

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-9671 Young High School Library and Joint-use Community Facility
Applicant	Department of Education
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

21 May 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;
- the considerations under s 7.14(2) of the *Biodiversity Conservation Act 2016*;
- all information submitted to the Department during the assessment of the development;
- the findings and recommendations in the Department's Assessment Report;
- the findings and recommendations of the Independent Planning Commission's report for the project]; 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 \$21 million in capital investment and 110 jobs, by providing contemporary and improved learning and cultural facilities for the school and the community;
- the project is permissible with development consent, and is consistent with NSW Government policies including the State Infrastructure Strategy 2018 – 2038 and the South East and Tablelands Regional Plan 2036;
- 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 traffic, transport and accessibility, heritage, built form, landscaping, construction noise, Aboriginal cultural heritage, stormwater and crime prevention through environmental design.
- 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 13 November 2019 until 10 December 2019 (28 days) and received 9 submissions from the community, including one on behalf of Young Community and Residents Association (YCARA), including 6 objections and 2 in support of the project.

The key issues raised by the community (including in submissions) and considered in the Department's Assessment Report and by the decision maker include selection of the site and social impacts of the development at the preferred site, accessibility of the proposed location, and impacts to Carrington Park, tree removal, and the significance of the Court House. Other issues are addressed in detail in the Department's Assessment Report.

<i>Issue</i>	<i>Consideration</i>
Heritage - lack of consultation with the local museum and historical society - potential inaccuracies in the Heritage Impact Statement, including not properly identifying the precinct and structures within Carrington Park - not giving adequate weight to the historical significance of the Lambing Flat Anti-Chinese Riots - inadequate assessment of the reported prisoner tunnels - objection to tree removal and impacts to Carrington Park and the significance of the Court House.	Assessment - The Applicant's RtS provided a revised Heritage Impact Statement, including updated statement of significance, ground penetrating radar results which showed no evidence of prisoner tunnels, and adoption of recommendations: - The Department sought further advice from Heritage NSW and considered further comments from YCARA. - The Department acknowledges the high historical significance of the site, and concludes that the new Library would not have a significant detrimental impact on the former Court House or on the landscape setting of Carrington Park, provided the external design and landscaping is finalised in consultation with the Heritage Council of NSW. - The Department considers that, while the Applicant's assessment did not identify tunnels, evidence provided by YCARA does suggest the existence of the tunnels at a point in history. Conditions - Completion of external design and landscaping is finalised in consultation with the Heritage Council of NSW. - Requirements for the Applicant to prepare a Heritage Interpretation Strategy and Heritage Interpretation Plan, an Unexpected Heritage Finds Protocol, and a requirement to stop work and consult with the Heritage Council in the event that tunnels are identified during construction of the proposal.
Traffic, transport and accessibility accessibility of the proposed location, including adequacy of parking and accessibility from town centre	Assessment - The Department considers that sufficient parking would be available for users of the development. The proposal would provide additional spaces in the upgraded Carrington Park carpark, and include the reconfiguration and extension of the carpark to include 32 parking spaces including two accessible parking spaces and one loading / service delivery space. - The Applicant proposes to prepare a Green Travel Plan for operation, and to form a working party, overseen by a Joint-Governance Committee, who will manage the joint-use facility with the active involvement of the school and community. The working party would consist of school staff, library staff, library user group representatives and members of the community and be tasked with facilitating transport outcomes. Conditions - Requirement for the Applicant to prepare a final list of mitigation measures in consultation with Council and TfNSW, and prepare a detailed report which would also provide realistic implementation timeframes to be reviewed by the Local Traffic Advisory Committee, prior to occupation of the development. - Requirement for preparation of a final GTP by the working party in consultation with the Applicant and Council to ensure accessibility to the site is prioritised prior to operation, including consideration of public transport service.
Social Selection of the site, and social impact of relocating the library away from the town centre	Assessment - The Department notes the design of the development has been informed by extensive community consultation and although Council is not Applicant, it is a funding partner and has had extensive involvement in site selection and development design. - Accessibility of the library to the community was also identified as an issue in many public submissions. This issue is discussed further above, under Traffic, transport and accessibility. - The Department concludes that on balance the development would have a net positive impact on the community and the School. The Department considers the communities needs for contemporary learning, cultural and community facilities outweighs the potential negative social impacts of moving the library from the town centre.