

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 modification
Application number and project name	SSD-9368-Mod-3 Alex Avenue Public School-Mod-3 Alex Avenue Public School Modification 3
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 4.55(1A) of the *Environmental Planning and Assessment Act 1979* (the Act) modified the consent subject to the recommended conditions and any additional conditions.

A copy of the instrument of modification and conditions is available at [here](#).

A copy of the Department of Planning & Environment's assessment report is available at [here](#).

Date of decision

20 December 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 reasons given by the consent authority for the grant of the original consent;
- the objects of the Act;
- all information submitted with the modification application during the assessment and information considered in the Department's Assessment Report;
- the findings and recommendations in the Department's Assessment Report;
- the submissions made concerning the modification; 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. The Department's Assessment Report also identifies additional reasons for making the decision.

The decision maker was satisfied that the modification is of minimal environmental impact and that the development to which the consent as modified relates is substantially the same development as the development for which consent was originally granted was modified.

The key reasons for granting the modification are as follows:

- the modification would provide a range of benefits for the region including provide direct investment in the region of \$43.9 million and generate more than 300 construction jobs and 70 operational jobs.
- the modification is permissible with consent, and is consistent with NSW Government policies including the:
 - Greater Sydney Region Plan - A Metropolis of Three Cities;
 - Greater Sydney Commission's Central City District Plan;
 - Alex Avenue Precinct Indicative Layout Plan; and
 - State Infrastructure Strategy 2018 – 2038 Building the Momentum;
- 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, as identified in the Department's Assessment Report;
- the issues raised by the community during consultation and in submissions have been considered and addressed through the recommended conditions of consent; and
- weighing all relevant considerations, the modification is in the public interest.

Attachment 1 – Consideration of Community Views

The Department exhibited the modification from 11 November 2020 until 24 November 2020 (14 days) and received three submissions, including two objections from an adjacent landowner and Council.

The Department met with the adjacent landowner submitter to discuss the issues raised in the objection.

The key issues raised by the community (including in submissions) and considered in the Department's Assessment Report and by the decision maker include impacts on recreation facilities, road safety, traffic and pedestrian management, compliance with easement obligations and drainage. Other issues are addressed in detail in the Department's Assessment Report.

<i>Issue</i>	<i>Consideration</i>
<i>Impacts on recreation facilities</i> <ul style="list-style-type: none"> Council queried whether the basketball/multi-purpose courts would still be built. Council advised that cricket nets could not be completed on Council's adjoining reserve until Easement A is extinguished. 	<i>Assessment</i> <ul style="list-style-type: none"> The Applicant confirmed that the basketball/multi-purpose courts would be built once Easement A is extinguished and confirmed its commitment to do so.
<i>Easements</i> <ul style="list-style-type: none"> Potential for vegetation to be damaged or removed if Easement A is used. The requirements to extinguish Easement A mean that the matter may not be resolved within 12 months as proposed by the Applicant. 	<i>Assessment</i> <ul style="list-style-type: none"> The Applicant notes that there are no trees proposed to be removed by the Applicant in Easement A and that the proposed south eastern easement is to protect the overland flow regime from the school site. The Department notes that there are contrasting views as to the extinguishment of Easement A and does not take a view as to what is required to extinguish Easement A. However, the Department considers that 12 months is an appropriate time to allow resolution of the matter and ensure extinguishment of the easement. <i>Conditions</i> <ul style="list-style-type: none"> Easement A to be extinguished within 12 months of the commencement of Stage 1a.
<i>Traffic management</i> <ul style="list-style-type: none"> Management of vehicles across Easement A Provision of turning circle at Western extent of Farmland Drive. Bus movements and use of permanent bus bay. 	<i>Assessment</i> <ul style="list-style-type: none"> The Department acknowledges that the Applicant does not have an ability to impose traffic management directly on Easement A but can do so on public land (i.e. road reserves outside of Easement A). Council's request for a turning circle on Farmland Drive is noted but given the advanced stage of construction of western extension of Farmland Drive, a turning circle is not considered required and can be managed by traffic control. Appropriate arrangements are proposed to allow bus services to access the school. <i>Conditions</i> <ul style="list-style-type: none"> Staging of the development occur in accordance with the arrangement set out by the Applicant.
<i>Pedestrian management</i> <ul style="list-style-type: none"> Proximity of pedestrian and vehicle movements, to and from Easement A. 	<i>Assessment</i> <ul style="list-style-type: none"> The Department acknowledges that pedestrians crossing on the public footpath would be near vehicles using Easement A. The Department is satisfied that the use of traffic controllers can mitigate associated risks. <i>Conditions</i> <ul style="list-style-type: none"> Staging of the development occur in accordance with the arrangement set out by the Applicant, including traffic control.
<i>Drainage and detention systems</i> <ul style="list-style-type: none"> Council raised concerns that the on-site detention system would not be operational for stage 1. 	<i>Assessment</i> <ul style="list-style-type: none"> The Applicant advised that the on-site detention system was installed under a separate approval and would be operational for stage 1.
<i>Category of modification</i> <ul style="list-style-type: none"> Concerns were raised about consideration of the modification as a minor modification. 	<i>Assessment</i> <ul style="list-style-type: none"> The Department notes the issues raised and considers that the modification can be considered as having minor environmental impacts.