

# 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-15001460 Hawkesbury Centre of Excellence
<b>Applicant</b>	Department of Education
<b>Consent Authority</b>	Minister for Planning

### Decision

The A/Director, Social and Infrastructure Assessments, under delegation from the Minister for Planning 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 (the Department) Assessment Report is available [here](#).

### Date of decision

14 March 2022

### 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 proposed development (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 consent to the development application are as follows:

- the proposal would provide a range of benefits for the region and the state as a whole, including improved educational facilities, 187 construction jobs, 25 operational jobs and \$44.12 million capital investment;
- the proposal is permissible with development consent, and is consistent with NSW Government policies including:
  - A Metropolis of Three Cities – The Greater Sydney Region Plan;
  - Western Sydney District Plan.
  - State Infrastructure Strategy 2018-2038; and
  - Transport for NSW's 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. The consent authority has imposed conditions relating to operational traffic impacts, stormwater and flood management, tree protection and biodiversity, and management of construction impacts including traffic, parking, noise and dust;
- the issues raised by the community during consultation and in submissions have been considered and adequately addressed through changes to the proposal and the recommended conditions of consent; and
- weighing all relevant considerations, the proposal is in the public interest.

## Attachment 1 – Consideration of Community Views

The EIS was publicly exhibited between 18 August 2021 and 14 September 2021. The Department received three submissions, one from Hawkesbury City Council (Council), one from Penrith City Council and one from the public in support of the application.

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, transport, road upgrade works, remediation and operation. Other issues are addressed in detail in the Department's Assessment Report.

Issue	Consideration
<p><i>Traffic, Transport and parking</i></p> <ul style="list-style-type: none"> <li>Intersection upgrade works at Londonderry Road and Vines Drive would need to consider the Richmond Bridge Duplication Project.</li> <li>Upgrading of the pedestrian network between the proposal and Richmond High School should be examined.</li> <li>Safe pedestrian, cyclist connectivity and the public transport network is important.</li> <li>Consideration should be given to feasibility of a shared path or cycleway along Londonderry Road.</li> <li>Improvements to the Hobartville/Richmond section of Londonderry Road should include the installation of kerb and gutter, footpaths and drainage.</li> <li>Bus services should be provided between the proposal, Richmond High School and nearby train stations.</li> <li>Bus parking and manoeuvring should be accommodated within the site.</li> <li>The proposal does not provide sufficient justification for the shortfall of on-site car parking and does not examine maximum student numbers within the Western Sydney University (WSU) campus.</li> </ul>	<p><i>Assessment</i></p> <ul style="list-style-type: none"> <li>The Applicant's Response to Submissions (RtS) amended the proposed road upgrade works to remove the signalisation of the Vine Drive and Londonderry Road intersection and instead upgrade the internal WSU campus road network to facilitate bus movements. This ensured there is no conflict with the future long term design of the Richmond Bridge Duplication Project.</li> <li>In its RtS, the Applicant stated that the demand for pedestrian movement between the site and Richmond High School is expected to be low and students from Richmond High School would be timetabled for attendance at either school on specific days. The RtS also argued that a shared path or cycleway would not be consistent with the scale of the proposal or the expected pedestrian and cyclist demand.</li> <li>The Applicant reiterated its intended use of a robust School Transport Plan (STP) to encourage sustainable travel modes to reduce car trips and promote active transport.</li> <li>The Applicant's RtS confirmed that the private vehicle and bus drop-off/pick-up (DOPU) zones access from Vines Drive provide sufficient space for bus manoeuvrings. The Applicant also consulted with Transport for NSW (TfNSW) to ensure that sufficient bus services would be available to service the proposal from Richmond and Penrith train stations. Where required, minibus services would also be operated by the school for shorter trips between the site and Richmond High School.</li> <li>The RtS included a Road Safety Audit that assessed bus and car movements within the road network and DOPU areas. The audit identified a number of potential safety management risks within bus bays and campus road network and recommended mitigation and management measures.</li> <li>The RtS confirmed that car parking is the lowest priority mode for daily operations and that the 39 on-site car parking spaces would be sufficient to cater for the expected demand during standard school hours. Any shortfall during out of school hours events would be catered for through agreement with WSU to use campus car parks.</li> <li>The RtS included an analysis on occupancy of car park P47 that would be primarily utilised by the proposal where on site parking shortfalls occur. The analysis confirmed that average weekday use was 27 vehicles with 115 spaces available.</li> <li>The Department considers that: <ul style="list-style-type: none"> <li>sufficient safe pedestrian and cycling routes and associated upgrades are provided to the site through the WSU campus. Overall pedestrian and cycling mode shares are expected to be low. Despite this, measures to promote cycling and walking are included in the proposal through the provision of secure bicycle parking racks and implementation of a STP.</li> <li>on Londonderry Road, any future upgrades to footpaths or considerations of a cycleway would form part of the Richmond Bridge Duplication Project. Any works outside this would be in conflict with the overall design and scope that is part of the Richmond Bridge Duplication Project.</li> <li>subject to implementing the Road Safety Audit findings, bus and car manoeuvring can occur safely and efficiently.</li> <li>matters relating to assessing overall bus capacity servicing the proposal would be a consideration in the annual STP review and where shortfalls are identified, they would be addressed in consultation with bus providers.</li> <li>the Applicant's Transport and Accessibility Impact Assessment has demonstrated that the proposed number of on-site car parking spaces would meet the demand for staff, students and visitors driving to the site on weekdays.</li> </ul> </li> </ul>

	<ul style="list-style-type: none"> <li>the use of WSU university car parks, in particular car park P47, have sufficient capacity to cater for the on-site shortfall during out of school hours events.</li> </ul> <p><i>Conditions</i></p> <ul style="list-style-type: none"> <li>Conditions of consent require prior to the commencement of operation: <ul style="list-style-type: none"> <li>39 on-site car parking spaces and bus/car DOPU areas be provided.</li> <li>arrangements with WSU to utilise university car parks during events be included in an Out of Hours Event Management Plan.</li> <li>findings of the road safety audit be implemented.</li> <li>in consultation with Council and TfNSW, the STP be reviewed and implements which would ensure that active transport methods are promoted and reliance on vehicle trips is reduced.</li> </ul> </li> </ul>
<p><i>Contamination</i></p> <ul style="list-style-type: none"> <li>The Remediation Action Plan (RAP) recommended use of containment cells to store and contain asbestos on site would be contrary to Council's Asbestos Policy which outlines that any asbestos containing materials should be safely removed and disposed of prior to any works commencing.</li> <li>Should the recommendations of the RAP be implemented, a Site Auditor should be engaged to review the remediation strategy and issue a Site Audit Statement.</li> <li>The Environmental Management Plan for the containment cell would need to be registered on the title of the property and the Site Audit Statement be provided to Council.</li> </ul>	<p><i>Assessment</i></p> <ul style="list-style-type: none"> <li>In its RtS the Applicant confirmed that the recommendations of the RAP would be implemented and that the remediation strategy includes use of a containment cell/s.</li> <li>The RAP requires that if a containment cell is utilised it would need to be surveyed and included in the Environment Management Plan. The Department is satisfied that site contamination issues have been appropriately addressed and can be managed by recommended conditions.</li> </ul> <p><i>Conditions</i></p> <ul style="list-style-type: none"> <li>Conditions of consent require: <ul style="list-style-type: none"> <li>prior to the commencement of construction, the Applicant must engage an EPA-accredited Site Auditor to provide advice throughout the duration of construction works.</li> <li>an unexpected finds procedure must be implemented throughout construction works.</li> <li>any variations to the approved RAP must be approved by the Site Auditor.</li> <li>if work is to be completed in stages, satisfactory completion of each stage be confirmed by the issue of Interim Audit Advice/s.</li> <li>a Site Audit Statement be obtained prior to operation.</li> <li>the Applicant must prepare the Environmental Management Plan in accordance with the RAP and provide a copy of the Environmental Management Plan to Council.</li> </ul> </li> </ul>
<p><i>Operational use matters</i></p> <ul style="list-style-type: none"> <li>Conference hall maximum operating hours should be specified.</li> <li>A Farm Management Plan should be provided for the operational component of agricultural activities to be undertaken on site.</li> </ul>	<p><i>Assessment</i></p> <ul style="list-style-type: none"> <li>The Applicant's RtS confirmed that the maximum operating hours would be from 8am to 11pm.</li> <li>The Applicant confirmed that a Farm Management Plan would be prepared in accordance with the Department's best practice guidelines titled Intensive Livestock Development 2019 and finalised within 12 months of commencement of operation of the school.</li> <li>The Department notes that within the Noise and Vibration Assessment, the assessment of operational noise of the dining/conference hall use was from 7am to 10pm. Consequently, the Department considers that the operation of the space should not extend past 10pm to ensure that the amenity of neighbouring sensitive receivers are maintained.</li> <li>The Department considers that sufficient information is present for a preliminary Farm Management Plan to be prepared (in accordance with the best practice guidelines) prior to the commencement of operation. This plan would be subject to further review and finalised within 12 months from the commencement of school operation.</li> </ul> <p><i>Conditions</i></p> <ul style="list-style-type: none"> <li>Conditions of consent require: <ul style="list-style-type: none"> <li>an Out of Hours Event Management Plan be prepared for school events involving over 100 patrons.</li> <li>operation of the dining/conference hall does not extend past 10pm.</li> <li>a preliminary Farm Management Plan be prepared prior to the commencement of operation and finalised within 12 months.</li> </ul> </li> </ul>