

File Ref: 20/083

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Department of Planning
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S4.55 Modification to Consent SSD-10380.

This application has been prepared by HDB Town Planning and Design on behalf of *Richard Gill School* to lodge a s4.55 application in relation to SSD-10380 for the property at 157 Maitland Street, Muswellbrook.

This application seeks to amend Condition E13 of the consent, pursuant to s4.55 (1A) of *Environmental Planning & Assessment Act 1979* (the Act).

The application has been prepared in accordance with s4.55 of the *Environmental Planning and Assessment Act 1979* and Clause 115 of the Environmental Planning & Assessment Regulation 2000 for an application to modify development consents.

Further to this, as required this application has been prepared in accordance with the correspondence date 14 December 2020. As such the application addresses all the nominated issues to assist the Department of Planning in assessing/determining the application.

1.0 Approved Development

The development (of the Richard Gill School) will involve the adaptive reuse of the existing Muswellbrook Shire Council administration building for the purpose of a K-2 primary school, to cater up to 50 students comprising:

- Alterations to the existing building.
- Construction of a new playground/play space; and
- Minor landscaping works.

The site includes an existing car park area that will continue to support the approved use. As such no physical works other than minor line marking are proposed in this area.

2.0 Proposed Modification

As noted above, at this stage, there is no proposal to or requirement (on behalf of the school) for the car parking to be upgraded. In seeking to comply with the conditions nominated under E13 it became evident that physical works would be needed to meet the prescribed conditions. As such the modification proposes to:

- Remove the reference to AS 2890.6:2009 and the associated conditions relating to parking facilities under E13 (b).
- Remove the reference to AS 2890.6:2009 and the associated conditions relating to parking facilities under E13 (e).

3.0 S4.55 Modification

This application is made under s4.55 (1A). It is considered that the application meets the requirements of s4.55 (1A) as follows:

(a) it is satisfied that the proposed modification is of minimal environmental impact.

Comment

The amendment of the condition to seek to reflect the existing car park provision will have no environmental impact. It will in fact save the proponent from having to remove and dispose of existing bitumen, and undertake earthworks that are considered unnecessary. As such the proposed modification is of minimal environmental impact.

(b) it is satisfied that the development to which the consent as modified relates is substantially the same development as the development for which the consent was originally granted and before that consent was originally granted was modified (if at all).

Comment

The amendment of the condition will have no impact on the approved use or operation of the school. The amendment only seeks to update the condition to reflect the current situation and the proponent's intent, in regards to minimising civil works at this stage. As such, the development to which the consent as modified relates is substantially the same development as the development for which the consent was originally granted.

3.1 Detail Description of the Proposed Modification

To facilitate the amendment as outlined in Section 2.0, the following amendments are proposed to the Conditions of Consent as presently in place.

Existing Condition

E13. Prior to the commencement of operation, or other timeframe agreed in writing by the Planning Secretary, evidence must be submitted to the satisfaction of the Certifier that demonstrates that:

- (a) *appropriate line-marking and wayfinding-signage has been included to identify the:*
 - (i) *drop-off and pick-up zone with appropriate parking restrictions;*
 - (ii) *staff and visitor car parking areas;*

- (iii) *mini-bus parking, coach parking areas; and*
- (iv) *overflow car parking area at the rear of the existing building.*
- (b) *bollard(s) have placed in the shared space of the disabled parking space(s) in accordance with AS 2890.6:2009 Parking facilities – Off-street parking for people with disabilities;*
- (c) *all vehicles can enter and leave the site in a forward direction;*
- (d) *a minimum of 14 on-site car parking spaces for use by staff during operation of the development has been provided;*
- (e) *the car parking area with 35 car spaces are provided in the drop-off and pick-up zone and includes two disabled parking spaces in accordance with AS 2890.6;*
- (f) *the swept path of the longest vehicle entering and exiting the site in association with the new work, as well as manoeuvrability through the site, is in accordance with the latest version of AS 2890.2; and*
- (g) *a minimum of three staff and visitor/student bicycle parking spaces are provided;*
- (h) *the layout, design and security of bicycle facilities comply with the minimum requirements of the latest version of AS 2890.3:2015 Parking facilities - Bicycle parking, and are located in easy to access, well-lit areas that incorporate passive surveillance; and*
- (i) *appropriate pedestrian and cyclist advisory signs are provided.*

Proposed Condition

E13. Prior to the commencement of operation, or other timeframe agreed in writing by the Planning Secretary, evidence must be submitted to the satisfaction of the Certifier that demonstrates that:

- (a) appropriate line-marking and wayfinding-signage has been included to identify the:
 - (i) drop-off and pick-up zone with appropriate parking restrictions;
 - (ii) staff and visitor car parking areas;
 - (iii) mini-bus parking, coach parking areas; and
 - (iv) overflow car parking area at the rear of the existing building.
- ~~(b) bollard(s) have placed in the shared space of the disabled parking space(s) in accordance with AS 2890.6:2009 Parking facilities – Off-street parking for people with disabilities;~~
- (c) all vehicles can enter and leave the site in a forward direction;
- (d) a minimum of 14 on-site car parking spaces for use by staff during operation of the development has been provided;
- (e) the car parking area with 35 car spaces are provided in the drop-off and pick-up zone and includes two disabled parking spaces in accordance with AS 2890.6;
- (f) the swept path of the longest vehicle entering and exiting the site in association with the new work, as well as manoeuvrability through the site, is in accordance with the latest version of AS 2890.2; and
- (g) a minimum of three staff and visitor/student bicycle parking spaces are provided;

- (h) the layout, design and security of bicycle facilities comply with the minimum requirements of the latest version of AS 2890.3:2015 Parking facilities - Bicycle parking, and are located in easy to access, well-lit areas that incorporate passive surveillance; and
- (i) appropriate pedestrian and cyclist advisory signs are provided.

The proposed changes as shown struck through above, are proposed to enable the development to proceed in the manner envisioned, without the need for additional civil works being undertaken in the car park.

4.0 Assessment of proposed modification

Section 4.55 of the Act requires that an assessment under Section 4.15(1) must be undertaken. The following provides an assessment of the proposed modification against the provisions as outlined in Section 4.15(1).

4.1 State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017

The proposed modifications do not seek to vary any of the applicable requirements as outlined in the State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017. Therefore the proposal remains consistent with the assessment that was undertaken in the Environmental Impact Statement in support of SSD-10380.

4.2 Muswellbrook Local Environmental Plan 2009

The proposed modifications do not seek to vary any of the applicable requirements as outlined in the Muswellbrook Local Environmental Plan 2009. Similarly the applicable sections such as:

- 4.3 Height of Buildings; and
- 4.4 Floor space ratio,

are not impacted on by the proposed modification.

4.3 Draft Environmental Planning Instruments

There are no draft Environmental Planning Instruments of relevance.

4.4 Muswellbrook Development Control Plan 2009

The proposed seeks to vary the DCP in regard to the reference to AS 2890.6. It is noted that the provision of parking in terms of quantity is as per the DCP and is not proposed to be varied.

4.5 Any planning agreement that has been entered into under section 7.4, or any draft planning agreement that a developer has offered to enter into under section 7.4

Not Applicable.

4.6 The regulations (to the extent that they prescribe matters for the purposes of this paragraph)

Not Applicable.

4.7 The likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality regulations (to the extent that they prescribe matters for the purposes of this paragraph)

These matters were all considered as part of the Environmental Impact Statement in support of SSD-10380. The proposed modification will have no impact on these matters that has not previously been considered.

4.8 The suitability of the site for the development

The site remains entirely suitable for the development

4.9 Any submissions made in accordance with this Act or the regulations

Any submissions made would be considered in accordance with the regulations.

4.10 The public interest

It is considered that the proposed modification is not contrary to the public interest.

5.0 Environmental Planning and Assessment Regulation

The following information is provided in accordance with Clause 115 of Environmental Planning & Assessment Regulation 2000.

Requirement	Response
Name and address of the applicant	Richard Gill School C/O HDB Town Planning & Design P O Box 40 Maitland NSW 2320
Description of the development to be carried out under the consent (as previously modified)	A detailed description of the approved development is provided in Section 2.0)
Address and formal particulars of title of the land on which the development is to be carried out	Address: 157 Maitland Street Muswellbrook Local Government: Muswellbrook Locality: Muswellbrook Zone: Zone R2
Description of the proposed modification to the development consent	A detailed description of the proposed development to be carried out is provided in Section 3.0)

Owner's Consent	Owner's consent is provided as per the attached form.
Consent Authority	This application is being submitted to the Department of Planning t for approval under 4.55(1A) of the Act.

6.0 Conclusions

The modification to the consent as outlined above clearly indicates the development is essentially the same as previously proposed and no additional impacts are anticipated from the proposed amendment.

Any assessment of the proposal has been undertaken in accordance with s4.15(1) which demonstrates that the modification meets the relevant planning requirements.

Department of Planning is therefore requested to grant consent to this s4.55 amendment to SSD-10380 as requested.

Yours sincerely



HDB Town Planning & Design

MATHEW EGAN

Principal Town Planner