

COUNCIL ASSESSMENT REPORT
SYDNEY WESTERN CITY PLANNING PANEL

PANEL REFERENCE & DA NUMBER	PPSSWC-558 – DA-229/2025
PROPOSAL	Proposed two (2) storey school building
ADDRESS	Lot 10 DP 1082442 38-44 Bumbera Street Prestons 2170
APPLICANT	LIVERPOOL/CAMPBELLTOWN CHRISTIAN SCHOOL LTD
OWNER	LIVERPOOL/CAMPBELLTOWN CHRISTIAN SCHOOL LTD
DA LODGEMENT DATE	14/05/2025
APPLICATION TYPE	Integrated
REGIONALLY SIGNIFICANT CRITERIA	Clause 5, Schedule 6 of <i>State Environmental Planning Policy (Planning Systems) 2021</i> : Private infrastructure and community facilities over \$5 million
CIV	\$6,134,100.00 (excluding GST)
CLAUSE 4.6 REQUESTS	None
KEY SEPP/LEP	<i>State Environmental Planning Policy (Planning Systems) 2021; and</i> <i>State Environmental Planning Policy (Transport and Infrastructure) 2021; and</i> <i>State Environmental Planning Policy (Biodiversity and Conservation) 2021; and</i> <i>State Environmental Planning Policy (Resilience and Hazards) 2021; and</i> <i>Liverpool Local Environmental Plan 2008</i>
TOTAL & UNIQUE SUBMISSIONS ISSUES SUBMISSIONS	3 Submissions. Key issues include traffic generation.
DOCUMENTS SUBMITTED FOR CONSIDERATION	Architectural Plans Landscape Plans Stormwater Drainage Plans Survey Plan Statement of Environmental Effects Aboriginal Due Diligence Assessment Acoustic Report

	BCA Statement BCA Response Letter Bushfire Assessment Report Chemical Management Plan Disability Access Report Ecological Advice Fire Engineering Report Flood Impact Assessment Flood Emergency Response Plan Geotechnical Investigation Section J Design Intent Statement Stormwater Management Report Waste Management Plan
SPECIAL INFRASTRUCTURE CONTRIBUTIONS (S7.24)	None
RECOMMENDATION	Approval
DRAFT CONDITIONS TO APPLICANT	YES
SCHEDULED MEETING DATE	Select Date
PLAN VERSION	07/02/2025 Issue J
PREPARED BY	Anna Stephenson
DATE OF REPORT	20 October 2025

1. EXECUTIVE SUMMARY

The development application (DA) **DA-229/2025** seeks consent for the partial demolition of existing structures and construction of a two-storey school building including two science labs, 4 GLAs and 7 WCs, and associated landscaping, at 38-52 Bumbera Street, Prestons ('the site'), legally known as Lot 10 in DP 1082442, Lot 10 in DP 1081938, Lot 2 in DP 504054 and Lot 50 in DP 1082480.

The site consists of four large lots with combined frontages of 125m to Bumbera Street, 50m to Mullenderree Street and 243m to Camden Valley Way, and has a total site area of approximately 10.49 hectares. The site currently contains several school buildings and playing fields, as well as a child care centre, which comprise William Carey Christian School. Vehicular access to the site is from Bumbera Street and Mullenderree Street, and pedestrian access is from Bumbera Street.

The key issues identified with the application are noise and vibration impacts on adjoining properties and landscape planting selection. Both of these issues have been resolved through the proposed imposition of conditions of consent.

The application was referred to Council's internal referral officers and to external agencies, none of whom raised any objection to approval of the application subject to imposition of conditions.

Jurisdictional prerequisites to the grant of consent include Clause 4.6 of State Environmental Planning Policy (Resilience and Hazards) 2021, which requires consideration of whether the land is contaminated. This is considered to be satisfied, as the site is considered highly unlikely to be contaminated given its historic use as a school.

The application was advertised and notified from 16 June 2025 to 14 July 2025, and three (3) submissions were received raising objections in relation to traffic generation. These issues are considered further in this report.

The application is referred to the Sydney South Planning Panel ('the Panel') as the development is '*regionally significant development*', pursuant to Section 2.19(1) and Clause (5)(b) of Schedule 6 of *State Environmental Planning Policy (Planning Systems) 2021* as the proposal is development for an *educational establishment* with a CIV over \$5 million.

The development is considered to be consistent with the public interest, as it complies with the relevant Environmental Planning Instruments and other planning considerations.

Following a detailed assessment of the proposal, pursuant to Section 4.16(1)(a) of the *EP&A Act*, DA-229/2025 is recommended for approval subject to the conditions of consent contained at **Attachment A** of this report.

2. THE SITE AND LOCALITY

2.1 The Site

The development site is identified as four allotments with a combined area of approximately 10.49ha, and is known as 38-44 Bumbera Street, 46-52 Bumbera Street and 1915 Camden Valley Way Prestons. It is legally described as Lot 10 in DP 1082442, Lot 10 in DP 1081938, Lot 50 in DP 1082480 and Lot 2 in DP 504054. The site is irregular in shape, with a frontage of approximately 243m to Camden Valley Way, a frontage of around 50m to Mullenderree Street and a frontage of approximately 125m to Bumbera Street. The western edge of the site borders Cabramatta Creek. The site is zoned R2 Low Density Residential under the Liverpool Local Environmental Plan 2008.

At present, the site is occupied by William Carey Christian School, comprising several school buildings, car parking areas, paved areas and playing fields. Surrounding land uses are predominantly residential to the north, east and west, with a mix of residential and commercial to the south across Camden Valley Way.

The site is mapped as bushfire and flood affected, with some environmentally sensitive land adjoining the creek.



Figure 1: Aerial Image of the subject site (Source: Liverpool City Council GIS)

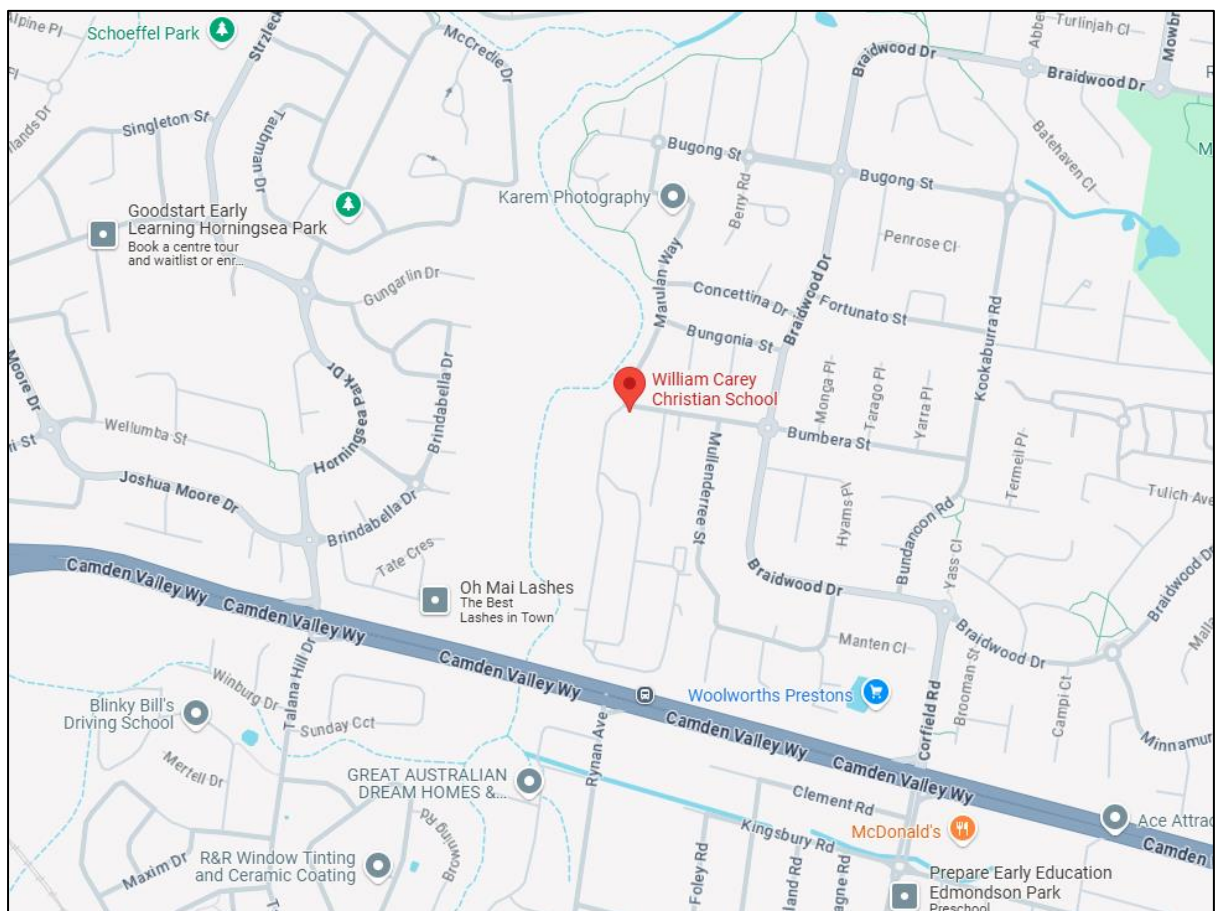


Figure 2: Locality Map (Source: Google Maps)

2.2 The Locality

The subject site is situated on the western edge of the suburb of Prestons, adjoining Horningsea Park, and is surrounded by low-density residential development primarily consisting of detached dwelling houses, with some new subdivisions occurring in the vicinity. There is some slightly higher-density residential development to the south in Edmondson Park, and a local shopping centre around 270m to the east.

3. THE PROPOSAL AND BACKGROUND

3.1 The Proposal

The proposed development comprises the construction of a two-storey school building, comprising a ground floor with 2 science labs, a storage room and 7 WCs, and a first floor with 4 GLA units, including partial demolition of existing structures to facilitate construction of ramp access to the first floor, and associated landscaping.

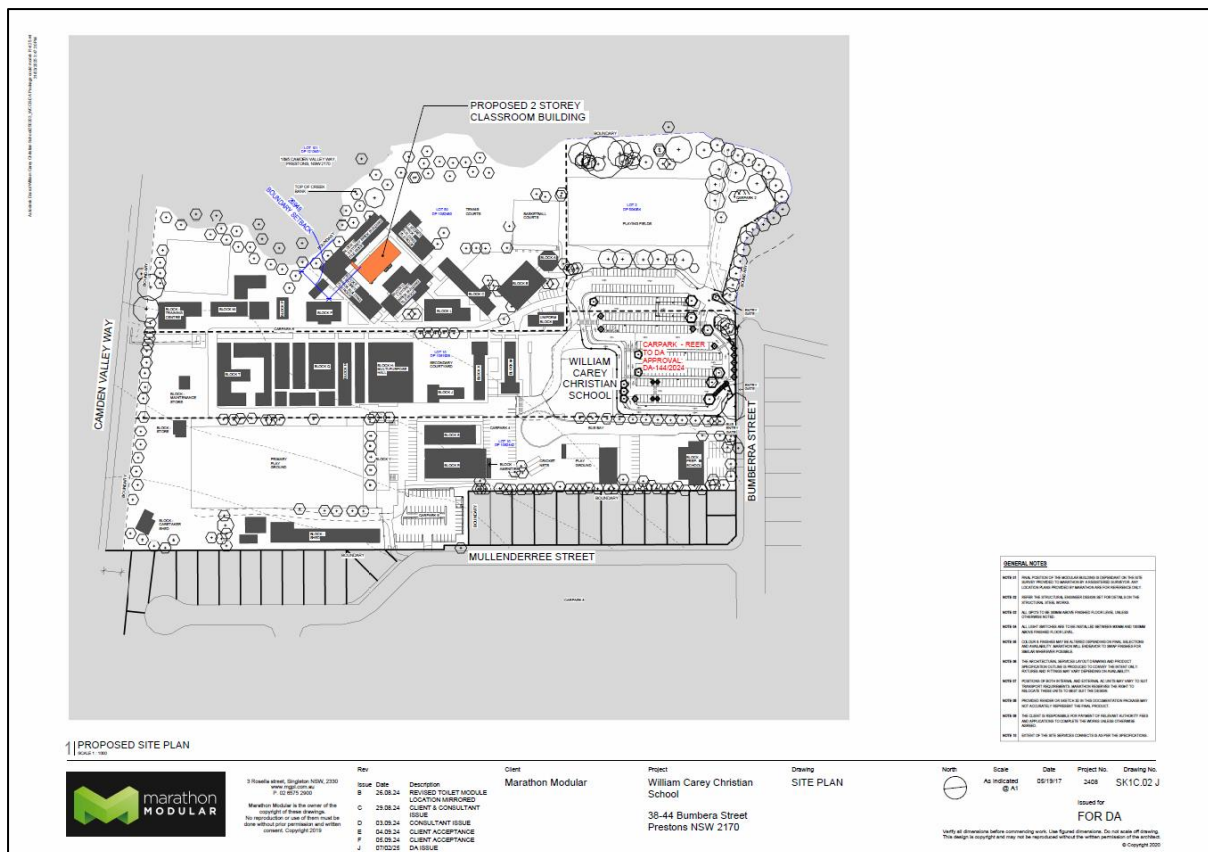
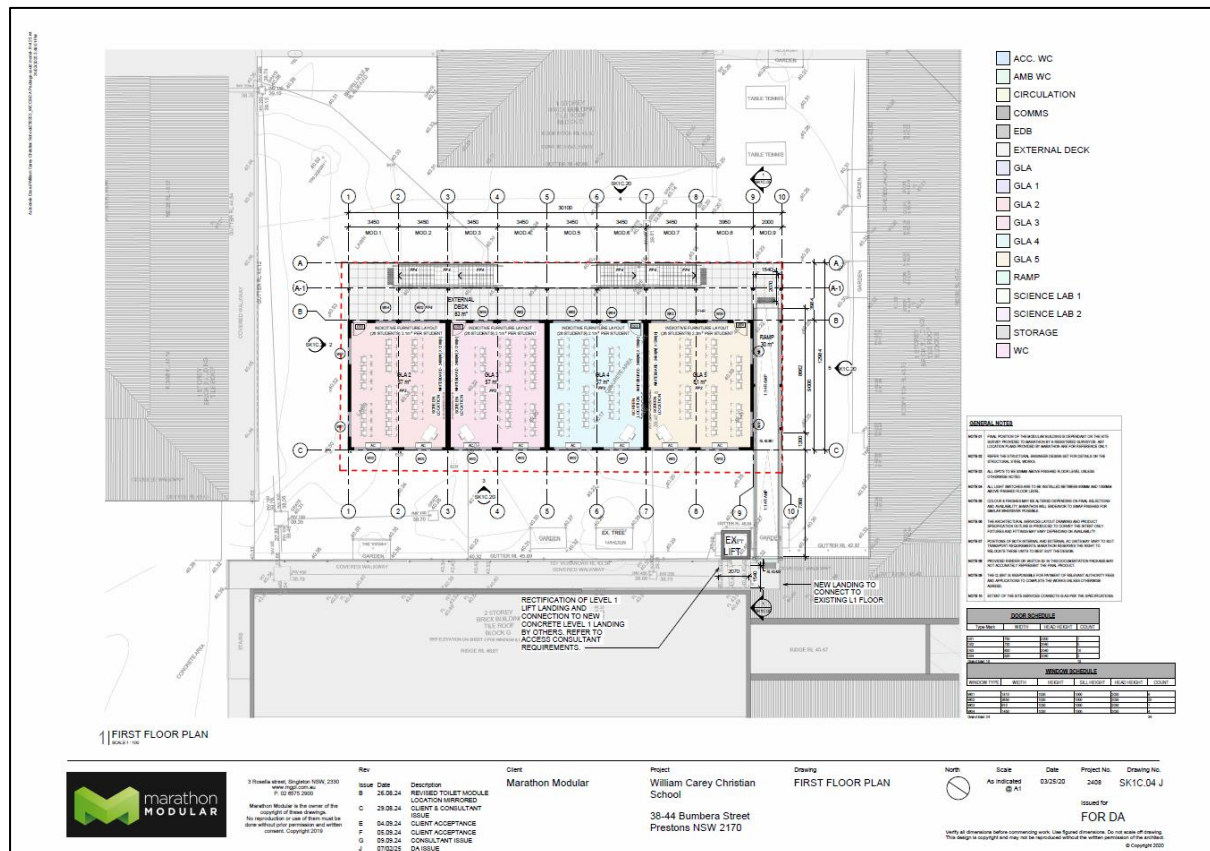
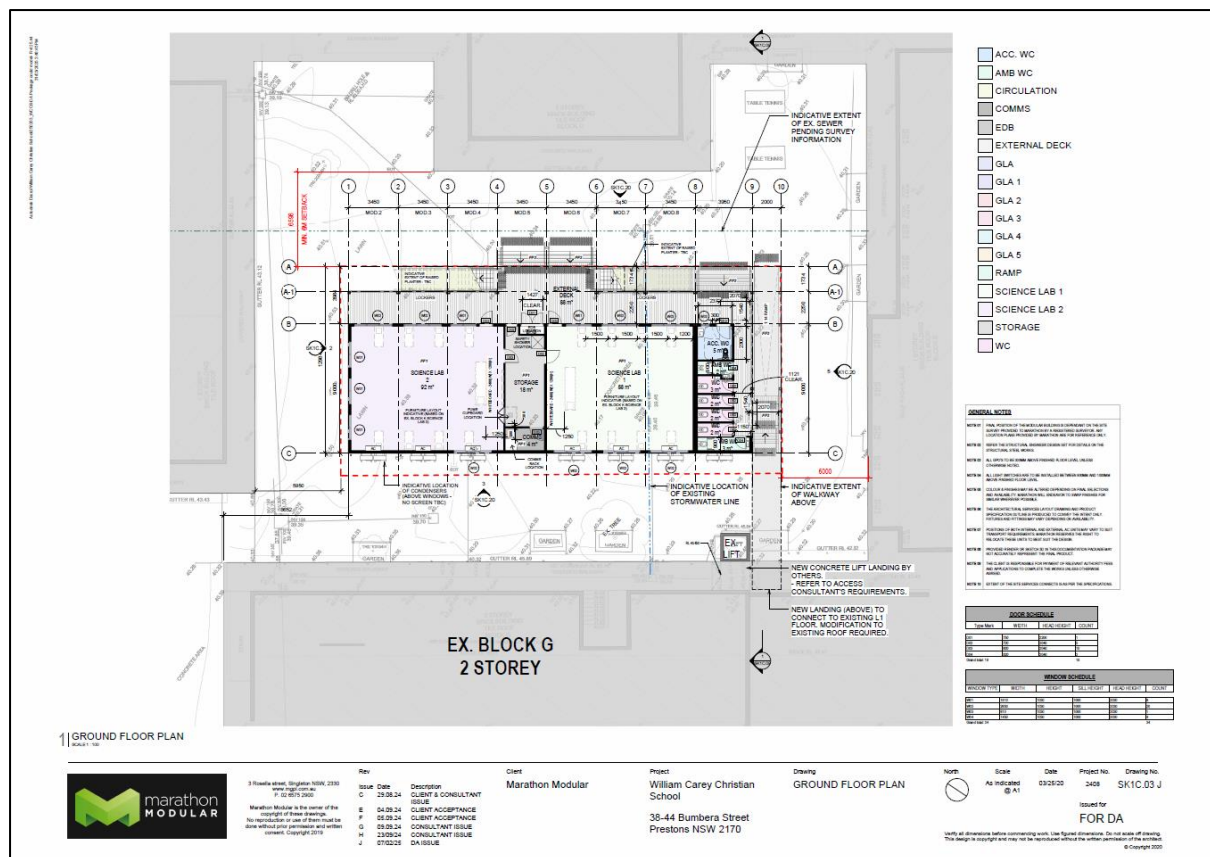


Figure 3: Location/Site Plan



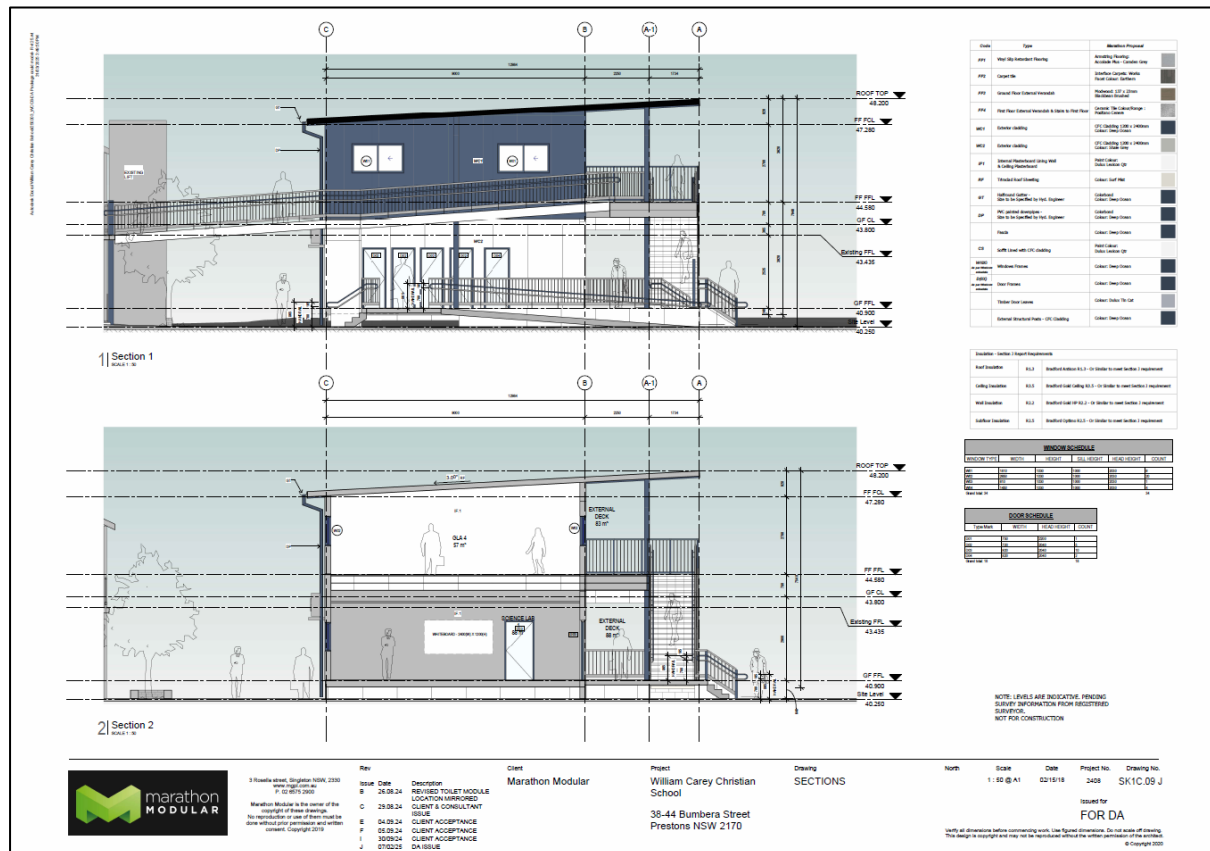


Figure 8: Sections



Figure 9: 3D Perspectives

Table 1: Development Data

Control	Proposal
Site area	104,900m ²
GFA	Allowable GFA: 62,940m ² Proposed GFA: 14,042m ²
FSR (retail/residential)	Permitted: 0.6:1 Proposed: 0.134:1
Clause 4.6 Requests	No
Max Height	7.95m
Landscaped area	37,880m ²
Car Parking spaces	431 (no change from DA-144/2024)
Setbacks	Building is within an existing courtyard, no new setbacks proposed

3.2 Background

The development application was lodged on **14 May 2025**. A chronology of the development application since lodgement is outlined below including the Panel's involvement (briefings, deferrals etc) with the application:

Table 2: Chronology of the DA

Date	Event
14 May 2025	DA lodged
12 June 2025 – 14 July 2025	Exhibition of the application
25 June 2025	DA referred to external agencies
11 August 2025	Request for Information from Council to applicant
26 August 2025	Additional information provided to Council by the applicant, including amended Statement of Environmental Effects, acoustic report, Chemical Management Plan, BCA letter, was accepted by Council under CI 38(1) of the <i>Environmental Planning and Assessment Regulation 2021</i> .

3.3 Site History

The site has been subject to numerous development proposals, detailed in the table below:

Application Number	Date Lodged	Description	Date Determined
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DA-350/1986	31/07/1986	Erection of School Development	[data missing]
DA-856/1988	29/11/1988	Erection Of A Portable School Building To Be Used As A Temporary Classroom For A Period Of Five Years	14/12/1988
DA-209/1989	23/03/1989	Proposed Extensions (Classrooms) To Existing School	18/04/1989
DA-330/1990	14/06/1990	Proposed Erection Of A Dwelling	25/06/1990
DA-609/1996	29/02/1996	Redevelopment Of Existing Dam	18/12/1996
DA-716/1996	15/04/1996	Additions To An Existing School	03/07/1996
DA-678/2003	27/09/2002	Additions to caretaker residence	27/11/2002
DA-1333/2003	24/12/2002	Extensions to existing school and new classrooms building	02/04/2003
DA-1217/2005	16/02/2005	School extensions to staff room, new toilet blocks, new classrooms	13/09/2005
DA-265/2006	25/08/2005	Shade shelter in school ground	06/09/2005
DA-513/2009	07/11/2008	Erection of a two storey child care centre incorporating before and after school care with associated car parking and landscaping (Proposal is defined as Integrated Development (S.100B of Rural Fires Act 1997)).	29/05/2009
DA-874/2009	20/03/2009	New entry to school and associated driveway crossing from Mullenderree Street	26/05/2009
CD-92/2010	13/11/2009	New language classrooms (SEPP)	26/11/2009
DA-667/2010	13/11/2009	Alterations and additions to existing multi-purpose hall and library at William Carey Christian School	17/12/2009
DA-948/2010	01/02/2010	Erection of a single storey building to be used for Vocational Education and Training (VET) and associated fit-out. Proposal is defined as Integrated Development (Rural Fires Act 1997 – NSW Rural Fire Service)	22/03/2010
DA-1749/2012	01/11/2012	Erection of signage for William Carey Christian School	11/12/2012
DA-513/2009/A	20/02/2017	Modification to DA 513/2009 pursuant to section 96(2) of the Environmental Planning & Assessment Act. The modification proposes to increase student numbers in Prep places from 45-60.	21/08/2017
DA-712/2021	02/07/2021	Removal of existing storage sheds and construction of 2 new storage sheds	Withdrawn
DA-104/2022	02/02/2022	Demolition of existing sheds and construction of two sheds	Withdrawn
DA-144/2024	27/03/2024	The increase in student numbers from 1,228 to 1,430 students, increase in staff numbers from 158 FTE to 183 FTE, the demolition of the existing sports field to provide a new 223 space carpark with upgraded am drop-off	16/09/2024

		operational capacity of 244 vehicles and pm puck-up capacity of 273 vehicles, and associated landscaping work.	
		The application is Integrated Development and requires approval under the Rural Fires Act 1997. The application is Nominated Integrated Development requiring approval from the Natural Resources Access Regulator under the Water Management Act 2000	

4. STATUTORY CONSIDERATIONS

When determining a development application, the consent authority must take into consideration the matters outlined in Section 4.15(1) of the *Environmental Planning and Assessment Act 1979* ('EP&A Act'). These matters as are of relevance to the development application include the following:

- (a) *the provisions of any environmental planning instrument, proposed instrument, development control plan, planning agreement and the regulations*
 - (i) *any environmental planning instrument, and*
 - (ii) *any proposed instrument that is or has been the subject of public consultation under this Act and that has been notified to the consent authority (unless the Planning Secretary has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved), and*
 - (iii) *any development control plan, and*
 - (iiia) *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*
 - (iv) *the regulations (to the extent that they prescribe matters for the purposes of this paragraph), that apply to the land to which the development application relates,*
- (b) *the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality,*
- (c) *the suitability of the site for the development,*
- (d) *any submissions made in accordance with this Act or the regulations,*
- (e) *the public interest.*

These matters are further considered below. It is noted that the proposal is considered to be (which are considered further in this report):

- Integrated Development (s4.46)

4.1 Environmental Planning Instruments, proposed instrument, development control plan, planning agreement and the regulations

The relevant environmental planning instruments, proposed instruments, development control plans, planning agreements and the matters for consideration under the Regulation are considered below.

(a) Section 4.15(1)(a)(i) - Provisions of Environmental Planning Instruments

The following Environmental Planning Instruments are relevant to this application:

- *State Environmental Planning Policy (Biodiversity and Conservation) 2021*
- *State Environmental Planning Policy (Planning Systems) 2021*
- *State Environmental Planning Policy (Resilience and Hazards) 2021*
- *State Environmental Planning Policy (Transport and Infrastructure) 2021*
- *Liverpool Local Environmental Plan 2008;*

A summary of the key matters for consideration arising from these State Environmental Planning Policies are outlined in **Table 3** and considered in more detail below.

Table 3: Summary of Applicable Environmental Planning Instruments

EPI	Matters for Consideration	Comply (Y/N)
State Environmental Planning Policy (Biodiversity & Conservation) 2021	Chapter 2: Vegetation in non-rural areas – the proposal does not impact any vegetation. Chapter 6: Water catchments – the proposal would not have any impact on the Georges River catchment.	Y
State Environmental Planning Policy (Planning Systems) 2021	Chapter 2: State and Regional Development • Section 2.19(1) declares the proposal regionally significant development pursuant to Clause 7 of Schedule 6 as it comprises private infrastructure and community facilities with an estimated development cost over \$5 million.	Y
SEPP (Resilience & Hazards)	Chapter 4: Remediation of Land • Section 4.6 – The site has previously been found to be suitable for use as an educational establishment, and no contamination has occurred since those findings.	Y
State Environmental Planning Policy (Transport and Infrastructure) 2021	Chapter 2: Infrastructure • Section 2.119 – Development with frontage to classified road – The site adjoins Camden Valley Way but has no vehicular access to it. • Section 2.120 – Impact of road noise or vibration on non-road development – An acoustic report demonstrating appropriate mitigation is provided. Chapter 3: Educational Establishments • Section 3.36 – Schools—development permitted with consent – Development is permitted under the LEP, Subclause (6) has been addressed sufficiently.	Y
Proposed Instruments	No compliance issues identified.	Y
Liverpool LEP 2008	• Clause 2.3 – Permissibility and zone objectives – the proposed development is permissible within the R2 zone and meets the zone objectives	Y

Liverpool DCP 2008	No compliance issues identified.	Y
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Consideration of the relevant SEPPs is outlined below.

State Environmental Planning Policy (Biodiversity and Conservation) 2021

(i) Chapter 2: Vegetation in non-rural areas

This chapter applies to all land in non-rural areas of the State, including the City of Liverpool. However, as no clearing of vegetation is proposed, Parts 2.2-2.5 do not apply to the proposal and the development is satisfactory with regard to this chapter.

(ii) Chapter 6: Water catchments

This chapter applies to land in the Georges River Catchment, including the subject site. An assessment under Part 6.2 is provided below:

Part 6.2 Development in Regulated Catchments	
Division 2 Controls on Development Generally	Comment
6.6 Water Quality and Quantity	Complies Council's Land Development Engineering section has reviewed the proposal and is satisfied that no adverse impacts will arise in regard to water quality and quantity within the Georges River catchment.
6.7 Aquatic Ecology	Complies The development would not result in any adverse impacts on aquatic ecology.
6.8 Flooding	Complies Council's Flood Engineering section has reviewed the proposal and is satisfied there will be no adverse impacts in relation to flooding.
6.9 Recreation and public access	Complies This proposed development will not adversely affect access to recreation and public access.
6.10 Total catchment management	Complies The proposed development is not likely to have an adverse impact on the Georges River catchment, therefore no consultation is required.

Overall, it is considered that the proposed development complies with the SEPP (Biodiversity and Conservation) 2021, Chapters 2 and 6.

State Environmental Planning Policy (Planning Systems) 2021

(i) Chapter 2: State and Regional Development

The proposal is *regionally significant development* pursuant to Section 2.19(1) as it satisfies the criteria in Clause 5 of Schedule 6 of the Planning Systems SEPP as the proposal is development for private infrastructure and community facilities over \$5 million. Accordingly, the Sydney Western City Planning Panel is the consent authority for the application. The proposal is consistent with this Policy.

State Environmental Planning Policy (Resilience and Hazards) 2021

(i) Chapter 4: Remediation of Land

The provisions of Chapter 4 of *State Environmental Planning Policy (Resilience and Hazards) 2021* (*the Resilience and Hazards SEPP*) have been considered in the assessment of the development application. Section 4.6 of Resilience and Hazards SEPP requires consent authorities to consider whether the land is contaminated, and 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.

The site has historically been used for the purposes of a school since 1986, and numerous development applications for various alterations and additions to the school have been lodged in the interim. Consequently, it is considered highly unlikely that the site would have any contamination, particularly within the relevant area in which the development is proposed.

The proposal is considered to be consistent with the SEPP (Resilience and Hazards) 2021, subject to imposition of relevant conditions of consent in relation to unexpected finds during construction on any consent granted.

State Environmental Planning Policy (Transport and Infrastructure) 2021

(i) Chapter 2: Infrastructure

Clause 2.119 Development with frontage to classified road applies to the development, as the subject site has a frontage to Camden Valley Way.

Clause 2.119 requires that the consent authority must not grant development consent to land with a frontage to a classified road unless it is satisfied that—

(a) where practicable and safe, vehicular access to the land is provided by a road other than the classified road, and

Comment: Vehicular access is not provided to the land from Camden Valley Way.

(b) the safety, efficiency and ongoing operation of the classified road will not be adversely affected by the development as a result of—

- (i) the design of the vehicular access to the land, or*
- (ii) the emission of smoke or dust from the development, or*
- (iii) the nature, volume or frequency of vehicles using the classified road to gain access to the land, and*

Comment: The proposed additional school building does not result in any changes to traffic generation or vehicular access for the site, and as such would not adversely impact the safety, efficiency and ongoing operation of the classified road.

(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.

Comment: The proposed school building is greater than 100m from the classified road and as such is not considered to be affected by traffic noise or emissions.

(ii) Chapter 3: Educational establishments and child care facilities

Part 3.4 Schools—specific development controls is applicable to the subject site. The relevant controls for this development are discussed below:

Clause 3.36: Schools—development permitted with consent

(1) Development for the purpose of a school may be carried out by any person with development consent on land in a prescribed zone.

Comment: The development is proposed to be carried out in the R2 Low Density Residential zone, which is a prescribed zone.

(6) Before determining a development application for development of a kind referred to in subsection (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 8, and

Design quality principle	Comment
1 Responsive to context Schools should be designed to respond to and enhance the positive qualities of their surroundings. In designing built forms and landscapes, consideration should be given to a Country-centred approach and respond to site conditions such as orientation, topography, natural systems, Aboriginal and European cultural heritage and the impacts of climate change. Landscapes should be integrated into the overall design to improve amenity and to help mitigate negative impacts on the streetscape and neighbouring sites.	Complies The proposed addition to the school is responsive to its surroundings. The proposed addition, being of a minor nature, has limited capacity to address or consider Country, but does respond to site conditions. Landscaping is integrated into the design of the development.
2 Sustainable, efficient and resilient Good school design combines positive environmental, social and economic outcomes and should align with the principles of caring for Country. Schools should be designed to be durable and resilient in an evolving climate. Schools and their grounds should be designed to minimise the consumption of energy, water and other natural resources and reduce waste.	Complies The proposed school building would have positive environmental, social and economic outcomes and aligns with the principles of caring for Country. The proposed school building is designed suitably to withstand the climate of the area. The building is designed to have an appropriate consumption of energy and water, in accordance with NCC requirements.
3 Accessible and inclusive	Complies

School buildings and grounds should be welcoming, easy to navigate and accessible and inclusive for people with differing needs and abilities. Schools should be designed to respond to the needs of children of different ages and developmental stages, foster a sense of belonging and seek to reflect the cultural diversity of the student body and community. Schools should be designed to enable sharing of facilities with the community and to cater for activities outside of school hours.	A disability access report has been provided demonstrating the development complies with this requirement. Proposed school building is appropriately designed for a building used predominantly by teenagers and pre-teens, but is also appropriate for younger children's use. The proposed addition would not impact on the capacity for the school to share facilities with the community.
4 Healthy and safe Good school design should support wellbeing by creating healthy internal and external environments. The design should ensure safety and security within the school boundaries, while maintaining a welcoming address and accessible environment. In designing schools, consideration should be given to connections, transport networks and safe routes for travel to and from school.	Complies Design creates healthy internal and external environments. Design ensures safety and security within the school as all areas in and around the building would have appropriate surveillance. The proposed development is part of an existing school and as such this consideration is not applicable.
5 Functional and comfortable Schools should have comfortable and engaging spaces that are accessible for a wide range of formal and informal educational and community activities. In designing schools, consideration should be given to the amenity of adjacent development, access to sunlight, natural ventilation, proximity to vegetation and landscape, outlook and visual and acoustic privacy. Schools should include appropriate indoor and outdoor learning and play spaces, access to services and adequate storage.	Complies The development is designed to facilitate both formal and informal educational activities. The development has demonstrated there are no unreasonable impacts on adjoining development. Appropriate indoor and outdoor spaces are provided as part of this development.
6 Flexible and adaptable In designing schools, consideration should be given to future needs and take a long-term approach that is informed by site-wide strategic and spatial planning. Good design for schools should deliver high environmental performance and ease of	Complies Proposed building is of a modular design, making additions or modifications to the layout easy and thus facilitating consideration of future needs.

adaptation, and maximise multi-use facilities. Schools should be adaptable to evolving teaching methods, future growth and changes in climate, and should minimise the environmental impact of the school across its life cycle.	The development will comply with Section J of the NCC (in relation to environmental efficiency). As above, building is adaptable due to its modular design.
7 Visually appealing School buildings and their landscape settings should be aesthetically pleasing by achieving good proportions and a balanced composition of built and natural elements. Schools should be designed to respond to and have a positive impact on streetscape amenity and the quality and character of the neighbourhood. The identity and street presence of schools should respond to the existing or desired future character of their locations. The design of schools should reflect the school's civic role and community significance.	Complies School building is aesthetically pleasing with inclusion of landscaping to soften appearance. Building does not address streetscape or adjoining development. Therefore, not applicable. Building does not address streetscape or adjoining development. Therefore, not applicable. Building does not address streetscape or adjoining development. Therefore, not applicable.

Based on the above assessment, the development complies with Schedule 8.

(b) Whether the development enables the use of school facilities (including recreational facilities) to be shared with the community.

Comment: The development would not impact the ability for school facilities to be shared with the community, and as such complies with this control.

No other clauses of Chapter 3 are applicable to the subject development.

Liverpool Local Environmental Plan 2008

The relevant local environmental plan applying to the site is the *Liverpool Local Environmental Plan 2008* ('the LEP'). The aims of the LEP include:

- (aa) to protect and promote the use and development of land for arts and cultural activity, including music and other performance arts,*
- (a) to encourage a range of housing, employment, recreation and services to meet the needs of existing and future residents of Liverpool,*
- (b) to foster economic, environmental and social well-being so that Liverpool continues to develop as a sustainable and prosperous place to live, work, study and visit,*
- (c) to provide community and recreation facilities, maintain suitable amenity and offer a variety of quality lifestyle opportunities to a diverse population,*

- (d) *to strengthen the regional position of the Liverpool city centre as the service and employment centre for Sydney's south west region,*
- (e) *to concentrate intensive land uses and trip-generating activities in locations most accessible to public transport and centres,*
- (f) *to promote the efficient and equitable provision of public services, infrastructure and amenities,*
- (g) *to conserve, protect and enhance the environmental and cultural heritage of Liverpool,*
- (h) *to protect, connect, maintain and enhance the natural environment in Liverpool, and promote ecologically sustainable development which takes into account the environmental constraints of the land,*
- (i) *to minimise risk to the community in areas subject to environmental hazards, particularly flooding and bush fires, by managing development in sensitive areas,*
- (j) *to promote a high standard of urban design that responds appropriately to the desired future character of areas,*
- (k) *to improve public access along waterways and vegetated corridors while ensuring the natural environmental values of riparian and bushland corridors and the habitat they provide are protected and enhanced,*
- (l) *to improve public transport accessibility, and facilitate the increased use of public transport, cycling and pedestrian activity,*
- (m) *to enhance the amenity and positive characteristics of established residential areas,*
- (n) *to ensure the agricultural production potential of rural land and prevent its fragmentation,*
- (o) *to encourage development opportunities for business and industry so as to deliver local and regional employment growth.*

The proposal is consistent with these aims as it provides services to meet the needs of existing and future residents of Liverpool, takes into account the environmental constraints of the land, and minimises risk to the community in an area subject to flooding and bush fires.

(i) Zoning and Permissibility

The site is located within the R2 Low Density Residential Zone pursuant to Clause 2.2 of the LEP, with fringes of two of the lots within the site being in the RE1 Public Recreation and SP2 (Drainage) zones. However, the proposed development is not within the RE1 or SP2 portions of the site.

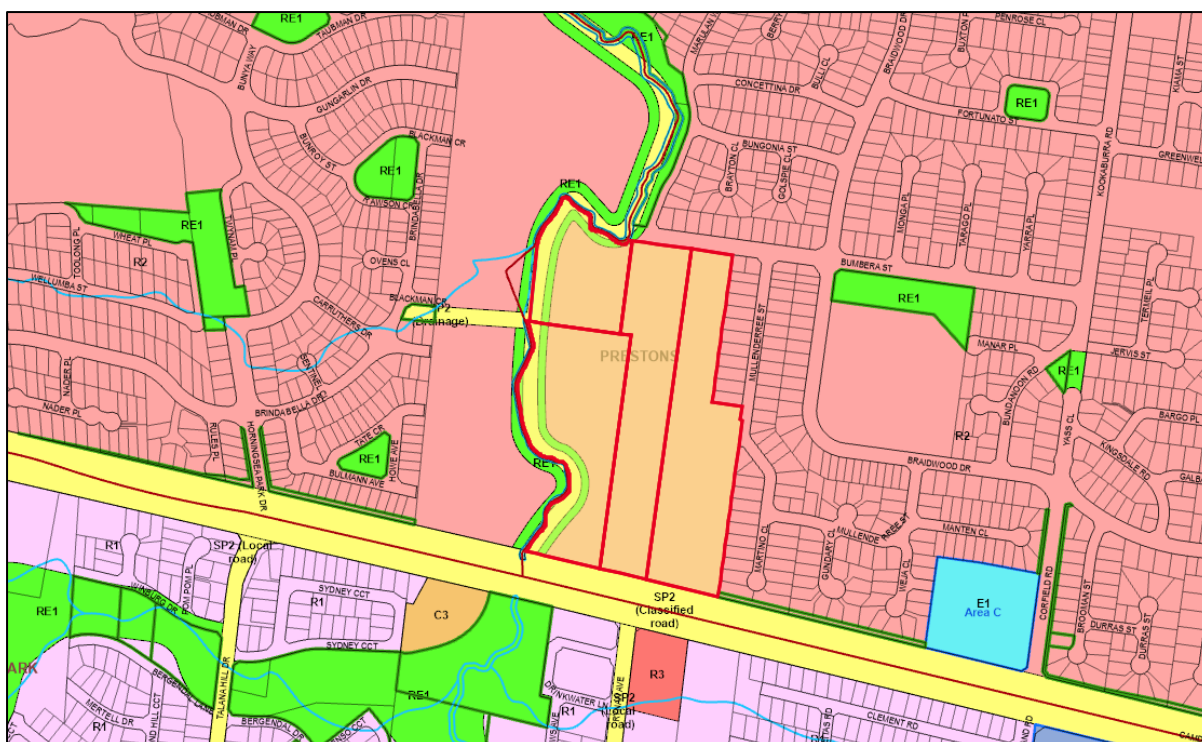


Figure 10: Zoning Map

According to the definitions in Clause 4 (contained in the Dictionary), the proposal satisfies the definition of educational establishment which is a permissible use with consent in the Land Use Table in Clause 2.3.

The zone objectives include the following (pursuant to the Land Use Table in Clause 2.3):

- *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 proposal is considered to be consistent with these zone objectives for the following reasons:

- The proposal is a land use that provides facilities and services to meet the day-to-day needs of residents, being an educational establishment.
- The development is of a suitable scale and character to align with the existing residential areas around it.
- The proposal does not impact on the residential amenity of adjoining residential areas, being one additional building involving no increase in student capacity.

(ii) General Controls and Development Standards (Part 2, 4, 5 and 6)

The LEP also contains controls relating to development standards, miscellaneous provisions and local provisions. The controls relevant to the proposal are considered in **Table 4** below.

Table 4: Consideration of the LEP Controls

Control	Requirement	Proposal	Comply
Height of buildings (CI 4.3(2))	8.5 metres	7.95m	Yes
FSR (CI 4.4(2))	0.5:1 (62,940m ²)	0.134:1 (14,042m ²)	Yes
Flood planning (CI 5.21)	Consent authority must be satisfied the development will not result in adverse impacts to flood behaviour, the environment, occupation or evacuation of people	Application has been referred to Council's Flood Engineering section, who advised the development is satisfactory subject to the imposition of conditions of consent.	Yes
Environmentally significant land (CI 7.6)	Consent authority must consider impacts of development on vegetation, fauna, waterbodies, etc.	While the site is partially zoned as ESL, the development is wholly outside the ESL-zoned land and does not impact those portions of the site.	Yes

The proposal is considered to be generally consistent with the LEP.

(b) Section 4.15 (1)(a)(ii) - Provisions of any Proposed Instruments

There are no proposed instruments applicable to the development.

(c) Section 4.15(1)(a)(iii) - Provisions of any Development Control Plan

The following Development Control Plan is relevant to this application:

- *Liverpool Development Control Plan 2008* ('the DCP')

The development is generally compliant with the DCP; however the following matters are recommended to be resolved through conditions of consent:

Part 3.8, Section 3: Educational Establishments

3.6 Landscaping and Fencing

The DCP requires landscaping species to be appropriate to prevent injury to children, i.e. not toxic, spiky or otherwise hazardous.

The landscaping species proposed with do not comply with this control are as follows:

- *Cycas revoluta* – toxic when ingested, and spiky;

- *Nandina domestica* – toxic to animals, potentially toxic to humans (particularly children).

Given the development generally complies with all other DCP controls, it is proposed to impose a condition of consent requiring these species to be replaced with more appropriate plants.

The DCP additionally requires that the majority of landscape planting be native plants. At present, the majority of the proposed species are non-native. Given that 2 of these species must be replaced, it is considered sufficient to impose a condition of consent requiring their replacements to be native plants.

The following contributions plans are relevant pursuant to Section 7.11 of the EP&A Act and have been considered in the recommended conditions (notwithstanding Contributions plans are not DCPs they are required to be considered):

- *Liverpool Contributions Plan 2009*

This Contributions Plan has been considered and a condition requiring payment of contributions has been included the recommended draft consent conditions.

(d) Section 4.15(1)(a)(iiia) – Planning agreements under Section 7.4 of the EP&A Act

There have been no planning agreements entered into and there are no draft planning agreements being proposed for the site.

(e) Section 4.15(1)(a)(iv) - Provisions of Regulations

Section 62 (consideration of fire safety) and Section 64 (consent authority may require upgrade of buildings) of the 2021 EP&A Regulation are relevant to the proposal.

These provisions of the 2021 EP&A Regulation have been considered and are addressed in the recommended draft conditions (where necessary).

4.2 Section 4.15(1)(b) - Likely Impacts of Development

The likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality must be considered. In this regard, potential impacts related to the proposal have been considered in response to SEPPs, LEP and DCP controls outlined above and the Key Issues section below.

The consideration of impacts on the natural and built environments includes the following:

- Context and setting – The proposed development is considered consistent with the context of the site, as it is a new school building situated within a courtyard of the existing school, and is of a scale and style consistent with the rest of the site and its proposed use.
- Access and traffic – The proposed development would not increase traffic or travel demand for the area, and does not alter the number of parking spaces available on the site.

- Public Domain – The proposal does not impact on the public domain, being a new school building within a courtyard of the existing school.
- Utilities – The site is appropriately serviced and conditions of consent will be imposed as required.
- Heritage – The site does not contain or adjoin a heritage item, heritage conservation area or state heritage item, and would not have any impacts on heritage within the area.
- Natural environment – The site is within the Georges River Catchment and appropriate management of stormwater runoff is proposed to prevent any detrimental impacts to the catchment. No trees are proposed to be removed, the development does not impact on threatened species or biodiversity, and appropriate landscape planting is proposed.
- Noise and vibration – Appropriate conditions of consent to mitigate the impacts of construction on the surrounding area will be imposed. Additionally, an acoustic report has been provided detailing relevant requirements to minimise impacts.
- Natural hazards – The site is affected by flooding and bushfires. The application has been referred to Council's Flood Engineering section and the RFS, both of whom were supportive of the application subject to conditions of consent.
- Safety, security and crime prevention – Being a single new building within an existing school, located away from the edges of the site, it is considered that CPTED principles do not need to be addressed in this instance.
- Social impact – The development would have a positive social impact as it entails the provision of new facilities for an existing educational establishment.
- Economic impact – The development would not have any significant economic impact, being a new building within an existing school.
- Site design and internal design – The proposal is situated appropriately on the site to minimise impacts to adjoining lots.
- Construction – Standard conditions of consent will be imposed in relation to hours of work, pollution and noise management and any other mitigation measures to ensure construction will not result in impacts to adjoining properties or other buildings on site.
- Cumulative impacts – The proposal is generally consistent with the planning controls and therefore would not result in an adverse cumulative impact.

Accordingly, it is considered that the proposal will not result in any significant adverse impacts in the locality as outlined above.

4.3 Section 4.15(1)(c) - Suitability of the site

The proposal fits within the locality, is appropriately serviced by relevant infrastructure, is not affected by natural hazards and is not prohibited by the adjoining uses. As such, it is considered that the site is suitable for the proposal.

4.4 Section 4.15(1)(d) - Public Submissions

These submissions are considered in Section 5 of this report.

4.5 Section 4.15(1)(e) - Public interest

The proposal is generally consistent with the relevant planning controls. It appropriately mitigates potential impacts and will not result in detrimental impacts to the health and safety of the community and will provide social benefits through the improvement of an existing school. It is consistent with the relevant strategic planning documents and the principles of ecologically sustainable development. On balance, it is considered that the proposal is consistent with the public interest.

5. REFERRALS AND SUBMISSIONS

5.1 Agency Referrals and Concurrence

The development application has been referred to various agencies for comment/concurrence/referral as required by the EP&A Act and outlined below in Table 5.

There are no outstanding issues arising from these concurrence and referral requirements subject to the imposition of the recommended conditions of consent being imposed.

Table 5: Concurrence and Referrals to agencies

Agency	Concurrence/ referral trigger	Comments (Issue, resolution, conditions)	Resolved
Integrated Development (S 4.46 of the EP&A Act)			
RFS	S100B - <i>Rural Fires Act 1997</i> bush fire safety of subdivision of land that could lawfully be used for residential or rural residential purposes or development of land for special fire protection purposes	General terms of approval and Bushfire Safety Authority have been issued	Y
DPE – Water	S89-91 – <i>Water Management Act 2000</i> water use approval, water management work approval or activity approval under Part 3 of Chapter 3	General terms of approval have been issued	Y

5.2 Council Officer Referrals

The development application has been referred to various Council officers for technical review as outlined **Table 6**.

Table 6: Consideration of Council Referrals

Officer	Comments	Resolved
Land Development Engineering	Supported subject to conditions	Y
Building Compliance	Supported subject to conditions	Y
Environmental Health	Supported subject to conditions	Y
Fire Safety	Supported subject to conditions	Y
Flood Engineering	Supported subject to conditions	Y
Natural Environment – Flora and Fauna	Supported subject to conditions	Y
Urban Design and Public Domain	No referral required	Y

There are no outstanding matters from Council's internal referral officers to be considered.

5.3 Community Consultation

The proposal was notified in accordance with the Liverpool Community Participation Plan 2022 from 16 June 2025 until 14 July 2025. The notification included the following:

- A sign placed on the site;
- Notification letters sent to adjoining and adjacent properties within 200m of the site (approximately 301 letters);
- Notification on the Council's website.

The Council received a total of 3 unique submissions, comprising 3 objections and 0 submissions in favour of the proposal. The issues raised in these submissions are considered in **Table 7**

Table 7: Community Submissions

Issue	No of submissions	Council Comments
Traffic and carparking Submissions raised concern the	3	The application does not propose any increase in student or staff capacity, and it is considered that there will not be any impact on traffic and parking in the area as a result of this development.

development will increase traffic congestion and decrease parking availability in the area.		Outcome: This issue has been satisfactorily addressed subject to the imposition of relevant recommended conditions of consent (Schedule 1).
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6. KEY ISSUES

The following key issues are relevant to the assessment of this application having considered the relevant planning controls and the proposal in detail:

6.1 Noise and Vibration Assessment

The potential for noise and vibration to impact on adjoining properties is an important consideration given the site's proximity to residential premises. The application was accompanied by an Acoustic Report prepared by Northrop, dated 20 February 2025 which considered this issue.

The Acoustic Report considered the noise and vibration impacts arising from the proposed construction and the use of the building.

The report concluded that the works and use would comply with the requirements of Council and the NSW EPA Noise Policy for Industry subject to adherence to the recommendations of the report.

Resolution: The issue has been resolved through approved reports and recommended conditions of consent as outlined in **Attachment A**.

5.2 Landscape Species

The DCP requires landscaping species to be appropriate to prevent injury to children, i.e. not toxic, spiky or otherwise hazardous.

The landscaping species proposed with do not comply with this control are as follows:

- *Cycas revoluta* – toxic when ingested, and spiky;
- *Nandina domestica* – toxic to animals, potentially toxic to humans (particularly children).

Given the development generally complies with all other DCP controls, it is proposed to impose a condition of consent requiring these species to be replaced with more appropriate plants.

The DCP additionally requires that the majority of landscape planting be native plants. At present, the majority of the proposed species are non-native. Given that 2 of these species must be replaced, it is considered sufficient to impose a condition of consent requiring their replacements to be native plants.

Resolution: The issue has been resolved through recommended conditions of consent as outlined in **Attachment A**.

7. CONCLUSION

This development application has been considered in accordance with the requirements of the EP&A Act and the Regulations as outlined in this report. Following a thorough assessment of the relevant planning controls, issues raised in submissions and the key issues identified in this report, it is considered that the application can be supported.

The development complies with the relevant EPIs, including the Liverpool Local Environmental Plan 2008, and the Liverpool Development Control Plan 2008, and is considered compatible with the locality.

It is considered that the key issues as outlined in Section 5 have been resolved satisfactorily through amendments to the proposal and/or in the recommended draft conditions at **Attachment A**.

8. RECOMMENDATION

That the Development Application DA-229/2025 for proposed two (2) storey school building at 38-44 Bumbera Street, Prestons be APPROVED pursuant to Section 4.16(1)(a) of the *Environmental Planning and Assessment Act 1979* subject to the draft conditions of consent attached to this report at Attachment A.

The following attachments are provided:

- Attachment A: Draft Conditions of Consent
- Attachment B: DCP Compliance Tables – 300520.2025
- Attachment C: Architectural Plans – 160767.2025
- Attachment D: Landscape Plans – 160761.2025
- Attachment E: Stormwater Drainage Plans – 160771.2025
- Attachment F: Survey Plan – 160774.2025
- Attachment G: Statement of Environmental Effects – 160768.2025
- Attachment H: Aboriginal Due Diligence Assessment – 160722.2025
- Attachment I: Acoustic Report – 288903.2025
- Attachment J: BCA Statement – 160728.2025
- Attachment K: BCA Response Letter – 288905.2025
- Attachment L: Bushfire Assessment Report – 160729.2025
- Attachment M: Chemical Management Plan – 288904.2025
- Attachment N: Disability Access Report – 160723.2025
- Attachment O: Ecological Advice – 160749.2025
- Attachment P: Fire Engineering Report – 160737.2025
- Attachment Q: Flood Impact Assessment – 160742.2025
- Attachment R: Flood Emergency Response Plan – 160743.2025
- Attachment S: Geotechnical Investigation – 160759.2025
- Attachment T: Section J Design Intent Statement – 160765.2025
- Attachment U: Stormwater Management Report – 160772.2025
- Attachment V: Waste Management Plan – 160782.2025