

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-9227 Development of a new school, Amity College
Applicant	Amity College Australia Limited
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, Industry and Environment's Assessment Report is available [here](#).

Date of decision

14 July 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, \$64.35 million total capital investment, up to 124 construction jobs and 85 full time equivalent operational 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;
 - 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. Conditions of consent are recommended to address key impacts associated with, traffic and access, drainage and stormwater, built form and urban design and noise and vibration;
- 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 (EIS) for the project from Wednesday 11 September 2019 to Tuesday 8 October 2019 (28 days). The Department received eight submissions, comprising seven from public authorities (including comments from Camden Council) and one objection from a special interest group. No individual public submissions were received. The Department staff 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, site access, parking provisions, acoustic impacts, stormwater and drainage design, development contributions, water re-use, signage, school location, staging and design compliance. Other issues are addressed in detail in the Department's Assessment Report.

<i>Issue</i>	<i>Consideration</i>
<p><i>Traffic, Parking and Access</i></p> <ul style="list-style-type: none"> • Shortfall of on and off-street car parking. • Cumulative traffic impacts in regard to a three school sites located close to each other (including the proposed new school). • Potential conflict of the location of the school with the conceptual design of the Ingleburn Road and Byron Road intersection upgrade. • Impacts of location of the future road on the northern boundary of the site (Road 2) in proximity to the Byron Road / Ingleburn Road signalised intersection. • Adverse impacts on pedestrian safety due to excessive vehicular crossovers at inappropriate locations, the lack of appropriate wayfinding signage. • Adverse impacts on Road 2 due to reversing of vehicles from the northern loading bay within the site. • Non-compliance of parking provisions with the Camden Growth Centre Precinct Development Control plan (DCP). 	<p><i>Assessment</i></p> <ul style="list-style-type: none"> • The Applicant's Response to Submissions (RtS) includes a revised design of Byron Road / Ingleburn Road, provided by Camden Council (Council), to demonstrate that it would not impact on the school site. • The RtS demonstrates that parking provided on-site complies with the DCP. Additionally, a draft Green Travel Plan (GTP) has been proposed to reduce private vehicle usage in the future. • The Department is satisfied that the projected traffic generation due to the school would be accommodated within the surrounding local network in the future, subject to the signalisation of Byron Road / Ingleburn Road intersection and upgrades to the nearby roads. • The Department has reviewed the location of the school in respect of the other nearby schools in the locality and considers the cumulative impacts of the schools can be accommodated within the surrounding network. • The Department has reviewed the Applicant's justification regarding the crossovers on the site boundaries and agrees that these are required to ensure one-way drop-off / pick-up movements off Pluto Avenue (Road 1) and loading bay access from Roads 1 and 2. • The Department considers that the proposed cross over from Byron Road to accommodate nine visitor car spaces may have adverse impacts on the future function of Road 2. The car parking spaces are in addition to that required by the DCP. Consequently, the Department recommends that this cross over and the nine car parking spaces be deleted. • The Department considers traffic flows during drop-off / pick-up can be managed by the Applicant through appropriate management plans and signage. This would avoid any conflicts between the pedestrians on Roads 1, 2 and Byron Road and vehicles accessing the site. <p><i>Conditions</i> Conditions of consent require:</p> <ul style="list-style-type: none"> • deletion of the nine visitor car spaces and the cross over on Byron Road. • delivery of Roads 1 and 2, Byron Road pavement upgrade, bus bay construction, footpath connection between Byron Road and Ingleburn Road, in the relevant stages, in accordance with Council engineering specifications and Australian Standards. • the delivery of the roads to include provisions for on-street and off-street drop-off / pick-up provisions, road dedication to Council, establishment of public-rights-of-ways over the turning head in the interim and decommissioning of the turning head to allow for extension to Road 2. • preparation and implementation of traffic management plans during construction and operation. • delivery of car parking spaces at each relevant construction stage. • construction of a footpath connection from the bus stop on Ingleburn Road in conjunction with the bus bays on Byron Road. • the interface treatment of Road 2 / Byron Road intersection to be commensurate with the concept design of the Byron Road / Ingleburn Road intersection design plans. • preparation and implementation of a detailed GTP.
<p><i>Acoustic Impacts</i></p> <ul style="list-style-type: none"> • Noise impacts from delivery vehicles. • Non-compliance of the acoustic assessment with Council's noise policies. • Acoustic impacts of school bells and public announcement systems. 	<p><i>Assessment</i></p> <ul style="list-style-type: none"> • The Applicant's RtS included an amended Acoustic Assessment Report responding to Council's concerns. • The Department is satisfied that subject to recommended conditions of consent, the proposed development would not have adverse acoustic impacts on the nearby (existing and future) residential developments. <p><i>Conditions</i> Conditions of consent require:</p> <ul style="list-style-type: none"> • operational hours for the school and community uses within the school to be restricted to stipulated times.

	<ul style="list-style-type: none"> implementation of the recommended mitigation and management measures in the Applicant's acoustic assessment, during construction and operation of the school. provision of an acoustic fence along the south-eastern boundary during construction periods. short-term noise monitoring to confirm compliance with the stipulated, project noise trigger levels, once events on the site commence.
<p><i>Drainage and Stormwater</i></p> <ul style="list-style-type: none"> Post-development site levels to be above the pre-development flood planning levels for the site. Overland stormwater flows not be conveyed through 69 Ingleburn Road. A drainage easement be created through downstream properties where stormwater discharges over those properties. The post-development stormwater flows to not exceed the pre-development stormwater flows. 	<p><i>Assessment</i></p> <ul style="list-style-type: none"> The Applicant's RtS argues that the site naturally slopes down to the west (to 69 Ingleburn Road) and post-development stormwater discharge onto this land would constitute a lawful discharge point. The detailed design of the stormwater management system would ensure that the stormwater flows onto the downstream property would not increase. Consequently, an easement to discharge stormwater on to this property would not be needed. The Department conducted a peer review, which recommended that subject to the appropriate design of the stormwater system including the on-site detention tank, further detailed hydrological modelling and compliance with the Leppington Precinct Water Cycle Management Strategy, the proposal would not have unreasonable impacts on downstream properties. The Department has recommended conditions requiring the Applicant to provide additional hydraulic modelling and stormwater harvesting measures on the site to reduce the overall flow volumes onto the downstream properties. <p><i>Conditions</i></p> <p>Conditions of consent require:</p> <ul style="list-style-type: none"> the requirement for detailed hydraulic modelling and catchment plans. additional stormwater water harvesting measures to be introduced to ensure the post development stormwater flows from the site do not exceed the pre-development flow volume.
<p><i>Development Contributions</i></p> <ul style="list-style-type: none"> Section 7.11 contributions be levied against the proposal (as a private school) to provide for public amenities and services. 	<p><i>Assessment</i></p> <ul style="list-style-type: none"> The Applicant requests an exemption from paying development contribution obligations. Council reviewed the RtS and did not request for a Section 7.11 levy. The Department notes that the site is excluded from the Net developable area that is subject to Section 7.11 contributions levy in the Camden Growth Areas Contribution Plan. The Department has not recommended any conditions requiring the payment of development contributions.
<p><i>Water re-use</i></p> <ul style="list-style-type: none"> Water recycling for the school to be considered. 	<p><i>Assessment</i></p> <ul style="list-style-type: none"> The Department is satisfied that the proposal includes initiative for rainwater harvesting and re-use. <p><i>Conditions</i></p> <p>Conditions of consent require:</p> <ul style="list-style-type: none"> the development of a rainwater re-use/harvesting system for the site, certified by a suitable qualified hydraulic engineer.
<p><i>Signage</i></p> <ul style="list-style-type: none"> Signage and advertising to blend in with the surrounding environment. 	<p><i>Assessment</i></p> <ul style="list-style-type: none"> The Department is satisfied that the proposed illuminated school would have no detrimental impact on the surroundings. <p><i>Conditions</i></p> <p>Conditions of consent require:</p> <ul style="list-style-type: none"> time limitation to school identification sign and requirements to ensure no detrimental impacts from sign illumination.
<p><i>School Location</i></p> <ul style="list-style-type: none"> The location of a private school on a site identified as a public school is contradictory to the Indicative Layout Plan (ILP) in the DCP. 	<p><i>Assessment</i></p> <ul style="list-style-type: none"> The Applicant's RtS advised that written advice from the Department of Education confirms that the site is not required for a public school. The Department considers that the development of the site as a school is consistent with the ILP. In the absence of a development initiated by the Department of Education, the private school would provide for the social needs in the locality.
<p><i>Staging</i></p> <ul style="list-style-type: none"> The proposed staging be amended to ensure the delivery of more substantial infrastructure and open space works earlier for improved amenity of the users. 	<p><i>Assessment</i></p> <ul style="list-style-type: none"> The Department is satisfied that the staging plans demonstrate a demonstrate a logical progression of the school, with delivery of appropriate infrastructure in the relevant stages. <p><i>Conditions</i></p> <p>Conditions of consent require:</p> <ul style="list-style-type: none"> the proposal to be completed as per the submitted Staging Plans.