



Redevelopment of Pendle Hill High School

State Significant Development
(SSD-9579147)



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Cover image: Artist's impression of new building (Source: Environmental Impact Statement, 2021)

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Glossary

Abbreviation	Definition
ACHAR	Aboriginal Cultural Heritage Assessment Report
AHD	Australian Height Datum
AIA	Arboricultural Impact Assessment
BC Act	<i>Biodiversity Conservation Act 2016</i>
BDAR	Biodiversity Development Assessment Report
CIV	Capital Investment Value
CTMP	Construction Traffic Management Plan
Council	City of Parramatta Council
DCP	Development Control Plan
Department	Department of Planning, Industry and Environment
Education SEPP	State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017
EESG	Environment, Energy and Science Group
EIS	Environmental Impact Statement
EPA	Environment Protection Authority
EP&A Act	<i>Environmental Planning and Assessment Act 1979</i>
EP&A Regulation	Environmental Planning and Assessment Regulation 2000
EPBC Act	<i>Environment Protection and Biodiversity Conservation Act 1999</i>
EPI	Environmental Planning Instrument
GTP	Green Travel Plan
Heritage NSW	Heritage NSW, Department of Premier and Cabinet
LEP	Local Environmental Plan
Minister	Minister for Planning and Public Spaces
SEARs	Planning Secretary's Environmental Assessment Requirements
PDCP	Parramatta Development Control Plan 2011
Planning Secretary	Secretary of the Department of Planning, Industry and Environment
PLEP	Parramatta Local Environmental Plan 2011
PV	Photovoltaics
RAP	Remediation Action Plan
RtS	Response to Submissions

SEPP	State Environmental Planning Policy
SEPP 55	State Environmental Planning Policy No 55 – Remediation of Land
SRD SEPP	State Environmental Planning Policy (State and Regional Development) 2011
SSD	State Significant Development
TAIA	Traffic and Accessibility Impact Assessment Report
TfNSW	Transport for NSW incorporating Roads and Maritime Services

Executive Summary

This report provides an assessment of a state significant development (SSD) application for alterations and additions to Pendle Hill High School (SSD-9579147) located at Cornock Avenue Toongabbie (the site). The site is also known as 66 Binalong Road, Toongabbie. The Applicant is the Department of Education (the Applicant) and the proposal is located within the City of Parramatta local government area (LGA).

Assessment summary and conclusions

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

The Department is satisfied that the site is suitable for the proposed use and would allow for the continued operation and expansion of an existing school that would provide for projected local population growth. The alterations and additions provide additional teaching spaces, upgraded and enlarged core education facilities and improved street presence and access into the school.

The key issues identified by the Department include traffic and transport and built form and urban design. The Department is satisfied that these issues have been adequately addressed in the Applicant's Environmental Impact Statement and Response to Submissions (RtS). Minor outstanding issues can be addressed through the Department's recommended conditions of consent.

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

The proposal

The proposal seeks approval for upgrades to Pendle Hill High School including the construction of a new three-storey courtyard building, covered walkways, upgraded landscaping, school signage, site remediation works, car park reconfiguration, bicycle parking and transport infrastructure upgrades. The works seek to cater for an increase in student capacity by 240 students from 1,080 to 1,320 students to meet growth demands to 2023. The proposal has a Capital Investment Value (CIV) of \$20.555 million and would generate 18 operational jobs and 44 construction jobs.

The site

The site is located in the suburb of Toongabbie, situated within a well-established residential area approximately five kilometres west of Parramatta CBD. The site has a total site area of 6.64 hectares and is surrounded by low density residential development, with Binalong Road forming the primary eastern boundary, and site boundaries interfacing with Cornock Avenue and Illoca Place to the west, and Knox Street to the south.

The existing built form is located towards the centre of the site, adjacent to the entrance of the site off Cornock Avenue.

Statutory context

The proposal is SSD under clause 14 of the State Environmental Planning Policy (State and Regional Development) 2011, as it is development for the purpose of alterations or additions to an existing school with a CIV over \$20 million. Therefore, the Minister for Planning and Public Spaces is the consent authority.

Engagement

The application was publicly exhibited between 12 May 2021 and 8 June 2021. The Department received a total of seven submissions all of which were from public authorities, including City of Parramatta Council (Council).

The key issues raised in the submissions included open space, traffic, transport and accessibility, and urban design.

On 6 July 2021, the Applicant submitted a RtS which responded to the comments made in the submissions. The RtS was referred to the submitters and seven additional submissions from public authorities were received in response to the Applicant's RtS.

On 10 August 2021 and 23 July 2021, the Applicant provided supplementary information to respond to comments made by Council and Endeavour Energy on the RtS.

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1 Introduction

This report provides an assessment of a state significant development (SSD) application for alterations and additions to Pendle Hill High School at Cornock Avenue, Toongabbie (SSD-9579147). The site is also referred to as 66 Binalong Road, Toongabbie.

The proposal seeks approval for upgrades to the existing school including the construction of a new three-storey courtyard building, covered walkways, upgraded landscaping, two school signs, site remediation works, car park reconfiguration, bicycle parking and transport infrastructure upgrades. The works seek to cater for an increase in student capacity by 240 students from 1,080 to 1,320 students to meet growth demands to 2023.

The application has been lodged by the Department of Education (the Applicant). The site is located within the City of Parramatta local government area (LGA).

1.1 Site description

The site is located at Cornock Avenue / 66 Binalong Road, Toongabbie within a well-established residential area approximately five kilometres (km) west of Parramatta CBD and 30km west of the Sydney CBD.

The site's location in the regional context shown in **Figure 1** and local context is shown in and **Figure 2**.



Figure 1 | Regional context map (Source: Google maps 2021)



Figure 2 | Local context map (school site outline in red, SSD application site outlined in yellow)
(Source: Applicant's EIS 2021)

The site has a total site area of 6.64 hectares (ha) and is bounded by residential development and Favell Street to the north, Binalong Road to the east, residential development, Cornock Avenue and Knox Street to the south, and residential development and Bungaree Road to the west.

The existing built form is located towards the centre of the site, which, along with the south-eastern area, forms the highest point. Levels across the site fall to the north, north-east and north-west. Typical elevations across the site range from 55m AHD (in the northeast corner) to 61.5m AHD where Building A is located in the south-western portion of the site.

The site contains approximately 183 established trees surrounding by play space. Vegetation includes critically endangered Cumberland Shale Plains Woodland located in the southwest corner of the site near the carpark.

The school was established in 1965 and has been constructed over a number of stages. The existing buildings were designed using the 'doughnut-plan' building format that was prevalent at the time. The existing buildings are grouped around a central courtyard space that facilitates the majority of the site circulation and informal gathering spaces, with the play space located to the perimeter of the site, creating a buffer to the surrounding residential areas and streets.

Pendle Hill High School is currently a co-educational high school and includes six existing buildings (designated Buildings A through F) comprising teaching spaces, administration and reception areas, canteen, a library and a multi-purpose hall. Other site facilities include a car park, three outdoor play areas, three sports courts and agricultural plots. Buildings A, B, C, D and E are linked by a covered walkway with a central open-air quadrangle.

The school includes the following existing buildings and facilities (**Figure 3**):

- Building A: main administration and reception building and principal's office.
- Building B: classrooms and workshops.

- Building C: outdoor space, canteen, physical education storeroom, student toilets, change rooms and major storage.
- Building D: classrooms including science laboratories and staff study rooms.
- Building E: classrooms including science laboratories and main library.
- Building F: multi-purpose hall, storage and toilet facilities.
- At-grade carpark providing for 67 car parking spaces accessed from Cornock Avenue.
- Outdoor spaces comprising three soft surface outdoor play areas, three surface games Courts, quadrangle space between Buildings A, B, C, D and E and agricultural plots.



Figure 3 | Aerial view of existing building and structures on-site (Source: Applicant's EIS 2021)

1.2 Surrounding development

1.2.1 Surrounding built form

The site is surrounded by low density residential development. Binalong Road forms the primary eastern boundary. Other site boundaries interface with Cornock Avenue and Illoca Place to the west, and Knox Street to the south.

The surrounding built form and land use character is predominantly established low density residential development, comprising detached dwelling houses approximately one to two storeys in height.

1.2.2 Surrounding transport and access

There are four pedestrian access points to the school, one access point from Cornock Avenue, one access point from Knox Street and two access points from Binalong Street. There was previously one access point from Favell Street to the north, but it is currently closed. Pedestrian access across roads is mainly with at-grade zebra crossings provided to the east and west of the site across Binalong and Bungaree Roads respectively.

The current main vehicular access onto the school property is via Cornock Avenue, where staff parking and student drop-off and pick-up is located.

The site is accessible via existing bus services, with four school and five public bus routes that service stops on Binalong Road and Bungaree Road to the east and west of the school. The two nearest train stations to the school are Pendle Hill and Toongabbie stations located approximately 1.3km and 1.7km away, or a 15 and 20 minute walk, respectively.

There is some cycling infrastructure near the site. However, the majority of this is on-road.

The site is situated within the local road network in the residential area of Toongabbie. The state roads connecting traffic to the local network include Old Windsor Road, the Cumberland Highway, and Wentworth Avenue. The school has good connections to the surrounding arterial road network (**Figure 4**).

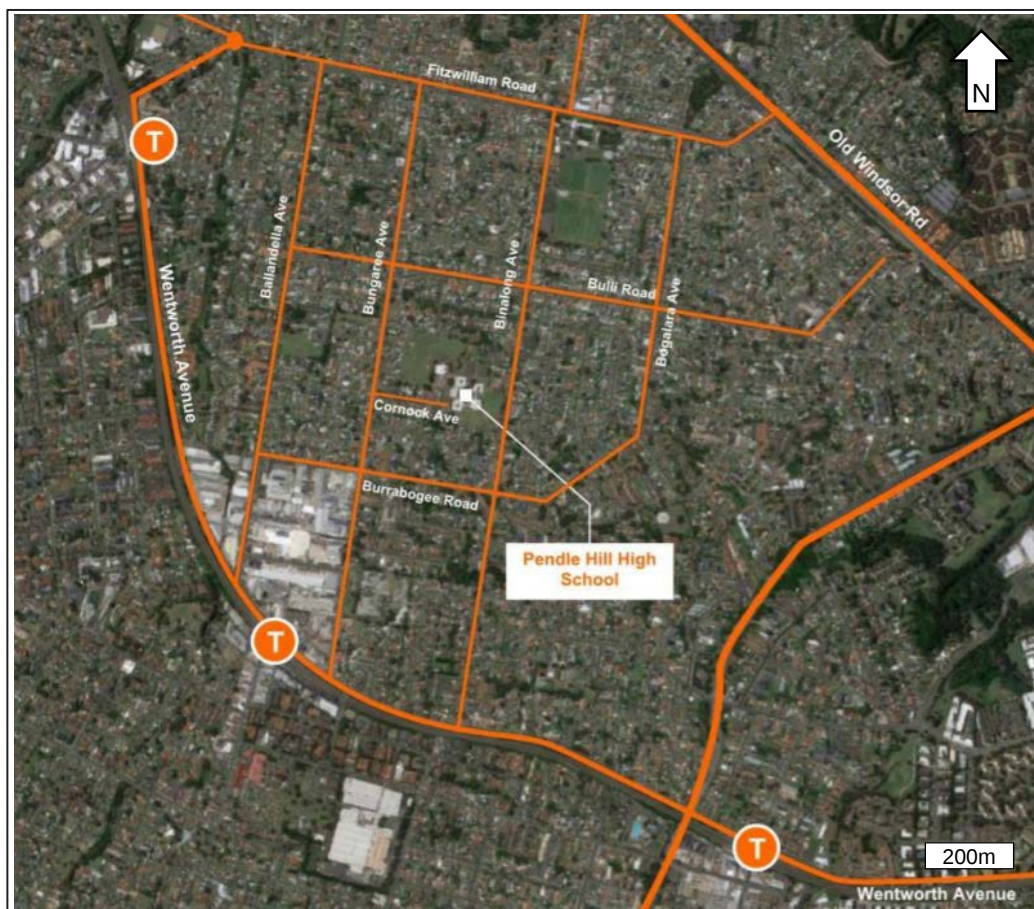


Figure 4 | Surrounding State and Regional Road Network (source: Applicant's EIS 2021)

The roads immediately adjoining the site (**Figure 5**) are:

- Cornock Avenue, to the south-west of the site, is a local street which provides a single travel lane in each direction, with a general speed limit of 50 km/hr with signage for 40 km/hr School Zone, and unrestricted parking on both sides of the road.
- Binalong Road forms the eastern boundary of the site. There are single travel lanes in each direction, with a general speed limit of 50 km/hr and signage for 40 km/hr School Zone, and a parking lane. In addition, in each direction, there is a cycling lane between the parking lane and travel lane. An indented bus bay approximately 120 metres long is provided along the school frontage, which operates as a signposted Bus Zone between 8-9am and 2:30-3:30pm on school days.

- Knox Street, to the south of the site, provides a single travel lane in each direction, with a general speed limit of 50 km/hr with signage for 40 km/hr School Zone.
- Illoca Place, to the north-west of the site, is a short frontage to the site but currently it is fully fenced. In this road, there is a single travel lane in each direction.
- Favell Street, to the north of the site, provides a single travel lane in each direction.



Figure 5 | Roads adjoining the site (Source: Applicant's EIS 2021)

2 Project

The key components and features of the proposal (as refined in the RtS) are provided in **Table 1**.

Table 1 | Main components of the project

Aspect	Description
Project summary	Upgrades to Pendle Hill High School including the construction of a new three-storey courtyard building, covered walkways, upgraded landscaping, two school signs, site remediation works, car park reconfiguration, and bicycle parking and transport infrastructure upgrades.
Demolition	No demolition of any buildings proposed.
Built form	Construction of a new three-storey courtyard building on Binalong Road comprising two wings, each three-storey in height, under a connected roof which would accommodate a library, staff unit, lecture, multimedia and senior learning, administration unit and student amenities and amenities.
Site area	6.64 ha.
Gross floor area (GFA)	- Existing: 6,670 square metres (sqm). - Proposed additional GFA: 3,433 sqm.
Uses	Continued use as secondary school.
Student and staff numbers	- Increase of 240 students from 1,080 to 1,320 students to meet growth demands to 2023. - Increase of 18 staff from 84 to 102.
Access	- Existing pedestrian stairs in the north-east of the site (to Binalong Road) to be replaced with the new school main entry. - The currently closed pedestrian gate to Favell Street, north of the site, to be re-opened for use. - External road and pedestrian infrastructure upgrades (Section 6.1), including: - three new zebra crossings at Burrabogee Road, Binalong Road, and Favell Street. - footpath widening along the western side of Binalong Road. - traffic calming measures at the access to the Cornock Avenue and Knox Street cul-de-sacs. - part-time Loading Zone within the Binalong Road bus bay. - increased footpath width as a waiting area along the bus bay along Binalong Road. - distributed smaller drop-off and pick-up zones at a number of locations around the site.
Car parking	Reconfiguration of existing on sit car park, including the removal of 15 non-compliant car parking spaces on site, resulting in a total of 57 car spaces on site.
Bicycle parking	New bicycle and scooter storage areas with a capacity of 70 spaces.

Aspect	Description
Public domain and landscaping	- The new school building fronting Binalong Street to provide new pedestrian entry to the school, increasing the school's street presence and connection to the community. - Five trees to be removed. - Landscaping including planting of 54 new trees.
Hours of operation	- School hours: 8am to 3.30pm, Monday to Friday. - Some sporting and extracurricular activities may occur outside of these times.
Signage	- School identification sign located at the front of the new building Binalong Road. - A digital LED notice board for school community information mounted on a concrete wall to replace the current sign located on Binalong Road, south of the proposed building. To be operational outside of standard school hours, from 7am to 7pm seven days a week.
Remediation	Category 1 site remediation works in accordance with a Remediation Action Plan and an Asbestos Management Plan.
Jobs	44 construction jobs and 18 additional operational jobs.
CIV	\$20,555,000.

2.1 Physical layout and design

The proposal does not include the demolition of existing buildings but does include the removal of 15 existing non-compliant parking spaces. The existing layout of the site and the location of the spaces to be removed is shown in **Figure 5**.

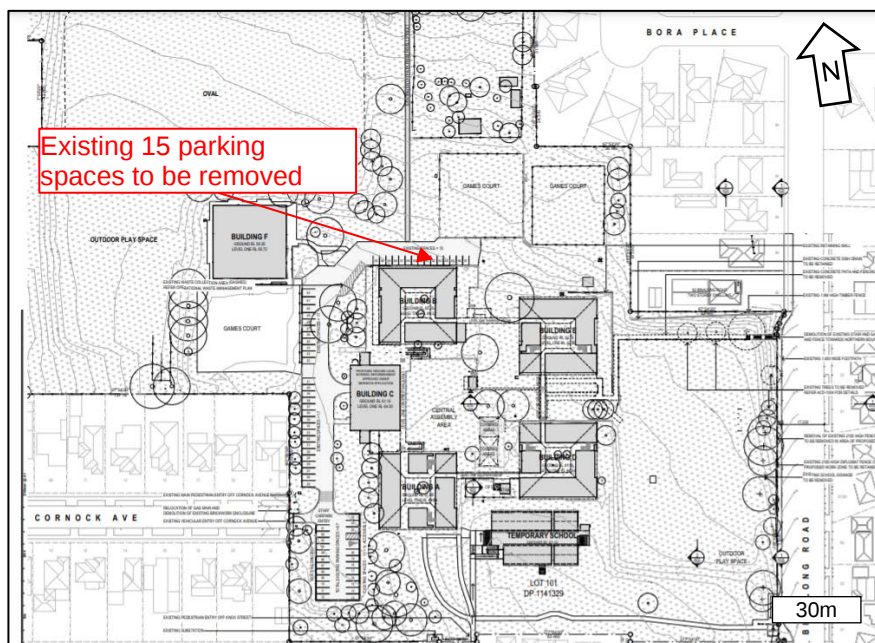


Figure 6 | Existing site plan (Source: Applicant's RtS 2021)



Figure 9 | Eastern Elevation Binalong Road (Source: Applicant's RtS 2021)

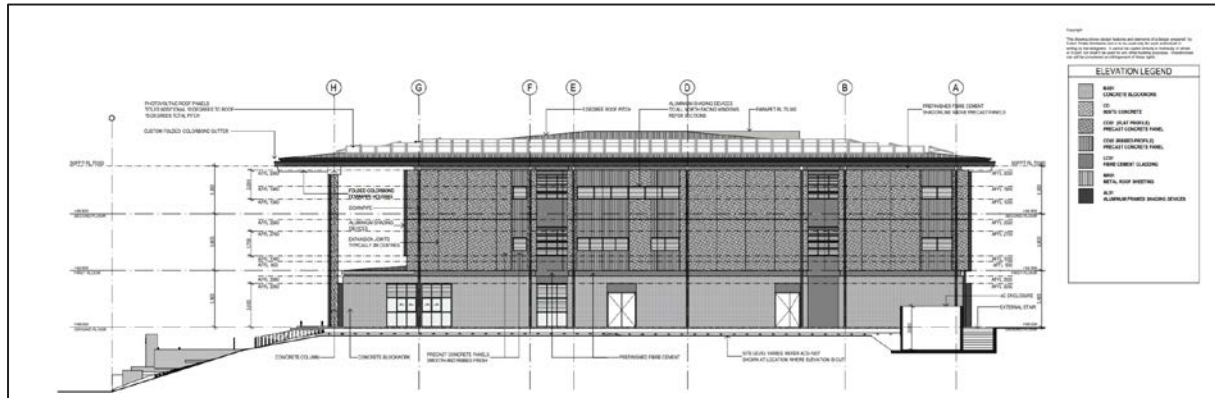


Figure 10 | Northern elevation (Source: Applicant's RtS 2021)



Figure 11 | Photomontage of the new building from Binalong Road (Source: Applicant's RtS 2021)

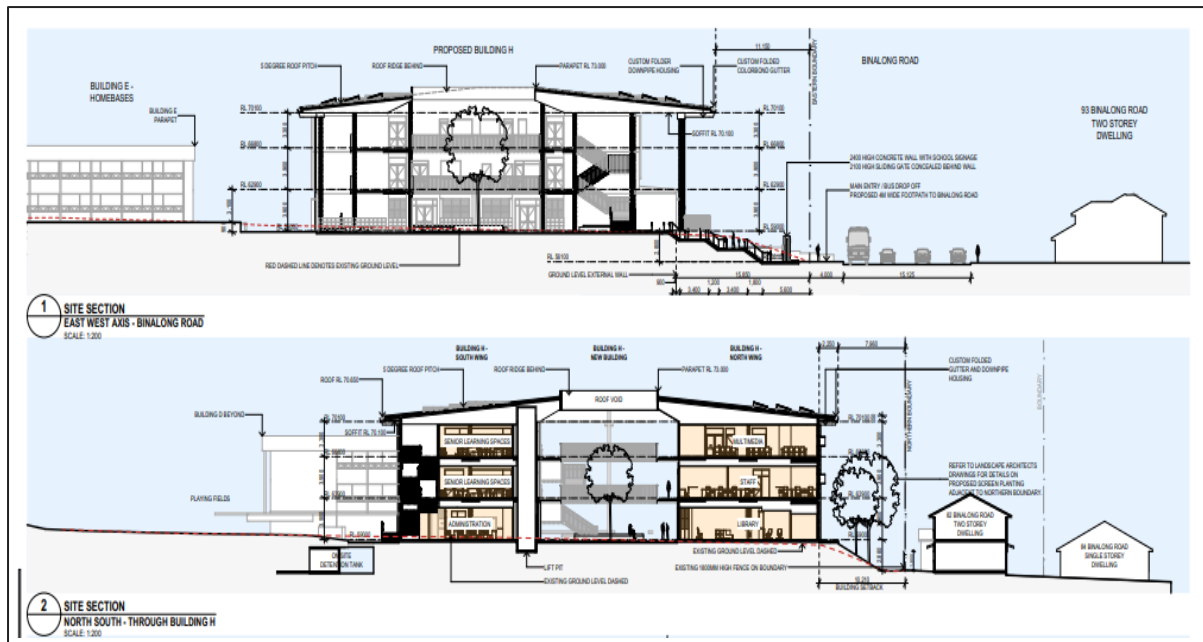


Figure 12 | Section East-West and North-South (Source: Applicant's RtS 2021)

2.2 Uses and activities

The proposal would continue the use of the site as an educational establishment. The proposal seeks to increase student capacity by 240 students from 1,080 to 1,320 secondary school students. The hours of operation are set out in **Table 1**.

2.3 Timing

The project would be constructed in one stage, anticipated to commence late 2021. The indicative duration of construction is one year. The school would remain operational during construction works.

2.4 Related development

The Applicant advises that minor works are also proposed at the site under a Complying Development Certificate, pursuant to Part 4 of State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017. These works include the internal refurbishment of part of existing school Buildings C and E as well as the erection of demountable buildings to provide decanting of operations, along with associated services adjustments.

In addition, the conversion of one existing zebra crossing on Bungaree Road to a raised zebra crossing (to further slow the speed of approaching vehicles and enhance visibility) would be undertaken separate to the SSD application, subject to required approvals under the *Roads Act 1993*.

3 Strategic context

It is anticipated that there will be a 21% growth in student numbers in NSW by 2031 compared to 2017. This means that NSW schools will need to accommodate an extra 269,000 students, with 164,000 of these students in the public system. In response to the need for additional public education infrastructure because of increased demand, the NSW Department of Education is investing in the delivery of new schools and upgrade existing schools.

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

- NSW State Priorities, as it provides new and improved teaching and education facilities.
- Greater Sydney Commission's A Metropolis of Three Cities, The Greater Sydney Region Plan, as it proposes new school facilities to meet the growing needs of Sydney.
- Transport for NSW's *Future Transport Strategy 2056*, as it would provide an upgraded educational facility generating additional employment opportunities close to public transport accessible by staff and provide improvements to pedestrian connectivity to the site.
- Greater Sydney Commission's Central City District Plan, as it would provide much needed school infrastructure conveniently located near existing public transport services.
- Infrastructure NSW's State Infrastructure Strategy 2018 – 2038 Building the Momentum, as it proposes facilities to support the growth in demand for secondary student enrolments.
- Council's Local Strategic Planning Statement, as it would increase the number of school places provided in the local government area, encourage sustainable transport modes and protect and increase tree canopy.

The proposal would also provide direct investment in the region of approximately \$20.555 million, which would support 44 construction jobs and 18 new operational jobs.

4 Statutory context

4.1 State significance

The proposal is SSD under section 4.36 (development declared SSD) of the *Environmental Planning and Assessment Act 1979* (EP&A Act) as the development has a CIV in excess of \$20 million and is for the purpose of alterations or additions to an existing school under clause 15 of Schedule 1 of the State Environmental Planning Policy (State and Regional Development) 2011.

In accordance with the Minister for Planning and Public Spaces' delegation to determine SSD applications, signed on 26 April 2021, the Director, Social and Infrastructure Assessments may determine this application as:

- the relevant Council has not made an objection.
- there are less than 15 public submissions in the nature of objection.
- a political disclosure statement has not been made.

4.2 Permissibility

The site is identified as being located within the R2 Low Density Residential zone under the Parramatta Local Environmental Plan 2011 (PLEP). Education establishments are permissible with consent within the zone. Therefore, the Minister for Planning and Public Spaces or a delegate may determine the carrying out of the development.

4.3 Other approvals

Under section 4.42 of the EP&A Act, a number of further approvals are required, but must be substantially consistent with any development consent for the proposal (e.g. approvals for any works under the *Roads Act 1993*).

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

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) are to be

understood as powers to advance the objects of the legislation, and limits on those powers are set by reference to those objects. Therefore, in making an assessment, the objects should be considered to the extent they are relevant. A response to the objects of the EP&A Act is provided at **Table 2**.

Table 2 | Response to the objects of section 1.3 of the EP&A Act

Objects of the EP&A Act	Consideration
(a) to promote the social and economic welfare of the community and a better environment by the proper management, development and conservation of the State's natural and other resources,	The site remains suitable for use as an educational establishment and the redevelopment would not unreasonably negatively impact the economic welfare of the community, or 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,	The proposal includes measures to deliver ecologically sustainable development (ESD) (Section 4.4.3).
(c) to promote the orderly and economic use and development of land,	The proposal is an orderly and economic development and use of the land as it is consistent with the sites' existing use as an educational establishment and would improve educational facilities to support demand.
(d) to promote the delivery and maintenance of affordable housing,	Not relevant.
(e) to protect the environment, including the conservation of threatened and other species of native animals and plants, ecological communities and their habitats,	The proposal involves landscaping and planting to provide new habitat opportunities. Impacts of tree removal have been appropriately mitigated or are addressed through the recommended conditions of consent (Section 6).
(f) to promote the sustainable management of built and cultural heritage (including Aboriginal cultural heritage),	An Aboriginal Cultural Heritage Assessment Report (ACHAR) was included in the EIS which identified no known Aboriginal sites, objects or Potential Archaeological Deposits located within the study area or proposed development footprint. The site is not identified as, nor located within proximity to, any local or state (or draft) heritage items. Further, the site is not located within, nor within proximity to, any heritage conservation area.
(g) to promote good design and amenity of the built environment,	The proposal would promote good design and amenity of the 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 proposal would promote proper construction and maintenance of the building subject to recommended conditions of consent.

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

4.4.3 Ecologically sustainable development

The EP&A Act adopts the definition of ESD found in the *Protection of the Environment Administration Act 1991*. Section 6(2) of that Act states that ESD requires the effective integration of economic and environmental considerations in decision-making processes and that ESD can be achieved through the implementation of:

- the precautionary principle.
- inter-generational equity.
- conservation of biological diversity and ecological integrity.
- improved valuation, pricing and incentive mechanisms.

The development proposes ESD initiatives and sustainability measures, including:

- passive cooling and heating design principles to reduce the school's reliance on artificial lighting and heating, ventilation and air conditioning systems, including external shading, single glazing operable windows and implementation of a cross flow ventilation strategy in occupied spaces.
- heat recovery unit which serves to temper the outside air and reduce the outside air heating and cooling loads.
- selection of mechanical equipment with maximum operational efficiency.
- sustainable electrical services, including long life LED lighting, motion sensor control, internal blinds and screens, and energy and water monitoring screens for students and staff monitoring.
- implementation of solar photovoltaics (PV) system on the eastern, northern and western roof elements.
- adopting efficient hydraulic services to assist water efficient design, including, but not limited to rainwater reuse, water sub-metering and electric hot water supply.

The EIS included an ESD report that details how the ESD principles would be addressed in the development. The proposed development is seeking to achieve a 5-Star Green Star rating, through formal certification with the Green Building Council of Australia. The project complies with the Educational Facilities Standards and Guidelines (EFSG) issued by the Department of Education, that targets an equivalent 4-Star Green Star rating.

The Department has considered the proposed development in relation to the ESD principles. The precautionary and inter-generational equity principles have been applied in the decision-making process via a thorough assessment of the environmental impacts of the proposed development.

In order to ensure that ESD is 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, or an alternative certificate process as agreed by the Planning Secretary, prior to the commencement of construction.

Subject to this condition, the proposed development is consistent with ESD principles as described in Section 6.7 and Appendix Y 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 3 identifies the matters for consideration under section 4.15 of the EP&A Act that apply to SSD in accordance with section 4.40 of the EP&A Act. The table represents a summary for which additional information and consideration is provided in **Section 6** (Assessment) and relevant appendices or other sections of this report and EIS, referenced in the table.

Table 3 | Section 4.15(1) matters for consideration

Section 4.15(1) Evaluation	Consideration
(a)(i) any environmental planning instrument	Satisfactorily complies. The Department's consideration of the relevant EPIs is provided in Appendix B .
(a)(ii) any proposed instrument	The Department's consideration of the relevant draft EPIs is provided in Appendix B .
(a)(iii) any development control plan (DCP)	Under clause 11 of the SRD SEPP, DCPs do not apply to SSD.
(a)(iia) any planning agreement	Not applicable.
(a)(iv) the regulations	The application satisfactorily meets the relevant requirements of the EP&A Regulation, including the

Section 4.15(1) Evaluation	Consideration
<i>Refer Division 8 of the EP&A Regulation</i>	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.
(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 proposal have been appropriately mitigated or conditioned (Section 6).
(c) the suitability of the site for the development	The site is suitable for the development as discussed in Sections 3, 4 and 6 .
(d) any submissions	Consideration has been given to the submissions received during the exhibition period. See Sections 5 and 6 .
(e) the public interest	Refer to Sections 6 and 7 .

4.5 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 (BDAR) unless the Planning Agency Head and the Environment Agency Head determine that the proposed development is not likely to have any significant impact on biodiversity values”.

A BDAR was provided with the EIS. This concluded that the proposed development is unlikely to have a significant impact on any threatened species, as the area to be modified is very small, and comprises isolated native planted vegetation or exotic grassland (managed). Any local populations of these species which may exist are likely to continue to persist should the proposed development be conducted. The impact of the proposal on biodiversity values has been assessed in the BDAR (**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 12 May 2021 until 8 June 2021 (28 days). The application was exhibited on the Department's website. The Department notified adjoining landholders and relevant state and local government authorities in writing.

The Department has considered the comments raised in the public authority submissions during the assessment of the application (**Section 6**) and/or by way of recommended conditions in the instrument of consent at **Appendix D**.

5.2 Summary of submissions

The Department received a total of seven submissions, all of which were from public authorities. A summary of the issues raised in the submissions is provided at **Table 4** below and copies of the submissions may be viewed at **Appendix A**.

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

City of Parramatta Council (Council)

Council provided the following comments:

- Open Space
 - o Adequate shading should be provided over paved passive areas and hardcourts to ensure these spaces are used during hot days.
 - o Additional open spaces should be activated within the school grounds and existing hardcourts embellished.
- Weeds
 - o The Arboricultural Impact Assessment identified tree species (*Ligustrum spp.* and *Ailanthus altissima*) that are identified as priority weeds in the Greater Sydney Regional Strategic Weed Management Plan (2017-2022). The Applicant has a biosecurity duty under the *Biosecurity Act 2015* to remove any priority weeds. These should be replaced with indigenous plant species to maintain canopy cover consistent with Council targets.
- Social Outcomes
 - o Short term planning for school capacity in the region should not result in the use of demountable buildings to meet the long-term needs of students.
 - o Once the student numbers increase to 1,320, the area of open space on site will decrease from 51sqm/student to 18sqm/student. The Department of Education's Planning Guidelines for Schools (Draft) 2020 states that 10sqm of open space per student is the minimum. Northern Sydney Local Health District research has identified that 25sqm should be the benchmark free play space per student when planning and designing schools and ensure loose play equipment is available and that the probability of students meeting physical activity recommendations increased sharply between 15 and 25sqm per student.
 - o The likely future use of demountable buildings to meet the gap in school places in the region would reduce on site open space below 15sqm per student, thus limiting the probability of students meeting physical activity requirements and increasing reliance on Council's open space/sportsgrounds.
 - o A condition of consent is recommended that the Applicant agree in principle to signing a lease agreement with Council to allow use of the sports field outside of school hours on weeknights, and on weekends. The school should also be included in the NSW Government's Share our Space Program which opens the school grounds to the public

during the school holidays. This will also require a plan of management to be established as well as clear definition of secure and publicly accessible areas for after-hours community use to be included with the proposal.

- **Traffic and Transport**
 - o Concerns are held regarding the under provision of on-site staff parking as there is a shortfall of 30 parking spaces. On-site car parking rate should be increased to meet demand and ensure residential amenity is maintained.
 - o The proposed drop-off and pick-up area on Favell Street may not be required due to low demand. However, the overall strategy is acceptable.
 - o A sign and line marking plan will be required to be submitted to Council for review and approval by the Parramatta Traffic Committee.
 - o The proposed raised pedestrian crossings works are supported.
- **Urban Design**
 - o The future proposed access road linking Cornock Avenue to Binalong Road in the long-term master plan in the Design Report should be provided as part of the current upgrade works.
 - o A direct, signposted, well-lit and publicly accessible pedestrian through link (min 3m wide) in the non-secure/non-fenced area of the school grounds connecting Binalong Road, Knox Road and Cornock Avenue is recommended.
 - o The elevated site along Binalong Road combined with the scale of the building and the cantilevered roof appears bulky along the northern boundary with the existing context of predominantly one and two storey residential dwellings. Should the scale of building not be altered, large canopy tree planting with understorey screen planting along this edge is recommended to provide some screening and visual privacy to the adjoining residents.
 - o Large canopy tree and understorey screen planting should be conditioned as part of the development to provide visual privacy and screening to properties to the north of the proposed school building (82-88 Binalong Road).
 - o Additional large trees (min 15m tall) should be provided within the property boundary at the embankment along Binalong Road to provide shade to the 3m wide footpath and children getting on and off the buses.
 - o A more generous entry off Binalong Road is recommended with wider stairs and deeper landings to allow improved integration and safety of the access ramps.

Heritage NSW

Heritage NSW provided the following comments:

- The ACHAR outcomes and the predictive model presented in Section 6 of the ACHAR are accepted and sufficient for this project. However, it is recommended that future assessments critique other predictive models rather than provide a generalised overview as presented.
- Recommended conditions include:
 - o that workers on-site receive suitable heritage inductions prior to carrying out any development on site.
 - o that a detailed Unexpected Finds Protocol be prepared.

Transport for NSW (TfNSW)

TfNSW provided the following comments:

- Prior to occupancy a further detailed Green Travel Plan should be submitted to TfNSW.
- the Applicant should provide TfNSW with future enrolment information when the information is made available to assist in preparing for future bus service provisions to support the demand of the site.

Environment Protection Authority (EPA)

The EPA provided the following comments:

- Noise and Vibration
 - o The assessment of mechanical plant indicates that significant noise mitigation is required due to the proximity of the boundary. The feasibility of the mitigation option identified in the report should be assessed prior to commencing the design of the mechanical plant.
 - o A number of receivers are significantly above the “noise affected” (construction) noise management level as outlined in the Interim Construction Noise Guideline (DECC, 2009). Actions to ensure that mitigation measures are applied throughout the construction period are encouraged.

Contaminated Land

- o Additional investigations are recommended once the site is demarcated, fenced off and appropriate controls are in place to confirm the presence or absence of friable asbestos/asbestos fines in the topsoil, as an additional safety measure for the existing site users.
 - o An EPA-accredited Site Auditor should be appointed, Interim Audit Advice issued to confirm that the site can be made suitable for the use and the Remedial Action Plan is appropriate, and a Site Audit Statement issued prior to operation.
 - o Waste classification should be confirmed by a qualified environmental consultant ex situ during bulk excavation to ensure appropriate disposal.
- Waste
 - o The Construction and Operational Waste Management Plans for the development should address listed specified matters.

Environment, Energy and Science Group (EES) of the Department (EESG)

EESG provided the following comments:

- No comments to make on the BDAR.
- The recommendation in the EIS that trees are to be planted using species belonging to the Cumberland Shale Plains Woodland ecological community is supported.
- A review of the relevant flood risk analysis indicate that there are no outstanding flood risk matters and no further flooding comments are made.

Endeavour Energy

Endeavour Energy provided the following comments:

- The recommendations and comments provided in the submission made to the Department on 9 October 2020 regarding the SEARs generally remain valid.
- No objection is held to the development application.

Sydney Water

Sydney Water provided the following comments:

- Potable water servicing should be available on Binalong Road. Amplifications, adjustments, and/or minor extensions may be required.
- Wastewater servicing should be available within the property boundary. Amplifications, adjustments, and/or minor extensions may be required.

5.3 Response to submissions and supplementary information

Following the exhibition of the application, the Department placed copies of all submissions received on its website and requested the Applicant provide a response to the issues raised in the submissions.

On 6 July 2021, the Applicant provided a Response to Submissions (RtS) (**Appendix A**) on the issues raised during the exhibition of the proposal. The RtS included:

- Architectural statements in relation to open space and urban design.
- Additional architectural plans.
- Revised landscape design report and plans.
- Updated Preliminary Construction Management Plan.
- Response to acoustic matters.
- Revised Traffic and Accessibility Impact Assessment Report.
- Additional mitigation measures.

The RtS was made publicly available on the Department's website and was referred to the relevant public authorities. The Department received an additional six submissions from public authorities, including Council in response to the RtS.

Given that the submissions (both public authority and community) have been received outside the statutory community participation period, the Department has not placed these on the website. The Department has reviewed all submissions and requested the Applicant to respond to the additional matters raised by in these submissions. Notwithstanding this, a summary of the issues raised in the public authority submissions is provided at **Table 5**.

Table 5 | Summary of public authority submissions to the RtS

Council

Council made the following comments:

- further improvement of existing hardcourts and playgrounds should be considered by the Applicant to activate other open spaces in the school grounds to meet the new student demand.
- the project solely focussing on meeting demand in the catchment is somewhat short sighted and the Applicant is encouraged to cater for future needs of the area.
- the previous recommendation for imposition of a condition that future demountable buildings on the site do not reduce the open space below 15sqm per student is reiterated.
- the RtS does not satisfactorily address previous comments, including about parking.
- while a parking rate of 0.85 spaces per staff is still recommended, Council's previously recommended condition may be revised to remove the requirement for a minimum of 87 spaces.

Endeavour Energy

Endeavour Energy:

- indicated that the RtS did not appear to address its comments regarding appropriate planting of trees near the overhead power lines.
- recommended that existing trees which are of low ecological significance in proximity of overhead power lines be removed and if necessary replaced by an alternative smaller planting. Any planting needs to ensure appropriate clearances are maintained whilst minimising the need for future pruning.

Sydney Water

Sydney Water advised that it had no objections or comments made.

Environment Protection Authority

The EPA advised that it had no comments to make.

Transport for NSW (TfNSW)

TfNSW raised no further comment and recommended conditions of consent for consideration in determining the application.

Environment, Energy and Science Group (EES) of the Department (EESG)

EES had no comments.

In response to Endeavour Energy's submission to the RtS, the Department requested additional information relating to the proposed substation and landscape interface. The Applicant a response to Endeavour Energy's RtS comments on 23 July 2021, which included the following additional information and amendments:

- response to Endeavour Energy comments regarding landscaping near to the proposed substation and near to overhead powerlines.
- updated landscape plans.

The information advised:

- any existing trees which have been identified as potentially conflicting with the proposed substation and easement have been identified for removal.
- amended landscape plans had been revised and would ensure that proposed trees (including both canopies and root systems) would be clear of, and would not encroach within, the proposed substation and associated easement.
- larger trees would be installed with a root barrier around the root ball to prevent potential root disturbance of electrical infrastructure.

In response to Council submission to the RtS, the Department requested the Applicant to respond to the comments made by Council. On 10 August 2021, the Applicant provided a response to Council's RtS comments, including to comments regarding:

- about need for additional open space improvement at the school (**Section 6.2.3**).
- restriction of future demountable buildings (**Section 6.3**).
- planning for future growth / demand (**Section 6.3**).

6 Assessment

The Department has considered the EIS, the issues raised in submissions and the Applicant's RtS and supplementary information in its assessment of the proposal. The Department considers the key issues associated with the proposal are:

- traffic and transport.
- built form and urban design.

Each of these issues is discussed in the following sections of this report. Other issues were taken into consideration during the assessment of the application and are discussed at **Section 6.3**.

6.1 Traffic and transport

The EIS included a Traffic and Accessibility Impact Assessment Report (TAIA) that described and assessed that transport aspects and impacts of the proposal.

The TAIA sets out the overall transport strategy for the proposed development addresses pedestrians, cyclists, public transport, drop-off/pick-up, and car parking. The proposed works forming part of this application, in summary, includes:

- three new zebra crossings at Burrabogee Road, Binalong Road, and Favell Street.
- footpath widening along the western side of Binalong Road for the length of the school frontage.
- traffic calming measures at the access to the Cornock Avenue and Knox Street cul-de-sacs.
- a part-time Loading Zone within the Binalong Road bus bay.
- bicycle and scooter storage areas for 70 spaces.
- removal / closing-off of the northernmost module of the car park to remove 15 significantly non-compliant and generally under-utilised spaces.
- retaining the length of the existing indented bus bay along Binalong Road and providing an increased footpath width as a waiting area.
- drop-off and pick-up strategy, with a primary area with a capacity of six to eight vehicles (35-50 metres), and the secondary areas with a capacity of three to four vehicles (18-25 metres).

The Applicant states that the transport strategy has been discussed with Council and TfNSW as part of ongoing liaison through a transport working group since November 2020. The transport strategy includes preliminary versions of a Green Travel Plan (GTP), Operational Traffic and Access Management Plan, and Construction Traffic and Pedestrian Management Plan (CTPMP). The Applicant states that the transport strategy for the project has been refined during that period in response to feedback received from Council, TfNSW, and the Department during the EIS exhibition. A Revised TAIA (Revised TAIA) was included with the RtS that responded to the comments received.

6.1.1 Operational Traffic

The proposal includes an increase of 240 students at the school, taking capacity from 1,080 to 1,320 students to meet growth demands to 2023. The Revised TAIA assessed the performance of nearby key intersections (**Figure 13**) at opening and in the ten years (2031) considering performance with additional traffic caused by the increased student capacity generated by the proposed development.

In forecasting additional trip numbers, the TAIA had regard to existing mode share targets identified for students and staff (**Section 6.1.4**).

The performance of the intersections at opening is shown in **Figure 14** and performance in 2031 is shown in **Figure 15**. The modelling shows that the intersections currently perform at Level of Service (LoS) A (good operation) and would continue to do so in 2031.



Figure 13 | Intersection modelled (Source: Applicant's RtS 2021)

Intersection	Peak Period	Avg Delay (sec)	DoS	LOS	95% Queue Length (m)
Binalong Road and Burrabogee Road	AM	11.8	0.35	A	17.5
	PM	13.2	0.3	A	15.7
Bungaree Road and Burrabogee Road	AM	9.8	0.28	A	12.5
	PM	10.3	0.25	A	10.8
Bungaree Road and Cornock Avenue	AM	6.1	0.17	A	3.2
	PM	5.8	0.15	A	1.5

Figure 14 | Intersection performance at opening (Source: Applicant's RtS 2021)

Intersection	Peak Period	Avg Delay (sec)	DoS	LOS	95% Queue Length (m)
Binalong Road and Burrabogee Road	AM	14.6	0.49	A	27.4
	PM	15.0	0.44	A	23.7
Bungaree Road and Burrabogee Road	AM	10.4	0.39	A	19.1
	PM	11.1	0.34	A	16.3
Bungaree Road and Cornock Avenue	AM	13.5	0.37	A	13.2
	PM	11.3	0.31	A	4.4

Figure 15 | Intersection performance at 2031 (Source: Applicant's RtS 2021)

The Department has reviewed the findings and conclusions of the Revised TAIA and notes that the modelling has shown that nearby intersections are operating within capacity and would continue to do

so with the additional traffic caused by the proposed development. On this basis, the Department concludes that the local road network has the capacity to accommodate the additional traffic caused by the proposal.

The Department notes that the TAIA used the existing transport mode share to determine the projected traffic activity and recognises that the Applicant's sustainable transport measures would likely reduce overall traffic activity and impact on the surrounding road network. These are discussed further in **Section 6.1.4**.

6.1.2 Operational Car Parking

The proposal includes the reconfiguration of the existing on site car park, including the removal of 15 non-compliant spaces on site to improve pedestrian connectivity and safety on site (**Figure 6**), resulting in a total of 57 car spaces on site.

Council's submission to the EIS recommended that 87 carparking spaces be provided on site to cater for expected demand (as identified by the Applicant's travel mode surveys) and avoid impacts on surrounding local streets, particularly Cornock Avenue.

The Applicant responded to Council's comments in the RtS, justifying the proposal on the basis that:

- the expansion of on site parking would remove much needed outdoor play space and green space for students.
- existing non-compliant parking spaces within key pedestrian corridors on site are proposed to be removed.
- no parking rate for schools is provided in the Parramatta Development Control Plan 2011 (PDCP).
- the proposal would exceed the requirement for 51 spaces if a car parking rate of one space per two per two staff members is applied as per multiple surrounding LGAs including Ryde and Auburn.
- a lower provision of parking combined with the implementation of sustainable transport measures is consistent with the TfNSW Road User Space Allocation Policy and would encourage staff to use alternative modes, reduce vehicular traffic volumes and improve safety.
- existing on-street parking shows a high availability of parking, with a minimum availability of 76 spaces out of 100 spaces on Cornock Avenue, Knox Street, and Binalong Road based on historical data.
- in the event of ultimate demand of up to 87 carparking spaces being required, the use of 30 on-street spaces would result in an occupancy of approximately 87%, with spaces available across all street frontages. This would not significantly impact residential amenity.
- demand for parking would only be during school hours, leaving all on-street parking available for residents in the evenings, overnight and on non-school days including the weekend.
- staff travel surveys show that approximately 85% of staff arrive after 8am and leave by 4pm, which is expected to be sufficient to have minimal impact to residents.
- traffic calming threshold treatments are proposed at Cornock Avenue and Knox Street to remove drop-off/pick-up traffic, which would improve conditions for residents and offset any unexpected impacts from on-street parking usage.

In response to the RtS, Council reiterated its previous recommendation for the provision of 87 spaces on site. However, Council did revise its previously recommended condition to omit a requirement for the provision of a minimum of 87 spaces on site.

The Department acknowledges that the proposal would not provide sufficient on site parking to meet the full potential demand if all staff were to drive to the school according to current travel behaviours. The Department further acknowledges that the proposal would reduce the number of parking spaces on site whilst increasing the number of staff on site.

The Department has considered the comments made by Council and the information provided by the Applicant. The Department concludes that the proposal is acceptable on the basis that:

- the removal of the existing 15 non-compliant parking spaces is necessary to improve pedestrian access and safety on the site.
- a minimum parking rate is not prescribed in the PDCP.
- the proposal includes improved pedestrian and bus stop facilities and wider sustainable transport measures to reduce travel by car.
- provision of additional parking on site is undesirable in this instance as further expansion of the proposed car parking areas would result in a reduction of outdoor play space.

Notwithstanding the above, the Department encourages the Applicant to consider opportunities to provide additional parking as part of any future upgrades at the school if open space and safety needs can be appropriately addressed.

To ensure that potential impacts on surrounding streets is managed, the Department has recommended a condition that the regular review of the detailed School Transport Plan prepared for the school (**Section 6.1.4**) include a review of parking demand and impacts on local streets, including any complaints made.

The Department has also recommended conditions that requires the reconfigured car park to comply with relevant Australian Standards as recommended by Council.

6.1.3 Drop-off and Pick-up

The Applicant states that the school does not currently have designated drop-off / pick-up zones. Students are currently dropped-off and picked-up along Cornock Avenue and Knox Street. Prior to August 2020, many parents and carers were choosing to drop-off and pick-up students in the Cornock Avenue car park. Following several reports of near misses and incidents between students and vehicles, the school Principal advised parents and carers to use alternate locations, including Binalong Road near the pedestrian entrances, or at the end of Knox Street or Cornock Avenue. The previous and current locations of these zones are depicted in **Figure 16**.



Figure 16 | Current drop-off / pick-up locations (Source: Applicant's RtS 2021)

The proposal seeks to implement a drop-off and pick-up strategy, including a primary and several secondary drop-off / pick-up zones. These are proposed to be in locations that have safe and continuous access to the school either on the immediate block or via a raised zebra crossing. The strategy also seeks to reduce concentrated movements into Cornock Avenue and Knox Street and to direct movements away from those streets.

The zones would provide overall capacity for 24-32 vehicles and include the following locations (**Figure 17**):

- Binalong Road northbound (primary zone) to the south of the existing bus bay.
- Binalong Road southbound to the north of the existing pedestrian crossing.
- Burrabogee Road westbound to the east of a new proposed pedestrian crossing.
- Burrabogee Road eastbound to the west of Knox Street.
- Bungaree Road northbound to the south of pedestrian crossing.
- Bungaree Road southbound to the south of Cornock Avenue.
- Favell Street westbound outside the existing pedestrian entry.

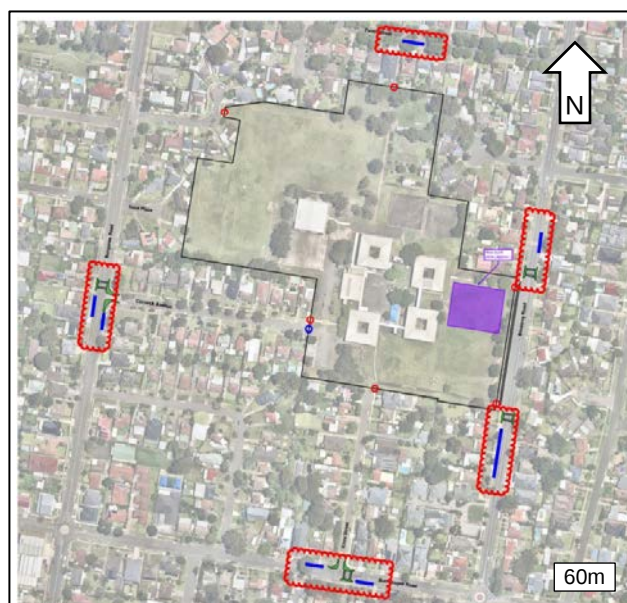


Figure 17 | Proposed drop-off/pick-up zones (Source: Applicant's RtS 2021)

In its EIS submission, Council noted that the drop-off/pick-up zone in Favell Street may not be required due to the low demand but that the overall strategy is acceptable. Council notes that sign and line marking plan would be required to be submitted for approval of Council Traffic Committee and that further review of the proposed arrangements can be done as part of that process.

The Department supports the implementation of a drop-off/pick-up strategy for the school and formal implementation of drop-off/pick-up facilities. The Department is satisfied that the strategy would improve safety for students and road users. The Department has recommended conditions that requires the arrangements to be implemented to Council's satisfaction.

6.1.4 Sustainable transport

A preliminary Green Travel Plan (GTP) was included in the TAIA that included initiatives to reduce the reliance of private car usage and increase sustainable transport to and from the school. Objectives of the preliminary GTP are to reduce traffic congestion, implement student safety measures, optimise the site layout and increase public transport usage.

The preliminary GTP included an analysis of mode share data staff and students based on a recent travel mode survey conducted at the school and journey to work census data. Mode share targets were then adopted. The existing and proposed mode share targets are shown in **Figure 18** and **Figure 19**.

Travel Mode	Journey to Work Mode Share	Pendle Hill High School Travel Survey	Mode Share Targets
Car	70%	48%	30%
Bus	4%	20%	25%
Train	24%	6%	10%
Bicycle ⁷	1%	0%	5%
Walk	2%	27%	30%

Figure 18 | Student Mode Share Targets (Source: Applicant's RtS 2021)

Travel Mode	Journey to Work Mode Share	Pendle Hill High School Travel Survey	Mode Share Targets
Car	86%	95%	65%
Bus	1%	0%	10%
Train	9%	0%	10%
Bicycle	0%	0%	5%
Walk	4%	5%	10%

Figure 19 | Staff Mode Share Targets (Source: Applicant's RtS 2021)

The Department supports initiatives to encourage sustainable travel and has recommended a condition that such measures be incorporated in a detailed School Transport Plan to be prepared prior to operation of the school in consultation with TfNSW and Council.

6.1.5 Construction traffic and parking

A preliminary Construction Traffic and Pedestrian Management Plan (CTPMP) was included in the TAIA that set out measures to manage traffic and access during construction to provide a safe road environment, minimise impact on the surrounding road network, and maintain access for the local community.

The CTPMP proposes construction vehicle access and egress from Binalong Road. A vehicle access gate along Binalong Road would be located within the existing indented bus bay. Based on current

bus bay operations, this could be accommodated due to the relatively low usage of the bus bay. The exact location of the vehicle access gate would be determined to accommodate bus services, and this would be confirmed in consultation with TfNSW in the final CTPMP.

Construction worker parking options identified include the use of the spare capacity of on-site parking (such as the northernmost carpark), on-street parking, carpooling and use of public transport.

Construction vehicles would enter and exit the site on Binalong Road in a forward direction, meaning trucks must arrive at the site to navigate left into the bus bay. **Figure 20** outlines the proposed haulage routes according to the desired origin and destination point. Routes are shown for vehicles travelling to and from the north/west, north/east, south/west and south/east.

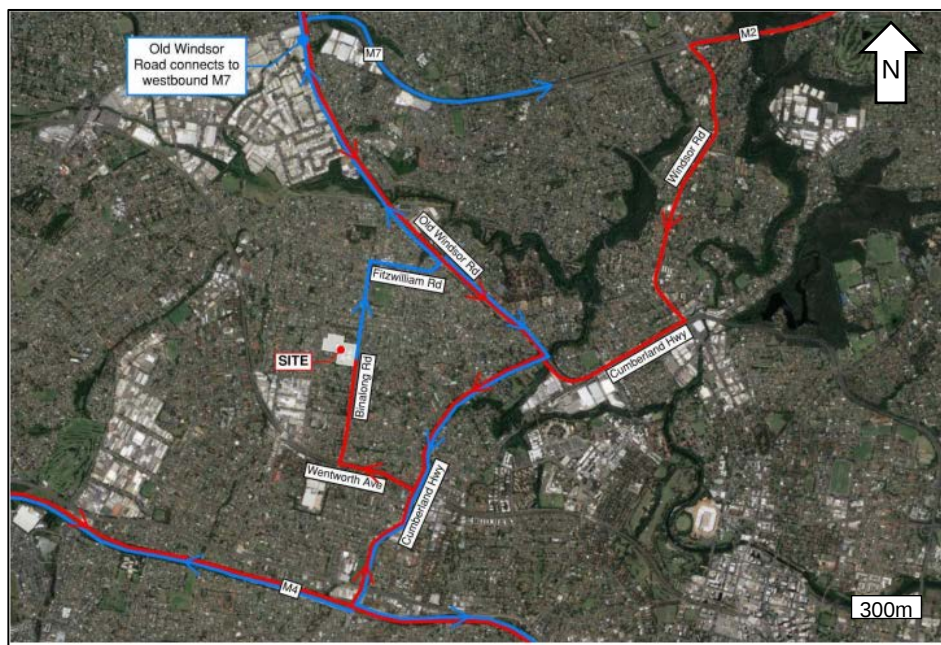


Figure 20 | Proposed Haulage Routes (Source: Applicant's RtS 2021)

The estimated peak vehicle activity of approximately 30 vehicles per day would typically equate to around three to five vehicles per hour. Existing traffic volumes along Binalong Road are approximately 400 vehicles per hour (two-way) in the morning peak, and 500 vehicles per hour in the afternoon peak. Additionally, network performance at the modelled intersection along Binalong Road shows a good level of service and a degree of saturation. Construction traffic is therefore expected to represent a negligible fraction of total local traffic volumes and cause no impact to existing intersection operation.

The Department has reviewed the preliminary CTPMP and is satisfied that construction traffic would be adequately managed during construction subject to the preparation of a detailed CTPMP. The detailed CTPMP would be required to be prepared in consultation with TfNSW and Council prior to commencement of work. The detailed CTPMP would detail more specific construction management measures to ensure that impacts on the surrounding street network are minimised.

6.2 Built form and urban design

The Applicant states that the key development principles for the school upgrade included the need:

- for a strong identity and presence at the site address on Binalong Road to improve the school's connection to its community.

- to make the site more accessible to the school community through transport improvements, built form and landscaping connections to Binalong Road.
- to maximise green space on the site for student play and school community amenity.

A masterplan for the proposed upgrade of the school has been prepared and was set out in two stages.

- Stage 1 related to the building that would create the Binalong Road address to the school and main entrance. This SSD application relates to Stage 1 of the masterplan.
- Stage 2 (future development options) proposed additional buildings at various potential locations on the site.

The Applicant states that the preferred option achieves the following outcomes:

- improves the street presence of the school and provides an address to Binalong Road and connection of the school with its community.
- improves connectivity and legibility between buildings within the grounds.
- improves community engagement and connectivity.
- responds well to the existing courtyard planning on the site as a contemporary architectural interpretation of the original courtyard buildings.
- retains an element of landscaping and play space to the Binalong Road streetscape.
- supports the development of learning neighbourhoods around the school.

The preferred masterplan and the part for which approval is sought under this SSD is shown in yellow in **Figure 21**. Future stages would be subject to further assessment processes.

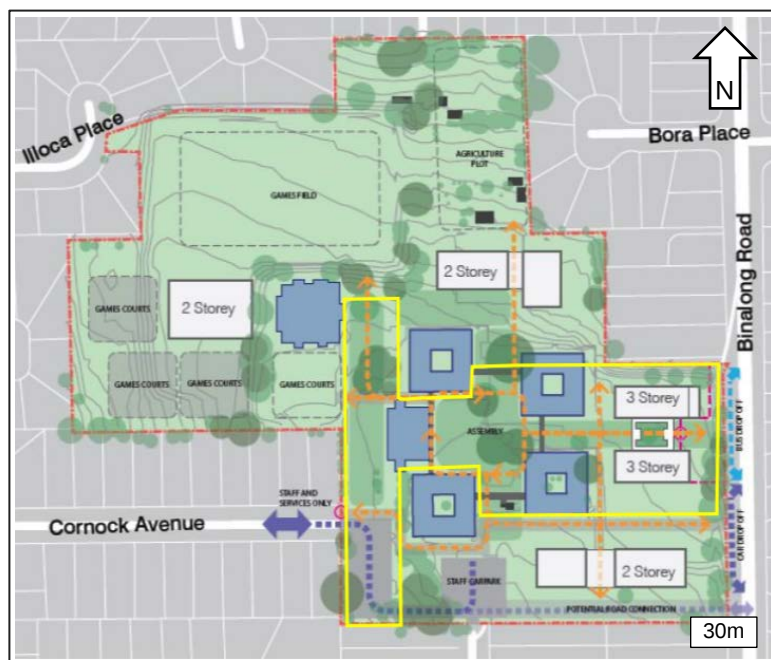


Figure 21 | Proposed Masterplan (Source: Applicant's EIS 2021)

6.2.1 Building height

The proposed maximum height for the new building is 14 metres (three storeys) to the top of the roof ridge. The Applicant states that the height strategy for the site has been established with the

residential homes surrounding the site in mind, which are predominantly one to two storeys in height, with two storey residential built form immediately abutting the northern site boundary.

The school site is elevated above Binalong Road and as a result, between the north wing of the building (adjoining the existing two-storey dwelling to the north at 82 Binalong Road) there is a one-storey height difference that translates to approximately 8m in height difference.

The existing school buildings are two-storeys tall. While the proposed building form is three-storeys high, it would be set at a lower ground level on the site than both of the adjacent buildings (Building D and E). As a result, the RL change between the proposed building and the highest building on the site (Building D) would be 2.9m.

The new building (Building H) would set back 15.85m from Binalong Road and 10.21m from the site's northern boundary. The Applicant states that these distances would allow for tree canopy and screening vegetation between the proposed building and the existing dwelling at 82 Binalong Road.

Figure 22 shows the elevation of the site in relation to Binalong Road and the relationship of Building H to Building E. **Figure 24** shows the relationship of Building H to 82 Binalong Road and Building D.

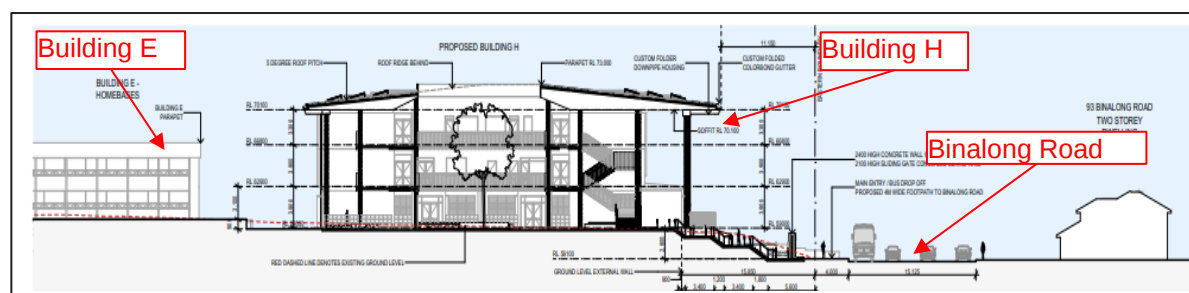


Figure 22 | East-West Section (Source: Applicant's RtS 2021)

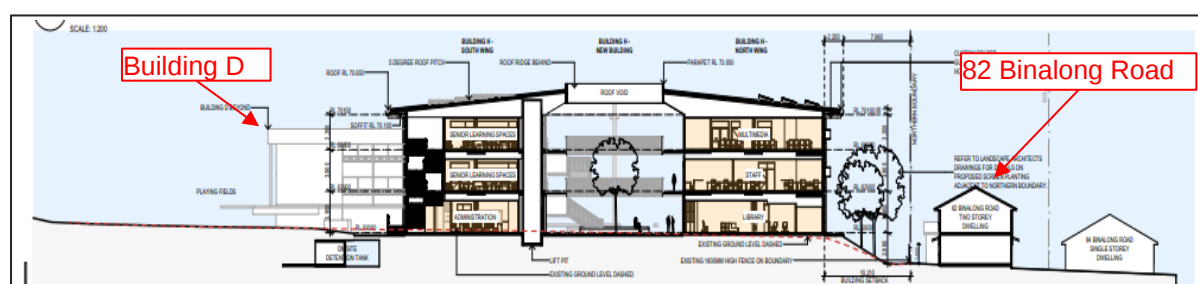


Figure 23 | North-South Section (Source: Applicant's RtS 2021)

The site is subject to a maximum building height control of 9m (approximately two storeys) pursuant to Clause 4.3 of the Parramatta Local Environmental Plan 2011 (PLEP). Therefore, the proposal exceeds the maximum building height set out in the PLEP.

Clause 42 Education SEPP states “development consent may be granted for development for the purpose of a school that is state significant development even though the development would contravene a development standard under which the consent is granted”. As the provisions of the Education SEPP apply to this proposal, the proposed building height should be considered on merit.

In the EIS, the Applicant provided the following justification for exceeding the height control:

- the building has been designed so there is a subtle transition in building heights from the parapet of existing Building D (RL 68.75) to the parapet of the proposed Building H (RL 70.65) when viewed from Binalong Road.

- the school is situated in a low-density residential area where the adjoining properties are all one to two storey detached homes. In this respect the land use character of the school already differs to the land uses surrounding.
- the school has existed at this location since 1965 and so in this respect the proposed augmentation of the educational land use does not represent a significant change in the prevailing character of the area.
- the school site is elevated from Binalong Road and as a result, between the north wing of Building H (adjoining 82 Binalong Road) there would be a one-storey height difference that translates to approximately 8m height difference. The impacts to these homes have been carefully considered. The privacy and views to/from these residential homes have been discussed and assessed.
- while Building H would be a storey higher than the existing buildings on the site, the difference would only be 2.9m as Building H would be set at a lower ground level than the existing buildings.
- potential visual privacy impacts to adjoining dwellings have been considered, with fixed screening (aluminium hoods) provided to windows to the northern façade to limit views into the neighbouring properties (**Figure 24**). Additional landscaping is proposed along the northern boundary of the site to further limit any views into the neighbouring properties.
- a view analysis was undertaken from six vantage points and found that the proposed development would generally have a low impact from all vantage points due to existing surrounding development, vegetation, and the topography of the site.

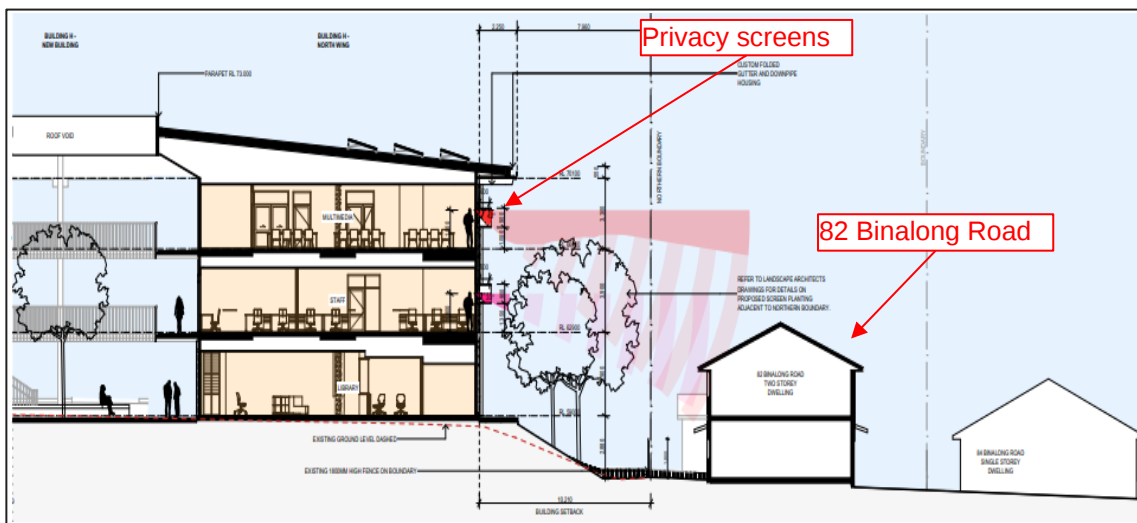


Figure 24 | Section through neighbouring property to north (Source: Applicant's RtS 2021)

The Department has considered the Applicant's justification for the height non-compliance and considered the proposed building height against the objectives of clause 4.3 of the PLEP. The Department is satisfied that the proposed building height is acceptable as there would be large setbacks from the street frontages and adjoining properties. In addition, landscaping is proposed that would provide some screening of the building when viewed from the public domain. The existing and proposed landscaping, coupled with the building setbacks, would result in the new building not being visually dominant when viewed from the public domain or adjoining properties.

In consideration of the above, the Department is satisfied the proposal is consistent with the building height development standard objectives. In addition, it is noted that Council and Government Architect NSW did not raise concerns with the proposed height and design of the new building and no public

submissions were received in response to exhibition of the EIS. The Department concludes that the proposed height, bulk and scale of the building is contextually appropriate, and the proposal would make a positive contribution to the existing and desired future character of the surrounding area.

6.2.2 Urban Design

As discussed above, the Applicant states that the design of the proposed building take cues from the existing buildings on the site, with the overall form and planning of the building comprising two wings around a central courtyard space to reflect the courtyard design of the existing buildings. Proposed cladding also references the existing buildings through the use of pre-cast concrete panels as blades to the north and south faces of each wing as well as light-coloured masonry to the base of the building. Vertical strips of framed windows are provided in the east and west facades within the pre-finished compressed concrete fibreboard cladding. The Applicant states that this approach has been taken create a contemporary outcome that references its historical connections and sits comfortably within the overall built fabric of the site.

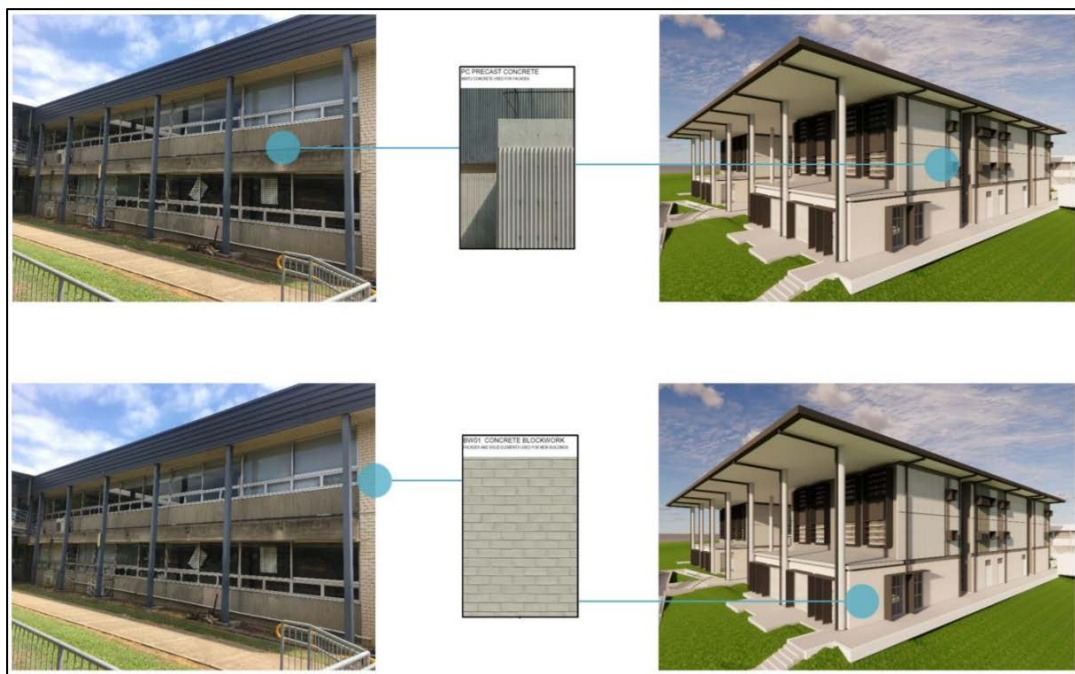


Figure 25 | Exert from Design Report (Source: Applicant's EIS 2021)

Council raised concerns that:

- the new entrance on Binalong Road lacks a sense of generousness with narrow stairs and ramps appearing to be boxed in.
- a direct, signposted, well-lit and publicly accessible pedestrian through link should be provided in the non-secure/non-fenced area of the school grounds connecting Binalong Road, Knox Road and Cornock Avenue.

The Applicant responded to Council's comments in the RtS, stating that consideration was given to a pedestrian link through the site. However, it was considered that it would result in safety and security concerns, including additional ongoing management requirements, and would occupy approximately 3,000sqm of the southern portion of the site.

In addition, the Applicant stated that the proposed entry arrangement has been configured in order to provide a generous entry pathway from Binalong Road, considering to the topography of that portion of the site. The would be 3.7m wide, accommodating rows of up to five students at a time. The accompanying access ramp has been designed to facilitate equitable access and provide for a suitable presentation within the streetscape and would be 1.5m wide.

The Department has considered the comments made by Council and the information provided by the Applicant. The Department considers that the proposal represents an appropriate design response to the context of the site and surrounds, and the form of the existing courtyard buildings on the site. The proposal would improve the presentation of the school to Binalong Road, providing a new entrance and connection to the main frontage of the site and the existing school bus stops. Proposed landscaping would frame and soften the entrance stairs and ramp.

The Department acknowledges Council's desire for a pedestrian connection through the site and the improved connectivity this would offer the wider community. The Department notes the issues highlighted by the Applicant with such a proposal and acknowledges that the connection does not form part of the SSD application and development footprint. The Department encourages the Applicant to consider Council's request in future stages of redevelopment of the school.

Overall, the Department considers the design of the proposed development to be appropriate and that it would make a positive contribution to the character of the surrounding area.

6.2.3 Landscaping and open space

The EIS included an Arboricultural Impact Assessment (AIA) which surveyed and inspected 183 trees on the site. The AIA concludes that five trees would be required to be removed to facilitate the proposal as there is no feasible option to retain the trees given their position within the site and extent of the proposed building. Three of these are Blue Jacaranda and two are Weeping Bottlebrush. All were found to have low to moderate landscape significance.

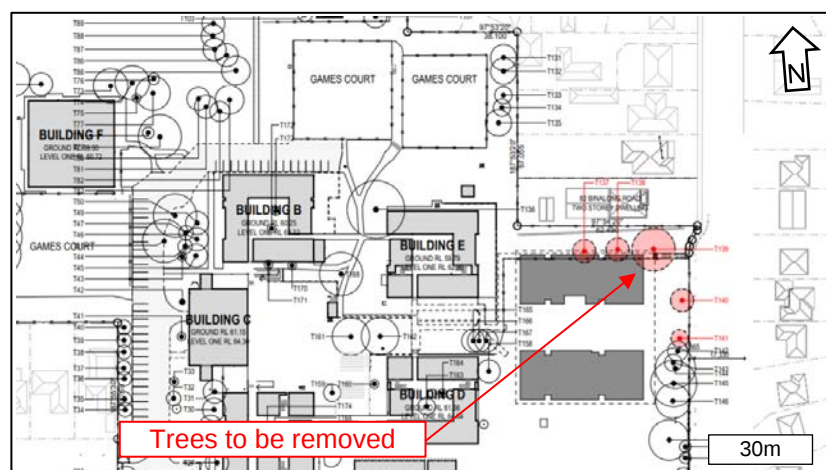


Figure 26 | Extract of tree removal/retention plan (Source: Applicant's RtS 2021)

The proposed landscaping includes the planting of 54 trees in species belonging to the Cumberland Shale Plains Woodland ecological community. The final planting schedule is subject to ongoing consultation with the Aboriginal community on how to reflect the Connection to Country in the development, and as such the final planting schedule would be confirmed subsequent to the proposal being determined.

The Applicant states that the objectives of the landscaping scheme (**Figure 27**) is to:

- create a visually cohesive and connected school campus.
- create a clear entrance place and street presence along Binalong Road.
- provide visual relief between the school and existing residential homes.
- provide opportunities for passive cooling and heating.
- improve amenity and opportunities to dwell through shade/canopy.
- represent and acknowledge the local indigenous culture.
- create a series of open spaces.

The planting palette has been selected to complement the surrounding environment and reflect the necessary requirements for the school campus. The species selected include species endemic to the Cumberland Plain Woodland in order to further strengthen the ecological ties with the existing natural environment. Other native and exotic species have been incorporated into the palette to provide seasonal colour and solar access during the winter months.

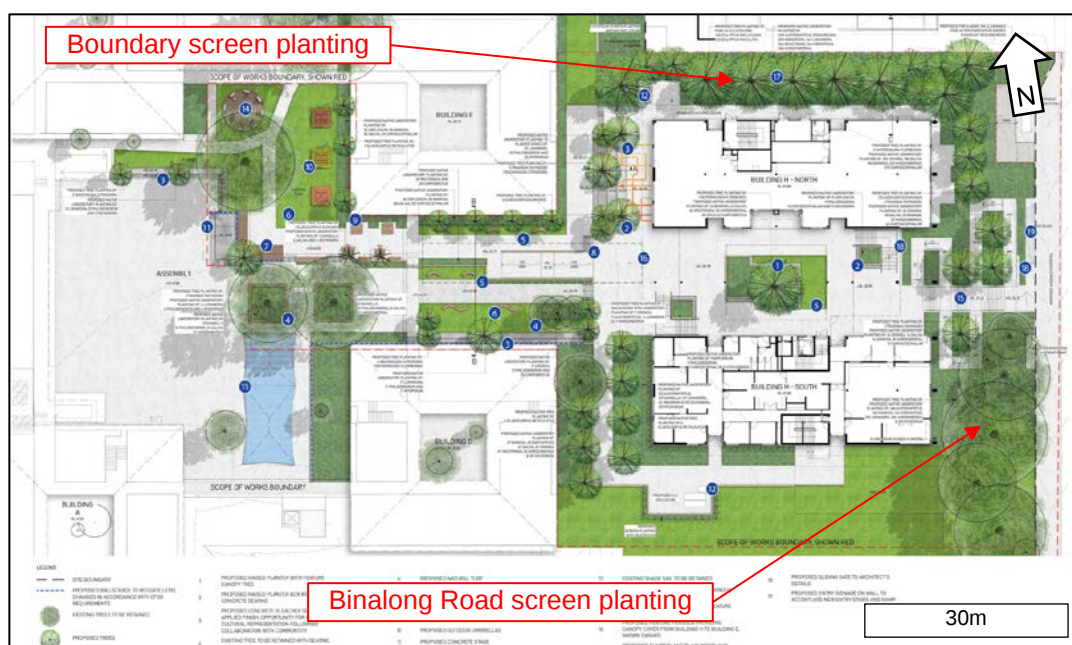


Figure 27 | Proposed landscape plan (Source: Applicant's Landscape plan 2021)

Council in its EIS submission noted that the AIA had identified that noxious weeds were present on the site and advised that this should all be removed. Council also made comments about the need for landscape and open space improvement across the remainder of the site beyond the immediate SSD works area. This included the need for shading to passive and active open space areas, activation of other area of school grounds currently just turfed and the improvement of existing hardcourts.

In response to Council's comments, the Applicant noted that the noxious weeds were located outside of the SSD works area. Regardless, their removal would be prioritised. The Applicant also stated that upgrade works to some of the play areas were undertaken in March 2021, including resurfacing of two of the hard courts and erection of shade sails immediately to the south of building F (**Figure 28**). In addition, the proposed SSD works would provide additional planting and shade facilities. The Applicant also noted that the potential for further upgrade works would be continually reviewed by as the student population at the school and within the catchment grows.



Figure 28 | Aerial photo of recent upgrade works (Source: Applicant's supplementary information 2021)

Essential Energy made comments regarding the need for appropriate planting around the substation at the front of Building H and for consideration of existing and proposed planting along the Binalong Road boundary in proximity to overhead powerlines.

In response to Essential Energy's comments, the Applicant updated the proposed landscaping around the proposed substation with the direction of an electrical engineer. The Applicant otherwise noted that existing planting in proximity of the Binalong Road powerlines is not affected by the proposed SSD works and would be retained. Management of tree growth in the vicinity of the powerlines is currently undertaken by Essential Energy and would continue. The response was forwarded to Endeavour Energy which advised that it had no further comments to make.

The Department has reviewed the updated landscaping plans and comments made by Council and Essential Energy. The Department considers that the revised landscaping design would provide important screen planting between the proposed new building and the residential property to the north of the site, would soften the appearance of the building from Binalong Road and provide important canopy cover for students and staff. Notwithstanding this, the Department encourages the Applicant to consider opportunities for future open space and landscape upgrade works on the site.

The Department has recommended conditions that require:

- compliance with the recommendations of the AIA including tree protection measures.
- tree planting and landscaping to be implemented and maintained.
- noxious weeds on the site to be removed within 12 months of the commencement of operation and are replaced by suitable indigenous plantings.

6.3 Other issues

The Department's consideration of other issues is provided at **Table 5**.

Table 5 | Department's assessment of other issues

Issue	Findings	Department's consideration and recommended conditions
Site contamination	A Supplementary Contamination Assessment and Remediation Action Plan (RAP) were provided with the EIS. The Supplementary Contamination Assessment found the northern portion of the playing field has evidence of asbestos contamination. The Assessment recommended that further investigations be undertaken once a separated site works area has been established to confirm the extent of contamination. The RAP sets out remediation objectives, strategies and processes for remediation of the site such that the site is suitable for the continued use as a school. The EPA reviewed the Supplementary Contamination Assessment and Remediation Action Plan and raised no concerns subject to recommended conditions.	The Department is satisfied that the Applicant has adequately demonstrated that the site is suitable subject to remediation for its ongoing use as an educational establishment, as required by State Environmental Planning Policy No 55 – Remediation of Land. The Department has recommended conditions consistent with EPA advice, that: - the Applicant must engage an NSW EPA-accredited Site Auditor throughout the duration of works to ensure that any work required in relation to contamination is appropriately managed. - further investigations be undertaken to confirm the extent of contamination. - prior to commencing with the remediation, the Applicant must submit to the Certifier, an Interim Audit Advice from the Site Auditor that advises that the site can be made suitable for the proposed use subject to the implementation of the Remedial Action Plan (as amended where required following further site investigations) and that the Remedial Action Plan is appropriate. A copy should also be provided to the Planning Secretary. - an unexpected finds procedure must be implemented throughout construction works. - any variations to the approved Remedial Action Plan must be approved in writing by the Site Auditor. - if work is to be completed in stages, the Site Auditor must confirm satisfactory completion of each stage by the issuance of Interim Audit Advice/s. - the Applicant obtain a Section A1 Site Audit Statement – or a Section A2 Site Audit Statement accompanied by an Environmental Management Plan – from the

Issue	Findings	Department's consideration and recommended conditions
		accredited Site Auditor and submit it to the consent authority prior to commencement of operation for information. The Site Audit Statement must certify the site is suitable for the proposed use.
Biodiversity	A BDAR was provided as part of the EIS and assessed the biodiversity on the site in accordance with the <i>Biodiversity Conservation Act 2016</i> (BC Act). The BDAR concluded that the proposed development is not likely to have a significant impact on biodiversity values within the site. EESG identified no remnant vegetation on site, or records of threatened species. EESG advised that it had no comments given the minor impacts of the proposal.	The Department has reviewed the Applicant's BDAR and EESG's advice. The Department is satisfied that the proposal would not have significant biodiversity impacts.
Operational noise	An Acoustic Assessment was included with the EIS and provides an assessment of operational noise impacts on nearby residential receivers. The AA concluded that: - the main sources of noise from the proposal would be from students playing outside, the drop-off/pick-up area, amplified music, out of school hours events, internal noise and mechanical plant and equipment. - the impact of increased student in outdoor play areas would marginal, being approximately 1-2dB over the existing site noise levels. - impacts from community use and lecture theatres were found to be negligible. - acoustic attenuation to building services and plant (such as air conditioning) would mitigate impacts. - decibel limiters to public address system would limit the potential for exceedance. - Noise arising from additional traffic generation within the surrounding road network - The proposed revised access arrangements are considered to result in a significantly improved	The Department has considered the findings of the Acoustic Assessment and concludes that the proposal would not unreasonably impact on the acoustic amenity of surrounding occupants subject to conditions. The Department has recommended conditions that require: - a detailed assessment be undertaken of plant and equipment demonstrating compliance with the identified noise criteria. - the development be undertaken in accordance with the recommendations of the Acoustic Assessment and not exceed the identified noise criteria. - the Applicant undertake short term noise monitoring following commencement of use and address any exceedances of the noise criteria. - an Out of Hours Event Management Plan must be prepared for events involving over 100 patrons.

Issue	Findings	Department's consideration and recommended conditions
	traffic and acoustic outcome. However, Binalong Rd would attract more traffic movements the acoustic assessment has determined that given the nature of traffic flows during the day, this is generally in accordance with the DECCW Road Noise Policy 2011, and whilst may experience minor exceedances (within 2dB), is considered acceptable. In response to the EIS, EPA advised that the Acoustic Assessment was generally satisfactory. However, it did note that the assessment indicated that significant noise mitigation is required to plant and equipment due to its proximity of the boundary. The EPA recommended that the feasibility of mitigation option identified in the report be assessed prior to commencing the design of the mechanical plant. The Applicant's RtS confirmed that mitigation measures for plant and equipment had been benchmarked and considered in the ongoing detailed design.	
Social impacts	The EIS included a Social Impact Assessment that considered the social impacts of the proposed development. The Social Impact Assessment (SIA) found that the proposal would likely result in: • short term negative impacts from construction activities. • a range of positive impacts for current future students. • increased demand for specialised recreation space at Binalong Park. • opportunity for community use of the new school facilities and existing open space. The SIA more broadly noted projected demand in the Pendle Hill catchment to 2036 and that this would significantly exceed current capacity in the area. The SIA made a range of recommendations to mitigate impacts of the proposal and address existing issues related to the school	The Department notes the comments made in the SIA and acknowledges the concerns raised by Council. The Department agrees with Council on the need for effective strategic planning for, and timely delivery of, educational infrastructure, particularly in rapidly growing areas such as Parramatta LGA. However, the Department recognises that this is an ongoing exercise undertaken by the Applicant and that investment in new or upgraded facilities is determined on an as needs basis considering demand across the state. In addition, the Department notes that it is obliged to consider the application before it. The Department acknowledges Council's comments in relation to demountable buildings and that these can detrimentally impact on the amount of open space at schools. The Department recognises that demountable buildings are a necessary short term solution to meeting

Issue	Findings	Department's consideration and recommended conditions
	site. This included further improvements to open space on the site advocated by Council (Section 6.2.3). Overall, the Social Impact Assessment concluded that the proposal would have substantial social benefits as it would provide much needed improvements to cater for the education needs of the area. As discussed in Section 5.2, Council in its submission to the EIS supported issues recognised in the SIA and raised concerns regarding: - likely result cumulative impacts to nearby Council facilities through higher levels of use as a result of increase in students and lack of improved recreation facilities on the site. - lack of planning for increased educational facilities to meet projected demand. - likely future use of demountable buildings to accommodate the projected demand. - likely loss of open space due to placement of demountable buildings on the site and detrimental health impacts on students having regard to available research on open space needs. Council recommended the imposition of a condition that future demountable buildings on the site do not reduce the open space below 15sqm per student. In response to the comments, the Applicant's RtS stated: - the Applicant considers a range of factors to determine the likely future demand for student enrolments. - demand for future school infrastructure is assessed on a relative-needs basis across the state. At any given time, there is a finite amount of education funds and a need to optimise the distribution of these funds. - there has been significant school infrastructure investment within the Parramatta LGA and	immediate increased demand for school places in an area. The Department encourages the Applicant to carefully manage the use of demountable buildings such that they are only used for short term periods and do not significantly impact areas of open space used by students. Overall, the Department is satisfied that the proposal would have positive social impacts as it would meet demand for educational needs in the area. Short term impacts arising from the construction phase would be mitigated through construction management plans required by recommended conditions.

Issue	Findings	Department's consideration and recommended conditions
	surrounding areas in recent years. - planning is underway for a number of other school projects within the region and the Applicant will continue to monitor the growth in the LGA to ensure appropriate educational infrastructure is provided. - demountable buildings are a short-term solution and are not relied upon to meet long-term needs. - a condition of consent precluding the installation of demountable buildings would be inconsistent with provisions within the State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017 (ESEPP) that allows for the provision of demountable buildings as exempt development.	
Construction Noise & Vibration	The Applicant's Acoustic Assessment included a preliminary assessment of construction noise and vibration impacts anticipated during the construction phase. The Applicant's Acoustic has identified that construction work would be likely to exceed noise management levels specified by the Interim Construction Noise Guideline 2009 (ICNG) at immediately adjoining receivers. The Applicant advised that a detailed Construction Noise and Vibration Management Plan outlining mitigation measures to limit impacts would be prepared prior to the commencement of works. EPA noted the likely exceedances and need for effective implementation of mitigation measures. EPA also recommended that construction hours are in accordance with the standard hours of the ICNG.	The Department is satisfied that appropriate noise and vibration mitigation measures would be implemented to minimise impacts on nearby residents during construction works. The Department has recommended conditions to require that: - construction hours are in accordance with the standard ICNG hours. - a Construction Noise and Vibration Management Plan is prepared prior to commencement of construction works that includes detailed mitigation measures to limit impacts on nearby receivers.
Aboriginal cultural heritage	An Aboriginal Cultural Heritage Assessment Report (ACHAR) was submitted with the EIS.	The Department has considered the information provided by the Applicant including the findings and recommendations of the ACHAR and

Issue	Findings	Department's consideration and recommended conditions
	The ACHAR considered the site's potential to impact Aboriginal cultural heritage and contain archaeological deposits. The ACHAR found that it is highly unlikely that any Aboriginal objects or evidence of Aboriginal occupation exists within the development site and therefore there is no proposed harm to Aboriginal objects. The ACHAR advised that the proposal would not impact Aboriginal cultural heritage. An unexpected finds procedure was recommended to manage any unexpected finds and provide a framework for monitoring activities. Heritage NSW advised that the ACHAR was acceptable and no registered Aboriginal sites, areas of Potential Archaeological Deposit (PAD), or Aboriginal Places are located within the proposed development area.	considers that potential impacts on Aboriginal cultural heritage have been appropriately considered and addressed. Although the ACHAR indicates the potential for archaeological finds is low, in accordance with the recommendations of the ACHAR and the advice of Heritage NSW, the Department has recommended conditions requiring an archaeological unexpected finds protocol to be implemented.
Solar access	Shadow diagrams were included in the EIS. Due to the location of the building and adjoining residential property to the north of it, these show that the proposal would not result in overshadowing of the residential property to the north of the site.	The Department is satisfied that the proposal would not result in significant overshadowing of residential properties.
Visual Privacy	The proposed building would be located adjacent to residential properties to the north of the site. This location and the higher position of the building provides the potential for impacts of privacy of the adjoining properties. In consideration of the above, the proposed building includes minimal windows on the upper floors of the northern elevation (Figure 10). In addition, fixed screening (aluminium hoods) have been provided to these windows to limit views down onto the neighbouring properties (. This screening is to be complemented by additional landscaping along the northern boundary of the site to further limit any views into the neighbouring properties (Figure 24).	The Department is satisfied that proposed building has been designed to protect the privacy of the adjoining residential properties.

Issue	Findings	Department's consideration and recommended conditions
	No public submissions were lodged in response to exhibition of the EIS.	
Stormwater and drainage	A Stormwater Management Plan was provided with the EIS. The Plan noted that stormwater runoff currently drains as overland flow down the embankment and to the concrete channel into the council pit on Binalong Road. To avoid an increase in stormwater runoff as a result of the proposal, a 243 cubic metre on site detention would be provided to control discharge. On this basis, the Stormwater Management Plan determined that peak flows under proposed conditions would be appropriately managed to ensure that the peak stormwater flows do not exceed the pre-development conditions. The Plan noted that the stormwater system would comply with water urban sensitive design principles and Council's requirements. Council did not make any comments in relation to drainage in its submissions to the application.	The Department has recommended conditions requiring the development to comply with the stormwater design and be compliant with relevant Australian Standards and industry best practice guidelines.
Sediment, erosion and dust control	A preliminary Construction Management Plan and Sediment and Erosion Control Plan were included with the EIS. Proposed measures would contain sediment within the site and prevent erosion into neighbouring properties and the public domain during construction works. Measures are also proposed to control dust, including the watering down of roads and stockpiles and vehicles exiting the sites.	The Department considers that appropriate measures have been proposed to prevent erosion and control dust. The Department has recommended conditions requiring the preparation of a final detailed Construction Environmental Management Plan prior to the commencement of construction works.

7 Evaluation

The Department has reviewed the Applicant's EIS, RtS and supplementary information and assessed the merits of the proposal, taking into consideration advice from the public authorities, including Council.

The key issues identified with the proposal include traffic and transport, and built form and urban design. Issues raised have been considered and all environmental issues associated with the proposal have been addressed by the Applicant or through recommended conditions.

The proposal increases student capacity by 240 students from 1,080 to 1,320 students and would result in minimal additional impacts to the surrounding road network through the provision of formal drop-off /pick-up areas. The proposed built form, including a new building and main entrance to Binalong Road, is contextually appropriate for the school and the locality.

The proposal would not result in adverse amenity impacts on surrounding residents through noise, overshadowing and visual privacy. The proposed landscaping strategy involves the removal of five trees and the planting of an additional 54 trees across the site which would provide additional tree canopy to the site and shading of outdoor play spaces.

The Department concludes the impacts of the proposal can be appropriately mitigated through recommended conditions of consent. The proposal is considered to be in the public interest as it would provide the following public benefits:

- provision of updated educational facilities to meet the needs of the existing school population as well as future increases in student enrolments to cater for population growth in the area.
- investment of \$20.555 million to deliver approximately 18 new operational jobs and 44 construction jobs.

Consequently, the Department considers the development is in the public interest and is recommended to be approved subject to conditions.

8 Recommendation

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

- **considers** the findings and recommendations of this report.
- **accepts and adopts** all of 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 Pendle Hill High School Redevelopment (SSD-9579147), subject to the conditions.
- **signs** the attached development consent (see attachment).

Recommended by:



Jason Maslen

Team Leader, School Infrastructure Assessments
Social and Infrastructure Assessments

9 Determination

The recommendation is **Adopted** by:

A handwritten signature in black ink, appearing to read 'KH', with a long horizontal flourish extending to the right.

24 August 2021

Karen Harragon

Director

Social and Infrastructure Assessments

Appendices

Appendix A – List of referenced 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/40216>

2. Submissions

<https://www.planningportal.nsw.gov.au/major-projects/project/40216>

3. Applicant's Response to Submissions

<https://www.planningportal.nsw.gov.au/major-projects/project/40216>

Appendix B – Statutory Considerations

ENVIRONMENTAL PLANNING INSTRUMENTS (EPIs)

To satisfy the requirements of section 4.15(a)(i) of the *Environmental Planning and Assessment Act 1979* (EP&A Act), this report includes references to the provisions of the EPIs that govern the carrying out of the project and have been taken into consideration in the Department's environmental assessment.

Controls considered as part of the assessment of the proposal are:

- State Environmental Planning Policy (State and Regional Development) 2011 (SRD SEPP).
- State Environmental Planning Policy (Infrastructure) 2007 (Infrastructure SEPP).
- State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017 (Education SEPP).
- State Environmental Planning Policy No. 55 – Remediation of Land (SEPP 55).
- State Environmental Planning Policy No. 64 – Advertising Structures and Signage (SEPP 64).
- Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005 (SHC SREP).
- Draft State Environmental Planning Policy (Remediation of Land) (Draft Remediation SEPP).
- Draft State Environmental Planning Policy (Environment) (Draft Environment SEPP).
- Draft State Environmental Planning Policy (Educational Establishments and Child Care Facilities) (Draft Education SEPP).
- Parramatta Local Environmental Plan 2011 (PLEP).

COMPLIANCE WITH CONTROLS

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

The aims of this SEPP are to identify state significant development (SSD) and state significant infrastructure and confer the necessary functions to joint regional planning panels to determine development applications.

An assessment of the development against the relevant considerations of the SRD SEPP is provided in **Table B1**.

Table B1 | SRD SEPP compliance table

Relevant Sections	Consideration and Comments	Complies
3 Aims of Policy The aims of this Policy are as follows: (a) to identify development that is State significant development	The proposed development is identified as SSD.	Yes
8 Declaration of State significant development: section 4.36 (1) Development is declared to be State significant development for the purposes of the Act if: a) the development on the land concerned is, by the operation of an	The proposed development is permissible with development consent. The proposal is for alterations and additions to an existing school with a capital investment value (CIV) in excess of \$20 million, under clause	Yes

Relevant Sections	Consideration and Comments	Complies
environmental planning instrument, not permissible without development consent under Part 4 of the Act, and b) the development is specified in Schedule 1 or 2.	15(2) of Schedule 1 of the SRD SEPP.	

State Environmental Planning Policy (Infrastructure) 2007

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.

An assessment of the development against the relevant considerations of the Infrastructure SEPP is provided in **Table B2**.

Table B2 | Consideration of the relevant provisions of Infrastructure SEPP

Clause(s)	Consideration and comment
44 - 45 Development likely to affect an electricity transmission or distribution network	The development is located within the vicinity of an electricity transmission or distribution network. In accordance with the Infrastructure SEPP, the development was referred to the relevant electricity supply authority for comment. Comments were received and no objections are raised. Recommendations were provided.
98 – 104 Development in or adjacent to road corridors and road reservations	Educational establishments are no longer covered under the traffic generating development provisions of the Infrastructure SEPP as they are considered under the Education SEPP. Despite this, the application was referred to TfNSW. TfNSW provided comments in relation to the Green Travel Plan and bus planning.

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

The Education SEPP aims to simplify and standardise the approval process for child care centres, schools, TAFEs and universities while minimising impacts on surrounding areas and improving the quality of the facilities. The Education SEPP includes planning rules for where these developments can be built, which development standards can apply and constructions requirements. The application has been assessed against the relevant provisions of the Education SEPP.

Clause 42 of the Education SEPP states that development consent may be granted for development for the purpose of a school that is SSD even though the development would contravene a development standard imposed by this or any other environmental planning instrument under which the consent is granted.

Clause 57 of the Education SEPP requires traffic generating development that involve addition of 50 or more students to be referred to the Road and Maritime Services. The Application was referred to TfNSW (incorporating Road and Maritime Services) in accordance with this clause.

Clause 35(6)(a) requires that the design quality of the development should be evaluated in accordance with the design quality principles set out in Schedule 4. An assessment of the development against the design principles is provided in **Table B3**.

Table B3 | Consideration of the Design Quality Principles

Design Principles	Response
Principle 1 - Context, built form and landscape	The site planning provides good aspect for the learning areas and for maximising light to play areas. The proposed building is over the height limit of the developments surrounding the site and exceeds the Height of Building control of the PLEP. However, the new building has been designed to fit into the surrounding built-form, despite the height non-compliance and includes appropriate landscaping to soften the impact. Existing and proposed landscaping coupled with the building setback to the north would soften the appearance of the building (see Section 6.2.1).
Principle 2 - Sustainable, efficient and durable	The proposal includes ecologically sustainable development measures (Section 4.4.3). The materials chosen are durable and require low maintenance. Bicycle parking is provided within the school site and the preliminary Green Travel Plan / School Transport Plan submitted which the EIS encourages sustainable travel modes.
Principle 3 - Accessible and inclusive	The proposal has been designed to be accessible and inclusive through the provision of a lift and accessible paths of travel from the site boundaries up to and around the school buildings. The proposal incorporates wayfinding signage identifying key areas within the school assisting visitors to navigate the site.
Principle 4 - Health and Safety	The design of the school building provides a safe and secure school environment. The proposal has considered Crime Prevention Through Environmental Design (CPTED) principles. The proposal would clearly delineate the pedestrian entrances into the school to allow the management of visitors to the site.
Principle 5 - Amenity	The proposal provides a variety of internal and external learning places for both formal and informal educational opportunities. The design of the proposed building seeks to maximise natural light and ventilation to the indoor areas of the school, while the landscaping and covered outdoor areas provide ample shaded areas for students and staff use.
Principle 6 - Whole of life, flexible, adaptable	The building allows for long term flexibility through the provision of flexible formal and informal learning areas to adapt to future learning requirements.
Principle 7 - Aesthetics	The proposal offers an articulated and dynamic built form with clear entry points and wayfinding.

State Environmental Planning Policy No. 55 - Remediation of Land

SEPP 55 aims to ensure that potential contamination issues are considered in the determination of a development application. As detailed at **Section 6**, the Department is satisfied that the Applicant has adequately demonstrated that the site is suitable, subject to remediation, for the ongoing use as an educational establishment as required by SEPP 55.

The Department has recommended a condition relating to preparing an unexpected finds protocol to ensure measures are in place should any unanticipated contamination be found during construction works.

State Environmental Planning Policy No. 64 – Advertising and Signage

SEPP 64 applies to all signage that under an EPI can be displayed with or without development consent and is visible from any public place or public reserve.

The development includes two signs. Under clause 8 of SEPP 64, consent must not be granted for any signage application unless the proposal is consistent with the objectives of the SEPP and with the assessment criteria which are contained in Schedule 1. **Table B4** 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 proposed signs would be compatible with the character of the area.	Yes
Is the proposal consistent with a particular theme for outdoor advertising in the area or locality?	No particular themes exist for outdoor advertising in the area.	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 proposal would not detract from the amenity or visual quality of any special areas.	Yes
3 Views and vistas		
Does the proposal obscure or compromise important views?	No views or vistas would be impacted by the proposed signage.	Yes
Does the proposal dominate the skyline and reduce the quality of vistas?	The proposed signs would not dominate the skyline and would not impact the quality of any views or vistas.	Yes

Assessment Criteria	Comments	Compliance
Does the proposal respect the viewing rights of other advertisers?	Proposed signs would not impact on existing views experienced by others or existing advertising rights.	Yes
4 Streetscape, setting or landscape		
Is the scale, proportion and form of the proposal appropriate for the streetscape, setting or landscape?	The signs would complement the building design and contribute to the visual interest of the streetscape.	Yes
Does the proposal contribute to the visual interest of the streetscape, setting or landscape?	The proposed scale and design of the signs are appropriate for the streetscape and setting within which it is proposed.	Yes
Does the proposal reduce clutter by rationalising and simplifying existing advertising?	The signs are simple in design and would not result in visual clutter.	N/A
Does the proposal screen unsightliness?	Not applicable.	N/A
Does the proposal protrude above buildings, structures or tree canopies in the area or locality?	The signs would sit well below the height of adjoining buildings and trees.	Yes
Does the proposal require ongoing vegetation management?	No vegetation management is required by the proposed signs.	Yes
5 Site and building		
Is the proposal compatible with the scale, proportion and other characteristics of the site or building, or both, on which the proposed signage is to be located?	The signs are of appropriate scale and proportion and is considered relatively understated in the context of the site.	Yes
Does the proposal respect important features of the site or building, or both?	The signs are appropriately located at the site entrance and would not impact on any other important features of the site.	Yes
Does the proposal show innovation and imagination in its relationship to the site or building, or both?	The purpose of one sign is to denote the entrance of the building and one sign provides the community with information regarding the school.	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?	Lighting is designed as an integral part of the community information sign.	Yes

Assessment Criteria	Comments	Compliance
7 Illumination		
Would illumination result in unacceptable glare?	The lighting level of the digital sign would be controlled to ensure there would be no unacceptable glare.	Yes
Would illumination affect safety for pedestrians, vehicles or aircraft?	No.	N/A
Would illumination detract from the amenity of any residence or other form of accommodation?	No.	Yes
Can the intensity of the illumination be adjusted, if necessary?	The intensity of the digital sign can be adjusted if required.	Yes
Is the illumination subject to a curfew?	The digital sign would be operational between 7am and 7pm.	Yes
8 Safety		
Would the proposal reduce safety for pedestrians, particularly children, by obscuring sightlines from public areas?	No. Extensive views of the footpath and entrance area would still be available.	Yes
Would the proposal reduce safety for any public road?	The design and location of the proposed signage would not impact on safety of any public road.	Yes

Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005

SHC SREP provides planning principles for development within the Sydney Harbour catchment. The site is located within the Sydney Harbour Catchment area. Relevant planning principles for land within the Sydney Harbour Catchment include determining groundwater impacts as well as whether acid sulfate soils were present on the site.

The proposal is consistent with the relevant Planning Principles of the SHC SREP and would not have any significant adverse impact on the Sydney Harbour Catchment through potential effects on groundwater or acid sulfate soils.

Draft State Environmental Planning Policy (Remediation of Land)

The Draft Remediation SEPP will retain the overarching objective of SEPP 55 promoting the remediation of contaminated land to reduce the risk of potential harm to human health or the environment.

Additionally, the provisions of the Draft Remediation SEPP require all remediation work carried out without development consent to be reviewed and certified by a certified contaminated land consultant. Remediation work is to be categorised based on the scale, risk and complexity of the work.

Environmental management plans relating to post-remediation management of sites, including the ongoing operation, maintenance and management of on-site remediation measures (such as a containment cell) are to be provided to Council.

The Department is satisfied that the proposal will be consistent with the objectives of the Draft Remediation SEPP.

Draft State Environmental Planning Policy (Environment)

The Draft Environment SEPP is a consolidated SEPP which proposes to simplify the planning rules for a number of water catchments, waterways, urban bushland, and Willandra Lakes World Heritage Property. Once adopted, the Draft Environment SEPP will replace seven existing SEPPs. The proposed SEPP will provide a consistent level of environmental protection to that which is currently delivered under the existing SEPPs. Where existing provisions are outdated, no longer relevant or duplicated by other parts of the planning system, they will be repealed.

Given that the proposal is consistent with the provisions of the existing SEPPs that are applicable, the Department concludes that the proposed development will generally be consistent with the provisions of the Draft Environment SEPP.

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

The Draft Education SEPP will retain the overarching objectives of the Education SEPP to facilitate the effective delivery of educational establishments and child care facilities across the state.

The provisions of the Draft Education SEPP aim to improve the operation, efficiency and usability of the Education SEPP and to streamline the planning pathway for schools, TAFEs and universities that seek to build new facilities and improve existing ones. The Explanation of Intended Effects was exhibited from 20 November 2020 to 17 December 2020 and proposes changes to the threshold triggers for SSD under the SRD SEPP, specifically for schools and tertiary institutions.

The Department is satisfied that the proposal is generally consistent with the objectives of the Draft Education SEPP and would continue to meet the requirements for SSD in accordance with the Explanation of Intended.

Parramatta Local Environmental Plan 2011 (PLEP)

The PLEP aims to encourage the development of housing, employment, infrastructure and community services to meet the needs of the existing and future residents of the Parramatta LGA. The PLEP 2011 also aims to conserve and protect natural resources and foster economic, environmental and social well-being.

The Department has consulted with Council throughout the assessment process and has considered all relevant provisions of the PLEP and those matters raised by Council in its assessment of the development (refer to **Section 5**). The Department concludes the development is consistent with the relevant provisions of the PLEP. Consideration of the relevant clauses of the PLEP is provided in **Table B5**.

Table B5 | Consideration of the PLEP

PLEP Year	Department Comment/Assessment
Land Use Table – Zone R2 Low Density Residential	Educational Establishments are permissible with consent in the R2 Low Density Residential zone. The proposal is considered to meet the objectives of the zone as it provides educational infrastructure to meet the needs of the community.
Clause 4.3 Building height	The site is subject to a 9m height limit pursuant to Clause 4.3 of the PLEP. The proposed height is 14m. The provisions of Clause 42 of Education SEPP operate to permit that the consent may be granted even though the development may contravene a development standard. The height of the building is considered to be appropriate in the context of the existing buildings on site, the streetscape and proposed landscaping (see Section 6.2).
Clause 4.4 Floor Space Ratio	The maximum Floor Space Ratio control for the site under PLEP is 0.5:1. The proposed FSR is 0.15:1. The proposal is consistent with the objectives of the FSR development standard in that the site planning, bulk and scale is commensurate with the development of an existing school and facilities required to accommodate a growing school population on a large site in an urban context. The proposed bulk and scale of the buildings would not detract from the character of the streetscape or result in unreasonable amenity impacts on surrounding properties.
Clause 5.10 Heritage conservation	There are no heritage impacts arising from the proposed works. No known Aboriginal archaeological sites or objects, or Aboriginal places of significance are located within the site boundary.
Clause 5.12 Infrastructure development and use of existing buildings of the Crown	The Infrastructure SEPP is addressed in Table B2 .
Clause 6.1 Acid Sulfate Soils	The site was tested and found not to contain acid sulfate soils.

Other policies

In accordance with clause 11 of the SRD SEPP, Development Control Plans do not apply to state significant development. However, the objectives of relevant controls under the Parramatta Development Control Plan 2011, where relevant, have been considered.

Appendix C – Community Views for Draft Notice of Decision

Issue	Consideration
<i>Open Space</i> Council recommended further improvement of the existing hard courts and playgrounds and activation of other open spaces in the school grounds to meet the new student demand.	<i>Assessment</i> • The proposal includes the removal of five trees and landscaping including planting of 54 new trees. No improvements to existing hard courts and playgrounds or activation of other open spaces in the school form part of the proposal. • In its Response to Submissions (RtS), the Applicant committed to continue to work with the school to deliver maintenance and enhancement priorities and review opportunities for future site improvements. • The Department acknowledges Council's concerns regarding improvements to existing open space and the need to provide sufficient open space to meet new student demand. • The school currently has approximately 36.5sqm of play space per student, exceeding minimum NSW Department of Education play space requirements of 10sqm per student. Whilst the proposal would decrease the play space per student, the proposal would maintain more than the recommended standard of play space, at 28.2sqm per student. • The Department acknowledges that the proposal reduces the amount of open space per student. However, the amount of open space remaining as a result of the proposal well exceeds NSW Department of Education minimum play space requirements. The Applicant has also committed to consider further improvements at the school. The Department is therefore satisfied with the proposal.
<i>Traffic and Transport</i> • Council recommends that the proposal use a parking rate of 0.85 spaces per staff to reflect the findings of the staff survey. • Council recommends conditions relating to parking spaces, sign and line marking, bus bay modifications, traffic facilities and the School Transport Plan.	<i>Assessment</i> • The existing on site car park would be reconfigured to remove 15 non-compliant spaces, leaving 57 spaces on site. Adjustments, limited to changes to line marking, are required to make the size of existing car spaces compliant and the works would include the creation of two additional accessible parking spaces. • The Applicant justified the proposal on the basis that: – further parking on site would remove much needed open space for students. – no parking rate for schools is provided in the Parramatta Development Control Plan 2011. – the proposal would exceed the requirement for 51 spaces if a car parking rate of one space per two per two staff members was applied as per surrounding LGAs. – surveys of nearby streets shows that capacity does exist for some on street parking if required. – proposed sustainable transport measures would reduce parking demand on the site. • The Department acknowledges the concerns raised by Council and has considered the information provided by the Applicant. Overall, the Department is satisfied that the proposal is acceptable given the constraints of the site and initiatives to reduce car travel to the school. <i>Conditions</i> • A School Transport Plan to be prepared in consultation with Council and TfNSW. • All roads and traffic facilities to be designed to meet the requirements of Council or TfNSW (whichever is applicable).

Urban Design

- The new entrance on Binalong Road lacks a sense of generousness with narrow stairs and ramps appearing to be boxed in.
- A direct, signposted, well-lit and publicly accessible pedestrian through link should be provided in the non-secure/non-fenced area of the school grounds connecting Binalong Road, Knox Road and Cornock Avenue.

Assessment

- The proposal seeks to improve the street presence of the school and provides an address to Binalong Road and connection of the school with its community.
 - The Department considers that the proposal represents an appropriate design response to the context of the site and surrounds, and the form of the existing courtyard buildings on the site. The proposal would improve the presentation of the school to Binalong Road, providing a new entrance and connection to the main frontage of the site and the existing school bus stops. Proposed landscaping would frame and soften the entrance stairs and ramp.
 - The Department acknowledges Council's desire for a pedestrian connection through the site and the improved connectivity this would offer the wider community. The Department notes the safety, security, maintenance and land take issues highlighted by the Applicant and acknowledges that the connection does not form part of the SSD application and development footprint. The Department encourages the Applicant to consider Council's request in future stages of redevelopment of the school.
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Appendix D – Recommended Instrument of Consent