

**ANGEL PLACE
LEVEL 8, 123 PITT STREET
SYDNEY NSW 2000**

URBIS.COM.AU
Urbis Pty Ltd
ABN 50 105 256 228

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Ms Aditi Coomar
Principal Executive Planner
Department of Planning, Industry and Environment
4 Parramatta Square, 12 Darcy Street
Parramatta NSW 2150

Dear Ms Coomar,

SSDA 8865 MOD 1- RESPONSE TO REQUEST FOR FURTHER INFORMATION

This letter has been prepared by Urbis Pty Ltd on behalf of Sydney Catholic Schools (SCS) in respect of the Section 4.55(2) application to modify the State Significant Development Application (SSD-8865) for concept approval and the staged construction of the St Anthony of Padua Catholic College at 125-165 Tenth Avenue and 140-170 Eleventh Avenue, Austral NSW 2179 (the project).

Following the public exhibition of the proposed modification, Urbis submitted a Submissions Report addressing the matters raised in submissions as well as detailing minor design developments. The Department of Planning Industry and Environment (DPIE) issued a letter on 4 August 2021 requesting further information before accepting the submissions report. This letter responds to these matters.

SCS has recently identified that a minor alteration to the construction phasing is required to reflect the construction programme. The maximum student numbers per construction phase also needs to be adjusted to accommodate planned enrolments at the school. Accordingly, this letter also requests an amendment to SSDA 8865- MOD 1, pursuant to Clause 121b of the *Environmental Planning and Assessment Regulations 2000*, which allows a modification application to be amended prior to determination, with the agreement of the consent authority.

This response is supported specialist documentation as follows:

- Amended Architectural Plans prepared by DWP – **Attachment A**
- Traffic Assessment prepared by Colston Budd Rogers and Kafes (CBRK) – **Attachment B**

At the request of DPE, we are also re submitting through the planning portal documents originally supplied in August 2021:

- the August 2021 RTS report
- Updated Flooding Assessment
- SCS letter to Liverpool Council

This response is structured as follows:

- **Section 1** – Project amendments

- **Section 2** - Tabulation of the matters raised by DPIE and response
- **Section 3** - Additional assessment and analysis
- **Section 4** -Conclusion

1. PROJECT AMENDMENTS

1.1. STUDENT NUMBERS

In the course of preparing this response to DPIE, SCS has undertaken a more detailed review of projected student enrolments. This has identified that the student numbers per construction phase currently identified in SSDA 8865- MOD1 will be insufficient to cater for planned enrolments.

Accordingly, approval is sought for an increase to the student population in Construction Phase 2, from 975 to 1,300 students. **Table 1** below the consent identifies the proposed updates to student, staff, carparking and bicycle parking spaces from the modification as lodged, in bold text and highlighted. This table is proposed to supersede the one currently within Condition B8 of the SSDA 8865 consent.

There have also been updates to the number of car spaces in Construction Phase 1 and Construction Phase 2. The numbers now reflect the actual number of car spaces provided on the site following the completion of Carpark 3 and Carpark 5. Note that at every construction phase the number of car spaces provided **exceeds** requirements, and these changes do not impact the total number of approved spaces.

Table 1 Construction Phases and Student Numbers

	Total student population	Total staff numbers	Total number of on site car spaces	Total drop off / pick up spaces	Total on site bicycle spaces
Existing	360	27	28	0	0
Phase 1	975	40	171	89	10
Phase 2	1300	100	171	89	10
Phase 3	2405	200	326	125	170
Phase 4	2405	200	326	125	180

During Construction Phase 2, the additional students will be accommodated in the existing primary school building, the recently completed Years 1-4 building and in temporary demountable buildings (which will be erected under separate approval pathways). The demountables are an interim solution until the end of 2023. After this time (ie Construction Phase 3), the main school building is anticipated to be completed, providing permanent accommodation for the whole student cohort. Refer **Section 3.1** below for further details of the demountables.

1.2. CONSTRUCTION PHASING

A review of the construction programme and available funding has resulted in changes to the construction phasing. The construction phasing identified in SSDA 8865 MOD 1 is proposed to be amended as follows:

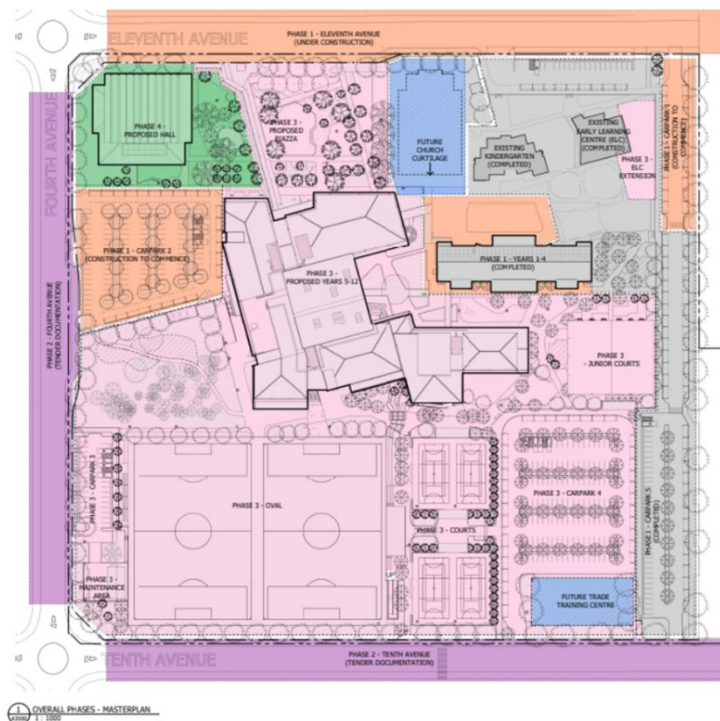
- Carpark 3 in the south west of the site has been moved from Construction Phase 1 to Construction Phase 3
- The ovals have been moved from Construction Phase 1 to Construction Phase 3

Improvements have been made to the presentation of the phasing diagrams to clearly differentiate between completed project elements as the construction phases progress. These consist of:

- Identification in the plans of completed buildings, carpark and road works.
- Completed outdoor play areas showing in a light grey, not green.

Figure 1 below shows all the proposed construction phases. The complete set of updated staging plans is included in the Architectural plans at **Attachment A**.

Figure 1 Construction Phasing – SSDA 8865



2. MATTERS RAISED BY DPIE

Table 2 identifies the matters raised by DPIE and the project response.

Table 2 RFI Matters and response

Issue	RFI comment	Response
Phasing and retrospective modifications	1. To avoid confusion, the Department will continue to refer to the approved SSD development as 'Concept' and 'Stage 1', and the individual construction/operational sub-stages under Stage 1 as 'phases'. This is consistent with the language used in the instrument of development consent for SSD-8865. Please revise all documentation to refer to the construction/operational stages as 'phases'. For example, the proposed modified condition of consent B8 Table 1 should refer to 'Phase 1 – at end 2023' rather than 'Stage 1 – at the end of 2023'.	The architectural plans have been updated to include reference to construction 'phases' rather than 'stages'. Refer Attachment A .
	2. The Department notes that the approved Stage 1 development has already been re-phased, however condition A10 of SSD-8865 does not allow for amendments to the sub-phases of the Stage 1 development without approval. The Department also notes that student capacity cannot be increased under the exempt development provisions of the State Environmental Planning Policy (Educational Establishments and Child Care Centre) 2017 (Education SEPP).	The parts of the approved sub phases to Stage 1 that have been constructed or are operational ahead of the approved construction phasing are described in Section 3.1 of this letter. This includes changes to student capacity as described in Section 3.1.1 . Retrospective approval for the occupation and use of these elements of the project is explicitly sought as part of the modification application.
	Therefore, you must clearly describe the aspects of the development that do not form part of the approved sub-phase 'Phase 1', but have been constructed	

Issue	RFI comment	Response
	and/or are operational prior to their relevant phase (e.g. the eastern car park, the Years 1-4 building, and student capacity beyond that approved under Phase 1). You should then explicitly seek retrospective approval to modify the sub-phases of the Stage 1 approval for all relevant development aspects that have been brought forward.	
Additional proposed project refinements	3. You must explicitly state whether the additional 'project refinements' form part of the proposed modified Concept Approval, modified Stage 1 Approval, or both. If the proposed bus shelter forms part of the modified Stage 1 works, please indicate which sub-phase it would be included in. The Department is concerned that this did not form part of the original consent and may not be consistent with the original approval.	The project refinements result in the need to make minor changes to the approved Concept Approval and to the approved construction phasing. The proposed changes are described in Section 3.2 and summarised in Table 6 . Updated Concept Approval plans and construction phasing plans are included at Attachment A . The proposed bus shelter will be constructed as part of Construction Phase 3.
	4. Provide amended architectural drawings to demonstrate the proposed bus shelter.	Updated Concept Approval site plans and construction phasing plans showing the location of the proposed bus shelter are included at Attachment A .
	5. Confirm that the proposed bus shelter is not associated with any changes in bus or student capacity, or whether it would result in additional traffic movements. This should be clarified via an amended traffic impact assessment.	The bus shelter is not associated with any increased student capacity or additional traffic movements. This is reflected in the amended traffic assessment at Attachment B .
Roadworks and Traffic Report	6. Confirm the status of all roadworks currently being undertaken.	All roadworks completed or in progress are described in Section 3.3 .

Issue	RFI comment	Response
	7. Provide a revised Traffic Report that: a) includes evidence to justify the proposed revised student capacity trigger for the completion of required roadworks, in particular the 1350 student trigger figure for the completion of roundabout works. b) includes all figures that are consistent with those provided within the modification report (the Department previously outlined inconsistent figures within its RtS request letter dated 1 June 2021). The Traffic Report must demonstrate that all figures used to inform the modification application are correct and based on thorough traffic assessment.	A revised traffic report assessing these matters is included at Attachment B. Refer Section 3.4 for discussion of the findings of the assessment.
Other matters	8. The Years 1-4 building is still shown inconsistently on the plans. For example, it is shown as 'existing' on some plans. For consistency and to avoid any confusion regarding the approval pathway for the building, each plan must indicate that the building is included as part of Phase 1 works.	The updated construction phasing plans consistently identify Years 1-4 building as part of Construction Phase 1 – refer Attachment A.
	9. With regard to the Department's enquiry regarding the differing figures provided in the proposed Condition B8 Table 1 ('Phase 1' versus 'Existing'), it is noted that the approved Phase 1 figures for car and bicycle parking spaces were intended to reflect the existing provision on site. However, if these spaces were	As previously noted, since the SSDA approval and the engagement of a new project architect the proposed carparking layouts have been refined. Section 0 contains a table detailing the different carparks and number of car spaces provided on the site. Carpark 1 on Eleventh Avenue was existing and served the existing primary school which was approved by Liverpool

Issue	RFI comment	Response
	previously existing at the site, this does not explain why the number of 'existing' spaces outlined within the modification application are lower than those previously identified. Please clarify the difference. For example, have some of the previously identified spaces since been removed? Should this be the case, you will need to explicitly advise that this aspect of the development is subject to a retrospective modification request (see Point 2).	Council under DA 2016/465. This carpark was renovated as part of approved construction phase 1 which resulted in the loss of spaces to accommodate a generator, provide more space at the school entrance, and to avoid driveways.
	10. All architectural drawings must show RL level to top of roof and rooftop services, as consistent with the approved drawings. For example, the height of the roof of the main school building appears to extend beyond roof level RL shown on the plan.	The updated architectural plans identify the RL level to top of roof and rooftop services. Refer Attachment A.

3. ASSESSMENT

3.1. PROJECT PHASING AND RETROSPECTIVE MODIFICATIONS

The proposed modification to SSD 8865 seeks approval for proposed changes to the approved construction phasing of Stage 1 of the development. The works completed or in progress on the site have been carried out following the issue of construction certificates by a private certifier for the works. However, we note DPIE's advice that Condition A10 does not provide flexibility in the construction phasing of the development. Therefore, the proposed modification also seeks retrospective approval for the altered construction phasing, delivery of certain works and student population increases that are not in accordance with the approved construction phasing.

Completed and operational works consist of:

- Years 1- 4 building (part of approved Construction Phase 1)
- Carpark 1 and internal road (part of approved Construction Phase 4)

The following elements of the project are currently under construction:

- Carpark 2 (part of approved Construction Phase 2)
- Carpark 5 (part of approved Construction Phase 2)

This modification therefore seeks retrospective approval for the use of:

- Carpark 1 and internal road
- Carpark 2
- Carpark 5

There are some elements of the projects that were approved as part of Construction Phases 1 and 2 and that have **not** been completed. These are:

- Landscaped area to Eleventh Avenue (part of approved Construction Phase 1)
- Playground adjoining Years 1-4 building (part of approved Construction Phase 2)
- Oval (part of approved Construction Phase 2)

The landscaped area to Eleventh Avenue is currently occupied by a temporary demountable classroom installed under clause 38(1)(l) of *State Environmental Planning Policy (Educational Establishments and Child Care Centre) 2017 (Education SEPP)* as exempt development. The playground adjoining the Years 1-4 building has been delayed as these parts of the site are proposed to be modified under this application (SSDA 8865- MOD 1) The approved playground is proposed under SSDA 8865-MOD 1 to become a sports court, and an additional oval (now to be delivered in Construction Phase 3) will be provided on the southern edge of the site.

Open space and amenity for the student population is currently provided in a temporary playground in the north west corner of the site (this is located on the site of the main hall building, and is also exempt development under Clause 38(1)(d)) of the Education SEPP) and in the areas adjoining the existing primary school building.

3.1.1. Student Population

The proposed modification also seeks retrospective approval for an increased student population in advance of the approved construction phasing. **Table 3** provides an overview of the current approved student capacity per construction phase in relation to that sought under the proposed modification.

Table 3 Construction phasing and student population

Construction Phase	SSDA 8865 -approved student enrolment	Proposed Students	Comment
Existing		360**	The current student enrolment is 562 students.
Phase 1	294	975	
Phase 2	659	1300	
Phase 3	1088	2405	The proposed modifications to the approved student capacity on the site will cater for the existing and planned enrolment
Phase 4	1485	2405*	
Phase 5	1635	Phases deleted – works provided under previous construction phases	
Phase 6	2280		
*inclusive of child care spaces			

Construction Phase	SSDA 8865 -approved student enrolment	Proposed Students	Comment
**the 360 represents additional students in excess of the number approved under the primary school DA2016/465			

Table 2 shows that construction Phase 1 authorised an existing student population of 294, increasing to 659 as part of construction Phase 2. SCS has advised that current number of students on site is 562. As detailed in Section 1.1 of this letter, SCS has identified that student enrolments will exceed 975 prior to the construction of Construction Phase 3. Therefore, approval is sought for the number of students in Construction Phase 2 to be increased to 1300.

The students are being and will be temporarily accommodated in several demountable classrooms on the northern frontage of the school facing Eleventh Avenue. This is an interim response to the need to accommodate student enrolments which have increased faster than the overall construction programme, which has had unforeseen delays as a result of the COVID19 pandemic.

The demountables were installed as exempt development under Clause 38(1)(l) of the Education SEPP. It is intended to lodge a development application with Liverpool Council for any demountables that will remain on site for longer than the 24 month period permitted under this clause. We also note DPIE'S advice that student capacity cannot be increased under the exempt development provisions of the Education SEPP.

This modification therefore seeks retrospective approval for:

- an increase to the student population in advance of that authorised under SSDA 8865
- the use and occupation of the demountables by the increased student population.

The proposed modification seeks approval for an increased student population under Construction Phase 1 of 975. The proposed modification, if approved, will therefore readily accommodate the existing student presence on the site. It will also cater for projected student enrolments for the college and ensure that student numbers on site are consistent with the terms of the approval.

3.2. DESIGN REFINEMENTS

The Submissions Report detailed minor design refinements including an amendment to the roof height of the main hall building and the inclusion of a bus shelter to provide additional amenity to school students.

DWP has reviewed the design refinements in relation to the Concept Approval site layout and elevational envelope. This has resulted in adjustments to the Concept Approval site layout and to the Concept Approval elevations. To illustrate this, additional plans have been included in the architectural set showing the difference between the approved site layout and elevations and the proposed modification (refer drawing AA0101 and AA0102).

The maximum RL of the main hall has also been adjusted from RL83.985M to RL 85M. These changes to the maximum approved heights have arisen as the original design as approved did not include allowances for adequate structural depth, future roof top plant or servicing requirements for the buildings.

The change in height will be imperceptible from outside the site and will have no adverse impacts on surrounding properties. The overall size of the building has also been reduced as demonstrated in the Concept Approval elevation. The impacts will be minor and are considered acceptable.

The proposed bus shelter is now shown on the Concept Approval site layout and is identified as part of Construction Phase 3.

3.3. ROADWORKS

Table 4 below describes the status of the roadwork surrounding the site. The roadworks have been commenced and completed following the issue of Section 138 approvals by Liverpool Council:

Table 4 Status of surrounding roadworks

Element	Status / comment
Widening of Eleventh Avenue	Works completed
Interim pedestrian crossing to Eleventh Avenue	A painted pedestrian crossing as required under Condition E11 has been delivered. Liverpool Council has requested that SCS now upgrade this to a raised 'wombat' crossing. An application for this has been lodged with Council.
Widening of Tenth Avenue	Works have commenced and are expected to be completed in the last quarter of 2021.
Interim pedestrian crossing to Tenth Avenue	Pedestrian crossing will be delivered as part of the road widening works. Works have commenced and are expected to be completed in the last quarter of 2021.
Widening of Fourth Avenue	Works have commenced and are expected to be completed in the last quarter of 2021.
Roundabouts	A roundabout design was provided to Liverpool Council in August 2021. This was presented to the local traffic committee for approval in mid-September 2021. Timely construction of the roundabouts depends on land acquisition which is to be undertaken by Liverpool Council. It is proposed to modify Condition E10 to require the roundabouts to be provided by the time the student population reaches 1,350. Most importantly, an updated traffic assessment has been completed by CBRK to support this request which finds that the traffic network will operate satisfactorily with the interim intersection arrangements (ie give way signs on Eleventh Avenue and stop signs on Tenth Avenue) prior to the installation of the roundabouts – refer Section 3.4 The increase in student numbers to 1,350 will provide additional time for the necessary land acquisition, a factor that is beyond the control of SCS.

3.3.1. Carparking

Since the approval of SSDA 8865 the design of the carparks on the site have been refined. While the approved total number of car parking spaces has not changed, they have been distributed differently across the site. These changes are identified in **Table 5**

Table 5 Carparks and car spaces

	Car spaces	Accessible	Drop off	Comment
Carpark 1				
SSDA 8865	31	2	0	3 parallel car spaces removed to avoid locating spaces opposite driveways or at the entrance of the school on Eleventh Avenue. 1 standard car space removed to provide more space to driveways. 1 accessible carpark removed for substation.
Proposed modification	27	1	0	Four standard spaces removed from this carpark have been provided in Carpark 4. The accessible space removed from this carpark has been provided in Carpark 3.
Carpark 2				
SSDA approval	101	4	24	No change.
Proposed Modification	101	4	24	
Carpark 3				
SSDA approval	31	2	0	2 additional accessible spaces provided. 1 drop off space provided.

	Car spaces	Accessible	Drop off	Comment
				Four standard spaces removed from this carpark have been provided in Carpark 4.
Proposed Modification	27	4	1	
Carpark 4				
SSDA approval	112	4	36	Eight additional standard spaces provided in this carpark to compensate for those removed from Carpark 1 and Carpark 3.
Proposed Modification	120	4	35	
Carpark 5				
SSDA approval	37	2	65	1 accessible space removed from this carpark and provided instead in Carpark 3.
Proposed Modification	37	1	65	
Total				
SSDA 8865	312	14	125	No change to the total number of spaces to be provided.
Proposed Modification	312	14	125	

3.4. TRAFFIC ASSESSMENT

The Section 4.55(2) modification seeks to amend Condition E10 of SSD 8865 so that the student population threshold at which all roadworks surrounding the site, including the construction of the two roundabouts, is revised from 1,088 to 1,350. DPIE has requested traffic assessment to support this proposed change.

CBRK has prepared an updated traffic assessment, (refer **Attachment B**) including a SIDRA analysis of the operation of Fourth/ Tenth Avenues and Fourth/ Eleventh Avenues prior to the construction of the two roundabouts.

The interim intersection configurations would comprise:

- at Fourth Avenue/Eleventh Avenue – two approach lanes on Eleventh Avenue (east), including a short left turn lane and a shared through/right lane. Give way controls provided on both Eleventh Avenue approaches.

- at Fourth Avenue/Tenth Avenue – two approach lanes on Tenth Avenue (east), including a short left turn lane and a shared through/right lane. Stop signs provided on both Tenth Avenue approaches.

The interim intersection configuration will be operational prior to the student population reaching 1,088, the current threshold in Condition E10. CBRK notes that the difference between 1,088 and 1,350 is minor, and equates to approximately an additional 10 vehicle movement per hour through the intersections.

The analysis found that with the interim arrangements, the intersections of Fourth Avenue and Tenth and Fourth Avenue and Eleventh Avenues will operate at service B, a satisfactory level of service. Copies of the SIDRA output summaries are appended to the CBRK report.

The CBRK assessment therefore concludes that with the interim traffic measures in place, both intersections would operate satisfactorily with a school population of 1,350 students, prior to roundabouts being provided. From these findings, we are also able to infer that the proposed increase to 1,300 students in Construction Phase 2 will not have detrimental impacts on the operation of the intersections.

4. SUMMARY OF PROJECT AMENDMENTS

A summary of the proposed modifications to SSDA 8865 and how they impact on the Concept Approval and the Stage 1 approval is presented in **Table 6** below.

Table 6 SSDA 8865 MOD 1 – Summary of project amendments

Element	Amendment to Concept Approval	Amendment to Stage 1 Approval
Site layout	▪ relocation of future Trade Training Centre to south east corner of the site	No. Remains part of a future Stage.
	▪ changes to layout of sports courts	Yes, shown in the detailed architectural plan set and is part of Construction Phase 3.
	▪ additional oval and running track	Yes, shown in the detailed architectural plan set and is part of Construction Phase 3.
	▪ addition of maintenance shed and amenities block	Yes, shown in the detailed architectural plan set and is part of Construction Phase 3.
Bus shelter	▪ new bus shelter proposed adjacent to Eleventh Avenue	Yes, shown in the detailed architectural plan set and is part of Construction Phase 3.

Element	Amendment to Concept Approval	Amendment to Stage 1 Approval
Design refinements	Changes to building envelopes for main school building and main hall	Yes, changes to building envelopes are reflected in the detailed architectural plan set and in the construction phases. - The main school building is part of Construction Phase 3. - The main hall is part of Construction Phase 4.
Construction Phasing - building	Under the existing SSDA 8865 consent the Concept approval includes the 'outline staging' of the development. Stage 1 is still to be constructed in construction phases, therefore it is not necessary to change this aspect of the condition.	Yes, changes to the construction phases are shown in the updated construction phasing drawings. The number of construction phases has been reduced from 6 to 4.
Student Numbers	No change to maximum student enrolment.	Yes, there are changes to the number of students within each construction phase.

5. CONCLUSION

This response addresses the matters raised by DPIE in its correspondence of 4 August 2021. In preparing this response, the proponent has:

- documented the status of construction works, including roadworks on the site
- identified that adjustments to the scope of SSDA-8865 MOD 1 are required, to increase the student numbers permitted under Construction Phase 2.
- identified the elements of the project that have been completed or commenced out of sequence with the approved construction phasing and for which retrospective approval is required - these consist of the timing of the delivery of certain carparks and increased student population.
- undertaken traffic assessment to support the request to modify condition E10 to authorise student enrolments of 1,350 prior to the construction of the roundabouts. The findings of the traffic report support the request to modify condition E10.
- updated the architectural plans to include the details requested by DPIE, including maximum RLs for buildings and using the term 'construction phase' to be consistent with the terminology used in the consent for SSD 8865.

- adjusted the Concept Approval envelope to accommodate the minor design refinements to the architecture of the proposal, including the roof height of the main school building and main hall, and the inclusion of a bus shelter. The bus shelter is now shown on both the Concept Approval and construction phasing plans.
- clarified how the proposed amendments impact the Concept Approval and the Stage 1 approval.

The proposed amendments to the modification as lodged and the additional information provided do not modify the conclusions of the planning assessment provided in the Section 4.55(2) modification report. In summary, the proposed modification is considered suitable for the site and worthy of support by the Minister for the following reasons:

- The modified construction phasing plan will enable the Proponent to deliver the necessary buildings and surrounding traffic infrastructure to support the planned student population
- The proposed modification is acceptable from a traffic perspective – surrounding road upgrades including the roundabouts will be provided to support the student population and the uses.
- The proposal does not have any unacceptable impacts on adjoining properties, the public domain or end users in terms of social and environmental impacts.
- The design refinements to the built form of the school buildings will not result in any adverse built form (bulk, overshadowing) impacts, privacy (visual, acoustic) impacts.

The proposed modification in its current form is considered appropriate for the site and should be supported by the Minister for Planning as the consent authority for State Significant Development.

We believe the matters raised by DPIE have been addressed and now look forward to DPIE's timely assessment and determination of the modification. If you have any questions, please do not hesitate to contact me at rsutcliffe@urbis.com.au or 0407 294 925.

Yours sincerely,

A handwritten signature in black ink, appearing to read "Rosie Sutcliffe".

Rosie Sutcliffe
Senior Consultant
+61 2 8233 9913
rsutcliffe@urbis.com.au