

# Notice of decision [SSD]

## 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 8114 Lindfield Learning Village (Phase 1)
<b>Applicant</b>	Department of Education
<b>Consent Authority</b>	Minister for Planning

### Decision

The Executive Director under delegation from the Minister for Planning has, under section 4.38 of the *Environmental Planning and Assessment Act 1979 (the Act)* granted partial consent in accordance with section 4.16(4)(c) 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

24 October 2018

### 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;
- the considerations under the *Threatened Species Conservation Act 1995*;
- 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 partial 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 new educational facilities, 150 construction jobs and up to 50 operational jobs;
- the project is permissible with development consent, and is consistent with NSW Government policies including the:
  - A Metropolis of Three Cities – The Greater Sydney Plan;
  - State Infrastructure Strategy 2018-2038;
  - NSW Future Transport Strategy 2056; and
  - North District Plan.
- 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 as identified in the Department's Assessment Report. The consent authority has imposed conditions relating to bush fire; heritage; landscaping and tree removal; contamination; traffic, parking, and road infrastructure; flooding; noise; construction and operational management;
- 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; and
- weighing all relevant considerations, the project is in the public interest.

## Attachment 1 – Consideration of Community Views

The Department exhibited the Environmental Impact Statement for the project from Thursday 22 June 2017 until Monday 7 August 2017 (45 days) and received 16 community submissions and one submission from a special interest group, including 6 objections and 5 in support of the project.

The Department also undertook two visits to the site.

The key issues raised by the community (including in submissions) and considered in the Department's Assessment Report and by the decision maker include traffic and parking, heritage, noise, and bush fire. Other issues are addressed in detail in the Department's Assessment Report.

<i>Issue</i>	<i>Consideration</i>
<p><i>Traffic and Parking</i></p> <ul style="list-style-type: none"> <li>• traffic congestion</li> <li>• intersection upgrades</li> <li>• adequacy of Eton Road bus bay and conflicts with bus services</li> <li>• appropriateness of drop off and pick up facilities</li> <li>• inaccurate and out of date traffic data</li> <li>• insufficient car parking</li> <li>• parking conflicts with the nearby sports field</li> <li>• pedestrian/vehicle conflict</li> <li>• poor availability of public transport</li> <li>• dedicated cycle tracks should be provided between the school and train stations</li> <li>• improved footpaths required</li> </ul>	<p><i>Assessment</i></p> <ul style="list-style-type: none"> <li>• As Phase 1 of the school is substantially smaller than that exhibited at the EIS stage, traffic impacts are significantly reduced and intersection upgrades are not required.</li> <li>• The Department is satisfied that the location of the proposed drop-off and pick-up facilities are appropriate and would not result in unreasonable traffic impacts.</li> <li>• To alleviate traffic congestion and minimise parking demand, the Department supports the Applicant's commitment to promote the use of sustainable transport options.</li> <li>• Transport for New South Wales (TfNSW) have review the proposed development and are satisfied the Eton Road bus bay is acceptable subject to the preparation of a school bus plan.</li> <li>• Changes to parking restrictions are required along Eton Road to allow for the passing of buses in peak periods. These changes are supported in principle by both Council and TfNSW.</li> <li>• The Department is satisfied that the 65 car parking spaces proposed to support Phase 1 of the school are adequate for the capacity.</li> <li>• The application includes the provision of 45 bicycle parking spaces.</li> <li>• The Applicant has agreed to provide a continuous path between the site and the Lindfield Public School which would provide access to the Pacific Highway and nearby bus and rail services.</li> <li>• The Applicant has also proposed to widen footpaths and upgrade pedestrian crossings within the site to increase pedestrian safety.</li> </ul> <p><i>Conditions</i></p> <ul style="list-style-type: none"> <li>• Preparation of a school bus plan in consultation with TfNSW.</li> <li>• Preparation of a Green Travel Plan and Operations Transport and Access Management Plan.</li> <li>• Footpath upgrades and construction of crossing points in the vicinity of the site.</li> <li>• Modification to parking restrictions along Eton Road to allow for the passing of buses in peak periods.</li> <li>• Provision of 65 car parking spaces and 42 bicycle parking spaces.</li> </ul>
<p><i>Heritage</i></p> <ul style="list-style-type: none"> <li>• unsympathetic alterations and additions</li> <li>• incompatible use</li> <li>• modifications to the bus bay</li> <li>• poor heritage impact assessment</li> <li>• removal of vegetation</li> </ul>	<p><i>Assessment</i></p> <ul style="list-style-type: none"> <li>• Alterations and additions that form Part of Phase 1 of the school are limited to window and door replacement, and a minor rooftop addition to provide roof access for maintenance purposes.</li> <li>• No modifications are proposed to the bus bay as part of Phase 1.</li> <li>• The windows and doors are proposed to be generally consistent with those existing and the rooftop addition is small in footprint and of a simple, contemporary design. The external alterations are considered sympathetic to the brutalist building.</li> <li>• The adaptive reuse of the building for the purposes of a school requires internal modifications to the building, however impacts on significant heritage fabric would be minimal and generally reversible.</li> <li>• The Department also considers the proposed school use to be sympathetic with the established educational use of the building therefore reinforcing its historic heritage values.</li> <li>• The NSW Heritage Council have advised the proposal is acceptable subject to the implementation of recommendations proposed in the heritage impact assessment and associated documents.</li> <li>• The Department acknowledges the loss of vegetation and associated impacts on the heritage significance of the site. Even so, on balance, the public benefit of the proposed school and reuse of the significant building with minimal intervention on building fabric is considered to justify the impact.</li> </ul> <p><i>Conditions</i></p> <ul style="list-style-type: none"> <li>• Preparation of a Conservation Management Plan for the site.</li> </ul>

	<ul style="list-style-type: none"> <li>Preparation of a Heritage Implementation Strategy including a detailed Schedule of Conservation Works.</li> <li>Retention of identified significant fabric.</li> <li>Reversibility of new elements.</li> <li>Photographic archival recording.</li> </ul>
<p><i>Noise</i></p> <ul style="list-style-type: none"> <li>noise impacts from traffic</li> <li>noise impacts from roof top playgrounds</li> <li>general noise impacts from the school operation</li> </ul>	<p><i>Assessment</i></p> <ul style="list-style-type: none"> <li>Phase 1 of the school does not include any roof top playgrounds.</li> <li>Noise arising from the drop-off and pick-up of students would be concentrated to two peak periods and is not considered to give rise to unreasonable noise disturbance.</li> <li>The Department is satisfied that Phase 1 of the school accommodating only 350 students would not result in significant noise impacts on the nearest sensitive receivers.</li> </ul> <p><i>Conditions</i></p> <ul style="list-style-type: none"> <li>Design and operate plan and equipment (including school bells and public address systems) in accordance with established project specific noise levels.</li> <li>Limitations on the use of courtyards and outside areas after 6pm.</li> </ul>
<p><i>Bush fire</i></p> <ul style="list-style-type: none"> <li>evacuation delays due to single entry/exit point</li> <li>non-compliance with <i>Planning for Bush Fire Protection 2006</i>.</li> </ul>	<p><i>Assessment</i></p> <ul style="list-style-type: none"> <li>This determination relates to Phase 1 of the school only which is to accommodate only 350 students. This is substantially reduced from the EIS proposal.</li> <li>The NSW Rural Fire Service has considered the application and is supportive of Phase 1 subject to conditions.</li> <li>The application includes a draft Bush Fire Emergency Management and Evacuation Plan (BEMEP). Students and staff will be evacuated to Lindfield Primary School on foot in the event of a fire.</li> </ul> <p><i>Conditions</i></p> <ul style="list-style-type: none"> <li>Conditions include: <ul style="list-style-type: none"> <li>establishment of a 100m APZ.</li> <li>submission of a final BEMEP.</li> <li>provision of water and utilities.</li> <li>construction of a fire trail.</li> <li>widening of access roads.</li> <li>preparation of a vegetation management plan.</li> <li>construction to bush fire attack level 'flame zone'.</li> </ul> </li> </ul>
<p><i>Access to Community Facilities</i></p> <ul style="list-style-type: none"> <li>public access to the library, gym and auditorium should be available</li> </ul>	<p><i>Assessment</i></p> <ul style="list-style-type: none"> <li>The Applicant has proposed community access to the community as part of the application.</li> <li>The Department supports community access subject to conditions.</li> </ul> <p><i>Conditions</i></p> <ul style="list-style-type: none"> <li>Hours of operation for community access to facilities.</li> <li>Preparation of an out of hours event management plan for external parties.</li> </ul>
<p><i>Shops</i></p> <ul style="list-style-type: none"> <li>convenience stores, coffee shops and restaurants should be incorporated</li> </ul>	<p><i>Assessment</i></p> <ul style="list-style-type: none"> <li>It is not the Departments role to force the inclusion of other uses within the proposed school development, nor determine the appropriateness of such uses co-existing on the site.</li> </ul>
<p><i>Tree Removal</i></p> <ul style="list-style-type: none"> <li>tree removal is inconsistent with the Concept Plan</li> <li>biodiversity impacts</li> </ul>	<p><i>Assessment</i></p> <ul style="list-style-type: none"> <li>The Department has considered the proposal against the requirements of the Concept Plan and found it to be generally consistent. The proposed tree removal is extensive, however is necessary to establish the APZs for the proposed school use. The Application includes the retention of 228 trees across the site to reference the existing the bushland setting and minimise impacts on visual amenity.</li> <li>A Biodiversity Assessment Report was submitted with the application which includes an offset strategy requiring the Applicant to retire 71 ecosystem credits.</li> <li>The Department is satisfied that the Landscape Management Plan for the site is acceptable subject to conditions.</li> </ul> <p><i>Conditions</i></p> <ul style="list-style-type: none"> <li>Retire 71 ecosystem credits in accordance with the <i>Threatened Species Conservation Act 1995</i>.</li> <li>Preparation of a Construction Flora and Fauna Management Sub-Plan to minimise biodiversity impacts during construction including fauna pre-clearance surveys and an unexpected finds protocol.</li> </ul>

<p><i>Community Consultation</i></p> <ul style="list-style-type: none"> <li>• poor community engagement</li> </ul>	<p><i>Assessment</i></p> <ul style="list-style-type: none"> <li>• Community consultation by the Applicant is required by the SEARs, however the extent of consultation is undefined.</li> <li>• The Department has undertaken public consultation including notification and advertisement of the application in accordance with the requirements of the <i>Environmental Planning and Assessment Act 1979</i> and associated regulations.</li> </ul>
<p><i>Excessive Student Numbers</i></p>	<p><i>Assessment</i></p> <ul style="list-style-type: none"> <li>• The proposal is for Phase 1 only which will accommodate only 350 students.</li> <li>• The Department is satisfied the site is suitable for 350 students and that no significant detrimental impacts would arise from Phase 1 of the school.</li> </ul>