

DATE OF DETERMINATION	18 September 2023
DATE OF PANEL DECISION	15 September 2023
PANEL MEMBERS	Steve Murray (Acting Chair), Moninder Singh, Chris Quilkey, Susan Budd, Elizelle Cilliers
APOLOGIES	None
DECLARATIONS OF INTEREST	Abigail Goldberg, David Ryan

Papers circulated electronically on 1 September 2023.

MATTER DETERMINED

PPSSCC-454 – Blacktown – DA-23-00653 at Lot 1 in DP 1285594 Triton Parade & Nabthorpe Parade, Nirimba Fields – Construction of a temporary education establishment (Nirimba Fields Primary School) for 419 students, including construction of a carparking area for 17 vehicles and associated site preparation works, traffic safety measures and landscaping.

PANEL CONSIDERATION AND DECISION

The panel considered: the matters listed at item 6, the material listed at item 7 and the material presented at briefings and the matters listed at item 8 in Schedule 1.

Development application

The panel determined to approve the development application pursuant to section 4.16 of the *Environmental Planning and Assessment Act 1979*.

The decision was unanimous.

REASONS FOR THE DECISION

The panel determined to approve the application for the reasons outlined in the council assessment report.

CONDITIONS

The development application was approved subject to the conditions in the council assessment report with the following amendments.

- Condition 2.1.2 shall read:
Unless otherwise approved, the temporary school facilities must be removed by 31 December 2027.
- Conditions 3.4, 4.1.4 and 4.2.7 be combined to prior to CC matters in a single condition. Delete Condition 3.4 and replace it with the following consolidated condition:

Prior to Crown Certification, in accordance with the recommendations of the Detailed Site (Contamination) Investigation 219660.00 Doc R.001. Rev0 prepared by Douglas Partners, a Construction Environmental Management Plan (CEMP) must be developed and implemented as part of the civil and construction works. This must be submitted to Council for review. The Construction Environmental Management Plan is to include:




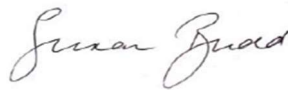

- noise and vibration control,
- proposed schedule of works and hours of works,
- sediment and erosion control,
- dust control,
- salinity management plan,

- proposed means of controlling any activity that could potentially cause a pollution incident as defined by the Protection of the Environment Operations Act 1997.
- a protocol for managing unexpected finds of contamination (or suspected contamination) and a protocol for the waste classification (in accordance with the NSW EPA Waste Classification Guidelines, Part 1: Classifying Waste 2014) and off-site disposal of surplus soils. Any PFAS impacted soils brought to the surface through the proposed works (i.e., any piling spoil from below 3 m in the PFAS MEA) are not suitable for re-use within the site and must be disposed to landfill under a formal waste classification.
- reference to work being carried out, on or in land where there is a PFAS Material Emplacement Area. The Construction Environmental Management Plan must make reference to this in all site induction checklists.

Delete conditions 4.1.4 and 4.2.7

CONSIDERATION OF COMMUNITY VIEWS

In coming to its decision, the panel notes that no written submissions were made during public exhibition and therefore no issues of concern were raised.

PANEL MEMBERS	
 Stephen Murray (Acting Chair)	 Chris Quilkey
 Moninder Singh	 Susan Budd
 Elizelle Cilliers	

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	PPSSCC-454 – Blacktown – DA-23-00653
2	PROPOSED DEVELOPMENT	Construction of a temporary education establishment (Nirimba Fields Primary School) for 419 students, including construction of a carparking area for 17 vehicles and associated site preparation works, traffic safety measures and landscaping.
3	STREET ADDRESS	Lot 1 in DP 1285594 Triton Parade & Nabthorpe Parade, Nirimba Fields
4	APPLICANT/OWNER	Barry Hayes (Applicant) / NSW Department of Educations (Owner)
5	TYPE OF REGIONAL DEVELOPMENT	Crown development over \$5 million
6	RELEVANT MANDATORY CONSIDERATIONS	<ul style="list-style-type: none"> Environmental planning instruments: <ul style="list-style-type: none"> State Environmental Planning Policy (Planning Systems) 2021. State Environmental Planning Policy (Precincts - Central River City) 2021. State Environmental Planning Policy (Resilience and Hazards) 2021. State Environmental Planning Policy (Transport and Infrastructure) 2021. State Environmental Planning Policy (Industry and Employment) 2021. Draft environmental planning instruments: Nil Development control plans: <ul style="list-style-type: none"> Blacktown City Council Growth Centre Precincts Development Control Plan 2010. Planning agreements: Nil Provisions of the <i>Environmental Planning and Assessment Regulation 2021</i>: Nil Coastal zone management plan: Nil The likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality The suitability of the site for the development Any submissions made in accordance with the <i>Environmental Planning and Assessment Act 1979</i> or regulations The public interest, including the principles of ecologically sustainable development
7	MATERIAL CONSIDERED BY THE PANEL	<ul style="list-style-type: none"> Council assessment report: 28 August 2023 Written submissions during public exhibition: 0
8	MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> Briefing: 20 July 2023 <ul style="list-style-type: none"> Panel members: Abigail Goldberg (Chair), Steve Murray, Moninder Singh, Chris Quilkey Council assessment staff: Alan Middlemiss
9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Attached to the council assessment report