

Review of Environmental Factors Decision Statement

Sutherland Public School – New Hall and COLA

Table 1: REF Details

Document Name	Review of Environmental Factors Sutherland Public School – New School Hall and COLA (The REF)
REF Date	1 August 2025
REF Version No.	6
Location	38-54 Eton Street, Sutherland, NSW 2232
Summary of Proposed Activity	Construction of a new hall and COLA
Prepared by	Mecone – Chris Shannon
Manager Assessments Endorsement	I certify that I have reviewed and endorsed the contents of the REF document and the Decision Statement and, to the best of my knowledge, it is in accordance with the <i>Environmental Planning and Assessment Act 1979</i>, the <i>Environmental Planning and Assessment Regulation 2021</i> (EP&A Regulation) and the Guidelines approved under section 170 of the EP&A Regulation and the information it contains is neither false nor misleading.  Darren Troy – Manager Assessments

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

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

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

- Design Quality
- Non-Aboriginal Heritage
- Contamination

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

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

The relevant local council was provided written notice of the proposed activity on 7 April 2025 as well as the relevant adjoining neighbours on 4 April 2025. The activity has considered the issues raised in submissions received during the notification period and these submissions have been addressed in the assessment of the proposed activity. As the determining authority, the department is satisfied that appropriate consultation has been undertaken.

In relation to contamination, the REF refers to two remediation methodologies, one being “cap and containment” and the other being “offsite disposal.” Remediation works involving the cap and containment method constitute category 1 Remediation work in accordance with *State Environmental Planning Policy (Resilience and Hazards) 2021* and require development consent. This assessment and determination does not relate to any cap and containment works, only works involving offsite disposal (category 2 remediation work). Any cap and containment works must be undertaken in accordance with the development consent obtained under DA25/0186.

This determination is made following a consideration of the matters in sections 1.7, 5.5, 5.7 and 5.10 of the EP&A Act, section 171 and section 171A of the *Environmental Planning and Assessment Regulation 2021* (EP&A Regulation).

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

The REF identifies a range of environmental outcomes and safeguards as mitigation measures that would be required to avoid or reduce environmental impacts. The updated mitigation measures (Version 9 dated 4 September 2025) for the proposal are included at **Appendix 1 of the REF** and amended measures are listed in **Attachment 1**.

The amended mitigation measures have been included to:

- address the remediation strategy that forms part of the REF, including requirements contained in the Remediation Action Plan
- correct an administrative error in relation to contact information for visual amenity

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

- the proposed activity is not likely to have a significant impact on the environment and therefore an Environmental Impact Statement is not required;
- the proposed activity will not be carried out in a declared area of outstanding biodiversity value and is not likely to significantly affect threatened species, populations or ecological communities, or their habitats or impact biodiversity values, meaning a Species Impact Statement and/or Biodiversity Development Assessment Report is not required;
- the proposed activity may proceed as it responds to the ongoing demand for educational facilities in this locality;
- mitigation measures are required to eliminate, minimise or manage environmental impacts and have been addressed in the updated mitigation measures (Version 9 dated 4 September 2025) at **Appendix 1** of the REF and **Attachment 1** of this Decision Statement, and endorsed by the reviewing officer at **Table 1** of this Decision Statement; and
- the proposed activity is not likely to have a significant impact on matters of national environmental significance, or on the environment of Commonwealth land, and therefore referral to the Minister under the EPBC Act is not required.

Having regard to the above, the proposal as generally described in the REF at 38-54 Eton Street, Sutherland, NSW 2232 is **APPROVED** on behalf of the department and may proceed without the need for further assessment, subject to compliance with and implementation of the following:

1. The signed REF and associated appendices;
2. The Requirements and updated Mitigation Measures, included at **Appendix 1** of the REF and **Attachment 1** of this Decision Statement; and
3. All relevant statutory requirements, including approvals, licences, notifications, permits, authorisations and owner's consent.

Sarah Kelly

Sarah Kelly
Director Assessments
5/09/2025

Attachment 1

Amended Measures

LCMM5 Site Audit Statement

Prior to the commencement of operation, an Interim Site Audit Statement prepared by an EPA Accredited Site Auditor is to be provided to the relevant DoE Project Lead and DoE Post Approval and Compliance Team.

Prior to Commencement of operation of the activity

Any Category 2 remediation works of contaminated land (offsite disposal) is to be carried out in accordance with the requirements of the Remediation Action Plan (RAP). Following completion of the remediation works, a Site Remediation and Validation Report is to be submitted to a NSW EPA-Accredited Site Auditor to confirm site suitability through a Site Audit Statement. The site suitability statement and Site Remediation and Validation Report is to be submitted to the relevant DoE Project Lead and DOE's Post Approval and Compliance Team.

A notice of completion of remediation work must also be given to Council within 30 days of completion of the work in accordance with Section 4.14 and Section 4.15 of *State Environmental Planning Policy (Resilience and Hazards) 2021*.

LCMM7 Remediation

~~The following remediation actions must be undertaken as per the~~

Cap and containment (Methodology 1)

~~Cap and containment have been identified as a remediation strategy in the Remediation Action Plan report. This methodology relates to retention of existing fill (where possible) within the site, capped with the proposed building floor slab and asphalt surfacing (outside the building footprint), managed in the long term under a long-term environmental management plan (LTEMP). This methodology has been approved by Council under the development application DA25/ 186. These works will be carried out in accordance with the development consent conditions outlined in DA25/0186.~~

Excavation and disposal (Methodology 2)

Prior to commencement of excavation work, a waste classification assessment must take place for the material to be excavated and removed from the site. The Environmental Consultant may complete a waste classification assessment using data presented in the DSI and SSI, but may also supplement the data with additional sampling and testing. The waste classification can also be undertaken on stockpiled fill soils, again utilising existing data as applicable.

The waste classification must occur with regards to the *NSW EPA Waste Classification Guidelines, Part 1: Classifying Waste* (2014) and the *NSW EPA Sampling Design Part 1 – Application* (2022), refer Section 14. A waste classification report must be prepared and the receiving landfill facility should be contacted to obtain disposal approval. This waste classification documentation should be arranged at least 3-4 weeks prior commencement of disposal of soils.

VAMM1 Visual and Amenity

The selection of external colours, materials or finishes of the building(s) should aim to minimise impacts on visual amenity and ensure there is no increase in impacts identified in the visual amenity assessment in the REF.

For enquiries on requirements please contact the DoE Design and Infrastructure Standards Team on DesignAndInfrastructureStandards@det.nsw.edu.au.