

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-9368 Alex Avenue Public School
Applicant	NSW Department of Education
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

21/05/2020

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'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 the provision of a new educational facility for 1000 primary school students, 340 construction jobs, 70 operational jobs and in the order of \$43.9 million capital investment;
- 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, the Greater Sydney Commission's Central City Plan, State Infrastructure Strategy 2018-2038 and NSW Future Transport Strategy 2055;
- the impacts on the community and the environment, including built form and urban design, traffic and parking, residential amenity, drainage and land use conflict impacts 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 on surrounding land uses; and
- 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 (EIS) for the project from Thursday 4 April 2019 until Wednesday 1 May 2019 (28 days) and received three public submissions, including two objections (including one from Blacktown City Council (Council)) and one in support of the project. Council subsequently withdrew its objection subject to recommended conditions of consent.

The Department also undertook the following consultation activities:

- two site visits;
- a meeting with Council and the Applicant; and
- a meeting with a public submitter.

The key issues raised by the community (including in submissions) and considered in the Department's Assessment Report and by the decision maker included trees and landscaping, traffic and parking, drainage, provision of infrastructure and potential land use conflict. Other issues are addressed in detail in the Department's Assessment Report.

<i>Issue</i>	<i>Consideration</i>
<p><i>Tree removal and landscaping</i></p> <ul style="list-style-type: none"> • Council requested further information in relation to tree protection and requested that the proposal include street tree planting on Farmland Drive. 	<p><i>Assessment</i></p> <ul style="list-style-type: none"> • An Arboricultural Impact Assessment was included in the EIS. This was updated in the Response to Submissions (RtS) following comments made by Council and confirmed that the 15 trees on and adjoining the site would be retained. • The Applicant accepted Council's request for the planting of street trees along Farmland Drive and requested that the Department impose this as a condition of consent. • A revised landscape plan was provided in the RtS which included an increase in the number of trees (to 55) to be planted on the site. • The Department considers that the proposal would improve the biodiversity of the site, provide an attractive landscape setting for staff and students, contribute to the amenity of the local neighbourhood and improve tree cover in accordance with NSW Government objectives. <p><i>Conditions</i></p> <ul style="list-style-type: none"> • Conditions require the: <ul style="list-style-type: none"> – provision of street tree planting along Farmland Drive in consultation with Council; – submission of an operational landscape management plan that sets out arrangements for the ongoing maintenance of landscaping; and – ongoing maintenance of the landscaping in accordance with the approved plans.
<p><i>Traffic and parking</i></p> <ul style="list-style-type: none"> • Council raised concerns that the proposal would create traffic congestion along Farmland Drive and that no mitigation measures had been proposed to address this impact. • Council advised that it did not support the location of a special needs drop-off / pick-up area on Farmland Drive as proposed in the EIS. • Council advised that it supported the proposed shared car parking and drop-off / pick-up area in the proposed Council recreation reserve but noted that agreement had not been reached with the Applicant on shared use arrangements. • Council advised that Pelican Road and the extension of Farmland Drive should be constructed prior to the operation of the school. • Council raised concerns in relation to reversing manoeuvres required for garbage trucks to access the site from the proposed shared car park. • A public submitter raised concerns with a proposed bus bay on Pelican 	<p><i>Assessment</i></p> <ul style="list-style-type: none"> • The Traffic Impact Assessment (TIA) included in the EIS was updated in the RtS and two Supplementary Responses to Submissions (SRtS) to assess the impacts of the proposal on Farmland Drive in response to the comments made by Council. This concluded that the proposal would not result in significant impacts on the performance of Farmland Drive or the local road network. • The Applicant submitted amended plans that included the relocation of the special needs drop-off / pick-up area within the site as required by Council. This allowed for service vehicles to enter and exit the site in a forward direction. • The Applicant also provided plans showing the location of temporary parking to be provided within the site if the shared use car parking was not in place at the opening of the school. • The Department is satisfied that the Applicant has demonstrated that the proposal would not have any significant impacts on the performance of the local road network and that adequate car parking and drop-off / pick-up arrangements are proposed. • The Department agrees with Council that Pelican Road and the extension of Farmland Drive should be constructed to the satisfaction of Council prior to the operation of the school to provide for the orderly development of the site. This would include final design of the roadway and proposed bus bay. <p><i>Conditions</i></p> <ul style="list-style-type: none"> • Conditions require: <ul style="list-style-type: none"> – provision of temporary parking on site if the shared use car park has not been provided off site; – finalisation of the design of the special needs drop-off / pick-up area to the satisfaction of Council and the Planning Secretary;

<p>Road.</p>	<ul style="list-style-type: none"> – provision of pedestrian infrastructure along Farmland Drive and Pelican Road; – construction of Pelican Road and the extension of Farmland Drive prior to the operation of the school; – the preparation and implementation of a Green Travel Plan to encourage use of alternative modes of transport to the school and reduce reliance on private vehicular trips; and – the preparation of an Operational Transport and Access Management Plan and Operational Waste Management Plan to minimise and manage traffic associated with the school.
<p><i>Drainage and infrastructure contributions</i></p> <ul style="list-style-type: none"> • Council raised concerns in relation to the stormwater drainage design detailed in the EIS and RtS, including the lack of on site detention (or alternative contribution for off site detention) and lack of rainwater reuse on the site. • Concerns were also raised in a public submission that the proposed stormwater drainage arrangements would discharge runoff onto private land. 	<p><i>Assessment</i></p> <ul style="list-style-type: none"> • The Applicant advised in Supplementary Response to Submissions 2 (SRtS2) that on site stormwater detention would be provided for the development under a separate planning assessment process along with water quality measures and discharge to Council's drainage corridor to the south of the site. • The Department is satisfied that satisfactory drainage arrangements have been proposed that would appropriately manage stormwater runoff from the site in a matter that does not detrimentally impact on adjoining landowners. <p><i>Conditions</i></p> <ul style="list-style-type: none"> • Conditions require: <ul style="list-style-type: none"> – the finalisation of the design of the stormwater management system to the satisfaction of Council and the Planning Secretary.
<p><i>Land use conflicts</i></p> <ul style="list-style-type: none"> • The proposed development conflicts with a temporary access and service easement that runs along the eastern boundary of the site. • The Applicant's proposals would be contrary to the provisions of temporary and permanent access and services easements affecting the site. • The development of the school site would unfairly impact upon the future development of Lot 4 DP1244925 to the south and east of the site and would result in land use conflicts. 	<p><i>Assessment</i></p> <ul style="list-style-type: none"> • The Department has carefully considered the issues raised and is satisfied that sufficient arrangements have been proposed or have been required through conditions that would minimise any land use conflicts. • The Department has imposed conditions to ensure the development complies with the requirements of the easements affecting the land. <p><i>Conditions</i></p> <ul style="list-style-type: none"> • Conditions require: <ul style="list-style-type: none"> – the Applicant to manage the Stage 1 construction works so as not to impact upon the temporary easement to Lot 4 during construction of Stage 1; – construction of Pelican Road and the extension of Farmland Drive prior to the operation of Stage 1; – the temporary access and services easement to be extinguished prior to the operation of Stage 1; and – the design and construction of a road over the permanent access and services easement shall be undertaken to the satisfaction of Council in accordance with the terms of the easement and the legal agreement entered into by the parties subject to the easement.