

11 February 2022

2190298

Michael Cassel
Secretary
Department of Planning and Environment
4 Parramatta Square, 12 Darcy Street,
Parramatta, NSW 2150

Dear Mr Cassel,

**SSD-9274 – SAMUEL GILBERT PUBLIC SCHOOL
SECTION 4.55(1A) MODIFICATION APPLICATION**

This application has been prepared by Ethos Urban on behalf of NSW Department of Education, School Infrastructure NSW (SINSW), pursuant to Section 4.55(1A) of the *Environmental Planning and Assessment Act 1979* (EP&A Act) to modify Development Consent SSD-9274 relating to the redevelopment of Samuel Gilbert Public School, located at Ridgecrop Drive, Castle Hill (the site).

The modification relates to an administrative correction to the Kiss and Drop plan to ensure it aligns with the street sign layout approved by Council.

This application identifies the consent, describes the proposed modifications, and provides an assessment of the relevant matters contained in Section 4.55(1A) of the EP&A Act. This application is accompanied by:

- Amended Kiss and Drop Plan prepared by Fulton Trotter Architects (**Attachment A**).
- Excerpt from The Hills Council Meeting Agenda (**Attachment B**).
- Transport Technical Memorandum prepared by Cardno (**Attachment C**).

1.0 Consent proposed to be modified

The consent (SSD-9274) proposed to be modified was approved by the Minister for Planning and Public Spaces on 15 February 2020 for the redevelopment of Samuel Gilbert Public School at 20 Gilbert Road, Castle Hill.

Specifically, approval was granted for the following:

- *Demolition of classroom spaces and removal of trees;*
- *Construction of a new three storey building along Ridgecrop Drive containing 23 new teaching spaces, new staff and administration offices, new library and school entry forecourt;*
- *construction of a new school hall with a separate entrance for out of school hours and community use;*
- *alterations and additions to the existing administration building and library building to convert these into six new home bases;*
- *refurbishment of two toilet blocks; and*
- *associated works including construction of a new circulation axis, landscaping and signage.*

This modification represents the third modification being sought to the development consent. Two modifications have been approved and a third modification was lodged but withdrawn. Works associated with the development have commenced on site.

2.0 Proposed modifications to the consent

The modification proposes to correct an inconsistency in the extent of kiss and drop shown in the architectural drawings referenced in the consent and the layout of signage approved by Council and the Local Traffic Committee.

Modification 2, approved by DPE on 25 November 2021, amended the extent of kiss and drop proposed at the site. Modification 2 was intended to align with the layout endorsed by both Council's Local Traffic Committee on 19 August 2021 and Council on 24 August 2021. However, the Amended Kiss and Drop Architectural Plan provided for Modification 2 did not align with the Council approved layout. In particular, the Architectural Plan showed a 27m drop off and pick up zone on Ridgecrop Drive, towards the intersection with Gilbert Road, which was not present in the Council approved layout.

This modification seeks to provide an Amended Kiss and Drop Plan that corrects this inconsistency by not showing the 27m pick up and drop off zone, to align with the Council approved layout of street signs.

The Council approved street sign layout is shown at **Figure 1**, and the proposed Amended Kiss and Drop Plan is shown at **Figure 2**.



Figure 1 Changes to on-street signage approved by Local Traffic Committee

Source: Cardno/The Hills Council

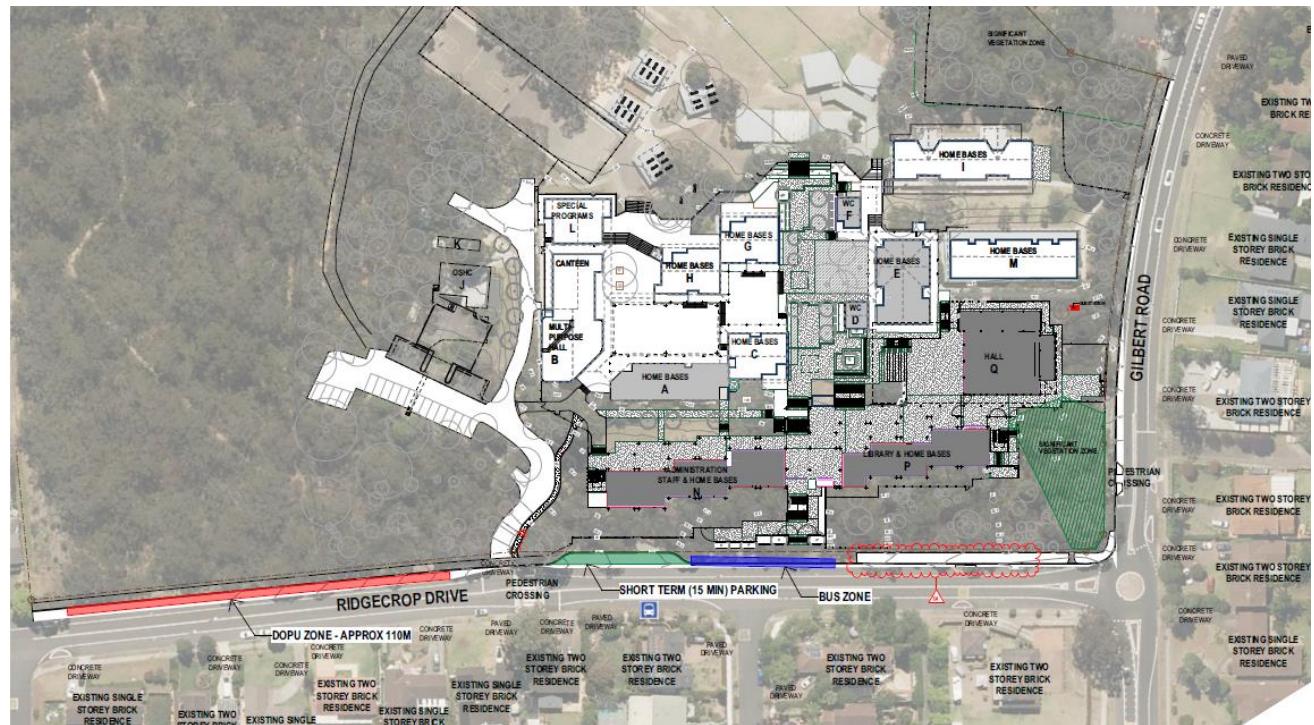


Figure 2 Proposed amended kiss and drop plan

Source: Fulton Trotter Architects

2.1 Modifications to Conditions

The proposed modifications described above necessitate amendments to the consent conditions which are identified below. Words proposed to be deleted are shown in **~~bold strike through~~** and words to be inserted are shown in ***bold italics***.

TERMS OF CONSENT

A2. The development must be carried out:

- (a) in compliance with the conditions of this consent;
- (b) in accordance with all written directions of the Planning Secretary;
- (c) generally in accordance with the EIS and Response to Submissions;
- (d) in accordance with the approved plans in the table below:

DWG No.	Rev	Name of Plan	Date
...
A-S-1615	03 04	<i>Kiss and Ride</i>	11/05/21 07/02/22
...

Reason: To ensure the conditions of consent reference the correct architectural drawings.

3.0 Substantially the same development

Section 4.55(1A) of the EP&A Act states that a consent authority may modify a development consent if “*it is satisfied that the development to which the consent as modified relates is substantially the same development as the development for which the consent was originally granted and before that consent as originally granted was modified (if at all)*”.

The development, as proposed to be modified, is substantially the same development as that originally approved in that it:

- Does not seek any changes to the layout of the kiss and drop, only to correct an inconsistency in documentation to align with Council's approved street sign layout.
- Will not alter the existing approved use, which is already considered suitable to the site.
- Does not seek to reduce the amount of on-site parking approved.
- Will not make any changes to the approved built form.
- Is not considered to give rise to any new environmental impacts compared to the approved development.

4.0 Environmental Assessment

Section 4.55(1A) of the EP&A Act states that a consent authority may modify a development consent if “*it is satisfied that the proposed modification is of minimal environmental impact*”. Under Section 4.55(3) the consent authority must also take into consideration the relevant matters to the application referred to in Section 4.15(1) of the EP&A Act and the reasons given by the consent authority for the grant of the original consent.

The following assessment considers the relevant matters under Section 4.15(1) and demonstrates that the development, as proposed to be modified, will be of minimal environmental impact.

4.1 Compliance with plans and policies

The EIS submitted with the original SSD assessment compliance with numerous plans and policies as required by the SEARS, including the following of key relevance:

- *State Environmental Planning Policy (State and Regional Development) 2011.*
- *State Environmental Planning Policy (Educational Establishments & Child Care Centre) 2017.*
- *The Hills Local Environmental Plan 2012.*

The EIS submitted with the original SSD also addressed the expected environmental impacts associated with the development. The planning assessment of the development inclusive of the proposed modifications remains generally unchanged with respect to the above and the original development assessment. The following sections provide further assessment where required.

4.2 Traffic and Parking

A Transport Technical Memorandum was prepared by Cardno for Modification 2, to assess the traffic and parking impacts resulting from the proposed changes to the kiss and drop, as well as providing an assessment of the existing and approved kiss and drop arrangement (see **Attachment C**). This Technical Memorandum assessed the Council approved kiss and drop layout, which did not include the 27m drop off and pick up zone shown in the architectural plans. Therefore, the assessment remains valid in relation to this modification, which seeks to align the architectural plans with the Council approved kiss and drop layout. The findings of modification 2 remain valid and no additional assessment is required.

4.3 Reasons given for granting consent

In accordance with Section 4.55(3) of the EP&A Act, the consent authority for the proposed modification is required to take into consideration the reasons given by the consent authority for the granting of the original consent that is sought to be modified. The following reasons were given when granting approval for SSD 9274:

- *the project would provide a range of benefits for the region and the State as a whole, including additional capacity to the educational facilities through its redevelopment, \$34,762,000 total capital investment, 50 construction jobs and 35 new operational jobs;*
- *the project is permissible with development consent, and is consistent with NSW Government policies;*
- *the impacts on the community and the environment can be appropriately minimised, managed or offset to an acceptable level, in accordance with applicable NSW Government policies and standards as identified in the Department's Assessment Report. The consent authority has imposed conditions relating to traffic and parking, sustainable travel and waste management;*
- *the issues raised by the community during consultation and in submissions have been considered and adequately addressed through changes to the project and the recommended conditions of consent; and*
- *weighing all relevant considerations, the project is in the public interest.*

The development, as proposed to be modified, remains consistent with these reasons.

4.4 Minimal Environmental Impact

The proposed modification is considered to be of minimal environmental impact since it:

- Results in no physical changes to the built form or land use at the site.
- Do not give rise to any additional construction impacts.
- Relates only to the correction of an inconsistency in documentation.

4.5 Site Suitability and the Public Interest

The site remains suitable for the proposed development since no changes are proposed to the development itself. The modification is administrative in nature and relates to the correction of an inconsistency in documentation. Therefore, the proposal is considered to remain suitable for the site and in the public interest.

5.0 Conclusion

The modification relates to an administrative correction to the Kiss and Drop plan to ensure it aligns with the street sign layout approved by Council.

In accordance with Section 4.55(1A) of the EP&A Act, DPE may modify the consent as:

- The consent, as proposed to be modified, is substantially the same development as that originally approved.
- The proposed modification will result in minimal environmental impact.

We trust that this information is sufficient to enable the assessment of the proposed modification request.

Yours sincerely,



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