

# 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-9439 New Warnervale Public School
<b>Applicant</b>	Department of Education
<b>Consent Authority</b>	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 [here](#).

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

### Date of decision

01 May 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;
- 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; and
- the findings and recommendations in the Department's Assessment Report;

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 new educational facilities, \$35.9 million capital investment, 35 construction jobs and 32 full-time-equivalent operational jobs.
- in that part of the site zoned R1 – General Residential, the project is permissible with development consent under the Wyong Local Environmental Plan 2013.
- in that part of the site zoned R2 – Low Density Residential, the project is permissible with consent under Clause 35(1) of the State Environmental Planning Policy (Educational Establishments and Childcare Facilities) 2017.
- the project is consistent with NSW Government policies including the:
  - Central Coast Regional Plan
  - State Infrastructure Strategy 2018 – 2038
- 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 Department considers that:
  - the additional traffic generated by the proposal would not have a significant impact on the operation of the road network and intersections surrounding the site. On this basis, the Department considers that the road network can accommodate the anticipated additional traffic associated with the proposed development.
  - the proposed car parking provisions and layout would adequately and practicably service the needs of the school.
  - whilst the proposal would result in direct impacts to 2.66ha of native vegetation and one threatened fauna species (the Squirrel Glider, which has been assumed to be present on the site) it is considered that the direct biodiversity impacts of the proposal can be appropriately offset through the retirement of 48 ecosystem credits and 64 species credits. The Department has recommended

conditions to ensure this is achieved. Further, the implementation of a Glider Movement Strategy, would enable Squirrel Gliders to continue to traverse the site in a north-south direction. The Department has recommended conditions to ensure these outcomes are achieved.

- it is noted that no public submissions were received either in favour of or objecting to the proposal.
- 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 20 September 2019 to 17 October 2019 (28 days) and received seven submissions, comprising six submissions from public authorities and one submission from Council. No submissions were received from the public.

The key issues raised by Council and considered in the Department's Assessment Report and by the decision maker include biodiversity impacts, traffic and parking. Other issues are addressed in detail in the Department's Assessment Report.

<i>Issue</i>	<i>Consideration</i>
<p><i>Parking and traffic</i></p> <ul style="list-style-type: none"> <li>The proposal would benefit from additional pick-up and drop-off spaces.</li> <li>Changes to the layout of the car park would improve functionality.</li> </ul>	<p><i>Assessment</i></p> <ul style="list-style-type: none"> <li>The proposed car parking arrangements would adequately and practicably service the needs of the school. While Council would prefer additional car parking spaces, the proposal is in accordance with Council's DCP requirements for day to day parking. The Department has recommended a condition that these comply with relevant Australian Standards.</li> </ul> <p><i>Conditions</i></p> <ul style="list-style-type: none"> <li>Car parking spaces provided within the site are to be designed in accordance with the latest versions of AS 2890.1 and AS 2890.6.</li> <li>The design of the parking and access arrangements must incorporate the relevant recommendations of the road safety audit provided with the RtS.</li> <li>Prior to commencement of operations, an Operational Transport and Access Management Plan is to be prepared in consultation with Council and Transport for NSW.</li> <li>Prior to the commencement of operations, a Green Travel Plan must be prepared to promote the use of active and sustainable transport.</li> </ul>
<p><i>Biodiversity</i></p> <ul style="list-style-type: none"> <li>The Squirrel Glider, listed as vulnerable in the <i>Biodiversity Conservation Act 2016</i> was initially identified in the Biodiversity Development Assessment Report as having only a moderate likelihood of being present on the site. Due to recent sightings on adjacent sites, this species should be assumed to be present and appropriate species credits retired on that basis.</li> <li>A north-south canopy corridor, with understorey planting, should be provided for the Squirrel Gliders.</li> <li>Hollow replacement should be undertaken</li> </ul>	<p><i>Assessment</i></p> <ul style="list-style-type: none"> <li>It is acknowledged the proposal would result in direct and indirect impacts to biodiversity. However, the Department is satisfied that the biodiversity impacts of the proposal would be appropriately offset through the retirement of 48 ecosystem credits and 64 species credits as set out in the amended Biodiversity Development Assessment Report provided with the Supplementary Response to Submissions.</li> <li>Appropriate measures have been recommended in the Vegetation Management Plan to replace hollows and implement a north-south movement corridor for the Squirrel Glider.</li> </ul> <p><i>Conditions</i></p> <ul style="list-style-type: none"> <li>Prior to the commencement of vegetation clearing, the 48 ecosystem credits and 64 species credits must be retired to offset the impacts of the development.</li> <li>The Applicant must prepare a revised Landscape Plan to detail revegetation and landscaping in accordance with the Vegetation Management Plan, including the provision of the Squirrel Glider movement corridor and nest box program.</li> </ul>