

8 December 2020

Jason Maslen
Team Leader
School Infrastructure Assessments | Planning and Assessment

Dear Jason,

RESPONSE TO OBJECTION FROM BLACKTOWN CITY COUNCIL - SSD-9368 – MODIFICATION 3 - STAGING - GALUNGARA PUBLIC SCHOOL (ALEX AVENUE)

1. INTRODUCTION

This letter has been prepared to respond to the comments received from Blacktown City Council dated 24 November 2020 in relation to the assessment of SSD-9368-Mod-3.

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.

Mod 3 seeks consent to amend the construction staging and easement management for the development. 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 key matters raised in Council's objection letter relate to the proposed staging and management of easements. It should be noted that a further submission was also received from Transport for New South Wales (TfNSW) which did not raise any objections.

This letter responds to these matters raised and provides an overview of the proposed changes since lodgement of the modification application to DPIE.

This letter is also accompanied by legal responses prepared by HWLE on behalf of SINSW which seeks to address matters raised in a letter prepared by Brett Moss, Bridges Lawyers dated 24 November 2020 (Bridges Letter) and sent on behalf of Schofields Nominees No. 5 Pty Ltd ("SNN5").

In accordance with Section 109 of the *Environmental Planning and Assessment Regulation 2000* (**EP&A Regulations**), the Applicant is required to respond to all issues raised in this submission.

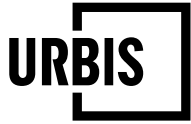
All relevant plans and documentation have been updated accordingly to reflect the minor amendments which have been made in response to the issues raised in Council's letter.

2. RESPONSE TO COUNCIL'S LETTER

A response to the comments raised in Council's letter has been provided within the following table. While the exact wording of the submission may not be captured, the intent and the issues raised have been identified and addressed.

Issue	Comment	Project Team Response
Recreation Planning and Design	There is no mention of the basketball/multi-purpose courts in the staging plan. When they will be constructed?	<p>The basketball/multi-purpose courts will be constructed immediately following extinguishment of Easement A.</p> <p>It is noted extinguishment of Easement A can only take place upon dedication of Pelican Rd to Council by Toplace.</p>
	We cannot deliver the cricket nets at R885 until Easement A is extinguished as levels will be required to be resolved between the 2 sites in this location.	Acknowledged and noted. DoE reinforces its commitment to extinguish Easement A upon dedication of Pelican Rd to Council by Toplace.
	Clarification is sought as to what the notation "Proposed Council Easement to ensure existing bushland remains undeveloped" on the SE corner of the site which is hatched means.	Pursuant to SSD-9368 Consent, this notation references the requirement of the applicant to register this area and restrict land use such that stormwater run-off in this locality remains as "state of nature" and the adjoining properties have no additional impacts.
Development Engineers	The proposed temporary turning head at the western end of Farmland Drive must be amended to comply with Council's Engineering Guide for Development, specifically section 3.27. The proposed temporary turning area radius shall be a minimum of 9.0m. This cannot encroach onto the northern existing private property, nor negatively impact their access. The turning heads must provide for the safe movement for vehicular and pedestrian traffic	<p>It is noted Farmland Drive to the west of Hyde Street is accessed by only residential vehicles only under the temporary traffic management solution.</p> <p>The temporary traffic management solution for Farmland Drive was designed by Council's Road Safety Officer in consultation with the Coordinator for Traffic Management.</p> <p>The temporary traffic management solution has been approved by the Local Traffic Committee. The public domain works to be undertaken by the DoE have been approved and accepted by the S138 process with Council and the Local Traffic Committee. We further note that the solution is temporary and</p>

Issue	Comment	Project Team Response
		works for Pelican Road and Farmland Drive extension are well advanced.
Drainage	We strongly disagree with the proposed staging plan as presented. To ensure no adverse impact, the on-site stormwater detention tank including water quality and the separate rainwater tank must be completed in Stage 1.	<p>It is noted the OSD works identified fall under a separate planning approval pathway and the rainwater tank under the SSD. All works will be completed in parallel with Stage 1 works.</p> <p>To alleviate Councils concern, DoE propose the following new condition D47:</p> <p><i>Prior to commencement of operation of stage 1a, documentation from a practicing civil engineer shall be submitted to the Certifier, which certifies that the stormwater drainage system (including OSD/quality & rainwater tank), has been constructed generally in accordance with the approved plans and accepted practice.</i></p>
Traffic	It is noted that the Easement Management Plan refers to Disability Parking (Section 3.2.2). "Disabled parking available in the temporary carpark as illustrated in figure 9" however Figure 9 does not show any disabled parking spaces.	Figure 9 of the Easement Management Plan depicts the disabled in the NE corner of the temporary car park layout. This layout is also represented in Figure 2, 7 and 8 of the same documents for your reference.
Open infrastructure	Access to Easement A must not affect any existing trees required to be retained area. Easement A has been present prior to establishing the Council Easement for this development. This includes the proposed Council easement (bushland remains undeveloped easement) at the south end of Easement A.	Agreed. This is consistent with the requirements of SSD-9368 Consent conditions.
	Any impacts on trees to be retained near Easement A must be reported to Council in the form of an Arboricultural Impact Assessment (AIA). The AIA must provide tree protection measures to ensure no damage occurs to the trees within the easement.	Agreed. Any impacts on trees to be retained near Easement A would be subject to relevant authority approvals.



3. CONCLUSION

This letter has considered the comments received in Council's letter dated 24 November 2020 in relation to SSD-9368-Mod-3 and responds to the issues raised.

Considering this, the content contained throughout this letter and in the attached supporting documents, the proposal is in the public interest and approval should be granted, subject to appropriate conditions.

Kind regards,

A handwritten signature in black ink, appearing to read "Croucamp", with a stylized flourish at the end.

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