



CREATIVE PLANNING SOLUTIONS

Request for Secretary's Environmental Assessment Requirements (SEARs)

Redevelopment of Kyeemagh Infants School – Proposed Kyeemagh Public School

Lot 1 DP 120095 & Lot 1 DP 335734

Corner of Jacobson Avenue and Beehag Street, Kyeemagh NSW

Project No: C719

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Creative Planning Solutions Pty Limited
Level 3, 397 Riley Street, Surry Hills NSW 2010 | PO Box 1074 Broadway NSW 2007
+61 2 8039 7461 | info@cpsplanning.com.au | www.cpsplanning.com.au
Creative Planning Solutions Pty Limited – ABN: 70 135 093 926

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Prepared by:



Brendon Clendenning

Reviewed by:



Daniel Govers

Authorised by:



Daniel Govers

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1.0 Introduction and Proposed Development

Creative Planning Solutions have been engaged on behalf of the Department of Education (DoE) by dwp Architects to assist in the planning and design of a redevelopment of Kyeemagh Infants School, located at the corner of Jacobson Avenue & Beehag Street, Kyeemagh NSW 2216.

The proposed development comprises demolition of all existing structures and construction of new school facilities. The proposal also involves an increase in student numbers from 42 to 500 students, with potential to increase to 600 students in future. This will expand the capacity of the existing school from K-2 to K-6, with new teaching spaces and facilities. Refer to the accompanying Concept Plans prepared by dwp Architects. The estimated Capital Investment Value of the project is \$28,468,180 excluding GST.

Pursuant to clause 15(2) of Schedule 1 of *State Environmental Planning Policy (State and Regional Development) 2011*, the development will be categorised as State Significant Development (SSD) as the capital investment value exceeds \$20 million.

The Requirements of the Secretary and Approval Bodies within Part 2 of Schedule 2 of the Environmental Planning and Assessment Regulations 2000 indicate that a written application must be made to obtain the Secretary's Environmental Assessment Requirements (SEARs). The SEARs are used to inform the Environmental Impact Statement (EIS), which is required to accompany an application for SSD, pursuant to Section 4.12(8) of the *Environmental Planning and Assessment Act 1979*.

1.1 Capital Investment Value

At this preliminary stage, the estimated Capital Investment Value of the project is \$28,468,180 excluding GST.

2.0 Site and Locality Description

Kyeemagh Infants School is located at the corner of Jacobson Avenue and Beehag Street, with street address known as 30A Jacobson Avenue, Kyeemagh. The school is located within the suburb of Kyeemagh, within the Bayside Local Government Area (LGA). It is situated across two allotments being Lot 1 DP 120095 and Lot 1 DP 335734. The site is located approximately 9.7km to the south of the Sydney CBD, and less than 500m from the south-western edge of Sydney Kingsford-Smith Airport.

The school currently comprises of six classroom and office buildings, and one maintenance building, all located within the vicinity of the southern and western corners of the site. The North Brighton Pre School is also located on the school grounds, towards the corner of Tancred Avenue and Jacobson Avenue. The northern end of the site adjoins the Tancred Avenue Reserve, which is a small triangular-shaped reserve that creates a splay at the northern corner of the site.

In addition to the northeastern frontage to Tancred Avenue Reserve, the site contains a small direct frontage to Tancred Avenue, a frontage to Jacobson Avenue to the southeast, and, a frontage to Beehag Street to the southwest. A car park associated with the North Brighton Pre School is currently located adjacent to the Tancred Avenue frontage. The northwestern boundary is shared with nine (9) dwellings contained within a medium density housing development, as well as a single dwelling which fronts Beehag Street. The subject allotment is shown within the images below.



Figure 1. Cadastral image indicating approximate location of subject allotment.

Source: maps.google.com.au



Figure 2. Aerial photograph image of subject site.
Source: maps.six.nsw.gov.au/

3.0 Planning Context

3.1.1 State Environmental Planning Policy No 55 – Remediation of Land

State Environmental Planning Policy No. 55 – Remediation of Land (SEPP 55) applies to the proposed development. Clause 7 requires a consent authority to consider the contamination status of the land and be satisfied that the land is, or will be made, suitable for the purpose for which the development is proposed to be carried out. Initial geotechnical and contamination investigations will be undertaken and discussed as part of the EIS. Should remediation be required, a remediation action plan will be incorporated into the EIS.

3.1.2 State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017

The *State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017* (Vegetation SEPP) provides for the removal of vegetation in non-rural areas and matters for consideration in the assessment to remove vegetation. In accordance with Clause 5 of the SEPP, the site is classified as a non-rural area, as it is within the R2 zone.

An arborist report will be prepared to accompany the EIS, in order to provide an assessment of any trees that are proposed for removal, as well as an assessment of the impacts on any vegetation that is proposed to be retained. It is intended that new landscaping and plantings will be provided across the site.

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

Provisions applicable to schools are located in Division 3, Part 4 of the *State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017* (EECC SEPP). The provisions within this policy prevail over any competing provisions within the *Rockdale Local Environmental Plan 2011* (RLEP 2011). Relevant provisions are outlined below.

Development permitted with consent (Clause 35 (1))

Development for the purpose of a school may be carried out by any persons with consent in a prescribed zone (which includes the R2 Low Density Residential Zone and the SP2 Infrastructure Zone that apply to the site).

Design Quality Principles (Clause 35 (6) and Schedule 4)

The EECC SEPP contains seven (7) design quality principles that the consent authority must consider before determining a development application. The purpose of these provisions is to improve the design quality of schools and ensure the development appropriately responds to the character of the area, surrounding built form and landscape setting, whilst also providing a high level of amenity for users of the site.

The design quality principles will be used to develop a design scheme for the subject site. The proposal will be carefully evaluated against these principles.

Shared Use of School Facilities (Clause 35 (6))

To deliver the best use of educational infrastructure, the EECC SEPP seeks to encourage the shared use of school facilities for community purposes. It contains provisions that stipulate that any part of a school site and any school facilities may be used for the physical, social, cultural, or intellectual development or welfare of the community (whether or not it is a commercial use of the establishment).

The EIS will include a thorough evaluation of whether opportunities for shared spaces have been appropriately identified within the development proposal.

Application of Development Standards to SSD (Clause 42)

The SEPP provides flexibility to SSD by allowing development consent to be granted even if it contravenes a development standard contained in another environmental planning instrument (EPI) (i.e. the height and FSR provisions within the RLEP 2011).

Should the proposal seek any departures from these development standards, the EIS will consider whether these are justified on the basis that there are sufficient environmental planning grounds to support the variation.

Other

The EECC SEPP sets aside the provisions contained within any other EPI (in this case the RLEP 2011) that require a competitive design process to be undertaken for any development with a CIV of less than \$50 million (Clause 35(8)). As such, any design excellence provisions within the RLEP 2011 are also set aside (Clause 35 (7)).

Traffic Impacts (Clause 57)

Traffic impacts, demand for parking and road safety in the traffic network surrounding schools are key concerns arising as part of any redevelopment. These issues will be considered as part of the EIS, and a Transport and Accessibility Impact Assessment will be provided to supplement the EIS.

The application will be referred to the Roads and Maritimes Services (RMS) for specialist input, as it will result in 50 or more additional students and is on a site that has direct vehicular or pedestrian access to any road.

Clause 57(3) prescribes that the consent authority must take into consideration:

- (a) any submission that RMS provides in response to that notice within 21 days after the notice was given (unless, before the 21 days have passed, RMS advises that it will not be making a submission), and*
- (b) the accessibility of the site concerned, including:*

- (i) the efficiency of movement of people and freight to and from the site and the extent of multi-purpose trips, and*
- (ii) the potential to minimise the need for travel by car, and*
- (c) any potential traffic safety, road congestion or parking implications of the development.*

The Transport and Accessibility Impact Assessment will provide a thorough analysis that is sufficient so as to enable the RMS and the Department of Planning and Environment to consider the matters described within Clause 57(3).

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

The *State Environmental Planning Policy (State and Regional Development) 2011* (SRD SEPP 2011) applies to the land and nominates certain types of development as State Significant Development (SSD) due to the size, economic value or potential impacts.

The proposed development is declared to be SSD under the policy as it involves alterations and additions to an existing school with a Capital Investment Value (CIV) greater than \$20 million.

3.1.5 Civil Aviation Buildings Control Regulations 1988

Pursuant to Clause 3 of the Commonwealth Civil Aviation Buildings Control Regulations 1988, the construction of buildings above 25 feet (7.62 metres) in height is subject to approval from Sydney Airport Corporation Limited (SACL), under delegation from the Civil Aviation Safety Authority (CASA). The design of the new buildings will be formulated in cooperation with SACL.

Schedule 5 of the Civil Aviation Buildings Control Regulations 1988 indicates the areas to which the 7.62 metre height limit applies, and the relevant image is reproduced below.

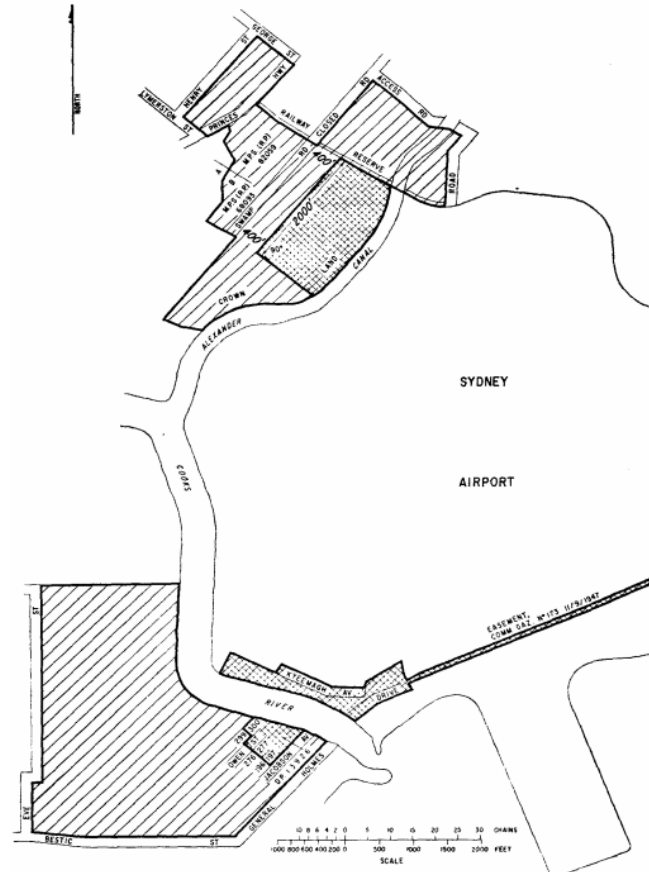


Figure 3 Extract from Schedule 5 of the Civil Aviation Buildings Control Regulations 1988, showing the area hatched area surrounding the site on the bottom left of the image.

Source: austlii.edu.au

Consequently, the concurrence of SACL will be required, as the height of the development is likely to exceed the 25 feet limit.

3.1.6 Airports (Protection of Airspace) Regulations 1996

Pursuant to the Commonwealth *Airports Act 1996*, the site is affected by the prescribed airspace associated with Sydney Airport. The prescribed airspace includes an area in which the interests of the safety, efficiency or regularity of existing or future air transport operations into or out of an airport for the airspace are to be protected.

The prescribed airspace to Sydney Airport are affected by a variety of ‘surfaces’, which each limit the height of buildings. Any proposal which seeks a height above the surface limits will require the issue of a controlled activity approval from the Civil Aviation Safety Authority, pursuant to Section 182 of the *Airports Act 1996*.

The lowest surface limits that affect the site are the Obstacle Limitation Service (OLS) and the Procedures for Air Navigation services – Aircraft Operations Surfaces (PANS-OPS). The OLS for the site is 51.00 AHD, and the PANS-OPS is between 50.00 AHD and 60.00 AHD. The existing ground levels at the site are in the vicinity of 4.00 AHD, and therefore the lower surface limits would not be breached

for any building under approximately 45m in height. The height of the proposal will be comfortably within the applicable surface limits.

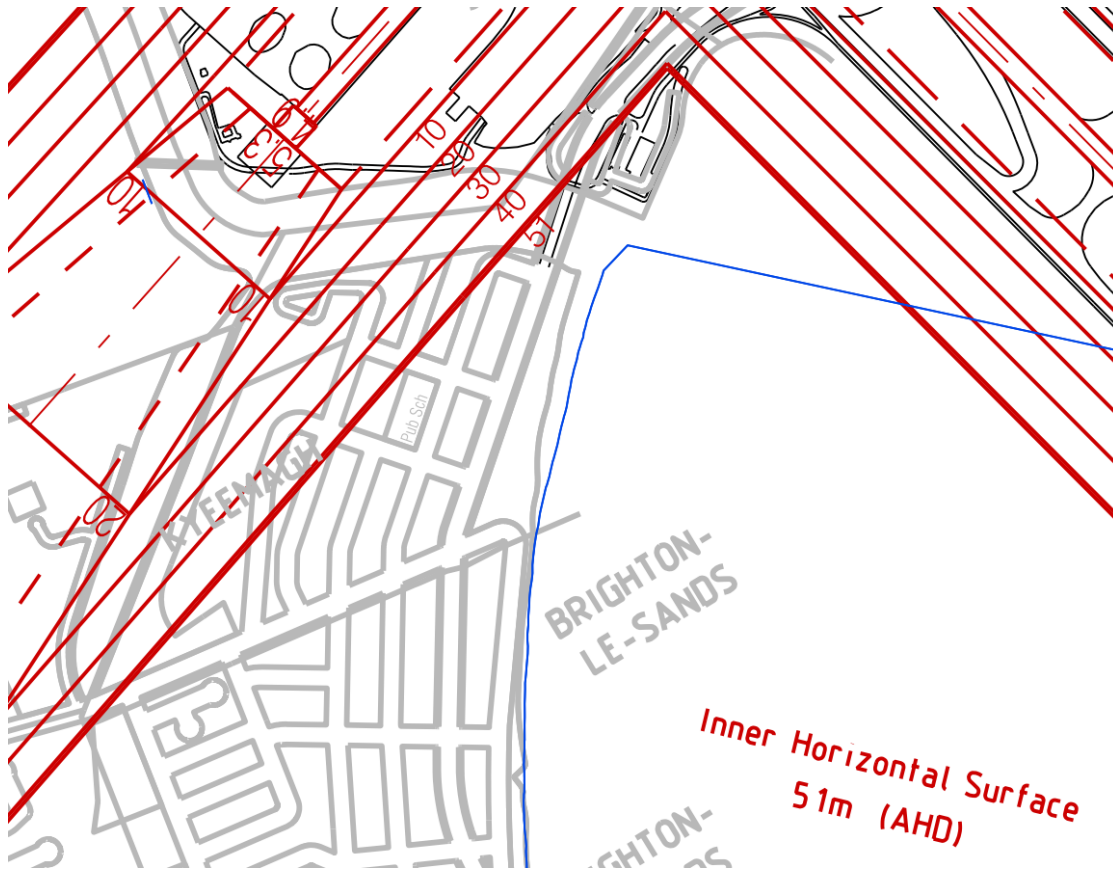


Figure 4 Extract from Obstacle Limitation Surface Map within the subject site shown marked as "Pub Sch"
Source: sydneyairport.com.au

Note that Clause 6.4 of the RLEP 2011, requires consultation with CASA for any development which penetrates that the OLS or the PANS-OPS.

3.1.7 Rockdale Local Environmental Plan 2011

Zoning

The subject site is affected by a split zoning and is zoned R2 Low Density Residential in part and SP2 Infrastructure (Classified Road) in part under the RLEP 2011.



Figure 5 – Extract of RLEP 2011 Zoning Map
Source: www.planningportal.nsw.gov.au

Land Reservation – Road Widening

The part of the site that is zoned SP2 (Classified Road) is identified for acquisition (i.e. the north-eastern portion of the site along Tancred Avenue). Development consent must not be granted to any development on land to which this clause applies other than development for the purpose of a public road.

Clause 5.1 of the RLEP identifies that the Roads and Maritime Services is the authority of the State that will be the relevant authority to acquire the land zoned SP2.

Heritage

There are no heritage items in the immediate vicinity and the property is not situated in a heritage conservation area.

Floor space ratio (FSR) and building height

The maximum FSR is 0.5:1 and the maximum building height limit is 8.5m, however the EECC SEPP allows development consent to be granted despite any proposed variations to the development standards.

Aircraft noise

The majority of the site is situated between the 25 ANEF and 30 ANEF contours and as such educational uses are conditionally acceptable. The southern corner of the site is intersected by the 25 ANEF contour, and a small portion of the site is therefore located between the 20 ANEF and 25 ANEF contours. The proposal will require an Acoustic Assessment and the development will need to incorporate noise control features and be supported by appropriate justification from a suitably qualified acoustic engineer in this regard.

Acid sulfate soils

The land is affected by Acid Sulfate Soils (ASS) and is nominated as Class 4 on the ASS Map. As such, this may need to be appropriately addressed by the submission of an ASS Management Plan if the development involves works more than 2 metres below the natural ground surface or works by which the watertable is likely to be lowered more than 2 metres below the natural ground surface.

Biodiversity and wetlands

The land is not identified on Council's biodiversity map and/or wetlands map.

3.1.8 Rockdale Development Control Plan 2012

In accordance with Clause 11(a) of the SRD SEPP, development control plans do not apply to SSD. Moreover, Clause 35(9) of the EDCD SEPP also states that any provision of a development control plan that specifies a requirement, standard or control in relation to for the purposes of a school is of no effect.

Notwithstanding this, the general provisions of the Rockdale Development Control Plan 2011 (RDCP 2011) are to be consulted in the formulation of the design of the proposal. These provisions include:

- 4.1.3 Water Management
- 4.1.4 Soil Management
- 4.1.7 Tree Preservation
- 4.2 Streetscape and Site Context
- 4.3 Landscape Planning and Design - 4.3.1 Open Space and Landscape Design
- 4.4 Sustainable Building Design
- 4.5.2 Social Equity – Equitable Access
- 4.6 Car Parking, Access and Movement

There are no provisions within the RDCP 2011 that relate specifically to educational establishments.

3.1.9 Greater Sydney Region Plan - A Metropolis of Three Cities

The Greater Sydney Region Plan seeks to meet the needs of a growing and changing population, and the plan is built on the vision of three cities where most residents live within 30 minutes of their jobs, education and health facilities, services and great places. The 30-minute city aspiration is intended to guide decision making on locations for new schools and other infrastructure investments. The proposed increased capacity of the existing school is consistent with the core vision of the policy.

3.1.10 Other Strategic Planning Documents

The EIS will also consider the proposal against other relevant strategic planning policies, including: NSW State Priorities;

- NSW Long Term Transport Master Plan 2012;
- Sydney's Cycling Future 2013;
- Sydney's Walking Future 2013;
- Sydney's Bus Future 2013;
- Healthy Urban Development Checklist, NSW Health;
- Greater Sydney Commission Eastern City Central District Plan

4.0 Potential Impacts Associated with the Development

4.1 Design Quality

The site is located within the residential suburb of Kyeemagh. The area is predominantly low scale and is of a typical suburban context, which includes predominately single and two storey private residences, and a smaller portion of townhouse developments. The existing residences include many recently refurbished in a modern contemporary aesthetic.

The design has been formulated by dwp Architects in consultation with the DoE. An Urban Design Report is to be prepared as part of the EIS, focusing on the rationale that informs the final design.

4.2 Infrastructure and Servicing

Essential services are currently available to the existing school, and it is anticipated that the augmentation of existing services will be required. The consultation process undertaken as part of the EIS will include relevant utility providers. Investigation of any required upgrades to services within the locality will be considered in the EIS.

4.3 Transport and Accessibility

The existing school is located within a low density residential area with relatively low traffic flows, and relatively unconstrained off-street parking. It is anticipated that the increase in the size of the school will necessarily result in increased traffic flows and an increased demand for parking. The EIS will consider how the school is able to accommodate parking on site, and whether appropriate amelioration measures are provided to ensure that the proposal will not unduly interfere with the residential amenity of the locality. A detailed Transport and Accessibility Impact Assessment will be provided with the EIS.

4.4 Sydney Airport Operations

The proposal will require concurrence from SACL, given the height is affected by the 25 feet height limit pursuant to the Civil Aviation Buildings Control Regulations 1988. In addition, the site is affected by various surface limits associated with the operations of Sydney Airport. It is intended that ongoing consultation be undertaken with SACL as part of the formulation of the final design.

4.5 Aircraft Noise and Noise Generation

The subject site is located a short distance from Sydney Airport and is affected by the 25 to 30 ANEF contours. *AS 2021:2015 Acoustics—Aircraft noise intrusion— Building siting and construction* indicates that educational uses that are affected by this constraint are conditionally acceptable. The EIS will require a thorough investigation of design measures that are required to minimise noise exposure

within classrooms and other critical learning areas. An acoustic engineer is to assist with the formulation of the building design, and an acoustic report will accompany the EIS.

The acoustic report will also consider measures that can be employed to minimise noise impacts associated with the operation of the school on the site.

4.6 Landscaping

The site currently contains a large open grassed area, with surrounding perimeter trees. Although the proposal seeks to increase the overall built form across the site, it is intended that the landscaped character will be maintained to the site as much as practicably possible. A detailed landscape scheme will be prepared in association with the architectural design.

4.7 Solar Amenity and Overshadowing

The EIS will consider how the proposed increased in the capacity of school can be accommodated, with minimal impact on solar amenity. Consideration of solar access to the play areas and classroom of the school will be balanced with the need to maintain solar amenity to adjoining dwellings at the north-western boundary. It is anticipated that overshadowing will only affect surrounding roads, with minimal overshadowing impacts to neighbouring properties. Further, school facilities will be designed and spaced so as to maximise internal midwinter sunlight, and reduce the impacts of the western summer sun.

4.8 Stormwater Management

A Stormwater Management Plan will be prepared to detail the how stormwater will be managed and disposed of on site. Requirements for any on-site stormwater retention and detention will be investigated as part of the EIS, and it is intended that water sensitive urban design measures will be incorporated into the development.

4.9 Contamination and Geotechnical

As indicated in the discussion relating to SEPP 55, initial geotechnical and contamination investigations will be undertaken and discussed as part of the EIS. Should remediation be required, a remediation action plan will be incorporated into the EIS.

4.10 Safety and Security

The employment of the principles of Crime Prevention Through Environmental Design (CPTED) in the design of the school are imperative to ensure that the design of the school is not conducive to the perpetration of crime. The EIS will include a thorough consideration of the CPTED principles (access

control, surveillance, territorial re-enforcement and space/activity management) in relation to specific aspects of the design.

4.11 Pedestrianisation

The new school and grounds will be fully accessible to all students, in accordance with DET policies. It is intended that the design will take advantage of the multiple street frontages that apply to the site, including the frontage to Tancred Avenue Reserve, which adjoins Tancred Avenue. It is anticipated that multiple entry points will be provided to the grounds to allow filtered access from all surrounding areas. The EIS will consider the pedestrian safety and the impacts on the residential surrounds. It is expected that the access to these areas will be appropriately controlled during and after school hours.

4.12 Impacts of Construction

Construction impacts, such as noise, dust, vibration and temporary traffic management impacts are likely to create a concern for nearby residents. A Construction Management Plan and Traffic Management Plan will be provided as part of the EIS to manage the impacts of the construction process.

4.13 Sustainability

The intent of the design will be to employ passive sustainable design principles to maximise the energy efficiency of the new facility. This will generally include consideration of the following opportunities for sustainability measures:

- Thermal mass
- Natural ventilation and daylighting
- Energy efficient mechanical systems
- Photo-voltaics
- Rainwater capture and re-use
- Efficient envelopes.

The EIS will consider whether the proposal has provided maximum opportunity for the utilisation of these sustainability measures.

4.14 Social and Economic Impacts

The social and economic impacts of the proposal will be expected to be broadly positive, and the EIS will consider the benefits to the local community, as well as opportunities for minimising any anticipated negative community impacts. Anticipated social and economic impacts include:

- Employment of local tradespeople during construction, and the creation of permanent teacher, clerical and maintenance positions;

-
- The provision of increased student places amongst a residential area with a rapidly growing population.
 - The creation of flexible learning spaces to promote social interaction amongst pupils, and improved opportunities for public use outside of school hours.

5.0 Justification

The DoE have provided information in relation to the justification for the proposed development, which has been used to inform the discussion below.

The Kyeemagh Infants School is within the Kogarah Primary Cluster, which sits within both the Metropolitan Central and Metropolitan South districts.



Figure 6 Kogarah Primary Cluster shown outlined in red.

Source: DoE

The Metropolitan South District was identified in the NSW Department of Planning and Environment's previous metropolitan plan, 'A Plan for Growing Sydney', as needing to accommodate a growing population, particularly along the Sydenham to Bankstown rail corridor and in the two strategic centres — Hurstville and Kogarah. The district was identified to have 204,000 more people by 2036, including 30% more 5-19 year olds.

The Metropolitan Central District will continue to play a dominant role in the economic, social and cultural life of Sydney. The variety and density of activities in centres within liveable communities will make the subregion a desirable place to live, work and visit. The district will have 325,000 more people by 2036, including 41% more 5-19 year olds.

The Kogarah Primary Cluster falls within the Bayside and Georges River Local Government Areas (LGA) and includes:

- Arncliffe Public School
- Brighton-Le-Sands Public School

- Carlton South Public School
- Kogarah Public School
- Kyeemagh Infants School
- Ramsgate Public School
- Rockdale Public School
- Sans Souci Public School.

Kogarah is an area with major urban development precincts, additional new housing and projected population growth that is generating increased numbers of primary school age children and demand for teaching space and facilities to at least 2031.

The projections are for an increase of approximately 2,750 Government primary school students to give a total of 6,550 students in 2031. Most of the growth is in the Arncliffe Public School intake zone (+1,580) and the Rockdale Public School intake zone (+622).

There are currently 31 demountable classrooms equating to 17% of teaching spaces across the Kogarah primary school cluster. The available school facilities are highly utilised.

Needs Analysis:

Key Drivers for the Project	<ul style="list-style-type: none"> • Significant projected growth in enrolments in the cluster. • Need to provide an additional 106 classrooms in the cluster by 2031. • Kyeemagh IS shares a catchment with Brighton-Le-Sands PS and Arncliffe PS and this project will relieve enrolment pressure at these schools. This in turn will allow the Department to adjust catchment boundaries between Rockdale PS and Brighton-Le-Sands PS to manage the projected growth at Rockdale.
Population and Enrolment Changes	<ul style="list-style-type: none"> • There is significant projected enrolment growth in the cohort of primary schools in the Kogarah primary school cluster over the next 15 years. • Based on enrolment projections for the Government primary schools in this cluster, a total of 6,550 students have to be accommodated by 2031 requiring an increase of 106 teaching spaces (classrooms),
Case for Change	<p>The asset planning objectives within the Kogarah primary cluster are to:</p> <ul style="list-style-type: none"> • meet future projected enrolment growth to 2031 • have a maximum school size of 1,000 students • reduce the number of demountables to a maximum of 15% of primary school classrooms • reduce the maintenance liability • improve the Facilities Condition Index from an average index of 3.65% to below 2.0% • meet the educational planning principles

	<ul style="list-style-type: none"> • achieve the best value for money to support the achievement of education outcomes
Additional Details (if required)	This project requires the reclassification of the school from a K-2 school to a K-6 school. This process has commenced. It has support from the Executive Director, Director Public Schools, School Principal and school community.

A number of different options were considered including upgrade of other schools located within the Kogarah Primary Cluster, however, the redevelopment of Kyeemagh Infants School was selected as the option to be pursued.

The advantages of this option that were identified included:

- Takes enrolment pressure off Arncliffe Public School Addresses part of the projected enrolment growth in the cluster (18%)
- Provides appropriate core facilities and future focussed learning spaces (meets EFSG)
- Creates an inspiring educational facility
- Meets community expectations
- Makes good use of the well located, flat site
- Does not disrupt many students to redevelop the site - only 61 students.

6.0 Consultation

Public consultation will be undertaken for a minimum of 30 days in accordance with relevant requirements. The DPE will consider the following as part of their assessment:

- existing strategic plans and policies (i.e. State, regional and local);
- input received from council;
- input received from Federal and State Government agencies; and
- submissions received during consultation.

Consultation will be undertaken in association with the preparation of the EIS. It is expected that the following groups and authorities will require consultation as part of the EIS:

- Department of Planning and Environment (DPE);
- Department of Education (DoE);
- Bayside Council;
- Government Architects Office;
- Roads and Maritime Services (RMS);
- Sydney Airport Corporation Limited;
- Transport for NSW (TfNSW);
- Environmental Protection Authority (depending on site conditions);
- Sydney Water;
- Ausgrid;
- Local Aboriginal communities;
- Community groups ;
- Surrounding residents

Note that preliminary consultation has commenced with some of the parties outlined above.

7.0 Conclusion

The proposal redevelopment of Kyeemagh Infants School is classified as State Significant Development pursuant to Clause 15 of Schedule 1 of SEPP SRD. The DoE requests that the Secretary of DPE issue the SEARs for the proposed development in order to facilitate the preparation of the EIS to accompany the future application.