

# SYDNEY WESTERN CITY PLANNING PANEL

## SUPPLEMENTARY ASSESSMENT REPORT

<b>Panel Reference</b>	PPSSWC-84
<b>DA Number</b>	DA-616/2016/A
<b>Local Government Area</b>	Liverpool City Council
<b>Proposed Development</b>	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.
<b>Street Address</b>	LOT 10 DP 1227683 95-105 SEVENTEENTH AVENUE, AUSTRAL NSW 2179
<b>Applicant / Owner</b>	AL-MABARAT BENEVOLENT SOCIETY LTD
<b>Date of DA Lodgement</b>	5 May 2020
<b>Number of Submissions</b>	One (1) submission
<b>Recommendation</b>	Approval, subject to conditions
<b>Regional Development Criteria (Schedule 7 of the SEPP (State and Regional Development) 2011)</b>	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.
<b>List of All Relevant 4.15(1)(a) Matters</b>	<ul style="list-style-type: none"> <li>• <i>List all of the relevant environmental planning instruments: Section 4.15(1)(a)(i)</i> <ul style="list-style-type: none"> <li>○ State Environmental Planning Policy (Infrastructure) 2007;</li> <li>○ State Environmental Planning Policy (Sydney Region Growth Centre) 2006;</li> <li>○ State Environmental Planning Policy No.55 – Remediation of Land;</li> <li>○ Sydney Regional Environmental Plan No. 20 – Hawkesbury Nepean River (No 2 – 1997).</li> </ul> </li> <li>• <i>List any proposed instrument that is or has been the subject of public consultation under the Act and that has been notified to the consent authority: Section 4.15(1)(a)(ii)</i> <ul style="list-style-type: none"> <li>○ No draft Environmental Planning Instruments apply to the site.</li> </ul> </li> <li>• <i>List any relevant development control plan: Section 4.15(1)(a)(iii)</i> <ul style="list-style-type: none"> <li>○ Liverpool Growth Centre Precincts Development Control Plan 2014</li> <li>○ Liverpool Development Control Plan 2008 (LDCP 2008).</li> </ul> </li> <li>• <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)(iiia)</i> <ul style="list-style-type: none"> <li>○ No planning agreement relates to the site or proposed development.</li> </ul> </li> </ul>

	<ul style="list-style-type: none"> <li>List any relevant regulations: 4.15(1)(a)(iv) <ul style="list-style-type: none"> <li>Consideration of the provisions of the Building Code of Australia.</li> </ul> </li> </ul>
List all documents submitted with this report for the panel's consideration	<ol style="list-style-type: none"> <li>Revised Recommended Modifications Conditions of Consent</li> <li>Proposed Interim Plan of Management</li> <li>Revised Proposed Plan of Management</li> <li>Revised Stage 1 Site Plan</li> <li>Revised Stage 1a Site Plan</li> <li>Revised Stage 2 Site Plan</li> <li>Revised Stage 3 Site Plan</li> <li>Revised Stage 4 Site Plan</li> </ol>
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"> <li>Concern Raised Regarding the Approved Use.</li> </ul>
Report Prepared by	Ivan Kokotovic – Senior Development Planner
Report date	24 July 2020

<b>Summary of Section 4.15 matters</b> Have all recommendations in relation to relevant Section 4.15 matters been summarised in the Executive Summary of the assessment report?	<b>Yes</b>
<b>Legislative clauses requiring consent authority satisfaction</b> Have relevant clauses in all applicable environmental planning instruments where the consent authority must be satisfied about a particular matter been listed, and relevant recommendations summarized, in the Executive Summary of the assessment report? <i>e.g. Clause 7 of SEPP 55 - Remediation of Land, Clause 4.6(4) of the relevant LEP</i>	<b>Yes</b>
<b>Clause 4.6 Exceptions to development standards</b> If a written request for a contravention to a development standard (clause 4.6 of the LEP) has been received, has it been attached to the assessment report?	<b>N/A</b>
<b>Special Infrastructure Contributions</b> Does the DA require Special Infrastructure Contributions conditions (S7.11)? <i>Note: Certain DAs in the Western Sydney Growth Areas Special Contributions Area may require specific Special Infrastructure Contributions (SIC) conditions</i>	<b>Yes</b>
<b>Conditions</b> Have draft conditions been provided to the applicant for comment? <i>Note: in order to reduce delays in determinations, the Panel prefer that draft conditions, notwithstanding Council's recommendation, be provided to the applicant to enable any comments to be considered as part of the assessment report</i>	<b>Yes</b>

## 1. EXECUTIVE SUMMARY

### 1.1 Reasons for the Supplementary report

This supplementary report has been prepared for determination by the Sydney Western City Planning Panel (SWCPP). This application was previously presented to the SWCPP at the meeting on 29 June 2020.

At the meeting on 29 June 2020, the SWCPP deferred the application until the applicant supplies information to the Council addressing certain matters to enable the Panel to consider whether they may be suitably resolved by way of conditions of development consent, as follows:

- A means to ensure that appropriate facilities are in place to cater for student amenity needs and safety prior to the occupation of the proposed demountables (with particular regard to contamination of the site, the availability of suitable facilities and amenities*

*for students to be accommodated with the staged expansion of the school, as well as separation of areas accessible by students and staff from construction works.*

The applicant has provided Council with a document which is an 'Interim Plan of Management' for the school. The plan specifically defines the development of the school through each stage, correlating to the growth in student and staff numbers, with indicative markings on amended Staging Plans, which identify maintenance of the site for the purposes of the student amenity needs and safety, and how the initial construction of the temporary demountable classrooms, the construction of the permanent school buildings and facilities, and the scheduled removal of the temporary demountable classrooms, will enable the school to function in an orderly, safe and well managed fashion.

The applicant has indicated that at each stage of development the school will be required to comply with the Educational Facilities Standard Guidelines, to be able to be registered with the NSW Education Standards Authority. The applicant has also amended the time of school commencement from 2021 to 2022, and has specified that the demountable classrooms shall be decommissioned in late 2030 (during summer school holidays), to accommodate the construction of the School Assembly Hall / Gymnasium in Stage 3.

The applicant has indicated that a condition be added to the consent relating to the 'Interim Plan of Management', as the school's future operational dates have become more developed since the issue of the original consent, and that this level of certainty would provide greater clarity for all stakeholders involved in the school, and to Council.

With respect to site contamination raised by the SWCPP, the existing consent operates such that at the time of Occupation Certificate being issued for Stage 1 works, that the entire site be remediated of contaminants and this be evidenced to the PCA with a Site Validation Report to that effect. As the stages of construction will be undertaken over an extended period of time, it has been discussed with and the applicant agrees, that the conditions of consent are to be modified to ensure that it is stipulated that a Site Validation Report be provided prior to the issue of Construction Certificate for any subsequent stage of development, in the event that parts of the site yet to be developed may become contaminated.

*b) Thresholds to be met in the provision of facilities and suitable accommodation before an increase in student numbers is permitted.*

As discussed above, the applicant's 'Interim Plan of Management' aligns all the relevant and key milestones to address the suitable provision of facilities and amenities in servicing the growth of the school, to ensure compliance with guidelines required for the school's ongoing registration with NSW Education Standards Authority. Whereas previously this information was provided for in an array of documents, this singular document provides better clarity and direction than previously approved, and than previously proposed with respect to the temporary demountable classrooms.

A condition of consent will itemise this document as the instructing plan of management prior to the full extent of the development being completed.

*c) Appropriate time limits for the use of the demountables.*

As discussed above, the applicant has also amended the time of school commencement from 2021 to 2022, and has amended the time by which the demountable classrooms shall be decommissioned in is late 2030 (during summer school holidays), to accommodate the construction of the School Assembly Hall / Gymnasium in Stage 3 of the development.

A condition of consent will be added requiring the decommissioning of the temporary demountable classrooms by 31<sup>st</sup> December 2030, which will align with the Staged Development table in the consent, and with the proposed amended plans.

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- d) Removal of demountables from the site or their appropriate storage when their approved use is complete.*

As discussed above, the time by which the demountable classrooms shall be decommissioned is in late 2030 (during summer school holidays), to accommodate the construction of the School Assembly Hall / Gymnasium in Stage 3 of the development. The demountables are designed to be re-used, and as such will provide the applicant with a saleable asset when they no longer serve a purpose as classrooms for the school. As such, they are to be removed from the site to ensure they are not re-located for use elsewhere on the site.

Amended conditions of consent will now provide more specifics relating to the timing of their removal in conjunction with the approved plans, and Interim Plan of Management.

## **1.2 Submissions**

It is noted for the information of the SWCPP that two (2) submissions were received after the meeting date of 29 June 2020. Both submissions were by email and neither related to the proposed modification of the original consent, rather they focused on traffic generation in the locality due to the operation of the school, which were issues already considered in the original assessment and were not required to be re-assessed, as the maximum number of students has not been proposed for modification. The submissions were received as follows:

- 30 June 2020 (time 23:07):  
Concern only about traffic generally in the locality already generated by the existing schools.
- 1 July 2020 (time 05:48):  
Concern about the development of more schools of one particular faith, in an area without existing required road infrastructure to deal with the additional traffic generation.

## **1.3 Conclusion**

In conclusion, the following is noted:

- This supplementary report has adequately addressed the reasons for deferral put forward by the SWCPP from its meeting of 29 June 2020.
- For the reasons above, and the reasons outlined in the original SWCPP assessment report attached, the proposed application is considered to be satisfactory, and the subject application is recommended for approval, subject to conditions.

## **2. ATTACHMENTS**

1. Revised Recommended Modifications Conditions of Consent
  2. Proposed Interim Plan of Management
  3. Revised Proposed Plan of Management
  4. Revised Stage 1 Site Plan
  5. Revised Stage 1a Site Plan
  6. Revised Stage 2 Site Plan
  7. Revised Stage 3 Site Plan
  8. Revised Stage 4 Site Plan
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