

# SYDNEY WESTERN CITY PLANNING PANEL

## COUNCIL ASSESSMENT REPORT

<b>Panel Reference</b>	2018WCI002
<b>DA Number</b>	DA-349/2018
<b>Local Government Area</b>	Liverpool City Council
<b>Proposed Development</b>	<p>Alterations and additions to Good Samaritan Catholic College and an increase in student numbers. The proposed works include:</p> <ul style="list-style-type: none"> <li>• Proposed alterations and additions to Block T and C</li> <li>• Demolition Works</li> <li>• Tree Removal and Replacement</li> <li>• Site Works</li> </ul> <p>The proposal is identified as an Integrated Development pursuant to Section 4.46 of the Environmental Planning and Assessment Act 1979, requiring approval from the NSW Rural Fire Services under the Rural Fire Act 1997.</p> <p>The application is also identified as Nominated Integrated Development, pursuant to Clause 5(1)(b) of the Environmental Planning and Assessment Regulations 2000 requiring approval from the NSW Office of Water under the Water Management Act 2000.</p>
<b>Street Address</b>	Good Samaritan Catholic College 401 Hoxton Park Road, Hinchinbrook NSW 2168 (Part Lot 11 DP 1209742)
<b>Applicant</b>	Robinson Urban Planning Pty Ltd
<b>Land Owners</b>	The Trustees of the Roman Catholic Church
<b>Date of DA Lodgement</b>	1 May 2018
<b>Number of Submissions</b>	Nil
<b>Recommendation</b>	Approval, subject to conditions of consent
<b>Regional Significant Development (Schedule 7 of the State and Regional Development SEPP)</b>	The proposal is for an educational establishment that has a capital investment value of over \$5 million, the Sydney Western City Planning Panel is the determining authority.
<b>List of all relevant s4.15(1)(a) matters</b>	<p>1) <i>List all of the relevant environmental planning instruments:</i></p> <ul style="list-style-type: none"> <li>• Greater Metropolitan Regional Environmental Plan No. 2 – Georges River Catchment;</li> <li>• State Environmental Planning Policy (SEPP) No.55 – Remediation of Land;</li> <li>• State Environmental Planning Policy (State and Regional Development) 2011;</li> <li>• State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017;</li> <li>• State Environmental Planning Policy (Infrastructure) 2007;</li> <li>• Liverpool Local Environmental Plan 2008 (LLEP 2008);</li> </ul> <p>2) <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: s4.15(1)(a)(ii)</i></p> <ul style="list-style-type: none"> <li>• N/A</li> </ul> <p>3) <i>List any relevant development control plan: s4.15(1)(a)(iii)</i></p> <ul style="list-style-type: none"> <li>• Liverpool Development Control Plan 2008.</li> </ul>

	<ul style="list-style-type: none"> <li>- Part 1 – General Controls for all Development.</li> <li>- Part 3.8. Non-Residential Development in Residential Zones</li> </ul> <p>4) List any relevant planning agreement that has been entered into under section 7.32, or any draft planning agreement that a developer has offered to enter into under section 7.32: s4.15(1)(a)(iv)</p> <ul style="list-style-type: none"> <li>• No planning agreement relates to the site or proposed development.</li> </ul> <p>5) List any relevant regulations: s4.15(1)(a)(iv) eg. Regs 92, 93, 94, 94A, 288</p> <ul style="list-style-type: none"> <li>• Consideration of the provisions of the Building Code of Australia and National Construction Code (NCC)</li> </ul>
<b>List all documents submitted with this report for the Panel's consideration</b>	<ol style="list-style-type: none"> <li>1. Architectural plans</li> <li>2. Statement of Environmental Effects</li> <li>3. Survey Plan</li> <li>4. Arboriculture Report</li> <li>5. BCA Report</li> <li>6. Bushfire Report</li> <li>7. Cost Report</li> <li>8. Traffic and Parking Impact Statement</li> <li>9. Waste Management Plan</li> <li>10. Flood Risk Management Study</li> <li>11. SWCPP Record of Briefing</li> <li>12. Cover Letter &amp; DA Form</li> <li>13. Letter of Authority</li> <li>14. Recommended Conditions of Consent</li> </ol>
<b>Report prepared by</b>	Robert Micallef, Development Assessment Planner
<b>Report date</b>	15 April 2019

<b>Summary of 4.15 matters</b> Have all recommendations in relation to relevant 4.15 matters been summarised in the Executive Summary of the assessment report?	<b>Yes</b>
<b>Legislative clauses requiring consent authority satisfaction</b> 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? <i>e.g. Clause 7 of SEPP 55 - Remediation of Land, Clause 4.6(4) of the relevant LEP</i>	<b>Yes</b>
<b>Clause 4.6 Exceptions to development standards</b> 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?	<b>Not Applicable</b>
<b>Special Infrastructure Contributions</b> Does the DA require Special Infrastructure Contributions conditions (S7.11EF)? <i>Note: Certain DAs in the Western Sydney Growth Areas Special Contributions Area may require specific Special Infrastructure Contributions (SIC) conditions</i>	<b>Not Applicable</b>
<b>Conditions</b> Have draft conditions been provided to the applicant for comment? <i>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</i>	<b>Yes</b>

## 1. EXECUTIVE SUMMARY

### 1.1 Reasons for the Report

The Sydney Western City Planning Panel is the determining authority as the Capital Investment Value of the development is over \$5 million, pursuant to Clause 5(b) of Schedule 7 of the State Environmental Planning Policy (State and Regional Development) 2011.

### 1.2 The Proposal

The application seeks consent for the alterations and additions to Good Samaritan Catholic College and an increase in student numbers. The proposal includes:

- Proposed alterations and additions to Block T and C
- Demolition Works
- Tree Removal and Replacement
- Site Works
- Increase student numbers by 60 students from 1300 to 1360

### 1.3 The Site

The subject site is located at 401 Hoxton Park Road, Hinchinbrook (Part Lot 11 in DP 1209742). The site currently contains an educational establishment known as Good Samaritan Catholic College, a co-educational high school for Years 7 to 12. The portion of the site pertinent to the subject development is zoned R2 - Low Density Residential under Liverpool Local Environmental Plan 2008.

### 1.4 The Issues

The main issues are identified as follows:

- **Bushfire Prone Land** - The site is located within a vegetation buffer area with some areas of Vegetation Category 1. A Bushfire Hazard Assessment has been submitted with the application which was referred to NSW Rural Fire Service as integrated development. The NSW RFS has raised no objection to the proposal, subject to conditions.
- **Hinchinbrook Creek** - A section of Hinchinbrook Creek, which is a tributary of the Georges River flows through the Eastern part of the site. The application was referred to the NSW Office of Water who have raised no objections subject to GTAs.
- **Flood Affectation** - The site is affected by flooding and is within the Flood Planning Area for Hinchinbrook Creek. The application has been referred to Council's floodplain engineers and the application is considered to be suitable subject to conditions of consent. Additionally, a flood risk management plan has been provided with the application.
- **Environmentally Significant Land** - Council mapping indicates that part of the property contains a threatened ecological community and Environmentally Significant Land. However, the proposed works are limited to previously developed portions of the site, and distant from the areas of mapped threatened ecological community. Therefore, no further ecological assessment is required.
- **Classified Road** - The site is bounded by two classified roads, Hoxton Park Road and the M7 Motorway. The application has been referred to Roads and Maritime services who have supported the application subject to conditions.
- **Urban Release Area** - The site is identified as being within an urban release area. The works are associated with the school which is unlikely to be used for residential purposes and the works are in accordance with the Education SEPP.

## 1.5 Exhibition of the Proposal

The development application was advertised for a period of 28 days from 8 May 2019 to 4 June 2019 in accordance with Liverpool Development Control Plan 2008 (LDCP 2008). No submissions were received.

## 1.6 Conclusion

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

## 2. SITE AND SURROUNDS

### 2.1 The Site

The subject site is identified as Part Lot 11 in DP 1209742, 401 Hoxton Park Road, Hinchinbrook between Wilson Road and Dorrigo Avenue in Hinchinbrook. The site sits above the banks of the Hinchinbrook Creek and is to the south of the M7 Motorway.

The site is irregular in shape and is 7.4 hectares in size. The site is accessed from Hoxton Park Road.



Figure 1. Locality Map (Nearmap 2018)

The site contains the Good Samaritan Catholic College, a co-educational high school for Years 7 to 12. In 2018 the enrolment in years 7 to 12 was 1,300 students with 120 staff. The College is serviced by an at-grade car parking area containing a total of 128 car parking spaces, an internal bus bay and turn-around facility and a designated student pick-up/drop area. Vehicular access to the College is at the eastern end of the site from Hoxton Park Road and the site entry forms the northern leg of the signalised intersection with Hoxton Park Road and First Avenue. Pedestrian access to the College links with the northern footpath of Hoxton Park Road.

A Trade Training Centre occupies the western end of the site and has its own vehicular access and parking area with 77 car parking spaces which is also accessed from Hoxton

Park Road. The Centre provides vocational training to Year 11 and 12 students from the College and other local high schools.

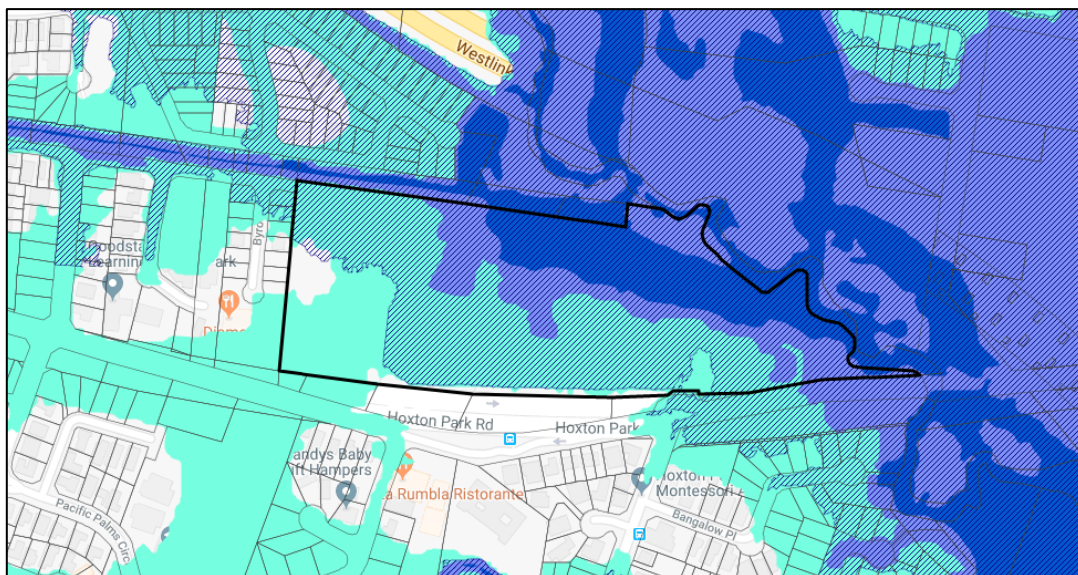
## 2.2 Locality

The site is surrounded by established residential uses and shop top housing development to the west, on Byron Close. Hoxton Park Road, established residential uses and neighbourhood shops to the south. A waterway (drainage channel), established residential development, the M7 Motorway and Hinchinbrook Creek located to the north.

## 2.3 Site Constraints

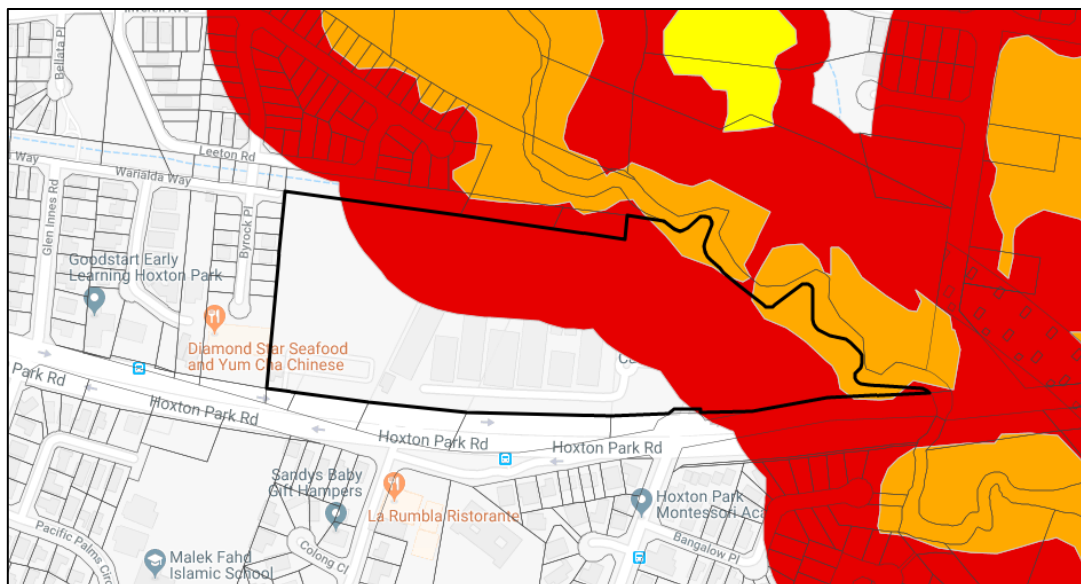
The subject site is affected by the following constraints:

- The site includes land reservations for classified roads, drainage and local open space. The proposed works are located well away from these land reservations.
- The entire site is identified as flood prone land and within a flood planning area.
- Part of the site along Hinchinbrook Creek is identified with Environmentally Significant Land. The proposed works are located away from this land.
- Terrestrial biodiversity - site frontage to the creek.
- Urban Release Area - part of the site, western end is an urban release area.
- Bushfire Prone Land - Category 1 and Vegetation Buffer.
- Site is bounded by identified Classified Roads being the M7 Motorway and Hoxton Park Road and therefore will require acoustic mitigation impacts.

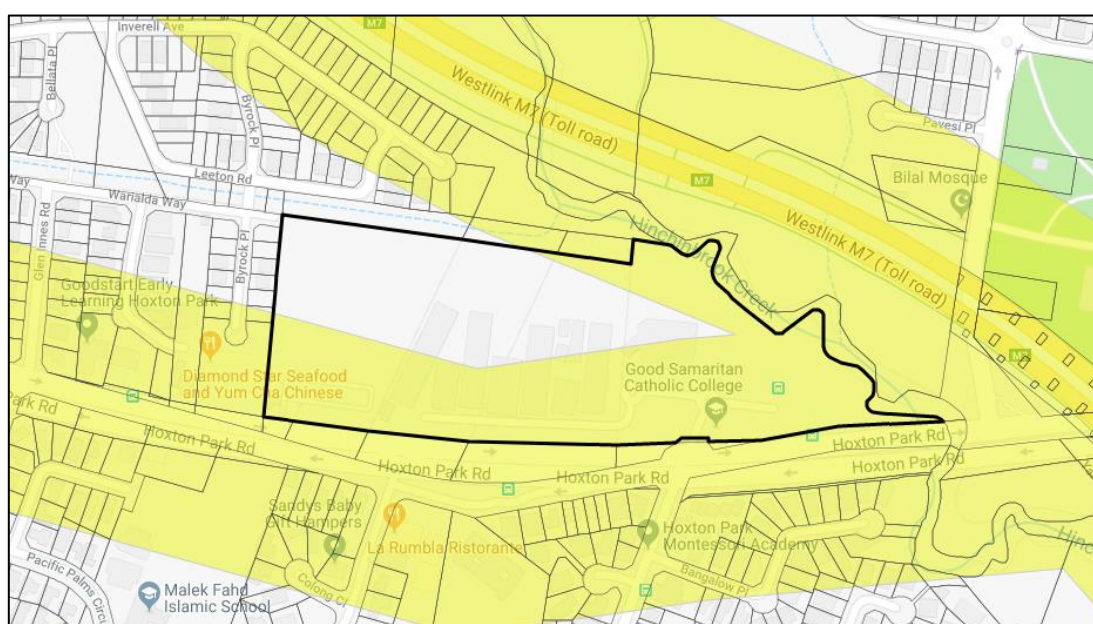


**Figure 2.** Flood Risk Map (Council's ePlanning Portal)





**Figure 3. Bushfire Prone Land Map (Council's ePlanning Portal)**



**Figure 4. Classified Road and Rail Noise Impacts Map (Council's ePlanning Portal)**

### 3. BACKGROUND

#### 3.1 Related Applications

- DA-315/1996 – Erection of a Secondary School – Approved 9 December 1997
  - Modification A approved on 15 April 2009
  - Modification B approved on 1 February 2010
- A-1158/2001 – Identification Sign – Approved on 17 January 2001
- DA-806/2006 – Masonry storage building – Approved 27 January 2006
- DA-63/2014 - Construction of single storey buildings to be used as a trade training facility (i.e. Education Establishment); tree removal; ancillary site works; demolition of existing buildings; and consolidation of lots – Approved on 30 June 2014
  - Modification A approved on 1 December 2014
- DA-836/2015 – Installation of 2 signs – Approved on 18 February 2016

### 3.2 Existing Education Facility

#### **Building**

- The school consists of eleven one to two storey buildings.
- Trade training facility at Western end of site providing vocational training to senior students from this school and other local high schools
- The gross floor area of all buildings is 11,681sqm which amounts to an FSR of 0.16:1.

#### **Car Parking and Access**

- The College is serviced by an at-grade parking area containing 128 car parking spaces, an internal bus bay and turn-around facility and a designated student pick up/drop off area.
- Vehicular access off Hoxton Park Road is at the Eastern end of the site and is a signalised intersection.
- The trade training centre has its own vehicular access and has a total of 77 car parking spaces accessed from Hoxton Park Road.

#### **Landscaping**

- Vegetation amongst the school structures is limited to gardens and landscaping. Garden plants and trees include both native and non-native species.

#### **School population**

- The total school population on site is 1300 students and 120 staff.

### 3.3 Planning Panel Briefing

A SWCPP briefing meeting was held on 4 February 2019. At the meeting the panel raised no significant concerns with the proposed development subject to the recommendations of the briefing meeting. These are discussed in the table below:

<b>Matter</b>	<b>Comment</b>
The Panel was overall impressed by the continued good planning for this secondary school.	Noted
There were no significant planning issues arising from the Panel's site inspection and review of the assessment report.	Noted
The application is likely to be suitable for electronic determination.	Noted

## 4. PROPOSED DEVELOPMENT

The proposed development consists of:

#### **Demolition**

- Includes the removal of the existing roof to Block T

#### **Alterations and Additions**

- An additional level on Block T
- Internal and external alterations to create general learning areas, breakout spaces, multifunctional and collaboration area, new stairs, a new lift and amenities
- A new learning bridge with undercroft connecting Block T and Block C

## Ancillary Site Works

- 12 trees to be removed and replaced onsite.
- Increase of the student population of the College:
  - 1360 students from existing 1300 students (increase of 4.6%)
  - 120 staff (no increase)
- Construction of the proposed general learning areas will replace the existing demountable classrooms on site which are to be removed under exempt development.

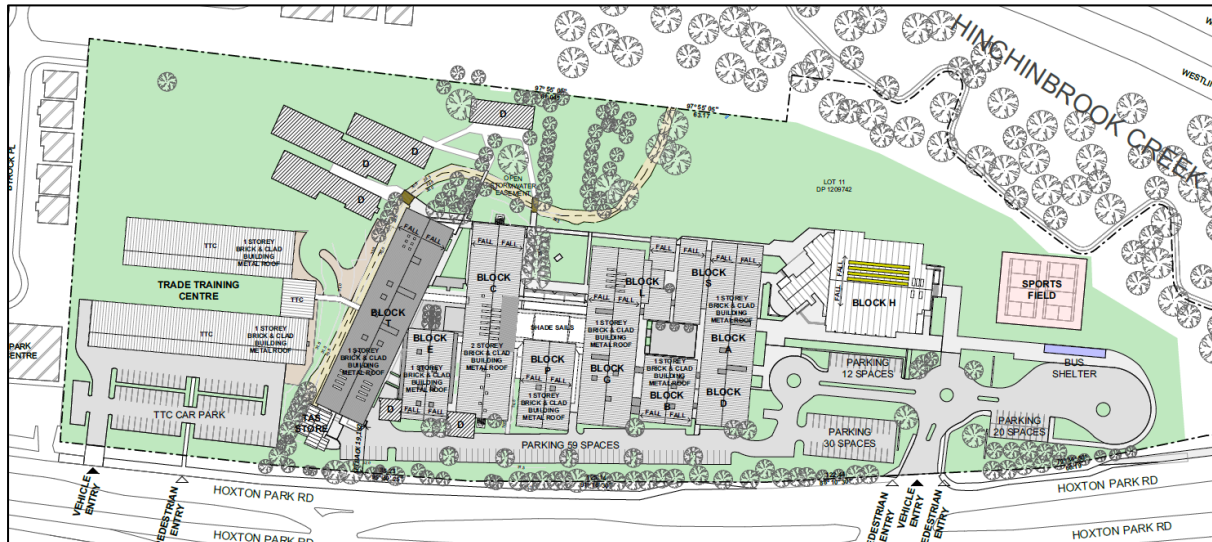


Figure 5. Existing Site Plan

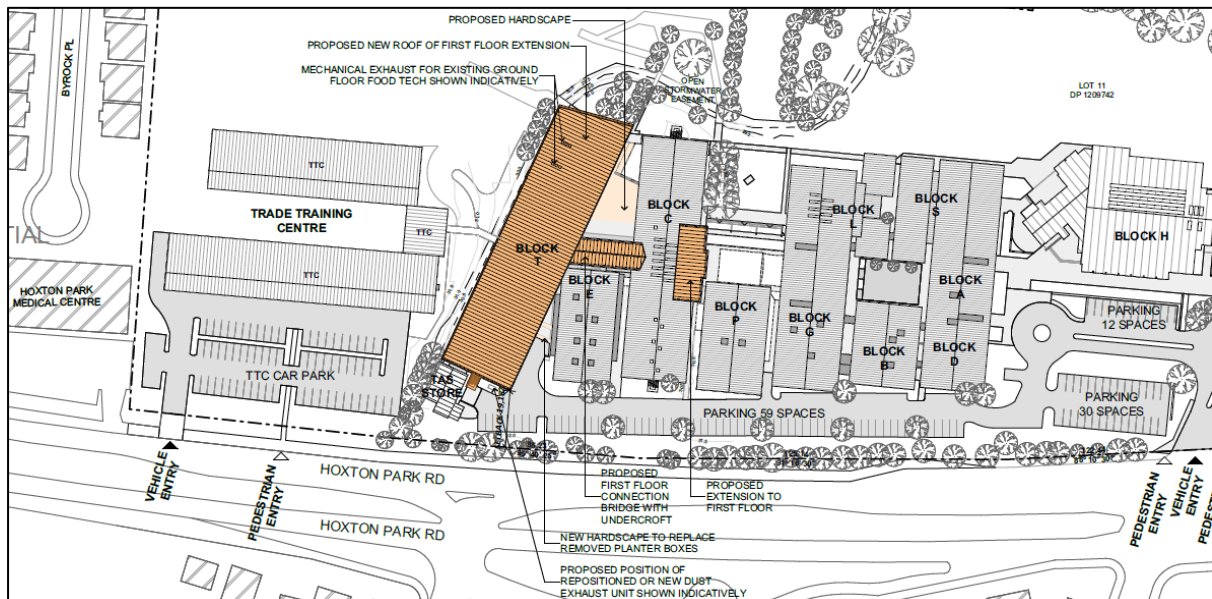


Figure 6. Proposed Site Plan





**Figure7.** Proposed 3D perspective of Block T

## **5. PLANNING ASSESSMENT**

### **5.1 Section 4.15(1)(a)(i) – Any Environmental Planning Instruments**

The following planning instruments have been considered in the planning assessment of the subject Development Application:

- Greater Metropolitan Regional Environmental Plan No. 2 – Georges River Catchment;
- State Environmental Planning Policy (SEPP) No.55 – Remediation of Land;
- State Environmental Planning Policy (State and Regional Development) 2011
- State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017;
- State Environmental Planning Policy (Infrastructure) 2007; and
- Liverpool Local Environmental Plan 2008 (LLEP 2008).

The development has been assessed in accordance with the matters for consideration under Section 4.15 of the EP&A Act:

#### **(a) Greater Metropolitan Regional Environmental Plan No.2 – Georges River Catchment (Deemed SEPP)**

The subject land is located within the Georges River Catchments and as such The Greater Metropolitan Regional Environmental Plan No. 2 – Georges River applies to the application.

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

The DA was reviewed by Council's Land Development engineering section who reviewed stormwater management and drainage associated with the proposal. They were supportive of the proposed development, subject to conditions. Accordingly, the proposed development is considered to meet the objectives of the SEPP and is unlikely to have a negative impact on the environmental quality of the Georges River Catchment.

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

Pursuant to Clause 7 of SEPP 55, contamination and remediation issues are required to be considered in determining any development application. These matters are addressed in the following table:

<b>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	As the site is an existing educational establishment, further contamination studies are not warranted. Additionally the works are additions to existing buildings and will not have any major land disturbance impacts
(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	Land does not appear to be contaminated and is considered to be suitable for the proposed development. Additionally no orders have been given regarding contamination on the site.
(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.	Remediation of land is not necessary in this instance.

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.

## **(c) State Environmental Planning Policy (State and Regional Development) 2011**

Clause 5 of Schedule 7 in this SEPP states:

### **5 Private infrastructure and community facilities over \$5 million**

*Development that has a capital investment value of more than \$5 million for any of the following purposes:*

*(a) air transport facilities, electricity generating works, port facilities, rail infrastructure facilities, road infrastructure facilities, sewerage systems, telecommunications facilities, waste or resource management facilities, water supply systems, or wharf or boating facilities,*

*(b) affordable housing, child care centres, community facilities, correctional centres, educational establishments, group homes, health services facilities or places of public worship.*

As the proposed development has a capital investment value of \$10,660,000 and is a private educational establishment, the proposal is considered to be regionally significant development and will need to be determined by the Sydney Western City Planning Panel.

## **(d) State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017**

The DA has been lodged pursuant to the SEPP (Educational Establishments and Child Care Facilities) 2017. The proposal demonstrates full compliance with the relevant provisions, as detailed below.

Provision	Comment
<b>Part 4 Schools – specific development controls</b>	
<b>Clause 34 Development for the purpose of student accommodation</b>	
In this Part, development for the purpose of a school does not include development for the purpose of residential accommodation for students that is associated with a school, regardless of whether, or the extent to which, the school is involved in, or exercises control over, the activities and life of the students living in the accommodation.	N/A
<b>Clause 35 Schools – development permitted with consent</b>	
(1) Development for the purpose of a school may be carried out by any person with development consent on land in a prescribed zone.	The alterations and additions to the existing educational establishment is permitted with consent in the R2 Low Density Residential Zone.
(2) Development for a purpose specified in clause 39 (1) or 40 (2) (e) may be carried out by any person with development consent on land within the boundaries of an existing school.	Although the proposal is listed as a use in which complying development can be carried out for an existing school in accordance with Clause 39(1) of this SEPP, the proposal requires the concurrence of the Rural Fire Service and DPI Water and thus complying development cannot be carried out under the provisions of Clause 1.17A State Environmental Planning Policy (Exempt and Complying Development Codes) 2008.
(6) Before determining a development application for development of a kind referred to in subclause (1), (3) or (5), the consent authority must take into consideration: (a) the design quality of the development when evaluated in accordance with the design quality principles set out in Schedule 4, and (b) whether the development enables the use of school facilities (including recreational facilities) to be shared with the community.	The proposed alterations and additions to the existing school will be sympathetic to the existing school buildings and have been assessed against the design quality principles in Schedule 4 as seen below.
(7) Subject to subclause (8), the requirement in subclause (6) (a) applies to the exclusion of any provision in another environmental planning instrument that requires, or that relates to a requirement for, excellence (or like standard) in design as a prerequisite to the granting of development consent for development of that kind.	Noted
8) A provision in another environmental planning instrument that requires a competitive design process to be held as a prerequisite to the granting of development consent does not apply to development to which subclause (6) (a) applies that has a capital investment value of less than \$50 million.	Noted. Process not required.
(9) A provision of a development control plan that specifies a requirement, standard or control in relation to development of a kind referred to in subclause (1), (2), (3) or (5) is of no effect, regardless of when the development control plan was made.	Noted. The provisions of LDCP 2008 have no effect over this development.
<b>Clause 57 Traffic Generating Development</b>	
(1) This clause applies to development for the purpose of an educational establishment:	The proposed development intends to make provisions for an increase of 60 students for the school and also

(a) that will result in the educational establishment being able to accommodate 50 or more additional students, and (b) that involves: (i) an enlargement or extension of existing premises, or (ii) new premises, on a site that has direct vehicular or pedestrian access to any road.	involves an enlargement or extension of the existing premises. The site has direct vehicular or pedestrian access to Hoxton Park Road and thus a referral to RMS is required
(2) Before determining a development application for development to which this clause applies, the consent authority must:  (a) give written notice of the application to Roads and Maritime Services ( <b>RMS</b> ) within 7 days after the application is made, and (b) take into consideration the matters referred to in subclause (3).	Written notice was not provided to RMS in the 7 day period after the application was lodged however a referral was made in September 2018. The NSW RMS have provided comments regarding their easement on the site which will be included in the development consent.
(3) The consent authority must take into consideration: (a) any submission that RMS provides in response to that notice within 21 days after the notice was given (unless, before the 21 days have passed, RMS advises that it will not be making a submission), and (b) the accessibility of the site concerned, including: (i) the efficiency of movement of people and freight to and from the site and the extent of multi-purpose trips, and (ii) the potential to minimise the need for travel by car, and (c) any potential traffic safety, road congestion or parking implications of the development.	Noted. Comments to be included in the consent
(4) The consent authority must give RMS a copy of the determination of the application within 7 days after the determination is made.	Noted

Following is a table summarising the seven (7) design quality principles outlined in Schedule 4 of SEPP (Educational Establishments and Child Care Facilities) 2017, and compliance with such.

Schedule 4 Schools – Design Quality Principles		
Design Quality Principles	Design criteria Addressed?	Comment
<b>1. CONTEXT, BUILT FORM AND LANDSCAPE</b>  Schools should be designed to respond to and enhance the positive qualities of their setting, landscape and heritage, including Aboriginal cultural heritage. The design and spatial organisation of buildings and the spaces between them should be informed by site conditions such as topography, orientation and climate.  Landscape should be integrated into the design of school developments to enhance on-site amenity, contribute to the streetscape and	Yes	The proposed works respond to the existing school setting and the future growth of the school. The location of the works are separated from surrounding residential properties and amenity of residents will be maintained. As the proposal is for alterations and additions, minimal ground disturbance will occur, if not already from the existing buildings and thus, Aboriginal cultural heritage relics are highly unlikely to be disturbed.  The proposal intends to remove



<p>mitigate negative impacts on neighbouring sites.</p> <p>School buildings and their grounds on land that is identified in or under a local environmental plan as a scenic protection area should be designed to recognise and protect the special visual qualities and natural environment of the area, and located and designed to minimise the development's visual impact on those qualities and that natural environment.</p>		<p>12 trees, which are located outside of the Environmentally significant land area and replace them. A landscape plan would be required prior to the issue of a Construction Certificate for this application regarding the replacement trees.</p> <p>Land is not identified as a scenic protection area, however the works will be consistent with the existing buildings on site and will not convey any significant impacts to neighbouring uses.</p>
<p><b>2. SUSTAINABLE, EFFICIENT AND DURABLE</b></p> <p>Good design combines positive environmental, social and economic outcomes. Schools and school buildings should be designed to minimise the consumption of energy, water and natural resources and reduce waste and encourage recycling.</p> <p>Schools should be designed to be durable, resilient and adaptable, enabling them to evolve over time to meet future requirements.</p>	Yes	<p>The proposed additions and associated works have been designed to enable the use of the existing buildings and upgrade of older facilities to enable greater environmental efficiency at the site. The works are being proposed in order to facilitate the future growth of the school to 1360 students and have been designed to reuse existing buildings, maximise natural lighting and to be durable, resilient and adaptable.</p>
<p><b>3. ACCESSIBLE AND INCLUSIVE</b></p> <p>School buildings and their grounds should provide good wayfinding and be welcoming, accessible and inclusive to people with differing needs and capabilities.</p> <p>Schools should actively seek opportunities for their facilities to be shared with the community and cater for activities outside of school hours.</p>	Yes	<p>The proposed building will aim to promote equitable access and be welcoming for the school community by including the lift and walkway bridge between two buildings making the proposal accessible. Conditions can apply regarding compliance with Australian Standards for access compliance. The school currently includes a Trade School to offer additional benefits to the community.</p>
<p><b>4. HEALTH AND SAFETY</b></p> <p>Good school development optimises health, safety and security within its boundaries and the surrounding public domain, and balances this with the need to create a welcoming and accessible environment.</p>	Yes	<p>The proposed works will result in more playground space freed up from the removal of the demountable buildings on the existing playground. This will facilitate more open space for students. Additionally, the school is already secured and the proposed works will not increase impacts to the public domain. It is considered that the works will create a welcoming environment for students as it will provide a modern building and have open spaces inside the building for study and classes, which offers</p>

		students differing learning options compared to a traditional classroom style.
<p><b>5. AMENITY</b></p> <p>Schools should provide pleasant and engaging spaces that are accessible for a wide range of educational, informal and community activities, while also considering the amenity of adjacent development and the local neighbourhood.</p> <p>Schools located near busy roads or near rail corridors should incorporate appropriate noise mitigation measures to ensure a high level of amenity for occupants.</p> <p>Schools should include appropriate, efficient, stage and age appropriate indoor and outdoor learning and play spaces, access to sunlight, natural ventilation, outlook, visual and acoustic privacy, storage and service areas.</p>	Yes	<p>It is considered that a pleasant learning environment in a modern context will be provided for students which is likely to benefit their learning.</p> <p>The site is not located near a rail corridor, however is on a busy road corridor (Hoxton Park Road). Noise impacts will be the same for the existing school buildings. Amenity for students would not be changed. A condition of consent would require an acoustic report prior to CC that investigates the need for acoustic mitigation measures in the building design.</p> <p>The proposed additions are considered to provide for appropriate indoor and outdoor spaces and access to light and air.</p>
<p><b>6. WHOLE OF LIFE FLEXIBLE AND ADAPTIVE</b></p> <p>School design should consider future needs and take a whole-of-life-cycle approach underpinned by site wide strategic and spatial planning. Good design for schools should deliver high environmental performance, ease of adaptation and maximise multi-use facilities.</p>	Yes	<p>The proposed works will assist in the future growth of the school and the ongoing requirements for the College community.</p>
<p><b>7.AESTHETICS</b></p> <p>School buildings and their landscape setting should be aesthetically pleasing by achieving a built form that has good proportions and a balanced composition of elements. Schools should respond to positive elements from the site and surrounding neighbourhood and have a positive impact on the quality and character of a neighbourhood.</p> <p>The built form should respond to the existing or desired future context, particularly, positive elements from the site and surrounding neighbourhood, and have a positive impact on the quality and sense of identity of the neighbourhood.</p>	N/A	<p>The additions have been proposed as an extension to the existing buildings on the site and is to retain the landscape setting of the surrounding area. The aesthetic form of the buildings will be consistent with the school context and the modern design of the additions is likely to contribute positively to the desired future context of the neighbourhood.</p>

The requirements for Design Quality Principles in Schedule 4 of the SEPP (Educational Establishment and Child Care Facilities) 2017 have been considered. The proposed alterations and additions contributes to the existing surroundings and use of the land as a school and is unlikely to result in negative impacts on neighbouring sites.

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

Hoxton Park Road is a classified road. As a result, the provisions of Clauses 101 & 102 of SEPP (Infrastructure) 2007 are to be addressed for this proposal.

Considerations	Comments
<b>101. Development with frontage to classified road</b>	
<p>1. Objectives</p> <p>2. Development consent must not be granted unless:</p> <p>(a) Where practicable, vehicular access to the land is provided by a road other than the classified road,</p> <p>(b) the safety, efficiency and ongoing operation of the classified road will not be adversely affected by the development as a result of:</p> <p>(i) the design of the vehicle access to the land, or</p> <p>(ii) the emission of smoke or dust from the development, or</p> <p>(iii) the nature, volume or frequency of vehicles using the classified road to gain access to the land.</p> <p>(c) the development is of a type that is not sensitive to traffic noise or vehicle emissions, or is appropriately located and designed, or includes measures, to ameliorate potential traffic noise or vehicle emissions within the site of the development arising from the adjacent classified road.</p>	<p>The school currently has a bus bay area and parking for parents to pick up their children that is positioned off the classified road. Due to the increase in numbers, the application has been accompanied by a traffic report. Council and the RMS are satisfied that the classified road will not be adversely impacted from the increase in student numbers associated with the proposed development.</p>
<b>102. Impact of road noise or vibration on non-road development</b>	
<p>(1) This clause applies to development for any of the following purposes that is on land in or adjacent to the road corridor for a freeway, a tollway or a transitway or any other road with an annual average daily traffic volume of more than 20,000 vehicles (based on the traffic volume data published on the website of RMS) and that the consent authority considers is likely to be adversely affected by road noise or vibration:</p> <p>(a) residential accommodation,</p> <p>(b) a place of public worship,</p> <p>(c) a hospital,</p> <p>(d) an educational establishment or centre-based child care facility.</p> <p>(2) Before determining a development application for development to which this clause applies, the consent authority must take into consideration any guidelines that are issued by the Secretary for the purposes of this clause and published in the Gazette.</p>	<p>The proposal is for alterations to an existing educational establishment. As such the provisions of 'Development near rail corridors and busy roads –interim guideline' have been taken into consideration. As this application is for the additions to existing buildings, the perceived acoustic impacts on the location of the building is considered negligible. It is therefore considered appropriate that a condition of consent prior to CC be imposed requiring an acoustic report to be provided and any recommendations made from said report to be implemented into the final design of the additions.</p>

## (f) Liverpool Local Environmental Plan 2008 (LLEP 2008)

### (i) Permissibility

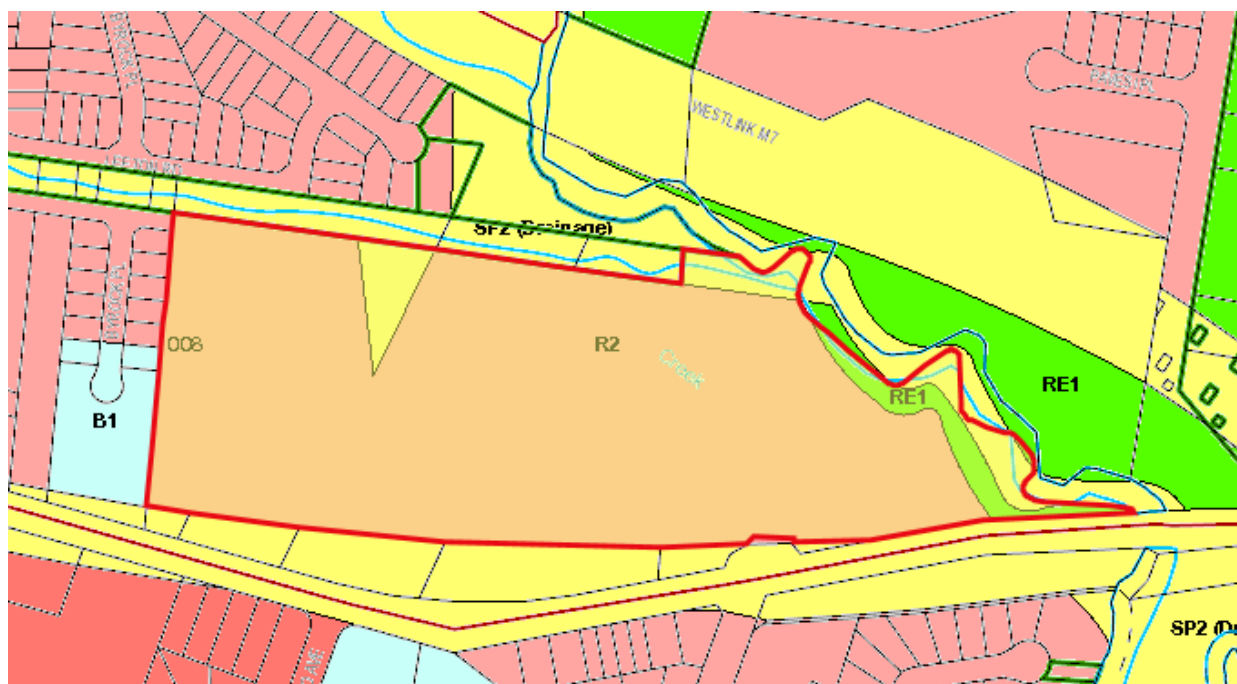
The subject site is zoned R2 - Low Density Residential, RE1 - Public Recreation, Zone SP2 - Infrastructure (Drainage) in accordance with the Liverpool Local Environmental Plan 2008 (LLEP 2008), however the location of the proposed works fall wholly within the R2 – Low Density Residential zone. The proposed development is best described as an *Educational Establishment*, which is identified as a permitted land use within the R2 Low Density Residential Zone and is defined 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.”



**Figure 8: Zoning** (Source: Geocortex, September, 2018).

## (ii) Objectives of the zone

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

- To provide for the housing needs of the community within a low density residential environment.
- To enable other land uses that provide facilities or services to meet the day to day needs of residents.
- To provide a suitable low scale residential character commensurate with a low dwelling density.
- To ensure that a high level of residential amenity is achieved and maintained.

The proposed development is generally consistent with the above objectives as the school will provide a service which will meet the needs of the local community, while ensuring that a high level of residential amenity is maintained for adjoining residential development.

## (iii) Principal Development Standards

Development Provision	Requirement	Proposal	Compliance
<b>2.7 Demolition</b>	Demolition requires development consent	Demolition is proposed as part of this application	Complies
<b>4.3 Height of Buildings</b>	Maximum height permitted: 8.5m	<p>The proposed height of the building reaches the 8.5 metre height limit.</p> <p>The existing building Block C exceeds the height limit, however this is already built.</p>	Complies



		The new additions to the buildings are on or under the 8.5 metre height limit and is consistent with this development standard.	
<b>4.4 Floor Space Ratio (FSR)</b>	Maximum FSR permitted: 0.6	The proposal will result in a total FSR for the school to be 0.17:1 and thus complying with the FSR requirements. The proposed works would add 2651m <sup>2</sup> , however with the removal of the demountable classrooms, a gross increase of 681m <sup>2</sup> occurs.	Complies
<b>5.1 Relevant Acquisition Authority</b>	Council is the relevant acquisition authority for the land marked on the map for drainage and local open space	The site is affected on the land acquisition map as containing land for the purposes of drainage and local open space. Council is the relevant acquisition authority for this land. The proposed works are outside of this area.	Complies
<b>Part 6 – Urban Release Areas</b>	Council must be satisfied that adequate public utility infrastructure is in place and that a DCP must be in place prior to the granting of consent.	A portion of the school is located within the urban release area including parts of the buildings that are earmarked for the alterations and additions.	The works are associated with the school and is unlikely to have the land used for residential use. Additionally, this land is not earmarked for acquisition. The school is consistent with the objectives of the zone and the works performed under the SEPP override the provisions of the LEP.
<b>7.6 Environmentally Significant Land</b>	Consideration of the flora and fauna and sensitivity of the land	The proposed works are outside of the area mapped as environmentally sensitive. The application was referred internally to Councils environmental natural resource planner who found the proposal is satisfactory. Additionally the proposal was referred to the Department of Primary industries Water and GTAs have been provided.	Complies
<b>7.7 Acid sulfate soils</b>	Class 1 2, 3 4 or 5	Site not affected by acid sulfate soils	N/A
<b>7.8 &amp; 7.8A Flood Planning &amp; Flood risk management</b>	Minimise flood risk and allow compatible development on land	Proposal has been reviewed by Councils flooding engineers and the proposed works are considered satisfactory subject to conditions. A flood risk management plan has also been provided with the application which provides advice regarding the	Complies

		affectation of the buildings to flooding	
<b>7.31 Earthworks</b>	Council to consider matters listed (a)-(g)	Minor works required for the alterations and additions, however no significant issues from proposed	Complies

As demonstrated in the above compliance table, the proposed development is consistent with the provisions of LLEP 2008.

## 5.2 Section 4.15(1)(a)(ii) – Any Draft Environmental Planning Instruments

No applicable draft EPIs.

## 5.3 Section 4.15(1)(a)(iii) – Any Development Control Plan

Liverpool Development Control Plan 2008

- Part 1 – Controls applying to all development;
- Part 3.8 – Non-residential development in residential zones.

<b>LDCP 2008 Part 1. General Controls for all Development</b>			
<b>Control</b>	<b>Required</b>	<b>Proposal</b>	<b>Compliance</b>
<b>Section 2 – Tree Preservation</b>	Consider impact of development on existing vegetation	12 trees are proposed to be removed and replaced. DA referred to natural environment planner who had no objection to the proposal.	<b>Complies.</b> Condition regarding tree size and landscaping plan to be imposed
<b>Section 3 – Landscaping and Incorporation of Existing Trees</b>	Incorporation of existing trees into development where appropriate	As above, 12 trees removed and will be replaced.	<b>Complies</b> Landscaping plan to be provided at CC stage and conditions regarding tree sizing to be incorporated in a consent in accordance with the arborist recommendations
<b>Section 4 – Bushland and Habitat Preservation</b>	Consider impact of development on bushland and habitats	Site contains land included as threatened ecological communities. Proposal referred to natural environment planner and as the trees earmarked for removal are not located in the threatened area, the proposal is considered satisfactory	<b>Complies</b>
<b>Section 5 – Bushfire Risk</b>	Land on or adjacent to bushfire prone land to comply with RFS requirements	Land is considered as bushfire prone land and as it is a sensitive use, this development is considered integrated development with the Rural Fire Service. Referral to RFS has been conducted and GTAs from RFS have been provided for these works.	<b>Complies</b> GTAs to be included in development consent for this application
<b>Section 6 – Water Cycle Management</b>	Consideration of stormwater drainage and	Stormwater plans have been included and no increased stormwater flows are expected from the proposed development. All proposed stormwater is to be connected	<b>Complies</b> Condition will be included to connect to the existing stormwater system

		to the existing stormwater system.	
<b>Section 7 – Development Near a Watercourse</b>	Consideration of impact to riparian corridors	The site adjoins Hinchinbrook Creek and has been referred to DPI Water who have provided GTAs. Works are around 60 metres from the watercourse.	<b>Complies.</b> GTAs are to be included with the development consent
<b>Section 8 – Erosion and Sediment Control</b>	Sediment Control Plan or Soil and Water Management Plan required	The sediment and erosion control fencing will be a condition of consent.	<b>Complies</b> Conditions to be imposed
<b>Section 9 – Flooding Risk</b>	Flood affection of property to considered	The subject site is flood affected. This has been covered within the LEP assessment.	<b>Complies, subject to conditions</b>
<b>Section 10 – Contaminated Land Risk</b>	Previous use to be considered in assessing risk	Due to the historic use of the site, it is considered highly unlikely that the site would contain contaminants and is therefore suitable for the proposal. Condition will be imposed that require the safe removal of any contaminants discovered during works.	<b>N/A</b>
<b>Section 11 – Salinity Risk</b>	Salinity Management response required for affected properties	To comply with BCA requirements.	<b>Complies</b>
<b>Section 12 – Acid Sulfate Soils Risk</b>	Affected properties to consider impact of development on soils	The site is not identified as being affected by Acid Sulphate Soils	<b>N/A</b>
<b>Section 13 – Weeds</b>	Noxious weeds to be removed as part of development where applicable	The site is not known to contain any noxious weeds.	<b>Complies</b>
<b>Section 14 – Demolition of Existing Development</b>	Must comply with AS 2601-2001	Demolition to the existing roof of Block T is proposed.	<b>Complies, subject to conditions</b> Condition will be included to comply with the AS 2601-2001
<b>Section 15 – Onsite Sewage Disposal</b>	S68 Application required where connection to sewer not available	N/A	<b>N/A</b>
<b>Section 16 – Aboriginal Archaeology</b>	AHIA required where items of aboriginal archaeology exist	N/A	<b>N/A</b>
<b>Section 17 – Heritage and Archaeology</b>	Consideration of the impact on the heritage significance on any heritage buildings, sites, streetscapes or areas.	The land is neither a heritage item, nor is it located in the vicinity of a heritage item	<b>N/A</b>
<b>Section 18 – Notification of Application</b>	Applications to be notified in accordance with Table 10.	The development application has been advertised between 8 May to 4 June 2019.	<b>Complies</b>
<b>Section 19 – Used</b>	Applies to any charity bins located on either	No charity bins related with this proposal	<b>N/A</b>

<b>Clothing Bins</b>	private or Council land.		
<b>Section 20 – Car Parking and Access</b>	<p>Educational Establishments:</p> <p>1 space per 1 staff member, plus 1 space per 30 students.</p> <p>Car parking is to be convenient to the distribution of destinations on campus.</p> <p>A traffic and car parking report will be required, as these uses are land intensive, including student car traffic generation.</p>	<p>The proposal involves the alteration and addition to the existing buildings as well as the increase in students by 60. A non-compliance exists with parking requirements and a traffic impact report has been provided with the application. Councils internal traffic engineers have reviewed this document and have indicated that the proposal is considered satisfactory on the following terms:</p> <p><i>It is not intended to make any change to the access or parking and circulation for the school as a result of the proposed increase in 60 students.</i></p> <p><i>DCP requires 165 spaces</i></p> <p><i>Currently on site there are 128 spaces.</i></p> <p><i>Surveys of existing parking space usage shows a minimum of 21 vacant spaces at any one time.</i></p> <p><i>This spare capacity will more than adequately cater for the increase in students</i></p> <p><i>No changes to the access and car parking is proposed. Parking restrictions are in place on Hoxton Park Road which prevents any parking so all activity has to occur on site.</i></p> <p>The application was also referred to NSW RMS who have no objections to this proposal with regards to parking provision onsite.</p>	<p><b>Considered Acceptable</b></p> <p>Proposal is considered to be satisfactory and will not detrimentally impact the traffic and parking flows for the school</p>
<b>Section 25 – Waste Management</b>	<p>Waste Management Plan shall be submitted for demolition, construction and on-going waste management.</p>	<p>Waste management plan has been submitted with the development application</p>	<p><b>Complies</b></p>



<b>LDCP 2008 Part 3.8 Non-Residential Development in Residential Zones</b>			
<b>Section 3 – Education Establishments</b>			
<b>Control</b>	<b>Required</b>	<b>Proposal</b>	<b>Compliance</b>
<b>3.1 Subdivision Frontage &amp; Lot Size</b>	Site frontage to accommodate buses and pickup/set down areas.	The proposed alterations and additions are for an existing school and are situated on existing buildings.	<b>Complies</b>
<b>3.2 Site Planning</b>	To ensure that Education Establishments are sensitive to site attributes	The proposed works are extensions to existing buildings and are considered appropriate in regards to the site attributes	<b>Complies</b>
<b>3.3 Setbacks</b>	To set Education Establishments back from the street and adjacent properties and create a desirable and safe environment.	No major changes to setbacks are proposed as part of this application. The additional storey will create a first floor setback for the building, however this will not impact on surrounding development.	<b>Complies</b>
<b>3.4 Open Space and Landscaped Area</b>	25% site area to be landscaped and landscaping and open space to be provided to enhance the functionality and appearance of the site	Existing landscaped areas retained and new landscaping will be implemented. Landscaping requirements will be met. Open space requirements will be provided as required	<b>Complies</b>
<b>3.5 Building Form, Style and Streetscape</b>	Encourage designs that fit in with the character of the area and promote variation in building design to add visual interest	Building design covered by Schedule 4 of the Education SEPP 2017 and will provide a quality outcome for the site.	<b>Complies</b>
<b>3.6 Landscaping &amp; Fencing</b>	To encourage landscaping that is appropriate for the area and minimises the visual impact of the building and allows privacy and shade	Existing landscaping retained and trees that are being removed will be replaced. No new fencing is proposed	<b>Complies</b>
<b>3.7 Car Parking &amp; Access</b>	Provide parking facilities on site that are convenient and safe	As previously mentioned in Section 20 of LDCP Part 1, parking is considered acceptable for this proposal	<b>Complies</b>
<b>3.8 Amenity &amp; Environmental Impact</b>	Minimise impact to adjoining residents and impact of any site risks	Noise impacts from the expanded school are likely to be consistent with existing conditions at the College noting that the play area will be used during standard school hours only and there are no immediately adjoining Dwellings. It is unlikely the proposal will have any privacy and overshadowing impacts on adjoining residential areas.	<b>Complies</b>
<b>3.9 Site Services</b>	Ensure site services are provided and are maintained	Existing waste management practises of the school are to be maintained and the site is currently serviced appropriately.	<b>Complies</b>

Although Clause 35(9) of State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017 overrides the effect of part of the Liverpool Development Control Plan 2008, a number of key factors can be addressed for the development application through this DCP.

**5.4 Section 4.15(1)(a)(iia) any planning agreement that has been entered into under section 7.4, or any draft planning agreement that a developer has offered to enter into under section 7.4, and**

There are no planning agreements or draft planning agreements that apply to the site.

**5.5 Section 4.15(1)(a)(iv) – The Regulations**

The Environmental Planning and Assessment Regulation 2000 requires the consent authority to consider the provisions of the Building Code of Australia/National Code of Australia. Accordingly, appropriate conditions of consent will be imposed.

**5.6 Section 4.15(1)(b) – The Likely Impacts of the Development**

Heads of Consideration	Comment
Built Environment	The alterations and additions will provide a modern style for the school and is consistent with the use of the site and the future growth of the school.
Natural Environment	Removal of 12 trees is to occur for the proposed works, however these will be replaced in accordance with the recommendations in the arborist report. Site is bounded by a creek and has areas of threatened ecological communities on the site, however the proposed works are not affecting these areas and the proposal is considered acceptable from internal departments and external agencies.
Social Impacts	Extension to the school will provide positive community outcomes, potential to boost student morale and with the school proposing to accommodate more students, it will assist in following the growth trends of the area.
Economic Impacts	Large scale development with a value over \$10 million providing direct economic benefits in the short scale, however no estimated staff growth with addition of kids means a neutral effect on jobs over the long term.

**5.7 Section 4.15(1)(c) – The Suitability of the Site for the Development**

Relevant site constraints have been considered. Based on the overall assessment throughout the report and the fact that the site is already a school, the site is considered suitable for the development as proposed, subject to conditions of consent.

The proposal is a permissible development with consent and satisfies the key planning controls.

**5.8 Section 4.15(1)(d) – Any Submissions made in relation to the Development**

**(a) Community Consultation**

The development application has been advertised to the public and adjoining landowners between 8 May 2019 and 4 June 2019. No submissions were received during this time.

**(b) Internal Referrals**

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

DEPARTMENT	COMMENTS
Land Development Engineering	No referral required. Land development engineers reviewed application at clearing house and recommended that stormwater should be connected to the existing Stormwater system
Sustainable Environment Natural Resources	Comments provided. No special conditions required for proposal. Ecological matters do not require further addressing. Proposal satisfactory.
Flooding	Proposal satisfactory. Conditions to be added to consent regarding flooding.
Traffic	Proposal satisfactory. Condition to be added to consent

**(c) External Referrals**

AGENCY	COMMENTS
DPI Water	Supported, subject to General Terms of Approval.
Rural Fire Service	Supported, subject to General Terms of Approval.
Roads and Maritime	Supported, subject to conditions of consent.

**5.9 Section 4.15(1)(e) – The Public Interest**

The proposal is compliant with the relevant planning controls and is considered to be in the public interest.

**6. DEVELOPER CONTRIBUTIONS**

Developer contributions are not applicable for this development in accordance with Liverpool Contributions Plan 2009.

**7. RECOMMENDATION**

In conclusion, the following is noted:

- The subject Development Application has been assessed having regard to the matters of consideration pursuant to Section 4.15 of the Environmental Planning and Assessment Act 1979 and is considered satisfactory.
- The Development Application seeks development consent for alterations and additions and an increase in the student population at Good Samaritan Catholic College 401 Hoxton Park Road, Hinchinbrook.
- The proposal substantially complies with the provisions of Greater Metropolitan Regional Environmental Plan No. 2 – Georges River Catchment, State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017; State Environmental Planning Policy (Infrastructure) 2007; State Environmental Planning Policy (SEPP) No.55 – Remediation of Land; Liverpool Local Environmental Plan 2008 (LLEP 2008); as well as the Liverpool Development Control Plan 2008.
- The proposal is consistent with the objectives of the R2 – Low Density Residential Zone that are applicable to the site under LLEP 2008.
- The proposal has taken into consideration the site constraints and has been commented on by the relevant internal departments and external agencies including

NSW Rural Fire Service, Department of Primary Industries - Water and NSW Roads and Maritime, in which the application is satisfactory.

It is for these reasons that the proposed development is considered to be satisfactory and, the subject application is recommended for approval, subject to conditions.

## **8. ATTACHMENTS**

1. Architectural plans
2. Statement of Environmental Effects
3. Survey Plan
4. Arboriculture Report
5. BCA Report
6. Bushfire Report
7. Cost Report
8. Traffic and Parking Impact Statement
9. Waste Management Plan
10. Flood Risk Management Study
11. SWCPP Record of Briefing
12. Cover Letter & DA Form
13. Letter of Authority
14. Recommended Conditions of Consent