NSW Department of Education

Review of Environmental Factors

Upgrades to Kingswood Public School

New Classroom Building

Document version: Final – Version 4

Date: 14/05/2025

NSW GOVERNMENT

Acknowledgement of Country

The NSW Department of Education acknowledges the Darug People, the traditional custodians of the land on which the construction of a classroom building and associated works at Kingswood Public School is proposed.

We pay our respects to the Darug Elders past and present and celebrate the diversity of Aboriginal people and their ongoing cultures and connections to the lands and waters of Australia.

The NSW Department of Education is committed to honouring Aboriginal peoples' cultural and spiritual connections to the land, waters and seas and their rich contribution to society.

The NSW Department of Education recognises that by acknowledging our past, we are laying the groundwork for a future that embraces all Australians; a future based on mutual respect and shared responsibility.

Declaration

This Review of Environmental Factors (REF) has been prepared by DFP Planning Pty Ltd on behalf of the NSW Department of Education (department) and assesses the potential environmental impacts which could arise from the construction of a single storey classroom building at Kingswood Public School, located at 46-54 Second Avenue, Kingswood.

This REF has been prepared in accordance with the *Guidelines for Division 5.1 Assessments* (the Guidelines) and any relevant addendum, and the relevant provisions of the *Environmental Planning and Assessment Act 1979* (EP&A Act), the *Environmental Planning and Assessment Regulation 2021* (EP&A Regulation) and *State Environmental Planning Policy (Transport and Infrastructure) 2021* (TI SEPP).

This REF provides a true and fair review of the activity in relation to its likely impact on the environment and the information it contains is neither false nor misleading. It addresses to the fullest extent possible all the factors listed in Section 3 of the Guidelines, the EP&A Regulation and the Commonwealth *Environmental Protection and Biodiversity Conservation Act 1999* (EPBC Act).

In preparing the REF I have declared any possible conflict of interests (real, potential or perceived) and I do not consider I have any personal interests that would affect my professional judgement.

Author	Kendal Mackay, DFP Planning Pty Ltd
Qualification	BTP, MTrans
REAP	4572
Position	Managing Director
Signature	
Date	14/5/2025

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Abbreviations

Abbreviation	Description
AHIP	Aboriginal Heritage Impact Permit
AHIMS	Aboriginal Heritage Information Management System
BC Act 2016	*Biodiversity Conservation Act 2016*
BC Regulation	Biodiversity Conservation Regulation 2017
BAM	Biodiversity Assessment Method
BCA	Building Code of Australia
BDAR	Biodiversity Development Assessment Report
CA	Certifying Authority
CM Act	*Coastal Management Act 2016*
CEMP	Construction Environmental Management Plan
The department	NSW Department of Education
DCCEEW	Department of Climate Change, Energy, the Environment and Water
DPHI	Department of Planning, Housing and Infrastructure
Design Guide	*Design Guide for Schools* published by the Government Architect in May 2018
EIS	Environmental Impact Statement
EMP	Environmental Management Plan
EP&A Act	*Environmental Planning and Assessment Act 1979*
EP&A Regulation	*Environmental Planning and Assessment Regulation 2021*
EPBC Act	*Environment Protection and Biodiversity Conservation Act 1999*
EPI	Environmental Planning Instrument
ESD	Ecologically Sustainable Development
FM Act	*Fisheries Management Act 1994*
Ha	Hectares
LEP	Local Environmental Plan
LGA	Local Government Area
NCC	National Construction Code
NorBE	Neutral or Beneficial Effect on Water Quality Assessment Guideline (2022)

Abbreviation	Description
NPW Act	*National Parks and Wildlife Act 1974*
NPW Regulation	National Parks and Wildlife Regulation 2009
NPWS	National Parks and Wildlife Service (part of EES)
NSW RFS	NSW Rural Fire Service
Planning Systems SEPP	State Environmental Planning Policy (Planning Systems) 2021
Proponent	NSW Department of Education
REF	Review of Environmental Factors
RF Act	*Rural Fires Act 1997*
Resilience and Hazards SEPP	State Environmental Planning Policy (Resilience and Hazards) 2021
Roads Act	*Roads Act 1993*
SCPP DoE	*Stakeholder and community participation plan,* published by the NSW Department of Education October 2024
SEPP	State Environmental Planning Policy
SIS	Species Impact Statement
TI SEPP	State Environmental Planning Policy (Transport and Infrastructure) 2021
WM Act	*Water Management Act 2000*

1. Introduction

This Review of Environmental Factors (REF) has been prepared on behalf of the NSW Department of Education (the department) to determine the environmental impacts of the proposed activity described in Section 2. For the purposes of these works, the department is the proponent and the determining authority under Part 5 of the *Environmental Planning and Assessment Act 1979* (EP&A Act).

The purpose of this REF is to describe the proposal, examine and take into account all matters affecting or likely to affect the environment and to detail protective measures to be implemented to mitigate impacts.

The description of the proposed activity and associated environmental impacts have been undertaken in the accordance with the *Guidelines for Division 5.1 Assessments* (DPE, June 2022), Guidelines for Division 5.1 assessments - consideration of environmental factors for hospital and school activities Addendum (DPHI, October 2024), EP&A Act, the *Environmental Planning and Assessment Regulation 2021*, and the *Commonwealth Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act).

The assessment contained within the REF has been prepared having regard to:

- Whether the proposed activity is likely to have a significant impact on the environment and therefore the necessity for an EIS to be prepared and approval to be sought from the Minister for Planning and Public Spaces under Part 5 of the EP&A Act; and
- The potential for the proposal to significantly impact *Matters of National Environmental Significance* (MNES) on Commonwealth land and the need to make a referral to the Australian Government Department of Environment and Energy for a decision by the commonwealth Minister for the Environment on whether assessment and approval is required under the EPBC Act.

The REF addresses the requirements of Section 5.5 of the EP&A Act, which requires that the department examine, and take into account to the fullest extent possible, all matters affecting, or likely to affect, the environment by reason of the proposed activity.

2. The Proposal

2.1 Summary

Table 1 provides summary details of the proposed activity, including details of the site and its surrounding environment.

Table 1: Description of the proposal

Project Element	Description
Proponent	The Department of Education
Proposal	Removal of ten (10) existing portable classrooms and construction of a single storey classroom building containing eight (8) general learning spaces (GLSs) and two (2) learning commons spaces, and ancillary structures.
Description	The proposal will result in the construction of a new, permanent, single storey classroom building containing eight (8) GLSs and two (2) learning commons spaces. Ancillary works include construction of a covered walkway connecting the new building to an existing school building (Building L), tree removal to accommodate the built structures, new landscaping, stormwater management works and utility services connections. Further details of the proposal and the site context are provided at **Section 2.3**.
Location	46-54 Second Avenue, Kingswood Lot 172 in DP 839785 Further details of the site location, existing improvements and surrounding development are provided at **Section 2.2**.
Local Government Area	Penrith City Council
Site Description	The proposed new classroom building is located toward the western side of the site, midway along the length of the site. Further details of the site and the location of the proposed works are provided at **Section 2.2 and Section 2.3**.
Environment of the Activity	The site is located between public recreation land uses to the north, educational land uses to the east, an aged care facility to the south and low density residential development to the west as described in **Section 2.2**. Key environmental constraints on the site and/or within the locality include: - The site is identified as a local heritage item known as the Kingswood Public School Item number 098 in the *Penrith Local Environmental Plan 2010*. A Statement of Heritage Impact, prepared as part of this REF, states that the existing Building B, a single storey painted brick building constructed circa 1892 is the only building of heritage significance and no other buildings on the site are of heritage significance, including the existing portable classrooms, - Some vegetation within the site conforms to a Threatened Ecological Community (TEC); and - A local overland flow path traverses the southern portion of the site.

Project Element	Description
	These constraints are considered in the environmental assessment at **Section 5.2** of this REF.
Need for the proposal	The proposal is needed to replace existing temporary portable classrooms with new high quality permanent teaching and learning spaces.
Alternatives	The alternatives to the proposal include: - Do nothing – continue to use the existing portable classrooms; or - Replace the existing portable classrooms with newer portable classrooms; or - Locate the new classroom elsewhere within the site. The proposal to construct a permanent classroom building was determined to be the best option because: - Retention or replacement of the existing portable classrooms does not provide a long-term benefit in respect of teaching and learning spaces; and - Alternate locations for the new building would have greater impacts with respect to loss of play space, connectivity to existing buildings, additional vegetation loss and potentially heritage.
Justification	The new classroom building will enhance the operations of the school by providing for permanent teaching facilities to replace existing portable classrooms.
Construction Activities	The proposed construction works are anticipated to commence by August 2025 and be completed by June 2026. Further details of the proposed construction activities and utility connections are provided at **Section 2.3**.
Operation Activities	The proposal is for replacement of portable classrooms with permanent classroom only and there is no change to student or staff numbers or the operational aspects of the existing school.
Other relevant projects, programs and plans	There are no other relevant projects on the site or nearby that would contribute to any cumulative impacts that warrant assessment within this REF.

2.2 Site Locality and Description

2.2.1 The Site

The site is within the boundaries of the existing Kingswood Public School, located approximately 52km west of the Sydney central business district (CBD) in the Penrith City Council Local Government Area (LGA), immediately west of the Western Sydney University (WSU) Penrith Campus.

The site is legally described as Lot 172 in Deposited Plan (DP) 839785 and is known as 46-54 Second Avenue, Kingswood. The site has a northern frontage to Second Avenue of approximately 77m, a rear (southern) boundary of approximately 100m, and a depth of approximately 425m, providing a site area of approximately 4.204 hectares. The site slopes gently downward approximately 15m from the south-east to the north- west at an average gradient of 1 in 30.

The existing built form on the site comprises mostly permanent structures located in the northern portion of the site.

Building B at the centre of the site with a direct line of sight from Second Avenue, was constructed circa 1892. Most other permanent buildings were construction in the mid-1950s. The site also

includes ten (10) portable classroom buildings distributed across the northern part of the site, including one (1) near the street frontage, one (1) near the western boundary and eight (8) near the eastern boundary. These buildings are used for teaching and learning, as well as administrative purposes.

Figure 1 is an aerial photograph of the site which illustrates the built form and open play areas.

Figure 1: Site Aerial

Figure 2 is a Locality Plan showing the site outlined in blue.

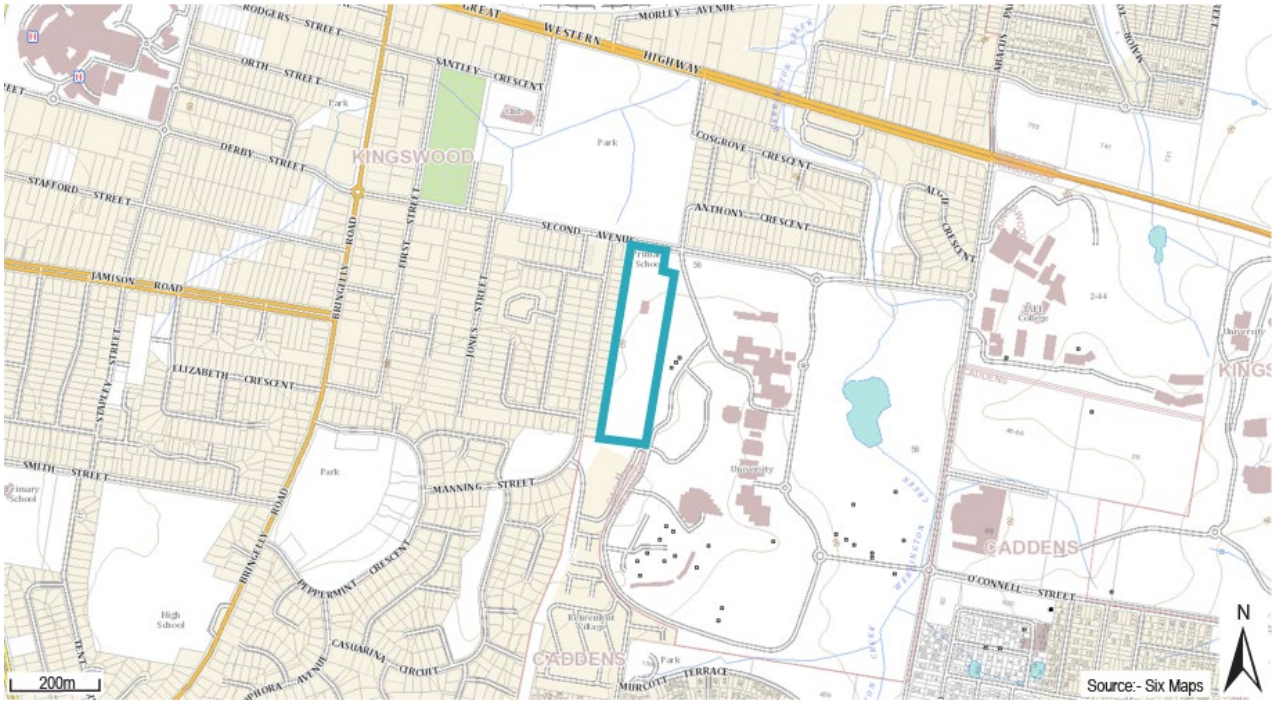

Figure 2: Locality Plan

Figure 3 is a plan showing the key built features of the site.

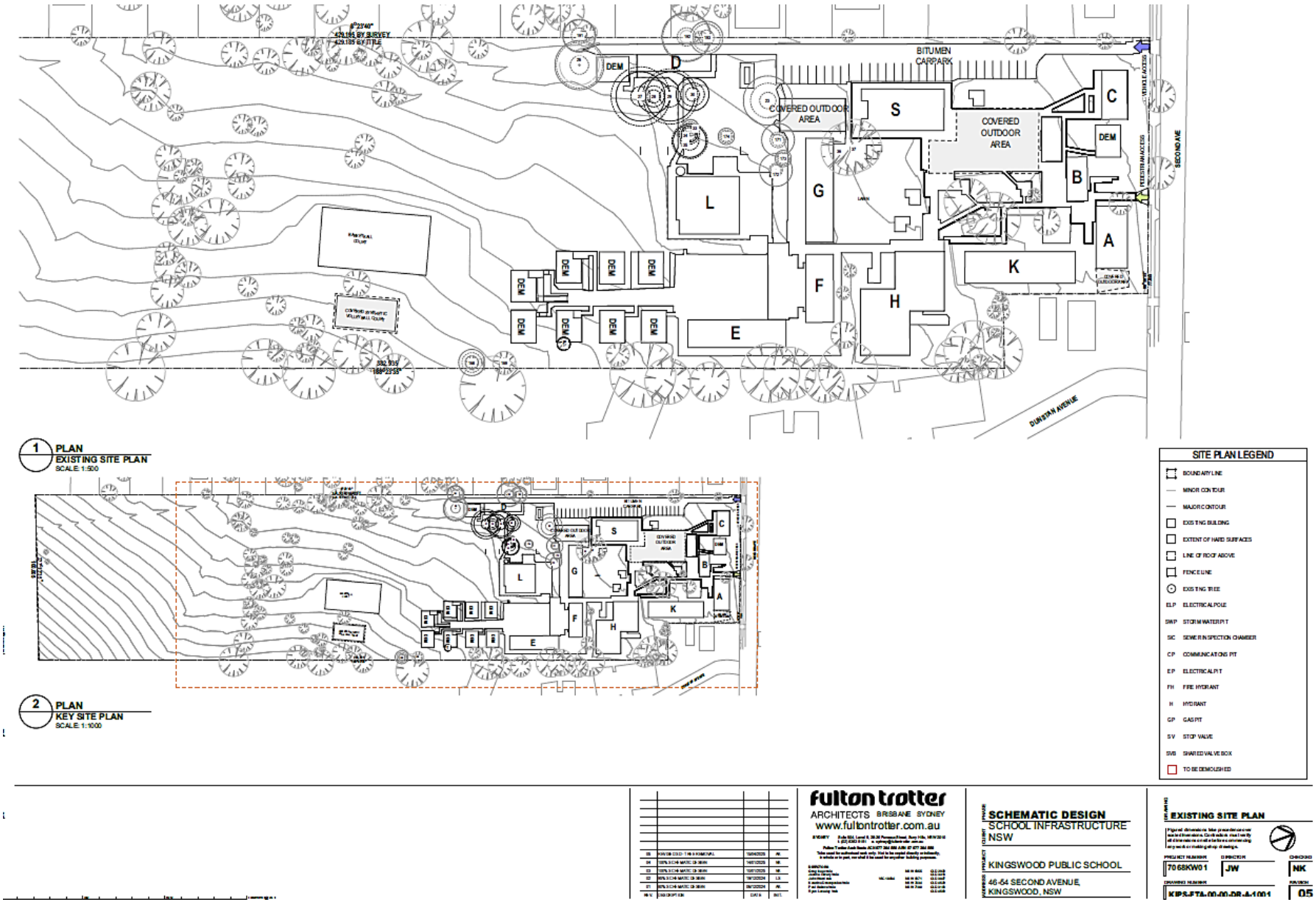

Figure 3: Site Features

Playground spaces include a basketball court and sports fields in the south of the site, handball courts located in the central portion of the site and other active play areas distributed across the site.

Vehicular access from Second Avenue is via a driveway located in the north western corner of the site. Pedestrian access is via a gate and footpath located midway along the Second Avenue frontage.

The rear, southern portion of the site is mostly open grass area with scattered trees. Some trees and low-lying shrubs are also located between existing buildings towards the front of the site.

Photographs of the site, specifically the locations of the proposed works, are provided at **Figures 4-8** below.

Figure 4: Photograph of the location of the proposed permanent classroom building

Figure 5: Photograph of portable classroom that is to be removed to facilitate the new classroom building

Figure 6: Photograph of existing vegetation adjacent to the proposed permanent classroom building and proposed covered walkway

Figure 7: Photograph of the location of the proposed covered walkway

Figure 8: Photograph of existing portable classrooms that will be replaced by the new classroom building

2.2.2 Surrounding Development

Surrounding development is shown in **Figure 1** and can be described as follows:

- To the north is Second Avenue and further north is Chapman Gardens, an expansive area of outdoor public recreation, including sports fields and open spaces;
- To the east is the University of Western Sydney (Penrith Campus) which is a vast site containing numerous educational buildings, open car parking areas and recreational land;
- To the south is Anglicare Newmarch House, a residential care facility; and
- To the west is low density residential development, comprising single and two storey dwelling houses which front Manning Street.

2.3 Proposed Activity

2.3.1 Permanent Classroom Building

The proposed activity includes the construction of one (1) new single storey classroom building comprising eight (8) general learning spaces (GLS), two (2) learning commons areas, two (2) multi-purpose spaces and a verandah along the eastern side of the building.

The new building will also include ancillary service areas for electrical/communications equipment, mechanical plant, cleaning and maintenance functions.

A **Figure 9** shows the location of the new classroom building in blue and **Figure 10** shows the proposed ground floor plan of the new classroom building. **Figures 11 and 12** are elevations of the proposed building.

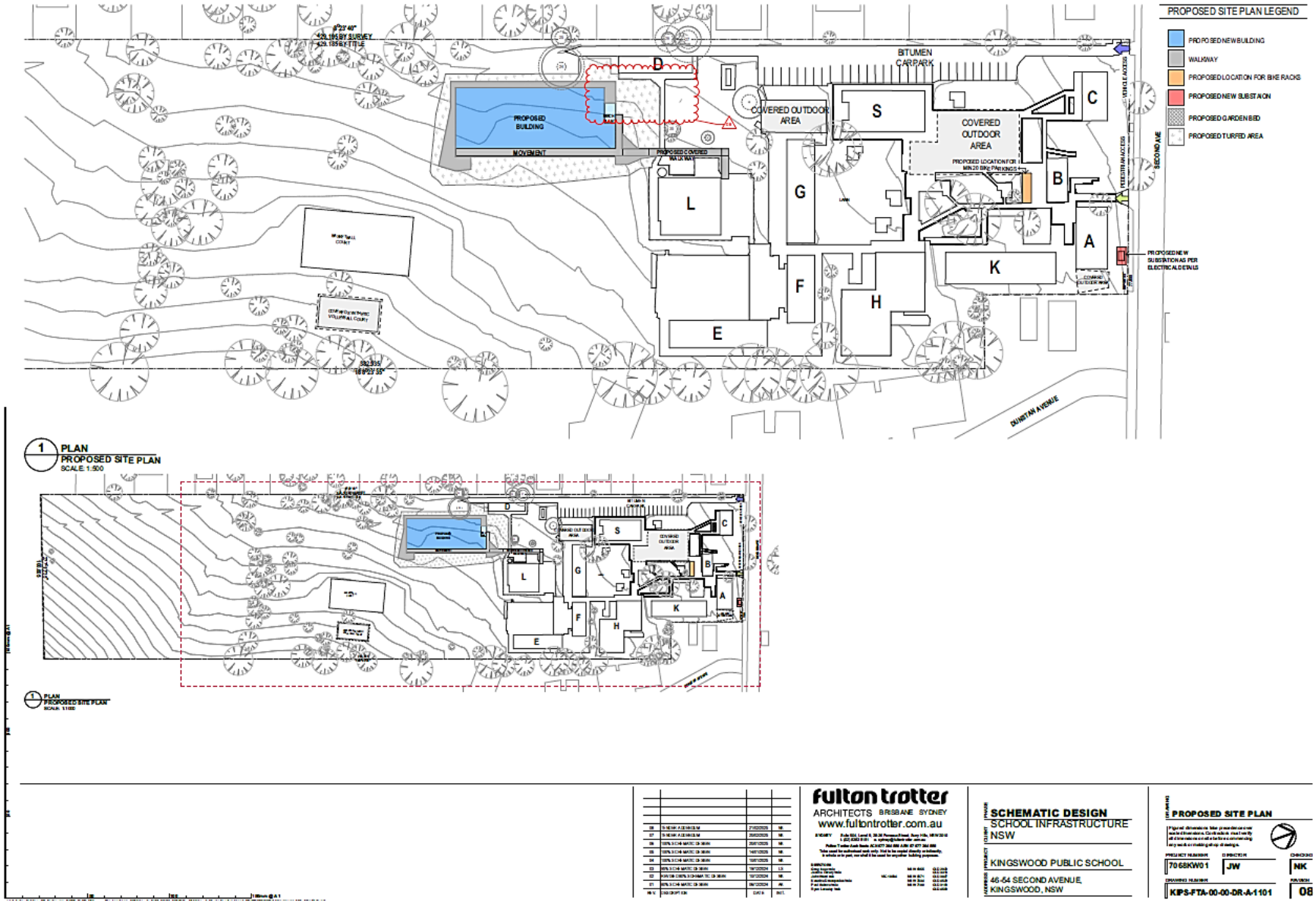

Figure 9: Proposed Site Plan. Source: Fulton Trotter

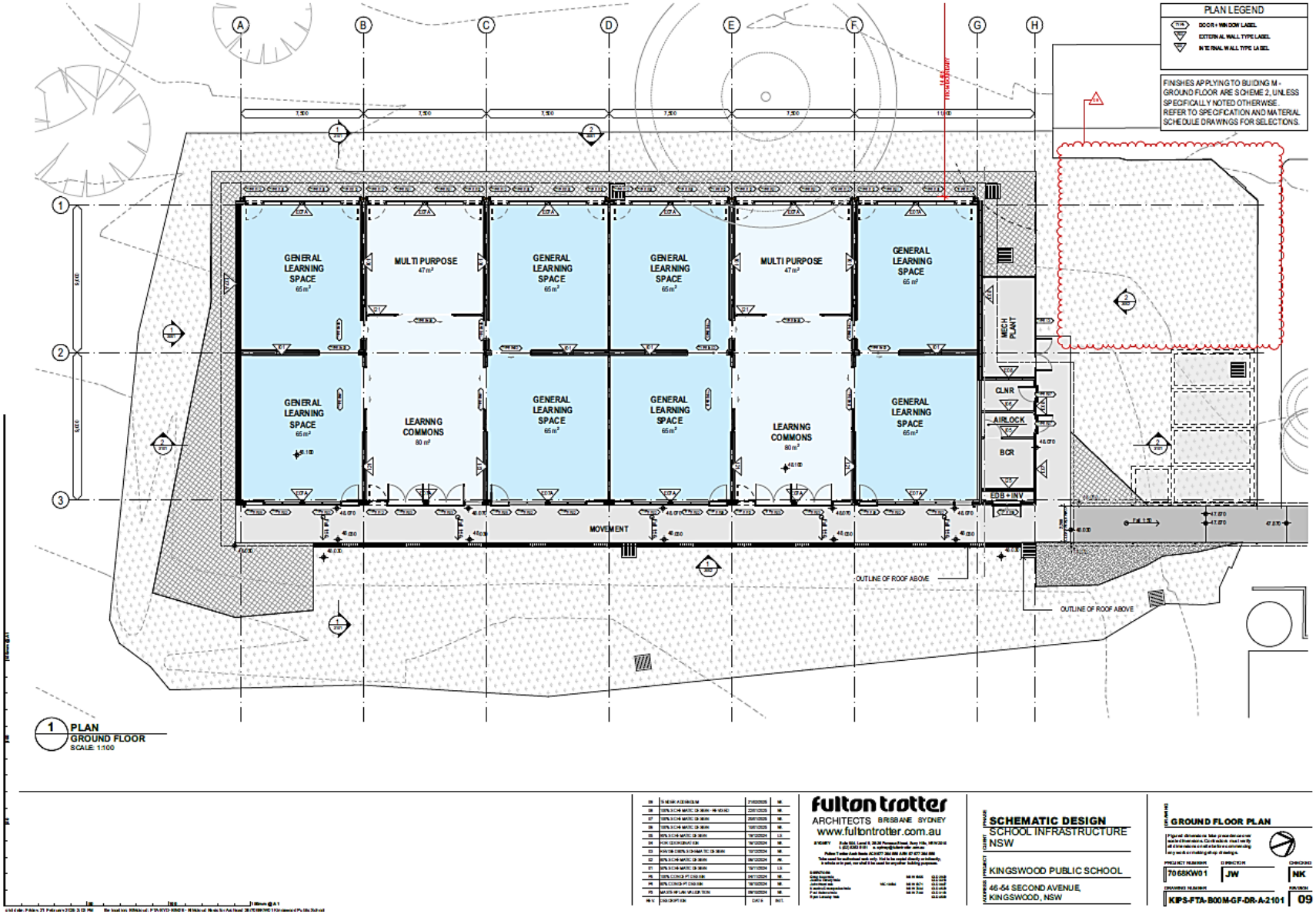

Figure 10: Proposed Ground Floor Plan. Source: Fulton Trotter

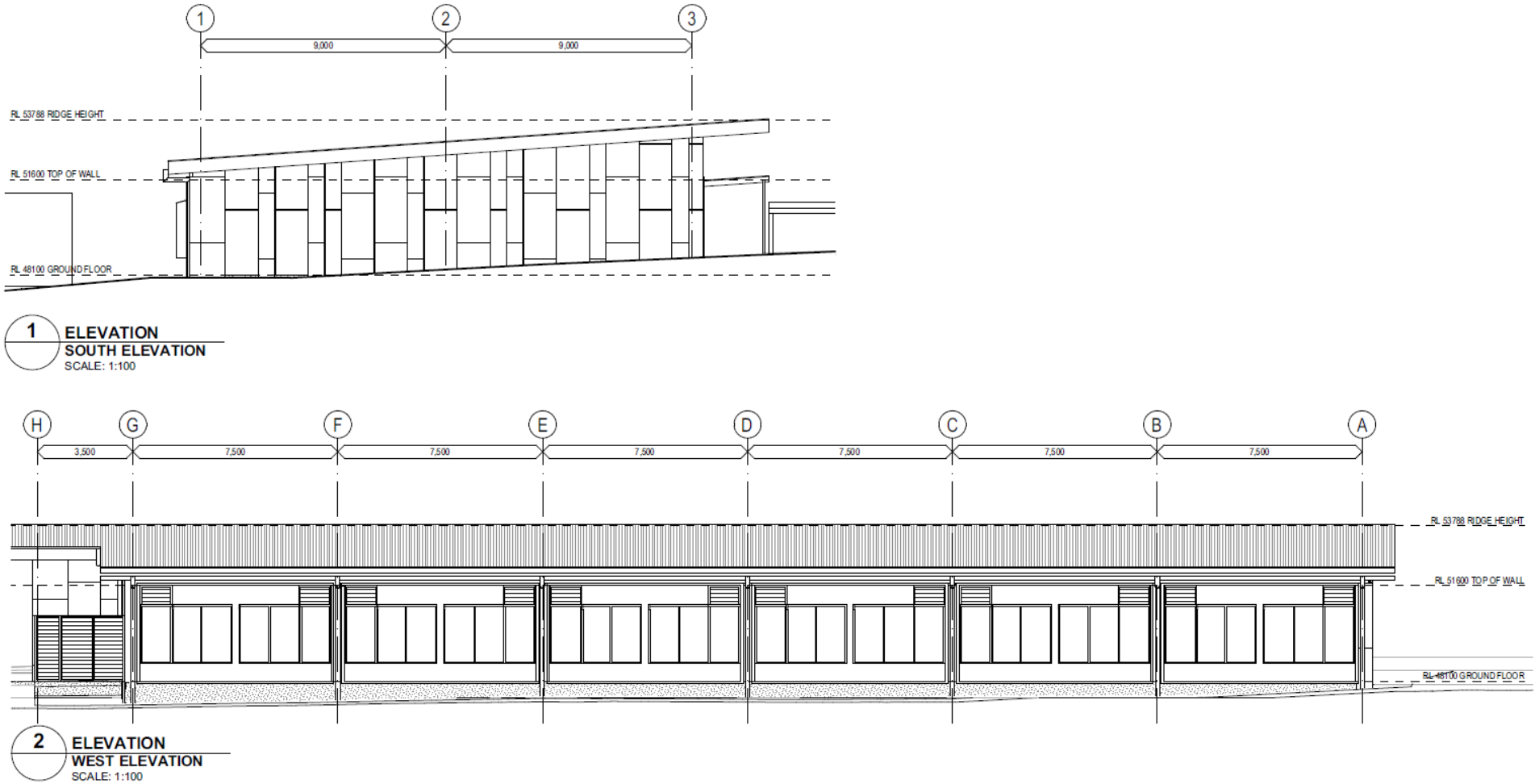

Figure 11: South and West Elevations of the Proposed Building. Source: Fulton Trotter

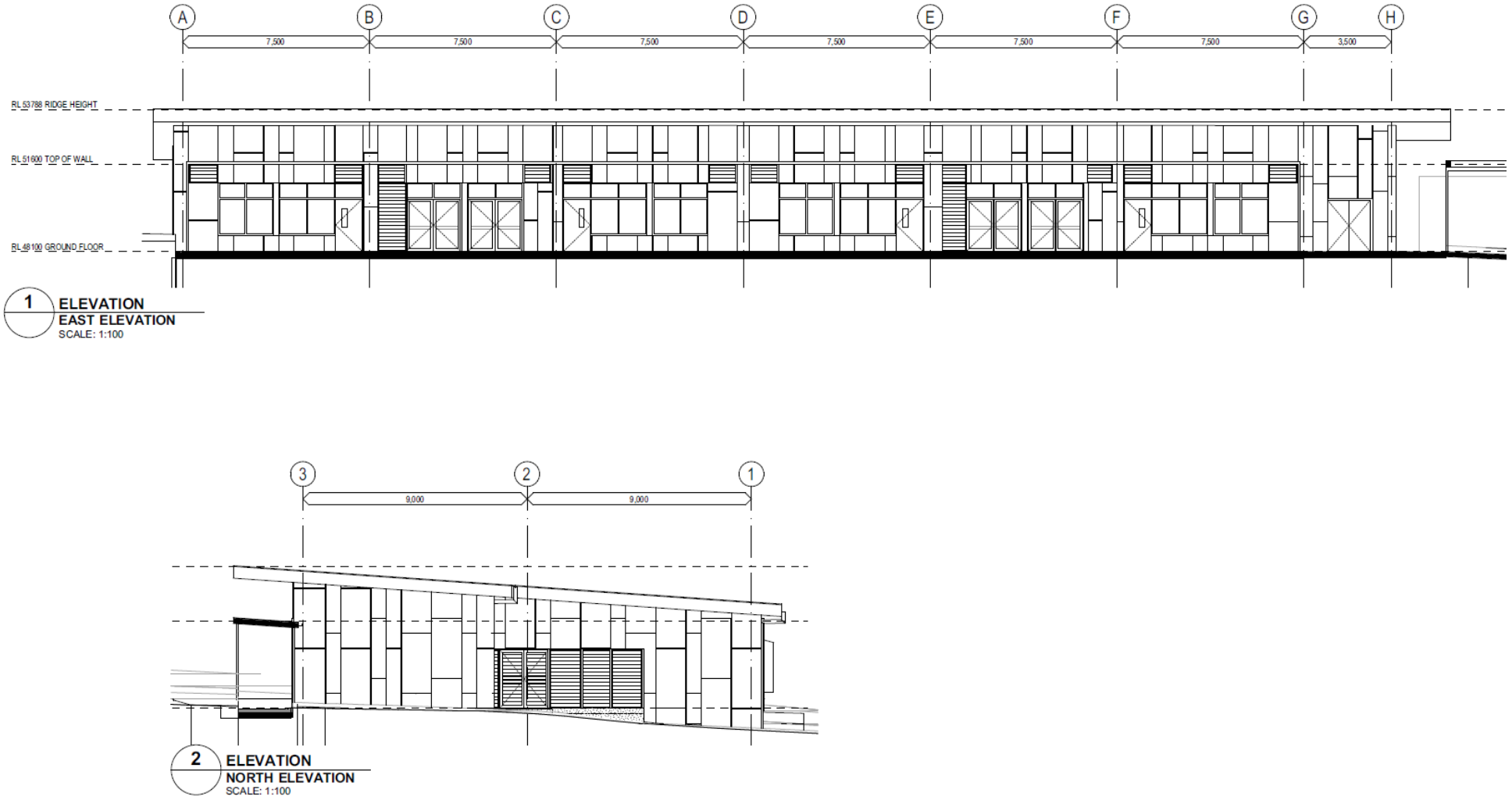

Figure 12: East and North Elevations of the Proposed Building. Source: Fulton Trotter

2.3.2 Associated Works

2.3.2.1 Removal of Portable Classrooms

The works include removal of ten (10) existing portable classrooms located across the site. **Figure 13** shows the proposed demolition plan.

2.3.2.2 Covered Walkway

A covered walkway is proposed to provide an all-weather connection from the northern and eastern sides of the new classroom building to existing Building L at the centre of the site.

Figure 14 shows the proposed covered walkway.

2.3.2.3 Tree Removal

Seven (7) trees are proposed to be removed to facilitate the proposed classroom building, covered walkway and utility connections. These trees are summarised in **Table 2**.

Table 2: Trees to be removed

Tree Number	Tree Name	Height	Health Rating	TPZ Encroachment
Tree 27	*Callistemon viminalis* (Weeping Bottlebrush)	10m	Fair	Within footprint of new building and utility connections
Tree 28	*Callistemon viminalis* (Weeping Bottlebrush)	10m	Fair	Within footprint of new utility connections
Tree 29	*Callistemon viminalis* (Weeping Bottlebrush)	8m	Poor	Within footprint of new utility connections
Tree 30	*Callistemon viminalis* (Weeping Bottlebrush)	10m	Fair	Within footprint of new utility connections
Tree 33	*Eucalyptus microcorys (Tallowwood)*	5m	Good	Within footprint of new utility connections
Tree 34	*Casuarina glauca* (River She Oak)	15m	Good	Within footprint of new covered walkway
Tree 35	*Casuarina glauca* (River She Oak)	15m	Good	Within footprint of new covered walkway

All other trees are to be retained and protected if proximate to the proposed works.

The Arboricultural Report prepared by Civica which accompanies this REF, include a recommendation that a Project Arborist be engaged to monitor compliance with the required tree protections measures.

2.3.2.4 Landscaping

Landscaping is proposed around the proposed classroom building, including a garden bed along the western and southern sides of the building. Natural turf is also proposed around the building which will tie in to the existing grass within the vicinity of the new works.

Seven (7) replacement trees are proposed to be planted along the northern and eastern sides of the new building. **Figure 15** shows the proposed landscape plan.

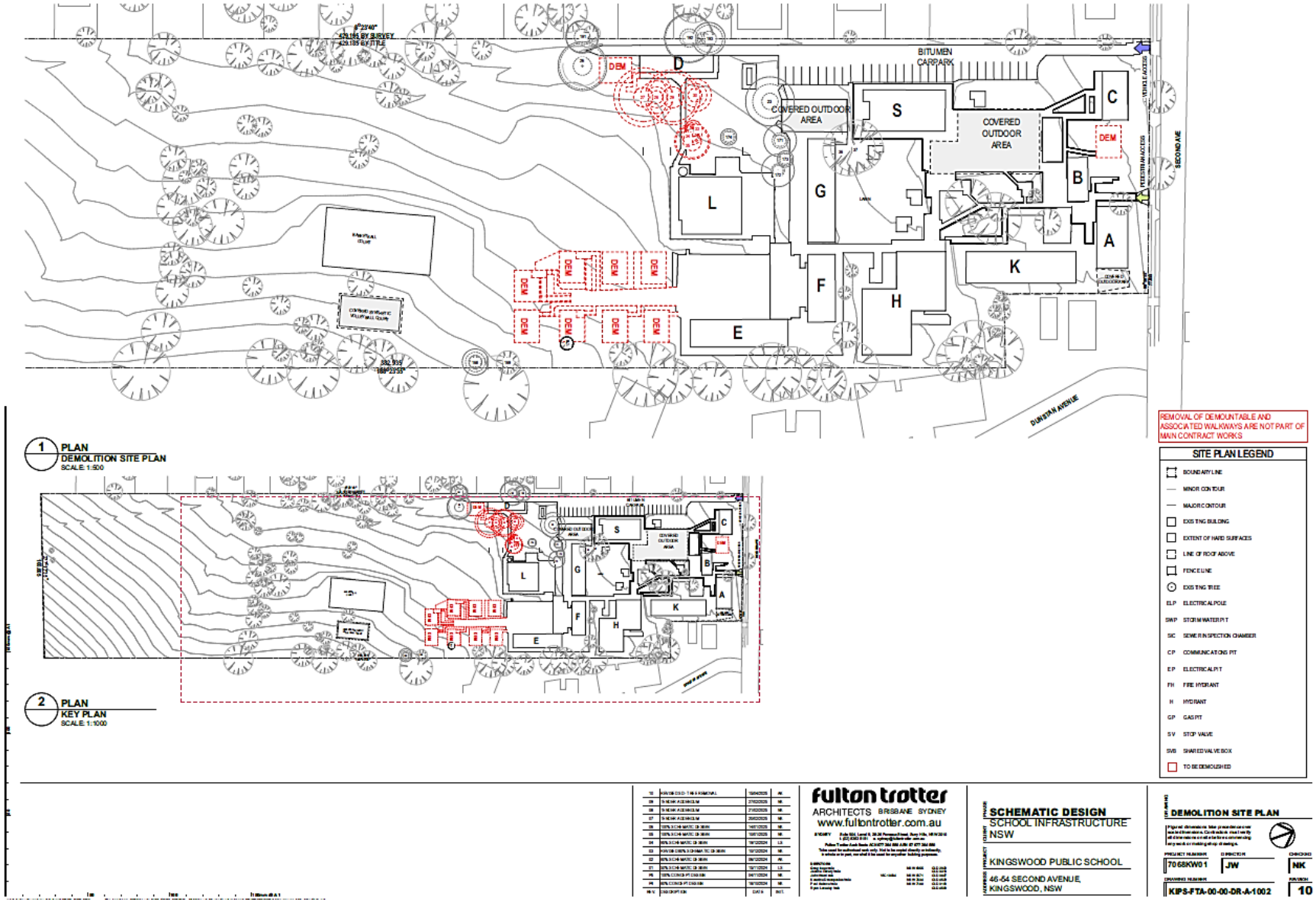

Figure 13: Proposed Demolition Plan. Source: Fulton Trotter

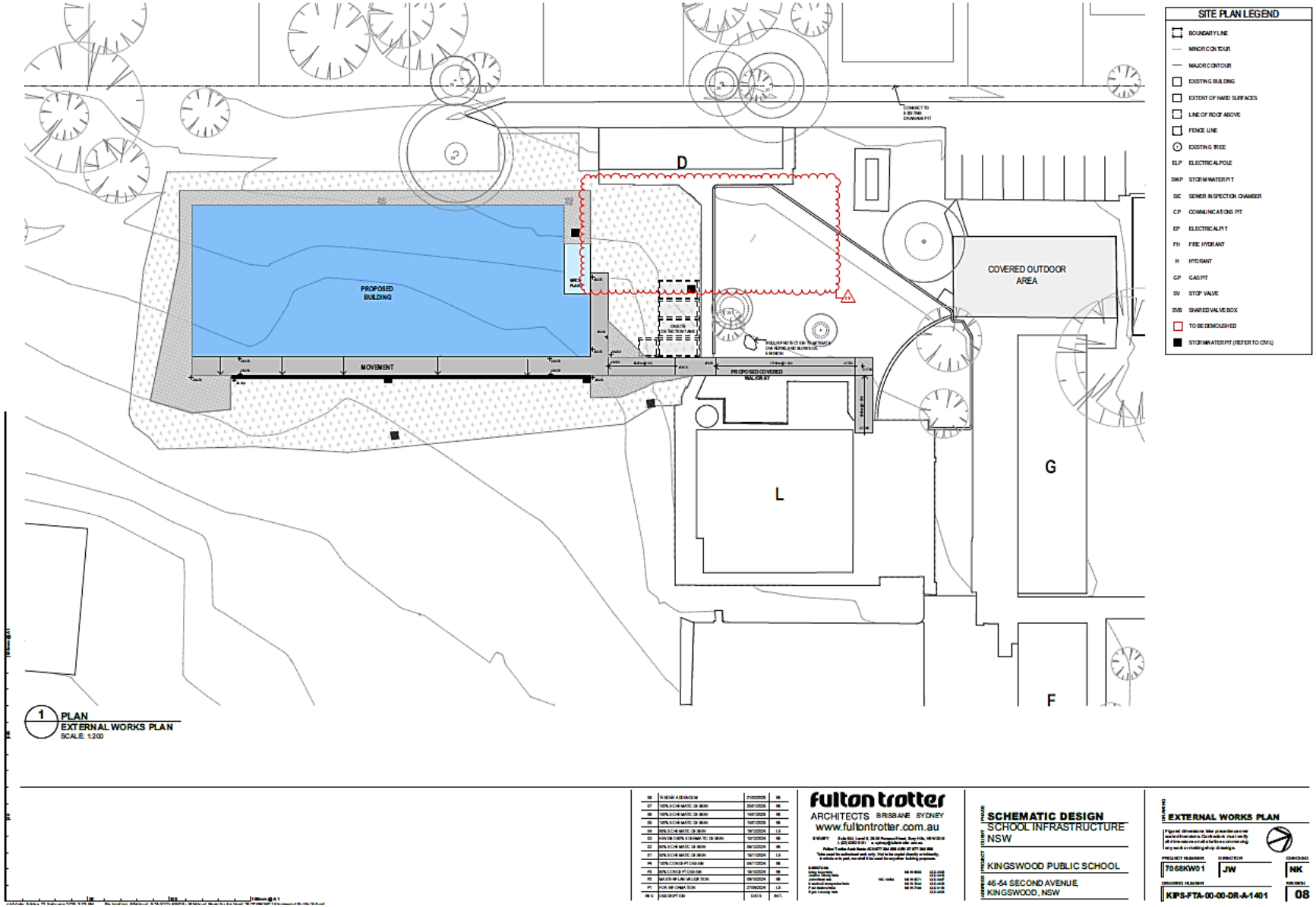

Figure 14: Proposed Covered Walkway. Source: Fulton Trotter

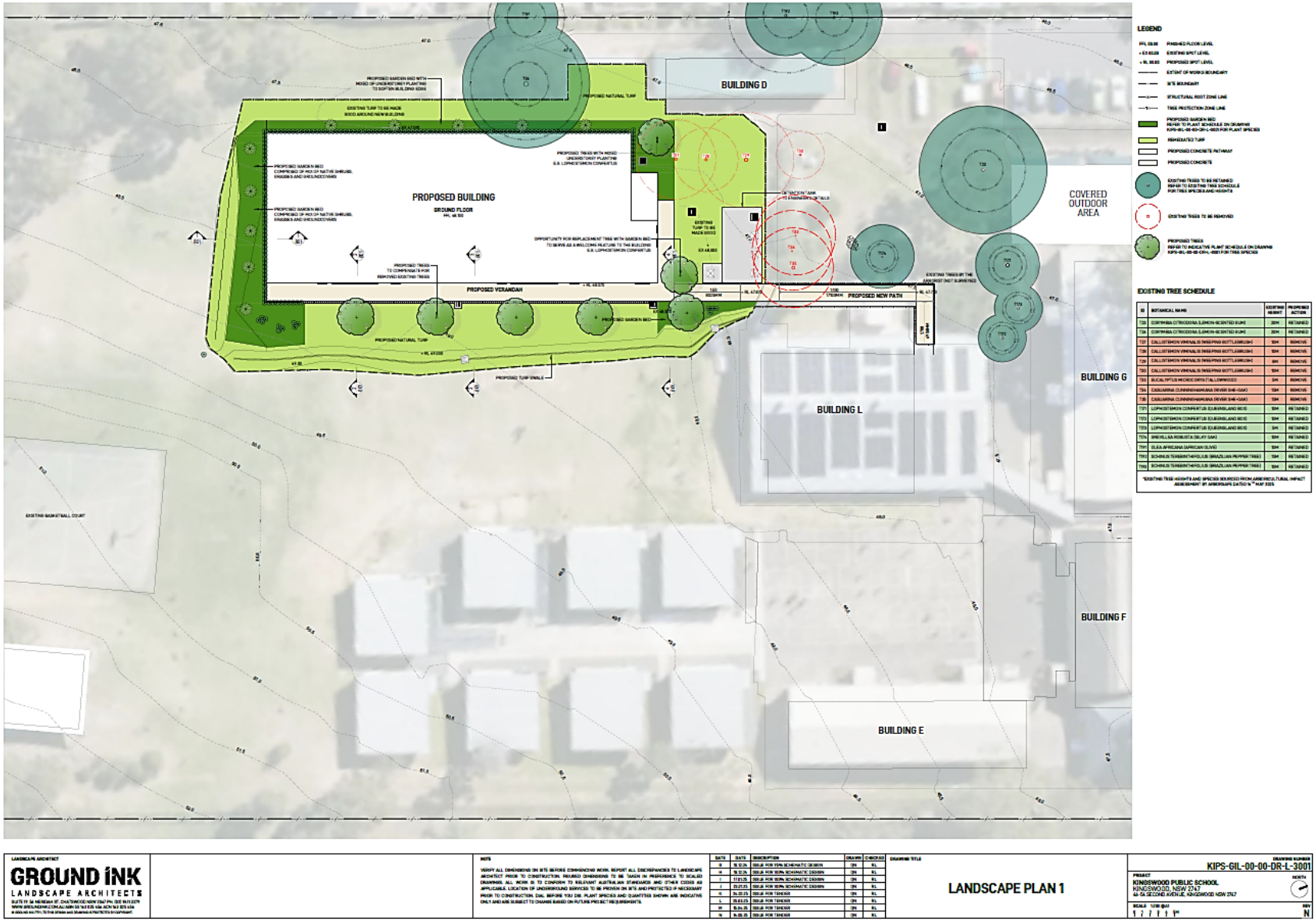

Figure 15: Proposed Landscape Plan. Source: Fulton Trotter

3. Permissibility as a Division 5.1 Activity

Table 3 sets out which provisions of the TI SEPP that the proposed activity is permissible as development permitted without consent (DPWC).

Table 3: Description of proposed activities under the TI SEPP

Division and Section within TI SEPP	Description of Works
3.37	Pursuant to s3.37(1) and s3.37(5), the proposed activity comprises construction, operation or maintenance of: • a permanent classroom and ancillary works (s3.37(1)(a)(iii)); and • minor additions entailing a covered walkway (s3.37(1)(b)(iii)). on behalf of a public authority within the boundaries of an existing government school including '*construction works*' (as defined under s3.3 of the TI SEPP) in connection with those purposes (s3.37(5)). To avoid doubt, 'construction works' includes "*clearing of vegetation (including any necessary cutting, pruning or removal of trees) and associated rectification and landscaping*" and "*relocation or removal of infrastructure*". Accordingly, the proposed activity, including tree removal and new landscaping, is permitted without development consent under SEPP TI. Pursuant s3.37(2), the proposed activity involves the construction of a single storey classroom building with a maximum height of 5.69m which is less than the greater of four storeys or the height limit of 8.5m in the *Penrith Local Environmental Plan 2010* (the LEP). Pursuant s3.37(4), the proposed activity would not result in the contravention of any existing condition of the development consent currently operating (other than a complying development certificate) that applies to any part of the school, relating to hours of operation, noise, vehicular movement, traffic generation, loading, waste management or landscaping (refer to **Table 4** below). Pursuant s3.37(5A), 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 have been considered as part of the Architectural Design Report prepared by Fulton Trotter which accompanies this REF.

A request for all development consents applying to the site was submitted to Penrith City Council under the *Government Information (Public Access) Act 2009* (GIPA Act). **Table 4** summarises the development consents that were identified and considers any relevant conditions of consent.

Based on a review of these development consents, it is considered that the proposed activity would not contravene any existing condition of the consents currently operating relating to hours of operation, noise, vehicular movement, traffic generation, loading, waste management or landscaping.

Table 4: Development consents currently operating

Development Application #	Date Determined	Description and Assessment of Conditions
DA07/0261	30 March 2007	**Education Facility – Shade Structure** Hours of operation: No relevant conditions Noise: No relevant conditions Vehicular movement: No relevant conditions Traffic generation: No relevant conditions Loading: No relevant conditions Waste management: No relevant conditions Landscaping: No relevant conditions.
DA13/1317	31 January 2014	**Installation of Security Fencing & Associated Tree Removal** Hours of operation: No relevant conditions Noise: No relevant conditions Vehicular movement: No relevant conditions Traffic generation: No relevant conditions Loading: No relevant conditions Waste management: No relevant conditions Landscaping: Conditions 5 requires trees as part of the development to be retained and protected in accordance with the minimum tree protection standards prescribed in Section F4 of Council's Landscape Development Control Plan (Condition 5). *Response: Condition 5 relates to the retention and protection of trees during the construction works. These works have now been completed.* Condition 6 requires that no trees are to be removed, ringbarked, cut, topped or lopped or wilfully destroyed without the prior consent of Council. *Response: The works subject to DA13/1317 related to the installation of fencing along the northern and eastern sides of the school. The works proposed as part of this REF are not located in or adjacent to the northern and eastern boundaries and do not interfere with the approved fence line or vegetation that overhangs the fence line.* Condition 7 requires that existing landscaping is to be retained and maintained at all times. *Response: Upon review of the approved documents that were issued by Council following the GIPA request, there was no approved Landscape Plan. No approved Landscape Plan is referenced in the development consent for either DA07/0261 or DA13/1317.*

Table 5 details how the proposed activity complies with the relevant provisions in order to qualify as development without consent.

Table 5: Permissibility of proposal to be assessed as Division 5.1 Activity

Reference	Assessment		Comment
For works under Chapter 3			
EP&A Act Part 5.1 **TI SEPP section 3.37(1)**	Is the proposal to be carried out by or on behalf of the department?	☒ Yes ☐ No	The proponent is the department.
TI SEPP section 3.37(1)	Is the proposal within the boundaries of an existing or approved government school site?	☒ Yes ☐ No	The proposal is carried out within the boundaries of Kingswood Public School, an existing government school.
TI SEPP section 3.37(1)	Is the development specified in section 3.37(1)(a)-(f) of the TI SEPP as being development which can be carried out without consent?	☒ Yes ☐ No	The proposed activity is specified in section 3.37(1)(a)(iii) and section 3.37(1)(b)(iii) being the construction of a single storey permanent classroom building and covered walkway.
TI SEPP section 3.37(2)	If the development involves the construction of a building, do the building(s) have a height less than the greater of: (a) the maximum height limit for a building under the environmental planning instrument applying to the land; or, (b) four storeys?	☒ Yes ☐ No ☐ N/A	The proposed permanent classroom building is single storey and will comprise a maximum building height of 5.69m. The maximum building height permitted under the LEP is 8.5m. Therefore, the proposed building height is less than both the maximum permitted LEP height and four (4) storeys.
TI SEPP section 3.37(4)	Is the proposal consistent with (i.e. would not result in a contravention of) any existing condition of the development consent currently operating that applies to any part of the school, relating to hours of operation, noise, vehicular movement, traffic generation, loading, waste management or landscaping.	☒ Yes ☐ No	Refer to **Table 4** above.

Activities permissible without consent require environmental impact assessment in accordance with Division 5.1 of the EP&A Act and are assessed and determined by a public authority, referred to as the determining authority. The department is the proponent and determining authority for the proposed works.

Additionally, section 5.7 of the EP&A Act states that an activity that is likely to significantly affect the environment must be subject of an Environmental Impact Statement rather than an REF. The effects of the activity on the environment are considered in **Section 5** of this report and have been assessed as a less than significant impact and can therefore proceed under an REF assessment.

Section 171(1) of the EP&A Regulation notes that when considering the likely impact of an activity on the environment, the determining authority must consider the environmental factors specified in the guidelines that apply to the activity.

The *Guidelines for Division 5.1 Assessments* (DPE June 2022) and the *Guidelines for Division 5.1 assessments Consideration of environmental factors for health services facilities and schools Addendum* (DPHI, October 2024) provide a list of environmental factors that must be considered for an environmental assessment of the activity under Division 5.1 of the EP&A Act. These factors are considered in detail at **Section 5** of this report.

4. Statutory Planning Legislation and Strategic Plans

Table 6 provides an assessment of the proposed activity against relevant legislative requirements and strategic policy provisions.

Table 6: Consultation requirements

Consultation Requirement	Applies?	Comment
DoE is of the opinion the activity: • *will have a substantial impact on stormwater management services provided by a council, or* • *is likely to generate traffic to an extent that will strain the capacity of the road system in a local government area, or* • *involves connection to, and a substantial impact on the capacity of, any part of a sewerage system owned by a council, or* • *involves connection to, and use of a substantial volume of water from, any part of a water supply system owned by a council, or* • *involves the installation of a temporary structure on, or the enclosing of, a public place that is under a council's management or control that is likely to cause a disruption to pedestrian or vehicular traffic that is not minor or inconsequential, or* • *involves excavation that is not minor or inconsequential of the surface of, or a footpath adjacent to, a road for which a council is the roads authority under the Roads Act 1993 (if the public authority that is carrying out the development, or on whose behalf it is being carried out, is not responsible for the maintenance of the road or footpath).* Section 3.8 of TI SEPP	☐ Yes ☒ No	Section 3.8 of the TI SEPP sets out the consultation requirements in relation to development without consent where the works will impact on council-related infrastructure or services. Subject to compliance with the recommendations as detailed within the accompanying documentation, the proposed works will not result in any substantial impacts on: - Stormwater services; - The road system; - The capacity of the sewerage system; or - The surface of a footpath or road Accordingly, notice is not required under s3.8 of the TI SEPP.
Is the development: likely to affect the heritage significance of a local heritage item, or of a heritage conservation area, that is not also a State heritage item in a way that is more than minimal? Section 3.9 of TI SEPP	☐ Yes ☒ No	Section 3.9 of the TI SEPP sets out the consultation requirements in relation to development without consent where the works will impact on local heritage. The site is mapped as comprising a heritage item. However, in accordance with the Heritage Impact Statement (HIS), the proposed activity is not likely to affect the heritage significance of the site in a way that is more than minimal. Accordingly, notice is not required under s3.9 of the TI SEPP.

Consultation Requirement	Applies?	Comment
Is the activity (other than demolition of buildings or structures, or internal works to existing buildings) on flood liable land? Section 3.10 of TI SEPP	☒ Yes ☐ No	Part of the site is mapped as being flood prone. Notice to Council and the SES are required under s3.10 of the TI SEPP.
Is the development adjacent to land reserved under the *National Parks and Wildlife Act 1974* or acquired under Part 11 of that Act? Section 3.12 of TI SEPP	☐ Yes ☒ No	The site is not adjacent to land reserved under the NP Act.
Is the development on land immediately adjacent to a rail corridor that— is likely to have an adverse effect on rail safety, or if the rail corridor concerned is used by electric trains, involves the placing of a metal finish on a structure, or involves the use of a crane in air space above any rail corridor. Section 3.12 of TI SEPP	☐ Yes ☒ No	The site is not adjacent to a rail corridor.
May the development increase the amount of artificial light in the night sky and that is on land within the dark sky region as identified on the dark sky region map? Section 3.12 of TI SEPP	☐ Yes ☒ No	The site is not within a dark sky region.
Does the proposal involve any of the following? *the site has access to a road and the development will result in the school being able to accommodate 50 or more additional students, or* *the site has access to -* *a classified road, or* *a road (the connecting road) that connects, within 90 metres (measured along the alignment of the connecting road) of the access point, to a classified road,* *and the development will result in the provision of an additional 50 or more car parking spaces, or* *no road to which the site has access is classified and the development will result in the provision of an additional 200 or more car parking spaces, or* *the development will result in -* *a new vehicular or pedestrian access point to the school from a public road, or* *a change in location of an existing vehicular or pedestrian access point to the school from a public road, or* *the development will involve excavation to a depth of 3 or more metres below ground level (existing) on land within or immediately adjacent to a classified road within the meaning of the Roads Act 1993.* Section3.12(3) if TI SEPP	☐ Yes ☒ No	The proposal does not seek to increase the student or staff population on the site. Accordingly, there is no requirement to consult with any other public authorities under s3.12 of the TI SEPP.
Is the development being pursued as an REF under section 3.37(1)(a) of the TI SEPP? Section 3.38 of TI SEPP	☒ Yes ☐ No	The proposed works are being undertaken, in part, under s3.37(1)(a) and accordingly, notice to council and the occupiers of adjoining land is required under s3.10 of the TI SEPP.

Table 7 provides an assessment of the proposal against the applicable pre-conditions set out in the TI SEPP.

Table 7: Compliance with pre-conditions to the 'development without consent pathway'

Exception	Applies?	Comment
(a) they would require notice of the intention to carry out the development to be given to a council or public authority from whom an approval is required in order for the development to be carried out lawfully, or	☐ Yes ☒ No	No approval is required from Council or a public authority.
(b) they would require notice to be given to a council or public authority with whom the public authority that is carrying out the development, or on whose behalf it is being carried out, has an agreed consultation protocol that applies to the development, or	☐ Yes ☒ No	There are no agreed consultation protocols between DoE and Council or DoE and another public authority.
(c) they would require notice to be given to a council or public authority that is carrying out the development or on whose behalf it is being carried out, or	☐ Yes ☒ No	The development is not being carried out by or on behalf of Council or a public authority other than DoE.
(d) the development is exempt development under any environmental planning instrument (including this Chapter), or	☐ Yes ☒ No	The proposal entails construction of a new classroom building and ancillary works which cannot be undertaken as Exempt Development.
(e) the development comprises emergency works that— *(i) involve no greater disturbance to soil or vegetation than necessary, and* *(ii) are carried out in accordance with all applicable requirements of the Blue Book.*	☐ Yes ☒ No	The development does not entail emergency works.

4.1 Other Applicable Acts and Legislation

Table 8 identifies any additional approvals that may be required for the proposed activity

Table 8: Consideration of other approvals and legislation

Legislation	Relevant?	Approval Required?	Applicability
State Legislation			
National Parks and Wildlife Act 1974	No	No	An Aboriginal Heritage Information Management System (AHIMS) search was undertaken on 24 September 2024 and identified no Aboriginal sites or places within a 200m radius of the school site. The proposal is also not located within or adjacent to a NSW National Park. Notwithstanding, a Mitigation Measure has been included that relates to unexpected finds. If encountered during construction, all works must cease and consultation with a heritage professional or State government agency must be conducted to determine the subsequent course of action.
Rural Fires Act 1997	No	No	No part of the site is mapped as bushfire prone land. As a result, general terms of approval in the form of a bushfire safety authority is not required to be issued from the NSW Rural Fires Services (RFS), under Section 100B of the RF Act.

Legislation	Relevant?	Approval Required?	Applicability
Water Management Act 2000	No	No	The location of the proposed works is not within 40m of a watercourse or coastline and the works are not expected to interfere with any aquifer.
Biodiversity Conservation Act 2016	Yes	No	Impacts to threatened species and threatened ecological communities that are listed under the Biodiversity Conservation Act 2016 (BC Act) is a requirement under Section 7.3, known as a Test of Significance'. If the conclusion of the Test of Significance is that there is potential for a significant impact on a threatened species or ecological community, then the proponent of the activity has to prepare either a Species Impact Statement (SIS) or a Biodiversity Development Assessment Report (BDAR). Based on the biodiversity mapping for the site, a Test of Significance was conducted for the Cumberland Plain Woodland in the Sydney Basin Bioregion, being an ecological community listed under the BC Act. Having regard to the Flora and Fauna Assessment Report (FFAR) prepared by Eco Logical, the Test of Significance concluded that the proposed activity is unlikely to have a significant impact on Cumberland Plain Woodland in the Sydney Basin Bioregion as listed under the BC Act.
Pesticides Act 1999	No	No	The proposal does not require large quantities or dangerous pesticides to be used.
Heritage Act 1977	Yes	No	The site is listed on the Department of Education's s170 Heritage Conservation Register as 'Kingswood Public School – Building B00B'. A Heritage Impact Statement (HIS) has been prepared by City Plan, which has investigated the heritage values of the site and considered the heritage impacts associated with the proposed works. The HIS has concluded that there are no physical impacts to the heritage item and that due to the separation between the building of heritage significance (Building B00B) and the new works, the proposal will have no more than a minimal impact on the significance of the item.
Fisheries Management Act 1994	No	No	The site is not located within the vicinity of any natural waterbodies and hence the proposed works will not result in permanent obstructions to water tidal patterns or flows and is not likely to harm marine vegetation.
Contaminated Lands Management Act 1997	No	No	Having regard to the *Contaminated Land Management Act 1997* (CLM Act) and the Section 10.7 Planning Certificate obtained on 13 September 2024 for the site, the land is not: - Significantly contaminated land within the meaning of the CLM Act; - Subject to a management order within the meaning of the CLM Act; - Subject to an ongoing maintenance order within the

Legislation	Relevant?	Approval Required?	Applicability
			meaning of the CLM Act; - Subject to an ongoing maintenance order within the meaning of the CLM Act; or - Subject of a site audit statement within the meaning of the CLM Act.
Protection of the Environment Operations Act 1997	No	No	The proposal will not result in significant air, noise, water or waste pollution, subject to compliance with the Mitigation Measures. There is no requirement for an environmental protection licence to be obtained as part of these works.
Roads Act 1993	No	No	No works are proposed within a public road as part of this activity and hence, no section 138 Roads Act Approval is sought or required as part of the activity.
Local Government Act 1993	No	No	The proposal does not require any approvals under the *Local Government Act 1993* as Council is not the water or sewer authority and stormwater will be connected to an existing drainage line within the site.
Mine Subsidence Compensation Act 1961	No	No	The school site is not located within a mine subsidence district.
Environmental Planning and Assessment Regulation 2021 (Section 171A	Yes	No	The provisions of s6.6, s6.7, s6.8 and s6.9 of *State Environmental Planning Policy (Biodiversity and Conservation) 2021* are considered within this table (see below). Section 6.6 relates to water quality and quantity. In this regard, a stormwater quality and quantity strategy has been implemented as part of the design (refer to the Stormwater Report prepared by Meinhardt). The strategy will include treatment of stormwater prior to discharging into the nominated points of connection. This will reduce pollutant loadings downstream, delay peak stormwater flow rates and reduce irrigation demands from potable water supply. It is therefore considered that the effect on the quality of water entering nearby natural waterbodies will be as close as possible to neutral or beneficial and the impact on water flow in nearby natural waterbodies will be minimised. Section 6.7 relates to aquatic ecology. The site is not located adjacent to a natural waterbody, does not involve the clearing of riparian vegetation and will not have an adverse impact on areas mapped as wetlands or littoral rainforests as none are within or proximate to the site. Accordingly, the proposed activity is unlikely to result in any direct, indirect or cumulative adverse impact on aquatic ecology. Section 6.8 relates to flooding. The site is partially affected by overland flow and as a consequence, a Flood Impact Assessment has been prepared as part of this REF to

Legislation	Relevant?	Approval Required?	Applicability
			consider the impacts associated with the proposed activity with regard to the flood affectation of the site. A discussion on flooding is provided as part of **Section 5.2.5** of this REF which concludes that the proposal is acceptable with regard to flood impacts. Section 6.9 relates to recreation and public access. The proposed activity is unlikely to generate any adverse impacts on recreational land and will not affect public access to and around foreshores as the site does not adjoin any such land.
State Legislation – State Environmental Planning Policies			
State Environmental Planning Policy (Biodiversity and Conservation) 2021	Yes	No	Chapter 2 of *State Environmental Planning Policy (Biodiversity and Conservation) 2021* (SEPP BC) clearing of vegetation in non-rural areas of the State. Notwithstanding that the proposal requires the removal of trees, this is explicitly permitted by the TI SEPP as detailed in **Table 3** of this REF, being vegetation removal associated with construction works of development permitted without consent. Chapter 4 of SEPP BC relates to Koala Habitat Protection. It is noted that the site, located within the Penrith LGA is not listed as an area to which Chapter 4 applies. Chapter 6 of SEPP BC relates to water catchments. The site is located within the Hawkesbury-Nepean Catchment. Having regard to the provisions of Section 6.13 of SEPP BC, the proposed activity will not impact the scenic quality of the locality and will not impact the structure and floristics of native vegetation within the sub-catchment. It is considered that the proposed activity is consistent with the provisions of Chapter 6 of SEPP BC. Consideration of the general development controls set out in s6.6-6.9 of SEPP BC is provided above.
State Environmental Planning Policy (Sustainable Buildings) 2022	No	No	Chapter 3 of *State Environmental Planning Policy (Sustainable Buildings) 2022* (SEPP SB) relates to standards for non-residential development that requires development consent. As the proposed activity is development permitted without consent, this section does not apply to the proposal.
State Environmental Planning Policy (Resilience and Hazards) 2021	Yes	No	Chapter 4 of *State Environmental Planning Policy (Resilience and Hazards) 2021* (SEPP RH) relates to remediation of land. The object of this chapter is to *promote the remediation of contaminated land for the purpose of reducing the risk of harm to human health or any other aspect of the environment*. Section 4.6 requires a consent authority to consider whether the land is contaminated and if it is contaminated, that it would be suitable in its contaminated state or whether

Legislation	Relevant?	Approval Required?	Applicability
			remediation is required. In this regard, contamination reporting has been undertaken within the location of the proposed activity by Geotechnique. Initially, a Preliminary Site Investigation (PSI) was undertaken, which confirmed that the site has been used for the purpose of a school for at least 75 years and that there were no records of the site, or adjoining properties, being on the NSW EPA Record of Notices for Contaminated Lands and the POEO Public Register. Notwithstanding, the PSI identified potential areas of environmental concern within the subject area and as a consequence, recommended that a Detailed Site Investigation (DSI) be undertaken. A DSI was subsequently prepared by Geotechnique on 28 February 2025 and undertook laboratory test results from boreholes in and around the location of the proposed activity. The results from this testing satisfied the criteria for stating that the "*analytes selected are either not present, or present in the sampled soil at concentrations that do not pose a risk of hazard to human health or the environment under the condition for the proposed school upgrade".* Furthermore, the potential for off-site impacts of contaminants on groundwater and waterbodies are considered to be low. The conclusions of the DSI were that no further contamination investigation is deemed necessary and it is therefore considered to be unlikely that contamination will be identified during the construction works. Notwithstanding, if contaminated material is encountered during the construction works, then works must cease immediately and appropriate action be undertaken in accordance with the best-practice guidelines. In this regard, Mitigation Measures have been included that relate to contamination and unexpected finds, if encountered.

4.2 Submissions and Responses

Occupiers of adjoining land were notified of the proposed activity on 11 February 2025 and provided with a 21-day period within which submissions were to be made. One (1) phone call was received after completion of the notification period.

Written notices were issued to the Penrith City Council and the NSW SES on 13 February 2025, also inviting comment within 21 days. Council and SES responded after completion of the notification period.

Table 9 outlines the submissions received as a result of consultation requirements outlined above and how the submissions have been considered.

Table 9: Submissions in response to statutory consultation requirements

Submission	Comment	Consideration
Penrith City Council **27 February 2025**	The proposal is being pursued under the provisions of *State Environmental Planning Policy (Transport and Infrastructure) 2021 and it is understood that* the proposal is to construct a new general learning space and for the demolition of existing portable classrooms. The scope of works does not specifically indicate the removal of trees however the plans provided suggest that tree removal is both required and proposed as part of the notified development. Clarification is sought on the indication of tree removal as the SEPP does not appear to allow for the removal of trees as development permitted without consent. It is however noted that the exempt development provisions in the SEPP, pursuant to Clause 3.39(1)(b), allow for removal of a tree (or trees) however the provisions of this clause must be satisfied. The plans provided suggest the removal of two trees on site however there is no specific annotation located that details their replacement. There is also no information provided that demonstrates that these trees pose a threat to human health and safety risk or damage to infrastructure. In the absence of this information, concern is raised that the proposal cannot be considered exempt development or development permitted without consent and may warrant a tree removal application and / or a development application. It would be greatly appreciated if the scope of works could be clarified and information provided as to how the removal of trees is determined to be permitted under either the exempt development or development permitted without consent planning pathways.	As detailed in **Table 3** at **Section 3** of this REF, the proposed development is permissible under s3.37(1)(a) and s3.37(1)(b) of SEPP TI. s3.37(5) of SEPP TI provides that development for a purpose referred to in s3.37(1)(a), s3.37(1)(b) or s3.37(1)(c) includes '*construction works*' in connection with that development. '*Construction works*' is defined under s3.3 of SEPP TI and includes "*clearing of vegetation (including any necessary cutting, pruning or removal of trees) and associated rectification and landscaping*" and "*relocation or removal of infrastructure*". Accordingly, the proposed tree removal and new landscaping is permitted without development consent under SEPP TI. See also **Section 5.2.3**.

Submission	Comment	Consideration
	Council records indicate that the subject lot is impacted by overland flow flood. As the development is on a flood effected land, the flood controls under C3 of Penrith DCP and Section 5.21 of Penrith LEP would typically be applicable if the proposal was pursued via a development application pathway. Nonetheless, the finished floor level of the proposed development must be 0.5m above the 1% AEP flood level to achieve sufficient freeboard. The 1% AEP flood level can be obtained from Council's Flood Management Team via the lodgement of the 'Flood Information Application Form' which can be obtained from Council's website. The 1% AEP flood extent is understood to be localized at the rear of the development site suggesting that the proposed development is outside of the flooding extent. Provided the finished floor level of the proposed development is 0.5m above the 1% AEP flood level for the site, then Council raises no concerns with the proposal however this must be verified once the flood information is obtained from the Council's Flood Management Team.	The Flood Assessment Report prepared by Enstruct which accompanies the REF outlines that: - Flood information has been obtained from Council; - Overland flows over the site are south of the location of the proposed works; - the proposed building will not be impacted by overland flow. See also **Section 5.2.9.1**.
	The development is requested to ensure that stormwater drainage is designed to be in accordance with Penrith City Council's 'Stormwater Drainage Specification for Building Developments Policy'.	The Stormwater Management Report prepared by Meinhardt which accompanies the REF outlines that the stormwater design is in accordance with Council's policy (see also **Section 5.2.9.2**).
NSW SES **6 March 2025**	**Consider** the impact of flood behaviour on the infrastructure and people using the site, and the impact of flooding on the adjacent roads up to and including the PMF level and considerations of climate change. This is particularly important as the site is considered of sensitive use.	The Flood Assessment Report prepared by Enstruct which accompanies the REF outlines that: - Overland flows over the site are south of the location of the proposed works, are shallow and Low hazard category during all storm events including the PMF. - There are no flood impacts in Second Avenue immediately adjacent to the site although further east and west, Second Avenue is affected by flood waters in the 1% AEP event and in the PMF. Accordingly, a Flood Emergency Response Plan (FERP) has been prepared for the school. - Climate change analysis was included in the baseline flood assessment which underpins the Flood Impact Assessment undertaken by Enstruct which accompanies the REF. See also **Section 5.2.9.1**.

Submission	Comment	Consideration
	Pursue, if relevant, site design and stormwater management that minimises any risk to the community. Any improvements that can be made to reduce flood risk will benefit the current and future community.	No flood mitigation measures are necessary as the proposed works do not alter the existing flood characteristics of the site or surrounding locality.
	Ensure workers and people using the facility during and after the upgrades are aware of the flood risk, for example through site inductions and by using signage.	Measures to alert occupants of the site and parents/cares of potential flood events are included in the FERP (see **Section 5.2.9.1**).
	Review and **update** the school's Emergency Management and Evacuation Plan specific to a flood emergency event and align with the above considerations / advice provided herein.	The above considerations have been incorporated into the FERP which accompanies the REF (see **Section 5.2.9.1**).
Occupier of Adjoining Property on **27 February 2025**	Due to heavy rain, water from the existing drainage system overflows and enters the property owner's property. The property owner would like to understand what the drainage system would look like when they build on top of the existing easement as he does not want this to have a negative impact.	The school site is not burdened by any easements and hence, the proposal does not include erection of any structures over any easements. The proposed works are located 100m to the north of the existing overland flow path that runs through the rear of the school site. The proposed works have been designed to capture the stormwater runoff from the new structures through landscape swales and drainage lines discharging it into an underground tank and existing pit system effectively removing a catchment that currently contributes to runoff heading into neighbouring land. The new works will not worsen or increase the water running off the site. See also **Section 5.2.9.1**.

5. Environmental Impact Assessment

5.1 Summary of Environment Factors Reviewed

Section 171(1) of the EP&A Regulation notes that when considering the likely impact of an activity on the environment, the determining authority must take into account the environmental factors specified in the guidelines that apply to the activity. These factors are assessed in **Table 10** below. Additional and/or key impacts identified are addressed in subsections below.

Note: Section 171A of the EP&A Regulation is assessed through Section 4 of this report.

Table 10: Summary of environmental factors reviewed in relation to the activity

Environmental Factor	Response/Assessment	Mitigation Measure Reference
Any environmental impact on a community?	The environmental impact on the community has been considered in the assessment at **Section 5.2** of this REF. The key impacts that are likely from the activity relate to construction impacts, including traffic, noise and vibration. A long term positive impact to the community is expected as the proposal will remove portable classrooms and provide permanent teaching and learning spaces.	**Table 14** **Table 15**
Any transformation of a locality?	The existing locality includes development that range 1 to 2 storeys, with generally neutral finishes. The activity includes removal of existing portable classrooms and replace with a building including permanent learning areas. The new building will be single storey, set back from Second Avenue and will not be highly visible from the public domain. The building will also be located approximately 130m from Building B to ensure that there will be minimal impact on the heritage significance of Building B. The new building will not have a significant impact on the transformation of the locality and will be consistent with the existing locality.	Nil
Any environmental impact on the ecosystems of the locality?	The proposed activity will not result in significant environmental	**Table 13**

Environmental Factor	Response/Assessment	Mitigation Measure Reference
	impacts on the ecosystems in the locality, provided that the mitigation measures relating to erosion and sediment control, tree protection and other forms of construction management are implemented during the demolition and construction phases of the activity.	**Table 17**
Any reduction of the aesthetic, recreational, scientific or other environmental quality or value of a locality?	The proposal will not result in a reduction of the aesthetic, recreational, scientific value of the locality. The proposed activity will have a negligible to no visual impact on the existing school and locality. The proposed building is single storey, setback considerably from the nearest side boundary (the western side boundary) and is compatible with the scale of other buildings within the school site.	Nil
Any effect on locality, place or building having aesthetic, anthropological, archaeological, architectural, cultural, historical, scientific or social significance or other special value for present or future generations?	The proposed activity will ensure that the existing use of an educational establishment (school), that has social significance for the local community, can be maintained for present and future generations. Given the new building will be at least 150m away from Building B, which has heritage significance, and there are existing structures and landscaping between the two building, the proposed activity will not adversely impact on the historical significance of Building B.	**Table 12**
Any impact on the habitat of protected animals, within the meaning of the *Biodiversity Conservation Act 2016*?	The proposal will not remove any known habitat for protected animals (within the meaning of the BC Act). Appropriate tree protection measures will be established on site prior to the works commencing.	**Table 12**
Any endangering of any species of animal, plant or other form of life, whether living on land, in water or in the air?	The proposal will not remove habitat that is important for threatened species. No species are likely to be endangered due to the proposed activity, whether an animal, plant or other form of life, whether living on land, in water or in the air.	**Table 12**
Any long-term effects on the environment?	The works will not result in any long-term effects on the environment.	Nil
Any degradation of the quality of the environment?	During the construction phase of the activity, there may be some short-term impacts to the quality of the environment. These impacts will require appropriate mitigation measures to be in place prior to	**Table 14** **Table 15**

Environmental Factor	Response/Assessment	Mitigation Measure Reference
	and throughout the duration of this phase.	
Any risk to the safety of the environment?	Where possible, the proposed activity is to be undertaken during the school holiday periods. For some of the construction works, there will likely be an overlap with the school term and as a result, appropriate construction management strategies will need to be in place to mitigate risk to the safety of the environment. Management strategies include the establishment of appropriate site fencing and hoardings that will prevent unauthorised access to work areas. If required, removal of any hazardous materials can be undertaken in accordance with all relevant legislation, guidelines and NSW WorkSafe Codes of Practices.	**Table 14** **Table 15**
Any reduction in the range of beneficial uses of the environment?	The proposed activity will improve the ongoing use of the site as an educational establishment (school), through the replacement of portable classrooms with permanent teaching and learning spaces.	Nil
Any pollution of the environment?	As part of the construction phase, general air, dust and noise pollution is anticipated. These impacts will be short-term and can be appropriately mitigated and managed.	**Table 14** **Table 15** **Table 16**
Any environmental problems associated with the disposal of waste?	A Construction Waste Management Plan has been prepared to address the management and disposal of waste and will be implemented throughout construction. This includes the classification of waste as required under the NSW EPA's Waste Classification Guidelines. If any hazardous materials are encountered during the construction phase, they will be required to be removed from the site in accordance with the relevant guidelines and legislation	Nil
Any increased demands on resources (natural or otherwise) that are, or are likely to become, in short supply?	The proposed activity is unlikely to result in an increase in demands on resources (natural or otherwise) that are likely to become in short supply.	Nil
Any cumulative environmental effects with other existing or likely future activities?	The proposed activity will not result in any adverse cumulative environmental effects with other existing or known future activities. Refer to **Section 5.2** of this REF for a more detailed discussion on cumulative impacts.	Nil
Any impact on coastal processes and coastal hazards, including	The proposed activity will not have any impacts on coastal	Nil

Environmental Factor	Response/Assessment	Mitigation Measure Reference
those under projected climate change conditions?	processes and / or coastal hazards as it is not proximate to the coastal zone.	
Applicable local strategic planning statement, regional strategic plan or district strategic plan made under Division 3.1 of the Act?	The proposed activity is consistent with the provisions of the Sydney Region Plan, the Western City District Plan and the Penrith Local Strategic Planning Statement 2020.	Nil
Any other relevant environmental factors?	Not applicable	Nil

5.2 Key Environmental Impacts

This section provides an environmental impact assessment for the proposed works at Kingswood Public School. The assessment includes an overview of the proposal and provides additional information for any specific environmental issues to the site which required more detailed consideration.

The following environmental aspects are applicable to the site and the proposed work:

- Non-Aboriginal Heritage
- Aboriginal Heritage
- Tree Removal
- Ecology
- Construction Noise and Vibration
- Operational Noise and Vibration
- Traffic, Access and Parking
- Contamination and Hazardous Materials
- Hydrology, Flooding and Water Quality
- Cumulative Impacts

5.2.1 Non-Aboriginal Heritage

The site is mapped as an item of heritage significance under the LEP, known as 'Kingswood Public School' (Item I098). **Figure 16** is an extract of the heritage map with the site outlined in blue.

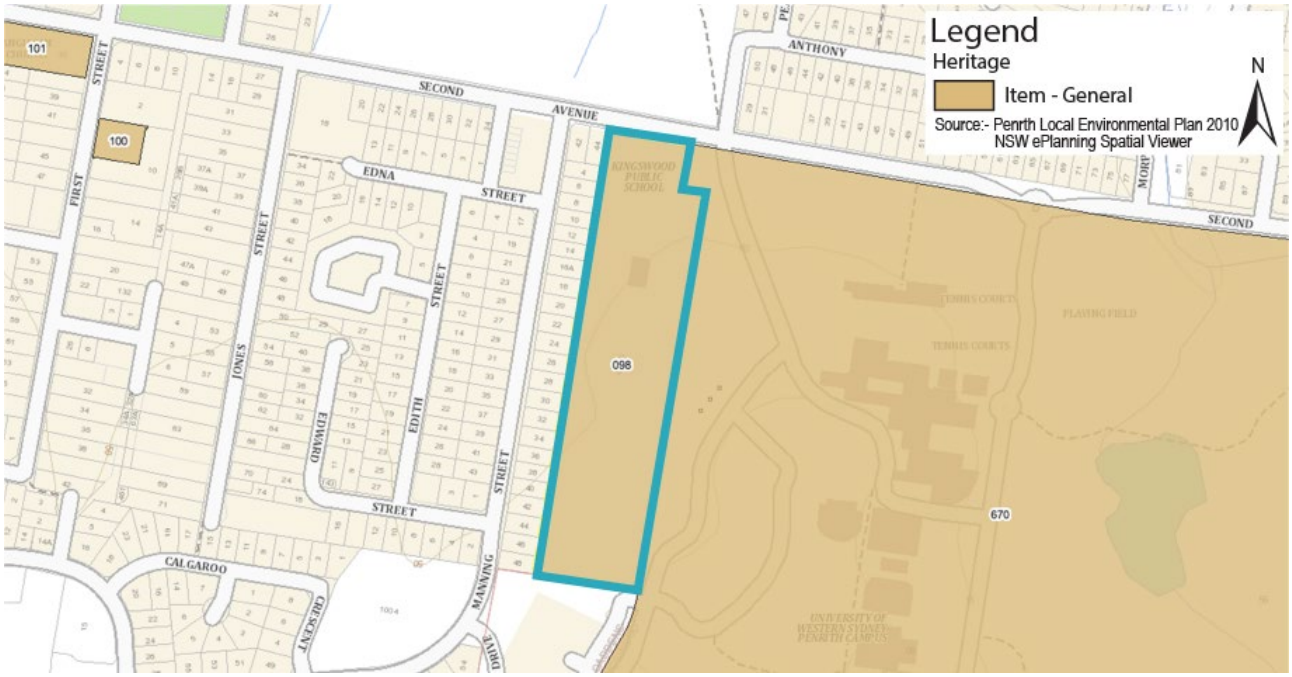

Figure 16: Heritage Map

The site is also listed on the Department of Education's Section 170 Heritage Conservation Register as 'Kingswood Public School – Building B00B'.

Building B00B, otherwise known as ‘Building B’ is currently used as a single storey classroom and is has a painted brick façade with a shallow pitched gables roof of corrugated steel.

Building B is located approximately 130m to the north of the location of the proposed classroom building and is screened by a number of existing buildings and trees. A photograph of Building B is provided at **Figure 17** below.

Figure 17: Photograph of Building B

The Western Sydney University campus, adjoining the site to the east, is also a heritage item under the LEP known as ‘Former Teacher’s Residence’ (Item I670) (**Figure 16**). The Former Teacher’s Residence, although currently not within the site boundary, is associated with Kingswood Public School. A photograph of this building is provided at **Figure 18** (Source: Statement of Heritage Impact prepared by City Plan).

Figure 18: Photograph of the Former Teacher’s Residence

Given the heritage values that are present within the site and on the adjoining Western Sydney University campus, a Heritage Impact Statement (HIS) has been prepared by City Plan and accompanies this REF.

The HIS considers the impacts of the proposed activity on the aforementioned items of heritage significance and concludes that the proposed activity will have no discernible physical or visual impacts on the heritage significance of Kingswood Public School or the adjacent former teacher's residence and, more broadly, the locality, community and environment.

Notwithstanding, as some ancillary trenching for services is required near Building B, a mitigation measure is recommended to install hoarding around the rear elevation of Building B to protect it during trenching works.

5.2.1.1 Mitigation Measures

This REF and accompanying reports concludes the activity is not likely to have significant environmental impacts in relation to Non-Aboriginal Heritage subject to implementation of the mitigation measures at **Appendix 1** including the project specific mitigation measure in **Table 11**.

Table 11: Non-Aboriginal Heritage Mitigation Measures

ID	Mitigation Measure	Timing
Aboriginal Heritage		
HMM4*	Erect protecting hoarding around the rear elevation of Building B to ensure significant fabric is not damaged during trenching works	Prior to the Commencement of Trenching Works

5.2.2 Aboriginal Heritage

A due diligence assessment for the project in early 2024 did not identify any surface Aboriginal artefacts within the site and no areas of potential archaeological deposit were noted.

An Aboriginal Heritage Information Management System (AHIMS) search was conducted on 24 September 2024 and based on the results of this AHIMS search, no Aboriginal sites or places have been located in proximity to the school, confirming the earlier assessment.

Accordingly, the proposed works are considered unlikely to impact on any Aboriginal objects and an Aboriginal Heritage Impact Permit (AHIP) is not required prior to commencing works on the site.

Notwithstanding, an unexpected finds protocol is recommended as a mitigation measure to ensure that, should unanticipated archaeological material be encountered during site works, all work must cease and an archaeologist contacted to make an assessment of the find. Further archaeological assessment and Aboriginal community consultation may be required prior to the recommencement of works and any objects confirmed to be Aboriginal in origin must be reported to Heritage NSW.

5.2.2.1 Mitigation Measures

This REF and accompanying reports concludes the activity is not likely to have significant environmental impacts in relation to Aboriginal Heritage subject to implementation of the mitigation measures at **Appendix 1** including the project specific mitigation measures in **Table 12**.

Table 12: Aboriginal Heritage Mitigation Measures

ID	Mitigation Measure	Timing
Aboriginal Heritage		
HMM5*	All relevant staff and contractors must be made aware of their statutory obligations for heritage under the *National Parks and Wildlife Act 1974*, which may be implemented as a heritage induction.	Prior to commencement of works

5.2.3 Tree Removal & Protection

The proposed activity includes the removal of seven (7) trees which are identified in the Arboricultural Report prepared by Civica which accompanies this REF and include:

- Trees 27, 28, 29, 30 and 33 are required to be removed as a consequence of being within the footprint of the proposed classroom building or utility connections thereto; and
- Trees 34 and 35 are required to be removed as a consequence of being within the location of the proposed covered walkway.

Trees, 27-30 have been assessed as being in Poor or Fair health and whilst Trees 33, 34 and 35 are in Good health, none of these trees form part of any endangered ecological community or have a landscape significance value that would warrant their retention.

To offset the removal of these trees, seven (7) replacement trees are proposed along the northern and eastern sides of the proposed classroom building. Garden beds and turf are also proposed around the proposed building which will tie into the existing landscaping.

For trees that are to be retained and especially for works or construction activities within the TPZs of Trees 23, 26, 162, 163, 191, 192 and 193, tree protection measures are included in the Arboricultural Report and these recommendations are proposed as mitigation measures (**Appendix 1**). Subject to these measures, the proposal will have minimal environmental impacts.

5.2.3.1 Mitigation Measures

This REF and accompanying reports concludes the activity is not likely to have significant environmental impacts in relation to trees subject to implementation of the mitigation measures at **Appendix 1** including the project specific mitigation measures in **Table 13**.

Table 13: Tree Protection Mitigation Measures

ID	Mitigation Measure	Timing
Tree Protection		
TMM2*	During construction, work in the vicinity of Trees 23, 26, 162, 163, 191, 192 and 193 shall be undertaken in accordance with the recommendations at Section 7.3 of the Arboricultural Impact Assessment	During construction

5.2.4 Ecology

A Flora and Fauna Assessment Report (FFAR) has been prepared by Eco Logical to assess the potential ecological impacts of the proposed activity. The FFAR identifies the presence of Plant Community Type (PCT) 3320 – Cumberland Plains Woodland within the subject site, predominantly towards the south of the site and along the western side boundary, as shown in **Figure 19**.

Figure 19: Vegetation Mapping

One (1) tree (Tree 26) is within the mapped area and will be slightly impacted by the proposed works. This tree is a *Corymbia Maculata* (Spotted Gum) that is in good condition and is a priority for retention. Whilst there will be a 10.6% encroachment into the TPZ of this tree, mitigation measures are recommended as part of the Arborist Report (see above) and the FFAR has been prepared on the basis that this tree will be retained.

Accordingly, the proposed development will have no direct impact on PCT 3320, a direct impact on 0.02ha of planted native/exotic vegetation and a direct impact on 0.11ha of exotic groundcover.

Consequently, no Tests of Significance under the BC Act or Assessments of Significance under the EPBC Act were required for threatened species or TECs due to the findings of the Likelihood of Occurrence Assessment that the proposed activity would not impact on any TECs mapped within the study area. Therefore, a Species Impact Statement (SIS) or Biodiversity Assessment Development Report (BDAR) under the BC Act, or a referral under the EPBC Act, is not required.

Accordingly, the proposed activity will have minimal ecological impacts.

Notwithstanding, mitigation measures and recommendations have been provided to prevent indirect impacts to threatened species and ecological communities adjacent to the study area and these have been included as part of **Appendix 1**.

5.2.5 Construction Noise & Vibration Impacts

The Noise and Vibration Impact Assessment Report which accompanies this REF has assessed the construction noise impacts from three (3) phases of work, being the excavation and demolition phase, the construction and fit-out works phase and the structural works phase.

The Noise and Vibration Impact Assessment Report has considered impacts on the nearest residential receiver (20 Manning Street) and the nearest school building within the site (Block L) which is a hall building and not a classroom building. It is noted that Block D is a toilet block part of the construction zone and hence not accessible during construction.

Within each phase of work, the predicated construction noise level ranges between 62dB(A) and 63dB(A) at the nearest residential receivers (20 Manning Street) and between 49dB(A) to 55dB(A) at Block L.

Whilst this exceeds the ‘Noise Affected’ criteria of 48dB(A) it is below the ‘Highly Noise Affected’ criteria of 75dB(A) and hence, there is no requirement under the Interim Construction Noise Guideline (ICNG) for construction noise to be managed as part of a Construction Noise and Vibration Management Plan (CNVMP).

Notwithstanding, as the construction works will result in noise impacts to the nearest residential receivers and school buildings, mitigation measures are recommended to minimise these noise impacts, including:

- *Scheduling of loud works should be done so that they do not occur at the same time when the classrooms are in use should be done where possible.*
- *Scheduling classes in Block L to be outside periods of particularly loud works.*
- *Use of 2m high noise barriers to the buildings and exposed areas*
    - *Noise barriers can also be installed at Building L as well as around the construction site. Currently only noise barriers around the site have been accounted for so this would give additional reductions.*
    - *The noise barrier is to be constructed of 15 kg/m^2 solid material and be sealed at the bottom and sides to be fully enclosed.*
- *Closing classroom windows while loud works occur. This is expected to happen regardless due to dust and debris which may occur during the course of construction.*

In relation to vibration impacts from the construction works, the only works that are expected to cause vibration impacts are earthworks. The predicted vibration level PPV (mm/s) is 4.5mm/s which is below the relevant construction vibration criteria for residential structures of 5mm/s and has been assessed as unlikely to cause significant impact to users of the site or occupiers of adjoining land.

Accordingly, the proposed activity will have minimal adverse construction noise or vibration impacts subject to the specific mitigation measures discussed above and summarised in **Table 14** below.

5.2.6 Operational Noise & Vibration Impacts

The operational noise impact sources from the school relate to PA systems, school bells and mechanical services.

With respect to PA systems and/or school bells, these would be part of the existing environment of the school although if required to be extended to the new classroom building it is recommended that they be oriented to direct sound away from the neighbours wherever possible.

With respect to mechanical services required for the new building, these will include four (4) outdoor heating, ventilation, and air conditioning (HVAC) condenser units which are to be located to the north of the building, as shown in **Figure 20** (shown clouded in red).

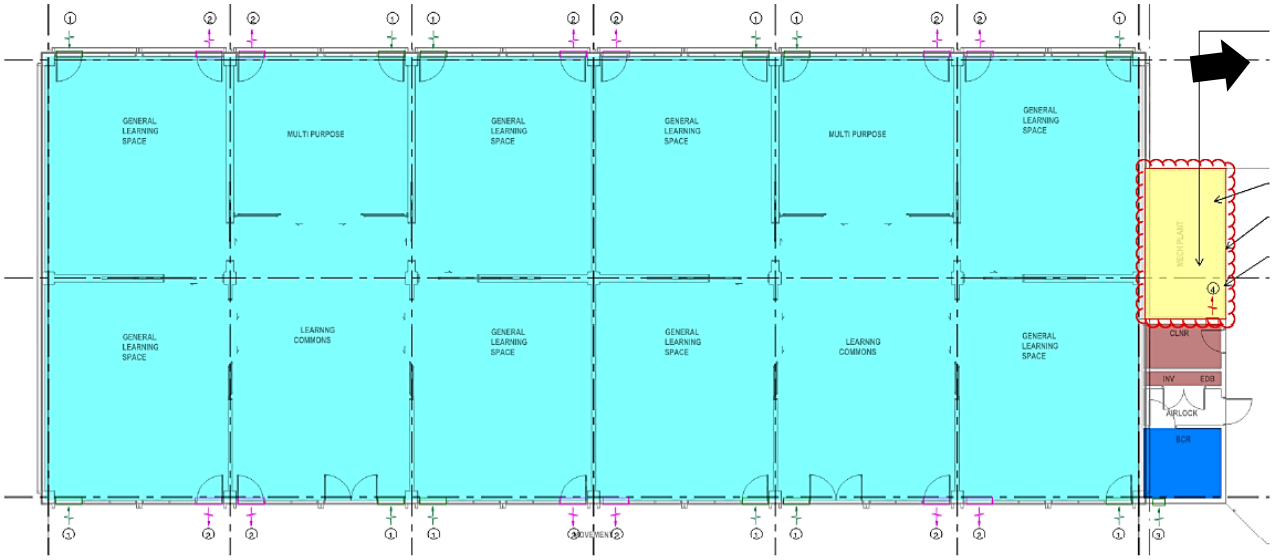

Figure 20: Location of Mechanical Services

The Noise and Vibration Impact Assessment Report concludes that the noise generation from mechanical plant can meet the relevant targets in the Noise Policy for Industry 2017 (NPfI) at the nearest residential receivers and at the nearest school building subject to the following mitigation measure.

- *Installation of a Fantech Circular Attenuator C1, Standard Dia: 0.3 m, Length: 0.3 m or similar on each condenser unit to ensure that the combined sound pressure levels at 1m for the plant do not exceed 88 dBA. If sound pressure levels are exceeded, further acoustic treatment will be required to ensure noise limits as per the NPfI are met which may involve reselecting attenuators or fans.*

Accordingly, subject to implementation of this mitigation measure, the proposed activity will have minimal adverse operational noise or vibration impacts.

5.2.6.1 Mitigation Measures

This REF and accompanying reports concludes the activity is not likely to have significant environmental impacts in relation to noise and vibration subject to implementation of the mitigation measures at **Appendix 1** including the project specific mitigation measures in **Table 14**.

Table 14: Noise and Vibration Mitigation Measures

ID	Mitigation Measure	Timing
Construction Noise and Vibration		
CMM18*	A 2m high noise barrier shall be installed at Block L and exposed areas as specified in the Construction Noise and Vibration Management Plan (CNVMP). The noise barrier must be constructed of 15 kg/m^2 solid material and be sealed at the bottom and sides to be fully enclosed.	During construction
CMM19*	Wherever practicable, loud works must be undertaken so that they do not occur at the same time as when nearby classrooms are in use.	During construction
CMM20*	Wherever practicable, classes in Block L must be scheduled to be outside periods of particularly loud works.	During construction
CMM21*	Classroom windows must be closed while loud works occur.	During construction
Operational Noise and Vibration		
OPMM6*	If PA systems and/or school bells are required to be extended to the new classroom building, they must be oriented to direct sound away from the neighbours wherever possible.	During operation
OPMM7*	Fantech Circular Attenuator C1, Standard Dia: 0.3 m, Length: 0.3m, or similar, must be installed on each condenser unit to ensure that the combined sound pressure levels at 1m for the plant do not exceed 88 dBA. If sound pressure levels are exceeded, further acoustic treatment shall be undertaken to ensure noise limits as per the NPfI are met, which may involve reselecting attenuators or fans	During construction

5.2.7 Traffic, Access and Parking

The proposed activity involves in the replacement of ten (10) portable classrooms with eight (8) general learning spaces (GLS). The activity does not include any increase in student or staff capacity and does not result in any increase in the potential accommodation of students, noting that there is no increase in the total number of GLS at the completion of the works. Furthermore, the existing parking and pedestrian and vehicular access will be retained.

In this regard, there is no increase in the demand for on-site car parking and no changes are required for access arrangements to the school.

Similarly, as the activity does not result in an increase in staff or student population, there is no assessed increase in traffic generation arising from the operational phase of the activity.

The existing student pedestrian access at the centre of the site on Second Avenue will be retained and there will be no conflict between construction activities and students as this pedestrian access is located over 40m to the east of the vehicular access and the vehicle access is not utilised for

student drop off / pick up. Notwithstanding, the CTMP includes measures to ensure that pedestrian movements along Second Avenue are managed to ensure the safety of students.

The proposed construction access and parking is as follows:

- Construction vehicles are proposed to access the site using the existing driveway to the onsite parking;
- Construction vehicles are proposed to travel along the western side of the site to the construction site; and
- Construction vehicles are proposed to park within the existing carpark, with the exception of four (4) car parking spaces closest to Second Avenue, which are to be retained for occasional staff and visitor use.

With respect to construction vehicle movements, the CTMP provides for a designated, fenced path from Second Avenue along the western boundary to the site of construction works for the new building. This includes swept path diagrams (see **Figure 21**) which demonstrate that medium rigid vehicles (MRVs) are able to manoeuvre within the site so that they can enter and exit the site in a forward direction.

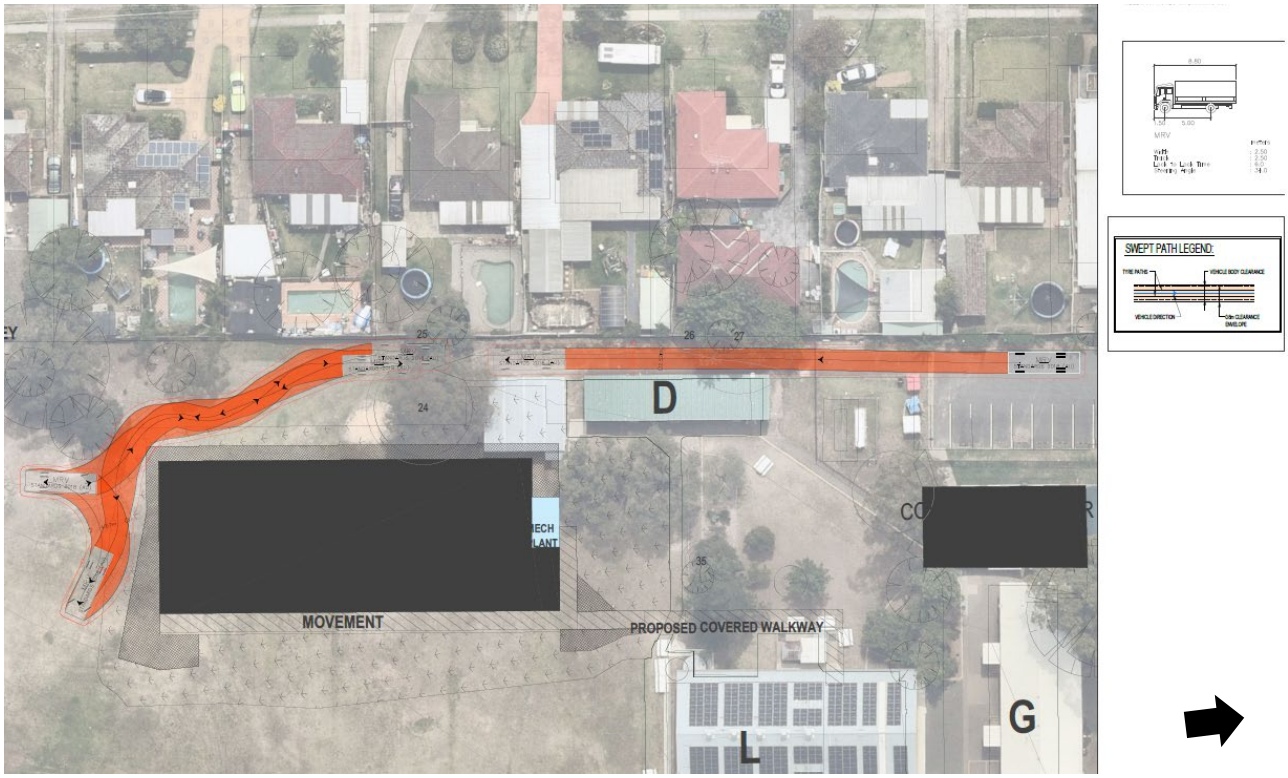

Figure 21: Construction vehicle swept paths (Source: TTW, 2025)

The peak volume of construction vehicles has been assessed as 5-20 trucks per day (equating to 1-2 trucks per hour over the course of a 10 hour working day) although this will typically be less on most days. This considered to be negligible and construction vehicles can be managed to avoid peak traffic times and drop-off and pickup times to minimise the potential for impacts on parent and students.

It is proposed to utilise 26 of the existing 30 on-site car parking spaces to cater for the worker parking demand. Notwithstanding, workers will be encouraged to use public transport, car pool and if there is any overflow car parking, workers will be advised not to park within 100m of the school site to avoid any conflicts with drop-off and pick-up.

To compensate for the 26 spaces used by workers during construction, staff parking will be temporarily relocated to the eastern adjoining WSU campus and staff will use the main pedestrian entry which is separate to the vehicular entry. This temporary arrangement for 50 car parking spaces within the WSU campus has been agreed with WSU.

Four (4) car parking spaces will also be retained in the existing school carpark for use by staff and visitors where prior notice has been given.

Accordingly, subject to the mitigation measures outlined below, the proposed activity will have minimal traffic, access and parking impacts.

5.2.7.1 Mitigation Measures

This REF and accompanying reports concludes the activity is not likely to have significant environmental impacts in relation to traffic, access and parking subject to implementation of the mitigation measures at **Appendix 1** including the project specific mitigation measures in **Table 15**.

Table 15: Traffic, Access and Parking Mitigation Measures

ID	Mitigation Measure	Timing
Construction Traffic Management		
CMM17*	Prior to the commencement of any construction work, a Final Construction Traffic Management Plan (CTMP) shall be prepared and provided to the Crown Certifier. The CTMP must be generally consistent with the Preliminary CTMP and include where relevant, but not limited to, details of the following: a) Measures to communicate construction traffic implications to local residents and any nearby construction site; b) Scheduling of construction traffic to occur outside of peak traffic periods and outside of school drop-off and pickup times being 8:00-9:30am and 2:30-3:30pm, respectively; c) Measures to ensure that all construction delivery vehicles follow the designated routes and enter and exit the site in a forward direction; d) Measures to encourage workers to prioritise the use public transport to/from the site and or park within the site. Where parking within the site is not possible, workers shall be advised not to park within 100m of the school site; e) Measures to manage the safe passage of pedestrians and cyclists along surrounding streets; f) Any temporary measures to control pedestrian access to the school site.	Prior to commencement of works

5.2.8 Contamination and Hazardous Materials

A Preliminary Site Investigation (PSI) was undertaken by Geotechnique in October 2023 which determined that there were some areas of environmental concern within the site if the ground surface were to be disturbed.

Accordingly, a Detailed Site Investigation (DSI) was prepared by Geotechnique (dated 28 February 2025) which included results from a site inspection, soil sampling and laboratory testing. As part of the soil sampling, five (5) boreholes were drilled in and around the location of the proposed classroom building. The specific location of these boreholes is provided at **Figure 22**.

Figure 22: DSI Borehole Locations

Based on the testing undertaken, Geotechnique concluded that the "*analytes selected are either not present, or present in the sampled soil at concentrations that do not pose a risk of hazard to human health or the environment under the condition for the proposed school upgrade*" and that

the potential for off-site impacts of contaminants on groundwater and waterbodies is considered to be low.

Accordingly, the DSI concluded that no further contamination investigation is necessary and hence, the proposed activity will have minimal adverse impacts relating to contamination.

Notwithstanding, it is recommended that an unexpected finds mitigation measure be applied such that if contaminated material is encountered during the construction works, works must cease immediately and appropriate action be undertaken in accordance with the best-practice guidelines.

5.2.8.1 Mitigation Measures

This REF and accompanying reports concludes the activity is not likely to have significant environmental impacts in relation to contamination subject to implementation of the mitigation measures at **Appendix 1**.

5.2.9 Hydrology, Flooding and Water Quality

5.2.9.1 Flooding

The site is not in close proximity to any natural watercourses and hence, not subject to riverine flooding.

However, the site is partially flood affected by overland flows from outside of the site – i.e. it is not generated from the site. Notwithstanding, a Flood Risk Assessment has been prepared by Enstruct to determine the flood characteristics of the site and assess flood risks.

The Enstruct assessment has determined that the southern, rear portion of the site is partially affected by overland flows during flood events up to an including the 1% Annual Exceedance Probability (AEP) with scattered areas of the site impacted in the Probable Maximum Flood (PMF) event (see **Figure 23**).

Whilst the 1% AEP flood level within the site is at RL 50.00m and the proposed building has a Finished floor Level (FFL) of RL 48.10m, the proposed building is located approximately 100m to the north of the flood affected land and there is a crest between the proposed building and the overland flows.

Therefore, the flood waters do not reach the location of the proposed activity and there is negligible risk to the building or its occupants.

Notwithstanding, a Flood Emergency Response Plan (FERP) has been prepared to ensure students and staff can safely evacuate from the new building and adherence to the FERP during the operational phase of the project is included as a mitigation measure.

Accordingly, the proposed activity will have no impact on the pre-existing overland flow paths or levels and there will be minimal impact to the proposed building from that overland flow.

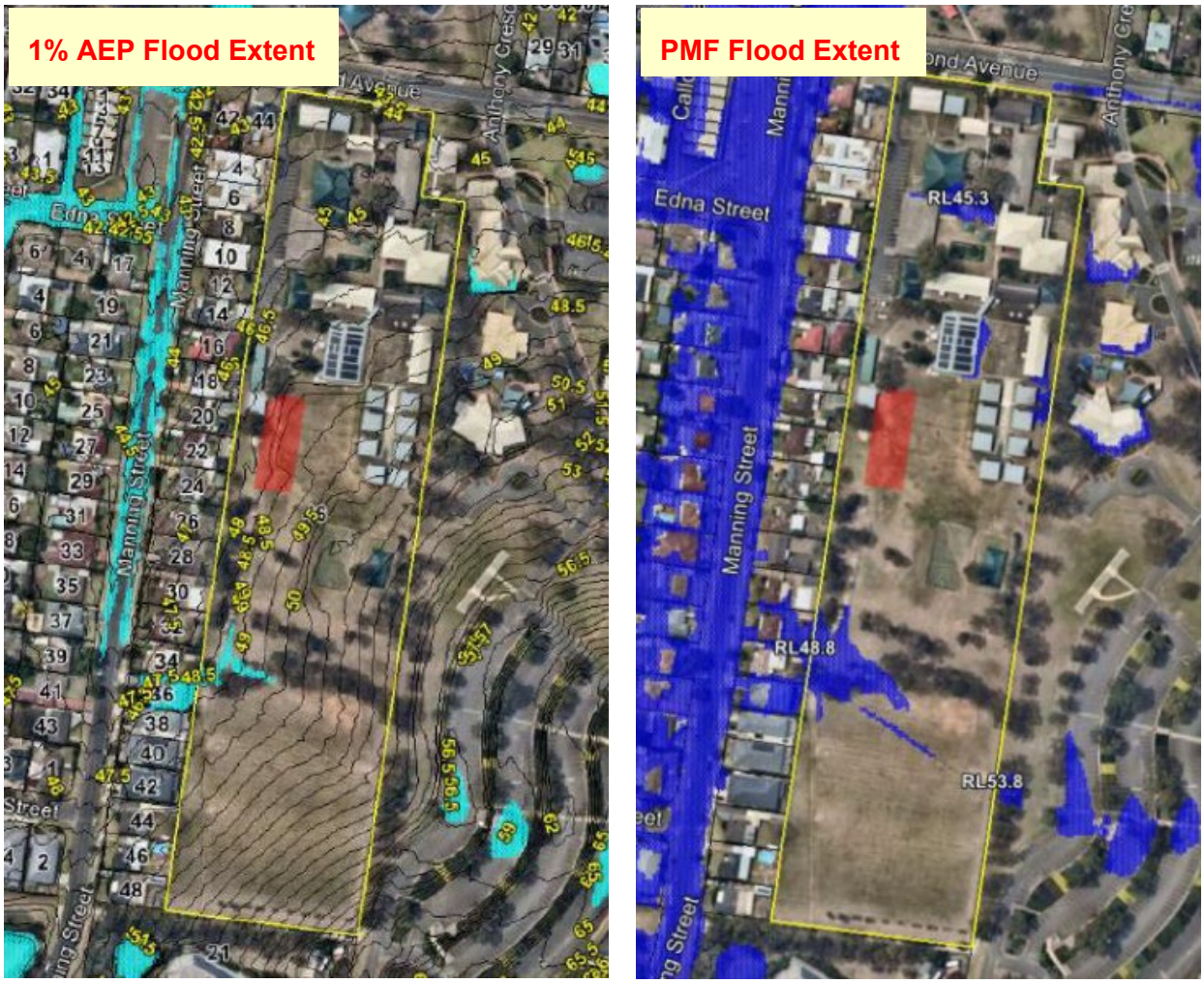

Figure 23: Extract of the 1% AEP and PMF Flood Mapping. Source: Penrith City Council

5.2.9.2 Stormwater Management

The proposed activity will result in an increase in the impervious area of the site by virtue of the proposed new classroom building and covered walkway.

Accordingly, an underground on-site detention (OSD) system is proposed to be constructed located slightly to the north of proposed building. The OSD will cater for a storage of approximately 38.64m^3 to ensure that peak discharge flows draining from the building and covered walkway can be managed by the downstream drainage system from the site. The OSD system will ensure that post-development flows are no greater than pre-development flows and that water quality discharged from the site meets Council's water quality targets.

Water from the OSD will discharge to an existing drainage pipe within the site (via a new pit), from which water will discharge through the existing pipe to Second Avenue. No change to arrangements external to the site are proposed or warranted.

5.2.9.3 Mitigation Measures

This REF and accompanying reports concludes the activity is not likely to have significant environmental impacts in relation to flooding or stormwater subject to implementation of the mitigation measures at **Appendix 1** including the project specific mitigation measures in **Table 16**.

Table 16: Flooding and Stormwater Mitigation Measures

ID	Mitigation Measure	Timing
Flooding		
OPMM7*	A Final Flood Emergency Response Plan (FERP) must be prepared that is generally consistent with the Preliminary FERP.	Prior to operation of new Building
Stormwater		
CMM22*	The OSD must have a minimum storage of 38.64m^3 and water from the OSD must discharge to the existing drainage pipe within the site via a new pit, before being discharged to the street.	During construction

5.2.10 Cumulative Impact

Cumulative impacts relate to the potential impacts resulting from the proposed activity as well as the potential impacts resulting from other known activities proposed for the site or in the vicinity of the site.

There are no known activities or proposed activities within the site or in the vicinity of the site and hence the cumulative impacts are limited to those impacts arising from the proposed works that are outlined in this REF.

Those impacts have been assessed as being minor and/or temporary (in the case of the construction activities) in nature and can minimised or mitigated to an acceptable level such that they are not considered to result in significant adverse cumulative impacts upon the amenity of site or surrounding area.

Furthermore, it is considered that the long term benefits of the proposed activity will outweigh the short term impacts that may occur during the excvation and construction phases.

Notwithstanding that there are no known activities that will be undertaken on or near the site, it is possible that the proposed classroom building may trigger an upgrade to existing electricity supply which may require a new kiosk substation to be installed near the front of the site and that this may require connection works external to the site. The need for this and the extent of such works is not yet known and would be subject to environmental assessment under a separate REF, if required.

Even so, such works are not likely to have significant additional impacts to those arising from the works assessed in this REF and would be subject to the requirements of the utility provider and Council, should a Road Act licence be required.

A mitigation measure is included that requires any such approvals, should they be required, to be obtained prior to works commencing (see **Appendix 1**).

5.2.11 Other Environmental Impacts

Table 17 provides a consideration of other environmental impacts that are associated with the proposed activity.

Table 17: Other Environmental Impacts

Issue	Consideration
Visual Amenity and Privacy	The proposed classroom building will not result in significant visual amenity and privacy impacts as the building will be single storey and not highly visible from the public domain along Second Avenue and not dominating when viewed from residential properties to the west. Furthermore, the colours and materials are subdued and sympathetic to the site and surrounding development. In addition, as the works are not located within an area of high scenic value a Visual Impact Assessment is not deemed necessary.
Overshadowing	The proposed building is single storey and setback 14m from the nearest side boundary (western side boundary) and the shadow impact analysis in the Architectural Drawings demonstrates that there will be no overshadowing from the proposed classroom building of neighbouring land.
Bushfire	The site is not mapped as bushfire prone lane. It is noted that part of the adjoining Western Sydney University campus site is mapped as bushfire prone land, however the mapped area is over 300m from the school site and not considered a risk to the site. Consequently, a bushfire safety authority is not required to be obtained from the NSW Rural Fires Service in this instance.
Soils and Geology	The Geotechnical Report prepared by Geotechnique which accompanies this REF has determined that there are no significant geotechnical limitations on the area of the proposed activity although some recommendations for construction have been made. Subject to these recommendations, the site is suitable for the proposed activity.
Waste	A Construction Waste Management Plan (CWMP) and Operational Waste Management Plan (OWMP) accompany this REF. The CWMP has considered the waste management strategies for on-site storage, as well as reuse of demolition and excavation material and the management of hazardous waste. The estimated volumes of waste has also been calculated, with the majority of waste resulting from removal of concrete pathways, brick work, general waste, metal and above ground fittings and fixtures. It is estimated that excavation waste will be in the order of 145m^3, with the majority being reused as clean fill. Construction waste will be recycled where possible and relates mostly to concrete, brickwork, metals, timber offcuts, cardboard, plasterboard and containers. The OWMP sets out strategies for the ongoing management of waste and provides details for how waste will be segregated, managed from storage to collection, hours of waste collection, as well as education / training and the establishment of roles and responsibilities. The waste storage area for the school is a 23m^2 area that is located to the south of the existing car parking spaces that are located along the western side boundary of the school site. Access for waste vehicles is provided via the existing driveway crossover and these arrangements are not proposed to change as part of the proposal.
Gas Pipeline	To the north of the site, along Second Avenue, is a section of a Jemena gas distribution network primary gas main. A risk assessment of the potential impacts associated with the vicinity of the proposed activity to this gas main has been undertaken by Arriscar and accompanies this REF. The conclusions of the risk assessment are as follows: - *The risk from the gas pipeline does not exceed any locational specific risk in relation to fatality, injury, or property damage at the school boundary, specified in HIPAP No.10 [2].* - *Thermal radiation exceeding 4.7 kW/m^2 from a full bore rupture of the gas pipeline does not reach the proposed development.* - *The maximum thermal radiation on the proposed building is 4 kW/m^2 at a*

Issue	Consideration
	frequency of 3.4x10-12 p.a. which is negligible. - *The maximum blast impact on the school building is 1.5 kPa at 8.3x10-11 p.a. The risk is negligible and at 1.5 kPa overpressure, there will be no adverse impact on the school building structure.* - *A societal risk was not undertaken as there is no requirement for a PHA under the NSW Planning circular PS 24-005 [1] for the gas pipeline which is not a licensed pipeline.* Consequently, no risk mitigation measures have been recommended as part of the assessment.

6. Justification and Conclusion

The proposed construction of a single storey classroom building and minor ancillary works at Kingswood Public School is subject to assessment under Part 5 of the EP&A Act. The REF has examined and taken into account to the fullest extent possible all matters affecting, or likely to affect, the environment by reason of the proposed activity.

As discussed in detail in this report, the proposal will not result in any significant or long-term adverse impacts. The potential impacts identified can be reasonably mitigated and where necessary managed through the adoption of suitable site practices and adherence to accepted industry standards.

As outlined in this REF, the proposed activity can be justified on the following grounds:

- It responds to an existing need within the community
- It generally complies with, or is consistent with all relevant legislation, plans and policies
- It has minimal environmental impacts
- Adequate mitigation measures have been proposed to address these impacts

The activity is not likely to significantly affect threatened species, populations, ecological communities or their habitats, and therefore is not necessary for a Species Impact Statement and/or a BDAR to be prepared.

The environmental impacts of the proposal are not likely to be significant. Therefore, it is not necessary for an environmental impact statement to be prepared and approval to be sought for the proposal from the Minister for Planning and Public Spaces under Part 5 of the EP&A Act.

On this basis, it is recommended that the department determine the proposed activity in accordance with Part 5 of the EP&A Act and subject to the adoption and implementation of mitigation measures identified within this report.