

Section 4.55(1A) Modification

Arthur Phillip High School and Parramatta Public School Redevelopment

Modification Report

On behalf of Department of Education
August 2019



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1 Introduction

This Modification Report has been prepared on behalf of the Department of Education in order to seek a modification to the approved State Significant Development (SSD) project for redevelopment of Arthur Phillip High School (APHS) and Parramatta Public School (PPS).

The modification is being sought under Section 4.55(1A) of the Environmental Planning and Assessment Act 1979 (EP&A Act), which relates to modifications involving minor environmental impact.

1.1 Purpose of this Report

This report provides an assessment of the proposed modification. In particular, this report:

- includes a short description of the approved SSD project;
- describes the proposed modification and the reasons why it is required;
- explains the relevant strategic and statutory context;
- assesses the relevant impacts of the modifications; and
- evaluate the merits of the modification.

1.2 Modification Description

The proposed modification seeks to amend consent SSD 7237 in order to allow for staged construction and occupation of the development. In particular, this application proposes to:

- amend the development description to reference staging; and
- insert a new condition requiring submission of a Staging Report;
- amend condition B7 to allow for ongoing preparation of the heritage Interpretation Strategy with Office of Environment and Heritage and;
- amend condition A6 to allow for the completion of Public Domain works related to Parramatta Light Rail (PLR).

1.3 The Site

The proposed modification relates to Arthur Phillip High School and Parramatta Public School campuses located at 175 and 80-100 Macquarie Street, Parramatta (Lots 1-3 DP115296, Lot 414 DP820542, Lot 27A DP449406, Lots 23-26 DP 7809, Lot 413 DP 820541 and Lots 62-65 DP 758829).

1.4 Approval History

On 15 December 2015, the Executive Director, Priority Project Assessments granted consent to SSD 7237 for the redevelopment of APHS and PPS, comprising:

- remediation, demolition of existing buildings and structures;
- retention and revitalisation of existing heritage items;
- construction of a new 17 storey 'vertical' school and two storey sports complex for APHS;
- construction of a new four storey U-shaped building for PPS.

The approval has since been modified as outlined in the table below.

Table 1 – Modification History		
Modification	Proposed	Determination
Mod 1	<ul style="list-style-type: none"> amendments to conditions B9 and B10 to facilitate a staged approach to remediation works to enable conditions B5 to be satisfied. 	27 March 2017
Mod 2	<ul style="list-style-type: none"> amendments to condition A2 	Withdrawn
Mod 3	<ul style="list-style-type: none"> increase in heights of buildings; amendments to building materials of sports complex and revision of canopy design; minor extension to the sports complex; relocation of amenity block and add cricket nets; addition of bike racks and canopies; minor internal amendments; raising levels and adding stairs to the barrack lane frontage; and alterations to the gradient of the service lane. 	Approved 9 November 2017
Mod 4	<ul style="list-style-type: none"> extension of construction hours 	14 December 2018

1.5 Need and Justification

The staging is proposed in order to facilitate delivery of the project according to established project timelines and to enable fulfillment of conditions in an ordered, sequenced manner. It is critical to allow for the staged construction and operation of the development, to allow for the primary school and high school to be commissioned and operable at different time periods and ensure the ongoing provision of schooling to students.

2 Proposed Modification

2.1 Overview

The proposed modification seeks to amend consent SSD 7237 in order to allow for staged construction and occupation of the development. In particular, this application proposes to:

- amend the development description to reference staging;
- insert a new condition requiring submission of a Staging Report; -
- amend condition B7 to allow for ongoing preparation of the heritage Interpretation Strategy with Office of Environment and Heritage; and
- amend condition A6 to allow for the completion of Public Domain works related to Parramatta Light Rail (PLR).

2.2 Amended Development Description

It is proposed to amend the description of the development in order to clarify its staged nature. The proposed wording is provided below:

Redevelopment of the existing Arthur Phillip High School and Parramatta Public School campuses, involving:

- *remediation, the demolition of existing buildings and structures;*
- *retention and revitalisation of existing heritage items;*
- *construction of a new 17 storey 'vertical' school and two storey sports complex for the Arthur Phillip High School; ~~and~~*
- *construction of a new four storey U-shaped building for Parramatta Public School; **and***
- ***staged construction and operation of the development.***

2.3 New Condition

It is proposed to insert a new condition requiring submission of a Staging Report. The suggested wording is *in italics* below. This wording is taken from an example condition provided by DP&E.

Staging

- A1. *The project may be constructed and operated in stages. Where staged construction or operation is proposed, a Staging Report (for either or both construction and operation as the case may be) must be prepared and submitted for the approval of the Planning Secretary.*
- A2. *The Staging Report must:*
- (a) *if staged construction is proposed, set out how the construction of the whole of the project will be staged, including details of work and other activities to be carried out in each stage;*
 - (b) *if staged operation is proposed, set out how the operation of the whole of the project will be staged, including details of work and other activities to be carried out in each stage*
 - (c) *specify how compliance with conditions will be achieved across and between each of the stages of the project; and*

- (d) set out mechanisms for managing any cumulative impacts arising from the proposed staging.
- A3. The project must be staged in accordance with the Staging Report, as submitted to the Planning Secretary.
- A4. Where staging is proposed, the terms of this approval that apply or are relevant to the works or activities to be carried out in a specific stage must be complied with at the relevant time for that stage.

Staging, Combining and Updating Strategies, Plans, Programs or Drawings

- A5. With the approval of the Planning Secretary, the Applicant may:
 - (a) prepare and submit any strategy, plan or program required by this consent on a staged basis (if a clear description is provided as to the specific stage and scope of the development to which the strategy, plan, program or drawing applies, the relationship of the stage to any future stages and the trigger for updating the strategy, plan or program);
 - (b) combine any strategy, plan, program or drawing required by this consent (if a clear relationship is demonstrated between the strategies, plans or programs that are proposed to be combined); and
 - (c) update any strategy, plan, program or drawing required by this consent (to ensure the strategies, plans, programs and drawings required under this consent are updated on a regular basis and incorporate additional measures or amendments to improve the environmental performance of the development).
- A6. If the Planning Secretary agrees, a strategy, plan, program or drawing may be staged or updated without consultation being undertaken with all parties required to be consulted in the relevant condition in this consent.
- A7. If approved by the Planning Secretary, updated strategies, plans, programs or drawings supersede the previous versions of them and must be implemented in accordance with the condition that requires the strategy, plan, program or drawing.

2.4 Amended condition

It is proposed to amend condition A6 as follows:

- A6. To ensure that the operation of a potential future Parramatta Light Rail on Macquarie Street is not adversely impacted on, the Applicant shall continue to consult with Transport for NSW to ensure the approved development is appropriately integrated with any future light rail. Should the Parramatta Light Rail works not have substantially commenced by 2026, such Public Domain works will be finalised by the Applicant.

The Applicant has continued to consult with Transport for NSW to ensure that the operation of Parramatta Light Rail (PLR) on Macquarie Street is not adversely impacted on and have agreed that works outside of the existing school property boundaries shall be limited to "make good" works. The "make good" works are to ensure the safety of public pending the commencement of the PLR works.

Condition A6 has been amended to ensure that if the works by Parramatta Light Rail have not substantially commenced by 2026, the Applicant will return and finalise the make good scope.

Regardless of the amendment to the condition, the Applicant will continue to consult with Transport for NSW to ensure all works outside of the property boundary are appropriately integrated with the future light rail.

It is proposed to amend condition B7 as follows:

B7. An interpretation strategy shall be prepared and provided to the Heritage Council of NSW for review and comments. This strategy shall include details of the archaeological investigation of the site, including details from the post excavation specialist reports, and how the results will be incorporated into the completed development.

The amendment allows for the ongoing finalisation of the interpretation strategy and implementation plan with OEH. The site is unique given the extent of the archaeological resources of the site, with approximately 13,000 historic artefacts, substantial Aboriginal objects, including contact period glass items, resulting in longer and more extensive investigations (including consultation) and therefore the requirement for a comprehensive interpretation strategy.

The heritage consultants GML Heritage, have been working closely and consulted with the Aboriginal community, agencies, local Council, and others during the excavation works and now the interpretation strategy. It is important that there is sufficient time for consultation and review with stakeholders as part of the final excavation and interpretation reports. The finalisation of these reports and strategies are expected to continue during the delivery of the various stages of construction and operation of the school into the year 2020.

2.5 Staging Report

A Staging Report will be prepared by the proponent in order to satisfy the proposed condition regarding staging and submitted following approval of this modification. The indicative staging program is likely to be as follows.

The following stages are proposed:

- Stage 1:** Parramatta Primary School, including a kiss and drop zone;
- Stage 2:** Arthur Phillip High School on the North side of Macquarie St
- Stage 3:** Heritage Building B and the playing fields
- Stage 4:** Reconstruction of existing Public domain works external to the property boundaries, linked to Parramatta Light Rail (PLR), including Macquarie Street and Barrack Lane. —Delivered by PLR or, if later than defined date, delivered by the Department of Education.

The boundary line between Stage 1 and Stage 3 is indicative and will be further detailed in the Staging Report once access and egress paths are finalised for the construction zone.

Stages 1, 2 and 3 will include the making good of public domain works from property boundary to existing kerb line as part of each stage.

Should the Little Street Kiss and Drop zone not be finalised for completion in Stage 1, an alternate Kiss and Drop zone will be provided on Macquarie Street for Stage 1. The final design and layout of Little St will then be completed at an agreed suitable time, to minimise disruption, as part of a subsequent stage.

The boundaries of these stages are shown in the figure below.

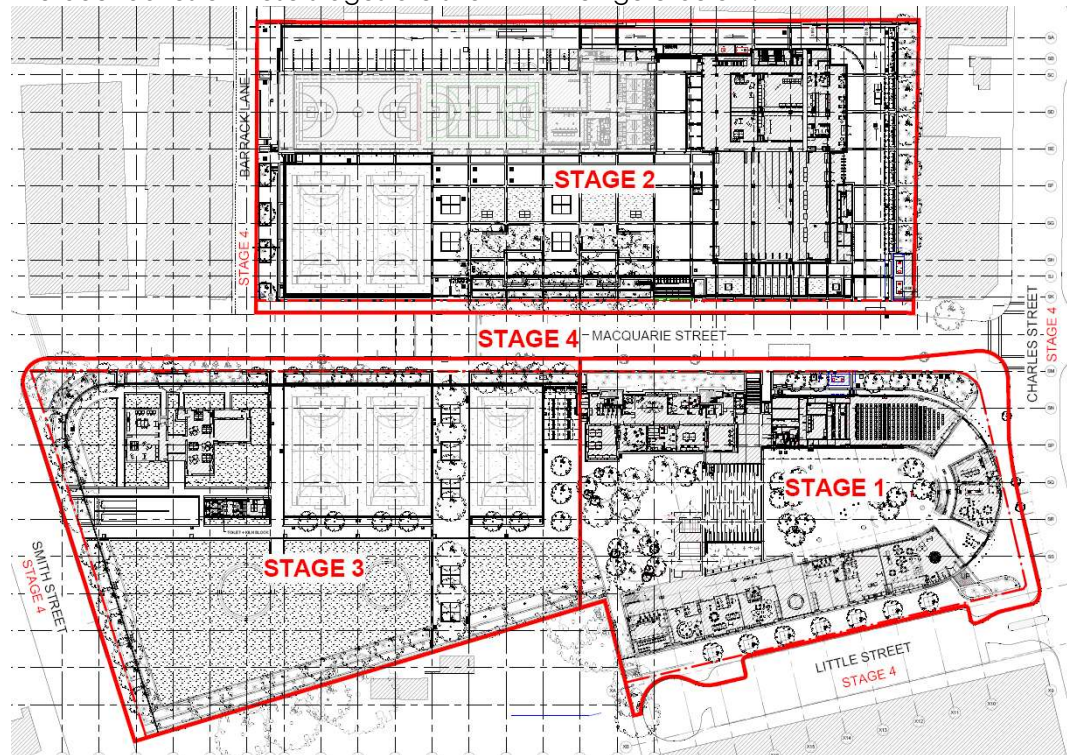


Figure 1: Indicative Staging Plan

3 Strategic and Statutory Context

3.1 Strategic Context

The project's relationship to the strategic planning framework was considered in detail under the original assessment. The proposed modification is administrative in nature and results in no inconsistencies with any strategic plans.

3.2 Statutory Context

3.2.1 Environmental Planning and Assessment Act 1979

This application is being made under Section 4.55(1A) of the Environmental Planning and Assessment Act 1979 (EP&A Act). In order to be considered under this section, the

proposed development must result in substantially the same development and result in no more than minor environmental impact.

Substantially the Same Development

The proposed modification is administrative in nature and results in substantially the same development as the approved SSD 7237 for the following reasons:

- the use of the development as a school will be maintained;
- the building envelopes and gross floor area of the approved development will remain unchanged; and
- there are no changes to the design details or architectural features, open space, landscaping, or parking.

Minor Environmental Impact

The proposed staging is an administrative change that will result in no adverse environmental impact. The physical development will remain unchanged, and all conditions of consent currently in place to mitigate environmental impacts will be fulfilled in accordance with the submitted Staging Report.

The heritage interpretation strategy will continue to be completed with consultation and review with OEH. The unique nature and extent of the archaeological resources of the site, with approximately 13,000 historic artefacts, has resulted in longer and more extensive investigations (including consultation) and therefore the requirement for a comprehensive interpretation strategy. The interpretation strategy and ultimate interpretation plan is not directly related to the SSD and is therefore recommended that this process continue between the proponent (Department of Education) and OEH.

3.2.2 Parramatta Local Environmental Plan 2011

The Parramatta Local Environmental Plan (LEP) 2011 is the primary local planning instrument applying to the site. The proposed staging is not related to LEP controls and therefore creates no compliance issues.

3.2.3 Parramatta Development Control Plan 2011

Under clause 11 of State Environmental Planning Policy (State and Regional Development) 2011, development control plans do not apply to SSD applications, and therefore the Parramatta Development Control Plan (DCP) 2011 has not been considered. It is noted that the DCP does not list any specific restrictions related to staging.

3.2.4 Other Legislation and Plans

The following additional planning instruments were considered in the preparation of this report:

- State Environmental Planning Policy (State & Regional Development) 2001;
- State Environmental Planning Policy (Educational Establishments & Child Care Facilities) 2017;
- State Environmental Planning Policy No. 55—Remediation of Land;
- Draft State Environmental Planning Policy (Remediation of Land); and
- Draft State Environmental Planning Policy (Environment).

It was found that the proposed modification results in no inconsistencies with these instruments.

4 Environmental Impacts

As noted above, the proposed staging is an administrative change and will result in no adverse environmental impact. The physical development will remain unchanged, and the conditions of consent currently in place to mitigate environmental impacts will be fulfilled in accordance with the submitted Staging Report.

5 Section 4.15 Summary Assessment

The table below provides an assessment of the proposed modifications against all provisions under Section 4.15 of the EP&A Act 1979.

Table 2 – Section 4.15 Summary		
Clause	Clause	Assessment
(1)	Matters for consideration—general In determining a development application, a consent authority is to take into consideration such of the following matters as are of relevance to the development the subject of the development application:	
(a)(i)	The provision of: Any environmental planning instrument, and	The modification is consistent with the provisions of Parramatta LEP 2011.
(ii)	Any proposed instrument that is or has been the subject of public consultation under this Act and that has been notified to the consent authority (unless the Director-General has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved), and	NA
(iii)	Any development control plan, and	The modification is consistent with the relevant provisions of Parramatta DCP 2011.
(iiia)	Any planning agreement that has been entered into under Section 93F, or any draft planning agreement that a developer has offered to enter into under Section 93F, and	NA

Table 2 – Section 4.15 Summary		
Clause	Clause	Assessment
(iv)	The regulations (to the extent that they prescribe matters for the purposes of this paragraph), and	NA
(v)	Any coastal zone management plan (within the meaning of the Coastal Protection Act 1979), that apply to the land to which the development application relates,	NA
(b)	The likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality,	The proposed modifications will result in no adverse impacts on the built or natural environments.
(c)	The suitability of the site for the development,	The proposed modifications relate to an approved development and do not alter the development's relationship to the site.
(d)	Any submissions made in accordance with this Act or the regulations,	For consideration following notification of the development.
(e)	The public interest.	The development is in the public interest in that it provides for modifications to an approved development that do not substantially alter the development, are consistent with relevant controls and result in no adverse environmental impacts.

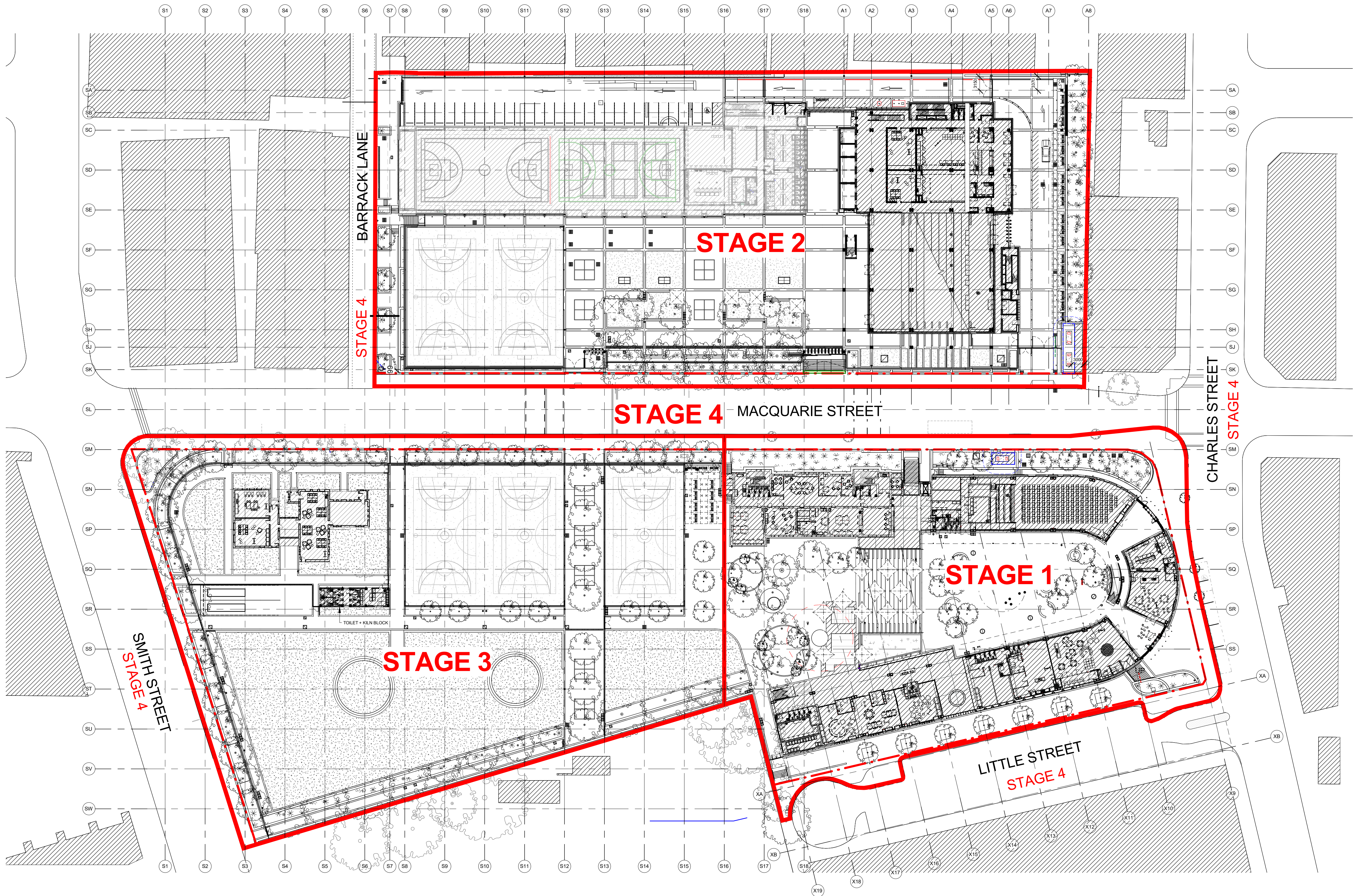
6 Conclusion

As demonstrated in this report, the proposed modification will have no adverse environmental impacts, will result in substantially the same development and will be consistent with relevant controls.

As such, we request that DP&E grant development approval. We trust that the information provided is sufficient for DP&E to approve the application in a timely manner.

Appendix 1:

Indicative staging plan



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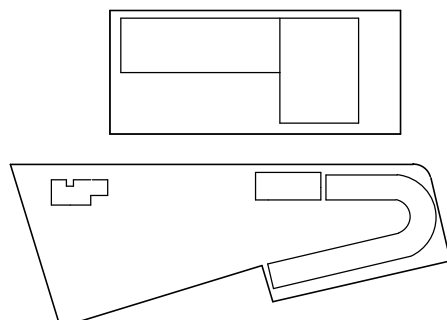
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FOR

CLIENT

Department of Education

DRAWING KEY



PROJECT

Arthur Phillip High School
and Parramatta Public School
ADDRESS
(PPS)
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15091

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