

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-10380 Richard Gill School
Applicant	Richard Gill School
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

2 September 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 of Planning, Industry and Environment's (the Department) 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
- 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 specialised educational services which result in the creation of 12 additional jobs and a CIV of \$490,784;
- 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 and access and parking, landscaping, tree removal and built form and environmental amenity have been 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 to manage impacts in relation to potential construction and operational impacts;
- 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 15 June 2020 until 13 July 2020 (28 days) and received 12 submissions, including one comment from Council, three individual objections, two individual comments and one in support of the project.

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 including traffic, access and parking, built form, landscaping and tree removal, and environmental amenity. Other issues are addressed in detail in the Department's Assessment Report.

<i>Issue</i>	<i>Consideration</i>
<i>Traffic, access and parking</i> - adverse impacts on local road network. - Eurabbie Avenue being used as a drop-off and pick-up zone. - erroneous traffic data collection during COVID-19. - removal of existing pedestrian access from the rear of the site. - unsafe pedestrian movements on the Maitland Street frontage with no provisions for bus bays.	<i>Assessment</i> - The Applicant submitted a Transport Impact Assessment Report that assessed the construction and operational impacts of the proposal. - The Applicant advised that the traffic assessment was undertaken prior to COVID-19 lockdown period and provided information to demonstrate that drop-off and pick-up movements would not result in queuing on Maitland Street. - The Department considers that the traffic generated due to the development can be accommodated within the local road network with no significant impact on the community. - The Department has reviewed the pedestrian access to the site and is satisfied that the development would not impact upon any existing access at the rear. The existing shared path along the frontage of the site would provide satisfactory access to an existing bus stop. <i>Conditions</i> Conditions require: - Preparation and implementation of an Operational Traffic and Access Management Plan to manage the pedestrian and vehicular access, drop-off and pick-up zones and the overflow carpark at the rear. - Arrangements to ensure that access to the site by students and staff are restricted to Maitland Street and Eucalypt Avenue and that no access is permitted from the rear of Eurabbie Avenue.
<i>Biodiversity</i> No flora and fauna studies have been conducted.	<i>Assessment</i> The Department granted a waiver to submit a Biodiversity Assessment Report as part of this application. Given that the proposal involves change of use of an existing building with minor landscaping works. No further flora and fauna studies are necessary.
<i>Noise and Amenity Impacts</i> - impacts of noise generated by the children playing in the playground of playing musical instruments. - impacts of noise and dust generated during construction works. - impacts of light spill from outdoor lights within the site. - safety of children and restriction of access to the lagoon.	<i>Assessment</i> - The Applicant advised that an existing fence already restricts access to the lagoon and would be maintained in the future. - The Department is satisfied that the noise generated by the children in the playground or within the building would not have any significant impacts on the amenity of the neighbouring residents. - The Department has recommended conditions to ensure that noise generated during the construction works are appropriately managed. <i>Conditions</i> Conditions require: - Preparation and implementation of a community communication strategy and an Operational Noise Management Plan. - Preparation of a Construction Noise and Vibration Management Plan. - Compliance of all outdoor lighting with relevant Australian Standards. - Management and mitigation of dust during construction.
<i>Miscellaneous matters</i> - funding for the school from Council's funds. - lack of consultation with the community - conflicts of interest with Councillors. - no public hearing called by the Minister.	<i>Assessment</i> - The Department considers the consultation undertaken by the Applicant to be satisfactory. - The Department engaged with the community through the exhibition process and provided opportunities for submissions. - The financial issues or conflicts of interests are not matters for consideration under the Act. - The Minister has not called for a public hearing. No further assessment in this regard is necessary.