

Notice of decision

Section 2.22 and clause 20 of Schedule 1 of the *Environmental Planning and Assessment Act 1979*

Application type	State significant development
Application number and project name	SSD-10224 New Primary School at Edmondson Park
Applicant	DEPARTMENT OF EDUCATION
Consent Authority	Minister for Planning and Public Spaces

Decision

The Director Regional Assessments under delegation from the Minister for Planning and Public Spaces has, under section 4.38 of the *Environmental Planning and Assessment Act 1979 (the Act)* granted consent to the development application subject to the recommended conditions.

A copy of the development consent and conditions is available [here](#).

A copy of the Department of Planning, Industry and Environment's Assessment Report is available [here](#).

Date of decision

15 December 2021

Reasons for decision

The following matters were taken into consideration in making this decision:

- the relevant matters listed in section 4.15 of the Act and the additional matters listed in the statutory context section of the Department's Assessment Report;
- the prescribed matters under the *Environmental Planning and Assessment Regulation 2000*;
- the objects of the Act;
- all information submitted to the Department during the assessment of the development application and any additional information considered in the Department's Assessment Report;
- the findings and recommendations in the Department's Assessment Report; and
- the views of the community about the project (see **Attachment 1**).

The findings and recommendations set out in the Department's Assessment Report were accepted and adopted as the reasons for making this decision.

The key reasons for granting consent to the development application are as follows:

- the project would provide a range of benefits for the region and the State as a whole, including a new education facility, 350 construction jobs, 59 operational jobs and \$60,143,604 in capital investment;
- the project is permissible with development consent, and is consistent with NSW Government policies including:
 - o NSW State Priorities
 - o Future Transport Strategy 2056
 - o Western City District Plan
 - o State Infrastructure Strategy 2018-2038
- the impacts on the community and the environment can be appropriately minimised, managed or offset to an acceptable level, in accordance with applicable NSW Government policies and standards. The consent authority has imposed conditions relating to implementation of a School Transport Plan, upgrade of the Buchan Avenue/Faulkner Way intersection and management of construction impacts including traffic, parking, noise and dust;
- the issues raised by the community during consultation and in submissions have been considered and adequately addressed in the Department's Assessment Report and the recommended conditions of consent.
- weighing all relevant considerations, the project is in the public interest.

Attachment 1 – Consideration of Community Views

The Department exhibited the Environmental Impact Statement (EIS) for the project from 23 June 2021 until 20 July 2021 (28 days) and received 13 submissions, including 10 from public authorities (including Council) and three public submissions. One objection from the public was received.

The key issues raised by the community and considered in the Department's Assessment Report and by the decision maker include school size and catchment, community planning, open space, urban design and public domain, landscaping, contamination, acoustics and traffic and transport.

Other issues are addressed in detail in the Department's Assessment Report.

<i>Issue</i>	<i>Consideration</i>
<i>School size and catchment</i> - Council and one public submission requested the the student capacity be increased to adequately accommodate the future growth of Edmondson Park - One public submission raised concerns about the student catchment zone as it does not include the Edmondson Park Town Centre - One public submission raised concerns about the number of existing public schools in the area	<i>Assessment</i> - The Applicant's Response to Submissions (RtS) advised that proposed student numbers were based on the Applicants Business Case for the school which identified a student capacity shortfall of 1,110 in the Edmondson Park Primary School Community Group by 2036. - The RtS also advised that the Applicant consults with local school educators and considers the demand for similar spaces in nearby schools to determine the number of special support places provided. - The Department acknowledges that there needs to be effective strategic planning for educational infrastructure, particularly in rapidly growing areas such as Edmondson Park. However, the Department recognises that this is an ongoing exercise undertaken by the Applicant and that investment in new or upgraded facilities is determined on an as needs basis considering demand across the state. - The Department notes the concerns raised regarding the extent of the school catchment, however recognises that this is a matter for the Applicant to consider in the broader catchment planning process. - The Department notes that it is obliged to consider the application before it. - Overall, the Department is satisfied that the proposal would provide a positive social outcome and would aid in meeting the demand for educational needs in the area.
<i>Community planning</i> a plan of management for the school playground and associated community facilities should be prepared	<i>Assessment</i> - The Applicant's RtS advised that the community use of the school hall and library will be determined in consultation with the school principal and will be managed in accordance with the Applicants internal guidelines and processes. - The Department acknowledges that the Applicant has internal policies regarding use of shared facilities and that the EIS includes an undertaking to manage shared facilities in accordance with those policies. - The Department notes that the Noise and Vibration Impact Assessment (NVIA) submitted with the EIS included recommendations for amplified music events to minimise impact to surrounding development. <i>Conditions</i> Conditions include: - compliance with the Noise and Vibration Impact Assessment; and - preparation of Out of Hours Event Management Plans for school run and community run events.
<i>Open space</i> Council advised that the school should be provided with sports fields	<i>Assessment</i> - The Applicant's RtS advised that open space has been provided in accordance with the Educational Facilities Standards and Guidelines (EFSG). - The Department notes the Applicant's advice that it is not a requirement to provide sports fields for primary schools in line with the EFSG - The Department is satisfied that the proposal includes adequate passive and active spaces.
<i>Urban design and public domain</i> Council advised that street trees, tree pits and tree grates should be	<i>Assessment</i>

provided on the Buchan and Faulkner street frontages • Council advised that solar panels should be relocated to north facing roofs	• The Applicant's RtS advised that Landcom are responsible for the delivery of footpaths and street trees on the surrounding road network as part of the broader development of the suburb. • The Applicant's RtS also advised that the solar panel system has been designed and sited to ensure compliance with EFSG requirements and that panels will be angled north with no overshadowing from surrounding buildings. • The Department considers that the front setbacks of 12m to Buchan Avenue and 9m to Faulkner Way combined with the landscaping in those setbacks, including multiple trees to each frontage close to site boundaries, will provide for an attractive landscaped streetscape. • The Department notes the Applicant's advice regarding solar panels and that Council did not raise further concerns regarding the siting of the panels. As such, the Department considers the location of the solar panel as appropriate.
<i>Landscaping</i> • the sensory garden should be located further away from the school access point, the Active Open Recreational Space should be rectangular, additional shading provided and multi-layered boundary planting	<i>Assessment</i> • The Applicant's RtS advised the sensory garden is located away from the main play spaces at the centre of the site. It is located near the Faulkner Way entrance as it will only be used at the start or end of the day and the street is a quiet residential street with only local traffic so there will be minimal noise intrusion. • The RtS also included updated Landscape Plans which simplified the shape and edges of the recreational space to better accommodate a range of activities. • The RtS also advised that shade structures are not being provided to the amphitheatre and assembly area however that they would be shaded naturally by trees, and that perimeter planting will be multi layered and will include a range of medium and large trees. • The Department is satisfied that the landscaping would provide an attractive setting for staff and students and would also contribute to the landscape character and amenity of the area. <i>Conditions</i> Conditions require that: • all landscaping is delivered prior to operation of the school; and • a Landscape Management Plan is prepared for the ongoing maintenance of landscaping.
<i>Contamination</i> • the most recent soil contamination assessment should be provided for review	<i>Assessment</i> • The Applicant's RtS included a copy of the most recent soil contamination assessment. • Council reviewed the document and did not raise concern about the assessment but recommended a condition requiring notification should anything be discovered during construction that would alter contamination conclusions. • The Department is satisfied that the Applicant has adequately demonstrated that the site is suitable for the proposed use subject to conditions. <i>Conditions</i> Conditions require that: • the Unexpected Finds Protocol submitted be updated to include a commitment to engage a site auditor should remediation be required due to an unexpected contamination find; and • relevant authorities be notified should new information come to light which could alter previous conclusion about contamination.
<i>Acoustics</i> • further modelling to confirm whether the proposal results in offensive noise impacting the amenity of surrounding sensitive receivers • a comprehensive Construction Noise and Vibration Management Plan will be required	<i>Assessment</i> • The Applicant's RtS included an updated NVIA undertaking a preliminary assessment of external plant rooms which recommended that noise controls would need to incorporate into the design to ensure cumulative noise levels at the nearest sensitive receiver were acceptable. • The updated NVIA also considered the noise impacts from the classrooms to the nearest residential receiver and confirmed that noise levels comply with the requirements of the Education SEPP. • The Department is satisfied that appropriate noise and vibration mitigation measures can be implemented to minimise impacts on nearby residents.

	<i>Conditions</i> Conditions require that plant and equipment be designed, external glazing be provided, use of the public address and school bell system be and use of the hall in accordance with the recommendations of the NVIA.
<i>Traffic and transport</i> • a roundabout treatment of the Buchan Avenue/Faulkner Way intersection should be provided • the school should be located away from major roads • the school will result in increased traffic to local roads like Passendale Road • lack of pedestrian and cycle infrastructure in the vicinity • bus bays should be able to accommodate 2 buses at the same time • on-site car parking spaces should be provided in accordance with Council's DCP • potential conflicts between the location of a pedestrian entry and driveway • an Operational Transport Accessibility Management Plan (OTAMP) should be provided • onsite parking should be provided for all construction workers • a school crossing supervisor will be required, and details of local road works should be provided to Council for approval	<i>Assessment</i> • The Applicant's RtS included a response from the project traffic consultant advising that providing a roundabout at the Buchan Avenue/Faulkner Way intersection would displace the proposed pedestrian crossing points and a bicycle lane, would prioritise vehicle traffic over pedestrian traffic and would result in a similar traffic outcome to a scenario without a roundabout. The RtS also noted that Council's contribution plan does not identify intersection upgrades for the location. • The Applicant's Supplementary RtS (SRtS) included further modelling whereby 20% of vehicles undertook a U-Turn on Faulkner Way (instead of travelling to the end of the road and turning left or right to exit) which found that the intersection would operate at level of service (LOS) E in the AM peak and LOS C in the PM peak with a pedestrian crossing. Without the pedestrian crossing, the intersection would operate at a LOS B in the AM peak and LOS C in the PM peak. The SRtS noted that a crossing supervisor would be present during school peaks to control traffic and student movements to improve traffic flow. • The RtS advised that both Buchan Avenue and Faulkner Way are both local roads and are not major roads. • The RtS advised the proposal would not cause impacts to Passendale Road. • The Applicant's EIS notes that the surrounding road network will be provided for as part of the broader development of the suburb. • The RtS advised that due to bell times being staggered, the need to accommodate two or more buses at the same time at the bus stop is removed. The RtS also noted that the length of the bus bays was discussed with Council's traffic working group who did not raise concerns. • The RtS notes that a School Transport Plan (STP) will be implemented to encourage active transport, the site is in walking distance to a train station and bus stops and that Council subsequently advised that the reduced parking spaces is accepted. • The SRtS provided an analysis of available on-street parking spaces which identified 340 available spaces within 200-300m of the site and that 79% were vacant. • The RtS noted that the location of the pedestrian entry and the driveway is acceptable as they are separated by 3.8m and that the pedestrian entry is not the main or secondary entrance to the school. The RtS also noted that the entrance will be supervised by staff. • The RtS noted that a commitment to prepare a School Transport Plan which includes consideration of accessibility was provide in the EIS. • The RtS advised that 15 on-site construction worker parking will be provided and that should additional parking be provided; it will increase the risk of sediment tracking onto roads, contamination of soils, erosion and sediment control problems and mobile plant collisions. • The RtS noted that the Applicant will apply for a new school crossing supervisor prior to the school opening and that roadwork details will be provided to Council for assessment following determination of the SSD. • The Department is satisfied subject to condition that the traffic and transport impacts associated with the proposal are accepted. <i>Conditions</i> Conditions require that: • a detailed Construction Traffic Management Plan be prepared prior to the commencement of works in consultation with Council and TfNSW; • a Construction Worker Transport Strategy be prepared to manage and minimise impacts from construction worker parking; • roadworks consisting of construction of a bus stop on the northern side of Buchan Avenue, dedicated right turn lane and shared left/through lane on the Faulkner Way southern approach and if physically possible, spilt islands in Buchan Avenue be provided prior to operation of the school; • traffic modelling of the Buchan Avenue/Faulkner Way intersection be undertaken to determine whether the crossing supervisor adequately

	improves intersection performance and if required, roadworks to any mitigate impacts be undertaken prior to enrolment of the 1000th student; • the future road to the south connecting to Buchan Avenue be operational; • a STP be prepared which includes a review of parking demands and impacts on local streets, including any complaints made; • prior to operation of the school the proposed zebra crossings and extension of Buchan Avenue be operational; • an Operational Transport and Access Management Plan be prepared prior to operation of the school; and • school zones around the school be operational.
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