

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 8832 - St Francis College (K-Year 12)
Applicant	The Catholic Office Diocese of Wollongong
Consent Authority	Minister for Planning

Decision

The Executive Director, Priority Projects Assessments, under delegation from 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 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

12 February 2019

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 and 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.

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 new educational facilities, \$52 million capital investment, 100 construction jobs, and 135 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
 - Western City 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 built form and design, traffic, parking, and road infrastructure;
- the issues raised in submissions have been considered and adequately addressed; 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 12 July 2018 until 8 August 2018 (28 days) and received two public submissions, including one objection and one submission providing comments, as well as a submission from Liverpool City Council providing comments.

The Department undertook a site visit on 27 April 2018.

The key issues raised by the community (including in submissions) and considered in the Department's Assessment Report and by the decision maker include capacity (early learning centre), maximum height of building and air quality during construction. Other issues are addressed in detail in the Department's Assessment Report.

<i>Issue</i>	<i>Consideration</i>
<i>Enrolment capacity</i> Proposed capacity of early learning centre exceeds controls under the Liverpool Development Control Plan.	<i>Assessment</i> - Pursuant to clause 26 of the State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017 (Education SEPP), the Applicant is not restricted by development standards contained in the Liverpool Development Control Plan (LDCP) 2008. - The Department considers the proposed child care places to be acceptable.
<i>Built form and design</i> Prefer a maximum height of buildings of two-storeys across the site.	<i>Assessment</i> - The maximum height of buildings permitted on the land is 8.5m. The proposal includes a building with a height of 16m. - Pursuant to clause 42 of the Education SEPP, the Applicant is not restricted by development standards contained in the Liverpool Local Environment Plan (LLEP) 2008. - The Department assessed the departure against clause 4.6 of the LLEP and determined that the departure was acceptable in this instance. - The Department notes that the contravention of the development standard does not raise any matters of significance for State or regional environmental planning. - Additionally, the Department considers that strict compliance would result in a larger building footprint, loss of equitable access and lack of landscaping. - The Department considers the variation is acceptable in this instance.
<i>Construction</i> Adequate controls to minimise dust associated with development of the site.	<i>Assessment</i> - A preliminary Construction Management Plan which contains high-level consideration of construction related impacts and management strategies was submitted with the Environmental Impact Statement. - Proposed mitigation measures include noise and vibration control, dust control, odour control, vegetation protection, traffic management and waste management. - The Department notes that construction impacts will be assessed at the later DA stage when the detailed design of the proposal and construction methods will be fully considered.
<i>Existing Development Consent</i> An existing development approval required local roads works to be undertaken.	<i>Assessment</i> The Department has reviewed the existing development consent for the site and has conditioned that local roads be provided prior to the commencement of operation of the first stage of the

	development, unless otherwise agreed to by the Planning Secretary. <i>Conditions</i> • Works to the Jardine Drive vehicular access point must be undertaken to restrict vehicular movements to left in left out only. • Road infrastructure upgrades to Jardine Drive/Poziers Road, Poziers/Vinny Road, Guillemont/Lacey Road, 12m carriageway for Poziers Road and Vinny Road, and installation of pedestrian crossings adjacent to pedestrian access points prior to the operation of the first stage. • Preparation of a report in consultation with Council and submitted to the satisfaction of the Planning Secretary prior to construction works, which includes design drawings, details of timing of upgrades and evidence of consultation with relevant stakeholders.
<i>Traffic and Access</i> • Council required the following: ○ traffic and parking management during the school peak periods. ○ detailed design of the car park and access driveways and local road upgrades. ○ provision of a Construction Traffic Management Plan. ○ provision of a detailed Operational Traffic Management Plan. ○ detailed parking management, restrictions, and delineation. ○ provision of a Drop-off/Pick-up Management plan be provided prior to issuing any Occupation Certificate ○ verification of queue lengths. ○ provision of 'School Zone' signage in consultation with Roads and Maritime Services. ○ provision of detailed integrated bicycle and pedestrian facilities. ○ clarification of parking provision for the early learning centre. ○ underground cabling to Council's specifications. ○ traffic management devices and road works including signposting to be completed prior to issuing any occupation certificate.	<i>Assessment</i> • Council's advice on the Response to Submissions (RtS) noted that the special requirements in terms of traffic, access and engineering conditions would be assessed in future applications. • The Department assessed the traffic and access provisions for the site and considered that generally these would be subject to assessment for the future stages of development. • Notwithstanding, a number of conditions relating to the timing of the provision of local road upgrades have been included in the Consent as noted above. <i>Condition</i> • A Road Safety Audit is required to be undertaken for the proposed access points and local roads.
<i>Site Suitability</i> • The need for an educational facility of such a scale is required to be justified through a Social Impact Assessment.	<i>Assessment</i> • The Applicant did not provide a separate Social Impact Assessment. However, additional justification was provided within the RtS for the proposed school. • Council did not raise any further concern in their advice to the RtS with regard to site suitability. • The site is currently used for educational purposes. • The Department considered that the future development would provide for the future needs to the community.
<i>Shared Facilities</i> • Insufficient information has been provided by the Applicant regarding the potential for shared use of the site. • Provision of sports field and early learning centre should be delivered early to facilitate shared use.	<i>Assessment</i> • The documentation provided identified that the site would be operational Monday to Friday from 6:30am until 6:30pm, 52 weeks of the year. • The Department has considered the use of the site as a school and associated early learning centre and notes that the Concept Proposal does not include the use of the school's facilities for community use.

	The Department considers the hours of operation to be appropriate given the residential nature of the area.
<i>Sustainable Transport</i> Council supports the preparation of a Work Place Travel Plan.	<i>Assessment</i> - The Applicant's Traffic Impact Assessment recommended the provision of a Green Travel Plan (GTP). - TfNSW also recommended a GTP be provided. <i>Condition</i> - All future applications for design and construction of new built form must be accompanied by Green Travel Plan (GTP) that promotes the use of public transport and other sustainable modes of transport by employees and students.
<i>Development Contributions</i> Applicable development contributions should be conditioned as required by Council's Edmondson Park Development Contributions Plan 2008.	<i>Assessment</i> - The Department notes Council's request to include a condition relating to developer contributions. - However, as the application is for a Concept Proposal, contributions are considered during the assessment of stages when a demand for services and facilities is generated. <i>Condition</i> - All future applications shall include: - an assessment of the impacts of the project on local infrastructure, having regard to Council's Developer Contributions Plan (or equivalent document requiring developer contributions); and - a commitment to pay developer contributions to the relevant consent authority or undertake works-in-kind towards the provision or improvement of public amenities and services. Note: This requirement may be satisfied subject to the terms of any applicable Voluntary Planning Agreement.