

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-9274 Samuel Gilbert Public School Redevelopment
Applicant	DEPARTMENT OF EDUCATION
Consent Authority	Minister for Planning and Public Spaces

Decision

The Minister for Planning and Open 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, Industry and Environment's Assessment Report is available [here](#).

Date of decision

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.

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 capacity to the educational facilities through its redevelopment, \$34,762,000 total capital investment, 50 construction jobs and 35 new operational jobs;
- the project is permissible with development consent, and is consistent with NSW Government policies including the:
 - *A Metropolis of Three Cities – The Greater Sydney Regional Plan*
 - *Greater Sydney Commission's Central City District Plan*
 - *State Infrastructure Strategy 2018-2038*
 - *New Future Transport Strategy 2056*
- 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 consent authority has imposed conditions relating to traffic and parking, sustainable travel and waste management;
- 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 21 November 2018 until 18 December 2018 (28 days) and received 5 submissions, in the nature of objections to the project.

The Department also undertook two site visits.

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 and car parking, built form, amenity, construction impacts, undesirable precedent, and security concerns. Other issues are addressed in detail in the Department's Assessment Report.

<i>Issue</i>	<i>Consideration</i>
Traffic and car parking <ul style="list-style-type: none"> operational traffic insufficient car parking on site 	Assessment <ul style="list-style-type: none"> The Applicants revised Traffic and transport Impact Assessment (TTIA) concludes that the Gilbert Road and Ridgecrop Drive (southernmost and northernmost) intersections are expected to operate with acceptable delays and queue lengths. The Department is satisfied that an adequate level of service would be maintained at the intersections. The Applicant submitted a revised TTIA as part of the Response to Submission (RtS) which provides 38 car parking spaces on site (an addition of 4 spaces). The Applicant's TTIA included a parking survey of the surrounding on-street parking demand. The parking demand survey identified 285 spaces in the adjoining road network with a minimum of 196 and 126 unoccupied spaces during morning and afternoon peaks respectively. The Department recognises that the provision of any further car parking on site could result in a poor design outcome, requiring the removal of trees/landscaping and would impact outdoor recreation spaces and the amenity of surrounding residents. The Department has considered on balance, that the Applicant has made reasonable efforts to maximise car parking on site whilst minimising impacts on native vegetation. Conditions <ul style="list-style-type: none"> Conditions include preparation of an Operational Traffic and Access Management Plan, Green Travel Plan, and investigation to potential use of Council's carpark for overflow staff car parking.
Built form <ul style="list-style-type: none"> Out of character Excessive building height Inadequate front building setback 	Assessment <ul style="list-style-type: none"> The Applicant submitted revised plans as part of the RtS which includes reduced building height, increased front setback, refined form and colour of the building, and refined building façade treatment. The Department considers that the revised building, roof and façade design provide a better outcome for the site and address the concerns raised. Further, the Department considers that the new buildings have been designed in consideration of the need to expand the school within the site constraints, including native vegetation and bush fire protection, and the requirements set out in the Educational Facilities Standards and Guidelines.
Amenity <ul style="list-style-type: none"> Privacy impacts Overshadowing impacts Noise impacts from community use 	Assessment <ul style="list-style-type: none"> The Applicant submitted revised plans which increased the setback of building N to Ridgecrop Drive by 3m and overall building height by 1.3m. The Department concludes that the site is separated from all the adjoining developments by generous setbacks, road reserve and open spaces. The proposed development provides in excess of 25m separation from the proposed buildings N and P, and the nearest house to the south, on Ridgecrop Drive. The Department considers that shadow diagrams submitted with the application demonstrate that the proposed development would not result in any unacceptable shadowing impacts on any residential development near the site. The northern facing windows and private open space areas of the adjoining residential development would receive in excess of three hours of solar access between 9am and 3pm on June 22. The application does not propose any additional community use on site, however they intend to continue the existing community use arrangement. Notwithstanding, the Applicant states that the school would manage the community use of the facilities to ensure that the uses do not adversely impact the amenity of surrounding residents.

	<p><i>Conditions</i></p> <ul style="list-style-type: none"> • Conditions include preparation of an Out of Hours Event Management Plan for the use of school facilities by the community.
<p><i>Construction impacts</i></p> <ul style="list-style-type: none"> • Construction traffic • Construction hours • Construction noise 	<p><i>Assessment</i></p> <ul style="list-style-type: none"> • The Applicant submitted a preliminary Construction Traffic Management Plan (CTMP) within TTIA outlining the management of construction traffic. • The Applicant's EIS proposes construction hours as per Interim Construction Noise Guideline (DECCW, 2009) (ICNG). • The EIS included a preliminary Construction Noise and Vibration Management Plan (CNVMP) and Environmental Noise Assessment Report (ENAR). <p><i>Conditions</i></p> <ul style="list-style-type: none"> • Conditions include preparation of a final CTMP and final CNVMP including management strategies to reduce noise impacts to sensitive receivers, and construction hours in accordance with the ICNG.
<p><i>Other matters</i></p> <ul style="list-style-type: none"> • Consideration of a new school in another area • Undesirable precedent • Security concerns related to the after-hours community uses • Property devaluation • Existing disorderly behaviours of commuters 	<p><i>Assessment</i></p> <ul style="list-style-type: none"> • The Applicant has demonstrated that the proposal is required to meet the education needs of the surrounding area and proposed built form is required given the constraints of the site. • The Applicant provided an assessment of the proposal against the Crime Prevention Through Environmental Design principles that recommends surveillance of entrance, circulation areas and pedestrian entries closed when not in use. • The Department considers that property devaluation is not a matter for consideration under Section 4.15 of the <i>Environmental Planning and Assessment Act 1979</i>. Therefore, no further assessment was required. • The Department notes the disorderly commuter behaviour is an existing situation, and therefore was not considered in the assessment and cannot be conditioned. <p><i>Conditions</i></p> <ul style="list-style-type: none"> • Conditions include preparation and implementation of an Out of Hours Event Management Plan that would include appropriate security arrangements.