

Modification of Development Consent

Section 96 (1A) of the *Environmental Planning and Assessment Act 1979*

As delegate of the Minister for Planning, I modify the consent referred to in Schedule 1, subject to conditions in Schedule 2.



Karen Harragon
Director
Social and Other Infrastructure Assessments

Sydney 20 Dec 2017

SCHEDULE 1

Application No.:	SSD 7372
Applicant:	NSW Department of Education
Consent Authority:	Minister for Planning
Land:	3 Marist Place and 24A O'Connell Street, Parramatta (Lot 1 DP 1112822 and Lot 6 DP 1182647)
Approved Development:	Adaptive re-use of existing buildings and facilities at the former Kings School for the establishment of a new primary school, including: • demolition of various internal building elements and ground floor slabs of Buildings E, F and H; • refurbishment of existing buildings, including: ○ Building A to accommodate administration and office space; ○ Building B to accommodate a library and classrooms; ○ Building C to accommodate staff areas, canteen, classrooms and common learning areas; and ○ Building D to accommodate classrooms and practical activities spaces; • construction of new school hall and covered outdoor learning area; • a bus pick-up and drop-off area on Marist Place; • a student pick-up and drop-off area on Marist Place and Market Street; • reconfiguration of existing car parking areas off O'Connell Street and Marist Place; • site remediation works including removal of underground storage tanks; and

- removal of trees and new landscaping to accommodate passive and active recreational uses.

Modification:

SSD 7372 MOD 4:

- modify the timing of post determination approval requirements to facilitate the early occupation of the school and remove potential delays to the commencement of operations by amending conditions of consent regarding:
 - site contamination;
 - boundary fencing;
 - Marist Place and Market Street student set-down/pick-up; and
 - pedestrian access arrangements.

SCHEDULE 2

The consent SSD 7372 is amended as follows:

1. Schedule 2 PART A Administrative Conditions A2. Development in Accordance with Plans and Documents is amended by the insertion of **bold and underlined** words/numbers and deletion of the **~~bold and struckout~~** words/numbers.

PART A ADMINISTRATIVE CONDITIONS

Development in Accordance with Plans and Documents

- A2. The Applicant shall carry out the development in accordance with the conditions of consent and generally in accordance with the:
- a) *Environmental Impact Statement, O'Connell Street Primary School, Old Kings School Site – 24A O'Connell Street, Parramatta* prepared by JBA Urban Planning Consultants Pty Ltd, dated June 2016;
 - b) *Response to Submissions and Amended Proposal*, prepared by JBA Urban Planning Consultants Pty Ltd, dated 12 October 2016 and accompanying attachments;
 - c) *Revised Response to Submissions*, prepared by JBA Urban Planning Consultants Pty Ltd, submitted on 12 January 2017 and accompanying attachments and addendums; **and**
 - d) following drawings, except for:
 - i) any modifications which are Exempt or Complying Development;
 - ii) as otherwise provided by the conditions of this consent; **and**
 - e) Section 96(1A) modification application (SSD 7372 MOD 1) prepared by JBA Urban Planning Consultants Pty LTD, dated 19 May 2017; **and**
 - f) Section 96(1A) modification application (SSD 7372 MOD 3) prepared by Ethos Urban, dated 17 August 2017; **and**
 - g) **Section 96(1A) modification application (SSD 7372 MOD 4) prepared by Ethos Urban, dated 9 November 2017.**

Architectural Drawings prepared by Tonkin Zulaikha Greer Architects			
Dwg No.	Rev	Name of Plan	Date
PA-003	A	AREA CIRCULATION PLANS	06/05/16
PA-004	A	HERITAGE SIGNIFICANCE	06/05/16
PA-005	A	REPAIR AND CONSERVATION SCOPE	06/05/16
PA-100	D	SITE PLAN	12/10/16
PA-101	B	DEMOLITION DETAILED SITE PLAN: CENTER SCHOOL ZONE	31/05/16
PA-102	A	DEMOLITION DETAILED SITE PLAN: WESTERN CAR PARK	06/05/16
PA-103	B	DEMOLITION DETAILED SITE PLAN: EASTERN CAR PARK	31/05/16
PA-104	C	DETAILED SITE PLAN: CENTER SCHOOL ZONE	16/09/16
PA-105	C	DETAILED SITE PLAN: WESTERN CAR PARK	16/09/16
PA-106	C	DETAILED SITE PLAN: EASTERN CAR PARK	16/09/16
PA-107	C	SITE ELEVATIONS: NORTH + SOUTH	16/09/16
PA-108	C	SITE ELEVATIONS: EAST + WEST	16/09/16
PA-109	C	SITE SECTIONS	16/09/16
PA-201	B	BUILDING A+B GROUND FLOOR DEMOLITION/CONSERVATION PLAN	31/05/16
PA-202	B	BUILDING A+B FIRST FLOOR DEMOLITION/CONSERVATION PLAN	31/05/16

PA-203	C	BUILDING A+B SECOND FLOOR DEMOLITION/CONSERVATION PLAN	08/08/16
PA-204	C	BUILDING A+B THIRD FLOOR DEMOLITION/CONSERVATION PLAN	08/08/16
PA-205	C	BUILDING A+B ROOF DEMOLITION/CONSERVATION PLAN	08/08/16
PA-206	C	BUILDING A+B GROUND FLOOR PLAN	16/09/16
PA-207	B	BUILDING A+B FIRST FLOOR PLAN	31/05/16
PA-208	C	BUILDING A+B SECOND FLOOR PLAN	08/08/16
PA-209	C	BUILDING A+B THIRD FLOOR PLAN	08/08/16
PA-210	C	BUILDING A+B ROOF PLAN	08/08/16
PA-301	B	BUILDING C GROUND FLOOR DEMOLITION/CONSERVATION PLAN	31/05/16
PA-302	B	BUILDING C FIRST FLOOR DEMOLITION/CONSERVATION PLAN	31/05/16
PA-303	C	BUILDING C SECOND FLOOR DEMOLITION/CONSERVATION PLAN	08/08/16
PA-304	C	BUILDING C ROOF DEMOLITION/CONSERVATION PLAN	08/08/16
PA-305	C	BUILDING C GROUND FLOOR PLAN	16/09/16
PA-306	B	BUILDING C FIRST FLOOR PLAN	31/05/16
PA-307	C	BUILDING C SECOND FLOOR PLAN	08/08/16
PA-308	C	BUILDING C ROOF PLAN	08/08/16
PA-401	B	BUILDING D GROUND FLOOR DEMOLITION/CONSERVATION PLAN	31/05/16
PA-402	C	BUILDING D FIRST FLOOR DEMOLITION/CONSERVATION PLAN	08/08/16
PA-403	C	BUILDING D SECOND FLOOR DEMOLITION/CONSERVATION PLAN	08/08/16
PA-404	C	BUILDING D ROOF DEMOLITION/CONSERVATION PLAN	08/08/16
PA-405	C	BUILDING D GROUND FLOOR PLAN	16/09/16
PA-406	B	BUILDING D FIRST FLOOR PLAN	31/05/16
PA-407	B	BUILDING D SECOND FLOOR	31/05/16
PA-408	C	BUILDING D ROOF PLAN	08/08/16
PA-501	B	NEW HALL GROUND FLOOR PLAN	31/05/16
PA-502	C	NEW HALL ROOF PLAN	08/08/16
PA-701	B	MATERIALS SCHEDULE	31/05/16

Landscape Drawings prepared by Spackman Mossop and Michaels

Dwg No.	Rev	Name of Plan	Date
L.002	D	KEY PLAN	15/04/16
L.101	D	FINISHES PLAN 1 OF 4	15/04/16
L.102	D	FINISHES PLAN 2 OF 4	15/04/16
L.103	D	FINISHES PLAN 3 OF 4	15/04/16
L.104	D	FINISHES PLAN 4 OF 4	15/04/16
L.CD.310	B	LANDSCAPE PLANTING DETAILS	15/04/16
L.CD.320	B	LANDSCAPE HARDWORKS DETAILS – SHEET 1	15/04/16
L.CD.321	B	LANDSCAPE HARDWORKS DETAILS – SHEET 2	15/04/16
L.CD.330	B	LANDSCAPE FURNITURE DETAILS – SHEET 1	15/04/16
L.411	B	EXISTING TREE SCHEDULE 1 OF 3	15/04/16
L.412	B	EXISTING TREE SCHEDULE 2 OF 3	15/04/16
L.413	B	EXISTING TREE SCHEDULE 3 OF 3	15/04/16
L.420	B	INDICATIVE PLANT LIST	15/04/16

Landscape Drawings prepared by Wood & Grieve Engineers Ltd

Dwg No.	Rev	Name of Plan	Date
C-002	B	GENERAL NOTES	27/04/16
C-011	A	EXISTING CONDITIONS	27/04/16
C-101	B	GENERAL ARRANGEMENT PLAN	27/04/16
C-131	B	STORMWATER DRAINAGE PLAN – SHEET 1	27/04/16
C-132	B	STORMWATER DRAINAGE PLAN – SHEET 2	27/04/16
C-133	B	STORMWATER DRAINAGE PLAN – SHEET 3	27/04/16
C-135	B	STORMWATER DRAINAGE – INFORMATION TABLES	27/04/16
C-137	B	STORMWATER CATCHMENT PLAN	27/04/16
C-138	B	ON-SITE DETENTION TANK DETAILS	27/04/16
E-002	0	ELECTRICAL SERVICES SITE PLAN LIGHTING AND POWER	19/01/17
E-505	0	ELECTRICAL SERVICES DETAILS	19/01/17
<u>Pedestrian Crossing Plans prepared by ptc consultants</u>			
Dwg No.	Rev	Name of Plan	Date
<u>PTC- 400</u>	<u>2</u>	<u>COVER SHEET AND GENERAL NOTES</u>	<u>08/11/17</u>
<u>PTC - 401</u>	<u>2</u>	<u>WORKS PLAN 1</u>	<u>08/11/17</u>
<u>PTC - 402</u>	<u>2</u>	<u>WORKS PLAN 2</u>	<u>08/11/17</u>
<u>PTC - 403</u>	<u>2</u>	<u>WORKS PLAN 3</u>	<u>08/11/17</u>
<u>PTC - 411</u>	<u>2</u>	<u>LINE MARKING AND SIGNAGE PLAN 1</u>	<u>08/11/17</u>
<u>PTC- 412a</u>	<u>2</u>	<u>LINE MARKING AND SIGNAGE PLAN 2a</u>	<u>08/11/17</u>
<u>PTC - 412b</u>	<u>2</u>	<u>LINE MARKING AND SIGNAGE PLAN 2b</u>	<u>08/11/17</u>
<u>PTC - 413a</u>	<u>2</u>	<u>LINE MARKING AND SIGNAGE PLAN 3a</u>	<u>08/11/17</u>
<u>PTC - 413b</u>	<u>2</u>	<u>LINE MARKING AND SIGNAGE PLAN 3b</u>	<u>08/11/17</u>
<u>PTC - 422</u>	<u>2</u>	<u>SET OUT PLAN A</u>	<u>08/11/17</u>
<u>PTC - 423</u>	<u>2</u>	<u>LONG & TYPICAL SECTION SITE PLAN</u>	<u>08/11/17</u>
<u>PTC - 432</u>	<u>2</u>	<u>LONG SECTIONS</u>	<u>08/11/17</u>
<u>PTC - 433</u>	<u>2</u>	<u>TYPICAL SECTIONS</u>	<u>08/11/17</u>
<u>PTC - 441</u>	<u>2</u>	<u>SWEPT PATH ANALYSIS HEAVY RIGID VEHICLE</u>	<u>08/11/17</u>
<u>PTC - 501</u>	<u>2</u>	<u>TYPICAL DETAILS</u>	<u>08/11/17</u>

2. Schedule 2 PART D Prior to Occupation or Commencement of Use Condition D1 Site Contamination is amended by the insertion of **bold and underlined** words/numbers and deletion of the **~~bold and struckout~~** words/numbers.

PART D PRIOR TO OCCUPATION OR COMMENCEMENT OF USE

Site Contamination

D1.

- (a) ~~The~~ Upon the completion of remedial works, the Applicant shall submit ~~to the Certifying Authority~~ a **Site Audit Report and Section A Site Audit Statement** prepared by an **NSW EPA accredited site auditor**, and in accordance with the **NSW Contaminated Land Management – Guidelines for the NSW Site Auditor Scheme (3rd edition, 2017)** (for the relevant part of the site, or staged where relevant), ~~following the completion of the works and prior to the issue of an Occupation Certificate prior to occupation of the land to which the site audit report and site audit statement relate.~~ The site audit report and **Section A** site audit statement must verify that the land:
- (i) is suitable for the uses proposed under this consent;
 - (ii) **will be subject to any conditions required by the EPA accredited Site Auditor relating to long-term contamination management and is to be submitted to the Certifying Authority; and**
 - (iii) **the Secretary following the completion of remediation works or the relevant part of the site, or stage.**

- (b) Any containment cells that are required under any long term contamination management plan must be registered on title within 12 months of the long term contamination management plan being approved and endorsed by the site auditor.
 - (c) No occupation is to occur to areas of the site that have not been deemed suitable for occupation by the Site Audit Report and Section A Site Audit Statement.
 - (d) Evidence demonstrating that the requirements of parts (a), (b) and (c) above have been satisfied, is to be submitted to the Secretary prior to the issue of the Occupation Certificate for the site.
3. Schedule 2 PART D Prior to Occupation or Commencement of Use Condition D3. Boundary Fencing is amended by the insertion of **bold and underlined** words/numbers and deletion of the ~~bold and struckout~~ words/numbers.

Boundary Fencing

D3.

- a) ~~The Applicant shall construct fencing along the southern boundary of the site prior to the commencement of school operations.~~ The fencing shall be designed to prevent students from accessing the adjoining Parramatta River and to deter unauthorised access to the school grounds. The detailed design of the fencing including height, alignment and material shall be developed in consultation with the Heritage Council of NSW, Council and the Office of the Government Architect. Gates shall be incorporated as part of the design to allow the community use of the school oval outside of school hours and direct access across the oval to Western Sydney Stadium (subject to agreement between Council and the Department of Education, or representatives). The final design of the fencing is to be submitted to the Secretary for approval prior to installation.
- b) The boundary fence approved under Condition D3 a) above is to be completed within 4 months of the commencement of school operations. Prior to the commencement of school operations, temporary fencing must be installed on the site in accordance with the locational requirements of D3 a) above in addition to the following:
 - i). not to be of a solid finish or profile in order to allow for passive surveillance;
 - ii). be installed in a manner that can be reversible and not result in significant disturbance to the site at ground level; and
 - iii). be wholly located within the boundaries of the subject site.

4. Schedule 2 PART D Prior to Occupation or Commencement of Use Condition D4. Student Set-Down and Pick-Up – Market Street is deleted and replaced with new Condition D4. Interim Student Set-Down and Pick-Up and Pedestrian Crossing – Market Street and Marist Place, as shown in **bold and underlined** words/numbers.

Interim Student Set-Down and Pick-Up and Pedestrian Crossing – Market Street and Marist Place

D4.

- (a) An interim set-down and pick up area and interim (non-signalised) pedestrian crossing is to be designed by the Applicant in consultation with Council and Roads and Maritime Services and implemented prior to

commencement of school operations. This interim arrangement is to be consistent with the plans titled 'Works Plan 08/11/17 (Rev 2) - 2nd Option A' and must be implemented for the student set-down and pick-up area and pedestrian crossing until a permanent arrangement can be agreed with Council and RMS.

- (b) Prior to the commencement of use for the interim provisions in part (a) above, a Detailed Design Road Safety Audit (RSA) shall be undertaken of the proposed interim student set-down, pick-up and pedestrian crossing facilities and appropriate road safety measures shall be implemented based on the outcomes of the RSA.
5. Schedule 2 PART D Prior to Occupation or Commencement of Use Condition D5. Pedestrian Crossing – Marist Place and Market Street is deleted.
6. Schedule 2 PART E Post Occupation is amended by the insertion of the new Condition E16. Final Student Set-Down and Pick-Up – Market Street and Condition E17. Final Pedestrian Crossing – Marist Place and Market Street as shown in **bold and underlined** words/numbers.

PART E POST OCCUPATION

Final Student Set-Down and Pick-Up – Market Street

E16. The final location of the student set-down and pick-up area is to be determined in consultation and agreement with Council, and must be operational within 6 months of commencement of school operations. Details of consultations undertaken and the final location of the student set-down and pick-up area are to be submitted to the Department for information.

Final Pedestrian Crossing – Marist Place and Market Street

E17. The Applicant shall investigate suitable pedestrian crossing options to ensure school students/pedestrians can safely cross both Marist Place and Market Street. Options are to be considered in consultation and agreement with Council and RMS and may include, but not be limited to, the establishment of a signalised pedestrian crossing or other suitable treatment. The crossing(s) is to be implemented within 6 months of commencement of school operations. Details of consultation undertaken and the final location and design of the crossing(s) is to be submitted to the Secretary.

**End of Modification
(SSD 7372)**