

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-9472 Sikh Grammar School Rouse Hill
Applicant	Sikh Grammar School Australia
Consent Authority	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 deferred commencement conditions.

A copy of the deferred 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

25 February 2021

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 and Independent hydrological review by Alluvium 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.

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, \$167,533,780 total capital investment, 280 construction jobs and 120 new 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 Regional Plan*.
 - *Greater Sydney Commission's Central City District Plan*.
 - *State Infrastructure Strategy 2018-2038*.
 - *New Future Transport Strategy 2056*.
- 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, parking, stormwater drainage and flooding, sustainable travel 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 (EIS) for the project from 17 October 2019 until 13 November 2019 (28 days). During this time the Department received a total of 25 submissions, including nine submissions from public authorities (comments from Blacktown City Council (Council)), 16 submissions from the public (including eight from public interest groups) comprising eight objections, two comments and one in support. Following the exhibition, seven of the public interest group submissions were withdrawn as their concerns were addressed by the Applicant. The Department representatives also conducted site visits.

The Applicant's Response to Submissions (RtS) included responses to the issues raised including amendments to the boundary adjustments, car parking, green roofs and some design amendments. Public authorities raised no additional concerns subject to recommended conditions of consent. Council recommended a deferred commencement condition regarding roadworks and hydraulic modelling.

The key issues raised by the community (including in submissions) that are considered in the Department's Assessment Report and by the decision maker, include traffic and parking, flooding and drainage, built form, landscaping and trees, and noise. Other issues are addressed in detail in the Department's Assessment Report.

<i>Issue</i>	<i>Consideration</i>
<p><i>Traffic and parking</i></p> <ul style="list-style-type: none"> • The proposal would result in unacceptable traffic impact. • Trip generation is not representative of the location. • The bus travel mode is unrealistic. • The data regarding car parking at each stage of construction are not provided. • The required external roadworks should be undertaken. 	<p><i>Assessment</i></p> <ul style="list-style-type: none"> • The Riverstone East precinct study included a SIDRA analysis and concluded that the majority of the intersections would operate at an acceptable level of service (LoS) subject to recommended upgrades. The proposed development would likely not generate significant traffic in excess of this forecast. • The Department has reviewed the traffic impacts and notes that the proposed development would not have an adverse impact on the local traffic network on the year of enrolment (Stage 1). However, further traffic assessment of mode shares, intersection analysis and inclusion of any necessary management or mitigation measures would be required prior to the operation of subsequent stages of the development. • The Department has carefully considered the Green Travel Plan (GTP) and agrees that the proposed mode share targets are achievable in the long term. • The proposed on-site car parking would exceed the minimum required at each stage of the development and is assessed as satisfactory. <p><i>Conditions</i></p> <p>Conditions of consent require:</p> <ul style="list-style-type: none"> • further traffic assessments to be undertaken prior to commencement of construction of Stage 2 to ensure the development appropriately quantifies and responds to its traffic impact, when fully completed. • provision of 14 additional pick-up /drop-off spaces within the basement carpark for school operation. • delivery of roads, footpath and bus layby. • preparation and implementation of a GTP and an Operational Traffic and Access Management Plan after completion of Stage 1 and updated prior to each of the subsequent stages of development.
<p><i>Stormwater and flooding</i></p> <ul style="list-style-type: none"> • Flood mitigation should not result in flood impacts on adjoining properties. • Stormwater and flooding must comply with Council's requirements. 	<p><i>Assessment</i></p> <ul style="list-style-type: none"> • The Department obtained an independent peer review of the Applicant's stormwater reports as revised by the RtS. • The Department is satisfied that the proposed flood mitigation measures and the stormwater works can be implemented subject to additional revisions to the stormwater design report, TUFLOW model and DRAINS model, and the implementation of the additional mitigation measures. • The Department's assessment notes discrepancies with regard to flooding volumes and pipe sizes. • Deferred commencement conditions are recommended to allow the Department to assess the additional studies, amended information and the proposed mitigation measures prior to the consent being operative. <p><i>Conditions</i></p> <p>Conditions of consent require:</p> <ul style="list-style-type: none"> • Preparation of revised TUFLOW model, DRAINS model and stormwater design report prior to the consent being operative.

	<ul style="list-style-type: none"> • Incorporation of all proposed mitigation measures in the final stormwater design plans. • Completion of all drainage works required by the subdivision application. • Provision of the required easements for drainage through private properties.
<p><i>Height, bulk of the development and amenity</i></p> <ul style="list-style-type: none"> • The proposal would result in adverse impacts due to inappropriate height and bulk. • The proposal would result in overlooking on to neighbouring properties. 	<p><i>Assessment</i></p> <ul style="list-style-type: none"> • The Applicant's assessment of the bulk and scale of the development is satisfactory. • The Department considers that amenity impacts including operational impacts, overshadowing and privacy have been minimised and are acceptable. • The Department notes that the roof top terraces on the boarding accommodation building would be set back to approximately 9.6m from the western side boundary, and the Early Learning Centre would be 5.5m from the western boundary. The Department considers that there is appropriate separation between the buildings and the future adjoining developments. <p><i>Conditions</i></p> <p>Conditions of consent require:</p> <ul style="list-style-type: none"> • The roof top terraces be restricted between 7am and 6pm daily. Unless additional mitigation measures are proposed to extend this use up to 10pm at night and not beyond.
<p><i>Landscaping</i></p> <ul style="list-style-type: none"> • The proposed landscaping would not mitigate urban heat affect • The proposal does not include appropriate street tree planting. 	<p><i>Assessment</i></p> <ul style="list-style-type: none"> • The Applicant has provided mitigation measures to address urban heat affects including additional green roof areas, buildings designed to provide shaded areas and provision of 40% permeable paving. The Applicant submitted a landscape plan with no details provided of street tree planting. • The Department considers that the proportion of synthetic grass proposed would contribute to urban heat effect and the lack of street tree planting is not supported. <p><i>Conditions</i></p> <p>Conditions of consent require:</p> <ul style="list-style-type: none"> • additional tree planting and the provision of natural grass instead of synthetic grass at the Village Green. • consultation with Council to demonstrate that the streetscape design and treatment meets the requirements of Council, including addressing pedestrian management and provision of street tree planting along Tallawong Road, Northern and Southern Roads. • 10 additional trees planted on the northern side.
<p><i>Waste Management</i></p> <ul style="list-style-type: none"> • The proposal does not include sufficient details regarding operational waste collection 	<p><i>Assessment</i></p> <ul style="list-style-type: none"> • The Department is satisfied with the proposed waste collection locations within the site being adequately managed, subject to recommended conditions. <p><i>Conditions</i></p> <p>Conditions of consent require:</p> <ul style="list-style-type: none"> • the submission of an operational Waste Management Plan which must include measures for service vehicle access to the site and details of frequency of waste collection.
<p><i>Site suitability</i></p> <ul style="list-style-type: none"> • The site was not identified for the purpose of a school in the Indicative Layout Plan for the precinct. 	<p><i>Assessment</i></p> <ul style="list-style-type: none"> • The Department recognises that while the site was not identified for school use in the Indicative Layout Plan, the proposal meets the objectives of the R2 Low Density Residential zone and is a permissible use in the zone. • The proposed site configuration would retain all the planned local roads within the precinct. • The Department considers that the development is suitable for the site, having regard to its built form, relationship to neighbouring existing and future development, traffic, amenity and associated impacts.
<p><i>Other issues</i></p> <ul style="list-style-type: none"> • The proposal would set an unacceptable precedent for the locality. • It would impact on adjoining property value. 	<p><i>Assessment</i></p> <ul style="list-style-type: none"> • The Department is satisfied that the application demonstrates the education needs of the surrounding area and would not set an unacceptable precedent.

- There are discrepancies in the application documentation.
- The proposal would attract people from other suburbs.
- No owners consent has been provided for provided for works outside the site boundary.
- The proposal does not include a dam dewatering plan.

- The Department considers that property devaluation is not a matter for consideration under Section 4.15 of the Environmental Planning and Assessment Act 1979.
- The Department is satisfied the drawings are generally acceptable.
- The social impacts of the proposal are assessed as satisfactory. The Department acknowledges that people from other suburbs would be visiting the site out of school hours and on the weekends due to the place of worship. Conditions of consent are recommended to ensure that the operation of the Gurdwara is managed appropriately to minimise impacts on the neighbourhood.
- No other owners' consent is required as the application does not involve the use of any other private property site for the development. The external roadworks are proposed on Council's / TfNSW land and would need Council's / TfNSW endorsement under the Roads Act 1993.

Conditions

Conditions of consent require:

- Preparation and implementation of an Operational Management Plan for the entire site and specifically for the proposed community uses within the Gurdwara and Langar.
- Preparation of a Dewatering and Fauna Relocation Plan relating to the dewatering of the existing dam.