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# STATEMENT OF ENVIRONMENTAL EFFECTS

Section 4.56 Modification Application to  
DA0405/264 -  
416-420 Liverpool Road, Strathfield South

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**A** Existing Consent - DA0405/264

*Land & Environment Court*

**B** Acoustic Report

*Koikas Acoustics*

**C** Traffic Impact Assessment

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## 1.0 Introduction

This report has been prepared on behalf of Australian International Academy (AIA) and accompanies an application to modify a development consent pursuant to Section 4.56 of the *Environmental Planning and Assessment Act 1979 (the EP&A Act)*. The development consent proposed to be modified is **DA0405/264** which was approved by the Land and Environment Court on 15 February 2007. The approved development proposed to be modified comprises the adaptive re-use of existing buildings for use as a primary and secondary school at 416-420 Liverpool Road, Strathfield South.

An outline of the proposed modification is detailed below, and this report has been prepared pursuant to Clause 115 of the *Environmental Planning and Assessment Regulations 2000*. The purpose of this report is to:

- Identify the proposed modifications and the rationale for those changes;
- Demonstrate that the proposed modifications result in a development that is substantially the same as that approved in the original consent; and
- Address the proposed changes under the relevant matters for consideration under Section 4.15 of the Act.

This proposal seeks approval for the modification of **DA0405/264** for the increase in the student population from 450 children to 500 children and removal of the limit of primary and secondary students. The development proposed to be modified is considered to be substantially the same development as the original consent and the modifications proposed do not result in any unreasonable amenity impacts on surrounding and adjoining developments.

It is considered that consent should be granted to the modification application subject to an amendment to the consent conditions, specifically, **Condition 5** relating to the maximum number of students.

## 1.1 Project Context

The subject site is located on the southern side of Liverpool Road, Strathfield South and currently contains an educational establishment, the Australian International Academy (AIA).

The site has a history of theological and educational uses. The existing buildings were constructed in 1952 as the United Theological College, providing religious educational services. The main building, known as Leigh Hall, housed the classrooms and general student population, with Vickery Chapel used in conjunction with the college for religious services.

The following are relevant applications for the subject site and current use:

- **DA0405/264** – Approved 7 March 2007 by the Land and Environment Court (LEC) for the use of existing buildings on the site as a primary and secondary school. The LEC consent permitted an enrolment of (450) students. The application included the construction of (55) staff and visitor parking spaces as well as five (5) minibus parking spaces within a hard stand area in the north eastern corner of the site, adjacent to Hill Street.

- **DA/2012/077** –Approved 13 November 2012 as deferred commencement for the construction of two (2) portable classrooms and associated works adjacent to the southern boundary of the site. The portable classrooms were approved for temporary use by AIA for five (5) years from the issuance of the occupation certificate, after which they are required to be removed. The Occupation Certificate for the portable classrooms was issued on 26 June 2014.
- In March 2019 the retention and continued use of the portable classrooms approved under **DA/2012/077** was approved as development permitted without consent under the provisions of State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017.

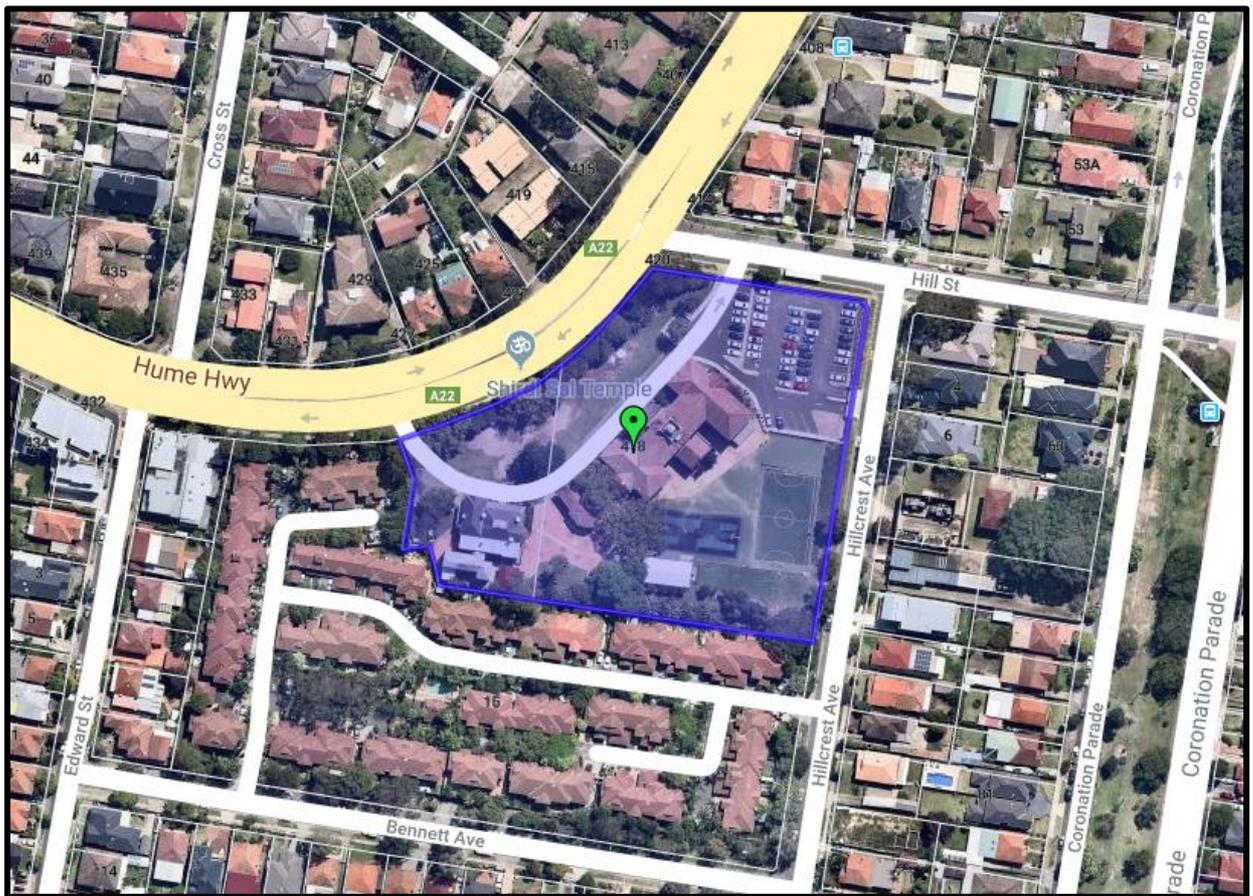
The subject application proposes to modify **DA0405/264** to increase the maximum number of students from 450 to 500 and removal of the limit of primary and secondary students under Section 4.56 of the Environmental Planning and Assessment Act (EP&A) 1979. No physical works are proposed under the modification and is therefore considered to be substantially the same development as approved under **DA0405/264**.

## **2.0 Site Analysis**

### **2.1 Location and Context**

The subject site is located on the southern side of Liverpool Road and borders the intersection of Liverpool Road and Hill Street in the Strathfield Local Government Area. The land is currently used as a primary and secondary school for Australian International Academy (AIA).

A site aerial detailing the site's location and context is provided in **Figure 1** below.



**Figure 1: Site Aerial Demonstrating the Subject Site’s Location and Context (Source: Nearmap)**

## 2.2 Site Description

The site is commonly known as 416-420 Liverpool Road, Strathfield South and legally described as Lot 100 DP 774567 and Lot 4 DP 773523. The site is generally rectangular in shape with a curved frontage which follows the curvature of Liverpool Road and secondary frontages to Hill Street and Hillcrest Avenue. The site is large, with a total site area of 1.262 hectares.

The site currently contains three (3) local heritage buildings identified as two items under Strathfield Local Environmental Plan 2012. These items are as follows:

- Item 228 - Former Leigh College including E Vickery Memorial Hall – Consisting of Leigh Hall, a two (2) storey, face brick, symmetrical building, which was constructed in 1952 for the purpose of a theological educational institution and E. Vickery Memorial Hall (Vickery Chapel) which was historically used to hold religious services in conjunction with the theological school.
- Item 229 – “Brundah”—Victorian Italianate villa with asymmetrical façade and projecting double height bay window.

Adjoining development to the south of the site is a senior’s housing residential development of 75 townhouses known as 1 Bennett Avenue, Strathfield South. Development to the north and east of the site

is characterised by low density residential development, with higher density residential flat development toward the intersection with Liverpool Road.

### 3.0 Proposed Modification

This application proposes the modification **DA0405/264** at 416-420 Liverpool Road, Strathfield South. **DA0405/264** approved the adaptive re-use of existing buildings for use as a primary and secondary school. The proposed modification consists of the following:

#### Increase in Student Numbers

The increase in the maximum student numbers from 450 children (175 primary school students and 275 high school students) to 500 children and the removal of the limit of primary and secondary student numbers. The proposed modification does not involve physical works or an increase in staff numbers as the increase student population can be accommodated in the existing classrooms onsite.

The proposed removal of the limit of primary and secondary student numbers is deemed to be reasonable as the operation of the school is subject to additional requirements surrounding the maximum number of students in the relevant classrooms which will ensure the appropriate management of the total student numbers and mix of primary and secondary students from a operational perspective.

Therefore, **DA0405/264** is proposed to be modified as follows:

Text proposed to be deleted is shown in ~~strike through~~ and new wording shown in **bold**.

5. The school shall not have an enrolment of more than ~~450 students~~ **500 students**, ~~consisting of no more than 175 primary school students and 275 high school students.~~

### 4.0 Impacts of Proposed Modification

There are no adverse impacts as a result of the proposed modification. The proposed increase in the student population can be accommodate within the existing facilities onsite and no increase in staff numbers is required.

#### 4.1 Acoustic Impacts

A key consideration in the preparation of the modification application were the potential acoustic arising from the proposed increase in the student population. An Acoustic Report has been prepared by Koikas Acoustics in support of the proposal and is provided in **Appendix B**.

The Acoustic Report included a noise prediction model which was based on a calculation of the increase of total noise levels that an additional 50 students would occupy all outdoor areas at the same time. The increase in students equates to approximately 11% increase in population size and based on the noise calculations the increase will lead to an increase of the overall noise level from outdoor areas of the school by 0.45dB.

An increase in the overall noise level of 0.45dB is deemed to be insignificant. As students only occupy the outdoor playground areas several times per day, morning, recess and lunch, an increase of 0.45dB will be imperceptible to nearby sensitive receivers.

Therefore, the acoustic amenity of surrounding development will not be adversely impacted as a result of the proposed modification.

## 4.2 Traffic Impacts

A key consideration in the preparation of the modification application were the potential traffic and parking impacts arising from the proposed increase in the student population. A Traffic Impact Assessment has been prepared by Traffix in support of the proposal and is provided in **Appendix C**.

To assess the travel modes and traffic generation of the existing and proposed operation of the school, online travel mode questionnaire surveys were prepared by Traffix and distributed by the school to all staff, parents and cares of the primary school students and high school students.

The online survey provided a sample response rate representing approximately 47% of students in the primary school, 67% of students in the secondary school and 53% of staff. The survey included a range of questions which were primarily aimed to gain baseline data on average car occupancies and travel modes in the morning and afternoon to understand the existing travel behaviour of students and staff to evaluate the potential future traffic impacts of the proposed modification. Results of the surveys are provided in the Traffic Report (**Appendix C**).

The additional traffic generation of the proposed increase of 50 students is considerable acceptable as the surveys demonstrate that an overwhelming majority of students are dropped off and picked up within the school grounds. The impact on the surrounding streets would be minimal and generally trips for pick up and drop off are made as part of linked trips, where parents continue to work, retail or leisure activities. These volumes would be diluted as distance from the site increases, as a result of the various access routes to and from the site.

The increases in traffic volumes at the intersections in the vicinity of the site are expected to be marginal and well within typical fluctuations in background traffic volumes. As a result, no external road improvements are considered to be required to support the proposed modification from a capacity or amenity perspective.

The proposed increase in student requires the provision of one additional car space in line with the Strathfield Development Control Plan (DCP) 2005. As detailed the proposed modification does not involve any physical works and will not provide the additional car space. This is deemed to be acceptable based on the following:

- Currently no parking is provided for students on site and therefore any additional parking would be contradictory to current school policies. The intent of the current approval is to minimise parking demand; and

- The surveys demonstrate that no students drive to school and therefore the additional space would not be required.

Therefore, the proposed modification is considered reasonable in that it is substantially the same development and does not result in any adverse impacts on the surrounding land uses or environment.

## 5.0 Section 4.56 Considerations

In considering the proposed Section 4.56 Application, the matters listed in Section 4.15 of the Environmental Planning and Assessment Act 1979 have been taken into consideration in the preparation of this report and are as follows:

The provisions of any EPI and DCP and any other matters prescribed by the Regulations.

### Section 4.56 Provisions

Pursuant to Section 4.56 of the Environmental Planning and Assessment Act 1979, Council has to be satisfied that:

- a) *it is satisfied that the development to which the consent as modified relates is substantially the same development as the development for which the consent was originally granted and before that consent as originally granted was modified (if at all), and*
- b) *it has notified the application in accordance with—*
  - (i) *the regulations, if the regulations so require, and*
  - (ii) *a development control plan, if the consent authority is a council that has made a development control plan that requires the notification or advertising of applications for modification of a development consent, and*
- c) *it has notified, or made reasonable attempts to notify, each person who made a submission in respect of the relevant development application of the proposed modification by sending written notice to the last address known to the consent authority of the objector or other person, and*
- d) *it has considered any submissions made concerning the proposed modification within any period prescribed by the regulations or provided by the development control plan, as the case may be.*

### Comment

The proposed Section 4.56 application seeks consent to modify Development Consent **DA0405/264** for the increase in the maximum student numbers from 450 children to 500 children.

The development as modified is substantially the same development as approved, it does not involve any physical works or an increase in staff numbers as the proposed increase in the student population can be accommodate within the existing facilities onsite.

## 6.0 Assessment of Environmental Impacts

### 6.1 Statutory Planning Framework and Compliance

An assessment of the development as proposed to be modified has been made against the relevant planning instruments applicable to the land and the proposal. The Environmental Planning Instruments that relate to the proposed development are:

- State Environmental Planning Policy No 55 - Remediation of Land;
- State Environmental Planning Policy (Infrastructure) 2007;
- State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017;
- Strathfield Local Environmental Plan 2012; and
- Strathfield Development Control Plan 2005.

#### 6.1.1 State Environmental Planning Policy No.55 – Remediation of Land

SEPP 55 requires Council to consider whether the subject land of any rezoning or development application is contaminated. If the land requires remediation to ensure that it is made suitable for a proposed use or zoning, Council must be satisfied that the land can and will be remediated before the land is used for that purpose.

The subject site was deemed to be suitable for the intended use under **DA0405/264** and therefore no further investigation is required to support the modification.

#### 6.1.2 State Environmental Planning Policy (Infrastructure) 2007

The SEPP aims to facilitate the effective delivery of infrastructure across New South Wales. The subject site has frontage to Hume Highway which is identified as a classified road and therefore the SEPP applies to the subject site and proposed development.

The development has a frontage to a classified road being Liverpool Road. The proposed modification does not involve any physical works and does not compromise the effective and ongoing operation and function of Liverpool Road. The development is deemed to comply with the relevant provisions of this SEPP.

#### 6.1.3 State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017

The SEPP aims to facilitate the effective delivery of educational establishments and early education and care facilities across the State of NSW. The proposed modification is considered to be consistent with the relevant clause of the SEPP.

Clause 57 of the SEPP relates to Traffic Generating Development and states the following:

- 1) *This clause applies to development for the purpose of an educational establishment—*

- a) *that will result in the educational establishment being able to accommodate 50 or more additional students, and*
  - b) *that involves—*
    - (i) *an enlargement or extension of existing premises, or*
    - (ii) *new premises,*
- on a site that has direct vehicular or pedestrian access to any road.*
- 2) *Before determining a development application for development to which this clause applies, the consent authority must—*
- a) *give written notice of the application to Roads and Maritime Services (RMS) within 7 days after the application is made, and*
  - b) *take into consideration the matters referred to in subclause (3).*

The proposed modification will result in the existing educational establishment being able to accommodate 50 more students however does not involve the enlargement or extension of the existing premises or a new premises and therefore is not considered to be traffic generating development and is not required to be referred to the Roads and Maritime Services (RMS).

#### **6.1.4 Strathfield Local Environmental Plan 2012**

##### **Permissibility**

The subject site is zoned R3 Medium Density Residential under the Strathfield Local Environmental Plan (LEP) 2012. The development proposes the modification of an approved Educational Establishment under **DA0405/264**.

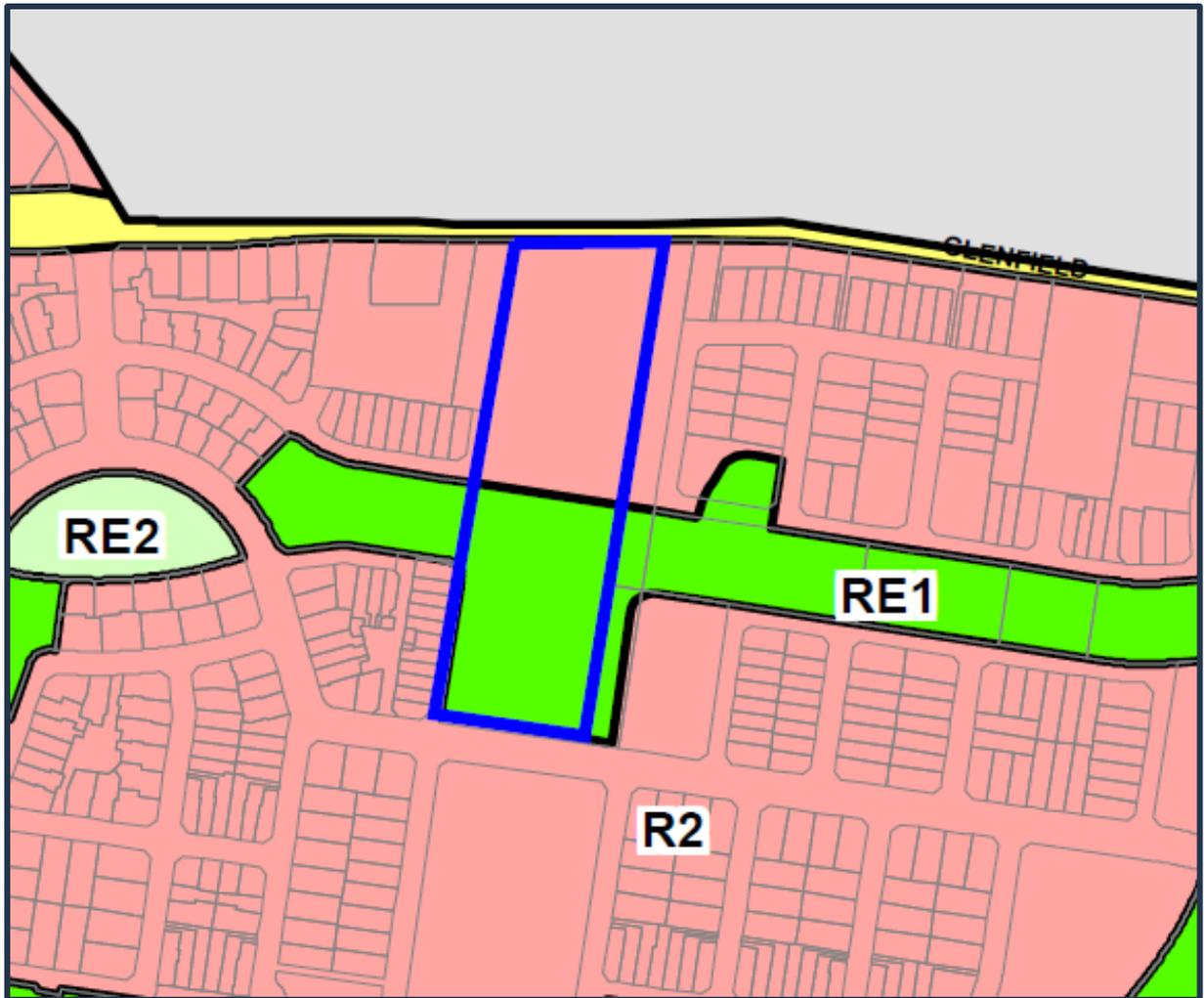


Figure 2: Land Zoning Map demonstrating the subject site as outlined in blue (Source – NSW Legislation)

Educational establishments are prohibited in the R3 zone under the Strathfield LEP however the modification is in support of an approved Educational Establishment that benefits from existing use rights under Clause 4.65 of the EP&A Act 1979.

In addition, the R3 zone is identified as a prescribed zone for the purposes of an educational establishment under the provisions of State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017.

### Zone Objectives

The Objectives of the R3 Medium Density Residential Zone are:

- To provide for the housing needs of the community within a low-density residential environment.
- To enable other land uses that provide facilities or services to meet the day to day needs of residents
- To enable development for purposes other than residential only if that development is compatible with the character of the living area and is of a domestic scale.
- To minimise overshadowing and ensure a desired level of solar access to all properties.
- To facilitate diverse and sustainable means of access and movement.

### Comment

The proposed modification is in support of an existing school that provides facilities or services to meet the day to day needs of residents and is therefore consistent with the objectives of the R3 zone. The proposal is substantially the same development as originally approved.

### Relevant Clauses

An assessment of the proposed modification against the relevant clauses of the Strathfield LEP is provided in the table below.

Table 1: Strathfield LEP Compliance Table		
LEP Clause	Requirement	Complies - Comment
<b>4.3</b> Height of Buildings	9.5m	Yes. No changes are proposed to the existing maximum height of development on the subject site.
<b>4.4</b> Floor Space Ratio	0.55:1	Yes. No changes are proposed to the existing floor space ratio of development on the subject site.
<b>5.10</b> Heritage Conservation	To conserve the heritage significance of heritage items and heritage conservation areas, including associated fabric, settings and views	Yes. As detailed the site currently contains three (3) local heritage buildings identified as two items under Strathfield Local Environmental Plan 2012. The proposed modification does not involve any physical works as the proposed increase in student numbers can be accommodated in existing classrooms. Therefore, the proposed modification will not impact on the heritage character or significance of the items onsite and will continue their adaptive re-use.

### 6.1.5 Strathfield Development Control Plan 2005

The Strathfield Development Control Plan (DCP) 2005 provides detailed provisions to supplement the Strathfield Local Environmental Plan 2012.

An assessment of the proposed modification against the relevant clauses of the Strathfield DCP is provided in the table below.

Table 2: Strathfield DCP Compliance Table		
DCP Control	Requirement	Complies - Comment
<b>Part I - Provision of Off-Street Parking Facilities</b>		
<b>3.9 Other uses</b>	Primary and Secondary Schools – 1 space per 1.5 staff; plus 1 space per 10 pupils in Years 11 and 12.	<p>On Merit. As detailed in the Traffic Impact Assessment (<b>Appendix C</b>) the proposed modification will increase the student population by 50 students and therefore requires the provision of two additional car spaces in line with the Strathfield DCP rate (based on a predicted increase of 17 students in years 11 and 12 and no increase in staff).</p> <p>The proposed modification does not involve any physical works and will not provide the additional car spaces. This is deemed to be acceptable based on the following:</p> <ul style="list-style-type: none"> <li>• Currently no parking is provided for students on site and therefore any additional parking would be contradictory to current school policies. The intent of the current approval is to minimise parking demand; and</li> <li>• The surveys demonstrate that no students drive to school and therefore the additional space would not be required.</li> </ul>
<b>Part M – Educational Establishments</b>		
<b>4.9 – Acoustic Privacy and Noise</b>	All Applications must be supported by a Noise Impact Assessment including an appropriate acoustic report prepared by a suitably qualified acoustic consultant to assess noise, advise on appropriate	Yes. An Acoustic Report has been prepared by Koikas Acoustics in support of the proposal and is provided in <b>Appendix B</b> .

Table 2: Strathfield DCP Compliance Table		
DCP Control	Requirement	Complies - Comment
	measures and verify that accepted standards will be suitably met.	<p>The Acoustic Report included a noise prediction model which was based on a calculation of the increase of total noise levels that an additional 50 students would occupy all outdoor areas at the same time. The increase in students equates to approximately 11% increase in population size and based on the noise calculations the increase will lead to an increase of the overall noise level from outdoor areas of the school by 0.45dB.</p> <p>An increase in the overall noise level of 0.45dB is deemed to be insignificant. As students only occupy the outdoor playground areas several times per day, morning, recess and lunch, an increase of 0.45dB will be imperceptible to nearby sensitive receivers.</p> <p>Therefore, the acoustic amenity of surrounding development will not be adversely impacted as a result of the proposed modification.</p>
<b>4.15 – Traffic, Parking and Access</b>	<p>For development applications involving:</p> <p>i) a new educational establishment accommodating 50 or more students or</p> <p>ii) the enlargement or extension of an existing education establishment to accommodate an additional 50 or more students or a change that gives rise to an additional 50 or more visitors,</p> <p>The traffic and the quantum of car parking shall be the subject of a Traffic and Parking Impact Assessment Report to determine appropriate traffic measures and levels of on-site parking.</p>	<p>Yes. A Traffic Impact Assessment has been prepared by Traffix in support of the proposal and is provided in <b>Appendix C</b>.</p> <p>To assess the travel modes and traffic generation of the existing and proposed operation of the school, online travel mode questionnaire surveys were prepared by Traffix and distributed by the school to all staff, parents and cares of the primary school students and high school students.</p>

<b>Table 2: Strathfield DCP Compliance Table</b>		
<b>DCP Control</b>	<b>Requirement</b>	<b>Complies - Comment</b>
		<p>The additional traffic generation of the proposed increase of 50 students is considerable acceptable as the surveys demonstrate that an overwhelming majority of students are dropped off and picked up within the school grounds. The impact on the surrounding streets would be minimal and generally trips for pick up and drop off are made as part of linked trips, where parents continue to work, retail or leisure activities. These volumes would be diluted as distance from the site increases, as a result of the various access routes to and from the site.</p> <p>The increases in traffic volumes at the intersections in the vicinity of the site are expected to be marginal and well within typical fluctuations in background traffic volumes. As a result, no external road improvements are considered to be required to support the proposed modification from a capacity or amenity perspective.</p>
<b>Part P - Heritage</b>		
<b>2 – Development of Heritage Items</b>	Heritage items have been identified as places that should be retained and conserved for future generations. The heritage significance of these places must be understood and respected when designing future development, with a greater level of information, care and retention of heritage values required.	Yes. As detailed the site currently contains three (3) local heritage buildings identified as two items under Strathfield Local Environmental Plan 2012. The proposed modification does not involve any physical works as the proposed increase in student numbers can be accommodated in existing classrooms. Therefore, the proposed modification will not impact on the heritage character or significance of the items onsite and will continue their adaptive re-use.

## 6.2 Social and Economic Impacts

It is considered that the proposed modification will have no significant adverse environmental, social or economic impacts on the locality. The proposed modification will allow for additional children to enroll at the school and for the continued adaptive re-use of the site as an educational establishment.

## 6.3 Site Suitability

It is considered that the proposed modification is suitable in the context of the site and the locality given it does not include any physical works and will not generate any adverse impacts on surrounding land uses.

## 6.4 Public Interest

The proposed modified development is considered in the public interest as it will allow for additional children to enroll at the school and for the continued adaptive re-use of the site as an educational establishment.

## 7.0 Conclusion

This proposal seeks approval for the modification of **DA0405/264** for the increase in the student population from 450 children to 500 children and removal of the limit of primary and secondary students at 416-420 Liverpool Road, Strathfield South.

The proposal is consistent with the relevant environmental planning instruments, including State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017, the Strathfield Local Environmental Plan 2012 and Strathfield Development Control Plan 2005. The proposed development has planning merit in the following respects:

- The proposed modification will allow for additional children to enroll at the school and for the continued adaptive re-use of the site as an educational establishment.; and
- No physical works are proposed under the modification; and
- There are no adverse impacts on surrounding properties.

Having regard to the above, and in light of the relevant heads of consideration listed under Section 4.15 of the Environmental Planning and Assessment Act, 1979 the proposal is reasonable and appropriate and warrants favourable consideration.



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