



# St Francis College Stage 1 – Landscaping

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State Significant Development Assessment SSD-10365

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*Cover image: Arcadia Landscape Architecture, 2020*

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# Glossary

Abbreviation	Definition
<b>CIV</b>	Capital Investment Value
<b>Council</b>	Liverpool City Council
<b>Department</b>	Department of Planning, Industry and Environment
<b>EES</b>	Environment, Energy and Science Group, Department of Planning, Industry and Environment
<b>EIS</b>	Environmental Impact Statement
<b>EP&amp;A Act</b>	<i>Environmental Planning and Assessment Act 1979</i>
<b>EP&amp;A Regulation</b>	Environmental Planning and Assessment Regulation 2000
<b>EPI</b>	Environmental Planning Instrument
<b>ESD</b>	Ecologically Sustainable Development
<b>LEP</b>	Local Environmental Plan
<b>Minister</b>	Minister for Planning and Public Spaces
<b>SEARs</b>	Planning Secretary's Environmental Assessment Requirements
<b>Planning Secretary</b>	Secretary of the Department of Planning, Industry and Environment
<b>SEPP</b>	State Environmental Planning Policy
<b>SRD SEPP</b>	State Environmental Planning Policy (State and Regional Development) 2011
<b>SSD</b>	State Significant Development
<b>TfNSW</b>	Transport for NSW

# Executive Summary

This report provides an assessment of a State significant development (SSD) application for Stage 1 of the St Francis College development (SSD 10365). The site is located at 130-160 Jardine Drive, Edmondson Park within the Liverpool Local Government Area, and the application has been lodged by City Plan on behalf of the Trustees of the Roman Catholic Church for the Diocese of Wollongong (the Applicant). The Department of Planning, Industry and Environment (the Department) considers that the proposal is consistent with the objects of the *Environmental Planning and Assessment Act 1979* (EP&A Act). The Department concludes that the proposal is in the public interest and recommends that the application be approved subject to conditions.

The development is the first stage of the St Francis Catholic College & Early Learning Centre, which was granted Concept Approval on 12 February 2019 (SSD 8832) for the staged development of a K-12 school and early child care centre, comprising capacity for 1,900 students and 80 child care places; building footprints, envelopes and heights; and car and bicycle parking. A section 4.55(1A) EP&A Act modification application was approved on 18 December 2019, to revise the staging of the development to include landscaping of the site as a standalone Stage 1.

This Stage 1 SSD application seeks approval for landscaping along the site's southern and eastern boundaries, construction of a swale along the southern boundary and installation of boundary fencing. The proposal also includes the installation of stormwater piping, provision of 14 on-site detention tanks, kerbing and a bioretention basin.

The Department identified consistency with the Concept Plan approval and the proposed landscaping and planting schedule as the key issues for assessment, and has considered the merits of the proposal in accordance with relevant matters under section 4.15(1) of the EP&A Act, principles of ecologically sustainable development, and issues raised in submissions and the Applicant's response to these. The Department's assessment concludes that the proposed landscaping design is appropriate within the context of the site and the surrounding locality. The Department is satisfied the impacts of the proposal have been addressed by the Applicant or can be adequately managed through conditions of consent.

The project has a Capital Investment Value (CIV) of \$554,000. Although this does not exceed the \$20 million threshold for educational facilities as specified in Schedule 1 clause 15(2) of the State Environmental Planning Policy (State and Regional Development) 2011 (SRD SEPP), the proposal is SSD under clause 12 of the SRD SEPP, as it is the subject of a concept development application under Part 4 of the EP&A Act. Therefore, the Minister for Planning and Public Spaces is the consent authority.

The application was publicly exhibited between 30 June 2020 and 27 July 2020 (28 days). The Department received a total of five submissions, including four from public authorities including Liverpool Council and one from the public. No objections were received. The key issues raised in submissions included matters relating to the proposed planting schedule and the car parking layout as shown on the landscape plan. The Applicant's Response to Submissions (RtS), submitted on 9 October 2020, addressed the outstanding issues and provided updated architectural drawings.

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# 1 Introduction

This report provides an assessment of a State significant development (SSD) application for Stage 1 of the St Francis Catholic College and Early Learning Centre located at 130-150 Jardine Drive, Edmondson Park (SSD 10365).

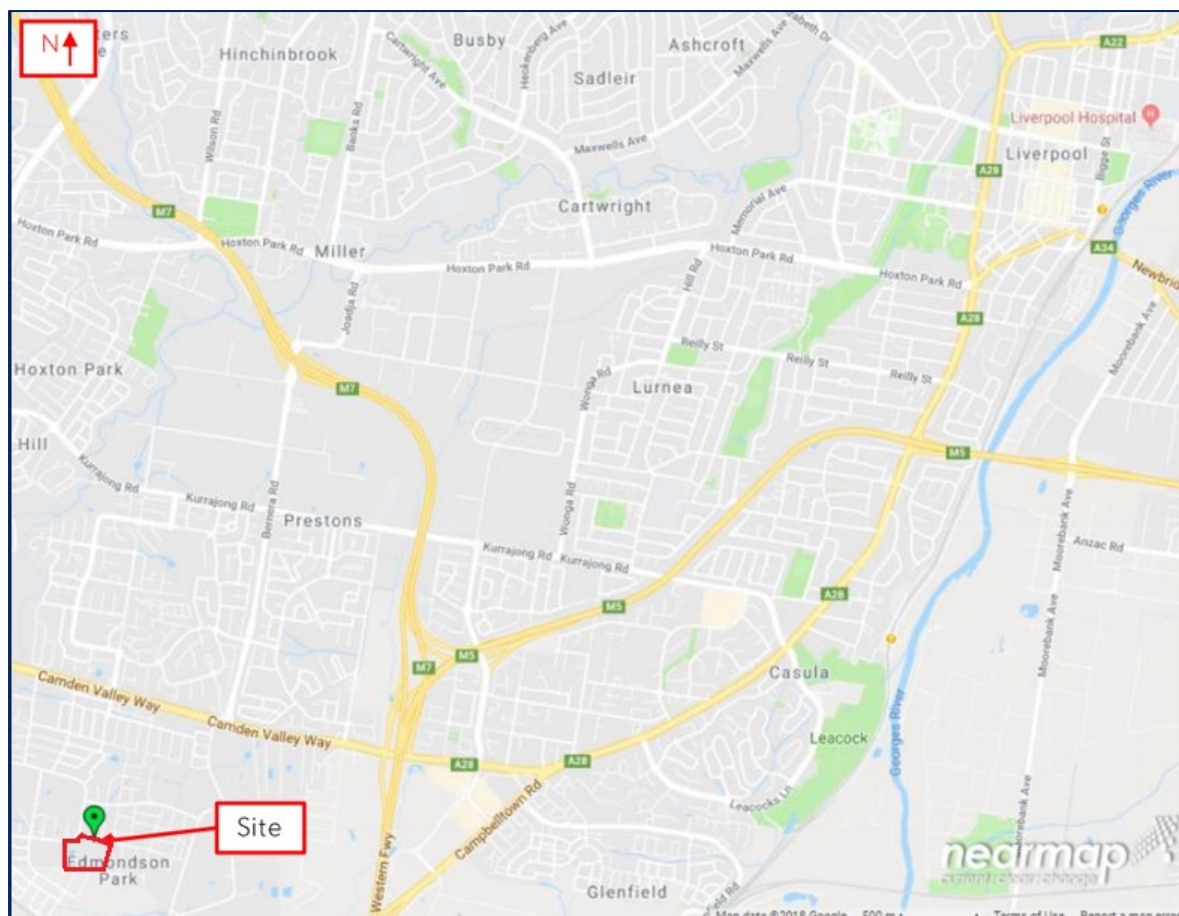
The proposal seeks approval for landscaping and stormwater draining works along the eastern and southern boundaries of the site, comprising plantings, a swale on the southern boundary, boundary fencing, stormwater piping, 14 x 13 cubic metre on-site detention (OSD) tanks, kerbing, and a bioretention basin.

The application has been lodged by City Plan, on behalf of the Trustees of the Roman Catholic Church for the Diocese of Wollongong (the Applicant). The site is located within the Liverpool local government area (LGA).

## 1.1 Site description

The site is located at 130-150 Jardine Drive, Edmondson Park and is legally described as Lot 1, DP 1245480.

The site is approximately 11 km south west from the Liverpool city centre (**Figure 1**).



**Figure 1 | Regional Context Map (Base source: Nearmap, 2018)**

The site is bounded by Jardine Drive to the north-west, Poziers Road to the north, Vinny Road to the east, Guillemont Road and Lacey Road to the south and a developing low residential zone to the west.

On 16 December 2016, Council approved an application for a school on the subject site with a capacity of 250 students and 19-full-time staff. The approval for the school included a total gross floor area (GFA) of 2,032 sqm in temporary, demountable buildings which accommodate the following:

- a school hall;
- art room and library;
- school canteen, food technology and wood technology rooms;
- two science laboratories with preparation rooms;
- 15 general learning areas (GLA);
- administration office, staff lounge and study, and uniform store.

The consent provided for the construction of playing fields and shaded playground, bus bay, drop-off/pick-up, 68 surface car parking spaces and 50 overflow car parking spaces. A further consent was issued on 22 August 2017 for additional general learning areas (GLA) and increasing the number of students to 400.

Some of the approved portable classrooms and onsite parking areas have subsequently been developed, and the school commenced operations on the subject site in 2018.

A number of Complying Development Certificates have subsequently been issued, including for the construction of a permanent Technology and Applied Sciences building (issued 23 February 2018, now operational), construction of a two storey creative and performing arts building (issued 20 October 2019), and construction of a two storey multi-function building (issued 11 March 2020).

An SSD Concept Approval was granted on 12 February 2019 (SSD 8832) for the staged development of a K-12 school and early child care centre on the subject site comprising a capacity of 1,900 students and 80 child care places; building footprints, envelopes and heights; and car and bicycle parking. Further detail about the terms of this approval is provided in **Section 2.3**.

The subject site has an existing street frontage to Jardine Drive that comprises a bus bay, drop-off/pick-up area and access to on-site car parking. Future access to additional on-site car parking from Poziers Road, Vinny Road and Guillemont Road also formed part of the Concept Approval.

The surrounding area is undergoing a transition from rural to low-density residential. Once developed, the area would typically be characterised by a variety of low to medium density residential developments and public open space. The location of the site within the local context is shown in **Figure 2**. The site is shown in **Figures 3 and 4**.





**Figure 2 | Local Context Map** (Source: Nearmap 2020)



**Figure 3 | The Site** (Source: Nearmap 2020)





**Figure 4 |** Existing College entrance off Jardine Drive (Source: DPIE 2018)

## 2 Project

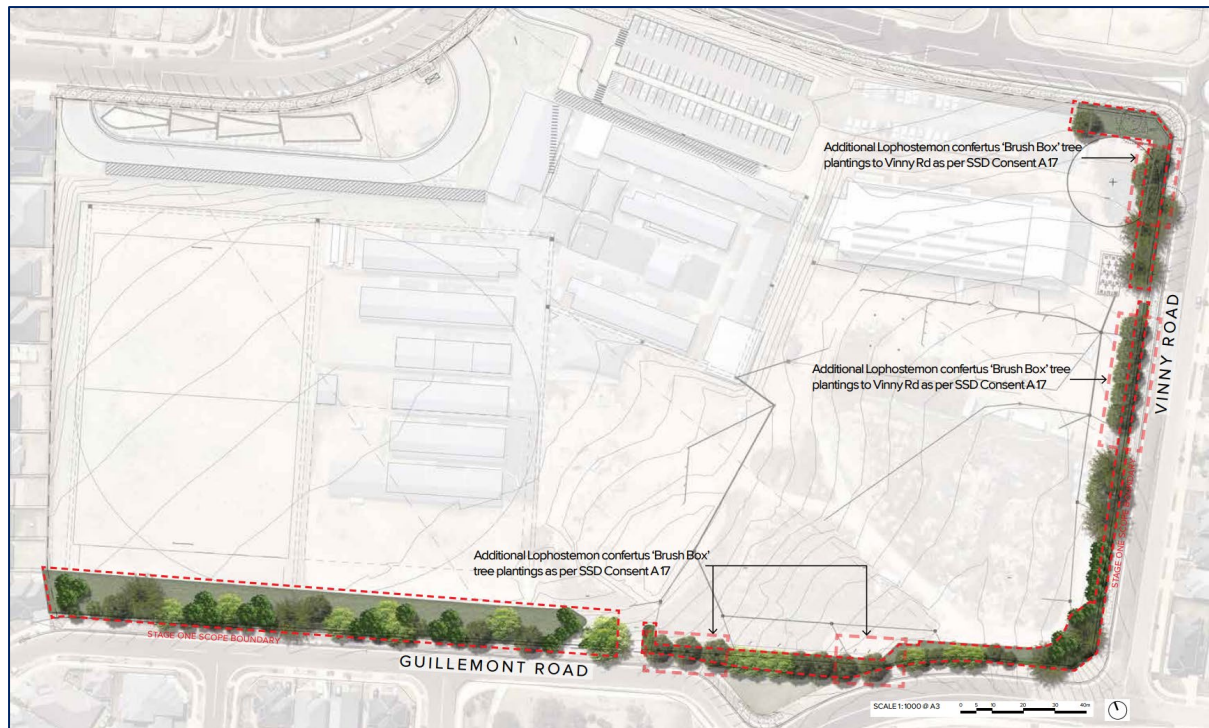
The proposal seeks approval for Stage 1 of the St Francis College development, including landscaping, stormwater and drainage works. The project seeks to ensure the works are undertaken early in the staged development of the school to benefit students and staff attending the existing temporary school on the site. The landscaping is to follow the existing fall of the land, providing a natural screen to the school in sightlines from the public domain. The key components of SSD 10365 – Stage 1 application are summarised in **Table 1**.

**Table 1 | Main Components of the Project**

Aspect	Description
<b>Landscaping</b>	<p>The proposed landscaping along the southern and eastern boundaries of the site would act as a 3 m wide buffer between the carpark and the site boundary, and includes:</p> <ul style="list-style-type: none"><li>• plantings of native and exotic species of small and large trees, grasses, shrubs and groundcovers.</li><li>• approximately 162 trees of mature heights varying from 1-12 m.</li><li>• a swale on the southern boundary to capture and redirect water.</li></ul> <p>The landscaping will follow the fall of the land to provide a natural screen to the school in sightlines from the public domain.</p>
<b>Stormwater and drainage</b>	<p>The proposed stormwater piping will connect to the existing stormwater drainage system on the site, including installation of:</p> <ul style="list-style-type: none"><li>• stormwater piping.</li><li>• 14 x 13 m<sup>3</sup> OSD tanks.</li><li>• a bioretention basin (volume approximately 150 m<sup>3</sup>) at the north-eastern corner of the site.</li></ul>
<b>Excavation and filling</b>	<p>Minor excavation and filling to construct the drainage systems and landscape swales.</p>
<b>Fencing</b>	<p>A 2.1 m tall steel picket boundary fence with three pedestrian and two vehicular entrance gates.</p>

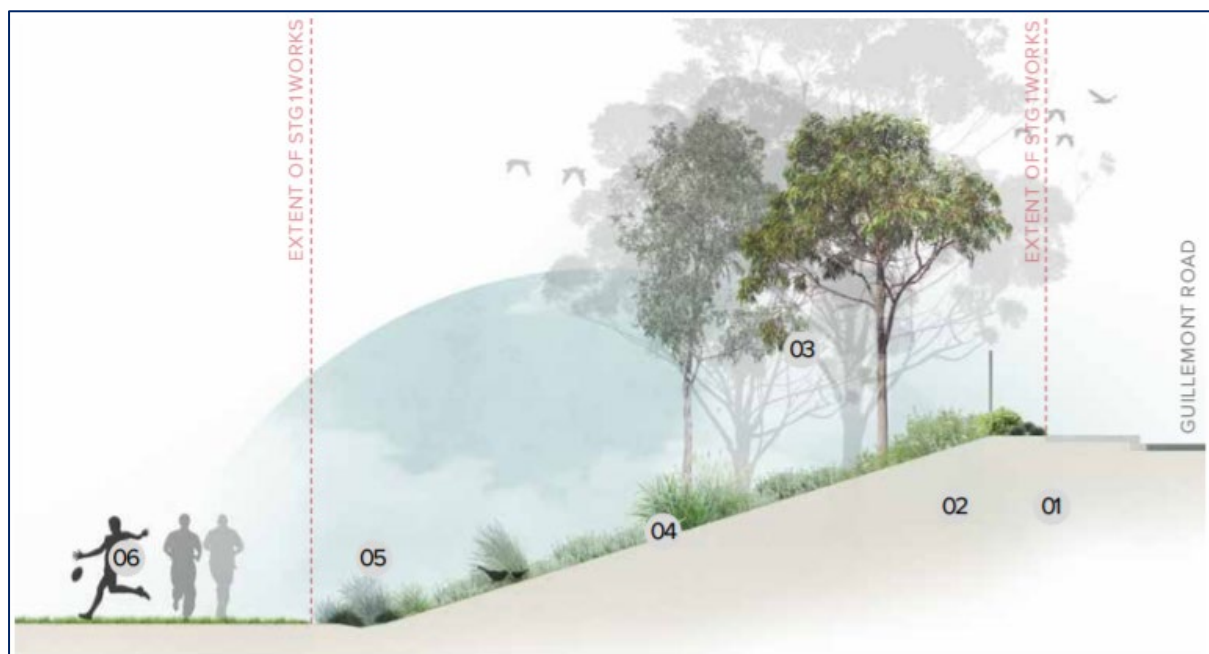
### 2.1 Physical layout and design

The proposed landscaping plan layout is shown in **Figure 5**. The landscaping and associated stormwater drainage and fencing would be located along the eastern and southern boundaries of the site, adjacent to Vinny Road, Guillemont Road and Lacey Road. The bioretention basin would be in the north-eastern corner of the site, and the 14 OSD tanks would be set back from the proposed landscaping along the eastern boundary of the site.



**Figure 5 | Site Layout** (Source: Arcadia, 2020)

The strips of landscaping would act as a 3 m buffer between the carpark and the site boundaries (behind the boundary fence) and follow the fall of the land to act as a screen from the surrounding public domain. **Figure 6** below shows a section of the proposed landscaping and fencing, demonstrating the fall of the land into the site beyond Guillemont Road.



**Figure 6 | Landscape section adjacent to Guillemont Road** (Source: Arcadia, 2020)

## 2.2 Timing

The proposed works are to take place in a single stage, to establish site boundary landscaping for the amenity of students and staff and to facilitate the commencement of the future stages of the St Francis College development, under the modified Concept Approval. The duration of the construction program is yet to be confirmed, as it will form part of a detailed project management program to be provided prior to the commencement of construction.

## 2.3 Related development

On 16 December 2016, Liverpool City Council approved a development application (DA) (DA-456/2016) for the construction of a temporary educational establishment at the site. The original approval has been modified once and an additional DA approved which increased the student and staff capacity of the temporary school from 250 to 400.

On 12 February 2019, a delegate of the Minister for Planning approved an SSD Concept Proposal (SSD 8832) for the staged development of a K-12 school and early child care centre on the site, comprising a capacity of 1,900 students and 80 child care places, building footprints, envelopes and heights, and car and bicycle parking. The original approval has been modified once to revise the staging of the development to include landscaping as a standalone Stage 1 (this application) to be undertaken prior to the remaining stages. **Table 3** outlines the details of previous approvals.

**Table 3 | Previous approvals**

DA	Description
<b>DA-456/2016</b>	<p>On 16 December 2016, Council approved a development application for the use of the site as an educational establishment with temporary buildings to accommodate 250 students (Kindergarten to Year 7) and 19 full-time staff members. The proposal included:</p> <ul style="list-style-type: none"><li>• site preparation works including earth works to accommodate new demountable platforms, fill existing on-site dam and removal of 18 trees</li><li>• installation of 12 demountable classrooms, multipurpose hall, administration building and associated amenities</li><li>• the playing field and covered playground</li><li>• temporary car park (67 spaces)</li><li>• bus bay and drop-off/pick-up from Jardine Drive</li><li>• identification and wayfinding signage.</li></ul>
<b>DA-456/2016/A</b>	<p>On 29 June 2017, Council approved a modification application for the relocation and re-orientation of demountable classrooms and covered playground area as well as increasing the total GFA by 67.5 sqm.</p>
<b>DA-422-2017</b>	<p>On 22 August 2017, Council approved a development application for the construction of additional temporary GLAs, expansion of car parking area, installation of signage and increase in student capacity. The proposal included:</p>



- increase to student capacity from 250 to 400 and to incorporate Year 8 students (Kindergarten to Year 8)
- construction of seven demountable classrooms including six GLAs and a library and two amenity buildings (total GFA 693.2 sqm)
- additional 30 car parking space to form an overflow, access points to and from the car park via Jardine Avenue, four additional bicycle stands
- two illuminated signs measuring 2.56 m wide and 3.105 m long, signs would be mounted on poles and located either side of the vehicular access points off Jardine Drive.

<b>Complying Development</b>	On 23 February 2018, construction of the Technology and Applied Science (TAS) building was issued as complying development.
<b>SSD 8832</b>	On 12 February 2019, a delegate of the Minister for Planning approved an SSD Concept Proposal for the staged development of St Francis College (Kindergarten to Year 12) and Early Learning Centre for educational purposes, comprising: <ul style="list-style-type: none"> <li>• educational establishment and early learning centre with a total GFA of 13,000 sqm</li> <li>• future buildings: footprint, envelope and height</li> <li>• increase in student capacity to 1,900 students and 80 child-care places</li> <li>• increase in staff to 140 College staff and 15 child-care staff</li> <li>• 227 on-site carparking spaces and 107 on-site bicycle parking spaces.</li> </ul>
<b>SSD 8832 MOD 1</b>	On 18 December 2019, a delegate of the Minister for Planning and Public Spaces approved a modification application for the Concept Approval SSD 8832, to revise the staging of the development to include landscaping as a standalone Stage 1 to be undertaken prior to the remaining stages.
<b>Complying Development</b>	On 10 October 2019, construction of a new two storey creative and performing arts building was issued as complying development.
<b>Complying Development</b>	On 11 March 2020, construction of a two storey multi-function building was issued as complying development.

### 3 Strategic context

The site is within a rapidly growing residential area that is currently undergoing staged residential development, with minimal remnant landscaping. The landscaping would support the staged development of the school, which would meet the educational needs of the growing population in the area and would provide much needed educational facilities and associated services for up to 1,900 students in the locality.

The Department notes that the strategic context of the development is closely aligned with the staged development of the school. As per the Concept Approval, the staged development is considered appropriate for the site given it is consistent with:

- A Metropolis of Three Cities - The Greater Sydney Regional Plan, as it proposes new school facilities to meet the growing needs of Sydney
- the vision outlined in the Greater Sydney Commission's (GSC) Western City District Plan, as it would provide much-needed school infrastructure conveniently located near existing public transport services
- the NSW Future Transport Strategy 2056, as it would provide a new educational facility in a highly accessible location and provide access to additional new employment opportunities close to public transport
- the State Infrastructure Strategy 2018 – 2038 Building the Momentum, as it proposes facilities to support the growth in demand for infant and primary student enrolments
- provide direct investment in the region of approximately \$52 million, which would support 100 construction jobs and 140 operational jobs.

## 4 Statutory Context

### 4.1 State significance

The project has a Capital Investment Value (CIV) of \$554,000, which does not exceed the \$20million threshold for educational facilities as specified in Schedule 1 Clause 15(2) of the State Environmental Planning Policy (State and Regional Development) 2011 (SRD SEPP). However, the proposal is SSD under clause 12 SRD SEPP, as it is the subject of a concept development application under Part 4 of the EP&A Act.

The Minister for Planning and Public Spaces is the consent authority under section 4.5 of the EP&A Act.

By the Minister's delegation to determine SSD application, signed on 11 October 2017, the Executive Director, Infrastructure Assessments may determine the application as:

- the relevant Council has not made an objection
- there no public submissions by way of objection
- a political disclosure statement has not been made.

### 4.2 Permissibility

The site is located within the R1 General Residential (R1) zone under the Liverpool Local Environmental Plan (LLEP) 2008. The landscaping proposal forms Stage 1 of the wider St Francis College and Early Learning Centre educational development. An educational establishment is permitted 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 4.41 of the EP&A Act, a number of other approvals are integrated into the State significant development approval process, and consequently are not required to be separately obtained for the proposal.

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

### 4.4 Mandatory Matters for Consideration

#### 4.4.1 Environmental planning instruments

Under section 4.15 of the EP&A Act, the consent authority is required to take into consideration any environmental planning instrument (EPI) that is of relevance to the development the subject of the development application. Therefore, the assessment report must include a copy of, or reference to, the

provisions of any EPIs that substantially govern the project and that have been considered in the assessment of the project.

The Department has undertaken an 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 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 4**.

**Table 4 | 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 landscaping proposal forms Stage 1 of the wider St Francis College and Early Learning Centre educational development, which is located on urban zoned land within a growing suburb and would provide for the future needs of the community.
(b) to facilitate ecologically sustainable development by integrating relevant economic, environmental and social considerations in decision-making about environmental planning and assessment	The landscaping proposal would contribute to the delivery of ecologically sustained development, as considered in <b>Section 4.4.3</b> .
(c) to promote the orderly and economic use and development of the land	The landscaping proposal would be an orderly use of the land, as it would support the future development of the land for educational purposes to support the development of a strategically planned new urban area.
(d) to promote the delivery and maintenance of affordable housing	Not applicable.
(e) to protect the environment, including conservation of threatened and other species of native animals and plants, ecological communities and their habitats	The proposal would result in a greater vegetation cover than currently exists on site, and would be comprised entirely of native species, as detailed in <b>Section 6</b> .
(f) to promote the sustainable management of built and cultural heritage (including Aboriginal cultural heritage)	The site does not include any heritage items nor is it within the vicinity of heritage items or conservation areas.



(g) to promote good design and amenity of the built environment	The proposal would give effect to the designs approved as part of the Concept Approval.
(h) to promote the proper construction and maintenance of buildings, including the protection of the health and safety of their occupants,	Not applicable.
(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 as outlined in <b>Section 5</b> , which included consultation with Council and other public authorities and consideration of their responses ( <b>Section 5.3</b> ).
(j) to provide increased opportunity for community participation in environmental planning and assessment.	The Department publicly exhibited the proposal as outlined in <b>Section 5</b> , 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 ecologically sustainable development (ESD) found in the *Protection of the Environment Administration Act 1991*. Section 6(2) of the 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:

- the use of a Construction Environmental Management Plan (CEMP) to ensure that construction works minimise environmental impacts (energy, water and noise)
- planting of trees to benefit future generations, including mitigation of carbon emissions

The Department has considered the proposed development in relation to the ESD principles. The precautionary and inter-generational equity principles have been applied in the decision-making process via a thorough and rigorous assessment of the environmental impacts of the proposed development. The proposed development is consistent with the ESD principles as described in Section 9.5 of the Applicant's EIS, which has been prepared in accordance with the requirements of Schedule 2 of the Environmental Planning and Assessment Regulation 2000 (EP&A Regulation).

Overall, the proposal is consistent with ESD principles and the Department is satisfied that the proposed sustainability initiatives would encourage ESD, in accordance with the objectives 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 5** identifies the matters for consideration under section 4.15 of the EP&A Act that apply to SSD in accordance with section 4.40 of the EP&A Act. The table represents a summary for which additional information and consideration is provided for in **Section 6** and relevant appendices, or other sections of this report and EIS.

**Table 5 | 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 <b>Appendix B</b> of this report.
(a)(ii) any proposed instrument	Not applicable.
(a)(iii) any development control plan (DCP)	Under clause 11 of the SRD SEPP, DCPs do not apply to SSD.
(a)(iiia) any planning agreement	Not applicable.
(a)(iv) the regulations <i>Refer Division 8 of the EP&amp;A Regulation</i>	The application satisfactorily meets the relevant requirements of the EP&A Regulation, including the procedures relating to applications (Part 6 of the EP&A Regulation), public participation procedures for SSD and Schedule 2 of the EP&A Regulation relating to EIS.
(b) the likely impacts of that development including environmental impacts on both the natural and built environments, and social and economic impacts in the locality	Appropriately mitigated or conditioned – refer to <b>Section 6</b> of this report.
(c) the suitability of the site for the development	The site is suitable for the development as discussed in <b>Section 6</b> of this report.
(d) any submissions	Consideration has been given to the submissions received during the exhibition period. See <b>Sections 5</b> and <b>6</b> of this report.

(e) the public interest	Refer to <b>Section 7</b> of this report.
Biodiversity values impact assessment not required if:	
(a) On biodiversity certified land	The site has been identified in land classified as 'existing certified land' within the 'South West Growth Centre – Biodiversity Classification' map under section 43 of the Biodiversity Conservation (Savings and Transitional) Regulation 2017.
(b) Biobanking statement exists	

#### 4.4.7 Biodiversity Conservation Act 2016

Under section 7.9(2) of the *Biodiversity Conservation Act 2017* (BC Act), SSD applications are to be accompanied by a biodiversity development assessment report (BDAR). However, the South West Growth Area in which the site is located has biodiversity certification under the former *Threatened Species Conservation Act 1995*.

Clause 43 Biodiversity Conservation (Savings and Transitional) Regulation 2017 states the certification of the South West Growth Area is preserved and continues to have effect in the future. Under section 8.4 of the BC Act, as the site is biodiversity certified, a BDAR is not required.

The Department has also reviewed the 'Native Vegetation Protection Map' of the *State Environmental Planning Policy (Sydney Region Growth Centres) 2006* (Growth Centres SEPP) which includes specific areas of vegetation within biodiversity certified land that are required to be protected. The site does not include any native vegetation that is required to be protected by the Growth Centres SEPP.

## 5 Engagement

### 5.1 Department's engagement

In accordance with Schedule 1 of the EP&A Act, the Department publicly exhibited the application from 30 June 2020 until 27 July 2020 (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. Department representatives visited the site to provide an informed assessment of the development.

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

### 5.2 Summary of submissions

The Department received a total of five submissions, comprising three submissions from public authorities, one from Liverpool City Council, and one submission from the public. No objections were received. A summary of the issues raised in the submissions is provided at **Table 6** and copies of the submissions may be viewed at **Appendix A**.

**Table 6 | Summary of submissions**

Submitter	Number	Position
<b>Public Authority</b>	<b>3</b>	
Transport for NSW	√	Comment
Environment, Energy and Science Group, DPIE	√	Comment
Sydney Water	√	Comment
<b>Liverpool City Council</b>	<b>1</b>	Comment
<b>Community</b>	<b>1</b>	Comment
<b>TOTAL</b>	<b>5</b>	

### 5.3 Public authority submissions

A summary of the issues raised in the public authority and public organisation submissions is provided at **Table 7** and copies of the submissions may be viewed at **Appendix A**.



**Table 7 | Summary of public authority and Sydney Water submissions**

Public Authority
<b>Liverpool City Council (Council)</b>
<p>Council does not object to the proposal, and notes that it is consistent with the Concept Approval. It requests the inclusion of conditions relating to the following:</p> <ul style="list-style-type: none"><li>• Cost of roadworks to be borne by the applicant</li><li>• All retaining walls to be restricted to within the site boundary</li><li>• Stormwater management including overland flow, erosion and sediment control, water quality, and stormwater compliance</li><li>• Footpath and public road network damage, including dilapidation reports</li><li>• Requirement for Construction Certificates for minor works in the public road, on-site detention, water quality, access and car park manoeuvring</li><li>• Pollution control</li><li>• Compliance documentation and rectification works (if necessary) prior to the issuing of an Occupation Certificate</li></ul>
<b>Transport for NSW (TfNSW)</b>
<p>TfNSW notes that the submitted plans demonstrate car park access and egress, and requests that a condition is included requiring the preparation of a Road Safety Audit for the school drop-off and pick-up areas.</p>
<b>Environment, Energy and Science Group, DPIE (EES)</b>
<p>EES notes that the planting schedule in the Landscape Management Plan includes several species not found in the surrounding native vegetation communities, and recommends it is amended to reflect EES's BioNet Vegetation Classification database.</p>
<b>Sydney Water</b>
<p>Sydney Water requests that a condition is included requiring the submission of approved plans to be submitted to the Sydney Water Tap In online service, to determine whether the development will affect any Sydney Water sewer or water main, stormwater drains and/or easements.</p>

## 5.4 Public submissions

One public submission in support of the application was received; however, concern was raised regarding the potential for dust generated during construction works and dust management was requested.

## 5.5 Response to submissions

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

On 9 October 2020, the Applicant provided a Response to Submissions (RtS) (**Appendix A**) on the issues raised during the exhibition of the proposal. The RtS provided an updated landscaping plan, additional fencing details, and clarification of pedestrian access to the site from Vinny Road and Guillemont Road. The RtS was made publicly available on the Department's website.

## 6 Assessment

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

- consistency with the Concept Plan approval; and
- landscaping and plant schedule.

These issues are discussed below. Other issues considered during the assessment are discussed in **Section 6.3**.

### 6.1 Consistency with the Concept Plan approval

The Concept Plan approval (SSD 8832) for the site (as modified) sets out a number of requirements and parameters for future development at the site, including this Stage 1 landscaping application.

The Department has assessed the Stage 1 application in accordance with the Concept Plan approval, which is considered in detail in **Table 8**. In summary, the Department considers that the proposal is generally consistent with the recommended Concept conditions (as modified).

**Table 8 | Consistency of proposal with relevant Concept Approval conditions of consent**

Condition of Consent	Proposal consistent?
<b>Landscaping</b> A14. Tree 31 Spotted Gum ( <i>Corymbia maculata</i> ) as identified in the Arborist Report prepared by Naturally Trees, dated 23 May 2018 must be retained and incorporated into the landscaping plans for the site.	No, however the tree has been removed under the provisions of the <i>State Environmental Planning Policy (Education Establishments and Child Care Facilities) 2017</i> (the Education SEPP). Discussed further in <b>Section 6.1.1</b> .
A15. An appropriately qualified arborist must be engaged to undertake an evaluation of the potential to retain <i>Eucalyptus moluccana</i> trees numbered 21, 22, 23 and the <i>Corymbia maculata</i> tree numbered 30 within the Arboricultural Assessment undertaken by Naturally Trees dated 23 May 2018. A report documenting findings must be submitted to the satisfaction of the Planning Secretary prior to the lodgement of any future applications. Where the trees cannot be retained without significant design changes or any other justified reason to remove the trees, justification must be included.	Yes. Discussed further in <b>Section 6.1.1</b> .
A16. All trees to be planted on site must be a minimum 100L pot size.	Yes. Discussed further in <b>Section 6.1.1</b> .
A17. Six additional Brush Box ( <i>Lophostemon confertus</i> ) must be planted along Vinny Road between the northern exit and Guillemont Road intersection and on Guillemont Road between the pedestrian entry and Vinny Road.	Yes. Discussed further in <b>Section 6.1.2</b> .

### Site Contamination

A25. Prior to the commencement of earthworks for each stage, the Applicant must submit a Site Audit Report and Section A Site Audit Statement for the relevant part of the site prepared by a NSW EPA accredited Site Auditor demonstrating that remediation has occurred in accordance with the Remedial Action Plan prepared by GHD dated September 2018. The Site Audit Report and Section A Site Audit Statement must verify the relevant part of the site is suitable for the educational establishment land use and be provided to the satisfaction of the Certifying Authority.

Yes. Discussed further in **Table 10**.

### Landscaping

B8. Where required, detailed landscape plans must include relevant details of the species to be used in the various landscape areas (preferably species indigenous to the area) and the landscape treatments, including pavement and seating areas.

Yes. Discussed further in **Section 6.1.2**.

B9. All future applications must include a Landscape Management Plan documenting how landscaping will be managed.

Yes. Discussed further in **Table 10**.

B10. The first application must include a revised Landscape Plan demonstrating compliance with Conditions A14 to A17.

Yes. Discussed further in **Sections 6.1.1 and 6.1.2**.

## 6.2 Landscaping and plant schedule

### 6.1.1 Tree removal

The project site previously contained 5 mature trees of high to very-high significance within its north-east corner adjacent to the site boundaries, comprising three *Eucalyptus moluccana* (Trees 21, 22 and 23), and two *Corymbia maculata* (Tree 30 and Tree 31). Condition A14 of the Concept Plan consent (SSD 8832) required the retention of Tree 31 and its incorporation into the landscaping plans for the site. Condition A15 required that an appropriately qualified arborist be engaged to undertake an evaluation of the potential to retain Trees 21, 22, 23 and 30.

In accordance with Condition A15, a Tree Impact Statement (TIS) was undertaken and concluded that Trees 21, 22, 23 and 30 could not be retained as they would be directly or indirectly impacted by the approved roads and footpaths around the boundary of the site. The TIS advised that Tree 31 could be successfully retained without any adverse effects, if appropriate protective measures are specified and controlled through an arboricultural method statement. The TIS was approved by a delegate of the Secretary on 6 February 2020, and Trees 21, 22, 23 and 30 have been removed.

In accordance with Condition A14 of the Concept Approval and the TIS, the EIS and Landscape Plan submitted by the Applicant demonstrated that Tree 31 was to be retained and incorporated into the landscape plan as part of Stage 1. To facilitate the retention of the tree, the previously approved Concept Plan was revised to split the single car parking area into a northern car park with access from Jardine Drive and an eastern/southern car park with access from Guillemont Road.

Subsequently, the Applicant provided an arborist report advising that Tree 31 has been assessed as posing a risk to human health or safety due to imminent failure potential, given significant branch failures which have destroyed the integrity of the trees branch and trunk structure. The Department understands that the tree has since been removed, in accordance with Clause 38(1)(b) of Education SEPP.



While the removal of the tree is noted, the Department considers that the site can accommodate a replacement tree in this location to provide additional amenity to the site, given the revised car parking layout. Therefore, it is considered reasonable to require the planting of a replacement tree at the location of the removed Tree 31. The replacement tree is to be a Water Gum (*Tristaniopsis laurina*) per the arborist report, with a minimum 200 litre pot size.

### 6.1.2 Plant schedule

The proposal includes the planting of a variety of trees, shrubs, grasses and groundcovers in the landscaped area along the eastern and southern boundaries of the site adjacent to Vinny Road, Guillemont Road and Lacey Road. The strips of landscaping would be set behind the boundary fence and act as a 3m buffer between the carpark and the site boundaries and would follow the fall of the land to act as a screen from the surrounding public domain. The proposed planting palette is shown below in **Figure 7**.



**Figure 7 | Proposed planting palette (Source: Arcadia, 2020)**

Condition B8 of the Concept Plan approval stipulates that plant species to be used in the various landscaped areas around the site should preferably be indigenous to the area. The proposed planting schedule as demonstrated in the Landscape Report includes 28 Brush Box (*Lophostemon confertus*) trees along the eastern and southern site boundaries. This exceeds the minimum of 6 required in accordance with Condition A17 of the Concept Plan consent. The planting schedule also includes approximately 134 additional trees and palms of varying type and size, each with a minimum pot size of 200 litres, which exceeds the minimum required in accordance with Condition A16 (100 litres). The planting schedule demonstrates that the trees would be accompanied by 389 shrubs and accents of varying type and size, as well as grasses and groundcover matrix, swale matrix and bioretention mix. These would be comprised entirely of Australian Natives, a number of which also form part of the native vegetation communities on and surrounding the site (Alluvial Woodland Species and Shale Plain Woodland Species).

EES raised concerns that the planting schedule includes several species which are not found in the native vegetation communities surrounding the site, and recommends that the schedule is revised as per the BioNet Vegetation Classification database. The proportion of species found in the native vegetation communities surrounding the site as demonstrated within the planting schedule is demonstrated in **Table 9**.

**Table 9 | Proportion of native vegetation communities found in proposed planting schedule**

Planting type	Quantity	Native vegetation community species	Proportion native vegetation community species
Trees and palms	162	53	33% (NB: Brush Box trees as required by Condition A17 do not form part of either native vegetation community)
Shrubs and accents	389	20	5%
Grasses and groundcover matrix	12,382	11,238	91%
Groundcover matrix	2,455	2,141	87%
Swale matrix	1,740	696	40%
Bioretention matrix	687	Nil	0%
<b>Total</b>	<b>17,815</b>	<b>14,148</b>	<b>79%</b>

While the concerns raised by EES regarding native vegetation communities are noted, the Department considers that the proposed planting schedule mix is acceptable given that the majority of plantings (79%) are classified as indigenous to the area, and all species are Australian Natives. The Department also notes that the majority of trees and palms are neither Alluvial Woodland Species or Shale Plain Woodland Species, however acknowledges that this figure is influenced by the requirement to provide *Lophostemon confertus* (Brush Box trees) in accordance with Condition A17 of the Concept Plan. Therefore, it is not considered reasonable to require the planting schedule to be revised, and the proposed planting mix is acceptable.

### 6.3 Other issues

The Department's consideration of other issues is provided at **Table 10**.

**Table 10 | Department's assessment of other issues**

Issue	Findings	Recommendations
<b>Visual amenity</b>	<ul style="list-style-type: none"> <li>Landscaping will provide a soft buffer of native planting between the school and the public domain which will obscure public views towards school buildings and hardstand car parking areas. Overall, the native landscape buffer would enhance the street presence of the school, and the visual impacts of the development are positive.</li> <li>A 2.1 m tall steel picket fence would be erected along the southern and eastern perimeters of the site, including gates for vehicular and pedestrian access. The fence would be identical to the existing fencing along the site's Poziers Road and Jardine Drive boundaries.</li> </ul>	<ul style="list-style-type: none"> <li>No additional conditions or amendments necessary.</li> </ul>
<b>Transport and accessibility</b>	<ul style="list-style-type: none"> <li>Three pedestrian entry points with gates, including two at Vinny Road and one at Guillemont Road, would provide clear access points in accordance with the Concept Plan approval.</li> <li>Car parking does not form part of this Stage 1 proposal, however, vehicle access to the school as shown on the Landscape Plan varies from that approved under the Concept Plan.</li> <li>To enable the retention of Tree 31, the single car park has now been separated into two carparks (southern and northern). The northern carpark has been constructed as exempt development, under the provisions of the Education SEPP. The southern car park is yet to be developed.</li> <li>Vehicle access arrangements have been altered due to the separation of the car parks. An amended queuing assessment has been provided, which demonstrates that the development has sufficient queueing capacity, however the Applicant has clarified that parking will be subject to a future DA.</li> <li>TfNSW requested that a road safety audit (RSA) be undertaken to assess the impact of the revised car park layout on manoeuvring and parking arrangements. However, car parking does not form part of the application, and the existing northern</li> </ul>	<ul style="list-style-type: none"> <li>The Department does not consider it necessary to require the provision of an RSA as part of this development, and notes that the assessment of traffic/road safety will form part of future DAs.</li> </ul>

car park was constructed as exempt development under the Education SEPP.

<b>Stormwater and drainage</b>	<ul style="list-style-type: none"> <li>The proposed stormwater controls include the installation of 14 x 23 m<sup>3</sup> OSD tank and a ~150 m<sup>3</sup> bioretention basin, and stormwater piping connecting to existing stormwater pipes and proposed OSD tanks. Drainage of the site would be via the proposed OSD towards Vinny Road to the east, existing catchment to Poziers Road to the north, and via existing OSD towards Jardine Road to the north-west. Stormwater from the southern carpark adjacent to Guillemont Road would be drained via 150mm high kerbing to two stormwater pits.</li> </ul>	<ul style="list-style-type: none"> <li>The proposed stormwater management measures have satisfactorily considered and mitigated the risks associated with the site.</li> <li>The Department is satisfied that subject to the implementation of conditions recommended by Council, the development would adequately mitigate against risks associated with stormwater run-off. Conditions have been included accordingly.</li> </ul>
<b>Sediment and erosion control</b>	<ul style="list-style-type: none"> <li>Sediment control devices would be constructed, placed and maintained in accordance with Council specifications and Landcom 'Soil and Construction Volume 1' (2004).</li> <li>Sediment and erosion control measures may include the use of temporary earth berms; diversions and silt dam embankments; sediment trapping structures; stockpile management; rolling of earthwork areas; and the fencing off of filtration buffer zones, plant and machinery.</li> </ul>	<ul style="list-style-type: none"> <li>The proposed sediment and erosion control measures have satisfactorily considered and mitigated the sediment and erosion risks associated with construction works.</li> <li>The Department is satisfied that, subject to the implementation of conditions recommended by Council, the development would adequately mitigate against risks associated with construction sediment and erosion. Conditions have been included accordingly.</li> </ul>
<b>Landscape management</b>	<ul style="list-style-type: none"> <li>A Landscape Management Plan has been provided, describing the landscape management activities to be undertaken including soil management, fertilising, pruning, tree guards and stakes, weeding, replacement plantings, and native grass management.</li> </ul>	<ul style="list-style-type: none"> <li>The proposed Landscape Management Plan has satisfactorily considered the long-term landscape management requirements at the site.</li> <li>A condition has been included requiring regular inspections of all landscaped areas to be undertaken in accordance with the Landscape Management Plan.</li> </ul>
<b>Solar access</b>	<ul style="list-style-type: none"> <li>Landscaping is proposed along the boundaries of the site, separated from</li> </ul>	<ul style="list-style-type: none"> <li>No additional conditions or amendments necessary.</li> </ul>

surrounding residential properties on Vinny Road and Guillemont Road. The landscaping is also separated from the existing and future school buildings by the car park.

- Sufficient solar access at future school buildings and surrounding dwellings would therefore be retained.

#### **Waste**

- A Waste Management Plan has been provided and identifies the types of waste generated and amounts to be recycled, reused or disposed.
- Excavated material would be reused on site as fill. Waste generated would be relatively minimal and could be picked up and reused/recycled.
- No additional conditions or amendments necessary.

#### **Social impacts**

- Social benefits of the proposal include improved amenity for students and staff of the school and neighbouring residents.
- Construction and ongoing landscape maintenance would result in employment opportunities.
- No additional conditions or amendments necessary.

#### **Construction noise and vibration**

- Noise sources during landscape works would include heavy machinery (mini excavators etc), trucks and hand held pneumatic and electric power tools. It is not likely that large vibration impact items of machinery would be required. Work will occur along the site boundaries near residential neighbours.
- The Acoustic Report submitted with the EIS demonstrates that the calculated construction noise levels at nearby residential receivers (calculated sound pressure levels are between 53-84 dBA) would not comply with a noise management level of 51 dBA.
- Mitigation measures are proposed including:
  - Work staging;
  - Noisy equipment substitution and use of quieter plant and equipment;
  - Construction hours management;
  - Locating of plant away from sensitive receivers where possible;
  - Acoustic enclosures around plant;
  - Temporary sounds barrier screens around site;
  - Regular equipment maintenance;
  - Use of standard construction hours;
  - Restriction of works resulting in impulsive or tonal noise emissions to between the hours of 8AM and 4PM
- The proposed noise mitigation measures would seek to reduce construction noise to levels closer to the calculated construction noise levels of 51 dBA at residential receivers.
- Proposed noise reduction measures include:
  - distancing of equipment (up to 6 dB reduction for each doubling of distance);
  - screening of site (up to 15 dB reduction);
  - enclosure of equipment (up to 50 dB reduction); and
  - use of quieter plant and equipment (up to 20 dB reduction).
- The Department considers that where the calculated construction noise levels would still be exceeded, this can be addressed by the additional mitigation measures proposed including the restriction of construction work hours, regular checking of plant



	<p>Monday to Friday and in continuous blocks not exceeding 3 hours each;</p> <ul style="list-style-type: none"> <li>• Worker training to minimise noise emission;</li> <li>• Regular checking of noise emission levels of plant, equipment and issuing of an Equipment Noise Certificate; and</li> <li>• Implementation of a community complaints procedure, including noise monitoring of equipment and at receivers.</li> </ul>	<p>and equipment, and the implementation of a community complaints procedure.</p> <ul style="list-style-type: none"> <li>• A condition limiting construction hours and hours of noisy works has been included.</li> <li>• A Construction Environmental Management Plan (CEMP) is required prior to the commencement of landscaping works and is secured via condition.</li> </ul>
<b>Construction traffic</b>	<ul style="list-style-type: none"> <li>• A Construction Traffic Management Plan has been submitted. Traffic is expected to be generated by the delivery and removal of construction machinery and materials, spoil and waste, and by the movement of construction personnel.</li> <li>• Average truck movements in the first 8-10 weeks of works would be between 3-5 per day, and for the duration thereafter this would be 1-2 trucks per day. However, on some days access may be primarily through light vehicles which would incur an additional 20-30 movements per day.</li> <li>• Anticipated peak hours will be between 8.00am-12.00pm, however construction vehicle movements would be scheduled to occur outside AM school peak period between 07:30am-9:00am.</li> <li>• A Traffic Control Plan will be prepared to indicate the road worksite arrangements to ensure the safety of all road users as well as workers at the site. Traffic Control Subcontractors and an 'Application to Carry Out Works or Erect a Structure on or Over a Public Road' will also be obtained if required.</li> </ul>	<ul style="list-style-type: none"> <li>• The proposed Construction Traffic Management Plan satisfactorily considers the construction traffic implications of the proposal.</li> <li>• The provision of a Construction Traffic and Pedestrian Management Plan (including a Traffic Control Plan) is required as part of the CEMP and is secured via condition.</li> </ul>
<b>Contamination</b>	<ul style="list-style-type: none"> <li>• Contamination was considered as part of the Concept Plan consent, where it was determined that the site was suitable for an educational facility.</li> <li>• A Phase 2 contamination assessment for the Stage 1 landscaping land has been submitted as part of the EIS and concludes that the risk of gross ground contamination causing adverse health risk to future occupants is considered low. The report recommends mitigation measures implemented should hazardous items be encountered during construction.</li> </ul>	<ul style="list-style-type: none"> <li>• The Department considers that the site is suitable for the proposed development, and that the mitigation measures outlined within the Phase 2 assessment would successfully manage contamination risks during construction.</li> <li>• The carrying out of remediation works in accordance with the Phase 2 Contamination Assessment is secured via condition.</li> </ul>



**Developer contributions**

- The site is subject to the Liverpool Contributions Plan 2008 – Edmondson Park. No additional road or drainage works are proposed beyond what was approved under the Concept Approval, and the development does not propose an increase in the number of students or staff, nor an intensification or increase in public amenities, facilities or services to be provided by Council.
  - Section 7.11 contributions are not required.
  - Section 7.12 contributions are not required, as the development does not require the provision, extension or augmentation of public amenities or public services.
  - Council does not object to the Applicant's assertion that Section 7.11 and 7.12 contributions are not required.
  - No additional amendments or conditions are necessary.
-

## 7 Evaluation

The Department has reviewed the EIS, RtS and assessed the merits of the proposal, taking into consideration advice from public authorities, including Council. Issues raised in public submissions have been considered and environmental issues associated with the proposal have been addressed.

The Department considers the key issues associated with the assessment of the proposal relate to:

- consistency with the Concept Plan approval; and
- landscaping and plant schedule

Conditions have been recommended to satisfactorily address outstanding issues.

The application is consistent with the objects of the *Environmental Planning & Assessment Act 1979* and is consistent with the State's strategic planning objectives for the site and the Greater Sydney Region Plan. The proposal would provide landscaped screening of the existing and future school site from the public realm and would contribute to staged development of the school which will provide new and improved teaching facilities and meet the growing needs of Sydney.

The proposal is also consistent with the vision outlined within the GSC's Western City District Plan, as it contributes to the staged provision of school infrastructure located near existing public transport.

The Department's assessment concludes that the impacts of the development are acceptable and can be appropriately mitigated through the implementation of the recommended conditions of consent. Consequently, the Department considers the development is in the public interest and should be approved subject to conditions.

## 8 Recommendation

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

- **considers** the findings and recommendations of this report
- **accepts and adopts** the findings and recommendations in this report as the reasons for making the decision to grant approval to the application
- **agrees** with the key reasons for approval listed in the notice of decision
- **grants consent** for the application in respect of SSD10365 as amended
- **signs** the attached development consent and recommended conditions of consent.

**Recommended by:**



**Nathan Stringer**  
Senior Planning Officer  
Social and Infrastructure Assessments


**Recommended by:**



**Dominic Crinnion**  
Team Leader, Water and Intermodals  
Social and Infrastructure Assessments

## 9 Determination

The recommendation is **Adopted** by:



27/11/2020

**Erica van den Honert**

A/Executive Director Infrastructure Assessments  
Planning and Assessment

# 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  
[http://majorprojects.planning.nsw.gov.au/index.pl?action=view\\_job&job\\_id=8832](http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=8832)
2. Submissions  
[http://majorprojects.planning.nsw.gov.au/index.pl?action=view\\_job&job\\_id=8832](http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=8832)
3. Applicant's Response to Submissions  
[http://majorprojects.planning.nsw.gov.au/index.pl?action=view\\_job&job\\_id=8832](http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=8832)

## Appendix B – Statutory Considerations

### ENVIRONMENTAL PLANNING INSTRUMENTS (EPIs)

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

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

- State Environmental Planning Policy (State & Regional Development) 2011 (SRD SEPP)
- State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017 (Education SEPP)
- Draft State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017 (Education SEPP)
- State Environmental Planning Policy No. 55 – Remediation of Land (SEPP 55)
- Draft State Environmental Planning Policy (Remediation of Land) (Draft Remediation SEPP)
- Draft State Environmental Planning Policy (Environment) (Draft Environment SEPP)
- Liverpool Local Environmental Plan (LLEP) 2008

### COMPLIANCE WITH CONTROLS

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

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

**Table B1 | SRD SEPP compliance table**

Relevant Sections	Consideration and comments	Complies
<b>3 Aims of Policy</b>  The aims of this Policy are as follows:  (a) to identify development that is State significant development	The proposed development is identified as SSD as it is the subject of a concept development application under Part 4 of the EP&A Act.	Yes
<b>8 Declaration of State significant development: section 4.36</b>  (1) Development is declared to be State significant development for the purposes of the Act if:  (a) the development on the land concerned is, by the operation of an environmental planning instrument, not permissible without development consent under Part 4 of the Act, and	The proposed development is permissible with development consent.	Yes



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

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

The Education SEPP commenced on 1 September 2017 and 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 35(6)(a) of the Education SEPP requires that the design quality of the development should be evaluated in accordance with the design quality principles set out in Schedule 4. An assessment of the development against the design principles is provided in **Table B2**.

**Table B1 | Considerations of the Design Quality Principles**

Design Principles	Response
Context, built form and landscape	The landscape plan has considered the context, surrounding development and locality. The overall layout of landscaping would result in efficient use of the site and would not impact on solar access or amenity of neighbouring properties.
Sustainable, efficient and durable	The proposal includes ESD elements ( <b>Section 4</b> ).
Accessible and inclusive	Accessibility would be incorporated into the design of the eastern and southern boundaries of the site, through the inclusion of three pedestrian access points to enhance accessibility and safety.
Amenity	Landscaping of the site would enhance the amenity of the site to soften the appearance of the existing and future school buildings.
Health and Safety	The proposed landscaped screening of the site provides for safe and secure school environment.
Whole of life, flexible, adaptable	The proposal will give effect to the designs approved as part of the Concept Approval.
Aesthetics	Landscaping will provide a soft buffer of native planting between the school and the public domain, and obscure public views towards school buildings and hardstand car parking areas. The native landscape buffer would enhance the street presence of the school.

## **Draft State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017 (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 exhibited Explanation of Intended Effects (EIE) also proposes changes to the requirements that need to be met for an application to be SSD.

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

## **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. A Preliminary Site Investigation (PSI) was undertaken as part of the original DA to establish the school. The PSI recommended a RAP be prepared and the site be remediated. The Applicant has confirmed that all remediation works are now complete in accordance with DA 456/2016 and in accordance with the RAP. To provide certainty that the remediation works have been completed, a Site Audit Statement A has been prepared by an independent site auditor. Accordingly, the Department is satisfied that the site is suitable for the ongoing use as an educational establishment.

## **Draft State Environmental Planning Policy (Remediation of Land)**

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

Additionally, the provisions of the Draft Remediation SEPP would require:

- all remediation work that is to be carried out without development consent to be reviewed and certified by a certified contaminated land consultant;
- the categorisation of remediation work based on the scale, risk and complexity of the work; and
- the provision to council of environmental management plans relating to post-remediation management of sites or ongoing operation, maintenance and management of on-site remediation measures (such as a containment cell).

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

## **Draft 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 would replace seven existing SEPPs. The proposed SEPP would provide a consistent level of environmental protection to that which is currently delivered under the existing SEPPs. Where existing provisions are outdated, no longer relevant or duplicated by other parts of the planning system, they would be repealed.

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

### **Liverpool Local Environmental Plan 2008**

The LLEP 2008 aims to encourage the development of housing, employment, infrastructure and community services to meet the needs of the existing and future residents of the Liverpool LGA. The LLEP 2008 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 LLEP 2008 and matters raised by Council in its assessment (**Section 5**). The Department concludes the development is consistent with the relevant provisions of the LLEP 2008. Consideration of the relevant clauses of the LLEP 2008 is provided in **Table B3**.

**Table B3 | Considerations of the Design Quality Principles**

<b>LLEP 2008</b>	<b>Department Comment/Assessment</b>
Clause 2.2 Land Use Zones	The site is R1 General Residential. Educational establishments and ancillary uses (child care centre) are permissible within the R1 zone. The landscaping works form the first stage of the expanded educational establishment.
Clause 2.3 Zone Objectives	The objectives of this control include facilitation of social and community infrastructure to meet the needs of future residents. The development is permitted with consent and meets these objectives.
Part 6 Urban Release Area	The subject site is located within an Urban Release Area.

### **Liverpool Development Control Plan 2008**

In accordance with Clause 11 of the SRD SEPP, Development Control Plans do not apply to State significant development.

## **Appendix C – Recommended Instrument of Consent**

Attach relevant development consent/project approval and recommended conditions of consent/approval or instrument of refusal