

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-9872 St Matthews Catholic College
Applicant	Trustees of the Roman Catholic Church for the Diocese of Bathurst
Consent Authority	Minister for Planning and Public Spaces

Decision

The Executive Director, Infrastructure Assessments 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 and Environment's Assessment Report is available [here](#).

Date of decision

16 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 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.

The key reasons for granting consent to the development application are as follows:

- the project would provide a range of benefits for the region, including new educational facilities for up to 680 students, 104 construction jobs, 59 full time equivalent jobs and over \$36 million capital investment;
- the project is permissible with development consent, and is consistent with NSW Government policies, including:
 - Central West and Orana Regional Plan 2036;
 - 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 the design and construction of road and pedestrian infrastructure, stormwater drainage and flood mitigation works, tree protection and Aboriginal cultural heritage protection;
- the issues raised by the community during consultation and in submissions have been considered and adequately addressed through the recommended conditions of consent; and
- weighting 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 27 May 2020 until 23 June 2020 (28 days) and received ten submissions, including eight from public authorities (including Council), one submission from a community organisation and one public submission. The community organisation objected to the proposal.

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 of the project on the road network, flooding and stormwater, biodiversity, Aboriginal cultural heritage and landscaping. Other issues are addressed in detail in the Department's Assessment Report.

<i>Issue</i>	<i>Consideration</i>
<p><i>Road network</i></p> <ul style="list-style-type: none"> Operational traffic would create congestion on the surrounding road network following population increase in the Spring Flat area. The existing roads and footpaths would require improvements for safe use. Council noted, despite the proposals compliance with the car parking rate with its Development Control Plan, the expected demand for car parking would be greater than catered for. 	<p><i>Assessment</i></p> <ul style="list-style-type: none"> The EIS included a Traffic, Parking and Transport Impact Assessment (TPTIA) that assessed the impacts of operational traffic on the local road network. This determined that the local road network could accommodate operational traffic subject to road and footpath improvement works, and restrictions to on-street parking. In response to comments made in submissions, the Applicant confirmed the proposed road and pedestrian infrastructure upgrades and increased the number of on-site parking from 75 to 82. The Department acknowledges that the local road network would be impacted by the development. However, the Department is satisfied that it could reasonably accommodate the additional traffic generated by the development subject to conditions, including road and pedestrian infrastructure upgrades. The Department is also satisfied with the proposed parking and drop-off/pick-up arrangements are satisfactory. <p><i>Conditions</i></p> <ul style="list-style-type: none"> Conditions of consent require: <ul style="list-style-type: none"> an Operational Transport and Access Management Plan and Green Travel Plan to be prepared to detail management arrangements of staff and students travelling to and from the school and to encourage active travel. Implementation of road and pedestrian infrastructure upgrades to be undertaken to Council's satisfaction.
<p><i>Flooding and Stormwater</i></p> <ul style="list-style-type: none"> Sawpit Gully traverses the site and is a flood hazard. Creation of the Sawpit Fully buffer zone and separation of the proposed buildings from the Sawpit Gully buffer zone is supported. Council requested the Applicant provide a Stormwater Drainage Management Plan. 	<p><i>Assessment</i></p> <ul style="list-style-type: none"> The EIS included stormwater and flooding mitigation strategies including the construction of a levee bank along Sawpit Gully and an on-site detention system. In response to the comments made, the Applicant provided a detailed Civil and Stormwater Report and amended plans that raised the buildings by 150mm to mitigate flooding impacts in the event of a 1:100 year storm event. The Department is satisfied that the proposal has been designed to mitigate flood and stormwater impacts. <p><i>Conditions</i></p> <ul style="list-style-type: none"> Conditions of consent require: <ul style="list-style-type: none"> a suitably qualified and experienced person prepare the stormwater management system in accordance with the relevant Australian standards and to Council's satisfaction. implementation of proposed flood mitigation works. the preparation of an Operational Flood Emergency Management Plan to ensure the safety of staff and students in any 1:100 year storm event.
<p><i>Biodiversity</i></p> <ul style="list-style-type: none"> Separation of the proposed buildings from the White Box – Rough-barked Apple Alluvial Woodland is supported. 	<p><i>Assessment</i></p> <ul style="list-style-type: none"> The EIS included a Tree Assessment Report which advised that no tree removal is proposed within the White Box – Rough-barked Apple Alluvial Woodland area. The Department is satisfied that the biodiversity value of the White Box – Rough-barked Apple Alluvial Woodland would be retained. <p><i>Conditions</i></p> <ul style="list-style-type: none"> Conditions of consent require the preparation of a Vegetation Management Plan, in consultation with Council, that details management measures for the retained vegetation area such as weed control and vegetation rehabilitation.

<p><i>Aboriginal cultural heritage</i></p> <ul style="list-style-type: none"> • Separation of the proposed buildings from the Aboriginal site and area of potential archaeological deposit via the installation of a rural fence is supported. • Aboriginal stakeholder consultation was not carried out correctly and the development impacts the Ibbai Waggan People's sacred sites. The Planning Minister of NSW and the Department have never had the power to endorse any projects within the Ibbai Waggan Ngurangbang area. 	<p><i>Assessment</i></p> <ul style="list-style-type: none"> • The EIS included an Aboriginal Cultural Heritage Assessment Report which identified Aboriginal cultural heritage values in the north-western corner of the site. It recommended that these be protected by fencing. • Environment, Energy and Science Group advised that Aboriginal consultation has been carried out in accordance with the Aboriginal Cultural Heritage Consultation Requirements for Proponents 2010 (DECCW) and acknowledged that the project would not harm Aboriginal objects. • The Department is satisfied that Aboriginal cultural heritage would be protected and that community consultation was carried out in accordance with the relevant guidelines. <p><i>Conditions</i></p> <ul style="list-style-type: none"> • Conditions of consent require: <ul style="list-style-type: none"> - fencing to be installed prior to the commencement of construction and that the Construction Environmental Management Plan include measures to prevent construction impacts to the areas of the site containing Aboriginal cultural heritage. - a permanent fence be installed for the lifetime of the development to separate sites of Aboriginal cultural heritage from the school and a site operations plan be prepared to manage access to these areas.
<p><i>Landscaping</i></p> <ul style="list-style-type: none"> • Tree planting along the perimeter of Broadhead Road and Bruce Road is supported. 	<p><i>Assessment</i></p> <ul style="list-style-type: none"> • The EIS included a Tree Assessment Report which advised that no Blue Bush trees, which are native to the Mudgee area, would be removed as part of the development. <p><i>Conditions</i></p> <ul style="list-style-type: none"> • Conditions of consent require the preparation of revised landscape plans that include additional planting, including native tree buffer planting along the boundaries in the south-eastern corner of the site.