

# 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-9914 Darlington Public School Redevelopment
<b>Applicant</b>	Department of Education
<b>Consent Authority</b>	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 and conditions is available [here](#).

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

### Date of decision

30 November 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*;
- 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 and the State as a whole, including expanded and improved educational facilities, over \$41 million capital investment, 127 construction jobs and an additional 12 full time equivalent operational jobs;
- the project is permissible with development consent under the Sydney Local Environmental Plan 2012 and is consistent with NSW Government policies including the:
  - Greater Sydney Region Plan;
  - Eastern City District Plan;
  - 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 adequately addressed through changes to the project and the recommended conditions of consent. The consent authority has imposed conditions relating to implementation of a School Transport Plan including sustainable transport measures, bicycle and scooter parking, operational noise management, biodiversity offset requirements, tree protection, tree replacement planting, landscaping, heritage, contamination and construction management; and
- 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 16 June 2020 to 13 July 2020 (28 days) and received 11 submissions, comprising seven submissions from public authorities (including Council) and four public submissions. Of the four submissions, one was an objection.

The Department also undertook a number of site inspections to inform its assessment of 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 tree removal and active transport. Other issues are addressed in detail in the Department's Assessment Report.

<i>Issue</i>	<i>Consideration</i>
<p><i>Tree Removal</i></p> <ul style="list-style-type: none"> <li>Removal of an unacceptable number of trees.</li> <li>Reduction in tree canopy.</li> <li>Insufficient depth to support the planting or future growth of large trees replacement trees.</li> </ul>	<p><i>Assessment</i></p> <ul style="list-style-type: none"> <li>The Department acknowledges the proposal would result in: <ul style="list-style-type: none"> <li>direct impacts to 0.16ha of native vegetation.</li> <li>the removal of the majority of existing trees on the site.</li> </ul> </li> <li>The Department is satisfied that the scale of tree removal can be mitigated through amended landscape plans, replacement tree planting and retention of additional trees.</li> </ul> <p><i>Conditions</i></p> <ul style="list-style-type: none"> <li>Retirement of two ecosystem credits as set out in the Biodiversity Development Assessment Report.</li> <li>Eight trees are to be retained.</li> <li>Further investigations are required to inform changes to the landscape plan with the objective of retaining a further five trees.</li> <li>Replacement planting of 36 trees with 30 per cent of the tree species having a mature height of at least 6 metres, 30 per cent mature heights of at least 10 metres and 40 per cent mature heights of at least 20 metres.</li> </ul>
<p><i>Active Transport</i></p> <ul style="list-style-type: none"> <li>Not enough bicycle and scooter parking spaces have been proposed to cater to the increased school capacity.</li> </ul>	<p><i>Assessment</i></p> <ul style="list-style-type: none"> <li>Amended plans provided with the Applicant's Response to Submissions increased the proposed number of bicycle and scooter spaces from 67 to 145 (63 bicycle spaces and 82 scooter spaces). The new bicycle parking facilities proposed on site would be sufficient to accommodate the increased school capacity.</li> </ul> <p><i>Conditions</i></p> <ul style="list-style-type: none"> <li>A minimum of 63 bicycle and 82 scooter parking spaces are required to be provided.</li> <li>The layout, design and security of bicycle facilities must comply with the minimum requirements and design intent of Australian Standard 2890.3:2015 Parking facilities - Bicycle parking.</li> </ul>