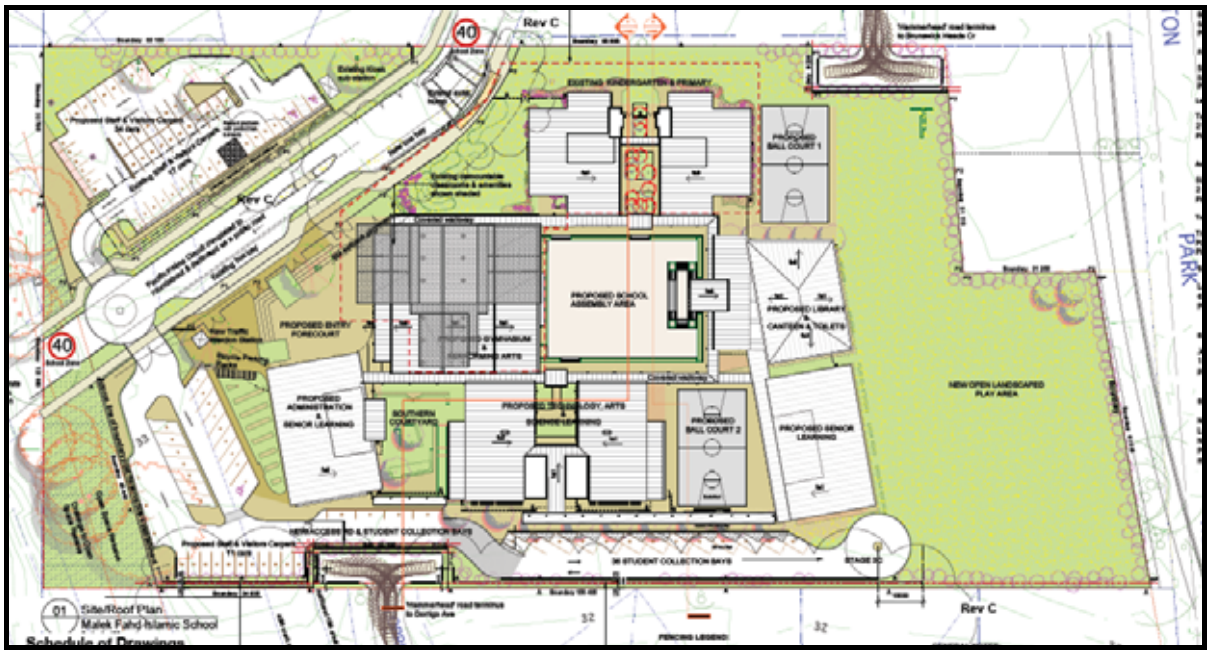
JRPP Reference	**2012SYW087**
Application Number	**DA-1251/2012**
Proposed Development	**Construction of an educational establishment (Staged Development) and associated site landscaping and services**
Property Description	**Lot 1 DP1171163 – 210 Pacific Palms Circuit, Hoxton Park**
Applicant	**Mr. Amjad Mehboob**
Land Owner	**Australian Federation Of Islamic Councils Inc**
Date of DA Lodgement	**26 June 2012**
Cost of Work	**$27,600,364.00 (includes works already completed)**
Recommendation	**Approval – subject to conditions**



1. EXECUTIVE SUMMARY

1.1 Reasons for the Report

The proposal has a capital investment value of more than $20 million consequently under Schedule 4A of the Environmental Planning and Assessment Act, 1979 the Joint Regional Planning Panel (JRPP) retains the role as the determining Authority in accordance with the provisions of State Environmental Planning Policy (State and Regional Development) 2011.

The applicant has submitted a revised cost summary which confirms that the cost of works is $27, 600, 364 which includes both the cost of works for the proposed development and costs associated with the works completed on site to-date.

1.2. The proposal

The development application seeks consent for the construction of an educational establishment for up to 800 students (comprising Kindergarten, Primary and Secondary) and 50 staff which is to be developed over six stages. The proposal also includes associated site landscaping, on site parking and services.

The site is zoned part R2 Low Density Residential and part R3 Medium Density Residential pursuant to Liverpool Local Environmental Plan 2008 (LLEP2008). Educational establishments are permissible with consent in both the R2 and R3 zones.

1.3 Background

The school is partly constructed [pursuant to an approval (DA346/2009) granted by the Council in 2009] and is currently in use as a school (94 children). Subsequent to the granting of development consent by Council the Land and Environment Court declared the original consent to be invalid (*Hoxton Park Residents' Action Group Inc v Liverpool City Council (No 3)* [2012] NSWLEC 43).

The current application is similar to the 2009 application which had been invalidated with the noticeable exception being that the culvert and associated roadway over the drainage reserve does not form part of this application.

The current application seeks consent for the use of that part of the school already built (Stages 1 and 2) (works completed are subject to an approved Construction Certificate) and for the construction and completion of the remainder of the school buildings (future Stages 3 -6).

The development application was lodged concurrently with a Building Certificate application, which will be determined upon the determination of the subject development application.

This application has been assessed on the basis that Pacific Palms Circuit currently terminates at the southern boundary of the site, and all traffic will enter and exit the site from the western boundary entrance where it joins Glen Innes Road.

1.4 The Site

The subject site is known as Lot 1 of DP 1171163, No. 210 Pacific Palms Circuit (previously 612 Hoxton Park Road), Hoxton Park. The site has a frontage of approximately 115 metres to Pacific Palm Circuit and 62 metres to Hoxton Park Road. It has a site area of 2.315 hectares (23,150m^2).

It is an irregular shaped allotment which is physically separated by Pacific Palms Circuit which traverses the site from the western boundary through to the southern boundary. The site has additional frontages to Dorrigo Avenue, Brunswick Heads Crescent, however physical access is restricted to Pacific Palms Circuit which presently terminates at the southern boundary of the site.

The site is being used an educational establishment and currently contains a number of demountable buildings, partly constructed two storey permanent school building, security perimeter fencing and constructed parking area.

1.5 The issues

The main issues are identified in the assessment of the development application are summarised as follows:

- Issues pertaining to traffic and car parking:
  - Congestion
  - Traffic Management
  - Construction of the culvert
- Issues pertaining to acoustic (acoustic amenity)
- Issues pertaining to potential for overshadowing and privacy impacts.
- Whether flooding is a constraint of the site that the application can not overcome
- Issues pertaining to geotechnical impacts associated with works constructed under the previous approval
- Whether the site is suitable for an educational establishment:
  - Insufficient area for size and scale of school

1.6 Exhibition of the proposal

In accordance with Liverpool Development Control Plan 2008 (LDCP 2008) the development application was exhibited as Nominated Integrated Development.

The initial exhibition period was for 30 days from 22nd August 2012 to 21st September 2012. Submissions received during the initial exhibition period were both in opposition to and in support of the proposal.

Those in favor of the proposal raised the following matters:

- Malek Fahd is among the top performing schools in NSW.
- School adds to the social values of Liverpool.
- Reinforces multiculturalism and improves social cohesion.
- It will provide high levels of education.
- It provides an opportunity for migrant children within the Liverpool Area.
- The school has a waiting list of 400 students.

Those opposing the school raised the following concerns and issues:

- Insufficient site area for a school of this size.
- Overshadowing and privacy impacts.
- Potential flooding impacts.
- Buildings exceed allowable height limit.
- Traffic congestion.
- Construction of the culvert is essential.
- Existing school buildings were illegally constructed.
- Construction not in accordance with previous (now invalid) 2009 Consent.
- Adverse financial and personal impacts.
- Local streets are unable to support emergency services.

- Inadequate geotechnical testing and compaction of fill material and construction noise.
- Adverse social impacts and loss of community cohesion.
- Noise impact assessment.
- Stormwater drainage and flooding investigation report.

As a response to issues raised during the assessment of the development application, the applicant amended the proposal and provided additional information for consideration. As a consequence of the amendments and the additional information submitted, the proposal was re-exhibited.

The second exhibition period was undertaken for thirty days from 14th November and 14th December 2012. Submissions were received during this second exhibition period, which were both in support of and against the development.

In the main the issues raised as a result of the second exhibition period, reflected those issues identified in the initial exhibition period and are encapsulated in the above list.

In summary, at the close of both exhibition periods, a total of 499 submissions were received. These submissions comprised of 237 submissions in support of the development application and 262 submissions opposing the development.

1.7 Conclusion

The application seeks approval for an educational establishment for up to 800 students and 50 staff to be developed over six stages. A building certificate has been submitted to formalise those works previously undertaken under a previous development consent which was subsequently deemed invalid by the land and Environment Court.

The application is accompanied by a number of specialist reports in response to potential issues in respect of acoustics, geotechnical, storm water, contamination and traffic. The main point of difference between the current application and 2009 application is that the current application does not include the construction of the adjoining culvert which would provide for the connection of the two existing sections of Pacific Palm Circuit.

The application has attracted significant number of submissions both in support and apposing the application. The main issues relate to noise and traffic generated by the school and the subsequent ability of the school to manage its day-to-day operations.

In response to the issues associated with acoustic impacts, noise mitigation measures will be required. This will require some works to the upper level (first floor) of two adjoining residences. These mitigation measures have been addressed in the recommended conditions of consent.

It is recognised that traffic impacts upon the local road network will be reduced once the northern and southern arms of Pacific Palm Circuit are connected with the construction of the culvert. However the application has been assessed based upon the current road network, which provides for only one point of access into the development site. This involves a single entry and exit onto Hoxton Park Road via Glen Innes Road. It should also be noted that subsequent to the 2009 application the Hoxton Park Road/Glen Innes intersection is now signalised.

The information and evidence provided by the Applicant and reviewed by Councils' Traffic engineers in relation to traffic issues, indicates that the local road network can support the school at full capacity. Notwithstanding, it is accepted that there are some reasonable concerns raised by both the Green Valley Local Area Command and residents regarding increased traffic, traffic

management and vehicle movements associated with the development.

It is considered that on-balance and in the absence of any technical information supporting a reduction in the size and scale of the school, they do not warrant refusal of the application. Rather traffic related impacts associated with peak school drop off and pick up times have been addressed via the management plans as modified by conditions of development consent.

In summary, this report recommends that the development application be approved, subject to the recommended conditions of consent.

2. SITE DESCRIPTION AND LOCALITY

2.1 The Site

The subject site is known as Lot 1 of DP 1171163, No.210 Pacific Palms Circuit (previously 612 Hoxton Park Road), Hoxton Park. It is located approximately 1.5km to the south-west of the connection with the M7 Motorway, immediately to the south of Hoxton Park Road and approximately 600metres to the east of Cowpasture Road.

The site has a frontage of approximately 115metres to Pacific Palm Circuit and 62metres to Hoxton Park Road. It has a site area of 2.315hectares (23,150m^2). It is an irregular shaped allotment which is physically separated by Pacific Palms Circuit which traverses the south-western section of the site from the western boundary through to the southern boundary. It has additional frontages to Dorrigo Avenue, Brunswick Heads Crescent, however physical access is restricted to Pacific Palms Circuit which presently terminates at the southern boundary of the site.

The site contains a number of prefabricated demountable classrooms (referred to as Stage 1), security perimeter fencing, constructed visitor and staff parking area of 19 spaces and partly constructed two storey permanent school building (referred to as Stage 2). The site experiences a gently slope generally from west to east of approximately 1metre and is bounded by residential dwellings to the east and west, Hoxton Park Road to the north and an unnamed creek tributary (drainage reserve) of the Cabramatta Creek System to the south.

There are no items of environmental heritage significance in the site and the site does not contain any area of identified environmentally significant land. The site is however affected by the 1% Annual Exceedance Probability (SEP) and the Probable Maximum Flood.

An aerial photograph of the subject site and recent site photographs are provided in Figures 1 – 6.

Figure 1 – Site plan

Figure 2 – Site Photo. View south-west along Pacific Palm Circuit. The school site is to the left of the photo.

Figure 3 – Site Photo. View from the round-about in Pacific Palm Circuit looking south-west across the school site.

Figure 4 – Site Photo. View north-east along Pacific Palm Circuit. The school site is to the right of the photo.

Figure 5 – Site Photo. View south of the common boundary with properties in Dorrigo Avenue and Colong Close.

Figure 6 – Site Photo. View west of the established residential section of Pacific Palm Circuit.

2.2 The Locality

The site is located within the residential suburb of Hoxton Park. The immediate locality comprises existing residential dwellings. The site has existing dwellings on both the eastern and western boundaries. Adjacent the southern boundary is Council reserve which parallels Council's drainage infrastructure.

Figure 7 – Locality Map

NORTH

3. DETAILS OF THE PROPOSAL

The development application seeks Council consent for the construction of an educational establishment for up to 800 students (consisting of Kindergarten, Primary and Secondary) and 50 staff to be developed in six stages plus associated site landscaping, on site parking and services. The school will form part of the campus of the Malek Fahd Islamic school (MFIS) that is located in Greenacre.

The school is partly constructed [pursuant to an approval (DA346/2009) granted by the Council in 2009] and is currently in use as a school (94 children). Subsequent to the granting of development consent by Council the Land and Environment Court declared the original consent to be invalid (*Hoxton Park Residents' Action Group Inc v Liverpool City Council (No 3)* [2012] NSWLEC 43).

The current application seeks consent for the use of that part of the school already built (Stages 1 and 2) (works completed are subject to an approved Construction Certificate) and for the construction and completion of the remainder of the school buildings (future Stages 3 -6). The proposal also incorporates associated on-site car parking areas, landscaping and services.

The application has been assessed on the basis that Pacific Palms Circuit currently terminates at the southern boundary of the site, and all traffic will enter and exit the site from the western boundary entrance via Glen Innes Road and Hoxton Park Road. The applicant in their submission (Statement of Environmental Effects) has made clear that the construction of the culvert does not form part of this application.

Staging
Details submitted with the application outline that the educational establishment is proposed to be constructed over a number of stages. It is noted that the application nominates a construction period of 4 years (2013 – 2017) however it is anticipated that this might extend into 2018 given the applicant's original expectation of a 2012 determination.

The nominated staging (and estimated year of completion) is as provided by the applicant is as follows:

STAGE	ESTIMATED YEAR OF COMPLETION	WORKS
Stage 1	2013	Complete construction of south-western parking area and 1st section of the south-eastern parking areas located either side of Pacific Palms Circuit).
Stage 2	2013	Completion of the Kindergarten and Primary buildings (65% complete), fencing and spare pick up- drop off bus stop (mini-buses) in the staff/visitor car park area (the south-western carpark).
Stage 3	2014 (mid)	(3a): Canteen, library and sports court. (3b): Senior learning and ball court. (3c): Completion of south-western carpark service and access road (student collection bays) and additional bus bay (mini-buses) drop-off/pick-up zone on Pacific Palm Circuit.
Stage 4	2015	Shared Learning buildings and courtyard areas.
Stage 5	2016	Administration building and learning centre.
Stage 6	2017	Gymnasium and performing arts building.

The general configuration of the buildings is concentrated towards the southern and central portions of the site surrounding a central quadrangle assembly area, with an open grassed area located adjacent the northern boundary providing a setback to Hoxton Park Road.

An extract of the most recent site plan is provided below in Figure 8. An indicative Staging Plan provided by the applicant is provided below in Figure 9.

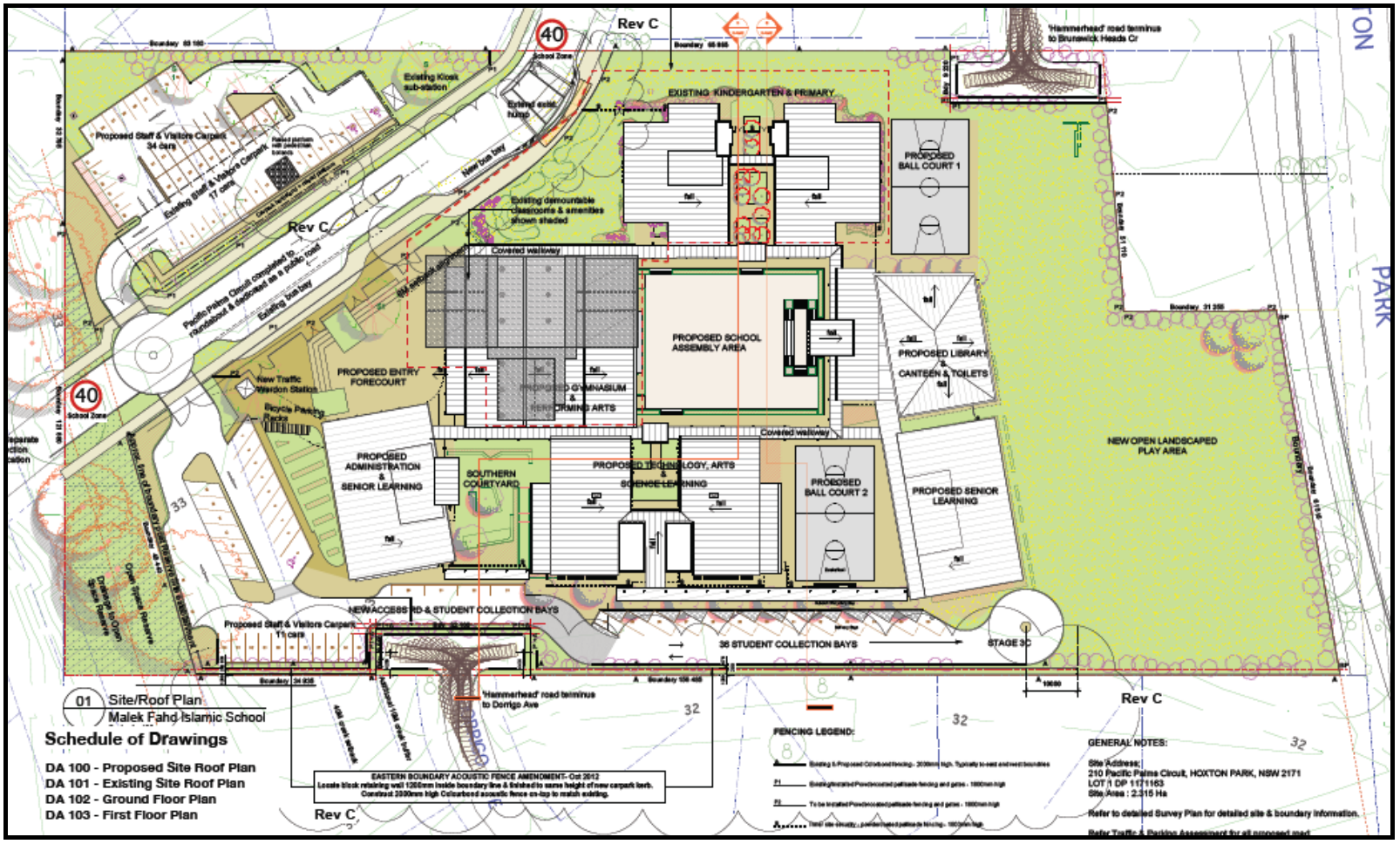


Figure 8: Proposed Site Plan

Figure 9: Indicative Staging Plan for DA-1251/2012

Student and Staff numbers

When fully operational the school will employ upto 50 staff and accommodate about 800 students. The progressive growth of the school as each stage is constructed is as follows:

STAGE	STUDENT NUMBER	STAFF NUMBER
Stage 1	119 students	9 staff
Stage 2	300 students	15 staff
Stage 3	450 students	35 staff
Stage 4	590 students	40 staff
Stage 5	700 students	44 staff
Stage 6	800 students	50 staff

Building Area and Landscaping:

The gross floor area (GFA) for each of the proposed buildings which form part of this application are as follows:

Building component	Area (GFA)
Kindergarten	398m^2.
Primary 1 & 2	393m^2.
Canteen	305m^2.
Snr Boys	524m^2.
Materials	337m^2.
Visual Arts	337m^2.
Admin/Staff	415m^2.
Gymnasium	1,012m^2.
TOTAL	**3,721m^2**

Landscaping on-site is proposed as follows:

- 12,519m^2 (3941 m^2 (hard); and
- 8578 m^2 (soft)

On-site parking

Total 98 car spaces (including 3 disabled spaces). The allocation of car parking is as follows:

- 62 car spaces for staff and visitors (includes 2 disabled spaces).
- 36 car spaces for student collection by parents (includes 1 disabled space).
- Bicycle parking racks.
- 5 bays for mini-buses (4 located on Pacific Palms Circuit and 1 within the south-western car park.

Hours of Operation
Once fully operational the school will operate between the hours of 7.30am to 6.00pm with classes commencing at 8.30am and finishing at 3.30pm. However there will be staggered school times for primary and high school students, namely:

Primary School

- Staff:- Arrive 8.00am Depart: 4.00pm.
- Students:- Arrive from 8.00am Depart: 3.20pm.
- School Times:- Start - 8.30 am Finish - 3.20 pm.

High School

- Staff:- Arrive: 8.00am Depart: 4.00pm
- Students:- Arrive: 8.35am Depart: 3.40pm
- School Times:- Start: 8.50am Finish: 3.40pm

School Management Plans:
The application includes a School Management Plan and Traffic Management Plan.

Management Plan
The School Management Plan provides an overview of the intended operation of the various aspects of the school including;

- Opening and closing hours:
- Security and safety: The school area is fenced with on-site security personnel 24 hours per day.
- Emergency evacuation: fire, floods etc.
- Supervision of children before and after school.
- Complaints handling register.
- Intention to notify residents within 250metrs of the school if any extra demand for off-street car spaces for any after school activities.
- Litter management plan.
- School Road Safety Program

This plan has been partly amended by the updated traffic management plan is consequent discussions with the applicant. A revised management plan is recommended and has been included as a recommended condition of development consent.

Traffic Management Plan
The document states that the 'aim of the Traffic Management Plan of The Malek Fahd Hoxton Park School is to:

(i) provide ongoing supervision and implement strategies that will assist in traffic, parking and pedestrian management;
(ii) maintain a safe environment and show respect to the surrounding community.

The Plan's objective is to provide for the smooth flow of traffic in and around the School to ensure:
(i) the safety of the school students, staff and parents;
(ii) little or no impact on the School's neighbours;
(iii) spread the flow of traffic to and from the school so as to reduce congestion.

All students, parents, staff and visitors of the Malek Fahd Hoxton Park School will be required to be familiar with the Plan and will be expected to strictly adhere to its guidelines'.

A discussion on traffic management is undertaken later in this report.

Development Application Documentation

A number of specialist reports were submitted as part of the Development Application, namely:

- Acoustic Report;
- Arborist Report;
- Contamination and Salinity;
- Quantity Surveyors Report;
- Landscape Architect;
- Stormwater and Hydraulic Report;
- Traffic and Parking Report;
- Geotechnical Report; and
- Ecological Report.

4. PRELIMINARY ASSESSMENT

Meeting with NSW Police (Green Valley Local Area Command)
A meeting was held with Green Valley LAC as part of assessment and consideration of safer by design principles.

The Green Valley LAC raised concerns related to the following main issues:
- Traffic congestion;
- Maneuvering difficulties for mini-buses;
- Pedestrian safety – school children/parents and residents; and
- Lack of safe and direct pedestrian access from Hoxton Park Road.

The Green Valley LAC raised concern with the level of traffic congestion that is highly likely to occur if the school was approved to operate at the maximum capacity. The Green Valley LAC also advised that after consultation with a number of residences who reside between the school gates and Glenn Innes Rd there are 'already traffic issues being faced by the residence who are unable to leave their homes due to parents parking over their driveways blocking them'. Other concerns relate to the '*foreseeable inability for minibuses to be able to maneuver around the confined road conditions and round about's. It will be required for at least a 3 point turn to be undertaken for them to successfully turn the bus around; This then creates another concern in relation to potential traffic congestions*.'(sic).

As part of consultation with the Green Valley LAC, the following recommendations were put forward:

- An entrance to be added for traffic entering the school from Hoxton Park Road with a one way road leading back out to Pacific Palm Circuit. This will require a deceleration lane to be placed within the school grounds which would require a redesign of the school.
- A pedestrian walkway also to be added onto Hoxton Park Road with a pedestrian bridge to be placed over Hoxton Park Road.
- The school to remain at the same number of students or if D.A is to be approved then the school should only be able to operate as a primary school being Kindergarten to Year 6 students and a restriction be placed on the number of students allowed to be enrolled

at the school. This will dramatically reduce the issue with traffic congestion.

- There are 3 alternative Islamic schools within a 1Okm radius of Hoxton Park, being Green Valley Islamic College Green Valley (K-12), Bellfield College Rossmore (K-8) and Unity Grammar Austral (K-9).

A copy of the comments provided by Green valley LAC are included in Attachment Booklet 2. The issues raised by the Green Valley LAC have been taken into consideration and are addressed later in this report.

Roads and Maritime Services (RMS)
Inaccordance with State Environmental Planning Policy (Infrastructure) 2007, the application was referred to the RMS for consideration pursuant to Clause 104. Comments were forthcoming from the RMS which outlined atht the proposal was considered at the Sydney Regional Development Advisory Committee at its meeting held on 29 August 2012.

Following this meeting comments from the RMS were provided. A copy of the comments provided by RMS is included in Attachment Booklet 2

Office of Water (Primary Industries)
As identified earlier in this report, the proposal is identified as Nominated Integrated Development, as the proposal contains works within 40m of a watercourse. As part of the assessment of the application, comments and General Terms of Approval have been provided from the Office of Water.

A copy of the correspondence and General Terms of Approval are provided in Attachment Booklet 2.

Issues Identified in preliminary assessment
In response to the above and upon completion of the preliminary assessment of the application as made, the following key issues were identified:

Acoustic Impacts

- Staff/visitor parking areas student pick up and set down areas and associated access road.
- Height of boundary fencing and/or treatment of adjoining properties.

Traffic

- Traffic Generation.
- Traffic Impact on Pacific Palm Circuit.
- Intersection Performance.
- Car Parking Demand and Provision.
- Operation of mini-buses.
- Pick-up and Set-down areas.

Engineering Plans

- Amended concept Stormwater drainage plans identifying works completed and yet-to-be constructed; location of discharge pipes and GPT (existing and proposed).

Operations Management Plan

- Preparation of a revised Management Plan that has regard to the implementation, operational and traffic management strategies for the school having regard to the various stages.

Amended Documentation and Design
In response to the issues raised by Council and within the submissions as a result of the community consultation process, the applicant has provided detailed responses to all issues identified by Council.

The applicant has made a number of amendments to the application. The amendments arising following the review are identified as follows:

- Proposed noise mitigation works to nominated adjoining residences;
- Clarification of the location and height of the acoustic barrier along the eastern boundary;
- Revised traffic comments by the Applicants Traffic Engineer;
- Traffic management policy prepared for the School;
- Additional bus bay for mini-buses within Pacific palms Circuit;
- Additional pick-up/drop-off bus bay in the south-western (staff/visitor) car park;
- Review and response to the issues raised by NSW Police;
- Amended engineering (stormwater) plans;
- Amended architectural plans identifying the additional bus bays and acoustic fencing.

5. STATUTORY CONSIDERATIONS

5.1. Zoning

The site is zoned part R2 Low Density Residential and part R3 Medium Density Residential pursuant to LLEP 2008. The site is located immediately to the north of land zoned RE1 Public Recreation. An extract of the LLEP 2008 zoning map is provided in Figure 10 below.

The proposed development satisfies the definition of an educational establishment. Pursuant to LLEP 2008 an ***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.

Educational Establishments are permissible with Council consent in both R2 Low Density Residential and part R3 Medium Density Residential zones
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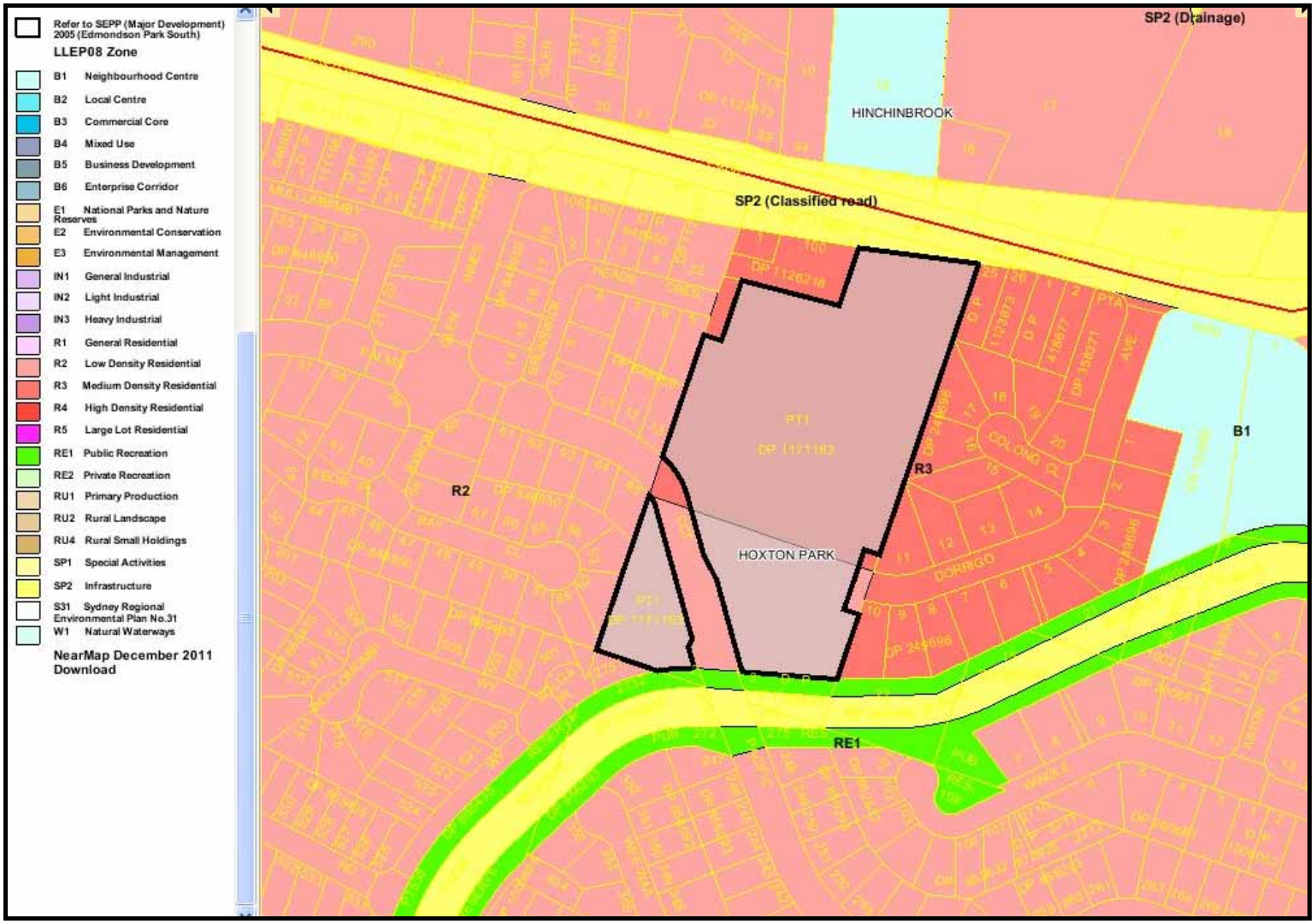

Figure 10 - Extract of LLEP 2008 Zoning Map

5.2. Relevant matters for consideration

The relevant environmental planning instruments and development control plans which are relevant to the proposed development pursuant to Section 79C of the Environmental Planning and Assessment Act 1979 are as follows:

- State Environmental Planning Policy No.55 – Remediation of Land.
- Greater Metropolitan Regional Environmental Plan No. 2 – Georges River Catchment.
- State Environmental Planning Policy (Infrastructure) 2007.
- State Environmental Planning Policy No. 19 – Bushland in Urban Areas
- Liverpool Local Environmental Plan 2008.
- Liverpool Development Control Plan 2008.
    - Part 1.1 - General Controls for all Development.
    - Part 1.2 - Additional General Controls for Development; and
    - Part 3.8 - Non-Residential development in Residential Zones.

6. ASSESSMENT

The development application has been assessed in accordance with the relevant matters of consideration prescribed by Section 79C of the Environmental Planning and Assessment Act 1979 and the Environmental Planning and Assessment Regulation as follows:

6.1. Section 79C(1)(a)(1) – Any Environmental Planning Instrument

(a) State Environmental Planning Policy (SEPP) No. 55 – Remediation of Land

The objectives of SEPP 55 are:

- *to provide for a state wide planning approach to the remediation of contaminated land.*
- *to promote the remediation of contaminated land for the purpose of reducing the risk of harm to human health or any other aspect of the environment.*

Pursuant to the above SEPP, Council must consider:

- whether the land is contaminated.
- if the land is contaminated, whether it is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the proposed use.

The proposal involves a change in the use of the land, which was historically used for rural activities (market gardening) and consequently under the SEPP 55 guidelines is considered to be a site that could potentially be contaminated.

A Validation Assessment has been submitted with the application [REF. E22166K-val, dated May 2010, by Environmental Investigation Services (EIS)] (the '**2010 EIS Report'**). The 2010 EIS Report was prepared in response to earlier environmental assessments (Stage 1 Environmental Assessment dated June 2008, Additional Assessment dated Sept. 2008, and Additional Assessment dated November 2009) undertaken as part of the previous application (DA346/2009). The 2008 and 2009 Reports encountered elevated concentrations of polycyclic aromatic hydrocarbons (PAHs) in one section of the site.

The purpose of the 2010 EIS Report was to validate the removal of contaminated fill material from the investigation area (in the northern portion of the site). The area of identified contamination was excavated to remove fill material to depths of between 0.5m and 1.1m. The remediation area measured approximately 605m^2 and approximately 930 tonnes was removed from the site by a remediation contractor to a recognised landfill. Validation samples were taken from the base and walls of the excavation following removal of the fill and the validation report stated 'that from a contaminated soil viewpoint the site is considered to be suitable for the proposed land use.'

An additional 'Confirmation of the Report' correspondence from EIS (dated 11 July 2012) has been submitted. The purpose of this latest correspondence is to review the previous reports undertaken and confirm whether the content and findings of the report can be relied upon, given length of time that has transpired since the 2008 reports.

The 2012 correspondence states that:

> *'An inspection of the site was undertaken on the 10 July 2012. The site had changed significantly since the completion of the validation works in 2010. The site levels had been raised and a number of buildings and a new road had been constructed on the site.*
>
> *The inspection did not encounter any obvious signs of potential contamination (eg odorous/stained soil or fragments of fibre cement sheeting)'.*

It was further noted that:

> *'Following the successful validation of the site undertaken in 2010 EIS understand that the site levels were raised by the importation of fill material. EIS were not involved in supervision of this. We have recently been forwarded three reports relating to the source and analysis of this material……These reports indicated that the material that was analysed did not contain elevated concentrations of the contaminants tested for'.*
>
> *Assuming that the data in the subsequent reports on the imported fill material is correct and is an accurate reflection of the chemical content of the imported fill then the risk of contaminated fill being bought onto site after completion of the validation by EIS would appear to be low.*
>
> *EIS also understand that following completion of the validation works the site was secured and that no unauthorised tipping took place.*
>
> *Therefore with regard to the condition of the site following completion of the remediation works EIS are of the opinion that the validation report can still be relied upon'.*

Accordingly, Council is required to undertake a merit assessment of the proposed development. The following table summarises the matters for consideration in determining development application (pursuant to Clause 7 of the SEPP 55).

Clause 7 Contamination and remediation to be considered in determining development application	Comment
(1) A consent authority must not consent to the carrying out of any development on land unless:	
(a) it has considered whether the land is contaminated, and	The applicant has provided evidence that the site was previously used as market gardening and therefore could potentially be contaminated.
(b) if the land is contaminated, it is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out, and	An environmental assessment report was undertaken in 2009 and accompanied by subsequent validation reports. These reports have been assessed by EIS, the company that prepared the 2009 report Remediation works were undertaken and a Validation assessment submitted to verify remaining material is suitable for the proposed use. EIS is satisfied that the risk of contaminated fill being bought onto site after completion of the validation would appear to be low.
(c) if the land requires remediation to be made suitable for the purpose for which the development is proposed to be carried out, it is satisfied that the land will be remediated before the land is used for that purpose.	The development is ongoing and consequently further validation reports will be required prior to the completion of each stage of the development to ensure that the site is suitable for the proposed use.

Council's Environmental Health Officer has reviewed the matter and considers that this matter can be addressed by conditions of consent. Specifically a validation report confirming the sites suitability for the school will be required to be submitted prior to the issue of an occupation certificate for each stage of the development.

In consideration of all of the above, it is considered that the relevant heads of consideration required by SEPP 55 have been made and that with appropriate conditions the site is suitable for an educational establishment.

(b) Greater Metropolitan Regional Environmental Plan No. 2 – Georges River Catchment (now deemed SEPP).

The Greater Metropolitan Regional Environmental Plan No. 2 – Georges River Catchment generally aims to maintain and improve the water quality and river flows of the Georges River and its tributaries.

When a consent authority determines a development application, planning principles are to be applied (Clause 7(2)). Accordingly, a table summarising the matters for consideration in

determining a development application (Clause 8 and Clause 9), and compliance with such is provided below.

Clause 8 General Principles	Comment
When this Part applies the following must be taken into account:	Planning principles are to be applied when a consent authority determines a development application.
(a) the aims, objectives and planning principles of this plan,	The plan aims generally to maintain and improve the water quality and river flows of the Georges River and its tributaries.
(b) the likely effect of the proposed plan, development or activity on adjacent or downstream local government areas,	A Concept Stormwater Drainage and Flood Study has been submitted with the application. The site is classified as a Low Flood Risk as it is not inundated by the 1 in 100yr flood event but is still at risk from the Probable Maximum Flood (PMF) flood event. Erosion and sediment control measures will be required during construction and the drainage concept includes Gross pollutant Traps.
(c) the cumulative impact of the proposed development or activity on the Georges River or its tributaries,	The proposal provides a stormwater management system that will connect to the existing system. Additionally the land use change from agricultural to educational uses provides the opportunity for site remediation.
(d) any relevant plans of management including any River and Water Management Plans approved by the Minister for Environment and the Minister for Land and Water Conservation and best practice guidelines approved by the Department of Urban Affairs and Planning (all of which are available from the respective offices of those Departments),	The site is located within an area covered by the Liverpool District Stormwater Management Plan, as outlined within Liverpool City Council Water Strategy 2004.
(e) the *Georges River Catchment Regional Planning Strategy* (prepared by, and available from the offices of, the Department of Urban Affairs and Planning),	The proposal includes a Stormwater Concept plan. There is no evidence that with imposition of mitigation measures, the proposed development would affect the diversity of the catchment.
(f) all relevant State Government policies, manuals and guidelines of which the council, consent authority, public authority or person has notice,	General Terms of Approval have been issued by the NSW Office of Water.
(g) whether there are any feasible alternatives to the development or other proposal concerned.	The site is located in an area nominated as being generally suitable for use as an educational establishment (along with other uses).

Clause 9 Specific Principles	Comment
(1)Acid sulfate soils	The land is not identified as containing acid sulphate soils on LEP 2008 Acid Sulphate Soil mapping.
(2)Bank disturbance	The site is located to the north of an unnamed tributary of Cabramatta creek, which feeds the Georges River. The Office of Water has included its General Terms of Approval in respect of the any rehabilitation. Though it is noted that the purpose of this application is that no works occur outside the site boundaries.
(3) Flooding	The site contains flood affected land. The site has been partly filled with known contaminants having been removed the fill placed on the site is considered clean. Ongoing remediation will be required as part construction activities and therefore potential pollution hazard due to flooding is considered to be minimal.
(4) Industrial discharges	As outlined within the contamination report, the past uses included agricultural uses. The proposal includes remediation of the site to make suitable for intended educational use.
(5) Land degradation	An erosion and sediment control plan will be required during construction to manage salinity and minimise erosion and sediment loss. The proposal includes remediation of the site to minimise any impacts on ground and surface water. The site is mapped as having a moderate salinity (acid sulphate) potential on the DIPNR map (2003). Accordingly appropriate salinity management will need to be incorporated.
(6) On-site sewage management	Not applicable.

(7) River-related uses	The proposal does not prevent access to the foreshore area by the public.
(8) Sewer overflows	Not applicable.
(9) Urban/stormwater runoff	A Stormwater Concept Plan has been prepared. The design includes the necessary Gross Pollutant Traps.
(10) Urban development areas	The site is not identified as being located within the South West Growth Centre within the Metropolitan Strategy. The site is not identified as being an Urban Release Area under LEP 2008.
(11) Vegetated buffer areas	The site is located within a Vegetated Buffer Area as defined within GREPNo. 2 (*Development on land within the Catchment that adjoins, and is within 100 metres of, a drainage line, creek, wetland or river foreshore area within the Catchment).* The Office of Water has included its General Terms of Approval in respect of the any rehabilitation that may be required along the southern boundary.
(12) Water quality and river flows	A Stormwater Concept Plan has been prepared. The design includes the necessary Gross Pollutant Traps.
(13) Wetlands	Not applicable.

It is considered that the proposal satisfies the provisions of the GMREP No.2 subject to site remediation and appropriate sedimentation and erosion controls during construction, the development will have minimal impact on the Georges River Catchment.

(c) State Environmental Planning Policy (Infrastructure) 2007

The proposed development is subject to the provisions of State Environmental Planning Policy (Infrastructure) 2007 (Infrastructure SEPP). The following summarises consideration of the relevant provisions during the assessment of the development application:

CLAUSE	PROVISIONS	COMMENT
Clause 32 – Educational Establishments	In accordance with clause 32, before determining a development application for development for the purposes of a school, the consent authority must take into consideration all relevant standards in the following State government publications: (a) School Facilities Standards—Landscape Standard—Version 22 (March 2002), (b) Schools Facilities Standards—Design Standard (Version 1/09/2006), (c) Schools Facilities Standards—Specification Standard (Version 01/11/2008).	*School Facilities Standards—Landscape Standard* contains four main principles, namely: 1. Principles to create a sense of place 2. Principles for a safe landscape 3. Principles for a sustainable landscape 4. Principles for a cost effective landscape *Schools Facilities Standards—Design Standard* addresses the matters including design factors, external materials and finishes, window openings, services, installation fittings, and site works. It establishes a performance requirement for each of the technical components and includes reference to the relevant BCA and Australian Standards such as section J Energy Efficiency. The remaining sections of the school to be constructed will be required to comply with the Building Code of Australia and it is considered that this is sufficient to satisfy the intent of this particular standard. *Schools Facilities Standards—Specification Standard* deals specifically with contractual specifications and standards for proposed schools. The information provided in the application does not detail the contractual arrangements of the school however given the circumstances of this application having been previously approved in 2009, it is not considered that strict adherence to the standard is necessarily essential in this particular case. As discussed in this report it is considered that the design of the school follows that the general principles as outlined in the above publications. Specifically the placement and

		orientation of buildings is a response to solar and climate conditions; and there are circulation routes and numerous indoor and outdoor zones providing a functional internal network integrated with landscaping both active and passive. The external appearance architectural features of the school have been designed to develop a unified theme that responds to the suburban context of surrounding buildings.
Clause 101 - Development with frontage to classified road	*(1) The objectives of this clause are:* *(a) to ensure that new development does not compromise the effective and ongoing operation and function of classified roads, and* *(b) to prevent or reduce the potential impact of traffic noise and vehicle emission on development adjacent to classified roads.* *(2) The consent authority must not grant consent to development on land that has a frontage to a classified road unless it is satisfied that:* *(a) where practicable, vehicular access to the land is provided by a road other than the classified road, and* *(b) the safety, efficiency and ongoing operation of the classified road will not be adversely affected by the development as a result of:* *(i) the design of the vehicular access to the land, or* *(ii) the emission of smoke or dust from the development, or* *(iii) the nature, volume or frequency of vehicles using the classified road to gain access to the land, and* *(c) the development is of a type that is not sensitive to*	There is a small parcel land (recently acquired by the RMS) separating the school site from Hoxton Park Road (Lot 44 DP 1123873) consequently there is no direct access to Hoxton Park Road and the school will not directly impact upon the operation or function of this Road. A Noise Impact Assessment undertaken by SLR Consulting (July 2012) has considered the potential impacts on traffic noise upon the school and concludes that using standard construction materials (masonry/brick veneer with standard 4mm glazing) internal noise levels of 39dBA can be achieved. The acoustic engineer is satisfied that this will satisfy the acoustical requirements of the SEPP and is also compliant with the internal noise levels stipulated in AS2107:2000 *Recommended Design Sound levels and Reverberation Times for Building Interiors*. An Air quality report that considered emissions from Hoxton park Road was also undertaken by SLR Consulting (August 2012). It identified management measures that the School can implement to assist in minimising exposure and confirms that '*the nitrogen dioxide levels in the vicinity of the school meets the ambient air quality goals as determined by NSW OEH and other regulatory authorities (NEPC)*'.

	traffic noise or vehicle emissions, or is appropriately located and designed, or includes measures, to ameliorate potential traffic noise or vehicle emissions within the site of the development arising from the adjacent classified road.	It is considered that the school development will not *compromise the effective and ongoing operation and function of classified roads, and will not be adversely impacted by traffic noise and vehicle emissions.*
Clause 102 – Impact of road noise or vibration on non-road development	*) This clause applies to development for any of the following purposes that is on land in or adjacent to the road corridor for a freeway, a tollway or a transitway or any other road with an annual average daily traffic volume of more than 40,000 vehicles (based on the traffic volume data published on the website of the RTA) and that the consent authority considers is likely to be adversely affected by road noise or vibration:*	The development is not currently adjacent to a road with an annual average daily traffic volume of more than 40,000 vehicles as Hoxton Park Road 2005 annual average daily traffic volumes are reported at 32,243 vehicles per day (Traffic Solutions Report). However the Noise Impact Assessment undertaken by SLR Consulting (July 2012) as discussed previously has concluded that impacts from road noise are considered satisfactory.
Clause 104 Traffic-generating development	The SEPP requires the consent authority to consider: *(ii) the accessibility of the site concerned, including:* *(A) the efficiency of movement of people and freight to and from the site and the extent of multi-purpose trips, and* *(B) the potential to minimise the need for travel by car*	The school has more than 50 children and therefore constitutes a proposal specified within Column 2 of Schedule 3. Accordingly the application was referred to the Roads and Maritime Services and correspondence received on 25 September 2012. The matters raised by the RMS have been taken into consideration relevant matters have been included as a condition of consent. A

	and to maximise movement of freight in containers or bulk freight by rail, and *(iii) any potential traffic safety, road congestion or parking implications of the development.*	copy of the RMS advice is attached to this report. Traffic related matters, including the above items, are addressed within this report and the Applicant's Traffic Consultant has specifically responded to each of the issues raised by the RMS by letter dated 25 September 2012. It is considered that this assessment has considered the provisions of this subclause.

(d) State Environmental Planning Policy No. 19 – Bushland in Urban Areas

The general aims of SEPP19 are:

(1*) to protect and preserve bushland within the urban areas*
(a) its value to the community as part of the natural heritage,
(b) its aesthetic value, and
(c) its value as a recreational, educational and scientific resource.

Bushland is defined as '*land on which there is vegetation which is either a remainder of the natural vegetation of the land or, if altered, is still representative of the structure and floristics of the natural vegetation.*

Clause 4(2) states: *A reference in this Policy to bushland zoned or reserved for public open space purposes is a reference to bushland within an area or zone identified by an environmental planning instrument as open space (other than for private recreation).*

Pursuant to clause 6 (Consent to disturb bushland zoned or reserved for public open space), works within bushland zoned or reserved for public open space purposes requires the consent of the council. Subclause 6(4) provides that Council shall not consent to work unless:
(a) it has made an assessment of the need to protect and preserve the bushland having regard to the aims of this Policy,
(b) it is satisfied that the disturbance of the bushland is essential for a purpose in the public interest and no reasonable alternative is available to the disturbance of that bushland, and
(c) it is satisfied that the amount of bushland proposed to be disturbed is as little as possible and, where bushland is disturbed to allow construction work to be carried out, the bushland will be reinstated upon completion of that work as far as is possible.

The site adjoins land to the south zoned RE1 Public Recreation under LEP 2008. The application is accompanied by a report prepared by UBM Ecological Consultants which identifies the school site as located immediately to the north of land (ie the drainage reserve) containing remnant Cumberland River-flat forest (CRFF) that occupies an area of 2,664m^2 (0.27 hectares). The school car park is 'about 7 metres from vegetation' and the school buildings 'at least 50 metres from the vegetation'.

Figure 11: Extract of LLEP 2008 zoning map

UBM Ecological Consultants state that 'the vegetation in the open space reserve does not strictly comply with the definition of 'bushland' under the Policy. The native shrub layer and ground cover layers are substantially lacking, and have been replaced with woody weeds and introductions of mainly agricultural origin. However, under the precautionary principal, the remnant native vegetation has been considered under SEPP-19.' It should be noted that the SEPP 19 assessment undertaken by UBM considers the construction of the proposed road culvert. As stated previously the culvert is not part of this application however the assessment is still relevant in terms of identifying the quality of the adjoining bushland and therefore potential impacts caused as a consequence of works associated with this development

The existing pipe network draining Pacific Palms Circuit discharges to the creek and the proposed works within the adjoining reserve are limited to a discharge pipe (Ø225) and point of discharge (headwall and scour protection) for storm water works adjoining the south-eastern corner of the site.

Council is required to undertake a merit assessment of the proposed development against Clause 9 Land adjoining land zoned or reserved for public open space. The following Table identifies the matters for consideration.

9 Land adjoining land zoned or reserved for public open space	Comment
(1) This clause applies to land which adjoins bushland zoned or reserved for public open space purposes.	The site adjoins land to the south zoned RE1 Public Recreation.
(2) Where a public authority: (a) proposes to carry out development on land to which this clause applies, or (b) proposes to grant approval or development consent in relation to development on land to which this clause applies, the public authority shall not carry out that development or grant the approval or development consent unless it has taken into account:	The application involves granting of development consent on land to which this clause applies.
(c) the need to retain any bushland on the land,	The Annexure (annexure A) to the Statement of Environmental Effects identifies there is no native vegetation on the site. The additional discharge pipe and point of discharge does not result in the removal of any existing trees.
(d) the effect of the proposed development on bushland zoned or reserved for public open space purposes and, in particular, on the erosion of soils, the siltation of streams and waterways and the spread of weeds and exotic plants within the bushland, and	A proposed gross pollutant trap is part of a integrated stormwater drainage concept which includes suitable treatment to ensure that water quality targets including reduction of total suspended solids phosphorus nitrogen and litter are met in accordance with councils requirements.

9 Land adjoining land zoned or reserved for public open space	Comment
(e) any other matters which, in the opinion of the approving or consent authority, are relevant to the protection and preservation of bushland zoned or reserved for public open space purposes.	The proposed works do not result in the removal of any significant vegetation and the proposed discharge point has been based on engineering designs providing the most logical location given the sites topography. The NSW Office of Water has issued its general terms of approval and a condition has been imposed to ensure that the disturbed areas within the reserve are suitably rehabilitated.

(e) Liverpool Local Environmental Plan 2008

As stated previously the site is zoned part R2 Low Density Residential and part R3 Medium Density Residential under Liverpool LEP 2008. The proposed development is defined as *an educational establishment*, which is permissible with Council consent in both zones.

Zone Objectives
The objectives of the R2 Low Density Residential zone are identified as follows:

- *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 provide a suitable low scale residential character commensurate with a low dwelling density.*
- *To ensure that a high level of residential amenity is achieved and maintained.*

The objectives of the R3 Medium density residential zone are identified as follows:

- *To provide for the housing needs of the community within a medium density residential environment.*
- *To provide a variety of housing types within a medium density residential environment.*
- *To enable other land uses that provide facilities or services to meet the day to day needs of residents.*
- *To provide for a concentration of housing with access to services and facilities.*
- *To provide for a suitable visual transition between high density residential areas and lower density areas.*
- *To ensure that a high level of residential amenity is achieved and maintained.*

It is considered that the proposed development is not inconsistent with the zone objectives. In respect to considerations concerning residential amenity, residential amenity has been considered in terms of the following:

- Scale, Bulk, Design, Height and Landscaping;
- School Management and Operations;
- Traffic Generation and On-site Car Parking;
- Privacy, Noise, Dust, and Odour;
- Contamination;
- Flooding and Drainage; and
- Overshadowing.

These issues have been assessed and are canvassed in detail later in this report.

Principle Development Standards
The following principle development standards are relevant to the proposed development: An extract of the Height of Buildings Map and Maximum Floor Space Ratio Map are provided in Figures 12 and 13 below.

CLAUSE	REQUIRED	PROPOSED	COMPLIANCE
PART 4			
Clause 4.3 Height of buildings	LEP maps indicate site is within area I (8.5 metres) height restriction.	The tallest building is the Gym and Performing Arts Building (Stage 6) which has a height of RL42.0m. The current ground level is around RL33.50m to RL34.17m resulting in an overall height of 7.96m to 8.5m. However when considering the original ground levels the Gym and Performing Arts Building has a height of between 9.2m to 9.67.	No. Variation sought.
Clause 4.4 Maximum floor space ratio	LEP maps identify site as requiring FSR of 0.6:1. Site is partly located within area 2 – However clause 4.4 does not apply to schools.	Gross Floor Area (includes ground & 1st floors) = 7,345m^2. Site area = 20,315m^2. FSR 0.36:1.	Yes.
Clause 4.6 Exceptions to development standards	Allows Consent to be granted subject to the provision of this clause.	Issue regarding the height of the gym building based upon the predevelopment ground levels	Yes.

Figure 12: Height of Buildings Map (extract from LLEP 2008)

Figure 13: Maximum Floor Space Ratio (extract from LLEP 2008)

Comment of Variation to Clause 4.3 – Height of Buildings
The maximum height for a building on this site is 8.5 metres. The building height is measured from existing .ground level to the highest-point of any building. Given the unusual circumstances surrounding this development and the recent site works under a now invalid consent, the height could be measured for either the pre-2009 level or the current 2012 level.

The tallest building is the Gym and Performing Arts Building (Stage 6) which has a parapet height of RL42.0m. The current ground level is around RL33.50m to RL34.17m resulting in a compliant overall height of 7.96m to 8.5m. However when considering the original ground levels of between RL32.30m and RL32.80m the Gym and Performing Arts Building has a height of between 9.2m to 9.67.

Based upon the 2009 ground levels the Performing Arts Building exceeds the 8.5m height limit by up to approximately 1.17m; a 13% variation to the building height development standard.

The applicant has lodged a written request for an exemption to the building height development standard, including justification that compliance is unreasonable and unnecessary in the circumstances, and that sufficient environmental planning grounds exist to justify non-compliance. This request has been made pursuant to Clause 4.6 of LLEP 2008 which provides opportunity for the consent authority to depart from a development standard subject to the objectives and standards prescribed by Clause 4.6 are satisfied.

The objectives of Clause 4.6 are:

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

Clause 4.6(3) prescribes that:

Development consent must not be granted for development that contravenes a development standard unless the consent authority has considered a written request from the applicant that seeks to justify the contravention of the development standard by demonstrating:
(a) that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and
(b) that there are sufficient environmental planning grounds to justify contravening the development standard.

The applicant's submission included the following justification for exceedance of the building height development standard:

Clause 4.3 of Liverpool Local Environmental Plan 2008 has the objectives of providing an appropriate degree of flexibility in applying certain development standards to particular development to achieve outcomes for and from development by allowing flexibility in particular circumstances.

In this case the development standard relates to the height of a building in the plans for a school on the subject site at 612 Hoxton Park Road. The proposed building is a gymnasium and performing arts building that requires a high floor to ceiling dimension. It is located in the centre of the site. Although the ground level at the location is above the 1 in 100 flood level it is below the projected pmf level and under Council's policy the site has to be filled to the pmf level. Hence the particular building exceeds the height limit of 8.5 metres above the natural ground level.

Maximum height of any building is 8.5M above existing ground line in accordance with LEP with reference to Architectural Drawing No's DA201 Rev.C & DA202 Rev.C: with the exception of the centrally located Gymnasium & Performing Arts Building all buildings do not exceed an 8.5M height limit above amended/proposed ground lines. The Gymnasium & Performing Arts exceeds the height limitation by about 800mm in part.

We wish to bring to Councils attention that the Building Height Conditions above existing ground line have been exacerbated by a requirement for buildings and site to be filled/located above the Probable Maximum Flood Level as confirmed by our Civil Works Consultant with Council and with reference to the Cabramatta Floodplain Management Study. In part, studies indicate that nearly 2.0 metres of fill on the existing ground will be required on the site of the Gymnasium & Performing Arts Building to elevate it to required levels.

The building has been designed to provide a 'clear of obstructions' internal height of 7M in accordance with The NSW Dept. of Educations – Secondary School Facilities Standards. To this end and allowing for the economics of structure the building is designed to be no higher than is absolutely necessary.

The subject building has been sited centrally & nestled amongst complying two storey facilities, courtyards & landscaped areas in order to modulate any sense of the buildings mass and height. i.e the Gymnasium & Performing Arts Building is not a stand alone building and surrounding covered walkway linkages and buildings have been placed to sensitively conceal those higher parts of the building. Additionally and due to its siting there are no issues of overshadowing of residential properties. Refer DA501 Rev.B & DA502 Rev.B.

It is noted that only part of the subject building exceeds the height standard and its central location ensures there is no impact on the neighbours. For the efficient functioning of the School, the building needs to be centrally located in the school complex.

Given the circumstances described above, it is argued that compliance with the development standard is unreasonable and unnecessary in the circumstances of this case and there are sufficient environmental planning grounds to justify the contravention of the height development standard. Indeed in the circumstances of the current economic climate there are pressing reasons for allowing this project to proceed even with the minor contraventions of the height standard.

Having regard to the above and pursuant to clause 4.6 Exceptions to development standards, it is considered acceptable. Accordingly the design is supported as it is consistent with the objectives of clause 4.6 and on this basis the variation to the maximum building height is considered acceptable.

Miscellaneous provisions
The following miscellaneous provisions are relevant to the proposed development:

CLAUSE	REQUIRED	PROPOSED	COMPLIANCE
PART 5			
Clause 5.9 Preservation of trees or vegetation	Preserve the amenity of the area through the preservation of trees and other vegetation.	Site does not contain any significant trees or vegetation.	Yes.

Additional Local provisions
The following local provisions are relevant to the proposed development. A copy of Council's Flood Mapping is provided in Figure 14 and Figure 15.

CLAUSE	REQUIRED	PROPOSED	COMPLIANCE
PART 7			
General Provisions			
7.6 Environmentally significant land	Applies to development on environmentally significant land.	The site does not contain land identified in LEP 2008 mapping as environmentally significant.	Not Applicable.
7.7 Acid sulfate soils	Applies to land nominated on acid sulfate soils mapping.	The site is not nominated in LEP 2008 mapping as containing acid sulfate soils.	Not Applicable.
7.8 Flood Planning			
	(a) will not adversely affect flood behaviour and increase the potential for flooding to detrimentally affect other development or properties, and	The proposed development does not involve any filling within the 1%AEP flood affected area, and all proposed fillings will be within the PMF zone. Therefore, proposed filling complies with Council's flood policy.	Yes.
	(b) will not significantly alter flow distributions and velocities to the detriment of other properties or the environment, and	Pre and Post development flows have been calculated and considered satisfactory.	Yes.

CLAUSE	REQUIRED	PROPOSED	COMPLIANCE
	(c) will enable the safe occupation and evacuation of the land, and	The floor levels of all buildings will be above the Probable Maximum Flood (PMF). An evacuation plan shall be required as a condition of consent.	Yes.
	(d) will not have a significant detrimental affect on the environment or cause avoidable erosion, siltation, destruction of riparian vegetation or a reduction in the stability of any riverbank or watercourse, and	The scour protection treatment at the discharge outlet will ensure that there are no adverse impacts upon the adjoining drainage channel.	Yes.
	(e) will not be likely to result in unsustainable social and economic costs to the flood affected community or general community as a consequence of flooding, and	The development, including the proposed land filling is in accordance with Council's policy.	Yes,
	(f) if located in the floodway, will be compatible with the flow of flood waters and with any flood hazard on that	Not located in a floodway.	Not Applicable.
7.31 Earthworks	Consider impact of earthworks;		
	(a) the likely disruption of, or any detrimental effect on, existing drainage patterns and soil stability in the locality,	No anticipated impacts.	Yes.

CLAUSE	REQUIRED	PROPOSED	COMPLIANCE
	(b) the effect of the proposed development on the likely future use or redevelopment of the land,	Site is unlikely to be redeveloped however the placement of the buildings and the use does not prevent redevelopment.	Yes.
	(c) the quality of the fill or the soil to be excavated, or both,	The fill to be imported is required to be free of contaminates. This matter will be conditioned.	Yes.
	(d) the effect of the proposed development on the existing and likely amenity of adjoining properties,	The likely impacts relate to increased traffic and noise related issues. These matters are addressed later in the report however on balance it is not considered that they warrant refusal of the application.	Yes.
	(e) the source of any fill material and the destination of any excavated material,	Any material to be imported will be required to be certified. Any material to be removed will be required to be taken to an approved land fill facility.	Yes.
	(f) the likelihood of disturbing relics,	The land has been significantly disturbed with existing activities and consequently it is unlikely that there are any relics.	
	(g) the proximity to and potential for adverse impacts on any watercourse, drinking water catchment or environmentally sensitive area.	No anticipated impacts.	Yes.

Figure 14: Extract of land identified to be subject to Council's Flood Policy

Figure 15: Extract of identified Flood Risk

6.2. Section 79C(1)(a)(ii) - Any Draft Environmental Planning Instrument

No draft Environmental Planning Instruments apply to the site.

6.3. Section 79C(1)(a)(iii) - Provisions of any Development Control Plan

Part 1.1- General Controls for all Development; Part 1.2 - Additional General Controls for Development; Part 2.2 – Carnes Hill, Hoxton park and Prestons Residential Release Areas; and 3.8 - Non-Residential development in residential zones, of Liverpool Development Control Plan 2008 apply to the proposed development and prescribe standards and criteria relevant to the proposal.

Part 2.2 – Carnes Hill, HoxtonPark and Prestons Residential Release Areas – this document relates primarily to subdivision and residential development and consequently does not contain any provisions relevant to the subject application, rather the controls for the school are captured in Part 3.8.

The following compliance table outlines compliance with these controls.

PART 1.1 – GENERAL CONTROLS FOR ALL DEVELOPMENT		
CONTROLS	**COMMENT**	**COMPLIES**
2.TREE PRESERVATION	There are presently no trees on site	Yes.
3.LANDSCAPING	A landscape Plan has been submitted with the application. It will required to be updated to reflect recent amendments to the parking layout and acoustic treatment along the eastern boundary.	Yes, with conditions.
4.BUSHLAND AND FAUNA HABITAT PRESERVATION	The proposal does not involve the development of land identified as bushland, or containing threatened communities or habitat.	Yes.
5.BUSH FIRE RISK	The site is not affected by bushfire as identified on the Bushfire Prone Land Map.	Yes.
6.WATER CYCLE MANAGEMENT	Stormwater Drainage plan submitted. No On-site Detention is required. Gross Pollutant traps are proposed as required. These matters are addressed later in the Report and can be addressed in the conditions of consent.	Yes, with conditions.
7.DEVELOPMENT NEAR CREEKS AND RIVERS	The subject site directly adjoins an unnamed tributary of Cabramatta Creek to the south (Creek A) however there are no anticipated impacts upon this channel as discussed in the report as the proposal (as conditioned) is fully contained within the site.	Yes, with conditions.
8.EROSION AND SEDIMENT CONTROL	An Erosion and sediment control plan will be required	Yes, with conditions.
9.FLOODING RISK	Is identified on LEP mapping as flood affected however the proposed development does not involve any filling within the 1%AEP flood affected area, and	Yes, with conditions.

PART 1.1 – GENERAL CONTROLS FOR ALL DEVELOPMENT		
	all proposed fillings will be within the PMF zone. Therefore, proposed filling complies with Council's flood policy.	
10.CONTAMINATION LAND RISK	A Validation Assessment has been submitted with the application including a supplementary 'Confirmation of the Report' (dated 11 July 2012) accompanies this application. The submitted report confirms that contamination issues on the site are unlikely to be significant The Report found that the fill material imported did not contain elevated concentrations of contaminants tested for.	Yes, with conditions.
11.SALINITY RISK	The site is mapped as having a moderate salinity (Salinity Potential in Western Sydney 2002 DIPNR mapping). Accordingly appropriate salinity management will need to be incorporated.	Yes.
12.ACID SULFATE SOILS RISK	The subject site is not identified on the Acid Sulfate Soils Map.	Not Applicable.
13.WEEDS	There are no identified noxious weeds.	Yes.
14.DEMOLITION OF EXISTING DEVELOPMENT	No demolition proposed	Not Applicable.
15.ON-SITE SEWERAGE DISPOSAL	No on-site sewage proposed.	Not Applicable.
16.ABORIGINAL ARCHAEOLOGY	No identified heritage item or conservation area identified on the site.	Not Applicable.
17.HERITAGE AND ARCHAEOLGICAL SITES	The subject site does not contain any listed heritage item.	Yes.
18.NOTIFICATION OF APPLICATIONS The development application is identified as 'Notified Development' requiring notification.	The proposal has been advertised twice in accordance with this component of LDCP 2008. Submissions received during the exhibition period are canvassed later in this report.	Yes

PART 1.2 – ADDITIONAL GENERAL CONTROLS FOR DEVELOPMENT		
CONTROLS	**PROVIDED**	**COMPLIES**
1.PRELIMINARY	Applies to proposed development.	Yes.
2.CAR PARKING: **Educational Establishments** Rural, Residential & Industrial zones: 1 space per 1 staff member, plus 1 space per 30 students. Car parking is to be convenient to the distribution of destinations on campus. A traffic and car parking report will be required, as these uses are land intensive, including student car traffic generation.	Proposal involves an educational establishment in a residential zone. 50 staff proposed = 50 spaces. 1 space/30 students = 800/30 or 26.6 or 27 spaces. Required = 77 spaces. 98spaces provided. A traffic and car parking report has been submitted.	Yes.
An outdoor car park with 20 or more car parking spaces must include at least 1 tree per 10 car parking spaces.	Trees are proposed to be located within the car parking area in a manner that is considered satisfactory..	Yes.
Disabled parking: 2 per 100 spaces Community, Recreation, Accommodation or Education	3 disabled spaces proposed.	Yes.
Loading and unloading	Whilst the Statement of Environmental Effects identifies that a *delivery bay area will be provided at the end of the set-down/pick-up facility'* 'it is not identified on the plans. This can be conditioned to be provided.	Yes.
3.SUBDIVISION OF LAND AND BUILDINGS	Not proposed.	Not Applicable.
4.WATER CONSERVATION	The Stormwater Drainage and Flood Report indicates site drainage is divided into four catchments with Catchments A, B and C draining to Creek A and Catchment D draining to Hoxton Park Road. A 50,000L rainwater tank proposed. Rainwater tank to provide irrigation to outdoor recreation areas. Excess irrigated water will enter system through sub-surface drainage and vegetated swales prior to discharge to Hoxton Park Road.	Yes.

PART 1.2 – ADDITIONAL GENERAL CONTROLS FOR DEVELOPMENT		
5.ENERGY CONSERVATION Non-residential: To comply with the Building Code of Australia energy efficiency provisions, natural light, passive solar design etc.	Application will be required to comply with the BCA. This matter can be addressed by conditions of consent.	Yes.
6.LANDFILL	Part of the site has been filled to provide a level for the buildings above the 1 in 100 year flood. A Validation report has been submitted to validate the removal of contaminated fill material from the site. Suitable conditions of consent have been included to ensure that any fill material imported onto the site is properly compacted and clean.	Yes.
7.WASTE DISPOSAL AND RE-USE FACILITIES	A Waste Management Plan has been provided. A suitable condition of consent has been included for the submission of an updated WMP to address quantity of materials and works at each stage.	Yes.
8.OUTDOOR ADVERTISING AND SIGNAGE	No signage is proposed. A separate application will be required for any signs.	Not Applicable.

PART 3.8 - NON RESIDENTIAL DEVELOPMENT IN RESIDENTIAL ZONES		
CONTROLS	**PROVIDED**	**COMPLIES**
3.EDUCATIONAL ESTABLISHMENTS		
3.1 Minimum site frontage 60metres	Site frontage 115metres approximately to Pacific Palms Circuit and 62metres approximately to Hoxton park Road. Bus set down and pick up areas located on Pacific Palm circuit. Car set down and pick up located within the site.	Yes.
Minimum length of 40m for a single bus bay.	2 x Bus bays on Pacific Palm Circuit – One measures 22metres with 6metre tapers at each end (34m) – this can accommodate 3 x 5.2metre mini buses or a 12.5metre coach. The second measures 22metres with a 7.5metre and 15metre taper (44.5m). This can accommodate 2 x 5.2metre mini buses.	Yes.
Additional frontage may be required at the equivalent of 12m per bus, written advice required from Dept. of transport stating the minimum requirements.	Not Applicable	Not Applicable.
3.2 SITE PLANNING		
Site Location		
Should be located within general vicinity of recreation areas;	Located approx. 400metres to the west of Brownes Farm Reserve (sporting fields under construction).	Yes.
Within proximity of public transport;	The site is serviced by a bus route and located approximately 9kilometres to the west of Casula and Liverpool Train Stations.	Yes.
On corner lots; and	Not located on a corner lot.	No.
On streets with widths that permit adequate safe manoeuvrability of vehicles & lines of sight for pedestrians, cyclists, on approach streets within the road hierarchy such as on collector streets.	Traffic report submitted that indicates the proposed site design is suitable for proposed use. Councils Traffic Engineers have assessed the proposal and have confirmed that the road widths are adequate for the proposed development.	Yes.
Where traffic control devices do not	Traffic control devices exist on Pacific	Yes.

PART 3.8 - NON RESIDENTIAL DEVELOPMENT IN RESIDENTIAL ZONES		
impede vehicular access to sites;	Palms Circuit.	
Where children will not be adversely affected by lead contamination, offensive noise and air pollution or by adjacent land uses.	Not located adjacent any industrial areas. Acoustic and Air Quality Reports submitted demonstrating suitability of site. Buildings are designed to comply with internal noise criteria.	Yes.
2. Education establishments shall not be permitted:		
Adjacent to industrial activities	Located within a residential area.	Yes.
Streets with a carriageway width of 6.5m or less.	Pacific Palms Circuit is a local collector road with a width of 7.5metres.	Yes.
Streets, which are cul-de-sac.	Although Pacific Palms Circuit presently terminates at the southern boundary it is not identified as a cul-de-sac road.	Yes
In areas where aircraft noise levels exceed 25 ANEF.	Site not located within the Bankstown Airport ANEF. Hoxton Park Airport has been decommissioned.	Yes.
Site Planning		
Should be sensitive to site attributes, such as streetscape character, natural landform, existing vegetation, views and land capability.	The site is located within a residential area and contains built form that is distinct from surrounding residential development. Buildings are in the main, below the 8.5m height limit. The development incorporates larger buildings which are concentrated towards the centre of the site with surrounding buildings smaller in scale to cater to surrounding residential development.	Yes.
Site layout should enhance the streetscape through the use of landscaping and built form.	Landscape treatment along Pacific Palms Circuit is comprised of a mix of screen planting, paved or grassed Building materials are generally robust and the building presentation is of an acceptable quality reflecting the nature of the use.	Yes.
Site planning should enable buildings to address streets and public open spaces.	The buildings address Pacific palm Circuit with open space areas fronting Hoxton Park Road.	Yes.

PART 3.8 - NON RESIDENTIAL DEVELOPMENT IN RESIDENTIAL ZONES		
Site layout should ensure that external play area is maximised and enjoys solar access.	External play areas provided. Shadow diagrams indicate the majority of play areas receive maximised solar access.	Yes.
Site layout should contribute to personal safety and to protection of property by permitting casual surveillance.	Majority of buildings provide opportunities for casual surveillance.	Yes.
In areas exposed to significant noise, site layout and buildings should assist in minimising noise entry.	Proposed school assembly area located towards centre of site. Acoustic Report considers noise impacts.	Yes.
Site layout should ensure front entrance to school is easily located and accessible.	Entry forecourt provided to Pacific Palms Circuit allowing easily accessible entry.	Yes.
Layout must be designed around the site attributes such as slope, existing vegetation, land capability and/or solar access.	Layout has been designed for site constraints.	Yes.
Siting of windows of habitable rooms should minimise overlooking of neighbouring properties	Western boundary of site (adjoining the Primary and Kindergarten Building) has potential to overlook neighbouring property. Landscape treatment should alleviate potential issues however detailed plans of the western elevation of Kindergarten and Primary building will be required to confirm that there is no unacceptable overlooking.	Yes.
10. Stormwater must be drained satisfactorily.	Engineering plans have been assessed as satisfactory.	Yes.
3.3 SETBACKS		
Building setbacks in accordance with table 3:		
Classified roads front setback: 7.5m Other Streets front setback: 5.5m	Setback approx.60metres from Hoxton Park Road; 6metres from Pacific Palms Circuit.	Yes.
Side setback: single storey: 4m Second storey component 8m	Minimum 10metres from boundaries.	Yes.
Rear setback single storey: 4m Second storey: 8m	Minimum 10metres from boundaries.	Yes.
3.4 OPEN SPACE AND LANDSCAPED AREA		

PART 3.8 - NON RESIDENTIAL DEVELOPMENT IN RESIDENTIAL ZONES		
Outdoor Play areas		
1.shall not be used for on site detention of stormwater	No on site detention of stormwater proposed.	Yes.
2. shall satisfy the requirements of the NSW Department of education and training.	These guidelines do not apply to non-government schools.	Not Applicable.
Landscaped Areas		
1.a.minimum 25% to be landscaped area, including lawn, deep rooted trees, garden beds and mulched areas.	12,519m^2 (62%) Landscaped area (3,941m^2 hard (20%) + 8,578m^2 soft (42%)).	Yes.
2.there must be an unencumbered area of 5x6m in rear setback for opportunity to accommodate planting of deep rooted trees.	Adequate space exceeding the minimum 5m x 6m is available.	Yes.
3.a minimum of 50% of the front setback area shall be landscaped area.	A combination of hard and soft landscaping fronting Pacific Palm Circuit. 100% fronting Hoxton Park Road.	Yes.
3.5 BUILDING FORM, STYLE AND STREETSCAPE		
1.where large grass areas cannot be avoided appropriate shad device shall be incorporated.	Shad devices are incorporated into the design	Yes.
2.roof design shall be compatible with surrounding properties in respect to height, pitch, building materials and colour.	Surrounding properties predominantly 1-2 storeys with gable roofs, face brick with tile. Proposed roof design not identical but reflective of use of buildings and therefore acceptable.	Yes
3.buildings shall be designed so that it is in character with surrounding residential areas in terms of bulk, scale and height.	There is an obvious increased bulk considering the massing of the proposed buildings in relation to the surrounding residential development. The heights are generally at or near the allowed maximum. The development whilst different is not necessarily out of character' with surrounding residential development, being specifically identifiable as 'school architecture' in style'.	Yes
4.buildings adjacent to a street shall be oriented to the street.	Street address is provided although not all buildings are directly oriented to the street.	Yes.

PART 3.8 - NON RESIDENTIAL DEVELOPMENT IN RESIDENTIAL ZONES		
5.the front pedestrian entrance must be visible from the street.	The front entrance is visible from the street.	Yes.
6.the front building facades shall be articulated, and may include porches, entries, wall indents, changes in finishes, balconies or verandahs.	Various articulation measures used including change in finishes, indentations, awnings.	Yes.
7.for two storey developments, the side walls hall be articulated if the wall has a continuous length of over 10m.	Walls have been articulated.	Yes.
Security		
1.entrances to buildings shall be oriented towards the front of the site facing the street.	Main entrance of buildings fronting the street is the gym and administration buildings. The administration building entrance is oriented to the street while the gym building main entrance is toward the north (rear). The other buildings are oriented towards the centre of the site providing access to the buildings from the main under cover circulation area. The layout of the buildings and site configuration prevents all buildings from facing the street.	Yes.
2.the main entrance should not be from rear lanes and should be designed with clear directions and signage.	Main entrance from Pacific Palms Circuit and clearly viewed from the street.	Yes.
3.blank walls addressing the street frontage and public places must be avoided.	No blank walls addressing the street frontage.	Yes.
3.6 LANDSCAPING AND FENCING		
Landscaping		
1.landscaping plan must be submitted.	Plan provided	Yes.
2.areas of grass limited to play areas, other areas to be planted.	Appropriate balance of active and passive recreation areas	Yes.
3.trees adjacent or within play area to provide shade and adjacent to private open space should provide summer shad and allow winter sun entry.	Some trees around perimeter of open grassed play area	Yes.
4.landscaping species must be appropriate prevent injury to children. No toxic, spiky or hazardous plant species.	Landscape statement considers design to be suitable for use.	Yes.
5.setback areas of development area to be utilised for canopy tree planting.	The setback areas of the development contain a mix of trees shrubs and	Yes.

PART 3.8 - NON RESIDENTIAL DEVELOPMENT IN RESIDENTIAL ZONES		
8m height at maturity within front and rear setback areas minimum of 3m from the building or utility services.	groundcovers providing both canopy planting and low-level plantings.	
6. Landscape planting should principally comprise native species.	A Landscape design statement has been submitted	Yes.
7. Landscaping shall contain an appropriate mix of canopy trees, shrubs and groundcovers.	Sufficient variety of species of trees, and shrubs and groundcovers.	Yes.
8.tree and shrub planting along side and rear boundaries should assist in providing effective screening to adjoining properties.	Sufficient boundary setbacks allow for boundary landscaping and screening.	Yes.
9.landcaping on any podium level or planter box shall be appropriately designed and irrigated.	Not Applicable – no podium levels	Not Applicable.
Fencing		
1.Side and rear to be 1.8m height unless adjoining a park.	All boundary fencing is black, 1800mm open palisade style	Yes.
2.where fence adjoins a park…..	Not applicable.	
3.fences shall be constructed of materials compatible with proposed building.	All boundary fencing is black, 1800mm open palisade style	Yes.
4.fencing shall be designed to minimise opportunities for graffiti.	All boundary fencing is black, 1800mm open palisade style	Yes.
5.fences should not prevent surveillance by the buildings occupants of main open or communal areas.	All boundary fencing is black, 1800mm open palisade style	Yes.
6.where noise insulation is required, consider installation of double glazing or other noise attenuation measures at the front of the building rather than construction of a high sold form fence.	Buildings have been designed with appropriate noise attenuation measures. A 2metre high acoustic wall is proposed adjoining part of the eastern boundary to protect adjoining residences.	Yes.
Primary frontage		
1.Maximum height of 1.2metres and constructed of masonry, timber and or vegetation.	The fencing fronting Pacific Palm Circuit is black, 1800mm open palisade style	No.
2.must be at least 30% transparent.	Open palisade style	Yes.
3.front wall may exceed 1.2m (to max. of 1.8m) only if primate frontage on a classified road…….	Not applicable. Front not located on classified road.	Not Applicable
Secondary frontage	Not applicable.	Not Applicable.

PART 3.8 - NON RESIDENTIAL DEVELOPMENT IN RESIDENTIAL ZONES		
3.7 CAR PARKING AND ACCESS		
1.All vehicles enter and leave the site in a forward direction.	Internal layout of car parking and manoeuvring areas demonstrate that all vehicles can enter and exit in a forward direction.	Yes.
2.dead end streets of cul-de-sac present traffic movement and parking problems and are in appropriate locations for Education Establishments.	Although Pacific Palms Circuit presently terminates at the southern boundary it is not identified as a cul-de-sac road.	Yes.
3.8 AMENITY AND ENVIRONMENTAL IMPACT		
Noise		
1.Noise impact assessment required.	Noise impact reports have been submitted. Some acoustic treatment is required as discussed in the Report.	Yes.
2.design of proposed school to take into account projection of noise from various school activities. Buildings to be located in a manner which optimise opportunities for ameliorating noise generated from outdoor play areas.	Noise impact report Submitted	Yes.
Contaminants		
All buildings should not contain material or substance that will cause lead or asbestos or other contamination or poisoning.	The buildings will not be constructed of materials that could be considered harmful.	Yes.
Overshadowing		
Adjoining properties must receive a minimum of three hours of sunlight between 9am and 30m on 21 June to at least one living, rumpus room or the like and 50% of the private open spaces.	Shadow diagrams indicate that minor overshadowing occurs to properties on eastern and western boundaries however still compliant.	Yes
Privacy		
1.windows facing side boundaries are to be offset by at least 1m from an habitable room windows in adjoining dwelling.	Windows achieve the necessary offset due to the setback distances and height relative to adjoining dwellings	Yes.
2.windows on the first floor that face the side boundary are to avoid unreasonable overlooking by having a minimum sill height of 1.5m except where they face as street or public open space.	Buildings are set back up to 10metres with restricted opportunist for overlooking from first floor areas	Yes.

PART 3.8 - NON RESIDENTIAL DEVELOPMENT IN RESIDENTIAL ZONES		
3.Building siting, window location, balconies and fencing must consider the importance of the privacy of on site and adjoining buildings.	Placement of buildings takes into consideration location of neighbouring properties.	Yes.
4.landscaping should be used where possible to increase visual privacy of adjoining properties.	The Landscape design principles for the site includes boundary and suitable native screening.	Yes.
3.9 SITE SERVICES		
Waste Management		
1.waste disposal facilities hall be provided. Locate adjacent driveway entrance to the site.	Waste bin area is appropriately located adjoining the internal driveway	Yes.
2.Any structure involving waste disposal facilities shall be located back 1m from front boundary to street, landscaping between structure and front boundary, not located within 4metres of adjacent adjoining residential property.	Located approximately 15metres from eastern boundary adjoining ht student collection bays,	Yes.
3.details of design of waste disposal facilities are shown in part 1.2	See comments for part 1.2 above.	Yes.
Electricity sub-station		
In some cases an electricity sub station is required.	Substation exists adjoining the south-western carpark.	Yes.
Letterboxes and numbering		
To be located along front boundary and visible and accessible from the street.	Area exists on Pacific palm Circuit	Yes.
Frontage works and Council assets		
1.all designated bus bays or pickup/drop off zones must be located on the school side of the street.	Bus bay located closest to school side of street.	Yes.
2.barrier kerbs must be provided for all street frontages.	Pacific Palm Circuit has kerb constructed/	Yes.
3.footpaths must be provided along all street frontages.	Footpaths exist along the frontage of Pacific Palms circuit	Yes.
4.the full verge must be paved on the primary street frontage.	The verge has been constructed and consists of concrete footpath and grassed areas	Yes.
5.a 2.5m wide footpath must be provided no any secondary street frontage.	Not applicable.	

PART 3.8 - NON RESIDENTIAL DEVELOPMENT IN RESIDENTIAL ZONES		
6.all primary schools must provide a children's crossing that is designed to meet current RTA standards.	School caters to years K-12. The existing pedestrian refuge will be required to be upgraded to a Children Crossing.	Yes.
7.where a footpath, road works or access driveway works are required to be provided this shall be provided at no cost to Council.	Noted.	
8.footpath, road shoulder, or access driveway at no cost to Council.	The Road frontage has been constructed	Yes.
9.Council must be notified of any works that may threaten Council assets.	Any roadworks will be subject to council consent	Yes.
10.Where there are no existing street trees in front of the site and contributions have not been collected it may be a condition of consent that street trees be provided (1 tree per 10m of school frontage).	Landscape plan identifies street tree plantings	Yes.

Section 79C(1)(a)(iiia) - Any Planning Agreement or any Draft Planning Agreement

No planning agreement relates to the site or proposed development.

6.4. Section 79C(1)(a)(iv) – The Regulations

The EP&A Regulations 2000 requires the consent authority to consider the provisions of the Building Code of Australia. If approved appropriate conditions of consent will be imposed requiring compliance with the BCA.

6.5. Section 79C(1)(b) – The Likely Impacts of the Development

(a) Natural and Built Environment

The site and locality is zoned for a range of residential densities and associated land uses. The introduction of an educational establishment is not considered unusual however this type of development requires an assessment of its likely impacts in respect of the following matters:

- Scale, Bulk, Design, Height and Landscaping;
- School Management and Operations;
- Traffic generation and on-site car parking;
- Privacy, noise, and dust;
- Contamination;
- Flooding and drainage; and
- Overshadowing.
- Scale, bulk, design, height and landscaping

Scale, Bulk, Design, Height and Landscaping

The school buildings are arranged around a central quadrangle and the design statement provided by the Architect describes the concept as follows:

- *solar & climactic responses to building placement & orientation,*
- *building height/scale & the fragmenting of perimeter building bulk/form,*
- *creation of interlaced spaces incorporating courtyards, vistas & breezeways*
- *generous building site setbacks from residential boundaries*
- *developing a communal hub which aides the schools ability to focus, monitor, and control school assemblies in privacy & remote from its neighbours.*
- *Complementing the above, several circulation routes feed off the quadrangle connecting to a multitude of indoor learning spaces & outdoor zones for the purpose of easily separating student years/groups &/or activities (i.e to covered open spaces, open hardcourt spaces, green space, mixed hard/soft landscaped courtyards and playing field).*
- *developing a functional road network and enhancing open landscaping opportunities to existing reserve areas, to better serve neighbours and the local community.*

It is considered that the school buildings respond appropriately to neighbouring residences with generous setbacks allowing for selective landscaping together with active open space areas. The proposed external materials and finishes are a mix of brickwork base at ground level and lightweight cladding at first floor level which provides a non-residential identity to the buildings.

The development incorporates an integrated landscape design and overall the scale and bulk of the buildings is considered acceptable having regard to the non-residential use of the property and its intended function.

School Management and Operations

A School Management Plan (SMP) and Traffic Management Plan (TMP) have been submitted. It is recognised that implementation and adherence of these documents by the school is necessary to address some of the potential noise and traffic related concerns raised in the submissions. Both documents will be required to be adhered to via conditions of development consent.

School Management Plan

The School Management Plan addresses the following areas of the school operations:

- Limitation on Student Numbers
- Opening and closing hours:
- Security and safety: The school area is fenced with on-site security personnel 24 hours per day.
- Emergency evacuation: fire, floods etc.
- Supervision of children before and after school.
- Complaints handling register.
- Communication with Residents within 250metrs of the school in respect of after school activities and potential increase in parking demand
- Litter management plan.
- School Road Safety Program.

Traffic Management Plan

The Traffic Management Plan has been reviewed by Council's traffic engineer and this is discussed in a later section of this report. The stated aim of the TMP is to:

'*(i) provide ongoing supervision and implement strategies that will assist in traffic, parking and pedestrian management;*
(ii) maintain a safe environment and show respect to the surrounding community.

The Plan's objective is to provide for the smooth flow of traffic in and around the School to ensure:
(i) the safety of the school students, staff and parents;
(ii) little or no impact on the School's neighbours;
(iii) spread the flow of traffic to and from the school so as to reduce congestion.
All students, parents, staff and visitors of the Malek Fahd Hoxton Park School will be required to be familiar with the Plan and will be expected to strictly adhere to its guidelines'.

The TMP addresses the following specific areas of school operations. The following are extracts from the TMP:

- **Staggered start times** - The staggering of the start and finish time between the primary and the secondary schools will have the effect of spreading the movement of school-related traffic thus reducing any traffic congestion both in the morning drop-off and the afternoon pick-up times.

- **Bus Management - morning and afternoon periods** – In the morning, buses arrive at regular intervals from about 8.10 until 8.50am. They will drive in and park in the 2 designated bus parking areas on Pacific Palms circuit and if necessary in the drop off zone in the school car park. The 2 designated bus bays can provide drop off areas for 6 mini buses simultaneously and queueing space for at least 4 more at n the staff car park drop off area if necessary. This is ample parking as buses usually arrive at staggered intervals in the morning. The students will disembark on the school side of the road to the school pedestrian entry gate or cross the road from the stop in the staff car park.

  The afternoon buses will arrive in two sessions to accommodate the two separate school finishing times of Primary (3.20pm) and Secondary (3.40pm).

  Other buses - From time to time buses come to the school for excursions or sports activities and will park at the bus stops. Staff will always be on duty at these times and the buses will turn at the roundabout on Pacific Palms Circuit.

- **Staff Parking** - Staff will park within school grounds in the carpark with 52 marked spaces provided. Additional spaces for further 11 cars are also available in the school carpark near Dorrigo Avenue. During school hours say from 9.30 am to 2.30pm visitors may also park in the 36 student collection bays.

- **Student Parking** – Students are not permitted to drive to school except with special permission authorised by the Principal. All requests will require a minimum of 24 hours' notice. The School will encourage a no driving Plan to school. In extreme situations following a formal request from the parents to the principal, a decision will be made to grant entry to the student only if car space is available in the school carpark

- **Parent Parking** - During school hours there are the 11 (near Dorrigo) visitor spaces and 2 disabled car spaces in the staff car park. Between 9.30am - 2.30pm a further 36 car spaces (student collection bays) inside the school internal road will be available to parents and visitors as well as any vacant spaces in the staff car park.

- **Student drop-off** - During school hours there are the 11 (near Dorrigo) visitor spaces and 2

disabled car spaces in the staff car park. Between 9.30am - 2.30pm a further 36 car spaces (student collection bays) inside the school internal road will be available to parents and visitors as well as any vacant spaces in the staff car park.

- **Special Events** - For special events in the evening, the 36 collection bays will be used for parking and extra parking will be available on the sports/playing field.

- **Traffic Monitors & Protective Identification** – All staff on traffic duty at the School will wear fluorescent yellow safety vests. In the mornings the teachers will be on early duty from 8.00am to monitor the students disembarking from the buses. In the afternoons, three teachers are on duty in the 3 separate Mini Bus bays to see students on to the buses, prevent any other vehicles from parking in the bus bays and supervise and signal the departure of the buses. Three teachers will supervise kiss and drop zone in the morning and afternoon.

- **Car-pooling** - will be actively encouraged and many staff share transport to and from school. Staff and students will be expected to cooperate and actively support the concept of car-pooling and the School will provide admin staff to facilitate arrangements.

- **Training** - All staff of Malek Fahd Hoxton Park will be expected to undergo Traffic Controller training. All training will be RTA/RMS accredited courses.

- **Management of complaints** - all complaints should be addressed to the School Principal. The Occupational Health and Safety Committee and the School Board may also be involved in the handling of particular complaints. These groups within the school will oversee, supervise and review the Traffic plan at regular intervals, generally every six months

- **Deliveries** - Deliveries will not be accepted during 8am-9.30am & 2.30-4pm. School suppliers will be notified upon purchase of goods or services of the Delivery Arrangements applicable at the School.

- **Notification of Parents** - The school community is informed about traffic management via the school newsletter and on the school website under Policies.

Traffic generation and on-site car parking

The following comments were received by Council's Traffic and Transport Manager in respect to the proposed development (as amended) and following the submission of additional information from the applicant in support of the application:

The development application is for a staged development of a school at 612 Hoxton Park Road. The development application is accompanied by a Traffic and Parking Assessment Report prepared by Traffic Solutions Pty Ltd.

*The Traffic and Parking Assessment Report (**Traffic Assessment Report**) indicates that the existing school operating with 94 students and 6 staff members is the Stage 1 Development.*

Five other stages are proposed and for full development (at Stage 6), the development is proposed to have up to 800 students and 50 staff members.

The Traffic Assessment Report also indicates that the development would have 100 car parking spaces made up of 64 spaces for staff and visitors, with the remaining 36 spaces for pick-up and set down. A single driveway via a roundabout on Pacific Palms Circuit is proposed to provide vehicular access to the development site.

While the development site has frontages to Hoxton Park Road, Brunswick Head Circuit and Dorrigo Avenue, vehicular or pedestrian accesses are not proposed from these roads.

The Traffic impact of the proposal was assessed in September 2012, with a request for additional traffic related information to be provided. A meeting was then held with the Applicant in October 2012, to discuss and clarify the required additional information.

In response, the Applicant provided additional information with clarification on specific issues raised by Council, the Roads and Maritime Services (RMS) and Police representatives.

This assessment deals with the traffic impact of the proposal, taking into account the additional traffic information provided by the Applicant.

Referral to the RMS

Due to the nature, scale and size of the proposed development, the application requires RMS advisory comments prior to determination. The RMS Sydney Regional Advisory Traffic Committee has considered the proposal and provided its advisory comments.

The comments should be taken into consideration as part of further consideration of the proposed development, and should the DA be determined, it should include consent conditions which reflect the recommended RMS conditions.

Consideration by Green Valley Police

In response to a request to comment on the DA from a "Safety by Design" perspective, Green Valley Police Command has provided comments on the traffic impact on the local road network and proposed car parking provision, with a number of suggestions including direct vehicular access off Hoxton Park Road. These suggestions have been taken into consideration in this traffic impact assessment.

Additional Traffic Related Information and Revised Layout Provided by the Applicant

The applicant has submitted a supplementary traffic report and a Traffic Management Policy, which addresses the following traffic related concerns raised by the RMS, the Police and Council:

Comments raised by RMS

- *Land along the section of Hoxton Park Road fronting the development previously acquired by the RMS is not to be included in the development;*
- *The proposal is not to include pedestrian or vehicular access to/from Hoxton Park Road;*
- *The need for traffic calming on the section of Pacific Palms Circuit fronting the development site;*
- *The need for appropriate car parking provision to Council's satisfaction;*
- *The need for a construction traffic management plan to be submitted; and*
- *All regulatory signs and linemarking to be provided in accordance with RMS requirements.*

Comments raised by the Police

- *The need for direct vehicular access off Hoxton Park Road; and*
- *The need for adequate car parking provision for pick up and set down.*

Comments raised by Council

- *The need for adequate car parking provision for all stages of the proposed development;*
- *Appropriate traffic impact assessment taking into account the traffic generation potential of the different stages of the proposed development;*
- *The need for traffic calming on the section of Pacific Palms Circuit fronting the development site; and*
- *Appropriate provision for parking for the mini-buses proposed to transport school children to/from the proposed school.*

Comments on Supplementary Traffic Report and Traffic Management Policy

The Traffic Assessment Report did not provide estimates of the traffic generation potential of the different stages of the proposal or whether the traffic generation potential would change after the school includes high school students.

The applicant was therefore requested (as part of the September 2012 assessment) to provide additional information on traffic generation potential of the different stages of the proposal, particularly between the primary and high schools, traffic distribution and mode of travel.

In response to the request, the applicant has submitted a Supplementary Traffic Report along with a Traffic Management Policy. The Supplementary Traffic Report does not provide traffic generation of the different stages of the development, but has assessed the cumulative traffic impact at full development, based on a traffic count carried out in 2008 at Al Amanah College at Speed Street, Liverpool.

The traffic count and approach is considered acceptable. However, the Al Amanah College is close to the Liverpool CBD, has access to on-street parking for staff only and due to its location, could be attracting more students walking to school. The 2008 study indicates that the percentage of students walking to the school was 23%.

The supplementary report does not provide information on whether such a percentage of students walking to the school could be achieved at the proposed development. However the 23% walking is close to average 25.5%t of children walking to school in 2003, for South Western Sydney. (Ref: South Western Sydney Local Health District Media Unit).

It is noted that the traffic generation potential is similar to that outlined in a traffic impact assessment submitted for the school that was previously approved by Council.

The Traffic Section has no objection to this approach. However, the lack of traffic impact assessment for the different stages of the DA requires Council's assessment of the traffic management improvements and strategies required to accommodate or minimise the traffic impacts of the different stages of the proposal to an acceptable level of services..

Revised Traffic Impact Assessment

This revised traffic impact assessment has been carried out based on the procedure outlined in the RMS' Guide to Traffic Generating Developments, the submitted Traffic Assessment and Supplementary Report and the Traffic Management Policy.

The assessment has also taken into consideration the local road network as outlined in Council's DCP for the local area, including future construction of the missing section of Pacific Palms Circuit.

As a traffic management approach to minimise the traffic impact of the proposal, the Traffic Management Policy now proposes that the primary and high schools will start and finish at different times separated by approximately 20 minutes.

Trip Generation Potential

The applicant has provided trip rates for Malek Fahd School based on observations of vehicle movements for the current roll of 94 students. The applicant has also provided traffic counts at Al Amanah College in Liverpool with a roll of 589 students. The characteristics and trip rates for both schools are summarised in the tables below.

Travel Mode percentage for students

Travel Mode	*Malek Fahd School*		*Al Amanah College*
	AM Peak	*PM Peak*	*Peak*
Bus (school or public)	*48*	*56*	*39*
Car	*47*	*42*	*34*
Walk	*5*	*2*	*23*

Trip Generation Students and teachers combined (trips per student)

Car movements	*Malek Fahd School*		*Al Amanah College*		*Average Traffic Generation used in Assessment*	
	AM Peak	*PM Peak*	*AM peak*	*PM Peak*	*AM Peak*	*PM Peak*
Total car trips per student	*0.49*	*0.48*	*0.44*	*0.32*	*0.425*	*0.4*

A comparison of the travel data for both schools indicates that currently no more than 5% of Malek Fahd students walk to school, while around 23% of Al Amanah students walk to school.

Al Amanah College is located in an area dominated by medium and high density housing and a student population whose ages range from 5 to 18 years.

The same age range would be expected at the proposed school when it is fully developed. However, the area surrounding the proposed development is mainly low density housing and a small proportion of the school population is expected to live close enough to the school to walk.

To allow for future travel modes, the vehicle trip rates for Malek Fahd School have been assumed to be the average of the observed trip rates for both schools.

A school population of 800 students would generate 372 trips in the morning peak and 320 trips in the afternoon peak. After deducting the current trips for 94 students, the additional traffic expected to be generated by the fully developed school is 326 trips in the morning peak, and 275 trips for the afternoon peak.

On this basis, the total traffic in Pacific Palms Circuit at full development of the school would be 372 trips and 320 trips in the morning and afternoon peak hours respectively.

Comments on Traffic Management Policy

The proposal to stagger the start and finish times of the junior and senior schools by 20 minutes will help to reduce parking congestion. However, the trips for both parts of the school are most likely to occur within the same hour and it is therefore appropriate that the whole school should be considered at once when assessing traffic impact.

Noticeable Traffic Impacts

The Traffic Assessment Report has identified that the noticeable traffic impact of the proposal will be its impact on the environmental capacity of Pacific Palms Circuit and the performance of the existing signalised Hoxton Park Road/Pacific Palms Circuit/Glen Innes Road intersection.

Impact on the Existing Signalised Hoxton Park Road/Glen Innes Road Intersection

As part of Council's previous assessment of a similar development proposal in 2009, upgrading of Hoxton Park Road/Glen Innes Road intersection to a signalised intersection, was identified as a requirement to minimise traffic impact of the proposal beyond stages 3 and 4. The required upgrading and associated signalised intersection treatment has been carried out by the RMS as part of Hoxton Park Road widening.

The Traffic Assessment Report contains intersection performance analysis of the existing signalised Hoxton Park Road/Glen Innes Road intersection, with a conclusion that the intersection will continue to operate with an acceptable Level of Service (LoS) with traffic from the full development of the proposal. The conclusion is considered acceptable. The existing signalised intersection would continue to operate with acceptable LoS and provide an appropriate access to the proposed school (off Hoxton Park Road) along the Glen Innes Road/Pacific Palms Circuit link.

It is noted that the Green Valley Police has suggested direct vehicular access off Hoxton Park Road to the proposal, to minimise traffic impact of the proposal on adjoining residential properties. The RMS does not support such as an access arrangement (refer to the RMS advisory comments), as it would affect traffic efficiency along Hoxton Park Road, due to the need to extend the existing 40km/hr school zone along the section of road just west of the development site.

Appropriate vehicular access arrangements can be implemented to minimise the traffic impact of the proposal by the redesign/relocation of the proposed pick up and set down parking area along the eastern portion of the development site, along with the implementation of other operational and traffic management strategies. These strategies include different closing and starting times for the primary and high schools as well as organised pick up and set down procedures where parents/guardians only have to drive to a designated location within the school, for set down and pick up for the shortest time possible.

Traffic Impact on Glen Innes Road

The proposed development would be expected to increase traffic flow on the section of Glenn Innes Road, between Hoxton Park Road and Pacific Palms Circuit.

This section of Glen Innes Road has a divided carriageway and no direct vehicle access from properties fronting the street. Due to this road layout and configuration, this section of Glenn Innes Road would have a road capacity of approximately 700 vehicles/per hour/per lane (hence a total road capacity of 1400 vehicles per hour, two ways).

A recent traffic count carried out as part of the traffic impact assessment of the proposal has identified that this section of the road is carrying a traffic volume of 205 vehicles per hour, during the morning peak and 206 vehicles per hour during the afternoon peak.

As indicated above the proposed development would be expected to increase traffic flow along the Glen Innes/ Pacific Palms Circuit by approximately 326 vehicles in the morning peak and 275 vehicles in the afternoon peak. Hence with the proposed development, the section of Glen Innes Road between Hoxton Park Road and Pacific Palms Circuit, would be expected to be carrying a traffic volume of 531 vehicles per hour during the morning peak and 481 vehicles per hour during the afternoon peak. Hence, this section of Glen Innes Road would have adequate capacity to accommodate traffic from the proposed development.

Traffic Impact on Pacific Palms

Pacific Palms Circuit is a local street under Council's care and control and is a local collector road providing access to a number of residential properties. It is planned as one of the bus routes to serve the local area. Whilst there is currently a missing section at the section where a culvert has to be constructed, the DCP for the local area proposes construction of the missing link, subject to appropriate environmental approvals.

Pacific Palms Circuit is planned to provide the only direct vehicular access to the development site. It is an undivided road with a single lane in each direction. The most noticeable traffic impact of the proposal, would therefore be its impact on Pacific Palms Circuit.

The RMS Guide outlines that in the assessment of the traffic impact of development on residential streets, the concept of environmental capacity is the best guide to use, for streets with direct vehicular access such as Pacific Palms Circuit. Hence, in addition to traffic assessment taking into consideration road capacity issues, the assessment has also been carried out on the impact on environmental capacity of the road.

With the above functional classification as a collector road, in accordance with the RMS Guide to Traffic Generating Developments, Pacific Palms Circuit has a road capacity of 600 veh/hr per lane, an environmental goal of 300 veh/hr and a maximum environmental capacity of 500 veh/hr (3,000 vpd and 5,000 vpd respectively).

The RMS Guide provides the most relevant guideline for traffic impact assessment on residential streets. Please refer to the extract from the RMS Guide on Environmental Capacity Assessment.

***Environmental capacity** is a measure of the perceived impact on streets, particularly residential streets. It provides a measure of traffic volumes that might impact on pedestrian safety, ease of access to properties and traffic noise.*

The RMS Guide to Traffic Generating Developments 2002 lists the Environmental Capacity of collector streets such as Pacific Palms Circuit as having an environmental goal of 300 vehicles per hour and a maximum environmental capacity of 500 vehicles per hour. The design speed for collector streets is 50 km/h. The relevant section of the RMS Guide to Traffic Generating Developments is attached.

Traffic surveys conducted for the applicant indicate that traffic flows in the section of Pacific Palms Circuit serving the school are 46 and 45 vehicles per hour in the hours covering school start and finish times respectively.

The figure above indicates that after full development, the section of Pacific Palms Circuit fronting the development site would be expected to carry a traffic volume of 366 vehicles in the morning peak and 320 vehicles in the afternoon peak.

Compared to its road capacity the proposed development would mean that the LoS of this section of Pacific Palms Circuit be would expected to change from the LoS A to LoS C.

In addition, the projected traffic volumes indicate that with the proposed development the environmental goal of 300 vehicles per hour will be exceeded during the morning and afternoon peak periods (before and after school, in the morning and afternoons), but within the maximum environmental capacity of the street.

The above analysis does not take into account possible traffic redistribution, between Hoxton Park Road and the development site, after construction of the missing section of Pacific Palms Circuit.

Impact on Traffic Flow/Efficient Along Pacific Palms Circuit

As with most schools, the noticeable and significant traffic impact of the proposal would relate to car parking demand, and in particular strategies for accommodating pick up, car parking demand on site and on-street.

A number of local streets (around the development site), i.e. Brunswick Head Circuit and Dorrigo Avenue, have carriageway widths of less 7.0m wide. This configuration would not accommodate on-street parking without affecting traffic flow. The development is not proposing vehicular access off these streets.

The Traffic Management Policy outlines that no parking (for pick up) and set down would be permitted on these streets and that all parents/guardians would be reminded from time to time about such a requirement.

Should the development be approved and developed, on street parking along these streets around the school would be monitored and, if required, regulatory signage subject to detailed consultation with affected residents (along these streets), would to be approved by Council's Local Traffic Committee (LTC) for implementation to prohibit on-street parking along these streets, at a full cost to the school.

Car Parking Demand and Provision

The Traffic Assessment Report does not contain a detailed assessment of the car parking demand of the proposed development. The development application has a car provision of 64 spaces for staff / visitors and 36 for spaces for pick-up and set down.

The car provision for staff is considered adequate. However, the car parking provision for pick-up and set down needs to be well managed to minimise on street parking.

Whilst it is recognized that a number of schools make use of available on street car parking, the available on-street parking around the development site is limited. Therefore, a traffic management plan and organised pick up procedures, including those outlined in the Traffic Management Policy needs to be implemented to minimise the traffic impact of the proposal.

The Traffic Management Policy addresses car parking provisions and arrangements for pick-up and set down for all stages of the development and a ban on Year 11 and Year 12 students driving and parking close to the school.

Bus Parking

Based on the above travel mode assessment, approximately 40% or 320 pupils will travel by bus. An assumption of 20 students per bus, indicates that a total of 8 buses will be required for both the primary and high schools in the afternoon. The bus bay is approximately 24 metres long and could accommodate three buses.

With the proposed separation of the starting and finishing times of the primary and high schools, the development needs to have a minimum of five designated bus parking spaces.

This indicates that buses are required to park in the school grounds and the development layout needs to be modified to show how the mini–buses will be managed to prevent conflicts with students. Should the DA be approved, this information should be provided prior to development of the Stage 2 development.

On Street Car Parking Controls

The traffic assessment report recognises that there is an existing pedestrian refuge and raised platform with associated "No Stopping" restrictions on both sides of Pacific Palms Circuit on the section fronting the development site. With the proposed increase in student numbers, and future construction of the missing section of Pacific Palms Circuit, the existing pedestrian refuge has to be upgraded to a Children Crossing. Should the DA be approved the upgrade is to be carried out as part of the Stage 2 development, subject to Council's Local Traffic Committee (LTC) approval.

The raised platform also appears to have narrow traffic lanes. Should the application be approved, this section has to be improved to accommodate appropriate two way traffic flow.

The proposed access to the development site needs to be designed to accommodate the turning path of the longest vehicle that would service the development. The current road layout and the driveway to the school does not accommodate the turning path of a full size bus. As an interim arrangement, should the development be approved, the school is to discuss with the local bus operators options of providing bus services from Hoxton Park Road.

Traffic and Parking Controls

All traffic will enter and leave the school grounds through a single lane roundabout. While the total traffic volume may be moderate, the majority of cars will arrive and leave in a short period, creating the likelihood of congestion and delay. Consideration should be given to providing an alternative access such as a separate exit from the staff car park

The proposed access to the development site also needs to be designed to accommodate the

turning path of the longest vehicle that would service the development. The current road layout and the driveway to the school does not accommodate the turning path of Transport for NSW approved school buses. These should be amended to allow full size buses to load and unload students at the school.

This is recognised, as it was assumed during the planning of the local road network, that the missing link close to the school will be constructed to facilitate bus movements.

Mitigation of Traffic Noise

The proposed development will be exposed to traffic noise from Hoxton Park Road. The DA assessment should take this issue into consideration when determining the DA, for the design and construction of buildings close Hoxton Park Road.

CONCLUSION

The proposed development is expected to result in significant traffic volume increase on the section of Glen Innes Road and the section of Pacific Palms Circuit between Glen Innes Road and the school.

The proposed development would have its noticeable traffic impact on these local streets as well as the existing signalised Hoxton Park Road and Glen Innes Road intersection.

The signalised intersection has adequate capacity to accommodate the expected traffic generation potential which ranges from 320-372 vehicles per hour in the PM and AM peaks.

The section of Glen Innes Road between Hoxton Park Road and Pacific Palms Circuit is a divided road with no direct vehicular access point. This road section has a road capacity of approximately 700 vehicles per hour and is currently carrying a total volume of 200 vehicles per hour. With the proposed development the total volume would be expected to be of the order of 570 vehicles per hour. This indicates that the level of service would change from level of service B to an acceptable level of service D with the proposed development.

Concerning the section of Pacific Palms Circuit, the traffic assessment indicates that with the proposed development, environmental goal would be exceeded in 2 hours (before and after school) during school week days, but the maximum environmental capacity would not be exceeded.

The parking provision is considered adequate for the proposed development. The disabled parking should be relocated to be adjacent to the school buildings.

To accommodate parking provisions for special events, the development layout is to be amended to show overflow parking (within the school to provide the required provision).

The proposed access arrangement from the existing roundabout should be monitored and, if required, improved by the school at full development (in consultation with Council's Local Traffic Committee).

The Traffic Management Plan is to be amended to include modified to include the management of school mini buses, management of school pick up and drop off zones, and provision for overflow parking for special events, in consultation with Independent Schools Association Road Safety Consultant. This modification is to be completed and submitted to Council for its review and approval prior to the development of the next stage of the proposed development.

Privacy, Noise, and Dust

Noise

The development application is accompanied by a Noise Impact Assessment and supplementary report, prepared by SLR Global Environmental Solutions.

The initial report dated May 2012 addressed classroom noise emissions and noise emissions from the outdoor play areas. It concluded that '*breakout noise emissions from classrooms/buildings with potentially high internal noise levels will not exceed intrusive criterion applied in this assessment.*

Noise from outdoor areas is not expected to cause unreasonable disturbance to surrounding residential receivers on the basis of site zoning, best management procedures and boundary barriers.

Supplementary noise monitoring and observation of a random recess period demonstrated that the noise contribution from the school complied with the intrusive criterion and did not significantly affect the existing noise environment. The characteristics of the emissions could not reasonably be considered as potentially offensive.

As a result of the assessment of potential noise emissions from the Malek Fahd Islamic School we conclude that the development as proposed will not adversely impact upon the acoustical amenity of the surrounding residential receivers'.

The applicant was then asked to supply further information addressing potential noise impacts from the perimeter car parking areas of the property. The Noise Impact Assessment Report (Revision 2) dated July 2012 identified that staff and visitor parking areas and access road and student collection bays identified that the existing boundary fence (eastern and western boundary's) will not provide attenuation to the first floor (upper level) of adjoining dwellings.

Additionally two further recommendations were made by the applicants acoustic engineer in respect of the staff and visitor parking areas and access road and student collection bays. Specifically it was recommended that the existing colourbond fencing on the western boundary of the southern staff and visitor car park be extended to a height of 3:5metres and 4metres adjoining the student pick up and set down areas and associated access road (on the eastern boundary). The report further recommended the provision of mitigation measures within habitable rooms which overlook the parking areas.

Following a review, Council advised the applicant it did not support the erection of fence of a height suggested by the acoustic engineer and that insufficient information had been provided on the implementation of noise reduction treatment to the first floor of the two, two storey dwellings ; namely: No.1 Bulga Place; and No.26 Dorrigo Avenue. In response dated 24 October 2012 the acoustic engineer provided the following:

"The access road will be located approximately 0.8 metres to 1.0 metre above the neighbouring eastern residential land lots.

It is recommended that a 2 metre high solid discontinuous fence (relative to the height of the access road) be constructed along the eastern edge of the access road. The fence shall extend from the entrance of the access road off Pacific Palms Circuit, up to the apex of the roundabout at the end of the access road.

The base of the fence shall be at-grade with the access road. The fence may be constructed of lapped and capped timber, insulated metal sheeting or masonry. SLR Consulting understands that the fence is required to be offset from the east kerb by approximately 600 mm for safety issues.

This offset has been considered in our determination of the required fence height.

The existing residential boundary fences (Colorbond and palisade) shall be retained and unmodified. The originally proposed increase in height up to 4 metres is not required with the newly proposed near field boundary fence along the access road.

Dwelling specific treatments will also be provided for the first floor of the two storey dwellings located at:

- *1 Bulga Place, Hoxton Park; and*
- *26 Dorrigo Avenue, Hoxton Park.*

Council has been advised that *"the treatments were discussed and verbally agreed upon between SLR Consulting and the residents following site inspections conducted on Thursday 18 October 2012. The treatments are documented separately and provided to the residents for approval".*

The applicant concludes that *'It has been determined that a combination of dwelling specific treatments and a kerbside access road barrier are satisfactory to achieving project specific noise goals.*

Dwelling treatments were discussed and agreed upon following site inspections by SLR Consulting with the individual residents. It is also envisaged that the shorter fence height is suitable with the visual amenity of the low density residential locality".

The specific treatments proposed for the two (2) affected residences are as fo0llows:

- 1 Bulga Place, Hoxton Park
  - *A secondary sliding window will be installed within the existing sills of the following upstairs windows:*
    - *Staircase window;*
    - *North West bedroom window;*
    - *Master bedroom; and*
    - *Master bedroom ensuite.*
  - *The sliding window will be installed in an aluminium frame with rubber acoustic seals. The glass will be 6.38 mm laminated glass and the window will closely match the style and shape of the existing windows. The window system will be installed within the existing window sills to achieve the maximum air gap possible.*
  - *An additional awning shall be built in the backyard which will merge the two existing awnings into a single awning.*
  - *An additional section of Colorbond lattice fencing will be installed atop of the existing boundary fence belonging to the residential land. The top section will be level with the top of the completed awning. This treatment is for visual privacy reasons only.*

- 26 Dorrigo Avenue, Hoxton Park.
  - *A secondary fixed glass pane shall be installed within the existing sills of the following upstairs windows:*
    - *The two hallway skylight windows; and*
    - *The master bedroom skylight window.*
  - *The fixed window pane will be installed in an aluminium frame with rubber acoustic seals. The glass will be 6.38 mm laminated glass and the window will closely match the style and shape of the existing windows. The window system will be installed within the existing window sills to achieve the maximum air gap possible.*
  - *The sliding door of the master bedroom will be replaced with a new glazed sliding door.*

The door will be aluminium construction with rubber acoustic seals. The glass will be 6.38 mm laminated glass. A fly screen/metal security door or the like is not included.

The recommended solution provides a combination of on-site and off-site works. In respect of the on-site works (fence) the proposed 2metre high fence is considered appropriate. Section 80A(1)(f) of the Environmental Planning and Assessment Act, 1979 permits Council to impose a condition for works to be carried out on adjoining land where the works relate to a matter arising under section 79C(1) of the Act, such as the 'likely impacts of the development'. The offsite works are also considered reasonable on the understanding that there has been a verbal agreement by the affected property owners. Therefore based upon the information provided by the applicant the acoustic treatment within the site and affecting the nominated residences will be addressed by a condition of development consent.

Air Quality:
The development application is accompanied by an Air Quality Assessment prepared by SLR Global Environmental Solutions. The report was undertaken to "determine the potential for air quality impacts at the School given its proximity to Hoxton Park Road (comprised monitoring of the existing air quality environment for nitrogen dioxide)".

The results presented in Section 5 indicate that *should the 5,day monitoring period be representative of the annual average period, concentrations of NO2 at all monitoring locations are approximately 5% of the relevant NO2 criterion (NEPM). Maximum 1 hour average NO2 concentrations over the course of a year could not be measured, although it is anticipated that given the low concentrations monitored over the 5 day period, concentrations of NO2 should meet 1 hour criteria. SLR Consulting does not believe any further assessment is required at this point in time.*

Council's Health Section has commented that passive sampling units were deployed within the school boundaries. The sampling points were located along the boundary closest to the main road and representative of locations for future buildings. The air quality monitoring results have indicated that nitrogen dioxide levels in the vicinity of the school meet the ambient air quality goals.

Privacy
Privacy can be considered in the context of noise and visual impacts. These matters have been addressed separately in this report. The acoustic issues have been identified and matters implemented to address these concerns, including acoustic walls and upgrading of two (2) adjoining residences. Additionally school hours and after school events have been controlled by the School management plan and conditions of development consent. In terms of overlooking it is considered that a combination of setbacks and landscape screening will ensure that an appropriate level of privacy is afforded to adjoining residences.

Contamination and Geotechnical
Contamination Assessment
The issue of contamination has previously been discussed under State Environmental Planning Policy (SEPP) No. 55 – Remediation of Land. The objectives of which are to

- *to provide for a state wide planning approach to the remediation of contaminated land.*
- *to promote the remediation of contaminated land for the purpose of reducing the risk of harm to human health or any other aspect of the environment.*

Council has considered whether the land is contaminated and (if the land is contaminated), whether it is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the proposed use.

As discussed previously a number of assessment reports have been undertaken since 2008 and a validation Assessment has been submitted with the application. The 2008 and 2009 Reports encountered elevated concentrations of polycyclic aromatic hydrocarbons (PAHs) in one section of the site. Remediation works were undertaken and a Validation assessment submitted to verify remaining material is suitable for the proposed use. The information supplied in the submitted reports found that there would be a low risk of contamination after the completion of validation works. The development is ongoing and consequently further validation reports will be required prior to the completion of each stage of the development to ensure that the site is suitable for the proposed use.

Geotechnical Assessment
The development application is accompanied by Geotechnical Report prepared by Jeffery and Katauskas Pty Ltd dated 2008; and Supplementary Geotechnical Report prepared by JK Geotechnics (formerly Jeffery and Katauskas), dated 2012. The supplementary report was prepared to address the proposed stages 3 - 6 and has regard to the original 2008 report, specifically, '*The purpose of this supplementary investigation was to assess the subsurface conditions at seven shallow borehole locations and, based on the information obtained, to provide our updated comments and recommendations on earthworks, building footings and external pavements*.'

Following an assessment of the existing fill material the report identifies that "t*he existing fill is unsuitable to support the proposed future buildings. However, it may be suitable to support additional engineered fill and the proposed external pavements on condition that it performs satisfactorily under proof rolling and that any 'soft spots' are boxed out and replaced with engineered fill, as outlined below. Nonetheless, we recommend that a generous time and budget allowance be provided for subgrade improvement works.*

The findings of the borehole testing were that:

- *Generally, the current boreholes encountered fill overlying natural clays. Bedrock was not encountered within the 3.45m depth of investigation.*
- *Clayey fill of generally medium to high plasticity and with gravel and root fibre inclusions was encountered in all boreholes to depths between 0.4m (BH205) and 1.8m (BH204). The fill at all borehole locations was grass covered.*
- *Based on the SPT results and limited hand penetrometer readings, the fill was generally assessed to be variably compacted, but with poor compaction indicated in BH203 and moderate compaction indicated in BH201, BH202, BH204 and BH206.*
- *All boreholes, except BH204, were 'dry' during and on completion of augering. In BH204, groundwater seepage was encountered at 2.9m depth. We note that the groundwater levels may not have stabilised within the limited observation period. No long-term groundwater level monitoring was carried out.*

The 2012 report has identified additional work that needs to be carried out as part of any future development namely

1. *Additional borehole investigation to confirm the depth and quality of the shale bedrock.*
2. *Inspection of any stripped existing fill to assess suitability for reuse as engineered fill.*
3. *Dilapidation survey reports, if not already completed.*
4. *Vibration monitoring, if appropriate.*
5. *Proof-rolling inspections.*
6. *Inspection and laboratory testing of all imported fill materials.*
7. *Density testing of all engineered fill and granular pavement materials.*
8. *Footing inspections.*

9. Additional soaked CBR testing if insitu lime stabilisation is adopted.

Additionally it was noted that as part of any site preparation that the following matters need to be addressed.

- *Based on the large site area, the required earthworks and the close proximity of the neighbouring houses, it would be prudent to carry out dilapidation surveys of these houses*
- *Any grass, topsoil, and any deleterious or contaminated existing fill should be stripped from current surface levels. Stripped topsoil should be stockpiled separately as it is considered unsuitable for reuse as engineered fill.*
- *The pre-existing (ploughed) fill, as encountered in our 2008 investigation, where exposed at current surface levels (ie. where site levels have not been raised by recent filling) will also need to be stripped.*.

The matters identified above are considered to be operational issues which do not prevent the further development of the site for a school as proposed and consequently they have been addressed via appropriate conditions of development consent.

Flooding and Drainage
The development application is accompanied by a Stormwater Drainage and Flood Investigation Report (Northrop Consulting Engineers Pty Ltd) which proposes filling of the site from depths of 0.4m at the south to 1.5metres at the north of Catchment C to allow all habitable and non-habitable floor levels to be constructed to a freeboard of 0.1m to 0.4m above PMF levels.

Car parking and driveways have been designed 0.5m (minimum) above the 100 year flood levels and the report concludes that '*by raising the site levels, the minimum floor and car parking levels requirements have been met with no adverse effect on the flood levels and velocities of the floodway and no loss of flood plain storage during the 100 year ARI flood. The proposed building and road levels provide an evacuation route during the PMF via Pacific Palms Crescent.*' .

The proposed Stormwater drainage discharges to south-east corner of site via a gross pollutant trap and headwall discharge to Creek A (for southern portion of the site). The northern portion of site connects to existing stormwater drainage along Hoxton Park Road. Drainage is to be constructed in stages (to reflect building work) with the southern drainage constructed first and northern connection last. The site drainage is divided in to four catchments with Catchments A, B and C draining to Creek A and Catchment D draining to Hoxton Park Road.

A 50,000L rainwater tank is proposed to provide irrigation to outdoor recreation areas. Excess irrigated water will enter system through sub-surface drainage and vegetated swales prior to discharge to Hoxton Park Road. On site treatment of stormwater includes gross pollutant traps, oil separators and biofiltration swales however no on-site stormwater detention (OSD) is proposed.

The report was assessed by Council and it is noted that the site for the proposed development is within the catchment of Cabramatta Creek and is located adjacent to the tributary waterway named Creek A. The site is generally above the 1% AEP flood levels, except a small portion in the south-eastern corner of the site. However, majority of the remaining site is affected by flooding under the probable maximum flood (PMF) and depth of inundation varies throughout the site, from 100mm and 900mm. The site for the development is considered low risk flood zone of Cabramatta Creek catchment and on an average the depth of inundation under the PMF event is expected to be 500mm.

The 1% AEP flood level varies from 32.6m AHD to 30.8m AHD and the PMF levels varies from

34.4m AHD to 31.8m AHD from southwest corner to northeast corner of the site.

The proposed school development involves erection of number of buildings, car park facility and playing fields for students. The development requires filling of flood prone land within the PMF zone. Depth of filling varies between 100mm and 1000mm to raise the site above the PMF level. Finished floor levels of all buildings are proposed above the PMF level.

Any filling within the 1%AEP flood zone is normally considered unacceptable unless compensatory storage is provided to ensure that there is no net loss of floodplain storage volume below the 1%AEP flood. The proposed development does not involve any filling within the 1%AEP flood affected area, and all proposed fillings will be within the PMF zone. Therefore, proposed filling complies with Council's flood policy.

The proposed development site is located above the 1%AEP flood level and filling of land has been proposed within low risk flood zone (PMF zone), to raise the site above the PMF levels. Considering provisions of Council's flood policy the proposed school development can be supported subject to imposition of conditions.

Overshadowing
The plans submitted with the application illustrate that overshadowing impacts from the proposed buildings will be negligible with some minor overshadowing at 9.00am of the adjoining property within Pacific Palms Circuit on the Western boundary of the site. The vast majority of the overshadowing however is contained within the site will have no impact on surrounding residential properties.

(b) Social Impacts and Economic Impacts

Social Impacts
The development application is accompanied by a Social Impact Assessment and associated Social Plan, both prepared by Sarah George Consulting. The Social Impact Assessment (SIA) describes the nature of the proposed school, at Hoxton Park, the existing demographic and social character of the area and the likely social implications.

The SIA concludes that "*the proposed school is unlikely to have any detrimental impact on the character of the area or result in any negative implications for the safety and wellbeing of the community. Rather, the proposed school provides a number of public interest benefits for the area, as follows:*

- *provision of a quality school that caters specifically to the large and growing Islamic population, thereby satisfying a need in the local area;*
- *the provision of employment opportunities in the construction and operation of the proposed school;*
- *improvements to the site, including extensive landscaping;*
- *increased security for surrounding properties by developing a currently vacant site to an active use; and*
- *because the proposed school will be a campus of the existing school at Greenacre, the policies, procedures and operating experience of that school will be extended to Hoxton Park which will assist its integration into the area.*

The proposed school development has no adverse social implications for the surrounding area. The social impact assessment concludes that the proposed school will satisfy a need in the community and will provide a necessary community facility in an area experiencing growth and where the population is expected to increase significantly with future land release".

The associated Social Plan relates to operation of the school and its purpose is that it '*be implemented to ensure that the school is operated in a way that is consistent with good management, and which results in the integration of the school into the local area of Hoxton Park*.'

The social plan in its implementation is closely related to the operations plan provided by the school and consequently the social plan will be required to be updated and amended to ensure consistency with the operations management plan.

These two documents provide a sufficient level of detail to demonstrate that the school can operate in a manner which does not result in any adverse social impacts within the locality.

Economic Impacts

Liverpool Contributions Plan 2009
The Liverpool Contributions Plan 2009 provides information on the extent of anticipated new development, the extent of new public services and amenities needed to support the new development and the contributions that the new development must make to fund the public services and amenities. The total contribution is currently $310,247.00 which forms part of the recommended conditions of consent.

It is proposed to allocate the contributions on a pro-rata basis based upon the number of additional students to be enrolled at each stage as follows:

Stage	No of additional students	Total students (at full development)	% of contribution to be levied
Stage 1	119	800	14.87%
Stage 2	181		22.63%
Stage 3	150		18.75%
Stage 4	140		17.50%
Stage 5	110		13.75%
Stage 6	100		12.50%

6.6. Section 79C(1)(c) – The Suitability of the Site for the Development

The preceding assessment has considered the various issues and concerns raised by the residents and arguments put forward by those in support of the proposal. The use is permitted in the zone and the physical form of the development is considered acceptable. As stated in the report the anticipated increase in traffic will result in some adverse impacts for local residents however this will be largely confined to the morning and afternoon peak periods.

It is considered that the assessment demonstrates that the proposal is on balance suitable for the site.

6.7. Section 79C(1)(d) – Any submissions made in relation to the Development

(a) Internal Referrals

The following comments have been received from Council's Internal Departments:

INTERNAL REFERRALS:	
Engineer	No objection. Conditions to be imposed.
Summary of Conclusion: *Updated stormwater plans and letter have been provided by Northrop (Consulting Engineers) addressing previous stormwater issues raised.* *Approve, subject to standard and special conditions.*	
Building	No objection. Conditions to be imposed.
Summary of Conclusion: *This is a preliminary assessment of the proposed staged construction against the Deemed to Satisfy Provisions (DTS) of the National Construction Code 2011 (NCC/BCA).* *The following items have been considered during the assessment:* *The provisions of Clause 98 of the Environmental Planning and Assessment Regulation 2000.* *Note : The new Disabilty (Access to Premises - Buildings) Standards 2010 effective from 1 May 2011. The applicant should be made aware of these requirements.* *No objection is raised to the proposed development subject to the following conditions of development consent.*	
Flooding	No objection. Conditions to be imposed.
Summary of Conclusion: *The site for the proposed development is within the catchment of Cabramatta Creek and is located adjacent to the tributary waterway named Creek A. The site is generally above the 1% AEP flood levels, except a small portion in the south-eastern corner of the site. However, majority of the remaining site is affected by flooding under the probable maximum flood (PMF) and depth of inundation varies throughout the site, from 100mm and 900mm. The site for the development is considered low risk flood zone of Cabramatta Creek catchment and on an average the depth of inundation under the PMF event is expected to be 500mm.* *The 1% AEP flood level varies from 32.6m AHD to 30.8m AHD and the PMF levels varies from 34.4m AHD to 31.8m AHD from southwest corner to northeast corner of the site.* *The proposed school development involves erection of number of buildings, car park facility and playing fields for students. The development requires filling of flood prone land within the PMF*	

zone. Depth of filling varies between 100mm and 1000mm to raise the site above the PMF level. Finished floor levels of all buildings are proposed above the PMF level.

Any filling within the 1%AEP flood zone is normally considered unacceptable unless compensatory storage is provided to ensure that there is no net loss of floodplain storage volume below the 1%AEP flood. The proposed development does not involve any filling within the 1%AEP flood affected area, and all proposed fillings will be within the PMF zone. Therefore, proposed filling complies with Council's flood policy.

The proposed development site is located above the 1%AEP flood level and filling of land has been proposed within low risk flood zone (PMF zone), to raise the site above the PMF levels. Considering provisions of Council's flood policy the proposed school development can be supported subject to the conditions.

Health	No objection. Conditions to be imposed.

Summary of Conclusion:

I refer to your request for the Environment & Health Section to provide conditions and comments on DA 1251/2012 for the use of the abovementioned premises as an educational school.

A Validation Assessment was undertaken by Environmental Investigation Services dated May 2010, Reference Number E22166K-VAL in support of the subject application. A confirmation of report statement was prepared and submitted by Environmental Investigation Services dated 11 July 2012 which has stated a successful validation of the site was undertaken in 2010, which followed the importation of fill material on the site. Reports have been submitted addressing the subject fill material which was imported onsite, which indicate that the material analysed did not contain elevated concentrations of the contaminants tested for. Subject to limitations Environmental Investigation Services have concluded that the risk of contamination from the fill which has been imported onsite is relatively low.

Environmental Investigation Services have further concluded that the condition of the site following completion of the remediation works is satisfactory for further development and that the validation report can be relied upon.

An Noise Impact Assessment has been prepared by SLR Global Environmental Solutions dated 18 July 2012, Report Number 610.07939.06041 in accordance with NSW EPA Industrial Noise Policy . Ambient noise monitoring was undertaken during July 2012 which coincided with the school holidays, therfore ambient noise levels not being impacted by school operations.

In terms of noise emissions the only teaching spaces of acoustical significance are the TAS Classroom and the Gymnasium/Performing Arts Building. Predicted noise levels have considered barrier attenuation by the boundary fence as well as any intervening buildings. It has been stated that levels may vary depending upon the type and numbers of equipment operating within the classroom.

The carparking area has been determined as likely to cause offensive noise to the second story residential receivers, as the exisitng fence will have little effect in preventing adverse noise impacts. A noise level of 60dBA has been predicted for the first floor of the nearest residential receiver to the south east of the school, this is in exceedance of the daytime intrusive criterion of 47dBA.

The report has made a recommendation to increase the colorbond boundary fence to 4 meters high or as an alternative, mitigation of internal noise levels within habitable rooms which overlook the access road and car parking areas which would involve upgrading the façade of the affected

habitable rooms.

The second option of providing a façade upgrade to the nearest affected residential receivers is considered an unreasonable recommendation and therfore is not supported.

The recommendation to install a 4 meter high boundary fence to mitigate the noise impacts will therfore be the only viable option to address intrusive noise impacts from the development as is recommended within the report. The report however has stated that increasing the height of the barrier to 4 meters may be considered unreasonable and impractical, at this point in time this is the only recommendation the Environmental Health Section is willing to support from a noise management point of view.

An Air Quality Assessment was undertaken by SLR Global Environmental Solutions dated 7 August 2012, Report Number 610.11645-R1, which stated passive sampling units were deployed within the school boundaries. The sampling points were located along the boundary closest to the main road and representative of locations for future buildings. The air quality monitoring results have indicated that nitrogen dioxide levels in the vicinity of the school meet the ambient air quality goals.

Based on the submitted information and subsequent site inspection the Environment & Health Section raises no objections to DA 1251/2012 persuant to the following conditions of consent:

Traffic	No objection. Conditions to be imposed.
Summary of Conclusion: full extract of the traffic comments were provided earlier in this report	
Strategic Planning	Do not support the variation to road width requirements for educational establishments as required by LDCP 2008

Response from Traffic Manager in relation to identified LDCP 2008 non-compliance raised by Strategic Planning

In response to the concerns raised by Strategic Planning in regards to the non-compliance with the road width the following comments were provided by Council's Traffic Manager:

I am not sure of the intent of Council's DCP for road fronting School sites to have a carriageway width of 6.2m. If the intent is to accommodate two-way traffic flow (with a single lane in each direction), the section of the Pacific Palm Circuit fronting the development site, can accommodate such traffic movement. However, if the intent is to permit on street car parking, for pick up and set down, the DCP requirement should be much wider.

Parking provision for pick up and set down is a critical issue and it has been addressed in the revised traffic impact assessment comments.

(b) External Referrals

The following comments from external departments, agencies and groups were received during the assessment of the application. A full copy of the comments provided have been included in Attachment Booklet 2.

DEPARTMENT	COMMENTS

Roads and Maritime Services	Conditions to be imposed.
NSW Office of Water	General Terms Of Approval issued. See comments below in relation to Office of Water concerning approval under the Water Management Act 2000.
NSW Police	Object to expansion of school beyond current student numbers. Comments provided by the Green Valley LAC have been provided earlier in this report.

Office of Water - Water Management Act 2000

The Water Management Act 2000 applies to the proposal. The Act aims to 'provide for the sustainable and integrated management of the water sources of the State for the benefit of both present and future generations'.

Under Part 3 of Chapter 3 of the Water Management Act a person must obtain a permit to make an excavation or remove material from protected land, or do anything which obstructs the flow of protected waters.

The southern boundary of the site adjoins an unnamed creek tributary (drainage reserve) of the Cabramatta Creek System to the south (identified within the Flood Report as 'Creek A'). The works within the reserve are limited to a discharge pipe (Ø225) and point of discharge (headwall and scour protection) for storm water works adjoining the south-eastern corner of the site, within 40metres of 'waterfront land' and consequently the application was referred to the NSW Department of Primary Industries, (Office of Water). Although the Department has issued its General Terms of Approval a condition has been imposed to relocate the drainage discharge point to within the property.

(c) Community Consultation

In accordance with Liverpool Development Control Plan 2008 the development application was advertised twice and a total of four hundred and ninety nine (499) submissions were received following the close of the second exhibition period; comprising 237 in support and 262 against.

The submissions (for and against) are a mix of petitions and individual letters. The majority are pro-forma letters and given the volume received reference to the submissions on file is recommended as any summary of such will always be considered limited. The general themes and issues raised in the submissions are summarised below:

Submissions Against the Proposal

The applicant has viewed submissions under the provisions of the GIPA Act. The following details the applicants response to the issues raised and subsequent comment by Council officers which forms part of the assessment of the application:

ISSUE 1: Insufficient Site Area for a School of this Size
The school is too large for the said land site. When compared to the surrounding schools. Such as

*Hoxton Park HIgh, Good Shepherd, Good Samaritan, and Thomas Hassel to name a few are schools with the capacity to hold the same number of children, on a much larger block of land***.**

Applicant response –
The scale, density and built form and operation of the amended proposal is considered to be satisfactory

This statement was provided in the original assessment by Council in the context of likely impacts of the development, including environmental (natural & built) and social and economic impacts in the locality.

While there is no specific formula for the ratio of students to site area available it is our opinion, based on our experience as education designers, that there is sufficient space on the proposed Hoxton Park site to cater for the educational & academic vocational ambitions of the schools staff and its' students.

There are numerous schools of similar size on similar sized sites throughout the Sydney region and elsewhere, which operate successfully. Other neighbouring schools like Good Samaritan and Good Shepherd are on a similar size blocks and not much bigger than the MFHP site.

The design intent for this school proposal is to create quality open spaces generated by the central clustering and interaction of Primary, Senior, Administration and Shared Building Functions. The solution provides a focal quadrangle and increased buffer/separation zones between school and residential boundaries.

MFHP site will allow the School to cater to the academic and co-curricular activities for the 800 projected enrolments without in any way whatsoever disadvantaging the students of the school. We are not a sports school and so do not require multiple sports fields to implement our PDHPE and sports program. Students will have ample access to all the essential facilities both at primary and, more importantly, at secondary school level with specialists labs, technology rooms, art & science buildings. All these buildings have been aesthetically designed to suit and compliment the area whilst at the same time allowing more than ample space. This space will house a school playground, a number of multipurpose courts, two courtyards/assembly areas as well as a school hall. The School would be able to successfully implement our curriculum and sports program within this land area as well as allow the students access to these areas at recess and lunch

Officer Comment:
Assessment of the application has concluded that the site is suitable for the proposed development. While the school may be a higher density to nearby and/or existing schools within the local government area, the issue of concerns is not considered to be substantive to warrant the refusal of the application. Furthermore, assessment of the development application has concluded that the proposal will not adversely impact the amenity of the residential amenity.

ISSUE 2: Overshadowing and Privacy Impacts
The proposed school buildings are too high for the area, as the intended buildings will overshadow the adjoining properties and diminish the privacy for the neighbouring properties.

Applicant response –
LEP 2008 for this zoning allows for a maximum building height of 8.5M to the ridge-line (regardless of use). This criteria is intended to ensure that non-residential uses are "generally' compatible with the character of the low-medium density residential development.

With reference to Architectural Drawing No's DA201 Rev.C & DA202 Rev.C: with the exception of the centrally located Gymnasium & Performing Arts Building all buildings do not exceed an 8.5M height limit above amended/proposed ground lines. The Gymnasium & Performing Arts exceeds the height limitation by about 800mm in part.

This was brought to the attention of LCC with the knowledge that the finished ground line had been exacerbated by a requirement for buildings and site to be filled/located above the Probable Maximum Flood Level as confirmed by our Civil Works Consultant with Council and with reference to the Cabramatta Floodplain Management Study.

The subject building has been sited centrally & nestled amongst complying two storey facilities, courtyards & landscaped areas in order to modulate any sense of the buildings mass and height. i.e the Gymnasium & Performing Arts Building is not a stand alone building and surrounding covered walkway linkages and buildings have been placed to sensitively conceal those higher parts of the building. Additionally and due to its siting there are no issues of overshadowing of residential properties.

All other development stays within these proposed height restrictions and has therefore respected the building height criteria requirements.

In addition, the increased design setback of all proposed buildings from residential boundaries improves those issues raised concerning overshadowing.

Submitted Shadow Drawings drawings, DA501A Equinox and DA502A Winter Solstice, indicate minimal solar impact during early morning periods to a few select neighbouring properties. No further perceived overshadowing occurs from late morning periods extending through to the afternoon for the entire solstice and equinox timeframes. Overshadowing outside these periods leading up to the Summer Solstice have not been modelled based on the absence of overshadowing shown in the Equinox Diagrams .

Overlooking and privacy issues were further addressed with LCC for first storey rooms by limiting window penetrations, including limited opening periods based on classroom activities and improved acoustic performance criteria to all window openings facing residential boundaries.

Officer Comment:
Generally agree with the applicant's response to this issue. The proposal is not considered to result in any adverse impacts in relation to privacy and overshadowing that would warrant the refusal of the application.

ISSUE 3: Potential Flooding Impacts
The land is in a flood zone area

Applicant response –
"*Storm Water (sic) Drainage and Flooding Investigation Report*"

Generally the filled site has been grade to direct surface runoff to either the creek to the south or to new culvert under Hoxton Park Road to the north. If the properties to the east are becoming "wet and soggy" this will need to be investigated further to determine the cause. If work had been allowed to continue on the site the roadway along the eastern boundary would have been constructed and that would have diverted water away from the boundary. When the road is constructed there will also be a swale drain between it and the boundary.

Prior to development the site was poorly drained, contained no formal drainage infrastructure and any stormwater discharge were uncontrolled. All new hardstand areas (i.e. rooves and pavements) are drained by a formal in ground pit and pipe system that directs runoff from these areas to the creek. Furthermore as noted above the site will eventually be graded such that runoff from grassed areas is directed away from the properties to the east. It is normal engineering practice to not provide on-site detention to properties adjacent to watercourses. This allows water from the site to be discharged quickly and early in a storm event and thus avoiding the (later) peak flow within the creek due to that storm.

Runoff from all impervious areas will be captured by an in ground pit and pipe drainage network and directed to the creek. In large storm events if the capacity of the pit and pipe system is exceeded surface flows will be intercepted by the proposed roadway (adjacent to the east boundary) and directed to the creek.

Officer Comment:
The application has been assessed by Council's flooding and land development engineer's who raise no objection to the proposal.

This concern does not warrant refusal of the application and can be addressed by conditions of consent.

ISSUE 4: Buildings Exceed Allowable Height Limit
The maximum height for buildings within the Liverpool area is we believe set at approx 5.8mts (hand annotated on letter) from natural ground level. This block of land received an excessive amount of land fill in the 2009-2010 time period and the natural ground level was raised by up to 1.4mts. Therefore the buildings are in breach of the maximum building height level as they are sitting on filled land. And as such are outside the maximum height from natural ground level.

Applicant response –
We are unable to comment on the '2.3mts/5.8mts' height limitation insofar that we believe both these heights quoted are incorrect. As per Response 2 above; Draft LEP 2008 for this zoning allows for a maximum building height of 8.5M to the ridge-line (regardless of use).

The fill brought to the site is consistent with the preparation and development of neighbouring residential properties, particularly to the west of the school.

Officer Comment:
LLEP 2008 prescribes a maximum height of 8.5metres (Height of Buildings Map). There is a minor variation as discussed in the where variation to this development standard is supported.

ISSUE 5: Traffic Congestion
The traffic which will be generated by this school is in the high degree amount. The original application in 2009 included the culvert/bridge which was said to be essential to the use of the land as a school. The adjoining access street, Pacific Palms Circuit and Glen Innes Road cannot cope now with the traffic movements without causing extreme congestion and distress to the local residents who often have patrons of the school parking in their driveways and on their lawns.

Applicant response –
We have not had any complaints via Council about school patrons parking in driveways or front lawns. We are aware that in the initial period of the School's operation there was some queuing along Pacific Palms Circuit, and driveways blocked for a short time, but this was remedied once the

school arranged for mini buses and organised car pooling. There have been no complaints since that was done.

The Traffic Report shows that Pacific Palms Circuit and Glen Innes Road have more than adequate capacity to cater for the traffic generated by the school, even at the time of maximum student numbers without the culvert.

Officer Comment:
Traffic issues have been canvassed in detail earlier in this report. It is recognised that the environmental capacity of Pacific Palms Circuit will be exceeded for short periods in the morning and afternoon. Pacific Palm Circuit is however a local collector road and can accommodate the anticipated vehicle numbers. The application has also been amended to include the submission of a traffic management plan which sets different start and finish times for the primary and secondary school to assist in the management of traffic on the local roads during peak times.

This approach is considered acceptable to Council's Traffic Engineer.

ISSUE 6: Construction of the culvert is essential
In the period 2010 — 2012 the Land and Environment court deemed that the bridge was an essential component of the school and that the school could not exist and function to full capacity without the bridge, thus leading to the finding that the original DA was invalid as the bridge transgresses an EEC area. We say that the traffic report is floored (sic) as it will not be possible for the skinny, short streets Of Pacific Palms and Glen Innes to cope with any more traffic movements. To go against the finding and recommendations of the Land and Environment Court, would be an injustice

Applicant response –
The Land & Environment Court found that Council conditioned the construction of the culvert without first assessing its impact on the local native vegetation and therefore the consent was invalid. The Court made no finding on whether the culvert was necessary at any stage of the school's operation.

Officer Comment:
The issue of the culvert has not been considered in assessing the impacts of this application, including the traffic impacts. As stated previously some traffic impacts are expected however they do not warrant refusal of the application.

ISSUE 7: Existing School Buildings were illegally constructed
The partially build building was build illegally as the DA and the consent were both invalid and as such, one could not be allowed to recommence on building something which was illegally build to start with. This building should be demolished, as it is both illegal in its construction, and exceed building height regulations from natural ground level and it overshadows the privacy and sun of the adjoining houses.

Applicant response –
At commencement of Stage 2 Works (first permanent educational building) there was no information or instruction that indicated construction of the entire approved Educational Establishment should not proceed.

As a result of a Land & Environment Court (LEC) Hearing post commencement of Stage 2 Works, a stop work order was placed on the site.

The outcome of the LEC Hearing permitted the School to continue existing operations and resubmit their Development Application (Current Application No. DA 1251/2012) for re-assessment by LCC. Until such time as the Council assessment is made there is no presumption that any development, existing or otherwise is illegal and should be removed.

Refer **Response 2**, above for Building Height and Overshadowing issues raised

Officer Comment:
The circumstances surrounding the existing building works is uncommon. A building certificate has been lodged to formalise the works already completed in the event that the application is approved.

ISSUE 8: Construction not in accordance with previous (now invalid) 2009 Consent
This school and its contractors do not have an unblemished record in respect of work and finances. In providing the building which are there at present on the site, they worked extensively out of hours, on weekends and even commencing brick laying and other works on site as early as 3.45am. There were (before L and E judgement) no less than 26 breaches of the so called (and now illegal/invalid) consent conditions performed in the period 2009-2011.

Applicant response –
We are unable to provide any specific response to the claims made in this statement in respect of unblemished records of contractors, the school and their work practices and finances.

We are aware of early morning activities associated with the delivery of approximately 11 transportable/demountable buildings and a number of culvert pieces as a requirement by the RTA for large vehicle movements on major roads. This delivery occurred over a few days.

All contractors to date have been issued with the Council Conditions prior to works commencing. It is our understanding that if any breaches have been received by Council they have been addressed and actioned by LCC.

Officer Comment:
Breeches of previous consent conditions are not considered to be a reason to refuse the subject application.

ISSUE 9: Adverse Financial and Personal Impacts
This intrusion in to the lives of the residents from this school is immense; it has caused stress and financial loss to numerous residents and friends within the area.

Applicant response –
This is a broad brush allegation for which there is no evidence on record or available.

Officer Comment:
The broad nature of the allegation is such that it does not constitute a valid reason for refusing the application. In addition, as canvassed in this report, the proposal is considered to be suitable for the site and will not result in adverse traffic impacts on the amenity of local residents.

ISSUE 10: Local Streets are unable to support emergency services
The local police and Ambulance and Fire brigade units are opposed to the location and development due to the small widths of the adjoining streets within the estate. And we do not wish to have the delivery of these essential services disrupted or delayed should we need them as lives may be at increased risk in the event of an emergency.

Applicant response –
Liverpool council has already dedicated Pacific Palms Circuit (School's location) as a future Bus Route. If Liverpool Council sees the road width as suitable for buses then the Police, Fire Brigade and Ambulance service should have no problem with the road width.

Officer Comment:
The Green Valley LAC were required to be notified of the application having regard to the Crime Prevention Through Environmental Design (CPTED) guidelines. The Ambulance Service or Fire Brigade were not required to be notified as part of the assessment of the application.

Council's Traffic Engineer is satisfied that the proposed road widths are capable of supporting the development and that the proposal is considered acceptable.

ISSUE 10: Inadequate Geotechnical Testing and Compaction of fill material and construction Noise.

Applicant response –
Filling of the site was in accordance with the bulk earthworks plan approved at CC stage.

All permanent buildings will require deep piers. The piers will be installed by a drilling or boring technique. This is normal engineering practice and suitable for use in built up areas. Installation of the piers will not destabilize adjacent buildings. Machinery noise is expected from this work which would be typical of a construction site.

Poor compaction was found in isolated areas of the site. As the buildings are not reliant on the fill for support this will be of little consequence.

The fill has been placed in accordance with normal engineering practice. No significant bulk earthworks are required to prepare the site for the buildings. Minor surface earthworks will be required to prepare the sub-grade for pavements. Operations such as stripping the protective topsoil layer, trimming the surface or filling to achieve correct levels and some compaction will be necessary in future stages.
Works were ordered to cease by the court thus were have been unable to obtain further density tests. Density tests to the north are not necessary as this will be a landscaped area.

The existing fill is not required to support the buildings as they will be constructed on piers as noted above. No further bulk earthworks operations will be necessary.
The level of compaction of the fill will not cause negative impacts to adjoin properties.

Filling of the site was appropriate and in accord with normal engineering practice. Level 1 supervision to fill operations was not required as the fill platform is not being used to support the buildings. The buildings will be constructed with piers as noted above. Dangerous conditions have not been created due to filling works. I do not know what "site drainage footings" are thus cannot comment.

Ground water – it is normal for ground water to be present in times of drought particularly when close to a water course.

Fill with root or organic matter has only been placed in proposed landscaped areas. Fill imported to the site was classified as virgin excavated material (VENM) and free from organic material.

Imported fill validation certificates were provided with the imported fill. Fill to landscaped areas was sourced form material previous stripped and stockpiled on the site

Officer Comment:
The report details the issue of compaction and testing of soil material. It is considered that noise and construction related matters can be reasonably addressed by conditions of development consent and do not constitute a valid reason for refusing the application.

ISSUE 11: Adverse Social Impacts and Loss of Community Cohesion.
School weekend activities — pose a disturbance to the local neighbourhood and traffic problems to the residents.

It is likely that ALL students at the school will be Muslim. A number of residents have tried to have their children enrolled in this school and were all refused consideration — because they did NOT follow the Muslim Faith.

Community Structure — It is alleged that it is unlikely to have a significant impact on the character of the area. The amount of opposition against this development by the residents within the area show that it already has had a significant adverse impact on the character of the area. A significant number of houses within the estate were listed for sale in the last 2-3 years. The emotional impact it has had on the residents and the stress this development has had on the surrounding area has been extremely high.

Applicant response –
The School will not be operating on weekends. The Council has placed conditions on the School operational hours and has limited them to Monday – Friday. There is no intention of conducting any school activities on weekends or during school holidays without prior Council approval. This would be for one off special events if the need arises.

The school will enrol students at Kindergarten & Yr 7. The School does not enrol students in Yr 12. The main campus has a 99% retention rate.

The School has not refused entry to any students based on religious or cultural background. This is against the law (Discrimination Act). Any potential student who has actuality completed an enrolment application would be well aware that the form does not ask what religious denomination they follow. Currently the school is allowed a maximum of 94 students; and has had more than 400 applications. All applicants have been informed that they are on a waiting list and that the School will contact them once the building construction has been completed.

In the 2011 CENSUS data for the Liverpool LGA the Islamic (10.7%) & Anglican (10.7) faiths are the equal second most common faith groups in Liverpool. Arabic is the second most commonly spoken language after English in the Liverpool LGA with almost 10% of residents from Arabic origin compared to 2.7% in NSW. These CENSUS figures highlight that Liverpool and the surrounding suburbs are a multicultural and diverse city with multiple public interests and requirements, served best with diverse school systems and networks

Officer Comment:
The use of the school outside of normal school hours has been addressed by a condition of consent. Additionally the alleged concerns regarding a lack of social cohesion are not considered to be a valid reason for refusing the application.

ISSUE 12: Noise Impact Assessment

Ambient noise monitoring Pg7 3.1 is inadequate. The requirement and recommendation of a 4 mt high colour bond fence to provide noise abatement to the two story houses and the eastern residents on Dorrigo Ave is totally inappropriate.

Noise from the current 92 students can be heard as far away as the laneway located between numbers 16 and 18 Dorrigo Ave, during the lunch breaks. This noise will increase substantially with increase in student numbers.

A number of local residents work shift work and as such they are usually asleep during the day and are often rudely woken by the noise of screaming children during the day. The monitoring was done during the recess time which is traditionally the quieter of the two school breaks and an unsuitable and unrealistic reading was obtained.

Applicant response –
The two storey houses will not be screened by 4 metre high fences as alternative solutions have been found.

There will be a 2 metre high colour bond fence along the eastern side kerb of the pick up and drop off roadway and parking that parallels the eastern boundary. The floor level of dwellings on the eastern side of the School is approximately 1 metre below the level of the school grounds. Thus the 2 metre high fence beside the road will in effect be a 3 metre high noise barrier.

The lunchtime and play time noise periods are not of lengthy duration and are not normally monitored or controlled under the EPA regulations. The main intention is to protect the neighbouring residents from motor vehicle noise.

Monitoring was conducted following request by LCC. It was done for a sufficiently long period 6-7 days and was also conducted during the school holiday period so it is not influenced by the school. The levels are representative of ambient background noise levels at residential receivers east of the school, which is what LCC requested.

The 4 metre fence is not required. The fence has been revised to a lower height along the eastern kerb of the access road length (rather than the eastern edge of the site) and provided treatment to the x2 two storey houses in lieu of the 4 metre barrier.

Noise disturbance is balanced by the duration of exposure which is generally short during the day (breaks and PE classes) and no more than the period of school terms over the year. There are also no noise criteria for outdoor play areas in schools

Officer Comment:
The noise attenuation matters have been modified as discussed in the Report. The noise report has been reviewed and considered satisfactory whre noise mitigation measures have been imposed as recommended conditions of consent.

ISSUE 13: Stormwater Drainage and Flooding Investigation Report
There was a minimum of 10,000 cubic mts of fill applied to this site. This has lead to wet and soggy properties to the east of the development and excessive water run off. There has been no onsite detention tanks installed .. instead reliance on a water tank will be done. UNSUITABLE. Storm runoff with the high amount of impervious ground cover which this development will provided will further increase the incidence of flooding of the creek and the properties to the east of the development.

Applicant response –
See Response to Stated Objection 3 above. .It should also be noted that the creek bed is full of weeds and these in turn impede flows and in times of flood cause a huge back up of water with the potential to flood properties along the creek.

Officer Comment:
As canvassed within the report, the proposal is considered satisfactory subject to conditions with both Council's flooding engineer and land development engineer. Appropriate conditions have been recommended accordingly.

Submissions In Support of the Proposal

The submissions comprised pro-forma letters and a petition containing 1000 signatures which was submitted by the School.

- Malek Fahd is among the top performing Schools in NSW.
- School Adds to the social Values of Liverpool.
- Reinforces multiculturalism and improves social cohesion.
- It will provide high levels of education.
- It provides an opportunity for migrant children within the Liverpool Area.
- The school has a waiting list of 400 students.

Officer Comment: No specific response is considered necessary.

6.8. Section 79C(1)(e) – The Public Interest

The application has attracted a significant number of submissions, both for and against the proposal and the issues have been discussed. The introduction of a school into a residential area is bound to attract a level of opposition given the anticipated traffic and noise issues. It is considered that these issues can be managed and any potential impacts can be managed and mitigated as not to adversely impact on residential amenity.

The applicant has provided information supporting the need for the school (with a waiting list of approximately 400 students) and whilst they may not be immediate residents a number do however reside within the Liverpool Local Government Area. Overall it is considered that the proposal if approved will be in the broader public interest.

7. CONCLUSION

The application seeks approval for an educational establishment for up to 800 students and 50 staff to be developed over six stages. A building certificate has been submitted to formalise those works previously undertaken under a previous development consent which was subsequently deemed invalid by the land and Environment Court.

The application is accompanied by a number of specialist reports which have identified issues in respect of acoustics, geotechnical, storm water, contamination and traffic. The main point of difference between the current application and 2009 application is that the current application does not include the construction of the adjoining culvert which would provide for the connection of the two existing sections of Pacific Palm Circuit.

The development application has been assessed with regard to the relevant considerations prescribed by Section 79C of the Environmental Planning and Assessment Act 1979.

The application has attracted significant number of submissions both in support and apposing the application. The main issues relate to noise and traffic generated by the school and the subsequent ability of the school to manage its day-to-day operations. The noise issues will require some works to the upper level (first floor) of two adjoining residences however these matters can be addressed by conditions of consent.

It is recognised that traffic impacts upon the local road network will be reduced once the northern and southern arms of Pacific Palm Circuit are connected with the construction of the culvert however the application has been assessed based upon the current road network which involves a single entry and exit onto Hoxton Park Road via Glen Innes Road. It should also be noted that subsequent to the 2009 application the Hoxton Park Road/Glen Innes intersection is now signalised.

The information and evidence provided by the Applicant and reviewed by Councils' Traffic engineers indicates that the local road network can support the school at full capacity and whilst there are some reasonable concerns raised by both the Police and residents regarding increased traffic, traffic management and vehicle movements, it is considered that on-balance and in the absence of any technical information supporting a reduction in the size and scale of the school, they do not warrant refusal of the application but rather have been addressed via the existing management plans as modified by conditions of development consent.

In consideration of all of the key issues identified as part of the development assessment process and on balance the development application is considered to be worthy of support subject to conditions.