



planning consultants

11 April 2022
Our Ref: 21669A.2NB_SEARs_request V4

Department of Planning and Environment
Locked Bag 5022
Parramatta NSW 2124

Attention: Ms Tahlia Alexander
A/Team Leader
Social Infrastructure Assessments

Dear Ms Alexander

**RE: Request for Secretary's Environmental Assessment Requirements for a new public school at Gregory Hills
28 Wallarah Circuit Gregory Hills NSW 2557 (Lot 3257 DP1243285)**

1.0 Introduction

DFP Planning has been engaged by NSW Department of Education (DOE) to assist in the planning and design of a new public school at Gregory Hills. The school will sit on a single parcel of land and will accommodate a total of 1,012 students (K-Y6).

The proposal meets the criteria for State Significant Development (SSD) in accordance with Section 15(1) of Schedule 1 of *State Environmental Planning Policy (Planning Systems) 2021* as the Capital Investment Value (CIV) for the new school exceeds \$20 million.

Accordingly, this letter constitutes a written application to obtain the Secretary's Environmental Assessment Requirements (SEARs). The development is consistent with the requirements to be issued Industry Specific SEARs: Schools. This letter addresses a number of matters that would generally be expected to be included in the Industry Specific SEARs: Schools that have already been assessed or are not considered to be relevant to the proposal or the site. The proposal seeks to vary the Aboriginal Heritage standard SEAR for the reasons discussed in Section 3.5 of this letter. As part of the Gregory Hills Residential Town Centre Precinct development, an AHIP has already been issued.

1.1 Site Description

The site is located at 28 Wallarah Circuit, Gregory Hills NSW 2557 within the Turner Road Precinct of the South-West Growth Centre. The legal description of the property is Lot 3257 DP 1243285. The site has an area of approximately 2.9ha. The site is located within the Camden Local Government Area and Dharawal is the Local Aboriginal Land Council for the area.

The site has three (3) street frontages:

- Wallarah Circuit (southern boundary);
- Gregory Hills Drive (northern boundary);
- Long Reef Circuit (eastern boundary).

The site falls from the south-east corner (RL116.5) to the north-west corner (RL113). There is a small stand of potential Cumberland Plain Woodland in the south-west corner of the site which is proposed to be retained. No other vegetation other than grass is located on the site. Fencing bounds the site to prevent unauthorised access.

A drainage easement is located along the northern boundary.

Figure 1 is a locality plan and **Figure 2** is an aerial photograph showing the context of the site to the surrounding area.

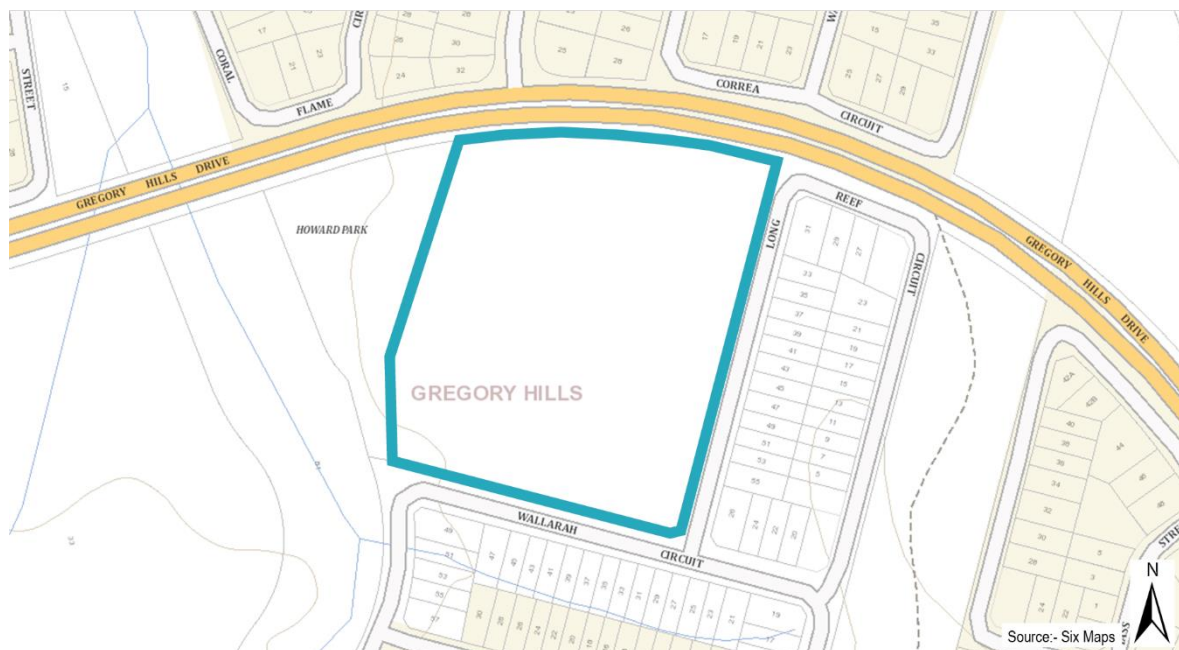


Figure 1 Site Location



Figure 2 Aerial Photograph

1.2 Surrounding Development

To the north, east and south of the site is emerging and recently completed residential development within the R1 General Residential zone, comprising one (1) and two (2) storey dwellings (**Figure 3**). To the west of the site is Howard Park Playground, Sykes Creek and surrounding riparian zone and further west is Gregory Hills Town Centre. A pedestrian bridge provides a link over Sykes Creek between Gregory Hills Town Centre to Howard Park.

To the east of the residential area fronting Long Reef Circuit are high voltage power lines within an easement which includes pedestrian paths and cycleways. Further east is an easement for high pressure gas infrastructure.



Figure 3 Surrounding Development

2.0 Project Description

The project comprises the construction of a new public school at Gregory Hills. The school will be located on one parcel of land - Lot 3257 DP 1243285, 28 Wallarah Circuit, Gregory Hills NSW 2557.

The new public school at Gregory Hills will provide teaching spaces for 1,012 students from Kindergarten to Year 6. Infrastructure associated with the new public school will include:

- 44 Homebases;
- 4 Support Learning Homebases;
- Administration and staff facilities;
- Canteen;
- Multi-purpose hall;
- Library;
- Covered Outdoor Learning Area (COLA);
- Outdoor play areas including sports courts and a playing field, with the potential for shared community use;
- Amenities;
- Landscaped outdoor learning areas; and
- Car parking.

The concept masterplan prepared by Bennett and Trimble Architects is shown in **Figure 4**.

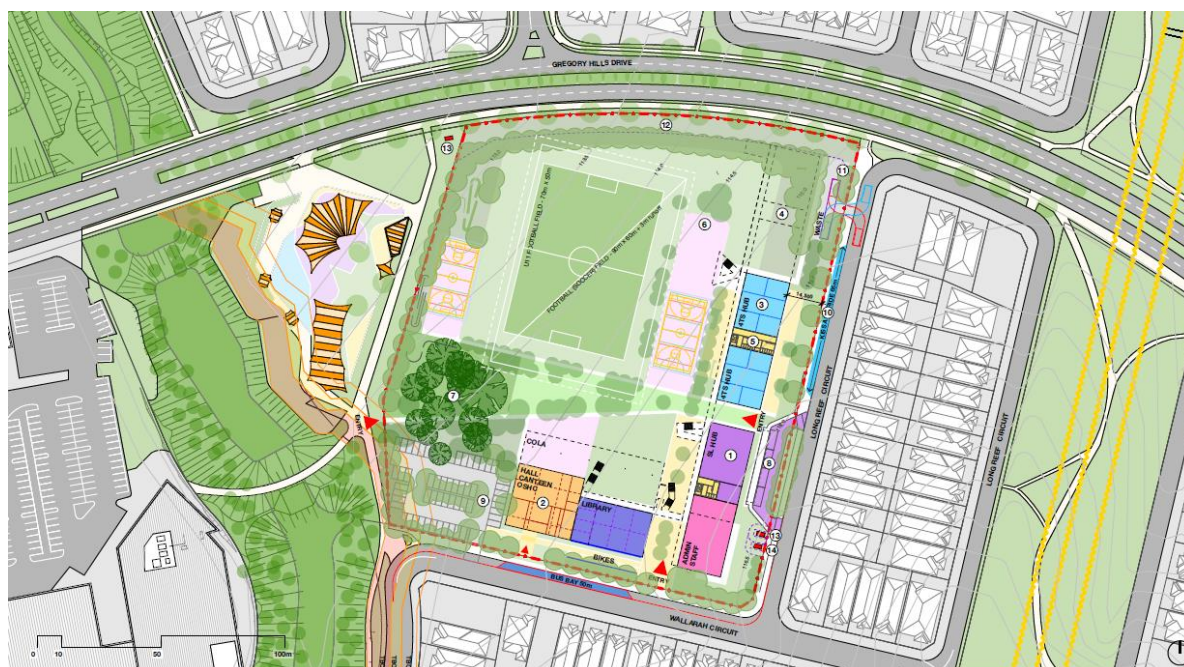


Figure 4 Proposed Concept Plan (Bennett and Trimble/PTW/ McIntosh&Phelps)

The first meeting with the State Design Review Panel (SDRP) was held on 23 March 2022 and the SDRP was generally supportive of the concept design.

3.0 Industry Specific SEARs – Schools: Matters Already Assessed/ Not Relevant

It is anticipated that the Industry Specific SEARs will include a range of environmental considerations that may apply to the development and the site. The following sections provide details of some environmental matters that have already been addressed as part of the overall development of the area which resulted in the creation of the site on which the school will be located and/or are not relevant to this particular site or development. The proposal seeks to vary the Aboriginal Heritage standard SEAR because the site is developed and disturbed. As part of Gregory Hills Residential Town Centre Precinct development of this part of Gregory Hills, the developer, Dart West Developments, undertook extensive investigations with respect to Aboriginal Cultural Heritage.

Aboriginal Heritage Impact Permit (AHIP) 1101808 was issued to Dart West Developments on 2 July 2009. The permit related to the land known as Turner Road South and included the site on which the school is proposed to be located. In January 2016, an AHIP Compliance Report was issued.

3.1 Biodiversity (Item 10 in SEARs: Schools)

As demonstrated in **Figure 2**, the site contains a small stand of trees which may comprise potential remnant Cumberland Plain Woodland. The trees are located towards the south-western corner of the site. The remainder of the site is cleared of vegetation other than grasses and weeds.

The land is located within an area which is Biodiversity Certified Land. The certification for this land was conferred by the then Minister for Environment and Water on 11 December 2007 under section 126H of the (then) *Threatened Species Conservation Act 1995* (TSC Act). Upon repeal of the TSC Act, all certification now occurs pursuant to Part 8 of the *Biodiversity Conservation Act 2016*.

In view of the fact that the land is located within an area which is Biodiversity Certified, it is considered that a Biodiversity Development Assessment Report is not required for the development. The stand of vegetation on the south-western part of the site is proposed to be retained. Further, ecological advice will be sought to inform the protection of this stand of vegetation and to demonstrate the proposed development is consistent with the relevant biodiversity measures conferred by the biodiversity certification.

3.2 Flooding Risk (Item 14 in SEARs: Schools)

The site is not identified as being affected by flood or probable maximum flood related development controls. Notwithstanding, the adjoining riparian corridor to the west adjacent Sykes Creek is identified as flood prone land as per mapping available via the NSW Planning Portal. Accordingly, a flood impact assessment will be prepared.

3.3 Hazards and Risks (Item 15 in SEARs: Schools)

The proposal is for a new school. No dangerous goods or hazardous materials identified under Chapter 3 – Hazardous and Offensive Development of *State Environmental Planning Policy (Resilience and Hazards) 2021* are likely to be associated with the development.

The development is proposed on land affected by the zone of influence of the gas pipeline corridor which is located approximately 700m east of the site. Pursuant to *State Environmental Planning Policy (Transport and Infrastructure) 2021* – Chapter 2 Infrastructure, Division 12A Pipelines and Pipeline Corridors – 2.76 Determination of Development Applications:

- (1) *Before determining a development application for development adjacent to land in a pipeline corridor, the consent authority must—*

- (a) *be satisfied that the potential safety risks or risks to the integrity of the pipeline that are associated with the development to which the application relates have been identified, and*
 - (b) *take those risks into consideration, and*
 - (c) *give written notice of the application to the pipeline operator concerned within 7 days after the application is made, and*
 - (d) *take into consideration any response to the notice that is received from the pipeline operator within 21 days after the notice is given*
- (2) *Land is in a pipeline corridor for the purposes of this section if the land is located—*
- (a) *within the licence area of a pipeline for gas, or for petroleum or other liquid fuels, licensed under the Pipelines Act 1967, or*
 - (b) *within 20m of the centreline (measured radially) of a relevant pipeline, or*
 - (c) *within 20m of land the subject of an easement for a relevant pipeline.*

To this end, preliminary discussions have already occurred with Jemena and APA who have assets located within the gas pipeline easement. Jemena and APA have advised that a Safety Management Plan (SMS) is required to be prepared. The SMS will assess the existing pipeline and any impacts that could be caused by the pipeline on the site. This includes any risks/threats during construction.

3.4 Contamination and Remediation (Item 16 in SEARs: Schools)

In order to demonstrate the suitability of the site for the proposed school development with regard to contamination, and to satisfy the relevant provisions of Chapter 4 Remediation of Land of *SEPP (Resilience and Hazards) 2021*, a Contamination Assessment was prepared in September 2012 by Douglas Partners for Part of Stage 3B, Gregory Hills, being the stage in which the site is located.

The Contamination Assessment included site reconnaissance, a review of site history and geological maps, test pit excavation and soil sampling and testing. Douglas Partners prepared the report in accordance with *Guidelines for Consultants Reporting on Contaminated Sites* (Environmental Protection Agency (EPA), 2011) and *State Environmental Planning Policy No. 55 – Remediation of Land* (now *SEPP (Resilience and Hazards) 2021*). The sample locations were selected in accordance with *Sampling Design Guidelines for Contaminated Sites* (EPA, 1995) and samples were collected from 15 locations across the site.

Douglas Partners concluded in their Contamination Assessment that:

Based on the investigation findings, it is concluded that the only further remediation work required is the removal of the buried asbestos pipe, which should be undertaken in accordance with the DP (2012) RAP. Following its removal and subsequent validation of soils, the site is considered suitable for the proposed primary school and residential land use.

A follow up contamination report was prepared by Douglas Partners in July 2020 in relation to the stockpiles and TRN Group maintenance depot which were located on the primary school site. The stockpiles were decommissioned between December 2018 and March 2019 and the maintenance depot was decommissioned between July 2019 and September 2019.

After decommissioning testing was undertaken, Douglas Partners concluded:

Based on the investigation findings and validation works completed, it is concluded that the TRN compound and surround storage areas have been appropriately decommissioned and validated and the site is considered suitable, from a contamination perspective, for the proposed primary school development.

Based on the validation from Douglas Partners it is considered that remediation works are complete, however, given the future use of the site for a school, a further report regarding contamination will be undertaken to confirm its suitability for use for the purposes of a school.

3.5 Aboriginal Cultural Heritage (Item 18 in SEARs: Schools)

As part of Gregory Hills Residential development of this part of Gregory Hills, the developer, Dart West Developments, undertook extensive investigations with respect to Aboriginal Cultural Heritage. During the preparation of the AHMP, members of the local Aboriginal Land Council were consulted. Several artefacts and Aboriginal items of significance were discovered as part of those investigations however it is understood that no items of Aboriginal significance were located on the site of the proposed school.

Aboriginal Heritage Impact Permit (AHIP) 1101808 was issued to Dart West Developments on 2 July 2009. The permit related to the land known as Turner Road South and included the site on which the school is proposed to be located. In January 2016, an AHIP Compliance Report was issued.

In view of the above, the disturbed nature of the site and an AHIP being issued, it is considered that an ACHAR is not required however, and notwithstanding that the likelihood of Aboriginal items, relics or places being located on the site is low, an Aboriginal due diligence investigation will be undertaken and consultations with relevant Aboriginal parties will also be undertaken.

3.6 Environmental Heritage (Item 19 in SEARs: Schools)

The site is not identified as an item of state or local heritage significance, nor is it proximate to an item of state or local heritage significance. Accordingly, it is considered that neither a Statement of Heritage Impact nor an Archaeological Assessment will be required.

3.7 Infrastructure Requirements and Utilities (Item 21 in SEARs: Schools)

High voltage powerlines are located further east of the site and an inground gas pipeline corridor is located to the east of the site. Both the high voltage power lines and high-pressure gas pipeline corridor are separated from the site by residential housing. An existing substation is located towards the south-eastern part of the site and this will require augmenting to service the requirements of a new school. Hydrants and boosters will also be required, locations yet to be determined.

An Infrastructure Management Plan (IMP) will be prepared to identify any mitigation measures and/or safety/risk management associated with the site's proximity to the existing pipeline corridor and high voltage power lines. This could include an electromagnetic field (EMF) assessment. The IMP will also document hydrants/boosters and substation upgrades.

3.8 Bush Fire Risk (Item 22 in SEARs: Schools)

The site is mapped as being bushfire prone land, and due to the riparian corridor located to the west of the site, an asset protection zone (APZ) may be required. A Bushfire Hazard Assessment was prepared by Eco Logical Australia (ELA) in December 2016 for Gregory Hills Town Centre Residential Precinct, which identified that a 10m APZ affects the south-western corner of the site. The Bushfire Assessment and relevant APZ and bushfire attack level (BAL) considerations will be updated having regard to the proposed concept plan and use of the site as a school.

3.9 Aviation (Item 23 in SEARs: Schools)

The development does not propose a helicopter landing site. Notwithstanding that it is not considered that an Aviation Report is necessary, a desktop due diligence study will be prepared

to ascertain whether there any aviation activities are proximate to the site and whether there are likely to be any potential impacts on the proposed school.

4.0 Conclusion and Recommendations

The proposed new public school at Gregory Hills - (Lot 3257 DP 1243285) is classified as SSD, pursuant to Section 15(1) of Schedule 1 of the Planning Systems SEPP 2021 as the proposed development comprises a new school with a CIV of greater than \$20 million.


The proposed new school development is consistent with the requirements to be issued with Industry Specific SEARs. This letter has outlined a number of matters that have already been addressed and/or are not relevant to the site or development.

- Matters already assessed include:
 - Contamination
 - Aboriginal Heritage
 - Biodiversity – Biodiversity Certified Land
 - Preliminary Hazard Assessment (pursuant to SEPP (Resilience and Hazards) 2021)
- Matters not relevant to the site or proposal:
 - Environmental Heritage – not an item of local or state
 - Aviation

SINSW requests that the Secretary issue the SEARs for the proposed school to facilitate the preparation of the SSDA. It is requested that SEARs consider those matters not relevant to this project and amend those items which have already been addressed.

Should you have any queries regarding the above application for SEARs, please do not hesitate to contact Natasha Bartley on 02 9980 6933 or nbartley@dfpplanning.com.au.

Yours faithfully
DFP PLANNING



NATASHA BARTLEY
PRINCIPAL PLANNER
nbartley@dfpplanning.com.au

Reviewed: _____



Attachment 1 – Architectural SEARs plan

Attachment 2 - AHIP

Attachment 2 – Section 10.7 Certificate