

26 November 2020

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Jim Betts
Planning Secretary
Department of Planning, Industry and Environment
12 Darcy Street, Parramatta NSW 2150

Attention: Jasmine Tranquille

Dear Jasmine,

**SECTION 4.55(1A) MODIFICATION APPLICATION (SSD-9671)
YOUNG HIGH SCHOOL LIBRARY AND JOINT-USE COMMUNITY FACILITY**

This application has been prepared by Ethos Urban on behalf of NSW Department of Education, School Infrastructure NSW (SINSW) pursuant to section 4.55(1A) of the *Environmental Planning and Assessment Act 1979* (EP&A Act) to modify State Significant Development Consent SSD-9671 relating to Young High School Library and Joint-Use Community Facility at 9 Campbell Street, Young (the site).

The modification relates to amendments to the wording of conditions *B33 Heritage Interpretation Plan* and *B34 Design Refinement*. The amended wording is proposed to allow for the Heritage Interpretation Plan and design refinements to the library façade to be delivered at appropriate times, and to allow design development and construction to progress in a timely manner on-site. This letter should be read in accordance with the following attached documentation:

- Request for Additional Information Comments prepared by Heritage NSW (**Attachment A**); and
- Heritage Meeting Minutes prepared by GHD (**Attachment B**).

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.

1.0 Consent proposed to be modified

Development consent SSD-9671 was granted by the NSW Department of Planning, Infrastructure and Environment (DPIE) on 21 May 2020 for:

Partial redevelopment of Young High School and Carrington Park to accommodate a joint-use community and school library including:

- *site preparation works;*
- *alteration and additions to existing school library to create a staff hub and student amenities;*
- *construction of a part two-storey and part three-storey new library building;*
- *extension to the existing Carrington Park carpark*
- *construction of the Currawong Walk and pathway connections to Carrington Park;*
- *landscaping works, including planting various shrubs, ground covers and concrete pattern finishes;*
- *construction of new pedestrian crossings in the surrounding road network; and*
- *installation of services, stormwater system and signage.*

A contractor has been engaged and exploratory works have been completed on-site relating to potential prisoner transfer tunnels beneath the site. Physical works relating to the development are due to commence shortly, after archaeological salvage works are complete.

2.0 Proposed modifications to the consent

2.1 Modifications to conditions

The proposed modifications to consent conditions are identified below. Words proposed to be deleted are shown in ~~**bold strike through**~~ and words to be inserted are shown in ***bold italics***. The following conditions are proposed to be amended:

- Condition B33 Heritage Interpretation Plan; and
- Condition B34 Design Refinements.

Heritage Interpretation Plan

B33. Prior to the ~~commencement of construction (excluding demolition and earthworks)~~ ***issue of the occupation certificate***, the Applicant must submit a Heritage Interpretation Plan to the satisfaction of the Planning Secretary.

The plan must:

- (a) be prepared by a suitably qualified and experienced expert in consultation with the Heritage Council and Council;
- (b) be prepared in accordance with the relevant Heritage Council of NSW Guidelines;
- (c) outline key results from the historical and Aboriginal archaeological investigations;
- (d) include provision for naming elements within the development that acknowledges the site's heritage; and
- (e) incorporates interpretive information into the site.

Reason: The current wording of condition B33 requires that the Heritage Interpretation Plan (HIP) be completed and submitted to the satisfaction of the Planning Secretary before any construction commences on-site (excluding demolition and earthworks).

However, as per advice received from Heritage NSW, the HIP cannot be completed until any required archaeological salvage associated with the main works is undertaken and complete. Since archaeological salvage and reporting is not expected to be complete before other elements of construction commence, the wording of condition B33 is proposed to be amended to require the HIP be completed prior to occupation. This will allow other construction works to progress on-site in a timely manner while archaeological salvage/reporting and incorporation into the HIP is completed.

As per **Attachment A**, Heritage NSW originally recommended that the HIP be completed and submitted within 6 months of completion of the historical archaeological excavation report – not before commencement of construction.

Further, item 4.1 in the minutes provided at **Attachment B** includes advice from Heritage NSW stating "that the plan should to be submitted at a later stage after commencement of construction, but prior to OC. This would facilitate incorporation of excavation investigation findings from main works."

Therefore in light of the above, the proposed rewording is considered to be generally consistent with that advice in relation to timing for completion of the HIP and will allow construction to progress in a timely manner.

Design Refinement

B34. Prior to the commencement of construction ***of the façade elements*** of the new Library, the design of the façade of the new Library building must be refined to reduce the visual impact of the historic Court House through a review of materials selections and colours in consultation with the

Heritage Council. The final design plans for the development must incorporate any comments received from the Heritage Council and be submitted to the Planning Secretary for information.

Reason: The current wording of condition B34 requires the design of the façade of the new library building to be finalised prior to commencement of any construction works relating to the new library.

To complete the design refinements, further investigation of the former courthouse building façade has been requested by Heritage NSW. These further investigations involve paint scrapings to be taken from the courthouse building façade. The proponent has identified a suitable consultant to undertake these works, although the lead time for completion of the works will delay the commencement of construction of the library.

Therefore, it is proposed that condition B34 be reworded to require that the design refinements be finalised prior to construction of the library façade elements. This would enable construction works relating to other components of the library to be undertaken while the façade design is refined and finalised, allowing construction to progress in a timely manner and avoiding unnecessary construction delays.

3.0 Notification

Under the EP&A Act, and relevant Regulations, DPIE is only required to exhibit Modification Applications with greater than minimal environmental impact or that are seeking to modify a consent that was granted by the Land & Environment Court.

The proposed modification does not meet these criteria and as such does not require public exhibition.

4.0 Substantially the same development

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

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

- Does not seek to change any of the approved built form or land uses;
- Will result in the same environmental impacts as the approved development;
- Seeks only to amend the timing for satisfaction of two conditions of consent, which will in turn allow construction to progress as envisaged on-site and avoid unnecessary delays to the construction program; and
- Will ultimately allow the development to be occupied in a timely manner.

4.1 Minimal Environmental Impact

Since the proposed modifications relate only to the timing of satisfaction of two conditions of consent, and seek to expedite the delivery of the development, it is considered that the proposal is of minimal environmental impact.

5.0 Environmental assessment

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

The EIS submitted for the original SSD Application assessed the proposal’s compliance against the following plans and policies:

- NSW State Priorities
- South East and Tablelands Regional Plan 2036
- Future Transport Strategy 2056
- State Infrastructure Strategy 2018-2038 Building the Momentum
- Better Placed
- People Places – A Guide for Public Library Buildings in NSW
- Draft guide for Urban Design for Regional NSW
- EP&A Act 1979
- EP&A Regulations 2000
- Biodiversity Conservation Act 2016
- SEPP 55
- SEPP (Infrastructure)
- SEPP (State and Regional Development)
- SEPP (Education and Child Care)
- SEPP 64 Advertising and Signage
- Young Local Environmental Plan 2010
- Young Development Control Plan 2010

The EIS also assessed the following impacts of the proposed development:

- Built form and urban design
- Operation
- Amenity impacts
- Visual privacy/view impacts
- Overshadowing
- Acoustic Impacts
- Wind
- Built Heritage
- Historical archaeological heritage
- Aboriginal heritage
- Transport and accessibility
- Ecologically Sustainable Development

- Social Impacts
- Waste
- Crime Prevention through Environmental Design
- Construction Impacts
- Contamination
- Hazardous materials
- Infrastructure and utilities
- Drainage/stormwater and flooding
- Tree removal
- Biodiversity
- Sediment, erosion and dust
- Accessibility
- Geotechnical/structural
- Groundwater/salinity
- Site suitability

Since the proposed modifications to conditions are minor and relate only to the timing of satisfaction of those conditions, the assessment of the proposed development remains essentially unchanged with regard to the above matters. The following assessment considers the relevant matters under section 4.15(1) that are impacted by the proposed modifications and demonstrates that the development, as proposed to be modified, will be of minimal environmental impact.

5.1 Heritage

The proposed modifications will allow for the HIP to be completed in a holistic manner, incorporating archaeological elements that may be discovered and salvaged. The modifications will also allow the façade of the new library to be refined in accordance with findings from paint scrapings being undertaken on the former courthouse building. These heritage considerations and actions will be able to be undertaken concurrently with some construction works progressing on-site (that will not impact the ability to undertake or implement these heritage actions). Therefore, the modifications are supportable on heritage grounds as they will ultimately result in the same outcome, but in a more timely manner without any unnecessary impacts to the envisaged construction program.

5.2 Construction Impacts

As described above, the proposed modifications will allow for construction works to progress alongside finalisation of the HIP and refinement of the library façade design. Ultimately this will allow for construction and occupation of the development to occur in a timely manner, while still appropriately considering and incorporating all required heritage elements.

5.3 Reasons Given for Granting Consent

The key reasons for granting consent to the development application were given as follows:

- The project would provide a range of benefits for the region and the State as a whole, including \$21 million in capital investment and 110 jobs, by providing contemporary and improved learning and cultural facilities for the school and the community;
- The project is permissible with development consent, and is consistent with NSW Government policies including the State Infrastructure Strategy 2018 – 2038 and the South East and Tablelands Regional Plan 2036;

- 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 relating to traffic, transport and accessibility, heritage, built form, landscaping, construction noise, Aboriginal cultural heritage, stormwater and crime prevention through environmental design.
- The issues raised by the community during consultation and in submissions have been considered and adequately addressed through changes to the project and the recommended conditions of consent; and
- Weighing all relevant considerations, the project is in the public interest.

The proposed modifications do not result in any changes to the reasons for granting the original development consent. Appropriate consideration of heritage design elements and interpretation will still occur and impacts associated with a longer construction timeframe will be mitigated.

6.0 Conclusion

The proposed modification relates to amendments to the wording of conditions *B33 Heritage Interpretation Plan* and *B34 Design Refinement*. The amended wording is proposed to allow for the Heritage Interpretation Plan and design refinements of the library façade to be delivered at appropriate times and allow design development and construction to progress in a timely manner on-site

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

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

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

Yours sincerely,



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