



IMSA Gallipoli Campus, Auburn Modification 1

State Significant Development Modification Assessment
(SSD 8926 MOD 1)

December 2020

Published by the NSW Department of Planning, Industry and Environment

dpie.nsw.gov.au

Title: **IMSA Gallipoli Campus, Auburn Modification 1**

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Glossary

Abbreviation	Definition
CIV	Capital Investment Value
Council	Cumberland Council
Department	Department of Planning, Industry and Environment
EP&A Act	<i>Environmental Planning and Assessment Act 1979</i>
Minister	Minister for Planning and Public Spaces
MOU	Memorandum of Understanding
OMP	Operational Management Plan
PCYC	Police and Community Youth Club
RtS	Response to Submissions
SSD	State Significant Development
The Applicant	Australian Turkish Maarif Foundation

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1 Introduction

This report provides the NSW Department of Planning, Industry and Environment's (the Department's) assessment of an application to modify the State significant development (SSD 8926) consent for IMSA Gallipoli Campus, Auburn. The application has been lodged by the Australian Turkish Maarif Foundation (the Applicant) pursuant to section 4.55(1A) of the *Environmental Planning and Assessment Act 1979* (EP&A Act).

The modification application seeks approval to increase student numbers from 115 to 154 students during Stage 1 operations and to include Sydney Trains standard conditions of approval.

1.1 Background

The subject site is located at 2 Percy Street, Auburn within the Cumberland local government area. The subject site is located approximately 15.9 kilometres (km) west of the Sydney Central Business District (CBD). The location of the site in context of Sydney CBD is shown in

Figure 1.

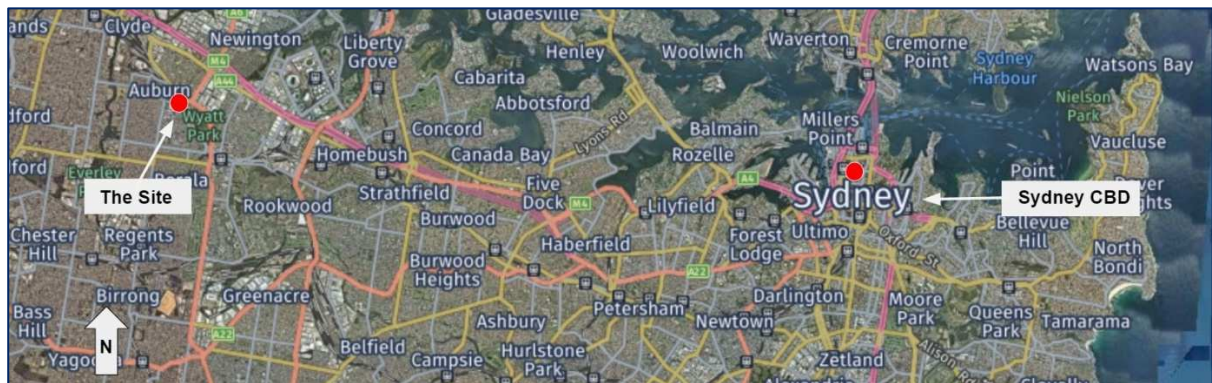


Figure 1 | Regional Context Map (Source: Nearmap 2020)

The site has frontages to Percy Street and Gelibolu Parade. It currently contains a two storey building in the south corner of the site being used as a primary school as part of Stage 1, a vacant industrial warehouse building in the north east corner of the site, hard paving, and landscaping including established trees. An aerial view of the site is shown in

Figure 2.



Figure 2 | Existing conditions of the site (Source: Nearmap 2020)

1.2 Approval history

On 27 March 2020, the Executive Director, Infrastructure Assessments, as delegate for Minister for Planning and Public Spaces granted consent for the staged construction and operation of a new Kindergarten to Year 12 school, including:

- Stage 1 comprising minor establishment works to facilitate occupation of part of an existing building as a primary school for 115 students and 12 full-time equivalent staff.
- Stage 2 comprising the construction and operation of a new primary school building to accommodate a maximum of 392 students and 28 full-time-equivalent staff.
- Stage 3A comprising alterations and additions to an existing building to facilitate operation of a high school to accommodate a maximum of 336 secondary students (accommodating a total of 728 primary and secondary students and 58 full-time equivalent staff on site in combination with Stage 2).
- Stage 3B comprising redevelopment and operation of a new administration / office building associated works.

The approved site plan is shown in

Figure 3.

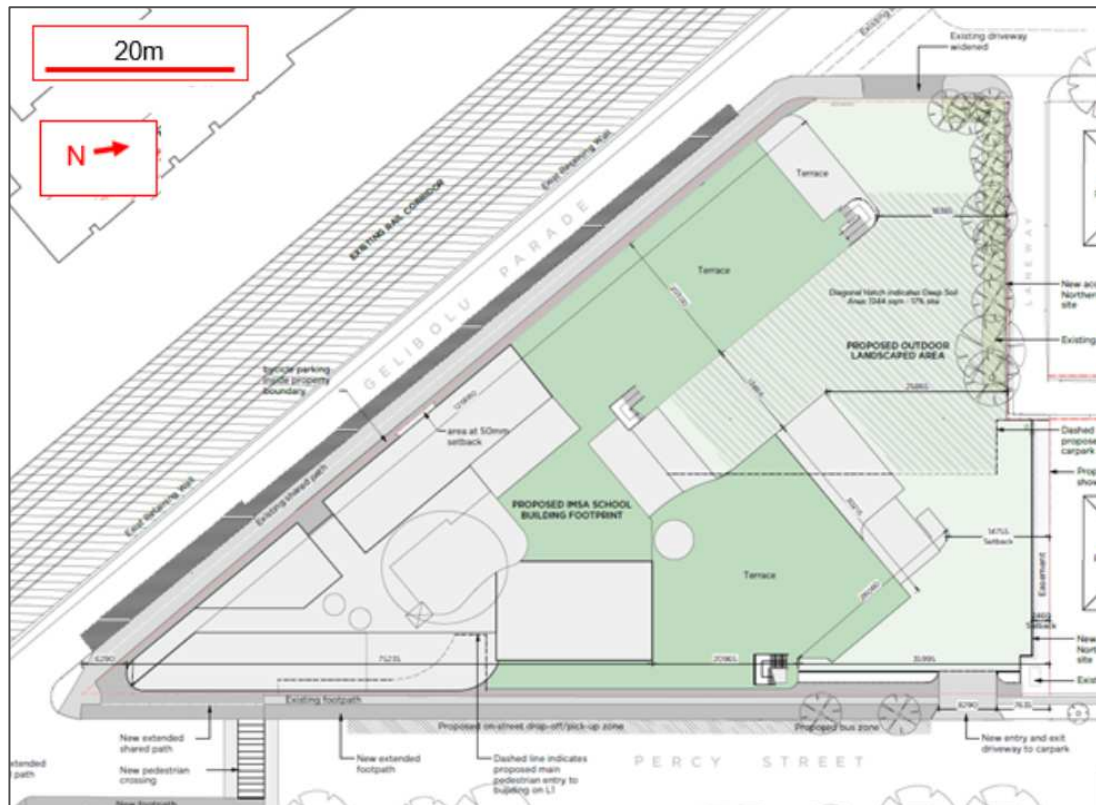


Figure 3 | The development's approved site plan and layout (Source: Applicant's original EIS 2020)

2 Proposed modification

The Applicant advises that the school has experienced significant community interest in school enrolments and there is a need to accommodate additional students during State 1 operations to reduce enrolment waiting list times. The Applicant advises that an additional 39 students would cater for the additional enrolment demand and seeks to amend conditions to increase permissible student numbers from 115 to 154. No increase in student numbers is proposed in subsequent Stage 2 and Stage 3 operations, with overall student numbers at the final stage (Stage 3) remaining at 728.

The modification application also seeks to include Sydney Train conditions of consent which were unintentionally omitted from the original determination.

3 Strategic context

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

- it is consistent with The Greater Sydney Region Plan, A Metropolis of three cities, as it proposes to increase student capacity to meet the growing needs of Sydney.
- it is consistent with the State Infrastructure Strategy 2018-2038, as it:
 - proposes facilities to support the growth in demand for primary and secondary student enrolments.
 - proposes a school designed to accommodate infrastructure and facilities sharing with communities.
 - would integrate school and community facilities.
 - would provide a new educational facility and provide access to additional new employment opportunities close to public transport.
- it is consistent with the Greater Sydney Commission's Central City District Plan, as it would increase capacity of a school located near existing public transport services.
- it relates to a development which would provide direct investment in the region of approximately \$54 million, which would support up to 200 construction jobs and 58 new operational jobs.

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 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

The Minister for Planning and Public Spaces (the Minister) is the consent authority for the application under section 4.5(a) of the EP&A Act.

In accordance with the Minister's delegation to determine SSD applications, signed on 9 March 2020, the Director, Social and Infrastructure Assessments may determine this modification application as:

- the application had not already been referred by the Planning Secretary to the Independent Planning Commission at the time the delegation was issued.
- the application has not been made by a person who has disclosed a reportable donation in connection with the application.
- there are less than 10 public submissions in the nature of objection.

4.3 Mandatory matters for consideration

The Department conducted a comprehensive assessment of the project against the mandatory matters for consideration as part of the original assessment. The Department considers this modification application would not result in significant changes that would alter the mandatory matters for consideration under section 4.15 of the EP&A Act and conclusions made as part of the original assessment.

5 Engagement

5.1 Department's engagement

The modification application was publicly exhibited for 14 days from 17 September 2020 to 30 September 2020 on the Department's website and notification of the modification application was made to nearby and adjoining owners and occupiers. The modification application was also referred to Cumberland Council (Council), Transport for NSW (TfNSW) and Sydney Trains.

5.2 Summary of submissions and key issues raised

The Department received a total of four submissions during the exhibition period. One public submission objected to the modification application and three submissions received from Council, TfNSW and Sydney Trains provided comment on the application. Copies of the submissions may be viewed at **Appendix A**.

The adjoining landowner to the north (2A Percy Street) objected to the modification application and raised the following concerns:

- the modification application will be the first of many.
- the operation of the school is currently disruptive to the neighbourhood.
- the drop-off/pick-up traffic is concerning and confusing for an elderly parent at the address.

Council provided comment and requested information regarding:

- hours of operation in the Operational Management Plan (OMP) are inconsistent across sections of the document.
- an amended acoustic report should be lodged providing an assessment of operating times and increased student numbers provided.
- the use of Wyatt Park and its facilities for sport and outdoor play should not occur at the same time as use of the park by the recently approved Alpha/Omega College of Auburn.
- evidence of an agreement by Council for the use of its parks must be provided.

Sydney Trains provided a copy of their recommended conditions to be included in the modified consent and TfNSW stated that it has no comments to make.

5.3 Response to submissions

The Applicant provided a Response to Submissions (RtS) (**Attachment A**) and accompanying documents on 14 November 2020, which responded to the concerns and comments raised in the submissions and Council's request for information.

The RtS included:

- an updated OMP which corrected errors in reference to hours of operation.
- an acoustic assessment letter providing an assessment of acoustic impacts of the increased student numbers on residential amenity.
- booking confirmation receipts from Council for the use of netball courts in Wyatt Park.
- evidence of attempts to consult with the adjoining neighbour at 2A Percy Street to discuss their concerns.

On 20 November 2020, the Department requested the Applicant provide further information by confirming and providing a copy of the agreement for the ongoing use of Council's facilities. The Applicant was also requested to provide a copy of an agreement with Alpha/Omega College for the shared use of Wyatt Park and its facilities.

The Applicant provided a copy of the requested agreements on 27 November 2020 (**Attachment A**).

6 Assessment

The Department has considered the modification application in the context of the original approved development in its assessment. Consideration of the key elements of the modification is included below.

6.1 Open Play Space

The Applicant advises that the limitation of on-site play space was the primary influence for the school limiting proposed student numbers for Stage 1 when lodging the original SSD application.

The Department's original assessment recognised that open play space for Stage 1 was limited to one area on ground level at the corner of site and one area on the first-floor balcony (**Figure 4**). At the time of the Department's original assessment, the Applicant did not have any formal agreement with Council for use of Wyatt Park opposite the site for school sport and outdoor play space. However, it was understood that some use would occur under the standard public booking system for the facilities.

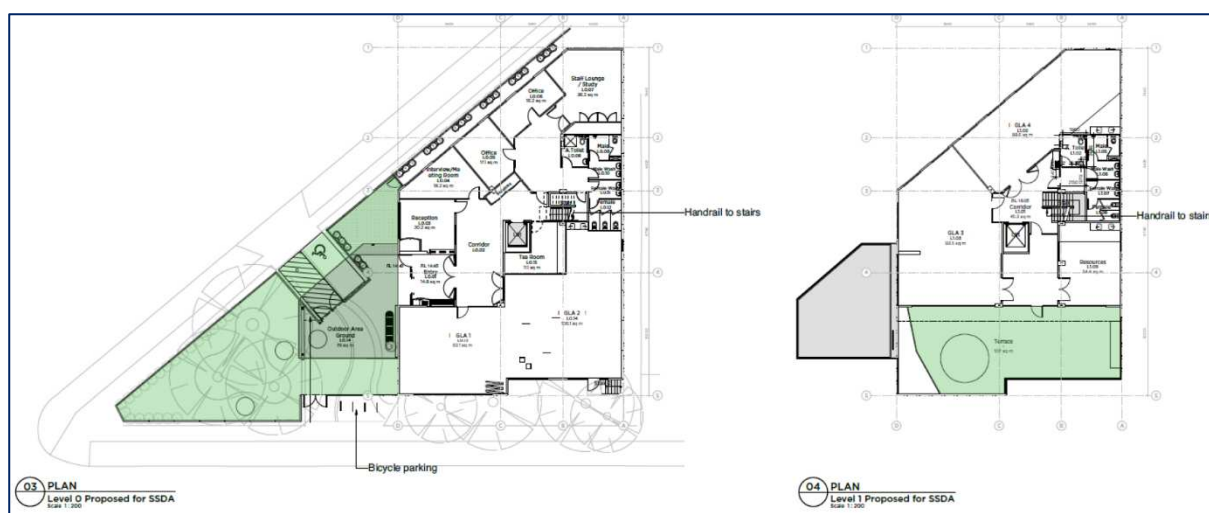


Figure 4 | Stage 1 Play Space (Source: Applicant's original Staging Report 2020)

The Applicant now advises that formal agreements have been entered into with Council and the Police and Community Youth Club (PCYC) to utilise Council's courts and PCYC facilities in Wyatt Park for school sport and outdoor play space. Consequently, the Applicant advises that an increase in 39 students during Stage 1 operations is acceptable given the increased availability of open play areas. A letter of support from Council's Manager of Recreation and Facilities was provided that details Council's support for the use of the sports courts in Wyatt Park and states that the school would be provided with priority access to the facilities. The agreements and letter of support can be found at **Attachment A**.

In addition, the Applicant provided a copy of a Memorandum of Understanding (MOU) between the Applicant and Alpha/Omega College that also uses Wyatt Park (**Attachment A**). The MOU details both schools' understanding that the sports courts are to be shared between the schools equally and use of the courts would be subject to appropriate time allocation through Council's courts booking systems.

The Department has considered the information provided by the Applicant in light of its original assessment. The Department is satisfied that suitable agreements have been entered into that would secure access to additional areas of off-site open space to support an increase in student numbers during Stage 1. On this basis, the Department considers that the proposed increase in student numbers for Stage 1 is acceptable as:

- students would be split between on-site and off-site play areas during play times, maximising the availability of play space for students.
- students would continue to have opportunity to leave the site for monthly excursions and external play areas on a weekly basis.
- the proposed open space arrangement in Stage 1 is temporary (maximum of three years under conditions of the consent) and would only be required until Stage 2 can be occupied.

Accordingly, the Department has recommended that the provisions and conditions of the consent are modified to reflect the proposed increase in student numbers.

Operational Management Plan

The original SSD application included an Operational Management Plan (OMP) that proposed staggered recess and lunch breaks to increase the amount of open space available to students. An updated OMP was lodged with the modification application that removes the staggered recess and lunch times but details the split of students between the use of on-site and off-site open play space. The Applicant advises that the increased availability of open play space area and the available split use of different open play areas means that staggered recess and lunch breaks are no longer required.

The Department is satisfied that the revised OMP is acceptable given the increased availability of open space and ability to split use between on-site and off-site open space. The Department has recommended amendments to condition A2 of the consent to require the development to be carried out in accordance with the modification application. This includes the updated OMP.

6.2 Other issues

The Department's consideration of other issues is provided at **Table 1**.

Table 1 | Department's assessment of other issues

Issue	Findings	Recommendations
Noise	<ul style="list-style-type: none"> • An acoustic impact letter was lodged during the assessment of the modification application. The letter advised: <ul style="list-style-type: none"> ○ an additional 39 students would increase noise levels by less than 1.3 decibels. ○ the 'Handbook of Environmental Acoustics'¹ (1994) and 'Industrial Noise Control: Fundamentals and Applications' provides that additional 	<ul style="list-style-type: none"> • The Department has reviewed the acoustic impact letter and notes that Stage 1 student areas are not located immediately adjacent to nearby residential receivers. On this basis, the Department considers that there would be minimal impacts on

	<p>noise less than 3 decibels present no perceivable audible difference.</p> <ul style="list-style-type: none"> ○ the increase in student numbers would not impact on adjoining residential noise receivers. 	<p>adjoining and nearby residential noise receivers.</p>
Traffic	<ul style="list-style-type: none"> • A traffic and parking assessment was included with the modification application. The assessment advises: <ul style="list-style-type: none"> ○ based on the development's travel mode share targets, the increase in students would result in an additional 28 vehicle movements a day. ○ the surrounding road network and drop-off and pick-up facilities have the capacity to accommodate the additional traffic movement. ○ no additional vehicle parking spaces would be required due to the increase in student numbers. ○ two additional bicycle parking spaces would be required, increasing the total requirement from seven to nine spaces for Stage 1. ○ condition E17 of the consent requires 17 bicycle parking spaces to be provided for Stage 1, meaning that no additional bicycle spaces would be required. 	<ul style="list-style-type: none"> • The Department has reviewed the traffic assessment and considers that the additional traffic impacts would be minimal and that drop-off and pick-up movements would be appropriately managed through existing conditions of consent.
Protection of Rail Assets	<ul style="list-style-type: none"> • The T2 railway line is located immediately south and south-west of the site on the southern side of Rowland Street. • Sydney Trains recommended conditions that aim to protect Sydney Trains assets and minimise construction impacts to the rail corridor, principally during construction works for Stages 2 and 3. 	<ul style="list-style-type: none"> • The Department considers it appropriate that Sydney Trains requirements be imposed to appropriately protect the adjoining rail corridor. The Department has recommended that the requirements be incorporated into consent as conditions or advisory notes.

7 Evaluation

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

- proposed increased student numbers would not result in any significant environmental impacts.
- insertion of Sydney Trains conditions would protect rail assets during construction and operation.
- proposal would increase Stage 1 capacity and provide an essential service to the community.
- development to which the modification relates remains substantially the same.
- the Applicant would implement appropriate arrangements to ensure the safe ongoing operation of the school.

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

8 Recommendation

It is recommended that the Director, Social and Infrastructure Assessments, as delegate of the Minister for Planning and Public Spaces:

- **considers** the findings and recommendations of this report.
- **determines** that the application SSD 8926 MOD 1 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.
- **agrees** with the key reasons for approval listed in the draft notice of decision.
- **modify** the consent SSD 8926.
- **signs** the attached approval of the modification (**Appendix B**).

Prepared by:
Dimitri Gotsis
Senior Planning Officer
Social and Infrastructure Assessments

Recommended by:



Jason Maslen
Team Leader
School Infrastructure Assessments

9 Determination

The recommendation is **Adopted** by:

A handwritten signature in black ink, appearing to read 'David Gibson', with a long horizontal flourish extending to the right.

22 December 2020

David Gibson

A/Director

Social and Infrastructure Assessments

as delegate of the Minister for Planning and Public Spaces

Appendices

Appendix A – Modification Application

1. Modification report, RtS and Additional Information

<https://www.planningportal.nsw.gov.au/major-projects/project/39806>

2. Instrument of modification

<https://www.planningportal.nsw.gov.au/major-projects/project/39806>

3. Consolidated Consent

<https://www.planningportal.nsw.gov.au/major-projects/project/39806>