



***Oran Park High
School and
Public School
Mod 2***

*State Significant
Development
Modification
Assessment
(SSD 7968 MOD 2)*

October 2019

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Glossary

Abbreviation	Definition
Consent	Development Consent
Council	Camden Council
CTPMP	Construction, Traffic and Pedestrian Management Plan
Department	Department of Planning, Industry and Environment
EIS	Environmental Impact Statement
EMSP	Environmental Management and Sustainability Plan
EP&A Act	<i>Environmental Planning and Assessment Act 1979</i>
EP&A Regulation	Environmental Planning and Assessment Regulation 2000
LGA	Local Government Area
Minister	Minister for Planning and Public Spaces
SSD	State Significant Development
The Applicant	NSW Department of Education
The Site	Oran Park High School and Public School (390 South Circuit, Oran Park)



Contents

Glossary	iii
1. Introduction	1
1.1 Background.....	1
1.2 Approval History	5
2. Proposed Modification.....	6
3. Strategic Context.....	9
4. Statutory Context	10
4.1 Scope of Modifications	10
4.2 Consent Authority	10
5. Engagement.....	11
5.1 Department's Engagement.....	11
6. Assessment	12
7. Evaluation	14
8. Recommendation	15
9. Determination	16
Appendices	17



1. Introduction

This report is an assessment of an application seeking to modify the State Significant Development (SSD) consent (SSD 7869) for the construction of Oran Park High School and Public School in the Camden Local Government Area (LGA). The consent allows for the construction of Oran Park High School and additions to Oran Park Primary School.

DFP Planning has lodged the modification application on behalf of NSW Department of Education (the Applicant) pursuant to section 4.55(1A) of the *Environmental Planning and Assessment Act 1979* (EP&A Act). The application seeks approval to modify the conditions of the consent to enable the staging of the development on the site and to correct a number of typographical errors in the list of approved plans modified under SSD 7869 MOD 1.

1.1 Background

Oran Park High School and Public School (the site) is located at 390 South Circuit, Oran Park within the South West Priority Growth Area. The site is legally defined as Lot 1000 DP1164435 and has a total area of 89201.05m². The site is bound by Dick Johnson Drive to the north, South Circuit to the west and Holden Drive to the south. To the east of the site is the Julia Creek drainage corridor which is planned to be revegetated to form a riparian corridor.

The area surrounding the site is under development for a mixture of public open space, residential, child care, retail and commercial land uses. To the north of the site is a public recreation area known as Jack Brabham Reserve, to the east is Oran Park town centre and to the south is land being developed for medium density housing. Land to the west contains primarily low density residential lots together with a place child care centre, swimming school, dance school and health service rooms.

The location of the site is shown in **Figure 1**.



Figure 1 | Location of the site and surrounding development (Source: Nearmap 2019)

1.2 Approval History

On 14 December 2017, the then Minister for Planning granted consent for the construction of Oran Park High School and additions to Oran Park Primary School, comprising:

- site preparation works, including bulk earthworks.
- construction of a new high school with a capacity of 2000 students which consists of five multipurpose school buildings of up to three storeys, a multipurpose gymnasium, external sports fields and courts, a new 80 space car park and landscaping works.
- expansion of Oran Park Public School for up to 1000 students through the addition of blocks PE, PF and PG and the addition of 20 car parking spaces.
- provision of a school crossing, kerb-side pick up/drop off zone for 14 vehicles and new bus bay at Holden Drive.
- construction of associated infrastructure services, including storm water management and electricity substation.
- school identification signage.

The development consent has been modified on one occasion as detailed in **Table 1**.

Table 1 | Summary of Modifications

Mod No.	Summary of Modifications	Approval Authority	Type	Approval Date
MOD 1	Installation of ten air conditioning plants with associated platforms, balustrades and screening on roofs of blocks PE, PF, PG, HB, HC and HD	Director	4.55(1A)	17 June 2019

As modified in MOD 1, the consent does not currently include provisions that enable the approved works to be carried out in stages.

Construction of the development is underway on site. Blocks HA, HB, HC, HD and a new carpark have been constructed for the High School and internal fit out works have commenced at the Public School.

An aerial view of the site is shown in **Figure 2**.



Figure 2 | The Site (outlined in red) (Source: Nearmap 2019)



2. Proposed Modification

The Applicant has lodged a section 4.55(1A) modification application (SSD 7968 MOD 2) to modify the consent (as modified in MOD 1) through the addition of conditions that would allow for the staging of the approved development and to correct a number of typographical errors in the list of approved plans modified in SSD 7968 MOD 1.

Staging

The Applicant has advised that the works approved under SSD 7968 are underway on site and the intention is to commence school operations on Day 1 Term 1 2020 (January 2020). However, the construction of some of the proposed buildings and facilities on site have been delayed and will not be completed by this time. Consequently, the Applicant wishes to commence operations on a staged basis to allow the schools to begin operating as planned whilst construction continues on the unfinished works.

The conditions of the consent do not currently allow for the staging of the development. Therefore the Applicant seeks approval to modify the consent for the site to allow for the staged construction and operation of the development through the addition of appropriate staging conditions. The proposed additional staging conditions are as follows:

Staging

- A21. *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. The Staging Report must be submitted to the Planning Secretary no later than one month before the commencement of construction of the first of the proposed stages of construction (or if only staged operation is proposed, one month before the commencement of operation of the first of the proposed stages of operation).*
- A22. *A Staging Report prepared in accordance with condition A21 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 and the general timing of when construction of each stage will commence and finish;*
 - (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 and the general timing of when operation of each stage will commence and finish (if relevant);*

- (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.*
- A23. *Where staging is proposed, the project must be staged in accordance with the Staging Report, as approved by the Planning Secretary.*
- A24. *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 or Programs

- A25. *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 architectural/design plans 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).*
- A26. *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.*
- A27. *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.*

The above conditions have been adopted as standard conditions by the Department of Planning, Industry and Environment (the Department) in the last 12 months (after the original application for the site was lodged and approved) to enable the staging of all SSD approvals.

If the application is approved, the Applicant proposes to separate the remaining construction works into five stages, comprising of Stages 1a, 1b, 2a, 2b and 2c. The works involved in each Stage are summarised in **Table 2** and illustrated in **Figure 4**.

Table 2 | Proposed Staging of Works

Stage	Summary of Works/Comments	Anticipated Delivery Date
Stage 1a	<p>Complete and operate the additions to the Public School (Block PE, PF & PG and northern carpark extension). Construction would continue on the High School Site.</p> <p>The Public School would continue to operate from the north-eastern corner of the site with the operational school site clearly separated from the remaining construction areas by hoarding.</p> <p>Access to the Public School would continue to be from the north-eastern corner of the site off South Circuit which would be clearly separated from the access to the remaining construction area in the south-eastern corner of the site.</p>	22 November 2019
Stage 1b	<p>Complete and commence operation of part of the High School including Blocks HA, HB, HC & HE and the car park along the western boundary of the site. Construction would continue on two landscape areas to the north and south of the operational area and Block HD in the south-eastern corner of the site.</p> <p>As the proposed operational area would extend across the eastern and western halves of the site with construction continuing to the north and south of this area, a temporary access corridor would be provided to safely connect the eastern and western halves of the operational site. This and the remainder of the operational area as a whole would be clearly separated from the ongoing construction areas by hoarding.</p> <p>Student access to the High School would be from South Circuit (along the western boundary of the site) and the western portion of Holden Drive where a kiss and drop would be located. Access for staff would be from the staff car park on the western half of the site off Holden Drive.</p> <p>Construction access to the southern worksite would be directly from Holden Drive. Access to the northern worksite would be via a temporary access road from Dick Jonson Drive to the north of the site. This would be appropriately fenced and supervised to ensure the safety of students.</p>	10 January 2020
Stage 2a	<p>Completion of the southern landscaping area in immediately east of Block HC. Construction works would continue on the northern landscape area and sports facilities as well as Block HD.</p> <p>Hoarding would be realigned around the remaining construction areas and separated access arrangements would continue as set out in Stage 1b.</p>	31 January 2020
Stage 2b	<p>Completion and operation of northern landscaping area and sports. Construction of Block HD would continue in the south-eastern corner of the site.</p> <p>Hoarding would be retained around the single remaining construction area and separated access arrangements would continue as set out in Stage 1b. The temporary northern access road would be removed at this point.</p>	29 February 2020
Stage 2c	<p>Final completion of High School with the completion and operation of Block HD and immediately surrounding landscaping and public domain works.</p>	11 March 2020

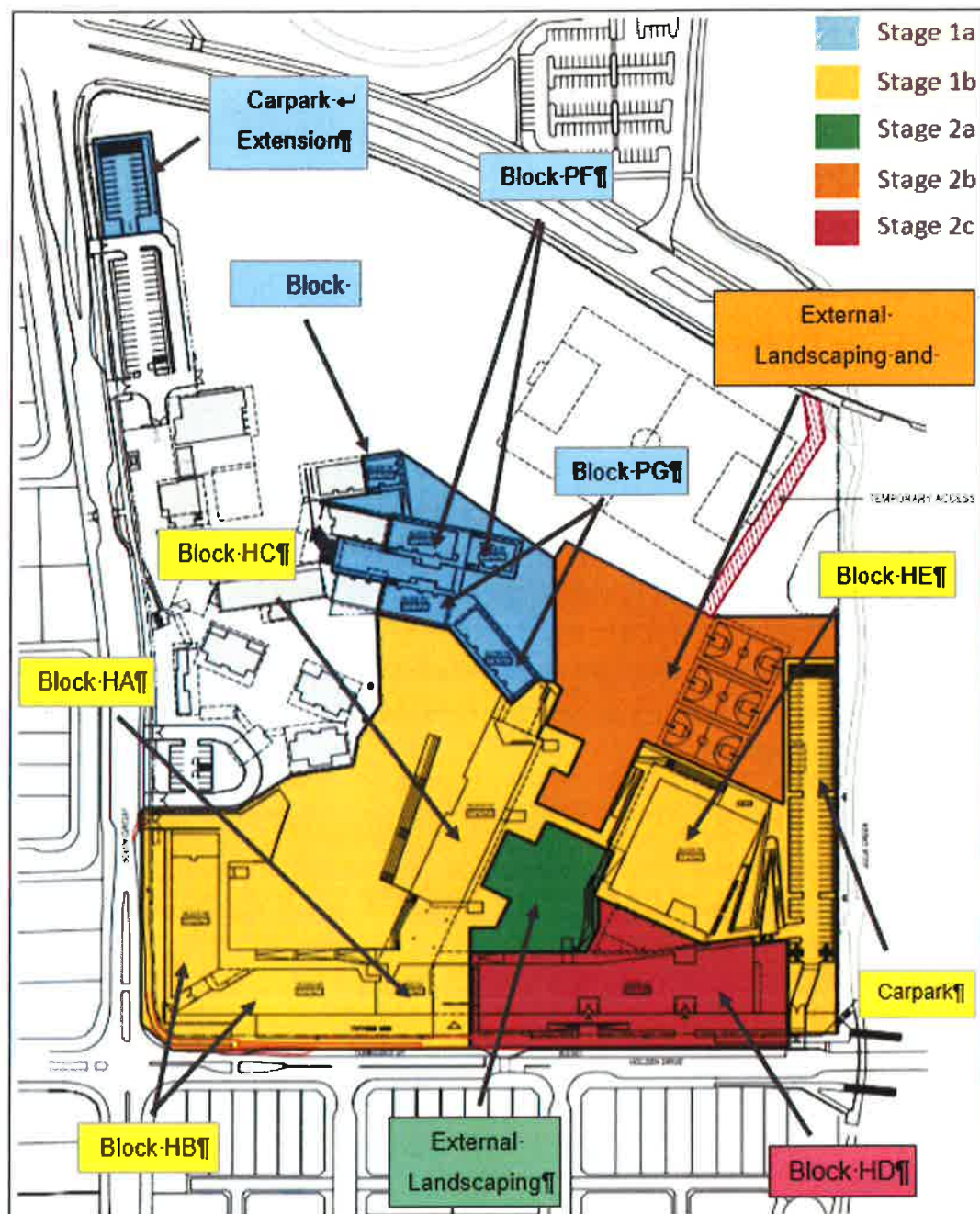


Figure 4 | Proposed Staging Plan (Source: Applicant's Modification Application 2019)

Typographical errors

A number of typographical errors have been identified in the list of approved plans included in Condition A2 of the consent. These errors were introduced by the approval of SSD 7968 MOD 1 and comprise the inclusion of an incorrect year (2017 instead of 2019) for the updated plans incorporated in that modification.



3. Strategic Context

The Department considers the development, to which the modification relates, remains consistent with its applicable strategic context given that:

- it is consistent with A Metropolis of Three Cities – The Greater Sydney Region Plan as it would provide essential school facilities to cater for the growing demand for school enrolments generated by its developing region.
- it is consistent with the State Infrastructure Strategy Update 2018-2038 as it proposes facilities to support the growth in demand for secondary student enrollments and a school design to accommodate infrastructure and facilities sharing with communities.
- it is consistent with the NSW Future Transport Strategy 2056 as it would provide an important educational facility in a highly accessible location.
- it is consistent with the vision outlined in the Greater Sydney Commission's Western City District Plan as it would support the provision of services and social infrastructure to meet people's changing needs.



4. Statutory Context

4.1 Scope of Modifications

Section 4.55(1A) of the EP&A Act provides that a consent authority may, on an application being made by the applicant, modify a development consent granted by it so long as it involves minimal environmental impact. Any application must be made in accordance with Clause 115 of the Environmental Planning and Assessment Regulation 2000 (EP&A Regulation).

The Department has reviewed the scope of the modification application and considers that the application can be characterised as a modification involving minimal environmental impacts as the proposal:

- would not significantly increase the environmental impacts of the project as approved.
- is substantially the same development as originally approved.
- would not involve any further disturbance outside the already approved disturbance areas for the project.

Therefore, the Department is satisfied the proposed modification is within the scope of section 4.55(1A) of the EP&A Act and does not constitute a new development application. Accordingly, the Department considers that the application should be assessed and determined under section 4.55(1A) of the EP&A Act rather than requiring a new development application to be lodged.

4.2 Consent Authority

The Minister for Planning and Public Spaces (the Minister) is the approval authority for the application under section 4.5(a) of the EP&A Act. However, the Director, Social and Infrastructure Assessments may determine the application under delegation as:

- the relevant local council has not made an objection.
- a political disclosure statement has not been made.
- there are no public submissions in the nature of objections.



5. Engagement

5.1 Department's Engagement

The Department did not give notification of the application due to the minor nature of the proposed modifications. The modification application was however made publicly available on the Department's website. No submissions were received.



6. Assessment

The Department has considered the modification application in the context of the original approved development in its assessment.

Proposed staging

The Applicant has provided a preliminary Staging Plan, preliminary updated Construction, preliminary Traffic and Pedestrian Management Plan (CTPMP) and a preliminary updated Environmental Management and Sustainability Plan (EMP) with the modification application.

The preliminary Staging Plan for the site indicates that the final stage of works are anticipated to be completed in April 2020 which is three months later than the originally anticipated completion date of January 2020.

Whilst the Department recognises that the proposed staging of the development would extend the construction period by three months, the Department considers that is not an extensive period and would not result in any new significant environmental impacts. Further, the Department has reviewed the preliminary updated EMP and is satisfied with the environmental mitigation measures that have been proposed to be implemented on the site to manage the environmental and amenity impacts of construction. The proposed mitigation measures would ensure that the modified proposal does not result in additional noise, visual or other impacts than those that were previously considered.

The preliminary updated CTPMP identifies construction arrangements that would be implemented on the site to ensure that the school begins operating in a safe environment whilst staged construction works continue on site. As discussed in **Section 2**, hoarding would be provided to separate the operational areas of the site from the remaining construction areas during each stage of construction to protect students and staff from construction activities. In addition, separated access points would be maintained for the Public School and High School that are clearly separated from the construction access points during each stage of operation. Traffic supervision would also be put in place.

On this basis, Department is satisfied that the Applicant has set out appropriate measures to ensure the safety of staff and students during the completion of the development. It is noted that the Staging Plan, CEMP and EMP would need to be submitted to the Department for approval under the proposed conditions of consent following determination of the modification application. This would allow for further consideration to be given to the proposed arrangements.

Overall, the Department is satisfied that the staging of the development is appropriate and that the Applicant has set out appropriate measures to ensure the safety of staff and students during construction. The Department further concludes that the proposal would remain substantially the same as that originally proposed and the staging of the development would not result in a change of use for the site or any significant environmental impacts.

Typographical errors

The Department considers that the correction of the typographical errors is appropriate and would not otherwise alter the intent of the condition or environmental impacts of the proposal.



7. Evaluation

The Department has assessed the modification application and supporting information in accordance with the relevant requirements of the EP&A Act. The Department's assessment concludes that the proposed modification is appropriate on the basis that:

- the modification seeks to add recently-adopted standard conditions within the consent to enable the staging of the proposed development.
- the staging of the development would not result in any significant environmental impacts.
- the staging of the development would allow the site to begin operations and provide an essential service to the community.
- the development to which the modification relates remains substantially the same.

Consequently, the proposal is in the public interest and it is recommended that the modification be approved.



8. Recommendation

It is recommended that the Director, Social and Infrastructure Assessments, as delegate of the Minister for Planning and Public Spaces:

- **considers** the findings and recommendations of this report;
- **determines** that the application Oran Park High School and Oran Park Public School Mod 2 (SSD 7968 MOD 2) falls within the scope of section 4.55(1A) of the EP&A Act;
- **accepts and adopts** all of the findings and recommendations in this report as the reasons for making the decision to grant approval to the application; and
- **modifies** the consent SSD 7968 MOD 2.

Recommended by:

Rita Hatem

Student Planner

Social and Infrastructure Assessments

Recommended by:



Jason Maslen

Acting Team Leader

School Infrastructure Assessments



9. Determination

The recommendation is: **Adopted** / Not adopted by:

Karen Harragon
Director

Social and Infrastructure Assessments

5 November 2019



Appendices

Appendix A – List of Documents

1. Modification Application

<https://www.planningportal.nsw.gov.au/major-projects/project/25246>

2. Modifying Instrument

<https://www.planningportal.nsw.gov.au/major-projects/project/25246>

3. Consolidated Consent

<https://www.planningportal.nsw.gov.au/major-projects/project/25246>