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Mr Navdeep Shergill
A/Senior Planner, Social & Infrastructure Assessments
Department of Planning Industry & Environment
GPO Box 39
SYDNEY NSW 2001

By email

Dear Sir,

SSD 9227: RESPONSE TO SUBMISSIONS, PROPOSED AMITY COLLEGE SCHOOL CAMPUS AT No.85 BYRON ROAD AND No.63 INGLEBURN ROAD, LOTS 1 & 2 DP 525996, LEPPINGTON, NSW

1. Overview: Submissions Made to Exhibited EIS

Outline Planning Consultants Pty Ltd act on behalf of Amity College, the proponent. Outline Planning Consultants Pty Ltd prepared the Environmental Impact Statement (EIS) for the proposed Amity College primary school and secondary school at the above address. The development application, EIS and accompanying specialists reports was publicly exhibited between Wednesday 11 September 2019 and Tuesday 8 October 2019. In total, nine (9) submissions were received: eight (8) from public authorities; one (1) submission received from a community organisation (Leppington Progress Association); and no submissions received from the general public. Refer **Appendix A**. The public authorities who made submissions to the exhibited EIS comprised the following:

- Transport for NSW.
- Endeavour Energy.
- Environmental Protection Authority [NOTE: two copies of the same submission received from the EPA].
- NSW Rural Fire Service (RFS).
- Sydney Water.
- Roads and Maritime Services (RMS).
- Camden Council. [NOTE: A follow up meeting was held with Council officers on 3 December 2019].

Most of the submissions above provided comments on the proposed scheme and recommended conditions and additional matters to consider in the proposal. The submission from Camden Council raised a number of issues, most of which are either dealt with in the current design or can be conditioned in any consent, as was advised at our meeting with Council officers at Oran Park on 3 December 2019. Design changes arising from the Council submission are detailed in **Appendix B** and **Appendix C** of this response. In their submission dated 8 October 2019 Camden Council referred to a concept design for a nearby intersection that had the potential to significantly impact on the design of the proposed school at its street frontage with Byron Road, however, since that time a revised concept intersection design has been prepared by Council, provided via email to Outline Planning Consultants on 5 March 2020. This revised design has no discernible impact on the proposed Amity College development-refer **Appendix E**.

The Leppington Progress Association objected to the project, principally on the grounds of traffic impacts on the local road system and car parking.

This letter and its attachments outline the proponent's response to the submissions above and provide additional information to the Department of Planning Industry & Environment. It should be read in conjunction with the attached supporting documentation, comprising the following:



Proposed Amity College school campus, Leppington NSW: SSD 9227
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- Revised architectural design feature, Gran Associates Australia, Architects- refer **Appendix B**.
- Advice from consulting engineers Martens & Associates- refer **Appendix C**.
- Advice from traffic consultants Traffix- refer **Appendix D**.
- Follow up advice from Camden Council regarding the revised intersection design- refer **Appendix E**.
- Advice from services consultants Erbas- refer **Appendix F**.
- Advice from acoustic consultants Koikas Acoustics- refer **Appendix G**.
- Amity College Prestons Campus Traffic Management Plan- refer **Appendix H**.
- Revised BCA/NCC report - refer **Appendix I**.

2. Response to Submissions from Public Authorities

The following section details the proponent's response to the submissions received from public authorities in the order that they are presented on the Department of Planning Industry & Environment's Major projects website.

2.1 2.1 Environmental Protection Authority (EPA)

The submission received from the EPA is contained in a letter to the Department of Planning Industry & Environment dated 30 September 2019, addressed in the accompanying table below.

Issue Raised in EPA Submission	Response
General ▶ As the development will not require an Environment Protection Licence Camden Council will be the appropriate regulatory authority under the <i>Protection of the Environment Operations Act 1997</i> .	Noted.
Contaminated land management ▶ Need to manage risk of contamination. ▶ Site auditor recommended during remediation of the site. ▶ Construction Environmental Management Plan should be prepared, to address remediation process and contingencies, including incident management and unexpected finds protocols.	Noted , agreed on first two dot points. A preliminary Construction Management Plan accompanies the EIS, which satisfactorily addresses the matters raised in the EPA submission. No further changes required.
Waste The storage, disposal and transport of wastes must be undertaken in accordance with the <i>Protection of the Environment Operations (Waste) Regulation 2005</i> .	Noted , agreed.

2.2 2.2 Transport for NSW

The submission received from Transport for NSW is contained in a letter to the Department of Planning Industry & Environment dated 4 October 2019, addressed in the accompanying table below.

Issue Raised in Transport for NSW Submission	Response
Short-term bus accessibility ▶ "DPIE should note that school bus access (for standard bus sizes) to the site may not be possible until such time that Byron Road and relevant sections of Heath Road are upgraded to reflect the intended design per the Camden Growth Centres Precincts Development Control Plan."	Noted. Stage 1 of the school development provides for smaller bus access to the primary school, accessed from the upgraded southern Local Road (Pluto Road). Roadworks on Byron Road and the provision for larger buses is planned for Stage 3 of the school project.
Bus bay length ▶ The swept path analysis should demonstrate the ability for any of the five buses to exit out of the bus bay. ▶ "The swept path analysis should be revised to address the comment above and the design of the bus bay should be amended accordingly."	Noted. To clarify, the bus bay provides for four (4) buses, not five. Refer to advice from traffic consultants Traffix in Appendix D , which includes a swept path analysis that confirms that buses can safely enter and exit the proposed bus bay on Byron Road. Refer Figure 2.1 .



- ▶ “Section 5.3 of the Traffic Impact Assessment states that the development proposes 62 bicycle parking spaces. However, a review of the architectural drawings (Appendix C of the EIS) does not indicate the proposed location of these parking spaces.”
- ▶ “It is recommended that the Applicant amends the development plans to include the proposed 62 bicycle parking spaces. The location of the spaces should be easily accessible from the site’s pedestrian access points .”

The 62 bicycle parking spaces proposed are clearly shown on the DA drawings in Appendix B of the exhibited EIS namely: Ground Floor Plan Drawing No. DA-100 Revision C, and Basement Floor Plan Drawing No. DA-105 Revision B.

Refer to accompanying DA drawings with proposed bicycle spaces highlighted- refer **Figure 2.2** and **Figure 2.3**.

Footpath connection to public transport

► “To support public transport demand from students and staff, the development proposal should include the provision of footpath connections from the bus stops on Ingleburn Road to the site and improvements to bus stop infrastructure.”

Agreed. This can be made a condition of development consent.

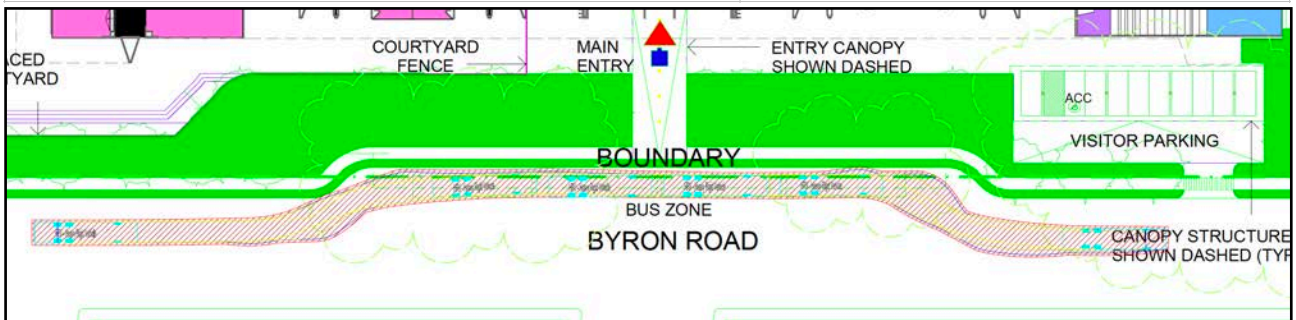


FIGURE 2.1: Satisfactory bus swept paths entering and exiting proposed bus bay Byron Road
(Source: Traffic report- refer Appendix D for details)

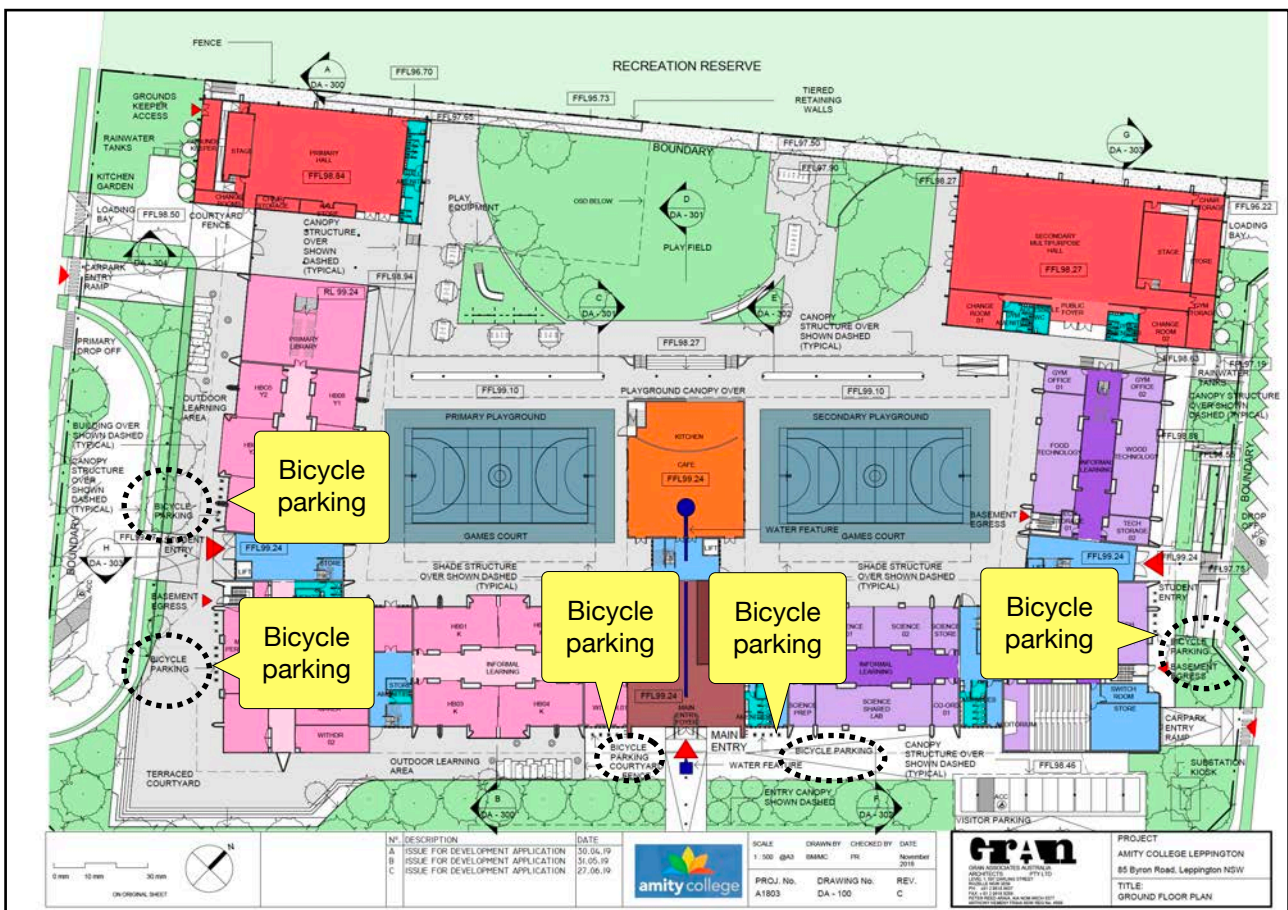


FIGURE 2.2: Bicycle parking spaces clearly identified in Ground Floor plan

(Source: Gran Associates Australia Ground Floor Plan Drawing No. DA-100 Revision C, found in Appendix C of exhibited EIS. Bicycle areas highlighted)

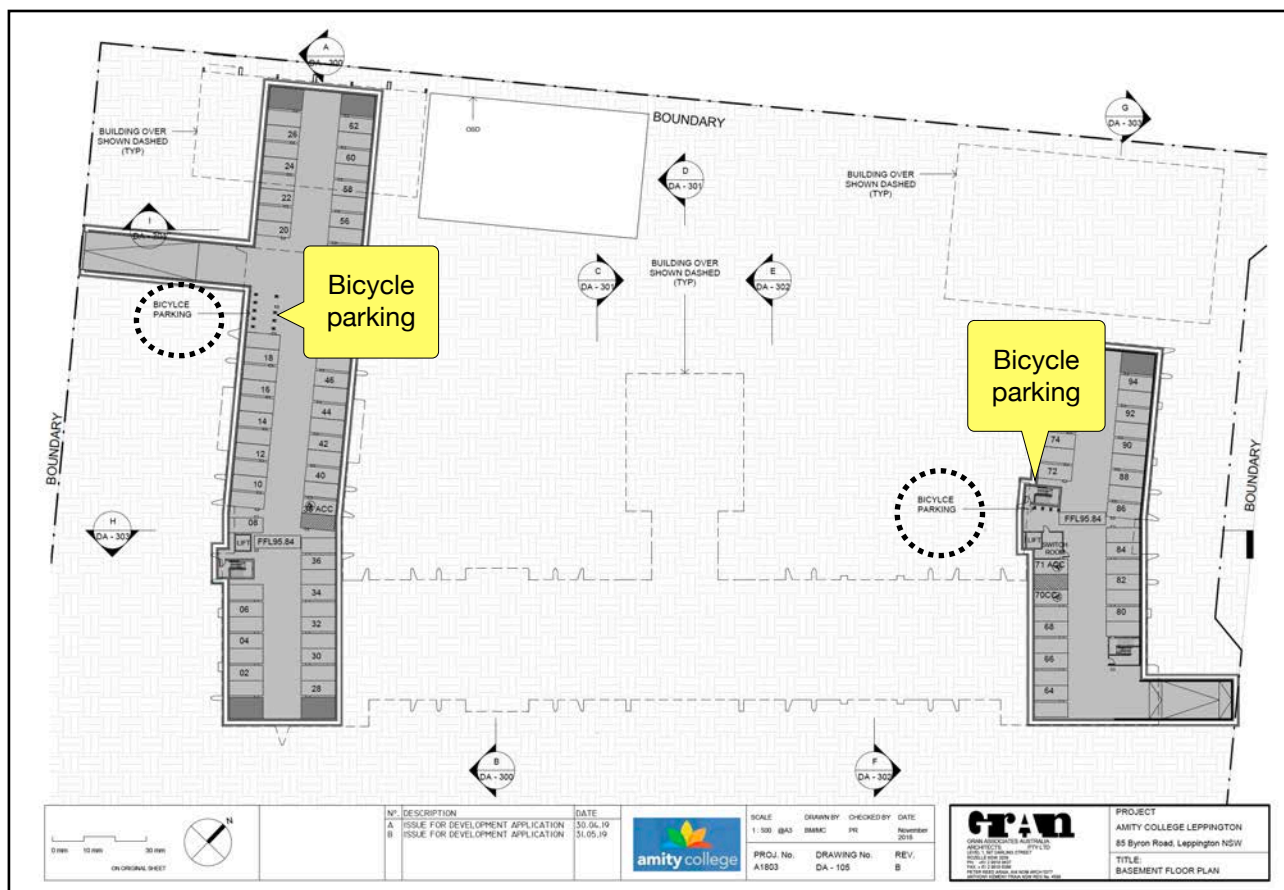


FIGURE 2.3: Bicycle parking spaces clearly identified in Basement Floor plan

(Source: Gran Associates Australia Basement Floor Plan Drawing No. DA-105 Revision B, found in Appendix C of the exhibited EIS. Bicycle areas highlighted)

2.3 Endeavour Energy

The submission is contained in an email from Cornelis Duba on behalf of Endeavour Energy who concludes that: “Subject to the following recommendations and comments Endeavour Energy has no objection to the Development Application.” Refer to accompanying table.

Issue Raised in Endeavour Energy Submission	Response
Network capacity connection <ul style="list-style-type: none"> Two padmount substation options discussed. “As a condition of the Development Application the applicant should be required to submit documentary evidence from Endeavour Energy confirming that satisfactory arrangements have been made for the connection of electricity and the design requirements for the substation, prior to the release of the Construction Certificate / commencement of works.” 	<p>Noted. The location of one of these padmount substations corresponds with one of the options presented by Endeavour Energy.</p> <p>Noted and agreed. This can be made a condition of development consent.</p>
Urban network design <ul style="list-style-type: none"> Compliance required with Endeavour Energy’s Company Policy 9.2.5 ‘Network Asset Design’. 	<p>Noted, agreed. This can be made a condition of development consent.</p>
Flooding and drainage <ul style="list-style-type: none"> Substations to be self draining and not subject to flooding. 	<p>The proposed substation location, on the corner of the northern Local Road and Byron Road, complies in this regard, situated on flood-free land.</p>

Street lighting ▶Need for well designed, maintained and managed public lighting offering a safe, secure and attractive visual environment for pedestrians and drivers.	Agreed. This can be made a condition of development consent for all street frontages, which can be implemented in a manner commensurate with each relevant stage of the school project.
Earthing ▶ <i>“The construction of any building or structure (including fencing, signage, flag poles, hoardings etc.) whether temporary or permanent that is connected to or in close proximity to Endeavour Energy’s electrical network is required to comply with Australian/ New Zealand Standard AS/NZS 3000:2018 ‘Electrical installations’ as updated from time to time.”</i> ▶ <i>“Under Endeavour Energy’s ‘Design certification checklist for ASP L3’ the design of the padmount substation must comply with Endeavour Energy’s ‘Earthing Design Instruction EDI 001 – Earthing design risk assessment’ in which schools are regarded as a ‘special location’.”</i>	Noted, agreed. This can be made a condition of development consent. Noted, agreed. This can be made a condition of development consent.
Prudent avoidance ▶ <i>“Endeavour Energy believes that likewise applicants and determining authorities should also adopt a policy of prudent avoidance by the siting of more sensitive uses away from any electricity infrastructure – including any possible future electricity infrastructure required to facilitate the proposed development.”</i>	Noted, agreed.
Vegetation management ▶ <i>“The planting of large trees in the vicinity of electricity infrastructure is not supported by Endeavour Energy. Suitable planting needs to be undertaken in proximity of electricity infrastructure (including any new electricity infrastructure required to facilitate the proposed development). Larger trees should be planted well away from electricity infrastructure and even with underground cables, be installed with a root barrier around the root ball of the plant.”</i>	Agreed. The proposal complies with these requirements. Shrubs only proposed to be planted near the padmount substation.
Dial before you dig ▶ <i>“Before commencing any underground activity the applicant is required to obtain advice from the Dial before You Dig 1100 service in accordance with the requirements of the Electricity Supply Act 1995 (NSW) and associated Regulations.”</i>	Noted, agreed. This can be made a condition of development consent.
Removal of electricity supply ▶Approval for the permanent disconnection and removal of supply must be obtained from Endeavour Energy’s Network Connections Branch by Accredited Service Providers.	Noted, agreed. This can be made a condition of development consent.
Demolition ▶ <i>“Demolition work is to be carried out in accordance with Australian Standard AS 2601—2001: ‘The demolition of structures’ as updated from time to time. All electric cables or apparatus which are liable to be a source of danger, other than a cable or apparatus used for the demolition works shall be disconnected ie. the existing customer service lines will need to be isolated and/or removed during demolition. Appropriate care must be taken to not otherwise interfere with any electrical infrastructure on or in the vicinity of the site eg. streetlight columns, power poles, overhead power lines and underground cables etc.”</i>	Noted, agreed. This can be made a condition of development consent.
Public Safety ▶Public safety training is recommended.	Noted, agreed.
Emergency contact ▶Emergencies Telephone is 131 003.	Noted.

2.4 2.4 Camden Council

The submission received from Camden Council is contained in a letter to the Department of Planning Industry & Environment dated 8 October 2019, and updated where relevant. The submission is addressed in the table below.

Issue Raised in Camden Council Submission	Response
<p>Planning</p> <p><i>"1.The concept of developing a school on the site is supported in principle however concern is raised regarding the loss of an identified public school site. This is particularly so given the rapidly urbanising Leppington and Leppington North precincts of the South West Growth Area and the need to provide public school facilities for future residents. The department is currently reviewing the planning for the Leppington North precinct which may affect demand for public school facilities. Furthermore, the advice from the Department of Education advising that the site is not required for a public school was provided in 2017 (two years ago) and so the currency of this position should be reviewed.</i></p> <p><i>Prior to approving the development of a private school on the site, it must be demonstrated how and where adequate public school facilities will be made available for future residents. "</i></p>	<p>Not agreed. The site is zoned SP2 Infrastructure (Educational Establishment). This zoning facilitates government as well as non-government schools to be built on land so zoned.</p> <p>Prior to purchasing the site, Amity College obtained written advice from the Department of Education who, in effect, advised that the site is not required for a public school. No further updated advice is required from the Department of Education.</p> <p>The EIS provides a comprehensive justification for the project.</p> <p>Council's demand for demonstration of the adequacy of public school facilities is unreasonable and unjustified, and is beyond power. The need for public schools in the Leppington area is a matter to be determined by the Department of Education, not Amity College. The Department of Education's advice dated 24 October 2017, contained in Appendix F of the EIS, makes it plain that:</p> <p><i>"The Department has undertaken planning for the schools in the area and has determined that Lots 1 and 2, DP 525996 will not be required for future education infrastructure requirements."</i> Refer Appendix F of the EIS.</p> <p>The above advice is clear and unequivocal. In any case, no such review was required of the applicant in the issued SEARS.</p>
<p><i>" 2. As the site is zoned SP2 Infrastructure (Educational Establishment), the site is excluded from the calculation of net developable area by the Camden Growth Areas Contributions Plan (CGACP). However, this is on the basis that the site is to be developed for a public school. As the site is proposed to be developed for a private school, Council's view is that Section 7.11 contributions should be levied to help provide for the public amenities and services envisaged by the CGACP".</i></p>	<p>Not agreed. s 7.11 of the EP&A Act 1979 allows a consent authority the power to impose a condition requiring the payment of a monetary contribution where it <i>"is satisfied that development for which development consent is sought will or is likely to require the provision of or increase the demand for public amenities and public services within the area"</i>. Section 7.13(1) requires that such a condition be imposed <i>"only if it is of a kind allowed by, and is determined in accordance with, a contributions plan."</i></p> <p>The school will serve the surrounding residential area. Residential uses are subject to developer contributions. Attempting to impose levies on schools is tantamount to 'double dipping'- an undesirable and inequitable planning outcome.</p> <p>The site is excluded from the operation of the contributions plan (source: <i>Camden Growth Areas Contributions Plan-Technical Document</i> Figure B2). The proposed new school will not in itself generate the need for additional infrastructure covered by the contributions plan, other than roads and some drainage. Additionally, Amity College will be providing material public benefits being works in kind for the following infrastructure at a cost of more than \$11.637 million. This includes:</p> <ul style="list-style-type: none"> ► Construction of roads and (shared) on-street parking: Total cost \$1.091 million. ► Bus bay fronting Byron Road. Total cost \$0.742million. ► Two multi-purpose halls that will be available for out-of-hours use by the general community. Total cost \$8.939 million. ► Playing fields and outdoor open space (not costed). ► On-site car parking to be co-shared with the community (not costed). ► Dedication of 2,418m² of land for roads at no cost to Council- land value of approximately \$0.865 million. <p>For the above reasons, together with those detailed in Section 2.12 of the EIS, no s.7.11 contributions should or need be levied.</p>



<p>“ 3. The environmental impact statement suggests that the adjoining land zoned RE1 Public Recreation at 69 Ingleburn Road may be used by the school for recreational activities. This land will ultimately be a public reserve in Council’s ownership. Such a co-use proposal would require further detailed discussions with Council. Council recommends that the school provides sufficient on-site open space to cater for its own demands without needing to rely upon the adjoining public reserve which will be provided to meet the recreation needs of the wider community.”</p>	<p>Not agreed. Council’s submission omits to give recognition to the masterplanning decisions made by State Government- refer to Department of Planning Industry and Environment’s <i>Leppington (Stage 1) Finalisation Report</i> dated October 2015 which states, inter alia, “...the intent that adjoining open space [to the zoned school site] will be co-shared with Council for passive play, or that the school can be designed to fit with the proposed site.”</p> <p>The need for ongoing discussions with Council regarding the co-sharing of the public open space is noted and agreed.</p> <p>One of the stated objectives of <i>State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017</i> is “(h) encouragingthe shared use of the facilities of educational establishments with the community through appropriate design.” (Clause 3(h) of the SEPP).</p> <p>The proposed school campus contains more than adequate provision of open space and play facilities for its students, at the same time as strategically locating its multi-purpose halls and open spaces adjoining the future public open space area, to facilitate co-sharing in the future. Moreover, and reflecting this approach to co-sharing of uses, Amity College proposes the use of its school halls and other spaces by the community at large, as discussed in the exhibited EIS.</p>
<p>“ 4. The school will be developed in eight stages. The following concerns are raised regarding the staging:</p> <ul style="list-style-type: none"> • the practical management of the school’s staged construction including potential impacts upon staff and students attending the site and surrounding residents. It is proposed to develop the school over 15 years however there may ultimately be a longer timeframe, • the delayed delivery of infrastructure and amenities, including off-street car parking, bus bays (stage 4), the northern local road (stage 5), the playing field (stages 5 and 7), the primary school hall (stage 6) and the secondary school hall (stage 8). These works should be delivered early in the development of the school to provide better amenity for staff and students, and • the long-term use of demountable buildings in lieu of permanent buildings and the consequent reduction in amenity for staff and students.. <p>It is recommended that the proposed staging be reviewed and that the development is completed in a lower number of more substantial stages. ”</p>	<p>Not agreed. The purpose of the staging plans is for a planning purpose, namely, to show the <u>sequence</u> of development of the site in a logical, coherent manner as well as identifying the environmental management and mitigation measures proposed for each stage of the school development.</p> <p>In the proponent providing this level of detail for each development stage, the Minister can then assess the development application under the relevant heads of consideration as set down under s.4.15 of the <i>Environmental Planning & Assessment Act 1979</i> (EP&A Act 1979), <u>regardless</u> of how long (or short) a development time frame ensues.</p> <p>In response to some of the other points raised in Council’s submission:</p> <ul style="list-style-type: none"> ▶ Essential school infrastructure, including on-site car parking, drop-off zones and playing areas, as well as construction of a Local Road and (small) bus access, are provided from Stage 1 inclusive. Refer to Figures 2.7-2.14 of the EIS. ▶ Bus bays for larger buses are provided for a Stage 3- not Stage 4, as Council contends- refer Figure 2.9 of the EIS. The bus bays will be provided prior to Stage 4 when the overall primary school component is completed. ▶ The use of demountables is common to the early stage of any school development. Contrary to Council’s claim that there will be “the long-term use of demountable buildings” Figure 2.10 of the EIS clearly shows that the demountables will be removed at Stage 4 of the school project. This does not constitute “long-term use”. ▶ The primary school and secondary school will rely on the southern and northern local roads, respectively, for access. The construction of the northern road will occur at the same time as development of the secondary school campus, at Stage 5 of the project. Refer to Figure 2.11 of the EIS. ▶ Temporary playing fields will be provided on the site from Stage 1 onwards, thus enabling students to have access to outdoor play areas from the outset of the project. ▶ In the short term, school students will be able to utilise the two school halls at Amity College’s nearby Prestons campus (combined capacity of 1,300 persons), only 10 minutes drive away, for speech nights, indoor sports events and the like.

<p>“5. Roads 1 and 2 must be designed in accordance with Figure 3-14 of the Camden Growth Centre Precincts Development Control Plan (Growth DCP).”</p>	<p>Conditionally agreed. A point of clarification on the relationship between State Significant Development and development control plans (DCPs). As the proposed Amity College school development is State Significant Development the provisions of any DCP does not apply. This arises by virtue of clause 11(a) of <i>State Environmental Planning Policy (State and Regional Development) 2011</i> which states:</p> <p>“11 Exclusion of application of development control plans Development control plans (whether made before or after the commencement of this Policy) do not apply to: (a) State significant development, or” [our emphasis]</p> <p>Notwithstanding the above statutory provisions:</p> <ul style="list-style-type: none"> ▶ The southern local road/street (Pluto Avenue, and presumed “Road 1”) has been designed in accordance with Figure 3-14 of the <i>Camden Growth Centre Precincts Development Control Plan</i>. [NOTE: The neighbouring developer (Crownland) has already built more than one half of this road on their land] ▶ The design of the northern local road/street (presumed “Road 2”) provides not only on-street parking spaces to service the secondary school campus, but also provides for out-of-hours use for persons wishing to make use of the adjoining public open space area- an appropriate town planning outcome and one which reflects the co-sharing objectives of <i>State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017</i>. This work is to be carried out at no cost to Council. The proponent proposes to dedicate additional land for this widened road, once again, at no cost to Council. These are demonstrable material public benefits. ▶ Relating to the proposed northern local road/street (presumed “Road 2”) at our meeting with Council officers in December 2019 it was implied that there needs to be strict compliance with <i>Figure 3-14 of the Camden Growth Centre Precincts Development Control Plan (Growth DCP)</i>, the effect of which would mean the abandonment of the on-street car parking spaces currently proposed. This Council view: <ul style="list-style-type: none"> • Does not have regard for the provisions of clause 11(a) of <i>State Environmental Planning Policy (State and Regional Development) 2011</i> which states that any development control plan does not apply to State Significant development. • Does not reflect the design flexibility built into the <i>Camden Growth Centre Precincts Development Control Plan</i>. Specifically, in Section 3.3.1 under the heading “Controls” it states that: “4. <i>Alternative street designs for local streets and access ways may be permitted on a case by case basis if they preserve the functional objectives and requirements of the design standards.</i>” The proposed northern local road/street will preserve the the functional objectives and requirements of the design standards, with the addition of on-street car parking.
<p>“ 6. The dedication of road 2 to Council must include the footpath abutting the angled parking spaces along the north eastern side of the site.”</p>	<p>Agreed. This can be made a condition of development consent.</p> <p>It is noteworthy that this Council requirement accepts the on-street car parking spaces proposed on the northern local road/street. It seeks a finer-grained design detail to ensure that pedestrian flows can be facilitated.</p> <p>This council requirement appears to be at odds with the comment in (5) above, which implies that there be no deviation from the road design in Figure 3-14 of the <i>Camden Growth Centre Precincts Development Control Plan</i>, that is, no provision for on-street car parking in a local road/street.</p>

<p><i>“7. The Growth DCP requires the development to provide 109 off-street car parking spaces and 104 have been proposed (excluding the on-site drop-off spaces along the south western side of the site). The development must provide a minimum 109 dedicated off-street car parking spaces in accordance with the Growth DCP. Off-street car parking spaces compliant with the Growth DCP must be provided for the capacity proposed in each stage of the development.”</i></p>	<p>Not agreed. Refer to comments in (5) above regarding the relationship between DCPs and State Significant Development.</p> <p>Council has mis-calculated the number of car parking spaces to be provided on the school site.</p> <p>The proposed new school provides for an additional 144 off-site and on-site parking spaces, details of which are as follows:</p> <ul style="list-style-type: none"> ▶ 101 parking spaces in the basement car parking areas. ▶ 9 visitor parking spaces, accessed from Byron Road. ▶ 11 car parking spaces within the primary school drop-off zone. ▶ 7 parallel car parking spaces provided in the (on-site) primary school parking area. ▶ 16 off-site car parking spaces provided along the northern local street/road. <p>Parking spaces provided on-site total 128 spaces, including those parking spaces provided in the primary school drop-off zone.</p> <p>By any measure, the car parking proposed on the school site satisfies the car parking requirements of the <i>Camden Growth Centre Precincts Development Control Plan</i>. Moreover, sufficient parking is provided to service each stage of the proposed school development- refer to Section 2 and Figures 2.7-2.14 of the EIS for details of car parking provided by each stage of the proposed school development.</p>
<p><i>“8. Council is concerned about the development’s interface with the future public open space to the north east at 69 Ingleburn Road. It is proposed for the site to undergo extensive filling which will result in terraced retaining walls to a height of 3.3m along the shared boundary with the open space. The proposed levels should be reviewed and changes from existing ground level minimised to improve this interface. This feedback should be read in conjunction with the feedback provided in the “Engineering” section of this letter.”</i></p>	<p>Noted, but not agreed. This matter was initially discussed with Council in October 2018 as a part of the consultation program. At the time Council officers could not provide any advice regarding final assumed finished levels in the future open space area that Amity College could assume. This position was confirmed by Council officers at our meeting held December 2019.</p> <p>The design is predicated on the fact that this zoned public open space area will need to be filled in part in the future, given that much of this property is existing flood-prone land.</p> <p>The design has adopted a lower interface with the public open space area by way of provision of stepped retaining walls for a part only of the common boundary with this site, effectively allowing for flexibility in the adoption of any final design level for this adjoining future open space area.</p> <p>Contrary to Council’s submission on this matter, the EIS design drawings show a stepped retaining wall with a maximum height above existing ground level of between 1.23m-2.391m, the retaining wall stepped back from the common boundary. Refer to Martens & Associates Drawing No. PS01-C600 Revision E, and Section D of Drawing No. PS01-C601 Revision C, accompanying the exhibited EIS, for details.</p> <p>Having regard for the above, it is concluded that the design of the proposed school development will not unreasonably constrain Council’s future design and use of the open space area.</p>
<p><i>“9.The development’s interface with the public domain at the corner of Byron Road and road 1 on the first floor level should be reviewed. As proposed this interface is defined by relatively blank walls screening toilets and common rooms.”</i></p>	<p>Agreed. The school building at this location presents as a cantilevered space that successfully addresses the street, while at the same time providing a landmark statement for the school [NOTE: <i>The proposed school buildings at this location will be of modest height only, presenting as marginally more than a one storey building when viewed from Byron Road, screened in part by perimeter plantings.</i>]</p> <p>Notwithstanding the above, and in the interests of improving the overall appearance of the building at this position as sought by Council, Gran Associates have modified the design to provide for high level glazing. Coupled with the design features above, this additional design revision should more than suffice.</p> <p>Refer to accompanying amended design feature in Appendix B.</p>

<p>“10. Once the proponent has addressed the issues outlined in this letter, and if approval is recommended, Council would welcome the opportunity to provide feedback on potential conditions of consent.”</p>	<p>Noted.</p>
<p>Engineering</p> <p>“1. The development conflicts with Council’s concept design for the future signalised intersection at Byron and Ingleburn Roads. The concept design is aligned with the department’s Leppington Precinct Transport and Access Strategy. The concept design may require land from the site.”</p> <p>[NOTE: This advice superseded by a new intersection design provided to Outline Planning Consultants by Camden Council on 5 March 2020]</p>	<p>Not agreed. At no stage had Council furnished the proponent or its representatives a copy of this draft plan, prepared by Accor and dated 30 November 2019, until 25 October 2019. This is despite written requests by consulting engineers Martens & Associates to Council seeking further particulars in this regard, to no avail.</p> <p>[IMPORTANT NOTE: Council’s advice contained in this submission has been superseded by revised concept intersection design prepared by Council, provided via email to Outline Planning Consultants on 5 March 2020.</p> <p>This revised intersection design represents a satisfactory design solution having regard for the need to ensure safety for pedestrians, students and vehicular movements near a zoned school site. The design has no discernible impact on the proposed Amity College development. The revised intersection design shows no proposed road widening is required in front of the Amity College school development.</p> <p>As such, the revised intersection design is now no longer an impediment to the proposed school development going ahead.]</p>
<p>“2. The proponent needs to consider Council’s concept designs for Byron and Ingleburn Roads. The following works are required as part of the development:</p> <ul style="list-style-type: none"> the proponent must design and construct Byron Road’s frontage footpath, kerb, gutter and verge which must match into the concept design levels for Byron Road, and temporary road pavement must be designed and constructed along Byron Road (matching into Byron Road’s frontage gutter lip level). Temporary cross fall grades at Byron Road must be between 1% and 5%” 	<p>Conditionally agreed. The aim is to build roads generally in accordance with the <i>Camden Growth Centre Precincts Development Control Plan</i> applicable to this part of the Leppington urban release area. The design of Byron Road is a Council responsibility, not a responsibility of the proponent. To date, Council has been unable to provide any design parameters.</p> <p>The road design as currently proposed generally reflects the requirements for Byron Road as set down in <i>Camden Growth Centre Precincts Development Control Plan</i>. This DCP is flexible enough to allow provision for the proposed bus bay in Byron Road.</p> <p>[NOTE: Bus bays fronting Byron Road were granted consent as a part of the Anglican Schools Corporation’s primary/high school development, on land located approximately 320m to the south of the Amity College site, at No.50 Heath Road and No.26 Byron Road, Leppington.]</p> <p>The standards or road construction to be ultimately applied to Byron Road can be included as a condition of consent, applicable at the construction certificate (cc) stage.</p> <p>Refer also comments to engineering item (1) above.</p> <p>[NOTE: Council engineering has since provided detailed designs for Byron Road, dated 6 September 2019, in regard to another project that Outline Planning Consultants acts as the consultant. At no time has Council provided a copy of this plan for the Amity College project]</p>
<p>“ 3. The proponent must design and construct a temporary 20m long taper along Byron Road at both ends of the temporary road pavement in accordance with the applicable Roads and Maritime Services’ design guides.”</p>	<p>Noted, agreed. Refer also to comments to engineering item (1) above.</p>
<p>“4. Compliant swept paths for a 12.5m heavy rigid truck must be demonstrated between the local roads and Byron Road.”</p>	<p>Noted. Martens & Associates, consulting engineers, advise that the kerb return radii and boundary splays were designed in accordance with Council’s <i>Design Engineering Specifications</i> for urban areas (2009, Table 2.5), which presumably allows for satisfactory manoeuvring by the 12.5m HRV design vehicle. As such, it is not considered necessary to further demonstrate compliance.</p> <p>Refer Appendix C and also to comments on point (5) below.</p>

<p>“5. The proponent must provide sight distance assessments for the intersection of the local roads and Byron Road. Reference should be made to Section 2 of Council’s Engineering Design Specifications.”</p>	<p>Conditionally agreed.</p> <p>Such detailed information can be provided at the construction certificate (cc) stage and which can form a condition of the consent. The intersection will have excellent sight distances, given the known road conditions in this location and attendant lower operating vehicle speeds.</p> <p>As such, a sight distance assessment is not considered necessary. Refer Appendix C for further details.</p> <p>This issue was resolved to Council’s satisfaction at the December 2019 meeting.</p>
<p>“6. The proponent must provide cross sections at 15m intervals along Byron Road at the property. The cross sections must show the temporary interim and ultimate Byron Road levels in relation to the development. Reference should be made to Section 2.2.3 of Council’s Engineering Design Specifications.”</p>	<p>Agreed. Subject to Council providing a road design.</p> <p>Such detailed information will be provided at the construction certificate (cc)/s.138 Roads Act approval stage, which can form a condition of the consent, once the proponent is in receipt of this design from Council.</p> <p>To date, Council has been unable to provide any engineering requirements in this regard. Refer to our response to point (2) above.</p> <p>[NOTE: This level of detail was not required in the case of the adjoining Crownland Leppington No. 3 Pty Ltd (Crownland) development, nor were any roadworks, or design for roadworks, on Byron Road required as a condition of the consent for this development (DA2017/692), approved on 16 May 2018.]</p> <p>Refer also to response to point (5) above.</p>
<p>“7. The proponent must indicate locations of V5 lighting along Byron Road’s frontage.”</p>	<p>Agreed. Such detailed information will be provided at the construction certificate (cc) stage, which can form a condition of the consent. Refer also to response to point (5) above.</p>
<p>“8. The submitted engineering plans detail that underground electrical, water and telephone services are located at the Byron Road frontage. The proponent must indicate the required relocation of these services as part of the design of the Byron Road frontage.”</p>	<p>Agreed. Such detailed information will be provided at the construction certificate (cc) stage, which can form a condition of the consent. Refer also to response to point (5) above.</p>
<p>“9. The proponent must design and construct Byron Road’s drainage system, aligned with Council’s concept design, which caters for the developed upstream catchment (and other DAs lodged with Council) in accordance with the Leppington Precinct Water Cycle Management Strategy (2012) by Parsons Brinckerhoff”.</p>	<p>Not agreed. Drainage within the Byron Road road reserve currently does not drain into the Amity College site, and once Byron Road is upgraded to an urban road will drain towards the Ingleburn Road intersection.</p> <p>This information has not been made available to the consultant team working on the Amity College project, however, and once available, this can be incorporated into the engineering plans for the school at the construction certificate (cc) stage.</p> <p>As such, this can be incorporated as a condition of any consent.</p> <p>The current concept design has been prepared in accordance with the Leppington Precinct Water Cycle Management Strategy (2012). Refer Appendix C for details.</p>
<p>10. It is recommended that the proponent reviews and considers the following documents:</p> <ul style="list-style-type: none"> •Leppington Precinct Transport and Access Strategy, •Leppington Precinct Water Cycle Management Strategy (Parsons Brinckerhoff), •Council’s Engineering Design Specifications, •Council’s Flood Risk Management Policy, •100% concept designs (WSP) and 20% concept designs (Acor) provided by Council. 	<p>Noted and reviewed in the following.</p> <p>The first four items have been adequately addressed in the engineering work undertaken as a part of the design process for the proposed school development.</p> <p>[NOTE: The November 2019 WSP and Accor plans have since been superseded by a revised intersection design for the corner of Byron Road and Ingleburn Road, provided to Outline Planning Consultants on 5 March 2020.]</p>

“11. In accordance with the Leppington precinct’s indicative layout plan and water cycle management strategy, the stormwater flows from 63 Ingleburn are to drain to the zoned drainage reserve near 75 Ingleburn Road. Due to these requirements, the following needs to be considered, modelled and incorporated into the drainage design:

- overland flows should not be conveyed through 69 Ingleburn Road as this site is zoned for public open space. A drainage swale is not appropriate through this space,
- the 1% annual exceedance probability (AEP) level flows, from the post development external (in accordance with the indicative layout plan and water cycle management strategy) and internal catchment, are to discharge into the drainage reserve and eventually online regional drainage basin B9, and
- the development and internal roads need to be at or above the post development flood planning level (not the existing flood planning level).”

Not agreed, however, the design of the stormwater drainage system has been modified in order that some of the stormwater flows are directed back into the adjoining Pluto Avenue (road 1) stormwater drainage system, details of which are provided below. In providing the above, the proponent is achieving, in part, Council’s wishes.

- ▶ Contrary to Council’s assertions, the proposed stormwater drainage system is consistent with the Water Cycle Management and Ecology Strategy as depicted in Figure 2-2 of Schedule 5 of the *Camden Growth Centre Precincts Development Control Plan Leppington Priority Precinct*. It shows stormwater flows from the adjoining public open space zone at No. 69 Ingleburn Road draining into the adjoining designated drainage infrastructure at No. 75 Ingleburn Road and further downstream into the detention basin on the neighbouring Crownland development site (ie. regional basin B9). This is a requirement of Section 2.3.2 of this DCP. This drainage system is echoed in the zoning of the land and in the approved stormwater drainage system applying to the adjoining Crownland residential subdivision.
- ▶ The adjoining approved/constructed Crownland Leppington No. 3 residential housing estate contains further drainage infrastructure downstream of this address, including detention basins (source: stamped DA 2017/692/1 Drawing No. MMD-370101-C-DR-CV-DA-0109).
- ▶ Moreover, Crownland’s engineering design for stormwater assumes that all stormwater flows from the Amity College site will follow the existing natural drainage course, which runs through the zoned open space lands adjoining the school site.
- ▶ As requested by Camden Council, and based on the stormwater drainage model and stormwater engineering design used by Crownland’s consulting engineers Mott MacDonald, Martens & Associates have devised a stormwater system that **diverts stormwater from more than 3,000 square metres of the flows from the Amity College school site into the Crownland Pluto Avenue road drainage system**. Additional flows cannot be diverted to this system based on the carrying capacity of the existing stormwater system in the road. Refer **Appendix C** for details.
- ▶ All other stormwater flows within this catchment will be diverted back to the natural low-point on the school site, and thence to the natural drain line that runs to the west of the school (ie. Over the land zoned open space). Stated another way, the residue of stormwater flows will continue to naturally drain into the land below at No. 69 Ingleburn Road.
- ▶ The Water Cycle Management and Ecology Strategy does not contain any prohibition on overland flows from areas further upstream being conveyed through the public open space zone. In fact, this is the only logical path for stormwater to flow from the Amity College site.
- ▶ Council’s opposition to upslope drainage running through the adjoining property at No.69 Ingleburn Road is at odds with the Urban Structure for Leppington, as illustrated in Figure 2-10 of Schedule 5 of the *Camden Growth Centre Precincts Development Control Plan*, which clearly shows No.69 Ingleburn Road as forming a part of an “Open Space Network/Drainage” network.
- ▶ Related to the above point, Council’s opposition to allowing drainage from upslope development being conveyed along natural drainage paths downslope is also at odds with Council’s acceptance of the same stormwater management approach in the matter of *Leppington Developments Pty Ltd v Camden Council* [2019] NSWLEC 1435, decided on 13 September 2019.



<p>11 cont....</p>	<ul style="list-style-type: none"> ▶The <i>Leppington Precinct Water Cycle Management Strategy</i> (Parsons Brinckerhoff) identifies that the site of the proposed development drains through the public open space area and has defined it as 'drainage'. ▶Martens & Associates also note that the proposed development mimics the existing site flows and does not increase peak flows, nor does it concentrate flows as the principal proposed discharge point is within an existing drainage depression. ▶Council's insistence on concentrating stormwater flows from the proposed school site drain to the proposed northern local road means that an additional drainage path would be created over the land on neighbouring at No.69 Ingleburn Road. This would be at odds with Common Law and is neither supported or justified. The proposed spreader, however, which will pick up flows from the existing catchment, will not result in any concentration or increase in stormwater flows from upslope areas. ▶The proposed Amity College site is not identified as being flood prone land by reference to Figure 2-3 of Schedule 5 of the <i>Camden Growth Centre Precincts Development Control Plan</i>. As such, no special measures need to be put into place in order to accommodate flooding. In other words, all of the proposed school development and internal roads will be at or above the post development flood planning level. ▶It is noted that a tiny section of the site, immediately upstream of the dam found on the land at No.69 Ingleburn Road, has, however, been identified in Council flood mapping as being flood prone land. All of the school development sits well above this tiny portion of potential flood-prone land. In contrast, much of the land immediately below the proposed school, at neighbouring No. 69 Ingleburn Road, is mapped as being flood-prone land and will require filling. Refer to comments in dot point above. ▶The land at No. 69 Ingleburn Road, zoned for public open space, contains a natural drainage corridor that is boggy, flood-prone land that will need to be raised above flood level, necessitating extensive filling and formalisation of drainage at that time. In the interim, the Amity College development can continue to drain naturally over this land following the natural flow path. Once more detailed plans for the open space area are developed more formal drainage systems and other arrangements can then be put into place.
<p>"12. The proponent must provide the DRAINS model to Council for assessment. The model must indicate the following in accordance with Council's Engineering Design Specification:</p> <ul style="list-style-type: none"> • full drainage system accommodation for 20% AEP events and full conveyance of 1%AEP event overland flows within the road reserve (<200mm depth), • 50% blocked pits for 1% AEP events, • post development upstream catchments without temporary on-site detention, and • minimum 1% pipe grade." 	<p>Conditionally agreed.</p> <p>The concept stormwater design, prepared by Martens & Associates, demonstrates that an appropriate drainage system can be provided to service the proposed new school.</p> <p>Consulting engineers Martens & Associates advise that a DRAINS assessment was not required in the SEARS. In any case a DRAINS assessment has been provided, but only for the purposes of on site detention (OSD). This has been provided with the DA documentation accompanying the SSD application. The <i>Camden Growth Centre Precincts Development Control Plan</i> does not require any further level of assessment.</p> <p>Council's Engineering Design Specifications only apply once a Development Application has been approved.</p> <p>The Council conditions sought can be included in the conditions of any issued consent.</p> <p>Refer also to Appendix C.</p>

<p>“ 13. The following issues are identified with the applicant’s integrated water management plan and engineering plans:</p> <ul style="list-style-type: none"> • in Section 4.1, the minor storm event is the five year annual recurrence interval (ARI), not the two year ARI. Reference should made to Section 3.4.2 of Council’s Engineering Design Specifications, and • catchment plans for the Byron Road and internal drainage systems must be provided.” 	<p>Agreed on the first dot point. The minor revision sought to Section 4.1 has been made- refer to revised advice from Martens & Associates in Appendix C.</p> <p>Not agreed on the second dot point. The <i>Camden Growth Centre Precincts Development Control Plan</i> does not require catchment plans. These are generally produced with hydraulic analysis at construction certificate (cc) stage and not considered necessary for any DA assessment stage. [NOTE: A catchment plan for the neighbouring Crownland development was required at the cc, not DA, stage]] Such detailed information can be provided at the construction certificate (cc) stage, which can form a condition of the consent. This was agreed to by Council at our meeting held December 2019.</p>
<p>“14. The ramps to the basement car parks must be designed in accordance with AS 2890.1-2004. Insufficient information has been provided to assess this.”</p>	<p>Agreed. Such detailed information can be provided at the construction certificate (cc) stage, which can form a condition of the consent.</p>
<p>“15. The basement car park areas must be designed in accordance with AS 2890.1-2004. Insufficient information has been provided to assess this.”</p>	<p>Agreed. Refer to Traffix report accompanying the EIS, which confirms compliance with AS 2890.1-2004. This can also be included as a condition of any issued consent.</p>
<p>“ 16. The basement car park areas shall be provided with suitable stormwater drainage systems. This is likely to be a pump out system which must be designed in accordance with AS 3500.3.2-1998. This must discharge into the on-site detention tank and appropriate additional water quantity provision will be required to achieve the targets set in Council’s Engineering Design Specifications.”</p>	<p>Agreed. This level of detail is most appropriately dealt with at the cc stage, not the DA stage and can be included as a condition of consent.</p>
<p>“17. Road 1 is an already constructed half road known as Pluto Avenue. The design of road 1 (extension of the pavement) must be consistent with the as built levels.”</p>	<p>Agreed. This requirement can also be included as a condition of any issued consent.</p>
<p>“18. The half road construction of road 1 must provide the crown at the middle of the road carriageway. Appropriate keying into the existing pavement is required (300mm bridging at each layer (3 layers)). The new pavement width must be approximately 4.5m instead of the 3.5m shown on civil plan no. PS01-D201 revision E.”</p>	<p>Agreed.</p> <p>Pavement keying details is considered detailed design and is to be approved via Council’s s.138 Roads Act approvals process (see comment at 21 below). The design is consistent with the approved cc design of Pluto Avenue (half road) associated with the adjoining Crownland residential development, now constructed. The final (full-width) road will allow for an overall carriageway width of 5.5m within a road reserve of width. This requirement can also be included as a condition of any issued consent.</p>
<p>“19. The design for road 2 shall be extended 50m into the adjoining property (69 Ingleburn Road) to demonstrate that the design is suitable for the adjoining property and vicinity.”</p>	<p>Agreed. A revised concept road design has been duly prepared by consulting engineers Martens & Associates, demonstrating that the design is suitable for “the adjoining property and vicinity”. Refer to Appendix C.</p> <p>[NOTES: 1. This is a concept plan accompanying the DA only, and has only been prepared to demonstrate that a suitably designed road can extend into the adjoining property at No. 69 Ingleburn Road, when and if required in the future.</p> <p>It does not form a part of any proposed works associated with the DA and, as such, there is no legal requirement for the obtaining of owners consent from the owner of No. 69 Ingleburn Road per Robson J in <i>Stokes v Waverley Council (No 2)</i> [2019] NSWLEC 174 decision dated 15 November 2019 at [71-90].</p>



19 cont.	<i>NOTE 2. It is also relevant to note that the current DA for the new school proposes has had regard for the future use of the adjoining public open space area in proposing on the northern local road 16 on-street car parking spaces for future users of the public open space- a clear public benefit that also demonstrates that "the design is suitable for the adjoining property and vicinity."]</i>
<i>"20. A bond should be provided to decommission the temporary turning head at end of road 2 and reconstruct it to its ultimate condition when the adjoining property is developed and the turning head is no longer required. This can be addressed via a condition of consent."</i>	Agreed. This requirement can be dealt with by inclusion of a suitably worded condition of consent.
<i>"21. A road works application pursuant to Section 138 of Roads Act 1993 is required for works carried out along Pluto and Byron Roads."</i>	Noted. This requirement can be dealt with by inclusion of a suitably worded condition of consent.
<i>"22. The Byron Road road pavement must be constructed at the same stage as the bus bay."</i>	Agreed. To half width construction, subject to receipt of a road design by Council (currently in preparation). This requirement can be dealt with by inclusion of a suitably worded condition of consent to that effect.
<i>" 23. The final pavement design shall be carried out in accordance with a geotechnical site investigation by a suitably qualified engineer."</i>	Agreed. This requirement can be dealt with by inclusion of a suitably worded condition of consent.
<i>"24. Road designs are to be in accordance with Council's Engineering Specifications."</i>	Agreed. This requirement can be dealt with by inclusion of a suitably worded condition of consent.
<i>" 25. Stormwater drainage designs are to be in accordance with Council's Engineering Design Specifications."</i>	Agreed, subject to the comments above about drainage. This requirement can be dealt with by inclusion of a suitably worded condition of consent.
<i>" 26. All sag pits must have minimum 2.4m lintels and on-grade pits must have minimum 1.8m lintels."</i>	Agreed. This requirement can be dealt with by inclusion of a suitably worded condition of consent.
<i>"27. Drainage line 1A701 (stage 1) must be clarified (refer to drainage longitudinal section drawing no. PS01-E310 revision A)."</i>	The drainage design has been amended to discharge water to Pluto Avenue (refer to Item 11). As a consequence of these changes, the stage 1 drainage line 1A701 has been made redundant and is no longer proposed. Line 1A701 has therefore been removed from the latest updated engineering plans.
<i>" 28. A MUSIC model must utilise Council's Music Link parameters when modelling the water quality aspect of the stormwater management system."</i>	<p>Noted, however, consulting engineers Martens & Associates (refer Appendix C) advise that:</p> <ul style="list-style-type: none"> ▶The MUSIC model was prepared in accordance with Council's DCP and Engineering Design Specification. These controls do not have any requirements relating to a MUSIC-link. ▶An inconsistency is noted in Council's DCP and Engineering Design Specification: the DCP requires no adverse impact on water quality (2019, Section 2.3), while Council's Engineering Specification requires 85%/65%/45% reduction rates for TSS, TP and TN to be achieved for the site (2009, Table 3.3.9). Martens & Associates have adopted the Water Quality targets specified in Council's Engineering Specification. ▶Notwithstanding the above, the MUSIC models were updated in accordance with Council's MUSIC-link and comply with Council's water quality requirements.

“ 29. The proponent needs to obtain drainage easements over downstream properties where stormwater discharges into those properties.”

Not agreed for the following reasons:

- ▶ The proposal discharges flows within the site in a manner closely mimicking the existing conditions immediately prior to entering the downstream property below at No. 69 Ingleburn Road. Considering there is no material change in the flow regime, with no adverse impact on the effective future use of the land, no easements are considered necessary. This applies to the discharge points proposed below the proposed school playground and at the end of the proposed northern road, the latter proposing the use of a level spreader to disperse stormwater flows from a part of the existing catchment upslope of this point [**NOTE:** The latter is subject to overland flows only. Overland flows from other parts of the same catchment will continue as overland flows. The aim of the stormwater design has been to ensure that increased volumes of water will not be directed onto the land below at No. 69 Ingleburn Road]. As such, Amity College’s proposed drainage arrangements make for a reasonable, rational use of the land per *Moorebank Recyclers Pty Ltd v Tanlane Pty Ltd* [2012] NSW Court of Appeal 445 at [155] and *Gales Holdings Pty Ltd v Tweed Shire Council* [2013] NSW Court of Appeal 382.
- ▶ With the proposed diversion of some of the stormwater flows from the proposed school site into the Pluto Avenue drainage system, there should be a net reduction in stormwater drainage flows onto the land below at No. 69 Ingleburn Road.
- ▶ The public open space could be reasonably used without the necessity for any drainage easement over it per Robson J in *Acorp Developments Pty Ltd v HWR Pty Ltd* [2018] NSWLEC 68, decision dated 10 May 2018.
- ▶ Refer to a recent approval for a large urban subdivision at nearby at Heath Road, Leppington, involving the discharge of urban stormwaters through an approved school site. In approving the subdivision and following mediation between Council and the developer, the NSW **Land & Environment Court required no drainage easement** for the discharge of stormwater through the downstream site per *Leppington Developments Pty Ltd v Camden Council* [2019] NSWLEC 1435 decision dated 13 September 2019.
- ▶ There is no mandatory requirement for easements to be imposed on any State Significant Development, even if required by a DCP. [**NOTE:** The proposed Amity College school development is State Significant Development and the provisions of any DCP do not apply, per clause 11(a) of State Environmental Planning Policy (State and Regional Development) 2011. Refer also to response to Council Planning point (5).]
- ▶ Related to the above, the Courts have consistently emphasised the importance of individual property rights and the confiscatory nature of s.88K of the Conveyancing Act, which deals with easements per Brereton J in *Khattr v Wiese* [2005] NSWSC 1014 at [27]. Any proposal relating an easement over any land would be in the nature of being a confiscation of that land which is generally opposed by the Courts.
- ▶ This Point seems at odds with Engineering Point 11, which seeks to stop any drainage from the proposed school site flowing onto the land at No. 69 Ingleburn Road, despite the fact that there is a natural flow path that runs through this property which will connect with the planned (and zoned) SP2 Local Drainage corridor adjacent to this property.



<p>“ 30. The on-site detention discharge point, with headwall and energy dissipater, must be located within the site. The dissipater system must be designed to comply with Council's Engineering Design Specifications.”</p>	<p>Agreed. Council's submission mistakenly believes that one or more of the following, being on-site detention discharge point and headwall and energy dissipater, are outside of the project site on a neighbouring property. This is not the case.</p> <p>By reference to the engineering drawings prepared by Martens & Associates accompanying the DA, it is clear that the discharge point, headwall and energy dissipater are located wholly within the project site. Further details would be provided at construction certificate stage, once consent is issued. Refer Appendix C.</p>
<p>Traffic</p> <p>“1. The south western side of the site will have multiple driveway crossovers in close proximity to each other. These are potential hazard points for pedestrians and children in particular. These should either be modified or measures devised to ensure safety.”</p>	<p>Not agreed. As the proposed pick up and drop off is one way two accesses are required to provide entry and exit. The second access is to the basement car park for the primary school. The fourth access is only for loading and would only be used occasionally. Therefore, the multiple accesses along this frontage are not considered excessive as the drop-off and pick-up need to be separated from loading and staff parking. Refer Appendix D.</p>
<p>“2. The primary student drop-off area must ensure safety for pedestrians. The proposed angled parking bays indicate that vehicles will reverse near the student access gate. Measures should be devised to ensure safety and that vehicles manoeuvre with caution in this area.”</p>	<p>Conditionally agreed.</p> <p>The angled parking currently proposed allows parents to stop and escort their children into the school. Therefore, as the children would be monitored in this area, the angled car spaces are not considered a significant hazard in terms of pedestrian safety.</p> <p>In the interests of pedestrian and vehicular safety during the operation of the school, it is the intention of Amity College to implement a Traffic Management Plan, similar to that approved by Liverpool City Council for Amity College's Prestons campus. It covers:</p> <ul style="list-style-type: none"> ▶ Drop-off and pick-up procedures. ▶ Pedestrian and disabled access. ▶ Speed limits to be adhered to within the school site. ▶ Parking generally. ▶ Bus transport. ▶ Staff supervision. ▶ Protocols for special events. <p>Refer to Appendix H for a copy of the current Amity College Prestons campus Traffic Management Plan.</p> <p>A similar traffic management plan would be prepared for the Leppington campus, suggested as a condition of any issued consent.</p>
<p>“3. The primary student drop-off area must provide relevant signage to ensure that the proposed one-way system is adhered to and the potential for conflicts is minimised.”</p>	<p>Agreed. This requirement can be dealt with by inclusion of a suitably worded condition of consent.</p>
<p>“4. The loading bay accessed off the north eastern side of the site requires vehicles to undertake a reversing manoeuvre onto a public road. It is recommended that the development allows all vehicles to enter and exit the site in a forward direction. If this is not reasonably achievable, measures should be devised to ensure the safety of children is not compromised. This may be achieved through a loading bay management plan or other effective measures.”</p>	<p>Not agreed.</p> <p>In general, the design of the development allows vehicles to enter and exit the site in a forward direction. This is with the exception of the loading bay on the north east frontage. Sound, practical reasons have been presented as to why the latter is the case.</p> <p>The loading bay on the north east frontage requires vehicles to reverse into the bay and exit in a forward direction. Traffic note that as this is a secondary loading bay it will only be used occasionally and outside of peak drop-off and pick-up times to ensure student safety. Therefore, Traffic concluded that the manoeuvre is considered acceptable. Refer Appendix D.</p>

<p><i>“5. Plans should be provided detailing any proposed on-street signage/parking restrictions for consideration.”</i></p>	<p>Conditionally agreed, however, however it is considered premature at this stage as the development is to be staged over time. Best addressed at the cc stage for each component of road construction, which can be included as a condition of consent.</p>
<p>Environmental Health</p> <p><i>“1. The acoustic report includes some errors regarding the criteria adopted for the car park and break out noise from the use of school halls. Council’s Environmental Noise Policy adopts L90+5dB(A) for this but the report adopts L90+10dB(A).</i></p> <p><i>Given the above, the use of the secondary school hall exceeds criteria for future residents on the northern boundary by up to 10dB(A). This should be addressed by additional noise control for the hall in addition to that of the recommended absorption material to the internal walls and ceilings. Council suggests that hall windows and doors remain closed during evenings or use after daytime school hours.</i></p> <p><i>Furthermore, noise from the use of the car park during the AM period will exceed the criteria by up to 7dB(A). However, Council notes that the duration will be limited to the period immediately before school commences and shortly thereafter.</i></p> <p><i>The school will generate additional traffic noise from the use of surrounding roads. The exceedance is 7dB(A) however Council notes that the Leppington area is developing rapidly from a rural residential to an urban environment where existing background noise will increase over time.”</i></p>	<p>Noted.</p> <p>Agreed. It is suggested that the ameliorative measure suggested by Council, namely, that <i>“Hall windows and doors remain closed during evenings or use after daytime school hours”</i> be included as a condition of consent.</p> <p>Noted.</p> <p>Noted.</p>
<p><i>“2. The proposed use of school bells and public address systems will require further assessment as this issue has been understated in the acoustic report.”</i></p>	<p>Not agreed. No further assessment required, however, this requirement to minimise offensive noise can be made a condition of consent as follows:</p> <p><i>“The use and occupation of the premises including all plant and equipment shall not give rise to any offensive noise within the meaning of the Protection of the Environment Operations Act 1997 and shall comply with the NSW Noise Policy for Industry 2017 (as amended).”</i> (</p> <p>Condition 6.0(1) of the consent DA 502/2015 issued on 4 August 2016 to the approved Anglican Schools Corporation’s 894 student primary school and secondary school (with an updated reference to the Noise Policy for Industry) at 26 Byron Road, Leppington, a short distance away to the south of the proposed Amity College school site.)</p>
<p><i>“3. The noise exceedance levels from the proposed construction works is of serious concern and it is considered that a construction noise management plan is essential for this development. The plan must include the installation of temporary acoustic barriers/hoarding along the construction site boundary to limit offensive noise for residents.”</i></p>	<p>Agreed. Temporary hoarding to be erected along the construction site boundary. This requirement to be included as a condition of consent.</p>

<p><i>“4. Further contamination testing should be carried out around the perimeter of the site’s existing dwelling house and sheds which have been identified in the contamination assessment and remediation action plan. An unexpected finds protocol has been included for asbestos but there may be additional unidentified contaminants that should be tested for.”</i></p>	<p>Not agreed. This request is not a reasonable one having regard for the extensive contamination work undertaken on the site, which involved the testing of a total of seventy eight (78) boreholes- more than adequate relative to area proposed to be developed (2.2ha).</p> <p>Moreover:</p> <ul style="list-style-type: none"> ▶ Extensive investigations have been undertaken in the vicinity of the existing buildings. BH5 and 23; and TPs 23, 24, 25, 26, 31, 32, 33 and 35 were all samples in close proximity to the sheds and dwellings encountered on the site. ▶ Samples collected from each of these locations were tested for Contaminant of Potential Concern (COPC). ▶ Laboratory analysis of all samples confirm that these locations are free of contamination as assessed against the appropriate provisions of the National Environment Protection (Assessment of Site Contamination) Measure (NEPM) as adopted by GeoEnviro Consultancy in their assessment. ▶ The presented Unexpected Finds Protocol in the RAP, reflected also in the preliminary Construction Management Plan, addresses any unexpected finds- and not just asbestos. Asbestos is addressed in more detail, but the protocol is considered adequate to address all unexpected finds. ▶ The proposed school development is required to comply with the provisions of <i>State Environmental Planning Policy No 55 – Remediation of Land</i>, and in particular clause 7(1) requiring consideration of any contamination and associated required remediation. The contamination assessment complies with these requirements. It confirms that contamination on the site is limited to that identified in the Stage 1 and 2 Assessment, addressed in the project RAP, the latter containing details regarding remediation for the site. ▶ Following implementation and completion of recommendations provided in the contamination report and RAP, there is no available evidence to suggest that the site cannot be made suitable for the proposed school development. As such, the site is considered to be suitable for the proposed school development and does not require any further testing prior to the grant of consent for this purpose. ▶ The remediation measures contained in the RAP can be incorporated as a condition of any issued consent.
<p><i>“5. Council understands that the site has been subject to unauthorised material placement which is evident from a review of recent aerial imagery. Council also understands that the NSW Environment Protection Authority (EPA) is investigating the matter. Council recommends that the department seeks advice from the EPA on this matter if not already done so. It should be clearly demonstrated that the unauthorised placement of any material on the site has not contaminated it and rendered it unsuitable for the development. This may necessitate additional contamination testing and remediation.”</i></p>	<p>Not agreed. No further site investigations are required prior to the granting of consent to this project application.</p> <p>Refer to comments on Environmental Health Point (4) above.</p> <p>Importantly, since the time that this matter has been raised, Amity College has been successful in having the waste material lawfully removed, at no cost to the School.</p>
<p><i>“6. Information detailing any proposed air conditioning and/or cooling tower systems should be provided for consideration.”</i></p>	<p>Agreed, however, this is a detail that should be addressed at the cc stage, not the DA stage. This requirement can be included as a condition of consent.</p>

<p><i>“7. All food handling areas, including food technology kitchens, must be designed to comply with the Food Act 2003, the Food Regulation 2015 and the Food Standards Code.”</i></p>	<p>Agreed. This requirement can be included as a condition of consent.</p>
<p>National Construction Code</p> <p><i>“1. More detailed plans are required to demonstrate how the buildings will be accessible and comply with the premises standard, Part D3 of the National Construction Code - Building Code of Australia (BCA) and AS 1428.1 and 4 - Accessibility. In particular it must be shown where the lifts will be.”</i></p>	<p>Noted, not agreed. A closer inspection of the DA drawings will show that key details raised by Council are already provided with the DA.</p> <p>Further detailed plans describing access compliance will be developed at the construction certificate (cc) stage.</p> <p>Access ramps are clearly shown on the DA plans and all areas of the school are accessible either via a lift or access ramp- refer also to the accessibility report prepared by Design Confidence, accompanying the SSD DA.</p> <p>The internal floor levels to the connected parts of the school are at the same RL as shown on the drawings.</p> <p>Lifts are labelled accordingly in the DA plans submitted with the DA- refer to the floor plans in Appendix C of the exhibited EIS for details.</p>
<p><i>“2. The BCA capability statement is outdated as BCA 2016 which the report references has been comprehensively updated by BCA 2019 on 1 May 2019. However, for Section J, the applicant may still use the assessment criteria of BCA 2016 until 1 May 2020, at which time the assessment criteria of BCA 2019 must be used.”</i></p>	<p>Agreed. The BCA capability statement was finalised prior to the release of the revised May 2019 edition. Refer to accompanying revised BCA report in Appendix I.</p>
<p><i>“ 3. This development will require an automatic fire suppression system and a fire hydrant system. This will likely need to include a sprinkler and hydrant pump room which should be detailed at DA stage to understand its location and any impacts upon the external appearance of the development. A design statement from a suitably qualified hydraulic engineer should also be provided.”</i></p>	<p>Agreed. Refer to revised drawing showing the location of the sprinkler and hydrant pump room in accompanying Appendix B. The room will be located within the existing building envelope and will not be visible from the street.</p>
<p><i>“4. The plans should be amended to detail accessible car parking spaces that comply with Part D3 of the BCA and AS 2890 to ensure that at least the minimum required car parking spaces are provided.”</i></p>	<p>Noted, but already shown in the DA plans. The architectural drawings accompanying the DA (Appendix C of the EIS) show the location of accessible car spaces. They are referenced by an accessible parking symbol and the abbreviation ACC.</p> <p>Refer Gran Associates drawings DA-010, DA-100 and DA-105 accompanying then EIS for details.</p>
<p>Waste Management</p> <p><i>“1. The DA has modelled the use of a medium rigid vehicle to collect waste bins from the site. However, Council requires access for a heavy rigid vehicle. The submitted swept path diagrams should be updated to model a heavy rigid vehicle and ensure that they do not overlap with any buildings or landscaped areas.”</i></p>	<p>It is considered that the design for an assumed medium rigid vehicle (MRV), rather than a heavy rigid vehicle (HRV), is both reasonable and practical, in particular having regard for the following factors:</p> <ul style="list-style-type: none"> ▶The internal design of the service areas has been undertaken in accordance with the requirements of AS28090.2 for the maximum length vehicle permissible on-site being an 8.8m long MRV. A swept path analysis has been undertaken as permissible under AS2890.2 and confirms the internal design. The swept path assessment for a MRV is included in Appendix D. ▶The design vehicle adopted reflects the size of service vehicles that currently service Amity College’s nearby campus at Prestons, in the neighbouring Liverpool LGA.

	<p>►Camden Council accepted a MRV, and not the HRV, as the design services vehicle for the Anglican School Corporation's approved school at No. 26 Byron Road, Leppington, located a little over 300 metres to the south of the proposed Amity College school development. (Source DA 2015/502/2 issued 29 September 2017. Refer to Martens & Associates Drawing Nos PS05-DZ02 & DZ03 Revision D).</p> <p>►Moreover, and notwithstanding the above, at no stage during the consultation process with Council was this requirement raised.</p>
<p>"2. The waste bin storage area should make allowance to increase the waste bins to 4.5m³ to accommodate fluctuations in waste generation."</p>	<p>Agreed. This can be included as a condition of any issued consent.</p>
<p>Ecological</p> <p>"1. Retention of hollow bearing trees and active nests should be a priority. Where hollow bearing trees are to be removed, nest boxes should be installed within retained trees to offset the loss."</p>	<p>Noted, however, Stages 1-4 of the proposed development will require the removal of all trees and group trees within the site boundaries.</p> <p>New plantings are proposed to compensate for this loss of site vegetation. Once the trees attain a suitable height nest boxes could be installed, if required.</p>
<p>Landscaping</p> <p>"1. No street tree details have been provided. Street trees are to be provided in accordance with the Growth DCP's street tree species."</p>	<p>Agreed. This can be included as a condition of consent.</p>
<p>"2. Sheet 4, drawing no.LC3/6 Rev A Landscape Oval shows planting of native and non-native species. It is recommended that at least half the number of native canopy trees be substituted with large deciduous species that will provide seasonal change and climatic amelioration."</p>	<p>Agreed. This can be included as a condition of consent.</p>
<p>"3. It is critical for the Eucalyptus species stock to be checked for any defects or poor branch formation. Such stock must be rejected to avoid future risk. This can be addressed via a condition of consent."</p>	<p>Agreed. This can be included as a condition of consent.</p>

2.5 2.5 NSW Rural Fire Service (RFS)

The submission received from NSW Rural Fire Service (RFS) is contained in a letter to the Department of Planning Industry & Environment dated 23 September 2019 and is addressed below.

The RFS advises as follows:

"The New South Wales Rural Fire Service (NSW RFS) has reviewed the information provided and advises that the subject site is not mapped as bush fire prone. As such, no specific conditions relating to bush fire protection measures are recommended to be applied to the proposal."

2.6 2.6 Sydney Water

The submission received from Sydney Water is contained in a letter to the Department of Planning Industry & Environment dated 27 September 2019 and is addressed below. Sydney Water advises as follows:

“ Water

- The developer will be required to construct a 150mm water main along the full frontage of Byron Road to service this development. These works must be constructed by a constructor with the appropriate capability. The Water Servicing Coordinator will be able to provide further advice about this.

Wastewater

- Servicing this development is dependent on a further extension of the Bringelly Road Carrier Section 2 by Sydney Water, which is anticipated for delivery by December 2019.
- The developer will be required to construct a wastewater main extension to service this development and to connect the site to the future Bringelly Road Carrier Section 2.”

Amity College has since sought more recent advice from a Sydney Water Servicing Coordinator Rose Atkins Rimmer (Infrastructure) Pty Ltd who advise that the information provided in Sydney Water’s letter “Servicing this development is dependent on a further extension of the Bringelly Road Carrier Section 2 by Sydney Water” has been superseded as further extensions have been completed and are available for connection.

The proposed connection point shown below has been confirmed by a Sydney Water Account Manager via email on the 8 November 2019. Approximately 185m extension of the existing DN225 PVC sewer main will be required to service the proposed development.

Refer **Appendix F** and to **Figures 2.3** and **2.4**, below.

Based on the above advice, the site can be feasibly provided with reticulated water and sewer.

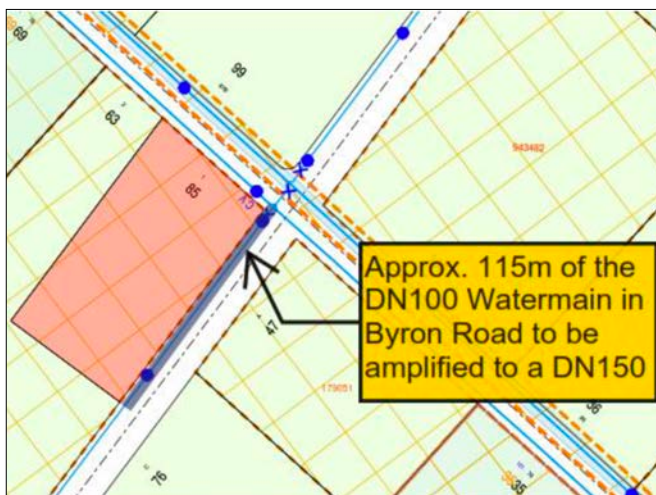


FIGURE 2.3: Reticulated water services to be provided to proposed school

(Source: Sydney Water Servicing Coordinator Rose Atkins Rimmer (Infrastructure) Pty Ltd 14 November 2019)

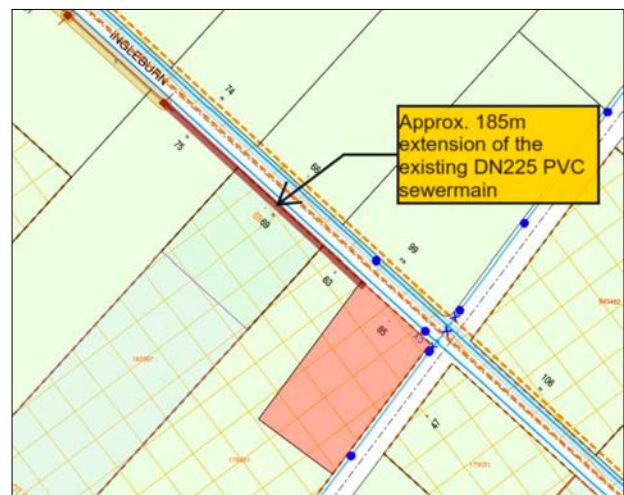


FIGURE 2.4: Sewer connections to be provided to proposed school

(Source: Sydney Water Servicing Coordinator Rose Atkins Rimmer (Infrastructure) Pty Ltd 14 November 2019)

2.7 Roads and Maritime Services (RMS)

The submission received from the RMS is contained in a letter to the Department of Planning Industry & Environment dated 24 October 2019 and is addressed in the accompanying table.

In short, the RMS raised no objection to the proposed school development.

Issue Raised in RMS Submission	Response
<p>Suggested Conditions of Consent</p> <p>► “1. A significant number of vehicles and pedestrians will access the site at the start and end of the school day. School Zones must be installed along all roads with a direct access point (either pedestrian or vehicular) from the school. School Zones must not be provided along roads adjacent to the school without a direct access point. Road Safety precautions and parking zones should be incorporated into the neighbouring local road network and 40km/hr School Zones are to be installed in accordance with the conditions below. The consent authority should ensure that parking, drop-off and pick-up zones and bus zones are incorporated in accordance with Roads and Maritime standards. Roads and Maritime is responsible for speed management along all public roads within the state of New South Wales. That is, Roads and Maritime is the only authorised organisation that can approve speed zoning changes and authorise installation of speed zoning traffic control devices on the road network within New South Wales. Therefore, the Developer must obtain written authorisation from Roads and Maritime to install School Zone signs and associated pavement markings, and/or remove/relocate any existing Speed Limit signs. To obtain authorisation, the Developer must submit the following for review and approval by Roads and Maritime, at least eight (8) weeks prior to student occupation of the site:</p> <ul style="list-style-type: none"> a. A copy of Council’s development Conditions of Consent b. The proposed school commencement/opening date c. Two (2) sets of detailed design plans showing the following: <ul style="list-style-type: none"> i. School property boundaries ii. All adjacent road carriageways to the school property iii. All proposed school access points to the public road network and any conditions imposed/proposed on their use iv. All existing and proposed pedestrian crossing facilities on the adjacent road network v. All existing and proposed traffic control devices and pavement markings on the adjacent road network (including School Zone signs and pavement markings). vi. All existing and proposed street furniture and street trees. <p>School Zone signs and pavement marking patches must be removed and installed in accordance with Roads and Maritime approval/authorisation, guidelines and specifications.</p> <p>All School Zone signs and pavement markings must be installed prior to student occupation of the site.</p> <p>The Developer must maintain records of all dates in relation to installing, altering, removing traffic control devices related to speed.</p> <p>Following installation of all School Zone signs and pavement markings the Developer must arrange an inspection with Roads and Maritime for formal handover of the assets to Roads and Maritime. The installation date information must also be provided to Roads and Maritime at the same time. Note: Until the assets are formally handed-over and accepted by Roads and Maritime, Roads and Maritime takes no responsibility for the School Zones/assets.”</p>	<p>Noted, agreed. This can be included as a condition of consent.</p>



<p>►“2. The layout of the proposed car parking areas associated with the subject development (including, driveways, grades, turn paths, sight distance requirements in relation to landscaping and/or fencing, aisle widths, aisle lengths, and parking bay dimensions) should be in accordance with AS 2890.1- 2004, AS2890.6-2009 and AS 2890.2 – 2002 for heavy vehicle usage.”</p> <p>►“3. The swept path of the longest vehicle (including garbage trucks, building maintenance vehicles and removalists) entering and exiting the subject site, as well as manoeuvrability through the site, shall be in accordance with AUSTROADS. In this regard, a plan shall be submitted to Council for approval, which shows that the proposed development complies with this requirement.”</p> <p>►“4. A Construction Traffic Management Plan detailing construction vehicle routes, number of trucks, hours of operation, access arrangements and traffic control should be submitted to the relevant consent authority for approval prior to the issue of a Construction Certificate.”</p>	<p>Noted, agreed. This can be included as a condition of consent.</p> <p>Noted, agreed. This can be included as a condition of consent.</p> <p>Noted, agreed. This can be included as a condition of consent.</p>
<p>Further Comments</p> <p>“ 1. Any future traffic signals on the local road network will require approval from Roads and Maritime in accordance with Section 87 of the Roads Act 1993. It is understood however that the proposed development does not include the installation of new traffic signals on the local road network.</p> <p>Any proposal for new traffic signals will need to meet warrants in accordance with Traffic Signal Design Manual Section 2 – Warrants. If an intersection satisfies the warrants, it does not necessarily mean that a traffic control light is the best solution. All traffic data should be analysed and alternative treatments considered to determine the optimum solution. An alternative intersection treatment/design will need to be considered by the proponent to efficiently and safely manage vehicle and pedestrian traffic, subject to Council’s satisfaction.”</p>	<p>Noted.</p>
<p>“2. Any priority controlled intersection treatments will need to be to the satisfaction of Camden Council.”</p>	<p>Noted.</p>
<p>“3. Any new pedestrian crossings on the local road network will require a warrants assessment to be undertaken and lodged with the Local Traffic Committee.”</p>	<p>Noted.</p>
<p>“4. The Department of Planning and Environment should be satisfied that adequate parking arrangements for staff are provided on-site.”</p>	<p>Noted.</p>
<p>“5. The proposed development will generate additional pedestrian movements in the area. Pedestrian safety is to be considered in the vicinity.”</p>	<p>Noted.</p>

3. Response to Submissions from the Public

The following section details the proponent’s response to the submissions received from the public- in this case the only submission being that received from the Leppington Progress Association, addressed in the following table.

Issue Raised in Leppington Progress Association Submission	Response
<p>Traffic congestion</p> <p>► Residents are concerned about the volume of traffic that will be generated before and after school and the impact this will have on the surrounding streets.</p>	<p>Noted, but not agreed. The traffic generation rates claimed by the Leppington Progress Association are at odds with those calculated by traffic consultants Traffix. Refer to Section 7.7.1 of the EIS for details. In time, a proportion of students will be also walking to school, rather than all travelling by car to school.</p>



<p>►The Leppington Progress Association note that if Amity College school is approved, there will be three schools within half a kilometre, with resultant “unacceptable traffic congestion and noise”.</p>	<p>The traffic impacts of the Amity College school project have been assessed as being acceptable having regard for the future transport system of Leppington and forecast future traffic volumes.</p> <p>Following its release for urban development in 2015, the Leppington area is an area undergoing transition from small lot rural uses to an urban community. As the locality is progressively developed in accordance with the zoning and related provisions of <i>State Environmental Planning Policy (Sydney Region Growth Centres) 2006</i> this will result in an inevitable change in the way of life for existing residents.</p> <p>The location of the proposed school sits in the same position as that identified in the Indicative Layout Plan and zoning plan for the Leppington Precinct. As such, there is now a community expectation that the project site will be developed for the purposes of a school.</p>
<p>Insufficient on street and off street parking</p> <p>►Concern with inadequate parking, in particular for Year 12 students and the impact this will have on the surrounding streets.</p>	<p>Noted, but not agreed. Parking spaces provided on-site total 128 spaces, or 117 spaces excluding those spaces provided in the primary school drop-off zone, in excess of the car parking requirements of the <i>Camden Growth Centre Precincts Development Control Plan</i>. Moreover, sufficient parking is provided for each stage of the proposed school development- refer to Section 2 and Figures 2.7-2.14 of the EIS for details of car parking provided by each stage of the proposed school development. Additionally, a further 16 on-street car parking spaces are provided.</p>
<p>Noise concerns</p> <p>►“The impact of large delivery and service vehicles to the site and the noise generated outside school hours as a result is seen as a concern to residents”</p>	<p>Noted. The site of the proposed school site is specifically zoned for the purposes of a school, namely SP2 Infrastructure (Educational Establishment) under the provisions of <i>State Environmental Planning Policy (Sydney Region Growth Centres) 2006</i>. As such, there is a community expectation that a school- with its attendant impacts- will be established on the site. The proposed hours of operation are consistent with those normally expected of a school.</p> <p>Deliveries and service vehicles generated by this development are to be limited to 7.00am to 5.00pm. Deliveries and service vehicles are to be scheduled to access the school site outside of peak am and peak pm school pick-up times, to minimise conflict between vehicle modes and pedestrians</p> <p>In accordance with Government Policy, the School aims to enable co-sharing of school facilities with the broader community.</p>
<p>Traffic and noise from out-of-hours use of the school</p> <p>►“Residents have sited the out of hours use of the school facilities as a concern. The school has identified in the: <i>Community Use Management Plan for School Facilities</i>, that the school could be used from 8am to 9pm Monday to Friday, 8am to 9pm Saturday and 12noon to 7pm on Sunday. Residents are concerned about noise on both Saturday and Sunday and until 9pm 6 days per week , traffic congestion around local streets and parking issues that will be generated as it is assumed that the undercover parking would not be available and as previously stated there is insufficient off street parking. This is seen as unacceptable to residents.”</p>	<p>Noted. Out-of-hours traffic will occur outside of peak times, thus minimising traffic impacts on the local road system.</p>

Water conservation ▶ “Residents would like the school to consider water recycling as part of its planning.”	Agreed. Rainwater harvesting will be used for landscape irrigation and will be incorporated in the school’s agricultural program. The project incorporates a school garden that will be incorporated in the school’s agricultural program. Moreover, All new water-using appliances, shower heads, taps and toilets purchased must be at least the average WELS star rating by product type. Where WELS rating is not available, use will be made of the alternative WaterMark rating scheme. Refer to Section 2.6.6 of the EIS for details.
Signage and heritage ▶ “Residents would like signage and advertising of the school to blend with the environment or be aesthetic in nature and consider the heritage of the area where possible.”	Noted. Refer to Section 2.6.4 for details of materials and finishes proposed.

4. Revisions to School Design Arising From Submissions

The design of the proposed school project has been refined to address the concerns raised during the exhibition period. The key design changes relate to architectural presentation, servicing and provision for stormwater drainage. All design changes are summarised below.

- As requested by Camden Council, and in the interests of improving the overall appearance of the building at the corner of Byron Road and Pluto Avenue, Gran Associates have modified the design to provide for high level glazing in the school building in this location. Refer **Appendix B** for details.
- As requested by Camden Council, provision has been made in the revised architectural drawings for a dedicated space within the proposed school building complex to house a fire sprinkler and hydrant pump room. Refer to Gran Associates drawing in **Appendix B** for details.
- As requested by Camden Council, consulting engineers Martens & Associates have prepared a concept plan for ‘road 2’ (ie. the northern local road, to be constructed by Amity College within the project site) extending 50m into the adjoining property at No. 69 Ingleburn Road. The purpose of this concept design is to “*demonstrate that the design is suitable for the adjoining property and vicinity.*” NOTE: it does not propose any works on the neighbouring property. Refer to Martens & Associates drawing in **Appendix C** for details.
- As requested by Camden Council, the design of the stormwater drainage system has been modified in order that some of the stormwater flows from the proposed school site are to be directed back into the adjoining Pluto Avenue (road) stormwater drainage system. Refer to Martens & Associates drawings in **Appendix C** for details.
- As requested by Camden Council, detailed swept paths have been prepared for various design vehicles entering and leaving the site. Refer to Traffix report in **Appendix D** for details.

5. Draft Conditions of Consent

Various government agencies have provided suggested draft conditions of consent and these can be incorporated into the SSD consent. These relate to the following:

- Contaminated land management and need for the storage, disposal and transport of wastes to be undertaken in accordance with the *Protection of the Environment Operations (Waste) Regulation* (NSW EPA). Refer to Section 2.1 of our response document for details.
- Footpath connection to public transport (Transport for NSW). Refer to Section 2.2 for details.
- Satisfactory arrangements to be made for the connection of electricity and the design requirements for the substation, earthing, street lighting, demolition and temporary removal of supply of power, prior to the release of the Construction Certificate / commencement of works (Endeavour Energy). Refer to Section 2.3 of our response document for details.
- Various details to be provided for review and approval by Roads and Maritime Services prior to student occupation of the site. All School Zone signs and pavement markings must be installed prior to student occupation of the site. Includes a requirement that a construction traffic management plan be prepared. (Roads and Maritime Services). Refer to Section 2.7 of our response document for details.



Camden Council have put forward numerous requirements which, in the main, can also be incorporated as conditions into the SSD consent. However, some of the demands of Council should not be acceded to as they are either unwarranted, beyond power, impractical or at odds with past decisions of the Courts. In particular, we request that the Department not pursue Council's requests relating to stormwater drainage and developer contributions, in particular. These matters are discussed in detail in Section 2.4 of our response document. In general, those matters that can be best dealt with by way of conditions of consent relate to matters covered under the following broad headings:

- Design of roads generally in accordance with the *Camden Growth Centre Precincts Development Control Plan*, with a variation sought for the northern local road in order to provide on-street car parking capable of servicing the proposed school as well as future users of the open space zone adjoining the school. The proponent proposes to construct and to dedicate additional land for the latter new road at no cost to Council: a demonstrable material public benefit to the community at large. [NOTE: At this juncture Camden Council do not have any final adopted design for Byron Road so it will be problematic to accede to later design requirements that are in conflict with the school project- a matter to be discussed with the Department in further detail.].
- Design of footpaths and bus bay within the road reserve, including dedication of land to Council.
- Servicing requirements- but not all demands relating to drainage and provision of drainage easements.
- Car parking, access generally and bicycle parking.
- Environmental health, including food handling, air conditioning, and acoustics- suggested wording included in our response regarding use of school bells.
- Need for compliance with *National Construction Code - Building Code of Australia (BCA)*.
- Landscaping.

The majority of the conditions above would be expressed in the form of standard conditions of consent that can be complied with prior to the issue of any construction certificate (cc) or occupation certificate (oc).

In this regard it is proposed that draft conditions of SSD consent be discussed with the Department and that they be prepared by the proponent and forwarded to the Department under separate cover.

■ 6. Conclusion

This report has considered the responses received from government agencies, Camden Council and the community during the exhibition of the EIS for a SSD 9227 development application for the proposed new Amity College school campus at No.85 Byron Road and No.63 Ingleburn Road at Leppington.

The DA drawings have been amended where appropriate to respond to comments and concerns raised by others. The EIS and the environmental impacts assessed confirm that there are no significant adverse impacts associated with the Project, the EIS containing details of the mitigation measures proposed to reduce these impacts further during construction and operation of the Project.

The response to the submissions received and the additional supporting information provided satisfactorily addresses all outstanding issues raised during the public exhibition period.

One of the most significant potential issues raised by Camden Council in response to the public exhibition of the SSD application, namely, the design of the intersection of Byron Road and Ingleburn Road, has now been satisfactorily resolved. Camden Council have since prepared a revised concept design in March 2020 for this intersection that no longer impacts on the proposed school project.

As requested by Camden Council, the proponent has modified the design of the project to direct stormwater flows to the adjoining Pluto Avenue drainage system- but only to a level that can be accommodated by the existing carrying capacity of that drainage system. This means that a component of stormwater flows from the proposed school will now be diverted to this road drainage system.

As was highlighted at our meeting with Camden Council officers in December 2019, and reflecting Council's past practice with other school projects in the Camden local government area, Council will not impose any developer contribution provided that Amity College can show that it will contribute 'material public benefit' in the form of sufficient works in kind. Leaving aside the fact that the project site is exempt from Council's existing contributions plan, Amity College will be providing material public benefits being works in kind for more than \$11.637 million worth of infrastructure at no cost to



Council. This includes construction of roads and shared on-street parking (total cost \$1.091 million), the dedication of 2,418m² of land for roads at no cost to Council (land value of approx. \$0.865 million), community use of school buildings as well as on-site car parking to be co-shared with the community (not costed). As such, the proponent requests that no s.7.11 or s.7.12 developer contributions should apply.

The proposed new Amity College school is in the public interest, and should be supported by the Minister for the following reasons:

- The site is specifically zoned for the purposes of a school, namely, SP2 Infrastructure (Educational Establishment) pursuant to the provisions of *State Environmental Planning Policy (Sydney Region Growth Centres) 2006 (Appendix 9 Camden Growth Centres Precinct Plan)*. There is an accompanying expectation that a school will be established on the site. Schools are an essential part of the urban fabric of any urban area.

- The proposal to establish a school on the site is entirely consistent with the Indicative Layout Plan for the Leppington Precinct.

- The development proposed accords with good urban design principles and school planning principles as outlined in *State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017*.

- The Project Site contains no significant environmental constraints to development.

- The proposed school development achieves acceptable environmental amenity outcomes, including desirable outcomes for access and parking, acoustics, landscaping, design, and stormwater drainage, incorporating appropriate environmentally sustainable development measures both during the construction and operational phase. Moreover, the proposed new Amity College school will maintain a reasonable neighbourhood amenity and appropriate residential character by:

- ▶ Providing building setbacks to reduce perceived building bulk and overshadowing.
- ▶ Using building form and siting that relates to the site's landform.
- ▶ Limiting site coverage (ie. by buildings) to 32% of the total site.
- ▶ Adopting building heights at the street frontage that provide an appropriate transition between higher density, taller development planned for the lands adjoining to the north, and lower scale residential development planned to the south and to the east.
- ▶ Devoting more than 40% of the site to school play areas.
- ▶ Providing for on-site and off-site car parking, as well as school facilities, capable of being used by the broader community.

- The proposed new school will meet the relevant educational needs of one of the fastest growing areas of Sydney. It will provide for educational facilities commensurate with this anticipated demand, as well as with relevant educational standards and school building requirements.

- The proposed new school campus will be privately funded and will generate a significant number of construction and operational jobs over the life of the project

In summary, the proposed school project warrants the support of the Minister and we therefore recommend that approval be granted, subject to appropriate conditions of consent.

Outline Planning Consultants Pty Ltd on behalf of the proponent look forward to your favourable, prompt determination of the development application. If you have any queries, please contact the undersigned on 0418 242 762 (direct mobile) or via email at gpeacock@outline.com.au.

Yours sincerely



GARY PEACOCK (BTP UNSW) DIRECTOR



■ APPENDIX A

Submissions



■ APPENDIX B

Revised architectural design features, Gran Associates
Australia, architects (highlighted in red)





	PROJECT
	AMITY COLLEGE LEPPINGTON 85 Byron Road, Leppington NSW
TITLE: SOUTH & WEST ELEVATIONS	

	SCALE	DRAWN BY	CHECKED BY	DATE
	1:500 @A3	BMHC	PR	November 2018
	PROJ. No.	DRAWING No.	REV.	
	A1803	DA - 201	C	
	DESCRIPTION	DATE		
	A. ISSUE FOR DEVELOPMENT APPLICATION B. ISSUE FOR DEVELOPMENT APPLICATION C. REVISED AS PER COUNCIL COMMENTS	30.04.19 31.05.19 19.11.19		
		N.°		

0 mm 10 mm 30 mm
ON ORIGINAL SHEET



crn <small>CRN ASSOCIATES AUSTRALIA PTY LTD 1/111 MACDONALD STREET SYDNEY NSW 2000 PHONE: 02 9550 1234 FAX: 02 9550 1235 WWW.CRN.COM.AU</small>		PROJECT AMITY COLLEGE LEPPINGTON 85 Byron Road, Leppington NSW	
TITLE GROUND FLOOR PLAN		SCALE 1:500 @A3	
PROJ. No. A1803		CHECKED BY DATE November 2018	
DRAWING No. DA-100		REV. D	
N° DESCRIPTION		DATE	
A. ISSUE FOR DEVELOPMENT APPLICATION		30 JUL 19	
B. ISSUE FOR DEVELOPMENT APPLICATION		31 OCT 19	
C. ISSUE FOR DEVELOPMENT APPLICATION		27 OCT 19	
D. REVISED AS PER COUNCIL COMMENTS		19 JUL 19	

■ APPENDIX C

Advice Martens & Associates, consulting engineers



■ APPENDIX D

Advice Traffic, consulting traffic consultants

■ APPENDIX E

Follow up advice Camden Council 5 March 2020
re: revised intersection design

David Atkin

Inbox - gpeac...k - outline.com.au 5 March 2020 at 3:45 pm

Details

DA

RE: Latest concept design, intersection of Byron Road & Ingleburn Road, Leppington

To: Gary Peacock, Cc: Ryan Pritchard

Hi Gary,

Please see attached preliminary schematic layout of the future intersection overlaid on the Indicative Layout Plan for Leppington.

The design the schematic is based on, is very preliminary in nature, as it is a 20% concept design that is based on the latest preliminary traffic modelling, and as you are aware, the rezoning process for Leppington North is not finalised, and while this is in progress there are still uncertainties around the future traffic volumes, which will further inform the design – we are hopeful that we may have sufficient information around June/July this year.

I would also note that this information is confidential, and can only be shared with the consultant and developer involved in this particular DA, but is not to be released to other landholders or third parties generally.

Regards,

David Atkin

Team Leader Growth Area Design & Floodplain Management



70 Central Avenue, Oran Park, 2570

(02) 4645 5164

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PO Box 183, Camden NSW 2570

david.atkin@camden.nsw.gov.au



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Camden Council supports

International Women's Day

#BalanceforBetter



Camden Council is proud to be an accredited White Ribbon workplace

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From: Gary Peacock <gpeacock@outline.com.au>

Sent: Tuesday, 3 March 2020 5:17 PM

To: David Atkin <david.atkin@camden.nsw.gov.au>

Cc: Adrian Ellis <Adrian.Ellis@camden.nsw.gov.au>; Navdeep Shergill <navdeep.singhshergill@planning.nsw.gov.au>; Recep Aydogan <raydogan@amity.nsw.edu.au>; Peter Reed <preed@granassociates.com.au>; Michael Clarke <mclarke@granassociates.com.au>

Subject: Latest concept design, intersection of Byron Road & Ingleburn Road, Leppington

David Atkin

Team Leader Design
Camden Council

Good afternoon David,

Thank you for your telephone call earlier this morning advising that a new concept plan had been prepared for the intersection of Byron Road & Ingleburn Road, Leppington.

You advised that the design was a more pedestrian friendly intersection design.

Further, that the concept design would minimally impact on the proposed school - as I understand, only affecting the footpath at the Byron Road street frontage, to be capable of accommodating a shared cycleway running back up the intersection of Byron Road & Ingleburn Road.

I also understand that the new concept plan retains the local road to the north of the school site, proposed to be built as a part of the proposed Amity College school development.

On the face of it, the above concept design appears to be a most positive outcome, in particular in terms of school student safety.

In our telephone discussions today you undertook to furnish our firm with a copy of this concept design.

I would be grateful if you could please provide a copy of the concept design at the earliest. Thank you.

Kind regards,

Gary Peacock

Managing Director

OUTLINE PLANNING CONSULTANTS PTY LTD

TOWN PLANNING & PROJECT MANAGEMENT

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No. 4 DAYDREAM STREET

WARRIEWOOD NSW 2102

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Proposed Amity College school campus, Leppington NSW: SSD 9227

Outline Planning Consultants Pty Ltd

Town Planners & Project Managers

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■ APPENDIX F

Advice Erbas, consulting engineers

■ APPENDIX G

Advice Koikas Acoustics, consulting acoustic consultants

koikasacoustics PTY LTD

CONSULTANTS IN NOISE & VIBRATION

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Bexley NSW 2207

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ABN: 12 058 524 771

Date: Wednesday, 27 November 2019
Our Reference: 3456L20191127mfcAmityCollegeLeppingtonv2.docx
File Link: G:\Shared drives\KA Acoustics 2019\REPORT\Schools\3456L20191127mfcAmityCollegeLeppingtonv2.docx
Project No.: 3456
Prepared For: Amity College
Attention: Recep Aydogan
E-mail: raydogan@amity.nsw.edu.au
c/o Gran Associates Australia
Attention: Peter Reed / Michael Clarke
E-mail: preed@granassociates.com.au / mclarke@granassociates.com.au

RE: ACOUSTIC ISSUES RAISED & COMMENTS FROM CAMDEN COUNCIL FOR PROPOSED SCHOOL DEDEVELOPMENT AT LOTS 1 & 2, DP 525996, LEPPINGTON NSW

Koikas Acoustics Pty Ltd was requested by Amity College to comment on acoustic related issues raised and comments from Camden Council as per the letter dated 8 October 2019 for the above-mentioned site.

This letter should be read in conjunction with the previous acoustical report prepared by Koikas Acoustics. Details are provided below:

Report Title: *Acoustic Assessment*
School operational noise impact assessment
Amity College Leppington Campus
Report Ref: 3456R20190529mfcAmitycollegeLeppingtonv6.docx
Date: Wednesday, 29 May 2019
Version: V6

koikasacoustics

Date: Wednesday, 27 November 2019

Reference: 3456L20191127mfcAmityCollegeLeppingtonv2.docx

Prepared For: Amity College

Letter: Re: Acoustic issues raised by Camden Council for proposed school development at Lots 1 & 2, DP 525996, Leppington NSW

Doc Path: G:\Shared drives\KA Acoustics 2019\REPORT\Schools\3456L20191127mfcAmityCollegeLeppingtonv2.docx

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Proposed Amity College school campus, Leppington NSW: SSD 9227

Outline Planning Consultants Pty Ltd

Town Planners & Project Managers

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Hereafter referred to as the “acoustical report”.

The acoustic related issues raised by Camden Council are as follow:

Environmental Health

1. The acoustic report includes some errors regarding the criteria adopted for the car park and break out noise from the use of school halls. Council's Environmental Noise Policy adopts L90+5dB(A) for this but the report adopts L90+10dB(A).

Given the above, the use of the secondary school hall exceeds criteria for future residents on the northern boundary by up to 10dB(A). This should be addressed by additional noise control for the hall in addition to that of the recommended absorption material to the internal walls and ceilings. Council suggests that hall windows and doors remain closed during evenings or use after daytime school hours.

Furthermore, noise from the use of the car park during the AM period will exceed the criteria by up to 7dB(A). However, Council notes that the duration will be limited to the period immediately before school commences and shortly thereafter.

The school will generate additional traffic noise from the use of surrounding roads. The exceedance is 7dB(A) however Council notes that the Leppington area is developing rapidly from a rural residential to an urban environment where existing background noise will increase over time.

2. The proposed use of school bells and public address systems will require further assessment as this issue has been understated in the acoustic report.
3. The noise exceedance levels from the proposed construction works is of serious concern and it is considered that a construction noise management plan is essential for this development. The plan must include the installation of temporary acoustic barriers/hoarding along the construction site boundary to limit offensive noise for residents.

Response to Item No.1

This assessment methodology and noise criterion have been adopted for other similar school developments.

The noise criterion of +10dB(A) was applied for children occupying the outdoor areas as this has been adopted in the NSW L&EC for schools and childcare centres. Member Firms of the AAAC have also adopted this noise criterion for the first 2 hours. As schools are considered to be of community worth, this noise criterion was considered for both the school outdoor play area and the car park areas.

koikasacoustics

Date: Wednesday, 27 November 2019

Reference: 3456L20191127mfcAmityCollegeLeppingtonv2.docx

Prepared For: Amity College

Letter: Re: Acoustic issues raised by Camden Council for proposed school development at Lots 1 & 2, DP 525996, Leppington NSW

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The breakout noise from the halls can be minimised by having windows/doors remain closed during evenings or use after daytime school hours and will comply with the noise criterion levels of background noise +5 dB(A) as requested by Camden Council.

In addition, during both the morning peak hour period for drop-off and afternoon peak hour period for pick-up, ambient background noise levels are typically higher on account of the peak vehicular movements on local, collector and main roads. As a result, the higher background noise levels during those periods will minimise the intrusiveness to surrounding residential premises of vehicular movements along the school's driveway and parking areas.

Further, if the driveway and parking lot are assessed to background + 5 and the school outdoor play area is assessed to background + 10, this would not allow one to assess the cumulative noise impact to receiver points.

Camden Council acknowledges that ambient background noise levels will increase in the neighbourhood as more dwellings are built in the future. The '*Leppington area is developing rapidly from a rural residential to urban environment where existing background noise level will increase over time*'. The subsequent perceived noise impact for occupants in the surrounding neighbourhood from the proposed operation of the school will therefore decrease over time. Camden Council also acknowledges that when the car park noise exceeds the nominated noise criteria, '*the duration will be limited to the period immediately before school commences and shortly thereafter*'.

Response to Item No.2

No further assessment is required at current DA stage. A more rigorous acoustical assessment of the school bells and public addressing system can be conducted at Construction Certificate (CC) stage once more design details and specifications become available. Announcements can be easily contained by installing more outdoor speakers that output lower levels. The result would be that the messages through the amplified public address system are audible to persons in the school but not loud enough to exceed the nominated noise criterion to surrounding residential premises. Such public address systems can be calibrated and set so as not to exceed noise level emissions when operated by more than one person. The amplification system would be an in-house sound system operating with an RMS compressor limiter.

koikasacoustics

Date: Wednesday, 27 November 2019

Reference: 3456L20191127mfcAmityCollegeLeppingtonv2.docx

Prepared For: Amity College

Letter: Re: Acoustic issues raised by Camden Council for proposed school development at Lots 1 & 2, DP 525996, Leppington NSW

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Response to Item No.3

The NSW Department of Environment, Climate Change and Water (DECCW) recognise that there is a need to balance the existing noise amenity of residents along with the necessity to continue growth within new communities. The fundamental principle involved with the development and success of each noise policy is maintaining open and free channels of communications between developers and residents alike.

To minimise the construction noise impacts, as suggested by Camden Council, temporary acoustic barriers/hoarding are to be erected along the construction site boundary for both noise attenuation and safety purposes. Other construction noise & vibration controls are provided in Section 10.3 of the 'acoustical report'.

If permanent type noise barriers were to be constructed, the school's noise foot-print to surrounding residential premises would reduce, but may impose visual impediments of unwanted intruders on the school grounds.

We trust that all the acoustic related issues raised by Camden Council have been adequately addressed in this letter for the proposed school development at Lots 1 & 2, DP 525996, Leppington NSW.

Yours Sincerely,

Koikas Acoustics Pty Ltd



Michael Fan Chiang, MAAS

Acoustical Consultant

koikasacoustics

Date: Wednesday, 27 November 2019

Reference: 3456L20191127mfcAmityCollegeLeppingtonv2.docx

Prepared For: Amity College

Letter: Re: Acoustic issues raised by Camden Council for proposed school development at Lots 1 & 2, DP 525996, Leppington NSW

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■ APPENDIX H

Amity College Prestons Campus Traffic Management Plan



■ APPENDIX I

Updated BCA Statement