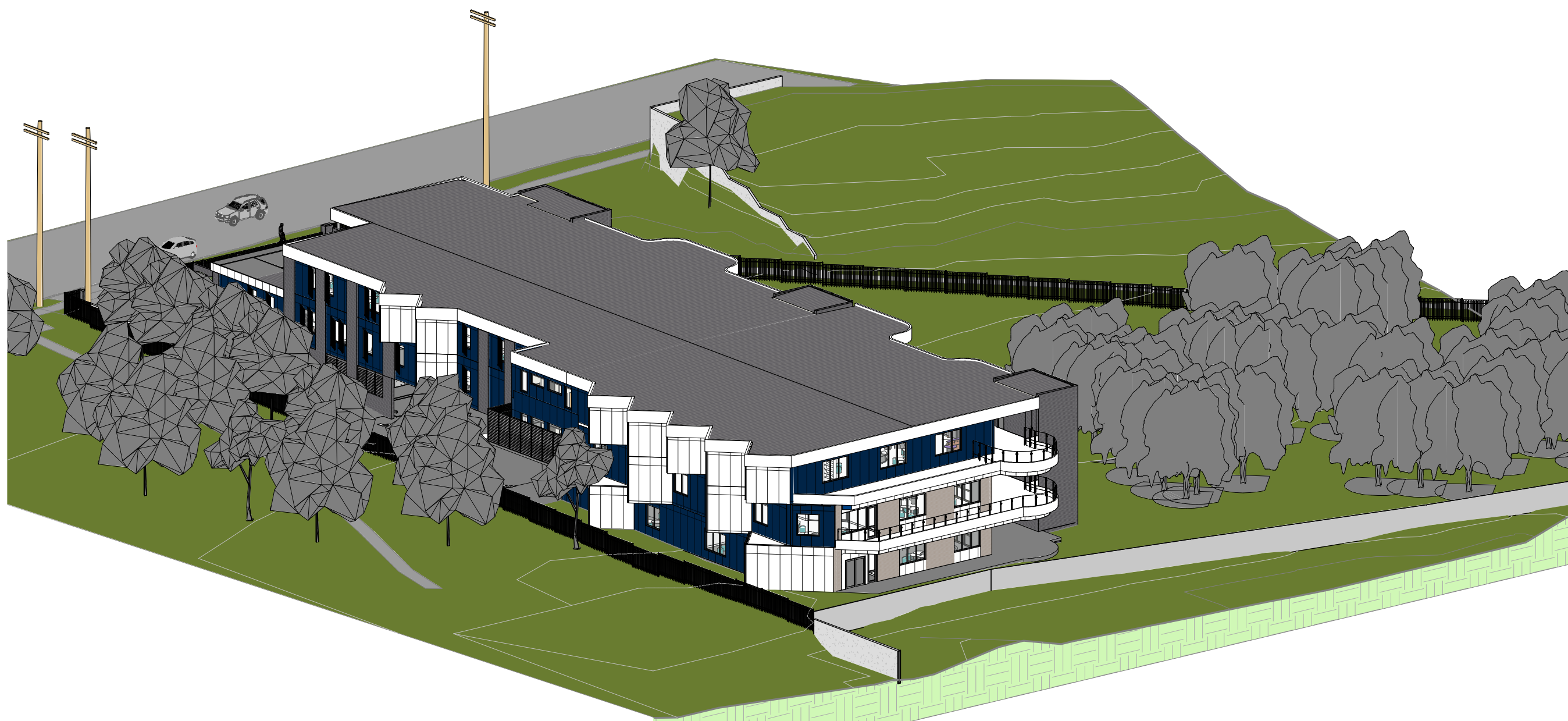
1 3D BLOCK MODEL



3 3D BLOCK MODEL



2 3D BLOCK MODEL



4 3D BLOCK MODEL

4	17.03.2023	Amended DA
3	29.06.2022	For DA
2	18.01.2022	coordination
1	19.04.2021	Issue to Planner
Issue	Date	Subject

PA

Architect

**ALLEANZA**  
ARCHITECTURE

**Sydney**  
P: 02 8039 8822  
A: L1 695-699 George Street  
Sydney NSW 2000  
W: www.alleanza.com.au

**Newcastle**  
P: 02 4040 9778  
A: 797 Hunter Street  
Newcastle NSW 2302

Nominated Architect: Charles Glanville NSW Registration No. 3130  
Project

**Bellfield College -  
Primary School**

Address

**39 Beames Avenue, Rooty Hill**

Client

**Bellfield College**

## DEVELOPMENT APPLICATION

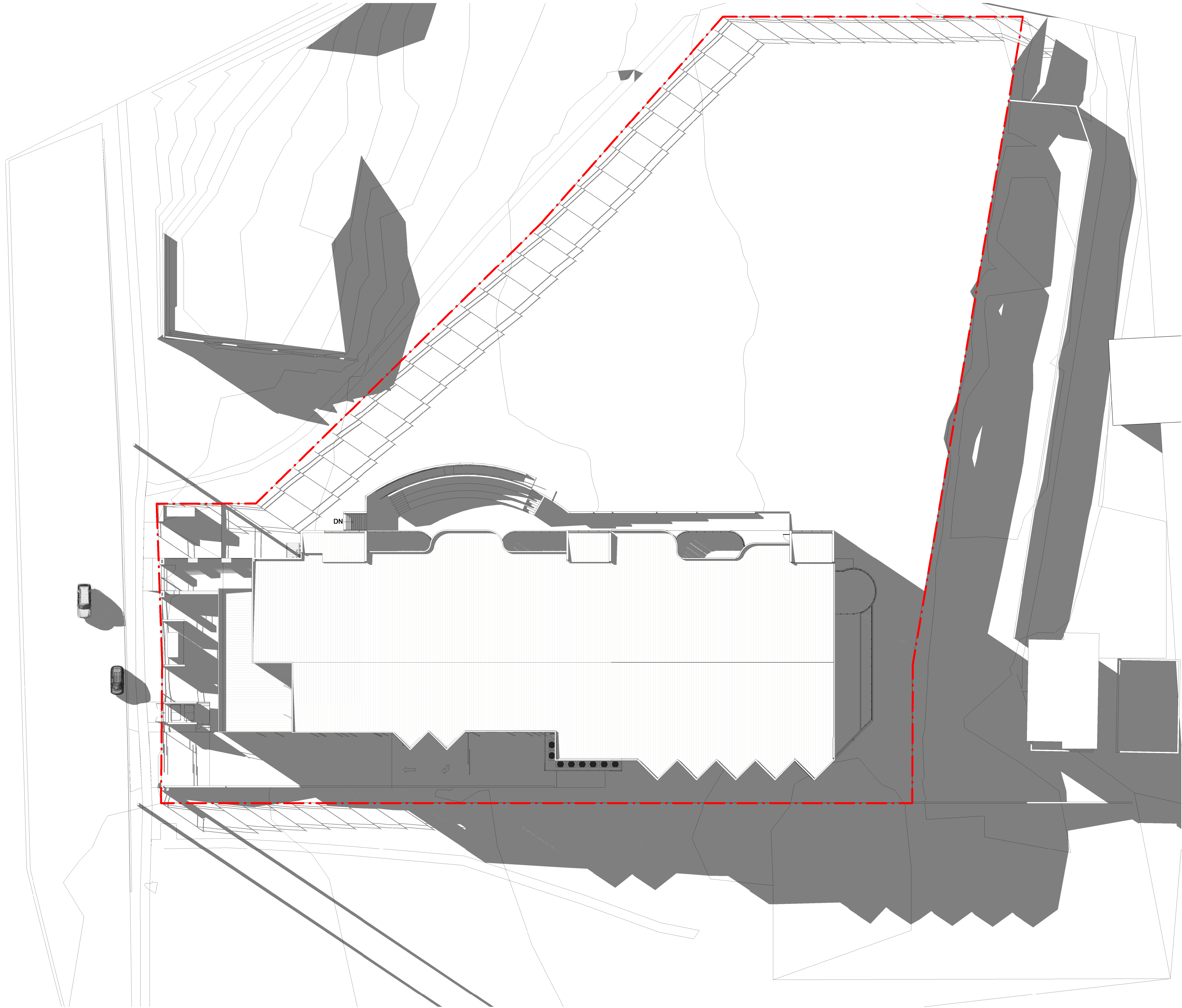
Scale:	NTS
Sheet size:	A1
Drawn:	Author
Checked:	Checker
Verified:	Approver

Sheet

## 3D BLOCK MODELS

20126	DA040	4
Project_no.	Sheet_no.	Issue





2	17.03.2023	Amended DA	
1	29.06.2022	For DA	
Issue	Date	Subject	PA

Architect  
**ALLEANZA**  
ARCHITECTURE

**Sydney**  
P: 02 8039 8822  
A: L1 695-699 George Street  
Sydney NSW 2000  
W: www.alleanza.com.au

**Newcastle**  
P: 02 4040 9778  
A: 797 Hunter Street  
Newcastle NSW 2302

Nominated Architect: Charles Glanville NSW Registration No. 3130  
Project

**Bellfield College -  
Primary School**

Address  
**39 Beames Avenue, Rooty Hill**

Client  
**Bellfield College**

**DEVELOPMENT APPLICATION**

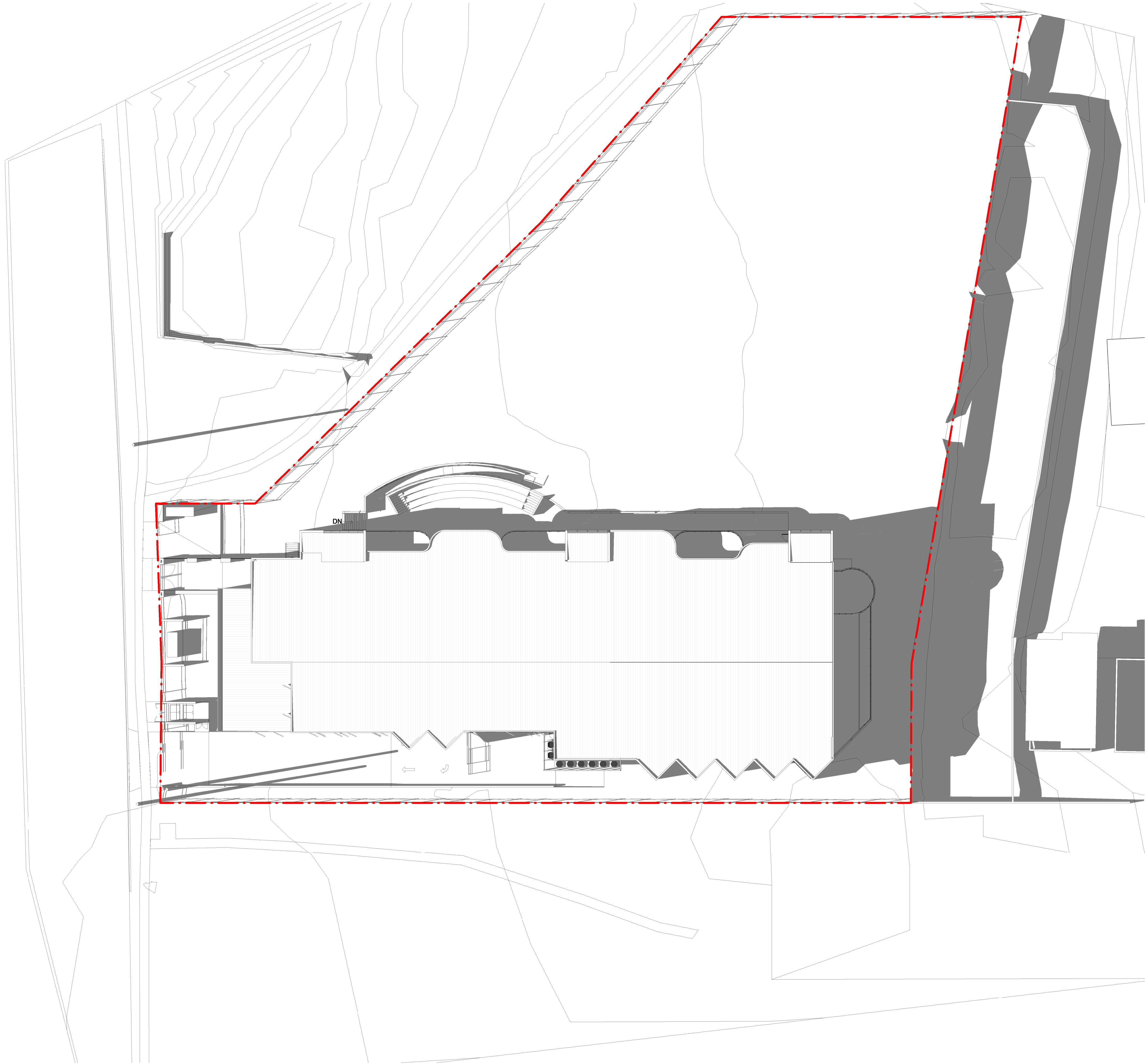
Scale:	1:200
Sheet size:	A1
Drawn:	Author
Checked:	Checker
Verified:	Approver

Sheet

**SHADOW DIAGRAMS JUNE 21  
9AM**

20126	DA050	2
Project_no.	Sheet_no.	Issue





2	17.03.2023	Amended DA	
1	29.06.2022	For DA	
Issue	Date	Subject	PA

Architect  
**ALLEANZA**  
ARCHITECTURE

<b>Sydney</b> P: 02 8039 8822 A: L1 695-699 George Street Sydney NSW 2000 W: www.alleanza.com.au	<b>Newcastle</b> P: 02 4040 9778 A: 797 Hunter Street Newcastle NSW 2302
--	---

Nominated Architect: Charles Glanville NSW Registration No. 3130  
Project

**Bellfield College -  
Primary School**

Address  
**39 Beames Avenue, Rooty Hill**

Client  
**Bellfield College**

**DEVELOPMENT APPLICATION**

North

Scale: 1:200

Sheet size: A1

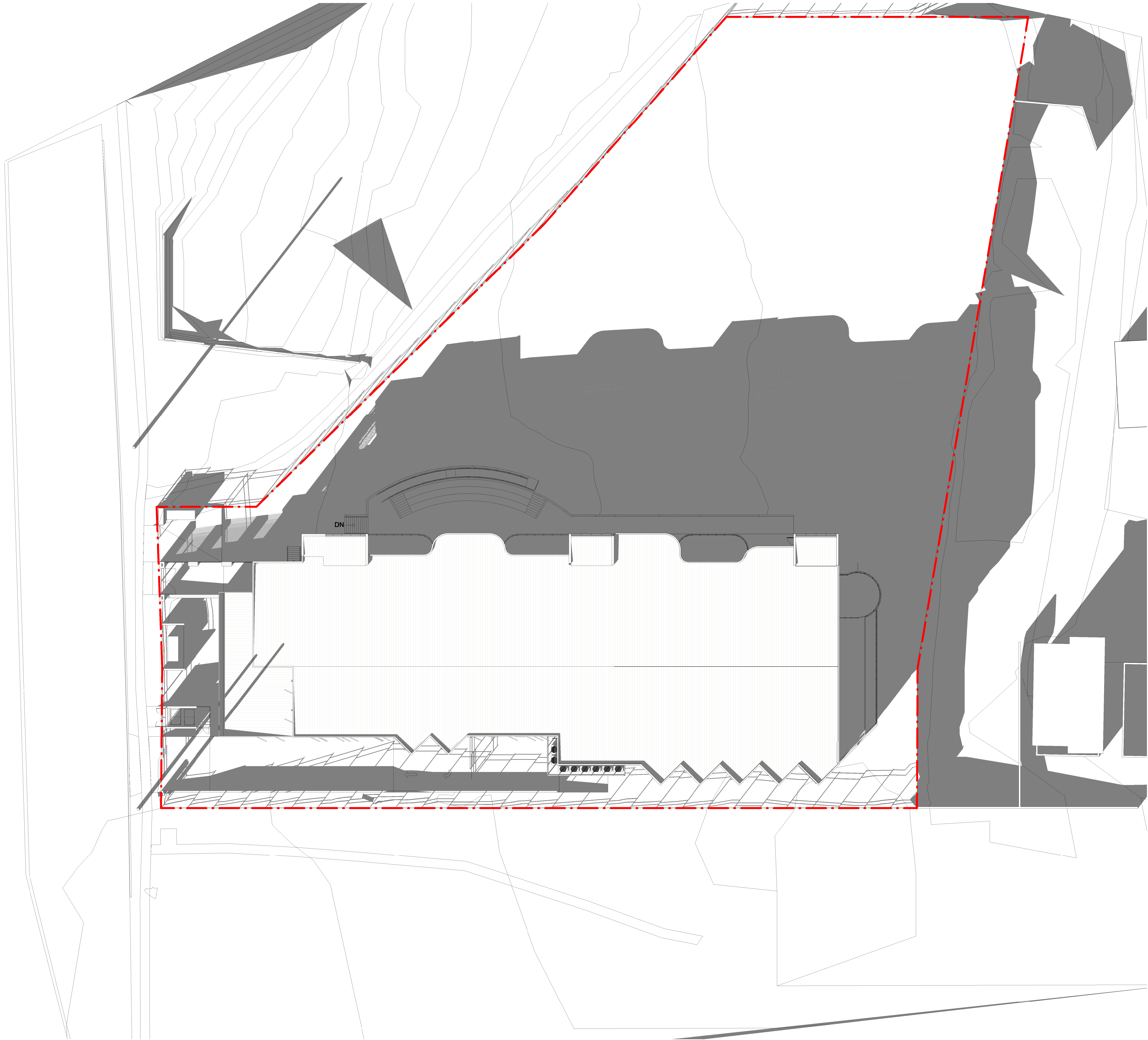
Drawn: Author

Checked: Checker

Verified: Approver

**SHADOW DIAGRAMS JUNE 21  
MIDDAY**





2	17.03.2023	Amended DA	
1	29.06.2022	For DA	
Issue	Date	Subject	PA

Architect  
**ALLEANZA**  
ARCHITECTURE

<b>Sydney</b> P: 02 8039 8822 A: L1 695-699 George Street Sydney NSW 2000 W: www.alleanza.com.au	<b>Newcastle</b> P: 02 4040 9778 A: 797 Hunter Street Newcastle NSW 2302
--	---

Nominated Architect: Charles Glanville NSW Registration No. 3130  
Project

**Bellfield College -  
Primary School**

Address  
**39 Beames Avenue, Rooty Hill**

Client  
**Bellfield College**

**DEVELOPMENT APPLICATION**

	Scale:	1:200
	Sheet size:	A1
	Drawn:	Author
	Checked:	Checker
	Verified:	Approver

0 4 10 16m  
Sheet

**SHADOW DIAGRAMS JUNE 21  
3PM**

<b>20126</b> Project_no.	<b>DA052</b> Sheet_no.	<b>2</b> Issue
-----------------------------	---------------------------	-------------------





3D Visualisation Beames Ave Pedestrain Entry



3D Visualisation Beames Ave Vehicle Entry

2	17.03.2023	Amended DA	
1	29.06.2022	For DA	
Issue	Date	Subject	PA

Architect  
**ALLEANZA**  
ARCHITECTURE

<b>Sydney</b> P: 02 8039 8822 A: L1 695-699 George Street Sydney NSW 2000 W: www.alleanza.com.au	<b>Newcastle</b> P: 02 4040 9778 A: 797 Hunter Street Newcastle NSW 2302
--	---

Nominated Architect: Charles Glanville NSW Registration No. 3130  
Project

**Bellfield College -  
Primary School**

Address  
**39 Beames Avenue, Rooty Hill**

Client  
**Bellfield College**

**DEVELOPMENT APPLICATION**

Scale:	NTS
Sheet size:	A1
Drawn:	GM
Checked:	GM
Verified:	CG

Sheet

**3D VISUALISATIONS**

20126	DA060	2
Project_no.	Sheet_no.	Issue



---

# AMENDED CLAUSE 4.6 VARIATION REQUEST

---

CLAUSE 4.6 REQUEST FOR VARIATION TO BUILDING HEIGHT DEVELOPMENT  
STANDARD

39 BEAMES AVENUE, ROOTY HILL







**ABN:** 30 605 941 482  
**Phone:** 1300 823 059  
**Email:** [info@planzone.com.au](mailto:info@planzone.com.au)  
**Web:** [planzone.com.au](http://planzone.com.au)  
**Post:** PO Box 3, Liverpool NSW 1871

**QA Record:**

**Doc ID:** CL4.6.200237.AZ.AH  
**Version:** 2.0  
**Issue Date:** 17 March 2023

**Disclaimer:**

While every reasonable effort has been made to ensure that this document is correct at the time of publication, PLANZONE Pty Ltd, its subsidiaries, its agents and employees, disclaim any and all liability to any person in respect of anything or the consequences of anything done or omitted to be done in reliance upon the whole or any part of this document.

**© Copyright**

This document and any attachments referenced herein remain the property of PLANZONE Pty Ltd. Copying, editing, reproducing, disseminating or redistributing this document is not permitted without the prior consent of PLANZONE Pty Ltd.





## TABLE OF CONTENTS

	PAGE
<b>1 INTRODUCTION</b>	<b>1</b>
<b>2 REVIEW OF CASE LAW</b>	<b>3</b>
2.1 WEHBE V PITTWATER COUNCIL [2007] NSW LEC 827	3
2.2 RANDWICK CITY COUNCIL V MICAUL HOLDINGS PTY LTD [2016] NSWLEC 7	3
<b>3 SITE &amp; PLANNING CONTEXT</b>	<b>3</b>
<b>4 CLAUSE 4.6 VARIATION REQUEST &amp; ASSESSMENT</b>	<b>5</b>
4.1 CLAUSE 4.6(3)(A)	6
4.2 CLAUSE 4.6(3)(B)	10
4.3 CLAUSE 4.6(4)(A)(I)	11
4.4 CLAUSE 4.6(4)(A)(II)	11
4.5 CLAUSE 4.6(4)(B)	12
4.6 CLAUSE 4.6(5)	12
4.7 CLAUSE 4.6(6)	12
4.8 CLAUSE 4.6(7)	12
4.9 CLAUSE 4.6(8)	12
<b>5 CONCLUSION</b>	<b>12</b>

## FIGURE

	PAGE
FIGURE 1: EXTRACT OF BLACKTOWN LOCAL ENVIRONMENTAL PLAN 2015 HEIGHT LAYER	1
FIGURE 2: EXTRACT OF PROPOSED DEVELOPMENT LONG SECTION AS ORIGINALLY PROPOSED	1
FIGURE 3: EXTRACT OF PROPOSED DEVELOPMENT LONG SECTION AS AMENDED	2
FIGURE 4: EXTRACT OF PROPOSED DEVELOPMENT LONG SECTION AS AMENDED (MAXIMUM BREACH OUTLINED)	2





# 1 INTRODUCTION

This Amended Clause 4.6 Variation Request has been prepared to accompany Development Application submission to Blacktown City Council seeking consent for demolition of existing structures, tree removal, construction of a 3-storey primary school educational establishment over a car parking level with associated excavation and earthworks, stormwater, and landscaping works over 3 construction stages at 39 Beames Avenue, Rooty Hill.

The Amended Clause 4.6 Variation Request relates to the height of buildings principal development standard prescribed under Clause 4.3(2) of the *Blacktown Local Environmental Plan 2015*, which states that:

*"The height of a building on any land is not to exceed the maximum height shown for the land on the Height of Building Map."*

The height of building map indicates a maximum building height of 9 metres prescribed for the subject site as illustrated in the reproduced height of buildings map below:

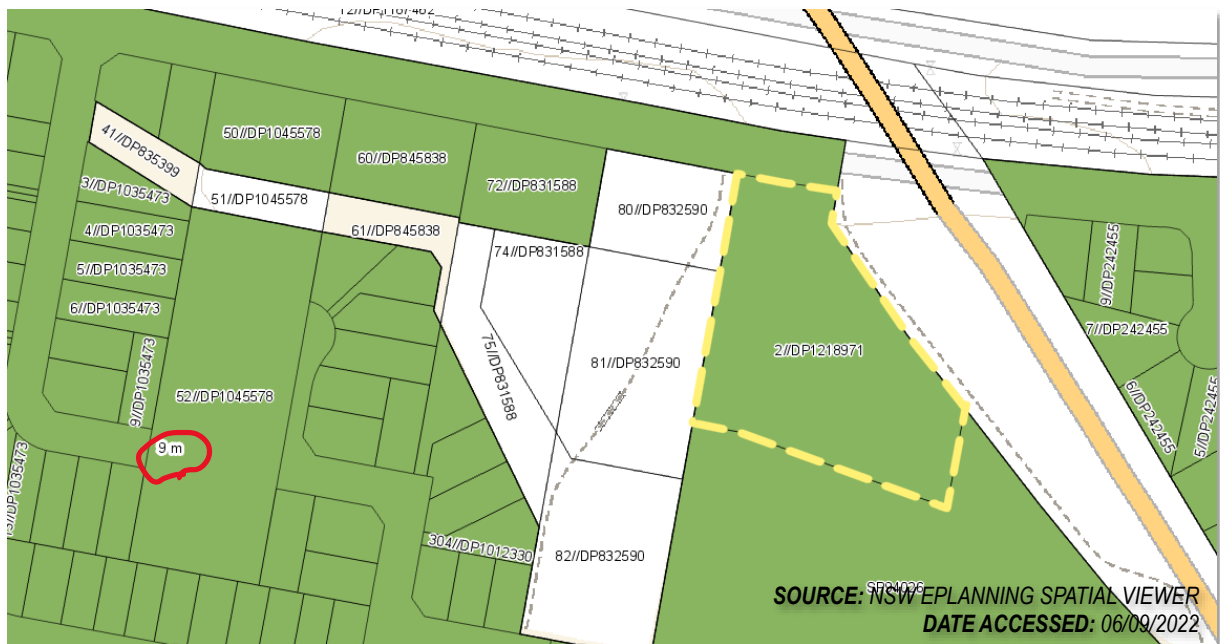


FIGURE 1: EXTRACT OF BLACKTOWN LOCAL ENVIRONMENTAL PLAN 2015 HEIGHT LAYER

The development proposes a varied building height along the site to a maximum height of 11.6 metres on the south-eastern corner. The proposed building height is an exceedance by a maximum of 2.6 metres or equivalent to 28.9% of the development standard as illustrated below:



FIGURE 2: EXTRACT OF PROPOSED DEVELOPMENT LONG SECTION AS ORIGINALLY PROPOSED



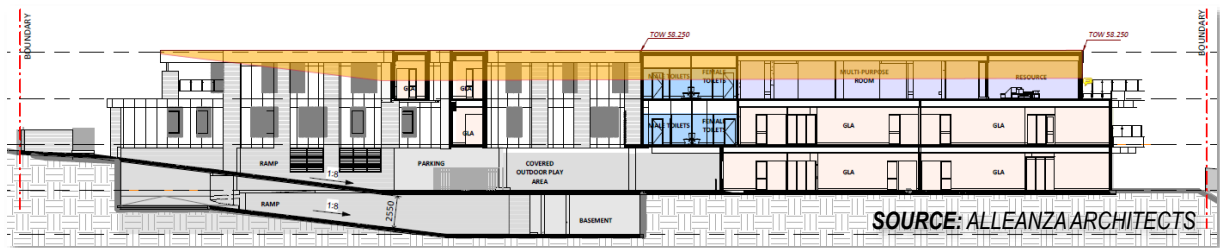


FIGURE 3: EXTRACT OF PROPOSED DEVELOPMENT LONG SECTION AS AMENDED

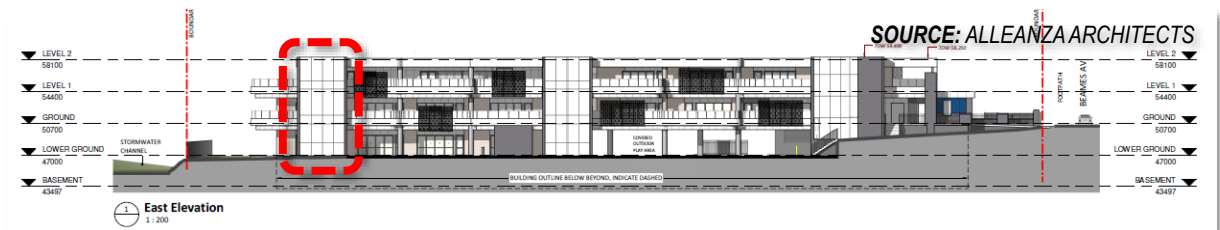


FIGURE 4: EXTRACT OF PROPOSED DEVELOPMENT LONG SECTION AS AMENDED (MAXIMUM BREACH OUTLINED)

The amended application has reduced the overall proposed building height by 4.87 metres from the maximum proposed 16.47 metres to a maximum of 11.6 metres by proposing a basement car parking level and reducing the floor to ceiling height of each storey above ground.

Pursuant to Clause 4.6 of the LEP, justification for the contravention of the height of buildings (HOB) development standard is provided in within this Amended Clause 4.6 Variation Request.

This request has been prepared having regard to the matters for consideration prescribed in Clause 4.6 of the LEP, noting that Clause 4.3 of the LEP not excluded from consideration under Clause 4.6(8) of the LEP.

The variation request has also been prepared having regard to the findings and decisions in various case law including:

- *Wehbe v Pittwater Council* [2007] NSW LEC 827;
- *Four2Five Pty Ltd v Ashfield Council* [2015] NSWLEC 1009;
- *Randwick City Council V Micaul Holdings Pty Ltd* [2016] NSWLEC 7;
- *Initial Action v Woollahra Municipal Council* [2018] NSWLEC 118;
- *Brigham v Canterbury-Bankstown Council* [2018] NSWLEC 1406;
- *Turland v Wingecarribee Shire Council* [2018] NSWLEC 1511;
- *Rebel MH Neutral Bay Pty Ltd v North Sydney Council* [2019] NSWCA 130

This Amended Clause 4.6 Variation Request meets the objectives of Clause 4.6(1):

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

and demonstrates for the purpose of Clause 4.6(3):

- 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.*





## 2 REVIEW OF CASE LAW

The main principles adopted by the Land and Environment Court of NSW (L&EC) in considering Clause 4.6 variation requests to development standards have been established in the proceedings of *Wehbe v Pittwater Council* [2007] NSW LEC 827 and *Randwick City Council v Micaul Holdings Pty Ltd* [2016] NSWLEC 7.

The relevant principles of those proceedings are as follows:

### 2.1 WEHBE V PITTWATER COUNCIL [2007] NSW LEC 827

In these proceedings, Justice Preston set out the following five ways in which compliance with a development standard could be established as being unreasonable or unnecessary:

1. *Are the objectives of the development standard are achieved notwithstanding non-compliance with the standard;*
2. *Is the underlying objective or purpose not relevant to the development with the consequence that compliance is unnecessary;*
3. *Would the underlying objective or purpose be defeated or thwarted if compliance was required with the consequence that compliance is unreasonable;*
4. *Has the development standard been virtually abandoned or destroyed by the Council's own actions in granting consents departing from the standard; or*
5. *Is "the zoning of particular land" "unreasonable or inappropriate" so that "a development standard appropriate for that zoning was also unreasonable or unnecessary as it applied to that land".*

### 2.2 RANDWICK CITY COUNCIL V MICAUL HOLDINGS PTY LTD [2016] NSWLEC 7

In these proceedings, Preston CJ approved the following four stage test to ensure that the Court was satisfied that the variation request should be granted:

1. *That compliance with the development standard must be unreasonable or unnecessary in the circumstances of the case;*
2. *That there are sufficient environmental planning grounds to justify contravening the development standard;*
3. *That the applicant's written request has adequately addressed the matters required to be demonstrated by subclause (3); and*
4. *That the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out.*

## 3 SITE & PLANNING CONTEXT

The subject site comprises 1 land parcel legally described as Lot 2 in DP DP1218971 and is more commonly known as 39 Beames Avenue, Rooty Hill. The subject site has an overall site area of 7,534m<sup>2</sup> by survey and comprises a irregular allotment with boundaries as follows:

- A northern frontage to Beames Avenue measuring 20.255 metres;
- An eastern side boundary facing the Francis Road overpass measuring 102.065 metres;
- A southern rear boundary measuring 101.495 metres;
- A western side boundary measuring 95.84 metres.





An existing single storey dwelling house, covered alfresco, brick garage, in-ground swimming pool and detached shed structures currently occupy the subject site. An aerial image and photographs illustrating the site and existing structures are provided below:



FIGURE 3: AERIAL VIEW OF THE SUBJECT SITE



FIGURE 4: VIEW OF THE SUBJECT PROPERTY FROM BEAMES AVENUE





The subject Development Application seeks consent for demolition of existing structures, tree removal, construction of a 3-storey primary school educational establishment over a car parking level with associated excavation and earthworks, stormwater, and landscaping works over 3 construction stages at the subject site known as 39 Beames Avenue, Rooty Hill.

Pursuant to the definitions contained in the LEP dictionary, the development is defined as a 'school' which is a type of 'educational establishment':

“ **school** means a government school or non-government school within the meaning of the Education Act 1990. ”

“ **Educational establishment** means a building or place used for education (including teaching), being—  
(a) a school, or  
(b) a tertiary institution, including a university or a TAFE establishment, that provides formal education and is constituted by or under an Act. ”

A detailed description of the proposed development has been provided within the Statement of Environmental Effects accompanying the DA and should be referred to in conjunction with this request.

## 4 CLAUSE 4.6 VARIATION REQUEST & ASSESSMENT

1. **What is the name of the environmental planning instrument that applies to the land?**  
Blacktown Local Environmental Plan 2015
2. **What is the zoning of the land?**  
The site is zoned R2 Low Density Residential.
3. **What are the objectives of the zone?**
  - 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 enable certain activities to be carried out within the zone that do not adversely affect the amenity of the neighbourhood.
4. **What is the development standard being varied?**  
Height of Building
5. **What clause is the development standard listed in the environmental planning instrument?**  
Clause 4.3
6. **What are the objectives of the development standard?**
  - (a) to minimise the visual impact, loss of privacy and loss of solar access to surrounding development and the adjoining public domain from buildings,
  - (b) to ensure that buildings are compatible with the height, bulk and scale of the surrounding residential localities and commercial centres within the City of Blacktown,
  - (c) to define focal points for denser development in locations that are well serviced by public transport, retail and commercial activities,
  - (d) to ensure that sufficient space is available for development for retail, commercial and residential uses,
  - (e) to establish an appropriate interface between centres, adjoining lower density residential zones and public spaces





**7. What is the numeric value of the development standard?**

9 metres

**8. What is proposed numeric value of the development standard?**

11.6 metres

**9. What is the percentage variation proposed?**

28.9%

#### 4.1 CLAUSE 4.6(3)(A)

*DEMONSTRATE THAT COMPLIANCE WITH THE DEVELOPMENT STANDARD IS UNREASONABLE OR UNNECESSARY IN THE CIRCUMSTANCES OF THE CASE.*

The following assessment outlines that compliance with the development standard would be unreasonable and unnecessary in the circumstances of the case, particularly referencing the test established in *Initial Action Pty Ltd v Woollahra Municipal Council* [2018] NSWLEC 118 (the Initial Action case) which confirmed the approach as held in *Randwick City Council v Micaul Holdings Pty Ltd* [2016] NSWLEC7 (the Micaul case) as follows:

In the Initial Action case, Preston CJ concluded:

*13 Clause 4.6(4) establishes preconditions that must be satisfied before a consent authority can exercise the power to grant development consent for development that contravenes a development standard.*

*14 The first precondition, in cl 4.6(4)(a), is that the consent authority, or the Court on appeal exercising the functions of the consent authority, must form two positive opinions of satisfaction under cl 4.6(4)(a)(i) and (ii). Each opinion of satisfaction of the consent authority, or the Court on appeal, as to the matters in cl 4.6(4)(a) is a jurisdictional fact of a special kind: see Woolworths Ltd v Pallas Newco Pty Ltd (2004) 61 NSWLR 707; [2004] NSWCA 442 at [25]. The formation of the opinions of satisfaction as to the matters in cl 4.6(4)(a) enlivens the power of the consent authority to grant development consent for development that contravenes the development standard: see Corporation of the City of Enfield v Development Assessment Commission (2000) 199 CLR 135; [2000] HCA 5 at [28]; Winten Property Group Limited v North Sydney Council (2001) 130 LGERA 79; [2001] NSWLEC 46 at [19], [29], [44]-[45]; and Wehbe v Pittwater Council (2007) 156 LGERA 446; [2007] NSWLEC 827 at [36].*

*15 The first opinion of satisfaction, in cl 4.6(4)(a)(i), is that the applicant's written request seeking to justify the contravention of the development standard has adequately addressed the matters required to be demonstrated by cl 4.6(3). These matters are twofold: first, that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case (cl 4.6(3)(a)) and, secondly, that there are sufficient environmental planning grounds to justify contravening the development standard (cl 4.6(3)(b)). The written request needs to demonstrate both of these matters.*

*25 The consent authority, or the Court on appeal, must form the positive opinion of satisfaction that the applicant's written request has adequately addressed both of the matters required to be demonstrated by cl 4.6(3)(a) and (b). As I observed in Randwick City Council v Micaul Holdings Pty Ltd at [39], the consent authority, or the Court on appeal, does not have to directly form the opinion of satisfaction regarding the matters in cl 4.6(3)(a) and (b), but only indirectly form the opinion of satisfaction that the applicant's written request has adequately addressed the matters required to be demonstrated by cl 4.6(3)(a) and (b). The applicant bears the onus to demonstrate that the matters in cl 4.6(3)(a) and (b) have been adequately addressed in the applicant's written request in order to enable the consent authority, or the Court on appeal, to form the requisite opinion of satisfaction: see Wehbe v Pittwater Council at [38].*





- 26 *The second opinion of satisfaction, in cl 4.6(4)(a)(ii), is that the proposed development will be in the public interest because it is consistent with the objectives of the particular development standard that is contravened and the objectives for development for the zone in which the development is proposed to be carried out. The second opinion of satisfaction under cl 4.6(4)(a)(ii) differs from the first opinion of satisfaction under cl 4.6(4)(a)(i) in that the consent authority, or the Court on appeal, must be directly satisfied about the matter in cl 4.6(4)(a)(ii), not indirectly satisfied that the applicant's written request has adequately addressed the matter in cl 4.6(4)(a)(ii).*
- 27 *The matter in cl 4.6(4)(a)(ii), with which the consent authority or the Court on appeal must be satisfied, is not merely that the proposed development will be in the public interest but that it will be in the public interest because it is consistent with the objectives of the development standard and the objectives for development of the zone in which the development is proposed to be carried out. It is the proposed development's consistency with the objectives of the development standard and the objectives of the zone that make the proposed development in the public interest. If the proposed development is inconsistent with either the objectives of the development standard or the objectives of the zone or both, the consent authority, or the Court on appeal, cannot be satisfied that the development will be in the public interest for the purposes of cl 4.6(4)(a)(ii).*

This Amended Clause 4.6 Variation Request and the assessment that follows establishes that the objectives of the development standard are achieved notwithstanding non-compliance with the numerical component of the development standard as set out in the 5-part test established in *Wehbe v Pittwater Council [2007] NSW LEC 827* (the Wehbe case).

The local surrounding area is characterised by a drainage canal and residential development to the south, a road and overpass to the east, public recreation park to the west and railway corridor to the north. The LEP permits a maximum HOB of 9 metres for the subject site and adjoining land to the south as well as the Beames Avenue roadway to the north. Land adjoining the site to the east and west are not subject to a height limit.

Strict compliance with the numerical development standard is unnecessary and unreasonable in this case as the objectives of the development standard are achieved, notwithstanding non-compliance with the numerical component of the development standard, in the following ways:

***Objective (a): to minimise the visual impact, loss of privacy and loss of solar access to surrounding development and the adjoining public domain from buildings***

The proposed development comprises a centralised taller built form above a lower ground floor level car park on the site in order to minimise visual and acoustic privacy impacts and overshadowing impacts to surrounding and adjoining residential developments, particularly to the south of the site. Alternate options were considered including further excavation for a basement car parking level and sprawled buildings, however ultimately the development has proceeded as proposed based on excavation limitations, site topography and environmental impacts sprawled buildings would have on the subject site and adjoining properties.

As detailed earlier, the site is adjoined by a drainage canal and residential development 20 metres to the south; a road and overpass to the east that has a height of approximately 12 metres above the subject site levels; public recreation park to the west containing trees that are up to 20 metres in height; and a railway corridor to the north. The site itself contains significant and dense vegetation to the rear south-eastern corner with heights up to 20 metres. This local context negates the need for consistency with a particular streetscape or urban character given that the land is adjoined by taller natural and built forms that provide a vertical context.





Notably, the land to the east containing the road and overpass and land to the west containing the public park are not operational or developable land and are therefore not subject to a height limit under the LEP. The residential development to the south is separated from the site by a 22.5 to 25 metre setback comprising the drainage channel and canal as well as building setbacks providing physical separation from the development to that residential development. Furthermore, the proposed development is stepped to the rear of the site to ensure that it responds to the most sensitive land use being the residential development to the south. This includes increased setbacks to the built form and provision of open walkway verandahs to achieve a lighter weight interface with the residential dwellings to the south.

The height breach to the southern side of the development having the direct interface with residential development, is limited to the upper level which is distanced at least 10 metres from the southern boundary of the site and 25 metres from the residential development further south of the site. The lower 2 levels are provided with 7.5 metre setbacks to the built form and 5 metres to the open walkway verandahs, allowing for a separation between 20 to 22.5 metres from the residential development to the south.

Given the above and the siting of the built form, the development will not create any adverse amenity impacts for adjoining properties by way of visual impact, loss of privacy or loss of solar access. The assessment provided within the accompanying Statement of Environmental Effects details the potential for any visual and acoustic privacy impacts along with mitigation measures that would ensure that the proposal is acceptable and would have acceptable impacts on adjoining properties.

The shadow diagrams within the accompanying Architectural Plans illustrate that there is no significant or detrimental overshadowing impact on the neighbouring properties to the south as per objective (a), reiterating that there is no loss of solar access to any surrounding development and adjoining public domain from buildings.

Given the above, the development achieves objective (a) of the development standard.

***Objective (b): to ensure that buildings are compatible with the height, bulk and scale of the surrounding residential localities and commercial centres within the City of Blacktown***

The proposed school is compatible with the bulk and scale of the residential locality to the south of the site and within the wider City of Blacktown. Land to the south of the site is zoned R2 Low Density Residential with a height limit of 9 metres which generally allows for 3 storey-built forms. It is further noted that buildings for existing educational establishments in residential areas are restricted to a 22-metre height limit for development carried out as Complying Development under the Transport & Infrastructure SEPP which ultimately forms part of the local context and desired future character.

The proposed development includes a 3-storey built form over a lower ground floor car parking level and will appear as a 2 storey building from the street to the north and 3 storey from the residential properties to the south. Given the local natural and built environment context detailed earlier, the development provides a height, bulk and scale that is compatible with the eastern and western neighbouring land.

The height breach to the southern side of the development having the direct interface with residential development, is limited to the upper level which is distanced at least 10 metres from the southern boundary of the site and 25 metres from the residential development further south of the site.





The lower 2 levels are provided with 7.5 metre setbacks to the built form and 5 metres to the open walkway verandahs, allowing for a separation between 20 to 22.5 metres from the residential development to the south.

Whilst lower compliant buildings could be proposed, there would be multiple buildings that would sprawl over more of the site and provide longer and less condensed buildings that would be inconsistent with objective (b) and be incompatible with the bulk and scale of the surrounding residential locality.

Given the above, the development achieves objective (b) of the development standard.

***Objective (c): to define focal points for denser development in locations that are well serviced by public transport, retail, and commercial activities***

The application does not propose a denser development than would otherwise be expected for a school. As detailed above, lower compliant buildings could be proposed with the same density achieved across the site, albeit that such built forms would pose greater impact on the locality and be inconsistent with the objectives of the development standard.

The proposed is well serviced by public transport, retail and commercial activities. The proposed school is located where access to collector roads and public transport routes is readily available. The proposed site provides sufficient buffering from adjoining developments to minimise possible impacts, such as noise and invasion of privacy.

The subject site has easy and direct access to Francis Road and Beames Avenue. The subject site is in close proximity to Rooty Hill train station which is situated on Beames Avenue and is approximately 800 metres away from the subject site in an easterly direction. The subject site is also in close proximity with various bus stops in the Rooty Hill area including:

- Bus stop ID 2766120 is situated on Francis Road approximately 450 metres walking distance to the south-east from the site and includes bus service 723 with a weekday service frequency of 30 minutes between 5:00am to 9:30am and 3:30pm to 6:30pm and 1 hour between 9:30am to 3:30pm and 6:30pm to 9:00pm. The stop is also serviced by bus service 738 with a weekday service frequency of 30 minutes between 6:00am to 9:45am and 3:30pm to 6:30pm and irregular services during other times.
- Bus stop ID 2766171 is situated on Charlotte Road approximately 450 metres walking distance to the south from the site and includes bus service 728 with a weekday service frequency of 30-45 minutes between 6:00am to 6:30pm and 1 hour between 6:30pm to 10:30pm.
- Bus stop ID 2766110 is situated on North Parade approximately 950 metres walking distance to the south from the site and includes bus service 728 with a weekday service frequency as detailed above.

Given the above, the development achieves objective (c) of the development standard.

***Objective (d): to ensure that sufficient space is available for development for retail, commercial and residential uses***

The proposed educational establishment ensures that sufficient space is available for the development of commercial, retail, and residential uses. The proposed development has been sited and designed to ensure that the built form and spacing of the site will be consistent with the desired future character for the locality, whilst also respecting and being compatible with the existing character to be retained within the locality.





Given the above, the development achieves objective (d) of the development standard.

***Objective (e): to establish an appropriate interface between centres, adjoining lower density residential zones and public spaces.***

The proposed development includes a 3 storey built form over a basement car parking level and will appear as a 2 storey building from the street to the north and 3 storey from the residential properties to the south. The height breach to the southern side of the development having the direct interface with residential development, is limited to the upper level which is distanced at least 10 metres from the southern boundary of the site and 25 metres from the residential development further south of the site. The lower 2 levels are provided with 7.5 metre setbacks to the built form and 5 metres to the open walkway verandahs, allowing for a separation between 20 to 22.5 metres from the residential development to the south.

The proposed development establishes an appropriate interface between the development and the adjoining low density residential zone to the south and public spaces to the west and east. The proposal allows for a centralisation of the building to the western side of the site in order to provide a built form that is compatible with the local context and sensitive to nearby other land uses. As detailed earlier, the site is adjoined by a drainage canal and residential development 25 metres to the south; a road and overpass to the east that has a height of approximately 12 metres above the subject site levels; public recreation park to the west containing trees that are up to 20 metres in height; and a railway corridor to the north. The site itself contains significant and dense vegetation to the rear south-eastern corner with heights up to 20 metres. This local context negates the need for consistency with a particular streetscape or urban character given that the land is adjoined by taller natural and built forms that provide a vertical context.

The building takes into consideration the landscape setting to ensure a positive impact is achieved on the quality and character of the neighbourhood. The 3 storey built form responds to the existing and desired future context given that 4 storey, 22 metre high school buildings are permitted within the zone under the Complying Development provisions of the Transport & Infrastructure SEPP. The development adopts and translates positive elements from the site and surrounding neighbourhood and will have a positive impact on the quality and sense of identity of the neighbourhood.

Given the above, the development achieves objective (e) of the development standard.

## 4.2 CLAUSE 4.6(3)(B)

***DEMONSTRATE THAT THERE ARE SUFFICIENT ENVIRONMENTAL PLANNING GROUNDS TO JUSTIFY CONTRAVENING THE DEVELOPMENT STANDARD.***

Considering that the development achieves the objectives of the development standard and the objectives of the land use zone, and furthermore achieves a satisfactory level of compliance with the other applicable State and Council Planning Policies, the proposal is meritorious, and the contravention of the development standard is justified.

Despite exceeding the statutory maximum building height development standard, the proposed development of the site will facilitate the orderly and economic development of the land for the purposes of an educational establishment, that will positively contribute to the achievement of the vision and strategic objectives of *A Plan for Growing Sydney* and *Blacktown Local Environmental Plan 2015*.





#### 4.3 CLAUSE 4.6(4)(A)(I)

*DEMONSTRATE THAT THE APPLICANT'S WRITTEN REQUEST HAS ADEQUATELY ADDRESSED THE MATTERS REQUIRED TO BE DEMONSTRATED BY SUBCLAUSE (3).*

This Amended Clause 4.6 Variation Request has adequately addressed the matters required to be demonstrated by subclause (3), as detailed throughout.

#### 4.4 CLAUSE 4.6(4)(A)(II)

*DEMONSTRATE THAT THE PROPOSED DEVELOPMENT WILL BE IN THE PUBLIC INTEREST BECAUSE IT IS CONSISTENT WITH THE OBJECTIVES OF THE PARTICULAR STANDARD AND THE OBJECTIVES FOR DEVELOPMENT WITHIN THE ZONE IN WHICH THE DEVELOPMENT IS PROPOSED TO BE CARRIED OUT.*

The proposed development will be in the public interest because it is consistent with the objectives of the particular standard as demonstrated earlier, and is consistent with the objectives of the R2 Low Density Residential Zone in the following ways:

- The development enables a land use other than residential land uses that will provide school and community facilities and services that will meet the day to day needs of residents. The development provides a community benefit and successfully achieves this objective by meeting the day to day needs of the local community and local residents.
- The development enables educational and community activities to be carried out within the zone that will not adversely affect the amenity of the neighbourhood as demonstrated in the assessment provided within the accompanying Statement of Environmental Effects and this Clause 4.6 Variation Request.

The proposal, including the height exceedance caused, achieves the objects of the *Environmental Planning and Assessment Act, 1979* (the Act) in the following ways:

- Section 1.3(a) as the proposed development includes an educational establishment and community facilities that will promote the social and economic welfare of the community and a better environment by the proper management, development and conservation of the existing natural and other resources of the site;
- Section 1.3(b) as the accompanying Statement of Environmental Effects undertakes economic, environmental and social considerations in the assessment of the proposed development in order to facilitate ecologically sustainable development;
- Section 1.3(c) as the proposed development promotes the orderly and economic use and development of the land by achieving the objectives of the land use zone and development standard and not posing any adverse amenity impacts on adjoining development and the public domain;
- Section 1.3(e) as the proposed development protects the environment, including the conservation of threatened and other species of native animals and plants, ecological communities and their habitats as detailed in the accompanying Biodiversity Impact Assessment prepared by Keystone Ecological, Tree Impact Assessment Report prepared by Mark Bury Consulting and Vegetation Management Plan prepared by Keystone Ecological;
- Section 1.3(f) as the proposed development promotes the sustainable management of built and cultural heritage (including Aboriginal cultural heritage) as demonstrated by the accompanying Aboriginal Archaeological Assessment prepared by Comber Consultants;
- Section 1.3(g) as the proposed development promotes good design and amenity of the built environment, providing adequate solar access opportunities, making the space functional and inviting achieving greater amenity for future occupants and adjoining residents; and





- Section 1.3(h) as the proposed development promotes the proper construction and maintenance of a building that will protect the health and safety of the staff and students that will attend the school.

For the reasons above and the assessment provided within this request and the accompanying Statement of Environmental Effects, there are sufficient environmental planning grounds to justify the contravention of the height of buildings development standard.

#### 4.5 CLAUSE 4.6(4)(B)

*DEMONSTRATE THAT THE CONCURRENCE OF THE PLANNING SECRETARY HAS BEEN OBTAINED.*

Planning Circular PS 20-002, dated 5 May 2020, contains an assumed concurrence notice dated 18 February 2018 for all consent authorities for the purpose of determining a development application to which a Clause 4.6 Variation Request is made. The subject Amended Clause 4.6 Variation Request does not exceed the limitations set by the assumed concurrence notice and therefore Council or the Local Planning Panel may assume the concurrence of the Planning Secretary.

#### 4.6 CLAUSE 4.6(5)

*PLANNING SECRETARY CONCURRENCE.*

As detailed above, assumed concurrence has been issued by the Planning Secretary.

#### 4.7 CLAUSE 4.6(6)

*EXCLUDED SUBDIVISION.*

The application of clause 4.6 to the height of buildings development standard is not precluded by the operation of Clause 4.6(6) of the LEP.

#### 4.8 CLAUSE 4.6(7)

*RECORD KEEPING.*

This is an administrative matter for the Council.

#### 4.9 CLAUSE 4.6(8)

*EXCLUDED DEVELOPMENT AND CLAUSES.*

The application of clause 4.6 to the height of buildings development standard is not precluded by the operation of Clause 4.6(8) of the LEP.

## 5 CONCLUSION

Having regard to the assessment of the proposal and Amended Clause 4.6 Variation Request, the proposed development achieves the objectives of the development standard and the objectives of the land use zone, notwithstanding the contravention of the height control. Therefore, compliance with the development standard is unnecessary and unreasonable in these circumstances.

For the reasons provided within this request, there are sufficient environmental planning grounds to justify the contravention of the height of buildings development standard.





This request has appropriately demonstrated that the proposed development will be in the public interest because it is consistent with the objectives of the particular development standard that is contravened and the objectives for development for the zone in which the development is proposed to be carried out.

This Amended Clause 4.6 Variation Request has been prepared in accordance with the requirements of Clause 4.6 of the *Blacktown Local Environmental Plan 2015* and has had regard to the findings of the various case law mentioned and discussed throughout. Accordingly, Council and the Local Planning Panel can exercise its power to grant development consent for the development that contravenes the development standard.

For the reasons outlined within this request, the subject variation is worthy of Council's support.