

COUNCIL ASSESSMENT REPORT

Panel Reference	2016SWC001
DA Number	DA/1057/2016
LGA	City of Parramatta
Proposed Development	Section 96(2) modification to an approved primary school. The modifications include changes to the site levels by increasing fill by up to 1.2 metres
Street Address	Burroway Road, Wentworth Point
Applicant/Owner	Applicant: Department of Education Owner: Department of Education
Date of DA lodgement	10 November 2016
Number of Submissions	1 submission
Recommendation	Approval subject to conditions
Regional Development Criteria (Schedule 4A of the EP&A Act)	The application is a Section 96(2) modification to an original Crown Development with capital investment value exceeding \$5 million.
List of all relevant s79C(1)(a) matters	<ul style="list-style-type: none"> • State Environmental Planning Policy No. 55 - Remediation of Land • State Environmental Planning Policy (Infrastructure) 2007 • Sydney Regional Environmental Plan No. 24 – Homebush Bay Area • Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005 • Draft NSW Coastal Management SEPP • Auburn Local Environmental Plan 2010 • Wentworth Point Precinct DCP 2014
List all documents submitted with this report for the Panel's consideration	All plans and documents listed within Condition 1 of the Recommendation section of the Assessment Report
Report prepared by	Kate Lafferty
Report date	23 December 2016

Summary of s79C matters

Have all recommendations in relation to relevant s79C matters been summarised in the Executive Summary of the assessment report? **Yes**

Legislative clauses requiring consent authority satisfaction

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

e.g. Clause 7 of SEPP 55 - Remediation of Land, Clause 4.6(4) of the relevant LEP

Clause 4.6 Exceptions to development standards

If a written request for a contravention to a development standard (clause 4.6 of the LEP) has been received, has it been attached to the assessment report? **Not Applicable**

Special Infrastructure Contributions

Does the DA require Special Infrastructure Contributions conditions (S94EF)? **Not Applicable**

Note: Certain DAs in the Western Sydney Growth Areas Special Contributions Area may require specific Special Infrastructure Contributions (SIC) conditions

Conditions

Have draft conditions been provided to the applicant for comment? **Yes**

Note: in order to reduce delays in determinations, the Panel prefer that draft conditions, notwithstanding Council's recommendation, be provided to the applicant to enable any comments to be considered as part of the assessment report

ASSESSMENT REPORT – SECTION 96 MODIFICATION
Environmental Planning & Assessment Act 1979

SUMMARY

Application details

DA No:	DA/1057/2016
Assessment officer:	Kate Lafferty
Property:	Lot 201 DP 1216628 Wentworth Point Public School Burroway Road, Wentworth Point
Proposal:	Section 96(2) modification to an approved primary school. The modifications include changes to the site levels by increasing fill by up to 1.2 metres
Date of receipt:	10 November 2016
Applicant:	Department of Education
Owner:	Department of Education
Submissions received:	1 submission received
Is the property owned by a Council employee or Councillor:	No
Political donations disclosed:	No
Council application:	No
Issues:	None
Recommendation:	Approval

Legislative requirements

Zoning:	R4 High Density Residential
Permissible under:	Auburn Local Environmental Plan 2010
Relevant legislation/policies:	SEPP No.55 - Remediation of Land SEPP (Infrastructure) 2007 SREP No. 24 - Homebush Bay Area

Variations:	Nil
Integrated development:	No
Crown development:	Yes (Department of Education)

The site

Site Area:	3230m ²
Easements/rights of way:	No
Heritage item:	No
In the vicinity of a heritage item:	No
Heritage conservation area:	No
Site History:	Yes (see “Background” section of this report)

DA history

10 November 2016	Section 96 lodged
23 Nov - 7 Dec 2016	Section 96 advertised and notified
24 November 2016	Correspondence received from Water NSW
6 December 2016	Correspondence received from Urban Growth/RMS (eastern adjoining property). No objection raised.
14 December 2016	Correspondence received from SOPA
14 December 2016	SWCPP Briefing Meeting

SECTION 96 ASSESSMENT

SITE & SURROUNDS

The subject site is located on the northern side of Burroway Road, on the northern end of Wentworth Point and east of the junction of Hill Road. The total land area covered under this application for the purposes of a new public school comprises approximately 1.5 hectares of land area.

The site is vacant with the exception of demountable site construction offices. Existing vehicular access is provided from Burroway Road and the entire perimeter of the site is surrounded by a cyclone mesh fence and brick wall. The site is relatively flat and contains remnant vegetation scattered along the south, east and western boundaries.

The site has a slight fall to the north towards the Parramatta River.

The site adjoins the Sydney Olympic Park Ferry Wharf and SOPA/Payce mixed use development currently under construction to the west and the vacant Urban Growth/RMS UAP site to the east. The site is opposite to the Billbergia Block E mixed use development currently under construction. The Parramatta River is located approximately 30m to the north and is separated from the subject site by future parkland.

The following aerial photo indicates the location of the subject site and its relationship to adjoining properties.



Location Map



View of subject site (view NW along Burroway Road)

BACKGROUND

DA-288/2015 (Auburn Reference)

The Sydney West JRPP approved an application for the demolition of existing structures and construction of a three storey purpose-built primary school (to accommodate 540 students and 30 staff) on 21 April 2016.

The approved development included:

- A single storey administration and hall building (Block A)
- A three storey classroom building (containing 18 classrooms of which 4 are special educational classrooms) and library (Block B)
- Storage building including services (Block C)
- Multi-purpose playing court
- Outdoor active play areas
- Landscaping, fencing and school signage
- Open car park (18 car spaces of which 2 are accessible)

Primary access to the site is from Ferry Wharf Circuit and a separate secondary access to the main car park/drop off and set down is to be provided via Burroway Road.

Normal school operational hours are Monday to Friday 7:30am to 6:00pm. Extended hours for the library and hall spaces are as follows:

- Monday to Friday: 6:00pm to 9:00pm
- Saturday and Sundays: 7:30am to 6:00pm

That application was assessed and processed by the former Auburn Council.

DA/410/2016

A Section 96(1) application to modify the consent for the approved primary school was lodged with City of Parramatta Council on 2 June 2016. The application sought to delete conditions relating to the provision of a bus drop off/pick up area, the construction of a footpath and street lighting. Council approved the modification on 20 June 2016 and issued the modified notice of determination on 29 June 2016.

PROPOSED MODIFICATIONS

The application primarily involves the increase in fill across the site by up to 1.2m. The proposed increase in fill also results in the amendment to some of the approved retaining wall levels.

The applicant has provided the following explanation as to the requirements for the additional fill.

The decision to raise the site became unavoidable after further reviews of the following:

Proposed Capping Strategy:

The approved development consent proposed capping the site with 500mm of imported engineered fill material (including slab).

The raise in site levels will provide greater coverage over the site (an additional 0.7-1.2m) increasing the level of protection to the end users of the premises and will also satisfy environmental requirements.

Longevity of underground services:

The height of the existing water table was found to impact on the proposed underground hydraulic and stormwater services.

The building contractor could not warranty longevity of the above services.

The raise in site level will allow for sufficient depth to install proposed services to avoid impact of water from the Parramatta River and therefore mitigate possible damage, failure and contamination.

The proposal is to raise the existing site level by approximately 1200mm (car park and access to car park excluded). Subsequent to the above for the addition of required retaining walls along the eastern boundary and modification in height to previously proposed retaining walls, and the extension and addition of accessibility ramps and access stairs to the site.

The approved application incorporated fill up to RL2.8 (with outdoor play mounds up to RL3.1). This represented a maximum fill of approximately 0.8m.

The proposed modification incorporates fill up to RL4.0 (with outdoor play mounds up to RL4.3). This represents an additional maximum fill of up to 1.2m.

GENERAL NOTES

1. THIS PLAN REPRESENTS THE GRADE IN PROPOSED SURFACE LEVELS FROM PG&E DEVELOPMENT CONSTRUCTION.
2. EXISTING AND PROPOSED SURFACE AND SUBSURFACE DATA, BASE EARTHWORK QUANTITIES WILL VARY.
3. ALL WORKS TO BE COMPLETED IN ACCORDANCE WITH COUNTY & FEDERAL AUTHORITY REGULATIONS AND DETAILS.
4. EXISTING AND PROPOSED SURFACE AND SUBSURFACE DATA, BASE EARTHWORK QUANTITIES WILL VARY.
5. ALL WORKS TO BE COMPLETED IN ACCORDANCE WITH COUNTY & FEDERAL AUTHORITY REGULATIONS AND DETAILS.
6. ALL WORKS TO BE COMPLETED IN ACCORDANCE WITH COUNTY & FEDERAL AUTHORITY REGULATIONS AND DETAILS.
7. THE CONTRACTOR SHALL OBTAIN FINAL SURFACE LEVELS AND TYPICAL FINISHED DETAILS FOR ALL EXISTING AND PROPOSED SURFACE AND SUBSURFACE DATA, BASE EARTHWORK QUANTITIES WILL VARY.
8. ALL WORKS TO BE COMPLETED IN ACCORDANCE WITH COUNTY & FEDERAL AUTHORITY REGULATIONS AND DETAILS.
9. ALL WORKS TO BE COMPLETED IN ACCORDANCE WITH COUNTY & FEDERAL AUTHORITY REGULATIONS AND DETAILS.
10. ALL WORKS TO BE COMPLETED IN ACCORDANCE WITH COUNTY & FEDERAL AUTHORITY REGULATIONS AND DETAILS.

The modification also incorporates the following amendments:

- ## SYDNEY WEST CENTRAL PLANNING PANEL

The application was considered at the SWCPP Briefing Meeting on 14 December 2016. At that meeting, the following matters were discussed:

- The above matters have been discussed within this assessment report. In respect to the potential view loss, it is noted that the modification raises the height of the building by 1.2m only and the proposed development is contained within the

maximum permissible height limit for the site. No objections were received in relation to loss of views.

The SWCPP panel members raised no additional matters to be addressed within the assessment report.

PERMISSIBILITY

Auburn Local Environmental Plan 2010

The site is zoned R4 High Density Residential under the provisions of Auburn LEP 2010. The approved development is defined as an “educational establishment” which is defined under the Auburn LEP 2010 as follows:

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.

The proposed ancillary works to the educational establishment are considered to be permissible.

EXTERNAL REFERRALS

Sydney Olympic Park Authority (SOPA)

In accordance with Section 27 of the Sydney Olympic Park Authority Act 2001 and Clause 14 of Sydney Regional Environmental Plan Number 24 Homebush Bay Area, a copy of the development application was referred to SOPA for comment.

Correspondence was received from SOPA on 14 December 2016 which included the following comments:

1. Any level changes and the impacts of those changes must be dealt with from within the boundary of the subject property. SOPA’s road levels will not be adjusted further particularly given the current status of the Payce development (SOPA’s Ferry Wharf site) being several storeys out of the ground.

Planning Comment: The plans submitted as part of the Section 96 application indicate there are no changes to any of the surrounding road levels. All works proposed are entirely within the boundaries of the school.

2. It should be noted that these level changes may impact on critical interface levels associated with DDA compliant primary accessible pathways to the school entrance.

Planning Comment: The plans submitted as part of the Section 96 application indicate access ramps for people with disabilities to the main entrance within Ferry Road Circuit and the secondary entrance within Burroway Road. The ramps have a gradient of 1:20, which complies with the ramp and walkway requirements of AS1428.1. It is also noted that Condition 31 and Condition 32 of the original notice of determination requires compliance with the Building Code of Australia and the Disability (Access for Premises – Buildings) Standards 2010.

NSW Waterways

Whilst it is noted that integrated provisions under the EP&A Act 1979 do not apply to development applications by the Crown, it is considered sound practice to refer the subject application to the relevant authorities for consultation. In this regard, the application was referred to NSW Waterways for comment. Correspondence was received on 24 November 2016 from NSW Waterways stating that no comments under the provisions of the Water Management Act is necessary or required for the subject application.

INTERNAL REFERRALS

Development Engineer

The application was referred to Council's Development Engineer who reports as follows:

It is noted that the increased fill has minimal impact on the site and the surrounding and adjacent sites. The increased levels were assessed against the design levels of the new road by Urban Growth to the east, Burroway Road to the south and Ferry Wharf Circuit to the west. The increased levels have been adequately designed for along all those frontages.

The proposed modifications including increased fill levels to the site adversely affects the previously approved stormwater drainage design of the site. Generally, the existing stormwater drainage design has been raised accordingly to accommodate the modified surfaced levels. Site filling does not extend to the carparking facility. Carpark levels generally remain unaltered. In this regard the currently approved stormwater drainage of the carpark cannot function and an alternate drainage design forms part of this application. In the first instance, a temporary pump out design is proposed. Upon completion of the reconstruction of Burroway Road including drainage reconstruction, a permanent gravity drainage system will be provided. Retaining walls, buildings and structures are raised accordingly.

In consideration of the above, Development Engineers raise no objection to the proposal.

Traffic Officer

The application was referred to Council's Traffic Officer who raises no objection to the proposed modification to the development.

Environment & Public Health Officer

The application was referred to Council's Environment and Public Health Officer who reports as follows:

I have reviewed the statement provided by the Site Auditor (dated 12 October 2016) in relation to the proposed changes to fill levels and am satisfied that the contamination considerations are unchanged from the previous Site Audit Statement.

Planning Comment: No concerns are therefore raised in terms of the environment and public health.

PUBLIC CONSULTATION

In accordance with notification procedures that are contained in Auburn DCP 2010, owners and occupiers of surrounding properties were given notice of the application for a period of 14 days between 23 November 2016 and 7 December 2016. A sign was also placed on site. In response one (1) submission was received.

The issue raised within the submission relates to the selected tree species to be planted on the site. Concern is raised with potential falling trees and branches and the impacts on the safety of the children, staff and visitors to the school.

Response: An amended landscaping plan was submitted with the Section 96 application. There are no substantial changes to the tree species that were approved as part of the original application (other than the deletion of the proposed planting of Brush Box).

The application has been reviewed by Council's Tree Management and Landscape Officer who raises no concerns with the proposed landscaping of the site. The tree species selected are considered acceptable and unlikely to cause issues if properly maintained and regularly inspected.

It is also noted that the adjacent neighbouring properties to the east (Burroway Road UAP (RMS) site) and west (SOPA/Payce site) adjoining to the west were specifically contacted with respect to this application. In response, Urban Growth (on behalf of the RMS) raised no objection and SOPA's comments are discussed elsewhere within this report.

SECTION 96 MATTERS OF CONSIDERATION

Has the consent lapsed? No – the consent has been taken up as all buildings have been demolished.

Section 96(2) Modification

Substantially the same development

The proposed development to be modified is considered to be substantially the same development as to that which the original development consent relates as the minor amendments do not change the nature of the original approval, being the construction and operation of a primary school.

Consultation with Minister, public authority or approval body

In accordance with Section 27 of the Sydney Olympic Park Authority Act 2001 and Clause 14 of Sydney Regional Environmental Plan Number 24 Homebush Bay Area, a copy of the development application was referred to SOPA for comment. This matter has been discussed under the 'Referrals' section earlier within this report.

Notification & Submissions

The application has been notified in accordance with the Auburn DCP2010 notification procedures. One (1) submission was received. The matters raised within this submission have been discussed within the assessment report. The proposal is not contrary to the public interest.

Threatened Species

The modification does not relate to development consent referred to in section 79B (3), or in respect of which a biobanking statement has been issued under Part 7A of the Threatened Species Conservation Act 1995.

Section 79C Assessment

The proposed modifications have been assessed in accordance with the relevant matters for consideration under Section 79C of the EP&A Act, 1979. This assessment includes the following matters.

STATE ENVIRONMENTAL PLANNING POLICY 55 – REMEDIATION OF LAND

The provisions of SEPP No. 55 have been considered in the assessment of the original development application. The site was deemed to be suitable for the intended use during the original assessment subject to remediation and validation works being finalised.

The applicant submitted supporting correspondence from the Site Auditor confirming that a Remedial Action Plan is not required for the site and the proposed additional filling complies with the current Site Audit Statement. The application was referred to Council's Environment and Public Health Officer who raises no concerns with the proposal.

It is noted that any fill to the site is to be validated as suitable clean fill. This is already required under Condition 4 of the Site Audit Statement dated 17/06/2015 which states:

4. *Imported fill material used to raise the surface level across the site must be validated as consistent with future use of the site as a primary school.*

Accordingly, the development application is satisfactory having regard to the relevant matters for consideration under SEPP 55.

STATE ENVIRONMENTAL PLANNING POLICY (INFRASTRUCTURE) 2007

The provisions of SEPP (Infrastructure) 2007 have been considered in the assessment of the development application. The proposed modifications do not trigger any written referrals to external agencies.

Division 3 of the SEPP provides for standards for educational establishments, however the relevant standards stated under Clause 32 required for consideration have been superseded by the current NSW Educational Facilities Standards and Guidelines (EFSG). The new guidelines aim to set out the minimum standards and design criteria for all new schools. This assessment was carried out under the original application. The proposed modification does not impact upon the assessment or outcome of the original application.

SYDNEY REGIONAL ENVIRONMENTAL PLAN NO. 24 - HOMEBUSH BAY AREA

The requirements and objectives of Sydney Regional Environmental Plan are not directly relevant to the subject site and application. The Auburn Local Environmental Plan 2010 is the principal planning control that applies to the development within the Wentworth Point Urban Activation Precinct (UAP).

Notwithstanding the above, the proposed development is consistent with the aims and objectives of this plan.

DRAFT NSW COASTAL MANAGEMENT SEPP

The Draft NSW Coastal Management SEPP was recently on exhibition from 11 November to 23 December 2016. The Coastal Management SEPP will integrate and improve current coastal-related SEPPs and ensure that future coastal development is appropriate and sensitive to our coastal environment, and that we maintain public access to beaches and foreshore areas.

The subject site is affected by the following sections of the SEPP:

Coastal Environment Area

Clause 14 requires the consent authority to be satisfied that the proposed development will not adversely impact upon the coastal environment. In this regard, the impacts of the approved development have been addressed within the original assessment, and found to be acceptable. The proposed modifications do not pose any additional impacts upon the Parramatta River.

Coastal Use Area

Clause 15 requires the consent authority to be satisfied that the proposed development maintains public access, minimises impacts to the public domain, and does not adversely impact on the visual and scenic qualities of the coast, Aboriginal

places or surf zones. In this regard, the impacts of the approved development have been addressed within the original assessment, and found to be acceptable. The proposed modifications do not pose any additional impacts upon these matters.

Clause 15 also requires the consent authority to take into consideration the type and location of the proposed development (including the bulk, scale and size of the development). In this regard, although the buildings on the site will increase in height by 1.2m, the three storey primary school development is below the permissible height within the zone and is well below the approved and potential heights of neighbouring properties.

Division 5 General Provisions

The proposed development is not likely to cause increased risk of coastal hazards and is not currently subject to a coastal management program or coastal zone management plan.

SYDNEY REGIONAL ENVIRONMENTAL PLAN (SYDNEY HARBOUR CATCHMENT) 2005 (DEEMED SEPP)

The subject site is identified as being located within the area affected by the Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005. The Sydney Harbour Catchment Planning Principles must be considered and where possible achieved in the carrying out of development within the catchment. The key relevant principles include:

- protect and improve hydrological, ecological and geomorphologic processes;
- consider cumulative impacts of development within the catchment;
- improve water quality of urban runoff and reduce quantity and frequency of urban run-off; and
- protect and rehabilitate riparian corridors and remnant vegetation.

The proposed development raises no issues as no impact on the catchment is envisaged.

(Note: - the subject site is not identified in the relevant map as 'land within the *'Foreshores and Waterways Area' boundary* or *'Wetland Protection zone'*, is not a *'Strategic Foreshore Site'* and does not contain any heritage items. Hence the majority of the SREP is not directly relevant to the proposed development).

AUBURN LOCAL ENVIRONMENTAL PLAN 2010

The relevant matters to be considered under Auburn Local Environmental Plan 2010 for the proposed development are outlined below.

Standard	Requirement	Proposal	Compliance	Percentage variance
<i>Auburn Local Environmental Plan 2010</i>				
Lot Size	No minimum under ALEP	N/A	N/A	N/A

	2010.			
Zoning	R4 High Density Residential	Educational establishments are permissible with consent under this zone	Yes	N/A
Building Height	Max. 19m (area adjacent to foreshore) to 25m	Max. 16.62m	Yes	N/A
Floor Space Ratio	Max. 1.1(Max. GFA: 15,044m ²)	4,391m ² (0.29:1) No changes proposed	Yes	N/A
Architectural Roof feature	Permitted only for decorative purpose	N/A	N/A	N/A
Preservation of Trees	To preserve the amenity of the area	The removal of existing trees and vegetation was approved under the original application.	N/A	N/A
Heritage Conservation	The site is not listed as a heritage item or within a conservation area. The site is not within the vicinity of a heritage item.	N/A	N/A	N/A
Acid Sulfate Soils	In accordance with the Acid Sulfate Soils Map ASS_009, the subject land is identified as Class 2.	This matter was assessed during the original application. The proposed additional fill will not impact upon the acid sulfate soils on the site.	Yes	N/A
Earthworks	Impacts to be considered on environmental functions and processes, neighbouring uses or heritage items and features of the surrounding land	The proposed earthworks will increase the amount of fill across the site by up to 1.2m. The impacts of these earthworks have been assessed within this report and found to be satisfactory.	Yes	N/A
Flooding	The site is not	The flooding impacts		

	identified on the flood map, however affected by the probable maximum flood (PMF)	of the proposed school were identified and assessed within the original application. Council's Development Engineer has reviewed the proposal and raises no objections to the modification.	Yes	N/A
Foreshore Building Line	The site is not identified on the Foreshore Building Line Map	Not applicable.	N/A	N/A

WENTWORTH POINT PRECINCT DEVELOPMENT CONTROL PLAN 2014

The relevant matters to be considered under WPP DCP2010 for the proposed development are outlined below.

Development Control	Proposal	Compliance
Section 2.0 Vision, principles and indicative structure plan	There are no proposed changes to the approved school or design as part of this application that impacts upon this section of the DCP.	Yes
Section 3.0 Public domain	<p>There are no proposed changes to the approved street levels design or pedestrian/cycle network as part of this application.</p> <p>Section 3.3 refers to landform and contamination and acknowledges the challenges of the area due to the high water table, presence of acid sulfate soils and potential flooding impacts. In this regard, increased ground heights are expected within the area.</p> <p>It is noted that not all retaining wall heights along all boundaries were indicated on the original stamped approved plans. Based upon the information available, there will be no changes to the proposed retaining wall heights along the eastern and southern (front) boundaries. The most significant change to the retaining wall height is along the Ferry Wharf Circuit frontage whereby the walls will increase from 0.5m-0.7m to 1.7m-1.9m adjoining the main entry to the school. It is noted that</p>	Yes

	<p>the entry stairs are sufficiently wide to assist in breaking the appearance of the continuous wall. The areas behind the walls are also landscaped to soften the visual impacts. The wall then drops in height towards the north (to approx.1.6m) and towards the south to Burroway Road (to approx.0.3m).</p> <p>Whilst not a desirable outcome, the increased retaining wall height is considered acceptable subject to minor modifications, given the small section of the boundary that it applies to and that it serves as the main entrance to the school and sufficient opportunities for landscaping and natural surveillance are retained.</p> <p>In order to minimise the visual impact of the retaining wall, it is considered that the following minor modifications should be made:</p> <ul style="list-style-type: none"> - the wall between the main entry stairs and the ramp is to be a maximum of 900mm high, with appropriate landscaping located behind - a mural or art form is to be placed on the wall between the main entry stairs and the Burroway Road intersection. <p>Accessibility from the public domain to the site is provided.</p>	
<p>Section 4.0 Private domain</p>	<p>The modification proposes minor changes to the configuration of the approved car park. There are no changes to the number of car parking spaces proposed and the design complies with the AS2890 standards.</p> <p>The proposed increase in fill provides for the provision of greater deep soil opportunities for the planting on the site and allows for improved plant growth (without impacting upon contaminated material or the highly located water table.</p> <p>There are no other proposed changes to the approved school or design as part of this application that impacts upon this section of the DCP.</p>	N/A

Section 5.0 Sustainability and environmental management	There are no proposed changes to the approved school or design as part of this application that impacts upon this section of the DCP.	N/A
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SECTION 94 CONTRIBUTIONS

Whilst the modification of increasing fill on the site and provision of additional retaining walls would increase the cost of works on the site, the application and nature of the development proposed does not require the payment of contributions in accordance with section 22.8(h) – Exemptions to the levy of Auburn Council's Section 94 contributions plan, in that:

Development by or non-profit organisations which provide a distinct community benefit including but not limited to the provision of childcare services, libraries, community or educational facilities, places of worship, outreach services or the like, on a cooperative or not-for-profit basis.

No Section 94 contributions were imposed on the approval of the original consent.

Conclusion

After consideration of the development against the relevant statutory and policy provisions, the proposed modification to the approved primary school is acceptable and is not contrary to the public interest. Therefore, it is recommended that the application be approved.

Recommendation

Approval

That the Sydney West Central Planning Panel as the consent authority, modify development consent to Development Application No. DA/410/2016 for the modification of an approved primary school at Burroway Road, Wentworth Point as shown on the plans submitted with the modification of determination, for a period of five (5) years from the date on the **original** Notice of Determination for physical commencement to occur subject to the following modifications:

A. **CONDITION 2 being modified to read as follows:**

2. **Approved Plans –~~Deferred Commencement~~**

The development is to be carried out generally in accordance with the following plans and documentation as indicated below, **except as modified by the deferred commencement condition of approval:**

Plan Number	Prepared By	Revision No.	Dated
Site plan DA01	Government Architects Office	-	31.07.5

Demolition and site plan DA02 As amended by Traffic Plan DA 17 Rev. A (area marked in red only)	Government Architects Office	-	5.08.15 9.03.16
External works site plan S96-01	Collard Maxwell Architects	C	8.11.16
External works site plan S96-02	Collard Maxwell Architects	C	8.11.16
Ground Floor – Block A S96-03	Collard Maxwell Architects	A	28.10.16
Ground Floor – Block B S96-04	Collard Maxwell Architects	A	28.10.16
First Floor – Block A S96-05	Collard Maxwell Architects	A	28.10.16
Second Floor – Block B S96-06	Collard Maxwell Architects	A	28.10.16
Elevations Block A – Administration & Hall S96-07	Collard Maxwell Architects	A	28.10.16
Elevations Block B – Library & Learning S96-08	Collard Maxwell Architects	A	28.10.16
Elevations – Block B – Covered Walkway, Sunscreens & Downpipes S96-09	Collard Maxwell Architects	A	28.10.16
Covered Walkway, Sunscreens & Balustrades Sections S96-10	Collard Maxwell Architects	A	28.10.16
Sections – Block A – Administration S96-11	Collard Maxwell Architects	A	28.10.16
Sections Block B – Learning & Library S96-12	Collard Maxwell Architects	A	28.10.16
Sections Block B – Learning & Library S96-13	Collard Maxwell Architects	A	28.10.16
External Works – Site Sections S96-14	Collard Maxwell Architects	A	28.10.16
Landscape Plan S96-L01	Collard Maxwell Architects	A	28.10.16
Landscape Plan S96-L02	Collard Maxwell Architects	A	28.10.16
Civil and stormwater works plan - Cover sheet C1.01	Northrop	2	23.12.2016
General Arrangement Plan C1.10	Northrop	1	28/10/2016

Concept Sediment and Soil Erosion Control Plan C2.01	Northrop	1	28/10/2016
Sediment and Soil Erosion Control Details C2.10	Northrop	1	28/10/2016
Cut and Fill Plan C4.01	Northrop	2	25/11/2016
Stormwater Drainage Plan – Sheet 1 C6.01	Northrop	2	23/12/2016
Stormwater Drainage Plan – Sheet 1 C6.02	Northrop	2	23/12/2016
Siteworks Grading Plan – Sheet 1 C9.01	Northrop	1	28/10/2016
Siteworks Grading Plan – Sheet 1 C9.02	Northrop	2	23/12/2016
Catchment Plan C9.10	Northrop	1	28/10/2016
Details Sheet C10.01	Northrop	1	28/10/2016
External Works Site Plan 2 of 2 S96-01	CM+A	C	06/11/2016
External Works Site Plan 2 of 2 S96-02	CM+A	C	06/11/2016
External Works Site Sections S9614	CM+A	A	06/11/2016
Typical civil details, sheet 1 C03	John Gan/NSW Public Works	B	11.02.16
Typical civil details, sheet 2 C04	John Gan/NSW Public Works	B	11.02.16
Stormwater management concept plan	John Gan/NSW Public Works	-	28.07.15
Stormwater and flood desktop study memo	John Gan/NSW Public Works	-	09.05.14
Site Audit Report – R01	Coffey Environments Australia P/L	-	17.06.15
Site Audit Statement NSW-0804-020 and auditors opinion	Coffey Environments Australia P/L	-	10.07.15
Hazardous Materials Survey and Scope of works report no. EM146421	Environmental Monitoring Services	-	12.05.14
Acoustic Services Report	Norman Disney & Young	3	23.07.15
Geotechnical investigation report no. 15-GS34A	NSW Public Works	-	June 2015

Additional Environmental Assessment E27299Krpt2	Detailed Site Ref:	NSW Public Works	-	29.05.15
Crime risk analysis report – GAF-0414		NSW Public Works	Revised	13.05.15
Sewer and water connection points		NSW Public Works	-	24.07.15
Ausgrid network services off-site		NSW Public Works	-	24.07.15
Traffic and parking assessment report ref 14167		Varga Traffic Planning P/L	-	24.07.15
Accessibility report		Accessibility Solutions P/L	-	27.07.15
Fire engineering report S14203		Olsson Fire & Risk consulting engineers	FER 1.2	25.07.15
BCA 2015 report Ref 13247R04		Metro Building Consultancy	-	24.07.15

Reason:- to confirm and clarify the terms of Council's approval.
(Modified by DA/410/2016 and DA/1057/2016)

B. CONDITION 2A being added to read as follows:

- 2A. The plans are to be modified in the following manner:
- (a) the wall between the main entry stairs and the ramp along Ferry Wharf Circuit is to be a maximum of 900mm high, with appropriate landscaping located behind
 - (b) The wall along Ferry Wharf Circuit between the main entry stairs and the Burroway Road intersection is to be finished in patterned block work or a similar technique,

in accordance with details to be submitted to, and approved by Council before the commencement of any fill works on the site.

Reason:- to minimise the visual impact of the retaining wall along Ferry Wharf Circuit.
(Modified by DA/1057/2016)

CONDITION 2B being added to read as follows:

- 2B. Any fill material, required by this consent, imported to the site is to be virgin excavated natural material (VENM) and is to be certified as such by a suitably qualified industry professional. The certification of each delivery is to be kept on site and produced for inspection if requested.

Reason: To ensure the site does not become contaminated and appropriate compaction levels can be achieved.

(Modified by DA/1057/2016)

CONDITION 2C being added to read as follows:

- 2C. A geotechnical inspection and testing authority is to be engaged and shall manage the entire filling process including the selection of material, importation, placement, compaction, testing and approval. A level 1 inspection and testing procedure shall be adopted with the geotechnical authority providing a report and a certificate of compliance on completion. All works shall be in accordance with AS3798-2007.

A copy of the report and the compliance certificate shall be forwarded to Council upon completion. A survey of the finished surface levels is to be included in the WAE survey plan.

All filling shall be carried generally in accordance with the following plans: Cut & Fill Plan dwg: C4.01 Rev: 1 dated: 28/10/2016 -- Siteworks Grading Plan sheet 1 dwg: C9.01 Rev: 1 dated: 28/10/2016 sheet 2 dwg: C9.02 Rev: 2 dated: 23/12/2016.

Reason: To ensure that records are kept and engineering standards are achieved.

(Modified by DA/1057/2016)

CONDITION 2D being added to read as follows:

- 2D. Stormwater drainage for the site shall be generally in accordance with the following plans: Stormwater Drainage Plans job no. 150546 dwgs C6.01, C6.02, rev: 2 dated: 23/12/2016 – Catchment Plan dwg: C9.01 Rev: 1 dated: 28/10/2016 – Stormwater Drainage Details dwg: C10.01 Rev: 1 dated: 28/10/2016.

Stormwater drainage for the car park and vehicular access shall be carried out generally in accordance with the afore mentioned plan C6.02. An interim drainage pumpout system shall be employed to discharge water into the site's stormwater system via a bio-retention swale. To ensure a consistent ponding depth over the swale area the ground surface shall be levelled with the pit intakes levelled at 200mm above.

The interim pumpout system shall only be employed up until the reconstruction of that section Burroway Road is complete. Construction drawings for the carpark must also include the permanent gravity drainage system connecting to the road drainage system within Burroway Road and shall include the approved design levels for Burroway Road. Details of the connection shall be included within the construction drawings. Water quality treatment shall form part of the permanent gravity drainage system, generally as illustrated on drawing C6.02.

Reason: To ensure the site does not become contaminated and appropriate compaction levels can be achieved.
(Modified by DA/1057/2016)

CONDITION 2E being added to read as follows:

- 2E. A bio-retention swale shall be provided as indicated on drawing C6.02. Details showing the method of discharge from the raising main to the swale shall be provided to Council for approval prior to the works commencing. Upon the construction of the gravity drainage system the bio-retention swale shall become redundant and the water quality treatment transferred to the converted pumpout chamber.

Reason: To ensure the continuation of a water quality treatment system.
(Modified by DA/1057/2016)