

Applicant contact details

Title	Mr
First given name	Robert
Other given name/s	
Family name	Dwyer
Contact number	0425285778
Email	
Address	
Application on behalf of a company, business or body corporate	Yes
Company, business or body corporate name	RPS Australia East Pty Ltd
ABN / ACN	44 140 292 762
Is the nominated company the applicant for this application?	No

Owner/s of the development site

Owner/s of the development site	A company, business, government entity or other similar body owns the development site
Owner #	1
Company, business or body corporate name	NSW Department of Education
ABN / ACN	40 300 173 822

I declare that I have shown this document, including all attached drawings, to the owner(s) of the land, and that I have obtained their consent to submit this application. - Yes

Note: It is an offence under Section 10.6 of the Environmental Planning and Assessment Act 1979 to provide false or misleading information in relation to this application.

Development details

Application type	Development Application	
Site address #	1	
Street address	115-119 GREAT WESTERN HIGHWAY EMU PLAINS 2750	
Local government area	PENRITH	
Lot / Section Number / Plan	12 / - / DP1056135	
Primary address?	Yes	
	Land Application LEP	Penrith Local Environmental Plan 2010
	Land Zoning	R2: Low Density Residential
	Height of Building	8.5 m
	Floor Space Ratio (n:1)	NA
	Minimum Lot Size	550 m ²

Planning controls affecting property	Heritage	NA
	Land Reservation Acquisition	NA
	Foreshore Building Line	NA
	Local Provisions	Wind Turbine Buffer Zone
	Sydney Trains Corridor Protection Zone	Clause 86/Concurrence
	Sydney Trains Infrastructure Protection Zone	Clause 45/Referral
	1.5 m Buffer around Classified Roads	Classified Road Adjacent

Proposed development

Proposed type of development	Demolition Educational establishment
Description of development	Removal of vegetation, demolition of minor structures (sheds and concrete), construction of a new multi-purpose hall, new landscaping, adjustment to utilities and operation of the multi-purpose hall.
Provide the proposed hours of operation	
Proposed to operate 24 hours on Monday	No
Monday	7:00 AM - 10:00 PM
Proposed to operate 24 hours on Tuesday	No
Tuesday	7:00 AM - 10:00 PM
Proposed to operate 24 hours on Wednesday	No
Wednesday	7:00 AM - 10:00 PM
Proposed to operate 24 hours on Thursday	No
Thursday	7:00 AM - 10:00 PM
Proposed to operate 24 hours on Friday	No
Friday	7:00 AM - 10:00 PM
Proposed to operate 24 hours on Saturday	No
Saturday	7:00 AM - 10:00 PM
Proposed to operate 24 hours on Sunday	No
Sunday	7:00 AM - 10:00 PM
Dwelling count details	
Number of dwellings / units proposed	0
Number of storeys proposed	1
Number of pre-existing dwellings on site	0
Number of dwellings to be demolished	0
Number of existing floor area	
Number of existing site area	

Do you have one or more BASIX certificates?	No
Subdivision	
Number of existing lots	1
Is subdivision proposed?	No
Proposed operating details	
Number of additional jobs that are proposed to be generated through the operation of the development	
Number of staff/employees on the site	0
Number of parking spaces	0
Number of loading bays	0
Is a new road proposed?	No
Concept development	
Is the development to be staged?	No, this application is not for concept or staged development.
Crown development	
Is this a proposed Crown development?	Yes
Please identify NSW government agency	NSW Department of Education

Related planning information

Is the application for integrated development?	No
Is your proposal categorised as designated development?	No
Is your proposal likely to significantly impact on threatened species, populations, ecological communities or their habitats, or is it located on land identified as critical habitat?	No
Does the application propose a variation to a development standard in an environmental planning instrument (eg LEP or SEPP)?	Yes
Would you like to answer questions in this form to complete the variation request or upload a supporting document	Complete questions
What is the name of the relevant environmental planning instrument? eg. LEP, SEPP	Local Environmental Plan (LEP)
Relevant LEP	Penrith Local Environmental Plan 2010
What is the zone of the land?	
Address	115-119 GREAT WESTERN HIGHWAY EMU PLAINS 2750
Zone	R2
What are the objectives of the zone(s) ?	<ul style="list-style-type: none"> • To provide for the housing needs of the community within a low-density residential environment. • To enable other land uses that provide facilities or services to meet the day to day needs of residents. • To promote the desired future character by ensuring that development reflects features or qualities of traditional detached dwelling houses that are surrounded by private gardens. • To enhance the essential character and identity of established residential areas. • To ensure a high level of residential amenity is achieved and maintained. • To provide temporary overnight accommodation for the working population and businesses in the area.

Development Standard Variation details	
Name of the development standard being varied	Height
Clause name	4.3.2
Numeric value of the standard being varied	8.5
Numeric value of the development against this standard	10.27
Percentage value of the proposed variation	20
What are the objectives of the development standard(s) ?	<p>(1) The objectives of this clause are as follows—</p> <p>(a) to ensure that buildings are compatible with the height, bulk and scale of the existing and desired future character of the locality,</p> <p>(b) to minimise visual impact, disruption of views, loss of privacy and loss of solar access to existing development and to public areas, including parks, streets and lanes,</p> <p>(c) to minimise the adverse impact of development on heritage items, heritage conservation areas and areas of scenic or visual importance,</p> <p>(d) to nominate heights that will provide a high quality urban form for all buildings and a transition in built form and land use intensity.</p> <p>(2) The height of a building on any land is not to exceed the maximum height shown for the land on the Height of Buildings Map.</p>
How is compliance with the development standard(s) unreasonable or unnecessary in the circumstances of this particular case ?	<p>Refer to Clause 4.6 Variation Request submitted as part of the DA - extract from request is below:</p> <p>It is considered that compliance with the maximum building height development standard is unreasonable or unnecessary in the circumstances of this case for the reasons set out below:</p> <ul style="list-style-type: none"> • The development achieves the objectives of the zone. • The development achieves the objectives of the height of buildings development standard, notwithstanding the numerical non-compliance. • Strict compliance with the height control will inevitably result in the following consequences: <ul style="list-style-type: none"> – It will result in a result in a multi-purpose that does not meet the NSW Department of Education EFSG standards. – It will result in a larger and lower building that would have increased bulk and be less compatible with the existing school hall, which if required to be reduced would then compromise the ability of the development to meet the day to day needs to the local residents. <p>Each of these consequences carries a social, economic, and environmental cost and would lead to a suboptimal environmental planning outcome (in comparison with the proposed development).</p> <p>Given that compliance with the zone and development standard objectives is achieved, insistence on strict compliance with the building height standard is unreasonable and unnecessary in the circumstances of the case. The proposal is consistent with the relevant zone objectives and will result in a better planning and environmental outcome for the site. The additional height allows for a building footprint and multi-purpose hall that will meet NSW Department of Education standards.</p>
	<p>Refer to Clause 4.6 Variation Request submitted as part of the DA - extract from request is below:</p> <p>There are sufficient environmental planning grounds to justify the variation of the height control and the variation in height will achieve a better outcome for and from development, particularly given that:</p> <ul style="list-style-type: none"> • The multi- purpose hall is designed to meet the school needs and NSW Department of Education EFSG standards. It will facilitate indoor sports with large storage requirements to house sporting and performing arts equipment and consequently requires additional height for these essential purposes. • The existing ground level at the site of the proposed development is

Are there sufficient environmental planning grounds to justify variation of the development standard(s) ?	<p>approximately 25.3 to 25.6 metres AHD. Council flood planning controls require a finished floor level of 26.5 metres AHD which is 0.9 to 1.2 metres above the existing ground level. Based upon this situation the building upon the finished floor level can be no greater than 7.3 - 7.6 metres above the finished floor level to comply with the building height control. The height variation occurs in part due to the planning control level.</p> <ul style="list-style-type: none"> • The proposed development provides a modest building mass and articulated built form. Strict compliance with the building height standard would result in a multi- purpose hall that does not meet the NSW Department of Education EFSG standards. • The maximum height encroachment occurs to the northern end of the building. • The proposed height variation will not be visually dominant from the street frontage of the Great Western Highway or adjoining properties to the south. This is due to the sloped roofline. • The additional building height will not result in any overshadowing or loss of privacy to adjoining properties.
Is there any other relevant information to be considered to justify variation of the development standard(s) ?	Refer to Clause 4.6 Variation Request report
Is the application accompanied by a voluntary planning agreement (VPA) ?	No
Section 68 of the Local Government Act	
Is approval under s68 of the Local Government Act 1993 required?	Yes
Have you already applied for approval under s68 of the Local Government Act?	No
Would you like to apply for approval under s68 of the Local Government Act?	No
10.7 Certificate	
Have you already obtained a 10.7 certificate?	Yes
Was the 10.7 certificate applied for via the NSW Planning Portal?	No
Please enter 10.7 certificate number related to this application	20/04756
Tree works	
Is tree removal and/or pruning work proposed?	Yes
Please provide a description of the proposed tree removal and/or pruning work	remove approximately 35 trees (planted native vegetation and planted exotics)
Number of trees to be impacted by the proposed work	35
Land area to be impacted by the proposed work	0.1
Units	Hectares
Approximate area of canopy REQUESTED to be removed	0.1
Units	Hectares
Local heritage	
Does the development site include an item of environmental heritage or sit within a heritage conservation area.	No
Are works proposed to any heritage listed buildings?	No
Is heritage tree removal proposed?	No
Affiliations and Pecuniary interests	
Is the applicant or owner a staff member or councillor of the council assessing the application?	No
Does the applicant or owner have a relationship with any staff or councillor of the council assessing the	No

application?	
Political Donations	
Are you aware of any person who has financial interest in the application who has made a political donation or gift in the last two years?	No
Please provide details of each donation/gift which has been made within the last 2 years	

Payer details

The Environmental Planning and Assessment Regulation 2000 and council's adopted fees and charges establish how to calculate the fee payable for your development application. For development that involves building or other works, the fee for your application is based on the estimated cost of the development. If your application is for integrated development or requires concurrence from a state agency, additional fees will be required. Other charges may be payable based on the council's adopted fees and charges. If your development needs to be advertised, the council may charge additional advertising fees.

Once this application form is completed, it and the supporting documents will be submitted to the council for lodgement, at which time the fees will be calculated. The council will contact you to obtain payment. Note that the application may be rejected if the fees are not paid.

Fee payment will be made by:

Application documents

The following documents support the application.

Document type	Document file name
Acoustic report	Acoustic Report_115 to 119 Great Western Hwy_Emu Plains
Arborists report	Arboricultural Assessment Report_115 to 119 Great Western Hwy_Em
Architectural Plans	Architectural plans_115 to 119 Great Western Hwy_Emu Plains
Biodiversity Assessment Report	Flora and Fauna Report_115 to 119 Great Western Hwy_Emu Plains
Civil Engineering Plan	Civil Engineering Works Plan _115 to 119 Great Western Hwy _Emu
Clause 4.6 variation request	Clause 4.6 Request_115 to 119 Great Western Hwy_Emu Plains
Contamination / remediation action plan	Detailed site investigation_115 to 119 Great Western Hwy_Emu Pla
Cost estimate report	Cost estimate report_115 to 119 Great Western Hwy_Emu Plains
Design verification statement	Architectural Design ESEPP Principles Statement_115 to 119 Great
Flood risk management report	Flood risk management plan_115 to 119 Great Western Hwy_Emu Plai
Landscape plan	Landscape plan_115 to 119 Great Western Highway_Emu Plains
Notification plans	Notification Plans_115 to 119 Great Western Hwy_Emu Plains
Other	Extensive AHIMS search_115 to 119 Great Western Hwy_Emu Plains Civil Engineering Flood Statement_115 to 119 Great Western Hwy_E DA form_115 to 119 Great Western Highway_Emu Plains
Owner's consent	Owners consent_115 to 119 Great Western Highway_Emu Plains
Section 10.7 Planning Certificate (formerly Section 149)	Section 10.7 Planning Certificate_115 to 119 Great Western Hwy_E
Statement of environmental effects	Statement of Environmental Effects_115 to 119 Great Western High
Survey plan	Survey Plan_115 to 119 Great Western Hwy_Emu Plains
Waste management plan	Waste Minimisation Plan_115 to 119 Great Western Hwy_Emu Plains

Applicant declarations

I declare that all the information in my application and accompanying documents is , to the best of my knowledge, true and correct.	Yes
I understand that the application and the accompanying information will be provided to the appropriate consent authority for the purposes of the assessment and determination of this application, and may be provided to other State agencies.	Yes
I understand that if incomplete, the consent authority may request more information , which will result in delays to the application.	Yes
The information and materials provided may be used for notification and advertising purposes, and may be made available to the public for inspection.	Yes
I acknowledge that copies of this application and supporting documentation may be provided to interested persons in accordance with the Government Information (Public Access) 2009 (NSW) (GIPA Act).	Yes
I have read and agree to the collection and use of my personal information as outlined in the Privacy Notice.	Yes
I agree to the appropriately delegated assessment officers attending the site for the purpose of inspection.	Yes
I confirm that the change(s) entered is/are made with appropriate authority from the applicant(s).	