

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-8970 St Joseph's College Sports Facilities
Applicant	Marist Brothers St Joseph's College
Consent Authority	Minister for Planning and Public Spaces

Decision

The Executive 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

19/9/19.

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 and information considered in the Department's Assessment Report.
- 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:

- the project would provide a range of benefits for the region and the State as a whole, including improved educational / sporting facilities, \$38 million total capital investment, and 75 - 100 construction jobs.
- the project is permissible with development consent, and is consistent with NSW Government policies including:
 - The Greater Sydney Regional Plan, A Metropolis of Three Cities.
 - State Infrastructure Strategy 2018-2038.
 - New Future Transport Strategy 2056.
 - North District Plan.
- 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. Conditions of consent are recommended to address key impacts associated with built form, heritage and noise 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.
- 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 18 October until 14 November 2018 (28 days) and received eight submissions from Council and the public, all objecting to the proposal. A further two objections were received from two community interest groups after close of the exhibition period. The Department representatives visited the site on 23 January 2019.

Following lodgement of the Response to Submissions by the Applicant, Council withdrew its objection to the application.

The key issues raised by the community and Council considered in the Department's Assessment Report and by the decision maker include built form and urban design, historic heritage impacts, landscaping and trees, and operational noise impacts. Other issues are addressed in detail in the Department's Assessment Report.

<i>Issue</i>	<i>Consideration</i>
<i>Built form Impacts</i> <ul style="list-style-type: none"> • Adverse impacts of the scale of the Physical Education and Sports Precinct (PESP) building on the character of the area. • Lack of a high standard of urban and architectural design, not compatible with the established character of the site and the surrounding area. • Impacts of the height of the PESP building on the low-density dwellings fronting Luke Street due to lack of setback and excessive height. • Adverse impacts of the Healy Gym building on Mary Street. 	<i>Assessment</i> <ul style="list-style-type: none"> • The Department notes that the Applicant redesigned the PESP building in response to the submissions. • The Department considers that the revised design of the PESP addresses the initial concerns from the community and Council regarding the bulk, scale and associated visual impact of the proposal. • The Department is satisfied that the scale, siting and design of the proposed building is appropriate within the context of the site and the locality and would not result in unacceptable visual impacts on the surrounding area. • The Department also notes that Council withdrew its objection after review of the revised design, subject to a condition requiring a lighter colour for the roof of the PESP building. • The Department is satisfied that the proposed Healy Gym building would not have a significant visual impact on the streetscape as it is single storey in scale, constructed in neutral colours and will be mostly be obscured from view from the public domain by the boundary wall, and adjoining structures and plantings. <i>Conditions</i> <ul style="list-style-type: none"> • The Department recommended the following condition: <ul style="list-style-type: none"> ◦ The colour of the roof band of the PESP building be amended to incorporate a lighter colour complementing the established character of the area.
<i>Heritage Impacts</i> <ul style="list-style-type: none"> • Detrimental impacts of the scale and design of the PESP building on the heritage significance of the existing buildings within the site, the conservation area and / or adjoining heritage items. • Lack of consideration of heritage impacts of the Healy Gym building on the chapel and other existing buildings of heritage significance within the site. 	<i>Assessment</i> <ul style="list-style-type: none"> • The Department considers that the proposed PESP building is sufficiently separated from the significant items within the site such as the chapel, the gates and the four-storey main building. • The Department is satisfied that the revised design of the PESP building would lower its bulk and scale and not result in unacceptable heritage impacts on the existing buildings. • As such, the scale and contemporary design of the building is consistent with other developments on the site built circa 1950s. The neutral palate of colours and finishes including sandstone and timber style elements would respect the heritage values of the school and conservation area. • The Department also concludes that the proposed setback to Luke Street in conjunction with the screen planting, would ensure a visual separation between the building and heritage stone boundary walls, allowing for adequate curtilage to walls and ensuring they are visually distinguished from the new structure, thereby retaining their significance. • The Department is satisfied that the Healy Gym building is adequately separated from the main building, the chapel and other significant heritage items within the site to maintain the curtilage of these buildings. • The single storey building would have no visual impact on the heritage conservation area and the existing items within the site due to its low scale and the proposed landscaped screening on the boundary. <i>Conditions</i> <ul style="list-style-type: none"> • The Department has recommended a condition requiring the roof band of the PESP building to be a lighter colour complementing the established character of the heritage conservation area.
<i>Tree Removal and landscaping</i> <ul style="list-style-type: none"> • Loss of well-established native trees on Luke Street. • Adverse visual impact of the bulk and scale of the PESP building due to the removal of the trees along the boundaries. 	<i>Assessment</i> <ul style="list-style-type: none"> • The Department notes that the revised design of the PESP building would require the removal of one street tree and 15 trees within the site, which is a substantial improvement over the initial proposal. • The revised design would also allow for significant replacement planting including 21 new trees within the street setback areas and eight trees within other parts of the site.

<ul style="list-style-type: none"> • Adverse impacts on the biodiversity values of the site and native fauna due to the loss of trees. • Lack of provision of landscaped areas along the Luke Street and Gladesville Road frontages. 	<ul style="list-style-type: none"> • The Department has reviewed the amended planting scheme and is satisfied that in the long term, the proposed new plantings would appropriately offset the removed trees. • The Applicant proposes to replace the exotic species with more appropriate indigenous species which would have a positive impact on the biodiversity values of the site. • The Department is satisfied that the proposed replacement planting would provide a 'green edge' for the site, contribute to the landscape character of the area and assist with screening the buildings from the public domain. <p><i>Conditions</i></p> <ul style="list-style-type: none"> • The Department recommended a condition requiring all replacement plantings to be advanced plantings of endemic species including at least two large canopy trees capable of growing up to 25m.
<p><i>Traffic and Parking</i></p> <ul style="list-style-type: none"> • Increased traffic movements around the site and additional on-street parking demands associated with the additional operation of the PESP building, especially in the evenings. • Construction vehicles movements causing adverse impacts on the local road network. 	<p><i>Assessment</i></p> <ul style="list-style-type: none"> • The Department notes that the proposed development does not increase the operations of the building nor does it intensify the use of the premises. • 54 additional car spaces are proposed within the site due to the provision of the basement car park. This would cater for any increase in the visitors to the site. 38 bicycle spaces are also proposed within the site. • The Department has reviewed the Applicant's traffic assessment and agrees that the proposed development would have no additional impacts on the capacity of the key intersections near the site and can be accommodated within the surrounding local road network. • Notwithstanding, as recommended by Transport for NSW (TfNSW) and the Applicant's Traffic Assessment Report, the Department has recommended conditions to encourage alternate modal share for the students / staff as well as adequate management of the existing drop-off / pick up zone. • The Applicant has submitted a Construction Management Plan which satisfactorily demonstrates that the construction traffic can be accommodated within the surrounding streets. <p><i>Conditions</i></p> <ul style="list-style-type: none"> • The Department has recommended the following conditions: <ul style="list-style-type: none"> ◦ the preparation and implementation of a Green Travel Plan. ◦ traffic management measures for the drop-off / pick up zone. ◦ road safety audit to ensure that bicycle parking is provided on site. ◦ preparation of a Construction Traffic and Pedestrian Management Plan (CTPMP) and implementation during construction works. ◦ accommodation of at least 50% of the construction worker vehicles within the site during construction works. ◦ inclusion of details of alternate transport modes for the construction worker and on-site tool storage provisions in the CTPMP.
<p><i>Noise Impacts</i></p> <ul style="list-style-type: none"> • Potential adverse impacts of the operational noise from the extended operation of the PESP building. • Potential adverse impacts of construction noise on the surrounding residents (especially on Luke Street). 	<p><i>Assessment</i></p> <ul style="list-style-type: none"> • The Department considers that the after-hours operation of the PESP building, especially in the evening and up to mid-night would potentially impact on the noise sensitive receivers at Luke Street. • However, the Department is satisfied that subject to the proposed mitigation measures in the Applicant's noise assessment including acoustic screening of plant rooms, additional acoustic treatment of louvres along the Luke Street elevation and operational management / limits to the evening events, the noise generated from the proposed use would comply with the established noise management levels for the site. • As such the indoor sports courts are an improvement over the open sports courts, in terms of noise generation. • The Department has considered the impacts of construction noise and recommended conditions to mitigate the adverse impacts on neighbours. <p><i>Conditions</i></p> <ul style="list-style-type: none"> • The Department has recommended the following conditions: <ul style="list-style-type: none"> ◦ acoustic design and mitigation measures to attenuate mechanical plant noise prior to commencement of works. ◦ acoustic upgrade to the louvres on the eastern façade of the PESP building. ◦ implementation of an Operational Noise Management Plan to include any measures necessary to ensure compliance with the established noise management levels for the site. ◦ short term noise monitoring (for three months) after commencement of the use of the building to demonstrate that the established noise management levels are complied with. ◦ submission of a Construction Noise and Vibration Management Plan with details of proposed mitigation measures regarding respite periods in case of noise exceedance beyond the highly affected noise level as stipulated by the Interim Construction Noise Guidelines and community consultation strategies during construction works.

<p><i>Dust impacts</i></p> <ul style="list-style-type: none"> • Potential adverse impacts of construction related dust on the surrounding residents (especially on Luke Street). 	<p><i>Assessment</i></p> <p>The Department considers that subject to the preparation and implementation of a Construction Management Plan, with details of dust management measures, the adverse impacts of construction related dust can be mitigated.</p> <p><i>Conditions</i></p> <ul style="list-style-type: none"> • The Department has recommended the following condition: <ul style="list-style-type: none"> ◦ preparation of a final Construction Environmental Management Plan prior to the commencement of works including measures to control dust generated by the construction works.
<p><i>Public hearing</i></p> <ul style="list-style-type: none"> • A public hearing be conducted by the Minister. 	<p><i>Assessment</i></p> <ul style="list-style-type: none"> • The Department has undertaken consultation with the community and public authorities in accordance with the requirements of the EP&A Act and considered the matters raised in the submissions. • The Department considers that no further assessment in this regard is necessary.