



Outline Planning Consultants Pty Ltd
Project Managers
Planning Consultants

Outline Planning Consultants Pty Ltd
Suite 18, Pittwater Business Park
No. 5 Vuko Place
WARRIEWOOD NSW 2102
AUSTRALIA

ABN 34 003 473 112

Telephone: (02) 9262 3511
www.outline.com.au

27 March 2018

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

Dear Ms McNally,

REQUEST FOR SECRETARY'S ENVIRONMENTAL ASSESSMENT REQUIREMENTS (SEARS) PROPOSED NEW AMITY COLLEGE SCHOOL CAMPUS AT No.85 BYRON ROAD AND No.63 INGLEBURN ROAD, LOTS 1 & 2 DP 525996, LEPPINGTON, NSW

1. Introduction

In accordance with Clause 3 of Schedule 2 of the EP&A Regulation and clause 15 of Schedule 1 of *State Environmental Planning Policy (State and Regional Development) 2011* Outline Planning Consultants Pty Ltd seeks the Secretary's Environmental Assessment Requirements (SEARS) for the preparation of an Environmental Impact Statement (EIS) in support of the proposed new school campus at the above address at Leppington, in Sydney's South West covered by the Camden Growth Centres Precinct Plan under the provisions of *State Environmental Planning Policy (Sydney Region Growth Centres) 2006* (Project Site). The proponent is Gran Associates Australia, architects, on behalf of Amity College.

The proposal seeks to establish a new school (the project) on that part of the above property zoned SP2 Infrastructure (Educational Establishment), including roadworks on designated roads. The proposed new school will have a kindergarten, a 3-stream primary school and a 3-stream secondary school with a maximum capacity of 1,000 students ie. serving K-12 students.

Pursuant to clause 15(1) of Schedule 1 of *State Environmental Planning Policy (State and Regional Development) 2011* all new schools, **regardless of capital investment value**, are classified as as State significant development for the purposes of the *Environmental Planning and Assessment Act 1979* (EP&A Act). A development application for SSD must be accompanied by an environmental impact statement (EIS), prepared in accordance with the provisions of Division 4.7 of the EP&A Act. Section 4.39 of the EP&A Act refers to the *Environmental Planning and Assessment Regulation 2000* (EP&A Regulation) and environmental impact statements accompanying development applications in respect of State Significant Development (SSD). [NOTE: The initial expected capital value of the (concept only) project is estimated to be \$33.0 million, over several stages]



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The purpose of this letter of request is to provide a preliminary environmental assessment and other supporting documentation to allow for the SEARs to be issued to facilitate the preparation of the Environmental Impact Statement (EIS) to accompany the SSD application.

■ 2. Leppington Release Area Studies & Biodiversity Certification

■ 2.1 Studies Undertaken Leppington Urban Release Area

The Project Site forms a part of the NSW Government's South West Priority Growth Area. Prior to gazettal for release for urban development under the provisions of *State Environmental Planning Policy (Sydney Region Growth Centres) 2006* the Leppington Precinct, which included the Project Site, was the subject of numerous detailed planning, engineering and environmental investigations. These studies and investigations included land capability and contamination; native vegetation and biodiversity, heritage, bushfire, odour, noise, transport and access, riparian corridors, drainage and flooding, and school locations.

These detailed investigations should negate the need for duplication of effort, in particular in regard to assessment of ecological values and proof of suitability for the (school) uses proposed on the Project Site.

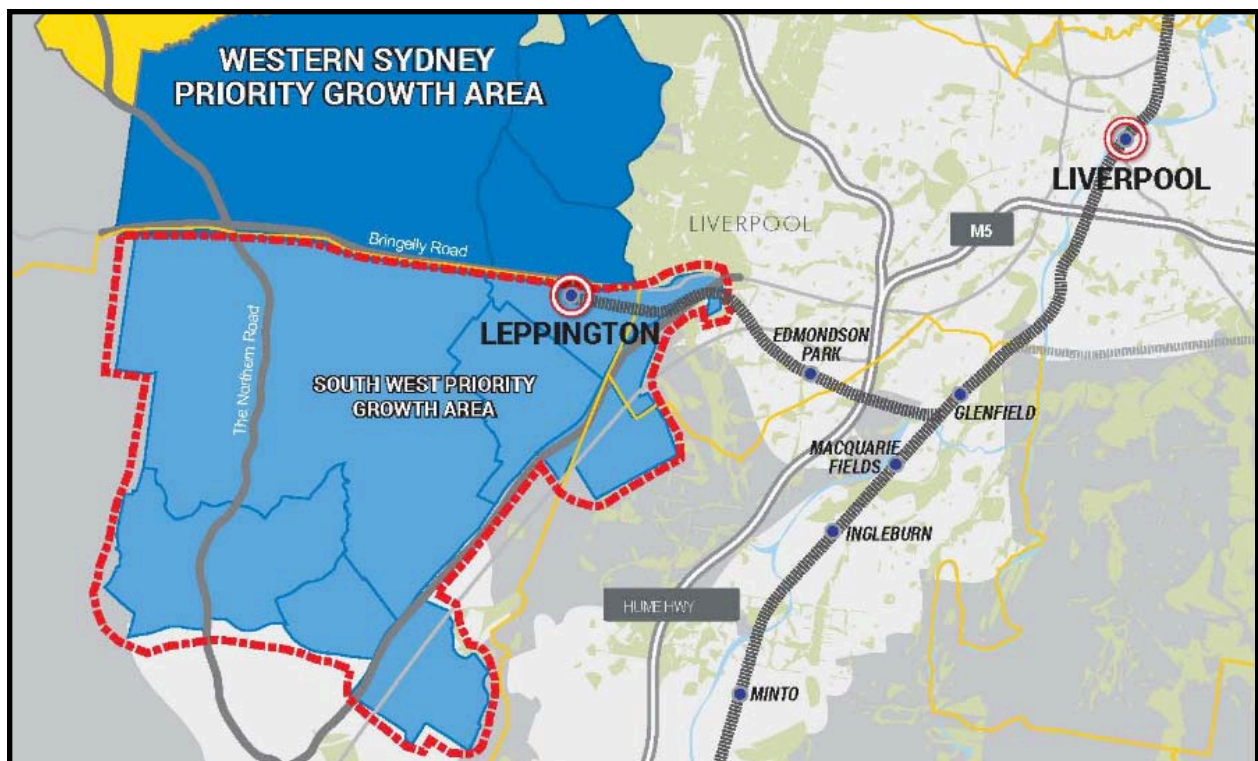


FIGURE 1: The Project Site is located within Leppington, within Sydney's South West Priority Growth Area



■ 2.2 Biodiversity Certification Applies to the Site

Related to the above, Biodiversity Certification under the *Threatened Species Conservation Act 1995* (TSC Act) was conferred upon the Growth Centres SEPP in December 2007 and confirmed in July 2008 via an amendment to the TSC Act, with a latter amendment. This includes the Project Site. Refer **Attachment A**. The Biodiversity Certification effectively switches off the need to undertake assessment and obtain approvals required under the TSC Act for development on land that is so Certified. This will negate the need for any detailed ecological assessment of the site under this Act or any other related NSW Act. As also noted on the Department of Planning & Environment's website:

"In addition, landowners, councils and developers will not have to look at biodiversity issues individually for Development Applications in areas which are certified."

In December 2011 the Federal Government endorsed the Sydney Growth Centres Strategic Assessment Program Report and in February 2012 approved the classes of actions in the Growth Centres that if undertaken in accordance with the approved program do not require separate approval under the *Environmental Protection and Biodiversity Conservation Act 1999* (EPBC Act).

■ 3. Features of Proposed School Site

■ 3.1 General description of Project Site and locality:

The Project Site is at No. 85 Byron Road and No 63 Ingleburn Road at Leppington, comprising Lots 1 & 2 DP 525996 respectively. Refer **Figure 2**. The Project Site is located approximately 39km south-west of the Sydney CBD and forms a part of the NSW Government's South West Priority Growth Area. within the Camden Local Government Area. The Project Site lies approximately 1.2km away from the planned Leppington Major Centre railway station. A dwelling is situated on each of the Lots 1 and 2, together with farm sheds. Some regrowth vegetation is to be found in the southern portion of the Project Site. The Project Site is roughly rectangular in shape and has an area of approximately 3.2ha (subject to survey).

The Project Site is bounded to the south-east by Byron Road and to the north-east by Ingleburn Road. The lots adjacent to the Project Site are currently undeveloped, however it is expected that the lots to the south will be developed as a low density residential area, with lots to the north-west and to the north-east developed for the purposes of medium density housing. Some 300m away to the south, fronting Byron Road, is a site approved for a 894 place primary and high school, to be developed by the Anglican Schools Corporation. Outline Planning Consultants Pty Ltd was responsible for coordinating the planning approvals process (2016 DA and s.96 in 2017) for this school development.

■ 3.2 Topography, soils:

The central portion of the project Site is relatively flat, with slopes of 1:50 or flatter. In the southern portion of the Project Site undulating topography with slopes of between 1:20 and 1:50 are encountered. Refer to draft site survey, contained in **Attachment B**.





FIGURE 2: Aerial photograph with cadastral overlay of the Project Site



Source: Six maps

Elevations along the southern boundary of the project Site range from RL 102m AHD, nearest Byron Road, to RL 98.0m in the south-west corner, a fall of 4m over a distance of approximately 125m.

The soils encountered on the Project Site have been identified as belonging to the Blacktown Soils Landscape comprising gently undulating rises on Wianamatta Group shales.



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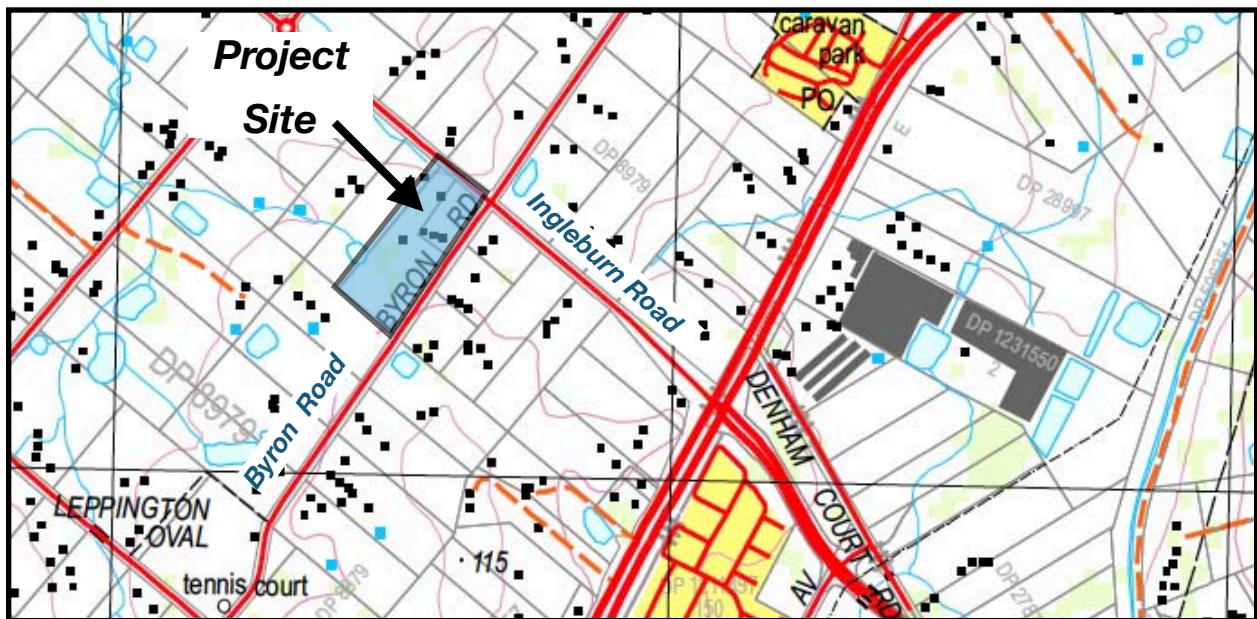


FIGURE 3: 1:25,000 topographic map showing location of the Project Site

Source: Six maps Liverpool 9030-2s 1:25,000 topographic map



Geotechnical tests undertaken on the neighbouring property to the south, currently the subject of a development application for subdivision, reveal a topsoil thickness in the range of 100mm to 500mm, with some fill, overlaying natural plastic clays overlying shale and siltstone. Similar conditions are expected on the Project Site.

■ 3.3 Air quality:

An air quality assessment undertaken in association with a DA for a proposed residential subdivision on the adjoining land to the south shows acceptable odour levels prevail, below the most stringent NSW EPA odour impact assessment criterion of 2 Odour Units (OU) at the Project Site (source: Todoroski Air Sciences 5 May 2017 *Odour Assessment 55 Byron Road and 36-56 Rickard Road, Leppington*)- refer **Attachment C**. Accordingly, an **exemption** is sought from the need to prepare any further air quality assessment of the site or the proposed school development.

■ 3.4 Bushfire:

Section 100B of the *Rural Fires Act 1997* requires that a bush fire safety authority for sensitive uses, like schools. The Project Site is not affected by the RFS bush fire mapping.

■ 3.5 Vegetation:

The Project Site contains trees forming a part of the Cumberland Plain Woodland (CPW), including a patch of regrowth vegetation in the southern portion, in a poor condition. (source Ecological Australia Pty Ltd 2014 *Leppington Rezoning Assessment: Biodiversity and Riparian Studies*. Prepared for NSW Department of Planning and Infrastructure Figure 3). Refer **Attachment D**. An **exemption** is sought from the need to prepare any further ecological assessment of the site. Refer also to Section 4.5.



■ 3.6 Drainage, flooding:

The 1:25,000 topographic map (Liverpool 9030-2s) shows that neither lot is affected by any historically mapped watercourses. However, there is a first order watercourse running from below a small dam on the land some 30m and to the west and downslope of the site, back towards Rickard Road. Refer **Figure 3**.

A Controlled Activity Approval (CAA) is required to be obtained for any activity being situated within 40 metres from the top of a river bank in accordance with section 91(2) of the *Water Management Act 2000*. An approval may be required, depending on the final design of the proposed new school and ultimate location of proposed works.

In terms of flooding, the Project Site is not identified as being Flood Prone under *State Environmental Planning Policy (Sydney Region Growth Centres) 2006* (source: South West Growth Centre Development Control Map Sheet DVC_008). Refer **Figure 4**. However, Camden Council flood mapping indicates that a small part of the site, on its westerly flanks, is flood prone. Refer **Figure 5**.

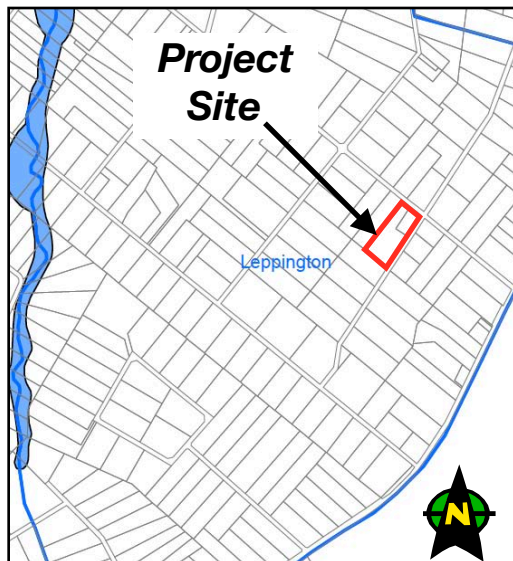


FIGURE 4: Flood Prone lands mapping under the SEPP & Project Site

Source: *State Environmental Planning Policy (Sydney Region Growth Centres) 2006 South West Growth Centre Development Control Map (Edition 2) Sheet DVC_008*

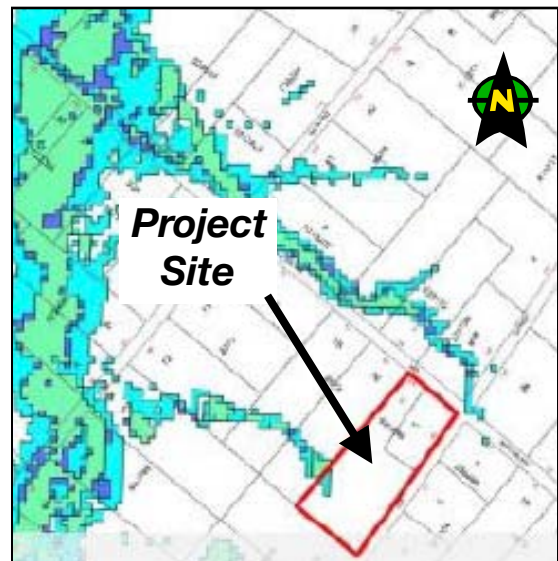


FIGURE 5: Flood Prone lands mapping by Camden Council

Source: *Camden Council Flood Extents: 1% AEP, 5% AEP and PMF Flood Events Upper South Creek Flood Study, November 2011*

■ 3.7 Other site features:

Based on recent s.149 certificates issued by Camden Council for both Lots 1 & 2 DP 525996 the Project Site also has the following features:

- The land does not comprise critical habitat and is not within a conservation area.



- The land does not contain an item of the environmental heritage.
- The land is not affected by any road widening or road realignment proposals.
- The land is not affected by any policy relating to landslip hazard.
- The land is not affected by mine subsidence.
- The land is not affected by acid sulphate soils potential.
- The land is not affected by tidal inundation.
- Council's policy 'Management of Contaminated Lands' applies to the whole of the council area, including the Project Site.
- Council's policy 'Building in a Salinity Prone Environment ' applies to the whole of the council area, including the Project Site.
- No property vegetation plans approved under Part 4 of the *Native Vegetation Act 2003* applies.
- The land is not listed as a potential asbestos source (loose-fill asbestos insulation only).
- The land is not registered as significantly contaminated land or any similar affectation within the meaning of section 59 (2) of the *Contaminated Land Management Act 1997*.

■ 4. Planning Controls etc. Applicable to Proposed School Site

■ 4.1 Zoning under SEPP (Sydney Region Growth Centres) 2006:

Clause 35(1) of *State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017* provides that:“(1) *Development for the purpose of a school may be carried out by any person with development consent on land in a prescribed zone.*” For the purposes of clause 33 of this SEPP, a ‘prescribed zone’, as defined, includes “(s) *Zone SP2 Infrastructure*”.

The site of the proposed school site is specifically zoned under *State Environmental Planning Policy (Sydney Region Growth Centres) 2006* for the purposes of a school, namely SP2 Infrastructure (Educational Establishment).[NOTE: In a letter dated 24 October 2017 the Department of Education has relinquished its interest in this site as a future public school site- refer **Attachment E**]

A smaller section of the subject property is zoned R3 Medium Density Residential. As a part of the application for the school campus it is proposed to subdivide off from the school all of the land zoned R3-to be the subject of separate application(s) for development for the purposes of medium density housing. Accordingly, and pursuant to the provisions of clause 8(2) of *State Environmental Planning Policy (State and Regional Development) 2011*, we seek to have the development of this part of the site to be not declared as State significant development. Refer **Figure 6**.

The Land Use Table for the SP2 Infrastructure zone is reproduced below.



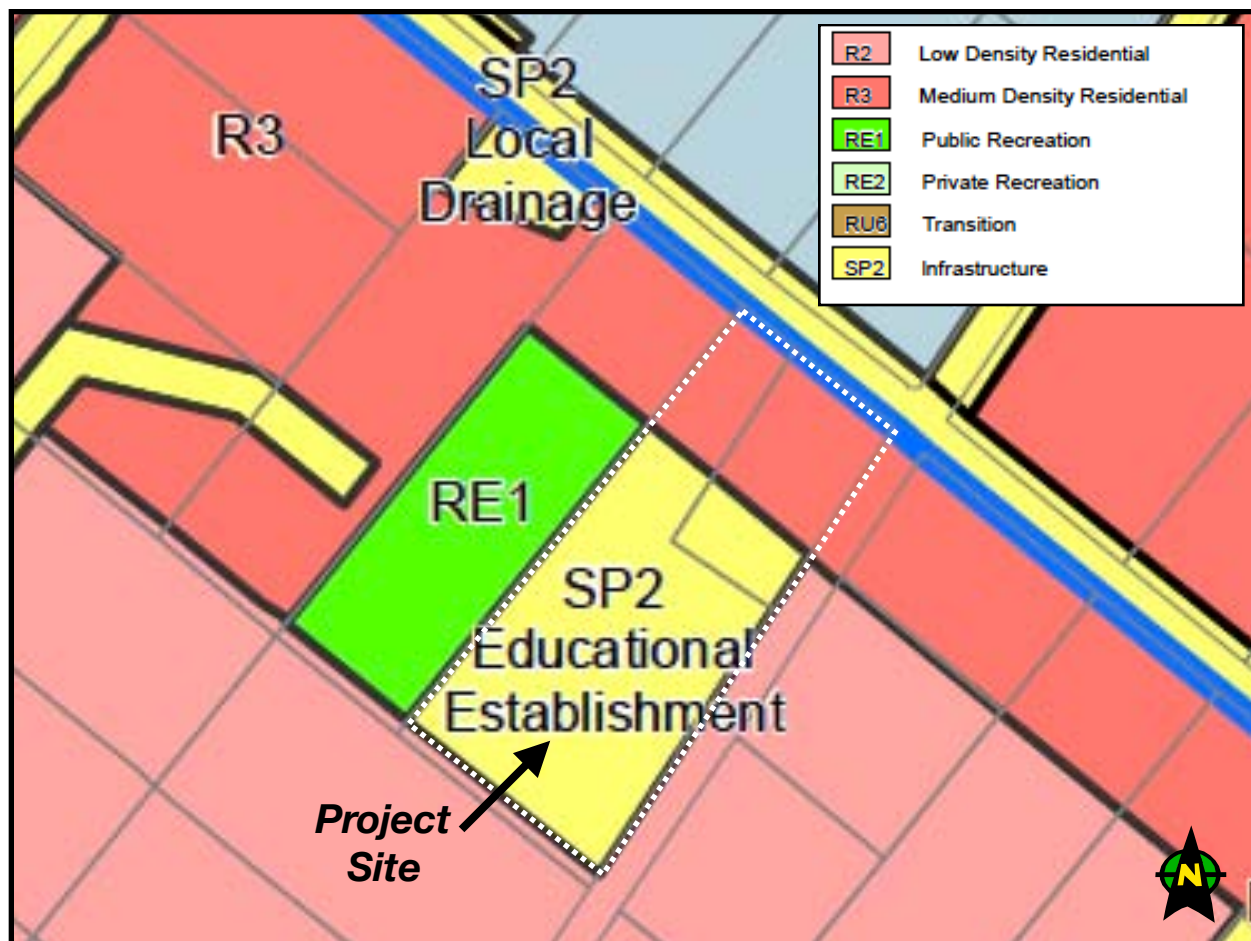


FIGURE 6: The Project Site is zoned, in the main, SP2 Infrastructure Educational establishment, with smaller section zoned R3 Medium Density Residential

Source: *State Environmental Planning Policy (Sydney Region Growth Centres) 2006 South West Growth Centre Land Zoning Map - Sheet LZN_008*

"1 Objectives of zone

- *To provide for infrastructure and related uses.*
- *To prevent development that is not compatible with or that may detract from the provision of infrastructure.*

2 Permitted without consent

Roads.

3 Permitted with consent

The purpose shown on the Land Zoning Map, including any development that is ordinarily incidental or ancillary to development for that purpose

4. Prohibited

Any development not specified in item 2 or 3 "

The Land Use Table for the R3 Medium Density Residential zone is reproduced below.



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“Zone R3 Medium Density Residential

“1 Objectives of zone

- To provide for the housing needs of the community within a medium density residential environment.*
- To provide a variety of housing types within a medium density residential environment.*
- To enable other land uses that provide facilities or services to meet the day to day needs of residents.*
- To support the well-being of the community by enabling educational, recreational, community, religious and other activities where compatible with the amenity of a medium density residential environment.*

2 Permitted without consent

Home-based child care; Home occupations

3 Permitted with consent

Attached dwellings; Bed and breakfast accommodation; Boarding houses; Building identification signs; Business identification signs; Child care centres; Community facilities; Dual occupancies; Dwelling houses; Group homes; Manor homes; Multi dwelling housing; Neighbourhood shops; Places of public worship; Residential flat buildings; Roads; Secondary dwellings; Semi-detached dwellings; Seniors housing; Studio dwellings; Any other development not specified in item 2 or 4.

Prohibited

Agriculture; Air transport facilities; Airstrips; Amusement centres; Boat repair facilities; Boat sheds; Business premises; Caravan parks; Cemeteries; Charter and tourism boating facilities; Correctional centres; Crematoria; Depots; Electricity generating works; Entertainment facilities; Extractive industries; Freight transport facilities; Function centres; Helipads; Highway service centres; Home occupations (sex services); Industries; Information and education facilities; Marinas; Moorings; Mortuaries; Office premises; Passenger transport facilities; Public administration buildings; Recreation facilities (indoor); Recreation facilities (major); Recreation facilities (outdoor); Registered clubs; Research stations; Restricted premises; Retail premises; Rural supplies; Service stations; Sex services premises; Signage; Storage premises; Tourist and visitor accommodation; Transport depots; Truck depots; Vehicle body repair workshops; Vehicle repair stations; Vehicle sales or hire premises; Veterinary hospitals; Warehouse or distribution centres; Waste or resource management facilities; Water recreation structures; Wholesale supplies.”

■ 4.2 Acquisition clause under SEPP (Sydney Region Growth Centres) 2006:

Part 5.1 of Appendix 9 of *State Environmental Planning Policy (Sydney Region Growth Centres) 2006: Camden Growth Centres Precinct Plan* provides for the planned future acquisition of sites identified in the SEPP.

Due to an apparent drafting error there is no provision for the acquisition of land zoned SP2 Infrastructure (Educational Establishment) by the Department of Education; the clause referring only to land within Zone B4 Mixed Use and marked “Educational establishment”.

Notwithstanding this apparent drafting error, the Department of Education has advised in writing that it no longer has an interest in acquiring the land zoned SP2 Infrastructure (Educational Establishment) on the Project Site- refer **Attachment D**.

■ 4.3 Other provisions of SEPP (Sydney Region Growth Centres) 2006:

Other relevant provisions of Appendix 9 of *State Environmental Planning Policy (Sydney Region Growth Centres) 2006: Camden Growth Centres Precinct Plan* are summarised below:

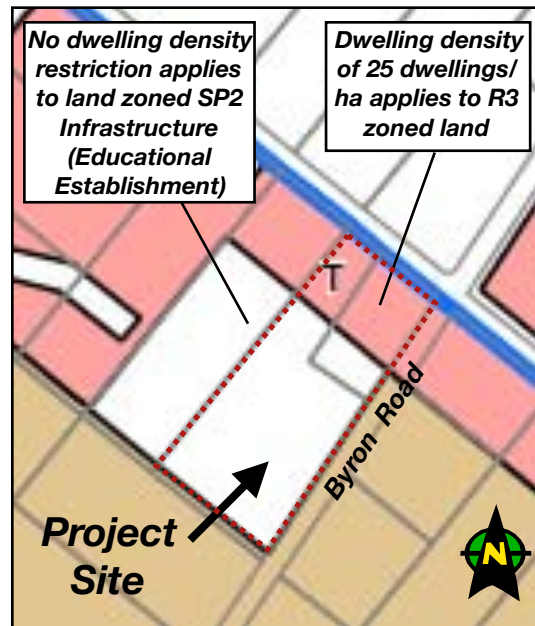


■ **Minimum lot sizes** are addressed in clauses 4.1-4.1AG. No lot size restrictions apply to the Project Site (source: *State Environmental Planning Policy (Sydney Region Growth Centres) 2006 South West Growth Centre Lot Size Map Sheet LSZ_008*).

■ **Residential densities** are addressed in clause 4.1B. In this regard no density restriction applies to land zoned SP2 Infrastructure (Educational Establishment) and a maximum density of 25 dwellings per hectare applies to land zoned R3 Medium Density Residential. Refer to accompanying **Figure 7**.

FIGURE 7 (right): Dwelling density under the SEPP & Project Site

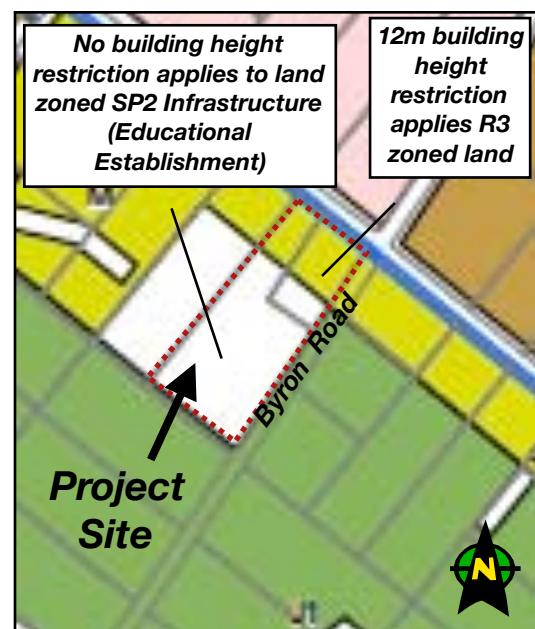
Source: *State Environmental Planning Policy (Sydney Region Growth Centres) 2006 South West Growth Centre Residential Density Map Sheet RDN_008*



■ **Heights of buildings** are addressed in clause 4.3. In this regard no building height restriction applies to land zoned SP2 Infrastructure (Educational Establishment) and a maximum building height of 12m applies to land zoned R3 Medium Density Residential. Refer to **Figure 8**. [NOTE: Any school development would be subject to the various operative provisions of *State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017* including the requirement to comply with the design quality principles set out in Schedule 4 of that SEPP]

FIGURE 8 (right): Building height restrictions under the SEPP & Project Site

Source: *State Environmental Planning Policy (Sydney Region Growth Centres) 2006 South West Growth Centre Height of Buildings Map Sheet HOB_008*



■ **Floor space ratios** for buildings are addressed in clause 4.4 and 4.5. No floor space ratios apply to any part of the project Site (source: *State Environmental Planning Policy (Sydney Region Growth Centres) 2006 South West Growth Centre Floor Space Ratio Map Sheet FSR_008*).

■ **Preservation of trees** are addressed in clause 5.9. Consent is required for the clearing of trees or vegetation prescribed for the purposes of this clause- refer to the development control plan for the Leppington Planning Precinct for details of trees and vegetation that are 'prescribed'.



■ **Heritage features** are addressed in clause 5.10. In this regard the project Site is not listed as a heritage item (source: *State Environmental Planning Policy (Sydney Region Growth Centres) 2006 South West Growth Centre Native Heritage Map Sheet HER_008*).

■ **Services provision** is addressed in clause 6.1.

■ **Clearing of native vegetation** is addressed in clauses 6.2 and 6.3. The Project Site contains no 'native vegetation retention areas' as defined (source: *State Environmental Planning Policy (Sydney Region Growth Centres) 2006 South West Growth Centre Native Vegetation Protection Map Sheet NVP_008*).

[NOTE: The clearing of native vegetation is also addressed in Part 6 of the same SEPP]

■ **4.4 Camden Growth Centre Precincts Development Control Plan & Indicative Layout Plan for Leppington Precinct:**

The *Camden Growth Centre Precincts Development Control Plan* (also referred to as the DCP) was prepared pursuant to the provisions of Section 72 of the *Environmental Planning and Assessment Act 1979*. It was adopted for the Leppington Priority Precinct on 8 December 2015.

[NOTE: Section 3.43(5) of the EP&A Act provides as follows:

"(5) A provision of a development control plan (whenever made) has no effect to the extent that: (a) it is the same or substantially the same as a provision of an environmental planning instrument applying to the same land, or (b) it is inconsistent or incompatible with a provision of any such instrument."

The provisions of s.3.46(6) do not overturn the provisions of s. 3.43(5)]

The Indicative Layout Plan for the Leppington Precinct forms a part of the DCP. The DCP objective is to ensure that development in the Precinct occurs in a coordinated manner consistent with the Precinct's Indicative Layout Plan. The DCP Controls relating to the Indicative Layout Plan are as follows:

- "1. All development applications are to be generally in accordance with the Indicative Layout Plan.*
- 2. When assessing development applications, Council will consider the extent to which the proposed development is consistent with the Indicative Layout Plan.*
- 3. Any proposed variations to the general arrangement of the Indicative Layout Plan must be demonstrated by the applicant, to Council's satisfaction, to be consistent with the Precinct Planning vision in the relevant Precinct Schedule."*

Refer to **Figure 9** showing how the Indicative Layout Plan affects the Project Site and immediate surrounds.

The excerpt from the Indicative Layout Plan in Figure 9 shows the following:

■ An **"Indicative School Location"** for the southern portion of the Project Site, covering an area of approximately 2.2ha (source: *State Environmental Planning Policy (Sydney Region Growth Centres) 2006 South West Growth Centre Floor Space Ratio Map Sheet FSR_008*).



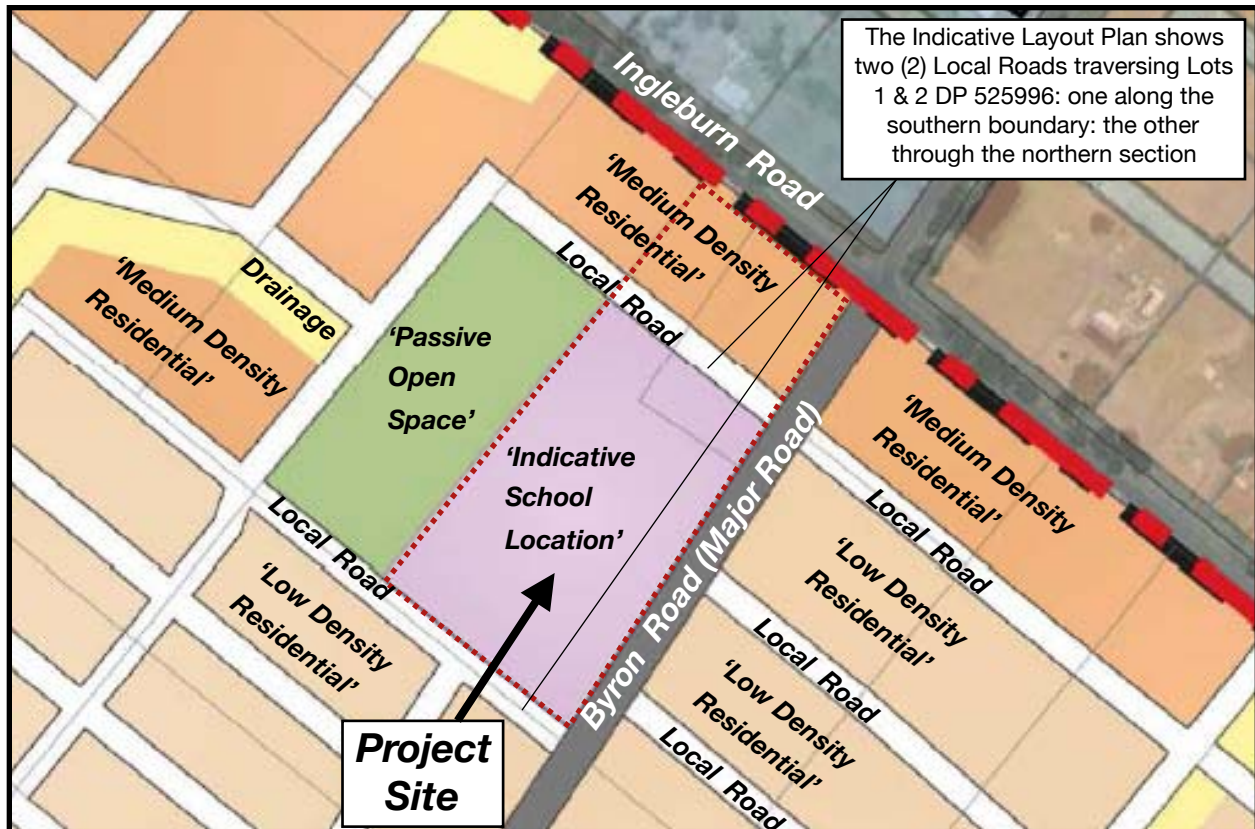


FIGURE 9 (above): Indicative Layout Plan for Leppington Precinct & Project Site

Source: Indicative Layout Plan referred to in *Camden Growth Centre Precincts Development Control Plan*

- A **“Medium Density Residential”** area over the smaller, northern portion of the Project Site, covering an area of approximately 1.4ha.
- A **“Local Road”** runs along the southern boundary of the Project Site as well as between the lands designated in the Indicative Layout Plan as “Indicative School Location” and “Medium Density Residential” - the two Local Roads straddling the respective zoning boundaries.
- **“Low Density Residential”** areas lie on the opposite side of Byron Road and to the south of the Project Site.
- A **“Major Road”** runs along the Byron Road and Ingleburn Road frontages of the Project Site.
- A **“Passive Open Space”** area abuts the north-west boundary of the Project Site.

[NOTE: The Local Road shown on the southern periphery of the property is zoned R2 Low Density Residential. The Local Road shown bisecting Lots 1 and 2 is half zoned R3 Medium Density Residential and half zoned SP2 Infrastructure (Educational Establishment).]



The DCP provides for a road hierarchy for the Leppington Precinct as follows:

- Every “**Local Road**” will have a road reserve width of 14.4m and a carriageway width 7.4m, with footpaths either side of the road. Refer **Figure 10** below.

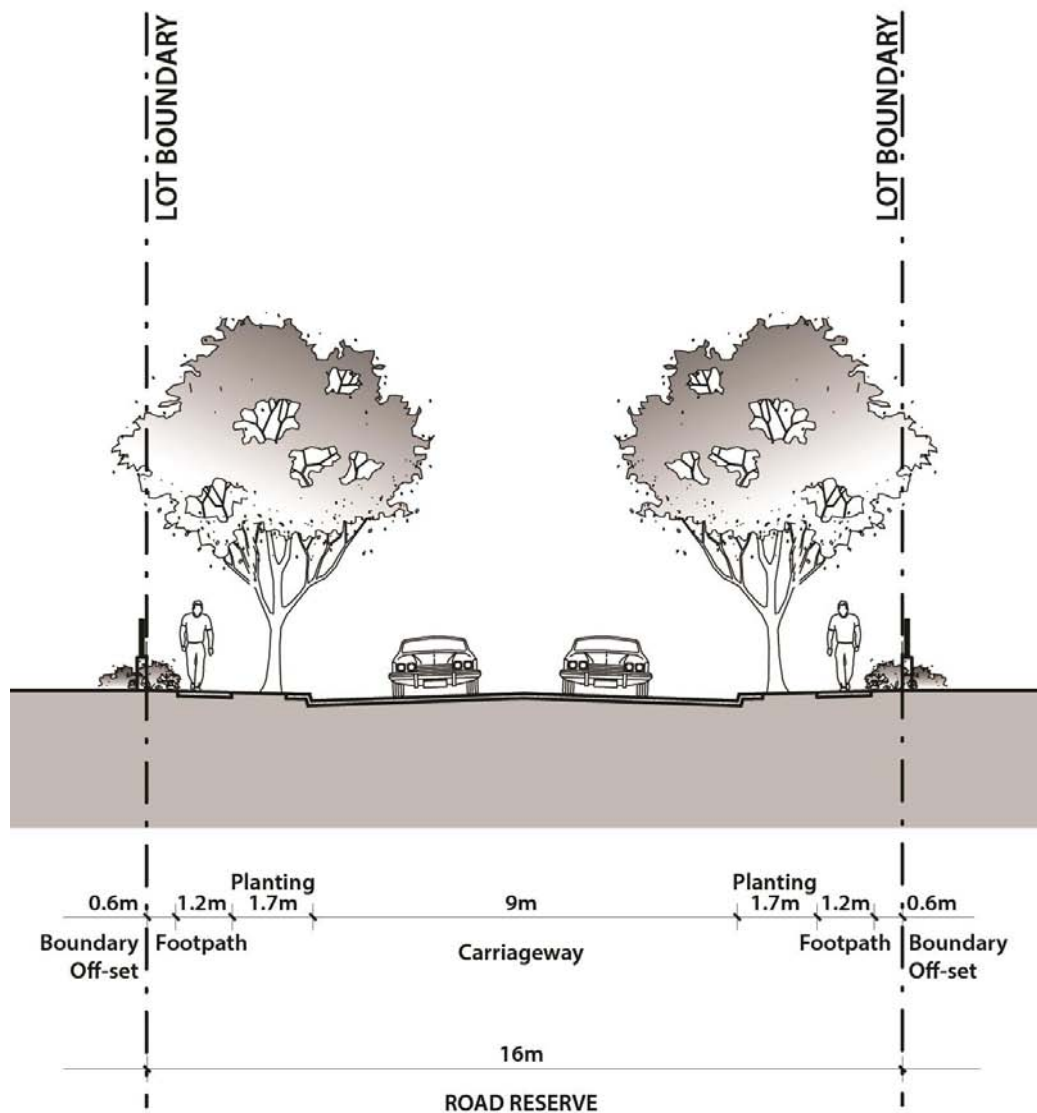


FIGURE 10 (above): Typical Local Street section

Source: Camden Growth Centre Precincts Development Control Plan



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- **Byron Road** will be a 2 lane Collector road, with an on road cycleway. It will have a road reserve width of 20m and a carriageway width 13.0m, with footpaths either side of the road. Refer **Figure 11**.

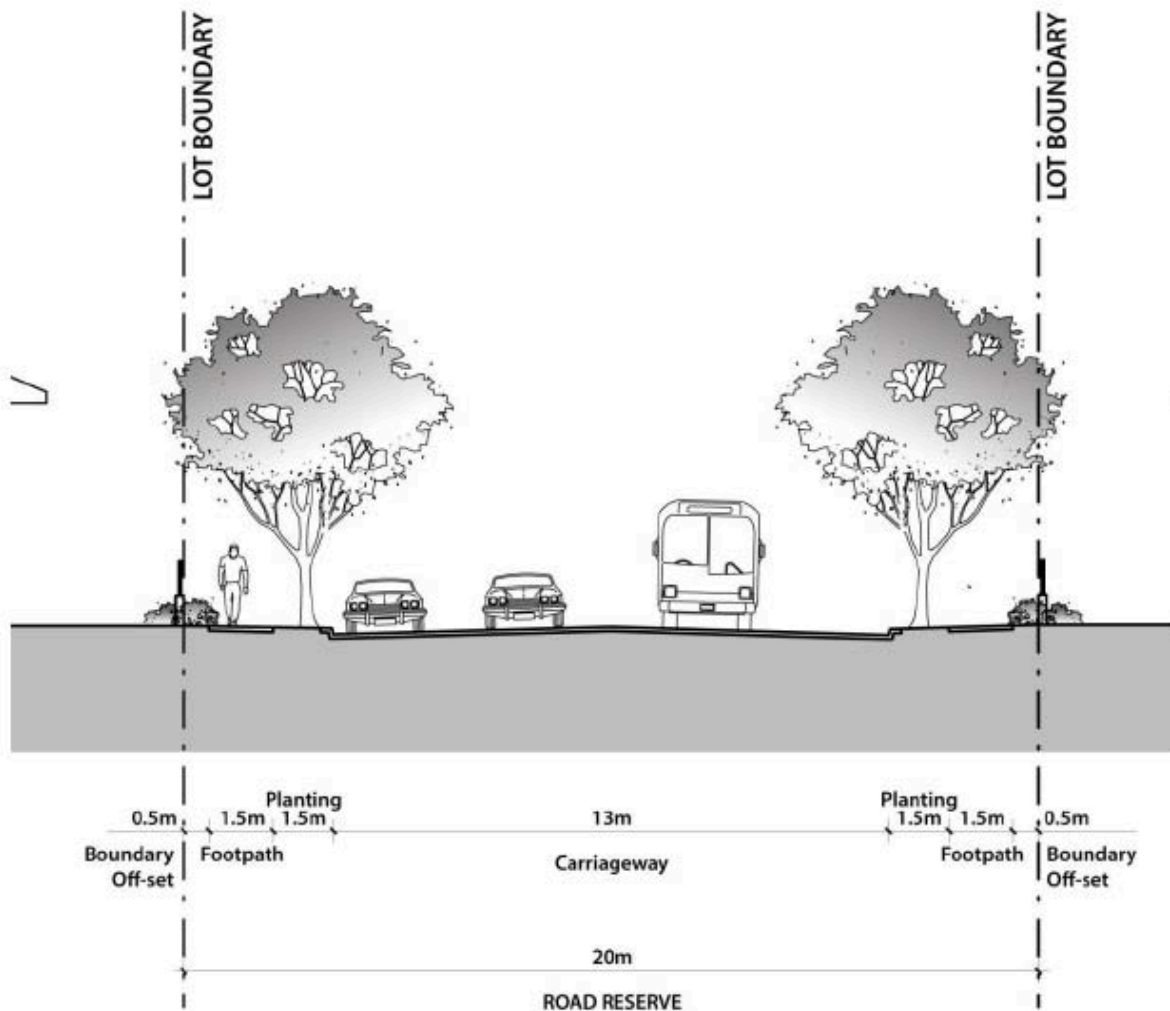


Figure 3-13: Typical collector road (on road cycle path)

FIGURE 11 (above): Typical Collector Road section (Byron Road frontage)

Source: Camden Growth Centre Precincts Development Control Plan



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■ **Ingleburn Road** will be a 4 lane Sub-Arterial road with , with an off road cycleway and a roundabout at the intersection of Byron Road and Ingleburn Road. Refer **Figure 12**.

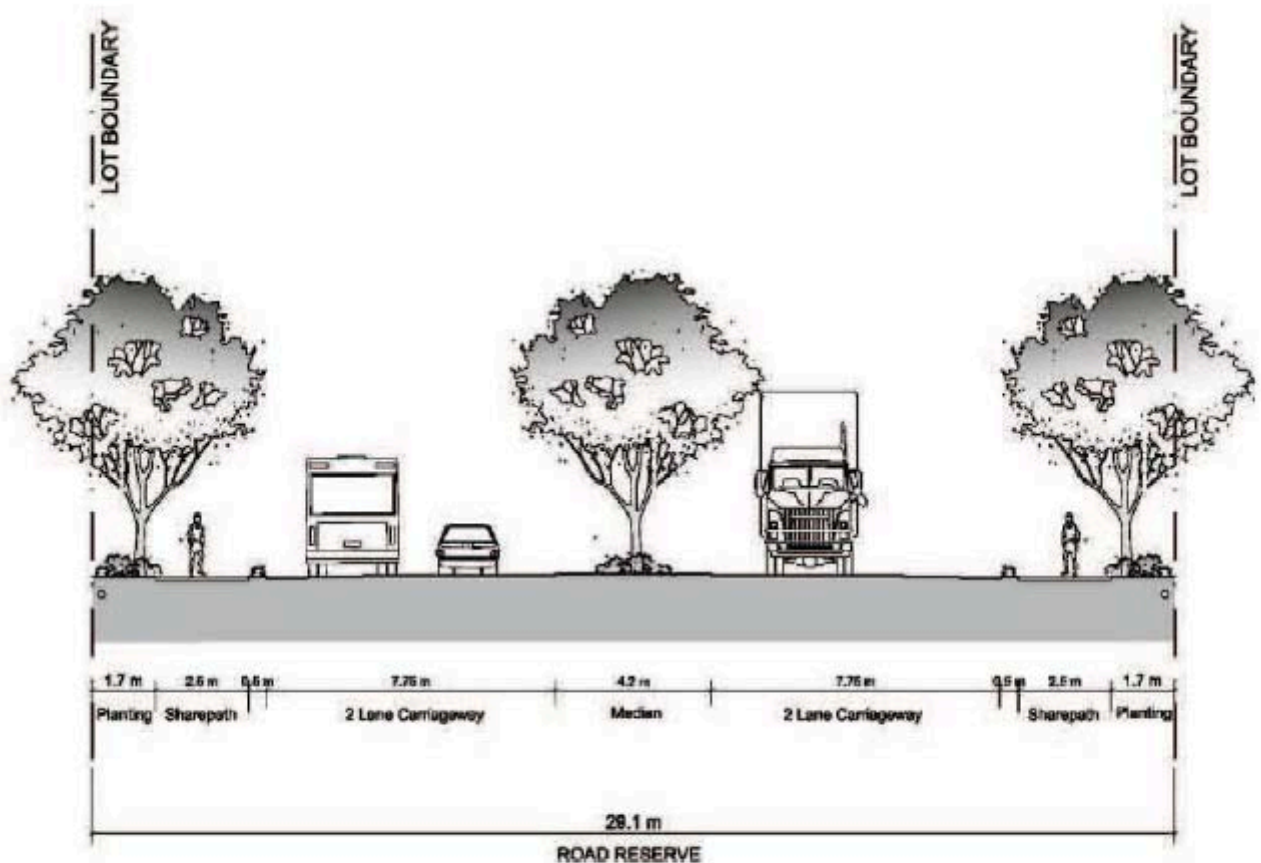


Figure 3-11: Typical sub-arterial road

FIGURE 12 (above): Typical Collector Road section (Ingleburn Road frontage)

Source: Camden Growth Centre Precincts Development Control Plan



Schedule 5 of *Camden Growth Centre Precincts Development Control Plan*- contains, inter alia, an overall vision for the Leppington Priority Precinct and in so doing, identifies various figures referenced in Part 2 Precinct Planning Outcomes , and Part 3 Neighbourhood and Subdivision Design, of the main body of the DCP. This includes the following:

■ **Water cycle management and ecology strategy:** Figure 2-2 of Schedule 5 of *Camden Growth Centre Precincts Development Control Plan*. In this regard the Project Site is not designated in the DCP for any proposed active or passive open space, Environmental Conservation, Riparian Corridor or Drainage and Infrastructure. Section 2.3.2 of the DCP requires, inter alia, management of ‘minor’ flows and ‘major’ flows within subdivisions and development sites is to be in accordance with Council’s Engineering Specification It also requires all new development is to be connected to the Council’s trunk drainage system as shown in this figure. Refer **Figure 13**.

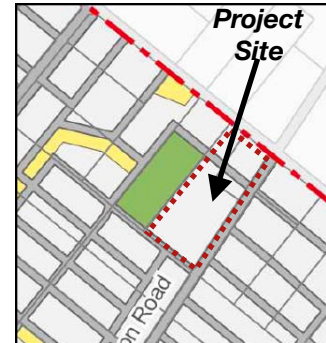


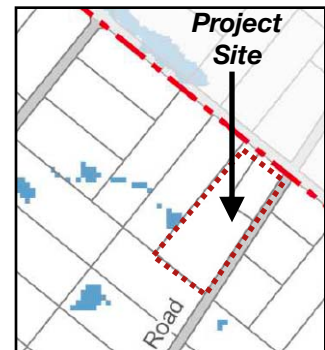
FIGURE 13: DCP Figure 2-2 Water cycle management and ecology strategy

Source: Schedule 5 *Camden Growth Centre Precincts Development Control Plan- Leppington Priority Precinct*

■ **Flood prone land:** Figure 2-3 of Schedule 5 of *Camden Growth Centre Precincts Development Control Plan*. In this regard the Project Site is not designated as comprising land subject to 1% flood event. Refer **Figure 14**. The Camden Growth Centre Precincts Development Control Plan allows filling of land affected by this flood event (clause 2.3.1 of the DCP).

FIGURE 14 (right): DCP Figure 2-3 Flood prone land

Source: Schedule 5 *Camden Growth Centre Precincts Development Control Plan- Leppington Priority Precinct*



■ **Potential salinity risk:** Figure 2-4 of Schedule 5 of *Camden Growth Centre Precincts Development Control Plan*. In this regard the Project Site is identified as comprising land subject to Low to Moderate Salinity Potential. The DCP requires that development applications, that include earthworks, on land with a low, or moderate to high risk of salinity (identified in the Areas of potential salinity risk map), are to be accompanied by information detailing how the design and construction of the proposed subdivision intends to address salinity issues. The DCPm also requires, inter alia, that salinity shall be considered during the planning, design and carrying out of earthworks, rehabilitation works and during the siting, design and construction of all development including infrastructure (Section 2.3.3 of the DCP). Refer **Figure 15**.



High Salinity Potential
Low to Moderate Salinity Potential

FIGURE 15: DCP Figure 2-4 Potential salinity risk

Source: Schedule 5 *Camden Growth Centre Precincts Development Control Plan- Leppington Priority Precinct*



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■ **Aboriginal cultural heritage sites:** Figure 2-5 of Schedule 5 of *Camden Growth Centre Precincts Development Control Plan*. In this regard the north-western flanks of the Project Site are identified as comprising land with a Moderate Archeological Sensitivity Area, with the remainder of the site having no such sensitivities. Section 2.3.4 of the DCP requires, inter alia, that development applications must identify any areas of Aboriginal heritage value that are within or adjoining the area of the proposed development, including any areas within the development site that are to be retained and protected (and identify the management protocols for these). Refer **Figure 16**.



FIGURE 16 (right): DCP Figure 2-5 Aboriginal cultural heritage sites

Source: Schedule 5 *Camden Growth Centre Precincts Development Control Plan- Leppington Priority Precinct*



■ **European cultural heritage sites:** Figure 2-6 of Schedule 5 of *Camden Growth Centre Precincts Development Control Plan* shows that neither the site or any adjoining properties have been identified as sites of European cultural significance. Heritage assessment are only required of any proposed development identified as being an item of European heritage (which the site is not). Refer **Figure 17**.

FIGURE 17 (right): DCP Figure 2-6 European cultural heritage sites (marked in red)

Source: Schedule 5 *Camden Growth Centre Precincts Development Control Plan- Leppington Priority Precinct*



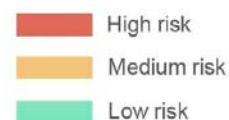
■ **Bushfire risk and asset protection zone requirements:** Figure 2-7 of Schedule 5 of *Camden Growth Centre Precincts Development Control Plan* shows that no part of the site is affected by and APZs (or subject to bushfire hazard).

■ **Potential contamination risk ranking:** Figure 2-8 of Schedule 5 of *Camden Growth Centre Precincts Development Control Plan* shows that the Project Site is identified as being of Medium contamination risk. Refer **Figure 18**. Section 2.3.7 of the DCP requires, inter alia, a Stage 1 contamination assessment, with a Stage 2 contamination assessment required where the Stage 1 Investigation identifies potential or actual site contamination. In the case of the latter, a Remediation Action Plan (RAP) will be required to be submitted and approved by Camden Council prior to development consent being granted for areas identified as contaminated land in the Stage 2 Site Investigation.



FIGURE 18: DCP Figure 2-8 Potential contamination risk

Source: Schedule 5 *Camden Growth Centre Precincts Development Control Plan- Leppington Priority Precinct*



■ **Noise – Indicative offset distances:** Figure 2-9 of Schedule 5 of *Camden Growth Centre Precincts Development Control Plan* shows that the Project Site requires offsets of 40m from Ingleburn Road, with no offsets required from Byron Road.

■ **Precinct road hierarchy:** Figure 2-11 of Schedule 5 of *Camden Growth Centre Precincts Development Control Plan* shows that Byron Road is to be a 2 lane Collector road, with Ingleburn Road planned to be a 4 lane Sub-Arterial Road. A signalised intersection is proposed at the intersection of Byron Road and Ingleburn Road. Refer **Figure 19**.

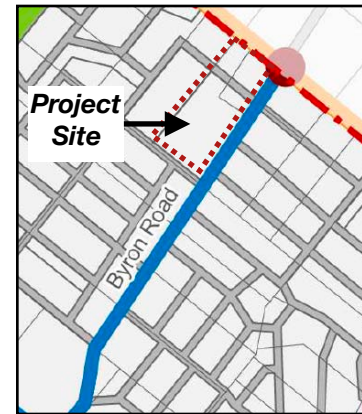


FIGURE 19 (right): DCP Figure 2-11 Precinct road hierarchy

Source: Schedule 5 *Camden Growth Centre Precincts Development Control Plan- Leppington Priority Precinct*



■ **Pedestrian and cycle network:** Figure 2-12 of Schedule 5 of *Camden Growth Centre Precincts Development Control Plan* shows that Byron Road is to have an **on-road** pedestrian/cycle route, with Ingleburn Road planned to have a **off-road** pedestrian/cycle route. Refer **Figure 20**.

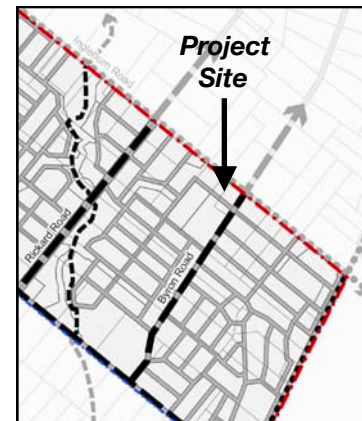
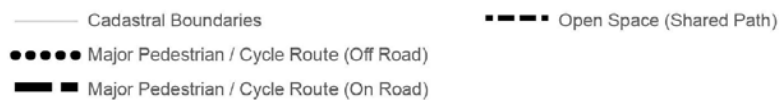


FIGURE 20 (right): DCP Figure 2-12 Pedestrian and cycle network

Source: Schedule 5 *Camden Growth Centre Precincts Development Control Plan- Leppington Priority Precinct*



■ **Native vegetation:** Section 2.3.5 of the DCP seeks to retain native trees and other vegetation “where possible”. Where considering any application that involves the removal of trees Council is obliged to consider a range of matters, including habitat values or visual screening values. The DCP requires that where removal is unavoidable that appropriate replacement planting using similar species will be required and that buildings are to be set back a minimum of 3m from retained trees. The selection of trees is to consider a range of matters including bushfire risk and prescribed trees.



■ 4.5 Leppington (Stage 1) Finalisation Report October 2015

Prior to the gazettal of the Leppington Priority Precinct for urban development a report was published by the NSW Department of Planning and Environment outlining the last revisions to the Precinct Plan.

Importantly, revisions to the proposed zonings as they applied to the Project Site were specifically referred to in Section 4.6.1 of this report, and is reproduced in the following.

The report provides a planning context for the future development of the Project Site and environmental features.

4.6 Proposed School Sites

4.6.1 Public primary school site – corner of Ingleburn Road and Byron Road

The exhibited primary school site had direct frontage to both Ingleburn Road and Byron Road. Consultation with the Roads and Maritime Authority (RMS) concluded that the school site should be moved away from Ingleburn Road to avoid any potential safety issues, and to avoid the need for a school zone speed limit on Ingleburn Road. The school will continue to have access from Byron Road which is proposed to be a collector road and will accommodate buses.

The school site has also been reduced in area in consultation with the Department of Education and Communities with the intent that adjoining public open space will be co-shared with Council for passive play, or that the school can be designed to fit within the proposed site.

The open space in this area has been increased and the drainage land shown on the exhibited ILP removed from the final ILP as it remains a permitted land use on RE1 Public Recreation zoned land.

As a result of the relocation of the school site, an area of Additional High Conservation Value Vegetation (AHCVV) will no longer be mapped on the Native Vegetation Protection (NVP) SEPP map. Areas of AHCVV were identified across the Priority Growth Areas as part of precinct planning, after the original Priority Growth Areas vegetation mapping in 2007. This vegetation is on certified land and does not have to be retained but is worthy of retention if possible to contribute to conservation outcomes across the Precinct. It is possible that as the school is developed, part of the vegetation will be retained. See **Figure 5** for the changes in layout and **Table 5** for the area changes.



Figure 5: Proposed Ingleburn Road school site and surrounding land



Table 5: Area changes with revised school, open space and residential zoning amendments

	Exhibited (ha)	Final (ha)
School	3.15	2.23
Open space	1.32	1.53
R3 Medium Density Residential	0.41	1.40
Drainage	0.17	Incorporated within open space

(Source: NSW Department of Planning and Environment October 2015 *Leppington (Stage 1) Finalisation Report* pp15-16)

Some of the findings of the above report include:

- Access to the school to be from Byron Road, which is capable of accommodating buses.
- The adjoining public open space is intended to be co-shared with Council for passive play, or that the school can be designed to fit within the proposed open space site.
- The vegetated area at the southern end of the school site to be no longer mapped on the Native Vegetation Protection (NVP) SEPP map. The report notes that the vegetation **does not need to be retained** Accordingly, an **exemption** is sought from the need to prepare any further ecological assessment of the site under the *Biodiversity Conservation Act 2016*.
- The area designated for a school is reduced from 3.15ha to 2.23ha.



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

State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017 is also relevant to this particular project. This SEPP provides that:

“42 State significant development for the purpose of schools—application of development standards in environmental planning instruments

Development consent may be granted for development for the purpose of a school that is State significant development even though the development would contravene a development standard imposed by this or any other environmental planning instrument under which the consent is granted.”

Related to the above provision of the SEPP, Clause 35(6)-(9) of *State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017* is also relevant to this school project. It relates to the design of a school and need, if any for compliance with various controls and guidelines. In particular, Clause (6)(a) requires:

“6) Before determining a development application for development of a kind referred to in subclause (1) [which applies in the case of the Amity College project], (3) or (5), the consent authority must take into consideration:

(a) the design quality of the development when evaluated in accordance with the design quality principles set out in Schedule 4,…”

These school design principles, listed in Schedule 4, relate to the following:

- Context, built form and landscape (Principle 1)
- Sustainable, efficient and durable (Principle 2)
- Accessible and inclusive (Principle 3)
- Health and safety (Principle 4)
- Amenity (Principle 5)
- Whole of life, flexible and adaptive (Principle 6)
- Aesthetics (Principle 7)

The project will aim to satisfy all of the applicable design quality principles as set down in Schedule 4 of *State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017*.

■ 5. State Infrastructure Contribution (SIC)

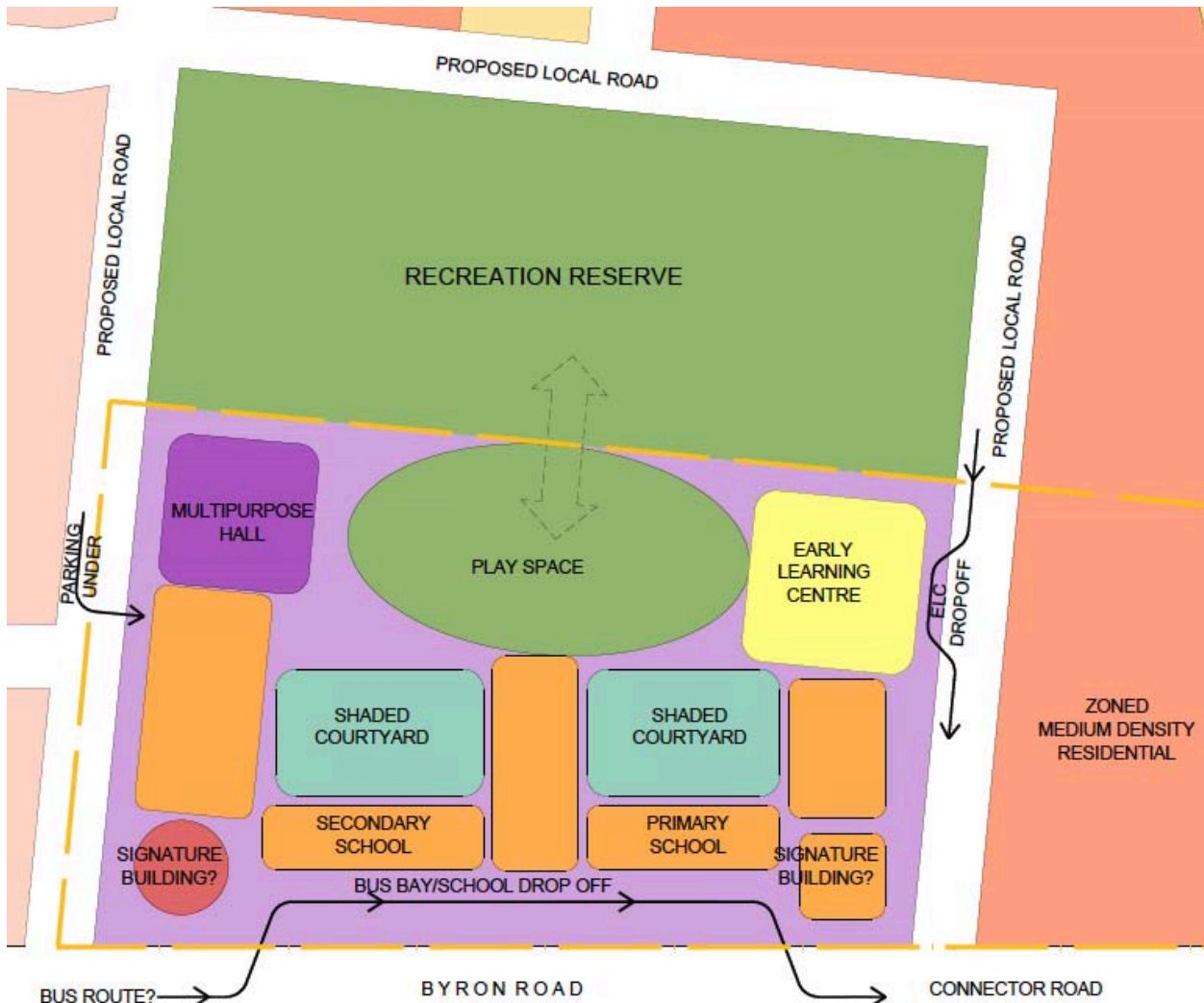
Private schools are exempt from paying the State Infrastructure Contribution (SIC) pursuant to Ministerial (Special Infrastructure Contributions areas) Determination 2011.



6. Concept Development Proposed New School

Amity College propose to establish a new combined co-educational Primary and Secondary school (K-12) and an early learning centre on the Project Site.

A number of schematic concept master plans have been prepared by Gran Associates Architects, showing the likely layout of the new school and connectivity to the zoned public open space area adjoining. Refer to a representative master plan below in **Figure 21**.

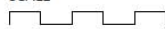


AMITY COLLEGE LEPPINGTON CAMPUS



MASTERPLAN 2018

SCALE



21.03.18

MASSING OPTION 3

MPSK- 03

FIGURE 21 (above): Concept Master Plan for the new school

Source: Gran Associates, architects



Proposed Amity College School Campus, 85 Byron Road & 63 Ingleburn Road, Leppington NSW

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A summary of the key elements of the proposed new school is provided below:

- Demolition of existing rural dwelling and sheds and associated improvements.
- Removal of existing trees to make way for new school buildings and spaces.
- Earthworks associated with preparing the site to accommodate the school uses proposed.
- Engineering works including stormwater and drainage facilities.
- Construction of school buildings, access and on site car parking areas on a staged basis, eventually catering for up to 1,000 students.
- Construction of roads, including bus bays and school drop-off points on a staged basis. This includes the creation of at least two drop off points: one from Byron Road, the other from a proposed Local Road between the land zoned for a school site and that zoned for the purpose of future medium density housing.
- Ancillary landscaping and school play spaces and facilities around the school site. Almost all of the existing woodland area is to be removed, supplemented by additional on-site landscaping including street tree plantings along the Byron Road street frontage and the two Local Road frontages. Most open space area will be grassed, in order to provide outdoor playing areas for students.

The general hours of operation for the school for all stages will be between 7.00am and 9.00pm (source: as required in Section 4.4.3 of *Camden Growth Centre Precincts Development Control Plan*).

However, teaching hours will generally be between 9.00am and 3.00pm Monday to Friday, with students generally arriving by 8.00am and leaving by 4.00pm. Out-of-hours use of the playing field and sports courts and other extra-curricular activities is anticipated.

Deliveries and service vehicles are to be scheduled to access the site outside of peak am and peak pm school pick-up times, to minimise conflict between vehicle modes and pedestrians, between the hours of 7.00am to 5.00pm.

The development proposes an appropriate type of fencing, commonly used for schools, that is suitable for security purposes.

Amity College will apply to Camden Council for an approval under Section 138 of the Roads Acts for any works within the road reserve.

The concept parking system proposed under the school master plan meets the following objectives:

- To provide on-site parking for staff, students, visitors and delivery vehicles, which is easily accessible and has regard to pedestrian safety.
- All car parking and servicing generated by the proposed new school is met on-site.



7. Identification and Prioritisation of Environmental Issues

The following table summarises our consideration of the relevant issues applicable to the Project Site and to the proposed school development.

Issue	Potential for environmental impact	Environmental assessment likely to be required in EIS
Planning context and site suitability	The site is within the Leppington Priority Precinct and was assessed by the Department of Planning and Environment, zoned specifically for the purposes of a school under the provisions of <i>State Environmental Planning Policy (Sydney Region Growth Centres) 2006</i> .	No issue as to the suitability of the site as a school or feasible alternatives. Need for cross-check of SEPP and DCP controls and guidelines applicable to the site, including how services are to be integrated into the design of the school development.
Built Form and Urban Design	Various 'best practice' school design principles apply under the provisions of <i>State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017</i> , including context, built form and landscape. NSW Department of Planning and Environment October 2015 <i>Leppington (Stage 1) Finalisation Report</i> notes that the school can be designed to fit within the public open space adjoining the proposed school. No height, density, bulk or scale limits apply to the site under apply the provisions of <i>State Environmental Planning Policy (Sydney Region Growth Centres) 2006</i> . No setback restrictions apply to school buildings fronting Byron Road.	Need to address the design of the proposed new school, including landscaping, in accordance with 'best practice' school design principles applying under the Education SEPP, as well as Educational Facilities Standards and Guidelines (EFSG), BCA, Australian Standards, including an assessment of height, density, bulk, scale, and setbacks. The above considerations to be considered in relation to surrounding development, topography, streetscape and the adjoining public open space area. Need to also detail how services, including but not limited to waste management, loading zones, and mechanical plant are integrated into the design of the development.
Local Amenity	The site has been earmarked as a school by the Department of Planning and Environment and subsequently zoned accordingly. Amenity objectives also addressed in 'best practice' guidelines under <i>State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017</i> .	Need for assessment of impact of the proposed school development in terms of impact on neighbours, including solar access, acoustic impacts, visual privacy, view loss, overshadowing and wind impacts, as well as details of any proposed use of the school grounds out of school hours (including weekends) and any resultant amenity impacts on the immediate locality and proposed mitigation measures.
Transport	The road system has been identified and comprehensively planned for the Leppington Priority Precinct as a part of <i>State Environmental Planning Policy (Sydney Region Growth Centres) 2006</i> and accompanying <i>Camden Growth Centre Precincts Development Control Plan</i> . Traffic impact required to be assessed under SEPP Infrastructure 2007	Need for transport and accessibility impact assessment of the proposed school development, showing how the design fits in with the transport planning for the Leppington Priority Precinct, including road upgrades required, access to roads, traffic management measures, disabled access, bus routes, and construction traffic management.



Ecologically Sustainable Development (ESD)	Required to be considered under the <i>Environmental planning & Assessment Act 1979</i> and as defined in clause 7(4) of Schedule 2 of the <i>Environmental Planning and Assessment Regulation 2000</i> .	Details as to how ESD principles are incorporated in the design and ongoing operation phases of the school development, including measures to minimise consumption of resources, water (including water sensitive urban design) and energy.
Social impacts	The school's location has been determined following an extensive investigation by the Department of Planning and Environment of the Leppington Priority Precinct master planning process.	No need for detailed social impact assessment, however, need for crime prevention through environmental design (CPTED) assessment and proof of compliance with EFSG requirements.
Heritage	No European heritage features on the site. Medium potential for archaeological sites, based on earlier work undertaken within the Leppington Priority Precinct.	An Aboriginal cultural heritage due diligence assessment most likely to be required. No European cultural heritage assessment required.
Noise and vibration	The site is within a rural area, planned for transition to a major urban release area.	Need for noise and vibration assessment of proposed new school, including during construction phase.
Air quality	An air quality impact assessment on the land adjoining to the south shows acceptable odour levels prevail, below the NSW EPA odour impact assessment criterion of 2 Odour Units (OU) at the Project Site.	An exemption is requested, avoiding the need to carry out any further odour assessment by an appropriate qualified person in accordance with the EPA Draft Policy "Assessment and Management of Odour from Stationary Sources in NSW" and Technical Notes.
Salinity and soil management	The Project Site identified as having a Low to Moderate Salinity Potential.	DA to be accompanied by information detailing how the design and construction of the proposed school intends to address salinity issues, including details of salinity and sodicity management complementing WSUD strategies. To be accompanied by a geotechnical report and salinity assessment report. Soil and Water Management Plan, incorporating an erosion and sediment control plan, to be prepared in accordance with <i>Managing Urban Stormwater - Soils and Construction</i> (Landcom 3rd Edition March 2004 ('The Blue Book').
Contamination	The Project Site identified as being of Medium contamination risk. <i>Managing Land Contamination: Planning Guidelines - SEPP 55 Remediation of Land</i> (DUAP) applies.	Assess and quantify any soil and groundwater contamination and demonstrate that the site is suitable for the proposed use in accordance with SEPP 55. Prepare a hazardous materials survey of all existing structures and infrastructure proposed to be demolished. A Remediation Action Plan (RAP) may be required if there is evidence of any on-site contamination.



Services provision	The locality is currently undergoing a major upgrade of services infrastructure. Some services are already supplied, with others (eg. sewer) planned in the short term.	An Infrastructure Report to be prepared assessing the adequacy of provision of water, sewer, electrical, telecommunications, and gas. Civil works details to be provided with DA, to a DA standard.
Drainage, flooding	No identified watercourses run through the Project Site, and it is not affected by any flooding. The Project Site is not within any identified riparian zone.	Details of drainage associated with the proposed school development, including stormwater, drainage infrastructure and downslope water quality impacts. A Stormwater Management Report will be required. No flood study required.
Waste	Waste management a fundamental part of any new development.	Need to identify, quantify and classify the likely waste streams to be generated during construction and operation of the new school and describe the measures to be implemented to manage, reuse, recycle and safely dispose of this waste. Identify appropriate servicing arrangements (including but not limited to, waste management, school loading zones, mechanical plant) for the proposed new school site.
Biodiversity	<p>The Leppington Precinct was the subject of detailed ecological studies, undertaken on behalf of the (then) Department of Planning & Infrastructure in 2014 (source: Ecological Australia June 2014 <i>Leppington Rezoning Assessment Biodiversity and Riparian Studies</i>). The Project Site contains trees forming a part of the Cumberland Plain Woodland (CPW) in a poor condition.</p> <p>Importantly, prior to final release of the Leppington Precinct, a decision was made by the Department of Planning & Environment to zone the larger stand of this vegetation for the purposes of a school and, once rezoned, to not require this vegetation stand to be retained. (source: NSW Department of Planning and Environment <i>Leppington (Stage 1) Finalisation Report</i> October 2015). Refer to our Section 4.5.</p> <p>The site is 'biodiversity certified' under the TSC Act, which negates the requirement for an impact assessment on threatened species under Section 5A of the EP&A Act; and consequently, turns off the requirement for an assessment of significance or species impact statement on land which is certified within the SW Growth Centres.</p>	<p>An exemption is requested, avoiding the need to carry out any biodiversity development assessment report (BDAR) or ecological assessment in accordance with the provisions of the <i>Biodiversity Conservation Act 2016</i>.</p> <p>Additionally, and as required by Section 2.3.5 of the Camden Growth Centre Precincts Development Control Plan, an arborists assessment is required of existing trees on site and mitigation measures proposed.</p>



■ 8.Consultation

Following declaration of the project as a SSD and the issuing of SEARs, Amity College will complete all consultation required as part of the preparation of the EIS, including consultation with Camden Council, the RMS, Transport for NSW and the Government Architect.

■ 9.Capital Investment Value

The project is only at the concept development stage. As a result, no capital investment value has been accurately determined. In any case, and pursuant to clause 15(1) of Schedule 1 of *State Environmental Planning Policy (State and Regional Development) 2011* all new schools, **regardless of capital investment value**, are classified as as State significant development for the purposes of the *Environmental Planning and Assessment Act 1979* (EP&A Act). The initial expected capital value of the (concept only) project is estimated to be \$33.0 million, over several stages.

■ 10.Summary

The need for a new school on this site has been identified in the Leppington Precinct Plan and in the numerous environmental, town planning and engineering studies that preceded the release of this area for urban development. The land has been specifically zoned for school purposes as a part of the zoning regime associated with the Leppington Priority Precinct under the provisions of *State Environmental Planning Policy (Sydney Region Growth Centres) 2006*.

The provision of a permanent school facility in the locality will be crucial to meeting the educational needs of the growing residential population in the Leppington Priority Precinct. The proposed new school will provide residents in the locality with best practice education facilities with excellent access from surrounding residential areas, and access to an adjoining public open space area.

We now request the Secretary's Environmental Assessment Requirements for this EIS.

If any further details are required or if you have any queries, please do not hesitate to the undersigned either by email or by telephone on 02 9262 3511.

Yours sincerely



GARY PEACOCK, DIRECTOR

gpeacock@outline.com.au



ATTACHMENT A

Biodiversity Certification Map



Proposed Amity College School Campus, 85 Byron Road & 63 Ingleburn Road, Leppington NSW

Outline Planning Consultants

Town Planners & Project Managers



Office of
Environment
& Heritage

Threatened Species Conservation Act 1995

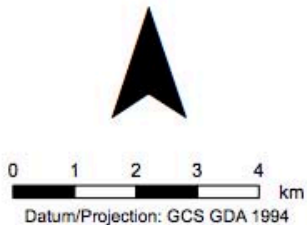
South West Growth Centre - Biodiversity Certification

Amendment No. 2

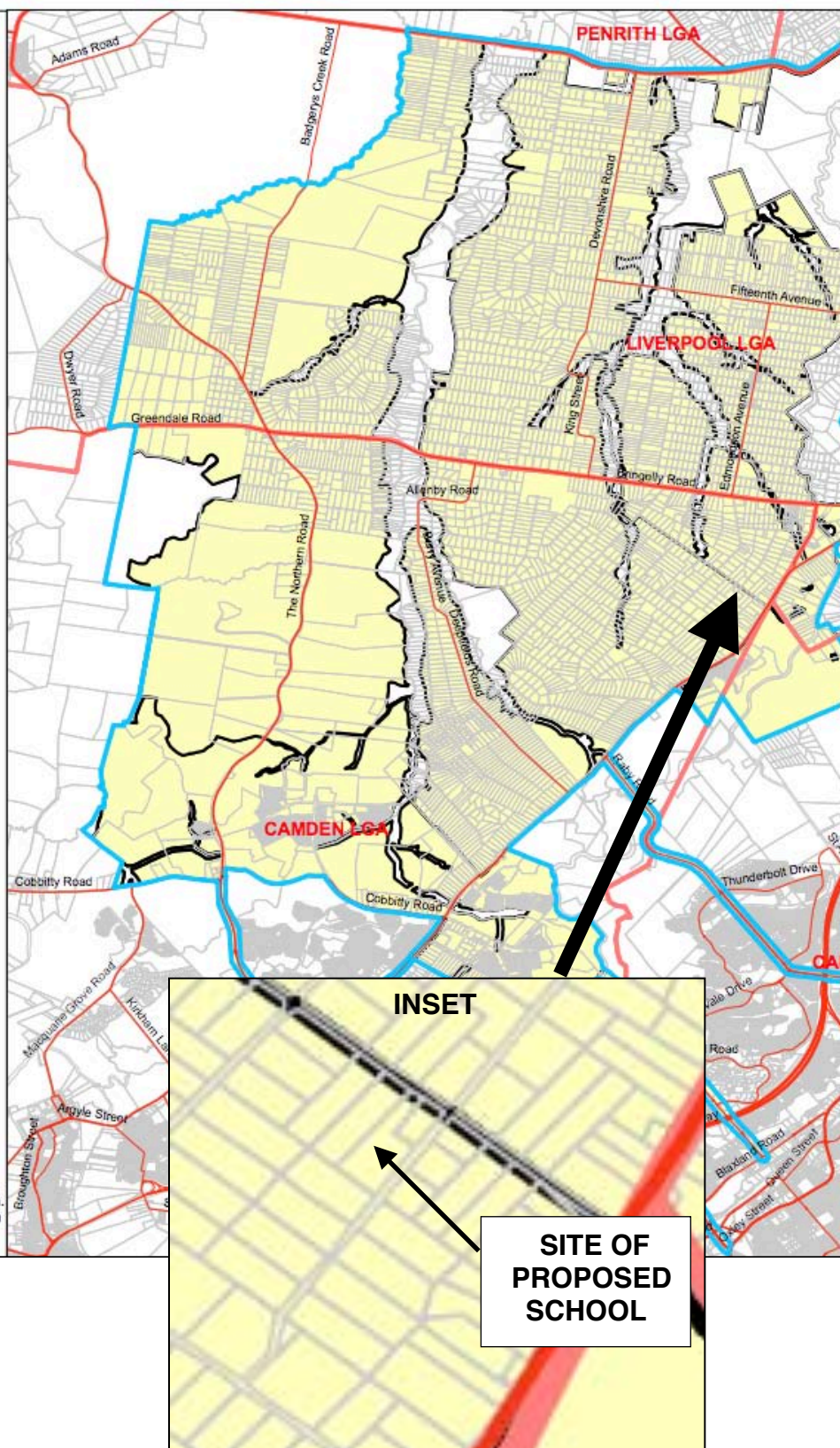


This is the map that is referred to in the Clause 17(1) of Schedule 7 to the Threatened Species Conservation Act 1995 and deposited in the head office of the Office of Environment and Heritage.

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Copyright NSW Office of Environment and Heritage (OEH). This map is not guaranteed to be free from error or omission. OEH and its employees disclaim liability for any act done on the information in the map and any consequences of such acts or omissions.



Proposed Amity College School Campus, 85 Byron Road & 63 Ingleburn Road, Leppington NSW

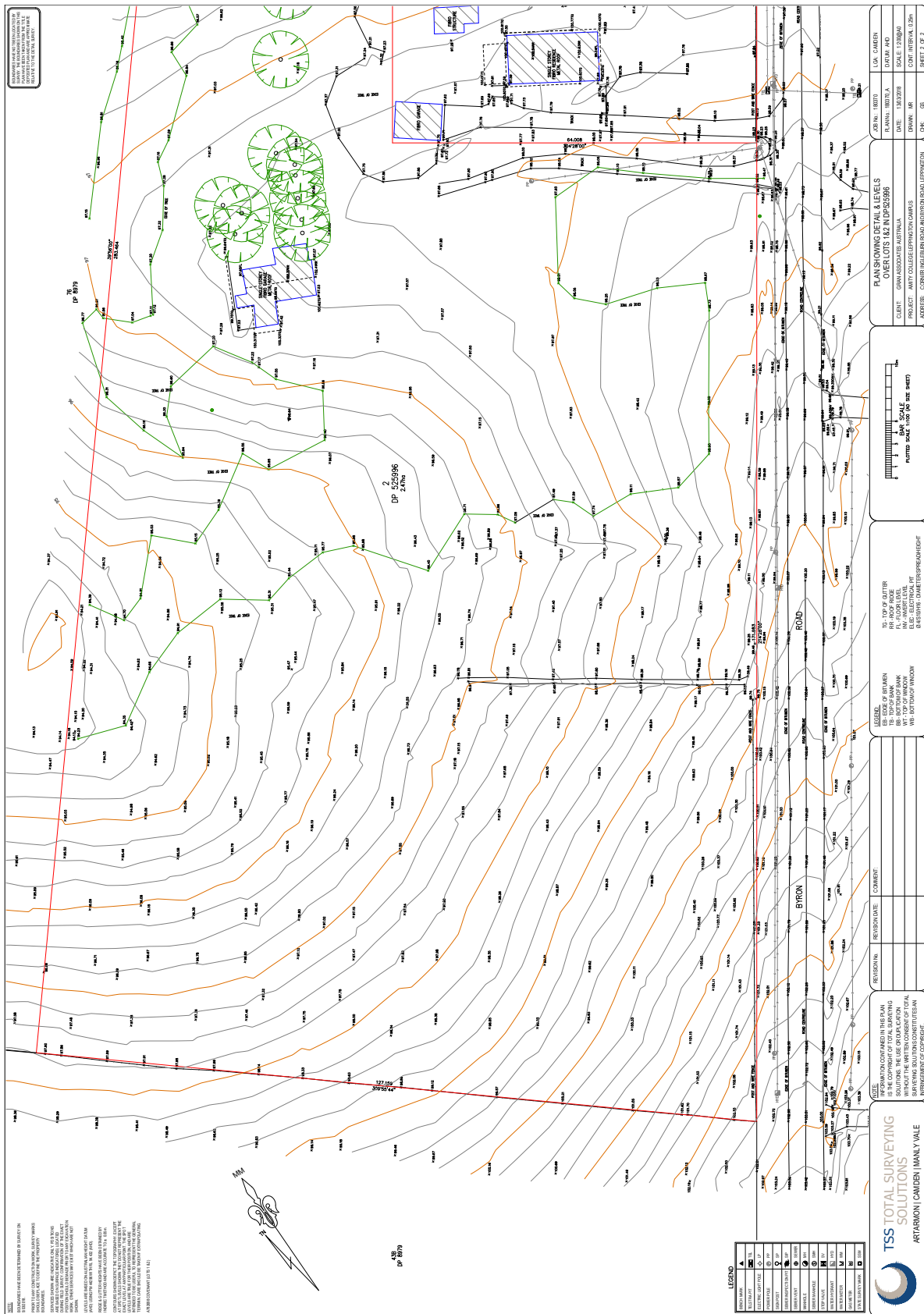
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ATTACHMENT B

Draft Site Survey + Areas







ATTACHMENT C

Todoroski Air Sciences 5 May 2017 Odour Assessment 55
Byron Road and 36-56 Rickard Road, Leppington
(source: Camden Council DA Tracker website)



Proposed Amity College School Campus, 85 Byron Road & 63 Ingleburn Road, Leppington NSW

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7 DISPERSION MODELLING RESULTS

The spatial distribution of the dispersion modelling predictions for the modelled odour sources are presented as an isopleth diagram showing the 99th percentile nose-response ground level odour concentrations in **Figure 7-1**.

The results in **Figure 7-1** show no adverse odour impacts due to the operating farms at the Project site. The predicted levels of odour would be compliant with the NSW residential criteria of 2OU at the Project location. The dispersion modelling results indicate that the assumed operating poultry operations in the vicinity would have little potential to generate levels of unacceptable odour at the Project location.

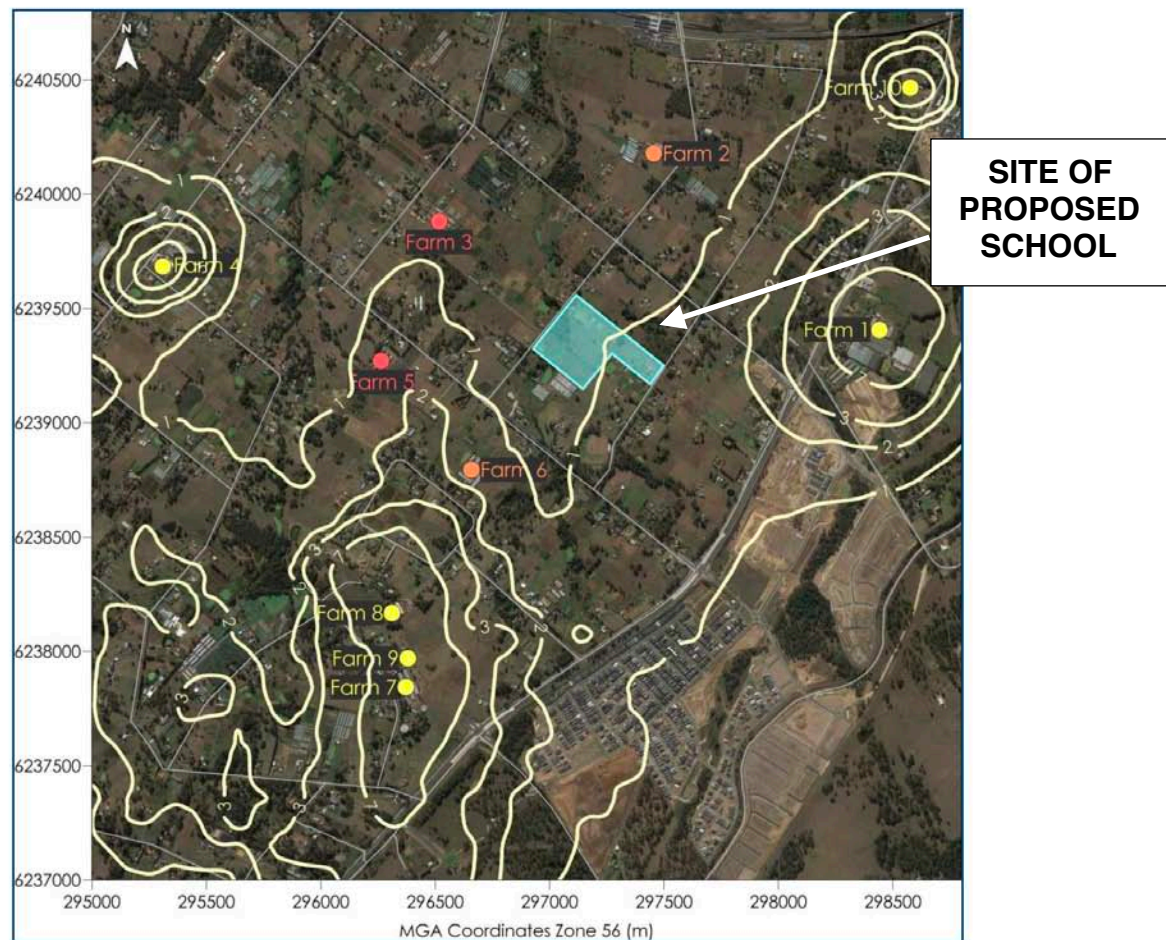


Figure 7-1: Predicted 99th percentile nose-response average ground level odour concentrations (OU) – Scenario 1

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Proposed Amity College School Campus, 85 Byron Road & 63 Ingleburn Road, Leppington NSW

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ATTACHMENT D

Leppington Vegetation & Condition

(source: Ecological Australia June 2014 *Leppington Rezoning Assessment Biodiversity and Riparian Studies* Prepared for NSW Department of Planning and Infrastructure)



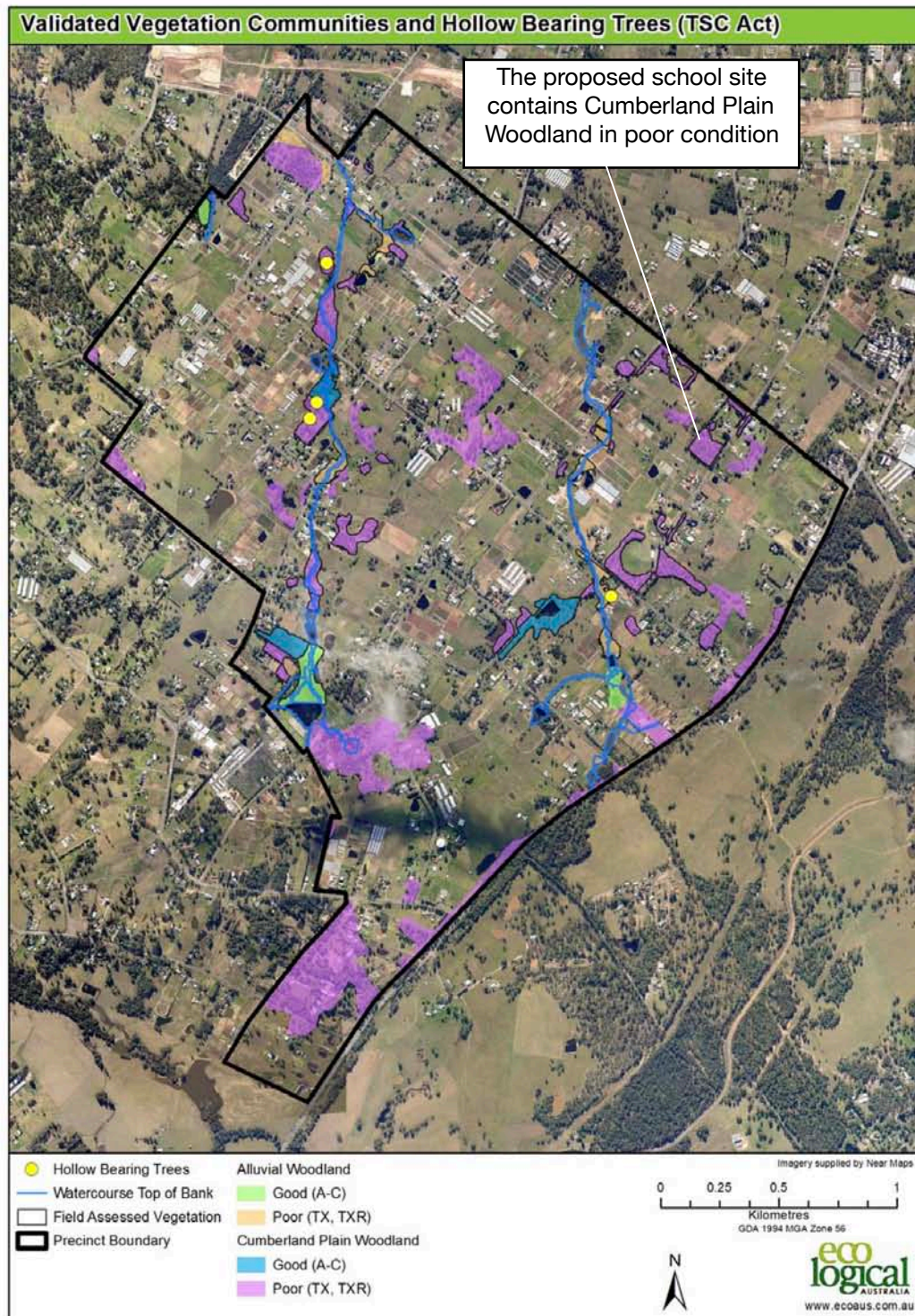


Figure 3: TSC Act Field Validated Vegetation Communities and Condition Classes and Location of Hollow Bearing Trees

ATTACHMENT E

Dept. Education Relinquishment Letter



Proposed Amity College School Campus, 85 Byron Road & 63 Ingleburn Road, Leppington NSW

Outline Planning Consultants

Town Planners & Project Managers

DOC17/1092434

Terry Hassan
Director Sales and Leasing
Knight Frank Australia Pty Ltd
Suite 7, Level 1
72-74 Bathurst Street
LIVERPOOL, NSW, 2170

Dear Mr Hassan,

Re: Relinquishment of the proposed site in Leppington

I write in response to your enquiry of the 6 October 2017 regarding the Department of Education's intentions for land at 85 Byron Road/ 63 Ingleburn Road, Leppington (Lots 1 and 2, DP 525996).

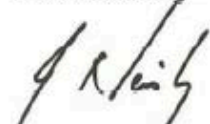
The Department notes that the above lots are currently zoned R3 (Medium Density) and SP2 (Educational Establishment) in the State Environmental Planning Policy (Sydney Region Growth Centre) 2006.

We understand that the vender for this land is terminally ill and wishes to sell the land.

The Department has undertaken planning for the schools in the area and has determined that Lots 1 and 2, DP 525996 will not be required for future education infrastructure requirements.

Should you require any further information please contact Jasna Dilevska, Senior Asset Planner on (02) 9561 1919 or email Jasmina.dilevska@det.nsw.edu.au should you require further information.

Yours sincerely



John Neish
Group Director, Planning & Strategy
24 October 2017