

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-43065987 Upgrades to Carlingford West Public School and Cumberland High School
Applicant	NSW Department of Education
Consent Authority	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 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

29 November 2023

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 2021*;
- the objects of the Act;
- the considerations under s 7.14(2) of the *Biodiversity Conservation Act 2016* (NSW);
- all information submitted to the department during the assessment of the development application and any additional information considered in the department's assessment report;
- 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 improved educational facilities, 658 construction jobs, 65 operational jobs and approximately \$187 million capital investment
- the project is permissible with development consent, and is consistent with NSW Government policies including the:
 - Greater Sydney Region Plan: A Metropolis of Three Cities
 - Central City District Plan
 - Future Transport Strategy 2056
 - State Infrastructure Strategy 2022 – 2042 Staying Ahead
 - Sydney's Cycling Future 2013.
- 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 upgrades to public infrastructure, stormwater and flood management, management of construction impacts including traffic, parking, noise and dust and mitigation of operational noise at the most affected sensitive receivers; 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 conditions of consent. Engagement on the project is considered to be in line with *Undertaking Engagement Guidelines for State Significant Projects*, including the community participation objectives outlined in these guidelines.
- weighing all relevant considerations, the project is in the public interest.

Attachment 1 – Consideration of Community Views

The applicant engaged with the community during the preparation of the environmental impact statement (EIS) as a requirement of the Secretary's environmental assessment requirements. The EIS detailed the findings of the engagement and how it influenced the scope and design of the project.

Once the EIS was submitted to the department it was placed on exhibition from 8 November until 5 December 2022 (28 days). 29 submissions were received, including 24 objections, 4 comments and 1 in support of the project.

The applicant also undertook engagement with the community on two occasions throughout the assessment of the development.

The key issues raised by the community (including in submissions) and considered in the department's assessment report and by the decision maker include traffic, parking and pedestrian infrastructure, noise and air quality and visual privacy and solar access. Other issues are addressed in detail in the department's assessment report.

<i>Issue</i>	<i>Consideration</i>
<p>Traffic, parking and pedestrian infrastructure</p> <ul style="list-style-type: none"> • Insufficient onsite and street parking • Traffic generated by increase in student enrolment capacity • Adequacy of the drop-off / pick-up (DOPU) zones and their management • Pedestrian safety 	<p><i>Assessment</i></p> <ul style="list-style-type: none"> • The proposal includes 3 new raised pedestrian crossings, widening of 4 existing footpaths and one new footpath. • In response to the submissions requesting to increase street parking and mitigate the impact of the school traffic, the Applicant has committed to fund works for the City of Parramatta Council (Council) to widen Arcadian Circuit and Sandringham Drive road to allow for an increase in street parking in the area. • In response to the submissions, the Applicant updated its School Travel Plan, to commit its staff to monitor car and pedestrian movements at the Felton Road East DOPU zone. The School Travel Plan would also initiate a pre-registration process for DOPU vehicles for Carlingford West Public School (CWPS). • The Department notes that the expected demand of the DOPU zones exceeds their capacity. However, the Department considers that the proposed ratio of DOPU spaces to students is improved when compared to the existing situation, and will be mitigated by active transport measures in the School Transport Plan. • The Department is satisfied the local road network could reasonably accommodate the additional traffic generated by the development and that the School Travel Plan and upgraded onsite DOPU would alleviate existing strain during peak periods. <p><i>Conditions</i></p> <p>Conditions include:</p> <ul style="list-style-type: none"> • Construction of new and upgraded pedestrian infrastructure to the satisfaction of the relevant road authority. • Finalisation of a School Transport Plan to be prepared in consultation with Council and TfNSW to detail management arrangements for pick-up / drop-off operations to minimise conflicts and encourage active travel.
<p>Noise and air quality</p> <ul style="list-style-type: none"> • Construction noise and dust • Noise impact associated with the operation of the new bus link road and out of hours school activities • Air quality impact associated with the operation of the new bus link road 	<p><i>Assessment</i></p> <ul style="list-style-type: none"> • The Applicant stated that it would strategically stage construction works to limit prolonged noisy works for residents adjoining the site boundaries and use dust suppression strategies to mitigate construction noise and dust impacts. • In response to the submissions, the Applicant prepared an At-receiver Mitigation Strategy to offer to install noise mitigation measures, including double-glazed windows and air conditioning, at relevant dwellings located at 18 Dunmore Avenue to ensure no residual noise impact resulting from the bus-link road operation

	<p>inside habitable areas of 18 Dunmore Avenue residences.</p> <ul style="list-style-type: none"> • In response to the submissions, the Applicant stated that, overtime, diesel-powered buses would be replaced with electric buses to reduce air quality impact. The Applicant also stated that the installation of air conditioning as part of the At-receiver Mitigation Strategy would improve ventilation at the relevant dwellings at 18 Dunmore Avenue during operation of the bus link road. • The Department supports the implementation of the At-receiver Mitigation Strategy to address noise and air quality impacts of the proposal. <p><i>Conditions</i> Conditions include:</p> <ul style="list-style-type: none"> • Preparation and implementation of a Construction Environmental Management Plan to minimise dust generated by construction works and manage high noise generating works in consultation with the community. • Implementation of the At-receiver Mitigation Strategy prior to the commencement of operation of the bus-link road.
<p>Visual privacy and solar access</p> <ul style="list-style-type: none"> • The new buildings would overlook the private open space of the adjoining residential developments. • The new buildings, up to five storeys, would overshadow the residential developments adjoining the site. 	<p><i>Assessment</i></p> <ul style="list-style-type: none"> • The Department is satisfied that the proposal would not have an unacceptable impact on the privacy of the adjoining residences because it includes retention of some existing perimeter landscaping and will increase tree planting at the site boundaries. • The Department acknowledges that the proposal would overshadow the private open space of some dwellings for part of the daytime. The proposal complies with Council's development control plan to provide at least four hours of solar access between 9am and 3pm during the winter solstice. The Department is satisfied that the proposal would have acceptable impact on the solar access of the adjoining residences.