



planning consultants

29 March 2017
Our Ref: 9809A.2KM

Ms Carolyn McNally
Secretary
NSW Department of Planning & Environment
GPO Box 39
Sydney NSW 2001

Dear Ms McNally

**RE: Request for Secretary's Environmental Assessment Requirements
Proposed New Penshurst Public School – State Significant Development
Cnr Arcadia Street and Forest Road, Penshurst**

1.0 Introduction & Background

DFP Planning has been engaged by Perumal Pedavoli Architects on behalf of the NSW Department of Education (DoE) to assist in the planning and design of a proposed new Penshurst Public School at the corner of Arcadia Street and Forest Road, Penshurst (the Site).

The proposal for a new public school (the Proposal) meets the criteria for State Significant Development (SSD) for an educational establishment pursuant to Clause 15 of Schedule 1 of *State Environmental Planning Policy (State and Regional Development) 2011* (SEPP SRD) (refer to **Section 8**) as it has a project budget greater than \$30 million. Accordingly, this letter constitutes a written application to obtain the Secretary's Environmental Assessment Requirements (SEARs) as required under Clause 3 of Schedule 2 of the *Environmental Planning and Assessment Regulations 2000* (the Regulation).

The Proposal is designed to meet the education needs for the increasing population of the locality and the program for the Proposal requires the new school to be open by January 2021.

Matters relating to the proposed development, permissibility, strategic planning context, associated impacts and justifications are discussed in detail below.

2.0 Site Description

The Site is located approximately 300 metres due north of the Penshurst Railway Station in the Local Government Area (LGA) of Georges River Council (Council) (see **Figure 1**).

The Site is positioned on the corner of Arcadia Street and Forest Road, is known as 510 Forest Road, Penshurst 2222 and is legally described as Lots 3-15 DP 8713 (see **Figure 2**).

The main frontage is Arcadia Street (198 metres) as it comprises the main pedestrian and only vehicular access points. The Forest Road frontage (79 metres) has one pedestrian access point. The Site an area of 10,558m².



Figure 1: Site Location



Figure 2: Aerial Photograph of the Site and Surrounds

The Site contains numerous buildings that have been constructed over many years and which comprise a total gross floor area (GFA) of approximately 3,600m².

The main 2-storey school building in the centre of the Arcadia Street frontage was constructed c1925 and is of brick construction with rendered dressings and a gabled tiled roof. Preliminary heritage advice received for the Proposal indicates that although this building is a local Heritage Item (see Section 4.6.4) the building is of minor aesthetic significance, comprises a typical rather than distinctive example of the inter-war period and its physical integrity has been diminished by various modifications.

Most other buildings within the Site are more recent, dating from the 1980s, 1990s and 2000s.

To the north of the Site are three single storey dwelling houses extending to Percival Street and to the east, on the opposite side of Arcadia Street, development predominantly comprises 3-4 storey residential flat buildings along with several auto repair workshops closer to Forest Road (see **Figure 2**).

To the south is Forest Road and on the opposite side of this roadway are 3-4 storey residential flat buildings (see **Figure 2**).

To the west, the Site is bounded by St Declans Catholic Primary School which includes a 2-storey school building along the majority of the common boundary with the Site (see **Figure 2**).

3.0 Development Description

The Proposal involves demolition of all existing structures and construction of a new educational establishment to accommodate 1,010 primary school students and 59 staff. Existing students and staff will be temporarily relocated to another site during demolition and construction works and return upon completion of the new school buildings.

A summary of the key elements of the Proposal is provided below and is supported by a concept Architectural Plan prepared by Perumal Pedavoli (**Attachment 1** and extract at **Figure 3**):

- General layout of proposal as 2-3 storey building orientated north/south through the Site with connections to other ground floor learning areas;
- A range of educational facilities, including:
 - General learning classrooms (home base rooms);
 - Student services facilities;
 - Staff and administration facilities;
 - Library;
 - Hall;
 - Out of School Hours (OOSH) care facilities;
 - Canteen; and
 - Associated storage and plan areas.
- Landscaped outdoor play spaces at the ground level (covered and uncovered) and at rooftop level in some areas; and
- Parking and loading facilities (for canteen/workshop and waste servicing) located in the north-eastern corner of the Site (as existing).

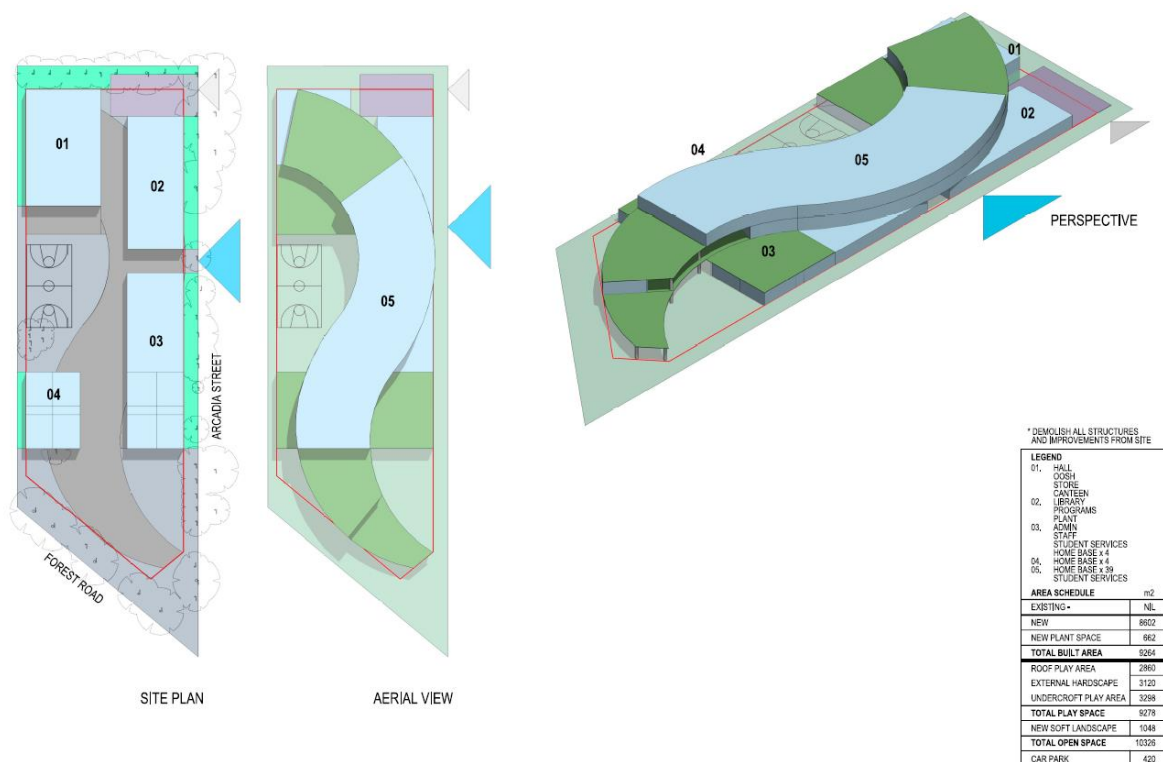


Figure 3: Extract of Concept Plan (Perumal Pedavoli Architects)

4.0 Permissibility and Strategic Planning Context

The following legislation and policies are relevant to the Proposal and are addressed in more detail below:

- *Environmental Planning and Assessment Act 1979*;
- *State Environmental Planning Policy (Infrastructure) 2007*;
- *State Environmental Planning Policy No. 55 - Remediation of Land*;
- *State Environmental Planning Policy No. 64 - Advertising and Signage*;
- *State Environmental Planning Policy (State and Regional Development) 2011*;
- *Hurstville Local Environmental Plan 2012*;
- Hurstville Development Control Plan No. 1; and
- A Plan for Growing Sydney.

4.1 Environmental Planning and Assessment Act 1979

The assessment framework for SSD is established under Part 4 Division 4.1 of the EP&A Act with Section 78A requiring a Development Application (DA) for SSD to be accompanied by an Environmental Impact Statement (EIS). Matters relevant to the preparation of an EIS (including the application for SEARs) are set out under Schedule 2 of the Regulation.

Section 89D of the EP&A Act identifies that the Minister is the consent authority for SSD.

4.2 State Environmental Planning Policy (Infrastructure) 2007

The Proposal is to be lodged as a DA for SSD and not as Exempt Development, Complying Development or development without consent under the provisions of *State Environmental Planning Policy (Infrastructure) 2007* (the Infrastructure SEPP).

4.2.1 Clause 32 – Determination of Development Applications

Clause 32 of the Infrastructure SEPP requires proposals for new school buildings to address the School Facilities Standards published by the NSW State government, including:

- “(a) School Facilities Standards—Landscape Standard—Version 22 (March 2002),*
- (b) Schools Facilities Standards—Design Standard (Version 1/09/2006),*
- (c) Schools Facilities Standards—Specification Standard (Version 01/11/2008).”*

Consideration of all relevant standards will be made during the detailed design stage to ensure consistency with the relevant Schools Facilities Standards. In addition, the design will also have regard to the Educational Facilities Standards and Guidelines (EFSG) published by the NSW Department of Education.

4.2.2 Clause 101 - Development with frontage to classified road

Clause 101 provides that a consent authority must not grant consent to development on land that has a frontage to a classified road unless it is satisfied that:

- “(a) where practicable, vehicular access to the land is provided by a road other than the classified road, and*
- (b) the safety, efficiency and ongoing operation of the classified road will not be adversely affected by the development as a result of:*
 - (i) the design of the vehicular access to the land, or*
 - (ii) the emission of smoke or dust from the development, or*
 - (iii) the nature, volume or frequency of vehicles using the classified road to gain access to the land, and*
- (c) the development is of a type that is not sensitive to traffic noise or vehicle emissions, or is appropriately located and designed, or includes measures, to ameliorate potential traffic noise or vehicle emissions within the site of the development arising from the adjacent classified road.*

Forest Road is a classified road although the Proposal does not include any vehicular access to/from this road or in close proximity to it.

Furthermore, the EIS will include an acoustic report assessing the potential acoustic impacts associated with traffic noise (see Section 4.2.3).

4.2.3 Clause 102 - Impact of road noise or vibration on non-road development

Clause 102 applies to, amongst other things, development for the purpose of an educational establishment, that is on land adjacent to a road with an annual average daily traffic (AADT) volume of more than 40,000 vehicles (based on the traffic volume data published on the website of the RTA) and that the consent authority considers is likely to be adversely affected by road noise or vibration.

Forest Road is a Classified Road (Main Road No. 168) and according to the RMS website, had an AADT volume of 29,215 vehicles in 2009. Accordingly, the requirements triggered by clause 102 are not mandatory for the proposed development although the RMS does advise that for new developments along road corridors carrying between 20-40,000 AADT vehicles, assessing road traffic noise levels and including noise mitigation measures is advisable and that noise mitigation measures should meet the NSW government's external noise target levels in the Environmental Criteria for Road Traffic Noise and take into account the internal noise levels stated in the Infrastructure SEPP.

Accordingly, the EIS will include an acoustic report assessing the potential acoustic impacts associated with traffic noise.

4.2.4 Clause 104 – Traffic Generating Development

Under the provisions of Clause 104 and Schedule 3 of the Infrastructure SEPP, the Proposal will be classified as traffic generating development as it is an educational establishment with a size or capacity of 50 or more students with access to any road. Accordingly, the Proposal must be referred to NSW Road and Maritime Services (RMS) for comment as part of the assessment process.

The EIS will include a Traffic Impact Assessment assessing the potential traffic impacts associated with the Proposal and consultation will be undertaken with the RMS.

4.3 State Environmental Planning Policy (State and Regional Development) 2011

Clause 15 of Schedule 1 of *State Environmental Planning Policy (State and Regional Development) 2011* (SEPP SRD) identifies development for the purpose of an educational establishment that has a capital investment value of more than \$30 million as SSD.

Based on project budgeting, the proposal will have a capital investment value of approximately \$41 million and accordingly, the Proposal qualifies as SSD.

4.4 State Environmental Planning Policy No. 55 - Remediation of Land

The provisions of *State Environmental Planning Policy No. 55 - Remediation of Land* (SEPP 55) apply to the Site and are a relevant matter for consideration as part of the assessment of the Proposal.

The Site has been continually used for a school for approximately 90 years and whilst there is unlikely to be any major contaminants within the Site, there is likely to be contamination associated with building materials due to the age of some structures

Accordingly, the provisions of SEPP 55 will be considered as part of the EIS accompanying the DA and a preliminary contamination assessment will be lodged with the EIS.

4.5 State Environmental Planning Policy No. 64 - Advertising and Signage

State Environmental Planning Policy No. 64 - Advertising and Signage (SEPP 64) sets out provisions relating to the assessment of development which comprises signage, including business identification signs. It is likely that there will be some minor signage included in the Proposal to display the school name although the location, size and content of any such signage has not yet been determined. Details will be provided with the DA and the provisions of SEPP 64 will be considered as part of the EIS.

4.6 Hurstville Local Environmental Plan 2012

The Site is subject to the provisions of *Hurstville Local Environmental Plan 2012* (the LEP) and the key provisions of the LEP are briefly discussed below.

4.6.1 Clause 2.2 – Zoning

The LEP *Land Zoning Map* (see **Figure 4**) identifies the Site as being within the 'SP2 - Infrastructure: Church & Educational Est.' Zone and development for the purpose shown on the Land Zoning Map, including any development that is ordinarily incidental or ancillary to development for that purpose, is permissible with consent. Accordingly, the Proposal – being for an educational establishment is permissible with consent.

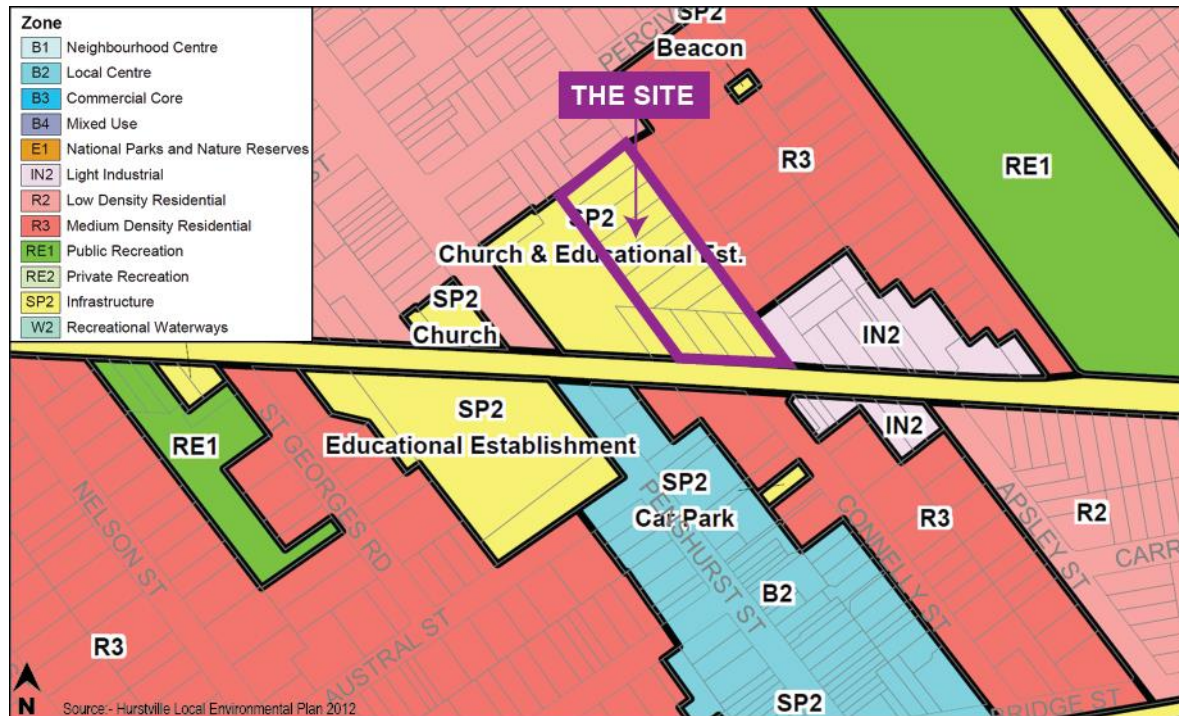


Figure 4: Extract of Land Zoning Map

4.6.2 Clause 4.3 – Height of Buildings

The *Height of Buildings Map* does not identify a height limit for the Site. Notwithstanding, the Proposal is likely to involve 2-3 storey building structures which is generally consistent with the existing height of buildings on the Site or surrounding properties and the 9-12 metre height limits that apply to land to the north, east and south (see also Section 4.7).

4.6.3 Clause 4.4 – Floor Space Ratio

The *Floor Space Ratio Map* does not identify a FSR limit for the Site.

4.6.4 Clause 5.10 – Heritage

The main school building within Lots 8, 9, 10 and 11 is identified on the *Heritage Map* and in Schedule 5 to the LEP as being a Heritage Item (refer to **Figure 5**).

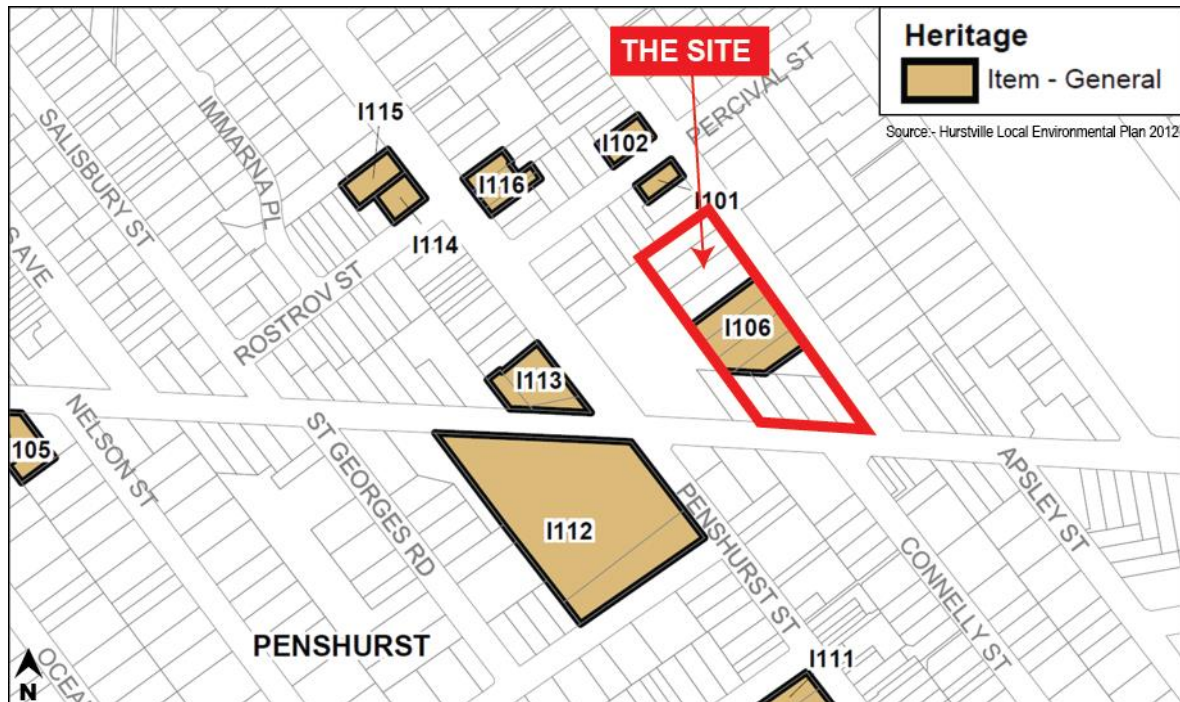


Figure 5: Extract of Heritage Map

As indicated at Section 2.0, the main 2-storey school building was constructed c1925 and preliminary heritage advice received for the Proposal indicates that the building is of minor aesthetic significance, comprises a typical rather than distinctive example of the inter-war period and its physical integrity has been diminished by various modifications.

After considering various options for redevelopment of the Site (including retention of the Heritage Item) the Department of Education has formed the view that retention of the heritage item would not facilitate the requisite student and staff accommodation or provide for a best practice learning facility to cater for future generations of students.

Accordingly, pursuant to subclause 5.10(2)(a), development consent is required for demolition of the heritage item and a Heritage Impact Statement (HIS) will form part of the EIS for the Proposal.

4.6.5 Clause 6.1 – Public Utility Infrastructure

Clause 6.7 requires the consent authority to be satisfied that any public utility infrastructure essential for the proposed development is available, or that adequate arrangements have been made to make that infrastructure available when required, including water, power and sewerage.

The Site is currently serviced by water, power, sewerage and telecommunications services although augmentation of those services will likely be required for the new facility. Details regarding existing and proposed services will be provided as part of the EIS.

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

On 6 February 2017, the DPE released for public exhibition a number of proposed changes to the planning system relating to child-care centres, schools, TAFEs and universities including the Draft State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017 (the draft Education SEPP).

Amongst other things, the draft Education SEPP proposes new Exempt and Complying Development provisions for school developments on land within the boundaries of an existing school including development standards for complying development such as:

- A maximum building height of 4 storeys and 22 metres;
- Minimum side setbacks for buildings of varying heights;
- Minimum solar access requirements for surrounding residential premises;
- Minimum privacy design requirements for windows facing residential accommodation on an adjoining lot; and
- Minimum landscaping along boundaries adjoining certain residential zones.

The draft Education SEPP would also have the effect of amending SEPP SRD to make any new school development SSD, regardless of its CIV.

The provisions of the draft Education SEPP are now a matter for consideration under Section 79C of the EP&A Act and will be considered as part of the EIS for the Proposal.

4.8 Hurstville Development Control Plan No. 1

Hurstville Development Control Plan No. 1 (the DCP) applies to the Site although it does not contain controls specific to schools. Where possible, the design of the Proposal will have regard to provisions of the DCP that may be deemed relevant (such as access and parking, crime prevention, landscaping and stormwater) although pursuant to Clause 11 of SEPP SRD, DCPs (whether made before or after the commencement of the SEPP) do not apply to SSD.

4.9 A Plan for Growing Sydney

A Plan for Growing Sydney (the Plan) sets a path to achieve a balance of housing, environmental, economic and community objectives throughout the region. The Site is located in an existing urban area experiencing growth and capable of further growth. The Proposal is consistent with Direction 1.10 and specifically Action 1.10.1 of the Plan which aim to deliver schools that meet the needs of Sydney's growing and changing population which will be integral to maintaining Sydney's competitive edge and standard of living into the future.

5.0 Preliminary Impact Identification and Assessment

The key likely impacts of the Proposal are discussed in Section 4.6.4 (Heritage) and below and will be addressed in detail within the EIS required to accompany the SSD DA submission.

The Proposal is to occur on an existing public school Site in a form that will best meet the demands for public primary school facilities in an area experiencing growth associated with intensification of urban development. The impacts and risks associated with the Proposal are considered to be low as the potential environmental impacts can be managed appropriately.

5.1 Traffic and Parking

The existing school caters for up to 445 primary school students and 31 staff, for which approximately 15 car parking spaces are provided as well as drop-off and bus facilities in Arcadia Street.

The Proposal will accommodate up to 1,010 primary school students and 59 staff and will include car parking spaces located in generally the same location as the existing parking with drop-off and bus bays and vehicular access for deliveries and waste vehicles all to be generally as per existing arrangements off Arcadia Street.

Further details regarding car parking, traffic, bus services and sustainable transport will be provided as part of EIS, including a Traffic Impact Assessment report.

5.2 Built Form, Residential and Student Amenity

The Site is not subject to a maximum building height control under LEP 2012 although the Site context comprises 2-3 storey buildings on the Site and a mixture of single storey dwellings, 2-storey school buildings and 3 storey residential flat buildings surrounding the Site with Arcadia Street and Forest Road separating the majority of residential apartments from the Site.

Accordingly, whilst there is an existing school located on the Site, the design of the Proposal will give regard to the existing built form and residential amenity context and include measures where necessary to minimise potential for adverse overshadowing, acoustic and privacy impacts.

With regard to the amenity for future students, the primary objective of the Proposal is to replace the existing ageing school which no longer provides for the modern learning requirements of children, with a high quality, highly functional and safe learning facility.

5.3 Landscaping

The Site contains mainly perimeter landscaping and some existing trees along the frontages and other Site boundaries has potential to be retained as part of the Proposal.

The Proposal will include a landscape plan for the Site, which addresses existing vegetation, considers the requirements of the School Facilities Standards – Landscape Standards as well as the existing surrounding landscape context.

5.4 Environmental Sustainability

The EIS will include details of any opportunities the development can take to incorporate ESD measures within the project.

5.5 Waste Management

The EIS will include details of the waste management operations for the development at the construction and operational phases.

5.6 Construction and Operational Impacts

The demolition of existing buildings and construction of the new school will occur after all existing students and staff have been temporarily relocated to another site. Notwithstanding, given the proximity of surrounding residential development, the potential impacts of demolition and construction works will be considered within the EIS, including:

- Dust and soil and sedimentation control during demolition and construction;
- Noise and vibration during demolition, construction and operation of the school; and
- Traffic impacts associated with construction vehicles and school related vehicles (buses and cars), including local traffic control measures where relevant.

6.0 Justification

The need for greater capacity and improved public school facilities in the locality is crucial to meet the educational needs of the growing residential population. The proposed new public school will provide residents in the locality with best practice education facilities on the Site of an existing public school with excellent access from surrounding residential areas, access to other community and recreational land uses and access to sustainable transport options.



The Site can accommodate a development of this nature with minimal potential for conflict with surrounding development.

7.0 Consultation

Following declaration of the project as a SSD and the issuing of SEARs, the DoE will complete all consultation required as part of the preparation of the EIS.

8.0 Conclusion

The Proposal is classified as SSD on the basis that it falls within the requirements of Clause 15 of Schedule 1 of SEPP SRD, being *“development for the purpose of educational establishments (including associated research facilities) that has a capital investment value of more than \$30 million”*.

The DoE requests that the Secretary of the DPE issue the SEARs for the proposed new Penshurst Public School to facilitate the preparation of the EIS to accompany the DA.

If you should have any questions regarding this request for SEARs, please contact the undersigned on 9980 6933.

Yours faithfully

DFP PLANNING PTY LTD

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STEPHEN EARP
PRINCIPAL PLANNER

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Reviewed:

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Encl. 1. Concept Plan