

Notice of decision SSD-8669-MOD-1

Section 2.22 and clause 20 of Schedule 1 of the *Environmental Planning and Assessment Act 1979*

Application type	State significant development modification
Application number and project name	SSD-8669-Mod-1 St Aloysius' College Redevelopment Mod 1
Applicant	St Aloysius' College Ltd
Consent Authority	Minister for Planning and Public Spaces

Decision

The Director, Social and Infrastructure Assessments, under delegation from the Minister for Planning and Public Spaces has, under 4.55(1A) of the *Environmental Planning and Assessment Act 1979* (**the Act**) modified the consent subject to the recommended conditions.

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

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

Date of decision

27 July 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 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 Modification Assessment Report;
- the findings and recommendations in the Department's Modification 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 Modification Assessment Report were accepted and adopted as the reasons for making this decision.

The decision maker was satisfied that the modification is of minimal environmental impact and 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 would provide a range of benefits for the region and the State as a whole, including the continued provision of improved education facilities.
- the modification is permissible with consent, and is consistent with NSW Government policies including the:
 - A Metropolis of Three Cities – The Greater Sydney Region Plan;
 - State Infrastructure Strategy 2018-2038;
 - Transport for NSW's Future Transport Strategy 2056; and
 - the Greater Sydney Commission's 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. The consent authority has imposed conditions relating to the continued protection of privacy to the public domain and for student and staff numbers to be audited and monitored on a continual basis;
- the issues raised by the community during consultation and in submissions have been considered and adequately addressed through recommended conditions of consent; and
- weighing all relevant considerations, the modification is in the public interest.

Attachment 1 – Consideration of Community Views

The Department exhibited the modification from Wednesday 31 March 2021 to Wednesday 16 April 2021 (17 days) and received 15 submissions. Of the submissions received, one submission was from Council providing comments, one submission from a special interest group objecting to the proposal and 13 submissions were from the general public (12 in objection and one comment).

The key issues raised by the community (including in submissions) and considered in the Department's Modification Assessment Report and by the decision maker include potential for increase in student and staff numbers and associated amenity impacts, and privacy. Other issues are addressed in detail in the Department's Assessment Report.

<i>Issue</i>	<i>Consideration</i>
<i>Increase in student numbers</i> - The modification application is a way to circumnavigate the maximum allowable student and staff numbers on the site and increase revenue for the school. - If the numbers are allowed to be increased for remote and off-site learning, there would be occasions where all these additional students and staff would be present on campus. - The limit to student numbers was a key concern for the community, this limit should be maintained and those capped numbers should be rigorously upheld and enforced. - The Applicant's inability to appropriately monitor, audit, report and ensure compliance with the student cap when the remote learning arrangements begin. - Conditions should be put in place which prevent a contravention of the limits on student and staff numbers on a regular basis. Mechanisms should also be in place to ensure ongoing monitoring and reporting of on campus population numbers. <i>Traffic impacts</i> - Detrimental traffic impacts on existing traffic and parking constraints as a result of the additional students and staff allowed at the school.	<i>Assessment</i> - The Department acknowledges the concerns raised in the submissions relating to additional traffic and parking impacts for the locality. However, the Department notes that the modification does not seek to increase student or staff numbers at the school site at any one time and only seeks to clarify the distinction between students physically attending the site and learning remotely. - The Department considers that the implementation of the Applicant's operational management plan and camera monitoring system, combined with the school's wider attendance tracking system would provide robust arrangements to record student and staff attendance on the site. This would ensure that student and staff attendance on site does not increase above the number specified in conditions A8 and A9. - Subject to continued compliance with conditions A8 and A9, the Department does not consider that there would be any additional traffic or parking impacts beyond those considered in the Department's original assessment. <i>Conditions</i> - To further ensure compliance with student and staff population limits, the Department has recommended conditions of consent for compliance audits to be undertaken: - two months after installation of the monitoring camera system and prior to any remote/online learning of students that would result in the overall school enrolment exceeding limits in conditions A8 and A9; - on two further occasions at six month intervals; and - on an annual basis, commencing twelve months from the completion of the third audit.
<i>Noise</i> The redevelopment of the school results in additional noise impacts.	<i>Assessment</i> - The Department notes the concerns raised in submissions relating to noise impacts to the locality. - The Department considers that there would not be detrimental noise impacts beyond what was originally assessed given that the modification would not result in additional students or staff on site or change the nature of the proposed works as originally approved.
<i>Impact on local facilities</i> The school is unable to internalise many activities and relies upon public facilities such as local parks. The modification application would cause further stress on these facilities.	<i>Assessment</i> The Department notes the concerns raised in submissions relating to the impact to local facilities. The Department considers that the modification would not result in additional student and staff numbers beyond what was originally assessed and would not result in further demand for local facilities.