



# ***Picton High School Redevelopment***

*State Significant  
Development  
(SSD 8640)  
December 2018*



December 2018

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### **Cover photo**

Site Perspective (EIS 2018)

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# Glossary

Abbreviation	Definition
AAR	Acoustic Assessment Report
ACHMP	Aboriginal Cultural Heritage Management Plan
ACHR	Aboriginal Cultural Heritage Plan
Applicant	Department of Education, or anyone else entitled to act on this consent
AEP	Average expected precipitation
AIA	Arboricultural Impact Assessment Report
ARI	Average rainfall interval
AS	Australian Standard
ATER	Aboriginal Text Excavation Report
AWMS	Archaeological Work Method Statement
BAA	Baseline Archaeological Assessment
BAL	Bushfire Attack Level
BAR	Biodiversity Assessment Report
BCA	Building Code of Australia
CIV	Capital Investment Value
Consent	Development Consent
Council	Wollondilly Council
CEMP	Construction Environmental Management Plan
CTMP	Construction Traffic Management Plan
CTPMP	Construction Traffic Pedestrian Management Plan
CPTED	Crime Prevention Through Environmental Design
DCP	Wollondilly Development Control Plan
DbA	A-weighted decibels
Department	Department of Planning and Environment
DoE	Department of Education
EIS	Environmental Impact Statement
EPA	Environment Protection Authority
EP&A Act	<i>Environmental Planning and Assessment Act 1979</i>
EP&A Regulation	<i>Environmental Planning and Assessment Regulation 2000</i>
EPI	Environmental Planning Instrument
ESD	Ecologically Sustainable Development
GANSW	Government Architect of NSW
GTP	Green Travel Plan
GFA	Gross Floor Area

GSC	Greater Sydney Commission
ICNG	Interim Construction Noise Guidelines
INP	Noise Policy for Industry
IMP	Infrastructure Management Plan
LGA	Local Government Area
LoS	Level of Service
LTC	Local Traffic Committee
Minister	Minister for Planning
NML	Noise Management Level
OEH	Office of Environment and Heritage
OSD	On-Site Detention
PSMP	Preliminary Erosion Management Plan
RFS	NSW Rural Fire Services
RMS	Roads and Maritime Services
RtS	Response to Submissions
SEARs	Planning Secretary's Environmental Assessment Requirements
Secretary	Planning Secretary of the Department of Planning and Environment
SEPP	State Environmental Planning Policy
SIDRA	Signalised and unsignalised Intersection Design and Research
SRD SEPP	State Environmental Planning Policy (State and Regional Development) 2011
SEPP 55	State Environmental Planning Policy No. 55 – Remediation of Land
Education SEPP	State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017
SSD	State Significant Development
SRtS	Supplementary Response to Submissions
TfNSW	Transport for New South Wales
TAIA	Traffic and Accessibility Impact Assessment Report
TSC	Threatened Species Conservation Act 1995
WLEP	Wollondilly Local Environmental Plan 2012





## Executive Summary

This report provides an assessment of a State significant development (SSD) application for alterations and additions to an educational establishment (SSD 8640). The site is known as Picton High School, located at 480 Argyle Street (Old Hume Highway), Picton. The Applicant is the Department of Education and the proposal is located within the Wollondilly Shire Council local government area.

The proposal seeks approval for the demolition of buildings and associated excavation; refurbishment of existing buildings; construction of a new two and three storey building connecting to existing buildings; reconfiguration of car and bus drop off/pick up areas, including a new access point from Wonga Road and internal access road; increase in onsite parking with a capacity of 141 spaces; increase in teaching space to accommodate 1,580 students and 125 staff; boundary adjustments; removal of 92 trees; and associated landscaping works.

The proposal has a Capital Investment Value (CIV) of \$65,702,000 and would generate 25 additional operational jobs and 68 construction jobs. The proposal is SSD under clause 15 of Schedule 1 of *State and Environmental Planning Policy (State and Regional Development) 2011*, as it is development for the purpose of 'alterations and additions to an existing school with a CIV of more than \$20 million'. Therefore, the Minister for Planning is the consent authority.

The application was publicly exhibited between 10 May 2018 until 8 June 2018 (30 days). The Department of Planning and Environment (the Department) received a total of ten submissions, including seven from public authorities, and three from the members of the public including one objection.

The matters raised in the submissions include traffic impacts, inadequate car parking, pedestrian safety, proposed road infrastructure works, tree removal, acoustic impacts, construction impacts, insufficient water recycling capacity, consideration of ESD principles, request for an intersection upgrade, community use of school, building height exceedance and built form, requested the consideration of an alternative school location, information on temporary school arrangements and the need for an European heritage assessment.

The Applicant's Response to Submissions (RtS) received on 31 October 2018 included further information and responses to the key issues raised in the submissions, including details of bicycle parking facilities, updated landscape drawings to provide clarification on the number of trees to be planted and amended drawings for the bus bay, acoustic report, archaeological assessment report, construction traffic management plan, Biodiversity Assessment Report, road safety evaluation, green travel plan, updated Traffic Plan, arborist report, waste management plan and physical materials sample board.

A further seven submissions from public authorities and one from the public were received, commenting on the Applicant's RtS. The Applicant responded to the outstanding issues raised in the submissions and provided a supplementary Response to Submissions (SRtS) received on 4 and 12 December 2018. The SRtS included additional details and clarification on student numbers, traffic impacts, and the provisions of proposed temporary school arrangements. The SRtS addressed outstanding issues in relation to submissions and the Department's concerns on the RtS.

The Department identified traffic, access and parking; built form, urban design and landscaping; and environmental amenity as the key assessment issues.

The Department has considered the traffic impacts associated with the development and concludes that the proposed location of the drop-off/pick-up zone is satisfactory and would not result in a negative impact on the local traffic

network subject to the implementation of an operational traffic and pedestrian management plan. The proposed on-site car parking area would provide adequate parking for staff members and visitors. It is acknowledged that further consultation would be required with Wollondilly Shire Council and Roads and Maritime Services for the final design of the bus bays and school zones. Conditions of consent are recommended to ensure that the infrastructure upgrade is completed prior to the commencement of operation.

The Department considers the proposed site layout and the built form are appropriate within the context of the site and the surrounding development. Amenity impacts on neighbours arising from the proposed built forms such as view loss, overshadowing and privacy would be negligible.

The Department is satisfied that the impacts of the proposal have been addressed in the EIS, RtS and SRtS and the residual impacts can be adequately managed through the recommended conditions.

The Department has considered the merits of the proposal in accordance with relevant matters under Section 4.15(1), the objects of the *Environmental Planning and Assessment Act 1979*, the principles of Ecologically Sustainable Development, and issues raised in all submissions as well as the Applicant's response to these. The Department concludes the proposal is in the public interest and recommends that the application be approved subject to conditions.



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Appendix A - List of Documents

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# 1. Introduction

This report provides an assessment of a State significant development (SSD) application for the redevelopment of Picton High School at 480 Argyle Street, Picton (SSD 8640).

The proposal seeks approval for:

- the demolition of buildings and associated excavation
- the refurbishment of existing buildings
- the construction of a new two and three storey building connecting existing retained buildings
- the reconfiguration of car and bus dropoff/pickup areas, including new access from Wonga Road and an internal access road
- an increase of 28 onsite car parking with a capacity of 141 spaces
- increase in teaching space to accommodate 1,580 students and 125 staff, an increase of 380 students and 45 staff
- boundary adjustments
- removal of 92 trees
- associated landscaping works.

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

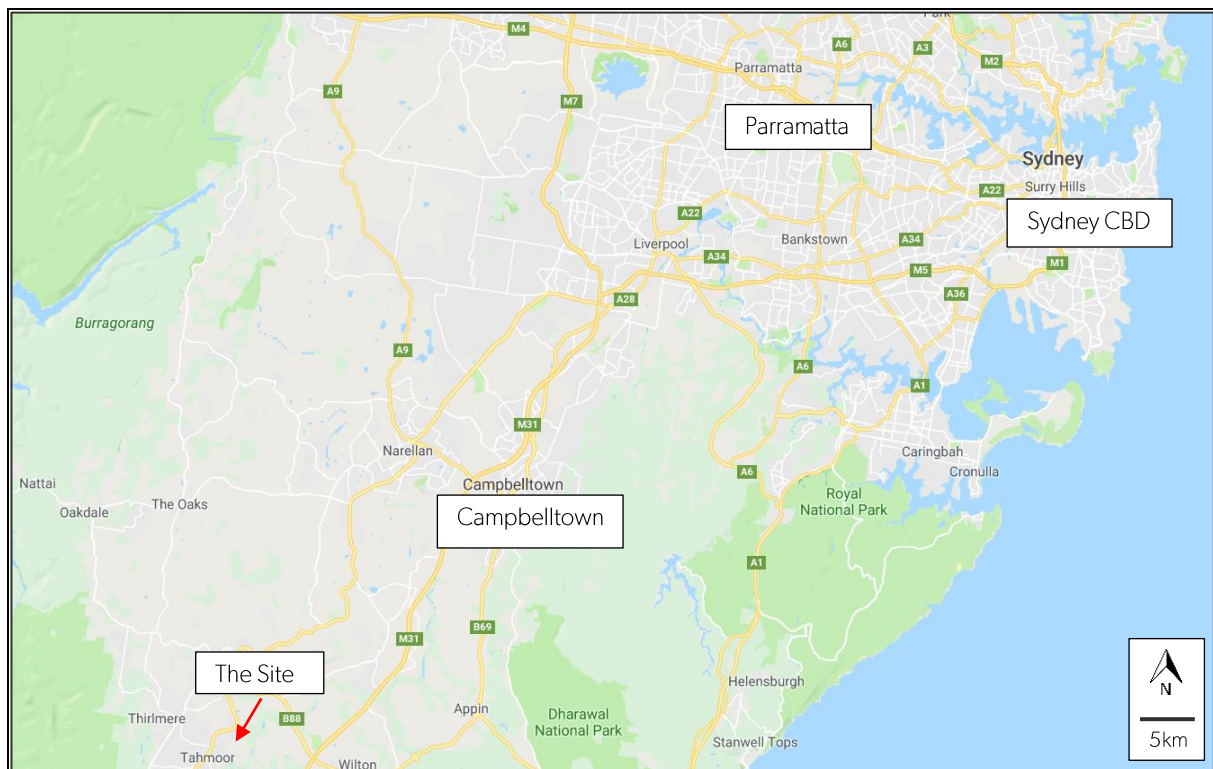
## 1.1 Site description

The site is located at 480 Argyle Street (Old Hume Highway), Picton and is legally described as Lot 2 in DP 520158. The site is located within the Wollondilly LGA, approximately 2.4km south of Picton Railway station, and 3km from Picton Town Centre. The site is located approximately 30km from Campbelltown Town Centre, 75km from the Parramatta CBD and 80km from the Sydney CBD as shown in **Figure 1**. The site is currently occupied by the existing Picton High School comprising 23 permanent buildings, 14 demountable buildings, outdoor courts, oval, pathways, internal roads and car parking.

The site has an area of approximately 5.691 ha and is roughly rectangular in shape, with a 200m frontage to Argyle Street to the west. The topography of the site falls approximately 10m from south to north. The site contains a range of vegetation types, predominantly on the north-eastern side.

There are public buses that operate along Argyle street that connect the site to Tahmoor and Picton Railway stations and town centres. Currently vehicular and pedestrian access to the site is via Argyle Street.

The location of the site and the site photos are provided in **Figures 2-4**.



**Figure 1** | Regional/Local Context Map (source: Google Maps 2018)



**Figure 2** | Street view of site from Argyle Street (source: Google Maps 2018)





**Figure 3** | Administration Block A (source: EIS 2018)



**Figure 4** | Multipurpose facilities Block M and court (source: EIS 2018)

## 1.2 Surrounding development

The site is located in a semi-rural area, which is characterised by a variety of building forms and land uses.

As shown in **Figure 5**, low density residential development, predominantly single and double storey dwellings are located to the north of the site. The Wollondilly Community Centre is located approximately 500m to the north and contains a 50m outdoor swimming pool. There is a small industrial area along the end of Wonga Road directly to the south of the site. This area includes industries such as a two-storey recycling facility and a landscape supplies warehouse. Directly south and south-east of the site there is a single storey rural residential development, a church and an animal shelter. Further south of the site is the Picton Buslines and a pet store. To the east of the site, is an unformed portion of Wonga Road which runs along the rear boundary of Picton High School. Further east, is a small cleared grassed area which continues into a heavily vegetated gully that descends steeply to Stonequarry Creek approximately 300m from the site boundary. To the west of the site across Argyle Street are primarily rural residential and agricultural allotments. There is a small industrial area centred on Henry Street and Bridge Street approximately 300m to the north-west, which includes a mix of industrial buildings, warehouses, vehicle repair stations, indoor recreation facility (gym), cafes, Picton fire station and a church.

The town of Tahmoor is located approximately 4 km to the south-west, with the Tahmoor Colliery operations a further 2km south. The town of Thirlmere is located approximately 4.7km to the west.



**Figure 5** | Site context (source: Google Maps 2018)





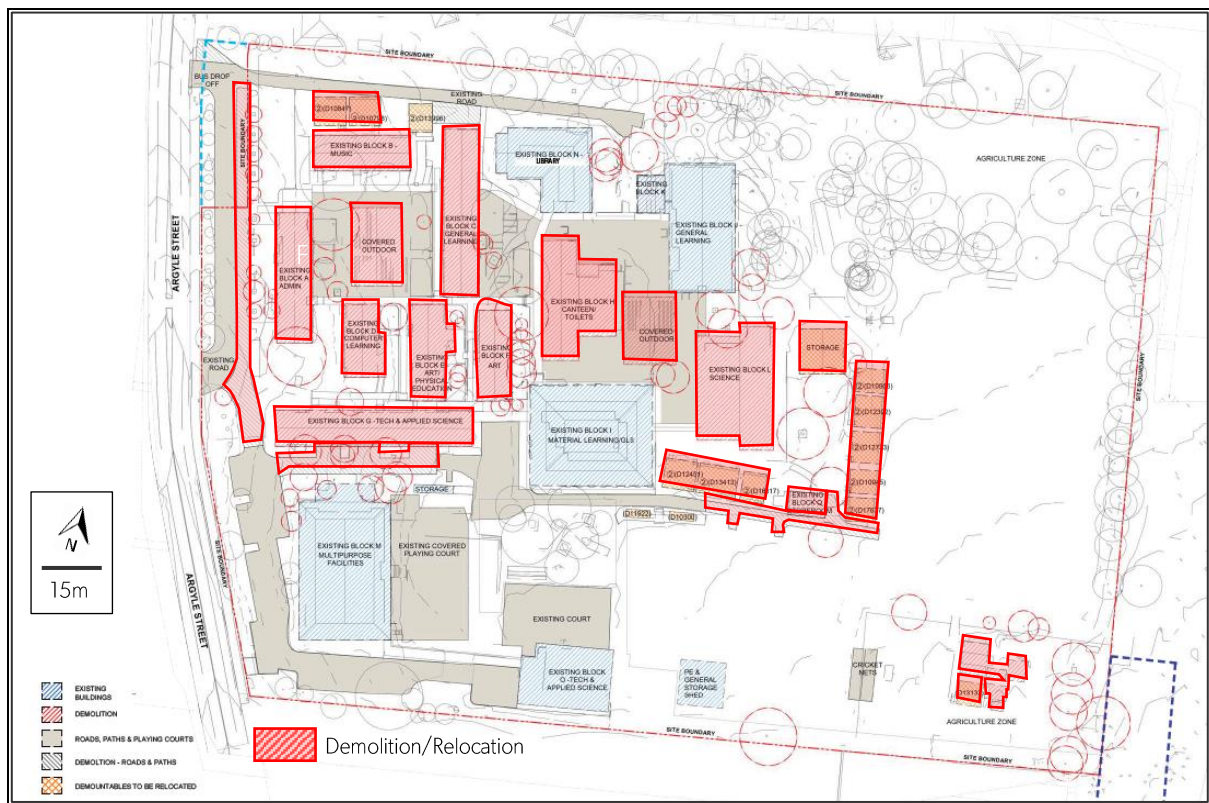
## 2. Project

The key components and features of the proposal as refined in the Response to Submissions are provided in **Table 1** and are shown in **Figures 6 to 13**.

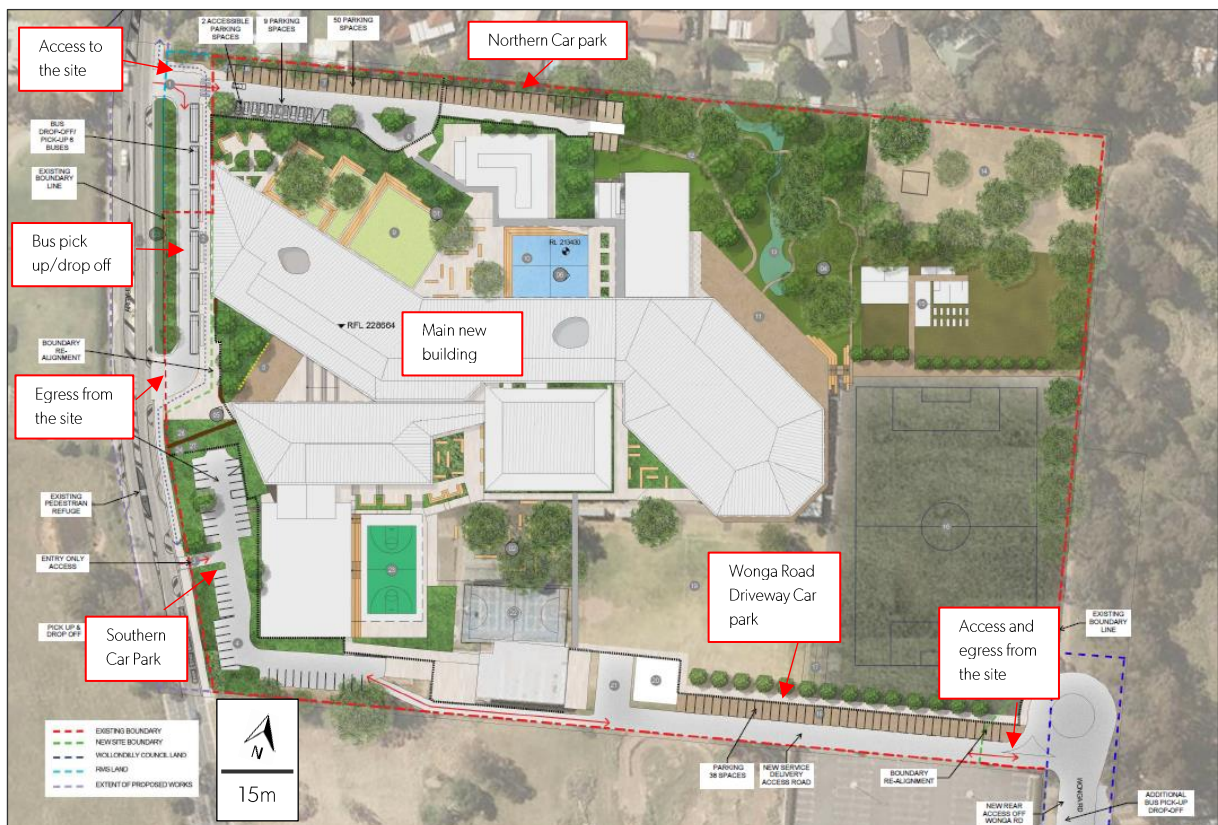
**Table 1** | Main Components of the Project

Aspect	Description
Project Summary	Alterations and additions to an existing school involving demolition of buildings; retention and refurbishment of existing buildings; construction of a new two and three storey building connecting existing retained buildings; reconfiguration of car and bus dropoff/pickup areas; including a new access point from Wonga Road and internal access road, increase in onsite parking to 141 spaces; an increase in student numbers to 1,580 from 1,200 and increase staff to 125 from 83; boundary adjustments; and removal of 92 trees and associated landscaping works.
Demolition	<ul style="list-style-type: none"><li>• The demolition of existing buildings/structures, comprising:<ul style="list-style-type: none"><li>○ block A: Administration</li><li>○ block B: Music</li><li>○ block C: General learning</li><li>○ block D: Computer learning</li><li>○ block E: Art/physical education</li><li>○ block F: Art</li><li>○ block G: Tech and applied science</li><li>○ block H: Canteen/toilets</li><li>○ block L: Science</li><li>○ block Q: Storeroom</li><li>○ two covered outdoor areas</li><li>○ storage building located at the rear of block L</li><li>○ five structures in the agricultural facilities.</li></ul></li></ul>
Built form	<ul style="list-style-type: none"><li>• Construction of two and three storey (14.42m) main school building, comprising:<ul style="list-style-type: none"><li>○ canteen</li><li>○ design technology</li><li>○ executive administration spaces</li><li>○ student hub</li><li>○ staff common</li><li>○ science and maths</li><li>○ year 8/9 hub</li><li>○ year 10/11 hub</li><li>○ year 12 hub</li><li>○ fitness</li></ul></li></ul>

Aspect	Description
	<ul style="list-style-type: none"> <li>o performing arts.</li> <li>• Retention and refurbishment of buildings including: <ul style="list-style-type: none"> <li>o block M (hall/multipurpose facilities)</li> <li>o block I (music and hospitality)</li> <li>o block J (general learning).</li> </ul> </li> </ul>
Site area	<ul style="list-style-type: none"> <li>• 56,900 sqm</li> </ul>
Gross floor area (GFA)	<ul style="list-style-type: none"> <li>• 14,985 sqm</li> </ul>
Uses	<ul style="list-style-type: none"> <li>• Education establishment for years 7-12</li> <li>• Community use of school facilities</li> </ul>
Access	<ul style="list-style-type: none"> <li>• Vehicular access from Argyle Street and Wonga Road</li> <li>• Pedestrian access/egress via Argyle Street and Wonga Road</li> </ul>
Car parking	<ul style="list-style-type: none"> <li>• 141 car spaces including: <ul style="list-style-type: none"> <li>o 128 staff spaces</li> <li>o 9 visitor spaces</li> <li>o 4 accessible spaces (2 staff and 2 visitor spaces).</li> </ul> </li> </ul>
Bicycle and motorcycle parking	<ul style="list-style-type: none"> <li>• 4 bicycle spaces</li> <li>• 4 motorcycle spaces</li> </ul>
Public domain and landscaping	<ul style="list-style-type: none"> <li>• Landscaping area including garden beds, turf, revegetation and new footpaths</li> </ul>
Hours of operation	<ul style="list-style-type: none"> <li>• School hours: 8:00am – 4:00pm (Monday to Friday)</li> <li>• Community use: 4:00pm – 10:00pm (Monday to Friday)</li> </ul>
Signage	<ul style="list-style-type: none"> <li>• No new signage is proposed</li> </ul>
Jobs	<ul style="list-style-type: none"> <li>• 25 additional operational jobs</li> <li>• 68 construction jobs</li> </ul>
CIV	<ul style="list-style-type: none"> <li>• \$65,702,000.00</li> </ul>



**Figure 6** | Demolition Plan (source: EIS 2018)



**Figure 7** | Site Plan (source: RIs 2018)



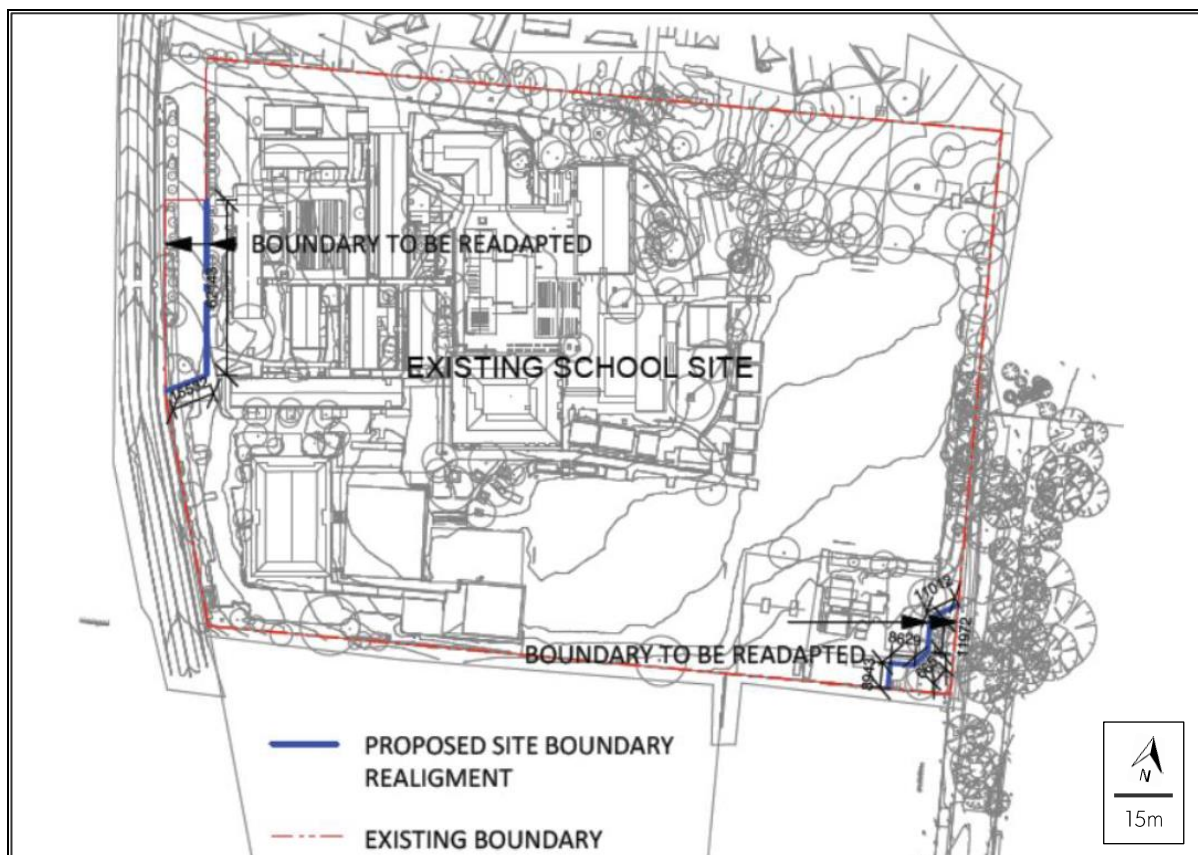
## Physical Layout and Design

The Applicant states that the design has taken into consideration the natural contours, with the two-storey building located towards the street frontage and with a three-storey element towards the centre of the site and then stepping back to a two storey built form towards the rear of the site. The central three storey building provides connections into retained buildings through the incorporation of voids, stairs and a lift to integrate the old and new development. The Application also states that the proposed layout provides a new canopy connecting to the main building to ensure that pedestrian paths are protected from inclement weather.

The development involves substantial landscaping and public domain works including 78 new tree plantings within the school grounds, outdoor paving throughout the site, terraced lawns, a pedestrian footpath along the western side of Argyle Street, a roundabout at the end of Wonga Road towards the south-eastern side of the site and road upgrades on the Wonga Road reserve to provide bus stops to accommodate up to four buses. The application proposes a car parking area for the school along the northern boundary of the site with continued access via the existing crossover on Argyle Street. The site also includes car parking on the south-western side, which gains access via a new entry crossover from Argyle Street and a new access from Wonga Road at the south-eastern rear corner of the site.

The proposed development requires upgrades to the existing infrastructure and services network including a new electrical substation, connection of a new Telstra telecommunications private fibre, upgrade of the water system metre to feed the redevelopment site, solar panning systems, and upgrade of the gas meter and regulator. The application also states that there is a potential need to upgrade the Sydney Water sewer main depending on sewer main capacity.

The development also proposes the dedication of the entire bus bay area and rear access to Wonga Road from the ownership of Department of Education to Council, as marked in blue in **Figure 8**.



**Figure 8** | Dedication of Land Plan (source: EIS 2018)

**Figure 9** depicts the proposed perspectives of the redevelopment. The key features of each floor are summarised in **Table 2** and shown in **Figures 10** to **13**. The proposed buildings would be one, two and three storeys in height and the maximum height of the buildings would be 14.42m.



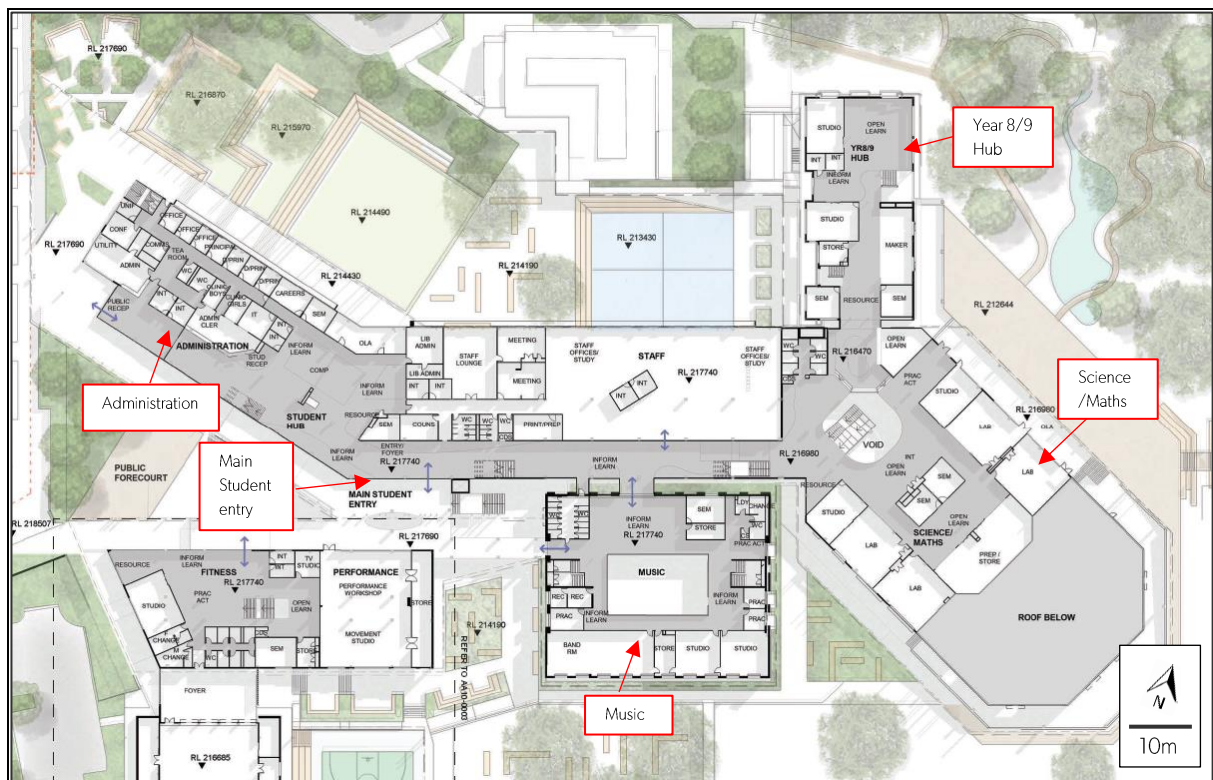
**Figure 9** | Site Perspectives (source: EIS 2018)

**Table 2** | Key features of floors

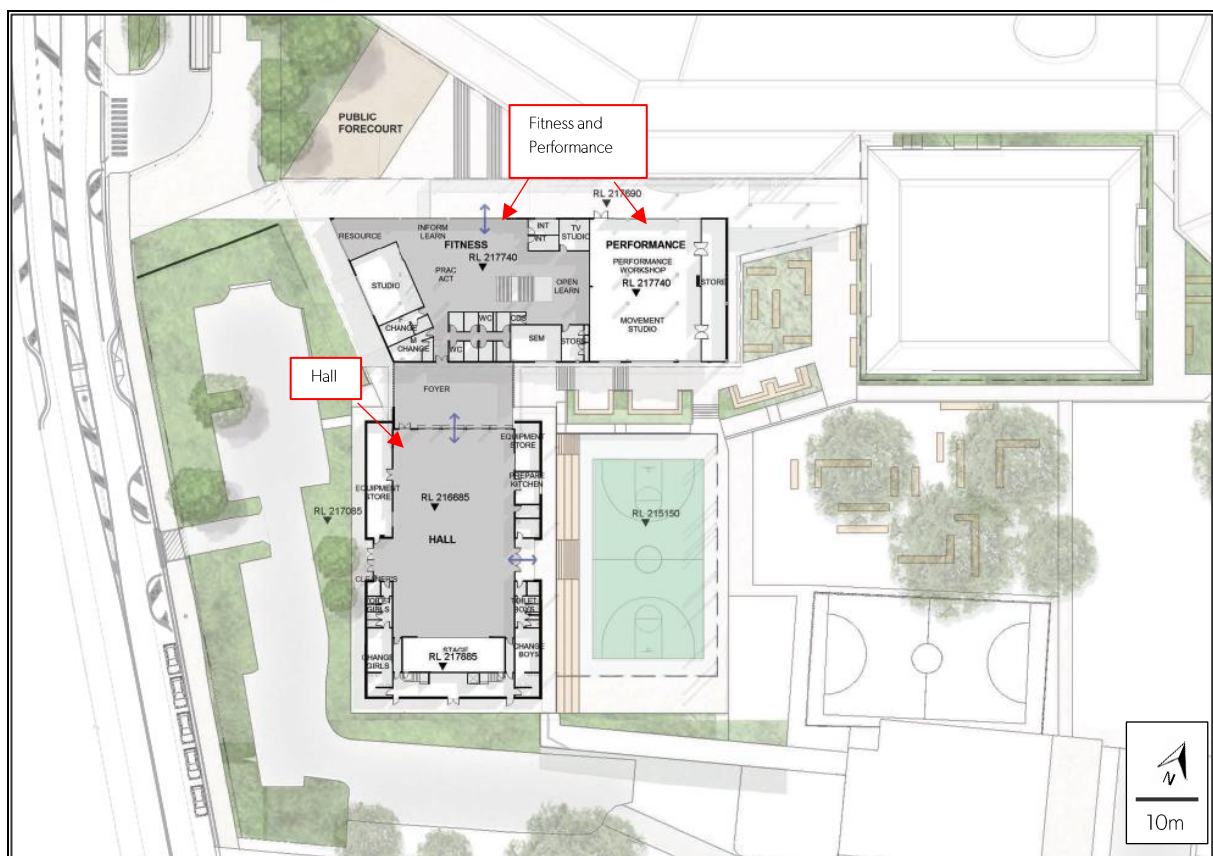
Floors	Description
Lower Ground	<ul style="list-style-type: none"> <li>• Canteen</li> <li>• Fitness</li> <li>• Food Technology</li> <li>• Design Technology</li> <li>• Visual Arts</li> <li>• Year 7 Hub</li> <li>• Lecture Theatre</li> <li>• Special Education</li> <li>• Metals</li> <li>• Lift</li> </ul>
Ground Floor	<ul style="list-style-type: none"> <li>• Public entry</li> <li>• Executive admin</li> <li>• Student hub</li> <li>• Student entry</li> <li>• Staff common</li> <li>• Year 8/9 hub</li> </ul>



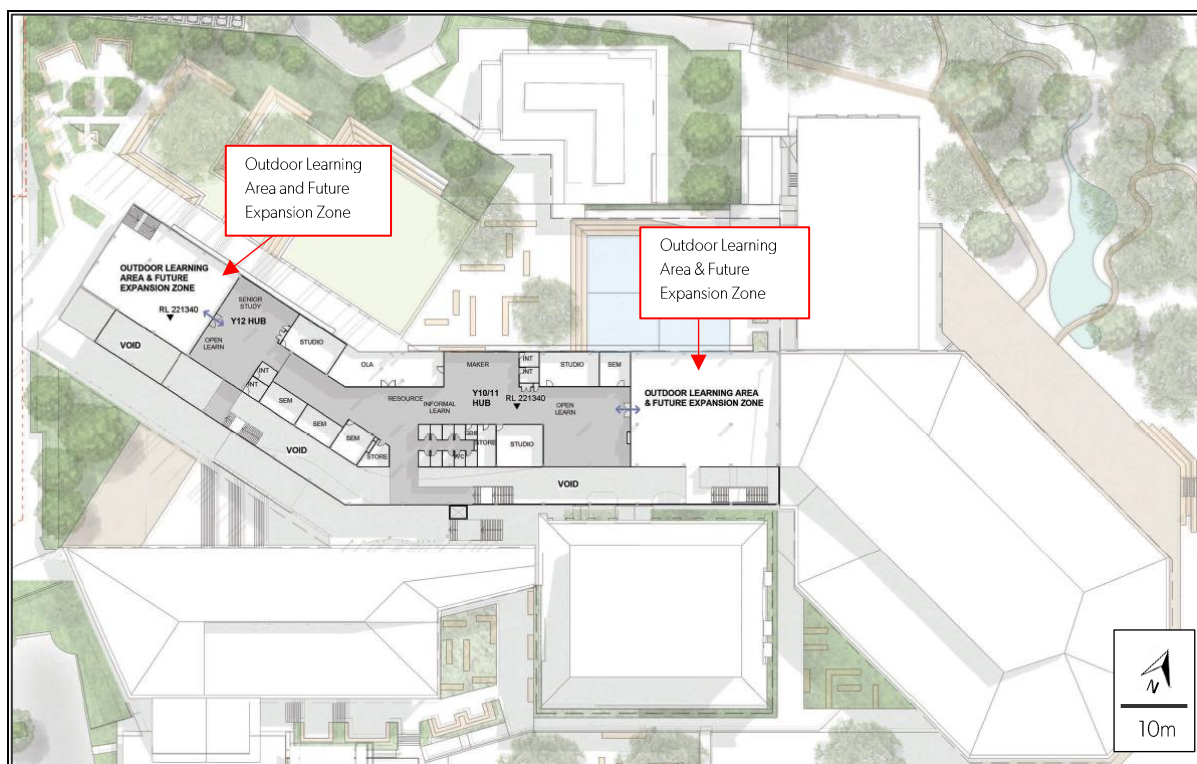




**Figure 11** | Ground Floor Plan A (source: EIS 2018)



**Figure 12** | Ground Floor Plan B (source: EIS 2018)



**Figure 13** | First Floor Plan (source: EIS 2018)

## Uses and Activities

The site would predominantly be used as a high school for years 7 to 12. The design of the school has also considered the opportunity for shared use of facilities with the broader community as listed in **Table 3**. The public forecourt would be designed to encourage access for the community onto the campus with a separate, secure path into the school. The application states that this would enable facilities around the forecourt to be accessible to community groups outside of school hours without compromising security to the rest of the school grounds. From the forecourt and carpark, the community would then be able to access the Fitness and Performing Arts building for a variety of activities including meetings, formal gatherings, dance and drama. The forecourt provides access to the multi-purpose hall for larger events. The Applicant states that the library can be accessed from the public forecourt as part of an extended hours program to allow public use of the library facilities including technology, meeting rooms, interview spaces, small seminars and general research opportunities. The Applicant also states that the total frequency of community events would not exceed 18 per year.

**Table 3** provides more details of the proposed community use of school facilities including hours of use and occupancy.

**Table 3** | Community Uses of School Facilities

School Facilities	Types of Functions/Activities	Occupancy	Hours of Operation
Hall (indoor)	<ul style="list-style-type: none"> <li>Children's services e.g. Out of School Hours Care (OSHC)</li> <li>Community Language Schools</li> </ul>	Max 200 approx.	School Hours: 8:00am – 4:00pm After School Hours: 4:00pm – 10:00pm



School Facilities	Types of Functions/Activities	Occupancy	Hours of Operation
	<ul style="list-style-type: none"> <li>• Dance, music or drama lessons</li> <li>• Community education and training</li> <li>• Community productions</li> <li>• Community meetings</li> <li>• Sporting events</li> <li>• Vacation care</li> </ul>		
Performance/fitness Hub Performance Workshop (indoor)	<ul style="list-style-type: none"> <li>• Children's services e.g. OSHC</li> <li>• Community Language Schools</li> <li>• Dance, music or drama lessons</li> <li>• Community education and training</li> <li>• Community productions</li> <li>• Community meetings</li> <li>• Vacation care</li> </ul>	Fitness and Performance Hub: Max 120 approx. Performance Workshop: Max 75 approx.	School Hours: 8:00am – 4:00pm After School Hours: 4:00pm – 10:00pm
Fitness Lab (indoor)	<ul style="list-style-type: none"> <li>• Community education and training</li> <li>• Sports events</li> <li>• Sports training</li> </ul>	Fitness Lab: Max 80 approx.	School Hours: 8:00am – 4:00pm After School Hours: 4:00pm – 10:00pm
Student Hub Library (indoor)	<ul style="list-style-type: none"> <li>• Children's services e.g. OSHC</li> <li>• Community Language Schools</li> <li>• Community education and training</li> <li>• Community productions</li> <li>• Community meetings</li> <li>• Vacation care</li> </ul>	Student Hub: Max 100 approx.	School Hours: 8:00am – 4:00pm After School Hours: 4:00pm – 10:00pm
Public Forecourt (outdoor)	<ul style="list-style-type: none"> <li>• Community education and training</li> <li>• Community productions</li> <li>• Community meetings</li> </ul>	Public Forecourt: Max 400 approx.	School Hours: 8:00am – 4:00pm After School Hours: 4:00pm – 10:00pm

The primary pedestrian access to the school would be along Argyle Street. The Applicant states that to accommodate pedestrian movements across Argyle Street, two new pedestrian refuges are proposed to the north of the site and between the two southern crossovers. A pedestrian footpath is proposed on the western side of Argyle Street in the vicinity of the school in order to facilitate pedestrian movements for staff and students on the western side of the road.

### Construction and Timing

The application proposes extended construction hours as follows:

- Monday to Friday: 7:00am – 5:00pm
- Saturday: 8:00am – 4:00pm
- no work on Sunday

The application also states that the school will remain in operation between 8:00am and 4:00pm during construction within a temporary school in the south-west corner of the site.

**Figure 14** shows proposed construction works.



**Figure 14** | Site Context Plan (source: EIS 2018)

The application proposes construction activities to occur over 18 months and would include the following activities:

- demolition of existing buildings/structures – 1 month
- clearing works – 1 month
- excavation and bulk earthworks – 6 months
- construction works – 10 months.

The development proposes construction in two stages:

**Stage 1:** All works associated with the redevelopment excluding the Hall refurbishment and associated external works. During stage 1 works, students and staff would access the site via Wonga Road. Construction vehicles would arrive at the existing northern access via Argyle Street, unload and load materials within the site boundary, depart at the existing north-west access via Argyle Street.

**Stage 2:** Refurbishment of the existing Hall and construction of all associated external works. Decommissioning of the temporary school and reinstatement of green space. During the Wonga Road construction works, students and staff would access the site via the existing access off Argyle Street. Construction vehicles would arrive and depart at the rear of the school via Wonga Road, unload and load materials within the site boundary, and depart from the site travelling along Wonga Road to Argyle Street.

### **Related Approvals**

In 2018, a Complying Development Certificate was issued for the establishment of a temporary 'pop-up' school to the rear of the site. The temporary school would be used to accommodate students while the alterations and additions to the main school are being carried out. Following completion, the temporary school will be decommissioned and the land rehabilitated for use as outdoor recreation space and landscaping.

Establishment of the temporary school is underway and is due to be operational by Day 1 Term 1 2019.



### 3. Strategic Context

Public school enrolments across NSW are anticipated to be 40,000 students higher in 2019-2020 than they were in 2015-16. In response to the need for additional public education infrastructure as a result of increased demand, the NSW Department of Education is delivering new schools and upgrading existing schools to meet this demand through the Government's \$1 billion Rebuilding NSW Schools fund.

The Applicant states that the Picton High School is currently the only public high school in the Wollondilly LGA. Due to the growing demand for education in the region, the NSW Government intends to provide additional capacity of 380 students and 45 staff to the school through its redevelopment. The Picton area is expected to experience substantial student population growth due to new land releases as part of the Greater Macarthur Land Release, which will expand Sydney's metropolitan area. Picton High School would capture a large proportion of the population growth within the region and this project would help to meet the long term projected increase in the demand for government secondary schooling by expanding the capacity of Picton High School.

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

- it is consistent with A Metropolis of three cities - The Greater Sydney Plan, as it proposes new school facilities to meet the growing needs of Sydney
- it is consistent with the State Infrastructure Strategy Update 2018-2038, as it proposes:
  - a larger school with increased capacity
  - facilities to support the growth in demand for secondary student enrolments for
  - a school design to accommodate infrastructure and facilities sharing with communities.
- it is consistent with 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
- it is consistent with the vision outlined in the Greater Sydney Commission's revised Western City District Plan, as it will provide much needed school infrastructure conveniently located near existing public transport services and opportunities to co-share facilities with the local community
- it is consistent with State Infrastructure Strategy 2018 – 2038 Building the Momentum as it would integrate school and community facilities
- it would provide direct investment in the region of approximately CIV \$65,702,000, which would support 68 construction jobs and 25 new operational jobs.



## 4. Statutory Context

### 4.1 State Significant Development

The proposal is SSD under section 4.36 (development declared SSD) of the Environmental Planning and Assessment (EP&A) Act as the development has a CIV in excess of \$20 million (\$65,702,000) and is for the purpose of alterations or additions to an existing school under clause 15 of Schedule 1 of *State Environmental Planning Policy (State and Regional Development) 2011*.

The Minister is the consent authority under section 4.5 of the EP&A Act.

In accordance with the then Minister for Planning's delegation to determine SSD applications, signed on 11 October 2017, the Executive Director, Priority Projects may determine this application as:

- the relevant Council has not made an objection
- there are less than 25 public submissions in the nature of objection
- a political disclosure statement has not been made.

### 4.2 Permissibility

The site is identified as being located within the R2 Low Density Residential zone under the Wollondilly Local Environmental Plan (WLEP) 2011. Educational establishments are permissible with consent within the zone. Therefore, the Minister for Planning 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.

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

The Department has consulted with the relevant public authorities responsible for integrated and other approvals, considered their advice in its assessment of the project, and included suitable conditions in the recommended conditions of consent (see **Appendix 3**).

### 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 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 taken into account in the assessment of the project.

The Department has undertaken a detailed assessment of these EPIs in **Appendix B** and is satisfied the application is consistent with the requirements of the EPIs.

#### 4.4.2 Objects of the EP&A Act

The objects of the EP&A Act are the underpinning principles upon which the assessment is conducted. The statutory powers in the EP&A Act (such as the power to grant consent/approval) are to be understood as powers

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

**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 proposal would not impact on the State's natural or other resources and would promote a better environment for the users.
(b) to facilitate ecologically sustainable development by integrating relevant economic, environmental and social considerations in decision-making about environmental planning and assessment,	The proposal includes measures to deliver ecologically sustainable development, as detailed in <b>Section 4.5</b> of this report.
(c) to promote the orderly and economic use and development of land,	The proposal would facilitate development of the site for educational uses.
(d) to promote the delivery and maintenance of affordable housing,	Not applicable.
(e) to protect the environment, including the conservation of threatened and other species of native animals and plants, ecological communities and their habitats,	The proposal would protect the environment, as detailed in <b>Section 6</b> of this report.
(f) to promote the sustainable management of built and cultural heritage (including Aboriginal cultural heritage),	The proposal would promote the sustainable management of built and cultural heritage, as detailed in <b>Section 6</b> of this report.
(g) to promote good design and amenity of the built environment,	The proposal promotes good design and amenity, as detailed in <b>Section 6</b> of this report.
(h) to promote the proper construction and maintenance of buildings, including the protection of the health and safety of their occupants,	The proposal would promote proper construction and maintenance of buildings subject to recommended conditions of consent.
(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 ( <b>Section 5.1</b> ), which included consultation with Council and other public authorities and consideration of their responses ( <b>Sections 5.1</b> and <b>6</b> ).

Objects of the EP&A Act	Consideration
(j) to provide increased opportunity for community participation in environmental planning and assessment.	The Department publicly exhibited the proposal as outlined in <b>Section 5.1</b> , which included notifying adjoining landowners, placing a notice in newspapers and displaying the proposal on the Department's website and at Council during the exhibition period.

#### 4.4.3 Ecologically sustainable development

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

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

The development proposes ESD initiatives and sustainability measures, including:

- building fabric designed to meet the thermal sealing performance measures of the BCA
- shading and daylighting
- electricity metering
- solar energy collection in form of photovoltaic panels
- insulation
- natural ventilation
- hydronic heating
- energy efficiency
- internal flow controllers to minimise water usage
- taps with timed flow for student amenities
- high efficiency fixtures
- rainwater harvest use for non-potable uses
- responsible building materials
- recycled content
- waste recycling
- reduced pollution targets
- sustainable transport options, including car sharing, public transport and car sharing
- onsite detention and stormwater treatment
- management to achieve sustainability outcomes

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 ESD principles as described in Section 6.4 of the Applicant's EIS, which has been prepared in accordance with the requirements of Schedule 2 of the Regulation.

The Applicant is targeting a 5-Star Green Star (Australian Best Practice) rating which exceeds the suggested 4-Star Green Star rating in the Educational Facilities Standards and Guidelines (EFSG) design guide. The Department has recommended a condition that the details of the final ESD initiatives implemented be submitted to the satisfaction of the Certifying Authority prior to commencement of works

Overall, the proposal is consistent with ESD principles and the Department is satisfied the proposed sustainability initiatives will encourage ESD, in accordance with the objects of the EP&A Act.

#### 4.4.4 Environmental Planning and Assessment Regulation 2000

Subject to any other references to compliance with the Environmental Planning and Assessment Regulation 2000 (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** (Assessment) and relevant appendices or other sections of this report and EIS, referenced in the table.

**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. Notwithstanding, the objectives of relevant controls under the Wollondilly DCP, where relevant, has been considered in <b>Section 6</b> of this report.
(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.
(a)(v) any coastal zone management plan	Not applicable.



Section 4.15(1) Evaluation	Consideration
(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>Sections 3</b> and <b>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 6</b> of this report.
Biodiversity values impact assessment not required if:	The SEARs request was lodged, and environmental assessment substantially completed prior to 25 August 2017 (Commencement of <i>Biodiversity Conservation Act 2017</i> ). Pursuant to the Biodiversity Conservation (Savings and Transitional) Regulation 2017, the provisions of this Act will not apply.
(a) On biodiversity certified land	
(b) Biobanking Statement exists	The application includes a Biodiversity Assessment Report (BAR) and impact of the proposal on Biodiversity values are discussed in <b>Section 6.2</b> of this report.

#### 4.4.7 Threatened Species Conservation Act 1995 (now repealed)

The SEARs for this proposal were issued and the environmental assessment substantially completed prior to the repeal of the *Threatened Species Conservation Act 1995* (TSC Act). As provided by the Biodiversity Conservation (Savings and Transitional) Regulation 2017, the provisions of the TSC Act continue to apply.

A Biodiversity Assessment Report (BAR) has been submitted with the application which addresses the impacts of the proposal on biodiversity values and is considered in **Section 6** of this report.

## **5. Engagement**

### 5.1 Department's Engagement

In accordance with Schedule 1 of the EP&A Act, the Department publicly exhibited the application from 10 May 2018 until 8 June 2018 (30 days). The application was exhibited on the Department's website, at the NSW Service Centre and at the Wollondilly Council's office.

The Department placed a public exhibition notice in the Wollondilly Advertiser on 9 May 2018, and notified adjoining landholders and relevant State and local government authorities in writing. The Department representatives visited the site to provide an informed assessment of the development.

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

### 5.2 Summary of Submissions

The Department received a total of 10 submissions, comprising 7 submissions from public authorities including Council and 3 submissions from the general public. A summary of the issues raised in the submissions is provided at **Table** below and copies of the submissions may be viewed at **Appendix A**.

**Table 6** | Summary of Submissions

Submitters	Number	Position
<b>Public Authority</b>	<b>6</b>	
• NSW Environment Protection Authority	✓	Comment/Concerns
• Office of Environment and Heritage – Heritage Division and Environment Division	✓	
• NSW Rural Fire Services	✓	
• NSW Roads and Maritime Services	✓	
• Sydney Water	✓	
• Transport for NSW	✓	
<b>Wollondilly Shire Council</b>	<b>1</b>	Comment/Concerns
<b>Community</b>	<b>3</b>	
	1	Object
	2	Comments
<b>TOTAL</b>	<b>10</b>	

### 5.3 Public Authority submissions

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

**Table 7 |** Summary of public authority submissions to the EIS exhibition

#### Wollondilly Shire Council (Council)

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Council does not object to the proposal, however, it provided comments in relation to:

- need for adequate onsite car parking
- need for air conditioning for classrooms and hall
- consideration of ESD initiative including solar paneling and water reuse tanks
- provide the joint use of the school for community use
- the need to extend the footpath on both sides of Argyle Street between Wonga Road and Henry Street
- pedestrian movement and safety concerns and the need for a pedestrian or school crossing be installed on Argyle Street
- Department of Education financially contribute to the building of a cycleway to Tahmoor
- the need to upgrade the intersection of Wonga Road and Argyle Street
- increase in traffic impacts
- the transfer of Argyle Street Bus Bay land to Council not agreed
- the need for a Green Travel Plan
- the need for a Construction Traffic Management Plan
- concerns with the proposed removal of trees
- note the un-remediated landfill at the rear of the site and required that it be remediated
- the acoustic impact on the animal shelter.

#### NSW Environment Protection Authority (EPA)

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EPA provided comments in relation to:

- detailed assessment of potential site contamination
- construction impacts (noise, dust, erosion and sediment control)
- operational noise impacts and mitigation and management measures
- water quality, especially Stonequarry Creek
- pesticides use

- 
- odour emissions
  - the implementation of water sensitive urban design principles
  - the minimisation of the consumption of energy generated from non-renewable sources and energy efficiency measures.

#### NSW Rural Fire Services (RFS)

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RFS provided comments in relation to:

- Asset Protection Zone (APZ) requirements to comply with Planning for Bush Fire Protection 2006
- construction of buildings in bush fire prone areas
- water, electricity and gas must comply with Planning for Bush Fire Protection 2006
- landscaping must comply with Planning for Bush Fire Protection 2006
- emergency and evacuation must comply with Planning for Bush Fire Protection 2006.

#### NSW Roads and Maritime Services (RMS)

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RMS provided comments in relation to:

- detailed concept plans be required indicating proposed works on the Argyle Street road reserve
- need for a swept path assessment of bus turning/manoeuvres in the parking area in front of Argyle Street
- RMS concurrence required for the roads works
- the requirement for school zones
- the assessment of intersection performance operations using SIDRA modelling
- environmental impacts of the proposed roadworks within both the Argyle Street and Wonga Road reserves with respect to noise, flora and fauna, heritage and impact of community.

#### Sydney Water

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Sydney Water provided comments in relation to:

- Insufficient capacity available at the Picton Water Recycling Plant.

#### Transport for NSW (TfNSW)

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TfNSW provided recommended conditions relating to a green travel plan, traffic and parking management plan, signage and line marking plan and road safety audit evaluation, should the application be supported.

#### Office of Environment and Heritage (OEH)

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OEH provided comments in relation to:

- the need for an additional assessment on European Heritage

- clarification required on the Biodiversity Assessment Report with respect to clearance area
- the management requirement of native vegetation and landscape
- the potential flood impact.

## 5.4 Public submissions

A summary of the issues raised in the public submissions is provided below and copies of the submissions may be viewed at **Appendix A**. Of the three submissions, one objected to the proposal on the basis that an alternative school location should be considered.

## 5.5 Response to Submissions and supplementary information

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

On 31 October 2018, the Applicant provided a Response to Submissions (RtS) (**Appendix A**) on the issues raised during the exhibition of the proposal. The RtS provided updated traffic and accessibility impact report, detailed design acoustic report, additional swept path diagrams, revised architectural drawings, SIDRA files and assumptions letter, revised bushfire assessment, updated landscape drawings, clause 4.6 variation statement, baseline archaeological assessment report, construction traffic management Plan, road safety evaluation, green travel plan, updated Traffic Plan, updated traffic control device sketch plan, arborist report addendum, waste management plan addendum and physical materials sample board. The RtS also incorporated the following design changes:

- amended drawings to include detail of bicycle parking facilities i.e. WC with showers
- updated landscape drawings to provide clarification on the number of trees to be planted
- amended drawings of bus bay to provide adequate room for buses to manoeuvre

The RtS was made publicly available on the Department website and was referred to the relevant public authorities. An additional seven submissions were received from public authorities, including Council, NSW RFS, EPA, TfNSW, OEH, RMS, Sydney Water and one submission from the public. A summary of the issues raised in the submissions is provided at **Table 8** and copies of the submissions may be viewed at **Appendix A**.

**Table 8 |** Summary of public authority submissions to the RtS

### Council

Council provided the following comments:

- acoustic impacts from the school activities on adjoining residential properties
- the need for appropriate tree planting and landscaping
- query on student numbers and traffic implications if more than 1,580 students are enrolled and performance clarification of the intersection of Argyle Street/Wonga Road at its maximum student capacity (i.e. 2,000)
- concerns with respect to the construction phase, including traffic, drop off/pick up zones, construction vehicle parking, construction and operational traffic modelling, CTMP, construction traffic, bus bays, road safety evaluation, school zones
- Local Traffic Committee (LTC) approval required for works that will regulate traffic (signs and lines)

- works within the road reserve will need to be carried out in accordance with Council's Design and Construction Specification
- adequacy of the submitted green travel plan
- also query on the location of an attachment in the EIS

#### EPA

- EPA confirmed they are generally satisfied with the response. The EPA provided recommended conditions regarding site contamination, unexpected finds, noise and vibration and other general operational conditions.

#### RFS

- RFS raised no further comments. RFS provided updated recommended conditions with respect to construction and restated conditions including APZ, construction, water and utilities, landscaping, and evacuation and emergency management.

#### TfNSW

- TfNSW raised no further comments. TfNSW re-stated that the previously recommended conditions of consent be adhered to.

#### OEH

- OEH raised no further comments.
- OEH provided updated recommended conditions with respect to:
  - the area around the education trail being rehabilitated with local native plants
  - that mowing be discontinued from the remnant areas to be retained and these areas are to be rehabilitated with a diversity of local provenance native species
  - plant species to be planted at the site are from the Grey Box – Forest Red Gum Grassy woodland on flats of the Cumberland Plain vegetation
  - native vegetation to be retained on the site is to be protected during construction, native trees to be removed from the site are salvaged and used to enhance habitat at the site
  - seeds from native plants to be removed is collected and used in the landscape
  - an ongoing weed control and maintenance program is implemented to maintain the remnant native vegetation and installing artificial nest boxes to enhance site's habitat.
- the RtS clarifies the amount of native vegetation to be removed and OEH is satisfied with the removal
- the submitted European archaeological assessment with the RtS is considered satisfactory by the Heritage Division.

## Sydney Water

- Sydney Water raised no further comments.

## RMS

RMS provided the following comments and conditions:

### Intersection of Argyle Street and Wonga Road

- concerns raised with respect to SIDRA intersection modelling of the intersection of Argyle Street and Wonga Road. As initial TAIA was based on 2,000 students which would result in the intersection performing at a LoS F and the updated TAIA based on 1,580 students with the intersection performing at a LoS B.
- concerns we raised that the modelling provided has reduced the gap acceptance for both the 'critical gap' and the 'follow up headway gap' for right turn movements from Wonga Road. Insufficient justification provided of the number of existing large/heavy vehicle movements and the future bus movements that will make the manoeuvre with the reduced gap acceptance.
- stated that if an upgrade to this intersection is required then a concept design of the works is to be provided prior to determination as there is limited land available at the intersection to facilitate upgrade works without land acquisition, as such the Applicant will need to demonstrate how a compliant intersection design can be wholly contained within the existing road reserve.

### Level of details

- reiterated the need for a greater level of details on concept plan for the proposed works in Argyle Street, and provided recommended conditions with respect to level of details should the application be approved.

### Swept path assessment

- RMS reiterated the concern and recommended conditions with respect to turning path for the bus entering and exiting the bus parking area.

### School zones

- the need for school zones for Wonga Road in place before the commencement of use of the temporary school. Accordingly, conditions have been recommended.

### Construction car parking

- concerns with lack of construction vehicle parking

### Conflicting information

- RMS notes that the RtS covering letter prepared by Ethos Urban dated 30 October 2018 details in part that the works to Argyle Street include "construction of a new roundabout at the Argyle Street/Wonga Road intersection". However, the revised TAIA dated 3 August 2018 details that no works are proposed at the intersection of Wonga Road and Argyle Street.

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### Roads Act 1993

- RMS would issue its concurrence under Section 138 of the Roads Act 1993 if the Applicant demonstrates to Council that the proposed access arrangements to/from Argyle Street are acceptable.

RMS also recommended general conditions including the requirement for all roadworks, traffic control facilities and other works associated with the development to meet RMS standards and at no cost to RMS. Also prior to the commencement of construction, sufficient parking facilities is to be provided on site for heavy vehicles and construction personal.

### Public submission

- Concerns with respect to the temporary school and the interpretation of the provisions of exempt and complying development for temporary school under Educational SEPP.
- Generation of noise and dust impact during demolition.
- Traffic safety concerns for students crossing Argyle Street.
- Insufficient car parking.
- Insufficient information on the temporary school.

In response to submissions to the RtS and the Department's request for additional information, the Applicant provided an RtS Addendum, which provided further clarifications with respect to Council's and RMS's comments and concerns with traffic.





## 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:

- Traffic, access and parking
- Built form, urban design and landscaping
- Amenity.

Each of these issues is discussed in the following sections of this report. Other issues were taken into consideration during the assessment of the application and are discussed at **Section 6.4**.

### 6.1 Traffic, Access and Parking

#### 6.1.1 Existing condition

The site presently has two vehicle access locations off Argyle Street. The northern access provides entry only movement for staff, visitors and buses. The southern access provides egress movements for staff, visitors and buses. A concrete footpath exists along Argyle Street on the school side of the road. The footpath extends from the southern boundary connecting the school with the Picton Town Centre. However, no footpath exists on the western side of Argyle street, the eastern side of Argyle Street from the southern boundary, nor along Wonga Road.

There are a total of 113 existing car parking spaces on the site. A proportion of the parking spaces are informal and are not designated parking spots. The majority of on-street parking adjacent to the school is unrestricted apart for five spaces along the western side of Argyle Street which are restricted to 2 minutes between 8:00am - 9:30am and 2:30pm - 4:00pm and eight spaces immediately in front of the school are restricted to 2 minutes as a drop-off/pick-up zone during the same peak periods.

#### 6.1.2 Construction Traffic

The Applicant submitted a Construction Traffic Management Plan (CTMP) with the EIS. The CTMP considers the site preparation and construction traffic associated with the proposed development. The CTMP provides that construction vehicles would access the site via Wonga Road during stage 1 construction and via Argyle Street during stage 2 works, as shown in **Figure 15**. The CTMP states that the number of construction vehicles to service the site would be typically 20 trucks per day for the duration of the construction period. However, it is expected that there would be an increase in construction vehicles during the stage 1 civil works and earthworks of up to 50 truck movements per day. The majority of these movements would arrive and depart outside of the school peak times.



**Figure 15** | Construction vehicle movement plan (source: Applicant's CTMP, 2018)

Construction workers would have access to the southern car park during stage 1 and access to the northern car park for stage 2. These spaces would be available throughout the construction periods. Construction workers would be advised if on-site parking is unavailable and would be instructed to park along Wonga Road during the stage 1 works, and to park along Argyle Street during the stage 2 works. The CTMP also states that workers and sub-contractors would be encouraged to use public transport for travel to and from the work site where possible, car share, and workers would start and finish at different times of the day. The site has access to public bus services along Argyle Street which services bus routes 911, 912, 913 and 914 to Picton town centre and train station. The CTMP states that the stage 1 Wonga Road construction works would occur during the school holidays in January 2019 and if the Wonga Road upgrades are not completed during that time, the construction works would be postponed until Term 1 school holidays.

Operational bus access during stage 1 construction works would be via the northern access and exit via the southern access on Argyle Street. During stage 2 of the construction works, the operational bus services (pick-up/drop-off) would occur along Wonga Road and bus operations along Argyle Street would be discontinued. There would be a new bus facility provided on both sides of Wonga Road near the eastern (rear) school entrance to accommodate up to three buses. Council raised concerns that the pick-up/drop-off area on Wonga Road includes only 3-4 bus bays although a maximum of 6 buses could potentially be accommodated during stage 2 works. In response, the Applicant's revised CTMP states that three buses would be accommodated at the new bus facility and three more on Wonga Road within temporary bus bays. The CTMP also states that if all bus bays in Wonga Road are occupied, other buses would wait along Wonga Road at the temporary bus queuing zone until a bus bay is unoccupied. It is also noted that after construction works are completed and the bus pick-up/drop-off area is relocated to Argyle Street, the temporary bus queuing zone along Wonga Road would be decommissioned. **Figure 16** shows the temporary bus zone on Wonga Road.





**Figure 16** | Proposed Temporary Bus Zone (Source: RTS 2018)

During construction works, pedestrian movements around the site would be maintained where possible. Where works require the closure of an existing pedestrian route, a suitable alternative would be provided. Furthermore, the Applicant states that an accredited RMS Traffic Controller would be on site during construction to assist pedestrians crossing the Argyle Street driveway access to avoid any conflict with trucks.

Council raised concerns that the adjoining bus provider operates 20-21 public bus services which have not been specifically addressed in the CTMP or in the SIDRA traffic model. In response, the Applicant states that the SIDRA traffic model includes 20 bus movements (inbound and outbound) in the morning and afternoon school peak periods. The Applicant has submitted a revised CTMP to include these traffic movements. Council also raised concerns that during stage 2 works, staff vehicles to exit via Wonga Road has not been reflected in the SIDRA modelling. In response the Applicant provided a revised CTMP including a SIDRA traffic model for stage 2 construction. The SIDRA modelling indicates that the afternoon peak for the Argyle Street/Wonga Road intersection would be operating at near capacity. However, the Applicant also states that to minimise the traffic impacts and conflict between the school and the construction works, construction vehicles would arrive and depart outside of the school peak periods. The Applicant did not carry out SIDRA traffic modelling for construction works on Wonga Road as the construction works would be during the school holidays and traffic volumes would be negligible.

Council also raised concerns regarding the loss of car parking for the neighbouring commercial/industrial developments on Wonga Road due to the proposed road works on Wonga Road. The Applicant states that the contractors will continue to undertake negotiations with the neighbouring commercial organisations to offset the traffic demands during construction. The Applicant further states that parking demand would be reduced by construction workers arriving and finishing throughout different times of the day, public transport would be used to get to and from the site and construction workers would also be encouraged to car share. The Department notes that the parking along Wonga Road is on Council land and is not privately owned by any of the organisations. Council has provided owners consent for the Applicant to carry out Wonga Road works which would ultimately remove the parking spaces which is used by the businesses along Wonga Road. These businesses would have to seek alternative parking spaces either on their site or other parts of Wonga Road.

The Department considers that the CTMP includes relevant discussion on the construction impacts on traffic, pedestrian access as well as the potential cumulative impacts on the surrounding road network. However, a condition is recommended requiring the Applicant to prepare a final Construction Traffic and Pedestrian Management Plan (CTPMP) to ensure the traffic generated by construction workers and large vehicles does not impact upon the surrounding road network and pedestrian safety.

The Department has reviewed the information provided within the EIS, RtS and the Council and RMS submissions and considers that, subject to the implementation of recommended conditions, construction traffic impacts in the locality would be appropriately managed.

### 6.1.3 Operational Traffic

The Applicant submitted a Traffic and Accessibility Impact Assessment (TAIA) with the EIS. In response to concerns raised by RMS and Council, the Applicant also submitted a revised TAIA in the RtS. At the request of the Department, the Applicant also submitted additional information, including a GTP.

Argyle Street is a Regional Classified road and Wonga Road is a local road. The revised TAIA indicates that the proposed development would generate an additional 187 vehicle movements during the AM peak (8:00am to 9:30am) and an additional 193 vehicle movements during the PM peak (2:30pm to 4:00pm). This increase in traffic is equivalent to approximately three additional vehicle movements every minute.

The Applicant carried out peak period traffic surveys for the key intersection (shown on **Figure 17**) surrounding the site and submitted a SIDRA analysis of the intersection under existing traffic and post-development forecast traffic scenarios.



**Figure 17** | Intersection (Source: Google Maps 2018)

The results indicate that the Argyle Street/Wonga Road intersection would continue to perform satisfactorily at Level of Service (LoS) B during both the AM and PM peak periods at the capacity of 1,580 students in year 2021, as shown in **Table 9**.



**Table 9 |** Traffic Modelling for Wonga Road /Argyle Street (based on existing Intersection layout)

Argyle Street/Wonga Road Intersection	Morning Peak LoS	Evening Peak LoS
Existing 1158 students in Year 2017	B	B
Future proposed (2021) 1580 students	B	B

Council and RMS raised concerns that the proposal seeks consent for 1,580 students, however the Applicant states that the school has been designed to accommodate up to 2,000 students. The Applicant's original TAIA dated April 2018 submitted with the EIS also provided a SIDRA modelling which indicated that beyond year 2036 with 2,000 students enrolled, the LoS at the intersection would deteriorate to F for both AM and PM peak periods.

The RtS provided clarification regarding student numbers that the school's core facilities such as the library, hall and recreational facilities have the capability to provide up to 2,000 students, however confirms the application seeks consent for only 1,580 students. The RtS further states that it is understood that any future increase in student or staff numbers would require a formal modification of the development consent. The Applicant also submitted a revised TAIA stating that in year 2021, with the school operating at a capacity of 1,580 students, the intersection of Argyle Street/Wonga Road would be operating at a LoS of B for the morning and evening peaks, and therefore the existing intersection configuration would have adequate capacity to accommodate future traffic growth and the traffic generation resulting from the development of the school. The Applicant does not consider there to be any significant impacts upon this intersection, nor the requirement for any intersection upgrades of the proposed development.

The Department acknowledges the Applicant is seeking consent for only 1,580 students and at this capacity the intersection would not require an upgrade given the LoS would remain at B. Notwithstanding, a condition has been recommended that student numbers are to be consistent with the proposal in the EIS and the TAIA. Should the Applicant propose to increase student numbers in the future, a modification would be required accompanied by a TAIA to determine the need for any infrastructure upgrades at the Argyle Street/Wonga Road intersection.

Council and RMS raised various concerns with respect to the operational traffic SIDRA modelling. The RMS also requested concept design plans of the Argyle Street/Wonga Road intersection should the revised modelling conclude that an upgrade to this intersection is required.

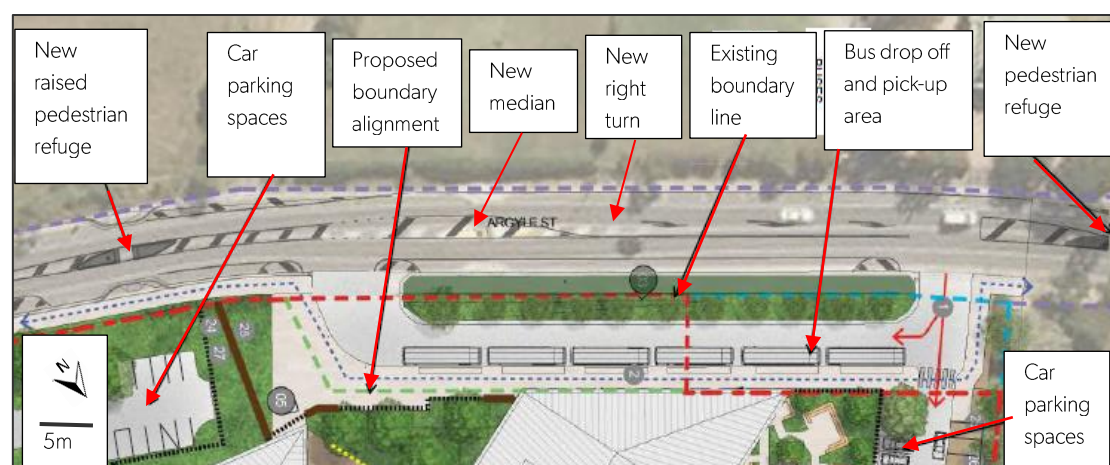
Given the concerns raised by Council, the Department has recommended a condition that the Applicant prepare a revised road safety evaluation and implement all the recommendations such as pedestrian refuges, on-street parking, on-street signage, road works on Wonga Road and Argyle Street, right turn bay into bus bay on Argyle Street.

#### 6.1.4 Pedestrian Safety and Road Design

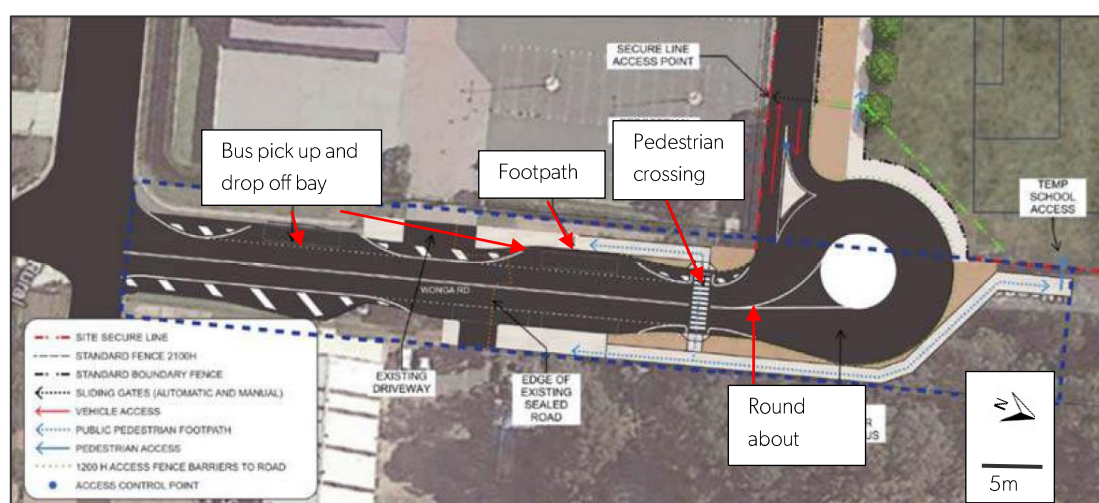
The application proposes key traffic and transport changes to the Argyle Street and Wonga Road accesses as shown in **Figures 18** and **Figure 19**, which includes the following:

- the bus drop-off and pick up area would remain in its current location on Argyle Street
- the bus stop area would be narrowed to prevent parents from choosing to park within the bus stop area

- the central median between the bus stop area and Argyle Street to provide clearer sight lines between pedestrians and drivers
- the school boundary line to be amended so that the bus stop area is under control of and ownership of Council. This would include a right turn lane from Argyle Street
- to accommodate the turning bay, the pedestrian refuge island is to be relocated to the south of the existing crossovers to facilitate pedestrian movements between the school and the western side of Argyle Street
- parking along the eastern side of Argyle Street, between the two existing crossovers to be removed to accommodate the turning bay
- the entrance to the southern staff parking area would be discontinued from the bus area and a new entry only access to be provided from Argyle Street
- new access along the southern boundary of the site connecting the car park in the south-western corner of the site to Wonga Road, providing for exit and entry movements
- bus stops provided on both sides of the new school entrance on Wonga Road, accommodating up to three buses
- a new roundabout at the end of Wonga Road
- provisions of footpaths and pedestrian crossing facilities near the Wonga Road access to/from the site



**Figure 18** | Proposed road works on Argyle Street (source: RtS, 2018)



**Figure 18** | Proposed road works on Wonga Road (source: RtS, 2018)



A public submission raised safety concerns with respect to students crossing Argyle Street. The Applicant provided a response that the existing pedestrian crossing facility on Argyle Street would be removed as its previous location required pedestrians to cross the internal bus parking area. Further, in order to accommodate pedestrian movements across Argyle Street for the proposed school, two new pedestrian refuge crossing facilities are proposed to the north of the site and between the two southern crossovers. The Department is satisfied with the proposed new pedestrian refuge crossing facilities and is considered that it would provide a safe student crossing across Argyle Street.

The following road infrastructure improvements have been recommended by Council, RMS and TfNSW to improve student safety, maximise the uptake of students walking to school and to minimise pedestrian and vehicle conflicts around the school:

- a new 40km/h school zone along Wonga Road determined in consultation with RMS's Safer Around Schools Project Officer
- any works that will regulate traffic (signs and lines) would require approval from Council's Local Traffic Committee
- any works within the road reserve would need to be carried out in accordance with Council's Design and Construction Specification
- the bus bay area on Argyle Street to be redesigned and updated swept paths that demonstrate that manoeuvres for the buses can be contained within the formed road area. The plans should comply with Austroads requirements (e.g. speeds used, required clearances, etc)
- greater level of details to demonstrate that works proposed and required are able to comply with relevant standards, to ensure the proposed/required works can fit within the existing road reserve area
- a road safety evaluation be prepared for all relevant sections of road utilised for bus and private vehicle pick-up and drop-off.

The Department is satisfied that the above recommendations would provide adequate safety measures for vehicles and pedestrians during operation of the school. Accordingly, these are recommended as conditions.

### **6.1.5 Student Drop-off and Pick-up**

The school has an existing drop-off/pick-up zone on the western side of Argyle Street comprising of five 2 minute parking spaces. The drop-off/pick-up zone is in operation from 8:00am to 9:30am and from 2:30pm to 4:00pm school days.

The new drop-off/pick-up zone is proposed on the eastern side of Argyle Street and would consist of 9 car spaces. The new drop-off and pick-up zone utilises an existing on-street car parking area. The Department considers that the new drop-off and pick-up area would provide safe and direct access to the school compared to the current drop-off and pick-up zone arrangement which requires students to cross Argyle Street. The Department has recommended a condition requiring the design of the Argyle Street drop-off/pick-up area be undertaken in consultation with Council and be constructed prior to the operation of the school.

A taxi drop-off area has been provided within the northern car parking area within the site, which would service the taxis associated with the special needs class.

The Department considers the proposed drop-off/pick-up zones are appropriate subject to it being designed in consultation with Council.

## 6.1.6 Car parking, Bicycle Parking and Vehicular Access

### 6.1.6.1 Car parking

The site currently contains 113 on-site car parking spaces for 1,200 students and 83 staff. The proposal incorporates the provision of 141 on-site car parking spaces, including 128 staff car parking spaces, 9 visitor parking spaces, and 4 accessible parking spaces (2 visitor and 2 staff spaces).

Council and public submissions raised concerns that there would be insufficient car parking for the proposal due to the future upgrade of Argyle Street to a four-lane road and safety concerns associated with site car parking. The Applicant has confirmed that there is no future upgrade of Argyle Street to a four-lane road scheduled by Council or RMS.

The Wollondilly Development Control Plan 2016 (WDCP), requires schools with students over 16 years of age: 1 car parking space per full time equivalent staff member, and 1 car parking space per 30 students. On this basis, 125 staff parking spaces and 53 student spaces are required. The Applicant states that a total of 141 parking spaces are proposed to be provided on site for staff and visitors. However, no student parking is proposed on site.

Whilst the Applicant is proposing visitor car spaces, there is no requirement in the WDCP. Therefore, a combination of 5 excess (above WDCP requirement) staff car parking spaces and 11 excess (above WDCP requirement) visitor car parking spaces would result in a total of 16 on-site car parking spaces.

The proposed additional 380 students and 42 staff would generate a demand of 13 student parking and 42 staff parking, a total of 55 car parking spaces, of which 28 spaces are proposed. Accordingly, the shortfall in student car parking would be 27 spaces.

In response to the shortfall in student carparking, the Applicant's TAIA provides a travel mode survey that indicates that 3% of students would drive to school and the majority of the students (66.7%) would travel via bus to and from school. The travel mode survey also indicates that 22% of students are dropped-off and picked-up based on observations and experience with similar education facilities. It is estimated that the student occupancy for vehicles utilising the drop-off/pick-up zone is approximately 1.3 students per vehicle. The TAIA provides a forecast of on-street parking demand of 28 spaces for parent and student parking. The TAIA includes a parking survey of the surrounding on-street parking demand. The parking survey indicates that there is a low to moderate on-street parking demand, with a minimum of 73 and 33 unrestricted parking spaces available during morning and afternoon peak periods respectively, within a 400m walking distance of the site. The TAIA states that the increase in parent and student parking demand can be accommodated within the on-street car parking within the immediate vicinity of the school. The Applicant's TAIA states that the Educational Facilities Standards and Guidelines aims to ensure that the available site area for teaching learning and play is maximised, to enable community use and to encourage the use of sustainable means of transport to and from the school on the school parking should be kept to a minimum.

Furthermore, the Applicant has submitted a preliminary GTP which targets a reduced reliance on private vehicles by encouraging walking, cycling, public transport and car sharing. In this regard, TfNSW requested the Applicant to prepare a detailed GTP and be updated annually. The Department considers that with the implementation of the GTP, mode share for private car usage can be reduced and vehicle occupancy rates can be increased which would contribute to reducing traffic congestion and parking demand. The GTP is further discussed in Section 6.1.6.4.

The Department considers that the Applicant has made good use of available space for car parking. Any further car park provision could result in a poor design outcome, requiring the removal of trees/landscaping, impacting outdoor recreation spaces and impact on the amenity of surrounding residents. Furthermore, the Department

has recommended the Applicant provide a minimum of 27 bicycle parking spaces in lieu of the shortfall in car parking spaces. In this regard, parking provision on site is supported.

Regarding the proposed community uses, the Department notes the TAIA states that the uses would predominantly operate outside of school hours when the parking demand onsite and on-street would be much lower. The start and finish times for the proposed community facilities would predominantly not coincide with the school start and finish times and with other activities occurring at the school.

The Department considers that the proposed community uses would have minimal traffic and parking impacts as they would not coincide with the school operation times and would therefore be able to utilise on-site carparking. Council, TfNSW and RMS have raised no concerns or objections to the additional community uses. The Department recommends that a condition requiring that car parking and traffic management of community use of school facilities be addressed in an OTMP. Subject to the implementation of the Department's recommended conditions, the Department is satisfied that parking can be appropriately managed during operation.

#### **6.1.6.2 Bicycle and motorbike parking**

With regard to the provision of bicycle parking spaces, the WDCP requires 1 bicycle and 1 motorcycle space per 25 car parking spaces in excess of 25 car parking spaces. On this basis 4 spaces for bicycles and 4 spaces for motorcycles is required. The Applicant has indicated that the provision of 4 bicycle spaces has been included for the school.

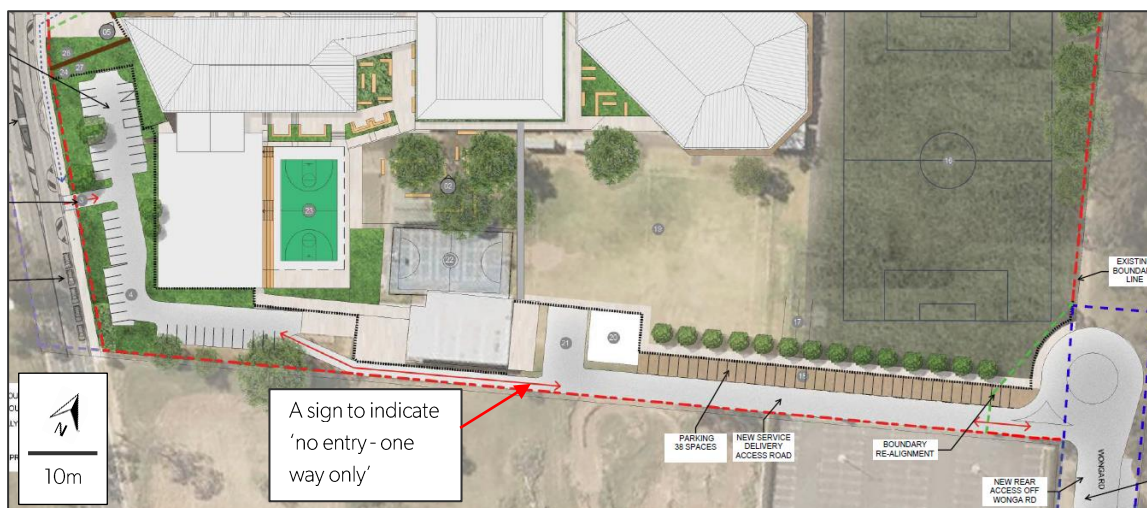
The Department considers that 4 spaces is inadequate for a school of this scale, and has recommended that in lieu of the shortfall in 27 car parking spaces (**Section 6.1.6.1**), a condition of consent be imposed that a minimum of 27 bicycle and 4 motorcycle spaces are provided on site to ensure that there is an adequate number of bicycle and motorcycle spaces available. This would also support the Applicant's GTP in promoting active and sustainable modes of transport and reduce the reliance on private vehicles.

#### **6.1.6.3 Vehicular Access**

Access and egress to the site is proposed to continue to occur via the separate entry and exit driveways off the northern side of Argyle Street. This driveway provides access to the visitor parking area, and taxi drop-off area. A right turn bay is proposed to facilitate right turn movements from Argyle Street into the site.

In addition, the existing access to the southern staff car parking area is proposed to be discontinued and a new access provided from Argyle Street. This access is proposed to operate as an entry only access. Another access is proposed for all existing and entering vehicles into the staff car park via Wonga Road.

A new access is proposed via Wonga Road at the eastern side of the site. This access would provide access from the southern staff car park and for all service vehicles. The Applicant states that the access has a width of 6.8m and would provide two-way vehicle movement. The Applicant states that the driveway between the southern staff car park off Argyle Street and the Wonga Road car park is one way only, however the plans do not indicate this. Accordingly, a condition has been recommended that a sign be erected to indicate 'no entry - one way only' as shown in **Figure 20**, to ensure road safety is maintained.



**Figure 20** | One way only sign location (Source: RtS, 2018)

#### 6.1.6.4 Green travel plan

A preliminary GTP was submitted as part of the RtS. The GTP includes upfront and ongoing management requirements for the implementation of the plan.

The key objectives of the GTP are to reduce the reliance on private vehicles by encouraging walking, cycling, public transport usage, and awareness of travel alternatives. TfNSW has recommended a comprehensive GTP be provided as part of the ongoing operation of the school.

The Department considers the GTP would play a critical role in promoting a greater share of travel modes, provided it is appropriately drafted, implemented and monitored. The preliminary GTP submitted as part of the RtS included discussion around existing and future transport conditions, targets, actions and plan mechanics. Objectives of the plan included reducing traffic congestion, improving student safety health and wellbeing, reducing parking demand and promoting public transport usage.

The Department considers that with the implementation of the GTP, mode share for private car usage can be reduced and vehicle occupancy rates can be increased. Adopting and implementing the GTP would encourage students to walk, cycle or catch the bus to school and encourage parents to carpool to increase vehicle occupancy rates. The Department has recommended a condition requiring a revised GTP to be prepared, reviewed and implemented from the commencement of operation of the new school.

#### 6.1.6.5 Active transport

The Applicant proposes new pedestrian footpaths on the western side of Argyle Street, new pedestrian access to the school via Wonga Road and two improved pedestrian refuge crossing on Argyle Street. This would provide increased convenience for students to the north and south of the site. The site has a pedestrian access from Picton railway station to the north. The application proposes end of trip facilities, including storage and shower facilities to encourage students to choose active transport for their journey. Further, the Department has recommended a minimum of 27 bicycle parking spaces in lieu of the shortfall in car parking spaces.

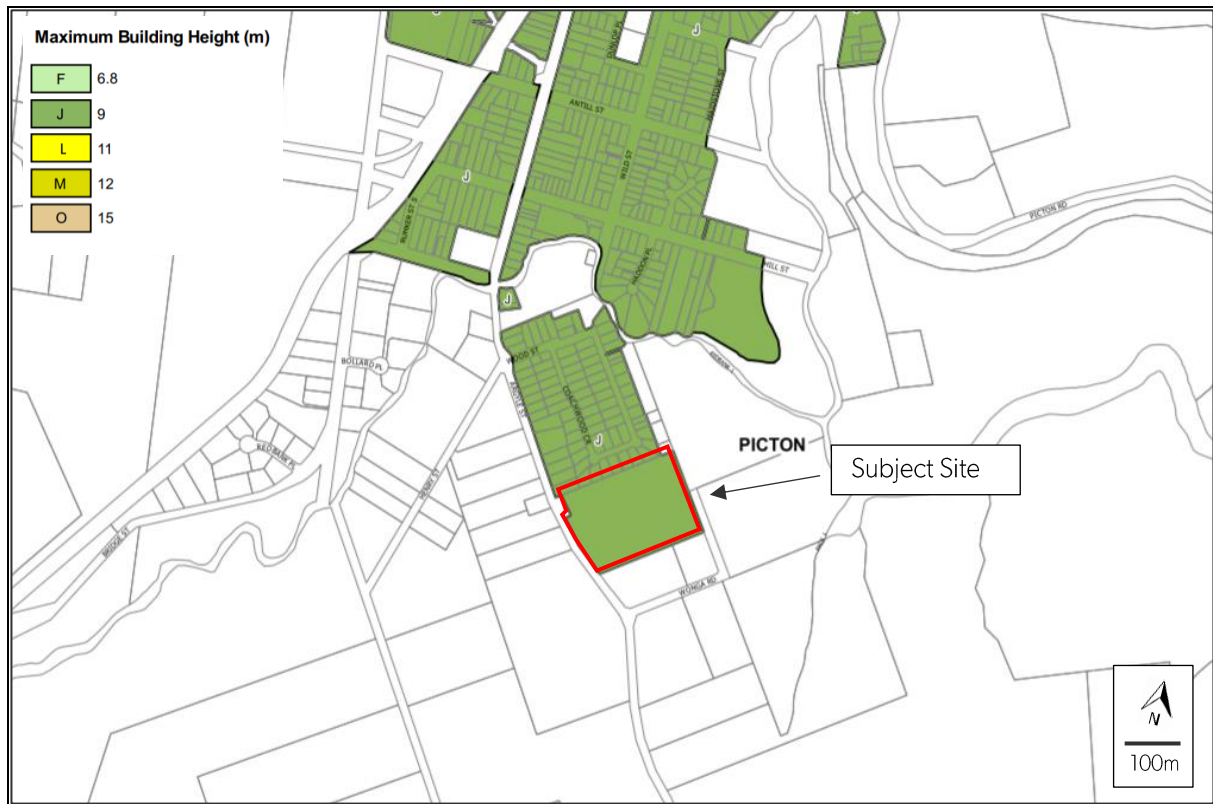
The Department considers the existing and proposed footpaths are sufficient for users and in combination with the GTP, the ability to walk and ride to school would encourage active transport options for students. The Department has recommended a condition requiring the GTP to be reviewed and implemented from the commencement of operation of the new school.



## 6.2 Built Form, Urban Design and Landscaping

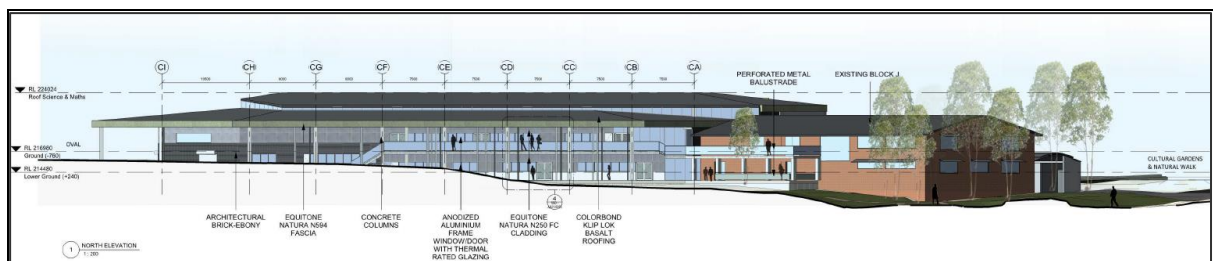
### 6.2.1 Building Height

The site is subject to a maximum building height control of 9m under the WLEP 2011, as shown in **Figure 21** below:



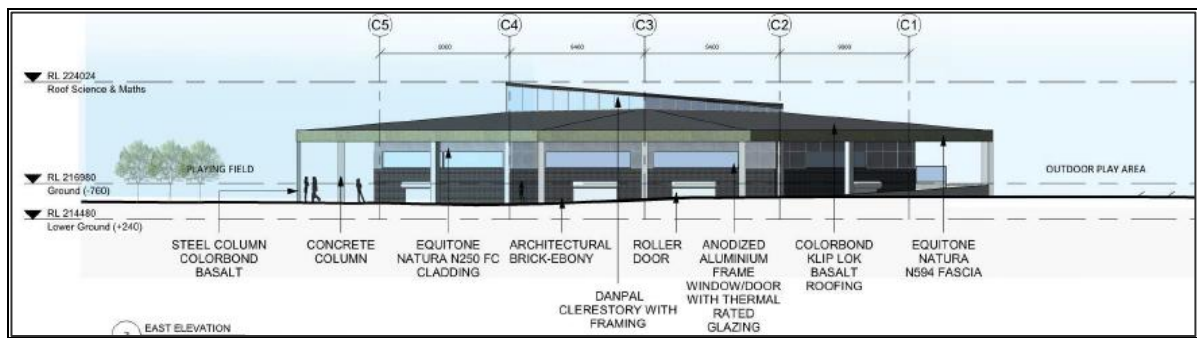
**Figure 21** | WLEP maximum building height map (source: [www.legislation.nsw.gov.au](http://www.legislation.nsw.gov.au) 2018)

The proposal would result in a building height of 14.42m which does not comply with the maximum height of 9m building control under the WLEP 2011, by a maximum of 5.42m. The proposed elevations of the building are shown in **Figures 22 to 23** and the extent of the non-compliance is shown in **Figures 24 to 27** with respect to 9m building height plane.

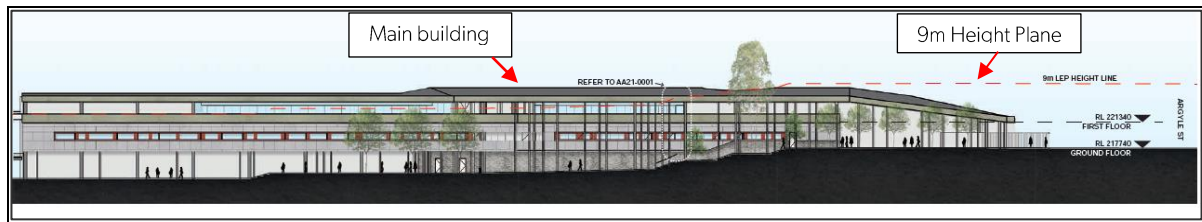


**Figure 22** | North elevation – General arrangement (source: EIS 2018)

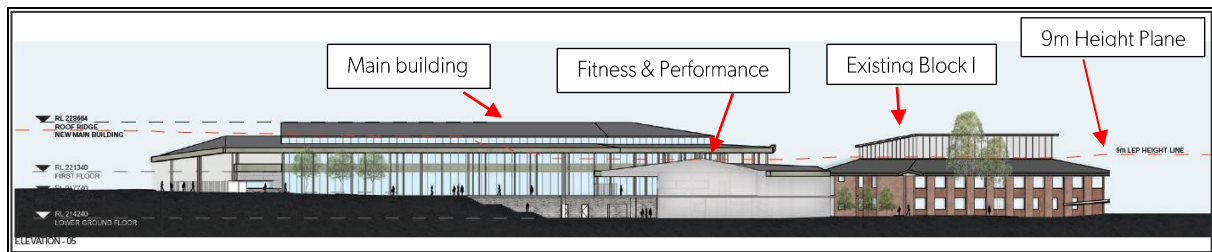




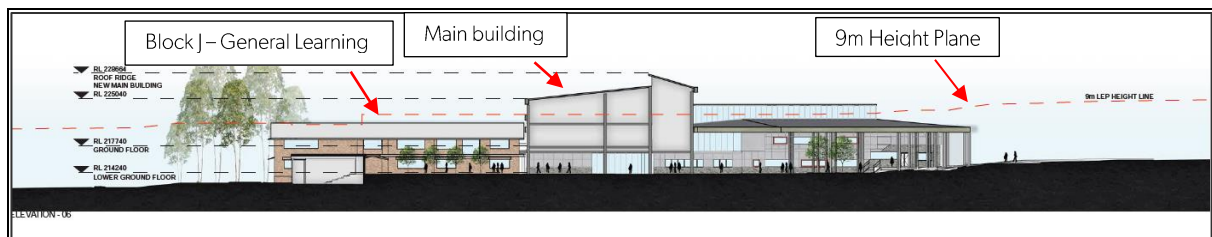
**Figure 23** | East elevation – General arrangement (source: EIS 2018)



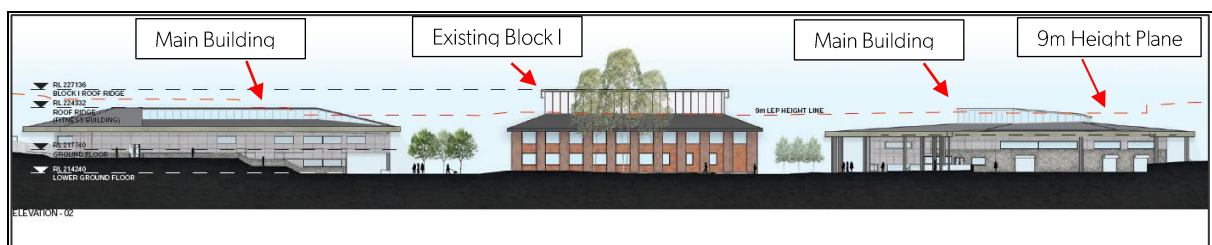
**Figure 24** | North elevation – building height plane (source: EIS 2018)



**Figure 25** | South elevation – building height plane (source: EIS 2018)



**Figure 26** | West elevation – building height plane (source: EIS 2018)



**Figure 27** | East elevation – building height plane (source: EIS 2018)

GANSW did not raise any concerns regarding the building height exceedance.

Clause 42 of the Education SEPP stipulates that *“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”*. The provisions of the Education SEPP apply to this proposal. Consequently, the building height development standard does not apply in this circumstance and that the merit or otherwise of the proposal should be considered in assessing whether the built form is appropriate for the site.

Notwithstanding, the Department has considered the provisions of Clause 4.6 as a guide in its assessment of the proposed building height. It has considered the general merits of the proposal and the impacts of the height variation on the surrounding area in assessing whether the built form is appropriate for the site.

The Applicant has submitted a Clause 4.6 variation to the height of building development standard in accordance with Clause 4.6 of the WLEP. Clause 4.6 of the WLEP provides flexibility in the application of the development standards if it can be demonstrated that compliance is unreasonable and unnecessary and there is sufficient environmental planning justification for contravention of the development standard.

As held by the court in *Wehbe v Pittwater Council [2007] NSWLEC827*, development standards are not an end in themselves but a means of achieving environmental and planning objectives. Where the objectives of the development standard control are achieved, strict compliance with the standard would be unnecessary (if the purpose is achieved anyway) and unreasonable (if no purpose would be served).

The Applicant has provided justification for exceeding the height development standard and argues why strict compliance is unreasonable or unnecessary with the following:

- The proposed development meets the objectives of the development standard as the location of the height breach of the WLEP is in the centre of the site in excess of 50m from the northern site boundary and has no visual impact from the street or any neighbouring properties. All the proposed development fronting the street and adjacent to neighbouring properties is compliant with the 9m height development standard of the WLEP. The proposed height variation would not give rise to an adverse impact on overshadowing, privacy or view impact on the streetscape or any neighbouring properties.
- The proposed development would maintain a size and scale of development that is compatible with the existing and emerging character of the locality as there is an existing building that breaches the height control which is proposed to be retained. Block I is being retained, with works proposed including enclosing the internal courtyard with a roof. The proposed main building exceeds the Block I roof line by 1.5m. The proposed development is compatible with existing building height on site.
- The height transitions from its tallest point in the centre of the site to the residential areas to the north. Whilst the proposed main building is larger than neighbouring development in terms of size and scale, the floorspace is primarily distributed horizontally rather than vertically, and is appropriate for a land use such as a school which differs in form and function to the neighbouring residential developments.
- The height breach is due to topographical features of the site. The site slopes downward as it moves east from Argyle Street. This slope allows for a two storey street frontage back to a two storey built form towards the rear of the site following the natural contours of the land. This built form is appropriate for the longitudinal sloping east west axis of the site, the 9m height limit descends with the topography, resulting in a breach in the centre of the site whilst the roof line from the street is retained. The school design utilises the natural gradient and allows for equitable access to all areas of the site with the incorporation of minimal ramps and a single central lift.

- The proposed development is consistent with the objectives of the R2 Low Density Residential Zone and the proposal provides an educational establishment that would meet the day to day needs of the residents.
- The proposed development is in the public interest in that it would provide for the redevelopment of an educational facility. Picton High School is the only public high school in the LGA and its redevelopment is required to ensure the ongoing education of an expanding catchment size. The school redevelopment would provide for modern education facilities to be provided at the site. Many of the buildings at the school are at the end of their useable life and require redevelopment. The breach of height would have no conceivable impact from the public domain along Argyle Street.
- The proposed development is consistent with Clause 42 of the Education SEPP which states that consent may be granted for development for the purpose of a school that is SSD even though the development would contravene a development standard imposed by this or any other environmental instrument under which the consent is granted.

Additionally, the Applicant has provided an assessment of the proposed development against the objectives of Clause 4.3 Height of Buildings of the WLEP. The Applicant has argued that for the height objectives, the amenity of the surrounding properties would not be adversely affected as the location of the height breach of the WLEP is in the centre of the site and is well setback from the site boundaries and would not have an adverse impact on overshadowing, privacy or view on the streetscape or any neighbouring properties.

The Department has assessed the proposed height variation and has considered the Clause 4.6 variation submitted by the Applicant, in conjunction with the established principle in the case of *Four2Five Pty Ltd v Ashfield Council* [2015] NSWLEC 1009, and *Initial Action Pty Ltd v Woollahra Municipal Council* [2018] NSWLEC 118 by the Land and Environment Court. In accordance with the views expressed in this decision, a written request demonstrating sufficient environmental planning grounds, unique to a site, and that the proposed development will be in public interest because it is consistent with the objectives of the development standard and the objectives for the development within the zone must be demonstrated by the Applicant for a Clause 4.6 variation request to be upheld.

The Department notes that the site is unique as the topography of the site slopes downwards as it moves east from Argyle Street. The slope allows for a two-storey street frontage with a central three storey element, stepping back to a two-storey built form towards the rear of the site following the natural contours of the land. It is considered that the proposed built form is the result of the topography of the site.

The Department notes the justification provided by the Applicant and its consideration of the objectives of the height control. While it is acknowledged that the proposed development represents critical social infrastructure which would contribute to meeting the increased demand for school enrolments, this should not be at the detriment of the surrounding locality. In this context, the Department considers the Applicant's arguments to be well founded for the following reasons:

- The proposed development would not generate any unacceptable adverse environmental impacts with respect to view loss, overshadowing and privacy to the adjoining and nearby landowners.
- The proposed development would maintain the visual relationship between the proposal and the existing character of the area.
- The proposed development is considered suitable as it would integrate with the surrounding developments and the variation would not result in a development that would be out of character with the existing streetscape.

- The proposed development would encourage the orderly and efficient development of land, with respect to the provision of an educational facility that would meet the day to day needs of current future residents and support the well-being of the community.
- The proposed development provides an appropriate interface and transition with the adjoining properties and the low density residential environment to the north by stepping the built form optimising the functional parameters of the school.
- The proposed development would be in the public interest as it would provide for the redevelopment of an educational facility as many of the buildings at the school are reaching the end of their useable life.

In conclusion, the Department considers that the Applicant's request to contravene of the building height development standard is well supported and that compliance with the standard is unnecessary or unreasonable in the circumstances of the case, and that there are sufficient environmental planning grounds to justify contravening the development standard.

### 6.2.2 Building Design, Materials and Finishes

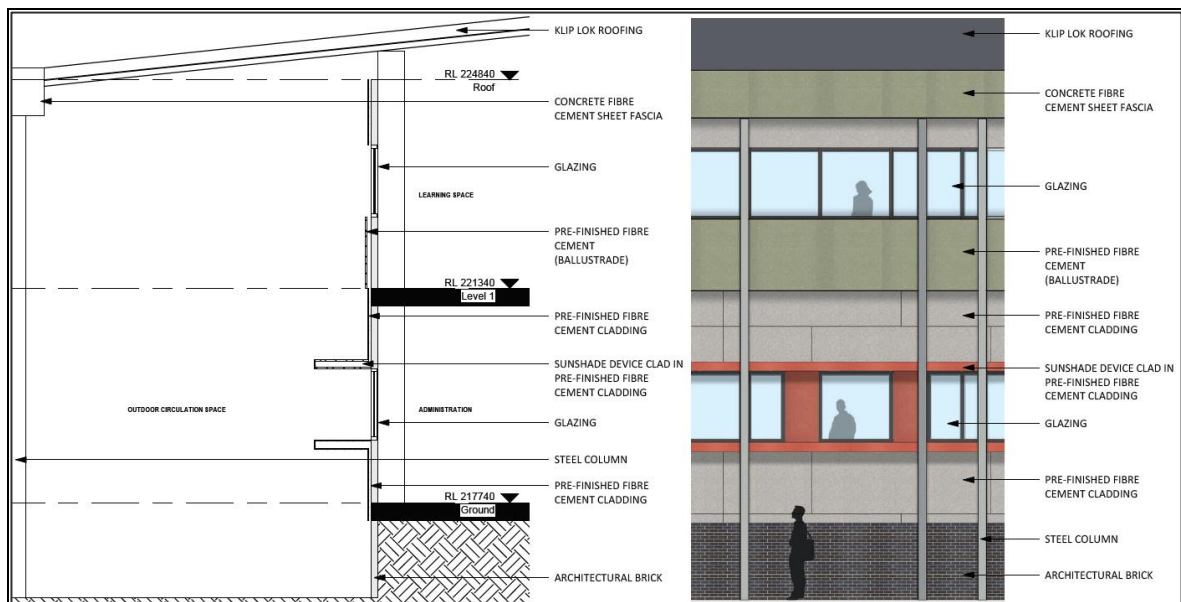
It is noted the site is not subject to a Floor Space Ratio development standard. The proposed built form incorporates a main new building and few smaller building structures and are one to three storeys in height. The proposal responds to the topography of the site which is gently sloping from East to West. The new buildings respond to the smaller scale developments of the surroundings with a larger three storey form (main building) at the centre of the site.

The GANSW did not raise any concerns about the building design as a result from the three-storey element which exceeds the height control. The GANSW requested additional details to be shown on plans including materials and finishes. In response, the Applicant's RtS included the required details including materials and finishes, and a physical sample board.

The development proposes 'Ebony' bricks, various shades of grey cladding, with red feature cladding, grey colour bond steel columns, and glass and aluminium windows and doors for the exterior of the building. The roofs are proposed to be 'Basalt' Klip Lok System. **Figure 28** below highlights a key materials and finishes proposed for the development. The GANSW did not raise any further comment.

The Department concludes that the resultant built form would provide a balanced interface between existing buildings to be retained on site and adjoining developments. The Department considers choice of materials and finishes would provide durability and low maintenance whilst distinguishing the site as an educational facility. The external materials selected are of a non-combustible material in accordance with the National Construction Code (NCC). Notwithstanding, in light of concerns evident in the broader community regarding building cladding, the Department has recommended a standard condition requiring the Certifying Authority to be satisfied that the proposed external materials comply with the NCC prior to the issue of a Construction Certificate or Occupation Certificate.





**Figure 28** | Details of materials and finishes (source: RtS 2018)

### 6.2.3 Internal Design of the school buildings

The proposed development incorporates a combination of indoor and outdoor learning areas with integration of terraced lawns and breakout spaces surrounding the main buildings as shown in **Figures 29** and **30**.



**Figure 29** | Photomontage: top left- northern courtyard, top right- playing court, bottom left- courtyard between Block I and Fitness and Performance building, bottom right- special education drop off (Source: EIS 2018)



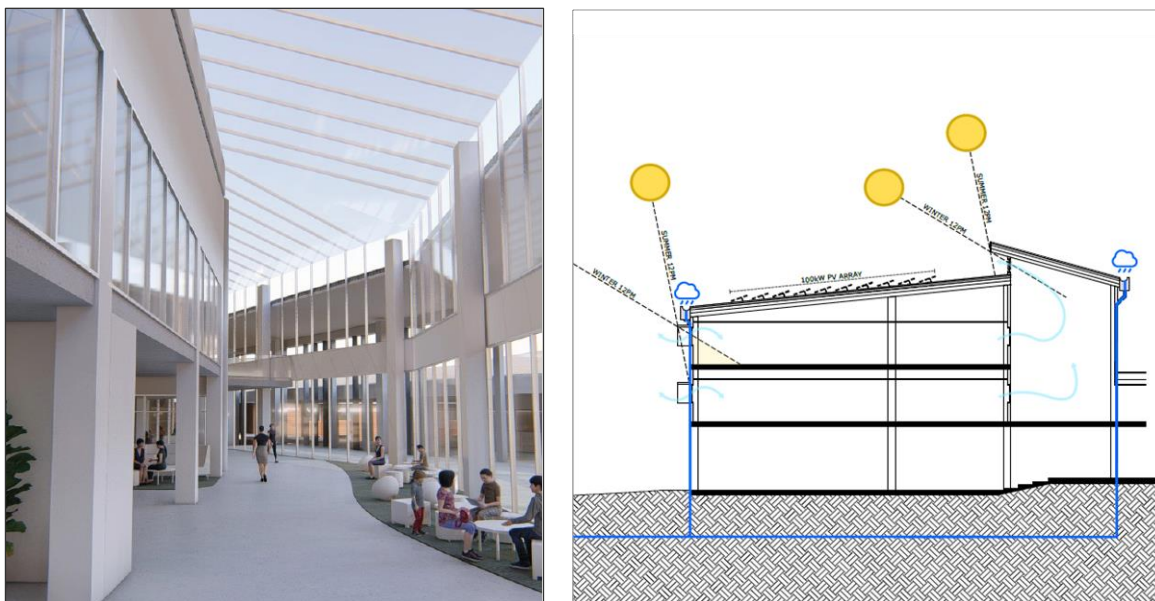


**Figure 30** | Photomontage: top left and top right – northern end of the main building, bottom left and bottom right – northern stepped court yards (Source: EIS 2018)

A diversity of indoor and outdoor spaces is provided for informal and formal learning opportunities. The location of the administration (main) building ensures passive surveillance of the main entry with shelter provided for student drop off and pick up including buses. The proposed development is aligned to the future teaching model for the school with student centred and hub-based spaces. The Department acknowledges that spaces are identified for future expansion which would provide flexibility over time. The proposed development has addressed the street with a careful consideration of the material palette and scale.

The proposed development integrates a landscape approach to site sustainability with the incorporation of bioretention, stormwater detention and solar collection. However, the GANSW requested that further detail should be provided to demonstrate the ventilation strategies and access to natural light in teaching and multipurpose spaces. In response, the Applicant's RtS included a supplementary diagram to demonstrate provision of natural light and ventilation through operable windows and natural light into the central open learning spaces as shown in **Figure 31**.

The GANSW requested confirmation on the location of end of trip facilities and bike parking to support active transport strategies for staff and students. In response, the Applicant's RtS provided details of bike racks and end of trip facilities in amended drawings which includes; an accessible staff toilet with shower in the staff hub area; one staff shower located in the movement and performance hub; one staff shower in the fitness area, an existing staff shower to be retained in the main hall; four student showers and an accessible student shower to be located in the movement and performance hub; 14 existing student showers; and an existing accessible student shower to be retained in the main hall.



**Figure 31** | Photomontage and diagram of ventilation and access to natural light (source: RtS 2018)

The Department considers that the development incorporates satisfactory indoor and outdoor learning areas. The classroom designs are also considered appropriate and flexible. The openings between the buildings would allow for integrated uses and a variety of layouts. Further, all the classrooms would have operable windows to facilitate natural cross ventilation and access to natural light.

## 6.2.4 Landscaping, tree removal, outdoor areas and fencing

### 6.2.4.1 Landscape strategy, outdoor areas and fencing

The proposed landscaping works comprise a range of soft and hard landscaping including the removal of 92 trees, retention of 123 trees, levelling and provision of turf play areas, a hard surface outdoor court, covered outdoor learning areas, landscaped front setbacks and boundary fencing, footpaths, and proposed planting of 78 new trees as well as shrubs and groundcovers across the site.

The landscape elements include terraced lawns, an educational trail around the dry creek bed at the lower part of the site, outdoor classrooms, an entry forecourt with a feature tree and bench seating, agriculture facilities, outdoor social hub, and sustainable elements including a reduction of paved impermeable surfaces and endemic planting, as shown in **Figures 32 to 35**.



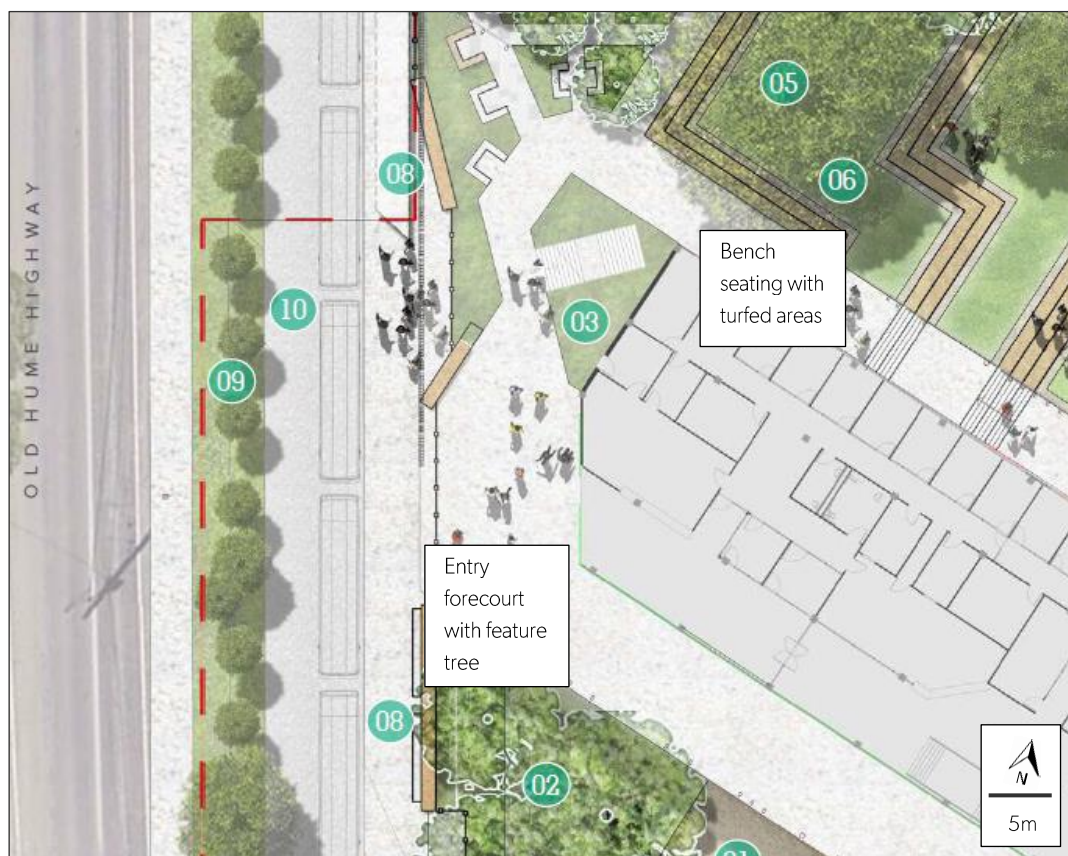


**Figure 32** | Terraced lawns (Source: EIS 2018)



**Figure 33** | Educational Trail, outdoor classrooms and agricultural learning (Source: EIS 2018)





**Figure 34** | Entry Forecourt (Source: EIS 2018)



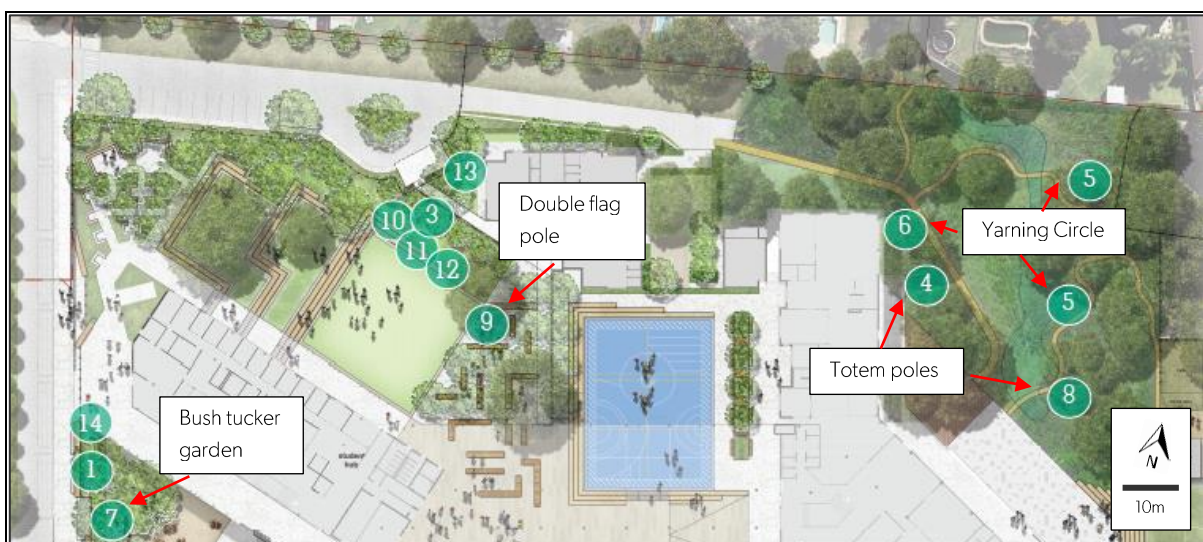
**Figure 35** | Social Hub (Source: EIS 2018)

The proposal provides a good opportunity for controlled entry and exit to the buildings and site. However, the GANSW recommended further consideration should be given to softening the presence of perimeter security fencing through the further integration of soft landscaping. In response, the Applicant's RtS included details of soft landscaping either side of the proposed security fence as shown in **Figure 36**. A condition of consent has been recommended to reflect this.



**Figure 36** | Photomontage (Source: RtS 2018)

The GANSW suggested the integration of Aboriginal culture and heritage in the design of landscaped areas. In response, the Applicant's RtS provided a revised Landscape plan incorporating Aboriginal cultural and heritage design element such as 'yarning circle' with new stone seats, 'totem' poles, 'bush tucker' garden and double flag including Aboriginal flag. **Figure 37** shows the location of the Aboriginal cultural and heritage design elements on site.



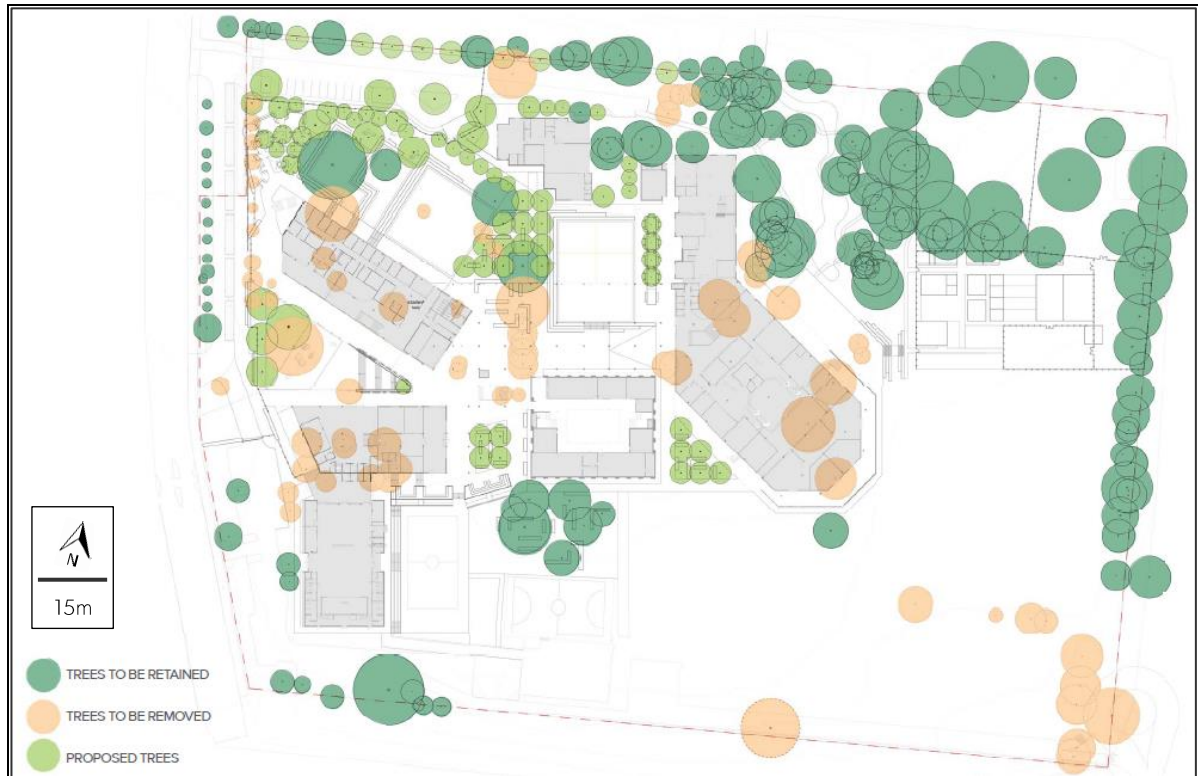
**Figure 37** | Location of Aboriginal cultural and heritage design elements plan (Source: RtS 2018)



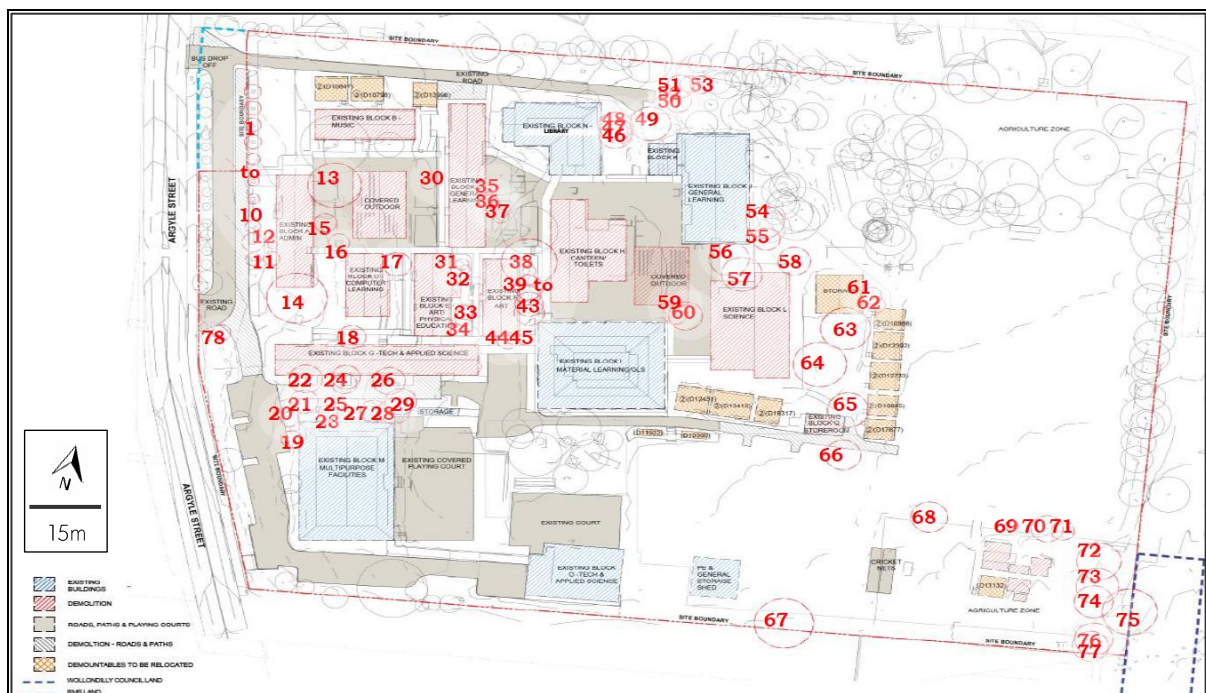
### 6.2.4.2 Tree Removal

A total of 92 trees are proposed to be removed to facilitate proposed development. Council raised concerns and sought clarification regarding the environmental impacts of the proposed removal of trees from the site. Council recommended that tree 14 (Himalayan Cedar) at the front of the site, and trees 46 to 53 be retained.

**Figures 38 to 40** show the proposed trees to be removed, retained and new tree planting.



**Figure 38** | Tree Existing Block Plan (Source: Rts 2018)



**Figure 39** | Tree removal plan (Source: EIS 2018)



**Figure 40** | Tree removal plan (source: RtS, 2018)

Council also required clarification if trees 65 and 68 to 73 were required to be removed. In response, the Applicant's RtS states that tree 14 is required to be removed as it blocks supervision and site lines into the main entry of the school. The Applicant further states that for security reasons it is important that all vegetation in the main entry area is at a low height. The Applicant's RtS states that trees 46, 47 and 48 are proposed to be removed due to the addition of covered outdoor learning area of the support unit. The RtS states that tree 49 is proposed to be retained and tree 50, 51, 52 and 53 to be removed due to internal access requirements during construction phase. The Applicant's RtS further provided clarification, trees 68 to 73 proposed to be removed due to the location of the new driveway and roundabout works off Wonga Road; tree 65 is to be removed as the location of the tree is in the middle of the Industrial Arts Workshops (part of the main building). Council also recommended the removal of weed trees in the agricultural zone, namely the camphor laurel, willow and privet. The Applicant's RtS stated that all camphor laurel and privet species are to be identified and removed as part of the proposed works.

The Arboricultural and Tree Management Plan report submitted with the EIS identifies that trees proposed to be removed have a nil/low/moderate level of significance. The Department acknowledges that accommodation of new building works, access and the resultant level changes form an integral part of the proposed land use. Therefore, the removal of the 92 existing trees on site and for the new access off Wonga Road is unavoidable to facilitate the development.

The proposed planting of over 78 new canopy trees (mature height between 2m – 6m) would satisfactorily replace the lost tree canopy and make a significant contribution to the site's appearance and the amenity of the future occupants. However, the Department notes that as the proposed new trees would be considerably smaller than the existing large trees. The Department therefore considers that an additional 14 super advanced canopy trees, with a minimum 100L pot size, should be planted at the site boundaries to replace the lost urban canopy. A condition has been recommended to this effect.

The Department concludes that the removal of 92 existing trees from the site would be appropriately offset by the 14 additional super advance canopy trees in conjunction with the proposed extensive replacement planting



of 78 new small to medium sized trees.

## 6.3 Amenity

### 6.3.1 Overshadowing

Shadow diagrams submitted with the application shown in **Figure 41** demonstrate that the proposed development would not result in any unacceptable shadowing impacts on any residential development in close proximity to the site. The northern facing windows and private open space areas of any adjoining residential development, the public open spaces and the road reserves would receive in excess of 3 hours of solar access between 9am and 3pm on June 22. Consequently, the Department concludes that the anticipated overshadowing impacts due to the proposed buildings are minor and would not result in any unacceptable outcomes for the amenity of adjoining developments.



**Figure 41** | Shadow diagrams on 22 June at 9am, 12pm and 3pm (Source: EIS, 2018)

### 6.3.2 View loss

There are no potential iconic view corridors surrounding the site. The proposal would not result in any view loss. The Applicant submits that no significant or iconic views would be affected by the proposed development. The proposed development is not anticipated to have impact on the existing nature of the streetscape with respect to views from public places.

The Department concludes that the proposal does not result in any unacceptable view loss to the adjoining development due to the proposed development.

### 6.3.3 Visual privacy

The site is separated from all the adjoining developments by generous setbacks, road reserve and open spaces. Consequently, the Department considers that the proposal would not result in any potential for adverse visual privacy impacts and the building separation distances between Block N (Special Education) and the nearest residences on the northern side would exceed 25m, and the building separation distance between Block O (Tech and Applied Science) and the nearest residences on the southern side would be in excess of 50m.

The Department concludes that the proposal would not result in any unacceptable privacy impacts to the adjoining developments due to the proposed development.

## 6.4 Other Issues

The Department's consideration of other issues is provided at **Table 11**.

**Table 11** | Department's assessment of other issues

Issue	Findings	Department's consideration and recommended Conditions
Noise	<ul style="list-style-type: none"> <li>The EIS includes an Acoustic Assessment Report (AAR) prepared by GHD for the proposed development.</li> <li>The AAR considers the impacts of the development in terms of construction and operational noise.</li> </ul>	
	<p>Construction Noise</p> <ul style="list-style-type: none"> <li>The Interim Construction Noise Guideline (DECCW, 2009) (ICNG) outlines the process of establishing noise management levels (NMLs) to minimise construction noise impacts on sensitive receivers.</li> <li>The noise levels are predicated to exceed the NML during standard construction hours as 8 sensitive receivers are expected to experience noise levels above the 'highly affected noise level' of 75dBA. The AAR includes the following mitigation measures: <ul style="list-style-type: none"> <li>residences within 500m of the site should be notified as to the timing and duration of the construction works and provided with a contact phone number for any complaints or concerns during the construction period</li> <li>site induction for the work crew to include specific noise issues and mitigation measures, relevant license and approval conditions, permissible hours of work, location of any sensitive receivers, construction employee parking areas, designated loading/unloading areas and procedures, site opening/closing times, avoid dropping materials from height and avoiding metal to metal contact on material</li> <li>distance between plant and equipment and any sensitive receiver to be maximised</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>The Department is satisfied that the proposed noise management and mitigation measures are appropriate.</li> <li>The Department notes that the construction noise levels would potentially impact on the nearby residents.</li> <li>The Department recommends: <ul style="list-style-type: none"> <li>standard construction hours as per the ICNG</li> <li>the Applicant prepare a Construction Noise and Vibration Management Plan including management strategies to reduce noise impacts to sensitive receivers in accordance with the ICNG and submit a copy to the Certifying Authority prior to the commencement of any works on the site</li> </ul> </li> </ul>

- vehicles, plant and equipment be regularly maintained and kept in good operating condition
- plants turned off when not in use
- management of vehicles and work practices
- compliance vibration monitoring should be undertaken during high vibration generating activities where buildings are located within the structural damage buffer distances to confirm vibration criteria are not exceeded.
- The Applicant proposed extended construction hours (7:00am to 6:00pm Monday to Friday and 8:00am to 4:00pm Saturday). However, the EPA has recommended standard construction hours (7:00am to 6:00pm Monday to Friday and 8:00am to 1:00pm Saturday) as per the ICNG. The Applicant's RtS has accepted standard construction hours be conditioned.
- The EPA recommends activities like this must schedule intra-day 'respite periods' for construction activities as per ICNG, idling and queuing construction vehicles, and reversing and movement alarms. The Applicant's RtS have accepted these as standard conditions.

#### Operational Noise

- The AAR demonstrates that operational noise from the school would generally be consistent with noise guidelines given following mitigation measures are considered:
  - a 2m high solid barrier should be constructed around all mechanical plant areas housing air-conditioning units servicing the proposed buildings
  - any other additional mechanical plant and equipment is mitigated to ensure that noise emission is compliant with relevant noise criteria
  - management of people and vehicles after events to reduce the noise impact from
- The Department considers that the Applicant's AAR includes satisfactory measures to reduce adverse noise impacts on the neighbours.
- The Department supports the recommendations of the EPA
- The Department has recommended conditions of consent requiring the Applicant:
  - to undertake short term noise monitoring after the commencement of operation to determine the impact of noise associated with the operation of any plant, machinery, school



- patrons exiting the site
  - display of signage to inform the patrons to leave in a quiet and orderly manner and to consider the residential neighbours
  - noise management plan be prepared to ensure noise generating from internal and external community events at the school
  - events at the school hall should finish prior to 10PM to negate any sleep disturbance impacts
  - during any concert events within the school hall, the external doors to the hall should remain closed except for the ingress and egress of students/staff/parents.
- EPA recommended the following conditions:
  - that the school hall, performance, fitness and music facilities are not made available for community use between 10:00pm and 8:00am
  - the sports field and outdoor sports courts are not made available for community use during the week day mornings, later than 6:00pm on week nights, other than between the hours of 8:00am and 6:00pm on Saturdays, and during Sundays and public holidays
  - the waste collection services are not to be undertaken outside the hours of 7:30am to 6:00pm Monday to Friday
  - comprehensive noise compliance monitoring of representative uses of the sports field and outdoor sports courts and associated facilities (e.g. parking) outside school hours to demonstrate that noise impacts would not adversely impact on the amenity of surrounding residents
  - the Applicant provide a comprehensive quantitative assessment of operational noise impacts on surrounding noise
- public address system, school bells or other equipment on the site and the out of school hours use of the school facilities by the community.
- The Department concludes that noise impacts of the proposed development can be appropriately managed through the implementation of the commitments made by the Applicant and the recommended conditions of consent.

- sensitive receivers, especially adjoining residences and ensure mechanical plant and equipment installed on the development site does not generate noise that exceeds 5dBA above the background noise level and exhibits tonal or other annoying characteristics
  - o a detailed noise compliance monitoring report with noise measurements reported against relevant noise criteria and the outcomes of appropriate community consultation.
- Council raised concerns that acoustic impacts should be tightened to minimise noise emanating from school activities that may impact on adjoining residential properties. Subject to conditions recommended by the EPA and implementation of the commitments made by the Applicant, any potential acoustic impacts would be minimised and managed.

#### Aboriginal Heritage

- The EIS includes an Aboriginal Text Excavation Report (ATER) and Aboriginal Cultural Heritage Report (ACHR).
- The assessment found that there are no registered aboriginal sites within the study area and no Aboriginal archaeological objects or deposits were found. The soil was found to be heavily disturbed with evidence of being reworked and/or redeposited.
- Both ATER and ACHR recommended that consultation with the registered Aboriginal stakeholders should continue, an Aboriginal Cultural Heritage Management Plan (ACHMP) should be devised as a final document for the study area in order to manage any Aboriginal archaeological and cultural constraints that may arise. Before any ground disturbance takes place, all the development staff, contractors and workers should be briefed prior to work commencing on site of their responsibility regarding any Indigenous deposits and/or objects that may be located during the development works.
- The Department has reviewed the ATER and ACHR and is satisfied that the proposal would not result in any adverse Aboriginal cultural heritage impacts, subject to a condition to ensure an Aboriginal Cultural Heritage Management sub-plan and an unexpected finds protocol be prepared.
- The Department is satisfied that appropriate design elements have been included in the architectural and landscape design works.

- OEH did not comment on Aboriginal cultural heritage.
- The GANSW advised that consultation with the Aboriginal community including indigenous students and opportunities identified to integrate Aboriginal culture and heritage in the design of the proposed development. The GANSW also suggested that detail of these opportunities should be incorporated with specific elements incorporated in the architectural and landscape works.
- The Applicant's RtS has advised that such elements have been included in the design.

#### European Heritage

- OEH stated that the Hume Highway is a historic road alignment and development in the Picton region dates from c1820, with the town established 1840. Accordingly OEH recommended that the Applicant prepare a report documenting the historical development of the subject site through land title and other historical record to identify whether there may be a historical archaeological resource of local or state significance requiring management at this site as a result of the proposed development. The report should be prepared by a suitably qualified and experienced historical archaeologist.
- Applicant's RtS included a Baseline Archaeological Assessment (BAA) with historical research, literature review of previous studies, heritage studies and listings, site inspection, archaeological significance, archaeological potential, and legislative framework
- The assessment found that prior to the mid-20<sup>th</sup> century, the site was unoccupied, and no development is known to have occurred apart from functioning as an agricultural grazing paddock.
- The assessment recommended that an Archaeological Work Method Statement (AWMS) is to be prepared by a qualified archaeologist and be in place for the
- The Department has reviewed the BAA and is satisfied that the site does not contain significant European heritage or located in proximity to state or local heritage items.
- Notwithstanding, the Department also agrees with the recommendation that a AWMS be prepared and kept at the site during construction works to reduce any potential impact on the former alignment of the Hume Highway.

duration of excavation works within this location. The AWMS would allow for an archaeologist to inspect and potentially monitor works within this zone that could potentially impact on the former alignment of the Hume Highway

Operational Waste Management	<ul style="list-style-type: none"> <li>• The RtS includes an addendum to the original Waste Management Plan which indicates that delivery and garbage collection vehicles would enter the site via Wonga Road.</li> <li>• The waste would be collected by an 8.8m long, front loading, medium ridged vehicle waste truck.</li> <li>• The submitted swept paths of the garbage truck indicates that it would require several manoeuvres to turn the vehicle to exit the site in forward direction.</li> <li>• a bin enclosure is proposed next to the loading area where bins would be stored before and following the collection.</li> </ul>	<ul style="list-style-type: none"> <li>• The Department considers that waste capacity can be managed by the school and the waste collection area is suitable.</li> <li>• However, Department acknowledges the current design does not allow for a waste truck to exit the site in forward direction without making several manoeuvres within the site.</li> <li>• Accordingly, the Department has recommended a condition that the waste garbage truck area is to be designed in accordance with the Australian standards to demonstrate that the waste truck can enter and exit the site in a forward direction, with no greater manoeuvre than a 3-point turn.</li> </ul>
Contamination	<ul style="list-style-type: none"> <li>• A Phase 1 Contamination report, a report on additional contamination investigation, a hazardous building materials report and a report on preliminary site investigation with limited sampling and testing was submitted with the EIS.</li> <li>• Based on the findings of the reports, it confirms the presence of asbestos cement sheeting, lead contaminated dust in ceiling voids, and the likely presence of lead-based paint and PCBs in buildings identified for demolition. The report further indicated that investigation of this area can only be carried out after the structures are demolished or removed. Accordingly, EPA recommended that the applicant should undertake further contamination investigations during the post demolition phase.</li> <li>• The EPA also raised concerns with the insufficient sampling density and the</li> </ul>	<ul style="list-style-type: none"> <li>• The Department acknowledges that the potential risk of contamination at the site and supports the recommendation of the EPA in relation to managing potential contamination, asbestos and hazardous materials, before, during and after building works.</li> <li>• The Department has recommended conditions of consent requiring the Applicant: <ul style="list-style-type: none"> <li>o undertake additional site assessment for targeted contaminants across the site.</li> <li>o Implement an unexpected finds protocol.</li> <li>o Engage an independent site auditor.</li> </ul> </li> <li>• The Department considers that subject to the implementation of</li> </ul>

consideration of movement of contamination into groundwater.

- The EPA recommended a number of conditions including:
  - following the relocation or demolition of any existing structures, infrastructure and in ground utilities, further investigation be undertaken of soil contamination (including within the footprint and immediate surrounds of those structures, infrastructure and utilities prior to undertaking any construction to address any contamination
  - prior to commencing any work on the site, to prepare and implement a procedure for identification and dealing with unexpected finds of site contamination
  - an accredited site auditor review the adequacy of the site investigations, unexpected finds protocol, remedial works or management plan required to confirm the suitability of the land for the proposed use.

the recommended conditions, the site would be suitable for its intended use without unacceptable risk in relation to contamination.

- The Department also considers the continued operation of the school during construction would not cause a risk to students and staff with the implementation of management and mitigation measures to be implemented during construction.

Flooding	<ul style="list-style-type: none"> <li>• Council's email correspondence within the Applicant's RtS confirms that the site is not mapped as flood prone land.</li> </ul>	<ul style="list-style-type: none"> <li>• The Department is satisfied that the site is not affected by flood. Accordingly, no flood assessment is required as part of this application.</li> </ul>
Biodiversity	<ul style="list-style-type: none"> <li>• The EIS included a BAR prepared by ecoplaning.</li> <li>• The BAR identified that 0.16 ha of native vegetation removal would be necessary to accommodate the proposed development.</li> <li>• The BAR identified that Grey Box – Forest Red Gum grassy woodland on flats on the Cumberland Plain would be directly impacted from the proposal.</li> <li>• The BAR determined that 10 credits are required to offset the impacts of the proposal.</li> <li>• It is noted that OEH raised no concerns with the BAR and proposed offset strategy.</li> </ul>	<ul style="list-style-type: none"> <li>• The off-set strategy includes the purchase of matching credits from the Biobank market and payment into the proposed Biodiversity Trust Fund.</li> <li>• With the offset strategy in place and recommended conditions requiring the retiring of ecosystem credits, the Department is satisfied that the biodiversity impacts of the proposal would be appropriately offset.</li> <li>• The Department is conscious that the extensive tree removal would significantly modify views of the site. Notwithstanding, 123 trees are proposed to be retained.</li> </ul>



	<ul style="list-style-type: none"> <li>• The Department has recommended that an additional of 14 super advanced trees be planted on site.</li> <li>• Additionally, the Department has recommended conditions of consent requiring the Applicant to retire 10 ecosystem credits as per the BAR.</li> </ul>
Stormwater management	<ul style="list-style-type: none"> <li>• A stormwater pit and pipe drainage system is proposed to service the site to replace the existing redundant drainage system to service the school buildings and associated works.</li> <li>• The stormwater drainage systems have been designed to cater for design storms up to and including 100 year ARI (1% AEP) storm events as per Wollondilly Shire Council DCP 2016, Design Specifications and Standard Drawings, and Water Sensitive Urban Design Technical Guidelines.</li> <li>• The water quality strategy for the school includes a combination of swales, enviropods, stormwater filters and a bio-retention basin, before draining into the site OSD.</li> </ul> <ul style="list-style-type: none"> <li>• The Department is satisfied that subject to conditions that the stormwater be designed in accordance with the conceptual design in the EIS, the proposal would not result in downstream stormwater impacts and the stormwater from the site would be appropriately managed.</li> </ul>
Utilities	<ul style="list-style-type: none"> <li>• The EIS included an Infrastructure Management Plan (IMP) for electrical, telecommunications and hydraulic services for the proposed development.</li> <li>• Sydney Water raised that there is insufficient capacity at the Picton Water Recycling Plant to accommodate additional students at the school. Sydney Water further stated that they are consulting with the EPA on a long-term effluent management strategy for Picton, which may take five years to confirm. Until that time, no additional growth (including at the school) can be accommodated.</li> <li>• Sydney Water further states that if a Section 73 application is received, the above advice would be provided in the Notice of Requirements. If an application is made in the future (after implementation of an</li> </ul> <ul style="list-style-type: none"> <li>• The Department notes the constraints of the Sydney Water asset and has recommended a condition requiring a Section 73 Certificate be obtained from Sydney Water prior to operation.</li> </ul>

effluent management strategy), the advice would be updated and capacity to cater for school growth may be available at that time.

Social Impacts	<ul style="list-style-type: none"> <li>• The Applicant states that Picton High School is the only public high school within the Wollondilly LGA and not to invest in the redevelopment of this school would require students to travel significant distances to the nearest alternative school. Also given the increase in housing development near to the Picton region, the proposed redevelopment of the school is anticipated to have positive social outcomes.</li> <li>• The Applicant states that whilst the proposal has significant social benefits, mitigation measures would be in place to ensure that the operation of the school during construction periods is not compromised. Mitigation measures include; major noise emissions such as demolition occur outside of standard school hours, such as during school holidays, and restrict access to the construction site in order to ensure the health and safety of staff and students.</li> </ul>	<ul style="list-style-type: none"> <li>• The Department considers that the redevelopment of the school would provide social benefits to the community.</li> <li>• The Department is satisfied that subject to the access control arrangements being implemented, the land use conflicts would be appropriately managed, and the safety of the students ensured.</li> </ul>
Bushfire	<ul style="list-style-type: none"> <li>• The rear of the site is mapped as bushfire prone.</li> <li>• The EIS included a Bushfire Assessment. The assessment recommends that the entire science and mathematics wing up to the internal fire wall where the wing adjoins the proposed staff office is to be designed and constructed to comply with BAL-12.5.</li> <li>• The RFS provided recommended revised conditions including: the establishment of an asset protection zone; entire science and mathematics wing, up to an internal fire rated wall constructed in accordance with Sections 3 and 5 (BAL 12.5) of AS 3959-2009 'Construction of buildings in bush fire-prone areas' or 'National Standard Steel Framed Construction in Bushfire Areas – 2014'; and water, electricity and gas infrastructure are to comply with section 4.1.3 and 4.2.7 of 'Planning for Bush Fire Protection 2006'; and landscaping is to</li> </ul>	<ul style="list-style-type: none"> <li>• The Department is satisfied that subject to the recommended conditions, the proposed development would be appropriately managed in a case of bushfire.</li> </ul>

comply with the principles of Appendix 5 of 'Planning for Bush Fire Protection 2006'.

Land dedication	<ul style="list-style-type: none"> <li>The development proposes the dedication of the entire Argyle Street bus bay area and rear access to Wonga Road from the ownership of DoE to Council.</li> <li>Council raised that it does not support the transfer of the Argyle Street bus bay to Council and would rather prefer to see the transfer of northern section of Argyle Street road reserve (currently owned by Council) to the ownership of the DoE.</li> <li>However, Council did not raise in principle objections to the transfer of the Wonga Road roundabout and associated land. Accordingly, a condition has been recommended to reflect this.</li> </ul>	<ul style="list-style-type: none"> <li>The Department notes Council's concerns about the bus bay and has recommended a condition requiring the dedication of only the Wonga Road section including roundabout.</li> </ul>
Air Quality	<ul style="list-style-type: none"> <li>The Applicant has submitted an Erosion and Sediment Control Management Plan to manage disturbance resultant from construction and demolition works including air quality.</li> </ul>	<ul style="list-style-type: none"> <li>The Department is satisfied that subject to the recommended conditions for the implementation of Erosion and Sediment Control Management Plan, the proposed development would be appropriately managed.</li> </ul>
Public Interest	<ul style="list-style-type: none"> <li>The proposal addresses the directions and actions of the Greater Sydney Region Plan, the State Infrastructure Strategy and the Western City District Plan.</li> <li>The proposal would have a positive economic and social impact, including direct investment of approximately CIV \$65,702,000, the creation of up to 68 construction jobs and 25 new operational jobs.</li> </ul>	<ul style="list-style-type: none"> <li>The proposal is in the public interest as it would provide 380 additional school places with contemporary teaching and learning facilities designed to improve educational outcomes through the provision of new and improved teaching and education facilities.</li> </ul>



## 7. *Evaluation*

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

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

- traffic, access and parking
- built form, urban design and landscaping
- amenity

Conditions have been recommended to satisfactorily address any outstanding, residual construction or operational issues.

The application is consistent with the objects of the EP&A Act and is consistent with the State's strategic planning objectives for the site as set out in the A Plan for Growing Sydney as it would improve education results through the provision of new and improved teaching facilities and meet the growing needs of Sydney.

The proposal is also considered to be in the public interest as it would be consistent with the vision outlined in the GSC's Western City District Plan, as it would provide much needed school infrastructure conveniently located and opportunities to co-share facilities with the local community.

The Department concludes 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, Priority Projects, as delegate of the Minister for Planning:

- **considers** the findings and recommendations of this report; and
- **accepts and adopts** all of the findings and recommendations in this report as the reasons for making the decision to grant consent to the application;
- **agrees** with the key reasons for approval listed in the notice of decision (see attachment);
- **grants consent** for the application in respect of SSD 8640; and
- **signs** the attached development consent and recommended conditions of consent (see attachment).

Recommended by:

**Prity Cleary**

Senior Planner

Social and Other Infrastructure Assessments

Recommended by:

**Andrew Beattie**

Team Leader

Social and Other Infrastructure Assessments



## 9. Determination

The recommendation is: Adopted / Not adopted by:

**David Gainsford**

20/12/18.

Priority Projects Assessments

As delegate of the Minister for Planning



## ***Appendices***

## Appendix A - List of Documents

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

1. Environmental Impact Statement  
[http://majorprojects.planning.nsw.gov.au/index.pl?action=view\\_job&job\\_id=8640](http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=8640)
2. Submissions  
[http://majorprojects.planning.nsw.gov.au/?action=list\\_submissions&job\\_id=8640](http://majorprojects.planning.nsw.gov.au/?action=list_submissions&job_id=8640)
3. Applicant's Response to Submissions  
[http://majorprojects.planning.nsw.gov.au/index.pl?action=view\\_job&job\\_id=8640](http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=8640)
4. Applicant's Supplementary Response to Submissions  
[http://majorprojects.planning.nsw.gov.au/index.pl?action=view\\_job&job\\_id=8640](http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=8640)

## 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
- State Environmental Planning Policy No. 20 – Hawkesbury-Nepean
- State Environmental Planning Policy No. 55 – Remediation of Land (SEPP 55)
- Draft State Environmental Planning Policy (Remediation of Land)
- Draft State Environmental Planning Policy (Environment)
- Wollondilly Local Environmental Plan (WLEP) 2011.

### COMPLIANCE WITH CONTROLS

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

**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.	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 (b) the development is specified in Schedule 1 or 2.	The proposed development is permissible with development consent. The proposal is for the purpose of alterations and additions to an existing school with a capital investment value (CIV) in excess of \$20 million, under clause 15 of Schedule 1.	Yes

#### 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 42 of the Education SEPP states that 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. The proposed school has provided justification for contravening the development standard. The Department's consideration of the variations to the development standards is addressed in **Section 6** of this report and in the following consideration of the *Wollondilly Local Environmental Plan (WLEP) 2011*.

Clause 57 of the Education SEPP requires traffic generating development that involve addition of 50 or more students to be referred to the RMS. The Application was referred to RMS in accordance with this Clause.

Clause 35(6)(a) requires that the design quality of the development should be evaluated in accordance with the design quality principles set out in Schedule 4. An assessment of the development against the design principles is provided in **Table B2**.

**Table B2** | Consideration of the Design Quality Principles

Design Principles	Response
Context, built form and landscape	<p>The site planning provides good aspect for the classrooms and for maximising light to the play area. The proposed buildings are over the height limit of the developments surrounding the site. However, due to nature of the community land use which requires level access across all the floors and the site constraints, the additional height is avoidable.</p> <p>The school has been designed to fit into the surrounding built-form, notwithstanding the height non-compliance and includes appropriate landscaping to soften the impact.</p>
Sustainable, efficient and durable	<p>The proposal includes ESD elements sufficient to achieve 5-star Green Star rating. The materials chosen are durable and require low maintenance.</p> <p>Bicycle parking is provided within the school site and a GTP submitted which encourages sustainable travel modes.</p>
Accessible and inclusive	<p>Accessible travel path provided in all sections of the site and lifts included in every connector.</p> <p>The school hall and playing fields are to be utilised for community activities after school and during the weekends.</p>
Amenity	<p>The proposal creates a variety of interesting and useable playground spaces and enhance the amenity of the internal spaces by guaranteeing light and winter sun access.</p>
Health and Safety	<p>The design of the school buildings provides a safe and secure school environment.</p>
Whole of life, flexible, adaptable	<p>The proposed learning areas are flexible and provide adaptable presentation areas throughout the learning hub building.</p>
Aesthetics	<p>The proposal evokes design enhancement by proposing appropriate articulation of buildings and integration with existing landscape.</p>

## **State Environmental Planning Policy No 20 – Hawkesbury Nepean River**

SEPP 20 applies to all land within the Wollondilly LGA and contains various provisions aimed at protecting the environment of the Hawkesbury-Nepean River system.

Clause 4 of the SEPP requires that certain 'General Provisions' under clause 5 and 'Special Planning Policies and Recommended Strategies' under Clause 6 must be taken into consideration by a consent authority determining an application for development on land to which the SEPP applies. The provisions relevant to the assessment of this application relate to managing water quality and quantity, protecting flora and fauna, and protecting cultural heritage. These matters have been addressed in the EIS report and in **Section 6** of this report and the Department is satisfied that consideration has been given to all relevant matters under the SEPP.

## **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.

Contamination is considered in **Section 6.5** of this report.

The Department has recommended conditions requiring additional site investigations including testing for targeted contaminants across the site, implement an unexpected finds protocol to ensure measures are in place should any unanticipated contamination be found during works and the appointment of an independent site auditor. Subject to conditions, the Department is satisfied the development would be suitable for the proposed school use in accordance with SEPP 55.

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

The draft State Environmental Planning Policy (Remediation of Land) (Draft Remediation SEPP) will retain the overarching objective of *SEPP 55* promoting the remediation of contaminated land to reduce the risk of potential harm to human health or the environment.

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

The Department is satisfied that the proposal is consistent with the objectives of the draft Remediation SEPP.

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

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

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

## Wollondilly Local Environmental Plan (WLEP) 2011

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

The Department has consulted with Council throughout the assessment process and has considered all relevant provisions of the WLEP 2011 and those matters raised by Council in its assessment of the development (refer to **Section 5**). The Department concludes the development is consistent with the relevant provisions of the WLEP 2011. Consideration of the relevant clauses of the WLEP 2011 is provided in Table B3.

**Table B3** | Consideration of the WLEP 2011

WLEP 2011	Department Comment/Assessment
Clause 2.3 Zone Objectives and land use table	The site is zoned R2 Low Density Residential. The proposed development being an educational establishment is permissible in the zone and consistent with the zone objectives. The Department considers this clause has been met.
Clause 2.7 Demolition requires Development consent	The proposal involves demolition of some of the existing buildings and development consent is being obtained as part of this application.
Clause 4.3 Building height	The site is subject to a maximum building height control of 9m under the WLEP. The proposal is for a maximum building height of 14.42m. Clause 42 of the Education SEPP states that 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. The proposed school has provided Clause 4.6 justification for contravening the development standard. The Department's consideration of the variations to the development standards is addressed in <b>Section 6.1</b> of this report.
Clause 4.4 Floor Space Ratio	The site is not subject to a maximum floor space ratio control under the WLEP. Refer to <b>Section 6.1</b> of this report for more detail consideration.
Clause 5.10 Heritage conservation	This site is not a listed heritage item and isn't located in the vicinity of any heritage items. The Department considers no assessment is required under this clause.
Clause 5.12 Infrastructure development and use of existing buildings of the Crown	The height development standards restrict the proposed development, however do not apply given the proposal is being carried out by a public authority that is permissible with consent. The Department considers this clause has been met.
Clause 7.1 Essential Services	The proposal is capable of being supplied by essential services as discussed in <b>Section 6.5</b> .

Clause 7.4 Flood planning	The site is not identified as a flood prone site. Accordingly, no flood assessment was required.
Clause 7.5 Earthworks	The proposal involves minor earthworks associated with footings and replacement fill.

### Other Policies

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

Notwithstanding, the objectives of relevant controls under the Wollondilly DCP, where relevant, has been considered in **Section 6** of this report.



## Appendix C – Recommended Instrument of Consent/Approval

