

# Notice of decision

## 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-8865 St Anthony of Padua Catholic School Redevelopment
<b>Applicant</b>	Sydney Catholic Schools
<b>Consent Authority</b>	Minister for Planning and Public Spaces

### Decision

The Executive 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

29.04.2020

### 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 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. Additional reasons for making the decision are also recorded in the Department's Assessment Report.

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 improved educational facilities, \$153 million total capital investment, and up to 139 construction jobs.
- the project is permissible with development consent, and is consistent with NSW Government policies including:
  - The Greater Sydney Regional Plan, A Metropolis of Three Cities.
  - State Infrastructure Strategy 2018-2038.
  - New Future Transport Strategy 2056.
  - 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. Conditions of consent are recommended to address key impacts associated with, built form and urban design, landscaping, traffic and transport.
- 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.
- 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 November 2018 and Wednesday 19 December 2018 (28 days) and received eight submissions, including seven from public authorities (including Council) and one public submission (comment). The Department representatives visited the site on 12 December 2019.

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 impacts, noise impacts, social impact, soil remediation, infrastructure upgrades and development contributions. Other issues are addressed in detail in the Department's Assessment Report.

<i><b>Issue</b></i>	<i><b>Consideration</b></i>
<p><i><b>Traffic and transport</b></i></p> <ul style="list-style-type: none"> <li>• Adverse impacts on local streets due to additional traffic</li> <li>• Lack of satisfactory road upgrades.</li> <li>• No pedestrian crossings in front 144 Tenth Avenue.</li> <li>• Adverse impacts on the road layouts identified in the Indicative Layout Plan (ILP) for Austral Leppington North and the anticipated road layout.</li> <li>• Additional car parking within the site leading to traffic generation.</li> </ul>	<p><i><b>Assessment</b></i></p> <ul style="list-style-type: none"> <li>• The Applicant has amended the proposal to include details of intersection upgrades and road widening in consultation with Council.</li> <li>• The Department has reviewed the Applicant's traffic assessment and agrees that the proposed development would have negligible impacts on the capacity of the key intersections near the site, subject to the implementation of the upgrades and road widening works.</li> <li>• Additionally, the Department also considers that the proposed additional parking within the site would not result in unacceptable impacts on the nearby intersections. A draft Green Travel Plan has been proposed to reduce private vehicle usage in the future.</li> <li>• Pedestrian crossings have been proposed on Tenth Avenue, but not opposite 144 Tenth Avenue.</li> <li>• The Department is satisfied that the proposed amalgamation of the blocks to create the school site would not result in adverse impact on the road layout of the ILP.</li> </ul> <p><i><b>Conditions</b></i></p> <p>Conditions of consent require:</p> <ul style="list-style-type: none"> <li>• implementation of all the traffic upgrade works prior to the student number reaching 1088.</li> <li>• construction of full width of Fourth Avenue and Tenth Avenue by the Applicant, unless otherwise agreed by Council.</li> <li>• delivery of the pedestrian infrastructure on the adjoining roads.</li> <li>• preparation and implementation of a Operational Transport and Access Management Plan to manage the school drop-off / pick-up timings as well as commitments to the staggering of drop-off and pick-up times to ensure a reduction in traffic generation.</li> </ul>
<p><i><b>Noise Impacts</b></i></p> <ul style="list-style-type: none"> <li>• Discrepancies in the noise assessment methodology including location of sensitive receivers.</li> <li>• Lack of assessment of road traffic noise, outdoor playgrounds, and childcare centre.</li> </ul>	<p><i><b>Assessment</b></i></p> <ul style="list-style-type: none"> <li>• The Applicant submitted an amended noise and vibration impact assessment report as part of the Response to Submissions.</li> <li>• The Department has assessed the noise impact assessment as satisfactory subject to recommended conditions of consent.</li> </ul> <p><i><b>Conditions</b></i></p> <p>Conditions of consent require:</p> <ul style="list-style-type: none"> <li>• operational hours for the school, community uses within the school and childcare centre to be restricted to stipulated times.</li> <li>• construction of a proposed acoustic fence along the eastern boundary.</li> <li>• short term noise monitoring to confirm compliance with the stipulated, project noise trigger levels, once events on the site commence.</li> </ul>
<p><i><b>Development contributions</b></i></p> <ul style="list-style-type: none"> <li>• Payment of development contributions in accordance with Council's requirements.</li> <li>• No offset of contributions due to roadworks.</li> </ul>	<p><i><b>Assessment</b></i></p> <ul style="list-style-type: none"> <li>• The Department concurs with Council and considers that a payment of contributions pursuant to Section 7.12 of Liverpool Contributions Plan is required.</li> </ul> <p><i><b>Conditions</b></i></p> <p>Conditions of consent require:</p> <ul style="list-style-type: none"> <li>• Payment of contributions with offsets for those roadworks that are included in the works schedule of the Contributions Plan, subject to Council's approval.</li> </ul>
<p><i><b>Social Impact</b></i></p> <ul style="list-style-type: none"> <li>• Commitments to share facilities with the community in the future.</li> <li>• Enrolments to capture the</li> </ul>	<p><i><b>Assessment</b></i></p> <ul style="list-style-type: none"> <li>• The Applicant has submitted additional information regarding sharing of the performing arts theatre, indoor recreation centre and playgrounds with the community.</li> <li>• The Department's assessment of the proposal in this regard is</li> </ul>

<p>population subject to socio-economic disadvantages, location within 3km radius.</p>	<p>satisfactory subject to recommended conditions of consent.</p> <p><i>Conditions</i></p> <p>Conditions of consent require:</p> <ul style="list-style-type: none"> <li>• a community sharing strategy prior to commencement of the specific facilities within the site.</li> <li>• an Enrolment Management Plan with strategies to improve equity in regard to socio-economic and cultural backgrounds of new enrolling students and to identify a priority enrolment area.</li> </ul>
<p><i>Soil Contamination</i></p> <ul style="list-style-type: none"> <li>• Requirement of a detailed soil contamination assessment for the site.</li> </ul>	<p><i>Assessment</i></p> <ul style="list-style-type: none"> <li>• The Applicant amended the site boundary to exclude an allotment where investigations were not conducted.</li> <li>• The Response to Submissions included additional information on remediation works.</li> <li>• The Department's assessment of soil contamination and site remediation is satisfactory.</li> </ul> <p><i>Conditions</i></p> <p>Conditions include:</p> <ul style="list-style-type: none"> <li>• completion of all remediation works in accordance with the Remedial Action Plan.</li> <li>• submission of an Asbestos Management Plan prior to commencement of construction.</li> <li>• submission of interim audit advice after completion of each stage of remediation works.</li> <li>• submission of a Site Audit Report and Site Audit Statement confirming the suitability of the relevant part of the site, prior to commencement of operation of each construction stage.</li> </ul>