

Our ref: New Eileen O'Connor School (SSD-67173718)

Ms Josie Vescio
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Catholic Schools Broken Bay
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423 Pennant Hills Road
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10 September 2025

Subject: Response to Submissions – Department Key Issues

Dear Ms Vescio

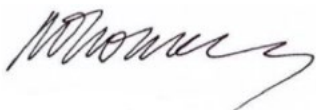
I refer to the State significant development (SSD) application for the New Eileen O'Connor School (SSD-67173718) and the Department's correspondence dated 22 August 2025.

The Department has now received advice from NSW State Emergency Services and DECCEW Conservation Programs, Heritage and Regulation group (CPHR) and additional comments from Council which are available on the NSW Planning Portal at <https://www.planningportal.nsw.gov.au/major-projects/projects/new-eileen-oconnor-school>.

In addition to the issues raised in the public submissions and agency advice, the Department requires you to address the matters raised in Attachment A in the Submissions Report.

If you have any questions, please contact, Andrew Newman, on 02 8275 1030 or via email at andrew.newman@dpie.nsw.gov.au.

Yours sincerely,



Madeline Thomas

Team Leader

Social Infrastructure Assessments

as delegate for the Planning Secretary

Attachment A – Key issues

1. Flooding

SES and the Conservation Programs, Heritage and Regulation Group (CPHR) have identified significant concerns in relation to flooding in their advice on the EIS. It is noted that the flooding affection and inundation of roads in the surrounding area has significant implications for ability to evacuate the site in a flood event or shelter in place. The Flood Impact Assessment (FIA) and Flood Risk Management Plan (FERP) have not demonstrated a robust response to flooding for the site, particularly given the nature of the proposal and the users of the site.

Given the significant nature of flooding in the area and the use of the site, detailed and specific information must demonstrate how flood risks will be managed and mitigated to ensure the site can adequately support vulnerable users in a flood event. The advice of SES and CPHR requires a considered response.

The Department's preliminary assessment has also identified the following issues:

- The FIA does not consider flooding from all sources that may impact the site, in particular overland flow is not considered by the report and the impacts of the development (include dam removal) on surrounding sites and full extent of flooding implications for the subject site are not detailed.
- The FIA states that the local flood plan has strong focus on shelter-in-place as a strategy however the plan appears to focus on evacuation as primary response to flooding events.
- The FERP relies on the school receiving flood information 'directly' from BOM and interpreting that information to act on the flood event timely, however there is no available service for the school to receive direct warnings and would be solely reliant on school staff monitoring weather and flood information.
- The FIA and FERP do not demonstrate that there are sufficient areas on the site to shelter-in-place for the period of up to 6 hours as proposed in Mardi Creek flooding events.
- The duration of the proposed shelter in place is potentially longer than 6 hours given the high hazard flooding impacts to roads in the surrounding area, particularly the intersection of Woodbury Park Drive and Wyong Road (Location B), which may remain at Hazard Level 2 for up to 12 hours (Attachment A of FIA) and would be impassable for small vehicles.
- Noting the Shelter In Place Guidelines, it has not been demonstrated that the shelter in place in an appropriate emergency management response given the comments of SES, the high

hazard impact to surrounding roads, the duration of shelter in place and detailed management of how shelter in place would occur on site for vulnerable users.

- The FIA and FERP do not demonstrate that the proposed evacuation, particularly given the specialised nature of the school, can be carried out in the timeframe required to ensure evacuation in flooding events prior to surrounding roads being impassable.
- The evacuation procedure relies heavily on the ASTP buses and private vehicles of staff and it is not clear if these vehicles would be readily available in an evacuation or have the capacity to evacuate the number of students on site (other documents note the ASTP buses as 2 x 12 seaters)
- Westfield Tuggerah carpark as an evacuation refuge is not suitable given this is not a recognised flood refuge, it is unclear what facilities would be available and there is no agreement with Westfield to use the site for this purpose.

2. Traffic, Accessibility and Parking

TfNSW and Council have identified traffic, access and parking issues in their advice on the EIS. The Department's preliminary assessment has also identified the following issues:

- There are significant constraints in terms of vehicle access and movement through the local road network onto Keefers Glen due to the relatively narrow road widths on surrounding streets. While the proposed widening of Keefers Glen to 6m is acknowledged, this is likely not sufficient to enable two-way vehicle passing at all times – particularly in bends in the roadway and at intersections. The swept path analysis provided in the Transport and Accessibility Impact Assessment (TAIA) does not demonstrate vehicle passing will be possible which is critical given the forecast level of traffic movements.
- The TAIA and EIS do not comprehensively address why access from Gavenlock Road is not suitable from a planning and technical perspective, rather focusing on operational matters.
- The TAIA does not clearly address any cumulative traffic and parking impacts generated by the existing school on the site and incorrectly states in Section 8.1 that the existing site is unoccupied and does not generate traffic. The existing site is currently part of St Peter's Collage and is not vacant.
- A widening of Keefers Glen is needed to facilitate the proposed access, however the TAIA is unclear whether the predicated traffic and parking outcomes are based on the public domain works as proposed and/or if the works have been informed by traffic outcomes.

- The EIS is unclear on the timing of the public domain works and if these works need to be undertaken to facilitate access for construction, noting that swept paths (Appendix DD, Public Domain Plans) indicate HRVs or other large vehicles would not be able to access the site via Keefers Glen in the current form.
- The TAIA does not address the existing on street parking availability surrounding the site or any potential impacts on street parking availability as a result of the additional vehicles generated by the proposal and the proposed public domain works and new driveways on Keefers Glen.
- The Drop-off and Pick-up area (DOPU) relies on close management by school staff to ensure that queuing remains acceptable and the TAIA does not detail any management parameters to ensure queuing is contained within the site and if performance will be slowed by conflicts with the pedestrian entry which crosses the area.
- As detailed in the TfNSW advice, the traffic data and modelling presented requires clarification.

3. Biodiversity, Tree Management and Landscaping

CPHR have identified issues in relation to biodiversity in their advice on the EIS. The Biodiversity Development Assessment Report (BDAR) presents a number of data gaps and lacks justification of a number of matters when considering the Biodiversity Assessment Method (BAM). The advice of CPHR requires a considered response.

The Department's preliminary assessment has also identified the following issues:

- It is unclear how the principle of avoid and minimise has been considered given the proposal to remove a majority of the existing vegetation on the site, which includes moderate condition remnant bushland that provides potential habitat.
- Section 1.2 and Figure 1 of the BDAR define the development site and appear to exclude an area of vegetation in the east (to be located between the proposed eastern building elevation and carpark) from the assessment. While some of this vegetation is proposed for retention, it's unclear why the entire development site has not been assessed by the BDAR.
- Furthermore, the Bushfire Assessment Report (BFAR) recommends the entire site be managed as an Inner Protection Area (IPA), and as such, you are required to demonstrate that an IPA can be maintained without impacting on any of the retained vegetation.

- The Executive Summary of the BDAR references the incorrect land zoning applicable to the site.
- The Arboricultural Impact Assessment (AIA) and Landscape Plans do not detail whether the development will result in a net increase or decrease in canopy cover on the site, noting the significant tree removal proposed.
- The SDRP recommended a greater retention of existing trees, and it is unclear how the design development has sought to maximise tree retention.
- The AIA recommends retention of Trees 55, 56, 58, 59, 60, 61, 62, 63 at the western edge of the proposed eastern carpark however, it is unclear given the scope of work in this location how these trees can be viably retained, noting the proximity of carpark, access road and works within the landscaped area and possible changes to levels shown on the Architectural Plans.
- The AIA and Landscape Plans do not demonstrate replacement planting species have been developed based on biodiversity and canopy cover gains, noting the biodiversity and canopy cover impacts of the development.
- Several replacement trees are proposed within the 1.5 metre wide 'buffer' along the northern boundary between the boundary fencing and acoustic fence. It is unclear whether this space is sufficient to support the replacement planting proposed and meet the recommendations of the AIA relating to minimum container size and mature height.
- The Mitigation Measures (Appendix E) do not include any biodiversity mitigation measures, which is inconsistent with the BDAR which does include mitigation measures to address biodiversity impacts (noting these measures will require revising and further development).
- Section 6.5.1 of the EIS refers to removal of 68 trees which is inconsistent with the AIA.

4. Bush Fire

RFS have identified issues with the categorisation of bushland in the area by the Bush Fire Assessment Report (BFAR) and the resultant bush fire requirements which would have compliance and design implications. In consideration of this advice, the Department's preliminary assessment has also identified the following issues:

- The bushland to the north-east is classified as Forested Wetland - Coastal Swamp Forest (CSF - 22.6/34.1t/ha) and requires a greater separation distance of 79 metres because of higher fuel loads and no ecologist report has been provided to justify the classification as set out in the BFAR.

- It is noted that the BFAR states that the development would have a 76 metre separation distance from the hazard, 3 metres less than required should the hazard be classified in accordance with RFS advice.
- A change in classification of the bushfire hazard may alter the BAL rating provided by the BFAR, which may have implications for NCC compliance and the management of APZs.
- The BFAR is to be clear whether any clearing of retained vegetation is required to establish an IPA for the site.
- If it's determined that changes to separation distances, APZs and BAL considerations are required, this may have impact biodiversity, tree retention and landscaping outcomes.
- The Emergency Bush Fire Response Plan (EBRP) provides some detail on evacuation but is generic and not sufficiently developed given the nature of the site and vulnerable users. The EBRP does not:
 - How bush fire conditions would be monitored and triggers for action.
 - Demonstrate sufficient time and ability to evacuate students from the site, given the nature of the users and bush fire threats along the evacuation route.
 - It is noted the EBRP identifies 2 x 12 seater buses and staff vehicle to evacuate students which would be insufficient to evacuate 200 students without multiple trips, noting private vehicles may not be suitable to transport students with physical disabilities.
 - Westfield Tuggerah has not been demonstrated as a suitable evacuation point, nothing there is no agreement to use the carpark as an evacuation point and the lack of facilities at this location.

5. National Construction Code (NCC)

The BCA Compliance Report identifies a range of non-compliances and performance solutions required for the project. While the Department recognises that final compliance with the National Construction Code (NCC) would typically be confirmed prior to construction, key issues with potential to affect the building layout or envelope should be resolved prior to determination. The Department's preliminary assessment has identified the following issues:

- The BCA Report identifies several fire safety related matters, including fire isolated stairs issues and inadequate travel distances from all stairs to exits, as requiring performance solutions which may not be appropriate for vulnerable users of the site.

- A performance solution is required for the location and orientation of the Fire Hydrant which may not be achievable noting the bushfire hazards and fire safety requirements of the site. Should the Fire Hydrant require relocation, this would have design implications for the project.
- It is unclear whether provision for EV charging can be provided a minimum of 10 metres from buildings as required given the bushfire affectation of the site.
- While it is acknowledged that site preparation works, including demolition of sheds and relocation of a demountable are proposed, it is unclear whether building on the St Peters College site would require any fire upgrades as a result of the proposed new lot boundary and proximity to a fire source feature.

6. Noise

The Noise and Vibration Impact Assessment (NVIA) outlines noise testing and compliance with relevant noise policy but lacks clarity in some areas. The Department's preliminary assessment has identified the following issues:

- Table 2 of the NVIA provides operational hours of the school and notes community use of the school after hours which is inconsistent with the EIS.
- Section 8.3.1.1 of the NVIA indicates that the site is used by St Peters College as a sports field and this limits the impact of new development in relation to noise, however this contrasts with other reports, the EIS and Architectural Plans which indicate this portion of the site is largely unused by the existing school and contains a dam.
- The NVIA identifies that use of outdoor sport court will exceed the maximum noise level at 50dbA and states this impact is acceptable, however it is unclear how this conclusion has been reached, and no mitigation measures are proposed to address this impact.
- The NVIA does not assess the impact of the outdoor playground.
- Table 14 of the NVIA notes predicted construction noise levels to residential receives south of the site and it is unclear whether impacts to receivers west or north of the site have been considered.
- The ranges provided for predicated noise levels outlined in Table 14 are significant and do not provide a clear indication of the likely noise impacts. Subsequently it is unclear whether the general noise mitigation options in Section 9.8 would be sufficient and whether a suitable Construction Noise Management Plan can be developed to mitigate noise to an acceptable level.

- An acoustic fence is proposed along the northern boundary of the site and the role (if any) this fence has in mitigating noise impacts to residential receivers is unclear.
- The NVIA does not assess the potential noise impacts associated with waste management and collection, noting assumptions that waste collection during operational hours will achieve compliance is not sufficient given the very close proximity of the waste collection area to residential receivers.

7. Built Form and Urban Design

The Department notes that the project has been reviewed on 2 occasions by the SDRP and the project has undergone an extensive design development. However, some aspects relating to bulk to neighbouring properties, presentation to the street and finishes require refinement. The Department's preliminary assessment has identified the following issues:

- The northern elevation of the western wing of the building presents a 3-storey form to the rear yard of the neighbouring residential properties. There is concentration of bulk at the northern boundary in this location given the 3-storey form, bus carport and acoustic fence and this impact presents unacceptable visual bulk to the small neighbouring yards.
- The specific design response (in the form of the EIS and the design report) to the comments of the SDRP are not clear in the documentation provided and summarised responses to the SDRP matters would be beneficial to provide an understanding of elements incorporated into the design of why particular elements could not be achieved.
- There is limited modulation to the front façade of the building or development of the grass motif and greater modulation of the front façade should be explored.
- The materials chosen are robust but the finishes could benefit from some refinement to better reflect the character of the area, in particular use of dark coloured bricks and cladding
- The materials and finishes plan does not include all elements of the building, for example the screen to the Porte Cochere, fencing details and the bus carport
- It is unclear if any ESD requirements would require the inclusion of awning, louvers or other external elements that would alter the façade and design response which have not been incorporated into the design at this stage.

8. Social Impact

The Department's preliminary assessment has identified the following issues:

- The Social Impact Assessment (SIA) has not undertaken target engagement with adjoining properties directly impacted by the proposal and the mitigation measures proposed refer to other technical reports and do not proposed mitigation to potential social impacts.
- It's considered that the SIA has likely underassessed likelihood of negative impacts on adjoining properties throughout both construction and operation of the project and targeted engagement with the adjoining properties to assess the social impact of the proposal is required.
- Should the assessment be that negative impacts cannot be avoided, then tangible and deliverable mitigations are required or if mitigations cannot be delivered, then the residual high significance impact should be a key consideration in the evaluation of the proposal.
- The SIA does not adhere to the Department's Social Impact Assessment Guideline.
- It is unclear whether the SIA has been undertaken by a registered social impact practitioner.

9. Cumulative Impact Assessment

The Department's Cumulative Impact Assessment (CIA) Guidelines require an integrated assessment of site-specific and strategic implications of the project. This includes evaluation of the project as whole, having regard to impacts of the key matters (issue-specific CIA), and the combined impacts on the area (combined CIA). They also specify that cumulative impacts include 'reasonably foreseeable activities necessary for project delivery'.

The EIS states that cumulative impacts have been considered, however only identifies traffic and parking as key issue. Noting the lack of consultation with adjoining property owners as part of the SIA (discussed above) and extent of other impacts noted in this letter, the Department does not consider an adequate CIA has been undertaken. The CIA should consider, but not be limited to, the following:

- The cumulative impact of the development on the existing St Peters College including:
 - Subdivision and a reduction in available land area
 - Resultant open space, play areas, landscaping and canopy cover
 - The demolition of structures and relocation of a demountable
 - Access and egress from the site in a flooding, bush fire or other emergency
 - Traffic and parking implications
- Social impacts that may arise from consultant with adjoining property owners.

- Impacts relating to flooding, bush fire, biodiversity, canopy cover and other planning issues as relevant.

10. Ecologically Sustainable Development

The Department's preliminary assessment has identified the following issues:

- The Department requests the development is benchmarked against the Green Star Rating.
- The ESD Report recommends some incorporations that would impact on the design and are not shown on the Architectural Plans such as awnings, shading devices and PV panels, noting the location of PV panels may be limited by bush fire requirements.

11. Development Contributions

The Wyong District Development Contributions Plan applies to the site. The EIS states that contributions under this plan are not payable due to the proposed use and the plans focus on residential development in the Mardi Urban Release Area. However, the development involves creation of a new lot and would increase infrastructure and services demand. The Contributions Plan does not include an exemption for the proposed development. The EIS should address the applicable contributions in more detail, noting that Section 7.11 contributions appear applicable to the development under the Plan.

12. Mitigation Measures

Mitigation measures are required to be tangible, deliverable outcomes, not recommendations.

Please amend the mitigation measures table to:

- Ensure terminology that creates unreasonable uncertainty is removed by avoiding non-committal words such as “develop a plan” and “investigate”. Reword these mitigation measures to outline clear, achievable measures being delivered by whom and by what timelines that can be directly related to the assessed impacts and management of residual impacts
- Ensure the table does not refer to measures in other documents or reports broadly and the specific measures are included.
- Confirm all proposed measures will be implemented, giving clear indication as to implementation and timing, as relevant

- Include any additional sections within the mitigation measures table as required to ensure all mitigation measures are captured (e.g. biodiversity mitigations are not currently included)
- Ensure that the mitigation measures section of all reports is updated as per the findings of the updated matters raised in this letter.