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LEVEL 8, 123 PITT STREET  
SYDNEY NSW 2000**

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15 October 2020

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320 Pitt Street  
Sydney NSW 2000

Dear Jason,

## **SECTION 4.55(1A) APPLICATION TO AMEND SSD\_9368 - GALUNGARA PUBLIC SCHOOL**

### **1. INTRODUCTION**

This letter has been prepared on behalf of School Infrastructure NSW (the **Proponent**) in support of a Section 4.55(1A) application to modify SSD\_9368 in relation to Galungara Public School in Schofields.

The application seeks approval to amend the construction staging and easement management for the development, and as such will require amendments to several conditions of the consent, outlined in Section 4 of this Report. The changes to SSD\_9368 are proposed because the timing of the delivery of Pelican Road and extension to Farmland Drive and Council's joint use car park is uncertain. The modified staging will ensure that the school is operationally ready for D1 T1 2020.

The application has been prepared in accordance with the *Environmental Planning and Assessment Act 1979 (EP&A Act)* and *Environmental Planning and Assessment Regulations 2000* (the **Regulations**). The proposal is the subject of a Section 4.55(1A) modification as it will result in a scheme that is substantially the same as that originally approved and will have minimal environmental impact.

This modification letter is accompanied by the following documentation:

- Amended Staging Plan (**Appendix A**)
- Amended Construction Traffic & Pedestrian Management Plan (**Appendix B**)
- Amended Easement Management Plan (**Appendix C**)
- Temporary Bus Route and Parking Restriction Plan (**Appendix D**)
- Staging Management Plan (**Appendix E**)

This SEE provides the following:

- A description of the site and surrounding development.
- A detailed description of the proposed modifications.

- An assessment of the modified proposal against all relevant environmental planning instruments and the likely impacts of the proposal.

## 2. PROJECT BACKGROUND

On 21 May 2020 development consent was granted by the Minister for Planning and Public Spaces for SSD\_9368. Consent was granted for the following:

*Staged construction and operation of a new school including four learning hubs containing home bases, a hall with canteen and out of school hours facilities, library and administrative building, and associated works including covered outdoor learning areas, landscaping, drop-off / pick-up facilities, car parking, signage and infrastructure works.*

## 3. SITE DETAILS

The site is located at the corner of Farmland Drive and the future realignment of Pelican Road, Schofields and is legally described as Lot 1 and 2 in DP1244925. The application relates to all of Lot 2 and the northern portion of Lot 1 in DP1244925. The site is irregular in shape and is approximately 2 hectares in area. The site has an existing frontage to Farmland Drive to the north and a future frontage to Pelican Road to the west (proposed road). The north of the subject site is generally flat whilst the southern half of the site slopes gently to the south.

## 4. CONSULTATION WITH COUNCIL

The project team has consulted with Blacktown City Council (BCC) in relation to the delivery of Pelican Road, the extension to Farmland Drive and the Joint Use car park. Council has provided indicative support for the provision of a temporary bus zone along Farmland Drive frontage. Refer to the attached Temporary Bus Route and Parking Restriction Plan developed in consultation with Council provided at **Appendix D**

## 5. PROPOSED MODIFICATIONS

### 5.1. AMENDMENTS TO CONSTRUCTION STAGING

This Section 4.55(1A) modification application seeks consent to amend the approved construction staging of the development. The approval is for construction in two stages, being Stage 1 and Stage 2. This application is seeking construction to be undertaken in three stages, being Stage 1a, Stage 1b and Stage 2 as follows:

- **Stage 1a** – Construction and operation of the core school facility, including library, hall, partial construction of COLAs and site landscaping, sports courts, and administration and staff facilities, and 19 home bases to cater for up to 600 students as set out in the Amended Staging Plan prepared by Richard Crookes Construction submitted in August 2020.
- **Stage 1b** – Construction and operation of landscaped areas including the School Heart as set out in the Amended Staging Plan prepared by Richard Crookes Construction submitted in August 2020.
- **Stage 2** – Construction and operation of the remaining 20 home bases and COLAs and final landscaping works to increase the school capacity up to 1000 students as set out in the Amended Staging Plan prepared by Richard Crookes Construction submitted in August 2020.

Stage 2 remains consistent with the original approval.

At the completion of Stage 1a, the area for Stage 1b and Stage 2 will be secured with security fencing to ensure that students and staff are prevented from entering the construction zones. As all core facilities including carparking and pick-up/drop off facilities are in Stage 1a, the School will have the capacity to be fully operational until such time that Stage 1b and Stage 2 can be delivered. The School capacity at the end of Stage 1a will be up to 600 students.

Stage 2 includes the remaining 20 home bases and rectification landscaping works. It will increase the School capacity up to 1000 students. Whilst the timing of Stage 2 delivery is currently unknown, the construction period is anticipated to a minimum of six months.

Construction of Stage 1a is anticipated to be completed Day 1 Term 1, 2021, however in accordance with the operational readiness requirements it is anticipated that Block A and Block B1 will be available for staff to prepare to the new School. Stage 1b is anticipated to be completed in April 2021, for the school to open Day 1, Term 1, 2021.

For further details relating to the phasing of construction and operation, refer to **Figure 1** below and the Amended Staging Plan provided at **Appendix C**.

Figure 1 – Amended Staging Plan

Revised Staging Plan - SSD Mod 3  
12/10/20



Source: Richard Crookes Construction

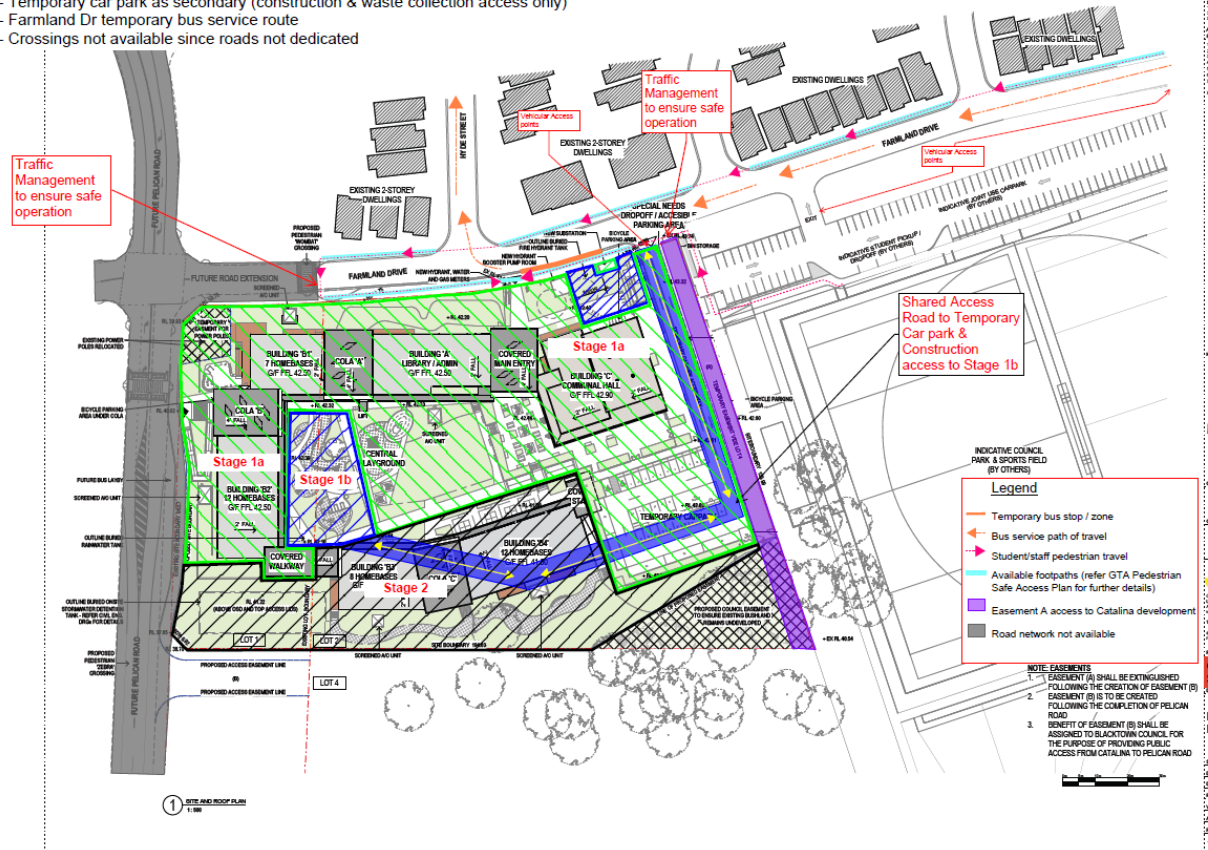
An additional Staging Management Plan provided at **Figure 2** and attached at **Appendix E** outlines the scenario, in which Pelican Road and the extension to Farmland Drive have not been constructed, and the joint use car park is not available. The delivery of Pelican Road and extension to Farmland Drive and the joint use car park are being delivered by others on land not owned by the Department of

Education, thus the timing has a degree of uncertainty to the delivery of these, for this reason we have adopted the above scenario representing the worst case.

Figure 2 – Staging Management Plan

**Pelican Rd construction & Farmland Dr extension incomplete:**

- Easement A in place
- Council drainage easement at SE corner in play
- Joint Use as primary car park: Student and Staff usage
- Temporary car park as secondary (construction & waste collection access only)
- Farmland Dr temporary bus service route
- Crossings not available since roads not dedicated



Source: Richard Crookes Construction

The proposed modification is required to reflect changes to the overall staging to allow for Stage 1a and 1b, the delivery of Pelican Road, the use of the temporary car park, easement management, and the provision of a temporary bus bay and joint operation of the temporary and joint use car park.

The modification is informed by the following considerations:

- The School is not likely to rely on temporary car park as indication is that it will likely be delivered before D1T1, 2021, however this is beyond the control of DoE and flexibility is requested should it not be delivered anymore as joint use will now be available for Stage 1a.
- Access to the School from the joint use car park will be via a footpath within the public domain to provide access to the front of the School – this will be managed via Traffic Control Plan provided in the amended CTPMP attached at **Appendix B**.
- Should the joint use car park be operational, the temporary car park will still be used to accommodate accessible parking space and for rubbish collection during stage 1a. The temporary car park will also be used to allow for construction access during stage 1b landscaping works thus the flexibility to have the two car parks in operation at the same time is desirable.

- Student access along the site frontage from the joint use car park and in front of easement A must be provided until Pelican Road is constructed and there is no longer a need to use easement A. The safety of the students will be managed through traffic and pedestrian control measures.
- Works associated with Pelican Road have significantly progressed with kerb and gutter installed throughout the majority of the development site by Toplace. However, there remains uncertainty as to the timing of completion given the third-party construction. As a result of the uncertain timing, the finalisation of construction and dedication process, the bus bay proposed for Pelican Road will therefore be temporarily relocated to Farmland Drive in front of the school until such time that Pelican Road is constructed and dedicated. The proposed modification will allow the School to operate without Pelican Road, with a temporary bus bay provided on Farmland Drive.

## 5.2. PROPOSED AMENDMENTS TO DEFINITIONS INCLUDED THE CONSENT

The proposed modification will require amendments to the definitions included in the original consent. Amendments are shown by a strike through for the deleted text and **red text** for new text.

### Stages

~~Stage 1 – Construction and operation of the core school facilities, including library, hall, COLAs and basketball courts, and administration and staff facilities, and 19 home bases to cater for up to 600 students as set out in the Supplementary Response to Submissions Report 2 prepared by Urbis submitted in May 2020.~~

~~Stage 2 – Construction and operation of the remaining 20 home bases and COLAs and final landscaping works to increase the school capacity up to 1000 students as set out in the Supplementary Response to Submissions Report 2 prepared by Urbis submitted in May 2020~~

**Stage 1a – Construction and operation of the core school facility, including library, hall, partial construction of COLAs and site landscaping, sports courts, and administration and staff facilities, and 19 home bases to cater for up to 600 students as set out in the Amended Staging Plan prepared by Richard Crookes Construction submitted in August 2020.**

**Stage 1b– Construction and operation of landscaped areas including the School Heart as set out in the Amended Staging Plan prepared by Richard Crookes Construction submitted in August 2020.**

**Stage 2 – Construction and operation of the remaining 20 home bases and COLAs and final landscaping works to increase the school capacity up to 1000 students as set out in the Amended Staging Plan prepared by Richard Crookes Construction submitted in August 2020.**

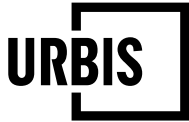
Justification: to reflect the updated construction staging of the development as a result of works on the site and works by others to allow the School to operate from Day 1, Term 1, 2021.

## 5.3. PROPOSED AMENDMENTS TO CONDITIONS OF THE CONSENT

The proposed modifications will also require amendments to some of the other conditions included in the original consent. The proposed modifications to conditions of the consent are shown by a strike through for the deleted text and **red text** for new text. The justification for these changes is to reflect the updated construction staging of the development including to reflect changes to the overall staging to allow for Stage 1a and 1b, the delivery of Pelican Road, the use of the temporary car park, easement management, and the provision of a temporary bus bay.

### External materials and finishes

B1. Prior to the commencement of construction of ~~Stage 1~~ **Stage 1a**, a schedule of materials and finishes of the proposed ~~Stage 1 and Stage 2~~ **Stage 1a and Stage 2** buildings must be submitted to



*the Certifier. The materials and finishes must reflect the appearance of the buildings shown in the renders included in Appendix B of the Response to Submissions.*

Justification: to update the staging requirements noting that Stage 1b has no buildings as part of the stage.

#### **Certified Drawings**

*B5. Prior to the commencement of construction of ~~Stage 1 and Stage 2~~ **Stage 1a, Stage 1b and Stage 2**, the Applicant must submit to the Certifier structural drawings prepared and signed by a suitably qualified practising Structural Engineer that demonstrates compliance with the relevant elements of this development consent.*

Justification: to update the staging requirements as outlined throughout this report.

#### **External Walls and Cladding**

*B6. Prior to the commencement of construction of ~~Stage 1 and Stage 2~~ **Stage 1a and Stage 2**, the Applicant must provide the Certifier with documented evidence that the products and systems proposed for use or used in the construction of external walls, including finishes and claddings such as synthetic or aluminium composite panels, comply with the requirements of the BCA. The Applicant must provide a copy of the documentation given to the Certifier to the Planning Secretary within seven days after the Certifier accepts it.*

Justification: to update the staging requirements noting that Stage 1b has no buildings as part of the stage.

#### **Protection of Public Infrastructure**

*B7. Prior to the commencement of construction of ~~Stage 1 and Stage 2~~ **Stage 1a and Stage 2**, the Applicant must....*

Justification: to update the staging requirements noting that Stage 1b has no buildings as part of the stage.

#### **Pre-Construction Dilapidation Report**

*B8. Prior to the commencement of construction of ~~Stage 1 and Stage 2~~ **Stage 1a and Stage 2**, the Applicant must submit a pre-commencement dilapidation report to Council and the Certifier. The report must provide an accurate record of the existing condition of adjoining private properties and Council assets that are likely to be impacted by the proposed works.*

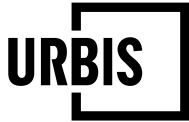
#### **Unexpected Contamination Procedure**

*B9. Prior to the commencement of construction of ~~Stage 1~~ **Stage 1a**, the Applicant must prepare an unexpected contamination procedure to ensure that potentially contaminated material is appropriately managed. The procedure must form part of the of the CEMP in accordance with condition B14 and where any material identified as contaminated is to be disposed off-site, the disposal location and results of testing submitted to the Planning Secretary prior to its removal from the site.*

Justification: The current CEMP and unexpected contamination procedure covers all of Stage 1a and Stage 1b, thus it is requested that an updated procedure only relate to Stage 2.

#### **Community Communication Strategy**

*B10. No later than 48 hours before the commencement of construction of ~~Stage 1 and Stage 2~~ **Stage 1a and Stage 2**, a Community Communication Strategy must be submitted to the Planning Secretary for information. The Community Communication Strategy must provide mechanisms to facilitate communication between the Applicant, the relevant Council and the community (including adjoining*



affected landowners and businesses, and others directly impacted by the development), during the design and construction of the development and for a minimum of 12 months following the completion of construction. The Community Communication Strategy must:

(a) identify people to be consulted during the design and construction phases;

...

(iii) to resolve any issues and mediate any disputes that may arise in relation to construction and operation of the development, including disputes regarding rectification or compensation.

Justification: The current Community Communication Strategy covers all of Stage 1a and Stage 1b, thus it is requested that an updated Community Communication Strategy only be required for Stage 2.

### **Construction Environmental Management Plan**

B14. Prior to the commencement of construction of ~~Stage 1 and Stage 2~~ **Stage 1a and Stage 2**, the Applicant must submit a Construction Environmental Management Plan (CEMP) to the Certifier and provide a copy to the Planning Secretary. The CEMP must include, but not be limited to, the following:

(a) Details of:

....

(j) recommendations set out in Section 7 of the Aboriginal Cultural Heritage Assessment Report prepared by Biosis dated 13 March 2019.

Justification: The current CEMP covers all of Stage 1a and Stage 1b.

### **Rainwater Harvesting**

B24. Within three months of the commencement of construction of ~~Stage 1~~ **Stage 1a**, the Applicant must ensure that a rainwater reuse/harvesting system for the development is developed for the site. A rainwater re-use plan must be prepared and certified by an experienced hydraulic engineer. The rainwater tank is to achieve a minimum of 80% non-potable reuse using MUSIC in accordance with Part J of Council's DCP Part J and contain flow meters to measure the non-potable use and % reuse.

Justification: to update the staging requirements as outlined throughout this report.

### **Construction Car Parking and Access Arrangements**

B25. Prior to the commencement of construction of ~~Stage 1 and Stage 2~~ **Stage 1a**, evidence of compliance of construction parking and access arrangements with the following requirements must be submitted to the Certifier:

(a) all vehicles must be able to enter and leave the Site in a forward direction;

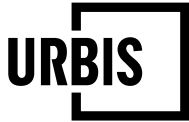
...

(c) the safety of vehicles and pedestrians accessing adjoining properties, where shared vehicle and pedestrian access occurs, has been addressed

Justification: to update the staging requirements as outlined throughout this report.

### **Operational Car Parking and Access Arrangements**

B26. Prior to the commencement of construction of ~~Stage 1~~ **Stage 1a**, evidence of compliance of the final design of operational parking and access arrangements with the following requirements must be submitted to the satisfaction of Council and the Planning Secretary:



(a) the proposed access/egress locations and driveway configuration comply with Section 3.2.3 of AS2890.1; and

(b) the proposed special needs drop-off and accessible parking area is restricted to west bound one way traffic only

Justification: to update the staging requirements as outlined throughout this report.

#### **Access and Services to Lot 4 DP1244925**

C11. Construction of ~~Stage 4~~ **Stage 1a**, must be managed so as not impinge upon the temporary access and services easement located along the eastern boundary of the site so as to comply with the terms of the easement and any other legal agreements entered into with the owner of Lot 4 DP1244925.

Justification: to update the staging requirements as outlined throughout this report.

#### **Roadworks and Access**

D9. ~~Prior to the commencement of operation of Stage 4~~ **Within 12 Months of operation of Stage 1a**, evidence must be submitted to the Planning Secretary that Pelican Road and the extension to Farmland Drive have been constructed and registered as public roads to the satisfaction of Council.

D10. ~~Prior to the commencement of operation of Stage 4~~, **Within 12 Months of operation of Stage 1a**, evidence must be submitted to the Planning Secretary that a footpath has been constructed along the southern side of Farmland Drive and eastern side of Pelican Drive for the length of the frontages of the site to the satisfaction of Council.

Justification: to update the staging requirements to reflect the delivery and dedication of Pelican Road and Farmland Drive extension by others.

#### **Access and Services to Lot 4 DP1244925**

D11. ~~Prior to the commencement of operation of Stage 4~~, **Within 12 Months of operation of Stage 1a**, the Applicant must submit evidence to the satisfaction of the Planning Secretary that the temporary access and services easement (**Easement A**) has been extinguished in accordance with the terms of the easement and any legal agreement entered into between the parties which are subject to the easement.

Justification: to update the staging requirements to reflect the delivery of the road and consequential removal of easement A as a result of Pelican road dedication (by others).

#### **Temporary bus turning area**

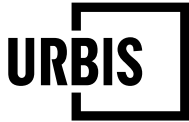
D13. ~~Prior to the commencement of operation of Stage 4~~ **Within 12 Months of operation of Stage 1a**, the Applicant must provide sufficient evidence to the Certifier that demonstrates that the construction of Pelican Drive allows for safe manoeuvring of buses to service the school.

Justification: to update the timing of the delivery the bus bay on Pelican Road given the delivery/ dedication and Future s138 Roads Act approval and construction of the bus bay will occur within 12 months of operation of Stage 1a.

#### **School Zones**

D14. Prior to the commencement of operation of ~~Stage 4~~ **Stage 1a**, all required School Zone signage, speed management signage and associated pavement markings along the adjoining public roads that have been dedicated to Council must be installed, inspected by TfNSW(RMS) and handed over to TfNSW(RMS). In the event that the relevant approvals have not been obtained for Pelican Road and





*the extension of Farmland Drive due to the timing of the dedication, School Zone signage must be approved and implemented as soon as possible.*

*Note: Any required approvals for altering public road speed limits, design and signage are required to be obtained from the relevant consent authority*

Justification: to update the staging requirements as outlined throughout this report.

### **Car Parking Arrangements**

*D16. Prior to the commencement of operation of ~~Stage 1 and Stage 2~~ **Stage 1a**, evidence must be submitted to the Certifier that demonstrates that either:*

*(a) ~~80~~ **77** car parking spaces and five drop-off / pick-up spaces have been made available for the use of the school during school hours. Where the parking and drop-off / pick-up spaces have been provided off site, details of any shared use agreements entered into with the owner of land on which the parking is located must be provided that sets out appropriate arrangements for the ongoing shared use and management of the parking; or*

*(b) 32 temporary car parking spaces and five drop-off / pick-up spaces have been provided on site as set out in the Supplementary Response to Submissions 2 and in accordance with relevant Australian Standards.*

*D17. In the event that a temporary car park is provided in accordance with condition D16(b), the temporary car park must be removed and permanent site landscaping treatment implemented as set out in the approved plans listed in condition A2(d) within three months of **the extinguishment of Easement A**, alternative permanent offsite car parking arrangements being implemented, or other timeframe agreed in writing by the Planning Secretary.*

Justification: to update the staging requirements as outlined throughout this report and to allow both car parks to simultaneously operate given the updated staging. Justification for the loss of three parking spaces is provided at Section 7.5 of this report.

### **Road Damage**

*D19. Prior to the commencement of operation of ~~Stage 1 and Stage 2~~ **Stage 1a, Stage 1b and Stage 2**, the cost of repairing any damage caused to Council or other Public Authority's assets in the vicinity of the Subject Site as a result of construction works associated with the approved development must be met in full by the Applicant.*

Justification: to update the staging requirements as outlined throughout this report.

### **Green Travel Plan**

*D20. Prior to the commencement of operation of ~~Stage 1 and Stage 2~~ **Stage 1a and Stage 2**, a Green Travel Plan (GTP), must be submitted to the Certifier to promote the use of active and sustainable transport modes. The plan must:*

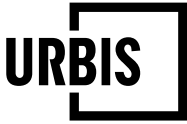
*(a) be prepared by a suitably qualified traffic consultant in consultation with Council and Transport for NSW;*

*...*

*(g) be updated to meet the requirements of Stage 2.*

Justification: to update the staging requirements as outlined throughout this report.

### **Operational Transport and Access Management Plan (OTAMP)**



D21. Prior to the commencement of operation of ~~Stage 4~~ **Stage 1a**, an OTAMP is to be prepared by a suitably qualified person, in consultation with Council, Transport for NSW and TfNSW(RMS), and be submitted to the Certifier and a copy provided to the Planning Secretary. The OTAMP must address the following:

(a) detailed pedestrian analysis including the identification of safe route options – to identify the need for management measures such as staggered school start and finish times to ensure students and staff are able to access and leave the Site in a safe and efficient manner during school start and finish;

....

(i) a monitoring and review program, including the review of the performance of the drop-off and pick-up area within 12 months of operation and identification of additional measures where required to improve the performance of the drop-off and pick-up parking and mitigate impacts on the local road network.

Justification: to update the staging requirements as outlined throughout this report.

#### **Mechanical Ventilation**

D22. Prior to commencement of operation of ~~Stage 1 and Stage 2~~ **Stage 1a and Stage 2**, the Applicant must provide evidence to the Certifier that the installation and performance of the mechanical ventilation systems complies with: (a) AS 1668.2-2012 The use of air-conditioning in buildings – Mechanical ventilation in buildings and other relevant codes; and

(b) any dispensation granted by Fire and Rescue NSW.

Justification: to update the staging requirements as outlined throughout this report.

#### **Operational Noise – Design of Mechanical Plant and Equipment**

D23. Prior to the commencement of operation of ~~Stage 4~~ **Stage 1a and Stage 2**, the Applicant must submit evidence to the Certifier that a comprehensive detailed assessment of noise impacts of proposed mechanical plant and equipment on surrounding noise receivers has been prepared as set out in the Alex Avenue Public School Environmental Noise and Vibration Assessment (Revision 3) prepared by Acoustic Logic included in Appendix C of Supplementary Response to Submissions 1 and that the recommended mitigation measures have been incorporated into the design to ensure the development will not exceed the recommended operational noise levels identified in condition F7.

Justification: to update the staging requirements as outlined throughout this report.

#### **Compliance with Food Code**

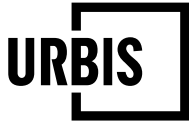
D26. Prior to the commencement of operation of ~~Stage 4~~ **Stage 1a**, the Applicant is to obtain a certificate from a suitably qualified tradesperson, certifying that the ~~kitchen~~ **canteen**, food storage and food preparation areas have been fitted in accordance with the AS 4674 Design, construction and fit-out of food premises and provide evidence of receipt of the certificate to the Certifier.

D27. Prior to the commencement of operation of ~~Stage 4~~ **Stage 1a**, evidence must be provided to the Planning Secretary that the school canteen has been registered with Council as a food business.

Justification: to update the staging requirements as outlined throughout this report.

#### **Stormwater Quality Management Plan**

D28. Prior to the commencement of operation of ~~Stage 4~~ **Stage 1a**, an Operation and Maintenance Plan (OMP) is to be submitted to the Certifier along with evidence of compliance with the OMP. The



OMP must ensure the proposed stormwater quality measures remain effective and contain the following:

- (a) maintenance schedule of all stormwater quality treatment devices;
- ....
- (d) Work Health and Safety requirements.

Justification: to update the staging requirements as outlined throughout this report.

### **Rainwater Harvesting**

D29. Prior to the commencement of operation of ~~Stage 1 and Stage 2~~ **Stage 1a and Stage 2**, signed works-as-executed Rainwater Re-use Plan must be provided to the Planning Secretary and Certifier.

Justification: to update the staging requirements as outlined throughout this report.

### **Outdoor Lighting**

D31. Prior to the commencement of operation of ~~Stage 1 and Stage 2~~ **Stage 1a, Stage 1b and Stage 2**, the Applicant must submit evidence from a suitably qualified practitioner to the Certifier that demonstrates that installed lighting associated with the development achieves the objective of minimising light spillage to any adjoining or adjacent sensitive receivers and:

- (a) complies with the latest version of AS 4282-2019 - Control of the obtrusive effects of outdoor lighting (Standards Australia, 1997); and
- (b) has been mounted, screened and directed in such a manner that it does not create a nuisance to surrounding properties or the public road network.

Justification: to update the staging requirements as outlined throughout this report.

### **Signage**

D32. Prior to the commencement of operation of ~~Stage 1 and Stage 2~~, **Stage 1a, Stage 1b and Stage 2**, way-finding signage and signage identifying the location of staff car parking must be installed.

D33. Prior to the commencement of operation of ~~Stage 1 and Stage 2~~ **Stage 1a and Stage 2** bicycle way-finding signage must be installed within the site to direct cyclists from footpaths to designated bicycle parking areas.

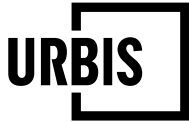
D34. Prior to the commencement of operation of ~~Stage 1 and Stage 2~~ **Stage 1a, Stage 1b and Stage 2**, 'Do not drink' signage on non-potable water used for toilet flushing and to new hose taps and irrigation systems for landscaped areas must be installed within the site.

Justification: to update the staging requirements as outlined throughout this report.

### **Operational Waste Management Plan**

D35. Prior to the commencement of operation of ~~Stage 1~~ **Stage 1a**, the Applicant must prepare a Waste Management Plan for the development and submit it to the Certifier. The Waste Management Plan must:

- (a) detail the type and quantity of waste to be generated during operation of the development;
- ....
- (d) include the Management and Mitigation Measures included in Section 9 of the EIS.



Justification: to update the staging requirements as outlined throughout this report.

### **Landscaping**

D36. Prior to the commencement of operation of ~~Stage 1 and Stage 2~~ **Stage 1a, Stage 1b and Stage 2**, the Applicant must prepare an Operational Landscape Management Plan to manage the revegetation and landscaping on-site, to the Certifier. The plan must:

(a) describe the ongoing monitoring and maintenance measures to manage revegetation and landscaping in accordance with the landscape plan approved under condition B22; and

(b) be consistent with the Applicant's Management and Mitigation Measures at Section 9 of the EIS;

Justification: to update the staging requirements as outlined throughout this report.

### **Street Tree Planting**

D38. ~~Prior to the commencement of operation of Stage 1,~~ **Within 12 Months of operation of Stage 1A, and following the dedication of Farmland Drive extension and Pelican Road,** the Applicant must undertake street tree planting along the Farmland Drive and Pelican Road frontages of the site. Species and spacing of trees are to be determined in consultation with Council.

Justification: to update the staging requirements as outlined throughout this report and the construction of Pelican Road (by Others).

### **Asset Protection Zones**

D39. Prior to the commencement of operation of ~~Stage 1~~ **Stage 1a**, the entire property must be managed as an inner protection zone (IPA) as outlined within section 4.1.3 and Appendix 5 of the Planning for Bush Fire Protection 2006 and the NSW RFS document Standards for asset protection zones.

Justification: to update the staging requirements as outlined throughout this report.

### **Evacuation and Emergency Planning**

D40. Prior to the commencement of operation of ~~Stage 1~~ **Stage 1a**, a Bush Fire Emergency Management and Evacuation Plan must be prepared consistent with Development Planning – A Guide to Developing a Bush Fire Emergency Management and Evacuation Plan December 2014.

Justification: to update the staging requirements as outlined throughout this report.

### **Aboriginal Cultural Heritage**

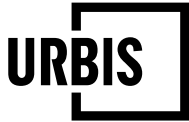
D41. Prior to the commencement of operation of ~~Stage 1~~ **Stage 1a**, evidence must be submitted to the Certifier that the recommendations set out in Section 7 of the Aboriginal Cultural Heritage Assessment Report prepared by Biosis dated 13 March 2019 have been implemented.

Justification: to update the staging requirements as outlined throughout this report.

### **Artwork on School Hall**

D42. Prior to the commencement of operation of ~~Stage 1~~ **Stage 1a**, an elevation must be submitted to the Certifier showing the location and dimensions of an artwork to be installed on the northern elevation of the school hall facing Farmland Drive. This must be of a scale and elevated location that assists in breaking-up the visual mass of the building and provides additional visual interest.

Justification: to update the staging requirements as outlined throughout this report.



### **Bicycle Parking and End-of-Trip Facilities**

D43. Prior to the commencement of operation of ~~Stage 4~~ **Stage 1a**, compliance with the following requirements for secure bicycle parking and end-of-trip facilities must be submitted to the Certifier:

(a) the provision of a minimum 56 bicycle parking spaces;

....

(e) all works/regulatory signposting associated with the proposed developments shall be at no cost to the relevant roads authority.

Justification: to update the staging requirements as outlined throughout this report.

### **Site Audit Report and Site Audit Statement**

D44. Prior to commencement of operation of ~~Stage 4~~ **Stage 1a**, the Applicant must obtain from an EPA accredited Site Auditor, a Site Audit Statement and a Site Audit Report which demonstrates that the site is suitable for its intended use. The Site Audit Report and Site Audit Statement must be provided for the information of the Planning Secretary and the Certifier.

Justification: to update the staging requirements as outlined throughout this report.

### **Drainage Easement**

D45. Prior to commencement of operation of ~~Stage 4~~ **Stage 1a**, the Applicant must provide and register a minimum 1.5 m wide drainage easement with a Restriction to User along the line of the 450 mm outlet pipe from the detention system to the outlet in accordance with the requirements of the Council's Engineering Guide for Development 2005. The easement is to burden Lot 1/1209060 and be in favour of lot 2/1244925. The Restriction to User and drainage easement must be **applied for** ~~registered with~~ **to** Land Registry Services NSW ~~prior to operation~~.

D46. Prior to the commencement of operation of ~~Stage 4~~ **Stage 1a**, the Applicant must **apply to** ~~provide and~~ register a suitably worded instrument pursuant to Section 88B of the Conveyancing Act 1911 to provide an appropriate restriction on the use of the land with respect to the area indicated as 'Proposed Council Easement' on the plan titled Proposed Site and Roof Plan Drawing Number AA-AR-1100 Issue 5 dated 21/02/2020 as an area that is not to be built upon to ensure no additional stormwater flows are directed offsite given the existing state of nature of this area. The Section 88B Instrument must contain a provision that it may not be extinguished or altered except with the Consent of Blacktown City Council. Details of the Restriction as to User must be indicated on the Section 88B Application to Council.

Justification: D45 and 46: to update the staging requirements as outlined throughout this report and to recognise the registration of easements.

### **Artwork on School Hall**

E16. Within 12 months of ~~Stage 4~~ **Stage 1a** operation, and prior to any subsequent stage of operation, evidence must be provided to the Certifier that the artwork required under condition D42 has been installed.

Justification: to update the staging requirements as outlined throughout this report.

## **6. SECTION 4.55(1A) ASSESSMENT**

The matters referred to in Section 4.55(1A) of the *Environmental Planning and Assessment Act 1979* (EP&A Act) need to be considered in the assessment of the proposed modifications. Each of the matters relevant to the proposal is assessed below:

## **6.1. MINIMAL ENVIRONMENTAL IMPACT**

In accordance with Section 4.55(1A) the proposed modifications are of minor environmental impact as it:

- Will not alter the approved development in terms of its use, bulk, scale or appearance or the nature of the development.
- Remains consistent with the relevant environmental planning instruments and provisions as detailed in the original application.
- The changes to construction staging do not result in any additional construction impacts. Mitigation measures are provided in the amended CTPMP to ensure that amenity to nearby residences is maintained. The temporary carpark will be used to accommodate car parking for construction workers and vehicle access to work zones during the later stages of construction.
- The changes to construction staging will not result in any increases to approved staff or student numbers and will not result in any impacts on local landowners or residents.

Therefore, the proposed modification will have negligible impacts on the surrounding environment.

## **6.2. SUBSTANTIALLY THE SAME DEVELOPMENT**

In accordance with Section 4.55(1A) the proposed modifications will not alter the nature of the approved development as it:

- Does not change the approved plans.
- Does not change the approved education use at the site.
- Does not result in any intensification of uses proposed at the site.
- Does not increase the approved height or gross floor area of the buildings.
- Does not result in any substantial environmental, economic or social impacts as demonstrated in Section 5.1 above.

Considering the above, it is our opinion that the proposed modifications will result in substantially the same development for which consent has already been granted.

## **7. SECTION 4.15 ASSESSMENT**

The application has been assessed in accordance with the relevant matters for consideration listed in Section 4.15 of the EP&A Act. Each of the matters relevant to the proposal is assessed below:

### **7.1. ENVIRONMENTAL PLANNING INSTRUMENTS**

The proposed modifications have been assessed in accordance with the relevant State and local environmental planning instruments, including:

- *State Environmental Planning Policy (State and Regional Development) 2011;*
- *State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017;*
- *State Environmental Planning Policy (Sydney Growth Centres) 2006;* and
- *Sydney Regional Environmental Plan No 20 – Hawkesbury Nepean River (No 2 – 1997)*

- *State Environmental Planning Policy No 55 – Remediation of Land*
- Blacktown Growth Centre Precincts Development Control Plan 2018.

A comprehensive assessment of the project against the above instruments was undertaken as part of the original assessment under SSD\_9368.

The proposed modifications are not considered to result in any changes to the proposal's compliance with the relevant objectives and controls contained in the relevant environmental planning instruments.

### **7.1.1. State Environmental Planning Policy (State and Regional Development) 2011**

*State Environmental Planning Policy (State and Regional Development) 2011* (SRD SEPP) identifies development types that are of state significance, or infrastructure types that are of state or critical significance. As the proposal relates to the construction and operation of an approved new school, it remains an SSD under Clauses 15(1) of Schedule 1 of the State and Regional Development SEPP.

### **7.1.2. State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017**

*State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017* (Education SEPP) aims to make it easier for child-care providers, schools, TAFEs and universities to build new facilities and improve existing ones by streamlining provisions and the approval processes so to deliver greater consistency across NSW. The Education SEPP balances the need to deliver additional educational infrastructure with a focus on good design.

As the school has been approved and partially constructed, the Education SEPP has no relevant provisions for the proposed modification.

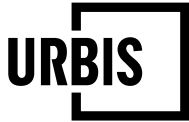
### **7.1.3. State Environmental Planning Policy (Sydney Growth Centres) 2006**

*State Environmental Planning Policy (Sydney Region Growth Centres) 2006* (Growth Centres SEPP) is the principle environmental planning instrument applying to the site. The Growth Centres SEPP identifies the site within the Alex Avenue and Riverstone Precinct Plan 2010 (Appendix 4 of the Growth Centres SEPP). As such, development controls relating to the site are outlined in this Precinct Plan. These are as follows:

- Under the Growth Centres SEPP, the site is zoned SP2 'Educational Establishment'. The modified proposal remains permitted with development consent. The modified proposal will provide a new school, which is important social infrastructure for the growing population of Schofields. The modified proposal is therefore consistent with the objectives of the SP2 zone.
- The proposed modifications are consistent with the objectives of the zone as it supports the existing education infrastructure.
- The proposed modification does not alter the approved height of the school.
- The Growth Centres SEPP does not prescribe a maximum FSR for the site.

### **7.1.4. Sydney Regional Environmental Plan No 20 – Hawkesbury Nepean River (No 2 – 1997)**

The *Sydney Regional Environmental Plan No 20 – Hawkesbury- Nepean River (No. 2 – 1997)* (SREP) aims to protect the environmental of the Hawkesbury-Nepean River system by ensuring that the



impacts of future land uses are considered in the regional context; the SREP applies to the Blacktown Local Government Area.

The proposal as modified will not have any adverse environmental impacts beyond those already assessed and approved under SSD\_9368 on environmentally sensitive area, areas of high scenic quality, wetland areas, areas of high cultural heritage or impact on the water quality of the Hawkesbury Nepean River.

### **7.1.5. State Environmental Planning Policy No 55 – Remediation of Land**

The *State Environmental Planning Policy No 55 – Remediation of Land* (SEPP 55) provides a state-wide planning approach to the remediation of contaminated land. SEPP 55 requires the consent authority to consider whether the subject land is contaminated.

The site has already been remediated in accordance with the conditions of consent of SSD\_9368.

### **7.1.6. Blacktown Growth Centre Precincts Development Control Plan 2018**

The site is located within the North West Growth Centre and is therefore subject to the provisions outlined in the Blacktown Growth Centre Precincts Development Control Plan. For educational establishments, Parts 1, 2 and 4 of the DCP apply. Furthermore, the site is identified as being located within the Alex Avenue Precinct and is therefore subject to additional controls under Schedule 1 of this DCP.

However, in accordance with Clause 11 of the State and Regional Development SEPP, Development Control Plans do not apply to state significant development. Notwithstanding, the modified proposal remains consistent with the original submission, and complies with all relevant controls of the DCP.

## **7.2. DRAFT ENVIRONMENTAL PLANNING INSTRUMENTS**

The applicable draft environmental planning instruments applying to the site are:

- *Draft State Environmental Planning Policy (Remediation of Land) (Draft Remediation SEPP)*
- *Draft State Environmental Planning Policy (Environment) (Draft Environment SEPP)*

A comprehensive assessment of the proposal against the above draft instruments was undertaken as part of the original assessment under SSD\_9368 and the proposed modifications are not considered to result in any changes to the proposal's compliance with the relevant objectives and controls contained in the relevant draft environmental planning instruments.

## **7.3. PLANNING AGREEMENT**

No planning agreements are relevant to this application.

## **7.4. REGULATIONS**

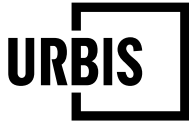
The application has been prepared in accordance with the relevant provisions of the *Environmental Planning and Assessment Regulation 2000*.

## **7.5. LIKELY IMPACTS OF THE PROPOSAL**

The proposed modifications have been assessed considering the potential environmental, economic and social impacts as outlined below:



- The application will not result in any significant changes to the general-built form of the School in terms of the approved GFA, building envelopes and building heights, the civil and stormwater design or to car parking arrangements.
- There will be no additional social or economic impacts as a result of the proposed modifications beyond those previously assessed as part of the approved development under SSD\_9368. The proposal has positive social and economic impacts because it provides important social infrastructure and construction and operation jobs.
- The provision of a temporary bus stop on Farmland Drive is supported by Blacktown Council and the safe movement of students from the bus stop to the School will be managed and supervised by School staff. The temporary bus stop will be located directly out the front of the School site adjacent to the pedestrian entrance.
- The modification does not involve any changes to the location and/or scale of any of the approved School buildings. As such there will be no additional overshadowing, noise or visual privacy concerns above those which have already been assessed.
- The application will result in a reduction of 3 spaces within Council's Joint Use car park. This is not anticipated to result in any additional traffic or parking impacts to those already assessed and approved under SSD\_9368 as:
  - The reduction in car spaces is required in order to accommodate a boom gate in the Joint Use car park that will serve to ensure the restricted access of priority staff and manage the proper function of the special needs drop. Students requiring the usage of the special needs drop-off will be given prescribed access to drop off students within this space and ensure safe passage and escort into school grounds.
  - A total of 80 spaces are required by DCP requirements for a primary school parking provision. The rate provides each staff member with their own parking space, with an additional amount based on then number of students. There are a number of public transportation options near the school site suitable for staff members, including the Schofields Train Station and bus services on Alex Avenue. Therefore, it is expected that the mode share of staff members will not be entirely private vehicles – that is, not all parking spaces will be occupied.
  - This is reinforced by mode share data provided by Bitzios in their Transport Impact Assessment prepared to support SSD\_9368. The data analysed from the 2016 Census indicates that for primary school staff in the Blacktown LGA, around 86.5% of staff members travel to school via private vehicle. Of the 70 staff members, around 61 are expected to occupy a parking space, leaving a surplus in parking supply of 19 spaces. Therefore, it is anticipated that the provision of 77 spaces will be more than ample to accommodate the anticipated staff parking demand of 70 staff.
  - Further, the reduction of 3 car spaces does not affect the mode share targets in the Green Travel Plan.
  - No other changes are proposed to pick up and drop off arrangements beyond those already approved within the consent. Adequate parking spaces are available during construction staging/operational readiness phase. As such, this modification application will not result in any additional traffic or parking impacts.
- Pick up and drop off for students in the temporary car park and joint use car park during the stages of construction will be managed by the Traffic Control Plan provided in the amended CTMP attached at **Appendix B**. A Traffic Controller will be deployed between the joint use car park and the School site during operating times to ensure the safety of students moving across easement A.



- As per the amended CTPMP, only authorised personnel will be permitted within the construction/building site unless accompanied by site management and effective delineation of operational and construction areas will occur on the site.
- Pedestrian safety will be managed through appropriate pedestrian management where areas of potential conflict have been identified, these being largely from the joint use to the front of the School site and at the end of Farmland Drive.

## **7.6. SUITABILITY OF THE SITE**

The site remains suitable for the proposed development, as modified. The site is near multiple public transport services and is in a locality currently under significant transformation that can accommodate a development of this nature. The proposed modification for changes to construction staging only. The works are permissible with consent.

## **7.7. SUBMISSIONS**

Section 117(3B) of the EP&A Regulation specifies that the notification requirements do not apply to State significant development. Given the nature of the modification, discretionary notification should not be required.

## **7.8. PUBLIC INTEREST**

The approved development was deemed to be in the public interest. The modification is consistent with the approval and therefore remains in the public interest.

## **8. CONCLUSION**

The proposed modifications have been assessed in accordance with section 4.55(1) and section 4.15 of the EP&A Act and are considered appropriate as summarised below:

- The proposal as modified is of minimal environmental impact.
- The proposal as modified is substantially the same development as that approved.
- The proposal as modified satisfies the applicable planning controls and policies.
- The social and economic impacts are acceptable.
- The proposal as modified remains suitable for the site.
- The proposal as modified is in the public interest.

Having considered all relevant matters, the proposed modification is appropriate for the site and approval is recommended, subject to appropriate conditions of consent. Please do not hesitate to contact me should you wish to discuss our application in greater detail.

Kind regards,

A handwritten signature in black ink, appearing to read "Chris Croucamp".

Chris Croucamp  
Consultant  
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