

# 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
<b>Application number and project name</b>	SSD-7484-Mod-16 Sandstone Precinct - Stage 2- Modification -16
<b>Applicant</b>	Pontiac Land (Australia) Pty Ltd
<b>Consent Authority</b>	Minister for Planning

### Decision

The Director under delegation from the Minister for Planning has, under 4.55(1A) 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 & Environment's assessment report is available [here](#)

### Date of decision

22 February 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 *Environmental Planning and Assessment Act (EP&A Act) 1979* 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 EP&A Act
- all information submitted with the modification application
- the findings and recommendations in the Department's Assessment Report
- the submissions made concerning the modification
- the views of the community (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 the modification are as follows:

- the modification is permissible with consent and is consistent with NSW Government policies
- 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 issues raised by the community during consultation and in submissions have been considered and adequately addressed through recommended conditions of consent, where relevant
- weighing all relevant considerations, the modification is in the public interest.

## Attachment 1 – Consideration of Community Views

The Department exhibited the modification from 16 November 2021 to 29 November 2021 (14 days) and received four submissions.

The key issues raised by the community in submissions and considered in the Department's Assessment Report and by the decision maker include those relating to potential amenity impacts.

<i>Issue</i>	<i>Consideration</i>
Insufficient justification for extended construction hours	<p><i>Assessment</i></p> <ul style="list-style-type: none"> <li>Public submissions raised that there is insufficient justification for the extended hours and that construction should be undertaken during business hours only.</li> <li>The Department is satisfied that: <ul style="list-style-type: none"> <li>the proposal to undertake specific internal works within the enclosed façade during extended is unlikely to cause unacceptable amenity impacts in the locality</li> <li>the extended construction hours will assist with mitigating the overall construction impact, as it will enable the construction timeframe to be shortened.</li> </ul> </li> </ul> <p><i>Recommended conditions</i></p> <ul style="list-style-type: none"> <li>The extended construction hours are limited to certain internal works within the Education Building</li> <li>The existing Construction Environmental Management Plan be updated to include the recommendations of the noise and vibration management plan.</li> </ul>
Ongoing noise and light pollution associated with previous and existing construction	<p><i>Assessment</i></p> <ul style="list-style-type: none"> <li>The public submissions raised concerns related to ongoing noise and light pollution, resulting from previous and existing construction on the site and in the general locality.</li> <li>The Department is satisfied that: <ul style="list-style-type: none"> <li>the modified development is not expected to result in unacceptable cumulative amenity impacts in the locality</li> <li>there are satisfactory measures in place to manage impacts associated with existing construction activities occurring on the site</li> <li>existing conditions of consent adequately control, mitigate and minimise construction impacts for all works undertaken on the site during normal hours.</li> </ul> </li> </ul>
Previous complaints about noise and light pollution have not been resolved	<p><i>Assessment</i></p> <ul style="list-style-type: none"> <li>Public submissions raised concerns related to previous complaints about noise and light not being satisfactorily resolved.</li> <li>The Department is satisfied that existing conditions adequately control, mitigate and minimise construction impacts for all works undertaken on the site during normal hours.</li> <li>In relation to the extended hours for internal works, the Department recommends an additional condition requiring resolution of complaints.</li> </ul> <p><i>Recommended conditions</i></p> <ul style="list-style-type: none"> <li>Should substantiated complaints be received ameliorative measures must be implemented, and complaints resolved prior to works resuming.</li> </ul>
Working from home has exacerbated impacts from the existing construction activities on site	<p><i>Assessment</i></p> <ul style="list-style-type: none"> <li>Public submissions raised that impacts from existing construction activities have been exacerbated by COVID and the requirement to work from home.</li> <li>The Department is satisfied that the modified development is not expected to result in unacceptable cumulative amenity impacts in the locality.</li> </ul>
The developer should be required to prevent light pollution	<p><i>Assessment</i></p>

	<ul style="list-style-type: none"> <li>Public submissions expressed that the developer should be required to black out windows to prevent light pollution during extended construction hours.</li> <li>The Applicant has advised that where flood lighting is used during extended hours, the windows in that particular part of the building will be blacked out to prevent light pollution.</li> <li>The Department is satisfied that light impacts from the extended hours can be satisfactorily mitigated by blacking out windows in the relevant part of the building.</li> </ul> <p><i>Recommended conditions</i></p> <ul style="list-style-type: none"> <li>The Department has added Condition D20A, which requires openings in the relevant section of the Education Building to be blacked out to prevent light pollution during extended construction hours.</li> </ul>
The proposed timeframe for the extended construction hours should not be allowed to occur indefinitely	<p><i>Assessment</i></p> <ul style="list-style-type: none"> <li>Public submissions expressed that extended construction hours should not be allowed to continue indefinitely.</li> <li>As part of the assessment process the Applicant confirmed that the extended construction hours will enable the overall timeframe for construction works to be shortened.</li> <li>The Department is satisfied that the extended construction hours will assist with mitigating the overall construction impact in the locality.</li> </ul>