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SYDNEY NSW 2000**

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Dear Jason,

## **SECTION 4.55(1A) APPLICATION TO AMEND SSD\_9368 - GALUNGARA PUBLIC SCHOOL – MODIFICATION 4**

### **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 development consent was previously modified under Modification 3 to comprise construction of the new school to be undertaken in three stages, as follows:

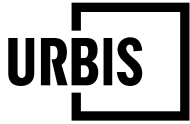
- Stage 1A – Construction and operation of the core school facility to cater for up to 600 students.
- Stage 1B – Construction and operation of landscaped areas including the School Heart.
- Stage 2 – Construction and operation of the remaining home bases and COLAs and final landscaping to cater for up to 1000 students

Stage 1A and 1B was approved with an interim road network and interim operational traffic management measures. Stage 2 was approved with the ultimate road network (comprising the opening of Pelican Road) and ultimate operational traffic management measures.

Construction of the remainder of Farmland Drive and adjacent Pelican Road are now complete, however the date of dedication to Council (and opening to public use) is unknown.

While construction of Pelican Road is complete, there remains uncertainty as to the timing of dedication to Council (and opening for public use), given there are minor issues for resolution by the third-party developer prior to dedication to Council.

As a consequence of Pelican Road still not having been dedicated, SINSW is unable to advise landowner of Lot 4 DP1244925 that Easement B can be utilised as a permanent access alternative to Easement A and that SINSW can extinguish Easement A.



The intent of Easement A was always a temporary access measure and it is still intended to be temporary and will be extinguished and replaced by a permanent easement located over Lot 1 to the south of the school site (Easement B) once Pelican Road is dedicated.

To address this matter, this application seeks approval to amend several conditions of the consent relating to easement management as outlined in **Section 4**.

The modification application also seeks approval for:

- An uplift in student population in accordance with the approved Stage 2 of the school with the interim road network and interim operational traffic management measures.
- A minor change to the approved softfall landscaped area adjacent to the special needs area to allow for a change to treatment from planting to turf to provide students with improved access between the play area and play equipment.

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 development that is substantially the same as that originally approved and will have minimal environmental impact.

This modification letter is accompanied by the following documentation:

- Transport Assessment prepared by GTA Consultants (**Appendix A**)
- General Arrangement Plan prepared by Group GSA (**Appendix B**)
- Amended Easement Management Plan prepared by SINSW (**Appendix C**)
- Correspondence from Blacktown City Council (**Appendix D**)

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.*

Subsequent modification applications are summarised below:

- Modification 1 – was approved to modify the definitions and condition A9 of the consent to allow for changes to the construction and operational staging
- Modification 2 – was approved to modify the definitions and conditions of consent to allow for:
  - minor design and landscaping amendments.
  - changes to school identification signage including to reflect the formal adopted name of the school as 'Galungara Public School'.
  - school staff to attend the site to undertake operational readiness work ahead of formal operation of the development as a school with students in attendance.
- Modification 3 – was approved to revise the proposed staging of the development and make changes to conditions relating to the delivery of requirements, including infrastructure related to the development.

## 3. SITE DETAILS

The site is located at the corner of Farmland Drive and the yet to be open 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 frontage to Pelican Road to the west. The north of the subject site is generally flat whilst the southern half of the site slopes gently to the south.

## 4. PROPOSED MODIFICATION

This Section 4.55(1A) modification application seeks consent to amend the conditions of consent which currently link the staging of the development with easement management.

The approved Staging Plan for the school is shown at **Figure 1**. Stage 1A opened in January 2021.

Figure 1 Approved Staging Plan for Galungara Public School



Source: Richard Crookes Construction

The proposed modification is required to allow for Stage 2 of the school to be developed, whilst there remains uncertainty as to the timing of completion and dedication of Pelican Road given the third-party construction.

The proposed amendments to the conditions seek to address easement management to ensure that ongoing access is provided to Lot 4 DP1244925. The amendments to the conditions also seek to permit an uplift in student population in accordance with the approved Stage 2 of the school with the interim road network and interim operational traffic management measures.

The modification application also seeks a minor change to the approved softfall landscaped area adjacent to the special needs area to allow for a change to treatment from planting to turf to provide students with improved access between the play area and play equipment.

#### 4.1. PROPOSED AMENDMENT TO CONDITION A2 OF THE CONSENT

To ensure consistency is maintained, the approved set of plans are to be retained, with an additional plan to be inserted into the consent to enable delivery of the proposed minor design change.

##### Terms of Consent

A2. The development may only be carried out ... (d) in accordance with the approved plans in the table below:

Architectural Plans prepared by Group GSA			
Dwg No.	Rev	Name of Plan	Date
AA-AR-1100	8	Proposed Site and Roof Plan	22.10.2020

AA-AR-1101	4	Proposed Site and Roof Plan – Stage 1	22.10.2020
AA-AR-1105	2	Existing Site Plan	09.09.2020
...	...	...	...
...	...	...	...
...	...	...	...
<b>180645</b>	<b>U</b>	<b>General Arrangement Plan [01]</b>	<b>21.06.2019</b>

## 4.2. PROPOSED AMENDMENTS TO OTHER CONDITIONS OF THE CONSENT

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

The justification for these changes is to allow for Stage 2 of the school to be developed and to address easement management whilst there remains uncertainty as to the timing of completion and dedication of Pelican by a third party.

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

C11. ~~Construction of Stage 1a and Stage 1b~~ **and Stage 2**, 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 until the easement is extinguished in accordance with condition D11.

### **Roadworks and Access**

D9. ~~Within 12 months of the operation of Stage 1a,~~ **Within 12 months of the dedication of Pelican Road or other timeframe as agreed by the Planning Secretary**, 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. ~~Within 12 months of the operation of Stage 1a,~~ **Within 12 months of the dedication of Pelican Road or other timeframe as agreed by the Planning Secretary**, 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.

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

D11. ~~Within 12 months of operation of Stage 1a,~~ **Within 12 months of the dedication of Pelican Road or other timeframe as agreed by the Planning Secretary**, the Applicant must submit evidence to the satisfaction of the Planning Secretary that the temporary access and services easement 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.

D12. **Within 12 months of the dedication of Pelican Road or other timeframe as agreed by the Planning Secretary**, the design and construction of a road within the permanent access and services easement shall be undertaken to the satisfaction of Council in accordance with the terms of the easement and any legal agreement entered into between the parties subject to the easement.

### **Temporary bus turning area**

D13. ~~Within three months of the completion of Pelican Drive,~~ **Within 12 months of the dedication of Pelican Road or other timeframe as agreed by the Planning Secretary,** 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.

#### **Car Parking Arrangements**

D18. ~~Prior to the commencement of operation of Stage 2,~~ **Within 12 months of the dedication of Pelican Road or other timeframe as agreed by the Planning Secretary,** if not already provided in accordance with condition D16(a), evidence must be submitted to the Certifier that demonstrates that 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 in an off site shared use facility, 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.

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

E17. Stage 1a and Stage 1b **and Stage 2** operations 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 until the easement is extinguished in accordance with condition D11.

D45. ~~Within 12 months of the commencement of operation of Stage 1a~~ **Within 12 months of the dedication of Pelican Road or other timeframe as agreed by the Planning Secretary,** 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 1/1244925 and be in favour of Lot 2/1244925. The Restriction to User and drainage easement must be registered with Land Registry Services NSW prior to operation.

D46. ~~Within 12 months of the commencement of operation of Stage 1a,~~ **Within 12 months of the dedication of Pelican Road or other timeframe as agreed by the Planning Secretary,** the Applicant must 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.

## **5. 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:

### **5.1. MINIMAL ENVIRONMENTAL IMPACT**

In accordance with Section 4.55(1A) of the EP&A Act 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.
- Remains consistent with the approved staging of the school.
- Does not result in any additional construction impacts.
- Will not result in any increases to approved staff or student numbers. The attached Transport Assessment (refer to **Appendix A**) confirms that Stage 2 development of the school can be accommodated within the interim road network with existing interim transport management measures and is not expected to materially impact parking and traffic conditions near Galungara Public School.

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

## **5.2. 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 apart from a minor change to landscaping which will improve the permeable surface on the site.
- 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.

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.

## **6. 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:

### **6.1. 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;*
- *Sydney Regional Environmental Plan No 20 – Hawkesbury Nepean River (No 2 – 1997);*
- *State Environmental Planning Policy No 55 – Remediation of Land; and*

- *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.

### **6.1.1. 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.

### **6.1.2. 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.

### **6.1.3. 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.

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

*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.

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

*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.

#### **6.1.6. 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.

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.

### **6.2. DRAFT ENVIRONMENTAL PLANNING INSTRUMENTS**

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

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

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.

### **6.3. PLANNING AGREEMENT**

No planning agreements are relevant to this application.

## 6.4. REGULATIONS

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

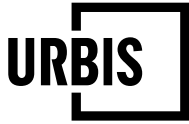
## 6.5. LIKELY IMPACTS OF THE PROPOSAL

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

- The application will not result in any 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. The only physical change relates to an amendment from hard to soft treatment to part of the landscaped area.
- There will be no additional social or economic impacts as a result of the proposed modification 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 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 modification will ensure that ongoing vehicular access to Lot 4 DP1244925 is provided until such time that Easement B can be constructed.
- As demonstrated in the Transport Assessment (refer to **Appendix A**):
  - The anticipated school population in 2022 is less than the Stage 1A approval for 600 students. It is unlikely that Pelican Road will remain closed in 2023. Should that be the case, a maximum population of 750 students is expected. Notwithstanding, the modification does not result in a material change to the parking operations for drop-off/ pick-up and staff, given approved operation and management of parking between Stage 1A and Stage 2 is effectively the same (notwithstanding the uplift in demand). The modification can therefore be accommodated within the interim road network with existing interim transport management measures and is not expected to materially impact parking and traffic conditions near Galungara Public School.
  - Further, through the School Travel Plan evaluation and feedback framework, transport conditions around the site will continue to be monitored. Should there be any issues identified, actions will be formed in consultation with stakeholders to ensure an appropriate mitigation can be implemented. As such, it is expected that the interim transport network will continue to operate satisfactorily should the student population achieve the maximum forecast population of 750 students prior to the Stage 2 road network being opened to traffic.
- Correspondence from Blacktown City Council (refer to **Appendix D**) confirms that there have been no traffic related complaints or issues raised by members of the public with the interim solution.

## 6.6. 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 proposal is permissible with consent.



## **6.7. 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.

## **6.8. 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.

## **7. 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".

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