



# St Anthony of Padua Catholic School Redevelopment Modification 2

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State Significant Development Modification Assessment  
(SSD-8865-MOD-2)

December 2022



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Title: St Anthony of Padua Catholic School Redevelopment Modification 2

Subtitle: SSD-8865-Mod-2

*Cover image: Main school entrance from Eleventh Avenue (Source: Applicant's Modification Report 2022)*

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# Glossary

Abbreviation	Definition
<b>Council</b>	Liverpool City Council
<b>CPW</b>	Cumberland Plain Woodland
<b>Department</b>	Department of Planning and Environment
<b>EHG</b>	Environment and Heritage Group at the Department
<b>EIS</b>	Environmental Impact Statement
<b>EP&amp;A Act</b>	<i>Environmental Planning and Assessment Act 1979</i>
<b>EP&amp;A Regulation</b>	Environmental Planning and Assessment Regulation 2000.
<b>EPI</b>	Environmental Planning Instrument
<b>ESD</b>	Ecologically Sustainable Development
<b>Minister</b>	Minister for Planning
<b>OSD</b>	On-site Detention
<b>RtS</b>	Submissions Report
<b>Planning Secretary</b>	Secretary of the Department of Planning and Environment
<b>SEPP</b>	State Environmental Planning Policy
<b>SSD</b>	State Significant Development
<b>SRtS</b>	Supplementary RtS
<b>TfNSW</b>	Transport for NSW

# Contents

<b>1</b>	<b>Introduction</b>	<b>1</b>
1.1	Background	1
1.2	Approval history	2
<b>2</b>	<b>Proposed modification</b>	<b>5</b>
2.1	Soccer fields and associated changes (Stage 1)	6
2.2	External façade change	7
2.3	New school identification sign	8
2.4	OSD and stormwater works	9
2.5	Stage 1 construction phase changes	9
<b>3</b>	<b>Strategic context</b>	<b>13</b>
<b>4</b>	<b>Statutory context</b>	<b>14</b>
4.1	Scope of modifications	14
4.2	Consent authority	14
4.3	Mandatory matters for consideration	14
4.4	Biodiversity Conservation Act 2016	15
<b>5</b>	<b>Engagement</b>	<b>17</b>
5.1	Department’s engagement	17
5.2	Summary of advice received from Government Agencies	17
5.3	Summary of submissions	18
5.4	Response to Submissions (RtS)	18
5.5	Supplementary Response to Submissions (SRtS)	19
<b>6</b>	<b>Assessment</b>	<b>20</b>
6.1	Urban design	20
6.2	Other issues	23
<b>7</b>	<b>Evaluation</b>	<b>26</b>
<b>8</b>	<b>Recommendation</b>	<b>27</b>
<b>9</b>	<b>Determination</b>	<b>28</b>
	<b>Appendices</b>	<b>29</b>
	Appendix A – List of referenced documents	29
	Appendix B – Assessment against Environmental Planning Instruments	30
	Appendix C – Community View for Draft Notice of Decision	33
	Appendix D – Instrument of Approval of modification	34

# 1 Introduction

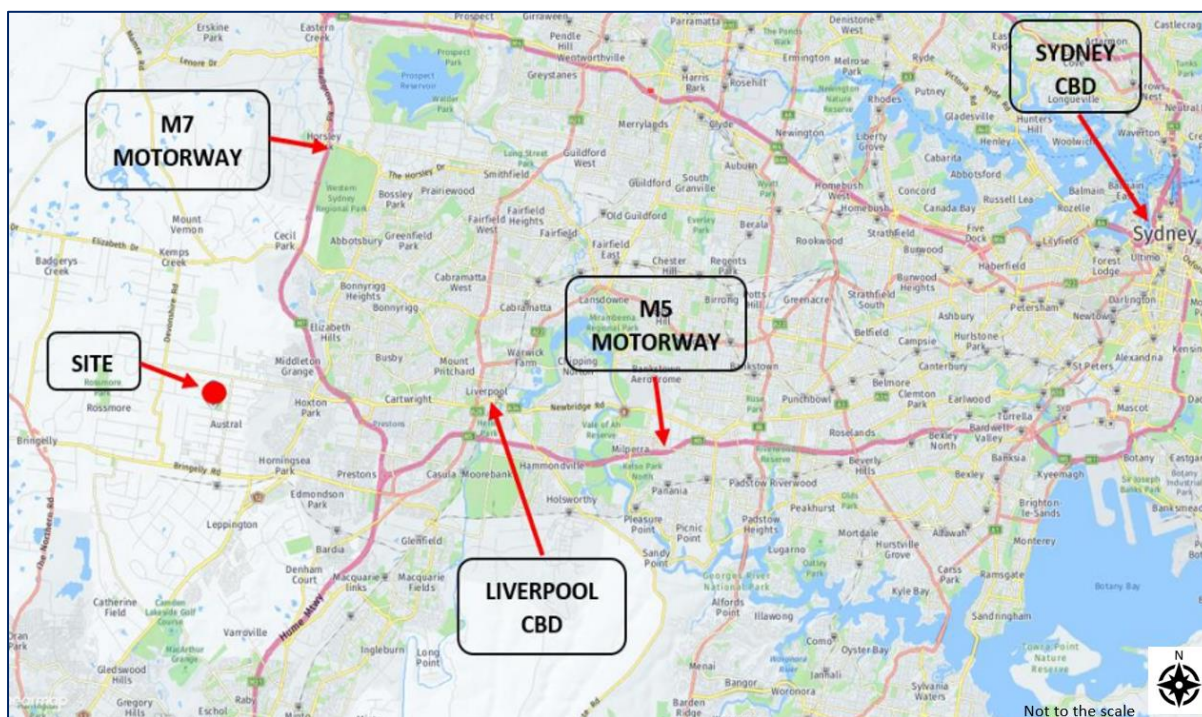
This report provides the NSW Department of Planning and Environment's (the Department's) assessment of an application to modify the State significant development (SSD) consent for the St Anthony of Padua Catholic School Redevelopment in Austral (SSD-8865). The modification application has been lodged by Sydney Catholic Schools (the Applicant) pursuant to section 4.55(1A) of the *Environmental Planning and Assessment Act 1979* (EP&A Act).

The modification application (SSD-8865-Mod-2) seeks to amend the approved Stage 1 works by increasing the levels of the soccer fields within the oval to the south of the site, introducing retaining walls around the oval, amending the materials and finishes of the facade of the main school building, adding signage, amending the stormwater drainage works and construction phasing. Additionally, the application seeks to amend Schedule 3 condition B9 and delete Schedule 3 condition B1A.

The Applicant also seeks to modify the concept approval to reflect the above amendments to Stage 1.

## 1.1 Background

The St Anthony of Padua Catholic School is located at 125-165 Tenth Avenue and 140-170 Eleventh Avenue, Austral (the site) in the Liverpool City Local Government Area approximately 37 kilometres (km) from the Sydney central business district and 10km west of Liverpool central business district (see **Figure 1**).



**Figure 1 |** Regional context map (Base source: Department's Modification Assessment Report 2022)

The site is legally described as Lots 810-812 and 840-842 of DP 2475 and Lots 1-2 of DP 1232692 and has an area of approximately 9.7 hectares (ha). The site is located within the 'Austral and Leppington North Precinct' of the Southwest Growth Area, an emerging greenfield corridor with planned urban development for a range of residential, commercial and community uses.

The site is bound by Eleventh Avenue to the north, Tenth Avenue to the south, residential developments to the east and Fourth Avenue to the west. Adjacent to the north of the site is Craik Park, an open space with tennis courts and playing fields. An existing church (St Anthony of Padua Church) adjoins to the east of Craik Park. The surrounding locality is currently undergoing a transition from a semi-rural residential to a low to medium density residential area.

The existing St Anthony of Padua Catholic School buildings are located at the north-east corner of the site. The school was approved as a local development (DA465/2016) by Liverpool City Council (Council), to accommodate a maximum of 300 students and incorporates 1298 square metres (sqm) of gross floor area across two new single storey buildings with associated outdoor play areas and a 33-space carpark fronting Eleventh Avenue.

Majority of the site is vacant and works relating to the SSD-8865 approval have commenced. This includes the Years 1-4 building, one carpark, the drop-off / pick-up zone along the eastern boundary as well as the construction of temporary demountable classrooms under the provisions of the State Environmental Planning Policy (Exempt and Complying Development) 2008. These works are shown on the aerial site plan provided below in **Figure 2**.



**Figure 2** | Local context map (Source: Nearmap 2022)

## 1.2 Approval history

On 29 April 2020, the Executive Director, Infrastructure Assessments, as delegate for the Minister for Planning and Public Spaces granted consent for a State Significant Development SSD-8865, comprising a concept proposal and Stage 1 works for the redevelopment of St Anthony of Padua Catholic School.

The approved concept proposal includes a masterplan for the staged redevelopment of the St Anthony of Padua Catholic School to accommodate 2480 students and 200 staff, including:

- maximum building envelopes of new school buildings.
- an early learning centre.
- a church.
- a trade training centre.
- an indoor recreation centre.
- site access, carparking and landscaped areas.

The approved Stage 1 accommodates 2280 school students, a 125-place childcare centre and 200 staff members in six construction phases comprising:

- demolition works, tree removal and site remediation work.
- the design, construction and use of the new school buildings and indoor recreation centre, including:
  - a new four-storey 'Central Hub' school building.
  - a bell tower at the entrance plaza.
  - a new two-three storey indoor recreation centre.
  - expansion of an existing building to provide for a single storey 125-place early learning centre.
  - retention and use of existing single storey building for kindergarten.
- hard and soft landscaping.
- site access.
- provision of 326 carparking spaces and 235 drop-off / pick-up spaces across four new carparking areas and 180 bicycle parking spaces.
- associated road works and intersection upgrades, including:
  - upgrade of intersections at Fourth / Tenth Avenue and Fourth / Eleventh Avenue.
  - road widening at Eleventh, Fourth and Tenth Avenues along the site frontages.
  - provision of footpaths and associated street tree plantings.
  - bus bays on Eleventh and Fourth Avenues for up to 13 buses.
  - pedestrian crossings at Tenth and Eleventh Avenues.
- wayfinding and traffic control signage.

As discussed in **Section 1.1**, construction of approved Stage 1 building works has commenced on the site.

The concept proposal also included two future stages, Stage 2 and 3 for the future church and trade training centre. No detailed design for Stage 2 or 3 has been approved and these stages would be subject to obtaining the relevant approvals.

The SSD consent has been subject to one modification application (**Table 1**).

**Table 1 | Summary of proposed modifications**

<b>Mod No.</b>	<b>Summary of Modifications</b>	<b>Approval Authority</b>	<b>Type</b>	<b>Approval Date</b>
<b>Mod-1</b>	Proposed amendments to project staging, site layout, the composition of outdoor and indoor recreational facilities, building envelopes (including a reduction in total gross floor area) and minor changes to the drop-off / pick-up area.	Department	Section 4.55 (1A)	21 January 2022

## 2 Proposed modification

The proposed modification seeks various amendments as summarised below.

The Applicant states that the proposed modifications are a result of the detailed design in the construction phases. The modification (as amended by the Submission report (RtS) and supplementary RtS (SRtS)) include:

### Stage 1

#### *Soccer fields and associated works*

- increase in the level of the soccer fields within the oval adjacent at the south-west corner.
- pedestrian ramps and retaining walls along the northern and eastern perimeters of the soccer fields to provide access from the other areas of the campus.
- deletion of the roof over the tiered seating and grandstand to the east of the oval.
- sandstone retaining wall or upstand along a portion of the southern perimeter of the oval.
- a concrete block retaining wall along the western perimeter of the oval.

#### *External façade amendments to the main school building*

- replacement of the approved fibre cement cladding with a glass curtain wall and a band of obscure glazing.

#### *New signage*

- a new blade wall with signage at the entrance to the approved entrance plaza (Piazza).

#### *Stormwater works*

- deletion of two on-site detention (OSD) systems at the south-western corner of the site.
- provision of three OSD tanks (instead of previously approved five tanks) with modified capacity of tanks supported by amended civil works design plans.

#### *Amendments to construction phases*

- provision of four construction phases in Stage 1 (instead of previously approved five).
- creation of Phase 1A within Phase 1.
- construction of a section of the outdoor play area in Phase 3, instead of Phase 1.
- deletion of sub-phase 3A and construction of the approved Piazza in Phase 3.

#### *Amendment to Schedule 3 condition B1A and condition B9*

- deletion of Schedule 3 condition B1A as the amendments have been included in the plans.
- minor correction to Schedule 3 condition B9 by amending the numerical requirement for unencumbered play area for the approved Early Learning Centre (ELC).

### Concept proposal

- amendments to the architectural and landscape plans to reflect the detailed amendments in Stage 1 works.

No changes are proposed to:

- the phasing of approved roadworks.
- the approved building envelopes in the concept proposal.
- the staging of the future trade centre or the church.

Given that no material changes would occur to the overall approved concept proposal plans, these aspects are not discussed in the following sections.

The details of the proposed Stage 1 works are discussed below.

## 2.1 Soccer fields and associated changes (Stage 1)

### *Increase in levels*

The Applicant's Modification Report (as amended by the RtS and SRtS) advises that the levels of the soccer fields are proposed to be increased between 0.8 metres (m) to 1m to minimise off-site transportation of excavation material and subsequently balance the cut and fill on site.

The RL for the oval would increase from RL 68.42 to RL 69.2. Further increases in levels are proposed at the corners of the oval.

The increase in the levels of the oval would result in retaining walls along the southern and western perimeters. It would also require stairs and ramp access to the oval from the other parts of the site.

Additionally, the Applicant has advised that the roof of the grandstand is proposed to be deleted to reduce cost of construction.

The amendments are identified in **Figure 3**.



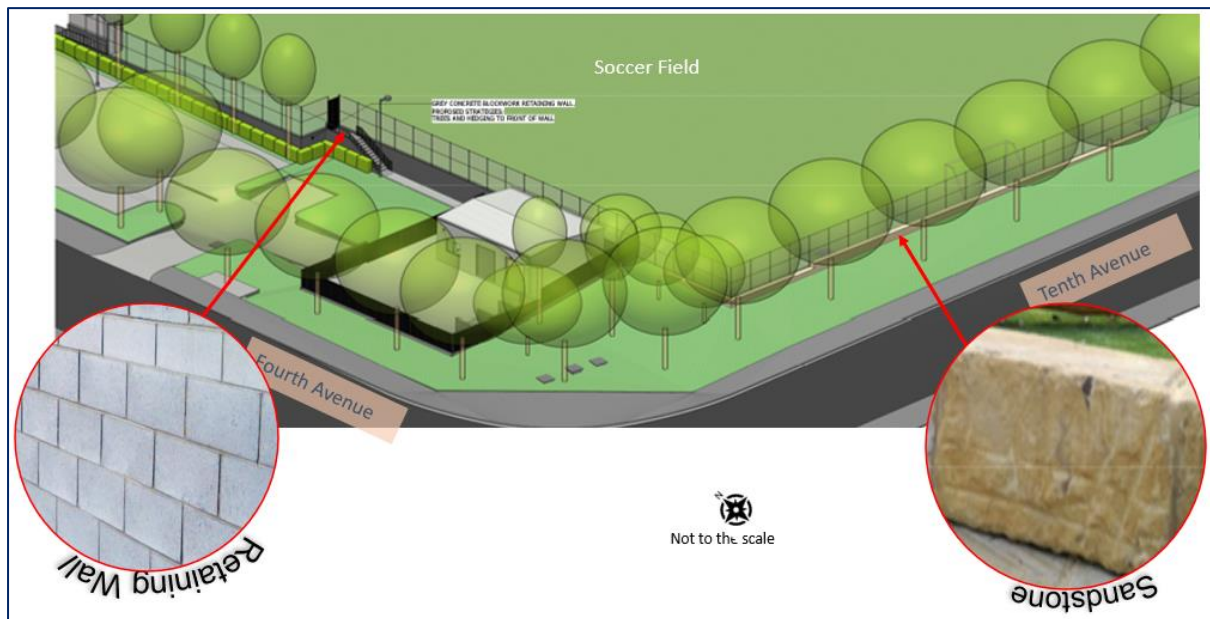
**Figure 3 | Soccer field and associated changes (Base source: Applicant's Modification Report 2022)**

### *Retaining walls*

The southern perimeter of the oval, adjoining Tenth Avenue, and part of the western perimeter with frontage to carpark 3 (facing Fourth Avenue) are proposed to be enclosed by a sandstone upstand (retaining wall) up to 1m in height from the ground level.

Majority of the remaining section of the western perimeter of the soccer field would be enclosed by a concrete retaining wall up to 2.74m in height. The Applicant advised that the retaining wall would be set back approximately 40m from Fourth Avenue (given the carpark location) and lined with low shrub and tree planting to reduce its visual impacts from the public domain.

No changes are proposed to the approved metal mesh fence above the sandstone upstand and retaining wall. The amendments are identified in **Figure 4**.



**Figure 4 |** Proposed enclosure of the soccer field along Tenth and Fourth Avenue (Base source: Applicant's Modification Report 2022)

## 2.2 External façade change

The modification includes replacing the fibre cement cladding and vertical aluminum blades on the main school building with a glass curtain wall and louvres (**Figure 5**).

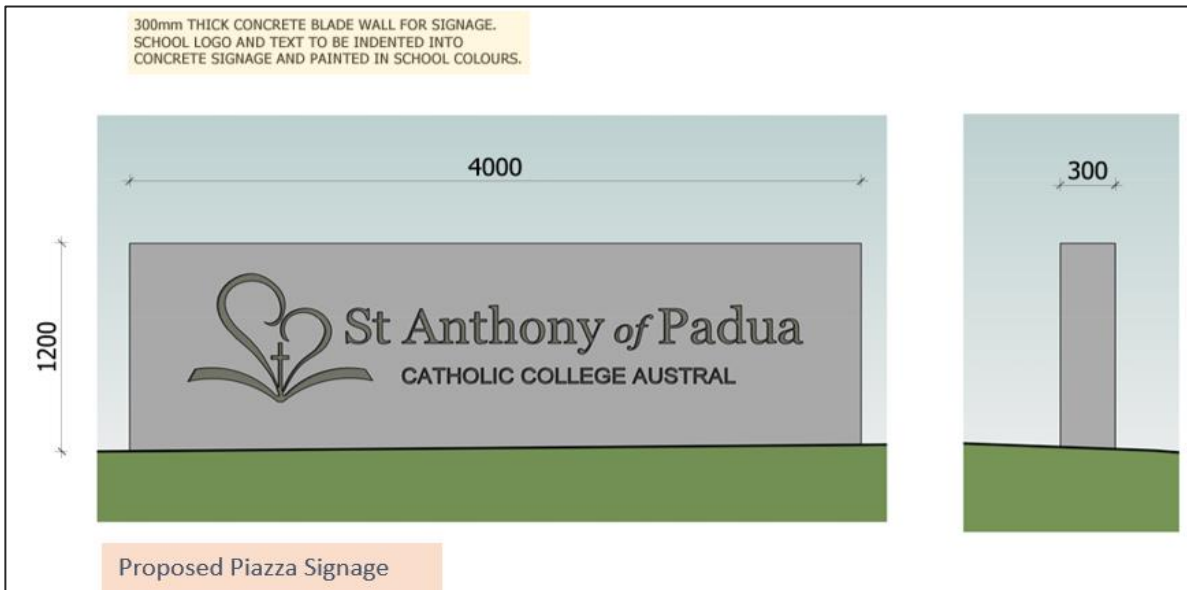
The Applicant has advised that the final colour selection of the glazing would be determined by thermal performance specifications. The Applicant's Modification Report also states that the modifications to the façade would result in reduced visual bulk and increased transparency of the facades.



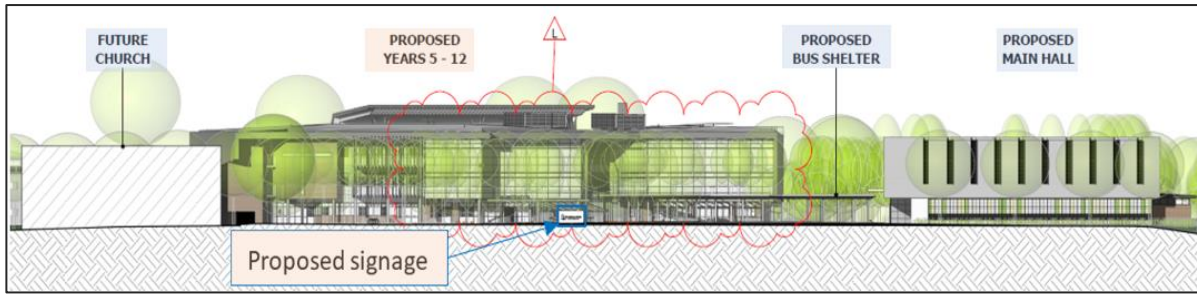
**Figure 5 |** Approved and proposed external façade (Source: Applicant’s SRtS 2022)

**2.3 New school identification sign**

The modification involves the introduction of a new signage. The sign would be constructed in Stage 1 and is proposed to be a 1.2m by 4m concrete blade wall with the school logo and name (**Figure 6**). The sign would be located to the north of the approved Piazza area and set back approximately 5.04m from Eleventh Avenue (**Figure 7**).



**Figure 6 |** Proposed sign (Source: Applicant’s SRtS 2022)



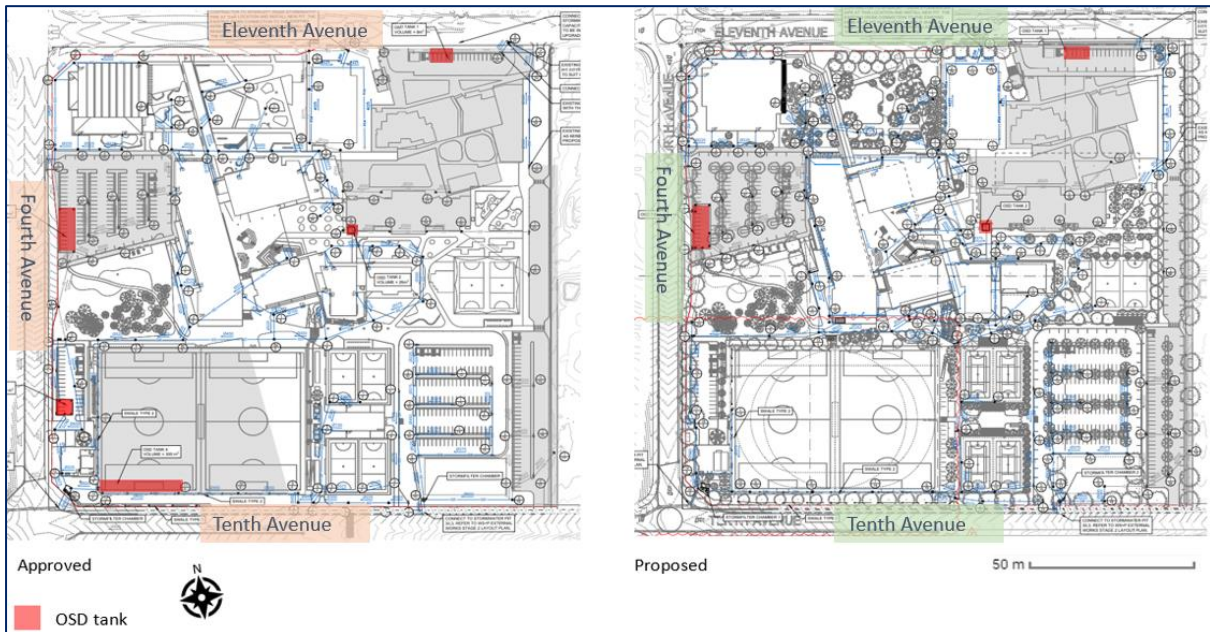
**Figure 7 |** Proposed sign as viewed from Eleventh Avenue (Base source: Applicant's SRtS 2022)

## 2.4 OSD and stormwater works

Five OSD tanks were approved as part of the original development. The Applicant conducted further detailed design analysis and found that two OSD tanks are required to be removed to achieve the post-development flowrate in accordance with Council's standards. This is reflected in the revised stormwater plans, submitted as part of the Stage 1 works (**Figure 8**).

Out of the three OSD tanks, one has already been installed on the site at the pre-SSD stage (part of the local development approval). The two remaining tanks would be installed in Phase 1A of Stage 1.

The modification application is supported by a statement from a Civil Engineer which advises that the stormwater quality management would be consistent with the approved development. The modification application is also supported by a flooding statement which notes that the south-western corner of the site is not flood affected. Consequently, increasing the level of the soccer fields would not impact on the stormwater flow on to the downstream properties and roads.



**Figure 8 |** Approved and proposed stormwater layout (Base source: Applicant's SRtS 2022)

## 2.5 Stage 1 construction phase changes

The proposed modification to the Stage 1 construction phases is shown in **Table 2**. A comparison of the approved and proposed phasing plans are shown in **Figure 9** to **Figure 122**.

**Table 2 | Proposed Stage 1 construction phase modifications**

<b>Phase</b>	<b>Approved</b>	<b>Proposed</b>
<b>Phase 1</b>	<ul style="list-style-type: none"> <li>Year 1-4 Building.</li> <li>carpark 2.</li> <li>carpark 5.</li> <li>internal access road (east).</li> <li>road widening, pedestrian works and interim traffic control design at Eleventh Avenue, Fourth Avenue and Tenth Avenue.</li> <li>play area adjacent to Years 1- 4 building.</li> </ul>	<ul style="list-style-type: none"> <li>Year 1-4 Building.</li> <li>part of carpark 5.</li> <li>internal access road (east).</li> <li>road widening, pedestrian works and interim traffic control design at Eleventh Avenue, Fourth Avenue and Tenth Avenue.</li> </ul>
<b>Phase 1A</b>	No phase 1A.	<ul style="list-style-type: none"> <li>carpark 2.</li> <li>remaining carpark 5.</li> <li>OSD tanks.</li> </ul>
<b>Phase 2</b>	<ul style="list-style-type: none"> <li>Eleventh Avenue, Fourth Avenue and Tenth Avenue roadworks including roundabouts.</li> </ul>	No change.
<b>Phase 3</b>	<ul style="list-style-type: none"> <li>oval with soccer fields.</li> <li>carpark 3.</li> <li>carpark 4.</li> <li>maintenance shed.</li> <li>landscape works.</li> </ul>	<ul style="list-style-type: none"> <li>oval with soccer fields.</li> <li>carpark 3.</li> <li>carpark 4.</li> <li>maintenance shed.</li> <li>landscape works including outdoor play area to the Year 1 – 4 building.</li> <li>piazza.</li> <li>signage.</li> </ul>
<b>Phase 3A</b>	<ul style="list-style-type: none"> <li>Piazza.</li> </ul>	Delete Phase 3A.
<b>Phase 3B</b>	<ul style="list-style-type: none"> <li>extension of the ELC Building</li> </ul>	No change.
<b>Phase 4</b>	<ul style="list-style-type: none"> <li>Main hall</li> </ul>	No change.

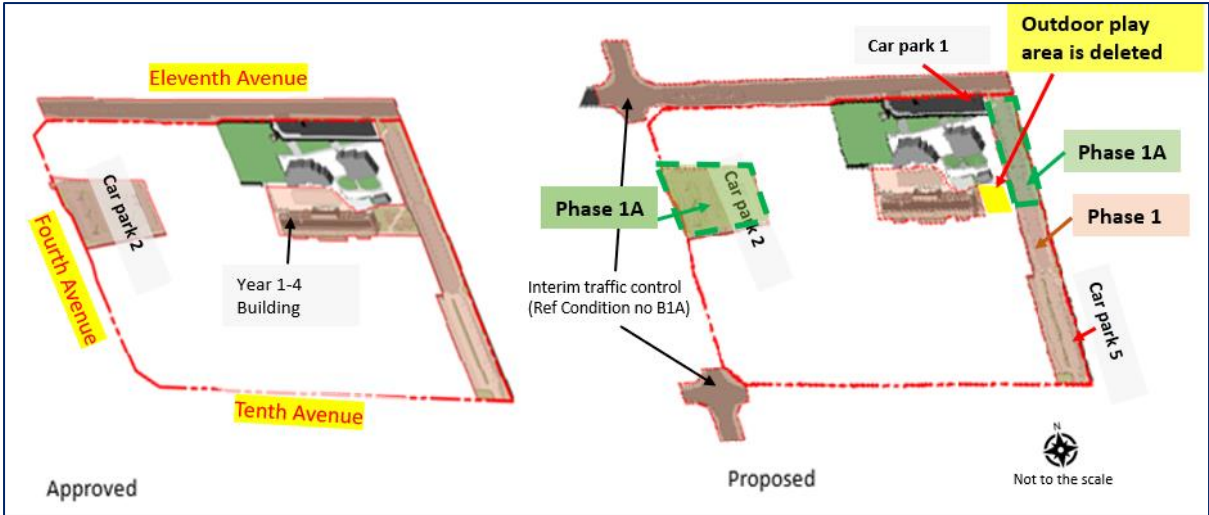


Figure 9 | Approved and Proposed Stage 1 Phase 1 and 1A (Base source: Applicant's SRtS 2022)

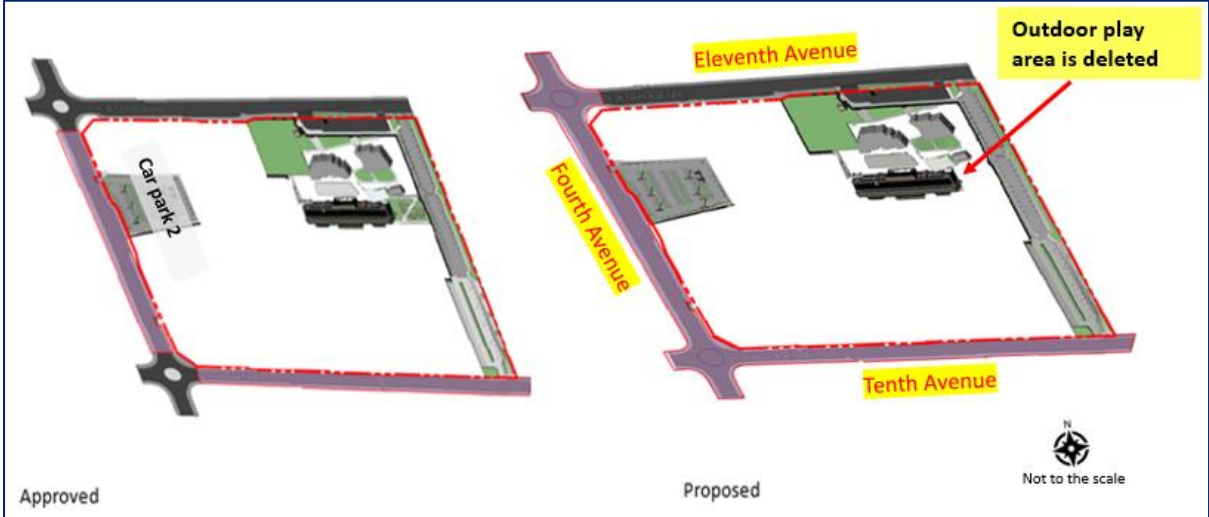


Figure 10 | Approved and Proposed Stage 1 Phase 2 (Base source: Applicant's SRtS 2022)

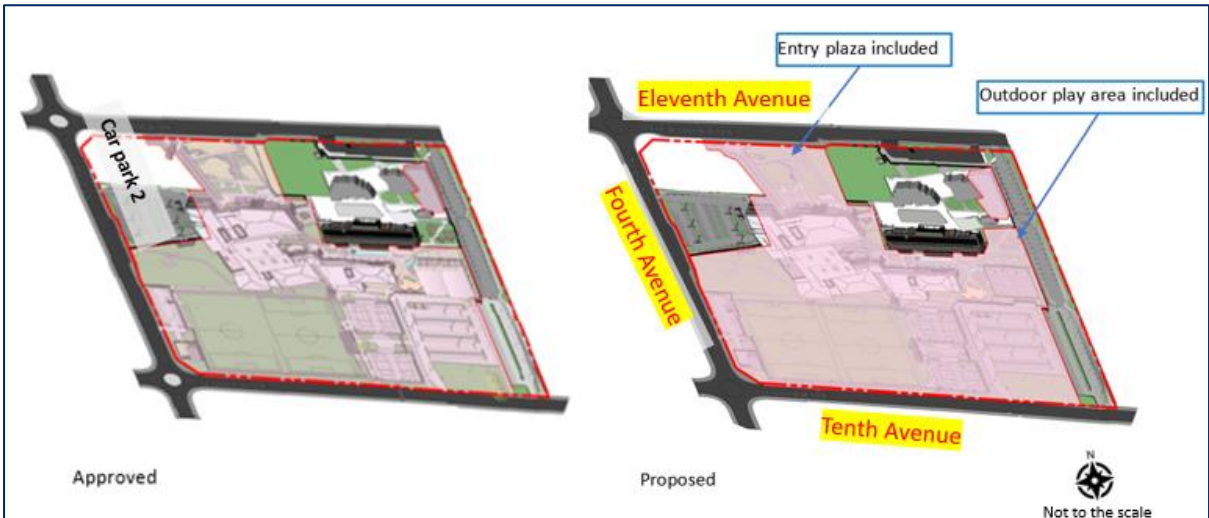
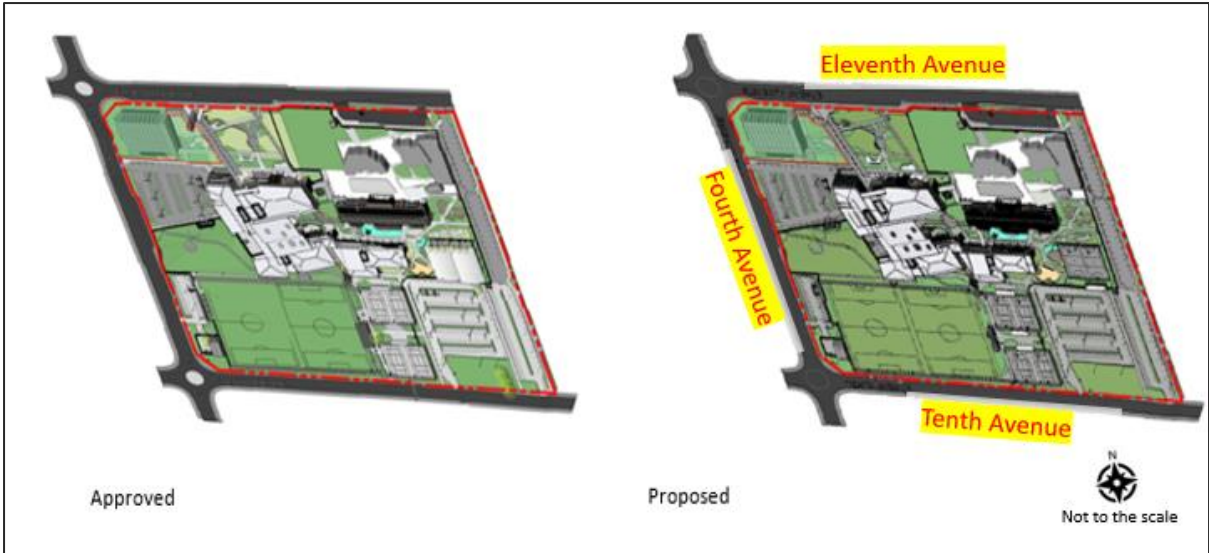


Figure 11 | Approved and Proposed Stage 1 Phase 3 and 3B (Base source: Applicant's SRtS 2022)



**Figure 12 |** Approved and Proposed Stage 1 Phase 4 (Base source: Applicant’s SRtS 2022)

### 3 Strategic context

The Department considers that the development, to which the modification relates, remains consistent with its applicable strategic context given that it is consistent with the:

- Greater Sydney Regional Plan, A Metropolis of Three Cities, as it provides new and expanded school infrastructure to meet the growing needs of Sydney.
- Greater Sydney Commission's (GSC) Western City District Plan, as it provides significant additional education facilities, contributing to social infrastructure to meet the educational needs of the growing community.
- NSW Future Transport Strategy 2056 as it improves an existing educational facility in an accessible location with access to public and school transport services.
- State Infrastructure Strategy 2018 – 2038 Building the Momentum, as it provides facilities to support the growth in demand for education facilities and is designed to accommodate facilities sharing with the community.

## 4 Statutory context

### 4.1 Scope of modifications

The Department has reviewed the scope of the modification application and considers that the application can be characterised as a modification involving minimal environmental impacts as the proposal:

- would not significantly increase the environmental impacts of the project as approved.
- is substantially the same development as originally approved.
- would not involve any further disturbance outside the already approved disturbance areas for the project.

Therefore, the Department is satisfied the proposed modification is within the scope of section 4.55(1A) of the EP&A Act and does not constitute a new development application. Accordingly, the Department considers that the application should be assessed and determined under section 4.55(1A) of the EP&A Act rather than requiring a new development application to be lodged.

### 4.2 Consent authority

#### 4.2.1 Minister's delegate as consent authority

The Minister for Planning (the Minister) is the consent authority for the application under section 4.5(a) of the EP&A Act. However, under the Minister's delegation dated 11 May 2022, the Team Leader, Social and Infrastructure Assessments may determine the application as:

- the application has not been made by a person who has disclosed a reportable political donation in under section 10.4 of the EP&A Act in connection with the modification application.
- there are no public submissions in the nature of objection.
- the Council has not made a submission by way of objection under the mandatory requirements for community participation in Schedule 1 of the EP&A Act.

### 4.3 Mandatory matters for consideration

Since lodgment of the modification application, all NSW State Environmental Planning Policies (SEPPs) have been consolidated into 11 policies. The consolidated SEPPs commenced on 1 March 2022, with the exception of SEPP (Housing) 2021, which commenced on 26 November 2021.

The SEPP consolidation does not change the legal effect of the repealed SEPPs, as the provisions of these SEPPs have simply been transferred into the new SEPPs. Further, any reference to an old SEPP is taken to mean the same as the new SEPP. For consistency, the Department has considered the proposed modification against the relevant provisions of the SEPPs that were in force when the original application was lodged and assessed.

Section 4.55(1A) of the EP&A Act requires the matters listed in **Table 3** to be considered for a modification application involving minimal environmental impact.

**Table 3 | Mandatory matters for consideration**

<b>Matter</b>	<b>Consideration</b>
Whether the proposed modification is of minimal environmental impact.	The proposed modifications sought under this application are considered to have minimal environmental impacts as discussed in <b>Section 6</b> .
Whether the development to which the consent as modified related is substantially the same development.	The development, as modified, is considered to be substantially the same development for which the consent was originally granted.
Whether notification has occurred, and any submissions have been considered.	The application has been notified in accordance with the Environmental Planning and Assessment Regulations 2021 (EP&A Regulation).  The Modification Report and associated documents were exhibited from 26 July 2022 to 8 August 2022.
Any submission made concerning the proposed modification has been considered.	During the exhibition of the proposal, comments and were received from Council and the Endeavour Energy. These submissions have been considered in <b>Sections 5 and 6</b> of this report.
Any relevant provisions of section 4.15(1) of the EP&A Act.	The Department conducted a comprehensive assessment of the project against the mandatory matters for consideration as part of the original assessment of SSD-8865. The Department considers this modification application does not result in significant changes that would alter the mandatory matters for consideration under section 4.15 of the EP&A Act including the recent amendments to the SEPPs and conclusions made as part of the original assessment.
Consideration of the reasons for the granting of the consent that is sought to be modified.	The Department has considered the findings and recommendations of the Department’s Assessment Report for SSD-8865. The Department is satisfied that the key reasons for the granting of consent continue to apply to the development, as proposed to be modified.

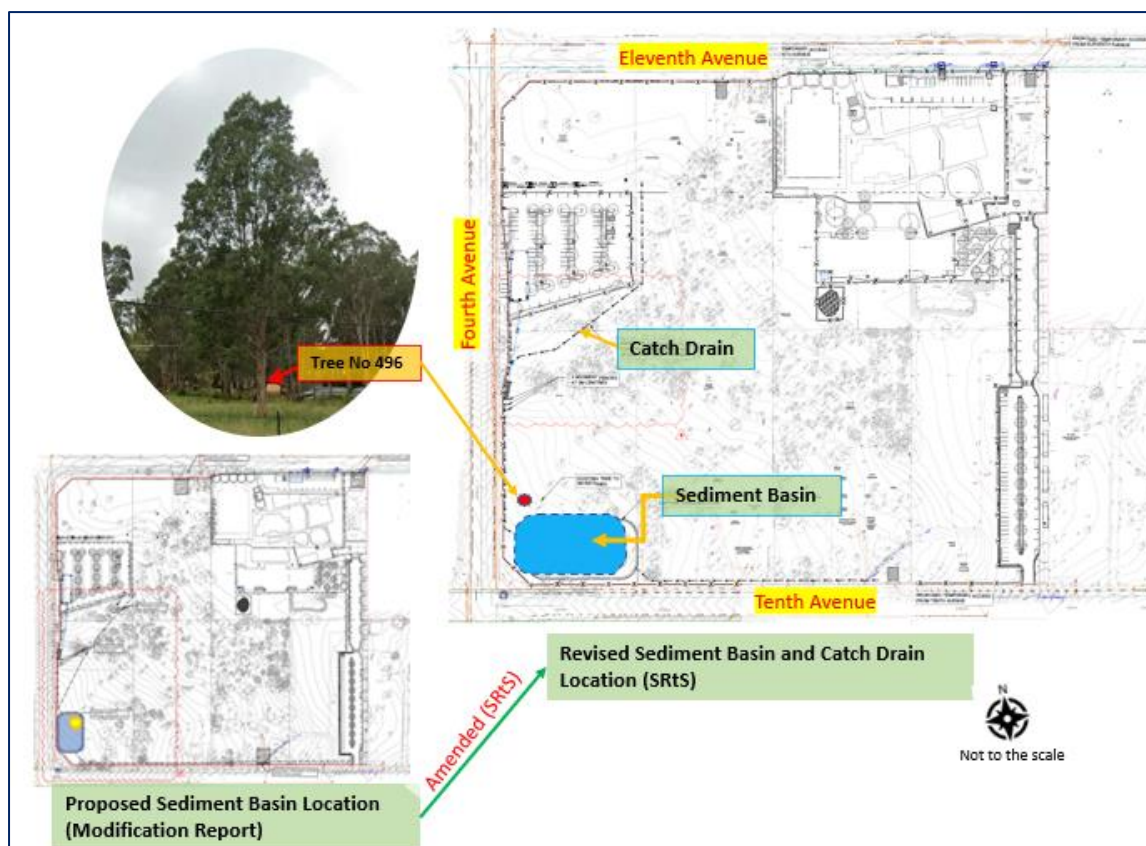
#### **4.4 Biodiversity Conservation Act 2016**

The site is located on land which has been granted Biodiversity Certification in accordance with the Biodiversity Certificate Order dated 14 December 2007. Under section 8.4(4) of the *Biodiversity Conservation Act 2016* an assessment of the likely impact on biodiversity of development on Biodiversity Certified land is not required for the purposes of this assessment under Part 4 of the EP&A Act. This matter was considered in detail during the assessment of SSD-8865.

The site includes a patch of Cumberland Plain Woodland (CPW). The modification would require some minor works within this patch of CPW including the location of a sediment basin, catch drains and retaining walls.

The Environment and Heritage Group (EHG) at the Department have reviewed the modification application and required reduction in cut and fill within the CPW area and relocation of the sediment basin to ensure the protection of Tree 496 as a standalone CPW tree, per the recommendations of the Arboricultural Impact Assessment Report (2021) submitted with SSD-8865-Mod-1. Following the review of the RtS and SRtS, EHG further requested that the location of the catch drain within the CPW patch be relocated/redesigned to ensure no adverse impacts on the trees within this patch.

In response to the above comments, the Applicant submitted amended civil plans with the SRtS which comprised relocation of the sediment basin and the catch drain avoiding the tree protection zone of Tree 496 and the significant remnant trees within the CPW patch. The civil plans also demonstrated reduction in cut and fill within the CPW (Error! Reference source not found.).



**Figure 13** | Tree 496, proposed and revised sediment and erosion plan (Base source: Applicant's Modification Report and SRtS 2022)

EHG reviewed the amended plans and are satisfied that the proposed civil works would have no significant impact on the CPW.

Based on the comments from EHG, the Department is satisfied that the biodiversity impacts of the proposed modifications are acceptable.

# 5 Engagement

## 5.1 Department's engagement

In accordance with clause 10 of Schedule 1 to the EP&A Act and section 106 of the EP&A Regulation, the Department exhibited the application for 14 days from 26 July 2022 to 8 August 2022 on the Department's website. The Department notified adjoining landowners and relevant public authorities including Council in writing. Previous submitters were also notified of the modification application and invited to make a submission.

The Department has considered the comments raised in the public authority and public submissions during the assessment of the application, as reported in **Section 5** and **Section 6** of this report and by way of recommended conditions in the instrument of modification (**Appendix D**).

## 5.2 Summary of advice received from Government Agencies

During the exhibition period, the Department received advice from four Government Agencies. A summary of the Government Agencies who provided advice is in **Table 4**. A link to the full copy of the advice is provided in **Appendix A**.

**Table 4** | Summary of Agency Advice

### EHG

EHG advised that the proposed location of the sediment basin would impact Tree 496, a healthy and mature Forest red gum (*Eucalyptus tereticornis*) within the CPW. EHG requested the Applicant provide an updated Arboricultural Impact Assessment and recommended conditions to protect Tree 496, including:

- relocation of the sediment basin the south-western corner of the site away from the tree protection zone of Tree 496 and outside of the CPW area (Error! Reference source not found.).
- amendment to plans to reduce cut and fill impacts on Tree 496.

EHG also advised that the proposal would not impact on the approved conditions of consent in relation to flooding.

### Transport for NSW (TfNSW)

TfNSW noted that the proposal does not include changes to the number of students and advised that it had no comments.

### Environmental Protection Authority

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Environmental Protection Authority provided no comments.

#### **NSW Rural Fire Service**

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NSW Rural Fire Service advised that it does not object to the proposal.

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### **5.3 Summary of submissions**

During the exhibition period, the Department received a total of two submissions from public authorities, comprising comments from Council and Endeavour Energy. A summary of the submissions is in **Table 5**. A link to the full copy of the advice is provided in **Appendix A**.

No submissions were received from members of the community.

**Table 5 | Summary of submissions**

#### **Council**

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Council stated that it supported the modification and made the following comments:

- to improve accessibility, the ends of the new pedestrian ramps and retaining walls are required to be revised.
- changes to the façade of the main school building and the new school signage should facilitate passive surveillance.

#### **Endeavour Energy**

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Endeavour Energy stated that the modification is not expected to have significant impact on the existing or required electricity infrastructure and recommended that the comments made to the previous modification and the original approval continue to be applied.

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### **5.4 Response to Submissions (RtS)**

Following the exhibition of the modification report, the Department placed copies of all submissions received during exhibition on its website and requested the Applicant provide a response to the issues raised.

On 25 October 2022, the Applicant provided a Response to Submissions (RtS) on the issues raised during exhibition. The RtS included:

- updated architectural and landscape plans responding to Council's submission in relation to pedestrian ramp design and the school signage.
- reduction in the size of the signage to be 1.2m x 4m.

- clarification regarding various aspects of the proposed modification as requested by the Department.
- additional information in relation to the proposed play area and car parking at each phase of the development.

The RtS was made publicly available on the Department's website and was referred to the EHG and Council.

Council reviewed the RtS and raised no further comments.

EHG reviewed the RtS and commented that the Stage 1 tree protection condition (Schedule 3 condition D27) is required to be updated to include reference to the Arboricultural Impact Assessment Report prepared by Moore Trees dated 26 March 2021 submitted with SSD-8865-Mod 1 (rather than the report submitted with the original approval).

EHG also advised that that the Applicant's RtS did not include any amended civil plans to reflect the proposed changes to the sedimentation basin.

EHG acknowledged that the amended plans addressed the concerns regarding cut and fill within the CPW patch.

## **5.5 Supplementary Response to Submissions (SRtS)**

Following the review of the RtS, the Department requested further clarification regarding architectural plans, location of the sediment basin, Stage 1 construction phasing and interim road upgrades.

On 10 November 2022, The Applicant provided a SRtS which included:

- minor corrections to architectural drawings.
- revised civil plans, including relocation of the sediment basin to avoid Tree 496.
- proposed amended conditions and drawing list.
- further clarifications on the construction timing for carpark 2 and availability of carparking and drop-off/pick-up facility in Stage 1.

Following review of the SRtS, EHG raised further concerns regarding the adverse impacts of the location of the catch drains on the tree protection zones of the remnant trees within the CPW patch.

Based on the above comments, the Department requested the Applicant to provide further amended plans relocating the catch drain outside of the CPW patch.

On 6 December 2022, the Applicant provided a further SRtS and amended drawings addressing the above comments.

EHG reviewed the amended plans and raised no further concerns regarding the proposed modification.

# 6 Assessment

Consideration of the key elements of the modification is provided below.

## 6.1 Urban design

### 6.1.1 Retaining wall, sandstone upstand and signage

#### Concept proposal

The retaining wall, sandstone upstand and signage are proposed as part of Stage 1 and the Department’s assessment of its impact on the public domain is provided below.

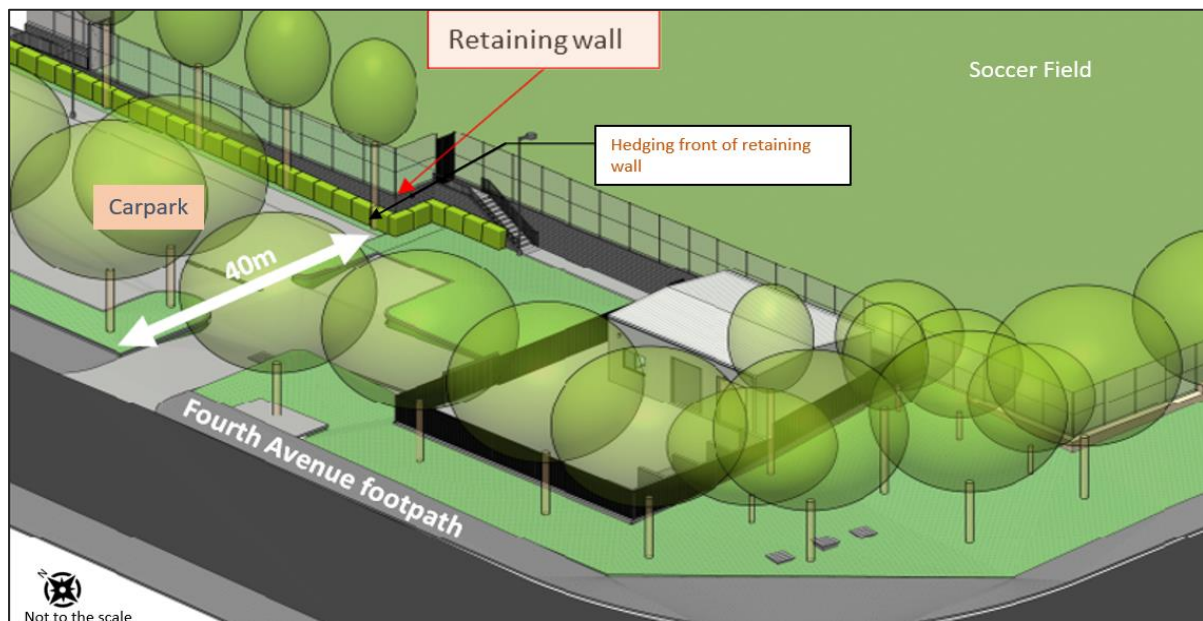
#### Stage 1

The sandstone upstand and the concrete retaining walls would both be visible from the adjoining public domain across Tenth and Fourth Avenues respectively.

#### Retaining wall

The Department notes that the concrete retaining wall ranges in height from 0.19m to 2.74m due to the slope of the site, with the highest point at the southern end. The retaining wall could cause some adverse visual impact when viewed from Fourth Avenue as it does not include articulation and is a continuous blank wall. However, the retaining wall is to be set back 40m from Fourth Avenue, located behind the approved carpark and is to be partially screened by proposed trees and shrubs.

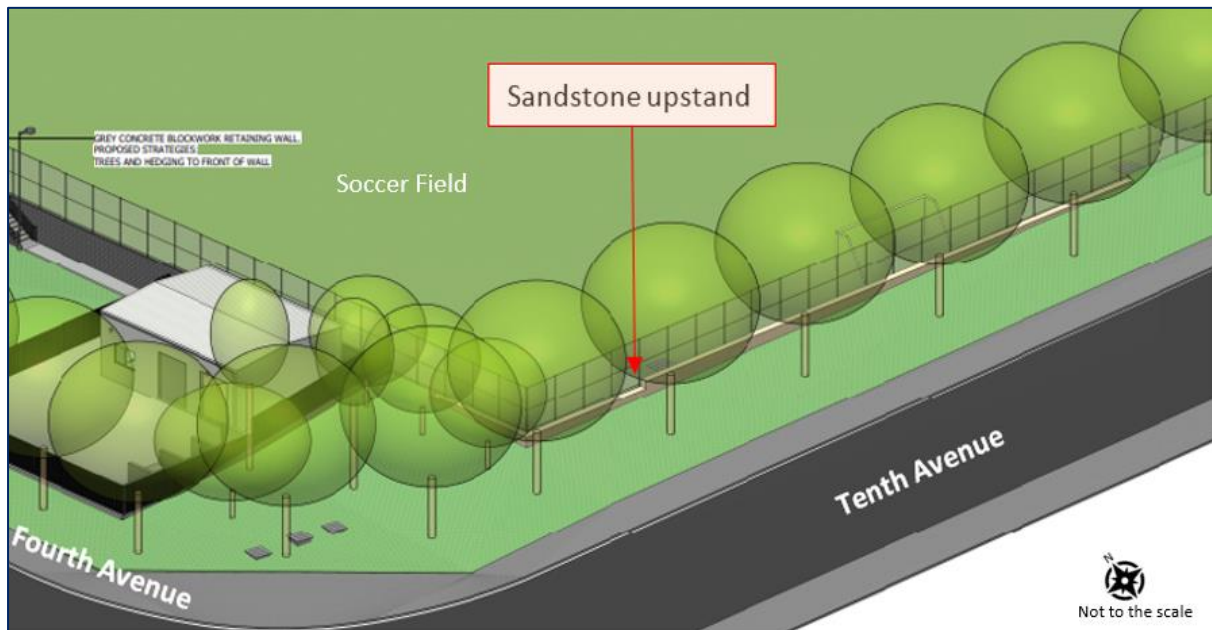
Based on the above, the Department considers that the visual impact of the retaining wall from Fourth Avenue has been reasonably minimised to not significantly impact on the streetscape. The additional tree planting would enhance visual screening of the soccer field, differentiate it from the carpark and provide an appropriate transition to the public domain (**Figure 14**).



**Figure 14** | Proposed retaining wall adjoining the carpark (Base source: Applicant’s SRtS 2022)

### *Sandstone upstand*

The sandstone upstand ranges in height from 0.14m to 0.94m, with the highest point towards the western side of the site (**Figure 15**). The sandstone upstand is setback 3.2m from Tenth Avenue and includes a break where the natural ground level changes in slope. The Department considers that the sandstone upstand would have a negligible impact on the public domain as it is low in height, neutral in colour and set behind a row of tree planting. It would therefore complement the existing streetscape.



**Figure 15** | Proposed sandstone upstand (Base source: Applicant's SRtS 2022)

### **Signage**

The new school signage includes the school's name and logo painted in the school colours and would be installed within the Piazza facing Eleventh Avenue.

The Applicant initially submitted a signage plan which proposed the size of the sign to be 1.7m x 4m.

Council supported the proposed signage but commented that the new signage must ensure passive surveillance opportunities between the school, streetscape and the Piazza.

In response, the Applicant amended the size of the signage in the RtS and proposed a sign of size 1.2m x 4m with a 300mm thick blade wall.

The Applicant's RtS stated that the size of the sign has been reduced to improve passive surveillance and adhere to Crime Prevention Through Environmental Design principles.

The Department has undertaken an assessment of the signage design against the requirements of Schedule 5 of the State Environmental Planning Policy (Industry and Employment) 2021 in **Appendix B** and considers the signage design to be satisfactory.

## 6.1.2 External materials

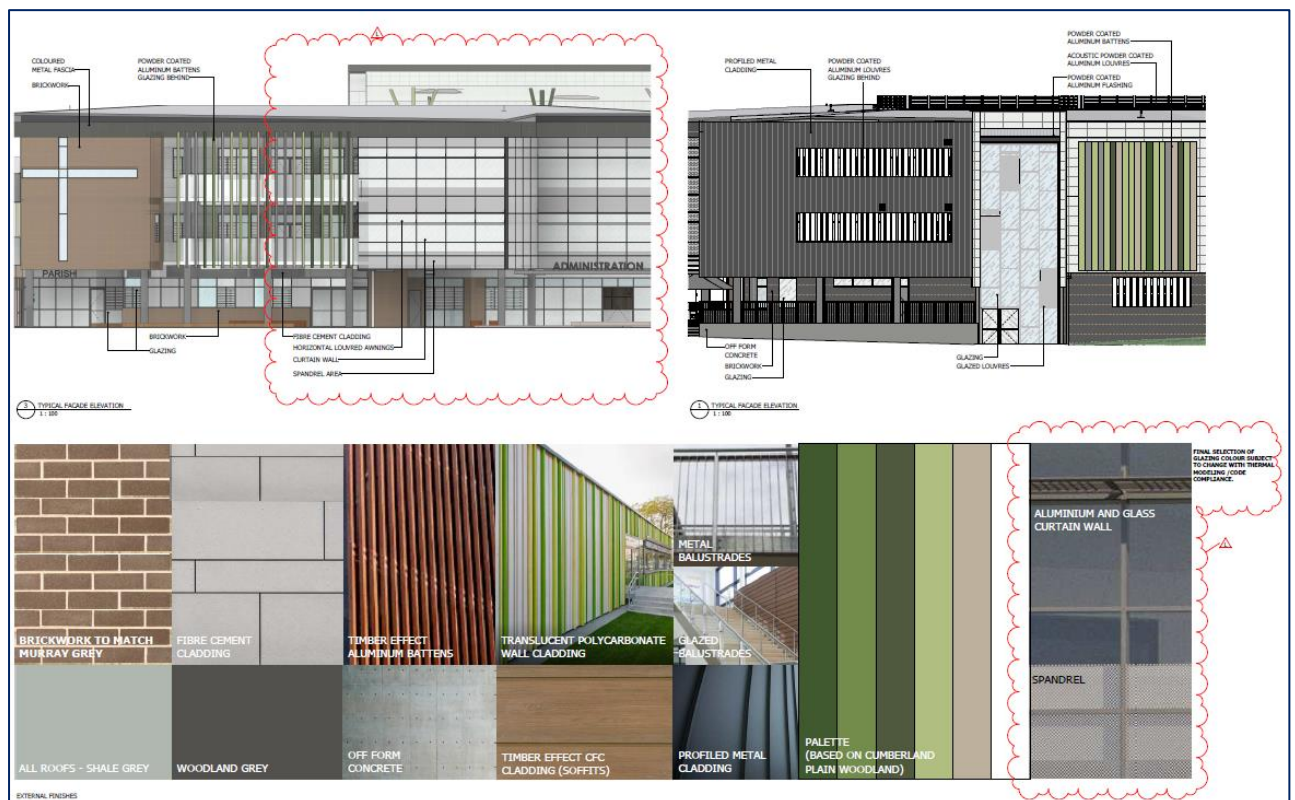
The modification includes replacement of fibre cement cladding with horizontal louvered awnings and glass curtain wall on the main school building.

Council reviewed the amended external materials and stated that it should improve passive surveillance onto the school open space.

The RtS argued that the glass curtain wall improves passive surveillance allowing views from Eleventh Avenue to the school building (**Figure 16** and **Figure 17**).



**Figure 16** | Approved and proposed main building Eleventh Avenue elevation (Source: Applicant's SRtS 2022)



**Figure 17** | Proposed materials schedule (Base source: Applicant's SRtS 2022)

Council has not raised further concerns in this regard. The Department has considered the information provided and is satisfied that modification to the external materials is compatible with the

overall design quality of the approved development and would not detract from the quality of the streetscape.

## 6.2 Other issues

Issue	Findings	Conclusion and recommendation															
<b>School Play Area</b>	<p>The modification involves construction of the outdoor play area adjacent to the Year 1-4 building at a later stage (Stage 1 Phase 3 instead of Phase 1). The Department requested further clarification on impact of delayed construction of this play area on the availability of outdoor play area of the primary school students and compliance with the Education Facilities Standards and Guidelines minimum requirement (10sqm per student).</p> <p>In response, the Applicant provided drawings and information to demonstrate that the required play space would be available for all students at each construction phase (<b>Table 6</b>).</p>	<p>The Department has assessed the Applicant’s modification report and RtS.</p> <p>The Department is satisfied that the available outdoor play area of the primary school students at each construction phase are sufficient.</p>															
<p><b>Table 7   Play space per phase</b></p> <table border="1"> <thead> <tr> <th>Phase</th> <th>Min required</th> <th>Proposed</th> </tr> </thead> <tbody> <tr> <td>1 and 1A</td> <td>9750 sqm</td> <td>11,500 sqm</td> </tr> <tr> <td>2</td> <td>13,000 sqm</td> <td>14,500 sqm</td> </tr> <tr> <td>3</td> <td>22,800 sqm</td> <td>45,300 sqm</td> </tr> <tr> <td>4</td> <td>22,800 sqm</td> <td>45,300 sqm</td> </tr> </tbody> </table>			Phase	Min required	Proposed	1 and 1A	9750 sqm	11,500 sqm	2	13,000 sqm	14,500 sqm	3	22,800 sqm	45,300 sqm	4	22,800 sqm	45,300 sqm
Phase	Min required	Proposed															
1 and 1A	9750 sqm	11,500 sqm															
2	13,000 sqm	14,500 sqm															
3	22,800 sqm	45,300 sqm															
4	22,800 sqm	45,300 sqm															
<b>ELC Play Area</b>	<p>The Applicant requested modification to Schedule 3 condition B9 of the SSD consent which incorrectly identifies that</p>	<p>The Department agrees with the Applicant’s argument and supports the modification to Schedule 3 condition B9 of the development consent.</p>															

1900sqm of unencumbered outdoor space is required for the ELC.

In this regard the Applicant advised that the National Childcare Planning Guideline require the provision of 7sqm/child for unencumbered outdoor play space. For a 125 place childcare centre this would require the provision of 875sqm rather than 1900 sqm.

**Intersection, traffic and transport**

The Applicant has submitted plans to reflect the amendments required by Schedule 3 condition B1A of the consent for SSD-8865.

The Department has reviewed and is satisfied that Schedule 3 condition B1A has been satisfied through submission of amended plans and its deletion is supported.

**Construction staging**

The modification proposes to delay the construction of carpark 2 and the northern extension of carpark 5 post completion of the Year 1 – 4 building, in Stage 1 Phase 1A.

Noting the student and staff numbers in the school in Stage 1 Phase 1, the Applicant provided additional information to demonstrate that adequate parking would be provided at each construction phase of the development per **Table 7**, notwithstanding the delays in the construction of the carparks.

The Department is satisfied that the modification to the construction phasing and delays in the construction of carpark 2 and a portion of carpark 5 would not impact the approved traffic and transport conditions or available car parking within the site.

**Table 7 | Car parking per phase**

Phase	Min required	Proposed
1 and 1A	50	171
2	113	171
3	309	326
4	309	326

Council did not comment on the proposed staging amendments.

**Accessibility and Ramp**

The proposal includes new pedestrian ramps and stairs connecting the general school area to the soccer fields.

Council's submission during the exhibition period requested that the proposed ramps and stairs be amended to terminate at similar locations to improve accessibility.

As part of the RtS, the Applicant submitted amended architectural plans including revised ramp end points which linked to the stairs. The RtS also includes a statement from an Access Consultant which concludes that the amended access paths meet with principles of the Disability Discrimination Act 1992 as it provides the shortest path of travel from the general school area to the soccer fields for a person in a wheelchair.

Council did not raise any further concerns regarding the accessibility and ramp.

The Department has considered the information provided and is satisfied that the new ramps and stairs provide equitable access from the general school area to the soccer fields.

**Flooding**

The site is affected by an overland flow path. The proposed modification would amend the levels of the soccer fields and remove two of the five approved OSDs. The submitted Civil Engineering and flooding statement concludes that the:

- pre and post-development flow rates and water quality management measures meet Council's load-based pollution reduction values.
- stormwater quality management strategy would remain generally consistent with the previous modification
- increase in levels of the soccer field does not impact flood behaviours.

Council did not comment on flooding or amendments to the stormwater management plan.

EHG advice stated that proposal would not impact the approved flooding conditions.

The Department notes the information provided and is satisfied that the modification would not affect the flooding conditions of the site.

## 7 Evaluation

The Department has reviewed the section 4.55(1A) modification to SSD-8865 and SSD-8865 Mod-1, the RtS, SRtS, and assessed the merits of the proposed modification.

The Department, in the assessment of this application, has taken into consideration the advice received from the Government agencies and public authorities, including Council. Issues raised in submissions have been considered and all environmental issues associated with the proposal have been thoroughly addressed.

The Department concludes that a section 4.55(1A) modification to SSD-8865 is the suitable application to be made.

The Department's assessment concludes that the proposed modification is appropriate on the basis that the proposal would:

- balance the cut and fill within the site with no unreasonable visual impacts on the adjoining public domain.
- not impact on biodiversity and landscaping.
- ensure that adequate play area and parking spaces continue to be provided at each construction phase of Stage 1 of the development.
- not alter the nature of the development as provided in the original approval.
- not result in any significant environmental impacts.

The Department considers that the modification application is consistent with the objects of the EP&A Act and continues to be consistent with the strategic direction for the state.

Consequently, the proposal is in the public interest, and it is recommended that the modification be approved.

## 8 Recommendation

It is recommended that the Team Leader, School Infrastructure Assessments, as delegate of the Minister for Planning:

- **considers** the findings and recommendations of this report.
- **determines** that the application SSD-8865-Mod-2 falls within the scope of section 4.55(1A) of the EP&A Act.
- **accepts and adopts** all of the findings and recommendations in this report as the reasons for making the decision to approve the modification.
- **modify** the consent SSD-8865.
- **signs** the attached approval of the modification (**Appendix D**).

**Recommended by:**



**Nahid Mahmud**

Senior Planning Officer

School Infrastructure Assessment

## 9 Determination

The recommendation is **Adopted** by:

A handwritten signature in black ink that reads "A. Coomar". The signature is written in a cursive style with a large initial 'A'.

**Aditi Coomar**

Team Leader

School Infrastructure Assessments

as delegate of the Minister for Planning

# Appendices

## Appendix A – List of referenced documents

1. Modification report

<https://www.planningportal.nsw.gov.au/major-projects/projects/st-anthony-padua-catholic-school-redevelopment-modification-2>

2. Submissions

<https://www.planningportal.nsw.gov.au/major-projects/projects/st-anthony-padua-catholic-school-redevelopment-modification-2>

3. Response to Submissions

<https://www.planningportal.nsw.gov.au/major-projects/projects/st-anthony-padua-catholic-school-redevelopment-modification-2>

4. Supplementary Response to Submissions

<https://www.planningportal.nsw.gov.au/major-projects/projects/st-anthony-padua-catholic-school-redevelopment-modification-2>

## Appendix B – Assessment against Environmental Planning Instruments

### State Environmental Planning Policy (Industry and Employment)

The Application has been assessed against Schedule 5 of the State Environmental Planning Policy (Industry and Employment) 2021.

**Table B1** | Schedule 5 assessment

Assessment Criteria	Comments	Compliance
<b>1 Character of the area</b>		
Is the proposal compatible with the existing or desired future character of the area or locality in which it is proposed to be located?	The proposed sign is contemporary in design and would be compatible with the existing / future character of the area.	Yes
Is the proposal consistent with a particular theme for outdoor advertising in the area or locality?	No particular themes exist for outdoor advertising in the area.	Yes
<b>2 Special areas</b>		
Does the proposal detract from the amenity or visual quality of any environmentally sensitive areas, heritage areas, natural or other conservation areas, open space areas, waterways, rural landscapes or residential areas?	The proposal does not detract from the amenity or visual quality of any special areas.	Yes
<b>3 Views and vistas</b>		
Does the proposal obscure or compromise important views?	No views or vistas would be impacted by the proposed signage.	Yes
Does the proposal dominate the skyline and reduce the quality of vistas?	The proposed sign would not dominate the skyline and would not impact the quality of any views or vistas.	Yes
Does the proposal respect the viewing rights of other advertisers?	The proposed sign would not impact on existing views experienced by others or existing advertising rights.	Yes
<b>4 Streetscape, setting or landscape</b>		
Is the scale, proportion and form of the proposal appropriate for the streetscape, setting or landscape?	The proposed sign is proportionate to the Piazza and would complement the main school building.	Yes

Assessment Criteria	Comments	Compliance
Does the proposal contribute to the visual interest of the streetscape, setting or landscape?	The proposed signage is located amongst landscaped area approximately 5.04m from Eleventh Avenue. The scale and design of the sign is appropriate for the streetscape.	Yes
Does the proposal reduce clutter by rationalising and simplifying existing advertising?	The sign is simple in design and would not result in visual clutter.	N/A
Does the proposal screen unsightliness?	Not applicable.	N/A
Does the proposal protrude above buildings, structures or tree canopies in the area or locality?	The sign would sit well below the height of proposed adjoining buildings and trees.	Yes
Does the proposal require ongoing vegetation management?	No vegetation management is required by the proposed sign.	Yes
<b>5 Site and building</b>		
Is the proposal compatible with the scale, proportion and other characteristics of the site or building, or both, on which the proposed signage is to be located?	The sign is of appropriate scale and proportion and is considered relatively understated in the context of the site.	Yes
Does the proposal respect important features of the site or building, or both?	The sign is appropriately located at the main site entrance and would not impact on any other important features of the site.	Yes
Does the proposal show innovation and imagination in its relationship to the site or building, or both?	The sign would achieve its purpose as a business identification sign.	Yes
<b>6 Associated devices and logos with advertisements and advertising structures</b>		
Have any safety devices, platforms, lighting devices or logos been designed as an integral part of the signage or structure on which it is to be displayed?	Safety devices are not necessary for the proposed design of the sign.	N/A
<b>7 Illumination</b>		
Would illumination result in unacceptable glare?	Illumination of the signage is not proposed.	N/A

Assessment Criteria	Comments	Compliance
<p>Would illumination affect safety for pedestrians, vehicles or aircraft?</p> <p>Would illumination detract from the amenity of any residence or other form of accommodation?</p> <p>Can the intensity of the illumination be adjusted, if necessary?</p> <p>Is the illumination subject to a curfew?</p>	<p>Not applicable.</p>	<p>N/A</p>
<p><b>8 Safety</b></p>		
<p>Would the proposal reduce safety for pedestrians, particularly children, by obscuring sightlines from public areas?</p> <p>Would the proposal reduce safety for any public road?</p>	<p>The sign is located 5.04m from Eleventh Avenue, is 1.2m high and would not reduce any sightlines for pedestrians or from vehicles.</p>	<p>Yes</p>

## Appendix C – Community View for Draft Notice of Decision

Issue	Assessment
<p data-bbox="193 342 922 383"><b>Accessibility and Ramp</b></p> <p data-bbox="193 405 922 499">Council's submission requested that the proposed ramps and stairs be amended to terminate at similar locations to improve accessibility</p>	<p data-bbox="922 342 1377 383"><b>Assessment</b></p> <p data-bbox="922 405 1377 499">The Applicant submitted amended plans addressing Council's comments.</p> <p data-bbox="922 521 1377 741">The Department has considered the information provided in the EIS, RtS and SRtS, and is satisfied that the new ramps and stairs provide equitable access from the general school area to the soccer fields.</p>

## **Appendix D – Instrument of Approval of modification**

<https://www.planningportal.nsw.gov.au/major-projects/projects/st-anthony-padua-catholic-school-redevelopment-modification-2>