



Mainsbridge School for Specific Purposes

*State Significant
Development Assessment
(SSD 8792)*

February 2019



February 2019

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Cover photo

3D Aerial visualisation of the school facing north east (*Source: Hayball Architectural drawings*)

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Glossary

Abbreviation	Definition
AEP	Annual Exceedance Probability
ARI	Annual Recurrence Interval
APZ	Asset Protection Zone
AS	Australian Standard
BAM	Biodiversity Assessment Method
BC Act	<i>Biodiversity Conservation Act 2016</i>
BDAR	Biodiversity Development Assessment Report
BCA	Building Code of Australia
BAL	Bushfire Attack Level
CIV	Capital Investment Value
Consent	Development Consent
Council	Liverpool Council
Department	Department of Planning and Environment
EIS	Environmental Impact Statement
ESI	Environmental Site Investigation
EPA	Environment Protection Authority
EP&A Act	<i>Environmental Planning and Assessment Act 1979</i>
EP&A Regulation	<i>Environmental Planning and Assessment Regulation 2000</i>
EPI	Environmental Planning Instrument
ESD	Ecologically Sustainable Development
FFL	Finished floor level
GANSW	Government Architect NSW
HHRA	Human Health Risk Assessment
IPA	Inner Protection Area
LEP	Local Environmental Plan
LGA	Local Government Area
LoS	Level of Service
LTEMP	Long Term Environmental Management Plan
MSSP	Mainsbridge School for Specific Purposes
Minister	Minister for Planning
NSW RFS	NSW Rural Fire Service
NIA	Noise Impact Assessment
OEH	Office of Environment and Heritage
PBP	<i>Planning for Bush Fire Protection</i>
PCTMP	Preliminary Construction Traffic Management Plan

PMF	Probably Maximum Flood
RMS	Roads and Maritime Services
RtS	Response to Submissions
RL	Reduced Levels
SEARs	Secretary's Environmental Assessment Requirements
Secretary	Secretary of the Department of Planning and Environment
SIS	Social Impact Statement
SEPP	State Environmental Planning Policy
SFPP	Special Fire Protection Purpose
SRD SEPP	<i>State Environmental Planning Policy (State and Regional Development) 2011</i>
SSD	State Significant Development
TAG	Transport Access Guide
VSAQP	Validation Sampling and Analysis Quality Plan
WFPS	Warwick Farm Public School



Executive Summary

This report provides an assessment of a State significant development (SSD) application for the construction of new premises for Mainsbridge School for Specific Purposes (MSSP) on a vacant part of the existing Warwick Farm Public School site (SSD 8792). The site is currently known as Warwick Farm Public School (WFPS), located at 95 Lawrence Hargrave Road, Warwick Farm. The Applicant is the NSW Department of Education and the proposal is located within the Liverpool City local government area (LGA).

The proposal seeks approval for the construction of five new buildings, parking and associated landscaping to allow the relocation of the existing MSSP from 118 Flowerdale Road, Liverpool.

The proposal has a Capital Investment Value (CIV) of \$24 million and would generate eight new operational jobs (a total of 120 operational jobs) and 50 construction jobs. The proposal is SSD under clause 15 of Schedule 1 of the State Environmental Planning Policy (State and Regional Development) 2011, as it is development for the purpose of an educational establishment with a CIV of more than \$20 million. Therefore, the Minister for Planning is the consent authority.

The application was publicly exhibited between 22 March 2018 and 20 April 2018 (30 days). The Department of Planning and Environment (the Department) received a total of seven submissions, all from public authorities. No objections were received.

The key issues raised in the submissions included insufficient provision of parking, site contamination, noise assessment, flooding, biodiversity assessment, tree retention and out of school hours use of facilities.

The Applicant's RtS report received included further information and responses to the key issues raised in submissions. The RtS included amended architectural plans including an indoor hydrotherapy pool, amended noise impact assessment, amended arborist report, supplementary parking assessment including revised entry and exit configuration, additional contamination and flooding reports as well as an amended noise assessment. A further seven submissions from Public Authorities were received in response to the Applicant's RtS.

The Department identified built form, traffic, transport and parking as the key issues for assessment.

The proposal includes five one and two-storey buildings including an administration building, two buildings with learning spaces, a building with a library and hall and the hydrotherapy pool with associated storage rooms. One of the buildings with learning spaces is proposed to have a minor building height non-compliance. The Department is satisfied that the non-compliance would not have any undue impacts on the amenity, privacy or solar access of the adjacent sites.

The proposed school would continue to utilise the Assisted School Travel Program (ASTP) for 85-90% of the students, with the remaining students being driven in private vehicles. Based on traffic surveys at the existing school, approximately 80% of staff would commute to/from the school as drivers in private vehicles. The traffic generated by the site would not significantly impact the level of service of roads surrounding the subject site. The proposal does not meet the car parking requirements under the Liverpool Development Control Plan. However, the Department has reviewed the proposal as a whole and, on balance considers the proposed car parking provision is acceptable to ensure high quality learning and play spaces would be provided.

The Department has considered these issues in its assessment, along with concerns raised in submissions, and concludes that some proposed mitigation and management measures require further refinement. As such a number of conditions have been recommended to address remaining issues including:

- ecologically sustainable development (ESD)
- site remediation
- revised landscape plan with an objective to replace significant trees with established trees
- preparation of construction environmental management plans
- provision of additional bicycle parking spaces to supplement the proposed car parking spaces
- operational pedestrian and traffic management.

The Department has considered the merits of the proposal in accordance with relevant matters under section 4.15(1), the objects of the *Environmental Planning and Assessment Act 1979* (EP&A Act), the principles of ESD, and issues raised in submissions as well as the Applicant's responses.

The Department is satisfied that built form, traffic, transport and parking were considered and found to be acceptable through recommended conditions of consent and mitigation measures.

The Department considers the application is consistent with the objects of the EP&A Act including ESD, A Plan for Growing Sydney and the Greater Sydney Commission's Western City District Plan. The Department is satisfied the subject site is suitable for the proposal and would provide improved educational facilities for existing and future students of MSSP. The Department concludes the proposal is in the public interest and recommends that the application be approved subject to conditions.



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1. Introduction

This report provides an assessment of a State significant development (SSD) application lodged under Part 4, Division 4.1 of the *Environmental Planning and Assessment Act 1979* (EP&A Act), for the relocation from the existing site at 118 Flowerdale Road, Liverpool and development of Mainsbridge School for Specific Purposes (MSSP) at 95 Lawrence Hargrave Road, Warwick Farm (SSD 8792).

The proposal seeks approval for the relocation of MSSP, the construction of five new buildings including an administration building, a library and hall building, two new learning buildings, an indoor hydrotherapy pool with storage, as well as a new substation, new vehicular access including car and bus parking, pedestrian access, outdoor learning areas, sports field and associated landscaping. It is proposed that the school hall and sports field would be shared with Warwick Farm Public School (WFPS).

The application was lodged by Urbis Pty Ltd on behalf of the Department of Education (the Applicant).

1.1 Site description

The subject site is located at 95 Lawrence Hargrave Road, Warwick Farm and is legally described as Lot 22 in DP715287 within the Liverpool local government area (LGA). The proposed MSSP is located within the northern portion of Warwick Farm Public School (WFPS) site. The subject site is located approximately 25km south west of the Sydney CBD, approximately 12km south of Parramatta CBD and approximately 500m north of Liverpool. The proposed development location in a regional context is shown in **Figure 1**.

1.2 Surrounding development

The site is bounded by a child care centre and Werriwa Dog Training facility to the north, Brickmakers Creek to the east, Lawrence Hargrave Road to the south, and Williamson Crescent to the west (**Figure 2**). The surrounding land uses include:

- residential: north, east, south and west
- recreation: north, east and south
- industrial: west.

The buildings surrounding the site are generally single storey. However, there are some dwellings to the west of the site that are two-storey. The surrounding streets are local roads. The closest State Classified Road is the Hume Highway approximately 500m to the south of the site. The local roads are approximately 6.5m wide.

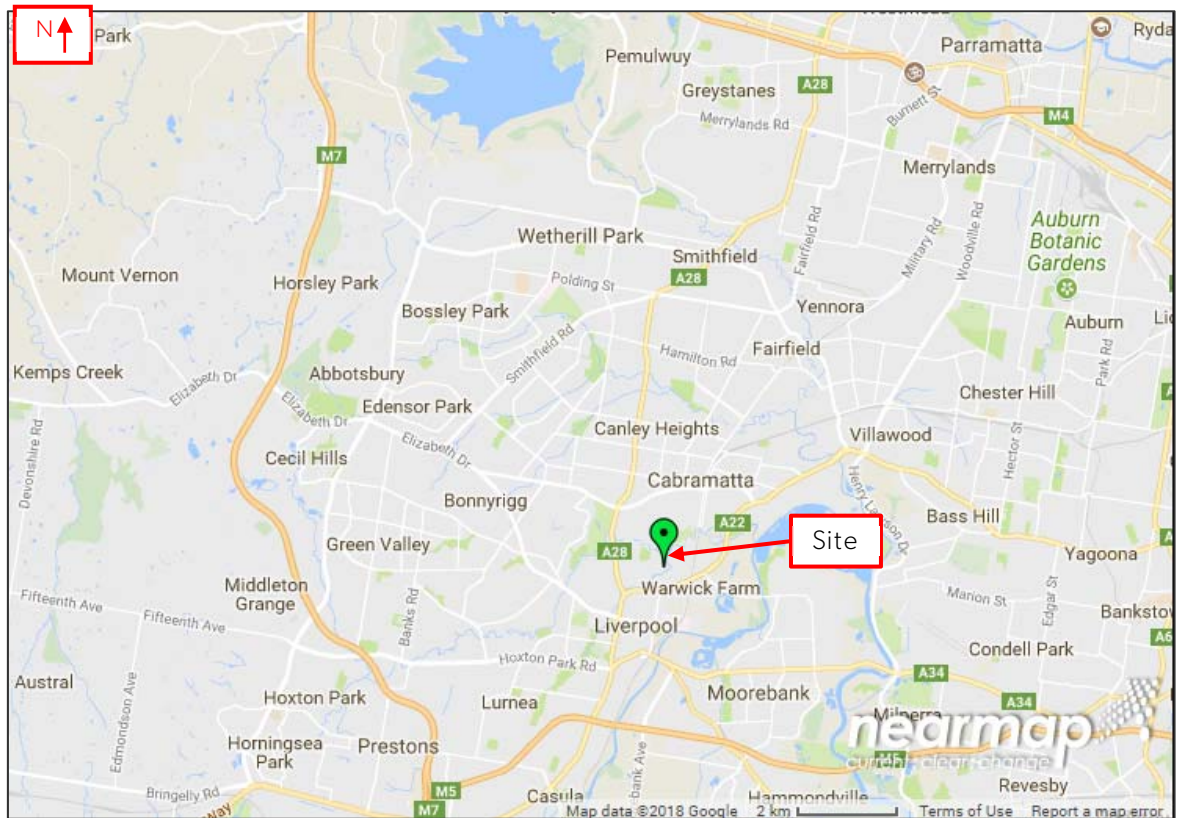


Figure 1 | Regional Context Map (Source: Nearmap 2018)



Figure 2 | Locality Context Map (Source Nearmap 2018)



2. Project

The key components and features of the proposal (as refined in the Response to Submissions) are provided in **Table 1** and are shown in **Figure 3** to **Figure 16**.

Table 1 | Main Components of the Project

Aspect	Description
Project Summary	Construction of a new school consisting of five buildings including an administration building, library and hall building, two learning buildings, an indoor hydrotherapy pool building with storage spaces, as well as vehicular access, car parking and associated landscaping to enable the relocation of MSSP.
Built form	<ul style="list-style-type: none">• The construction of five one and two-storey buildings comprising:<ul style="list-style-type: none">○ new learning spaces.○ administration.○ library and shared hall.○ hydrotherapy pool.○ canteen, amenities and storage facilities.• Landscaping including:<ul style="list-style-type: none">○ tree removal.○ replacement tree planting.○ covered outdoor learning areas (COLAs).○ new sports field.○ fencing and pathways.• Vehicular and pedestrian access along Williamson Crescent and Porte cochere.
Heritage	<ul style="list-style-type: none">• Not applicable.
Site area	<ul style="list-style-type: none">• 31,120m².
Gross floor area (GFA)	<ul style="list-style-type: none">• Total GFA of 5,871.2m².
Floor Space Ratio	<ul style="list-style-type: none">• 0.19:1.
Uses	<ul style="list-style-type: none">• Educational establishment.
Access	<ul style="list-style-type: none">• Two vehicular access and two vehicular egress points on Williamson Crescent.• Pedestrian access from Williamson Crescent.
Car parking	<ul style="list-style-type: none">• 43 car spaces including two accessible spaces.• Five spaces for small buses.
Bicycle parking	<ul style="list-style-type: none">• 22 spaces.

Public domain and landscaping	<ul style="list-style-type: none"> • Removal of 38 canopy trees. • Planting of 67 canopy trees. • Fencing and pathways.
Hours of operation	<ul style="list-style-type: none"> • Office: 8:15am until 3:30pm • School: 8:50am until 3pm.
Signage	<ul style="list-style-type: none"> • Signage to be assessed under a separate development application to Council.
Jobs	<ul style="list-style-type: none"> • 50 construction jobs. • 52 full time and eight part-time staff (an additional eight staff from existing operations).
Student Numbers	<ul style="list-style-type: none"> • 120 students.
CIV	<ul style="list-style-type: none"> • \$24 million.
Remediation	<ul style="list-style-type: none"> • To be undertaken over a three-month period prior to construction.

The proposal would result in a total increase of 14 students and eight staff from the existing school (118 Flowerdale Road, Liverpool). The proposal includes shared use of some facilities between MSSP and WFPS.

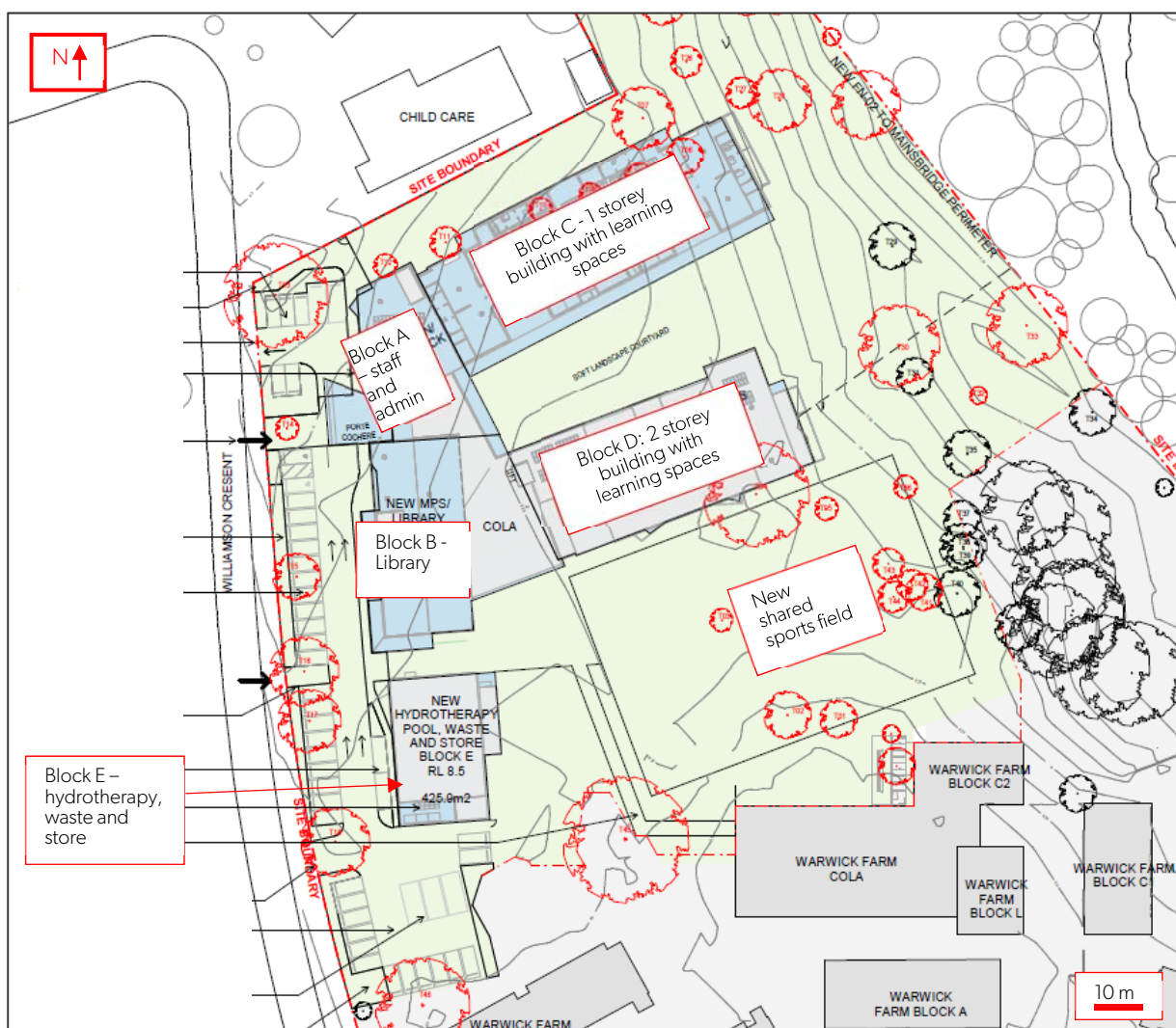


Figure 3 | Proposed site plan (Source: Rts 2018)

2.1 Physical layout and design

The layout of the proposed school would consist of four of the five buildings arranged in a U-shape, with the fifth building located to the south of the U-shape. The buildings are interconnected by covered pathways. **Figure 3** to **Figure 16** show the layout of the proposed school buildings. The key features of each building are summarised in **Table 2**.

Table 2 | Key features of each building

Building	Features
A	Two-storey administration building including: <ul style="list-style-type: none">• offices.• counselling rooms.• store rooms.• sick bay.• laundry/cleaning room.• foyer.• staffroom.• meeting and interview rooms.• amenities.
B	Two-storey building including: <ul style="list-style-type: none">• library and shared hall.• special programs kitchen and dining room.• multi-purpose hall and stage.• accessibility amenities.• communications room.• storage spaces.• library.• office/workroom.
C	One-storey learning building including: <ul style="list-style-type: none">• eight learning studios each with accessible toilets.• four changerooms/showers.• three outdoor learning spaces.• two learning commons.

- five meeting rooms.

D

Two-storey learning building including:

- ground floor
 - six learning studios each with accessible toilets.
 - three accessible changerooms/showers.
 - two outdoor learning spaces.
 - two learning commons.
 - meeting rooms.
 - storage areas.
 - laundry/cleaner's room.
- level 1
 - six learning studios each with accessible toilets.
 - three accessible changerooms/showers.
 - two outdoor learning spaces.
 - two learning commons.
 - meeting rooms.
 - storage areas.
 - laundry/cleaner's room.

E

- Hydrotherapy pool.
- Bulk storage including:
 - garden and cleaning supplies.
 - main switch room.
 - waste storage.
 - fire services.



Figure 4 | Block A perspective from the south west (Source: SRtS 2018)

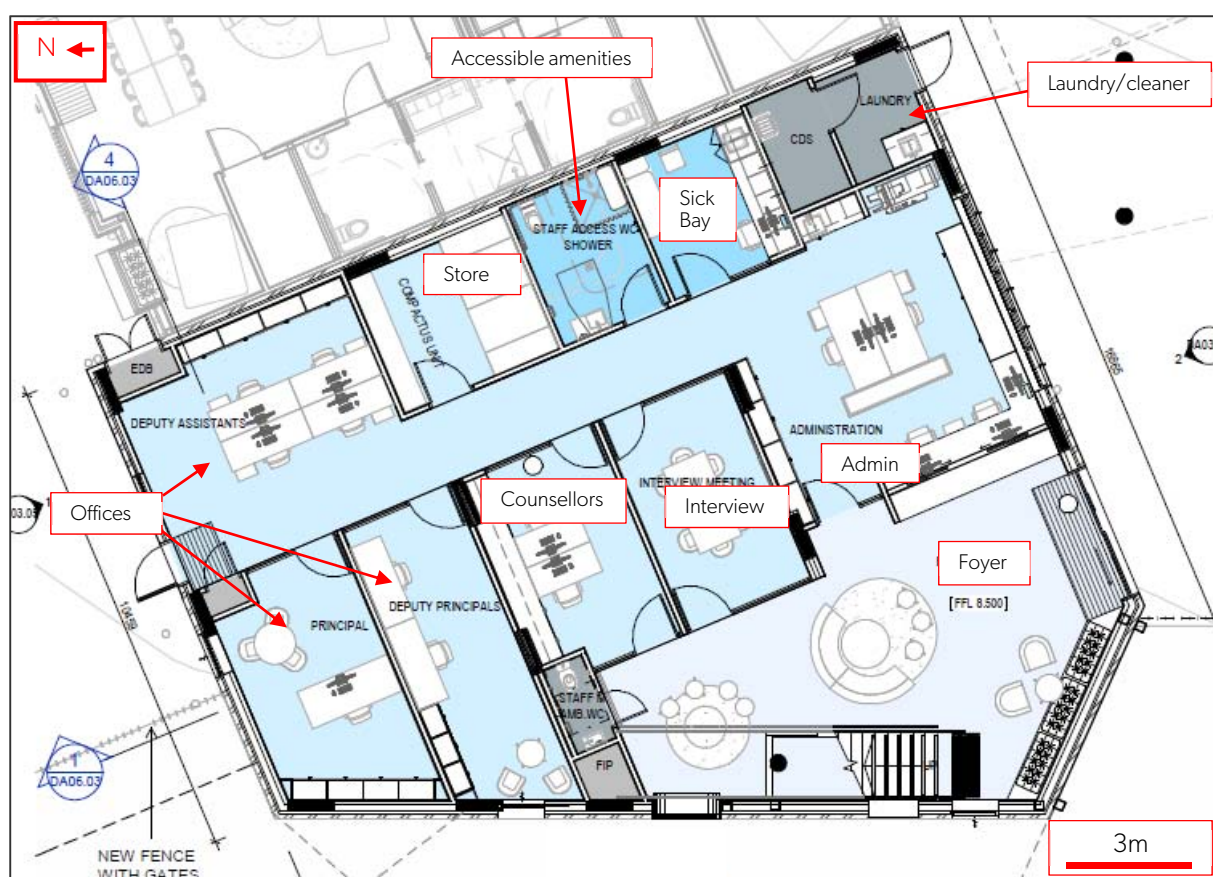


Figure 5 | Block A ground floor layout (Source: SRtS 2018)

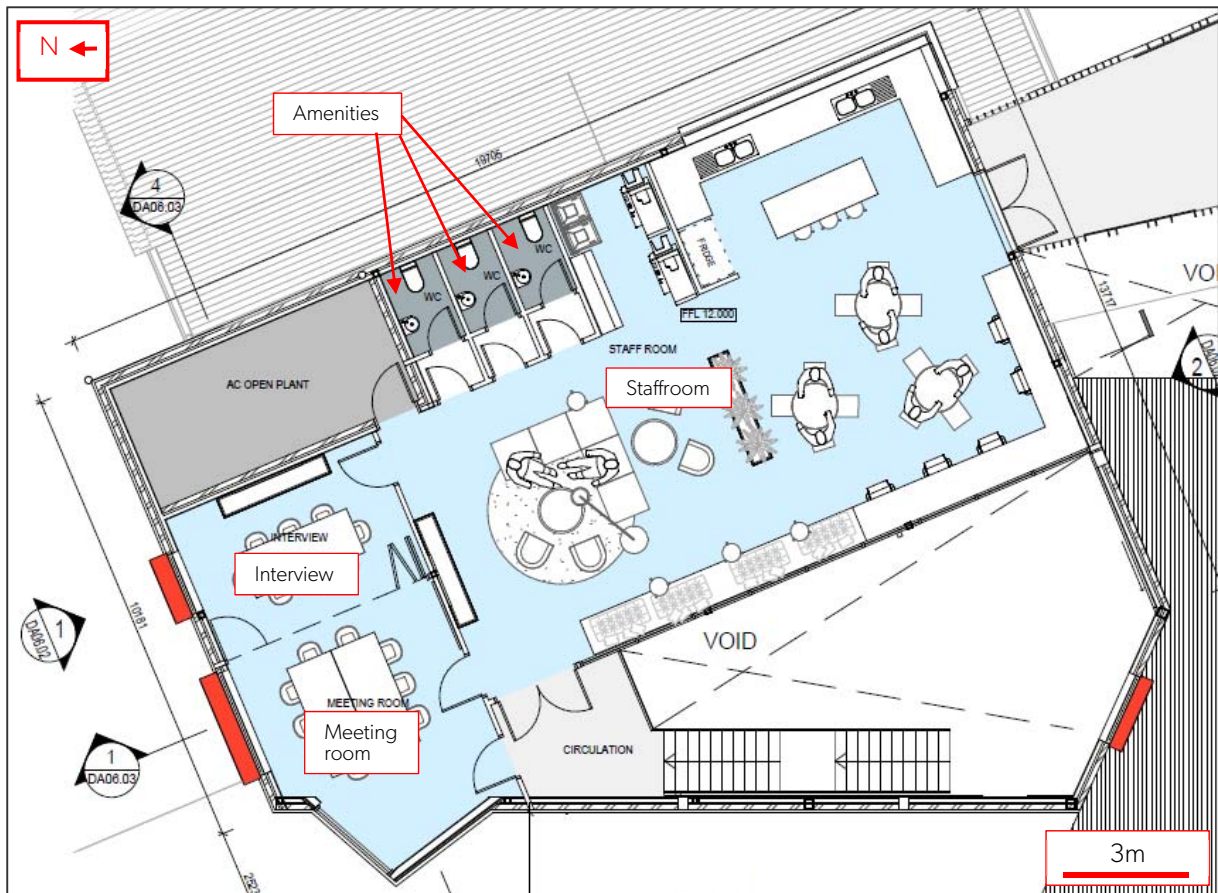


Figure 6 | Block A first floor layout (Source: SRtS 2018)



Figure 7 | Central courtyard perspective facing west towards Block B (left) and Block A (Source: SRtS 2018)

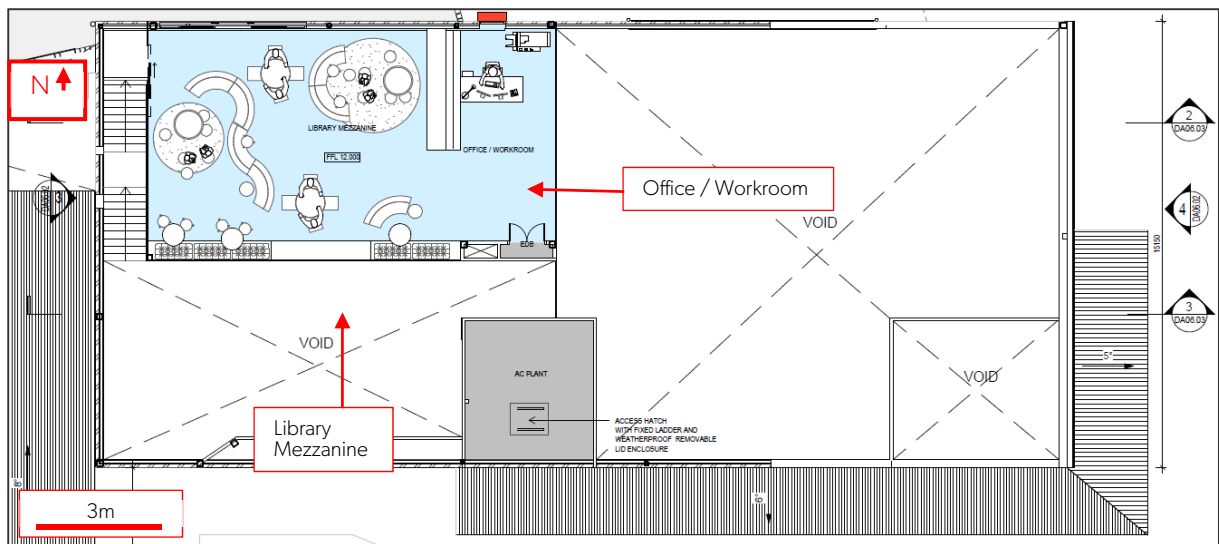
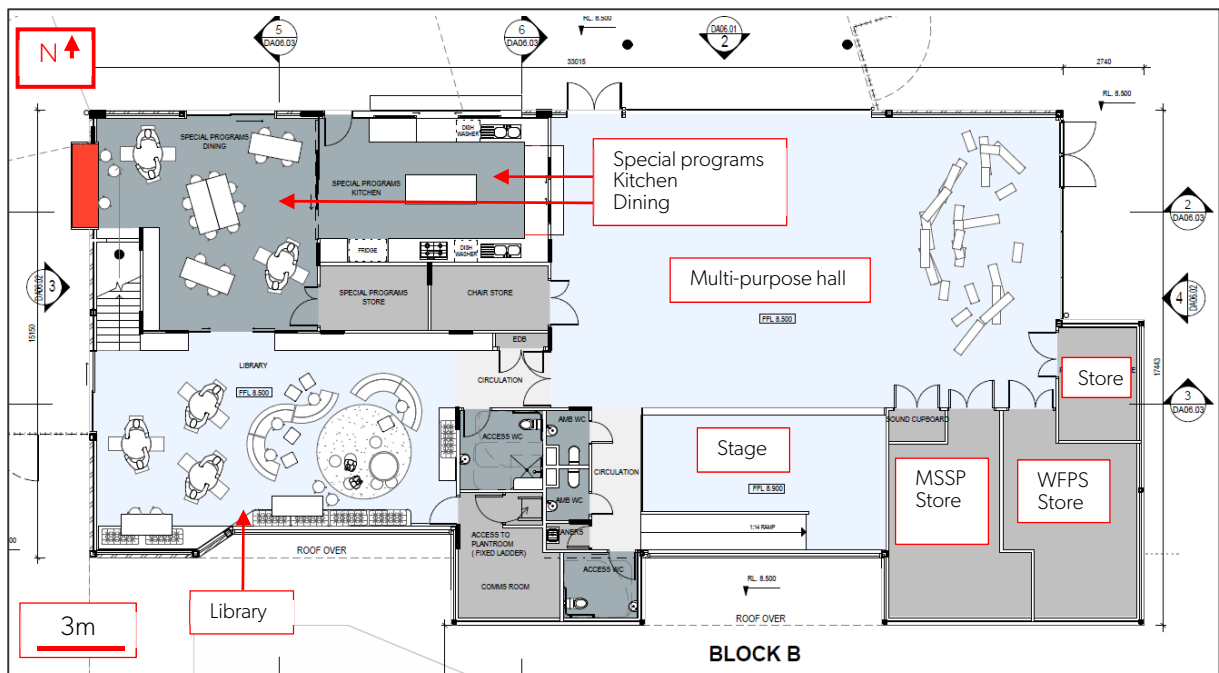




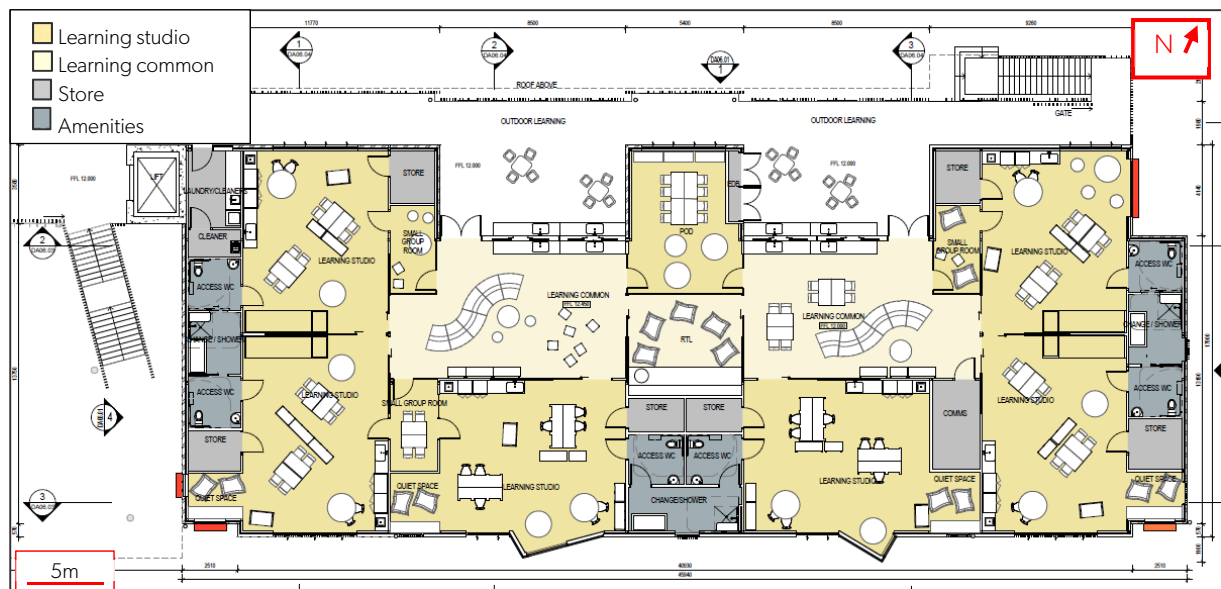
Figure 10 | Block C (right hand side) perspective (Source: SRtS 2018)



Figure 11 | Block C layout (Source: SRtS 2018)



Figure 12 | Block D perspective facing south (Source: SRtS 2018)



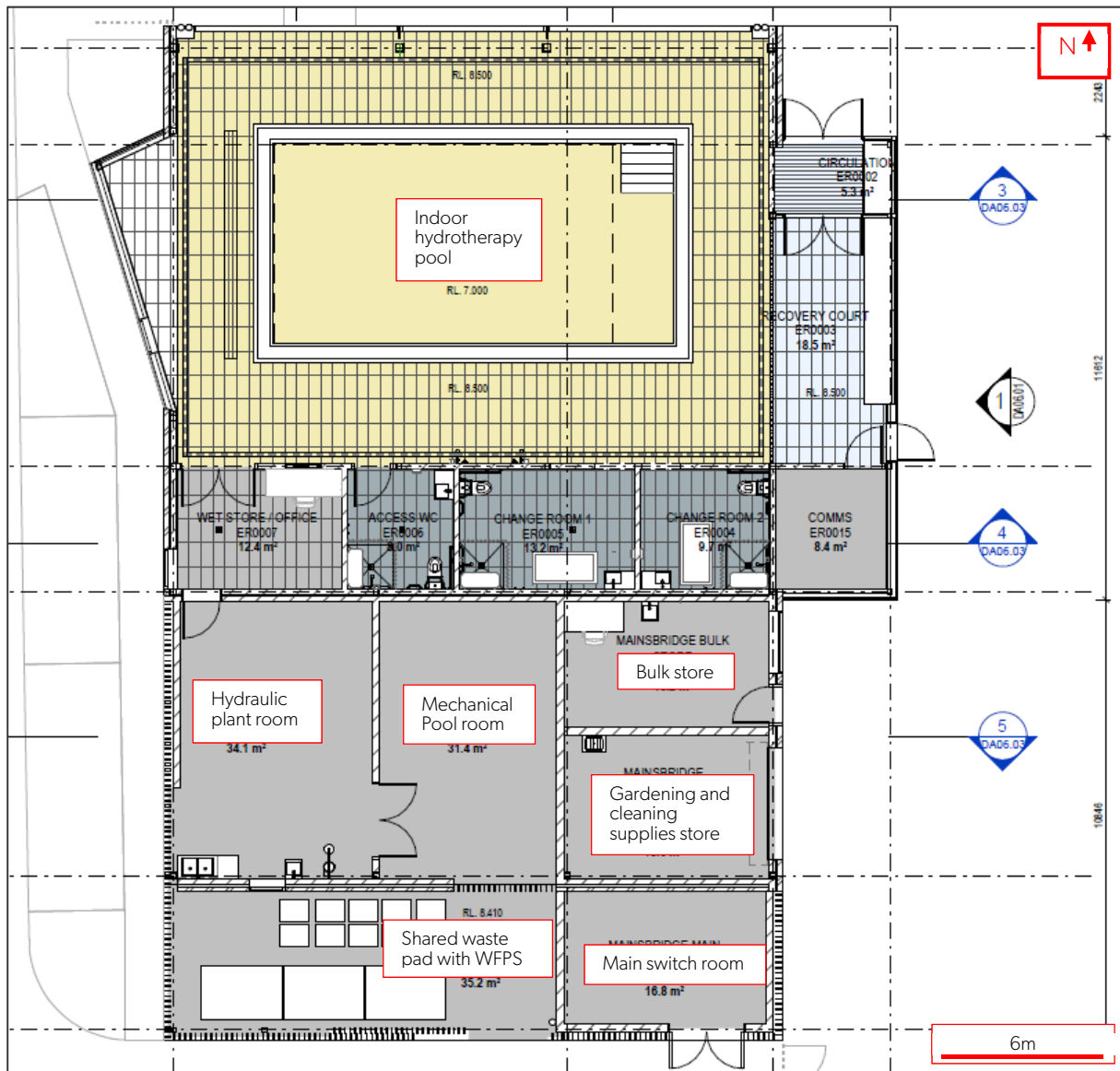


Figure 16 | Block E: Hydrotherapy pool layout (Source: SRTS 2018)

2.2 Uses and activities

The proposal is for the use of the site as an educational establishment for students with moderate and severe intellectual disabilities. It is proposed that MSSP and the existing WFPS would have shared use of the school hall and sports field. No community use of the new facilities is proposed.

2.3 Timing

It is proposed to undertake asbestos and lead remediation works over a three-month period prior to the commencement of construction works.

The Preliminary Construction Traffic Management Plan indicates that the school would be constructed over three stages with site establishment (Stage 1) taking three months, Stage 2 being the construction of the buildings, and Stage 3 being the fit-out and finishes of the buildings.

2.4 Related Development

MSSP is currently located at 118 Flowerdale Road, Liverpool. The existing facilities do not meet contemporary education or operational needs. Consequently, the proposal is for new purpose-built facilities at the subject site to cater to the needs of current and future students with special needs.

The whole site is currently occupied by WFPS. However, WFPS buildings and hard surface play areas are located in the southern portion of the site. Part of the northern portion of the site has a sports field with the remainder of the site surplus to WFPS needs.

WFPS would continue to operate through the construction and operation of the proposal.



3. Strategic Context

3.1. Project need and justification

Public school enrolments across NSW are anticipated to be 40,000 students higher in 2019-2020 than they were in 2015-2016. In response to the need for additional public education infrastructure as a result of increased demand, the NSW Department of Education is delivering new schools and upgrading existing schools to meet this demand through the Government's \$1 billion Rebuilding NSW Schools fund.

The proposal would facilitate the relocation of the existing MSSP for students with intellectual disabilities from Kindergarten to Year 12 and provide improved facilities for these students. The Department considers that the proposal is appropriate for the site given:

- A Metropolis of Three Cities - The Greater Sydney Plan, as it proposes new school facilities to meet the growing needs of Sydney
- the State Infrastructure Strategy 2018-2038, as it proposes, as it proposes new facilities for students with specific needs in the Liverpool LGA
- it would provide direct investment in the region of approximately \$24 million, which would support 50 construction jobs and a total of 60 operational jobs (an additional eight operational jobs on top of the existing staff at MSSP).

3.2. Western City District Plan

The site is located within the Western City District. The proposal is consistent with the priorities of the Western City District Plan as it provides the community with new social infrastructure by increasing the number of classrooms in response to the enrolment numbers expected for the locality. Additionally, the proposal has included ecologically sustainable development (ESD) principles within the design of the buildings to increase the sustainable use of existing natural resources through passive building design.



4. Statutory Context

4.1 State significant development

The proposal is SSD under section 4.36 (development declared SSD) of the EP&A Act as the proposal is for the relocation of an existing school to the subject site and has a CIV in excess of \$20 million which is identified as SSD under clause 15 of Schedule 1 of State Environmental Planning Policy (State and Regional Development) 2011 (SRD SEPP).

The Minister is the consent authority under section 4.5 of the EP&A Act. In accordance with the Minister for Planning's delegation to determine SSD applications, signed on 11 October 2017, the Executive Director, Priority Projects Assessments may determine this application as:

- the relevant Council has not made an objection.
- there are less than 25 public submissions in the nature of objection.
- a political disclosure statement has not been made.

4.2 Permissibility

The site is identified as being located within the R2 Low Density Residential zone by the Liverpool Local Environmental Plan (LLEP) 2008. Educational establishments are permissible with consent within the zone. Therefore, the Minister for Planning or a delegate may determine the carrying out of the development.

4.3 Other Approvals

Under section 4.41 of the EP&A Act, a number of other approvals are integrated into the State significant development approval process, and consequently are not required to be separately obtained for the proposal.

Under section 4.42 of the EP&A Act, a number of further approvals are required, but must be substantially consistent with any development consent for the proposal (e.g. approvals for any works under the *Roads Act 1993*).

The Department has consulted with the relevant public authorities responsible for integrated and other approvals, considered their advice in its assessment of the project, and included suitable conditions in the recommended conditions of consent (see **Appendix A**).

4.4 Matters for Consideration

4.4.1 Environmental planning instruments

Under section 4.15 of the EP&A Act, the consent authority is required to take into consideration any environmental planning instrument that is of relevance to the development the subject of the development application. Therefore, the assessment report must include a copy of, or reference to, the provisions of any EPIs that substantially govern the project and that have been taken into account in the assessment of the project.

The Department has undertaken a detailed assessment of these EPIs in **Appendix B** and is satisfied the application is consistent with the requirements of the EPIs.

4.4.2 Objects of the EP&A Act

The objects of the EP&A Act are the underpinning principles upon which the assessment is conducted. The statutory powers in the EP&A Act (such as the power to grant consent/approval) are to be understood as powers to advance the objects of the legislation, and limits on those powers are set by reference to those objects. Therefore, in making an assessment, the objects should be considered to the extent they are relevant. A response to the objects of the EP&A Act is provided at **Table 3**.

Table 3 | Response to the objects of section 1.3 of the EP&A Act

Objects of the EP&A Act	Consideration
a) to promote the social and economic welfare of the community and a better environment by the proper management, development and conservation of the State's natural and other resources,	<p>The proposal involves the construction of new school buildings for the relocation of an existing school on a currently underutilised portion of the site.</p> <p>The proposal is near a future strategic centre and would provide for the future needs of the community.</p>
b) to facilitate ecologically sustainable development by integrating relevant economic, environmental and social considerations in decision-making about environmental planning and assessment,	<p>The proposal included measures to deliver ESD (Section 4.4.3).</p>
c) to promote the orderly and economic use and development of land,	<p>The proposal is an orderly and economic development and use of the land as the proposal provides for the relocation of an existing school to an underutilised portion of an existing school, which would provide new, fit-for-purpose educational facilities on a site owned by the Department of Education.</p>
d) to promote the delivery and maintenance of affordable housing,	<p>Not applicable.</p>
e) to protect the environment, including the conservation of threatened and other species of native animals and plants, ecological communities and their habitats,	<p>No threatened fauna species were found onsite during the study period; however, it was noted that some fauna species had the potential to forage above the site.</p> <p>The Biodiversity Assessment Report (BDAR) identified that the Alluvial Woodland present on the site is an endangered ecological community, and in particular, the Plant Community Type (PCT) 835 Forest Red Gum was present on the site. Biodiversity has been considered in detail in Section 6 of this report.</p>

f)	to promote the sustainable management of built and cultural heritage (including Aboriginal cultural heritage),	The site does not include any heritage items nor is it within the vicinity of heritage items or conservation areas.
g)	to promote good design and amenity of the built environment,	The building has a modern functional design would integrate with the surrounding built environment.
h)	to promote the proper construction and maintenance of buildings, including the protection of the health and safety of their occupants,	The proposal would promote proper construction and maintenance of buildings subject to recommended conditions of consent.
i)	to promote the sharing of the responsibility for environmental planning and assessment between the different levels of government in the State,	The Department publicly exhibited the proposal (Section 5.1), which included consultation with Council and other public authorities and consideration of their responses (Sections 5.1 and 6).
j)	to provide increased opportunity for community participation in environmental planning and assessment.	The Department publicly exhibited the proposal as outlined in Section 5.1 , which included notifying adjoining landowners, placing a notice in newspapers and displaying the proposal on the Department's website and at Council during the exhibition period.

4.4.3 Ecologically Sustainable Development

The EP&A Act adopts the definition of ESD found in the *Protection of the Environment Administration Act 1991*. Section 6(2) of that Act states that ESD requires the effective integration of economic and environmental considerations in decision-making processes and that ESD can be achieved through the implementation of:

- the precautionary principle.
- inter-generational equity.
- conservation of biological diversity and ecological integrity.
- improved valuation, pricing and incentive mechanisms.

The Applicant proposed a 3-Star Green Star rating which does not achieve the targeted 4-Star Green Star rating in the Educational Facilities Standards and Guidelines (EFSG). The Applicant has proposed a range of ESD measures to achieve the 3-Star Green Star rating including:

- optimised façade design.
- efficient heating, ventilation and air conditioning (HVAC) selection.
- use of high efficiency LED fittings.
- timer switches and daylight sensors to reduce unnecessary energy consumption.
- use of certified/best practice materials for concrete formwork during construction.
- consideration of durability of materials used.
- reduction in peak demand and grid electricity consumption through onsite renewable energy generation.

- rainwater harvesting for use onsite.
- implementation of water sensitive urban design initiatives.
- Planting of native/low irrigation demand plant species.

The Department has considered the project in relation to the ESD principles. The precautionary and inter-generational equity principles have been applied in the decision-making process by a thorough assessment of the environmental impacts of the project. Overall, the proposal is generally consistent with ESD principles and the Department is satisfied the proposed sustainability initiatives would go some way to encourage ESD, in accordance with the objects of the EP&A Act. However, the EFSG requires schools to achieve the equivalent of a minimum 4-Star Green-Star rating. Therefore, the Department considers it reasonable to require MSSP to register a minimum 4-Star Green-Star rating with the Green Building Council Australia, and that after operation has commenced, certification that the minimum rating has been achieved. This would ensure the development meets the targets required by the EFSG. This has been addressed by recommended conditions of consent.

4.4.4 Environmental Planning and Assessment Regulation 2000

Subject to any other references to compliance with the EP&A Regulation cited in this report, the requirements for Notification (Part 6, Division 6) and Fees (Part 15, Division 1AA) have been complied with.

4.4.5 Planning Secretary's Environmental Assessment Requirements

The EIS is compliant with the Planning Secretary's Environmental Assessment Requirements (SEARs) and is sufficient to enable an adequate consideration and assessment of the proposal for determination purposes.

4.4.6 Section 4.15(1) matters for consideration

Table 4 identifies the matters for consideration under section 4.15 of the EP&A Act that apply to SSD in accordance with section 4.40 of the EP&A Act. The table represents a summary for which additional information and consideration is provided for in **Section 6** (Assessment) and relevant appendices or other sections of this report and EIS, referenced in the table.

Table 4 | Section 4.15(1) Matters for Consideration

Section 4.15(1) Evaluation	Consideration
a) (i) any environmental planning instrument	Satisfactorily complies. The Department's consideration of the relevant EPIs is provided in Appendix B of this report.
a) (ii) any proposed instrument	The Department's consideration of the relevant EPIs is provided in Appendix B of this report.
a) (iii) any development control plan (DCP)	Under clause 11 of the SRD SEPP, Development Control Plans (DCP) do not apply to SSD.
a) (iiia) any planning agreement	Not applicable.
a) (iv) the regulations <i>Refer Division 8 of the EP&A Regulation</i>	The application satisfactorily meets the relevant requirements of the EP&A Regulation, including the procedures relating to applications (Part 6 of the EP&A Regulation), public participation procedures for SSD and Schedule 2 of the EP&A Regulation relating to EIS.

a) (v) any coastal zone management plan	Not applicable as the site is not located in a coastal area.
b) the likely impacts of that development including environmental impacts on both the natural and built environments, and social and economic impacts in the locality	Appropriately mitigated or conditioned - refer to Section 6 of this report.
c) the suitability of the site for the development	The site is suitable for the development as discussed in Sections 4 and 6 of this report.
d) any submissions	Consideration has been given to the submissions received during the exhibition period. See Sections 5 and 6 of this report.
e) the public interest	Refer to Section 6 of this report.
Biodiversity values impact assessment not required if:	Consideration has been given to Biodiversity in Section 6 of this report.
a) On biodiversity certified land	
b) Biobanking Statement exists	

4.4.7 Biodiversity Conservation Act 2016

Under section 7.9(2) of the *Biodiversity Conservation Act 2016* (BC Act), SSD applications are “to be accompanied by a biodiversity development assessment report (BDAR) unless the Planning Agency Head and the Environment Agency Head determine that the proposed development is not likely to have any significant impact on biodiversity values”.

The impact of MSSP on biodiversity values has been assessed in the BDAR accompanying the EIS and RtS and is considered further in **Section 6** of this report.



5. Engagement

5.1 Department's Engagement

In accordance with Schedule 1 of the EP&A Act, the Department publicly exhibited the application from Thursday 22 March 2018 until Friday 20 April 2018 (30 days). The application was exhibited at the Department and on its website, at the NSW Service Centre and at Liverpool City Council's office.

The Department placed a public exhibition notice in the Sydney Morning Herald, Daily Telegraph and Liverpool Leader on 21 March 2018, and notified adjoining landholders and relevant State and local government authorities in writing. The Department representatives visited the site to provide an informed assessment of the development.

The Department has considered the comments raised in the public authority and public submissions during the assessment of the application (**Section 6**) and/or by way of recommended conditions in the instrument of consent at **Appendix C**.

5.2 Summary of Submissions

The Department received a total of seven submissions, all from public authorities, with no submissions from the general public. A summary of the issues raised in the submissions is provided at **Table 5** below and copies of the submissions may be viewed at **Appendix A**.

Table 5 | Summary of Submissions

Submitters	Number	Position
Public Authority	6	
• Environment Protection Authority (EPA)	1	Comment
• Office of Environment and Heritage (OEH)	1	Comment
• NSW Rural Fire Service (NSW RFS)	1	Comment
• Roads and Maritime Services (RMS)	1	Comment
• Transport for NSW (TfNSW)	1	Comment
• Sydney Water	1	Comment
Liverpool City Council (Council)	1	Comment
Community	0	
TOTAL	7	

5.3 Public Authority submissions

A summary of the issues raised in the public authority submissions is provided at **Table 6** below and copies of the submissions may be viewed at **Appendix A**.

Table 6 | Summary of public authority submissions to the EIS exhibition

Council

Council does not object to the proposal, however, it provided comments in relation to:

- the proposed remediation framework be amended to require off-site disposal of asbestos and lead contaminated soils.
- the Noise Impact Assessment (NIA) should be reviewed in relation to proposed noise exceedances and include an assessment of the out of school hours use of facilities.
- operational waste management plan should increase the proposed bin volume or require additional collections to manage expected waste appropriately.
- provision of a social impact assessment.
- provide a revised flood impact assessment in relation to the Probable Maximum Flood (PMF) level and the Annual Exceedance Probability (AEP).
- review the water quality management measures and incorporate necessary controls according to water sensitive urban design (WSUD).
- entry/exit arrangement would create queuing and vehicular conflicts at the southern (entry) driveway.
- the entry/exit driveways be reversed to reduce vehicular conflict.
- pedestrian crossing be provided within the car park.
- the set-down/pick-up location along Williamson Crescent is not supported due to the width of the carriageway.
- provision of a roundabout at the intersection of Lawrence Hargrave Road and Williamson Crescent.
- mitigation measures outlined in the Flora and Fauna Assessment be adhered to.

Council also provided recommended conditions, should the application be supported.

EPA

The EPA provided comments in relation to:

- the proximity of Brickmakers Creek and the potential for contamination.
- noise impacts particularly during site preparation, bulk earthworks and construction.
- provision of a detailed site contamination assessment,
- construction phase dust control, noise and vibration impacts.
- construction phase erosion and sediment control.

- operational noise impacts on noise sensitive receivers.
- implementation of WSUD principles.
- minimisation of energy consumption.

The EPA also provided recommended conditions, should the application be supported.

OEH

OEH raised the following concerns with regard to the proposal:

- the EIS and associated documents did not address the BC Act.
- stormwater management does not adequately address the potential flood risk with regard to the PMF.

OEH required additional information on the following:

- flood risk to people and properties for the full range of floods up to the PMF event.
- the impact of the proposed development on the flood behaviour.
- impact of flooding on adjacent areas.
- impact of earthworks and filling of land within the development based on the understanding of cumulative flood impacts.
- a sensitivity analysis to determine the potential impacts from climate change on flooding behaviour.
- an emergency response plan be prepared in consultation with the State Emergency Service (SES) to manage floods and overland flow above the flood planning level. This should include an assessment of the flood evacuation needs to ensure that risk to people is minimised.

NSW RFS

NSW RFS provided the following recommendations:

- manage the entire site as an inner protection area in perpetuity.
- water and utilities to comply with *Planning for Bush Fire Protection 2006* (PBP 2006).
- an emergency evacuation plan be prepared consistent with the *Development Planning – A Guide to Developing a Bush Fire Emergency Management and Evacuation Plan* (December 2014).

RMS

RMS provided recommended conditions on the following:

- changes to signage on Homepride Avenue be submitted to Council's Traffic Committee to obtain approval.
- provision of school zone signs.
- the removal of school zone infrastructure at the existing MSSP site.
- on-site car parking be provided to the consent authority's satisfaction.

- consideration of pedestrian safety.
- car parking areas to be designed in accordance with the relevant Australian Standards (AS).
- provision of a Construction Traffic Management Plan.

TfNSW

TfNSW provided conditions relating to the following:

- preparation of a Green Travel Plan (GTP).
- preparation of a Traffic and Parking Management Plan.
- preparation of a detailed signage and line-marking plan of the proposed changes to curbside parking.
- preparation of a Road Safety Audit (RSA).
- conduct a Road Safety Evaluation (RSE) be within three months of commencement of school operations. Appropriate road safety measures and/or traffic management measures be implemented based on the outcomes of the RSE in consultation with Liverpool Council.

Sydney Water

Sydney Water provided recommended conditions relating to:

- the submission of plans to Sydney Water to determine whether or not the development would affect Sydney Water sewer or water mains, stormwater drains or easements.
- obtain a Section 73 Compliance Certificate.

5.4 Public submissions

No public submissions were received during the exhibition of this application.

5.5 Response to Submissions and supplementary information

Following the exhibition of the application the Department placed copies of all submissions received on its website and requested the Applicant provide a response to the issues raised in the submissions.

On 19 October 2018, the Applicant provided a Response to Submissions (RtS) (**Appendix A**) on the issues raised during the exhibition of the proposal. The RtS included:

- amended architectural plans including an indoor hydrotherapy pool.
- amended noise impact assessment.
- amended arborist report.
- supplementary parking assessment including revised entry and exit configuration.
- supplementary contamination and flooding reports.
- supplementary noise assessment.

The RtS was made publicly available on the Department website and was referred to the relevant public authorities. An additional seven submissions were received from public authorities, including Council, EPA,

OEH, NSW RFS, RMS, TfNSW and Sydney Water. No submissions were received from the public. A summary of the issues raised in the submissions is provided at **Table 7**.

Table 7 | Summary of public authority submissions to the RtS

Council

Council advised that their comments supplement their original submission and provided the following additional comments:

- noted that capping of contaminants (asbestos and lead) was still proposed and reinforced previous comments that contaminated materials be removed from the site and disposed of appropriately.
- reiterated that previous comments relating to redesign of the development to ensure the buildings would be above the PMF.
- recommended conditions in relation to waste management.
- noted that the Liverpool DCP (LDCP) parking provisions had not been met, and that the draft GTP does not provide incentives for staff to use alternative travel arrangements.
- recommended compliance with the LDCP parking requirements.
- recommended a condition requiring the provision of an Operational Traffic Management Plan.
- considers the roundabout requested in the original submission is warranted.

EPA

The EPA retains a number of concerns including:

- site contamination during the construction phase
- waste control and management during the construction phase
- noise and vibration impacts during operations
- waste management during operations.

Notwithstanding, the EPA provided recommended conditions in relation to contamination, noise and vibration management, waste, and dust, erosion and sediment control.

OEH

OEH provided further comments in relation to:

- Biodiversity Development Assessment Report (BDAR) needs to be updated to address sections 8 and 9 of the Biodiversity Assessment Method.
- tree removal should be avoided by using prevention and mitigation measures.
- recommend that after the completion of remediation, the riparian corridor is revegetated.
- the landscape plan be updated to:
 - identify native trees and shrubs to be retained, removed or transplanted.

- o salvage native tree trunks/hollows and used to enhance habitat on-site or in the riparian corridor.
- o remnant vegetation to be removed be translocated.
- o replacement trees be native and of an advanced and established local species with a minimum tree height of 2-2.5m.

NSW RFS

The NSW RFS had no further comments, subject to previous comment provided during exhibition.

RMS

RMS had no further comments, subject to the Applicant notifying them of changes to the school zone.

TfNSW

TfNSW advised that there were no further comments, subject to previous comment provided during exhibition.

Sydney Water

Sydney Water has no further comments, subject to previous comment provided during exhibition.

In response to submissions to the RtS and the Department's request for additional information, the Applicant provided a supplementary RtS (SRtS) on 15 January 2019, which provided further clarifications and included details of tree removal, biodiversity, site contamination and car parking.

The SRtS was made publicly available on the Department's website and was referred to the relevant public authorities (Council, EPA and OEH). In response to the SRtS, the EPA provided comment in relation to site notification, appointment of a Site Auditor, data gap investigation, asbestos management and provided a recommendation with regard to ensuring any contamination identified as meeting the trigger in the EPA 'Guidelines for the Duty to Report Contamination') is notified in accordance with requirements of section 60 of the Contaminated Land Management Act and ensuring the proposed development does not result in a change of risk in relation to any pre-existing contamination on the site so as to result in significant contamination. OEH advised that the amended BDAR addressed previous concerns, and provided comments relating to tree removal and landscaping. Council advised that they had no further comment.



6. Assessment

The Department has considered the EIS, the issues raised in submissions and the Applicant's RtS and SRtS in its assessment of the proposal. The Department considers the key issues associated with the proposal are:

- built form
- traffic, transport and parking.

Each of these issues is discussed in the following sections of this report. Other issues were taken into consideration during the assessment of the application are discussed at **Section 6.3**.

6.1 Built form

6.1.1 Building height

Under the provisions of the Liverpool Local Environmental Plan (LLEP) 2008, the subject site is subject to a maximum building height control of 8.5m (**Figure 17**).



Figure 17 | Maximum building heights permissible under LLEP (Source: NSW Planning Portal 2018)

The EIS indicated that the proposed school buildings would be one and two-storeys and have a maximum height of 8.58m above existing ground level, exceeding the height limit by 0.08m (**Figure 18**), permitted under the provisions of clause 4.3 of the LLEP. The roof line of Block D exceeds the building height permissible under the LLEP.

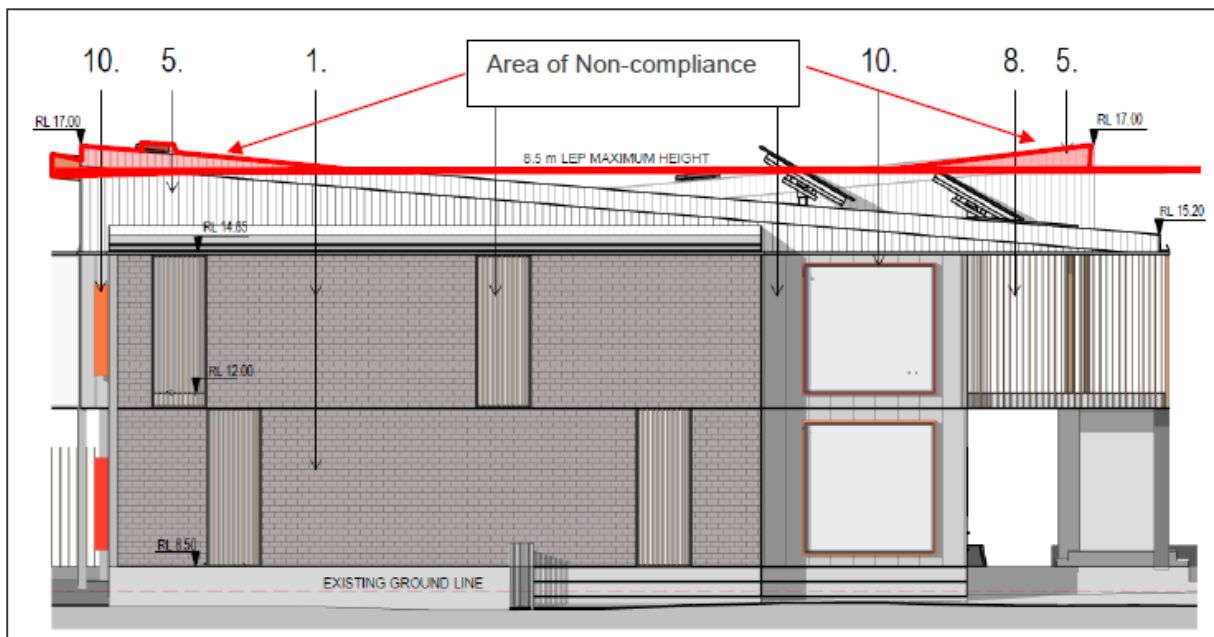


Figure 18 | Extent of Block D building height non-compliance (Source: EIS 2018)

Clause 4.6 of the LLEP provides flexibility in the application of the development standards if it can be demonstrated that compliance is unreasonable and unnecessary and there is sufficient planning justification for contravention of the development standard.

As held by the Land and Environment Court in *Wehbe v Pittwater Council* [2007] NSWLEC827, development standards are not an end in themselves but a means of achieving environmental and planning objectives. Where the objectives of the development control are achieved, strict compliance with the standard would be unnecessary (if the intended purpose is achieved anyway) and unreasonable (if no purpose would be served).

The EIS addresses clause 4.6 of the LLEP and justifies compliance with the development standard as being unreasonable and unnecessary in this circumstance as:

- the total exceedance is 8cm.
- the development is consistent with the objectives of the development standard.
- it represents logical and coordinated development of the site for a school.
- the design of the buildings is responsive to site context.
- the design provides a good quality architectural design outcome for the site.
- the bulk and scale of the buildings are consistent with the established built form surrounding the site and is aligned with the desired future residential character of the area.
- the proposal satisfies the objectives of the R2 Zone.

The proposed buildings are one and two-storeys in height. The non-compliant building does not front Lawrence Hargrave Road, and the closest neighbouring buildings (not part of the proposal) to Block D are part of WFPS. The non-compliance is along the northern and southern elevations of Block D. The proposed library (Block B) is located between proposed Block D and the adjacent low-density residential development to the west, while proposed Block C is located between Block D and the existing child care centre to the north, both of which would limit the impact of the non-compliance on surrounding development.

The shadow diagrams provided as part of the EIS indicate that the shadows cast by the proposal between 9am and 3pm would be wholly within the subject site.

The Department has assessed the proposed building height against the building height objectives of the LLEP and considers the design and built form of proposed new school buildings would not result in adverse amenity impacts on the surrounding area. The Department considers the built form to be acceptable in terms of the relationship with the existing development on site (WFPS) and has consideration to minimising impact on future adjacent development. The Department also notes that the Government Architect NSW (GANSW) raised no objection to the proposed built form.

The Department has assessed the proposed building height variation and has considered the clause 4.6 variation submitted by the Applicant, in conjunction with the established principle in the case of *Four2Five Pty Ltd v Ashfield Council* [2015] NSWLEC 1009, by the NSW Land and Environment Court.

In accordance with the views expressed in this decision, sufficient environmental planning grounds, unique to a site, must be demonstrated by the Applicant for a clause 4.6 variation request to be upheld. In this context, the Department considers the Applicant's arguments to be well founded, as the:

- non-compliance is located internally.
- non-compliance does not result in the floor space ratio (FSR) of the site being exceeded. The subject site has a maximum FSR of 0.5:1 pursuant to the LLEP. The proposal would have an FSR of 0.19:1 which is well within the LLEP control.
- proposed buildings would be consistent with the permissible building height and scale of the low-density residential zone.
- proposal would not impact on the solar access of adjacent buildings.
- proposal would provide facilities to meet the day to day needs of residents.
- proposal would not unduly impact on the amenity of the area.
- proposal would ensure residential amenity is maintained.
- GANSW did not raise concerns with regard to the design, bulk or scale of the proposal.

The Department is satisfied the bulk and scale is appropriate on the site as it provides an acceptable transition to surrounding existing and future development. The height exceedances are effectively managed within the site and the integration of the proposed buildings with the existing school is supported.

6.1.2 Design

The design of the school buildings has had regard to the design quality principles within the Education SEPP, with consideration of the existing residential context of the area, as well as through the choice of building materials and finishes.

The proposal includes five one and two-storey buildings arranged in a U-shape facing east with a setback of greater than 20m to Brickmakers Creek. The proposed buildings would be constructed using a mixture of brick and lightweight cladding materials. Details of the proposed external finishes and materials are discussed further in **Section 6.1.3**.

The proposed setbacks of a minimum of eight metres to the north, greater than 20m to the east, 40m to the south and 10m to the west provide appropriate separation to maintain solar access, privacy and environmental amenity to adjacent properties.

The U-shaped layout of Blocks A, B, C and D has been located as far to the west of the site as possible, and with only storage spaces within Block C located within the 1% Annual Exceedance Probability (AEP) to minimise the potential impact of flood waters on the buildings. Flood impact is discussed further in **Section 6.3**.

Of the proposed Blocks A, B, C and D, the only single storey building is Block C, which is located in the north of the U-shape, the location of Block C would maximise solar access to both the internal courtyard and the ground and first floors of Blocks A, B and D. Further consideration of solar access is provided in **Section 6.3**.

The proposal creates a variety of interesting and useable spaces and enhance the amenity of the internal spaces by guaranteeing light and winter sun access. Paths and lifts have been provided through the school to ensure all occupants would be able to access all parts of the school

GANSW noted that the proposed building heights responds to the surrounding residential character and provides interest when viewed from both the public domain and within the subject site. GANSW also notes that the proposed porte-cochere provides a distinct entry to the school campus.

The Department has assessed the design and location of the school buildings and considers that the buildings have been appropriately located away from Brickmakers Creek to minimise the impact of flooding events and buildings have been designed to maximise on-site amenity and minimise impacts on adjacent properties. The Department is satisfied that the design of the proposed buildings has had appropriate regard to the design quality principles of the Education SEPP.

6.1.3 External materials and finishes

The proposed materials and finishes (**Figure 19**) to be used include:

- galvanised sleeved downpipe covers.
- gledswood blend bricks.
- metalwork hoods.
- fibre cement sheeting.
- timber soffit with custom super graphic.
- writeable wall.
- concrete.
- glass louvre system.
- plywood cladding.
- aluminium louvres.
- timber batten screen.
- visible solar panels array.
- metalwork and glazed batten screen.
- zincalume metal roofing.

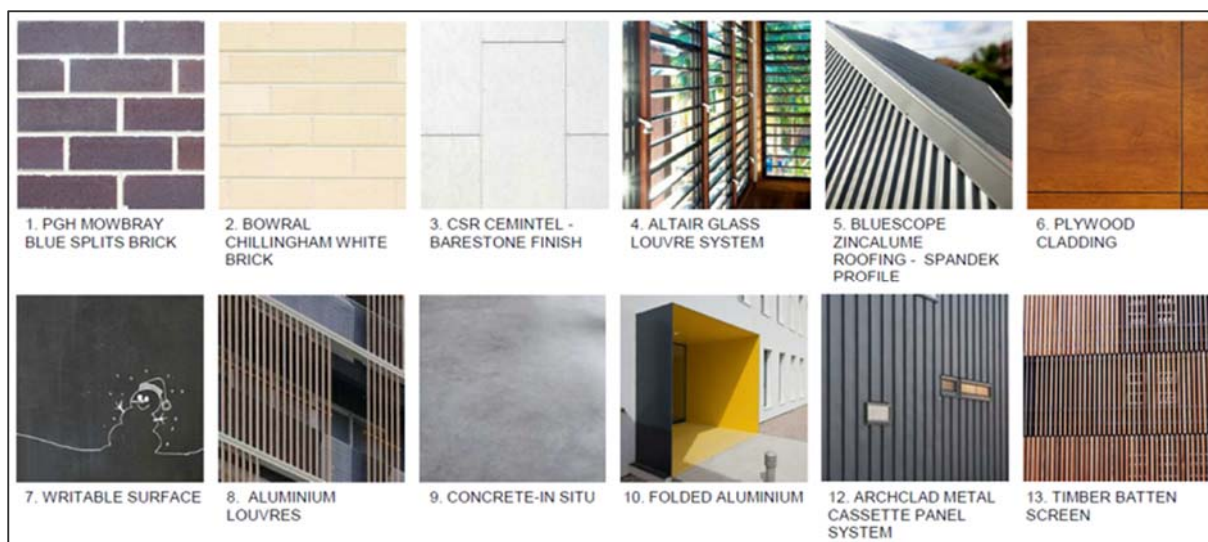


Figure 19 | Proposed materials and finished (Source: SRtS 2018)

The proposed materials are durable and hardwearing, which would require low levels of maintenance. The aluminium louvres, timber batten screens, metalwork and glazed batten screens would be used for sun shading. These elements, along with the metal hoods, writable walls and plywood would visually break up the brick and fibre cement sheeting cladding.

The Department's assessment concludes the proposed external colours and materials are appropriate in their context. The external materials selected are generally a non-combustible material in accordance with the National Construction Code (NCC), with the exception of some plywood cladding and timber batten screens, which are to be used for eaves and screening of windows. These are feature materials and the proposed external walls of the buildings would achieve the fire resistance levels as required by the NCC. Notwithstanding, in light of concerns evident in the broader community regarding building cladding, the Department has recommended a standard condition requiring the Certifying Authority to be satisfied that the proposed external materials comply with the NCC prior to the issue of a Construction Certificate or Occupation Certificate.

6.2 Traffic, transport and parking

6.2.1 Construction traffic

The Applicant provided a Preliminary Construction Traffic Management Plan (PCTMP) with the EIS. The PCTMP provides proposed truck routes, and access arrangements during construction, including all inbound vehicles entering from the Hume Highway, Homepride Avenue, Lawrence Hargrave Road and Williamson Crescent, with outbound vehicles also using this route in reverse. This has been identified as the most direct route to the site from the arterial road network (**Figure 20** and **Figure 21**).

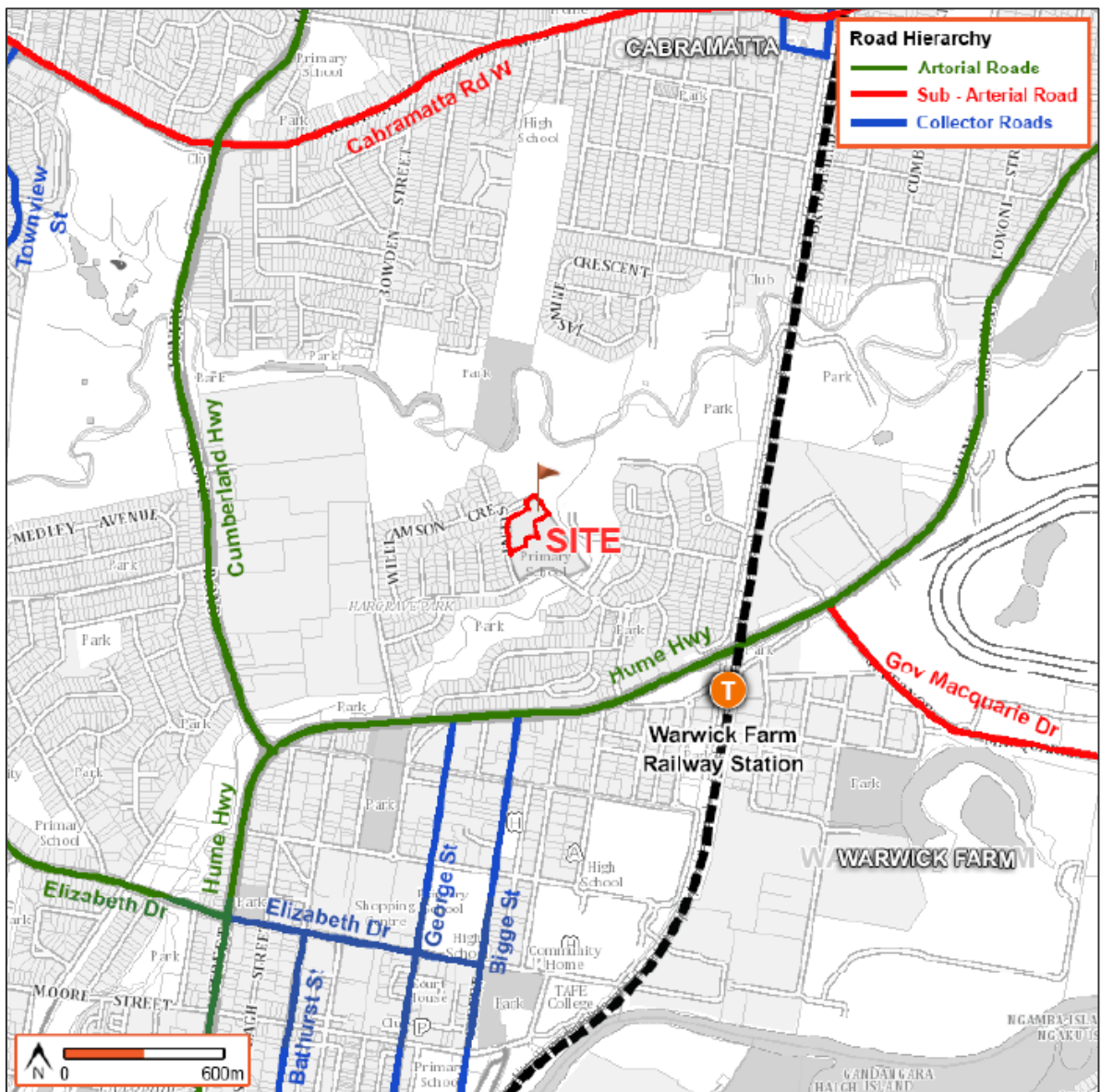


Figure 20 | Arterial road network (Source: EIS 2018)

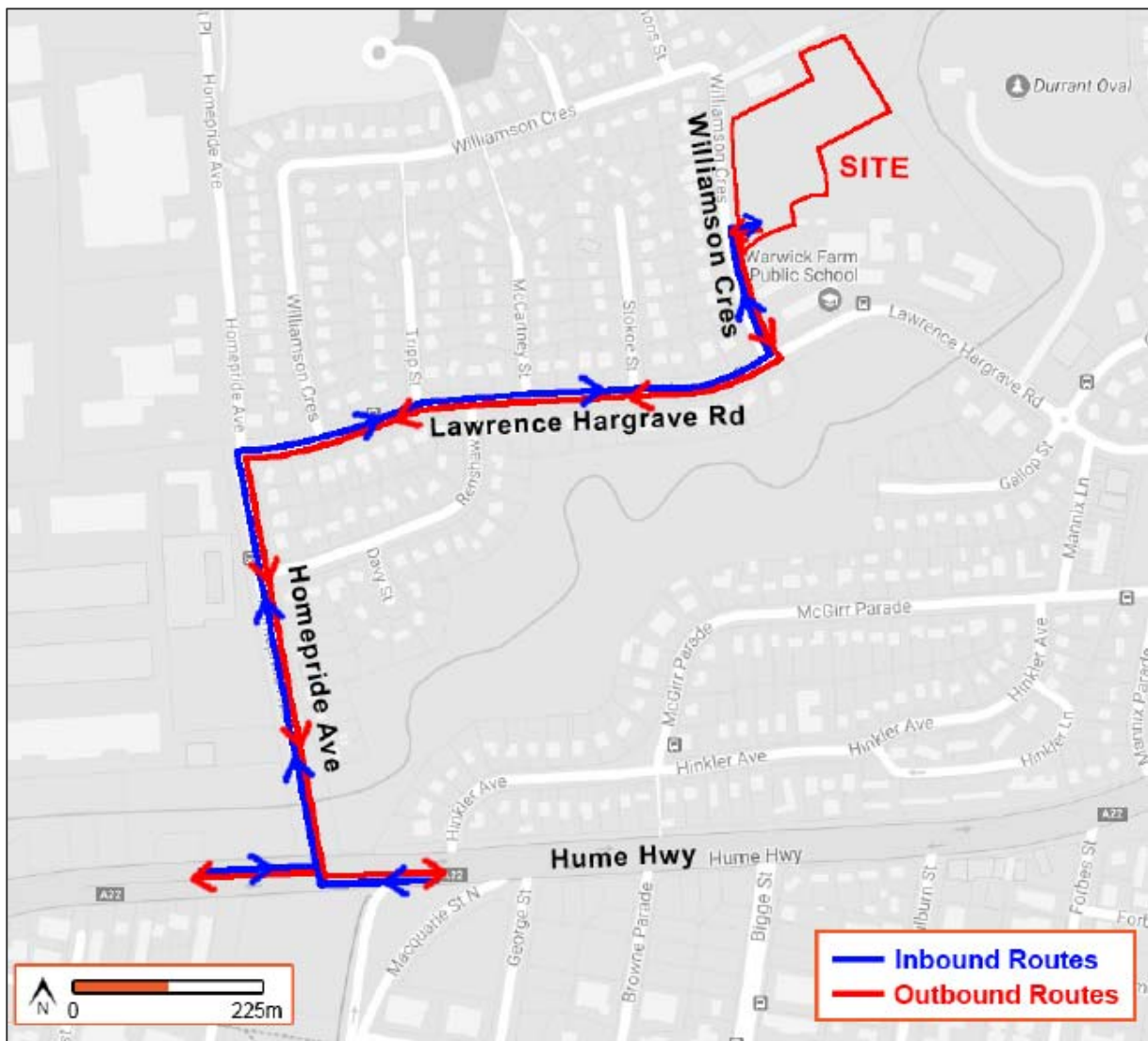


Figure 21 | Truck routes (Source: EIS 2018)

It is expected that there would be approximately 20 private vehicle trips made in the morning and afternoon peak period from construction workers. This is less than the expected traffic generation during the operational phase of the proposal. Traffic generation of the operational phase is considered further in **Section 6.2.2**. The PCTMP indicates that there would be a total of between 15 and 20 daily truck movements throughout demolition and site establishment, to construction and fit out of the buildings. Based on the volume of vehicle movements and the surrounding road network, the Department considers the identified construction traffic routes as being the most appropriate. The PCTMP indicates that construction vehicles would not enter or leave the site during peak school drop-off/pick-up times.

However, it is noted that the findings of the Traffic Impact Assessment (TIA) indicates that the operation of the local roads during operation would be, at worst Level of Service (LoS) B.

The PCTMP indicates that private vehicles would be required to park on-site during construction. To accommodate on-site parking, a temporary hardstand would be constructed along the Williamson Crescent frontage for approximately 20 vehicles.

Council, RMS and TfNSW raised no concerns in relation to the proposed construction traffic volumes or routes.

The Department has recommended a condition of consent requiring the preparation of a Construction Traffic and Pedestrian Management Sub-Plan (CTPMSP) which is required to ensure the safety of road users during construction.

The Department has reviewed the information provided within the EIS, and RtS, as well as the submissions from Council, RMS and TfNSW. The Department considers that with the implementation of recommended conditions, construction traffic impacts would be appropriately managed.

6.2.2 Traffic

The TIA undertook a survey of the trip generation and distribution at the existing site. MSSP utilises the Assisted School Travel Program (ASTP), which is a bus service administered by the Applicant, providing specialised transport to and from schools for students with a disability who are unable to travel to and from school unassisted. The trip generation survey found that 85-90% of students at the existing site currently use the ASTP, with the remaining 10-15% being driven by private vehicle to/from the school by parents/carers. The ASTP would continue to operate five mini-buses to/from the subject site, with seating capacity varying between 12 and 23.

The trip generation survey noted that 80% of the staff currently drive to/from the site, with the remaining using public transport, or are dropped-off/picked-up. It is expected that the traffic generation of the site would be similar at the proposed site. The proposal includes an increase in staff, with a total of 55 staff on-site on any given day. Based on existing staff movements, the majority of staff would commute during the school morning and afternoon peak periods. The expected traffic generation of the site during the school morning and afternoon peak periods is shown in **Table 8**.

Table 8 | Traffic generation

	AM		PM	
	Arrival	Departure	Arrival	Departure
ASTP	25	20	20	25
Private	15	15	15	15
Staff	30	0	0	15

Table 9 provides a summary of the existing LoS at key intersections surrounding the site, as well as the expected LoS with the operation of the proposal. The findings were that traffic generated by the proposed development would result in a slight decrease in LoS at the Hume Highway and Homepride Avenue intersection, from LoS A to LoS B. It is noted that limited modelling was undertaken for the future operation of intersections.

As discussed further in **Section 6.2.4**, the school has prepared a draft GTP, which encourages staff to utilise public and active transport to reduce the demand for parking and traffic generation of the site.

Council requested that a roundabout be installed at the intersection of Lawrence Hargrave Road and Williamson Crescent to improve traffic circulation in the vicinity of the school as well as to provide safe travel speeds on Lawrence Hargrave Road. Council also requested that double barrier lines (BB lines) be marked at the corner of Williamson Crescent approximately 35m north to the school. Council, RMS and TfNSW raised no other concerns in relation to the traffic generated by the proposal.

Based on the information within **Table 9**, the intersection of Lawrence Hargrave Road and Williamson Crescent would continue to operate at a LoS A. Therefore, the Department considers it unreasonable to require the provision of a roundabout at this location or additional line marking in the vicinity.

The Department has assessed the information provided within the EIS, RtS, SRtS and the advice provided by Council RMS and TfNSW and considers that the additional traffic movements as a result of the proposal, would not significantly impact on the surrounding road network and no amendments to the local road network are required.

Table 9 | Intersection operations

	LoS		Average Delays (s)		Degree of Saturation	
	AM	PM	AM	PM	AM	PM
2017 Intersection Operations (Existing)						
Hume Hwy / Mannix Pde / Remembrance Ave	B	B	22.5	19.8	0.917	0.892
Hume Hwy / Homepride Ave	A	A	8.9	6.2	0.776	0.586
Lawrence Hargrave Rd / Mannix Pde	A	A	5.4	5.5	0.092	0.088
Lawrence Hargrave Rd / Williamson Cres	A	A	1.7	2.1	0.044	0.044
Lawrence Hargrave Rd / Homepride Ave	A	A	4.3	3.5	0.085	0.128
2027 Intersection Operations (with proposal)						
Hume Hwy / Mannix Pde / Remembrance Ave	B	B	21.8	19.3	0.917	0.892
Hume Hwy / Homepride Ave	B	A	16.8	6.3	0.930	0.606

6.2.3 Car park layout

During exhibition, Council raised concern with regard to the car park layout, with particular regard to the proposed circulation of vehicles entering from the southern driveway, and exiting to the north, adjacent to the administration building, causing queuing within Williamson Crescent. In the RtS, the Applicant argued that the proposed layout would result in vehicles accessing the site queuing within the carpark instead of within Williamson Crescent.

Further to the RtS, Council raised no further concerns with regard to the proposed car park circulation. The Department considers that due to the location of the drop-off/pick-up of students at the porte-cochere, the proposed circulation would provide queuing within the site and limit the impact of queuing along Williamson Crescent. The Department is satisfied that the proposed layout would be the most appropriate for the site.

6.2.4 Car parking

The proposal is for 52 full time and eight-part time staff (55 full time equivalent staff) and 120 students. The proposal includes 43 car parking spaces (39 for staff, 4 for visitors) including two accessible spaces and five mini-bus spaces. The LDCP requires the provision of one car parking space per staff member, plus one car parking space per 30 students (for visitor use). The LDCP requires two accessible car parking spaces per 100 car parking spaces for educational establishment. The resulting parking requirement is 59 car spaces, meaning the proposal has a shortfall of 16 car parking spaces.

The original proposal was for 19 parking spaces on-site, resulting in a shortfall of 40 on-site car parking spaces. Council's submission to the EIS stated that this shortfall was unacceptable. The Department also raised concerns with the lack of on-site car parking. RMS recommended that on-site car parking be provided to the consent authority's satisfaction. TfNSW did not raise any concerns with regard to parking provision.

In response to the concerns raised by the Department and Council, Parking and Traffic Response (PTR) and amended plans, a total of 43 car parking spaces, including two accessible spaces and five mini-bus spaces amended plans and a were submitted as part of the RtS.

The TIA submitted with the EIS identified that 80% of staff drive to and from the existing school daily. The PTR and GTP provided as part of the RtS indicated that 84% of staff commute by private vehicle (the difference being made up by staff who are passengers in private vehicles). Based on 80% of staff commuting by private vehicle, 44 car parking spaces would be required to accommodate these vehicles on site. With 39 car parking spaces proposed to be provided for use by staff, there would be a shortfall of five car parking spaces for the demand generated. The PTR justified the proposed 43 car parking spaces (total) would adequately service the needs of the school, as the new site is located closer to public transport networks than the existing site, and that travel mode targets for reduced private vehicle use within the proposed GTP would be reasonable.

An amended GTP was provided as part of the SRTS in response to Council's concerns with regard to the lack of incentives to staff to utilise alternative forms of transport to private vehicles. The amended GTP recommended monetary incentives, including subsidised tickets, for staff who use public transport, and the provision of end of trip facilities for staff who use active transport. The amended GTP also recommended that the school organise and manage a car-pool registry to enable staff to easily arrange car-pooling opportunities, as well as dedicating on-site car parking spaces for car-pooling. The amended GTP is considered further in **Section 6.2.5**.

The amended GTP also included a Transport Access Guide (TAG). The TAG provided information relating to the frequency of bus and train services in the vicinity of the site as well as walking times to these services as well as a map of the local bicycle network. The TAG identifies that six bicycle parking spaces would be provided as part of the proposal. Bicycle parking for staff is considered further in **Section 6.2.5**. However, the Department considers that to provide additional incentives for staff to cycle to school and not use private vehicles, the shortfall of 16 car parking spaces (inclusive of the five spaces required to meet existing staff car parking demand) should be made up by the provision of additional bicycle parking spaces. Consequently, the Department has recommended a condition requiring a minimum 22 bicycle parking spaces be provided.

The Department considers that requiring additional parking on-site to comply with the LDCP would result in a poor design outcome, loss of outdoor play areas, learning spaces and connecting walkways. On balance, the Department considers that the proposed on-site car parking spaces is acceptable, as the amended plans demonstrate a more efficient use of the available space.

The Department considers that the expected reduction in staff commuting via private vehicle is reasonable and in conjunction with the implementation of the GTP, the location of the new school in proximity to a train station and bus routes, the proposed 43 parking spaces (39 for staff, and four for visitors) is appropriate.

6.2.5 Green travel plan, ASTP and active transport

A draft GTP was provided with the EIS. The draft GTP indicated that currently 80% of staff travel to and from the school by private vehicle, with the remaining 20% traveling to and from the school by public transport or as a passenger in a private vehicle.

The LDCP requires one bicycle parking space per 10 staff, and one bicycle space per 10 students. The proposal is for 52 full time and eight part-time staff (55 full time equivalent) for the school, resulting in a requirement for six staff bicycle parking spaces being provided. The proposal indicates that bicycle parking and associated end of trip facilities would be provided for staff only.

While the provision of six bicycle parking spaces for staff would be compliant with the LDCP, the Department has previously discussed (**Section 6.2.4**) that as the proposal does not meet the LDCP provisions for car parking and that this shortfall must be made up by the provision of additional bicycle parking spaces on site, resulting in a total of 22 bicycle parking spaces required for the site. The Department has recommended a condition for a minimum 22 bicycle parking spaces be provided on site.

The subject site is located approximately 800m from Warwick Farm train station, which is the distance transport planning principles suggest is the maximum distance individuals are typically willing to walk to access rail services. Public bus services run along the Hume Highway and Lawrence Hargrave Road, with bus stops located a 10 and two-minute walk respectively to/from the proposed school.

The Department considers that with the implementation of a recommended condition relating to the preparation of a GTP, travel to and from the site and parking demand would be appropriately managed.

As the site has improved access to public transport, the draft GTP indicates there are greater opportunities to walk or cycle to and from the proposed school and the train station or bus stops. The draft GTP indicates that a GTP information brochure would be provided to staff and would include information regarding public transport to and from the site, maps with walking and routes cycling routes in the vicinity of the school to key local destinations including Liverpool, Cabramatta, Fairfield and Warwick Farm Station. The GTP would be made available online and would be reviewed by the GTP Coordinator at least annually.

Council raised concern with the lack of incentives within the GTP for staff to use alternative travel modes. The Department considers that with greater incentives for staff to use public transport, the provision of 70% of the parking required would be adequate to service the needs of the school. Consequently, the Applicant provided an updated GTP as part of the SRtS. The updated GTP provided information on incentives for staff to use alternative modes of travel and was referred to Council who raised no further concerns.

The Department supports the measures proposed within the draft GTP to achieve a reduction in private vehicle use through the uptake of public and active transport. The Department has recommended a condition of consent to ensure ongoing monitoring and an annual review of the GTP is carried out for the life of the development.

6.3 Other Issues

The Department's consideration of other issues is provided at **Table 10**.

Table 10 | Department's assessment of other issues

Issue	Findings	Department's Consideration and Recommended Conditions
Contamination	<ul style="list-style-type: none"> A Stage 1 Environmental Site Investigation (ESI) was undertaken and lodged with the EIS, which identified lead and asbestos contamination in the north-western area of the site (lead) and along the western property boundary (asbestos). The Stage 1 ESI provided a history of the uses of the site, including: <ul style="list-style-type: none"> farming and grazing in the early 1900s. 	<ul style="list-style-type: none"> The Department has considered the information provided by the Applicant and the recommendations made by the EPA and Council and is satisfied that the site can be adequately remediated to ensure that the

- o industrial or manufacturing uses.
 - o public housing.
- The Stage 1 ESI indicates that the contaminated materials could have been brought into the site as fill.
- The Stage 2 ESI found that both asbestos and lead were identified in fill located on the site and that the concentration levels exceeded the human health-based site assessment criteria.
- The Stage 2 Environmental Investigation concluded that site could be made suitable for the proposed development subject to the implementation of a RAP.
- A Human Health Risk Assessment (HHRA) was undertaken following the Stage 2 ESI.
- The HHRA concluded that “the potential for children and staff to have been exposed to lead in soil within the playground areas at levels that would result in adverse health effects is considered to be low.”
- Notwithstanding the conclusion of the HHRA, the Department considers it reasonable to require the remediation of the site to ensure contaminants are removed and the site is suitable for the proposed use.
- The RAP identified four options for remediation of the subject site including:
 - o on-site treatment.
 - o off-site treatment.
 - o consolidation and isolation of impacted soil by cap and containment.
 - o removal of contaminated material and replacement with clean material.
- The RAP recommended a combination of off-site disposal and on-site treatment of contaminated materials.
- The type of contaminant would dictate the remediation option.
- The RAP has divided the site into five areas. The RAP recommends excavation and off-site disposal for Areas 1, 2 and 3, primarily for lead contaminants, but also for friable asbestos (Area 3) which the RAP identified could not be remediated on-site.
- The RAP proposes on-site treatment of bonded
 - o site is suitable for its intended use.
- The Department has recommended conditions requiring:
 - o the need to undertake expanded data gap investigation to more fully characterise the extent of lead impacts and other contaminants of concern.
 - o undertake a site audit.
 - o provision of a site audit statement and site audit report.
 - o Remediation Works Plan
 - o Validation Sampling and Analysis Quality Plan.
 - o Long Term Environmental Management Plan.
 - o an Asbestos Management Plan be updated post-remediation.
 - o unexpected finds protocol.

Asbestos Containing Material (ACM) in Areas 4 and 5.

- The EPA reviewed both the Stage 1 Environmental Site Investigation and the RAP and raised no concerns with regard to the proposed remediation options.
- The EPA provided recommended conditions in relation to contamination and site remediation and advised that the undertaking of a data gap analysis would address their concerns.
- Council raised concern with the proposed on-site capping of contamination given the proposed use of the site and recommended off-site disposal at an appropriate facility.
- The Department has considered the Applicant's assessment of the contaminants, as well as comments from the EPA and Council.

Biodiversity

- A Biodiversity Development Assessment Report (BDAR) was provided in the RtS.
- The BDAR has assessed the direct and indirect impacts of the proposed vegetation removal and has identified that while 38 trees are proposed to be removed, no prescribed biodiversity impacts are anticipated as a result of the proposed development.
- The BDAR determined that impacts on the alluvial woodland community would require offsets under the Biodiversity Assessment Method, with a total impact on 0.4 hectares of the Forest Red Gum ecosystem.
- Additional species credits would be required for the Southern Myotis (whose habitat is the Forest Red Gum ecosystem).
- The revised BDAR identified that the Southern Myotis area impacted by the proposal would be 0.4ha, requiring five credits.
- OEH has reviewed the information provided and advised that the amended BDAR and associated cover letter adequately addressed concerns previously raised.
- Based on the information within the BDAR, and having regard to OEH's comments, the Department considers that tree removal is necessary in this instance to ensure the site is appropriately remediated.
- The Department is satisfied that the impact on the ecosystem and species would be appropriately compensated through the purchasing of credits and has recommended a condition to ensure credits are purchased and retired prior to the commencement of vegetation clearing.
- The Department has recommended conditions requiring:
 - The purchasing of five ecosystem and five species credits to offset the removal of Forest Red Gum and impacts on the Southern Myotis.

Landscaping	<ul style="list-style-type: none"> • The RtS identified that to accommodate appropriate remediation of the site and greater number of parking spaces, more trees would need to be removed than originally anticipated. • The proposal as amended by the RtS includes the removal of 38 trees, mostly along the Lawrence Hargrave Road frontage. • The proposal included the planting of 27 trees which would achieve a mature height of greater than 10m, and a further 40 trees that would achieve a mature height of greater than 4m but less than 10m. • The landscape plan provides a range of soft and hard landscaping. • A number of highly significant trees would be removed as part of the proposal, including along the Williamson Crescent frontage for remediation works to occur and for the proposed design to be constructed. 	<ul style="list-style-type: none"> • The Department considers the removal of these trees necessary as it would ensure the site could be remediated appropriately for the intended use of the site. However, the Department also considers that the removal of the significant trees would result in reduced amenity for the locality. • The Department therefore recommends the planting of 67 additional locally endemic trees including 27 trees of intermediate mature size up to 12m and 40 larger native trees with a minimum mature size of 15m and a potential mature size of 25m be planted with a minimum 100L pot size. • The Department has recommended conditions requiring: <ul style="list-style-type: none"> ◦ a total of 67 locally endemic trees capable of achieving a minimum 15m in height at maturity be included in the landscape plan. ◦ compliance with the landscape plans.
Dust, erosion and sediment control	<ul style="list-style-type: none"> • The EPA provided comments relating to dust, erosion and sediment control, recommending the proponent be required to minimise dust emissions on the site and prevent dust emissions from the site, and has recommended conditions to: <ul style="list-style-type: none"> ◦ minimise or prevent dust emissions emanating from the site. ◦ no commencing works until appropriate and effective sediment controls are in place. ◦ daily inspections of sediment control are undertaken with appropriate maintenance being undertaken. 	<ul style="list-style-type: none"> • The Department has reviewed the comments made by EPA and considers that dust, erosion and sediment control can be appropriately managed and has recommended conditions accordingly. • The Department has recommended conditions requiring: <ul style="list-style-type: none"> ◦ minimise dust emissions on and from the site ◦ site preparation, bulk earthworks, construction and construction related activities are not to

commence until appropriate sediment controls are in place

- o daily inspection of sediment controls.

Flooding and Stormwater

- The Applicant provided a Flood Risk Management Report as part of the RtS.
- The site is affected by the 1%, 2% and 5% AEP.
- The site is entirely mapped in Council's ePlanning Map as low flood risk.
- The Probable Maximum Flood (PMF) has been identified as RL 12.00, the 1% AEP of RL 7.6m, 2% AEP 7m and 5% RL 6.8m.
- The majority of the site has been mapped as low flood risk (light blue), with the eastern boundary of the site adjacent to Brickmakers Creek being categorised as high (dark blue) and medium (purple) flood risk as shown overleaf.



- The architectural plans provided show that the finished floor level (FFL) of the ground floor for all proposed buildings would be 8.5m AHD, above the 1%, 2% and 5% AEP, but below the PMF.
- The 100-year Average Recurrence Interval (ARI) would impact on the eastern extent of Block C, up to RL 7.6m.
- While the finished floor level of Block C would be above the 1% AEP, a non-habitable room (store) would be located at the eastern extent of Block C which is consistent with Council's requirement to have non-habitable structures within the flood extent.
- The proposal also included "compensatory excavations storage" to ensure that that the encroachment of Block C into the 1% AEP flood

- The Department acknowledges Council's concerns, however, considers that the design has given due regard to the potential flood impact on the proposal, with the majority of the proposed buildings located in the west of the site where there is a low flood risk area, with only a small storage space within Block C being located within the medium risk.
- The Department considers that flooding has been appropriately addressed through the design of the school.
- The Department has recommended a condition requiring a flood evacuation plan be prepared and implemented for the school.

extent is mitigated.

- The Tuflow modelling shows that the overland flow would not cross the site to the creek, but rather flow to the west of the site from north to south.
- The Flood Risk Management Report indicates that the LDCP requires floor levels to be no lower than the RL12.00m RL for sensitive uses, including schools.
- Prior to lodgement of the EIS, Council were consulted on the proposed development and accepted that all buildings would be built to 500mm above the 1% AEP flood height.
- During exhibition and at RtS, Council raised concerns with regard to the FFL of the ground floor buildings being below that of the PMF and recommended a redesign of the proposal.
- In response to both the EIS and the RtS, OEH advised that the Flood Risk Management report provided in the RtS adequately addressed their concerns.
- The area impacted by the 1% AEP, is located to the east of the proposed buildings, while the flood evacuation route would be to the west.

Bush fire

- A bush fire report prepared by Peterson Bushfire was provided with the EIS.
- The southern extent of the subject site is identified as being bush fire prone under Council's bush fire prone land map.
- However, the proposed buildings are located greater than 100m from the nearest land mapped as being bush fire prone, or vegetation which could be a potential hazard.
- Consequently, the buildings are assessed as being BAL-Low in accordance with AS 39595-2009 *Construction of buildings in bushfire-prone areas* and have no construction requirements.
- The portion of the site which is to be used for MSSP is also greater than 100m from the land mapped as being bush fire prone.
- The Applicant's bush fire consultant has recommended that the site be managed in accordance with the landscaping provisions within Appendix 5 of PBP 2006 and that utilities comply with relevant Australian Standards.
- As the land is mapped as being bush fire prone, the Department supports the inclusion of conditions recommended by the NSW RFS which relate to:
 - management of the site as an inner protection area in perpetuity.
 - utilities to be provided in accordance with PBP 2006
 - provision of an emergency evacuation plan.
- The Department recommends the following conditions:
 - management of the site as an inner protection area in perpetuity.
 - water, electricity and gas to be provided in accordance with PBP 2006.
 - provision of an emergency

	<ul style="list-style-type: none"> The bush fire report was referred to the NSW RFS for comment and responded with recommended conditions. 	evacuation plan.
Heritage	<ul style="list-style-type: none"> OEH advised that there are no Aboriginal cultural heritage issues that require a formal response. Consequently, no Aboriginal Cultural Heritage Assessment was provided. There are no heritage items or conservation areas listed as being on or within the vicinity of the subject site. 	<ul style="list-style-type: none"> The Department is satisfied that the proposal would have no impact on Aboriginal or European heritage. The Department considers no additional conditions or amendments are necessary.
Noise	<ul style="list-style-type: none"> A Noise Impact Assessment (NIA) prepared by Acoustic Logic dated December 2017 was lodged with the EIS. Both EPA and Council raised concerns with regard to the noise assessment undertaken and required an amended NIA be undertaken. An amended NIA was submitted with the RtS. The amended NIA identified that it is predicted that noise emissions from the proposed sports field would exceed background + 10dB(A) at the most affected adjacent residential properties, and that these noise goals only be adopted for two hours per day. The proposed sports field is located further east than the existing sports field, providing greater separation between the adjacent residential properties and the proposed sports field. In response to the EIS and RtS, EPA advised that the additional noise monitoring provided indicates that the proposed school would be consistent with government policy. The EPA also recommended relocating the drop-off/pick-up further into the site away from residential receivers. In response to the RtS, Council provided no further comment on the proposal in relation to noise impacts. 	<ul style="list-style-type: none"> The Department considers that the proposed car park drop-off/pick-up is appropriately located within the site and relocating it further within the site would reduce available learning and out-door play spaces. The Department has reviewed the submitted documentation and taken into consideration the advice provided by EPA and Council and considers that the noise impacts have been adequately addressed. The Department has recommended conditions requiring: <ul style="list-style-type: none"> works to be undertaken during recommended standard construction hours. intra-day respite periods. construction vehicles do not arrive at the project site outside approved construction hours. safety risk assessment to determine practicable use of audible movement alarms. multi-use hall, sports field and pool only to be used between the hours of 7am and 6pm Monday to Friday. The proponent be required to ensure grounds

maintenance involving the use of powered equipment is not undertaken outside the hours of 7:30am to 6pm Monday to Friday.

Social impact statement	<ul style="list-style-type: none"> • Council requested a Social Impact Statement (SIS) be provided as part of the RtS. • The Applicant did not provide a SIS as part of the RtS, however, an assessment of the social impacts was provided. • The Applicant justified that the proposal would provide positive social impacts including: <ul style="list-style-type: none"> o new school facilities alleviating pressure on the existing school facilities. The proposed school does not include community uses of school facilities, outside the shared use of the school hall and play ground with Warwick Farm Public School. o improved indoor and outdoor recreation spaces. o provision of flexible teaching spaces to increase social interaction between teachers and students. o new facilities would provide future students with moderate to severe disabilities new educational facilities. • The proposed school hall and playing field are proposed to be shared between MSSP and WFPS. 	<ul style="list-style-type: none"> • The Department considers that the construction of new school buildings for an educational establishment for specific purposes on a site which is already being used as an educational establishment is an effective use of the site. • The Department considers no additional conditions or amendments are necessary.
Waste	<p>Construction</p> <ul style="list-style-type: none"> • A Construction Waste Management Plan (CWMP) was prepared by EcCell Environmental Management dated November 2017 and provided as part of the EIS. • The CWMP has identified waste management strategies and who is responsible for implementing the strategies at each stage of construction. • The EPA reviewed the CWMP and provided recommendations relating to the classification and management of waste, removal of waste from the site and waste control and management of concrete and concrete rinse water. <p>Operational</p> <ul style="list-style-type: none"> • An Operational Waste Management Plan 	<ul style="list-style-type: none"> • The Department has considered the CWMP and the OWMP, as well as the comments provided by Council and EPA and has recommended conditions relating to the implementation of both the CWMP and OWMP. • The Department has recommended conditions requiring: <ul style="list-style-type: none"> o waste generated by the proposal be assessed, classified and managed in accordance with relevant guidelines.

	<p>(OWMP) prepared by The MACK Group dated December 2017 was provided as part of the EIS.</p> <ul style="list-style-type: none"> • The OWMP included estimates on waste generation by the proposal by reviewing operations at the existing premises to determine the waste management requirements of the proposed school. • The OWMP identified a waste strategy for the school and that it would continually be evaluated and amended where necessary by the school. 	<ul style="list-style-type: none"> o covering loads prior to leaving the site. o contaminated materials be disposed off-site. o mud splatter, dust and other materials to be removed prior to vehicles leaving the site. o concrete waste water not disposed of on the site and is prevented from entering any water bodies. o prepare an OWMP which identifies feasible and reasonable opportunities for the re-use and recycling of waste.
Privacy	<ul style="list-style-type: none"> • The proposed school buildings are one and two-storeys in height. Five windows are proposed to be located on the first floor of the western elevation. Four of the first-floor windows are small and would be setback from the western property boundary by a minimum of 15m. • Along the northern elevation, there are three first floor windows in the administration building. • There are a number of windows on the ground floor of the administration building, library and Block C. However, there is a 1.8m high timber paling fence along the northern property boundary (common boundary with the child care centre) and it is considered that these windows would not have any impact on the privacy of the child care centre. • The surrounding development to the north (child care centre) and residential development to the west are primarily one and two-storeys in height. • 	<ul style="list-style-type: none"> • The Department has assessed the design, the location and number of windows as well as the layout of the proposed buildings and considers that the height and scale of the buildings are not inconsistent with surrounding development and would not have a significant impact on the amenity of the surrounding development.
Overshadowing	<ul style="list-style-type: none"> • The Applicant provided shadow diagrams as part of the SRtS, showing the shadows cast by the proposed buildings. • The shadow diagrams indicate that the proposed school buildings would not impact existing adjacent development, and that all surrounding buildings would experience the same level of solar access at the winter solstice. 	<ul style="list-style-type: none"> • The Department considers that the proposal has been appropriately designed and would provide adequate solar access to the proposed school buildings as well as to the surrounding properties.

- Additionally, the shadow diagrams indicate that the layout of the proposed buildings would result in Block D experiencing at least three hours solar access between 9am and 3pm at the winter solstice.

6.4 Public Interest

The proposal is considered to be in the public interest as it would provide benefit to the broader community by delivering new learning facilities for 120 future and existing special needs students and would provide improved educational outcomes. The proposal would generate 50 construction jobs and a total of 55 full-time equivalent operational jobs. The Department therefore concludes that the proposal would be in the public interest.



7. Evaluation

The Department has reviewed the EIS, RtS, SRtS and assessed the merits of the proposal, taking into consideration advice from the public authorities including Council. Issues raised in submissions have been considered and all environmental issues associated with the proposal have been thoroughly addressed.

The Department considers the key issues associated with the assessment of the proposal relate to:

- built form.
- traffic, transport and parking.

Conditions have been recommended to satisfactorily address any outstanding, residual, construction or operational issues.

The application is consistent with the objects of the EP&A Act and *A Plan for Growing Sydney* as it would improve education results through the provision of new and improved teaching facilities and meet the growing needs of Sydney.

The proposal is consistent with the vision outlined in the GSC's Western City District Plan, as it would provide much needed school infrastructure conveniently located near existing public transport services and opportunities to co-share facilities with the local community.

The proposal is considered to be in the public interest as it would provide:

- new school facilities for existing and future students and teachers.
- significant investment in infrastructure.
- employment construction and operational employment opportunities.

The Department concludes the impacts of the development are acceptable and can be appropriately mitigated through the implementation of the recommended conditions of consent. Consequently, the Department considers the development is in the public interest and should be approved subject to conditions.



8. Recommendation

It is recommended that the Executive Director Priority Projects Assessments, as delegate of the Minister for Planning:

- **considers** the findings and recommendations of this report; and
- **accepts and adopts** all of the findings and recommendations in this report as the reasons for making the decision to grant consent to the application;
- **agrees** with the key reasons for consent listed in the notice of decision;
- **grants consent** for the application in respect of SSD 8792; or
- **signs** the attached development consent and recommended conditions of consent.

Prepared by:

Iona Cameron

Senior Planner, Social and Other Infrastructure
Assessments

Recommended by:

Andrew Beattie

Team Leader
Social Infrastructure Assessments



9. Determination

The recommendation is: **Adopted** / Not adopted by:

David Gainsford

Executive Director

Priority Projects Assessments

27/2/19.



Appendices

Appendix A - List of Documents

The following supporting documents and supporting information to this assessment report can be found on the Department of Planning and Environment's website as follows.

1. Environmental Impact Statement
http://www.majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=8792
2. Submissions
http://www.majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=8792
3. Applicant's Response to Submissions
http://www.majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=8792
4. Applicant's Supplementary Response to Submissions
http://www.majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=8792

Appendix B - Statutory Considerations

ENVIRONMENTAL PLANNING INSTRUMENTS (EPIs)

To satisfy the requirements of section 4.15(a)(i) of the EP&A Act, this report included references to the provisions of the EPIs that govern the carrying out of the project and have been taken into consideration in the Department's environmental assessment.

Controls considered as part of the assessment of the proposal are:

- State Environmental Planning Policy (State & Regional Development) 2011 (SRD SEPP)
- State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017 (Education SEPP)
- State Environmental Planning Policy (Infrastructure) 2007 (ISEPP)
- State Environmental Planning Policy No. 55 – Remediation of Land (SEPP 55)
- State Environmental Planning Policy No. 64 – Advertising Structures and Signage (SEPP 64)
- Draft State Environmental Planning Policy (Remediation of Land) (Draft Remediation SEPP)
- Draft State Environmental Planning Policy (Environment) (Draft Environment SEPP)
- Liverpool Local Environmental Plan (LLEP) 2008.

COMPLIANCE WITH CONTROLS

State Environmental Planning Policy (State and Regional Development) 2011 (SRD SEPP)

The proposal is SSD in accordance with section 4.36 of the EP&A Act because it is development for the purpose of an educational establishment with a capital investment value (CIV) in excess of \$20 million, under clause 15 (educational establishments) of Schedule 1 of State Environmental Planning Policy (State and Regional Development) 2011.

Table B1 | SRD SEPP compliance table

Relevant Sections	Consideration and Comments	Complies
3 Aims of Policy		
The aims of this Policy are as follows: (a) to identify development that is State significant development	The proposed development is identified as SSD.	Yes
8 Declaration of State significant development: section 4.36		
(1) Development is declared to be State significant development for the purposes of the Act if: (a) the development on the land concerned is, by the operation of an environmental planning instrument, not permissible without development consent under Part 4 of the Act, and (b) the development is specified in Schedule 1 or 2.	The proposed development is permissible with development consent. The site is specified in Schedule 2.	Yes

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

The Education SEPP commenced on 1 September 2017 and aims to simplify and standardise the approval process for child care centres, schools, TAFEs and universities while minimising impacts on surrounding areas and improving the quality of the facilities. The Education SEPP included planning rules for where these developments can be built, which development standards can apply and constructions requirements. The application has been assessed against the relevant provisions of the Education SEPP.

Clause 42 of the Education SEPP states that Development consent may be granted for development for the purpose of a school that is State significant development even though the development would contravene a development standard imposed by this or any other environmental planning instrument under which the consent is granted.

The proposed school has provided justification for contravening the building height development standard. The Department's consideration of the variations to the development standards is addressed in **Section 6** of this report.

Clause 57 of the Education SEPP requires traffic generating development that involve addition of 50 or more students to be referred to the RMS. The Application was referred to RMS in accordance with this clause.

Clause 35(6)(a) requires that the design quality of the development should be evaluated in accordance with the design quality principles set out in Schedule 4. An assessment of the development against the design principles is provided in **Table B2**.

Table B2 | Consideration of the Design Quality Principles

Design Principles	Response
Context, built form and landscape	<p>The site planning provides good aspect for the classrooms and for maximising light to the play area. The proposed buildings exceed the height limit of the zone by 0.08m, which would not result in any adverse solar or privacy impacts for neighbouring properties. The proposed development is considered to be appropriate in terms of bulk and scale to the surrounding development.</p> <p>A landscape plan which shows a variety of ground cover, mid storey and canopy cover has been provided.</p>
Sustainable, efficient and durable	<p>The proposal has given regard to ESD principles sufficient to achieve 3-star Green Star rating. The materials chosen are durable and require low maintenance.</p> <p>The EFSG requires schools to achieve the equivalent of a minimum 4-Star Green-Star rating. Therefore, the Department considers it reasonable to require MSSP to register a minimum 4-Star Green-Star rating with the Green Building Council Australia, and that after operation has commenced, certification that the minimum rating has been achieved. This would ensure the development meets the targets required by the EFSG. This has been addressed by recommended conditions of consent.</p>

Accessible and inclusive	An accessible travel path has been provided in all sections of the site and lifts have been included in every connector.
Health and Safety	The proposal optimises health through the provision of a variety of outdoor spaces. CPTED measures have been incorporated into the design of the school, including passive surveillance over Williamson Crescent.
Amenity	The proposal creates a variety of interesting and useable spaces and enhance the amenity of the internal spaces by guaranteeing light and winter sun access.
Whole of life, flexible, adaptable	The proposed buildings have been designed to maximise flexibility, adaptability and longevity.
Aesthetics	The proposal evokes design enhancement by proposing appropriate articulation of buildings.

State Environmental Planning Policy No. 55 - Remediation of Land

SEPP 55 aims to ensure that potential contamination issues are considered in the determination of a development application. The EIS included a contamination assessment for the site which identified levels of lead and asbestos contamination. Both EPA and Council recommended that contaminated materials be removed from the site, and subject to their removal, concluded that the investigation area could be made suitable for its intended use.

Stage 1 and Stage 2 Environmental Site Assessments were submitted with the EIS and publicly exhibited. The Stage 2 Environmental Site Assessment indicated that the site was contaminated with lead and asbestos containing material. Consequently, the Department required a Remedial Action Plan (RAP) be provided as part of the RtS demonstrating the proposed methods for remediation of the site to ensure it could be made suitable for its intended use. The RAP was referred to public authorities for comment.

Council recommended that contaminated materials be removed from the site and disposed of at an appropriate facility. EPA recommended that the Applicant undertake an expanded data gap investigation to fully characterise the extent of lead impacts and other contaminants of concern and recommended that the data gap investigation be a condition of consent.

Taking into consideration comments made by both Council and EPA, the Department is satisfied that the site can be adequately remediated to ensure that the site is suitable for its intended use, subject to recommended conditions relating to the:

- undertaking of a site audit
- provision of a site audit statement and site audit report
- remediation Works Plan
- validation Sampling and Analysis Quality Plan
- long Term Environmental Management Plan
- an Asbestos Management Plan be updated post-remediation
- unexpected finds protocol.

The Department is satisfied that the Applicant has adequately addressed clause 7 of SEPP 55 and that the site can be made suitable for its intended use.

Draft State Environmental Planning Policy (Remediation of Land)

The Draft State Environmental Planning Policy (Remediation of Land) (Draft Remediation SEPP) will retain the overarching objective of SEPP 55 promoting the remediation of contaminated land to reduce the risk of potential harm to human health or the environment.

Additionally, the provisions of the Draft Remediation SEPP will require all remediation work that is to be carried out without development consent, to be reviewed and certified by a certified contaminated land consultant, categorise remediation work based on the scale, risk and complexity of the work and require environmental management plans relating to post-remediation management of sites or ongoing operation, maintenance and management of on-site remediation measures (such as a containment cell) to be provided to council. The Department is satisfied that the proposal will be consistent with the objectives of the Draft Remediation SEPP.

State Environmental Planning Policy No. 64 – Advertising and Signage

State Environmental Planning Policy No 64 - Advertising and Signage (SEPP 64) applies to all signage that under an EPI can be displayed with or without development consent and is visible from any public place or public reserve. SEPP 64 aims to ensure that signage is compatible with its context. The SEARs required the Applicant to provide an assessment against the provisions of SEPP 64. However, no signage is proposed under this application; therefore SEPP 64 does not apply.

Draft State Environmental Planning Policy (Environment)

The Draft State Environmental Planning Policy (Environment) (Draft Environment SEPP) is a consolidated SEPP which proposes to simplify the planning rules for a number of water catchments, waterways, urban bushland, and Willandra Lakes World Heritage Property. Once adopted, the Draft Environment SEPP will replace seven existing SEPPs. The proposed SEPP will provide a consistent level of environmental protection to that which is currently delivered under the existing SEPPs. Where existing provisions are outdated, no longer relevant or duplicated by other parts of the planning system, they will be repealed.

Given that the proposal is consistent with the provisions of the existing SEPPs that are applicable, the Department concludes that the proposed development will generally be consistent with the provisions of the Draft Environment SEPP.

Liverpool Local Environmental Plan 2008

The LLEP 2008 aims to encourage the development of housing, employment, infrastructure and community services to meet the needs of the existing and future residents of the Liverpool LGA. The LLEP 2008 also aims to conserve and protect natural resources and foster economic, environmental and social well-being.

The Department has consulted with Council throughout the assessment process and has considered all relevant provisions of the LLEP 2008 and those matters raised by Council in its assessment of the development (refer to **Section 6**). The Department concludes the development is consistent with the relevant provisions of the LLEP 2008. Consideration of the relevant clauses of the LLEP 2008 is provided in **Table B3**.

Table B3 | Consideration of the LLEP 2008

LLEP 2008	Department Comment/Assessment
Clause 4.3 Building height	The maximum permissible building height is 8.5m. The proposal exceeds the maximum 8.5m by 0.08m. The Department considers the exceedance

acceptable in this instance. Detailed consideration of the building height is provided in **Section 6**.

Clause 4.4 Floor Space Ratio	An FSR of 0.5:1 applies to this site. The proposal would have an FSR of 0.19:1. The Department considers the FSR is acceptable and has provided detailed consideration in Section 6 of this report.
Clause 4.6 Exception to development standards	The proposal included a variation to clause 4.3 Height of Buildings. The building height non-compliance has been addressed in Section 6 of this report.
Clause 7.6 Environmentally significant land	<p>Council's LEP requires development to maintain bushland, wetlands and wildlife corridors of high conservation value. 38 canopy trees are proposed to be removed. The Department is satisfied that the environmental value of the land has been addressed subject to conditions.</p> <p>Detailed consideration has been given to biodiversity in Section 6 of this report.</p>
Clause 7.8 Flood planning	The site is subject to flooding from Brickmakers Creek. The Department's detailed consideration in Section 6 determined that the proposal has satisfactorily addressed flooding.

Other Policies

In accordance with clause 11 of the State and Regional Development SEPP, DCPs do not apply to State significant development.

Notwithstanding, the objectives consideration of relevant controls under the LDCP, where relevant, have been considered in **Section 6** of this report.

Appendix C – Recommended Instrument of Consent / Approval