

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-8571481 TAFE NSW Institute of Applied Technology for Construction
Applicant	TAFE NSW
Consent Authority	Minister for Planning and Public Spaces

Decision

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

Date of decision

21/09/2021

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;
- 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 provision of new tertiary education infrastructure, capital investment in the region of \$75 million, creation of 231 construction jobs and 80 new operational jobs, providing modern facilities that meet current standards for education for the State and expansion of the TAFE Campus in line with the vision for the precinct;
- the project is permissible with development consent, and is consistent with NSW Government policies, including Greater Sydney Commission's Greater Sydney Regional Plan 'A Metropolis of Three Cities', Transport for NSW's Future Transport Strategy 2056, Greater Sydney Commission's Western City District Plan, and NSW's State Infrastructure Strategy 2018 – 2038 Building Momentum;
- 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 in the Department's Assessment Report. The consent authority has included conditions to ensure: road infrastructure upgrades and landscaping works are delivered in a timely manner; the Green Travel Plan is delivered to achieve a gradual modal shift away from private vehicle travel; associated car and bicycle parking and site access upgrades are completed before the development is operational; required stormwater infrastructure upgrades are delivered in a timely manner; and construction impacts are appropriately managed;
- the community views 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 18 March 2021 until 14 April 2021 (28 days) and, in terms of community submissions, received a letter of support from Western Sydney University on the project (as an adjoining landowner) and a submission from Penrith City Council.

The key issues raised by Council and considered in the Department's Assessment Report and by the decision maker include traffic management and parking, stormwater engineering and design, biodiversity and waste management. Other issues are addressed in detail in the Department's Assessment Report.

<i>Issue</i>	<i>Consideration</i>
<p><i>Traffic management and parking</i></p> <ul style="list-style-type: none"> Lack of additional parking provided on site. The intersection at the Great Western Highway / O'Connell Street / French Street should be upgraded to manage increased traffic generation. Requirement for additional assessment to determine potential need to upgrade existing driveway access from O'Connell Street. 	<p><i>Assessment</i></p> <ul style="list-style-type: none"> The proposal provides for an additional 16 car parking spaces, including one additional accessible parking space. The Applicant has undertaken a survey-based assessment that demonstrates that future parking provision exceeds demand, providing a safety margin of 70 spaces in the year 2030. The Applicant has not provided sufficient data to demonstrate that the existing right-turn bay from the Great Western Highway into O'Connell Street would accommodate the increased traffic generated by the development by 2030. The proposal includes the widening of the existing southern access driveway from O'Connell Street, and swept path drawings demonstrate that it would accommodate the passing vehicles. The Department is satisfied that the driveway upgrade works, as proposed, would be adequate to accommodate the increased vehicle movements into and out of the site. <p><i>Conditions include:</i></p> <ul style="list-style-type: none"> A requirement for the Applicant to complete an extension to the Great Western Highway right-turn bay prior to commencement of operation, unless additional data is provided to demonstrate that this is not necessary in agreement with Transport for NSW.
<p><i>Stormwater engineering and design</i></p> <ul style="list-style-type: none"> Post-development stormwater flows must match pre-development flows. This could be achieved via on-site detention (OSD) or modifications to existing dam outlet structure. 	<p><i>Assessment</i></p> <ul style="list-style-type: none"> The proposal does not include OSD, rather stormwater will be drained towards the existing dam within the TAFE Campus, which may require upgrade. As proposed, it has not been demonstrated that post-development stormwater flows would match pre-development flows. <p><i>Conditions include:</i></p> <ul style="list-style-type: none"> A requirement for the Applicant to ensure that post-development stormwater flows for events up to the 1% AEP event, match pre-development flows. This may involve the provision of OSD or, if agreed by Council, modifications to the existing dam outlet structure at the Great Western Highway.
<p><i>Biodiversity</i></p> <ul style="list-style-type: none"> A replacement tree ratio of 2:1 should be required. A Vegetation Management Plan (VMP) considering weed management and Grey-headed Flying-fox foraging opportunities should be prepared. Tree protection measures and pre-clearance surveys should be undertaken. 	<p><i>Assessment</i></p> <ul style="list-style-type: none"> A Biodiversity Development Assessment Report (BDAR) waiver was issued for the development, as it was concluded that it is unlikely to have any significant impact on biodiversity values. A VMP relating to Grey-headed Flying-fox foraging is therefore not required. However, given the landscaping works proposed, the Department considers that suitable weed management is required. The Department is satisfied that the replacement planting can suitably offset removed trees, and it is therefore not necessary to include a condition requiring a replacement tree planting ratio of 2:1. The proposal provides for suitable tree protection measures. <p><i>Conditions include:</i></p> <ul style="list-style-type: none"> A requirement for weed management measures to be outlined as part of a Landscape and Vegetation Management Plan.
<p><i>Waste management</i></p> <ul style="list-style-type: none"> On-site waste collection must be suitably accommodated. 	<p><i>Assessment</i></p> <ul style="list-style-type: none"> The Applicant provided information that sufficiently demonstrates that waste associated with the development can be suitably managed. <p><i>Conditions include:</i></p> <ul style="list-style-type: none"> A requirement for the preparation of an Operational Waste Management Plan.