



New Warnervale Public School

*State Significant
Development Assessment
(SSD 9439)
May 2020*



May 2020

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Cover photo

Perspective of proposed school from Warnervale Road (Source: Applicant's Environmental Impact Statement 2019)

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Glossary

Abbreviation	Definition
ACHAR	Aboriginal Cultural Heritage Assessment Report
AEP	Annual Exceedance Probability
AHD	Australian Height Datum
AHDDA	Aboriginal Heritage Due Diligence Assessment
Applicant	NSW Department of Education
APZ	Asset Protection Zone
ASD	Approaching sight distance
BCA	Building Code of Australia
BC Act	<i>Biodiversity Conservation Act 2016</i>
BDAR	Biodiversity Development Assessment Report
CBD	Central Business District
CEMP	Construction Environmental Management Plan
CIV	Capital Investment Value
CNVMP	Construction Noise and Vibration Management Plan
Consent	Development Consent
Council	Central Coast Council
DCP	Development Control Plan
Department	Department of Planning, Industry and Environment
EFSG	Educational Facilities Standards and Guidelines
EESG	Environment, Energy and Science Group of Department of Planning, Industry and Environment
EIS	Environmental Impact Statement
EPA	Environment Protection Authority
EP&A Act	<i>Environmental Planning and Assessment Act 1979</i>
EP&A Regulation	Environmental Planning and Assessment Regulation 2000
EPBC Act	<i>Environment Protection and Biodiversity Conservation Act 1999</i>
EPI	Environmental Planning Instrument
ESD	Ecologically Sustainable Development
ESEPP	State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017
FTE	Full Time Equivalent
GTP	Green Travel Plan
LEP	Local Environmental Plan

LGA	Local Government Area
LHSGIB	Lower Hunter Spotted Gum Ironbark
Minister	Minister for Planning and Public Spaces
NSW RFS	New South Wales Rural Fire Service
NVIA	Noise and Vibration Impact Assessment
OOSH	Out of Hours School Care
PBP	Planning for Bush Fire Protection 2006
PCT	Plant Community Type
Planning Secretary	Secretary of the Department of Planning, Industry and Environment
RSA	Road Safety Audit
RtS	Response to Submissions
SEARs	Secretary's Environmental Assessment Requirements
SEPP	State Environmental Planning Policy
Site	75 Warnervale Road Warnervale
SRD SEPP	State Environmental Planning Policy (State and Regional Development) 2011
SRtS	Supplementary RtS
SSD	State Significant Development
TEC	Threatened Ecological Community
TfNSW	Transport for NSW
TfNSW (RMS)	Transport for NSW (Roads and Maritime Services)
WLEP	Wyong Local Environmental Plan 2013



Executive Summary

This report provides an assessment of a State significant development (SSD) application for the construction of a new primary school at 75 Warnervale Road, Warnervale (SSD 9439). The Applicant is the NSW Department of Education and the proposal is located within the Central Coast local government area (LGA). The Department concludes the proposal is in the public interest and recommends that the application be approved subject to conditions.

The proposal seeks approval for the demolition of all existing structures on site and the construction of new school facilities including teaching spaces, special program spaces, a library, administrative spaces, canteen, hall and associated works including vegetation removal, landscaping and infrastructure upgrades. The school is proposed to cater for 460 students.

The Department of Planning, Industry and Environment (the Department) considers the key issues raised by the proposal include biodiversity, traffic, and car parking. The Department has considered these issues in its assessment, along with built form, bushfire, Aboriginal cultural heritage, utilities capacity, built form, social impact, and contamination. The Department has considered the merits of the proposal in accordance with section 4.15(1) and the objects of the *Environmental Planning and Assessment Act 1979*, the principles of ecologically sustainable development, and issues raised in submissions as well as the Applicant's response to these.

The Department considers that the additional traffic generated by the proposal would not have a significant impact on the operation on the surrounding road network and that the proposed car parking and drop-off / pick-up arrangements would be adequate to service the school's needs. Further, it is considered that biodiversity impacts from the development could be appropriately offset through the retirement of ecosystem and species credits.

The proposal has a capital investment value (CIV) of \$35.9 million and would generate an estimated 32 operational jobs and 35 construction jobs. The proposal is SSD under clause 15 of Schedule 1 of the State Environmental Planning Policy (State and Regional Development) 2011, as it is development for the purpose of a new school.

The application was publicly exhibited between 20 September 2019 and 17 October 2019 (28 days). The Department received a total of seven submissions, all of which were from public authorities. No submissions were received from the public. An additional four submissions from public authorities were received in response to the Applicant's Response to Submissions (RtS).



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1. Introduction

This report provides an assessment of a State significant development (SSD) application for the construction of a new primary school at 75 Warnervale Road, Warnervale (the site) (SSD 9439).

The proposal seeks approval for the demolition of all existing structures on site and the construction of new school facilities including teaching spaces, special program spaces, a library, administrative spaces, canteen, hall and associated works including vegetation removal, landscaping and infrastructure upgrades. The school is proposed to cater for 460 students.

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

1.1 Site description

The subject site is located on the south side of Warnervale Road, Warnervale, approximately 22 kilometres (km) north of the Gosford central business district (CBD), within the former Wyong Shire LGA which, having now merged with Gosford LGA, now forms part of the Central Coast LGA. It is situated on a rectangular 4.56 hectares (ha) allotment, which is legally described as Lot 71 DP 7091. The site location is shown in its regional context in **Figure 1** and its local context in **Figure 2**.

The site was previously occupied by the Warnervale Public School which, in 2008, moved to its current location on the corner of Warnervale and Minnesota Road, approximately 1km east of the site. The school was relocated in 2008 to provide a larger school with increased capacity in close proximity to nearby growth areas and, in 2018, had 525 students.

The site currently contains five single storey buildings which are all located within the north-western corner of the site. The remainder of the site is undeveloped and densely vegetated, except for minor and disused sporting facilities and other services associated with the previous school.

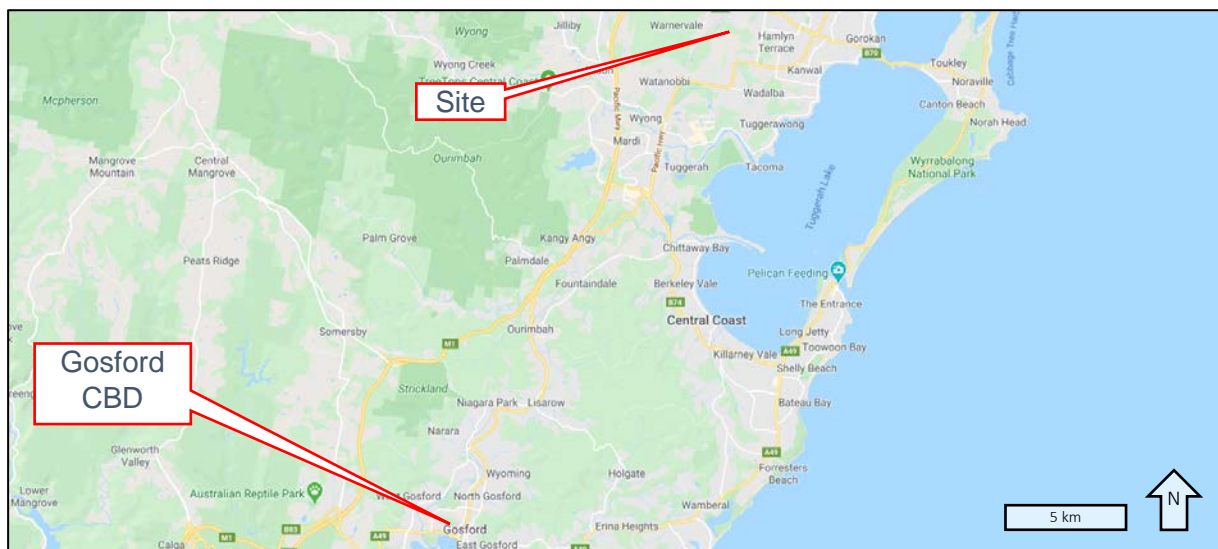


Figure 1 | Regional context map (Source: Google maps, 2020)

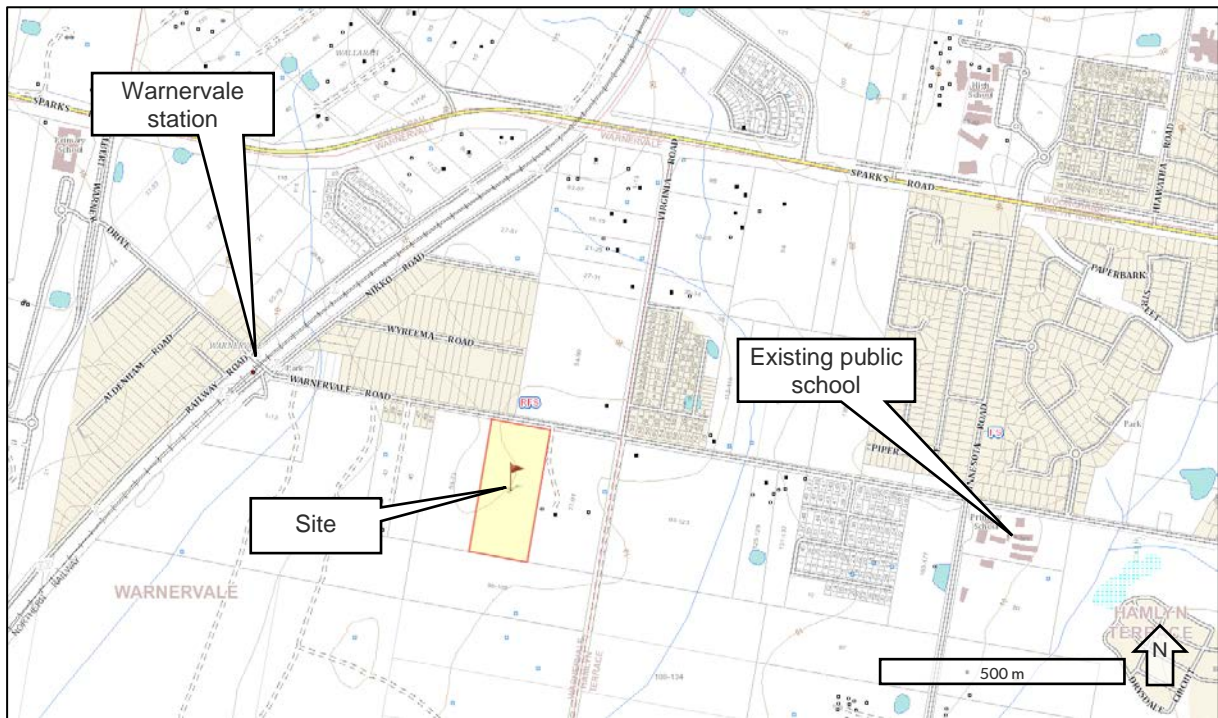


Figure 2 | Local context map (Source: Sixmaps 2020)

1.2 Surrounding development

To the site's north, on the opposite side of Warnervale Road, is low density residential development and Warnervale Oval. To the east and west are heavily vegetated rural-residential properties. Approximately 500 metres (m) to the east and west of the site are well established suburban areas.

The site is located within a rural–urban transition area comprising of older one to two storey dwelling houses on allotments of approximately 1,400 square metres (m²), more recent one to two storey dwelling houses on allotments of approximately 400m², dense woodland, and areas under environmental management. The surrounding area is experiencing a transition to more intensive urban development.

To the west of the site is 53-73 Warnervale Road which currently comprises woodland. Development Application 644/2017, currently under assessment with Central Coast Council (Council), seeks approval for a 58 lot residential subdivision, including new roads. The eastern side boundary is shared with 77-91 Warnervale Road which is a relatively well vegetated allotment of approximately 5.14ha that comprises a dwelling house and five detached buildings such as sheds. The rear boundary of the site is shared with 95-105 Virginia Road which contains dense vegetation. Refer to **Figure 3** for a map of surrounding development.

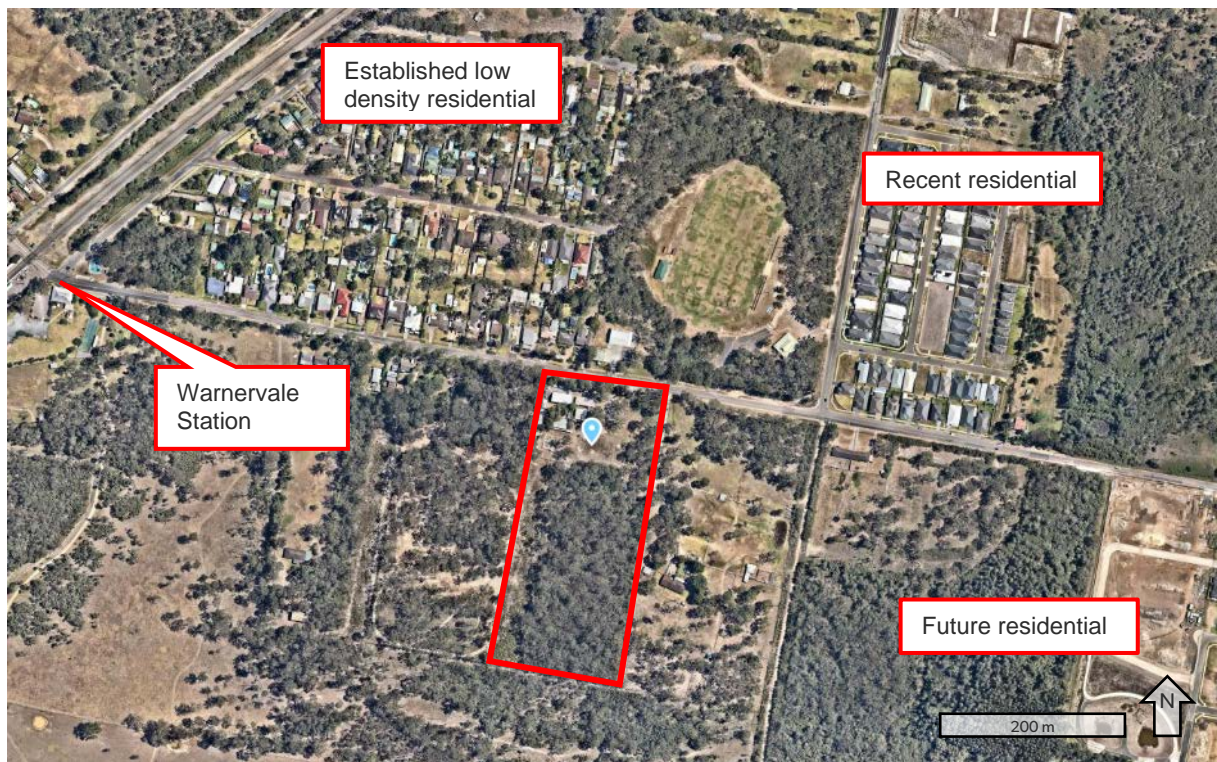


Figure 3 | Surrounding development (Base source: Nearmap 2020)



2. Project

The key components and features of the proposal (as amended in the Response to Submissions (RtS)) are provided in **Table 1** and are shown in **Figure 4** to **Figure 7**.

Table 1 | Main components of the project

Aspect	Description
Project Summary	<ul style="list-style-type: none">Construction and operation of a primary school for up to 460 students. Associated works include landscaping, outdoor play areas including sports courts and fencing, drop-off/pick-up facilities, vehicular access, car parking, pedestrian access and signage.
Demolition	<ul style="list-style-type: none">Demolition of five disused buildings and associated structures associated with the previous school at the site.
Built form	<ul style="list-style-type: none">Construction of four buildings:<ul style="list-style-type: none">one single storey administration building, facing Warnervale Road.one single storey school hall, facing Warnervale Road.one two storey building containing 20 classrooms along the site's eastern boundary.one two storey library building.
Heritage	<ul style="list-style-type: none">The site does not contain any items of heritage significance, nor is it in proximity to any items of heritage significance or within a heritage conservation area.
Site area	<ul style="list-style-type: none">4.53ha.
Gross floor area (GFA)	<ul style="list-style-type: none">Total GFA of 4003m².
Uses	<ul style="list-style-type: none">Primary school, Out of Hours School Care (OOSH), community use.
Access and roadworks	<ul style="list-style-type: none">Vehicular and pedestrian access from Warnervale Road, including:<ul style="list-style-type: none">new bus drop-off and pick-up on both sides of Warnervale Road.new roundabout on Warnervale Road at the western end of the site connecting to a new access road providing access to teacher and visitor car parking and drop-off/pick-up spaces.new access road at the eastern end of the site frontage for service vehicle access and access to a secondary staff parking area.

	<ul style="list-style-type: none"> ○ new footpaths along Warnervale Road leading to two pedestrian entrances to the school. • The Applicant proposes that the part of the site required to accommodate the proposed roundabout to be dedicated to Council as public road.
Car parking	<ul style="list-style-type: none"> • 53 parking spaces: <ul style="list-style-type: none"> ○ 21 staff parking spaces. ○ seven visitor spaces (two of which are accessible spaces). ○ 16 short term parking spaces. ○ nine drop-off/pick-up spaces (one of which is accessible). • Provision for 18 informal overflow parking spaces.
Bicycle parking	<ul style="list-style-type: none"> • Eight bicycle parking spaces.
Public domain and landscaping	<ul style="list-style-type: none"> • Fencing, pathways, vegetation and play spaces.
Vegetation removal	<ul style="list-style-type: none"> • 106 trees removed in the northern portion of the site to allow for construction of the proposed school buildings. • 2.66ha vegetation removed in the southern portion of the site to allow for the establishment of playing fields and Asset Protection Zone (APZ) for bush fire protection purposes. • Approximately 1.8ha of vegetation to be retained in the southern portion of the site.
Hours of operation	<ul style="list-style-type: none"> • School: 8am – 4pm. • OOSH: 4pm – 6pm (indicative only). • Community uses: 4pm – 10pm (indicative only).
Signage	<ul style="list-style-type: none"> • Two building identification signs on the front fence.
Jobs	<ul style="list-style-type: none"> • 32 full time equivalent (FTE) operational jobs. • 35 construction jobs.
CIV	<ul style="list-style-type: none"> • \$35.9 million.

2.1 Physical layout and design

The proposed layout consists of four buildings laid out in a U-shape around an internal courtyard in the north-eastern corner of the site. Two of the buildings, being the administration building and the school hall, would be single storey and interface directly with Warnervale Road on the site's northern boundary. The remaining two buildings, being the library and the teaching space, would be two storey, and located on the eastern half of the site. Pedestrian access would be via a main and secondary entrance, both on Warnervale Road. Vehicular access would also be from Warnervale Road.

Two play spaces would be in the internal courtyard, while a small soccer field and games court would be located at the rear of the school building within a proposed bush fire asset protection zone. Behind the soccer field would be a managed vegetation area in accordance with a Vegetation Management Plan (VMP) provided with the RtS. The remainder of the site would be a biodiversity area.

The proposed site layout is shown in **Figure 4**, building layout in **Figure 5** and artist's impressions of the buildings are shown in **Figure 6** and **Figure 7**.

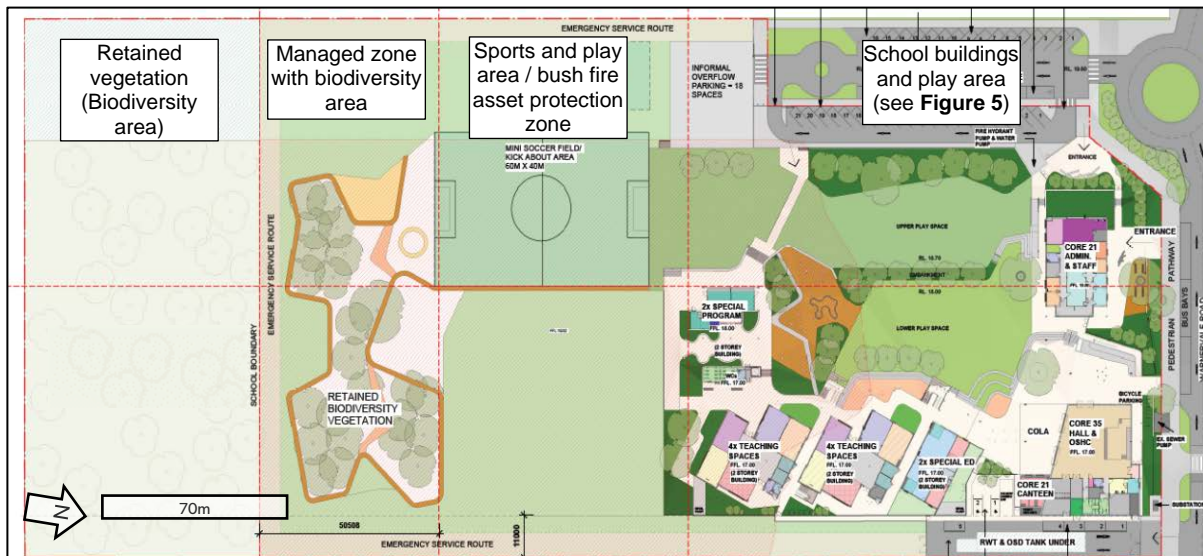


Figure 4 | Site plan (Base source: Applicant's EIS 2019)

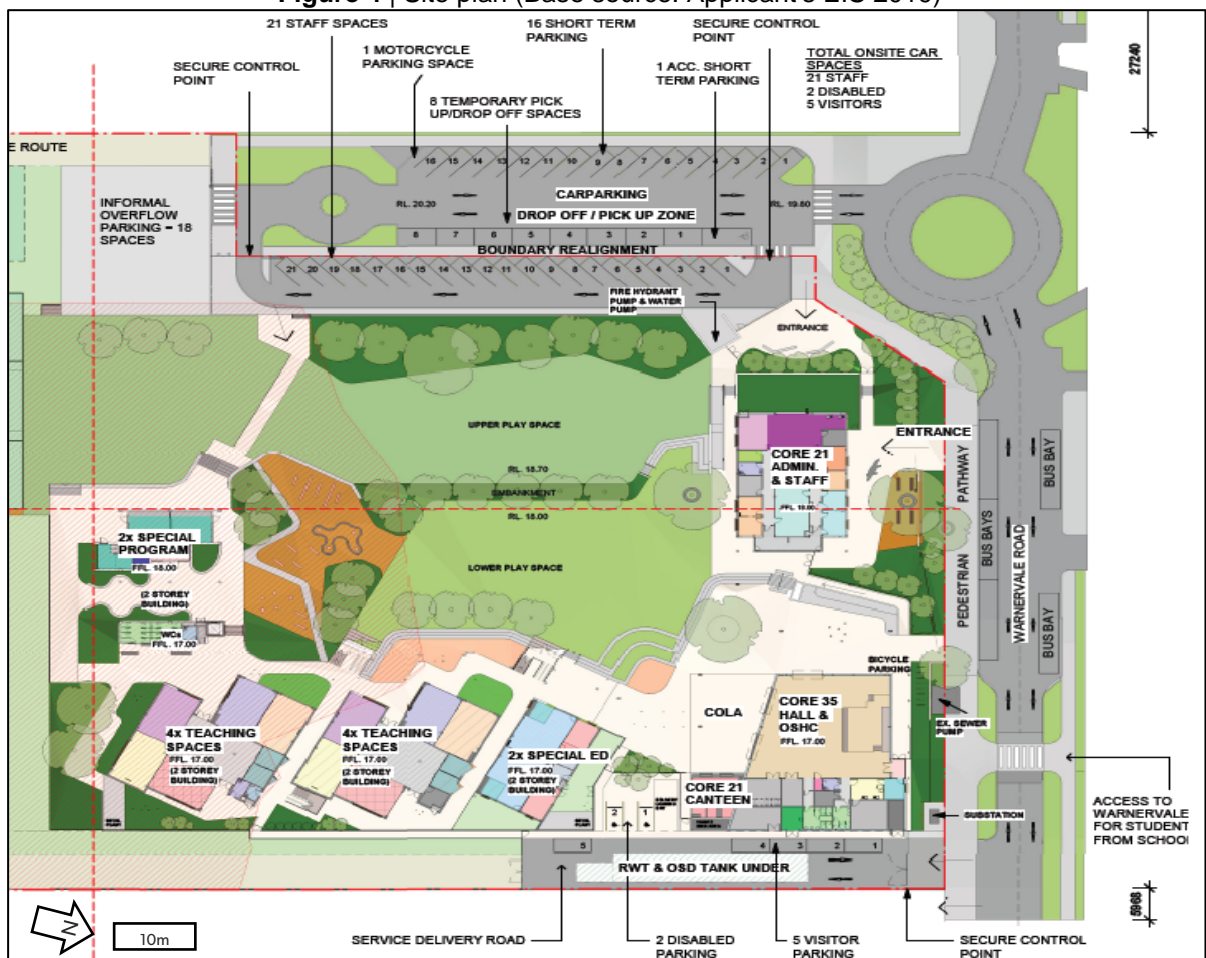


Figure 5 | Site plan (Source: Applicant's EIS 2019)



Figure 6 | Artist impression of proposal (Source: Applicant's EIS 2019)



Figure 7 | Artist impression of proposal (Source: Applicant's EIS 2019)

2.2 Uses and activities

The proposal is for a primary school for up to 460 students. The indicative OOSH care and community use of the school's facilities is set out in **Table 2**.

Table 2 | Community and OOSH usage of school facilities

Facility	Proposal
Hall	<ul style="list-style-type: none">• OOSH care (4pm – 6pm (indicative), Monday to Friday)• Community language schools• Dance, music, drama lessons• Community education and training• Community productions, meetings• Sporting events• Vacation care• Occasional evening use for music performances, presentations, parent/teacher nights.• Hall to be made available to the school and wider community during the following operating times:<ul style="list-style-type: none">○ weekdays: 6:30pm – 9:30pm (pack up until 10pm).○ Saturdays, Sundays, public holidays: 8am – 6pm (pack up until 7pm).
Public forecourt	<ul style="list-style-type: none">• Community training and education.

2.3 Timing

The Applicant proposes to deliver the project in one stage. Construction is anticipated to commence in August 2020 with a target completion date in December 2021. It is intended that operations would commence in January 2022.



3. Strategic Context

It is anticipated that there will be a 21% growth in student numbers by 2031 across NSW compared to 2017. This means NSW schools will need to accommodate an extra 269,000 students, with an estimated 164,000 of these students in the public system. In response to the need for additional public education infrastructure as a result of increased demand, the NSW Department of Education is investing \$6.7 billion over the next four years to deliver new schools and upgrade existing schools.

The proposed school is within the Wyong primary cluster, located in the Central Coast region. The region is projected to grow by 81,000 people to 417,500 residents between 2016 and 2036. An additional 46,700 dwellings are projected in the LGA.

The Central Coast Regional Plan states: “New greenfield development opportunities are focused on the Warnervale-Wadalba land release area and in locations identified in the North Wyong Shire Structure Plan”. The site falls within this land release area. As a result of the increase in population and dwellings in the area, there is projected enrolment growth of 1,180 additional primary students in the Wyong primary school cluster over the next 20 years, requiring 51 additional classrooms.

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

- is consistent with NSW State Priorities to provide new and improved teaching and education facilities.
- is consistent with the Central Coast Regional Plan, as it proposes new school facilities to meet the growing needs of the Central Coast, particularly within the Warnervale-Wadalba release area.
- is consistent with State Infrastructure Strategy 2018 – 2038 Building the Momentum as it would integrate school and community facilities and proposes:
 - new facilities to support the growth in demand for primary student enrolments for primary school students in the Warnervale area.
 - a school design to accommodate infrastructure and facilities sharing with communities; and
- provides direct investment in the region of \$35.9 million which would support 32 FTE operational jobs and 35 construction 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 Act 1979* (EP&A Act) as the development is for the purpose of a new school under clause 15 of Schedule 1 of the State Environmental Planning Policy (State and Regional Development) 2011 (SRD SEPP).

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

In accordance with the Minister's delegation to determine SSD applications, signed on 9 March 2020, the Executive Director, Infrastructure Assessments may determine this application as:

- the application had not already been referred by the Planning Secretary to the Independent Planning Commission at the time the delegation was issued.
- the application has not been made by a person who has disclosed a reportable donation in connection with the application.
- there are less than 50 public submissions in the nature of objection.
- the local Council has not made a submission by way of objection.

4.2 Permissibility

The site is located partially within the R1 General Residential zone and partially within the R2 Low Density Residential zone under the Wyong Local Environmental Plan (WLEP) 2013. Educational establishments are permissible with consent within the R1 zone. However, educational establishments are a prohibited land use in the R2 zone.

The State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017 (Education SEPP) applies to the proposal and the provisions within this policy prevail over any competing provisions within the WLEP 2013.

Under clause 35(1) of the Education SEPP, development for the purpose of a school is permitted with consent in a prescribed zone (which includes the R1 General Residential Zone and the R2 Low Density Residential Zone) that apply to the site.

Therefore, the Minister or a delegate may determine the carrying out of the development in accordance with section 4.5 of the EP&A Act.

4.3 Other approvals

Under section 4.41 of the EP&A Act, a number of other approvals are integrated into the SSD 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.

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

4.4 Matters for consideration

4.4.1 Environmental planning instruments

Under section 4.15 of the EP&A Act, the consent authority is required to take into consideration any environmental planning instrument (EPI) that is of relevance to the development. Therefore, the assessment report must include a copy of, or reference to, the provisions of any EPIs that substantially govern the project and that have been considered in the assessment of the project.

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

4.4.2 Objects of the EP&A Act

The objects of the EP&A Act are the underpinning principles upon which the assessment is conducted. The statutory powers in the EP&A Act (such as the power to grant consent/ 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 2**.

Table 2 | Response to the objects 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 involves the provision of new educational facilities for up to 460 students and up to 32 FTE operational jobs.
(b) to facilitate ecologically sustainable development by integrating relevant economic, environmental and social considerations in decision-making about environmental planning and assessment,	The proposal includes measures to deliver ecologically sustainable development (ESD) principles (Section 4.4.3).
(c) to promote the orderly and economic use and development of land,	The proposal provides for the construction of a new school which would provide fit-for-purpose

educational facilities on a site owned by the NSW Department of Education.

(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 appropriately mitigates environmental impacts. A Biodiversity Development Assessment Report (BDAR) was submitted with the application. The Department's consideration is outlined in Section 6 of this report.
(f) to promote the sustainable management of built and cultural heritage (including Aboriginal cultural heritage),	The proposal would not impact on the significance of any heritage items or conservation areas.
(g) to promote good design and amenity of the built environment,	The proposal has a modern functional design with a high level of amenity.
(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 (Section 5.1), which included consultation with Council and other public authorities and consideration of their responses (Sections 5.1 and 6).
(j) to provide increased opportunity for community participation in environmental planning and assessment.	The Department publicly exhibited the proposal as outlined in Section 5.1 , which included notifying adjoining landowners, 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 EIS included an ESD report that detailed how the principles of ESD would be incorporated into the development. While no specific Green Star rating has been proposed, the project targets the following outcomes:

- compliance with the Educational Facilities Standards and Guidelines (EFSG) issued by the Department of Education which requires ESD principles to be incorporated that could be benchmarked to achieve at least a 4 Star Green Star rating.
- exceeding the requirements of Section J of the National Construction Code (NCC) by 10%.
- additional sustainability initiatives with a focus on health and wellbeing.

The development proposes ESD initiatives and sustainability measures to meet the EFSG, including:

- ensuring no rainforest (unless plantation grown), high conservation forest timbers are used.
- using only recycled timber, engineered and glued timber composite products, timber from plantations or sustainably managed regrowth forests.
- planting of native vegetation endemic to the local area.
- minimisation of light spill from the facility which impacts on migratory animals and insects.
- reduced dissolved pollutants in stormwater discharged from the site.
- designation of at least 350m² of roof space to house a solar PV system of at least 40kW capacity.

Further, the project is looking to implement additional elements drawn from the Green Building Council of Australia's Green Star tool to holistically address ESD principles:

- targeting a 40% reduction in the predicted energy consumption and greenhouse gas emissions compared to a minimum code compliant building under the EFSG.
- reduction in peak electricity demand by at least 30% using efficient systems and on-site generation sources.
- rainwater supported drip irrigation with moisture sensor override is to be installed to minimise potable water used for irrigation.

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 7.12 of the Applicant's EIS, which has been prepared in accordance with the requirements of Schedule 2 of the Environmental Planning and Assessment Regulation 2000 (EP&A Regulation).

Whilst the Department acknowledges that the Applicant is not targeting a specific Green Star rating, the Department notes that the EFSG provides that projects should incorporate ESD principles that target a minimum 4-star Green Star rating. In order to ensure that ESD is appropriately incorporated

into the proposed development, the Department has recommended a condition that the Applicant register for a minimum 4-star Green Star rating with the Green Building Council Australia, or an alternative certificate process agreed by the Planning Secretary, prior to the commencement of building works.

4.4.4 Environmental Planning and Assessment Regulation 2000

Subject to any other references to compliance with the EP&A Regulation cited in this report, the requirements for Notification (Part 6, Division 6) and Fees (Part 15, Division 1AA) have been complied with.

4.4.5 Planning Secretary's Environmental Assessment Requirements

The EIS is compliant with the Planning Secretary's Environmental Assessment Requirements (SEARs) and is sufficient to enable an adequate consideration and assessment of the proposal for determination purposes.

4.4.6 Section 4.15(1) matters for consideration

Table 3 identifies the matters for consideration under section 4.15 of the EP&A Act that apply to SSD in accordance with section 4.40 of the EP&A Act. The table represents a summary for which additional information and consideration is provided for in **Section 6** and relevant appendices or other sections of this report and EIS.

Table 3 | Section 4.15(1) matters for consideration

Section 4.15(1) Evaluation	Consideration
(a)(i) any environmental planning instrument	Satisfactorily complies. The Department's consideration of the relevant EPIs is provided in Appendix B of this report.
(a)(ii) any proposed instrument	The Department's consideration of the relevant draft EPIs is provided in Appendix B of this report.
(a)(iii) any development control plan (DCP)	Under clause 11 of the SRD SEPP, DCPs do not apply to SSD. Notwithstanding this, consideration has been given to relevant DCPs in Section 6 .
(a)(iiia) any planning agreement	Not applicable.
(a)(iv) the regulations <i>Refer Division 8 of the EP&A Regulation</i>	The application satisfactorily meets the relevant requirements of the EP&A Regulation, including the procedures relating to applications (Part 6 of the EP&A Regulation), public participation procedures for SSD and Schedule 2 of the EP&A Regulation relating to EIS.

(b) the likely impacts of that development including environmental impacts on both the natural and built environments, and social and economic impacts in the locality	Appropriately mitigated or conditioned - refer to Section 6 of this report.
(c) the suitability of the site for the development	The site is suitable for the development as discussed in Sections 3, 4 and 6 of this report.
(d) any submissions	Consideration has been given to the submissions received during the exhibition period. See Sections 5 and 6 of this report.
(e) the public interest	Refer to Sections 6 and 7 of this report.

4.4.7 Biodiversity Conservation Act 2016

Under section 7.9(2) of the *Biodiversity Conservation Act 2016* (BC Act), SSD applications are “to be accompanied by a biodiversity development assessment report (BDAR) unless the Planning Agency Head and the Environment Agency Head determine that the proposed development is not likely to have any significant impact on biodiversity values”.

The impact of the proposal on biodiversity values has been assessed in the BDAR accompanying the EIS and considered in **Section 6** of this report.

The Department acknowledges the proposal would directly impact 2.66ha of native vegetation and one threatened fauna species, the Squirrel Glider, which has been assumed to be present on the site. However, it is considered that the direct biodiversity impacts of the proposal can be appropriately offset through the retirement of 48 ecosystem credits and 64 species credits as set out in the BDAR supported by EESG. The Department has recommended conditions to ensure this is achieved.



5. Engagement

5.1 Department's engagement

In accordance with Schedule 1 of the EP&A Act, the Department publicly exhibited the application from 20 September 2019 to 17 October 2019 (28 days). The application was exhibited at the Department and on its website, at the NSW Service Centre and at Council's office.

The Department placed a public exhibition notice in the Central Coast Express Advocate on 19 September 2019 and notified adjoining landholders and relevant State and local government authorities in writing.

The Department has considered the comments raised in the public authority submissions during the assessment of the application (**Section 6**). Recommended conditions in the instrument of consent at **Appendix C** reflect these comments.

5.2 Summary of submissions

The Department received a total of seven submissions, comprising six submissions from public authorities and one submission from Council. No submissions were received from the public. A summary of the issues raised in the submissions is provided at **Table 4**. Copies of the submissions may be viewed at **Appendix A**.

5.3 Public authority submissions

A summary of the issues raised in the public authority submissions is provided at **Table 4** below and copies of the submissions may be viewed at **Appendix A**.

Table 4 | Summary of public authority submissions to the EIS

Council

Council provided the following comments:

- the Squirrel Glider should be identified in the BDAR report as having a high likelihood of occurrence on the site, rather than a moderate likelihood, given the well documented local population of Squirrel Gliders, including on adjoining sites. The species should be assumed to be present.
- based on the hollow sizes, tree species onsite, and adjoining site surveys, the presence of breeding habitat for Large Forest Owls and Glossy Black Cockatoo should be assumed and species credits retired.
- a north-south tree canopy corridor should be provided through the site for the Squirrel Gliders.
- bush regeneration within the biodiversity valued land to be retained (rear of site) should be undertaken.

-
- the BDAR does not contain details on hollow replacement or future management of the conservation land at the rear of the site.
 - details on the extent of tree removal and the number, location and species of replacement trees should be provided.
 - car parking configuration and traffic management are likely to be an issue and could be mitigated by a redesign of the car park.

Council recommended conditions relating to the above, and:

- developer contributions.
- the requirement of a water compliance certificate under section 307 Certificate of Compliance under the *Water Management Act 2000*.
- the retention of vegetation and implementation of fauna welfare measures and the Vegetation Management Plan in perpetuity.

Environment Protection Agency (EPA)

The EPA provided comments recommending the imposition of conditions to:

- mitigate construction noise and vibration.
- mitigate operational noise.
- prevent or minimise the emission of air impurities, dust, and odours from the site during construction.
- require the implementation of an erosion and sediment control plan prior to commencement of works, including the installation and maintenance of erosion and sediment control measures.
- manage waste and store chemicals responsibly.

NSW Rural Fire Service (RFS)

The NSW RFS provided recommended conditions to address:

- the imposition and management of Asset Protections Zones (APZ) around the site.
- compliance with Planning for Bush Fire Protection 2006 in the areas of water, electricity and gas services, emergency services routes, and landscaping.
- building construction.
- evacuation planning.

Environment, Energy and Science Group (EESG)

EESG sought further information on the following issues:

- whether Plant Community Type (PCT) 1590 mapped on site forms part of the Lower Hunter Spotted Gum Ironbark Forest in the Sydney Basin and NSW North Coast Bioregions (LHSGIB), which is a Threatened Ecological Community (TEC). Justification is to be provided if not.

- whether the Squirrel Glider, listed as vulnerable in the BC Act, occurs on site. The Sugar Glider, which is not endangered, was found on the site. These two gliders are easily confused. Methods of determining the species present should be described.
- appropriate management of the risks associated with the site being isolated in a 5% Annual Exceedance Probability (AEP) flood event.

Transport for NSW (TfNSW)

TfNSW provided recommended conditions relating to:

- preparation and implementation of a Green Travel Plan and a Traffic Management Plan.
- conducting a Road Safety Audit on the sections of Warnervale Road utilised for bus and private vehicle drop-off and pick-up.

Transport for NSW (Roads and Maritime Services) (TfNSW (RMS))

TfNSW (RMS) requested more information in relation to the impacts that may result from the development on several state road intersections which were otherwise not assessed.

Community Engagement, Department of Premier and Cabinet (Heritage NSW)

Heritage NSW stated that there are no specific State heritage matters that required consideration.

5.4 Response to Submissions

Following the exhibition of the application the Department placed copies of all submissions received on its website and requested the Applicant respond to the submissions.

On 4 March 2020, the Applicant provided a Response to Submissions (RtS) (**Appendix A**) on the issues raised during the exhibition of the proposal. The RtS included an amended BDAR, a vegetation management plan, a road safety audit and demonstration of extensive consultation with Aboriginal representatives.

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

A summary of the issues raised in the public authority submissions to the RtS is provided at **Table 5**.

Table 5 | Summary of public authority submissions to the RtS

Council

Council provided comments in relation to the following matters:

- Ecology

-
- Council clarified that recent sightings of the Squirrel Glider on the adjacent site to the south means that the species should be assumed to be present and species credits should be retired due to this. In Council's opinion, the single survey conducted for the BDAR was insufficient to determine that the species no longer occurred on site.
 - it was noted that a Vegetation Management Plan (VMP) had now been provided and that a north-south tree canopy and glider pole corridor was included in the VMP. No further issues were raised regarding the regeneration of the 'biodiversity valued land to be retained' (rear of site) or the replacement of hollows. However, it was noted that the pole corridor should also include associated plantings of suitable understorey species around the poles to provide shelter for fauna.
- Traffic and parking
 - Council disputed the Applicant's response that amending the car park layout and providing additional parking spaces would discourage public transport use. It reiterated that the proposed minor amendments would increase both capacity and safety.
 - Council reiterated it does not support the dedication of the drop-off/pick-up car park to Council as originally proposed by the Applicant.

No additional conditions were recommended.

NSW RFS

The NSW RFS referred to its original comments and noted they remain applicable. No further comments were provided.

TfNSW and TfNSW (RMS)

TfNSW and RMS provided a joint response noting that an RSA and GTP have now been provided, and conditions were recommended in relation to those.

EESG

EESG commented that it was satisfied the RtS addressed comments made in its initial submission.

In response to comments received in relation to the RtS and the Department's request for additional information, the Applicant provided a Supplementary RtS (SRtS) which provided an amended:

- BDAR, updated to assume the presence of the Squirrel Glider and to require the retirement of species credits to mitigate the impact on that species.
- VMP to include understorey planting around the glider poles and retained trees which would form part of the north-south connectivity corridor. Associated minor amendments were also made to the landscaping / playing field layout to accommodate these changes.
- elevation plan to show natural ground level and a GFA plan.

The SRtS was referred to EESG which advised that the revised BDAR was appropriate.



6. Assessment

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

- traffic, parking and pedestrian access.
- biodiversity, tree removal and landscaping.

These issues are discussed in the following sections of this report. Other issues taken into consideration during the assessment of the application are discussed at **Section 6.3**.

6.1 Traffic, parking and pedestrian access

6.1.1 Operational Traffic

Warnervale Road is a local road with an east-west alignment. It commences at Warnervale railway station approximately 600m to the west of the site and terminates approximately 3km to the east of the site at Sparks Road. It provides one lane of traffic in each direction and its major intersections include Virginia Road and Minnesota Road.

A Traffic Impact Assessment (TIA) was submitted with the EIS. The TIA predicted new trips generated by the proposal based on the projected number of students and staff. The traffic generation predicted for the proposal is provided in **Table 6**, which estimates the development would generate 562 vehicle trips per hour during the weekday morning and afternoon peak hour. The TIA notes that this should be considered in the context of the 3,700 peak hour trips predicted to be produced by the planned development of Precinct 7A, which the site falls within.

Table 6 | Predicted traffic generation

Movements	Morning Peak				Afternoon Peak			
	Parents drop-off	Staff	Buses	Total	Parents pick-up	Staff	Buses	Total
Inbound	262	32	3	297	262	0	3	265
Outbound	262	0	3	265	262	32	3	297
Total Trips				562				562

The TIA included a SIDRA analysis of the operation of three intersections likely to be impacted by the proposal including Sparks Road / Albert Warner Drive, Warnervale Road / Minnesota Road and Warnervale Road / Virginia Road. The location of intersections are shown in **Figure 8**. Note that the modelling was based on the recommendations for future intersection layouts and traffic conditions as contained in the 2012 traffic modelling study associated with the residential development of Precinct

7A. It is not based on the intersection layouts as they currently exist, as these are all planned for upgrade as the residential development of the area occurs.



Figure 8 | Intersections analysed in SIDRA analysis (Base source: Nearmap 2020)

Detailed findings of the SIDRA analysis are provided in **Table 7** and

Table 8. These compare two scenarios:

- Year 2031 (without development) – which includes the forecast traffic volumes for 2031, intersection configurations, and residential development of the site and surrounds based on the 2012 traffic modelling study.
- Year 2031 (with development) – includes residential development of the surrounds but instead of the site being developed as residential, the site is developed for a school, as proposed.

Table 7 | Levels of Service (LoS) – Morning peak

Intersection	2031 - Without development			2031 - With development		
	LoS	Average delay	Degree of saturation	LoS	Average delay	Degree of saturation
Sparks Road / Albert Warner Drive	D	51	87	E	57.4	92.6
Warnervale Road / Minnesota Road	B	23	75	B	24.8	79.7
Warnervale Road / Virginia Road	A	10	20	A	10.9	19.3

Table 8 | Levels of Service – Afternoon peak

Intersection	2031 - Without development			2031 - With development		
	LoS	Average delay	Degree of saturation	LoS	Average delay	Degree of saturation
Sparks Road / Albert Warner Drive	C	37	90	C	36.2	92
Warnervale Road / Minnesota Road	B	24	81	B	24.4	77
Warnervale Road / Virginia Road	A	10	20	B	14.7	30

The analysis found that, in the year 2031, there would be only minor additional delays at the intersections with the development as compared to without the development. Only two intersections would experience a worsening in their LoS:

- the Sparks Road / Albert Warner Drive intersection would worsen, going from an LoS of D (near capacity) to E (at capacity) during the morning peak (with an increase in delay of six seconds). It would continue to operate at an LoS of C (satisfactory) during the afternoon peak.
- the Warnervale Road / Virginia Road intersection would worsen, going from an LoS of A (good) to B (good with acceptable delays and spare capacity) in the afternoon peak (with an increase in delay of five seconds). It would continue to operate at an LoS of A during the morning peak.

The EIS and RtS were referred to Council, TfNSW (RMS) and TfNSW for assessment. Council initially expressed concern with the methodology in the TIA used to calculate the afternoon peak traffic movements and whether there would be more traffic movements than forecasted. It was clarified in the RtS that the calculations were based on a survey of the nearby Warnervale Primary School and the trips generated for the proposed school were reasonably expected to be similar. No further objections to methodology were expressed in Council's comments on the RtS.

TfNSW did not raise any specific concerns regarding operational traffic. TfNSW (RMS) requested:

- details of the proposed school catchment.
- an assessment of the potential impacts on three additional intersections being Sparkes Road at both Virginia Road and Minnesota Road, and Pacific Highway at Minnesota Road.

In the RtS, the Applicant stated that the school catchment boundaries are currently unknown. However, it is considered that trips through the above-mentioned intersections would be minor as the catchment would not include any area where students travel past another school to access their school. TfNSW considered this response acceptable, noting that the school catchment boundaries would be available for any future applications to increase the school capacity beyond the 460 currently proposed.

Based on the information provided, the Department considers that the additional traffic generated by the proposal would not have a significant impact on the operation of the road network and intersections surrounding the site. Only minor additional average delays are forecast.

Whilst the Department recognises that the proposal would contribute to the intersection of Warnervale Road / Virginia Road reaching capacity (LoS E) in the AM peak 2031, this represents only a minor additional delay of six seconds and is considered acceptable.

On this basis, the Department considers that the road network could accommodate the anticipated additional traffic.

6.1.2 Car parking and drop-off/pick-up

The proposal would result in 32 FTE operational jobs and up to 460 students. A total of 53 parking spaces are proposed, comprising of:

- Western boundary:
 - 21 parking spaces reserved for staff (a ratio of 0.7 spaces per staff member).
 - 16 short term public parking spaces.
 - eight drop-off/pick-up spaces.
 - one accessible space.
- Eastern boundary:
 - seven visitor spaces, two of which are accessible spaces.

In addition to the above, an informal overflow parking area with a capacity for 18 cars is proposed adjacent to the western boundary parking area (see **Figure 9**).

The Applicant originally proposed that the public parking spaces and drop-off/pick-up spaces be dedicated to Council along with the adjacent roundabout on Warnervale Road. Following advice from Council that it did not support this approach, the Applicant confirmed that the public parking spaces and drop-off/pick-up spaces would not be dedicated to Council.

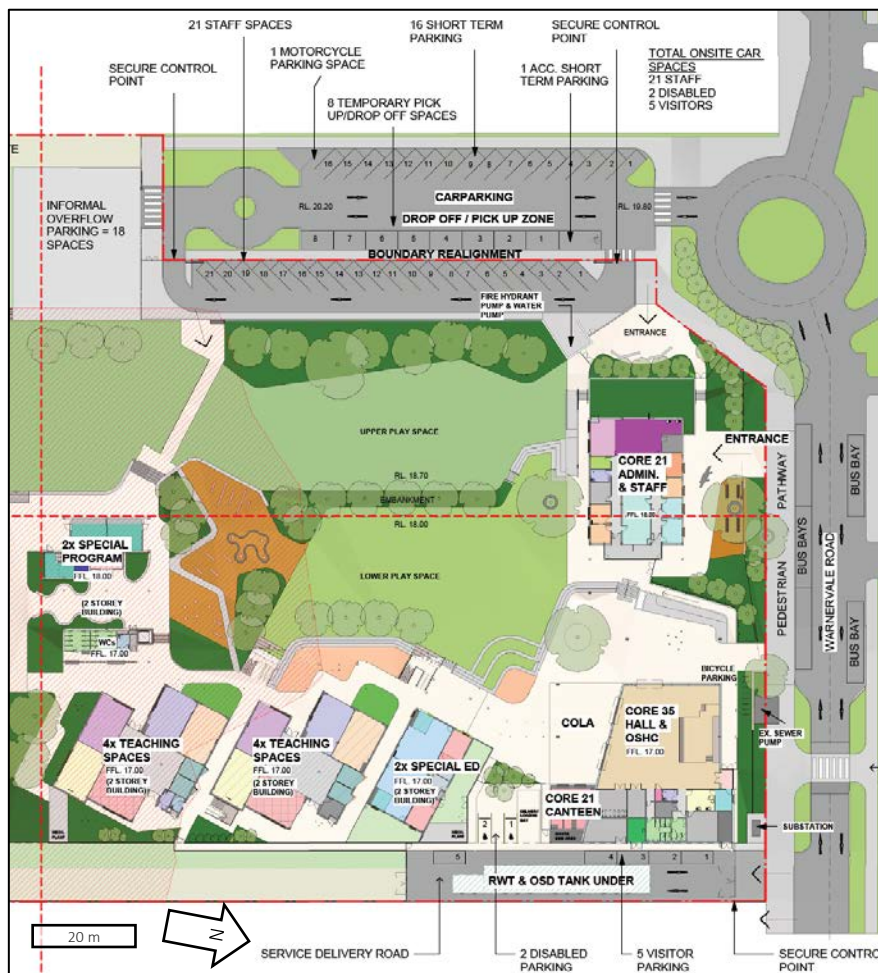


Figure 9 | Site layout showing car parking details (Source: Applicant's EIS 2019)

The Wyong Development Control Plan 2013 (WDCP) would require 21 staff car parking spaces, five visitor spaces and two accessible spaces for students. The proposal therefore complies. However, the

DCP also requires overflow parking at a rate of one space per five students to cater for special occasions, which would equate to 92 spaces. The proposal only includes 18 overflow spaces.

The TIA included an assessment of the expected drop-off/pick-up demand to support the proposed arrangements. Based on the travel mode survey for the existing and nearby Warnervale Public School, the TIA assumed 73.7% or 340 students (based on an enrolment of 460 students) of the proposed school would be driven to school. The TIA also estimated the student occupancy for vehicles dropping-off and picking-up to be 1.3 per vehicle. This results in 262 vehicles / traffic movements during both morning and afternoon peak. The peak 30 minute parking demand would be approximately 50% of the total parent parking demand during both periods, resulting in a drop-off/pick-up demand of approximately 131 vehicles during the peak period.

The TIA found that the proposed eight drop-off/pick-up spaces and 17 short-term parking bays, including one accessible short-term parking space, would provide capacity for at least 170 vehicles during the 30 minute peak period, well in excess of the estimated 131 vehicle movements. The assessment assumes that a maximum time allowed in the respective bays is adhered to / enforced. The TIA therefore determines that the proposed car parking provision would satisfy the expected parking demands of the school.

In its submission, Council suggested reconfiguring the car parking layout to separate the public and staff car parking across the eastern and western parking areas while increasing the number of public car parking spaces.. TfNSW (RMS) and TfNSW raised no concerns with the proposed car parking provision or layout.

The Department considers that the proposed car parking provisions would adequately and practicably service the needs of the school. While it is acknowledged that Council would prefer additional car parking spaces, the proposal is in accordance with Council's DCP requirements for day to day parking. To ensure that the design of the access and parking areas is appropriate, the Department has recommended a condition that these comply with relevant Australian Standards.

The Department recognises that the proposal does not meet the DCP requirements in relation to overflow parking, however, it does include proposals for large events on the site over and above normal school operations. The Department has recommended a condition that requires an Out of Hours Event Management Plan to be prepared for any events that are held including more than 100 people. This should include measures to encourage alternate modes of transport and minimise localised traffic and parking impacts. On this basis, the Department is satisfied that the proposed overflow parking arrangements are acceptable.

The Department notes that the north west corner of the site would need to be dedicated to Council to accommodate the proposed roundabout on Warnervale Road. The Department accepts that land may only be dedicated to Council with its agreement. As such, a condition has been recommended to require the Applicant to submit plans of the proposed boundary realignment / land dedication to the satisfaction of Council and Certifier prior to the commencement of any roadworks. The Department

has also recommended a condition that requires any roadworks that are to be dedicated to Council be designed to the satisfaction of Council.

6.1.3 Public transport

The site is located approximately 600m from Warnervale railway station and is serviced by two existing bus routes, route 11 and route 78. Bus stops are provided on both sides of Warnervale Road within 100m of the site for both routes.

The proposed site plan includes the provision of five bus bays at the frontage of the site, along both sides of Warnervale Road. The TIA states that buses are expected to generate three vehicle movements to the site in both the morning and afternoon peak. It is therefore understood that dedicated bus services are intended to service the school. However, no specific mention of this has been made in either the TIA or the GTP (discussed below). The EIS states that TfNSW would review the need for additional services closer to the opening of the school when details of the student's home addresses are available, while noting that an existing service operates past the subject site to service the existing Warnervale Public School located 1km to the east.

A survey of the existing travel patterns at the Warnervale Public School found that only 14% of students used the bus to get to and from school, 10% walked, and 74% were dropped off by car. It is anticipated that the figures at the proposed new school would be similar.

The Department is satisfied that the Applicant and TfNSW would ensure appropriate capacity is available to cater for demand and that initiatives would be implemented to encourage alternative modes of travel (see **Section 6.1.4**).

6.1.4 Green travel plan (GTP)

A GTP was submitted with the EIS with the purpose of identifying and promoting sustainable transport options to and from the site. It aims to limit the number of private motor vehicle movements by facilitating alternatives such as public transport, cycling, walking and car sharing.

The GTP described the existing public transport available to service the school and the cycle network in the area.

As discussed in **Section 6.1.3**, the site would be serviced by existing bus routes and the implementation of dedicated school bus services would be investigated by TfNSW when enrolment details become available.

The GTP recommends the school appoint a Travel Plan Coordinator, who would in turn convene a Travel Plan Working Group of interested staff and students. The Working Group would then be responsible for implementing a travel mode survey for both parents and school staff, once the new school is operational. The survey would aim to identify the mode share of public, private and active transport, as well as the appetite among parents for car pooling arrangements. The survey results would form a baseline from which the effectiveness of the future actions can be measured against. The working group would then be responsible for establishing targets for different mode shares,

liaising with partners to develop a program of activities to achieve the targets, and monitoring and reviewing the action plan.

No issues or concerns were raised regarding the GTP in any of the submissions. TfNSW recommended a condition of consent be imposed to ensure the implementation of a GTP. The Department has recommended a condition requiring the finalisation and implementation of the GTP as well as annual review of the effectiveness of the GTP.

6.1.5 Pedestrian safety

There is currently limited pedestrian infrastructure surrounding the site, with no existing crossings and a footpath only provided on the northern side of Warnervale Road. The application proposes the construction of a footpath on the southern side of Warnervale Road and a new crossing near the eastern boundary of the site on Warnervale Road to facilitate the safe movement of students to Warnervale Oval, located opposite the site.

No issues were raised regarding pedestrian safety during the exhibition period. However, conditions of consent were recommended by Council, relating to footpath and crossing construction details. TfNSW recommended a condition requiring a traffic and transport management plan, which would include consideration of pedestrian safety.

The Department has recommended conditions requiring the above infrastructure works be designed to the satisfaction of Council and that the Applicant to complete the works prior to the commencement of operation.

6.2 Biodiversity, tree removal and landscaping

6.2.1 Biodiversity

As detailed in **Section 4.4.7**, a Biodiversity Development Assessment Report (BDAR) was submitted with the EIS which assessed the potential impacts of the proposal on biodiversity. The BDAR was prepared in accordance with the requirements of the BC Act. The BDAR identified that, while the site is 4.53ha, the area directly impacted by the proposal would be 3.6ha. Of that area, 2.66ha of native vegetation would be directly impacted:

- 1.14ha of PCT 1590: Spotted Gum – Broad-leaved Mahogany – Red Ironbark shrubby open forest.
- 1.52ha of PCT 1619: Smooth-barked Apple - Red Bloodwood - Brown Stringybark - Hairpin Banksia heathy open forest of coastal lowlands.

In terms of impacts on flora, the affected vegetation communities were divided into zones based on factors such as condition class, area, patch size, survey effort and vegetation integrity. PCT 1590 occurs as two vegetation zones, and PCT 1619 occurs as three vegetation zones. Each zone was assigned a vegetation integrity score based on condition scores for composition, structure, and function. Of the five native vegetation zones, impacts on four are required to be offset as they are above the vegetation integrity score threshold of 17. Vegetation Zone 2 does not require offsets as its

Vegetation Integrity Score was below 17. A summary of the ecosystem credit requirements is provided in **Table 9**. A total of 48 ecosystem credits are required for the proposed development:

- 18 credits to offset impacts on PCT 1590.
- 30 credits to offset impacts on PCT 1619.

Table 9 | Ecosystem credit requirements

Vegetation zone	Vegetation zone Name	Area (ha)	Current Vegetation Integrity Score	Credits Required
1	1590 Mod_Good	0.65	72.5	18
2	1590 Cleared	0.49	16.4	0
3	1619 Mod_Good	1.15	56.8	24
4	1619 Managed	0.32	41	5
5	1619 Cleared	0.04	20.9	1

Three threatened fauna species, Grey-headed Flying-fox (foraging, no camps identified), Eastern Bentwing-bat (foraging) and the Little Bentwing-bat (foraging) were assessed as having a moderate likelihood of occurrence on site. Swift Parrot (foraging), Glossy Black-Cockatoo (foraging) and several other threatened microchiropteran bat species potentially utilise the subject site as part of their foraging range. Due to the large number of historical records of Squirrel Gliders within the locality and high connectivity of the vegetation, the BDAR concluded that the Squirrel Glider has a high likelihood of occurrence within the site. However, field surveys within the study area did not identify any species that would require the retirement of species credits.

In its submission to the EIS, Council raised concerns that the Large Forest Owl and Glossy Black Cockatoo should be assumed to be present for the purpose of calculating species credits. In addition, due to recent records from adjoining sites, the Squirrel Glider should also be assumed to be present (rather than only having high likelihood of occurrence).

EESG also raised concerns in its submission to the EIS in relation to the methodologies used to classify PCT 1590 and to distinguish between the Sugar Glider and the Squirrel Glider. In its RtS, the Applicant provided clarification on both these issues to the satisfaction of EESG. In response to Council's concerns relating to the presence of the Squirrel Glider, the Applicant argued that the surveys undertaken exceeded the requirements of Council's policy and found no evidence that any of these species were present for species credit purposes, despite their having a high likelihood of occurrence.

A Vegetation Management Plan (VMP) was also submitted with the RtS in response to concerns raised by Council which set out:

- a north-south tree canopy corridor for the Squirrel Gliders (see **Figure 10**).
- bush regeneration within the biodiversity valued land to be retained (rear of site).
- hollow replacement or future management of the conservation land at the rear of the site.

- the extent of tree removal and tree replacement.

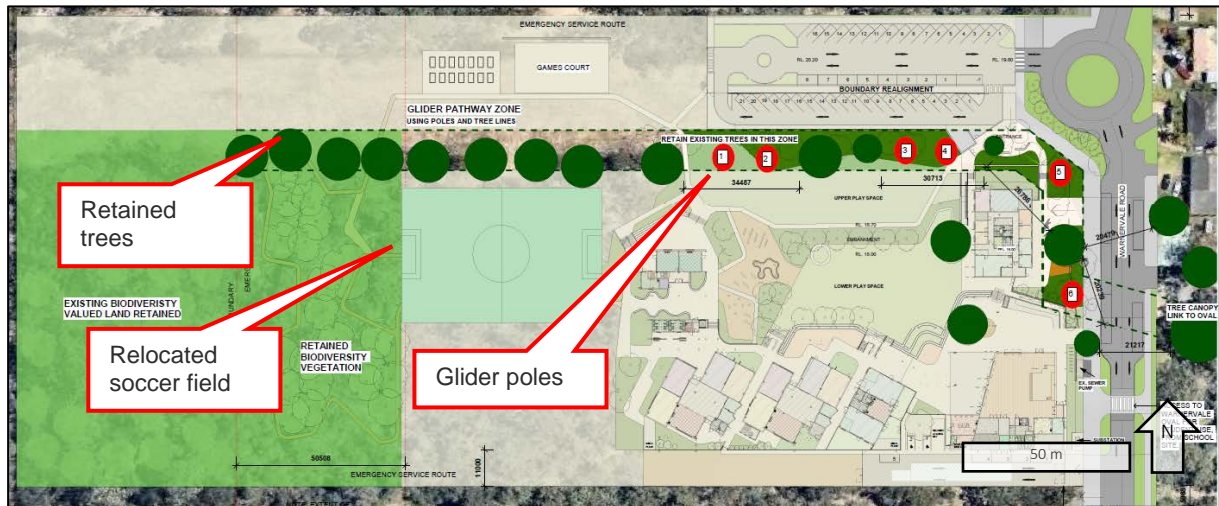


Figure 10 | Location of Squirrel Glider connectivity corridor (Source: Applicant's SRtS)

The VMP notes that a total of 29 hollow-bearing trees and dead stags were identified at the site, of which 18 would likely be removed. Due to the range of hollow-dependent species, including potential threatened species that may utilise the site, a nest box program is required at a ratio of 1:1. The VMP further notes that vegetation on site provides connectivity to vegetation surrounding Warnervale Oval to the site's north. This vegetation has the potential to contribute to the connectivity of different habitat types and allows the movement of threatened species such as the Squirrel Glider. To allow for continued connectivity, the installation of glider poles and suitable tree species in key locations is recommended.

EESG was satisfied with the Applicant's response and had no further issues with the BDAR. Council maintained its concerns in relation to the Squirrel Glider and the requirement that its presence on-site be assumed. Further, it noted that understorey planting would be required around the retained trees and glider poles which are proposed to constitute the tree canopy corridor.

In response to Council's concerns, the Applicant submitted an SRtS which included an amended BDAR to assume the presence of the Squirrel Glider. As a result, the BDAR calculated that the Applicant would be required to retire 64 species credits. The VMP was also amended to include understorey planting along the Squirrel Glider tree canopy corridor.

The Department acknowledges the proposal would result in direct and indirect impacts to biodiversity, however, is satisfied that the direct biodiversity impacts of the proposal would be appropriately offset through the retirement of 48 ecosystem credits as set out in the BDAR. The Department is also satisfied that the indirect impacts would be appropriately offset through the retirement of 64 species credits as proposed in the SRtS. The Department has recommended conditions requiring the offsets to be retired prior to the commencement of vegetation removal.

The Department notes that the proposed location of the Squirrel Glider corridor as set out in the VMP would be located across a proposed soccer field shown on the site plan. The Department has recommended conditions ensuring the VMP is implemented and requiring the submission of amended

landscape plans that show the relocation of the soccer field to accommodate the Squirrel Glider corridor in accordance with the SRtS.

6.2.2 Tree removal and landscaping

An arborist report was submitted with the application that maps 106 trees within the northern area of the site, being the largely cleared area where the previous school was. The demolition plan shows all but nine trees in this part of the site to be removed.

As stated in **Section 6.2.1**, the proposal includes the removal of 2.66ha of vegetation in the centre of the site to provide the school playing fields and establish bush fire asset protection zones between the proposed school buildings and nearby bush fire prone vegetation.

The proposal includes landscaping of the northern and central parts of the site surrounding the proposed school buildings and play areas. The proposal also includes the retention of 1.5ha of native vegetation in the southern portion of the site.

The landscape plan and report lodged with the EIS includes planting zones and a planting schedule. However, the number of replacement trees are not specified. The Department has therefore recommended a condition requiring a detailed landscape plan be provided for approval by the Planning Secretary prior to the commencement of construction, and that the approved works must be completed prior to occupation.

The Department is satisfied the development would provide landscape treatment that would contribute to the amenity and character of the area, subject to the above-mentioned condition.

6.3 Other Issues

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

Table 10 | Department's assessment of other issues

Issue	Findings	Department's consideration and recommended conditions
Built form	<p>The proposal has been planned and designed to respond to the Education SEPP Design and Quality Principles.</p> <p>The proposed development would have a maximum building height of approximately 10.4m and a gross floor area of 4003m² to accommodate a maximum student population of 460. The site is not subject to any building height control nor floor space ratio control under the WLEP 2013.</p> <p>The proposal comprises the construction of four buildings ranging from one to two storeys.</p> <p>The design responds to the surrounding context by proposing a single storey administration and single storey hall building at the street frontage. The teaching and learning spaces are to be located behind the administration and hall buildings, in a lineal two storey building along the eastern boundary at the lower end of the site. A two storey library and special program area would be located adjacent to the teaching space building. The buildings are designed to follow the site contours and front a central courtyard.</p> <p>The buildings would have a low profiled roof that would keep the overall height of the built form to a minimum and in proportion with residential single and double storey streetscape. The buildings' setback from the eastern and western boundaries helps to minimise the impact on adjacent existing and potential future residential properties.</p> <p>The setback from the front boundary with Warnervale Road would be approximately 5.8m to the hall building. The administration building would be setback approximately 15m.</p> <p>No concerns were raised in any submissions in relation to built form and urban design. The Government Architect NSW (GANSW) made comments with regards to fencing and whether it would be possible to make better use of the building walls for the purposes of security, to reduce fencing needs. In the RtS the Applicant responded that, to achieve this, reduced front setbacks or the removal of the public forecourt would be required and</p>	<p>Overall, the Department considers the design of the proposal to be acceptable and appropriate for the site. The Department is satisfied the proposal would make a positive contribution to the character of the surrounding area.</p> <p>The Department is in agreement with the Applicant that the benefits provided by the forecourt and proposed setbacks outweigh any negative urban design outcomes associated with the fencing. Further, the visual impact of the fencing would be mitigated by using varying materials and the staggering of the fence line.</p>

that both these outcomes would be undesirable.

Bushfire	<p>A Bushfire Assessment (BA) was prepared in accordance with the requirements of Planning for Bush Fire Protection 2006 (PBP 2006).</p> <p>The BA states that, as the proposed re-development is a continuation of the existing classification (Class 9b), it is appropriate that it should be classified as 'Infill Development'.</p> <p>The main bushfire hazard is situated to the west and south of the development area, where there is a downslope of 0-5 degrees. Based on this, and the vegetation classification, the APZ required under PBP 2006 is 70m from both the south and west aspects for uses constituting a Special Fire Protection Purpose (SFPP).</p> <p>The BA argues that the administration building is not a SFPP building and therefore has been placed within the 70m APZ, 50m from the western boundary. The SFPP building, being the teaching spaces, is setback 70m from the hazards. Under AS3959-2009 the administration building would require a minimum BAL-19 construction. All other buildings would be constructed to BAL-12.5</p> <p>The NSW RFS provided recommended conditions, including a condition that requires the below-listed site boundary setbacks be managed as an APZ (inner protection area) in perpetuity:</p> <ul style="list-style-type: none"> • East: 11m • South: 70m • West: 70m (except for the administration building which may have a reduced setback of 52m). <p>In its RtS, the Applicant requested this condition be amended to replace the words "in perpetuity" with "for as long as the threat remains".</p>	<p>The Department has considered the information provided by the Applicant and the advice of NSW RFS. The request by the Applicant to limit the requirement to manage the setbacks as an inner protection area, for as long as the threat remains, is reasonable given the planned residential development surrounding the site.</p> <p>In consideration of the BA and the submission from NSW RFS, the Department has recommended conditions to require:</p> <ul style="list-style-type: none"> • implementation of the required APZs surrounding the proposed buildings. • construction of administration building to BAL-19. • construction of remaining buildings to BAL-12.5. • provision of water and services in accordance with PBP 2006. • the preparation of a Bush Fire Emergency Evacuation Plan. • landscaping to comply with PBP 2006. • the proposed emergency services route to comply with PBP 2006.
Social	<p>The EIS considered the social impacts of the proposal and concluded that it would have an overall positive benefit as it would meet the growing demand for high quality public education in an area of significant population growth.</p> <p>The proposal would also offer community use of the school facilities after hours on weekdays and potentially on weekends.</p>	<p>The Department is satisfied that the proposal would have a positive social benefit. The proposal would meet the needs of the growing population of the region and would not displace any community or other facilities.</p> <p>The Department supports the operation of the proposal in addition to the community use of the facility.</p>

		<p>To ensure that out of hours use of the proposal is managed, the Department has recommended conditions:</p> <ul style="list-style-type: none"> • requiring the preparation of Out of Hours Management Plans for both school events and community events • limiting the hours of use of the school facilities.
Aboriginal Cultural Heritage	<p>An Aboriginal Heritage Due Diligence Assessment (AHDDA) submitted with the EIS identified one Aboriginal object within the development area.</p> <p>As a result, an Aboriginal Cultural Heritage Assessment (ACHAR), prepared in accordance with the <i>Guide to investigating, assessing and reporting on Aboriginal cultural heritage in NSW</i> (OEH, 2011), was also submitted with the EIS. The ACHAR incorporated consultation with Aboriginal communities.</p> <p>The ACHAR assessed the identified Aboriginal object as being of low archaeological and scientific significance and that it would not contribute new information about past Aboriginal land use practices across the Wyong area. Further, the ACHAR did not consider there to be any associated areas of potential archaeological deposit within the site.</p> <p>The archaeological survey found that the project area had been subject to a moderate to high degree of disturbance and modification. The survey did not locate any previously unidentified objects within the development area. Mitigation measures were proposed by Darkinjung Local Aboriginal Land Council and are outlined in the ACHAR.</p> <p>EESG reviewed the EIS and supporting documents and provided no comments on Aboriginal cultural heritage.</p>	<p>The Department has reviewed the information provided in the AHDDA and ACHAR. It is satisfied that the proposal would not result in any adverse impacts to Aboriginal cultural heritage, subject to the implementation of appropriate procedures if unexpected objects are discovered.</p> <p>The Department has recommended conditions relating to:</p> <ul style="list-style-type: none"> • preparation of an unexpected finds procedure • the recommendations of the Darkinjung Local Aboriginal Land Council recommendations, as contained in the ACHAR.
Contamination	<p>The EIS included an Initial Evaluation of Contamination Potential report. The evaluation found that there is limited potential for contamination to be present within the proposed development area that would result in an increased risk of harm to terrestrial ecology or human health in the long-term. Further, it found no fill comprising waste materials in the subsurface during soil investigations.</p>	<p>The Department has reviewed the information provided and is satisfied that the Applicant has demonstrated that the site is suitable for its intended use as a school.</p> <p>Notwithstanding this, the Department has recommended conditions requiring the Applicant implement the recommendations contained in the Initial Evaluation</p>

Consequently, it was advised that further Stage 1 and Stage 2 site investigations are not warranted.

Despite the above findings, one soil sample was identified to exceed the selected human health screening criteria for Benzo(a)pyrene TEQ (upper bound). Due to the location of the sample, and the fact that it did not occur in any of the other samples, it was considered most likely to be associated with regular vehicle use on site in relation to the previous school. The evaluation report provided recommendations relating to additional step-out testing of the relevant sample and the separate stockpiling of fill local to the sample. Further, it recommended the preparation of an unexpected finds protocol should any potential contamination be encountered.

The EPA raised no concerns with the evaluation and recommended standard conditions be imposed.

of Contamination Potential report and those provided by the EPA.

Construction Management	<p>Construction activities have the potential to temporarily impact upon the surrounding area from dust, noise, erosion and sedimentation. Additionally, there would likely be an increase in waste generation at the site during construction works.</p> <p>A Construction Environmental Management Plan (CEMP) was lodged with the EIS which outlined procedures for minimising the impacts of construction.</p> <p>A Sediment and Erosion Plan and Strategy was also lodged with the EIS.</p> <p>Both documents were reviewed by the EPA and no concerns were raised.</p> <p>The EPA provided recommended conditions of consent which the Applicant has indicated align with the CEMP and Sediment and Erosion Plan and Strategy.</p>	<p>The Department has considered the information provided by the Applicant and the EPA.</p> <p>The Department has recommended a condition requiring the implementation of the CEMP prior to commencement of any works at the site.</p>
Utilities	<p>An Infrastructure Services Master Plan was lodged with the EIS. The Plan detailed the existing utility service capacity and the augmentation required to facilitate the proposal. It found the proposed development can be adequately serviced by power, telecommunications, water, sewer and gas services. However, it was identified that the local low-voltage electrical infrastructure is insufficient to support the proposed buildings, requiring a kiosk substation (subject to Ausgrid requirements) to be installed to service the site.</p> <p>Augmentation of the local communications</p>	<p>The Department has considered the information provided by the Applicant and Council's comments on the EIS and RtS.</p> <p>The Department has recommended a condition that the development be connected to utilities, subject to the requirements of the suppliers, prior to the commencement of operation.</p> <p>The Department has also recommended a condition that the Applicant obtain a section 307 Certificate of Compliance from</p>

infrastructure would also be required to service the site.

There is an existing sewer pump station which, with augmentation, would have capacity to service the development. However, the Applicant understands that Council intends to decommission the existing pump station and service the area via gravity drainage to an existing sewer main in Virginia Road. This would require an extension of the sewer of approximately 250m at the Applicant's cost.

The Applicant considers this to be an unreasonable imposition given the existing sewer pump out station can accommodate the proposed development (with augmentation), and that they do not expect road widening and relocation of underground services to impact on the viability of retention of the pump out station.

Further, the Applicant understands that Council's position is that the watermain in Warnervale Road should be upgraded. The Applicant considers this unreasonable given the existing water main has sufficient capacity.

Council provided no comments in relation to sewer and water capacity. However, it was recommended to include a condition requiring a Section 307 Certificate of Compliance from Council under the Water Management Act 2000 for sewer and water requirements prior to the issue of an Occupation Certificate.

The Applicant advised that it would not agree to the inclusion of a condition requiring a compliance certificate as Council has indicated it would use this mechanism to seek contributions to sewer and water headworks.

Council under the *Water Management Act 2000* prior to commencement of operation.

Construction
noise and
vibration

A Noise and Vibration Impact Assessment (NVIA) was included with the EIS which considered the acoustic and vibration impacts of the proposal. This found that exceedance of Interim Construction Noise Guideline Management Levels would be unavoidable at times given there are dwellings located approximately 40m from the site. . The assessment recommended mitigation measures be implemented such as noise screens and the preparation of a Construction Noise and Vibration Management Plan (CNVMP) prior to the commencement of works.

The assessment also found that, due to the distance between the site and nearby

The Department has reviewed the NVIA and considered the comments made by the EPA. It is considered that satisfactory measures can be implemented to mitigate construction noise impacts on neighbours.

The Department has recommended a condition requiring the preparation of a CNVMP prior to the commencement of works. It has also recommended standard conditions relating to construction hours and the adherence to EPA noise and vibration guidelines.

receivers, exceedance of the EPA vibration criteria is unlikely.

The EPA recommended standard conditions to minimise noise and vibration impacts during construction.

Operational noise	<p>The NVIA included consideration of the operational noise levels of the proposed school having regard to the Noise Policy for Industry (EPA 2017).</p> <p>The assessment considered noise impacts from student noise within classrooms and outside play areas, mechanical plant and equipment, use of the public address system, traffic generation, waste removal and use of the school hall for events.</p> <p>The assessment concluded that noise impacts from typical internal and external activities and traffic generation would be acceptable and within the relevant criteria.</p> <p>The assessment noted that detailed acoustic assessment of all ventilation or other plant items should be undertaken at detailed design stage, once equipment items are selected and the location is finalised. It noted that it is possible to achieve the EPA criteria using standard acoustic treatments due to the generous distances between the proposed buildings and existing residences. The assessment also detailed measures to mitigate noise from school hall events and the bell/PA system were also provided.</p> <p>The EPA did not provide comments on the operational noise component of the EIS. However, a standard condition was recommended to ensure the development is in accordance with the EIS and appendices.</p>	<p>The Department has reviewed the NVIA. It is considered that satisfactory measures can be implemented to reduce adverse operational noise impacts on neighbours and manage any potential land use conflicts. Accordingly, the Department has recommended conditions requiring the following mitigation measures:</p> <ul style="list-style-type: none">• incorporation of mitigation measures recommended in the NVIA.• preparation of an Out of Hours Event Management Plan.• limits on the hours of operation for out of hours activities.• short term noise monitoring be undertaken to confirm noise levels and identify any further mitigation required.
Stormwater, drainage and flooding	<p>The site is not considered flood prone by Council and a letter from Council confirming this was included with the EIS.</p> <p>The EIS included a Stormwater Management Plan which detailed how stormwater would be managed and disposed of at the proposed school in accordance with Council's Civil Works Specification 2018.</p> <p>Council did not comment on the proposed stormwater management except to note that additional stormwater would be discharged over the downstream property, albeit the flow rate would remain unchanged due to the use of on-site stormwater detention.</p>	<p>The Department is satisfied with the proposed stormwater management methods and has recommended a condition requiring the finalised design and implementation of a stormwater management system for the site in accordance with relevant standards and guidelines.</p>

Advertising signs	The application includes the installation of two school identification signs at the front fence.	The Department is satisfied that the proposed signs are appropriate (see Appendix B).
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6.4 Public interest

The proposal is in the public interest as it would benefit the community by delivering increased education facilities to cater to the growing population of the Central Coast LGA. The proposal would provide contemporary teaching and learning facilities with adaptable and collaborative learning spaces that would improve educational outcomes. It will generate 35 construction jobs, 32 FTE operational jobs and provide a facility for community use outside of standard operation hours.



7. *Evaluation*

The Department has reviewed the EIS, RtS and SRtS and assessed the merits of the proposal, taking into consideration advice from the public authorities, including Council. All environmental issues associated with the proposal have been thoroughly addressed. The Department concludes the impacts of the proposal are acceptable and can be appropriately mitigated through conditions of consent. Consequently, the Department considers the proposal is in the public interest and should be approved.

The proposal is consistent with the objects of the EP&A Act and with the State's strategic objectives as it would improve education results through the provision of a new education facility in an area that is undergoing population growth.

The proposal is suitable for the site and the identified traffic and biodiversity impacts are considered satisfactory on balance and in the context of the benefit the proposal would provide for the local community. The Department has recommended conditions to manage the potential construction and operational impacts on the surrounding land uses.

The proposal is in the public interest as it would provide benefits including:

- delivering increased education facilities to cater to the Central Coast LGA.
- providing education facilities in an accessible area for the community.
- providing a facility for community use outside of standard operational hours.
- delivery of 35 construction jobs and 32 FTE operational jobs.



8. Recommendation

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

- **considers** the findings and recommendations of this report; and
- **accepts and adopts** the findings and recommendations in this report as the reasons for making the decision to grant consent to the application;
- **agrees** with the key reasons for approval listed in the notice of decision;
- **grants consent/approval** for the application in respect of New Warnervale Public School (SSD 9439).
- **signs** the attached development consent and recommended conditions of consent (**Appendix C**).

Recommended by:

Nicholas Gunn

Planning Officer

Schools Infrastructure Assessments

Recommended by:

Jason Maslen

Team Leader

School Infrastructure Assessments



9. *Determination*

The recommendation is: **Adopted** by:

1/5/2020

David Gainsford

Executive Director

Infrastructure Assessments



Appendices

Appendix A - List of Documents

Supporting documents and additional information to this assessment report can be found on the Department of Planning, Industry and Environment's website as follows:

1. Environmental Impact Statement
<https://www.planningportal.nsw.gov.au/major-projects/project/10106>
2. Submissions
<https://www.planningportal.nsw.gov.au/major-projects/project/10106>
3. Applicant's Response to Submissions
<https://www.planningportal.nsw.gov.au/major-projects/project/10106>
4. Applicant's Supplementary information
<https://www.planningportal.nsw.gov.au/major-projects/project/10106>

Appendix B - Statutory Considerations

9.1.1 Environmental Planning Instruments (EPIs)

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

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

- State Environmental Planning Policy (State & Regional Development) 2011 (SRD SEPP)
- State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017 (Education SEPP)
- State Environmental Planning Policy No. 55 – Remediation of Land (SEPP 55)
- State Environmental Planning Policy No. 64 – Advertising Structures and Signage (SEPP 64)
- Draft State Environmental Planning Policy (Remediation of Land) (Draft Remediation SEPP)
- Draft State Environmental Planning Policy (Environment) (Draft Environment SEPP)
- Wyong Local Environmental Plan (WLEP) 2013.

9.1.2 Compliance with Controls

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

The aims of the SRD SEPP are to identify State Significant Development (SSD), State significant infrastructure (SSI), critical SSI and to confer functions on regional planning panels to determine development applications.

The proposal is SSD as summarised at Table B1.

Table B1 | SRD SEPP compliance table

Relevant sections	Consideration and comments	Complies
3 Aims of Policy The aims of this Policy are as follows: (a) to identify development that is State significant development	The proposed development is identified as SSD.	Yes
8 Declaration of State significant development: section 4.36 (1) Development is declared to be State significant development for the purposes of the Act if: (a) the development on the land concerned is, by the operation of an environmental planning instrument, not permissible without development consent under Part 4 of the Act, and	The proposed development is permissible with development consent. The proposal is for the purpose of a new school (regardless of the capital investment value) under clause 15 (educational	Yes

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

State Environmental Planning Policy (Infrastructure) 2007

The Infrastructure SEPP aims to facilitate the effective delivery of infrastructure across the State by improving regulatory certainty and efficiency, identifying matters to be considered in the assessment of development adjacent to types of infrastructure development, and providing for consultation with relevant public authorities about certain development during the assessment process.

Educational establishments are no longer covered under the traffic generating development provisions of the Infrastructure SEPP as they are considered under the Education SEPP. Notwithstanding, the application was referred to Transport for NSW (RMS) for comment.

The proposal seeks the provision of a new substation. In accordance with clause 45 of the Infrastructure SEPP, the development must be referred to the relevant electricity supply authority for comment. The application was referred to Ausgrid, and no comment was received. The Department is satisfied that the proposed development meets the requirements of Infrastructure SEPP.

The proposal is therefore consistent with the Infrastructure SEPP given the consultation and consideration of the comments from the relevant public authorities. The Department has included suitable conditions in the recommended conditions of consent (see **Appendix C**).

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

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

Clause 42 of the Education SEPP states that Development consent may be granted for development for the purpose of a school that is 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 complies with the relevant development standards imposed by the WLEP 2013.

Clause 57 of the Education SEPP requires traffic generating development that involve addition of 50 or more students to be referred to TfNSW (RMS), and the Application was referred 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 school has been designed to fit into the surrounding environment.</p> <p>The proposal includes landscaping that would soften the overall appearance and integrate the site with the surrounds.</p>
Sustainable, efficient and durable	<p>The proposal includes ecologically sustainable development initiatives and sustainability measures, including targeting a 40% reduction in predicted energy consumption and greenhouse gas emissions compared to a minimum code compliant building.</p> <p>Water and energy saving measures have been incorporated and a Green Travel Plan submitted which encourages sustainable travel modes.</p>
Accessible and inclusive	<p>The EIS included an Access Report that assessed the proposal against the requirements of the Building Code of Australia 2016 (BCA), Disability (Access to Premises) Standards 2010 and <i>Disability Discrimination Act 1992</i>. The Applicant concluded that the proposal can achieve compliance with the relevant statutory requirements.</p>
Amenity	<p>The proposal creates a variety of interesting and useable playground spaces.</p> <p>The buildings utilise the 4m cross fall from the West to the East of the site, where the two storey buildings are located on the lower part of the site. This aims to lower the impact on the surrounding environment by helping to reduce the scale and height of the development.</p>
Health and Safety	<p>Provision of a secondary fence line surrounding the forecourt allows the gates in the primary fence line to remain open to the public during school hours. Administration would have good surveillance of the public forecourt and people entering and leaving the site.</p> <p>All external environments are open and visually connected, hence promoting good surveillance.</p>
Whole of life, flexible, adaptable	<p>The Applicant has considered future expansion opportunities in the proposed design to minimise potential interruption by any future development. The lower and upper ground level learning pods and library are currently designed with large outdoor areas on a concrete slab and with a generous covering roof overhang. These areas could</p>

be internalised for future expansion with minimal impact to other parts of the building.

The internal floor plates are designed to be fitted out with non-load bearing partition walls to enable future modifications to be made with minimal impact to the building structure.

Aesthetics

The proposal is sympathetic in scale and form to the surrounding development.

The low profiled roof keeps the overall height of the built form to a minimum and is in proportion with residential single and double storey streetscape. The buildings' setback from the eastern and western boundaries helps to minimise the impact on adjacent existing and potential future residential properties.

Native planting, turfed areas, natural stone block walls and scattered proposed and existing trees reflect the natural surrounds of the region.

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.

The EIS included an Initial Evaluation of Contamination Potential report. The evaluation found that there is limited potential for contamination to be present within the proposed development area that would result in an increased risk of harm to terrestrial ecology or human health in the long-term. Further, it found no fill comprising waste materials in the subsurface during soil investigations (see **Section 6.3**).

In accordance with clause 7 SEPP 55, the investigations undertaken of the subject site demonstrate that the site is suitable for its intended use. The Department has recommended conditions relating to the implementation an unexpected finds protocol and recommendations of the Initial Evaluation of Contamination Potential report. Subject to these conditions, the Department is satisfied that the site is suitable for its intended use.

State Environmental Planning Policy No. 64 – Advertising and Signage

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

The development includes two building identification signs on the front fence. Under clause 8 of SEPP 64, consent must not be granted for any signage application unless the proposal is consistent with the objectives of the SEPP and with the assessment criteria which are contained in Schedule 1. The EIS included an assessment of the proposed signage against provisions of Schedule 1 of SEPP 64.

The Department has considered the proposed signs against the same assessment criteria and found them to be acceptable. It is considered that the proposed signage has been designed in accordance with clause 3 of SEPP 64, is compatible with the desired amenity and visual character of the area, provides effective communication, and is of a high-quality design and finish.

An assessment of the signs against Schedule 1 of SEPP 64 is provided in **Table B3**.

Table B3 | SEPP 64 compliance table

Assessment Criteria	Comments	Compliance
1 Character of the area		
Is the proposal compatible with the existing or desired future character of the area or locality in which it is proposed to be located?	Proposed signage comprises two simple school identification signs that would be appropriately placed at the entry of the school.	Yes
Is the proposal consistent with a particular theme for outdoor advertising in the area or locality?	There is no particular theme for outdoor advertising in the area or locality, and the proposal does not seek to provide any advertising.	N/A
2 Special areas		
Does the proposal detract from the amenity or visual quality of any environmentally sensitive areas, heritage areas, natural or other conservation areas, open space areas, waterways, rural landscapes or residential areas?	The proposed signage would not detract from the visual amenity of surrounding residential areas. The location is not part of any environmentally sensitive area or area of identified heritage.	Yes
3 Views and vistas		
Does the proposal obscure or compromise important views?	No	Yes
Does the proposal dominate the skyline and reduce the quality of vistas?	No	Yes
Does the proposal respect the viewing rights of other advertisers?	No	Yes

4 Streetscape, setting or landscape

Is the scale, proportion and form of the proposal appropriate for the streetscape, setting or landscape?	Yes	Yes
Does the proposal contribute to the visual interest of the streetscape, setting or landscape?	Yes	Yes
Does the proposal reduce clutter by rationalising and simplifying existing advertising?	Not applicable	N/A
Does the proposal screen unsightliness?	There is no unsightliness required to be screened.	Yes
Does the proposal protrude above buildings, structures or tree canopies in the area or locality?	No. The proposed signage would be attached to the site fencing.	Yes
Does the proposal require ongoing vegetation management?	No	Yes

5 Site and building

Is the proposal compatible with the scale, proportion and other characteristics of the site or building, or both, on which the proposed signage is to be located?	Yes. The proposed signage has been located in the most appropriate location to assist in place identification and wayfinding.	Yes
Does the proposal respect important features of the site or building, or both?	Yes	Yes
Does the proposal show innovation and imagination in its relationship to the site or building, or both?	The proposed signage is appropriately located to fit in with the design of the proposed buildings.	Yes

6 Associated devices and logos with advertisements and advertising structures

Have any safety devices, platforms, lighting devices or logos been designed as an integral	No	Yes
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part of the signage or structure on which it is to be displayed?

7 Illumination

Would illumination result in unacceptable glare?	Not applicable	Yes
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Would illumination affect safety for pedestrians, vehicles or aircraft?		
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Would illumination detract from the amenity of any residence or other form of accommodation?	Not applicable	Yes
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Can the intensity of the illumination be adjusted, if necessary?	Not applicable	Yes
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Is the illumination subject to a curfew?		
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8 Safety

Would the proposal reduce safety for pedestrians, particularly children, by obscuring sightlines from public areas?	No. The proposed signs would be attached to the fence and would not protrude outwards or upwards.	Yes
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Would the proposal reduce safety for any public road?	No	Yes
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Draft State Environmental Planning Policy (Remediation of Land)

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

Additionally, the provisions of the Draft Remediation SEPP will 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 would be consistent with the objectives of the Draft Remediation SEPP.

Draft State Environmental Planning Policy (Environment) (Draft Environment 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.

Wyong Local Environmental Plan (WLEP) 2013

The WLEP 2013 aims to encourage the development of housing, employment, infrastructure and community services to meet the needs of the existing and future residents of the former Wyong LGA. It 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 2013 and those matters raised by Council in its assessment of the development (**Section 5**). The Department concludes the development is consistent with the relevant provisions of the WLEP 2013. Consideration of the relevant clauses of the WLEP 2013 is provided in **Table B4**.

Table B4 | Consideration of the WLEP 2013

WLEP 2013	Department Comment/Assessment
Clause 2.3 Zone Objectives and Land Use Table	<p>Part of the site is zoned R1 – General Residential. Educational establishments are permissible within the zone and consistent with the zone objectives.</p> <p>Part of the site is zoned R2 – Low Density Residential. Educational establishments are a prohibited land use in the R2 zone. However, under Clause 35(1) of the Education SEPP, development for the purpose of a school is permitted with consent in a prescribed zone (which includes the R1 General Residential Zone and the R2 Low Density Residential Zone that apply to the site).</p>
Clause 4.3 Building height	The site is not subject to a building height control.
Clause 4.4 Floor Space Ratio	The site is not subject to a floor space ratio control.

Clause 5.10 Heritage conservation	The site is not a listed heritage item or located near heritage items.
Clause 5.12 Infrastructure development and use of existing buildings of the Crown	The proposal does not include development that is otherwise prohibited.
Clause 7.2 Flood planning	A small portion of the site in the north-east corner is under the flood planning level as per the flood planning map in the WLEP 2013. However, Council's current online flood map shows, as of June 2019, the property is no longer considered as flood affected.

Other policies

In accordance with clause 11 of the SRD SEPP, Development Control Plans do not apply to SSD. Notwithstanding this, the objectives of relevant controls under the Wyong Development Control Plan 2013, where relevant, have been considered in **Section 6** of this report.

Appendix C - Recommended Instrument of Consent/Approval