

Statement of Environmental Effects



Proposed Continuance of Use - Educational Establishment
Part Lot 21 DP 1092147 Nos. 153 – 233 Old Castlereagh Road, Castlereagh

Prepared for: NSW Department of Education
Project No: 0078B
Date: February 2018

Statement of Environmental Effects

Nos. 153 – 233 Old Castlereagh Road, Castlereagh

Printed: 7 February 2018
File Name: C:\Users\John_2\Dropbox\State Planning Services\Projects\0078B 153-233 Old Castlereagh Road, Castlereagh\Reports\0078B.docx
Project Manager: John McFadden
Client: NSW Department of Education
Project Number: 0078B

Document History and Status

Version	Issued To	Qty	Date	Reviewed
Draft	Project Manager	1	25/01/2018	J. McFadden
Draft	Client	1	02/02/2018	S. Selwan
Final	Council	1	07/02/2018	J. McFadden



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- A. Penrith City Council Notice of Determination - DA14/0398
- B. Survey Plan prepared by North Western Surveys
- C. Emergency Management Plan for PLEEC

1 Introduction

1.1 Commission

State Planning Services Pty Limited (**SPS**) has been commissioned by the NSW Department of Education (**our client**) on behalf of the NSW Minister for Education (**the Minister**) to prepare a Statement of Environmental Effects (**SEE**) in relation to the proposed continuance of use of an existing temporary educational establishment for a period of five (5) years (**the proposal**) at Part Lot 21 in Deposited Plan (**DP**) No. 1092147 Nos. 153-233 Old Castlereagh Road, Castlereagh (**the subject site**) within the Sydney International Regatta Centre (**SIRC**).

1.2 Purpose of this Statement

This SEE accompanies a development application (**DA**) to Penrith City Council (**Council**) with the main purpose being to address the key environmental and amenity impacts associated with the proposal in order to satisfy the assessment criteria prescribed by:

- (a) Section 79C (**S.79C**) of the *Environmental Planning and Assessment Act 1979* (**EP&A Act**); and
- (b) Clause 50 and Schedule 1 of the *Environmental Planning and Assessment Regulation 2000* (**EP&A Regulation**).

1.3 Type of Application

The proposal is defined as 'development' pursuant to Section 4 of the EP&A Act as it involves 'the use of land'.

The proposal is neither 'exempt development', nor 'complying development' and development consent is required under Interim Development Order No. 93 (**IDO 93**).

The capital investment value (**CIV**) of the proposal is \$0 as no building work is proposed. Furthermore, the proposal does not require referral to any government agency for comment and is not 'integrated development', 'state significant development' or 'designated development'. Council is the consent authority for this DA.

1.4 Background

On 11 June 2014, Council approved DA14/0398 for a 'Temporary Educational Establishment (3 years)' on the site (**Appendix A**).

In particular, Condition No. 2 of Notice of Determination No. DA14/0398 states the following:

"This consent is limited to a period of three (3) years from the date of determination of this Development Application. Prior to the expiry date of this consent, the applicant will be required to submit a new development application for any continuance of the use."

An existing educational establishment known as the Penrith Lakes Environmental Education Centre (**PLEEC**) has operated on the site since 2014. The 3-year limitation period associated with DA/14/0398 has since expired, yet the site has continued to be used as an educational establishment.

Our client is liaising with the Department of Planning and Environment's Office of Strategic Lands to acquire a permanent site for the PLEEC. However, in the interim, the proposal seeks to enable the use of a temporary educational establishment on the site to continue in the short-to-medium-term.

1.5 Material Relied Upon

SPS has undertaken an inspection of the site and reviewed information provided at **Appendices A - C**.

2 Context

2.1 Subject Site

The subject site (**the site**) is part of the SIRC and is described as Part Lot 21 DP 1092147 Nos. 153-233 Old Castlereagh Road, Castlereagh within the Penrith Local Government Area (LGA) (Figures 1 and 2).

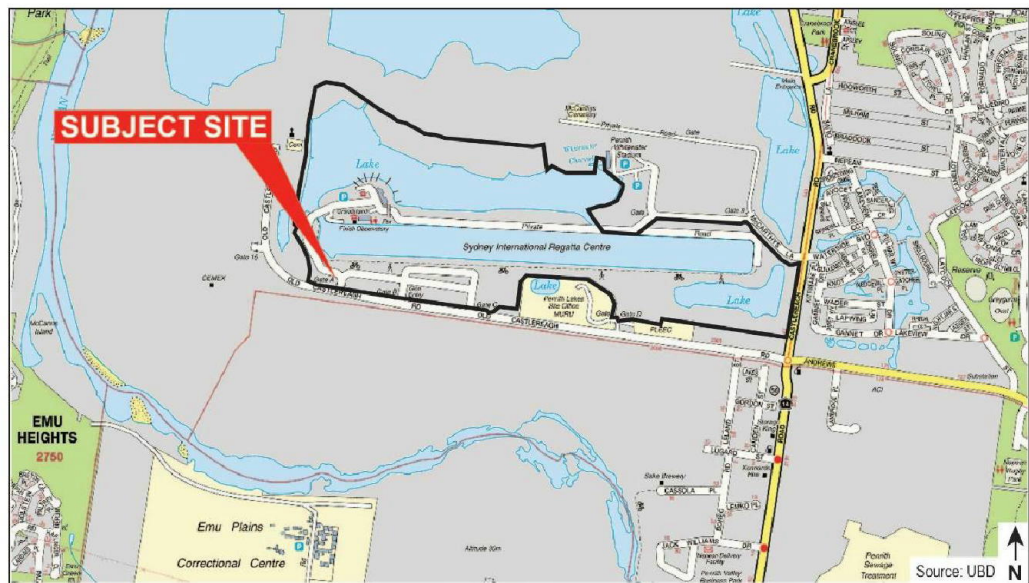


Figure 1 Locality Plan



Figure 2 Existing School Buildings as viewed from within the Site

A site survey plan prepared by North Western Surveys indicates the location of existing school buildings and improvements on the site approved as part of DA14/0398 (**Appendix B**).

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The site is located approximately 2.5 kilometres (**km**) from the intersection of Old Castlereagh Road/Castlereagh Road and is accessible via Gate A from Old Castlereagh Road. The SIRC site comprises a total area of 178.4 hectares (**ha**), is irregular in shape and was previously used as part of the Sydney 2000 Olympic Games.

In addition to the existing educational establishment, the site is now also utilised for a range of uses including, but not limited to, recreational and sporting activities.

Existing water and sewer utilities are connected and various easements (including a 2 metre (**m**) easement for underground cables) will remain unaffected by the proposal.

Various trees exist on the site and a slope of approximately 2m extends from a high point in the south to a low point in the north. An existing concrete drainage channel on the site will remain unaffected by the proposal.

2.2 Surrounding Development

The site is located within the SIRC and is surrounded by development to the north, east, south and west that is predominantly associated with the Penrith Lakes Scheme (**Figure 3**).

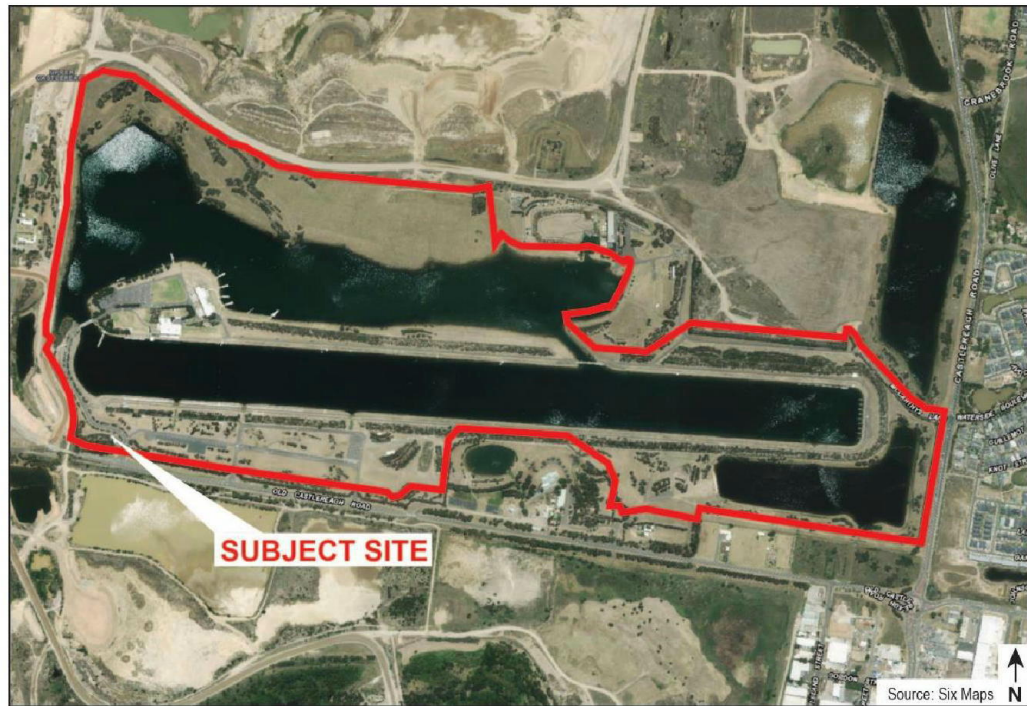


Figure 3 Aerial Photograph

The existing educational establishment occupies a portion of the SIRC site that is largely imperceptible from surrounding development and areas within the public domain that are not associated with SIRC.

3 Proposal

3.1 Continuance of Use - Educational Establishment

3.1.1 Penrith Lakes Environmental Education Centre

PLEEC has operated a temporary educational establishment on the site since 2014 in accordance with DA14/0398 dated 11 June 2014 (**Appendix A**). The 3-year limitation period associated with DA/14/0398 has since expired, yet the site has continued to be used as an educational establishment.

The proposal is for the continued use of the site in accordance with DA14/0398 as a temporary educational establishment for a further period of five (5) years (until 2023).

No demolition, building work, drainage or tree removal is proposed and the DA does not include any intensification of students or staff. In addition, the proposal does not include any amendments to the layout of the site.

3.1.2 Student / Staff Enrolments

As per DA14/0398 - no change.

3.1.3 Curriculum / Learning Program

As per DA14/0398 - no change.

3.1.4 Proposed Structures

N/A – no building or construction work proposed.

3.1.5 Vehicle Access, Traffic and Parking

As per DA14/0398 - no change.

3.1.6 Tree Removal

N/A – no tree removal proposed.

3.1.7 Drainage

N/A – no drainage or construction work proposed.

3.1.8 Waste Generation, Removal and Recycling

As per DA14/0398 - no change.

3.1.9 Noise

As per DA14/0398 - no change.

3.1.10 Accessibility

As per DA14/0398 - no change.

3.1.11 Management of Potential Land Use Conflicts

As per DA14/0398, the site is flood prone and the proposal operates in accordance with a Flood Evacuation Plan and the Floodsafe Guide of the State Emergency Services (**SES**). An updated Emergency Management Plan (**EMP**) for PLEEC is provided at **Appendix C**.

4 Evaluation and Assessment

An evaluation and assessment of the relevant matters for consideration under S.79C of the EP&A Act is provided below.

4.1 Section 79C(1)(a) - Environmental Planning Instruments

4.1.1 Interim Development Order No. 93

That part of the site which contains the existing educational establishment is located within the Rural 1(A2) zone under IDO 93 (**Figure 4**).

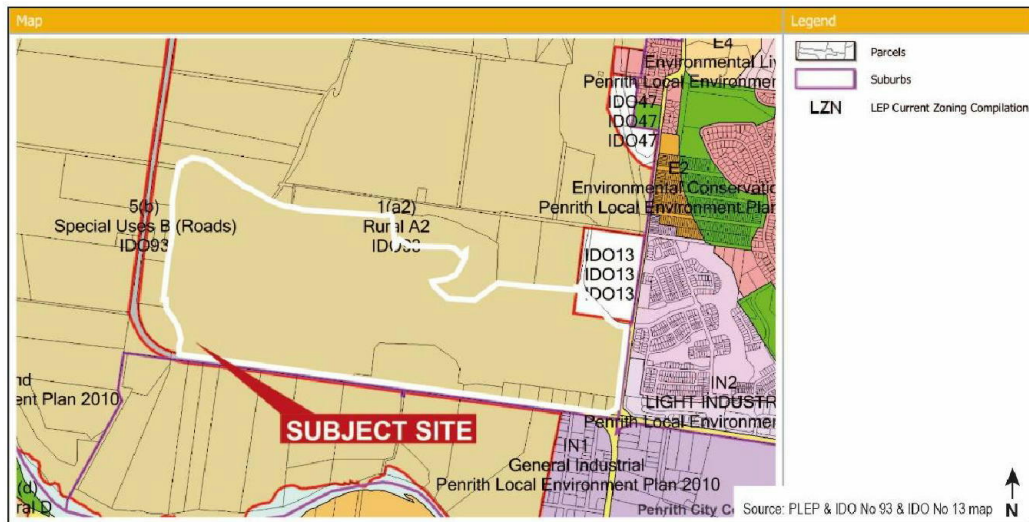


Figure 4 IDO 93 Zoning Extract

Educational establishments are permitted with consent in the Rural 1(A2) zone under IDO 93.

The 5(b) Special Uses (Roads) zone under IDO 93 and 4(a) General Industrial zone under IDO No. 13 (**IDO 13**) do not affect that part of the site that is proposed to be used for the purposes of an educational establishment.

The proposal will not include any change to the layout of the site and will remain consistent with the relevant provisions contained within IDO 93.

4.1.2 Penrith Local Environmental Plan 1991 (Environmental Heritage Conservation)

As per DA14/0398, the proposal will remain consistent with *Penrith Local Environmental Plan 1991 (Environmental Heritage Conservation) (PLEP)*.

4.1.3 State Environmental Planning Policy (Penrith Lakes Scheme) 1989

As per DA14/0398, the proposal will remain consistent with *State Environmental Planning Policy (Penrith Lakes Scheme) 1989 (SEPP PLS)*.

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

Clause 5 of *State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017 (ESEPP)* defines an 'educational establishment' as follows:

“educational establishment means a building or place used for education (including teaching), being:
(a) a school, or
(b) a tertiary institution, including a university or a TAFE establishment, that provides formal education and is constituted by or under an Act.”

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Clause 5 of ESEPP defines a ‘school’ as ‘a government school or non-government school within the meaning of the *Education Act 1990*.’

The *Education Act 1990* defines ‘government school’ as follows:

“government school means a school established under this Act by the Minister.”

The proposal constitutes an educational establishment as it involves a government school.

Table 1 summarises pertinent controls for a school within ESEPP that are relevant to the site.

Table 1 ESEPP		
Control	Proposal	Compliance
35 Schools—development permitted with consent		
(1) Development for the purpose of a school may be carried out by any person with development consent on land in a prescribed zone.	Clause 33 defines ‘prescribed zone’ which does not include Rural 1(A2) under IDO 93	N/A Educational establishments are permitted with consent in the Rural 1(A2) zone under IDO 93.
(2) Development for a purpose specified in clause 39(1) or 40(2)(e) may be carried out by any person with development consent on land within the boundaries of an existing school.	N/A DA is for the continuance of use and does not include any building work.	N/A DA for use only.
(3) Development for the purpose of a school may be carried out by any person with development consent on land that is not in a prescribed zone if it is carried out on land within the boundaries of an existing school.	Site contains an existing educational establishment which has been in operation since 2014.	Yes
(4) Subclause (3) does not require development consent to carry out development on land if that development could, but for this Policy, be carried out on that land without development consent.	IDO 93 requires consent for development involving an educational establishment.	N/A
(5) A school (including any part of its site and any of its facilities) may be used, with development consent, for the physical, social, cultural or intellectual development or welfare of the community, whether or not it is a commercial use of the establishment.	No community or commercial use proposed.	N/A
(6) Before determining a development application for development of a kind referred to in subclause (1), (3) or (5), the consent authority must take into consideration: (a) the design quality of the development when evaluated in	Schedule 4 design quality principles evaluated below. No community or commercial use proposed, but able to be accommodated.	Proposal complies with Schedule 4.

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Table 1 ESEPP		
Control	Proposal	Compliance
accordance with the design quality principles set out in Schedule 4, and (b) whether the development enables the use of school facilities (including recreational facilities) to be shared with the community.		
(7) Subject to subclause (8), the requirement in subclause (6) (a) applies to the exclusion of any provision in another environmental planning instrument that requires, or that relates to a requirement for, excellence (or like standard) in design as a prerequisite to the granting of development consent for development of that kind.	Schedule 4 design quality principles to prevail as evaluated below.	N/A
(8) A provision in another environmental planning instrument that requires a competitive design process to be held as a prerequisite to the granting of development consent does not apply to development to which subclause (6) (a) applies that has a capital investment value of less than \$50 million.	IDO 93 does not require any other competitive design process.	N/A
(9) A provision of a development control plan that specifies a requirement, standard or control in relation to development of a kind referred to in subclause (1), (2), (3) or (5) is of no effect, regardless of when the development control plan was made.	ESEPP prevails over PDCP.	Yes
(10) Development for the purpose of a centre-based child care facility may be carried out by any person with development consent on land within the boundaries of an existing school.	N/A	N/A
(11) Development for the purpose of residential accommodation for students that is associated with a school may be carried out by any person with development consent on land within the boundaries of an existing school.	N/A	N/A

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Table 1 ESEPP		
Control	Proposal	Compliance
Schedule 4 – Design Quality Principles		
Principle 1—context, built form and landscape		
<p>Schools should be designed to respond to and enhance the positive qualities of their setting, landscape and heritage, including Aboriginal cultural heritage.</p> <p>The design and spatial organisation of buildings and the spaces between them should be informed by site conditions such as topography, orientation and climate.</p> <p>Landscape should be integrated into the design of school developments to enhance on-site amenity, contribute to the streetscape and mitigate negative impacts on neighbouring sites.</p> <p>School buildings and their grounds on land that is identified in or under a local environmental plan as a scenic protection area should be designed to recognise and protect the special visual qualities and natural environment of the area, and located and designed to minimise the development’s visual impact on those qualities and that natural environment.</p>	<p>As per DA14/0398.</p> <p>No design changes proposed.</p>	<p>Yes</p>
Principle 2—sustainable, efficient and durable		
<p>Good design combines positive environmental, social and economic outcomes. Schools and school buildings should be designed to minimise the consumption of energy, water and natural resources and reduce waste and encourage recycling.</p> <p>Schools should be designed to be durable, resilient and adaptable, enabling them to evolve over time to meet future requirements.</p>	<p>As per DA14/0398.</p> <p>No design changes proposed.</p>	<p>Yes</p>

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Table 1 ESEPP		
Control	Proposal	Compliance
Principle 3—accessible and inclusive		
<p>School buildings and their grounds should provide good wayfinding and be welcoming, accessible and inclusive to people with differing needs and capabilities.</p> <p>Note.</p> <p>Wayfinding refers to information systems that guide people through a physical environment and enhance their understanding and experience of the space.</p> <p>Schools should actively seek opportunities for their facilities to be shared with the community and cater for activities outside of school hours.</p>	<p>As per DA14/0398.</p> <p>No design changes proposed.</p>	<p>Yes</p>
Principle 4—health and safety		
<p>Good school development optimises health, safety and security within its boundaries and the surrounding public domain, and balances this with the need to create a welcoming and accessible environment.</p>	<p>As per DA14/0398.</p> <p>No design changes proposed.</p>	<p>Yes</p>
Principle 5—amenity		
<p>Schools should provide pleasant and engaging spaces that are accessible for a wide range of educational, informal and community activities, while also considering the amenity of adjacent development and the local neighbourhood.</p> <p>Schools located near busy roads or near rail corridors should incorporate appropriate noise mitigation measures to ensure a high level of amenity for occupants.</p> <p>Schools should include appropriate, efficient, stage and age appropriate indoor and outdoor learning and play spaces, access to sunlight, natural ventilation, outlook, visual and acoustic privacy, storage and service areas.</p>	<p>As per DA14/0398.</p> <p>No design changes proposed.</p>	<p>Yes</p>

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Table 1 ESEPP		
Control	Proposal	Compliance
Principle 6—whole of life, flexible and adaptive		
School design should consider future needs and take a whole-of-life-cycle approach underpinned by site wide strategic and spatial planning. Good design for schools should deliver high environmental performance, ease of adaptation and maximise multi-use facilities.	As per DA14/0398. No design changes proposed.	Yes
Principle 7— aesthetics		
School buildings and their landscape setting should be aesthetically pleasing by achieving a built form that has good proportions and a balanced composition of elements. Schools should respond to positive elements from the site and surrounding neighbourhood and have a positive impact on the quality and character of a neighbourhood. The built form should respond to the existing or desired future context, particularly, positive elements from the site and surrounding neighbourhood, and have a positive impact on the quality and sense of identity of the neighbourhood.	As per DA14/0398. No design changes proposed.	Yes
57 – Traffic Generating Development		
<i>“(1) This clause applies to development for the purpose of an educational establishment: (a) that will result in the educational establishment being able to accommodate 50 or more additional students, and (b) that involves: (i) an enlargement or extension of existing premises, or (ii) new premises, on a site that has direct vehicular or pedestrian access to any road. (2) Before determining a development application for development to which this clause applies, the consent authority must: (a) give written notice of the application to Roads and Maritime Services (RMS) within 7 days after the application is made, and (b) take into consideration the matters referred to in subclause (3).</i>	As per DA14/0398. No design changes proposed.	Yes

Table 1 ESEPP		
Control	Proposal	Compliance
<p>(3) The consent authority must take into consideration:</p> <p>(a) any submission that RMS provides in response to that notice within 21 days after the notice was given (unless, before the 21 days have passed, RMS advises that it will not be making a submission), and</p> <p>(b) the accessibility of the site concerned, including:</p> <p>(i) the efficiency of movement of people and freight to and from the site and the extent of multi-purpose trips, and</p> <p>(ii) the potential to minimise the need for travel by car, and</p> <p>(c) any potential traffic safety, road congestion or parking implications of the development.</p> <p>(4) The consent authority must give RMS a copy of the determination of the application within 7 days after the determination is made.</p>		

The proposal is satisfactory, having regard to the relevant design quality principles contained within ESEPP.

4.1.5 State Environmental Planning Policy No. 55 – Remediation of Land

State Environmental Planning Policy No. 55 (SEPP 55) requires the consent authority to consider the likelihood of contamination on the site together with the need for remediation.

The site has been used for the purposes of an educational establishment since 2014 and there is no visible evidence to suggest that the site has been the subject of past contaminating practices, or is in need of remediation pursuant to SEPP 55.

4.1.6 State Environmental Planning Policy (State and Regional Development) 2011

Clause 8(1) of State Environmental Planning Policy (State and Regional Development) 2011 (SEPP SRD) pertains to ‘declaration of State significant development: section 89C’ as follows:

- “(1) Development is declared to be State significant development for the purposes of the Act if:
- (a) the development on the land concerned is, by the operation of an environmental planning instrument, not permissible without development consent under Part 4 of the Act, and
- (b) the development is specified in Schedule 1 or 2.”

Schedule 1, Clause 15 of SEPP SRD pertains to ‘educational establishments’ and states the following:

- “(1) Development for the purpose of a new school (regardless of the capital investment value).
- (2) Development that has a capital investment value of more than \$20 million for the purpose of alterations or additions to an existing school.
- (3) Development for the purpose of a tertiary institution (within the meaning of State Environmental Planning Policy (Educational

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Establishments and Child Care Facilities) 2017), including associated research facilities, that has a capital investment value of more than \$30 million.”

The proposal involves the continuance of use following Council’s approval of DA14/0398 and is neither a new school, nor development involving alterations and additions. The CIV for the proposal is \$0 as no works are involved.

Accordingly, the proposal is not State Significant Development pursuant to SEPP SRD.

4.1.7 State Environmental Planning Policy No. 64 - Advertising and Signage

No signage is proposed. Therefore, *State Environmental Planning Policy No. 64 – Advertising and Signage (SEPP 64)* is not applicable.

4.2 Section 79C(1)(a)(ii) – Proposed Instruments

No relevant draft environmental planning instruments are known to apply to the site or the proposed development of an educational establishment on the site.

4.3 Section 79C(1)(a)(iii) - Development Control Plans

4.4 Penrith Development Control Plan 2014

Penrith Development Control Plan 2014 (PDCP) applies to the site and Section 5.4 of PDCP pertains to educational establishments (**Table 2**).

Table 2 PDCP		
Description	Control	Compliance
Background	Given their scale, form and potential impact, there is a need to ensure educational establishments are located and designed in such a way as to minimise their impacts, particularly on surrounding areas. It is also important to ensure that nearby land uses do not have an adverse impact on children’s health and learning.	Yes Minimal impact on surrounding land uses as wholly contained within SIRC site.
Objectives	a) To ensure that the design and location of educational establishments does not adversely impact on the amenity of the area or neighbouring properties, including properties used for agriculture; b) To ensure that educational establishments are located on sites of sufficient size to accommodate buildings, sports fields, parking areas and other associated facilities; c) To ensure that educational establishments are located on sites which have sufficient infrastructure and services to support the use; d) To ensure that the road access to educational establishments is sufficient to cater for expected traffic with minimal impact; e) To ensure that educational establishments do not locate near uses that will have an adverse	Yes Proposed continuance of use only – no building work or intensification of use proposed.

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Table 2 PDCP										
Description	Control	Compliance								
	<p>effect on children’s health or learning; and</p> <p>f) To ensure that, where they are located on a major road, the visual impact of educational establishments is consistent with the character of the area.</p>									
Location and Design	<p>a) Educational establishments must locate on sites which comply with the minimum areas set out in Table D5.1 below.</p> <p>Table D5.1: Minimum site requirements</p> <table border="1"> <thead> <tr> <th>Type of educational establishment</th> <th>Minimum area</th> </tr> </thead> <tbody> <tr> <td>Primary School (Kindergarten to Year 6)</td> <td>3 hectares</td> </tr> <tr> <td>High School (Year 7 to Year 12 OR Kindergarten to Year 12)</td> <td>6 hectares</td> </tr> <tr> <td>Tertiary Institution (University or TAFE College)</td> <td>6 hectares</td> </tr> </tbody> </table>	Type of educational establishment	Minimum area	Primary School (Kindergarten to Year 6)	3 hectares	High School (Year 7 to Year 12 OR Kindergarten to Year 12)	6 hectares	Tertiary Institution (University or TAFE College)	6 hectares	<p>Yes</p> <p>SIRC site contains an area of 178.4ha.</p>
Type of educational establishment	Minimum area									
Primary School (Kindergarten to Year 6)	3 hectares									
High School (Year 7 to Year 12 OR Kindergarten to Year 12)	6 hectares									
Tertiary Institution (University or TAFE College)	6 hectares									
	<p>b) Educational establishments must be designed with regard to:</p> <p>i) Buffer zones to minimise impact on adjoining land uses, including agricultural uses in rural areas;</p> <p>ii) Landscaped front setbacks to reduce visual impact;</p> <p>iii) Appropriate building heights and setbacks to minimise visual intrusion in rural areas; and</p> <p>iv) Separate play areas for primary and secondary students.</p>	<p>N/A</p> <p>No change to setbacks, location, or height.</p>								
Servicing	<p>a) Educational establishments catering to over 50 students must be connected to all services, including power, reticulated water and reticulated sewer.</p> <p>b) Educational establishments catering to less than 50 students must demonstrate how servicing needs will be met. Applications should also address the provision of services should growth in student numbers require it.</p>	<p>Yes</p> <p>All services established as per DA14/0398.</p>								

Table 2 PDCP		
Description	Control	Compliance
Transport, Access and Parking	<p>a) Schools catering to over 50 students must have access to public transport. Applications should outline measures to be taken to encourage use of public transport.</p> <p>b) Educational establishments must be designed to ensure:</p> <ul style="list-style-type: none"> i) Separate parking areas for staff and parents/students; ii) Adequate drop off/pick up zones, separate to bus access; and iii) Safe pedestrian access from bus stops and drop off/pick up zones. <p>c) A traffic impact assessment may be required for the development of an educational establishment. Applicants should confirm this requirement with Council prior to lodging a development application.</p>	<p>Yes</p> <p>No change as use will operate in accordance with DA14/0398.</p>

Notwithstanding, Clause 35(9) of ESEPP states that:

“A provision of a development control plan that specifies a requirement, standard or control in relation to development of a kind referred to in subclause (1), (2), (3) or (5) is of no effect, regardless of when the development control plan was made.”

Accordingly, the provisions of ESEPP prevail over PDCP. However, it is noted that the proposal is satisfactory having regard to PDCP as the use will be consistent with DA14/0398.

4.5 Section 79C(1)(a)(iiiia) - Planning Agreements

No planning agreement (PA) or draft PA is relevant to the site under the provisions of S.93F of the EP&A Act.

4.6 Section 79C(1)(a)(iv) - Regulations

The proposal is consistent with the DA requirements under Clause 50 and Schedule 1 of the EP&A Regulation and does not include any demolition or building work.

4.7 Section 79C(1)(a)(v) – Coastal Management Plan

No Coastal Management Plan (CMP) applies to the subject site or the proposed development.

4.8 Section 79C(1)(b) – Impacts

4.8.1 Built Environment Impacts

N/A – no building work proposed.

4.8.2 Natural Environment Impacts

N/A – no tree removal, earthworks or drainage proposed.

4.8.3 Social and Economic Impacts

Minor positive social and economic impact as the proposal involves continuance of an existing temporary educational establishment as per DA14/0398.

4.9 Section 79C(1)(c) – Suitability of the Site for Development

An existing educational establishment has operated on the site since 2014 in accordance with DA14/0398 and the proposal seeks a continuance of use for a further period of 5 years.

The proposal will uphold the Objects of Section 5 of the EP&A Act which include, *inter alia*:

“(a) to encourage:

(i) *the proper management, development and conservation of natural and artificial resources, including agricultural land, natural areas, forests, minerals, water, cities, towns and villages for the purpose of promoting the social and economic welfare of the community and a better environment,*

(ii) *the promotion and co-ordination of the orderly and economic use and development of land”.*

Accordingly, the site is considered suitable for the development.

4.10 Section 79C(1)(d) – Submissions

Pursuant to S.79(1)(d) of the EP&A Act, Council is required to provide consideration to any submissions made during the notification period associated with the DA.

4.11 Section 79C(1)(e) – Public Interest

The proposal responds appropriately to the opportunities and constraints of the site without creating any significant adverse environmental impacts.

Accordingly, there is no reason which is in the public interest that would serve to preclude the DA from being approved by Council.

5 Conclusion

SPS has been commissioned by the NSW Department of Education on behalf of the NSW Minister for Education to prepare a Statement of Environmental Effects in relation to the proposed continuance of use of an existing temporary educational establishment for a period of five (5) years at Part Lot 21 DP 1092147 Nos. 153-233 Old Castlereagh Road, Castlereagh within the Sydney International Regatta Centre.

The Penrith Lakes Environmental Education Centre has operated a temporary educational establishment on the site since 2014 in accordance with DA14/0398 dated 11 June 2014. The 3-year limitation period associated with DA/14/0398 has since expired, yet the site has continued to be used as an educational establishment.

The proposal is for the continued use of the site in accordance with DA14/0398 as a temporary educational establishment for a further period of five (5) years (until 2023). No demolition, building work, drainage or tree removal is proposed and the DA does not include any intensification of students or staff, or amendments to the layout of the site.

Consequently, the proposal will not result in any impact on the natural or built environment and will not create any adverse social or economic impact on the Castlereagh locality. In addition, the proposal will not be inconsistent with any provision contained within *Interim Development Order No. 93* or *State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017*.

For this reason, the proposal is satisfactory, having regard to Section 79C of the *Environmental Planning and Assessment Act 1979* and warrants approval by Council under Section 89 of the *Environmental Planning and Assessment Act 1979*.