



Mainsbridge School for Specific Purposes Modification 5

State Significant Development Modification Assessment
(SSD 8792 MOD 5)

April 2021

Published by the NSW Department of Planning, Industry and Environment

dpie.nsw.gov.au

Title: Mainsbridge School for Specific Purposes Modification 5

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Glossary

| Abbreviation | Definition |
|----------------------------|--|
| BCA | Building Code of Australia |
| Council | Liverpool City Council |
| Department | Department of Planning, Industry and Environment |
| EIS | Environmental Impact Statement |
| EP&A Act | <i>Environmental Planning and Assessment Act 1979</i> |
| EP&A Regulation | Environmental Planning and Assessment Regulation 2000 |
| EPBC Act | <i>Environment Protection and Biodiversity Conservation Act 1999</i> |
| LEP | Local Environmental Plan |
| 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 Department of Planning, Industry and Environment's (the Department's) assessment of an application to modify the State Significant Development (SSD) consent for Mainsbridge School for Specific Purposes (SSD 8792).

The application was lodged on 12 April 2021 by NSW Department of Education (the Applicant) pursuant to section 4.55(1) of the *Environmental Planning and Assessment Act 1979* (EP&A Act).

The application (SSD 8792 Mod 5) seeks to correct an administrative error associated with the Modification 4 application where two plans were incorrectly referenced. No physical changes are proposed compared to what was assessed by the Department in Modification 4.

1.1 Background

Mainsbridge School for Specific Purposes is located at 95 Lawrence Hargrave Road, Warwick Farm within the northern portion of the existing Warwick Farm Public School in the Liverpool local government area. The site is legally described as Lot 22 in DP 715287. It is located approximately 25km south west of Sydney Central Business District (CBD), 12km south of Parramatta CBD and 500m north of Liverpool CBD.

The site is bounded by Lawrence Hargrave Road to the south, Williamson Crescent to the west, a child care centre and Werriwa Dog Training facility to the north, and Brickmakers Creek to the east (**Figure 1**). The surrounding area is characterised by residential uses, primarily one storey dwellings and recreational uses to the north, east and south.



Figure 1 | Aerial view of the site and surrounding area (Base Source: Nearmap 2020)

1.2 Approval history

On 27 February 2019, development consent was granted by the Executive Director, Priority Projects Assessments, as delegate for the then Minister for Planning, for the development of the Mainsbridge School for Specific Purposes to facilitate its relocation to Warwick Farm (SSD 8792). The development consent permits the following works:

- the construction of one and two-storey buildings comprising:
 - new learning spaces.
 - administration.
 - library and shared hall.
 - canteen, amenities and storage facilities.
- landscaping, including open space improvements, tree removal, covered outdoor learning areas (COLAs), new sports field, fencing and pathways.
- vehicular and pedestrian access along Williamson Crescent.

The approved site layout is shown in **Figure 1**.

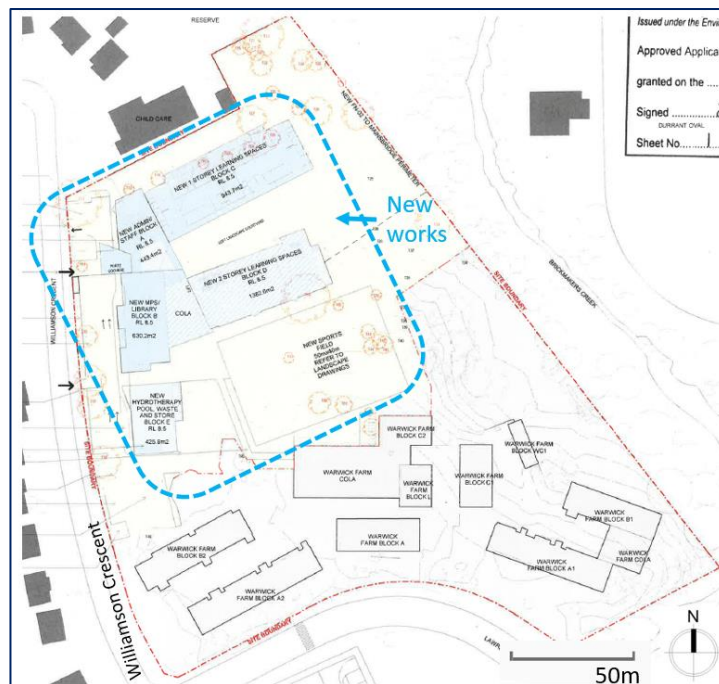


Figure 1 | Approved site layout (Base Source: Department's approved plans 2019)

The development consent has been modified on four occasions (see **Table 1**).

Table 1 | Summary of Modifications

| Mod No. | Summary of Modifications | Approval Authority | Type | Approval Date |
|----------------|---|---------------------------|-------------|----------------------|
| MOD 1 | Amend condition B31 to specify the number of biodiversity credits required and alter the timing for the retired credits. | Department | 4.55(1A) | 19 July 2019 |
| MOD 2 | Alter the size and number of approved trees on the site in order to enable compliance with the required bush fire asset protection zone. | Department | 4.55(1A) | 22 June 2020 |
| MOD 3 | Allow staged development and remediation of the site, and amendments to the Remediation Action Plan due to an unexpected find. | Department | 4.55(1A) | 24 February 2021 |
| MOD 4 | Minor design changes to the layout of the carpark, internal changes within buildings, relocation of solar panels to the rooftop of one building, the addition of louvres to the outside of one building, the addition of an external hydrant tank and pump room, and changes to the landscaping | Department | 4.55(1A) | 15 March 2021 |

2 Proposed modification

The proposed modification seeks to amend Condition A2 of the Development Consent to correct an administrative error. The error relates to the incorrect reference of elevation plans the subject of Modification 4. This modification application (Modification 5) seeks to correct the Condition, such that the plan descriptions match the plans submitted and assessed in Modification 4.

No physical or operational changes are proposed as a result of the Modification 5 application, when compared to what was assessed and approved by the Department in Modification 4.

3 Strategic context

The Department considers the development, to which the modification relates, remains consistent with its applicable strategic context. Specifically, it remains consistent with:

- priorities to improve education results through the provision of improved school facilities associated with the Mainsbridge School for Specific Purposes.
- A Metropolis of three cities - The Greater Sydney Region Plan, as it proposes redevelopment of existing school facilities to meet the growing needs of Sydney.
- the NSW Future Transport Strategy 2056 as it would provide an improved educational facility in an accessible location and provide access to additional new employment opportunities close to public transport.
- the vision outlined in the Greater Sydney Commission's revised Western City District Plan, as it would provide much needed school infrastructure conveniently located near existing public transport services and opportunities to co-share facilities with the local community.
- the State Infrastructure Strategy Update 2018-2038, as it would:
 - provide facilities to support the growth in demand for special needs enrolments in the Liverpool local government area.
 - accommodate infrastructure and facilities sharing with communities.

4 Statutory context

4.1 Scope of modifications

The Department has reviewed the scope of the modification application and considers that the application can be characterised as a modification involving the correction of a minor administrative error.

Therefore, the Department is satisfied the proposed modification is within the scope of section 4.55(1) 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(1) of the EP&A Act rather than requiring a new development application to be lodged.

4.2 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 objections.

4.3 Mandatory matters for consideration

Section 4.55(1) of the EP&A Act provides mandatory matters to be assessed in respect of all modification applications. The Department has considered these matters as set out in **Table 2**.

Table 2 | Mandatory matters for consideration

| Matter | Consideration |
|---|--|
| Whether the proposed modification is of minimal environmental impact. | The proposed modification would not result in significant environmental impacts. The proposed modification is required to correct a minor administrative error and issues associated with the design have already been assessed within Modification 4. The proposed modification would not result in additional environmental impacts. |

Whether the development to which the consent as modified related is substantially the same development.

The approved development, as modified, would remain the same.

Whether notification has occurred, and any submissions have been considered.

The modification application was not publicly advertised in accordance with the EP&A Act and the Environmental Planning and Assessment Regulation 2000 (EP&A Regulation). However, the documents were made publicly available on the Department's website. No submissions were received.

Any submission made concerning the proposed modification has been considered.

No submissions were received.

Any relevant provisions of section 4.15(1) of the EP&A Act.

A comprehensive assessment of the project against the mandatory matters for consideration was undertaken as part of the Department's original assessment. The Department considers that the modification application would not result in 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.

Consideration of the reasons for the granting of the consent that is sought to be modified.

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

5 Engagement

The Department made the modification application and modification report available on its website from 14 April 2021. Given the minor administrative nature of the modification application, the Department did not formally seek submissions on the application or notify Council.

6 Assessment

The Department has considered the modification application in the context of the original approved development, and the subsequent modifications, in its assessment.

The Department notes that the plans to be modified in this assessment have been previously considered and assessed within the Modification 4 assessment.

The Department is satisfied that the Modification 5 application would not alter the approved development, would be substantially the same as the Development already approved, and would ensure that the Mainsbridge School for Specific Purposes may operate as intended by the Applicant.

The Department is supportive of the proposed modification.

7 Evaluation

The Department has considered the proposed modification and assessed the merits of the proposed modification. The Department has concluded that the modification is appropriate on the basis that:

- the overall bulk and scale of the proposed school would be unchanged from what was originally approved.
- the proposed amendment would not have a major impact on the surrounding environment.
- the proposed modifications would ensure the timely and effective operation of an essential service to the community.
- the proposal would not result in any additional significant environmental impacts.

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


8 Recommendation

This section provides a formal recommendation to the decision maker to approve or refuse the modification. The recommendation section is only applicable to projects where the Minister (or his delegate) is the decision maker.

It is recommended that the Director State Significant Acceleration, as delegate of the Minister for Planning and Public Spaces:

- **considers** the findings and recommendations of this report
- **determines** that the application 8792 Mod 5 falls within the scope of section (1) 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
- **agrees** with the key reasons for approval listed in the draft notice of decision;
- **modify** the consent 8792
- **signs** the attached approval of the modification (**Appendix A**).

Recommended by:



Nick Hearfield
Senior Planning Officer
State Significant Acceleration

Recommended by:



Gabriel Wardenburg
Team Leader
State Significant Acceleration

9 Determination

The recommendation is **Adopted** by:



Alan Bright

Director

State Significant Acceleration

as delegate of the Minister for Planning and Public Spaces

Appendices

Appendices should follow this general layout but may be modified for specific reporting needs where necessary:

Appendix A – List of documents

1. Modification report and amended plans

<https://www.planningportal.nsw.gov.au/major-projects/project/41676>

2. Instrument of modification

<https://www.planningportal.nsw.gov.au/major-projects/project/41676>

3. Consolidated consent

<https://www.planningportal.nsw.gov.au/major-projects/project/41676>