

Notice of decision

Section 2.22 and clause 20 of Schedule 1 of the *Environmental Planning and Assessment Act 1979*

Application type	State significant development
Application number and project name	SSD-10391 New Liverpool Primary School
Applicant	NSW Department of Education
Consent Authority	Minister for Planning

Decision

The Director, Social Infrastructural Assessment under delegation from the Minister for Planning has, under section 4.38 of the *Environmental Planning and Assessment Act 1979* (**the Act**) granted consent to the development application subject to the recommended conditions.

A copy of the development consent and conditions is available [here](#).

A copy of the Department of Planning and Environment's Assessment Report is available [here](#).

Date of decision

19 May 2022

Reasons for decision

The following matters were taken into consideration in making this decision:

- the relevant matters listed in section 4.15 of the Act and the additional matters listed in the statutory context section of the Department's Assessment Report;
- the prescribed matters under the *Environmental Planning and Assessment Regulation 2000*;
- the objects of the Act;
- all information submitted to the Department during the assessment of the development application and any additional information considered in the Department's Assessment Report;
- the findings and recommendations in the Department's Assessment Report; and
- the views of the community about the project (see **Attachment 1**).

The findings and recommendations set out in the Department's Assessment Report were accepted and adopted as the reasons for making this decision.

The key reasons for granting consent to the development application are as follows:

- the proposal would provide a range of benefits for the region and the State as a whole, including the provision of a new educational facility for 1240 school students and 40 preschool students, 400 construction jobs, 98 operational jobs and in the order of \$44.5 million capital investment;
- the proposal is permissible with development consent, and is consistent with NSW Government policies including:
 - A Metropolis of Three Cities – The Greater Sydney Region Plan;
 - South Sydney District Plan;
 - State Infrastructure Strategy 2018-2038; and
 - Transport for NSW's Future Transport Strategy 2056.
- the impacts on the community and the environment can be appropriately minimised, managed or offset to an acceptable level, in accordance with applicable NSW Government policies and standards. The consent authority has imposed conditions relating to flood management, operational traffic impacts, management of construction impacts including traffic, parking and noise;
- the issues raised by Liverpool City Council during consultation and in submissions have been considered and adequately addressed through changes to the project and the recommended conditions of consent; and
- weighing all relevant considerations, the project is in the public interest.

Attachment 1 – Consideration of Community Views

The Department exhibited the Environmental Impact Statement for the project from Tuesday 29 June 2021 until Monday 26 July 2021 (28 days) and received no public submissions. The Department received one submission (comment) from Liverpool City Council (Council).

The Department staff also undertook an inspection of the site on 24 February 2022.

The key issues raised by Council and considered in the Department's Assessment Report and by the decision maker included flooding, traffic and transport, built form and urban design, and open space and preschool. Other issues are addressed in detail in the Department's Assessment Report.

<i>Issue</i>	<i>Consideration</i>
<p><i>Flooding</i></p> <ul style="list-style-type: none"> The ground floor level is set at 9.3m AHD, which is lower than the Georges River Probable Maximum Flood (PMF) level for the site and is not acceptable. The proposal is not acceptable in its current form as it is proposed to be constructed below the PMF applicable to the site. 	<p><i>Assessment</i></p> <ul style="list-style-type: none"> The Applicant responded to Council's concerns and indicated that whilst the ground level of the proposed development would be located below the Georges River PMF event, it would be constructed above the Liverpool Central Business District PMF. As such, there would be sufficient time to evacuate students and other users from the site during the Georges River PMF event. Consequently, the Applicant suggested that the proposed development is possible in its current form, subject to the implementation of a detailed Flood Evacuation Response Plan (FERP). The application includes a FERP, which concludes that during the worst case PMF events a shelter-in-place strategy would be implemented with the students accommodated within the shared school hall at the Liverpool Boys/Girls High School sites. The Department has reviewed the submitted documents and engaged with Biodiversity and Conservation Division (BCD) and State Emergency Service (SES) in this regard. SES and BCD have recommended that shelter-in-place is not suitable for the site and should be replaced by closure of the school in the first instance well ahead of the flood so that evacuation during the school day is not relied upon. SES have provided recommendations regarding alternate evacuation routes and collection points outside the site. Based on the consultation and comments from Government agencies, the Department considers that the proposed finished ground floor level of the buildings can be supported on this site subject to the implementation of a detailed Flood Emergency Management Plan (FEMP) prepared in consultation with Council and SES. <p><i>Conditions</i></p> <ul style="list-style-type: none"> Conditions include: <ul style="list-style-type: none"> consultation with SES prior to and during the construction period to prepare the FEMP. preparation of traffic modelling considering the various roads around the site, the level of inundation on these roads and the adequate evacuation routes for students/parents as well as the impacts of the evacuation on local traffic. consultation with relevant Government agencies and Council regarding early warning systems to ensure appropriate flood monitoring in the future. preparation of a final FEMP prior to the commencement of operation of the school to: <ul style="list-style-type: none"> include details of the early flood warning systems to be relied upon to ensure that the school can be closed well in advance of PMF event, so that the school does not open on days of escalated PMF risk. provide details of evacuation of the users of the site eliminating any need for shelter-in-place. include recommendations of SES regarding evacuation. provide details of impacts of evacuation on the surrounding traffic network, associated management measures for parents collecting students etc.

	<ul style="list-style-type: none"> – identify the emergency student collection points, inundated roads and alternate traffic routes for evacuating.
<p><i>Open space</i></p> <ul style="list-style-type: none"> • The proposal would result in a reduction of open space within the site. • The Applicant should outline the allocation of open space for each school in accordance with the Department of Education's requirements. • The Applicant should consult with the key stakeholders to ensure open spaces are shared with the community. • The basketball court should be upgraded to a multipurpose court. 	<p><i>Assessment</i></p> <ul style="list-style-type: none"> • The Department considers that the development would result in the loss of some open space, however it would not compromise the minimum play space requirements specified by the Department of Education. • The Applicant has also agreed for shared use of open space with the community and other high schools. <p><i>Conditions</i></p> <ul style="list-style-type: none"> • Conditions include: <ul style="list-style-type: none"> consultation with the existing high schools in relation to the future allocation of the outdoor play space. ○ provision of 'shared use' arrangement between the schools. ○ provision of community use of open space and other school facilities.
<p><i>Roof form</i></p> <ul style="list-style-type: none"> • The roof form should be redesigned with large extended eaves so that shading can be provided. 	<p><i>Assessment</i></p> <ul style="list-style-type: none"> • The Applicant's RtS provided amended drawings with a 500mm deep vertical and horizontal sunshades to the Western façade. • The Department is satisfied with the design in its current form. • No additional conditions are recommended.
<p><i>Cycling infrastructure</i></p> <ul style="list-style-type: none"> • Additional cycling infrastructure should be provided to facilitate the school. 	<p><i>Assessment</i></p> <ul style="list-style-type: none"> • The proposal would provide a bicycle parking area with 60 bicycle spaces along with end-of-trip facilities. • The Applicant has advised that the remaining facilities and improvements to the cycling infrastructure are proposed to be delivered over a 2 to 5-year horizon in collaboration with other agencies, consistent with the Liverpool Bike Plan. <p><i>Conditions</i></p> <ul style="list-style-type: none"> • Conditions include: <ul style="list-style-type: none"> ○ requirement to update the Department on the delivery of the future cycling infrastructure in the 2 – 5 horizon, post operation of the school.
<p><i>Noise</i></p> <ul style="list-style-type: none"> • The noise assessment should include assessment of noise impact for uses outside of school hours and include noise control measures such as minimising vehicle alarms, high noise generating plants. 	<p><i>Assessment</i></p> <ul style="list-style-type: none"> • The Department has considered the findings of the Applicant's assessment and concludes that the proposal would not unreasonably impact on the acoustic amenity of surrounding occupants. <p><i>Conditions</i></p> <ul style="list-style-type: none"> • Conditions include: <ul style="list-style-type: none"> ○ preparation of a Construction noise and Vibration Management Plan to manage adverse impacts of construction works. ○ implementation of measures in the building to ensure that the Project Noise Trigger Levels are maintained at the nearby sensitive users. ○ preparation of an Out of Hours Event Management Plan both for the school and community use. ○ management of the multi-purpose hall and the site, including consultation with adjoining site, in accordance with the recommendations of the Applicant's Noise report.
<p><i>School canteen</i></p> <ul style="list-style-type: none"> • The school canteen includes kitchen facilities along with details of the fit outs if included. 	<p><i>Assessment</i></p> <ul style="list-style-type: none"> • The Department has recommended conditions in this regard. <p><i>Conditions</i></p> <ul style="list-style-type: none"> • Conditions include: <ul style="list-style-type: none"> ○ installation of a grease trap in accordance with relevant requirements.