



New Liverpool Primary School Modification 1

State Significant Development Modification Assessment
(SSD 10391 MOD 1)

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Cover image: Artists Impression of main entrance – New Liverpool Primary School Environmental Impact Statement July 2021

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Glossary

Abbreviation	Definition
Applicant	NSW Department of Education
Department	Department of Planning and Environment
DOPU	Drop-off and pick-up
EP&A Act	<i>Environmental Planning and Assessment Act 1979</i>
EP&A Regulation	Environmental Planning and Assessment Regulation 2021
Minister	Minister for Planning
Planning Secretary	Secretary of the Department of Planning and Environment
SSD	State Significant Development

Contents

1	Introduction	1
1.1	Background	1
1.2	Approval history.....	3
1.3	Related development	3
2	Proposed modification	4
3	Strategic context.....	5
4	Statutory context	6
4.1	Scope of modifications	6
4.2	Consent authority	6
4.3	Mandatory matters for consideration.....	6
5	Engagement.....	7
5.1	Department's engagement.....	7
6	Assessment	8
7	Evaluation.....	10
8	Recommendation.....	11
9	Determination.....	12
	Appendices	13
	Appendix A – List of referenced documents	13

1 Introduction

This report provides the NSW Department of Planning and Environment's (the Department's) assessment of an application to modify the State significant development (SSD) consent for the New Liverpool Primary School (SSD 10391). The application was lodged on 2 November 2022 by Department of Education (the Applicant) pursuant to section 4.55(1A) of the *Environmental Planning and Assessment Act 1979* (EP&A Act).

This modification application (SSD 10391 Mod 1) seeks approval for amendments to conditions to enable the commencement of construction and advance the overall project delivery timeframe. The modification would require conditions A8, B5 and B29 to be modified to permit construction works to commence where the operation of those works are unrelated to Burnside Drive or would not impact Burnside Drive.

1.1 Background

The site is located at 18 Forbes Street, Liverpool, in the Liverpool City local government area. The site is located within the Liverpool Central Business District (CBD) and 27 kilometres south-west of the Sydney CBD. The regional context is shown in **Figure 1**.

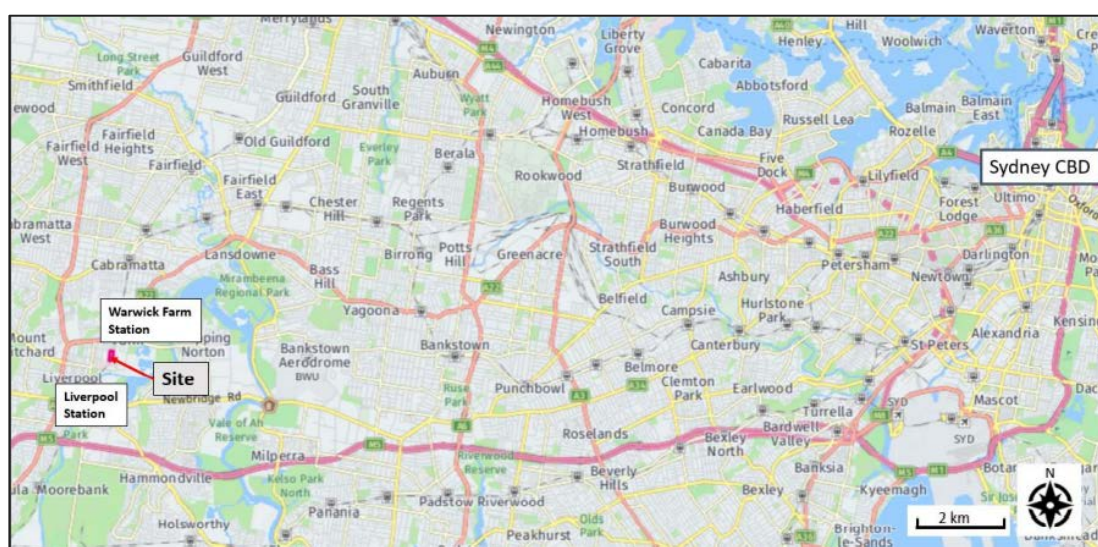


Figure 1 | Regional context map (Source: Department's assessment report of original SSD, 2022)

The new Liverpool Primary School referred to as the "site", forms part of a larger campus of 7.5 hectares (ha) which includes the Liverpool Boys High School and Liverpool Girls High School. Both high schools include multiple two storey buildings with parking, landscaping and play areas. Together, the high schools accommodate 1500 students and share a larger open play space to the east of the schools which forms the western boundary of this site (**Figure 2**).

As identified in **Figure 2**, the site is bound by Lachlan Street to the north, Burnside Drive to the east and the South Western Sydney health precinct (Liverpool hospital) to the south. The site is legally described as Lot 1, DP 1137425, is predominantly vacant and has an area of approximately 1.9ha. The site is irregular in shape with approximate slope of 1 metre (m) from the north-western corner

adjacent to Lachlan Street to the south-eastern corner adjacent to Burnside Drive. Burnside Drive is not a public road but Crown land, under the care and control of NSW Health.

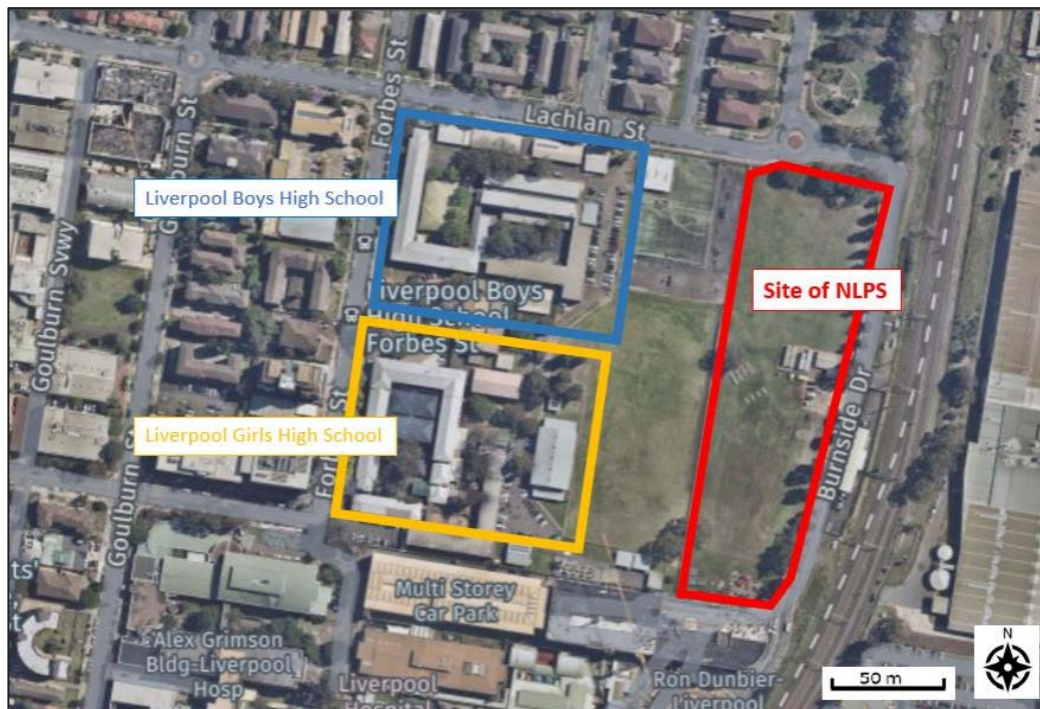


Figure 2 | Local Context Map (Source: Department's assessment report of original SSD, 2022)

The site is located within a mixed-use area within the Liverpool CBD, with the mixed land uses and buildings identified below in **Figure 3**.



Figure 3 | Surrounding area map (Source: Department's assessment report of original SSD, 2022)

1.2 Approval history

On 19 May 2022, development consent was granted by the Director, Social and Infrastructure Assessments for the development of the new Liverpool Primary School (SSD 10391) accommodating up to 1200 students (kindergarten to Year 6), 40 support unit students and a preschool of 40 children. The development consent permits the following works:

- construction of two buildings (two and three storey) comprising core school facilities, teaching spaces, multi-purpose hall, out-of-school-hours care, offices and support units
- fencing, pathways, covered outdoor learning area, open space and open sports courts
- planting an additional 110 native trees and other landscaping
- associated on-site infrastructure including stormwater management works
- 60 bike spaces and end-of-trip facilities
- drop-off and pick-up (DOPU) on Burnside Drive and bus zone on Lachlan Street
- school building identification and way-finding signage.

The development consent has not previously been modified.

1.3 Related development

The Applicant has advised that under the provisions of exempt development under Part 5 of EP&A Act, the following works would be undertaken concurrently with the construction of the approved SSD 10391:

- a new roundabout at the southern end of Burnside Drive
- road widening of Burnside Drive by 2.5m, inclusion of a 2.5m wide footpath and parking bays to accommodate 25 spaces along the school frontage comprising the DOPU approved under SSD
- removal of one dead tree and a pad mount substation on the Lachlan Street frontage
- relocation of existing street lighting and associated electricity infrastructure works
- 33 car parking spaces within a new staff car park located off Burnside Drive
- a waste collection area located off Burnside Drive.

2 Proposed modification

The Applicant's modification report (**Appendix A**) seeks approval to amend conditions A8, B5 and B29 of the consent to allow for the commencement of construction for any permanent work unrelated to Burnside Drive. Condition A8 and B5 currently requires the Applicant, prior to the commencement of any construction on site (temporary or permanent), to provide written evidence to the Planning Secretary that a satisfactory agreement has been reached with NSW Health for the future undertaking of and maintenance of works within Burnside Drive. Burnside Drive is a Crown road under the management and care of NSW Health.

The proposed modification seeks to specify in condition A8 and B5, that construction of permanent works relating to Burnside Drive is not permitted to commence until the agreement with the NSW Health is reached. Therefore allowing other permanent construction works (unrelated to Burnside Drive) to commence without requiring an agreement with NSW Health to be in place.

Conditions A8 and B5 are proposed to be modified as follows (words proposed to be deleted are shown in ~~strike through~~ and words inserted shown in **bold**):

Limits of Consent

- A8. **No permanent works on Burnside Drive or works with permanent vehicle access off Burnside Drive** ~~No works approved under this development consent (including Aboriginal archaeological salvage and soil contamination related works)~~ are permitted on the site until evidence of satisfactory agreement with NSW Health (with regard to proposed works on Burnside Drive) are provided to the satisfaction of the Planning Secretary, in accordance with condition B5.

Consultation outcome – NSW Health

- B5. Prior to the commencement of any construction **of permanent works on Burnside Drive or works with permanent vehicle access off Burnside Drive** (including Aboriginal archaeological salvage and soil contamination related works), the Applicant must provide a written evidence to the Planning Secretary demonstrating that: (a) the consultation with the NSW Health has been undertaken with regards to the proposed works on Burnside Drive (under Part 5 of the EP&A Act); and (b) a satisfactory agreement has been reached between the Applicant and NSW Health in relation to the future undertaking of and the maintenance of the proposed works within Burnside Drive, being that area currently under the ownership and care of NSW Health.

The proposed modification also seeks to amend condition B29 relating to preparation of a Construction Traffic and Pedestrian Management Sub-Plan. The modification requires the Management Sub-plan include provisions requiring the agreement of NSW Health prior to any construction access occurring from Burnside Drive.

This proposed modification does not propose any changes to the design or operation of the school.

3 Strategic context

The Department considers that the proposed amended development continues to be appropriate for the site given it remains consistent with:

- NSW State Priorities, through the provision of new and improved teaching and education facilities
- Greater Cities Commission's (GCC) Greater Sydney Region Plan: *A Metropolis of Three Cities*, as it proposes new school facilities to meet the growing needs of Sydney
- GCC's Central City District Plan, as it would provide school infrastructure
- Transport for NSW's Future Transport Strategy 2056, as it would provide a new educational facility in an accessible location and provide access to additional new employment opportunities close to public transport
- NSW's State Infrastructure Strategy 2018 – 2038 Building the Momentum, as it proposes new school facilities to support the growth in demand for student enrolments
- Transport for NSW's Sydney's Cycling Future 2013, as it would promote and cater for bicycle use through the provision of end-of-trip facilities.

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 impacts 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

The Minister for Planning is the consent authority for the application under section 4.5(a) of the EP&A Act. However, under the Minister's delegation dated 09 March 2022, the Director, Social and Infrastructure Assessments, may determine the application as:

- the application has not been made by a person who has disclosed a reportable political donation in under section 10.4 of the EP&A Act in connection with the modification application
- there are less than 15 public submissions in the nature of objection.
- Liverpool City Council has not made a submission by way of objection.

4.3 Mandatory matters for consideration

The Department conducted a comprehensive assessment of the project against the mandatory matters for consideration as part of the original assessment of SSD 10391. The Department considers this modification application does not result in significant changes that would alter the mandatory matters for consideration under section 4.15 of the EP&A Act and conclusions made as part of the original assessment.

The Department has considered the findings and recommendations in the Department's Assessment Report for SSD 10391, including the key reasons for granting consent. The Department is satisfied that the key reasons for granting of the consent continue to be applicable to the development, as modified.

5 Engagement

5.1 Department's engagement

Section 105(4) of the Environmental Planning and Assessment Regulation 2021 (EP&A Regulation) specifies that the notification requirements of the EP&A Regulation do not apply to section 4.55(1A) modifications with minimal environmental impact applications. Accordingly, the application was not notified or advertised. However, it was made publicly available on the Department's website on 2 November 2022.

The Department also engaged directly with NSW Health in relation to the modification.

6 Assessment

The Department has considered the modification application in the context of the approved development (SSD-10391) in its assessment, as well as Section 4.15 of the EP&A Act.

As identified in **Figure 4**, the New Liverpool Primary School includes vehicle access from Burnside Drive for the waste collection area and staff carpark. Burnside Drive would also accommodate the approved school student's DOPU. Other associated works involve related infrastructure within the Crown lands corridor containing Burnside Drive and adjacent land as detailed at Section 1.3. This may or may not also include permanent drainage works.

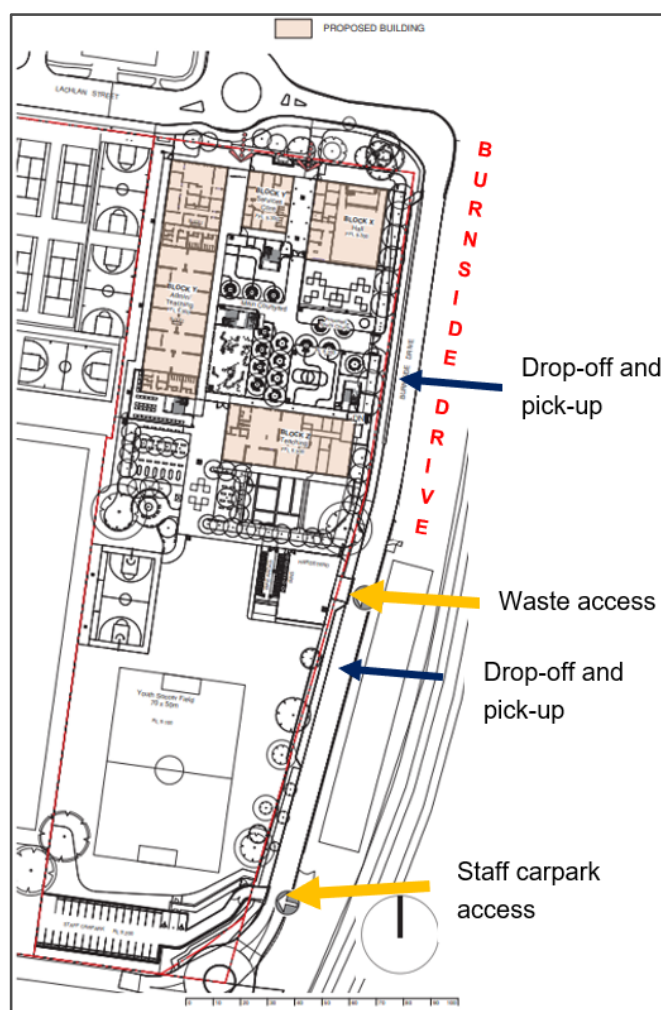


Figure 4 | Vehicle transport access plan (Base source: original SSD, 2022)

However, the current consent prohibits any construction commencing on-site, until agreement with NSW Health has been reached regarding the management of Burnside Drive. The Applicant advises that this prohibition on all construction work would cause unnecessary delays in delivering the project to the community.

The Applicant advises that the required agreement with NSW Health regarding permanent access and works related to Burnside Drive is not imminent. The proposed modification would allow the

partial construction of the school to commence while discussions with NSW Health are ongoing in relation to development of the school.

The Applicant's modification report advises that NSW Health has been consulted regarding the proposed changes to the consent conditions, which enable construction to commence on-site where it does not relate to Burnside Drive. NSW Health have confirmed this engagement has occurred.

The Department is satisfied that the partial commencement of construction of the school development, without NSW Health's agreement, would not prejudice ongoing discussions occurring between the Applicant and NSW Health regarding the construction of permanent works related to Burnside Drive.

The Department concludes the proposed changes to the conditions would not materially change the project as approved in SSD 10391, noting that any permanent works relating to Burnside Drive would still require an agreement to be reached between NSW Health and the Applicant before the works commenced. These works would also need to be completed prior to the commencement of operation of the New Liverpool Primary School. Therefore, the Department supports the proposed changes as outlined within the Applicant's modification report and as prepared in consultation with NSW Health.

7 Evaluation

The Department's assessment concludes that the proposed modification is appropriate on the basis that the proposal would:

- allow the Applicant sufficient time to make necessary arrangements with NSW Health to reach an agreement regarding Burnside Drive whilst commencing construction of the school and facilitating the overall project delivery timeframe
- not alter the scale or intensity of construction work/s in the original approval
- not alter the nature of the development as provided in the original approval
- not result in any significant environmental impacts.

Consequently, the proposal is in the public interest and it is recommended that the modification be approved.

8 Recommendation

It is recommended that the Director, Social and Infrastructure Assessments, as delegate of the Minister for Planning:

- **considers** the findings and recommendations of this report
- **determines** that the application New Liverpool Primary School (SSD 10391 Mod 1) falls within the scope of section 4.55(1A) of the EP&A Act
- **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 10391
- **signs** the attached approval of the modification (**Appendix A**).

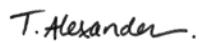
Prepared by:

Patrick Andrade

Planning Officer

Social and Infrastructure Assessments

Recommended by:



Tahlia Alexander

Team Leader

School Infrastructure Assessments

9 Determination

The recommendation is **Adopted** by:

A handwritten signature in black ink, appearing to read 'KH', with a stylized flourish extending to the right.

Karen Harragon

Director

Social and Infrastructure Assessments

as delegate of the Minister for Planning

4 November 2022

Appendices

Appendix A – List of referenced documents

1. Modification report

<https://www.planningportal.nsw.gov.au/major-projects/projects/mod-1-new-liverpool-primary-school>

2. Instrument of modification

<https://www.planningportal.nsw.gov.au/major-projects/projects/mod-1-new-liverpool-primary-school>

3. Consolidated consent

<https://www.planningportal.nsw.gov.au/major-projects/projects/mod-1-new-liverpool-primary-school>