

# 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 modification application
<b>Application number and project name</b>	SSD-11070211-Mod-1 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 4.55(2) of the *Environmental Planning and Assessment Act 1979* (**the Act**) modified the consent subject to conditions.

A copy of the instrument of modification and conditions is available [here](#).

A copy of the Department of Planning and Environment's assessment report is available at [here](#).

### Date of decision

16 September 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 2021;
- the reasons given by the consent authority for the grant of the original consent;
- the objects of the Act;
- all information submitted with the modification application during the assessment and information considered in the Department's assessment report;
- the findings and recommendations in the Department's assessment report;
- the submissions made concerning the modification; 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 decision maker was satisfied that the development to which the consent as modified relates is substantially the same development as the development for which consent was originally granted was modified.

The key reasons for granting the modification are as follows:

- the modification is permissible with consent, and is consistent with NSW Government policies including the:
  - NSW State Priorities
  - Greater Cities Commission's (GCC) *Greater Sydney Region Plan: A Metropolis of Three Cities*
  - GCC's *Central City District Plan*
  - Transport for NSW's *Future Transport Strategy 2056*
  - NSW's State Infrastructure Strategy 2018 – 2038
  - Transport for NSW's Sydney's Cycling Future 2013
- 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, flood management, noise, stormwater and management of construction related impacts including traffic, parking and noise; 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 modification is in the public interest.

## Attachment 1 – Consideration of Community Views

The department exhibited the modification from 19 July until 1 August 2022 (14 days) and received three submissions, in the form of comments, from Penrith City Council (Council), Endeavour Energy and Sydney Water.

The key issues raised by the community (including in submissions) and considered in the department's assessment report and by the decision maker include built form, noise and construction traffic management. Other issues are addressed in detail in the Department's assessment report.

<i>Issue</i>	<i>Consideration</i>
<p><i>Built form</i></p> <ul style="list-style-type: none"> <li>Unknown setback of the demountable buildings from Forestwood Drive.</li> <li>Demountable buildings should be appropriately setback and not impact the streetscape.</li> </ul>	<p><i>Assessment</i></p> <ul style="list-style-type: none"> <li>As part of the Respond to Submissions, the Applicant provided a plan demonstrating a 1.5 metre setback from the southern boundary (Forestwood Drive) to the temporary demountables</li> <li>The distance between the temporary demountables and nearest dwellings on the south side of Forestwood Drive would be 24.5 metres.</li> <li>The Department considers the setback of 1.5 metres is acceptable as: <ul style="list-style-type: none"> <li>the demountable buildings are temporary in nature (maximum 24 months);</li> <li>the demountables are single storey with a maximum height of 4m including piers;</li> <li>the setback of the temporary demountables does not impact any street trees;</li> <li>the lot has an irregular boundary with an indent of 2 metres adjacent to the demountables, meaning the perceived setback on street would be an additional 2 metres, totalling 3.5m; and</li> <li>the dwellings to the south of Forestwood Drive will not be overshadowed.</li> </ul> </li> <li>The Department considers that any additional setback to Forestwood Drive would significantly impact on play space available during the operation of the temporary school and subsequently the construction of the permanent school.</li> </ul> <p><i>Conditions</i></p> <ul style="list-style-type: none"> <li>The external colours, materials and finishes of the temporary buildings/structures must comprise of neutral, natural and/or muted colours. Use of bright colours which are visible from the public domain must be approved by the Planning Secretary to ensure they do not adversely streetscape amenity.</li> </ul>
<p><i>Noise</i></p> <ul style="list-style-type: none"> <li>Noise from waste management and collection should be managed.</li> <li>Noise from the temporary school operation should be managed.</li> </ul>	<p><i>Assessment</i></p> <ul style="list-style-type: none"> <li>The application included an Operational Waste Management Plan that considered the noise impacts of the waste collection and management for the temporary school.</li> <li>The application included an Acoustic Impact Assessment Report that considered the noise impacts of the proposed temporary school operation.</li> <li>The Department is satisfied that the proposal would have acceptable noise impacts on the adjoining properties, subject to conditions.</li> </ul> <p><i>Conditions</i></p> <ul style="list-style-type: none"> <li>The existing Construction Noise and Management Sub-Plan be revised to include measures to mitigate construction noise impact on the temporary school and surrounding sensitive receivers.</li> <li>Compliance with the management and mitigation measures contained within the Operational Waste Management Plan.</li> <li>Compliance with the recommendations within the Acoustic Impact Assessment Report.</li> </ul>
<p><i>Construction traffic management</i></p> <ul style="list-style-type: none"> <li>Traffic controlling and management is required at the intersection of Darug Avenue with Forestwood Drive.</li> </ul>	<p><i>Assessment</i></p> <ul style="list-style-type: none"> <li>The modification report stated one traffic controller would manage vehicles at the intersection of Darug Avenue/Forestwood Drive. The Applicant, as part of its Response to Submissions, increased this to two traffic controllers.</li> <li>The Department considers two traffic controllers acceptable to manage any potential pedestrian and vehicle conflicts with construction vehicles at the Darug Avenue/Forestwood Drive.</li> </ul> <p><i>Conditions</i></p> <ul style="list-style-type: none"> <li>The existing Construction Traffic and Pedestrian Management Sub-Plan be revised to include measures to mitigate conflict between pedestrians and vehicles at the intersection of Darug Avenue with Forestwood Drive.</li> </ul>