

# SYDNEY WESTERN CITY PLANNING PANEL

## COUNCIL ASSESSMENT REPORT

<b>Panel Reference</b>	2016SYW134
<b>DA Number</b>	DA-616/2016
<b>LGA</b>	Liverpool City Council
<b>Proposed Development</b>	Proposed Educational Establishment (School) Over 4 Stages Providing For 800 Kindergarten To Year 12 Students And 35 Staff, Involving the Demolition Of Existing Dwellings And Structures, Removal Of Trees, Bulk Earthworks, Construction Of Roads And School Building Structures
<b>Street Address</b>	95-105 Seventeenth Avenue, Austral Nsw 2179 Lot 10 DP 1227683
<b>Applicant / Owner</b>	Al Mabarrat Benevolent Society Ltd
<b>Date of DA Lodgement</b>	7 July 2016
<b>Number of Submissions</b>	Four (4)
<b>Recommendation</b>	Approval subject to conditions
<b>Regional Development Criteria (Schedule 4A of the EP&amp;A Act)</b>	Sydney Western City Planning Panel is the determining authority as the proposal is for the development and operation of an Educational Establishment with a Capital Investment Value of over \$5 million.
<b>List of all relevant s79C(1)(a) matters</b>	<ul style="list-style-type: none"> <li>• <i>List all of the relevant environmental planning instruments: s79C(1)(a)(i)</i> <ul style="list-style-type: none"> <li>• State Environmental Planning Policy (Infrastructure) 2007;</li> <li>• State Environmental Planning Policy (Sydney Region Growth Centre) 2006;</li> <li>• State Environmental Planning Policy No.55 – Remediation of Land;</li> <li>• Sydney Regional Environmental Plan No. 20- Hawkesbury Nepean River (No 2 – 1997)</li> </ul> </li> <li>• <i>List any proposed instrument that is or has been the subject of public consultation under the Act and that has been notified to the consent authority: s79C(1)(a)(ii)</i> <ul style="list-style-type: none"> <li>• No draft Environmental Planning Instruments apply to the site.</li> </ul> </li> <li>• <i>List any relevant development control plan: s79C(1)(a)(iii)</i> <ul style="list-style-type: none"> <li>• Liverpool Growth Centre Precincts Development Control Plan 2014</li> </ul> </li> </ul>

	<ul style="list-style-type: none"> <li>• Liverpool Development Control Plan 2008 (LDCP 2008). <ul style="list-style-type: none"> <li>- Part 1 – General Controls for all Development.</li> </ul> </li> <li>• <i>List any relevant planning agreement that has been entered into under section 93F, or any draft planning agreement that a developer has offered to enter into under section 93F: s79C(1)(a)(iv)</i></li> <li>• No planning agreement relates to the site or proposed development.</li> <li>• <i>List any coastal zone management plan: s79C(1)(a)(v)</i></li> <li>• The subject site is not within any coastal zone management plan.</li> <li>• List any relevant regulations: s79C(1)(a)(iv) eg. Regs 92, 93, 94, 94A, 288</li> <li>• Consideration of the provisions of the Building Code of Australia.</li> </ul>
Does the DA require Special Infrastructure Contributions conditions (s94EF)?	Yes
<b>List all documents submitted with this report for the Panel's consideration</b>	<ol style="list-style-type: none"> <li>1. Recommended conditions of consent</li> <li>2. Architectural plans</li> <li>3. Landscape plan</li> <li>4. Arborist Report</li> <li>5. Noise Management Plan and Supplementary Report</li> <li>6. Plan of Management</li> <li>7. Statement of Environmental Effects and Addendum</li> <li>8. Social Impact Statement</li> <li>9. Traffic Report and Addendum</li> </ol>
<b>Report prepared by</b>	Ivan Kokotovic – Senior Development Planner
<b>Report date</b>	11 September 2017

### 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 SEPP*

### 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? **N/A**

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**Special Infrastructure Contributions**

Does the DA require Special Infrastructure Contributions conditions (S94EF)?

**Yes**

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

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**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*

## **1. EXECUTIVE SUMMARY**

### **1.1 Reasons for the report**

The Sydney Western City Planning Panel is the determining body as the proposal is for the development and operation of an Educational Establishment with a Capital Investment Value of over \$5 million, pursuant to Schedule 7(6) of the Environmental Planning and Assessment Act 1979. The proposed cost of works is estimated as \$10,184,284.00 as certified by a qualified Quantity Surveyor Report at the time of DA lodgement.

*Note: Since 1 September 2017, new educational establishments are considered state significant development in the State Environmental Planning Policy (State and Regional Development) 2011. That SEPP defers to the State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017 for assessment of that type of infrastructure. Schedule 5 of Part 7 of the State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017 contains a savings and transitional provision, requiring any DAs lodged for determination prior to 1 September 2017, to be assessed by the previous environmental planning instrument.*

### **1.2 The proposal**

The application seeks consent for an educational establishment (school) over 4 stages providing for 800 kindergarten to Year 12 students and 35 staff, and the demolition of existing dwellings and structures, earthworks, and removal of trees.

### **1.3 The site**

The subject site is identified as Lot 10 in DP 1227683, being 95-105 Seventeenth Avenue, Austral. The site is an irregular shaped corner allotment with a primary partly arced frontage to Seventeenth Avenue and a secondary frontage to Craik Avenue, with a total area of 1.74ha. The site contains two dwellings in the front half of the site, two sheds and a swimming pool. It is zoned R2 Low Density Residential pursuant to State Environmental Planning Policy (Sydney Region Growth Centre) 2006. Educational establishments are a permitted land use with consent under the R2 zoned land.

### **1.4 The issues**

The main issues are identified as follows:

- 1) Building height compliance apart from excess height in the roof feature design.
- 2) Operation of the Educational Establishment and proposed ancillary community uses
- 3) Traffic issues

These issues are discussed in detail further in this report.

## 1.5 Exhibition of the proposal

The development application was advertised for a period of 14 days between 27 July 2016 and 11 August 2016 in accordance with Liverpool Development Control Plan 2008 (LDCP 2008).

Four submissions were received during the public consultation process, with concerns raised questioning the need for the school in the locality, the religious affiliation of the proposed school and characterisation of the proposed use, traffic generation during peak drop off/pick up times causing a safety hazard in the neighbourhood, the proposed design resulting in an insufficient playground area and unsafe driveway/carpark area, waste generation and collection, privacy, security and noise for the locality becoming an issue due to the proposed extended operating hours, and location of the school on and amidst a low density residential zone.

## 1.6 Conclusion

The application has been assessed pursuant to the provisions of the Environmental Planning and Assessment Act (EP&AA) 1979. Based on the assessment of the application, it is recommended that the application be approved subject to conditions of consent.

## 2. SITE DESCRIPTION AND LOCALITY

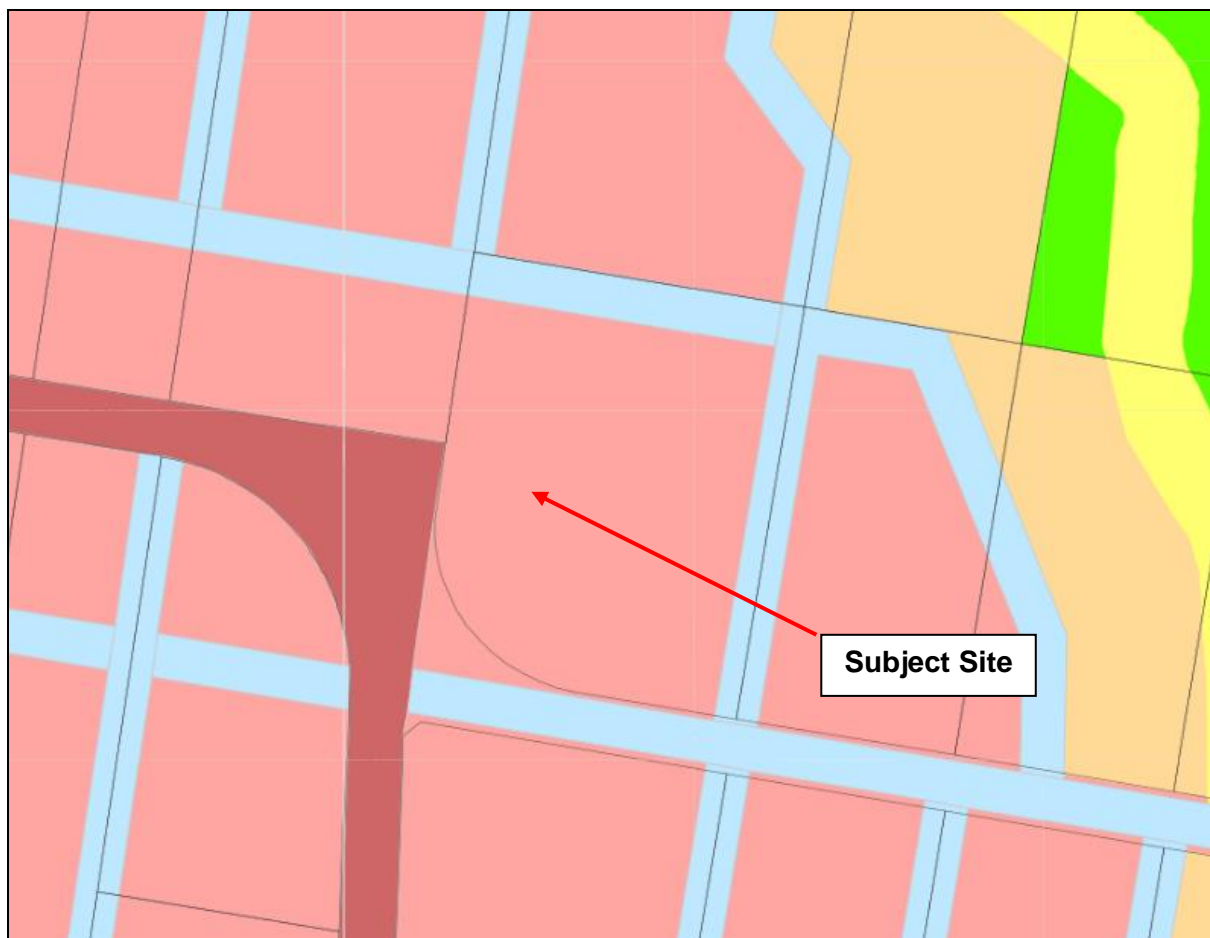
### 2.1 The site



Figure 1: Aerial photograph of the Site

The site is irregular in shape with a total area of 1.74ha, currently containing two dwellings in the front half of the site, two sheds and a swimming pool. The rear of the site is a cleared paddock with some native and exotic species trees.

The site is a corner allotment with a primary partly arced frontage to Seventeenth Avenue of approximately 100m (measured to the centre of the arc), with the remaining secondary frontage to Craik Avenue of approximately 65m. A large verge sets the frontage back from the corner approximately 25m. Craik Avenue is a future collector road and is expected to contain a bus-route through the locality and into the suburbs to the east, south and west of Austral. The site also contains two roads in the precinct indicative layout plan (ILP). These are; a road entirely within the site along the northern boundary, and half of a road along the eastern boundary.



**Figure 2: Indicative Layout Plan (ILP) over the Site.**

The site falls gradually 8.18m from the South-west to the North-east corner towards a creek located 80m to the East, which is a tributary of Kemps/South Creek and is within the Nepean/Hawkesbury River Catchment. The site is affected by an overland flow path but is not flood prone or bushfire prone.

A site inspection was carried out on the 22 July 2016 and subsequently on 13 November 2017, and no works as proposed had commenced at the site. Half-road construction of Seventeenth Avenue was being undertaken by developers in relation to the approved residential subdivision of the land directly opposite the subject premises.

#### Site Inspection Photos

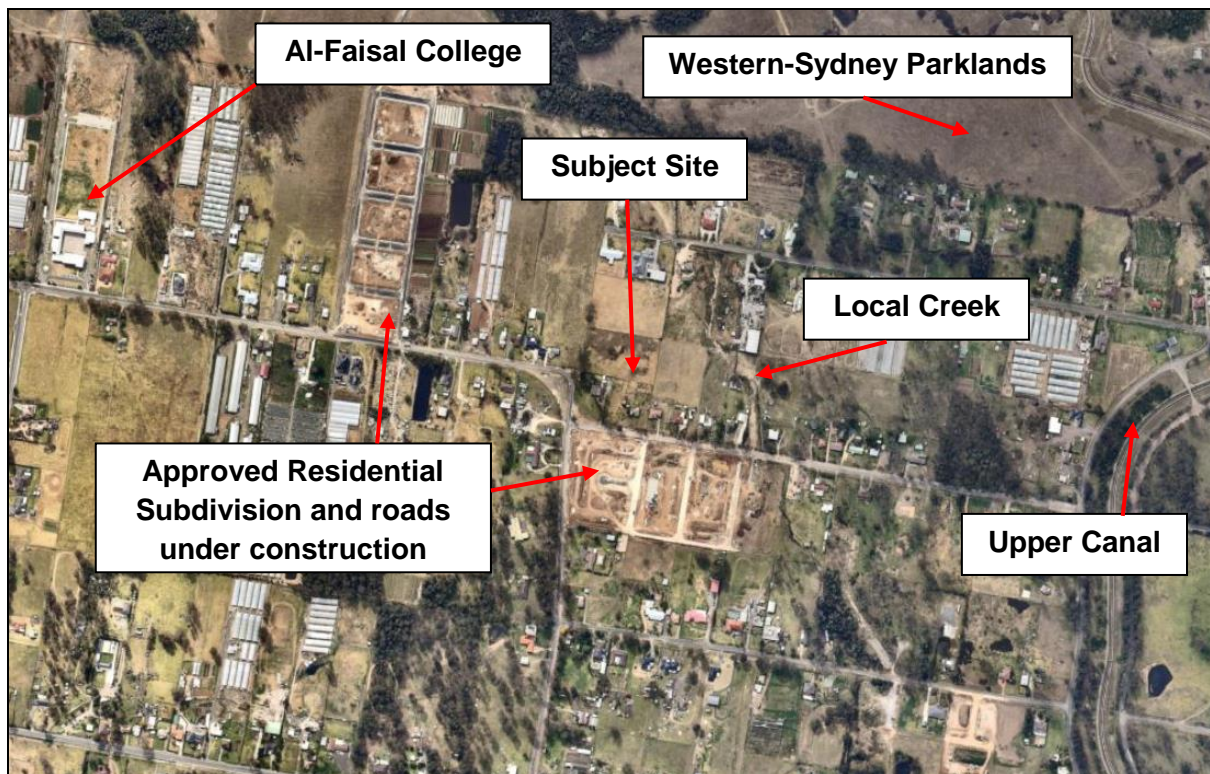


1. Site frontage along Craik Avenue



2. Site frontage along Seventeenth Avenue

## **2.2 The locality**



**Figure 3: Aerial photograph of the Locality**

The site is in the North-east district of Austral which is bounded by the Western Sydney Parklands to the North and the Upper Canal to the East. The surrounding locality is predominately characterised by semi-rural residential dwellings and some low scale agricultural uses. However, land in the immediate vicinity is currently undergoing transition to a low density residential urban environment. A growing number of subdivision applications have been submitted and approvals issued in the past two years, with two in the immediate vicinity nearing completion for the construction and delivery of residential dwellings. It is

noted there is an existing established school (Al-Faisal College) located 800m to the west of the subject site along Gurners Avenue.

## **2.3 Site affectations**

The subject site is not identified as flood-prone but is affected by an overland flow path. It is not bushfire prone and does not contain a threatened ecological community. The site has been identified as being contaminated requiring remediation as part of any site redevelopment.

## **3. BACKGROUND**

### **3.1 Issues Identified in Initial Assessment**

Council sought information and clarification regarding the following items on a number of occasions between 26 July 2016 and 26 September 2017;

- 1) A Remediation Action Plan and Data Gap Assessment Report were required to be submitted.
- 2) A Noise Management Plan was required to be submitted.
- 3) An Overland Flood Study and amended Stormwater Plans were required to be re-submitted.
- 4) A Traffic Assessment Report and amended plans were required to be resubmitted to satisfy Council's Land Development and Traffic Engineer, and to show consistency with the DCP controls and traffic safety outcomes for educational establishments both on the site and in the locality.
- 5) An Operational Plan of Management was required to be updated to identify the provision of outdoor sporting facilities with respect to the staging of the school, to identify the school's expected sporting interaction within the wider community, any proposed other uses at the site, any proposed hiring out of school facilities, any proposed non-educational or school related uses at the site, any proposed Special Events to be assessed for traffic generation and impact to the surrounding residential locality.
- 6) Amended plans that reflect all architectural and design amendments along with an updated SEE to reflect the most updated plans.

The applicant has provided the amended documentation in response to the concerns raised. The additional information was assessed and considered satisfactory, subject to conditions of consent.

### **3.2 Related applications**

#### **a) Pre-DA meetings**

A Pre-DA meeting (PL-95/2015) was held on 30 September 2015 for a proposed educational establishment providing for Kindergarten to Year 12, for the subject site.

### **3.3 SWCPP Briefing**

The Planning Panel was briefed about the proposal during a site inspection of the site on 24 November 2016. Following the site inspection, the JRPP (as it was known at the time) raised a number of concerns to be addressed by the applicant prior to determination. The Record of Briefing Meeting itemised the issues discussed as;

- Clarity regarding the staging of the school's construction and development.
- Clarity regarding the timing of increases to the numbers of students at the school from opening day until the final stage is complete.
- Issues regarding traffic generation and internal car-park arrangements to promote a safer on-site child / pedestrian environment, to be addressed in a re-design.
- Identify the need for the development in context of existing schools and land zoned for schools in the locality, and with respect to the land in transition to low density residential use.
- Identify through operational plans of management the varied uses at the site and their specific times of occurrence and operation.

As discussed in Section 3.1 of this report, Council officers have requested amended details and plans to include the concerns raised by the Panel. Following the Planning Panel briefing, an amended Social Impact Statement, Plan of Management, Traffic Impact Statement, Noise Management Plan, and additional site remediation detail was provided, as were accompanying revised plans and details, which were provided addressing those issues to the satisfaction of Council, subject to conditions of consent.

## **4. DETAILS OF THE PROPOSAL**

Development consent is sought for:

- A four (4) staged development of an educational establishment (school). Each stage represents the expansion of the school as student and staff numbers grow. The school is proposed to grow incrementally as the first cohort of primary school students progress through their education, reaching capacity by 2029.
- Construction
  - Stage 1 involves:
    - the demolition of the eastern most dwelling shed and pool onsite, and the removal of all vegetation and remediation of the site;

- construction of a two (2) storey primary school and kindergarten building in the North-western corner of the site;
- the conversion of the retained dwelling into an administration building;
- car-parking and vehicular access along the frontage with Seventeenth Avenue and the corner with Craik Avenue, and along the northern side of the school. The proposed indented parking bays and bus bays will be constructed as proposed and the associated landscaping is to be established as shown on the plans; and
- full road construction along the proposed road to the North and half-road construction along the proposed road to the East are included in Stage 1.

Note: Council requires the half-road construction and the upgrade along the Seventeenth Avenue and Craik Avenue frontages, to be completed in Stage 1.

- Stage 2 involves:
  - the construction of a two (2) storey secondary school building in the South-eastern corner of the site.
- Stage 3 involves:
  - the construction of an assembly hall/gym.
- Stage 4 involves:
  - the demolition of the administration building and the construction of a new two (2) storey administration building and construction of the play-court, and associated paving.

- School Operation

- Hours of Operation of Educational Establishment
  - Monday to Friday - 7am to 9pm
  - Saturday - 7am to 9pm
  - Sunday - 9am to 9pm
- Hours of Operation of Educational Establishment outside of typical school hours (for teaching and extra-curricular activities)
  - Extension High School classes from 7:30am-8:25am and 3:35pm-4:30pm, from Monday to Saturday.
  - Additional teaching and extra-curricular activities from 9am-9pm on Sundays
  - Parent teacher nights, P&C meetings, Presentation Ceremonies, related educational events are to occur within the stated hours of operation above.

- Numbers of Staff / Students / Visitors

- Staff numbers
  - Maximum of 35 (including teaching and support staff), including
  - 2 full-time security guards working on alternating basis
- Student numbers

- Primary School = Maximum of 420
- Secondary School = Maximum of 360
- Vehicular access and Car-Parking
  - Vehicular Access
    - A 7m wide driveway crossing is proposed off Seventeenth Avenue with entry and exist, located 50m from the corner with Craik Avenue to the west and 50m from the corner with the eastern boundary road. This driveway services the staff and visitor car-park at the front of the site.
    - A 7m wide one directional driveway is proposed within the school's land at the northern side of the site. It provides access to the student drop off and pick up area, entering off the eastern boundary road and exiting on the northern boundary road.
  - Front Car-Park
    - Provides for 50 car-spaces (35 for staff and 15 for visitors). Two of these spaces are accessible.
    - The car-park is arranged to allow two way movement with a turning head facility located adjacent to the Craik Avenue frontage allowing access to the car-spaces on either side of the driveway.
  - Pick-up and Drop-off facility
    - Provides for 12 temporary parking bays to enable dropping off and picking up of children, on the passenger seat side. One of these spaces is accessible.
  - Indented Parking Bays
    - Provides for 22 indented parking bays on the school side of the eastern and northern boundary roads. 8 along the eastern frontage of the site and 14 on the northern frontage of the site.
- Bus services
  - Indented On-street Bus Bays
    - Provides for 2 indented bus bays. They are both located on the school side of the roads, with one on the eastern boundary road and the other along Seventeenth Avenue. Each bus bay provides for three buses at a time.
  - Bus Services
    - A contracted bus company is proposed to service students in the Liverpool, Bankstown and Fairfield City Council regions.
    - A private bus network is proposed to collect and drop off students from possible further afield districts in Kingsgrove / Rockdale.
    - Bus services are proposed to operate between 7am-9am and 2:30pm-4pm.

*Note: The applicant and owner of the site is the Al Mabarrat Benevolent Society Ltd, whose head office is located in Arncliffe. The applicant has stated that while the school will operate to primarily educate students from Western Sydney, some students may be transported to Austral from the localities surrounding the organisation's head office.*

- Security

The applicant proposes full-time security through 2 alternating security guards, as well possible additional security guards once the school is fully operational. A 24 hour surveillance system is also proposed.

- Promotional Signage

The applicant proposes to use a variety of promotional signage to inform the local community of upcoming events such as enrolments and fundraising campaigns. There is no indication of the type of design of these signs.

- Proposed Before and After School Care

The applicant proposes to provide a care service for up to 40 school aged children, but not exclusively for children attending the school. The service is required to use the school's facilities including the auditorium, kitchen facilities, multi-media room, play areas. It is not indicated whether school staff will operate this service.

- Hours of operation of the before and after school care
  - Monday to Saturday – 7am to 9am and 2:30pm to 6pm
  - During holidays – 7:30am to 6pm

*Note: It has been assessed that as the applicant has not specifically proposed the private operation of the before and after school care, that to be consistent with school related use on-site, that before and after school care be permitted for up to 40 school attending students only between the hours of:*

- *Monday to Friday – 7am to 9am and 2:30pm to 6pm.*

- Proposed Ancillary Community Uses of the Multi-purpose Hall and auditorium

The applicant proposes to externally sub-lease the multi-purpose hall / gym and library to the local public, when these facilities are not in use by the school. This is to be managed by the School Promotions Committee. The applicant indicates that all school related events will be given priority but that once the school is in operation, that a term timetable will be compiled detailing the availability of facility bookings to the general public.

It is proposed that when these events are scheduled, that letter box drops will be provided to all properties within 250m radius of the school 2 weeks prior to the event advising of any event where an increase in demand of off-site is expected.

- Hours of operation of Occasional multi-purpose hall sub-lease and use
  - Monday to Friday - 6pm to 9pm

- Saturday - 7am to 10pm
- Sunday - 9am to 10pm

A range of expected community uses has been itemised by the applicant as follows;

- Outside regular school time (4pm-5:30pm weekdays & 9am-12pm Saturdays)  
Community Language classes  
Community Sports programs
- Outside regular school time (6pm-9pm weekdays, 7am-10pm Saturdays, 9am-10pm Sundays)  
General Community Events (Birthdays, Cultural / Religious Celebrations)  
General Fund Raising events (Gala Dinners)  
Cultural and Religious Community Lectures (not for Place of Worship)
- Outside regular school time (6pm-9pm weekdays, 7am-9pm Saturdays, 9am-9pm Sundays)  
Annual Cultural and Religious Festivities
- During school holidays (9am-5:30pm weekdays & 9am-3pm on Saturdays)  
Community scouts program

*Note: It has been assessed that uses additional to those for standard educational establishments should not be approved as part of this application, and should be applied for by the school operators once the school is developed and established, and when a clear case can be made for the need of those facilities, when they are available. This is considered pertinent as the need for the ancillary community uses will become more apparent as the locality transitions to a low density residential area. It is considered more appropriate for any approval of this proposal to concentrate on the development and operations of the school, to ensure that any impacts are assessed effectively. A condition of consent will ensure that only the school use and hours of operation are approved, and that the before and after school is to cater for student attendees of the school. Further consideration of future use applications will pertain to ancillary uses once the school has been established and is operating.*



Figure 3: Perspective from the corner of Seventeenth and Craik Avenue

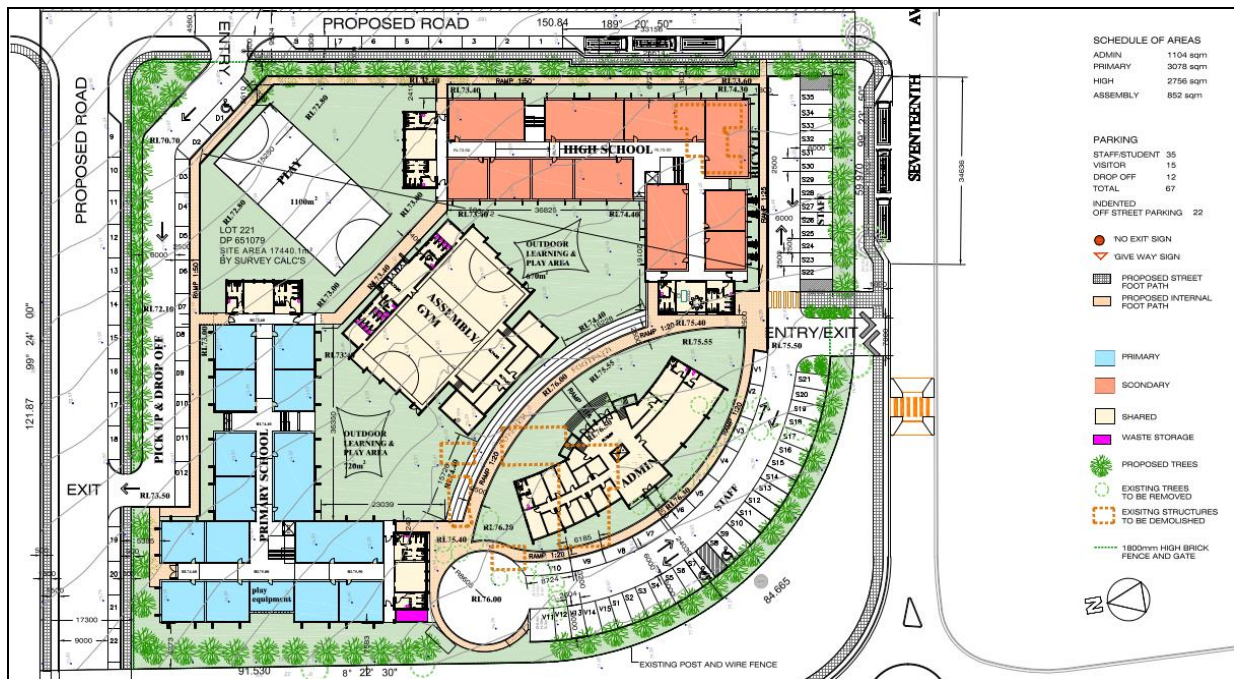


Figure 4: Plan of the school at completion of all stages

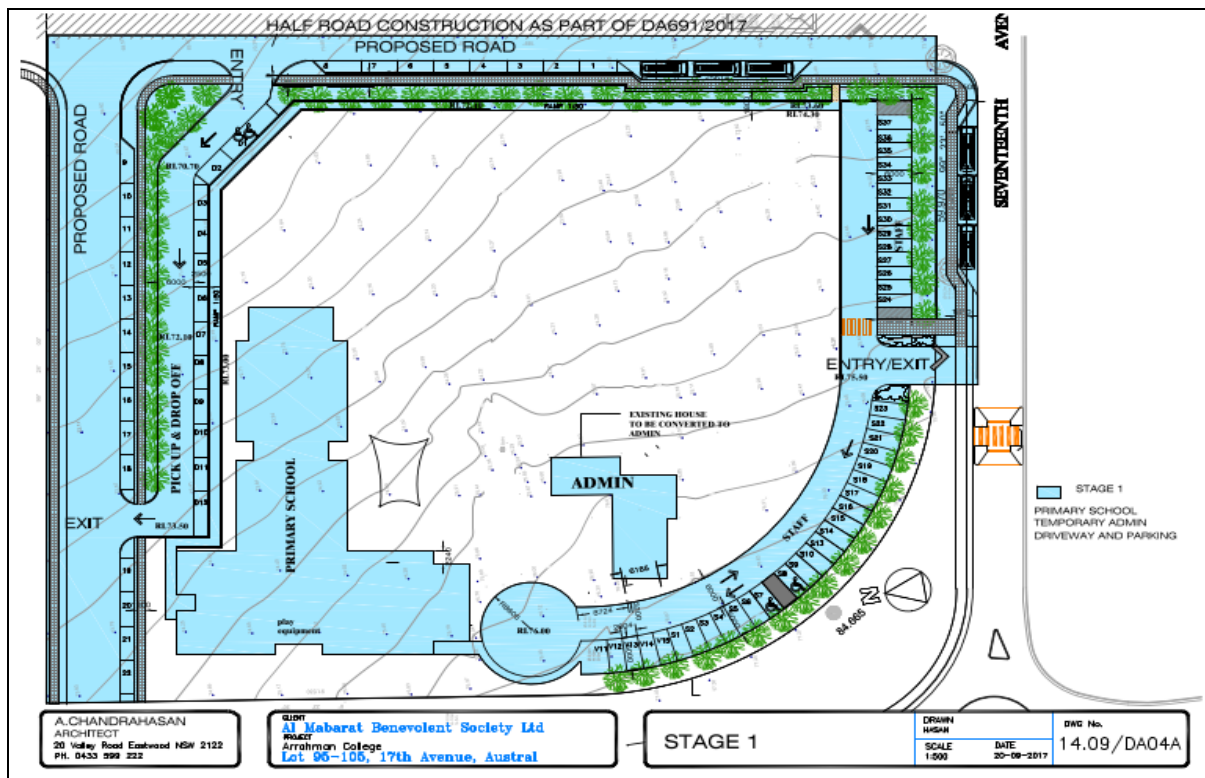


Figure 5: Stage 1 Plan of the school

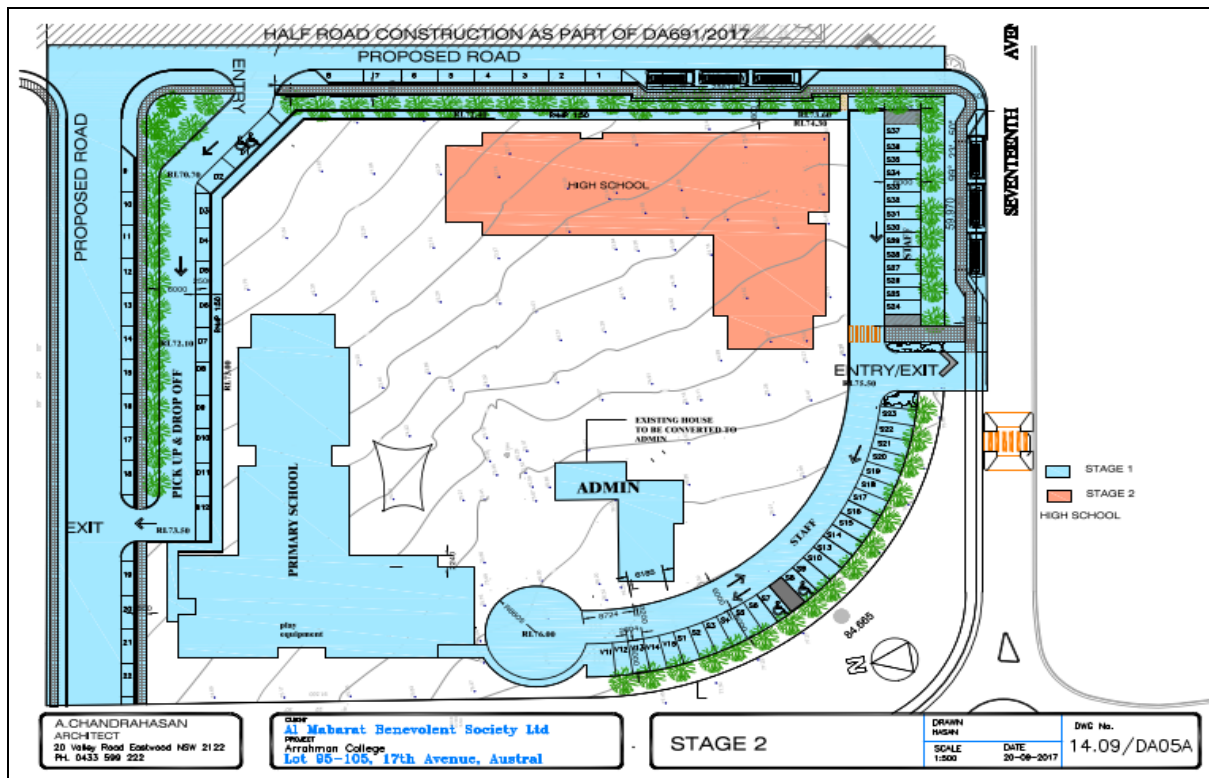


Figure 6: Stage 2 Plan of the school

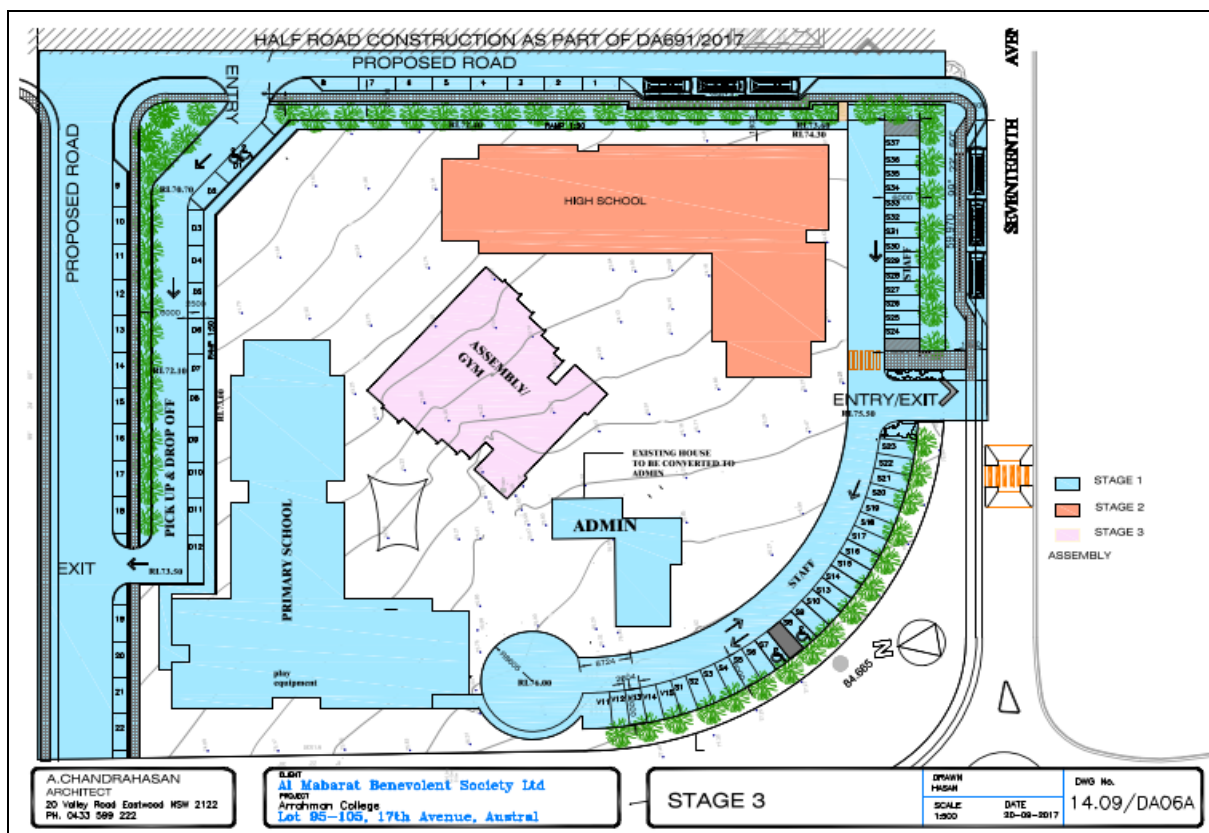
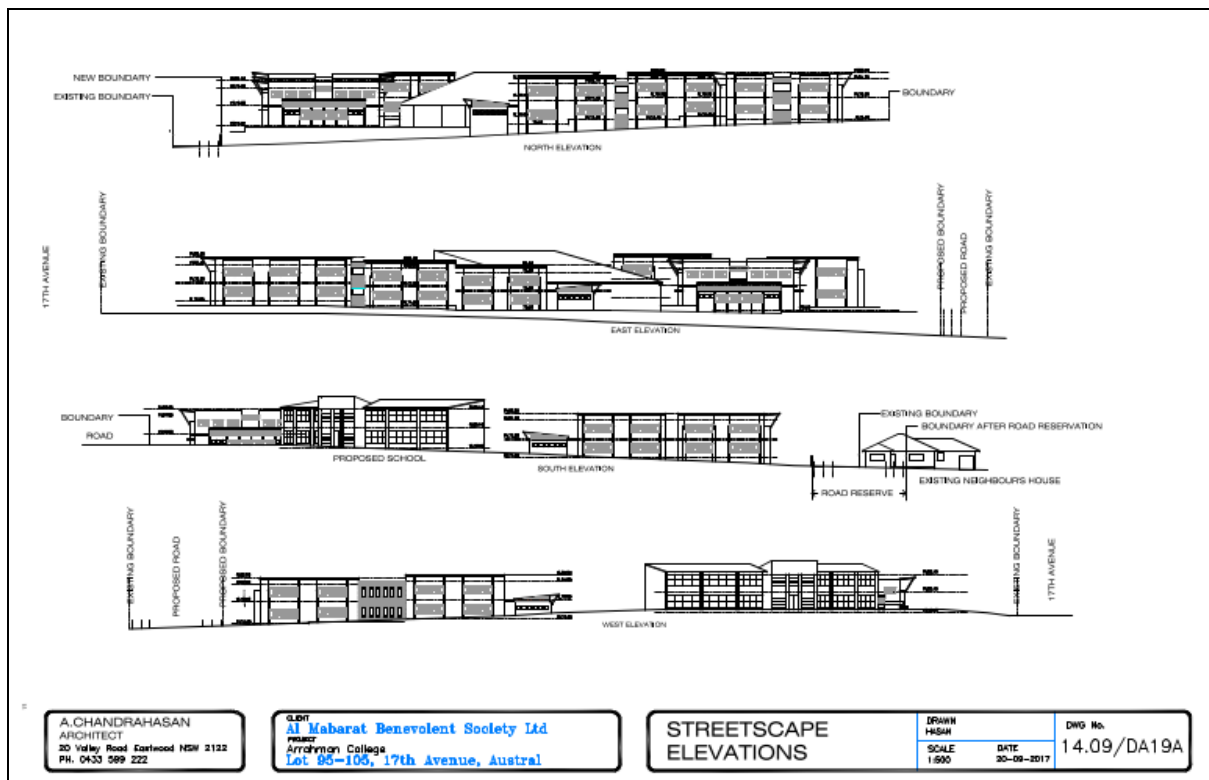
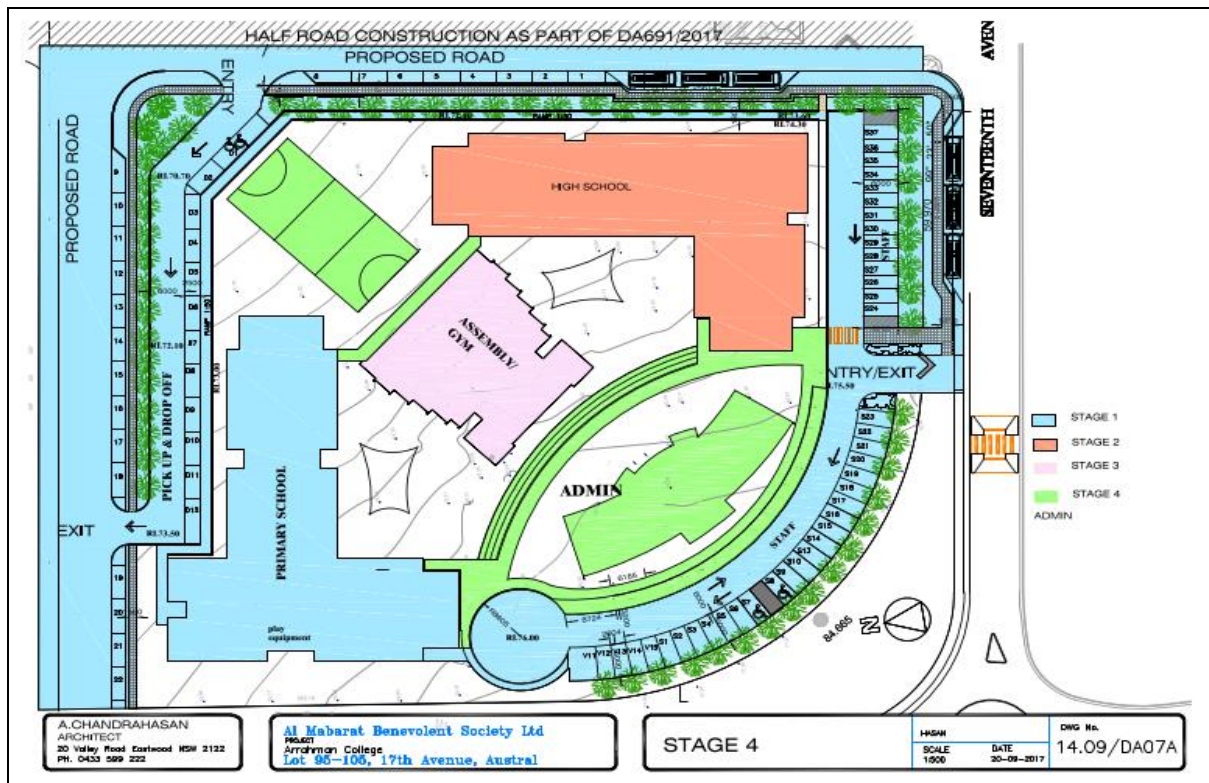
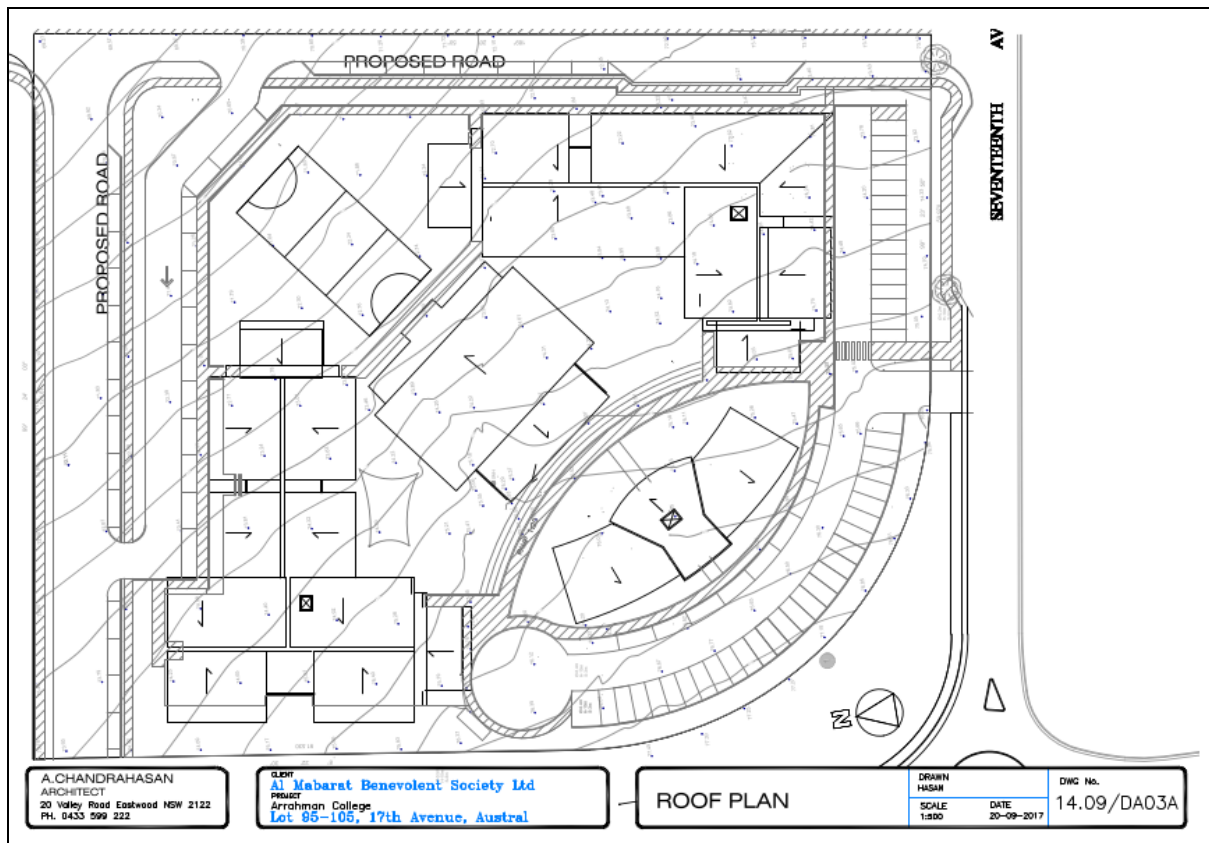


Figure 7: Stage 3 Plan of the school





**Figure 10: Roof Plan**

## **5. STATUTORY CONSIDERATIONS**

### **5.1 Relevant matters for consideration**

The following Environmental Planning Instruments, Development Control Plans and Codes or Policies are relevant to this application:

#### Environmental Planning Instruments (EPI's)

- State Environmental Planning Policy (Infrastructure) 2007;
- State Environmental Planning Policy (Sydney Region Growth Centre) 2006
- State Environmental Planning Policy No.55 – Remediation of Land.
- Sydney Regional Environmental Plan No. 20 – Hawkesbury Nepean River (No 2 – 1997)

#### Draft Environmental Planning Instruments

- No applicable draft planning instruments apply to the site

#### Relevant Planning Strategies

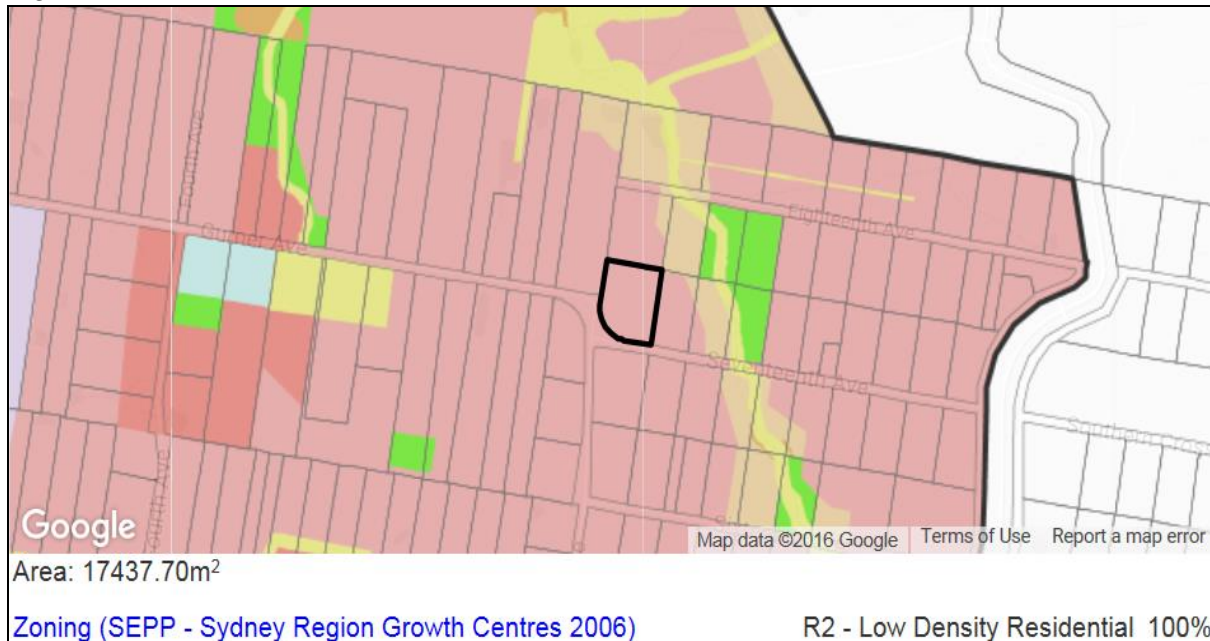
- Metropolitan Strategy – A Plan for Growing Sydney

## Development Control Plans

- Liverpool Growth Centre Precincts Development Control Plan 2014
- Liverpool Development Control Plan 2008 (LDCP 2008).

### 5.2 Zoning

The site is zoned R2 Low Density Residential pursuant to State Environmental Planning Policy (Sydney Region Growth Centre) 2006 (SEPP Growth Centre 2006) as depicted in Figure 11.



**Figure 11. Extract of SEPP (Growth Centre) 2006 zoning map**

### 5.3 Permissibility

The proposed development is defined as an 'Educational Establishment', which is permissible within the R2 Low Density Residential zoning.

Educational Establishment is defined by the standard instrument 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.

## 6. ASSESSMENT

The development application has been assessed in accordance with the relevant matters of consideration prescribed by Section 79C of the Environmental Planning and Assessment Act 1979 and the Environmental Planning and Assessment Regulation 2000 as follows:

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

### (a) State Environmental Planning Policy (Infrastructure) 2007

*Note: SEPP (Educational Establishments and Child Care Facilities) 2017 has been introduced for all development applications submitted after 1 September 2017. A savings provision is in place within that SEPP to ensure undetermined development applications submitted prior to 1 September 2017 are determined by the previously applied environmental planning instrument.*

State Environmental Planning Policy (Infrastructure) 2007 (SEPP Infrastructure) identifies matters which need to be considered in the assessment of development adjacent to particular types of infrastructure.

The proposed development is classified as an ‘educational establishment’ as defined below:

*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.*

Division 3 of SEPP Infrastructure sets out guidelines in relation to Educational Establishments and Clause 32(2) outlines all the relevant standards the consent authority must take into consideration when determining a development application. These standards are as follows:

- (a) School Facilities Standards—Landscape Standard—Version 22 (March 2002),*
- (b) Schools Facilities Standards—Design Standard (Version 1/09/2006),*
- (c) Schools Facilities Standards—Specification Standard (Version 01/11/2008).*

In addition to the standards referred to above, the development must also have regard to the new system titled “*The Educational Facilities Standards and Guidelines*”. The standards and guidelines provide a benchmark for all new school developments.

Where there is an inconsistency between a standard referred to above and a provision of a development control plan, the standard prevails to the extent of the inconsistency.

It is considered that the applicant has provided an appropriate evaluation of the proposed design against the aforementioned Educational Establishment standards, which aim to improve the design quality of educational establishments. These standards do not contain numerical standards, but require Council to consider the development against the key design quality principles.

In a larger planning context and having regard for desired future outcomes in the locality of the proposal, and considering the general compliance on merit with SEPP Growth Centres and Liverpool Growth Centre Precincts DCP, the proposal is supported based on the following design principles.

- |                                       |   |
|---------------------------------------|---|
| 1. Context built form and landscape   | 5. Amenity                              |
| 2. Sustainable, efficient and durable | 6. Whole of life, flexible and adaptive |
| 3. Accessible and inclusive           | 7. Aesthetics                           |
| 4. Health and Safety                  |   |

**Comment:**

A conceptual approach provides low scales of built form within the site which interact with the open space and vehicular access areas, and which establish a cohesive development.

The height of the building is in accordance with that identified in the SEPP Growth Centres, and buildings are stepped to respond to the on-site slope. Street planting will be provided in accordance with guidelines and specifications of Liverpool City Council and enhanced through additional planting within the site boundary, as shown on approved landscape plans.

Further, in stating that these principles have been considered and incorporated into the design of the school, the applicant's architect has stated that the objectives of the Educational Facilities Standards and Guidelines (EFSG) of the NSW Department of education have been satisfied. These are to:

- Provide locally responsive design appropriate to the physical and social environment of the school community
- Create activated spaces that enhance learning and support learning purpose
- Provide designs that consider the whole of a space as well as the interrelationship and use of all spaces.
- Provide a balance of dedicated and multi-purpose spaces to ensure flexibility while maintaining specialisation
- Design reconfigurable facilities for a long life span that can be adapted over time with minimal costs
- Provide designs that contain inbuilt adaptability to accommodate changes in technology and pedagogy

A condition of any consent will ensure that the design standards referred to will be implemented in the built form of the school prior to Occupation and operation.

**Traffic Generation**

Division 17 sets out requirements in relation to roads and traffic. Pursuant to schedule 3, column 2 of the State Environmental Planning Policy (Infrastructure) (SEPP Infrastructure) 2007, an educational establishment with more than 50 students is considered to be traffic generating development.

An assessment under clause 104 of the SEPP Infrastructure *“traffic generating development”* must be undertaken. Clause 104 states;

*(1) This clause applies to development specified in Column 1 of the Table to Schedule 3 that involves:*

*(a) new premises of the relevant size or capacity, or*

*(b) an enlargement or extension of existing premises, being an alteration or addition of the relevant size or capacity.*

**Comment:** The proposed development is a new educational establishment with a maximum student population of 800 students and 35 staff.

*(2) In this clause, relevant size or capacity means:*

- (a) in relation to development on a site that has direct vehicular or pedestrian access to any road—the size or capacity specified opposite that development in Column 2 of the Table to Schedule 3, or*
- (b) in relation to development on a site that has direct vehicular or pedestrian access to a classified road or to a road that connects to a classified road where the access (measured along the alignment of the connecting road) is within 90m of the connection—the size or capacity specified opposite that development in Column 3 of the Table to Schedule 3.*

**Comment:** The proposed educational establishment seeks to service 800 students, which exceeds the number of students stipulated in column 2 of schedule 3, for development types with access to any roads. Therefore the proposal is considered a traffic generating development.

*(3) Before determining a development application for development to which this clause applies, the consent authority must:*

- (a) give written notice of the application to the RTA within 7 days after the application is made, and*
- (b) take into consideration:*
  - (i) any submission that the RTA provides in response to that notice within 21 days after the notice was given (unless, before the 21 days have passed, the RTA advises that it will not be making a submission), and*
  - (ii) the accessibility of the site concerned, including:*
    - (A) the efficiency of movement of people and freight to and from the site and the extent of multi-purpose trips, and*
    - (B) the potential to minimise the need for travel by car and to maximise movement of freight in containers or bulk freight by rail, and*
  - (iii) any potential traffic safety, road congestion or parking implications of the development.*

**Comment:** The RMS was notified of the application. The RMS provided correspondence dated 15 August 2016 indicating they raise no concern with the proposal subject to conditions of consent regarding 'School Zones'.

Moreover, as part of the development proposal a Traffic Impact Assessment report and addendum report prepared by 'Express Traffic Engineering Solutions' was submitted. The traffic impact assessment took into account the proposed student and staff numbers, the proposed vehicular access and car-park and drop-off/pick-up area, and hours of operation in assessing traffic generation, and impacts on the local and future road network and pedestrian safety within the school and in the public domain.

Based on the above conclusions it can be ascertained that the proposal is unlikely to create a detrimental impact on potential traffic safety, road congestion or parking demand on the existing and the future surrounding locality. The traffic and parking assessment was reviewed by Council's Traffic Engineer and considered satisfactory.

- (4) *The consent authority must give the RTA a copy of the determination of the application within 7 days after the determination is made*

**Comment:** The RMS will be notified of the determination.

#### Electricity Supply

Clause 45(2) of Subdivision 2 of Division 5 of the SEPP relates to development likely to affect an electricity transmission or distribution network and requires that before determining a development application for development to which this clause applies, the consent authority:

- (a) give written notice to the electricity supply authority for the area in which the development is to be carried out, inviting comments about potential safety risks, and
- (b) take into consideration any response to the notice that is received within 21 days after the notice is given.

Council notified Endeavour Energy of the proposed development however no response was forthcoming. As the 21 day response period has lapsed, it is considered that Endeavour Energy approval for the development is implied, and that the applicant be required to obtain by a condition of any consent, approval for any design and service requirement for the school prior to the issue of a Construction Certificate.

#### **(b) State Environmental Planning Policy (Sydney Region Growth Centre) 2006**

As outlined earlier in the report, the subject site is zoned R2 under SEPP Growth Centre and the proposed educational establishment is permitted with consent.

#### **(i) Objectives of the zone**

Objectives of the R2 General Residential Zone are

- *To provide for the housing needs of the community within a low density residential environment.*
- *To enable other land uses that provide facilities or services to meet the day to day needs of residents.*
- *To allow people to carry out a reasonable range of activities from their homes, where such activities are not likely to adversely affect the living environment of neighbours.*
- *To support the well-being of the community by enabling educational, recreational, community, religious and other activities where compatible with the amenity of a low density residential environment.*

The proposed educational establishment is consistent with and will otherwise achieve the objectives of the R2 zone in that it is designed to be compatible with the amenity of a low density residential environment while enabling an educational establishment which will support the well-being of the community. Once established the school will be able to provide facilities and services to meet the day to day needs of residents as proposed, subject to future ancillary community use applications.

## **(ii) Summary of Relevant SEPP (Sydney Region Growth Centre) 2006 Provisions**

The SEPP (Sydney Region Growth Centre) 2006 contains a number of provisions which are relevant to the proposal. Assessment of the application against the applicable provisions is provided below. The proposal generally demonstrates compliance with these provisions.

Note: The Liverpool Local Environmental Plan does not apply to this proposal as the land is located within a Growth Centre Precinct and the SEPP prevails over the LEP. It is instead assessed against the SEPP and the Liverpool Growth Centre Precincts DCP 2014.

<b>Clause</b>	<b>Provision</b>	<b>Proposed</b>	<b>Comment</b>
2.7 Demolition	The demolition of a building or work may be carried out only with development consent	Demolition proposed and can be approved subject to conditions of consent	Complies by condition
4.1 Minimum Subdivision Lot size	The consent authority must be satisfied that lots are of a size to ensure orderly and efficient use of land, to ensure minimum lot sizes are sufficient for residential development, and to allow a range of lot sizes that cater for a diversity of land uses  The site is subject to a minimum lot size of 300sqm.	No residential subdivision proposed	N/A
4.1B Residential Density	The site is subject to a dwelling density of 15 dw/ha.	No residential subdivision proposed	N/A
4.3 Height of Buildings (as per HOB Map)	9m for this site (as shown on the Height of Buildings Map)	The building height complies apart from excess height in the roof feature design.	Complies and is acceptable as excess height is in the roof feature design. View discussion per clause 5.6 (1)
4.4 Floor Space Ratio	No FSR for this site (as shown on the FSR Map)	Not required to be calculated	N/A
5.1 Relevant Acquisition Authority	Land to be acquired as identified on the Land Reservation Acquisition Map	No Land Acquisition Identified for the site.	N/A
5.6 Architectural Roof Features	Provides provisions for allowing the consent authority to consider the	Architectural decorative roof elements exceeding 9m are proposed for each of the	Complies as per discussion below the

	exceeding of the prescribed maximum height, where the exceeding elements of buildings are architectural decorative roof elements, that do not include floor areas and cause minimal overshadowing impact	three 2-storey buildings.	table (1)
5.9 Preservations of trees or vegetation	Provided when consent is required to be granted subject to the provision of this clause to remove trees or vegetation.	The site contains three (3) eucalypt species trees identified in a submitted Arborist report as being in poor health and requiring removal. Otherwise, the site is identified as 'certified' pursuant to the Sydney Region Growth Centres 2006 Biodiversity Certification Order. As such in accordance with Part 5 of the order a Flora and Fauna assessment is not required and existing vegetation may be removed to accommodate the development	Complies
5.10 Heritage conservation	Conservation of environmental heritage and consent requirements	<p>The subject site is not identified as being of heritage significance or within the vicinity of a heritage item.</p> <p>An aboriginal archaeological due diligence report was submitted and reviewed by Council's Heritage Officer who recommends approval of the proposed development subject to conditions of consent.</p>	Complies by condition
6.1 Public Utility Infrastructure	The consent authority must not grant development consent to development on land to which this Precinct Plan applies unless it is satisfied that any public utility infrastructure (supply of water, electricity and disposal/management of sewage) that is essential for the proposed development is available or that adequate arrangements have been made to make that infrastructure available when required	<p>Comments have been received from Sydney Water, confirming that public utility water main / sewer infrastructure is available, having been installed in 2016. The requirements of Sydney water will be made as conditions of consent of any approval.</p> <p>Endeavour Energy was notified of the proposed development but did not provide comment.</p>	Complies with Sydney Water Design approvals and conditioned to comply with Endeavour Energy service requirements
6.3 Development Controls – Existing Native Vegetation	The consent authority must not grant development consent to development on land to which this clause applies unless it is satisfied	The proposal includes the removal of vegetation within a biodiversity certified area as indicated on the SEPP Maps. The removal of vegetation is	Complies

	that the proposed development will not result in the clearing of any existing native vegetation (within the meaning of the relevant biodiversity measures under Part 7 of Schedule 7 to the Threatened Species Conservation Act 1995)	required in order to facilitate the proposed construction of buildings, roads and earthworks.	
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As identified in the compliance table above, the proposal complies with the provisions prescribed by SEPP Growth Centre.

**(1) Discussion on variation under Clause 4.3 Height of Buildings and Clause 5.6 Architectural Roof Features of SEPP Growth Centre development standards**

The maximum height for buildings on the subject site, within R2 – Low Density Residential zoned land pursuant to this SEPP, is 9m. This is to be generally applied to all permissible development within the zone, but particularly to residential development where privacy and shadowing impacts of adjoining properties can cause significant amenity issues, due to the smaller required boundary setbacks of buildings.

Where the height maximum is exceeded for the purpose of extending an Architectural Roof feature, the consent authority can approve the building provided it is satisfied that:

- (a) *the architectural roof feature:*
  - (i) *comprises a decorative element on the uppermost portion of a building*
  - (ii) *is not an advertising structure,*
  - (iii) *does not include floor space area and is not reasonably capable of modification to include floor space area,*
  - (iv) *will cause minimal overshadowing, and*
- (b) *any building identification signage or equipment for servicing the building (such as plant, lift motor rooms, fire stairs and the like) contained in or supported by the roof feature is fully integrated into the design of the roof feature.*

In this case, the Primary and High school and Administration buildings all exceed 9m in height, but meet the above provisions in that the variations are only for decorative elements of the buildings, are not advertising structures, and do not include floor space area.

***Primary School Building Height***

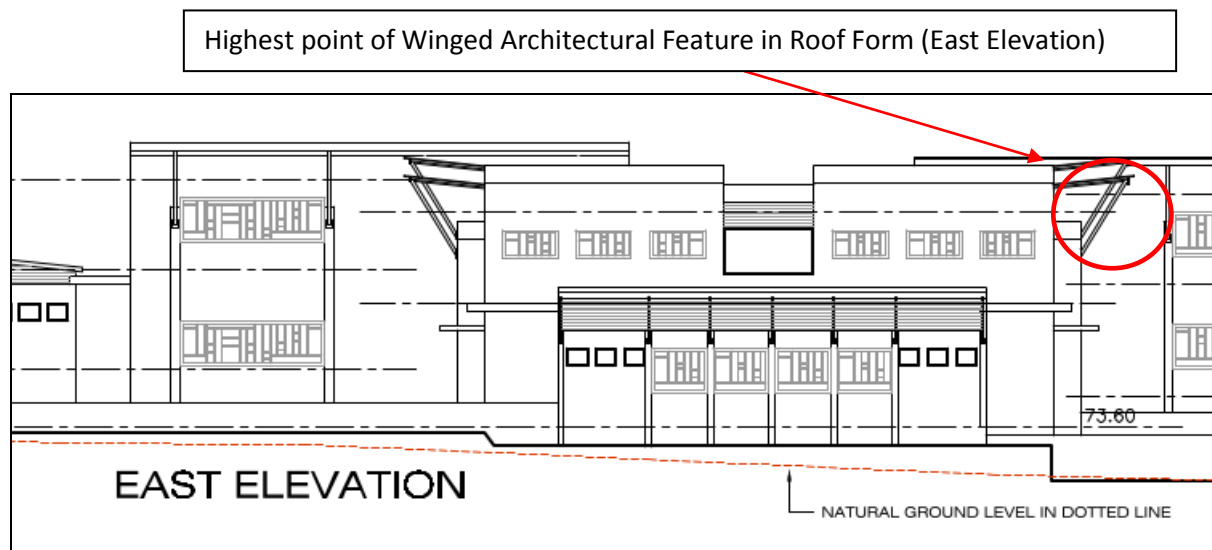
An assessment was made of the natural ground levels (provided in the survey) and the building maximum height RLs to establish the following;

North Elevation	= 9.55m maximum and 8.3m to ceiling
South Elevation	= 8.45m maximum and 7.2m to ceiling
East Elevation	= 9.55m maximum and 8.3m to ceiling
West Elevation	= 7.85m maximum and 6.6m to ceiling

As shown above, the maximum height of this building is 9.55m to the triangular (winged) architectural feature associated with the northern building edge. This variation occurs only in the north-east portion of the building footprint where the on-site slope is at its lowest. The building is otherwise well beneath the maximum with a 7.85m height on the western most

portion of the building footprint which is coincidental with the higher natural ground level. Nowhere does the ceiling height exceed 8.3m.

Further, the lower end of the building is along the only adjoining residential land which will not be separated from the site by a road reserve. As such, being below the maximum height limit as well as being setback 8m from that property boundary, ensures the development will not cause adjoining land (including any future residential lots) to receive less than 3 hours solar access.



**Figure 12. Primary School Building Highest Point**

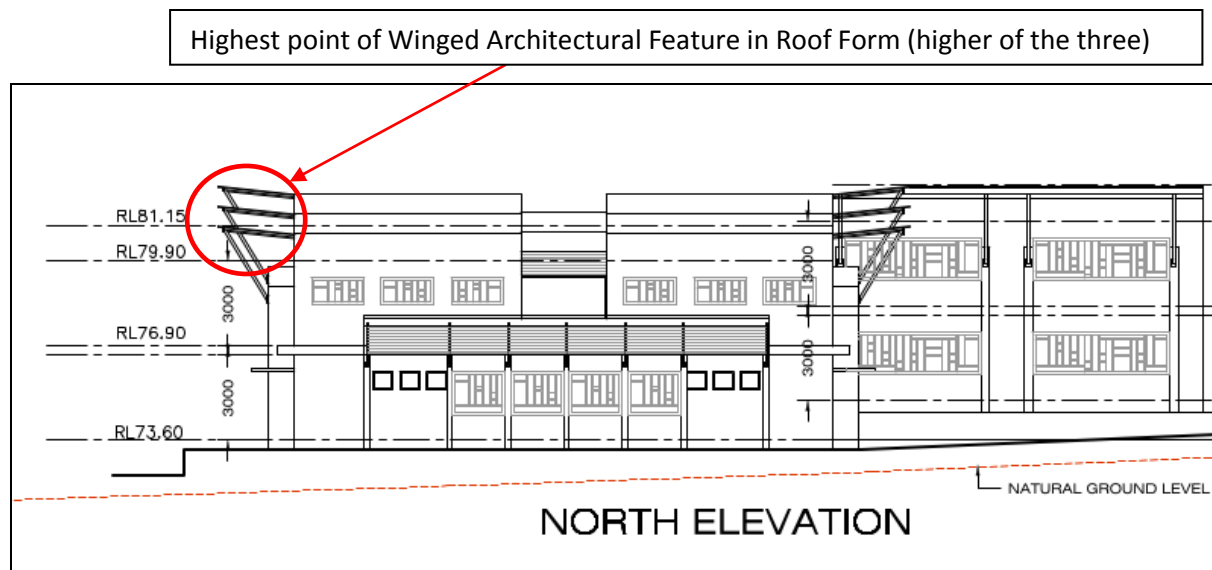
#### *High School Building Height*

An assessment was made of the natural ground levels (provided in the survey) and the building maximum height RLs to establish the following;

North Elevation	= 8.85m maximum and 7.6m to ceiling
South Elevation	= 8.85m maximum and 7.6m to ceiling
East Elevation	= 9.25m maximum and 8m to ceiling
West Elevation	= 8.15m maximum and 6.9m to ceiling

As shown above, the maximum height of this building is 9.25m to the triangular (winged) architectural feature associated with the eastern building edge (but which is only apparent in the North elevation). This variation occurs only in the central portion of the building footprint where the building is required to be stepped in response to the slope. The building is otherwise well beneath the maximum with an 8.15m height on the western most portion of the building footprint which is coincidental with the higher natural ground level. Nowhere does the ceiling height exceed 8m.

Further, the building will be separated from adjoining residentially zoned land by a road reserve and will not cause any negative shadow impact on any residential property.



**Figure 13. High School Building Highest Point (North Elevation)**

#### *Administration Building Height*

An assessment was made of the natural ground levels (provided in the survey) and the building maximum height RLs to establish the following;

- North-West Elevation = 8.8m maximum and 7.35m to ceiling
- South-East Elevation = 9.2m maximum and 7m to ceiling
- North-East Elevation = 9.8m maximum and 7.9m to ceiling
- South-West Elevation = 9.2m maximum and 7.5m to ceiling

*Note: The elevations shown on the submitted plans do not reflect the correct orientation of the building. The above table provides an accurate representation of the building on-site.*

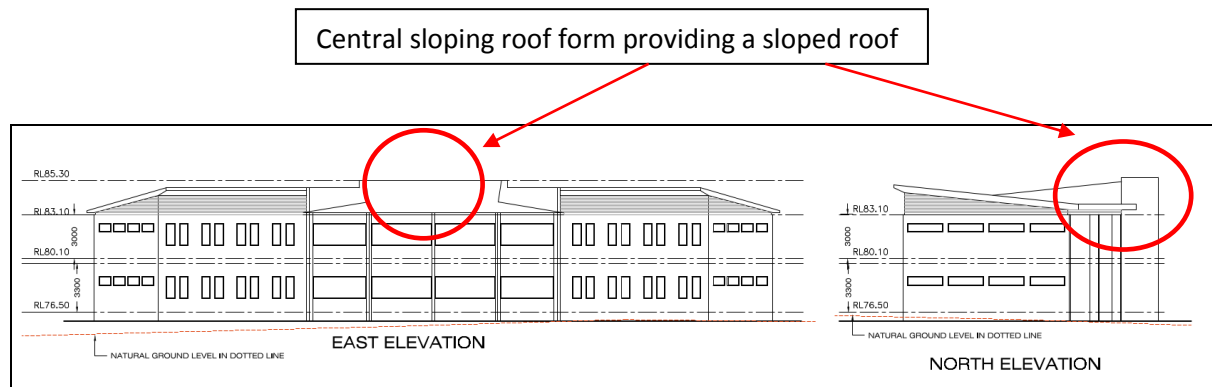
The roof of this building is designed to provide two wings which are sloped in the opposite direction and at the same angle as a centrally located sloping roof form. As shown above, the maximum height is 9.8m along the central portion of the roof in the North-East and rear elevation. This central roof feature however fully complies along the South-West and front elevation, with only the eastern most wing of the building exceeding the height with a 9.2m maximum.

The ceiling height of the building is below that of the roof maximum such that the building height exceeds 9m only in the instance of achieving its unique design outcome.

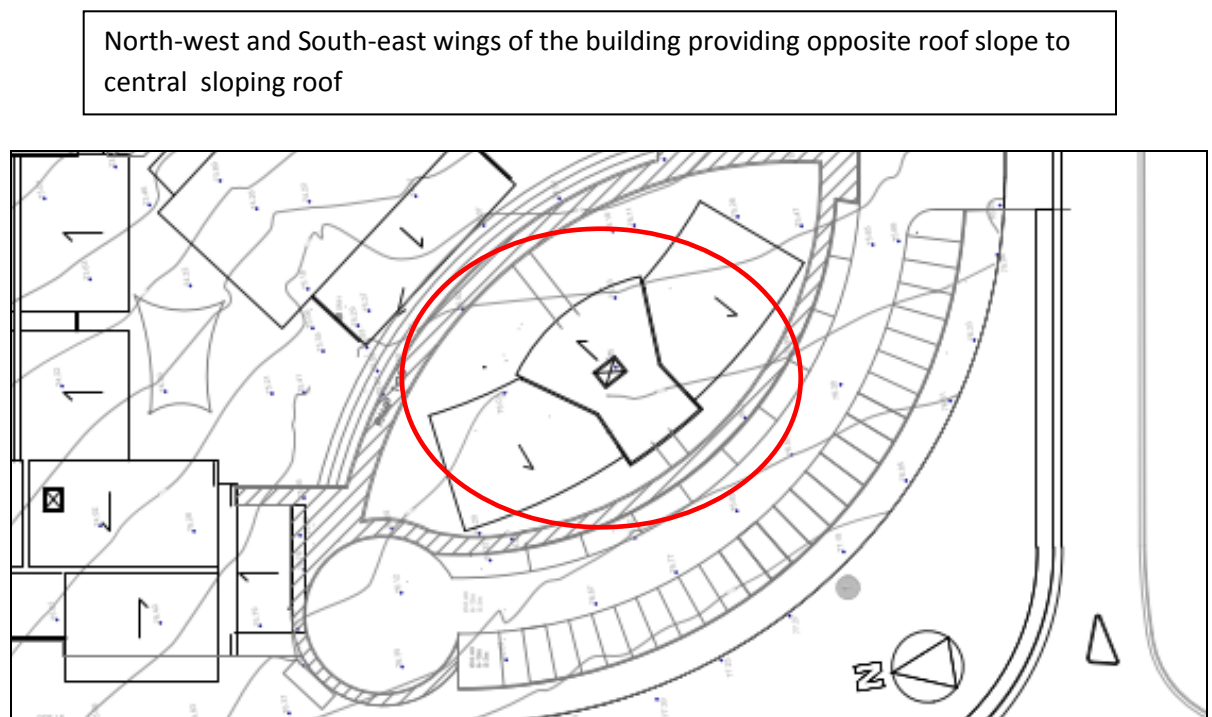
It is considered that in being the central administration and focal point of the school, that the proposed roof form will provide a specific identity on a prominent corner within the locality.

Indeed, the building directly addresses the corner of Seventeenth and Craik Avenues, and responds positively to the arced frontage at the corner

Further, the building will be separated from adjoining residentially zoned land by a road reserve and will not cause any negative shadow impact on any residential property.



**Figure 14. Administration Building Highest Point and roof form**



**Figure 15. Administration Building showing roof design with opposite roof slope**

### (c) State Environmental Planning Policy No. 55 – Remediation of Land

The proposal has been assessed under the relevant provisions of SEPP 55 as the proposal involves a change of use of land with the potential under the SEPP 55 guidelines to be a site that could be contaminated (*agricultural/horticultural activities*). Therefore under the SEPP 55 guidelines the subject site is identified as a site that could be contaminated.

The objectives of SEPP 55 are:

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

Pursuant to the above SEPP, Council must consider:

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

Council's Environmental Health Officer reviewed a revised Stage 3 Remediation Action Plan (RAP) prepared by Alliance Geotechnical (report no: 2122-ER-1-5) dated 2 August 2017. This report is an updated version of previously submitted contamination documents, and identified areas of the site to be remediated where there is visibly burnt and stained soil, and asbestos and lead impacted soil contamination.

The preferred remediation strategy is **Excavation and off-site removal of the contaminated material**. As non-friable asbestos has been identified in the Site soils, a contractor holding a Class B license is required to undertake the remediation and validation process for the asbestos impacted material.

Validation of the remediation works shall be conducted to demonstrate the remediation objectives have been achieved and to demonstrate that the site has been remediated suitably for the proposed land use as a school.

AG concludes that subject to the successful implementation of the measures detailed in this RAP, validation of the removal of impacts and subject to the limitations in Section 13, it is considered that the site can be made suitable for the proposed land use as a school.

Council's Environmental Health Officer supports the proposal subject to the implementation of preferred removal strategies for the unsuitable materials at the site, as conditions of consent.

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

<b>Clause 7 - Contamination and remediation to be considered in determining development application</b>	<b>Comment</b>
(1) A consent authority must not consent to the carrying out of any development on land unless:	
(a) it has considered whether the land is contaminated, and	The land contaminated as identified in the submitted contamination assessment.

(b) if the land is contaminated, it is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out, and	The contamination assessment has been submitted as part of this application and reviewed by Council's Environmental Health Staff. The land is considered suitable for its proposed educational establishment use, subject to remediation works carried out in accordance with the contamination assessment and RAP, as conditions of consent, as recommended by Council's Environmental Health Officer.
(c) if the land requires remediation to be made suitable for the purpose for which the development is proposed to be carried out, it is satisfied that the land will be remediated before the land is used for that purpose.	Conditions of any consent shall require the remediation of the land as per recommendations in the submitted contamination assessment and as recommended by Council's Environmental Health Officer.

Based on the above assessment, the proposal is considered to satisfy the relevant objectives and provisions of SEPP 55. Therefore, it is considered that the subject site is suitable for the proposed development.

**(d) Sydney Regional Environmental Plan No. 20 – Hawkesbury-Nepean River (No 2 - 1997) (Deemed SEPP)**

The subject land is located within the Hawkesbury Catchment and as such the Sydney Regional Environmental Plan No. 20 – Hawkesbury-Nepean River (No 2 - 1997) applies to the application.

The Sydney Regional Environmental Plan No. 20 – Hawkesbury-Nepean River (No 2 - 1997) generally aims to protect the environment of the Hawkesbury-Nepean River system by ensuring that the impacts of future land uses are considered in a regional context.

When a consent authority determines a development application, planning principles are to be applied (Clause 4). Accordingly, a table summarising the matters for consideration in determining development applications (Clause 5 and Clause 6), and compliance with such is provided below.

<b>Clause 5 General Principles</b>	<b>Comment</b>
(a) the aims of this plan,	The plan aims to protect the environment of the Hawkesbury-Nepean River system by ensuring that the impacts of future land uses are considered in a regional context.
(b) the strategies listed in the Action Plan of the Hawkesbury-Nepean Environmental Planning Strategy	The strategies are applied to this planning assessment in the table under Clause 6.
(c) whether there are any feasible alternatives to the development or other proposal concerned	The proposed construction of an educational facility, road construction, stormwater works and demolition are appropriate and no alternatives need be considered.
(d) the relationship between the different impacts of the development or other proposal and the environment, and how those impacts will be addressed and monitored	A Stormwater concept plan has been submitted and reviewed by Council's Development and Floodplain Engineers. Conditions of consent applied aim to improve the quality of expected stormwater discharge from the site.

<b>Clause 6 Specific Planning Policies and Recommended Strategies</b>	<b>Comment</b>
(1) Total catchment management	Environmental Planning consideration through SEPP (Sydney Region Growth Centre) 2006 has considered the impact of the residentially zoned land and permissible uses within the catchment
(2) Environmentally sensitive areas	The site is not part of an Environmentally Sensitive area as defined in this plan.
(3) Water quality	Council's Development and Floodplain Engineers have provided conditions of consent aimed to improve the quality of expected stormwater discharge from the site.
(4) Water quantity	Council's Development and Floodplain Engineers have provided conditions of consent aimed to reduce the impact from the expected storm-water runoff and flow characteristics through the site, on down-stream aquatic ecosystems.
(5) Cultural heritage	The site is not identified as being of or containing Aboriginal / cultural heritage.
(6) Flora and fauna	The site is identified as Biodiversity certified and otherwise not containing threatened species of flora and fauna
(7) Riverine scenic quality	Not applicable.
(8) Agriculture/aquaculture and fishing	Not applicable.
(9) Rural residential development	Not applicable.
(10) Urban development	The site has been rezoned to residential and the proposal provides an appropriately designed and permissible use for the zone. Further, Council's Development Engineers have provided conditions for any consent, to manage erosion and sediment erosion and loss, and to improve the quality of expected stormwater discharge from the site.
(11) Recreation and tourism	Not applicable.
(12) Metropolitan strategy	The proposal is consistent with the Metropolitan Strategy by contributing to greenfield development in the South West Growth Centre.

It is considered that the proposal satisfies the provisions of the Sydney Regional Environmental Plan No. 20 – Hawkesbury-Nepean River (No 2 - 1997), subject to appropriate sedimentation and erosion controls being implemented during construction.

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

There are no draft Environmental Planning Instruments which apply to the site.

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

#### (a) Liverpool City Council Growth Centre Precincts Development Control Plan

Part 2 Precinct Planning Outcomes		
Development Control	Provision	Comment
2.2 The Indicative Layout Plan	All development applications are to be generally in accordance with the Indicative Layout Plan (ILP).	<b>Complies</b> The proposed road alignment is consistent with and does not vary the ILP.
	When assessing development applications, Council will consider the extent to which the proposed development is consistent with the Indicative Layout Plan.	
	Any proposed variations to the general arrangement of the Indicative Layout Plan must be demonstrated by the applicant, to Council's satisfaction, to be consistent with the Precinct Planning vision in the relevant Precinct Schedule.	
2.3.1 Flooding	This section controls relating to development on flood prone land	<b>Complies by condition</b> Council's Floodplain Engineers have reviewed the proposal with respect to the overland flow site constraint, and are satisfied the proposed design is unlikely to cause flooding issues within the locality, subject to conditions of consent.
2.3.2 Water Cycle Management	This section contains controls relating to stormwater management.	<b>Complies</b> The application was accompanied by Stormwater Engineering Concept Plans. Council's Land Development and Floodplain Engineers have reviewed the proposed development and raised no issues subject to conditions of consent.
2.3.3 Salinity and Soil Management	This section contains controls relating to salinity and soil management.	<b>Complies by condition</b> The site is identified as containing a moderately saline soils. A condition of any consent shall require a Salinity Management Response Report to be submitted prior to the issue of a Construction Certificate to ensure the construction management techniques respond to the site affectation.
2.3.4 Aboriginal and European Heritage	This section contains controls relating to the management of Aboriginal heritage values and to ensure areas identified as European cultural heritage sites or archaeological sites are managed.	<b>Complies by condition</b> The application was referred to Council's Heritage Officer who recommends approval of the DA subject to conditions of consent.
2.3.5 Native Vegetation and Ecology	This section contains controls relating to the conservation and rehabilitation of native vegetation.	<b>Complies on merit</b> The site is identified as Biodiversity Certified pursuant to the SEPP, to accommodate permissible development on the site.
2.3.6	This section contains controls	<b>Not Applicable</b>

Part 2 Precinct Planning Outcomes		
Development Control	Provision	Comment
Bushfire Hazard Management	relating to development on bushfire prone land.	The site is not bushfire prone.
2.3.7 Site Contamination	This section contains controls relating to development on potentially contaminated land.	<b>Complies by condition</b> Refer to Section 6.1(c) of this report.
2.3.8 Development on and adjacent to electricity and gas easements	This section contains controls relating to development on and adjacent to electricity and gas easements.	<b>Complies</b> Not identified as being Land Adjacent to Electricity and Gas easements.
2.3.9 Noise	This section contains controls relating to ensuring acoustic privacy is achieved for future residential development.	<b>Complies</b> The application was accompanied by an Acoustic Report Noise Impact Assessment Report, which concluded that acoustic treatment would be required to the play-area and mechanical plants to control noise emission from the operation of the school. This has been reviewed and is supported by Council's Environmental Health Officer.
2.3.10 Odour Assessment and Control	This section relates to land deemed by Council to be affected by an odour source.	<b>Complies on merit</b> There are no odour emitting sources in the immediate locality, and an Odour Assessment Report was not required.
2.3.11 Air Quality	This section contains controls relating to preserving air quality in relation to industrial and/or employment development	<b>Not Applicable</b> The DA does not propose industrial or employment development to affect air quality.
2.4 Demolition	This section contains controls relating to demolition of buildings	<b>Complies by condition</b> Standard demolition conditions of consent to be applied.
2.5 CPTED	This section contains controls relating to the principles of CPTED.	<b>Complies by condition</b> A statement submitted in the Social Impact Statement indicates through a Crime and Safety statement that these principles have been incorporated into the design. This has been reviewed by Council's Community Planner who recommends approval. A condition of consent indicating consistency with this statement shall be added to any consent.
2.6 Earthworks	This section contains controls relating to earthworks	<b>Complies</b> This aspect has been reviewed by Council's Land Development Engineers, who have raised no issues to the earthworks, subject to conditions.

Part 4 Development in the Residential Zones		
Part 4.4 Other Development in Residential Areas		
Summary of key controls for Educational Establishments and Places of Worship		
Development Control	Provision	Comment
1. Places of worship are to be located within centres or co-	A place of worship is not proposed	<b>Not Applicable</b>

located with other community facilities in residential areas so as to create a community focal point, to share facilities such as parking, and to minimise impacts on residential areas.		
2. Places of public worship and educational establishments are preferably to be located on land with frontage to a collector road. Corner sites are preferred.	<p>The Educational Establishment is proposed on the corner of existing roads Seventeenth and Craik Avenues.</p> <p>It is also located on the corner of two future roads as per the ILP, which are proposed to be constructed as part of this proposal.</p> <p>Craik Avenue is a collector road.</p>	<b>Complies</b>
<p>3. In assessing applications, Council will consider the following:</p> <ul style="list-style-type: none"> <li>- the privacy and amenity of adjoining developments;</li> <li>- the need and adequacy for provision of buffer zones to surrounding residential development;</li> <li>- urban design;</li> <li>- location;</li> <li>- the size of the land where the development is proposed;</li> <li>- traffic generation and the impacts of traffic on the road network and the amenity of nearby residents;</li> <li>- the availability of parking;</li> <li>- the scale of buildings and their capacity; and</li> <li>- hours of operation and noise impacts.</li> </ul>	<p><u>Privacy and Amenity of Adjoining Developments and need for buffer zones</u></p> <p>The majority of the school boundaries are separated from adjoining residentially zoned land by existing and future roads to be constructed as part of this development. These roads act as a buffer zone.</p> <p>The only part of the school which directly adjoins a future low density residential boundary is along the western boundary of the site for approximately 66m.</p> <p>The primary school building along this boundary is setback 8m and is constructed to a maximum height of 7.85m adjacent to the boundary, which is 1.15m lower than the allowable height for the zone.</p> <p>Although the adjoining site is likely to be developed for low-density residential housing, at the time of writing this report, no DA or Pre-DA had been lodged for the site. As such, it cannot be presumed the site will be developed for residential housing as other uses in the zone are permissible.</p> <p>Further, the two existing dwellings on the site are located 60m and 75m from the boundary fence, with no swimming pool or obviously used private open space between the dwellings and the school boundary. As such, due to this distance and the appropriate scale of the primary school building, it is considered the development as a whole results in negligible privacy impact on adjoining sites.</p> <p><u>Design, capacity of buildings, location, size of land</u></p> <p>The standards as expressed in SEPP Infrastructure prevail.</p> <p><u>Traffic generation</u></p> <p>View item 4 of this table, below.</p>	<b>Complies</b>

	<u>Availability of Parking</u> View item 6 of this table, below.  <u>Hours of Operation and Noise Impacts</u> View items 8-14 of this table, below.	
<p>4. A traffic and transport report/statement is to accompany the Development Application addressing the impact of the proposed development on the local road system and defining car parking requirement;</p> <p>Note: Due to the high level of traffic generation and peak nature of traffic volumes accessing these types of land uses, assessment of traffic impacts and pedestrian requirements is required and mitigation measures may need to be incorporated in the design. Such measures may include pedestrian crossings, speed control devices, pedestrian refuges on streets to which the development fronts and the provision of bus and drop off bays. School zones will require additional safety measures such as school crossings, 40 km/h school speed zones and flashing lights in accordance with Roads and Maritime Service requirements.</p>	<p>A Traffic Impact Assessment report and addendum report was submitted, prepared by 'Express Traffic Engineering Solutions'. The traffic impact assessment took into account the proposed student and staff numbers, the proposed vehicular access and car-park and drop-off/pick-up area, and hours of operation in assessing traffic generation, and impacts on the local and future road network and pedestrian safety within the school and in the public domain.</p> <p>Based on the above conclusions it can be ascertained that the proposal is unlikely to create a detrimental impact on potential traffic safety, road congestion or parking demand on the existing and the future surrounding locality. The traffic and parking assessment was reviewed by Council's Traffic Engineer and considered satisfactory, subject to conditions of consent.</p> <p>As part of the assessment Council requested the following design elements to improve the resultant traffic conditions, with which the applicant agreed;</p> <ul style="list-style-type: none"> <li>- indented parking bays along the two internal roads to be constructed</li> <li>- a one-directional drive through pick-up / drop-off driveway within the site with associated accessible pedestrian paths into the school grounds and buildings.</li> <li>- deletion of a driveway which was proposed located close to a road intersection.</li> <li>- indication of traffic calming devices including a zebra / pedestrian crossing and contribution towards a roundabout at the corner of Seventeenth and Craik Avenues.</li> <li>- a separation of staff and visitor parking from the student pick up / drop off area on-site.</li> </ul>	<b>Complies by condition</b>
<p>5. A landscape plan and associated documentation is to be submitted with the Development Application identifying existing vegetation and community plant species and/or existing design elements of the site layout, and the proposed landscaping treatment of the development.</p>	<p>The standards as expressed in SEPP Infrastructure prevail.</p>	<b>Not Applicable</b>
<p>6. Car parking spaces shall be provided on site in accordance</p>	<u>Required Car space allocation</u>	<b>Complies by</b>

<p>with Table 4-11 unless the applicant can demonstrate to the satisfaction of Council that lower rates of parking are reasonable for the particular development.</p> <p>Table 4-11: Car parking requirements for educational establishments Land use Parking requirement</p> <p>Schools 1 space per staff member, plus 1 space per 100 students, plus 1 space per 5 students in Yr 12 (based on estimated capacity for year 12 students to be specified in the Development Application).</p> <p>A pick up / drop off facility of sufficient size to accommodate the forecast demand identified through a traffic and parking report. The resultant layout of the facility to be to the satisfaction of Council.</p>	<p>35 spaces for 35 Staff members 8 spaces for 800 students 12 spaces for 60 Year 12 students</p> <p>Required = 55</p> <p><u>Proposed Car space allocation on-site</u></p> <p>35 staff car-spaces 15 visitor and student parking spaces</p> <p>+</p> <p>22 on-street / indented parking bay car-spaces</p> <p>Therefore</p> <p>On-site = 50 On-street = 22</p> <p><b>Total Proposed = 72</b></p> <p>The proposal complies on merit and by condition of consent. Although the on-site car-parking provides a deficiency of 5 spaces, the proposed indented on-street parking bays are intended to provide additional parking associated with the school without affecting the circulation of traffic through the locality at peak hours.</p> <p>The provision of indented on-street parking bays is an approach supported by Council for any new schools, and the fact the school is bounded by roads supports this arrangement.</p> <p>Further, a Drop-off / Pick-up facility with 12 spaces is provided on site. This was assessed in conjunction with a submitted Traffic impact Assessment by Council's Traffic Engineers, who are satisfied the facility is sufficient to accommodate the forecast demand, subject to the design and submission of an operational management plan prior to occupation of the site.</p>	<p><b>condition of consent</b></p>
<p>7. For certain uses, the provision of overflow parking may be necessary particularly where such developments incorporate halls used for social gatherings. Overflow parking areas could be provided on open grassed areas and need not be formally sealed or line-marked. Proposed overflow parking areas are to be clearly shown on plans submitted</p>	<p>Over-flow parking is not required, as in conjunction with the on-street indented parking bays, the proposal provides a surplus of 17 car-spaces.</p>	<p><b>Complies on merit</b></p>

with the Development Application.		
8. Development must be designed to minimise the possibility of noise impacts to the occupants of adjoining or neighbouring dwellings.	<p>The school has been designed such that the closest school building is located 8m from the adjoining western boundary site. The subject premises is otherwise entirely surrounded by roads.</p> <p>The applicant submitted an Acoustic Report and Noise Management Plan prepared by Rodney Stevens Acoustic. Based on the proposed size and operation of the school and assessment criteria used, the document provides recommendations for the school's operation to ensure standard noise emissions as expected from school establishments in residential localities. Ultimately the report concludes that were these recommendations to be adhered to, the operation of the school would not result in "offensive noise" impacting the surrounding community.</p> <p>One of these recommendations is for the construction of a 1.8m high acoustic fence along the northern and eastern boundary of the play area. This is considered an appropriate response to containing outdoor school-yard noise and a specific condition of consent relating to the fence treatment and materials to Council's desired specifications shall be added as a condition of consent.</p> <p>Council's Environmental Health officer reviewed the report and concurs, and has provided a condition of consent to ensure the Noise Management Plan is imposed during the operation of the school.</p>	<b>Complies by condition</b>
9. Where it is likely that a development may cause an adverse noise impact on nearby residential areas, an acoustic report will be required to be submitted to council with the Development application.	As above	<b>Complies by condition</b>
10. Development must comply with Office of Environment and Heritage noise guidelines in clause 4.2.9.	The submitted Acoustic Report and Noise Management Plan concludes that were recommendations within the document to be adhered to, the operation of the school would not result in "offensive noise" impacting the surrounding community, as defined within the Interim Construction Noise Guideline, published by the NSW Department of Environment and Climate Change dated July 2009.	<b>Complies by condition</b>
11. Where appropriate, buffers should be put in place to limit	A recommendations of the Acoustic Rpoer is for the construction of a 1.8m high acoustic fence	<b>Complies by</b>

noise impacts on the surrounding area. Extensive noise walls along most or all of a property boundary are not appropriate and other measures should be used to mitigate noise.	<p>along the northern and eastern boundary of the play area. This is considered an appropriate response to containing outdoor school-yard noise and a specific condition of consent relating to the fence treatment and materials to Council's desired specifications shall be added as a condition of consent.</p> <p>Further, this wall is not located along a property boundary, and is proposed within the site adjacent to the boundary.</p>	<b>condition</b>
12. Sources of noise such as garbage collection, machinery, parking areas and air conditioning plants are sited away from adjoining properties and screened / insulated by walls or other acoustic treatment. Noise levels are not to exceed specified limits at the most affected point of the property boundary.	Preferred plant machinery location has been identified by the submitted Acoustic Report. Council's Environmental Health officer reviewed the report and concurs, and has provided a condition of consent to ensure the recommended design and location is imposed on the development.	<b>Complies by condition</b>
13. The general hours of operation for places of public worship and educational establishments are between 7am and 9pm.	<p><u>Proposed Educational Establishment Hours of Operation</u>  Monday to Friday - 7am to 9pm  Saturday - 7am to 9pm  Sunday - 9am to 9pm</p> <p>Complies</p> <p><u>Proposed Ancillary Community Use and Before/After School care at the subject premises</u>  Monday to Friday - 7am to 9pm  Saturday - 7am to 10pm  Sunday - 9am to 10pm</p> <p>Is proposed outside the general hours of operation and proposing ancillary uses is not considered to be consistent with the intent of the control.</p> <p>View the discussion for item 14 of this table, below.</p>	<b>Complies by condition</b>
<p>14. Variation to the approved hours of operation may be approved by Council subject to other requirements or a merit assessment.</p> <p>Note: Legislation covering noise impacts and hours of operation is the Protection of the Environment Operations Act 1997 and the</p>	<p>In assessing the proposed hours of operation for the ancillary community uses, it must be considered whether there is an existing need for the availability of the school's facilities to the community. In the local context, it is acknowledged that as the locality is undergoing transition from semi-rural to a low density residential, that there will be a future need for this to occur.</p> <p>However, the proposal seeks a blanket approval</p>	<b>Variation, not supported and not approved by condition of consent</b>

Protection of the Environment (Noise Control) Regulation 2000 (Noise Control Regulation).	<p>for a range of possible community uses at this moment in time, extending to outside of the expected hours of operation for the primary educational establishment use of the site. Effectively, the proposal is seeking approval from the consent authority for uses which cannot be assessed as there is no specific additional use identified.</p> <p>Further, it is considered pertinent to not approve any additional uses to the site until such time as the operator of the school can demonstrate the need within the community for the sub-leasing of the school's facilities beyond the standard hours of operation, and Council can assess the impact of these uses on the locality, which it will be in a better position to do so as the surrounding land transitions to low-density residential development.</p> <p>A condition of consent will ensure that only the school use and hours of operation are approved. Council will consider future DAs pertaining to ancillary uses once the school has been established and is operating.</p>	
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It is considered that the proposal satisfies the provisions of Liverpool Growth Centre Precincts DCP 2014, and meets the objectives of the controls for Educational establishments as follows:

#### 4.4.4 Educational Establishments and Places of Worship

##### *Objectives*

- a. To ensure appropriate provision and equitable distribution of educational establishments and places of public worship within the Precinct.
- b. To ensure that buildings are not out of character with the type, height, bulk and scale of surrounding buildings.
- c. To encourage the appropriate location of facilities to create community focal points, centres of neighbourhood activity and enhance community identity.
- d. To mitigate the impacts of noise, privacy, increased traffic and nuisance on surrounding residential development.
- e. To foster iconic and landmark building design within each Precinct

The proposed educational establishment is consistent with and will otherwise achieve the above objectives in that it will provide a facility to meet the day to day needs of residents, and is designed to be compatible with the amenity of a low density residential environment while enabling an educational establishment which will support the well-being of the community. The administration building addressing the corner of Seventeenth Avenue and Craik Avenue will provide a good design for the locality and precinct, and impacts of the operational of the school have been assessed to be reasonable for the surrounding residential development.

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

There is no planning agreement or draft planning agreement applying to the site.

#### **6.5 Section 79C(1)(a)(iv) – The Regulations**

The Environmental Planning and Assessment Regulation 2000 requires the consent authority to consider the provisions of the BCA and the Safety standards for demolition (AS 2601 – 2001). Accordingly, appropriate conditions of consent will be imposed.

#### **6.6 Section 79C(1)(a (v) – Any coastal zone management plan (within the meaning of the Coastal Protection Act 1979), that apply to the land to which the development application relates**

There are no Coastal Zones applicable to the subject site.

#### **6.7 Section 79C(1)(b) – The Likely Impacts of the Development**

##### **(a) Natural and Built Environment**

##### ***Built Environment***

The proposed development has been assessed against the requirements of the relevant planning instruments and Development Control Plans. The proposal complies on merit with the standards as required by SEPP Infrastructure, with the objectives of the SEPP Growth Centres, and with the controls of Liverpool Growth Centre Precincts DCP 2014, and is consistent with the relevant principles for development in the low density residential zone.

The design is generally in scale and within the desired height limit for the locality, provides for logical site location of buildings and play areas, and is setback appropriately to not cause an impact to any streetscape.

##### ***Natural Environment***

The proposed development requires the removal of three (3) eucalypt species trees which have been identified in a submitted arborist report as being in poor health. The site is generally void of any significant vegetation and communities of endemic trees. Notwithstanding, the site is biodiversity certified and removal of vegetation to accommodate permissible uses within the zone is an expected outcome legislated for within the SEPP Growth Centre. Given the existing semi-rural state of the site, the proposed development is unlikely to cause a detrimental impact to any endangered and non-endangered species of flora and fauna. The submitted landscape plan shows appropriate planting and establishment of vegetation throughout the site, and will be required to be updated by a condition of consent, prior to the issue of a Construction Certificate, to ensure consistency with the latest revision of the assessed plans.

## **(b) Social Impacts and Economic Impacts**

The proposal would result in a positive economic impact in the locality by accommodating the provision of additional employment, and is unlikely to generate any identifiable detrimental social impacts, rather, functioning within the locality and community to provide education services with the potential of providing future additional facilities for use within the local residential community.

### **6.8 Section 79C(1)(c) – The Suitability of the Site for the Development**

The site is considered to be suitable for the proposed development and the site constraints do not cause the proposed works to be restricted. Further, the proposed works do not impact upon and are compatible with adjoining sites.

The proposal is compliant with the provisions of LLEP 2008 and LDCP 2008 as outlined in the report. There are no proposed variations, and overall the development is considered to satisfy the relevant controls for site selection.

### **6.9 Section 79C(1)(d) – Any submissions made in relation to the Development**

#### **(a) Internal Referrals**

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

<b>Internal Department</b>	<b>Status and Comments</b>
Building Surveyor	No objection, subject to conditions
Community Planner	No objection, subject to conditions
Environmental Health Officer	No objection, subject to conditions
Floodplain Engineer	No objection, subject to conditions
Land Development Engineer	No objection, subject to conditions
Landscaping Officer	No objection, subject to conditions
Sustainable Environment Planner	No objection to the proposed development
Traffic Engineering	No objection, subject to conditions

#### **(b) External Referrals**

The following comments have been received from External agencies:

<b>External Department</b>	<b>Status and Comments</b>
Roads and Maritime Service	Approval subject to conditions
Sydney Water	Approval subject to conditions

(c) **Community Consultation**

The proposal was notified in accordance with the provisions of Part 1 of the DCP 2008 and the EP&A Regulation 2000 and four (4) submissions was received.

**ISSUE 1:**        *The educational establishment is not designated for use on this site within the South-West Priority Growth Area*

**Comment:**

As assessed in this report, educational establishments are permissible for the land zoned R2 – low density residential, and the proposed school is consistent with the objectives of the zone and controls. While the proposed school would result in an effective loss of land which could be used for low density residential development, the provisions of the SEPP Growth Centre permit the development as proposed within the zone, to service and support the surrounding future low density residential locality.

**ISSUE 2:**        *Negative Impact on Community Identity / Sense of Belonging*

**Comment:**

An objector has raised concerns “that schools of this nature are not known to be inclusive”, and that the Islamic faith of the school’s operator indicates a negative impact to Austral by way of increasing the proportion of people of Islamic faith into, and thereby shaping the identity of the locality. The objector raises concerns regarding the proposed security of the school, indicating that the school’s operators do not envisage being integral with the community.

It is acknowledged that there are a range of privately run / independent schools of many different faiths and denominations throughout Sydney and Western Sydney. These schools operate to provide a safe learning environment for their students. It is considered that any school does to some extent contribute to the identity of a local community, and in doing so, they reflect the diversity across the broad spectrum of cultures and religious belief systems of the communities in which they function.

As the locality is in transition from semi-rural to low density residential, it is considered that the identity of Austral and Leppington North will primarily be shaped by the provision of housing, as well as to a lesser degree, employment opportunities and access to services, consistent with the aims and objectives of the SEPP Growth Centre. It is considered that it is difficult to ascertain how this particular proposed school will shape the identity of the locality given the multitude of driving economic and social factors. Further, it is unclear how this could be considered to result in a negative impact on community identity, given the multi-cultural nature of the Liverpool LGA and Western Sydney in general.

**ISSUE 3:**        *Whether there is a need for another Islamic School in the immediate locality*

An objector has raised concerns regarding the need for another Islamic faith based school,

considering the existence of two already operating within the suburb of Austral. The objector cites 2011 ABS data in questioning the need for another school to support the existing Islamic community, and refers to:

- Al-Faisal College (located 800m to the west) which will at its completion function with a maximum of 600 students,
- Unity Grammar (located 3.7km to the south) which currently provides for 850 students
- Malek Fahd School (located 3.6km to the east) which will at its completion function with a maximum of 450 students

The objector cites that according to the ABS Statistics for the 2011 census, only 2993 people lived in Austral of which only 169 were of Islamic faith (5.65%). Despite this, it is considered the proposal responds to the future growth of the immediate locality which is currently undergoing transition to low density residential, as follows.

Based on the projected population within the Post-Exhibition Planning Report for Austral and Leppington North Precinct Plan, issued by the NSW Department of Planning & Infrastructure in December 2012, there is expected to be approximately 54,300 people living in the suburbs of Austral and Leppington North, once full development potential is realised. Added to this population increase, Council's Community Planning Section has reported that the Liverpool LGA as a whole, has seen an increase in residents of Islamic faith (up from 10.7% in 2011 to 12% in 2016, far higher than Greater Sydney at 5.3%), suggesting there will likely be a growing desire for more Islamic schools within the LGA.

It is considered that there is less opportunity for the provision of larger schools on land within the LGA's established areas through in-fill development, and that the application is justified in providing an appropriate site location and design for a school, within Sydney's growth area, consistent with population growth trends and the projected population for the locality.

**ISSUE 4:**      *Comment that Islamic Schools should not be permitted in Australia*

**Comment:**

There is no policy inherent in any relevant legislation which allows a consent authority to refuse this development application for reasons of religious discrimination.

**ISSUE 5:**      *Concern that the premises will be used as a place of worship*

**Comment:**

While places of public worship are also permitted in the zone, this application does not include the establishment of any places of public worship, and is conditioned on the consent for the educational establishment purposes only. Only those buildings on the assessed plans can be constructed and used on-site as per any consent.

**ISSUE 6:**      *Staging of the development and growth of the school*

**Comment:**

The proposed staging plan indicates that the school will grow from initially a primary school to a secondary school as the initial cohort of students progress through their education. While there is no timing requirement, the growth and expansion of the school and its population numbers is dependent upon the scope of works approved within each stage. Effectively, the use of the school and its operating capacity and maximum impact on the locality will not be realised until the final stage has been completed.

**ISSUE 7:**      *Insufficient playground area for the number of students***Comment:**

The objector expresses concern that the proposed play areas are not sufficient in area and in separation of student groups to cater for 800 students, as required by the NSW Department of Education Guidelines.

As assessed in this report, the application has been submitted pursuant to SEPP Infrastructure and the proposed design relies upon consistency with the relevant standards and guidelines which have been verified by the architect. Pending approval, further verification is required throughout the construction phase to ensure the approved play areas are provided.

The proposed design shows a total of 2490sqm of outdoor playing area and 420sqm of gym area, with a primary area (720sqm) and high school area (670sqm), as well as the playing field (1100sqm) and gym (420sqm). The outdoor play areas amount to 2490sqm which equates 3.11sqm of area per student.

**ISSUE 8:**      *Security Issues***Comment:**

The objector expresses concern that security on-site may not be maintained as proposed, and that neighbourhood safety issues should be a consideration with respect to possible attacks and vandalism of the site.

The school operators propose full-time security through 2 alternating security guards, as well possible additional security guards once the school is fully operational. Further, a 24 hour surveillance system is proposed to ensure the safety of the students, staff and local community. This is considered a reasonable approach to the functioning of the school and is to be conditioned by consent.

**ISSUE 9:**      *Garbage Collection*

The proposal has provided a Waste Management Plan and indicated the location of a Waste Storage Room of 12 cubic metres on-site, to be maintained by a school care-taker. Council's Environmental Health Officer has reviewed the proposal and recommends approval subject to conditions of consent. The location of garbage collection has not been decided, however,

the applicant has indicated a preference along the northern boundary local road, which is considered the most appropriate location as it would not interfere with the bus-stops and collector road along the other frontages.

**ISSUE 10:**     *Operating hours are not reasonable or consistent with standard School Operation*

**Comment:**

As assessed in this report, the hours of operation for the use of the educational establishment are considered appropriate between the hours of 7am and 9pm, and they comply with controls for educational establishments in this locality. The proposed school hours for student attendance are 7am to 4:30pm, while the hours beyond this up to 9pm are set aside for school related use of the site, such as Parent / Teacher nights, committee meetings and presentation nights.

It is acknowledged that the proposed hours of operation beyond 9pm are not appropriate, and at this stage, ancillary community uses are also not supported. A condition of consent will ensure that school related uses, only, be approved between 7am and 9pm.

The operator of the school will have the ability to propose other uses which will be notified to the surrounding locality, and which will allow Council to assess their impact once the school is constructed and operational.

**ISSUE 11:**     *Noise Impact relating to proposed additional community (Religious / cultural events) and in general*

**Comment:**

As expressed in the concern raised in Issue 2, only school related uses will be approved between 7am and 9pm. Council's Environmental Health Officers have reviewed the submitted Acoustic Report and Noise Management Plan which recommend Acoustic Fencing surrounding the north and east sides of the playground area. Council's officers recommend approval of the proposed development subject to conditions of consent.

**ISSUE 12:**     *Traffic Congestion*

**Comment:**

As assessed in this report, the proposed development was accompanied by a Traffic Impact Statement, was assessed by Council's Traffic Engineers, and is considered to be appropriate for the site and locality. The construction of roads consistent with the road network layout plan, and the proposed vehicular access and parking facilities as well on on-street indented parking bays are supported by Council's officers. Despite the concerns raised, it is considered that a thorough process of analysis and investigation was undertaken both by the applicant and Council's officers, to provide the optimal outcome for the functioning of the site within the existing locality, and the future low density residential

suburb.

**ISSUE 13:**     *Design of Pick-up and Drop-off and Pedestrian Safety*

**Comment:**

Despite the concerns for the design and lack of car-spaces within the Pick-up and Drop-off facility, it is considered that through the DA process, the applicant has responded to Council officer concerns relating to the design of the facility in ensuring it is one-directional. Further, the applicant has provided indented parking bays, which effectively ensure that through traffic is not impeded and slowed during traffic peak hours, within the carriage-way.

The proposed development was accompanied by a Traffic Impact Statement, was assessed by Council's Traffic Engineers, and is considered to be appropriate for the site and locality. The construction of roads consistent with the road network layout plan, and the proposed vehicular access and parking facilities as well on on-street indented parking bays are supported by Council's officers. Despite the concerns raised, it is considered that a thorough process of analysis and investigation was undertaken both by the applicant and Council's officers, to provide the optimal outcome for the functioning of the site within the existing locality, and the future low density residential suburb.

**ISSUE 14:**     *Privacy impact to the dwellings on adjoining sites*

**Comment:**

As assessed in this report, the proposed school will effectively be separated from adjoining land and dwellings by a 16m wide road reserve along each boundary except for 66m of the western boundary. On this adjoining western site, the separation of the two-storey primary school building to the nearest dwelling exceeds 65m. This distance in conjunction with the limited height of the school building results in a negligible privacy impact on any adjoining site.

**6.10   Section 79C(1)(e) – The Public Interest**

The proposed development is consistent with the zoning of the land and would represent a high quality development for the growth area suburbs of Austral and Leppington North. The development provides an educational establishment which has the potential of contributing facilities to the local community, as proposed by the applicant, and is located appropriately on a prominent corner site and collector road, within close proximity to the future public transport (bus) network.

In addition to the social and economic benefit of the proposed development, it is considered to be in the public interest.

## **7. Developer Contributions**

Section 94 Contributions will be imposed in accordance with the Liverpool Contributions Plan 2014 Austral and Leppington North. A Special Infrastructure Contribution condition is also required.

## **8. Conclusion**

Having regard to the provisions of section 79C of the Environmental Planning and Assessment Act 1979, the proposed development is considered satisfactory with the following matters noted:

- The proposed development complies or is conditioned to comply with the relevant provisions of the SEPP Infrastructure 2007 and the SEPP (Sydney Region Growth Centre) 2006 and Liverpool Growth Centre Precincts DCP 2014.
- The application was externally referred to the RMS with no objections raised.
- The proposed development provides an appropriate response to the site's context and provides a scale and built form consistent with the desired locality outcomes.
- Conditions of consent will be imposed to minimise any potential negative amenity and environmental impacts resulting from the development, and to ensure that only school related uses operate from the site, up to the point of full development potential and capacity.
- The proposed development is appropriate for the site and approval is in the public interest.
- Developer contributions have been applied to the development in accordance with Liverpool Contributions Plan 2014 Austral and Leppington North.
- A Special Infrastructure Contribution Condition has been imposed.
- On the basis of the assessment of the application, it is recommended that the application be approved subject to conditions.

## **9. ATTACHMENTS**

1. Recommended conditions of consent
2. Architectural plans
3. Landscape plan
4. Arborist Report
5. Noise Management Plan and Supplementary Report
6. Plan of Management
7. Statement of Environmental Effects and Addendum
8. Social Impact Statement
9. Traffic Report and Addendum