



September 2020

Jim Betts
The Planning Secretary
Department of Planning, Industry and Environment
4 Parramatta Square (Locked Bag 5022)
Parramatta NSW 2124

Dear Jim Betts,

SECTION 4.55(1A) MODIFICATION OF SSD-8574, WAITARA PUBLIC SCHOOL AT 48-58 MYRA STREET, WAHROONGA

1. INTRODUCTION

On behalf of NSW Department of Education and School Infrastructure NSW (SINSW, the Applicant), this letter is a Section 4.55(1A) Modification application to amend the State Significant Development Approval (SSD-8574) for Waitara Public School.

The proposal is the subject of a Section 4.55(1A) modification as the amendment will result in minimal environmental impact and is substantially the same development as that approved, as modified. The proposal seeks to:

- Modify condition A2 to amend the approved plans;
- Delete condition D10(j); and
- Modify Condition E11.

The modification is necessary to satisfy Condition D10 of the Consent and update the approved plan set to reflect the amended car park design and Draft Operational Transport and Access Management Plan (OTAMP). The modification to condition E11 is necessary to reflect the current school operations which have been altered due to COVID-19.

This letter provides a comprehensive description and assessment of the proposed modifications within the following sections as listed below:

- **Section 1:** outline of site and project history including assessment and determination of the original development application
- **Section 2:** overview of proposed modifications, including rationale and intended outcomes
- **Section 3:** proposed amendments to the current development consent conditions

- **Section 4:** assessment of the proposed modifications in accordance with section 4.55(1A) of the EP&A Act
- **Section 5:** assessment of the application in accordance with the matters for consideration listed in section 4.15 of the EP&A Act
- **Section 6:** summary of key findings and recommendations

This letter should be read in conjunction with the following technical studies:

- Amended Landscape Plans (**Appendix A**)
- Draft Operational Transport and Access Management Plan (OTAMP) (**Appendix B**)
- Design Verification Statement (**Appendix C**)

1.1. THE SITE

The site is located at 48-58 Myra Street, Wahroonga within the Hornsby Local Government Area (LGA). It comprises 5 lots, legally described as:

- Lot 1 in DP333142
- Lots 11-13 in DP17375
- Lot A DP309739

The site is rectangular in shape, has an area of 1.98 hectares and has frontages to Myra Street, Edgeworth David Avenue and Highlands Avenue (refer Figure 1).

Figure 1 Waitara Public School



1.2. CONSENT BACKGROUND

SSD 18_8574

On 26 February 2019, the Minister for Planning approved Major Project SSD 18_8574 for:

Redevelopment of Waitara Public School, including:

- *the demolition or removal of a number of existing permanent and demountable buildings on the site,*
- *the construction of a new four storey building providing new learning and ancillary spaces and associated works including tree removal,*
- *provision of additional car parking spaces and landscaping.*

The proposed redevelopment of Waitara Public School will provide permanent teaching spaces and facilities for 1,000 students.

The proposed development includes the following:

- 38 new permanent teaching spaces, housed in a new four-storey building
- Two existing permanent teaching spaces converted to special programs rooms
- A new hall
- A new canteen

- New staff and administrative facilities
- An upgrade to existing core facilities, such as increased library space distributed within the new building

In addition, existing life-expired buildings on the school site will be demolished, temporary classrooms removed, and the area will be landscaped to increase available playing space for 1,000 students.

SSD-18-8574-Mod-1 – Staging

On 15 May 2020, a subsequent Section 4.55(1A) modification was approved to allow for staged construction and operation of the development across two stages.

2. PROPOSED MODIFICATION

2.1. SUMMARY

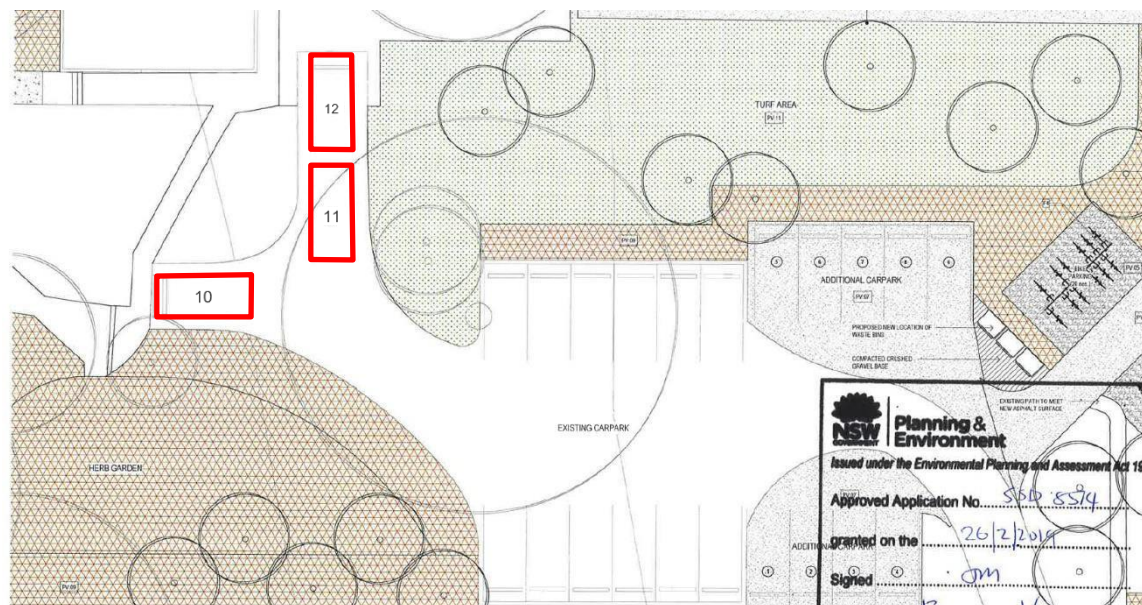
The approved car park design is proposed to be modified to relocate three parking spaces that were previously located within the turning area. Space has now been provided for these spaces within the main parking area, resulting in an improved outcome, refer Figure 2
(relevant parking spaces have been outlined red and numbered accordingly).

The modification results in an increase of 32m² of play space area however will not change the total number of car parking spaces provided as approved under the original consent. As such, there is a need to amend the relevant plans referenced in condition A2 as well as condition D10 which refers to the parking spaces.

The Design Verification Statement annexed to this letter at Appendix C confirms that the revised parking layout complies with AS2890.

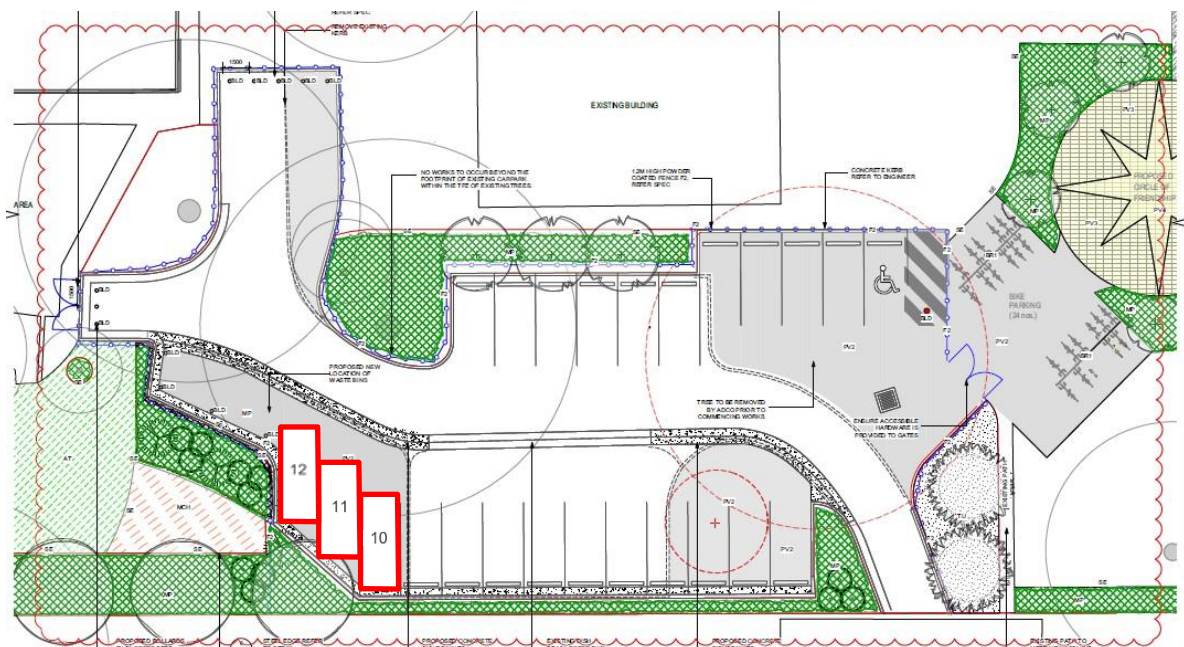
Further, this section 4.55(1A) modification seeks to modify condition E11 to amend the timing for commencement of post-operational noise monitoring.

Figure 2 Proposed modification (relevant spaces outlined red and numbered)



Picture 1 Approved turnaround facility

Source: GHD Woodhead



Picture 2 Proposed turnaround facility

Source: NBRS Architecture

3. AMENDED CONDITIONS

This Section 4.55(1A) application seeks to amend or delete a number of conditions as detailed below:

- Modify condition A2 of consent to amend the approved plans;
- Delete condition D10(j) of consent; and
- Amend Condition E11 of consent.

Strikethrough text is used to denote a proposed deletion and red text to denote a proposed inclusion.

3.1. CONDITION A2

Condition A2 of SSD-8574 lists the approved plans, the proposed amendment will result in the approval of new plans which is essential to ensure the approved plans are consistent with the final development following the redesigned carpark and increase in play space. The proposed amendments are shown below:

Architectural Drawings prepared by NBRS Architecture			
Dwg No.	Rev	Name of Plan	Date
1859-A-WD-00-02	P4	Site Demolition Plan	4/10/2018
1859-A-WD-00-01	A	Site Plan	31/01/2019
1859-A-WD-10-01	A	General Arrangement – Level 1	31/01/2019
1859-A-WD-10-02	A	General Arrangement – Level 2	31/01/2019
1859-A-WD-10-03	A	General Arrangement – Level 3	31/01/2019
1859-A-WD-10-04	A	General Arrangement – Level 4	31/01/2019
1859-A-WD-10-05	A	General Arrangement – Roof Plan	31/01/2019
1859-A-WD-30-01	A	Elevations	31/01/2019
1859-A-WD-30-02	A	Elevations	31/01/2019
1859-A-WD-30-11	A	Sections	31/01/2019
1859-A-WD-30-12	A	Sections	31/01/2019
Landscape Plans prepared by GHD Woodhead NBRS Architecture			
Dwg No.	Rev	Name of Plan	Date
21-26108-WA-SD-LA-1000	E	Landscape Site Plan	03/08/2018

Architectural Drawings prepared by NBR Architecture			
18159-LA1000-F	F		10/08/2020
21-26108-WA-SD-LA-1107 18159-LA1107-E	D E	Landscape General Arrangement (Sheet 7 of 8)	03/08/2018 10/08/2020
21-26108-WA-SD-LA-3107 18159-LA3107-D	C D	Landscape Planting Plan (Sheet 7 of 8)	03/08/2018 10/08/2020
21-26108-WA-SD-LA-2107 18159-LA2107-D	C D	Landscape Levels and Setout Plan	03/08/2018 10/08/2020
21-26108-WA-SD-LA-1003 18159-LA-1003-F	E F	Landscape Available Play Space Area	03/08/2018 10/08/2020

A copy of the amended Landscape Plans is included at Appendix A.

3.2. **CONDITION D10 – OPERATIONAL TRANSPORT AND ACCESS MANAGEMENT PLAN**

Condition D10 is proposed to be amended as follows:

*D10. An OTAMP is to be prepared for the school by a suitably qualified person, in consultation with Council **and** Transport for NSW ~~and RMS~~ and must address the following:*

- Detailed pedestrian analysis including the identification of safe route options - to identify the need for management measures such as staggered school start and finish times to ensure students and staff are able to access and leave the Site in a safe and efficient manner during school start and finish;*
- the location of all car parking spaces on the school campuses and their allocation (i.e. staff, visitor, accessible, emergency, etc.);*
- the location and operational management procedures of the drop-off and pick-up parking located within Myra Street and Highlands Avenue, including staff management/traffic controller arrangements;*
- the location and operational management procedures for the drop-off and pick-up of students by buses and coaches for excursions and sporting activities during the hours of bus lane operations along Edgeworth David Avenue, including staff management/traffic controller arrangements;*
- delivery and services vehicle and bus access and management arrangements;*
- restrictions on hours for delivery and services vehicle access onto the site, including those set out in the condition E13;*
- management of approved access arrangements;*

- (h) *potential traffic impacts on surrounding road networks and mitigation measures to minimise impacts, including measures to mitigate queuing impacts associated with vehicles accessing drop-off and pick-up parking in Myra Street and Highlands Avenue;*
- (i) *car parking arrangements and management associated with the proposed use of school facilities by community members; and*
- (j) ~~*restriction on hours for use of the three parking spaces located within the turning area to the west of the existing car park to times outside of the service vehicle delivery hours set out in condition D10(f); and*~~
- (k) ~~*(j)*~~ *a monitoring and review program.*

The OTAMP(s) must be submitted to the Secretary for approval prior to operation of the development.

The OTAMP(s) (as revised from time to time) must be implemented by the Applicant for the life of the development.

As stipulated by condition D10, the OTAMP must be approved prior to operation of stage 2, consistent with the staging report approved under SSD 8574-Mod-1. The OTAMP is provided at **Appendix B** and has been amended to accurately reflect site parking layout. It is noted that subject to development approval of the proposed modification, the OTAMP will be revised to ensure consistency with the updated conditions of consent.

3.3. **CONDITION E11 – OPERATIONAL NOISE LIMITS**

Condition E11 is proposed to be amended as follows:

*The Applicant must undertake short term noise monitoring in accordance with the Noise Policy for Industry where valid data is collected following the commencement of use of each stage of the development. The monitoring program must be carried out by and appropriately qualified person and a monitoring report must be submitted to the Planning Secretary within ~~two months of commencement of use of each stage of the development~~ **twelve months of commencement of use of each stage of the development unless otherwise agreed by the Planning Secretary** to verify that operational noise levels do not exceed the recommended noise levels for mechanical plant identified in the Acoustic report prepared by GHD and dated December 2017. Should the noise monitoring program identify and exceedance of the recommended noise levels referred to above, the Applicant is required to implement appropriate noise attenuation measures so that operational noise levels do not exceed the recommended noise levels or provide attenuation measures at the affected noise sensitive receivers.*

The above amendment to condition E11 is administrative in nature and sought to ensure that an accurate assessment of the operational noise levels is provided. The operational circumstances of the school have drastically changed during the COVID-19 period beginning March 2020 and as such, an assessment of noise levels undertaken during this time would not be an accurate indication of the noise levels generated under normal circumstances. Further, one of the rooftop mechanical units has not been functioning at full capacity since the completion of Stage 1 and the mechanical unit was only replaced on 18th July 2020. Combined, COVID-19 and the underperforming mechanical unit will impact on the recorded noise levels and therefore operational noise measurements taken would not likely be representative of the actual operational noise levels if undertaken in accordance with the current condition.

4. SECTION 4.55(1A) ASSESSMENT

4.1. POTENTIAL ENVIRONMENTAL IMPACT

This application is made under Section 4.55(1A) of the EP&A Act 1979 as it involves substantially the same development and would have minimal environmental impact. It is noted that no significant changes to the proposed scope of works as approved under the original SSD application are proposed under the modification. Additionally, the amended car parking design including the relocation of three (3) parking spaces within the turning area to the west of the existing car park and proposed changes to the timing of noise monitoring will not create any additional environmental impacts beyond those considered under the original SSD application and the development will continue to operate in accordance with its approved environmental management plans and post-approval requirements.

The OTAMP provided at **Appendix B** demonstrates that the proposed changes will not impact on traffic movement or accessibility and satisfies condition D10 of consent.

4.2. SUBSTANTIALLY THE SAME DEVELOPMENT

The proposal has been assessed using both a quantitative and qualitative assessment to determine whether the modified development would be substantially the same as the approved development.

Quantitative Assessment

The following table provides a summary of the key features of the approved development and the proposed modifications to assist with the quantitative assessment of the proposed modification:

Table 1 Quantitative comparison table

Feature	Approved Development	Proposed Development	Change
Building Height	10.7m	10.7m	Nil
Car Parking	24 spaces	24 spaces	Nil
Play space area	12,620m ²	12,652m ²	32m ² increase

As demonstrated in Table 1 there are no major quantitative changes resulting from the proposed modification. The minor increase in 32m² to the play space area has resulted from a more detailed calculation of the landscape area which includes some small areas which are identified for landscaping that were not previously included, noting that no changes to access arrangements and no changes to tree removal or replanting is proposed. This is a positive impact of the proposal.

Qualitative Assessment

A qualitative assessment also needs to be undertaken to assess the development as proposed to be modified based in the context in which the original SSDA was approved.

The proposed modification does not substantially change the development for which consent was originally granted for the reasons outlined below:

- The proposed modification represents the same number of parking spaces as originally approved and does not seek to modify the building height or gross floor area.
- The proposed modification to the parking design will not result in additional traffic generation or place pressure on the surrounding street network.

Based on the above quantitative and qualitative assessments, the modified proposal is considered substantially the same as the approved development.

5. SECTION 4.15 ASSESSMENT

The matters referred to in Section 4.15 of the *Environmental Planning and Assessment Act 1979* also need to be considered in the assessment of the proposed modification. Each of the matters relevant to the proposal is assessed below:

Table 2 Section 4.15 Compliance

Section 4.15 Compliance	Summary of Compliance
<i>(a)(i) any environmental planning instrument</i>	<p>The proposed modification has been assessed in accordance with the relevant planning controls.</p> <p>The application has been submitted in accordance with the requirements of Section 4.55 (1A) of the Environmental Planning and Assessment Act 1979.</p> <p>The proposed amendment does not impact on compliance of the development with any other provisions of the state, regional and local planning controls, including:</p> <p><i>State Environmental Planning Policy (Infrastructure) 2007</i></p> <p><i>State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017</i></p> <p><i>State Environmental Planning Policy No. 55 – Remediation of Land</i></p> <p><i>SREP No. 20 – Hawksbury-Nepean River</i></p> <p><i>Hornsby Local Environmental Plan 2013</i></p>

Section 4.15 Compliance	Summary of Compliance
<i>(a)(ii) any proposed instrument that is or has been the subject of public consultation</i>	There are none relevant to the proposal.
<i>(a)(iii) any development control plan</i>	There are none relevant to the proposal.
<i>(a)(iiia) any planning agreement or any draft planning agreement</i>	There are none relevant to the proposal.
<i>(a)(iv) the regulations</i>	There are none relevant to the proposal.
<i>(b) the likely environmental, social and economic impacts</i>	<p>The proposed minor amendments will not result in any significant environmental, social or economic impacts.</p> <p>The proposed car parking provision was approved under the original SSD consent and the proposed relocation of three (3) parking spaces within the car park area will not result in additional environmental impact.</p> <p>The removal of condition D10(j) is required as the it is no longer relevant to the development.</p> <p>The amendment to condition E11 is considered necessary to ensure that operational noise levels are recorded accurately.</p>
<i>(c) the suitability of the site</i>	The proposed modifications will not result in any changes that would affect the suitability of the site to accommodate the approved development.
<i>(d) any submissions</i>	Any submissions arising from the public notification of the Section 4.55(1A) application will need to be assessed.
<i>(e) the public interest</i>	The proposal is in the public interest as it ensures that staff are capable of parking at the school without timing restrictions, therefore reducing the dependence on on-street car parking.

6. CONCLUSION

This modification application has been prepared in accordance with the requirements of part 6, Division 12, clause 115 of the *Environmental Planning and Assessment Regulation 2000*. The modified proposal has been assessed against the relevant planning provisions under Section 4.55(1A) of the *Environmental Planning and Assessment Act 1979*. There are no changes to the use, existing height or scale compared to the approved development.

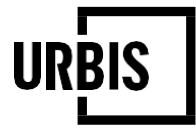
The modification will result in a development that is substantially the same as the approved development, with no additional environmental impacts compared to the approved, therefore the proposal is recommended for approval.

We trust this information is sufficient to enable assessment and approval of the proposed modification request. Should you have any queries about this matter, please do not hesitate to contact the undersigned.

Yours sincerely,

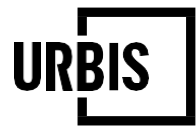
A handwritten signature in blue ink, appearing to read "Alaine Roff". The signature is fluid and cursive, with the first name "Alaine" written in a larger, more prominent script than the surname "Roff".

Alaine Roff
Associate Director
+61 2 8233 9927
aroff@urbis.com.au



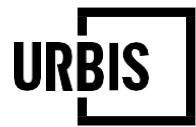
APPENDIX A

AMENDED LANDSCAPE PLANS



APPENDIX B

DRAFT OPERATIONAL TRANSPORT AND ACCESS MANAGEMENT PLAN



APPENDIX C

DESIGN VERIFICATION STATEMENT