



planning consultants

11 April 2022
Our Ref: 21198B.3PS_SEARs

Department of Planning and Environment
Locked Bag 5022
Parramatta NSW 2124

Attention: Tahlia Alexander [tahlia.alexander@dpie.nsw.gov.au]

Dear Tahlia

**RE: Request for Secretary's Environmental Assessment Requirements
Proposed Marsden Park Secondary School and Melonba Primary School
Elara Boulevard, Melonba (Lot 30 DP1237735)**

1.0 Introduction

DFP Planning has been engaged by School Infrastructure NSW (SINSW) to assist in the planning and design of the proposed Marsden Park Secondary School and Melonba Primary School. The schools will sit on a single site and accommodate approximately 3,000 students (2,000 Y7-Y12 and 1,000 K-Y6) and 210 staff. The site is zoned R2 Low Density Residential (R2 zone) under Clause 2.2, *Appendix 11 Blacktown Growth Centres Precincts Plan in State Environmental Planning Policy (Precincts – Central River City) 2021* and educational establishments are permissible in the zone.

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

Accordingly, this letter constitutes a written application to obtain the Secretary's Environmental Assessment Requirements (SEARs). The proposal is consistent with the streamlined Secretary's environmental assessment requirements (SEARs) that apply to SSD applications based on the following:

- The proposed development is wholly permissible;
- The proposal does not meet the thresholds for designated development; and
- The proposal is not a concept development application.

Accordingly, a Scoping Report is not required. However, this letter addresses a number of matters listed in the Industry Specific SEARs: Schools that have already been assessed or are not relevant to the proposal or the site.

2.0 Site Description

The site is located at Elara Boulevard, Melonba within the Marsden Park Precinct of the North West Growth Centre. The legal description of the property is Lot 30 DP 1237735. The site is located between two tributaries of Little Creek and has an area of six (6) hectares. The site is located within the Blacktown Local Government Area and Deerubbin is the Local Aboriginal Land Council area.

The site has four (4) street frontages:

- Elara Boulevard (northern boundary);
- Kaluta Avenue (eastern boundary and identified as a Collector Road);
- Galah Street (western boundary); and
- Swallowtail Street (southern boundary).

The site is generally level but has a gentle fall from the south-east corner (RL23) to the north-west corner (RL19.5). The site contains no vegetation other than grass and is currently fenced to prevent unauthorised access.

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

2.1 Surrounding Development

To the north, east and south of the site is emerging and recently completed low density residential development comprising one (1) and two (2) storey dwellings (**Figure 3**). To the west of the site is an open space area (which serves a drainage function) and beyond this is Little Creek, a tributary to South Creek that flows north to the Hawkesbury River and the Shanes Park residential development. Further to the south is an area identified as B2 Local Centre, which has not yet been developed.



Figure 3 Surrounding Development

3.0 Project Description

The project comprises construction of two new schools, Marsden Park Secondary School and Melonba Primary School. The proposed schools will be located on the same parcel of land - Lot 30 DP1237735, Elara Boulevard, Melonba.

3.1 Marsden Park Secondary School

Marsden Park Secondary School will provide teaching spaces for up to 2,040 students from Years 7-12 and 161 full-time equivalent (FTE) staff. The project will provide a new Stream 12 Secondary School with:

- 97 general learning areas (GLA) plus specialist teaching spaces as per EFSG;
- Three (3) Support Learning Rooms;
- Multi-purpose hall;
- Administration spaces;
- Staff and student facilities;
- Library;
- Canteen;
- Sports courts;
- Playing field;
- Landscaping and outdoor learning areas;
- Covered outdoor learning area (COLA); and
- Car parking.

3.2 Melonba Primary School

The proposed Melonba Primary School will provide teaching spaces for up to 1,000 students from Kindergarten to Year 6 and 63 FTE staff. The project will provide a new Primary School with:

- 44 Homebases;
- Three (3) Support Learning Homebases;
- Administration and staff facilities;
- Canteen;
- Multi-purpose hall;
- Library;
- Out of School Hours Care (OOSH);
- COLA and separate COLA for special needs students;
- Outdoor play areas including sports courts;
- Landscaped outdoor learning areas; and
- Car parking.

A copy of the concept masterplan is provided with this letter.

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

The recently released Industry Specific SEARs for Schools (SEARs: Schools) include the full range of environmental considerations that may apply to any site or development throughout New South Wales (NSW). The following sections provide details of some environmental matters that have already been addressed or are not relevant to this particular site or development.

4.1 Biodiversity (Item 10 in SEARs: Schools)

As demonstrated in **Figure 2**, the site is currently cleared of all vegetation other than exotic grasses and weeds and is located within an area that is biodiversity certified land. Section 35 of the *Biodiversity Conservation (Savings and Transitional) Regulation) 2017* confirms that:

Biodiversity certification that was conferred on land under Part 7AA of the Threatened Species Conservation Act 1995 and that was in force on the repeal of that Act is taken to be biodiversity certification conferred on the land under Part 8 of the new Act.

Pursuant to Section 7.6 of the *Biodiversity Conservation Act 2016*,

This Part [Part 7 Biodiversity assessment and approvals under Planning Act] does not apply to development or activities on biodiversity certified land under Part 8.

Accordingly, a Biodiversity Development Assessment Report is not required for the development.

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

The proposal is for two new schools. No dangerous goods or hazardous materials identified under *Chapter 3 Hazardous and Offensive Development in State Environmental Planning Policy (Resilience and Hazards) 2021* (SEPP Resilience and Hazards) will be associated with the development, and the development is not adjacent to, or on land in, a pipeline corridor. Accordingly, a Preliminary Hazard Analysis is not required.

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

In order to demonstrate 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* in SEPP Resilience and Hazards, a Contamination Assessment was prepared in October 2019 by Geotechnique following the residential subdivision works for the Marsden Park Precinct. The Contamination Assessment included site reconnaissance, a review of site history and geological maps, test pit excavation and soil sampling and testing. Geotechnique prepared the report in accordance with *Guidelines for Consultants Reporting on Contaminated Sites* (Environmental Protection Agency (EPA), 2011) and *SEPP Resilience and Hazards*. The sample locations were selected in accordance with *Sampling Design Guidelines for Contaminated Sites* (EPA, 1995) and samples were collected from 81 locations across the site.

Geotechnique concluded in their Contamination Assessment that:

The site is considered unlikely to present a risk of harm to human health and/or the environment, and is therefore in our opinion considered to be suitable for the proposed school or other relevant uses, including a day care centre, park, recreational open space or playing field.

Notwithstanding that the site has been fenced since the Contamination Assessment discussed above was completed, SINSW commissioned a Preliminary Site Investigation (PSI) in February 2021. The PSI was undertaken by Douglas Partners to confirm that the site was still suitable for the school development. The PSI included a site walkover, review of site history, review of

the Contamination Assessment prepared by Geotechnique and the Site Audit Statement. Douglas Partners concluded:

The site audit statement indicated that the site was suitable for use as an education establishment provided no environmental incident or application of waste occurs to adversely affect the environmental quality of the site. The results of the previous contamination assessment indicated that contamination concentrations in all the soil samples tested were below the relevant adopted site assessment criteria for health and ecological screening and investigation levels.

Based on the above, it is considered that the site is suitable (from a contamination perspective) for the proposed development as a secondary school. However, it is recommended that an unexpected finds protocol is adopted during the development to manage unexpected evidence of contamination.

A peer review of the contaminated lands reports prepared by Geotechnique and Douglas Partners was undertaken by Geosyntec consultants. The review concludes that the site is considered suitable for the proposed redevelopment as an educational establishment.

The findings of the Contamination Assessment, PSI and peer review are considered to satisfy the requirements of SEPP Resilience and Hazards and confirm that the site is suitable for the proposed use as an educational establishment. It is not considered that any further contamination investigations are required to support the SSD application. Copies of these reports are provided with this letter.

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

An Aboriginal Cultural Heritage Assessment Report (ACHAR) and an Aboriginal Archaeological Report (AAR) were prepared by AECOM Australia Pty Ltd as part of the Woorong Park – Marsden Park subdivision masterplan to support an “all of area” Aboriginal Heritage Impact Permit (AHIP) under Section 90 of the *National Parks and Wildlife Act 1974*. The ACHAR prepared by AECOM covered an area of approximately 419 hectares and included the site of the proposed schools (see **Figure 4**).

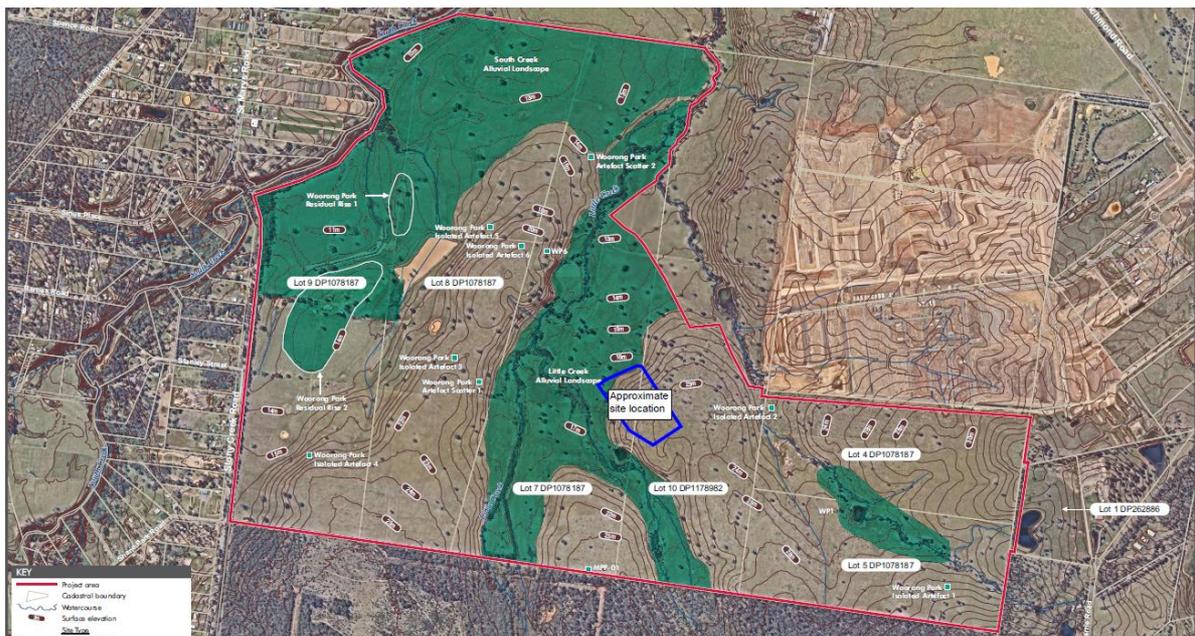


Figure 4 Extract of Aboriginal sites identified in the ACHAR. The project area is outlined in red, and the approximate location of the school is outlined in blue.

On 18 May 2016, AHIP number: C0001857 (AHIMS Permit ID: 3964) was issued to Woorong Park Pty Ltd for the salvage, excavation and harm to certain Aboriginal objects as a result of the bulk earthworks proposed for the subdivision. Those earthworks created the site of the proposed schools.

Based on the previous site investigations and the AHIP, it is considered that all requirements with respect to consideration of Aboriginal Cultural Heritage in relation to the proposed school development have been satisfied and no further site investigations with respect to Aboriginal heritage will be required to support the SSD application.

During a Pre-Application Meeting with Blacktown City Council on Friday 25 February 2022, Council confirmed that the Aboriginal Cultural Heritage considerations for the site have been addressed through this ACHAR and AHIP and no further investigations are required to support the proposed SSD for the schools. Copies of the ACHAR and AHIP are provided with this letter.

In addition, the design team has engaged an Indigenous Consultant to provide advice and local connections to inform the design of the two schools.

A copy of the ACHAR, AAR, AHIP and the Clearance Certificate is provided with this letter.

4.5 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, a Statement of Heritage Impact and Archaeological Assessment are not considered to be necessary.

4.6 Aviation (Item 23 in SEARs: Schools)

The site is not proximate to an airport and the development does not propose a helicopter landing site. Accordingly, an Aviation Report is not necessary.

5.0 Conclusion and Recommendations

The proposed new Melonba Primary School and Marsden Park Secondary School at Elara Boulevard, Melonba (Lot 30 DP1237735) is classified as SSD, pursuant to Clause 15(1) of Schedule 1 of SEPP Planning Systems, being 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: Schools. This letter has outlined a number of matters that have already been addressed or are not relevant to the site or development.

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

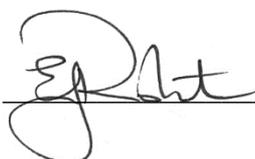
SINSW requests that the Secretary issue the SEARs for the proposed schools to facilitate the preparation of the EIS to accompany the SSD. In view of the above, it might be appropriate to modify the SEARs to remove those matters not relevant to this project and amend those items which have already been addressed.

Should you have any queries regarding the above application for SEARs, in the first instance, please contact Helen Mulcahy from the SINSW Statutory Planning Team on 0437 184 280 or helen.mulcahy@det.nsw.edu.au or Penny Smith on 02 9980 6933 or psmith@dfpplanning.com.au.

Yours faithfully
DFP PLANNING

A handwritten signature in black ink that reads 'Penny Smith'.

PENNY SMITH
PRINCIPAL PLANNER
psmith@dfpplanning.com.au

Reviewed: A handwritten signature in black ink, appearing to be 'E. R. Ant', written over a horizontal line.

- Attachment 1 – Concept Masterplan (NBRS Architecture)
- Attachment 2 – Contamination Assessment (Geotechnique)
- Attachment 3 – Contamination Update (Geotechnique)
- Attachment 4 – Preliminary Site Investigation (Douglas Partners)
- Attachment 5 – Contamination Peer Review (Geosyntec)
- Attachment 6 – Aboriginal Cultural Heritage Assessment (AECOM)
- Attachment 7 – Aboriginal Archaeological Assessment (AECOM)
- Attachment 8 – Aboriginal Heritage Impact Permit (AHIP) (DPE)
- Attachment 9 – AHIP Clearance Certificate (AECOM)