Department of Planning, Housing and Infrastructure

Our ref: Malek Fahd Islamic School Expansion (SSD-56264716)

Ms Miriam Silva
Business Manager
Malek Fahd Islamic School Ltd
405 Waterloo Road
Greenacre NSW 2190

5 March 2025

Subject: Response to Submissions

Dear Ms Silva

I refer to the State significant development (SSD) application for the Malek Fahd Islamic School Expansion (SSD-56264716) and the Department's correspondence dated 17 February 2025.

In addition to the issues raised in the public submissions and agency advice, the Department requires you to address the matters raised in Attachment A in the Submissions Report.

If you have any questions, please contact Dimitri Gotsis on 8217 2053 or via email at Dimitri.Gotsis@planning.nsw.gov.au.

Yours sincerely,

Madeline Thomas
Team Leader
Social Infrastructure Assessments

as delegate for the Planning Secretary

Attachment A – Key issues

1. EIS Staging Information and Plans

The Environmental Impact Statement (EIS) staging information and plans are insufficient for assessment. The Response to Submissions (RtS) must provide revised staging plans and details within a Staging Report, clearly outlining construction sequencing, school operation, parallel activities and mitigation measures at each stage.

The revised Staging Report must include:

School Operations and Decanting Arrangements

- student and staff numbers for each stage
- operational arrangements, including the location of school activities and timing of decanting between stages
- open space and play areas, with an assessment against the NSW Educational Facilities Standards and Guidelines, addressing requirements per student at each stage

Early Learning Centre (ELC)

- child numbers
- indoor and outdoor areas, and car parking assessed against the Child Care Planning Guideline 2017, detailing compliance with the requirements per child at each stage

Site Management and Accessibility

- fencing and hoarding boundaries for each stage, including vehicle and pedestrian routes
- student and staff pedestrian entry points and internal pedestrian access routes
- construction vehicle access, including entry/exit points, on-street parking changes, and required pedestrian/traffic management measures
- drop-off and pick-up (DOPU) arrangements, including:
    - proposed locations for DOPU zones (including ELC) during construction
    - required relocation of existing DOPU areas due to construction activities
    - safe pedestrian access routes to and from any DOPU area

Parking and Waste Management

- on-site parking for staff and students, with analysis demonstrating whether sufficient parking would be provided
- on-site parking for construction workers
- off-site parking requirements for staff, students, visitors, and construction workers
- waste collection points, vehicle routes, and manoeuvrability during each construction stage

Mitigation Measures

- clear identification of mitigation measures required at each stage

The above requirements must be detailed separately for each stage within the Staging Report and be included in an updated mitigation measures table.

The applicant must review all supporting EIS reports and plans to ensure they align with the revised Staging Report and address staged construction and operation impacts. Based on the Department's preliminary assessment, the following reports must be updated in the RtS:

- EIS report
- Traffic and Parking Assessment
- Acoustic Assessment
- Social Impact Assessment
- Waste Management Plan
- Preliminary Construction Management Plan
- School Transport Plan
- Floor Impact Risk Assessment
- Social Impact Assessment
- Mitigation Measures Table cross referenced against relevant assessments.

2. Built Form and Urban Design

The EIS has been reviewed by the Government Architect NSW (GANSW), and their advice has informed the Department's preliminary assessment of the proposal. The following advice and request for information is provided.

The proposal includes architectural elements that contribute to excessive bulk and scale within a low-rise residential context. Elements such as the spire, entry arch, and decorative screening appear disproportionate relative to their function, human scale, and the surrounding built environment. While the intent to establish a clear cultural identity is acknowledged and supported, this could be achieved through a simplified architectural approach that integrates more appropriately within the streetscape and neighbourhood character.

Additionally, the relationship between the school and the surrounding community has been diminished due to changes in ground levels at the main entry, which impact both accessibility and the school's sense of openness.

To ensure the built form is appropriately scaled and provides a connection with the streetscape and wider community, the RtS must address the concerns raised in this letter, including amending the built form if required. Further details on specific architectural elements requiring refinement are outlined below.

<u>Prayer Hall</u>

The Prayer Hall is the most visually dominant structure on the campus. The approach of gender segregation via stacked floors is supported as it minimises the building footprint. However, the following concerns are raised:

- no sections are provided to demonstrate floor to ceiling heights, clarify roof profile and overall height
- the spire and curved roof (minaret interpretation) is excessively high
- the structural system and underground car park are incompatible, likely requiring deep transfer structures, further increasing the Prayer Hall's height.

The RtS must provide revised architectural plans including:

- building sections illustrating building height with detailed dimensions
- relocation of ablutions to lower ground level to reduce overall height
- an alternative minaret design with a significantly lower height.

A structural review is recommended regarding the compatibility between the car park and the Prayer Hall. Outcomes of the review should inform a revised design that provides a compatible structural system that allows for reduced Prayer Hall height.

Underground Car Park and Site Levels

The underground car park establishes the datum for the lower ground floor, effectively reducing visual bulk across the site. However, this results in large stair transitions between key areas of the school, raising concerns about universal accessibility, particularly at the main entry and sports field access points.

The RtS must provide:

- confirmation of universal access provisions at all major stair transitions, including the main entry and sports field access
- a review of the basement carpark design to determine whether changes in carparking and associated service arrangements could improve site functionality.

Main Entry Structure

The main entry arch and stair design are significantly over-scaled relative to their function. The break in the Administration Building already frames the entry, making the large entry arch unnecessary from an urban design perspective.

Additional concerns include:

- the grand staircase may not be heavily used, as most students are expected to be dropped off at lower ground level
- primary school students require appropriately scaled elements for accessibility and functionality
- the need for a secure-line at the entry and its impact on accessibility is unclear
- it is unclear whether a co-located lift is provided to ensure accessibility.

The RtS must provide:

- a scaled-down entry design, with smaller arches or alternative cultural expressions that align with human scale
- clarification of student movement patterns, confirming expected usage of the grand staircase
- a scale study to ensure primary school students can relate to the campus appropriately
- confirmation of secure-line requirements and their impact on space usability
- details on the provision of a co-located lift to ensure universal access.

Screening

The decorative screens on the street frontage appear oversized and out of proportion with both the building form and screening patterns.

Concerns are raised that these elements do not appear to serve a functional purpose beyond aesthetic decoration. These elements should remain proportionate and functional, serving privacy or sun shading purposes.

The RtS must provide:

- a revised approach to decorative screening, ensuring it is proportional to the building and aligned with traditional functional applications such as privacy or sun shading
- justification for the function of each screen beyond aesthetic purposes.

Change of Level at the Street Frontage

The change in ground levels at the street frontage would require pedestrians to descend to the lower ground floor, then transition back up to the ground floor. This arrangement would reduce ease of access and would not provide an inviting entry for school users and the community.

Additionally, the ramp transition for vehicles from the street appears to require drivers to navigate multiple elements in a short distance.

The RtS must provide:

- a dedicated pedestrian priority access at the lower ground floor to improve usability
- a universal access solution ensuring direct pedestrian access from the street to the school entry
- a review of the vehicle ramp transition, ensuring safe and efficient navigation for drivers.

Pedestrian Connections at the Lower Ground Floor

The lower ground floor lacks dedicated, safe, and readily identifiable pedestrian connections, particularly at the Early Learning Centre (ELC), where the forecourt is car-dominated.

The RtS must provide a revised site plan that prioritises safe pedestrian connections throughout the lower ground floor, particularly around the ELC forecourt.

3. Traffic, Transport and Parking

Intersection Modelling

The SIDRA modelling provided in the Traffic and Parking Assessment (TPA) reports a good level of service (LOS) at modelled intersections for both current and proposed conditions, and the EIS states that proposed traffic conditions would not present any adverse traffic implication on the local road network. However, these findings are in direct contrast to traffic concerns raised in Council's submission and those submitted by the public. Additionally, the TPA does not indicate when the traffic surveys used for the SIDRA modelling were conducted.

The RtS must include:

- evidence of when traffic surveys were used for SIDRA modelling were undertaken
- if evidence cannot be provided, new intersection/traffic surveys must be conducted on a typical school day during the AM and PM peak school periods for additional SIDRA modelling.

Trip Generation and Travel Mode Share

The TPA uses traffic survey data at the school's access on Mungerie Road to calculate current and future trip generation. However, the analysis does not account for current student and staff travel behaviour through survey results, and no staff mode share or staff trip estimates are provided. The current targets for car mode share, set at 15% for both students and staff, are ambitious and are a significant departure from actual current travel patterns identified in the TPA.

The Department considers that capturing current travel behaviour for both students and staff is crucial to determining accurate trip generation estimates and establishing realistic mode share targets.

The RtS must include:

- evidence of current student and staff travel surveys undertaken, including survey results
- revised trip generation analysis to incorporate survey results and consideration of ELC trip generation
- updated mode share targets for students and staff, informed by travel mode shares identified in survey results.

Drop-off/Pick-up

The proposed basement car park DOPU area lacks sufficient details. Specifically, the number of DOPU bays proposed. Additionally, the TPA does not include an analysis of whether the DOPU area's capacity will be sufficient for expected trip numbers and how specific DOPU requirements for children at the ELC will be accommodated.

Additionally, the operation, expected demand and capacity of the proposed mini-bus bays has not been addressed.

The RtS must provide:

- DOPU diagrams and information detailing:
  - the location and number of DOPU spaces, with line marking, space dimensions, and relevant notations
  - any DOPU user restrictions necessary for ELC, primary and secondary school DOPU trips
  - capacity analysis of the DOPU area's ability to accommodate expected trip numbers during AM and PM peaks
  - expected queue lengths from the DOPU area during peak hours during AM and PM peaks
  - mitigation measures for managing queuing within the site and along Mungerie Road
- details of the mini-bus operation and its capacity to accommodate expected demand.

Additionally, clarify the statement in Section 4.3 of the TPA regarding safe and suitable on-street DOPU arrangements, and confirm whether on-street DOPU areas are proposed for the future use of the school.

Traffic Conditions

Section 3.3 of the TPA refers to TfNSW data and previous studies, stating that intersections operate at a relatively satisfactory LOS. However, references to 2019 and 2020 results are unclear. It is not specified which results these dates refer to, nor is it clear whether any key traffic analysis or modelling was conducted using this data. The Department will not accept 5-year-old data in the traffic analysis provided as part of the RtS

The RtS must provide:

- recent/current traffic data to support traffic and transport analysis
- a revised TPA with new analysis replacing the 2019/2020 data.

Public and Active Transport

The EIS and TPA do not provide a comprehensive analysis of the public and active transport network. Specifically, there is insufficient detail on the proximity, accessibility, and suitability of bus stops, train stations, and active transport links servicing the site.

Additionally, the lack of figures and maps that clearly identify the site's location in relation to existing public and active transport infrastructure does not allow for an assessment of whether these transport modes are viable alternatives to private vehicle travel.

The RtS must provide:

- a detailed analysis of public transport services including:
  - the exact location of nearby bus stops and train/metro stations, their service frequencies, and route connections
  - an assessment of whether existing public transport services can accommodate the projected demand from the school population
- a review of active transport connections including:
  - the quality, continuity, and safety of pedestrian and cycling routes to and from the site
  - identification of any gaps or barriers in the identified active transport network that may discourage walking or cycling
- updated figures and maps in the TPA that accurately depict the site's location in relation to:
  - nearby bus stops, train stations, and active transport routes.
  - key pedestrian and cyclist access points to the school.

Parking

The TPA states that there will be sufficient on-street and on-site parking for construction workers, but it lacks details and analysis regarding the availability of on-site construction worker parking. There is also no on-street parking analysis to demonstrate the availability of on-street parking for workers.

The RtS must provide:

- plans and details of proposed on-site construction worker parking, including the available capacity
- if there is a need for overflow on-street parking, provide survey results and a capacity analysis for the proposed streets

- mitigation measures to minimise construction worker parking demand.

General

The following issues must be addressed in the RtS:

- the TPA does not notate the site in the figures provided
- there is no author or signature on the TPA, making it unclear if the document has been prepared by a suitably qualified consultant.

The Department recommends a revised Traffic and Parking Assessment be prepared by a qualified traffic consultant, ensuring it meets SEAR 9 for the project and is in line with the Transport for NSW Guide to Traffic Impact Assessment. The revised TPA must include the requested updates to ensure a comprehensive and accurate traffic and parking assessment. The updated analysis must address the staged construction and operation of the school, particularly in relation to traffic management, parking, and mitigation measures.

4. Flooding

The Department's preliminary assessment of the Flood Impact Risk Assessment (FIRA) included consideration of EIS advice provided by the Conservation Programs, Heritage and Regulation (CPHR) Group. CPHR have identified significant issues with the current FIRA. Additionally, no flood mapping was provided as part of the FIRA of the required flood scenarios including climate change adaptation.

Incomplete Assessment

The NSW Government's Flood Impact Risk Assessment guidelines specify that FIRAs for critical infrastructure, including schools, must consider flooding up to the Probable Maximum Flood (PMF) that could affect the site. The current FIRA fails to consider the PMF, which is a critical assessment component to ensure the proposed school would be adequately prepared for extreme weather events.

Flood Constraints

The FIRA does not adequately assess critical flood-related features, including flood ways, flood storage areas, or emergency response measures. The FIRA guidelines emphasise the importance of understanding how these elements might impact the proposed infrastructure, especially during extreme flood events. This lack of consideration creates a significant gap in understanding the site's preparedness for flood events, particularly concerning safe access and egress for students and staff to and from the school.

Flood Hazard and Risk

The FIRA fails to classify flood hazards and does not analyse the implications of these hazards on the safety of the school and its users. According to FIRA guidelines, flood hazards should be classified and categorised to determine the level of risk posed to the site. This should include inundation depths and flood levels for all applicable flood scenarios, including the PMF.

Development Impact on Flood Behaviour

The current FIRA does not model the pre- and post-development flood impacts. This includes assessing whether the proposed development would alter flood behaviour or result in the diversion of overland floodwaters, which could exacerbate flooding in surrounding areas.

Emergency Response

The FIRA does not provide a detailed evaluation of emergency response measures in the event of extreme flooding. The guidelines stress that critical infrastructure, like schools, must ensure emergency evacuation routes remain accessible during significant flood events. Given the vulnerability of a school population, this is a crucial aspect of the FIRA.

The RtS must provide a detailed response to the matters raised by CPHR and:

- provide a revised FIRA including flood mapping that evaluates the full range of flood events, including the PMF and climate change adaption
- assess key flood constraints, including floodways, flood storage areas, and emergency evacuation routes
- provide a detailed flood hazard analysis, including hazard classification, inundation depths, and flood levels for both pre- and post-development conditions
- model pre- and post-development flood conditions to evaluate the potential impacts of the proposal on local flood behaviour, particularly the potential for overland floodwater diversion
- review emergency response measures to ensure that evacuation routes remain accessible during extreme flood events.

The Department recommends that the FIRA be prepared by a suitably qualified consultant with expertise in flood risk assessment. The revised FIRA must be assessed against SEAR 14 for the project and be prepared in accordance with the relevant NSW Government guidelines. Key flood guidance documents are available at: NSW Planning Portal – Flood Risk Guidance.

5. Biodiversity

CPHR have identified biodiversity and tree retention issues in their EIS advice. The key issues are summarised below:

Impacts to Critically Endangered Ecological Communities (CEEC)

The Biodiversity Development Assessment Report (BDAR) does not sufficiently demonstrate that impacts on Critically Endangered Ecological Communities (CEEC), particularly Cumberland Plain Woodland (CPW), have been minimised. The proposed removal of 133 trees, including 43 high significance trees, requires further refinement to retain more CEEC trees.

BDAR Assessment Compliance with BAM

The BDAR includes several inconsistencies with the Biodiversity Assessment Method (BAM), such as missing microhabitat details and habitat constraints for certain species. These inconsistencies must be addressed to ensure compliance with BAM guidelines.

BDAR Calculation of Vegetation Integrity (VI)

The VI loss calculation in the BDAR should be revised to accurately reflect future conditions, as outlined by the BAM-C guidelines.

Assessment of Serious and Irreversible Impact (SAII)

Further assessment is required to determine whether the impacts on CPW are likely to result in SAII. This assessment should be conducted once the proposal is amended to retain additional trees.

Landscape Plan Adequacy

The landscape plan should be updated to reflect changes in required tree retention and include more species characteristic of the CPW.

The RtS must provide a detailed response to the matters raised by CPHR, and incorporate the following recommendations:

- revise the proposal in consultation with an AQF Level 5 Arborist to retain more high-significance trees
- update the BDAR and associated architectural, landscape, and stormwater plans to reflect the retention of additional significant trees
- revise the BDAR to address the identified inconsistencies with the BAM, update BAM-C calculations and address all the relevant assessment matters outlined by CPHR
- revise the landscape plan to incorporate species that are descriptive of CPW.

6. Bushfire

The proposed exemption of the library, girls' high school, and boys' high school from Specification 43 (Spec 43) of the NCC 2022 is not supported by the Rural Fire Service (RFS), as outlined in their advice on the EIS.

The RtS must include an updated Bushfire Assessment Report that addresses RFS advice and provides details of the required Bushfire Attack Level BAL for the construction of these buildings

7. BCA

The BCA report provided does not include an assessment against the relevant Bushfire Attack Level (BAL) rating for the site, as required under the National Construction Code (NCC), particularly Part 3.7.4 (Fire Safety) for construction in bushfire-prone areas.

Department understands that compliance with the NCC, including bushfire-related requirements, would be assessed by the certifier prior to construction. However, building separation and other relevant design requirements under Part 3.7.4 of the NCC may require a redesign to meet the project's relevant BAL-19 standards.

It is important to identify and address building separation requirements pre-approval to avoid potential post-approval redesigns if compliance cannot be achieved.

The RtS must include a revised BCA report which:

- assesses the proposal in accordance with the applicable BAL rating for the site
- confirms whether the proposed design can achieve the required separation and access requirements for BAL-19.

If non-compliance is identified, a re-design of the proposal would be required as part of the RtS. The Department invites you to meet and discuss any design changes required.

8. Noise and Vibration Impact

Operational Staging

The Acoustic Assessment (AA) does not consider the noise and vibration impacts expected during the school's staged operation over 6 years. Given the significant construction noise exceedances identified in the AA, these impacts could severely disrupt students and staff during school hours.

The RtS must provide a detailed assessment of noise and vibration impacts for each stage of operation and outline appropriate mitigation measures to minimise disruptions throughout the staged operation.

Sensitive Noise Receivers

Sections 2 and 3.2 of the AA, submitted with the EIS, identify 5 sensitive noise receivers along street-facing residential boundaries. However, the highest noise impacts above background levels are likely to occur at the rear of these properties, closest to the site. The omission of these areas from the assessment is unjustified.

The RtS must explain the rationale for the attended noise survey locations and demonstrate that they are most appropriate for assessing noise impacts.

Safe Working Distances

Section 7.4 of the AA recommends safe working distances to meet vibration compliance criteria and states that these distances should be validated before construction begins. Table 37 of the AA outlines safe distances for plant machinery, ranging from 1m to 20m for 'cosmetic damage' and 7m to 100m for 'human comfort.'

With excavation for the basement car park planned within 12m of adjoining property boundaries and 15m of residential dwellings, it is critical to confirm compliance with these safe distances.

The RtS must specify the proposed plant machinery, their safe working distances, and how compliance would be achieved. If compliance is not feasible, the RtS must outline stage-specific mitigation measures.

Construction traffic

Section 4.4.4 of the AA does not assess noise impacts from construction traffic using the northern access path during early construction stages. Multiple residential properties along this route would experience significant noise from up to 30 major construction vehicle movements daily, as identified in the EIS.

The RtS must provide a comprehensive construction traffic noise impact assessment covering all project stages.

Mitigation Measures

The Mitigation Measures Table in Appendix E of the EIS fails to include the site-specific mitigation strategies recommended in Section 7.6 of the AA. Given the significant noise exceedances expected, particularly over the 6-year construction period, these measures are essential.

The RtS must include detailed and targeted mitigation strategies to minimise noise and vibration impacts on nearby residential properties and on students and staff throughout all operational stages.

9. Social Impact

The Social Impact Assessment (SIA) submitted EIS does not adequately assess social impacts associated with the staging of construction forecast to take place over 6 years in multiple construction stages. While the SIA considers general construction-phase impacts, it does not address the prolonged nature of construction activities and the cumulative effects of noise and disruption on surrounding residents over an extended 6-year timeframe.

The Department considers that the extended duration of construction introduces distinct and significant social impacts, including prolonged exposure to construction noise, potential changes in community sentiment, and ongoing disruption to local amenity. These impacts require a more detailed assessment to ensure that mitigation measures are appropriate, responsive, and adaptable over the entire 6-year construction period.

A revised SIA must be provided with the RtS that:

- assesses the social impacts of a staged construction program over 6 years, with a focus on:
  - the long-term noise exposure and potential cumulative stress effects on surrounding residents
  - the impact of prolonged construction activities on residential amenity, daily routines, and well-being
  - any potential changes in community sentiment over time due to extended disruption.
  - the effectiveness of proposed mitigation measures over an extended period
- updates the findings and conclusions of the SIA to reflect the staged nature of construction, ensuring that the analysis accounts for the specific impacts arising from long-term works includes revised mitigation measures to:
  - ensure they are appropriate for a 6-year construction period
  - identify adaptive management strategies that respond to evolving community concerns over time
  - include a construction noise monitoring framework that enables real-time assessment and response to community concerns
- provides clear commitments to ongoing community engagement, ensuring that residents are kept informed of construction staging, noise management strategies, and avenues for raising concerns throughout the construction process
- consider improved mitigations that could be included in the early stages (for example acoustic barriers) that could appropriately mitigate noise impacts for receivers who would be impacted over more than one stage.

10. Preliminary Construction Management Plan (PCMP)

The PCMP contains references to Trinity Grammar School. The PCMP must be updated to accurately reflect the proposed school and ensure that all sections are specifically prepared for this development.