

Notice of decision [SSD]

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 8989 Catherine McAuley Catholic College
Applicant	Catholic Diocese of Maitland-Newcastle
Consent Authority	Minister for Planning and Open Space

Decision

The Executive Director under delegation from the Minister for Planning and Open Space 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.

http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=8989

A copy of the Department of Planning and Environment's Assessment Report is available here.

http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=8989

Date of decision

26/07/2019

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;
- the considerations under s 7.14(2) and 7.16(3) of the Biodiversity Conservation Act 2016 (NSW);
- 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 new educational facilities through development, \$110,360,000 total capital investment, 150 construction jobs and 185 new operation jobs;
- the project is permissible with development consent, and is consistent with NSW Government policies including the:
 - Hunter Regional Plan 2036.
 - Transport for NSW's Future Transport Strategy 2056.
 - Port Stephens Strategy.
 - Medowie Planning Strategy
 - NSW State Infrastructure Strategy 2018-2038 Building the 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 as identified in Department's Assessment Report. The consent authority has imposed conditions relating to traffic and parking, and biodiversity;
- 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; 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 Friday 6 July 2018 until Thursday 2 August 2018 (28 days) and received 10 submissions (including Council), including one objection and five in support of the project.

The Department also undertook the following consultation activities:

- one number of site visits

The key issues raised by the community (including in submissions) and considered in the Department's Assessment Report and by the decision maker include building height, traffic, access and parking and biodiversity. Other issues are addressed in detail in the Department's Assessment Report.

<i>Issue</i>	<i>Consideration</i>
<p><i>Road works and traffic</i></p> <ul style="list-style-type: none"> • <i>traffic and congestion would increase as a result of the proposed development</i> • <i>pedestrian safety concerns</i> 	<p><i>Assessment</i></p> <ul style="list-style-type: none"> • The Applicant submitted a TIA as part of the EIS that concludes that the proposed signalised intersection of Medowie Road and South Street is expected to operate efficiently at a Level of Service (LoS) B and C with acceptable delays and queue lengths. The Department is satisfied that an adequate LoS would be maintained at the intersection of Medowie Road and South Street. • Operation traffic concerns addressed in Section 6.1.3 of the Department's report. • The application includes signalised intersection on Medowie Road and South Street which provide safe pedestrian crossing. Furthermore, the application states that school staff would assist pedestrian crossing during school hours to avoid any conflict with vehicles. <p><i>Conditions</i></p> <ul style="list-style-type: none"> • Conditions include requirements for intersection works in consultation with TfNSW (RMS) and Council. • Conditions include the preparation of Construction Traffic and Pedestrian Management Plan and the preparation of Operational Transport and Access Management Plan by a suitably qualified person to be submitted to the satisfaction of the Certifying Authority.
<p><i>Construction impacts</i></p> <ul style="list-style-type: none"> • <i>Construction traffic and parking</i> 	<p><i>Assessment</i></p> <ul style="list-style-type: none"> • The Applicant has submitted a Construction Traffic Management Plan (CTMP) outlining the management of construction traffic and parking. <p><i>Conditions</i></p> <ul style="list-style-type: none"> • Conditions include implementation of a CTMP, preparation of a Construction Environmental Management Plan (CEMP) • Condition including that all construction vehicles must enter and exit the site via Medowie Road only, unless otherwise agreed by Council.
<p><i>Parking</i></p> <ul style="list-style-type: none"> • <i>Provision of construction and operation parking</i> 	<p><i>Assessment</i></p> <ul style="list-style-type: none"> • The Applicant has submitted a TIA as part of the EIS that states that all construction and operational parking would be provided on site. <p><i>Conditions</i></p> <ul style="list-style-type: none"> • Conditions include implementation of a CTMP.
<p><i>Bus bay</i></p> <ul style="list-style-type: none"> • <i>adequate provision of bus bay facilities on site</i> • <i>bus bay should include bus shelters and seating</i> 	<p><i>Assessment</i></p> <ul style="list-style-type: none"> • The Application provides bus bay facilities within the school site for students to travel to and from school. • The Application does not include bus shelters and seating for the students. The school buses generally arrive before the students are released from class or sports, therefore no seating and shelter facilities would be necessary. <p><i>Conditions</i></p> <ul style="list-style-type: none"> • Condition include that an operational transport and access management and a bus management plan be prepared which includes the operational management procedures for pick-up and drop-off of students by buses.
<p><i>Biodiversity and ecology</i></p> <ul style="list-style-type: none"> • <i>Ecological impacts as the development is located close to native vegetation and Koala habitat</i> 	<p><i>Assessment</i></p> <ul style="list-style-type: none"> • The Applicant submitted a Biodiversity Development Assessment Report (BDAR) as part of the EIS that concludes that the development would not result in any serious and irreversible impacts subject to recommended conditions. See Section 6.3 of Department's assessment report for detailed consideration. <p><i>Conditions</i></p>

	<ul style="list-style-type: none"> Conditions include preparation of a CEMP, Biodiversity Management Sub-Plan, Koala Management Sub-Plan, and Ecosystem and Species credit retirement.
<p><i>Building height</i></p> <ul style="list-style-type: none"> The submitted Clause 4.6 statement is not adequate. 	<p><i>Assessment</i></p> <ul style="list-style-type: none"> The Applicant submitted a revised Clause 4.6 variation to building height development standard. The Department agrees with the Clause 4.6 statement and considers that the Applicant's request to contravene the building height development standard is well supported. <p><i>Conditions</i></p> <ul style="list-style-type: none"> No specific conditions are included.
<p><i>Stormwater drainage</i></p> <ul style="list-style-type: none"> The development address stormwater requirements 	<p><i>Assessment</i></p> <ul style="list-style-type: none"> The Applicant submitted concept stormwater plans. <p><i>Conditions</i></p> <ul style="list-style-type: none"> Conditions include preparation of CEMP, design of an operational stormwater management system, stormwater management plans, demonstrate compliance with Council's water quality provisions in Development Control Plan 2014 and Neutral or Beneficial Effect on Water Quality (NorBE).