

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-9683 Alesco Senior College Argenton
Applicant	Alesco Senior College
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

13/12/19

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;
- 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 additional teaching facilities and specialised education services which result in the creation of nine operational jobs;
- the project is permissible with development consent, and is consistent with NSW Government policies including:
 - NSW State Priorities;
 - State Infrastructure Strategy 2018-2038; and
 - Hunter Regional Plan 2036.
- the impacts on the community and the environment, including traffic, access and parking, landscaping, residential amenity, noise and site contamination have been minimised, managed or offset to an acceptable level, in accordance with applicable NSW Government policies and standards. The consent authority has imposed conditions to manage impacts in relation to potential construction and operational impacts on surrounding land uses;
- 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 21 June 2019 until 18 July 2019 (28 days) and received one public submission in objection.

The Department also undertook an inspection of the site.

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, access and parking, landscaping, residential amenity, noise and site contamination. Other issues are addressed in detail in the Department's Assessment Report.

<i>Issue</i>	<i>Consideration</i>
<i>Traffic, access and parking</i> - Council requested that further details be provided in relation to implementation of the School's policy that prohibits students from driving themselves to school. - Council noted the lack of pedestrian footpaths between the site and Robert/Victoria Street.	<i>Assessment</i> - The Applicant submitted a Transport and Accessibility Impact Statement (TAIA) as part of the EIS that assessed the impacts of the construction and operational impacts of the proposal on the surrounding road network. - The Applicant in the RtS: - confirmed that clear access would be maintained to the rail corridor; - provided details of the school's existing 'Student Management Policy' that restricts students driving themselves to school; and - provided information to demonstrate that existing pedestrian infrastructure would provide satisfactory access arrangements for students. <i>Conditions</i> - Conditions require: - Clear access to be maintained to the existing rail access gates on James Street throughout construction and operation. - Construction vehicles to be contained wholly within the site and construction activities otherwise to be managed not to obstruct the public way. - Preparation and implementation of an Operational Transport and Access Management Plan to set out arrangements to manage school operations to minimise impacts of the proposed use, including implementation of the requirements of the school's 'Student Management Policy'.
<i>Residential amenity and landscaping</i> - Council requested a site landscape plan including additional planting areas and identification and management of the tree at the rear of the site. - Concerns were raised about potential amenity impacts on surrounding sensitive uses including the potential for rubbish to be thrown over the fence and reduction of privacy. - The damaged existing fence separating the site from adjoining residences on Montgomery Street should be replaced.	<i>Assessment</i> - The Applicant provided a landscape plan in the RtS which proposed additional boundary planting, new perimeter fencing and identified the retention of the existing tree at the rear of the site. - The Department has imposed conditions relating to landscaping and fencing and is satisfied that these measures would ensure that the proposal would have acceptable privacy impacts and provide adequate separation between the student areas and adjoining residential properties. <i>Conditions</i> - Conditions require: - the preparation of a revised landscape plan that provides planting that would effectively screen the residential properties adjoining the site, installation of a 2.1 metre high replacement perimeter fence, and treatment to exclude students from a 1 metre wide strip of the landscape buffer adjoining the residences on Montgomery Street; - the preparation and implementation of a landscape management plan to provide for the ongoing maintenance of the landscaping; - implementation of tree protection measures and installation of permeable paving around the existing tree at the rear of the site; and - preparation and implementation of an Operational Community Consultative Strategy to set out arrangements for ongoing engagement with the community, including complaint management.
<i>Noise Impacts</i> Council raised the need for the preparation of an acoustic assessment to determine potential noise impacts from the rail corridor on the school and operational noise impacts from the school on nearby residential properties.	<i>Assessment</i> - The Applicant requested in the RtS that a noise assessment be required as a condition of consent prior to the commencement of operation. - The Department is satisfied that the school operations would not result in unacceptable noise levels given the small size of the school, limited outdoor areas and provision of landscaping along the perimeter of the site. <i>Conditions</i> - Conditions require: - an acoustic assessment to be undertaken prior to the commencement of operation to determine the potential noise impact on the proposal from the rail corridor and the implementation of any recommendations. - preparation an Operational Noise Management Plan to include management strategies to mitigate and manage noise impacts to sensitive receivers.

<i>Site contamination</i> • Council raised the need for a remedial action plan and long-term environmental management for the development.	<i>Assessment</i> • The Applicant provided a Preliminary Contaminated Site Investigation with the EIS. A Remedial Action Plan (RAP) was provided with the RtS which recommended onsite management of contaminated soils. These reports concluded that the site would be suitable for the proposed use subject to remediation. <i>Conditions</i> • Conditions require: ◦ remediation of the site in accordance with the RAP; ◦ submission of a Site Audit Report and Section A Site Audit Statement prepared by an Environment Protection Authority accredited site auditor to verify the suitability of the site for the proposed use subject to any further actions such as the preparation of a long term environmental management plan; and ◦ compliance with the unexpected finds protocol in the RAP.
<i>Recreation and Outdoor Space</i> • Council raised concerns with the lack of outdoor and indoor space proposed.	<i>Assessment</i> • The Applicant in its RtS provided details in relation to its operations at other sites to demonstrate that sufficient indoor and outdoor space would be provided to meet the needs of its students. • Council in its response to the RtS recognised that the school is different to traditional schools and offers beneficial learning outcomes in a specialised environment to cater for the unique needs of its students. • The Department is satisfied that the proposal would provide appropriate facilities to students.
<i>Fire Safety Statement</i> • Council raised the need for a current Annual Fire Safety Statement for the site.	<i>Conditions</i> • A condition has been imposed that requires an updated Fire Safety Certificate to be provided prior to commencement of operation that addresses the proposed use, and that Annual Safety Statements be issued thereafter.
<i>Internal fit-out</i> • Council raised the issue of the need for the internal layout of the building on site to be compliant with the Building Code of Australia (BCA)	<i>Assessment</i> • The Applicant in the RtS requested that a building certificate be provided prior to the commencement of operation which would detail any works, if any, required to satisfy the BCA requirements. <i>Conditions</i> • A condition has been imposed that requires the submission of an occupation certificate for the whole building prior to the commencement of operation.
<i>Accessibility</i> • Council raised the need for a Disability Access Audit.	<i>Assessment</i> • The Applicant in the RtS requested that a Disability Access Audit be prepared prior to the commencement of operation. <i>Conditions</i> • A condition has been imposed that requires a Disability Access Audit to be undertaken prior to the commencement of operation to consider the existing access requirements on site and for the Applicant to undertake any required mitigation works.