



# Amity College, Leppington Modification 3

---

State Significant Development Modification Assessment  
(SSD-9227-Mod-3)

January 2022

Published by the NSW Department of Planning and Environment

[dpie.nsw.gov.au](http://dpie.nsw.gov.au)

Title: Amity College, Leppington Modification 3

---

© State of New South Wales through Department of Planning and Environment January 2022. You may copy, distribute, display, download and otherwise freely deal with this publication for any purpose, provided that you attribute the Department of Planning and Environment as the owner. However, you must obtain permission if you wish to charge others for access to the publication (other than at cost); include the publication in advertising or a product for sale; modify the publication; or republish the publication on a website. You may freely link to the publication on a departmental website.

Disclaimer: The information contained in this publication is based on knowledge and understanding at the time of writing (January 2022) and may not be accurate, current or complete. The State of New South Wales (including the NSW Department of Planning and Environment), the author and the publisher take no responsibility, and will accept no liability, for the accuracy, currency, reliability or correctness of any information included in the document (including material provided by third parties). Readers should make their own inquiries and rely on their own advice when making decisions related to material contained in this publication.

# Glossary

Abbreviation	Definition
<b>Applicant</b>	Amity College Australia Limited
<b>BCA</b>	Building Code of Australia
<b>Council</b>	Camden Council
<b>Department</b>	Department of Planning and Environment
<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>FSR</b>	Floor space ratio
<b>GFA</b>	Gross floor area
<b>Growth Centres SEPP</b>	State Environmental Planning Policy (Sydney Region Growth Centres) 2006
<b>Minister</b>	Minister for Planning
<b>SSD</b>	State Significant Development

# Contents

<b>1</b>	<b>Introduction .....</b>	<b>1</b>
1.1	Background .....	1
1.2	Approval history.....	2
1.3	Previous modifications .....	4
<b>2</b>	<b>Proposed modification .....</b>	<b>5</b>
2.1	Amendments to the school roof .....	5
2.2	Extension of the primary school building .....	5
2.3	Access, outdoor learning areas and landscaping .....	5
<b>3</b>	<b>Strategic context.....</b>	<b>10</b>
<b>4</b>	<b>Statutory context .....</b>	<b>11</b>
4.1	Scope of modifications .....	11
4.2	Consent authority .....	11
4.3	Modification of consents.....	11
<b>5</b>	<b>Engagement.....</b>	<b>13</b>
<b>6</b>	<b>Assessment .....</b>	<b>14</b>
6.1	Amendments to the school roof .....	14
6.2	Extension of the primary school building .....	15
6.3	Access and landscaping .....	15
<b>7</b>	<b>Evaluation.....</b>	<b>17</b>
<b>8</b>	<b>Recommendation.....</b>	<b>18</b>
<b>9</b>	<b>Determination.....</b>	<b>19</b>
	<b>Appendices .....</b>	<b>20</b>
	Appendix A – List of Documents.....	20
	Appendix B – Instrument of Modification .....	20

# 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 approved Amity College new school campus (the school) in Leppington (SSD-9227-Mod-3).

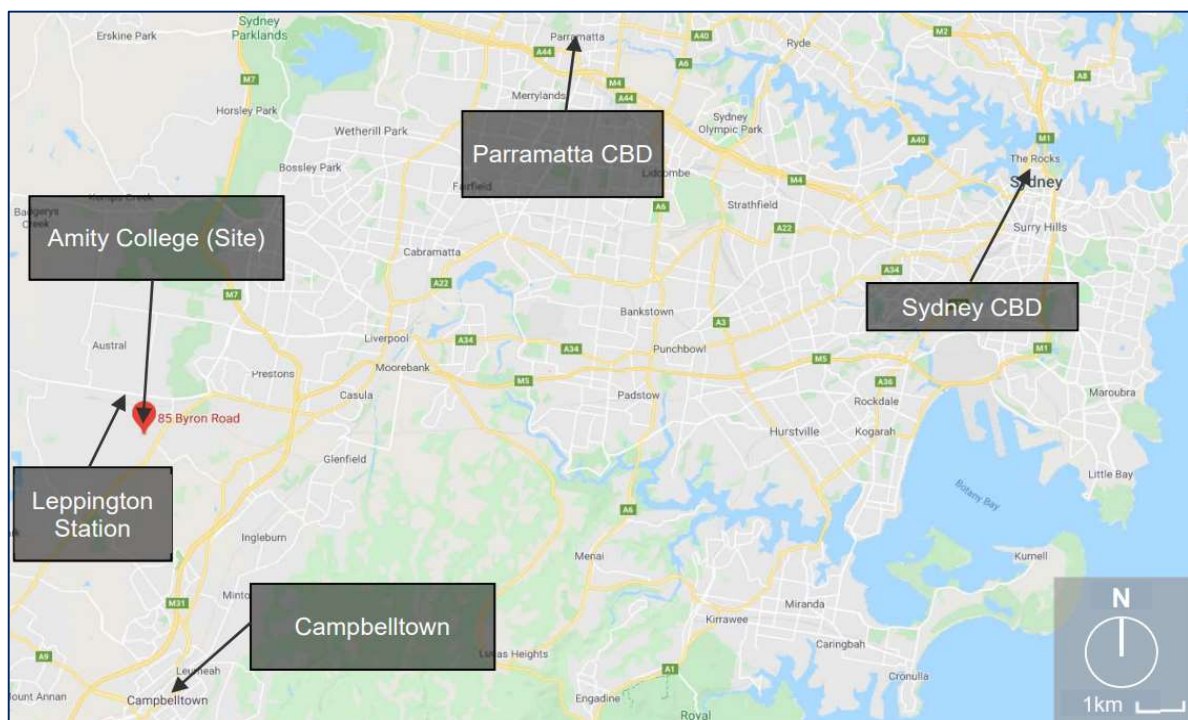
The modification application sought consent for minor built form amendments to the approved school buildings and landscaped areas to improve the functionality of the school.

The modification application has been lodged by Outline Planning Consultants Pty Ltd on behalf of Amity College Australia Limited (the Applicant) pursuant to section 4.55(1A) of the *Environmental Planning and Assessment Act 1979* (EP&A Act).

## 1.1 Background

Amity College is located at 85 Byron Road and 63 Ingleburn Road, Leppington (the site) in the Camden local government area and is legally described as Lot 1 and Lot 2 in DP 525996.

The site is located approximately 38 kilometres (km) south-west of the Sydney central business district and 1.2km south-east of Leppington railway station. The site in its regional context is shown in Figure 1.



**Figure 1 | Site context** (Source: Department's Assessment Report for Modification 2, July 2021)

A boundary adjustment of Lot 1 and Lot 2 in DP 525996 was approved as part of the original application (SSD-9227). The development was subsequently approved on Lot 1 which has an area of approximately 2.3 hectares and frontage and access from Byron Road.

Site earthworks have since commenced in accordance with the development consent for the new school. An aerial image of the site and the surrounding area in October 2021 is shown in **Figure 2**.



**Figure 2 |** Commencement of earthworks on the site (Source: Nearmap, October 2021)

The site is in the Leppington Priority Precinct of the South West Growth Area, an emerging greenfield corridor with planned urban development for a range of residential, commercial and community uses. State Environmental Planning Policy (Sydney Region Growth Centres) 2006 (Growth Centres SEPP) applies to the site and sets out the relevant development controls for land within the South West Growth Area.

## 1.2 Approval history

On 14 July 2020, the Executive Director, Infrastructure Assessments granted consent to the construction and operation of a new school (Amity College) in eight stages to accommodate 1000 students, comprising the following:

- site preparation, demolition of existing structures, vegetation clearing, bulk earthworks and site remediation.
- boundary adjustment to create the site boundaries.
- construction of two – four storey buildings to accommodate:
  - the primary and Secondary School classrooms.
  - multi-purpose halls.
  - library.
  - administrative areas.
- at-grade / basement car parking and bicycle parking areas.
- construction of bus bays on Byron Road.
- landscaping, stormwater and public domain works.
- construction of new local roads, on-street car parking spaces, drop-off / pick-up (DOPU) zones, drainage works and service connections.

The approved school site plan is shown in **Figure 3**.



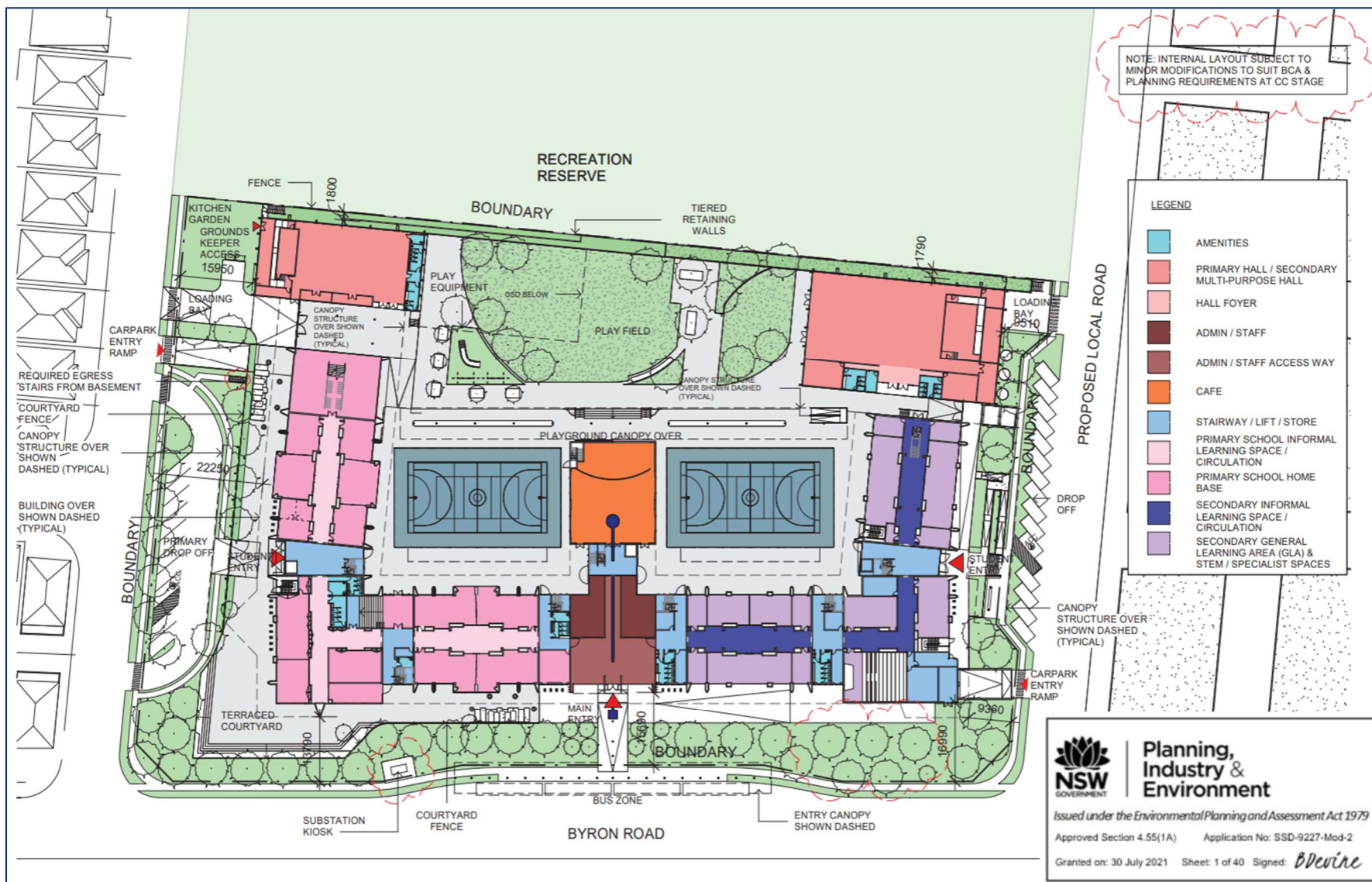


Figure 3 | Approved Site Plan (Source: SSD-9227-Mod-2 Approved Plans)

### 1.3 Previous modifications

The development consent has been modified on one occasion (see **Table 1**).

A previous section 4.55(2) modification application (SSD-9227-Mod-1) was withdrawn by the Applicant in June 2021.

**Table 1** | Summary of modifications

Mod No.	Summary of Modifications	Approval Authority	Type	Approval Date
<b>MOD 1</b>	Withdrawn.	N/A	4.55(2)	N/A
<b>MOD 2</b>	Revisions to the construction staging and civil works, amendments to the design of the primary school building and car parking provisions.	Department	4.55(1A)	30 July 2021



## 2 Proposed modification

The modification application sought consent for minor built form amendments to the approved buildings and landscaped areas to improve the functionality of the school. The proposed modifications are described below.

### 2.1 Amendments to the school roof

The modification application proposes a minor increase in roof height (the central corridor clerestories) to both the primary and secondary school buildings. An increase of between 0.34 metres (m) and 1.11m is proposed to address the structural requirements for the roof while maintaining adequate lighting and ventilation to the primary and secondary school classrooms.

In addition, the following amendments are proposed to the school roof:

- acoustic screening to roof-mounted air-conditioning plant.
- visual screening to the lift overrun and exhaust.
- additional solar panels on the south-west facing part of the primary school.

The proposed amendments are shown in **Figure 4**. Revised elevations are shown in **Figures 5 to 8**.

### 2.2 Extension of the primary school building

Amendments to the primary school building are proposed to enable the internal library stairs to comply with the Building Code of Australia (BCA). The proposed amendments would require minor extension of the building envelope, including a:

- 0.8m extension of the ground floor (western end).
- 2.14m extension of the first floor staff room and the Science Technology Engineering and Mathematics (STEM) facilities.

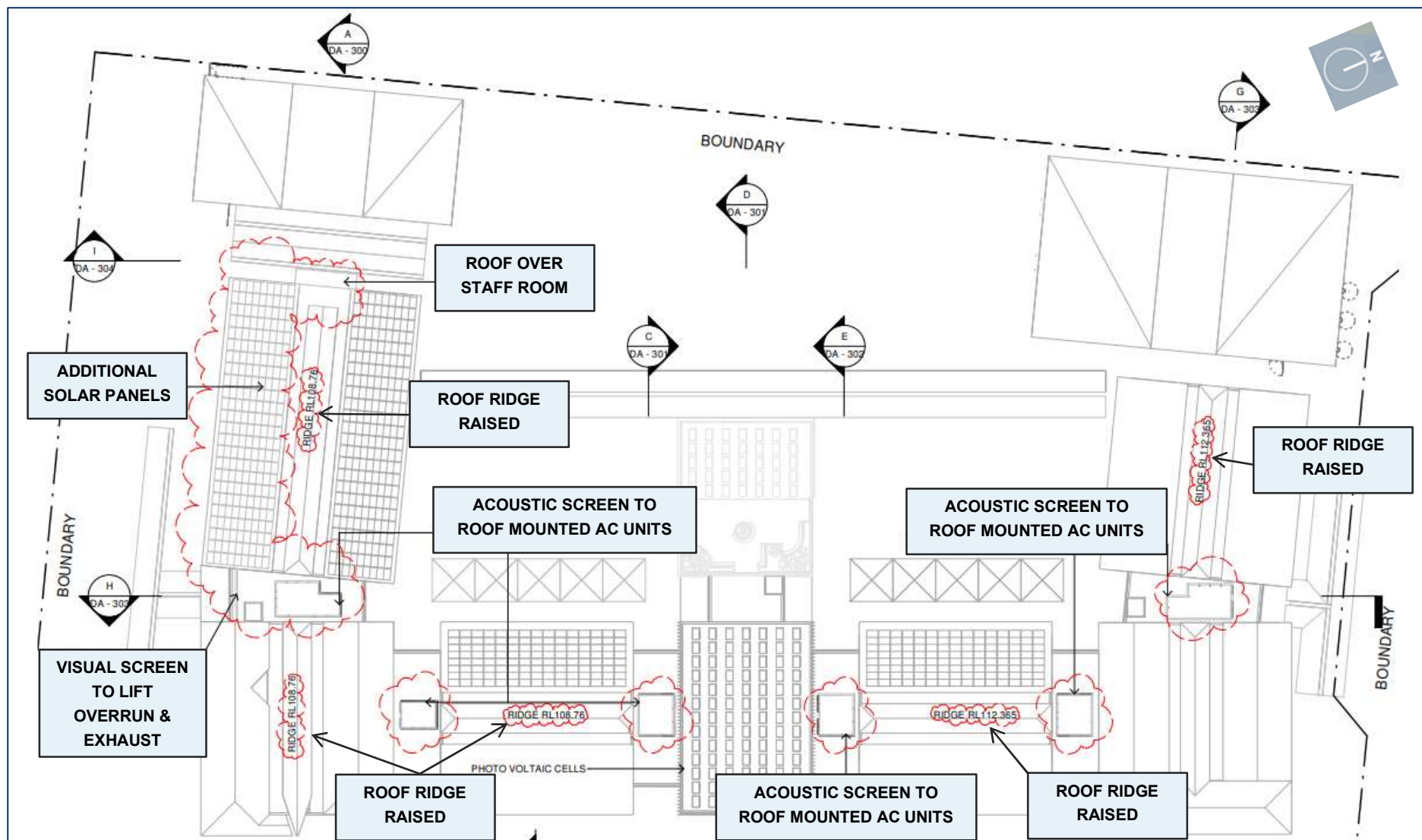
The location of the proposed building extension is shown in **Figure 9**.

### 2.3 Access, outdoor learning areas and landscaping

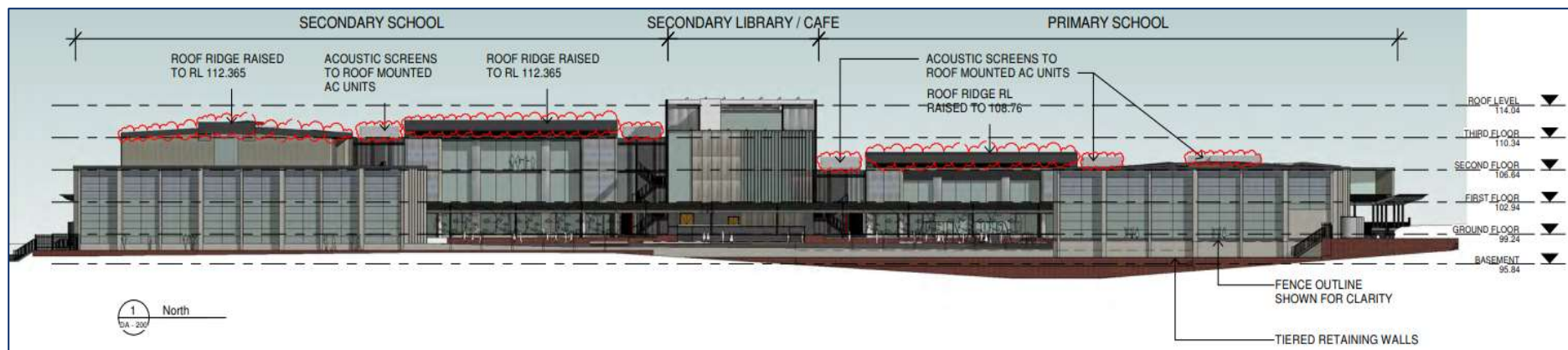
Minor amendments are sought to the approved access provisions, outdoor learning areas and landscaping, including:

- the provision of access ramps to replace stairs adjacent to the primary school hall and from the courtyard area to the playing field.
- a new retaining wall constructed to a maximum height of 1m at the north-western corner of the site (required to support the new access ramp).
- minor reconfiguration of the terraced outdoor learning area, including repositioned tree plantings along the Byron Road street frontage.
- internal reconfiguration of the primary school ground floor amenities to provide direct access from the playground area.

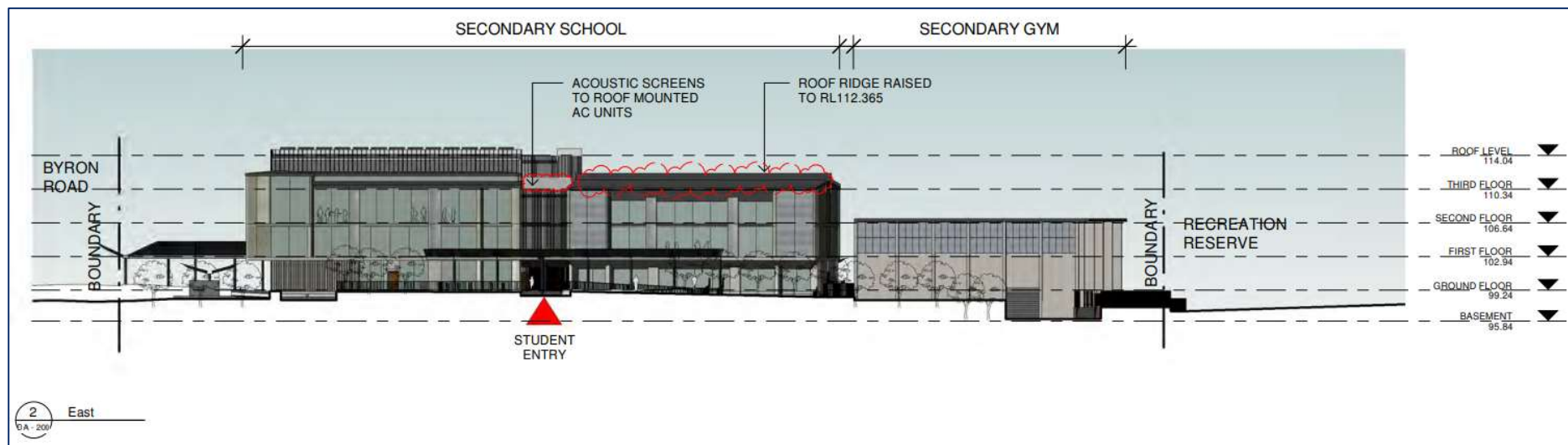
The location of the proposed amendments are shown in **Figure 9**.



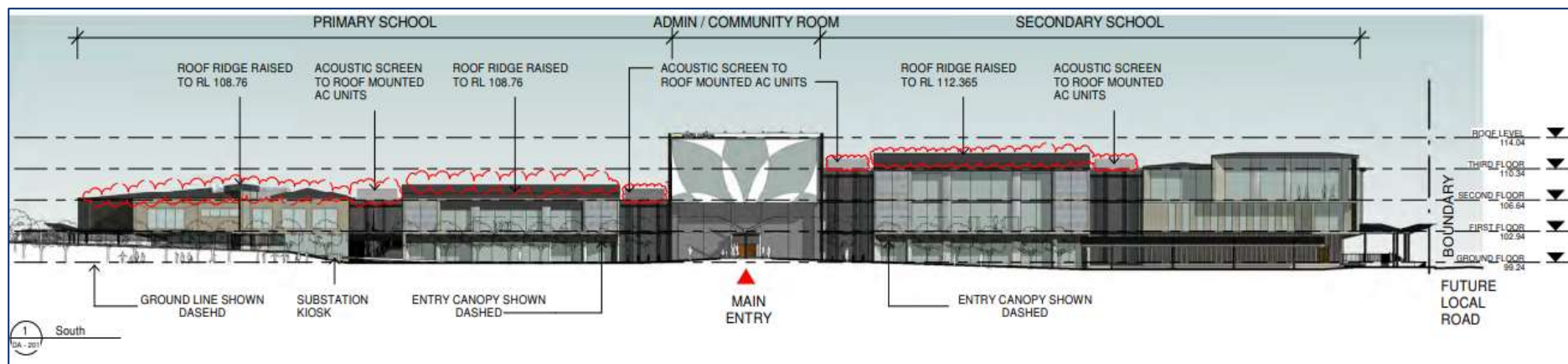
**Figure 4 |** Proposed roof ridge amendments and visual and acoustic screening (Source: Modification Application)



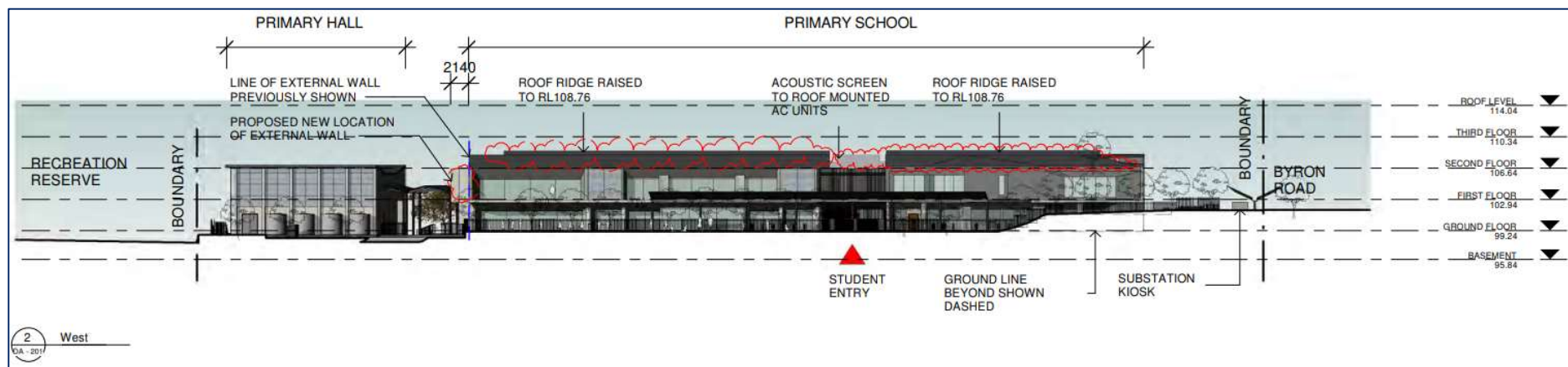
**Figure 5** | Roof amendments shown at the northern elevation (Source: Applicant's Modification Report 2021)



**Figure 6** | Roof amendments shown at the eastern elevation (Source: Applicant's Modification Report 2021)



**Figure 7 |** Roof amendments shown at the southern elevation (Source: Applicant's Modification Report 2021)



**Figure 8 |** Roof amendments shown at the western elevation (Source: Applicant's Modification Report 2021)







### 3 Strategic context

The development, as modified, remains consistent with the assessment of the strategic context in the original application and would not alter the key components or outcomes of the proposal.

The Department considers the development, as modified, would remain consistent with the relevant provisions of the:

- Greater Sydney Region Plan – A Metropolis of Three Cities, as it would provide new school facilities to meet the growing needs of Sydney.
- Western City District Plan, as it would provide much needed school infrastructure and opportunities to share facilities with the local community.
- State Infrastructure Strategy 2018 – 2038 Building the Momentum, as it would support the growth in demand for early learning, primary and secondary student enrolments.
- NSW Future Transport Strategy 2056, as it would provide a new educational facility in an accessible location.

## 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

#### 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 26 April 2021, the Team Leader, School Infrastructure Assessments, may determine the application as:

- the relevant local Council has not made an objection.
- a political disclosure statement has not been made.
- there were no public submissions by way of objection.

### 4.3 Modification of consents

Section 4.55(1a) of the EP&A Act requires the matters listed in **Table 2** to be considered by the consent authority for an application to modify a development consent.

**Table 2** | Consideration of the proposal against the objects of the EP&A Act

Matter	Consideration
Whether the proposed modification is of minimal environmental impact.	<p>The proposed modification is considered to be of minimal environmental impact and would not involve any additional impacts outside of the approved disturbance area for the project.</p> <p>The proposed modification principally involves the minor amendments to the approved built</p>

Matter	Consideration
	form that would have a minimal environmental impact.
Whether the development to which the consent as modified related is substantially the same development.	The development, as proposed to be 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.	<p>In accordance with the Environmental Planning and Assessment Regulation 2000 (EP&amp;A Regulation), the notification requirements for an application under section 4.55(1A) of the EP&amp;A Act do not apply if the application is in respect of SSD. Accordingly, the application was not formally notified or advertised.</p> <p>However, the modification application was referred to Camden Council (Council) for comment and was made publicly available on the Department's website.</p> <p>The Department's engagement is discussed further in <b>Section 5</b>.</p>
Any submission made concerning the proposed modification has been considered.	No submissions were received on the modification application.
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-9227. The Department considers the modification application does not result in any significant changes that would alter the conclusions made as part of that 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-9227. The Department is satisfied that the key reasons for the granting of consent continue to apply to the development, as proposed to be modified.

## 5 Engagement

Clause 117(3B) of the EP&A Regulation specifies that the notification requirements for an application under section 4.55(1A) of the EP&A Act do not apply if the application is in respect of SSD. The modification application was, therefore, not formally notified or advertised.

However, it was made publicly available on the Department's website and was referred to Council for comment. Council did not provide comments on the modification application, and no submissions were received from the public.

## 6 Assessment

The Department has considered the modification application in the context of the approved development (SSD-9227) in its assessment. Consideration of the proposed amendments are discussed below.

### 6.1 Amendments to the school roof

#### Raised roof ridges

The modification application proposes to raise the ridge height of the central corridor clerestories to the primary and secondary school wings to maintain the light and ventilation to the school classrooms. The Applicant's modification report stated that the structural requirements for the roof and framing (as currently approved) would reduce the operable height of the clerestory windows, and therefore, reducing the quality of natural light and ventilation.

The proposed RLs of the primary school and the secondary school building's clerestory ridges would be raised to RL108.76 and RL112.37, respectively, which still are lower than the approved roof level of the central block of RL 114.24.

The Applicant's modification report stated that the proposed increase in height would not have a significant detrimental visual impact or cast shadow on any of the neighbouring properties. The proposed amendments are shown in **Figure 4** (refer **Section 2**).

#### Screening of rooftop plant, lift overrun and solar panels

The modification application proposes acoustic screening to the rooftop mounted air-conditioning (AC) units located on the flat roof sections to comply with the conditions of consent.

Conditions B11, B12 and E15 of the development consent require the Applicant to demonstrate that the operation of mechanical plant and equipment does not exceed the recommended operational noise levels that were set out in the Acoustic Assessment prepared as part of the project's Environmental Impact Statement. Additional visual screening of the lift overrun and exhaust located at the entry of the primary school building are also proposed as part of the modification application.

The Applicant's modification report indicated that the top of the screens would be lower than the adjacent pitched roofs. The proposed colour of the acoustic screens would match the adjacent pitched roofs, and the material and colour of the visual screen would match the approved building facade batten screens.

The modification application also proposes solar panels on top of the south-west facing part of the primary school building roof, in addition to the approved solar panels on the rooftop of all buildings fronting Byron Road and north-east side of the primary school building. The Applicant has advised that the provision of additional solar panels ahead of other stages of the school project would reduce the energy costs in the initial phases of the school development, therefore minimising the school's carbon footprint and impact on global warming.



### *Department's consideration*

The Department notes that no height of buildings control is specified for the site under the Growth Centres SEPP and accepts the Applicant's justification that the minor increase in the roof ridge height would improve internal lighting and ventilation to the school classrooms. The Department also accepts that it would not significantly increase the bulk and scale of the approved development and would have a negligible visual and overshadowing impacts.

The Department acknowledges the proposed acoustic and visual screening of the building's rooftop plant and lift overrun is required to ensure compliance with the conditions of consent and the relevant Australian standards.

In response to the additional rooftop solar panels, the Department considers that it would provide the benefit of renewable and clean energy to the school and therefore contribute to ecologically sustainable development. Overall, the Department is satisfied that the proposed amendments to the school roof are acceptable.

## **6.2 Extension of the primary school building**

The modification application proposed a minor extension to the north-western extent of the primary school building to ensure compliance with the BCA requirements for the internal library staircase could be achieved.

The proposed extension would increase the net gross floor area (GFA) of the development by an additional 47 square metres (sqm), including 16sqm at ground level and 31sqm on the first floor. The location of the proposed building extension, shown in context of the overall site plan, is provided in **Figure 9** (refer **Section 2**).

The proposed modification would increase the site coverage to 7,097sqm overall (an increase of approximately 0.2%) and result in a floor space ratio of 0.723:1 (once fully developed). The Applicant's modification report states that the proposed extension would not result in any change to the approved building setbacks and would have no tangible visual impact on the building elevations.

### *Department's consideration*

The Department considers that the proposed amendments are relatively minor in the context of the approved overall built form. This is on the basis that the proposed amendments would not result in significant changes to the approved site coverage or GFA.

The Department also acknowledges that the proposed extension to the primary school ground floor is required to ensure compliance with the BCA and, therefore, raises no concerns in response to the proposed amendments to the primary school building.

## **6.3 Access and landscaping**

The modification application proposes minor changes to the terraced courtyard layout, located at the south-eastern corner of the primary school to enhance the indoor/outdoor learning environment and provide for various teaching spaces.

The Applicant's modification report confirmed that the changes would have no impact on the site elevations, levels or drainage regime. To accommodate the proposed design changes, the tree planting locations along the Byron Road frontage would be slightly modified.

The modification application also proposes the following access improvements to comply with the relevant BCA provisions:

- internal reconfiguration of the primary school ground floor amenities (toilets) to provide direct access from the playground.
- stairs of the primary school hall courtyard replaced with a sloping walkway, requiring minor alteration to the retaining walls up to the 1m height.
- stairs from primary school hall courtyard to playground area replaced with a ramp.

#### *Department's consideration*

The Department notes the proposed amendments to the courtyard are designed to increase the functionality of the educational space.

The amendments to the primary school amenities would provide improved access and cater for the primary student needs. The replacement of the stairs with ramps would permit the movement of grounds-keeping and maintenance equipment, provide a passage for emergency vehicles and would have no impact on the approved site drainage regime.

The Department does not raise any concerns in response to the access improvements and landscaping amendments proposed as part of the modification.

## 7 Evaluation

The Department has reviewed the Applicant's Modification Report and assessed the merits of the modified proposal. The Department is satisfied that all environmental issues associated with the proposal have been thoroughly addressed.

The approved development would not significantly change as a result of the proposed modification. The proposed modification would not impact upon the environmental amenity of the surrounding area and the development would remain consistent with the original development consent. Further, the Department's existing conditions of consent, as recommended to be modified, would ensure the ongoing environmental management of the development.

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

The Department concludes that the impacts of the proposed modification are acceptable. Consequently, the Department considers the development is in the public interest and that the modification application should 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-9227-Mod-3 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-9227.
- **signs** the attached instrument of approval of the modification (**Appendix B**).

**Recommended by:**



**Nima Salek**  
Planning Officer  
School Infrastructure Assessments

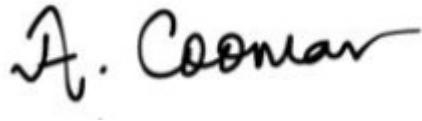
**Recommended by:**



**Brent Devine**  
Principal Planner  
School Infrastructure Assessments

## 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, stylized 'A' and a long, sweeping underline.

**Aditi Coomar**

Team Leader

School Infrastructure Assessments

**as delegate of the Minister for Planning**



# Appendices

## Appendix A – List of Documents

<https://www.planningportal.nsw.gov.au/major-projects/project/42996>

## Appendix B – Instrument of Modification

<https://www.planningportal.nsw.gov.au/major-projects/project/42996>