

Review of Environmental Factors Decision Statement (Major)

Thornton Public School upgrade

Table 1: REF Details

Document Name	Review of Environmental Factors Thornton Public School upgrade
REF Date	12/06/2026
REF Version No.	5
Mitigation Measures	12/06/2026
Portal Reference No.	P5-2026-91
Location	28 Government Road, Thornton NSW, 2322
Summary of Proposed Activity	The proposal includes construction of a three-storey classroom building, new car park, partial demolition of existing structures, tree removal and associated works.
Prepared by	DFP Planning, Henry Burnett
Assessments Manager 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 issued under section 170 of the EP&A Regulation and the information it contains is neither false nor misleading.  Jenny Chu, 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 environmental impacts in a manner that is proportionate to the nature and risk of the activity, as addressed in the REF, including any necessary mitigation or management measures.

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

- Transport, traffic and access
- Bushfire
- Tree removal and biodiversity
- Ecology
- Design quality

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

- Guidelines for Division 5.1 Assessments (**the Guidelines**), published by the Department of Planning, Housing and Infrastructure (**DPHI**)

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

- the Stakeholder and Community Participation Plan published by the Department of Education.

The REF was publicly exhibited on the NSW Planning Portal for 21 days from 28 April 2026 until 18 May 2026. Written notice was provided to neighbouring and nearby property owners and/or occupants in vicinity of the proposal. Maitland City Council was provided written notice of the proposed activity on 13 April 2026, as well as relevant State government agencies and service providers on 24 April 2026.

Five submissions were received during the exhibition period, comprising three submissions from local council and government agencies, and two submissions from the community.

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

This determination is made following consideration of the matters in sections 1.7, 5.5, 5.7 and 5.10 of the EP&A Act, and section 171 and section 171A of the EP&A Regulation. This determination is

also made following consideration of the design quality of the development, evaluated in accordance with the design quality principles set out in schedule 8 of the TI SEPP and the design principles set out in the Design Guide for Schools published by the NSW Government Architect.

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

The REF identifies a range of environmental outcomes and safeguards as mitigation measures that would be required to avoid or reduce environmental impacts. The mitigation measures for the proposal are included at Appendix 1 of the REF and amended measures are listed in Attachment 1.

The mitigation measures have been amended to:

- ensure the archival recording report to be reviewed by and to the satisfaction of the DoE Heritage team prior to construction
- ensure heritage interpretation plans and proposal, and any future design changes are reviewed by and to the satisfaction of the DoE Heritage team during detailed design and construction.
- capture the cumulative impacts from future works under a separate planning pathway within the site.

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

- the proposed activity is 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 is not within or nearby to a wilderness area (within the meaning of the *Wilderness Act 1987*) and therefore will not have an effect on any wilderness area;
- 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 at **Appendix 1** of the REF and at **Attachment 1** of this Decision Statement, and endorsed as amended by the Assessments Manager at **Table 1** of this Decision Statement; and
- the proposed activity is not likely to have a significant impact on matters of national environmental significance, or on the environment of Commonwealth land, and therefore referral to the Minister under the EPBC Act is not required.

Having regard to the above, and having the power to exercise the functions of the determining authority under Part 5, Division 5.1 of the *Environmental Planning and Assessment Act 1979* and Part 8, Division 1 of the *Environmental Planning and Assessment Regulation 2021* (EP&A Regulation), the proposal as described in the REF at 28 Government Road, Thornton NSW, 2322 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:

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

Yvette Buchli

Yvette Buchli

Executive Director, Planning and Assessments
3 July 2026

Attachment 1

Amended Measures

(amendments and deletions in ~~strike through~~ and **underlined bold text**)

TA1 School Transport Plan

A School Transport Plan (STP) must be prepared to the satisfaction of DoE's Transport Planning Team. ~~If the school already has a School Transport Plan, the existing plan is to be reviewed and updated to reflect the impacts of the REF Activity, to the satisfaction of DoE's Transport Planning Team.~~ **If the school already has a School Transport Plan, the existing plan is to be reviewed and updated to reflect the impacts of the REF Activity, to the satisfaction of DoE's Transport Planning Team.**

A copy of the School Transport Plan is to be provided to the Accountable Lead and DoE's Transport Planning Team for implementation during Operations.

E1 Tree Protection

Trees not approved to be pruned or removed are to be protected and maintained in accordance with ~~AS 4970-2009~~ **AS 4970-2025** *Protection of Trees on Development Sites*. Tree protection must be approved by a Consulting Arborist AQF Level 5. Protections are to remain in place until the completion of all construction work in the vicinity of the protected trees.

E6 Replacement Planting

~~Removal of native vegetation for construction must be replaced as per Maitland DCP 2011. Eight (8) native trees are recommended for removal with one (1) tree containing a habitat hollow; replacement planting shall be undertaken at a ratio of 1:1 for seven (7) trees, and 1:2 for the hollow bearing tree. Therefore, nine (9) replacement trees are required.~~ **Removal of native vegetation must be replaced at a ratio of 1:1.** Replacement species are to be endemic PCT 3433 species (*Corymbia maculata*, *Eucalyptus moluccana*, *Eucalyptus tereticornis* or equivalent).