

REVIEW OF ENVIRONMENTAL FACTORS

Continued Use of Existing Portable Classrooms

**Lot 100 DP 774567 & Lot 4 DP
773523, 416-420 Liverpool Road,
Strathfield South**



Prepared by: The Planning Hub

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Acknowledgement

This document is based on the REF template developed for local councils in NSW by Local Government NSW (LGNSW).

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Executive Summary

This Review of Environmental Factors (REF) has been prepared to assess the environmental impacts of the continued use of two existing demountable classrooms at the Australian International Academy (AIA) Strathfield Campus, 416-420 Liverpool Road, Strathfield South. AIA is the proponent for project and is also “determining authority” for the REF in accordance with Part 5 of the *Environmental Planning and Assessment Act 1979* (EP&A Act). The REF has been prepared in accordance with Clause 228 of the EP&A Regulation (2000).

Background

The site is located on the southern side of Liverpool Road (Hume Highway) and is in the local government area of Strathfield Council. The land is currently used as a campus for AIA and the existing portable buildings are used as classrooms.

Assessment

The proposal has been assessed under Part 5 of the NSW Environmental Planning & Assessment Act 1979 (EP&A Act) and the State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017 (Education SEPP). Pursuant to clause 36(1) of Part 4 of the Education SEPP, development for the purpose a portable classroom (including a modular or prefabricated classroom) that is not more than 1 storey high may be carried out by or on behalf of a public authority without consent in an existing school and is therefore assessed under Part 5 of the EP&A Act.

Relevant State and local environmental planning provisions have also been assessed in the REF, as well as relevant Commonwealth and State environmental and planning legislation.

Consultation

Given the sensitive nature of the site containing three local heritage items a Heritage Impact Statement was previously submitted in support of the original development application for the installation of the portable classrooms (Perumal Murphy Alessi Heritage Consultants) which concluded that the temporary classroom and path are considered acceptable as they will have no impact on the fundamental significance of the heritage listed items on the site, the Heritage Impact Statement has been provided as an attachment to this REF.

Public Consultation for the proposed development and REF consisted of the following:

- Notification of the REF to Strathfield Council;
- Notification of the REF to neighbouring properties; and
- Consideration and inclusion in assessment of all submissions received during consultation.

Conclusion

The proposed continued use of two existing portable classrooms does not involve any physical works and will ensure the school can continue to operate on the site and will not result in an increase in number of students. The proposal is also consistent with relevant state and local environmental planning instruments and policies and strategies. This REF has assessed key heritage, environmental and planning issues to ensure that the proposal will continue to operate without significant environmental impact. Having regard

to the above, and in light of the relevant heads of consideration listed under *Part 5* of the *Environmental Planning and Assessment Act, 1979* the proposal is reasonable and appropriate.

1 Introduction

The Planning Hub have been engaged by Australian International Academy (AIA) to prepare this Review of Environmental Factors (REF) to assess the environmental impacts of the continued use of the existing portable classrooms at 416-420 Liverpool Road, Strathfield South. Australian International Academy (AIA) is the proponent for project and is also “determining authority” for the REF in accordance with Part 5 of the *Environmental Planning and Assessment Act 1979* (EP&A Act). The REF has been prepared in accordance with Clause 228 of the EP&A Regulation (2000).

The REF has found that the proposal:

- Will not result in significant negative impacts on surrounding land uses and the environment therefore, an Environmental Impact Statement (EIS) is not required;
- Will not impact upon threatened species therefore, a Species Impact Statement (SIS) is not required;
- Will not impact on a matter of national environmental significance (NES) or Commonwealth land;
- Is responsive to site context and presents a positive visual relationship with surrounding uses; and
- Is strongly in the public interest.

A suite of documents submitted in support of the application are attached as **Appendices A-B**.

1.1 Project Description and Background

Table 1: Project Details	
Project Name	Use of Portable Classrooms at 416-420 Liverpool Road, Strathfield South
Proponent Name	Australian International Academy
Project Manager	Ibrahim El-Kadomi
Position	NSW Business Manager
Contact Details	(02) 8801 3100 ielkadomi@aia.nsw.edu.au

1.1.1 Detailed Scope of Works

This project will consist of the continued use of two portable classrooms and path by AIA that were approved under DA/2012/077 on 13 November 2012.

The portable classrooms were approved for temporary use by AIA for five (5) years after which they are required to be removed. Pursuant to Clause 36(1) of Part 4 of the Education SEPP this application proposes the retention and continued use of the portable classrooms as development permitted without consent.

1.2 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:

DA/405/264 – 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.

This application proposes the retention and continued use of the portable classrooms as approved under DA/2012/077.

1.3 Site Analysis

1.3.1 Location & 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 local government area of Strathfield Council. The land is currently used as a campus for AIA.

The site's locational context is shown in **Figure 1** below.

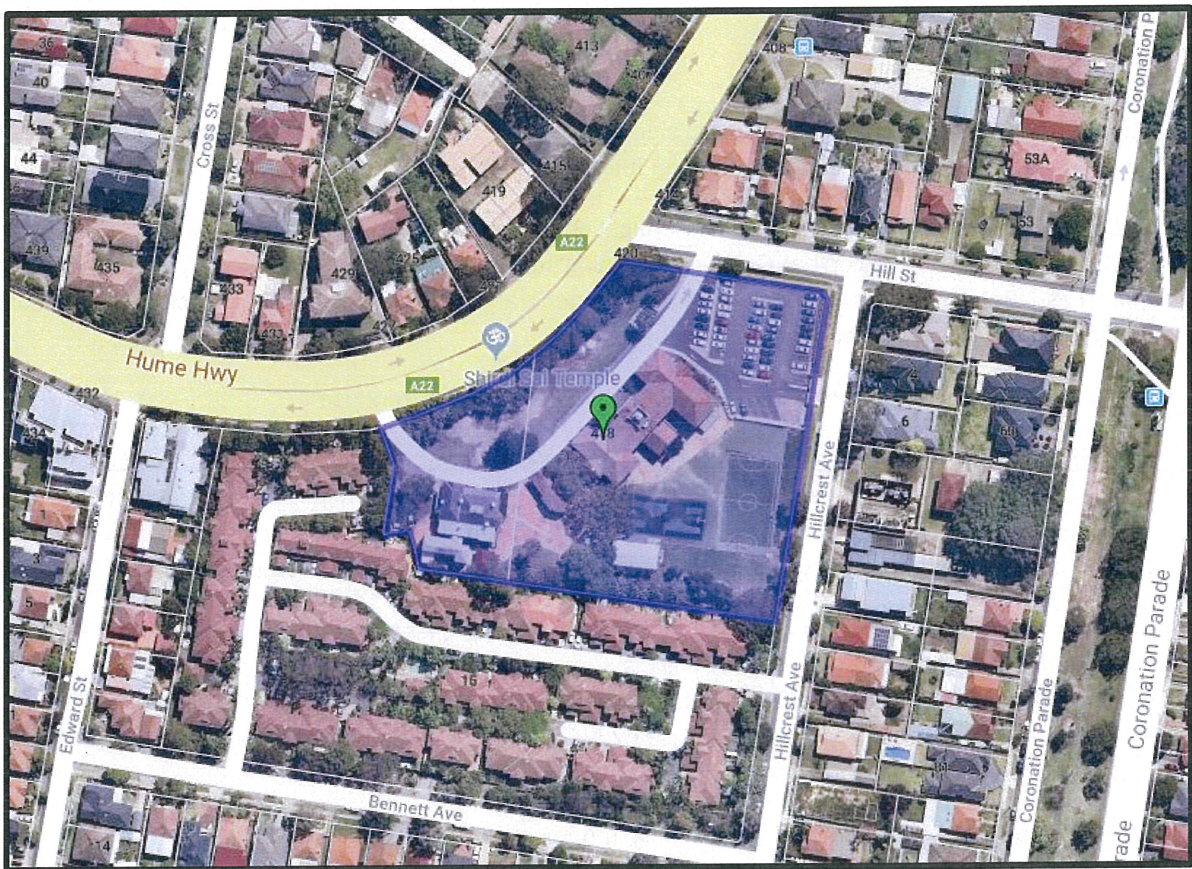


Figure 1 – Location and Context - Site outlined in blue (Source – Nearmap)

1.3.2 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 seniors 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.

The proposed development relates to the two existing portable classrooms located on the southern boundary of the site, as shown in **Figure 2** below.



Figure 2 – Location of Portable Classrooms (outlined in blue) (Source – Nearmap)

2 Statutory and Planning Context

2.1 Commonwealth Legislation

The Commonwealth Environment Protection and Biodiversity Conservation Act 1999 is the principal federal environmental legislation that applies to the assessment of NES matters or any impacts on Commonwealth land. The proposal will not impact on any matters of NES and is not Commonwealth land. A referral to the Commonwealth Environment Minister is not required in this instance.

2.2 Environmental Planning and Assessment Act 1979 (EP&A Act)

The EP&A Act establishes the system of environmental planning and assessment in NSW. Part 5 of the EP&A Act specifies the environmental impact assessment requirements for activities undertaken by public

authorities, such as registered non-government schools, which are permissible without development consent under Part 4 of the Act.

This proposal is subject to the environmental impact assessment and planning approval requirements of Part 5 of the EP&A Act. Under Section 5.7, the determining authority must consider whether the proposal is likely to significantly affect the environment, including threatened species populations, ecological communities or their habitats. If any critical habitat is affected or where any significant impacts on threatened species, populations or ecological communities or their habitats are likely, a species impact statement must be prepared.

Where the determining authority forms the opinion that any significant impact is likely, an Environmental Impact Statement (EIS) would in turn need to be assessed and prepared under sections 4.12 (8) or 5.7 of the Act. Clause 228 of the Regulations defines the factors which must be considered when determining if an activity assessed under Part 5 of the EP&A Act has a significant impact on the environment.

Section 4 of this REF provides a full environmental impact assessment of the proposal in accordance with these guidelines. Section 5 provides a checklist assessment of the clause 228 guidelines and Section 6 provides mitigation measures.

2.3 *Heritage Act 1977*

The proposed development does not involve an item or place listed on the NSW Heritage Act. Approval of works on the site is therefore not required under s57 of the Heritage Act.

2.4 *State Environmental Planning Policies*

2.4.1 *State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017*

The aim of this Policy is to facilitate the effective delivery of educational establishments and early education and care facilities across the State of NSW.

Pursuant to clause 36(1) of Part 4 of the Education SEPP, development for a portable classroom (including a modular or prefabricated classroom) that is not more than 1 storey high may be carried out by or on behalf of a public authority without consent and is therefore assessed under Part 5 of the EP&A Act.

The following table provides an assessment of the proposed development against the relevant provisions of the Education SEPP.

Table 2: State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017		
Clause	Requirement	Complies - Comment
36 – Schools – development permitted without consent	(1) Development for any of the following purposes may be carried out by or on behalf of a public authority without development consent on land within the boundaries of an existing school:	Yes. The proposed development is for the use of portable classrooms that are no more than 1 storey high at an existing school and is therefore development permitted without consent.
	(a) construction, operation or maintenance, more than 5	

	<p>metres from any property boundary with land in a residential zone and more than 1 metre from any property boundary with land in any other zone, of:</p> <ul style="list-style-type: none"> i. a library or an administration building that is not more than 1 storey high, or ii. a portable classroom (including a modular or prefabricated classroom) that is not more than 1 storey high, or iii. a permanent classroom that is not more than 1 storey high to replace an existing portable classroom and that is used for substantially the same purpose as the portable classroom, or iv. a kiosk, cafeteria or bookshop for students and staff that is not more than 1 storey high, or v. a car park that is not more than 1 storey high, <p>(2) However, subclause (1) applies only to development that:</p> <ul style="list-style-type: none"> (a) does not require an alteration of traffic arrangements (for example, a new vehicular access point to the school or a change in location of an existing vehicular access point to the school), or (b) in the case of development referred to in subclause (1) (a)—does not allow for an increase in: <ul style="list-style-type: none"> i. the number of students the school can accommodate, or ii. the number of staff employed at the school, <p>that is greater than 10% (compared with the average of each of those numbers for the 12-month period immediately before the commencement of the development).</p> 	<p>Yes. The proposed development will not require the alteration of traffic arrangements or result in an increase in student or staff numbers by more than 10%.</p>
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	(3) Nothing in this clause authorises the carrying out of development in contravention of any existing condition of the most recent development consent (other than a complying development certificate) that applies to any part of the school, relating to hours of operation, noise, car parking, vehicular movement, traffic generation, loading, waste management, landscaping or student or staff numbers.	Yes. The proposed development will not contravene any existing condition of DA/2012/077 in relation to hours of operation, noise, car parking, vehicular movement, traffic generation, loading, waste management, landscaping or student or staff numbers.
37 – Notification of carrying out of certain development without consent	<p>(1) This clause applies to development to which clause 36 (1) (a) applies.</p> <p>(2) Before development to which this clause applies is carried out, the proponent of the development must:</p> <p>(a) give written notice of the intention to carry out the development to the council for the area in which the land is located (unless the proponent is that council) and to the occupiers of adjoining land, and</p> <p>(b) take into consideration any response to the notice that is received within 21 days after the notice is given.</p>	Yes. Written notice of the intention to carry out the development has been provided to Council and adjoining properties as part of the consultation process. All submissions within 21 days after the notice is given have been taken into consideration in the preparation of this REF.

2.5 Strathfield Local Environmental Plan 2012 (SLEP 2012)

An assessment of the proposed development against the relevant provisions of SLEP 2012 is provided below.

2.5.1 Zoning & Permissibility

The site is situated within the Strathfield Council Local Government Authority (LGA) and is subject to the provisions of Strathfield Local Environmental Plan 2012 (SLEP 2012). The site is zoned R3 Medium Density Residential.

The proposed development is in support of the current use of the site as an Educational Establishment that was approved under **DA/405/264**.

2.5.2 Zone Objectives

The objectives of the R3 Zone are:

- To provide for the housing needs of the community within a medium density residential environment.
- To provide a variety of housing types within a medium density residential environment.
- To enable other land uses that provide facilities or services to meet the day to day needs of residents.

The proposed development 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.

2.5.3 Clause 5.10 – Heritage Conservation

The objective of this clause is to conserve existing heritage items and minimise impacts to European and Aboriginal heritage. The site currently contains three (3) local heritage buildings described 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.

Given the heritage sensitivity of the site, the application that approved the portable classrooms (DA/2012/077) was supported by a Statement of Heritage Impact prepared by Perumal Murphy Alessi. Due to the proposed development not involving any physical works or changes to the existing conditions onsite this application is accompanied by that Heritage Impact Statement as further assessment is not deemed to be required. The Heritage Impact Statement is attached as **Appendix B** of this report.

The Statement of Heritage Impact concludes that the proposed structure will have acceptable impact on the setting of the heritage items, Brundah and Leigh Hall as the structure will have no impact on any primary views to and from buildings or any other items in the “vicinity”. The proposed building is temporary, low scale and located to the “rear” of the buildings and along the southern boundary which is currently dominated by the two-storey modern residential development to the south of the site. The primary curtilage and immediate setting of the main buildings, particularly the front garden and setback and relationship to the Liverpool Street frontage will not be affected by the proposed structure. The proposed structure will not be visible from Liverpool Road or Hill Street.

3 Consultation

3.1 Consultation Activities Undertaken

Public Consultation

In accordance with Clause 37 of the Education SEPP the following public consultation and notification was undertaken as part of this application:

- Making this Part 5 Assessment available AIA's website;
- Written to Council informing them of the proposal;
- Written to all neighbouring properties to:
 - Describe the proposed activity, including its location;
 - Describe the environmental impacts the proposed activity may have;
 - Invite submissions on the proposed activity within no less than 21 business days of the date of the correspondence;

- Provide the contact details of the school's nominated representative to receive submissions in writing.
- Considered all submissions received during the 21 business days stipulated in the correspondence, including an assessment of the issues raised and how they have been addressed in the assessment of the proposed activity.

The development was notified to Council and adjoining properties between 7 February 2019 and 1 March 2019. The following properties were notified:

- 416-420 Liverpool Rd, Strathfield South (owner of subject site);
- 1 Bennett Avenue, Strathfield South (Townhouses number 1 to 75);
- 2, 4, 6, 8 and 10 Hill Street, Strathfield South;
- 144 Liverpool Road, Strathfield South;
- 53 and 59 Coronation Parade, Strathfield South;
- 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 14, 16, 18 and 20 Hillcrest Street, Strathfield South.

AIA provided a statutory declaration and photos confirming that the above properties were notified in accordance with the Education SEPP, this is provided as **Appendix C** to this document.

AIA has confirmed that no formal written submissions were received during the notification period.

AIA advised that the Strata Committee for the adjoining property to the south of subject site at 1 Bennett Avenue got in contact to discuss the proposal. A meeting was held with the Strata Committee on 25 February 2019 to discuss the development. The Strata Committee raised concerns about the existing boundary fence and the pruning of trees on the boundary. Neither of the items related to the proposed development and therefore do not need to be considered as part of this Review of Environmental Factors.

- **Referrals**

No referrals were deemed to be necessary given there are no physical works proposed and the operation of the school will remain unchanged.

4 Environmental Assessment

4.1 Historic Heritage

4.1.1 Existing Environment

The site currently contains three (3) local heritage buildings known as Former Leigh College (I228), E. Vickery Memorial Hall (I228) and "Brundah" a Victorian Italianate villa (I229).

4.1.2 Impact Assessment

Complies. The original application that approved the construction of the portable classrooms (DA/2012/077) was supported by a Statement of Heritage Impact that concludes the proposed structure will have acceptable impact on the setting of the heritage items, Brundah and Leigh Hall as the structure will have no impact on any primary views to and from buildings or any other items in the "vicinity". The

proposed development does not involve any physical works or changes to the existing conditions onsite and therefore does not result in any impact on the heritage significance of the items or subject site.

4.2 Noise and vibration

4.2.1 Existing Environment

Noise associated with the existing approved use of the site as an educational establishment.

4.2.2 Impact Assessment

Complies. The proposed development is for continued use only and does not include any physical works and therefore will not result in any increase in noise or vibration.

4.3 Traffic

4.3.1 Existing Environment

Existing traffic and parking arrangements associated with the approved use of site as an educational establishment.

4.3.2 Impact Assessment

Complies. The proposed development does not involve any physical works or an increase in the student population or number of staff and will not alter or disrupt the current traffic and parking arrangements.

4.4 Visual amenity

Complies. The proposed structure is existing and has been sited to ensure it is not visible from the public domain and does not impede on the visual character or curtilage of the heritage items onsite. Appropriate landscaping on the site's boundaries ensures the structure is adequately screened and integrated into the site.

5 Environmental Factors Considered

5.1 Matters of National Environmental Significance (NES)

The site is not classed as "National Environmental Significance" under the Commonwealth *Environment and Biodiversity Conservation Act 1999*.

5.2 Clause 228 of the EP&A Regulation

Clause 228 of the EP&A Regulations sets out 16 factors that need to be considered when assessing environmental impact under Part 5 of the EP&A Act. These factors are addressed in this report and relevant sections are listed below.

Table 3: EP&A Regulation Clause 228 Assessment				
Relevant Clause	Level of Impact			
	N/A	Negative	Nil	Positive

1	<i>Any environmental impact on a community?</i>			•	
2	<i>Any transformation of a locality?</i>			•	
3	<i>Any environmental impact on the ecosystems of the locality?</i>			•	
4	<i>Any reduction of the aesthetic, recreational, scientific or other environmental quality or value of a locality?</i>			•	
5	<i>Any effect on a locality, place or building having aesthetic, anthropological, archaeological, architectural, cultural, historical, scientific or social significance or other special value for present or future generations?</i>			•	
6	<i>Any impact on the habitat of protected fauna (within the meaning of the National Parks and Wildlife Act 1974)?</i>	•			
7	<i>Any endangering of any species of animal, plant or other form of life, whether living on land, in water or in the air?</i>	•			
8	<i>Any long-term effects on the environment?</i>			•	
9	<i>Any degradation of the quality of the environment?</i>			•	
10	<i>Any risk to the safety of the environment?</i>			•	
11	<i>Any reduction in the range of beneficial uses of the environment?</i>			•	
12	<i>Any pollution of the environment?</i>			•	
13	<i>Any environmental problems associated with the disposal of waste?</i>			•	
14	<i>Any increased demands on resources (natural or otherwise) that are, or are likely to become, in short supply?</i>			•	
15	<i>Any cumulative environmental effect with other existing or likely future activities?</i>			•	

16	<i>Any impact on coastal processes and coastal hazards, including those under projected climate change conditions?</i>	•			
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6 Safeguards & Mitigation Measures

This section of the REF describes how the proposal will be managed via environmental management plans and specific safeguards, to reduce potential adverse environmental impacts throughout detailed design, construction and operation. Safeguards and mitigation measures have been developed in accordance with the Clause 228 Guidelines.

Table 9 includes a comprehensive list of safeguards and mitigation measures including general measures from the Clause 228 Guidelines. They include “pre-construction”, “construction” and “operation” mitigation measures.

Table 4: Environmental Safeguards & Mitigation Measures	
General	
Operation	
<ul style="list-style-type: none"> Manage Student and Staff numbers to ensure that the proposed development does not result in an increase over 10% of that compared with the average of each of those numbers for the 12-month period immediately before the commencement of the development. A new Development Application will be required if numbers are to increase by more than 10%. 	
Heritage	
Operation	
<ul style="list-style-type: none"> Existing landscaping and curtilage of heritage items are to be managed and maintained to ensure the impact of the portable classrooms is mitigated and appropriately screened. 	

7 Conclusion

This proposal seeks approval for the continued use of two existing demountable classrooms at the Australian International Academy (AIA) Strathfield Campus, 416-420 Liverpool Road, Strathfield South. This REF has been prepared to assess the environmental impacts of the proposed works in accordance with Part 5 of the NSW Environmental Planning and Assessment Act 1979 and has assessed those matters listed in Clause 228 of the NSW Environmental Planning and Assessment Regulation 2000.

The proposed continued use of two existing portable classrooms does not involve any physical works will ensure the school can continue to operate on the site and will not result in an increase in number of students.

The proposal is consistent with relevant state and local environmental planning instruments and policies and strategies. This REF has assessed key heritage, environmental and planning issues to ensure that the proposal will continue to operate without significant environmental impact. Having regard to the above, and in light of the relevant heads of consideration listed under *Part 5 of the Environmental Planning and Assessment Act, 1979* the proposal is reasonable and appropriate.

8 REF Determination Page

8.1 Assessor declaration

This REF provides a true and fair review of the activity in relation to its likely effects on the environment. It addresses to the fullest extent possible all matters affecting or likely to affect the environment as a result of the project and provides sufficient information to determine whether there is likely to be a significant impact on the environment as a result of the Project.

I have considered all environmental impacts and safeguards to the best of my knowledge, and have sought advice where required.

Prepared By: Lachlan Rodgers, Town Planner

Name of Company: The Planning Hub

Signature:



Date: 14 March 2019

8.2 Determiner declaration & approval

I have reviewed the document and consider that the project will not have a significant impact and can proceed subject to the controls outlined in this REF.

Reviewed By: Jeremy Swan, Director

Name of Company: The Planning Hub

Signature:



Date: 14 March 2019

Determining Officer: Ibrahim El-Kadomi

Position: AIA NSW Business Manager

Signature:



Date: March 2019