

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-8926 IMSA Gallipoli Campus Auburn
Applicant	International Maarif Schools Association
Consent Authority	Minister for Planning and Public Spaces

Decision

The Executive Director Infrastructure Assessments 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 and Environment's Assessment Report is available [here](#).

Date of decision

27 March 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;
- 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 to the development application are as follows:

- the project would provide a range of benefits for the region and the State, including new educational facilities, \$51.46 million capital investment, 200 construction jobs and 58 full-time-equivalent 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*
 - *Central City District Plan*
 - Cumberland City Council's draft Auburn and Lidcombe Town Centre Strategy.
- 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 traffic and parking, sustainable travel and waste management.
- the issues raised by the community during consultation and in submissions have been considered and adequately addressed through changes to the project and the 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 22 August 2018 until 18 September 2018 and received one public submission objecting to the proposal along with one submission from Cumberland Council.

The Department also undertook a site inspection on 9 January 2020.

The key issues raised by the community (including in submissions) and considered in the Department's Assessment Report and by the decision maker include whether there is a need for a new school in the area, impacts of the project on the road network, pedestrian safety and cumulative noise impacts. Other issues are addressed in detail in the Department's Assessment Report.

<i>Issue</i>	<i>Consideration</i>
<p><i>Need for a new school</i></p> <ul style="list-style-type: none"> Why is there a need for a new school in an area that already has 10 schools? 	<p><i>Assessment</i></p> <ul style="list-style-type: none"> The Applicant states that there is a growing Turkish community in the Auburn area and the school would provide valuable educational facilities that would offer bilingual services to students in an area with limited Turkish specific bilingual schooling opportunities. The Department considers that the school would address expected future demand for education facilities in light of Council's draft Auburn and Lidcombe Town Centre Strategy which would result in an additional 2005 dwellings by 2026. <p><i>Conditions</i></p> <ul style="list-style-type: none"> Conditions of consent limit the overall school student numbers to 728. Any further increase in student numbers or expansion of the school would require prior development consent.
<p><i>Impact of the proposal surrounding road network</i></p> <ul style="list-style-type: none"> The school would result in a minimum of 500 to 780 cars coming in and out of Percy Street and St Hilliers Road. They would double park, stop in inappropriate areas and traffic would be lined up on Percy Street and St Hilliers Road during pick-up and drop-off times. This would create a dangerous environment for pedestrians and drivers. Council requested that the traffic assessment included in the EIS consider the findings of a Council commissioned study into the impacts of proposed residential growth in the area surrounding the site. 	<p><i>Assessment</i></p> <ul style="list-style-type: none"> The EIS included a Traffic and Transport Impact Statement which assessed the traffic impacts of the proposal. The Statement was updated by the Applicant to consider the findings of the Council commissioned study. The Department is satisfied that the local road network could reasonably accommodate the additional traffic generated by the new school and pick-up and drop-off operations would be adequately managed in a safe and efficient manner. <p><i>Conditions</i></p> <ul style="list-style-type: none"> A condition of consent requires the Applicant to prepare an Operational Transport Management Plan to manage access arrangements including pick-up and drop-off.
<p><i>Cumulative noise impacts</i></p> <ul style="list-style-type: none"> The proposal would result in 24 hour noise impacts given the existing noise from netball courts opposite the school on weekends, trains at night and 728 school students during the day. Council requested that the acoustic assessment included in the EIS consider noise and vibration impacts of the adjoining railway on the proposed development. 	<p><i>Assessment</i></p> <ul style="list-style-type: none"> Standard school operation and recreational facilities opposite the site would generate noise during daytime hours only. Noise from trains would be present both during day and night. It is considered that the school's standard operation would not result in additional noise that would adversely impact the surrounding area and its residents. It is considered that appropriate measures have been proposed to reduce adverse noise impacts on the neighbouring residential properties from out of hours school events. The acoustic assessment submitted with the EIS was updated by the Applicant to consider the noise and vibration impacts of the railway that adjoins the site. This found that the impacts would be acceptable and the proposal would provide satisfactory amenity to students and staff on site.

	<p><i>Conditions</i></p> <ul style="list-style-type: none"> Conditions of consent impose controls on the timing of out of hours uses and require the preparation of Out of Hours Event Management Plan for events including over 100 people.
<p><i>Flooding</i></p> <ul style="list-style-type: none"> Council requested that further investigations be undertaken to demonstrate that the proposal would appropriately accommodate overland flows through the site. 	<p><i>Assessment</i></p> <ul style="list-style-type: none"> The EIS and RtS included an assessment of flooding on the site and concluded that the proposal is not subject to significant flooding. <p><i>Conditions</i></p> <ul style="list-style-type: none"> A condition of consent requires the Applicant to prepare a detailed flood assessment and impact study that demonstrates that the proposal would not impact on overland flow during a flood event. A condition of consent also requires the Applicant to prepare and implement an operational stormwater management system for the development.
<p><i>Permissibility, consideration of planning proposal and planning agreement</i></p> <ul style="list-style-type: none"> Council noted that a planning proposal had been recently concluded in relation to the site and that the proposed development should be consistent with the details considered as part of the planning proposal. Council requested a condition of consent to require the Applicant to formalise a planning agreement agreed in principle between the Applicant and Council. 	<p><i>Assessment</i></p> <ul style="list-style-type: none"> The Department is satisfied that the proposed development is permissible on the site and that appropriate consideration has been given to the planning proposal that affected the site. <p><i>Conditions</i></p> <ul style="list-style-type: none"> A condition of consent requires the Applicant to enter into a planning agreement with Council in accordance with the in-principle agreement reached between the Applicant and Council.
<p><i>Open space provision / use of Wyatt Park</i></p> <ul style="list-style-type: none"> Council advised that the proposal should provide sufficient open space for students on site and should not rely on the use of Wyatt Park 	<p><i>Assessment</i></p> <ul style="list-style-type: none"> The Applicant provided additional information to clarify the on site open space provision for students during each stage of the development as well as activities offered to students off site. The Department is satisfied that sufficient open space would be provided to students at each stage of the development.
<p><i>Built form, height and view lines</i></p> <ul style="list-style-type: none"> Council noted that the height of the proposed development should consider the findings of a Council commissioned study into important local view lines to the Auburn Gallipoli Mosque. Council recommended that additional breaks be provided in the proposed built form along Gelibolu Parade. 	<p><i>Assessment</i></p> <ul style="list-style-type: none"> The Applicant provided additional explanation and justification for the proposed built form, including along Gelibolu Parade. The Applicant also provided amended plans that reduced the building overall height and bulk on site. The Department is satisfied that the proposed built form is appropriate having regard to the height and form of surrounding development, including the adjoining aged care centre, and proposed articulation along the site frontages.