



Kellyville North Public School Modification 1

State Significant Development Modification Assessment
(SSD 8344 MOD 1)

March 2021

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Glossary

Abbreviation	Definition
Council	Hills Shire Council
Department	Department of Planning, Industry and Environment
EP&A Act	<i>Environmental Planning and Assessment Act 1979</i>
EP&A Regulation	Environmental Planning and Assessment Regulation 2000
Minister	Minister for Planning and Public Spaces
Planning Secretary	Secretary of the Department of Planning, Industry and Environment
SSD	State Significant Development

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1 Introduction

This report provides the NSW Department of Planning, Industry and Environment's (the Department) assessment of an application to modify the conditions of the state significant development (SSD) consent for Kellyville North Public School (SSD 8344).

The application was lodged by the Department of Education (the Applicant) pursuant to section 4.55(1A) of the *Environmental Planning and Assessment Act 1979* (EP&A Act). The application seeks approval to amend conditions relating to the provision of a bus layover on Hezlett Road and car parking.

1.1 Background

The site is located at 120-126 Hezlett Road, Kellyville and is legally described as Lot 100 and 101 in DP1216659 within the Hills Shire Council (Council) local government area. The site is located approximately 30 kilometres to the north-west of the Sydney CBD, approximately 14 kilometres north-west of Parramatta CBD town centre and approximately two kilometres east of the Rouse Hill Town Centre. The location of the site is shown in **Figure 1**.

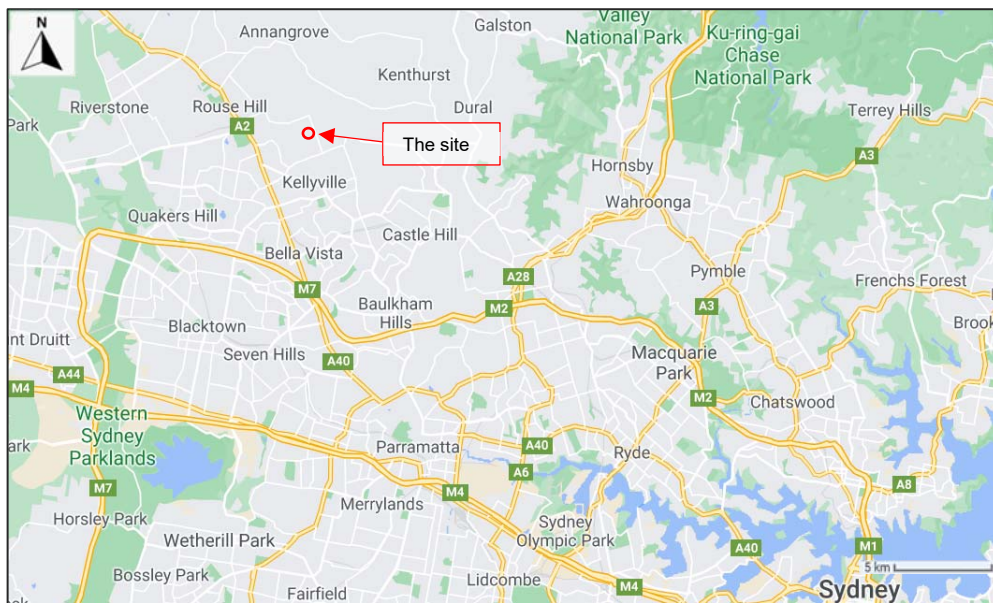


Figure 1 | Regional location of the site (Base source: Google Maps 2021)

The site has an area of approximately 3.69 hectares and has frontages to Hezlett Road and Hipwell Avenue. Vehicle access is available from Hezlett Road. The site contains the completed Kellyville North Public School.

Residential developments adjoin the site to the north and the east. Land to the west of the site is vacant and zoned for R2 Low Density Residential use. The land immediately to the south-east has been zoned for a council reserve.

The existing conditions of the site and surrounds are shown in **Figure 2**.



Figure 2 | Existing conditions of the site and surrounds (Source: Nearmap 2021)

1.2 Approval history

On 16 March 2018, the Executive Director, Priority Projects Assessments, as delegate for the then Minister for Planning and, granted consent for the construction and operation of Kellyville North Public School. This comprised a two-storey multi-purpose school building, outdoor sports facilities, bicycle parking, car parking, site drainage and landscape works. The construction and dedication of public roads also formed part of the consent, including parts of Mossop Way, Thorogood Boulevard and Hipwell Avenue. The approved site layout is shown in **Figure 3**.

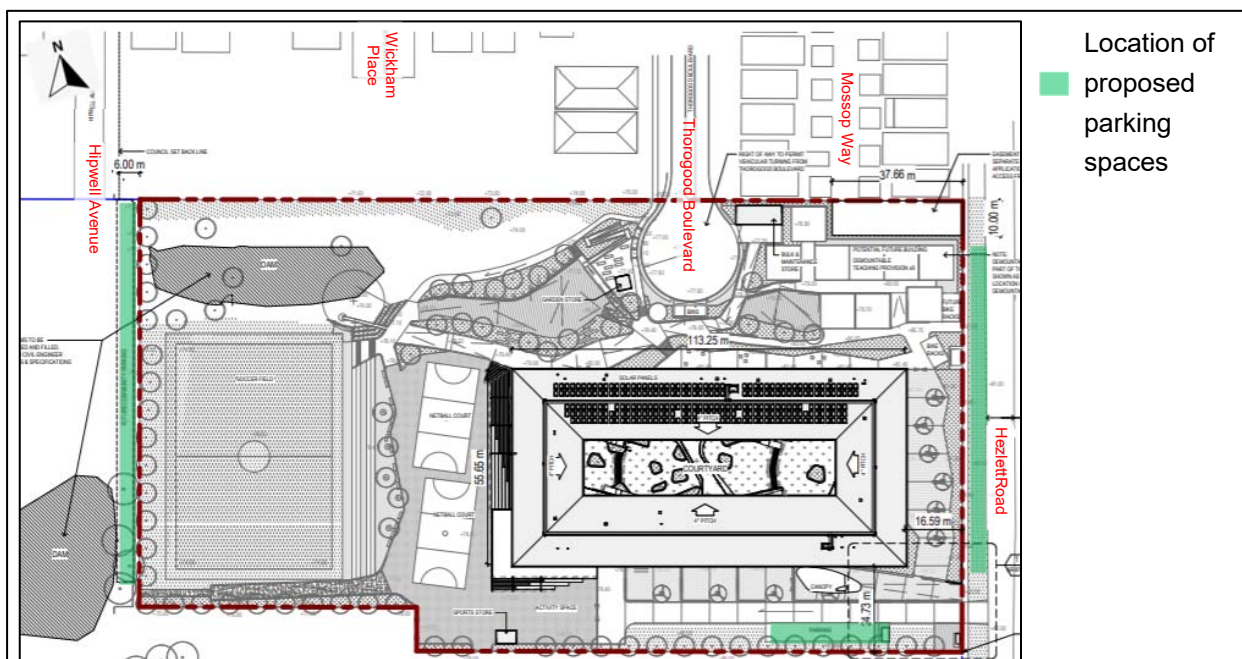


Figure 3 | Approved site layout (Source: Applicant's EIS 2017)

Separate to the school, it was known at the time of the Department's assessment that road widening works were proposed to be undertaken on Hazlett Road by Council. However, the works would not occur until after the commencement of operation of the school. To ensure the school could

commence operation without being impacted by Council's road widening works, conditions D11 to D13 of the consent required the Applicant provide an interim bus layover on Hezlett Road until the Council's works were complete. The final design of the bus layover was then to be designed to the agreement of Council and TfNSW. Conditions D11 to D13 read as follows:

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.

To ensure sufficient parking for the school, condition E1 of the consent required the provision of a minimum of 70 car parking spaces, including 12 on-site spaces, 44 spaces on Hipwell Avenue and 14 spaces within the adjoining Council reserve or within another off-street location. Condition E1 reads as follows:

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 on-site car parking spaces accessed from Hezlett Road; and
- b) A minimum of 44 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 offsite 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.

In October 2018, the Applicant submitted an interim design of the bus layover to the Department in accordance with condition D11. The design included four bus bays in a dedicated bus layover on the southern-most westbound lane of Hezlett Road (**Figure 4**).

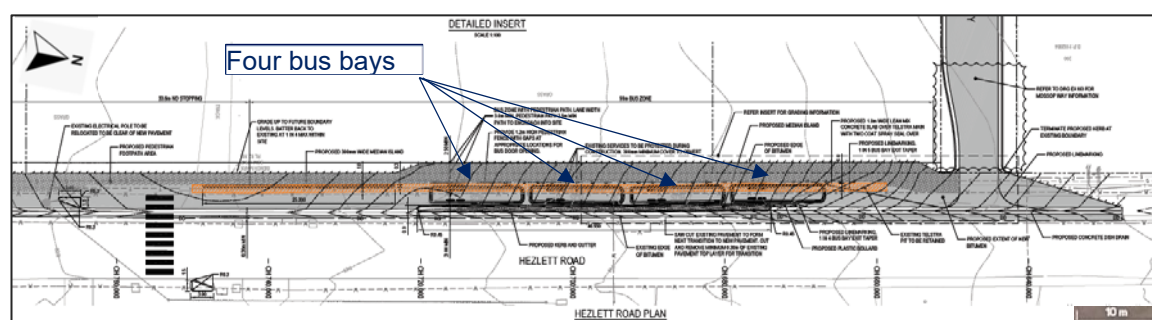


Figure 4 | Interim bus layover (Source: Applicant's post-approval submission 2018)

Construction has been completed on site and the school commenced operation in 2019.

In July 2020, a revised interim bus layover was approved by the Department as part of the Revised Road Access and Delivery Strategy in accordance with condition B18. The revised bus layover zone removed the northern-most bus bay to avoid a Telstra pit and improve road safety. The revised interim bus layover remained as a dedicated bus layover providing a stopping area for three busses. It also included a student drop-off/pick-up area to the south-east of the school site (**Figure 5**).

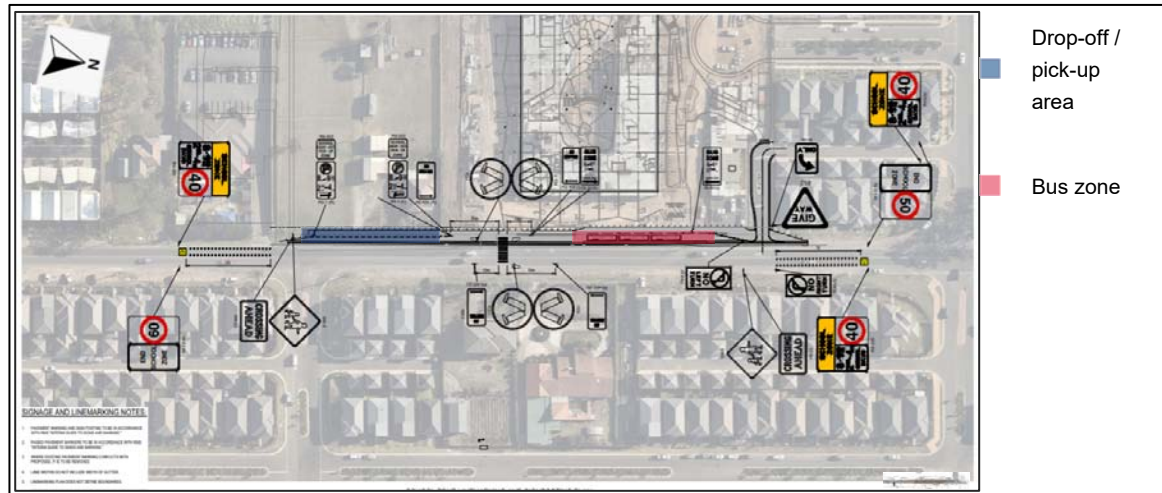


Figure 5 | Revised interim bus layover (Source: Applicant's post-approval submission 2020)

1.3 Related development

The Applicant has advised that the opportunity was taken to provide 28 additional on-site parking spaces (shown in red in **Figure 6**) on surplus land at the western end of the original proposed car park. The Applicant has advised that the additional spaces were provided as exempt development in accordance with the State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017.

As a result of the works, 40 spaces have now been provided on site, considering the 28 additional spaces and the 12 spaces provided under the SSD consent (shown in orange in **Figure 6**). Outside of the site, 30 spaces have been provided on Hipwell Avenue (shown in blue in **Figure 6**), bringing the total parking provision to 70 spaces.

The Applicant has advised that the additional on-site car parking spaces comply with the Australian Standard AS2890.1-2003 Off Street Parking and would use the approved vehicular crossing from Hezlett Road. The Applicant also advised that the parking has not reduced students' play area and has had no safety impacts on the amenity of the school with no known incidents since the operation of the carpark.

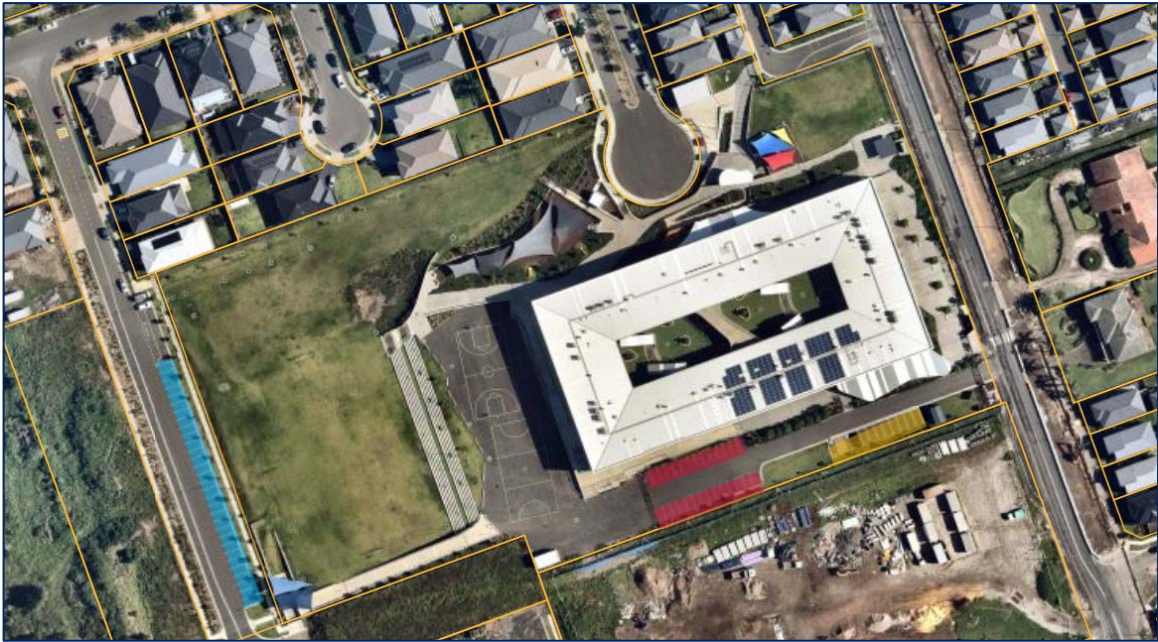


Figure 6 | Additional on-site car parking spaces (Base source: Nearmap 2021)

2 Proposed modification

The modification application seeks to modify the conditions of the consent to reflect revised school bus stop arrangements and amended car parking provisions.

2.1 School bus stop arrangements

The Applicant has advised that it consulted with Council in relation to the upgrade of Hezlett Road and bus parking needs for the school. Council has confirmed that it is currently undertaking upgrade works to widen Hezlett Road and that the works are expected to be completed by September 2021.

The design for the road upgrade accommodates two lanes of traffic in each direction with a pedestrian footpath on either side. The Applicant proposes by way of this modification that a bus zone would be provided within the southern-most westbound lane along the frontage of the site to cater for school and public buses, operating from 9am to 4pm Mondays to Fridays. The Applicant advises that this position regarding the facilitation of a bus zone has been reached following discussions with Council and the bus operator. A summary of the consultation with Council and the bus operator was provided by the Applicant. The design of the proposed works and proposed bus zone are shown in **Figure 7**.

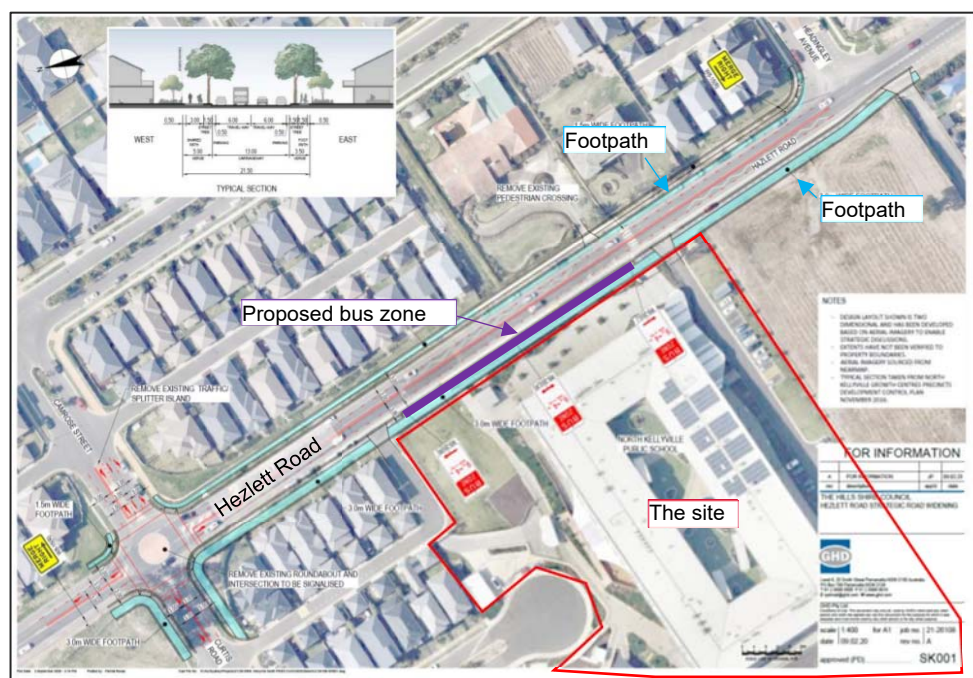


Figure 7 | Hezlett Road widening (Base Source: Applicant's response to RFI 2021)

It is the Applicant's understanding that as the upgrade of Hezlett Road could accommodate bus drop-off / pick-up for the school, the Applicant has concluded that a final dedicated bus layover is not required as prescribed in the existing conditions of consent. The modification seeks to delete conditions D11 to D13 that require the agreement and provision of a final layover as it is no longer required.

2.2 Car parking provision

The modification seeks to amend condition E1 of the consent to reflect:

- the increased on-site parking provision discussed in **Section 1.3**.

- that fewer spaces have been provided on Hipwell Avenue than originally envisaged (30 spaces instead of 44) as a result of the additional spaces provided on-site.
- that no additional off-site spaces are required given that 70 spaces have been provided as required by the consent.

Consequently, the modification seeks to amend condition E1 to reflect the changed car parking arrangements as follows:

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 ~~1240~~ on-site car parking spaces accessed from Hezlett Road; and
- b) A minimum of ~~4430~~ 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 offsite 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.

3 Statutory context

3.1 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 increase the environmental impacts of the project as approved.
- is substantially the same development as originally approved.
- would not significantly impact the local traffic conditions as originally assessed.

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.

3.2 Consent authority

Minister's delegate as consent authority

The Minister for Planning and Public Spaces (the Minister) is the consent authority for the application under section 4.5(a) of the EP&A Act. In accordance with the Minister's delegation to determine SSD applications, signed on 9 March 2020, the Director, Social and Infrastructure Assessments may determine this modification application as:

- the application had not already been referred by the Planning Secretary to the Independent Planning Commission at the time the delegation was issued.
- the application has not been made by a person who has disclosed a reportable donation in connection with the application.
- there are less than 10 public submissions in the nature of objection.

3.3 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 8344. The Department considers this modification application would 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.

4 Engagement

Clause 117(3B) of the Environmental Planning and Assessment Regulation 2000 (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.

Due to the minor nature and minimal environmental impact of the proposed modification, the application was not notified or advertised. However, the modification application was made publicly available on the Department's website and Council and Transport for NSW (TfNSW) were notified.

TfNSW advised that it no comments on the proposed modification.

Council did not object to the application and advised that it had incorporated provision for bus stopping in its road design and that construction of the road upgrade works have commenced.

5 Assessment

The Department has considered the modification application in the context of the original approved development.

5.1 Bus stop arrangements

The Department acknowledges the Applicant's advice in relation to the proposed upgrade of Hezlett Road and that a dedicated bus layover is not required where satisfactory bus stop facilities are able to be provided within an upgraded road carriageway. The Department also acknowledges that Council has no objection to the proposal. Further, Council advised that it is currently delivering road upgrade works that include a separate layover based on previous agreements with the Applicant. However, subsequent discussions between Department representatives and Council officers confirmed that Council is satisfied with either a layover or non-layover (i.e. in-carriageway) bus stopping solution is an acceptable outcome.

The Department notes that the proposed modification would not change any external agreements between the Applicant and Council and that these would need to be revised if a layover is no longer required. Similarly, the modification of the consent as requested would not preclude the provision of a layover if that was deemed to be the final agreed solution between the relevant roads authority, being Council, and the Applicant. On this basis, the Department is satisfied that the modification of the consent does not prescribe the provision of a final layover is acceptable and would not result in significant environmental impacts provided a long term suitable bus stopping facility is provided to cater for the school.

While the Applicant has requested that conditions D11 to D13 be deleted, the Department notes that the interim bus layover discussed in conditions D11 and D12 was provided on Hezlett Road following consultation with Council. In addition, the provision of an in-carriageway bus zone as proposed by the Applicant, would need to be implemented to the satisfaction and with the relevant approval of Council. Therefore, the Department recommends that:

- the condition heading be modified to refer to 'Bus Layover/Bus Stopping Facility' to reflect the broader remit of the revised condition.
- condition D11 be retained and modified to keep references to the interim layover but delete references to the final layover that is no longer a specified requirement as the method of delivering a suitable bus stopping zone in this location is a matter for Council and TfNSW.
- condition D12 be retained as it relates to provision of the interim layover that was provided and is currently operational.
- condition D13 be retained and modified to delete references to the bus layover in its current approved form and replace with a requirement that a bus stopping facility be implemented to the satisfaction of Council within one month of completion of the upgrade to Hezlett Road at the front of the site or other timeframe agreed with the Secretary.

The Department notes that condition D14, relating to bus servicing and network accessibility, requires any bus access routes to service the school to be considered in consultation and agreement with Council and TfNSW, including manoeuvring. The Department also notes condition D24, relating to preparation of an Operational Transport and Access Management Plan, requires implementation of operational management procedures for the drop-off/pick-up of students by buses in consultation with

Council and TfNSW. The Department considers that conditions D14 and D24 would continue to ensure that the amended school bus stopping arrangements within the road reserve would be suitably serviced and managed.

5.2 Car parking arrangements

The Department has reviewed the information provided by the Applicant and considers that the modification of condition E1 is appropriate as it is required to reflect the parking arrangements provided on and off-site. These arrangements make better use of the site to provide on-site parking and reduce reliance on off-site parking. While the additional on-site parking was provided under an alternative assessment pathway, the Department is generally satisfied the additional on-site parking is suitably located adjacent to the originally approved on-site car park and does not intrude into student play areas.

The Department notes that the car parking area provided on Hipwell Avenue is one of a number of on-street parking areas near to the site that were envisaged at the time of the Department's original assessment. These parking areas were proposed to be for shared use of the school and the community to access nearby recreational facilities. However, no formal agreement had been entered into by the Applicant and Council at the time of the Department's original assessment.

The Department notes that the modification would reduce the number of spaces provided on Hipwell Avenue from the 44 originally envisaged to the 30 provided. Whilst this reduces the number of spaces available to the community, the works were subject to the approval of Council under conditions of the consent. In addition, Council did not raise any objections to the modification.

Overall, the Department considers the modification would result in improvements to the operational car parking arrangements. Consequently, the Department accepts the proposed modifications to condition E1 to reflect the revised arrangements. The Department has recommended amended conditions accordingly.

6 Evaluation

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

- the revised school bus stopping arrangement means that a permanent dedicated bus layover is no longer required as set out in the conditions of consent.
- the amended car parking arrangements provide the same number of spaces required by the consent and make better use of the site to increase on-site parking and reduce reliance on off-site parking.
- the development to which the modification relates to remains substantially the same.

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

7 Recommendation

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

- **considers** the findings and recommendations of this report;
- **determines** that the application (SSD 8344 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 8344; and
- **signs** the attached Instrument of Modification (**Appendix B**).

Recommended by:



Jenny Chu
Planning Officer
Social and Infrastructure Assessments

Recommended by:



Jason Maslen
Team Leader
School Infrastructure Assessments

8 Determination

The recommendation is **Adopted** by:

A handwritten signature in black ink, appearing to be 'KH' followed by a long horizontal stroke.

11 March 2021

Karen Harragon

Director

Social and Infrastructure Assessments

as delegate of the Minister for Planning and Public Spaces

Appendices

Appendix A – List of referenced documents

Applicant's modification application:

<https://www.planningportal.nsw.gov.au/major-projects/project/40746>

Appendix B – Modification Instrument

<https://www.planningportal.nsw.gov.au/major-projects/project/40746>