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Mr Jim Betts
Secretary
NSW Department of Planning, Industry & Environment
GPO Box 39
SYDNEY NSW 2001

Attention: Jason Maslen

Dear Jason,

SECTION 4.55(1A) MODIFICATION OF SSD 18_8344 FOR KELLYVILLE NORTH PUBLIC SCHOOL

This Section 4.55(1A) application has been prepared to amend State Significant Development Application (SSDA) SSD 18_8344 for the construction of Kellyville South Public School (the 'School') at 120-126 Hezlett Road, North Kellyville. Specifically, this application seeks to:

- Delete of Condition D11: Bus Layover – Hezlett Road
- Delete of Condition D12: Bus Layover – Hezlett Road
- Delete Condition D13: Bus Layover – Hezlett Road
- Modify Condition E1: Car Parking

This modification seeks to delete Conditions D11, D12 and D13 as The Hills Shire Council (Council) has advised the bus layover is not required because buses will be able to drop-off and pick-up from within the widened road.

The modification also seeks to amend the car parking numbers nominated in Condition E1 to reflect the operational car parking for the development. The total number of spaces for the development does not change. Rather, more parking is provided within the school site.

The application is subject to a Section 4.55(1A) modification as the proposed amendments to the consent will not have any significant unreasonable impacts to the surrounding locality. The proposal will result in substantially the same development as approved under SSD 18_8344. The proposed modification is required to close out conditions in the SSD 18_8344 approval.

This Section 4.55(1A) includes a description of the site; a description of the approved development; details of the proposed modification; consideration of the proposed modification against Section 4.55(1A) of the *Environmental Planning and Assessment Act 1979* (EP&A Act); and an assessment of the proposed modification against Section 4.15 of the EP&A Act.

1. THE SITE

1.1. SITE DESCRIPTION

The site, 120-126 Hezlett Road, North Kellyville comprises two lots legally described as Lot 100 and Lot 101 DP 1216659. The site is located within The Hills Shire Local Government Area at the North Kellyville Precinct, approximately 40km north west from Sydney CBD and 13km north west of Parramatta CBD. The site is in proximity to the existing Rouse Hill Town Centre, Norwest Business Park, Castle Hill Town Centre and the North Kellyville Town Centre. Refer to Figure 1 for an aerial of the site.

The site is a rectangular shaped parcel with a total area of 36,900m² and frontage to Hezlett Road to the east of 130.2m. Hezlett Road is the primary frontage of the site, with secondary frontage to Hipwell Avenue, located to the west. The Kellyville North Public School was approved under SSD 18_8344 and was completed in 2019.

Figure 1 – Aerial Photo



Note. The above aerial view shot was taken prior to the completion of the school in 2019. However, it has been included for contextual purposes.

1.2. EXISTING DEVELOPMENT

North Kellyville Public School commenced operation in 2019. The school comprises a two-storey building with various learning spaces capable of accommodating up to 1,000 students.

The school site also contains a turfed soccer field, two multi-purpose courts, playgrounds and 40 on site car parking spaces (12 constructed as part of the SSD consent and 28 constructed as exempt development post operation of the school).

The primary pedestrian entrance to the school is from Hezlett Road in the south-east corner of the site.

A temporary bus layby and drop-off pick-up area is also provided along the western side of Hezlett Road, immediately adjacent to the school site.

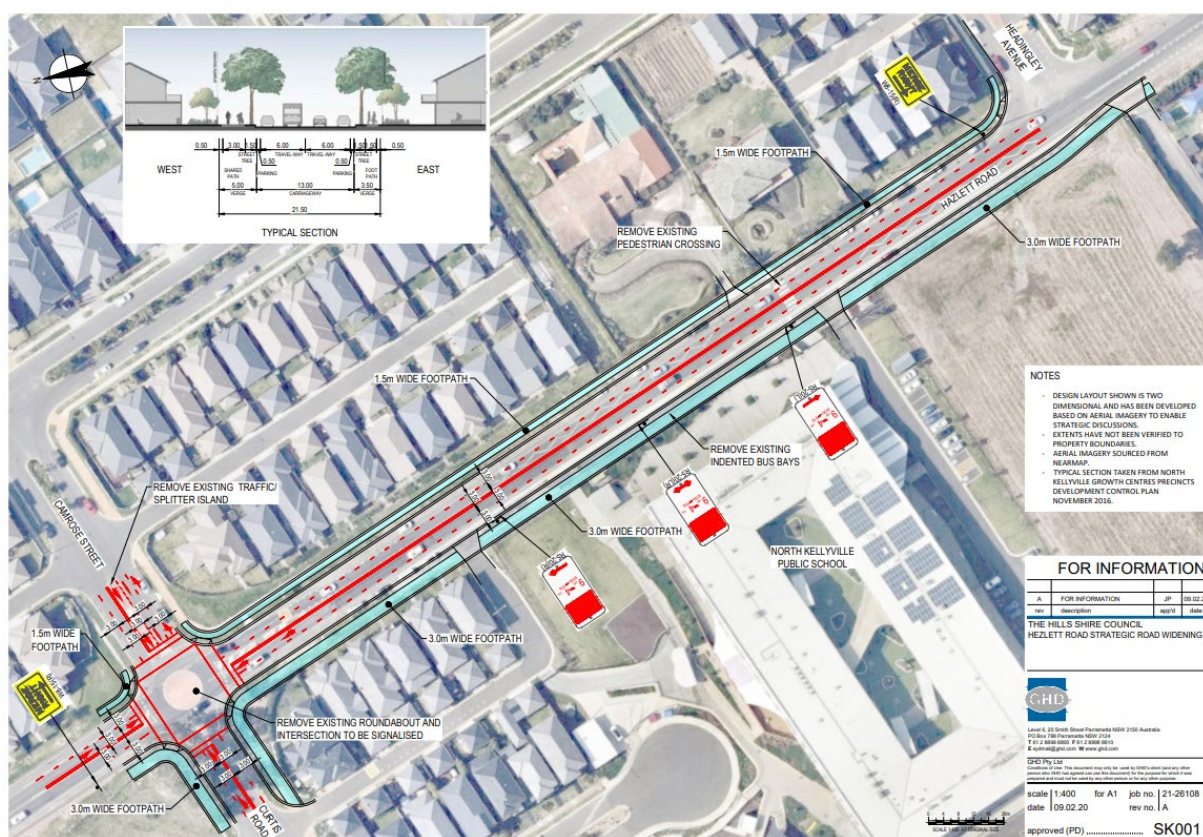
1.3. SURROUNDING CONTEXT

The site is located within the North West Growth Centre, specifically the North Kellyville Precinct which is undergoing significant change. The site is surrounded by low density residential dwellings, some of which are still under construction. Surrounding land uses include:

- **North:** Directly north is a row of low density detached dwelling houses with frontage to Hezlett Road and Thorogood Boulevard.
- **East:** Directly opposite the site is a large, detached dwelling house situated on a generous block of land. The dwelling is set back from the road reserve approximately 30m by landscaping. Also to the east are a mix of one and two storey residential dwellings with frontage to Hezlett Road.
- **South:** To the south is a large parcel of land zoned RE1 Recreation.
- **West:** To the west is land zoned R2 Low Density Residential which is yet to be developed.

Council is currently widening Hezlett Road to provide two trafficable lanes in each direction. These works commenced on 28 September 2020 and are anticipated to be completed by the end of September 2021. Figure 2 below is a diagram of the proposed road widening works adjoining the subject site.

Figure 2 – Council Road widening works



2. BACKGROUND

2.1. STATE SIGNIFICANT DEVELOPMENT (SSD 18_8344)

On 16 March 2018, the Department of Planning, Industry and Environment (DPIE) granted development consent for a new primary school for 1,000 students, involving the construction of a new two storey school building, playgrounds and multi-purpose court at Kellyville North. The new school has been operational since 2019.

2.2. FURTHER DEVELOPMENT APPLICATIONS

On 28 April 2020, a development application for a free-standing digital LEP sign at the south-east entrance to the school was approved by Council (1110/2020/HA). This sign is used exclusively for school and community-related messages.

3. PROPOSED MODIFICATION

3.1. OVERVIEW

This Section 4.55(1A) application proposes to:

- Delete of Condition D11: Bus Layover – Hezlett Road
- Delete of Condition D12: Bus Layover – Hezlett Road
- Delete Condition D13: Bus Layover – Hezlett Road
- Modify Condition E1: Car Parking

3.1.1. Bus Layover

Following discussions with Council, it has been confirmed that a bus layover is not required. The required bus drop-off and pick-up can be accommodated within Hezlett Road without a dedicated layover. As such, the proposed modification seeks to delete D11 accordingly. Reference to any interim or final bus layover locations will be deleted. As such, conditions D12 and D13 are redundant and will be similarly deleted.

There are several bus options available to students:

- Route 615X:
 - Arrives at school at 8:33 AM
- Route 601:
 - Arrives at school at 8:34 AM and 8:49 AM
 - Departs school at 3:04 and 3:25 PM
- School Bus Routes:
 - Arrives at school at 8:20 AM (Route 2099)
 - Departs school at 3:18 PM (Route 2533)

There will be pedestrian access on Hezlett Road on alternating sides of the street, depending on where work is occurring. Fencing between the footpath and lane one is appropriate to control student behaviour. Students will be waiting on or adjacent the footpath area to minimize bus dwell time at the stop.

3.1.2. Car Parking

Condition E1 of the consent requires a minimum of 70 car parking spaces for the development, including a minimum of 12 on-site car parking spaces, a minimum of four car parking spaces within the Hipwell Avenue extension and a minimum of 14 car parking spaces within the adjoining Council reserve or within another off-street location.

The 12 on-site spaces were constructed to satisfy the condition of consent. Since commencement of operation, the school undertook construction of an extension to the existing car park, providing 28 additional on-site spaces. These were constructed on surplus land within the school site. The spaces

were constructed as exempt development under *State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017*. Total on-site parking is now available for 40 vehicles. Details of the additional line-marked car spaces are shown in Figure 3.

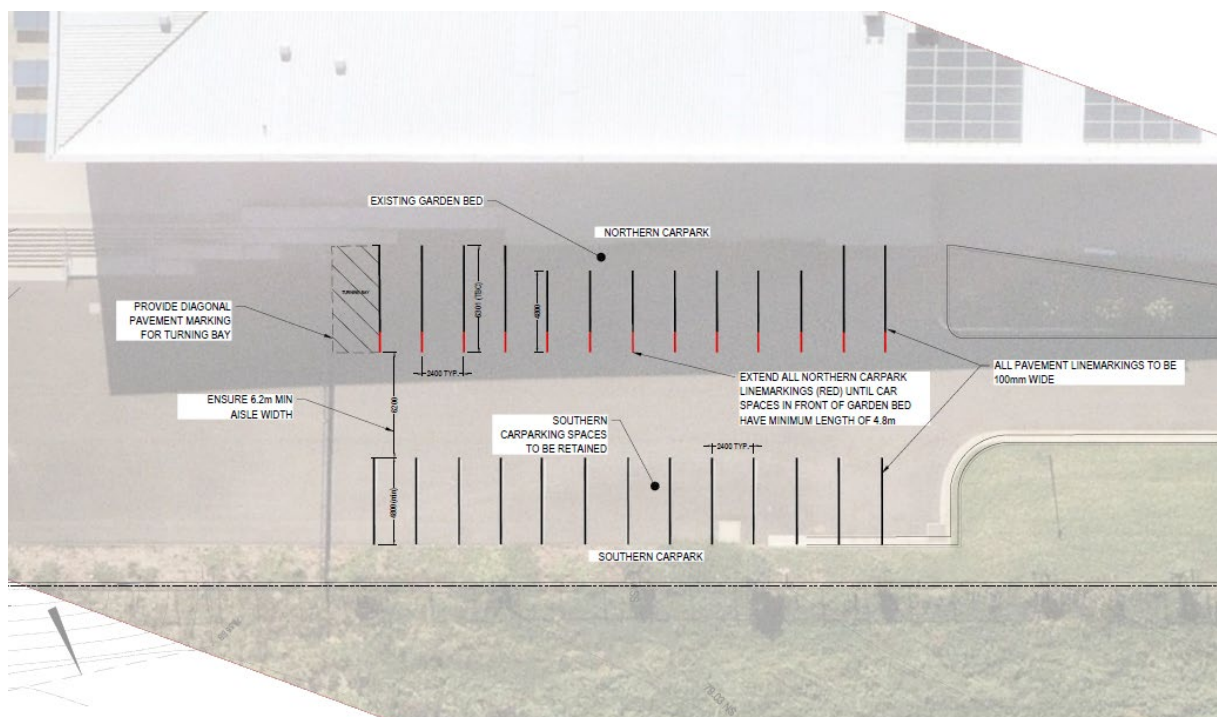
The remaining 30 spaces will be provided off-site in the Hipwell Avenue extension. These 30 spaces are available in the 31 spaces in the Hipwell extension.

The current parking arrangement requires an amendment to Condition E1. Plan amendments are not required as the additional on-site spaces were delivered under a separate planning approval pathway (as exempt development under *State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017*).

3.1.3. 3.1.3 Student drop off and pick up

Conditions D5 relates to the interim and final location and design of the student drop off/pick up area. Condition D6 requires the interim area to be established prior to the commencement of school operations. These conditions are satisfied and no amendments to them are required. For information only, the interim and final location for drop off/pick up is within Hezlett Road. There are three additional drop off/pick up spaces in Hipwell Avenue, as agreed with Council.

Figure 3 - Additional on-site car parking



Source: Adco

3.2. AMENDMENTS TO CONDITIONS

The proposed amendments to Conditions D11, D12, D13 and E1 are shown by a strike through the deleted text and red text for new text.

Bus Layover—Hezlett Road

~~D11. The Applicant must investigate suitable bus layover(s) options within Hezlett Road for the interim and upgraded road condition. The interim and final design and delivery timing of a formalised bus layover must be determined in consultation and agreement with Council and TfNSW / RMS, prior to the commencement of school operations. Details of consultation undertaken and any agreement granted, as well as the final design and any agreed delivery timeframe for the establishment of the bus layover(s) is to be submitted to the Secretary.~~

~~D12. The agreed interim formalised bus layover referred to in Condition D11 must be established prior to the commencement of school operations, unless otherwise agreed by the Secretary.~~

~~D13. The establishment of the agreed longer term formalised bus layover must be in accordance with the terms of any agreement provided by Council and TfNSW / RMS.~~

Car Parking

~~E1 Within 2 years of commencement of operation, unless otherwise agreed by the Secretary, the applicant must ensure the school has access to a minimum of 70 car parking spaces (including appropriate pedestrian connections to the school) constructed in accordance with the latest version of AS2890.1-1993 provided as follows:~~

- a) A minimum of 12 **40** on-site car parking spaces accessed from Hezlett Road; and
- b) A minimum of 44 **30** car parking spaces within the Hipwell Avenue extension; and
- c) ~~A minimum of 14 car parking spaces within the adjoining Council reserve or within another off-site location.~~

~~Where car parking is to be provided off site, evidence of any agreement for use by the school must be provided to the Secretary.~~

4. SECTION 4.55(1A) ASSESSMENT

The matters referred to in Section 4.55(1A) of the EP&A Act need to be considered in the assessment of the proposed modification. Each of the matters relevant to the proposal are assessed below:

4.1. MINIMAL ENVIRONMENTAL IMPACT

The proposed modification is minor and does not affect the land use or built form of the School approved under SSD 18_8344. The application can be considered under Section 4.55(1A) (a) of the EP&A Act.

The deletion of Conditions D11, D12 and D13 will not alter the existing bus drop-off/pick-up operations at Hezlett Road. Following the relevant assessment and Council consultation, the bus drop-off/pick-up can be accommodated within the (widened) road reserve without a dedicated bus layover.

The modification will maintain the existing operations and will not develop any new bus layovers. As such, it will not result in any additional traffic, acoustic or accessibility impacts.

The amendments to Condition E1 formalise the existing car parking arrangement, which has been operating satisfactorily since the school commenced operating. The required 70 spaces have been provided but reconfigured so that more spaces are provided within the school site, which has the effect of increasing the availability of on-street parking for residents and visitors.

The additional 28 spaces constructed as exempt development on-site did not reduce the play space available for students. The parking spaces were designed and constructed to comply with the Australian Standard 'AS2890.1-2003 Off street parking'. The parking is an extension of the existing car park on land not needed for education purposes. It is located south of school building away from play and learning spaces so there are no safety impacts. The car parking has been operating without incident.

The proposed modification will not result in significant unreasonable adverse impacts on the surrounding environment. The school construction works have been mostly completed and the school has been operating with the parking arrangements since 2019. The proposed modification will reflect the current parking arrangements at the school and is not expected to result in any further adverse impacts.

4.2. SUBSTANTIALLY THE SAME DEVELOPMENT

The proposed modification will result in substantially the same development approved under SSD 18_8344. This is because the proposed modification:

- Does not change the approved plans;
- Does not change the quantum of parking spaces required in the original consent;
- Does not change the approved land use;
- Does not change the approved GFA at the site;
- Does not change the intensity of development; and
- Does not change the external built form, height or façade of the development.

Considering the above, the application can be considered under Section 4.55(1A) (b) of the EP&A Act.

4.3. PUBLIC NOTIFICATIONS AND SUBMISSIONS

Any submissions arising from the public notification of this application will need to be assessed by the DPE. The application can therefore be considered under Section 4.55(1A) (c) of the EP&A Act.

5. SECTION 4.15 ASSESSMENT

The matters referred to in Section 4.15 of the EP&A Act also need to be considered in the assessment of the proposed modification. Each of the matters relevant to the proposal are assessed below.

5.1. ENVIRONMENTAL PLANNING INSTRUMENTS AND POLICIES

The EIS submitted with the original SSDA application addressed the development against the following planning instruments and policies (in accordance with the project SEARs):

Strategic Planning Policies:

- NSW State Priorities
- A Plan for Growing Sydney (now replaced by 'A Metropolis of Three Cities')
- NSW Long Term Transport Master Plan 2012
- Sydney's Cycling Future 2013
- Sydney's Walking Future 2013
- Sydney's Bus Future 2013
- Healthy Urban Development Checklist, NSW Health
- Greater Sydney Commission's Draft West Central District Plan

Environmental Planning Instruments:

- *State Environmental Planning Policy (State & Regional Development) 2011*
- *State Environmental Planning Policy (Infrastructure) 2007*
- *State Environmental Planning Policy No. 55 – Remediation of Land*
- *State Environmental Planning Policy (Sydney Region Growth Centres) 2006*
- *Draft State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017*

Development Control Plans:

- North Kellyville Growth Centres Precinct DCP 2016

The proposed modification does not contravene the approved development's ability to comply with the above planning instruments and policies.

5.2. PLANNING AGREEMENT

The proposed modification does not impact any formal planning agreements that relate to the site and approved development.

5.3. LIKELY IMPACTS OF THE DEVELOPMENT

As the modification will reflect the existing operating parking arrangement, it is unlikely that the proposal will result in any adverse impacts. Similarly, the proposed bus pick-up/drop-off at Hezlett Road without a dedicated bus layover has been demonstrated to be appropriate since the school became operational in 2019. The proposed modification will maintain this use as established. The Hezlett Road widening by council, anticipated to be completed by September 2021, will not compromise the viability this bus parking.

The demand on parking and the surrounding road network will not be affected by the proposed modifications. Rather it is improved since more spaces are located on site, without compromising play space or safety of students.

5.4. SUITABILITY OF THE SITE

The proposed modification will not result in any changes that would affect the suitability of the site to accommodate the development already approved under SSD 18_8344. The proposed modification does not impact the built form, FSR or building height of the approved School. Accordingly, the site is suitable for the development.

5.5. THE PUBLIC INTEREST

The proposed modification is in the public interest as it will ensure the orderly and effective continuation of the school's operations.

5.6. CONCLUSION

This Section 4.55(1A) application modifies Conditions D11, D12, D13 and E1 of the consent for SSD 18_8344. Based on the assessment of this letter and the accompanying supporting documents, the proposed modification should be approved, with the appropriate conditions.

Should you wish to discuss any aspect of the application, please contact Alaine Roff at (02) 8233-9927 or aroff@urbis.com.au

Yours sincerely,

A handwritten signature in blue ink, appearing to read "Alaine Roff". The signature is fluid and cursive.

Alaine Roff
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