


Review of Environmental Factors Decision Statement

Upgrades to Kogarah Public School

Table 1: REF Details

Document Name	Review of Environmental Factors - Upgrades to Kogarah Public School
REF Date	2 June 2025
REF Version No.	Version 4
Portal Reference No.	P5-2024-218
Location	Kogarah Public School, 24B Gladstone Street, Kogarah
Summary of Proposed Activity	Demolition of structures and construction of a new 3 storey classroom building, single storey hall with COLA and associated works, including tree removal.
Prepared by	Barker Ryan Stewart - Ben Miller
Assessments Manager Endorsement	<p>I certify that I have reviewed and endorsed the contents of the REF document and the Decision Statement and, to the best of my knowledge, it is in accordance with the <i>Environmental Planning and Assessment Act 1979</i>, the <i>Environmental Planning and Assessment Regulation 2021</i> (EP&A Regulation) and the Guidelines approved under section 170 of the EP&A Regulation and the information it contains is neither false nor misleading.</p>  <p>Darren Troy, Manager Assessments, 8 July 2025</p>

The Review of Environmental Factors (**REF**) has been assessed and considered in accordance with the requirements of sections 1.7, 5.5, 5.7 and 5.10 of the *Environmental Planning and Assessment Act 1979* (**EP&A Act**), sections 171 and 171A of the *Environmental Planning and Assessment Regulation 2021* (**EP&A Regulation**) and the Guidelines approved under section 170 EP&A Regulation.

In considering the activity and for the purpose of attaining the objects of the EP&A Act relating to the protection and enhancement of the environment, the NSW Department of Education (**the department**) has examined and taken into account to the fullest extent possible, all matters affecting or likely to affect the environment arising from the activity, as addressed in the REF including any necessary mitigation or management measures.

The REF is supported by specialist investigations and studies that have assessed the following matters and key impacts:

- Transport, Traffic and Access
- Contamination
- Non-Aboriginal Heritage and Archaeology
- Design Quality

The REF provides an environmental assessment of the activity against the requirements of Division 5.1 of the EP&A Act and the EP&A Regulation, including but not limited to:

- *Guidelines for Division 5.1 Assessments*, prepared by the Department of Planning and Environment, June 2022; and
- *Guidelines for Division 5.1 assessments—Consideration of Environmental Factors for Health Services Facilities and Schools* prepared by DPHI, October 2024.

Notification of the activity occurred in accordance with s3.38 of *State Environmental Planning Policy (Transport and Infrastructure) 2021 (TI SEPP)* and having regard to:

- the Stakeholder and Community Participation Plan for new schools and major upgrade projects published by the NSW Department of Education in October 2024.

The REF was publicly exhibited on the NSW Planning Portal for 21 days from 16 April 2025 until 6 May 2025. Written notice was provided to neighbouring and nearby property owners and/or occupants in vicinity of the proposal. The relevant local council, Georges River Council, was provided written notice of the proposed activity on 14 April 2025, as well as relevant State and Commonwealth government agencies and service providers on 14 April 2025. Four submissions were received during the exhibition period, comprising four submissions from government agencies, including the relevant Council. There were no public or community submissions. Whilst there were no late submissions, a supplementary submission was received from Transport for NSW (TfNSW) that has been addressed in the assessment and determination of the project.

The activity has considered the issues raised in submissions received during the consultation period and these submissions have been addressed in the assessment of the proposed activity. As the determining authority, the department is satisfied that appropriate consultation has been undertaken, having regard to the relevant stakeholder and community participation plan.

This determination is made following consideration of the matters in sections 1.7, 5.5, 5.7 and 5.10 of the EP&A Act, and section 171 and section 171A of the EP&A Regulation. This determination is also made following consideration of the design quality of the development, evaluated in accordance with the design quality principles set out in schedule 8 of the TI SEPP and the design principles set out in the *Design Guide for Schools* (2025) published by the NSW Government Architect.

The REF has considered the potential impacts arising from the proposal, including any impacts on critical habitat and threatened species, populations and ecological communities and their habitats in accordance with Part 7 of the *Biodiversity Conservation Act 2016* (**BC Act 2016**). The REF has also assessed the need for referral to the Commonwealth Minister for the Environment under the *Environment Protection and Biodiversity Conservation Act 1999* (**EPBC Act**).

The REF identifies a range of environmental outcomes and safeguards as mitigation measures that would be required to avoid or reduce environmental impacts. The updated mitigation measures for the proposal are included at **Appendix 1 of the REF** (V3 dated 27 June 2025) and additional and amended measures are listed in **Attachment 1**.

The additional mitigation measures have been included to:

- ensure Dial Before You Dig processes are followed as part of the construction process, and to address comment by Georges River Council in relation to the easement on the neighbouring properties (CMM1A); and
- address comments by TfNSW to ensure the proposed construction access to the Princes Highway is temporary, and the kerb and guttering is reinstated following completion of construction works (OPTMM5).

Mitigation measure have been amended to:

- address airspace safety requirements in relation to evidence of approval for crane heights that exceed the relevant height limit and respond to the Civil Aviation Safety Authority comments (CMM21); and
- address comments raised by TfNSW and ensure the existing kerbside fencing on the Princes Highway frontage is extended in accordance with TfNSW guidelines and specifications, that “No stopping” restrictions are implemented along the Princes Highway frontage, and that these works are subject to TfNSW approval/authorisation where required (OPTMM4).

As an authorised person on behalf of the department who did not prepare the REF, I discharge the duty as a determining authority under Division 5.1 of the EP&A Act and conclude that based on the REF document and other information provided:

- the proposed activity is not likely to have a significant impact on the environment and therefore an Environmental Impact Statement is not required;
- the proposed activity will not be carried out in a declared area of outstanding biodiversity value and is not likely to significantly affect threatened species, populations or ecological communities, or their habitats or impact biodiversity values, meaning a Species Impact Statement and/or Biodiversity Development Assessment Report is not required;
- the proposed activity may proceed as it responds to the ongoing demand for educational facilities in this locality and it generally complies with, or is consistent with all relevant legislation, plans and policies;
- mitigation measures are required to eliminate, minimise or manage environmental impacts and have been addressed in the updated mitigation measures (V3 dated 27 June) at

- Appendix 1** of the REF and at **Attachment 1** of this Decision Statement, and endorsed by the Assessments Manager at **Table 1** of this Decision Statement; and
- the proposed activity is not likely to have a significant impact on matters of national environmental significance, or on the environment of Commonwealth land, and therefore referral to the Minister under the EPBC Act is not required.

Having regard to the above, and having the power to exercise the functions of the determining authority under Part 5, Division 5.1 of the *Environmental Planning and Assessment Act 1979* and Part 8, Division 1 of the *Environmental Planning and Assessment Regulation 2021* (EP&A Regulation), the proposal as described in the REF at Kogarah Public School, is **APPROVED** on behalf of the department and may proceed without the need for further assessment, subject to compliance with and implementation of the following:

1. The REF and associated appendices;
2. The updated Mitigation Measures included at **Appendix 1** of the REF and the additional and amended measures listed in **Attachment 1**; and
3. All other relevant statutory requirements, including approvals, licences, notifications, permits, and authorisations.

Yvette Buchli

Yvette Buchli
Executive Director, Planning and Assessments
8 July 2025

Attachment 1

Additional Measures

CMM1A (new measure to be inserted after CMM1)

Contact “Dial Before You Dig on 1100” to obtain a Service Diagram. The sequence number obtained from “Dial Before You Dig” is to be provided to the Project Lead.

OPTMM5 (new measure to be inserted after OPTMM4)

The proposed construction access on Princes Highway shall be temporary and reinstated to kerb and gutter following the completion of the construction works in accordance with TfNSW guidelines and specifications and subject to TfNSW approval/authorisation where required.

Amended Measures

(amendments and deletions in ~~striketrough~~ and additions in **bold text**)

CMM21

Confirmation must be provided to the ~~Crown Certifier~~ **Department of Education’s Post Approval and Compliance Team** that cranes to be used during construction will not breach the 51m AHD **Obstacle Limitation Surface** (OLS) control in order to appropriately address airspace safety requirements. Should crane height breach the control, an Aviation Consultant must be engaged to liaise with relevant airport authorities. Where appropriate, approvals must be obtained for any conflict with OLS airspace.

OPTMM4

~~Prior to the commencement of operations, a kerb side safety fencing within the road reserve must be provided along the Princes Highway to ensure the safety of students accessing the pedestrian gate, and the existing emergency vehicular access point to be deleted in accordance with Transport for NSW advice (updated TfNSW Response 25.06.2025, CM Ref: DOC/1131823) including the use of the Princes Highway during construction and operation~~

The existing kerbside fencing on the Princes Highway frontage shall be extended to the southern boundary of the school and the median island fencing on Princes Highway shall also be extended to the south with a minimum length of 20m upon completion of construction works, and before the use of pedestrian access. Prior to the use of the new pedestrian access gate on Princes Highway. “No Stopping” restrictions shall be implemented along the full Princes Highway frontage of the school to accommodate the proposed kerbside fencing and access changes. These works are to be undertaken in accordance with Transport for NSW guidelines and specifications, and subject to Transport for NSW approval/authorisation where required.