Notice of decision

Section 2.22 and clause 20 of Schedule 1 of the *Environmental Planning and Assessment Act 1979*

<table>
<thead>
<tr>
<th>Application type</th>
<th>State significant development</th>
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<tr>
<td>Application number</td>
<td>SSD-9491</td>
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<tr>
<td>and project name</td>
<td>Lake Cathie Public School Redevelopment</td>
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<tr>
<td>Applicant</td>
<td>Department of Education</td>
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<tr>
<td>Consent Authority</td>
<td>Minister for Planning and Public Spaces</td>
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**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 the recommended conditions.

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

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

**Date of decision**

30 January 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* (NSW);
- 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. 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 additional and enhanced teaching facilities along with improved amenities for school and public use, 150 construction jobs, 19 full time equivalent jobs and $23,561,761 capital investment;
- the project is permissible with development consent, and is consistent with NSW Government policies including:
  - the North Coast Regional Plan 2036;
  - NSW Future Transport Strategy 2056; and
  - State Infrastructure Strategy 2018 – 2038.
- 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 to manage impacts in relation to potential construction and operational impacts on surrounding land uses;
- 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; 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 Thursday 4 April 2019 until Wednesday 1 May 2019 (28 days) and received seven submissions, comprising six submissions from public agencies and one submission from the general public.

The Department also undertook an inspection of the site.

The key issues raised by the community (including in submissions) and considered in the Department’s Assessment Report and by the decision maker relate to parking, traffic and pick-up/drop off impacts. Other issues are addressed in detail in the Department’s Assessment Report.

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<tr>
<th>Issue</th>
<th>Consideration</th>
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<tr>
<td>Traffic, pick-up/drop-off and parking</td>
<td>Assessment</td>
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<td>• The proposals reliance on the unnamed collector road for the drop-off and pick-up of students via bus and private car is not supported and represents an unacceptable public safety risk.</td>
<td>The Applicant’s Response to Submissions (RtS) included:</td>
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<td>• Suitable justification had not been provided for the proposal’s use of an on-street facility for parking and drop-off and pick-up.</td>
<td>○ a revised Traffic and Parking Assessment (TPA).</td>
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<td>• The collector road would ultimately carry a substantial amount of traffic and is designed to facilitate the flow of this traffic. Proposed on street parking, bus pick-up and drop off, cycleway, opposing intersections and proximity to Ocean Drive would result in traffic congestion, potential conflict points and compromise pedestrian safety.</td>
<td>○ re-designed pick-up and drop-off and bus bay arrangements that retain the existing drop-off and pick-up facilities located within the site and include the provision of three bus bays on the unnamed collector road.</td>
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<td>• All recently approved educational establishments in the LGA have provided for off-street drop-off and pick-up facilities. It is requested that the facility be redesigned to also provide for this outcome.</td>
<td>○ confirmation that the existing on site staff car parking arrangements would remain as existing.</td>
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<td>• Noting the proposed staff and student numbers, there is an insufficient supply of off-street parking, no analysis or commentary is provided to support the proposed reduction in on-site parking.</td>
<td>The revised TPA concluded that any potential impacts from the use of the on site pick-up and drop-off facility would be mitigated through the implementation of a five minute stopping rule in conjunction with marshalling of vehicles using the facilities.</td>
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<td>• The location of pedestrian crossings is not consistent with the location anticipated in the approved subdivision for the area.</td>
<td>The Applicant’s supplementary RtS included a further revised bus bay design in satisfying Council’s requirements, with physical separation between the bays and collector road.</td>
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Conditions

• Conditions require the:
  ○ implementation of the management and mitigations measures in the TPA;
  ○ investigation of the potential to provide additional staff parking by expanding existing carpark;
  ○ implementation of a Construction Traffic Management Plan to manage construction traffic impacts;
  ○ preparation and implementation of a detailed Green Travel Plan to encourage use of alternative modes of transport to the school and reduce reliance on private vehicular trips; and
  ○ preparation of an Operational Transport and Access Management Plan to monitor and manage performance of the drop-off and pick-up and parking arrangements.