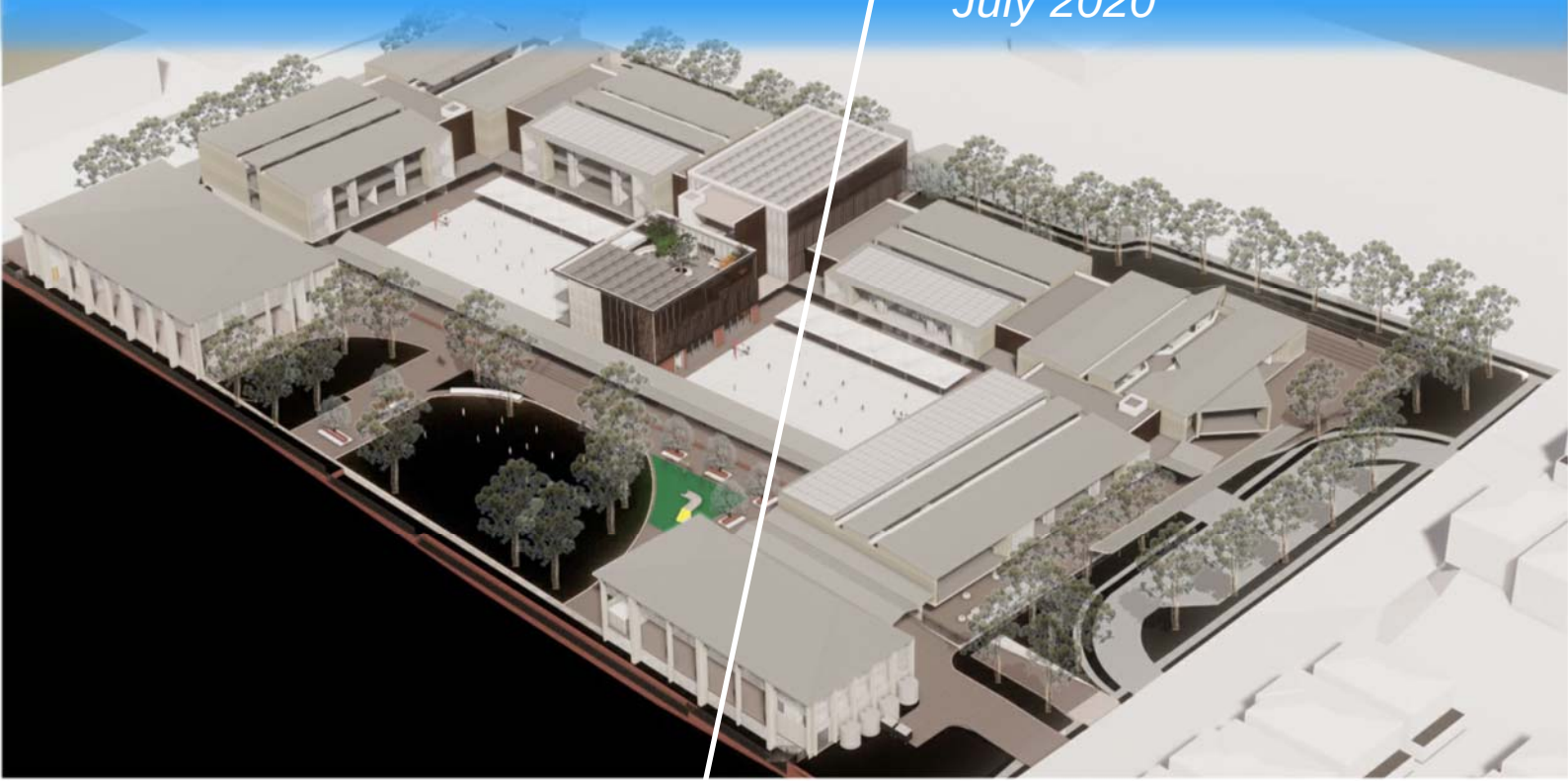
NSW GOVERNMENT

Amity College New School

State Significant Development Assessment

(SSD 9227)

July 2020



July 2020

Cover photo

Perspective from Byron Road (Source: Applicant's EIS).

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Glossary

Abbreviation	Definition
AA	Acoustic Assessment Report
AEP	Annual Exceedance Probability
AHD	Australian Height Datum
ARI	Average Recurrence Internal
BCA	Building Code of Australia
BC Act	*Biodiversity Conservation Act 2016*
CIV	Capital Investment Value
Consent	Development Consent
Council	Camden City Council
DCP	Camden Growth Centre Precinct Development Control Plan
Department	Department of Planning, Industry and Environment
EESG	Environment, Energy and Science Group
EIS	Environmental Impact Statement
EPA	Environment Protection Authority
EP&A Act	*Environmental Planning and Assessment Act 1979*
EP&A Regulation	Environmental Planning and Assessment Regulation 2000
EPBC Act	*Environment Protection and Biodiversity Conservation Act 1999*
EPI	Environmental Planning Instrument
EPL	Environment Protection License
ESD	Ecologically Sustainable Development
GC SEPP	State Environmental Planning Policy (Sydney Regional Growth Centres) 2006
GTP	Green Travel Plan
ICNG	Interim Noise Construction Guideline
ILP	Leppington Precinct Indicative Layout Plan
LEP	Local Environmental Plan
Minister	Minister for Planning and Public Spaces
NML	Noise Management Level
OTAMP	Operational Traffic and Access Management Plan
PMF	Probable Maximum Flood
PNTL	Project Noise Trigger Levels
TfNSW	Transport for New South Wales
TfNSW (RMS)	TfNSW (Roads and Maritime Services)

TMP	Traffic Management Plan
RNP	Road Noise Policy
Road 1	Pluto Avenue
Road 2	Future local road on the northern boundary of the site
RtS	Response to Submissions
SEARs	Planning Secretary's Environmental Assessment Requirements
Secretary	Planning 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

Executive Summary

This report provides an assessment of a State significant development (SSD) application for a new school, Amity College (SSD-9227) located at 85 Byron Road and 63 Ingleburn Road, Leppington. The Applicant is Amity College Australia Limited, and the proposal is located in the Camden Local Government Area.

The proposal seeks approval for the staged construction and operation of a new school, including:

- site preparation including demolition, vegetation clearing, remediation, boundary adjustment to create the future school site boundaries and bulk earthworks.
- construction of multiple school buildings (two to four storeys) for up to 1000 primary and secondary students (Kindergarten – Year 12).
- construction of multi-purpose halls, playing courts, library and administration block.
- 121 on-site car parking spaces, stormwater, landscaping works and external roadworks.

The Department of Planning, Industry and Environment (the Department) considers the application is consistent with the objects of the Environmental Planning and Assessment Act 1979 (EP&A Act) including ecologically sustainable development and the Greater Sydney Commission's Western City District Plan.

The Department is satisfied that the site is suitable for the proposed new buildings and would provide new and improved educational facilities for the locality and future users of the site. The Department is satisfied that the key issues (traffic and access, drainage and stormwater, built form and urban design and noise and vibration) were satisfactorily considered by the Applicant and found to be acceptable with the inclusion of environmental mitigation measures and recommended conditions of consent.

The proposed built form has been designed to fit within the context of the future character of the area. The built form would be complemented by the landscaping on the site and positively contribute to the surrounding locality.

The Applicant proposes the delivery and dedication of road infrastructure (half-width construction of Pluto Avenue (Road 1) and construction of a future road to the north of the site (Road 2)) that would be dedicated to Camden Council (Council)) to ensure that the local traffic network can accommodate the future school traffic. The Department considers that subject to delivery of the road infrastructure by the Applicant and the signalisation of the Byron Road / Ingleburn Road intersection by Council, the proposed school would not result in unacceptable traffic impacts on the locality. The proposal includes sufficient on-site car parking and pick-up and drop-off facilities.

The proposed post-development stormwater from the site would follow the natural flow path through the downstream property to the west that has been identified as a future public open space. The Department considers that subject to the design of an appropriate stormwater drainage system, submission of additional hydraulic analysis at the detailed design stage, diversion of stormwater flows

partly to Road 1, and provision of an on-site detention system, post-development stormwater can be satisfactorily managed.

The construction and operational noise impacts from the development have been appropriately assessed by the Applicant and suitable mitigation measures proposed to reduce adverse impacts on the surrounding locality.

The Department concludes the proposal is in the public interest and recommends that the application be approved subject to conditions.

The proposal has a Capital Investment Value of $64.35 million and would generate an estimated 85 operational jobs and 124 construction jobs. The proposal is SSD under clause 15, Schedule 1 of State and Environmental Planning Policy (State and Regional Development) 2011 (SRD SEPP), as it is development for the purpose of a new school. Therefore, the Minister for Planning and Public Spaces is the consent authority.

The application was publicly exhibited between 11 September 2019 and 8 October 2019 (28 days). The Department received a total of eight submissions, including six from public authorities, one from Council and one from special interest groups. No individual submissions were received from the general public. The key issues raised in the submissions included: traffic impacts, road and intersection design, stormwater and drainage design, drainage impacts on downstream properties, site remediation, waste management, infrastructure upgrades and the payment of development contributions.

In response to the submissions, the Applicant's Response to Submissions (RtS) included a number of amendments to the proposal including design modifications to the primary school and location of the fire sprinkler/hydrant pump room, preparation of a concept plan for Road 2, amendments to the design of the stormwater drainage system so that a portion of stormwater flows from the school are directed back into the adjoining Road 1 system, details of staging/schedule of deliverables and provision of detailed swept paths for various vehicles types entering and leaving the site.

In response to the RtS, an additional submission was received from Council which indicated that the majority of the earlier concerns raised by Council were addressed by the RtS. Council recommended conditions of consent to resolve the residual impacts due to the proposal.

Contents

1. Introduction

This report provides an assessment of a State significant development (SSD) application lodged under the *Environmental Planning and Assessment Act 1979* (EP&A Act) for a proposed new school, Amity College (SSD 9227) located at 85 Byron Road and 63 Ingleburn Road, Leppington within the Camden Local Government Area (LGA). The application has been lodged by Amity College Australia Limited (the Applicant). The proposal seeks approval to construct a new school including:

- site preparation including demolition, vegetation clearing, remediation, boundary adjustment and bulk earthworks.
- construction of multiple school buildings (two to four storeys) for up to 1000 primary and secondary students (Kindergarten – Year 12).
- construction of multi-purpose halls, playing courts, library and administration block.
- 121 on-site car parking spaces, stormwater, landscaping works and external roadworks.

1.1 Site Description

The site is legally described as part Lot 1 DP 525996 (85 Byron Road), and part Lot 2 DP 525996 (63 Ingleburn Road), Leppington within the Camden LGA. The site is approximately 38 kilometres (km) from the Sydney Central Business District and 1.24km south-east of Leppington Station (**Figure 1**).

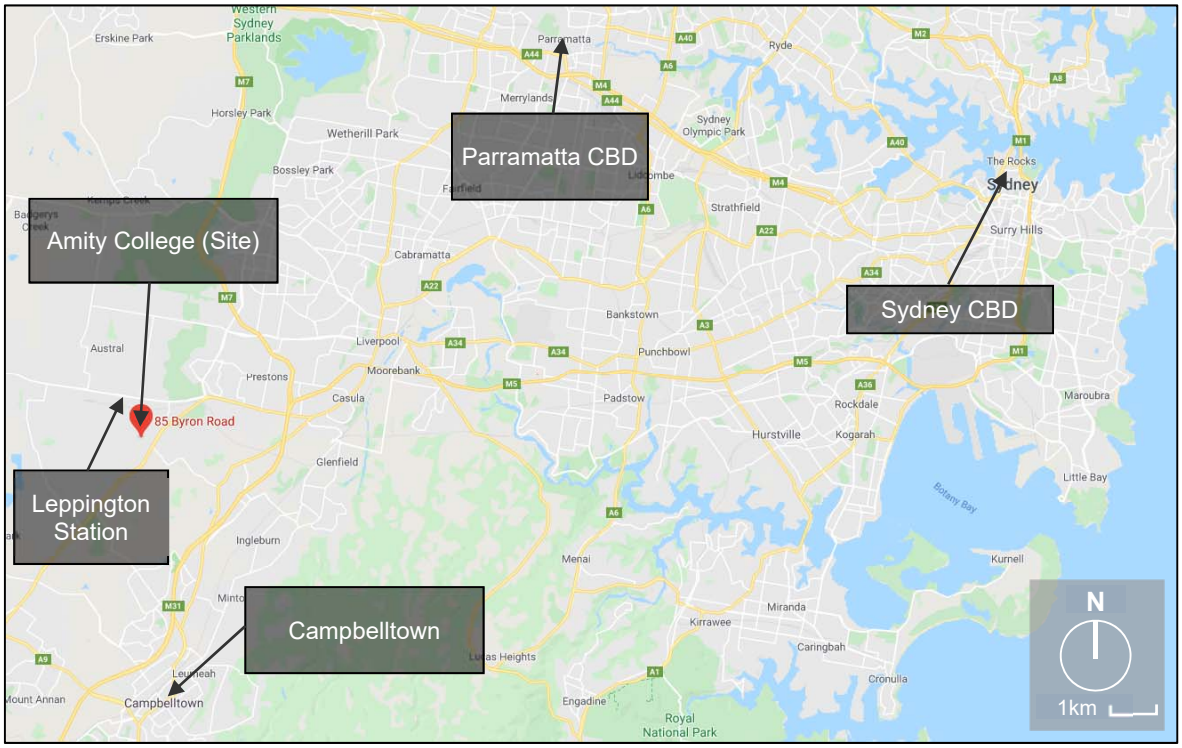


Figure 1 | Proposed site boundaries (Source: Nearmap 2020)

The site is 3.2 hectares (ha) in area, generally rectangular in shape, and located at the corner of Byron Road and Ingleburn Road (boundary shown in yellow in **Figure 2**). The future school development would be located on the southern part of this site (identified in red in **Figure 2**).

The site is in a region characterised by gently undulating topography. The northern part of the site is flat while the southern part has a gentle fall from 100 Australian Height Datum (AHD) in the east to between 94 and 97 AHD along the western boundary. The site has a natural low point at the centre sloping towards Byron Road in the east and the adjoining property at 69 Ingleburn Road to the west. A minor section of the site along the western boundary comprises flood prone land. The site has a primary frontage of 286 metres (m) to Byron Road and a secondary frontage of 103m to Ingleburn Road. A partially constructed road (half-width) known as Pluto Avenue adjoins the site to the south.

Figure 2 | Proposed site boundaries (Source: Applicant's EIS 2019)

The site consists of rural residential land and associated structures in relation to historical market gardens and agricultural uses. Lot 1 contains a single storey fibro and metal dwelling with several metal and fibro sheds, cleared market garden / paddock areas and vegetation fronting Ingleburn Road.

Lot 2 (85 Byron Road) contains a single storey brick and weatherboard dwelling fronting Ingleburn Road and a separate metal and fibro shed to the south. Existing vegetation is located along Ingleburn Road and in the southern and western parts of Lot 2, over the footprint of the proposed development.

The site is in the Leppington Priority Precinct of the South West Growth Area (SWGA), an emerging greenfield corridor with planned urban development for a range of residential, commercial and community uses. State Environmental Planning Policy (Sydney Region Growth Areas) 2006 (GC SEPP) applies to the site.

1.2 Surrounding development

The site is located in a predominately low-density residential area. However, it is part of the Leppington release precinct which proposes substantial increase in residential density surrounding the site with retail / commercial developments on the northern side of Ingleburn Road. The Leppington Precinct Indicative Layout Plan (ILP) in the Camden Growth Centre Precincts Development Control Plan (DCP) identifies the site as a future school. The site and future use of surrounding developments in the ILP is shown in **Figure 3**.

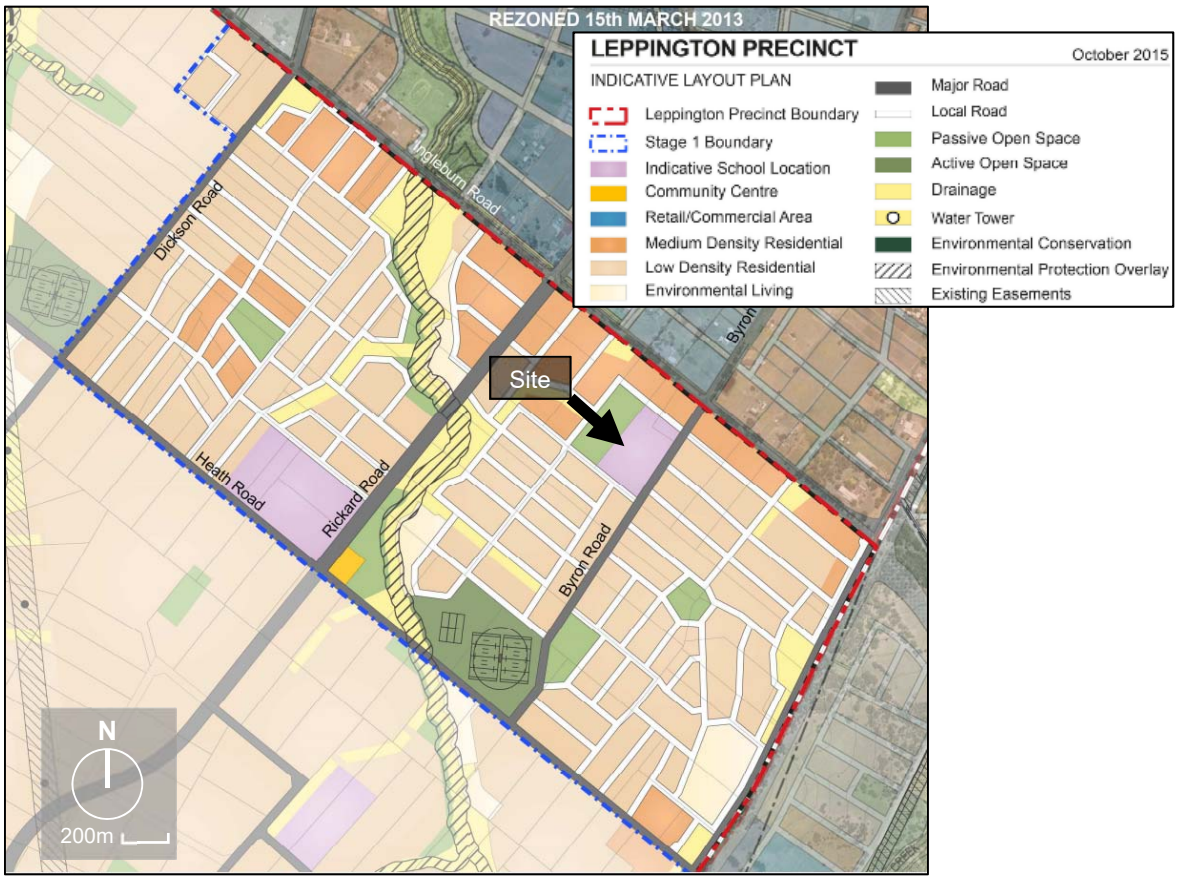


Figure 3 | The site and the surroundings as identified by the ILP (Source: DPIE 2015)

The locality surrounding the site is in the early stages of transition with the surrounding land uses being rural residential and agricultural. The likely future character of the immediate surroundings would be medium and low density residential developments. As identified in **Figure 4**, a number of development applications have been approved (shown in grey) or proposed (shown in blue) for subdivision of the surrounding sites to facilitate future medium / low density residential developments. A school has also been recently approved for redevelopment, to the south-east, fronting Byron Road.

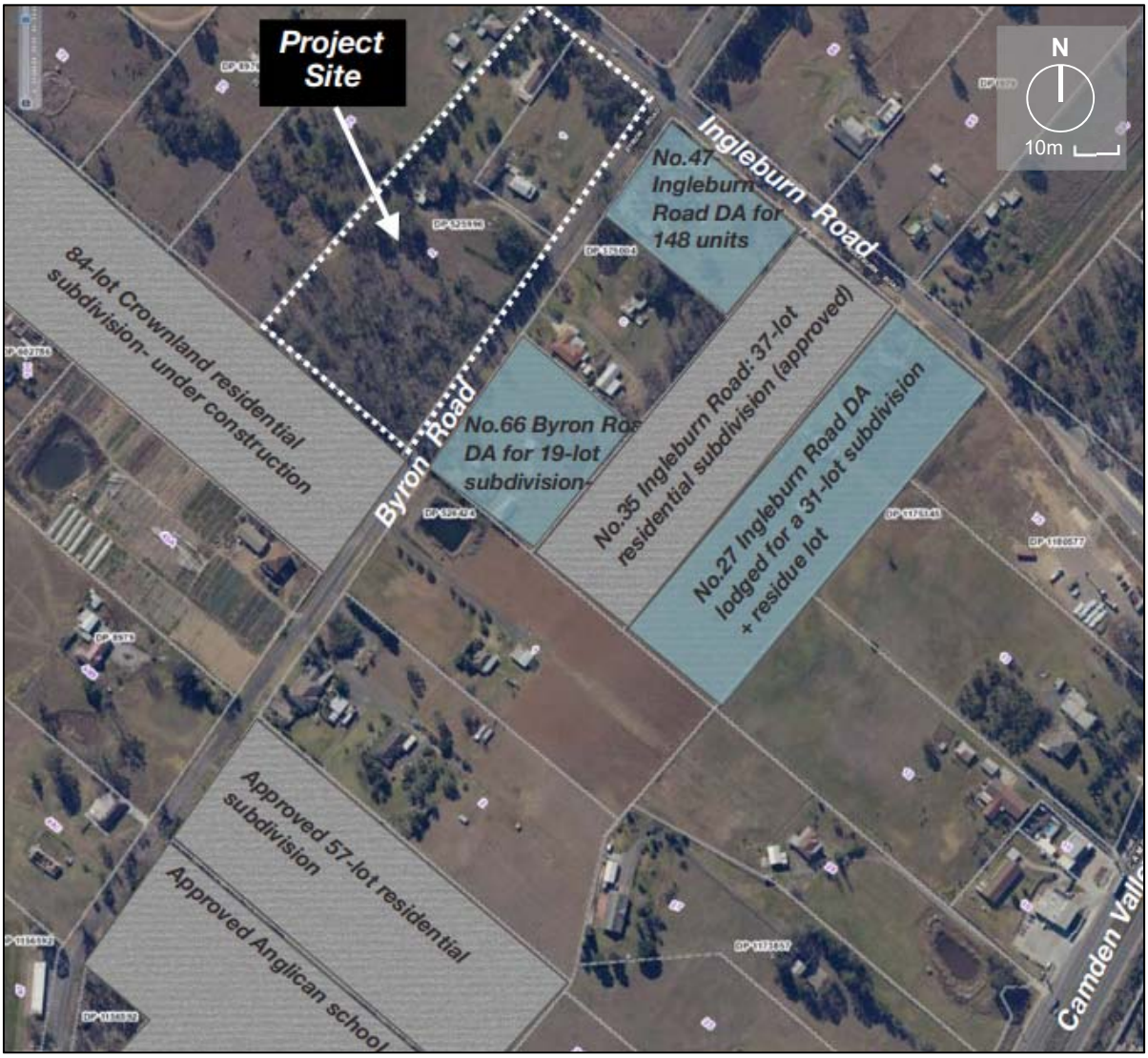


Figure 4 | Approved/proposed development surrounding site (Source: Applicant's EIS 2019).

The land immediately adjoining the site to the west (69 Ingleburn Road) is identified as a future public open space, subject to Camden Council acquiring it at a future date.

The main roads that provide access to and from the site are Byron and Ingleburn Roads. Both roads are local roads and with two-lane undivided carriageways, a speed of 50km/hour and unrestricted parking on each side. Byron Road runs in a north to south alignment intersecting with Heath Road to the south, Ingleburn Road runs from west to east. Nearby major intersections include Ingleburn Road / Rickard Road to the north- west and Ingleburn Road / Camden Valley Way to the east. Images of the existing site and surrounds are shown in **Figures 5 - 8**.

Figure 5 | Existing dwelling on site, viewed Byron Road (Source: DPIE 2020)

Figure 6 | Looking along Byron Rd frontage to the north (Source: DPIE 2020)

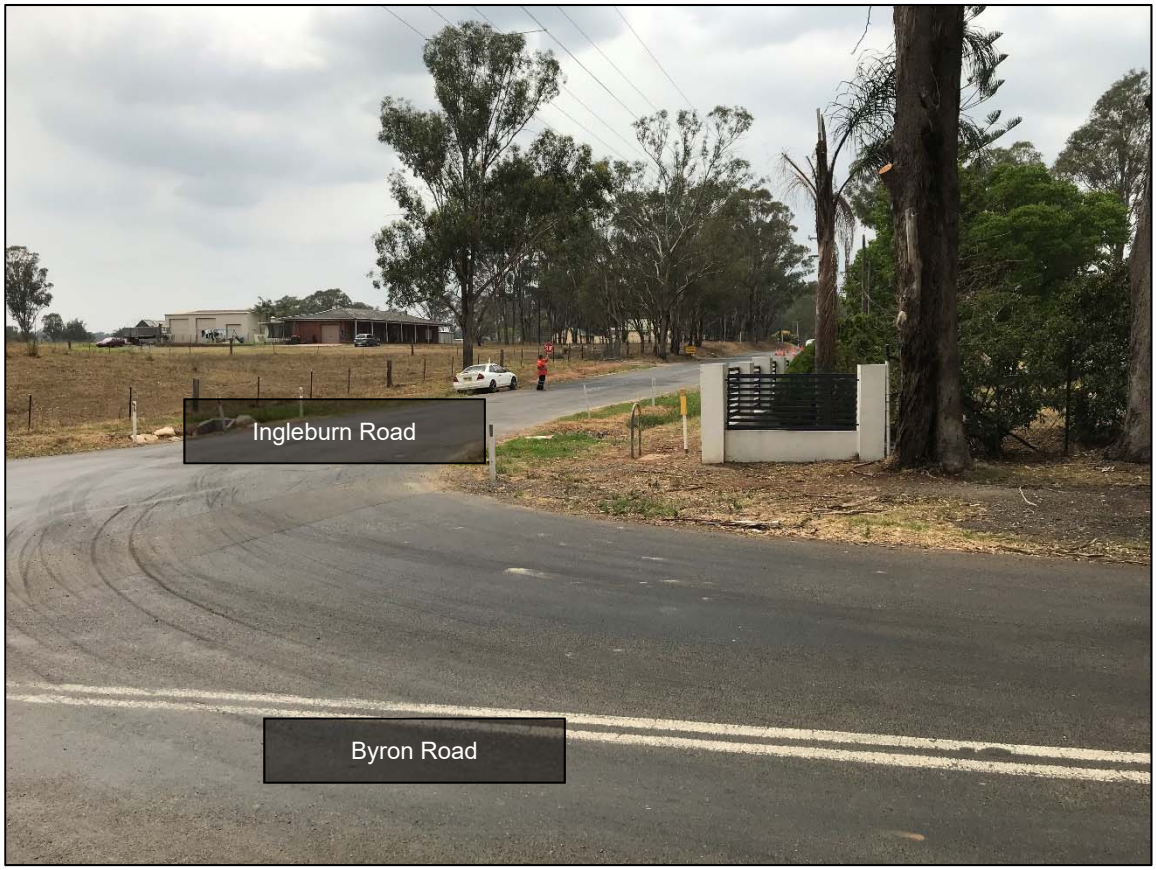


Figure 7 | Byron and Ingleburn Road intersection (Source: DPIE 2020)

Figure 8 | Looking along Byron Rd frontage to the south (Source: DPIE 2020)

2. Project

The key components and features of the proposal, as set out in the Environmental Impact Statement (EIS) and refined in the Response to Submissions (RtS), are provided in **Table 1** and **Figures 9 - 18**.

Table 1 | Main Components of the Project

Aspect	Description
Project summary	• Construction of a new school (K – 12) for 1000 students, comprising boundary adjustment, site preparation, vegetation clearing, bulk earthworks, site remediation, construction of two - four storey buildings, basement and at-grade car parking, landscaping, internal and external roadworks and stormwater works.
Site area	• 3.2ha.
Site preparation works	• Demolition and site clearing. • Bulk earthworks resulting in: o 7166 cubic metres (m^3) of cut. o 24,111m^3 of fill (with 16,945m^3 of imported fill material).
Remediation	• Category 1 remediation works involving implementation of a Remedial Action Plan for identified asbestos and hydrocarbon contaminants.
Subdivision and easements	• Boundary adjustments for existing Lots 1 and 2 DP 525996 to create the future site boundary for the school site.
Staging	• The construction and operation of the school delivered in eight stages (Stage 1 - Stage 8) over 10 -15 years.
Built form and building components	• Single storey temporary demountables for Stage 1. • Permanent buildings (delivered in Stages 2 – 8) varying in height from two - four storeys comprising: o two storey (maximum 13.97m) connected building modules for the primary school and a separate primary school multi-purpose hall. o three storey (maximum 15.47m) building modules for the secondary school and a separate secondary school multi-purpose hall.

	○ a four storey (maximum 15.87m) building module for the administration building, secondary school library, rooftop terrace and school café connecting the primary and secondary school building modules.
Gross Floor Area (GFA)	• 15,540 square meters (m^2).
Roadworks and services	• Construction of half road width of Pluto Avenue (referred to as Road 1 in the report), including a16m carriageway on the southern boundary of the site. • Construction of a new future local road off Byron Road (referred to as Road 2 in the report) along the northern boundary of the future allotment accommodating the school. • Stormwater work within the road reserves.
Parking	• A total of 121 on-site car parking spaces consisting of: ○ 94 car parking spaces over two separate basement car parks. ○ nine at grade visitor car parking spaces at Byron Road, including one accessible space. ○ seven parallel car parking spaces and 10 angled car parking spaces within the primary school pick-up and drop-off zone accessed off Road 1. • Two loading bays for an 8.8m medium rigid vehicle. • 15 on-street car parking spaces along Road 2. • A 69m long bus bay for four buses on Byron Road.
Bicycle parking	• 62 bicycle spaces across the campus.
Access	• Main pedestrian access from Byron Road. • Secondary student only access off Road 1 and 2. • Separate loading bays and basement car park ramps provided from Road 1 and 2. • Visitor parking accessed off Byron Road.
Public domain and landscaping	• Staged implementation of 8732m^2 of play area (7159m^2 hardstand areas and 1573m^2 soft play area) including a library rooftop garden, ground level playing field, sports courts and 3998m^2 of perimeter landscaping.
Uses	• Educational establishment including ancillary food and drink premises. • Community use of multi-purpose halls and other school facilities.
Hours of operation	• General operating hours: 7am and 9pm (out-of-hours community and school use inclusive) with teaching hours occurring between 9am to 3:30pm Monday to Friday.

	• Service vehicles and deliveries between 7am to 5pm.
Signage	• Illuminated Amity College logo (0.5m high by 5m wide) integrated over the main entry fronting Byron Road.
Jobs	• 124 construction jobs. • 85 full time equivalent (FTE) jobs during operation.
CIV	• $64,353,300.

2.1 Site boundaries, siting of the development

The school and associated facilities are to be located on the southern part of the site that is zoned SP2 Infrastructure (Educational Establishment) under the State Environmental Planning Policy (Sydney Regional Growth Centres) 2006 (GC SEPP).

The application involves the boundary adjustment of existing Lots 1 and 2 in DP 525996 to create two future allotments aligning with the existing land use zone boundaries (**Figure 9**):

- proposed Lot 1 (for future school): 23,700m^2 located within the SP2 Infrastructure zone with frontage to Byron Road only.
- proposed Lot 2 (residual lot fronting Ingleburn Road): 7230m^2 located within the R3 Medium Density Residential zone with frontages to Ingleburn Road and Byron Road.

The residual lot would remain under the ownership of the Applicant.

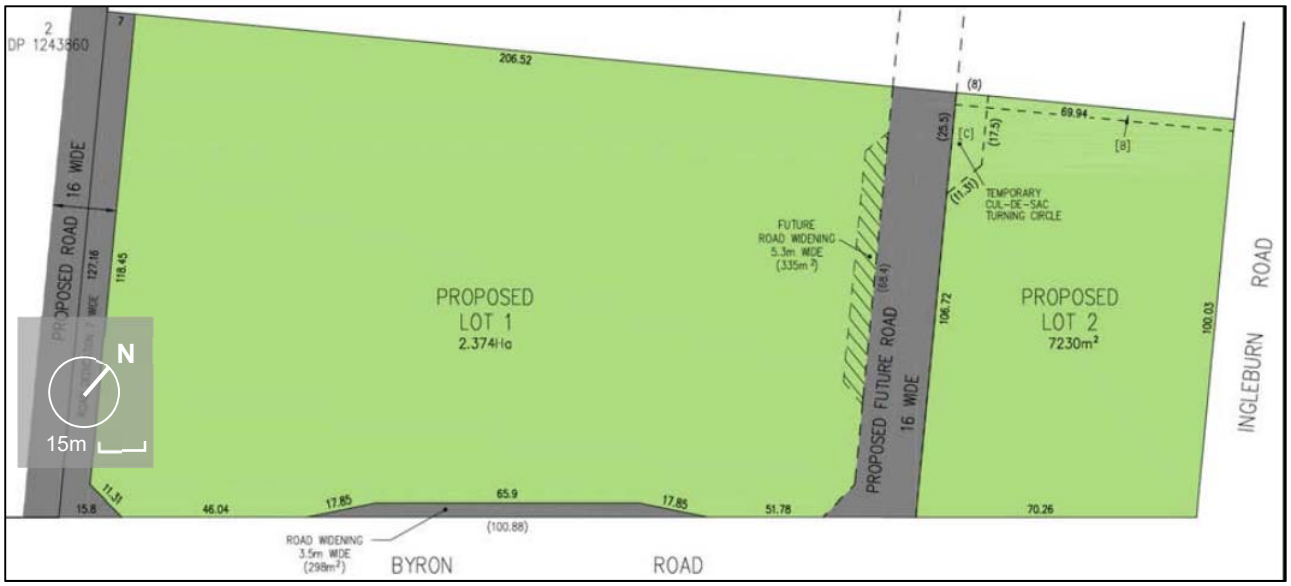


Figure 9 | Proposed subdivision (Source: Applicant's EIS 2019)

As identified in **Figure 9**, the boundary adjustment also includes provision for:

- a future local road (Road 2) across the site, with a temporary cul-de-sac turning head.
- a drainage easement allowing stormwater drainage over future Lot 2.
- allowance for widening of Road 1, proposed as part of this application.
- allowance for provision of a busy bay on Byron Road in the future.

2.2 Proposed roadworks

The proposal includes the construction of one local road and the widening on an existing road, situated either side of the future school site. The proposed location of the roads (Roads 1 and 2) are consistent with the ILP (**Figure 10**). The Applicant advises that on completion the two roads and bus bays and footpath on Byron Road would be dedicated to Camden Council (Council) as public roads.

The proposal would dedicate 2417m^2 of the site area to Council as follows:

- the half width of Road 1 located within the site: 887m^2.
- the full width of Road 2 (16m wide): 1451m^2.
- the bus bays along Byron Road: 79m^2.

An on-site pick-up and drop-off area are proposed to be accessed from Road 1 and retained for exclusive school use.

The proposal involves construction of a temporary turning head for Road 2 on the western boundary of the site. The Applicant advises that the temporary turning head can be decommissioned in the future and the road extended (by Council or others) across 69 Ingleburn Road, when the future public open space is created.

Site works for the proposal also involves the removal of all the existing vegetation within the site. Tree protection zones would be established to protect adjoining trees at 69 Ingleburn Road. Earthworks and excavation would be undertaken on a staged basis as specific building modules, associated roadworks / public domain and stormwater works progress in accordance with the Applicant's staging plan.

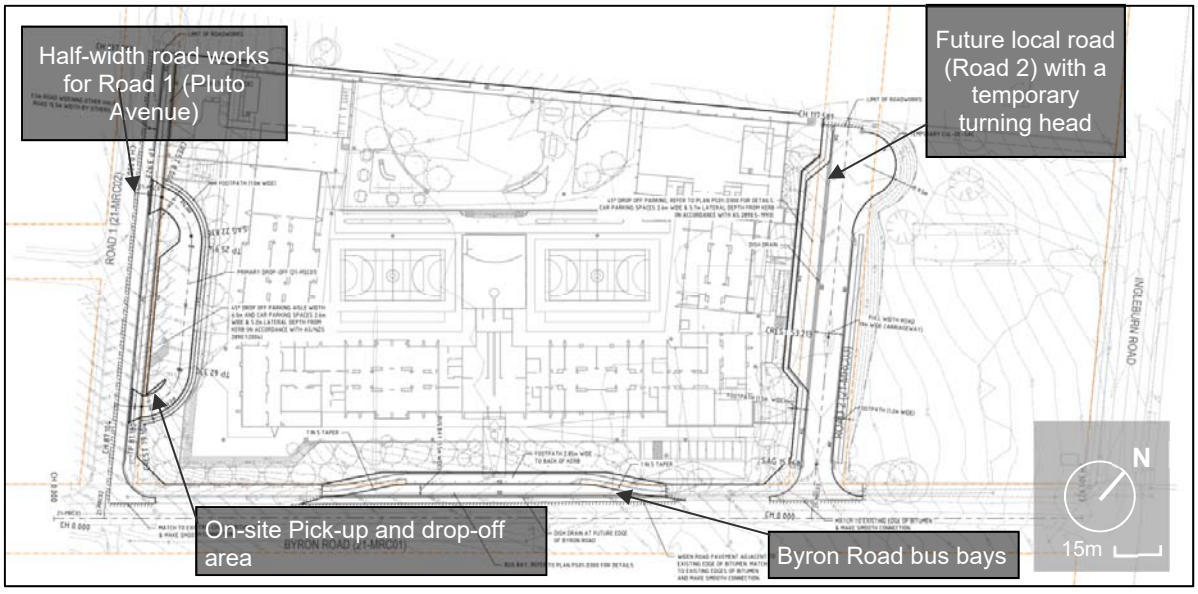


Figure 10 | Siting and road works plan (Source: Applicant's EIS 2019)

2.3 Physical Layout and Design

The proposal seeks to demolish all existing structures on the site and proposed new built form would have a main frontage and entrance from Byron Road. Students of the secondary school would access

the site from Road 1 and Road 2. The ultimate development would have interconnected building modules with a predominantly two to three storey built form along the frontages of the site.

Two storey building modules comprising the primary school would wrap around the eastern and southern frontages of the site, along Road 1 and Byron Road. The secondary school would be accommodated within the three storey building modules wrapping around the northern (Road 2) and eastern (Byron Road) frontages. The central building module would be four storeys in height as viewed form the Byron Road frontage and accommodate the administrative functions. Both the primary and secondary school halls are to adjoin the future public open space to the west.

The landscape scheme for the school includes a range of multi-functional landscape spaces including a central playing field, sports courts, outdoor learning areas, tree canopy areas with native and exotic tree species and rooftop play courts above the library for passive and active recreation.

Internally, the building modules would wrap around the sports courts, the central administration block and cafeteria. **Figures 11** to **15** detail the site layout and visual impressions of the final built form.

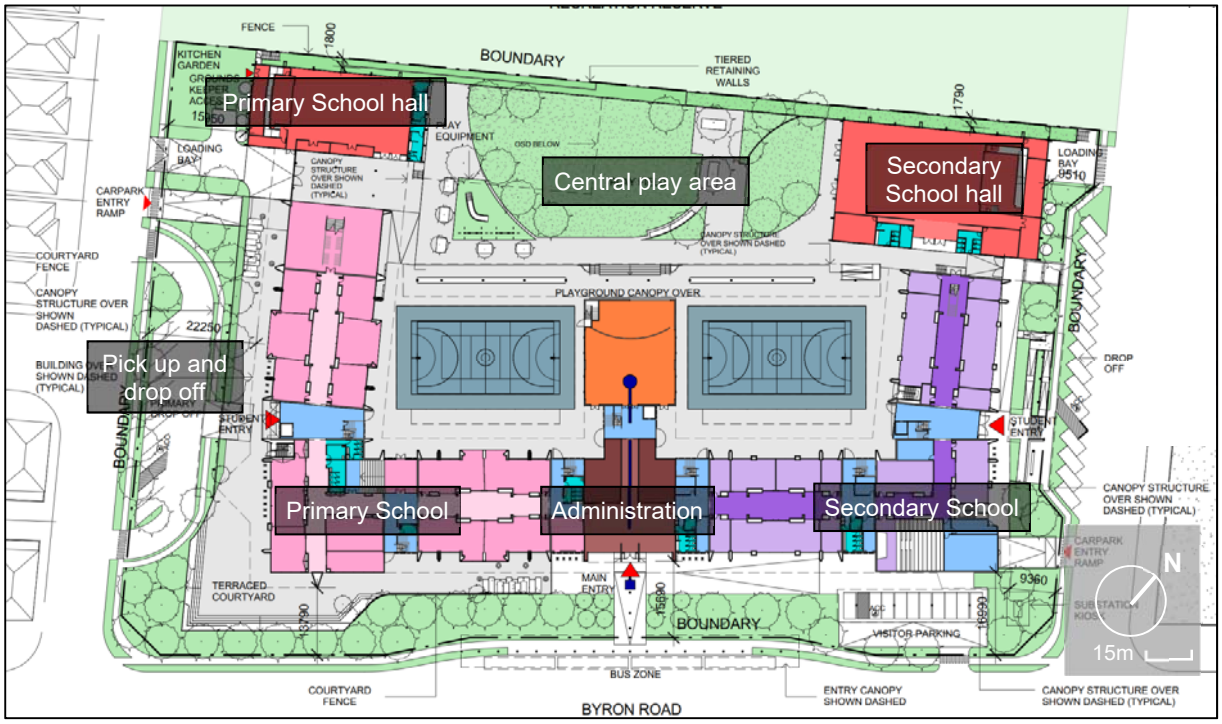


Figure 11 | Proposed Amity College layout (Source: Applicant's EIS 2019)

Figure 12 | Byron Road Elevation (Source: Applicant's EIS 2019)

Figure 13 | Elevation from Future Park (Source: Applicant's EIS 2019)

Figure 14 | Perspective from Byron Road looking north (Source: Applicant's EIS 2019)

Figure 15 | Perspective from Byron Road looking west (Source: Applicant's EIS 2019)

Basement car parking is provided for both the primary and secondary school shown in **Figure 16.** The primary school car park (62 spaces) would be accessed via a ramp off Road 1 and the secondary school car park (32 spaces) accessed via a ramp from Road 2.

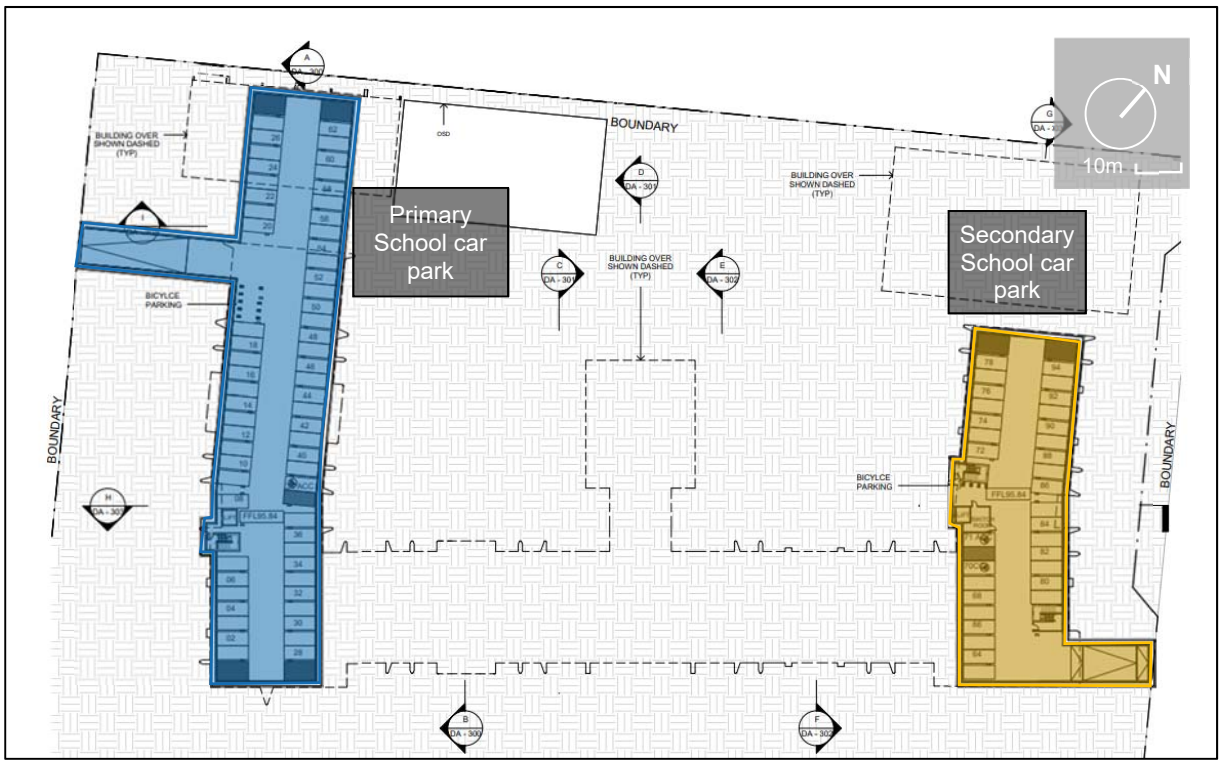


Figure 16 | Primary and secondary schools basement car parking plans (Source: Applicant's EIS 2019)

2.4 Timing

The construction and operation of the school is proposed to be delivered through eight stages over 10 – 15 years. The proposed school population and parking provisions associated with each construction stage are detailed in **Table 2**.

Table 2 | School population and parking provisions at each construction stage

Construction Stage	Total Student population	Total Staff numbers	Total number of on-site car spaces	Total on-site pick-up and drop-off spaces	Total on-site bicycle spaces
Stage 1	75	8.5	10	17	0
Stage 2	250	25	28	17	20
Stage 3	250	25	28	17	36
Stage 4	500	43	48	17	36
Stage 5	750	63	87	32	46
Stage 6	1000	81	104	32	46
Stage 7	1000	83	104	32	62
Stage 8	1000	85	104	32	62

The key deliverables and construction activities to be completed in each construction stage are outlined in **Figures 17** – **18**.

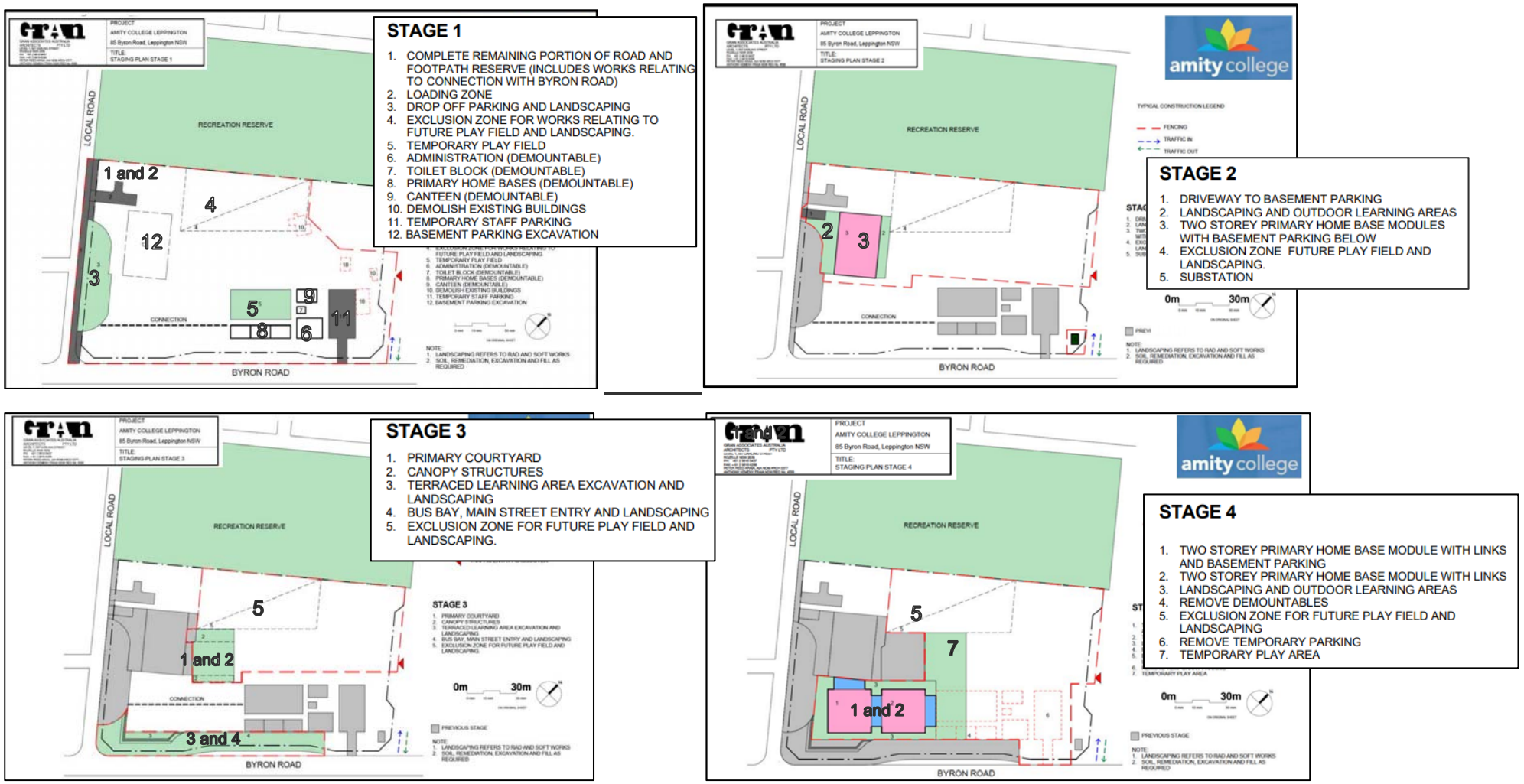


Figure 17 | Proposed staging plans and details for Stages 1 - 4 (Source: Applicant's EIS 2019)

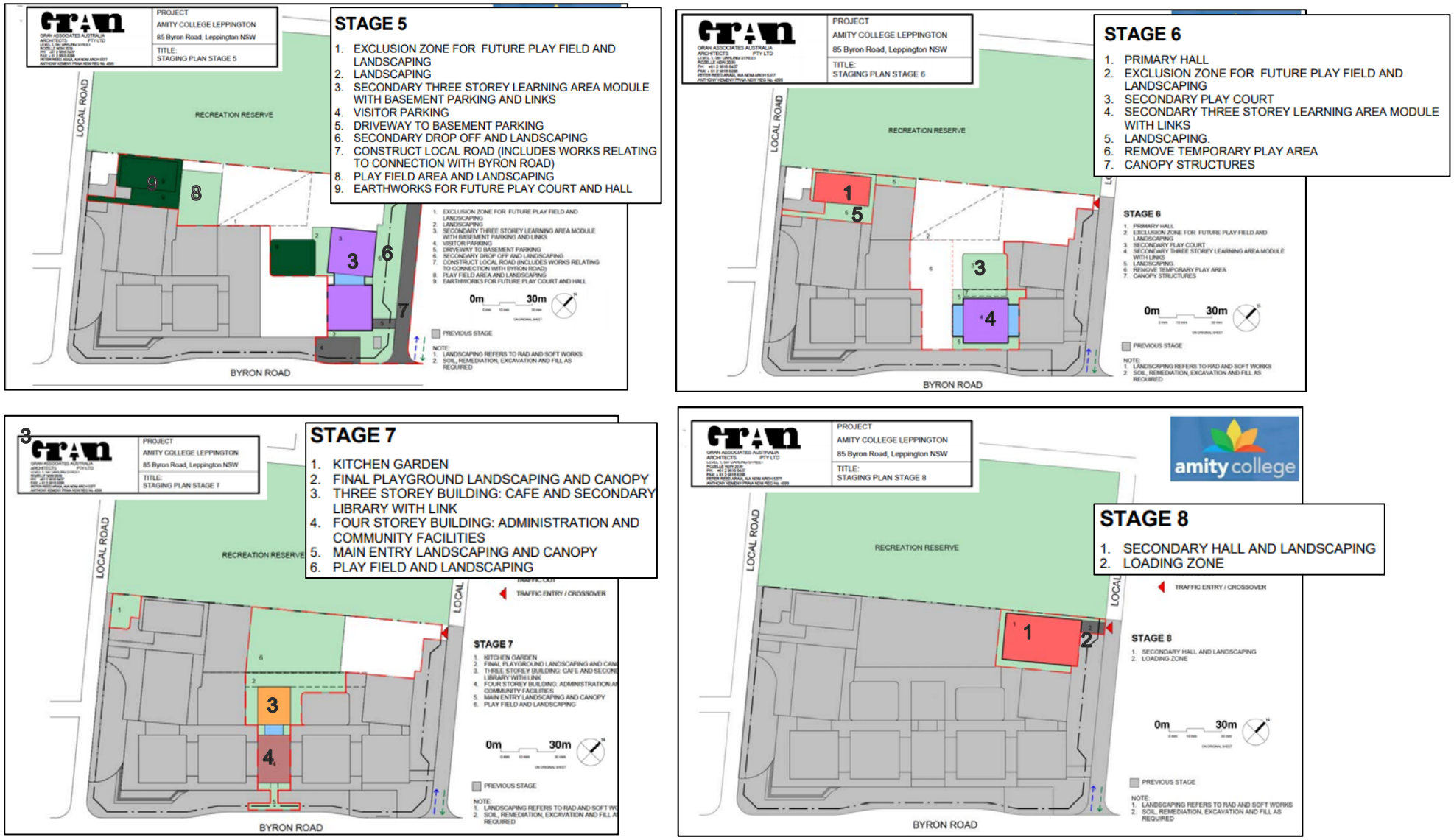


Figure 18 | Proposed staging plans and details for Stages 5 - 8 (Source: Applicant's EIS 2019)

Schedule of the eight construction stages:

- **Stage 1**: site clearing, demolition, remediation, construction of Road 1, construction of single storey demountables and temporary parking.
- **Stage 2:** excavation for basement car parking, construction of one primary school building module, landscaping, continued use of interim demountables, playground and car park and construction of pick -up and drop-off area on Road 1.
- **Stage 3**: construction of primary school courtyard and play areas, bus bays along Byron Road, landscaping, excavation and construction of terraced learning areas to the south west and continued use of interim demountables.
- **Stage 4**: construction of two additional primary school building modules, finalise construction of primary school basement car parking, removal of demountables and landscaping.
- **Stage 5**: secondary school basement car park excavation, construction of a three storey secondary school building module, construction of the Road 2 to the north, landscaping, earthworks for central play court and primary school hall.
- **Stage 6**: construction of one additional secondary school building module, primary school hall additional play court and landscaping.
- **Stage 7**: construction of library with rooftop terrace, administration/cafeteria building module and associated landscaping.
- **Stage 8**: completion of secondary school hall and loading zone.

2.5 Related Development

Several development applications for earthworks, residential subdivision and road construction on surrounding sites have been approved by Council. The relevant applications are:

- On 16 May 2018, Council approved DA2017/692 for the half-width construction of a local road with a 13.5m wide road reserve (including a 5.5m carriageway, 1.2m footpath, and 1.7m planting verge). The road has now been constructed and known as Pluto Avenue (Road 1 in this report), adjoining the southern boundary of the site.
- An 894-place primary and secondary school (by The Anglican Schools Corporation) has been approved in 2016 on a site that is located 300m to the south-west, fronting Byron Road (identified in **Figure 4**).

3. Strategic Context

3.1 Project Need and Justification

The Applicant advises that the proposal provides critical social infrastructure for the precinct and would offer a high-quality learning environment and facilities to meet the demands of the growing community of Leppington. It notes that the planned residential growth in the SWGA would create a demand for the development and provision of new social infrastructure to meet the needs of the new population. The Department acknowledges that the ILP identifies this site as a school.

3.2 Strategic Context

The new school is necessary to meet the NSW Department of Education's need to provide suitable teaching spaces that meet increased demand in the area and future projected growth within the Camden LGA.

The Department considers that the proposal is appropriate for the site given it is consistent with the:

- Greater Sydney Regional Plan - A Metropolis of Three Cities, as it proposes new school facilities to meet the growing needs of Sydney.
- Greater Sydney Commission's Western City District Plan, as it would provide much needed school infrastructure and opportunities to share facilities with the local community.
- anticipated use of the site identified in the ILP.
- State Infrastructure Strategy 2018 – 2038 Building the Momentum, as it proposes new school facilities to support the growth in demand for primary student enrolments and facilitates sharing with communities.
- NSW Future Transport Strategy 2056, as it would provide a new educational facility in an accessible location.
- Sydney's Cycling Future 2013, as it would promote and cater for bicycle use through the provision of bicycle parking and end-of-trip facilities.

The proposal would also provide direct investment in the region of $64.35 million and generate an estimated 124 construction jobs and 85 FTE operational jobs.

4. Statutory Context

4.1 State Significant Development

The proposal is SSD under section 4.36 *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 State Environmental Planning Policy (State and Regional Development) 2011 (SRD SEPP).

The Minister for Planning and Public Spaces (Minister) is the consent authority under section 4.5 of the EP&A Act. In accordance with the Minister's delegation to determine SSD applications, signed on 9 March 2020, the Executive Director, Infrastructure Assessments, may determine this application as:

- the relevant Council has not made an objection.
- there are less than 50 public submissions in the nature of objection.
- a political disclosure statement has not been made.

4.2 Permissibility

The site is part zoned SP2 (Educational Establishments), R2 Low Density Residential and R3 Medium Density Residential by the GC SEPP (**Figure 19**). Following the boundary adjustment, the school would be wholly located within the SP2 zone. The SP2 zone has no stipulated building height or Floor Space Ratio limits.

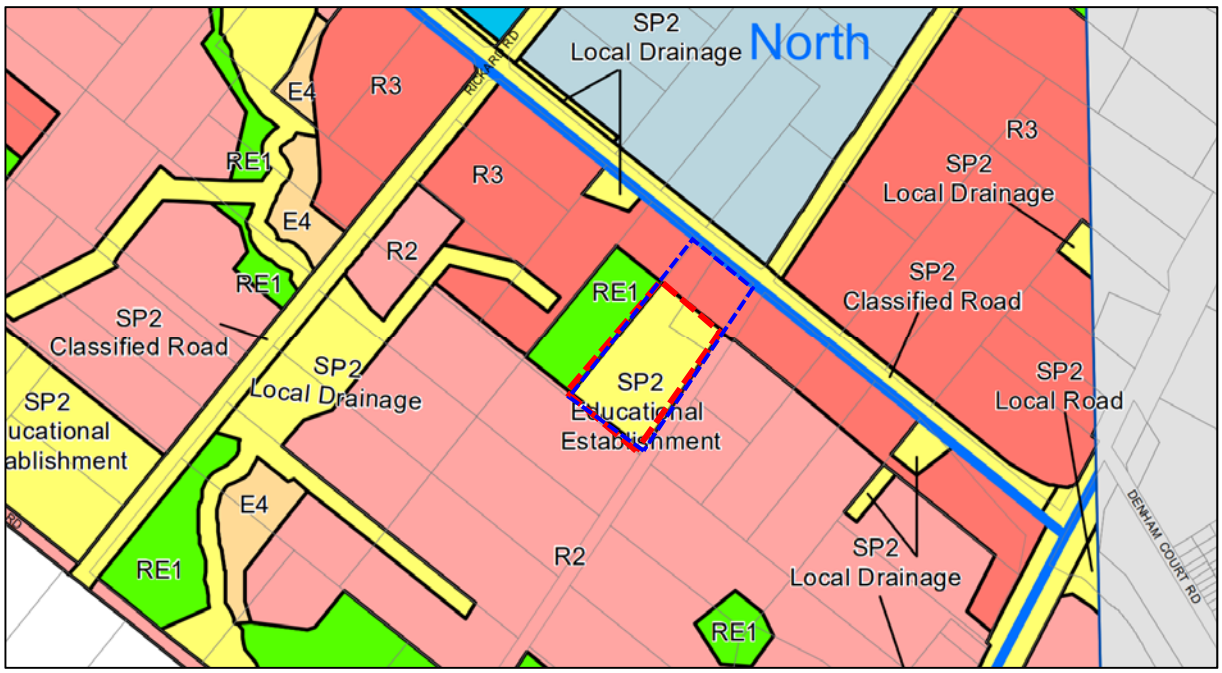


Figure 19 | Zoning context for existing (blue dashed line) and proposed (red dashed line) site boundaries (Source: Applicant's EIS 2019)

"Educational establishments" are permitted with consent in both the zones as they area 'prescribed zones' under the State Environmental Planning Policy (Educational Establishments and Childcare Centres) 2017 (Education SEPP). The Department is satisfied the cafeteria and community use of the school facilities would be ancillary to the use of the site as a school. Therefore, the Minister or a delegate may determine the carrying out of the development.

4.3 Other Approvals

Under section 4.41 of the EP&A Act, other approvals are integrated into the SSD approval process, and consequently are not required to be separately obtained for the proposal.

Under section 4.42 of the EP&A Act, several 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*).

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 (**Appendix C**).

4.4 Mandatory Matters for Consideration

4.4.1 Environmental planning instruments

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 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.

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.

4.4.2 Objects of the EP&A Act

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 3**.

Table 3 | 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	Amity College would ensure proper management and development of a suitably zoned parcel of land to provide a new school in the SWGA. The new school campus would

	and conservation of the State's natural and other resources	provide social, cultural and economic benefits to the community. The site is suitable for the use and its development would not negatively impact the economic welfare of the community, nor the natural environment.
(b)	to facilitate ecologically sustainable development by integrating relevant economic, environmental and social considerations in decision-making about environmental planning and assessment,	All permanent school buildings are proposed to achieve a minimum 4-star Green Star rating or equivalent (**Section 4.4.3**).
(c)	to promote the orderly and economic use and development of land,	The development would use an identified school site under the ILP. The proposal would be an orderly and economic development and use of the land as the proposal provides for the construction of a new school, being fit-for-purpose education facility on a site owned by the Applicant.
(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,	While the proposal would involve the removal of existing on-site vegetation, the site has existing biodiversity certification under the former *Threatened Species Conservation Act 1995*. The proposal would protect the environment (**Section 6**).
(f)	to promote the sustainable management of built and cultural heritage (including Aboriginal cultural heritage),	The site does not include any heritage items nor is it within the vicinity of heritage items or conservation areas. An Aboriginal Cultural Heritage Assessment Report (ACHAR) included in the EIS identified the Aboriginal cultural heritage values of the site in consultation with Aboriginal communities and set out appropriate mitigation measures to protect these values (**Section 6**).

(g) to promote good design and amenity of the built environment,	The proposal has been designed in response to crime prevention through environmental design principles and the proposed buildings would have a contemporary functional design and would integrate with the surrounding built environment (**Section 6**).
(h) to promote the proper construction and maintenance of buildings, including the protection of the health and safety of their occupants,	The Applicant has prepared management plans to ensure the school is constructed in response to the site's characteristics and the completed development is operated in accordance with legislation, guidelines, policies and procedures.
(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 (**Section 5.1**), which included consultation with Council and other public authorities and consideration of their responses (**Sections 5.3** 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. Issues raised in the submission have been addressed in **Section 6**.

4.4.3 Ecologically sustainable development

The EP&A Act adopts the definition of Ecologically sustainable development (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.

The development targets a 4-star Green Star rating and proposes ESD initiatives and sustainability measures including use of:

- certified / best practice materials and consideration of durability, recycled content, location, embodied carbon and toxicity in their selection.

- efficient materials, including high performance glazing and insulation to reduce heat transfer and consequent heat loss in winter and heat gain in summer.
- energy efficient design, including maximum use of natural light utilising suitably located windows and shading structures to reduce solar heat gain.
- photovoltaic solar system to provide on-site renewable energy.
- water conservation measures, including highly efficient water fittings and fixtures, rainwater harvesting and low water-dependent landscaping.
- prefabricated construction building components where appropriate that significantly reduces material consumption and waste.

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 rigorous assessment of the environmental impacts of the proposed development.

To ensure that ESD measures are appropriately incorporated into the proposed development, the Department has recommended a condition that requires the Applicant to register for a minimum 4-star Green Star rating with the Green Building Council Australia.

Subject to the implementation of this condition, the proposed development would be consistent with ESD principles as described in Sections 2.6.6 and 7.7.17 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). 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.

4.4.4 Environmental Planning and Assessment Regulation 2000

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.

4.4.5 Planning Secretary's Environmental Assessment Requirements

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.

4.4.6 Section 4.15(1) matters for consideration

Table 4 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 for in **Section 6** (Assessment) and relevant appendices or other sections of this report and EIS, referenced in that table.

Table 4 | 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** of this report.
(a)(ii) any proposed instrument	Not applicable.
(a)(iii) any development control plan (DCP)	Under clause 11 of the SRD SEPP, DCPs do not apply to SSD. Notwithstanding, consideration has been given to relevant DCPs at **Appendix B**.
(a)(iiia) any planning agreement	Not applicable.
(a)(iv) the regulations *Refer Division 8 of the EP&A Regulation*	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.
(a)(v) any coastal zone management plan	Not applicable.
(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	The impacts of the proposed development have been appropriately mitigated or conditioned as discussed in **Section 6**.
(c) the suitability of the site for the development	The site is suitable for the development as discussed in **Sections 3** and **5**.
(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**.

4.4.7 Biodiversity Conservation Act 2016

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. However, the SWGA has biodiversity certification under the former *Threatened Species Conservation Act 1995* and the site is located in the SWGA.

Clause 43 Biodiversity Conservation (Savings and Transitional) Regulation 2017 states the certification of the SWGA is preserved and continues to have effect in the future.

Given that the site is biodiversity certified, a Biodiversity Assessment Report is not required under section 8.4 *Biodiversity Conservation Act 2016*.

The Department has also reviewed the "Native Vegetation Protection Map' of the GC SEPP which includes specific areas of vegetation within biodiversity certified land that are required to be protected. The site does not include any native vegetation that is required to be protected by the GC SEPP.

The proposal would result in the removal of all existing trees within the site. The Department has assessment the impacts in relation to tree removal in **Section 6**.

5. Engagement

5.1 Department's Engagement

In accordance with Schedule 1 of the EP&A Act, the Department publicly exhibited the application from Wednesday 11 September 2019 to Tuesday 8 October 2019 (28 days). The application was exhibited at the Department's offices and on its website, at the NSW Service Centre and at Council's office.

The Department placed a public exhibition notice in the Macarthur Chronicle on 10 September 2019 and notified adjoining landholders and relevant State and local government authorities in writing. The Department representatives visited the site to provide an informed assessment of the development.

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

During the exhibition period, the Department received eight submissions comprising seven from public authorities (including comments from Council) and one from a special interest group.

No individual public submissions were received. A summary of the issues raised in the submissions is provided in **Section 5.3** and **5.4** and copies of the submissions may be viewed at **Appendix A**.

5.3 Public authority submissions

A summary of the issues raised in the public authority submissions is provided at **Table 5**.

Table 5 | Summary of public authority submissions

Camden Council
Council did not object to the proposal, however provided the following comments: • the proposal is located on a site identified as a public school in the ILP. The development of a private school at this location is contradictory to the ILP. • section 7.11 contributions should be levied against the proposal (as a private school) to provide for public amenities and services. • the proposal should provide sufficient on-site open space to minimise reliance on the use of the future public open space at 69 Ingleburn Road. Further consultation should be undertaken with Council in this regard. • the proposed staging should be amended to ensure the delivery of more substantial infrastructure and open space works earlier for improved amenity of the users. • road designs should comply with the geometry of the DCP for a primary local street.

- 109 car parking spaces should be provided in accordance with the DCP.
- the interface of the first floor of the school with Byron Road, Road 1 and the on-street car parking spaces should be reviewed to minimise the need for terraced retaining walls.
- the location of the school would result in potential conflict with the conceptual design of the Ingleburn Road and Byron Road intersection upgrade, which may result in further land acquisition from the site.
- additional swept paths and sight line assessments are required between Byron Road and Road 2 along with information regarding services relocation, drainage design/cross sections, to demonstrate consistency with Council's concept road design.
- details of accessible car parking and revised swept paths for waste collection vehicles should be provided.
- post-development site levels should be redesigned to be above the pre-development flood planning levels for the site and the surrounding road network.
- overland stormwater flows should not be conveyed through 69 Ingleburn Road.
- design details for the basement car parks and the half-width road construction of Road 1 should be submitted in accordance with Council's design specifications.
- a road works application under s138 *Roads Act 1993* would be required for approval of works within the public reserve.
- road and stormwater designs are to be in accordance with Council's specifications.
- the proposal design may result in adverse impacts on pedestrian safety due to excessive vehicular crossovers at inappropriate locations, the lack of appropriate wayfinding signage and that the need for the reversing of vehicles from the northern loading bay on to Road 2.
- the acoustic assessment is not consistent with Council's noise policies.
- acoustic impacts of school bells and public announcement systems should be considered.
- the food handling areas, accessibility requirements and fire safety matters must comply with the relevant legislation.
- further landscaping including additional street trees and oval planting should be provided.

Environment Protection Authority (EPA)

The EPA advised that:

- an accredited Site Auditor under the *Contaminated Land Management Act 1997* should be engaged to review the contamination reports and remediation methods.
- following completion of remediation works, the Site Auditor should prepare a Site Audit Statement confirming the suitability of the site for its intended use.

Transport for New South Wales (TfNSW)

TfNSW provided the following comments:

- the current poor condition of the local roads (such as Heath Road to the south of the site), may impact safe bus movement and the ability for buses to access the site. Thus, bus access would likely not be feasible until local roads are upgraded.

- revised swept paths should be provided to demonstrate five buses can use the proposed bus bay and that each bus can independently exit the bay.
- updated plans should be provided confirming the number and location of bicycle spaces.
- the development should include footpath connections from existing bus stops at Ingleburn Road, including seating and bus shelter upgrades.

TfNSW (Roads and Maritime Services) (TfNSW (RMS))

TfNSW (RMS) recommended several conditions regarding:

- installation of school zones on nearby roads with associated design requirements.
- compliance of car parking areas with relevant standards.
- warrant requirements for any proposed signalised intersection.
- compliance of swept paths for vehicles with AUSTROADS.
- preparation of a Construction Traffic Management Plan.

Endeavour Energy

Endeavour Energy advised that there are no electricity easements over the site and provided the following comments:

- a new connection offer and a new load application should be submitted.
- the Applicant should engage an Accredited Service Provider and continue consultation with Endeavour Energy Network Connections Branch.
- conditions of consent should be included requiring the Applicant to submit evidence prior to the release of any Construction Certificate, confirming that suitable arrangements have been made with Endeavour Energy to ensure future energy connections within the site.

Sydney Water

Sydney Water provided the following comments:

- the development would require the provision of a 150mm diameter water main along Byron Road, which should be constructed by an appropriate contractor.
- wastewater servicing from the site relies on an extension to the Bringelly Road Carrier Section 2, anticipated by Sydney Water to be provided by December 2019.
- a wastewater main extension must be constructed to service the site and connect to the future Bringelly Road Carrier Section 2.

NSW Rural Fire Service

NSW Rural Fire Service advised that the land was not bushfire prone and therefore no further comments were required to be provided.

5.4 Special Interest Group

One submission was received from the Leppington Progress Association (LPA) and may be viewed at **Appendix A**. The submission objected to the proposal and raised the following concerns:

- adverse traffic impacts on the surrounding road network during pick-up and drop-off times as well as vehicle movements to and from the site outside of the peak hours.
- cumulative traffic impacts from Amity College in addition to a second independent school located on the corner of Heath and Byron Road and potential impacts from a third school site identified in the Precinct Plan at Heath and Rickard Road.
- shortfall of car parking spaces when compared to the provisions in the DCP, considering Year 10 and 11 students who may drive to school.
- noise impacts from delivery vehicles and noise generated outside of school hours due to community use.

The submission also recommended that:

- water recycling for the school should be considered.
- signage and advertising should blend in with the surrounding environment.

5.5 Response to Submissions

Following the exhibition of the application, the Department placed copies of all submissions received on its website and requested the Applicant to provide a response to the issues raised in these and matters raised following the Department's preliminary review of the EIS.

On 15 May 2020, the Applicant provided a RtS responding to the issues raised in the submissions. A copy of this is provided at **Appendix A**. The RtS included the following:

- design modifications to the appearance of the building at the corner of Byron Road and Road 1.
- provision of a dedicated space within the school complex to house a fire sprinkler and hydrant pump room.
- preparation of a concept plan for the Road 2 extending 50m into the adjoining property at 69 Ingleburn Road.
- amendments to the design of the stormwater drainage system so that a portion of stormwater flows from the school are directed back into the drainage system within Road 1.
- detailed responses to concerns raised by public authorities in the submissions to the EIS.
- detailed response to stormwater management matters and the need for a downstream easement through the property at 69 Ingleburn Road.
- provision of detailed swept paths for various vehicles types entering and leaving the site.

The RtS was made publicly available on the Department website and was referred to the relevant public authorities. The Department received three additional submissions from Council, TfNSW and EPA in response to the RtS.

TfNSW and EPA commented that the matters raised in their earlier comments have been addressed through the RtS.

Council's submission identified that several matters raised in their earlier submission could be resolved through conditions of consent and acknowledged the consultation undertaken with the

Applicant with regard to the school development. Council further advised that in accordance with the revised plans for the intersection of Ingleburn Road / Byron Road, the site would remain unimpacted. Consequently, Council did not raise any further concerns regarding the location of the school or the need for land acquisition.

Council however, maintained their concerns regarding the inadequacies of stormwater management plans and the assessment of impacts of stormwater runoff on downstream properties. Council's additional comments in response to the RtS were matters related to:

- site planning, levels and staging of delivery of key infrastructure.
- design of all roadworks and infrastructure to be compliant Council requirements.
- submission of hydraulic modelling, retention of on-site detention facilities, submission of catchment plans, review of new stormwater discharge points and headwalls.
- consideration of the stormwater runoff from approved development applications within upstream properties at 56 and 66 Byron Road, in the design of the stormwater system for the site.
- the need for an easement to drain through the downstream properties.
- preparation and implementation of traffic management plans, safety concerns about visitor parking access near bus bay and local road intersection.
- preparation of construction noise management plans.
- evidence of removal of stockpiles of waste from the site.

5.6 Consultation after submission of RtS

Following submission of the RtS, the Department requested that the Applicant provide further details on the Staging and schedule of deliverables.

The Applicant provided the required information regarding staging on 22 June 2020.

The Department has engaged with Council following submission of the RtS and requested further advice regarding downstream easement requirements. Council advised that given the proposed changes to the volume and character of the stormwater flows on to the downstream properties within the catchment, an easement to drain water through the downstream properties (69 Ingleburn Road) would be needed.

The Department has also conducted a peer-review (advice from Alluvium Consulting) of the proposed drainage works and the impacts on the hydrology of downstream properties. The comments from the peer-review have been incorporated in the assessment of the proposal.

6. Assessment

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 are:

- traffic and access.
- drainage and stormwater.
- built form and urban design.
- noise and vibration.

Each of these issues is discussed below. Other issues, taken into consideration during the assessment, are discussed at **Section 6.5**.

6.1 Traffic and Access

6.1.1 Operational Traffic Impacts

The Applicant's EIS included a Traffic and Transport Assessment Report (TTA) which provided an assessment of the proposal's traffic, transport and parking related impacts. The TTA stated that the development of the Leppington Priority Precinct was supported by a Transport and Access Strategy report (the Strategy) prepared by AECOM in 2014. The Strategy incorporated the mid-block peak hour forecast traffic volumes (AM (7am – 9am) and PM (4pm – 6pm)) for the precinct in 2026 and 2036, with a likely future road hierarchy. The forecast traffic volumes in the Strategy considered the future use of the site to be for a school, consistent with the Indicative Layout Plan (ILP).

The Strategy included SIDRA analysis of the identified intersections within the precinct and concluded that the majority of those intersections would operate at an acceptable level of service (LoS D or better), subject to recommended intersection / road upgrade works. Following the recommendations of the Strategy, several road network improvements have been undertaken or proposed by Council or TfNSW near the site, including (but not limited to):

- upgrade to the intersection of Camden Valley Way / Ingleburn Road completed in 2016.
- signalised intersection at the Byron Road / Ingleburn Road intersection (north-east corner of the site) for which detailed concept designs are currently being progressed (likely to be constructed prior to 2026).

The recommendations of the Strategy are reflected in the future road hierarchy within the 'Precinct road hierarchy' of Schedule 5 – Leppington Priority Precinct of the DCP (**Figure 20**). It identifies that in the future, Byron Road would function as a two-way collector road whereas Ingleburn road would function as a four-lane sub-arterial road.

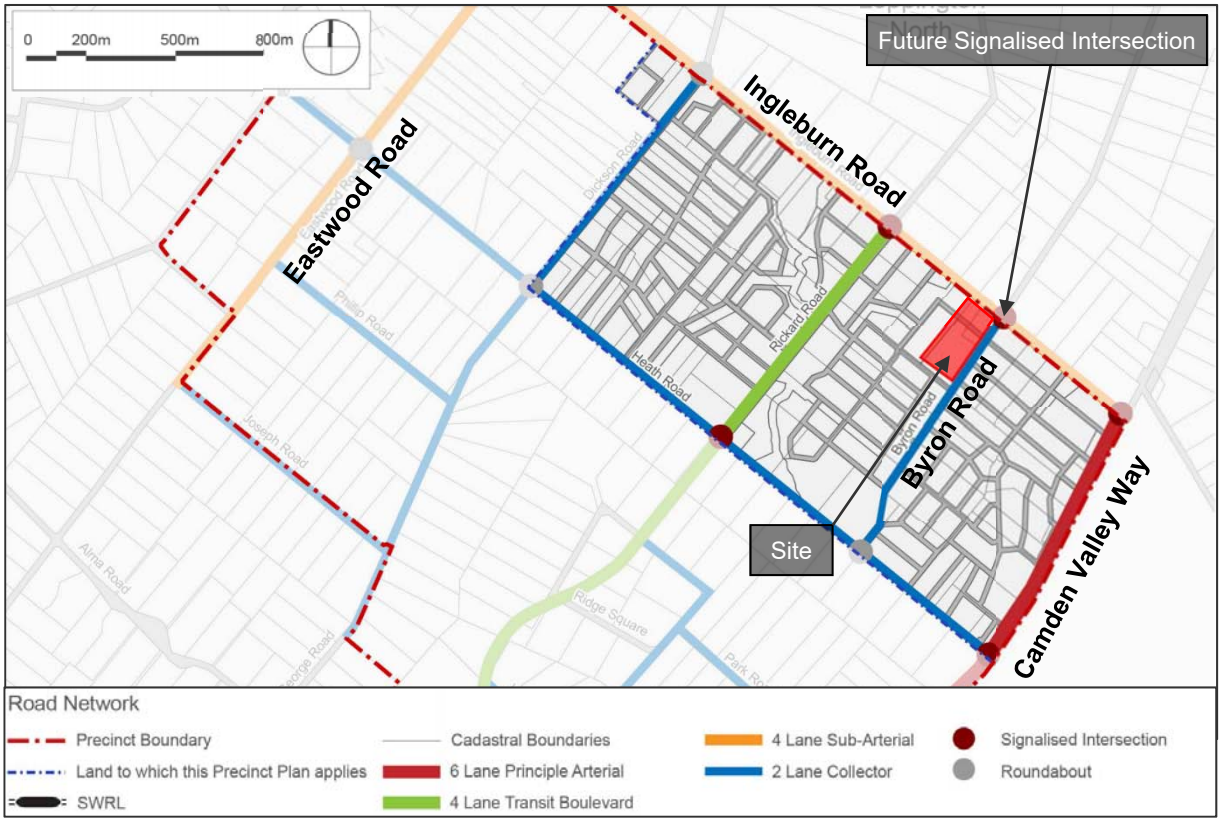


Figure 20 | Local Road Hierarchy of the Leppington Priority Precinct (Source: Schedule 5 of the DCP 2015)

The TTA included details of traffic surveys conducted for Amity College, Preston. Based on the traffic surveys, the TTA estimated that the development, when fully operational (with 1000 students and 85 staff), would generate 851 vehicle trips per hour in the AM peak (8am – 9am) hour and 759 vehicle trips during the PM peak (3pm – 4pm) as shown in **Table 6**.

Table 6 | Predicted trip generation

Movements	AM Peak				PM Peak			
	Parent drop-off	Staff	Buses	Total	Parent pick-up	Staff	Buses	Total
Inbound	400	51		451	352	0		352
Outbound	400	0		400	352	55		407
Total Trips				**851**				**759**

The TTA calculated this trip generation as a worst-case scenario and does not factor in the anticipated travel mode shifts to public and active transport over the construction period of 10 -15 years.

The TTA considered that the proposed trip generation by the school is consistent with the forecast traffic volumes in the Strategy as it included the traffic generated by a future school at this location. The TTA also stated that the operation of the school would be staged so that the student capacity is predicted to be about 500 in 2026 (completion of Stage 4) and 950 – 1000 in 2038 (full capacity). Accordingly, the TTA anticipates all planned road upgrades on Byron Road and Ingleburn Road would

be delivered in the next five years (as stated above), at which time the school would operate at 30% capacity.

Based on the above, the TTA concludes that no further analysis of the nearby intersections is required to support the application and that the surrounding future road network can accommodate the proposed development. The TTA also concluded that the proposed school would not result in a traffic volume that would trigger the need to implement any planned intersection upgrades by the Applicant.

During EIS exhibition, TfNSW or Council did not raise any specific concerns regarding the impacts of the school on the surrounding road network on the future intersection performances. Council's comments indicate that the design of the signalised intersection at Byron Road / Ingleburn Road is currently being finalised and would likely be delivered by the time the school is fully operational.

The Department has reviewed the information submitted by the Applicant and the Strategy. The Department agrees with the Applicant's argument that the school traffic has already been accounted for in the forecast traffic volumes for the locality in 2026 and 2036. Necessary road and intersection upgrades required to accommodate this traffic has been assigned and undertaken / to be completed by Council or TfNSW. Additionally, the Applicant seeks to deliver two local roads as part of the development to accommodate the school traffic (discussed in **Section 6.1.2**). Consequently, the Department is satisfied that the projected traffic generation due to the school would be accommodated within the surrounding local network in the future, subject to the signalisation of the Byron Road / Ingleburn Road intersection, upgrades to the nearby roads (Byron Road, Rickard Road and Heath Road) and the delivery of the adjoining local roads.

The Department notes that the Strategy states that the average annual daily traffic volumes for a sub-arterial road (Ingleburn Road) in the area is between 10,000 – 35,000 and that of a collector road (Byron Road) is 3000 – 10,000. Given the surrounding road hierarchy, the projected traffic generation due to the school would be readily accommodated within the traffic network.

As such, 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 would improve and a higher number of students and staff would utilise sustainable modes of transport by 2036. This includes ongoing access to Leppington Train Station and additional bus routes in the area. This in turn would reduce the overall reliance on cars and the resultant traffic generation.

6.1.2 Indicative layout plan, external roadworks and intersection design

Local road design

The ILP identifies two local roads to the north and south of the school site. The proposal includes the delivery of these two local roads. The boundary adjustment creating the school site boundaries and the construction of Road 2 through the site is consistent with the layout in the ILP (**Figure 21**). The Department notes that half width of Road 1 has already been constructed and is known as Pluto Avenue. The Applicant proposes to construct the remaining half width of this road along the site's frontage to facilitate access to the site. Both roads would then be dedicated to Council.

Figure 21 | Site context under the ILP (Source: DPIE 2015)

The delivery of Road 2 in association with the development would provide for the pick-up and drop-off area for the secondary school and access to its loading bay. When the surrounding developments, including the public open space at 69 Ingleburn Road, is completed the turning head would be decommissioned and the road extended further west to act as a through road for the precinct.

The Applicant seeks to construct the roads with an alternative design compared to the typical local road section under the DCP. Road 2 would include a 16m road reserve with a 9m wide carriageway and 15 on-street angled car parking spaces. A 1.5m footpath is proposed on the southern side with no landscaped verge on either side of the road. To compensate for the lack of landscape verge, dense landscaping is proposed along the secondary school frontage to this road.

During the EIS exhibition, Council requested the Applicant design these future roads to be consistent with the road sections contained in the DCP and to provide a plan that extends Road 2 into 69 Ingleburn Road to demonstrate that the local road can be delivered as part of the future road network.

In response, the Applicant's RtS included an indicative future alignment of the extended Road 2. The Applicant advised that the design of Road 1 is consistent with the DCP and the existing constructed half road. The Applicant also argued that the alternative design of Road 2 would be an acceptable outcome on the basis the additional on-street parking would provide a material public benefit and is allowed by the DCP. **Figure 22** shows the locations of proposed road works and a section through Road 2 when compared to a typical road section in the DCP (**Figure 23**). Consent for road works on 69 Ingleburn Road is not proposed as part of this application.

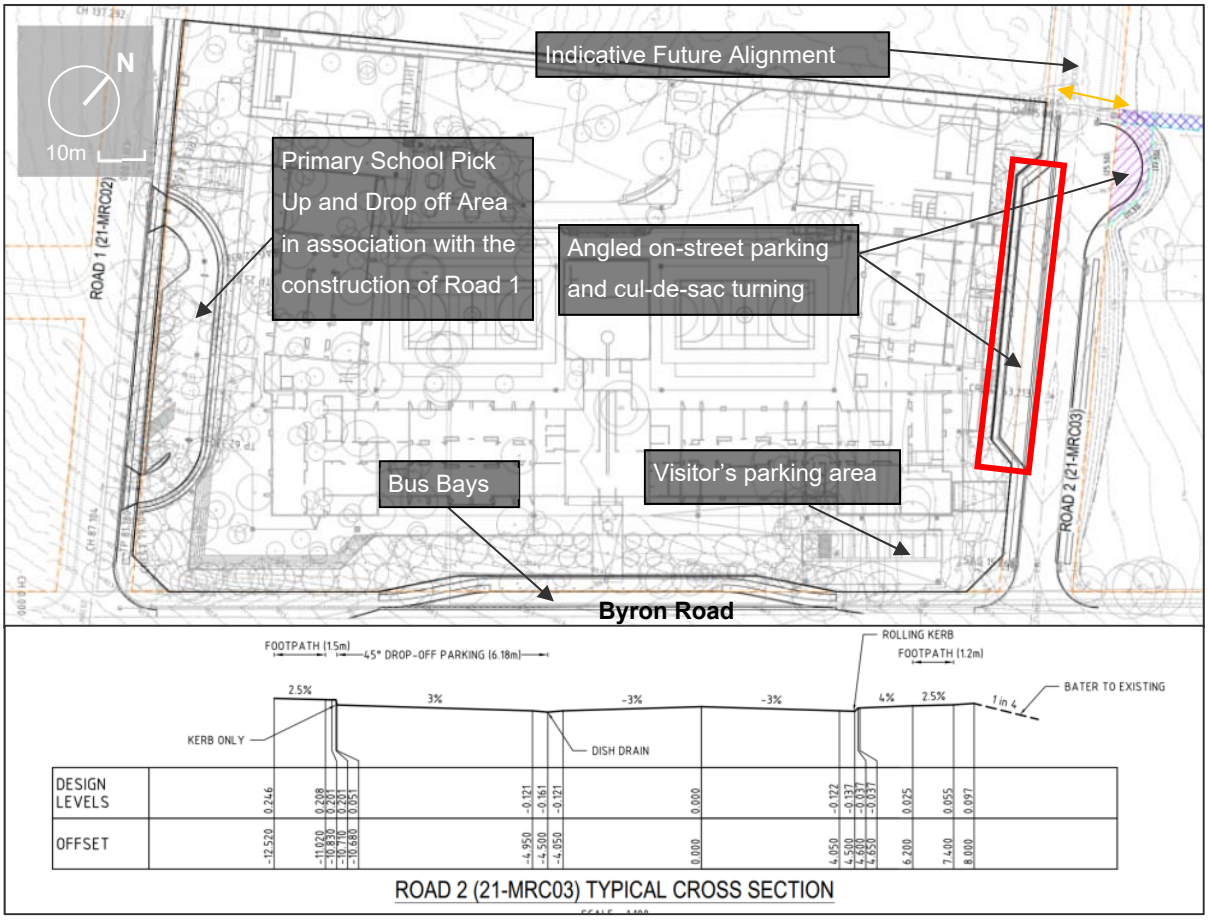


Figure 22 | Roads 1 and 2 location with cross-section through Road 2 (below) (Source: Applicant's RtS 2020)

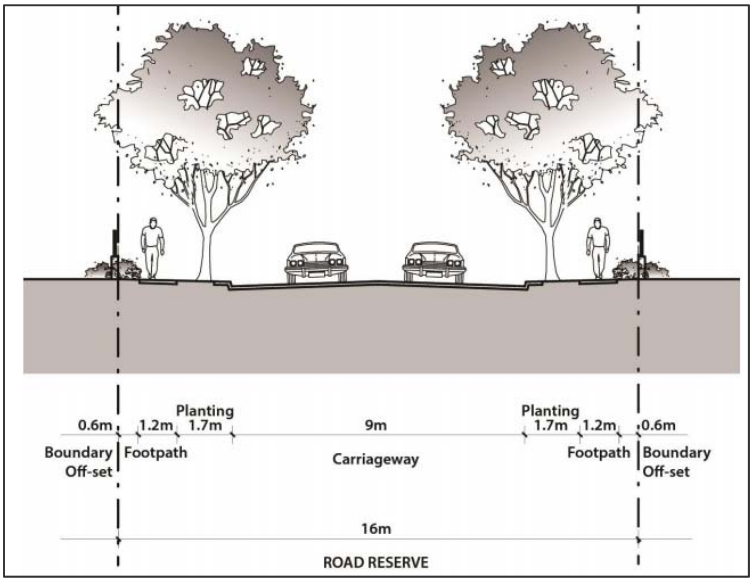


Figure 23 | Typical road section as shown in the DCP (Source: DPIE 2015)

The Applicant's RtS includes evidence of consultation with Council regarding the road design. Council's comments during the consultation indicate that the angled parking configuration within Road 2 complies with AS 2890.5-1993 (Australian Standard- Part 5: On-street parking) and has been

implemented in other localities within the LGA. TfNSW raised no concerns regarding the design of the local roads.

Based on comments from Council, the Department considers that the alternative design of Road 2 and Road 1 would achieve the movement network objectives under the DCP. The overall road alignments are consistent with the ILP and would not impact the delivery of additional local roads to the west. Wider footpaths would improve foot traffic around the site. The angled parking areas can be used as public car spaces outside of the school times. In this regard, the delivery of Road 2 as part of this development would provide a significant benefit to the local community in the future.

The Department has recommended conditions requiring the roads to be built to Council engineering specifications and Australian Standards, road dedication to Council, establishment of public-rights-of-ways over the turning head in the interim and decommissioning of the turning head in the future by the Applicant to allow for extension to the road.

Compatibility with intersection design

As noted in **Section 6.1.1**, the site is close to the future signalised intersection of Byron Road / Ingleburn Road. During the EIS exhibition, Council raised concerns that the location of the school would conflict with the concept design for the future signalised intersection of Byron Road and Ingleburn Road, as one of the slip lanes may require additional land acquisition from the site.

Following the EIS exhibition, the Applicant consulted with Council on the design of this intersection. Subsequently, the Applicant provided evidence of a revised concept design for the signalised intersection by Council that would avoid road widening impacts on the SP2 zoned portion of the site. The intersection layout may, however, impact on the part of the site zoned R3 Medium Density Residential zone as identified in **Figure 24**.

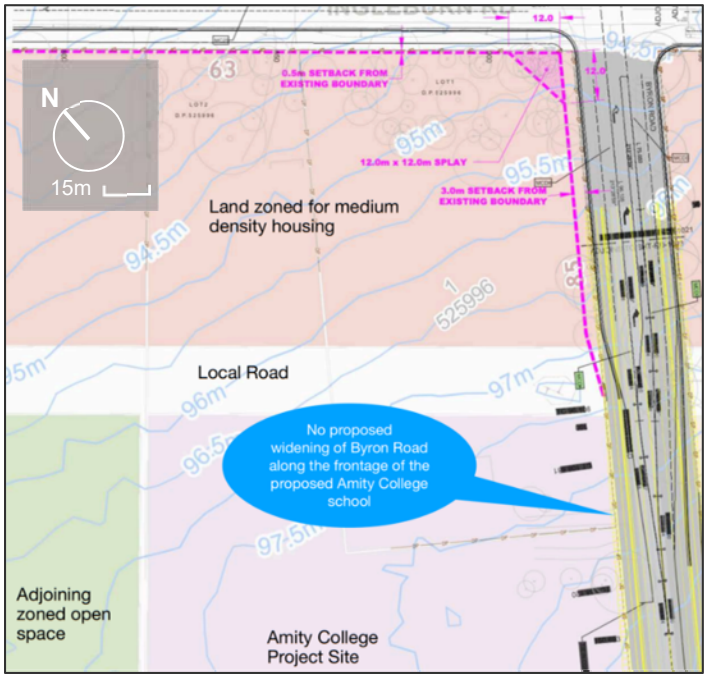


Figure 24 | Revised Concept Design of the intersection (Source: Applicant's EIS 2019)

Council reviewed the RtS and advised that this road design is at a 20% detailed design concept stage of development as the rezoning process in Leppington is occurring over several stages and uncertainties remain around ultimate traffic volumes.

The Department notes that no part of Byron Road to the south of Ingleburn Road or the site is identified for acquisition by a road authority under the GC SEPP. The Department has reviewed the revised design of the intersection and considers that the future signalisation of Byron Road / Ingleburn Road intersection would have no impact on the location of the school or the associated facilities.

6.1.3 Vehicle and pedestrian access

To provide safe and efficient access for users the proposal would deliver a range of temporary and permanent access points to the site from the surrounding roads. The proposal also involves construction of new local roads, on-street parking, and improvements to Byron Road with bus bays for four buses (**Figure 22**) that would be delivered over several stages as follows:

- Stage 1 would deliver half road construction of Road 1 including access to the primary school loading zone, two new crossovers for the primary school pick-up and drop-off area and a crossover from Byron Road for temporary staff parking. Students would access the site from Road 1 between Stage 1 - Stage 3 with internal connections to the temporary demountables at the north-eastern corner (**Figure 25**).

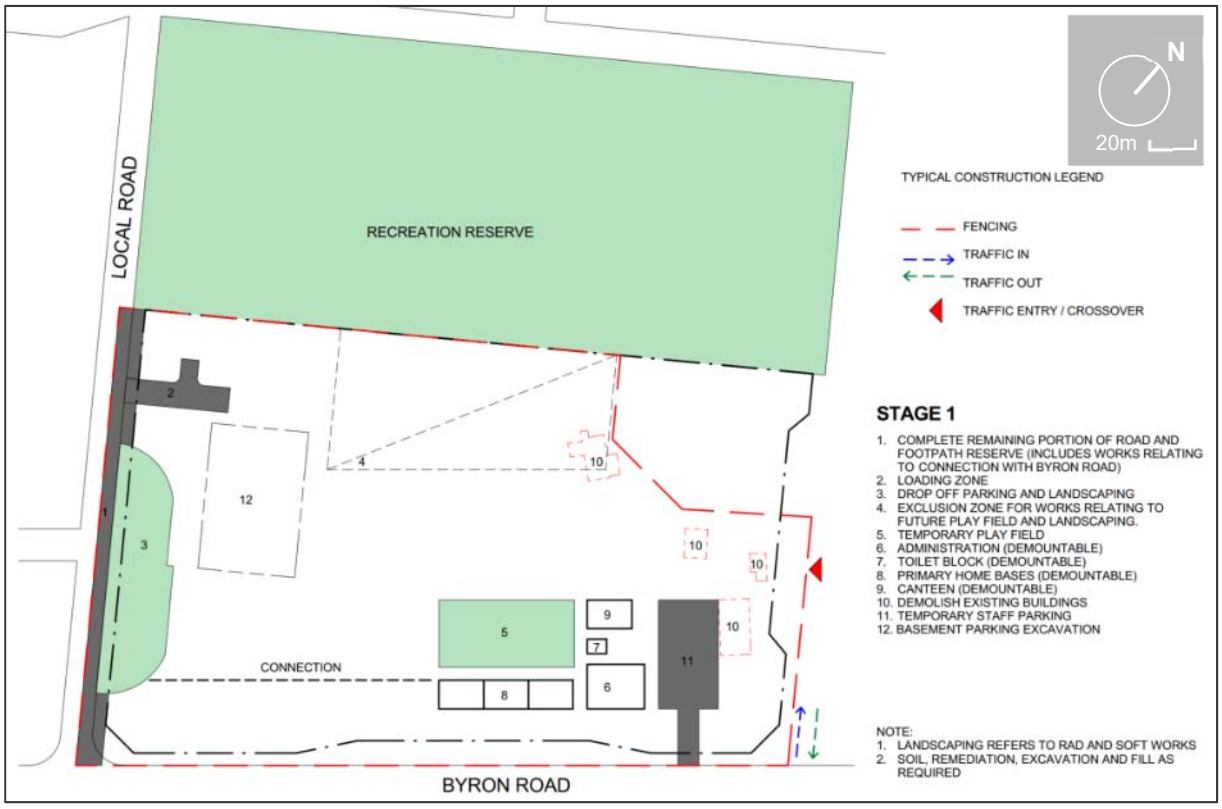


Figure 25 | Proposed Stage 1 showing internal connections and roadworks (Source: Applicant's EIS 2019)

- Stage 3 would deliver the ramp to the primary school basement car park and Byron Road widening to accommodate the bus bays for four standard buses (**Figure 22**).

- following commencement of the building modules in Stage 4, the permanent internal carparks / road infrastructure and students' entries from Roads 1 and 2, would be delivered.
- Stage 5 would deliver Road 2 with the on-street pick-up and drop-off area for the secondary school, the ramp to the secondary school basement car park and a visitor carpark with nine spaces using the crossover from Byron Road (**Figure 22**).
- the main pedestrian entry would be from Byron Road via the administrative building in Stage 7.
- the secondary school loading zone would be the final access point built in Stage 8.

TfNSW submission to the EIS noted that access for standard buses may not be possible until Byron Road and Heath Road are upgraded. TfNSW also recommended the proposal be revised to include footpath connections from the bus stops on Ingleburn Road to the site. Council raised concern with the large number of proposed crossovers along all frontages and reversing movements onto Road 2 from the secondary school loading dock.

In response to TfNSW comments, the Applicant's RtS advised that as an interim arrangement for Stages 1 to 3, the school would use smaller buses that would access the site from Road 1. The Applicant intends to construct bus bays on Byron Road for standard buses including pavement upgrade as part of Stage 3. Recommendations from TfNSW regarding connection to bus stop on Ingleburn Road can be incorporated at that time.

In response to Council's concerns, the Applicant advised the crossovers along Road 1 are required to provide separate entry and exit for the primary school pick-up and drop-off area and separate access to the southern loading bay (marked as '2' in **Figure 25**). This area has been designed with a one-way traffic movement and sufficient width of crossovers (a 6.3m wide entry and 6.1m wide exit) to reduce potential vehicle and pedestrian conflicts during the school peak hours.

Regarding the secondary school loading dock, the Applicant's RtS advised service vehicles would reverse from Road 2 (a local road) into the site and exit in a forward direction, and the loading dock would be accessed outside the school peak hours to reduce conflicts with the adjoining pick-up and drop-off.

Additionally, the Applicant advised it intends to prepare and implement a Traffic Management Plan (TMP) similar to that used at the Amity College, Prestons Campus, to ensure safe access / egress by the users of the site. These measures include:

- delineating management areas for pick-up and drop-off areas.
- outlining parking measures based on behaviors for students and parents.
- detailing traffic management measures for pick-up and drop-off areas and visitor parking.
- communicating these measures in monthly school letters.

Council reviewed the RtS and maintained its concerns regarding reversing of vehicles from the southern loading bay on to Road 2. Council also raised concerns regarding the location of the vehicular cross-over from Byron Road, proposing access to the nine visitor car parking spaces and recommended conditions regarding the proposed works within Byron Road.

The Department's assessment concludes that subject to the management of the vehicular access and internal movements through the TMP and implementation of appropriate wayfinding signage, the number and location of vehicle crossovers within the site would not detrimentally impact safety of school users and pedestrians. While the reversing of the vehicles from Road 2 to the loading dock is not ideal, it is a local road and subject to vehicles accessing the loading dock outside the school peak periods, the reversing movement would not have a detrimental impact on the nearby developments.

The Department notes there is an inconsistency between the TTA, and the civil plans provided, regarding the proposed width of vehicle crossovers from Road 1. Thus, conditions of consent are recommended requiring the Applicant to submit updated civil plans with 6.3m wide entry and 6.1m wide exit for the primary school drop-off and pick-up area.

In consideration of TfNSW and Council comments, and consistent with the Applicant's commitments, the Department has recommended conditions requiring the Applicant to:

- prepare an Operational Traffic and Access Plan (OTAMP) consistent with the draft TMP, to manage the school traffic as the development progresses with an emphasis on parking and loading dock management when the on-street parking along Road 2 are delivered.
- construct a footpath connection from the bus stop on Ingleburn Road in conjunction with the bus bays on Byron Road in Stage 3.
- ensure the temporary road pavement on Byron Road comply with Council's grade requirements.
- confirm the interface treatment of Road 2 / Byron Road with the revised intersection concept design (100%) prior to Stage 5 works (timing of delivery of Road 2).
- provide cross-sections at 15m intervals along the Byron Road frontage of the site showing temporary / interim and the ultimate levels of Byron Road levels in relation to the site.

However, the Department agrees with Council that the location of the vehicle cross over (**Figure 26**) may not be safe in the future, considering future intensification of use of Road 2 and proximity to the future Ingleburn Road / Byron Road intersection. The proposed parking area with nine spaces is not required to meet the overall parking requirements for the school (**Section 6.1.5**). Consequently, the Department has recommended a condition that this cross over and the parking area be deleted after Stage 4.

The Department notes that the cross over from Byron Road would be needed in Stages 1 – 3 to allow for access to the temporary staff car parking.

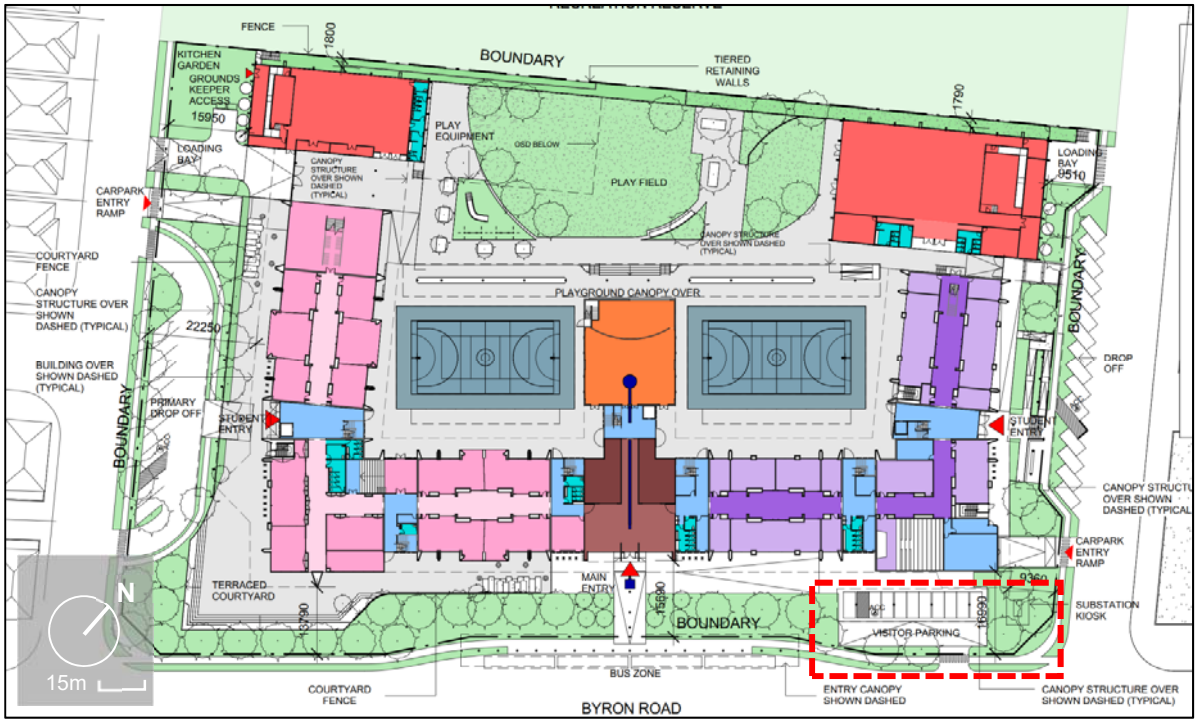


Figure 26 | Visitor parking and vehicle cross over (dashed in red) (Source: Applicant's EIS 2019)

Waste and service vehicle access

The EIS advises that waste would be collected from inside the primary school loading area (fronting Road 1) from Stage 1 until the proposal is complete. Bins would be collected by 8m long medium rigid vehicles (MRV). Swept paths confirm this vehicle class can enter and exit the site in a forward direction. Waste / service vehicle access is also proposed from the secondary school loading bay (adjoining the multi-purpose hall) once this is completed.

In its submission to the EIS, Council advised the site should provide access for a heavy rigid vehicle (HRV) for waste collection and bin storerooms should include an allowance for larger bins to accommodate changes in future waste generation. The Applicant's RtS indicated that the school proposes waste collection using MRV and a turning area for HRV is not required. Council reviewed the RtS and maintained its concerns regarding lack of HRV access.

The Department has reviewed the Applicant's waste management measures for construction and operation and is satisfied that MRV can access and collect waste from Stage 1 to completion. The secondary loading dock would also allow MRV access, subject to the reversing movements as discussed above. The Department considers that Council is not required to collect waste for schools, and employment of a private contractor with MRV vehicles would ensure that waste is collected efficiently. The Department has recommended conditions requiring the Applicant to:

- amend the design of the bin rooms to accommodate larger bins.
- provide swept path analysis to demonstrate that MRV can ingress and egress the site from Road 1 in a forward direction.

- employ management measures to ensure that the reversing of MRVs from the secondary school loading dock is efficiently managed.

6.1.4 Student pick-up and drop-off facilities

The proposal involves two separate pick-up and drop-off areas for the primary and secondary school. The on-site facility for primary school would be accessed off Road 1 and accommodate 17 car spaces (10 angled car spaces and seven parallel car spaces). The on-street facility within Road 2 would cater for the secondary school with 15 car parking spaces. Bus bays are proposed along the Byron Road frontage.

As listed in **Table 6**, the TTA estimates that during the AM and PM peak, 400 and 352 vehicles would arrive and depart the site each way, respectively. The TTA also indicated that travel mode surveys for the Amity College, Prestons revealed an average car occupancy rate of two children per vehicle. Based on this vehicle occupancy rate and the increased use of alternative / public transport in the future, the average demand during AM and PM peak periods would likely be 450 cars, each way.

The combined provision of 32 pick-up and drop-off spaces equates to a rate of one pick-up and drop-off space per 29 students. A single space would turn over a minimum of 15 cars over a 30-minute period (based on a two-minute average dwell time) and thus the facilities can cater for up to 480 cars.

The Applicant advised the number of students would increase as stages would be built (**Table 2**), and therefore traffic volumes would progressively increase over time, which would allow for the ability to monitor and manage the performance of the facilities in a safe manner.

Council provided in-principle support regarding the proposed pick-up and drop-off facilities. TfNSW provided comments and requirements to establish school zones for the school around the pick-up and drop-off area.

The Department reviewed the pick-up and drop-off areas and is satisfied that the combined capacity of the two facilities would provide sufficient provision to cater for the AM and PM school peak hours. Angled parking spaces within Road 2 may result in delays during the peak times, however the two-minute average dwell time would provide time for a car to reverse in and out of the spaces. Additional management measures through the implementation of the OTAMP would ensure better management of the facilities and efficient vehicle movements. The two pedestrian entries from Roads 1 and 2 would provide satisfactory direct access for the students from the pick-up and drop-off areas to the school.

6.1.5 Car parking and bicycle parking

Car parking

The development would provide on-site and off-site car parking progressively over the proposed construction stages. The DCP provides a minimum requirement of 109 spaces for the site. Once fully operational, the site would comply with the DCP and include 121 car parking spaces:

- 94 car parking spaces over two separate basement car parks (**Figure 16**).

- nine at grade visitor car parking spaces at Byron Road, including one accessible space (**Figure 22**).
- a 42m long parking bay in the primary school pick-up and drop-off area for seven parallel car parking spaces.
- 11 angled car parking spaces in the primary school pick-up and drop-off area.

Stage 1 of the development would provide a temporary staff car park (to be removed at Stage 4) off Byron Road. Council and the public submission raised concerns regarding the number of car parking spaces provided for the proposed development. In response, the Applicant's RtS confirmed the number of spaces complies with the parking rates under the DCP. In response to the RtS, Council raised no further concerns.

The Department has reviewed Council's comments on car parking and design and considers the number of spaces and their arrangement would ensure adequate car parking is provided for each stage of the development. The Department has recommended conditions to ensure at-grade and basement car parking spaces are designed in accordance with relevant Australian Standards. Additional conditions are recommended requiring the Applicant to provide adequate on-site car parking spaces at each stage, as per **Table 2**.

The Department's recommendation requiring deletion of the nine car spaces fronting Byron Road would have no impact on the adequacy of car parking provisions on the site.

Bicycle parking

The DCP identifies an off-road cycle lane along Byron Road and Ingleburn Road. To align with the objectives of the DCP and promote sustainable travel modes, the proposal includes 62 bicycle spaces along the southern, eastern, and northern elevations of the buildings. One bicycle parking area would be in each basement car park as well.

The Department has reviewed the bicycle parking provisions and is satisfied that the development provides satisfactory bicycle parking with end-of-trip facilities.

6.1.6 Green Travel Plan

The Applicant's RtS was supported by a preliminary Green Travel Plan (GTP) for the development. The Applicant argues implementation of the plan at this stage is premature as the site is in a greenfield release area where transport services are still being confirmed. A GTP would be required when student numbers increase to a level that would warrant a travel mode split (considered to be 300 students (30%), anticipated in 2023).

While the provision of future public transport in the locality is uncertain, the Department considers that a GTP should be provided and implemented from the start of Stage 1 of school operation, in consultation with TfNSW. This would allow for the GTP to be well established and appropriately updated as the school capacity increases during each stage. A condition to this effect is recommended.

6.1.7 Construction Traffic and Access

The EIS includes a Construction Traffic Assessment which assessed the viability of the site being serviced by heavy vehicles during construction.

The assessment identifies that construction traffic routes would primarily originate from Camden Valley Way. The proposal would generate additional light, medium and heavy vehicle movements to and from the site during construction and operation. Possible construction traffic routes are shown in **Figure 27**.

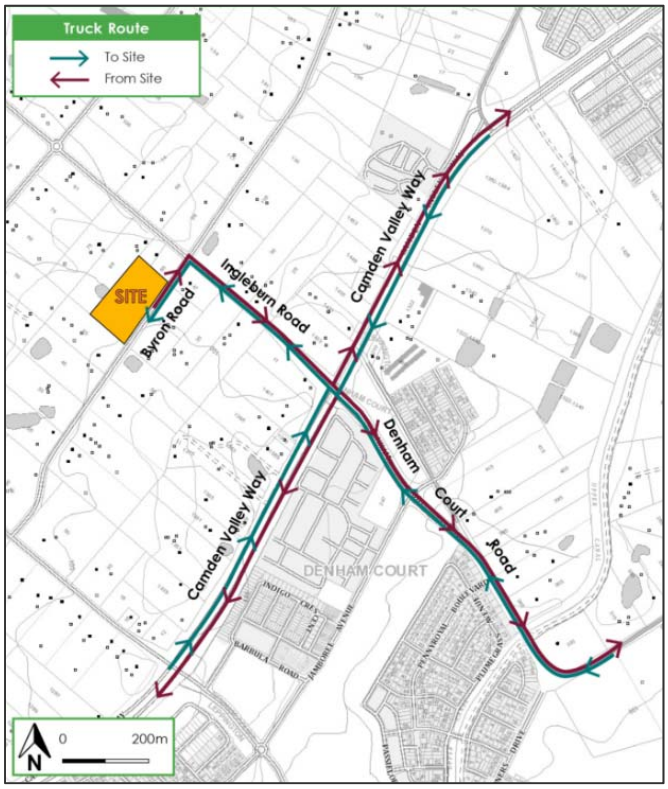


Figure 27 | Proposed Construction Traffic Routes (Source: Applicant's EIS 2019)

Vehicles are anticipated to enter the site from Byron Road and the northern boundary of the site (location of the secondary school loading dock). Construction activity would start in the south of the site and progress north. The following construction vehicles are anticipated:

- demolition: five to 10 truck arrivals per day.
- excavation: 10 to15 trucks per day during peak activity.
- construction: variable due to the 15-year construction timeframe.

The TTA assessed swept paths for a 12.5m HRV, being the largest likely vehicle used to construct the stages of the development, at key intersections and turns. The analysis concluded all points, including Byron Road in its current form, can accommodate this vehicle type without traffic control measures. Future upgrades to Byron Road and Ingleburn Road would improve manoeuvrability for construction traffic.

TfNSW (RMS) reviewed the application and recommended conditions regarding the preparation of a Construction Traffic Management Plan. The Department has reviewed the matters in relation to construction traffic and is satisfied that construction traffic can be appropriately managed given:

- each stage of the development would occur in sequence over 10 - 15 years and would allow flexibility for construction traffic to be managed, scheduled and amended to respond to a detailed construction methodology.
- the site is large enough to allow construction activities for each stage to be managed and cordoned off from temporary structures and parking.
- the current road geometry can accommodate construction vehicles, and this would improve as additional road improvements are delivered in the future.

Conditions of consent are recommended requiring the Applicant to prepare a detailed Construction Traffic Management Plan with construction methods, off-peak delivery times and traffic control procedures. The plan would be updated in each stage to manage construction works on the site and reduce impacts on the on-going operation of the school. The Department has also recommended that the Applicant:

- prepare pre and post dilapidation reports to ensure any road damage is rectified as construction of the school progresses.
- notify the Department and Council prior to starting construction of each stage.

6.2 Drainage and Stormwater

6.2.1 Stormwater management

The proposed site layout would increase impervious areas in a currently semi-rural area, which in turn would impact on stormwater run-off volumes into the downstream properties. The site would contain a pit and piped drainage system to capture the stormwater run-off and transport it to water quality treatment and on-site detention before leaving the site. The Applicant indicated that the drainage system has been designed to ensure that post-development stormwater flows from the site do not exceed the pre-development flow volumes.

The proposed development would continue to discharge stormwater over the neighbouring site to the west (69 Ingleburn Road) which is privately owned and characterised by flood prone topography and a natural drainage depression. The site at 69 Ingleburn Road is proposed to be acquired by Council for a public open space (although the Department notes no timeframe or design details have been provided by Council for this acquisition).

During the EIS exhibition, Council requested the Applicant to construct and design the drainage system in alignment with Council's design specifications. Council advised that future overland flows across 69 Ingleburn Road would not be supported and requested the drainage system be redesigned to allow for stormwater discharge onto the drainage system in the surrounding road network. Council also stated that a drainage easement over downstream properties was required, considering the likely

changes to the post development stormwater flow volume and regime from the site. The public submission requested the school incorporate rainwater harvesting measures.

In response, the Applicant included a redesigned drainage system in the RtS (**Figure 28**) to:

- be consistent with the Water Cycle Management and Ecology Strategy of the DCP.
- discharge stormwater flows from the site on to the adjoining designated drainage infrastructure at 75 Ingleburn Road and further downstream into the detention basin on the neighbouring development site (the regional basin) through 69 Ingleburn Road.
- reduce the volume of stormwater flows into 69 Ingleburn road by diverting the stormwater flow from 2000m^2 of site area into the existing drainage system within Road 1 (to the south).
- include an energy dissipater and level spreader over the proposed Lot 2 on the northern side to capture the flows from Road 2.
- include a temporary on-site detention tank in the early stages of the development until the permanent stormwater system is fully constructed.

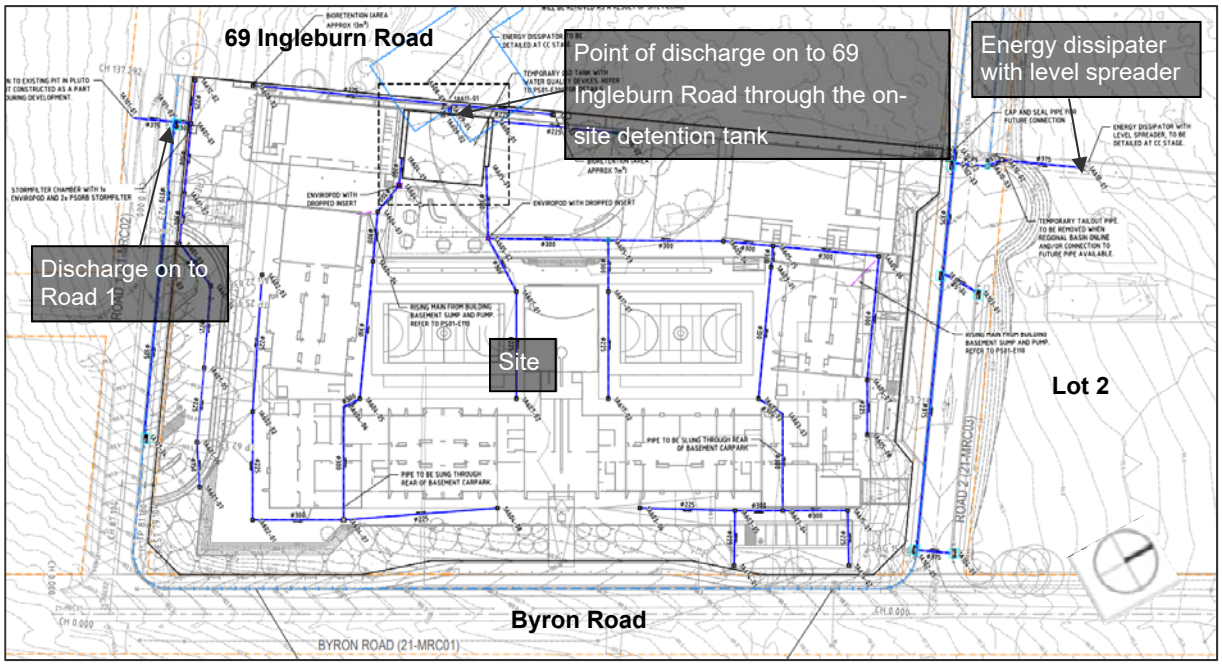


Figure 28 | Stormwater management measures (Source: Applicant's RtS 2020)

The Applicant argued that given the land naturally slopes down to the west (to 69 Ingleburn Road), post-development stormwater discharge onto this land would constitute a lawful discharge point. Additionally, the engineering plans for the drainage infrastructure within the downstream development site assumes that the stormwater from this site would drain into the existing natural drainage path, which runs through 69 Ingleburn Road. Consequently, an easement to discharge stormwater on to this property would not be needed. To ensure that the post-development stormwater flows from the site do not exceed the pre-development flows, the stormwater system includes an on-site detention system on the western boundary. The stormwater from the site would be diverted through the on-site detention tank and be released through a headwall with devices to control the flow rate.

However, the RtS was not supported by hydraulic analysis or capacity and design of the on-site detention system, to demonstrate that the proposed system can adequately accommodate the upstream catchment and ensure post development flows from the site would not increase the overland flows on to the future public open space.

The Applicant has advised all stormwater run-off from the site cannot be diverted into Road 1 due to capacity constraints of the existing stormwater system on this road. The Applicant also indicated that the proposal includes rainwater harvesting system for landscape irrigation to reduce water demand.

In response to the RtS, Council acknowledged that there would be overland flow into 69 Ingleburn Road, however maintained that drainage easements would have to be acquired by the Applicant over downstream properties. This is because the post-development concentration of stormwater flows and flow regime from the site may be exacerbated due to increase in impervious surfaces and adversely impact on the overland flow within 69 Ingleburn Road. Additionally, Council recommended conditions related to additional hydraulic modelling and preparation of catchment plans.

The Applicant responded to Council comments indicating that additional easements over downstream properties are not necessary or lawful as the proposed stormwater flows from the development seek to reflect the existing drainage flows. The Applicant provided case law examples to support the argument in relation to the need for a downstream drainage easement over 69 Ingleburn Road.

The Department engaged Alluvium Consulting to undertake a peer review of the Applicant's RtS and supporting documentation in relation to hydrology. The peer review noted that stormwater flows, up to the 1% Annual Exceedance Probability (AEP) design event, from the proposed development site would be managed within the site. It also noted the runoff from adjacent existing / proposed roads, and upstream developments would be managed by a drainage system comprising piped drainage and overland flow routes within the public road reserve. The review concluded that:

- the post-development stormwater discharge point within the site is similar to the existing discharge point. The area of the site discharging to this point is estimated to increase by approximately 10% (0.2ha), post-development.
- the impervious areas within the site would increase from less than 2% to 80% (over the eight stages of development), resulting in increased magnitude and frequency of stormwater runoff volumes discharging from the site after the development is fully complete, for regular storm events.
- the submitted modelling results indicate that the stormwater flow volumes from the site would increase by about 9 megalitres /year. It is unlikely that this volume can be significantly reduced through stormwater harvesting within the site. This is because of lack of area or demand within the site for re-use of water or irrigation.
- the additional stormwater flows would likely be contained within the natural drainage path (area bounded by the flooding extent) within 69 Ingleburn Road, even for large storm events, while frequently wetting this area.

- to mitigate the adverse impacts on the neighbouring property due to increase in the stormwater flow rates, the Applicant has proposed a piped stormwater system with an on-site detention tank.
- subject to detailed hydraulic modelling of the site's catchment and subsequent design of the on-site detention tank, pits and piped system, the development can ensure that the post-development peak stormwater discharge rates from the site (for 1% AEP and 20% AEP design storm events) do not exceed the pre-development discharge to the downstream properties.
- however, the information provided with the application does not include detailed modelling inputs that clearly demonstrate the size of the on-site detention tank or the methods to convey overland flows for various storm events into the on-site detention tank.
- the submitted data mainly provides details for 1 in 5 years (20% AEP) design storm events and indicates that peak flows would be directed to the on-site detention tank through the piped drainage system. No clear information has been provided regarding the 1 in 100 years (1% AEP) design storm event.
- The Applicant assumes that the drainage from the Byron Road reserve along the site's frontage and the future developments within the upstream catchment would be drained to Ingleburn Road through Byron Road. However, a part of this stormwater flow may also be directed to the future Road 2.
- Council's submission indicates that the future planned drainage line along Road 2 would comprise a minimum 600mm diameter drainage line. The proposed 375mm diameter piped drainage system within Road 2 may not have the capacity to convey the flows from Byron Road and the future developments within the upstream catchment.

Consequently, the independent peer-review recommended that the Applicant should provide:

- detailed hydrological modelling, hydrological analysis of the site's catchments and the flow route modelling through the on-site detention tank to confirm the size of the tank that would be appropriate for the development and can fit within the available space on the site.
- concept design details of the arrangement to capture overland flows within the site to mitigate peak stormwater discharges from the site for up to the 1 in 100 years (1% AEP) design storm event) to reduce any risks to the downstream property due to increase in stormwater flow rates from the site.details to ensure that the proposed size of the stormwater drainage system in Road 2 can accommodate the future developments within the upstream catchment and the runoff from Byron Road in accordance with the Leppington Precinct Water Cycle Management Strategy and Council's requirements.

The Department has considered the points raised in Council's submissions and the subsequent responses by the Applicant and agrees with the conclusions of the peer review. While the Department recognises that subject to an appropriate design of a stormwater management system, the post-development stormwater flow rates for peak design storm events from the site may not exceed the pre-development flows, the application has not been supported by sufficient DRAINS hydraulic modelling, or preparation of catchment plans that demonstrate that the proposed drainage system

design satisfies Council requirements or would not have unreasonable impacts to downstream properties. The Applicant advised that modelling would be undertaken at a detailed design stage.

To ensure appropriate management of post-development stormwater on site, and in accordance with the recommendations of the independent peer-review, the Department has recommended conditions in relation to stormwater drainage:

- submission of detailed hydraulic modelling in consultation with Council (including a DRAINS model) prior to the issue of construction certificate for Stage 1, to demonstrate that the upstream regional catchment can be accommodated within the site with no adverse flooding impacts on the downstream properties (for 1% or 20% AEP design storm events).
- additional hydrological analysis to determine the size of the on-site detention tank.
- ensuring that the post-development flows from the site do not exceed the pre-development flows.
- submission of detailed stormwater management plan demonstrating that it would accommodate the post-development catchment in accordance with the ILP; ensure that the headwall at the discharge point is wholly located within the site; and include water quality treatment measures and rainwater harvesting measures (supported by a MUSIC model).

The Department is satisfied that subject to the implementation of the above conditions, the peak stormwater discharge rates post-development would not exceed the pre-development stormwater discharge rates. Additionally, the independent peer-review indicates that the post development stormwater volumes would be contained within the existing drainage path within 69 Ingleburn Road. Based on the above and the conditions of consent the Department considers that a drainage easement through 69 Ingleburn Road would not be needed to accommodate the stormwater discharge from the development.

In consideration of the staging of the development, the Department identifies that there is minimal hardstand area in Stage 1. Consequently, subject to appropriate sediment control measures and a temporary on-site detention tank, the Department considers there would not be any significant increase in surface runoff during Stage 1.

6.2.2 Flooding

The site is subject to a small area of localised flooding along its western boundary in a 1 in 100 Average Recurrence Internal (ARI) and Probably Maximum Flood (PMF) events. No structures are proposed to be located within the flood prone section of the site (location of the central playing field and hardstand areas). The proposed site works, and levelling of the site would raise the level to RL 97.7, along the western boundary.

During the EIS exhibition, Endeavour Energy requested any required substation not be in the flood prone area. In response, the Applicant confirmed the proposed substation would not be affected by flooding.

The Department has reviewed the proposed civil works and flood mapping for the site and considers the proposed earthworks would ensure post development levels would be above the flood planning

level for the site and that no adverse impacts are likely to occur during a 1 in 100 ARI or a PMF event (95.5m AHD). Conditions are recommended to ensure the development is carried out in accordance with the submitted plans to achieve the required site levels.

6.3 Built form and urban design

The proposal involves development of a two – four storey development. The existing environment is characterised as semi-rural but is undergoing a significant transition to a more urbanised environment. New low-density residential developments are being built to the south and east. Medium density residential developments ranging between 9m - 12m in height are anticipated to the north of the site.

The Applicant consulted with Government Architect NSW through the State Design Review Panel, prior to the lodgement of the EIS. The panel generally supported the proposed built form subject to additional details regarding the stepping of the site following the natural slope of the land, additional landscaping along the peripheries, tree planting, clear delineation of primary and secondary school open space, details of stormwater measures and compliance with the design quality principles of the Education SEPP.

The EIS responded to the comments from the State Design Review Panel and included the relevant details in the design of the development. No further concerns were raised by Government Architect NSW, during the EIS exhibition.

6.3.1 Built form

The site does not have a stipulated height limit under the GC SEPP. Building heights for the primary and secondary school buildings would range from 8.78m to 15.47m due to the sloping nature of the site. The central administration building module is the tallest feature of the development at 15.87m.

The two-storey built form for the primary school would match the existing two-storey detached residential dwellings to the south. The three stories for the secondary school would have an appropriate interface with the R3 medium density residential zone to the north (**Figure 29**).

Figure 29 | Southern elevation and relationship to neighbouring sites (Source: Applicant's EIS 2019)

The Department has assessed the building heights and considers that the proposed heights would be consistent with the adjoining land zones and complement the future built form of the precinct.

6.3.2 Bulk and scale

The school building modules would be connected by breezeways. The internal layout of each module has been designed to maximise direct and borrowed light and promote cross ventilation (**Figure 30**). Consistent rooflines span each of the primary and secondary school modules with the four-storey administration building forming the central core.

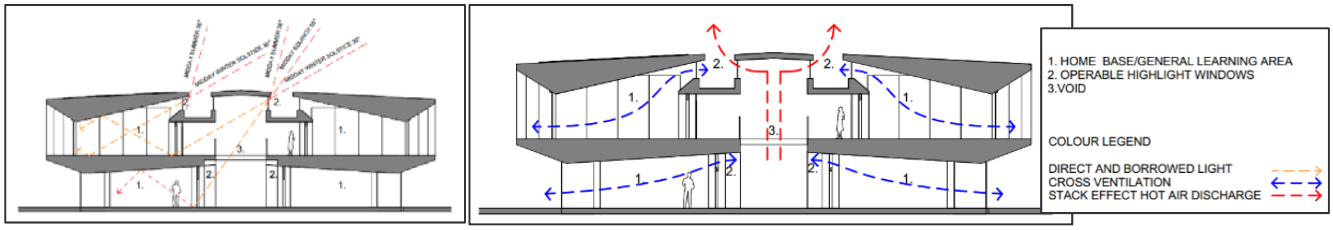


Figure 30 | Typical home base module cross section (Source: Applicant's EIS 2019)

The buildings are sited in response to the gentle fall along the Byron Road frontage to the north. The primary school is located on the high side of the site, adequately setback from both road frontages. The proposed layout allows outdoor play areas to be framed by the buildings while also being next to future open space.

The proposed setbacks would range from 9.5m (secondary school multi-purpose hall to Road 2) to a maximum of 22.2m (from Road 1 to the primary school buildings). The ultimate built form would provide a 16.8m setback along its frontage to Byron Road, except for box awnings that project beyond the main façade at the north and south eastern corners of the school buildings (**Figure 31** and **32**).

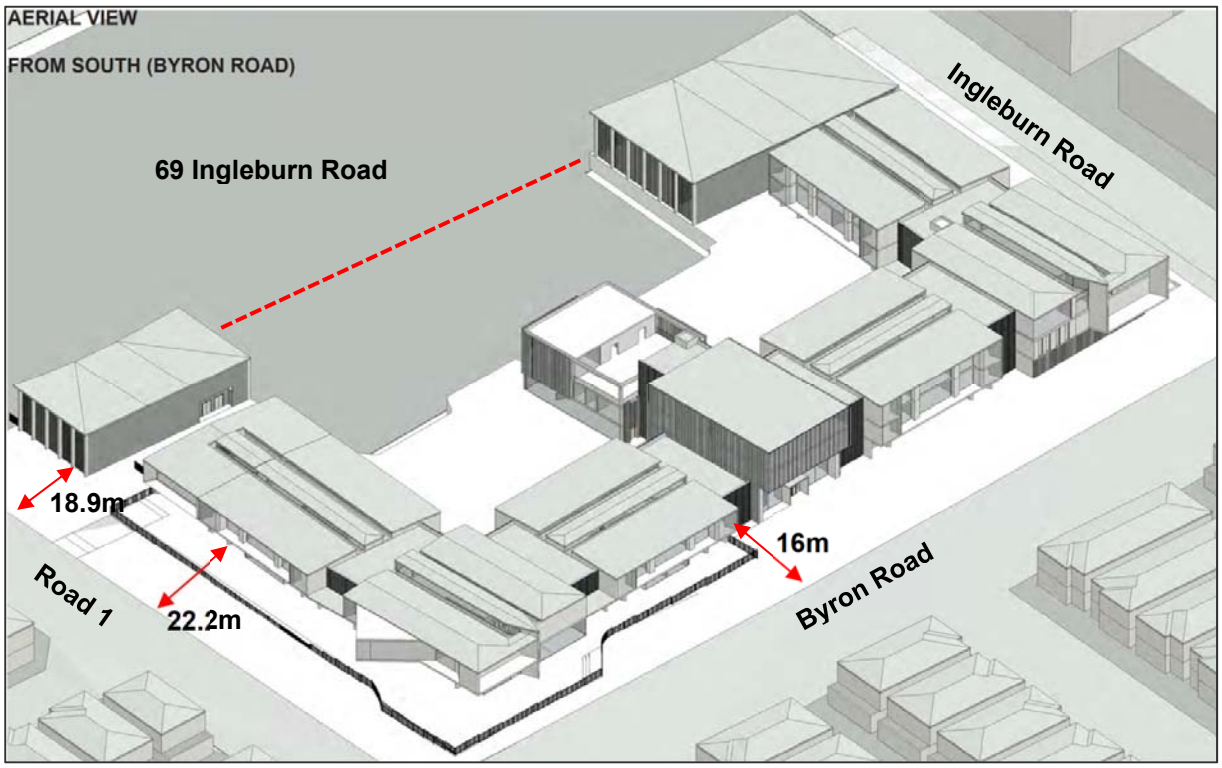


Figure 31 | Proposed built form (south-eastern corner) and setbacks (Source: Applicant's EIS 2019)

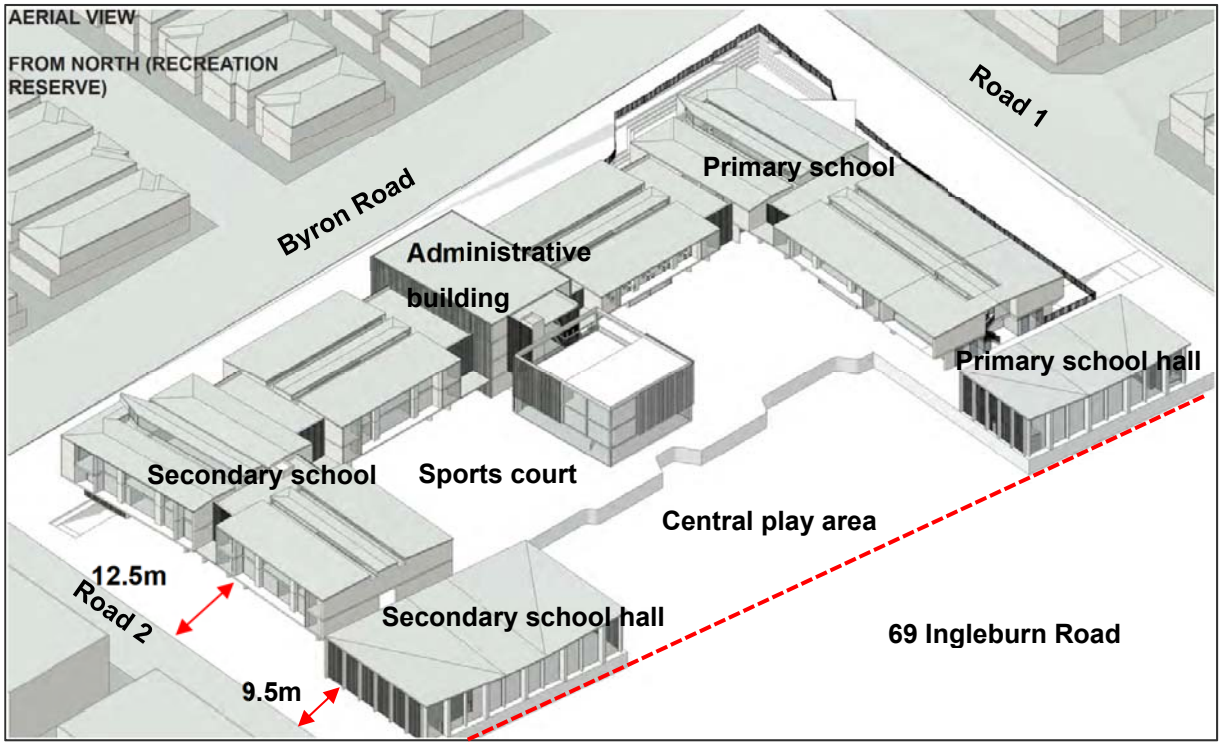


Figure 32 | Proposed built form (north-western corner) and setbacks (Source: Applicant's EIS 2019)

During EIS exhibition, Council raised concerns regarding blank walls at the south eastern corner fronting Byron Road and Road 1.

In response, the RtS included a revised design of this area to introduce additional glazed windows along the upper area of the first floor to reduce the extent of blank walls (additional windows clouded in red in **Figure 29**).

The Department considers the urban design and built form of the development would appropriately respond to the completed residential developments on the surrounding sites and its future interface with medium density development. The design would provide high levels of articulation, opportunities for passive surveillance through the siting of the buildings, and natural light opportunities in the classrooms. It would also minimise blank walls and facades that would not detract from future urban form in the locality.

6.3.3 Impacts on surrounding residential amenity

The proposed built form would be surrounded by residential developments to its north, south and east, in the future. The open spaces within the site are proposed to adjoin the future open space to the west, to ensure the impacts on surrounding residential developments due to noise generation or overlooking are minimised.

The EIS is supported by shadow diagrams which indicate that the proposed development would provide three hours of solar access to the play areas within the site and to the adjoining residential developments, between 9am and 3pm during winter solstice.

The Department has reviewed the siting of the buildings and considers that the buildings are adequately setback from the frontages and incorporate window locations to avoid adverse impacts on the amenity of the surrounding residential developments. The siting of the buildings is also acceptable having regard to overshadowing impacts on adjoining developments.

6.3.4 Temporary built form and demountables

During Stage 1, temporary demountables would be used for classroom spaces and administrative functions (**Figure 17**). Stage 2 involves the commencement of construction for the permanent school building modules for the site.

While the staging plans show that the temporary demountables would be removed over time, the Department is concerned that the school would be occupied by temporary demountables for an extended period of time. The Department considers that such a scenario may have a detrimental impact on the streetscape in the long term and also delay the delivery of the permanent infrastructure.

Subsequently, the Department has recommended a condition that the demountables associated with Stage 1 may only be present for up to 7 years after completion of Stage 1. The condition would ensure that Stage 2 and construction of key deliverables occurs in a timely fashion without impacting upon the use of demountables in the following stages.

6.3.5 Open space interface

Land identified for a future public open space and zoned RE1 public recreation is located west of the site at 69 Ingleburn Road. Bulk earthworks proposed as part of this application would raise the finished ground level of the school site by up to 1.5m at its interface with the future open space. Further, level changes within the site would result in new retaining walls, up to 3.5m higher than the existing levels.

Council raised concern that design of the retaining walls should be reviewed to improve the interface between the school and future public open space.

The Applicant's RtS has advised that a design approach with stepped retaining wall would be adopted, following earlier consultation with Council. In response to the changes in levels across the site, the Applicant proposes to provide stepped retaining walls between 1.23m to 2.39m at its interface with the future open space (**Figure 33**). The Applicant has advised the design of the school has assumed future public open space at 69 Ingleburn Road to the west would require filling as it comprises flood prone land leading to a reduced level difference between the two sites. However, the final levels of this site are unknown at this stage.

Figure 33 | Section plan of school site and retaining wall interface with 69 Ingleburn Road (Source: RtS 2020)

The Department has reviewed the civil plans and landscaping strategy for site and considers the retaining walls are an appropriate design and engineering response in the absence of final ground

levels for the future public open space and would not restrict the future delivery of this space. Further, the Department also notes the stepped retaining walls would be landscaped which would soften the perceived level change over time.

6.3.6 Landscaping

The development proposes the removal of all existing trees within the site. However, no impacts are envisaged upon the existing trees within 69 Ingleburn Road zoned as a future public open space.

When fully developed, the school would incorporate extensive perimeter and internal landscaping including landscaped rooftop space above the library. All landscaped areas are proposed to be deep soil zones, except for the rooftop play court above the library, as shown in **Figure 34** below.

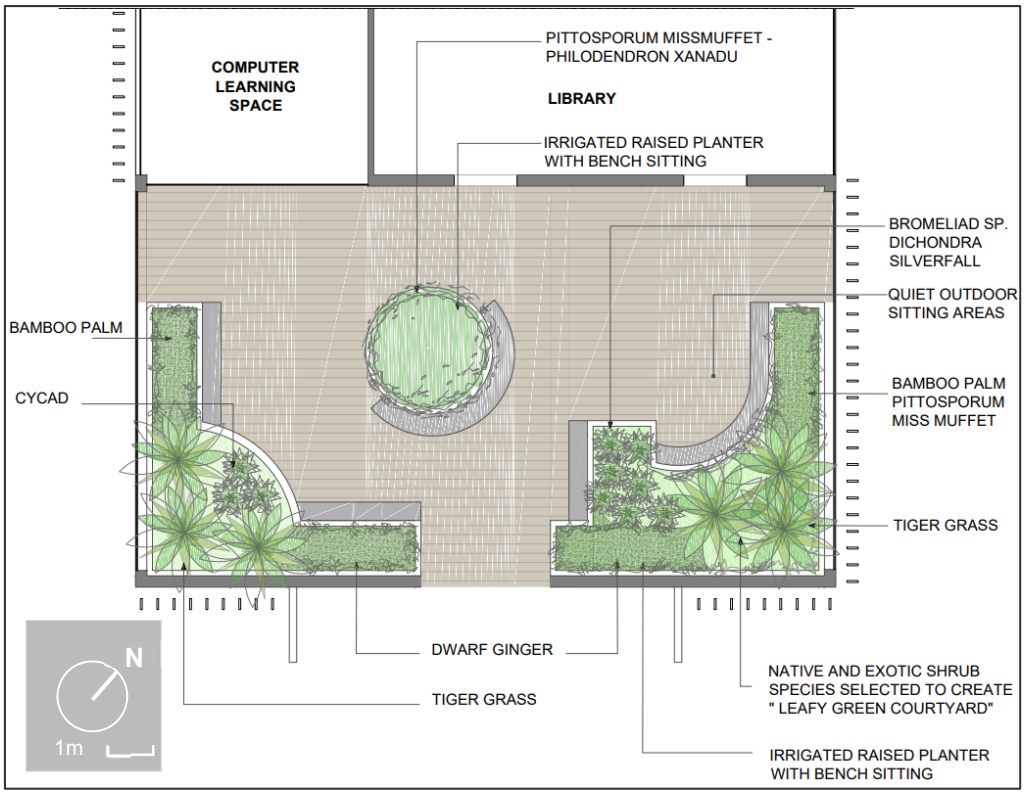


Figure 34 | Library rooftop play court (source: Applicant's EIS 2019)

The Applicant has prepared plans showing temporary landscape treatments for the progressive stages of the development.

Council reviewed the proposal and requested that on-site landscaping and street tree planting use species provided in the DCP. The Applicant, in the RtS, committed to amend the landscape strategy in accordance with Council's comments, in the detailed design stage.

The Department has assessed the landscaping measures and is satisfied the school, when complete, would appropriately screen the development from the surrounding environment. Dense landscaped areas would be sufficiently provided over time as the school is built. While the Department acknowledges that extensive hardstand play courts are proposed within the site, these areas would still comprise deep soil zones and can be amended in the future to act as play fields. Additionally, the

location of the future open space to the west would ensure that the overall green space for this section of the precinct is maintained.

The Department has recommended a condition requiring the deletion of nine car spaces on the Byron Road frontage. The removal of the hard stand areas along the periphery would ensure that soft landscaping and street tree planting along this road frontage is increased. The Applicant is also required to provide street tree planting complying with the requirements of the DCP.

6.4 Noise

The nearest existing residential receiver is 4m to the west at 69 Ingleburn Road. As this site would eventually become a public open space, the nearest receivers are located at 79 Byron Road,1 Swift Avenue and dwellings along Road 1 to the south. In the future, medium density residential developments within the adjoining R3 zone would also comprise sensitive receivers. The existing context of surrounding residential developments and location of noise logger locations for unattended data collection are shown in **Figure 35**.

Figure 35 | Site context, noise monitoring locations and surrounding residences (Source: Applicant's EIS 2019)

The EIS included an Acoustic Assessment Report (AA) assessing the operational and construction noise and vibration impacts on the nearest sensitive receivers. In response to submissions from public authorities, the RtS included additional information and justification, clarifying the noise criteria adopted and measures to manage construction noise impacts.

6.4.1 Construction noise and vibration

The school would be built in eight stages over a 10 - 15 year period, involving demolition, earthworks and construction. Stages would involve a range of tools and equipment and earthworks to construct basement car parking, set new site levels and install underground services. The location of site

earthworks and excavations would mainly be on the opposite sides of Road 1 and Byron Road. The Applicant proposes to concurrently occupy and operate the school as each stage is constructed.

The AA derived construction noise management levels (NML) in accordance with the Interim Construction Noise Guidelines (ICNG) of 44dB(A) for residents fronting Byron Road (location 1) and 46dB(A) at the interface with the future public open space at 69 Ingleburn Road (location 2).

The AA found that construction noise from all assessed construction equipment (except concrete pumping) are predicted to exceed the highly noise affected criteria of 75dB(A) due to the proximity of residential developments. The assessment predicted worst-case noise levels of:

- 83dB(A) at 66 and 76 Byron Roads associated with trucks depositing fill on-site.
- 96dB(A) for the receivers to the north and south of the site due to use of angle grinders.

To mitigate adverse impacts on nearby residents and students due to the predicted exceedances above the NMLs, the Applicant proposes measures consistent with the ICNG including: the use of movable screens for specific construction tasks; acoustic hoarding along the site boundary; works within standard construction hours with respite periods; minimum safe work distances; use of enclosed or silenced plant and equipment; the use of a 'cone' type hammer for rock breaking; and appropriate communication and monitoring methods.

The AA considers the predicted noise levels at the nearest receivers could be reduced by up to 5dB(A) via a 1.8m high acoustic fence at the south eastern boundaries. The AA also considers that use of appropriate construction equipment and respite periods would provide a further 3 to 5dB noise reduction at the nearest sensitive receivers.

The AA states that concrete sawing may be required as an alternative to rock breaking along the northern and southern site boundaries, to manage any adverse impacts due to vibration. The AA considers vibration generated from use of excavators would not result in any adverse impacts.

To minimise construction noise impacts, Council recommended a Construction Noise Management Plan be prepared for the development.

The Department's assessment considers the AA provides a conservative assessment of construction noise but recognises the potential impact for high noise affectation on existing and future residents. To mitigate and manage the impacts due to predicted noise exceedances, the Department has recommended a condition requiring the preparation of a final Construction Noise Management Plan incorporating the measures in the AA, prior to the commencement of construction Stage 1. It is anticipated that the plan would be updated at the commencement of each subsequent construction stage to enable progressive management of construction activity noise.

6.4.2 Operational Noise

The AA considered the potential noise impacts associated with school operations. These include recess and lunchtime, outdoor teaching, use of the school multi-purpose halls during after-hours events and activities, and from mechanical plant and equipment in the new buildings.

To assess the impacts of the proposal, the AA derived project noise trigger levels (PNTL) (for daytime, evening and night periods) for the two nearest sensitive receivers (Site 1 - fronting Byron Road and Site 2 - along the western edge of site) in accordance with the Noise Policy for Industry and Council's noise criteria. The AA then assessed noise emissions under different operational scenarios at full school development including:

- students playing outdoors at recess/lunch at full operation (1000 students).
- the use of outdoor teaching areas along Road 1 (25 students).
- after-hours use of multi-purpose halls (both halls occupied with 360 people in the primary school hall and 560 people in the secondary school hall and the event ending before 10PM).
- morning peak hour drop-off at the primary school car park (200 vehicles, 13 staff vehicles, 1 bus, 500 students on playground).
- car park noise for an after-hours event (200 vehicles, 13 staff vehicles and 250 people standing outdoors).

A comparison of the predicted noise levels from the development against the PNTLs at Sites 1 and 2 are provided in **Table 7**.

Table 7 | Predicted noise levels at sensitive receivers and comparison with PNTLs

Scenario/Activity	Location	Period	PNTL	Council Noise Policy Level (dB)	Predicted Noise Level (LAeq15)
Student recess/lunch	Site 1	Day	39	44	45
	Site 2	Day	41	46	
Outdoor teaching	Site 1	Day	39	44	38
	Site 2	Day	41	46	
After hours multi-purpose hall use	Site 1	Evening	42	47	52 w/ open windows
	Site 2	Evening	43	52	
Car park use during AM peak	Site 1	Day	39	44	**48**
	Site 2	Day	41	46	
Car park use for after-hours event	Site 1	Evening	42	47	48
	Site 2	Evening	43	52	

The AA found all the modelled scenarios can comply with the noise criteria under Council's Environmental Noise Policy, except for minor exceedances to:

- Site 1 during student recess / lunch.
- Site 1 and Site 2 during the use of the car park in the morning peak period.
- Site 1 during the use of the multipurpose hall after-hours.
- Site 1 during the use of the car park during after-hours events.

During the EIS exhibition, Council advised that the PNTL should be based on 5dB(A) above the background noise levels (LA90+5dB(A)) rather than the adopted 10dB(A) above the background noise. Council also raised concerns over the noise levels from the use of the secondary school multi-purpose hall, car park noise in the morning peak period and increase in road traffic noise due to the development. The public submission also raised concern of noise impacts from service and delivery vehicles outside of school hours.

The Applicant's RtS argued that applying the LA90+5dB(A) criteria would not allow a cumulative assessment at nearby receivers over time as the school is built, given that future background noise levels would be higher. The Applicant agreed to manage noise levels in the secondary halls by including acoustic treatment measures and requiring windows and doors to remain closed during after-hours use. The Applicant has advised deliveries would take place between 7am to 5pm outside the AM and PM peak hours for the school.

The Department recognises that the Leppington Precinct is undergoing substantial change from a semi-rural to urban development context and that existing background noise levels would increase over time from increased residential population, employment uses and associated traffic and background noise. On this basis, the Department considers the anticipated operational noise levels is a conservative estimate of noise levels at full development and the adoption of levels to estimate the PNTLs is acceptable. The Applicant also proposes to stagger the play time of students from the primary and secondary schools and therefore the modelled 1000 student use of outdoor areas is unlikely to occur in practice, reducing the overall noise generation from the use.

The Department is also satisfied that the noise levels for the use of the primary school car parking during the morning peak and at after-hours events would occur over short periods of time. Therefore, the minor noise exceedances (2dB to 4dB) due to carpark use is unlikely to impact upon the amenity of the nearby residents.

The Department has recommended conditions requiring the Applicant to operate the school in accordance with the hours specified in the EIS and mitigation measures set out in the AA. Detailed design plans must include:

- incorporation of acoustic insulation within the primary and secondary halls.
- acoustic panels in the open plan learning area.
- operable glass louvres along the top of the classrooms on the first floor.
- specific operable walls within modular classrooms.

- glazing separating classrooms and open plan leaning areas with a minimum thickness of 10.38mm.

The Department has also recommended conditions requiring the Applicant to undertake short term noise monitoring after the commencement of operation of each stage to confirm the development complies with the PNTLs. The impacts of road traffic noise are discussed in **Section 6.4.4**.

6.4.3 Mechanical Plant and Equipment and Public Announcement System

While the AA notes that the design of the mechanical plant / equipment and the public address system (PA) / school bell would be finalised as part of detailed design, the AA recommends the adoption of measures to reduce its noise impacts including: selection of low noise generating equipment; shielding of the equipment by building elements; and the use of enclosures and screens.

During the EIS exhibition, Council requested additional assessment for the school bell and PA system. In response, the AA outlined that the PA system can be electronically controlled and would be used for short periods of time. The Department has reviewed the proposed mitigation measures and agrees the details can be confirmed at the design stage, subject to conditions of consent requiring the Applicant to incorporate the recommended measures in the AA.

6.4.4 Road traffic noise

The AA assessed the impacts of the predicted road traffic noise due to the development on the surrounding environment, in accordance with the EPA's Road Noise Policy (RNP). The AA adopted noise criteria (55LAeq(1hour)) for a local road under the RNP and assessed two scenarios, one being vehicle access noise during pick-up / drop off and a second being vehicle noise during after-hours use. The AA concluded the additional traffic from the school would increase road traffic noise levels to 62dB(A) in a one-hour period, 7dB(A) higher than adopted criteria in RNP.

The Department notes that future upgrades to Byron Road and Ingleburn Road would support increased local traffic volumes associated with up to 7400 new homes and 24,000 population, increasing the background traffic noise levels significantly. Further, predicted road noise levels would be short term in nature during pick-up and drop off times at full school development. On this basis, the Department is satisfied the increase in road traffic noise when the school is fully developed would be acceptable due to an increase in background traffic noise and the short duration of the noise.

6.5 Other Issues

The Department's consideration of other issues is provided in **Table 8**.

Table 8 | Department assessment of other issues

Issue	Discussion	Findings / Recommendations
Staging	• Council raised concerns regarding the number of stages proposed by the Applicant and the long	• The Department has reviewed the staging plans and considers they demonstrate a logical progression of the school, that

	timeframes to deliver infrastructure and amenities. • The RtS advised that the intent of the proposed staging is to demonstrate the sequence of each component of the proposal. • The RtS has also advised during the stages where the school multi-purpose halls are not available, students at the school would be transported to use the school halls at the Amity Preston campus, which have a capacity of 1300 students.	would ensure commensurate services and amenities are delivered with increasing enrolments. • The Department considers the Applicant's approach to using its other facilities at the Preston Campus is an acceptable solution in the interim. • The Department has recommended conditions requiring the proposal to be completed in accordance with the submitted Staging Plans.
Conflicts with Public school	• Council raised concerns regarding the potential conflict of this site being developed as an independent school instead of a public school identified in the ILP. • The Applicant's RtS advised that written advice from the Department of Education confirms that the site is not required for a public school.	• The Department has reviewed the application and considers that the development of the site as a school is consistent with the ILP. In the absence of a development initiated by the Department of Education, the private school would further provide for the social needs in the locality. • The Department notes that the nearest public school (Leppington Public School) would be located 1km from the site.
Open space provision and community use	• The Applicant has advised play times between primary and secondary students would be staggered to permit maximum shared use of play space. The school proposes to co-share the future public open space at 69 Ingleburn Road. • The Applicant also intends to allow the use of the school facilities for	• The Department notes the co-use of this space was contemplated as part of the precinct planning for the Leppington Precinct and is consistent with the principles under the Education SEPP. • There are no numeric requirements for the quantity of

	community use outside of standard school hours: o Weekdays: 6pm to 9pm. o Saturday: 10am to 9pm. o Sunday: 12noon to 7pm. • Council reviewed the proposal and advised that co-sharing of public open space would be subject to further discussions and that no timeframe for completion of the adjoining open space can be provided. In the interim, the application should demonstrate suitable play areas within the site. • The Applicant advised that the school campus contains adequate provision of open space and play facilities for students (12.8m^2 of open play space per student), at the same time as strategically locating the school halls and open spaces adjoining the future public open space area to facilitate co-sharing in the future.	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 10m^2 per student be provided in the new Government school on a greenfield site. When located off-site, a playing facility should be close to the school, easily accessible, safe and secure. • Utilising the ESFG as a guide (noting that the proposal is for an independent school) and considering the Applicant's justification, the Department concludes that the proposed open space provisions are acceptable in this instance. • The Department considers the community use of the multi-purpose halls is acceptable, subject to measures to manage security, noise and hours of use. • The Department has recommended conditions requiring the Applicant to implement the community use management plan provided with the EIS during operation.
Signage	• The development proposes an illuminated sign (0.5m high by 5m wide) along the parapet of the administration building.	• The Department notes the area is undergoing a significant change due to recent urban development. • As this illuminated signage would be built as part of Stage 7 for the

	• The public submission requested signage to blend in with the surrounding environment. • TfNSW also provided comments and requirements of the installation of school zone signage prior to the start of occupation of Stage 1.	administration building module, the Department is satisfied it would not detract from the future character of the area. Further, school zone signage is required to promote pupil safety. • The Department's assessment of the proposed signage against the State Environmental Planning Policy No. 64 – Advertising Structures and Signage (SEPP 64) is provided at **Appendix B**. • Conditions are recommended requiring the Applicant to install school zone and wayfinding signage (after obtaining the required approvals) in each stage.
Contamination	• The EIS includes a Stage 1 and 2 Contamination Assessment and a Remediation Action Plan (RAP), which concluded remedial works to remove buried asbestos and hydrocarbon impacted soils would ensure the site can be made suitable for educational use. • The EPA recommended measures to manage remediation works and engagement of an accredited Site Auditor to assess site suitability. • Council identified that illegal dumping had occurred on-site previously and requested the Applicant provide evidence that the material has been removed lawfully. Council also requested additional investigations around the existing dwelling and shed on-site.	• The Department considers that the site would be suitable for the development, subject to all remediation works being completed in Stage 1 in accordance with the RAP, unexpected contamination procedure be followed during construction works, and validation reports and interim Site Audit Statements by the Site Auditor being submitted prior to the commencement of operation of each stage. • Following Stage 8, the Site Auditor can submit a final Site Audit Statement confirming suitability of the site for the development. Conditions to this effect have been recommended.

	• In response, the Applicant indicated that the illegal materials have been removed and that no further investigations are required, subject to the engagement of a Site Auditor and completion of the remediation works in accordance with the RAP.	• The Department is satisfied that the site can be made suitable for the development and the application is consistent with State Environmental Planning Policy No. 55 – Remediation of Land.
Aboriginal Cultural Heritage	• The EIS was supported by an Aboriginal Cultural Heritage Assessment Report (ACHAR) which concluded no Aboriginal objects, sites or areas with potential for archeological deposits are within the study area. • No comments were received from the Environment, Energy and Science Group.	• The Department has reviewed the ACHAR and considers that no Aboriginal heritage is present within the site and no further assessment is required. • A condition of consent is recommended requiring an unexpected finds protocol in the event Aboriginal objects are exposed during construction.
Utilities and Services	• New water, sewer, gas and electricity services need to be extended and connected to the site to allow the school to operate. • The Applicant advised additional sewer and water connections have been constructed near the site and would require further upgrades and extension along Ingleburn Road to enable site connections. • Endeavour Energy provided recommendations on the design and electricity supply connection and raised no further comments regarding the Applicant's RtS. • Sydney Water provided comments regarding water and sewer connections.	• The Department considers the site can be sufficiently serviced by necessary utility connections and electricity supply, subject to further consultation with and approvals from the relevant public authorities. • The Department has recommended conditions of consent requiring the Applicant to obtain service connection certificates from Sydney Water and provide detailed substation designs to Endeavour Energy prior to the commencement of construction of each construction stage.

Food preparation and safety	• The proposal includes the provision of food preparation areas, a kitchen and a cafeteria. • Council requested these areas comply with relevant legislation and standards.	• The Department has recommended conditions requiring all food preparation areas be designed and used in accordance with relevant legislation.
Contributions	• Developments in the locality are subject to developer contributions payable to Council in accordance with the Camden Growth Areas Contributions Plan (Contributions Plan) as well as Special Infrastructure Contributions payable to the State Government. • In accordance with a Ministerial Direction dated 14 February 2011, schools are exempt from payment of Special Infrastructure Contributions and therefore only developer contributions to Council apply to the development. • The Department notes that the Contributions Plan excludes the site for the purpose of Net Developable Area (NDA) and that the development is not subject to a voluntary planning agreement and the Applicant has not made a Letter of Offer to Council. • The works schedule within the plan also includes work proposed to be delivered by the development such as the half road construction of Road 1 and upgrades to Byron Road. • The Applicant in the EIS requested an exemption from its development contribution obligations under the Camden Growth Areas Contribution	• The Department has reviewed the Contributions Plan and notes that the site is excluded from the NDA that is subject to Section 7.11 contributions levy. Section 7.12 contributions also do not apply to the site. • Upon review of the exclusion of the site from Contributions Plan, works to be provided, the Applicant's justifications and Council's response to the RtS, the Department considers that in this instance development contributions are not required to be levied for this development.

Plan, on account of the total works being constructed and dedicated to Council and that the contributions plans excludes the site.

- Council's response in the EIS was that development contributions under section 7.11 of the EP&A Act should be levied.
- The Applicant's RtS reiterated the earlier comments and further argued that imposing contributions levies on schools is an undesirable and inequitable planning outcome.
- Council reviewed the Applicant's justification provided as part of the RtS and confirmed that that issue has satisfactorily been addressed.

7. Evaluation

The Department has reviewed the EIS, RtS and assessed the merits of the proposal, taking into consideration advice from the public authorities, including Council as well as from special interest groups. Issues raised in submissions have been considered and all environmental issues associated with the proposal have been thoroughly addressed. The Department concludes the impacts of the proposal are acceptable and can be appropriately mitigated through the implementation of the recommended conditions of consent.

Consequently, the Department considers the development is in the public interest and should be approved subject to recommended conditions of consent. The proposal is consistent with the objects of the EP&A Act, including facilitating ESD and with the State's Strategic Planning Objectives, in particular the Greater Sydney Regional Plan – A Metropolis of Three Cities as it would provide education results through the provision of new and improved facilities to meet the growing needs of the population in the SWGA

The proposal is also consistent with the vision outlined in the GSC's Western City District Plan as it would deliver for a new educational facility with opportunities for primary and secondary enrolments (total of 1000 students and 85 staff), contribute to social infrastructure that would meet the educational needs of the school community and provide opportunities to co-share facilities with the local community in the future.

The proposal is suitable for the site and the identified key issues in relation traffic and access, drainage and stormwater, built form and urban design and noise and vibration have been satisfactorily addressed. The proposed built form and associated landscaping has been designed to fit within the context of the future character of the area. The negative impacts due to post-development stormwater from the site can be managed via an appropriately designed stormwater system.

The appropriate delivery of proposed road infrastructure upgrades, in conjunction with appropriate management of vehicle movements, would ensure that the local traffic network can accommodate the additional school traffic with no unacceptable impacts on the surrounding built environment. The noise generation due to the construction and future operations can also be managed via appropriate acoustic treatments and recommended mitigation measures.

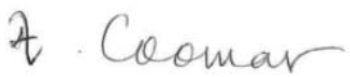
On balance, the Department considers the proposal to be in the public interest as it would deliver contemporary educational facilities to improve educational outcomes, social infrastructure that can be utilised by other groups within the community, would generate up to 124 construction jobs, 85 operational jobs and direct investment in the region of approximately $64.35 million.

8. Recommendation

It is recommended that the Executive Director, Infrastructure Assessments, as delegate of the Minister for Planning and Public Spaces:

- **considers** the findings and recommendations of this report; and
- **accepts and adopts** the findings and recommendations in this report as the reasons for making the decision to grant consent to the application;
- **agrees** with the key reasons for approval listed in the notice of decision;
- **grants consent** for the application in respect of the Amity College New School SSD 9227, subject to the conditions in the attached development consent; and
- **signs** the attached development consent/project approval and recommended conditions of consent/approval.

Recommended by:



Aditi Coomar
Team Leader
School Infrastructure Assessments

Recommended by

Karen Harragon
Director
Social and Infrastructure Assessments

9. Determination

The recommendation is **Adopted / Not Adopted** by:

14/07/20

David Gainsford

Executive Director

Infrastructure Assessments

Appendices

Appendix A – List of Documents

The following supporting documents and supporting information to this assessment report can be found on the Department of Planning, Industry and Environment's website as follows:

1. Environmental Impact Statement
   https://www.planningportal.nsw.gov.au/major-projects/project/10256
2. Submissions
   https://www.planningportal.nsw.gov.au/major-projects/project/10256
3. Applicant's Response to Submissions
   https://www.planningportal.nsw.gov.au/major-projects/project/10256

Appendix B – Statutory Considerations

ENVIRONMENTAL PLANNING INSTRUMENTS (EPIs)

To satisfy the requirements of section 4.15(a)(i) of the 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 & Regional Development) 2011 (SRD SEPP)
- State Environmental Planning Policy (Sydney Region Growth Centres) 2006 (GC SEPP)
- State Environmental Planning Policy (Infrastructure) 2007 (Infrastructure SEPP)
- State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017 (Education SEPP)
- State Environmental Planning Policy 2019 - (Bushlands in Urban Areas) (SEPP 19)
- 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).

COMPLIANCE WITH CONTROLS

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

The aims of the SRD SEPP are to identify State significant development and State significant infrastructure and confer the necessary functions to joint regional planning panels to determine development applications.

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 permissible without development consent under Part 4 of the Act, and	The proposed development is permissible with consent. The proposal is for the purpose of a new school in a prescribed zone under clause 15 of Schedule 1.	Yes

(b) the development is specified in Schedule 1 or 2.

State Environmental Planning Policy (Sydney Region Growth Centres) 2006 (GC SEPP)

Table B2 | GC SEPP Compliance Table

Camden Growth Centres Precinct Plan GC SEPP	Department Comment/Assessment
1.2 Aims of Precinct Plan The aims of this Precinct Plan are as follows: (a) to make development controls that will ensure the creation of quality environments and good design outcomes, (b) to protect and enhance environmentally sensitive natural areas and cultural heritage, (c) to provide for recreational opportunities, (d) to provide for multifunctional and innovative development that encourages employment and economic growth, (e) to promote housing choice and affordability, (f) to provide for sustainable development, (g to promote pedestrian and vehicle connectivity.	The proposal does not adversely affect any of the aims of the Camden Growth Centres Precinct Plan – Leppington Priority Precinct. See discussion in **Section 6**.
Clause 2.3 Land Use Zones/Table Zone SP2 Infrastructure Zone R2 Low Density Residential Zone R3 Medium Density Residential	The proposal would develop the site for a school with associated roads and supporting infrastructure within land zoned SP2 Infrastructure. Part of the site is zoned R3 – Medium Density Residential. Educational establishments are a prohibited land use in the R3 zone of the Precinct Plan. Under Clause 35(1) of the Education SEPP, development for the purpose of a school is permitted with consent in this zone. As such, no educational building is proposed on R3 zoned land.
4.1 Subdivision	The site does not have a minimum lot size. While no new lots are proposed, the development proposes a boundary adjustment, so the property

	boundaries reflect the zoning boundaries under the GC SEPP.
5.10 Heritage conservation	The site is does not contain or is located near a heritage item or known archeological remains. The matters in relation to Aboriginal Archeological Heritage are discussed in **Section 6.**
6.1 Public utility infrastructure	The Applicant has satisfactorily established that appropriate water, sewer, and electricity connections can be made available for the site (See **Section 6.5**).
6.3 Existing native vegetation	The site is biodiversity certified under the former *Threatened Species Act 1995*. Council and the Department raise no objections to the removal of the existing vegetation within the site (See **Section 4.4.7**)

State Environmental Planning Policy (Infrastructure) 2007 (Infrastructure SEPP)

The Infrastructure SEPP aims to facilitate the effective delivery of infrastructure across the State by improving regulatory certainty and efficiency, identifying matters to be considered in the assessment of development adjacent to particular types of infrastructure development, and providing for consultation with relevant public authorities about certain development during the assessment process.

The proposal does not trigger consideration under the Infrastructure SEPP. Notwithstanding, the Department has consulted and considered the comments from the relevant public authorities (**Sections 5** and **6**). the Department has included suitable conditions in the recommended conditions of consent (**Appendix C**).

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

The Education SEPP commenced on 1 September 2017 and aims to simplify and standardise the approval process for childcare 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.

The proposed school complies with the relevant development standards under the Education SEPP.

Clause 57 of the Education SEPP requires traffic generating development that involve addition of 50 or more students to be referred to the TfNSW (RMS). As the school proposes up to 1000 students and 85 staff, the Application was referred to TfNSW (RMS) in accordance with this clause.

Clause 35(6)(a) requires that the design quality of the development should 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 11**.

Table B3 | Consideration of the design quality principles

Design principles	Response
Context, built form and landscape	The proposal is located on a site identified for an educational establishment as part of the strategic planning process for the Leppington Precinct. The design response accommodates the sloping nature of the site and anticipated surroundings of future low and medium density residential development through the use to two and three storey elements. The development includes appropriate landscaping to soften the impact. The site also integrates with existing and planned road, pedestrian and public transport connections which would be enhanced through the construction of additional civil works. The proposal development is assessed as satisfactory in relation to its context, built form and proposed landscaping.
Sustainable, efficient and durable	The proposal includes ESD elements sufficient to achieve a 4-star Green Star rating. The materials chosen are durable, have considered a lower embodied energy outcome and require low maintenance. The final school building modules incorporate passive heating and cooling measures to facilitate cross ventilation in conjunction with mechanical heating and cooling systems. The school buildings are orientated to provide high levels of solar access to classrooms and outdoor areas. The Applicant proposes to use harvested rainwater for reuse in landscaping. Bicycle parking is provided within the school site at entry points and within each basement car park. Conditions of consent are recommended requiring the preparation and implementation of a GTP prior to the commencement and operation of Stage 1.
Accessible and inclusive	The RtS included an updated Access Report that assessed the proposal against the requirements of the Building Code of Australia

	2016 (BCA), Disability (Access to Premises) Standards 2010 and *Disability Discrimination Act 1992*. The Applicant concluded that the proposal can achieve compliance with the relevant statutory requirements being via a Deemed to Satisfy provision or satisfying the relevant performance requirements of the Building Code of Australia (BCA).
Amenity	The proposal creates a variety of engaging and functionable playground spaces, including an upper floor library terrace, and enhance the amenity of the internal spaces by guaranteeing light and winter sun access. Dense and varied landscaping across the site would provide shade during summer months. Due to the north to south cross fall of the site, the primary school has been designed with a maximum of two storeys to respond to the interface with existing detached residential homes. The senior school modules consist of a three storey built form to utilise the lower level of this site and to respond to the interface of future medium density residential developments.
Health and Safety	The layout of school buildings would allow extensive passive surveillance out to parking areas and local roads. Fences and gates are proposed at all access points and boundaries to provide access control. The setbacks between the buildings and the fencing would be accessible by the students. The western boundary would be fenced to restrict public access to the open space areas within the school site. Spaces that would be used for community uses can be secured from the remainder of the school grounds during out of hours use. Amenities and common school facilities are located within the links between building modules.
Whole of life, flexible, adaptable	The development would take place over eight stages. The modular nature of the building would allow a flexible use of spaces ranging from large open group spaces to smaller teaching areas and small group rooms over time as the school is built. The modules would provide opportunities to be adapted over time to respond to different teaching and learning principles.

Aesthetics	The proposal responds to the topographic context and presence of existing nearby development. The ultimate development includes durable materials and finishes with neutral tones with varying articulation through material scale, placement and use of cantilevered structures to break up the façade of leaning modules, internal and external connections and windowed areas. A consistent low-profile roof with small recesses over building module connections ensures the overall height of the development is minimised and is in proportion to two story residential development to the south and future medium density development to the north. The taller administration block provides a clear and local element that communicates the schools siting. Conditions of consent are recommended for further provisions of setback landscaping to the frontages of the secondary school. This would ensure that the proposal maintains a positive aesthetic contribution to the streetscape.

State Environmental Planning Policy No. 19 – Bushland in Urban Areas (SEPP 19)

SEPP 19 applies to the development as the site adjoins a land zoned as RE1 and accommodates bushland.

The proposal would have no impact on the adjoining open space and protect the vegetation within this site. Adverse impacts on the stormwater flows on to this site post development can be managed via an appropriately designed stormwater system and on-site detention tanks.

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 contamination assessment for the site which states that the site is impacted by buried rubbish, asbestos, hydrocarbons and elevated zinc levels in localised areas. The assessment concludes that the site can be made suitable for the proposed development, subject to a number of recommendations, remediation and validation. A Remedial Action Plan was also submitted with the proposal.

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 be displayed with or without development consent and is visible from any public place or public reserve.

The development includes one illuminated sign above the main entrance. 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 B4** below demonstrates the consistency of the proposed signage with these assessment criteria.

Table B4 | 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 signage is in an area that would be compatible with the future designed character of an area transitioning from semi-rural to urban development.	Yes
Is the proposal consistent with a particular theme for outdoor advertising in the area or locality?	The signage would have a consistent theme of the Amity college logo and name.	Yes
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 signage is not located in any special areas, heritage areas, conservation areas, open space areas, waterways, rural landscape areas. The restrained nature of the sign would not detract from the future residential character of the area.	Yes
3 Views and vistas		
Does the proposal obscure or compromise important views?	The signage would be integrated into the structure of the school buildings.	Yes

Does the proposal dominate the skyline and reduce the quality of vistas?	The signage does not protrude into the skyline.	Yes
Does the proposal respect the viewing rights of other advertisers?	The proposed signage is contained in the envelope of the proposed administration building and would not impact the viewing rights of other advertisers.	Yes
4 Streetscape, setting or landscape		
Is the scale, proportion and form of the proposal appropriate for the streetscape, setting or landscape?	The sign is appropriate in the future context of the streetscape and the locality.	Yes
Does the proposal contribute to the visual interest of the streetscape, setting or landscape?	The sign provides additional visual interest to the streetscape as it identifies the location and primary frontage of the school.	Yes
Does the proposal reduce clutter by rationalising and simplifying existing advertising?	Not applicable (N/A).	N/A
Does the proposal screen unsightliness?	The sign is not required to screen an unsightly element.	Yes
Does the proposal protrude above buildings, structures or tree canopies in the area or locality?	The sign is integrated within the building envelope of the school and does not protrude above it. The sign would be visible where existing trees do not interrupt sight lines.	Yes
Does the proposal require ongoing vegetation management?	N/A.	N/A
5 Site and building		
Is the proposal compatible with the scale, proportion and other characteristics of the site	The sign is compatible as it is of significantly smaller scale in	Yes

or building, or both, on which the proposed signage is to be located?	relation to the façade of the administration building.	
Does the proposal respect important features of the site or building, or both?	The sign does not detract from site or building features. It would identify the name and purpose of the development.	Yes
Does the proposal show innovation and imagination in its relationship to the site or building, or both?	The sign represents a restrained design to identify the building and its purpose.	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 signage or structure on which it is to be displayed?	The sign would have internal lighting elements.	Yes
7 Illumination		
Would illumination result in unacceptable glare? Would illumination affect safety for pedestrians, vehicles or aircraft?	The location of the sign would not cause unacceptable glare or present a safety risk for pedestrians, vehicles or aircraft.	Yes
Would illumination detract from the amenity of any residence or other form of accommodation?	The size of the sign and limited hours of illumination would ensure no detrimental impacts on the surroundings.	Yes
Can the intensity of the illumination be adjusted, if necessary? Is the illumination subject to a curfew?	The proposed sign is of a size and illumination that would not require adjustment of curfews in this instance.	Yes
8 Safety		
Would the proposal reduce safety for pedestrians, particularly children, by obscuring sightlines from public areas?	The sign would not obscure any sight lines from public areas.	Yes

Would the proposal reduce safety for any public road?	The sign would not reduce the safety along any existing of future local roads.	Yes

Draft State Environmental Planning Policy (Remediation of Land) (Draft Remediation SEPP)

The Draft Remediation SEPP would 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 requires all remediation work carried out without development consent to 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, subject to conditions of consent.

Draft State Environmental Planning Policy (Environment) (Draft Environment SEPP)

The Draft Environment SEPP is a consolidated SEPP which proposes to simplify the planning rules for water catchments, waterways, urban bushland, and Willandra Lakes World Heritage Property. Once adopted, the Draft Environment SEPP would replace seven existing SEPPs. The proposed SEPP would 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 would 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, subject to conditions of consent.

Appendix C – Recommended Instrument of Consent / Approval