

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-8378620 Kingscliff Public School Redevelopment
Applicant	NSW Department of Education
Consent Authority	Minister for Planning

Decision

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 with the modifications outlined in the instrument of consent subject to the recommended conditions.

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

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

Date of decision

15 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 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;
- 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 proposal would provide a range of benefits for the region and the state as a whole, including improved educational facilities, 90 construction jobs, eight operational jobs and \$25,276,363 capital investment.
- The proposal is permissible with development 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 consent authority has imposed conditions relating to upgrades to public infrastructure and implementation of a School Transport Plan including sustainable transport measures and management of cumulative traffic impacts.
- The issues raised by the community in submissions have been considered and adequately addressed through the recommended conditions of consent;
- Weighing all relevant considerations, the proposal is in the public interest.

Attachment 1 – Consideration of Community Views

The applicant engaged with the community during the preparation of the Environmental Impact Statement (EIS) as a requirement of the Secretary's Environmental Assessment Requirements. The EIS detailed the findings of the engagement and how it influenced the scope and design of the project.

The Department exhibited the EIS for the project from 2 June 2021 until 29 June 2021 (28 days) and received 4 submissions, including an objection from Council and three comments from the public.

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, and pedestrian infrastructure and safety. Other issues are addressed in detail in the Department's Assessment Report.

Issue	Consideration
Traffic and parking - Concern was raised regarding the location of the consolidated drop-off / pick-up zone. - Cumulative traffic impacts from Tweed Valley Hospital and the surrounding schools has not been considered in the EIS. - Insufficient staff car parking proposed. - Council requested the Applicant widen Orient Street to create 13 car parking spaces and improve traffic flow.	Assessment - In response to the concerns raised in the submissions, the Applicant provided the following information and justification as part of the Response to Submissions (RtS) and Supplementary RtS: - the drop-off / pick-up zone on Orient Street was consolidated in April 2021 and further traffic surveying has shown that the traffic flow in the local area has improved. - the site is not within the catchment of Tweed Valley Hospital and Kingscliff High School. - the proposal has been amended as part of the RtS to include nine on-street car parking spaces on Sutherland Street, in addition to the existing onsite car park, totalling 41 car parking spaces which meets staff demand without unreasonably impacting on-street parking availability. - the proposal includes substantial upgrades to public footpaths which benefit the community. The widening of Orient Street would involve relocating the existing footpath and existing stormwater infrastructure that would incur significant cost. - Council could install 'No Stopping' signage on either side of Orient street to improve traffic flow. - The Department considers the proposed parking is a minor shortfall from the staff demand which could be mitigated through measures to reduce car based travel under a School Travel Plan. - The Department considers that traffic flow on Orient Street could be resolved in other ways such as using 'No Stopping' signage on either side of the road during school peak hour rather than requiring the Applicant to widen the road and construct more car parking. - The Department supports the proposed upgrades to improve pedestrian travel to the school and encourage active transport. On balance, the Department considers the proposed parking arrangements are acceptable. Conditions - A School Transport Plan must be prepared in consultation with Council and Transport for NSW (TfNSW), including strategies to reduce car usage and promote active transport and monitor operational cumulative traffic impacts. - A Construction Traffic and Pedestrian Management Sub-Plan must be prepared which addresses cumulative traffic impacts including Tweed Valley Hospital Development and Kingscliff High School Redevelopment. - Consultation with Council in relation to implementing parking restrictions and signposting on Orient Street to improve traffic flow if required.
Pedestrian infrastructure and safety - Limited pedestrian infrastructure has been provided for students accessing the school from the east. - The proposal should address the existing unsafe pedestrian crossing behaviours.	Assessment - The proposal includes the upgrade of the following footpaths: 360 metre shared pathway on the western side of Orient Street between Viking Street and Omar Street. 130 metre shared pathway on the eastern side of Orient Street between Viking Street to the existing footpath to the south of the school. - widening of the pathway on the western side of Sutherland Street adjoining the proposed bus zone.

- The proposal also includes the construction of a new pedestrian crossing on Orient Street and installation of signposting and line marking to reduce unsafe pedestrian and driving behaviours.
- The Department is satisfied that appropriate footpath upgrades and public domain works proposed will facilitate safe and accessible walking to and from the site.

Conditions

- Detailed plans and specifications for all proposed pedestrian infrastructure upgrades must be prepared to the satisfaction of the relevant road authority.