

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-49073460 Darcy Road Public School Upgrade
Applicant	NSW Department of Education
Consent Authority	Minister for Planning and Public Spaces

Decision

The 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

7 March 2024

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;
- 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).
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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 upgrades to an existing educational facility, 70 construction jobs, an additional 25 operational jobs and \$56,818,067 capital investment;
- the project is permissible with development consent, and is consistent with NSW Government policies including the
 - Transport for NSW Future Transport strategy 2056
 - State Infrastructure Strategy 2018 – 2038 Building the Momentum
 - Central City District Plan;
- 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. Conditions of consent are recommended to address key impacts associated with flooding, traffic and parking; 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 Department exhibited the Environmental Impact Statement from 23 May 2023 until 19 June 2023 (28 days) and received five submissions including one from City of Parramatta Council. The public submissions were provided as comments on 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 flooding, traffic, transport and parking and built form and urban design. Other issues are addressed in detail in the department's assessment report.

<i>Issue</i>	<i>Consideration</i>
<p><i>Flooding and stormwater</i></p> <ul style="list-style-type: none"> • Flood Impact Assessment report should consider flood related controls and all flood impacts up to PMF for the development and temporary school • Concern lies with the location of the Stage 1 temporary school within the floodplain and PMF extents • Building B should be raised above PMF level. 	<p><i>Assessment</i></p> <ul style="list-style-type: none"> • The Department requested a revised Flood Impact Assessment (FIA) be prepared to consider all applicable flood related controls and flood impacts for the site, inclusive of the new school and temporary school areas. The Applicant provided the required FIA as part of the RtS and included an existing and new flood wall as a flood mitigation measure as part of the RTS and SRTS. • Building B was maintained at its proposed level which partially sits below PMF level. Building B flood proof structural information was provided by the Applicant detailing how Building B's construction would ensure flood water during a PMF event would be prevent inundation of its ground floor. • The Department considers the revised FIA as acceptable in its assessment of flood related development controls and flood impacts across the site. The Department considers that that proposed buildings and the flood wall would be suitably constructed to: <ul style="list-style-type: none"> ○ withstand overland flow flood impacts ○ provide safe refuge for occupants during a PMF flood event ○ not result in unacceptable flood risks to users of the site and surrounding properties. • The Department accepts the information provided for the flood wall <p><i>Conditions</i></p> <ul style="list-style-type: none"> • buildings and structures must be constructed from flood compatible components that can withstand flood flows, velocities and associated debris with verification provided from a suitably experienced engineer • preparation of a Construction Flood Emergency Management Plan and operational Flood Emergency Management Plan in consultation with NSW SES • structural engineering details of the flood wall be provided prior to construction and inspection of the flood wall during construction be undertaken with further structural details or strengthening details of the wall be provided if necessary operational Stormwater Infrastructure and Flood Wall Management Plan.
<p><i>Built Form and Urban design</i></p> <ul style="list-style-type: none"> • Building A at 4 storeys presents excessive bulk and scale and does not suit the character of the surrounding low scale residential streetscape • Building A should be reduced from 4 storeys to 3 storeys • The design of new buildings lacks built form breakdown and should be better articulated • The main entrance should be provided without heavy masonry columns, provide visual interest and 	<p><i>Assessment</i></p> <ul style="list-style-type: none"> • The Applicant's RtS and SRTS responded issues raised with information detailing how the project's bulk and scale, urban design and signage would be acceptable. • Department is satisfied that the bulk and scale of Building A's 4 storey form and new buildings' built form and streetscape presentation are acceptable for the following reasons: <ul style="list-style-type: none"> ○ the proposed height, bulk and scale of Building A is an appropriate response between the civic function of the site and surrounding residential character of the streetscape ○ proposed building heights would not result in overshadowing of adjoining residential properties in mid-winter ○ proposed building heights would not result in view loss ○ the school entry and sign provide a suitable sense of arrival and would not be out of context with the educational context of the site.

<p>be well lit</p> <ul style="list-style-type: none"> The school's main sign to Darcy Road should be redesigned to a more sensible scale and be better integrated within the façade. 	
<p><i>Traffic, Transport and Parking</i></p> <ul style="list-style-type: none"> Heavy vehicle movements into and out of the site should be restricted to outside of drop-off and pick-up times Construction worker parking should be provided on site with justification and a parking strategy and monitoring provided if there is no on-site worker parking provided by the Applicant. 	<p><i>Assessment</i></p> <ul style="list-style-type: none"> The Applicant provided additional information which details why heavy vehicle access to the site during drop-off and pick-up times is important to the efficient construction of the project. The Applicant's RTs detailed included on-street parking results which found that of 403 on-street parking spaces within 200m of the site, peak utilisation of existing on street parking was 220 spaces at 3:00pm, leaving 183 available car spaces. <p><i>Conditions</i></p> <ul style="list-style-type: none"> The Department considers that potential heavy vehicle and worker on-street parking impacts could be appropriately managed subject to conditions to require: <ul style="list-style-type: none"> Council approval 48 hours prior to heavy vehicle access to the site mitigation measures to ensure vehicle and pedestrian safety a Construction Worker Transportation Strategy.
<p><i>Universal Access</i></p> <ul style="list-style-type: none"> The development should ensure: <ul style="list-style-type: none"> accessible paths of travel are provided throughout the site and handrails do not encroach into accessible paths of travel wayfinding and shoreline identification is provided all areas of the site comply with relevant BCA standards. 	<p><i>Conditions</i></p> <ul style="list-style-type: none"> Conditions of consent are included which require access and facilities for people with a disability, and all new buildings, structures, and any alterations or additions be constructed in accordance with the relevant requirements of the BCA.
<p><i>Tree and Landscaping</i></p> <ul style="list-style-type: none"> Impact of bulk earthworks and paving and landscaping surrounding trees has not been considered in the arborist report A landscape regenerator should be engaged for the project A Tree Protection Management Plan is recommended and changes to the landscape plans should be made to provide: <ul style="list-style-type: none"> paving details planting of native species from CPW vegetation community relocated tree and proposed shrubs 	<p><i>Assessment</i></p> <ul style="list-style-type: none"> The Applicant provided updated landscape plans and information with the RtS addressing landscaping and tree protection issues raised. The Department is satisfied that landscaping of the site will be undertaken in keeping with relevant native and CPW vegetation community species, and that tree protection measures have been adequately addressed. <p><i>Conditions</i></p> <p>The Department has included conditions to require:</p> <ul style="list-style-type: none"> revised landscape plans a Landscape Management Plan tree protection during construction appointment of a project arborist.
<p><i>Safety and security</i></p> <ul style="list-style-type: none"> Height and scale of perimeter fencing is low 	<p><i>Assessment</i></p> <ul style="list-style-type: none"> Submissions raised concerns regarding the safety of a low height perimeter fence and the mitigation of security issues such as through the use of CCTV.

<ul style="list-style-type: none"> Installation of CCTV should be proposed. 	<p>The school currently has a low height perimeter fence, the proposal includes an upgrade to this fence to the Education Facilities Standards and Guidelines (EFSG). The location of the fence is shown in the Architectural Deign Report and would be constructed of tubular steel security fencing. The Department considers the construction of the permitted fence to EFSG standards is suitable for student safety.</p> <ul style="list-style-type: none"> Submissions also proposed the installation of CCTV security cameras, particularly for the staff carpark off Olive Street. As part of the RtS the Applicant provided a security plan which indicates the location CCTV cameras. The Department supports the inclusion of CCTV in the proposal. <p><i>Conditions</i></p> <ul style="list-style-type: none"> The Department has recommended conditions requiring the development be carried out in accordance with the EIS, RtS and architectural drawings.
<p><i>Public domain</i></p> <ul style="list-style-type: none"> Provision of outdoor seating for pick-up/drop-off Detailed public domain drawings should be provided by the Applicant for Council consideration of planned footpath and road works 	<p><i>Assessment</i></p> <ul style="list-style-type: none"> A submission requested shading seating arrangements outside the school boundary for use by parents picking up students from school. The Applicant has stated it would provide seating within the school boundary which could be utilised by parents when waiting to pick up students from school. The location of the outdoor seating is identified in the amended landscape plans submitted with the RtS. The Department considers that the provision of outdoor seating within the school grounds is adequate. <p><i>Conditions</i></p> <ul style="list-style-type: none"> The Department has provided conditions requiring the development be carried out in accordance with the amended landscape plans. The Department has also provided public domain related conditions where Council is the relevant roads authority, the Applicant must consult with Council and demonstrate to the Certifier that the public domain works meet the requirements of Council.