



Sydney Olympic Park new high school

State Significant Development Assessment

SSD-11802230

October 2022



Published by the NSW Department of Planning and Environment

dpie.nsw.gov.au

Title: Sydney Olympic Park new high school

Cover image: *Photomontage of Burroway Road frontage*

© State of New South Wales through Department of Planning and Environment 2022. You may copy, distribute, display, download and otherwise freely deal with this publication for any purpose, provided that you attribute the Department of Planning and Environment as the owner. However, you must obtain permission if you wish to charge others for access to the publication (other than at cost); include the publication in advertising or a product for sale; modify the publication; or republish the publication on a website. You may freely link to the publication on a departmental website.

Disclaimer: The information contained in this publication is based on knowledge and understanding at the time of writing (October 2022) and may not be accurate, current or complete. The State of New South Wales (including the NSW Department of Planning and Environment), the author and the publisher take no responsibility, and will accept no liability, for the accuracy, currency, reliability or correctness of any information included in the document (including material provided by third parties). Readers should make their own inquiries and rely on their own advice when making decisions related to material contained in this publication.

Glossary

Abbreviation	Definition
ACHAR	Aboriginal Cultural Heritage Assessment Report
ADCP	Auburn Development Control Plan 2010
AEP	Annual Exceedance Probability
AHD	Australian Height Datum
ALEP	Auburn Local Environmental Plan 2010
AR	Amendment Report
BDAR	Biodiversity Development Assessment Report
BCA	Building Code of Australia
CIV	Capital Investment Value
Council	City of Parramatta
CTPMP	Construction Traffic and Pedestrian Management Plan
Department	Department of Planning and Environment
DOPU	Drop-Off/Pick-Up
DSI	Detailed Site Investigation
EHG	Energy and Heritage Group, Department of Planning and Environment
EIS	Environmental Impact Statement
EPA	Environment Protection Authority
EP&A Act	<i>Environmental Planning and Assessment Act 1979</i>
EP&A Regulation	Environmental Planning and Assessment Regulation 2000
EPI	Environmental Planning Instrument
ESD	Ecologically Sustainable Development

ESFG	NSW Education Facilities Standards and Guidelines
FEMP	Flood Emergency Management Plan
FSR	Floor Space Ratio
GANSW	Government Architect NSW
GFA	Gross Floor Area
Heritage NSW	Heritage NSW, Department of Premier and Cabinet
LoS	Level of Service
Minister	Minister for Planning
NSW SES	NSW State Emergency Service
PMF	Probably Maximum Flood
RtS to the EIS	Response to Submissions to the Environmental Impact Statement
RtS to the AR	Response to Submissions to the Amendment Report
Planning Secretary	Secretary of the Department of Planning and Environment
PSI	Preliminary Site Investigation
RAP	Remediation Action Plan
SEPP	State Environmental Planning Policy
SIA	Social Impact Assessment
SOPA	Sydney Olympic Park Authority
SRD SEPP	State Environmental Planning Policy (State and Regional Development) 2011
SSD	State Significant Development
TAIA	Transport Access Impact Assessment
TfNSW	Transport for NSW
WPPDCP	Wentworth Point Precinct Development Control Plan 2014
WPPS	Wentworth Point Public School

Executive Summary

This report provides an assessment of a State significant development (SSD) application for the Sydney Olympic Park new high school, located at 7 Burroway Road, Wentworth Point. The application has been lodged by the NSW Department of Education (the Applicant) and the site is located within the City of Parramatta local government area.

Assessment summary and conclusions

The Department of Planning and Environment (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), principles of ecologically sustainable development, and issues raised in submissions and agency advice as well as the Applicant's response to these.

The key issues identified with the proposal include traffic and transport and built form and urban design. The Department is satisfied that these issues have been adequately addressed in the Applicant's Environmental Impact Statement (EIS), Response to Submissions (RtS), Amendment Report (AR) and a further RtS to the AR. Minor outstanding issues can be addressed through the Department's recommended conditions of consent.

The Department concludes the proposal is in the public interest and recommends that the application be approved subject to conditions.

The proposal

The amended proposal as revised by the AR seeks approval for the construction and operation of a new high school comprised of two, six storey wing buildings (containing all administration, general learning and specialist learning spaces), a two storey hall containing performance and fitness spaces and the use of Sydney Olympic Park Authority car park P5 for school staff car parking. Associated works include landscaping, infrastructure upgrades to the surrounding road network and bicycle parking. The proposed school, as amended, has capacity for 850 students and 80 staff.

The amended proposal has a Capital Investment Value of approximately \$146,899,641 and would generate 735 construction jobs and 80 new operational jobs.

The site

The site is located at 7 Burroway Road, Wentworth Point. The site is approximately seven kilometres (km) east of the Parramatta Central Business District (CBD) and 12km west of the Sydney CBD. The site is located on the northern end of the Wentworth Point peninsula, is rectangular in shape and has an approximate area of 9,511 square metres.

The site has historically been used for industrial land uses. The site currently contains a road base embankment constructed in relation to the first stage of the approved Ridge Road that was approved by a previous development consent applying to various lands including the site. The approved road, but yet to be finalised Ridge Road runs through the western section of the site and extends into the Peninsula Park area to the north east of the site. With the exception of the approved road embankment, the site is generally flat and contains no buildings or structures. The only remnant man-made features are sporadic remnant sections of concrete hardstand. Due to previous earthworks and clearing, vegetation on-site is sparse and defined by low grasses, weeds, exotic vegetation and Swamp She Oak.

Statutory context

The proposal is SSD under section 4.36 (development declared SSD) of the EP&A Act as it is development for the purpose of a “new school” under clause 15(1) of Schedule 1 of the State Environmental Planning Policy (State and Regional Development) 2011, as was in force prior to the lodgement of the application. Therefore, the Minister for Planning is the consent authority.

Engagement

The EIS was publicly exhibited from 14 October 2021 to 10 November 2021 (28 days). The Department received a total of 20 submissions comprising 14 submissions from the public (8 objections, four comments (including one from the local Member for Parliament) and two in support), three submissions in objection from special interest groups, comments from City of Parramatta Council (Council), comments from Sydney Water and Ausgrid. The special interest groups were the Wentworth Point Peninsular Town Team Progress Group inc., Wentworth Point Public School P&C Association and the Wentworth Point Residents Action Group. Advice was received from five Government Agencies.

The key issues raised relate to impact on existing approvals, non-compliance with planning controls, insufficient open play space and parking, relying upon external parties to deliver key infrastructure to facilitate operation (including a future eastern road and northern playing fields), the school should be delivered in a single stage and that a better location should be found that does not reduce public open space in Peninsula Park.

On 15 April 2022, the Applicant submitted a RtS which included amended architectural drawings, landscape plans and updated reports. The RtS was made publicly available on the Department’s website and was referred to Government Agencies and Council. The Department received advice from two Government Agencies and Council.

On 10 June 2022, the Applicant submitted an AR which responded further to submissions and comments to the RtS and amended the proposal to reduce the capacity to 850 students and remove the reliance on the future eastern road and northern playing fields to service the proposal. Updated architectural drawings, landscape plans and reports were also provided.

The AR was publicly exhibited for a period of 14 days from 20 June 2022 to 6 July 2022. The Department received a total of 15 additional submissions, with 11 submissions from the public (eight objections and three comments) three submissions in objection from special interest groups (two objections and one comment) and comments from Council. The special interest groups were the Wentworth Point Public School P&C Association, the Wentworth Point Residents Action Group and Billbergia Group. Advice was received from two Government Agencies.

The key issues raised relate to inconsistencies with the existing masterplan/development control plan, reliance on a future planning proposal for the precinct to deliver key open space and road infrastructure, insufficient bus, car parking and on-site facilities, the reduced student capacity limits enrolments, the school would be better located elsewhere, the AR does not meet the needs of students or the community and there are alternate solutions available for car and bus parking that have not been explored by the Applicant.

On 8 August, the Applicant submitted a RtS to the AR which included updated reports. The RtS to the AR was made publicly available on the Department’s website and was referred to Government Agencies. The Department received advice from four Government Agencies and Council.

Contents

1	Introduction	1
1.1	Site description	1
1.2	Surrounding development	3
2	Project – As Amended	8
2.1	Key reasons for amendments to application	9
2.2	Physical layout and design	11
2.3	Related development	16
3	Strategic context	17
4	Statutory context	18
4.1	State significance	18
4.2	Permissibility	18
4.3	Other approvals	19
4.4	Mandatory matters for consideration	19
4.5	Biodiversity Conservation Act 2016	23
5	Engagement	24
5.1	Department’s engagement	24
5.2	Summary of advice received from Government agencies	24
5.3	Summary of EIS submissions	25
5.4	Response to Submissions Report (RtS) to the EIS	29
5.5	Amendment Report (AR)	30
5.6	Summary of advice received from Government agencies to AR	30
5.7	Summary of submissions to AR	31
5.8	Applicant’s RtS to submissions received to the AR	32
5.9	Government agency advice and further submission on the RtS to the AR	32
6	Assessment	34
6.1	Traffic and transport	34
6.2	Built form and urban design	49
6.3	Other issues	65
7	Evaluation	76
8	Recommendation	77
9	Determination	78
	Appendices	79

Appendix A – List of referenced documents

Appendix B – Statutory Considerations

Appendix C – Recommended Instrument of Consent

1 Introduction

This report provides an assessment of a State significant development (SSD) application for the Sydney Olympic Park new high school located at 7 Burroway Road, Wentworth Point (SSD-11802230).

At the time of lodgement of the SSD application, the site address was known as part 7, part 9 and part 11 Burroway Road. During the SSD assessment, a new lot was subdivided for the site and is now known as 7 Burroway Road.

The amended proposal seeks approval for a new high school to accommodate up to 850 students and 80 staff. The application has been lodged by the NSW Department of Education (the Applicant) and the site is located within the City of Parramatta local government area.

1.1 Site description

The site is located at 7 Burroway Road, Wentworth Point. The site is approximately seven kilometres (km) east of the Parramatta Central Business District (CBD) and 12km west of the Sydney CBD. The site is located on the northern end of the Wentworth Point peninsula. To the immediate west of the site is Wentworth Point Public School (WPPS). The site's location in the regional and local context is shown in **Figure 1** and **Figure 2**.

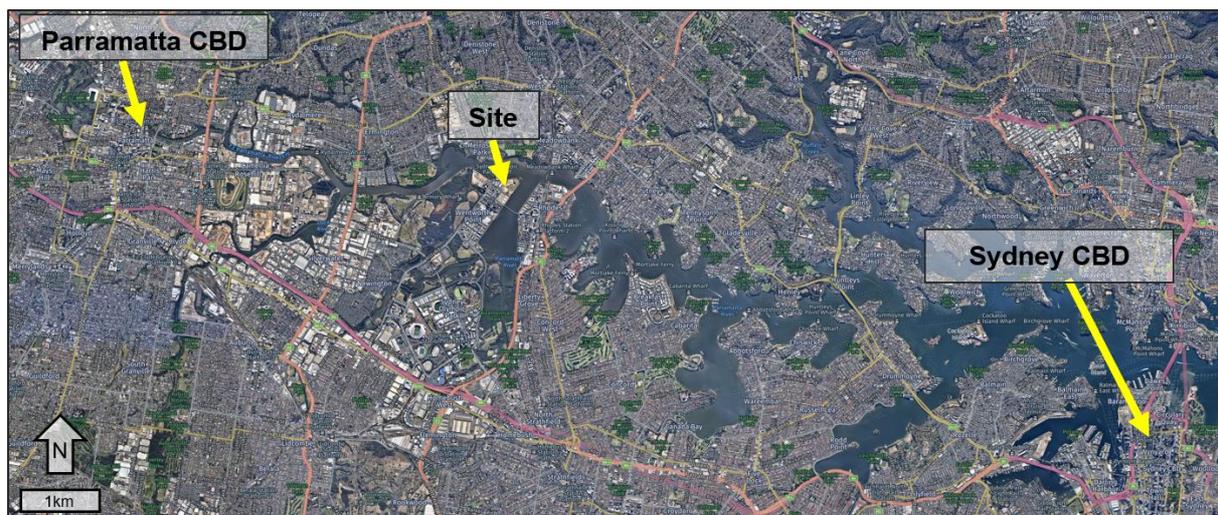


Figure 1 | Regional context map (Base source: Nearmap 2022)

The site is legally described as Lot 1 DP 1276305, has an area of approximately 9,511 square metres (sqm), and is rectangular in shape with a singular frontage to Burroway Road. A partially constructed road (known as Ridge Road) runs through the western section of the site (**Figure 2** and **Figure 3**). Ridge Road was intended to provide access to a future Peninsula Park and Marina Precinct (north and east of the site) (**Figure 2** and **Figure 3**). Only bulk earthworks, underground service location and embankment construction have been completed for Ridge Road. There is no pedestrian or vehicle access with the construction site fenced off. Construction of Ridge Road and development of part of the Peninsula Park were approved under a Concept Development Application (DA) as local development and is discussed further in **Section 1.2.1**.



Figure 2 | Local context map (Base source: Nearmap 2022)

Burroway Road runs in an east to west direction and towards the west, intersects with Wentworth Place, Waterways Street and Hill Road. These roads provide access to the southern and western sections of the peninsula. To the east where the peninsula meets Duck River, Burroway Road ends in a cul-de-sac.

Currently there is no direct formal vehicle access to the site. There is a gated vehicle crossover located on Burroway Road, adjacent to the south-east corner of the site, which provides access to the broader Peninsula Park area.

The site is characterised by reclaimed land that was completed in 1943. The site has historically been used for industrial land uses. With the exception of the Ridge Road embankment, the site is generally flat and with no buildings or structures, other than sections of concrete hardstand.

Due to previous earthworks and clearing, vegetation on-site is sparse and defined by low grasses, weeds, exotic vegetation, and Swamp She Oak that has grown in gaps in the hardstand areas. Existing site details are shown in **Figure 3** below.



Figure 3 | View of existing site (dashed in red) with existing Ridge Road embankment dashed in blue (Base source: Nearmap 2022)

1.2 Surrounding development

The site is located within the eastern section of the Wentworth Point Priority Precinct. The precinct was rezoned in 2014 for high density residential, public recreation, school and business land uses.

Figure 4 shows the school site overlaid onto the indicative structure plan of the precinct, as detailed in the Wentworth Point Precinct DCP (WPPDCP) 2014.

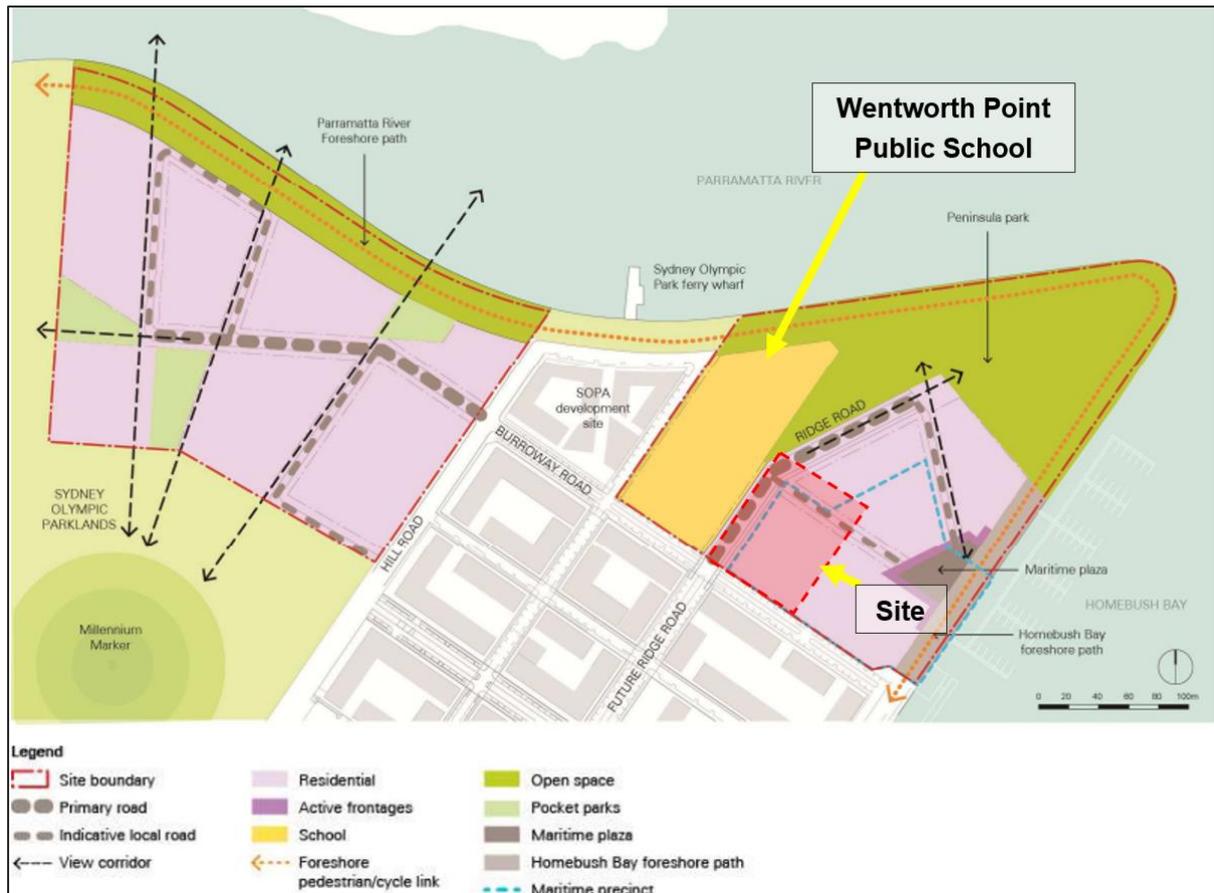


Figure 4 | Wentworth Point Priority Precinct, site dashed in red (Source: DPE 2014)

The surrounding area (**Figure 2, 3 and Figure 4**) is characterised as follows:

- generally west and north-west of the site – WPPS and the Pierside mixed use development. Further west on the other side of Hill Road is the Newington Nature Reserve. The reserve extends along Parramatta River to the west and towards Newington in the south
- north and north-east of the site – Parramatta River and future Peninsula Park. Peninsula Park is identified under the WPPDCP 2014 and would directly adjoin the proposed school site (**Figure 4**). The Applicant advises that they are currently in discussion with Council regarding the use of part of the future park as a playing field, but those considerations do not form part of this amended SSD application. Immediately north-east of the site, is land currently containing the other section of the partially constructed Ridge Road (**Figure 4**) as identified under the WPPDCP 2014
- east of the site – the Applicant advises that it is intended that an application will be lodged with Council by Landcom seeking to relocate the approved location of the future Ridge Road from within the western side of the site to the east of the site, directly adjoining the eastern boundary. No application has been formally lodged with Council at this time. The proposed future relocated road would service the future Park, as well as the “mixed use” site and would form part of the Stage 2 of the proposed school which would be the subject of a future application
- south and south-east of the site – the maximum 26 storey Marina Square mixed use development and a future development site is referred to as “Block H”. Development on Block H is subject to an ongoing draft planning agreement and proposed amendment to the Homebush Bay West Development Control Plan. The proposed heights for a mixed use development could be up to 46

storeys. A two storey warehouse located with the “Block H” site is currently used for waste bin and construction material storage.

1.2.1 Development Application history

DA/273/2014

In August 2015, approval was granted by the former Auburn City Council for Torrens Title subdivision to create four lots for residential development, a school, maritime uses and a peninsula park. The approved subdivision was registered but has now been altered by a subsequent subdivision certificate issued by the Applicant under Part 5 of EP&A Act to create the subject school lot that also contains part of the approved Ridge Road reserve as shown in **Figure 3**.

Concept DA

In June 2014, the NSW Government, Landcom signed a Precinct Support Scheme agreement with the former Auburn City Council committing to the allocation of \$5 million to design and construct a new park (Peninsula Park) at the northern most point of the Wentworth Point peninsula.

In December 2015, the Joint Regional Planning Panel approved a Concept DA lodged by UrbanGrowth NSW (DA-40/2015). This masterplan applying to 7 to 11 Burroway Road, included works associated with Peninsula Park such as site remediation, construction of a sea wall, landscaping of the park, construction of Ridge Road and distribution of 51,283sqm of Gross Floor Area (GFA) across the lots to be developed.

The Concept DA consent was subsequently modified (DA/875/2017/A) by Council in November 2020 and included changes to the park and road design and staging of remediation works. The approved location of Ridge Road is a result of this application (**Figure 5**).



Figure 5 | The approved concept master plan layout (Source: Applicant’s AR 2022)

The Applicant advises that a further modification application to the Concept DA has been prepared by Landcom to be formally lodged with Council and which would seek to:

- amend Peninsula Park to include the location of the future northern playing field
- relocate Ridge Road to respond to the proposed location of the playing field, proposed school and provide an increased street interface to the park
- amend the proposed stormwater management and erosion control works to reflect the updated park layout and road alignment.

At the time of this assessment, this modification has not been formally submitted to Council and is not public facing. The Applicant advises that should the proposed modification be approved, this would facilitate further growth of the proposed school, as additional access, parking and open space would potentially be available for the school. Any increases to this effect would be subject to a separate planning pathway.

DA/644/2017

In June 2018 development consent (DA/644/2017) was granted by the Sydney Central City Planning Panel for the construction of a new marina consisting of wet berths (up to 63 vessels) and dry boat storage (up to 228 vessels) with ancillary parking, retail tenancies and boat launching channel in relation to 9 Burroway Road (**Figure 6**). Works have not substantially commenced under this development consent.

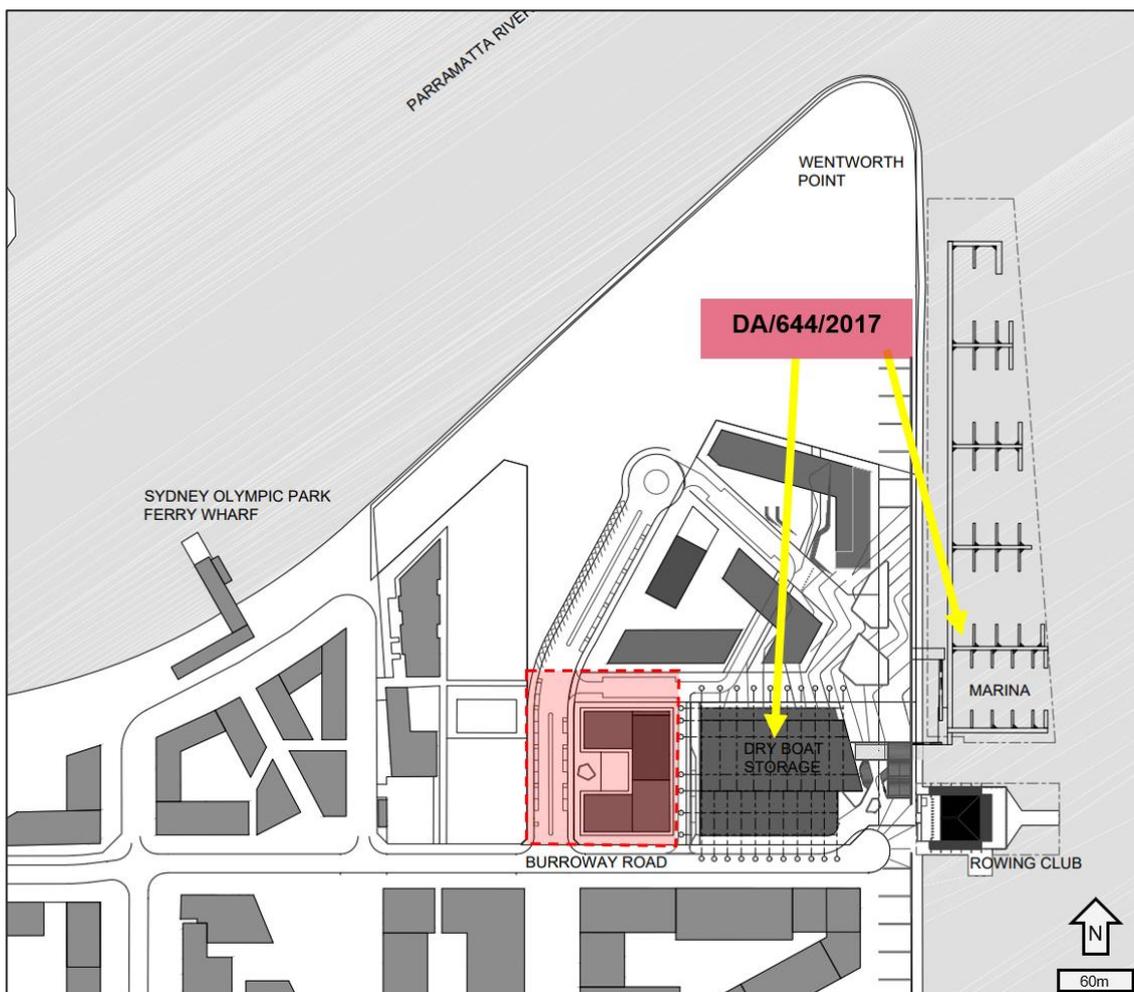


Figure 6 | Approved DA/644/2017 plans and school site dashed in red (Source: DPE 2017)

The proposed relocation of Ridge Road to the eastern boundary of the school, under the future modification to the Concept DA, would impinge on the western portion of the dry boat facility approved under DA/644/2017. If DA/644/2017 was progressed, it would have to be modified to reflect the new road alignment (if approved).

1.2.2 Planning Proposals

9 Burroway Road

The Applicant advised that TfNSW (owner of 9 Burroway Road) intends to lodge a planning proposal with Council in late 2022. The planning proposal would seek to address the existing zoning and planning controls to create a new development control plan, superseding the existing development control plan, and would factor in the proposed school, set detailed controls for the precinct, and address the impacts on the road network, Maritime Precinct and Peninsula Park. At the time of preparing this assessment report, the planning proposal had not been formally lodged.

Block H

In 2019, the developer Billbergia sought approval from Council to support a planning proposal for the Block H development site. An application was lodged in 2019 and relates to an ongoing draft planning agreement and proposed amendments to the Homebush Bay West Development Control Plan. The scheme seeks to develop the site for a mixed use development up to 46 storeys. Council has advised that the planning proposal is yet to undergo public re-exhibition for an amended scheme that addresses Council's considerations and concerns to previous reports and public submissions.

2 Project – As Amended

The key components and features of the amended proposal are provided below (**Table 1**):

- as refined by the Response to Submissions (RtS) to the Environmental Impact Statement (EIS)
- as amended by the Amendment Report (AR)
- as refined by the RtS to the AR and supplementary information.

Table 1 | Main components of the amended proposal

Aspect	Description
Project summary	<ul style="list-style-type: none"> • Construction and operation of a new high school for 850 students, general and specialist learning spaces, administration/amenity facilities, hall/dining facilities, covered outdoor learning areas, landscaping works, outdoor play areas, signage, fencing and bicycle parking.
Site preparation	<ul style="list-style-type: none"> • Bulk earthworks and remediation of the site in accordance with the Remediation Action Plan.
Built form	<ul style="list-style-type: none"> • Construction of: <ul style="list-style-type: none"> ○ two, six storey buildings (wings) along the Burroway Road and eastern boundary frontages ○ two storey hall for performance and fitness uses ○ single storey canopy for weather protection over bicycle racks.
Site area	<ul style="list-style-type: none"> • 9,511sqm.
GFA	<ul style="list-style-type: none"> • Total of 13,349sqm.
Uses	<ul style="list-style-type: none"> • Education establishment for Year 7 to 12 students.
Access, parking and drop-off/pick-up (DOPU)	<ul style="list-style-type: none"> • Primary pedestrian and bicycle access from Burroway Road frontage • Kerbside DOPU would occur from Burroway Road, catering for up to five cars • Waste collection and service vehicle access would occur within the DOPU zone outside of peak DOPU hours • Waste collection, service vehicle and pedestrian access are included in the design of the proposal on the eastern boundary of the site, but would not be used until a future eastern road is provided • Applicant proposes to enter into an agreement with the Sydney Olympic Park Authority (SOPA) to use carpark P5 (located at the southern end of the peninsula). 30 staff car parking spaces would be provided and subsidised by the Applicant. Staff would either walk, cycle or travel by bus to and from the school from the car park • 146 bicycle racks provided in the northern section of the site.
Landscaping	<ul style="list-style-type: none"> • Ground level planting of 46 trees, 714 shrubs and 489 groundcovers

Aspect	Description
	<ul style="list-style-type: none"> Green roof on the two storey hall made up of eight species totalling 2,272 plants.
Infrastructure changes	<ul style="list-style-type: none"> Upgrades to the site and road network including: <ul style="list-style-type: none"> new footpath and crossing facilities at either end of Wentworth Place at Burroway Road and Footbridge Boulevard signage and linemarking stormwater and drainage works.
Hours of operation	<ul style="list-style-type: none"> 8am to 4pm Mondays to Fridays No out of hours or community use is proposed.
Signage	<ul style="list-style-type: none"> School identification and wayfinding signage: <ul style="list-style-type: none"> one wall affixed non-illuminated school identification sign above the main entry at Burroway Road wayfinding signs would be located at various locations within the site and at entry points.
Jobs	735 construction jobs and 80 operational jobs.
Amended proposal CIV	\$146,899,641.

2.1 Key reasons for amendments to application

The EIS proposed to stage occupation of the development, with an interim Stage 1 allowing for 850 students and a final Stage 2 increasing the total to 1,530 students (an increase of 680 students). The final Stage 2 operation was dependent on delivery of the northern playing field, community parking, a new eastern road, and a joint use arrangement being entered into with the relevant owner for the use of the playing field and the community parking and, if necessary, the future eastern road (if it is not a public road).

The applicant advised that the future eastern road would provide for access and parking for the final Stage 2 operation. The future northern playing field would provide the outdoor play space needs for the exclusive use of the school during school hours. Proposed parking provided to service the future precinct and also the future Park, was also intended by the Applicant to be used exclusively by the high school during school hours. School buildings were also proposed to be constructed in the location of approved Ridge Road.

Following exhibition of the EIS, the RtS to the EIS provided design refinements to built form, the adjoining road Burroway Road network and management plans. The Department and Council raised concerns with the Applicant's RtS to the EIS, which continued to support and propose a staged school inconsistent with the Concept DA, including constructing school buildings over the approved Ridge Road. Furthermore, Stage 2 of the school relied on another agency to deliver the new eastern service road, playing field and also relied on the other Government agency to lodge and seek separate approval from Council (as detailed at **Section 1.2.1**).

Under section 4.24 of the *Environmental Planning and Assessment Act 1979* (EP&A Act) the determination of a development application cannot be inconsistent with a concept development

application that is in force on a site. The Concept DA applying to the site and to the adjoining lands includes the construction of Ridge Road to service Peninsula Park and facilitate access to the adjoining development sites under the WPPDCP 2014. Stage 1 works for the road under the development consent were completed in mid to late 2019 and therefore the development has been commenced.

Subsequently, the Applicant prepared the AR proposing an amended development that:

- removes any reference to seeking a second stage of the school under this SSD application
- seeks approval for a reduced student number of students (850)
- removes all school development from that part of the site within which the construction of approved Ridge Road has commenced (to facilitate the completion of the approved road if that is ever required)
- amends the development so it does not rely upon the delivery of the future but as yet unapproved northern playing field, community parking or future eastern road by another Government agency
- reduces the size and scale of the hall building so that the site can provide for sufficient open space.

On this basis, the Applicant argues the amended development proposes a reduced scale school that can operate on its own merit and not function as a temporary Stage 1 solution, which would be dependent on other infrastructure being delivered through other development pathways by other agencies. By removing all school development from the approved Ridge Road reserve, the AR allows for completion of Ridge Road in the future as set out in the WPPDCP 2014 and as approved under DA/875/2017, if an amended road siting is not subsequently approved by Council.

Figure 7 outlines the changes in the proposal and the site layout from the EIS to the RtS to the amended development proposed under the AR. The amended proposal is detailed further **Figure 8** to **Figure 15** as discussed below.

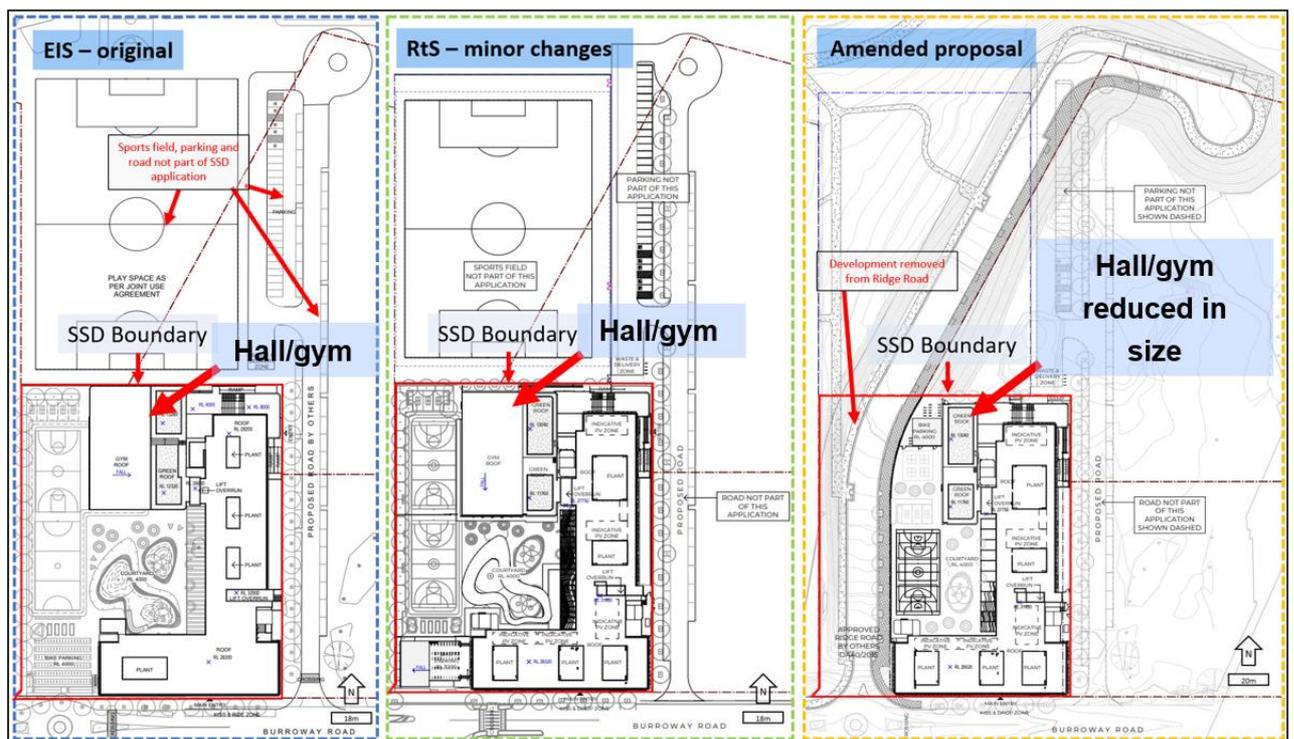


Figure 7 | Proposal and site layout evolution from EIS to AR (Source: Applicant's AR 2022)

2.2 Physical layout and design

The proposal seeks approval for two, six storey buildings (wings) facing Burroway Road and the eastern boundary. These wings meet at the south-eastern corner of the site and address the primary frontages of the site to ensure that bulk and scale is minimised to the future Peninsula Park and open space areas of WPPS. The two buildings contain all administrative spaces as well as the general and specialised teaching spaces.

A two storey hall is proposed in the northern section of the site and includes performance spaces, indoor fitness facilities, and end of trip facilities.

Setbacks across the site range from a minimum of 0.6 metres (m) at the Burroway Road (southern) and eastern boundary frontages and up to 35 metres from the western boundary. The Burroway Road and eastern boundary frontages contain the main and secondary pedestrian and bicycle entry points into the site. The secondary access points from the east would only be used in the future on the delivery of the future eastern road.

As discussed in **Section 2.1**, the AR proposed an amended development which removes all built form and landscaping works from the approved Ridge Road reserve embankment and reduces the size and scale of the hall building. This site constraint influences the overall site layout, type of open play spaces and landscaping that can be provided.

The proposed facades represent a curtain wall, composed of module parts that align with the requirements of the internal spaces. Materials consist of earth toned brickwork on lower levels, with upper levels consisting lighter coloured textured metal cladding and metal mesh panels.

The overall landscape design responds to the constrained nature of the site and provides a variety of active play areas, outdoor education spaces and fauna species. Play space areas are provided above ground level and are located from Levels 1 to 5 of the wing facing the eastern boundary. A green roof is also provided to the rooftop of the hall.

The proposed site plan, landscape plan, elevations and photomontages of the amended development are shown in **Figure 8** to **Figure 15** below.



Figure 8 | Amended development - ground floor plan (Source: Applicant's AR 2022)



Figure 9 | Amended development - ground level open space/landscape plan (Source: Applicant's AR 2022)

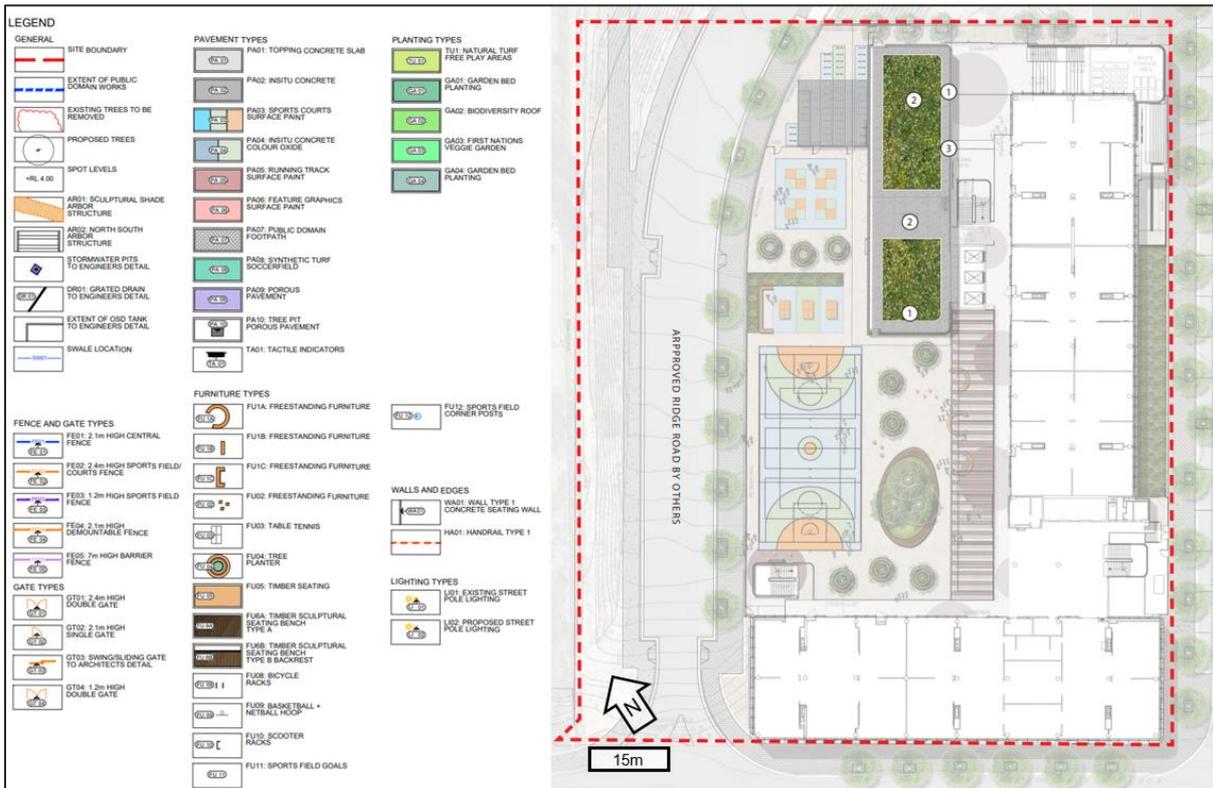


Figure 10 | Amended development - biodiversity green roof (Source: Applicant's AR 2022)

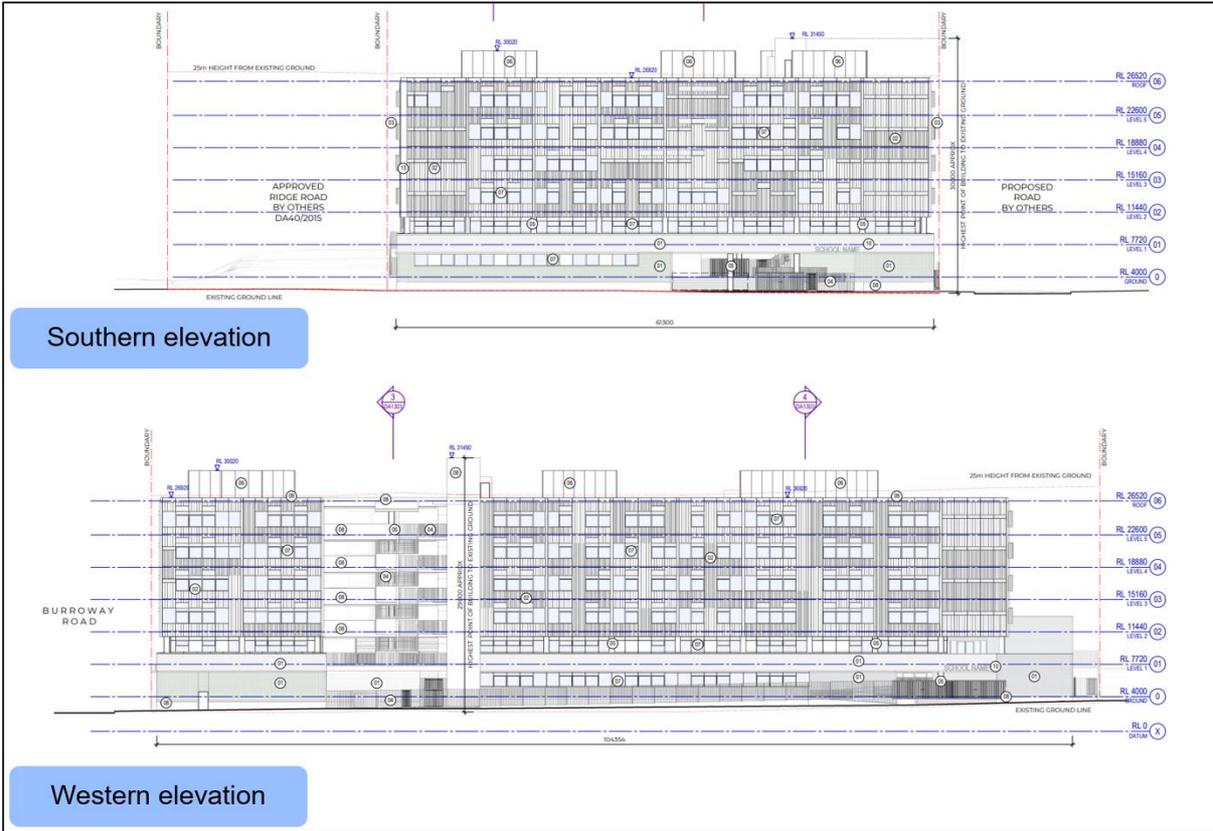


Figure 11 | Amended development - southern and western elevations (Source: Applicant's AR 2022)

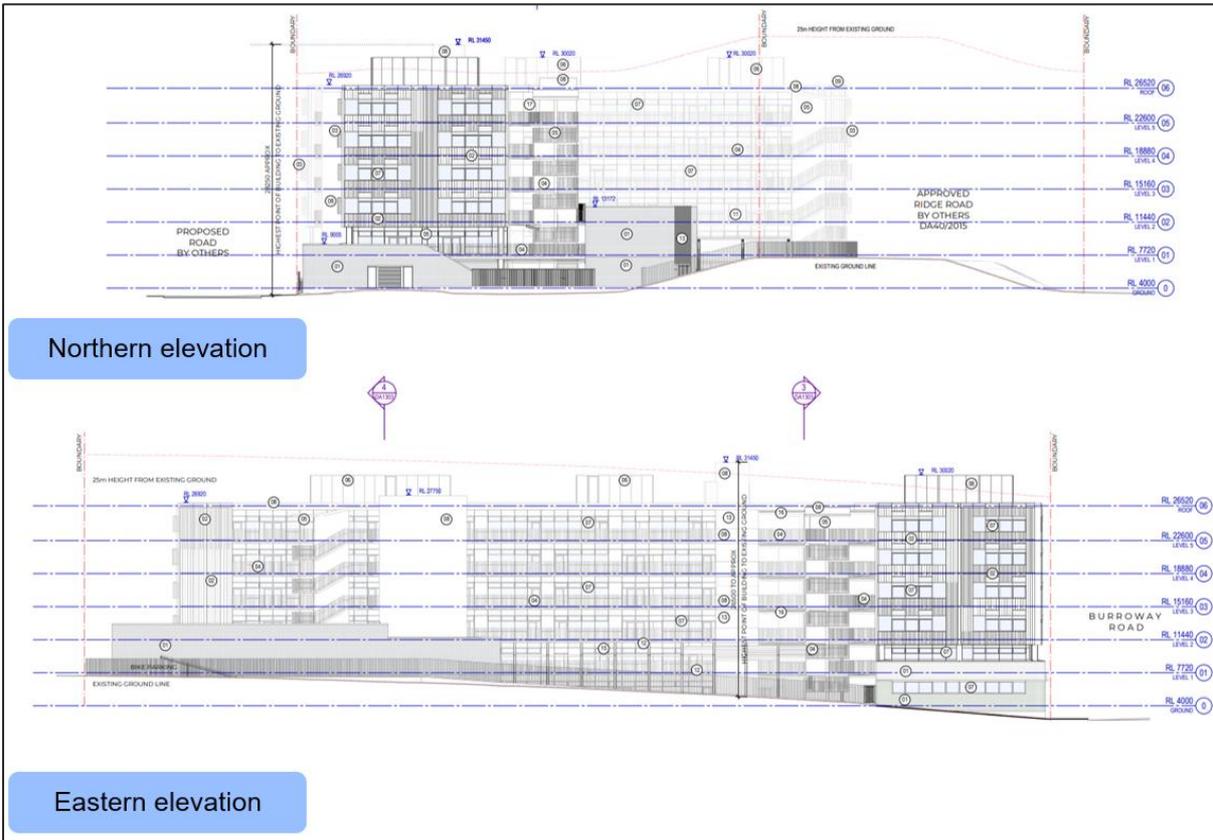
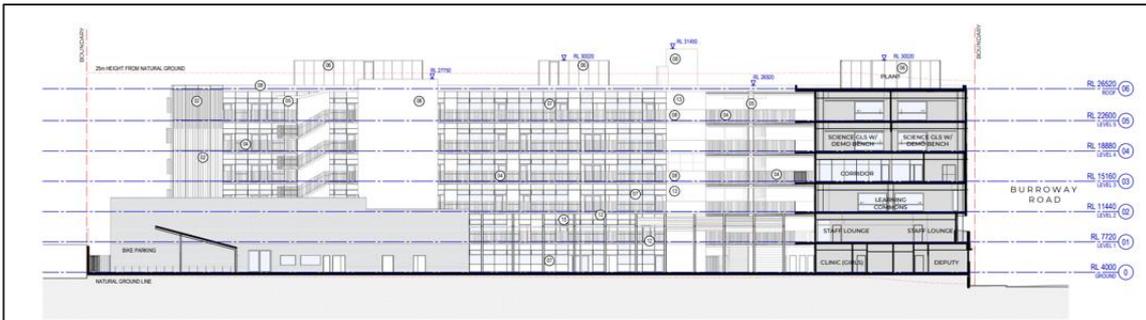
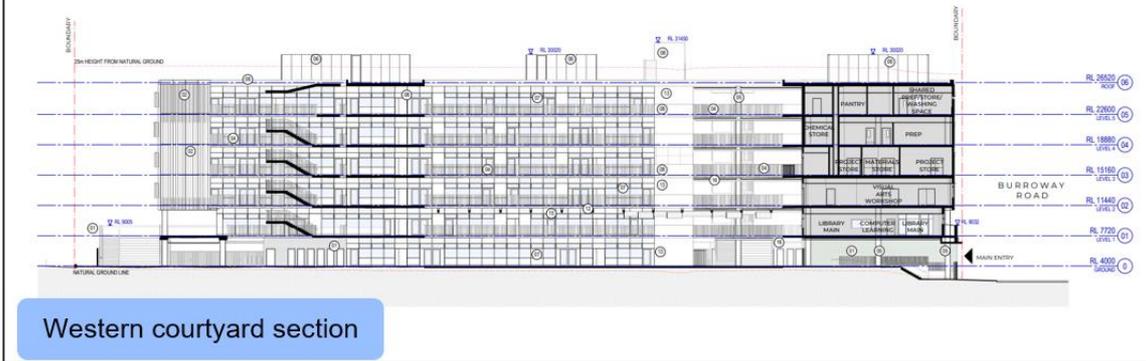


Figure 12 | Amended development - northern and eastern elevations (Source: Applicant's AR 2022)



Western elevation section

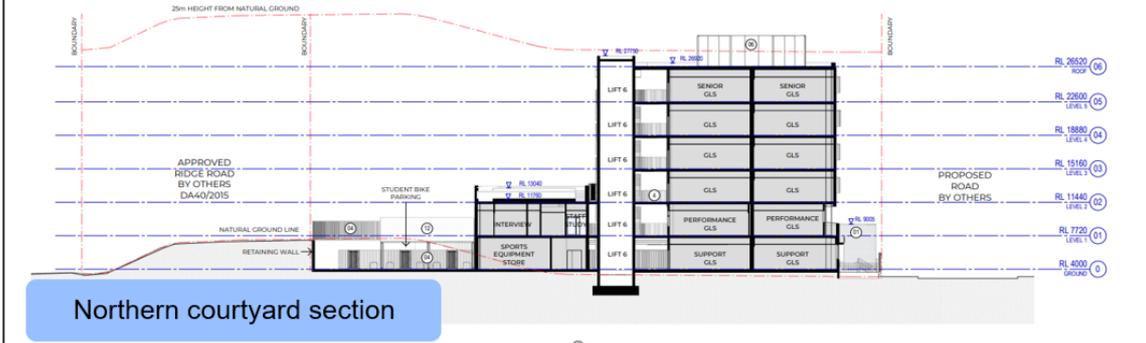


Western courtyard section

Figure 13 | Amended development - sections from the western elevation and internal courtyard (Source: Applicant's AR 2022)



Northern elevation section



Northern courtyard section

Figure 14 | Amended development - sections from the northern elevation and internal courtyard (Source: Applicant's AR 2022)



Figure 15 | Amended development - photomontage of Burroway Road frontage (Source: Applicant's AR 2022)

2.2.1 Uses and activities

The amended development is for a new high school for a capacity of 850 students and 80 staff. No community or out of hours use is proposed.

2.2.2 Timing

The Applicant advises that the amended development would be constructed in one stage, taking approximately 12 months. Upon commencement of operation, it is expected that the first Year 7 cohort would consist of 255 students. If a Year 8 cohort is also required, this would result in a total of 510 students in that first year of operation. Subsequently, a new cohort of Year 7 students would be added each year until the proposed of capacity of 850 students is reached. This sequential student growth also results in lower levels of staff, parking and vehicle movements on opening.

2.3 Related development

2.3.1 Early works

The Applicant advised that the following early works are to be carried out on site via separate approval pathways:

- demolition of the site's existing hardstand and brick wall
- placement of up to 600mm fill over the area of the hardstand to be demolished
- removal of four stands of Swamp She Oak located in gaps in the hardstand
- extension and upgrades of utility services and connection to site including electrical, natural gas, potable water and sewer.

3 Strategic context

It is anticipated that there will be a 21% growth in student numbers in NSW by 2031 compared to 2017. This means that NSW schools will need to accommodate an extra 269,000 students, with 164,000 of these students in the public system. In response to the need for additional public education infrastructure because of increased demand, the NSW Department of Education is investing \$6.7 billion to deliver new schools and upgrade existing schools.

The Department considers that the proposal is appropriate for the site given it is consistent with:

- NSW State Priorities, through the provision of new and improved teaching and education facilities
- Greater Sydney Commission's *Greater Sydney Region Plan: A Metropolis of Three Cities*, as it proposes new school facilities to meet the growing needs of Sydney
- the vision outlined in the Greater Sydney Commission's Central District Plan, as it would provide much needed school infrastructure conveniently located near existing public transport services
- Transport for NSW's *Future Transport Strategy 2056* as it would provide an educational facility and student capacity, generate employment opportunities, active transport modes to and from the site, and improve pedestrian connectivity
- Infrastructure NSW's *State Infrastructure Strategy 2018 – 2038 Building the Momentum* as it would provide:
 - facilities to support the growth in demand secondary student enrolments
 - a school design that could accommodate infrastructure and facilities sharing with communities.

The amended proposal would provide direct investment in the region of approximately \$146,899,641, which would support 735 construction jobs and 80 new operational jobs.

4 Statutory context

4.1 State significance

The amended proposal is SSD under section 4.36 (development declared SSD) of the EP&A Act as it is development for the purpose of a new school under clause 15(1) of Schedule 1 of the State Environmental Planning Policy (State and Regional Development) 2011, as was in force prior to the lodgement of the application.

In accordance with the Minister for Planning's delegation to determine SSD applications, signed on 9 March 2022, the Director, Social and Infrastructure Assessments may determine this application as:

- the relevant Council has not made an objection during exhibition
- there are less than 15 public submissions in the nature of objection
- the application has not been made by a person who has disclosed a reportable political donation in connection with the application.

4.2 Permissibility

The site is located partly within the R4 High Density Residential and partly within the B1 Neighbourhood Centre under the Auburn Local Environmental Plan 2010 (ALEP). A small triangle of land in the north western corner of the site is also zoned RE1 Public Recreation (**Figure 16**).

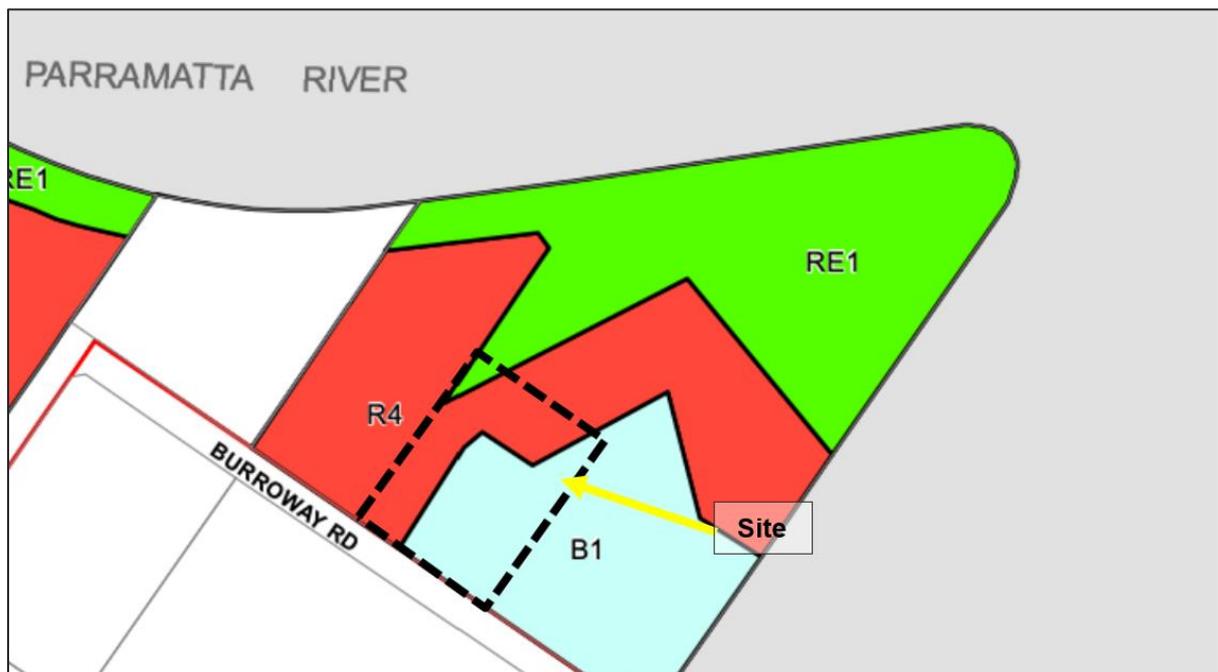


Figure 16 | Land use zoning map (Source: Applicant's EIS 2021)

Educational establishments are permitted with consent in the R4 and B1 zones but prohibited in the RE1 zone. However, no physical development is proposed on the section of the site subject to the RE1 zone.

Therefore, the Minister for Planning or delegate may determine the carrying out of the development.

Under clause 5.1 of the ALEP 2010 the section of the site zoned RE1 has been identified as land that has been reserved for public purposes, with Council identified as the relevant acquisition authority.

Under the amended proposal, the RE1 land within the site would no longer be set aside for the purposes of local open space (as it is within the school site). However, it would remain available for acquisition, without encumbrances, for Council to acquire in future if Council required. The Land Reservation Acquisition Map would be updated as part of a future housekeeping amendment to ALEP 2010 if Council formed an opinion that it no longer required that triangle of land (see **Appendix B**).

4.3 Other approvals

Under section 4.41 of the EP&A Act, a number of other approvals are integrated into the SSD 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 proposal, and included suitable conditions in the recommended conditions of consent (see **Appendix C**).

4.4 Mandatory matters for consideration

Section 4.15 of the EP&A Act outlines the matters that a consent authority must take into consideration when determining development applications. These matters are summarised as:

- provisions of environmental planning instrument (EPI), including draft EPIs development consent plans, planning agreements and the Environmental Planning and Assessment Regulation 2000 (EP&A Regulation)
- the environmental, social, and economic impacts of the development
- the suitability of the site
- any submissions
- the public interest, including the objects of the EP&A Act and the encouragement of ecologically sustainable development.

The Department considered these matters below and in **Section 6**.

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 EPI (including any draft EPIs) 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 proposal and that have been considered in the assessment of the proposal.

Since the submission of the EIS, all NSW State Environmental Planning Policies (SEPPs) have been consolidated into 11 policies. The consolidated SEPPs commenced on 1 March 2022, with the exception of State Environmental Planning Policy (Housing) 2021, which commenced on 26 November 2021.

The SEPP consolidation does not change the legal effect of the repealed SEPPs, as the provisions of these SEPPs have simply been transferred into the new SEPPs. Further, any reference to an old SEPP is taken to mean the same as the new SEPP. For consistency, the Department has considered the development against the relevant provisions of the SEPPs that were in force when the EIS was submitted.

The Department has undertaken a detailed assessment of these EPIs, including draft 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 **Appendix C**.

Table 2 | 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,	The proposal involves the construction of a new high school to cater for growth in NSW student numbers. Subject to recommended conditions of consent, the site is suitable for the use as an educational establishment and its development would not negatively impact the economic welfare of the community, or the natural environment.
(b) to facilitate ecologically sustainable development by integrating relevant economic, environmental and social considerations in decision-making about environmental planning and assessment,	The proposal includes measures to deliver ecologically sustainable development (ESD) (Section 4.4.3).
(c) to promote the orderly and economic use and development of land,	The site is located next to an established primary school and would provide improved educational facilities to support the demand in an area of increased residential growth
(d) to promote the delivery and maintenance of affordable housing,	Not applicable.
(e) to protect the environment, including the conservation of threatened and other species of native animals and plants, ecological communities and their habitats,	The proposal would not affect any protected or threatened species or vegetation communities. The proposal involves landscaping and planting that would provide for new habitat opportunities.
(f) to promote the sustainable management of built and cultural heritage (including Aboriginal cultural heritage),	The site does not include any buildings with European heritage values or significance.

Objects of the EP&A Act	Consideration
	An Aboriginal Cultural Heritage Assessment Report (ACHAR) was included in the EIS which identified that no Aboriginal heritage sites would be harmed by the proposed development.
(g) to promote good design and amenity of the built environment,	The proposal has been designed to minimise potential amenity impacts while maximising internal amenity and achieving good design (Section 6).
(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), consulted Council and other Government agencies, and considered their responses (Section 6).
(j) to provide increased opportunity for community participation in environmental planning and assessment.	The Department publicly exhibited the proposal (Section 5), which included notifying adjoining landowners and displaying the proposal on the Department's website during the exhibition period. Issues raised in the submissions have been considered in Section 6 .

4.4.3 Ecologically sustainable development (ESD)

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 development proposes ESD initiatives and sustainability measures, including:

- maximum use of natural light
- natural ventilation of circulation spaces
- high performance thermal glazing and external shading devices
- water efficient fixtures and fittings
- installation of a photovoltaic system
- rainwater reuse
- measures to minimise waste during construction
- low impact building materials to reduce construction carbon footprint
- ongoing management and student/staff education of the above measures
- increase in sustainable transport use.

The Department has considered the proposed development in relation to the ESD principles. The precautionary and inter-generational equity principles have been applied in the decision-making process via a thorough assessment of the environmental impacts of the proposed development.

The Applicant is targeting a 4-Star Green Star (Australian Best Practice) rating which meets the suggested 4-Star Green Star rating in the Educational Facilities Standards and Guidelines. To ensure that ESD is incorporated into the proposed development, the Department has recommended a condition that requires the Applicant to register for a minimum 4-star Green Star rating with the Green Building Council Australia, or an alternative certificate process as agreed by the Planning Secretary, prior to the commencement of construction.

Subject to this condition, the proposed development is consistent with ESD principles as described in Section 4.4.8 and Appendix 7 of the Applicant's EIS, which has been prepared in accordance with the requirements of Schedule 2 of the EP&A Regulation, as was in force prior to the lodgement of the application. Overall, the proposal is consistent with ESD principles, and the Department is satisfied the proposed sustainability initiatives would encourage ESD, in accordance with the objects of the EP&A Act.

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 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 3 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 in **Section 6** (Assessment) and relevant appendices or other sections of this report and EIS, referenced in the table.

Table 3 | 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 .
(a)(ii) any proposed instrument	The Department's consideration of the relevant draft EPIs is provided in Appendix B .
(a)(iii) any development control plan (DCP)	Under clause 11 of the SRD SEPP, DCPs do not apply to SSD. Notwithstanding, consideration has been given to relevant DCPs.
(a)(iiia) any planning agreement	Not applicable.

Section 4.15(1) Evaluation	Consideration
(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.
(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	The impacts of the proposal have been appropriately mitigated or conditioned (Section 6).
(c) the suitability of the site for the development	The site is suitable for the development as discussed in Section 3, 4 and 6 .
(d) any submissions	Consideration has been given to the submissions received during the exhibition period. See Section 5 and 6 .
(e) the public interest	Refer to Section 6 and 7 .

4.5 Biodiversity Conservation Act 2016

Under section 7.9(2) of the *Biodiversity Conservation Act 2016*, 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.

On 25 March 2021, the Environment and Heritage Group of the Department of Planning and Environment (EHG) determined that the proposed development would not be likely to have any significant impact on biodiversity values and that a BDAR is not required. The Department supported EHG's decision, and on 20 April 2021 determined that the application is not required to be accompanied by a BDAR.

5 Engagement

5.1 Department's engagement

In accordance with Schedule 1 of the EP&A Act, the Department publicly exhibited the application from 14 October to 10 November 2021 (28 days). The application was published on the Department's website.

The Department notified adjoining landowners and relevant State and local government authorities in writing. Department representatives visited the site on multiple occasions between 2021 and 2022 to provide an informed assessment of the proposal.

The Department has considered the comments raised in Government agency advice 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 advice received from Government agencies

During the exhibition period, the Department received advice from five Government agencies. A summary is in **Table 4** and a link to the advice is in **Appendix A**.

Table 4 | Summary of Government agency advice to EIS exhibition

Transport for NSW (TfNSW)

TfNSW made the following comments:

- traffic generation calculations should use the base case mode share forecast
- calculations of traffic generation rates should be provided to TfNSW for review
- proposed bus service improvements are not yet approved
- TfNSW requires approximate construction timelines and operation dates
- in the instance the future eastern road is not delivered on time, alternate options for loading and servicing should be secured
- the Department should ensure that relevant landowner's consent has been provided for the subject site
- as vehicle access to the site is subject to separate planning approvals, the Applicant should demonstrate that alternative options are available and can safely accommodate pedestrian and vehicle movements
- any proposed pedestrian crossings and facilities on the local road network would need to be considered by Council and Sydney Olympic Park Authority (SOPA)
- written authorisation must be obtained from TfNSW to install school zone signs
- the Applicant needs to demonstrate how school coach and buses would be managed on sport days/excursions
- the final School Travel Plan (STP) must be submitted to TfNSW prior to construction.

In addition to above, TfNSW made recommendations to further improve the Transport Access Guide, end of trip facilities, promote more sustainable mode shares, parking management strategy, School Travel Plan implementation (incentives and travel surveys), and conditions relating to the preparation of a Construction Traffic and Pedestrian Management Plan (CTPMP).

Sydney Olympic Park Authority (SOPA)

SOPA made the following comments:

- SOPA are not supportive of the proposed naming of the school as “Sydney Olympic Park new high school” as it is not located within the boundary of Sydney Olympic Park, and the Authority considers that it contravenes the naming convention for facilities and the use may be in breach of the *Olympic Insignia Protection Act 1987*
- the proposal should achieve a minimum 5-star Green Star Rating
- further identification of safe crossing points should be undertaken in consultation with Council
- the DOPU zone would exacerbate localised congestion
- SOPA be consulted and engaged in future development of access points between the site and Peninsula Park
- the proposal should incorporate low reflectivity glass, minimise impacts from external lighting, landscaping to reflect local species and not include species listed as weeds or invasive in the Greater Sydney Regional Strategic Weed Management Plan 2017-2022.

SOPA recommended conditions of consent relating to how the site is remediated and how such works are managed in accordance with the EIS.

Environment and Heritage Group, Department of Planning and Environment (EHG)

EHG reviewed the EIS and supporting documents and advised that they had no comments regarding biodiversity or flooding matters.

NSW Environment Protection Authority (EPA)

EPA commented that the proposed works do not require an environment protection licence under the *Protection of the Environment Administration Act 1991*, and for future comments Council should be consulted as the appropriate regulatory authority.

EPA also recommended that conditions of consent should include requirement for a Section A1 or A2 Site Audit Statement confirming that the contaminated land disturbed by the work has been made suitable for the intended land use, to be submitted to the Department and Council prior to commencement of use.

Heritage NSW, Department of Planning and Environment (Heritage NSW)

Heritage NSW agreed with the ACHAR assessment that the study area is located entirely within land that was reclaimed. Prior to this, this area consisted of tidal mudflats that would have been regularly submerged. Heritage NSW confirmed that since no natural soil deposits exist within the study area, the Aboriginal archaeological potential study area is nil.

5.3 Summary of EIS submissions

During exhibition, the Department received a total of 20 submissions comprising 14 submissions from the public (8 objections, four comments (including the local Member for Parliament) and two in support), three submissions in objection from special interest groups, comments from Council and two submissions from state owned companies. The special interest groups were the Wentworth Point Peninsular Town Team Progress Group inc., Wentworth Point Public School P&C Association and the Wentworth Point Residents Action Group. A summary is in **Table 5** and a link to the submissions is in **Appendix A**.

Table 5 | Summary of submissions to EIS exhibition

Council

Council advised that it did not object to the proposal but had strong concerns on the following matters:

- impact on existing subdivision pattern:
 - the proposal provides plans for the school in isolation to how the surrounding area is to be redeveloped and function in the future
 - the proposal would override previous Maritime Precinct and Peninsula Park plans and approvals without sufficient alternative solutions
 - the creation of a new lot for the school site through a subdivision process outside of the SSD is not considered an appropriate pathway
 - the proposal should include street layouts that support the school and surrounding lots, buildings setbacks consistent with the WPPDCP 2014, future road/car park and playing fields. These should be approved prior to the school and must be agreed to by Council prior to determination.
- compliance with the WPPDCP 2014:
 - the proposal is inconsistent with key elements of the WPPDCP 2014 including street layout, pedestrian/cycle networks, distribution of land uses and vehicle access/parking.
- consideration of existing approvals:
 - the proposal does not sufficiently consider the impacts on existing development consents relating to the Maritime Precinct and Peninsula Park. Should the proposal proceed, any consent would relegate the previous consents and cause issues relating to the timing and delivery of key components.
- contravention of LEP and development standards:
 - the proposed buildings heights and Floor Space Ratio (FSR) do not comply with LEP development standards.
- future planning proposal:
 - it is unacceptable to rely upon the future planning proposal (which has yet to be lodged with Council) to rectify issues relating to zones, planning controls and the WPPDCP 2014
 - to provide greater certainty for the delivery of key infrastructure, issues relating to the master planning of the precinct should be resolved prior to any determination of the proposal
 - the SSD proposal and future planning proposal should be considered in conjunction to each other.
- inadequacy of school facilities/infrastructure:
 - the proposal relies on joint use agreements to use the future northern playing field and eastern road, which are to be delivered by other parties outside of the SSD process. This means the site itself has insufficient open space for students
 - there are no details on the design or timing of these facilities and how they integrate with Peninsula Park
 - any playing fields to be utilised by the school should form part of the proposal

- as the future eastern road is being delivered by others, in the scenario where school operations commence prior to the road being delivered, this would have detrimental impacts on the local street network (parking and congestion)
- given the ambiguity about road delivery, an assessment of road and drainage infrastructure cannot be undertaken
- use of local shopping centre car parks is not an acceptable solution if school operations commence prior to the future eastern road being delivered
- based on submitted drawings, the proposed eastern setbacks from the school site would not comply with the Building Code of Australia (BCA)
- it is unacceptable that Ridge Road which was to be delivered to Council as a fully operational road would now be removed and replaced by a road with car parking that can only be accessed on a part time basis. This is a significant reduction of public benefit to the existing approved scenario and not supported by Council.
- shared open space and recreation facilities:
 - Council has identified a significant under provision of open space and recreation facilities (particularly playing fields) in Wentworth Point, with future population growth to exacerbate this shortfall
 - the proposal and future northern playing field would significantly encroach into Peninsula Park and would reduce the area of recreational space available to the surrounding residential community during school hours
 - Council previously resolved that any playing field associated with the new school should not be at the expense of land already proposed for Peninsula Park
 - Council seeks the Applicant's intention to pursue shared use arrangements within this site (not exclusive to the playing field) and requests further details on the access points and processes to facilitate this.
- public domain:
 - Council prefers that the roundabout in front of the school site be converted to a "T" intersection
 - the current Ridge Road design is elevated above the proposed school levels. Further details are required relating to the transition levels
 - public domain drawings meeting the requirements set out in the Parramatta Public Domain Guidelines should be provided and demonstrate that the proposal contributes to the street frontage.
- sustainability:
 - the nominated 4-star Green Star rating is low, and a higher standard should be achieved
 - recycled water piping should be included as part of water management strategies
 - further investigation of façade shading to limit heat reflection and heat rejection units (for heating and air conditioning) should be undertaken.
- traffic impacts:
 - parking provisions are below Auburn DCP 2010 rates for secondary schools; however, the shortfall is considered acceptable due to the likely modes of transport undertaken to the site
 - a car park management plan should be provided to the satisfaction of Council detailing management measures for staff parking, buses and DOPU during school peak periods and special events
 - weather protection for bicycle parking should be provided
 - the DOPU zone on Burroway Road is unlikely to be adequate for the proposal, given the uncertainty of additional spaces being available on the future eastern road. This would result in such operations being forced onto the broader street network, causing traffic impacts
 - there are no alternative loading facilities in the instance the future eastern road is not delivered in time

- the proposed raised pedestrian crossings on Council roads are supported in general, subject to meeting Council requirements
- there is insufficient width along the Burroway Road frontage for a compliant footpath and nature strip
- further detail on whether existing public bus stops, and routes can service the proposal must be provided
- the STP should be updated to include cycle routes
- a Construction Pedestrian and Traffic Management Plan should be part of conditions of consent.

Sydney Water

Sydney Water commented that:

- there is sufficient wastewater servicing capacity
- the Applicant should investigate the potential to have dual pipe integrated water management provisions, in addition to rainwater capture and reuse.

Ausgrid

Ausgrid commented that the:

- Applicant should be aware of the electrical easement that contains Ausgrid underground assets and is positioned adjacent to the proposed development
- easement should continue to be managed in accordance with Ausgrid's general conditions for easements.

Public and special interest groups

The key concerns raised in public and special interest group submissions relate to:

- a high school would be better placed in other locations to cater for the suburbs of Wentworth Point, Rhodes, Sydney Olympic Park and Newington
- insufficient parking for staff, students, parents and visitors to the school and alternative options such as underground parking should be considered
- the proposal relies on yet to be provided public transport options to cater for the parking shortfall
- travel mode shares don't reflect the reality of accessing the site
- street parking availability is low and the school would cause further strain
- the proposal would congest surrounding streets, public transport and pedestrian facilities
- car parking should be provided on-site as the limited car spaces provided at the school next door has already resulted in teachers and visitors having to pay for parking at nearby car parks
- the proposal should be constructed in a single stage to limit enrolment disruptions and reduce construction duration
- insufficient telecommunications and transport infrastructure is being relied upon to facilitate the proposal
- the proposed location for accessible parking and access from the future eastern road to the school would be challenging
- proposed joint use of the future playing fields is not sufficient and an additional playing field would be required to cater for the demands of the school and the community
- the school should have a dedicated playing field to meet the needs of students and ensure that space dedicated for community use as part of Peninsula Park is not taken away
- the haphazard approach to the overall master plan for the peninsula and the Peninsula Park concept is unacceptable
- the proposal relies upon external parties to deliver key open space and parking infrastructure
- the proposal is inconsistent with the approved location of Ridge Road

- given the demographics of the suburb, there are no clear benefits of having a high school in this location. The site could be utilised for uses that would better meet the need of residents
- insufficient details for community and/or shared use of facilities
- there are errors in the EIS and supporting documents relating to the catchment area assessed for traffic impacts, bus routes servicing the site and the likelihood of students arriving by car to the school.

5.4 Response to Submissions Report (RtS) to the EIS

Following the exhibition of the original 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 15 April 2022, the Applicant provided a RtS (**Appendix A**) to the issues raised during the exhibition of the EIS. The RtS further refined the built form/internal spaces, site layout, proposed removal of the roundabout outside the site, weather protection to bicycle parking and addition of an accessible space to the DOPU zone.

The RtS was made publicly available on the Department's website and was referred Government agencies and Council. Advice was received from two Government agencies and a submission from Council. A summary of Government agency and Council comments is provided in **Table 6**.

Table 6 | Summary of Council submission and Government agency advice

Council

Council reiterated previous concerns regarding:

- impacts on Peninsula Park and the uncertainty on the future delivery, ownership and joint use of the future northern playing field and eastern road
- due to the significant shortfall of open space within Wentworth Point, Council requests the provision of as much open space and playing fields as possible
- insufficient detail showing how the proposal is integrated with Peninsula Park
- the proposal does not comply with the WPPDCP 2014, precinct masterplans and existing development consents, and relies on the future planning proposal to resolve matters that should form part of the SSD
- inadequate open play space and car parking provisions.

Council outlined that the below remediation matters have not been addressed to Council's satisfaction notably:

- the RAP addendum does not consider adjoining open space and any impacts the RAP would have on maintenance and future remediation of this space
- given the intended joint use of the future northern playing field, the RAP should have considered contamination in that location as well.

SOPA

SOPA reiterated that previously identified issues relating to the school name, transport and access, and the public domain interface still apply. SOPA raised concerns about the lack of open and recreational space on-site and the associated physical and mental impacts this could have on students.

TfNSW

TfNSW provided the following comments:

- the traffic generation potential for each stage of the school has not been provided
- bus service improvements may not be operating at the time of expected school operation
- to ensure the wider road network is not impacted, a school coach/bus parking management plan must be submitted to TfNSW prior to occupation.
- the Department should be satisfied with temporary waste collection occurring from Burroway Road.

5.5 Amendment Report (AR)

On 10 June 2022, the Applicant submitted an AR which responded to submissions and comments on the RtS and amended the proposal as described in **Section 2**. The AR was exhibited for 14 days from 20 June to 6 July 2022. Notices were sent to previous submitters and landowners/occupiers in the same area notified for the EIS exhibition.

5.6 Summary of advice received from Government agencies to AR

During the exhibition period, the Department received advice from two government agencies. A summary is in **Table 7** and a full link to the copy of advice is in **Appendix A**.

Table 7 | Summary of Government agency advice to AR exhibition

TfNSW

TfNSW provided the following comments:

- previous concerns raised relating to traffic generation mode share calculations still apply to the amended proposal
- the finalised STP should be provided to TfNSW prior to construction commencing
- waste collection and deliveries outside of designated times from Burroway Road could lead to congestion and safety risks to students. TfNSW recommends alternate, off-road options for all loading and servicing
- footpath widths should comply with relevant standards
- safe crossing points at the roundabout opposite the site should be investigated
- reduction in bicycle parking would discourage bicycle trips and fails to achieve STP initiatives
- on-site car parking should be provided and a dedicated shuttle should also be provided between car park P5 and the site.

SOPA

SOPA provided the following comments:

- issues relating to the school name and use of “Olympic” remain. SOPA acknowledges that the school name may change prior to operation and as such requests it be involved in future discussions about the school name
- SOPA also notes that within the Carter Street precinct of Sydney Olympic Park, a high school would also be required and this has implications if DoE continue to use the reference to Olympic without approval on this site
- car parking should be provided on-site as staff may not find the use of car park P5 desirable

- due to complaints already being received from WPPS about traffic conditions, any high school specific bus loading/unloading cannot occur on Wharf Road near the ferry terminal
- SOPA recommends a new road be created that forms a loop from Wharf Road to Burroway Road around the riverside frontage of WPPS and the proposal
- any public domain conditions of consent should ensure that access links from Peninsula Park are provided to the proposal, in consultation with SOPA,

5.7 Summary of submissions to AR

During the exhibition period for the amended proposal, the Department received a total of 15 submissions comprising 11 submissions from the public (eight objections and three comments), three submissions from special interest groups (two objections and one comment), and comments from Council. The special interest groups were the Wentworth Point Public School P&C Association, the Wentworth Point Residents Action Group and Billbergia Group. A summary of the submissions is provided in **Table 8**.

Table 8 | Submissions to the AR exhibition

Council

Council reiterated that a school is supported in principle, but there were still strong concerns on the following matters:

- despite the AR attempting to bring the amended proposal in compliance WPPDCP 2014 and masterplan, it is still insufficient as it acknowledges that the full realised school of 1,530 students is reliant on a separate planning process and planning proposal being submitted by TfNSW. This is not a holistic approach to the precinct and does not integrate with the aims of the DCP
- the extent of school infrastructure being proposed is disproportionate to the number of students and does not promote the orderly and economic use and development of land in accordance with section 1.3 of the EP&A Act
- concerns are raised in particular to the following aspects of the AR:
 - lack of open space for students
 - car parking (no on-site parking provided)
 - inadequate DOPU provisions
 - unclear where waste/loading area is located
 - pedestrian access (improved street crossings are required)
 - street activation (main entrance, not the service area, should be located on prominent street corner)
 - nil street setbacks (3m for local streets and 6m for Burroway Road as required per the WPPDCP 2014)
 - the nominated 4-star Green Star rating is too low
 - there is insufficient information on how the proposal integrates with Ridge Road and any future levels for the land to the east. Sections and plans are required detailing this.

Public and special interest groups

The public and special interest group submissions raised concerns around:

- reduced student capacity would be detrimental to the high school and to families in the catchment
- the inability to utilise or provide the northern playing field should not justify the reduction in student numbers

-
- reduction in facilities and the size of the hall limits learning spaces available to students
 - alternative car parking options within the vicinity of the site are available, such as the neighbouring shopping centres
 - school bus parking on ferry Wharf Circuit is not possible as the location would be eliminated by Stage 2 of the Parramatta light rail project. The most logical place for the bus stop would be outside the main school entrance at Burroway Road
 - proposed car parking spaces at the Sydney Olympic Park car park are not sufficient or convenient. Lack of parking has affected talent recruitment at WPPS and this would occur for the high school
 - due to the low number of expected students that live within walking distance to the school, most students would most likely arrive by car
 - the amended proposal does not include any soft green open space within the site and limited open space would have mental and physical health impacts to students
 - the amended proposal has changed the proposal in contradiction to previous community consultation and does not meet the needs of the locality
 - future planning applications to the east would result in direct overlooking to the school, loss of sunlight and reduced amenity
 - the AR has insufficient DOPU facilities and still does not have sufficient car parking
 - given NSW Government ownership of much of the peninsula, it should be utilised for a larger high school and open space facilities that could cater for the community and both primary and high schools
 - the amended proposal does not solve issue around there being better locations for the high school
 - as with the primary school, needs of the community would outgrow the limited facilities provided
 - safety and criminal damage concerns related to shared use of open space
 - a school to cater for the community is supported, but the proposal as currently detailed is insufficient in far too many aspects.

5.8 Applicant's RtS to submissions received to the AR

Following exhibition of the AR, the Department placed copies of all submissions received during exhibition on its website and requested the Applicant provide a response to the issues raised. The Department also requested that the Applicant consult NSW State Emergency Services (NSW SES) for the preparation of a Flood Emergency Management Plan (FEMP), and to provide a plan depicting the exact area of open play space available to students.

On 8 August 2022, the Applicant provided a RtS in response to the issues in submissions to the AR (**Appendix A**) raised during exhibition and the Department's request for additional information.

5.9 Government agency advice and further submission on the RtS to the AR

The RtS to the AR was made publicly available on the Department's website and referred to relevant Government agencies and Council. The Department received four responses from Government agencies and a submission from Council.

The issues raised are summarised in **Table 9 below**.

Table 9 | Summary of Government agency advice and Council Submission

Council

Council reiterated previous comments including:

- the RtS to the AR does not address previous concerns highlighted in submissions relating to the orderly and economic development of land in accordance with the current masterplan in the WPPDCP 2014
- a holistic planning approach to the peninsula should be pursued, commencing with the TfNSW led planning proposal that seeks to reconfigure the existing masterplan so that a consistent strategic vision is provided for certainty of Wentworth Point residents.
- it is recommended that the Department consider Council's concerns made in previous submissions as part of the assessment.

TfNSW

TfNSW advised that prior to operation, the STP must be updated to address the original detailed requirements provided as part of the EIS submission.

SOPA

SOPA confirmed that there were no comments on the RtS to the AR.

NSW SES

NSW SES advised that it does not have the statutory authority to endorse or approve a FEMP and that it advocates for sound land use planning and flood risk management. Notwithstanding, the following recommendations to improve the Applicants FEMP were provided:

- the risk assessment should consider the full range of flooding, including events up to the Probable Maximum Flood (PMF)
- the risk assessment should have regard to flood warning and evacuation demand on existing and future access/egress routes. Evacuation must not require people to walk or drive through flood water
- the Bureau of Meteorology do not provide flood warnings or watches for the site and NSW SES have adopted the Australian Warning System (as of 30 September 2022)
- the Applicant's shelter-in-place strategies are not appropriate or safe and are not equivalent, in risk management, to evacuation.
- development strategies relying on mass rescue where evacuation fails or is not implemented is not acceptable.
- the preferred emergency strategy for the school is early closure prior to the commencement of a flood event and before the start of a school day.

EHG

EHG confirmed that there were no further comments on flooding or biodiversity matters.

6 Assessment

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

- traffic and transport
- built form and urban design.

These issues are discussed in the following sections of this report. Other issues considered during the assessment are discussed at **Section 6.3**.

6.1 Traffic and transport

A Traffic Access Impact Assessment (TAIA) was submitted with the EIS, and updated by the RtS to the EIS, and again updated in the AR, and in the RtS to the AR, and responded to key issues raised by Council, Government Agencies and public submissions. These issues related to road upgrade works, mode share calculations, DOPU operation, bus services, active transport and parking.

The TAIA assessed the existing conditions around the site and transport impacts associated with the amended proposal including:

- existing traffic, parking conditions and travel patterns from case study schools
- traffic generation and distribution
- intersection and road infrastructure upgrades
- forecast intersection and network performance
- pedestrian safety requirements
- car parking requirements and availability
- upgrades to the surrounding road network
- service vehicle requirements
- construction access and traffic management
- traffic generation and mitigation measures.

6.1.1 Existing conditions

The surrounding road network is shown in **Figure 17**. The site has a single frontage to Burroway Road, a local road that runs in an east to west direction and ends in a cul-de-sac where the peninsula meets Duck River. To the west, Burroway Road intersects with Wentworth Place, Waterways Street and Hill Road, which travel in a north to south direction.



Figure 17 | Surrounding road network (Base Source: Nearmap 2022)

Two public bus routes (533 and 526) service Wentworth Point, with stops approximately 200m from the site. In addition to the public bus services, the developer Billbergia provides the Baylink Shuttle service that operates a loop service from the southern part of Wentworth Point to the Sydney Olympic Park ferry wharf and then on to Rhodes train station. This service is free and runs at 10 minute intervals during the morning and afternoon peak and 15 minute intervals for the rest of the day.

The Sydney Olympic Park ferry wharf is approximately 250m from the site and services the F3 ferry route that runs from Parramatta to Circular Quay.

Rhodes train station is located 1.3km to the east from the site and is most directly access via walking, cycling or taking buses across Bennelong Bridge (**Figure 17**). Private vehicle use on Bennelong Bridge is prohibited.

Within walking distance, the only section of the street network that does not contain complete footpaths is the northern side of Burroway Road between the site and the cul-de-sac to the east. Raised and at grade pedestrian crossing facilities are provided at various locations along Burroway

Road and the surrounding road network and a roundabout is located directly opposite the southwestern edge of the site. There is a separate bicycle route provided along Hill Road that connects the north and south sides of the peninsula. On the remainder of the street network in the northern section of Wentworth Point, there are no formal/separated bicycle lanes. The TAlA notes that under NSW road rules, children under 16 years old are permitted to ride on a footpath and adult riders supervising a cyclist under 16 may also use a footpath.

6.1.2 Construction traffic and parking

A preliminary CTPMP was included in the EIS which details construction vehicle movements, truck and crane unloading details, routes of travel, parking and access arrangements, pedestrian management provisions and measures to address potential impacts.

The Applicant states that the amended proposal involves a design and construction process that combines the manufacture of building components, such as wall systems and facades, in a factory off-site with on-site assembly. Delivery of these parts typically occurs on oversized vehicles, then lifted on site by a crane and then assembled. This construction method generally reduces the overall construction period, and reduces traffic movements during construction, but requires significant traffic management or road closures when moving parts on-site for assembly. Road closures require approval from the relevant roads authority or land owner.

The preliminary CTPMP outlines that vehicle haulage routes would utilise the M4/Parramatta Road, Hill Road and Burroway Road to access the site (**Figure 18**). The preliminary CTPMP identifies that a maximum of 20 heavy vehicle truck movements are estimated per day and all construction vehicles would enter and exit the site in a forward direction.

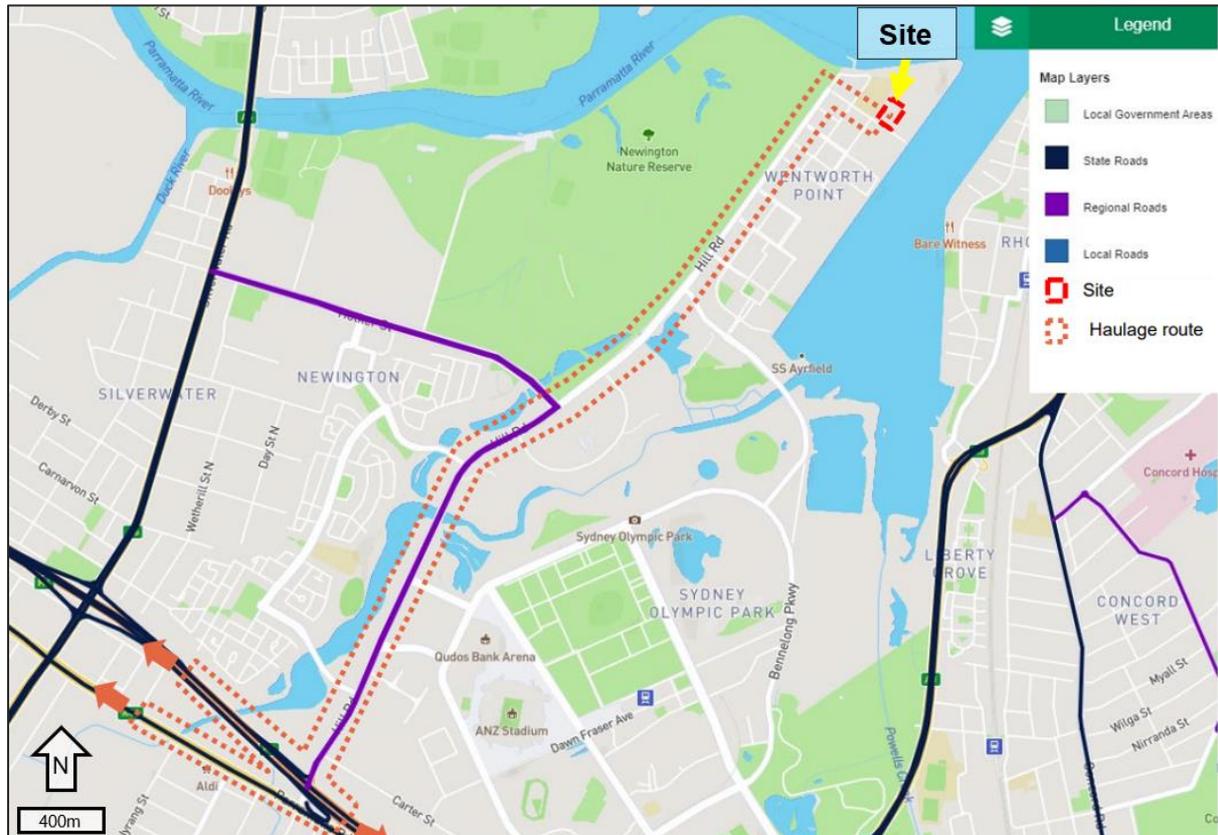


Figure 18 | Construction vehicle access routes (Source: Applicant's EIS 2021)

The preliminary CTPMP states that, where necessary, footpaths on the immediate surrounding road network would be managed by controllers during construction periods as required. The preliminary CTPMP advises construction vehicles would operate outside of peak periods to minimise impacts on local roads.

The congested nature of the site means that on-site construction parking would be difficult during works. The preliminary CTPMP proposed two options to minimise impacts to on-street parking:

- use of nearby paid car parks - Marina Square and Pierside mixed use developments include commercial car parking
- subject to landowner's consent, use of the undeveloped TfNSW land to the east of the site (Lot 2 of DP 1276305).

The preliminary CTPMP states that construction workers would be encouraged to carpool whenever possible to reduce demand. The Department considers there is scope to use a combination of these options, which would depend on the demand for construction worker parking at each stage of the development.

The Department accepts the Applicant's assessment of construction traffic and notes the surrounding road network can accommodate the expected heavy vehicle movements. Road closures would be subject to appropriate approvals and impacted residents consulted. The Department recognises the limited opportunity to provide car-parking on site for all construction works due to site constraints.

The Department has recommended a condition of consent that the Applicant:

- prepare and implement a final CTPMP, and
- prepare a Construction Worker Transportation Strategy detailing the provision of sufficient parking facilities or other travel arrangements for construction workers in order to minimise demand for parking in nearby public and residential streets or public parking facilities.

6.1.3 Operational traffic and transport

The TAIA assessed existing performance of key intersections and future performance at opening of the school. The performance of key intersections was analysed against a school of 1,530 students (as originally proposed in the EIS) and the amended proposal relies on this earlier assessment, as it would have a reduced student capacity and therefore, operate well within the higher student parameters established in the intersection modelling.

The intersection modelling considered known upgrades to the road network, background traffic growth resulting from population growth, future high density developments neighbouring the site to the east, Block H to the south, developments towards the west on Hill Road, and additional traffic generated by the proposal.

The intersections and pedestrian crossing infrastructure analysed in the TAIA (**Figure 19**) included:

- Lapwing Street/Hill Road/Ferry Wharf Circuit/Burroway Road
- Burroway Road/Waterway Street/Ferry Wharf Circuit
- Burroway Road/Wentworth Place
- Zebra crossing on Burroway Road.



Figure 19 | Intersections modelled (blue circles) (Base Source: Nearmap 2022)

To forecast expected vehicle trips generated by the proposal, the TAIA considered:

- surveys and existing trip generation data from similar schools in NSW including, Concord High School, Turrumurra High School, Inner Sydney High School and Sydney Secondary College. These schools provided benchmarking for similar public transport provisions, student catchment trip behaviour and how schools operate in medium to high density areas
- data from the Roads and Maritime Services Trip Generation Surveys, Schools – Analysis Report which examined trip generation rates in 22 schools in NSW
- base case (no infrastructure upgrades) and stretch case scenarios for infrastructure provision and upgrades in the area. Stretch case scenarios included:
 - the Applicant providing improved crossing facilities and a dedicated transport coordinator
 - WPPDCP 2014 public domain and infrastructure improvements being provided by future proponents/landowners and Council
 - improved bus access and frequency in consultation with TfNSW, including ensuring that the Carter Street precinct is within a 30 minute catchment.

Based on this data, the TAIA adopted a conservative trip generation rate during the morning and afternoon peak, vehicle occupancy rates of 1.7 students per vehicle and student mode share:

- car – 13%
- public transport – 14%
- walking – 56%
- cycling – 17%.

The TAIA noted that students within the catchment would no longer be required to travel large distances to schools out of the area. This means that students would have shorter distances to travel, encouraging a mode shift to walking, cycling or public transport.

Modelling to determine intersection performance was undertaken from 2021, and future performance 10 years after in 2031 (with and without the proposal), with factored in cumulative background traffic growth.

The TAIA found that the assessed intersections currently operate at a Level of Service (LoS) of A (Figure 20) and continue to operate at LoS A in 2031, with and without the school (Figure 21 and Figure 22). Modelling for the 2031 end state with the school also factored in pedestrian activity associated with the school.

Intersection	AM Peak				PM Peak			
	Delay	LoS	DoS	Volume	Delay	LoS	DoS	Volume
Lapwing Street / Hill Road	12.1s	A	0.16	621	10.0s	A	0.15	593
Burroway Road / Waterway Street	7.8s	A	0.16	424	8.7s	A	0.10	475
Burroway Road / Wentworth Place	7.2s	A	0.07	185	7.5s	A	0.12	331
Zebra Crossing at Burroway Road / Hill Road (E)	1.1s	A	0.19	189	0.9s	A	0.29	316

Figure 20 | Existing intersection performance (Source: Applicant's EIS 2021)

Intersection	AM Peak				PM Peak			
	Delay	LoS	DoS	Volume	Delay	LoS	DoS	Volume
Lapwing Street / Hill Road	13.0s	A	0.23	966	12.4s	A	0.26	977
Burroway Road / Waterway Street	9.2s	A	0.20	707	10.7s	A	0.19	802
Burroway Road / Wentworth Place	8.1s	A	0.19	499	7.8s	A	0.29	694
Zebra Crossing at Burroway Road / Hill Road (E)	4.3s	A	0.66	472	2.4s	A	0.59	643

Figure 21 | 2031 intersection performance without school (Source: Applicant's EIS 2021)

Intersection	AM Peak				PM Peak			
	Delay	LoS	DoS	Volume	Delay	LoS	DoS	Volume
Lapwing Street / Hill Road	14.0s	A	0.26	1116	12.4s	A	0.29	1128
Burroway Road / Waterway Street	10.2s	A	0.23	876	12.0s	A	0.42	971
Burroway Road / Wentworth Place	6.9s	A	0.26	688	7.1s	A	0.47	882
Zebra Crossing at Burroway Road near Hill Road (E)	10.1s	A	0.85	641	8.8s	A	0.85	813
Zebra Crossing on Wentworth Place at Burroway Road	0.6s	A	0.21	214	0.8s	A	0.47	357
Zebra Crossing on Burroway Road at Wentworth Place	5.1s	A	0.73	558	4.7s	A	0.71	602

Figure 22 | 2031 intersection performance with school (Source: Applicant's EIS 2021)

Public submissions to the EIS and AR objected and raised concerns to traffic generation and congestion on the local road network given the site's location at the end of the peninsula and existing traffic from WPPS next door. Objections were also raised to the mode share assumptions, that

parents would still utilise private vehicles to drop children off and that pedestrian and public transport infrastructure is insufficient to support the proposed targets.

Council and TfNSW did not raise concerns in regard to traffic generation impacts, but in response to the EIS, RtS to the EIS and the AR, TfNSW commented that further justification was required to clarify the predicted mode share allocations and as to why it was appropriate to adopt the stretch case. TfNSW detailed that the STP would need to be updated to address TfNSW requirements prior to operation.

The Applicant's RtS to the EIS, the AR and RtS to the AR responded to the matters raised in Council comments, Government agency advice and submissions, noting that traffic impacts were not detrimental as intersections would continue to operate at LoS A without significant degradation, and that the amended proposal would further reduce impacts as the student capacity is greatly reduced from 1,530 to 850.

The AR and RtS to the AR both reiterated arguments that the mode share benchmarking was appropriate as it factored in future improvements in public transport access and pedestrian infrastructure (that would coincide with school operation) and that surveyed schools used were from areas with lower density and higher private vehicle use, as opposed to Wentworth Point where alternative modes of transport are more prevalent. No further comment as received from TfNSW.

The Applicant also argues that use of the stretch case for mode share consideration is valid in this instance as the Applicant is committed to providing pedestrian upgrades, TfNSW regularly review the bus program and a STP would be implemented to promote active transport and review bus service capacity/frequency. Additional public domain and infrastructure improvements in the area would occur from the future development of the surrounding area in accordance with the WPPDCP 2014 and would also assist in further encouraging walking and cycling in the precinct.

The RtS to the AR also reinforced the Applicants' previous commitments relating to the use of a robust STP to ensure that the predicated mode share targets are met and that further reductions in private vehicle usage be achieved. Furthermore, future transport infrastructure delivery through the Parramatta Light Rail Stage 2 would supplement the existing provisions and further drive down any dependency on private vehicle trips to the school.

The Department notes that the amended proposal greatly reduces the student capacity and would also not operate with 850 students on day one, term one. This would mean that any traffic impacts resulting from the amended proposal would be well within the higher student and staff parameters established in the TAIA.

The Department has considered the comments made in submissions, Government Agency advice, the Applicant's RtS to the EIS, the AR and RtS to the AR and is satisfied that the Applicant has demonstrated that the local road network can accommodate additional traffic generated by the proposal. The Department acknowledges that additional traffic would result from the school operation, however these would be within the design capacity of affected streets, impacts would be short in duration and key intersections would continue to operate satisfactorily. On this basis the Department considers the traffic impacts of the amended proposal are acceptable.

The Department has recommended a condition requiring the preparation and implementation of the STP in consultation with Council, TfNSW and SOPA and would require the annual review of bus service planning to ensure that where shortfalls are identified, they are addressed.

6.1.4 Drop-off/pick-up (DOPU)

The amended proposal no longer relies upon the future eastern road to supplement DOPU operations. All DOPU operations are proposed to be located at the site's frontage on Burroway Road. The TAIA states that due to the high walkability and public transport nature of the expected catchment and the site's location at the end of the peninsula, private vehicle DOPU is not expected to be the most desirable mode of transport (detailed in **Section 6.1.3**). Furthermore, the DOPU zone would also facilitate loading and waste collection outside of peak DOPU hours.

The proposed DOPU area provides five vehicle lengths of kerbside space (**Figure 23**), with one space designated as an accessible space. The DOPU zone has been chosen as there is sufficient width along Burroway Road for cars to pull in and out while allowing other vehicles to pass. This decreases potential vehicle queuing as cars would not need to operate in single file or have to wait for all cars ahead to exit prior to entering a DOPU space. Once vehicles have exited the DOPU zone, they would travel east along Burroway Road and utilise the cul-de-sac to turn back around and exit Burroway Road via any of the streets that intersect from the south or west.

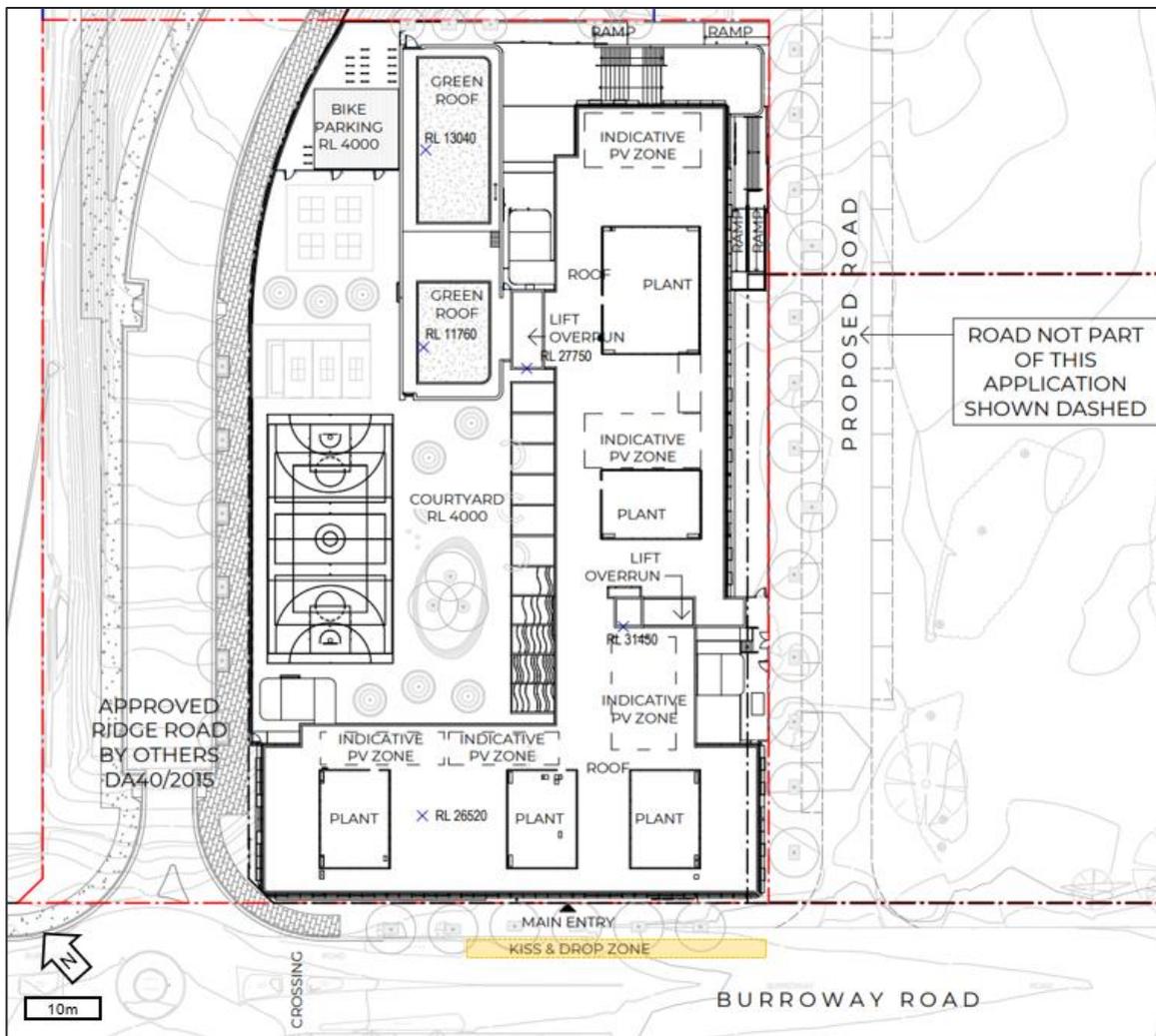


Figure 23 | DOPU area (shaded in orange) (Source: Applicant's AR 2022)

In response to the EIS and AR, public submissions raised concerns and objections with the limited DOPU spaces provided on Burroway Road and that additional spaces would be required to service the needs of the school. Public submissions also objected to the reduction in spaces provided (from eight to five cars) from the EIS to the AR.

Council raised concerns on the ability of the DOPU zone to service the proposal, and that movements that cannot be catered for would be pushed to the surrounding street network or the WPPS DOPU zone. SOPA commented that the position of the DOPU zone is not ideally located as it may lead to bottle necks with existing congestion experienced in the area.

The RtS to the EIS confirmed that the cul-de-sac at the end of Burroway Road allows for a turning radius of 17m. The minimum turning circle diameter for a B99 vehicle, the type of vehicle that would utilise the DOPU, is 12.5m.

The AR and RtS to the AR stated that the provided spaces are sufficient given the expected low mode share for private vehicle trips to the site and that the restricted number of spaces was being used to promote non-private vehicle trips, as more spaces would make it a more attractive option. The Applicant also argued that the reduction of eight to five spaces is consistent with the reduced student scope of the amended proposal, as the future eastern road at this stage can no longer be relied upon to facilitate DOPU activities.

The AR and RtS to the AR further refined the TAIA's assessment of the functional capacity of the DOPU zone, based on the expected morning and afternoon peak demand of the amended proposal. In response to the Department's comments, the AR also assessed the potential queuing impacts of the DOPU zone having regard to the roundabout at the Wentworth Place/Burroway Road intersection and existing WPPS DOPU activities.

The AR identified the following key operational components of the DOPU zone for the amended proposal:

- total capacity – five vehicles
- peak period – 25 minute period during the morning and afternoon peak (80% of students would be picked up during this period)
- vehicle stopover time – two minutes
- vehicle flow capacity – 90 vehicles per peak period.

Based on the above forecast levels, the AR and RtS to the AR concluded that sufficient capacity would be provided for the amended proposal and implementing STP measures and objectives would help ensure queuing would not occur outside of the DOPU zone.

The Department notes the matters raised in submissions, Government agency advice and in the Applicant's responses. The Department has recommended a condition for a Road Safety Audit to be undertaken to identify and address potential safety issues with the DOPU zone following construction, but prior to operation. This would ensure that any potential conflict risks between pedestrians, cyclists and vehicles would be appropriately mitigated and ensure safety for all road users. The Road Safety Audit must be prepared by a suitably qualified consultant and include the local road network generally centred on Burroway Road, Wentworth Place and Ferry Wharf Circuit and any recommendations must be implemented prior to operation.

The Department also considers that there could be the risk of congestion due to driver behaviour entering the DOPU zone through a roundabout and pedestrian crossing. Sufficient management and mitigation measures should be in place to manage DOPU activities and would ensure that the vehicles do not queue within the roundabout and that the surrounding road network or WPPS provisions are not informally used to facilitate DOPU activities.

The Department has recommended a condition that within six months of the student population reaching 510, surveys of the DOPU zone during both the morning and afternoon peak periods (over multiple days) must be undertaken to determine the operation of the area and its ability to accommodate the student demands. The surveys must include:

- number of vehicles using the DOPU zone
- school drop-off/pick-up periods
- the number of occupied and unoccupied spaces in the DOPU zone
- the extent of any vehicle queuing that may take place within or outside the DOPU zone
- typical dwell time (length of stay) of vehicles
- proportion of students being dropped off outside of the DOPU zone via interview surveys to be conducted by the school.

Where a shortfall in capacity of DOPU zone and related vehicle queuing into the roundabout and/or student DOPU on surrounding residential streets is identified, a report must be prepared. The report must assess the likely increase in DOPU zone demand based on the future increased student load and conclude whether the increased demand for the DOPU zone could be accommodated on Burroway Road or alternate formalised locations.

Where the report concludes that insufficient space is available to accommodate the additional demand, mitigation measures must be proposed to ensure that the increase in students would not adversely affect the safety or amenity of surrounding residential streets. Measures may include, but are not limited to:

- active on-site management and additional staffing of the DOPU zone, to provide more efficient traffic management and facilitate a higher turnover of vehicles within the area
- staggered start and finish times to spread the DOPU demand over a longer time period
- additional formalised DOPU zones (subject to relevant roads authority/landowner consent).

Where mitigation measures are proposed, these must be implemented within prior to the student population reaching 850 students.

The Department has also recommended a condition that requires the Applicant to prepare a STP in consultation with Council, TfNSW and SOPA to promote active transport and drive down DOPU demand. Conditions have also been recommended for all signage and linemarking to facilitate the DOPU zone be undertaken in accordance with Council standards.

Subject to the recommended conditions, the Department considers that the operation of the DOPU zone could be undertaken in a manner that minimises impacts to the surrounding road network. The requirements to undertake further assessments would ensure that the suitable arrangements are put in place to ensure that the DOPU operates satisfactorily.

6.1.5 Operational car parking

The proposal does not include any on-site car parking spaces. The EIS proposed use of the future eastern road for 30 car parking spaces (subject to landowner agreement), local on-street and paid car parking provisions as an interim solution, should the new future eastern road not be completed in time.

Given the uncertain timing for the future eastern road, the AR amended the proposal so that 30 car parking spaces would be provided at the SOPA owned car park P5 located beyond the southern end of Wentworth Point, approximately 1.5km away (**Figure 24**).

The Applicant proposes to fully subsidise the car parking spaces, so that staff do not have to pay. The Applicant advises that during engagement, SOPA confirmed that car park P5 would continue to have sufficient capacity for 30 dedicated staff parking spaces during the Easter Show and during other events in the Sydney Olympic Park precinct.

Staff using car park P5 would be required to catch public buses/Baylink shuttle bus to and from the school site (approximate 10 minute trip). Despite the flat terrain, walking and cycling are not seen as attractive options due to the length of the trip. The closest public bus stop on Hill Road is a 100m walk south from car park P5 and the closest Baylink Shuttle Stop is a 5-10 minute walk east on Hill Road (**Figure 24**).

The Applicant advises that at the time of delivery of the future eastern road, the car parking arrangements would be revisited to investigate the use of the car parking spaces that would be provided on the future eastern road, subject to joint use agreements.

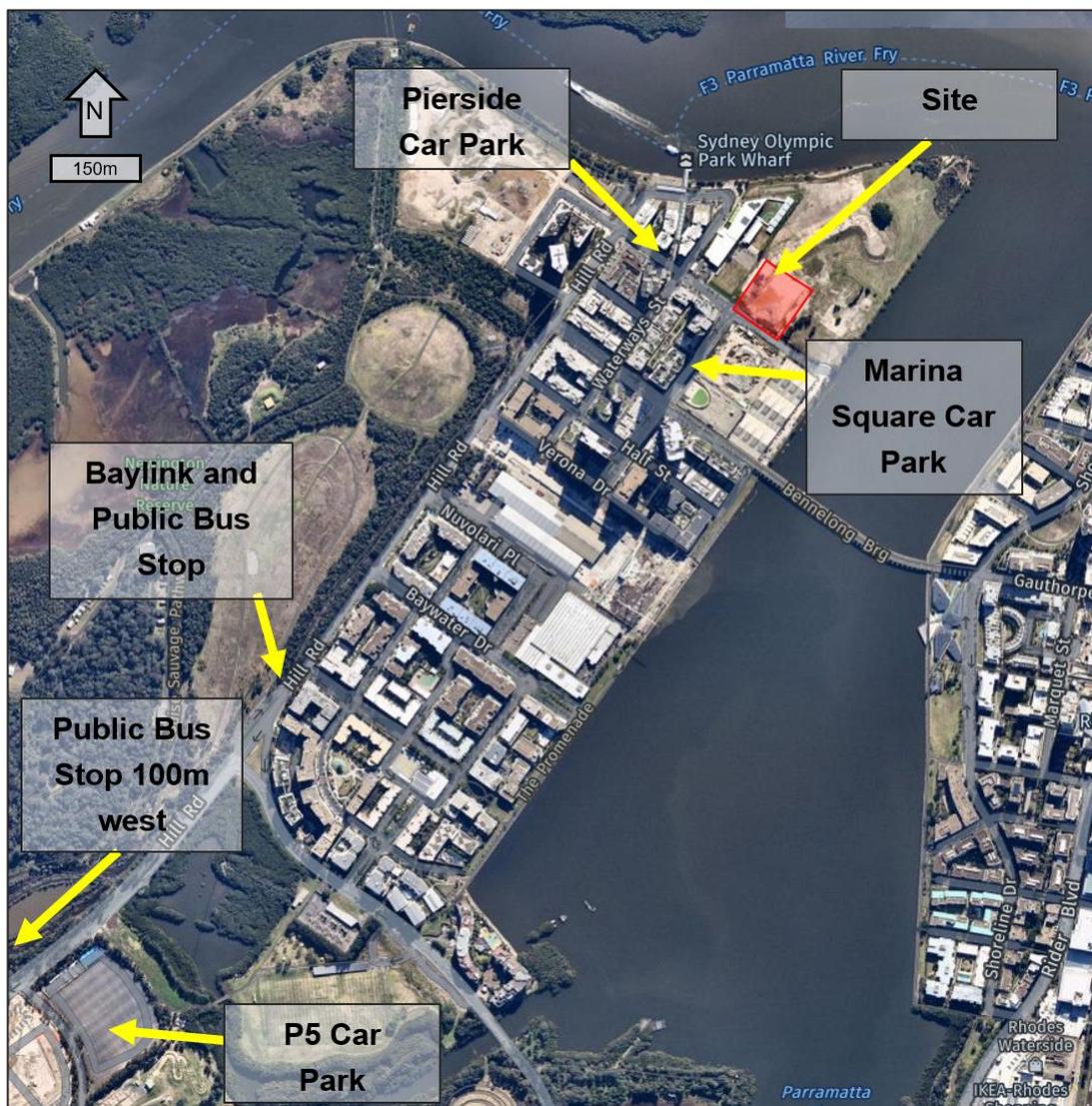


Figure 24 | P5 car park location (Base Source: Nearmap 2022)

The WPPDCP 2014 refers to the Auburn Development Control Plan (ADCP) 2010 for parking rates. ADCP 2010 specifies a minimum of one space per 20 year 12 students and one space per two staff. Based on the amended proposal (850 students and 80 staff), a total of 47 (40 staff and seven student) spaces would be required.

The Applicant advises that no parking is provided for students as the catchment is high density and students driving to school is not expected. The Applicant has committed to implementing strategies that discourage students from driving, to minimise parking demand.

The TAIA and AR state that 30 spaces for staff (shortfall of 10 spaces) is acceptable as the ratio of 0.45 spaces per staff is generally consistent with the ADCP 2010, and existing and future public transport make non-private vehicle access to the site more attractive. The Applicant outlines that reduced parking is considered appropriate for the school's context and that restricted parking supply is one of the strategies employed to encourage the use of more sustainable transport modes.

Submissions to the EIS (for a proposal of greater student and staff numbers) raised concerns with the limited car parking provided and that it should be provided on site. Council in its submission stated that:

- use of local paid shopping centre car parks is not an acceptable solution for lack of on-site car parking
- the high density and well serviced public transport nature of the catchment means that Year 12 students are unlikely to drive to school and no parking for students is not unreasonable in the circumstance
- the shortfall is acceptable due to the likely modes of transport undertaken to the site.

Council and Government agency comments on the RtS to the EIS reiterated that staff car parking be on-site and that relying on the third party subsequent delivery of the future eastern road to service the site and provide parking is not feasible.

In response to the AR, Council and public submissions reiterated concerns relating to lack of on-site car parking and the subsequent flow on effects it would have to on-street car parking. Public submissions also highlighted that insufficient and inconvenient car parking (given the distance of car park P5) would mean it is not an attractive option for staff. Council reiterated this position in the RtS to the AR.

A submission from the owner/operator of the commercial car park at Marina Square advised that there was sufficient capacity in these car parks to cater for 30 spaces (plus more) required for staff, and that they would be willing to discuss arrangements similar to that entered into for the use of car park P5. The submission highlighted that this location would be more convenient for staff use (**Figure 24**).

SOPA, in its advice to the AR, noted additional on-site car parking should be provided as staff may not find car park P5 desirable. TfNSW stated that car parking should be provided on-site, and a dedicated shuttle bus should be provided between the site and car park P5. TfNSW did not raise any concerns regarding capacity of the existing bus network to cater for the expected staff trips that would be generated from car park P5 to the site.

The RtS to the AR reiterated that on-site car parking could not be provided due to the constrained nature of the site. The Ridge Road embankment isolates the remainder of the site which is required to

facilitate the built form and landscaping/open space for the school. The RtS to the AR also stated that the public bus services depart every 20-30mins within a short walk of the car park. The Applicant argues this is sufficient frequency to make the trip attractive to staff. This would be supplemented by the Baylink shuttle services, operating at a 10min frequency during peak periods (though requiring a longer walk to the Hill Road bus stop).

The RtS to the AR also identified that impacts to on-street parking provisions would be unlikely, as staff would be unlikely to use the street parking, due to the time limited restrictions. The Applicant's previous investigations of nearby commercial carparks found that the car parking provided in these carparks is allocated to Gross Floor Area (GFA)/uses contained within the approved developments. Use of this car parking would require modification to these consents and its use is not supported in the absence of these consents being modified.

The Department notes that the proposed solution for staff car parking is not ideal, given the distance of car park P5 from the site. Notwithstanding, the Department has considered comments made in Council and public submissions and Government agency advice and recognises that the:

- site is well connected by public transport, making non-private vehicle use less attractive as well as providing a direct connection from the site to car park P5
- ability to provide on-site car parking is limited due to the highly constrained nature of the site and site conditions also make subterranean car parking a constrained option
- bus stops nearest to car park P5 can be accessed via direct routes
- subsidising of spaces at car park P5 means that the inconvenience of the location is offset by reducing out-of-pocket costs for staff
- high density and well serviced public transport nature of the catchment means that driving age students are unlikely to drive to school
- a potential dedicated shuttle bus between the site and car park P5 would make the location much more attractive by providing convenience and avoiding the lack of weather protection provided from the car park to nearby bus stops or while walking and/or cycling to the site
- preliminary STP targets an increased sustainable travel mode share to further promote non-private vehicle travel as a more attractive and accessible option for commuting to school
- Parramatta Light Rail Stage 2 could potentially provide a connection between the school and the southern end of Hill Road (within reasonable walking distance of the car park) if car park P5 is still being used in association with the school once the Light Rail Stage 2 commences operation.

Given the above, the Department considers on balance, that the proposed car parking provision and use of car park P5 is acceptable in this instance, in relation to the amended proposal with reduced staff and student numbers. The Department notes that Applicant's commitment to implementing sustainable transport options for staff and students and that, subject to further consultation with car park operators, locations in more convenient locations to the site could be used to supplement the 30 spaces secured at car park P5 subject to appropriate development modifications being achieved.

The Department has recommended a condition that requires the Applicant prepare a final detailed STP in consultation with Council, SOPA and TfNSW and that the 30 spaces at car park P5 be provided prior to school operation commencing. The STP should detail how the use of car park P5 would be promoted and managed through the use of a booking system to allocate spaces, including a requirement for mechanisms to investigate the provision of a shuttle bus service from car park P5 to

the site to reduce impacts to the existing bus network and greater utilisation of the car park would occur due to increased convenience.

The Department has also recommended a condition to review the performance of the car parking arrangements and management measures within 12 months of the commencement of operation. Where parking demand is shown to exceed the capacity provided, the Applicant must identify measures (including improving non-private vehicle mode share and consulting car park operators to secure parking through leasing arrangements) to avoid impacts on the surrounding road network and properties.

6.1.6 Active transport

The TAIA included a preliminary STP to promote active transport use. The STP outlines initiatives and programs to promote walking, cycling and public transport as the most attractive travel modes to and from school.

The TAIA identifies that there is formalised cycling infrastructure in the southern section of Wentworth Point as well as a dedicated cycleway along Hill Road that provides access to the northern part of the peninsula, links with Newington and Sydney Olympic Park and extends towards Parramatta Road to the south. The TAIA highlights that students are allowed to cycle on footpaths under NSW Road rules. The WPPDCP 2014 refers to the Auburn DCP 2010 for bicycle parking rates and requires 14 racks for the site. The amended proposal provides a weather-proofed location in the northern section of the site for 146 bicycle parking racks.

As part of the amended proposal, the Applicant committed to funding the construction of new raised zebra crossings at either end of Wentworth Place at Burroway Road and Footbridge Boulevard (**Figure 25**). These would replace existing at grade mid-block crossing facilities, promote safe active transport connections to the rest of the peninsula and have been identified in consultation with Council.

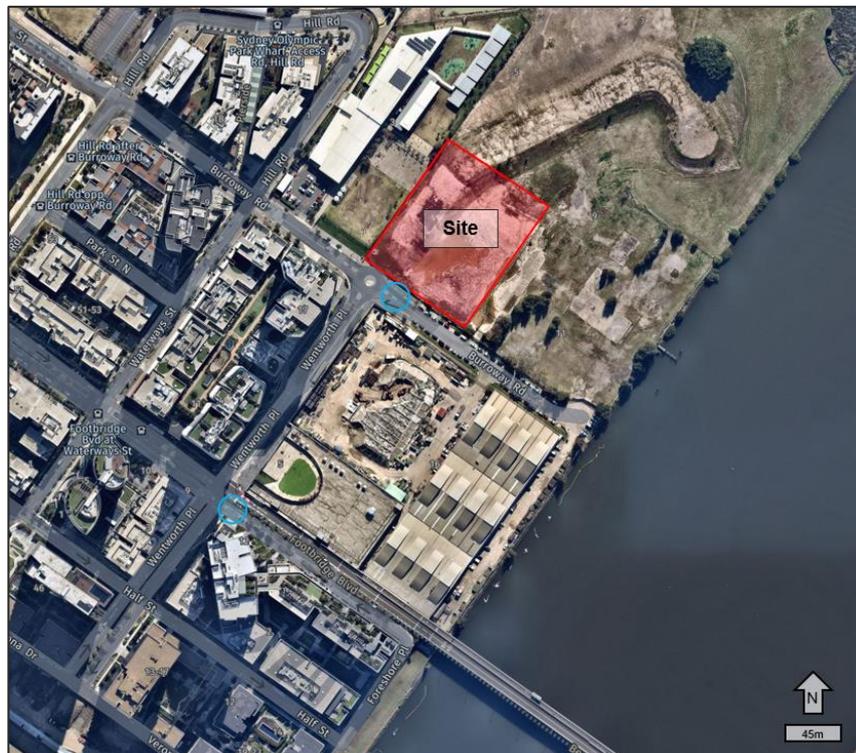


Figure 25 | Proposed pedestrian crossing facilities (circled blue) (Base Source: Nearmap 2022)

In response to the EIS and the AR, public submissions raised concerns that pedestrian facilities and public transport services are already congested. Council provided support to raised pedestrian facilities but identified that there is insufficient width along the Burroway Road frontage (adjacent to the roundabout) for a compliant footpath and nature strip. Council also requested further detail on whether existing bus stops, and routes can service the proposal.

SOPA advised that further identification of safe crossing points should be undertaken in consultation with Council and that use of the Ferry Wharf Circuit bus stops for event and excursion buses was not supported due to existing issues and residential complaints associated with WPPS use. TfNSW identified that proposed bus service improvements to be relied on are not yet approved, recommended improvements to the STP to ensure effectiveness, that a bus coach management plan be prepared and raised concerns with the reduction in bicycle parking spaces from the EIS to the AR of 98 spaces.

The Applicant's RtS to the AR detailed that sufficient width complying with relevant standards can be provided along Burroway Road. Where a pinch point occurs at site frontage opposite the roundabout, the footpath would follow the approved Ridge Road layout and would mean at the narrowest point the footpath would still be able to cater for 2.8m and is more than the spatial requirements of two wheelchairs to pass comfortably (1.8m).

The AR and the RtS to the AR confirmed that ongoing consultation is occurring with TfNSW to ensure sufficient bus capacity (on existing services) and future upgrades, if required, are present upon school operation. The Applicant advises that to date TfNSW have not indicated that insufficient capacity would be present upon operation commencing. The RtS to the AR has also confirmed that ongoing consultation is occurring with SOPA to utilise Ferry Wharf Circuit for excursion and event bus coach parking (which would be managed as part of the STP) and SOPA raised no further issues to the RtS to the AR. TfNSW also made no further comments to the RtS to the AR relating to bus planning. The Applicant has also identified if Ferry Wharf Circuit is not available for use, bus parking zones on Wentworth Place have been identified for use and such decisions and consultation would form part of the management of buses and coaches in the STP.

The Applicant states that the reduction in bicycle parking from 244 to 146, reflected the amended proposal's reduced site area, reduced student capacity and maintained the same student to bicycle parking space ratio (continuing to reflect the proposed mode share) as originally proposed in the EIS.

The Department considers that sufficient safe pedestrian and cycling routes and associated upgrades exist and would be provided to the site. Public bus services routes, supplemented by the Baylink Shuttle provide sufficient public transport access within the catchment and from Rhodes and Sydney Olympic Park train stations. The Department notes in their response to the RtS to the AR, TfNSW did not raise that insufficient bus services would be available to cater for the expected demand generated by the amended proposal.

The Department also considers that overall pedestrian and cycling mode shares aim to be high and measures such as the provision of secure, weather protected bicycle parking racks (greater than the 14 bicycle racks required by the Auburn DCP 2010) and safe and direct pedestrian routes seek to promote this.

While the Applicant has committed to widening the footpath at the pinch point, the Department considers that the whole Burroway Road frontage should be widened to match the existing widest section of footpath. This could provide up to 4m of footpath width and would further facilitate safe and

efficient pedestrian movement along the entire Burroway Road frontage as well as helping achieve STP measures.

The Department has recommended conditions requiring the Applicant to prepare (in consultation with Council, TfNSW and SOPA), implement and review a final STP which would ensure that active transport methods are promoted and reliance on vehicle trips is reduced. Overall bus service capacity (including the need for dedicated school buses) would be a consideration in the annual STP review and where shortfalls are identified, they would be addressed in consultation with bus providers. The STP would also include operational management arrangements that detail the location and management procedures for the DOPU of students by buses and coaches (in consultation with SOPA and/or relevant landowners), including staff management/traffic controller arrangements to ensure that the road network is not impacted.

For footpath widening, the Department has recommended conditions that the footpath width be consistent with the widest section of the existing footpath with kerb that is located adjacent to the site unless:

- evidence is submitted to the satisfaction of Council, that the required footpath width is unable to be achieved having regard to the approved siting of the building and minimum road and parking lane width requirements adjacent the building.

The conditions also require that where any section of the widened footpath falls within the site, the land on which the widened footpath is located must be dedicated to Council, unless an agreement has been reached with Council that does not require that dedication to occur.

The Department has also recommended a condition for all pedestrian crossing facilities be completed to the satisfaction of the relevant roads authority/land owner.

6.2 Built form and urban design

6.2.1 Building height

Under clause 4.3 of the ALEP 2010 the site is affected by three different height of building controls, 19m, 25m and 88m (**Figure 26**). The 19m control applies to part of the R4 High Density Residential zoned land, the 25m control applies to B1 Neighbourhood Centre and part of the R4 zoned land, and the 88m control applies to the remainder of the R4 zoned land. No building height control applies to the RE1 Public Recreation zoned land, and no development is proposed here.

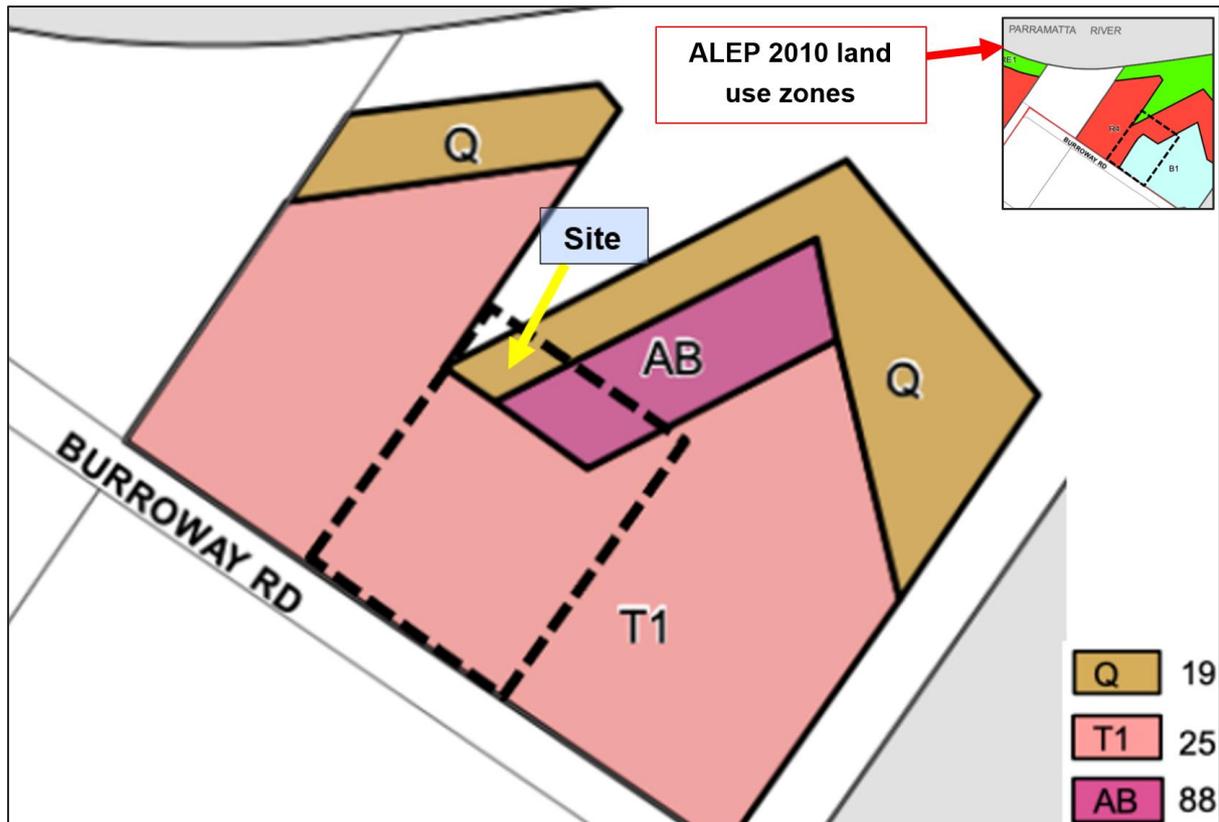


Figure 26 | ALEP 2010 height of buildings control with zoning map inset (Source: Applicant's EIS 2021)

The proposed maximum building height is at a lift shaft at 30m, and this contravenes the 25m building height control by 5m. The height exceedance spans across the roof level and also includes rooftop plant and lift overruns of both wing buildings. The highest point of exceedance, as viewed from the Burroway Road elevation is shown in **Figure 27** below. Otherwise all the remaining parts of the building are compliant.



Figure 27 | Proposed building height (25m dashed in blue) (Source: Applicant's EIS 2022)

Under clause 4.4 of the ALEP 2010, the site is subject to a 1.25:1 FSR ratio on the B1 and R4 zoned land. The RE1 zoned land has no FSR control (**Figure 28**). The overall proposed FSR is 1.41:1 and contravenes the FSR development standard by approximately 1,531sqm or 13%.

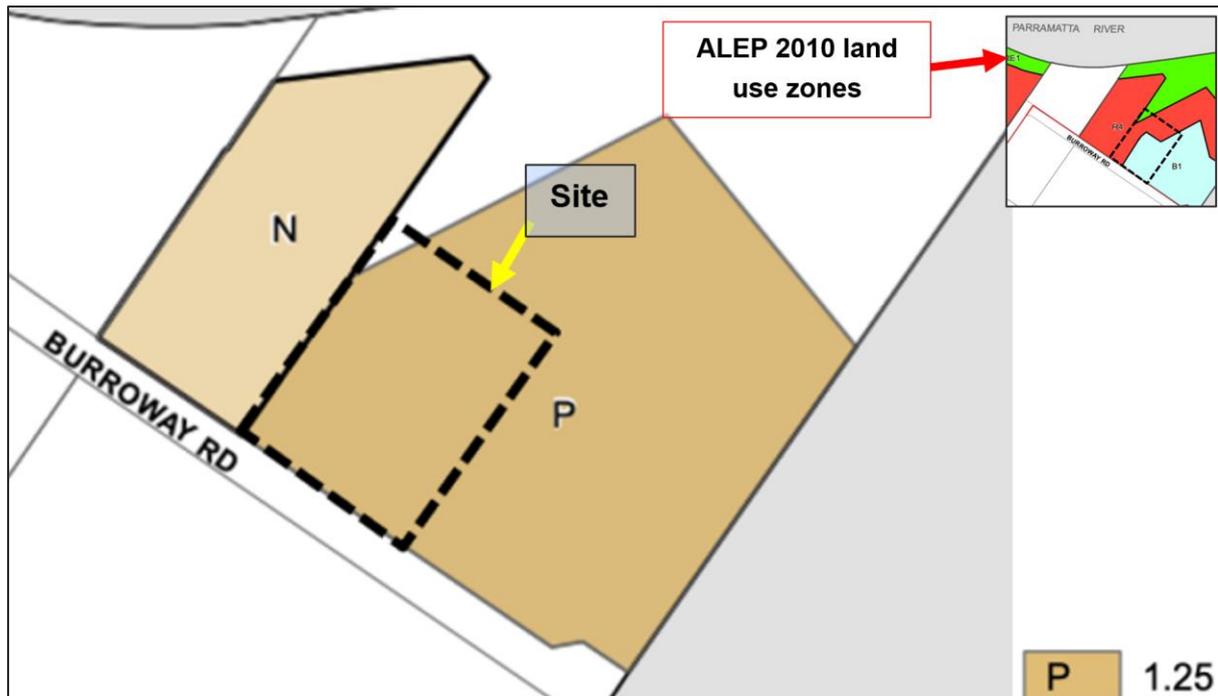


Figure 28 | ALEP 2010 FSR controls with zoning map inset (Source: Applicant’s EIS 2021)

Clause 42 of the Education SEPP states “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 under which the consent is granted”. As the provisions of the Education SEPP apply to this proposal, the proposed building height and FSR should be considered on merit.

The Department notes that in response to the EIS, Council identified that there was a contravention to the building height control and FSR development standards. Public submissions nor Government Agency advice made comments regarding building height or FSR. No further comments or submissions were made to the AR regarding building height or FSR. The proposal underwent several reviews in the State Design Review Panel process convened by Government Architect NSW (GANSW) where it was concluded the proposed built form would not be unreasonable within the context of the locality.

The Applicant did not submit a formal clause 4.6 variation request, as clause 42 of the Education SEPP applies so as to not require compliance with development standards. However, the EIS and the AR provides justification for the proposed variations. The Applicant argues that strict compliance with the development standards is unreasonable and unnecessary as the amended proposal:

- is consistent with the objectives of the building height and FSR controls as it achieves an appropriate height and is reflective of its location at the northernmost end of the high-density Wentworth Point Peninsula
- provides for a moderate-scaled (six storey) urban form that acts as a transition between the towers to the south (up to 26 storeys in height), WPPS to the west and open space/foreshore to the north
- built form redistributes building height across the site and provides a net reduction in height when compared to what is permissible under the ALEP 2010

- the current building height control under the ALEP 2010 allows for a tall tower (up to 88m) surrounded by medium scale built form (19m and 25m). The amended school proposal includes no tower component, and therefore impacts associated with height, bulk, overshadowing and view impacts as compared to that intended under the ALEP 2010, are reduced
- additional GFA enables the school to accommodate the proposed student and potential future student capacity
- proposed façade articulation, material palette, and bulk and scale is compatible to the locality and would not have detrimental amenity or view impacts to neighbouring properties
- additional height would not unreasonably impact views and a view corridor to the foreshore is maintained along the western section of the site.

The Department has assessed the proposed building height and the FSR variation, as well as considering the Applicant's amended proposal and its justification for the variation having regard to the established principles in *Four2Five Pty Ltd v Ashfield Council* [2015] NSWLEC 1009. Consistent with this decision, sufficient environmental planning grounds, unique to a site, must be demonstrated by the Applicant to justify the proposed variation to the development standards.

The Department notes that the site and surrounds are characterised by medium-high density buildings ranging from an existing three storeys at WPPS to, 26 storeys at Marina Square and a proposed 46 storeys at Block H. Furthermore, the proposed built form has sufficient separation distances to existing and proposed neighbouring built form, and to the Peninsula Park foreshore.

The Department has also considered the proposed building height and FSR non-compliance, with regard to the objectives in clause 4.3 and 4.4. of the ALEP 2010 and is satisfied the Applicant has demonstrated that compliance with the development standards is unnecessary under the circumstances, having regard to the following:

- the proposed height, bulk and scale of the proposed built form is sited in a manner to provide an appropriate transition between the high density buildings to the south and west and to the Peninsula Park foreshore area to the north and east
- the available developable area on site is highly constrained and the amended proposal aims to maximise the reasonable developable potential available
- the location of the building height non-compliance relates to a small portion of the built form and is from parts of the roof level plant and lift overruns (which are setback from building edges and not visible from street level)
- the building height and FSR non-compliances would not result in unreasonable or detrimental height, scale, bulk, overshadowing, view or privacy issues to the surrounding uses.

The Department is satisfied that the amended proposal has been appropriately arranged on-site to ensure off-site bulk, scale and amenity impacts are minimised to a satisfactory level, while providing a balanced response to the need to provide for the demand for additional and improved education facilities.

6.2.2 Materials

The EIS included an Architectural Design Statement that sets out the rationale behind the proposal and establishes the guiding principles that provide site planning and building design guidance on connecting with country, bulk, scale, setbacks, views/overlooking, streetscape, façade presentation and materials. The Architectural Design Statement was further refined by the RtS to the EIS and the

AR and included responses to how the design scheme satisfied comments made during the State Design Review Panel process.

The Architectural Design Statement sets out that built form and urban design of the site is guided by the following principles:

- enabling flexible spaces that provide for larger teaching spaces, outdoor space and increased building efficiency
- use of high quality, durable and affordable materials that provide articulation to the facade to break up bulk and scale
- provision of circulation spaces, built form and external façade details that characterise the three key site derived concepts of “deep earth” (lower levels) “the big sky” (upper levels), “infinite horizon” (rooftop levels). Internal facade details reflect the requirements and curriculum of the school at each level
- siting built form to maximise solar access, view corridors and sustainability, and maximise the connection between active and passive spaces
- a design informed by consultation with Aboriginal stakeholders, integrates with site wayfinding and the local landscape.

The site planning and layout (**Figure 29**) is described in further detail at **Section 2.2**. A curtain wall typology with a kit of parts modular approach to the facade seeks to maintain the existing character established by the mixed use and tower developments in the area (**Figure 30**). Proposed materials (**Figure 31**) are low maintenance and include concrete columns and formwork, earth toned brickwork (glazed and flush) on lower levels and upper levels consisting lighter coloured textured metal cladding. Perforated metal mesh is proposed to stairwells and rooftop plant. Colours to the outward facing facades are predominately soft and natural to ensure that the built form is recessive when viewed from the public domain.

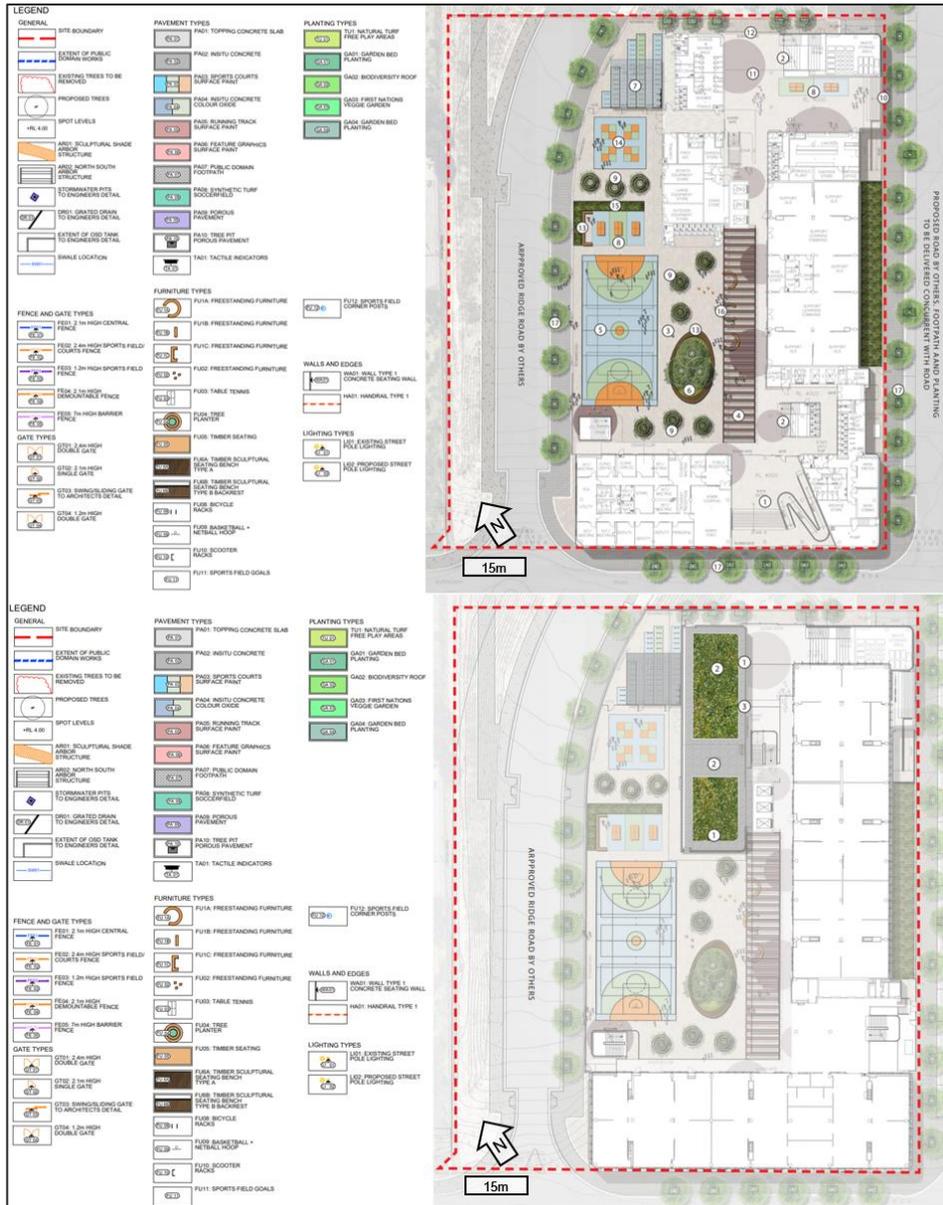


Figure 29 | Site planning and layout (Source: Applicant's AR 2022)



Figure 30 | Photomontage of Burroway Road frontage (Source: Applicant's AR 2022)

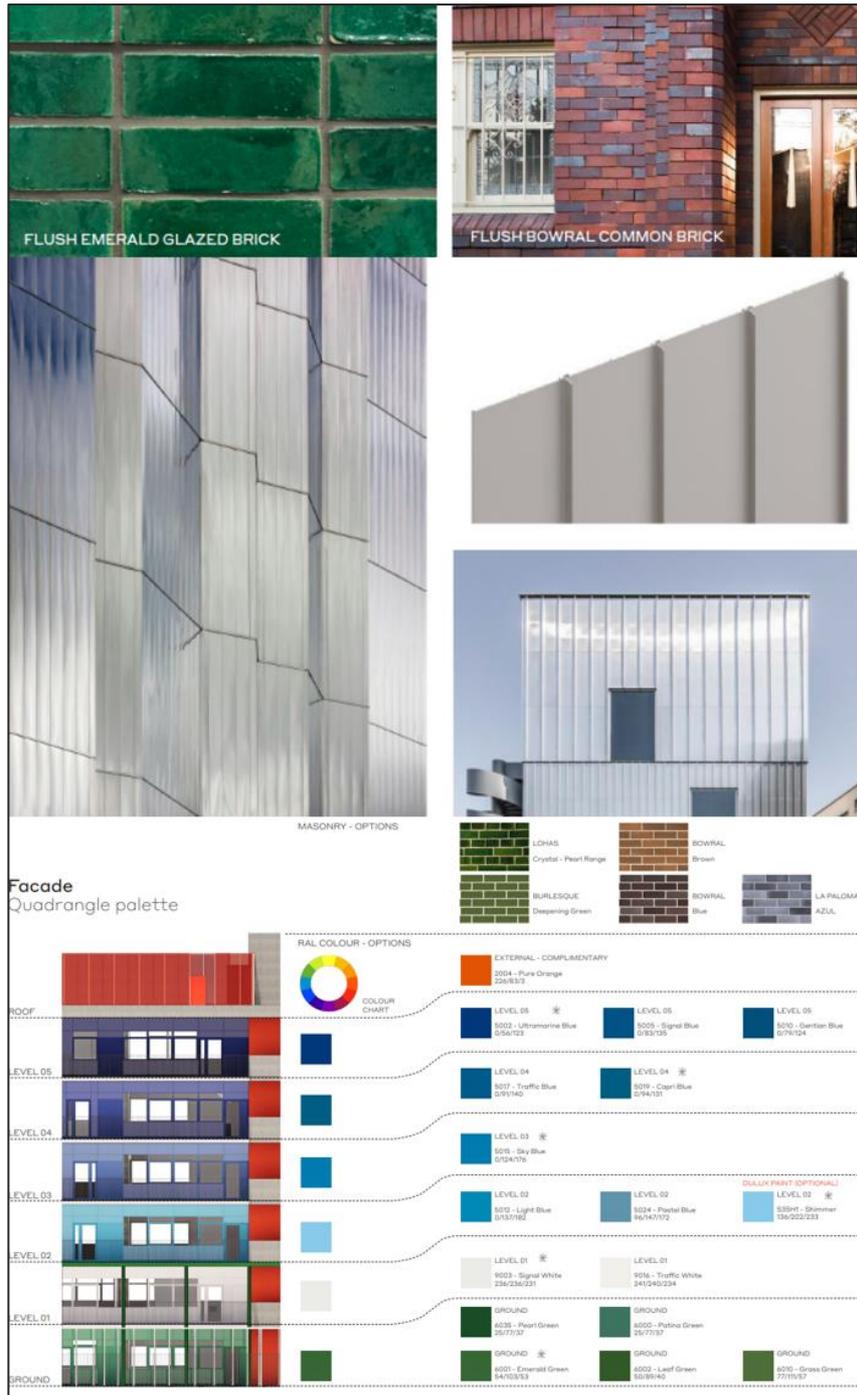


Figure 31 | Proposed materials and finishes (Source: Applicant's RtS to the EIS 2022)

Colours and finishes to inner facing courtyards are more vibrant in colour and seek to reflect the purpose of the spaces and levels, as guided by the educational curriculum. This is similar to WPPS next door, where vibrant colours are used on the built form as architectural expression.

Following exhibition of the EIS, the Government Architect NSW (GANSW) queried how urban design and master planning appropriately addressed the comments made through the State Design Review Panel Process and how it addressed the site's context, specifically:

- connection with country and demonstrating holistically, how Aboriginal culture and heritage has been integrated in the architectural and landscape design

- the amended proposal would not interrupt the view corridor, provide sufficient soft landscaping, spaces for passive recreation and a variety of gathering spaces
- demonstrating a clear and legible connection with the streetscape, site boundaries and urban context
- demonstrating clear and legible pedestrian and bicycle access to the site
- façade detailing, solar protection and measures to improve sustainability
- considerations of the risk of bird strike to the building façade.

SOPA's comments to the AR outlined that built form should utilise low reflectivity glass. The Applicant's AR identified how elements of the amended proposal responded to the State Design Review Panel process and why certain design decisions were taken, with context to the amended proposal having to remove development on Ridge Road and resulting in further site constraints. The amended proposal also confirmed that the risk of bird strike had been considered and that low reflectivity glass had been used, in conjunction with façade articulation, to minimise bird strike risk and any potential reflectivity issues.

The Department has considered the advice provided by GANSW and SOPA and the responses provided by the Applicant's RtS to the EIS and the AR. Based on the Applicant's responses, the Department considers on balance that the amended site layout to be satisfactory and the needs of the proposed curriculum of the school, as amended have been appropriately addressed. The exception to this is the colour chosen for the perforated aluminium mesh screening to the roof top plant (**Figure 31**). The Department considers that the bright orange colour identified is not in keeping with the other elements of the roof top level (lift overruns are grey and recessive) and with the roof top plant enclosures on other buildings in the streetscape. This colour would be clearly visible from certain vantage points in the public domain as it would be used on all four sides of the enclosure.

The Department considers that a more recessive colour in keeping with the lift overrun would be more appropriate as it would not highlight a feature of the amended proposal that does not comply with the building height control (**Section 6.2.1**) and is consistent to the established character of similar roof top features within the locality. The Department has recommended a condition to this effect.

6.2.3 Landscaping and open space

The amended proposal's landscape design (**Figure 29**) responds to the nature of the school curriculum and highly constrained site by providing a variety of active and passive open space areas. As the amended proposal no longer relies upon the future northern playing field to supplement open play space provisions, open play space for student use is wholly contained within the site boundaries, outside of Ridge Road.

Active and educational spaces are located closer to the built form and more passive and functional uses are located towards the site boundaries. The landscaping elements include:

- main entrance foyer which provides access to various formal and informal gathering spaces
- covered outdoor learning areas and walkways
- seating and study areas in outdoor play areas and under covered walkways
- buffer planting towards site boundaries to soften hard edges caused by proposed built form or fencing
- planting of 46 trees, 714 shrubs, 489 groundcovers and a green roof (2,272 plants) on top of the two storey hall

- 10% site tree canopy coverage
- use of tactile plants and surface materials.

Public submissions to the EIS raised concerns with the limited open play space provided on site and even if access was available to jointly use the future northern playing field, this would not be sufficient to meet student needs. In response to the AR, submissions also raised that there was limited soft/green open space within the site, the reduced open play space provisions are not sufficient for 850 students and does not promote student mental or physical well-being.

Council raised concerns with EIS's reliance on external, yet to be delivered northern playing field to facilitate open play space. This concern was reiterated to the AR and RtS to the AR as there would be less than 10sqm per student, as required by the NSW Education Facilities Standards and Guidelines (ESFG). SOPA also raised concerns that the amended proposal would result in mental and physical health impacts to students as suitable open play space of a variety is not provided.

The Applicant's AR identified how elements of the amended proposal responded to the State Design Review Panel comments and that attempts have been made to maximise on-site tree canopy coverage and soft landscaping while balancing the need to provide varied open play space/learning areas.

The Applicant's AR and RtS to the AR argues that the amended proposal provides for 5,108sqm of open play space (**Figure 32**) and equates to 6sqm per student. 3,732sqm is provided at ground level, 492sqm at level 1 and 221sqm on each storey between level 2 and level 5. The above ground areas are sections of the floor plate, centred around staircases that form part of the circulation spaces.



Figure 32 | Play space provided by amended proposal (Source: Applicant's AR to the RtS 2022)

The amended proposal is 4sqm short of the 10sqm benchmark set out in the ESFG. The Applicant advises that in designing the open play space provisions, regard was given to the following:

- the ESFG suggests management measures for schools where the benchmark cannot be met and includes supplementing open space provisions with Council-owned space and/or demonstrating that the site can provide desirable outcomes
- State Design Review Panel comments and the GANSW Design Guide for School 2018 which states that schools should allow for passive and dynamic play of different ages groups.

The Applicant argues that the open play space provisions are satisfactory and would not result in detrimental impacts to students as:

- the amended proposal provides a range of high quality open space areas and recreational facilities that can support diverse activities within the constrained site, including:
 - outdoor multipurpose sport courts, landscaped courtyard areas, dual outdoor learning and breakout spaces and landscaped seating areas. The Applicant argues that these features would meet most of the student requirements for student recreation prior to the northern playing field being available for use
- the school does not seek to commence operation with 850 students and as such the incremental increase school population in the first year would mitigate impacts regarding student access to open space
- upon completion and delivery of the future northern playing field, a joint use agreement would continue to be pursued by the applicant to supplement open play space provisions and provide greater than 10sqm
- the reduced student capacity, as part of the amended proposal, is a solution to comply with the approved Ridge Road and until such time the proposed modification to DA/875/2017 has been determined and the approved location of Ridge Road has been relocated, the future northern playing field and additional on-site open space would be available for use by students.

The Department considers the landscape design responds to the unique and constrained nature of the site by:

- providing varied landscaped areas, where possible, adjacent to teaching and learning spaces
- introducing soft landscaped features above ground level through the green roof on the two storey hall
- providing protected outdoor play areas that incorporate soft and porous surfaces as well as more functional working landscape features to support the learning curriculum.

In regard to open space, the Department considers that the amended proposal is far from ideal, especially where only 6sqm would be available per student once capacity is met. The Department has assessed the functionality, quality and connection of the open spaces, Council and public submissions, Government agency advice and Applicant responses and notes the following:

- a range of active and passive spaces are provided that respond to the context of a highly constrained site and a multi-storey high school
- age appropriate elements are incorporated into the landscape and open play space design and allow other year/age groups to interact
- the open play space features and uses have been provided in consideration to GANSW State Design Review Panel comments, the GANSW Design Guide for School 2018 and the ESFG
- while gathering/passive spaces are provided above ground level, these cannot be considered primary unencumbered open space as they would be roofed and would not be able to facilitate

the same amenity at ground. These spaces are considered to be supplementary to the ground level open play space

- a further reduction to student numbers, beyond what is already proposed in the amended proposal, would be detrimental to the ability of the school to service the needs of the community and school catchment
- until Ridge Road has been approved to be relocated and the embankment removed, the section of the site can't be used. Once available, the additional site area provided would provide an additional 1,992sqm of open space
- management mechanisms could be utilised to achieve a number closer to 10sqm per student
- the northern boundary gate and fence treatment anticipates future use of the northern playing field and would provide a clear, direct and legible connection from the site.

Given the above, the Department considers on balance, that the proposed open play space provision is acceptable in this instance, in relation to the amended proposal with reduced student numbers and constrained developable site area. The Department notes the Applicant's commitments to managing open play space in a manner that would promote student well-being and that measures have been taken to ensure that when the future open space to the north is available, that agreements are entered into for use and ensure that more than 10sqm would be provided.

The Department has recommended a condition for the preparation of an Open Play Space Management Plan that includes measures to manage the use and access to recreation areas on site, so that once student numbers exceed 373 (the maximum number before the ground level provisions drop below 10sqm), mechanisms are available to provide greater than 6sqm of unencumbered open space per student. The mechanisms could include staggered play times for different year and age groups and associated details of the programme of use.

The Department has also recommended a condition that if within two years of commencement of operation (the timeframe in which it would be likely that full student capacity is met) the future northern playing field has not been completed and a joint use agreement has not been entered into between the school and the relevant owner, the Open Play Space Management Plan would need to be further updated to include management and mitigation measures developed in consultation with Council and SOPA to ensure that each student has access to 10sqm of open play space.

The condition also states that in the event that the Ridge Road embankment and base material within the site is removed through alternate planning pathways, the area can be grassed, fencing removed and used as open space for the school which would help supplement the on-site provisions and increase soft landscaping areas and tree row planting to compliment those in the public domain.

6.2.4 Setbacks and site levels

Setbacks

The amended proposal includes a variety of setbacks from each site boundary. The largest setback is provided to the western boundary (up to 35m) as development does not extend past the Ridge Road corridor and shorter setbacks are provided to the remaining boundaries, 0.6m to the southern boundary being the least.

The amended proposal seeks to use a combination of fencing, gates, landscaping and the built form to address site boundaries and define Burroway Road, in a manner similar to other development in

the surrounding streetscape. The Department notes that the WPPDCP 2014 requires a 5m setback from Burroway Road and 3m from Ridge Road.

In response to the EIS, RtS to the EIS, AR and RtS to the AR, Council raised concerns with the non-compliance with WPPDCP 2014 building setback requirements and structure plan, and specified that since the eastern boundary would be adjacent to a potential future road, a setback of greater than 3m should be provided. Issues regarding setback requirements in relation to the Building Code of Australia and fire access and egress from the eastern setback are detailed in **Section 6.3**, given the future eastern road along eastern boundary has not been approved and may or may not be a public road when delivered.

The Applicant's AR and RtS to the AR argued that the amended proposal's removal of any development from the Ridge Road brings the overall development closer into compliance with the WPPDCP 2014 structure plan and any inconsistencies with setback requirements are justified due to the highly constrained nature of the site (even more so by retaining the Ridge Road reserve) and that the amended proposal generally complies with the vision and development principles. The Applicant also argued that the WPPDCP 2014 is out of date as it no longer reflects what is occurring on this section of the peninsula and that the future planning proposal on the neighbouring site (see **Section 1.2.1**) seeks to replace the WPPDCP 2014 in this area and be reflective of what is proposed on the school site.

The Applicant also notes that consideration has been given to the WPPDCP 2014 in the amended proposal. However, clause 11 of the State Environmental Planning Policy (State and Regional Development) 2011 states that DCP's do not apply to SSD applications and thus any inconsistencies from the amended proposal should not raise unacceptable assessment issues.

The Department has considered Council's submissions, the Applicant's justifications and the WPPDCP 214 and notes the following:

- built form of the amended proposal does not create a solid wall across the entire Burroway Road frontage, as buildings have a section with a greater than 5m setback
- approved Ridge Road future road reserve is now located within the site, with internal site setbacks now greater than 3m
- to the eastern boundary there are sections that have setbacks generally greater than 4m and where it is less than 3m, on-site landscaping (and any future public domain landscaping on the future eastern road) would soften and provide an appropriate human scale to the interfaces between the school and the eastern boundary
- the setbacks to all boundaries have been designed with the future eastern road and northern playing fields in mind with gates, access points, circulation spaces and landscaping provided to facilitate such movements
- existing development on either side of Burroway Road does not have a consistent setback (some greater than 6m and some smaller) and the peninsula as a whole is not consistent due to multiple DCPs applying to different sites within the area
- the built form layout is generally consistent with the structure plan and use of built form to define the Burroway Road frontage provides a less defensive frontage, as it minimises the use of black palisade fences such as those used at WPPS next door
- public domain works (including footpath widening) and street tree planting along Burroway Road would be in accordance with Council's requirements and further soften the building edge

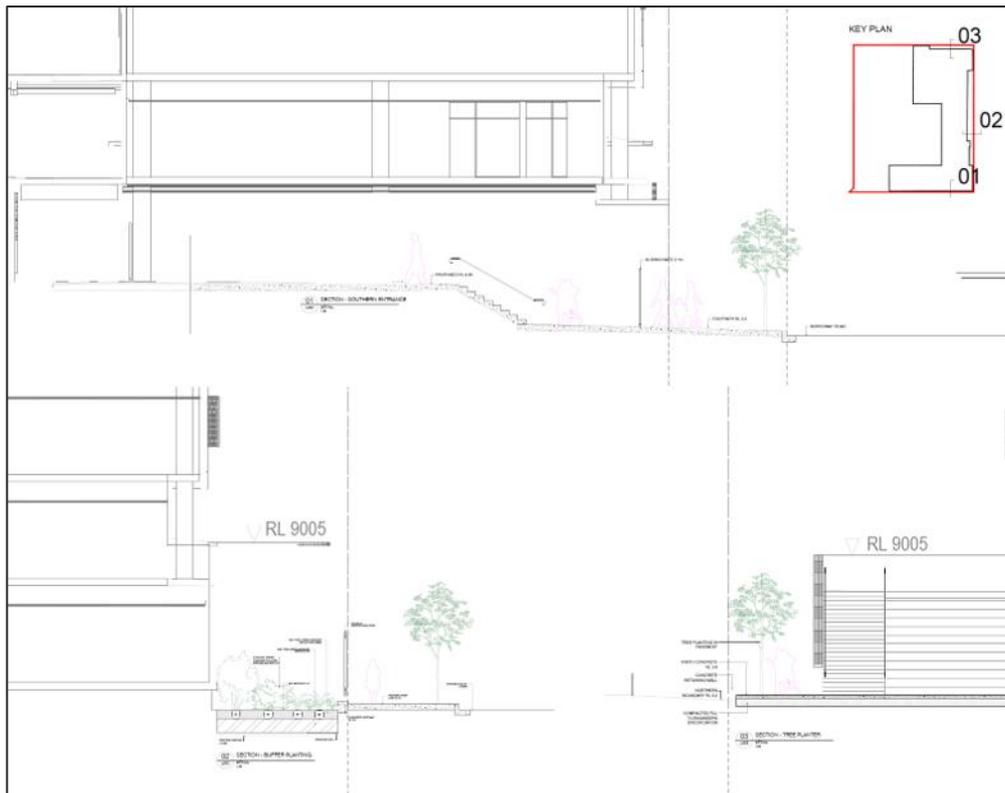


Figure 34 | Landscape sections to north, east and south boundaries (Source: Applicant's RtS to the AR 2022)

The Department has considered Council's comments and the Applicant's AR and RtS to the AR and considers that sufficient details has been provided to demonstrate that site levels would be appropriately addressed. While, having a retaining wall with an approximate 1.36m difference between the school site and Ridge Road levels is not ideal, the Department notes that it provides a sufficient engineering and urban design solution to safely separate the school site from the embankment.

The Department also notes the proposed modification to DA/875/2017 and understands it is proposed that future road levels would account for the school site levels and ensure that site access is in accordance with the ESG and BCA. Should the modification be approved this would also negate the requirement for the fence along Ridge Road and would open up the site further.

The Department has recommended a condition requiring at the northeast and eastern boundaries, the school site levels be coordinated with the future eastern road finished surface levels and at the southern boundary facing Burroway Road, all works including ramps and entries are to be flush with public domain levels.

6.2.5 Views

The EIS included an assessment on potential view impacts from the proposed built form. Impacts from the public domain were considered with regard to view sharing principles as set out in *Rose Bay Marina Pty Limited V Woollahra Municipal Council and anor* [2013] NSWLEC 1046.

The EIS outlines that an analysis of impacts on private views as established by *Tenacity V Warringah Council* [2004 NSWLEC 140] has not been undertaken as significant key views are to and from the public domain. Notwithstanding, the EIS did consider any private views that would be impacted,

noting that the significance of these views is considered insufficient to warrant a full assessment under the Tenacity Principles.

The amended proposal is informed by this view impact assessment and retains the same built form and footprint to the eastern and southern building wings with the hall being the only feature that is reduced in bulk and scale. No submissions or Government agency advice was received were received in regard to view loss or impacts.

Public domain views

As required by the Rose Bay *Marina Pty* principles, the EIS identifies the nature and extent of existing views from the public domain. The key views to consider in the assessment are those set out in the WPPDCP 2014, which outlines that the key view corridors (**Figure 35**) consist of views to Parramatta River, Peninsula Park and views to the Millennium Marker (to the west of the site adjacent Hill Road).

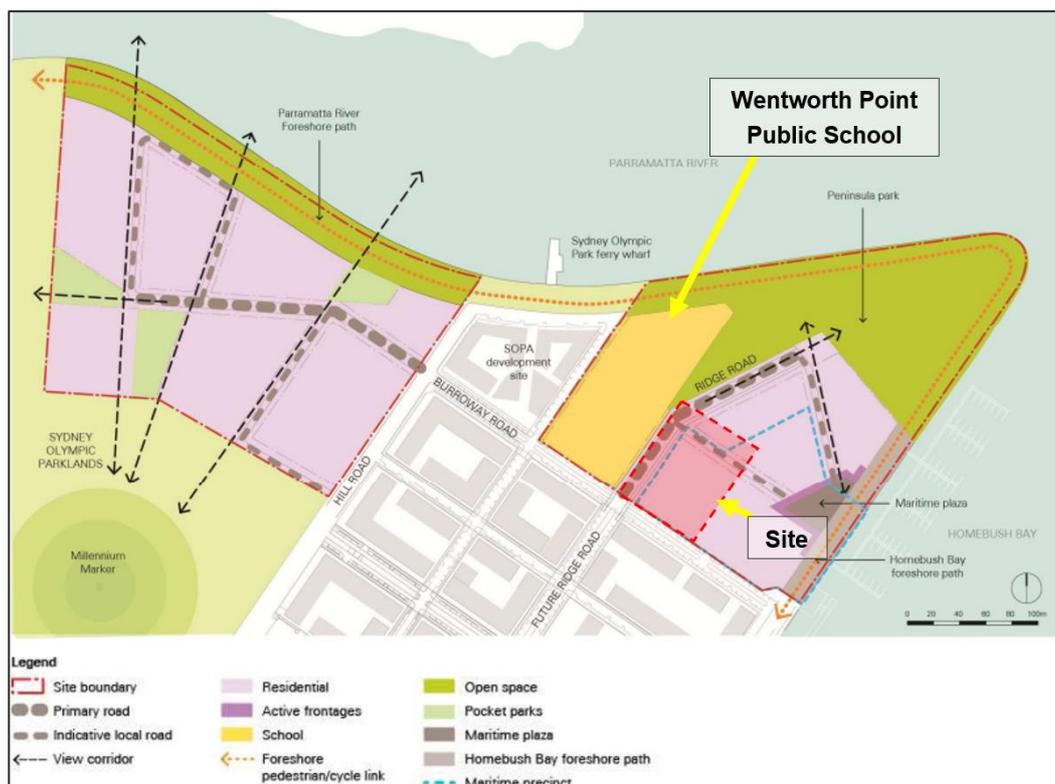


Figure 35 | WPPDCP 2014 view corridors (dashed arrows in black) (Source: DPE 2014)

The EIS undertook a quantitative and qualitative analysis of the views and identified the following:

- quantitative:
 - the proposed built form would partially obscure the Ridge Road corridor where the road alignment heads in a north-east direction. The two building wings are sited along the boundaries to the south-eastern corner of the site (outside of the view corridor) which would cause no obstruction. The northwest corner of the two storey hall may extend slightly into the corridor, causing minor impacts.
- qualitative:
 - the Ridge Road corridor would potentially be removed as a public view corridor as it is no longer intended to be constructed by the landowner and it is intended that a modification be lodged by Landcom to alter the road layout in this area.

The WPPDCP 2014 envisions a public road with an unobstructed view to the water through Peninsula Park and the amended proposal does not alter this objective as no development is proposed in this area. The amended proposal would maintain the view corridor along the site's western boundary leading from Burroway Road and therefore, is in keeping with the corridor envisaged by the WPPDCP 2014.

The Applicant also argues that the amended proposal would open up views to the water over the school by providing a moderately scaled six-storey built form, rather than a tall tower as allowed by the planning controls.

Private domain views

The amended proposal would cause partial obstructions to views to the water that are currently enjoyed by existing lower level residences the south-west and west. The Applicant argues that these impacts are considered acceptable as:

- the proposed six storey height would only affect a limited number of residences on lower levels of these buildings, which also do not currently benefit from sweeping views (as other nearby development causes more obstruction)
- it is unreasonable to expect, in a high density context, that apartments in the lower levels of a building would retain views to the water, particularly when the apartment building is not located on the final development parcel fronting Parramatta River
- in the subject high density context, private views to the water are desirable but cannot be considered iconic or worthy of absolute retention
- the planning controls on site envision medium to high density development
- the layout of the amended proposal's built form minimises impacts on views by positioning the largest building mass against the eastern boundary to maintain a view corridor, free of built form along the western section of the site.

The Department has considered the amended proposal in relation to the public domain planning principles *Rose Bay Marina Pty Limited V Woollahra Municipal Council and anor* [2013] NSWLEC 1046. The Applicant's assessment on private views, the principles established *Tenacity V Warringah Council* [2004 NSWLEC 140] have also been considered.

The Department notes the following:

- development in compliance with the permitted building height controls on site would result in a similar if not greater impact than that proposed, noting that a 88m building height control applies to the site
- the building height non-compliances are from rooftop plant and lift overrun features only and these elements would not significantly change view impacts experienced from private residences when compared to a compliant building height built form
- built form has been sited in a manner that reduces potential detrimental view loss impacts and ensures that a clear unobstructed view corridor is established along the western section of the site
- the amended proposal reduces the size and scale of the two storey hall, which would further reduce potential public view obstructions along the Ridge Road corridor to the north east
- when viewed from other public domain vantage points within Wentworth Point and across Parramatta River at Rhodes and Meadowbank, the proposed built form would be compatible and within the context of the medium to high density precinct

- no submissions were received relating to private or public domain view loss.

The Department considers that the amended proposal sufficiently addresses the key view corridors for the precinct and has sited the built form in a manner that would not have unreasonable impacts to public domain or private views.

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
Construction noise and vibration	<p>The EIS included an acoustic report which assessed the potential construction noise and vibration impacts on nearest sensitive receivers. The acoustic report and assessment on construction noise and vibration was refined and updated in the AR.</p> <p>The assessment established construction noise management levels for the site as perceived at noise sensitive receivers in accordance with EPA’s Interim Construction Noise Guideline (2009).</p> <p>The acoustic report found that the highest construction noise levels were predicted during excavation, structural works and internal fit out works.</p> <p>The acoustic report identified that during excavation works, noise sensitive receivers to the south would be considered to be within the highly noise affected noise category.</p> <p>During the structural works phase, noise sensitive receivers would be considered to be noise affected up to the lower limit of highly noise affected and during the internal fit out, predicted noise levels would be within the noise management levels.</p> <p>The acoustic report argues exceedances identified are not unusual for construction work in the residential/educational context that typifies nearby sensitive receivers.</p> <p>To manage impacts on noise sensitive receivers, the acoustic report recommended best practice noise mitigation measures be implemented, including project and plant machinery specific measures. The acoustic report also detailed that for noise sensitive receivers within the highly noise affected</p>	<p>The Department considers construction noise impacts can be adequately managed in accordance with the Interim Construction Noise Guideline, through the adoption of mitigation measures and adherence to the specified noise limits.</p> <p>To ensure that potential construction impacts are appropriately managed, the Department has recommended conditions of consent requiring:</p> <ul style="list-style-type: none"> • construction hours are in accordance with the standard Interim Construction Noise Guideline construction hours • a Construction Noise and Vibration Management Plan is prepared, that incorporates the recommendations of the acoustic report • intra-day respite periods from high noise generating construction activities be provided where necessary.

category, community consultation and implementation of a Construction Noise and Vibration Management Plan would be required.

With regard to construction vibration impacts, the acoustic report found that due to the close proximity of neighbouring sensitive uses, alternative handheld plant items for large compacter and hydraulic hammers would need to be used, to ensure no detrimental construction vibration impacts occur.

The acoustic report also recommended ongoing vibration monitoring to ensure that minimum working distances are maintained, different vibration generating works do not occur simultaneously and scheduling of vibration generating works to the least sensitive times of the day.

No comments were received from Council, EPA, or the public, regarding construction noise or vibration impacts.

Operational noise

The updated acoustic report assessed the potential operational impacts of the amended proposal on the nearest sensitive receivers, in accordance with the EPA's Noise Policy for Industry 2017.

The acoustic report considered operational noise, including from indoor and outdoor school activities, school bell, mechanical plant, and waste collection along Burroway Road.

The acoustic report concluded that noise levels from the operational use of the school meet applicable environmental noise criteria.

The acoustic report identified that mechanical plant/equipment and dust extractors would be subject to detailed acoustic assessment prior to construction. Barriers, noise attenuation, vibration isolation and selection of low noise equipment would ensure compliance with noise intrusiveness criteria.

Primary sources of noise intrusion into the school would be from the surrounding road network and adjoining uses. The internal learning areas would meet the noise criteria subject to façade and glazing treatments.

No assessment of out of school hours use was undertaken as it is not proposed.

The Department has recommended conditions that require:

- a detailed assessment be undertaken of plant and equipment, demonstrating compliance with the identified noise criteria
- the development be undertaken in accordance with the recommendations of the acoustic report
- the Applicant conduct short term noise monitoring following commencement of operation.

Subject to these recommended conditions, the Department is satisfied that the amended proposal would not result in unacceptable operational noise impacts on the nearby sensitive receivers.

No comments were received from Council or Government agencies about operational noise impacts.

The Applicant's AR confirmed that, while there would be noise impacts during certain outdoor activities, these remain below applicable environmental noise criteria, and would be subject to ongoing school management to ensure that no detrimental impacts occur.

Site contamination

A Preliminary Site Investigation (PSI), Detailed Site Investigation (DSI), Sampling and Analysis Quality Plan, Remediation Action Plan (RAP), and Preliminary Long Term Environmental Management Plan were provided with the EIS.

The PSI, DSI and Sampling and Analysis Quality Plan identified that the site is on reclaimed land and extensive filling has occurred in the past. Further, the broader section of this peninsula (including the site) has been subject to a previous Remediation Action Plan in 2015 prepared by Parsons Brinckerhoff. The Parsons Brinckerhoff RAP related to infrastructure delivery associated with Ridge Road (whose embankment is currently present on the western edge of the site).

Stage 1 remediation works occurred in 2019 under the Parsons Brinckerhoff RAP, including capping of contamination on site which occurred prior to it being acquired for the proposed school use.

The proposed remediation strategy for the amended proposal is for all documentation to use the Parsons Brinckerhoff RAP as the base case and for all remediation and investigative works to be further to this. This approach has been approved by the NSW EPA accredited Site Auditor for the Parsons Brinckerhoff RAP and this subject amended proposal.

The PSI and DSI identified that the site has a history of contamination associated with former industrial uses and include petroleum hydrocarbons, poly-cyclic aromatic hydrocarbons, heavy metals, asbestos in fill (bonded and friable), ground gas and an abandoned underground storage tank. These may potentially pose unacceptable risks to human and ecological health.

The DSI also identified that the site contained Acid Sulfate Soils (Class 2). Accordingly, an Acid Sulfate Soils

State Environmental Planning Policy 55 - Remediation of Land (SEPP 55) requires the Department is satisfied that the site is suitable, or would be made suitable through remediation, for the intended use.

The Department is satisfied that site contamination issues have been appropriately addressed, and can be managed by recommended conditions. On this basis, the Department is satisfied that the site can be made suitable for the proposed use.

The Department considers that Acid Sulfate Soils identified on site can be managed in a manner that does not have detrimental impact, subject to the recommendations and management strategies outlined in the Acid Sulfate Soils Management Plan.

The Department has recommended the following conditions:

- the Applicant must engage an EPA accredited Site Auditor
- an unexpected finds procedure must be implemented throughout construction works
- any variations to the approved RAP be approved by the Site Auditor
- if work is to be completed in stages, satisfactory completion of each stage be confirmed by the issue of Interim Audit Advice/s
- a Site Audit Statement be obtained prior to operation

Management Plan was provided with the EIS and provides a summary of previous investigations, depth of Acid Sulfate Soils, areas for additional investigations, and management strategies where such soils are identified.

In response to the EIS, EPA recommended conditions relating to obtaining relevant Site Audit Statements and that Council was the relevant regulatory authority under the *Protection of the Environment Administration Act 1991*.

In response to comments provided by Council and SOPA regarding the investigation and management of contamination on site, as well as the data gap analysis recommended by the DSI, the RtS to the EIS included a RAP addendum and Interim Audit Advice.

Council provided comments to the RtS and requested the Applicant consider potential gas migration from the site. The AR included a response to gas migration (further to the assessment of gas risk in the RAP addendum), confirming that the amended proposal would not cause ground gas migration or release issues on-site or to neighbouring sites.

The RAP addendum proposes a range of remediation works and management measures relating to (but not limited to) further investigations/sampling as part of validation works, gas/asbestos mitigation, legislative requirements, underground tank decommissioning, capping design, site management, emergency procedures, and work health and safety.

In addition to the management and mitigation measures in the RAP addendum, a preliminary Preliminary Long Term Environmental Management Plan has been prepared, to indicate the long-term and ongoing management and monitoring of the future remediated site. This plan would be updated and finalised once remediation on site has been undertaken (in accordance with the updated RAP) and a validation report has been prepared and approved by the NSW EPA accredited Site Auditor.

The Interim Audit Advice provided with the AR confirmed that the site could be made suitable for the proposed use, subject to the recommendations of the RAP addendum.

- implementation of the recommendations and management strategies of an environmental management plan and Acid Sulfate Soils Management Plan to manage the handling, treatment and disposal of soils.

Flooding

The EIS included a Civil Engineering Report which considered flooding impacts on the site and to the surrounds. The report used Council's Lower Parramatta River Flood Risk Management Study and Plan (2005) to identify design flood levels:

- 5% Annual Exceedance Probability (AEP) – 1.27m AHD
- 1% AEP – 1.42m AHD
- Probable Maximum Flood (PMF) – 2.42m AHD.

The Lower Parramatta River Flood Risk Management Study and Plan identifies the site is partially affected by low risk flood hazards (northern and southern boundaries) as well as the surrounding road network (**Figure 36**).

Low hazard risk relates to events between the 1% AEP and PMF levels, characterised by shallow flooding where trucks could evacuate people and able-bodied adults would be able to wade to safety.

The WPPDCP 2014 refers to the ADCP 2010 for flood planning requirements. Under the ADCP 2010, the amended proposal is classified as a commercial facility and would need the habitable floor level to meet the 1% AEP flood level plus freeboard of 500mm. Therefore, the flood planning level would need to be 1.92m AHD.

The proposed finished floor levels of the buildings is 4m AHD which is above the 1% AEP plus freeboard and the PMF flood design level. The proposed finished floor level is consistent with WPPS next door.

The Civil Engineering Report also considered the expected rise in sea levels (maximum 0.84m by the year 2090) as per the CSIRO and Bureau of Meteorology's Climate Change in Australia – Projections for Australia's NRM Regions report (2015). Considering this worst case scenario and the PMF, a finished floor level of 3.26m AHD would be required which is still below the proposed levels.

The Civil Engineering Report nominated that in the event of large storm events or inundation from flooding, internal evacuation and shelter-in-place strategies would be utilised.

The Department raised concerns with the Applicant's proposal to utilise shelter-in-place, given the isolation the site would

The Department has considered information provided by Applicant and comments made by NSW SES, and considers that the FEMP submitted with the RtS to the AR undertook an appropriate assessment of flooding impacts, and identified appropriate design, management, and measures to mitigate impacts and risk to site occupants.

The Department notes that during low hazard flood events, key pedestrian and vehicle access routes to the school and within the adjoining road system would be impacted. As such, the Applicant's primary approach is for early closure and evacuation. This is supported by NSW SES and the Department.

The Department notes that in the unlikely event flood warnings do not provide adequate time for the school to be closed the day before, on-site refuge is proposed as all finished floor levels provide sufficient refuge. The FEMP clarifies that shelter-in-place/on-site refuge strategies do not form the primary emergency evacuation response.

The Department has recommended conditions requiring an operational flood emergency management plan prepared in consultation with NSW SES.

experience in flood events (as roads would receive low hazard inundation). The Department requested that as part of the RtS to the AR, the Applicant prepare a Flood Emergency Response Management Plan (FEMP) in consultation with NSW SES.

A FEMP was provided in the RtS to the AR and included the following:

- updates to the Civil Engineering Report assessment of flood behaviour impacting the site, flood design and evacuation routes
- flood warnings, education/signage, notifications and preparation for flood responses
- flood response actions (early closure and evacuation with on-site refuge as a contingency), assembly points and evacuations routes
- identification of limitations.

NSW SES reviewed the FEMP, and advised the preferred emergency strategy for the school is early closure prior to the commencement of a flood event before the start of a school day. NSW SES concurred with the FEMP that shelter-in-place strategies are not appropriate or safe, and are not equivalent, in risk management terms, to evacuation.

NSW SES recommended improvement to the FEMP relating to the scope of the flood behaviour assessment, flood warnings/evacuation routes and evacuation strategies.

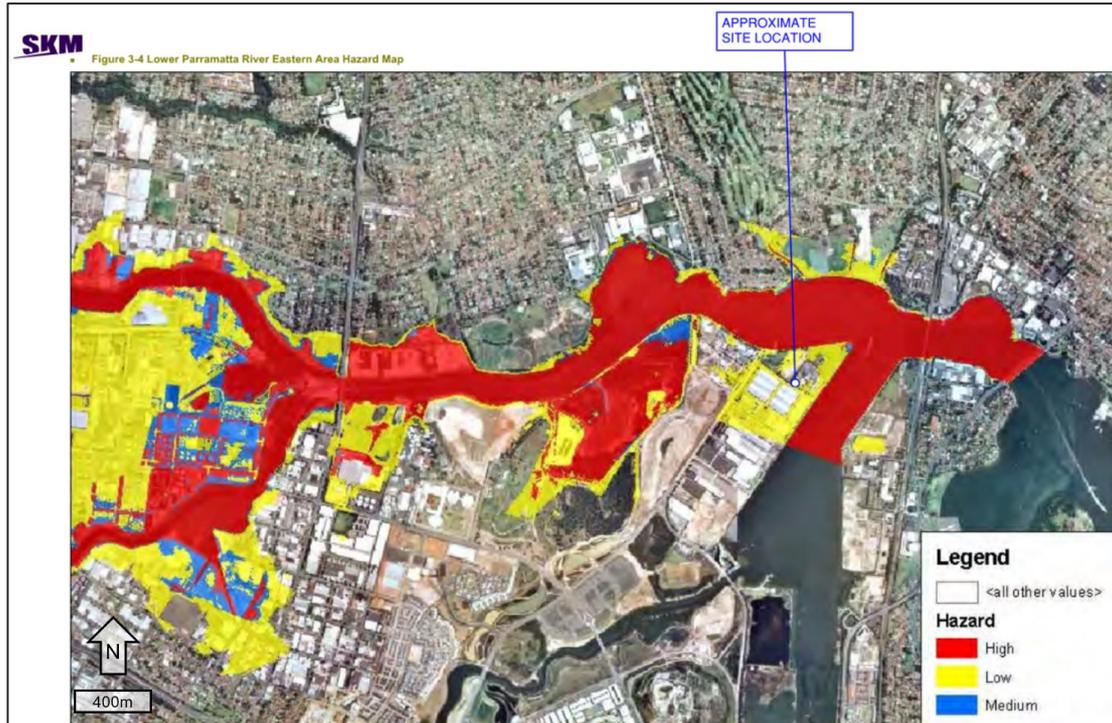


Figure 36 | Flood hazard classification map - Lower Parramatta River Flood Risk Management Study and Plan (Source: Council 2015)

Fire Safety, access and egress

As the proposal in the EIS relied upon the future eastern road being delivered as a public for egress of the site, the AR identified that additional BCA and fire safety advice was required to consider the reduced student capacity and that access along the eastern boundary would not be provided by a public road by the time the school is in operation.

Council's EIS submission raised concerns with the proposed BCA compliance of proposed setbacks to the eastern boundary.

The updated BCA advice identified an easement (equivalent to the width of the future road reserve) along the eastern boundary (where the future eastern road would be), which allows egress along the eastern boundary when the school is occupied, can be relied upon to address the relevant fire protection, egress access requirements.

The updated fire safety advice concurred with the BCA advice and noted that the implementation of an easement, in lieu of a public road, is a feasible alternative as long as it is available at the time of occupation of the school.

The Department has considered the information provided by the Applicant and Council's submission.

The Department considers that the establishment of an appropriate easement would satisfy the necessary fire safety, access and egress requirements under the BCA for the amended proposal along the eastern boundary of the site.

The Department has recommended conditions requiring:

- prior to the commencement of construction an accredited fire engineer and BCA consultant must certify a performance solution for fire protection, access and egress in compliance with Section C, D and E of the BCA and in consultation with Fire and Rescue NSW
- where the performance solution requires use of neighbouring land, a suitably worded instrument pursuant to section 88B of the

The Applicant's AR advised that engagement has occurred with TfNSW (as the neighbouring landowner) and that in-principal support had been provided for an easement to this effect.

Conveyancing Act 1911 must be prepared and registered on the title of in favour of Lot 2 DP 1276305 (9 Burroway Road)

- prior to operation, where required for fire safety, access, egress and Section 88B requirements, any works required to be undertaken by Fire and Rescue NSW must be completed in relation to access over Lot 2 DP 1276305 (9 Burroway Road) over the length of 7 Burroway Road's eastern site boundary.
- the requirements for a performance solution and/or registration of a Section 88B instrument may not be required if a public road has been constructed (and dedicated) for the length Lot 2 DP 1276305 (9 Burroway Road) prior to operation commencing.

Community use

The Applicant has not undertaken an assessment of community use of the school out of hours. The school has confirmed that it is not seeking any approval to allow the community to use the school.

As requested by the Applicant no approval has been granted for out of hours use by the community.

Aboriginal cultural heritage

The EIS included an ACHAR, which considered the impact of the proposal on Aboriginal cultural heritage, including the site's potential to contain archaeological remains.

The Wann people are the traditional custodians of the land on which the site is located. The Wann extended along the southern shore of the Parramatta River, between the Gali land of Cockle Bay/Darling Harbour, and Burramatta land.

Due to the fact that the site forms part of reclaimed land from the early 20th century, the ACHAR found that it is highly unlikely that any Aboriginal objects or evidence of Aboriginal occupation exists within the site, and advised that the proposal would not impact Aboriginal cultural heritage.

The ACHAR recommended that Aboriginal cultural heritage consultation should continue for the remainder of the project.

The Department reviewed the ACHAR and Heritage NSW comments, and considers that potential impacts on Aboriginal cultural heritage have been appropriately addressed.

Although the ACHAR indicates the potential for archaeological is not predicted to exist, to ensure Aboriginal cultural heritage is appropriately addressed, the Department recommends conditions requiring compliance with the recommendations in the ACHAR.

Heritage NSW reviewed the ACHAR, agreed with the findings and was satisfied the proposal had appropriately considered and addressed Aboriginal cultural heritage impacts.

Stormwater and drainage

The EIS included a Civil Engineering Report and Stormwater Management Plan that states that stormwater drainage works would be implemented in accordance with Council's requirements. The report and plan were revised in the AR to reflect the removal of development from the Ridge Road reserve. This included details on the proposed on-site detention systems, water quality treatment devices, and rainwater tanks to retard off-site flow and reuse water on site.

The proposed water quality system treatment train consists of a 30 kilolitre rainwater tank for rainwater capture and reuse. The on-site detention basin has a detention volume of 300 kilolitres and has been sized to ensure that during storm events there would not be an increase of drainage flows and volumes beyond what already occurs from the site.

The Department is satisfied the Applicant has demonstrated the site can accommodate required stormwater and drainage management systems.

The Department has recommended conditions requiring the design and implementation of a stormwater management system for the site in accordance with relevant standards and guidelines.

Social impact

The EIS included a Social Impact Assessment (SIA) that addressed key demographic characteristics of the area.

In response to public submissions to the EIS that raised concerns with the social impacts of the school, and in reflection of the revised proposal, the AR included a SIA addendum.

The SIA and SIA addendum detailed stakeholder engagement associated with the amended proposal and noted impacts were raised relating to:

- local and site amenity
- transport access
- social inclusion
- social infrastructure
- health and safety
- construction periods
- traffic congestion
- reduced student capacity
- access to open space
- economy and environment.

The SIA and SIA addendum found that the amended proposal would likely result in:

- short term negative impacts from construction activities

The Department has reviewed information provided by the Applicant and matters raised in submissions and Government agency advice, and is satisfied that on balance the amended proposal would have positive social impacts, as it would meet the educational needs of the area and conditions of consent seek to address minimise impacts relating to open play space, transport and access.

Short term impacts arising from the construction phase would be mitigated through recommended conditions requiring construction management plans.

- negative impacts from the reduced student capacity of the project
- where additional open play space is not provided, negative impacts from lack of open space as enrolments increase.
- improved tertiary learning pathways and facilities
- the proposal as revised in the Amendment Report would result in a low positive impact on the community.

SOPA comments and Council/public submissions to the EIS, RtS and AR raised concerns with lack of sufficient school facilities, areas designated for public use being lost to facilitate the school, staging and impacts on the well-being of students.

Utilities

The EIS included an Electrical and Communication Site Infrastructure Report to assess the existing capacity of utility services to service the site and the proposed works. The plan identified that a new Ausgrid kiosk substation would be required to facilitate the proposal. This substation would be located adjacent to the eastern boundary of the site. Furthermore, two existing Ausgrid pillars would need to be removed.

Ausgrid confirmed that an application for connection had been made and recommended the Applicant continue the process as the details of substation requirements are finalised.

Sydney Water confirmed the site can be serviced by existing infrastructure and that dual pipe i.e. recycled water use, should be further investigated. Council, in response to the EIS, also requested that recycled water reuse be looked into.

In the RtS to the EIS, the Applicant confirmed that currently the site currently does not have frontage to a recycled water main in Burroway Road. The Applicant confirmed that when the network is extended near the site, further investigations would occur to use it for non-potable water use.

The Department is satisfied that the required utilities would be available to the site.

The Department has recommended conditions to ensure the Applicant lodges appropriate requests for the supply of these services, and that all utilities are available prior to operation.

Sediment erosion and dust control

A Civil Engineering report was included with the EIS, and included management initiatives for sediment, erosion and dust control.

The Department considers that appropriate measures have been proposed to prevent erosion and control dust as part of construction works.

Proposed measures would contain sediment within the site, to prevent erosion into neighbouring properties and the public domain during construction works.

The Department has recommended conditions requiring the preparation of a final detailed Construction Environmental Management Plan prior to the commencement of construction.

Waste and recycling

The EIS included a Waste Management Plan that detailed how construction and operational waste would be managed.

The plan details the proposed methods for identification, temporary retention, and disposal of hazardous waste. The plan also details the expected operational waste volumes and waste management measures to be adopted.

The proposal includes an on-site waste storage and collection area at the north eastern section of the site. The EIS proposed interim and permanent waste collection solutions that rely on the future eastern road for servicing and waste collection. Where the school may have been operational prior to the road being completed, an interim solution where waste collection bins would be transported to the Burroway Road frontage would be used.

Under the interim solution, bins would be towed by a mobile bin towing device, placed no earlier than 4pm and collected and returned to the waste storage area between 5am to 7am. To ensure this space remains available during collection times, a "No Stopping" zone Burroway Road details facilitates waste collection between 5-7am.

As discussed in **Section 2**, the amended proposal no longer relies on the future eastern road as a permanent location for waste collection and service access. Subsequently, the AR confirmed the interim solution identified above would now be the primary waste management approach (until such time the road is completed).

Waste and recycling collections days are proposed to occur on alternating days from Monday to Friday to ensure that the number of bins on the Burroway Road frontage are minimised.

The Department has reviewed the information provided and is satisfied that appropriate arrangements can be made to manage waste, so that the amended proposal would not result in adverse impacts on the local environment, and maximises opportunities to reuse and recycle.

The Department notes that while it is not ideal to move the waste collections bins through the site to the Burroway Road frontage, the waste collection area is located so that it can take advantage of the location of the future eastern road.

The Department has recommended conditions to ensure that appropriate waste handling and management arrangements are implemented during construction and operation, and that application is made to Council for street signage changes.

The Department has also recommended a condition that within three months of the future eastern road being dedicated and available for school operational use, the collection of waste from Burroway Road must cease and move to the site service access point at future eastern road near the waste storage area.

7 Evaluation

The Department has reviewed the EIS, RtS to the EIS, AR, RtS to the AR, and supplementary information, and assessed the merits of the amended proposal, taking into consideration advice from Government agencies, Council and comments in public submissions. Consequently, the Department considers the development is in the public interest and should be approved, subject to conditions.

The key issues identified with the amended proposal include traffic and transport and built form and urban design. All environmental issues associated with the development have been addressed, and the Department concludes impacts of the development are acceptable and could be appropriately mitigated through conditions of consent.

The surrounding road network could accommodate construction and operational traffic and parking demands generated by the amended proposal. The proposed built form is appropriate in the context of the site and would make a positive contribution to the locality. The Department has recommended conditions to manage the construction and operational impacts on the surrounding land uses and requires mitigation measures to be implemented.

The development is consistent with the objects of the *Environmental Planning and Assessment Act 1979* and the State's strategic objectives to improve education results through the provision of new education facilities that service local demand.

The development is in the public interest as it would provide benefits including:

- provision of a new education facilities to meet the needs of the existing school population as well as future increases in student enrolments to cater for population growth and secondary school demand,
- provision of new educational facilities in an accessible area for visitors and students,
- investment of approximately \$146,899,641, which would generate 735 construction jobs and 80 future operational jobs.

8 Recommendation

It is recommended that the Director, as delegate of the Minister for Planning:

- **considers** the findings and recommendations of this report
- **accepts and adopts** the findings and recommendations in this report as the reasons for making the decision to grant approval to the application
- **agrees** with the key reasons for approval listed in the notice of decision
- **grants consent** for the application in respect of the Sydney Olympic Park new high school (SSD – 11802230), subject to conditions
- **signs** the attached development consent.

Recommended by:



Navdeep Shergill
Senior Planner
School Infrastructure Assessments

Recommended by:



Tahlia Alexander
Team Leader
School Infrastructure Assessments

9 Determination

The recommendation is **Adopted** by:



Karen Harragon

Director

Social and Infrastructure Assessments

Appendices

Appendix A – List of referenced 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
<https://www.planningportal.nsw.gov.au/major-projects/projects/sydney-olympic-park-new-high-school>
2. Submissions and Government advice to the Environmental Impact Statement and Amendment Report
<https://www.planningportal.nsw.gov.au/major-projects/projects/sydney-olympic-park-new-high-school>
3. Applicant's Response to Submissions to Environmental Impact Statement, Amendment Report and Response to Submissions to Amendment Report
<https://www.planningportal.nsw.gov.au/major-projects/projects/sydney-olympic-park-new-high-school>

Appendix B – Statutory Considerations

ENVIRONMENTAL PLANNING INSTRUMENTS (EPIs)

To satisfy the requirements of section 4.15(a)(i) of the *Environmental Planning and Assessment Act 1979* (EP&A Act), this report includes references to the provisions of the EPIs that govern the carrying out of the proposal and have been taken into consideration in the Department's environmental assessment.

As discussed at **Section 4.4.1** since the submission of the EIS, all SEPPs have been consolidated into 11 policies. However, the SEPP consolidation does not change the legal effect of the repealed SEPPs, as the provisions of these SEPPs have simply been transferred into the new SEPPs. For consistency, the Department has considered the development against the relevant provisions of the SEPPs that were in force when the EIS was submitted.

EPIs and draft EPIs considered as part of the assessment of the proposal are:

- State Environmental Planning Policy (State and Regional Development) 2011 (SRD SEPP)
- State Environmental Planning Policy (Infrastructure) 2007 (Infrastructure SEPP)
- State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017 (Education SEPP)
- 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)
- State Environmental Policy (Sustainable Buildings) 2022 (Sustainable Buildings SEPP)
- Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005 (SHC SREP)
- Auburn Local Environmental Plan (ALEP) 2010.

COMPLIANCE WITH CONTROLS

State Environmental Planning Policy (State and Regional Development) 2011

The aims of this SEPP are to identify State significant development (SSD) and State significant infrastructure, and confer the necessary functions to joint regional planning panels to determine development applications.

An assessment of the development against the relevant considerations of the SRD SEPP is provided in **Table B1**.

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

Relevant Sections	Consideration and Comments	Complies
<p>8 Declaration of State significant development: section 4.36</p> <p>(1) Development is declared to be State significant development for the purposes of the Act if:</p> <ul style="list-style-type: none"> 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. 	<p>The proposed development is permissible with development consent. The proposal is for a new school under clause 15(1) of Schedule 1 of the SRD SEPP.</p>	<p>Yes</p>

State Environmental Planning Policy (Infrastructure) 2007

The Infrastructure SEPP aims to facilitate the effective delivery of infrastructure across the state by improving regulatory certainty and efficiency, identifying matters to be considered in the assessment of development adjacent to types of infrastructure development, and providing for consultation with relevant Government Agencies about certain development during the assessment process.

The proposal includes the provision of a new substation and works in the vicinity of an electricity or distribution network. In accordance with clause 45 of the Infrastructure SEPP, the development must be referred to the relevant electricity supply authority (Ausgrid) for comment. The application was referred to Ausgrid, who advised that the application continue the commenced connection application processes, and they comply with the general conditions of the underground easement adjacent to the proposed works.

The Department has included conditions in the recommended conditions of consent (**Appendix C**).

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

The Education SEPP 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 includes 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.

The Education SEPP was amended on 17 December 2021. In accordance with applicable “saving and transitional provisions”, the proposal has been assessed against the relevant provisions of the Education SEPP that were in force at the time the SSD application was made on 16 November 2021.

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 Department’s consideration of the variations to the development standards is addressed in **Section 6** and in the following consideration of the Auburn Local Environmental Plan (ALEP) 2010.

Clause 57 of the Education SEPP requires traffic generating development that involve addition of 50 or more students to be referred to the Road and Maritime Services. The Application was referred to TfNSW (incorporating Road and Maritime Services) 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
Principle 1 - Context, built form and landscape	<p>The site planning provides good aspect for the learning areas and for maximising light to play areas. As revised by the Amendment Report (AR), the proposed built form is in keeping with height limit of development surrounding the site.</p> <p>The school has been designed to fit into the surrounding built-form, notwithstanding the height non-compliance, as the existing and future streetscape is dominated by multi-storey mixed use developments up to 26 storeys in height. The amended proposal includes appropriate landscaping to soften the edges between the site and surrounds, and minimises amenity impacts to the open play space of Wentworth Public School to the west.</p>
Principle 2 - Sustainable, efficient and durable	<p>The amended proposal includes ecologically sustainable development measures (Section 4.4.3). The materials chosen are durable and require low maintenance.</p> <p>Bicycle parking is provided within the school site and the preliminary School Transport Plan encourages sustainable travel modes.</p>
Principle 3 - Accessible and inclusive	<p>The amended proposal has been designed to be accessible and inclusive through the provision of a lift and accessible paths of travel from site boundaries up to and around school buildings.</p> <p>The amended proposal incorporates wayfinding signage identifying key areas within the school assisting visitors to navigate the site.</p>
Principle 4 - Health and Safety	<p>The design of the school buildings provides a safe and secure school environment. The amended proposal has considered Crime Prevention Through Environmental Design principles. The amended proposal would clearly delineate the pedestrian entrances into the school to allow the management of visitors to the site.</p>
Principle 5 - Amenity	<p>The amended proposal provides a variety of internal and external learning places for both formal and informal educational opportunities.</p> <p>The design of the proposed buildings seeks to maximise natural light and ventilation to the indoor areas of the school, while the landscaping and covered outdoor areas provide shaded areas for students and staff use.</p>
Principle 6 - Whole of life, flexible, adaptable	<p>The buildings would allow for long term flexibility through the provision of flexible formal and informal learning areas to adapt to future learning requirements.</p>

Design Principles

Response

Principle 7 -
Aesthetics

Subject to conditions, the amended proposal would achieve a high standard of architectural design compatible with the character of the area. The main entry would provide a sense of arrival and the eastern edge of the built form has been designed to be appropriately activated once the secondary frontage is available (i.e. upon completion of the future eastern road).

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. As detailed at **Section 6.3**, the Department is satisfied that the Applicant has adequately demonstrated that the site is suitable for use as an educational establishment as required by SEPP 55, subject to remediation.

The Department has recommended a conditions of consent for remediation works to be undertaken in accordance with the Remediation Action Plan addendum.

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.

The amended proposal includes the installation of a one wall affixed non-illuminated school identification sign above the main entry at Burroway Road (**Figure B1**).

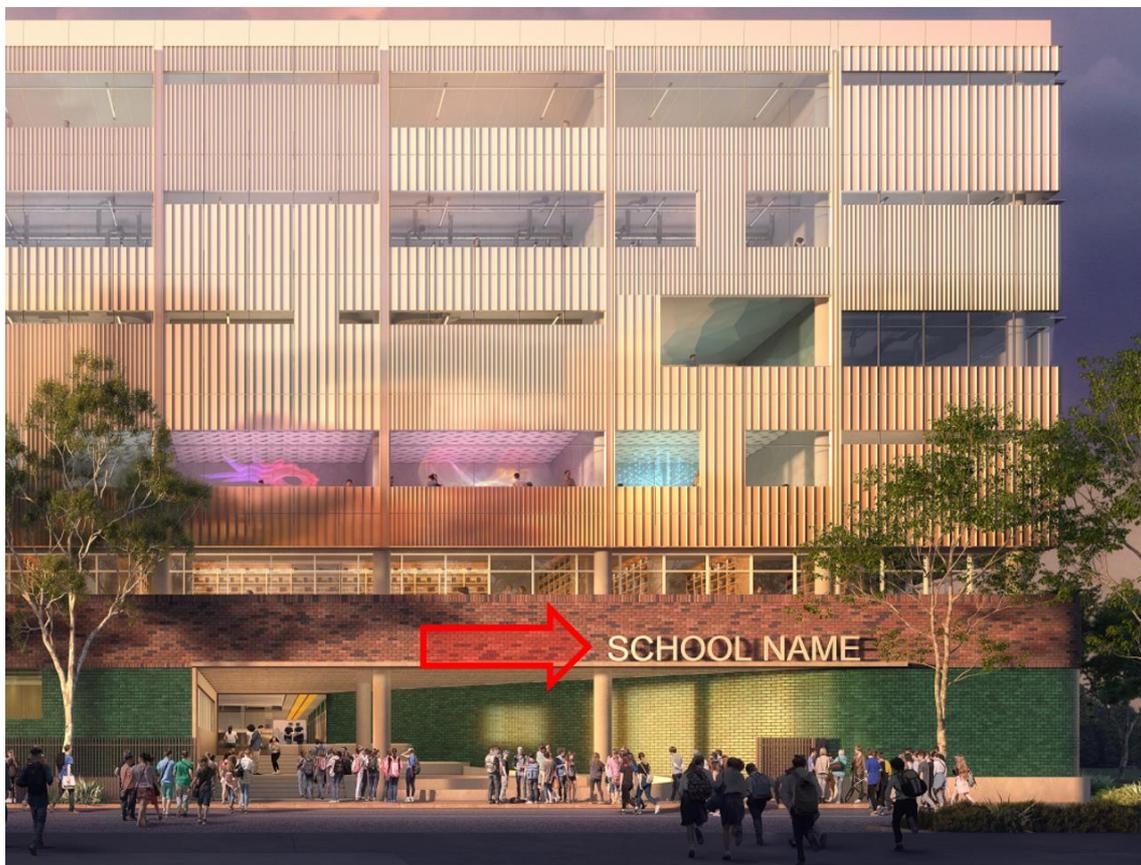


Figure B1 | School identification sign (Source: Applicant's AR 2022)

The Environmental Impact Statement (EIS) assessed the proposed sign against the provisions of Schedule 1 of SEPP 64. The Department’s assessment of the proposed sign against Schedule 1 of SEPP 64 is provided in **Table B3** below.

Table B3 | SEPP 64 compliance table

Assessment Criteria	Comments	Compliance
1 Character of the area		
Is the proposal compatible with the existing or desired future character of the area or locality in which it is proposed to be located?	The proposed sign is of a contemporary design and is compatible with the existing and future character of the area.	Yes
Is the proposal consistent with a particular theme for outdoor advertising in the area or locality?	The signage is consistent in style, size and location to existing signs in the streetscape, notably those associated with nearby mixed use developments.	Yes
2 Special areas		
Does the proposal detract from the amenity or visual quality of any environmentally sensitive areas, heritage areas, natural or other conservation areas, open space areas, waterways, rural landscapes or residential areas?	The proposed signage would not detract from the visual amenity of the surrounding area. The sign is sympathetic to the streetscape and surrounds.	Yes
3 Views and vistas		
Does the proposal obscure or compromise important views? Does the proposal dominate the skyline and reduce the quality of vistas? Does the proposal respect the viewing rights of other advertisers?	The proposed signage would not impact on view, vistas, the skyline or viewing rights.	Yes
4 Streetscape, setting or landscape		
Is the scale, proportion and form of the proposal appropriate for the streetscape, setting or landscape?	The proposed signage is in proportion to the adjoining streetscape and would complement the new main entrance.	Yes
Does the proposal contribute to the visual interest of the streetscape, setting or landscape?	The proposed scale and design of the signage is appropriate for the streetscape and setting within which it is proposed.	Yes

Assessment Criteria	Comments	Compliance
Does the proposal reduce clutter by rationalising and simplifying existing advertising?	The signage is simple in design and would not result in visual clutter.	Yes
Does the proposal screen unsightliness?	Not applicable.	N/A
Does the proposal protrude above buildings, structures or tree canopies in the area or locality?	The signage would sit well below the height of proposed and adjoining buildings.	Yes
Does the proposal require ongoing vegetation management?	No.	N/A
5 Site and building		
Is the proposal compatible with the scale, proportion and other characteristics of the site or building, or both, on which the proposed signage is to be located?	The sign is of appropriate scale and proportion and is considered relatively understated in the context of the site.	Yes
Does the proposal respect important features of the site or building, or both?	The signage is appropriately located throughout the site and would not impact on any other important features of the site.	Yes
Does the proposal show innovation and imagination in its relationship to the site or building, or both?	The purpose of the signage is to denote the main entrance of the school and provide wayfinding and would achieve this purpose.	Yes
6 Associated devices and logos with advertisements and advertising structures		
Have any safety devices, platforms, lighting devices or logos been designed as an integral part of the signage or structure on which it is to be displayed?	Safety devices are not necessary for the proposed design of the signage.	Yes

Assessment Criteria	Comments	Compliance
7 Illumination		
Would illumination result in unacceptable glare?	Illumination of the signage is not proposed.	N/A
Would illumination affect safety for pedestrians, vehicles or aircraft?		
Would illumination detract from the amenity of any residence or other form of accommodation?		
Can the intensity of the illumination be adjusted, if necessary?		
Is the illumination subject to a curfew?		
8 Safety		
Would the proposal reduce safety for pedestrians, particularly children, by obscuring sightlines from public areas?	The signage would not reduce any sightlines for pedestrians or from vehicles.	Yes
Would the proposal reduce safety for any public road?		

Draft State Environmental Planning Policy (Remediation of Land)

The 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 require all remediation work carried out without development consent to be reviewed and certified by a certified contaminated land consultant. Remediation work is to be categorised based on the scale, risk and complexity of the work. Environmental management plans relating to post-remediation management of sites, including the ongoing operation, maintenance and management of on-site remediation measures (such as a containment cell) are to be provided to Council.

The Department is satisfied that the amended proposal will be consistent with the objectives of the Draft Remediation SEPP.

Draft State Environmental Planning Policy (Environment)

The 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 would 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 would be repealed.

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

State Environmental Planning Policy (Sustainable Buildings) 2022 (Sustainable Buildings SEPP)

The Sustainable Buildings SEPP encourages the design and delivery of more sustainable buildings across NSW. It sets sustainability standards for residential and non-residential development and starts the process of measuring and reporting on the embodied emissions of construction materials.

The sustainability provisions for non-residential development include:

- embodied emission measurement and reporting for all developments
- energy standards for large commercial development with energy performance to be verified after the building is occupied and offsets purchased for residual emissions
- minimum water standards for large commercial development
- certain developments to be 'all electric' or capable of converting to operate without fossil fuels by 2035.

The Sustainable Buildings SEPP and associated amendments to Environmental Planning and Assessment Regulation 2021 and Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021 will commence on 1 October 2023. Savings and transitional provisions have been included so that the Sustainable Building SEPP does not apply to development applications that have already been submitted, but not yet determined by the commencement date. Therefore, the Sustainable Buildings SEPP is not applicable to the assessment of the subject SSD application.

Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005

SHC SREP provides planning principles for development within the Sydney Harbour catchment. The site is located within the Sydney Harbour Catchment area.

The proposal is consistent with the relevant planning principles of the SHC SREP and would not have any significant adverse impact on the Sydney Harbour Catchment.

Auburn Local Environmental Plan (ALEP) 2010

The ALEP 2010 aims to encourage the development of housing, employment, infrastructure and community services to meet the needs of the existing and future residents of the City of Parramatta LGA. The ALEP 2010 also aims to conserve and protect natural resources and foster economic, environmental and social well-being.

The Department consulted Council throughout the assessment process and considered all relevant provisions of the ALEP 2010 and those matters raised by Council in its assessment of the proposal (**Section 5**). The Department concludes the development is consistent with the relevant provisions of the ALEP 2010, and consideration of the relevant clauses of the ALEP 2010 is provided in **Table B4**.

Table B4 | Consideration of the ALEP 2010

ALEP 2010	Department Comment/Assessment
Land Use Table	<p>The site is zoned part R4 High Density Residential, part B1 Neighbourhood Centre, and part RE1 Public Recreation.</p> <p>Educational establishments are permitted with consent in the R4 and B1 zones, but prohibited in the RE1 zone. Although it forms part of the school, no development is proposed on the RE1 zone section of land. The development is considered acceptable.</p>
Clause 4.3 Building height	<p>The site is subject to a maximum height of part 19m, part 25m and part 88m. The 19m control applies to a portion of the R4 land, the 25m control applies to the B1 land and a portion of the R4 land, the 88m control applies to a portion of the R4 land. No height control applies to the RE1 land.</p> <p>The proposed maximum height of 29.45m (lift shaft) contravenes the 25m height standard. The contravention of the height provisions is allowed under Clause 42 of the Education SEPP and is discussed in detail under Section 6.2.</p>
Clause 4.4 Floor Space Ratio	<p>The site's B1 and R4 land is subject to an FSR of 1.25:1. The site's small portion of RE1 land has no FSR control.</p> <p>The proposed GFA is 13,349sqm, resulting in an FSR of approximately 1.53:1, a variation of 13%. The contravention is allowed under Clause 42 of the Education SEPP and is discussed in detail under Section 6.2.</p>
Clause 5.1 Relevant acquisition authority	<p>The site's RE1 land is identified as being land reserved for public purposes (local open space), with Council the relevant acquisition authority.</p> <p>Development and improvements (other than fencing) are not proposed within the RE1 land within the site and is available, without encumbrance, for Council to acquire if they wish to exercise their acquisition power.</p>
Clause 6.1 Acid sulfate soils	<p>The site is classified as Class 2 acid sulfate soils.</p> <p>As per the requirements of the clause, an Acid Sulfate Soils Management Plan has been prepared to ensure that soils are managed appropriately. Therefore, the amended proposal complies.</p>
Clause 6.3 Flood planning	<p>The Department is satisfied that the amended proposal is compatible with the assessed flood hazard of the land and surrounds and is not likely to result in adverse flood behaviour. Appropriate finished floor levels are proposed having regard to modelled flood levels and is discussed in detail under Section 6.3.</p>

Other policies

In accordance with clause 11 of the SRD SEPP, Development Control Plans do not apply to state significant development. Notwithstanding, the objectives of relevant controls under the Wentworth Point Precinct Development Control Plan 2014 and Auburn Development Control Plan 2010 have been considered where relevant.

Appendix C – Recommended Instrument of Consent