



Saints Peter and Paul Assyrian School

State Significant Development Assessment SSD-9210

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Glossary

Abbreviation	Definition
AAAC	Australian Acoustical Consultants 'Guideline for Child Care Centre Acoustic Assessment'
AHD	Australian Height Datum
APZ	Asset Protection Zone
BCA	Building Code of Australia
BC Act	<i>Biodiversity Conservation Act 2016</i>
BDAR	Biodiversity Assessment Report
BPA	Bushfire Protection Assessment Report
CEMP	Construction and Environment Management Plan
CIV	Capital Investment Value
COLA	Covered Outdoor Learning Area
Council	Fairfield City Council
CNVMP	Construction Noise and Vibration Management Plan
CTMP	Construction Traffic Management Plan
Department	Department of Planning, Industry and Environment
DSI	Detailed Site Investigation
Education SEPP	State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017
EESG	Environment, Energy and Science Group of the Department
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
EPBC Act	<i>Environment Protection and Biodiversity Conservation Act 1999</i>
EPI	Environmental Planning Instrument
ESD	Ecologically Sustainable Development

FLEP 2013	Fairfield Local Environment Plan 2013
LGA	Local Government Area
Minister	Minister for Planning and Public Spaces
NAR	Noise Assessment Report
NML	Noise Management Levels
OTPM	Operational Traffic and Parking Management Plan
PNTL	Project Noise Trigger Levels
RAP	Remedial Action Plan
RtS	Response to Submissions
SEARs	Planning Secretary's Environmental Assessment Requirements
SEPP	State Environmental Planning Policy
SEPP 64	State Environmental Planning Policy No 64 - Advertising and Signage
Planning Secretary	Secretary of the Department of Planning, Industry and Environment
SEPP	State Environmental Planning Policy
SRD SEPP	State Environmental Planning Policy (State and Regional Development) 2011
SSD	State Significant Development
STP	Sewage Treatment Plant
TfNSW	Transport for NSW
TfNSW (RMS)	TfNSW (Roads and Maritime Services)
TPIA	Traffic and Parking Impact Assessment
VMP	Vegetation Management Plan
WAR	Wastewater Assessment Report

Executive Summary

This report provides an assessment of a State significant development (SSD) application lodged by Assyrian Schools Limited (the Applicant). The proposal is SSD under clause 15(1) of Schedule 1 of the State Environmental Planning Policy (State and Regional Development) 2011, as it is development for the purpose of a new school.

Assessment summary and conclusions

The Department of Planning, Industry and Environment (the Department) has considered the merits of the proposal in accordance with the relevant matters under section 4.15(1) and objects of the *Environmental Planning and Assessment Act 1979* (EP&A Act), the principles of Ecologically Sustainable Development (ESD), the issues raised in submissions as well as the Applicant's response to these.

The proposal would provide a primary school in a rural area that is identified for future development and servicing infrastructure in close proximity to the Western Sydney airport and employment lands. However, the site is currently supported by limited infrastructure. Additionally, the western portion of the site comprises flood prone / contaminated land and a riparian zone. To manage this, the Applicant proposes to deliver the school in six stages and to provide for road upgrades, sewage infrastructure and bus bays, prior to the increase in student numbers in each stage.

The Department has reinforced the Applicant's proposal by recommending conditions that do not permit works on the western portion of the site until that section is remediated and flood management works completed, require the delivery of the road upgrades and on-site sewage management measures prior to relevant stages and restrict the student numbers until such works are delivered.

The Department considers that the proposal is in the public interest and recommends the development be approved, subject to recommended conditions of consent. The application is referred to the Independent Planning Commission for determination as Council has objected to the application.

The Department identified site suitability, traffic, built form, landscaping, noise and wastewater management as the key issues for assessment. The Department's assessment concludes:

- the subject site is suitable for the development, as it complies with the objectives of the zone and would contribute positively towards the future desired character of the area.
- the surrounding road network has capacity to accommodate traffic and parking demand generated by the school, subject to the proposed widening of Kosovich Place and the upgrades to the Wallgrove Road / Kosovich Place intersection, which will be required prior to commencement of operation.
- sufficient on-site car parking spaces and a drop-off / pick-up zone will be provided. The school drop-off / pick-up peak period may result in traffic congestion within and around the site for a short duration. The Applicant proposes parking management measures to avoid and minimise this congestion during peak times. The Department considers the management measures to be suitable, subject to recommended conditions.
- the proposed built form is acceptable, as it seeks to maximise open space outcomes, riparian corridor rehabilitation and tree planting opportunity by placing the buildings on the eastern side of the site only. The built form respects the topography of the site and would not have an

unreasonable impact on the rural character of the locality, subject to conditions of consent requiring additional landscaped setback on the eastern boundary.

- proposed landscaping works would ensure the availability of a variety of open spaces for students. The Department has recommended a condition requiring the Applicant demonstrate that the open space provisions align with the staged increase in student numbers.
- operational noise emissions from the site would not have significant impact on nearby residents, subject to implementation of mitigation and management measures.
- proposed on-site wastewater management strategy is suitable for the site and includes adequate treatment facilities and irrigation area to cater for operation of the site, subject to recommended conditions ensuring the satisfactory delivery and maintenance of the wastewater system.

The Department is satisfied that the impacts of the proposed development and issues raised in the submissions have been considered in the Environmental Impact Statement (EIS), the Response to Submissions (RtS) and supplementary RtS (SRtS). Conditions of consent and future assessment requirements are recommended to ensure that the identified impacts are managed appropriately.

The proposal

The proposal seeks approval for the construction and operation of a new primary school in six construction stages to accommodate up to 630 students and 35 staff members, comprising:

- a two-storey school building with 21 general learning areas, administrative and staff areas, seminar rooms and internal play areas.
- a single storey library and canteen building to the south of the school building.
- a two-storey multi-purpose hall connected to the library via covered areas.
- covered outdoor learning areas (COLA), pedestrian plazas at various levels and landscaped outdoor areas, playing fields and a multi-purpose sports court.
- landscaping works including revegetation of a riparian corridor to the west.
- on-site sewage management works including a sewage treatment plant with irrigation area.
- stormwater drainage works within the site and within Kosovich Place.
- internal driveway, carpark with 39 car spaces including two accessible spaces, and a drop-off / pick-up zone with 30 car spaces.
- external roadworks including widening of Kosovich Place, establishment of a bus zone and upgrades to the intersection of Kosovich Place / Wallgrove Road.

The proposal has a Capital Investment Value (CIV) of \$30,727,000. The Applicant's EIS advises that the proposal would generate up to 45 operational jobs and 43 construction jobs.

The site

The site is located at 17-19 Kosovich Place, Cecil Park on Lot 2320 and Lot 2321 in DP 1223137 in the Fairfield City Council local government area. The site is located within a greenfield area characterised by rural residential development and is located adjacent to the Saints Peter and Paul Assyrian Church, owned and operated by the Applicant. The site has frontage to Kosovich Place. The western portion of the site comprises low lying flood prone land draining to a creek on the western boundary. A 15-metre wide riparian zone exists along this boundary. Part of the site, Lot 2321 located along the eastern boundary adjunct the riparian corridor contains contaminated soil. A restriction on title on Lot 2321 restricts any development prior to remediation, flood management works being completed, and appropriate sewage infrastructure provided.

Engagement

The application was publicly exhibited between 8 November 2018 and 5 December 2018. The Department received a total of 10 submissions, comprising eight from public authorities (including an objection by Fairfield City Council (Council)) and two from the public (including one objection).

The key issues raised in Council's objection and the other submissions include site suitability, the need for the school, bulk and scale of the development, capacity of the local road network to accommodate the predicted traffic impacts, inadequacies of flood management, potential site contamination, inadequate wastewater management measures, and noise impacts on surrounding residents and the church.

The Applicant submitted a RtS on 22 July 2019 responding to the issues raised in the submissions.

An additional seven submissions from public authorities were received in response to the RtS. Council maintained its objection after reviewing the RtS. In response to the concerns regarding traffic impacts, built form inadequacies, wastewater management impacts and flooding impacts, the Applicant consulted Transport for NSW (TfNSW) and provided a number of supplementary RtS in March and April 2020. The Department consulted with Environment Protection Authority (EPA) regarding the suitability of the proposed long-term wastewater management system. EPA advised that the proposed system can be delivered on the site and could provide for acceptable on-site sewage management infrastructure.

The Department engaged an independent consultant, Bitzios Consulting (Bitzios), to undertake a peer review of the Applicant's traffic assessment in relation to Council's and TfNSW's concerns regarding the traffic impacts of the proposal. Bitzios reviewed the application and on the basis of their review the Department requested additional traffic information from the applicant in June 2020. The Applicant submitted a further SRtS in November 2020 addressing traffic matters raised by Bitzios.

Bitzios, Council and TfNSW reviewed the final SRtS from the Applicant. Bitzios advised that the traffic generated by the development can be accommodated within the local road network, subject to the planned future upgrades by TfNSW and proposed upgrades by the Applicant. Bitzios raised concerns regarding the on-site drop-off / pick-up zone operations and have recommended conditions to mitigate the identified impacts.

TfNSW has agreed in principle to the proposed intersection upgrade.

Council reviewed the final SRtS and maintain their objection to the proposal on the basis of the impacts of the school on the rural character of the area, lack of assessment of stormwater and sewage treatment measures, and inadequate traffic and noise assessments.

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1 Introduction

- 1.1.1. This report provides an assessment of a State significant development (SSD) application for the new Saints Peter and Paul Assyrian Primary School at 17-19 Kosovitch Place, Cecil Park (SSD-9210).
- 1.1.2. The proposal seeks approval for the staged construction and operation of a new primary school for up to 630 students (Kindergarten (K) – Year 6) and 35 staff members in six stages. Associated works include site remediation, earthworks, drainage and flood management works, car parking, access, on-site sewerage management, riparian zone works, and landscaping. The proposal also involves widening of Kosovitch Place, construction of a bus zone, and infrastructure works at the nearby Kosovitch Place/ Wallgrove Road intersection.
- 1.1.3. The application has been lodged by Assyrian School Limited (the Applicant). The site is located within the Fairfield City local government area (LGA).

1.1 Site description

- 1.1.4. The site comprises two allotments at 17-19 Kosovitch Place, Cecil Park, legally described as Lot 2320 and Lot 2321 in DP 1223137 (the site). The site is located approximately 10 kilometres (km) west of Fairfield Central Business District (CBD), approximately 16km south west of Parramatta CBD, and approximately 10km north west of Liverpool CBD. The Western Sydney Aerotropolis is located approximately 7km west the site. The regional context of the site is identified in **Figure 1**.

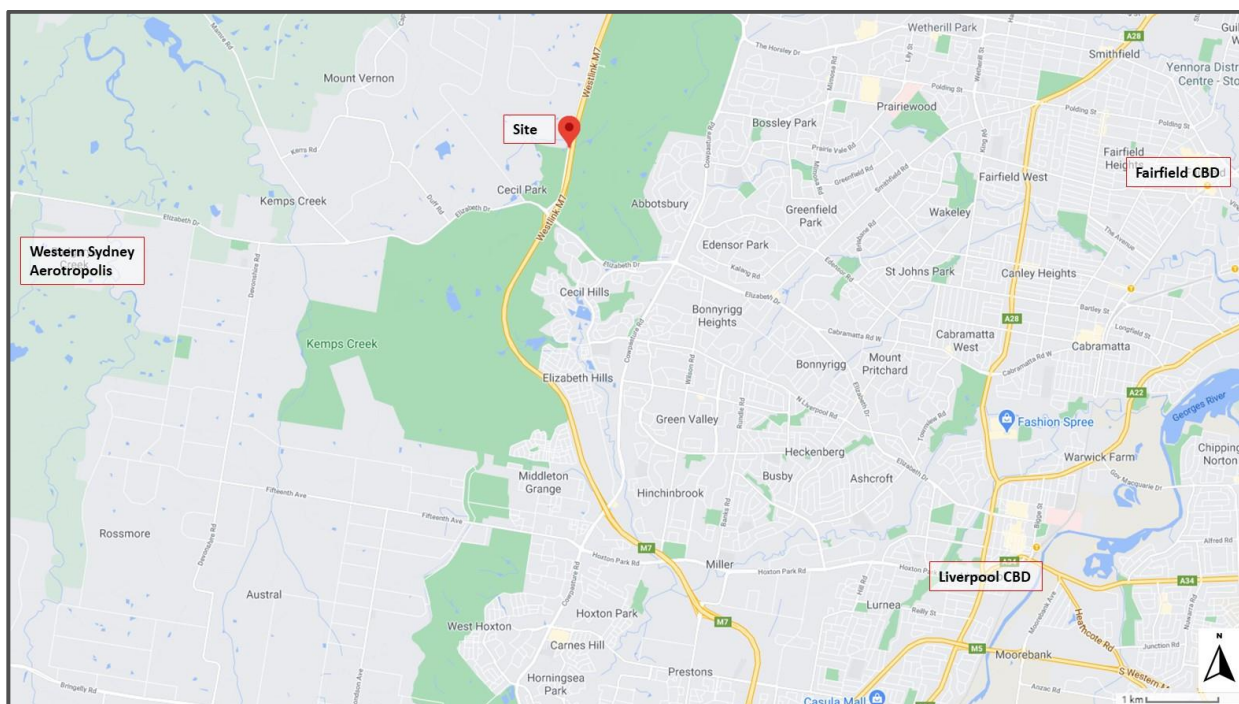


Figure 1 | Regional context map (Source: Nearnmap 2020)

- 1.1.5. The Applicant's EIS states that the site was created after subdivision of a larger allotment (Lot 2317 DP 1201268) and was previously used as a market garden. The site is currently a vacant pasture with frontage to and access off the cul-de-sac end of Kosovitch Place to an informal car park which appears to service the nearby church.

1.1.6. The site is not currently serviced by essential utilities, including electricity, water or sewer mains.



Figure 2 | Current site context (Source: Nearmap 2020)

1.1.7. The site has an area of approximately 29,350 square meters (m²) and a downward slope from the south eastern corner (105 metres (m) Australian Height Datum (AHD)) to the north western corner (approximately 89m AHD). The site generally slopes from the east to west with a significant fall of about 10m across the centre of the site. The western part comprises low-lying flat land.

1.1.8. An unnamed tributary of Ropes Creek flows along the western boundary of the site (the lower side). The tributary drains to the Ropes Creek, further to the north, nearby a dam located on the line of creek (referred to as online dam) at the western edge of the site. The Applicant's Environmental Impact Statement (EIS) advises that this is a second order stream, receiving overflow from several farm dams located on upstream properties to the south of the site. Vegetation within the online dam consists of dense Bullrush (*Typha latifolia*) and Water Hyacinth (*Eichhornia crassipes*).

1.1.9. A 15m wide (per the submitted survey plan) riparian corridor on either side of the creek extends within the western boundary of the site.

1.1.10. The location of the site in the local context is provided in **Figure 2**. It identifies that a car park has been built on the north-western portion of the site, likely wholly within Lot 2321. This does not form part of the scope of this SSD application and the Department is not aware of any development consents applying to the land in relation to a car park.

1.1.11. The configuration of the two allotments, mapped watercourses and the riparian corridor are identified in **Figure 3**.

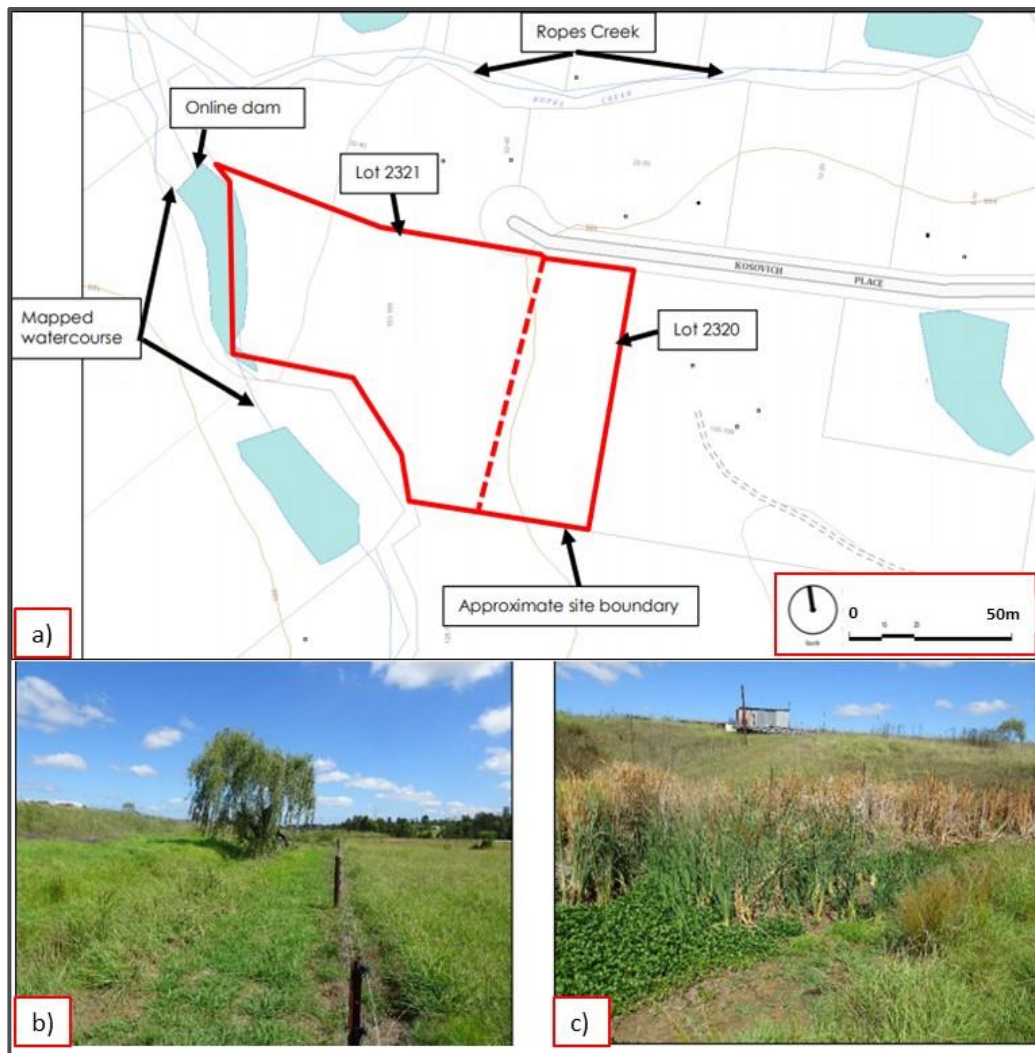


Figure 3| (a) Site and location of mapped watercourses; (b) view of open channel facing upstream toward south western boundary; (c) view of open channel, to south of dam (Source: Applicant's EIS 2018)

1.1.12. The western portion of the site (Lot 2321) is mapped as flood prone land in Fairfield City Council's (Council) Rural Area Flood Study: Ropes, Reedy & Eastern Creeks Final Report (**Figure 4**). The Probable Maximum Flood line (PMF) (at 89.2m AHD – 100.6m AHD) and the 1 in 100-year Average Recurrence Interval (ARI) flood line (88.3m AHD – 93m AHD) run across the centre of the site in a north-south direction.

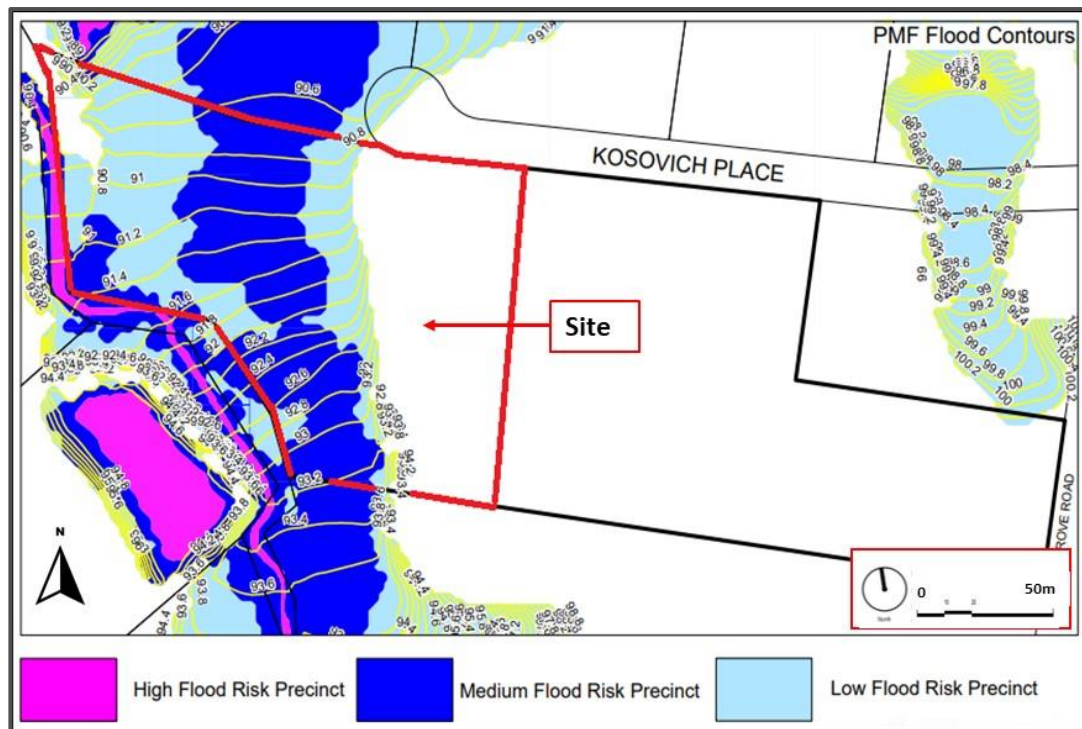


Figure 4 | Flood affected areas of the site and the risk levels (Source: Applicant's EIS 2018)

- 1.1.13. The western portion of the site has also been identified as containing unauthorised fill material, including asbestos containing materials. The Applicant's EIS advises that the details of the full extent of this fill is unknown.
- 1.1.14. The development consent for the subdivision application, which created the site, included a condition of consent requiring a restriction on the use of Lot 2321. The restriction on the title of this allotment states: *"No development within the meaning of the Environmental Planning Assessment Act 1979, as amended, shall be effected upon the lot hereby burdened unless the unauthorised fill, potential contamination and flooding issues have been determined and resolved and satisfactory arrangements have been made with the relevant service authorities for the provision of water supply, electricity and telephone"*. Council is authorised to release, vary or modify the above restriction.
- 1.1.15. The eastern part of the site (higher side) enjoys existing views of the bushland and Blue Mountains to the west.

1.2 Surrounding development

- 1.2.1 The site is in a rural residential area, characterised by a variety of building forms and land uses. The Saints Peter and Paul Parish Church (the church) is located immediately to the north of the site, at 32-40 Kosovich Place, with Ropes Creek located 100m to the north of the site, beyond the church.
- 1.2.2 The site is surrounded by rural residential properties to the east and south, comprising grassed land, dwelling houses, detached farm buildings and farm dams. Land to the south is owned by Western Sydney Parklands Trust and leased to the Western Sydney Parklands.
- 1.2.3 Kosovich Place connects to Wallgrove Road to the east, with connections to Westlink M7 Motorway and Elizabeth Drive located 500m to the south of the site. The connection to Horsley Drive is located 3km north of the site.

1.2.4 The Western Sydney Parklands are located to the south and north east of the site, with the residential suburbs of Cecil Hills and Abbotsbury located to the west and south west of the site. The Western Sydney Employment Area is located approximately 2km north of the site. The site in its broader local context, including major roads, is shown in **Figure 5**.

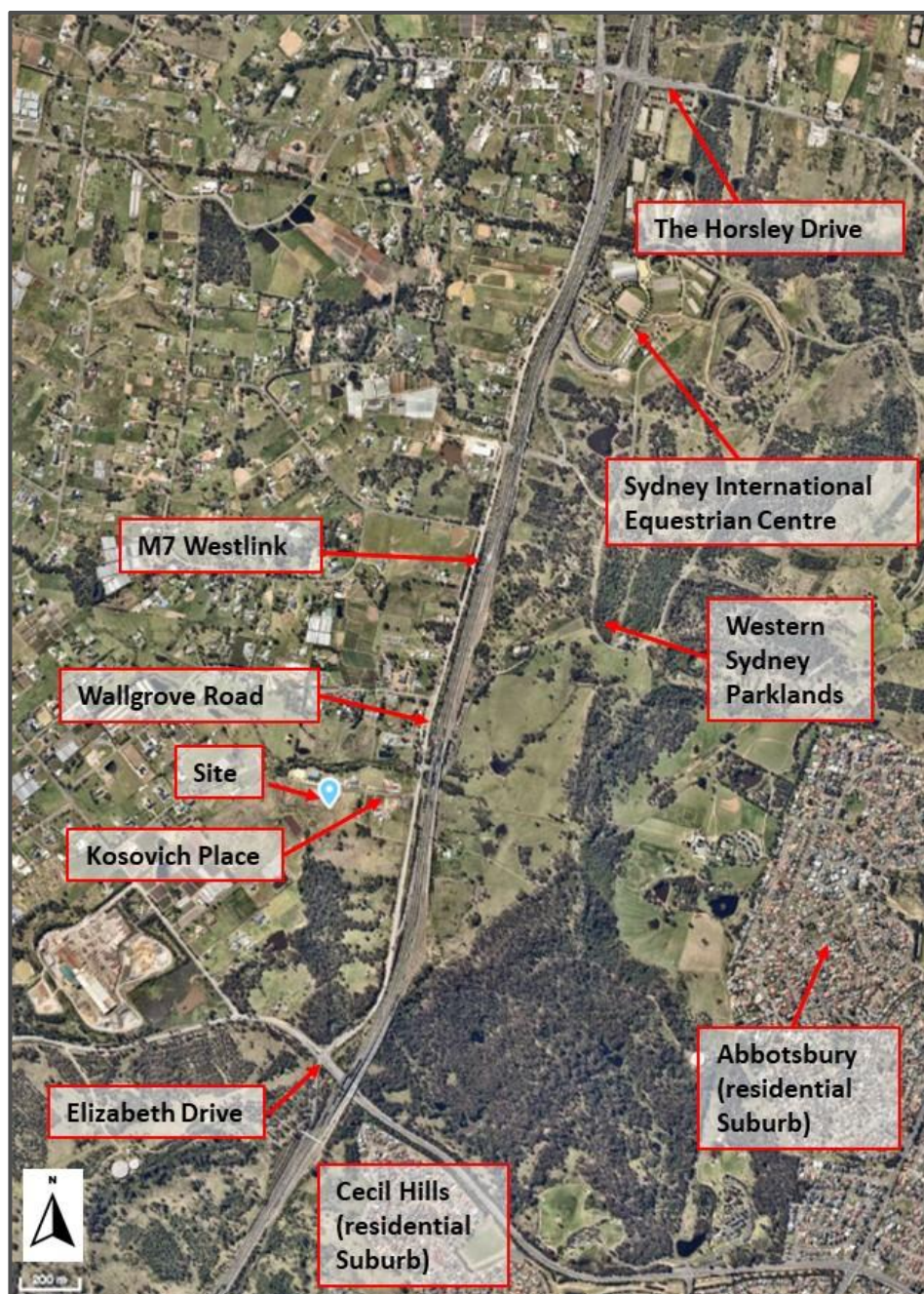


Figure 5 | Broader local context and surrounding developments (Source: Nearmap 2020)

1.2.5 The location of the site in relation to the adjoining allotment, and photos of the site and the surrounding developments are provided in **Figures 6 – 9**.

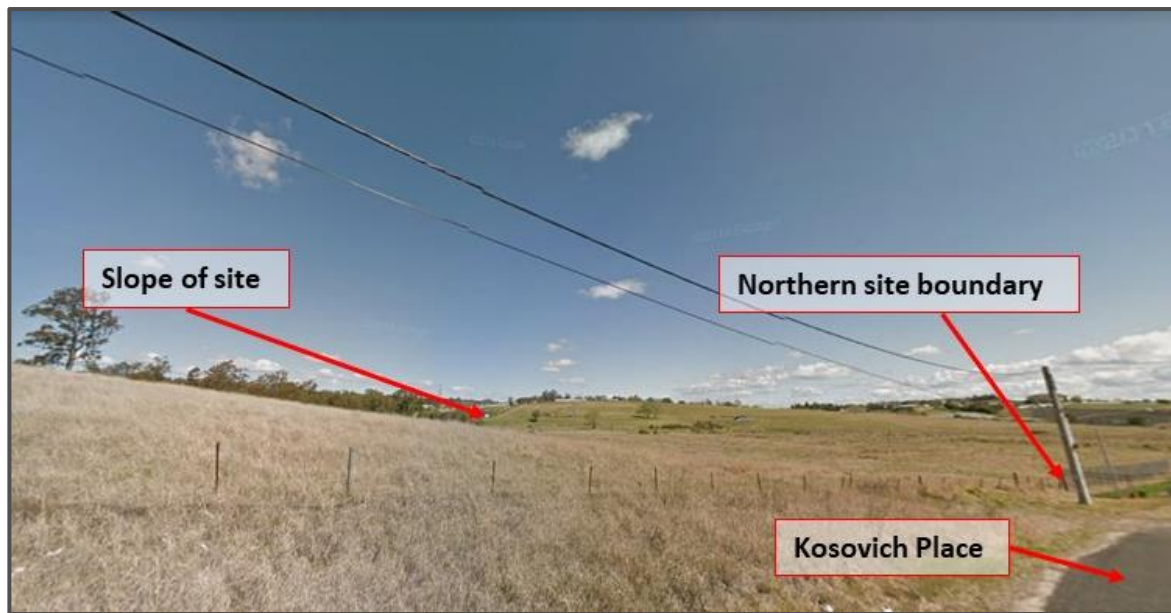


Figure 6 | View of site looking west (Source: Google Maps 2020)

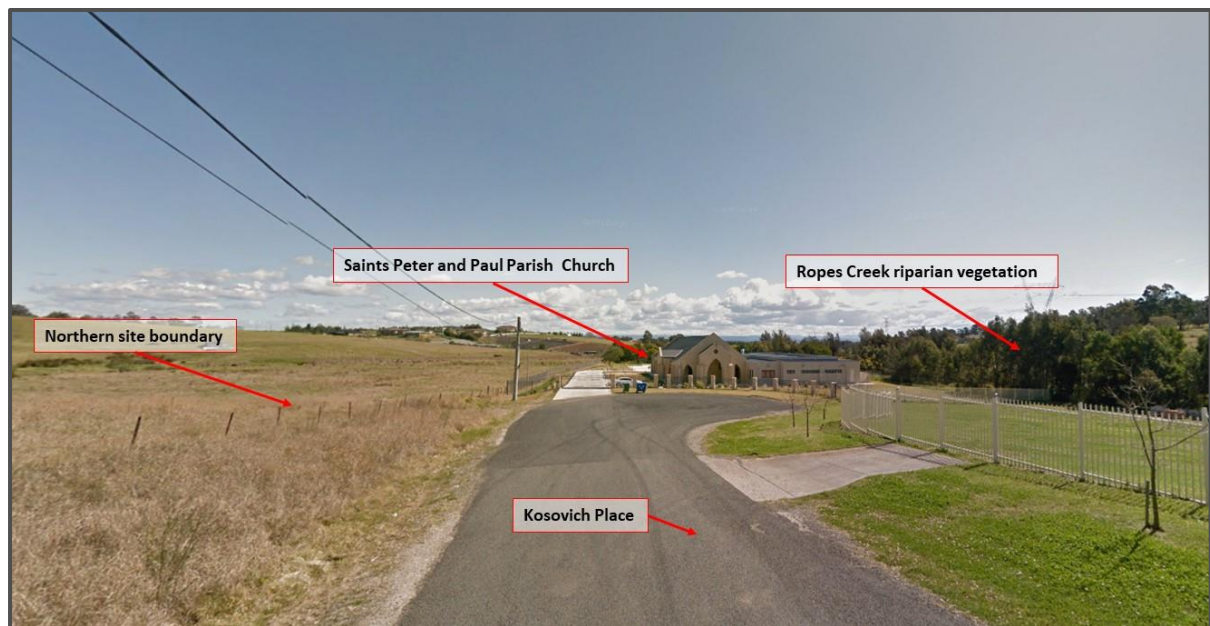


Figure 7 | View of site looking west (Source: Google Maps 2020)



Figure 8 | View of site looking west, at end of Kosovich Place (Source: Google Maps 2020)



Figure 9 | Intersection of Kosovich Place and Wallgrove Road, facing east (Source: Google Maps 2020)

2 Project

2.1 Project Description

2.1.1 The key components and features of the proposal (as refined in the Response to Submissions) are provided in **Table 1** and are shown in **Figures 10 – 23**.

Table 1 | Main components of the project

Aspect	Description
Project summary	Construction of a new primary school (K – 6) for up to 630 students and 35 staff members in six stages comprising site preparation and remediation, earthworks, construction of three school buildings, at-grade car parking, internal and external roadworks and stormwater works, on-site sewage management works and landscaping.
Site area	<ul style="list-style-type: none"> 29,350m².
Site preparation works	<ul style="list-style-type: none"> Bulk earthworks and benching. Remediation works within Lot 2321 only.
Built form (final completed development)	<ul style="list-style-type: none"> Construction of three new buildings comprising: <ul style="list-style-type: none"> one L-shaped two storey building (maximum height at RL 106.35) accommodating 21 general learning areas (GLAs), administration and staff areas, covered play areas, and amenities. one single storey building (maximum height at RL 102.72) accommodating the library and canteen. a two storey multi-purpose hall (maximum height at RL 103.4) including amenities, storeroom and an attached covered outdoor learning area (COLA). one COLA at the north-western corner of the school building. one COLA adjacent to the riparian zone at the north-western corner of the site. covered walkways connecting the buildings.
Gross floor area (GFA)	<ul style="list-style-type: none"> 4990m² including: <ul style="list-style-type: none"> school building – 4025m² multi-purpose hall – 625m². library and canteen – 340m².
Access	<ul style="list-style-type: none"> Vehicle access from Kosovich Place with an internal driveway. Pedestrian access from Kosovich Place via a pedestrian entry ramp.

Aspect	Description
Car parking	<ul style="list-style-type: none"> • 39 car parking spaces for staff and visitors (two accessible spaces). • 30 on-site drop-off / pick-up car parking spaces.
Landscaping works	<ul style="list-style-type: none"> • A ground level plaza (known as the 'civic heart') and amphitheatre. • One playing field and a hard surface multi-purpose sports court. • Revegetation of riparian corridor and planting throughout the site. • Retaining wall along the eastern boundary with planting to create a future green wall.
Roadworks and intersection upgrade	<ul style="list-style-type: none"> • Upgrades to Kosovich Place / Wallgrove Road intersection including: <ul style="list-style-type: none"> ○ a 26.6m long auxiliary lane providing for the storage of vehicles waiting to turn right from Wallgrove Road into Kosovich Place. ○ a 100m long (including taper) auxiliary lane providing for the deceleration of vehicles turning left into Kosovich Place. ○ "No Right Turn" with a concrete island, on Kosovich Place. • Widening of Kosovich Place to 7m until the end of the entrance driveway and 10m at the cul-de-sac end with kerb and gutter. • 1.5m wide pedestrian footpath on the southern side of the road. • Four bus bays on Kosovich Place.
Wastewater management	<ul style="list-style-type: none"> • A sewage pump-out system in Stage 1. • On-site sewer treatment plant with sub-surface irrigation area for the completed development.
Signage	<ul style="list-style-type: none"> • Two non-illuminated signs at the main school entrance and on the multi-purpose hall.
Jobs	<ul style="list-style-type: none"> • 45 operational jobs and 43 construction jobs.
CIV	<ul style="list-style-type: none"> • \$30,727,000.

2.2 Staging of construction works, operation and timing

Staging of the construction works

- 2.2.1 The application proposes the construction and operation of the school in six stages (for a total period of 27 months). The staging of the buildings and landscaping works is identified in **Figure 10** and described below.

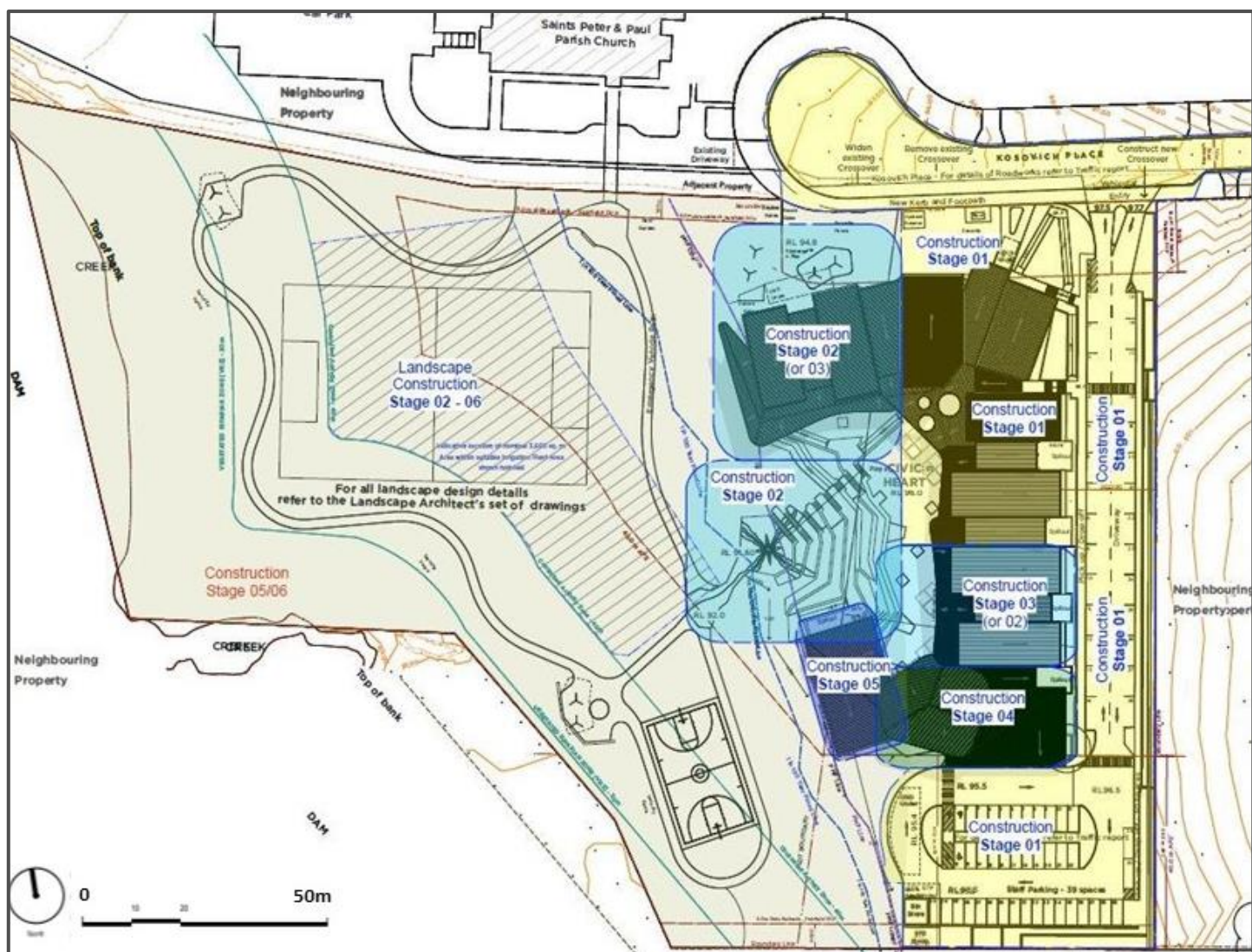


Figure 10 | Site construction staging plan (Source: Applicant's EIS 2018)

Stage 1 works

- 2.2.2 The Stage 1 works would comprise: remediation of Lot 2321; bulk earthworks within Lot 2320; construction of driveway and car parking; partial construction of the main school building and play areas; installation of sewer infrastructure; on-site detention and rainwater infrastructure; electrical substation; fire hydrant booster; cold water; other infrastructure as needed; landscaping within Lot 2320; and external roadworks including widening of Kosovich and intersection upgrade.
- 2.2.3 The Stage 1 works would result in nine GLAs (two GLAs to be used as temporary library), four shared practical areas, three shared seminar rooms, one shared play area, administration and staff facilities and amenities.
- 2.2.4 The Stage 1 construction layout is identified in **Figure 11**.

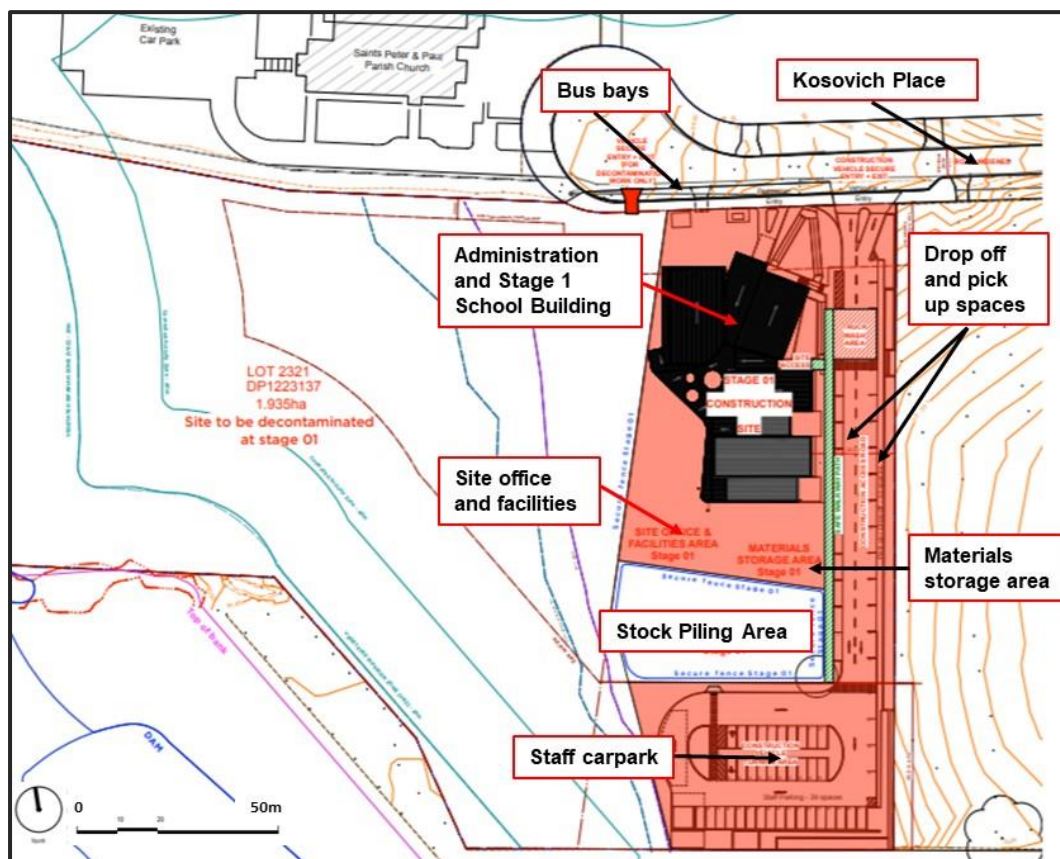


Figure 11 | Stage 1 site construction configuration and layout (Source: Applicant's EIS 2018)

- 2.2.5 The final site layout for Stage 1 is identified in **Figure 12**.
- 2.2.6 All works for Stage 1 would be restricted to Lot 2320 (except remediation of Lot 2321).

Timing

- 2.2.7 The Applicant advised that Stage 1 would likely be completed in 11 months. The remaining five stages would likely be completed in a total of 16 months including:
- earthworks (one month for each stage).
 - structural construction (two months for each stage).
 - fit outs (one month for each stage).

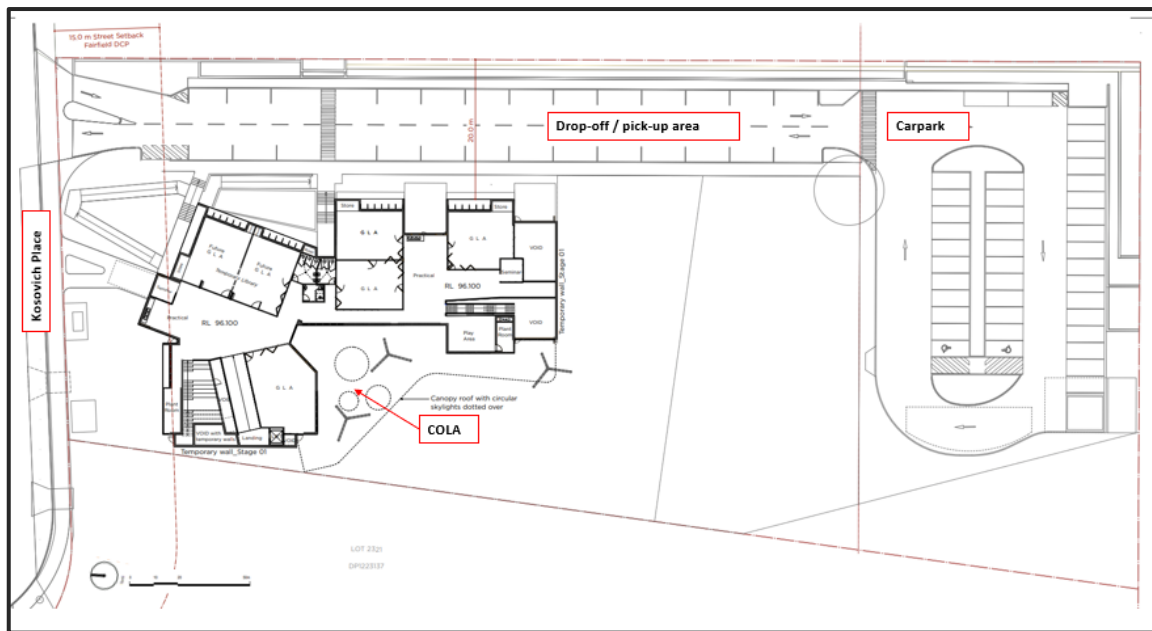


Figure 12 | Stage 1 Site layout (Source: Applicant's EIS 2018)

Stages 2 – 6 works

2.2.8 The remainder for the works to be undertaken within Stages 2 – 6 are described below.

- **Stage 2** – Expansion of the school building including six GLAs, two shared practical areas and one shared practical area plus toilets, construction of one COLA and commencement of landscaping works within Lot 2321. The Applicant advises that this stage may be interchanged with Stage 3.
- **Stage 3** – Expansion of the school building including six GLAs, two shared practical areas and one shared practical area plus toilets, construction of one COLA and outdoor learning courtyards, and landscaping within Lot 2321.
- **Stage 4** – Construction of library with three seminar rooms, canteen with allowance for a future commercial kitchen and outdoor sitting areas. The Applicant's EIS advised that this stage may be further sub-divided to allow for staged delivery of the components.
- **Stage 5** – Construction of the multi-purpose hall, accessible toilet with large storage facilities and landscaping.
- **Stage 6** – Completion of the landscape master plan.

2.2.9 Stages 2, 3 and 5 are either all or partly located within Lot 2321, which is subject to a restriction on title. Consideration of the implications of these works in relation to the restriction on title is discussed in **Section 6**.

2.2.10 The Applicant's EIS identifies that the landscaping works within Lot 2321 including the riparian vegetation works would be undertaken over Stage 2 – Stage 6.

2.2.11 The Applicant has not finalised the staging plan for delivery of the full project, with the delivery of Stage 2 to Stage 5 stated in the Applicant's EIS as being contingent on the operational needs of the school and may be delivered out of sequence.

Staging of the operation and increase of students and staff

- 2.2.12 The Applicant's EIS and supporting documentation stated that there would be 210 enrolled students at the commencement of Stage 1, increasing to 630 students at the completion of Stage 6. However, in the SRtS lodged in December 2020, the Applicant provided the following information regarding staged increase of student numbers:
- **Stage 1** - 196 students.
 - **Stage 2** - 371 students.
 - **Stage 3** - 492 students.
 - **Stage 4** - 550 students.
 - **Stage 5** - 630 students.
- 2.2.13 The Applicant also stated that all GLAs would be constructed by Stage 3 and therefore the full population of 630 students could be accommodated at this time.
- 2.2.14 Given the above inconsistencies, for the purpose of this report, the Department has considered the number of students in Stage 1 to be 210 and that at the completion of the development to be 630.

2.3 Physical layout and design

Site layout – final development (post Stage 6)

- 2.3.1 The proposed built form of the school would comprise one two-storey L-shaped school building wrapping the northern and eastern sides of the site. The school building includes two components connected by the administration area located at the north-eastern corner facing Kosovich Place.
- 2.3.2 The single-storey library / canteen building would be located to the south of the school building facing the internal driveway (running along the eastern boundary of the site). The two-storey multi-purpose hall is proposed as a detached building immediately to the west of the library. The multi-purpose hall and the library / canteen buildings are connected to the school building via covered walkways.
- 2.3.3 A large COLA (195m² in area) would be located between the multi-purpose hall and the library. Two additional COLAs are proposed adjoining the riparian zone (for the playing fields) and the north-western corner of the school building (for the kindergarten students) (each 64m²).
- 2.3.4 The buildings proposed are contemporary in design with modern finishes incorporating a range of materials, varying façades and large open entries to break up the massing. The buildings on the site would wrap around a ground level open plaza known as the civic heart, located at RL 96.08. The civic heart would lead to an outdoor amphitheatre to its west stepping down to another plaza at RL 91.6 (referred to as sundial plaza). This plaza would connect to the soft landscaped areas of the site.
- 2.3.5 Landscaped play areas including a playing field would be located within the flood prone western section of the site (at a lower level RL 89.07), connected to the school building via a ramp and the amphitheatre steps. A multi-purpose sports court is proposed at the south-western corner of the site, approximately at the same level as the playing field.
- 2.3.6 Additional landscaped open areas include a small produce garden/kitchen south of the multi-purpose hall, and a play-area for kindergarten students, located along the northern boundary.
- 2.3.7 Vehicular access to the site is proposed from Kosovich Place at the north east corner via a 10m wide driveway on the eastern boundary of the site. The driveway would include 30 designated drop-off /

pick-up zone on both sides and then extend to form an internal loop road. The staff car parking area would be located at the south-eastern corner and accessed from the internal loop road.

- 2.3.8 The proposed buildings and the landscaped pedestrian plazas are sited outside the 100-year flood line, the PMF line and the designated Asset Protection Zone. The site layout and landscaped areas are identified in **Figure 13**. The ground floor plan for the buildings (along with the PMF line and Asset Protection Zone), plaza and views within the school site are provided in **Figures 14 – 15**.
- 2.3.9 Elevations and views of the proposed development are provided in **Figures 16 – 23**.

The school building

- 2.3.10 The school building (on completion) includes two building components to the north (kindergarten area) and east (other GLAs), accommodating 21 GLAs in two levels, separated by the administration area at the ground level **Figure 14**. Vertical circulation between levels is proposed via lifts.
- 2.3.11 The building would also include collaborative presentation areas, practical study areas, special educational facilities and play areas on both levels in addition to COLAs (**Figure 15**).
- 2.3.12 The centrally located administrative area and staff facilities at the ground level would present to the cul-de-sac end of Kosovich Place and be connected to the main pedestrian entry (**Figure 20**).

Riparian zone

- 2.3.13 A 20m wide riparian zone is proposed along the western / south-western boundaries, aligning with the existing riparian zone. The Applicant proposes to revegetate and rehabilitate the riparian zone and the dam (removing aquatic weeds and replanting the bank). Replanting of the woodland would be consistent with the Cumberland Plain Woodland ecological community (**Figure 13**).

Civil and other infrastructure work

- 2.3.14 The following civil and infrastructure works are proposed to support the development:
- upgraded electricity supply, including a pad-mount substation within the site.
 - communications and data network, including NBN glass fibre cable connection to the premises.
 - an on-site pump out system within the staff carpark proposed to be operational at the commencement of Stage 1.
 - the pump-out system converted to an on-site sewer treatment plant (STP) for the proposed stages beyond Stage 1.
 - wastewater irrigation field on the western part of the site with sub-surface irrigation.
 - a stormwater management system for the site, draining towards the creek, including three on-site detention tanks, two bio-retention basins, stormwater quality measures, trunk drainage pipe and rain gardens.
 - a diesel pump hydrant booster to increase the pressure of the mains water supply for on-site fire hydrants and other hydraulic services including a hot and cold-water system.
 - mechanical services including heating, cooling and fresh air ventilation systems.

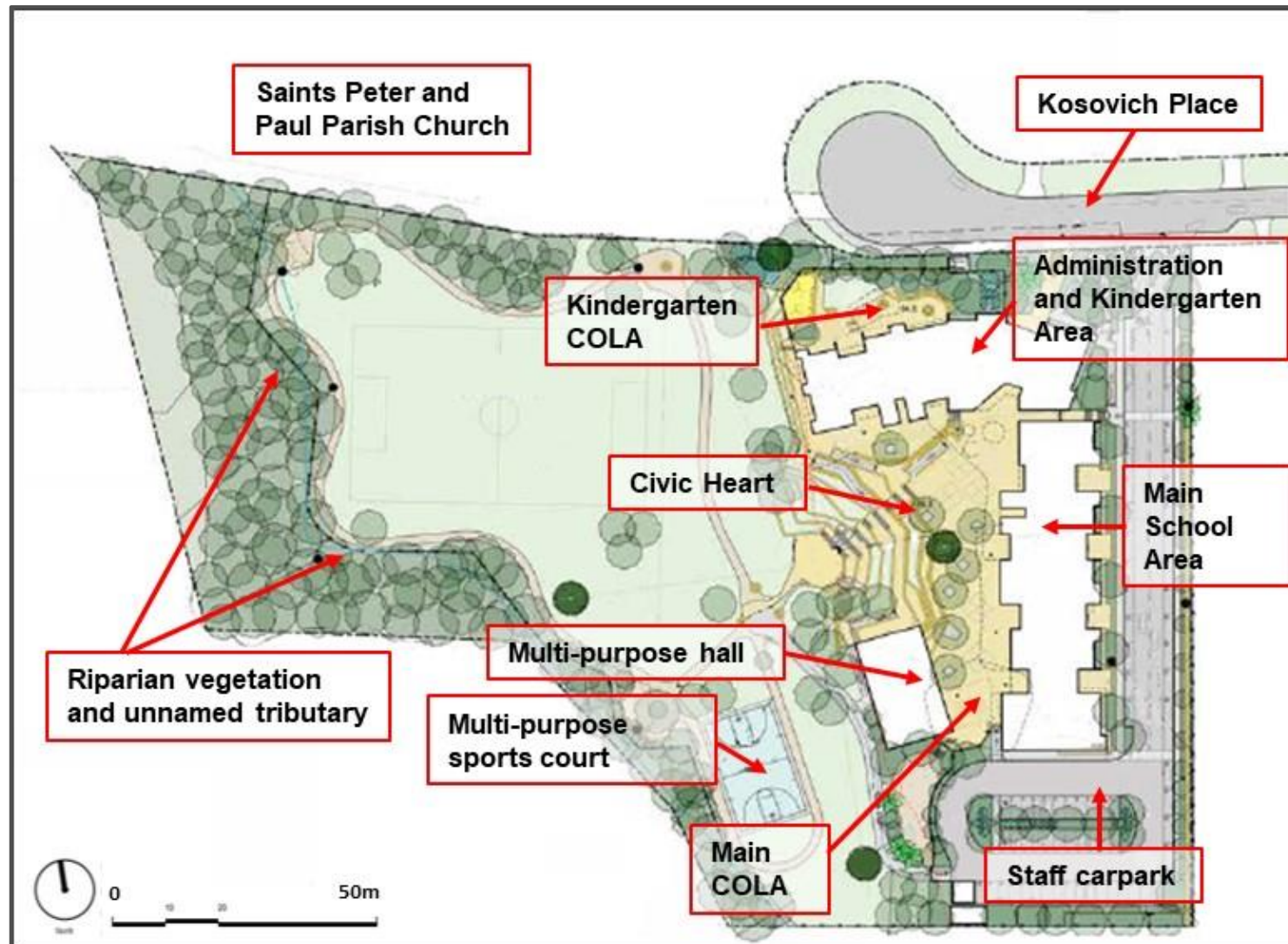


Figure 13 | Site masterplan (Source: Applicant's EIS 2018)

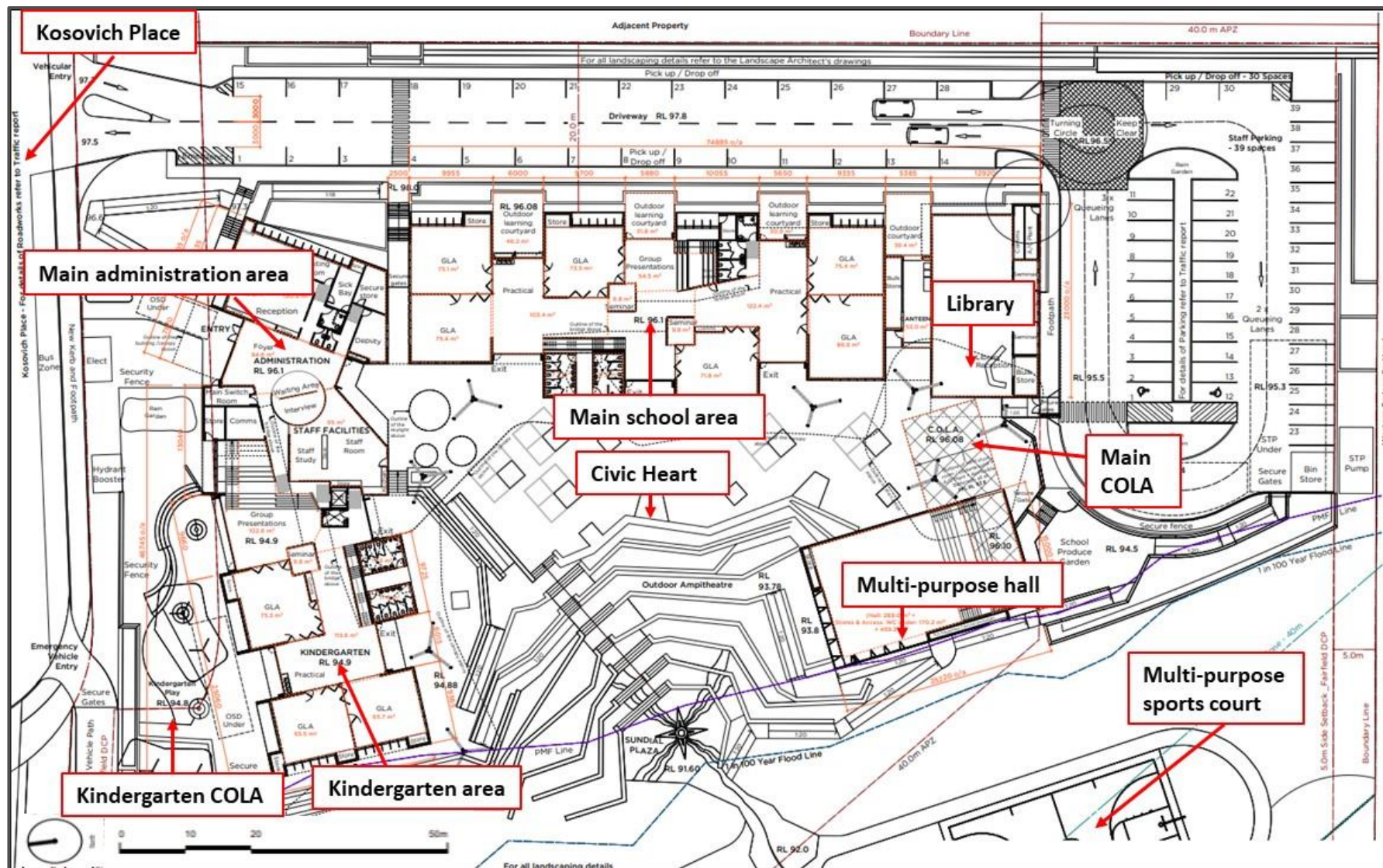


Figure 14 | Ground floor building layout and orientation (Source: Applicant's EIS 2018)

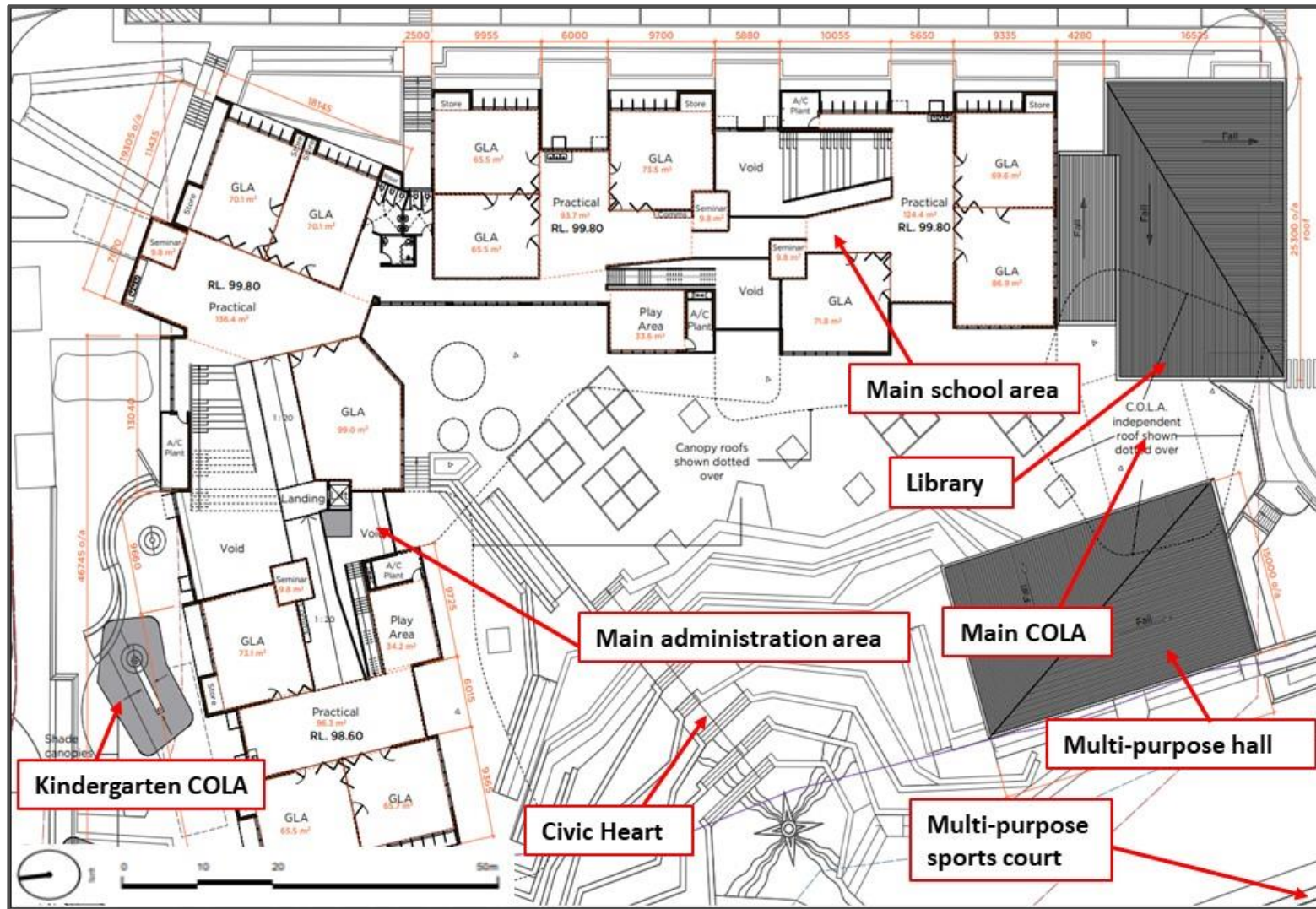


Figure 15 | First floor building layout and orientation (Source: Applicant's EIS 2018)

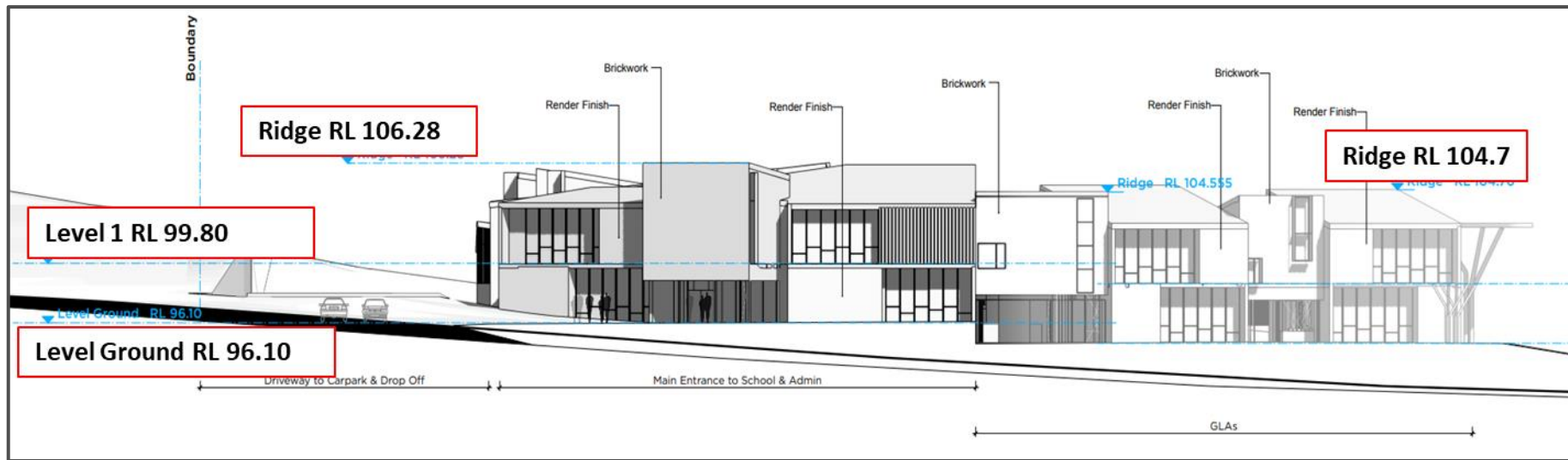


Figure 16 | Northern elevation fronting Kosovitch Place (Source: Applicant's EIS 2018)

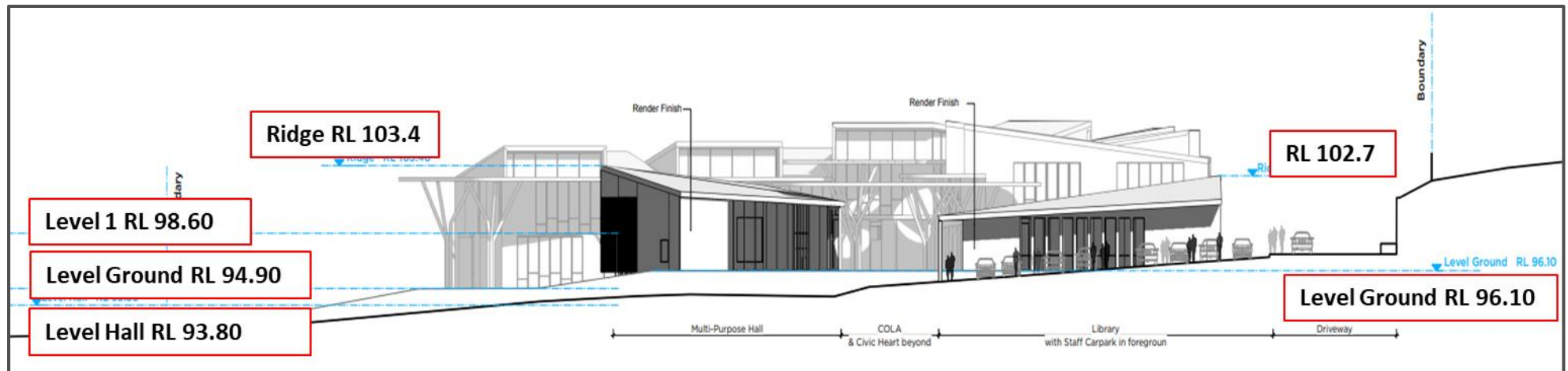


Figure 17 | Southern elevation (rear) (Source: Applicant's EIS 2018)

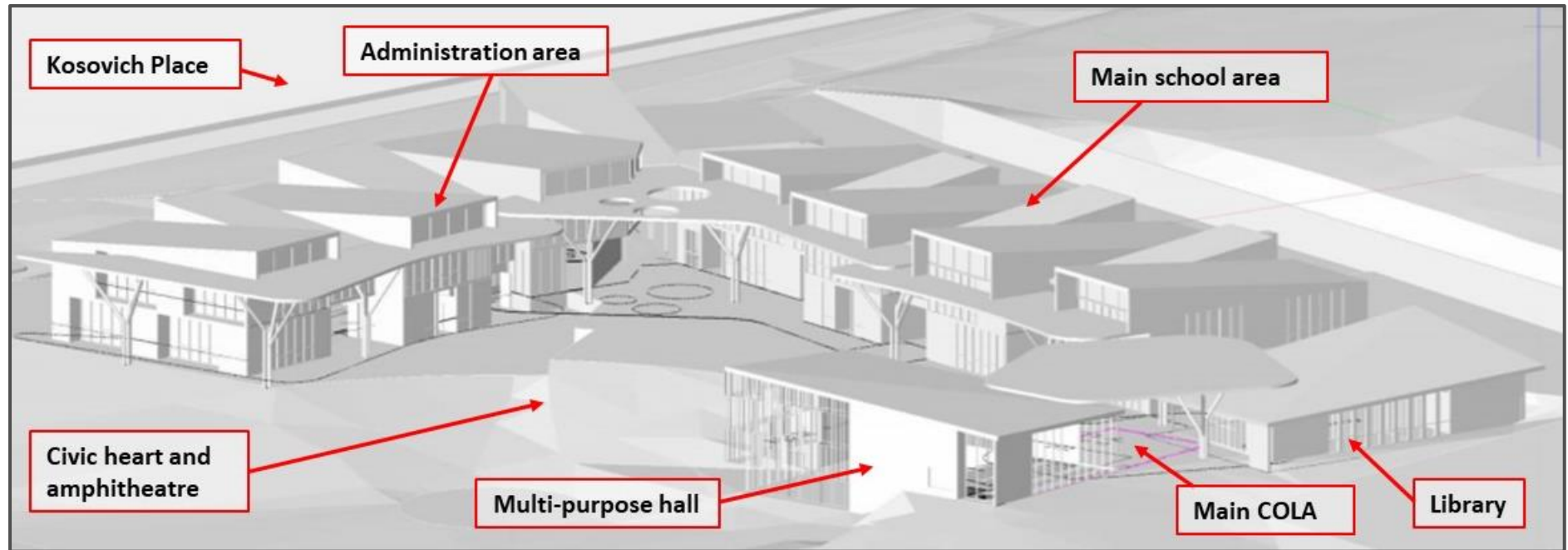


Figure 18 | Building massing, view from south west of site (Source: Applicant's EIS 2018)

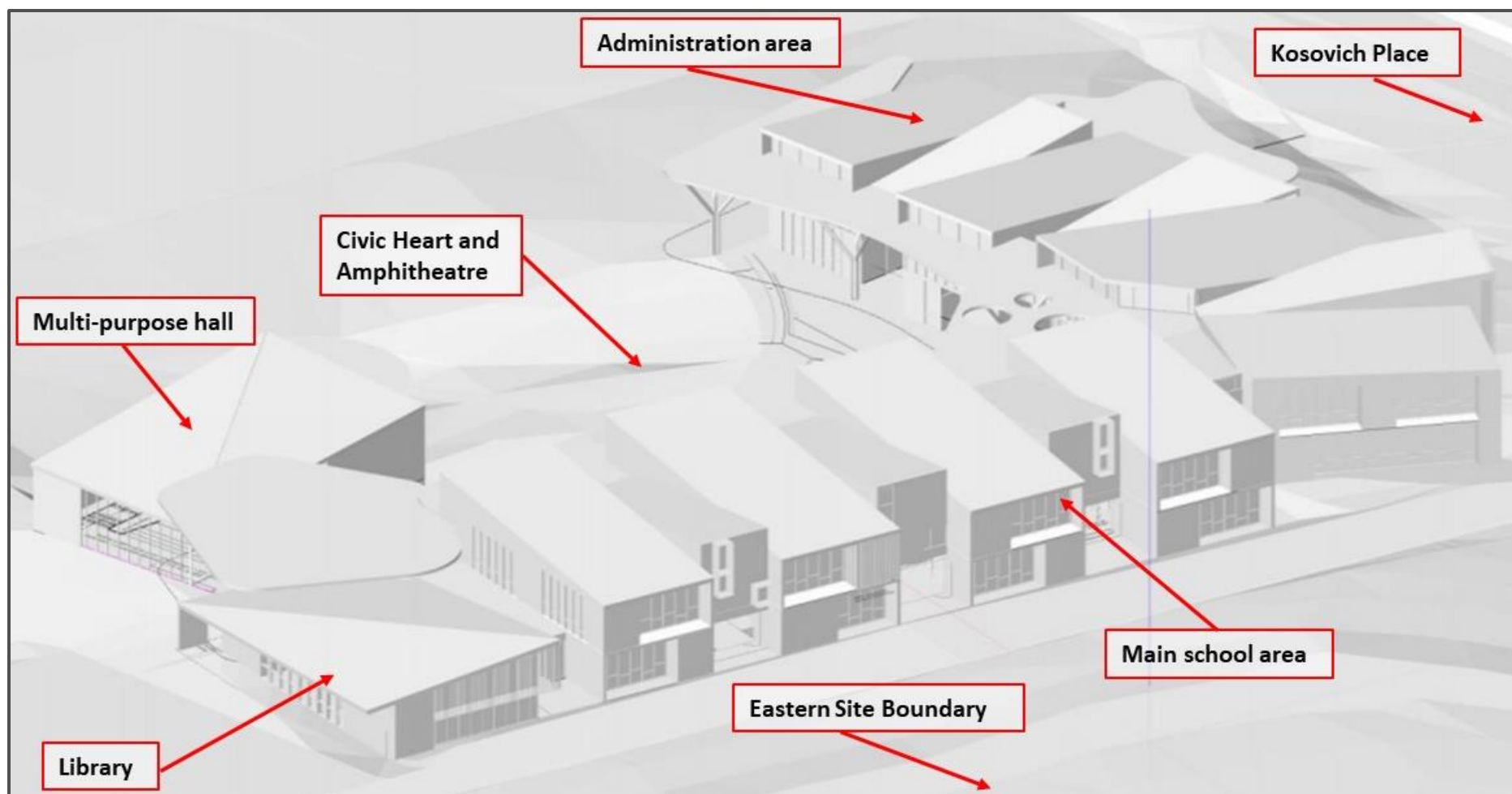


Figure 19 | Building massing, view from south east of site (Source: Applicant's EIS 2018)



Figure 20 | View of the school entry area from Kosovich Place (Source: Applicant's EIS 2018)

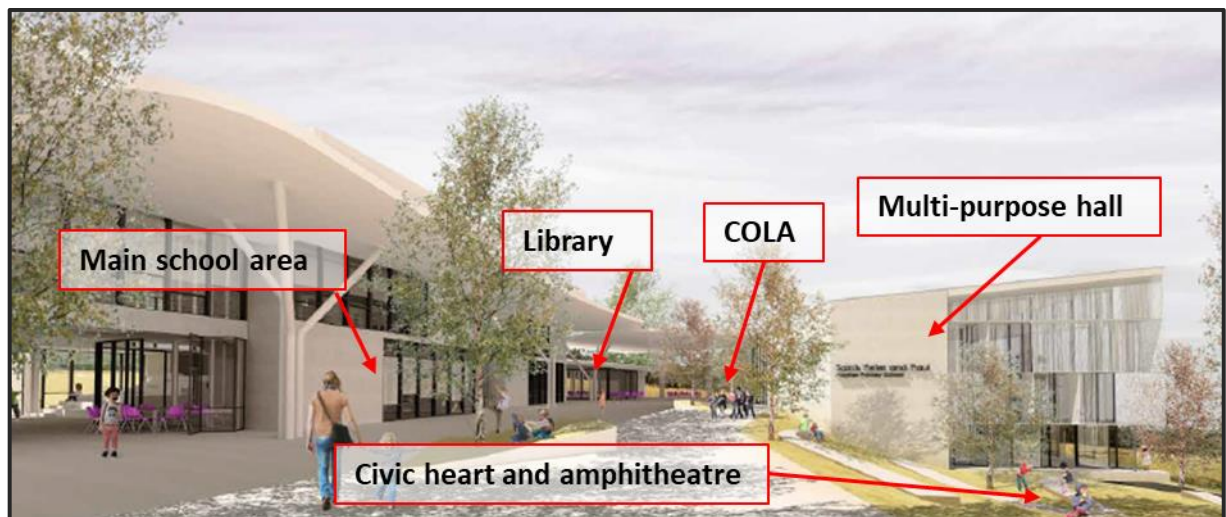


Figure 21 | View of the civic heart area (Source: Applicant's EIS 2018)



Figure 22 | View of the driveway from the staff carpark (Source: Applicant's EIS 2018)



Figure 23 | View of the school building from Kosovich Place looking towards Kindergarten area
(Source: Applicant's EIS 2018)

2.4 Uses, activities, and hours of operation

- 2.4.1 The site would be used as a primary school (K – 6) with:
- maximum 210 students and 12 full time equivalent (FTE) staff in Stage 1.
 - 630 students and 35 FTE staff at completion of the development.
- 2.4.2 The design of the school has considered the opportunity for shared use of facilities with the community including use of sporting fields, multi-purpose hall and car parking. The out-of-hours activities are detailed below:
- out-of-school hours (OOSH) care.
 - language and Bible classes.
 - community use:
 - sport facilities on Saturday mornings.
 - use of car park as overflow parking for adjacent church outside of school hours (mainly on the weekends).
 - potential development of future community learning activities.
- 2.4.3 The proposed hours of operation including the school and the out-of-school-hours activities would be:
- 7:30am to 9:30pm weekdays during school terms.
 - 8am to 1pm Saturday for sports.
 - school car parking facilities to be open on Saturday and Sunday during church operations.

2.5 Related development

- 2.5.1 On 16 March 2010, Council approved a local development application **DA 776.1/2009** for the construction and use of the adjoining site as a church. Conditions of consent limited the number of parishioners to 80 people at one time.

- 2.5.2 On 17 November 2016, the Church submitted **DA 748.1/2016** seeking consent to modify the maximum number of parishioners attending the church site at any one time to 595 people, as well as extend the hours of operation. In July 2018, the Church submitted an appeal in the NSW Land and Environment Court against the deemed refusal of this modification application. The appeal was dismissed by Land and Environment Court, due to the following reasons:
- adverse impacts on the amenity of the nearby residents in Kosovich Place.
 - adverse impacts in terms of the number of attendees, related traffic and off-street parking.
 - lack of an adequate plan of management to minimise the impacts of traffic from church events.
 - inadequacies of the on-site sewerage treatment system.
- 2.5.3 In December 2020, Transport for NSW (TfNSW) advised the Department that a local development application to increase the church parishioners from 80 – 266 is currently under assessment.

3 Strategic context

3.1 Project need and justification

- 3.1.1 The Applicant has identified the need to provide additional schools in the region to accommodate increased demand for primary school places.
- 3.1.2 Council objected to the proposal during the EIS exhibition and indicated that the need for the school in the locality is low as the population of Cecil Park is only around 848 (2016 Census data) and there are eight primary schools within 4km of the site. One public objection also raised similar concerns.
- 3.1.3 In response, the Applicant advised that the proposed school mainly addresses “overflow” enrollments from St Hurmizd Assyrian Primary School at 7-9 Greenfield Road, Greenfield Park, approximately 6km east of the project site.
- 3.1.4 Further, the Applicant identified that over the next 20 years the Fairfield LGA would become an important gateway to the world due to its proximity to the new airport and noting the strategic directions in the Western City District Plan.
- 3.1.5 The Western City District Plan identifies that, overall, 77,978 additional school students and 184,500 dwellings are projected for the Western City district by 2036. The Applicant’s EIS also identified that 6000-8000 jobs are targeted for Fairfield LGA by 2036. The provision of the school at this location would cater for the projected future population of the area.
- 3.1.6 The Department notes that Council is currently undertaking planning to facilitate urban renewal and growth by planning for a diversity of homes, access to jobs and services, and a green environment for the localities surrounding the site which is located within a rural zoning. The proposed school is consistent with the servicing of these future strategic directions in the surrounding area.
- 3.1.7 The Department considers that the new school would provide suitable teaching spaces that meets increased demand in the area and future projected growth within the Fairfield LGA.

3.2 Strategic context

- 3.2.1 The Greater Sydney Regional Plan and the Western City District Plan designate the rural areas on the western side of the Fairfield LGA as an urban investigation area due to their proximity to the future Western Sydney Airport and the Western Sydney Employment Lands. The localities in the urban investigation area may transition to a more urban environment over the next 20 years following completion of the airport and the employment lands. However, determination of this application is not dependent on progression of that strategic outcome.
- 3.2.2 Based on the above, Council publicly exhibited the options for future development of the Horsley Park and Cecil Park area between late 2018 and early 2019. Council then considered community submissions and adopted a draft preferred Structure Plan in April 2019 for areas in the western part of Fairfield LGA, which includes the site. The draft preferred Structure Plan option for the area designates the northern, eastern and southern sides of the site for future residential developments. The western section of the site has been identified in this plan as ‘Environmental Living’. The Department notes from public facing documents that Council is investigating further options in relation to the draft Structure Plan based on advice from public authorities and the community.

- 3.2.3 The draft urban capability assessment for rural areas includes a map for Fairfield Rural Lands – Urban Investigation Area (exhibited as part of the preparation of the draft Structure Plan). It identifies the eastern part of the site as potential urban capable land, but the majority of the western side as ‘non-urban capable’ land. This is mainly due to the existing creek, the riparian corridor and the associated flood risks in this part of the land.
- 3.2.4 The Department considers that the development respects Council's future strategic direction as the Applicant proposes all the buildings within the eastern part of the site, identified as capable of being urbanised in the future. If the surrounding areas are developed as small lot residential developments, the school would cater for this catchment of local population as well as wider regional educational needs. Most of the western part would be utilised as landscaped areas with sufficient setback from the environmentally sensitive areas and the riparian zone (discussed in **Section 6**).
- 3.2.5 The Department considers that the proposal is appropriate for the site given it is consistent with:
- NSW State Priorities to provide new and improved teaching and education facilities.
 - the Greater Sydney Commission's (GSC) *Greater Sydney Region Plan: A Metropolis of Three Cities*, as it proposes new school facilities to meet the growing needs of Sydney.
 - Transport for NSW's Future Transport Strategy 2056 as it would provide a new educational facility in a location likely to be highly accessible in the future and provide access to new employment opportunities.
 - the vision outlined in the GSC's Western City District Plan, as it would provide school infrastructure and opportunities to co-share facilities with the local community to cater for the future population in proximity to the future Western Sydney Airport and the employment lands.
 - Infrastructure NSW's *State Infrastructure Strategy 2018 – 2038 Building the Momentum* as it proposes a large school with facilities to support projected demand for primary student enrolments and accommodate infrastructure and facilities sharing with communities.
 - Fairfield City Council's Local Strategic Planning Statement, as it would:
 - promote a development that generates job opportunities.
 - protect areas of high natural value and environmental significance and improve the health of catchments and waterways.
 - ensure infrastructure is aligned to accommodate planned growth and community needs.
- 3.2.6 The proposal when completed would provide direct investment in the region of approximately \$30 million, which would support 43 construction jobs and 35 - 45 new operational jobs (the Applicant's EIS states that 45 operational jobs would be created. This matter is discussed later in the report).

4 Statutory context

4.1 State significance

- 4.1.1 The proposal is SSD under section 4.36 (development declared SSD) of the *Environmental Planning and Assessment Act 1979* (EP&A Act) as the development is for the purpose of a new school under clause 15 of Schedule 1 of the State Environmental Planning Policy (State and Regional Development) 2011.
- 4.1.2 In accordance with section 4.5 of the EP&A Act and clause 8A of the SRD SEPP, the Independent Planning Commission (the Commission) is the consent authority as Council has objected to the development during the public exhibition period.

4.2 Permissibility

- 4.2.1 The site is located predominately within the RU4 (Primary Production and Small Lots) zone under the Fairfield Local Environmental Plan (FLEP) 2013. 'Educational establishments' are permissible with consent within the zone. The western boundary of the site is zoned as E2 (Environmental Conservation) under the FLEP 2013. Educational establishments are not permissible with consent within the zone.
- 4.2.2 The proposed built form of the development is located wholly within the RU4 zone (**Figure 24**).
- 4.2.3 The proposal includes remediation and revegetation activities within the E2 zone. Environmental protection works are permissible with consent in this zone under FLEP 2013.

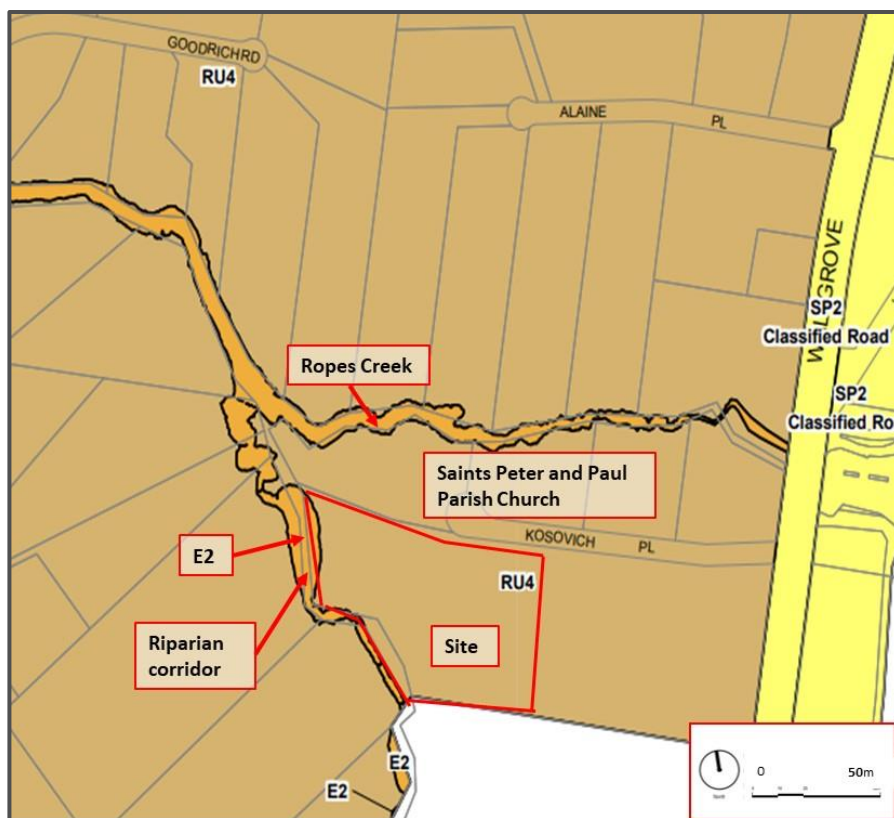


Figure 24 | Land use zones affecting the site (Source: FLEP 2013)

4.3 Other approvals

- 4.3.1 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.
- 4.3.2 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*).
- 4.3.3 The Department has consulted with the relevant public authorities responsible for integrated and other approvals, considered their advice in its assessment of the project and included suitable conditions in the recommended conditions of consent (see **Appendix C**).

4.4 Mandatory matters for consideration

Environmental planning instruments

- 4.4.1 Under section 4.15 of the EP&A Act, the consent authority is required to take into consideration any environmental planning instrument (EPI) that is of relevance to the development that is 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 project and that have been considered in the assessment of the project.
- 4.4.2 The Department has undertaken a detailed assessment of these EPIs in **Appendix B** and is satisfied the application is consistent with the requirements of the EPIs.

Objects of the EP&A Act

- 4.4.3 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 **Table 2**.

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,	<p>The proposal involves the construction of a new school on land where schools are permitted with consent. The proposal includes rehabilitation of the adjacent riparian corridor and establishing plantings.</p> <p>The development would not negatively impact on the economic welfare of the community, nor the natural environment.</p> <p>The development would have no significant adverse impact on the State's natural and other resources</p>

Objects of the EP&A Act	Consideration
	(Section 6) as it is sufficiently setback from the environmentally sensitive areas of the site.
(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 0).
(C) to promote the orderly and economic use and development of land,	The proposal provides for the development of a new school site with fit-for-purpose educational facilities. The proposal is an orderly and economic development and use of the land.
(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 protect the environment, as detailed in Section 6.
(f) to promote the sustainable management of built and cultural heritage (including Aboriginal cultural heritage),	The site does not have heritage significance or value. The proposal would not impact on Aboriginal cultural heritage associated with the area (see Section 6.8)
(g) to promote good design and amenity of the built environment,	The buildings have a modern functional design utilising low-scale built form, which would integrate with the surrounding environment. The application includes landscape features, including hard and soft landscaping and native vegetation plantings, which are sympathetic to the surrounding rural landscape (see 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 being implemented.

Objects of the EP&A Act	Consideration
(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, which included consultation with Council and other public authorities and consideration of their responses (Sections 5.1 and 6).
(j) to provide increased opportunity for community participation in environmental planning and assessment.	The Department publicly exhibited the proposal as outlined in Section 5.1 , which included notifying adjoining landowners, placing a notice in newspapers and displaying the proposal on the Department's website and at Council during the exhibition period.

Ecologically sustainable development (ESD)

- 4.4.4 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.
- 4.4.5 The development proposes ESD initiatives and sustainability measures, including:
- natural ventilation with additional mechanically assisted fresh air flow.
 - well-sealed and highly insulated buildings.
 - high-level operable skylights and solar glare control integrated into façade design.
 - rainwater collection, storage and recycling with on-site detention tanks.
 - locally sourced, low-maintenance, fit-for-purpose, sustainable building materials.
 - LED lighting with occupancy sensors.
 - air source heat pumps with occupancy sensors for heating and cooling.
 - energy efficient fans, equipment and appliances and photovoltaic panels.
 - minimal landscape lighting to reduce energy consumption.
 - revegetation of the riparian corridor on site.
 - decomposed granite pathways to minimise concrete, allow infiltration and demarcate native restoration areas to minimise spread of weeds or exotics into riparian zone.
- 4.4.6 The Applicant is targeting a 4-Star Green Star (Australian Best Practice) or equivalent, consistent with the suggested 4-Star Green Star rating in the Educational Facilities Standards and Guidelines design guide.
- 4.4.7 The Department has recommended a condition that the details of the final ESD initiatives implemented be submitted to the satisfaction of the Certifier, prior to the issue of the occupation certificate for each relevant construction stage.

- 4.4.8 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 and rigorous assessment of the environmental impacts of the proposed development. The proposed development is consistent with ESD principles as described in section 6.5 of the Applicant's EIS, which has been prepared in accordance with the requirements of Schedule 2 of the Environmental Planning and Assessment Regulation 2000 (EP&A Regulation).
- 4.4.9 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.

Environmental Planning and Assessment Regulation 2000

- 4.4.10 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.

Planning Secretary's Environmental Assessment Requirements

- 4.4.11 The EIS is compliant with the Planning Secretary's Environmental Assessment Requirements (SEARs) and is sufficient to enable an adequate consideration and assessment of the proposal for determination purposes.

Section 4.15(1) matters for consideration

- 4.4.12 **Table** 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** 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, the relevant sections of the Fairfield DCP 2013 (FDCP) have been considered where relevant, in Section 6 .
(a)(iiia) any planning agreement	Not applicable.
(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.

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

4.5 Biodiversity Conservation Act 2016

- 4.5.1 Under section 7.9(2) of the *Biodiversity Conservation Act 2016* (BC Act), 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”.
- 4.5.2 The Applicant’s EIS included a biodiversity assessment and a supporting statement. However, at the time of lodgement of the EIS, the Applicant requested the Department to waive the requirement to submit a BDAR. The supporting biodiversity statement provided information regarding pre-consultation with Environment, Energy and Science Group of the Department (EESG) and advised that the biodiversity assessment method (BAM) cannot be accurately applied to this site, given the distance of the development to the vegetation on the site.
- 4.5.3 The Applicant submitted a separate BDAR waiver request with EESG and the Department on 11 July 2018.
- 4.5.4 The biodiversity assessment submitted with the EIS and the BDAR waiver request did not map any native vegetation communities on the site. The assessment found that the site was cleared, the site contained predominately exotic grassland and that no mature native trees would be cleared. Three threatened microbat species, and no threatened flora species or populations were recorded on the site.
- 4.5.5 The assessment also indicated that the unnamed creek along the western boundary of the site and the dam are dominated by weeds namely, Bullrush (*Typha latifolia*), Water Hyacinth (*Eichhornia crassipes*) and Salvinia (*Salvinia molesta*). The vegetation along Ropes Creek is regrowth River-flat Eucalypt Forest with unsurveyed regrowth south of the site considered likely to also be River-flat Eucalypt Forest (**Figure 25**).

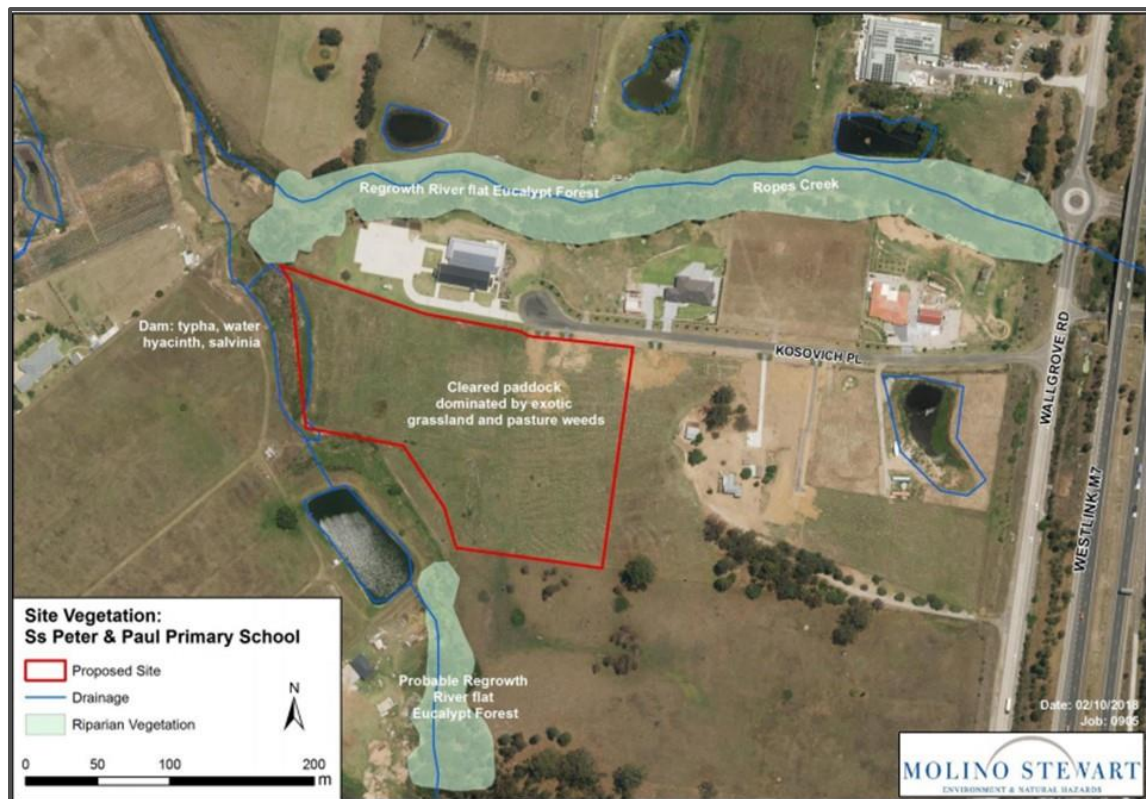


Figure 25 | Vegetation mapping on site (Source: Applicant's EIS 2018)

- 4.5.6 The biodiversity assessment concluded that the proposal would be built in the cleared paddock areas where there is limited habitat for native flora and fauna and is designed to avoid and minimise direct biodiversity impacts. Potential indirect impacts to biodiversity involve hydrological changes to riparian areas caused by earthworks and drainage, operational light impacts on fauna and weed, and pathogen spread. The Applicant's biodiversity assessment stated these potential indirect impacts would be controlled through application of protection and mitigation measures including implementation of the Applicant's Riparian Vegetation Management Plan to revegetate native vegetation in the riparian corridor on the western section of the site.
- 4.5.7 The components of the Riparian Vegetation Management Plan are discussed in **Section 6**.
- 4.5.8 On 6 December 2018, the EESG determined that the proposal would not have a significant impact on biodiversity values and that a BDAR is not required to accompany the application.
- 4.5.9 The Department supports EESG's decision and it was determined that the application is not required to be accompanied by a BDAR under section 7.9(2) of the BC Act. Consequently, BDAR waiver was issued on 7 December 2018.
- 4.5.10 The Department is satisfied that the proposed development is sufficiently setback from the riparian corridor, and stormwater works and the on-site sewerage management system are not likely to have significant impact on threatened flora or fauna species on the site. Accordingly, the proposed development would not have a serious and irreversible impact that would require biodiversity offsets.

5 Engagement

5.1 Department's engagement

- 5.1.1 In accordance with Schedule 1 of the EP&A Act, the Department publicly exhibited the application from 8 November 2018 to 5 December 2018 (28 days). The application was exhibited on the Department's website, at NSW Service Centres and at Council's office.
- 5.1.2 The Department placed a public exhibition notice in the Fairfield City Champion and Liverpool Leader on 7 November 2018 and notified adjoining landholders and relevant State and local government authorities in writing. Department representatives visited the site to provide an informed assessment of the development.
- 5.1.3 The Department has considered the comments raised in the public authority 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 submissions

- 5.2.1 The Department received a total of 10 submissions, comprising eight submissions from public authorities (including an objection from Council) and two public submissions (including one objection and one comment). A summary of the issues raised in the submissions is provided below.

5.3 Public authority submissions

- 5.3.1 A summary of the issues raised in the public authority submissions is provided at **Table** and copies of the submissions may be viewed at **Appendix A**.

Table 4 | Summary of public authority submissions to the EIS exhibition

Council

Council objects to the proposal on the following grounds:

Built form and landscaping

- the built form and scale of the development does not blend with the rural area.
- the proposal would breach the maximum height limit permitted by the FLEP 2013.
- the proposal would result in excessive cut and fill with a 4.4m level difference between the site and the neighbouring property to the east, being out of character with the area.
- the proposed location of the Kindergarten open space within the front setback is not acceptable.
- the eastern boundary setback would accommodate the driveway, drop-off / pick-up areas and outdoor learning areas, which may have adverse amenity impacts on the adjoining residence to the east.

Traffic

- the level of traffic generated by the development would result in unacceptable impacts on the capacity of Kosovich Place and traffic safety levels at Kosovich Place and Wallgrove Road.

- the proposed 30 drop-off / pick-up spaces are not sufficient for the school and would result in queuing on Kosovich Place.
- the proposed vehicle occupancy rate and reliance on public transport are inadequate.
- the proposed bus bay would leave insufficient space for cars and other vehicles to manoeuvre on Kosovich Place.
- the proposal to prohibit right hand turns from Kosovich Place on to Wallgrove Road would impose an unreasonable restriction on the residents and church users.
- the proposal would also have an adverse impact on traffic flow along Wallgrove Road including the intersection between Wallgrove Road / Villiers Road.
- the impacts of the development on the broader road network and critical intersections in Horsley Park and Cecil Park cannot be determined due to lack of traffic modelling at a number of intersections.
- the cumulative impacts of the use of the church and the school have not been considered.
- the proposed expansion of the church was refused by Council and the NSW Land and Environment Court on the basis of adverse impacts on the local traffic network and the amenity of the neighbouring properties. The reasons for Court's refusal should be considered in this proposal.

Flooding

- the technical reports submitted with the EIS are deficient and do not address the assessment requirements, in particular:
 - the impact of the proposal on existing flood behaviour for a full range of flood events.
 - potential flood affection of downstream properties, assets or infrastructure.
 - information regarding redirection of flow, flow velocities, flood levels, and hazards.
 - consideration of appropriate mitigation measures to offset potential flood impacts.
 - lack of consideration of Council's TUFLOW model for existing and proposed scenarios.
 - lack of information to determine whether the works increase flood impacts.

Wastewater and stormwater

- based upon the site constraints and complexity of the proposed sewage management, an independent wastewater treatment consultant should conduct a peer review of the wastewater assessment report.
- a revised Sediment and Erosion Control Plan should be submitted.

Contamination

- the Detailed Site Investigation and the Remedial Action Plan identify that further sampling was required to characterise the extent of the identified Asbestos. Information about the method of further investigation is not provided.

Noise

- the Noise Assessment Report adequately addresses most noise issues, with the exception of noise from playgrounds and traffic noise generated by the development.

Suitability of the site

- a portion of the site is subject to a restriction on title that prohibits further development until unauthorised fill, potential contamination and flooding issues have been resolved.
- the suitability of the site cannot be determined due to lack of necessary supporting information regarding flooding impacts, site contamination, noise generation and soil and water management during construction works.

Endeavour Energy

Endeavour Energy commented that:

- there is no existing electricity infrastructure that would be impacted by the proposal.
- the existing high voltage network should be extended to Wallgrove Road to cater for the development.
- the street lighting on Kosovich Place should be reviewed and upgraded.
- landscaping should be designed to reduce impacts to electricity infrastructure.
- the pad mount substation should be installed in accordance with the relevant guidance and buildings sited to reduce risk of emission from the substation.

Environment Protection Authority (EPA)

The EPA identified that the application does not constitute a Scheduled Activity under Schedule 1 of the *Protection of the Environment Operations Act 1997* (the POEO Act), that an Environment Protection Licence under the POEO Act is unlikely to be required and that the EPA is not a regulatory authority for the proposal.

EESG

EESG commented that:

- rehabilitation of the riparian corridor is supported.
- the replanting plant list should be expanded to include more locally native species, and the vegetation management plan amended accordingly.
- widening of the riparian corridor is encouraged if there is an opportunity to do so and it is recommended that maintenance of weeds continues in perpetuity.
- a diversity of native provenance trees, shrubs and ground covers rather than exotic species should be provided.
- the environmental commitments for flora, fauna and riparian ecosystems should be amended to include increased seeding of fields with native grass species or hardy low water use grasses, rather than using imported species.
- a range of artificial nest boxes for native fauna should be installed.
- the Asset Protection Zone requirements for the development need to be implemented. For this purpose, the adjoining Western Sydney Parklands should be treated as 'woodland' noting the intention to have it restored to being Cumberland Plain Woodland in the future.

EESG also provided recommended conditions, should the application be supported.

NSW Rural Fire Service (NSW RFS)

NSW RFS recommended conditions, including:

- provisions regarding management of the site as an inner protection area.
- compliance with Planning for Bush Fire Protection 2006 and construction standards.
- preparation of a Bushfire Emergency Management and Evacuation Plan.

TfNSW (Roads and Maritime Service) (TfNSW (RMS))

TfNSW (RMS) advised that it does not support:

- a channelised right turn bay treatment on Wallgrove Road at Kosovich Place intersection.
- restricting right turn from Kosovich Place into Wallgrove Road as this would increase unnecessary pressure at the roundabout of Wallgrove Road and Villiers Road.

TfNSW (RMS) recommended:

- construction of a roundabout at the intersection of Kosovich Place and Wallgrove Road, as it would improve the safety for turning traffic and reduce the approach speed at the intersection.

Transport for New South Wales (TfNSW)

TfNSW recommended conditions requiring the preparation of a detailed:

- Green Travel Plan.
- traffic and pedestrian management plan with signage and line marking plan.

Sydney Water

Sydney Water identified that:

- the site can be connected to the Cecil Park water supply.
- the site has no wastewater infrastructure and is outside of Sydney Water's growth servicing plan.

Sydney Water recommended conditions, should the application be supported.

5.4 Public submissions

5.4.1 The public submissions raised the following concerns around the:

- legal description of the adjoining land as being incorrect and the need to ensure that a correct survey plan is prepared to clarify the ownership of the adjoining lands.
- oversupply of primary schools within the surrounding area and consequent lack of demand for the proposal.
- lack of public transport to service the school.
- exacerbation of the traffic and parking issues in Kosovich Place due to the school and the adjoining church.
- lack of kerb or guttering on Kosovich Place.

5.5 Response to submissions and supplementary information

5.5.1 Following the exhibition of the 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.

5.5.2 On 22 July 2019, the Applicant provided a Response to Submissions (RtS) (**Appendix A**) on the issues raised during the exhibition of the proposal. The RtS provided additional assessment, justification and support for the likely traffic impacts and management, including proposed

infrastructure upgrades, noise assessment and design considerations. However, the Applicant did not propose any design changes in the RtS.

- 5.5.3 The RtS was made publicly available on the Department's website and was referred to the relevant public authorities. The Department received an additional seven submissions from public authorities. No submissions from the public in response to the RtS.
- 5.5.4 TfNSW, EESG, EPA and Sydney Water provided no further comments. A summary of the issues raised in the submissions by the other public authorities is provided at **Table 5**.

Table 5 | Summary of public authority submissions to the RtS

Council

Council maintained its objection and indicated that:

- previous concerns regarding the built form, location of Kindergarten open space, inadequacies of the drop-off / pick-up zone and traffic mitigation measures, inadequacies for traffic modelling have not been adequately addressed.
- the proposed bus bay on Kosovich Place would not benefit the community. Therefore, the bus bay must be provided within the boundary of the site.
- the staff car spaces would have direct conflicts with the drop-off / pick-up operations.
- no designated loading area for servicing vehicles has been provided.
- inadequate information has been provided in relation to the flooding impacts on the site and the downstream properties, stormwater drainage connections, soil contamination, remediation and soil sampling / detailed investigation.
- the noise impact assessment should be updated to consider cumulative effect of differing noise producing scenarios including concurrent school and church events.
- a peer review of the wastewater treatment system is not provided.

Endeavour Energy

Endeavour Energy provided additional recommendations with regard to the location of electrical infrastructure in relation to bushfire risk management and flooding.

TfNSW (RMS)

TfNSW (RMS) advised that:

- the proposed design of the Wallgrove Road / Kosovich Place intersection with the right-turn bay cannot be supported in its current form due to safety hazards.
- a roundabout should be provided at this intersection.

- 5.5.5 Noting the public authority comments on the RtS, the Applicant engaged with TfNSW regarding feasible options for the intersection upgrade.
- 5.5.6 Following extensive consultation with TfNSW, the Applicant submitted supplementary RtS (SRtS) in February and April 2020 which advised that as discussed and agreed with TfNSW, the Applicant proposes to upgrade the intersection of Kosovich Place / Wallgrove Road with a right-turn storage lane on Wallgrove Road and a "No Right Turn" restriction on Kosovich Place.

5.5.7 The SRtS included:

- additional SIDRA modelling and intersection design for Kosovich Place / Wallgrove Road.
- meeting minutes with TfNSW.
- a response to Council's submission to the RtS.
- additional traffic advice regarding intersection upgrades and bus operations.
- additional information regarding land contamination, wastewater and flooding.
- additional noise assessment.

5.5.8 The SRtS was made publicly available on the Department's website and referred to the relevant public authorities for comments. A summary of the public authority submissions to the SRtS is provided in **Table 6**. The Department notes that TfNSW (RMS) and TfNSW merged in 2019 and combined comments to the application were provided by TfNSW in 2020.

Table 6 | Summary of public authority submissions to the SRtS

Council (comments in May 2020)

Council maintained its objection and indicated that:

- the concerns regarding bulk and scale, location of Kindergarten play areas have not been addressed adequately.
- additional traffic modelling should be undertaken at the nearby intersections to justify that the traffic generation would not adversely impact on the broader road network.
- the proposed number of car parking spaces is acceptable for the site.
- a Traffic Management Plan should be implemented to control traffic during peak times.
- the proposed right turn restriction from Kosovich Place may not be a viable option and would require Council's Local Traffic Committee approval.
- additional swept path diagram should be submitted to demonstrate that 12.5m heavy rigid vehicles (HRV) can travel in and out of Kosovich Place / Wallgrove Road.
- the flood impact assessment should be revised considering the playing fields as part of a school rather than a recreational area, with assessment undertaken using Council's flood model.
- any alterations to the flood storage volume should be determined and appropriate flood mitigation measures proposed.
- the impacts of sub-surface flows from upstream properties should be determined and the drainage system designed to ensure that these flows are captured.
- considering the use of the site, soil contamination has not been adequately assessed.
- detailed investigation should be undertaken with amended remediation works identified.
- a site auditor should be appointed, and site audit statements submitted in various phases.
- the noise assessment should be revised considering the church as a sensitive use and assessing the impacts of the school on the church activities.
- peer review of the wastewater assessment should be undertaken.

TfNSW (comments in March 2020)

TfNSW commented that:

- the proposed right turn lane into Kosovich Place is very short and may result in queuing.

- the shoulder on the eastern side of Wallgrove Road should not be narrowed to accommodate the storage lane.
 - all new work should be on the western side of the Wallgrove Road centre line.
 - geometry of the proposed right turn would be needed prior to the final design.
 - the turn paths for 19m long heavy construction vehicles should be provided.
-

- 5.5.9 In March 2020, the Department consulted with EPA seeking advice regarding the suitability of the proposed wastewater management system on the site. EPA agreed in principle to the proposed wastewater system design and strategy.
- 5.5.10 After reviewing the consistent concerns of Council and TfNSW, the Department engaged Bitzios Consulting (Bitzios) to undertake an independent peer-review of the Applicant's traffic assessment, design of the intersection and Council's concerns.
- 5.5.11 Bitzios provided a peer review report in June 2020 and requested:
- additional SIDRA modelling with calibration and validation addressing technical deficiencies.
 - details to demonstrate that conflicts within the drop-off / pick-up operations can be managed.
- 5.5.12 The Department provided the report to the Applicant in June 2020 and requested that the concerns be addressed.
- 5.5.13 On 13 November 2020, the Applicant provided a further SRtS, which included:
- revised SIDRA models and calibration data for nearby intersections.
 - a response to the identified conflicts in the carpark within the site.
 - a response comparing the proposal against the previous refusal of the church on the adjoining site and addressing the impacts identified in the previous court case.
- 5.5.14 Bitzios reviewed the Applicant's response and concluded that while some outstanding concerns remain, the Applicant has addressed the majority of the concerns raised earlier. Bitzios concluded that some calibration data for a nearby intersection may not be correct, but this would not impact significantly on the conclusions in Applicant's traffic assessment.
- 5.5.15 Bitzios, however, maintained their concerns regarding the internal conflicts at the pedestrian crossing within the drop-off / pick-up zone and recommended that a Road Safety Audit ascertain the mitigation measures at this location.
- 5.5.16 The SRtS, submitted in November 2020, was made publicly available on the Department's website and referred to Council and TfNSW for any further comments.
- 5.5.17 While Council maintained their objections to the proposal, recommended conditions of consent were provided to the Department in December 2020. TfNSW reviewed the SRtS and requested further information regarding design details.
- 5.5.18 In December 2020 the Department sought clarification from the Applicant regarding details of staged student increase, the design alternatives for constructing kerb and guttering on Kosovich Place and discharge points for the proposed drainage system on this road.
- 5.5.19 The Department also consulted with the Department's Water Group and obtained comments regarding remediation works within the waterfront land.

- 5.5.20 On 23 December 2020 the Applicant provided a further SRtS in response to Department's request for information. The SRtS included:
- information on staging of student numbers.
 - details of drainage from Kosovich Place.
 - details of Kosovich Place road widening.

6 Assessment

- 6.0.1 The Department has considered the EIS, the issues raised in submissions and the Applicant's RtS in its assessment of the proposal. The Department considers the key issues associated with the proposal are:
- site suitability.
 - traffic and parking.
 - built form and landscaping.
 - noise.
 - wastewater management.
 - flooding and stormwater.
- 6.0.2 Each of these issues is discussed in the following sections. Other issues were taken into consideration during the assessment of the application and are discussed at **Section 6.8**.

6.1 Site suitability

- 6.1.1 The site is in a rural area, surrounded by low density rural residential developments and a church, which is also a low scale building. The locality is identified as an urban investigation area, highlighting that area would likely transition to a more urban environment in the future.
- 6.1.2 As discussed in **Section 3**, the draft Structure Plan adopted by Council identifies that the eastern part of the site is capable of being used for urban development, whereas the western portion should be used for environmental living. The school is proposed in the eastern section, where it is a permissible use under the FLEP 2013.
- 6.1.3 The EIS stated that the school would deliver a contemporary learning environment and accommodate existing "overflow" enrollments from St Hurmizd Assyrian Primary School at 7-9 Greenfield Road, Greenfield Park (approximately 5km east of the site). The EIS provided a detailed analysis of the design option, with a focus on blending the design with the rural area while providing a contemporary learning environment
- 6.1.4 During the EIS exhibition, Council objected to the proposal on the basis that it is not suitable for the site, given its impacts on the local traffic network, the proposed built form being out of character with the rural area and the lack of adequate wastewater infrastructure. Council's submission identified that the proposal is incompatible with the objectives of RU4 Primary Production Small Lots (in terms of the built form and traffic impacts). Additionally, TfNSW raised significant concerns regarding the suitability of the site and its impacts on traffic. Public submissions also raised similar concerns.
- 6.1.5 The Applicant's EIS, RtS and SRtS reiterated that the proposed design responds appropriately to the site constraints including flooding and bushfire, adjacent riparian zone, site topography, existing soil contamination on the western portion and the amenity of neighbouring properties, by placing the built form on the eastern edge of the site. The proposal includes satisfactory water and on-site sewerage management infrastructure and commits to undertaking upgrades to the intersection of Kosovich Place / Wallgrove Road and widening of Kosovich Place with bus zones that would benefit the school and residents.

- 6.1.6 The design endeavors to minimise hazards on the site by proposing an Asset Protection Zone, proposing all buildings are above the PMF line, and ensuring no works on the western portion prior to remediation of the land.
- 6.1.7 The development would not have any conflict with agricultural land uses, as adjoining sites accommodate a church and rural residential development. The development's compatibility with the adjoining E2 Environmental Conservation zone was confirmed through its biodiversity assessment.
- 6.1.8 Council reviewed the RtS and further SRtS but maintain their objection regarding non-compliance with the RU4 zone objectives as the development does not minimise hazards and risks on the site.
- 6.1.9 The Department has considered the suitability of the scale and design of the school / open space, the on-site sewerage management system, stormwater and flooding impacts, biodiversity as well as impacts of the school on the amenity of the adjoining sites and the local traffic network in the following sections. As a result of the assessment, the Department is satisfied that a suitably designed school can be accommodated on the site and the residual impacts can be managed via conditions of consent. The compliance of the proposal with the objectives of the RU4 zone are discussed below.

Compatibility with zone objectives

- 6.1.10 The objectives of RU4 Primary Production Small Lots zone in the FLEP 2013 are to:
- *enable sustainable primary industry and other compatible land uses.*
 - *encourage and promote diversity and employment opportunities in relation to primary industry enterprises, particularly those that require smaller lots or that are more intensive in nature.*
 - *minimise conflict between land uses within this zone and land uses within adjoining zones.*
 - *ensure that development is sympathetic to the rural environment and minimises risks from natural and man-made hazards.*
- 6.1.11 The Department recognises that while a prescribed land use may be permissible with consent, consideration must be provided as to whether the site is suitable for the proposed size and capacity of the development and whether the proposal complies with the zone objectives. The Department's assessment of the proposal against the zone objectives concludes that the:
- site or surrounding developments are not currently used for agricultural production. Therefore, the potential for conflicts or incompatibility with surrounding land uses is minimal.
 - construction and operation of the school would diversify the economic opportunities available for the site as it is not utilised for primary production, and due to current site constraints, including site slope, flooding and contamination, is unlikely to be used for primary production in the future.
 - locality would likely be urbanised in the future, given its proximity to the Western Sydney Airport, the Western Sydney employments lands and the future strategic directions for the area.
 - presence of the site within an identified urban investigation area supports the establishment of a primary school as an appropriate use of the site that would cater for the future population.
 - availability of school in the locality is of relevance to the desired future character of the area.
 - proposal includes reasonable measures to minimise and mitigate the identified hazards on the site, as discussed in **Section 6**.
- 6.1.12 Therefore, the Department is satisfied that the proposed development would comply with the zone objectives, subject to implementation of conditions of consent.
- 6.1.13 As discussed in Section 4, no works apart from site remediation and riparian zone revegetation are proposed within the E2 zone. The works comply with the objectives of this zone.

6.2 Traffic and parking

Operational traffic impacts and intersection performance

- 6.2.1 The site currently has vehicle access off Kosovich Place, a local road that runs along the northern boundary of the site in an east/west direction. The road provides one lane of travel in each direction with a cul-de-sac at its western end near the boundary of the site.
- 6.2.2 At the eastern end Kosovich Place connects to Wallgrove Road at a T-intersection (priority controlled by a “Give Way” sign). Wallgrove Road is a regional road, operating under a speed limit of 80km/hour. Wallgrove Road provides one lane of travel in each direction and intersects with regional roads Elizabeth Drive to the south and The Horsley Drive to the north. The M7 exit connecting to Elizabeth Drive is located near the site. There are no footpaths, kerb or gutters in Kosovich Place.
- 6.2.3 The Applicant’s EIS included a Traffic and Parking Impact Assessment Report (TPIA), which considers the impact of the proposal on traffic and parking in the locality. The TPIA included the background traffic volumes of the identified intersections near the site that would be impacted by the development. The identified intersections are shown in **Figure 26**.



Figure 26 | Main impacted intersections (Source: Nearmap 2020)

- 6.2.4 The TPIA also included SIDRA analysis to determine the existing (2018) and future (2028) performances for those identified intersections (with background traffic volumes only). The TPIA also indicated that there are no planned upgrades to road infrastructure in the vicinity of the site by

Council. However, TfNSW has planned upgrades to the Wallgrove Road / The Horsley Drive intersection by adding a lane to the eastern approach of The Horsley Drive.

- 6.2.5 Based on the traffic surveys for St Hurmizd Assyrian Primary School (approximately 5km east of the site) and assuming a vehicle occupancy rate of 1.85 per car, the TPIA estimated that the development, when fully operational (with 630 students and 35 staff), would generate an additional 579 vehicle movements (two way) each during the AM (7am to 9:30am) and the PM (2pm to 4:30pm) school peak hours.
- 6.2.6 The TPIA considered the worst-case scenario for the final stage of the development, that 80% of the students would use private vehicles with an expected public / private bus service operation to be in place by that time to assist with modal share.
- 6.2.7 However, for Stage 1 of the development (assumed to accommodate maximum 210 students and 12 staff members), the TPIA assumed that all students would use private vehicles for accessing the site. Consequently, (assuming 1.85 children in one car), the TPIA concluded that the Stage 1 of the development would generate an additional 239 vehicle movements each during the AM (7am to 9:30am) and the PM (2pm to 4:30pm) school peak hours.
- 6.2.8 Based on the above traffic volumes for Stage 1 and the completed development and the background traffic volume, the TPIA provided the peak hour intersection performance analysis for identified intersections and the entry access point for the site. The SIDRA analysis of the intersections included the existing traffic, as well as post-development forecast traffic scenarios in year 2028 allowing for growth in traffic along Wallgrove Road. The TPIA concluded that for the first stage of the development there would be a minor increase to approach delays at each of the intersections modelled but no change in Level of Service (LoS) at any of the intersections in **Figure 26**.
- 6.2.9 The TPIA proposed upgrades to the intersection of Wallgrove Road / Kosovich Place as well as widening of Kosovich Place, to accommodate the design traffic volume for the school. The details of the intersection upgrades are discussed later. However, the TPIA concluded that for the final stage of the development, including the design traffic volumes and the intersection upgrade, the traffic associated with the school would not substantially change the operation of the intersections surrounding the site and all intersections would remain at their existing acceptable LoS except for:
- Elizabeth Drive / Wallgrove Road which would operate at LoS D during the PM peak.
 - M7 / Elizabeth Drive which would operate at LoS F in the PM peak (LoS E without the design traffic volume).

Submissions

- 6.2.10 During the EIS exhibition, Council objected to the development on the basis that the level of traffic generated by the proposed school would result in unacceptable impacts on traffic safety levels in Kosovich Place and Wallgrove Road and generate excessive traffic on Kosovich Place.
- 6.2.11 Council also identified that the additional traffic would generate detrimental impacts on Wallgrove Road / Villers Road roundabout (to the north of the site). In this regard, Council mentioned that the Land and Environment Court dismissed a previous appeal by the church due to unacceptable traffic and parking impacts on the locality. The decision is relevant to the proposed school and should be addressed.
- 6.2.12 Council requested SIDRA modelling results for the Kosovich Place / Wallgrove Road intersection, a Traffic Management Plan for the site and stated that vehicle occupancy rate of 1.85 is not realistic.

- 6.2.13 TfNSW raised concerns regarding the assumption that at the final stage of the development, 20% of the students would utilise public transport, noting the lack of sustainable transport in the locality.
- 6.2.14 TfNSW (RMS) raised concerns about the proposed design for Kosovich Place / Wallgrove Road intersection upgrade, expressing a preference for a roundabout to be constructed. TfNSW advised that a Traffic and Parking Management Plan should be submitted as part of the RtS.
- 6.2.15 A public submission raised concerns with respect to traffic generated by the proposed development.

Applicant's RtS

- 6.2.16 In response, the Applicant's RtS included a supplementary TPIA which included the additional SIDRA model, allowing for right-turns from Wallgrove Road on to Kosovich Place. The results showed that this intersection would operate as LoS A (AM peak) – B (PM peak). The TPIA reiterated that the Wallgrove Road / Villers Road intersection would operate at LoS A, adding the design volume from the development and no further assessment is needed for this intersection.
- 6.2.17 The Applicant also submitted an Operational Traffic and Pedestrian Management Plan (OTPM) with measures to manage any residual impacts on Kosovich Place due to school traffic including:
- "No Stopping" (time-bound during drop-off / pick-up) and "Bus Zone" signage on the southern side of Kosovich Place between the times of 8am – 9:30am and 2:30pm – 4pm.
 - school staff assisting at the bus zone area for loading / unloading of students.
 - measures to ensure that parents do not park on Kosovich Place (such as vehicle registration).
 - car parking for school events occurring within the staff parking areas and occasionally for large events, within the school playing fields, to reduce any impacts on Kosovich Place.
 - all drop-off / pick-up operations within the site with additional management measures to be implemented by staff.
 - appropriate way-finding and instructional signage.
 - feedback, review and monitoring program.

Council and TfNSW submissions to the RtS

- 6.2.18 Council reviewed the RtS and stated that the vehicle occupancy rates need to be justified as the proposal is situated in a rural cul-de-sac setting adjoining an arterial road.
- 6.2.19 TfNSW (RMS) did not raise any further concerns regarding traffic generation due to the development.

Applicant's SRtS and submissions

- 6.2.20 Following submission of the RtS, the Applicant consulted with TfNSW to address the concerns in relation to the design of the intersection of Kosovich Place / Wallgrove Road. Consequently, the Applicant submitted a further SRtS with a revised design for this intersection which considered a priority-controlled intersection with a right turn bay on Wallgrove Road.
- 6.2.21 The RtS included additional SIDRA modelling results at Kosovich Place / Wallgrove Road and Wallgrove Road / Villers Road intersections for Stage 1 and the final stage of the development, accounting for the revised intersection design. The results showed that both intersections would operate at LoS A (for Stage 1 and final stage of development).
- 6.2.22 The Applicant submitted a further SRtS in April 2020, responding to Council's concerns and indicated that the car occupancy of 1.85 students per vehicle is based on data provided by the St Hurmizd Assyrian School, which caters to the same community. The Applicant also specified that the 20%

mode share for buses is typical for primary schools and would be achievable in 2028. As such, the bus service would be shared with St Narsai Assyrian Christian College, located near the school.

6.2.23 Council reviewed the preliminary SRtS and maintained their objections on traffic grounds. Council also advised that the cumulative impacts of the adjoining church and the school should be assessed. TfNSW (RMS) reviewed the SRtS and requested additional information regarding the intersection upgrades, but no further concerns regarding intersection performances.

6.2.24 Bitzios' independent peer review of the traffic impacts and the SRtS concluded that:

- the traffic generated by the development would impact the environmental capacity of Kosovich Place during only short periods of the AM and PM peaks.
- the proposed upgrade works (with "No Right Turn" restrictions) and on-site drop-off / pick-up area, are unlikely to cause any unreasonable impacts on Kosovich Place residents.
- a significant level of traffic would be generated by the proposed school. However, the traffic would ultimately be split between the north and south direction based on analysis of routes to and from the site, school catchment areas and Journey to Work data.
- the proposed vehicular occupancy rates (based on the reasons provided by the Applicant) and the SIDRA modelling outcomes for Wallgrove Road / Kosovich Place (taking into account the intersection upgrades) are satisfactory.

6.2.25 However, Bitzios requested that the SIDRA models for a number of other nearby intersections be revised to include appropriate technical details and calibration.

6.2.26 In response to the above, the Applicant submitted a further SRtS in November 2020, with revised SIDRA modelling and minor amendments to the trip generation, being 238 for AM and PM peak in Stage 1 and 579 for AM and PM peak in the final stage. The revised SIDRA modelling results of the intersection performance of the identified intersections in **Figure 26** is provided in **Table 7**.

Table 7 | Intersection performances for Stage 1 and the final stage (Source: Applicant's SRtS)

Intersection	Peak Hour	Existing LoS	Existing + Stage 1 LoS	Existing + 10 years growth LoS	Existing + 10 year + completed development LoS
Wallgrove Road / Elizabeth Drive	AM PM	C C	C C	E F	F F
Wallgrove Road / The Horsley Drive	AM PM	C C	C C	E C	F D
M7 / The Horsley Drive	AM PM	B B	B B	C B	D B
Wallgrove Road / Kosovich Place	AM PM	A (worst) A (worst)	A (worst) A (worst)	B (worst) A (worst)	B (worst) A (worst)
Wallgrove Road / Sydney International Equestrian Centre	AM PM	A A	A A	A A	A A

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6.2.27 The Applicant's SRtS and addendum TPIA concluded that the intersections of Wallgrove Road / The Horsley Drive and Wallgrove Road / Elizabeth Drive both reach their practical capacity under the 2028 existing traffic volume scenario and would be further impacted by adding the design traffic volume in 2028. However, these intersections would require upgrades by TfNSW in the future, even without the

school being delivered. With proposed planned upgrades in the locality, this could be achieved by the time the development is completed. Consequently, the upgraded intersections would be able to accommodate the design traffic volume from the school in 2028.

- 6.2.28 The addendum TPIA concluded that the forecast traffic generation is reasonable for the site (as shown in **Table 7**) and would be accommodated in the local traffic network subject to the proposed upgrades by the Applicant and by TfNSW in the future. The residual impacts can be managed via an OTPMP for the site.
- 6.2.29 The traffic generated by the church is considered in the existing background volume and further assessment of cumulative impacts is not needed.
- 6.2.30 Bitzios reviewed the information and commented that the revised SIDRA modelling, in some of the intersections, such as Elizabeth Drive / Wallgrove Road and Kosovich Place / Wallgrove Road had data gaps with lack of adequate verification of the modelled traffic impacts.
- 6.2.31 However, Bitzios agreed with the Applicant's conclusions regarding the intersection performances and the need for upgrades. Bitzios' review concluded that the development impacts are negligible at the nearby intersections and would be accommodated by the proposed / planned future upgrades.
- 6.2.32 TfNSW reviewed the revised SIDRA models and raised no concerns regarding intersection performances. Council reviewed the SRTS and maintain their concerns regarding the underestimation of traffic generation, inadequate assumption of mode share with reliance on public transport and technical deficiencies of the SIDRA modelling.

Department's consideration

- 6.2.33 The Department has reviewed the Applicant's submissions and concerns raised by Council and TfNSW. The Department notes that the Applicant has consulted with TfNSW and committed to additional infrastructure works and management measures (OTPM) to accommodate the development on the site. The Department supports the Applicant's proposal to deliver the necessary local road infrastructure including upgrading the Wallgrove Road / Kosovich Place intersection to accommodate the school traffic.
- 6.2.34 Based on the assessment by Bitzios and the information submitted by the Applicant, the Department concludes that, on balance, the traffic modelling and associated assessment of traffic impacts provided by the Applicant are suitable for considering the nature and extent of operational traffic impacts associated with the proposal.
- 6.2.35 In addition to the upgrades discussed above, the Department agrees with the Applicant's conclusion that TfNSW's future upgrades of nearby intersections would be needed to accommodate the future growth in traffic volume by 2028 due to likely development in the area. The Department is satisfied that the delivery of these upgrades by TfNSW would accommodate the school traffic in the final stage. Stage 1 of the school is not reliant on the Elizabeth Road / Wallgrove Road intersection upgrade. Therefore, the school can commence operation of Stage 1 after upgrading the Wallgrove Road / Kosovich Place intersection.
- 6.2.36 The Department has recommended a condition requiring the Applicant to demonstrate that, prior to the increase of student numbers beyond 210 and 12 FTE staff:

- upgrades to the intersection of Wallgrove Road / Elizabeth Drive have been undertaken and completed by TfNSW.
- or else, to provide a detailed traffic assessment for further approval, which identifies the number of students (between 210 and 630) that can be accommodated within the road network without upgrades to the above intersection.

6.2.37 The Applicant has considered a worst-case scenario for traffic generation due to the development. It is anticipated that in the future public transport delivery in the area (following completion of Western Sydney Airport and Aerotropolis) would improve and a higher number of students and staff would use sustainable modes of transport after 2028. This in turn would reduce the overall reliance on cars and the resultant traffic generation.

6.2.38 The Land and Environment Court dismissed the appeal on the adjoining site for the church expansion mainly on the basis that the proposed plan of management was not satisfactory and cars accessing the church site could overflow on to Kosovich Place causing a detrimental impact on the residents. The judgement did not include any specific concerns regarding the traffic generated by the church and its impacts on the nearby intersections. In comparison, the Applicant has demonstrated that the car parking and drop-off / pick-up areas for the school can be accommodated within the site with minimal queuing on the road. Therefore, the Department concludes that the reasons for the dismissal of the previous appeal by the Court have been satisfactorily addressed by the Applicant.

6.2.39 The Department notes that a further development application has been lodged with Council to increase the attendees at the church from 80 to 266. TfNSW advised the Department in December 2020 that the application is under assessment. The Department anticipates that Council, as the consent authority for this development application, would consider the cumulative impacts of the church and the operation of the school in the future.

Sustainable transport

6.2.40 The site is in a locality which currently accommodates predominantly rural areas, lacks public transport and a safe walking environment. The mode share surveys for St Hurmizd School show that approximately 3% of the students are likely to walk to and from the school, 93 – 94% are likely to use cars and about 3 – 4% to use bus services.

6.2.41 The Applicant's EIS included a Sustainable Travel Plan with goals to reduce parking demand, traffic congestion and trip duration. The plan also included measures to initiate the use of sustainable transport and then a program to monitor, review and improve the targets over the years. The targeted transport modal split in the plan after 10 years is shown in **Figure 27**.

6.2.42 The Applicant's EIS noted that bicycle usage in the locality is very low and is not required by the FDCP. The Applicant's EIS also stated that based on the distance from established residential centres and the limited supporting infrastructure, bicycle usage by primary school students in that locality may not be safe. Consequently, bicycle parking has not been proposed for the site.

6.2.43 TfNSW reviewed the EIS and recommended that a final Green Travel Plan be provided with site-specific measures to promote and maximise the use of sustainable transport modes.

Mode of Transport	Usage Rate				
	Estimated Travel Mode	After 1yr	After 3yrs	After 5yrs	After 10yrs
Staff					
Private Car	99%	97%	95%	92%	90%
Bus	1%	2%	2%	3%	5%
Car Pool	0%	1%	3%	5%	5%
Students					
Private Car	95%	92%	88%	83%	78%
Bus	5%	7%	10%	15%	20%
Car Pool	0%	1%	2%	2%	2%

Figure 27 | Sustainable transport targets (Source: Applicant's EIS 2018)

6.2.44 The Department has reviewed the proposed sustainable transport targets and considers that these are achievable and would assist in reducing traffic congestion, when the development is fully operational. However, consistent with the Applicant's assumptions that the students would use cars to travel in Stage 1 (which is realistic considering lack of public transport), the Department has recommended a condition that a final Green Travel Plan be submitted prior to the occupation of any other stage beyond Stage 1 (or increase in student numbers above 210, whichever occurs first). The plan should be updated with the progressive increase in student numbers for each stage of the development. The Department notes that the proposal relies on public transport services in the area and concludes that 20% of students would use this facility in 10 years. Noting this commitment, the Department has recommended a condition requiring the Green Travel Plan to include a shuttle bus / school bus service beyond Stage 1 (to be provided by the school) should public transport be not delivered in the locality. This would ensure that the mode share targets are achieved, notwithstanding delivery of public transport in the locality.

6.2.45 Given that Council or TfNSW have not requested bicycle parking, the Department has not recommended a requirement for bicycle parking on the site.

Vehicle access, internal road design, bus bays and pedestrian access

6.2.46 To provide safe and efficient access for users, the proposal would deliver separate access points from Kosovich Place including a 12.6m wide entry / exit crossing at the north eastern corner of the site for cars and heavy vehicles; a 5m wide emergency vehicle access point on the western side; and the main pedestrian entry to the site adjacent to the driveway (**Figure 28**).

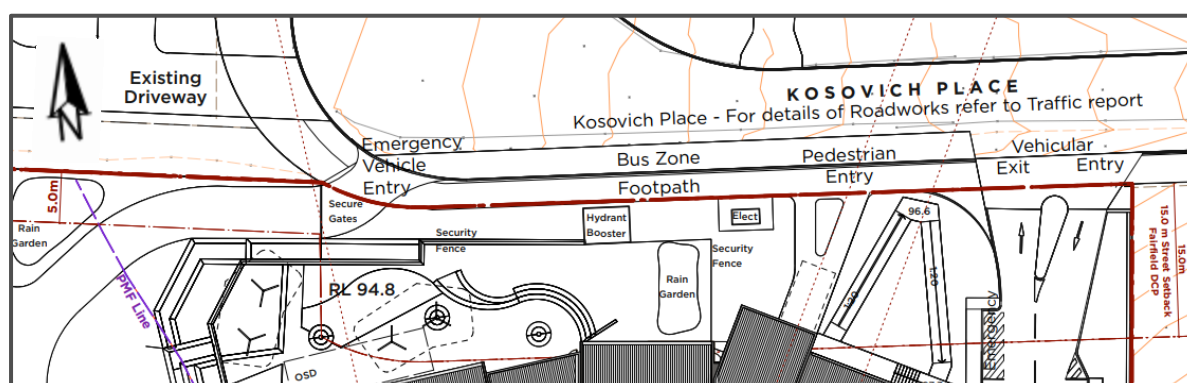


Figure 28 | Location of vehicular access points (Source: Applicant's EIS 2018)

- 6.2.47 Buses would collect students from a new bus bay zone on the Kosovich Place frontage with capacity for up to four buses (**Figure 28**).
- 6.2.48 A 10.7m wide internal driveway carriageway is proposed with one lane in each direction and drop-off / pick-up spaces on each side (30 in total), 1.5 – 1.8m wide footpaths and two internal pedestrian crossings. The driveway would lead to an internal loop road to allow cars to turn around then exit the site in a forward direction. 39 staff car parking spaces (including two accessible spaces) are proposed around this loop road. The car parking spaces, and internal vehicle movements are identified in **Figure 29**. Accessible pedestrian connections are provided within the site to connect the various levels and appropriately respond to the slope of the site. The staging plans identify that the driveway and drop-off / pick-up zones would be constructed in Stage 1.
- 6.2.49 During the EIS exhibition, Council advised that the provision of a bus zone on Kosovich Place was not supported as it would service private operations. Council also requested the provision of a designated loading area and swept path analysis to demonstrate that the internal driveways and the entry / exit driveway can accommodate the turning areas for HRV. TfNSW advised that the operational hours of the school should account for bus travel time with other schools to avoid queuing of students on Kosovich Place.
- 6.2.50 In response to Council's concerns, the Applicant's RtS confirmed that the proposed bus service would be State operated (Transit systems) and would be co-shared with St Narsai Christian College (approximately 6 minutes away). The RtS included swept path for HRV accessing the site and indicated that occasional loading operations would be undertaken in the staff car park adjacent to the waste bin store outside of drop-off / pick-up hours. The Applicant noted TfNSW comments and advised of ongoing consultation with the bus operator about modification of routes and school times.
- 6.2.51 Council reviewed the RtS and reiterated that the bus services would only cater for private schools and therefore should be within the boundary of the site. In response the Applicant's SRtS advised that Transit Systems would not accept on-site bus zones. Thus, the proposal includes an indented (2.5m wide) on-street facility that would provide sufficient width to cater for buses whilst maintaining two-way passing of vehicles along Kosovich Place.
- 6.2.52 Bitzios reviewed the location of the bus zone and noted that while the buses would only service the schools in the area, the community can also use the bus bays, outside the drop-off / pick-up times. Consequently, the bus zone on Kosovich Place would have public benefits and should be supported. Bitzios recommended that the eastern-most bus space be removed to improve the sight lines of the drivers. As such, three bus zones should be enough for a school with 630 students. Bitzios did not raise any concerns regarding the driveway design or widths.

Department's considerations

- 6.2.53 The Department considers that the location of the vehicular entry points, internal driveway and the ingress / egress from the site is acceptable and would not result in substantial conflicts with the driveway for the adjoining church or the surrounding residential developments.
- 6.2.54 The internal loop road would support drop-off / pick-up movements on the site, thereby reducing disruption on the surrounding roads.
- 6.2.55 The Department has also recommended a condition requiring the OTPMP to include procedures regarding the drop-off / pick-up at the bus zone and the removal of one bus bay (to three bays) to

vehicles for the final stage of the development. Consequently, the drop-off / pick-up operations would not result in queuing on Kosovich Place or on the Wallgrove Road / Kosovich Place intersection.

- 6.2.60 During the EIS exhibition, Council raised concerns that the parents doing drop-off / pick-ups may conflict with the staff parking spaces and that the spaces are not sufficient to cater for the school.
- 6.2.61 In response, the Applicant's RtS reiterated the calculations in the TPIA regarding the adequacy of the proposed car spaces and indicated that any conflicts between the pick-up / drop off operation and staff parking spaces would be managed via the OTPMP.
- 6.2.62 Council reviewed the RtS and reiterated their comments in relation to the potential conflict between the staff car parking and internal vehicles movements. Council also raised concerns regarding the internal queuing at the drop-off / pick-up zone spilling on to Kosovich Place and then queuing up to the intersection with Wallgrove Road.
- 6.2.63 Bitzios reviewed the proposed drop-off / pick-up operations and acknowledged that while a large number of vehicles would access Kosovich Place, it would only occur for a short period of time in the morning and afternoon. Bitzios requested that the evidence of adequate calibration and validation of the microsimulation model assessing the queuing must be provided with justification for all assumptions. Bitzios also raised concerns regarding the safety of internal vehicular movements and emphasised that staff parking spaces may be blocked during drop-off / pick-up operations. Further some of the drop-off / pick-up spaces (spaces 3, 4, 16 and 17 in **Figure 29**) encroach on the internal pedestrian crossing and would restrict driver sightlines.
- 6.2.64 In response to the concerns raised by Bitzios, the Applicant's SRtS advised that the staff would generally access the site outside of the peak periods and therefore any conflicts between the parents' and staff vehicles, and inadequacies of internal sightlines can be suitably managed via the OTPMP.
- 6.2.65 Bitzios reviewed the SRtS and the queuing analysis within the site and concluded that at the final stage of the development there would be longer queues than anticipated in the TPIA as:
- the TPIA assumes at the end of the 15-minute drop-off phase, there would be 30 vehicles within the drop-off / pick-up spaces and 36 vehicles queuing. But in reality, the queue would be longer as the spaces 15 – 28 can only be accessed by inbound cars with no opportunity to turn around until the end of the driveway.
 - further delays are caused due to students using pedestrian crossings across the driveway.
 - there would likely be a greater arrival rate in the peak pick-up time within a short duration, rather than the assumed even distribution of traffic through one hour.
 - during the drop-off / pick-up, staff vehicles would be trapped in the queue.
- 6.2.66 Notwithstanding, Bitzios acknowledged that these identified conflicts can be managed via the OTPMP, rather than a redesign of the car park, which should restrict staff movements during the peak times to avoid increased queuing outside the site. Regarding the internal sightlines, Bitzios raised concerns that the management of the car spaces encroaching into the pedestrian crossing is reliant on traffic controllers and driver behaviour, which is not ideal. The Applicant should demonstrate in the OTPMP how these areas would be managed at peak drop-off / pick-up times.

Department's consideration

- 6.2.67 Based on the comments from Bitzios, the Department considers that the proposed drop-off / pick-up zone accommodates sufficient spaces and is unlikely to exacerbate impacts on-street parking at Kosovich Place.
- 6.2.68 However, the Department recognises that the design of the internal drop-off / pick-up area has the potential to result in increased traffic congestion and within the site and within the Kosovich Road frontage. The design also has potential for conflict between pedestrians and vehicles within the site, if not managed appropriately. Accordingly, the Department has recommended a condition requiring the preparation and implementation of the final OTPMP prior to occupation of Stage 1, with operational management procedures in the drop-off / pick-up area. The Department has also recommended that the OTPMP be updated with each subsequent staged increase in student numbers.
- 6.2.69 Notwithstanding the implementation of the OTPMP, the Department remains concerned about the encroachment of a few car spaces on the pedestrian crossing and the reliance on driver behaviour for the safe management of these spaces. Therefore, the Department has recommended a condition requiring a Road Safety Audit to be undertaken at this location, within three months of commencement of operation of Stage 1. If the Road Safety Audit identifies an unsafe environment internally on the site, additional mitigation measures (if any) should be implemented.
- 6.2.70 The Department is satisfied that the implementation of the OTPMP, the Road Safety Audit and any future action(s) following its results, would ensure safe access / movements within the site in the future and minimise impacts on the local roads due to queuing.

Car parking

- 6.2.71 The FDCP requires a minimum of 35 car parking spaces for the development (one car space per staff member). The application proposes 39 car parking spaces with 37 staff and two accessible parking spaces for staff and visitors within the site (**Figure 29**).
- 6.2.72 The Applicant's EIS advised that car parking has been designed to comply with relevant Australian Standards and requirements of NSW RFS. The Applicant's EIS indicated that the school's parking areas would likely be used by the adjacent church outside of the school hours and/or on weekends.
- 6.2.73 Council reviewed the EIS and indicated that the 37 car spaces for the staff may not be adequate due to parents using these spaces as drop-off / pick-up spaces. Further, the total number of car spaces should consider the impacts of overflow car parking from the church.
- 6.2.74 In response, the Applicant's RtS indicated that the sharing of the car spaces would occur mainly on the weekends and outside the school hours. This would allow the church activities to continue operation whilst minimising impacts on the surrounding street network. This would have a positive impact on the locality by reducing the on-street parking on Kosovich Place. The proposed community uses within the site and any occasional events within the school would also be outside the core school hours and would share the proposed car parking area.
- 6.2.75 Council reviewed the RtS and a further SRtS and did not raise further concerns regarding car parking.
- 6.2.76 The Department is satisfied that the proposed car parking area is sufficient to cater for both 35 staff members and out-of-hours school activities, including Saturday morning sport and evening activities. Overflow car parking from the church can be easily accommodated within the site and would improve the traffic scenario in the locality. The Applicant has advised that for occasional events in the school,

the playing field can be used a car parking area, which is a satisfactory option to mitigate on-street traffic impacts during such events. Additionally, the Department has recommended that out-of-hours event management plans be prepared for occasional school / community events within the site. The event management plans would include procedures to ensure that parents / visitors do not park on Kosovich Place during these times.

- 6.2.77 The Department notes the EIS indicated 45 operational jobs would be created. No assessment has been conducted of 45 staff in terms of traffic impacts or car parking. Noting the inconsistencies in the Applicant's documentation and assessment, the Department has recommended a condition requiring the staff number to be limited to 35 full time equivalent staff at any one time at the completion of the development and 12 staff in Stage 1.
- 6.2.78 The Department has recommended a condition requiring the car parking areas to be designed, constructed and delivered in accordance with the relevant Australian Standards, prior to operation of Stage 1.

Local infrastructure and road widening works

- 6.2.79 To ensure that the traffic generated by the school can be accommodated safely in the local traffic network and ensure safe vehicle and pedestrian movements around the site, the Applicant's EIS committed to widening the Kosovich Place carriageway with footpaths and bus bays and upgrading the intersection at Wallgrove Road / Kosovich Place.
- 6.2.80 The proposal would include a 1.5m wide footpath along the southern side of Kosovich Place and widening of the road to 7m (from 6.5m) up to the driveway of the site. Beyond this the road is proposed to be widened to 10m (**Figure 30**). Kerb and guttering is proposed on the southern side of the road.
- 6.2.81 The proposal would also include "No stopping" and 'Bus Zone' signs on the southern side of the road and on the cul-de-sac end effective only during the drop-off / pick-up times.

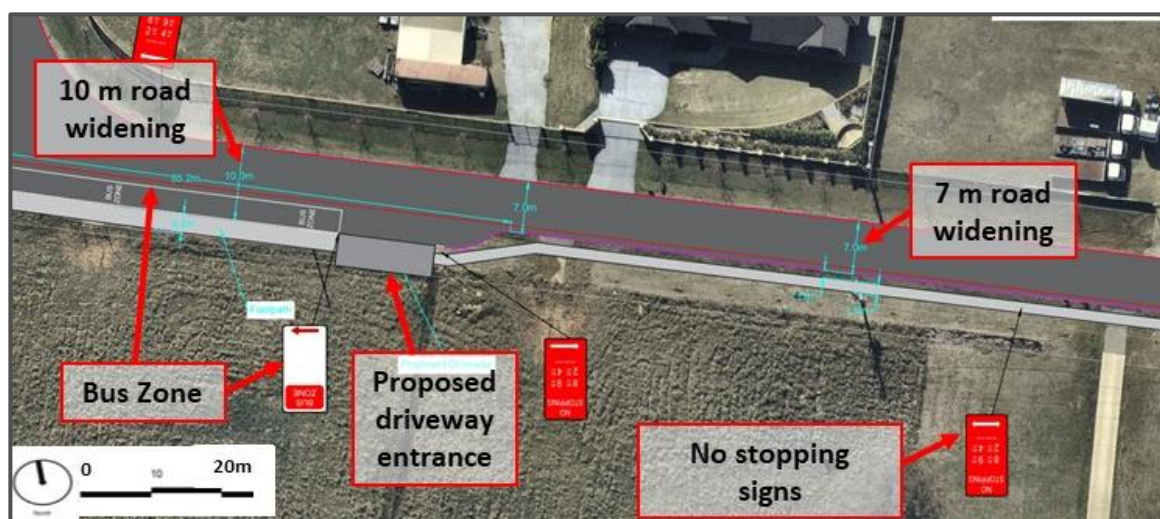


Figure 30 | Proposed diagram for road widening and footpath (Source: Applicant's EIS 2018)

- 6.2.82 In relation to the intersection upgrade, initially the TPIA allowed for right turns from Wallgrove Road onto Kosovich Place but proposed right turn restrictions from Kosovich Place on to Wallgrove Road.

The TPIA also suggested that the priority-controlled intersection with the 'Give Way' sign be retained with a few parking restrictions on Kosovich Place during peak school drop-off / pick-up times.

- 6.2.83 During the review of the EIS, TfNSW (RMS) and Council raised significant concerns regarding the banning of right turns on to Wallgrove Road as well as no parking restrictions on Kosovich Place and emphasised that this would lead to detrimental impacts on the amenity of the surrounding residents. TfNSW and Council also raised concerns regarding vehicle safety on Wallgrove Road while turning right on to Kosovich Place.
- 6.2.84 Additionally, Council objected to the proposal to widen Kosovich Place with kerb and gutter and indicated that this would be out-of-character with the rural area.
- 6.2.85 TfNSW (RMS) recommended that a roundabout would be an appropriate option for this intersection. The Applicant's RtS justified that a roundabout was not feasible at this location as it would be too close to the Wallgrove Road / Villers Road roundabout. TfNSW (RMS) comments to the RtS did not agree to the Applicant's design of the intersection at Wallgrove Road / Kosovich Place.
- 6.2.86 Following the submission of RtS, the Applicant consulted TfNSW and submitted an SRtS with a revised design of the Wallgrove Road / Kosovich Place intersection. The revised design included **(Figure 31)**:

- a 26.6m long auxiliary lane providing for the storage of vehicles waiting to turn right from Wallgrove Road into Kosovich Place. The Applicant advised that this does not include the taper length of 18m and is the longest lane length that can be accommodated considering the proximity of the roundabout to the north and the narrow culvert across Ropes Creek.
- a 100m long (including taper) auxiliary lane providing for the deceleration of vehicles turning left into Kosovich Place.
- "No Right Turn" and "Left Only" signage, complemented by a concrete island, restricting right turns out of Kosovich Place.
- lane and shoulder widths generally matching the existing geometry of Wallgrove Road.
- intersection turns designed to accommodate a 12.5m long HRV.



Figure 31 | Proposed intersection layout (Source: Applicant's SRtS 2020)

- 6.2.87 The SRtS and the supplementary TPIA concluded that the:

- traffic exiting the roundabout to the north of the site travels significantly slower than the 80km/hour speed restriction and deceleration facilities are not required. Southbound vehicles intending to enter Kosovich Place would not significantly accelerate after exiting the nearby roundabout and would have ample room to brake safely for the right turn.
- 26.6m long lane is sufficient to accommodate the 98th percentile queue predicted by SIDRA analysis sensitivity testing and can accommodate two 12.5m long HRVs.

- 6.2.88 The supplementary TPIA recommended the intersection upgrade be undertaken prior to the delivery of Stage 1 of the development.
- 6.2.89 Council reviewed the intersection design and the road widening proposal and maintain their concerns regarding the Applicant's proposal to ban right turn on to Wallgrove Road from Kosovich Place. Council advised that the proposed restrictions would require consultation / support from affected stakeholders and approval from TfNSW, the Fairfield Traffic Committee and Council's Assets Department.
- 6.2.90 Council indicated that the road widening proposal cannot be assessed due to lack of details for the typical road cross-section, kerb and gutter and associated road stormwater drainage with the discharge point. Further Council also requested that swept path diagrams should be provided to demonstrate that HRV maneuvering in and out of the site would not be impacted by the landscaped area adjacent to the driveway as well as vehicles parked on either side of Kosovich Place.
- 6.2.91 In response to Council's comments, the Applicant's SRtS advised that the details of the road widening, and intersection upgrades would be finalised through post approval consultation with TfNSW and Council, should be application be supported by the Commission. Council noted this and has not provided any further comments in relation to the suitability of the intersection design.
- 6.2.92 Bitzios reviewed the proposed intersection design and agreed that the right turn from Kosovich Place into Wallgrove Road should not be progressed on safety grounds. Bitzios concluded that the proposed right turn bay on the Wallgrove Road north approach would not be a safety hazard, particularly as low right turn volumes are forecast and there is less crash risk with crossing one lane as opposed to multiple lanes. A right turn bay would reduce the likelihood of 'rear end' crashes and minimise congestion for through vehicles.
- 6.2.93 In addition to the above, there is unlikely to be any unnecessary pressure resulting from drivers performing U-turns at the adjacent Wallgrove Road/Villiers Road roundabout to travel south, given Villiers Road is fenced off to the public and only movements between the north and south along Wallgrove Road are permitted.
- 6.2.94 TfNSW has agreed to the intersection design in principle but requested additional details to demonstrate that:
- 19m long construction vehicles can manoeuvre at this intersection.
 - all works are proposed on the western side of Wallgrove Road centre line.
 - additional sight distance assessment to ensure that traffic exiting from Kosovich Place would not be blocked by traffic turning left onto the Kosovich Place.
- 6.2.95 Based on the in-principle agreement from TfNSW and the expert technical comments from Bitzios, the Department is satisfied that the proposed upgrades to the intersection of Kosovich Place and Wallgrove Road would provide an effective method to manage the proposed increase in traffic volumes associated with the construction of the school. This is evident in **Table 7** which shows that

the intersection performances would improve in the future with the intersection upgrade, despite the growth in the future traffic (in 2028) and the design traffic volume.

6.2.96 However, the Department recognises that the detailed design of the intersection as well as road works would require review by TfNSW and Council and has recommended the following conditions of consent to facilitate the works:

- the proposed intersection upgrades, road widening and the associated signage be delivered prior to Stage 1, to ensure appropriate and safe operation of the school.
- the final design of the road, the kerb and gutter / drainage and line marking at the intersection of Wallgrove Road / Kosovich Place to be designed in consultation with and approved by TfNSW and Council.
- the “No Right Turn” on Kosovich Place must be approved by the Fairfield Local Traffic Committee and the associated Traffic Management Plan must be approved by TfNSW.
- appropriate drainage easements be created and registered, should stormwater from Kosovich Place be proposed to drain through the site or any other private property.

Construction traffic

6.2.97 The Applicant’s RtS included an amended Construction Traffic Management Plan (CTMP) to assess the impacts associated with construction activities at the site on the neighbours and the local road network. The CTMP anticipates a maximum of 10-15 heavy construction vehicle movements per week and 1-10 waste truck arrivals per day. On-site parking for construction worker vehicles would be provided throughout the duration of the development.

6.2.98 Construction vehicles are proposed to utilise State and regional roads including The M7, The Horsley Drive, Elizabeth Drive and Wallgrove Road where practical, to avoid residential roads. Construction vehicles would arrive on-site via Wallgrove Road and Kosovich Place and would utilise the existing vehicle entry point located off Kosovich Place. **Figure 11** shows the proposed construction vehicle access to the site for Stage 1 of the proposal. The indicative construction arrangements in Stage 6 are provided in **Figure 32**.

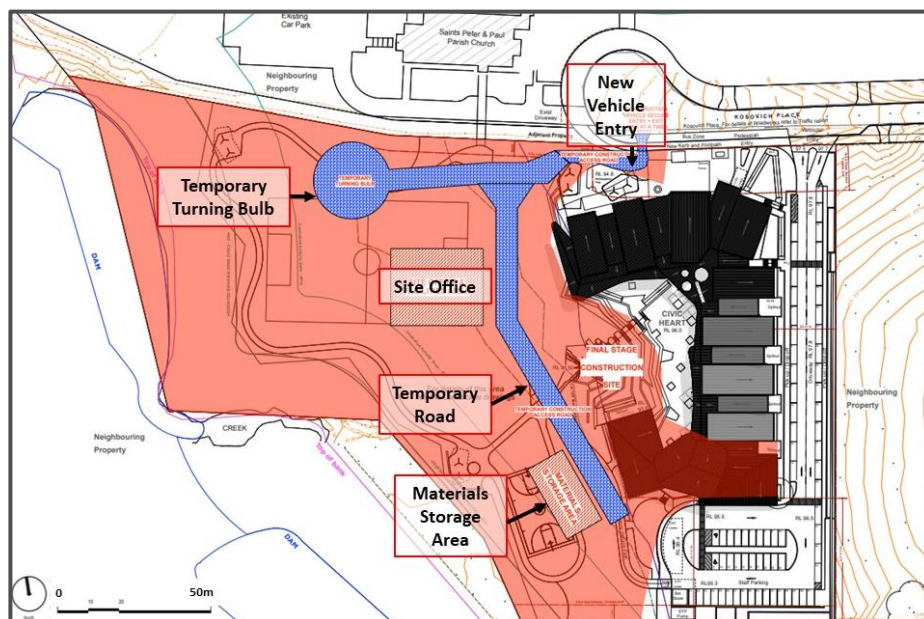


Figure 32 | Stage 6 site construction configuration and layout (Source: Applicant's EIS 2018)

6.2.99 For subsequent stages, the construction vehicle access point would shift further west on Kosovich Place. A temporary internal road and a turning bulb would be established on the western portion of the site for parking construction vehicles without hindering school operations.

6.2.100 Council and TfNSW did not raise any concerns regarding construction traffic management.

6.2.101 The Department reviewed the CTMP and is satisfied that the local road network can accommodate the predicted construction vehicle movements. Management measures contained in the CTMP and the provision of on-site car parking for site personnel would assist in minimising impacts on the surrounding roads. The Department has recommended the Applicant prepares and implements a final CTMP for the site, that would be updated for every stage of construction work.

6.3 Built form and urban design

Building height, bulk and scale

6.3.1 The site is subject to a maximum building height control of 9m under clause 4.3 of the FLEP 2013. The building height of certain sections of the school building would breach the stipulated height control of 9m as shown in **Table 8** and identified in **Figures 33** to **35**.

Table 8 | Proposed building heights and variations

Proposed building	Maximum height (relative level RL)	Maximum building height above ground level	Variation to the 9m height control
School building	RL106.35	12.8m	3.8m
Library / canteen	RL 102.72	6.62m	N/A
Multi-purpose hall	RL103.4	7.3m	N/A

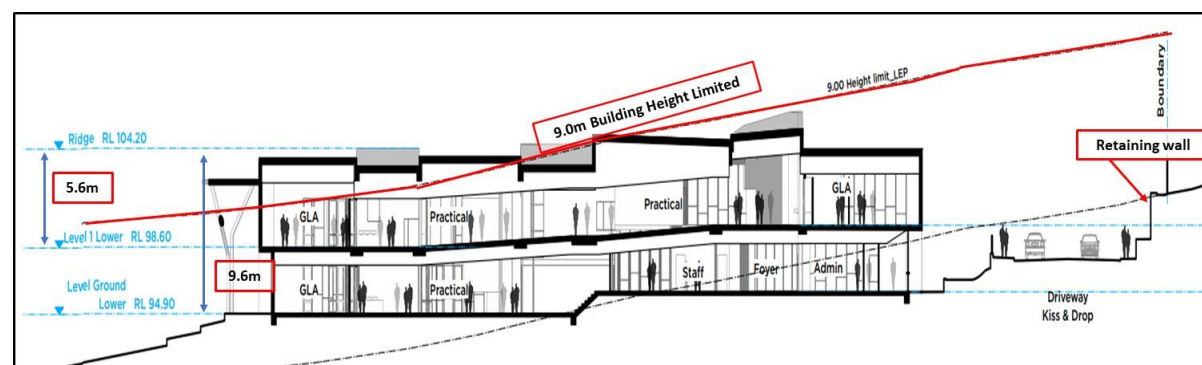


Figure 33 | Section through the east – west showing the driveway, retaining wall and height exceedance (Source: Applicant's EIS 2018)

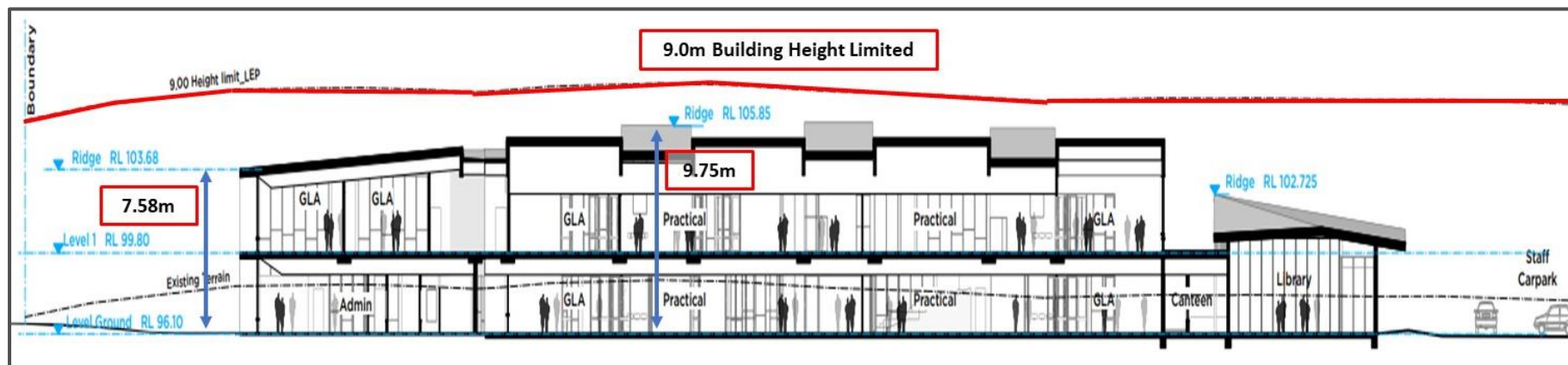


Figure 34 | Section through the north-south showing sections of the building within the stipulated 9m height limit (Source: Applicant's EIS 2018)

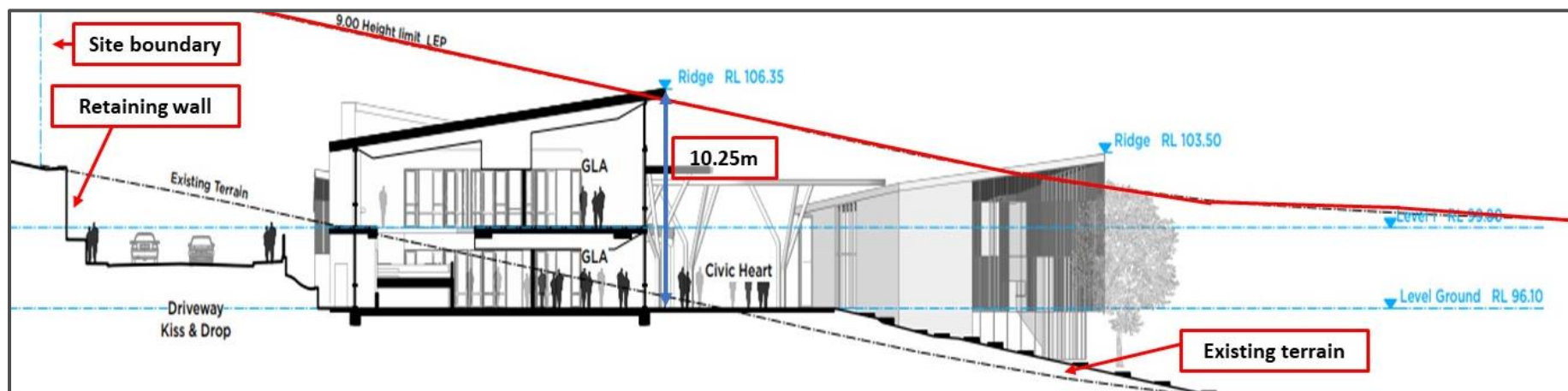


Figure 35 | Cross-section through the site showing the effective height of the building, as visible from the western playing fields (Source: Applicant's EIS 2018)

- 6.3.2 Clause 42 of the Education SEPP provides that consent may be granted for the development of a school that is SSD, even if the development would contravene a development standard imposed by that SEPP or any other environmental planning instrument under which the consent is granted. Consequently, the height, setback and FSR controls within FLEP 2013 do not strictly apply to this development. However, it is still appropriate to give them consideration as a development guide.
- 6.3.3 Clause 4.6 of the FLEP 2013 provides flexibility when a development standard is contravened. The Applicant's EIS included the following justification for the building height and exceedance, having regard to clause 4.6 of FLEP 2013, as a guide:
- the height non-compliance is limited to the roof form over a section of the western elevation and results from the steeply sloping topography of the site.
 - the additional building height is required in order to maintain level access to all school facilities and to create uniform rooflines, building lines and floor levels.
 - the development generally maintains a two-storey built form as prescribed in the FDCP.
 - the proposed development (including those sections comprising additional building height) contributes positively to the character for the site.
 - the additional building height is located away from the boundaries of any surrounding residential properties and is buffered by deep soil, the upper slopes of the site and separation distances.
- 6.3.4 The initial design of the proposal which was discussed with the State Design Review Panel prior to the lodgment of the EIS, resulted in a higher breach of building height. However, the Applicant consulted with the State Design Review Panel prior to the lodging the application and, as an outcome of this consultation, the building height was lowered by 1.2m.
- 6.3.5 During EIS exhibition, Council objected to the development on the basis that the proposed building would breach the building height control by 3.8m, being a significant variation (42.2%). Government Architect NSW (GANSW) did not raise any concern regarding the height of the school building.
- 6.3.6 In response to Council's concerns, the Applicant's RtS and SRtS reiterated the justification provided with the EIS. Council reviewed the RtS and maintain their concerns regarding the height exceedance.
- 6.3.7 In considering the merits of the proposal and the building height, the Department is guided by clause 4.6 of FLEP 2013, which allows for contravention of a development standard where compliance is unreasonable and unnecessary. The Department has also considered the established principle in the case of *Four2Five Pty Ltd v Ashfield Council [2015] NSWLEC 1009*. In accordance with this decision, sufficient environmental planning grounds, unique to a site, must be demonstrated by the Applicant for a clause 4.6 variation request to be upheld.
- 6.3.8 Based on the above, the Department considers the proposed exceedance to the stipulated building height is acceptable in this case, due to the:
- height of the school building would be about 10.55m when measured from the ground level directly below its roof. The 12.38m height would only be perceived when measured from the floor level of the multi-purpose hall (**Figure 35**). As such, the height exceedance would relate to a small section of the roof. The overall built form within the site would be two-storey.
 - site is highly constrained due to flood affected areas on the western side and the creek. These constraints restrict the built form to locations only on the higher (eastern) side and less flexibility of relocation following the natural slope of the land, which would have otherwise resulted in lesser building heights (by stepping the buildings).

- building would be setback 15m from Kosovich Place and approximately 60m from the nearest existing neighbouring dwelling. The building mass would not be perceived from any neighbouring properties or the public domain, who would mainly see the roof and playing fields. The height exceedance would mainly be perceived from woodland to the west.
- site is large and any impacts arising from overshadowing, visual impact and loss of privacy would have no significant impact on adjoining properties or open space. Any residual visual impacts can be mitigated by increasing the landscaped interface on the eastern boundary (discussed later).
- proposal facilitates a high-quality built form which would maximise open space on the site.
- new buildings include generous floor to ceiling heights on the ground floor to facilitate appropriate natural ventilation / airflow, consistent with ESD principles.
- requirement for equitable access between various sections of the individual buildings precludes any potential stepping of the floor level and / or further reduction in the roof height.

6.3.9 Having regard to the above reasons, and comments from GANSW, the Department is satisfied that subject to recommended conditions regarding increased landscaped setback on the eastern boundary (discussed later) the exceedance of the maximum building height control is acceptable and the proposed buildings would comply the objective of clause 4.3 “Height of Buildings” in the FLEP 2013, which intends to establish the maximum height for buildings; ensure that the height of buildings complements the streetscape and character of the area in which the buildings are located; and minimise the visual impact, disruption of views, loss of privacy and loss of solar access to existing development.

Site planning, earthworks, bulk and scale

- 6.3.10 The proposed development would have a two-storey built form located in the north east corner of the site. The details of the proposed building layout and components are discussed in **Section 2**.
- 6.3.11 The site planning is guided by the slope of the site, the contaminated and flood affected areas to the west and the Asset Protection Zone (APZ) that prohibits buildings in the western part of the site. The Applicant’s EIS was supported by an Architectural Design Report which stated that the site planning concept focusses on creating a ‘green oasis’, with the school buildings integrated into a landscaped setting (wrapped around the civic heart), on the side of a west facing hill.
- 6.3.12 The design of the buildings responds to the change in natural ground level to provide a library at the southern end of the site with a greater ceiling height in a single storey built form. The school building would be setback 15m from the Kosovich Place frontage and 20m setback from the eastern boundary, to minimise adverse amenity impacts (solar access / overlooking) on the neighbour (**Figure 14**).
- 6.3.13 The development comprises connected building modules in a L-shape. The modules within the school building are designed to include GLAs, presentation spaces and outdoor learning areas. The kindergarten GLAs are appropriately separated from the remaining school, located at the north-western corner of the building. The multi-purpose hall and the library are connected to the school building via a weatherproof COLA (**Figure 14**).
- 6.3.14 The massing on the site is identified in **Figures 18 – 19** and **36 – 37**. The building elevations and views within the site and from Kosovich Place are shown in **Figures 36 – 40**. The Applicant’s EIS

advises that the roof area would break the overall building length and reduce the scale of the development.

- 6.3.15 The design of the buildings would be contemporary with a combination of flat / pitched roof. The Architectural Design Report states that the alternating, mono-pitched roofs of the school building would create a distinctive skyline whilst maximising natural ventilation and daylight. The library and multi-purpose hall would also have distinctive, sloping-diagonal-ridged, gable roofs also responding to natural ventilation, daylight access and views. Solar glare control panels are proposed to be integrated into the façade design.



Figure 36 | View of the building mass from Kosovich Place (Source: Applicant's EIS 2018)



Figure 37 | View of the buildings from the playing fields to the west (Source: Applicant's EIS 2018)



Figure 38 | Internal play areas within the school building (Source: Applicant's EIS 2018)



Figure 39 | View of the retaining wall from the school building (Source: Applicant's EIS 2018)



Figure 40 | The kindergarten play areas along the northern boundary (Source: Applicant's EIS 2018)

6.3.16 Due to the steep slope of the site and to create level areas for the school users, driveways and parking spaces, the proposal would result in significant cut and fill. The Applicant's EIS specifies the following volumes of earthworks in various stages of the development in **Figure 41**.

Volume	Cut	Fill
Stage 1 Construction		
Earthworks Volume (m ³)	-16,888.318	1,459.736
Earthworks Balance (m ³)	-15,428.581	-
Master Plan		
Earthworks Volume (m ³)	-16,826.186	5,655.416
Earthworks Balance (m ³)	-11,170.769	-

Figure 41 | Bulk earthworks on the site (Source: Applicant's EIS 2018)

6.3.17 As a result of the proposed cut and fill, the entire eastern boundary of the site adjoining the driveway would be flanked by a 4.4m high retaining wall. The Applicant proposes a combination of two retaining walls and batter complemented by screen planting to reduce the visual impact (**Figure 42** and **43**).

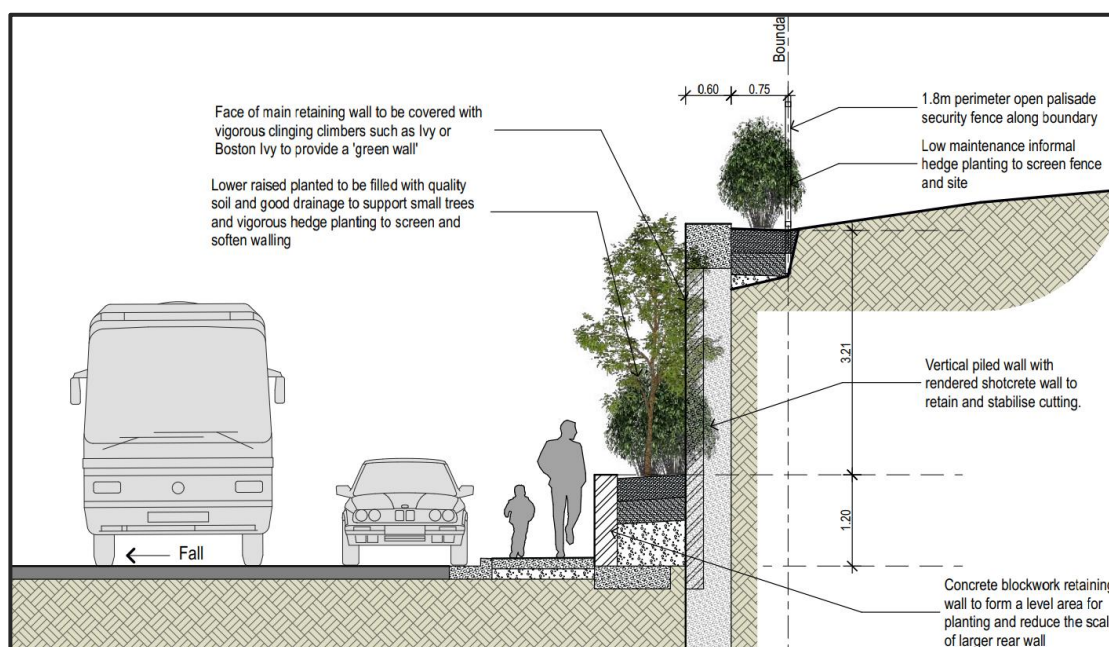


Figure 42 | Section through the driveway showing the retaining wall (Source: Applicant's EIS 2018)



Figure 43 | Perspective along driveway looking north from carpark (Source: Applicant's EIS 2018)

- 6.3.18 The design of the buildings has considered Crime Prevention Through Environmental Design Principles through casual surveillance opportunities around the civic heart and the driveway areas. Access to the site is controlled via the identified access points.
- 6.3.19 The proposed materials and finishes include a combination of light-coloured face brickwork (for recessed elements) and rendered masonry (for protruding elements), dark coloured metal framed fixed glass windows and light-coloured metal for vertical and horizontal shading structures. The external canopy, shelters and COLA would incorporate light coloured tubular steel as shown in **Figures 21 and 23**. The Applicant proposes to use decomposed granite pathways and feature stairs of sawn stone logs to minimise use of concrete.
- 6.3.20 During the EIS exhibition, GANSW supported the proposed layout of the buildings on the site but requested additional photomontages and details regarding the solar glare control panels (shading devices) on the facades, the skillion roof and natural ventilation framework. GANSW requested the Applicant to review the angled presentation of the entry to the Civic Heart from the pedestrian crossing and raised concerns that this may result in congestion within the plaza. GANSW also recommended that proposed ESD principles be incorporated within the building.
- 6.3.21 During EIS exhibition, Council objected to the inappropriate built form, scale and size of the development, stating the development would not be compatible with the rural character of the area, given the contemporary built form with a building length of 74.8m, reduced setbacks on the eastern side and the retaining wall along this boundary.
- 6.3.22 In relation to the proposed setbacks, Council raised concerns that the 20m setback on the eastern boundary would be occupied by driveways and the retaining wall, with minimal opportunities for landscaping. The location of the kindergarten play areas within the front setback would compromise a landscaped front setback and result in unacceptable amenity impacts on the adjoining neighbours.
- 6.3.23 In response, the Applicant's RtS reiterated that the scale and size of the school reflects its operational requirements. The design of the buildings maintains a two-storey form and integrates with the rural environment through maximising open space and responding to the site's constraints on the western part. By contrast, the provision of multiple, detached buildings across the site depletes available open space and would not be compatible with the rural character. Further, the buildings are designed to reduce the overall scale through façade articulation.
- 6.3.24 In response to Council's concerns regarding cut and fill, the Applicant's RtS advised that the site exhibits steeply sloping topography (RL100.90 to RL89.07). Cut and fill is therefore required to create flat level areas and maintain equitable access within the school. However, cut and fill in the flood zone has been minimised where possible. The level change at the eastern boundary has been managed through the provision of a green wall. The eastern side setbacks and boundary treatment would contribute to visual screening / noise mitigation and maintain a suitable level of amenity for the adjoining property. Views toward the site over the eastern boundary would be that of landscaping.
- 6.3.25 The RtS also indicated that the kindergarten play area includes lawns and tree planting, which would achieve the intent of setback (as outlined in the FDCP) including contributing to 'green' views toward the site and softening the built form (**Figures 36 and 40**).
- 6.3.26 In response to GANSW's comments, the Applicant submitted additional drawings with solar glare control panels. The Applicant also advised that angled arrival point has been intentionally designed as an access control measure for the children entering / exiting the site. This is reinforced via a 2.5m

wide stair and path. Any sense of congestion would be reduced via a large circular skylight over the canopy roof, consistent with previous discussions with the panel. The glass louvres at ground level and on the underside of the roof on opposing facades, encourage a natural crossflow of fresh air.

- 6.3.27 GANSW did not provide any further comments on the proposal. Council reviewed the RtS and a further SRtS from the Applicant, justifying the design outcome for the site. However, Council maintained its objection that the proposed built form on the site was not compatible with the rural character which comprised detached developments with large setbacks. Council reiterated that given its location in a rural cul-de-sac setting, the proposed cut and fill and the visual prominence of the development is not considered sympathetic or acceptable. Council maintained concerns regarding the location of the kindergarten play areas within the 15m wide front setback.

Department's assessment of built form

- 6.3.28 The Department notes existing developments on surrounding sites primarily consist of one and two storey residential dwellings on large cleared blocks of land. In comparison, the school building would be a large building mass with a continuous roof line (despite the breaks) and would not represent a typical rural character. However, the Department agrees with the Applicant that the design of the building is a result of the functional requirements. Connected building modules would allow for all-weather and safe movement through the main learning spaces. The building layout has been designed to maximise access to natural light and ventilation. Reducing the building width significantly or proposing separate building blocks would compromise the functional spaces such as practical areas, common areas and spill over outdoor learning areas.
- 6.3.29 As discussed in the "Building Height" section, the buildings are restricted within the eastern side which, coupled with the requirements for connected and accessible functional spaces, has resulted in the long building length along this boundary.
- 6.3.30 While the relative size of the school building would be significantly larger than the dwellings (**Figures 36 and 37**), the building would mostly be obscured from neighbours on the eastern boundary due to the proposed excavation, topography of the site and new tree planting and landscaping on the eastern and northern boundaries. The scale of the building would mainly be perceived from the distant western boundary due to the land sloping down toward the playing fields, which is considered acceptable. To improve the impacts on the development on the neighbours to the east, an increase in the landscaped interface on this side is recommended, which is discussed below.
- 6.3.31 Given the above assessment and subject to recommended conditions regarding additional landscaping on the eastern boundary rural interface of the site, the Department is satisfied that the proposed scale of the new buildings is satisfactory as they reflect the proposed use, while respecting the topography of the site and setbacks from the nearest neighbour.
- 6.3.32 The Department has assessed the design of the development and concludes that the buildings would provide for a high quality and flexible learning environment for students. While the built form would result in a long building along the eastern boundary, the façade articulation and varying height of the roof would break the building length effectively. The combination of brick rendered masonry and metal framed glazing provides a durable and robust exterior to the school building. Additional landscaping requirements would further screen the development from the rural properties to the east, as discussed below.

Department's assessment of setbacks and earthworks

- 6.3.33 The Department notes Council's concerns that the proposed development components and retaining wall within the 20m eastern setback would compromise the landscaped setting of the rural area. The Department also notes that the Applicant proposes hedge planting within 0.75m setback adjoining the boundary and additional planting area at a lower level with hedges and climbers to provide for a future green wall overlooking the school buildings (**Figures 39, 42 and 43**).
- 6.3.34 In assessing the suitability of the setbacks, the Department recognises that the site is constrained on the western side and buildings cannot be relocated further. An increase in the setback to the east may compromise the width of the driveway and the drop-off / pick-up area and in turn the functionality of the site. The Department partly agrees with the Applicant that the eastern neighbour (setback about 90m from the school building) would not perceive the lack of landscaping due to the significant difference in slope. However, the Department maintains concerns that the lack of landscaping on the eastern boundary would compromise the rural character to some extent as all neighbouring properties generally have larger landscaped setbacks on all sides. The 0.75m wide landscaped verge would not be suitable for canopy trees or large screening shrubs.
- 6.3.35 To mitigate the adverse visual impacts due to lack of landscaping, the Department has recommended a condition requiring the width of the landscaped setback on the eastern side to be increased to 1.5m at grade with the existing ground level of the neighbouring property. The Department acknowledges that this would need some reconfiguration to the site layout or shifting the driveway to the west. However, the additional landscaping would improve the visual impact for the neighbouring property to the east and would effectively screen the continuous roofline.
- 6.3.36 The Department is satisfied that the western views of bushland, Blue Mountains, and sky views are retained for the neighbours. Consequently, on balance, the Department concludes that the proposed setback to the east is acceptable, subject to the additional landscaping on the verge adjoining this boundary.
- 6.3.37 The Department is also satisfied that the provision of canopy trees and landscaped gardens within the northern kindergarten play areas would retain the rural environment on the northern boundary within the 15m front setback, which complies with the FDCP requirements. The location of kindergarten play areas ensures appropriate separation from other classes within the school and allows for expansion of the school building to the west in the future, subject to future assessment of development impacts.
- 6.3.38 The Department has considered the public benefits associated with the development of the new school on the site and notes that the community submissions did not raise concerns regarding height, bulk, scale or overshadowing. Accordingly, the Department is satisfied that the proposed development has been designed to align with the surrounding developments and would not result in unreasonable bulk and scale impacts on the locality, subject to the implementation of recommended conditions of consent.

Environmental amenity – overshadowing and overlooking

- 6.3.39 The Applicant's EIS included shadow diagrams for 9am – 3pm, June 22 (winter solstice) (**Figures 44**) which demonstrate that the buildings would not overshadow any residential development.



Figure 44| Overshadowing impacts of the proposed school on the winter solstice (21 June) (Source: Applicant's EIS 2018)

- 6.3.40 The Architectural Design Report submitted with the EIS indicates that the windows have been located to ensure satisfactory solar access to the GLAs. Solar glare control panels are proposed as shading devices and would be integrated with the façade design.
- 6.3.41 The site is located at a sufficient distance from neighbouring properties. Consequently, the Department does not consider that the proposed built form would result in any overlooking opportunities or overshadowing impacts on to adjoining properties.

6.4 Landscaping and open space

- 6.4.1 The EIS and the Architectural Design Report state that the landscape design intent of the proposal is to create a green oasis that would enhance the learning experience for all users. The entrance to the school and street frontage would be landscaped with trees, hedge planting and gardens. A feature stone face wall bearing the school emblem would provide a visual focus at the drop-off / pick-up area.
- 6.4.2 By the final stage of the development, landscaping elements adjacent to the school include the civic heart; the lower level plaza (sundial plaza); hard surface play court and playing fields (on the western part at a lower level); COLAs; bush play and nature learning areas; synthetic turf lawn; rain gardens and the kindergarten play area north of the site with amphitheatre seating, shelters, sandpit and lawn. The details of these elements are discussed in **Section 2** with an artist's impression at **Figure 45**.
- 6.4.3 The landscape design would provide students with a variety of learning experiences with open grassed areas for play activities and programs, nature-based areas and seating areas for gatherings. An educational food and produce garden are proposed on the southern side of the multi-purpose hall, for practical demonstration and composting activities.
- 6.4.4 The retaining wall adjacent to the driveway would include shrubs, small trees and ivy to soften their appearance and create a green wall as discussed in **Section 6.3**.
- 6.4.5 The Applicant proposes to revegetate the riparian corridor with naturally occurring trees, shrubs and groundcovers proposed to be managed by a Vegetation Management Plan (VMP). A decomposed granite pathway would separate the grass areas from the riparian corridor and include a COLA.
- 6.4.6 The proposed landscaping includes a small seating area and religious sculpture near the northern boundary on the axis of the adjoining church. The Applicant's EIS advises that this would provide opportunity for additional seating near the playing field and a potential future connection with the

church (not within the scope of this application) with a curvilinear path linking to the sundial plaza. The emergency vehicular access would be located near this seating area.

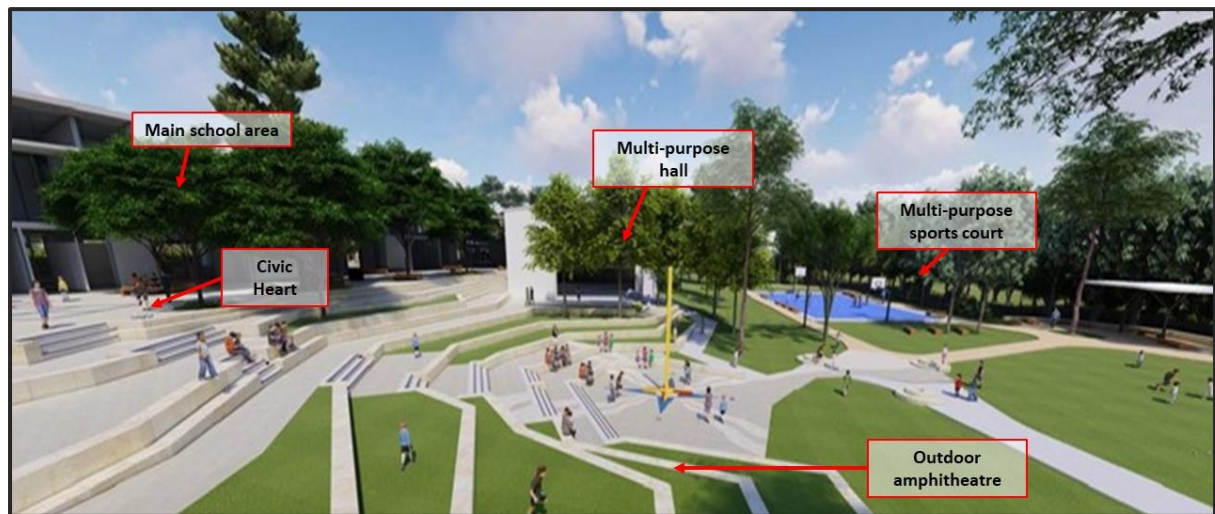


Figure 45 | View of the civic heart and the sundial plaza (Source: Applicant's EIS 2018)

6.4.7 Additionally, the Applicant proposes to plant new trees to achieve 40% canopy cover within the site. No significant trees or vegetation are proposed to be removed to facilitate the development. The proposed planting is shown in **Figure 46** and the main landscaped features within the eastern part of the site are shown in **Figure 47**.

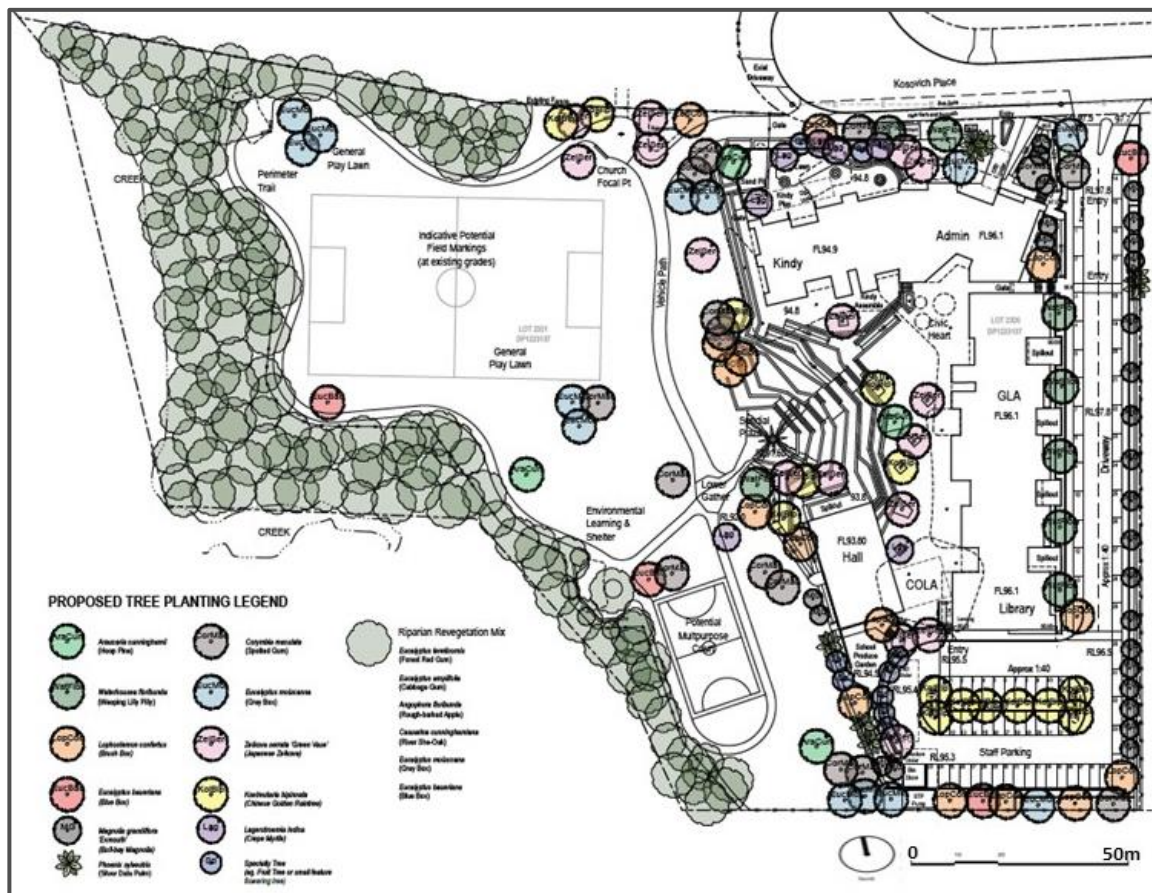


Figure 46 | Locations for replacement tree planting (Source: Applicant's EIS 2018)

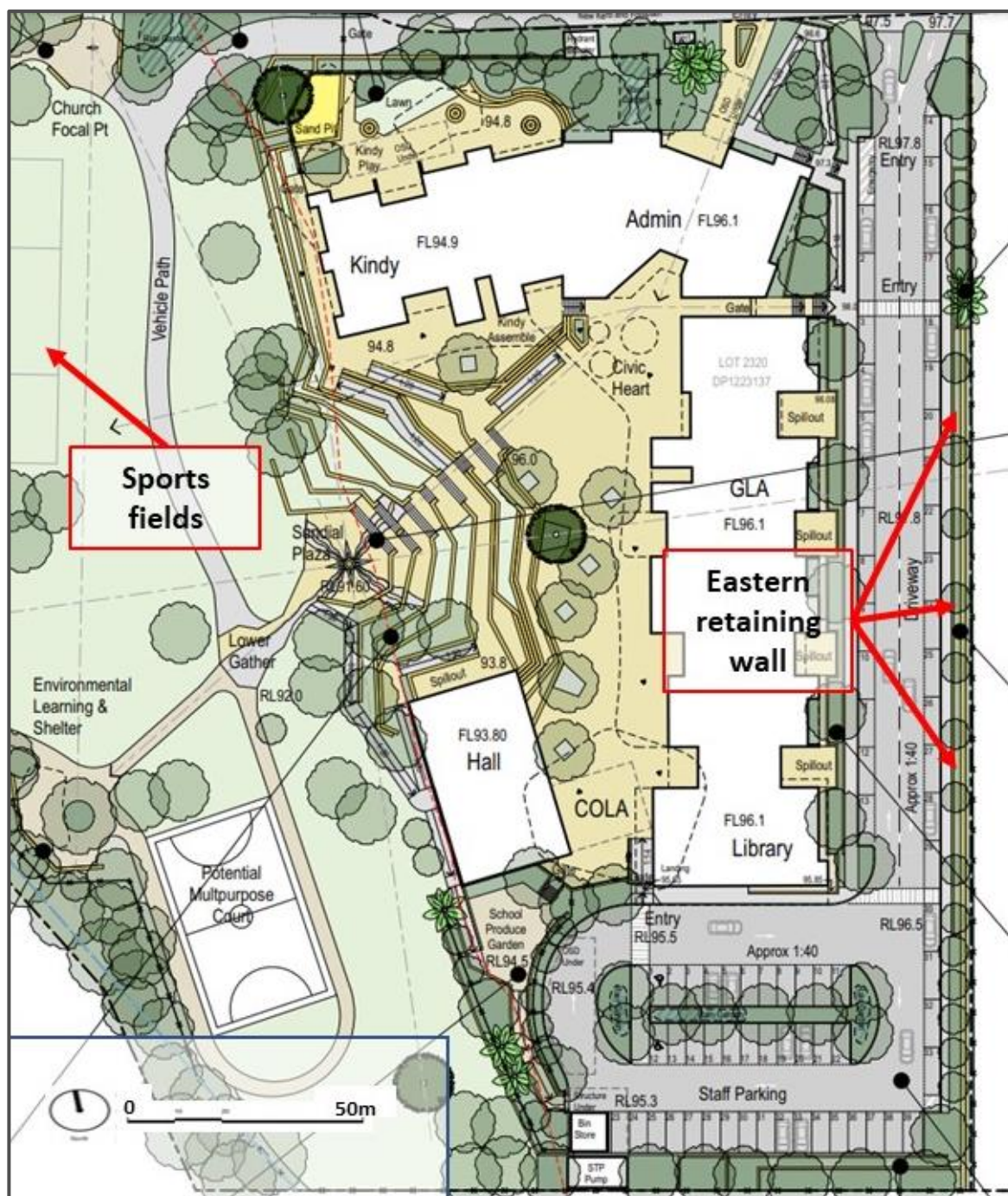


Figure 47 | Main landscape features of the site (Source: Applicant's EIS 2018)

- 6.4.8 During EIS exhibition, Council raised concerns regarding the location of the kindergarten play space and the lack of landscaping along the eastern boundary. These matters are discussed in **Section 6.3**.
- 6.4.9 The Applicant advised that the landscape scheme incorporates a significant urban tree canopy in response to the urban tree canopy targets outlined in the GANSW policy *Greener Places*. The Applicant also committed to providing 40% tree canopy cover on the site, subject to recommended condition of consent.
- 6.4.10 The Department has assessed the landscape plan and considers that the proposed canopy cover would complement the architectural design of the main school building. The Department has

recommended a condition requiring the Applicant to provide a 40% canopy cover at the final stage and that advanced tree species be used for new trees on the site.

Staging of the landscaping works and open space provisions

- 6.4.11 The Applicant's EIS indicates that the Stage 1 of the development would incorporate landscaping along the driveway, part of the civic heart and lawns on the northern boundary. The Staging Plan in **Figure 10** identifies that the remaining part of the civic heart, the amphitheatre, the sundial plaza would likely be constructed in Stages 2 – 3. The playing fields and sports courts would be progressively developed between Stages 2 – 6.
- 6.4.12 The Department has assessed the landscape staging plans and accepts that the final proposal would broadly provide a suitable amount of open space within the site for 630 students. However, the Department is concerned that Stage 1 may not accommodate well designed outdoor spaces within the site including playing fields that would be needed for 210 students. Similarly, given the lack of information, the Department cannot determine whether suitable open space can be provided progressively within the site at each stage with the corresponding increase in student numbers.
- 6.4.13 There are no numeric requirements for the quantity of open space per student for a school within the Education SEPP. The Educational Facilities Standards and Guidelines (EFSG) for Department of Education indicates that a minimum play space of 10m² per student be provided in the new Government school on a greenfield site. This equates to about 2100m² of open space for Stage 1 of the development. The landscape plan does not clearly identify whether this amount of play space can be provided within the site with safe access provisions (noting on-going construction works on site).
- 6.4.14 The Department also notes that the identified stages may not be developed sequentially and would instead be developed in response to the identified needs of the Applicant. Therefore, not all stages of the school are guaranteed to be developed.
- 6.4.15 While the Department recognises a degree of flexibility is required in developing a school, the Department considers this needs to be balanced by the need to ensure the appropriate provision of outdoor open space for students at each stage of the development.
- 6.4.16 Based on the above concerns and using the ESFG as a guide for an independent school, the Department has recommended a condition of consent requiring the Applicant to provide updated 'Landscape Staging Plans' identifying the provision of suitable open space within the site (consistent with the EFSG) catering for the proposed students in each stage of the development.
- 6.4.17 The updated plan is required to be approved by the Planning Secretary prior to the issue of the construction certificate of Stage 1. If suitable open space cannot be provided on the site for each particular construction stage, the Applicant must provide evidence of easily accessible and secure offsite playing facilities that can be used by the students in the interim.

Revegetation of the riparian corridor

- 6.4.18 The proposal involves revegetation of the 20m wide riparian corridor on either side of the tributary of Ropes Creek, between Stages 2 – 6. The EIS was supported by a vegetation management plan (VMP) for the riparian zone with details of the staged revegetation works.
- 6.4.19 During the EIS exhibition, EESG supported the rehabilitation of the riparian corridor and dam area with a diversity of locally occurring native trees, shrubs and ground cover species from the native vegetation community. EESG recommended that the VMP be amended to refine the vegetation

management methodology, include planted species that are consistent with the local River-flat Eucalypt Forest identified near the site, install nest boxes in the revegetated area, indicate specific location and densities of new species and extend the maintenance of weeds to in perpetuity.

- 6.4.20 EESG encouraged widening the rehabilitated riparian corridor width if possible, noting that wider corridors provide greater habitat value and recommended the environmental commitments for flora, fauna and riparian ecosystems be amended to include local native grass species for the fields. EESG also recommended relocation of any logs to the riparian corridor or to other landscaped areas on the site and installation of nest boxes.
- 6.4.21 The Department agrees with EESG and considers that the proposed revegetation along the unnamed tributary on the western boundary would provide significant benefits to local flora and fauna through the remediation of a degraded riparian area. The Department has recommended a condition requiring amendments to the VMP prior to issue of the construction certificate for any stage beyond Stage 1.

6.5 Noise and vibration

- 6.5.1 The Applicant's EIS included a Noise Assessment Report (NAR) that assessed construction and operational noise impacts of the proposal and considered the potential impact of road traffic noise on future school operations.
- 6.5.2 The NAR considered the dominant noise source at the site to be road traffic noise from the M7 Motorway and Wallgrove Road. The surrounding site topography was described as providing a degree of noise screening between the road and the site.
- 6.5.3 The nearest noise sensitive receivers include three rural residential properties located to the north, east and south of the site. Those nearest of these is at 22-30 Kosovich Place, located approximately 70m to the north. The adjacent church was acknowledged as a related entity to the proposed school and was, therefore, not considered a noise sensitive receiver.
- 6.5.4 The location of the surrounding residential receivers and the positioning of the long-term background noise monitoring logger are shown in **Figure 48**. The Department's assessment of construction and operational noise impacts is provided below.

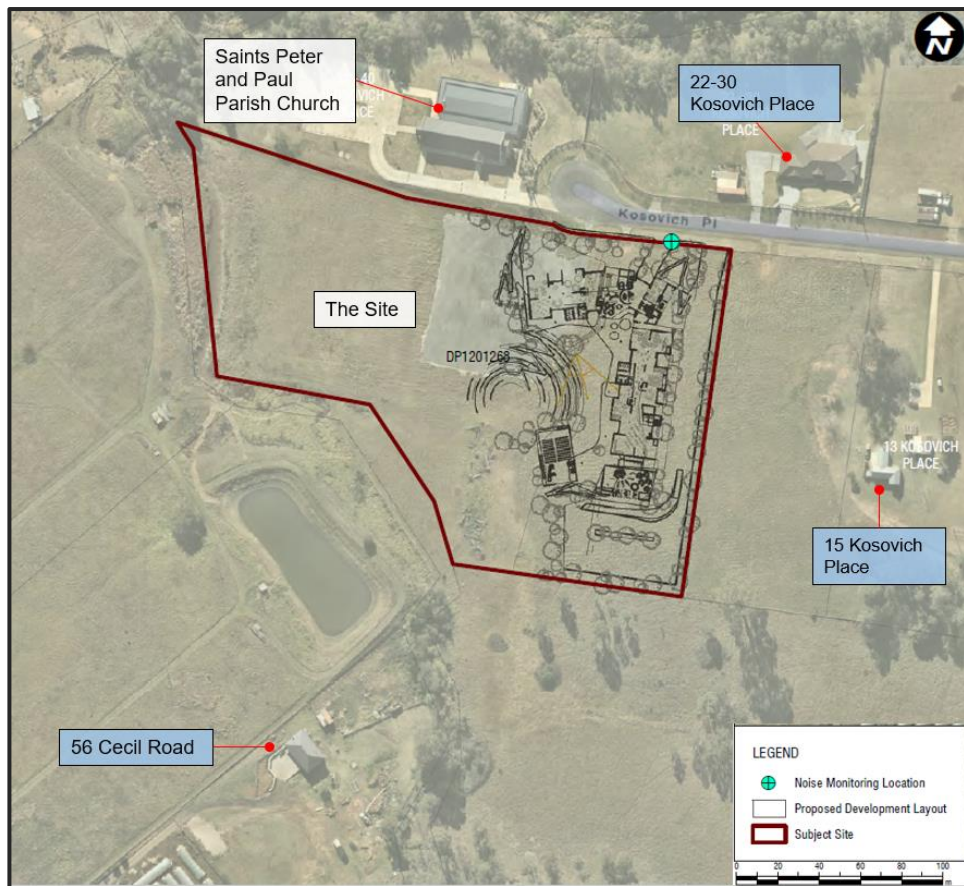


Figure 48 | Sensitive receivers and location of noise monitoring logger (Source: Applicant's EIS 2018)

Construction noise

- 6.5.5 The NAR assessed construction noise and vibration impacts in accordance with the EPA's Interim Construction Noise Guideline (ICNG) and established the construction noise management levels (NMLs) for the nearest residential receivers.
- 6.5.6 Construction plant and equipment that would likely generate significant noise emissions include the use of excavators, dozers, concrete pump trucks and hand tools. The NAR confirmed that the construction noise levels may exceed the NMLs at 2230 Kosovich Place by up to 10dBA, if no construction noise mitigation measures are applied during works. However, construction noise levels were not expected to exceed 75dBA, which represents the ICNG's highly affected noise criterion for residential receivers during the daytime period.
- 6.5.7 Traffic along Kosovich Place would increase during construction, due to heavy construction vehicles, construction worker vehicles, waste trucks and other light vehicles. The NAR determined that the additional vehicle movements would increase the existing ambient noise levels by almost 10dBA at residences along Kosovich Place, however the noise levels would not exceed the criteria for road traffic noise in the Road Noise Policy.
- 6.5.8 To address the potential NML exceedance at 22-30 Kosovich Place, and potential noise impacts from construction traffic, the NAR recommended a range of construction noise mitigation measures. These include the requirement to undertake noise-generating activities only after 9am, orientating certain equipment away from residential properties, and scheduling respite periods when particularly noisy activities occur.

6.5.9 No concerns were raised by Council or the public in regard to construction noise impacts.

Department's consideration

6.5.10 The Department acknowledges that the site and surrounding locality is a rural residential environment with relatively low levels of background noise. Therefore, the application of construction noise management measures would be necessary to mitigate any noise impacts at the surrounding residential receiver locations.

6.5.11 The Department has recommended a condition of consent that requires all reasonable and feasible noise mitigation measures that are identified in the NAR and the ICNG to be implemented at the site and detailed as part of a Construction Noise and Vibration Management Plan. This includes measures that would address the impact of construction traffic using Kosovich Place.

6.5.12 The Department has recommended a condition of consent that requires construction activities to be carried out only during standard hours of construction as set out in the ICNG.

6.5.13 The Department is satisfied that subject to the implementation of the recommended conditions, the construction works would not unreasonably impact on the nearest residents and the church.

Operational noise

6.5.14 The NAR identified the operational noise sources from the proposed school to include mechanical plant, use of the school bell and public address system, waste collection and maintenance activities, music in the multi-purpose hall, students using outdoor areas and road traffic noise.

6.5.15 The NAR carried out noise monitoring to determine the existing background and ambient noise levels and established the following project noise trigger levels (PNTLs) at the nearest residential receivers, in accordance with the Noise Policy for Industry:

- 49dBA for the daytime period (intrusiveness criterion).
- 45dBA for the evening period (amenity criterion).

6.5.16 The NAR concluded that the noise emission due to activities within the school would meet the PNTLs, except for maintenance activities involving powered equipment, such as lawn mowing and waste collection. However, the NAR confirmed these activities are infrequent and recommended only during daytime hours.

6.5.17 In relation to noise impacts from students using outdoor play areas, the NAR acknowledged this to be integral, but unavoidable, and considered there to be no specific noise criteria for playground noise generated by schools.

6.5.18 The NAR also considered the impact of road traffic noise intrusion from the nearby M7 Motorway and determined that a noise reduction of 16dBA would be required at the potentially worst-affected façade of the proposed school in order to comply with the internal criteria of 40 dBA for school classrooms (when in use), under the Road Noise Policy.

Council's submission

6.5.19 Council's submission on the EIS raised concern in relation to the noise generated by the children in the outdoor playgrounds and considered that the Noise Policy for Industry and the Australian Acoustical Consultants 'Guideline for Child Care Centre Acoustic Assessment' (AAAC) should be

used as a guide in assessing amenity and intrusiveness impacts for this component of the school's operation. Council also raised concerns in relation to traffic noise generated by the proposed school.

Applicant's RtS

- 6.5.20 The Applicant's RtS acknowledged the difficulty in accurately predicting noise levels from the outdoor play areas as it would vary based on the number of students, the level of noise made by each individual and the location of students relative to the nearest receivers.
- 6.5.21 The RtS included an updated NAR, which noted that the outdoor play areas would be adequately separated from the existing residences and would be screened by future school buildings, which would significantly reduce noise emissions at the nearest residences. Further, the existing ambient noise levels at the nearest residences is relatively high during the day due to traffic noise on the M7 Motorway, which would offset the impact of playground noise.
- 6.5.22 Notwithstanding, the updated NAR addressed the criteria in the AAAC and established a PNTL of 54dBA for the outdoor play areas including the school's civic heart, basketball courts and soccer oval, assuming that the outdoor play areas would not be used for more than 2 hours each day. The updated NAR confirmed that the school's outdoor play areas would comply with the AAAC criteria and would not result in an adverse noise impact at the nearest receiver locations.
- 6.5.23 The updated NAR was amended to assess traffic noise impacts. The NAR predicted the proposal would generate approximately 300 vehicle movements during the morning and afternoon drop-off / pick-up periods or approximately 75 vehicles in any 15-minute period. Based on a sound power level of 85dBA L_{Aeq} per passing vehicle, traffic noise generated by the proposal was predicted to comply with the PNTL of 49dBA during the day.

Applicant's RtS, SRtS and Council's submissions

- 6.5.24 Council's submission on the RtS reiterated initial concerns made in relation to the EIS and requested the Applicant to consider the cumulative effect of differing noise producing scenarios (drop-off / pick-up activities, out-of-hours activities of the school and the church etc.) at the site in accordance with the relevant Australian Standards and noise regulation guidelines.
- 6.5.25 In response to Council's comments, the Applicant's SRtS included a further amended NAR (March 2020) including assessment of the operational noise from the school, multi-purpose hall, road traffic noise generated by the development, noise due to waste collection vehicles accessing the site, drop-off / pick-up noise and outdoor play area usage. The amended NAR concluded that the:
- predicted noise level from 400 vehicles per hour during drop-off / pick-up period would be about 57.8dBA L_{Aeq} (1 hour) to the nearest sensitive receiver (at a distance of 20m from the school) which complies with the Road Noise Policy noise criteria of 58.2 L_{Aeq} (1 hour) based on the existing noise environment.
 - noise generated by the mechanical plant and equipment can be attenuated by suitable use of mitigation measures (96 dBA predicted noise to be attenuated to meet the daytime PNTL).
 - appropriate building construction methods, including acoustic treatments, are recommended to attenuate noise emissions from the multi-purpose hall both during the day and evening.
 - operational noise due to school bells and public address system would comply with the PNTLs, but minor exceedances are noted due to lawnmowers and waste collection vehicles.
 - outdoor play area noise would be further reduced due to background noise from M7, the outdoor play areas would only be used during the school hours and for short periods.

- aircraft noise from the airport would have no impact on the development at the site.

- 6.5.26 The Applicant's SRtS indicated that the nearest neighbour to the school is the church. The property is a related entity to the school and therefore not considered a sensitive receiver with regard to noise emissions from the school. Consequently, no further assessment of the noise impacts of the development on the church were conducted.
- 6.5.27 Council reviewed the SRtS and reiterated their concerns regarding the inadequacy of noise assessment in that the church is not considered as a sensitive receiver although various quiet activities within the church (such as funerals) on a weekday can be impacted by the noise from this development.
- 6.5.28 Council also indicated that the noise generated by the drop-off / pick-up operations within the site and the bus bay should include details of car door slamming and various other additional noise generating components.

Department's consideration

- 6.5.29 The Department has reviewed the application as well as the submissions. The Department finds that the amended NAR provides a comprehensive assessment of the operational noise sources generated by the proposed school and is satisfied the proposal can operate in accordance with the established noise limits set out in the Noise Policy for Industry and AAAC, subject to the implementation of the recommended management and mitigation measures.
- 6.5.30 The Department accepts the NAR's findings that the intrusion of road traffic noise from the M7 Motorway on the GLAs can be managed by ensuring appropriate façade treatments are incorporated as part of the design of future buildings and classrooms.
- 6.5.31 However, the Department agrees with Council that the NAR did not consider impacts of the development on the adjoining church. The Department does not agree with the Applicant's statement that the church and the school are related entities, as this has not been established or assessed in the EIS holistically. The Department considers that a 'place of worship' is a sensitive receiver and the noise from the use of the school can impact on the use of the church on a weekday (which is allowed by the development consent for the church). Further, evening activities within the school (such as community use of multi-purpose hall) may impact on quiet evening activities within the church.
- 6.5.32 Consequently, the noise assessment should consider these impacts and be updated to include additional noise attenuation measures or management measures, where relevant.
- 6.5.33 The potential noise impacts generated due to the use of the outdoor play areas has been adequately addressed by the Applicant by establishing a PNTL of 54dBA in accordance with the AAAC, assuming play areas would be used only during school hours and for short times. While the Department agrees with the above conclusion, the EIS notes that the school includes Saturday sports (8am – 1pm). The assessment of any additional impacts of use of playing fields on Saturdays, especially on the use of the church, has not been undertaken by the Applicant.
- 6.5.34 The Department is satisfied that the impact of traffic noise generated during the morning and afternoon drop-off / pick-up periods would have an acceptable impact at the small number of surrounding residential receivers. However, the Department agrees with Council that the impacts of noise generated by the bus bay drop-off / pick-up have not been sufficiently considered.

6.5.35 Noting the above issues, the Department has recommended the following conditions of consent:

- preparation of an updated NAR to consider: the church as a sensitive receiver; impacts of school noise on the weekday and weekend church activities; impacts of bus bay drop-off / pick-up on the adjoining residents; and impacts of use of outdoor play areas on Saturdays.
- detailed design plans to include the noise attenuation measures for mechanical plant, general learning areas, and the multi-purpose hall.
- prior to the issue of an occupation certificate, an acoustic consultant to certify that these measures have been incorporated and PNTLs would not be exceeded.
- preparation and implementation of an Operational Management Plan (OMP) including:
 - measures to minimise noise impacts on sensitive receivers due to outdoor play.
 - measures to minimise noise impacts during peak drop-off / pick-up times and at bus bays.
 - measures to ensure that the openings of the multi-purpose hall are closed during performances.
 - measures to minimise noise impacts from the use of powered equipment at the site (such as lawn mowing) and waste collection vehicles.
 - measures to ensure operational noise sources comply with the limits set out in NAR.
 - a complaints management procedure and a review / monitoring program.

6.6 Wastewater management

6.6.1 The Applicant's EIS included a Wastewater Assessment Report (WAR) that assessed the land capability of the site, including physical and chemical soil limitations, identified the minimum effluent treatment standards and sewage generation volumes for the proposal and designed a wastewater management strategy for the site. The WAR identified that on-site wastewater management is the most appropriate solution, subject to feasibility assessment by a water servicing coordinator.

6.6.2 The WAR recommended the following wastewater management strategy over two stages (**Figure 49**):

- Stage 1 – a pump-out tank with a storage capacity of not less than 50kL is proposed to be constructed. This system would include camlock fitting, pump, control system and tanker stand area and be placed adjacent to the proposed stormwater management system in the south-east of the site within the staff carpark (identified in **Figure 14**).
- completed development sewage treatment – an on-site sewage treatment plant (STP) with a treatment capacity of 8.8kL/day, a flow balancing storage of 12.5kL capacity and effluent storage of 87.5kL capacity would be provided to offer wet weather storage. The Applicant advised that this could be housed in separate storages within the same tank (minimum 100kL capacity). The pump-out tank built in Stage 1 would likely be converted to the STP or be cleaned and converted to be part of the flow balancing / effluent wet weather storage systems.
- completed development irrigation area – a sub-surface effluent irrigation area design in accordance with AS/NZS 1547 (2012) would be provided. The field is to be located within the identified 'suitable area' and would require a minimum area of 3660m².

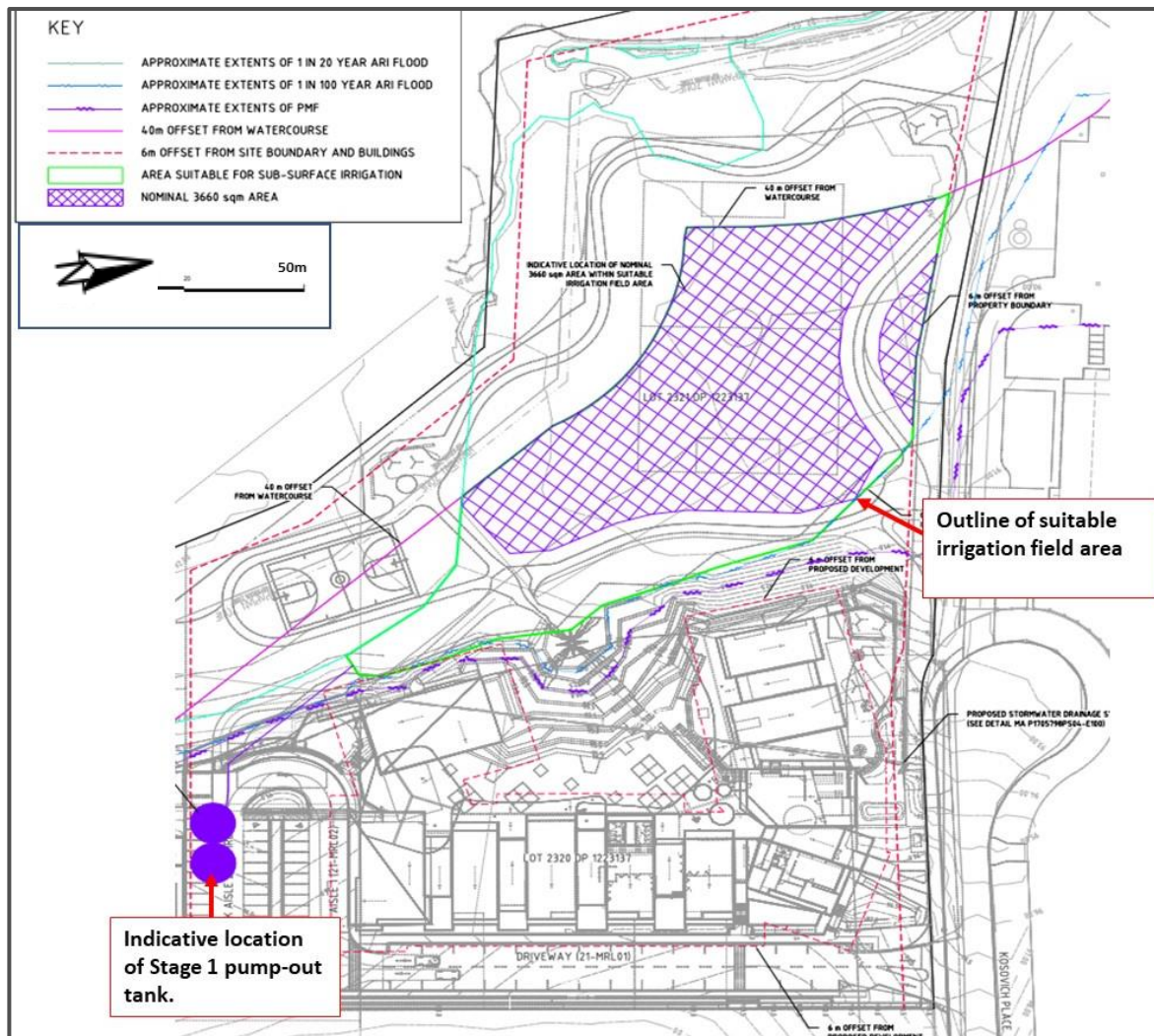


Figure 49 | Key components of the wastewater management strategy (Source: Applicant's EIS 2018)

Council's submission

- 6.6.3 Council's submission on the EIS raised concerns in relation to the complexity of the proposed wastewater management system, and constraints that exist where the sewer disposal system is located, in particular on flood liable land in close proximity to Ropes Creek, and a site with salinity and water table issues.
- 6.6.4 Noting the complexity of the system, Council recommended that an independent wastewater treatment consultant should conduct a peer review of the wastewater assessment report, consistent with the wastewater peer reviews conducted for other schools owned by the Applicant.

Applicant's RtS / SRtS and public authority comments

- 6.6.5 In response to Council's comments, the Applicant's RtS stated that the proposed wastewater system for the site has been informed by detailed analysis of site conditions and the school's requirements. The RtS also indicated that the proposed wastewater system had been designed by the same engineering firm which had undertaken the peer review of the wastewater systems referenced in Council's submission and had incorporated the findings of these reviews into this design.

- 6.6.6 Notwithstanding, the Applicant agreed to undertake a peer review of the WAR, post approval of the development and requested that this be recommended as a condition of consent.
- 6.6.7 Council's submission on the RtS and SRTS reiterated initial concerns and highlighted that the Applicant should provide the peer review report as part of the assessment process. Council also recommended that approval under section 68 *Local Government Act 1993* (LG Act) be obtained prior to the installation of the wastewater system on the site.
- 6.6.8 The Department reviewed the WAR and noted that the sub-surface irrigation field for the completed development is proposed under the playing fields, in a flood prone section of the land. To determine whether the wastewater system capacity and calculations, and location of the irrigation area, are acceptable, the Department consulted with EPA. EPA advised that:
- the assessment of the wastewater manage system has developed its estimate of the effluent disposal area from following the guidance in the Environment and Health Protection Guidelines, On-site Sewage Management for Single Households, incorporating an estimate of disposal area to be established in consideration of wastewater load, soil capacity, rainfall and evaporation.
 - as there are no published estimates for school wastewater production, the estimate of wastewater load has been based on the water consumption records of a similar type of school and appears to be reasonable. Water savings from waterless urinals and smaller toilet cisterns may decrease hydraulic load, however the nutrient loading would remain unchanged.
 - while a specific assessment of the modelling assumptions and calculations was not undertaken, the wastewater assessment appears to have considered all the relevant factors and, subject to the wastewater estimates, soil conditions and climate factors being accurate, the estimate appears reasonable.
 - the land application areas should be above the 1 in 20-year flood contour and the treatment system should be above the 1 in 100-year flood contour, including all electrical components, vents and inspection openings.
 - flood risk is usually aligned to factors of depth and velocity, which would not necessarily be relevant to the sub surface irrigation infrastructure. The system may be able to cut off irrigation in times of flooding and the school may also be closed in such scenarios in any case.
 - notwithstanding, the wastewater system should not be designed or constructed such that wastewater can be directly discharged into flood water, either through inundation of the system or seepage through the irrigation system.

Department's considerations

- 6.6.9 Based on the advice from EPA, the Department is satisfied in-principle that the wastewater strategy for the site would be suitable for the development. To ensure the appropriate delivery of the sewage management infrastructure, the Department has recommended conditions requiring:
- a peer-review of the WAR prior to the issue of the construction certificate for Stage 1.
 - the Applicant to update and incorporate additional measures, depending on the recommendations of the peer review.
 - a section 68 LG Act approval to be obtained from Council prior to the installation of the Stage 1 pump-out system and the STP, prior to the commencement of operation of Stage 1 (or any other stage that proposes an increase in student numbers beyond 210).

6.7 Flooding and stormwater

Flooding

- 6.7.1 The western portion of the site comprises flood prone land (**Figure 4**). The EIS included a Flood Assessment Report which concluded that:
- all buildings and structures, pedestrian and vehicle accessways and car park are proposed above the PMF line.
 - the playing fields and multi-purpose courts are proposed to be located within the low and medium risk flood precinct. These areas have been assessed as recreational areas (rather than educational use) against the relevant controls within the FDCP. The proposed works would not impact on the flood behaviour within the site.
 - earthworks have been minimised in the western part of the site (15m³ of cut and 17m³ of fill) and would result in very minor increase in the flood storage volume.
 - the extents of the 1 in 100-year ARI and PMF peak flood on the site would be slightly altered post development.
 - the proposed works would not result in any adverse impacts on the downstream properties due to flooding.
- 6.7.2 The Flood Assessment Report recommended that the structural and stormwater related flood management measures would be detailed post approval along with a Flood Evacuation and Emergency Management Plan.
- 6.7.3 The EIS included an independent peer review of the Flood Assessment Report which agreed with the above conclusions and recommendations.
- 6.7.4 During the EIS exhibition. Council raised concerns that the proposal has not considered the flood impacts across the full range of flood events. Council's adopted TUFLOW model has not been utilised to model the existing and proposed scenarios. Further the appropriate section of the FDCP (educational uses) has not been considered in assessing the flood impacts on the playing fields.
- 6.7.5 In response, the Applicant's RtS and SRtS have reiterated the earlier conclusions and did not provide an amended assessment considering the playing fields as educational / sensitive uses.
- 6.7.6 The existing and post development 1 in 100-year ARI flood levels and the existing and altered PMF lines along with the changes to the flood storage volumes are identified in **Figure 50**.

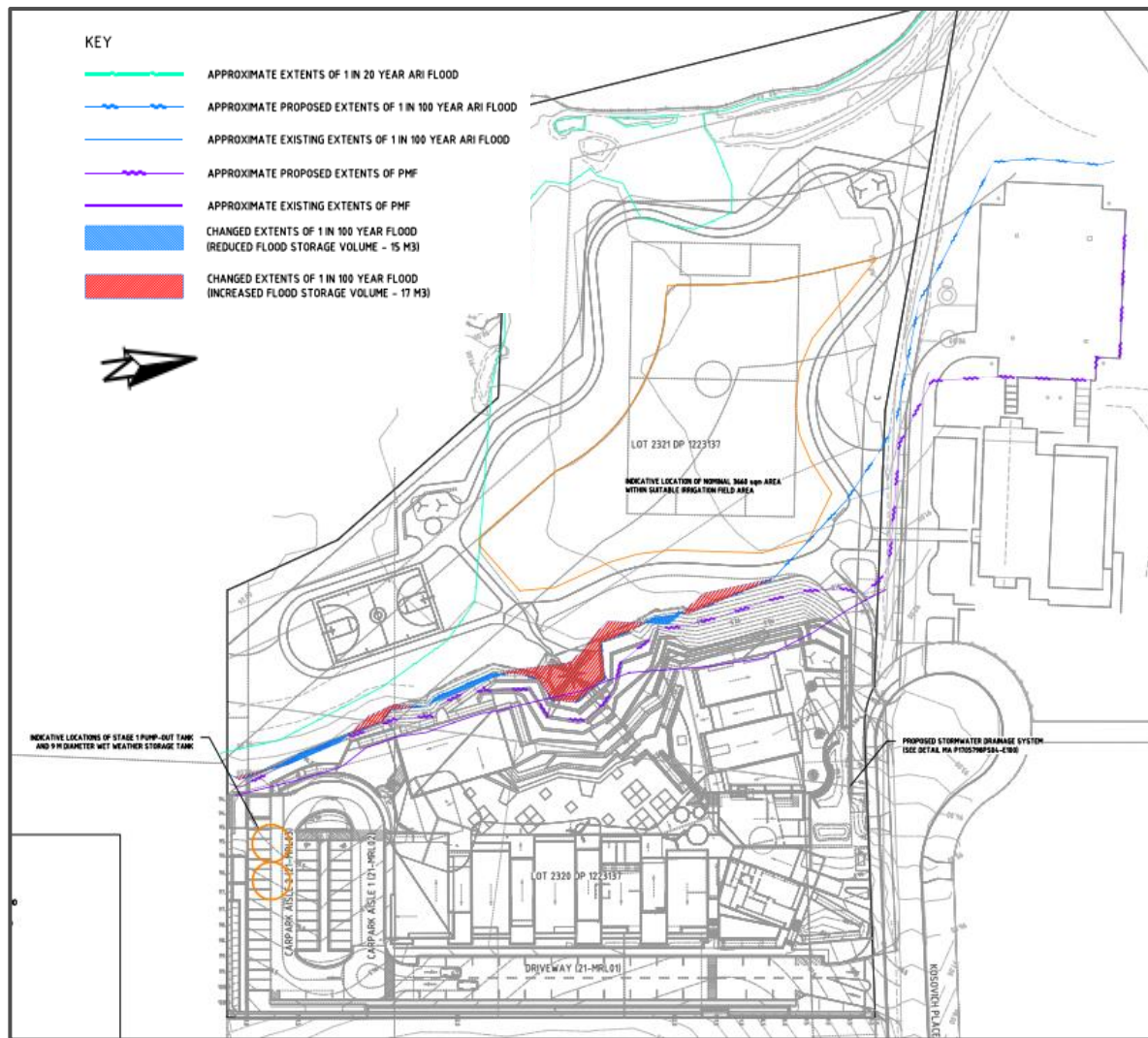


Figure 50 | Existing and proposed flood levels and PMF lines (Source: Applicant's EIS 2018)

- 6.7.7 The Department agrees with Council that the proposed playing fields would be used as part of the school. Consequently, these sections of the site should be considered as sensitive / educational uses and assessed against those relevant sections of the FDCP to ensure safety of the students in the long term. Any proposed changes to the existing ground levels within this area should be supported by appropriate flood modelling that assesses the effects of these changes on the flood behaviour (per the relevant controls of FDCP). Additional mitigation measures should also be provided to address any identified impacts (such as freeboards or management measures). The Department has therefore recommended conditions of consent requiring the preparation of an updated flood assessment report with a revised peer review report and additional flood mitigation measures (where relevant).
- 6.7.8 However, based on the Applicant's assessment and the peer review report, the Department agrees that there would be minimal fill / cut in the low-lying flood prone areas of the site. Consequently, the Department is satisfied that the likelihood of this development impacting on the flood behaviour or on the downstream properties is minimal. The school buildings are located well above the existing / proposed PMF line and therefore additional freeboards etc. would not be needed. Notwithstanding, the Department has recommended conditions of consent requiring the Applicant to provide all additional structural details (such as freeboards, floodproofing of footings etc.) in the final construction certificate drawings and demonstrate that the recommendations of the flood assessment report are

achieved. The Department also supports the Applicant's commitment to prepare an emergency management plan prior to the occupation of the site, as has recommended this as a condition of consent.

Stormwater

Site stormwater drainage

- 6.7.9 The EIS included a Stormwater Management Report which used a DRAINS model to calculate the proposed capacity of the on-site detention (OSD) needed for the site considering 1 in 5-year ARI and 1 in 100-year ARI flood events and the catchment analysis. The stormwater drainage design was based on Council's stormwater policies with a piped and pit system that would drain the development areas of the site towards the low-lying areas and then to the creek through three OSD tanks located under the internal road, near the site entry and near the kindergarten area.
- 6.7.10 Two OSD tanks are proposed as part of Stage 1 (combined volume of 208m³), with a third OSD tank proposed to be provided in Stage 2 (total combined volume of 233m³). The stormwater would be released through a headwall including energy dissipators to control the flow. The Applicant's stormwater assessment recommends that detailed hydraulic modelling for the catchment would be undertaken at the detailed design phase.
- 6.7.11 The stormwater management design also includes stormwater quality treatment measures including a 139kL rainwater tank located under the civic heart and bio-retention basins connected to two of the OSD tanks. The collected stormwater in the rainwater tank, would be reused for irrigation.
- 6.7.12 The Stormwater Management Report indicated that for large flood events, the stormwater would bypass the bio-retention basins and untreated stormwater would flow into the piped network. The supporting MUSIC modelling results demonstrate that the treatment measures would achieve Council's water quality objectives and be consistent with the principles of Water Sensitive Urban Design.
- 6.7.13 Council did not raise any specific concerns regarding the proposed stormwater calculations. Council recommended conditions requiring the Applicant to:
- satisfactorily dispose of stormwater following Council's stormwater management policy.
 - ensure that the alterations to the natural contours do not divert stormwater and impact adversely on the downstream properties.
 - ensure capacities of the OSD tanks are per Council's requirements.
- 6.7.14 The Department has reviewed the proposed stormwater management system and is satisfied that stormwater from the impervious areas of the site and the roof can be adequately captured and disposed of without impacting on the downstream properties.
- 6.7.15 To ensure appropriate disposal of stormwater, the Department has recommended conditions requiring the Applicant to provide detailed hydraulic analysis prior to the issue of the construction certificate for Stage 1, comply with Council's conditions (as above) and with the relevant stormwater policies and guidelines, include details of all flood management measures that are required to be integrated with the stormwater system.
- 6.7.16 The Department has also recommended that the sub-surface stormwater for the proposed retaining wall and the upstream properties be captured suitably to ensure that the post development stormwater flows do not exceed the pre-development flows. The headwall is also required to be wholly within the site.

Kosovich Place stormwater drainage

- 6.7.17 The Applicant proposes widening of Kosovich Place with kerb and guttering.
- 6.7.18 Council reviewed the Applicant's EIS and RtS and raised concerns that kerb and guttering would require associated drainage works within Kosovich Place, the details of which have not been provided. Council also advised that draining the road through a private property should be avoided.
- 6.7.19 The Applicant's SRtS (December 2020) stated that the stormwater from the upgraded Kosovich Place would drain to the existing grass line drainage swale at the end of Kosovich Place cul-de-sac bulb, along the southern boundary of the adjacent church site (lot 2314 DP1133688).
- 6.7.20 The Applicant acknowledged that an easement to drain would be required over Lot 2314 DP1133688, at a minimum, for the pipe and headwall outlet for the Kosovich Place Road stormwater line that encroaches into that allotment. However, no further details have been submitted in this regard. The Applicant requested that conditions of consent be recommended to ensure that these matters are addressed at the detailed design stage.
- 6.7.21 The Department has reviewed the proposal and considers that the Applicant has not fully assessed the impacts of stormwater drainage from Kosovich Place and its impacts on private properties. Currently, the proposed rural verge would naturally allow for the flow of stormwater through the deep soil areas of the adjoining sites to the adjacent watercourse. However, this situation would likely change with the proposed kerb and guttering, bus zones and the footpath that need a piped system under this road to convey the stormwater to the low-lying areas or the watercourse.
- 6.7.22 The survey plans do not identify any existing easements through private properties at the cul-de-sac end of the road, which can allow for drainage of stormwater. The Department notes that Council does not prefer drainage of the road through private properties. However, this would likely be unavoidable, given the cul-de-sac end of the road and is consistent with the current situation.
- 6.7.23 Noting the lack of information in the assessment regarding stormwater drainage from Kosovich Place, the Department has recommended the following conditions:
- the Applicant to prepare a detailed drainage design for the road in consultation with Council and ascertain the points of drainage connection.
 - the Applicant to create the necessary easements through the adjoining church site prior to occupation of Stage 1 to ensure that stormwater from Kosovich Place can be suitably drained without creating a nuisance on downstream properties.
- 6.7.24 The Department is satisfied that subject to future consultation with Council and preparation of an appropriate drainage design in conjunction with the kerb, gutter and footpath for the road, the development would result in an improved outcome for the public infrastructure that would cater for the site, the church and other residential developments on the road.

6.8 Other issues

- 6.8.1 The Department's consideration of other issues is provided at **Table 9**.

Table 9 | Department's assessment of other issues

Issue	Findings	Department's consideration
Bushfire	<ul style="list-style-type: none"> The site is mapped as bushfire prone land and the EIS included a Bushfire Protection Assessment (BPA) which concluded that: <ul style="list-style-type: none"> the proposed buildings are adequately separated from the surrounding unmanaged vegetation and the bushfire risk to the school is assessed as low. the development complies with the Asset Protection Zones required by Planning for Bushfire Protection 2006 (identified in Figure 11). the buildings should comply with the relevant construction standards applicable to the bushfire prone areas. an evacuation plan incorporating protocols for defined emergencies, including bushfire occurrences within the adjoining Western Sydney Parklands should be prepared, prior to occupation. The application was referred to NSW RFS who provided recommended conditions of consent in relation to Asset Protection Zones, water and utilities, access, need for an evacuation and emergency management plan, and design and construction standards. 	<ul style="list-style-type: none"> The Department notes that the site is located on vacant land a considerable distance from bushland. The Department agrees with NSW RFS comments and has recommended conditions of consent which require the Applicant to: <ul style="list-style-type: none"> manage the site including future landscaping works as an Inner Protection Area. ensure construction is carried out in accordance with the relevant standards. prepare an emergency management plan.
Site contamination and remediation	<ul style="list-style-type: none"> Lot 2321 on the western side of the site comprises contaminated soil and is subject to a 'restriction-as-to-user' on title. The Applicant's EIS included a Detailed Site Investigation (DSI) which undertook intrusive soil investigation and soil sampling and concluded that the majority of the soil samples did not exceed the accepted levels for heavy metals, pesticides, Polycyclic Aromatic Hydrocarbons, total recoverable Hydrocarbon. However, the DSI identified historical, unclassified fill within Lot 2321 around the drainage channel and Asbestos to the south east of 	<ul style="list-style-type: none"> The Department has reviewed both the Applicant's assessment and Council's concerns. The Department is satisfied that there are no data gaps in the DSI in relation to Lot 2320 (eastern portion). The Department agrees there are data gaps in the DSI in relation to Lot 2321. However, the Department agrees with the Applicant that the site can be made suitable for the proposed use, subject to additional investigation

Issue	Findings	Department's consideration
	<p>the dam, where the playing fields are proposed.</p> <ul style="list-style-type: none"> • The DSI also identified unauthorised fill within 40m of the watercourse which was historically used to control erosion gullies from the creek. • A Remedial Action Plan (RAP) was submitted for the identified contaminated areas of the site, with remediation strategies including off-site disposal, excavation of impacted soils, stockpiling, waste classification, material tracking, reinstatement of validated soils, and site validation at completion of remediation. • The RAP identified data gaps in the DSI and recommended that additional data gap closure was needed, including test pitting and intrusive investigation to identify the impacted fill areas and the level of contamination. • The Riparian Management Assessment submitted with the EIS concluded that remediation works would be undertaken within 40m of the watercourse. These works should be undertaken under the Department's guidelines for controlled activities within waterfront land. • Council's submission on the EIS raised concerns that the soil contamination assessment is incomplete and does not demonstrate that the site can be made suitable for the development. • In response to Council's concerns, the Applicant's RtS and SRtS included additional advice regarding soil contamination. The supporting advice concluded that while additional characterisation of the extent and nature of the contaminated area would need to be addressed, the overall risk of the contamination was low, given the type of asbestos contamination identified in the DSI. Consequently, subject to additional investigation and remediation of the contaminated 	<p>and the subsequent amendments to the RAP.</p> <ul style="list-style-type: none"> • The Department notes that the contaminated section of the site is located in Lot 2321. Consequently, Stage 1 of the development which is contained within Lot 2320 can commence. • Based on the above, the Department has recommended the following conditions: <ul style="list-style-type: none"> ○ any remediation works for Lot 2320 are to be completed and validated prior to Stage 1 occupation of the project. ○ additional investigations and remediation on Lot 2321 are to be undertaken concurrently with Stage 1. ○ interim site audit statement be submitted for Lot 2321 on completion of remediation. ○ evidence that the Restriction-as-to-user on title of Lot 2321 has been lifted after issue of site audit statement is provided to the Department and Certifier. ○ works be permitted on Lot 2321 after removal of restriction. ○ a final Site Audit Statement be submitted for Lot 2320 and 2321 confirming suitability of the site after completion of works. • Subject to the implementation of the above conditions, the

Issue	Findings	Department's consideration
	<p>areas, the site can be made suitable for the development.</p> <ul style="list-style-type: none"> Council reviewed the Applicant's response and maintained their concerns regarding data gaps in relation to Lot 2321 and lack of sufficient details in the RAP that would enable an assessment of suitability of the site. 	<p>Department is satisfied that the site can be made suitable for the proposed use addressing clause 7 of State Environmental Planning Policy No 55 (SEPP 55).</p> <ul style="list-style-type: none"> The Department has consulted with Water Group regarding the remediation works within the riparian corridor and recommended that such works be undertaken generally in accordance with the Department's guidelines for controlled activities within waterfront land.
<p>Staging and construction impacts</p>	<ul style="list-style-type: none"> The proposed works are to be staged in six stages over approximately 25 months (Section 2.3.4). The staging plans (Figure 10) identify the sections of buildings and works that are proposed in each construction stage. However, the staged increase of student numbers is not clearly identified. The EIS includes a preliminary Construction Environmental Management Plan (CEMP) outlining the nature of construction activities on-site and proposed management of potential impacts on the students during on-going construction works on the site. Proposed mitigation measures include controlled site access for construction vehicles, noise and vibration mitigation treatments, fencing, hoarding, dust control and management, odour emissions, sediment and erosion control to minimise impact to students, staff, visitors and nearby sensitive receivers. Council raised concerns that appropriate erosion and sediment control measures have not been proposed for the site. 	<ul style="list-style-type: none"> The Department is satisfied that staged construction, operation and remediation can be appropriately managed on the site, subject to the implementation of a CEMP to be updated for each stage. The sediment, erosion control measures are satisfactory, and would be further managed through implementation of a Soil and Water Management Plan. With regard to the staged increase in student numbers, the Department concludes that most of the primary infrastructure works would be completed in Stage 1, accommodating 210 students and 12 staff. The Department has recommended conditions requiring compliance with open space, sewage management, remediation and noise management conditions and management plans prior to an increase of

Issue	Findings	Department's consideration
		<p>student / staff numbers beyond Stage 1.</p> <ul style="list-style-type: none"> The Department is satisfied that the conditions would ensure that the site operates within its capacity and delivers additional infrastructure prior to increasing students.
Aboriginal and European heritage	<ul style="list-style-type: none"> An Aboriginal Cultural Heritage Assessment Report was prepared for the site, which identified four previously recorded Aboriginal heritage sites within 1km of the site. No Aboriginal Heritage Information Management System (AHIMS) sites were identified within the site. The Applicant consulted with the Registered Aboriginal parties and no relevant or social or cultural values for the site were identified. With regards to subsurface archaeological potential for both European and Aboriginal relics, the EIS indicated that the development areas of the site have been significantly disturbed by farming practices and contain areas of fill. Therefore, subsurface archaeology is likely to be low. EESG recommended that an unexpected finds protocol be developed during construction. 	<ul style="list-style-type: none"> The Department is satisfied that the proposed development would not adversely impact on European or Aboriginal cultural heritage on or near the site. Any unexpected finds can be satisfactorily be addressed through the recommended conditions of consent. Conditions to this effect are recommended.
Signage	<ul style="list-style-type: none"> The proposal would include two identification signs, one sign comprising the school name and logo on the solid wall over the main school entrance (Figure 17) and one sign attached to the multi-purpose hall. The proposal includes assessment of the proposed signage against provisions of State Environmental Planning Policy No. 64 (SEPP 64). 	<ul style="list-style-type: none"> The Department has conducted an assessment against SEPP 64 in Appendix B and is satisfied that the proposed signs relate to the context of the development and would not unreasonably impact on the surrounding environment.
Waste and recycling	<ul style="list-style-type: none"> The EIS includes a preliminary waste management plan. The waste management plan advised that construction waste 	<ul style="list-style-type: none"> The Department considers that the construction waste would be managed by a

Issue	Findings	Department's consideration
	<p>would be disposed off-site in accordance with the relevant guidelines.</p> <ul style="list-style-type: none"> Operational waste would be stored on the southern side of the carpark. Waste collection vehicles would access the site during weekdays, outside the school peak period and collect the operational waste. The EIS includes waste diversion strategies including onsite composing. 	<p>construction waste management plan for the site.</p> <ul style="list-style-type: none"> The operational waste collection procedures would be provided in the Operational Management Plan for the site. Conditions to this effect are recommended.
Salinity	<ul style="list-style-type: none"> The Applicant's EIS was supported by a Salinity Assessment Report which indicated that the site is located in an area with moderate to high salinity potential, and in close proximity to an area with known salinity. The report included a detailed salinity risk assessment, which concluded that the site is not impacted by saline soil conditions. Buried concrete structures may be designed considering an exposure classification of 'A1' in accordance with AS3600 (2009). Council reviewed the EIS and recommended that the recommendations regarding salinity should be adhered to. 	<ul style="list-style-type: none"> The Department has reviewed the Applicant's assessment and Council's comments. The Department has recommended conditions of consent to ensure that the buildings and structures comply with the recommendations of the Salinity Assessment Report.
Development contributions	<ul style="list-style-type: none"> Council's Direct Development Contributions Plan (Section 7.11) does not apply to educational establishments. The Indirect Development Contributions Plan (Section 7.12) would apply to the development, as a fixed levy on building works. The Applicant's EIS identified that this contribution is required for this development. Council provided no comments in this regard. 	<ul style="list-style-type: none"> The Department's assessment concludes that a Section 7.12 contributions is applicable to the development. A condition requiring the Applicant to pay the contributions prior to the commencement of construction of Stage 1, when majority of the construction would be undertaken, has been recommended.
Social impact and public interest	<ul style="list-style-type: none"> The EIS identifies that the proposal would result in construction of a new school within a growing suburb and 	<ul style="list-style-type: none"> The Department considers that the proposal would provide

Issue	Findings	Department's consideration
	<p>would provide for the future needs of the community.</p> <ul style="list-style-type: none"> The EIS stated the proposal would have a positive social impact and is in the public interest. 	<p>benefit for the community by delivering contemporary teaching and learning facilities. The proposal is in the public interest.</p> <ul style="list-style-type: none"> The Department is satisfied that the proposed development would have a positive social impact through providing community benefit and environmental improvement on the site.

6.9 Summary of Department's consideration of submissions

6.9.1 A summary of the Department's consideration of the issues raised in submissions is provided at **Table 10**.

Table 10 | Department's consideration of key issues raised in submissions

Issue Raised	Department's Consideration
Site is not suitable for the development	The Department is satisfied that the location of the site is suitable for the proposed development. The size of the site and proposed design of the new school would accommodate sufficient open space and recreational space to promote active, healthy learning (Section 6.1).
Operation traffic and congestion	<p>The Department considers the predicted operational traffic impacts can be satisfactorily accommodated within the existing road network, following completion of the proposed upgrade to the Kosovich Place / Wallgrove Road intersection.</p> <p>Conditions of consent are recommended to ensure that operational traffic is appropriately managed in terms of traffic control during peak drop-off / pick-up periods and that a Green Travel Plan is developed to reduce traffic volumes over time (Section 6.2).</p>
Inadequate bulk and scale that is not compatible with the rural area	<p>The Department considers the built form and scale of the proposed building components across the site to be appropriate in the context of the scale of current future development at the site and it appropriately responds to identified site constraints.</p> <p>The proposed built form and associated building height would not adversely impact on the amenity of the residences currently surrounding the site subject to additional conditions regarding increase in the landscaped setback on the eastern side. (Section 6.3).</p>

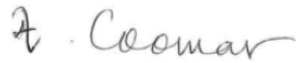
Issue Raised	Department's Consideration
Wastewater	The Department considers that, subject to further investigation and peer review of the detailed design of the proposed system, the onsite wastewater management would be satisfactory (Section 6.6).
Contamination	The Department is satisfied that, subject to appropriate remediation and validation, the site can be made suitable for the proposed use. (Section 6.8).

7 Evaluation

- 7.1.1 The Department has reviewed the EIS, response to submissions (RtS), and supplementary response to submissions (SRtS) and assessed the merits of the proposal, taking into consideration advice from the public authorities, including Council. Issues raised in public submissions have been considered and all environmental issues associated with the proposal have been thoroughly addressed. The Department concludes the impacts of the proposal can be mitigated and the proposal can be approved, subject to the implementation of recommended conditions of consent.
- 7.1.2 The proposal would provide for a new primary school up to 630 students to be constructed and operated in six stages, including school buildings with driveways, carpark and drop-off / pick-up areas, on-site sewage management, roadworks, intersection upgrade and revegetation of a riparian corridor.
- 7.1.3 The proposal is consistent with the objects of the *Environment Planning and Assessment Act 1979* (EP&A Act), including facilitating ESD, and with the vision outlined in the Western District Plan, as it would provide for educational infrastructure in a growing area.
- 7.1.4 The application was publicly exhibited between 8 November 2018 and 5 December 2018. The Department received a total of 10 submissions, including eight from public authorities, including an objection by Fairfield City Council (Council) and two from the public (including one objection).
- 7.1.5 The Applicant submitted a RtS and further SRtS to address the concerns raised by Council, public authorities and the Department.
- 7.1.6 The Department has considered the merits of the proposal in accordance with section 4.15(1) of the EP&A Act, the principles of ESD, and issues raised in submissions. The Department identified site suitability, traffic and parking, built form, landscaping, noise, and wastewater management as the key issues for assessment. The Department has concluded the:
- proposed built form is appropriate, having regard to the constraints of the site.
 - road network has capacity to accommodate traffic and parking demand generated by the proposed school, subject to recommended road upgrades.
 - appropriate mitigation measures have been proposed to minimise noise impacts on nearby residential properties.
 - proposal incorporates appropriate supporting infrastructure on the site including wastewater management measures to ensure that the delivery of the school can occur on the site.
 - development would not impact on the flood prone section of the site and the additional stormwater due to the impervious areas can be drained to the creek.
 - the site can be remediated and be made suitable for the proposed use.
- 7.1.7 The application is considered to be in the public interest as it would provide benefit for the community by delivering contemporary teaching and learning facilities with adaptable and collaborative learning spaces; generate up to 43 construction jobs and up to 45 new operational jobs; and provide for revegetation and management of a riparian zone, remediation of the site and improvements to external roads.
- 7.1.8 The impacts of the proposal have been considered in the EIS, the RtS and SRtS. Conditions of consent are recommended to ensure that these impacts are managed appropriately.

- 7.1.9 The SSD application is referred to the Independent Planning Commission as Council objects to the development.
- 7.1.10 This assessment report is hereby presented to the Independent Planning Commission for determination.

Recommended by:



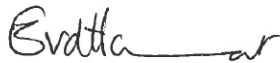
Aditi Coomar
Team Leader
School Infrastructure Assessments

Recommended by:



Karen Harragon
Director
Social and Infrastructure Assessments

Recommended by:



Erica van den Honert
Acting Executive Director
Infrastructure Assessments

Appendices

Appendix A – List of referenced documents

1. Environmental Impact Statement

<https://www.planningportal.nsw.gov.au/major-projects/project/9886>

2. Submissions

<https://www.planningportal.nsw.gov.au/major-projects/project/9886>

3. Applicant's Response to Submissions

<https://www.planningportal.nsw.gov.au/major-projects/project/9886>

4. Applicant's Supplementary Response to Submissions

<https://www.planningportal.nsw.gov.au/major-projects/project/9886>

5. Additional submissions from Public Authorities received after close of exhibition

[Electronic copies of all information provided under separate cover](#)

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 project and have been taken into consideration in the Department's environmental assessment.

Controls 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 (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)
- Draft State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017 (Education SEPP)
- Draft Cumberland Plain Conservation Plan 2020.
- Fairfield Local Environmental Plan (FLEP) 2013

COMPLIANCE WITH CONTROLS

State Environmental Planning Policy (State and Regional Development) 2011 (SRD SEPP)

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
8 Declaration of State significant development: section 4.36 (1) Development is declared to be State significant development for the purposes of the Act if: a) the development on the land concerned is, by the operation of an environmental planning instrument, not	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.	Yes

Relevant Sections	Consideration and Comments	Complies
permissible without development consent under Part 4 of the Act, and b) the development is specified in Schedule 1 or 2.		

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

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.

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 proposed school has provided justification for contravening the development standards. The Department's consideration of the variations to the development standards is addressed in **Section 6**.

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 and comments considered.

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	The design of the new school, including the siting, spatial planning, orientation and materials selection have been considered to take advantage of and enhance the existing landscape conditions, minimise the impact on the surrounding residences, work with the topography and maximise amenity for students. The site is not fully sympathetic to the existing character of the rural area. But site features are reflected in the functional design of the building and would be obscured from the views of the neighbouring properties to the east, given the slope of the land. Further landscaped setbacks are proposed as conditions of consent.
Principle 2 - sustainable, efficient and durable	The proposal includes ecologically sustainable development measures (Section 0). The proposed school building has been designed with consideration of ESD principles in mind, including orienting the building to maximise solar access and ventilation, use of durable low maintenance materials,

Design Principles	Response
	<p>rainwater harvesting, operable windows and louvres, using sustainable building materials and construction methods, and low energy fixtures and fittings. The proposal can match an equivalent 4-Star rating when compared against the Green Start Self-Assessment tool.</p> <p>The preliminary Green Travel Plan submitted which the Environmental Impact Statement (EIS) encourages sustainable travel modes.</p>
Principle 3 - accessible and inclusive	<p>The proposal provides a lift and accessible paths of travel from the site boundaries up to and around the school buildings.</p> <p>The proposal incorporates wayfinding signage identifying key areas within the school assisting visitors to navigate the site.</p> <p>The multi-purpose hall is to be used for community activities after school and during the weekends.</p>
Principle 4 - health and Safety	<p>The design of the school buildings provides a safe and secure school environment. The proposal has considered Crime Prevention Through Environmental Design principles.</p> <p>The 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 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 ample shaded areas for students and staff.</p>
Principle 6 - whole of life, flexible, adaptable	<p>The buildings allow for long term adaptability through the provision of flexible formal and informal learning areas to respond to future learning requirements.</p>
Principle 7 - aesthetics	<p>The proposal offers an articulated and dynamic built form with clear entry points and wayfinding.</p> <p>The proposed modular design creates a simple and contemporary built form surrounded by open space. The alternating pitched roofs of the general learning area building maximise daylight and natural ventilation entering the classrooms.</p> <p>The school buildings have been designed to integrate with the landform while respecting the unique site constraints. Additionally, the proposed landscaping would soften any perceived bulk of the school building when viewed from adjoining sites.</p>

State Environmental Planning Policy No. 55 - Remediation of Land (SEPP 55)

SEPP 55 aims to ensure that potential contamination issues are considered in the determination of a development application. The EIS includes a detailed site assessment and supporting remedial action plan for the site.

The Department's assessment in **Section 6** notes data gaps that need to be closed prior to remediating the site. The Department has recommended conditions to ensure that further

investigations in the relevant areas of the site are undertaken to ensure the full extent of the contamination is investigated, the site remediated and the existing restrictions on the title removed.

The Department is satisfied that, subject to appropriate remediation and validation, the site can be made suitable for the proposed use and recommends conditions requiring engagement of a site auditor, submission of site audit statements, remediation, validation and asbestos management on the site. Subject to the implementation of the conditions, the application is assessed as satisfactory with regard to SEPP 55.

State Environmental Planning Policy No. 64 – Advertising and Signage (SEPP 64)

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 development includes two signs. Under clause 8 of SEPP 64, consent must not be granted for any signage application unless the proposal is consistent with the objectives of the SEPP and with the assessment criteria which are contained in Schedule 1. **Table B3** demonstrates the consistency of the proposed signage with these assessment criteria.

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 signs are contemporary in design and would be compatible with the existing character of the area.	Yes
Is the proposal consistent with a particular theme for outdoor advertising in the area or locality?	The proposed signage is only for identification and not advertising.	N/A
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 proposal does not detract from the amenity or visual quality of any special areas.	Yes
3 Views and vistas		
Does the proposal obscure or compromise important views?	No views or vistas would be impacted by the proposed signage.	Yes
Does the proposal dominate the skyline and reduce the quality of vistas?	The proposed signs would not dominate the skyline and would not impact the quality of any views or vistas.	Yes

Assessment Criteria	Comments	Compliance
Does the proposal respect the viewing rights of other advertisers?	Proposed signs would not impact on existing views experienced by others or existing advertising rights.	Yes
4 Streetscape, setting or landscape		
Is the scale, proportion and form of the proposal appropriate for the streetscape, setting or landscape?	The signs would complement the school's design and contribute to the visual interest of the streetscape.	Yes
Does the proposal contribute to the visual interest of the streetscape, setting or landscape?	The proposed scale and design of the signs is appropriate for the streetscape and setting within which it is proposed.	Yes
Does the proposal reduce clutter by rationalising and simplifying existing advertising?	The signs are 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 signs would sit well below the height of proposed adjoining buildings and trees.	Yes
Does the proposal require ongoing vegetation management?	No vegetation management is required by the proposed signs.	Yes
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 signs are of appropriate scale and proportion and considered relatively understated in the context of the site.	Yes
Does the proposal respect important features of the site or building, or both?	The signs are appropriately located at the site entrance 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 signs is to show the entrance of the school and shows imagination with the broader site design.	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	Safety devices are not necessary for the proposed design of the signs.	Yes

Assessment Criteria	Comments	Compliance
signage or structure on which it is to be displayed?		
7 Illumination		
Would illumination result in unacceptable glare?	Not applicable.	N/A
Would illumination affect safety for pedestrians, vehicles or aircraft?	Not applicable.	N/A
Would illumination detract from the amenity of any residence or other form of accommodation?	Not applicable.	N/A
Can the intensity of the illumination be adjusted, if necessary?	Not applicable.	N/A
Is the illumination subject to a curfew?	Not applicable.	N/A
8 Safety		
Would the proposal reduce safety for pedestrians, particularly children, by obscuring sightlines from public areas?	No. Extensive views of the footpath and entrance area would still be available.	Yes
Would the proposal reduce safety for any public road?	The design and location of the proposed signage would not impact on safety of any public road.	Yes

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 would require that all remediation work carried out without development consent, be reviewed and certified by a certified contaminated land consultant, categorise remediation work based on the scale, risk and complexity of the work and require environmental management plans relating to post-remediation management of sites or ongoing operation, maintenance and management of on-site remediation measures (such as a containment cell) to be provided to council. The Department is satisfied that the proposal would 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 several 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 will 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 will be repealed.

Given that the 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.

Draft Education SEPP

The Draft Education SEPP would retain the overarching objectives of the Education SEPP to facilitate the effective delivery of educational establishments and childcare facilities across the State.

The provisions of the Draft Education SEPP aim to improve the operation, efficiency and usability of the Education SEPP and to streamline the planning pathway for schools, TAFEs and universities that seek to build new facilities and improve existing ones. The exhibited Explanation of Intended Effects (EIE) also proposes changes to the threshold triggers for SSD under the SRD SEPP, specifically for schools and tertiary institutions.

The Department is satisfied that the proposal is consistent with the objectives of the Draft Education SEPP and continues to meet the requirements for SSD in accordance with the EIE.

Draft Cumberland Plain Conservation Plan 2020

The Draft Cumberland Plain Conservation Plan 2020 is part of the State's commitment to delivering the Western Parkland City, consistent with the Greater Sydney Commission's strategic vision *Greater Sydney Region Plan: A Metropolis of Three Cities* and *Western City District Plan*.

The Plan will identify and protect important biodiversity in the nominated areas for development in the Western Parkland City, including Fairfield LGA. It will also deliver conservation outcomes outside those areas, including new or additions to national parks and public reserves; investing in biodiversity stewardship sites on privately owned land; and ecological restoration of the Cumberland subregion's native vegetation communities. The Plan also identifies areas suitable for development within the nominated areas without the need for further biodiversity approvals, if development is in accordance with this Plan.

The proposal is located within the strategic conservation area identified in the Plan. The proposal will not involve the removal of any mature trees and will actively restore an area of riparian vegetation, connecting two woodland fragments. The Department concludes that the proposal would generally be consistent with the provisions of the Draft Cumberland Plain Conservation Plan 2020.

Fairfield Local Environmental Plan 2013 (FLEP 2013)

The FLEP 2013 aims to encourage the development of housing, employment, infrastructure and community services to meet the needs of the existing and future residents of the Fairfield LGA. The FLEP 2013 also aims to conserve and protect natural resources and foster economic, environmental and social well-being.

The Department has considered all relevant provisions of the FLEP 2013 and matters raised by Council in its assessment (**Section 5**). The Department concludes the development is generally consistent with the relevant provisions of the FLEP 2013, subject to implementation of recommended conditions. Consideration of the relevant clauses of the FLEP 2013 is provided in **Table B4**.

Table B4 | Consideration of the FLEP 2013

FLEP 2013	Department Comment/Assessment
1.2 Aims of the Plan	<p>The proposal would meet the aims of FLEP 2013 as it:</p> <ul style="list-style-type: none"> • supports the employment and educational needs of the existing and future community. • protects and manages areas of remnant bushland, natural watercourses and threatened species.
Land Use Table – Zone RU4 (Primary Production and Small Lots)	<p>Educational establishments are permissible with consent in the RU4 (Primary Production and Small Lots) zone.</p> <p>The proposal would meet the objectives of the zone (Section 6.1) subject to conditions addressing mitigation requirements to address consistency with rural character.</p>
Land Use Table – Zone E2 (Environmental Conservation)	<p>Educational establishments are not permissible with consent in the E2 (Environmental Conservation) zone. No component of the school is proposed within this zone.</p> <p>The only works proposed to be undertaken are riparian corridor revegetation, which would comply with the zone objectives.</p>
Clause 4.3 Building height	<p>The maximum building height for the site is 9m.</p> <p>The proposed buildings exhibit a maximum height of 12.8m above existing ground level, thereby exceeding the FLEP 2013. Notwithstanding, the proposed development achieves the objectives of this control as discussed in Section 6.3.</p>
Clause 4.4 Floor Space Ratio	No maximum floor space ratio is prescribed for the site.
Clause 5.10 Heritage conservation	Not applicable.
Clause 6.1A Earthworks	Earthworks and retaining walls are proposed on the eastern portion of the site to accommodate the development. The earthworks are assessed as satisfactory (Section 6.3).
Clause 6.5 Terrestrial biodiversity	The school is not located on the portion of the site mapped as 'biodiversity conservation', but rather would be located on land comprising cleared paddocks. No native vegetation would require clearing as a result of the development.
Clause 6.6 Riparian land	The Department is satisfied that the development would retain, protect and enhance riparian land on the site and would minimise impacts on adjoining riparian land.

Appendix C – Recommended Instrument of Consent

Appendix D – Independent peer review report by Bitzios