



Catherine McAuley Catholic College Modification 1

Modification to allow for short term interim traffic
arrangements to enable operation of the school.
State Significant Development Modification Assessment
(SSD 8989 MOD 1)

September 2020

Published by the NSW Department of Planning, Industry and Environment

dpie.nsw.gov.au

Title: Catherine McAuley Catholic College Modification 1

Subtitle: Modification to allow for short term interim traffic arrangements to enable operation of the school.

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Glossary

Abbreviation	Definition
BCA	Building Code of Australia
CIV	Capital Investment Value
Council	Port Stephens Council
Department	Department of Planning, Industry and Environment
EIS	Environmental Impact Statement
EPA	Environment Protection Authority
EP&A Act	<i>Environmental Planning and Assessment Act 1979</i>
EP&A Regulation	Environmental Planning and Assessment Regulation 2000
EPI	Environmental Planning Instrument
ESD	Ecologically Sustainable Development
LEP	Local Environmental Plan
Minister	Minister for Planning and Public Spaces
Planning Secretary	Secretary of the Department of Planning, Industry and Environment
RMS	Roads and Maritime Services, TfNSW
SEARs	Planning Secretary's Environmental Assessment Requirements
SEPP	State Environmental Planning Policy
SRD SEPP	State Environmental Planning Policy (State and Regional Development) 2011
SSD	State Significant Development
SSI	State Significant Infrastructure
TfNSW	Transport for NSW

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1 Introduction

This report provides the NSW Department of Planning, Industry and Environment's (the Department's) assessment of an application (SSD 8989 MOD 1) to modify the State significant development (SSD) consent for Catherine McAuley Catholic School (the school).

The modification application seeks approval for interim traffic arrangements (including temporary intersection works, line marking and management measures) to allow the commencement of operation of part of the development including the initial stages of the school in Term 1, February 2021, whilst final approval and completion of a major intersection on Medowie Road is being undertaken. Once the main intersection has been constructed in accordance with the conditions of the consent, the interim traffic arrangement would be removed.

The application has been lodged by Trustees of the Roman Catholic Church for the Diocese of Maitland-Newcastle (the Applicant) pursuant to section 4.55(1A) of the *Environmental Planning and Assessment Act 1979* (EP&A Act).

1.1 Background

The site is located at 507 Medowie Road and 2 Kingfisher Close, Medowie and is legally described as Lot 412 and Lot 413 in DP 1063902. The site is located approximately 180 kilometres (km) north of Sydney Central Business District (CBD), approximately 20km north of Newcastle CBD and approximately 30km west of Nelson Bay. The site is located 3km from Newcastle Airport and RAAF Airbase Williamtown. The regional context of the site is shown in **Figure 1**.

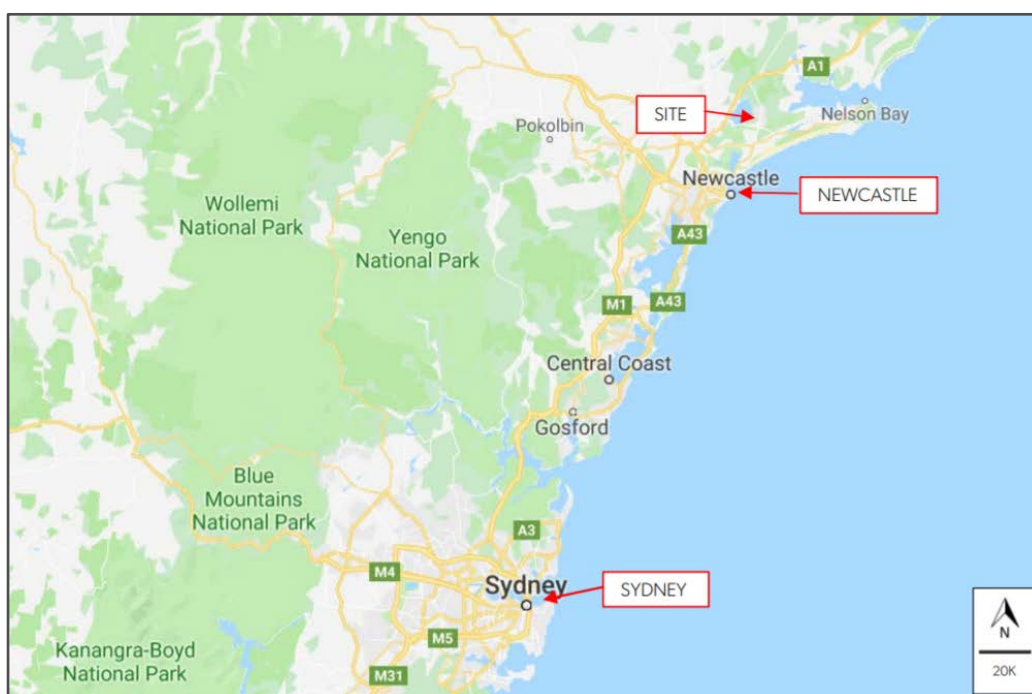


Figure 1 | Regional Context Map (Source: Google Maps 2020)

The site has an area of approximately 26.83 hectare (ha) with frontage and access off Medowie Road. The site slopes to the west and south towards the existing watercourses and wetland areas,

whilst parts of the site also slope gently to the north west. The site contains a range of vegetation, predominately on the western sides of the property boundary.

Residential developments are located to the north, and east (opposite Medowie Road). An early learning centre is also located immediately to the east, opposite Medowie Road. The local context of the site and the surrounding developments are identified in **Figure 2**.

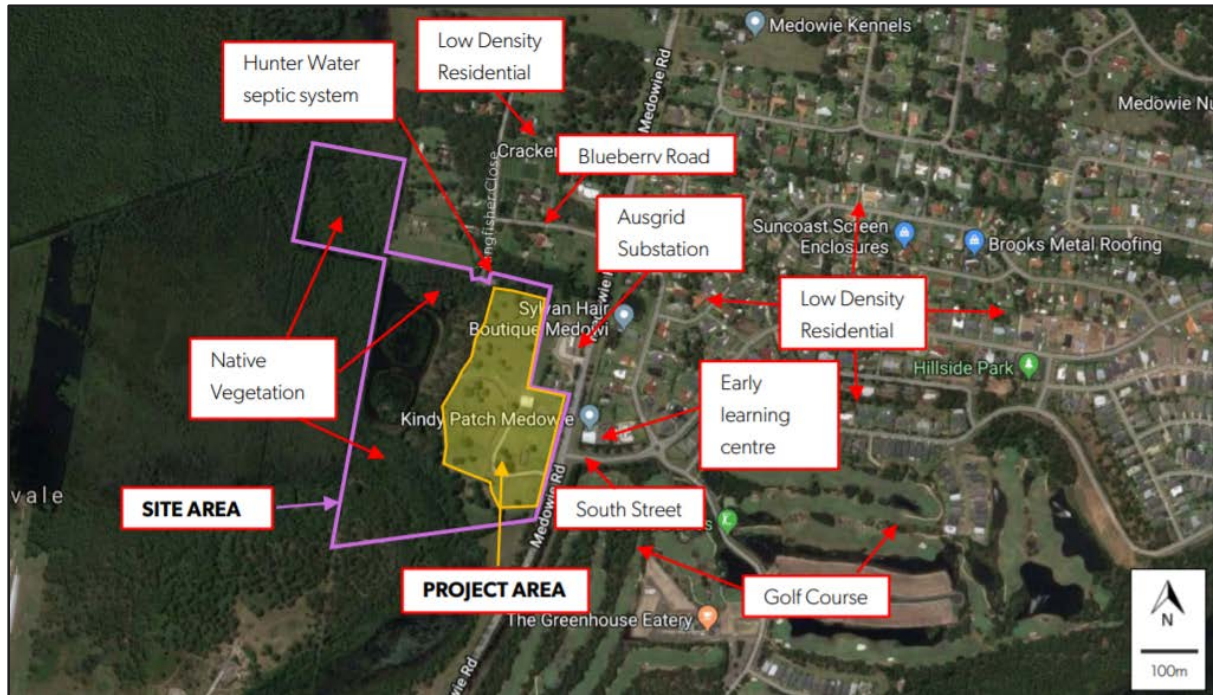


Figure 2 | Local Context Map (Source: Nearmap 2020)

Medowie Road is a regional road that runs along the eastern boundary of the site in a north/south direction. The road provides one lane of travel in each direction with a speed limit of 80km/hour. South Street is a local collector road, operating under a speed limit of 50km/hour. South Street provides one lane of travel in each direction and intersects with Medowie Road. Street lighting is provided at the intersection of Medowie Road and South Street. However, there are no footpaths in the locality.

1.2 Approval history

On 26 July 2019, development consent was granted by Executive Director, Infrastructure Assessments, for the development of the Catherine McAuley Catholic College SSD 8989. The development consent permits the following works:

- demolition of existing structures.
- construction and operation of a new high school up to 1190 students, primary school for up to 630 students, early learning centre (0-5 years) for up to 124 children and 500 seat chapel.
- associated works including remediation, earthworks, drainage, car parking, road, footpath, access and landscaping.
- signalised intersection upgrade works at for Medowie Road / South Street to provide safe and accessible access to the site.

The Applicant proposes to undertake the construction and operation of the school in the following stages:

- Early works.
- Stage 1A / 1B – parts of the high school, early learning centre, chapel and flexible learning village, associated landscaping, civil and hydraulic works.
- Stage 2A / 2B – parts of the high school, associated external works and landscaping.
- Stage 3A / 3B – high school and primary school, landscaping and car parking works.
- Stage 4A / 4B – high school with landscaping works.
- Stages 5A / 5B - high school, primary school and landscaping works.
- Stage 6B – sports fields and landscaping.

Conditions of the development consent required the following:

- *C37. Within three months of commencement of construction (excluding demolition works), the Applicant must enter into a Works Authorisation Deed (WAD) with TfNSW (RMS) for Traffic Control Signals (TCS) and associated intersection upgrade works on the Medowie Road and South Street intersection. The WAD must include the submission of design plans and obtaining relevant approvals.*
- *E36. Prior to the issue of Occupation Certificate for Stage 2 (as described in EIS and Site Staging plan), an updated traffic impact statement is required to be provided and reviewed by TfNSW (RMS) and Council, and to be updated and reviewed prior to Occupation Certificate for each subsequent development stage. If alterations are required to the intersection to improve safety or efficiency, then these must be undertaken as part of the current stage.*
- *E38. Prior to the issue of Occupation Certificate, the Applicant must complete the construction of Medowie Road and South Street to the satisfaction of TfNSW (RMS) and Council.*

Works pursuant to the construction of the school have commenced on the site.

2 Proposed modification

The proposed modification seeks to amend the requirements of condition E38 and allow commencement of operation of the school (Stages 1A, 1B and 2A and 2B only) prior to the completion of the proposed upgrades to the Medowie Rad/South Street intersection. To support the proposed amendment, the application provides details of interim intersection arrangements and alternative access to the site whilst the main signalised intersection works are being undertaken. The proposed interim works include:

- additional pavement and lane on Medowie Road to allow for a left turn deceleration lane directly into the site.
- creation of an additional lane for the purpose of decelerating on and turning right across Medowie Road into the site.
- dual in/out lanes for vehicular access at the southern corner of the site with direct connection to the internal road network and parking facilities.
- provision of new temporary line marking and traffic control measures to accommodate the changes to traffic flows in the interim.

The Applicant has advised that the short term interim access would be decommissioned once the main signalised intersection is complete.

The proposed short term interim traffic arrangements are identified in **Figure 3**.

The temporary intersection would enable the operation of Stages 1A and 1B of the approved SSD which include the administration building, classrooms for years 7 and 8, early learning centre, car park and chapel. The Applicant has also advised that building works in Stage 2A and 2B of the development consent would be completed under this arrangement, but no further increase of student numbers (beyond Stages 1A and 1B) would be proposed.

Access and traffic upgrades for the remaining subsequent stages and operation of further years would require the completion of the main signalised intersection.

The Modification Application is supported by an Interim Traffic Management Plan with details of management of safe pedestrian access to the site and along Medowie Road in general (in the vicinity of the site) during the construction of the final intersection works which will occur concurrently with the operation of the school utilising the interim access arrangements.

The Applicant has identified that the formal process to gain relevant approvals under the Roads Act 1993 (for the final intersection upgrades are underway). The temporary access is anticipated to be completed prior to the commencement of operations and will be in use until mid-2021. The school cannot commence operations until the interim arrangements are in place. The final signalised intersection will be completed around mid-2021 (approximately 9 months from now), at which time the temporary access for the school will be removed.

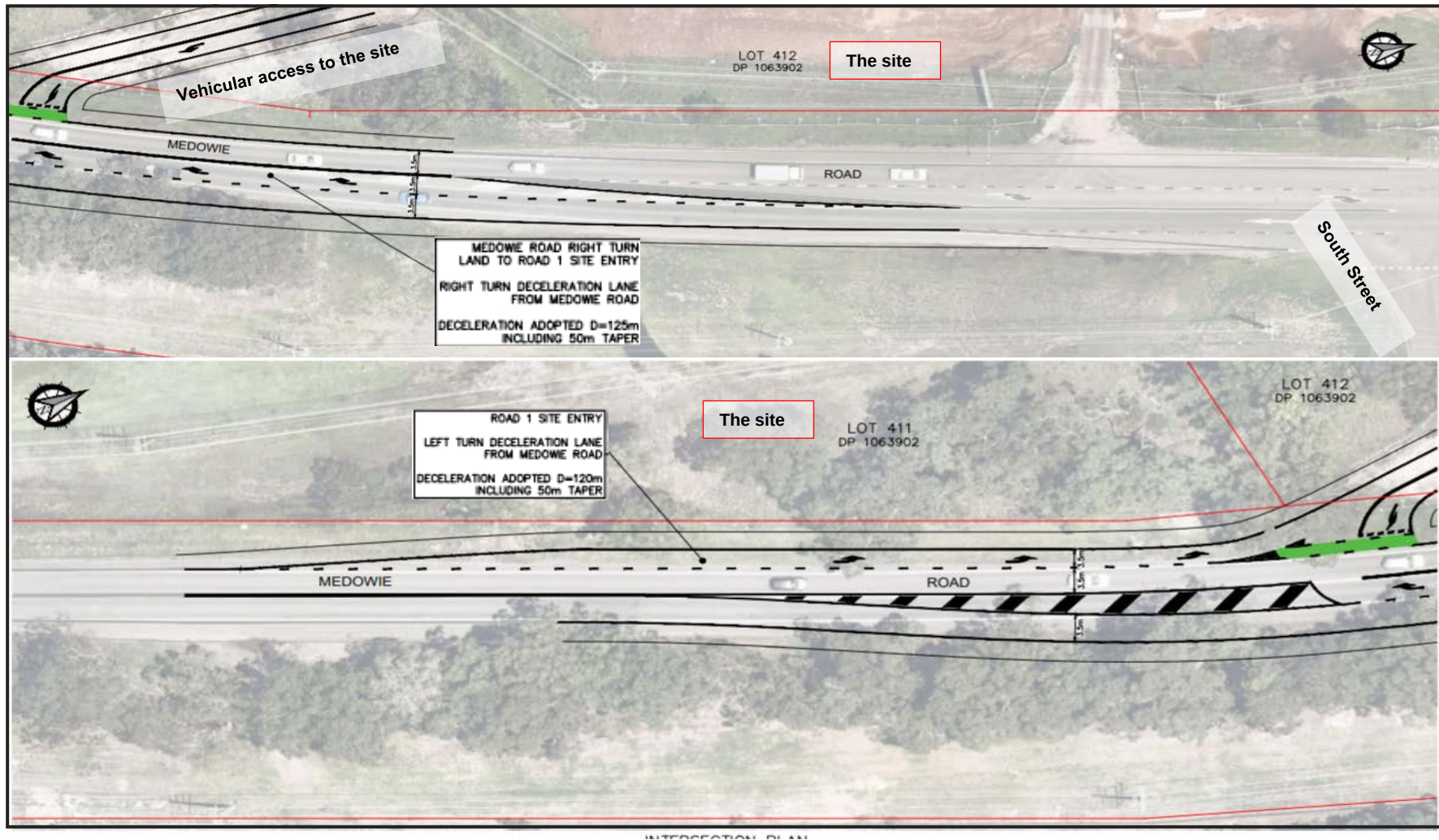


Figure 3 | Temporary Access Plan (Source: Applicant's Modification Report)

3 Strategic context

The development, as modified, continues to be consistent with:

- NSW State priorities.
- Hunter Regional Plan 2036.
- NSW Future Transport Strategy 2056.
- Port Stephens Planning Strategy and Medowie Planning Strategy.
- State Infrastructure Strategy 2018 – 2038 Building the Momentum.

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 minimal environmental impacts as the proposal:

- would not significantly increase the environmental impacts of the project as approved.
- is substantially the same development as originally approved.
- would not involve any further disturbance outside the already approved disturbance areas for the project.

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.

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. However, under the Minister's delegation dated 9 March 2020, the Director, Social and Infrastructure Assessments may determine the application as:

- the relevant local council has not made an objection.
- a political disclosure statement has not been made.
- public exhibition of the application was not required and therefore no public submissions objecting to the proposal were received.

4.3 Mandatory matters for consideration

Section 4.55 of the EP&A Act requires the following matters to be assessed in respect of all applications which seek modifications to approvals, as identified in **Table 1**.

Matter	Consideration
Whether the proposed modification is of minimal environmental impact	The proposed modification seeks approval for interim traffic arrangements to enable the operation of the school prior to the completion of the main upgraded intersection at Medowie Road / South Street. Accordingly, the proposed amendments would result in minimal environmental impacts, subject to the implementation of recommended conditions.
Whether the development to which the consent as modified relates is substantially the same development	The proposed modification does not seek to significantly amend the development. The approved development, as

Matter	Consideration
	proposed to be modified, would remain substantially the same.
Whether notification has occurred, and any submissions have been considered	In accordance with the EP&A Act and the Environmental Planning and Assessment Regulation 2000 (EP&A Regulation), the modification request does not need to be notified. Port Stephens Council (Council) and Transport for NSW (TfNSW) were extensively consulted was consulted regarding this modification and the recommendations have been incorporated as conditions of consent. The application was made publicly available on the Department's website. The TfNSW and Council reviewed the proposal. Their comments are considered in Sections 5 and 6.
Any submission made concerning the proposed modification has been considered.	The Department received correspondence from Council and TfNSW. Details of the consultation are provided in Section 5 of this report.
Any relevant provisions of section 4.15(1) of the EP&A Act	The relevant provisions of section 4.15(1) of the EP&A Act are considered in this section and Section 6. The modification would not alter the development's existing compliance with the relevant environmental planning instruments. The modification would also not increase the impact of the proposal on biodiversity values of the site. Thus, an amended biodiversity impact assessment report, under the <i>Biodiversity Conservation Act 2016</i> is not required.
Consideration of the reasons for the granting of the consent that is sought to be modified	The Department has considered the findings and recommendations in the Department's Assessment Report for SSD-8989, including the key reasons for granting consent outlined in the Notice of Decision. The Department is satisfied that the key reasons for the granting of consent continue to be applicable to the development, as modified.

5 Engagement

5.1 Department's 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 SSD. Accordingly, the application was not notified or advertised. However, it was made publicly available on the Department's website, and was referred to Council and TfNSW for comments.

The Department held meetings with Council and TfNSW in relation to the proposal to provide clarity and to ensure all the concerns raised were addressed.

5.2 Summary of Public Authority submissions and Applicant's Response

Council's Comments

Council identified that they have no immediate concerns with the interim traffic access but advised that the final signalised intersection should be constructed as soon as possible.

TfNSW's Comments

TfNSW confirmed that the interim access would be connected to Medowie Road which is a classified regional road, but that Council is the relevant roads authority under Section 7 of the *Roads Act 1993*. TfNSW initially noted that in early 2020, safety concerns were raised with the Applicant and had not been addressed in the original Modification. The concerns related to:

- limited sight distance for motorists turning left out of the site.
- lack of physical barrier restricting right turn out of the site.
- lack of safe pedestrian facilities for students and children to access the site prior to the delivery of the final intersection.
- impacts on South Street residents as this street would be utilised as turnaround area, specifically by buses, in the interim.
- public bus stops located within South Street may result in children being dropped off on the opposite side of Medowie Road.
- no clear date for commencement of the final intersection works and the expected date of completion to allow decommissioning of the interim traffic arrangements.

In response to the concerns raised by TfNSW and the Department, the Applicant advised that majority of the students would be dropped off at the site by a private vehicle. Alternatively, shuttle buses would be arranged by the school to drop-off / pick-up students.

Following the Applicant's response, further meetings were arranged between the TfNSW, the Department and the Applicant. During this time, TfNSW identified that pedestrian safety around the site was a significant concern as there are no pedestrian crossings in the vicinity of the site and that there would not be any until the final intersection is delivered. TfNSW requested further clarification for the treatment of local pedestrian movements to the school site for students that live too close to the school to be given bus passes.

In response to the on-going concerns from TfNSW and the Department, the Applicant submitted an Interim Traffic Management Plan to TfNSW on 20 August 2020. TfNSW provided their comments on 28 August 2020 and generally supported the proposed plan with additional recommended conditions.

The information was provided to the Department on 3 September 2020.

6 Assessment

6.1 Traffic & Transport

Interim Traffic arrangements

The proposed modification seeks to modify the access to and from the site by providing an interim access, which is proposed to be operative till the time the final signalised intersection at Medowie Road/South Street is delivered. The modification does not seek to increase the number of students attending and the modification report outlines that there would be no further increase in the volume of vehicles, when compared to the original assessment of SSD 8989.

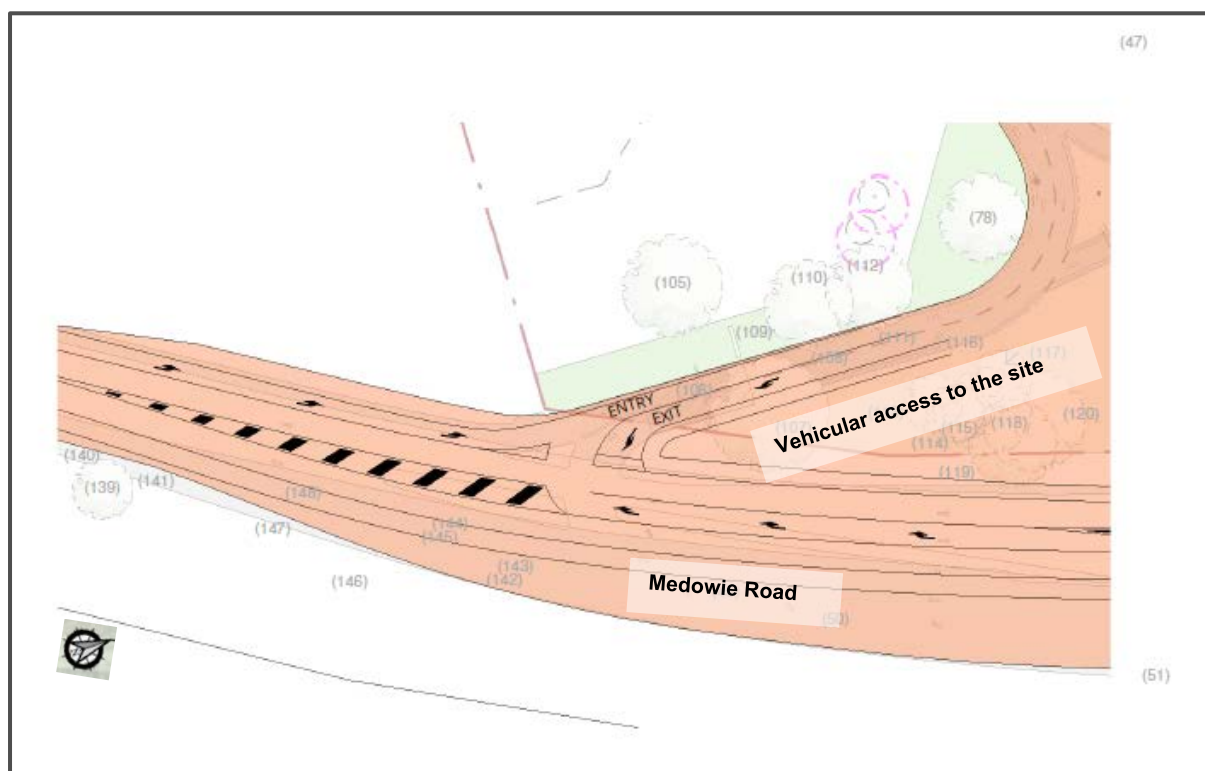


Figure 4 | Temporary intersection design (Source: Applicant's Modification Report)

A temporary access driveway is proposed at the southern boundary of the site on Medowie Road. This driveway would allow both left and right turns into the site, with sheltered turn lanes (separate lanes) provided for both movements. Exit movements are proposed to be restricted to left out only. The location of the temporary is such that it would permit drivers to immediately turn right into South Street after driving out of the site on to Medowie Road. The Applicant suggests that the drivers can then complete a U-turn at the roundabout of South Street/Championship Drive and then turning left from South Street onto Medowie Road. The location of these roads in the context of the site are identified in **Figure 5**.



Figure 5 | Location of the nearby roads in the context of the site (Source: Google Maps 2020)

Intersection performance

270 students are proposed for Stages 1A and 1B, while a further 124 children are anticipated to attend early learning on the site. For the above stages, the Applicant identified that the proposed school would generate up to 225 peak hour vehicular trips in the morning drop-off and afternoon pick-up periods while the early learning centre would generate 100 peak hour trips during the morning peak and 87 trips during the afternoon peak hour.

Based on the above trip generation and the background traffic volumes used in the original assessment for SSD 8989, the Applicant's Modification Report includes SIDRA modelling for both the driveway access/Medowie Road and then the Medowie Road/South Street intersections, as they are proposed to be located very close to each other. The results of this assessment and the level of service (LoS) at both intersections during the drop-off / pick-up periods (peak hours) are provided below in **Tables 1** and **2**.

Table 1 | Intersection performance – temporary access / Medowie Road (Source: Modification Report)

Approach	Level of Service	Delay (seconds)	Queue (metres)
Medowie Road south	A / A	2.0 / 1.4	8.0 / 8.3
Medowie Road north	A / A	0.8 / 1.5	4.6 / 6.1
School access	A / A	5.9 / 12.9	20.5 / 41.0
Overall	A / A	2.2 / 3.8	20.5 / 41.0

Table 2 | Intersection performance - South Street / Medowie Road (Source: Modification Report)

Approach	Level of Service	Delay (seconds)	Queue (metres)
Medowie Road south	A / A	8.5 / 4.0	42.3 / 33.6
South Street	D / A (left turn)	44.4 / 8.2	127.9 / 21.2
	E / F (right turn)	63.0 / 72.0	23.2 / 17.0
Medowie Road north	A / A	0.4 / 0.6	0.0 / 0.0
Overall	A / A	15.9 / 5.6	127.9 / 33.6

The Applicant's assessment concludes that the overall impact of the proposed interim traffic arrangements on the local road network, is limited in nature as it is temporary. The assessment also indicates that the traffic associated with the chapel would occur outside of these peak periods, primarily of a weekend. Consequently, the trips generated by the chapel have not been considered in the above assessment.

TfNSW and Council have not raised any significant concerns regarding the performance of the intersections in the near vicinity of the site.

The Department has reviewed the proposed traffic generation and recognises that the interim traffic arrangement would have a level of adverse impact on the local road network. **Table 1** demonstrates that the intersection of the interim access driveway / Medowie Road would perform at LoS A for the drop-off / pick-up periods. Vehicles utilising the interim access would be able to turn around inside the site and therefore no queuing is expected at the intersection.

Table 2 for the intersection performance of Medowie Road / South Street, shows that the left turn out of South Street would have a LoS D during the morning drop-off. This impact would be due to additional vehicles on South Street making a U-turn at the roundabout and then turning left onto Medowie Road.

The right turn out of South Street onto Medowie Road would perform at LoS E in the AM drop-off and LoS F during the PM pick-up times. Further, a delay of 63 seconds and 72 seconds at the intersection is also anticipated. This is likely due to a combination of local and school traffic on the roads during the PM peak period.

While the Department notes that the intersection at Medowie Road / South Street would operate at a LoS below the acceptable levels, this would be a temporary situation for the locality. Once the final signalised intersection is delivered with traffic lights, pedestrian crossings and a dedicated access for the school, it would result in improvements to the traffic situation in the locality and reduce the traffic impacts on South Street. The long-term impacts of the signalised intersection had been assessed as satisfactory at the time of assessment of SSD 8989.

Considering the temporary nature of the impact on the Medowie Road / South Street intersection, the Department accepts the intersection performance and its impacts on the local road network. The Department is also satisfied that the temporary access to the school is acceptable.

However, the Department considers that this level of intersection performance on a regional road would not be acceptable in the longer term. Consequently, the Department has recommended a condition requiring the Applicant to ensure that the final intersection works commence prior to operation of Stage 1A and 1B and that it is completed within 9 months of commencement of operation otherwise additional school cohort cannot commence at the school.

6.2 Pedestrian Safety

The Applicant identified that the final intersection upgrades to provide an access to the school would include a new signalised intersection at Medowie Road / South Street which would include pedestrian crossing provisions. Currently there is no safe crossing across Medowie Road at this intersection, and the proposed modification does not include provisions for a safe passage for school students or parents/children from the early learning centre to cross Medowie Road at any time.

During the assessment, TfNSW and the Department raised significant concerns regarding the lack of pedestrian safety measures along Medowie Road frontage of the site, associated with the temporary traffic arrangements.

The Applicant initially responded to the concerns from the public authorities and indicated that majority of the students would arrive / depart the site via private vehicles (at least for Stages 1A and 1B). Consequently, a high level of pedestrian movement is not expected.

However, following further concerns from the public authorities, the Applicant submitted an Interim Traffic Management Plan (TMP) outlining the management and mitigation measures to ensure safe movements of students / children of the early learning centre to and from the site. The Interim TMP indicated the following:

- the school would provide a shuttle bus service departing from South Street to drop-off and pick-up students on a daily basis until the final intersection is delivered and operational. The shuttle bus stop location as shown in **Figure 5**.
- the construction works on Medowie Road would be undertaken in stages to manage pedestrian movement (to be finalised by a construction management plan).
- in the morning bus movements would occur at half hourly interval and supervising marshals would be employed to manage these movements.
- additional measures would be in place for students who arrive later or earlier than stipulated times.
- management measures and timings would be in place for afternoon pick-up times.



Figure 6 | Shuttle bus pick up location on South Street (Source: Applicant's Modification Report)

The Applicant identified that physical barriers would also be installed along Medowie Road to discourage pedestrians from entering the site. The Interim TMP also anticipated that parents may park on Championship Drive at times to drop or pick students up from the shuttle bus waiting area at South Street. But these would likely not cause a significant impact on the local traffic. As such, the school would discourage parents from parking through operational measures such as newsletters etc.

TfNSW reviewed the Interim TMP and supported it in principle with additional recommendations regarding bus marshal provisions, intervals of shuttle bus arrivals in the morning, supervision in the afternoon and complain management policies.

The Department has reviewed the Interim TMP submitted by the Applicant and considers the proposed management measures to be reasonable for a temporary period of 9 months. The Department has recommended conditions requiring the completion of a final TMP prior to the operation of the school, consistent with the Interim TMP and incorporating the additional recommendations from TfNSW. The final TMP would outline the details on how students would access the school and particularly the shuttle bus service.

The Department concludes that pedestrian safety around the site can be managed in accordance with the interim traffic arrangements proposed in this modification as long as the requirements in the final TMP (as endorsed by TfNSW) are satisfied.

The Department is also satisfied the treatment proposed in the modification adequately responds to the concerns raised by TfNSW. The shuttle bus service and fencing is only a temporary measure. Once the final intersection works are complete pedestrians would be able to safely cross Medowie Road and go to the early childcare learning centre and the school.

The Department has recommended the following conditions to be satisfied by the Applicant to ensure that pedestrian safety is maintained near the site until such time that the final intersection is delivered:

- a final construction traffic management plan (for Stages 1A, 1B, 2A and 2B) be prepared in consultation with and endorsed by Council and TfNSW.
- operation of the interim access arrangements endorsed by Council and TfNSW.
- the pedestrian management and movements to / from the site during Stages 1A, 1B, 2A and 2B managed generally in accordance with the commitment in the Interim Traffic Management Plan and the additional recommendations of TfNSW.
- the design in relation to the Work Authorisation Deed (WAD) for the final intersection upgrade and traffic lights endorsed by TfNSW prior to the commencement of works in relation to the interim access arrangement to ensure that works in relation to the final intersection design progress.
- the construction of the final intersection upgrade and the traffic lights commence by the time the school commences operation.
- pedestrian movements during school hours be appropriately managed through the Road Occupancy Licence application in relation to the final intersection design.

7 Evaluation

Department has reviewed the proposed modification, assessed the merits of the modified proposal, and all environmental issues associated with the proposal have been thoroughly addressed.

The Department's assessment concludes that the interim traffic arrangement will provide adequate access provisions to facilitate the commencement of operation of the until the final intersection works at Medowie Road / South Street can be completed. Some minor adverse traffic impacts are anticipated during the school operations due to the proposed interim traffic arrangement. However, these impacts are temporary and considered acceptable. An interim TMP would ensure pedestrian safety in the interim, whilst the final signalised intersection is constructed and operational.

The Department is therefore satisfied that the proposed modification is able to be approved as it would result in a satisfactory interim access that would enable the operation of part of the school.

The Department considers that the application is consistent with the objects of the EP&A Act and the NSW State Priorities. The development as modified would be substantially the same as that originally approved.

The Department concludes the impacts of the proposed modification are acceptable. Consequently, the Department considers the development is in the public interest, the modification application should be approved.

7 Recommendation

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

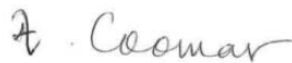
- **considers** the findings and recommendations of this report.
- **determines** that the application SSD 8989 MOD 1 falls within the scope of section 4.55(1A) of the EP&A Act.
- **forms the opinion** under section 7.17(2)(c) of the *Biodiversity Conservation Act 2016* that a biodiversity assessment report is not required to be submitted with this application as the modification would not increase the impact on biodiversity values of the site.
- **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 8989.
- **signs** the attached approval of the modification (**Appendix B**).

Recommended by:



Caleb Ball
Planning Officer
Social and Infrastructure

Recommended by:



Aditi Coomar
Team Leader
School Infrastructure

8 Determination

The recommendation is **Adopted** by:

A handwritten signature in black ink, appearing to read 'KH', with a large circular flourish at the end.

4 September 2020

Karen Harragon

Director

Social and Infrastructure Assessments

as delegate of the Minister for Planning and Public Spaces

Appendices

Appendix A – List of referenced documents

List of all the key documents relied on by the Department in its assessment

1. Modification Report and Appendices
<https://www.planningportal.nsw.gov.au/major-projects/project/32386>
2. Further Information
<https://www.planningportal.nsw.gov.au/major-projects/project/32386>

Appendix B – Instrument of Modification

<https://www.planningportal.nsw.gov.au/major-projects/project/32386>

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