

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-9354 Jordan Springs Public School
Applicant	School Infrastructure NSW
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

5 September 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 section 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.

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 for 1000 primary school students, 300 construction jobs and 70 full time equivalent operational jobs, over \$20 million capital investment;
- the project is permissible with development consent, and is consistent with NSW Government policies including:
 - 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. The consent authority has imposed conditions relating to drop-off/pick-up facilities, provision of pedestrian facilities, contamination, noise, waste, and landscaping;
- 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 1 March 2019 until 28 March 2019 (28 days) and received two public submissions, one from Penrith City Council and one from a member of the public which was an objection.

The Department also undertook a site inspection on 3 October 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 interface with residential land uses, crime prevention through environmental design (CPTED), operation of the school, built form and urban design, contamination, noise, traffic and privacy. Other issues are addressed in detail in the Department's Assessment Report.

<i>Issue</i>	<i>Consideration</i>
Built form, amenity and urban design Council raised the following concerns: - the design of the interface with residential land uses to the north. - the location of games courts in relation to the school boundaries. - bike storage areas should not be located on the perimeter of the site. - outdoor seat heights should be provided to be inclusive of all users including people with mobility issues. - outdoor seating provision should be increased. - the materials palette contains similar tones/colours. Greater variety may contribute to reducing the bulk and scale of the built form and contrasting colours may improve amenity, stimulate and encourage learning for students. - there would be poor casual surveillance of the car park around the Community Hub. The public objection included concerns relating to: - an increase in crime. - the location of buildings may impact neighbours particularly noise and privacy. - the location of bathrooms in relation to the corridors, as well as neighbouring properties.	Assessment - The proposal is for four two-storey buildings and one single storey building, which would be prefabricated off-site and assembled in place during construction. - The residential development to the north is a mix of single and two storey dwellings. - The proposal includes substantial landscaping along the northern property boundary to maintain amenity for the residential development to the north. - The proposed base cladding would be compressed fibre cement which would be overlaid with a lightweight, materials. - The Applicant provided amended details which demonstrated a greater variety of tones and colours proposed to be used. - The bathrooms were located to ensure privacy and clear circulation for students. - Games courts have been located away from residential properties to the north and are in the middle of the site. Their location was considered to provide minimal impact on residential development. - No evidence has been provided demonstrating that the proposal would increase crime or anti-social behaviour. - CPTED principals have been incorporated into the design of the car park with safety measures including CCTV surveillance, fencing and lighting will ensure a safe environment. Conditions Conditions include: - Landscaping to comply with the landscape management plan. - Opaque or translucent glazing on windows on the northern elevation of B3 (closest to residential development) to maintain privacy to neighbouring developments.
Contamination Council raised the following concerns: - the Preliminary Site Investigation (PSI) identified several areas of environmental concern, including fill, fuel storage, use of pesticides, hazardous building materials and unexploded ordinance and did not include a review of Council records, historical land titles or the records of SafeWork NSW, as required by the relevant guidelines. - the Detailed Environmental Site Assessment (DESA) report concluded	Assessment - The site was previously used for defence purposes, which is listed in State Environmental Planning Policy (SEPP) 55 as an activity that may cause contamination. - The Detailed Environmental Site Assessment (DESA) submitted with the EIS concluded that concentrations of contaminants in soil samples were below the laboratory limit of reporting or below the adopted assessment criteria. It also concluded that heavy metal concentrations were below the site assessment criteria in all samples and asbestos fibres were not detected in any of the samples tested. - Council reviewed the DESA and accepted the conclusions

that the site was suitable for the proposed use.	of the report that the site was suitable for the proposed use. • The EPA raised concerns that earlier environmental site assessments undertaken for the site were not submitted with the EIS and that the DESA did not adequately address the risk of unexploded ordinance (UXO). • The EPA required the Applicant ensure that the suitability of the site was assessed in accordance with SEPP 55 and that the proposed development would not result in a change of risk in relation to any pre-existing contamination. • An Unexploded Ordinance Risk Assessment Report (UXORAR) and Unexploded Ordinance Management Protocol (UXOMP) prepared by an UXO expert were also submitted with the RtS. • The EPA reviewed the RtS and supporting documentation and advised that given the proposed sensitive use of the site, it is prudent that the UXORAR be reviewed by a site auditor accredited under the <i>Contaminated Land Management Act 1997</i> to ensure that there has been an appropriate level of site investigation in relation to UXO and ensure that the site is suitable for the proposed use. • The EPA provided recommendations in relation to the engagement of the site accredited auditor and the implementation of any recommendations made by the accredited auditor. • The Department notes that early works are proposed as part of a separate planning pathway and would likely remove any contaminated soils or UXO from the site. • Further, the Department considers that the information provided demonstrates that the site would be suitable for its proposed use as all samples were below assessment criteria. <i>Conditions</i> Conditions include preparation of an Unexploded Ordinance Management Protocol and an unexpected contamination procedure.
<i>Landscaping</i> Council raised the following concerns: • consideration of Council's Cooling the City Strategy, use of green infrastructure and water-permeable hard surfaces is also strongly encouraged. • provision of continuous landscaping as a buffer between the school and residential development to the north. • provision of a shaded waiting area with seating at the bus stop. • landscape and civil plans conflict at the south east emergency access gates. • it is recommended that the fence be articulated, setback from the boundary and planting provided in front of the fence to improve streetscape amenity. • interim shade solutions be provided to protect children and staff while tree canopies are developing grow are recommended. • "Softfall" (playground surfacing) should be covered with shade structures. Alternatively, use of mulch in play areas and should enable access for wheelchair users.	<i>Assessment</i> • To support the Premier's priority to increase tree canopy and green cover in western Sydney, the Department required the Applicant update their landscape plan to include 55 trees including 25 trees which would achieve a mature height of greater than 12m and 30 trees that would achieve a mature height of a minimum 15m and a potential mature height of 25m. • The landscape plan includes screen planting along the northern property boundary between the proposed school and existing residential development to the north. • At RtS the Applicant indicated that they would work with Council to provide seating at the bus stop. • The Applicant has proposed to plant shrubs around the fencing to soften its appearance and provide good streetscape amenity. • In order to provide greater shading opportunities, the Department has recommended that advanced trees be planted. Additionally, the covered outdoor learning areas proposed would provide opportunities for play in shaded areas. • The play areas including play equipment have been designed in accordance with the Educational Facility Standards Guidelines. Advanced landscaping has been recommended to provide more shade with a shorter establishment time.

the eastern easement and swale be constructed to enable safe vehicle and pedestrian access. Permeable paving should be provided to areas of extensive pavement cover.	The Applicant provided amended plans at RtS which clarified landscaping and emergency access to the south east of the site which addressed the concern raised by Council. <i>Conditions</i> Conditions include: Provision of a landscape management plan which requires the planting of canopy trees and Couch grass adjacent to the riparian corridor.
<i>Noise</i> Council raised concerns relating to inaccuracies in the Noise and Vibration Assessment (NVA) including the proximity of sensitive receivers to the proposed development. The childcare centre and residences to the north would experience the greatest impact. The public objection raised concerns relating to construction and operational noise impacts, traffic and mechanical plant noise.	<i>Assessment</i> <i>Construction noise</i> - The ENVA identified that without mitigation measures, construction noise at sensitive receivers to the north would exceed noise management levels, with some receivers exposed to noise exceeding the highly affected levels. <i>Operation</i> - The ENVA indicated that the resultant noise levels at the closest residential receivers would likely be 40dB(a), which is less than the intrusive criterion of 51dB(A). - Noise emissions to surrounding properties from the hall were based on internal noise of 80dB(A) for a music performance. It was also expected that there would be a reduction in noise levels when the southern hall doors were closed. - The Department considers that the noise generated from outdoors activities would not be excessive or sustained over prolonged periods throughout the day. - The Department considers that the identified noise levels from the school operation would be acceptable except for the residential properties to the south if the hall operated in the evenings with the doors open. - The Department has taken into consideration the advice provided by EPA and Council and considers that, subject to the hall doors remaining closed during performances, the noise impacts would be adequately mitigated. <i>Conditions</i> Conditions include: - standard construction hours and intra-day respite periods. - construction vehicle arrival during construction hours only. - limiting hours of use of school facilities. - hall doors and windows to remain closed during use. - preparation of Event Management Plans for both school and community use outside normal school hours.
<i>Operation</i> Council noted that: - there was no agreement for the community use of proposed school facilities. - the shared use of Jordan Springs Community Hub must be negotiated with Council.	<i>Assessment</i> - The RtS provided details in relation to the proposed school and community use of the facilities outside normal school hours including the hall for out of school hours (OOSH) care, evening performances, presentation and parent-teacher nights until 9:30pm, and on Saturdays between 8am and 6pm. The proposal also clarified use of the sporting facilities until 6pm weekdays and 8am-6pm on Saturdays. - The Department reviewed the proposed hours of operation and notes they are consistent with other similar developments which is considered reasonable. - Notwithstanding, the Department notes that the acoustic report indicated noise spill from the hall would occur if windows and doors are open during use, but this would be mitigated by keeping doors and windows closed. - To ensure noise is minimised, the Department

	recommended a condition requiring hall windows and doors to remain closed during use. <i>Conditions</i> Conditions include the preparation and implementation of an out of school hours event management plan for both school and community uses, as well as prohibiting use of school facilities on Sundays and public holidays.
<i>Traffic and pedestrian safety</i> Council raised concerns relating to • conflicts between pedestrians and vehicles adjacent to the drop-off/pick-up area. • provision of a wider shared path off Lakeside Parade. The public objection raised concerns with regard to: • construction traffic, as the roads were not constructed for a significant traffic flow. • operational traffic resulting in delays. • parking near private properties availability would be impacted as well as security.	<i>Assessment</i> • The CTMP did not provide an estimate on the number of construction vehicles that would access the site each day, however the Department reviewed other similar developments and found that construction vehicle numbers would be fewer than operational traffic generation. Based on the operational traffic generation forecast for the site, the expected Level of Service (LoS) would be at worst LoS C (in 2028), which is a satisfactory LoS. • Council, TfNSW (RMS) and TfNSW raised no concerns in relation to the proposed construction traffic volumes or routes. • Based on the information provided, the Department considers that the traffic generated by the proposal would not have a significant impact on the operation of the surrounding road network. • The site is a greenfield site with space for construction workers to park on-site. The Department considers it reasonable to require construction workers to park on-site to minimise use of on-street parking. • The proposal includes 63 parking spaces available for use by staff. This results in 0.9 parking spaces per staff member, which was considered to adequately service the needs of the school. <i>Conditions</i> Conditions includes the preparation of a Construction Traffic and Pedestrian Management Sub-Plan (CTPMSP) which is required to ensure the safety of road users during construction.
<i>Waste Management Plan</i> Council noted that • the waste management plan does not identify waste management contractors or disposal facilities. • waste disposal facilities used are required to be suitably licenced.	<i>Assessment</i> • A Construction Waste Management Plan (CWMP) was submitted as part of the EIS. The CWMP has identified waste management strategies and responsibilities for implementing the strategies at each stage of construction. The CWMP also included estimates on waste likely to be generated by the proposal during excavation and construction. • An Operational Waste Management Plan (OWMP) was submitted as part of the EIS which provided estimates of the quantity of operational waste generation, waste space allocation and equipment, management of waste, was segregation and minimization procedures and access arrangements for service vehicles. • The Department has considered the CWMP and the OWMP, as well as the comments provided by Council and EPA and has recommended conditions relating to the implementation of both the CWMP and OWMP. <i>Conditions</i> Conditions include the preparation and implementation of construction and operational waste management plans.
<i>Waterway</i> Council requested that: • cross section details for the proposed	<i>Assessment</i> • The EIS included a Flood Risk Assessment and a Civil Engineering Design Report which included an assessment

Stormfilter device be provided on the Civil Works Plans. • Details on the plans must correspond with the MUSIC modelling. • the proposed vegetated swales be redesigned to adequately convey stormwater runoff and avoid ponding.	of the stormwater infrastructure modelling and management. • In response to the RtS, Council noted that the Applicant's proposed stormwater treatment approach is generally consistent with the approved Stormwater Management Study prepared by SKM (2009) for the overall Jordan Springs Western Precinct. Summarise the assessment. • The Department reviewed the information provided and notes that the site is not identified on local or regional mapping as being flood prone, however due to the proximity to the stormwater swale, however the Applicant advised that preparedness and evacuation plans would be prepared in line with the Hawkesbury-Nepean Flood Plan. • The Department has reviewed the information within the EIS and considers that flooding has been adequately addressed by the Applicant. <i>Conditions</i> Conditions include preparing a stormwater management system and flood emergency response plan.
---	--