



URBIS

SUBMISSIONS REPORT

SSDA-8865 Mod 1
St Anthony of Padua Catholic
College

Prepared for

SYDNEY CATHOLIC SCHOOLS

1 December 2021

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1. INTRODUCTION

This Submissions Report has been prepared by Urbis on behalf of Sydney Catholic Schools (**SCS**) (the 'Applicant' in respect of the Section 4.55(2) application to modify the State Significant Development (**SSD**), Application (SSD-8865) which granted concept approval for site layout, access points, buildings and open space and detailed development approval for 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).

The Section 4.55(2) modification application was first placed on public exhibition between 10 May 2021 – 24 May 2021. Following the exhibition period, and in response to requests for further information from the Department of Planning, Industry and Environment (DPIE) the modification was formally amended pursuant to Clause 121b of the *Environmental Planning and Assessment Regulations 2000*.

The amended modification included revisions to:

- the Concept Proposal building envelopes for the main school building and hall, the inclusion of a bus shelter, amenities block and maintenance shed.
- The Stage 1 detailed approval including:
 - construction phasing including the delivery of roadworks
 - student numbers per construction/operation phase
 - layout of carparking areas
 - building envelopes for the main school building and hall
 - inclusion of a bus shelter, amenities block and maintenance shed
 - staged construction and use of the buildings in four construction phases

The amended Section 4.55(2) modification application was placed on public exhibition between 25 October 2021 and 8 November 2021.

During the second notification period, seven (7) submissions were received. These were submissions from:

- NSW Rural Fire Service (**NSW RFS**)
- Transport for New South Wales (**TfNSW**)
- Sydney Water
- Endeavour Energy
- Department of Energy, Environment and Science (**EES**)
- Liverpool Council (**Council**)
- Austral Progress Association

This Submissions Report has been prepared with reference to clause 85A of Division 6 of the *Environmental Planning and Assessment Regulations 2000* (**EP&A Regulations**) which states as follows:

(1) The Planning Secretary is to provide to an applicant for State significant development the submissions, or a summary of the submissions, received in relation to the application during the submission period.

(2) The Planning Secretary may, by notice in writing, require the applicant to provide a written response to such issues raised in those submissions as the Planning Secretary considers necessary.

This Submissions Report has been prepared in accordance with *State significant development guidelines – preparing a submissions report July 2021* prepared by the NSW Department of Planning, Industry and Environment (**DPIE**). Accordingly, it provides:

- **Section 2** - An analysis of submission received.
- **Section 3** - Identification of the actions taken since the public exhibition period, including any amendments made to the project.

- **Section 4** - A comprehensive response to the issues raised in the submissions.
- **Section 5** – An updated project evaluation and conclusion.

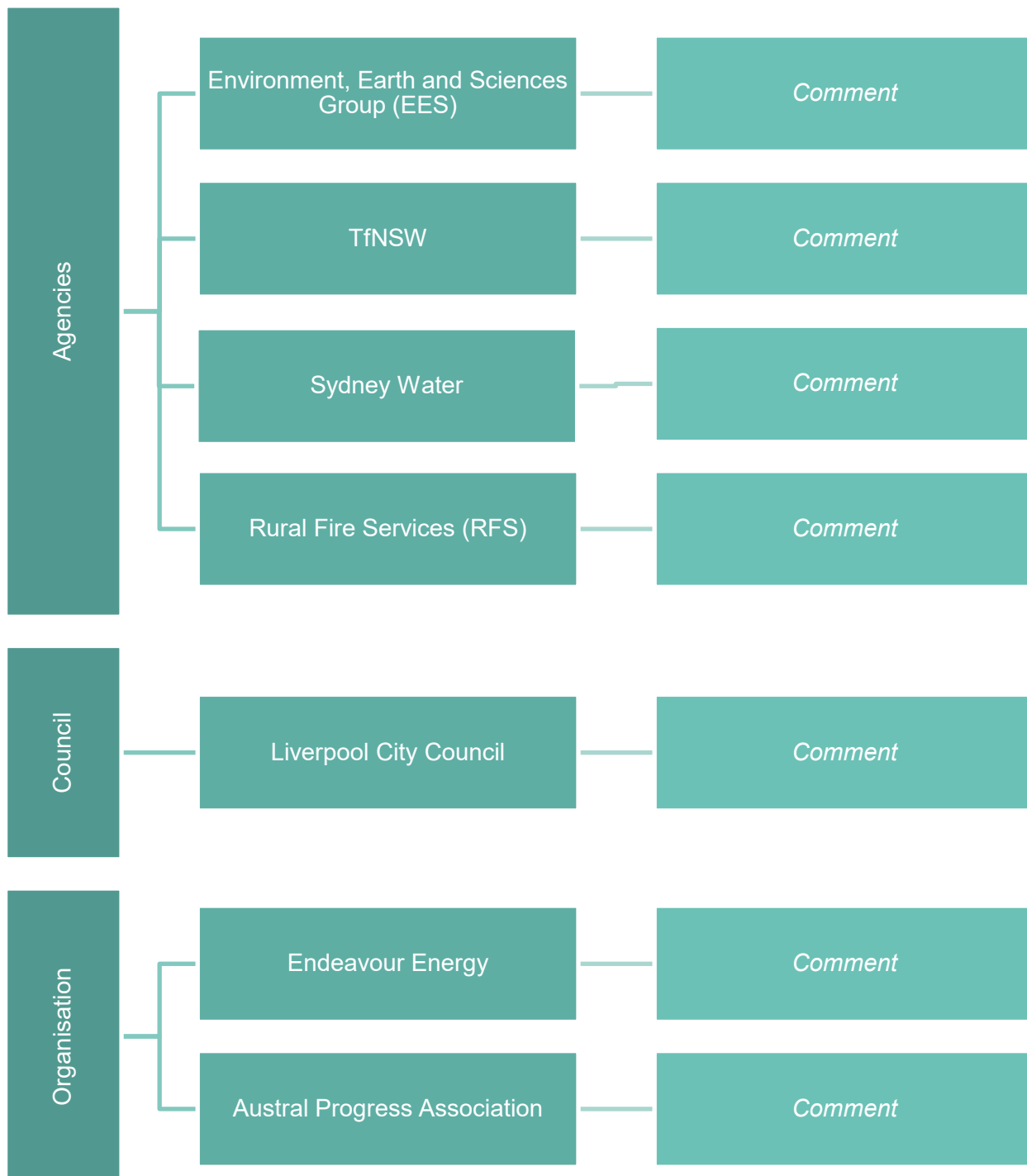
The proposed amendments and justification for the proposal is outlined in the specialist documentation provided as follows:

- Amended Architectural Plans prepared by DWP (**Appendix A**)
- Updated conditions of consent prepared by Urbis (**Appendix B**)

The proposal will have no unreasonable or significant traffic, and environmental impacts on adjoining or surrounding properties. This documentation contained in this Submissions Report and the Section 4.55(2) report dated 3 May 2021 confirms that there are no significant adverse impacts associated with the proposed modification to the project and that it should be approved subject to appropriate conditions.

2. ANALYSIS OF SUBMISSIONS

The amended Section 4.55(2) application was placed on public exhibition between 25 October 2021 – 8 November 2021. During this period, government agencies, Council, key infrastructure stakeholders and the community were invited to make written submissions on the project to NSW DPIE. As outlined in the summary below, a total of seven submission were received from agencies, Council, and a community organisation during the notification period. Of these, all submissions neither supported nor objected to the proposed modification but provided comments.



The following items were identified as requiring a response from the proponent:

- clarification of timing of construction phases

- clarification of timing of surrounding road network improvements
- an updated set of amended conditions
- details of Gross Floor Area (GFA)

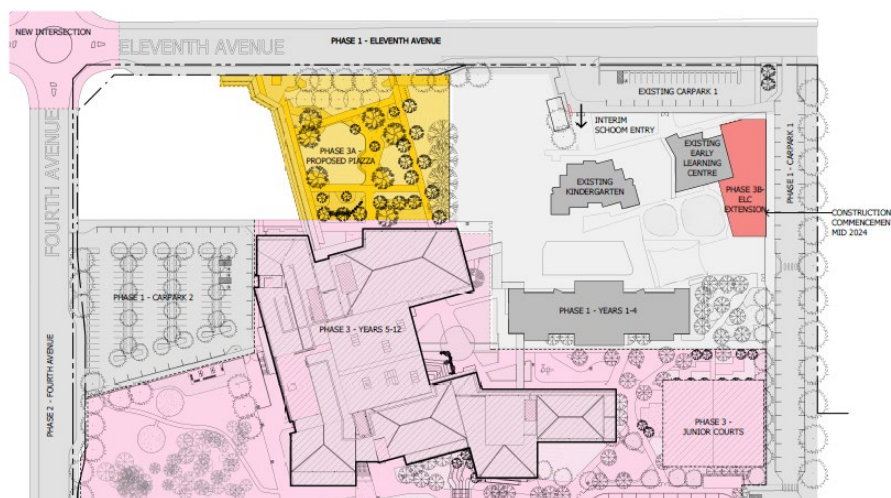
For each submission that has been received, **Section 4** provides a description of the matters raised in the submission, a summary of the response, and a reference to where these issues have been addressed in the detailed documentation as required. The identified issues have been discussed further in **Section 5**, which provides additional justification where warranted.

3. ACTIONS TAKEN SINCE EXHIBITION

An overview of the actions taken since the public exhibition of the project is outlined in **Table 1**.

Table 1 Summary of actions taken since exhibition

Action	Description
Continued engagement	<u>Liverpool Council</u> SCS met with Council on 15 November 2021 to discuss the timing for the delivery of the roadworks surrounding the site. This included discussion of the recent completion of roadworks to Eleventh Avenue and the land acquisition process for the roundabouts. SCS and Council meet regularly and this engagement will be ongoing.
Refinement of Construction Phases	SCS has reviewed the elements within Construction Phase 3. Sub phases within Construction Phase 3 have been created, these are: - Construction Phase 3 – Main School building - Construction Phase 3A – The Piazza to Eleventh Avenue - Construction Phase 3B – Early Learning Centre These sub phases reflect the need to obtain a separate construction certificate and occupation certificate for the main school building. When the main school building is operational the demountable classrooms adjacent to Eleventh Avenue will be able to be decommissioned and removed from the site. This area will then be cleared for the construction of the Piazza (Construction Phase 3A) and then the Early Learning Centre (Construction Phase 3B). The sub phases are critical to enable the issue of the occupation certificate for the main school building and the operation of the school. The proposed sub phases have been shown on the amended architectural drawings at Appendix A. Prior to the construction of the Piazza, an interim entrance to the school will be available via Carpark 1. This is shown in the excerpt from the amended construction phasing plans below.



4. RESPONSE TO SUBMISSIONS

The following **Table 2** provides a summary of all submissions received and respective response.

Table 2 Response to submissions table

Issue	Comment	Response to submission
Amendments to Conditions	A revised statement identifying the 'proposed amendments to conditions' in track changes is required to be submitted, as the version submitted at lodgement of SSD 8865-MOD 1 is superseded.	A revised set of proposed amendments to conditions is included at Appendix B .
Roadworks	The phasing (aerial and 3D view) plans do not reflect the timing of the interim road design and the final roundabout design. The revised traffic report prepared by Colston Budd Rogers & Kafes dated 27 August, identifies (at point 7-8 and 16) that the interim intersection design with the two approach lanes and give-way / stop signage at both Eleventh Avenue / Fourth Avenue and Tenth Avenue / Fourth Avenue is required to be constructed and operational prior to student enrolment reaching 1088. Additionally, the traffic report identifies (at point 16) that the roundabout design will be constructed and operational prior to student enrolment reaching 1350. The Department considers that, to ensure the works are completed and operational at relevant phasing checkpoints, the proposal should be designed so that: i. The interim intersection design is constructed and operational before Phase 1 operation commences, when the student enrolment is at 975. This is the Department's preferred option. Alternatively, a new interim Phase between Phase 1 and Phase 2 could be introduced so that the interim intersection	SCS agrees that the interim intersection works will be completed prior to the student population reaching 975. This is set out in modified Condition E10 below: <i>Roadworks, Access and pedestrian infrastructure</i> <i>E10. Prior to the commencement of operation of construction phase 3 or the school student numbers reaching 1088 975 (whichever occurs earlier), the following roadworks required by this development consent must be completed to the satisfaction of the Certifier. The roadworks must include:</i> (a) construction of the two roundabouts at the intersection of Fourth / Tenth Avenues and Fourth / Eleventh Avenues with signage and line marking; <i>(a) construction of full width of the road reserve for Eleventh Avenue with the required footpaths, shared cyclist / pedestrian paths, signage and line marking;</i> <i>(b) construction of full width of road reserve for Tenth and Fourth Avenues with the required footpaths, signage and line marking works; and</i> <i>(c) construction of all associated vehicular crossings / access points to the site; and</i> <i>(d) construction of pedestrian crossings (either Wombat crossing or any other interim crossing as permitted by the warrants and approved by the relevant roads authority) with associated signage and line marking.</i> <i>The Applicant must obtain approval for the works under section 138 of the Roads Act 1993, where required prior to completion of the above roadworks.</i>

Issue	Comment	Response to submission
	design is constructed and operational at this new interim phase and before the student enrolment reaches 1088.	Refer Appendix B for the amended set of conditions.
	ii. The final roundabout intersection design is constructed and operational at Phase 2, and before the student enrolment reaches 1300.	SCS agrees that the roundabout will be provided prior to the student population reaching 1300. To simplify the conditions of consent it is proposed to separate the issue of the construction of the roundabouts from the other roadwork. The condition relating to the roundabout is therefore set out in proposed new Condition E10A: <i>E10A. Prior to the school student numbers reaching 1,300 or Year 2025 (whichever occurs earlier), the two roundabouts at the intersection of Fourth/Tenth Avenue and Fourth/Eleventh Avenues with signage and line markings must be completed to the satisfaction of the Certifier.</i> <i>The Applicant must obtain approval for the works under section 138 of the Roads Act 1993, where required prior to completion of the above roadworks.</i> Refer Appendix B for the amended set of conditions.
	The above will need to be clearly outlined in revised phasing plans (aerial and 3D views) and in the Response to Submissions Report (RtS).	DWP has updated the construction phase plans to reflect the delivery of the interim intersection and the roundabouts – refer Appendix A .
	TfNSW has reviewed the submitted information and has no further comment. The requirements in the correspondence dated 5 December 2019 from TfNSW remain applicable.	Noted, no response required.
Traffic	It is noted that the adopted forecast traffic volume in 2036 with 1,350 students along Fourth Avenue is approximately 320-360 vehicles in each direction in AM peak hour, which is lower than the forecast volumes in the precinct traffic study. It is expected that the school will be fully developed by 2036.	This comment was discussed with Council to determine what response was required. Council confirmed that they did not require the traffic modelling to be updated. Council instead requested that the SCS confirm when the school would be fully operational. We thereby confirm that the final construction phase will be completed by the end of 2025 and the school will be fully operational from 2026 onwards.

Issue	Comment	Response to submission			
	Clarification is required for the planned year for enrolled student number reaching 1,350.				
	The current SSDA condition E10 contains other road works along Tenth Avenue and Eleventh Avenue including shared path and pedestrian crossing facility. The revised trigger of 1,350 students should be only applied to construction of the two roundabouts at the intersection of Fourth/Tenth Avenues and Fourth/Eleventh Avenues with signage and line marking. The remaining improvement works in E10 (b) - (e) must be completed prior to the commencement of operation of construction phase 3 or the school student number reaching 1088 (whichever occurs earlier).				
	Council raises no objection to the proposed changes to the timing of construction of the two roundabouts in order to provide additional time for the school to undertake land acquisition for the roundabouts. It is suggested that Condition E10 (a) is changed to the following: <i>Prior to the school student numbers reaching 1,350 or Year 2024 (whichever occurs earlier), the two roundabouts at the intersection of Fourth/Tenth Avenue and Fourth/Eleventh Avenues with signage and line markings must be completed to the satisfaction of the Certifier.</i>	A new Condition E10A has been drafted to meet DPIE's requirements for the roundabout to be delivered prior to the student population reaching 1300, as discussed above. This is consistent with Council's suggested condition. Refer Appendix B for the amended set of conditions.			
Construction Phasing and Timing	A revised timeline of phases of construction and student enrolments has not been submitted. SSD-8865 included six phases spanning over a period of eight years. An amended timeline schedule must be submitted with this modification to	The proposed timing of the construction phases is set out below.			
		Phase	Enrolment Capacity	Start	Finish

Issue	Comment	Response to submission			
	indicate when phasing is expected to commence and be completed.	Phase 1 Residual Scope	975	January 2022	September 2022
		Phase 2	1300	January 2022	December 2022
		Phase 3	2405	April 2022	August 2024
		Phase 4	2405	August 2024	December 2025
Gross Floor Area	The modification has not included revised Gross Floor Area (GFA) calculations, despite the built form envelopes changing. The proposed GFA must be indicated in a plan and detailed in the RtS document.	The proposed modification reduces the size of the main hall, main school building and so results in a reduction in GFA. The approved GFA is 25,863sqm. The proposed GFA is 20,097sqm. The updated GFA per construction phase is shown on the construction phasing plans – refer architectural plans at Appendix A.			
Biodiversity	As previously advised the subject site is biodiversity certified, negating the need for further biodiversity assessment.	Noted. No response required.			
	The proposed landscaping is satisfactory with the incorporation of Cumberland Plain Woodland (CPW) species into the planting schedule. The planting schedule does not include specific details of the number of trees to be installed. A condition of approval should be applied that tree planting on site be undertaken at no lesser density than that shown in the Site Tree Planting Arrangement Plan prepared by Umbaco Landscape Architects dated April 2021.	Agreed. A condition to this effect is acceptable.			
	The landscape plan also includes a remnant patch of CPW for retention and protection. A condition of approval should be applied that only locally native CPW species are to be utilised for landscape planting within this remnant patch and that any landscape works should be undertaken under the supervision of a suitable qualified bush regenerator or ecologist.	SCS agrees that use of endemic CPW species is appropriate. A condition to this effect is acceptable.			

Issue	Comment	Response to submission
	Further to the above, EES notes that the modified proposal presents greater potential for encroachment into the tree protection zones within the remnant patch of CPW. For example, the modified plans show potential 1:4 batter from the proposed sports field adjacent to the patch and a new pathway through the patch. To protect this remnant patch of CPW, a condition of consent should be applied for a suitably qualified arborist (Diploma in Arboriculture) to establish tree protection fencing in accordance with Australian Standard 4970:2009 Protection of Trees on Development Sites prior to any works commencing on site. No encroachment greater than 10% of the tree protection zone is to occur without prior confirmation from the project arborist that this can occur without adverse impacts to trees.	Noted and agreed. A condition to this effect is acceptable.
Flooding	In relation to flooding, EES is satisfied that our previous comments have been addressed and raises no further comments on concerns.	Noted, no response required.
Water and Wastewater Servicing	As per the advice of the Section 73 case lodged with Sydney Water (CN 177014) our servicing requirements for the proposed development are to be delivered under the Notice of Requirements for the Section 73 application the proponent has already lodged with us – CN 177014v3. Or any future Notice of Requirements.	Noted.
	We recommend the Applicant/their Water Servicing Coordinator notify Sydney Water of these proposed modifications to ensure the NOR accurately reflects the proposed works especially due to revised construction phasing and the increase of student numbers in Construction Phase 2.	Noted. SCS will keep Sydney Water informed of any changed servicing requirements arising from the modification.

Issue	Comment	Response to submission
Network Capacity / Connection	Endeavour Energy has noted from the Section 4.55(2) Modification Report the proposed amendments do not appear to have a direct or significant impact on the existing or required electricity infrastructure. Notwithstanding the proposed amendments the recommendations and comments provided therein essentially remain valid.	Noted- no action required.
Bushfire	The NSW Rural Fire Service has reviewed the submitted amendments and raises no objections subject to compliance with our previous advice dated 4 June 2021. In addition to the above, it is recommended that the location of the future demountable structures for temporary occupation of the increased number of students must be in accordance with table A1.12.1 of Planning for Bush Fire Protection (PBP) 2019.	The 4 June RFS submission recommends conditions of consent to be applied to the modification which the project accepts and is able to comply with. It is noted that the RFS submission assumes that the demountables are yet to be installed, however as detailed in the amendment to the modification, the demountables are already in situ adjacent to Eleventh Avenue. A Bushfire Risk Assessment was prepared by Building Code and Bushfire Hazard Solutions Pty Limited for the Section 4.55(2) modification. The minimum required Asset Protection Zones (APZs) for the modified school buildings were determined in accordance with Table A1.12.1 of PBP 2019. All the required minimum APZs on the site were exceeded. For the main hall (located immediately west of the existing demountables on Eleventh Avenue) there is an APZ of greater than 140m. Based on this previous assessment, we conclude that the demountables are therefore in accordance with A1. 12.1 of PFB 2019.
Community submission	The members of Austral Progress Association Inc have reviewed the URBIS Amendment Report and have no further comment regarding the traffic concerns of Tenth Avenue Austral.	Noted
	Further, we request an amendment to the URBIS Amendment Report to change the reference (in Conclusion Section 7) to the Austral Progress Association as a 'communist' organisation to 'community' organisation.	This was an unfortunate typographical error. We sincerely apologise for any offence caused to the Austral Progress Association.

5. UPDATED EVALUATION AND CONCLUSION

This Submissions Report has been prepared to address the matters raised by government agencies, authorities, community organisation and public submissions during the second public exhibition of the amended Section 4.55(2) application to modify SSD-8865.

In summary, no material changes have been made to the proposed modification. Following receipt of submissions from the notification period and DPIE's identification of key issues letter, the proponent has:

- determined to align the delivery of the roadworks with the student population, as requested by DPIE and Council, and as such, confirms:
 - that all surrounding road upgrades (excepting the roundabouts) will be delivered prior to the student population reaching 975;
 - that the roundabouts will be delivered prior to the student population reaching 1,300;
- updated the proposed changes to the conditions of consent to SSD-8865 to reflect the agreed position in relation to the delivery of the roadworks and roundabouts
- added sub phases to Construction Phase 3 to enable the issue of a separate construction certificate and occupation certificate for the main school building
- updated the construction phasing plans to identify the timing of the delivery of surrounding roadworks including the roundabouts;
- engaged with Council regarding the delivery of roadworks around the site

These actions have resulted in the final outcome presented within the amended Architectural Plans at **Appendix A**.

The minor adjustments to the architectural plans and the conditions of consent do not modify the conclusions of the planning assessment provided in the original 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 proposed modification will not result in any adverse environmental impacts. The proposal will not result in any adverse built form (bulk, overshadowing) impacts, traffic and parking, privacy (visual, acoustic), or ecological impacts.
- The construction phasing plan will deliver the necessary buildings and appropriate road infrastructure to accommodate the student population, with the consent conditions updated to this,
- The proposal does not have any unacceptable impacts on adjoining properties, the public domain or end users in terms of traffic, social and environmental impacts.
- The proposed modification will not result in any significant changes to bushfire and flooding risks on the site.

As outlined throughout this report, the proposed modification is in the public interest, responds to the statutory requirements under the *Environmental Planning and Assessment Act 1979* and has adequately addressed and responded the submissions received during the public exhibition period. As such, 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.

DISCLAIMER

This report is dated 1 December 2021 and incorporates information and events up to that date only and excludes any information arising, or event occurring, after that date which may affect the validity of Urbis Pty Ltd (**Urbis**) opinion in this report. Urbis prepared this report on the instructions, and for the benefit only, of Sydney Catholic Schools (**Instructing Party**) for the purpose of SSDA (**Purpose**) and not for any other purpose or use. To the extent permitted by applicable law, Urbis expressly disclaims all liability, whether direct or indirect, to the Instructing Party which relies or purports to rely on this report for any purpose other than the Purpose, and to any other person which relies or purports to rely on this report for any purpose whatsoever (including the Purpose).

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This report has been prepared with due care and diligence by Urbis and the statements and opinions given by Urbis in this report are given in good faith and in the reasonable belief that they are correct and not misleading, subject to the limitations above.

APPENDIX A

AMENDED ARCHITECTURAL PLANS

APPENDIX B

UPDATED CONDITIONS OF CONSENT

