

SYDNEY WESTERN CITY PLANNING PANEL

COUNCIL ASSESSMENT REPORT

Panel Reference	PPSSWC-84
DA Number	DA-616/2016/A
LGA	Liverpool City Council
Proposed Development	Modification to DA-616/2016 under Section 4.55(2) of the Environmental Planning and Assessment Act 1979. The modification seeks to amend Stage 1 of the approved School Development to include temporary demountable classrooms, and to increase overall Staff number from 35 to 45.
Street Address	LOT 10 DP 1227683 95-105 SEVENTEENTH AVENUE, AUSTRAL NSW 2179
Applicant/Owner	AL-MABARAT BENEVOLENT SOCIETY LTD
Date of DA Lodgement	5 May 2020
Number of Submissions	1
Recommendation	Approval subject to amended conditions of consent
Regional Development Criteria (Schedule 7 of the SEPP (State and Regional Development) 2011	The Sydney South West Planning Panel is the determining body as the original application was approved by the Sydney West Joint Regional Planning Panel for an Educational Establishment with a Capital Investment Value of over \$5 million, pursuant to Schedule 7(6) of the Environmental Planning and Assessment Act 1979 This proposed modification application is lodged under Section 4.55 (2) of the Environmental Planning & Assessment Act.
List of all relevant s4.15(1)(a) matters	<ul style="list-style-type: none"> • <i>List all of the relevant environmental planning instruments: Section 4.15(1)(a)(i)</i> <ul style="list-style-type: none"> ○ State Environmental Planning Policy (Infrastructure) 2007; ○ State Environmental Planning Policy (Sydney Region Growth Centre) 2006; ○ State Environmental Planning Policy No.55 – Remediation of Land; ○ Sydney Regional Environmental Plan No. 20 – Hawkesbury Nepean River (No 2 – 1997). • <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: Section 4.15(1)(a)(ii)</i> <ul style="list-style-type: none"> ○ No draft Environmental Planning Instruments apply to the site. • <i>List any relevant development control plan: Section 4.15(1)(a)(iii)</i> <ul style="list-style-type: none"> ○ Liverpool Growth Centre Precincts Development Control Plan 2014

	<ul style="list-style-type: none"> ○ Liverpool Development Control Plan 2008 (LDCP 2008). • <i>List any relevant 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: Section 4.15(1)(a)(iia)</i> <ul style="list-style-type: none"> ○ No planning agreement relates to the site or proposed development. • <i>List any relevant regulations: 4.15(1)(a)(iv)</i> <ul style="list-style-type: none"> ○ Consideration of the provisions of the Building Code of Australia.
List all documents submitted with this report for the Panel's consideration	<ol style="list-style-type: none"> 1. Development Consent Conditions for DA-616/2016 2. Recommended Modifications to Conditions of Consent 3. Modified Staged Site Plans 4. Architectural Plans and Details for Temporary Buildings (floor & roof plans / elevations / sections / perspective) 5. Stormwater Drainage Plan 6. Statement of Environmental Effects 7. Plan of Management
Clause 4.6 requests	N/A
Summary of key submissions	<p>One submission was received in relation to the proposal raising the following key points:</p> <ul style="list-style-type: none"> • Concern Raised Regarding the Approved Use.
Report prepared by	Ivan Kokotovic – Senior Development Planner
Report date	15 June 2020

Summary of s4.15 matters

Have all recommendations in relation to relevant s4.15 matters been summarised in the Executive Summary of the assessment report? **Yes**

Legislative clauses requiring consent authority satisfaction

Have relevant clauses in all applicable environmental planning instruments where the consent authority must be satisfied about a particular matter been listed, and relevant recommendations summarized, in the Executive Summary of the assessment report? **Yes**
e.g. Clause 7 of SEPP 55 - Remediation of Land, Clause 4.6(4) of the relevant LEP

Clause 4.6 Exceptions to development standards

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

Special Infrastructure Contributions

Does the DA require Special Infrastructure Contributions conditions (S7.11EF)? **Yes**
Note: Certain DAs in the Western Sydney Growth Areas Special Contributions Area may require specific Special Infrastructure Contributions (SIC) conditions

Conditions

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

1. EXECUTIVE SUMMARY

1.1 Reasons for the report

The Sydney Western City Planning Panel is the determining body as the original application was approved by the Sydney West Joint Regional Planning Panel for an Educational Establishment with a Capital Investment Value of over \$5 million, pursuant to Schedule 7(6) of the Environmental Planning and Assessment Act 1979. This proposed modification application is lodged under Section 4.55 (2) of the Environmental Planning & Assessment Act.

The proposed cost of works was originally estimated as \$10,184,284.00 as certified by a qualified Quantity Surveyor Report at the time of DA lodgement, and the proposed modifications are estimated to result in an additional \$795,000.00 value of works.

1.2 The proposal

The application proposes modifications to development consent No. DA-616/2016 which granted approval of an:

“Educational Establishment (School) Over 4 Stages Providing For 800 Kindergarten To Year 12 Students And 35 Staff, Involving the Demolition Of Existing Dwellings And Structures, Removal Of Trees, Bulk Earthworks, Construction Of Roads And School Building Structures

- *Stage 1: Demolition of the eastern most dwelling, shed and pool onsite, removal of all vegetation and remediation of the site; construction of a two (2) storey primary school and kindergarten; conversion of the retained dwelling into an administration building; all car-parking and vehicular access and road construction.*
- *Stage 2: Construction of a two (2) storey secondary school building.*
- *Stage 3: Construction of an assembly hall/gym.*
- *Stage 4: Demolition of the administration building and the construction of a new two (2) storey administration building and construction of the play-court, and associated paving.”*

The application seeks the following changes to the consent:

- Stage 1 is to be modified to enable the construction and use of temporary demountable buildings (classrooms / sanitary facilities / canteen). An additional stage (known as Stage 1A) will be added for construction and use of the approved permanent Primary School building, at completion of Stage 1.
- Stage 2 is to be modified by the retention and use of the temporary demountable buildings, concurrent with the construction and use of the approved permanent High School building.

- Stage 3 is to be modified by the demolition of the temporary demountable buildings to accommodate the construction and use of the approved School Assembly Building / Gymnasium.
- The number of staff is proposed to be increased from 35 to 45, to be increased incrementally as the school grows, reaching full operation by the year 2032.

1.3 The site

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

1.4 The issues

There are no major issues raised with respect to the proposed modifications.

1.5 Exhibition of the proposal

The development application was advertised for 14 days between 27 May 2020 and 10 June 2020 in accordance with Liverpool Development Control Plan 2008 (LDCP 2008). One (1) submission was received objecting to the proposed development. These objections are discussed in detail further in this report.

1.6 Conclusion

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

2. SITE DESCRIPTION AND LOCALITY

2.1 The site

The site is irregular in shape with a total area of 1.74ha being a corner allotment with a primary partly arced frontage to Seventeenth Avenue of approximately 100m (measured to the centre of the arc), with the remaining secondary frontage to Craik Avenue of approximately 65m. A large verge sets the frontage back from the corner approximately 25m. Craik Avenue is a future collector road and is expected to contain a bus-route through the locality and into the suburbs to the east, south and west of Austral.

The site falls gradually 8.18m from the South-west to the North-east corner towards a creek located 80m to the East, which is a tributary of Kemps/South Creek and is within the Nepean/Hawkesbury River Catchment.

The site is currently under-going road construction and other works consistent with the originally approved consent. This includes the half-road construction along the east boundary and full road construction along the north boundary of site, consistent with the precinct indicative layout plan (ILP). These roads will be dedicated to Council once Stage 1 works (the subject of this modification application) are completed and Occupation Certificate issued.

The latest Nearmap imagery (Figures 1 & 2) from 13 April 2020 indicates that work consistent with the originally approved development is nearing completion with respect to the roadworks and provision of hard-stand vehicular access on-site.



Figure 1: Aerial photograph of the Site

2.1 The locality

The site is in the North-east district of Austral which is bounded by the Western Sydney Parklands to the North and the Upper Canal to the East. The surrounding locality is predominately characterised as land undergoing transition from semi-rural residential dwellings and low scale agricultural uses to a low density residential urban environment. A growing number of subdivision applications have been submitted, approved and executed in the immediate vicinity over the past five (5) years, with many yielding the construction and occupation of residential dwellings. It is noted there is an existing established school (Al-Faisal College) located 800m to the west of the subject site along Gurners Avenue.

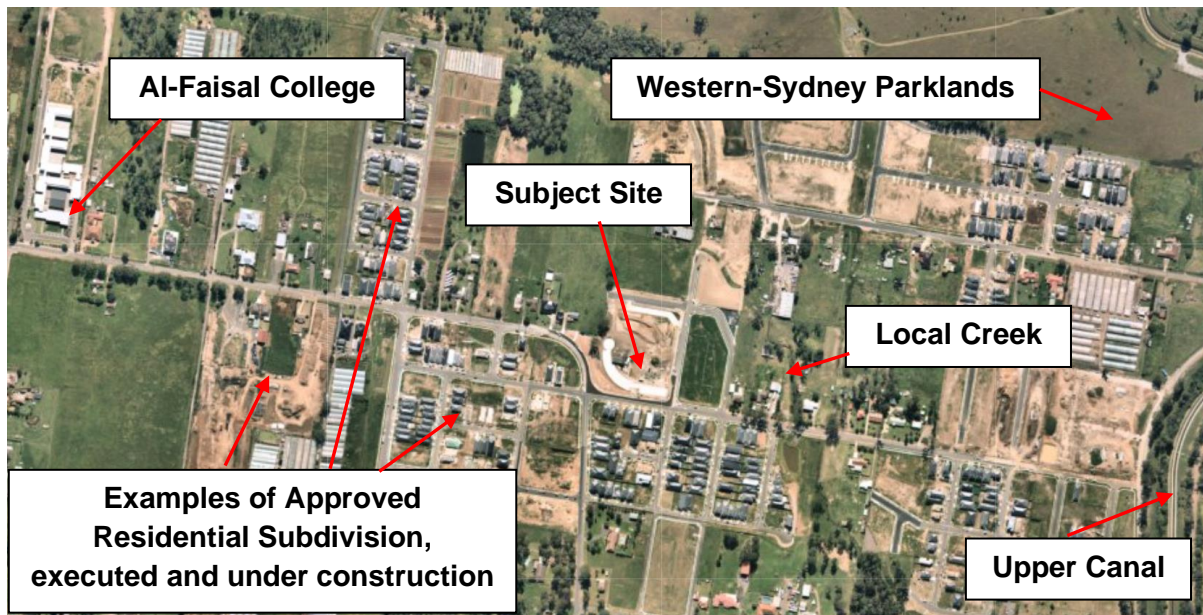


Figure 2: Aerial photograph of the Site

2.2 Site affectations

The originally considered site affectations of contaminated land and overland flow path were assessed and approved based upon the approved design. The proposed modifications do not cause the development of the land to change with respect to the site's previous affectations.

3. BACKGROUND

3.1 Related applications

DA-616/2016: The subject site was part of a DA which was determined by the SWCPP on 11 December 2017 for an *Educational Establishment (School) Over 4 Stages Providing For 800 Kindergarten To Year 12 Students And 35 Staff, Involving the Demolition Of Existing Dwellings And Structures, Removal Of Trees, Bulk Earthworks, Construction Of Roads And School Building Structures*

a) Pre-DA meetings

None. The applicant arranged an informal meeting at Council's Customer Service Centre for advice on lodgement and approvals pathway for the proposed modification on 9 March 2020.

3.2 Design Review Panel Briefing

Not applicable.

3.3 Planning Panel Briefing

A briefing meeting was not held for this application.

4. DETAILS OF THE PROPOSAL

The approved development for the site is described as:

“Educational Establishment (School) Over 4 Stages Providing For 800 Kindergarten To Year 12 Students And 35 Staff, Involving The Demolition Of Existing Dwellings And Structures, Removal Of Trees, Bulk Earthworks, Construction Of Roads And School Building Structures.

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- The number of staff is proposed to be increased from 35 to 45, to be increased incrementally as the school grows, reaching full operation by the year 2032.

HALF ROAD CONSTRUCTION AS PART OF DA691/2017

PROPOSED ROAD

ENTRY

EXIT

PICK UP & DROP OFF

PRIMARY SCHOOL

play equipment

ADMIN

EXISTING HOUSE TO BE CONVERTED TO ADMIN

STAFF

ENTRY/EXIT

SEVENTEENTH AVENUE

STAGE 1

PRIMARY SCHOOL TEMPORARY ADMIN DRIVEWAY AND PARKING

LIVERPOOL CITY COUNCIL

Endorsed document in relation to: DA-616/2016

In accordance with the Environmental Planning and Assessment Act 1979

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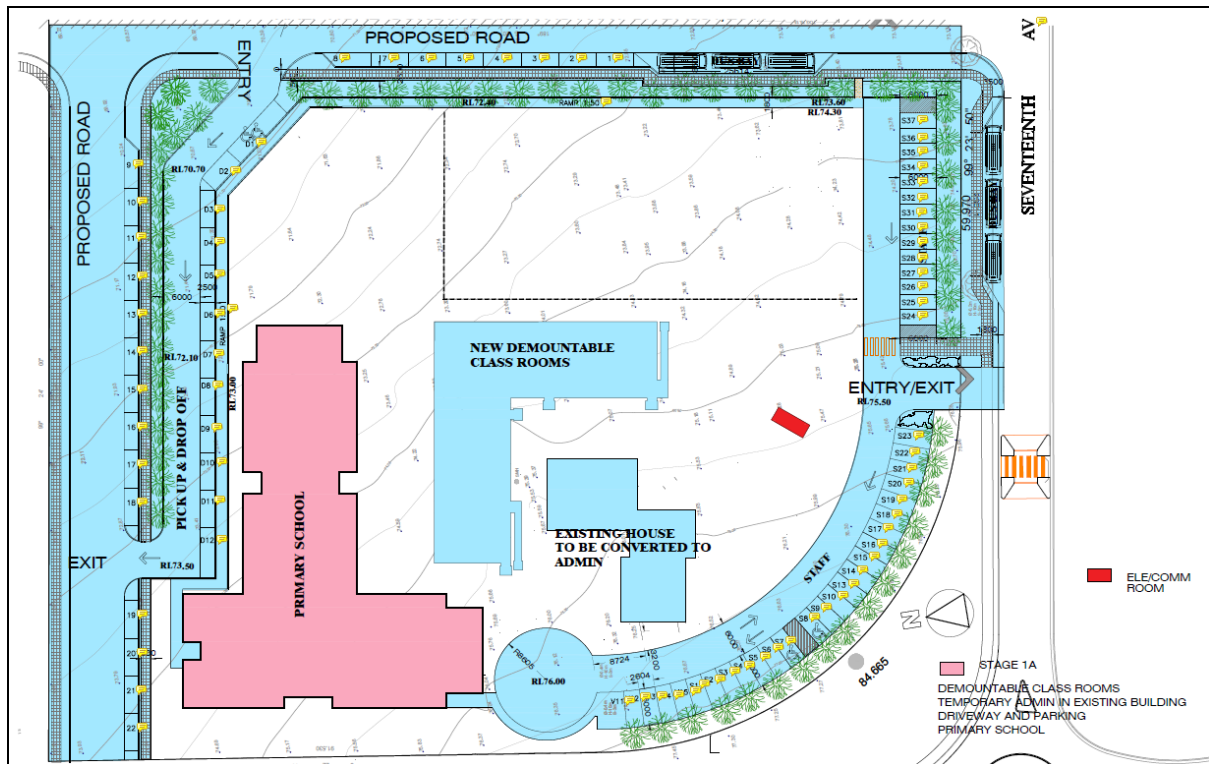


Figure 5: Extract of additional Stage 1A Site Plan (North to left)

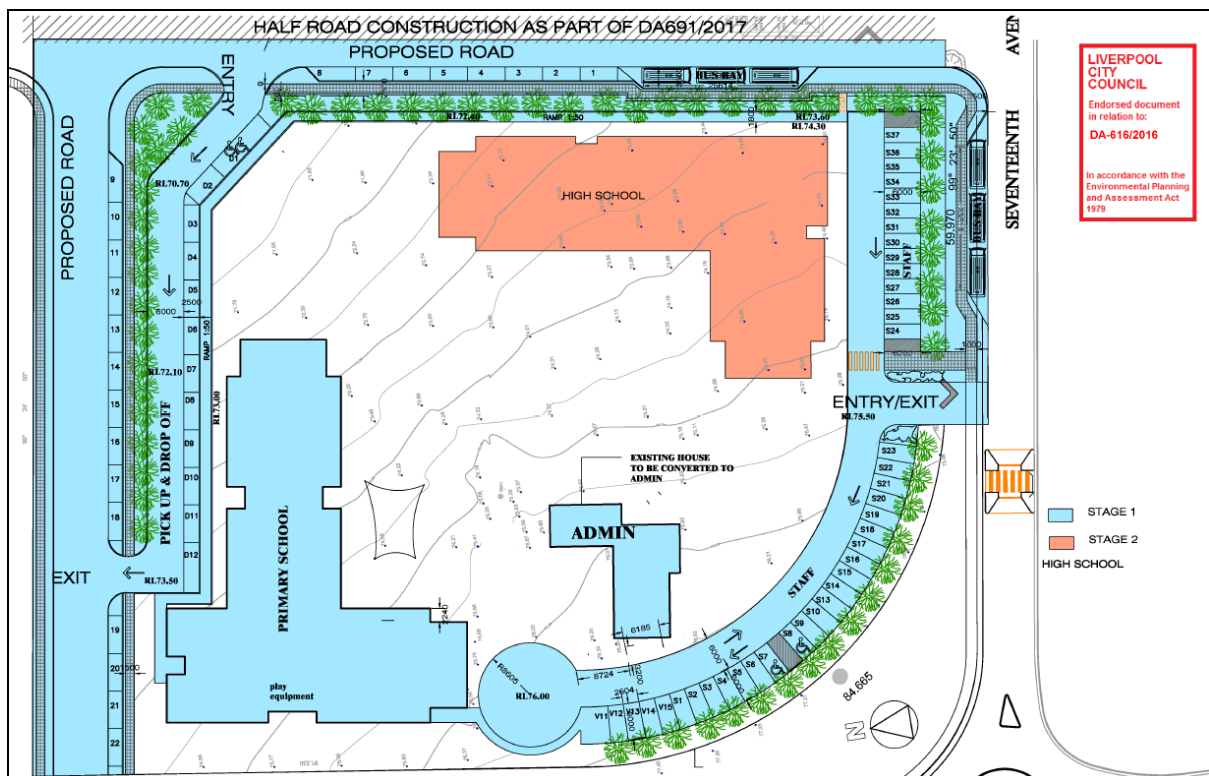


Figure 6: Extract of approved Stage 2 Site Plan (North to left)

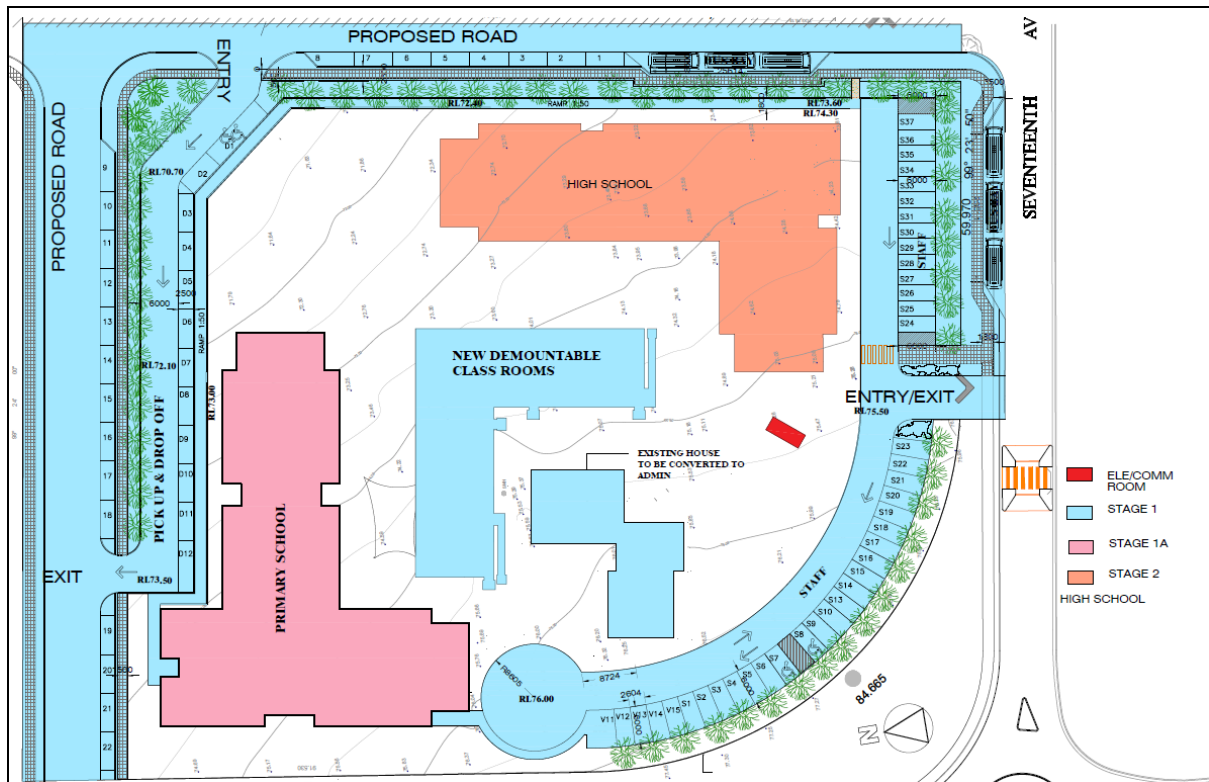


Figure 7: Extract of modified Stage 2 Site Plan (North to left)

Note: The Site Plans for Stage 3 and 4 are identical as those approved apart from the acknowledgement of Stage 1A as shown on the legend to the right of the plan, and as such will be modified as part of any consent for this application.

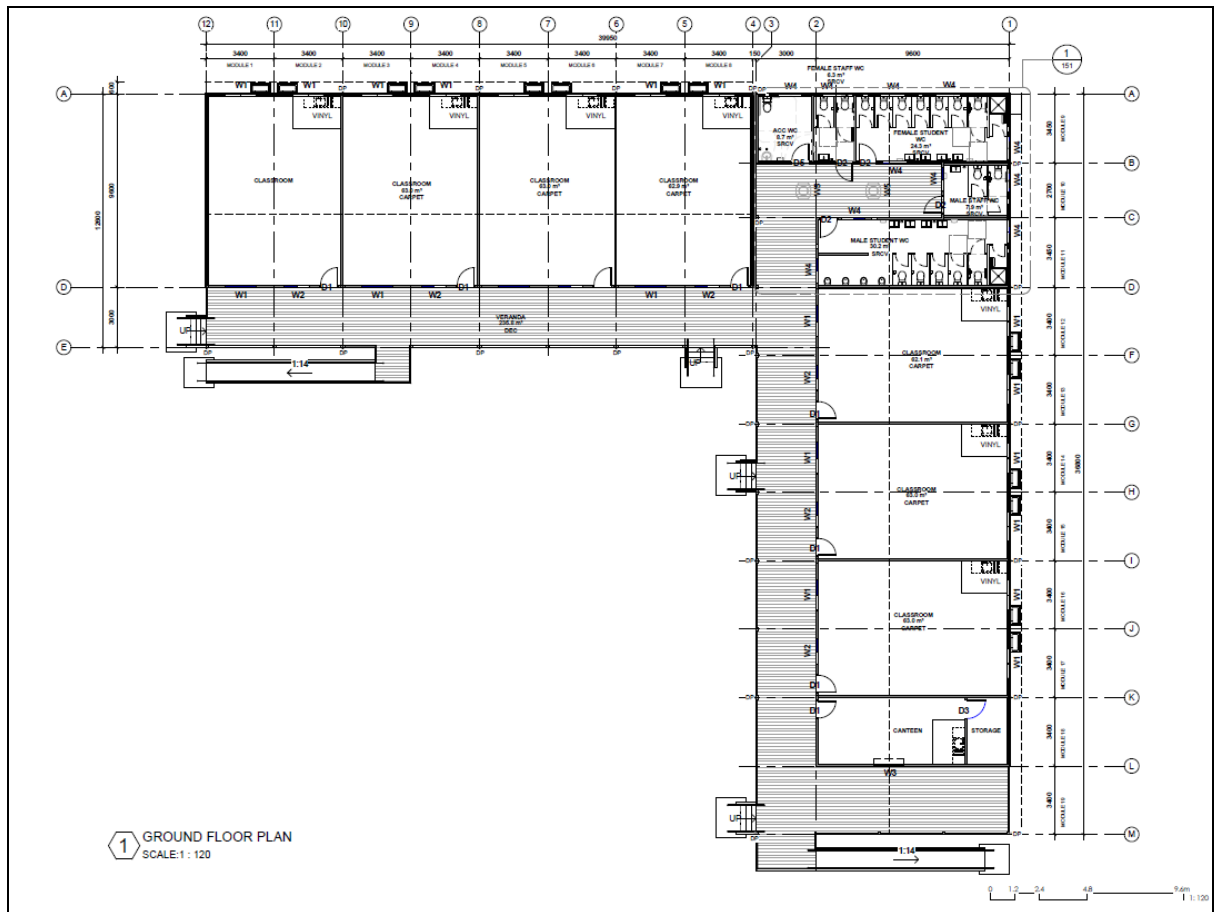


Figure 8: Extract of Floor Plan of proposed Temporary Demountable Buildings

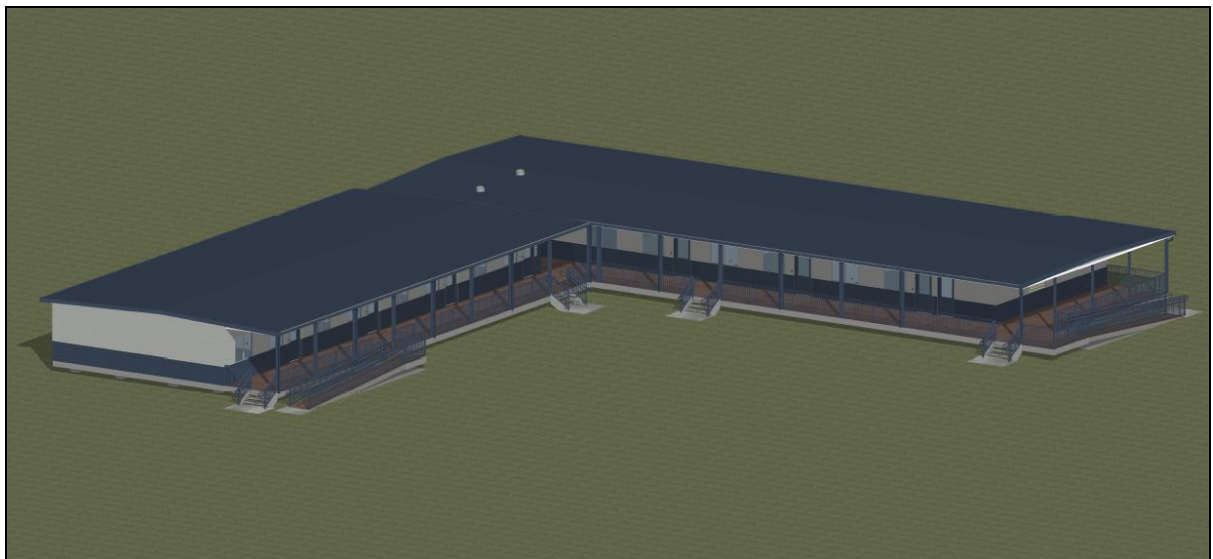


Figure 9: Perspective of Temporary Demountable Buildings

5. STATUTORY CONSIDERATIONS

5.1 Relevant matters for consideration

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

Environmental Planning Instruments (EPI's)

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

Draft Environmental Planning Instruments

- No draft Environmental Planning Instruments apply to the site.

Development Control Plans

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

Contributions Plans

- Developer contributions were originally applied to the development in accordance with Liverpool Contributions Plan 2014 Austral and Leppington North, and have been paid as required by a Condition of Consent prior to the issue of the Construction Certificate
- Special Infrastructure Contribution paid as required by a Condition of Consent prior to the issue of the Construction Certificate.

5.2 Zoning

The site is zoned R2 Low Density Residential pursuant to State Environmental Planning Policy (Sydney Region Growth Centre) 2006 (SEPP Growth Centre 2006) as depicted in Figure 10.

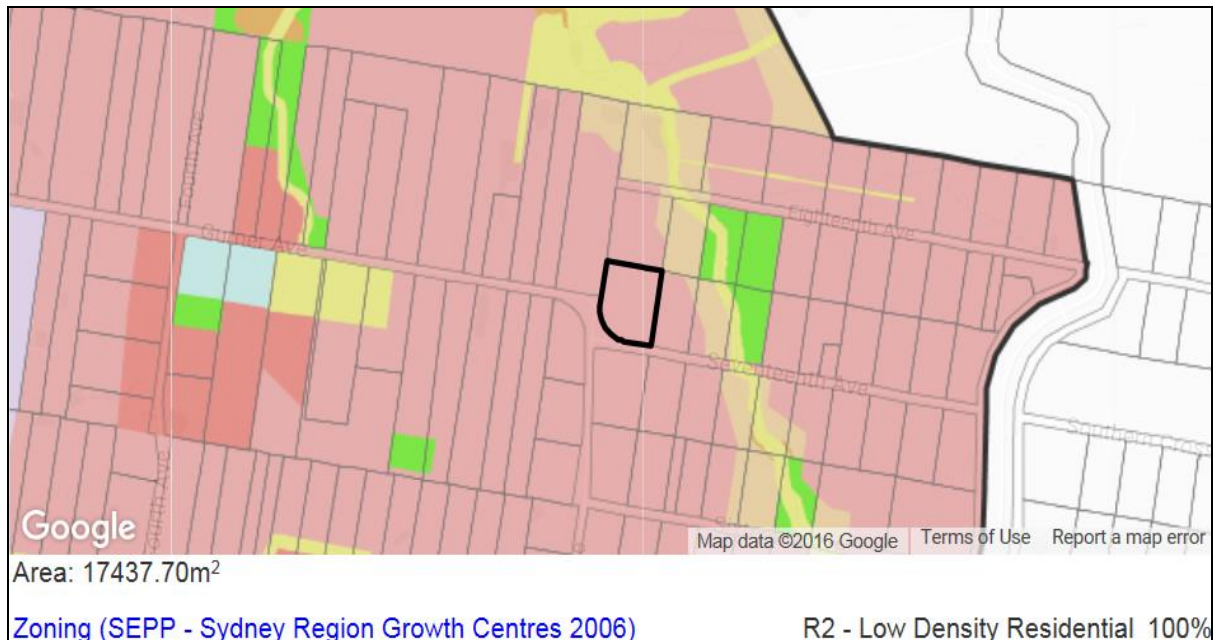


Figure 10: Extract of SEPP (Growth Centre) 2006 zoning map

5.3 Permissibility

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

Educational Establishment is defined by the standard instrument as follows:

educational establishment means a building or place used for education (including teaching), being:

- (a) a school, or
- (b) a tertiary institution, including a university or a TAFE establishment, that provides formal education and is constituted by or under an Act.

6. ASSESSMENT

The development application has been assessed in accordance with the relevant matters of consideration prescribed by Section 4.15 and 4.55 of the Environmental Planning and Assessment Act 1979 and the Environmental Planning and Assessment Regulation 2000, as follows:

6.1 Section 4.55(2) of the Environmental Planning and Assessment Act 1979

(2) Other modifications to which subsections (1) and (1A) do not apply

A consent authority may, on application being made by the applicant or any other person entitled to act on a consent granted by the consent authority and subject to and in accordance with the regulations, modify the consent if:

- (a) *it is satisfied that the development to which the consent as modified relates is substantially the same development as the development for which the consent was originally granted and before that consent as originally granted was modified (if at all), and*

Comment: The proposed modifications result in a development which is considered to be substantially the same development for which consent was originally granted. The proposed changes will not substantially alter the approved built form in the ultimate scenario, and only result in a minor increase in low-scale built form in the interim scenario as the school's cohort grows annually.

The temporary buildings are proposed to be located away from any boundary, in the centre of the site with a single storey skillion roof design such that any additional material impacts to adjoining premises and the streetscape are considered negligible to minor.

Otherwise, the proposed increase of 10 staff members is considered appropriate in improving (reducing) the student to teacher ratio while relying on the surplus of car-spaces servicing the site as originally approved. It is also considered appropriate that the increase in staff numbers shall occur incrementally as the school grows, reaching full operation by the year 2032.

Therefore, the proposal is considered to be substantially the same development as the development for which consent was originally granted.

(b) it has consulted with the relevant Minister, public authority or approval body (within the meaning of Division 5) in respect of a condition imposed as a requirement of a concurrence to the consent or in accordance with the general terms of an approval proposed to be granted by the approval body and that Minister, authority or body has not, within 21 days after being consulted, objected to the modification of that consent, and

Comment: The RMS provided concurrence to the originally approved development, and conditions of consent in relation to the design and installation of 'School Zones'.

The terms under which a consultation with the RMS occurs is stipulated in SEPP (Infrastructure) 2007, whereby in assessing a traffic generating development, Division 17 sets out requirements in relation to roads and traffic.

Pursuant to schedule 3, column 2 of the SEPP (Infrastructure) 2007, an educational establishment with more than 50 students is considered to be traffic generating development.

It is considered that although the proposed modifications will result in 10 additional staff members attending the site (when fully operational) than as approved, the terms under which further RMS consultation would be required are not triggered, as overall student numbers are not proposed to be increased with the modification application.

Therefore, the assessment and conditions of consent provided by the RMS for the originally approved development are still applicable and are not required to be modified.

(c) it has notified the application in accordance with:
(i) the regulations, if the regulations so require, or
(ii) a development control plan, if the consent authority is a council that has made a development control plan that requires the notification or advertising of applications for modification of a development consent, and

Comment: The modification application was notified in accordance with Council's Notification policy for a period of 14 days between 27 May 2020 and 10 June 2020.

(d) it has considered any submissions made concerning the proposed modification within any period prescribed by the regulations or provided by the development control plan, as the case may be

Comment: During the notification period one (1) submission was received, and has been considered as shown further in this report.

(3) In determining an application for modification of a consent under this section, the consent authority must take into consideration such of the matters referred to in section 4.15(1) as are of relevance to the development the subject of the application. The consent authority must also take into consideration the reasons given by the consent authority for the grant of the consent that is sought to be modified.

Comment: The matters referred to in Section 4.15(1) are discussed in the report.

(4) The modification of a development consent in accordance with this section is taken not to be the granting of development consent under this Part, but a reference in this or any other Act to a development consent includes a reference to a development consent as so modified.

Comment: Noted, as the proposal has been lodged in accordance with Section 4.55(2) this proposal is for a modification to an existing consent.

6.2 Section 4.15(1)(a)(i) – Any Environmental Planning Instrument

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

As a modification application to DA-616/2016 which was submitted for assessment prior to 1 September 2017, and given that the modification applies primarily to Stage 1 of DA-616/2016 for which an Occupation Certificate has not been issued, it is considered appropriate and consistent to apply SEPP (Infrastructure) 2007 as originally assessed, in considering the merits of the proposed modifications to the school.

State Environmental Planning Policy (Infrastructure) 2007

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

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

educational establishment means a building or place used for education (including teaching), being:

- (a) a school, or*
- (b) a tertiary institution, including a university or a TAFE establishment, that*

provides formal education and is constituted by or under an Act.

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

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

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

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

It is considered that in proposing the temporary demountable buildings in Stage 1 in the initial years of the school (opening in 2021), that the applicant is not seeking to diminish the design quality initially approved against the aforementioned Educational Establishment standards, and is seeking only to establish the school in a less costly and more time efficient fashion than originally approved, to enable the initial growth of the school. It is noted that the permanent building designs are not proposed to be modified and their design standards will be implemented in the built form of the school prior to Occupation and operation as per existing conditions of consent, and that the temporary buildings shall be in place only from the 2021 to the 2029 schools years, and that these temporary buildings must comply with the relevant standards as issued by the *New South Wales Education Standards Authority (NESA)* to be operational.

Traffic Generation

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

Comment: The proposed modification will not result in an increase to the approved student numbers and as such is not considered to contribute to traffic generation under the terms of this clause, and is not required to obtain any additional approvals from the RMS than those provided for under the original approval.

Electricity Supply

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

(a) give written notice to the electricity supply authority for the area in which the development is to be carried out, inviting comments about potential safety risks, and

(b) take into consideration any response to the notice that is received within 21 days after the notice is given.

Comment: As required by conditions of consent, written evidence has been obtained from Endeavour Energy indicating that power could be provided to the site prior to the issue of a Construction Certificate. This is required to be connected to the proposed temporary buildings as part of Stage 1 development prior to the issue of an Occupation Certificate.

State Environmental Planning Policy (Sydney Region Growth Centre) 2006

(i) Objectives of the zone

As originally assessed, the proposed modification does not cause the merits of the development to become inconsistent with the objectives of the R2 zone.

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

Assessment of the modification application against the applicable provisions is provided below. The proposal generally demonstrates compliance with these provisions.

Clause	Provision	Proposed	Comment
2.7 Demolition	The demolition of a building or work may be carried out only with development consent	Demolition of proposed demountable buildings is proposed in modified Stage 3.	Complies
4.3 Height of Buildings (as per HOB Map)	9m for this site (as shown on the Height of Buildings Map)	The building height of the temporary buildings complies. No changes to the height of buildings approved under the original application.	Complies
5.6 Architectural Roof Features	Provides provisions for allowing the consent authority to consider the exceeding of the prescribed maximum height, where the exceeding elements of buildings are architectural decorative roof elements, that do not include floor areas and cause minimal overshadowing impact	No architectural decorative roof elements proposed with the demountable buildings. No changes to architectural decorative roof elements for each of the three 2-storey buildings originally approved.	Complies

As identified in the compliance table above, the proposed modification complies with the provisions prescribed by SEPP Growth Centre.

Clauses 2.7, 4.1 4.1B, 4.4, 5.1, 5.9, 5.10, 6.1 and 6.3 of LLEP 2008 was assessed and addresses as part of the original consent. The modifications to the proposal do not result in any changes to conclusions made in relation to these provisions.

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

SEPP 55 contains state wide planning controls for the remediation of contaminated land. The policy states that land must not be developed if it is unsuitable for a proposed use

because it is contaminated. If the land is unsuitable, remediation must take place before the land is developed.

Site contamination for the whole site was assessed and addressed as part of the original consent DA-616/2016. During the assessment of DA-616/2016 a Phase 1 Environmental Site Assessment and subsequent Phase 2 Environmental Site Assessment recommended the site be remediated, for which a Remediation Action Plan was approved.

Conditions of consent for DA-616/2016 address this required site remediation as originally provided by Council's Environmental Health Officers, and the addition of the temporary buildings does not cause these conditions to in any way be unachievable. As such, the site remains suitable for the proposal development and existing conditions of consent apply.

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

The original proposal was assessed as being in compliance with REP 20 and conditioned accordingly. The current modification application will not result in any departure from the requirements of REP 20. No additional conditions required to be imposed.

6.3 Section 4.15(1)(a)(ii) - Any Draft Environmental Planning Instrument

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

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

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

The modifications to the proposal generally do not result in changes to any conclusions reached from an assessment of the original proposal with regard to objectives and controls of the Liverpool City Council Growth Centre Precincts Development Control Plan.

The table below provides an assessment of the proposal against the relevant controls of the DCP as they relate to the proposed modifications:

Part 2 Precinct Planning Outcomes		
Development Control	Provision	Comment
2.3.2 Water Cycle Management	This section contains controls relating to stormwater management.	Complies The application was accompanied by Stormwater Engineering Concept Plans. Council's Land Development have reviewed the proposed development and raised no issues subject to conditions of consent.
2.4 Demolition	This section contains controls relating to demolition of buildings	Complies Standard demolition conditions of consent which were previously imposed are also relevant to the demolition of proposed temporary buildings.

Part 4 Development in the Residential Zones		
Part 4.4 Other Development in Residential Areas		
Summary of key controls for Educational Establishments and Places of Worship		
Development Control	Provision	Comment
6. Car parking spaces shall be provided on site in accordance	<u>Required Car space allocation</u>	Complies on merit

<p>with Table 4-11 unless the applicant can demonstrate to the satisfaction of Council that lower rates of parking are reasonable for the particular development.</p> <p>Table 4-11: Car parking requirements for educational establishments</p> <p>Land use Parking requirement</p> <p>Schools</p> <p>1 space per staff member, plus 1 space per 100 students, plus 1 space per 5 students in Yr 12 (based on estimated capacity for year 12 students to be specified in the Development Application).</p> <p>A pick up / drop off facility of sufficient size to accommodate the forecast demand identified through a traffic and parking report. The resultant layout of the facility to be to the satisfaction of Council.</p>	<p>45 spaces for 45 Staff members 8 spaces for 800 students 12 spaces for 60 Year 12 students</p> <p>Required = 65</p> <p><u>Proposed Car space allocation on-site</u></p> <p>35 staff car-spaces 15 visitor and student parking spaces</p> <p>+</p> <p>22 on-street / indented parking bay car-spaces</p> <p>Therefore</p> <p>On-site = 50 On-street = 22</p> <p>Total Proposed = 72</p> <p>The proposal complies on merit and by condition of consent. Although the on-site car-parking provides a deficiency of 15 spaces, the proposed 22 indented on-street parking bays are intended to provide additional parking associated with the school without affecting the circulation of traffic through the locality at peak hours.</p> <p>The provision of indented on-street parking bays is an approach supported by Council for any new schools, and the fact the school is bounded by roads supports this arrangement.</p> <p>Further, a Drop-off / Pick-up facility with 12 spaces is to be retained with the proposed modification. It is considered that the facility is sufficient to accommodate the forecast demand, regardless of the increase in the number of teachers at the site.</p>	
<p>7. For certain uses, the provision of overflow parking may be necessary particularly where such developments incorporate halls used for social gatherings. Overflow parking areas could be provided on open grassed areas and need not be formally sealed or line-marked. Proposed overflow parking areas are to be clearly shown on plans submitted with the Development Application.</p>	<p>Over-flow parking is not required, as in conjunction with the on-street indented parking bays, the proposal provides a surplus of 7 car-spaces.</p>	Complies
<p>8. Development must be designed to minimise the possibility of noise impacts to the occupants of adjoining or neighbouring dwellings.</p>	<p>The school has been designed such that the closest school building is located 8m from the adjoining western boundary site. The subject premises is otherwise entirely surrounded by roads. An Acoustic Report and Noise Management Plan was submitted with the original application which concludes that the operation of</p>	Complies by condition

	<p>the school would not result in “offensive noise” impacting the surrounding community, subject to recommendations.</p> <p>The proposed temporary demountable buildings is located to the centre of the site and is unlikely to require or undermine the conclusion of the previous Acoustic Report and Noise Management Plan. Existing conditions of consent relating to acoustics is considered to be appropriate for the proposed development, as modified.</p>	
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It is considered that the proposal satisfies the provisions of Liverpool Growth Centre Precincts DCP 2014.

6.5 Section 4.15(1)(a)(iiia) - Any Planning Agreement or any Draft Planning Agreement

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

6.6 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 BCA and demolition standards. Appropriate conditions of consent have been imposed on the original application which are also appropriate for the proposed demountable buildings.

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

(a) Natural and Built Environment

Built Environment

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

The proposed modified design is a temporary building solution in scale and within the desired height limit for the locality, provides for logical site location and is setback appropriately to not cause an impact to any streetscape.

Natural Environment

The proposed development is unlikely to cause a detrimental impact to any endangered and non-endangered species of flora and fauna.

(a) Social Impacts and Economic Impacts

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

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

The site is considered to be suitable for the proposed development with no site constraints impacting upon the proposed modified additional building and school operations.

The proposal, as modified, is consistent with the provisions of SEPP SRGC and the Growth Centre DCP as outlined in the report. There are no proposed variations, and overall the development is considered to satisfy the relevant controls for site selection.

6.9 Section 4.15(1)(d) – Any submissions made in relation to the Development

(a) Internal Referrals

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

Internal Department	Status and Comments
Building	No objection, subject to conditions
Land Development Engineering	No objection, subject to conditions

(b) External Referrals

Nil

(c) Community Consultation

The development application was advertised for 14 days between 27 May 2020 and 10 June 2020 in accordance with Liverpool Development Control Plan 2008 (LDCP 2008). One (1) submission was received objecting to the proposed development. The submission raised the following issues:

ISSUES: *Whether there is a need for another Islamic School in the immediate locality, and that Public Schools should be constructed instead, given the current multicultural population within the suburb of Austral.*

Comment: The objection is invalid as it relates to the originally approved use of the land for a school, and not to the proposed modifications. The objector was contacted and the relevant procedures surrounding the approved use and the notification of the proposed modification as required by the Regulations, was explained.

6.10 Section 4.15(1)(e) – The Public Interest

The proposed modification to the development is consistent with the zoning of the land and does not detract from any of reasons originally raised as being in the public's interest.

7 CONCLUSION

In conclusion, the following is noted:

- The modification application has been assessed having regard to the matters of consideration pursuant to Section 4.15 and 4.55 of the Environmental Planning and Assessment Act 1979 and is considered satisfactory.
- The proposed modification maintains compliance with the relevant development standards of the State Environmental Planning Policy (Sydney Region Growth Centres) 2006.
- The proposal remains consistent with the objectives of the R2 – Low Density Residential zone that are applicable to the site under the Growth Centres SEPP 2006
- The proposed modification maintains compliance with the provisions of the Liverpool City Council Growth Centres Precincts DCP.
- The proposed modification maintains an appropriate response to the site's context. The scale and built form is consistent with the desired future character of the area that is envisaged under the SEPP Growth Centres and the DCP.

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

8. ATTACHMENTS

1. Development Consent Conditions for DA-616/2016
2. Recommended Modifications to Conditions of Consent
3. Modified Staged Site Plans
4. Architectural Plans and Details for Temporary Buildings (floor & roof plans / elevations / sections / perspective)
5. Stormwater Drainage Plan
6. Statement of Environmental Effects
7. Plan of Management