

Date: 28 September 2020

Mr Jim Betts
Secretary
NSW Department of Planning, Industry and Environment
12 Darcy Street
PARRAMATTA NSW 2000

Attention: Jason Maslen

Dear Jason,

SECTION 4.55(1A) MODIFICATION APPLICATION, NEW CATHERINE FIELD PUBLIC PRIMARY SCHOOL, O'KEEFE DRIVE, ORAN PARK (SSD 9477)

This application has been prepared by RPS on behalf of School Infrastructure New South Wales (SI NSW) as part of the Department of Education, pursuant to Section 4.55(1A) of the *Environmental Planning and Assessment Act 1979* (EP&A Act) to modify Development Consent SSD 9477 relating to the new public school at O'Keefe Drive, Oran Park (Catherine Field Primary School).

The modification involves amendments to the development consent to insert a new condition to allow staff early access to prepare the new school for operational readiness ahead of formal operation of the development as a school with students in attendance.

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.

1 Consent proposed to be modified

Development Consent SSD 9477 was granted by the Minister of Planning and Public Spaces on 17 June 2020 for the construction and operation of a new public primary school including:

- *Construction of five 1-3 storey buildings including:*
 - *An administrative building including staff facilities and library;*
 - *Three teaching buildings with one building including a designated special education space, and collaborative learning spaces; and*
 - *One multipurpose hall and canteen building;*
- *Covered outdoor learning area;*
- *Landscaping;*
- *Drop-off / pick-up facilities;*
- *Car parking;*
- *Signage; and*
- *Infrastructure works.*

2 Proposed modifications to the consent

2.1 Modification to conditions

This Section 4.55(1A) application proposes the following:

- Provide a location and elevation plan for a proposed retaining wall to be located along the northern edge of the staff car park; and
- The insertion of two new conditions into Schedule 2 Part C (During Construction) of the consent to allow staff to attend the site prior students occupying the development.

Retaining wall location and elevations

This component of the modification is required to clarify that a retaining wall is required along the northern edge of the staff car park. The retaining wall will range in height between 0.8 metres and 1.8 metres and the purpose of the retaining wall is to enable the timely construction of the car park without the need for the construction of the adjoining Northern Road which is not controlled / managed by SI NSW. Minor changes in cut and fill across the car park will occur as a result of construction not occurring on the adjoining land and hence construction of the retaining wall is required.

A plan indicating the location plan of the retaining wall and a retaining wall elevations plan are contained in **Appendix A**. It is proposed that these plans be added to the suite of approved civil plans within the table contained in condition A2 - Part A (Administrative Conditions) which is reproduced below. Words proposed to be deleted are shown in ~~red bold strike-through~~ and words to be inserted are shown in **red bold italics** as per below.

Architectural Drawings prepared by Hansen Yuncken			
Dwg No.	Rev	Name of Plan	Date
NHQC2-CF-AR-SSDA-00_002	D	Site Plan	29.04.2020
<i>NHQC2-CF-AR-SSDA-00_002</i> <i>(As amended, 01.05.2020)</i>	<i>D</i>	<i>Site Plan</i>	<i>01.05.2020</i>
NHQC2-CF-AR-SSDA-00_004	A	GFA Planning Area Calculations	10.03.2020
NHQC2-CF-AR-SSDA-00_011	C	Composite Plan – Level 00	11.02.2020
NHQC2-CF-AR-SSDA-00_012	C	Composite Plan – Level 01	11.02.2020
NHQC2-CF-AR-SSDA-00_013	C	Composite Plan – Level 02	11.02.2020
NHQC2-CF-AR-SSDA-00_021	C	Composite Roof Plan	11.02.2020
NHQC2-LP-AR-SSDA-00_101	C	South, East & North Elevations	11.02.2020
NHQC2-CF-AR-SSDA-00_102	C	West Elevation & South & North Section-elevations	11.02.2020
NHQC2-CF-AR-SSDA-00_201	B	Sections	31.10.2019
NHQC2-LP-AR-SSDA-00_401	A	Renders & Material Board	31.10.2019
NHQC2-CF-AR-SSDA-00_801	B	Wall Sections	31.10.2019

Civil plans prepared by Hansen Yuncken			
Dwg No.	Rev	Name of Plan	Date
NHQC2-CF-CV-S-DDC201.21	2	General Arrangement Plan	20.12.2019
NHQC2-CF-CV-S-DDC202.01	3	Sediment and Soil Erosion Control Plan	07.02.2020
NHQC2-CF-CV-S-DDC202.11	2	Sediment and Soil Erosion Control Details	20.12.2019
NHQC2-CF-CV-S-DDC205.22	E	Retaining Wall Elevations – Sheet 02	02.09.2020

Operational readiness work

In relation to Schedule 2 Part C (During Construction) of the consent the proposed modification is to allow staff to access the site prior to school completion. It is noted that:

- The early access for staff is to prepare for the school opening and is known as 'Operational Readiness Work';
- Arrangements to ensure the safety of school staff on the site will be provided to the certifier. Detail on how areas to be used for operational readiness work will be clearly and securely separated from the areas of the site still under construction will be provided; and
- Details on access and parking arrangements to minimise impacts on the surrounding street network will be submitted to the certifier.

The proposed modification described above necessitates two additional consent conditions which are identified below. Words proposed to be inserted are shown in **bold italics**.

Operational Readiness Work

C39. Operational readiness work must not commence on site until the following details have been submitted to the Certifier:

- (a) a plan and description of the area(s) of the site to be used for operational readiness work and areas still under construction;***
- (b) the maximum number of staff to be involved in operational readiness work on site at any one time;***
- (c) arrangements to ensure the safety of school staff on the site, including how areas to be used for operational readiness work will be clearly and securely separated from the areas of the site still under construction; and***
- (d) access and parking arrangements to minimise impacts on the surrounding street network having regard to number of staff involved in operational readiness work on site at any one time and parking arrangements for construction workers on site.***

C40. Operational readiness work must only be undertaken in accordance with the details submitted under condition C39 and the following requirements:

- (a) no more than 15 staff are involved in operational readiness work on site at any one time;***
- (b) no students or parents are permitted on the site; and***
- (c) the Applicant has implemented appropriate arrangements to ensure the safety of school staff on the site.***

3 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:

- The proposed modified development does not give rise to any new or different potential environmental impacts when compared to the approved development in terms of the relevant matters at section 4.15;
- Does not alter the approved development's level of compliance with the applicable environmental planning instruments and policies; and
- Is consistent with the mitigation measures established in the development consent to protect the environment from potentially adverse effects of the development.

The consent authority may therefore be satisfied that the development consent as proposed to be modified will remain substantially the same as the original development consent. The proposed modification may therefore be lawfully approved under Section 4.55(1A) of the EP&A Act.

4 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 Reasons given for granting consent

Table 1 below details how the proposed modification is consistent with the reasons given by the Minister for Planning and Public Spaces in granting development consent 9477.

Table 1: Consideration of consistency of modification application with reasons for granting original consent

Reason for granting consent	Consistency of the proposed modification
The project would provide a range of benefits for the region and the State as a whole, including the provision of a new educational facility for 1012 primary school students, 355 construction jobs, 56 operational jobs and in the order of \$45.3 million capital investment.	The proposal remains consistent with this statement.
The project is permissible with development consent, and is consistent with NSW Government policies including the Greater Sydney Regional Plan – A Metropolis of Three Cities, the Greater Sydney Commission's Western City District Plan, State Infrastructure Strategy 2018-2038 and NSW Future Transport Strategy 2055;	The proposal remains consistent with NSW Government priorities.
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. The consent authority has imposed conditions to manage impacts in relation to potential construction and operational impacts on surrounding land uses;	The proposal remains consistent with this statement notwithstanding change to the conditions proposed.
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	The proposal remains consistent with this statement with the proposed development a suitable use of the site and is in the public interest.
Weighing all relevant considerations, the project is in the public interest.	

4.2 Compliance with environmental planning instruments

Table 2 below outlines the consistency of the development, as proposed to be modified, with the relevant legislation and environmental planning instruments.

Table 2: Modification application's consistency with applicable legislation and planning instruments

Legislation / Instrument	Comment
SEPP (Sydney Region Growth Centres) 2006	The proposed modification does not alter the approved development's consistency with this instrument as outlined in the EIS.
SEPP (State & Regional Development) 2011	The proposed modification does not alter the approved development's consistency with this instrument as outlined in the EIS.
SEPP (Infrastructure) 2007	The proposed modification does not alter the approved development's consistency with this instrument as outlined in the EIS.
SEPP (Educational Establishments and Child Care Facilities) 2017	The proposed modification does not alter the approved development's consistency with this instrument as outlined in the EIS.
SEPP No. 64 – Advertising Structures and Signage	There is no signage involved in this modification

4.3 Environmental impacts

The EIS submitted with the original State Significant Development Application (SSDA) addressed the likely impacts of the development, including:

- Built form and urban design;
- Environmental amenity;
- Noise and vibration;
- Transport and accessibility;
- Social impacts;
- Heritage;
- Contamination;
- Flooding;
- Bushfire;
- Biodiversity;
- Sediment, erosion and dust control;
- Geotechnical and salinity;
- Waste;
- Cumulative impacts; and
- Public interest.

The proposed modifications to the approved development do not give rise to any material alteration to the assessment of the potential impacts that were considered and determined to be acceptable in the granting of Development Consent SSD 9477. Supplementary assessment is undertaken for key environmental issues relevant to the proposed amendments, which are discussed in further detail below.

4.4 Sediment, erosion and dust control

Minor changes in cut and fill across the car park will occur as a result of construction occurring exclusively within the subject lot. All erosion and sediment control measures will be documented and implemented during construction in accordance with the Construction Soil and Water Management Sub-Plan (CSWMSP) as required per Condition B17 Development Consent SSD 9477.

4.5 Staff access

The staff will be provided with safe ingress and egress to the buildings where operational readiness will occur. These access routes will be clearly and securely separated from the areas of the site still under construction. Appropriate arrangements to ensure the safety of school staff on the site will be in place.

4.6 Staff parking

Up to 15 staff will be required for operational readiness on any given day. Parking arrangements to minimise impacts on the surrounding street network having regard to number of staff involved in operational readiness work on site at any one time and parking arrangements for construction workers on site will be provided. Accordingly, the impact of this component of the modification is considered acceptable.

4.7 Noise

The operational readiness work would be undertaken from within the completed buildings and would generate significantly lower noise levels than expected from the full operation of the school considered in the original assessment, which found the operation of the school would not have unacceptable impacts on surrounding sensitive receivers.

4.8 Suitability of the site

The site remains suitable for the development, as proposed to be modified, for the reasons outlined in the EIS lodged with the original SSDA.

4.9 The public interest

The proposal is in the public interest as it will allow staff to ready the school for occupation by students.

5 Conclusion

The modification involves amendments to the development consent to give reference to a retaining wall elevation plan and to insert two new conditions to allow staff early access to prepare the new school for operational readiness ahead of formal operation of the development as a school with students in attendance. In accordance with Section 4.55(1A) of the EP&A Act, the Department may modify the consent as:

- The proposed modification is of minimal environmental impact;
- The development as proposed to be modified is substantially the same development as development for which the consent was granted; and
- The proposed modification is in the public interest.

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

Yours sincerely,
for RPS Australia East Pty Ltd

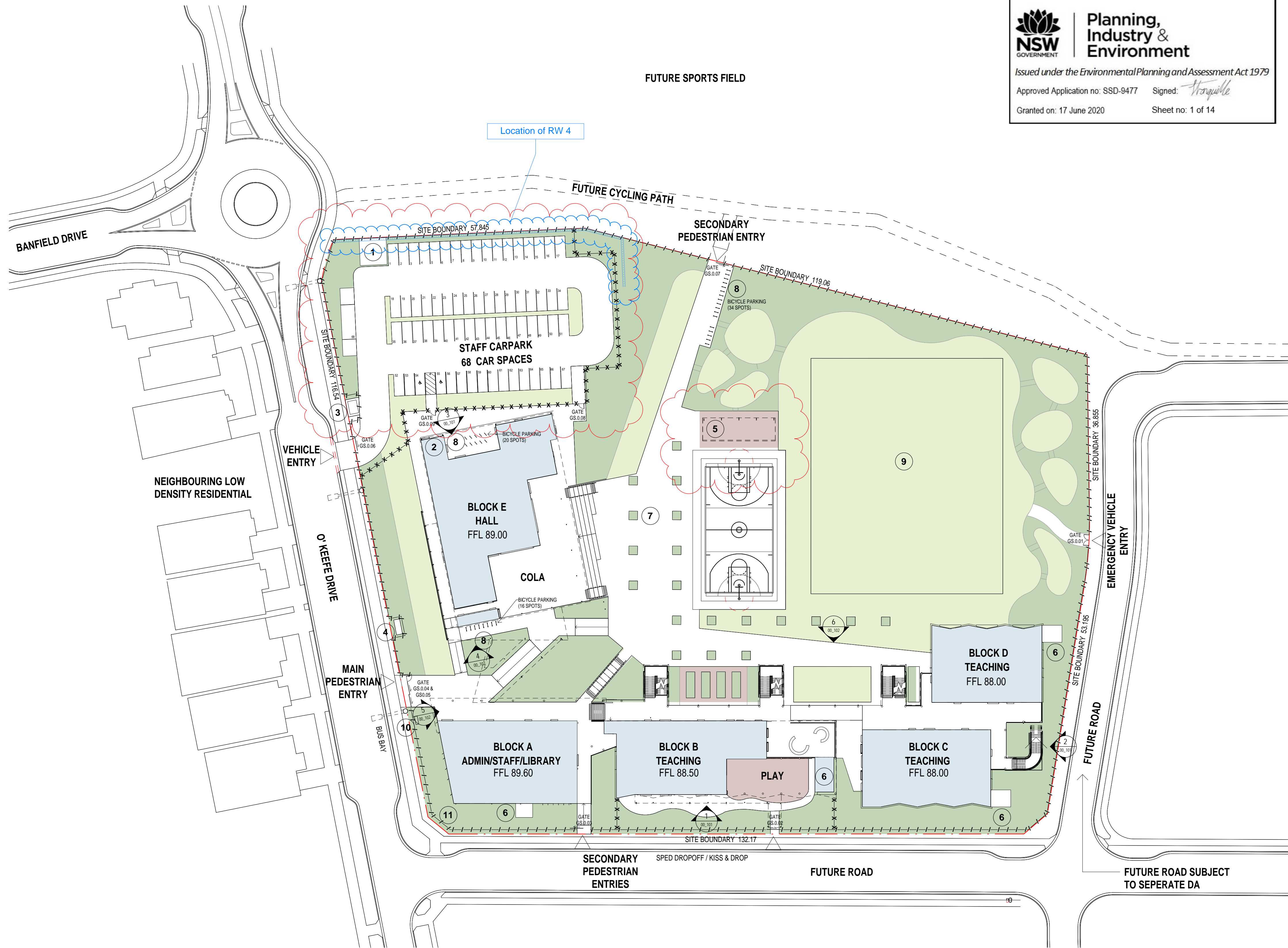


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APPENDIX A

Amended Site Plan showing Retaining Wall location and Retaining Wall Elevations Plan

29/04/2020 5:45:57 PM



Planning,
Industry &
Environment

Issued under the Environmental Planning and Assessment Act 1979

Approved Application no: SSD-9477

Signed: *Starguile*

Granted on: 17 June 2020

Sheet no: 1 of 14

SITE SERVICES

NUMBER	DESCRIPTION
1	WASTE PAD
2	MAIN SWITCHBOARD ROOM
3	SUBSTATION
4	PUMPS
5	SHADE STRUCTURE
6	PLANT WITH SCREEN
7	ASSEMBLY
8	BICYCLE PARKING (TOTAL OF 60 SPOTS)
9	SPORTS FIELD
10	MAIN SCHOOL SIGN
11	FUTURE ELECTRIC SCHOOL SIGN

--- SITE BOUNDARY
+---+---+ FENCE LINE - 2.1m HIGH DIPLOMAT
PALISADE FENCE TYPE.
--* FENCE LINE - 1.2m

NOTE:
REFER TO LANDSCAPE ARCHITECT
DRAWINGS FOR MORE INFORMATION

AMMENDMENTS			
REV	BY	DATE	DESCRIPTION
A	VL	13.08.19	PRELIMINARY ISSUE FOR REVIEW
B	RO	30.08.19	ISSUE FOR SSDA TOA
C	HS	11.02.20	ISSUE FOR RTS - BICYCLE PARKING NOTE ADDED, LEGEND, AWNING & PLAYSPACE AMENDED & STAIR MOVED
D	SJ	29.04.20	ISSUE FOR RTS - CAR & BIKE PARKING AMENDED
			ISSUE FOR RTS - CAR PARKING NUMBERS ADDED, SHADE STRUCTURE AMENDED

LEGEND	
CON	CONCRETE
CFC1	CLADDING CFC, NEUTRAL COLOUR
CFC2a	CLADDING CFC, FEATURE COLOUR A
CFC2b	CLADDING CFC, FEATURE COLOUR B
CFC2c	CLADDING CFC, FEATURE COLOUR C
DP	DOWNPIPE
LV1	ALUMINIUM LOUVRES - TYPE 1
LV2	ALUMINIUM LOUVRES - TYPE 2
MWC1b	METAL WALL CLADDING, COLOUR B

MR1a	METAL ROOFING, COLOUR A - UPPER LEVEL
MR1b	METAL ROOFING, COLOUR B - LOWER LEVEL
PC-b	POWDERCOAT, FEATURE COLOUR B
PC-e	POWDERCOAT, FEATURE COLOUR E
PC-f	POWDERCOAT, FEATURE COLOUR F
PMS	PERFORATED MESH SCREEN



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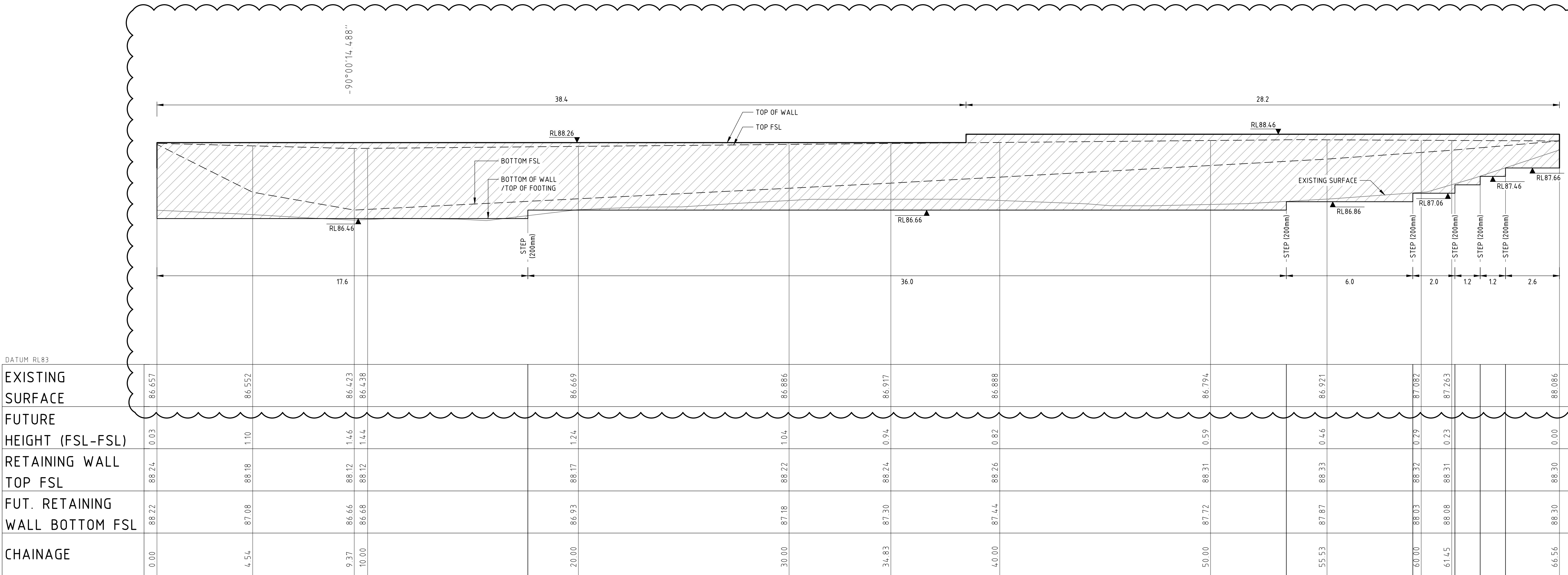
CATHERINE FIELD PS
O'KEEFE DRIVE, ORAN PARK, NSW, 2570
NEW HIGH QUALITY CLASSROOMS PACKAGE 2
DRAWING NAME
SITE PLAN

PROJECT NORTH				
0	5000	10000	15000	20000
25000	30000	35000	40000	45000
SCALE 1: 500 @ A1				
DRAWN	CHECKED	VERIFIED	DATE	
HS	KLC	SR	1 MAY 2020	
DRAWING NUMBER				
PROJECT CODE	SCH. REF.	DISC.	TYPE	SERIES#
NHQC2 - CF - AR - SSDA-00_002				
REVISION				D

FOR COORDINATION

LEGEND

BLOCK RETAINING WALL



SCALE 1:100 HORIZ 1:50 VERT

ELEVATION OF RW04 RETAINING WALL

FOR CONSTRUCTION

DESIGNED: T. BUGAEV JOB MANAGER: N. SUTHERLAND VERIFIER: J. O'LLIGAN DRAWN: J. O

AMENDMENTS				ALL DIMENSIONS TO BE VERIFIED ON SITE BEFORE COMMENCING WORK. NORTHROP ACCEPTS NO RESPONSIBILITY FOR THE USABILITY, COMPLETENESS OR SCALE OF DRAWINGS TRANSFERRED ELECTRONICALLY. THIS DRAWING MAY HAVE BEEN PREPARED USING COLOUR, AND MAY BE INCOMPLETE IF COPIED TO BLACK & WHITE.
REV	BY	DATE	DESCRIPTION	
A	JO	18.06.20	ISSUED FOR CONSTRUCTION	
B	AS	23.06.20	ISSUED FOR CONSTRUCTION	
C	JO	24.06.20	ISSUED FOR CONSTRUCTION	
D	JO	04.08.20	ISSUED FOR CONSTRUCTION	
E	AS	02.09.20	RE-ISSUED FOR CONSTRUCTION	



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CATHERINE FIELD PRIMARY SCHOOL
NEW HIGH QUALITY CLASSROOMS
DRAWING NAME
RETAINING WALL ELEVATIONS
- SHEET 02

PROJECT NORTH

DRAWN	CHECKED	VERIFIED	DATE
JO	JG	JG	02.09.20

DRAWING NUMBER
PROJECT CODE SCH. REF. DISC. TYPE SERIES#
NHQC2-CF-CV-S-DDC205.22

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