

# Notice of decision

## Section 2.22 and clause 20 of Schedule 1 of the *Environmental Planning and Assessment Act 1979*

<b>Application type</b>	State significant development
<b>Application number and project name</b>	SSD-10385 Kambala Sport, Wellbeing and Senior Learning Precinct
<b>Applicant</b>	KAMBALA
<b>Consent Authority</b>	Minister for Planning and Public Spaces

### Decision

The 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 recommended conditions.

A copy of the development consent is available [here](#).

A copy of the Department of Planning, Industry and Environment's Assessment Report is available [here](#).

### Date of decision

26/07/2021

### 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;
- the findings and recommendations in the Department's Assessment Report;
- 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:

- *Benefits* – the project would provide a range of benefits for the region and the State as a whole, including a total capital investment value of \$59.7 million and 120 full-time equivalent construction jobs;
- *Consistent with NSW Government Policy* – the project is permissible with development consent, and is consistent with NSW Government policies including:
  - A Metropolis of Three Cities – The Greater Sydney Region Plan;
  - State Infrastructure Strategy 2018-2038;
  - Transport for NSW's Future Transport Strategy 2056; and
  - The Eastern District Plan.
- *Impacts can be managed* - 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 implementation of a Green Travel Plan, stormwater management, biodiversity offset requirements, archaeological program, heritage interpretation works and management of construction impacts.
- *Community views considered* - 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.
  - *Public interest* – 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 28 October 2020 until 24 November 2020 (28 days) and received 16 submissions, including seven submissions from public authorities (comment from Woollahra Council), four letters of support from community organisations and five individual submissions from members of the community (one comment, three support and one objection)

The Department also undertook a site inspection to inform its assessment of the proposal.

The key issues raised by the community (including in submissions) and considered in the Department's Assessment Report and by the decision maker include built form and landscaping, visual impact, heritage and traffic and transport. Other issues are addressed in detail in the Department's Assessment Report.

<i>Issue</i>	<i>Consideration</i>
<b><i>Built form and landscaping</i></b> <ul style="list-style-type: none"> <li>The proposed height of the Sport, Wellbeing and Senior Learning Precinct (SWSLP) and upgraded Music Building would be 12.5m in height, which contravenes the 9.5m height of building control imposed on the site in the Woollahra Local Environmental Plan 2014 (WLEP).</li> </ul>	<b><i>Assessment</i></b> <ul style="list-style-type: none"> <li>The Department considers that the bulk of the development complies with the building height limit stipulated in the WLEP. The height non-compliance only occurs due to the webnet fencing on the rooftop.</li> <li>The proposed height non-compliance would not lead to any adverse visual or amenity impacts and is permissible under the State Environmental Planning Policy (Educational Establishments and Childcare Facilities) 2017 (Education SEPP).</li> </ul> <b><i>Conditions</i></b> <ul style="list-style-type: none"> <li>No specific conditions recommended.</li> </ul>
<b><i>Visual impact</i></b> <ul style="list-style-type: none"> <li>The proposal would result in impacts on the visibility of the lower portion of Tivoli House and may block key view lines identified by Woollahra Council.</li> <li>The light spill from the rooftop sports courts may impact on evening views of Sydney Harbour.</li> </ul>	<b><i>Assessment</i></b> <ul style="list-style-type: none"> <li>The Applicant provided a Visual Impact Assessment which analysed the impact of the proposed development on the surrounding vicinity, both public and private domains.</li> <li>The Department is satisfied that the Visual Impact Assessment has demonstrated that the proposed development would not significantly impact on any key views enjoyed from the private or public domains surrounding the site.</li> <li>The tennis court lights would not be switched on beyond 6:15pm and therefore would not impact on the evening views.</li> </ul> <b><i>Conditions</i></b> <ul style="list-style-type: none"> <li>The Applicant to construct and maintain all outdoor lighting to comply with Australian lighting standards.</li> <li>The lighting to be switched off after 6:15pm.</li> </ul>
<b><i>Heritage and archaeological impacts</i></b> <ul style="list-style-type: none"> <li>Significant archaeological relics should be preserved and monitored.</li> <li>Significant parts of Tivoli House and Norfolk Island Pines to be protected.</li> </ul>	<b><i>Assessment</i></b> <ul style="list-style-type: none"> <li>The Department is satisfied that the proposed works would not impact on the heritage significant fabric of Tivoli House.</li> <li>The Department is satisfied that the archaeological assessment submitted by the Applicant includes satisfactory provisions to monitor and salvage relics.</li> </ul> <b><i>Conditions</i></b> <ul style="list-style-type: none"> <li>The Applicant to appoint an excavation Director, Archaeological Research Design, prepare an unexpected finds protocol for the site and a post excavation report.</li> <li>The Applicant to prepare photographic archival recording, heritage interpretation strategy and protect trees on the site.</li> </ul>
<b><i>Traffic and transport</i></b> <ul style="list-style-type: none"> <li>At least 58 additional on-site parking spaces should be provided.</li> <li>The proposed drop-off / pick-up areas need management measures.</li> <li>Motorbike parking should be provided.</li> <li>Bayview Hill Road should be widened.</li> </ul>	<b><i>Assessment</i></b> <ul style="list-style-type: none"> <li>The Department is satisfied that the number of car spaces provided on the site are satisfactory for the development as no staff increase is proposed.</li> <li>Additional sustainable transport measures are provided including a shuttle-bus for the staff. The motorbike parking space on the adjoining property owned by the school is assessed as satisfactory.</li> <li>The widening of surrounding roads is not needed as the development can be accommodated within the surrounding road network.</li> </ul> <b><i>Condition</i></b> <ul style="list-style-type: none"> <li>The Applicant to: <ul style="list-style-type: none"> <li>Prepare and implement an Operational Transport and Access Management Plan.</li> <li>Provide 123 car spaces on the site.</li> <li>Provide motorbike parking spaces and shuttle-bus parking space on the adjoining site.</li> </ul> </li> </ul>