



International Chinese School Modification 2

State Significant Development Modification Assessment
(SSD-10260-Mod-2)

December 2021

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Glossary

Abbreviation	Definition
Applicant	Trustee for Anglo Australian Christian and Charitable Trust
BDAR	Biodiversity Development Assessment Report
Cemetery	Gore Hill Memorial Cemetery
Council	Willoughby City Council
Deed	Deed of Agreement
Department	Department of Planning, Industry and Environment
DOPU	Drop-off and pick-up
EESG	Environment, Energy and Science Group
EP&A Act	<i>Environmental Planning and Assessment Act 1979</i>
EP&A Regulation	Environmental Planning and Assessment Regulation 2000
EPBC Act	<i>Environment Protection and Biodiversity Conservation Act 1999</i>
ESD	Ecologically Sustainable Development
GHP	Gore Hill Park
ICS	International Chinese School
ISTMP	Interim Student Transport Management Plan
Minister	Minister for Planning and Public Spaces
Planning Secretary	Secretary of the Department of Planning, Industry and Environment
RFI	Request for Information
SSD	State Significant Development
TfNSW	Transport for NSW
WAD	Works Authorisation Deed

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1 Introduction

This report provides the NSW Department of Planning, Industry and Environment's (the Department's) assessment of an application to modify the State significant development (SSD) consent for the International Chinese School (ICS) at St Leonards (SSD-10260).

The modification application seeks consent to increase the school's approved population from 74 to 90 students in the interim stages of the development, and to amend the approved timeframe to complete the infrastructure works required in Stages 2 and 3.

The modification application has been lodged by Ethos Urban on behalf of the Trustee for Anglo Australian Christian and Charitable Trust (the Applicant) pursuant to section 4.55(1A) of the *Environmental Planning and Assessment Act 1979* (EP&A Act).

1.1 Background

The site is located at 211 Pacific Highway, St Leonards and is legally described as Lot 101 DP 791327 in the City of Willoughby local government area. The site is located approximately four kilometres (km) south of Chatswood Railway Station, 3 km north-west of the North Sydney Central Business District and 500 metres west of St Leonards Railway Station. The regional context is shown in **Figure 1**.

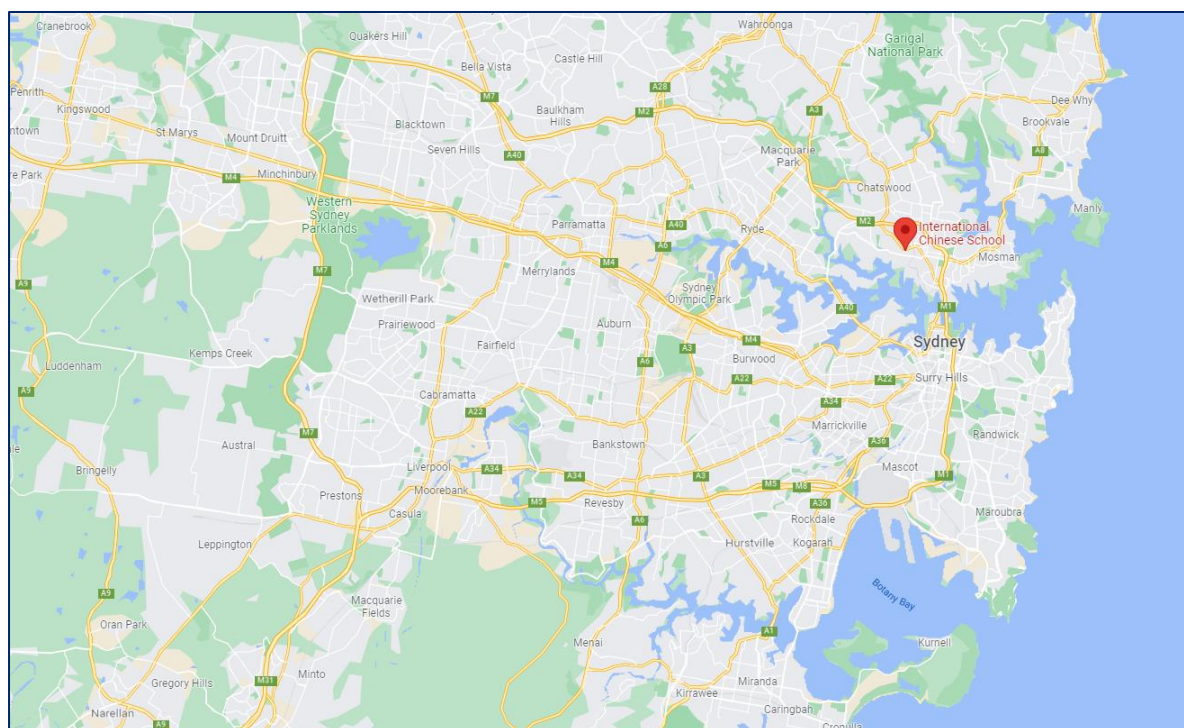


Figure 1 | Regional context (Source: Google Maps 2021)

The site is located within the Gore Hill Memorial Cemetery (the Cemetery), which is Crown land managed by the Northern Metropolitan Cemeteries Trust and is bordered by Westbourne Street to the north, Reserve Road and Gore Hill Park (GHP) to the east, and the Pacific Highway to the south and west. The Cemetery comprises three allotments, including:

- Lot 1 DP 1191604 – ‘The Avenue’ a former road reserve used for service access, which runs from southeast to northwest from the Pacific Highway to Westbourne Street, across the Cemetery.
- Lot 102 DP 791327 – burial grounds occupied by the Cemetery on both sides of The Avenue.
- Lot 101 DP 791327 - site of the former caretaker’s cottage located at the southern end of the Cemetery with frontage to Pacific Highway. This lot is currently occupied by the International Chinese School building.

The Cemetery is listed on the State Heritage Register (Item No. 01491) and under Section 5 of the Willoughby Local Environmental Plan 2012 (Item No. 1148). GHP and its associated public carpark are managed by Willoughby City Council (Council) and adjoin the Cemetery to the south-east. Vehicular access to this carpark is provided directly from the Pacific Highway.

The Applicant obtained development consent in July 2020 for the temporary occupation / limited consent for a period of five years of Lot 101 DP 791327 (the former caretaker’s cottage) for the purpose of a new school. The allotment is triangular in shape with an area of approximately 1636m² located at the southern end of the Cemetery and is bound by the Pacific Highway to the south and The Avenue to the east.

The area of all three lots and the subject site is shown in **Figure 2** (shaded blue).

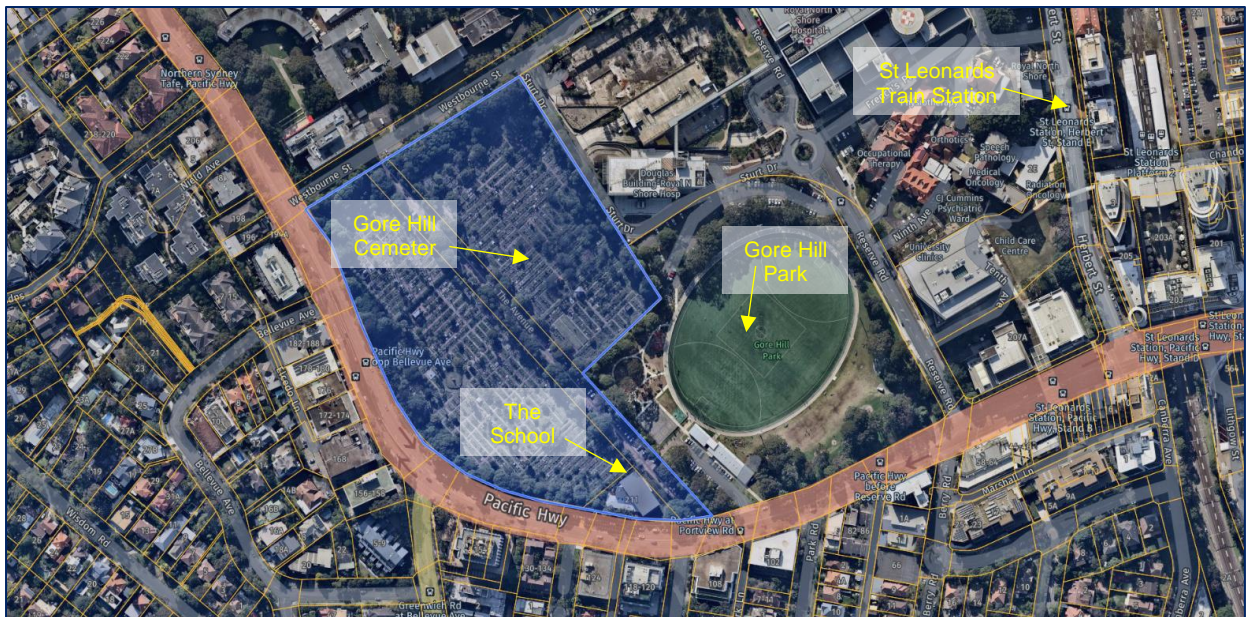


Figure 2 | Local context (Source: Nearmap 2021)

1.2 Approval history

On 16 July 2020, development consent was granted by the Acting Executive Director, Infrastructure Assessments, for the use of an existing building as a new school (the International Chinese School), for up to 160 students (Kindergarten – Year 6) and associated works in three stages, including:

- construction of a one-way vehicular loop road within The Avenue to accommodate a drop-off / pick-up zone for five vehicles.

- construction of three car parking spaces and modifications to the entry/exit within the public carpark of Gore Hill Park.
- construction of a deceleration lane on the Pacific Highway and the entry to the public carpark adjoining Gore Hill Park.
- landscaping, planting, security fencing and pathways.
- school building identification signage.

The approved development has been modified on one occasion (**Table 1**).

Table 1 | Summary of Modifications

Mod No.	Summary of Modification	Determining Authority	Type	Date
MOD 1	Increased student numbers from 63 to 74 in the interim stages of the development and prior to completion of Stages 2 and 3 infrastructure works.	Department	4.55(1A)	21 July 2021

1.3 Background to the application

The ICS formerly operated from St Paul’s Anglican Church at 1 View Street, Chatswood and catered for 35 students in Kindergarten to Year 4. The school was required to relocate at the end of 2019 as the lease at its Chatswood premises was terminating, and the school sought to increase its capacity to also accommodate students in Years 5 and 6.

The site at 211 Pacific Highway, St Leonards was considered by the Applicant to be a suitable option for the school as the former commercial office building on the site provided sufficient space to create up to eight classrooms, staff and study facilities. An application to adaptively re-use the existing building on the site for the purposes of a school (SSD-10260) was subsequently submitted to the Department in August 2019.

The Department’s assessment of the application considered the site to be highly constrained as the school would be reliant upon the adjacent GHP public car park for vehicle access, as well as the GHP sporting oval for open space area for students. There was also uncertainty in relation to the school’s ongoing use of GHP and the associated public car park due to Council’s planned Stage 2 redevelopment of GHP.

The Department’s assessment of the original application concluded that the site at St Leonards could be made suitable for use as a school for a limited period of time only (i.e. prior to the commencement of Council’s Stage 2 redevelopment of GHP). A time limited consent of five years was therefore granted for the application, with the consent to lapse on 16 July 2025. Notwithstanding, the conditions of consent require the use of the site for the purpose of a school to cease if access to the GHP public carpark cannot be maintained due to the planned Stage 2 redevelopment of GHP.

Key components of the consent, as relevant to the proposed modification, are discussed below.

Project staging

The development consent (as modified as part of SSD-10260-Mod-1) requires operation of the ICS to be carried out in stages, subject to the completion of infrastructure works and landscaping, as follows:

- Stage 1 – use of the existing building with a maximum of 74 students, completion of landscaping, fencing and signage.
- Stage 2 – completion of the drop-off and pick-up zone (DOPU) within The Avenue and completion of all works within the public carpark (within six months of the commencement of Stage 1).
- Stage 3 – completion of a deceleration lane and associated works on the Pacific Highway (within nine months of the commencement of Stage 1 or prior to the student numbers exceeding 74).

The Applicant's modification report stated that the ICS commenced operation on 4 February 2021 and is currently operating with a population of 74 students and 10 staff (Stage 1). The Applicant's modification report further stated that the Stage 2 works were completed in June 2021 and that a Stage 2 Occupation Certificate is expected to be issued on 20 December 2021. The Department notes that the consent does not specifically require an Occupation Certificate for Stage 2, rather the Deed for Construction of Works between the ICS and Council requires a 'Certificate of Completion' to be submitted and accepted by Council. This is the certification that will need to be obtained for the Stage 2 works to be formally completed.

At the time the modification application was lodged, the Stage 3 works involving the construction of a deceleration lane and associated works on the Pacific Highway were yet to commence.

Student and staff numbers

The development consent allows the ICS to operate with a maximum of 160 students, 15 full-time equivalent staff and up to 25 students attending the out-of-school hours program. However, the school is limited to a maximum capacity of 74 students until the Pacific Highway deceleration lane and associated works required in Stage 3 have been completed and is operational.

Interim DOPU arrangements

The school is currently operating in accordance with the interim DOPU arrangement under Condition E6 and must be complied with until the DOPU zone within The Avenue has been constructed by the Applicant and is operational.

The interim DOPU arrangement requires parents to drop off students in the morning at the former ICS site at St Paul's Anglican Church in Chatswood. The students are then transported (via minibus) to the subject site in St Leonards for the commencement of classes. At the completion of the school day in the afternoon, students are returned by minibus to the former ICS site in Chatswood where they are picked up by their parents.

The interim DOPU arrangement currently operates in accordance with an approved ICS Interim Student Transport Management Plan (ISTMP) as required under Condition E6 of the original development consent. The ISTMP restricts DOPU activities to a maximum of four minibus movements at 15-minute intervals in both the morning and afternoon DOPU times. Only one minibus is permitted to access the GHP public carpark and The Avenue at any one time, and a school marshal is employed at the site to ensure the safety of students during the DOPU periods.

2 Proposed modification

The modification application sought consent to:

- Increase the ICS's approved population from 74 to 90 students in the interim stages of the development, prior to completion of the Pacific Highway deceleration lane and associated infrastructure works required under Conditions B3 to B6 of the consent.
- extend the timeframe to complete Stage 2 works for the DOPU zone within The Avenue and within the GHP public carpark, to 12 months from the commence of Stage 1 operation (rather than six months as currently required by the consent).
- extend the timeframe to complete Stage 3 works for the construction of a deceleration lane and associated works on the Pacific Highway, to 15 months from the commencement of Stage 1 operation (rather than nine months as currently required by the consent) or prior to the student numbers exceeding 90.

To facilitate the proposed modification, the Applicant sought to amend the conditions outlined below. The proposed amendments to the conditions are indicated in bold and strikethrough.

Student and Staff Numbers

A11. *Prior to the student numbers at ICS exceeding ~~74~~ **90** students or within ~~9~~ **15** months of commencement of operation, unless otherwise agreed by the Planning Secretary, a deceleration lane, removal of driveway crossing, and associated pedestrian fencing and footpath, as identified in the plans listed in condition A2, must be constructed with appropriate approvals obtained from Transport for NSW (TfNSW) and Council (where applicable) and be operational.*

Staging

A18. *The commencement of construction works and operation of the Site as ICS must be undertaken in accordance with the following stages:*

- (a) Stage 1 – use of the existing building as ICS with a maximum of ~~74~~ **90** students, completion of landscaping, fencing and signage within 211 Pacific Highway, St Leonards;*
- (b) Stage 2 – Within ~~6~~ **12** months of commencement of Stage 1 completion of drop-off / pick-up zone within The Avenue and operation of this area including completion of all works within the public carpark, unless an alternate timing is agreed by the Planning Secretary; and*
- (c) Stage 3 – Within ~~9~~ **15** months of Stage 1 or prior to student numbers exceeding ~~74~~ **90**, completion of the deceleration lane and associated works, unless an alternate timing is agreed by the Planning Secretary.*

Independent Environmental Audit

A35. *Table 1 of the Independent Audit Post Approval Requirements, is amended so that the Independent Audit Schedule frequency of Independent Audits required in the operational phase is:*

- (a) An initial operational Independent Audit must be undertaken within three months of the notified commencement date of operation; and*
- (b) A subsequent operational Independent Audit must be undertaken no later 3 months of student numbers exceeding ~~74~~ **90**.*

Green Travel Plan

E33. Prior to the student numbers exceeding **74 90**, a final Green Travel Plan (GTP), must be submitted to the satisfaction of the Certifier and a copy submitted to Council for information, to promote the use of active and sustainable transport modes. The plan must:

- (a) be prepared by a suitably qualified traffic consultant in consultation with TfNSW;
- (b) include operational hours including OOSH and provide number of trips made during these periods;
- (c) confirm staging of student enrolments;
- (d) identify school enrolment catchment and proportion students reside within walking and cycling distance;
- (e) confirm number of students eligible for School Student Transport scheme;
- (f) include a Travel Access Guide to provide materials that are easily understood by students;
- (g) details of access provisions for students with special needs;
- (h) include objectives and modes share targets (i.e. Site and land use specific, measurable and achievable and timeframes for implementation) to define the direction and purpose of the GTP;
- (i) include specific tools and actions to help achieve the objectives and mode share targets;
- (j) include measures to promote and support the implementation of the plan, including financial and human resource requirements, roles and responsibilities for relevant employees involved in the implementation of the GTP; and
- (k) include details regarding the methodology and monitoring / review program to measure the effectiveness of the objectives and mode share targets of the GTP, including the frequency of monitoring and the requirement for travel surveys to identify travel behaviours of users of the development.

Operational Management Plan

E35. The OMP must be submitted to the Certifier for approval and a copy submitted to Council after approval. The OMP must be updated prior to:

- (a) Completion of the drop-off / pick-up zone within The Avenue; and
- (b) Prior to increase in student numbers beyond **74 90**.

Completion of roadworks /deceleration lane and dedication of land

F2. Prior to the student numbers exceeding **74 90**, the following evidence must be submitted to the satisfaction of the Certifier and a copy submitted to Council for information:

- (a) all roadworks including removal of the driveway, reinstatement of kerb and gutter, construction of the deceleration lane, construction of realigned pedestrian pathway and pedestrian fence have been completed;
- (b) associated infrastructure upgrades (including relevant stormwater works) have been completed;
- (c) signage and line-marking has been completed;
- (d) relevant agency approvals have been obtained;
- (e) matters in relation to dedication of the deceleration lane to TfNSW have been completed; and
- (f) relevant boundary adjustment is completed and registered.

3 Strategic context

The development, as modified, remains consistent with the assessment of the strategic context in the original application and would not alter the key components or outcomes of the proposal.

The Department considers the development, as modified, would remain consistent with the relevant provisions of the:

- NSW State Priorities, as it would improve economic competitiveness and educational results by ensuring the continued operation and expansion of a primary school that offers a dual language program in English and Mandarin.
- North District Plan, as it aligns with the directions and planning priorities outlined in the plan, in particular the growth of the St Leonards Health and Education Precinct and the creation of education opportunities to meet the future needs of a multicultural community.
- State Infrastructure Strategy 2018 – 2038 Building the Momentum, as it would deliver a new educational facility to meet the needs of the growing population and economy.

4 Statutory context

4.1 Scope of modifications

The Department has reviewed the scope of the modification application and considers that the application can be characterised as a modification involving minimal environmental impact as the proposal:

- would not significantly increase the environmental impacts of the project as approved.
- is substantially the same development as originally approved.
- would not involve any further disturbance outside the already approved disturbance areas for the project.

Therefore, the Department is satisfied the proposed modification is within the scope of section 4.55(1A) of the EP&A Act and does not constitute a new development application.

Accordingly, the Department considers that the application should be assessed and determined under section 4.55(1A) of the EP&A Act rather than requiring a new development application to be lodged.

4.2 Consent authority

Minister's delegate as consent authority

The Minister for Planning and Public Spaces (the Minister) is the consent authority for the application under section 4.5(a) of the EP&A Act. However, under the Minister's delegation dated 26 April 2021, the Team Leader, School Infrastructure Assessments, may determine the application as:

- the relevant local council has not made an objection.
- a political disclosure statement has not been made.
- there were no public submissions by way of objection.

4.3 Mandatory matters for consideration

Section 4.55(1A) of the EP&A Act requires the matters listed in **Table 2** to be considered for a modification application involving minimal environmental impact.

Table 2 | Consideration of the proposal against the objects of the EP&A Act

Matter	Consideration
Whether the proposed modification is of minimal environmental impact.	<p>The proposed modification is considered to be of minimal environmental impact and would not involve any additional physical works or impacts outside of the approved disturbance area for the project.</p> <p>Further, the proposed modification would not require any additional vehicle movements to and from the site.</p>

Matter	Consideration
Whether the development to which the consent as modified related is substantially the same development.	The development, as proposed to be modified, is considered to be substantially the same development for which the consent was originally granted.
Whether notification has occurred, and any submissions have been considered.	<p>In accordance with the Environmental Planning and Assessment Regulation 2000 (EP&A Regulation), the notification requirements for an application under section 4.55(1A) of the EP&A Act do not apply if the application is in respect of SSD. Accordingly, the application was not formally notified or advertised.</p> <p>However, the modification application was referred to Council and Transport or NSW(TfNSW) for comment and was made publicly available on the Department's website. The Department's engagement is discussed further in Section 5.</p>
Any submission made concerning the proposed modification has been considered.	Comments were received from Council and TfNSW and have been considered by the Department as part of its assessment of the modification application in Section 6 .
Any relevant provisions of section 4.15(1) of the EP&A Act.	The Department conducted a comprehensive assessment of the project against the mandatory matters for consideration as part of the original assessment of SSD-10260. The Department considers the modification application does not result in any significant changes that would alter the conclusions made as part of that assessment.
Consideration of the reasons for the granting of the consent that is sought to be modified.	The Department has considered the findings and recommendations of the Department's Assessment Report for SSD-10260. The Department is satisfied that the key reasons for the granting of consent continue to apply to the development, as proposed to be modified.

4.4 Biodiversity Conservation Act 2016

On 3 June 2019, the Environment, Energy and Science Group (EESG) of the Department determined that the proposal would not be likely to have a significant impact on biodiversity values and that a Biodiversity Development Assessment Report (BDAR) was not required to accompany the original SSD application under section 7.9(2) of the *Biodiversity Conservation Act 2016*.

The Department supported EESG's decision and it was determined that the application was not required to be accompanied by a BDAR.

The Department is satisfied that the BDAR waiver continues to apply to the modification application as the proposed amendments are not likely to have any significant impact on biodiversity values on or surrounding the site.

5 Engagement

Clause 117(3B) of the EP&A Regulation specifies that the notification requirements for an application under section 4.55(1A) of the EP&A Act do not apply if the application is in respect of SSD. The modification application was, therefore, not formally notified or advertised.

However, it was made publicly available on the Department's website and was referred to Council and TfNSW for comment. No submissions from the public were received on the application.

The Department has considered the comments raised by Council and TfNSW as part of its assessment of the modification application (**Section 6**) and by way of recommended conditions in the instrument of modification (**Appendix C**). The matters raised in the submissions are summarised below.

Council

Council raised no objection to the proposed increase in student numbers or the extended timeframes to complete Stages 2 and 3 works. Council also advised in its submission that they had received correspondence from the ICS notifying that the existing DOPU location at St Paul's Anglican Church in Chatswood would not be continued. Accordingly, it would be the ICS's responsibility to identify a new DOPU location.

Additionally, Council reiterated its previous concerns made in response to the original application and subsequent modification (Mod 1) including the appropriateness the site to accommodate the school and Council's intention to commence the GHP redevelopment works (bulk excavation) in early 2023, at which time the ICS would lose vehicle access via the GHP public carpark.

Council further advised that the Deed for Construction of Works was executed on 14 October 2020, the Deed for Access and Parking was executed on 9 November 2021 and that the Short-Term Licence was being progressed but is not yet finalised.

TfNSW

TfNSW advised that it was unaware of any delay in progressing the works associated with the approved development, specifically in regard to the civil works on the Pacific Highway (deceleration lane) that required approval from TfNSW.

TfNSW provided a copy of the executed Works Authorisation Deed (WAD) for the relevant infrastructure works (dated 29 November 2021) as part of its submission on the modification application. TfNSW advised that the proposed amendments to increase the interim student numbers, but to delay the supporting infrastructure, could not be supported on the basis of 'agency delay' given that the WAD had now been executed.

5.1 Request for Information (RFI)

On 1 December 2021, the Department requested further information from the Applicant, including confirmation in relation to:

- the anticipated timeframe to complete Stage 3 works, including confirmation that sufficient timing was proposed as part of the modification application for the infrastructure to be constructed and be operational.
- the existing student DOPU arrangements from St Paul's Anglican Church in Chatswood and whether the existing approved arrangement was sought to be modified as part of the modification application.

On 10 December 2021, the Applicant provided a response the Department's RFI (**Appendix B**) and confirmed that:

- the Stage 2 Occupation Certificate (i.e. Council's acceptance of the Certificate of Completion) is expected in December 2021, therefore resolving the timing concerns for that stage.
- the Stage 3 works have an assumed construction program of 18 weeks (representing the worst-case scenario) and a revised date of completion to 30 May 2022 is now proposed.
- changes to the approved student DOPU arrangement does not form part of the modification application and any amendments in relation to this matter would be sought as part of a separate application.

6 Assessment

The Department has considered the modification application in the context of the approved development (SSD-10260) in its assessment. Consideration of the proposed amendments are assessed below.

6.1 Increased Stage 1 student population

The modification application proposes an increase of 16 students, subsequently increasing the school's maximum capacity from 74 to 90 students in the interim stages of the development (Stage 1). The additional students on the site are sought prior to completion of the Pacific Highway deceleration lane and associated infrastructure works which are required under Conditions B3 to B6 of the consent (Stage 3 works).

The ICS currently operates in accordance with the interim DOPU arrangements set out under Condition E6 of the consent that requires all students to be transported from the DOPU location in Chatswood and the subject site at St Leonards in both the morning and afternoon periods. The interim DOPU arrangement operates in accordance with an endorsed ISTMP and includes the use of four 22-seat minibuses to transport students at staggered 15-minute intervals.

To support the proposed increase in Stage 1 student numbers, the Applicant submitted a revised ISTMP (dated November 2021) as part of the modification application which indicated that a maximum of 88 students (increased from the approved 74 students) would be transported to and from the site. No changes were proposed to the existing transport arrangements.

The Applicant considered the four 22-seat minibus trips (88-seat capacity overall) would be sufficient and that no additional bus trips would be necessary, despite the proposed increase to 90 students in Stage 1. This was on the basis that a number of existing students are children of school staff who would accompany their parents (via alternative means of transport) and would not need to use the school bus. Further, several existing students live locally and could therefore walk to and from school.

The submissions received from Council and TfNSW did not raise any concerns in relation to the additional 16 students proposed in Stage 1.

Department's consideration

The Department notes that it would not be possible to transport 90 students to and from the DOPU location in Chatswood and the ICS site in St Leonards without increasing the approved number of bus movements. This is on the basis that the existing arrangement (i.e. four 22-seat minibus trips) could accommodate a maximum of 88 students only.

The Department considers that the Applicant has not reasonably justified that the proposed 90-student capacity in Stage 1 is acceptable, as:

- no formal request has been made as part of the modification application to amend Condition E6(a) which requires the parents of all students to drop-off and pick-up students only from the DOPU location in Chatswood in Stage 1.
- requiring the students of staff to accompany them to and from school (via alternative means of transport) and anticipating that some students would walk to and from school does not present

a realistic solution, as there is no certainty that these requirements would be maintained for the life of the development.

- no new conditions of consent have been proposed that would otherwise ensure the requirements outlined above can be enforced in the future.
- the revised ISTMP accounts for only 88 students and makes no reference to students that would walk to and from school or to students of staff that would otherwise accompany them via alternative means of transport.

On this basis, the Department has recommended that the Stage 1 student population be capped at a maximum of 88 students only. This would ensure that no additional bus trips would be required to transport students to and from the site via the Pacific Highway.

The Department is satisfied that the operation of the school would continue to be bound by the existing interim DOPU arrangements and endorsed ISTMP required under Condition E6 of the development consent. Once the Stage 3 works are completed and operational, the school can progress to the maximum student capacity of 160 students, as outlined under Condition A13.

6.2 Extended timeframe to complete Stage 2 and Stage 3 works

Condition A18 requires Stage 2 works to be completed and be operational within six-months and Stage 3 works within nine-months of the commencement of Stage 1 operation. The Applicant seeks for an extended timeframe from the date of the ICS operation (4 February 2021) to complete the works under each of these stages, including:

- Stage 2 within 12 months of the commencement of Stage 1 (rather than six months), which would require completion no later than 4 February 2022.
- Stage 3 was initially proposed to be completed within approximately 15 months of the commencement of Stage 1 (rather than nine months) or prior to the student numbers exceeding 90. Following response to the RFI, the Applicant requested a further extension to 30 May 2022, to allow for a worst-case construction timeframe of 18 weeks.

Department's consideration

The Department notes that the Stage 2 infrastructure works are completed and that the Certificate of Completion is currently pending acceptance by Council. Accordingly, the proposed 12-month timeframe (from the date of Stage 1 commencement) to complete Stage 2 is considered acceptable.

In relation to the Stage 3, the Department notes that the WAD for the Pacific Highway deceleration lane has been issued by TfNSW and that the Applicant intends to commence construction in early 2022. The Department accepts that Stage 3 works may take the Applicant 18 weeks to complete, based on a worst-case construction scenario. Therefore, the proposed extension to 30 May 2022 to complete the infrastructure works is considered acceptable.

7 Evaluation

The Department has reviewed the Applicant's Modification Report, the response to the Department's RFI and assessed the merits of the modified proposal. The Department is satisfied that all environmental issues associated with the proposal have been thoroughly addressed.

The approved development would not significantly change as a result of the proposed modification. Further, the Department's existing conditions of consent and the recommended conditions of consent would ensure the ongoing environmental management of the development.

The Department considers that the application is consistent with the objects of the EP&A Act and continues to be consistent with strategic directions for the State.

The Department concludes the impacts of the proposed modification are acceptable. Consequently, the Department considers the development is in the public interest and the modification application should be approved.

8 Recommendation

It is recommended that the Team Leader, School Infrastructure Assessments, as delegate of the Minister for Planning and Public Spaces:

- **considers** the findings and recommendations of this report.
- **determines** that the application SSD-10260-Mod-2 falls within the scope of section 4.55(1A) of the EP&A Act.
- **forms the opinion** under section 7.17(2)(c) of the *Biodiversity Conservation Act 2016* that a biodiversity assessment report is not required to be submitted in relation to this application as the modification will not increase the impact on biodiversity values of the site.
- **accepts and adopts** all of the findings and recommendations in this report as the reasons for making the decision to approve the modification.
- **modify** the consent SSD-10260.
- **signs** the attached approval of the modification (**Appendix C**).

Prepared by:



Gavin Ho
Planning Officer
School Infrastructure Assessments

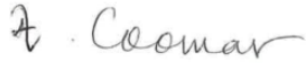
Recommended by:



Brent Devine
Principal Planner
School Infrastructure Assessments

9 Determination

The recommendation is **adopted** by:



17/12/2021

Aditi Coomar

Team Leader

School Infrastructure Assessments

as delegate of the Minister for Planning and Public Spaces

Appendices

Appendix A – List of Documents

<http://mpweb.planningportal.nsw.gov.au/major-projects/project/43291>

Appendix B – Response to Request for Information

<http://mpweb.planningportal.nsw.gov.au/major-projects/project/43291>

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