

# Notice of decision

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

<b>Application type</b>	State significant development
<b>Application number and project name</b>	SSD-11070211 New Public School in Mulgoa Rise, Glenmore Park
<b>Applicant</b>	DEPARTMENT OF EDUCATION
<b>Consent Authority</b>	Minister for Planning

### Decision

The Director under delegation from the Minister for Planning 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 and Environment's Assessment Report is available [here](#).

### Date of decision

18 March 2022

### 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, 144 construction jobs, 27 operational jobs and \$ 34,987,675 of capital investment;
- the project is permissible with development consent through the provisions in the Education SEPP, and is consistent with NSW Government policies including the:
  - NSW State Priorities
  - The Greater Sydney Region Plan
  - Western City District Plan
  - 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 the implementation of a School Transport Plan, the provision of suitable pedestrian crossing facilities, confirmation of the geotechnical considerations relating to the foundations of the buildings, and management of construction impacts including, traffic, parking, noise and erosion and sediment controls; and
- the issues raised by the community during consultation and in submissions have been considered and adequately addressed through changes to the project 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 3 September 2021 until 30 September 2021 (28 days) and received 12 submissions, including ten submissions from public authorities and two public submissions supporting the proposal were received.

The key issues raised by the community and considered in the Department's Assessment Report and by the decision maker include flooding, traffic and transport, landscaping and urban design, health, future stages and community use, geotechnical design, and stormwater management and water quality. Other issues are addressed in detail in the Department's Assessment Report.

<b>Issue</b>	<b>Consideration</b>
<p><i>Traffic and Transport</i></p> <ul style="list-style-type: none"> <li>One public submission identified the opportunities to for walking and riding to school rather than driving to closest public school</li> <li>Council raised significant concerns of the provision of only at-grade pedestrian crossings, rather than raised crossings.</li> <li>Council identified issues with the design of bus zones, traffic management and safety devices.</li> </ul>	<p><i>Assessment</i></p> <ul style="list-style-type: none"> <li>The Applicant's EIS identified that due to the existing flooding characteristics of Darug Avenue, any raised crossings or blister kerbs would exacerbate flooding during 1 in 100 year events and would result in flood impacts to adjoining residential properties.</li> <li>The RtS identified additional design work that the Applicant had undertaken to address Council's concerns.</li> <li>The Department acknowledges the need to provide safe crossing locations and that it would be Council's preference for a raised crossing. However, due to the low traffic in the area, the Applicant is proposing additional crossing infrastructure than what is required for the location through TfNSW guidelines.</li> <li>The Department also recognises that the final approval of infrastructure within the road corridor is for Council to consider as the roads authority under the Roads Act.</li> </ul> <p><i>Conditions</i></p> <p>Conditions include</p> <ul style="list-style-type: none"> <li>The requirement that the Applicant deliver a pedestrian crossing with children's crossing features, subject to approval by Council.</li> <li>To address Council's concerns regarding the safety of children crossing at Darug Avenue and Deerubbin Drive, the Applicant must provide Crossing Supervisors at both of these crossings.</li> </ul>
<p><i>Noise</i></p> <ul style="list-style-type: none"> <li>Discrepancies of when construction would be permitted on Saturdays in the EIS were queried.</li> <li>Operational Plan of Management was recommended to manage potential noise issues during operation due to lack of mitigation measures</li> </ul>	<p><i>Assessment</i></p> <ul style="list-style-type: none"> <li>The Applicant's RtS advised that discrepancies had been updated and that mitigation measures were outlined in the Noise and Vibration Assessment.</li> <li>The Department considers the mitigation measures outlined in the EIS and RtS to be suitable for managing noise impacts during both construction and operation.</li> </ul> <p><i>Conditions</i></p> <p>Conditions include:</p> <ul style="list-style-type: none"> <li>Conditions relating to hours of construction in accordance with the Interim Construction Noise Guideline (DECC 2009)</li> <li>the preparation of a Construction Noise and Vibration Management Plan</li> <li>Out of Hours Event Management Plans to be prepared which detail measures to minimise noise impacts.</li> </ul>
<p><i>Landscaping and Urban Design</i></p> <ul style="list-style-type: none"> <li>Council requested that utilities within the front setback be relocated and that planting is provided within the front setback.</li> <li>Canopy coverage should be identified in a tree planting plan.</li> <li>Species associated with the local area should be provided.</li> <li>Shade canopy structures should be provided to protect synthetic turf and rubber softfall areas from becoming</li> </ul>	<p><i>Assessment</i></p> <ul style="list-style-type: none"> <li>The Applicant's RtS advised that the utilities have been set back from the street edge and that additional planting along the boundary is proposed.</li> <li>The Applicant also advised that canopy coverage was included in the RtS, that native planting would be used in accordance with Council's Tree Management Plan, and that indicative shade structures have been proposed and would be installed by the school at a later date.</li> <li>The Department is satisfied that the Applicant has adequately addressed the concerns raised by Council and that shade canopy structures would be installed separate to the delivery of the project.</li> </ul> <p><i>Conditions</i></p>

<ul style="list-style-type: none"> <li>too hot during summer.</li> <li>Tree identification and management of trees that are not to be impacted.</li> </ul>	<p><b>Conditions include</b></p> <ul style="list-style-type: none"> <li>Identification and protection of trees, in accordance with Council's tree protection requirements.</li> <li>Audit of street trees (including photos of tree protection measures)</li> </ul>
<p><b>Health</b></p> <ul style="list-style-type: none"> <li>Council identified requirements for the food preparation areas and sick bays proposed on the site; including the need for additional sick bays to accommodate isolation requirements.</li> <li>Assessment of electromagnetic Energy impacts from the proposed upgrade of the substation on Darug Avenue.</li> </ul>	<p><b>Assessment</b></p> <ul style="list-style-type: none"> <li>The Applicant in the RtS noted that all food preparation areas would comply with the relevant BCA and Australia Standards, and that the canteen would be design in consultation with a kitchen consultant.</li> <li>The Applicant also noted that the toilets and sick bay facilities had been designed in accordance with the Applicant's own Educational Facilities Standards and Guidelines.</li> <li>The Applicant's RtS include an Electromagnetic Energy (EME) Report which identified that no additional mitigation measures would be required and that the equipment would comply with relevant standards, regulations and guidelines.</li> <li>The Department is satisfied that the Applicant has committed to providing substation upgrades, food preparation areas, toilets and sick bays in accordance with the relevant guidelines, regulations and Australian Standards.</li> </ul>
<p><b>Future Stages and Community Use</b></p> <ul style="list-style-type: none"> <li>Council requested that additional parking for Stage 2 be provided as part of this project</li> <li>Council also requested that the basketball court be made accessible to the public outside of school hours and that the design of the court reflect that.</li> <li>Use of sports ovals or car parking on Council land should not form part of this application.</li> </ul>	<p><b>Assessment</b></p> <ul style="list-style-type: none"> <li>The Applicant's RTS advised that stage 2 parking would not be provided as part of this application as it may lead to staff accessing the site by car which would prevent opportunities for a culture of active transport usage.</li> <li>The RtS also stated that the use of Council land was not proposed.</li> <li>The Department acknowledges that the Applicant has internal policies regarding use of its sites by the community. It is also acknowledged that opportunities for greater use of the community may be considered once the project is operational.</li> </ul>
<p><b>Geotechnical Design</b></p> <ul style="list-style-type: none"> <li>Council noted that due to the imported fill at the site, it would be critical for the site to be stabilised where required.</li> </ul>	<p><b>Assessment</b></p> <ul style="list-style-type: none"> <li>The Applicant's RtS noted that all buildings would be socketed into rock and that flexible/articulated joints would be provided.</li> <li>The Department notes that the correct installation of foundations and pavements slabs would be critical to avoid future structural issues with the proposed buildings.</li> </ul> <p><b>Conditions</b></p> <p>Conditions include</p> <ul style="list-style-type: none"> <li>The foundations must be reviewed by a suitably qualified geotechnical engineer.</li> <li>A report must be provided to the Planning Secretary confirming that all piles have been socketed into the bedrock.</li> </ul>
<p><b>Stormwater Management, Flooding and Water Quality</b></p> <ul style="list-style-type: none"> <li>Council requested evidence that the proposal would provide for 80% of non-potable water use with harvested rainwater.</li> <li>Construction in accordance with the Blue Book and the need for conditions to ensure sediment and erosion measures are implemented.</li> <li>Flooding modelling should include ground survey data.</li> </ul>	<p><b>Assessment</b></p> <ul style="list-style-type: none"> <li>The RtS included a review of site demand and rainfall data which identified that the benefit of rainwater reuse did not significantly increase beyond 100kL, with a 400kL tank required to meet Council's policy of 80%. The RtS proposed the delivery of a 120kL tank which would satisfy 60.7% of the non-potable water demand.</li> <li>The RtS included an updated flood impact assessment which included ground survey data.</li> <li>Whilst the Department encourages the re-use of harvested rainwater; it notes the assessment provided by the Applicant and considers the proposed tank to be suitable for the requirements of the proposal.</li> <li>The Department has proposed conditions requiring the construction of the project in accordance with the Blue Book and proposed additional management plans relating to erosion and sediment controls.</li> </ul> <p><b>Conditions</b></p> <p>Conditions include</p> <ul style="list-style-type: none"> <li>The preparation of a Construction Soil and Water Management Plan</li> </ul>

- That works be done in accordance with the Erosion and Sediment Control Plan provided in the EIS