



New South Wales Government
Independent Planning Commission

Westmead Catholic Community Education Campus Project (SSD-10383)

Statement of Reasons for Decision

Peter Duncan AM (Chair)
Juliet Grant

14 February 2022

Westmead Catholic Community Education Campus Final Report ©
State of New South Wales through the Independent Planning Commission 2022

Independent Planning Commission NSW
Suite 15.02, Level 15, 135 King Street Sydney NSW Australia
Telephone: (02) 9383 2100
Email: ipcn@ipcn.nsw.gov.au
ABN: 38755709681

Disclaimer:

While every reasonable effort has been made to ensure that this document is correct at the time of publication, the State of New South Wales, its agencies and employees, disclaim all liability to any person in respect of anything or the consequences of anything done or omitted to be done in reliance upon the whole or any part of this document.

The Independent Planning Commission NSW advises that the maps included in the report are to give visual support to the discussion presented within the report. Hence information presented on the maps should be seen as indicative, rather than definite or accurate. The State of New South Wales will not accept responsibility for anything, or the consequences of anything, done or omitted to be done in reliance upon the mapped information.

EXECUTIVE SUMMARY

The Catholic Education Diocese of Parramatta has sought development consent for alterations to an existing school building and construction of new buildings to facilitate the operation of a primary school, a new early learning centre and new church on the 12-hectare Westmead Catholic Community Education Campus, Westmead, in the Parramatta Local Government Area.

The \$80-million proposal comprises a six-storey 'vertical' primary school building for 1,680 students, an early learning centre with 200 spaces, a new 400-seat place of worship fronting Darcy Road, as well as associated works and landscaping.

The school is also seeking to increase its current student population by 1260 additional primary school students to provide capacity for 1680 students and add 200 early learning spaces by 2033.

Up to 1000 construction and 101 full-time operational jobs are projected to flow from the development.

A whole-of-government assessment by the Department of Planning & Environment in December 2021 found the proposal can only be accommodated in its current form subject to its recommended conditions of consent. The Department stated that "if these conditions relating to traffic modelling, open space provisions [and] pedestrian connections are not implemented, the proposal may unreasonably impact on the infrastructure of the locality". The Independent Planning Commission is the consent authority for this state significant development (SSD) application because City of Parramatta Council has objected to the proposal.

Commissioners Peter Duncan AM (Panel Chair) and Juliet Grant were appointed to constitute the Commission Panel in making the final decision.

As part of their determination process, the Panel met with representatives of the Applicant, Department, City of Parramatta Council, and representatives of Transport for NSW. The Panel also conducted an inspection of the site and the surrounding locality.

The community expressed its views on the proposed development through written submissions to the Commission. Concerns raised in submissions centred around drop-off / pick-up infrastructure and pedestrian safety.

After careful consideration of all the material and having taken into account the views of Council and the community, the Commission has determined that development consent should be granted for the SSD application, subject to conditions.

These conditions are designed to prevent, minimise and/or offset adverse environmental impacts, and ensure ongoing monitoring and appropriate environmental management of the site.

The Commission's reasons for approval of the Application are set out in this Statement of Reasons for Decision.

CONTENTS

EXECUTIVE SUMMARY	i
DEFINED TERMS	2
1 INTRODUCTION	1
2 SITE AND LOCATION	2
2.1 The Site.....	2
2.2 Local Context.....	3
3 BACKGROUND	5
3.1 Existing Operations.....	6
3.2 Related Development	6
4 THE APPLICATION	9
4.1 Need and Strategic Context	10
5 STATUTORY CONTEXT	12
5.1 State Significant Development	12
5.2 Permissibility	12
5.3 Mandatory Considerations.....	12
5.4 Additional Considerations.....	15
6 THE COMMISSION'S CONSIDERATION	16
6.1 The Commission's Meetings	16
6.2 Site Inspection	16
6.3 Material Considered by the Commission.....	16
7 COMMUNITY PARTICIPATION	18
7.1 Public Comments.....	18
7.2 Key Issues Raised	18
8 KEY ISSUES	19
8.1 Built Form.....	19
8.2 Traffic.....	21
8.3 Open Space	26
8.4 Landscaping.....	28
8.5 Pedestrian Access and Connectivity	29
8.6 Operating Hours	32
9 CONCLUSION: THE COMMISSION'S FINDINGS AND DETERMINATION	33

DEFINED TERMS

ABBREVIATION	DEFINITION
Applicant	Catholic Education Diocese of Parramatta
Application	Westmead Catholic Community Education Campus (SSD-10383)
AR	Department's Assessment Report (dated December 2021)
AR para	Paragraph of the AR
CIV	Capital Investment Value
Commission	NSW Independent Planning Commission
Council	City of Parramatta Council
CPTED	Crime Prevention Through Environmental Design
Department	Department of Planning and Environment (formerly the Department of Planning, Industry and Environment)
Education SEPP	<i>State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017</i>
EFSG	Educational Facilities Standards and Guidelines
EIS	Environmental Impact Statement
ELC	Early Learning Centre (centre-based child-care facility)
EP&A Act	<i>Environmental Planning and Assessment Act 1979</i>
EPI	Environmental Planning Instrument
ESD	Ecologically Sustainable Development
FTE	Full-time equivalent
Further SRtS	Further Supplementary Response to Submissions
GTP	Green Travel Plan
LGA	Local Government Area
Mandatory Considerations	Relevant mandatory considerations, as provided in s 4.15(1) of the EP&A Act
Material	The material set out in section 6.3
OOSH	Out of School Hours care
PLEP 2011	<i>Parramatta Local Environmental Plan 2011</i>
Regulation	<i>Environmental Planning and Assessment Regulations 2000</i>
RtS	Response to Submissions
SDRP	The State Design Review Panel run by the Government Architect of New South Wales
SEARs	Planning Secretary's Environmental Assessment Requirements
Site	The 12-hectare school campus at No. 2 Darcy Road, Westmead within the City of Parramatta LGA, comprising Lot 1 DP 1095407 and Lot 1 DP 1211982
SRD SEPP	<i>State Environmental Planning Policy (State and Regional Development) 2011</i>
SRtS	Supplementary Response to Submissions
SSD	State Significant Development
TAA	Transport and Accessibility Impact Assessment report
TfNSW	Transport for NSW
WCC	Westmead Catholic Campus

1 INTRODUCTION

1. On 6 December 2021, the then NSW Department of Planning, Industry and Environment (now the NSW Department of Planning and Environment) (**Department**) referred a State significant development (**SSD**) application (SSD-10383) (**Application**) made by the Catholic Education Diocese of Parramatta (**Applicant**) to the NSW Independent Planning Commission (**Commission**) for determination.
2. The Application seeks approval under section 4.36 of the *Environmental Planning and Assessment Act 1979* (**EP&A Act**) for alterations and additions to the existing Westmead Catholic Campus (**WCC**) in the Parramatta Local Government Area (**LGA**).
3. The Application includes alterations to an existing school building and construction of new buildings to facilitate the operation of a primary school, a new early learning centre (**ELC**) and a church, and associated works including tree removal, new pedestrian access, new parking spaces, a drop-off/pick-up zone and landscaping. Consent is also sought for a staged increase in student numbers. The development would co-locate the existing Mother Teresa Primary School within the new primary school building, resulting in 1,260 additional students and 76 additional full-time equivalent (**FTE**) teaching staff.
4. The Commission is the consent authority in respect of the Application under section 4.5(a) of the EP&A Act and clause 8A of the *State Environmental Planning Policy (State and Regional Development) 2011* (**SRD SEPP**). This is because:
 - the Application constitutes SSD under section 4.36 of the EP&A Act as the Application has a capital investment value (**CIV**) of more than \$20 million and is for the purpose of alterations and additions to an existing school under clause 15(2) of Schedule 1 of the SRD SEPP; and
 - the Department received an objection from the City of Parramatta Council (**Council**).
5. Professor Mary O'Kane AC, Chair of the Commission, nominated Commissioners Peter Duncan AM (Chair) and Juliet Grant to constitute the Commission Panel determining the Application.

2 SITE AND LOCATION

2.1 The Site

6. The 'Site' for the purpose of this SSD Application is defined as the 12-hectare WCC site at 2 Darcy Road, Westmead, comprising Lot 1 DP 1095407 and Lot 1 DP 1211982 (**Site**).
7. The Department's Assessment Report (**AR**), dated December 2021, describes the Site at section 1.2. At AR paragraph 1.2.1 (**AR para**) the Department states that the Site is located approximately 27 kilometres (km) west of the Sydney CBD, approximately 2.7km north-west of Parramatta CBD and approximately 1km north-west of Westmead Railway station.
8. The Site is bound by Darcy Road to the north with Westmead Hospital further to the north, a railway line to the south (Blue Mountains / Central Coast and Newcastle Line), Western Sydney University Westmead campus to the east, and residential development to the west. The Site slopes from east to west, with a small creek along its western boundary (AR para 1.2.2).
9. The Site is occupied by three existing schools, including Catherine McAuley Westmead (secondary girls' school), Parramatta Marist High School (secondary boys' school) and Mother Teresa Primary School (co-educational primary school), along with associated driveways, car parking areas, landscaped areas and ovals. The existing operations at the Site are described at section 3.1.
10. The location of the Site is illustrated in **Figure 1**.

Figure 1 Site Location (source: Department's AR, Figure 2)



11. The location of the proposed development is in the north-west corner of the Site and contains the existing Mother Teresa Primary School (which occupies part of a building along the western side of Catherine McAuley Westmead high school), open grassed play areas, a hockey field, three basketball/tennis courts, the north-western WCC driveway, carpark and pick-up / drop-off area (AR para 1.2.9). The project area within the Site is illustrated in **Figure 2**.

Figure 2 Project Area Within Site (source: Department's AR, Figure 3)



12. The Department states that “the project site contains 0.18ha of exotic/native vegetation and 0.49ha of exotic grassland (open grassed play areas), including Biodiversity Conservation Act 2016 listed endangered ecological community (EEC) Swamp Oak Floodplain Forest, situated along the creek to the west of the site” (AR para 1.2.10).
13. The Site does not include any heritage items under the *Parramatta Local Environmental Plan 2011 (PLEP 2011)*.

2.2 Local Context

14. The Department describes the surrounding context of the Site at AR para 1.3.1, as follows:

The site is within a wider precinct known as the ‘Westmead health and education precinct’, (Westmead precinct) outlined in the Central City District Plan 2018, characterised by a mix of uses and building forms including health and education services, commercial, industrial, and residential.

15. The land to the north, north-east and west of the Site contains health services including Westmead Private Hospital, Westmead Public Hospital, Westmead Children's Hospital and Hospital accommodation.
16. The Site is surrounded by existing and proposed transport services, including:
 - the north-west bus transit-way (T-way), located on Darcy Road to the north of the Site;
 - Westmead railway station, located to the south-east of the Site;
 - the Parramatta Light Rail (PLR), currently under construction, follows Hawkesbury Road to the east of the Site and will connect the Westmead health and education precinct to the Parramatta CBD (planned to open in 2023); and
 - the proposed Westmead Metro station (part of the Sydney Metro West project), would be located adjacent to the existing Westmead railway station once completed (planned to open in 2030).
17. At section 3.5 of the AR, the Department discusses the *Draft Westmead Place Strategy, 2036*. The Department notes that the draft Strategy "*establishes a planning framework which emphasises connectivity, productivity, livability (sic), and sustainability*" in the Westmead Precinct, however that it "*does not set objectives for, or outline the scale of, development that should occur at the WCC site*" (AR para 3.5.3).

3 BACKGROUND

18. A brief summary of the history of the Application is provided at **Table 1**.

Table 1 *Timeline of key events (source: Department's AR)*

Date	Event
22 November 2019	Secretary's Environmental Assessment Requirements (SEARs) issued
9 January 2020	SEARs reissued
19 March 2020	The Applicant lodged the Environmental Impact Statement (EIS) for the Application to the Department.
2 April 2020 – 29 April 2020	<p>The Department publicly exhibited the EIS (first exhibition period).</p> <p>The Department initially received 16 submissions, including:</p> <ul style="list-style-type: none"> • 15 submissions from public authorities (including an objection from Council and a comment from Cumberland Council); and • 1 public submission in support of the Application. <p>Following the close of exhibition, Council forwarded a further three items of community correspondence in the form of objections (including one petition) to the Department.</p>
7 May 2020	The Department requested the Applicant provide a Response to Submissions (RtS) after the exhibition period.
14 September 2020	The Applicant submitted its RtS to the Department.
24 November 2020	The Department engaged an independent traffic consultant (Bitzios) to conduct a peer review of the Applicant's traffic assessment. Following concerns raised by Bitzios, the Department requested additional information from the Applicant.
1 December 2020	The Applicant submitted the first supplementary Response to Submissions (SRtS) to the Department.
February 2021 – April 2021	The Applicant submitted the second SRtS between February and April 2021, seeking to address issues raised by Council, Transport for NSW (TfNSW) and Bitzios.
9 March 2021	Council provided comments on the SRtS.
29 March 2021	TfNSW provided comments to the Department on the SRtS.
May 2021 – June 2021	The Department requested additional information from the Applicant.
7 September 2021	In response to the concerns from public authorities and the Department, the Applicant submitted an amended proposal (third SRtS), including the removal of some works from the scope of the Application.
10 September 2021 – 23 September 2021	<p>The amended Application was re-exhibited (14 days).</p> <p>The Department received 5 submissions, including:</p> <ul style="list-style-type: none"> • 2 submissions from public authorities; and • 3 public submissions.
28 September 2021	The Department requested the Applicant respond to the issues raised in the submissions.

14 October 2021	Fourth SRtS provided to the Department.
26 November 2021	Fifth SRtS provided to the Department.
6 December 2021	The Department completed its assessment of the Application and referred the Application to the Commission for determination.

3.1 Existing Operations

19. As described in section 2 above, the Site is currently occupied by three existing schools, including Catherine McAuley Westmead, Parramatta Marist High School and Mother Teresa Primary School.
20. At AR para 1.2.3, the Department states the Site comprises a mix of permanent and demountable buildings ranging from single storey to four stories, as well as two sports ovals, playing fields, tennis/basketball courts, outdoor play areas and car parking.
21. At AR para 1.2.3, the Department states the two high schools within the WCC Site currently accommodate a combined population of 2,186 students and 166 FTE staff, and the primary school currently accommodates 420 students and 24 FTE staff. In total, there are 2,606 students enrolled at the three existing schools and 190 FTE staff.
22. Existing vehicular access to the Site is via four non-signalised driveways from Darcy Road, including three driveways along the north-eastern boundary, providing access to staff carparks, and one driveway at the north-western boundary, providing access to a general-use carpark, drop-off/ pick-up area, and bus bay (AR para 1.2.5).
23. Pedestrian access to the Site is via secure entries from Darcy Road. At AR para 1.2.6, the Department notes there is a pedestrian refuge on the Darcy Road median island which provides a crossing between the Site and Westmead Private Hospital.

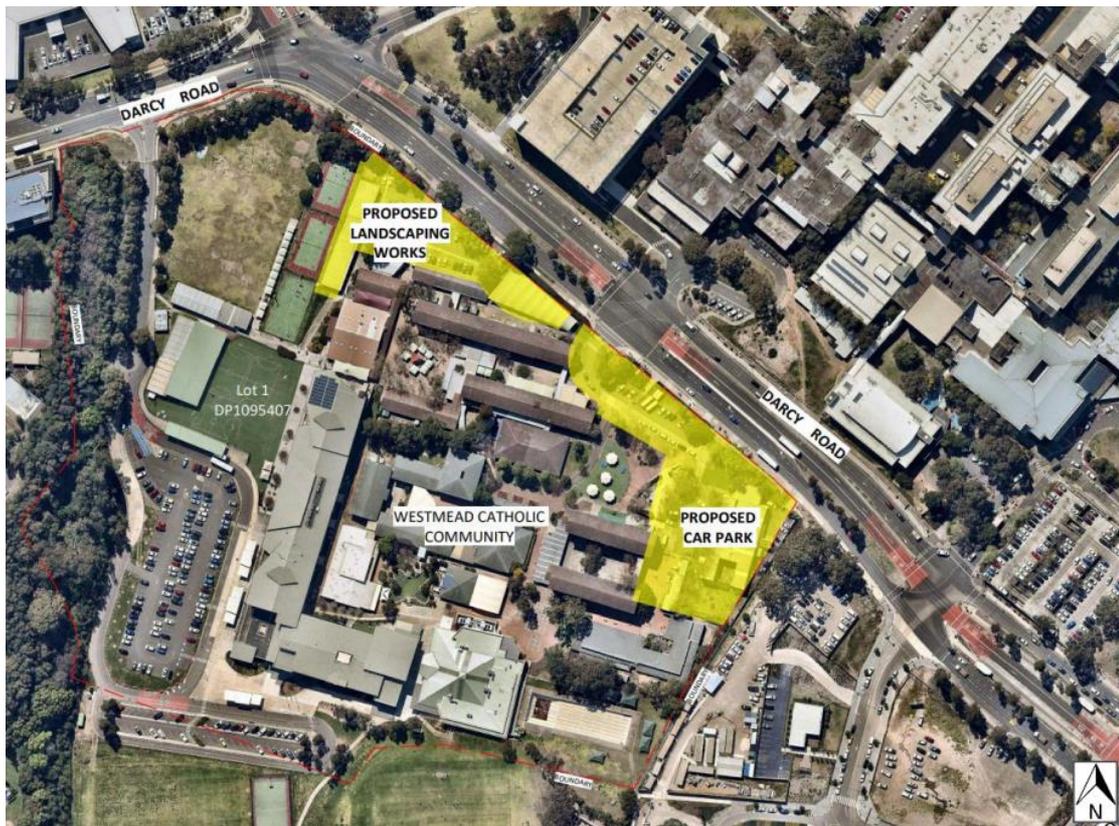
3.2 Related Development

24. The Commission notes that in addition to the Application before the Commission for determination, separate related development applications have recently been approved both at the Site and nearby. A summary of related developments is provided below in order to provide context to the Application and discussions in this Statement of Reasons.

Multi-storey Car Park

25. On 2 November 2020, the Sydney Central City Planning Panel approved a Development Application (DA/241/2020) in the eastern corner of the Site adjacent to the existing Parramatta Marist High School. The approval of DA/241/2020 allows the demolition of the existing two-storey 'Brothers residence' building, removal of 32 trees and construction of a new three-storey carpark for 260 vehicles with access from Darcy Road, and associated landscaping works, pedestrian access upgrades and ancillary structures (AR para 2.5.1).
26. The proposed location of the multi-storey car park is illustrated in **Figure 3**.

Figure 3 Location Plan submitted to Council (extract from DA/241/2020) (source: Department's AR, Figure 21)



Drop-off/pick-up Area Reconfiguration

27. In December 2020, the existing drop-off/pick-up area was upgraded from 8 bays to 19 bays for use by the primary school students and parents, with additional personnel managing the drop-off/ pick-up activities. This facility is proposed for use by the primary school students and parents as part of the proposed development (AR para 2.5.4).
28. The Commission understands the works were conducted under the complying development provisions of the *State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017 (Education SEPP)* (AR para 2.5.5).

Westmead Innovation District Masterplan

29. AR para 2.5.2 states:

The Westmead Innovation District Masterplan project which includes the WCC site was jointly commissioned by Council and NSW Health. In March 2013, after stakeholder consultation, the Westmead Alliance (a consultative group) was formed to develop a future vision for the Westmead precinct. At present, the Westmead Alliance oversees the Westmead Innovation District Masterplan. However, the public facing documents on Council's website do not provide any information on the current status of this Masterplan...

Westmead Catholic Campus Masterplan

30. The Applicant has advised that there is a long-term masterplan for the entire school campus, which has been prepared on behalf of the Catholic Diocese.

31. During the Commission's meeting with the Applicant on 16 December 2021, the Applicant advised the proposed development "*represents the first stage of a broader master plan*" and "*the buildings have been sited with consideration of the broader master plan*" (Meeting Transcript, page 4).
32. At the meeting, the Applicant stated that the WCC Masterplan is "*broadly aligned with Council's master plan for the Westmead Innovation District*" (Meeting Transcript, page 4) and would provide a network of new public roads (Meeting Transcript, page 9).
33. The Commission understands that the Masterplan is still in a draft form and has not been endorsed by Council or the Department (AR para 2.5.3).
34. An extract of the proposed WCC Masterplan is illustrated in **Figure 4**.

Figure 4 WCC Masterplan (source: Department's AR, Figure 22)



4 THE APPLICATION

35. The Application, as originally submitted, is detailed in the Applicant's EIS, dated 19 March 2020. As described in **Table 1** above, the Applicant amended the Application on 7 September 2021.
36. The Application, as amended by the SRtS, is summarised in **Table 2**, below.

Table 2 Project Summary (source: Department's AR, Table 1)

Component	Description
Project summary	Redevelopment of the primary school including alterations and repurposing of an existing school building and construction of two new buildings to create a new primary school (with 1,260 additional students and 76 additional FTE staff), an ELC (200 places and 25 FTE staff), a new parish church (400 seats), and associated works including tree removal, access and landscaping and staged increase in student numbers.
Demolition	Internal demolition within the existing Mother Teresa Primary School building for the purpose of the ELC use. Removal of the existing demountable classrooms on the project area of the Site.
Built form	<ul style="list-style-type: none"> • Construction of a six-storey new vertical primary school building with a height of 26.5m and comprising: <ul style="list-style-type: none"> ○ classrooms and learning spaces; ○ formal and information recreation spaces; ○ canteen, storage and amenities; and ○ rooftop open recreation space. • Construction of a new parish church building (church) comprising: <ul style="list-style-type: none"> ○ 400 seat worship space; ○ meeting rooms; ○ offices, kitchen, storage; and ○ sacristy. • Alterations to the existing Mother Teresa Primary School building to facilitate the primary school's Resource Centre and Staff/Administration Centre, as well as a change of use into the ELC comprising: <ul style="list-style-type: none"> ○ indoor and outdoor play space; and ○ kitchen.
Site area	11.8 hectares
Gross floor area	<ul style="list-style-type: none"> • Creation of additional 8,158 sqm comprising: <ul style="list-style-type: none"> ○ 7,153 square metres (primary school building); and ○ 1,005 square metres (church).
Student and staff population	<ul style="list-style-type: none"> • 1,460 additional students by 2033 including: <ul style="list-style-type: none"> ○ 1,260 additional primary school students (total capacity of 1,680 students) and 76 additional FTE staff. ○ 200 places in the ELC and 25 FTE staff.
Out of School Hours (OOSH) facility	The primary school would also include an OOSH facility for up to 800 students.
School hours	<ul style="list-style-type: none"> • Primary school: 6am to 8pm (Monday to Friday); • OOSH: 6am to 8pm (Monday to Friday); • ELC: 6am to 6pm (Monday to Friday); and

	<ul style="list-style-type: none"> Church: 8am to 10am (Monday to Friday); 8am to 10am and 4:30pm to 7pm (Saturday); 7am to 12pm (Sunday).
Access	<ul style="list-style-type: none"> Upgrades to the two existing access points from Darcy Road (Darcy Road/Mother Teresa and Darcy Road/multi-storey car park intersections). Two new pedestrian access points.
Car parking	<ul style="list-style-type: none"> 12 new car parking spaces in an at-grade carpark. Retention of 212 existing car parking spaces.
Bicycle parking	194 new bicycle parking spaces, plus end-of-trip facilities for staff.
Public domain and landscaping	<ul style="list-style-type: none"> Removal of 27 trees on site. Planting of approximately 25 new trees on Site.
Signage	Not proposed.
Jobs	<ul style="list-style-type: none"> 1,000 construction jobs. 101 additional operational FTE jobs.
Construction period	18-month construction period with the opening year being 2023.
CIV	\$80,474,245

4.1 Need and Strategic Context

37. At AR para 3.1.1, the Department states the Applicant has advised the key objectives of the Application are to:

- relocate the existing Sacred Heart Primary School to the Site (noting that the Sacred Heart playground is on leased land);
- co-locate Sacred Heart Primary School, Mother Teresa Primary School, Parramatta Marist High School and Catherine McAuley Westmead at the Site;
- provide a new church to meet the needs of the congregation;
- foster the opportunity to integrate with the Westmead Innovation District outlined within the Central City District Plan; and
- implement improved pedagogical teaching and learning values.

38. During its meeting with the Commission on 16 December 2021, the Applicant commented on the need to relocate the Sacred Heart Primary School to the Site. The Applicant stated:

We have an absolute imperative at the moment to relocate Sacred Heart Primary School. We need to secure play space. Currently, we do not own the land upon which the children play, and... we need to have a surety over that space in the future. It's currently on a month to month lease and as you can imagine, that's just simply not acceptable to us as an educational provided that we don't know... the future of that land (Meeting Transcript, page 3).

39. The Applicant also commented on population growth in the Parramatta region, stating:

In addition, we want to play our part in responding to the ongoing, existing and future enrolment demands for education in this area and we know – we know that we're expecting almost 5,000 more homes and up to around 29,000 new jobs to be provided in this area by 2036 and this is going to lead to a shortfall in places in primary and secondary across – across this area. And so, we really want to play our part in that (Meeting Transcript, page 3).

40. In addition, the Commission heard the Applicant's comments about the need to upgrade school facilities. The Applicant stated:

[We] need to upgrade the school's aging facilities... We want to provide uncompromised play space for the children that are at Sacred Heart Primary School, and we want to create an integrated faith learning in evangelising community. We are very passionate about implementing CEDP's modern pedagogical values...
41. At AR para 3.1.4, the Department states that it agrees with the Applicant that there are benefits of the proposal, including the provision of enhanced teaching and learning environments and the delivery of increased student capacity to help meet the growing demand in the area. While the Department notes that it has identified some adverse impacts of the proposal on the surrounding road network, it is of the view that these impacts can be mitigated through conditions. Overall, the Department agrees with the Applicant's justification for the proposed development.
42. The Commission acknowledges that the Application has a CIV of \$80,474,245 and is predicted to generate 1,000 construction jobs and 101 additional operational FTE jobs (AR Table 1).

5 STATUTORY CONTEXT

5.1 State Significant Development

43. The Application is SSD as it has a CIV of more than \$20 million (being the relevant quantitative threshold under the SRD SEPP when the Application was made) and is development for the purpose of alterations or additions to an existing school under clause 15(2) of Schedule 1 of the SRD SEPP.
44. At AR para 4.1.2, the Department states:

Clause 8(2) of the SRD SEPP provisions confirm that where a single proposed development, in this instance the school component, is the subject of one development application and comprises development that is only partly State significant development declared under subclause 8(1), then the remainder of the development is also declared to be State significant development.
45. At AR para 4.2.3, the Department states that the Applicant has advised that the church would primarily be used for services, classes, events and meetings for the students, teachers and families attending the schools at the WCC Site. The Commission notes that the Department is satisfied that the weekend use of the church would be secondary to the weekday uses associated with the school. The Department is of the view that there are inextricable links between the church and the schools, and that both the proposed church and ELC are sufficiently related to the school that the entire development can be considered to be SSD (AR para 4.1.3).
46. The Commission agrees with the Department's view that the Application can be determined under the applicable SSD provisions.
47. Under section 4.5(a) of the EP&A Act and clause 8A of the SRD SEPP, the Commission is the consent authority for the Application because the Department received an objection to the Application from Council during the exhibition period.

5.2 Permissibility

48. The Site is identified within the SP2 Infrastructure (Educational Establishment) zone under the PLEP 2011. 'Educational establishments', including any development ancillary to an educational establishment, are permissible with consent within all the zones under clause 35(1) of the Education SEPP (AR para 4.2.2).
49. As described at section 5.1 above, the church, which is defined as a 'place of public worship', is permissible on the basis that it is ancillary to the educational establishment (AR para 4.2.3).

5.3 Mandatory Considerations

50. In determining this Application, the Commission has taken into consideration the matters under section 4.15(1) of the EP&A Act (**Mandatory Considerations**) that are relevant to the Application.
51. The Department has assessed the Application against the Mandatory Considerations at section 4.4 of the AR, and the Commission agrees with this assessment conducted on its behalf.
52. The Commission has summarised its consideration of the relevant Mandatory Considerations in **Table 3** and elsewhere in this Statement of Reasons, noting the Mandatory Considerations are not an exhaustive statement of the matters the Commission is permitted to consider in determining the Application. To the extent that the Panel has considered matters other than the Mandatory Considerations, the Commission has considered those matters having regard to the subject matter, scope and purpose of the EP&A Act.

Table 3 Mandatory Considerations

Mandatory Considerations	Commission's Comments
Relevant Environmental Planning Instruments	<p>Appendix B of the Department's AR identifies relevant EPIs for consideration. The key EPIs include:</p> <ul style="list-style-type: none"> • SRD SEPP; • Education SEPP; • <i>State Environmental Planning Policy (Infrastructure) 2007</i>; • <i>State Environmental Planning Policy No. 55 – Remediation of Land</i>; and • PLEP 2011. <p>The Commission agrees with the Department's assessment with respect to the EPIs that are of relevance to the Application as set out in Appendix B of the AR.</p>
Relevant proposed EPIs	<p>The Commission has considered relevant proposed EPIs in making its determination, including the:</p> <ul style="list-style-type: none"> • <i>Draft State Environmental Planning Policy (Remediation of Land)</i>; and • <i>Draft State Environmental Planning Policy (Environment)</i>.
Relevant Development Control Plans	<p>Pursuant to clause 11 of the SRD SEPP, development control plans do not apply to SSD.</p>
Likely Impacts of the Development	<p>The likely impacts of the Application have been considered in section 8 of this Statement of Reasons.</p>
Suitability of the Site for Development	<p>The Commission has considered the suitability of the Site. The Commission finds that the Site is suitable for the purpose proposed by the Application for the following reasons:</p> <ul style="list-style-type: none"> • the Site is located on land zoned SP2 and the Application is permissible with consent under the PLEP 2011, the Education SEPP and the SRD SEPP; • the Application complies with the strategic planning directions of State and Local planning policies, including the <i>Draft Westmead Place Strategy, 2036</i> (refer to section 5.4); • the Application involves the provision of new facilities within an existing school campus that is in a central and accessible location; • the Site is well-placed to support the demand for increased student enrolments in the non-government school sector in the Parramatta area; • the Site is free of significant environmental constraints; • the Application is an orderly and economic use of the Site to provide new school infrastructure that is fit-for-purpose; and • impacts on surrounding land uses have been minimised and can be further mitigated through conditions of consent.

Mandatory Considerations	Commission's Comments
Objects of the EP&A Act	<p>In this determination, the Commission has carefully considered the Objects of the EP&A Act. The Commission is satisfied with the Department's assessment of the Application against the Objects of the EP&A Act provided at Table 3 of the AR, which finds that the Application is consistent with those Objects.</p> <p>The Commission finds the Application has been assessed in accordance with relevant EPIs and can comply with the required mitigation measures to achieve consistency with the Objects of the EP&A Act.</p>
Ecologically Sustainable Development (ESD)	<p>The Commission understands the Applicant is targeting a 4 Star Green Star rating for the new primary school building. The development proposes ESD initiatives and sustainability measures including designing facades that respond to the local climate and utilise sunshades; using natural ventilation and mixed-mode air conditioning; maximising solar access; utilising high levels of thermal insulation; and rainwater re-use. The Applicant will encourage active transport via a Green Travel Plan (GTP).</p> <p>The Commission is satisfied with the Department's assessment of the Application under the ESD principles and finds that the precautionary and inter-generational equity principles have been applied via a thorough and rigorous assessment of the potential environmental impacts of the proposed development.</p>
The Public Interest	<p>The Commission has considered whether the Application is in the public interest in making its determination. The Commission has weighed the benefits of the Application against its impacts, noting the proposed mitigation measures.</p> <p>The Commission finds that the Application will provide contemporary teaching and learning facilities that are fit-for-purpose. The proposed facilities would improve educational outcomes and respond to local need while minimising impacts to existing school operations.</p> <p>The Application would generate 1,000 construction jobs and 101 new operational jobs for the local area.</p> <p>On balance, and when weighed against the Objectives of the EP&A Act, the principles of ESD and the benefits of the Application, the Commission finds the identified impacts of the Application are acceptable and can be appropriately managed and mitigated through the conditions of consent imposed by the Commission.</p> <p>For the reasons above, the Commission finds the Application to be in the public interest.</p>

5.4 Additional Considerations

53. In determining this Application, the Commission has also considered relevant strategic planning policies and guidelines relevant to the Site and to the Application, including:

- NSW Premier's Priority for high quality education;
- *Greater Sydney Region Plan – A Metropolis of Three Cities, 2018;*
- *Central City District Plan, 2018;*
- *NSW Future Transport Strategy 2056, 2018;*
- *State Infrastructure Strategy 2018–2038: Building the Momentum, 2018;*
- *Greater Parramatta and the Olympic Peninsula Vision, 2016;*
- *Greater Parramatta Interim Land Use and Infrastructure Implementation Plan, 2017;*
- *Draft Westmead Place Strategy, 2036;*
- *A City Supported by Infrastructure: Place-based Infrastructure Compact Pilot, 2019;*
- *Better Placed, 2017* (Government Architect NSW);
- *Greener Places, 2020* (Government Architect NSW);
- *Interim Construction Noise Guideline;*
- *NSW Road Noise Policy;*
- *Sydney's Cycling Future, 2013;*
- *Sydney's Walking Future, 2013;*
- *Sydney's Bus Future, 2013;*
- *Healthy Urban Development Checklist, 2009* (NSW Health); and
- Crime Prevention Through Environmental Design (**CPTED**) Principles.

6 THE COMMISSION'S CONSIDERATION

6.1 The Commission's Meetings

54. As part of its determination process, the Commission met with various persons as set out in **Table 4**. All meeting and site inspection notes have been made available on the Commission's website.

Table 4 Commission's Meetings

Meeting	Date of Meeting	Transcript/Notes Available on
Site Inspection	14 December 2021	17 December 2021
Department	15 December 2021	21 December 2021
Applicant	16 December 2021	21 December 2021
Council	16 December 2021	21 December 2021
Transport for NSW	1 February 2022	2 February 2022

55. The meeting with TfNSW on 1 February 2022 was also attended by representatives from the Department and the Department's independent traffic consultant, Bitzios.

6.2 Site Inspection

56. On 14 December 2021, the Commission conducted an inspection of the Site, along with the Applicant, their town planner and development manager. Notes and a photographic log of the locality inspection were made publicly available on the Commission's website on 17 December 2021.

6.3 Material Considered by the Commission

57. In making its determination in relation to the Application, the Commission has carefully considered the following material (**Material**), along with other documents referred to in this Statement of Reasons:
- the SEARs issued by the Department, dated 9 January 2020;
 - the Applicant's EIS, dated 19 March 2020, and its accompanying appendices;
 - all submissions made to the Department in respect of the Application during the public exhibition of the EIS, from 2 April 2020 until 29 April 2020 (including those not published on the Department's website and provided to the Commission as part of the referral);
 - the Applicant's RtS, dated 14 September 2020, and its accompanying appendices;
 - the various SRtS submitted by the Applicant on the following dates, and all accompanying appendices,
 - 1 December 2020;
 - February to April 2021;
 - 7 September 2021;
 - 14 October 2021; and
 - 26 November 2021.
 - all submissions made to the Department in respect of the Application during the second public exhibition period (amended proposal), from 10 September 2021 to 23 September 2021 (including those not published on the Department's website and provided to the Commission as part of the referral);
 - the Department's AR, dated December 2021;

- the Department's recommended conditions of consent, received by the Commission in December 2021;
- the notes and photographic log of the Site inspection held on 14 December 2021;
- the transcripts and presentation material from the stakeholder meetings listed in **Table 4**;
- correspondence from the Applicant to the Commission, dated 16 December 2021 (comments on the Department's recommended conditions of consent);
- correspondence from the Department to the Commission, dated 20 December 2021 (memo in relation to amendments to relevant legislation);
- correspondence from Council to the Commission, dated 18 January 2022 (response to questions taken on notice);
- all written comments received by the Commission up until 5pm, 7 February 2022;
- email from TfNSW to the Commission, dated 7 February 2022; and
- advice from the Department on the workability and enforceability of proposed conditions of consent relating to the advice received from TfNSW, received on 7 February 2022.

7 COMMUNITY PARTICIPATION

7.1 Public Comments

58. The Commission determined that a Public Meeting was not necessary for this Application given the small number of public submissions made to the Department. Nevertheless, on 14 December 2021, the Commission offered members of the public who had previously made a submission to the Department an opportunity to meet individually with the Commission to discuss their views. No members of the public accepted this offer and as such no further stakeholder meetings were conducted.
59. The Commission invited written submissions from all persons between 7 December 2021 and 7 February 2022. During this period, the Commission received a total of two written submissions on the Application, both in objection to the Application.
60. Key issues and concerns raised in submissions to the Commission related to:
- unsatisfactory drop-off / pick-up infrastructure;
 - pedestrian safety;
 - litter management.

Comments made through submissions are summarised in the paragraphs below.

7.2 Key Issues Raised

Drop-off / pick-up infrastructure

61. Written submissions received by the Commission raised concerns about parents and guardians using the Maple Tree Road loop road (off Farmhouse Road) to drop-off and pick-up students at the Site's eastern gate. The submissions commented that the road is designed to provide vehicle access for residents to the underground car park, however it is often congested with school traffic waiting to pick-up students.

Pedestrian safety

62. A written submission raised concern about pedestrian safety at the Farmhouse Road pedestrian crossings to ensure the safety of children crossing the road and to regulate the volume of students crossing the road.

Litter management

63. A written submission commented that students often drop litter near the Site's eastern gate at Maple Tree Road. The submission requests that a permanent rubbish bin be installed at the gate that is emptied regularly by school grounds staff.

8 KEY ISSUES

8.1 Built Form

64. As described at section 4, the proposed development includes alterations and repurposing of an existing school building and construction of two new buildings. Each element of the built form is addressed below.

Primary School Building

65. The new primary school is proposed to be comprised of a six-storey 'stacked', or 'vertical' school building located at the centre of the existing Mother Teresa Primary School site. AR para 2.2.6 states:

The building includes both vertical and horizontal above ground hard landscaped voids to facilitate multi-level indoor and outdoor zones, allowing for the integration of internal and external teaching and learning facilities and spaces. School year groups would be clustered in groups of 60 to share an age appropriate common outdoor recreation and circulation space.

66. The building would include formal and information recreation spaces and the Level 5 rooftop would accommodate two multi-sports courts and a synthetic turf running track (AR para 2.2.7).
67. The primary school building is proposed to have a maximum height of 26.5 metres (AR para 2.2.6).
68. The primary school building is described in the Applicant's Architectural Design Statement (dated February 2020, prepared by Alleanza Architecture) as "*an innovative and contemporary school designed to facilitate the latest developments in Teaching and Learning*" (page 27). The Statement notes that the design represents a relatively new building typology for schools because "*constructed open space almost equals enclosed space within a stacked six storey configuration containing integrated, multi-level indoor and outdoor zones*" (page 6).
69. The Commission notes that the six-storey primary school building will be significantly taller than the existing Mother Teresa Primary School buildings immediately adjacent to the east, which range in height from single storey to three storeys (AR para 6.3.13).
70. The Commission also acknowledges that the building's northern elevation will appear as a prominent structure when viewed from both Darcy Road and Mons Road (AR para 6.3.12).
71. At AR para 6.3.9, the Department states the Site is not subject to a maximum building height control under the PLEP 2011, however as it is located within the flight path approach of the Westmead Hospital helipad, practical height limitations exist. Table 11 of the AR states that the Department "*is satisfied that the proposed development would not affect aviation operations at the Westmead Hospital site*". The Commission agrees with the Department's assessment of the proposed building height.
72. The Commission notes that Council did not raise any specific concern regarding the height or bulk of the proposed primary school building in its submissions on the Application.
73. No public objections relating to the height of buildings were received by the Department during the public exhibition period (AR para 6.3.14), or by the Commission.
74. The Department's view of the proposed built form is provided at AR 6.3.23. The Department states:

The Department considers that the proposed primary school building has been appropriately designed for the WCC site and surrounding context. The horizontal façade of the primary school building, punctuated vertically by landscaped and glazed voids, successfully reduces the visual bulk of the building and ensures that it does not appear dominant within the context of the wider school campus. The materials and colours of the external façade add further interest and variety to the design.

75. The Commission agrees with the Department's assessment and is satisfied that the proposed primary school building will be in context with scale and form of development within the surrounding Westmead precinct, will integrate landscape features, and has been appropriately designed and sited.
76. The Commission acknowledges that in siting the development, the Applicant has considered the principles of Crime Prevention Through Environmental Design (**CPTED**) and the proposal has been assessed to be satisfactory in that regard (AR para 6.3.8).
77. The Commission has imposed the Department's recommended condition requiring all construction cranes meet minimum aviation safety lighting requirements.

Church

78. The new church is proposed to be located at the north-west corner of the Site fronting Darcy Road and would allow for the existing congregation to be relocated from Ralph Street. It is proposed to have a 400-seat worship space with supporting facilities including meeting rooms, offices, a kitchen, sacristy and storage (AR para 2.2.8). The church hall would also be used by the school community for activities such as Taekwondo, ballet, cultural groups (preparing and practicing for festival events) and social gatherings such as birthday parties (AR para 2.3.11).
79. The dominant feature of the structure is its north-facing mono-pitched roof oriented "*to the north side fronting Darcy Road and set behind a cross, the intent of which is to create a defined 'entrance' to the site*" (AR para 2.2.9). The façade treatment of the church is proposed to incorporate "*a range of materials and finishes, including concrete walls, cladding, screening, full-height and clerestory glazing, and exposed external columns and fascia beams*" (AR para 6.3.21). Coloured metal sheeting will be used for the roof (AR para 2.2.9).
80. The church will also incorporate significant landscaping works. The "*existing retaining wall fronting Darcy Road would be replaced by a banked planted berm running across the site, on which the building would be sited*" (AR para 2.2.8).
81. The church is proposed to have a maximum height of 11.5 metres to the roof apex (13.8 metres to the top of the 'cross' structure fronting Darcy Road) (AR para 6.3.9).
82. The architectural design of the church, and its surrounding landscape, is described in the Applicant's Architectural Design Statement. The statement explains that the siting of the church is intended to give a "*sense of prominence*" to the Site (page 24).
83. The Commission notes that the siting of the church was modified by the amended proposal and is now proposed to be set back from Darcy Road by 10-15 metres. AR para 6.3.22 states that the State Design Review Panel (**SDRP**) reviewed the design and supported the orientation of the church and the treatment along Darcy Road.
84. The Commission acknowledges that the proposed church will appear prominently in the public streetscape, especially when viewed from Darcy Road and Mons Road.
85. The Department is satisfied that the height of the building would not affect aviation operations at the Westmead Hospital site (AR Table 11).
86. The Commission notes that Council did not raise any specific concern regarding the built form of the proposed church in its submissions on the Application.

87. No public objections relating to the height of buildings were received by the Department during the public exhibition period (AR para 6.3.14), and no submissions were received by the Commission regarding the proposed built form of the church.
88. The Commission acknowledges the Department's view at AR para 6.3.24:
- The Department also considers that the church has been appropriately designed for the WCC site and surrounding context. The mono-pitched roof and north-facing raised 'cross' structure would add visual interest to the Darcy Road frontage. The materials and colours of the external façade add further interest and variety to the design. Overall, the church would act as an appropriate visual gateway to the site, set behind improved boundary landscaping.*
89. The Commission agrees with the Department's assessment and is satisfied that the proposed design, siting and scale of the church building is acceptable.

Early Learning Centre, Resource Centre and Administration Centre

90. The ELC and the primary school's Resource Centre and Administration Centre are proposed to be located within the ground floor of the existing Mother Teresa Primary School building which would be repurposed (AR para 2.2.11). AR para 2.2.11 states "the Resource Centre would be adjacent to the new primary school building for easy student access" and "the proposal would retain the existing Administration Centre within the building to support both the primary school and the ELC".
91. AR para 2.2.12 states that "limited internal demolition would be required to accommodate the ELC" and "external works including alterations to glazed openings and the installation of canopies".
92. The Commission notes that Council did not raise concern regarding the design of the ELC, Resource Centre or Administration Centre in its submissions on the Application.
93. No public objections relating to the ELC were received by the Department during the public exhibition period, or by the Commission.
94. The Commission acknowledges the Department's view that the proposed "minor alterations would not cause harm to the character or appearance of the building and are acceptable overall" (AR para 6.3.27).
95. The Commission agrees with the Department's view and finds that the proposed building alterations to facilitate the ELC, Resource Centre and Administration Centre are acceptable.

8.2 Traffic

Traffic Generation and Intersection Impacts

96. The Applicant's EIS was accompanied by a Transport and Accessibility Impact Assessment report (**TAA**), prepared by The Transport Planning Partnership, dated 19 March 2020. During the assessment of the Application, Council, TfNSW and the Department raised concerns about the adequacy of the Applicant's traffic assessment and the traffic generation impacts from the proposal on the surrounding road network (AR para 6.2.2).
97. In response to the concerns raised, the Applicant amended the proposal to include upgrades to the two Site access intersections (at the Darcy Road Site access and at the Darcy Road multi-storey carpark access) and an internal pedestrian link.
98. The Department engaged an independent traffic consultant to peer review the Applicant's traffic assessment. The Department also engaged with Council and TfNSW with respect to traffic matters relating to the Application.

99. Ultimately, based on the Council, agency and independent traffic advice received, the Department concluded that generally the upgrades proposed by the Applicant will improve the overall performance of the road network. However, the Department's independent traffic consultant also raised concerns about data gaps and the modelling outputs in the Applicant's traffic assessment and concluded the modelling does not provide certainty about the impacts resulting from the proposal up to the year 2033 (AR para 6.2.43 and 6.2.49). The modelling deficiencies mean the mitigation measures cannot be determined for future years at the Darcy Road/Bridge Road/Coles car park intersection, as the Applicant has not been able to demonstrate that their traffic model is "*fit for this purpose*" (AR para 6.2.53).
100. At its meeting with the Commission on 1 February 2022, TfNSW affirmed the Department's position and noted that with respect to the Applicant's modelling, TfNSW still holds some reservations about the data that has been provided and subsequently is uncertain about the outputs. TfNSW noted that the Applicant's model was sufficiently progressed during the course of the Application assessment to enable a decision to be made on the Application but agreed with the Department that there are still residual issues relating to the Darcy Road/Bridge Road/Coles carpark intersection.
101. The Department notes the Applicant's modelling indicates that the operation of the Darcy Road/Bridge Road/Coles car park intersection would deteriorate to a Level of Service (**LoS**) F, causing significant delays in the future. The predictions for the delays (including background traffic and development) show little improvement to 2033, despite the Applicant's proposed upgrades to the two Site access points and the redirection of traffic to the multi-storey car park (AR para 6.4.42).
102. The Department, TfNSW and Council note the development will have impacts on a number of intersections, but that some intersections (including intersections along Hawkesbury Road) are already being upgraded by TfNSW to facilitate the light rail State significant infrastructure development and therefore the Applicant is not being requested to contribute to mitigation measures at those intersections (as detailed in Council's correspondence dated 18 January 2022 and during the TfNSW meeting on 1 February 2022).
103. The Commission's consideration of this issue concludes that all parties agree that generally the impacts from the proposed development can either be accommodated within existing works planned or being undertaken in the surrounding network or have been addressed by the Applicant's proposed access upgrades. However, a solution has not been achieved for the Darcy Road/Bridge Road/Coles carpark intersection.
104. To address this issue, the Commission notes TfNSW and the Department have recommended conditions requiring future traffic surveys, modelling and audits to ascertain the actual development impacts (AR para 6.2.53). Conditions have also been recommended to confirm that if the modelling demonstrates that the intersection performance deteriorates due to the development traffic, additional mitigation measures should be provided in the future to ensure the safe operation of this intersection (AR para 6.2.54).
105. With regard to the intersection upgrades, based on advice from TfNSW, the Department has recommended conditions requiring the upgrades to be implemented prior to the occupation of the school (AR para 6.2.46 and 6.2.47).

106. In correspondence to the Commission dated 16 December 2021, the Applicant advised it did not support the future traffic modelling conditions (recommended Conditions A10 and A12) and raised concerns about the difficulty in separating the development traffic impacts from the background traffic impacts and therefore the equity of ascertaining the apportionment of costs for any future mitigation measures. The Applicant notes there is a significant amount of development occurring in the Westmead precinct and considers that measuring the direct impact from the development on the Darcy Road/Bridge Road/Coles carpark intersection would be challenging.
107. The Applicant proposed to pay a monetary contribution to future traffic management and mitigation works that is capped at 1% of the total development cost.
108. Council provided a response to the Commission to the Applicant's proposed condition amendments (dated 18 January 2022), stating it does not support the Applicant's proposed changes for the following reasons:
- the proposed development will impact a number of intersections but the recommended conditions only require ongoing monitoring, modelling and mitigation works to one intersection;
 - Council expects that when the adjoining Health site is developed it should share cost of the intersection upgrade with the Applicant and that the Health site also contains land that could be used as part of the intersection upgrade;
 - recommended Condition A10 allows for ongoing monitoring that can incorporate future development of the Health site so that when the trigger for mitigation works is reached a single solution to the intersection can be delivered;
 - if the trigger is reached before the Health site is developed Council would support deferral of the work so that both sites can contribute to a single solution; and
 - a solution that purely involves a monetary contribution is not supported by Council as other funding sources may not be available.
109. TfNSW also noted at its meeting with the Commission that the Applicant's modelling indicated that the traffic generation impacts from the Application could be improved by the proposed access upgrades and the GTP incorporating the mode shift built into that, but the Applicant's modelling indicates the intersection LoS would deteriorate to F, which is "*alarming*" (Meeting Transcript, page 9). TfNSW also note the Applicant's modelling includes assumptions to the year 2033, but the longer the timespan the more uncertain the predictions. Therefore, TfNSW and the Department conclude that ultimately the Applicant's modelling does not provide sufficient confidence with respect to the impacts to 2033 and that is why the monitoring exercise in recommended condition A10 has been suggested. TfNSW maintains this is a fair and reasonable way for the Applicant to address the residual traffic concerns and mitigate the impacts to the transport network.
110. The Commission appreciates the Applicant's views that ongoing monitoring to the year 2033 creates uncertainty with respect to when the intersection deterioration trigger will be reached and what intersection mitigation works the Applicant will be responsible for at that point. However, the Commission also agrees with the Department's and TfNSW's views that the Applicant's modelling does not provide certainty with respect to the staging of the increased student numbers and when the intersection operation will deteriorate enough to require mitigation works.
111. With regard to the deterioration of the intersection LoS and the trigger point, the Applicant suggested changes to the recommended condition 10A(k) trigger, which is currently "*worse than predicted in the TAA*" [Transport & Accessibility Impact Report]. The Applicant sought amended wording for the trigger to be "*worse than a Level of Service D*" (Applicant's letter dated 16 December 2021).

112. Council recommended the trigger be the “2033 AM and PM Do Minimum scenarios” (Council letter dated 18 January 2022).
113. The Commission sought advice from the Department and TfNSW on what an appropriate trigger would be that could provide greater certainty to the Applicant while also facilitating a reasonable solution for the Applicant to address the residual traffic concerns and mitigate the impacts to the transport network.
114. In its response dated 7 February 2022, TfNSW stated that it does not consider LoS D to be an appropriate trigger because LoS D “*would mean the intersection is operating near capacity [and] mitigation works applied at this trigger point, would represent a delay to addressing potential safety and reduced efficiency issues*”. Further, TfNSW stated that imposing a ‘trigger’ is not in accordance with TfNSW guidelines; would complicate any further works that may be necessary from other developments; and may result in substantial infrastructure works being necessary when they could have been avoided by proactive traffic management intervention.
115. The Department and TfNSW recommended condition A10(k) be amended to require the Applicant to identify if the performance of the Darcy Road/Bridge Road/Coles carpark intersection is worse than the current LoS (which includes delay and safety). If a worse intersection performance is identified, then condition A12 requires the Applicant to either undertake traffic management/mitigation measures or propose an alternate method(s) of delivering traffic management/mitigation measures.
116. The Commission agrees with the Department and TfNSW and has imposed the amended conditions accordingly.

Drop-off / Pick-up Facility

117. The Commission received written submissions raising concern about the student drop-off/pick-up arrangements at the Site and. Specifically, concern was raised about parents and carers dropping off students at the eastern boundary of the Site and contributing to traffic congestion and pedestrian safety at this location (see paragraphs 61 and 62 above).
118. At AR para 6.2.79, the Department describes how the existing drop-off/pick-up area within the site, located at the rear of the existing Mother Teresa Primary School building, was reconfigured in December 2020 by the Applicant, resulting in the provision of 19 bays, which would be exclusively used for the proposed primary school.
119. The Applicant’s RtS confirmed that the drop-off/pick-up times would be between 7am to 9am and 2.30pm to 4pm.
120. The Applicant’s TAA concludes that the peak number of cars in the AM and PM peak periods would be significantly lower than the maximum capacity of the drop-off/pick up zone and can therefore be readily accommodated in the existing, reconfigured drop-off/pick up area (AR para 6.2.83).
121. The Department also notes the approved multi-storey car park for high school students includes a new drop-off/pick-up facility that is accessed and operated separately from the primary school operations (AR para 6.2.84).
122. The Commission notes that Council, TfNSW and the Department’s independent traffic consultant are generally satisfied with the operation of the drop-off/pick-up facility (AR para 6.2.87).

123. On the basis of advice from the Council, TfNSW and the Department, the Commission is satisfied that the drop-off/pick-up facility is suitable for the development and has imposed conditions that require the Applicant to prepare an Operational Transport and Access Management Plan (OTAMP) prior to the commencement of operation of the school. The Commission is satisfied that the proposed drop-off/pick-up arrangements will resolve the traffic congestion and pedestrian safety concerns raised in submissions received from members of the public.
124. The Commission also agrees with the Department's conclusion that the successful operation of the drop-off/pick-up facility for the primary school may not be achieved once the capacity of the primary school increases if the multi-storey car park and associated drop-off/pick-up facility is not complete. Therefore, the Commission has imposed the recommended condition (condition E2) requiring the multi-storey car park to be operational prior to the occupation of the development.
125. The Commission concludes that, subject to the imposed conditions, the drop-off/pick-up facility is appropriate to service the proposed development.

Car Parking

126. The Application provides for 12 new car parking spaces in an at-grade carpark, and the retention of 212 existing car parking spaces, which would be reconfigured to cater for the proposed facilities.
127. The Department is of the view that the proposed car parking is sufficient to cater for all uses on the campus, including the proposed development. Overflow car parking from the church can also be accommodated within the Site during special occasions (AR, page vi).
128. The Commission notes that neither Council, TfNSW or Bitzios raised any concerns with the proposed car parking provisions or estimates (AR para 6.2.77).
129. Given the above, the Commission is satisfied that the proposed car parking is sufficient to cater for the proposed development.

Green Travel Plan

130. At page vi of the AR, the Department describes the Applicant's proposed GTP, seeking to facilitate a 10% modal shift to reduce car dependency and encourage sustainable transport, as satisfactory. The Commission has imposed the recommended conditions regarding the implementation and annual updating of the GTP.
131. At its meeting with the Commission, TfNSW agreed the GTP is satisfactory and may alleviate some concerns with regard to traffic generation. However, for the reasons identified at paragraph 109, given the uncertainty with respect to the Applicant's modelled traffic impacts to 2033, the Commission has imposed conditions requiring ongoing traffic monitoring and assessment modelling, which will include a consideration of the GTP, as a way for the Applicant to address the residual traffic concerns and mitigate the impacts to the transport network.

8.3 Open Space

Open Space Provisions for Students

132. At AR paras 6.4.1 and 6.4.2, the Department describes that the existing project area incorporates open grassed play areas, a hockey field and three basketball / tennis courts and supporting structures as well as 0.18ha of urban exotic/native vegetation and 0.49ha of exotic grassland. To facilitate the development, the grassed play areas, hockey field, one of the three tennis courts and supporting structures would be removed. The Department states that *“following the completion of the proposed development, the buildings would largely be surrounded by landscaping with minimal outdoor open recreation/play space”* (AR para 6.4.2).
133. In its submission dated 27 April 2020, Council formally objected to the Application based on loss of open space grounds. Council’s submission describes its concern about the loss of open space and active recreation facilities and its view that the additional built form proposed *“results in the loss of key open space and playing fields to the detriment of future students and the broader community”* (page 3).
134. In its Request for Response to Submissions letter to the Applicant dated 7 May 2020, the Department raised concerns regarding the quantity and quality of open space proposed to meet the physical needs of students. The Department requested that the Applicant explore opportunities to increase the usage of ground level open space within the broader Site in addition to the open spaces proposed within the vertical primary school building (AR para 6.4.4).
135. The Department acknowledges that there are no minimum numeric requirements for open space under the Education SEPP or PLEP 2011, and therefore the Department has utilised the Educational Facilities Standards and Guidelines (**EFSG**) for Government schools as a guide. The EFSG provides that a minimum play space of 10 square metres per student should be provided when developing new building(s) on existing school sites (AR para 6.4.23).
136. In its RtS, the Applicant acknowledges that the Site is *“reasonably unconstrained and more ground level open space could feasibly be accommodated”*. However, the Applicant also stated, *“the proposed design represents the best open space outcome for the school, as supported by independent research and CEDP’s learning pedagogy”* (page 12).
137. In its SRtS (amending proposal) dated 6 September 2021, and its attached Open Space Clarifications (Attachment E), the Applicant outlines its view that *“the proposed open space is considered suitable in terms of quantity, design and amenity, and it will support the health and wellbeing of students”* (page 3).
138. AR para 6.4.18 states:

The RtS and the SRtS (including the amended proposal) therefore did not incorporate any significant revisions pertaining to the proposed outdoor learning and play areas or landscaping. However, the Applicant sought to address the Department’s concerns through the provision of further clarifying information...
139. AR para 6.4.26 states:

The Department does not consider that the proposal demonstrates compliance with the EFSG, which is used as a guide for open space calculation due to lack of development controls in the Education SEPP or PLEP 2011. The Applicant also did not provide sufficient information to demonstrate opportunities for use of the school oval by the primary school children to compensate for the lack of at-grade outdoor space adjacent to the building and to provide students with an opportunity to engage in play and recreation activities such as running and kicking balls.

140. The Department has recommended conditions to ensure primary school students are provided with access to adequate ‘uncovered and open to air’ play space within the Site or elsewhere prior to an increase in student numbers.
141. In its submission dated 28 September 2021, Council stated that it acknowledges the additional work completed by the Applicant in relation to open space and “*has no further comment in relation to the quantum of open space provided*” (page 3).
142. In its meeting with the Commission on 16 December 2021, the Applicant stated:
- The proposal provides over 7800 square metres of purpose designed, accessible, weather-protected open space across levels 1 to 5 of the building, and – as well as just over 6000 square metres of open space at the ground level around the primary school building...*
- ...in terms of quantity, this SSD provides 8.2 square metres of open space for each primary school student, both within the building and on the surrounding ground plane. In their assessment, the Department has noted that that’s inconsistent with the EFSG, and, whilst that’s acknowledged, I’m sure, as we’re all aware, the EFSG is a guide, and it doesn’t strictly apply to independent or systemic schools, and we’re confident that the quantity and type of open space provided is adequate to meet the needs of the primary school students.*
- ...notwithstanding that, the ovals on the site are in addition to that 8.2 square metres, and they provide close to 40,000 square metres of open space for all students on the site... about 17 square metres of open space per child across primary and high school students (Meeting Transcript, page 6).*
143. While the Commission acknowledges the Applicant’s perspective, it also notes the Department’s view of the importance of at-grade open space (as set out in the EFSG) and considers that the primary school students should be provided with an opportunity to engage in play and recreation activities at ground level, such as running and kicking balls. The Commission finds that the Applicant should take advantage of the opportunity to facilitate sufficient and regular access to ground level open space for the primary school students.
144. The Commission has therefore imposed the Department’s recommended condition requiring open space provisions on the Site prior to the staged increase in student numbers (condition E5) with amendments to part of the recommended condition relating to off-site arrangements with Council. The Commission is of the view that the provision of open space on the Site does not preclude off-site use of open space by the Applicant if needed, or if arranged with Council. As such, students would have regular access to the ground level ovals within the Site (at scheduled times and without requiring the displacement of other students from these ovals).

Community Access to Recreation Facilities

145. The Commission notes Council’s view that community access to the WCC ovals should be provided. In its submission dated 28 September 2021, Council stated:
- Community access to sport and recreation facilities within the site, outside of school hours should be provided. It is considered that this could be secured via a condition of consent incorporating a commitment by the Catholic Education Office that community access will be accommodated (page 3).*
146. The Department is of the view that Council’s suggestion “*is not entirely within the scope of the Application as the Applicant does not propose any amendments to the existing ovals*” (AR, Table 11). However, the Department also notes that community access to the existing ovals “*would be a significant community benefit for the locality, which already has lack of such spaces*” (AR, Table 11).

147. The Department recommended a condition that would require the Applicant to prepare a management plan to facilitate community access to the ovals outside of school hours at least three times a week. The Department recommended that if access arrangements cannot be delivered prior to the issues of the occupation certificate, then consultation can be undertaken, and a plan could be delivered within 12 months of operation of the school.
148. In its meeting with the Commission on 16 December 2021, the Applicant stated that “*in line with previous comments about public access to the campus, we’ve got concerns about opening up the ovals and sports facilities to the public.*” (Meeting Transcript, page 14). The Applicant stated that the school’s sports facilities are used after school hours by students, including as part of OOSH.
149. In its letter to the Commission, the Applicant requested that the Department’s recommended condition relating to community access to recreation facilities on the Site (condition E43) be deleted in its entirety. The Applicant stated:
- As identified and requested in previous responses, this condition is not necessary and places undue stress and demand on the campus and school leadership...*
- The landowners do not consent to the ovals being made publicly available. The campus is for school use only and appropriate security and access arrangements are not yet in place to make this possible. Further, it would create unnecessary financial and liability risks and ongoing operational and maintenance issues... (page 8).*
150. In its letter to the Commission dated 18 January 2022, Council responded:
- Council does not support the proposed deletion of condition E43 as the inclusion of this condition was a key part of Council removing their previous objection to the application. Council’s draft Community Infrastructure Strategy (CIS) has identified a lack of sporting fields and active recreational facilities in the surrounding area, with existing Council facilities being at or near capacity.*
- The provision of open space within the Westmead precinct is a high priority.*
151. While the Commission acknowledges Council’s view that there is a shortage of recreation space in the Westmead precinct and Parramatta LGA more broadly, it finds the Applicant should not be burdened to provide public access to all of its recreation facilities and sports ovals. However, the Panel is also of the view that the Department’s recommended condition that requires the Applicant to prepare a management plan to facilitate community access (condition E43), provides the Applicant with flexibility to limit access to specified groups, such as the church community, or specified local schools or community groups, rather than the community at large. The Commission has imposed the Department’s recommended condition with changes to limit the access requirements to the sports ovals only, rather than ‘recreation facilities’, which could include other facilities on the Site.

8.4 Landscaping

152. Extensive new landscaping is proposed to occupy the spaces between the church and school buildings. New landscaping is also proposed along the access driveway to the west and at the existing carparks to the south of the Site (AR para 6.3.1).
153. The Commission notes that, in its Request for Information dated 7 May 2020, the Department raised concerns about the proposed landscaping and noted that the Application provided insufficient justification for the proposed tree removal along the Darcy Road frontage of the Site.
154. The Applicant’s RtS provided additional information regarding the extent of tree removal fronting Darcy Road. AR para 6.4.8 and 6.4.9 state:

The Applicant advised that the removal of the trees would allow for the removal of the existing retaining wall, enabling the provision of a cohesive and welcoming street frontage with improved access. This approach was agreed with the SDRP.

The 27 trees proposed to be removed have been assessed by an arborist, who confirmed that none are of high or very high landscape significance. The trees range in good to poor health and structural condition.

155. The Department is satisfied that the information provided within the RtS provides adequate justification for the removal of the trees at the Darcy Road street frontage (AR para 6.4.11).
156. The Application proposes replacement planting of 130 trees within the Site to offset the trees proposed to be removed and has committed to provide a 26% canopy cover for the project area within the Site (AR para 6.4.11).
157. In its submissions, Council did not raise specific concern regarding landscaping or tree removal. The Commission notes Council's comments on biodiversity in its submission dated 27 April 2020. Council's comments relating to open space are addressed in section 8.3.
158. The Commission finds that landscaping is a key design feature of the Application and is important to soften and screen the new development when viewed from Darcy Road and from within the Site. The Commission agrees with the Department's view in the AR that the proposed landscape design is appropriate to the Site and the proposed tree removal and replacement planting is justified. The Commission finds that the proposed landscaping will contribute to high amenity outdoor recreation spaces.
159. The Commission has imposed the Department's recommended condition requiring the Applicant to update the landscape plans to match the architectural plans, where minor inconsistencies have been identified. The Commission has also imposed the Department's recommended condition that requires the Applicant to prepare a Landscaping Strategy that specifies native plant species, where possible, to improve biodiversity outcomes; planting of advanced sized trees; planting locations that allow enough space for trees to grow to maturity; and, details of any proposed planting within the riparian corridor.
160. The Commission has imposed a condition that requires the Landscaping Strategy to include an ongoing maintenance regime for the proposed planting and commitment to replace any plants lost after completion of the works.
161. The Commission has also imposed the Department's recommended condition that requires the Applicant to consider how the landscape design allows for future connectivity to the adjoining site to the west (condition B1), as discussed at section 8.5 of this Statement of Reasons.

8.5 Pedestrian Access and Connectivity

162. In its submission dated 27 April 2020, Council formally objected to the Application based on the grounds of lack of connectivity.
163. Council stated that given the Site is only accessible from Darcy Road, it "*lacks the finer grain residential road network that is usually associated with primary school sites*" (page 2). Council recommended that an alternative access route be provided to the Site "*between the school buildings and the playing fields that can be connected to Farmhouse Road South to the east and Bridge Road to the west*" (page 8).
164. Council's submissions also raised concerns regarding the safety of the students under the existing access arrangements given the busy nature of traffic in the locality (AR para 6.3.4).

165. At AR para 6.3.5, the Department notes that in response to the concerns raised by Council, the Applicant amended the proposal to incorporate pedestrian links within the Site to connect Farmhouse Road with the drop-off/pick-up area.
166. In its submission dated 28 September 2021, Council acknowledged the Applicant's amendment to include a pedestrian link to Farmhouse Road. Council stated that it welcomes this change and considers it should be secured via a condition of consent (page 2).
167. In its submission, Council reiterated its view that pedestrian access should be provided across the entire Site and connect to Bridge Road to the west via the adjoining site (which is currently occupied by health accommodation).
168. During its meeting with the Commission on 15 December 2021, the Department commented that a through-site link connecting Farmhouse Road and Bridge Road would improve traffic congestion issues, benefit the walkability of the Westmead precinct, and align with the Applicant's own Master Plan for the Site (see **Figure 4** above), which was provided to the Department as part of the EIS (Meeting Transcript, page 8).
169. Council, at its meeting with the Commission on 16 December 2021, commented that the *Draft Westmead Place Strategy 2036* identifies the future use of the adjoining site to the west as 'health education'. Council commented that the site is likely to be redeveloped in the future. Regarding a through-site link, Council stated: "*we're seeing it sort of a win-win and it just helps to future proof that access across such a large section of Westmead which is really missing at the moment*" (Meeting Transcript, page 6). Council acknowledged that the Applicant cannot provide access through the adjacent site at the moment but encourages the Applicant to allow for a future connection.
170. During its meeting with the Commission the Department acknowledged that in order to provide a through-site link that connects to Bridge Road, easement arrangements would be required. The Department stated:
- With regard to the extended connection to Bridge Road, the Department understands that this would require easement arrangements with the adjoining owners to the west of the site, however, details of such easements have not been provided by the Applicant. The Department considers the details of this easement can be negotiated and explored concurrently with the construction of the school* (Meeting Transcript, page 8).
171. The Department recommended conditions that require the Applicant to submit an amended site plan including a schematic design of a pedestrian connection linking Farmhouse Road to Bridge Road (to the satisfaction of the Planning Secretary). The Department also recommended a condition that requires the Applicant to provide details of easement arrangements to facilitate such a pedestrian connection.
172. During its meeting with the Commission on 16 December 2021, the Applicant discussed the proposed Farmhouse Road pedestrian connection and restated its view that public access through the Site could not be accommodated by the school. The Applicant's planning consultant stated:
- ...in response to the concerns raised by Council and DPIE, the Applicant is committed to providing an east-west student link within the site... the link would be for use by school students, staff and CELC users only, and would be available during school hours only.*

It would not be publicly accessible. Having the public on the campus is a serious safety concern for CEDP and the landowners, and it can't be accommodated at this point, until the Master Plan is developed and safety lines and fences and so on can be installed...

Just finally, with respect to the connection from the western boundary through to Bridge Road, that's something that we are willing to explore. However, that connection would ultimately be delivered by others, consistent with the conditions, although we are willing to provide a connection to that within our site (Meeting Transcript, page 7).

173. Furthermore, the Applicant commented on the Department's recommended conditions in a letter to the Commission dated 16 December 2021. The Applicant requested that conditions relating to a pedestrian link be amended to refer only to an 'internal student link' (conditions B1, E4 and F1) to clarify that no public access will be supported at the Site.
174. In its letter to the Commission dated 18 January 2022, Council stated that it is not supportive of the Applicant's proposed changes to conditions regarding pedestrian connectivity. Council stated:
- The through site link is intended to be a reciprocal arrangement between the WCCEC and the Health Site. It would benefit both. The link would also provide the Health Site with a more direct access to Westmead Station, Light Rail, and North West Transitway (thereby encouraging active transport). It is practical to limit use of the link across the WCCEC to set hours such as 7am to 5pm school days. It is not practical to limit the link only to students/residents/employees/clients/customers of the future Health Site development. Therefore, it is recommended that be available for the public, but only for hours that would be set in the conditions of consent for the WCCEC development.*
- It is understood that the condition may result in the need for a fence and gates that would separate the school oval from the car park and buildings (page 3).*
175. While the Commission is of the view that additional connectivity through the Westmead precinct would be beneficial for the local community, it also acknowledges the Applicant's significant responsibility to ensure student safety. The Commission finds the Applicant's objection to allowing public access through the Site is justified at the current time.
176. The Commission finds it would be reasonable to require public access through the Site in the future as part of the staged delivery of the Master Plan for the Site.
177. The Commission notes the Department's recommended condition that requires the Applicant to prepare a schematic design for a pedestrian link to Bridge Road. The Commission agrees it is useful to ensure the opportunity for a future connection to Bridge Road is considered as part of the Site planning and landscape design.
178. The Commission notes the Department's recommended condition B1(c) would require the Applicant to provide details of possible future easement arrangements over adjoining properties to facilitate a pedestrian connection to Bridge Road, however the Panel has not imposed this condition as it finds it is not within the scope of this Application and can be considered in the future when such a link is designed.
179. The Commission acknowledges a written submission was received raising concern about waste management at the Site's pedestrian access points (see paragraph 63). The Commission considers this matter to be an operational issue for the Applicant, and not specifically relevant to the Application. However, the Commission has imposed the Department's recommended conditions relating to waste collection and preparation of an Operational Waste Management Plan and is satisfied that these conditions will ensure appropriate waste management solutions.

8.6 Operating Hours

180. The proposed operating hours of the school, OOSH, ELC and church are provided in the project summary at **Table 2**.
181. The Commission generally agrees with the Department's recommended condition regarding operating hours of each facility (condition F8). However, with regard to the proposed operating hours of the church, the Commission finds the regular operating hours should be extended to match the school operating hours on weekdays (6am to 8pm, Monday to Friday) given that the church is proposed to be primarily used for services, classes, events and meetings for the students and is inextricably linked to the use of the school (refer to paragraph 45). The Commission has therefore amended and imposed this condition.
182. The Commission notes that the Department has also recommended a condition which allows for out of hours use of the church for special events subject to the preparation of an Out of Hours Event Management Plan in consultation with Council. The Commission has imposed this condition as recommended.

9 CONCLUSION: THE COMMISSION'S FINDINGS AND DETERMINATION

183. The views of the community and Council were expressed through submissions received as part of the Department's exhibition of the Application and as part of the Commission's determination process. The Commission carefully considered all of these views as part of making its decision.
184. The Commission has carefully considered the Material before it as set out in section 6.3 of this report. Based on its consideration of the Material, the Commission finds that the Application should be approved subject to conditions of consent for the following reasons:
- the Site is located on land zoned SP2 Infrastructure (Educational Establishment) and the Application is permissible with consent under PLEP 2011 and the Education SEPP. The church is also permissible with consent as an ancillary use to the educational establishment;
 - the Application is consistent with the strategic directions outlined in State and local planning policies;
 - the Site includes existing schools and is well located to support future demand for increased student enrolments in the non-government school sector;
 - the Application is an orderly and economic use of the Site and will provide new, expanded primary school infrastructure to cater for increased demand;
 - impacts on surrounding land uses have been minimised or are capable of being mitigated through the imposed conditions;
 - the Application is consistent with the Objects of the EP&A Act; and
 - the Application is in the public interest.
185. For the reasons set out in paragraph 184, the Commission has determined that consent should be granted subject to conditions. These conditions are designed to:
- prevent, minimise and/or offset adverse environmental impacts;
 - set standards and performance measures for acceptable environmental performance;
 - require regular monitoring and reporting; and
 - provide for the on-going environmental management of the development.
186. The reasons for the Decision are given in the Statement of Reasons for Decision dated 14 February 2022.



Peter Duncan AM (Chair)
Member of the Commission



Juliet Grant
Member of the Commission