

# 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-11920082 Hastings Secondary College Port Macquarie Campus Upgrade
<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 conditions.

A copy of the development consent and conditions is available [here](#).

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

### Date of decision

1 December 2021

### 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 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.

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 and community facilities, 42 construction jobs, six operational jobs and \$29.867 million capital investment;
- the project is permissible with development consent, and is consistent with NSW Government policies including:
  - North Coast Regional Plan 2036;
  - Transport for NSW's Future Transport Strategy 2056;
  - Infrastructure NSW's 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. The consent authority has imposed conditions relating to the management of construction impacts, provision of additional landscaping, implementation of a School Transport Plan including sustainable transport measures, and management of operational noise; 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;
- 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 28 May 2021 to 27 July 2021. 36 submissions were received, including 18 objections.

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, transport and parking, built form and urban design, and visual impacts. Other issues are addressed in detail in the Department's Assessment Report.

<i>Issue</i>	<i>Consideration</i>
<p><i>Landscaping</i></p> <ul style="list-style-type: none"> <li>Use of local native species is supported but additional local species are recommended.</li> <li>Demonstrate that the site is not listed as Core Koala Habitat under State Environmental Planning Policy (Koala Habitat Protection 2021).</li> </ul>	<p><i>Assessment</i></p> <ul style="list-style-type: none"> <li>A Koala Assessment Report was included in the RtS that confirmed that the site did not contain core Koala habitat.</li> <li>The Applicant submitted a revised landscaping plan that included additional local species and koala use trees planting.</li> <li>Overall, 72 new trees are to be planted to replace 26 trees to be removed on the site.</li> <li>The Department is satisfied that proposed landscaping would appropriately replace trees to be removed and positively contribute to the character of the site and surrounds.</li> </ul> <p><i>Conditions</i></p> <ul style="list-style-type: none"> <li>A revised landscaping plan be prepared that includes additional planting along the western and northern elevations of the Police Community Youth Club (PCYC) to further screen the building.</li> <li>Street tree planting be provided in Owen Street in consultation with Council.</li> </ul>
<p><i>Parking</i></p> <ul style="list-style-type: none"> <li>No consultation was sought from Council with regards to any proposed changes to the public on-street parking arrangements for the surrounding area.</li> <li>Increased on-street parking would cause noise and amenity impacts to surrounding residents.</li> </ul>	<p><i>Assessment</i></p> <ul style="list-style-type: none"> <li>The Environmental Impact Statement (EIS) included works to increase on-street parking spaces on Church and Gordon Streets.</li> <li>The Applicant removed the on-street parking works in the Response to Submissions (RtS) following consultation with Council.</li> <li>The PCYC includes 19 car parking spaces in the building. The existing school relies on on-street parking and the proposal would not increase student or staff numbers.</li> <li>A Transport Assessment prepared by the Applicant concluded that the proposed 19 on site car parking spaces and existing on-street parking could adequately accommodate expected parking demand from the PCYC.</li> <li>The Department is satisfied that the Applicant has adequately demonstrated that sufficient parking would be available to cater for expected demand generated by the PCYC.</li> </ul> <p><i>Conditions</i></p> <ul style="list-style-type: none"> <li>A School Transport Plan and PCYC Operations Plan be prepared to encourage sustainable travel to the site and reduce demand for parking.</li> </ul>
<p><i>Proposed location of PCYC</i></p> <ul style="list-style-type: none"> <li>Concerns were raised regarding the proposed location of the PCYC facility and suggestions were made that it be located elsewhere.</li> </ul>	<p><i>Assessment</i></p> <ul style="list-style-type: none"> <li>The Applicant provided information to justify the proposed location of the PCYC and setting out why it could not be located elsewhere on the site.</li> <li>The Department is satisfied that the Applicant has provided adequate justification for the location of the proposed new buildings and that the proposal represents a contextually appropriate informed design response.</li> </ul>
<p><i>Visual impact of PCYC</i></p> <ul style="list-style-type: none"> <li>Concerns were raised regarding the impact of the PCYC, particularly on views from residential properties in Owen Street.</li> </ul>	<p><i>Assessment</i></p> <ul style="list-style-type: none"> <li>The Applicant provided a Visual Impact Assessment (VIA) that considered the impact of the proposal on views from the public domain and private properties surrounding the site.</li> <li>The VIA determined that the proposal would significantly change views from properties at 11 Owen Street directly opposite the proposed PCYC.</li> <li>However, the VIA further concluded the impacts are acceptable having regard to the established planning principles set out by the Land and Environment Court.</li> <li>The Department concluded that the proposal would cause a significant change to existing views, particularly to apartments in 11 Owen Street. However, the impacts are acceptable after carefully considering the impacts of the proposal against established planning principles.</li> </ul> <p><i>Conditions</i></p>

	<ul style="list-style-type: none"> <li>• A revised landscaping plan be prepared that includes additional planting along the western elevation of the PCYC to further screen the building.</li> </ul>
<p><i>School facilities</i></p> <ul style="list-style-type: none"> <li>• Further upgrades and capacity uplift are required to meet demand.</li> <li>• Failure to provide for demand will require demountables to be maintained.</li> <li>• There is no plan to provide air-conditioning or fix windows and blinds that do not function.</li> <li>• The proposal would reduce existing science facilities.</li> </ul>	<p><i>Assessment</i></p> <ul style="list-style-type: none"> <li>• The Department accepts the need for strategic planning for timely delivery and effective maintenance of educational infrastructure. However, this is an ongoing exercise undertaken by the Applicant, and investment in new or upgraded facilities is determined on an as needs basis considering demand across NSW.</li> <li>• The Department can only assess the proposal before it, and recognises that the Applicant proposed further works at the school under separate planning assessment processes.</li> </ul>