SJB Planning

Cronulla High School

31 Bate Bay Road, Greenhills Beach

Review of Environmental Factors – Upgrades to existing school, including construction of two (2) new buildings

March 2023 | Final

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Certification

a) Review of Environmental Factors	
I certify that I have prepared the contents of this REF and, to the best of my knowledge, it is in accordance with the Code approved under clause 198 of the Environmental Planning and Assessment Regulation 2021, and the information it contains is neither false nor misleading	
Name of persons(s) who prepared the REF	Joanne McGuinness
Position and organisation	Associate, SJB Planning (NSW) Pty Ltd
Signature	
Date	14/03/23

b) Reviewing Officer	
I have examined this Review of Environment Factors and the Certification and accept the Review of Environmental Factors on behalf of the Department of Education	
Name and position of reviewing officer	Aryan Qayumi Senior Statutory Planning Officer - Business Enablement
Signature	
Date	16/03/23

c) Determination	
I accept this Review of Environmental Factors on behalf of the Department of Education, as the determining authority and determine that the proposal can proceed subject to the mitigation measures in Attachment 10 being implemented.	
Name and position of reviewing officer	Anthony Manning, Chief Executive, SINSW.
Signature	
Date	22 March, 2023.

1.0 Introduction

1.1 Overview

This Review of Environmental Factors (REF) has been prepared to assess the potential impacts of the proposed upgrade of Cronulla High School at 31 Bate Bay Road, Greenhills Beach ('the site') to provide new permanent teaching spaces and core facilities.

The proposed development activity involves the demolition of an existing building, construction of two (2) new buildings, and reconfiguration of the existing car park.

The proposed works are considered to be development permitted without consent as identified under Clause 3.37 of State Environmental Planning Policy (Transport and Infrastructure) 2021.

This REF has been prepared to assess the environmental impacts of the proposed activity in accordance with Section 5.5 of the *Environmental Planning and Assessment (EP&A) Act 1979* and Clause 171 of the Environmental Planning and Assessment Regulation (EP&A Reg) 2021. The REF has been prepared on behalf of School Infrastructure (SINSW) for the NSW Department of Education. SINSW is both the proponent for the works and the determining authority under Part 5 of the *EP&A Act 1979*.

The consideration of the potential impacts has been undertaken against the relevant planning framework and supported by relevant specialist assessments addressing a range of potential environmental impacts.

Following analysis of the potential impacts associated with the activity it was determined that an environmental impact statement is not required as the proposal does not significantly affect the environment.

Approval to proceed with the activity is recommended.

2.0 Site Analysis

2.1 Site Location and Description

Cronulla High School (CHS) is located at 31 Bate Bay Road, Greenhills Beach. The site is located within the Sutherland Shire Council Local Government Area (LGA) and is legally described as Lot 1 in DP 815804. The land is owned by the Department of Education.

The school campus buildings are located within the south-western portion of the site. The north-eastern part of the site comprises the playing fields which are occupied by the Cronulla Caringbah Sharks Junior Rugby League Football Club (JRLFC) under a lease agreement; and are used by the school on a day-to-day basis.

The location of the site is shown in Figures 1 and 2.

Figure 1: Aerial view of the subject site (Source: Near Map)

The school site is irregular in shape and has a total area of approximately 6 hectares. The site has a 298m (approx.) frontage to Captain Cook Drive, 60m (approx.) frontage to Elouera Road, and 61m (approx.) frontage to Bate Bay Road.

The topography of the site is relatively flat with a slight slope from the south to the north (i.e. towards Woolooware Bay). There is an embankment to the north western site boundary (i.e. along Captain Cook Drive) where the ground level drops from approximately RL 4.9 to RL 2.3.

A survey plan of the site is included at Attachment 1.

The site is affected by an easement for Sydney Water assets (i.e. water supply and sewerage). The easement runs along the north western site boundary (i.e. parallel to Captain Cook Drive).

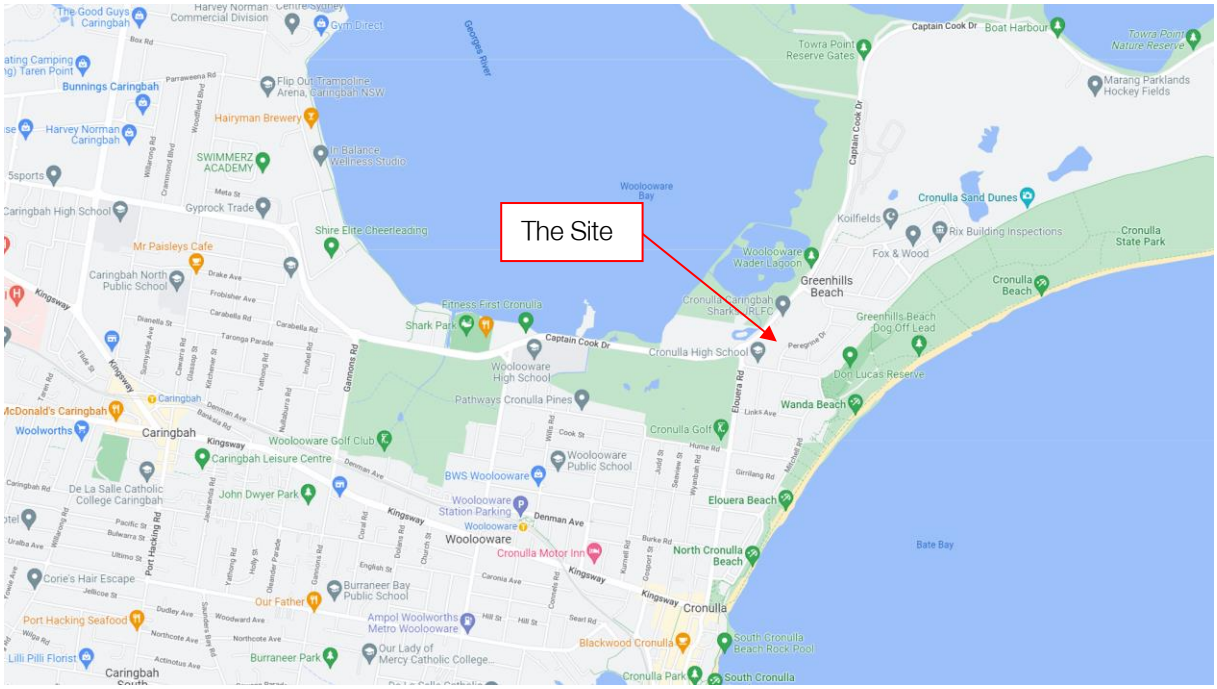

Figure 2: Site location (Source: SIX Maps)

CHS currently comprises eight (8) permanent buildings, one (1) modular classroom, 22 demountable classrooms, on-site car parking, various open space/play areas, sports ovals, and tennis courts. The sports ovals are shared between the school and Cronulla Caringbah Sharks JRLFC. An at-grade car park and clubhouse building associated with the JRLFC are located within the north-eastern portion of the site.

The subject site includes significant vegetation and tree planting throughout the school, including a densely planted tree corridor along the north western site boundary (i.e. parallel to Captain Cook Drive).

Vehicular access is provided to the site via Elouera Road and pedestrian access is provided via Bate Bay Road. A secondary vehicle access is provided via Bate Bay Road, towards the eastern site boundary.

There are two (2) parking areas located on the site, as well as a bus zone adjoining Bate Bay Road. CHS is serviced by both public and school bus services.

The school has an existing student population of approximately 1,309 students.

The school starts at 8:45am and finishes at 2:20pm (Tuesday); 2:30pm (Thursday); 3:10pm (Monday, Wednesday, Friday).

The current layout of the school is shown in Figure 3.

Photographs of the school are provided in Figures 4 to 13.

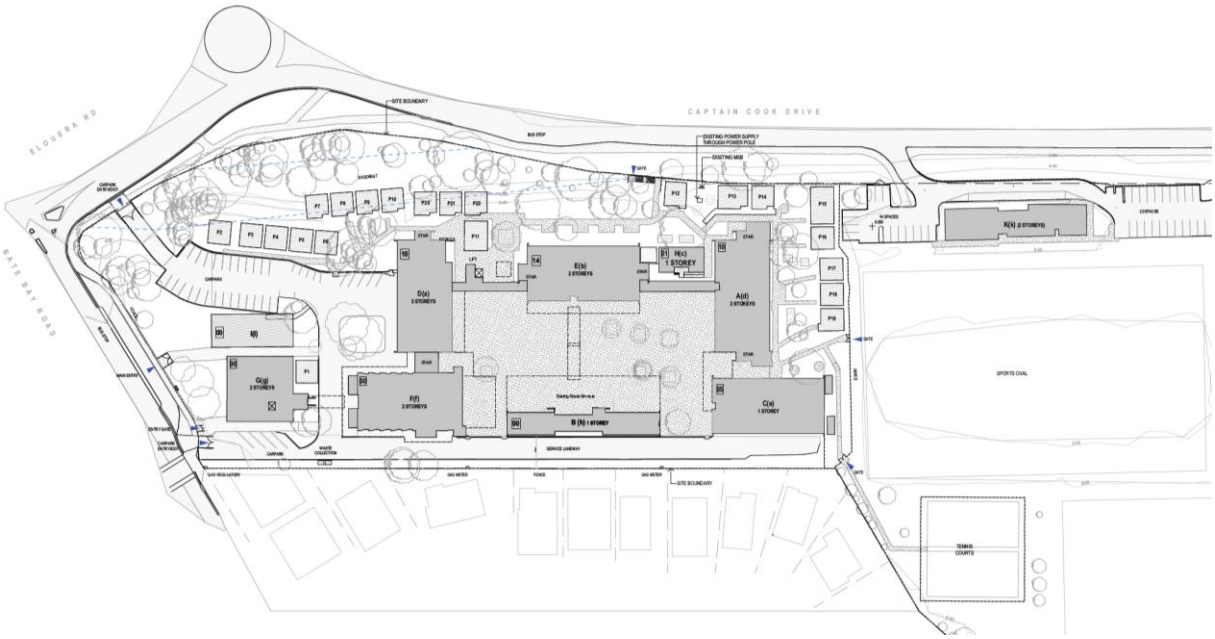

Figure 3: Existing layout of Cronulla High School (Source: Fulton Trotter Architects)

Figure 4: Existing main vehicular entry and car park, viewed to east

Figure 5: Existing main vehicular entry and car park, viewed to west

Figure 6: Existing bathrooms and canteen (Building B) proposed to be demolished, viewed from central quadrangle

Figure 7: Existing science labs (Building A) and outdoor seating area, viewed to north west

Figure 8: Existing tech rooms (Building C) and outdoor seating area, viewed to south east

Figure 9: Existing administration building (Building D), viewed to south west from central quadrangle

Figure 10: Existing administration building (Building D), viewed to south east

Figure 11: Existing Building E, viewed from central quadrangle

Figure 12: Existing Building I, viewed to north east

Figure 13: Existing demountable classrooms, viewed to north east

2.2 Surrounding Development

Development to the south of the school, on the opposite side of Bate Bay Road, comprises detached dwellings of one (1) to two (2) storeys in height. Elouera Beach and Wanda Beach are located further to the south east of the school.

To the north of the site, and surrounded by nature reserves, is the Cronulla Wastewater Treatment Plant.

The school site directly adjoins low density residential dwellings to the east. These dwellings are of a contemporary architectural style and form part of the recently developed 'Shearwater Landing' Estate.

Dense bushland, which forms part of Towra Point Reserve, is located to the west of the school, on the opposite side of Captain Cook Drive and adjoining Woolooware Bay. Cronulla Golf Club is located to the south west of the school site, on the opposite side of Elouera Road.

2.3 Background

A summary of existing development consents relating to the subject site is provided in the table below.

DA Number	Date Approved	Description
DA03/1273	23/06/2005	Use of playing fields for markets held 21 times a year
DA06/0325	28/06/2006	Boundary fence (ancillary to school)
DA13/0926	7/03/2014	Master plan for playing fields and indoor water polo facility, including Stage 1 works – two (2) playing fields, clubhouse, lighting, and parking and slip lane off Captain Cook Drive

DA Number	Date Approved	Description
MA14/0162	28/10/2014	S96(1A) modification to DA13/0926 – changes to clubhouse, landscaping and carpark and deletion of condition relating to food preparation areas

Table 1: Summary of relevant development consents

Sutherland Shire Council has confirmed that there is no record of an original development consent for the construction of the school which opened in 1961.

The Cronulla Caringbah Sharks Junior Rugby League Football Club (JRLFC) forms part of the same allotment as the school and is subject to a master plan approved in March 2014 (refer DA13/0926).

Stage 1 of the masterplan (i.e. two (2) sporting fields, clubhouse building, lighting, and at-grade card parking) is complete. A Development Application (DA) was lodged with Council in December 2020 for the Stage 2 works (i.e. indoor water polo facility) however was withdrawn in May 2021.

3.0 Proposed Activity

3.1 Overview

This Review of Environmental Factors (REF) has been prepared to assess the potential impacts of the proposed upgrade of Cronulla High School at 31 Bate Bay Road, Greenhills Beach ('the site') to provide new permanent teaching spaces and core facilities.

The proposal involves the demolition of an existing building, construction of two (2) new buildings, and reconfiguration of the existing car park.

The proposed building and demolition works are detailed in the Architectural Drawings Package prepared by Fulton Trotter Architects (refer Attachment 2) and supporting documents and are summarised below. Landscaping works are detailed in the Landscape Plan prepared by Taylor Brammer and included at Attachment 3.

The proposal forms part of a larger upgrade of CHS that is being undertaken by SINSW. For context, the plans identify broader works that are outside the scope of this proposal and are subject to a separate planning approval.

The proposed works will require the removal of trees, as identified in the attached Arboricultural Impact Assessment prepared by Travers Bushfire and Ecology. The removal of these trees is being pursued via separate approval pathways with Sutherland Shire Council.

3.2 Detailed Description of Works

3.2.1 Demolition Works

The demolition works are identified in Figure 14 overleaf.

Demolition works include:

- Demolition of Building B; and
- Demolition of existing hardstand, at-grade car parking pathways, and landscaping at school entry.

3.2.2 Demountable Structures

The proposal involves the staged removal of demountable structures. Some demountable structures will be retained during construction works. No demountable structures will remain on the site upon completion of all proposed new building works.

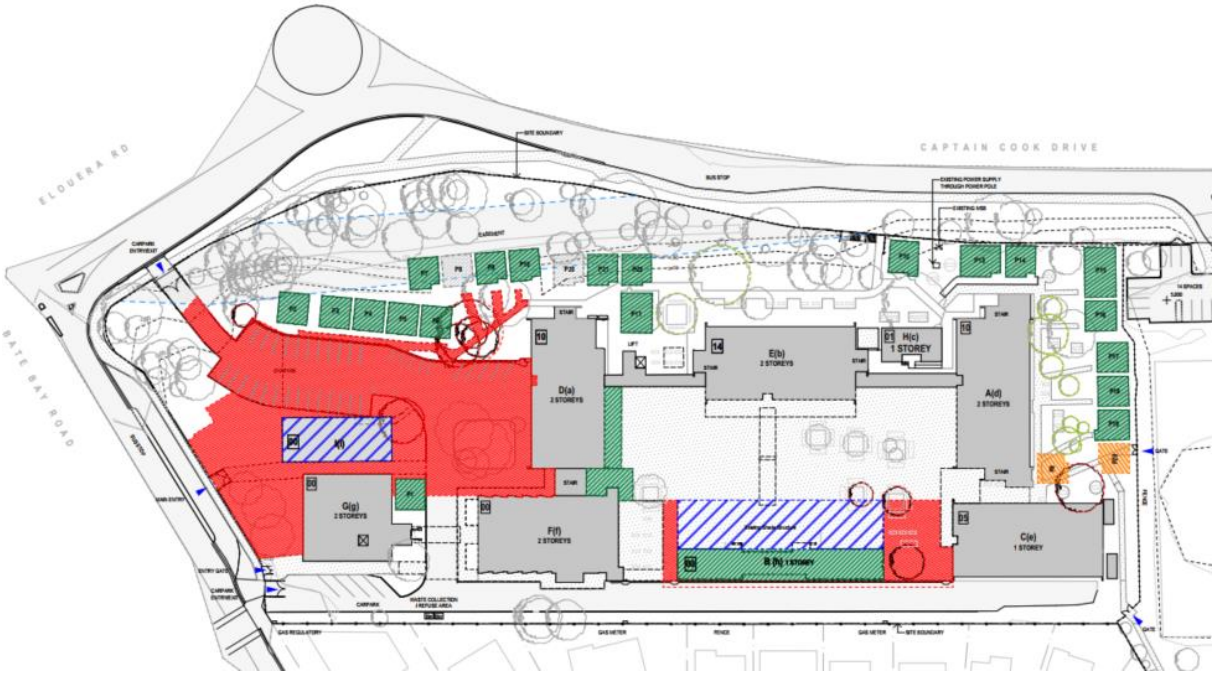

Figure 14: Extract of proposed Demolition Plan (Source: Fulton Trotter Architects)

3.2.3 New Building Works

The proposed new building works are identified in Figure 15.

Figure 15: Extract of proposed Site Plan (Source: Fulton Trotter Architects)

<u>New Building M</u>

- Construction of a new two (2) storey building in between the existing Building C (i.e. technology rooms) and the existing Building F (i.e. school hall);

- The building will replace the existing Building B and comprises:
- Ground floor level: canteen, toilets, storage, collaboration space, PDHPE staff facilities, end of trip facilities; and
- First floor level: six (6) teaching spaces, two (2) multi purpose learning rooms, learning commons, verandah, and toilets.
- The proposed materials will comprise:
- Walls – pre-finished fibrous cement (FC) sheets and brick blade walls;
- Roof – metal cladding;
- Guttering – colorbond; and
- Balustrades and screens – vertical galvanised steel.
- Artworks to external blade walls, reflecting the Indigenous history of the site in line with the Connecting with Country initiatives (refer to Connecting with Council Strategy prepared by Fulton Trotter Architects at Attachment 4).

<u>New Administration Building (Building L)</u>

- Construction of a new two (2) storey administration building in between the existing Building D (i.e. Administration Building) and the existing school entry/car park;
- The building comprises:
- Ground floor level: administration and staff facilities, including student reception, public reception, offices, interview rooms, clinic rooms, and toilets; and
- First floor level: four (4) teaching spaces, one (1) multi-purpose learning room, learning commons, verandah, and toilets.
- The proposed materials will comprise:
- Walls – pre-finished fibrous cement (FC) sheets and brick blade walls;
- Roof – metal cladding;
- Guttering – colorbond; and
- Balustrades and screens – vertical galvanised steel.
- Artworks to external blade walls, reflecting the Indigenous history of the site in line with the Connecting with Country initiatives (refer to Connecting with Council Strategy prepared by Fulton Trotter Architects at Attachment 4).

<u>Reconfiguration of Car Park</u>

- Reconfiguration of existing at-grade car park; and
- New retaining walls (750mm-900mm in height) located at main pedestrian entry.

<u>Associated Services and Infrastructure</u>

- Associated landscaping works (refer Section 3.2.7 below);
- New main switchboard (MSB) and fire hydrant booster; and
- Relocation of waste storage/collection area towards eastern site boundary.

3.2.4 School Population and Staff Numbers

The proposed works will not increase the existing student population. The permanent student capacity will be capped at 1,000, which represents a reduction relative to the existing enrolment of 1,309 students. The proposal will also result in a reduction in staff numbers from 100 staff to 95 staff.

3.2.5 Excavation/Site Preparation Works

The proposed works will necessitate minor excavations to accommodate footings for the new building works, removal of hard stand areas, slab preparation, reconfiguration of the at-grade car park, and new OSD tank. This will involve minimal disturbance of existing soils on the site, including some cut and fill.

Additionally, the proposal will necessitate some remediation works as detailed in the Detailed Site Investigation (DSI) and Remedial Action Plan (RAP) prepared by Martens & Associates (refer Attachments 15 and 17).

3.2.6 Stormwater Management

The proposed stormwater management works are detailed in the Stormwater and Civil Engineering Plans prepared by Cardno (refer Attachment 5) and summarised below:

- Roof water from the new Building L and runoff from the proposed reconfigured carparks will be collected, quantity attenuated via on-site detention (OSD), and discharged to the existing public stormwater mains;
- Runoff from the carpark will be treated via an oil and grease separator;
- The OSD will be designed to allow for stormwater discharge of runoffs of all storms up to 100 years ARI. The controlled discharge will then be conveyed to a Council stormwater connection to an existing Kerb Inlet Pit (KIP) at Elouera Road near the corner with Bate Bay Road; and
- There will be no increase in the impervious areas at the location of Building M, hence the roof and surface stormwater in the vicinity of Building M will be discharged into the existing stormwater system.

3.2.7 Landscaping

The proposed landscape scheme is detailed in the Landscape Plan prepared by Taylor Brammer Landscape Architects (refer Attachment 3). The scheme has been designed to improve site access, movement, and functionality whilst also creating a landscape that connects students to First Nations history and the cultural and environmental values of the site.

3.2.8 Tree Removal

As detailed in the Aboricultural Impact Assessment (AIA) included at Attachment 6, the proposed works will require the removal of ten (10) existing trees from the site. The removal of these trees is being pursued via separate approval pathways with Sutherland Shire Council. The applications have been submitted to Council and are currently under assessment.

3.2.9 Waste Management

The proposed development involves the relocation of the waste storage area to the eastern side setback (i.e. behind proposed Building M). Operational waste management arragements are detailed in the Operational Waste Management Plan prepared by TTM and included at Attachment 7.

3.2.10 Car Parking

The proposed development involves the reconfiguration of the existing at-grade car park to provide 31 car parking spaces for staff. No change is proposed to the existing access driveway from Elouera Road.

It is noted that an easement for water supply and sewerage is owned by Sydney Water and extends east-west over the northern part of the site (i.e. parallel to Captain Cook Drive). A small portion of the proposed reconfigured at-grade car park will be located within this easement area. Given that the proposed works do not involve the construction of any buildings, the car park works are permitted within the easement.

Four (4) existing car parking spaces will be retained within the southern side setback (i.e. behind existing Building G). Additionally, no change is proposed to the car park adjoining the JRLFC sporting field. This car park comprises 36 spaces and will be utilised by staff for over-flow parking during school hours.

Whilst the proposal results in a net decrease in car parking at the site, the Traffic Impact Assessment (refer Attachment 8) notes that the proposed car parking (i.e. total of 71 spaces, including overflow car parking) is adequate and appropriate.

3.3 Project Justification

The proposed works provide for two (2) new buildings which forms part of a larger upgrade of Cronulla High School that is being progressively undertaken by SINSW. The proposal will improve the learning and teaching experience for students and staff, while enhancing the appearance of the school.

The provision of a modern, purpose built canteen and amenities building (i.e. Building M) will replace the existing outdated facilities. Both of the proposed new buildings will deliver permanent staff and learning areas that align with the Education Facilities Standards and Guidelines and will enable the replacement of existing demountable classrooms. This will ultimately reduce the area of the site that is occupied by buildings and increase landscaped areas and play spaces.

The proposed works are comparatively minor and will not adversely impact on the existing school, Cronulla Caringbah Sharks JRLFC, or nearby residential development and open spaces.

3.3.1 Consultation

Fulton Trotter Architects, SINSW, and the project team have undertaken a consultation process Sutherland Region Local Aboriginal Education Consultative Group (AECG). Consultation with the La Perouse Local Aboriginal Land Council (LALC) was sought; however, no response was received.

Consultation was undertaken during the design development process in order to develop a connection with country within the proposed design. Further detail is provided in the Connecting with Country Strategy prepared by Fulton Trotter Architects (refer Attachment 4).

3.4 Construction Duration and Hours

3.4.1 Hours of Works

- Works on the site are restricted to between 7:00am – 6:00pm (Monday to Friday) and 8:00am – 3:00pm (Saturday).
- No works are permitted on Sunday or public holidays.
- Deliveries may occur outside of these hours but not before 6.30am and or after 6.30pm.

3.4.2 Construction Timeframe

Construction is estimated to be completed within approximately 24 months.

3.4.3 Construction Management

A Preliminary Construction Management Plan (CMP) is included at Attachment 9 to guide the construction of the project. An updated, final Construction Environmental Management Plan (CEMP) will be approved by the

certifier prior to issue of the Crown Certificate. The final approved CEMP is to meet the requirements and mitigation measures identified in Attachment 10.

3.4.4 Construction Staging

The proposal involves the staged removal of demountable structures. Some demountable structures will be retained and relocated during construction works to ensure that the school can remain operational whilst construction works are being undertaken. No demountable structures will remain on the site upon completion of all proposed new building works.

An indicative staging plan is provided in Figure 16 below. Construction works will be staged, noting that approval for tree removal works is subject to separate approval pathways.

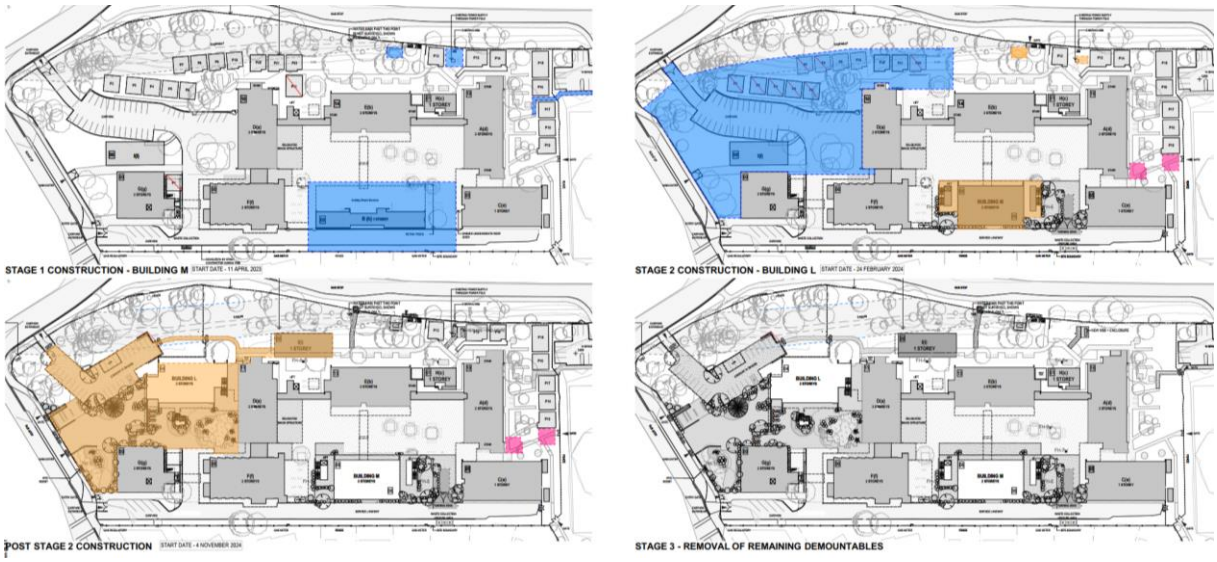

Figure 16: Indicative staging plan

4.0 Legislative and Planning Framework – Planning Approval Pathway

4.1 Overview

The key applicable legislative and planning framework is outlined below.

State Legislation

- Environmental Planning and Assessment Act 1979;
- Environmental Planning and Assessment Regulation 2021;
- State Environmental Planning Policy (Transport and Infrastructure) 2021;
- State Environmental Planning Policy (Biodiversity and Conservation) 2021;
- State Environmental Planning Policy (Resilience and Hazards) 2021;
- National Parks and Wildlife Act 1974;
- Biodiversity Conservation Act 2016;
- Rural Fires Act 1997;
- Water Management Act 2000; and
- Protection of the Environment Operations Act 1997.

Local Planning Legislation and Framework

- Sutherland Shire Local Environmental Plan (SSLEP) 2015; and
- Sutherland Shire Development Control Plan (SSDCP) 2015.

Miscellaneous Legislation and Policies

- Environment Protection and Biodiversity Conservation Act 1999 (EPBC Act);
- National Construction Code 2019 (NCC); and
- Australian Standards.

4.2 Planning and State Legislation

4.2.1 Environmental Planning and Assessment Act 1979

The proposed upgrade has been considered in terms of the provisions of Section 5.5 of the *EP&A Act 1979* where a determining authority in its consideration of an activity shall, notwithstanding any other provisions of the *EP&A Act 1979,* assess matters affecting or likely to affect the environment by reason of that activity.

Section 5.5 of the *EP&A Act 1979* is reproduced below:

> *"5.5 Duty to consider environmental impact*
>
> *(1) For the purpose of attaining the objects of this Act relating to the protection and enhancement of the environment, a determining authority in its consideration of an activity shall, notwithstanding any other provisions of this Act or the provisions of any other Act or of any instrument made*

under this or any other Act, examine and take into account to the fullest extent possible all matters affecting or likely to affect the environment by reason of that activity.

(2) (Repealed)

(3) Without limiting subsection (1), a determining authority shall consider the effect of an activity on any wilderness area (within the meaning of the Wilderness Act 1987) in the locality in which the activity is intended to be carried on."

With regard to subsection 5.5(3), the site is not located within, or adjacent to a wilderness area.

Subsection 5.6(2)(a) of the *EP&A Act 1979* prescribes that the Environmental and Assessment Regulation (EP&A Reg) 2021 may prescribe the manner in which an environmental impact assessment must be exercised, including the matters that must be considered, by a determining authority to exercise its functions under Section 5.5.

In accordance with subsection 5.6(2)(a) of the *EP&A Act 1979*, Clause 171 of the EP&A Reg 2021 stipulates the factors that must be taken into account when consideration is being given to the likely impact of an activity on the environment.

Section 5.7 of the *EP&A Act 1979* prescribes that a determining authority must not carry out or grant approval to an activity that:

- Is a prescribed activity; or
- Is an activity of a prescribed kind; or
- Is likely to significantly affect the environment,

unless it has considered an Environmental Impact Statement (EIS).

The proposal is not a prescribed activity, or an activity of a prescribed kind. As demonstrated by the assessment of environmental impacts in Section 5 of this REF, including the factors identified in Clause 171 of the EP&A Reg 2021, the proposed activity will not significantly affect the environment. On this basis, an EIS is not required for the proposed activity.

4.2.2 Environmental Planning and Assessment Regulation 2021

Clause 171 of the Environmental Planning and Assessment Regulation (EP&A Reg) 2021 stipulates the factors that must be taken into account when consideration is being given to the likely impact of an activity on the environment. An evaluation of the proposal against Clause 171 of EP&A Reg 2021 is provided in Section 5.13 of this REF.

4.2.3 State Environmental Planning Policy (Transport and Infrastructure) 2021

Chapter 2 – Infrastructure

Chapter 2 of the *State Environmental Planning Policy (Transport and Infrastructure) 2021* (Transport and Infrastructure SEPP) provides a consistent planning regime for infrastructure and the provision of services across NSW, along with providing for consultation with relevant public authorities during the assessment process.

The relevant development controls contained in Part 2.3 are addressed below.

Division 17 – Roads and road Infrastructure facilities

Division 17 applies to certain development adjacent to roads. The site has a frontage to Captain Cook Drive, which is a classified road, and accordingly Clauses 2.119 and 2.120 of the SEPP are relevant.

Clause 2.119 seeks to regulate the impacts of development on classified roads. Clause 2.120 seeks to regulate the impact of road noise and vibration on specified land uses, including educational establishments.

The proposal is acceptable with regard to the provisions of Clause 2.119 for the following reasons:

- The proposal will not compromise the effective and ongoing operation and function of the classified road as demonstrated in Traffic Impact Assessment prepared by Taylor Thomson Whitting (refer to Attachment 8);
- No change to vehicular access arrangements at the site is proposed. Vehicular access to the school will be via the existing two (2) driveways off Elouera Road and Bate Bay Road; and
- The proposal will not affect the nature, volume or frequency of vehicles using Captain Cook Drive to gain access to the land as it does not result in an increase in student enrolment or staff numbers.

The proposal is acceptable with regard to the provisions of Clause 2.120 for the following reasons:

- The proposal incorporates appropriate acoustic attenuation measures so as not to be affected by unreasonable traffic noise, vehicular emissions, or vibration; and
- The Road Traffic Noise Intrusion Assessment prepared by Day Design (refer Attachment 11) confirms that, subject to relevant recommendations, the intrusive road traffic noise levels will comply with internal noise levels specified by the Educational Facilities Standards and Guidelines (EFSG) and the Transport and Infrastructure SEPP.

The proposal does not constitute traffic generating development under clause 2.121.

Chapter 3 – Educational Establishments and Child Care Facilities

Clause 3.37 of the Transport and Infrastructure SEPP permits a range of activities under the 'development without consent' approval pathway that can be undertaken by Government schools subject to the provisions set out under that clause. Table 2 demonstrates compliance with the relevant provisions of Clause 3.37 of Transport and Infrastructure SEPP.

The Transport and Infrastructure SEPP also includes provisions relating to consultation requirements for activities which are addressed in Section 7 of this REF.

Compliance with Clause 3.37 of the Transport and Infrastructure SEPP	
Provision	Compliance
(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 —	
(a) construction, operation or maintenance, more than 5 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—	Complies. The proposed new buildings are setback more than 5m from any property boundary.
(i) a library or an administration building that is not more than 2 storeys high, or	Complies. The proposed new Administration Building (Building L) is two (2) storeys in height.
(ii) a portable classroom (including a modular or prefabricated classroom) that is not more than 2 storeys high, or	N/A

Compliance with Clause 3.37 of the Transport and Infrastructure SEPP	
Provision	Compliance
(iii) a permanent classroom that is not more than 2 storeys high to replace an existing portable classroom and that is used for substantially the same purpose as the portable classroom, or	Complies. The proposed new Building L and Building M are two (2) storeys in height and seek to replace existing portable classrooms used for substantially the same purpose (i.e. teaching space).
(iv) a kiosk or shop selling school-related goods to students and staff, such as books, stationery or school uniforms, that is not more than 2 storeys high, or	N/A
(v) a cafeteria or canteen that is not more than 2 storeys high and carried out in accordance with AS 4674—2004, Design, construction and fit-out of food premises, published by Standards Australia on 11 February 2004, or	Complies. The proposed new Building M is two (2) storeys in height and includes a cafeteria at ground floor level. The works will be carried out in accordance with AS 4674—2004, Design, construction and fit-out of food premises.
(vi) a car park that is not more than 1 storey high	Complies. The existing car park (proposed to be reconfigured) is an at-grade car park. No change is proposed to this arrangement.
(b) minor alterations or additions, such as—	
(i) internal fitouts, or	N/A
(ii) alterations or additions to address work health and safety requirements or to provide access for people with a disability, or	N/A
(iii) alterations or additions to the external facade of a building that do not increase the building envelope (for example, porticos, balcony enclosures or covered walkways),	N/A
(c) restoration, replacement or repair of damaged buildings or structures	N/A
(d) security measures, including fencing, lighting and security cameras,	N/A
(e) demolition of structures or buildings (unless a State heritage item or local heritage item).	N/A
(2) Subsection (1) applies only if the development 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.	Complies. The proposal does not result in any change to the existing vehicular access points.
(3) Subsection (1)(a) applies only if the development does not result in a prohibited increase in student or staff numbers.	Complies. The proposal does not involve an increase in student or staff numbers.
(4) Nothing in this section authorises the carrying out of development in contravention of any existing condition of the	Complies. Based on a review of all available consents, there are no such

Compliance with Clause 3.37 of the Transport and Infrastructure SEPP	
Provision	Compliance
development consent currently operating (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.	conditions which would be contravened. As part of previous preliminary investigations undertaken for the site, Sutherland Shire Council confirmed that there is no record of a consent for the construction of the school (which opened in 1961) as Council records date back to 1968 only (refer Attachment 12).
(5) A reference in this section to development for a purpose referred to in subsection (1)(a), (b) or (c) includes a reference to development for the purpose of construction works in connection with the purpose referred to in subsection (1)(a), (b) or (c).	Noted.
(6) This section does not apply to development for the purposes of campus student accommodation.	Noted.
(7) In this section— prohibited increase in student or staff numbers means—	Noted.
(a) an increase in the number of students that the school can accommodate that is more than the greater of 10% or 30 students, compared with the average number of students for the 12 months immediately before the commencement of the development, or	
(b) an increase in the number of staff employed at the school that is more than 10%, compared with the average number of staff for the 12 months immediately before the commencement of the development.	

Table 2: Transport and Infrastructure SEPP Clause 3.37: Schools – development without consent

4.2.4 State Environmental Planning Policy (Resilience and Hazards) 2021

Coastal Management

Chapter 2 of *State Environmental Planning Policy (Resilience and Hazards) 2021 (Resilience and Hazards SEPP)* provides management objectives for land use planning within coastal management areas.

Proximity Area for Coastal Wetlands – Clause 2.8

Clause 2.8 of the Resilience and Hazards SEPP applies to the subject site as it is identified within the Proximity Area for Coastal Wetlands (refer Figure 17). Clause 2.8 requires that a proposed development does not significantly impact on the biophysical, hydrological, or ecological integrity of the adjacent coastal wetland or littoral rainforest or the quantity and quality of surface and ground water flows to and from the coastal wetland or littoral rainforest.

As detailed in the Flora and Fauna Assessment prepared by Ecoplanning (refer Attachment 13), the proposed development will not have a significant impact on the adjacent coastal wetlands. No native vegetation that is part of or directly connected to the coast wetlands will be cleared. Subject to the implementation of relevant mitigation measures, the proposal is considered unlikely to have any impacts on the flows or riparian vegetation of the wetland area within or adjacent to the site.

The implementation of the stormwater management plan and erosion and sedimentation measures detailed by Cardno (refer Attachment 5) will also minimise impacts on the wetlands in proximity to the site.

Figure 17: Extract of Coastal Wetlands and Proximity Area for Coastal Wetlands map

Coastal Environment Area – Clause 2.10

Clause 2.10 of the Resilience and Hazards SEPP applies as part of the site is within the Coastal Environment Area (refer Figure 18).

Figure 18: Extract of Coastal Environment Area map

The proposed development is consistent with the provisions of Clause 2.10 as outlined below:

- The proposal involves minor excavation works only, which are largely limited to an area that accommodates existing buildings and hardstand areas. In this regard, the proposal will not result in any significant impact to the biophysical, hydrological, or ecological environment;
- Given the scope and location of proposed works, which include the replacement of buildings within an existing school, the proposal will not impact coastal environmental values, natural coastal processes, marine quality, native vegetation, fauna, headlands, or rock platforms. Further, the proposed works are separated from the coast by way of Captain Cook Drive, a part two (2) part three (3) lane roadway.
- Access to the foreshore and headland will not be affected by the proposed works;
- There are no known Aboriginal cultural heritage or places in the vicinity of the site. As demonstrated in the Aboriginal Heritage Due Diligence Report (refer Attachment 14), the proposal will not result in any impact to the heritage listed archaeological site 'Four wheel drive track'; and
- The site is not proximate to the surf zone.

Coastal Use Area – Clause 2.11

Clause 2.11 of the Resilience and Hazards SEPP applies as part of the site is within the Coastal Use Area (refer Figure 19).

Figure 19: Extract of Coastal Use Area map

The proposed development is consistent with the provisions of Clause 2.11 as outlined below:

- Given the scope and location of proposed works, which include the replacement of buildings within an existing school, the proposal will not affect access to, or overshadowing, window funnelling, or significant view loss of the foreshore and headland. The proposed works are separated from the coast by way of Captain Cook Drive, a part two (2) part three (3) lane roadway;
- Existing and proposed development on the site is unlikely to be visible from the coast. In this regard, the proposal will not adversely impact upon the visual amenity or scenic quality of the coast;
- As demonstrated in the Aboriginal Heritage Due Diligence Report (refer Attachment 14), there are no known Aboriginal cultural heritage or places in the immediate vicinity of the site; and

- The subject site does not contain any items of cultural or built environment heritage. Noting that all works are contained within the site envelope and are set back from the site boundary, the proposal will have no impact on the amenity or structural integrity of the nearby heritage listed archaeological site 'Four wheel drive track'.

Development in the Coastal Zone – Clauses 2.12 and 2.13

Given the scope and location of proposed works, which include the replacement of buildings within an existing school, the proposal is unlikely to result in any adverse impact to the structural integrity of the coast. The proposed works are separated from the coast by way of Captain Cook Drive. Accordingly, the risk of coastal hazards is not likely, and as such, the proposal is consistent with Clause 2.12 of the SEPP.

There are no coastal management programs that apply to the subject site. Hence, further consideration of Clause 2.13 is not considered necessary.

Site Remediation

Chapter 4 of the Resilience and Hazards SEPP prescribes a statutory process associated with the development of land that is contaminated and needs remediation.

Clause 4.6 of the SEPP provides the following:

> *"(1) A consent authority must not consent to the carrying out of any development on land unless:*
> *a) It has considered whether the land is contaminated, and*
> *b) If the land is contaminated, it is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out, and*
> *c) If the land requires remediation to be made suitable for the purpose for which the development is proposed to be carried out, it is satisfied that the land will be remediated before the land is used for that purpose."*

The activity involves the demolition of an existing building, car park, and hardstand areas and the construction of two (2) new buildings. The proposal does not involve a change to the existing school use. The proposed works will necessitate minor excavations to accommodate footings for the new building works, removal of hard stand areas, slab preparation, reconfiguration of the at-grade car park, and new OSD tank. This will require minimal disturbance of existing soils on site, including any potential fill.

A Detailed Site Investigation (DSI) and Geotechnical Investigation (including an Acid Sulfate Soils Assessment) were undertaken by Martens & Associates and are included at Attachments 15 and 16, respectively.

Key findings and conclusions of the DSI and Acid Sulfate Soils Assessment (ASSA) are summarised below:

- Laboratory test results indicate that none of the tested soil samples exceed the nominated action criteria. Therefore, excavation works will not require preparation of a management plan to address risk associated with acid sulfate soils (ASS) and potential acid generation;
- Based on borehole testing and observations of existing groundwater wells, no groundwater odours or other obvious signs of contamination were noted. Groundwater is not expected to be a source or receptor of contamination;
- Soil samples were laboratory tested and found to contain contaminant concentrations below the adopted site acceptance criteria (SAC) in all samples;
- No asbestos containing material (ACM) was observed in any borehole, and only trace anthropogenic inclusions were observed in some fill material. However, the subsurface investigations were limited to boreholes, thereby limiting the capacity to visually assess subsurface material;

- Based on visual inspection and laboratory analysis, the preliminary waste classification of site fill material is General Solid Waste (non putrescible) apart from material potentially impacted by ACM which will also be classified as special waste. Natural soils are expected to be considered virgin excavated natural material (VENM);
- The existing asphaltic cement pavement surface within the site is also suitable for reuse as it does not contain asbestos or coal tar; and
- All investigation locations assessed as part of the DSI were found to carry a very low risk of chemical contamination based on assessment against the National Environment Protection Measures (NEPM) guidelines. However, given that the proposed redevelopment works involve bulk earthworks, the site can only be considered suitable subject to the implementation of a Remedial Action Plan (RAP) for areas of ACM impacted soils.

A RAP has been prepared by Martens & Associates and is included at Attachment 17. The RAP outlines the remedial requirements and preferred remediation option. The preferred option is to implement a strategic reburial and capping strategy for soils impacted with ACM. The strategy is summarised below:

- Soils cut from ACM impacted areas shall be excavated as required by the proposed earthworks and transported and placed into various capping areas beneath future hardstand areas or future site structures. Capping areas may need to be over excavated prior subject to cut / fill volumes and design levels;
- The material placed into a capping area is to be covered with a marker layer prior to the construction of either hard stand or future structures; and
- The resultant remediation excavation (from asbestos and suspected asbestos areas) and the capping areas shall be validated following the methodology outlined in the RAP.

Validation testing and reporting will be required following remediation works, to confirm the objectives of the RAP have been met and that the investigation area is suitable for the proposed ongoing use as a high school.

Following completion of the remediation works, potential risk to future site receptors shall be managed via preparation of a long term Environmental Management Plan (EMP) or updates to the existing Asbestos Management Plan prepared in June 2020. Based on the information obtained from the DSI and other site contamination assessments, the onsite encapsulation of asbestos impacted soils is considered unlikely to impact sensitive environmental receptors given that:

- Analytical testing of site soils, including asbestos impacted fill material, as part of the DSI did not identify significant concentrations of potential contaminants of concern other than asbestos;
- Based on preliminary groundwater measurement (discussed in the DSI) it is considered unlikely that asbestos impacted material will be placed at a depth that will intercept site groundwater; and
- The potential for infiltration of surface water through the capping layer is considered to be low given the final finish of the capping areas will be either hardstand pavement or beneath a proposed building.

Based on the findings of the DSI and subject to the implementation of the RAP, the proposal will satisfy the provisions of Chapter 4 of the Resilience and Hazards SEPP.

4.2.5 National Parks and Wildlife Act 1974

Aboriginal cultural heritage is protected under the *National Parks and Wildlife Act (NPW Act) 1974*. An Aboriginal Heritage Due Diligence Report has been prepared by GML (refer Attachment 14).

The Report presents the findings of the Aboriginal community consultation process and archaeological test excavations to identify tangible and intangible cultural values of the study area, and provides information on

the location, distribution and significance of Aboriginal objects within the study area. It assesses the likely harm to objects and cultural values that may occur as a result of the proposed development and makes recommendations for the management of Aboriginal cultural heritage within the site.

The Report relates to the entire site, referred to as the 'study area'. The key findings are summarised below:

- The development of the new school buildings will disturb and excavate the ground and horizons below the ground;
- There are no Aboriginal Heritage Information Management System (AHIMS) sites inside the Cronulla High School site. AHIMS site 52-3-1971 is located approximately 400m southeast from the study area. This site presented evidence for buried soil horizons with an unknown number of Aboriginal objects;
- The proposed works will impact the landforms associated with the extant school, which could hold some sensitivity for Aboriginal objects only if the dune sequences are intact;
- Analysis of prior impacts through aerial photography identifies there are potentially significant past impacts to dune horizons. Following an inspection, no landscape features could be associated with Aboriginal archaeological objects, and no Aboriginal objects were identified;
- The sedimentary analysis confirmed the presence of fill and a process of dune truncation to 5m AHD across most of the study area. Some locations had been entirely impacted by past activities. The truncation had removed the upper dune layers including the former organic horizon and underling mottled sands;
- An archaeological assessment of the study area found that there was no to low potential for intact Aboriginal objects. If present, any Aboriginal objects would most likely be representative of isolated objects, which are unlikely to be detectable through a program of archaeological test excavation; and
- The proposal can proceed subject to caution.

The Aboriginal Heritage Due Diligence Report recommends the following measures be implemented to minimise potential impacts on Aboriginal Cultural Heritage:

- All site workers and contractors should undergo an induction and be informed of their obligations under the *National Parks and Wildlife Act 1974*;
- During the initial process of site excavation, once any fill material has been removed to the top of the remanent intact dune, a representative from the La Perouse Local Aboriginal Land Council (LALC) (and an archaeologist) could be invited to inspect the excavated area and confirm the absence of Aboriginal objects;
- During any works, in the unlikely event that an Aboriginal object is identified or suspected, temporary fencing must be placed around the object with a buffer of at least 10m. An appropriately qualified archaeologist should be engaged to assess the finding. Should the object be determined as an Aboriginal object, then Heritage NSW and the La Perouse LALC should be informed. Works should not proceed until statutory advice is received from Heritage NSW;
- In the unlikely event that suspected human remains are encountered during construction, all works should cease immediately and:
- The location, including a 10m buffer should be secured using a barrier to avoid further disturbance;
- Any sands removed from the study area should be identified and returned to the works area;
- The NSW Police should be contacted immediately;
- No further action is to be undertaken until the NSW Police provide advice that it is safe to do so;
- If skeletal remains are identified as being Aboriginal, the proponent pr their agent must contact Heritage NSW and representatives of the La Perouse LALC; and
- No further works are to continue until Heritage NSW provided notification to SINSW or their agent.

4.2.6 Biodiversity Conservation Act 2016

The objectives of the *Biodiversity Conservation (BC) Act 2016* are to provide for the conservation of threatened species, populations and ecological communities of animals and plants. The BC Act sets out a number of specific objects relating to the conservation of biological diversity and the promotion of ecologically sustainable development.

Section 7.3 of the BC Act 2016 requires a 'Tests of Significance' when considering the likely impact of any development on threatened species, populations or habitats listed under the BC Act 2016. Tests are to be undertaken in accordance with the NSW Office of Environment and Heritage's (OEH's) Threatened Species Test of Significance Guidelines.

The Flora and Fauna Assessment prepared by Ecoplanning (refer Attachment 13) includes the following key findings and conclusions:

- No threatened flora or fauna species or threatened ecological communities (TECs) listed under the BC Act were recorded or have been determined as likely to occur within the study area;
- A small portion of the study area was mapped by OEH (2018) as Plant Community Type (PCT) 772 Coast Banksia – Coast Wattle dune scrub of the Sydney Basin Bioregion and South-East Corner Bioregion. However, a field survey confirmed that the study area no longer conforms to any native vegetation community due to extensive historical clearing;
- However, one (1) threatened fauna species, Grey-headed Flying-fox (GHFF), listed as 'vulnerable' under the BC Act 2016 was identified as having a moderate likelihood of occurrence within the study area. A significant impact assessment and five-part test was undertaken and concluded:
- The proposal is unlikely to substantially interfere with the recovery of the species; and
- The proposal is unlikely to have an impact on the breeding cycle of nearby populations, nor is it likely to have an adverse effect on critical habitat.
- The proposal will modify approximately 0.09 ha of planted vegetation within the subject site. This vegetation does not conform to a TEC. Therefore, the Test of Significance was not required to be applied. Biodiversity Development Assessment Report is not required given that there is unlikely to be a significant impact on the threatened ecological community
- No suitable habitat for threatened species was located within the study area. A moderate likelihood of occurrence was given to 19 species due to high numbers of records in the surrounding areas. However, there would not be a significant impact to these fauna species due to the disturbed and degraded condition of the study area, and the limited size of the study area;
- The subject land has not been identified as being part of the flight path for shorebirds or other migratory or threatened biota. The proposed development is unlikely to interfere with the flight path of any threatened or migratory species which may currently use the site and surrounding areas as a flight path; and
- The implementation of avoidance and mitigation measures (refer Section 6 of this REF) will reduce potential impacts to biodiversity values within the subject site and the environment.

Having regard to the above, the proposal is considered acceptable with regard to the provisions of the BC Act 2016.

4.2.7 Rural Fires Act 1997

The subject site is not identified as bushfire prone land. Accordingly, further consideration of the *Rural Fires Act 1997* is not considered necessary.

4.2.8 Water Management Act 2000

The carrying out of development within 40m of watercourse requires 'controlled activity approval' from the NSW Office of Water under section 91 of the *Water Management (WM) Act 2000.*

The proposed works are not located within 40m of a watercourse, and as such, further consideration of the WM Act 2000 is not considered necessary.

4.2.9 Protection of the Environment Operations Act 1997

The *Protection of the Environment Operations (PoEO) Act 1997* principally regulates noise, air, and water pollution. The provisions of the PoEO Act 1997 will be relevant at the time of construction, ensuring no air and water pollution occurs. Appropriate mitigation measures may be included to ensure compliance with the PoEO Act 1997.

4.3 Sutherland Shire Local Environmental Plan (SSLEP) 2015

4.3.1 Zoning and Permissibility

The site is zoned SP2 Infrastructure (Educational Establishment) under SSLEP 2015 as illustrated in the extract of the Land Zoning Map in Figure 20.

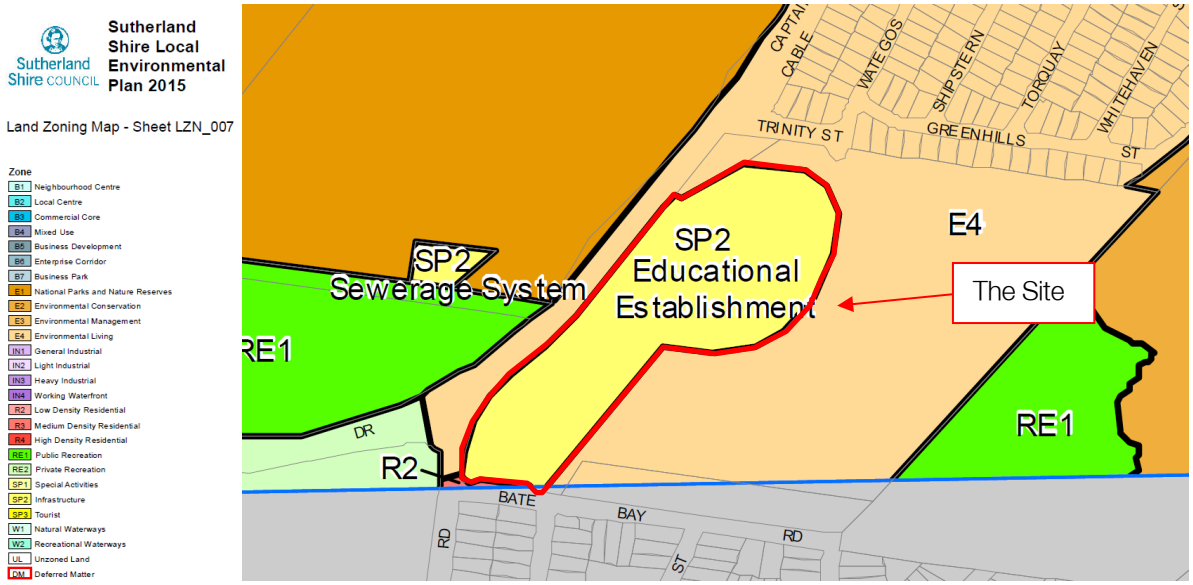

Figure 20: Extract of SSLEP 2015 Land Zoning Map

The proposed development is classified as an 'educational establishment' which is permissible with consent in the SP2 Infrastructure zone and is defined as follows:

> ***educational establishment*** *means a building or place used for education (including teaching), being—*
> *(a) a school, or*
> *(b) a tertiary institution, including a university or a TAFE establishment, that provides formal education and is constituted by or under an Act.*

Accordingly, the proposed works are permissible with consent.

The proposed development is also consistent with the objectives of the SP2 Infrastructure zone as detailed in Table 3.

Objective	Comment
R2 Low Density Residential Zone	
To provide for infrastructure and related uses.	The existing school provides educational infrastructure for the local community. The proposed works will provide improved teaching and learning services and facilities on the site.
To prevent development that is not compatible with or that may detract from the provision of infrastructure.	The proposal does not involve a change of use and will not detract from the provision of infrastructure.

Table 3: SP2 zone objectives assessment table

4.3.2 Height of Buildings (Clause 4.3)

Clause 4.3 of SSLEP 2015 establishes a 12m maximum building height for the site, as illustrated in the extract of the Height of Buildings Map included in Figure 21.

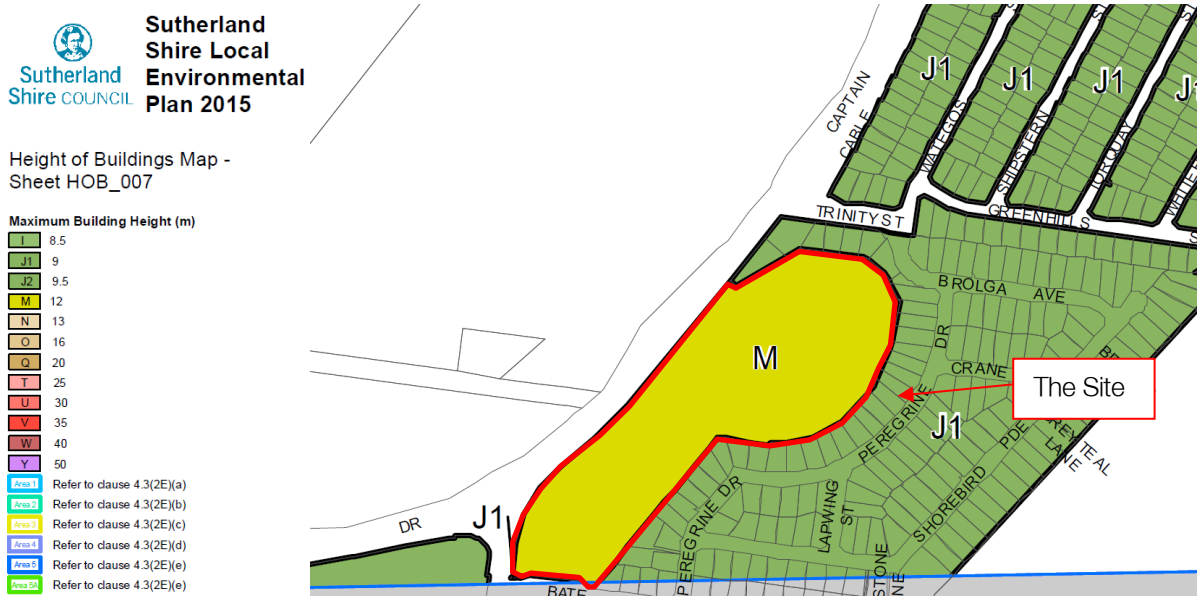

Figure 21: Extract of SSLEP 2015 Height of Buildings Map

As illustrated in the Architectural Drawings Package (refer Attachment 2) and the extract at Figures 22 and 23, the proposed new Building L and Building M will comply with the maximum building height of 12m.

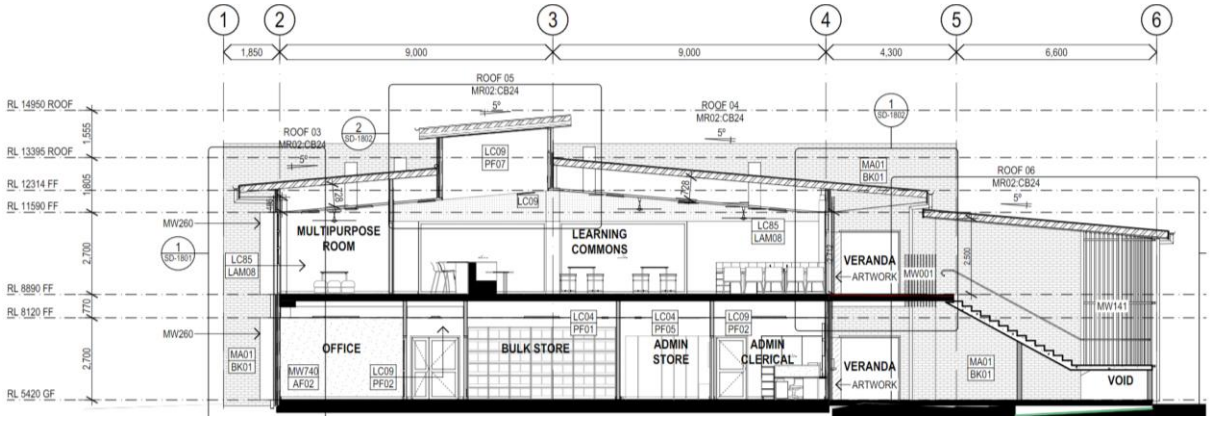

Figure 22: Extract of Building L section plan demonstrating compliance with the 12m height limit (Source: Fulton Trotter Architects)

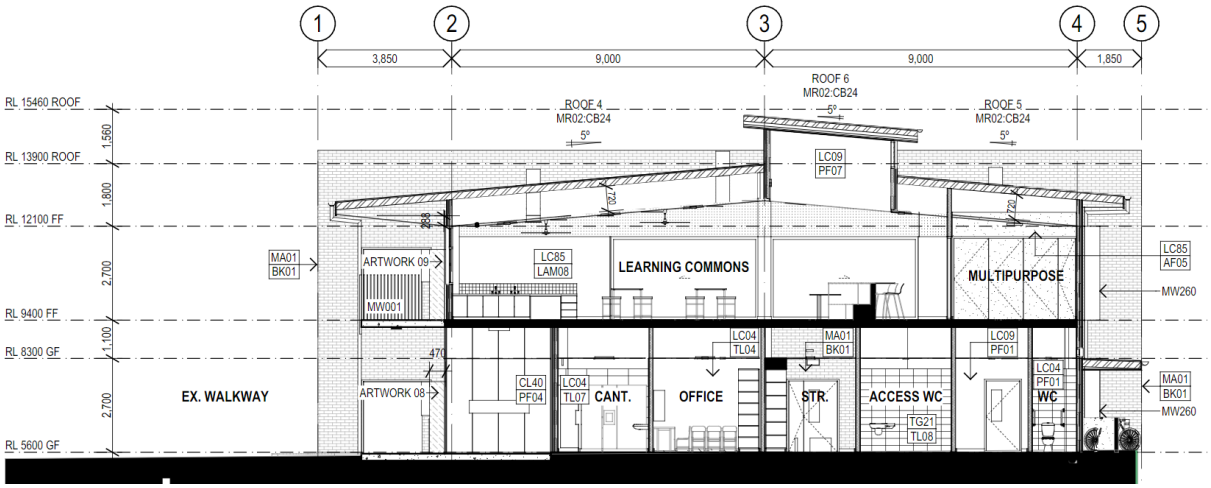

Figure 23: Extract of Building M section plan demonstrating compliance with the 12m height limit (Source: Fulton Trotter Architects)

4.3.3 Floor Space Ratio (Clause 4.4)

Clause 4.4 of SSLEP 2015 does not specify a maximum FSR as being applicable to the site. Hence, further consideration of Clause 4.4 is not necessary.

4.3.4 Heritage Conservation (Clause 5.10)

Clause 5.10 seeks to conserve the environmental heritage of the Sutherland Shire LGA including heritage items, conservation areas, archaeological sites, and Aboriginal objects and places of heritage significance.

As illustrated on the extract of the Heritage Map at Figure 24, the site is not listed as a heritage item and is not located within a conservation area. However, the site is in proximity to a local listed archaeological site 'Four wheel drive track' (Item No. A2523).

Additionally, as shown in Figure 25, the site is in proximity to two (2) State listed heritage items: 'Cronulla Sand Dune and Wanda Beach Coastal Landscape' (No. 01668) and 'Kamay Botany Bay National Park (North and South) and Towra Point Nature Reserve' (No. 01918).

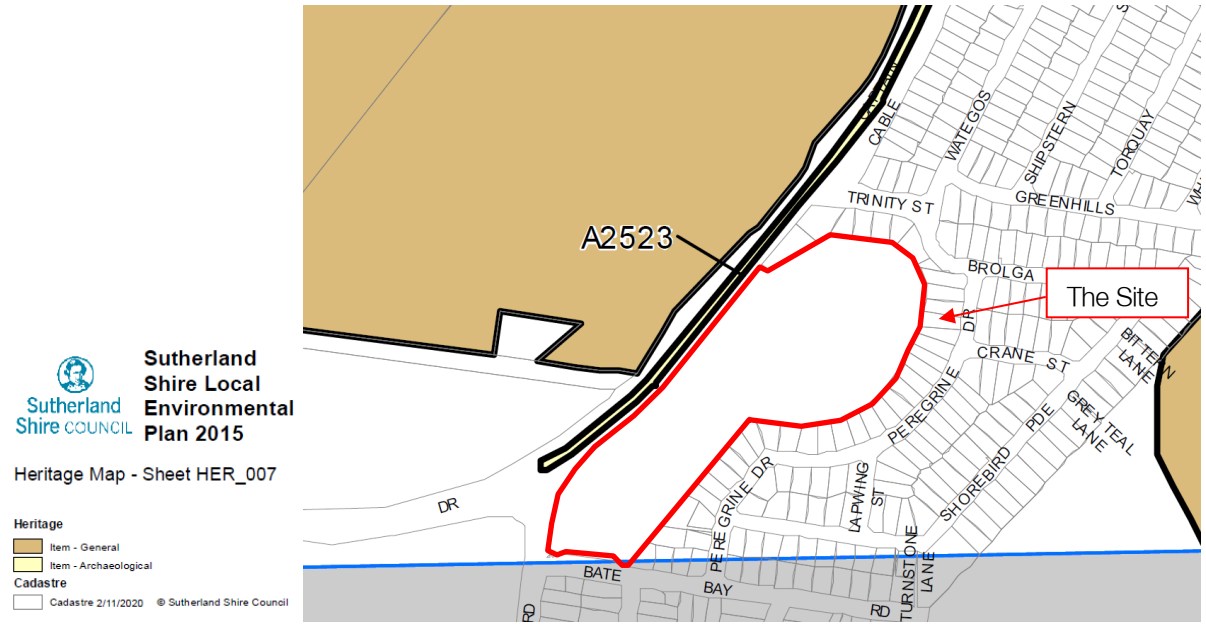

Figure 24: Extract from SSLEP 2015 Heritage Map

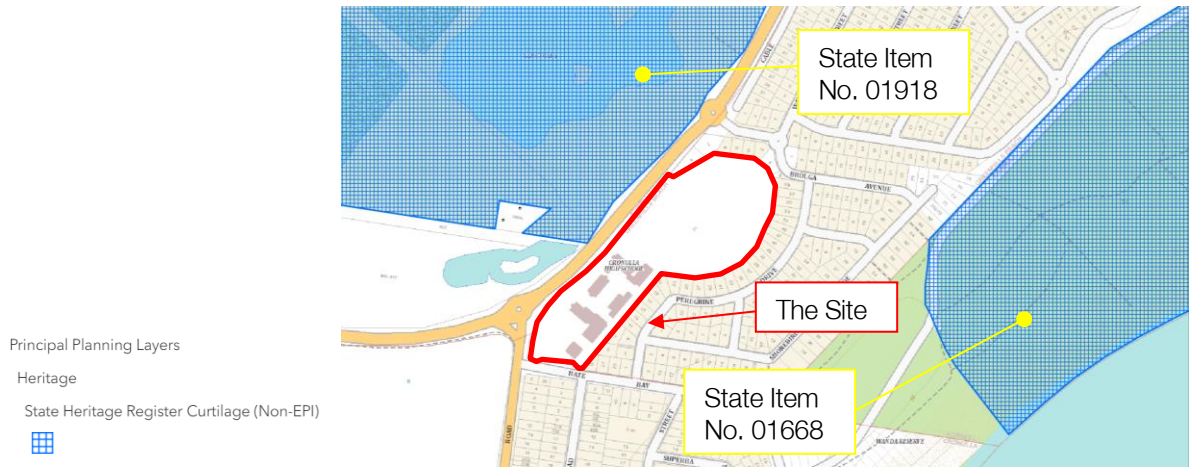

Figure 25: Extract from SSLEP 2015 Heritage Map

The proposal comprises the replacement of existing school buildings and alterations to the car park and hardstand areas that are separated from the nearby Towra Point Nature Reserve by the existing heavily treed setback and Captain Cook Drive. Given this equates to a separation of some 50m, the proposal is unlikely to result in any impacts to the reserve itself or to its aesthetic or historic qualities.

The State heritage listing for Towra Point Nature Reserve relates to its Aboriginal cultural significance and ecological significance. The attached Aboriginal Heritage Due Diligence Report (refer Attachment 14) and Flora and Fauna Assessment (refer Attachment 13) demonstrate that the proposed activity will not result in any adverse impacts relative to the Aboriginal cultural significance or ecological significance of the locality.

4.3.5 Flood Planning (Clause 5.21)

Clause 5.21 identifies requirements for development located on land within the flood planning area. As illustrated in Figure 26, a small portion of the school site, towards the western site boundary, is identified as Flood Prone Land (low to medium risk).

Figure 26: Extract of Sutherland Shire Council Flood Prone Land Map

The extent of flood affectation is limited to part of the frontage to Captain Cook Drive and minor encroachments along the site's Bate Bay Road frontage. All works are proposed outside of the flood affected area and above the flood planning level and consequently are not within the flood planning area. On this basis, the proposal is consistent with Clause 5.21.

4.3.6 Acid Sulfate Soils (Clause 6.1)

Clause 6.1 seeks to minimise impacts of acid sulfate soils on the environment. The site is located within Class 3 and Class 4 Acid Sulfate Soils (ASS) lands as illustrated in Figure 27.

A Geotechnical Investigation (including an Acid Sulfate Soils Assessment) was prepared by Martens & Associates (refer Attachment 16). The analysed soil samples did not indicate the presence of Actual Acid Sulphate Soils (AASS). However five (5) out of fourteen (14) tested samples indicated the potential for ASS (PASS) to be present in soil.

Laboratory test results indicate that none of the fourteen (14) tested samples exceeds the action criteria for the acid trail. Therefore, excavation in the proposed development areas will not require preparation of a management plan to address risk associated with ASS and potential acid generation.

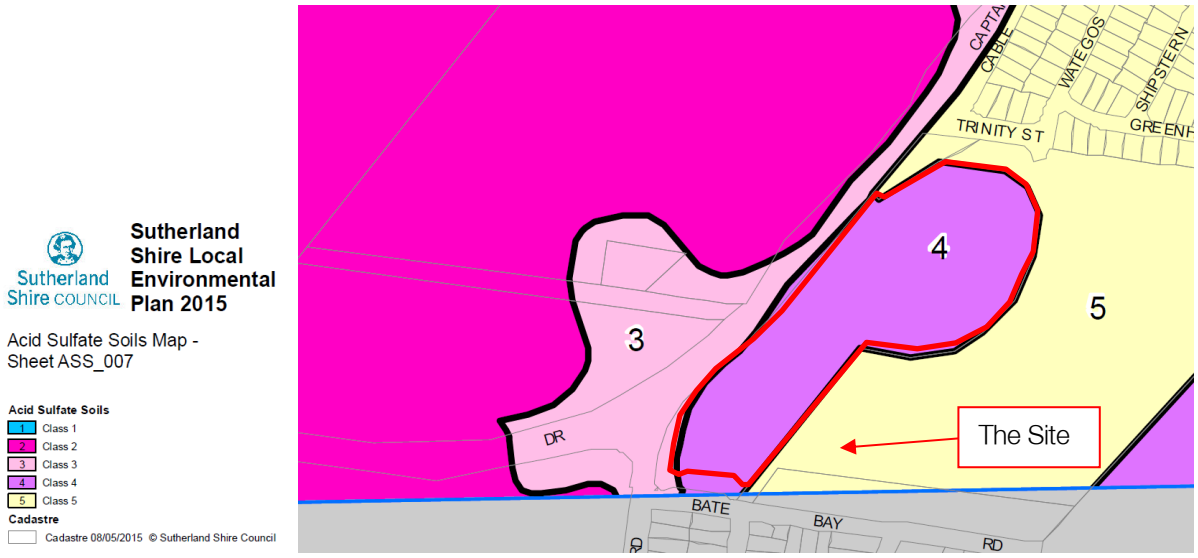

Figure 27: Extract of SSLEP 2015 Acid Sulfate Soils Map

4.3.7 Earthworks (Clause 6.2)

Clause 6.2 identifies matters to be considered to ensure development involving earthworks will not have a detrimental impact on environmental functions and processes, neighbouring development, heritage or features of the surrounding land.

The proposed earthworks are minor and consistent with Clause 6.2 and will not adversely impact on:

- Drainage patterns and soil stability;
- The existing school use;
- The amenity and structural integrity of nearby properties; or
- Nearby waterways and environmentally sensitive areas.

The proposed works will necessitate minor excavations to accommodate footings for the new building works, removal of hard stand areas, slab preparation, reconfiguration of the at-grade car park, and new OSD tank. This will require minimal disturbance of existing soils on site, including any potential fill. No basement excavation is proposed and relevant sediment and erosion controls measures will be adhered to during construction.

As outlined in the attached Aboriginal Heritage Due Diligence Report and Section 4.2.5 of this REF, an archaeological assessment of the study area found that there was no to low potential for intact Aboriginal

objects. If present, any Aboriginal objects would most likely be representative of isolated objects, which are unlikely to be detectable through a program of archaeological test excavation.

Notwithstanding, the Report recommends mitigation measures to minimise the potential impacts on Aboriginal cultural heritage during demolition, earthworks, and construction, which are summarised in Section 6 of this REF.

4.3.8 Stormwater Management (Clause 6.4)

Clause 6.4 seeks to minimise the impacts of urban stormwater on adjoining properties, native bushland and receiving waters.

The proposed stormwater management is detailed in the Stormwater and Civil Engineering Plans prepared by Cardno (refer Attachment 5). Consistent with Clause 6.4, the stormwater management concept minimises impacts on adjoining properties and significant nearby bushland and coastal wetlands as outlined below:

- Roof water from the new development (i.e. Building L and Building M) and runoff from the proposed reconfigured carparks will be collected, quantity attenuated via an OSD, and discharged to the existing public stormwater mains;
- Runoff from the carpark will be treated via an oil and grease separator;
- The OSD will be designed to allow for stormwater discharge of runoffs of all storms up to 100 years ARI. The controlled discharge will then be conveyed to a Council stormwater connection to an existing Kerb Inlet Pit (KIP) at Elouera Road near the corner with Bate Bay Road;
- There will be no increase in the impervious areas at the location of Building M, hence the roof and surface stormwater in the vicinity of Building M will be discharged into the existing stormwater system.

4.4 Sutherland Shire Development Control Plan (SSDCP) 2015

Due to the nature of the proposed works, which involve alterations and additions to an existing school under Part 5 of the *EP&A Act 1979*, the provisions of SSDCP 2015 are not applicable as development permitted without consent (under the Transport and Infrastructure SEPP) is not subject to local planning controls. Notwithstanding this, the relevant provisions are addressed in the following sections.

4.4.1 Vehicular Access, Traffic, Parking and Bicycles (Chapter 36)

Chapter 36 of the DCP sets out car parking rates for specific development types. There is no car parking rate applying to school development, rather a traffic study is to be undertaken. A Traffic Impact Assessment (TIA) has been prepared by Taylor Thomson Whitting (refer Attachment 8) and the findings of the traffic study with regard to car parking, are summarised below:

- The proposed 71 car spaces are considered adequate and sufficient to accommodate the car parking demand for 78 staff. It is proposed to provide car parking for staff only and not for students;
- A lower provision of on-site parking is consistent with the TfNSW Road User Space Allocation Policy, which seeks to prioritise pedestrian access and reduce private vehicle infrastructure. The reduced provision of car parking is consistent with the sustainable transport goals of Cronulla High School, the Transport Working Group, and state-wide planning policies.
- There are various external projects available for the staff, students, and parents which would improve active and public transport accessibility;
- The reduction in on-site car parking will encourage staff to use alternative modes, thereby reducing vehicular traffic volumes on and around the site and improving safety for students.
- The applied School Transport Plan will provide the relevant management strategies and communications to encourage and allow lower vehicle usage for staff. The strategy of reduced parking

reflects a move from the traditional 'predict and provide' methodology towards a 'decide and provide' methodology for sustainable transport practices.

The DCP prescribes a rate of one (1) bicycle space per ten (10) car parking spaces for the first 200 car spaces, then one (1) space per 20 parking spaces thereafter. In addition, one (1) unisex shower is required per ten (10) staff. This equates to a requirement of eight (8) bicycle spaces and eight (8) unisex staff showers. The proposed new Building M accommodates eight (8) bicycle spaces and two (2) unisex staff showers. The shortfall in shower facilities provided is acceptable in this instance noting that, based on the traffic survey undertaken, only one (1) staff member currently cycles to the school. The proposal complies with the SSDCP 2015 bicycle parking rate.

The proposal will not result in any significant impact to the surrounding road network. Additionally, no change is proposed to the existing vehicular access points or pick-up and drop-off arrangements at the school.

The proposed reconfiguration of the existing car park has been designed to comply with the relevant Australian Standards and provisions of SSDCP 2015.

4.4.2 Natural Resource Management (Chapter 39)

As detailed in the Flora and Fauna Report included at Attachment 13, the proposal has been designed with regard to the relevant provisions of SSDCP 2015 relating to the protection of wetlands, waterways, threatened species, trees, and bushland.

The proposed development is unlikely to have a significant impact on any locally occurring ecological communities, threatened flora, fauna, or migratory species due to the small area of impact proposed and the disturbed nature of existing vegetation and habitats.

As noted previously, the removal of trees is being pursued via separate approval pathways with Sutherland Shire Council. Notwithstanding, the Flora and Fauna Report indicates that the vegetation and tree removal is acceptable with regard to biodiversity impacts.

Overall, the proposed works are consistent with the objectives and controls of Chapter 39 of the DCP as it will not adversely impact on the ecological values of the Sutherland Shire area.

4.5 Additional Relevant Legislation

The following legislation is also applicable to the proposal.

4.5.1 Commonwealth Legislation

<u>Environment Protection and Biodiversity Conservation Act 1999 (EPBC Act)</u>

The objectives of EPBC Act are to provide for the conservation of threatened species, populations and ecological communities of animals and plants.

Under the EPBC Act, a proponent must not undertake an action if that action is a controlled action, but instead must refer the proposed development to the Minister for the Environment for the Minister's decision as to whether or not the action is a controlled action. A controlled action is one that has or will have; or is likely to have an impact on matters protected under the EPBC Act (Matters of National Environmental Significance).

An action includes a project, development, undertaking, activity, or series of activities. The EPBC Act identifies nine Matters of National Environmental Significance:

1. World Heritage properties;

2. National Heritage places;
3. Wetlands of international importance (those listed under the Ramsar Convention);
4. Listed threatened species and communities;
5. Migratory species listed under international agreements;
6. Nuclear actions;
7. Commonwealth marine areas;
8. Great Barrier Reef Marine Park; and
9. A water resource, in relation to coal seam gas development and large coal mining development.

Items 3, 4, and 5 are of relevance to this proposal.

The Flora and Fauna Assessment prepared by Ecoplanning (refer Attachment 13) concluded the following:

- The EPBC Act establishes a process for assessing the environmental impact of activities and developments where Matters of National Environmental Significance (MNES) may be affected. Under the Act any action which *"has, will have, or is likely to have a significant impact on a matter of national environmental significance"* is defined as a 'controlled action' and requires approval from the Commonwealth Department of Agriculture, Water and the Environment (DAWE);
- No threatened flora and fauna species listed under the EPBC Act were identified within the study area. However, one (1) fauna species (Grey-headed Flying-fox) listed as Vulnerable under the EPBC Act has a moderate likelihood of occurring in the study area, therefore, the Significant Impact Criteria (SIC) was applied to this species and concluded that a significant impact to these species is unlikely;
- A small portion of the study area was mapped by OEH (2018) as PCT 772 Coast Banksia – Coast Wattle dune scrub of the Sydney Basin Bioregion and South East Corner Bioregion. However, a field survey confirmed that the study area no longer conforms to any native vegetation community due to extensive historical clearing;
- 0.09 hectares of planted vegetation will be removed as part of the proposed development. No suitable habitat for threatened species was located within the study area;
- A moderate likelihood of occurrence was given to 19 species due to high numbers of records in the surrounding areas. However, there would not be a significant impact to these fauna species due to the disturbed and degraded condition of the study area, and the limited size of the study area;
- The site has not been identified as being part of the flight path for shorebirds or other migratory or threatened biota; and
- The implementation of avoidance and mitigation measures (refer Section 6 of this REF) will reduce potential impacts to biodiversity values within the subject site and the environment.

Furthermore, as detailed in the Flora and Fauna Assessment, subject to the implementation of relevant mitigation measures, the proposal is considered unlikely to have any impacts on the flows or riparian vegetation of the nearby Ramsar Convention listed wetlands area. The implementation of the stormwater management plan (which connected to Council's existing stormwater system) and erosion and sedimentation measures detailed by Cardno (refer Attachment 5) will also minimise impacts on the Ramsar Convention listed wetlands in proximity to the site.

Noting the above, it is considered that impacts to Matters of National Environmental Significance are unlikely and a referral to the Commonwealth Minister for the Environment under the EPBC Act is not recommended or required.

4.5.2 Additional Relevant Codes

Additional relevant codes include the National Construction Code 2019 (NCC) and the Australian Standards. As outlined in the NCC Report prepared by Certis (refer Attachment 18), compliance with the NCC is capable of being achieved by a combination of compliance with the deemed-to-satisfy (DTS) provisions and the provision and documentation of performance based solutions by suitably qualified consultants.

As outlined in the Access and Mobility Report prepared by Certis (refer Attachment 19), through ongoing design development and detailing, the proposal is capable of compliance with the relevant statutory accessibility legislation and will ensure reasonable access provisions for people with disability to and within the proposed new works.

Further consideration of the NCC and Australian Standards will be undertaken by an appropriately accredited certifier.

4.6 Ecologically Sustainable Development Principles

The proposal addresses the principles of Ecologically Sustainable Development (ESD) as defined under Clause 193 of the EP&A Reg 2021 and outlined below:

> *"(2) The precautionary principle is that if there are threats of serious or irreversible environmental damage, lack of full scientific certainty should not be used as a reason for postponing measures to prevent environmental degradation.*
>
> *(3) In applying the precautionary principle, public and private decisions should be guided by—*
>
> > *(a) careful evaluation to avoid, wherever practicable, serious or irreversible damage to the environment, and*
> >
> > *(b) an assessment of the risk-weighted consequences of various options."*

Subject to the implementation of relevant requirements and mitigation measures discussed at Section 6, this REF has not identified any serious threat of irreversible damage to the environment that would arise from the proposal.

> *"(4) The principle of inter-generational equity is that the present generation should ensure the health, diversity and productivity of the environment are maintained or enhanced for the benefit of future generations."*

The proposal has been designed to benefit both existing and future generations with the provision of enhanced educational facilities for the benefit of current and future staff and students.

> *"(5) The principle of the conservation of biological diversity and ecological integrity is that the conservation of biological diversity and ecological integrity should be a fundamental consideration."*

As detailed in Flora and Fauna Assessment (refer Attachment 13), the proposal will not have any significant effect on the biological diversity and ecological integrity of the locality or wider area, subject to the implementation of relevant mitigation measures.

> *"(6) The principle of improved valuation, pricing and incentive mechanisms is that environmental factors should be included in the valuation of assets and services, such as—*
>
> > *(a) polluter pays, that is, those who generate pollution and waste should bear the cost of containment, avoidance or abatement, and*
> >
> > *(b) the users of goods and services should pay prices based on the full life cycle of the costs of providing the goods and services, including the use of natural resources and assets and the ultimate disposal of waste, and*
> >
> > *(c) established environmental goals should be pursued in the most cost effective way by establishing incentive structures, including market mechanisms, that enable those best placed to maximise benefits or minimise costs to develop their own solutions and responses to environmental problems."*

This principle requires consideration of all environmental resources that may be affected by a proposal. The proposal incorporates the following to minimise impacts on resources:

- Passive design principles, including:
- Managing glazing ratios to ensure buildings don't overheat;
- Good daylighting to minimise energy consumption and ongoing running costs;
- Air cooling and heating systems for the school are to include timed or sensor operation functionality, centralised control of HVAC plant, and insulation to meet Section J of the National Construction Code (NCC);
- Minimisation of water usage including installation of rainwater reuse tanks to serve toilets/urinals and irrigate gardens and installation of Water Efficiency Labelling and Standards (WELS) related tapware/fixtures to meet Greenstar project requirements.
- Measures for avoiding, reusing, recycling, and managing waste during construction and operational phases of the development.

5.0 Environmental Assessment

5.1 Introduction

This section describes any potential impacts of the proposal. Many of the potential impacts have been discussed in the preceding assessment of the planning and legislation framework.

5.2 Assessment Methodology

The environmental assessment methodology for the project involved the following:

- Identifying potential environmental risks/impacts associated with the project;
- Evaluating identified risks/impacts to determine the potential for occurrence and degree of severity; and
- Identifying and determining suitable environmental management procedures and mitigation measures for planned works.

Clause 171 of the EP&A Reg 2021 stipulates the factors that must be taken into account when consideration is being given to the likely impact of an activity on the environment. An evaluation of the proposal against Clause 171 of the EP&A Reg 2021 is provided at Section 5.13 of this REF. Applicable environmental management procedures and control measures can be found in Attachment 10 and Section 6 of this REF.

5.3 Physical Environment and topography

The topography across most of the site is relatively flat with a slight slope from the south to the north (i.e. towards Woolooware Bay). There is an embankment adjacent to north western site boundary (i.e. along Captain Cook Drive) where the ground level drops from approximately RL 4.9 to RL 2.3. This embankment will be retained ensuring the predominant topography of the site remains largely unchanged.

Minor changes to the site topography will occur within the existing hardstand and built areas and is principally attributed to minor excavation associated with the reconfiguration of the at-grade car park, and new OSD tank, which will require some cut and fill.

5.4 Aboriginal Cultural Heritage

As detailed in the Aboriginal Heritage Due Diligence Report (refer Attachment 14) and Section 4.2.5 of this REF, archaeological assessment of the site found that there was no to low potential for intact Aboriginal objects. If present, any Aboriginal objects would most likely be representative of isolated objects, which are unlikely to be detectable through a program of archaeological test excavation.

Notwithstanding, the Report recommends the following measures be implemented to minimise potential impacts on Aboriginal Cultural Heritage:

- All site workers and contractors should be inducted to the area and informed of their obligations under the *National Parks and Wildlife Act 1974*;
- During the initial process of site excavation, once any fill material has been removed to the top of the remanent intact dune later, a representative from the La Perouse Local Aboriginal Land Council (LALC) (and an archaeologist) could be invited to inspect the excavated area and confirm the absence of Aboriginal objects;

- During any works, in the unlikely event that an Aboriginal object is identified or suspected, temporary fencing must be placed around the object with a buffer of at least 10m. An appropriately qualified archaeologist should be engaged to assess the finding. Should the object be determined an Aboriginal object, then Heritage NSW and the La Perouse LALC should be informed. Works should not proceed until statutory advice is received from Heritage NSW;
- In the unlikely event that suspected human remains are encountered during construction, all works should cease immediately until responsibilities under the *National Parks and Wildlife Act 1974* are satisfied.

5.5 Flora and Fauna

The Flora and Fauna Assessment prepared by Ecoplanning (refer Attachment 13) concludes that the proposed development is unlikely to have a significant impact on any locally occurring ecological communities, threatened flora, fauna or migratory species due to the small area of impact proposed and disturbed nature of existing vegetation and habitats.

The following key recommendations are provided to minimise the impacts of the development on biodiversity:

- The area of disturbance should be kept to the minimum required;
- Where practicable, canopy-layer vegetation within the maintenance areas should be pruned/lopped and any unnecessary clearing or tree removal should be avoided;
- All plant, machinery and equipment to be used for vegetation clearing should be washed down before entering and leaving the site to prevent the spread and establishment of weeds or fungal pathogens;
- Weed infestations should be controlled as required prior to construction works;
- As detailed in the attached Stormwater Management Report, erosion and sediment control measures will be established before work begins and maintained in effective working order throughout the duration of the works, and until the study area has been stabilised, to prevent off-site transport of eroded sediments; and
- Any exotic vegetation removed from the study area will be disposed of at an approved facility.
- No threatened flora or fauna species or threatened ecological communities (TECs) listed under the BC Act were recorded or have been determined as likely to occur within the study area;
- A small portion of the study area was mapped by OEH (2018) as Plant Community Type (PCT) 772 Coast Banksia – Coast Wattle dune scrub of the Sydney Basin Bioregion and South-East Corner Bioregion. However, a field survey confirmed that the study area no longer conforms to any native vegetation community due to extensive historical clearing;
- However, one (1) threatened fauna species, Grey-headed Flying-fox (GHFF), listed as 'vulnerable' under the BC Act 2016 was identified as having a moderate likelihood of occurrence within the study area. A significant impact assessment and five-part test was undertaken and concluded:
- The proposal is unlikely to substantially interfere with the recovery of the species; and
- The proposal is unlikely to have an impact on the breeding cycle of nearby populations, nor is it likely to have an adverse effect on critical habitat.
- The proposal will modify approximately 0.09 ha of planted vegetation within the subject site. This vegetation does not conform to a TEC. Therefore, the Test of Significance was not required to be applied. Biodiversity Development Assessment Report is not required given that there is unlikely to be a significant impact on the threatened ecological community
- 0.09 hectares of planted vegetation will be removed as part of the proposed development. Potential indirect impacts associated with the proposal will be minimised and mitigated through the measures recommended in Attachment 10 and at Section 6 of this REF;

- No suitable habitat for threatened species was located within the study area. A moderate likelihood of occurrence was given to 19 species due to high numbers of records in the surrounding areas. However, there would not be a significant impact to these fauna species due to the disturbed and degraded condition of the study area, and the limited size of the study area;
- The subject land has not been identified as being part of the flight path for shorebirds or other migratory or threatened biota. The proposed development is unlikely to interfere with the flight path of any threatened or migratory species which may currently use the site and surrounding areas as a flight path; and
- The implementation of avoidance and mitigation measures (refer Section 6 of this REF) will reduce potential impacts to biodiversity values within the subject site and the environment.

5.6 Environmental Amenity

The proposed works will comprise the demolition of an existing building, construction of two (2) new buildings within existing built upon areas of the site, and reconfiguration of an existing car park. The proposal will not give rise to adverse environmental amenity impacts as outlined below.

5.6.1 Overshadowing

The proposal will not result in additional overshadowing to adjoining residential properties or the public domain. Any additional overshadowing within the school will be negligible and will not diminish the use or enjoyment of the school for students and staff.

5.6.2 Privacy

Noting that Building M is located some 12m from the boundary of the nearest residential properties to the south, there will be minimal opportunity for direct views into, or overlooking of these properties.

It is noted that several properties along this interface currently include additional screening above the boundary fencing. Consequently, the proposal will not impact on the privacy of the adjoining dwellings.

5.6.3 View Loss and Visual Impacts

The proposed development will not result in a loss of views from surrounding properties or impact on public views. It will not have adverse visual impacts on existing streetscape of Bate Bay Road, Elouera Road, or Captain Cook Drive. Furthermore, the proposed new buildings will not have an adverse visual impact on adjoining residential properties. Building M is located approximately 12m from the south eastern boundary which adjoins the rear of the properties fronting Peregrine Drive.

5.6.4 Noise

As demonstrated in the Environmental Noise Assessment prepared by Day Design (refer Attachment 20), the proposed development is unlikely to result in any significant additional noise impacts, relative to the operations of the existing school. The proposal involves alterations and additions to an existing school and does not introduce any new uses. The proposal does not seek to relocate any buildings or activities closer to adjoining residential properties.

Subject to the recommendations included within the Road Traffic Noise Intrusion Assessment prepared by Day Design (Attachment 11), the intrusive road traffic noise levels will comply with the internal noise levels specified by the Educational Facilities Standards and Guidelines, thereby ensuring an acceptable level amenity for the school.

5.7 Ground Conditions

5.7.1 Acid Sulfate Soils

As outlined in Section 4.3.6 of this REF and in the Geotechnical Investigation (refer Attachment 16), while potential ASS (PASS) was indicated to be present within the proposed development area, laboratory test results indicate that none of the fourteen (14) tested samples exceeds the action criteria for the acid trail.

Therefore, excavation in the proposed development areas will not require preparation of a management plan to address risk associated with ASS and potential acid generation.

Having regard to the investigations undertaken by Martens & Associates, the environmental impacts relating to ASS are considered acceptable.

5.7.2 Contamination

As outlined in Section 4.2.4 of this REF, the DSI undertaken by Martens & Associates identified that all investigation locations assessed as part of the DSI were found to carry a very low risk of chemical contamination based on assessment against the National Environment Protection Measures (NEPM) guidelines. However, the DSI identified potential asbestos contamination from a review of previous investigations as well as from observations from a site walk. Given the proposed redevelopment works involve minor earthworks, Martens concluded that the site can only be considered suitable subject to the implementation of a Remedial Action Plan (RAP) for areas of ACM impacted soils.

Consequently, a RAP has been prepared by Martens & Associates (included Attachment 17), which outlines the remedial requirements and preferred remediation option to address identified ACM impacted soils at the site. The preferred remediation option is via capping and containment of ACM impacted soil under hardstand pavements and proposed development structures at the site. Validation testing and reporting will be required following remediation works, to confirm the objectives of this RAP have been met and at the completion of the development works, the site will remain suitable for ongoing use as a school.

The RAP also requires the following:

- The preparation of an Environmental Management Plan (EMP) or updates to the existing Asbestos Management Plan (AMP) to ensure the long-term management of site contamination.
- The preparation of a site specific asbestos removal control plan (ARCP) and worker health and safety plan (WHSP) prior to the commencement of site works

In order to further mitigate potential contamination impacts arising during remediation of the site and works, the RAP recommends that a site contingency plan for managing unexpected events be prepared. Unexpected events that may arise includes uncovering previously unidentified contamination (unexpected finds). This will require the implementation of the following unexpected finds protocol:

- Cease all work in the area and notify site foreman / manager and environmental consultant.
- Notify any relevant authorities (e.g. fire brigade) if an emergency response is required.
- Construct temporary barricading to prevent worker / public access to any unexpected and / or unknown substances.
- Install appropriate stormwater diversion and sediment controls as required.
- Notify relevant authorities that the contractor is legally required to notify (e.g. EPA and / or Council).
- Site foreman / manager is to arrange site inspection by the environmental consultant to assess the unexpected find and determine if any sampling or remedial action is required in the area.

- The environmental consultant is to prepare an assessment and, if required, validation of each unexpected find to the contractor prior to the recommencing of works ceased as a result of the unexpected find.

Having regard to the findings and conclusions of the DSI, and subject to the implementation RAP and unexpected find protocol, the potential environmental impacts related to the presence and management of potential on-site contamination associated with the proposal, are considered acceptable.

5.8 Stormwater Management

The Stormwater and Civil Engineering Plans prepared by Cardno (refer Attachment 5) details the stormwater disposal and management measures to be implemented for the proposal to mitigate impacts of stormwater run-off on the adjoining properties, significant bushland within and adjacent to the site and coastal wetlands. This includes:

- Roof water from the new development (i.e. Building L and Building M) and runoff from the proposed reconfigured carparks will be collected, quantity attenuated via an OSD, and discharged to the existing public stormwater mains;
- Runoff from the carpark will be treated via an oil and grease separator;
- The OSD will be designed to allow for stormwater discharge of runoffs of all storms up to 100 years ARI. The controlled discharge will then be conveyed to a Council stormwater connection to an existing Kerb Inlet Pit (KIP) at Elouera Road near the corner with Bate Bay Road;
- There will be no increase in the impervious areas at the location of Building M, hence the roof and surface stormwater in the vicinity of Building M will be discharged into the existing stormwater system.

5.9 Utilities and Services

Suitable stormwater, electrical, mechanical, fire, and hydraulic infrastructure will be provided in association with the new works. Some of these services will be pursued via a separate planning approval pathway. The school is currently serviced by a range of utilities and services, which will not be impacted adversely impacted by the proposed activity.

5.10 Operational Impacts

5.10.1 Student Population

The proposal does not alter the operation of the existing school but seeks to enhance the operations with the provision of permanent, modern facilities that are fit for purpose. The proposed works will not increase the existing student population. The permanent student capacity will be capped at 1,000, which represents a reduction relative to the existing enrolment of 1,309 students.

5.10.2 Noise

The proposed development relates to an existing school and no change is proposed to the scope or intensity of school operations. The new replacement buildings will be used for the same purposes as the existing buildings. Additionally, proposed new buildings will not be moved closer to any residential boundaries. Hence, the proposal is unlikely to result in significant additional noise impacts relative to the existing situation.

An Environmental Noise Management Plan been prepared by Day Design (refer Attachment 20), which confirms the proposal will not have adverse noise impacts on adjacent development, including residential development, or on the school itself, as outlined below:

- The proposal does not increase the total number of students enrolled at the school, and as such, the total number of children permitted in the outdoor areas at any time will not increase. Therefore, noise emissions from the outdoor play areas are not expected to increase;

- The cumulative noise impacts from the new buildings, relocated performing arts building, reconfigured car park and mechanical plant will comply with the relevant acoustic criteria at all receptor locations and is therefore acceptable
- The calculated external levels of noise associated with on-road traffic arriving at the proposed reconfigured car park meets the relevant noise criteria at each of the receptor locations;
- The level of noise emitted from the proposed new development will meet the acoustic requirements of the Transport and Infrastructure SEPP, the EPA Road Noise Policy for Industry, and EPA Road Noise Policy, and is considered acceptable;
- The amenity of adjacent development and the local neighbourhood will be maintained;

For Building M, the proposed locations of the condenser units will be acceptable and will not adversely impact the internal noise level of adjacent spaces. However, the proposed location of the units to Building L has the potential to adversely impact the internal noise levels and acoustic amenity for an interview room within the building (Interview 1). This will be mitigated by way of a 1.8m solid barrier (solid capped and lapped timber, 9mm fibre cement, or masonry) constructed on the eastern side of the units.

On this basis, there will be no adverse ongoing operational impacts arising from the proposal.

Impacts on the operation of the school arising from construction activities are addressed in Section 5.12 of this REF.

5.11 Traffic and Car Parking Impacts

The proposed activity will not alter the existing long-term traffic or access arrangements at the school. A Traffic Impact Assessment (TIA) has been prepared by Taylor Thomson Whitting (refer Attachment 8) and the findings of the traffic study, as summarised below:

- The proposed redevelopment will not adversely impact the surrounding road network;
- The proposed 71 car spaces are considered adequate and sufficient to accommodate the car parking demand for 78 staff. It is proposed to provide car parking for staff only and not for students;
- The proposal will not result in any change to the existing pick-up and drop-off capacity or location;
- A lower provision of on-site parking is consistent with the TfNSW Road User Space Allocation Policy, which seeks to prioritise pedestrian access and reduce private vehicle infrastructure; and
- The reduction in on-site car parking will encourage staff to use alternative modes, thereby reducing vehicular traffic volumes on and around the site and improving safety for students.

The proposal will not result in any significant impact to the surrounding road network. Additionally, no change is proposed to the existing vehicular access points or pick-up and drop-off arrangements at the school. The proposed reconfiguration of the existing car park has been designed to comply with the relevant Australian Standards and provisions of SSDCP 2015.

Potential construction traffic impacts are addressed in Section 5.12 of this REF below.

5.12 Construction Impacts

Potential impacts associated with the construction works will be temporary for a duration of 24 months and are discussed below.

Management measures will be implemented on the site prior to and during construction to minimise amenity and environmental impacts during this period. These measures are outlined in part in the Preliminary CMP (refer Attachment 9) and will be further refined and developed in the final CEMP to be approved by a certifier prior to the commencement of works.

5.12.1 Noise

There will be an expected increase in noise during construction, as demonstrated in the Construction Noise & Vibration Management Plan prepared by Day Design (refer Attachment 21). The report concludes that, subject to the implementation of the recommendations provided, the level of noise from the proposed construction works will be minimised as far as reasonably practical in accordance with the relevant Australian Standards and EPA guidelines.

The location of the nearest residential receivers is identified in Figure 28 and the location of receivers on the site is identified in Figure 29.

The Construction Noise & Vibration Management Plan identifies that the main sources of noise on the site during the three (3) phases of demolition, excavation, and construction will be from heavy machinery including excavators, dump trucks, cranes, cement mixers, and rock breakers.

The levels of noise exceedances to residential receptors, as detailed in the Construction Noise & Vibration Management Plan, are expected to range up to 28 dB (for R1), 26 dB (for R2), 15 dB (for R3), and 19 dB (for R4). The levels of noise exceedances to other affected receptors (including on-site receptors) are expected to range up to 43 dB.

Construction works will be undertaken in accordance with the relevant regulations and the measures to ensure acoustic impacts are mitigated. A Community Liaison Officer is to be appointed by the contractor prior to the commencement of any works. Any noise complaints received in relation to the proposal will be recorded, investigated, and resolved as soon as practical.

It is recommended that noisy construction activities (i.e. rock hammering) only operate for two (2) to three (3) hours at a time. Activities in any one location are to be staggered so as to minimise cumulative noise impacts.

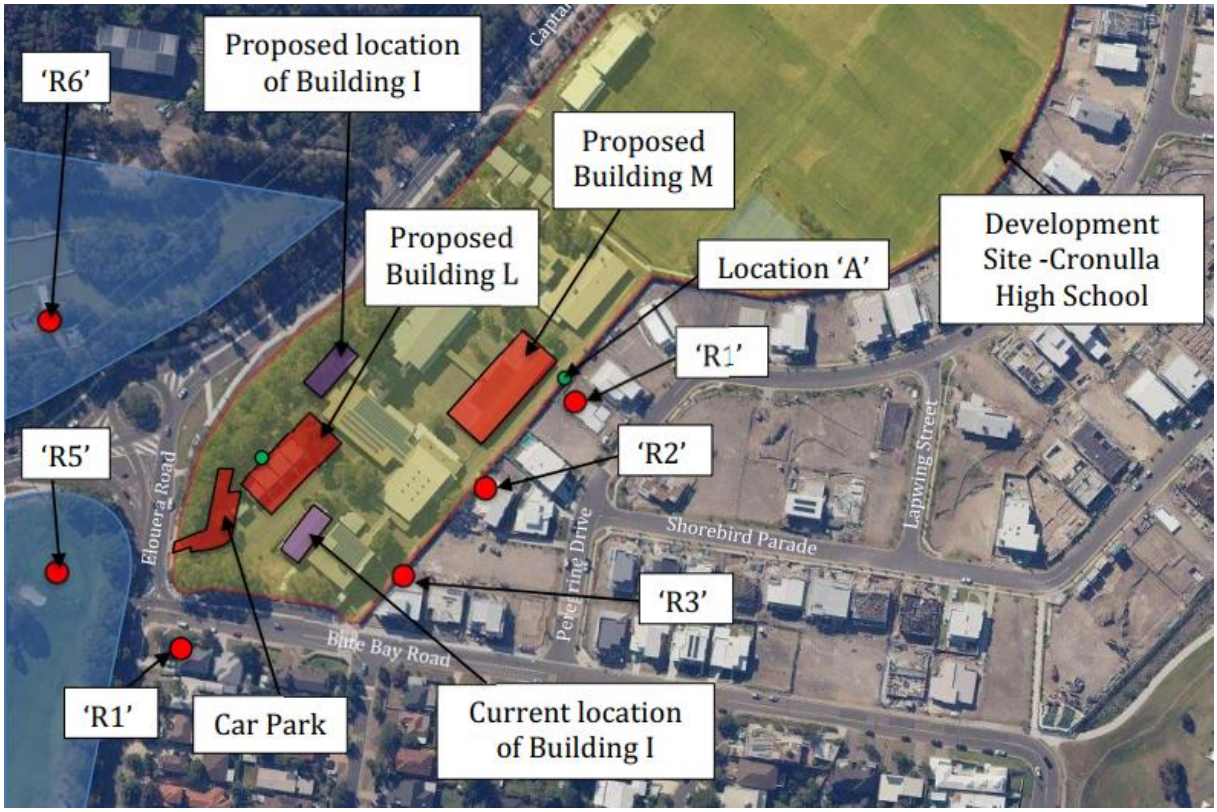

Figure 28: Location plan, identifying nearby receivers

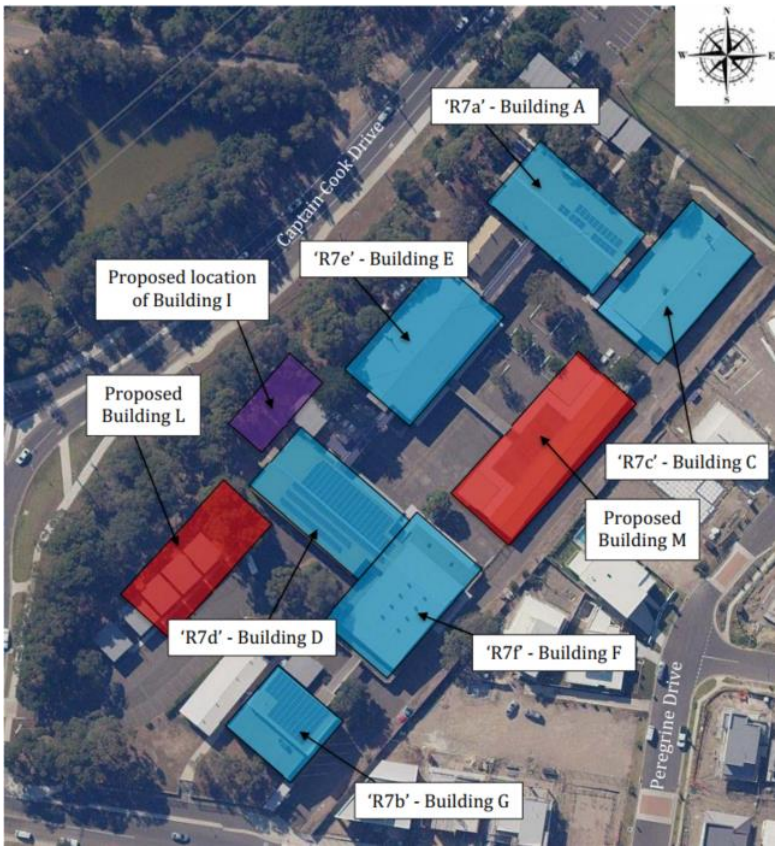

Figure 29: Location plan, identifying on-site receivers

In the event that complaints arise from nearby residences, noise emissions will be measured and compared against the Project Noise Trigger Levels criteria. Further recommendations are detailed in the Construction Noise & Vibration Management Plan.

Full details of noise management and mitigation measures to be implemented during demolition and construction are to be included in the final CEMP.

5.12.2 Vibration

There will be an expected increase in noise during construction, as demonstrated in the Construction Noise & Vibration Management Plan. The report concludes that, subject to the implementation of the recommendations provided, the level of vibration from the proposed construction works will be minimised as far as reasonably practical in accordance with the relevant Australian Standards and EPA guidelines.

It is difficult to accurately predict levels of ground borne vibration. Given the distances from neighbouring developments to any potential rock hammering on the site, it is recommended that if warranted, compliance monitoring of ground borne vibration is carried out at the nearest residences, wherever these activities are required.

In the event that complaints arise from nearby residences, vibration emissions will be measured and compared against the Peak Particle Velocity criteria. Further recommendations are detailed in the Construction Noise & Vibration Management Plan.

5.12.3 Air quality

Disruption to the soil arising from the excavation for footings, slab preparation works, and stormwater drainage will have a minimal effect on the area. Dust suppression measures can be implemented during

works as required in accordance with the requirements of the final CEMP. Any trucks entering and leaving the site will ensure their load is appropriately covered to prevent escape of materials.

5.12.4 Water quality

No impact to the water quality of the site or surrounding area is expected as a result of the proposed works, subject to the implementation of the Stormwater and Civil Engineering Plans prepared by Cardno which includes a soil and erosion control plan. Full details of water quality controls measures will be addressed in the final CEMP and implemented on the site prior to the commencement of works.

5.12.5 Traffic and Parking

Traffic

Construction vehicles will enter and exit the site from the existing vehicle access on Captain Cook Drive, to access a construction compound. Final construction traffic routes will be confirmed in the Construction Traffic Management Plan (CTMP) to be included as part of the CEMP.

Typical construction worker arrival and departure times can be arranged to occur outside of peak school times. Given the scale of the works associated with the proposal, there is not expected to be a large quantum of construction vehicles. It is expected that the construction generated traffic will have negligible impacts on the operation and efficiency of the local road network.

The existing kiss 'n' ride zone on Bate Bay Road are not expected to be impacted by construction traffic as construction workers will directly access the site via a dedicated construction area access gate.

All materials will be delivered through a dedicated construction area access gate on Captain Cook Drive. All materials, including building material and waste storage containers, will be stored within the site boundary. No materials will be stored on public footpaths, school grounds accessible to school users, or roads. Due to the nature of the site, it will be necessary to review storage areas as the works progress.

Any impacts associated with the construction are expected to be relatively minor and short lived. Notwithstanding, traffic management measures will be implemented, via traffic control plans, to mitigate potential conflicts or interactions between construction vehicles and staff and students. These will include, but are not limited to:

- The provision of a designated set down area for the delivery of materials within a secured construction compound;
- Provision of construction access and circulation to ensure vehicles can enter and exit the site in a forward direction; and
- Requiring that construction deliveries and vehicle access to the site are, where possible, minimised during school hours. In particular, imposing restrictions during school peak arrival and departure times to avoid impacts on school drop off and pick-up. This includes the kiss 'n' drop zone, bus zones, and general areas used for students arriving and departing.

Parking

Construction workers will utilise existing on-street parking around the school.

The CTMP will seek to discourage single occupant private vehicle travel and recommended that workers carpool to reduce the number of vehicles parking on-street.

5.12.6 Impacts on the operation of the school

As construction works will be undertaken during school hours, there is a potential for impacts on staff and students in relation to noise, safety, and construction vehicles. These impacts need to be mitigated through the implementation of management measures that ensure:

- Segregation of staff and students from the construction site with the installation of secure fencing;
- Establishment of traffic management measures to ensure student/vehicle interactions and conflicts are avoided;
- Minimal disruption to learning as a result of construction noise; and
- The provision of temporary amenities on site to ensure construction workers do not use school amenities. These amenities will be located within the construction compound.

The proposal involves the staged removal of demountable structures. Some demountable structures will be retained and relocated during construction works to ensure that the school can remain operational whilst construction works are being undertaken. No demountable structures will remain on the site upon completion of all proposed new building works.

5.12.7 Tree removal

As aforementioned, the proposed works will require the removal of ten (10) existing trees from the site. The removal of these trees is being pursued via separate approval pathways with Sutherland Shire Council. The applications have been submitted to Council and are currently under assessment.

5.13 Summary of Consideration of Environmental Factors

For the purposes of Part 5 of the *EP& A Act 1979*, Clause 171 of the EP&A Reg 2021 details factors which must be taken into account when assessing the impact of an activity on the environment. Consideration of each of these factors in relation to the proposed activity is provided in Table 4. The table and comments made in this section of the REF are to be read in conjunction with the other sections of the REF dealing with the environmental impacts of the proposed activity. The impacts have been quantified as:

- Not applicable;
- Nil;
- Minor; or
- Significant.

Relevant sections of this REF are referenced which provides a more detailed assessment of the potential impacts. Section 6 of this REF provides a summary of the applicable mitigation measures that need to be implemented, which are further detailed in Attachment 10.

Clause 171 Review of environmental factors—the Act, s 5.10(a)					
Factor	N/A	Nil	Minor	Significant	REF Reference
a) The environmental impact on the community			X		5.6, 5.12
b) The transformation of the locality	X				N/A
c) The environmental impact on the ecosystems of the locality			X		4.2.5, 4.2.6, 4.2.9, 4.5.1, 5.5, Attachment 13

Clause 171 Review of environmental factors—the Act, s 5.10(a)						
Factor		N/A	Nil	Minor	Significant	REF Reference
d)	*Reduction of the aesthetic, recreational, scientific or other environmental quality or value of the locality*			X		5.3, 5.5, 5.6
e)	*The effects on any locality, place or building that has— (i) aesthetic, anthropological, archaeological, architectural, cultural, historical, scientific or social significance, or (ii) other special value for present or future generations*			X		4.2.5, 4.3.4, 5.4, Attachment 14
f)	*The impact on the habitat of protected animals, within the meaning of the Biodiversity Conservation Act 2016*			X		4.2.4, 4.2.6, 4.5.1, 5.5, Attachment 13
g)	*The endangering of a species of animal, plant or other form of life, whether living on land, in water or in the air*			X		4.2.4, 4.2.6, 4.5.1, 5.5, Attachment 13
h)	*Long term effects on the environment*			X		5.0
i)	*Degradation of the quality of the environment*			X		5.3, 5.5, 5.6
j)	*Risk to the safety of the environment*		X			4.3.5, 5.12
k)	*Reduction in the range of beneficial uses of the environment*	X				N/A
l)	*Pollution of the environment*		X			5.7, 5.8, 5.12
m)	*Environmental problems associated with the disposal of waste*		X			3.2.9, Attachment 7
n)	*Increased demands on natural or other resources that are, or are likely to become, in short supply*		X			4.3.8, 4.6
o)	*The cumulative environmental effect with other existing or likely future activities*		X			5.10
p)	*The impact on coastal processes and coastal hazards, including those under projected climate change conditions*		X			4.2.4
q)	*Applicable local strategic planning statements, regional strategic plans or district strategic plans made under the Act, Division 3.1*		X			Proposal is not inconsistent. In accordance with Action 5.6 of the LSPS, it will *"provide safer options for students to walk and cycle to school."*
r)	*Other relevant environmental factors*	X				N/A

Table 4: EP&A Reg 2021, Clause 171 Factors

6.0 Consultation

Clause 3.38 of the Transport and Infrastructure SEPP sets out the notification requirements to local councils and occupiers of adjoining land for certain types of development specified in Clause 3.37(1)(a) of the SEPP.

As the proposal is development specified under Clause 3.37(1)(a), the notification requirements under Clause 3.38 apply. Clause 3.38(2) requires:

- Notification of the proposal is provided to Sutherland Shire Council and to the occupiers of adjoining land; and
- Any submission received within 21 days of the notice being given, is taken into consideration.

The other consultation requirements for development are set out in Part 3.2, Division 1 of the SEPP, as detailed in Table 5 below.

Transport and Infrastructure SEPP – Part 3.2, Division 1	
Provision	***Comment***
Clause 3.8 Consultation with councils—development with impacts on council-related infrastructure or services	
(1) This section applies to development carried out by or on behalf of a public authority that this Chapter provides may be carried out without development consent if, in the opinion of the public authority, the development— *(a) will have a substantial impact on stormwater management services provided by a council, or* *(b) is likely to generate traffic to an extent that will strain the capacity of the road system in a local government area, or* *(c) involves connection to, and a substantial impact on the capacity of, any part of a sewerage system owned by a council, or* *(d) involves connection to, and use of a substantial volume of water from, any part of a water supply system owned by a council, or* *(e) involves the installation of a temporary structure on, or the enclosing of, a public place that is under a council's management or control that is likely to cause a disruption to pedestrian or vehicular traffic that is not minor or inconsequential, or* *(f) involves excavation that is not minor or inconsequential of the surface of, or a footpath adjacent to, a road for which a council is the roads authority under the Roads Act 1993 (if the public authority that is carrying out the development, or on whose behalf it is being carried out, is not responsible for the maintenance of the road or footpath).*	Not applicable.
(2) A public authority, or a person acting on behalf of a public authority, must not carry out development to which this section applies unless the authority or the person has—	Not applicable.

Transport and Infrastructure SEPP – Part 3.2, Division 1	
Provision	***Comment***
(a) given written notice of the intention to carry out the development (together with a scope of works) to the council for the area in which the land is located, and *(b) taken into consideration any response to the notice that is received from the council within 21 days after the notice is given.*	
Clause 3.9 Consultation with councils—development with impacts on local heritage	
(1) This section applies to development carried out by or on behalf of a public authority if the development— *(a) is likely to affect the heritage significance of a local heritage item, or of a heritage conservation area, that is not also a State heritage item in a way that is more than minimal, and* *(b) is development that this Chapter provides may be carried out without development consent.*	Not applicable.
(2) A public authority, or a person acting on behalf of a public authority, must not carry out development to which this section applies unless the authority or the person has— *(a) had an assessment of the impact prepared, and* *(b) given written notice of the intention to carry out the development, with a copy of the assessment and a scope of works, to the council for the area in which the local heritage item or heritage conservation area (or the relevant part of such an area) is located, and* *(c) taken into consideration any response to the notice that is received from the council within 21 days after the notice is given.*	
Clause 3.10 Notification of councils and State Emergency Service—development on flood liable land	
(1) A public authority, or a person acting on behalf of a public authority, must not carry out, on flood liable land, development that this Chapter provides may be carried out without development consent (other than demolition of buildings or structures, or internal works to existing buildings) unless the authority or person has— *(a) given written notice of the intention to carry out the development (together with a scope of works) to the council for the area in which the land is located and the State Emergency Service, and* *(b) taken into consideration any responses to the notice that are received from the council and State Emergency Service within 21 days after the notice is given.*	While part of the site is identified as flood liable land, the proposed development is located outside the flood affect areas. Notwithstanding, this REF was referred to the SES for review and comment.
(2) In this section, flood liable land means land that is susceptible to flooding by the probable maximum flood event, identified in accordance with the principles set out in the manual titled Floodplain Development Manual: the management of flood liable land published by the New South Wales Government and as in force from time to time.	Noted.
Clause 3.11 Consideration of Planning for Bush Fire Protection	
(1) This section applies to development for the purposes of an educational establishment or school-based child care that this Chapter provides may be carried out without development consent.	Noted.

Transport and Infrastructure SEPP – Part 3.2, Division 1	
Provision	***Comment***
(2) A public authority, or a person acting on behalf of a public authority, must consider Planning for Bush Fire Protection before carrying out the development in an area that is bush fire prone land.	Not applicable as the site is not mapped as bush fire prone land.
(3) In this section—bush fire prone land means land recorded for the time being as bush fire prone land on a map certified under the Act, section 10.3(2).	Noted.
Clause 3.12 Consultation with public authorities other than councils	
(1) A public authority, or a person acting on behalf of a public authority, must not carry out specified development that this Chapter provides may be carried out without development consent unless the authority or person has— *(a) given written notice of the intention to carry out the development (together with a scope of works) to the specified authority in relation to the development, and* *(b) taken into consideration any response to the notice that is received from that authority within 21 days after the notice is given.*	Applicable as the proposal includes changes to pedestrian access points from Captain Cook Drive and Bate Bay Road.
(2) For the purposes of subsection (1), the following development is specified development and the following authorities are specified authorities in relation to that development— *(a) development adjacent to land reserved under the National Parks and Wildlife Act 1974 or acquired under Part 11 of that Act—an appropriate Public Service employee designated by the Minister for Energy and Environment,* *(b) development on land immediately adjacent to a rail corridor that—* *(i) is likely to have an adverse effect on rail safety, or* *(ii) if the rail corridor concerned is used by electric trains, involves the placing of a metal finish on a structure, or* *(iii) involves the use of a crane in air space above any rail corridor,* *the rail authority for the rail corridor,* *(c) development that may increase the amount of artificial light in the night sky and that is on land within the dark sky region as identified on the dark sky region map—the Director of the Observatory,* *(d) development on land in a mine subsidence district within the meaning of the Coal Mine Subsidence Compensation Act 2017—Subsidence Advisory NSW.*	Not applicable.
(3) For the purposes of subsection (1), development for the purpose of an existing school is specified development, in relation to which Transport for NSW is the specified authority, if— *(a) the site has access to a road and the development will result in the school being able to accommodate 50 or more additional students, or* *(b) the site has access to—* *(i) a classified road, or*	Noted. The proposal results in changes to existing pedestrian entries from a public road – (3)(d).

Transport and Infrastructure SEPP – Part 3.2, Division 1	
Provision	***Comment***
(ii) a road (the connecting road) that connects, within 90 metres (measured along the alignment of the connecting road) of the access point, to a classified road, *and the development will result in the provision of an additional 50 or more car parking spaces, or* *(c) no road to which the site has access is classified and the development will result in the provision of an additional 200 or more car parking spaces, or* *(d) the development will result in—* *(i) a new vehicular or pedestrian access point to the school from a public road, or* *(ii) a change in location of an existing vehicular or pedestrian access point to the school from a public road, or* *(e) the development will involve excavation to a depth of 3 or more metres below ground level (existing) on land within or immediately adjacent to a classified road within the meaning of the Roads Act 1993.*	

Table 5: Transport and Infrastructure SEPP – Consultation and Notification Requirements

The consultation commenced on 04 November 2022 and continued until 02 December 2022, for a total of 29 days. Responses from one (1) neighbouring landowner, Sutherland Shire Council, State Emergency Service (SES) and Transport for NSW (TfNSW) are provided below.

6.1 Neighbouring landowners

In response to a letterbox drop, one (1) submission was received from the property at 11 Peregrine Drive, Greenhills Beach and raised concern regarding potential adverse privacy impacts from the proposed new Building M to dwellings located on the western side of Peregrine Drive.

Response: The proposal has been designed with regard to maintaining appropriate privacy to/from neighbouring properties. Noting that Building M is located some 12m from the boundary of the nearest residential properties to the southeast, there will be minimal opportunity for direct views into, or overlooking of these properties. As shown in Figures 30 and 31, screening is currently provided by way of fencing and tree planting along the common boundary. In this regard, the proposal is considered acceptable and additional privacy screening is not deemed necessary.

Figure 30: Existing driveway on eastern side of school site, viewed to north. NB: Residential properties fronting Peregrine Dr to right of image.

Figure 31: Rear of residential properties fronting Peregrine Dr, viewed to east

6.2 Sutherland Shire Council

Responses to the matters raised by Council are provided below.

Landscaping and trees
"Council notes that the Review of Environmental Factors indicates that the removal of 26 trees will be pursued separately via a separate application and will need to be approved prior to the proposed works being determined. Because the matter of tree impacts is relevant to the proposed works, comments have been provided below to assist in the development of the proposal."

Response: It is noted that in response to Council's comments, the landscape scheme has been revised and provides for the removal of ten (10) trees only. This has been achieved by reviewing and refining staging and student decanting during construction to reduce the number of temporary demountable classrooms required. In line with Council's comments, the project arborist has revised their recommendations regarding certain trees to be removed.

The removal of the ten (10) trees is being pursued via separate approval pathways with Sutherland Shire Council. A response to matters 1(a)(i)-(x) and 1(b)(i)-(iv) of Council's comments, relating to landscaping and trees, has been addressed in the development application (DA) for tree removal (refer Statement of Environmental Effects at Attachment 22).

It is noted that Council provided comment on tree removal associated with the proposed new substation. The substation and associated tree removal is pursued by way of a separate approval pathway.

Detailed site investigation
"There are a couple of issues relating to this Detailed Site Investigation, In particular, soil sampling was not undertaken comprehensively across the specific development locations and areas of all proposed works. For instance, there is a lack of soil sampling at the location which is to receive a re-located shade structure. While excavation at this location is potentially limited and restricted to piers to support the structure, an assessment in this area should have been undertaken.

The number of boreholes is quite limited with respect to the scale of the proposed development and in relation to the location where the new school buildings are to be erected.

Recommendation: Additional soil sampling and analysis to be undertaken to encompass the entire scope of proposed works."

Response: Adequate soil sampling has been undertaken and further site investigations are not required, as outlined below:

- The concrete slab in the location of the shade structure is not proposed to be removed;
- There will be minimal soil disturbance required for footing construction; and
- Borehole testing was undertaken adjacent to Building M and showed no fill or contamination impacts.

Remedial action plan
"The preferred remedial option is; strategic reburial and capping of asbestos contaminated material (ACM) impacted soil. The challenge with this RAP is that the exact location and scope of ACM reburial areas is not provided in the RAP. The RAP has outlined that a final capping area plan will need to be prepared by the civil works contractor prior to commencement of remedial works.

The final design of the burial area / capped area is yet to be formalised. This is an unusual outcome as the Remedial Action Plan must specify the location/s for the containment of ACM and also provide the methodology for works. The Remedial Action Plan also provides containment options, but not the final containment solution or specification. Remedial Action Plans should provide this level of detail.

Recommendation: The RAP should be updated to include the above."

Response: As noted in Section 8.1 of the RAP, an environmental consultant will review the final capping area design prior to the commencement of any remediation works at the site. This is considered an appropriate outcome. As detailed in the RAP, the preferred remediation option is to implement a strategic reburial and capping strategy for soils impacted with ACM. The strategy is summarised below:

- Soils cut from ACM impacted areas shall be excavated as required by the proposed earthworks and transported and placed into various capping areas beneath future hardstand areas or future site structures. Capping areas may need to be over excavated prior subject to cut / fill volumes and design levels;
- The material placed into a capping area is to be covered with a marker layer prior to the construction of either hard stand or future structures; and
- The resultant remediation excavation (from asbestos and suspected asbestos areas) and the capping areas shall be validated following the methodology outlined in the RAP.

Long-Term Environmental Management Plan

"A Long-term Environmental Management Plan is necessary for this remedial approach. The environmental consultants have suggested that the existing Asbestos Management Plan should be updated to address the ACM remediation works instead of preparing a Long-term Environmental Management Plan. This approach is not supported by Council as such a plan is a requirement for onsite containment of contamination as stipulated in the NSW EPA Guidelines for Consultants Reporting on Contaminated Sites 2020 (section 1.7 & 1.8).

If this proposal was subject to a DA, Council would require a Long-term Environmental Management Plan to be provided upfront for assessment, with a view that it would be documented on the s.10.7 planning certificate and on the title of the property.

Recommendation: A project specific Long Term Environmental Management Plan is to be prepared for the contained asbestos impacted soils."

Response: The project environmental consultant has recommended that updating the school's existing Asbestos Management Plan (AMP), in lieu of a separate Long Term Environmental Management Plan (LTEMP) is the most appropriate option for managing long-term risks to buried asbestos impacted soil.

The existing AMP will provide for a single document which relates to all asbestos- related issues at the site, both above ground and below ground. The preparation of a separate LTEMP is not recommended as this will require review of two (2) separate documents for all future works.

Site Remediation

"The Review of Environmental Factors outlines that the proposed remediation constitutes Category 1 remediation works, in accordance with clause 4.8 of the Resilience and Hazards SEPP, and that development consent will be pursued via a separate development application with Council. This requirement is supported by Council, as Chapter 40 of the SSDCP 2015 specifies that 'remediation work involving onsite capping or containment of contaminated soils' is Category 1 Remediation works and requires development consent in line with Clause 4.8(f) of the SEPP. Council also draws to your attention that the preferred remedial option of strategic reburial and containment of asbestos impacted soils requires particular planning and logistical consideration with respect to development and construction timeframes."

Response: Upon further review with SINSW, it has been determined that the proposed ancillary remediation works will be carried out as development without consent under this REF and do not require separate approval. Clause 4.16(3) of the Resilience and Hazards SEPP states:

> *"(3) If a provision of another State environmental planning policy or of a regional environmental plan, whether made before or after this Chapter, permits a remediation work without development*

consent, a requirement in this Chapter to obtain development consent to carry out the work does not prevail over that provision."

The proposed remediation works are ancillary to the proposed development which is permitted without consent under the Transport and Infrastructure SEPP (i.e. another State environmental planning policy).

Clause 4.11 of the Resilience and Hazards SEPP, which identifies Category 2 remediation (work not needing consent), reiterates the effect of clause 4.16:

"For the purposes of this Chapter, a category 2 remediation work is— (…)
(b) a remediation work (whether or not it is a work of a kind described in section 4.8(a)–(f)) that — (…)
(ii) may be carried out without consent under another State environmental planning policy or a regional environmental plan (as referred to in section 4.16(4))."

Furthermore, 'Managing Land Contamination: Planning Guidelines' confirms that remediation is a Part 5 activity when it is ancillary to Part 5 works.

Noting the above, the proposed remediation works will be carried out as development without consent under this REF and do not require separate approval.

Traffic and Parking

i. *"Where the new carpark sits out of ground, it is to be supported on piers rather than using fill as proposed (see also landscape comments above). A crash barrier will be required to be installed along the edges where the outside ground levels are at least 600mm below the pavement.*

Response: Crash/fall protection measures will be implemented to ensure traffic and pedestrian safety. Council's recommendation for a pier and beam solution is not a financially viable option for the project and does not meet the functional requirements of the carpark. An alternative solution, comprising two (2) retaining walls, is proposed and provides for the protection and retention of Trees T15 and T24, T29, T33 and T34.

ii. *The proposed new carpark appears to encroach on a Sydney Water easement. It is recommended that you consult with Sydney Water prior to the commencement of works to determine whether the proposed works will affect their easements and infrastructure.*

Response: Consultation with Sydney Water is currently being undertaken by the project water service coordinator.

iii. *Council's traffic engineer is currently away and comments in relation to the proposed changes to parking on the site with regard to parking provision and potential impacts have not been completed. Any comments received will be forwarded to your office as soon as they are received."*

Response: No further comments have been received from Council. Notwithstanding, as detailed in the Traffic Impact Statement, extensive consultation has been undertaken through Transport Working Group meetings with Sutherland Shire Council and Transport for NSW (TfNSW) in relation to potential traffic impacts. Further consultation with Council and TfNSW will be undertaken during the preparation of the School Travel Plan.

As outlined blow, this REF was forwarded to TfNSW for comment. No issues were raised by TfNSW with regard to the proposed carpark works.

Stormwater management

i. *"The stormwater concept plan indicates a potential alternative drainage route near Building L due to landscape requirements. If the alternative route is to be pursued, it must be located as close as possible to the preferred stormwater path to ensure there are sufficient falls to the OSD.*

ii. *The stormwater plan has shown a 70m3 OSD tank under the main staff car park area, however, no calculations have been provided for the proposed development. You are therefore advised to prepare the stormwater calculations to support the required volume of stormwater OSD tank.*

iii. *The proposed stormwater drainage to Elouera Road is acceptable subject to the pipeline within the footpath verge being a hot dipped galvanised steel hollow section with a minimum wall thickness of 4m, maximum section width of 125mm and maximum section height of 75mm."*

Response: The stormwater management system will be designed to incorporate a quality service that meets Local Authority requirements and represents a coordinated scheme to accepted industry standards. The system will be designed and installed to comply with:

- Building Code of Australia;
- Sydney Water Regulations (Water, Trade Waste and Sewer Authority);
- SINSW ESD Regulations; and
- All relevant Australian Standards.

Fire protection

"It is recommended that you investigate the flow rate, type of connection and whether the required hardstand area for fire fighting purposes is required to be upgraded in accordance with NSW Fire and Rescue document "Access for fire brigade vehicles and firefighters" and AS2419.1-2005."

Response: The existing water main has sufficient pressure and flow to accommodate the proposed hydrant system. The hardstand areas on Bate Bay Road and Captain Cook Drive are suitable for fire fighting purposes and do not require upgrade.

Building Code of Australia

"While Part 6.7 of the Environmental Planning and Assessment Act (the Act) confirms that a construction certificate is not required for Crown building work, the proposed work is still required to be certified to comply with the BCA. As required by part 6.7(2)(b) of the Act, certification of the finalised plans against the BCA by a Registered Building Surveyor is acceptable as an alternative to a construction certificate being issued for Crown building work."

Response: The final plans will be certified against the BCA.

Noise and health related matters

i. *"The Environmental Noise Assessment (ENA) notes that there is the potential for noise from condenser units to impact the amenity of room 'Interview 1' in Building L. The recommendation of the ENA is that a 1.8-metre-high solid barrier be constructed on the eastern side of the proposed condenser units, between the condenser units and the room 'Interview 1'. The barrier may be constructed of solid capped and lapped timber, 9mm fibre cement or masonry. This recommendation should be implemented.*

Response: As recommended in the Environmental Noise Assessment, a 1.8-metre-high solid barrier will be constructed on the eastern side of the proposed condenser units.

ii. *For building M, the proposed locations of the condenser units are acceptable and should not adversely impact the internal noise levels of the adjacent spaces or nearby residents. However, given that the final equipment selection has not been made, it is recommended that post construction acoustic validation be completed by an appropriately qualified acoustic engineer to ensure noise levels are within legislated limits.*

Response: As recommended in the Environmental Noise Assessment, post construction acoustic validation will be completed by an appropriately qualified acoustic engineer.

iii. The recommended Acoustic Treatment outlined in section 6 of the Road Traffic Noise Intrusion Assessment for both building L and M is recommended to be implemented.

Response: As recommended in the Road Traffic Noise Intrusion Assessment, acoustic treatment to Building L and Building M will be implemented.

iv. With regards to the school canteen, there is no provision made for any form of mechanical ventilation in the plans for the canteen. Given the proposed scale of the kitchen, this should be no issue but may limit the scale of operations at some future point.

Response: Noted.

v. Any external lighting to comply with AS4282."

Response: External lighting will be designed to comply with AS4282.

Waste
"Relocate the waste bin storage area away from the boundary adjoining residential properties to the east."

Response: As noted in the Operational Waste Management Plan, the proposed bin storage area accords with the controls contained in Chapter 25, Part 11 of SSDCP 2015: Waste from Industrial, Commercial and Educational Establishments.

The proposed location of the bin storage area is consistent with the existing location in that it is located at the boundary adjoining residential properties. The proposed bin storage area is fully enclosed, which represents an improvement relative to the existing bin storage area (which is screened only by a boundary fence). The enclosure will minimise noise, odour, and visual impacts to residential properties.

On this basis, the proposed location of the bin storage area is considered suitable.

6.3 State Emergency Service (SES)

The SES reviewed the proposal relative to flood risk information and noted that part of the site is located within the 50% Annual Exceedance Probability (AEP) flood extent, however the proposed development is not located within the PMF extent. The SES provided the following recommendations:

- *"Consider the impact of flooding on the infrastructure, up to and including the Probable Maximum Flood (PMF) level. Although the proposed works are not located within the PMF extent, we note that Captain Cook Drive and Eloura Road are within the 50% AEP flood extent, and Bate Bay Road is within the 20% AEP flood extent, which may limit vehicle access to the site from the south (Woolooware Bay FRMSP 2022 and Woolooware Bay Catchment Flood Study 2014).*
- *Pursue site design and stormwater management that minimises any risk to the community.*
- *Ensure workers and people using the facility during and after the upgrades are aware of the flood risk, for example by using signage.*
- *Develop an appropriate business emergency plan to assist in being prepared for, responding to and recovering from flooding. The NSW SES has a template which can assist in this process: http://www.sesemergencyplan.com.au/.*
- *In addition, if the construction phase of the upgrades causes disruption to the operation of local roads, this may impact the ability for emergency vehicles to use these routes. The NSW SES requests that notification be provided where there are likely to be significant delays in the operation of the roads affected by the upgrades."*

Response: As demonstrated in this REF, potential flood impacts have been considered and have informed the design of the proposal. As noted in the SES response, the proposed works are not located within the PMF extent. No change is proposed to the location of vehicular access to the site.

The proposed site design and stormwater management system has been designed to minimises any risk to the community.

Appropriate flood risk information and a business emergency plan will be prepared, as required. Additionally, the SES will be notified in the event that any construction activities which are expected to cause traffic disruption or impacts to emergency vehicle access.

6.4 Transport for NSW (TfNSW)

TfNSW have not raised any concern with regard to the proposal, subject to the imposition of conditions of consent requiring the preparation of a preliminary Construction Traffic and Pedestrian Management Plan (CTPMP) (prior to issue of construction certificate) and a Green Travel Plan (prior to issue of occupation certificate).

Response: The recommended conditions have been included within the Requirements and Mitigation Measures at Attachment 10.

Prior to commencement of works, a CTPMP will be prepared and submitted to Council. Additionally, a traffic engineer will be engaged to prepare a School Transport Plan, which includes a Green Travel Plan, in consultation with the school, Council and TfNSW.

7.0 Conclusion

This Review of Environmental Factors has been prepared in accordance with Part 5 of the NSW *Environmental Planning and Assessment Act 1979* and has assessed those matters listed in Clause 171 of the NSW Environmental Planning and Assessment Regulation 2021.

The proposed works are permissible without development consent under Clause 3.37 of the Transport and Infrastructure SEPP. As a result, the works may be carried out without the need for development consent under Part 4 of the *EP&A Act 1979.*

This REF identifies the likely impacts of the proposal on the environment and details the mitigation measures to be implemented. The assessment has concluded that the proposed works as described in this REF, including any proposed mitigation measures, will not result in a significant effect on the environment.

The proposed works will not result in a significant impact on any declared critical habitat, threatened species, populations or ecological communities or their habitats.

Considering the assessment of impacts detailed in this REF, it is concluded that the proposed works are not likely to have a significant impact on the environment. As such, in accordance with Section 5.7 of the *EP&A Act 1979*, an Environmental Impact Statement (EIS) is not required.

Based on the environmental assessment undertaken in this REF, approval of the proposal is justified, subject to any reasonable conditions based upon the suggested mitigation measures and requirements outlined in Attachment 10.

Attachments

Attachment 1: Survey Plan prepared by Land Partners

Attachment 2: Architectural Drawings Package prepared by Fulton Trotter Architects

Attachment 3: Landscape Plan prepared by Taylor Brammer

Attachment 4: Connecting with Country Strategy prepared by Fulton Trotter Architects

Attachment 5: Stormwater and Civil Engineering Plans prepared by Cardno

Attachment 6: Arboricultural Impact Assessment prepared by Travers Bushfire and Ecology

Attachment 7: Waste Management Plan prepared by TTM

Attachment 8: Traffic Impact Assessment prepared by Taylor Thomson Whitting

Attachment 9: Preliminary Construction Management Plan prepared by MBB

Attachment 10: Requirements and Mitigation Measures

Attachment 11: Road Traffic Noise Intrusion Assessment prepared by Day Design

Attachment 12: Email from Sutherland Shire Council dated 12 April 2022

Attachment 13: Flora and Fauna Assessment prepared by Ecoplanning

Attachment 14: Aboriginal Heritage Due Diligence Report prepared by GML

Attachment 15: Detailed Site Investigation prepared by Martens & Associates

Attachment 16: Geotechnical Investigation prepared by Martens & Associates

Attachment 17: Remedial Action Plan prepared by Martens & Associates

Attachment 18: NCC Report prepared by Certis

Attachment 19: Access and Mobility Report prepared by Certis

Attachment 20: Environmental Noise Assessment prepared by Day Design

Attachment 21: Construction Noise & Vibration Management Plan prepared by Day Design

Attachment 22: Statement of Environmental Effects for Tree Removal DA prepared by SJB Planning