

# Modification Report

Section 4.55(2) to modify consent SSD-  
11802230

7 Burroway Road, Wentworth Point

PREPARED FOR NSW DEPARTMENT OF EDUCATION




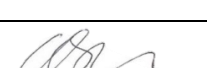
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MECONE.COM.AU

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\*This document is for discussion purposes only unless signed and dated by the persons identified.

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- Appendix 1 – Architectural Plans
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- Appendix 3 – Civil Engineering Plans
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# 1 Introduction

This Modification Report has been prepared by Mecone Group Pty Limited on behalf of the NSW Department of Education (DoE) (the applicant) to support an application to modify the approved Wentworth Point High School at 7 Burroway Road, Wentworth Point (SSD-11802230). The application is made under section 4.55(2) of the *Environmental Planning and Assessment Act 1979* (EPA Act).

The site is located within an area included in a Concept development application by Landcom, being DA-40/2015 which was approved on 17 February 2016 by the Sydney West Joint Regional Planning Panel and included Ridge Road within the school site. The Concept DA was modified under DA/875/2017/A in November 2024, but did not amend the location of Ridge Road within the school site.

Since approval of SSD-11802230, Landcom lodged another modification and was granted approval by the Sydney Central City Planning Panel on 3 May 2024, which included relocation of Ridge Road outside of the school boundary (DA/875/2017/B) in order to increase the site area available to the school. This modification seeks to provide a new gymnasium, sports court and landscaped area where Ridge Road was previously located. Other minor amendments are also sought as part of this modification.

The proposed modifications are generally in accordance with the SSD-11802230 in that it maintains the approved use and seeks to improve the amenity for students given that the available site area has increased.

It is noted that this modification does not seek to increase the student capacity.

This report has been prepared with consideration of the NSW Department of Planning, Housing and Infrastructure's (DPHI) *State significant development guidelines – preparing a modification report* (November 2021) and includes the following information:

- relevant background and reasons for the modification
- description of the modification
- brief discussion of strategic context
- discussion of statutory context
- assessment of impacts
- identification of any required mitigation measures.

## 1.1 Approved project

### 1.1.1 Original approval

On 14 October 2022, the then Department of Planning and Environment (DPE), as a delegate of the Minister for Planning and Public Spaces, granted development consent (SSD-11802230) for the construction and operation of a new high school. The approved development comprises:

- site preparation including bulk earthworks
- the construction of two six-storey wing buildings and sports courts
- landscaping and other associated works.

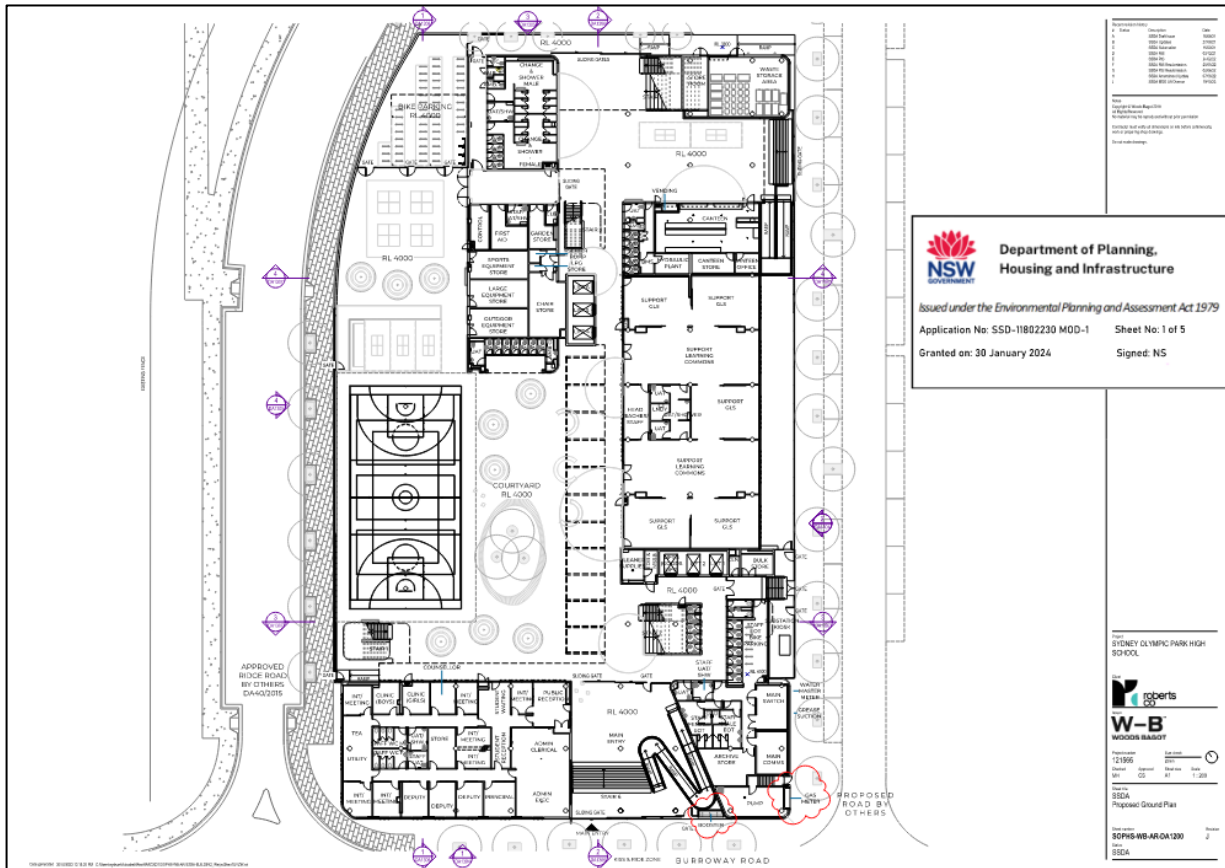
Construction of the development has been completed, and the new high school will open for Year 7 only, in 2025.

### 1.1.2 Modification 1

On 30 January 2024, the Department of Planning, Housing and Infrastructure, as the delegate of the Minister for Planning and Public Spaces, granted consent to modification application SSD-11802230 MOD 1 for the following works:

- increase the elevator lift overrun by 300mm
- reduce the height of the mechanical plant screen on the roof by 820mm
- addition of lightning protection air terminals
- relocation of the fire hydrant booster and gas meter.

The approved site plan under MOD 1 is shown in **Figure 1**.



**FIGURE 1 – APPROVED SCHOOL GROUND FLOOR PLAN - SSD-11802230 MOD1**

Source: Woods Bagot

## 1.2 Reasons for modification

The original approval under SSD-11802230 excluded all school development from the Ridge Road reserve within the site to align with DA/875/2017/A. However, Ridge Road was relocated to beyond the school boundary under a subsequent modification application (DA/875/2017/B) as shown in **Figure 2**.

The Statement of Environmental Effects prepared by FPD Planning submitted to support DA/875/2017/B explicitly states that “The announcement of the high school and playing field necessitates an amendment to DA/875/2017 to update the road network to accommodate the high school and playing field. It is also proposed to amend the interface with the Peninsula Park to accommodate the future location of the playing field.”

As such, this modification is prepared to achieve the objectives of DA/875/2017/B as it enables the efficient use of space at Wentworth Point Public School as shown in **Figure 3**, made available as a result of the relocation of Ridge Road outside of the project boundaries under DA/875/2017/B. Furthermore, various minor amendments are included in response to detailed design requirements including the rearrangement of the photovoltaic panels.

The proposed modification requires an application under section 4.55(2) of the EP&A Act to modify conditions in the consent relating to the approved plans that include, and/or account, for the inclusion of

Ridge Road within the boundaries of 7 Burroway Road. There is no viable alternative to an application under section 4.55(2) under the relevant planning legislation. Amended plans are proposed to be included in the conditions of consent to allow for the use of the additional space now available to the school.



**FIGURE 2 – APPROVED DESIGN OF WENTWORTH POINT HEADLAND PARK**

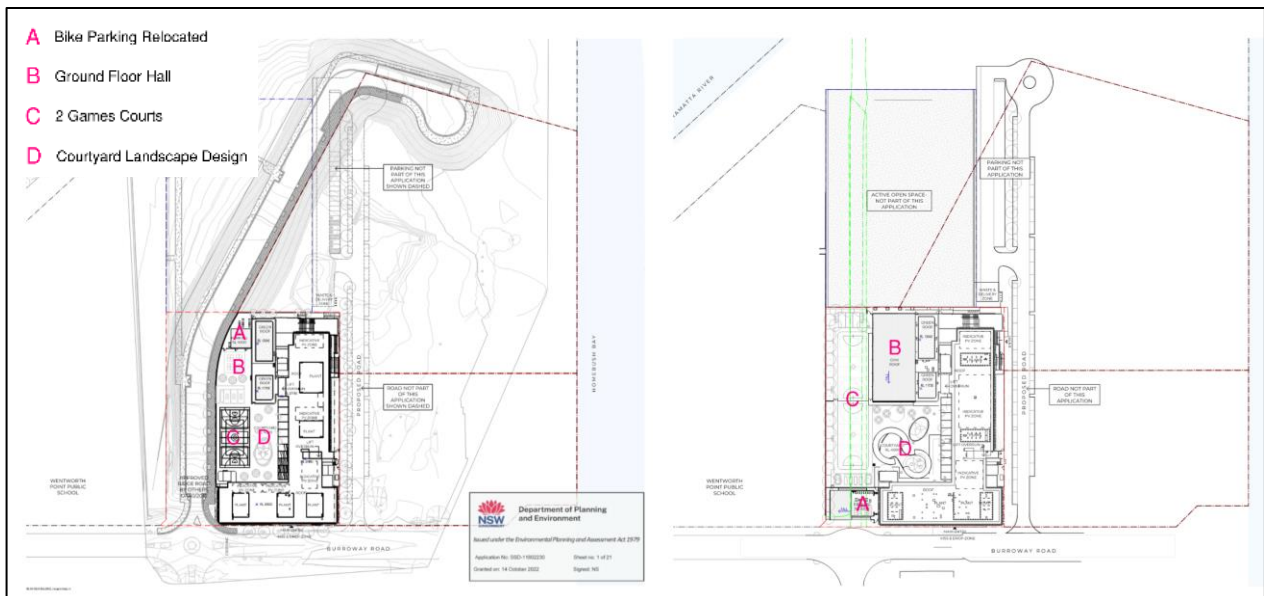
Source: Context Landscape Architecture (Approved Under DA/875/2017/B)

## 2 Description of modification

### 2.1 Proposed modifications

A side-by-side comparison of the approved site plan from SSD-11802230 dated 22 October 2022 and the proposed modified site plan is provided in **Figure 3**. The proposed changes generally comprise:

- the removal of Ridge Road
- the addition of a gymnasium to rear of the school at the northeastern boundary
- the provision of an increased number of bicycle parking spaces, with the relocation of bicycle storage facilities toward Burroway Road
- a revised courtyard landscaping design
- the realignment of the existing sports court and the addition of an additional sports court along the northwestern boundary
- various minor amendments to suit detailed design requirements.



**FIGURE 3 – COMPARISON PLAN**

Source: Woods Bagot

It is noted that:

- This modification does not seek approval to increase the approved 850-student capacity.
- The proposed floor space ratio is 1.50:1, compared to the previously approved floor space ratio of 1.41:1.
- The SSD boundaries are not proposed to be expanded, as approval was granted for the purposes of an educational facility across the entirety of 7 Burroway Road. The total site area

is maintained at approximately 9,441m<sup>2</sup> (plus approximately 60m<sup>2</sup> zoned RE1 Public Recreation).

- An area of approximately 2,845m<sup>2</sup> has been made available for school amenity as a result of the relocation of Ridge Road.
- No changes to the approved building footprint of the main buildings included as part of MOD 1
- The proposed gymnasium will be an extension of the available open play space during play times and will operate in tandem with the additional unencumbered open play space available to students as a result of this modification.

## 2.2 Required Changes to Conditions

This proposed modification to SSD-11802230 relates to consent conditions that include plans that incorporate or account for Ridge Road being contained within 7 Burroway Road.

The proposed conditions to be modified are outlined below, with words proposed to be deleted shown in ~~strike through~~ text, and words to be inserted shown in **underlined bold** text.

A2 The development may only be carried out:

- in compliance with the conditions of this consent;*
- in accordance with all written directions of the Planning Secretary; **and***
- generally in accordance with the EIS as amended by the Amendment Report and Response to Submissions to the EIS and Amendment Report and as amended by modification application SSD-11802230 MOD 1 **and SSD-11802230 MOD 2;** and*
- in accordance with the approved plans in the table below*

Architectural Drawings prepared by Woods Bagot			
Dwg No.	Rev	Name of Plan	Date
DA1102	<del>H</del> <b><u>M</u></b>	Site Plan Proposed	07/06/22 <b><u>20/08/24</u></b>
DA1200	<del>J</del> <b><u>M</u></b>	Proposed Ground Plan	19/10/23 <b><u>20/08/24</u></b>
DA1201	<del>E</del> <b><u>J</u></b>	Proposed Plan Level 1	20/05/22 <b><u>20/08/24</u></b>
DA1202	<del>F</del> <b><u>K</u></b>	Proposed Plan Level 2	20/05/22 <b><u>20/08/24</u></b>
DA1203	<del>F</del> <b><u>K</u></b>	Proposed Plan Level 3	20/05/22 <b><u>20/08/24</u></b>
DA1204	<del>F</del> <b><u>K</u></b>	Proposed Plan Level 4	20/05/22 <b><u>20/08/24</u></b>
DA1205	<del>G</del> <b><u>L</u></b>	Proposed Plan Level 5	20/05/22 <b><u>20/08/24</u></b>
<del>DA1206</del>	<del>F</del>	<del>Proposed Plan Reef</del>	20/05/22
<b><u>DA1301</u></b>	<b><u>N</u></b>	<b><u>Proposed Elevations</u></b>	<b><u>20/08/24</u></b>
<b><u>DA1303</u></b>	<b><u>J</u></b>	<b><u>Proposed Sections</u></b>	<b><u>20/08/24</u></b>
DA1304	R	Proposed Elevations	21/12/23
DA1305	Q	Proposed Elevations	21/12/23
DDA1306	N	Proposed Sections	21/12/23
DA1307	G	Proposed Sections (Updated SSDA)	21/12/23
SSDA Schedule	A	Materials Schedule	09/09/22
Landscape Plans prepared by Urbis			

Dwg No.	Rev	Name of Plan	Date
L000	E <u>F</u>	Cover Sheet	02/06/22 <b>04/09/24</b>
L001	D <u>F</u>	Plant Schedule	01/06/22 <b>04/09/24</b>
L201	D <u>E</u>	Finishes Plan GF	01/06/22 <b>04/09/24</b>
L221	G <u>D</u>	Finishes Plan L2	02/06/22 <b>04/09/24</b>
L501	D <u>E</u>	Planting Plan GF	01/06/22 <b>04/09/24</b>
L521	G <u>D</u>	Planting Plan L2	02/06/22 <b>04/09/24</b>
L801	A <u>C</u>	Detailed Section Interfaces 1	12/09/22 <b>04/09/24</b>
L802	A <u>C</u>	Detailed Section Interfaces 2	12/09/22 <b>04/09/24</b>

A11. The project may be **staged generally in accordance with the Construction and Operational Staging Plan (SSD-11802230 MOD 2) November 2024 prepared by EY.** ~~constructed in stages. Where compliance with conditions is required to be staged due to staged construction, a Staging Report must be prepared and submitted to the satisfaction of the Planning Secretary. The Staging Report must be submitted to the Planning Secretary no later than one month before the commencement of construction of the first of the proposed stages of construction.~~

**Comment:** This amendment facilitates the staged construction and operation of the school.

~~A12. A Staging Report prepared in accordance with condition A11 must:~~

~~(a) if staged construction is proposed, set out how the construction of the whole of the project will be staged, including details of work and other activities to be carried out in each stage and the general timing of when construction of each stage will commence and finish;~~

~~(b) specify how compliance with conditions will be achieved across and between each of the construction stages of the project; and~~

~~(c) set out mechanisms for managing any cumulative impacts arising from the proposed staging.~~

**Comment:** The Staging Report has been prepared and submitted as part of this application, and such, this condition is no longer required.

~~A13. Where a Staging Report is required, the project must be staged in accordance with the Staging Report, as approved by the Planning Secretary.~~

**Comment:** The Staging Report has been prepared and submitted as part of this application, and such, this condition is no longer required.

~~B2. If the construction or operation of the development is to be staged, the~~ **The** Planning Secretary must be notified in writing at least 48 hours before the commencement of each stage, of the date of commencement and the development to be carried out in that stage.

**Comment:** This amendment clarifies that the construction and operation is to be undertaken in stages.

B3. Prior to the commencement of **each stage of** construction, the Applicant must submit to the satisfaction of the Certifier structural drawings prepared and signed by a suitably qualified practising Structural Engineer that demonstrates compliance with this development consent.

**Comment:** This amendment facilitates the staged construction of the school.

B4. Prior to the commencement of **each stage of** construction, the Applicant must provide the Certifier with documented evidence that the products and systems proposed for use or used in the construction of external walls, including finishes and claddings such as synthetic or aluminium composite panels, comply with the requirements of the BCA. The Applicant must provide a copy of the documentation given to the Certifier to the Planning Secretary within seven days after the Certifier accepts it.

**Comment:** This amendment facilitates the staged construction of the school.

B13. Prior to the commencement of **each stage of** construction, the Applicant must submit a Construction Environmental Management Plan (CEMP) to the Certifier for approval. The CEMP must include, but not be limited to, the following:

(a) Details of:

(i) hours of work;

(ii) 24-hour contact details of site manager;

(iii) management of dust and odour to protect the amenity of the neighbourhood;

(iv) groundwater management plan including measures to prevent groundwater contamination;

(v) external lighting in compliance with AS 4282-2019 Control of the obtrusive effects of outdoor lighting;

(vi) community consultation and complaints handling as set out in the Community Communication Strategy required by condition B9;

(b) an unexpected finds protocol for contamination and associated communications procedure to ensure that potentially contaminated material is appropriately managed;

(c) Construction Traffic and Pedestrian Management Sub-Plan (see condition B15);

(d) Construction Noise and Vibration Management Sub-Plan (see condition B16);

(e) Construction Waste Management Sub-Plan (see condition B17);

(f) Construction Soil and Water Management Sub-Plan (see condition B18); and

(g) Construction Flood Emergency Management Plan (see condition B19).

**Comment:** This amendment facilitates the staged construction.

B15. The Construction Traffic and Pedestrian Management Sub-Plan (CTPMSP) must be prepared to achieve the objective of ensuring safety and efficiency of the road network and address, but not be limited to, the following:

(a) be prepared by a suitably qualified and experienced person(s);

(b) be prepared in consultation with Council and TfNSW;

(c) detail:

(i) measures to ensure road safety and network efficiency during construction in consideration of potential impacts on general traffic, cyclists and pedestrians and bus services;

(ii) measures to ensure the safety of vehicles and pedestrians accessing adjoining properties where shared vehicle and pedestrian access occurs;

(iii) heavy vehicle routes, access and parking arrangements;

(iv) the swept path of the longest construction vehicle entering and exiting the site in association with the new work, as well as manoeuvrability through the site, in accordance with the latest version of AS 2890.2; ~~and~~

(v) arrangements to ensure that construction vehicles enter and leave the site in a forward direction unless in specific exceptional circumstances under the supervision of accredited traffic controller(s); **and**

**(vi) arrangements to ensure that construction vehicles would avoid movement during school peak hours.**

**Comment:** This amendment facilitates the staged construction.

B21. Prior to the commencement of **each stage of** construction, the Applicant must submit a Construction Worker Transportation Strategy to the Certifier. The Strategy must detail the provision of sufficient parking facilities or other travel arrangements for construction workers in order to minimise demand for parking in nearby public and residential streets or public parking facilities. A copy of the strategy must be provided to the Planning Secretary within two working days of it being requested.

**Comment:** This amendment facilitates the staged construction.

B22. Prior to the commencement of **each stage of** construction, the Applicant must prepare and implement for the duration of construction:

(a) flood warning and notification procedures for construction workers on site; and

(b) evacuation and refuge protocols

**Comment:** This amendment facilitates the staged construction.

~~D1. At least one month before commencement of operation, the date of commencement of the operation of the development must be notified to the Planning Secretary in writing. If the operation of the development is to be staged, the **The** Planning Secretary must be notified in writing at least one month before the commencement of operation of each stage, of the date of commencement and the development to be carried out in that stage.~~

**Comment:** This amendment clarifies that the construction and operation is to be undertaken in stages.

D2. Prior to commencement of **each stage of** operation, the Applicant must provide the Certifier with documented evidence that the products and systems used in the construction of external walls including finishes and claddings such as synthetic or aluminium composite panels comply with the requirements of the BCA.

**Comment:** This amendment facilitates the staged construction and operation of the school.

D4. Prior to the commencement of **each stage of** operation, works-as-executed plans signed by a registered surveyor demonstrating that the stormwater drainage and finished ground levels have been constructed as approved, must be submitted to the Certifier.

**Comment:** This amendment facilitates the staged operation of the school.

D6. Prior to the commencement of **each stage of** operation, the Applicant must submit evidence from a suitably qualified practitioner to the Certifier that demonstrates that installed lighting associated with the development achieves the objective of minimising light spillage to any adjoining or adjacent sensitive receivers and:

(a) complies with the latest version of AS 4282-2019 - Control of the obtrusive effects of outdoor lighting (Standards Australia, 1997), AS 1158.3.1:2005 Lighting for roads and public spaces – Pedestrian area (Category P) lighting – Performance and design requirements and National Light Pollution Guidelines for Wildlife (Australian Government, 2020); and

(b) has been mounted, screened and directed in such a manner that it does not create a nuisance to surrounding properties or the public road network.

**Comment:** This amendment facilitates the staged operation of the school.

D7. Prior to commencement of **each stage of** operation, the Applicant must provide evidence to the satisfaction of the Certifier that the installation and performance of the mechanical ventilation systems complies with:

(a) AS 1668.2-2012 The use of air-conditioning in buildings – Mechanical ventilation in buildings and other relevant codes; and

(b) any dispensation granted by Fire and Rescue NSW.

**Comment:** This amendment facilitates the staged operation of the school.

D8. Prior to the commencement of **each stage of** operation, the Applicant must submit evidence to the Certifier that the noise mitigation recommendations in the assessment undertaken under condition B23 have been incorporated into the design of mechanical plant and equipment to ensure the development will not exceed the recommended project noise trigger levels identified in the Acoustics Report, dated 8 June 2022 and prepared by Norman, Disney & Young.

**Comment:** This amendment facilitates the staged operation of the school.

D9. Prior to commencement of **each stage of** occupation, a Fire Safety Certificate must be obtained for all the Essential Fire or Other Safety Measures forming part of this consent. A copy of the Fire Safety Certificate must be submitted to the relevant authority and Council. The Fire Safety Certificate must be prominently displayed in the building.

**Comment:** This amendment facilitates the staged construction and operation of the school.

D10. Prior to the commencement of **each stage of** occupation of the relevant parts of any new or refurbished buildings, a Structural Inspection Certificate or a Compliance Certificate must be submitted to the Certifier. A copy of the Certificate with an electronic set of final drawings (contact approval authority for specific electronic format) must be submitted to the Planning Secretary and the Council after:

(a) the site has been periodically inspected and the Certifier is satisfied that the structural works is deemed to comply with the final design drawings; and

(b) the drawings listed on the Inspection Certificate have been checked with those listed on the final Design Certificate/s.

**Comment:** This amendment facilitates the staged construction and operation of the school.

D11. Prior to the commencement of **the relevant stage of** operation, the Applicant is to obtain a certificate from a suitably qualified tradesperson, certifying that the kitchen, food storage and food preparation areas have been fitted in accordance with the AS 4674 Design, construction and fit-out of food premises and provide evidence of receipt of the certificate to the satisfaction of the Certifier.

**Comment:** This amendment facilitates the staged operation of the school.

D12. Prior to the commencement of **the final stage of** operation, the Applicant must engage a suitably qualified and experienced expert to prepare a Post-Construction Dilapidation Report. This Report must:

(a) ascertain whether the construction works created any structural damage to public infrastructure by comparing the results of the Post-Construction Dilapidation Report with the Pre-Construction Dilapidation Report required by condition B5 of this consent;

(b) have, if it is decided that there is no structural damage to public infrastructure, the written confirmation from the relevant public authority that there is no adverse structural damage to their infrastructure (including roads).

(c) be submitted to the Certifier;

(d) be forwarded to Council for information; and

(e) be provided to the Planning Secretary when requested.

**Comment:** This amendment requires the post-construction dilapidation report to occur at the final stage of construction and prior to the final stage of operation.

D14. Prior to the commencement of **the final stage of** operation, the cost of repairing any damage caused to Council or other Public Authority's assets in the vicinity of the Subject Site as a result of construction works associated with the approved development must be met in full by the Applicant.

**Comment:** This amendment requires the repair of public infrastructure at the final stage of construction and prior to the final stage of operation.

D17. Prior to the commencement of **the final stage of** operation or other timeframe agreed in writing by the Planning Secretary, the Applicant must complete the upgrading and construction of roads, street trees, footpaths and associated infrastructure as approved by condition B25 to B30, to the satisfaction of the relevant roads authority and Council.

**Comment:** This amendment requires the upgrade of roads, street trees, and associated infrastructure at the final stage of construction and prior to the final stage of operation.

D18. Prior to the commencement of **the first stage of** operation, an independent Road Safety Audit must be conducted on the school drop-off/pick-up facilities, Burroway Road roundabout, raised pedestrian crossings and pedestrian accesses to the school. The RSA must be undertaken in

*accordance with Austroads Guide to Road Safety Part 6: Managing Road Safety Audits and Austroads Guide to Road Safety Part 6A: Implementing Road Safety Audits.*

**Comment:** This amendment requires the provision of an Independent Road Safety Audit prior to the operation of the school. Given the drop-off and pick-up facilities as well as the pedestrian access to the school are not proposed to be amended in subsequent stages, this condition only relates to the first stage of operation.

D21. *Prior to the commencement of **the first stage of** operation, evidence must be submitted to the Certifier that demonstrates that arrangements have been made and finalised with the Sydney Olympic Park authority to utilise 30 spaces at car park P5 for staff car parking and that this would be at no cost to staff.*

**Comment:** This amendment ensures that adequate car parking arrangements are in place prior to the first stage of operation.

D22. *Prior to the commencement of **the final stage of** operation, compliance with the following requirements for secure bicycle parking and end-of-trip facilities must be submitted to the Certifier:*

*(a) the provision of a minimum 146 bicycle parking spaces;*

*(b) the layout, design and security of bicycle facilities must comply with the minimum requirements of the latest version of AS 2890.3:2015 Parking facilities - Bicycle parking, and be located in easy to access, well-lit areas that incorporate passive surveillance;*

*(c) the provision of end-of-trip facilities for staff; and*

*(d) appropriate pedestrian and cyclist advisory signs are to be provided.*

*Note: All works/regulatory signposting associated with the proposed development shall be at no cost to the relevant road authority.*

**Comment:** This amendment ensures that adequate active transport facilities are in place prior to the first stage of operation.

D27. *Prior to commencement of **each stage of** operation, the Applicant must obtain a Compliance Certificate for water and sewerage infrastructure servicing of the site under section 73 of the Sydney Water Act 1994.*

**Comment:** This amendment facilitates the staged construction of the school

D28. *Prior to the commencement of **each stage of** operation, a Stormwater Operation and Maintenance Plan (SOMP) is to be submitted to the Certifier. The SOMP must ensure the proposed stormwater quality measures remain effective and contain the following:*

*(a) maintenance schedule of all stormwater quality treatment devices;*

*(b) record and reporting details;*

*(c) relevant contact information; and*

*(d) Work Health and Safety requirements.*

**Comment:** This amendment facilitates the staged construction and operation of the school.

D29. *Prior to the commencement of **each stage of** operation, pedestrian way-finding signage must be installed.*

**Comment:** This amendment facilitates the staged operation of the school.

D30. Prior to the commencement of **each stage of** operation, bicycle way-finding signage must be installed within the site to direct cyclists from footpaths to designated bicycle parking areas.

**Comment:** This amendment facilitates the staged operation of the school.

D32. Prior to the commencement of **the first stage** operation, the Applicant must submit a Section A1 Site Audit Statement or a Section A2 Site Audit Statement accompanied by an Environmental Management Plan prepared by a NSW EPA accredited Site Auditor. The Section A1 or A2 Site Audit Statement must verify the relevant part of the site is suitable for the intended land use and be provided, along with any Environmental Management Plan to the Planning Secretary, Council and the Certifier.

**Comment:** This amendment requires a Section A1 Site Audit Statement or Section A2 Site Audit Statement to be prepared prior to the first stage of operation; this condition is not required for subsequent stages.

D33. Prior to the commencement of **the relevant stage of** operation, ground and roof level landscaping of the site must be completed in accordance with landscape plan(s) listed in condition A2(d).

**Comment:** This amendment facilitates the staged construction and operation of the school.

D34. Prior to the commencement of **the relevant stage of** operation, the Applicant must prepare a Landscape Management Plan to manage the revegetation and landscaping on-site and submit it to the Certifier. The plan must:

(a) describe the ongoing monitoring and maintenance measures to manage revegetation and landscaping; and

(b) be consistent with the Applicant's Management and Mitigation Measures at Section 8 of the Amendment Report.

**Comment:** This amendment facilitates the staged construction and operation of the school.

D36. Prior the commencement of ~~the~~ **each stage of** operation, a Flood Emergency Management Plan must be submitted to the Certifier that:

(a) has been prepared by a suitably qualified and experienced person(s);

(b) has been prepared in consultation with NSW SES noting the limitations described in the NSW Floodplain Development Manual Appendix N, section N7;

(c) incorporates and complies with all advice provided by NSW SES to the Amendment Report RtS, dated 31 August 2022, unless otherwise revised by SES as part of consultation undertaken at Condition D36(b);

(d) addresses the provisions of the Floodplain Risk Management Guidelines (EHG);

(e) incorporates the following:

(i) the flood emergency management protocols for operational phase of the development;

(ii) predicted flood levels within the site and within the adjoining road system and other public land expected to be used by students, visitors and caregivers;

- (iii) details strategies such as early or pre-emptive school closure to avoid shelter-in-place (unless otherwise agreed with NSW SES), evacuation, and refuge protocols where relevant;*
- (iv) provides clear emergency management triggers and responses;*
- (v) details of flood warning time and flood notification;*
- (vi) details assembly points and flood free routes where required;*
- (vii) identifies clear roles and responsibilities for emergency flood management within the school;*
- (viii) recognise that the NSW SES is the lead combat agency for floods and state that any flood response directive issued by the SES must be followed;*
- (ix) the identification of access roads within the wider catchment, relevant to staff and caregivers, that will not be flood affected under certain flood events (not limited to PMF events);*
- (x) provide clear messaging and communication protocols;*
- (xi) includes clear requirements that the Plan be regularly reviewed; and include details of awareness training for employees, contractors, visitors, students and caregivers and induction of new staff members.*

**Comment:** This amendment facilitates the staged construction and operation of the school and ensures that the Flood Emergency Management Plan is up to date at every stage.

D38. *Prior to the commencement of **each stage of** operation, an Open Play Space Management Plan must be submitted to the Planning Secretary that includes measures to manage the use and access to recreation areas on site so that once student numbers exceed 510, mechanisms are available to provide greater than six square metres of space per student. This may include, but is not limited to, staggered play times for years and age groups with details of the programme of use.*

**Comment:** This amendment facilitates the staged operation of the school.

D39. *If within two years of commencement of **the first stage of** operation, the future northern playing field has not been completed and a joint use agreement has not been entered into between the school and relevant owner, the Open Play Space Management Plan required by condition D38 must be updated to include management and mitigation measures developed in consultation with Council and Sydney Olympic Park Authority to include interim alternate open play space provisions to ensure each student has access to 10 square metres of open play space.*

**Comment:** This amendment clarifies the requirements and timeframe to address the ongoing operation of the school with regard to open play space management.

~~D40. *If the location of the approved Ridge Road is altered or deleted by Council through an alternate planning pathway and the embankment and base material within the site is able to be removed, the area may be landscaped and any exclusion fencing within the site removed to allow it to be used as open space in association with the school development.*~~

**Comment:** This condition is no longer required as this modification application addresses the efficient use of land for the school as a result of the relocation of Ridge Road.

~~D41. *Unless otherwise agreed with Council, a second row of trees, (species to be agreed with Council) should be planted in the front setback of that area described in D40, in a staggered*~~

~~fashion with the trees along the street with distances and pot size to match the street trees.  
Structural cell systems may be required for these trees if they are set in paving~~

**Comment:** This condition is no longer required as Condition D40 is proposed to be removed. It is noted that the front setback has been used for the purposes of bike storage as per the landscape design in **Appendix 2**.

E8. *The Applicant must undertake short term noise monitoring in accordance with the Noise Policy for Industry (2017) where valid data is collected following the commencement of use. The monitoring program must be carried out by an appropriately qualified person and a monitoring report must be submitted to the Planning Secretary within two months of **the final stage of** commencement of operation to verify that operational noise levels do not exceed the recommended noise levels for mechanical plant identified in Acoustics Report, dated 8 June 2022 and prepared by Norman, Disney & Young. Should the noise monitoring program identify any exceedance of the recommended noise levels referred to above, the Applicant is required to implement appropriate noise attenuation measures so that operational noise levels do not exceed the recommended noise levels or provide attenuation measures at the affected noise sensitive receivers.*

**Comment:** This amendment specifies that noise monitoring is to occur at the final stage of operation to avoid multiple reporting instances that would otherwise occur concurrent to construction.

E10. *Unless otherwise agreed by the Planning Secretary, within six months of commencement of **the final stage of** operation, Green Star certification must be obtained demonstrating the development achieves a minimum 4 star Green Star Design & As Built rating. If required to be obtained, evidence of the certification must be provided to the Certifier and the Planning Secretary. If an alternative certification process has been agreed to by the Planning Secretary under condition B10, evidence of compliance of implementation must be provided to the Planning Secretary and Certifier.*

**Comment:** This amendment clarifies that Green Star certification is to occur once construction is concluded.

### 3 Strategic context

The modified development will remain consistent with relevant State and local strategic plans and strategies. The development will continue to provide for a well-designed and suitably located development that meets an identified social infrastructure need and that is consistent with the objectives, directions and actions of relevant strategic documents. In particular, the modified development will remain consistent with:

- NSW State Priorities, through the provision of new and improved teaching and education facilities.
- Transport for NSW's *Future Transport Strategy 2056*, as it facilitates the provision of a school that supports the vision for Sydney to become a 30-minute city by public and active transport due to its convenient location and range of active transport options.
- Infrastructure NSW's *State Infrastructure Strategy 2018 – 2038 Building the Momentum*, as it facilitates the growth in demand for student enrolments and provides a modern learning environment.
- *Central City District Plan*, as it facilitates the provision of community infrastructure in Wentworth Point, which is identified as a state-led initiative to provide additional housing supply and support the vision for Sydney to become a 30-minute city.
- *Parramatta Local Strategic Planning Statement*, as it facilitates the provision of community infrastructure to provide additional education capacity for the projected increase in student enrolment demand, thereby reducing stress on the existing schools in the surrounding area.

## 4 Statutory context

### 4.1 Scope of modification

This application is being made under section 4.55(2) of the EP&A Act, which enables the consent authority to amend an approved application provided the amendments result in substantially the same development as that approved.

We consider that the proposed modification will result in substantially the same development because the changes are generally minor and will not change the overall nature, bulk, scale, or character of the development.

The proposed changes are such that the essence of the development is not fundamentally a different development than what was originally approved. Therefore, the proposed modification is within the scope of section 4.55(2) of the EP&A Act and is substantially the same development to that approved under SSD-11802230 as modified.

### 4.2 Consent authority

The Minister for Planning and Public Spaces is the consent authority for the application under section 4.5(a) of the EP&A Act. The Minister may delegate determination in accordance with the Minister's delegation dated 9 March 2022.

### 4.3 Mandatory matters for consideration

#### 4.3.1 Section 4.55(2)

Section 4.55(2) of the EP&A Act identifies mandatory matters to be assessed in respect of modification applications. **Table 1** considers the proposed modification against the relevant matters.

**TABLE 1: SECTION 4.55(2) ASSESSMENT**

MATTER	COMMENT
<b>(2) Other modifications</b> A consent authority may, on application being made by the applicant or any other person entitled to act on a consent granted by the consent authority and subject to and in accordance with the regulations, modify the consent if—	
(a) it is satisfied that the development to which the consent as modified relates is substantially the same development as the development for which consent was originally granted and before that consent as originally granted was modified (if at all), and	<p>The development as modified is substantially the same development as approved because:</p> <ul style="list-style-type: none"><li>• The nature of the development remains consistent with the approval, being for the purposes of an educational establishment;</li><li>• This modification proposes works that are inherently ancillary to the dominant land use;</li><li>• The use of the educational establishment is not intensified as the maximum approved student capacity remains at 850;</li><li>• The maximum height of building on the site has not changed; and</li><li>• The provision of the new gymnasium and landscaping changes does not substantially change the school's operation.</li></ul>

(b) it has consulted with the relevant Minister, public authority or approval body (within the meaning of Division 4.8) in respect of a condition imposed as a requirement of a concurrence to the consent or in accordance with the general terms of an approval proposed to be granted by the approval body and that Minister, authority or body has not, within 21 days after being consulted, objected to the modification of that consent, and

To be carried out by the consent authority.

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(c) it has notified the application in accordance with—

To be carried out by the consent authority.

(i) the regulations, if the regulations so require, or

(ii) a development control plan, if the consent authority is a council that has made a development control plan that requires the notification or advertising of applications for modification of a development consent, and

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(d) it has considered any submissions made concerning the proposed modification within the period prescribed by the regulations or provided by the development control plan, as the case may be.

Any submission made will be considered.

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#### 4.3.2 Section 4.55(3)

##### Section 4.15(1) matters

Section 4.55(3) of the EP&A Act requires that the consent authority consider matters relevant to the development referred to in section 4.15(1). The table below addresses these matters.

**TABLE 2: SECTION 4.15(1) ASSESSMENT**

MATTER	COMMENT
(a) the provisions of— (i) any environmental planning instrument, and	The proposed modification has been considered in the context of <i>Parramatta Local Environmental Plan 2023</i> and relevant state environmental planning policies.  It has been found that the modification will not cause any inconsistencies with these instruments or otherwise change the development's relationship to these instruments.
(ii) any proposed instrument that is or has been the subject of public consultation under this Act and that has been notified to the consent authority (unless the Planning Secretary has notified the consent authority that the making of the proposed instrument has been	There are no draft environmental planning instruments that affects the outcome of the proposed modification.

deferred indefinitely or has not been approved), and

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(iii) any development control plan, and	<p>Under clause 2.10 of <i>State Environmental Planning Policy (Planning Systems) 2021</i>, development control plans do not apply to State significant development.</p> <p>However, the objectives of Wentworth Point Development Control Plan 2014 (the DCP) have been considered. It has been found that the proposed modification results in no inconsistencies with the DCP's objectives or otherwise alters the development's relationship to the DCP.</p> <p>Furthermore, whilst the Parramatta Development Control Plan 2023 does not apply to the site, its objectives have also been considered and the proposed modification does not result in any inconsistencies.</p>
(iiia) 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, and	Not applicable.
(iv) the regulations (to the extent that they prescribe matters for the purposes of this paragraph),	The application satisfactorily meets the relevant requirements of the <i>Environmental Planning and Assessment Regulation 2021</i> (EP&A Regulation), including the requirements relating to the procedures for and content of modification applications (Part 5, Division 1 of the EP&A Regulation).
(b) the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality,	The likely impacts of the development have been considered in <b>Section 6</b> of this report. Overall, it has been found the modification will result in no unreasonable adverse impacts.
(c) the suitability of the site for the development,	The proposed modification will not affect site suitability. The Site will remain suitable for the school development following modification.
(d) any submissions made in accordance with this Act or the regulations,	Any submission made during notification will be considered.
(e) the public interest.	The proposed modification will not affect DPHI's conclusion, as stated in its assessment report for the approved school, that the development is in the public interest.

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### 4.3.3 Consent authority's reasons

The consent authority must also consider the reasons given by the consent authority for the grant of the consent that is sought to be modified.

The reasons for granting the consent (SSD-11802230), as stated in the notice of decision dated 14 October 2022, are as follows:

- the amended proposal has a capital investment value (CIV) of approximately \$146,899,641 and is predicted to generate 735 future construction jobs and 59 future operational jobs

- the amended proposal is permissible with development consent and is consistent with NSW Government policies including:
  - A Metropolis of Three Cities – The Greater Sydney Region Plan
  - State Infrastructure Strategy 2018-2038
  - Transport for NSW's Future Transport Strategy 2056
  - Central City District Plan
- 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. The consent authority has imposed conditions relating to operational traffic impacts, stormwater management, waste management, built form/urban design, public domain works, and management of construction impacts including traffic, parking, noise and dust
- the issues raised by the community during consultation and in submissions have been considered and adequately addressed through changes to the project and the conditions of consent
- engagement on the project is considered to be in line with Undertaking Engagement Guidelines for State Significant Projects, including the community participation objectives outlined in these guidelines
- weighing all relevant considerations, the project is in the public interest.

Importantly, the proposed modification does not render any of the reasons for approval nullified. The development as modified would still provide a range of benefits to the region and State as a whole, be consistent with NSW Government strategies, and result in no unacceptable or unmanageable impacts.

#### 4.3.4 Permissibility

It is noted that SSD-11802230 provides consent for the purposes of an educational establishment across the entirety of the site, including that part zoned RE1 Public Recreation under the *Parramatta Local Environmental Plan 2023 (PLEP 2023)*. Despite educational establishments being prohibited within the RE1 zone, consent was granted to the proposal pursuant to Clause 4.38(2) of the EP&A Act, which allows for consent to be granted to partly prohibited SSD.

#### 4.3.5 Floor Space Ratio

The proposed floor space ratio is 1.50:1, whereas the floor space ratio development standard is 1.25:1 under clause 4.4 of the PLEP 2023. This contravention of the development standard is enabled under section 3.43 of the *Transport and Infrastructure State Environmental Planning Policy 2021*. It is noted that the additional gross floor area contributed to by the proposed gymnasium will achieve the objectives of clause 4.4, in particular:

- It does not represent an inappropriate level of density in the area, being only two storeys high, compared to the existing 6-storey buildings currently on the site and the 20+ storey building situated directly to the south across Burroway Road.
- It provides for an appropriate transition to the future park to the north.
- It is situated at the rear of the site and will not be readily visible from Burroway Road.

## 5 Engagement

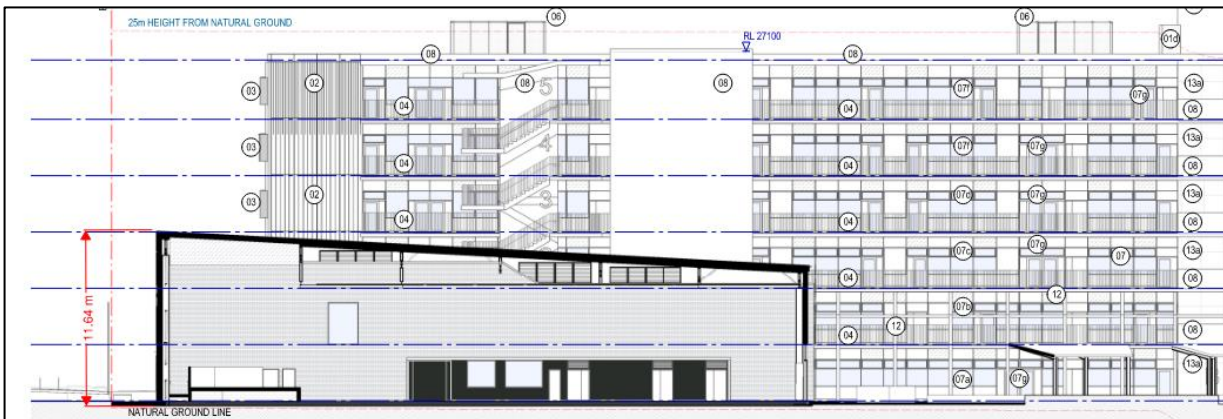
The applicant engaged with DPHI regarding the proposed modification during a meeting held on 8 November 2024. Parramatta Council has not been specifically consulted on this modification, as the proposal aligns with the original design submitted, notified, and addressed during the initial response to submissions for SSD-11802230. Consequently, the matters raised in Council's original submissions have already been appropriately considered. Given the minor nature of the modification, no additional engagement with public authorities or the community has been undertaken.

## 6 Assessment of impacts

### 6.1 Built form and urban design

The proposed changes are generally minor in nature and will not unreasonably impact the built form of the approved development. Although a new gymnasium is proposed, it is just 11.64m in height (refer to **Figure 4**), which is significantly smaller in scale than surrounding buildings in the locality, and it is situated to the rear of the site where it is not significantly visible from the public domain.

Overall, the relocation of bicycle parking towards Burroway Road, the additional sports courts, and the landscaping changes are anticipated to have a negligible impact on the built form of the overall development. None of the proposed amendments will have a significant material impact on the bulk and scale of the school, its architectural merit in the context of the streetscape, nor unacceptable offsite amenity impacts.



**FIGURE 4 – GYMNASIUM SECTION**

Source: Woods Bagot (annotated by Mecone)

### 6.2 Overshadowing

The proposed gymnasium will not create any unacceptable overshadowing impacts on adjoining sites. On the winter solstice, shadows will be cast to the south and east, entirely contained within the school site. During the summer, there may be a marginal impact on the future park to the north in the afternoon. However, this is considered reasonable given the relatively small scale of the structure and the site's approved use as a school.

### 6.3 Acoustic

#### Construction

Construction of the proposed works will be consistent with the established construction noise management levels in the Acoustics Report, dated 8 June 2022 and prepared by Norman, Disney & Young, submitted with the EIS. The modification seeks to amend condition B13 Construction Environmental Management Plan (CEMP), including the Construction Noise and Vibration Management Sub-Plan to ensure that construction noise and vibration will be adequately managed in accordance with the Interim Construction Noise Guideline in the same manner as the approved SSD. Refer to section 6.7 of this report for further detail relating to the management of the operation of the school concurrent to construction.

#### Operation

The area where the new gymnasium is proposed was originally approved to be used as open space play area. Operation of the play area and gymnasium will remain consistent with the established construction noise management levels in the Acoustics Report, dated 8 June 2022 and prepared by Norman, Disney & Young, submitted with the EIS for the following reasons:

- the gymnasium:
  - will be enclosed
  - is not expected to be used outside of schools hours
  - has been sited away from any residential receivers immediately adjoining the school site.
- the play area:
  - was originally approved to be used as open space play area
  - will not cater to additional students as this modification does not seek to change student capacity.

The modification seeks to amend conditions D8 Operational Noise – Design of Mechanical Plant and Equipment and E8 Operational Noise Limits to ensure that the two months of commencement of the final stage of operation, operational noise levels would be verified to not exceed the recommended noise levels for mechanical plant identified in Acoustics Report, dated 8 June 2022 and prepared by Norman, Disney & Young.

The impacts of staged construction and operation are considered in section 6.7 of this report.

## 6.4 Traffic circulation and parking

The proposed changes do not result in any material impact on traffic circulation, as the proposed amendments relate only to the design of additional recreation spaces (including the new gymnasium), landscaping, and bicycle parking. There will be no change to the student and the staff numbers as a result of this modification, and the proposal will therefore not have an impact on traffic circulation.

The modification seeks to amend condition B13 CEMP, including the Construction Traffic and Access Management Sub-Plan to ensure that construction traffic will be adequately managed to avoid conflict with school operation. Note in 2025, only Year 7 students will use the school so the impact of simultaneous operational and construction traffic would be significantly less than modelled as part of the SSDA.

## 6.5 Student and staff amenity

This modification will deliver a complete school with the originally planned amenities, including the addition of a gymnasium, sports fields, and improved courtyard. The relocation of bicycle parking improves accessibility to the road network and encourages sustainable transport options for both students and staff. The proposed landscaping enhancements provide boundary screening to the northeast and shade students using outdoor spaces. Overall, these proposed changes create a significantly improved educational establishment that results in an enhanced outcome for students and staff.

## 6.6 Unencumbered Open Space

The proposed modification results in an outdoor student play space ratio of 1 student per 8.34m<sup>2</sup>, representing an increase of 2.34m<sup>2</sup> per student compared to the originally approved scenario, which provided 6m<sup>2</sup> per student. Based on the additional space available to the school within the school boundaries, the following three scenarios were considered:

- **Scenario 1:** Maintain current layout with Ridge Road, with the currently approved outdoor play space ratio of 1 student per 6m<sup>2</sup>.
- **Scenario 2:** Remove Ridge Road and do not provide a gymnasium, resulting in an outdoor play space ratio of 1 student per 8.59m<sup>2</sup>.
- **Scenario 3:** Proposed modification with the removal of Ridge Road and including the gymnasium, resulting in an outdoor play space ratio of 1 student per 8.34m<sup>2</sup>.

Notably, under Scenario 2, the outdoor play space ratio would increase slightly to 8.59m<sup>2</sup> per student, offering an additional 0.25m<sup>2</sup> of space per student compared to the proposed modification (Scenario 3). While Scenario 2 marginally maximises outdoor play space, it lacks the multifunctional and recreational benefits of the proposed gymnasium to students. Scenario 3 is a balanced approach that improves the outdoor play space ratio compared to the current approval (Scenario 1), maintains compliance with condition D38, and provides significant functional and covered recreational amenity.

## 6.7 Construction and school operation

**Figure 5** presents a conceptual construction management methodology to provide confidence that construction can be managed appropriately in conjunction with the operation of the school. The concept will be further developed in the CEMP, including sub-plans such as the Noise and Vibration Management Sub-Plan and Construction Traffic and Pedestrian Management Sub-Plan, which will be prepared prior to the commencement of construction. These plans will address critical aspects including hours of work, site management details, dust and odour management, lighting compliance, aviation operation measures, and community consultation protocols, in accordance with conditions B13 through B19 of SSD-11802230 to support the ongoing safe and efficient operation of the school.

**Figure 5** outlines three sequential construction phases, each represented by different colours:

### Stage 1

- Red Area (Gymnasium Construction): This includes construction of the gymnasium, providing an enclosed space for activities early in the project. Interim bike parking will be available in the secure entry area during this phase.
- Purple Area (Sports Court and Fencing): This includes construction of one sports court and associated fencing, with students maintaining access to unaffected landscaped areas.

### Stage 2

- Orange Area (Landscaping): This includes landscaping within the central courtyard. Students will have access to the completed gymnasium and first sports court while landscaping is underway.

### Stage 3

- Light Green Area (Sports Court and Bike Storage Area): This involves constructing the second sports court and bike storage area.

The Dark Green Area running perpendicular to Burroway Road, will serve as a construction access route throughout the above construction stages, to minimise operational disruption.

While this plan is illustrative of how construction might be managed, it is subject to amendment as required to best suit operational and contractor needs. Nonetheless, in any instance the currently approved minimum of 6m<sup>2</sup> of open play space per student will be maintained at all stages of construction. The applicant would be agreeable to the imposition of a condition to this effect, if deemed necessary by DPHI.

Further detail can be found in the accompanying Staging Plan at **Appendix 4**.



## 7 Mitigation measures

The environmental assessment carried out as part of this modification has revealed no need for additional mitigation measures beyond those applied to the original development. The existing and proposed conditions of consent are sufficient to satisfactorily mitigate the potential environmental and social impacts of the development as modified.

## 8 Justification of project

Overall, we consider the proposed modification to be appropriate on the basis that it:

- will result in substantially the same development as that approved
- is consistent with the Objectives of the EP&A Act
- is in the public interest, being for the purposes of improving the amenity, functionality and operations of an approved school.

