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# STATEMENT OF ENVIRONMENTAL EFFECTS

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SECTION 4.55(2) MODIFICATION FOR EDUCATIONAL ESTABLISHMENT

95-105 SEVENTEENTH AVENUE, AUSTRAL





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STATE ENVIRONMENTAL PLANNING POLICY	APPLICABLE	N/A
SEPP No 19 - Bushland in Urban Areas		x
SEPP No 21 - Caravan Parks		x
SEPP No 33 - Hazardous and Offensive Development		x
SEPP No 36 - Manufactured Home Estates		x
SEPP No 47 - Moore Park Showground		x
SEPP No 50 - Canal Estate Development		x
SEPP No 55 - Remediation of Land	✓	
SEPP No 64 - Advertising and Signage		x
SEPP No 65 - Design Quality of Residential Apartment Development		x
SEPP No 70 - Affordable Housing (Revised Schemes)		x
SEPP (Aboriginal Land) 2019		x
SEPP (Affordable Rental Housing) 2009		x
SEPP (Building Sustainability Index: BASIX) 2004		x
SEPP (Coastal Management) 2018		x
SEPP (Concurrences and Consents) 2018		x
SEPP (Educational Establishments and Child Care Facilities) 2017	✓	
SEPP (Exempt and Complying Development Codes) 2008		x
SEPP (Gosford City Centre) 2018		x
SEPP (Housing for Seniors or People with a Disability) 2004		x
SEPP (Infrastructure) 2007	✓	
SEPP (Koala Habitat Protection) 2019		x
SEPP (Kosciuszko National Park - Alpine Resorts) 2007		x
SEPP (Kurnell Peninsula) 1989		x
SEPP (Mining, Petroleum Production and Extractive Industries) 2007		x
SEPP (Penrith Lakes Scheme) 1989		x
SEPP (Primary Production and Rural Development) 2019		x
SEPP (State and Regional Development) 2011	✓	
SEPP (State Significant Precincts) 2005		x
SEPP (Sydney Drinking Water Catchment) 2011		x
SEPP (Sydney Region Growth Centres) 2006	✓	
SEPP (Three Ports) 2013		x
SEPP (Urban Renewal) 2010		x
SEPP (Vegetation in Non-Rural Areas) 2017		x
SEPP (Western Sydney Employment Area) 2009		x
SEPP (Western Sydney Parklands) 2009		x
GMREP No 2 - Georges River Catchment		x
SREP No 20 - Hawkesbury-Nepean River (No 2 - 1997)	✓	
SREP (Sydney Harbour Catchment) 2005		x



# 1 INTRODUCTION

This Statement of Environmental Effects has been prepared to accompany the application to Liverpool City Council that seeks consent for Section 4.55(2) modifications to DA-616/2016 relating to the approved Educational Establishment by proposing an additional stage for the development at 95-105 Seventeenth Avenue, Austral.

The subject site has been approved to be developed as an *Educational Establishment* known as Arrahman College under DA-616/2016 to be operated by Al Mabarat Benevolent Society which is a non-profit organisation that currently caters for over 4,000 orphans across Australia and the Middle East. The organisation is renowned for its community engagement as well as assisting community members in times of need. The organisation currently operates over 20 schools, over 25 orphanage shelters and numerous medical centres overseas. This will be the organisations first school within Australia however the organisation presently operates a range of educational programs, such as language and religion studies as well as their highly successful Scouts program.

DA-616/2016 was approved by the Sydney Western City Planning Panel on 11 December 2017 for the proposed educational establishment (school) over 4 stages providing for 800 kindergarten to Year 12 students and 35 staff, involving the demolition of existing dwellings and structures, removal of trees, bulk earthworks, construction of roads and schools building structures at 95-105 Seventeenth Avenue, Austral.

The application proposes amendments to the school development staging as approved under DA-616/2016 and involves the construction of 7 temporary demountable classroom buildings as part of the proposed development Stage 1 in order to deliver the school as early as possible and to cope with the student growth. Furthermore, the development proposes an increase in the maximum number of staff from the approved 35 to 45 staff at any given time. The above is discussed in detailed in Section 3 of this statement.

Under the provisions of Section 4.55(2) of the *Environmental Planning and Assessment Act 1979* (the Act), the proposed development is substantially the same development as the development for which consent was originally granted. The development achieves the objectives and satisfies the controls prescribed in *State Environmental Planning Policy (Sydney Region Growth Centres) 2006* (the Growth Centres SEPP) and *Liverpool Growth Centre Precincts Development Control Plan* (the DCP).

This Statement should be read in conjunction with the following plans and documents accompanying the application:

- Architectural Plans prepared by A. Chandrahasan Architects;
- Arrahman College Educational Context;
- Arrahman College Estimated Growth Plan;
- Arrahman College Plan of Management;
- Arrahman College Playground Rules; and
- Arrahman College Staff Supervision Guidelines and Procedures.

The DA is not an integrated development and therefore does not require any referrals as part of this application.

The development has a Capital Investment Value of less than \$30 million and the application is not one that requires determination by the Local Planning Panel by Ministerial Direction issued under Section 9.1 of the Act as detailed below:



DEVELOPMENT	TRIGGER
1. Conflict of Interest	N/A
2. Contentious Development	The consideration of submissions cannot be made at the time of preparing this Statement.
3. Departure from Development Standards	The application does not seek consent for a departure from a development standard under <i>State Environmental Planning Policy (Sydney Region Growth Centres) 2006</i> .
4. Sensitive Development	<ul style="list-style-type: none"> <li>(a) The DA is not designated development.</li> <li>(b) The DA does not seek consent for a residential flat building that is 4 or more stories in height.</li> <li>(c) The DA does not seek consent for demolition of a heritage item.</li> <li>(d) The DA is not for a licensed premises.</li> <li>(e) The DA is not for a sex-services premises or restricted premises.</li> <li>(f) The DA does not propose to enter into a planning agreement.</li> </ul>

TABLE 1: LOCAL PLANNING PANEL MINISTERIAL DIRECTION CRITERIA

Accordingly, the Council is the consent authority for the purpose of determining the DA.

This Statement of Environmental Effects undertakes an assessment of the proposal against the requirements and the matters for consideration under Sections 1.7, 4.15, 4.46 and 4.55 of the *Environmental Planning and Assessment Act, 1979* (the Act). The Statement should be read in conjunction with the plans and documents accompanying the application.

## 2 THE SITE AND SURROUNDS

### 2.1 LEGAL DESCRIPTION

The site comprises one land parcel legally described as Lot 10 in Deposited Plan 1227683 and is commonly known as 95-105 Seventeenth Avenue, Austral.

### 2.2 LOCATION

The subject site is a corner lot located on the northern side of Seventeenth Avenue and has a western secondary frontage to the intersection of corner of Craik and Gurner Avenue. The site is irregular in shape with a curved boundary at the front south western corner and has a north-south orientation. The site measures approximately 78 metres along Seventeenth Avenue, approximately 151 metres along eastern boundary, approximately 122 metres along northern rear boundary, approximately 100 metres along the western boundary and approximately 67 metres at the south western curved boundary. The subject site has a total area 17,515m<sup>2</sup>. The location of the subject site is illustrated in Figure 1.

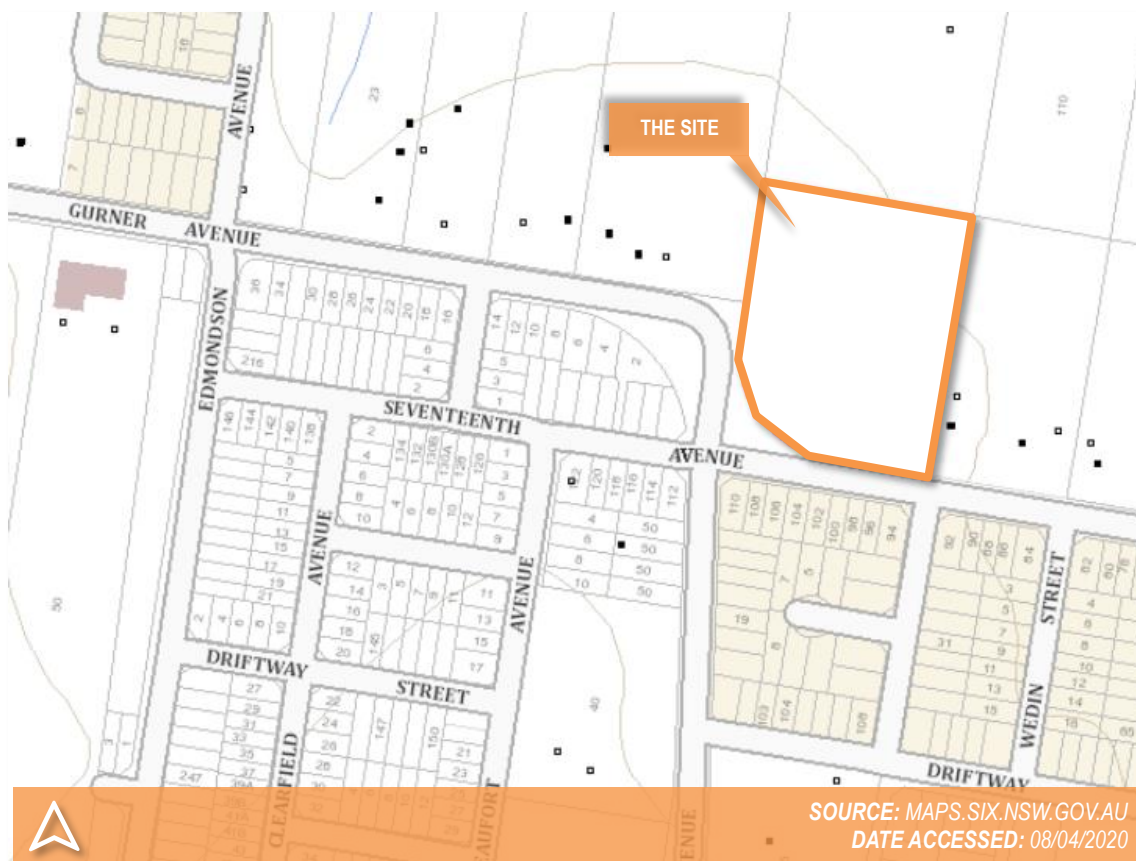


FIGURE 1: LOCATION MAP

## 2.3 EXISTING IMPROVEMENTS

The subject site presently contains two dwellings in the front half of the site - a single storey brick dwelling with attached garage in the south east corner and a two storey brick dwelling with two sheds and a swimming pool located on the south western side of the lot towards the corner of Craik Avenue and Gurner Avenue. The subject site is located within an R2 Low Density Residential zoning as illustrated in Figures 2 to 9.





FIGURE 2: LOCATION MAP



FIGURE 3: VIEW OF THE SITE FROM SEVENTEENTH AVENUE





FIGURE 4: VIEW OF THE SITE FROM SEVENTEENTH AVENUE



FIGURE 5: VIEW OF THE SITE FROM CRAIK AVENUE AND GURNER AVENUE



FIGURE 6: VIEW OF SEVENTEENTH AVENUE LOOKING EAST



FIGURE 7: VIEW OF SEVENTEENTH AVENUE LOOKING WEST





FIGURE 8: VIEW OF CRAIK AVENUE LOOKING NORTH



FIGURE 9: VIEW OF GURNER AVENUE LOOKING WEST



## 2.4 EXISTING VEGETATION

As detailed in DA-616/2016, the rear half of the site contains a cleared paddock. The site is relatively clear of trees with the exception of some gum trees along the western boundary and some palms to the rear of the two storey dwelling with some also bordering the driveway. A number of small trees and shrubs are also located around the single storey dwelling.

## 2.5 TOPOGRAPHY

The site experiences a gradual south west to north east fall of approximately 8.18 metres with the south west corner of the site having an RL of 77.45 and the north east of the site having an RL of 69.27.

## 2.6 SURROUNDS AND CONTEXT

The surrounding land uses immediately adjoining and opposite the site is characterised by residential uses on all sides identified in Figures 10 to 14.

PROPERTY ADDRESS	LOCATION	USE/S	FIGURE NO.
94-110 Seventeenth Avenue	Opposite to South	Single and Double Storey Dwelling Houses	Figure 10
85 Seventeenth Avenue	Adjoining to the East	Approved Low Density Residential Subdivision	Figure 11
Lot 20 Seventeenth Avenue	Opposite to the West	Low Density Residential	Figure 12
2 Gurner Avenue	Opposite to the West	Low Density Residential	Figure 13
120 Eighteenth Avenue	Adjoining to North	Single Storey Dual Occupancy	Figure 14

TABLE 2: SURROUNDING PROPERTIES AND DEVELOPMENT TYPES



FIGURE 10: VIEW OF THE PROPERTIES OPPOSITE TO THE SOUTH AT 94-110 SEVENTEENTH AVENUE





FIGURE 11: VIEW OF THE PROPERTY ADJOINING TO THE EAST AT 85 SEVENTEENTH AVENUE



FIGURE 12: VIEW OF THE PROPERTY OPPOSITE TO THE WEST AT LOT 20 SEVENTEENTH AVENUE



FIGURE 13: VIEW OF THE PROPERTY OPPOSITE TO THE WEST AT 2 GURNER AVENUE





FIGURE 14: VIEW OF THE PROPERTY ADJOINING TO THE NORTH AT 120 EIGHTEENTH AVENUE

## 2.7 PAST USES AND DEVELOPMENT HISTORY

A review of Council's online DA Tracking system has revealed the following past uses and development history at the site:

- DA-212/1986 was approved on 27 May 2002 for the erection of a second dwelling house; and
- DA-616/2016 was approved by the Joint Regional Planning Panel on 12 December 2017 for the proposed educational establishment (school) over 4 stages providing for 800 kindergarten to year 12 students and 35 staff, involving the demolition of existing dwellings and structures, removal of trees, bulk earthworks, construction of roads and school building structures.

## 3 THE SITE AND SURROUNDS

### 3.1 DESCRIPTION

The subject application seeks consent for Section 4.55(2) modifications to DA-616/2016 relating to the approved Educational Establishment by proposing an additional stage for the development at 95-105 Seventeenth Avenue, Austral.

The proposed development is defined as an '*Educational Establishments*' pursuant to the definitions contained in *State Environmental Planning Policy (Sydney Region Growth Centres) 2006*:

“ *Educational Establishments means a building or place used for education (including teaching), being-*  
(a) a school, or  
(b) a tertiary institution, including a university or a TAFE establishment, that provides formal education and is constituted by or under an Act. ”

The subject site is zoned as R2 Low-Density Residential under *State Environmental Planning Policy (Sydney Region Growth Centres) 2006* and development for the purpose of an Educational Establishment is permissible in the R2 Low-Density Residential zone.



## 3.2 DEMOLITION AND EARTHWORKS

No new demolition works are proposed from those approved under DA-616/2016.

## 3.3 PROPOSED WORKS

The application proposes section 4.55(2) modifications to DA-616/2016 by proposing staged development as shown on the accompanying Architectural Plans and which are as follows:

### STAGE 1 (CONSTRUCTION COMPLETION ESTIMATED BY AUGUST 2020)

- Construction of all internal roads and driveways including the pickup and drop off zones as well as the external bus bays;
- Construction of on onsite staff parking;
- Conversion of the existing property into a school administration block; and
- Construction of 7 temporary demountable buildings, a canteen and amenities block.

#### YEAR 2021

- Arrahman College commences operations;
- School open for Kindergarten to Year 2 students;
- Estimated 75 Students (3 classes of 25 students); and
- Estimated 6 Staff (including operations and administration).

#### YEAR 2022

- School open to Year 3 students;
- Estimated additional 25 students (100 students total - 4 classes of 25 students);
- Estimated 8 Staff (including operations and administration);
- Estimated OOSH (Outside School Hours Care) facilities for up to 40 students commences operation; and
- Estimated Construction of Stage 1A commences late 2022.

### STAGE 1A

- Construction of 2-storey Primary Building.

#### YEAR 2023

- School open to Year 4 students;
- Construction of Stage 1A continues and due for completion by the end of the year;
- Estimated additional 50 students (150 students total- 6 classes of 25 students);
- Estimated 11 Staff (including operations and administration); and
- OOSH (Outside School Hours Care) facilities for up to 40 students.

#### YEAR 2024

- School open to Year 5 students;
- Primary School Building Ready for Occupation;
- Estimated additional 75 students (225 students total- 9 classes of 25 students);
- Estimated 15 Staff (including operations and administration); and
- OOSH (Outside School Hours Care) facilities for up to 40 students.

#### YEAR 2025

- School open to Year 6 students;
- Estimated additional 75 students (300 students total- 12 classes of 25 students);
- Estimated 20 Staff (including operations and administration); and
- OOSH (Outside School Hours Care) facilities for up to 40 students.



#### **YEAR 2026**

- High School Operation Commences (Note: Primary School building will include facilities and resources to facilitate the requirements of the Secondary Curriculum);
- Arrahman College is open to Year 7 students;
- Estimated additional 75 students (375 students total- 15 classes of 25 students);
- Estimated 25 Staff (including operations and administration); and
- OOSH (Outside School Hours Care) facilities for up to 40 students.

#### **YEAR 2027**

- School open to Year 8 students;
- Estimated additional 75 students (450 students total- 18 classes of 25 students);
- Estimated 30 Staff (including operations and administration);
- OOSH (Outside School Hours Care) facilities for up to 40 students; and
- Estimated Construction of Stage 2 commences late 2027.

### **STAGE 2**

- Construction of a two-storey Secondary school building.

#### **YEAR 2028**

- School open to Year 9 students;
- Estimated additional 75 students (525 students total- 21 classes of 25 students);
- Estimated 33 Staff (including operations and administration);
- Construction of Stage 2 is complete by the end of the year; and
- OOSH (Outside School Hours Care) facilities for up to 40 students.

#### **YEAR 2029**

- School open to Year 10 students;
- Secondary School Building in Operation;
- Estimated additional 75 students (600 students total- 24 classes of 25 students);
- Estimated 36 Staff (including operations and administration);
- OOSH (Outside School Hours Care) facilities for up to 40 students;
- Estimated Construction of Stage 3 commences late 2029; and
- Demountable buildings are decommissioned in late 2029.

### **STAGE 3**

- Construction of School Assembly and Gymnasium.

#### **YEAR 2030**

- School open to Year 11 students;
- Estimated additional 75 students (675 students total- 27 classes of 25 students);
- Estimated 39 Staff (including operations and administration);
- OOSH (Outside School Hours Care) facilities for up to 40 students;
- Estimated Construction of Stage 3 is complete late 2030; and
- Estimated Construction of Stage 4 commences late 2030.

### **STAGE 4**

- Construction of School Administration Building;
- Construction of internal school walkways; and
- Completion of school internal landscaping.



#### YEAR 2031

- School open to Year 12 students;
- Assembly/ Gymnasium in Operation;
- Estimated additional 75 students (750 students total- 30 classes of 25 students);
- Estimated 42 Staff (including operations and administration);
- OOSH (Outside School Hours Care) facilities for up to 40 students; and
- Construction of Stage 4 due for completion by the end of 2031.

#### YEAR 2032

- New School Administration Building in Operation;
- Estimated additional 50 students (800 students total- 32 classes of 25 students);
- Estimated 45 Staff (including operations and administration);
- OOSH (Outside School Hours Care) facilities for up to 40 students; and
- School reaches the proposed maximum capacity of 800 students.

### 3.4 NUMBER OF STAFF, STUDENTS AND CLASSROOMS

The development proposes a maximum student capacity of 800 students (as approved) and an estimated maximum 45 staff members which includes all teaching staff, operations staff, administration and general support staff.

Table 2 details the maximum number of students, staff and classrooms distributed over the proposed stages:

YEAR	PROJECTED NUMBER OF STUDENTS	PROJECTED NUMBER OF STAFF	PROPOSED NUMBER OF CLASSES (25 STUDENTS/CLASS)
2021	75	6	3
2022	100	8	4
2023	150	11	6
2024	225	15	9
2025	300	20	12
2026	375	25	15
2027	450	30	18
2028	525	33	21
2029	600	36	24
2030	675	39	27
2031	750	42	30
2032	800	45	32

TABLE 3: MAXIMUM STUDENTS, STAFF AND CLASSROOMS



### 3.5 DEVELOPMENT AND BUILT FORM SNAPSHOT

<b>SITE AREA:</b>	17,515m <sup>2</sup>
<b>GROSS FLOOR AREA / FLOOR SPACE RATIO:</b>	<b>TOTAL GFA:</b> 4,880m <sup>2</sup> <b>FSR:</b> 0.27:1
<b>BUILDING HEIGHT:</b>	<b>MAX HEIGHT PROPOSED:</b> 8m
<b>SETBACKS:</b>	No changes proposed to the approved setbacks under DA-616/2016.
<b>CAR PARKING:</b>	No changes are proposed to the car parking spaces as approved under DA-616/2016. The approved car parking spaces include: Staff Parking Spaces – 43 Visitor Parking – 15 Pick up/drop off – 16 Bus Bays - 3
<b>LANDSCAPED AREA:</b>	No changes proposed to the approved landscaping under DA-616/2016.

TABLE 4: DEVELOPMENT AND BUILT FORM SNAPSHOT

### 3.6 HOURS OF OPERATION

DAYS	APPROVED HOURS OF OPERATION	PROPOSED HOURS OF OPERATION
<b>Monday to Friday</b>	7:00am to 6:00pm	7:00am to 6:00pm
<b>Saturday</b>	7:00am to 9:00pm (30 Saturdays per Calendar Year)	7:00am to 9:00pm (30 Saturdays per Calendar Year)
<b>Sunday</b>	7:00am to 7:00pm (30 Sundays per Calendar Year)	7:00am to 9:00pm (30 Sundays per Calendar Year)

TABLE 5: HOURS OF OPERATION

The proposed extended hours are primarily to allow for preparation classes for students in Years 3, 5, 7 and 9 for the National Assessment Program - Literacy and Numeracy (NAPLAN) and students in Year 12 for the Higher School Certificate. The proposed hours are considered reasonable for operating within the residential area and are similar to other non-residential uses within the surrounding area.

### 3.7 PEDESTRIAN ACCESS

Pedestrian access and thoroughfare areas are proposed throughout the site. Ample pedestrian access is provided for public to admin, staff to admin and schools, public from bus/ drop off to facilities and for people with disabilities.

### 3.8 VEHICULAR ACCESS AND CARPARKING

No changes are proposed to the vehicular access as approved under DA-616/2016. The development provides 58 off street car parking spaces for staff and visitors including 2 disabled car parking spaces, 16 parking bays for pick up/drop off including 1 disabled car parking space and 3 bus parking bays.





### 3.9 WASTE MANAGEMENT

No modifications are proposed to the waste management arrangements as approved under DA-616/2016.

### 3.10 LANDSCAPE AND DEEP SOIL

No changes proposed to the landscaping and deep soil area approved under DA-616/2016.

## 4 PLANNING FRAMEWORK

The *Environmental Planning and Assessment Act, 1979* (the Act) prescribes the following matters that have been taken into consideration in the assessment of the subject application, as detailed under the respective headings below:

- Section 1.7 - Application of Part 7 of Biodiversity Conservation Act 2016 and Part 7A of Fisheries Management Act 1994.
- Section 4.15 - Evaluation:
  - Section 4.15(1)(a)(i) - The provisions of any Environmental Planning Instrument;
  - Section 4.15(1)(a)(ii) - The provisions of any exhibited Draft Environmental Planning Instruments;
  - Section 4.15(1)(a)(iii) - The provisions of any Development Control Plan;
  - Section 4.15(1)(a)(iiia) - The provisions of any Planning Agreement entered into under s7.4 or proposed Planning Agreement;
  - Section 4.15(1)(a)(iv) - The provisions of the Regulations;
  - Section 4.15(1)(a)(v) - Any Coastal Zone Management Plan;
  - Section 4.15(1)(b) - The likely environmental impacts on both the natural and built environments, and social and economic impacts of the development;
  - Section 4.15(1)(c) - The suitability of the site for the development;
  - Section 4.15(1)(d) - Any submissions made in accordance with the Act or the regulations; and
  - Section 4.15(1)(e) - The public interest.
- Section 4.46 - Integrated Development; and
- Section 4.55(2) - Modification of Consents.

## 5 SECTION 1.7 EVALUATION EP&A ACT, 1979

Section 1.7 of the Act prescribes matters for consideration in determining whether a development is likely to have a significant effect on threatened species, populations or ecological communities, or their habitats. The relevant provisions from the Act are discussed below.

### 5.1 BIODIVERSITY CONVERSATION ACT, 2016

The development is not *likely to significantly affect threatened species* as required to be considered under Part 7 of the *Biodiversity Conservation Act, 2016*.

### 5.2 FISHERIES MANAGEMENT ACT, 1994

The development is not *likely to significantly affect threatened species, population or ecological community* as required to be considered under Part 7A of the *Fisheries Management Act, 1994*.



## 6 SECTION 4.15 EVALUATION EP&A ACT, 1979

### 6.1 SECTION 4.15(1)(A) OF THE EP&A ACT, 1979

#### (i) SECTION 4.15(1)(A)(I)

##### THE PROVISIONS OF ANY ENVIRONMENTAL PLANNING INSTRUMENT

The following environmental planning instruments are applicable to this development:

- State Environmental Planning Policy No. 55 - Remediation of Land;
- State Environmental Planning Policy (Educational Establishments & Child Care Facilities) 2017;
- State Environmental Planning Policy (Sydney Region Growth Centres) 2006;
- State Environmental Planning Policy (Infrastructure) 2007;
- State Environmental Planning Policy (State & Regional Development) 2011; and
- Sydney Regional Environmental Plan No. 20 - Hawkesbury-Nepean River.

#### STATE ENVIRONMENTAL PLANNING POLICY NO. 55 - REMEDIATION OF LAND

*State Environmental Planning Policy No. 55 - Remediation of Land* (SEPP 55) contains 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.

This matter was appropriately addressed under DA-616/2016.

#### SEPP (EDUCATIONAL ESTABLISHMENTS AND CHILD CARE FACILITIES) 2017

*State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017* (the Education SEPP) aims to facilitate the effective delivery of educational establishments and early education and care facilities across the State and applies to existing and proposed educational establishments across the State. The provisions relating to educational establishments are addressed below:

SEPP (EDUCATIONAL ESTABLISHMENTS AND CHILD CARE FACILITIES) 2017			
CL	REQUIREMENT	PROPOSED	✓/✗
<b>PART 4: SCHOOLS - SPECIFIC DEVELOPMENT CONTROLS</b>			
33	<b>Definition of "prescribed zone"</b>	The site is zoned R2 Low Density Residential zone which is a prescribed zone.	✓
34	<b>Development for the purpose of student accommodation</b>	Not applicable.	N/A
35	<b>Schools - development permitted with consent</b>	Pursuant to Clause 35(1), development for the purpose of a school is permissible with development consent on the land as it is in a prescribed zone. The proposed amendments to the development staging as approved under DA-616/2016 are permitted subject to consent from the Council.  Pursuant to Clause 35(9), the provisions of the development control plan have no effect for this DA. Notwithstanding this, the DCP has been used as a guideline for the purpose of a merit-based assessment of the subject application.	✓

#### LEGEND:

- ✓ COMPLIES
- ✗ DOES NOT COMPLY
- S SATISFACTORY



SEPP (EDUCATIONAL ESTABLISHMENTS AND CHILD CARE FACILITIES) 2017			
CL	REQUIREMENT	PROPOSED	✓/✗
35 (6)	<b>Design Quality Principles</b>	The proposal seeks the amendment to the approved development staging as approved under DA-616/2016. An assessment against each of the design quality principles is provided below.	✓
SCH 4	<b>Principle 1 Context, Built Form and Landscape</b>	The modifications include construction of 7 temporary demountable classroom buildings as part of the amended development Stage 1 as discussed in Section 3.3 of this statement to cope with the growth in student numbers over the years (Section 3.4). The proposed demountable classrooms would be removed as part of the proposed development Stage 3 and once permanent buildings are constructed. Overall, the proposed modifications will not alter the final built form as approved DA-616/2016.  The proposal does not seek modifications to the landscape and deep soil area approved under DA-616/2016.	✓
SCH 4	<b>Principle 2 Sustainable, Efficient and Durable</b>	The modifications include construction of 7 temporary demountable classroom buildings as part of the amended development Stage 1 as discussed in Section 3.3 of this statement. The proposed demountable classrooms would be removed as part of the proposed development Stage 3 and once permanent buildings are constructed. The proposed amendments will allow the school to be durable, resilient and adaptable, enabling it to evolve over time to meet future requirements.	✓
SCH 4	<b>Principle 3 Accessible and Inclusive</b>	The approved development included a welcoming, accessible and inclusive school establishment and no changes are proposed in this regard. All structures, be they temporary or permanent, will be accessible and inclusive for all students and teachers. The classrooms will be modular style buildings that will provide suitable access and inclusion for students and teachers.	✓
SCH 4	<b>Principle 4 Health and Safety</b>	The proposed temporary classrooms will be modular style buildings that will provide suitable health and safety for students and teachers.	✓
SCH 4	<b>Principle 5 Amenity</b>	The proposed modifications include construction of 7 temporary demountable classroom buildings as part of the amended development Stage 1 as shown on the accompanying Architectural Plans. The proposed demountable buildings will provide a wider range of educational, informal and community activities. The classrooms will be modular style buildings that will provide appropriate amenity for students and teachers. The structures are similar to temporary modular classroom buildings used at other educational establishments.	✓
SCH 4	<b>Principle 6 Whole of Life, Flexible and Adaptive</b>	The proposed modification will allow the school to adapt to future needs and take a whole-of-life-cycle approach. The proposed staging has been underpinned by an Architectural Design Statement prepared by Chandrahasan Architects and allows the school to commence early operations quicker than if permanent structures were to be constructed at Stage 1.  As mentioned earlier, the temporary structures will be removed at Stage 3, once permanent structures are constructed on the site.  This allows for a better whole of life cycle for the school and better flexibility and adaptability for the school.	✓

LEGEND:  
 ✓ COMPLIES  
 ✗ DOES NOT COMPLY  
 S SATISFACTORY



SEPP (EDUCATIONAL ESTABLISHMENTS AND CHILD CARE FACILITIES) 2017			
CL	REQUIREMENT	PROPOSED	✓/✗
SCH 4	<b>Principle 7 Aesthetics</b>	The application does not involve modifications to the final built form approved under DA-616/2016. However, the proposed modifications include construction of 7 temporary demountable classroom buildings as part of the amended development Stage 1 as shown on the accompanying Architectural Plans. The proposed structures will be removed as part of the proposed development Stage 3 and the overall built form will respond to the existing and future context of the locality and have a positive impact on the quality and sense of identity of the neighbourhood.	✓

TABLE 6: SEPP (EDUCATIONAL ESTABLISHMENTS) 2017 COMPLIANCE TABLE

## STATE ENVIRONMENTAL PLANNING POLICY (SYDNEY REGION GROWTH CENTRES) 2006

*State Environmental Planning Policy (Sydney Region Growth Centres) 2006* (LEP) is the principal environmental planning instrument that applies to the land and contains all the applicable development standards for the development of the subject site. An assessment pursuant to the applicable sections of the LEP is provided in Table 5:

STATE ENVIRONMENTAL PLANNING POLICY (SYDNEY REGION GROWTH CENTRES) 2006			
CL	REQUIREMENT	PROPOSED	✓/✗
<b>PART 2 - PERMITTED OR PROHIBITED DEVELOPMENT</b>			
2.2	Zoning of Land	The subject site is zoned as R2 Low Density Residential.	✓
2.3	Zone objectives and Land Use Table	<b>ZONE OBJECTIVES:</b> The educational establishment, as proposed to be modified, will continue to meet the objectives of the zone as discussed under DA-616/2016 by providing a school that will provide a valuable service to meet the day to day needs of the residents. <b>LAND USE TABLE:</b> "Educational establishments" are permissible with consent in the zone, pursuant to the Education SEPP.	✓
2.5	Additional permitted uses for particular land	The site is not afforded with additional permitted uses in Schedule 1 of the LEP.	✓
2.6	Subdivision	The modification application does not seek consent for the subdivision of the existing lot of land.	✓
2.7	Demolition requires development consent	The modification application does not seek consent for any demolition work apart from that approved under DA-616/2016.	✓
<b>PART 4 - PRINCIPAL DEVELOPMENT STANDARDS</b>			
4.3	Height of Buildings	<b>STANDARD:</b> 9 metres <b>PROPOSED:</b> The proposed works in this application will not change the building height of any buildings approved under DA-616/2016. The proposed temporary structures will be single storey in height and will not exceed the maximum height control.	✓

**LEGEND:**  
 ✓ COMPLIES  
 ✗ DOES NOT COMPLY  
 S SATISFACTORY



STATE ENVIRONMENTAL PLANNING POLICY (SYDNEY REGION GROWTH CENTRES) 2006			
CL	REQUIREMENT	PROPOSED	✓/✗
4.4	Floor Space Ratio	<b>STANDARD:</b> Not prescribed <b>PROPOSED:</b> No changes are proposed to the GFA of the buildings approved under DA-616/2016.	✓
4.5	Calculation of floor space ratio and site area	This matter was appropriately discussed under DA-616/2016.	✓
4.6	Exceptions to development standards	The application does not propose any variations to the development standards pursuant to Clause 4.6.	✓
<b>PART 5 - MISCELLANEOUS PROVISIONS</b>			
5.1	Relevant acquisition authority	The site is not mapped as being reserved for acquisition on the <i>Land Reserved for Acquisition Map</i> .	✓
5.3	Development near zone boundaries	The development is permissible and so the application does not rely on the provisions of this Clause.	✓
5.4	Controls relating to miscellaneous permissible uses	The proposed development is not for any of the development types listed in this Clause.	✓
5.7	Development below mean high water mark	The site is not situated below the mean high water mark.	✓
5.10	Heritage Conservation Heritage Item: ✗ Conservation Area: ✗ In vicinity of item or area: ✗ Archaeological Site: ✓ Aboriginal Heritage: ✗	The site is not identified as a heritage item nor located in any Heritage Conservation Area or within proximity to any heritage items or Heritage Conservation Areas. As discussed under DA-616/2016, the north-eastern corner of the site is identified as having moderate archaeological potential and accordingly, an Aboriginal Archaeological due diligence assessment was undertaken by Kayandel Archaeological Services which concluded that an Aboriginal Heritage Impact Permit is not required and no further assessment is necessary.	✓
5.11	Bush fire hazard reduction	The subject site is not identified as a Bushfire prone land.	✓
<b>PART 6 - ADDITIONAL LOCAL PROVISIONS</b>			
6.1	Acid Sulfate Soils	The subject site is not mapped as being affected by Acid Sulfate soils.	✓
6.2	Earthworks	This matter was appropriately discussed under DA-616/2016.	✓
6.3	Flood Planning	The subject site is not affected by Flooding.	✓
6.4	Floodplain management risk	The subject site is not affected by Flooding.	✓
6.5	Terrestrial biodiversity	The land is not mapped as terrestrial biodiversity.	✓
6.6	Riparian land and watercourses	The land is not mapped as riparian land or containing a watercourse.	✓
6.7	Landslide risk	The land is not mapped as landslide risk.	✓
6.9	Essential services	This matter was appropriately discussed under DA-616/2016.	✓

TABLE 7: SEPP (SYDNEY REGION GROWTH CENTRES) 2006 COMPLIANCE TABLE

LEGEND:  
 ✓ COMPLIES  
 ✗ DOES NOT COMPLY  
 S SATISFACTORY





## STATE ENVIRONMENTAL PLANNING POLICY (INFRASTRUCTURE) 2007

### PART 3 - DIVISION 5 - ELECTRICITY TRANSMISSION OR DISTRIBUTION

#### CLAUSE 45: DETERMINATION OF DEVELOPMENT APPLICATIONS - OTHER DEVELOPMENT

Clause 45 of *State Environmental Planning Policy (Infrastructure) 2007* (the Infrastructure SEPP) identifies triggers which require the local electricity supply authority to be given written notice of a DA or Modification Application. In this regard:

- The proposal does not include any new penetration of ground within 2 metres of any known underground electricity power line or an electricity distribution pole or within 10 metres of any part of an electricity tower;
- The proposal is not located within or immediately adjacent to any existing easement for electricity purposes or electricity substation and is not within 5 metres of an exposed overhead electricity power line;
- The proposal does not include the construction of a swimming pool; and
- The proposal does not necessitate or propose the placement of power lines underground.

Accordingly, the proposal does not trigger any of the requirements for the local electricity supply authority to be given written notice of the subject application.

### PART 3 - DIVISION 15 - RAILWAYS

#### CLAUSE 85: DEVELOPMENT IMMEDIATELY ADJACENT TO RAIL CORRIDORS

#### CLAUSE 86: EXCAVATION IN, ABOVE OR ADJACENT TO RAIL CORRIDORS

#### CLAUSE 87: IMPACT OF RAIL NOISE OR VIBRATION ON NON-RAIL DEVELOPMENT

The development is not on land that is in or immediately adjacent to a rail corridor and the site is not land within or above a rail corridor, within 25 metres of a rail corridor or within 25 metres of the ground directly above an underground rail corridor and therefore Clauses 85, 86 and 87 of the Infrastructure SEPP do not apply to the subject DA.

### PART 3 - DIVISION 17 - ROADS AND TRAFFIC

#### CLAUSE 101(2): DEVELOPMENT WITH FRONTAGE TO CLASSIFIED ROAD

The subject site has a frontage to Seventeenth Avenue, Austral and a secondary frontage to Craik Avenue and Gurner Avenue, Austral which are not identified in the NSW RMS *Schedule of Classified Roads and Unclassified Regional Roads* publication (April 2017) as a Classified Road. Accordingly, the provisions of Clause 101 of the Infrastructure SEPP do not apply to the subject application.

#### CLAUSE 102: DEVELOPMENT IN OR ADJACENT TO ROAD CORRIDORS

The site is located adjacent to the Seventeenth Avenue, Austral and Craik Avenue and Gurner Avenue, Austral road corridor. Based on the most recent Annual Average Daily Traffic (AADT) data published by the NSW RMS, the roads did not have a recorded AADT and given the characteristics of the road, is not expected to carry over 20,000 vehicles. Accordingly, the provisions of Clause 101(2) of the Infrastructure SEPP have been met under Clause 101(2)(a).

#### CLAUSE 104: TRAFFIC GENERATING DEVELOPMENT

The proposed modified development is not a traffic generating development as it is not development specified in Column 1 of the Table to Schedule 3 of the Infrastructure SEPP.



## STATE ENVIRONMENTAL PLANNING POLICY (STATE & REGIONAL DEVELOPMENT) 2011

Part 4 and Schedule 7 of *State Environmental Planning Policy (State and Regional Development) 2011* (the State and Regional Development SEPP) specifies development that is regionally significant development. Pursuant to Schedule 7 of the State and Regional Development SEPP, the development is General Development and is not categorised as a *regionally significant development* as it is development that has a capital investment value of less than \$30 million.

Accordingly, Liverpool City Council is the consent authority for the subject DA pursuant to Clause 4.5(d) of the State and Regional Development SEPP.

## SYDNEY REGIONAL ENVIRONMENTAL PLAN NO. 20 - HAWKESBURY-NEPEAN RIVER

The *Sydney Regional Environmental Plan No. 20 - Hawkesbury-Nepean River* (SREP 20) is a Deemed SEPP that aims “to protect the environment of the Hawkesbury-Nepean River system by ensuring that the impacts of future land uses are considered in a regional context”. The plan establishes the framework within which local, State and Federal agencies will consult so that there is a consistent approach to planning and development within the catchment.

### CLAUSE 2: APPLICATION

Pursuant to Clause 2, the subject site is located within the Liverpool City Local Government Area to which the provisions of the SEPP apply.

### PART 2: GENERAL PLANNING CONSIDERATIONS, SPECIFIC PLANNING POLICIES AND RECOMMENDED STRATEGIES

### PART 3: DEVELOPMENT CONTROLS

### PART 4: MISCELLANEOUS

The development involves modifications to the works approved under DA-616/2016.. The proposed modifications are not considered to pose any potential impact on the Hawkesbury-Nepean River system.

#### (ii) SECTION 4.15(1)(A)(II)

##### THE PROVISIONS OF ANY EXHIBITED DRAFT ENVIRONMENTAL PLANNING INSTRUMENTS

At the time of writing this Statement, there were no known relevant Draft Environmental Planning Instruments applicable to the land.

#### (iii) SECTION 4.15(1)(A)(III)

##### THE PROVISIONS OF ANY DEVELOPMENT CONTROL PLAN

### LIVERPOOL GROWTH CENTRE PRECINCTS DEVELOPMENT CONTROL PLAN

*Liverpool Growth Centre Precincts Development Control Plan* (the DCP) is the only development control plan applicable to this development and contains objectives and development controls for development within the Austral Growth Centre. An assessment of the development against the applicable and relevant provisions of the DCP is provided in table below:



LIVERPOOL GROWTH CENTRE PRECINCTS DEVELOPMENT CONTROL PLAN			
REF	CONTROL	DISCUSSION	✓/✗
<b>2.0 - PRECINCT PLANNING OUTCOMES</b>			
<b>2.2</b>	<b>The Indicative Layout Plan</b>		
<b>2.2</b>	The Indicative Layout Plan	The development proposes modifications to the development of an educational establishment (school) on the subject site approved under DA-616/2016. The modified proposal remains consistent with the ILP.	✓
<b>2.3</b>	<b>Site Analysis</b>		
<b>2.3.1</b>	Flooding	The subject site is not affected by flooding.	✓
<b>2.3.2</b>	Water Cycle Management	This matter was appropriately addressed as part of DA-616/2016.	✓
<b>2.3.3</b>	Salinity and Soil Management	This matter was appropriately addressed as part of DA-616/2016 for the entire site. The development proposes earthworks ancillary to the proposed 7 temporary demountable classroom buildings as part of the amended development Stage 1. The earthworks are limited to footings for the structures and associated stormwater draining/utility connections.	✓
<b>2.3.4</b>	Aboriginal and European Heritage	<p><b>EUROPEAN HERITAGE:</b></p> <p>The site is not identified as a heritage item nor located in any Heritage Conservation Area or within proximity to any heritage items or Heritage Conservation Areas.</p> <p><b>ABORIGINAL HERITAGE:</b></p> <p>The site is not identified as having High Archaeological Sensitivity on the Aboriginal Cultural Heritage Map. As discussed under DA-616/2016, the north-eastern corner of the site is identified as having moderate archaeological potential and accordingly, an Aboriginal Archaeological due diligence assessment was undertaken by Kayandel Archaeological Services which concluded that an Aboriginal Heritage Impact Permit is not required and no further assessment is necessary.</p>	✓
<b>2.3.5</b>	Native Vegetation and Ecology	This matter was appropriately addressed as part of DA-616/2016.	✓
<b>2.3.6</b>	Bushfire Hazard Management	The site is not identified as Bushfire Prone Land, or being land that is affected by a 10 metre Asset Protection Zone and Vegetation Buffer. This matter was appropriately addressed as part of DA-616/2016.	✓
<b>2.3.7</b>	Site Contamination	This matter was appropriately addressed as part of DA-616/2016.	✓
<b>2.3.8</b>	Development on and adjacent to electricity and gas easements	The site is not affected by any electricity or gas easements and is not adjoined by land containing future electricity or gas easements as previously addressed under DA-616/2016.	✓

**LEGEND:**

- ✓ COMPLIES
- ✗ DOES NOT COMPLY
- S SATISFACTORY



LIVERPOOL GROWTH CENTRE PRECINCTS DEVELOPMENT CONTROL PLAN			
REF	CONTROL	DISCUSSION	✓/✗
2.3.9	Noise	The site is not located adjacent to any railway line, arterial road, sub-arterial road, transit boulevard or other road with traffic volumes predicted to exceed (or currently exceeding) 6,000 vehicles per day and is not located adjacent to any industrial or employment area. An Acoustic Assessment report prepared by Rodney Stevens Acoustic was provided as part of DA-616/2016 which concluded that the school is capable of satisfying the necessary regulatory requirements the school does not appear to constitute a serious threat to the acoustical amenity of the surrounding residential community and cannot be realistically defined as “offensive noise” provided that the following recommendations of the report are incorporated into the design and operation of the school.	✓
2.3.10	Odour Assessment and Control	The site is not adjoined by any land that is currently used for rural purposes or odour generating land use and is not within a 500-metre radius of any poultry sheds as previously addressed under DA-616/2016.	✓
2.3.11	Air Quality	The proposed development will not result in any adverse air emission impacts or create any adverse impacts on the air quality to surrounding residents and the public domain.	✓
2.4	Demolition	No new demolition works are proposed from those approved under DA-616/2016.	✓
2.5	CPTED	The matter was appropriately addressed under DA-616/2016. The proposed modifications propose 7 temporary demountable classroom buildings as part of the amended development Stage 1 which has been designed in accordance with the CPTED principles in order to ensure that the structures provide security for students, teachers and visitors and will not contribute to the provision of any increased opportunity for criminal or anti-social behaviour to occur.	✓
2.6	Earthworks	This matter was appropriately addressed as part of DA-616/2016. The development proposes earthworks ancillary to the proposed 7 temporary demountable classroom buildings as part of the amended development Stage 1. The earthworks are limited to footings for the structures and associated stormwater draining/utility connections.	✓
<b>4.0 - OTHER DEVELOPMENT IN RESIDENTIAL AREAS</b>			
4.4.1	<b>General Requirements</b>		
4.4.1.1	Site Analysis	A Site Analysis Plan prepared by A. Chandrahasan Architects accompanies the application under a separate cover.	✓

**LEGEND:**

- ✓ COMPLIES
- ✗ DOES NOT COMPLY
- S SATISFACTORY



LIVERPOOL GROWTH CENTRE PRECINCTS DEVELOPMENT CONTROL PLAN			
REF	CONTROL	DISCUSSION	✓/✗
4.4.1.2	Except as provided for in the specific controls below, non-residential development on residential zoned land is to be located on allotments that have a frontage width of greater than 15 metres.	As addressed under DA-616/2016 the subject site has a frontage of 59.97m to Seventeenth Avenue.	✓
4.4.1.3	Non-residential development on residential zoned land is to comply with the requirements of Clauses 4.1.2 to 4.1.4 and Clauses 4.2.9 and 4.2.10 of this DCP in relation to residential amenity and sustainable building design.	The matter was appropriately addressed under DA-616/2016.	✓
4.4.1.4	Setbacks	The matter was appropriately addressed under DA-616/2016. The modifications propose 7 temporary demountable classroom buildings as part of the amended development Stage 1 and provides sufficient setbacks to the site boundaries to satisfy Council's controls as shown on the Architectural Plans prepared by A. Chandrahasan Architects accompanying the application under a separate cover.	✓
4.4.1.5	Non-residential development is not permitted on battle-axe allotments.	The subject site is not a battle-axe allotment.	✓
4.4.1.6	The maximum site coverage of buildings is 60% of the total site area.	The matter was appropriately addressed under DA-616/2016. The maximum site coverage of all the buildings on the site would be 50.87% as shown on the Architectural Plans prepared by A. Chandrahasan Architects accompanying the application under a separate cover.	✓
4.4.1.7	The minimum landscaped area for non-residential development is 20% of the total site area of the allotment.	No changes are proposed to the landscape areas as approved under DA-616/2016.	✓
4.4.1.8	Provision of car parking for non-residential uses will be assessed by Council on an individual basis, and with reference to standards that apply elsewhere in the Local Government Area, that may establish relevant parking requirements, but must be sufficient to meet demand generated by staff and visitors.	The matter was appropriately addressed under DA-616/2016. The proposed development has been designed to comply with the parking rate stipulated in this DCP. The development provides 58 off street car parking spaces for staff and visitors including 2 disabled car parking spaces, 16 parking bays for pick up/drop off including 1 disabled car parking space and 3 bus parking bays.	✓
4.4.1.9	Non-residential use as part of a dwelling.	The clause is not applicable to the development proposed.	✓
4.4.1.10	Where there is an inconsistency between the general requirements of this clause and the specific controls in clauses 4.4.3 to 4.4.6 the specific controls prevail.	The clause is not applicable to the development proposed.	✓
4.4.1.11	Various Controls	The matter was appropriately addressed under DA-616/2016.	✓

LEGEND:

- ✓ COMPLIES
- ✗ DOES NOT COMPLY
- S SATISFACTORY





LIVERPOOL GROWTH CENTRE PRECINCTS DEVELOPMENT CONTROL PLAN			
REF	CONTROL	DISCUSSION	✓/✗
4.4.1.12	Non-residential development in residential zones should be similar in bulk, scale, height and siting to the surrounding buildings.	The matter was appropriately addressed under DA-616/2016. No changes are proposed to the overall built form as approved under DA-616/2016. All proposed temporary structures are single storey in height and will be commensurate with the bulk, scale, height and siting of surrounding development.	✓
4.4.1.13	Finishes, materials, paving and landscaping are to be consistent with those of surrounding residential development.	The matter was appropriately addressed under DA-616/2016.	✓
4.4.1.14	Storage of materials and equipment is to be contained within internal storage areas or outdoor storage areas that are suitably screened, fenced and landscaped.	All proposed outdoor storage areas will be suitably screened, fenced and landscaped to ensure they don't create any visual impact to the adjoining neighbours of the public domain.	✓
<b>4.4.4 - EDUCATIONAL ESTABLISHMENTS AND PLACES OF WORSHIP</b>			
4.4.4.2	Places of public worship and educational establishments are preferably to be located on land with frontage to a collector road. Corner sites are preferred.	The matter was appropriately addressed under DA-616/2016.	✓
4.4.4.3	Various Controls	The matter was appropriately addressed under DA-616/2016. The development proposes modifications to the approved hours of operations as mentioned in Table 5 of this statement. The proposed extended hours are primarily to allow for preparation classes for students in Years 3, 5, 7 and 9 for the National Assessment Program - Literacy and Numeracy (NAPLAN) and students in Year 12 for the Higher School Certificate. The proposed hours are considered reasonable for operating within the residential area and are similar to other non-residential uses within the surrounding area.	✓
4.4.4.4	Traffic Report	A Traffic Impact Assessment prepared by Express Traffic Engineering Solutions was provided as part of DA-616/2016. No changes are proposed to the approved traffic arrangements on the site.	✓
4.4.4.5	Landscape Plan	No changes are proposed to the landscaped area as approved under DA-616/2016. No changes are proposed to the approved landscaping of the site.	✓
4.4.4.6	Car Parking Space	No changes are proposed to the vehicular access as approved under DA-616/2016. The development provides 58 off street car parking spaces for staff and visitors including 2 disabled car parking spaces, 16 parking bays for pick up/drop off including 1 disabled car parking space and 3 bus parking bays.	✓
4.4.4.7	Overflow Parking	The matter was appropriately addressed under DA-616/2016.	✓

**LEGEND:**

- ✓ COMPLIES
- ✗ DOES NOT COMPLY
- S SATISFACTORY



LIVERPOOL GROWTH CENTRE PRECINCTS DEVELOPMENT CONTROL PLAN			
REF	CONTROL	DISCUSSION	✓/✗
4.4.4.8	Minimise the possibility of Noise Impacts	The matter was appropriately addressed under DA-616/2016. An Acoustic Assessment report prepared by Rodney Stevens Acoustic was provided as part of DA-616/2016 which concluded that the school is capable of satisfying the necessary regulatory requirements the school does not appear to constitute a serious threat to the acoustical amenity of the surrounding residential community and cannot be realistically defined as "offensive noise" provided that the following recommendations of the report are incorporated into the design and operation of the school.	✓
4.4.4.9	Acoustic Report	Refer to the above clause 4.4.4.8.	✓
4.4.4.10	Development must comply with Office of Environment and Heritage noise guidelines in clause 4.2.9.	The matter was appropriately addressed under DA-616/2016.	✓
4.4.4.11	Where appropriate, buffers should be put in place to limit noise impacts on the surrounding area. Extensive noise walls along most or all of a property boundary are not appropriate and other measures should be used to mitigate noise.	The matter was appropriately addressed under DA-616/2016. As discussed under DA-616/2016, the development proposed an acoustic fence on the northern boundary of the outdoor play area of solid continuous construction to mitigate noise impacts to the adjoining residential areas.	✓
4.4.4.12	Sources of noise such as garbage collection, machinery, parking areas and air conditioning plants are sited away from adjoining properties and screened/ insulated by walls or other acoustic treatment. Noise levels are not to exceed specified limits at the most affected point of the property boundary.	The matter was appropriately addressed under DA-616/2016. An Acoustic Assessment report prepared by Rodney Stevens Acoustic was provided as part of DA-616/2016 which concluded that the school is capable of satisfying the necessary regulatory requirements the school does not appear to constitute a serious threat to the acoustical amenity of the surrounding residential community and cannot be realistically defined as "offensive noise" provided that the following recommendations of the report are incorporated into the design and operation of the school.	✓
4.4.4.13	The general hours of operation for places of public worship and educational establishments are between 7am and 9pm.	The development proposes modifications to the approved hours of operations as mentioned in Table 5 of this statement. The proposed extended hours are primarily to allow for preparation classes for students in Years 3, 5, 7 and 9 for the National Assessment Program - Literacy and Numeracy (NAPLAN) and students in Year 12 for the Higher School Certificate. The proposed hours are considered reasonable for operating within the residential area and are similar to other non-residential uses within the surrounding area.	✓
4.4.4.14	Variation to the approved hours of operation may be approved by Council subject to other requirements or a merit assessment.	It is not proposed to operate the school beyond the hours referred to above.	✓

LEGEND:

- ✓ COMPLIES
- ✗ DOES NOT COMPLY
- S SATISFACTORY



LIVERPOOL GROWTH CENTRE PRECINCTS DEVELOPMENT CONTROL PLAN			
REF	CONTROL	DISCUSSION	✓/✗
<b>5.0 - CENTRES DEVELOPMENT CONTROLS</b>			
<b>5.0</b>	The site is not located within a Local or Neighbourhood Centre and therefore Part 5 of the DCP does not apply to this DA.		

TABLE 8: LIVERPOOL GROWTH CENTRE PRECINCTS DCP COMPLIANCE TABLE

(iii) SECTION 4.15(1)(A)(IIIA)

THE PROVISIONS OF ANY PLANNING AGREEMENT ENTERED INTO UNDER S7.4

There are no known Planning Agreements entered into under Section 7.4 and no draft Planning Agreements are proposed to be entered into under Section 7.4 for this proposed development.

(iv) SECTION 4.15(1)(A)(IV)

THE PROVISIONS OF THE REGULATIONS

**ENVIRONMENTAL PLANNING AND ASSESSMENT REGULATION, 2000**

There are no provisions within the *Environmental Planning and Assessment Regulation, 2000* (the Regulations) that are of relevance to the subject application.

## 6.2 SECTION 4.15(1)(B) OF THE EP&A ACT, 1979

THE LIKELY IMPACTS OF THE DEVELOPMENT INCLUDING ENVIRONMENTAL IMPACTS ON BOTH THE NATURAL AND BUILT ENVIRONMENTS, AND SOCIAL AND ECONOMIC IMPACTS IN THE LOCALITY.

The subject application seeks consent for Section 4.55(2) modifications to DA-616/2016 relating to the approved Educational Establishment by proposing an additional stage for the development at 95-105 Seventeenth Avenue, Austral.

An assessment of the proposal against the provisions prescribed in the relevant and applicable State Environmental Planning Policies, *State Environmental Planning Policy (Sydney Region Growth Centres) 2006* and *Liverpool Growth Centre Precincts Development Control Plan* has been provided throughout this Statement detailing the proposal's likely environmental impacts on both the natural and built environments, and social and economic impacts in the locality. A further and summarised assessment of these matters is provided as follows:

### 6.2.1 SITING, DESIGN AND THE BUILT FORM

The application does not include any alterations or additions to the permanent buildings approved under DA-616/2016 that will change the siting, design or built form of the existing building.

The application proposes construction of 7 temporary demountable classroom buildings as part of the amended development Stage 1 as discussed in Section 3.3 of this statement to cope with the estimated growth in student numbers over the years (Section 3.4). The proposed demountable classrooms are proposed to be removed as part of the proposed development Stage 3 once permanent buildings are constructed at that stage.



### 6.2.2 PRIVACY

The scope of modifications sought as part of this application will not create any adverse visual or acoustic privacy impacts for adjoining properties.

### 6.2.3 SOLAR ACCESS AND OVERSHADOWING

The application does not include any alterations or additions to the buildings approved under DA-616/2016 that would alter the built form of the existing buildings.

The application proposes construction of 7 temporary demountable classroom buildings as part of the amended development Stage 1 and are proposed to be within the maximum permissible height limit to avoid and overshadowing impacts and would be removed as part of the proposed development Stage 3.

Accordingly, the solar access arrangements and overshadowing impacts approved under DA-616/2016 will remain unchanged.

### 6.2.4 TREE REMOVAL, LANDSCAPING, FLORA & FAUNA

The matter was appropriately addressed under DA-616/2016. No changes are proposed to the landscape area approved under DA-616/2016.

### 6.2.5 TRAFFIC & PARKING

No changes are proposed to the vehicular access as approved under DA-616/2016. The development provides 58 off street car parking spaces for staff and visitors including 2 disabled car parking spaces, 16 parking bays for pick up/drop off including 1 disabled car parking space and 3 bus parking bays.

### 6.2.6 UTILITIES/INFRASTRUCTURE

Any augmentation of utilities and infrastructure will be undertaken by the person acting on the consent.

### 6.2.7 NATIONAL CONSTRUCTION CODE/BUILDING CODE OF AUSTRALIA

The development has had regard to achieving compliance with the National Construction Codes (NCC)/Building Code of Australia (BCA). Compliance with the NCC/BCA will be addressed in detail at the Construction Certificate stage. If necessary, conditions may be imposed by Council in relation to the development complying with the provisions of the NCC/BCA.

### 6.2.8 HERITAGE IMPACTS

An assessment of the proposal and the potential heritage impacts has been provided within Section 6 of this Statement where it has been determined that the proposed development is not a heritage item, within proximity of a heritage item or located within a heritage conservation area as prescribed under the *State Environmental Planning Policy (Sydney Region Growth Centres) 2006*.

As discussed under DA-616/2016, the north-eastern corner of the site is identified as having moderate archaeological potential and accordingly, an Aboriginal Archaeological



due diligence assessment was undertaken by Kayandel Archaeological Services which concluded that an Aboriginal Heritage Impact Permit is not required and no further assessment is necessary.

### 6.2.9 SOCIAL IMPACTS & ECONOMIC IMPACTS

The proposal seeks to amend the development staging as approved under DA-616/2016 and proposes construction of 7 temporary demountable classroom buildings as part of the amended development Stage 1.

The site and the proposed amendments as part of this application including the proposal of 7 temporary demountable classroom buildings is deemed satisfactorily to accommodate the increase in the number of students at the School and allow for the school to be established and commence operation earlier than if permanent structures were to be constructed for the school to commence operations.

The proposal will have a significant positive impact on the locality during the operation and throughout the construction phase through the creation of a number of temporary and full-time employment opportunities.

### 6.2.10 SOIL MANAGEMENT

This matter was appropriately addressed as part of DA-616/2016. The development proposes earthworks ancillary to the proposed 7 temporary demountable classroom buildings as part of the amended development Stage 1. The earthworks are limited to footings for the structures and associated stormwater draining/utility connections.

### 6.2.11 CONTAMINATION

This matter was appropriately addressed as part of DA-616/2016.

### 6.2.12 WASTE MINIMISATION MANAGEMENT

No modifications are proposed to the waste management practises as approved under DA-616/2016.

### 6.2.13 CRIME PREVENTION THROUGH ENVIRONMENTAL DESIGN - CPTED

The development will not contribute to the provision of any increased opportunity for criminal or anti-social behaviour to occur. An assessment of the development having regard to Council's relevant CPTED provisions is provided in Section 6 of this Statement.

### 6.2.14 CONSTRUCTION IMPACTS

Whilst there is expected to be some impacts during construction of the development, the impacts are not anticipated to be excessive and can be suitably controlled by the imposition of conditions on any consent granted for the proposal.

### 6.2.15 ESD & THE CUMULATIVE IMPACT

The development is not expected to have any cumulative impacts and is not considered to inhibit the ability of future generations to use or develop the subject site.



### 6.3 SECTION 4.15(1)(C) OF THE EP&AACT, 1979

#### *THE SUITABILITY OF THE SITE FOR THE DEVELOPMENT.*

The application seeks consent for Section 4.55(2) modifications to DA-616/2016 relating to the approved Educational Establishment by proposing an additional stage for the development at 95-105 Seventeenth Avenue, Austral.

The subject site is zoned R2 Low Density Residential under *State Environmental Planning Policy (Sydney Region Growth Centres) 2006* and the development of an 'Educational Establishment' is permissible with consent on the subject site pursuant to *State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017* and the *State Environmental Planning Policy (Sydney Region Growth Centres) 2006*. The proposal will achieve the relevant objectives of the R2 Low Density Residential Zoning by providing a school that will provide a valuable service to meet the day to day needs of the residents.

The site is not impacted by any easements or other site constraints that would otherwise fundamentally restrict the development as proposed or render the site unsuitable for the proposed development. The assessment of the proposal contained within this Statement outlines how the proposal achieves compliance with the provisions of *State Environmental Planning Policy (Sydney Region Growth Centres) 2006* and *State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017*.

The augmentation and provision of new and additional utilities and infrastructure will be necessary as a result of the proposal and will be borne by the person acting on any consent granted to ensure that the subject site will be appropriately serviced and suitable for the proposed *Educational Establishment*.

The proposed development will have minimal impact on the locality and amenity of surrounding residents and will integrate with the character of existing developments on the adjoining sites.

It is evident from the above and the assessment provided within this Statement that the site is suitable for the proposed development.

### 6.4 SECTION 4.15(1)(D) OF THE EP&AACT, 1979

#### *ANY SUBMISSIONS MADE IN ACCORDANCE WITH THIS ACT OR THE REGULATIONS.*

The consideration of submissions cannot be made at the time of preparing this Statement.

### 6.5 SECTION 4.15(1)(E) OF THE EP&AACT, 1979

#### *THE PUBLIC INTEREST.*

The application seeks consent for Section 4.55(2) modifications to DA-616/2016 relating to the approved Educational Establishment by proposing an additional stage for the development at 95-105 Seventeenth Avenue, Austral.

The subject site is zoned R2 Low Density Residential under *State Environmental Planning Policy (Sydney Region Growth Centres) 2006* and the development of an 'Educational Establishment' is permissible with consent on the subject site pursuant to *State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017* and the *State Environmental Planning Policy (Sydney Region Growth Centres) 2006*. The proposal will achieve the relevant objectives of the R2 Low Density Residential Zoning by providing a school that will provide a valuable service to meet the day to day needs of the residents.





The development will allow for the orderly and economic use and development of land and is acceptable having regard to the applicable State and Council planning controls. The proposed development satisfies the client's requirements, is acceptable having regard to the applicable State and Council planning controls and will not result in any unacceptable impacts on the locality.

The assessment of the proposal contained within this Statement outlines how the proposal complies with Council's requirements for the siting, location and design of the proposed development and the subject site is considered to be suitable for the proposed development.

When completed, the proposed development will have minimal impact on the locality and amenity of surrounding residents and will complement the character of existing developments in the streetscape and will provide a need for the local and wider community.

In view of the above and having regard to the assessment of the development contained within this Statement, the development is considered to be in the public interest.

## 7 SECTION 4.46 EVALUATION EP&A ACT, 1979

Section 4.46 of the Act details requirements for development that requires a separate approval under other environmental planning instrument or related legislation known as "*integrated development*". An assessment as to whether any of the triggers for integrated development are met is provided below:

EPI OR ACT	✓/✗	EPI OR ACT	✓/✗
<i>Fisheries Management Act 1994</i>	✗	<i>Protection of the Environment Operations Act 1997</i>	✗
<i>Heritage Act 1977</i>	✗	<i>Roads Act 1993</i>	✗
<i>Mines Subsidence Compensation Act 1961</i>	✗	<i>Rural Fires Act 1997</i>	✗
<i>Mining Act 1992</i>	✗	<i>Water Management Act 1912</i>	✗
<i>National Parks &amp; Wildlife Act 1974</i>	✗	<i>Water Management Act 2000</i>	✗
<i>Petroleum (Onshore Act) 1991</i>	✗		

TABLE 9: INTEGRATED DEVELOPMENT TRIGGERS

Accordingly, the DA is not integrated development as none of the above triggers are met.

## 8 SECTION 4.55 EVALUATION EP&A ACT, 1979

When considering an application under Section 4.55(2) of the *Environmental Planning and Assessment Act, 1979*, Council must be satisfied as to the following matters:

- “
- (a) *it is satisfied that the development to which the consent as modified relates is substantially the same development as the development for which consent was originally granted and before that consent as originally granted was modified (if at all), and*
  - (b) *it has consulted with the relevant Minister, public authority or approval body (within the meaning of Division 4.8) 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*
- ”



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

With regard to sub-clause (a), the development being modified is substantially the same development as the development for which consent was originally granted by the Sydney Western City Planning Panel on 11 December 2017 under DA-616/2016. The development remains an “*educational establishment*”, will remain sited as approved (with some temporary built forms proposed in this application), maintains the approved final permanent building envelope, maintains the approved number of students and proposes a minor increase to teacher numbers. The modified proposal will result in similar levels of impact as the approved development.

This Statement has undertaken a quantitative and qualitative assessment of the modifications proposed and determined that the modifications proposed would result in the development remaining substantially the same as the development for which consent was originally granted and modified, in relation to both the quantitative and qualitative aspects of the development.

In relation to sub-clause (b), Council may be required to consult with any public authority or approval body which will be undertaken as part of the assessment process.

In relation to sub-clauses (c) and (d) and if required by the Council’s Community Participation Plan, the Application will be publicly notified by Council and consideration of submissions will be undertaken as part of Council’s assessment.

Given the above, the application is considered to satisfy the test under Section 4.55(2) of the Act.

## 9 CONCLUSION

The application seeks consent for Section 4.55(2) modifications to DA-616/2016 relating to the approved Educational Establishment by proposing an additional stage for the development on the subject site known as 95-105 Seventeenth Avenue, Austral.

The development has been assessed pursuant to the matters for consideration prescribed in Sections 1.7, 4.15, 4.46 and 4.55 of the *Environmental Planning and Assessment Act, 1979* and the *Environmental Planning and Assessment Regulation, 2000*. The proposed development is not Designated Development or Integrated Development and so the application can be dealt with in the usual manner. This Statement provides an assessment of the proposed development against the relevant planning instruments including:

- State Environmental Planning Policy No. 55 - Remediation of Land;
- State Environmental Planning Policy (Educational Establishments & Child Care Facilities) 2017;
- State Environmental Planning Policy (Sydney Region Growth Centres) 2006;
- State Environmental Planning Policy (Infrastructure) 2007;
- State Environmental Planning Policy (State & Regional Development) 2011; and
- Sydney Regional Environmental Plan No. 20 - Hawkesbury-Nepean River.
- Liverpool Growth Centre Precincts Development Control Plan.



The subject site is zoned R2 Low Density Residential under *State Environmental Planning Policy (Sydney Region Growth Centres) 2006* and the development of an 'Educational Establishment' is permissible with consent on the subject site pursuant to *State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017* and the *State Environmental Planning Policy (Sydney Region Growth Centres) 2006*. The proposal will achieve the relevant objectives of the R2 Low Density Residential Zoning by providing a school that will provide a valuable service to meet the day to day needs of the residents.

This Statement demonstrates that the subject site is suitable for the proposed development and that the proposed development will be in the local and wider public interest. The development being modified is substantially the same development as the development for which consent was originally granted and satisfies the requirements of Section 4.55(2) of the *Environmental Planning and Assessment Act, 1979*.

The development will have minimal impact on the locality and amenity of surrounding residents and will integrate with the character of existing developments in the streetscape.

In view of the above and having regard to the assessment provided throughout this Statement, the development is considered worthy of Council's approval.