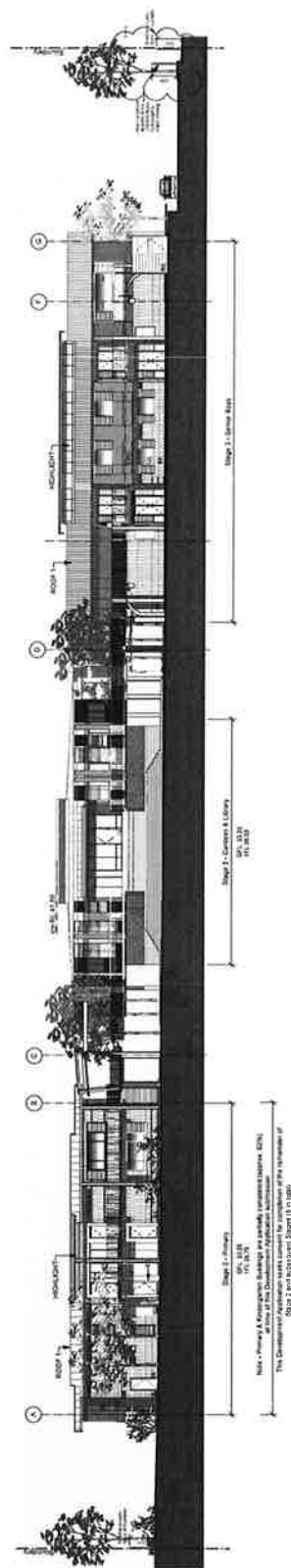
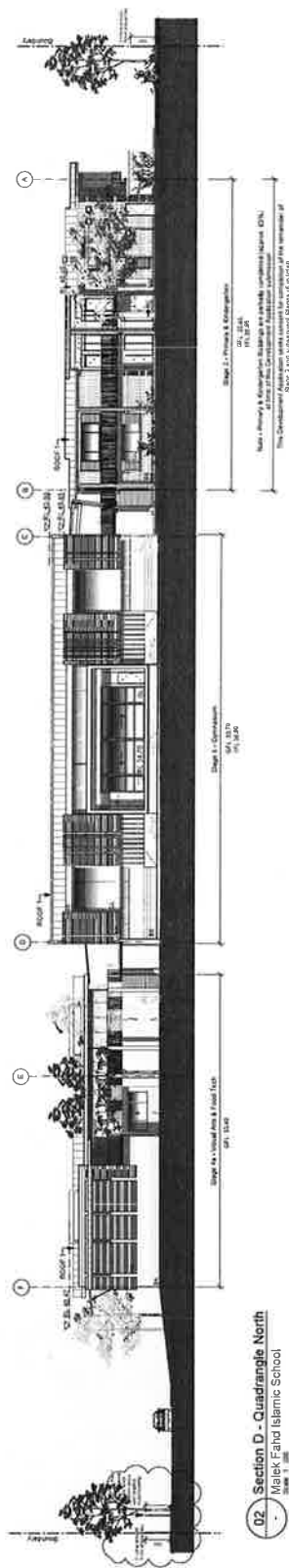
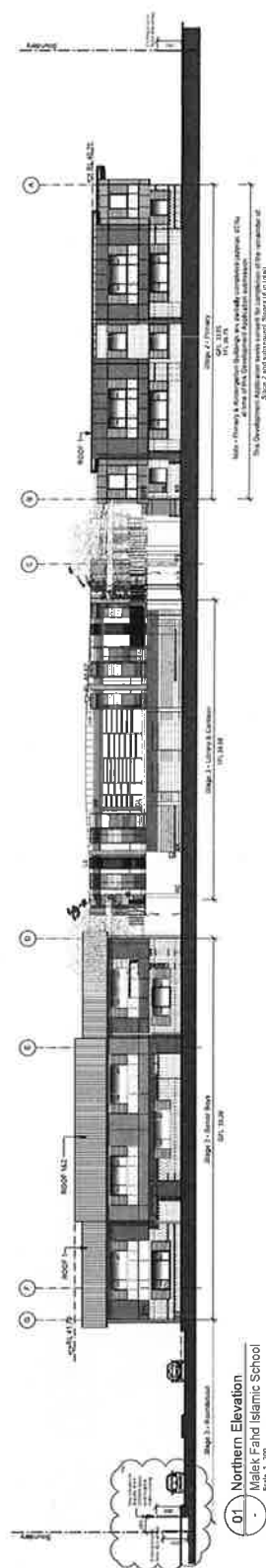


Attachment Booklet 1

[illegible]

Malek Fahd Islamic School	MFIS		Elevation & Sections		1502413 27864 DA202	
612 Macdonell Park Rd, Liverpool						

Attachment Booklet 2

Development Application DA-1251/2012 – Islamic School Hoxton Park

Green Valley Police's initial concerns with the Development Application:

Police have attended the site and assessed the road surfaces and layout of the school's location. Police have also attended the location during the peak periods of attendance being 8.00am – 9.00am and 2.30pm – 3.30pm. During these times there were no adverse affects to the road traffic conditions leading into Pacific Palm Circuit or Glenn Innes Road however, police were required to issue a number of warnings to parents who were parking in the currently erected bus zone located at the front of the school. Police observed the schools current car park positioned on the opposite side of the road to be full with only 90 odd students in attendance at the school at present.

The concern police have at the present stage is with the traffic congestion that is highly likely to occur if the school was permitted to be built as the D.A requests.

• CAR PARKING CONCERN:

- At present there are 90 students attending the school and 6 staff members.
- There are currently 19 spaces available in that car park with 2 of those being disabled.
- The current car park can only just accommodate for the needs of the above number.
- The proposed D.A is to have a total number of 100 car spaces. On inspection of page 3 of the traffic and parking assessment it states there should be
 - 36 student collection bays
 - 64 staff/visitor spaces
- If 50 staff and 800 students were to attempt to utilise the facilities suggested in the plans then it would require a larger number of car spaces to facilitate this number of users.
 - There are 50 teachers stated to be working at the school if 40 of those drove a day that requires at least 40 car spaces.
 - The school states it will be admitting year 12 students. Year 12 students get their red P's and would highly likely drive to the school. If there are 80 year 12 students then conservatively speaking approximately 30 of those would drive to school, requiring another 30 car spaces.
 - With that said there are already 70 car spaces taken up by fulltime users. In addition there are another 720 students unaccounted for.
 - The plans states there will be about 12 mini bus's dropping students off from around the area. This then allows approximately 24 students per bus to be dropped into school

- totalling 288 students. However that is if each bus is filled completely with students.
- From this there are still 432 students travelling to school that are unaccounted for. Conservatively speaking approximately 300 of those will be driven to school.
 - With 12 minibuses and 300 cars attempting to pick up children from the school and only 30 car spaces and 2 bus bays available there will be a foreseeable severe traffic congestion issue within both the school car parks and near by streets.
 - This foreseeable traffic congestion will then expand to the streets surrounding being Brunswick head Cres, Glenn Innes Drive and Hoxton Park Road.
 - The width of the road and suggested round-about are not constructed to handle the foreseeable traffic issues.
- After consulting with a number of residences who reside between the school gates and Glenn Innes Rd Hoxton Park it is evident 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.
 - Another concern is the foreseeable inability for minibuses to be able to manoeuvre 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.

• **SAFETY OF STUDENTS**

- Police have a number of concerns for the safety of the pedestrians around the school. These arose from:
 - A car park being positioned on the opposite side of the road from the school, and no children's crossing being placed to accommodate the safe passage of pedestrians from the car park to the school.
 - The foreseeable amount of traffic and minibuses that will act as blind spots for pedestrians and push bike riders.
 - The fact there is no direct access onto Hoxton Park Road for pedestrians. It is required for the pedestrians to walk along Pacific Palm Circuit, right onto Glenn Innes Drive and follow it until they reach Hoxton Park Road.

• **RECOMMENDED ALTERNATIVES**

- 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 as dictated in the options yesterday. 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 10km radius of Hoxton Park, being Green Valley Islamic College Green Valley (K-12), Bellfield College Rossmore (K-8) and Unity Grammar Austral (K-9).

Our Reference: SYD12/00936
Your Reference: DA 1251/2012
Contact: Stella Qu
Telephone: 8849-2520

**SYDNEY
REGIONAL
DEVELOPMENT
ADVISORY
COMMITTEE**

SRDAC

General Manager
Liverpool City Council
Locked Bag 7064
LIVERPOOL BC NSW 1871

Received by

27 SEP 2012

Archives & Records

Attention: Steven Chong

**PROPOSED EDUCATION ESTABLISHMENT WITH ASSOCIATED CAR PARKING
AND LANDSCAPING
AT 210 PACIFIC PALMS CIRCUIT, HOXTON PARK**

Dear Sir or Madam,

I refer to Council's correspondence dated 24 May 2012 with regard to the abovementioned development application, which was referred to Roads and Maritime Services (RMS) for comment in accordance with Clause 104 of SEPP (Infrastructure) 2007.

I wish to advise that the Sydney Regional Development Advisory Committee (SRDAC) discussed the proposed development at its meeting held on 29 August 2012 and provides the following comments:

1. RMS has previously acquired a strip of land for road along the Hoxton Park Road frontage of the subject property (Lot 44 DP 1123873), as shown by blue colour on the attached plan. In this regard, any new buildings or structures shall be erected clear of the land acquired for road.
2. No access (including pedestrian access) is to be gained from Hoxton Park Road, Dorrigo Avenue and Brunswick Heads Crescent.
3. The details of the vehicle occupancy rate for students attending the school as well as the mode split to school buses (mini buses) should be provided to Council's satisfaction.

It is noted that a significant proportion of students are proposed to be transported to the proposed school in 12 mini buses and only 3 mini bus bays are provided. Council should consider requesting further information from the applicant with regard to the parking arrangements for the 12 mini buses, particularly for the afternoon student pick up.

Roads and Maritime Services of New South Wales

LEVEL 11, 27-31 ARGYLE STREET PARRAMATTA NSW 2150
PO BOX 973 PARRAMATTA CBD NSW 2150 DX 28555
www.rmservices.nsw.gov.au | 13 22 13

4. The proposed pedestrian facility and traffic calming devices on Pacific Palms Circuit should be provided to Council's satisfaction.
5. The proposed turning area at Brunswick Heads Crescent and Dorrig Avenue should be provided to Council's satisfaction.
6. The layout of the proposed car parking areas associated with the subject development (including, driveways, grades, turn paths, sight distance requirements, aisle widths, aisle lengths, and parking bay dimensions) should be in accordance with AS 2890.1- 2004, AS 2890.2 – 2002 for heavy vehicle usage and AS 2890.6:2009 for the disables.
7. The number of car parking spaces should be provided to Council's satisfaction.
8. A Construction Traffic Management Plan detailing construction vehicle routes, number of trucks, hours of operation, access arrangements and traffic control should be submitted to Council prior to the issue of the first Construction Certificate.
9. Detailed design plans and hydraulic calculations of any changes to the stormwater drainage system are to be submitted to RMS for approval, prior to the commencement of any works.

Details should be forwarded to:

The Sydney Asset Management
Roads and Traffic Authority
PO Box 973 Parramatta CBD 2124.

A plan checking fee will be payable and a performance bond may be required before RMS's approval is issued. With regard to the Civil Works requirement please contact RMS's Project Engineer, External Works Ph: 8849 2114 or Fax: 8849 2766.

10. The developer shall be responsible for all public utility adjustment/relocation works, necessitated by the above work and as required by the various public utility authorities and/or their agents.
11. All vehicles are to enter and leave the site in a forward direction
12. The developers should be aware of the potential for road traffic noise impact from Hoxton Park Road on the proposed development on the subject site. The developer should provide and maintain noise attenuation measures in accordance with Office of Environment & Heritage's Environmental Criteria for Road Traffic Noise.
13. A significant number of vehicles and pedestrians will access the site at the start and end of the school day. School Zones must be installed along all roads with a direct access point (either pedestrian or vehicular) from the school.

Roads and Maritime Services (RMS) is responsible for speed management along all public roads within the state of New South Wales. That is, RMS is the only authorised organisation that can approve speed zoning changes and authorise installation of speed zoning traffic control devices on the road network within New South Wales.

Therefore, the Developer must obtain written authorisation from RMS to install the School Zone signs, flashing lights and associated pavement markings and/or remove / relocate any existing Speed Limit signs.

To obtain authorisation the Developer must submit the following, at least six (6) weeks prior to student occupation of the site, for review and approval by the RMS:

- a) A copy of Council's development conditions of consent,
- b) The proposed school commencement / opening date,
- c) Two (2) sets of detailed design plans showing the following:

- School property boundaries
- All adjacent road carriageways to the school property
- All proposed school access points to the public road network and any conditions imposed / proposed on their use.
- All existing and proposed pedestrian crossing facilities on the adjacent road network
- All existing and proposed traffic control devices and pavement markings on the adjacent road network (including School Zone signs and pavement markings).
- All existing and proposed street furniture and street trees.

For further information regarding the school speed zone, please contact the RMS's Speed Management Officer on 8849-2745.

14. School Zone signs, flashing lights and pavement marking patches must be installed in accordance with RMS's approval / authorisation, guidelines and specifications.
15. All School Zone signs, flashing lights and pavement markings must be installed prior to student occupation of the site.
16. All School Zone signs, flashings lights and pavement markings are to be installed at no expense to the RMS.
17. The Developer must maintain records of all dates in relation to installing, altering, removing traffic control devices related to speed.
18. Following installation of all School Zone signs, flashing lights and pavement markings the Developer must arrange an inspection with the RMS for formal handover of the assets to the RMS. The installation date information must also be provided to RMS at the same time.

Note: Until the assets are formally handed over and accepted by RMS, RMS takes no responsibility of the School Zone(s) / assets.

19. All works/regulatory signposting associated with the proposed development are to be at no cost to RMS.

Any inquiries in relation to this development application can be directed to Stella Qu
on telephone 8849 2520 or via email at Stella.Qu@rms.nsw.gov.au.

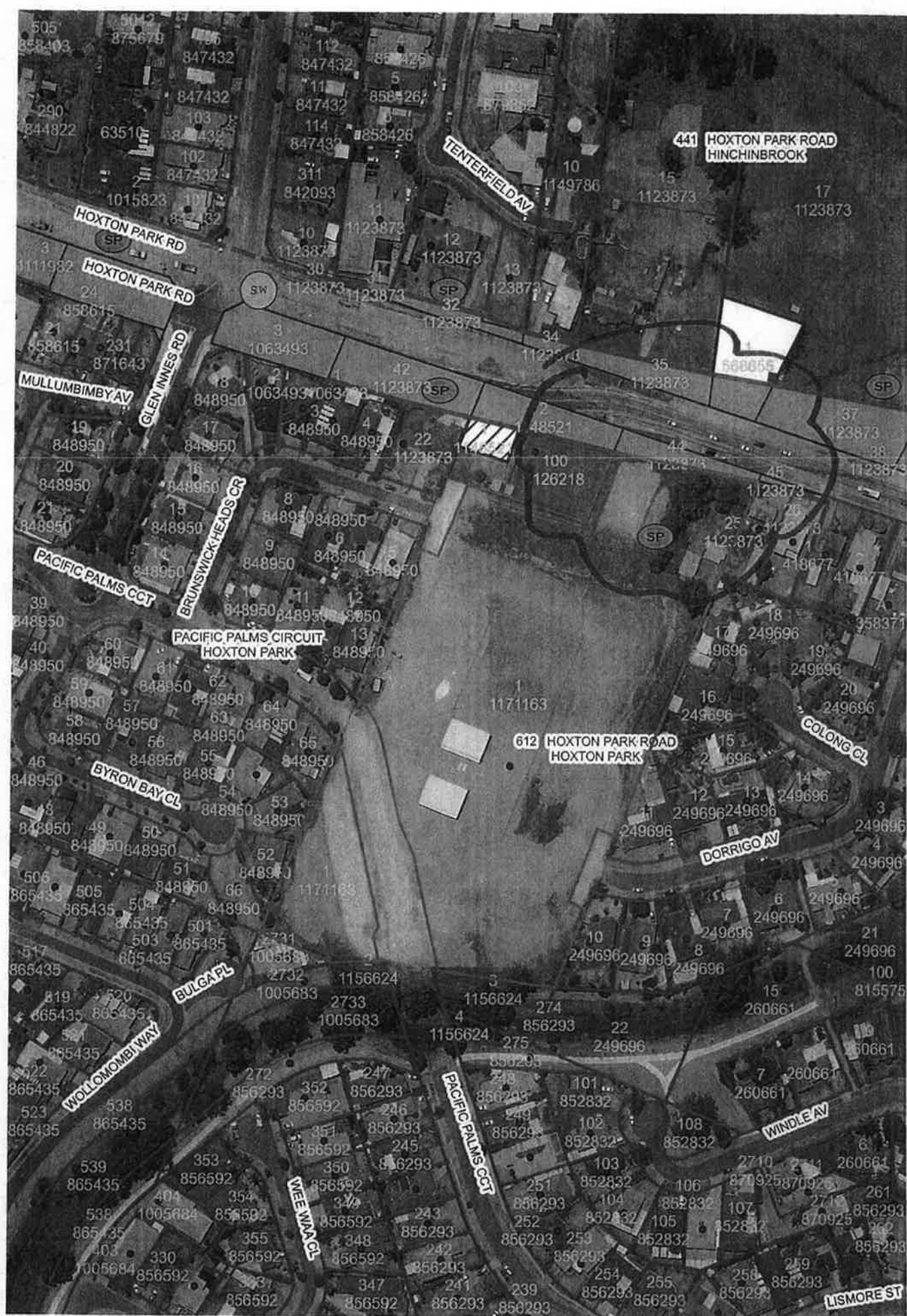
Yours sincerely

A handwritten signature in dark ink, appearing to read 'J Hall', written in a cursive style.

James Hall

A/Chairman, Sydney Regional Development Advisory Committee

25 September 2012





**Department of
Primary Industries**
Office of Water

Contact: Mohammed Ismail
Phone: 02 8838 7535
Fax: 02 9895 7501
Email: mohammed.ismail@water.nsw.gov.au

The General Manager
Liverpool City Council
Locked Bag 7064
LIVERPOOL BC NSW 1871

Our ref: 10 ERM2012/0626
Our file: 9049451-2
Your ref: DA 2012/1251

Received By
24 AUG 2012
Records

Attention: Steven Chong

22 August 2012

Dear Steven

Re: Integrated Development Referral – General Terms of Approval
Dev Ref: DA 2012/1251
Description of proposed activity: Staged development educational establishment with associated car parking landscaping
Site location: 210 Pacific Palms Circuit Hoxton Park

I refer to your recent letter regarding an integrated Development Application (DA) proposed for the subject property. Attached, please find the Office of Water's General Terms of Approval (GTA) for work/s on waterfront land requiring a controlled activity approval under the *Water Management Act 2000* (WM Act), as detailed in the subject DA.

Waterfront land includes (i) the bed of any river together with any land within 40 metres inland of the highest bank of the river, or (ii) the bed of any lake, together with any land within 40 metres of the shore of the lake, or (iii) the bed of any estuary, together with any land within 40 metres inland of the mean high water mark of the estuary.

Please note Council's statutory obligations under section 91A (3) of the *Environmental Planning and Assessment Act, 1979* (EPA Act) which requires a consent, granted by a consent authority, to be consistent with the GTA proposed to be granted by the approval body.

If the proposed development is approved by Council, the Office of Water requests that these GTA be included (in their entirety) in Council's development consent. Please also note the following:

- The Office of Water should be notified if any plans or documents are amended and these amendments result in more than minimal change to the proposed development or in additional works on waterfront land. This requirement applies even if the proposed works are part of Council's proposed consent conditions and do not appear in the original documentation.
- The Office of Water should be notified if Council receives an application to modify the development consent if the modification relates to a matter covered by our GTA. Failure to notify may render the consent invalid.

www.water.nsw.gov.au

Macquarie Tower, 10 Valentine Avenue, Parramatta NSW 2150 PO Box 3720 Parramatta NSW 2124 Australia | t + 61 2 8281 7777 | f + 61 2 883 87554 | e information@water.nsw.gov.au | ABN 47 661 556 763

- The Office of Water requests notification of any legal challenge to the consent.

Under section 91A (6) of the EPA Act, Council must provide the Office of Water with a copy of any determination/s including refusals.

As the controlled activity to be carried out on waterfront land cannot commence before the applicant applies for and obtains a controlled activity approval, the Office of Water recommends the following condition be included in the development consent:

"The Construction Certificate will not be issued over any part of the site requiring a controlled activity approval until a copy of the approval has been provided to Council".

The attached GTA are not the controlled activity approval. The applicant must apply (to the Office of Water) for a controlled activity approval **after consent** has been issued by Council **and before** the commencement of any works or activity on waterfront land.

Finalisation of a controlled activity approval can take up to eight (8) weeks from the date the Office of Water receives all documentation (to its satisfaction). Applicants must complete and submit (to the undersigned) an application form together with any required plans, documents, the appropriate fee and security (if applicable) and proof of Council's development consent.

Application forms for the controlled activity approval are available from the undersigned or from the Office of Water's website:

www.water.nsw.gov.au [Water licensing](#) > [Approvals](#) > Controlled activities

The Office of Water requests that Council provide a copy of this letter to the applicant.

Yours Sincerely



Mohammed Ismail
Licensing Officer - CAA
Office of Water - Licensing South



General Terms of Approval

for work requiring a controlled activity approval
under s91 of the Water Management Act 2000

Our Reference: 10 ERM2012/0626

File No: 9049451-2

Site Address: 210 Pacific Palms Circuit Hoxton Park

DA Number: DA 2012/1251

LGA: Liverpool City Council

Number	Condition
Plans, standards and guidelines	
1	These General Terms of Approval (GTA) only apply to the controlled activities described in the plans and associated documentation relating to DA 2012/1251 and provided by Council. Any amendments or modifications to the proposed controlled activities may render these GTA invalid. If the proposed controlled activities are amended or modified the NSW Office of Water must be notified to determine if any variations to these GTA will be required.
2	Prior to the commencement of any controlled activity (works) on waterfront land, the consent holder must obtain a Controlled Activity Approval (CAA) under the Water Management Act from the NSW Office of Water. Waterfront land for the purposes of this DA is land and material in or within 40 metres of the top of the bank or shore of the river identified.
3	All plans must be prepared by a suitably qualified person and submitted to the NSW Office of Water for approval prior to any controlled activity commencing. The following plans must be prepared in accordance with the NSW Office of Water's guidelines located at: www.water.nsw.gov.au/Water-Licensing/Approvals/default.aspx (i) In-stream works (ii) Outlet structures
4	The consent holder must (i) carry out any controlled activity in accordance with approved plans and (ii) construct and/or implement any controlled activity by or under the direct supervision of a suitably qualified professional and (iii) when required, provide a certificate of completion to the NSW Office of Water.
Rehabilitation and maintenance	
5	The consent holder must carry out a maintenance period of two (2) years after practical completion of all controlled activities, rehabilitation and vegetation management in accordance with a plan approved by the NSW Office of Water.
Reporting requirements	
6	The consent holder must use a suitably qualified person to monitor the progress, completion, performance of works, rehabilitation and maintenance and report to the NSW Office of Water as required.

Our Reference: 10 ERM2012/0626

File No: 9049451-2

Site Address: 210 Pacific Palms Circuit Hoxton Park

DA Number: DA 2012/1251

LGA: Liverpool City Council

Number	Condition
Bridge, causeway, culverts, and crossing	
7	The consent holder must ensure that any culvert crossing does not obstruct water flow and direction, is the same width as the river or sufficiently wide to maintain water circulation, with no significant water level difference between either side of the structure other than in accordance with a plan approved by the NSW Office of Water.
Disposal	
8	The consent holder must ensure that no materials or cleared vegetation that may <ul style="list-style-type: none">(i) obstruct flow,(ii) wash into the water body, or(iii) cause damage to river banks; are left on waterfront land other than in accordance with a plan approved by the NSW Office of Water.
Drainage and Stormwater	
9	The consent holder is to ensure that all drainage works <ul style="list-style-type: none">(i) capture and convey runoffs, discharges and flood flows to low flow water level in accordance with a plan approved by the NSW Office of Water; and(ii) do not obstruct the flow of water other than in accordance with a plan approved by the NSW Office of Water.
10	The consent holder must stabilise drain discharge points to prevent erosion in accordance with a plan approved by the NSW Office of Water.
Erosion control	
11	The consent holder must establish all erosion and sediment control works and water diversion structures in accordance with a plan approved by the NSW Office of Water. These works and structures must be inspected and maintained throughout the working period and must not be removed until the site has been fully stabilised.
END OF CONDITIONS	

Attachment Booklet 3

Smyth Planning

Suite 67, Level 4, 330 Wattle Street ULTIMO NSW 2007
Telephone (02) 9211 3366 Facsimile (02) 9211 8081 E-mail: rm@smythplan.com

CLAUSE 4.6: AN EXCEPTION TO HEIGHT STANDARD

Clause 4.4 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 Education's – 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.

Attachment Booklet 4

Smyth Planning

Suite 67, Level 4, 330 Wattle Street ULTIMO NSW 2007

Telephone (02) 9211 3366 Facsimile (02) 9211 8081 E-mail: rm@smythplan.com

20 December 2012

The General Manager
Liverpool City Council

By Email

ATTENTION : Mr Steven Chong

Dear Sir,

I refer to our discussion about the Objections Council has received to the development application for the Malek Fahd Hoxton Park School and I set out below the Objection and the Applicants response to each of the main Objections. The Response has been prepared by the experts involved, including the Engineer, Architect, Acoustic Engineer, Planner and School Principal.

Stated Objection 1.

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.

Response 1.

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.

Stated Objection 2.

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.

Response 2.

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.

Stated Objection 3.

Long term residents flood zone levels, flooding etc

Response 3

"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.

Stated Objection 4.

The maximum height for buildings within the Liverpool area is we believe set at approx 2.3mts (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.

Response 4.

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. .

Stated Objection 5

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.

Response 5.

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.

Stated Objection 6

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 flawed as it will not be possible for the skinny, ShOrt Streets Of Patific PalMS and Glen Innet to doe With any more traffic movements. To go against the finding and recommendations of the Land and Environment Court, would be an injustice.

Response 6

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.

Stated Objection 7

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.

Response 7

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

Stated Objection 8

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.

Response 8

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.

Stated Objection 9.

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.

Response 9.

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

Stated Objection 10

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.

Response 10

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.

Another Letter

Issue 1 : "Geotechnic Report"

'-The fill platform and setback are inappropriate. Pg3

Bedrock foundation is required for the foundations of these buildings. This was not encountered within the depth of 3-4 mtrs. So drilling will have to go deeper and possibly up to 6 — 8 meters This could lead to instability of surrounding buildings, cause excessive noise and intrusion in to residents lives with noise and disturbance. Pg3

Poor to moderate fill compaction which will mean that the ground has to be further compacted Pg4 Was not a controlled fill. (an item we previously notified to council with regards the breaches of the original consent). Pg6 Was not completed in accordance with the guidelines Pg 6 4.1.4

There have been NO density testing, of the Northern and Southern ends of Stage 2. Pg6, 6.

EXISTING FILL IS UNSUITABLE TO SUPPORT THE PROPOSED FUTURE BUILDINGS. This means further disturbance to the community. This will mean further soil stripping and refilling and vibration compaction, causing further damage and disturbance to residents in the area. Pg 7, 4.2.1

Fill needs to be replaced — with engineering fill to Level 1 Control (they did it previously to level 2 against recommendation. Feel they will do same again .. they have no regard for authority and take dangerous shortcuts. Site drainage footings need to be between 6.35 and 8.5 nits PG 7 4.3

— There has in parts been over compaction of clay soil which is not suitable to the project.
ORIGINAL GEOTEC report ... Pg5 .. there was ground water evident 2.55 mts below the surface..
we were in a drought at that time .., where did this water come from.

Fill with an abundance of root or other organic matter is considered unsuitable to be used as fill, but this has been used on this site, again... our complaints on this topic went unheeded by LCC when the fill was being delivered in 2009.

Pg 4 Geotec report 2012 — Clayed fill containing AN ABUNDANCE OF ROOT MATTER WAS PLACED DIRECTLY ABOVE FORMER TOP SOIL LAYER

Response to Issue 1

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 we 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 from material previously stripped and stockpiled on the site.

Issue 2 Traffic Report.

Current usage is majority by way of private cars. The promised mini busses have only been evident since August 2012. Cannot use these figures as a universal projection.

The IHAP assessment heard in 2011 when an increase in numbers of students was requested was refused based on the traffic and the inability of the local streets to cope with increase in traffic.

Traffic report 22/7/12 section 4.2.1 — Estimate traffic generation P18 —

Glen Innes is only approximately 50 mts Long and Pacific Palms approximately 120 mt long.

Unsuitable to cope with being the major exit from the estate for this school.

There have already been and will continue to have B Double trucks accessing this site for the duration of the construction. 6-8 yrs. Unsuitable for the road network.

— Construction of the culvert is not required to facilitate the completion of the school. Pg20 —
4.6. JUSTICE BRISCO in his assessment and judgement for the Land and Environment Court has declared that the school development is dependent on the construction of the culvert and the construction of the culvert is essential to the safe and appropriate construction and running of the school. This applicant cannot go against the recommendation of the land and environment court decision.

— Conclusion — Intersection of Glen Innes, can cope with the traffic. There has been recent evidence of the local roads not being able to cope with traffic when incidences occur. Accidents recently on the M7 showed this quite sever problem.

Response to Issue 2

After the initial period of operation and some local traffic problems, the School took action to arrange for car pooling and mini buses that dramatically improved the situation. This action was also spurred by the IHAP recommendation against approval of the request for extra students for stage 1.

The response above to Stated Objection 10 is also relevant to this issue.

Issue 3 Social Plan

School weekend activities — pose a disturbance to the local neighbourhood and traffic problems to the residents.

— The issue of the Purpose of the establishment _ that it is important that the school is not to appear to be, or to operate as an exclusive establishment — TOTAL CONTRADICTS the SOCIAL IMPACT ASSESSMENT pg @

MFIS ONLY accepts students for yr 12 who are intending to study at university (exclusive).

SOCIAL PLAN Pg2 part3 — There is NO requirement for students to be of a particular religion in order to attend this school. SOCIAL IMPACT ASSESSMENT pg 3 — 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.

— SOCIAL IMPACT ASSESSMENT

- Health and safety

Social Cohesion

— 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. To have a sense of place in the community. Pg9 4.4 It does NOT reflect the religious characteristics of the locality. The majority of the area and surrounding suburbs is not a follower of this religious faith.

Social displacement has occurred as a result of this proposed

establishment Pg10 4.8 and it has far outweighed the Public Interest Benefits.

Response to Issue 3

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 actually 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.

Issue 4 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.

Response to Issue 4

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.

Issue 5 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.

Response to Issue 5

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.

I trust this is the response required by Council. If I have missed any of the objections please let me know.

Yours faithfully
SMYTH PLANNING

A handwritten signature in black ink, appearing to read 'R B Smyth', with a stylized flourish underneath.

R B Smyth
DIRECTOR