



Waitara Public School Redevelopment Modification 2

State Significant Development Modification Assessment
(SSD 8574 MOD 2)

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Glossary

Abbreviation	Definition
Council	Hornsby Council
Department	Department of Planning, Industry and Environment
EP&A Act	<i>Environmental Planning and Assessment Act 1979</i>
EP&A Regulation	Environmental Planning and Assessment Regulation 2000
Minister	Minister for Planning and Public Spaces
OTAMP	Operational Transport and Access Management Plan
Planning Secretary	Secretary of the Department of Planning, Industry and Environment
SSD	State Significant Development

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1 Introduction

This report provides the NSW Department of Planning, Industry and Environment's (the Department) assessment of an application to modify the conditions of the State significant development (SSD) consent for Waitara Public School Redevelopment (SSD 8574).

The application was lodged by the Department of Education NSW (the Applicant) pursuant to section 4.55(1A) of the *Environmental Planning and Assessment Act 1979* (EP&A Act). The modification application (SSD 8574 Mod 2) seeks approval to incorporate amended car parking arrangements and to allow more time for undertaking short term noise monitoring.

1.1 Background

Waitara Public School is located at 48-58 Myra Street, Wahroonga and is legally described as Lot 1 DP333142, Lots 11-13 DP17375 and Lot A DP309739 within the Hornsby Shire local government area. The site has an area of approximately 18,256 square metres and is rectangular in shape, with frontages to Edgeworth David Avenue to the north and Myra Street to the west. The site also has a limited frontage to Highlands Avenue to the south

The site is located approximately 19 kilometres to the north-west of the Sydney CBD. Approximately 1 kilometre south-east of Hornsby town centre and approximately 1.2 kilometres north-west of Wahroonga town centre. The location of the site is shown in **Figure 1** and **Figure 2**.



Figure 1 | Regional location of the site (Source: Department's original assessment report 2019)



Figure 2 | Regional location of the site (Source: Department's original assessment report 2019)

1.2 Approval history

On 26 February 2019, the Executive Director, Infrastructure Assessments, as delegate for the Minister for Planning and Public Spaces (the Minister) granted consent for the redevelopment of Waitara Public School, including:

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

The approved site plan is shown in **Figure 3**.

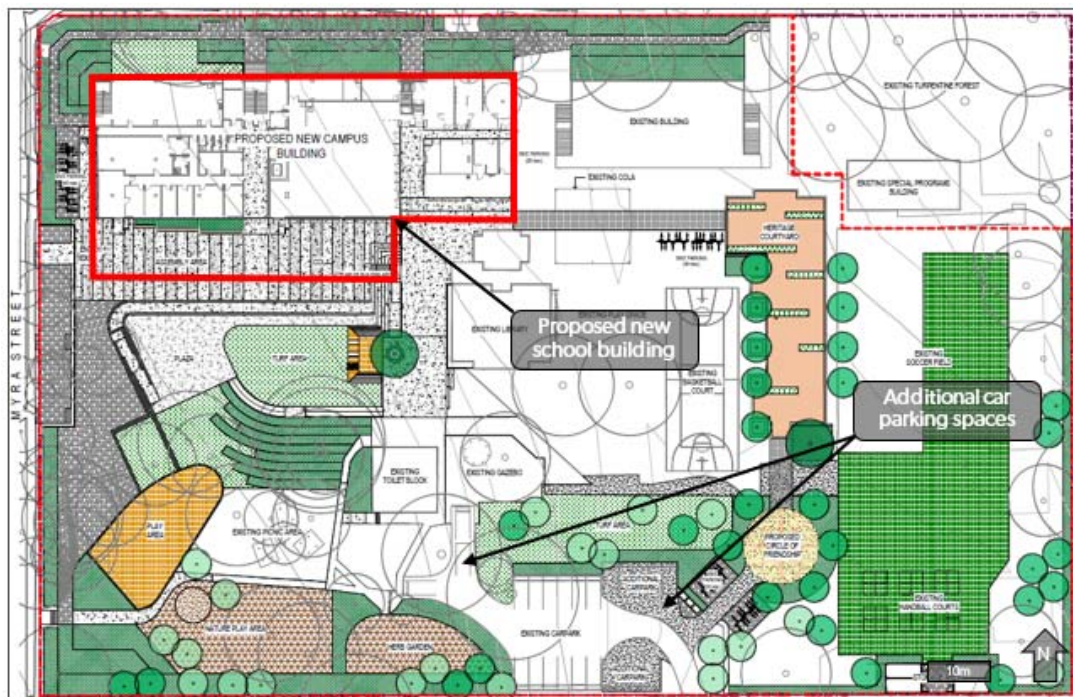


Figure 3 | Approved site layout (Source: Department's original assessment report 2019)

Modification 1

On 15 May 2020, the Director, Social and Infrastructure Assessments, as delegate for the Minister granted consent for the modification of the consent to allow for the staging of the development.

1.3 Related development

The demolition of a number of buildings and the establishment of a temporary school on site was undertaken prior to the determination of the original SSD approval under separate assessment processes. The works and associated assessment pathways are summarised in **Table 1**.

Table 1 | Other works on site and assessment pathways

Works	Summary of works	Assessment pathway details / status
Demolition of buildings and temporary school	Demolition of a number of existing demountable and modular buildings and provision of temporary demountable buildings in the south-eastern corner of the site to provide 28 teaching spaces and associated school facilities.	Development consent (DA/966/2017) issued by Hornsby Shire Council (Council) on 27 November 2017.
Demolition of buildings	New school building early works (excluding tree removal) including demolition of Buildings H, I, J, K, G, F, a COLA and shed, construction of an in ground structure and inground services and ground floor slab.	<p>Complying development certificate (CDP/5/2019) was issued by Metro Building Consultancy on 21 December 2018.</p> <p>The Applicant provided written advice on 21 January 2019 that only works relating to the demolition of existing buildings and structures would be undertaken. Other works covered in the complying development certificate would not be acted upon.</p>

2 Proposed modification

The modification application seeks to modify conditions A2, D10, D11 and E11 of the consent to incorporate an amended car parking layout, updated landscape plans and allow additional time for undertaking of noise monitoring required under the consent.

Amended car parking layout

The Applicant advises that it has taken the opportunity to simplify the layout of the staff car park at the southern end of the school site. This includes the relocation of three car parking spaces originally to be located within a proposed service vehicle turning area (shown in red in **Figure 4**), to a new area proposed on the southern side of the car park (shown in red in **Figure 5**). The modification seeks to incorporate the amended plan into the plans listed under condition A2.

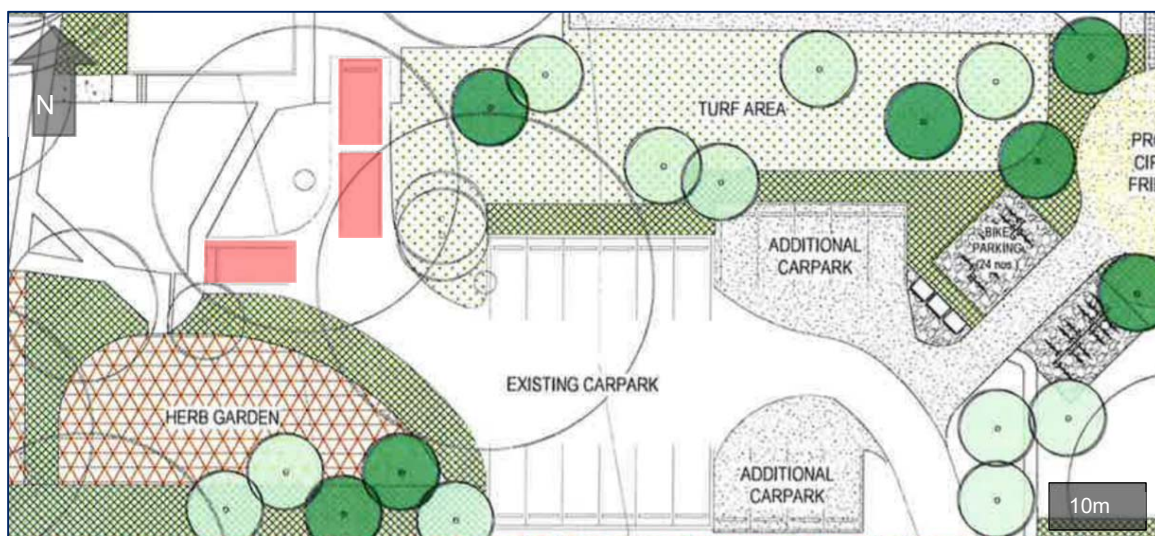


Figure 4 | Approved car parking layout (Source: Department's original consent 2019)



Figure 5 | Proposed car parking layout (Source: Applicant's modification application 2020)

The modification also seeks to amend condition D10 that relates to the preparation of an Operational Transport and Access Management Plan to reflect the amended car parking arrangements. The requested changes include the deletion of:

- item (j) that requires the plan to include restrictions on hours of use of the three parking spaces located in the service vehicle turning area, as it would not be required with the amended parking layout.
- reference to Road and Maritime Services (RMS) as it has been absorbed into Transport for NSW (TfNSW).

Condition D10 is proposed to read:

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:

(a) 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;

(b) the location of all car parking spaces on the school campuses and their allocation (i.e. staff, visitor, accessible, emergency, etc.);

(c) 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;

(d) 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;

(e) delivery and services vehicle and bus access and management arrangements;

(f) restrictions on hours for delivery and services vehicle access onto the site, including those set out in in the condition E13;

(g) 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.

The Applicant also requests to modify condition D11 that requires the provision of evidence of provision of new car parking spaces on site. The amendment seeks to delete the requirements relating to the installation of signage and markings associated with the three parking spaces in the turning area as these are no longer proposed. Condition D11 is proposed to read:

D11. Unless otherwise agreed by the Planning Secretary, occupation must not occur until evidence is submitted to the satisfaction of the Certifying Authority demonstrating:

~~*(a) construction works associated with the proposed expansion of twelve additional car parking spaces located to the east of the existing car park have been completed and that the expanded car parking facility is operational; and*~~

~~*(b) signage and marking have been installed which nominates the three parking spaces located in the existing turning area on the western side of the existing car park as short term staff / visitor spaces and restricts use of these spaces to time set out in condition D10(j).*~~

A design verification statement was provided with the modification from a suitably qualified and experienced engineer in support of the proposed layout, along with an updated Operational Transport and Access Management Plan (OTAMP) for information.

Updated landscape plans

The application includes amended landscape plans to:

- reflect the changed car parking layout and include new bollards and a 1.3 metre high powder coated fence, with swinging gates, to separate the car park and turning area from the surrounding open space and bicycle parking area.
- generally update the layout following detailed design work.
- increase tree planting on site from 52 to 135.
- relocate a waste storage area.

A comparison of the approved and proposed landscape plan are shown in **Figure 6** and **Figure 7**. The modification seeks to incorporate the amended plans into the plans listed under condition A2.

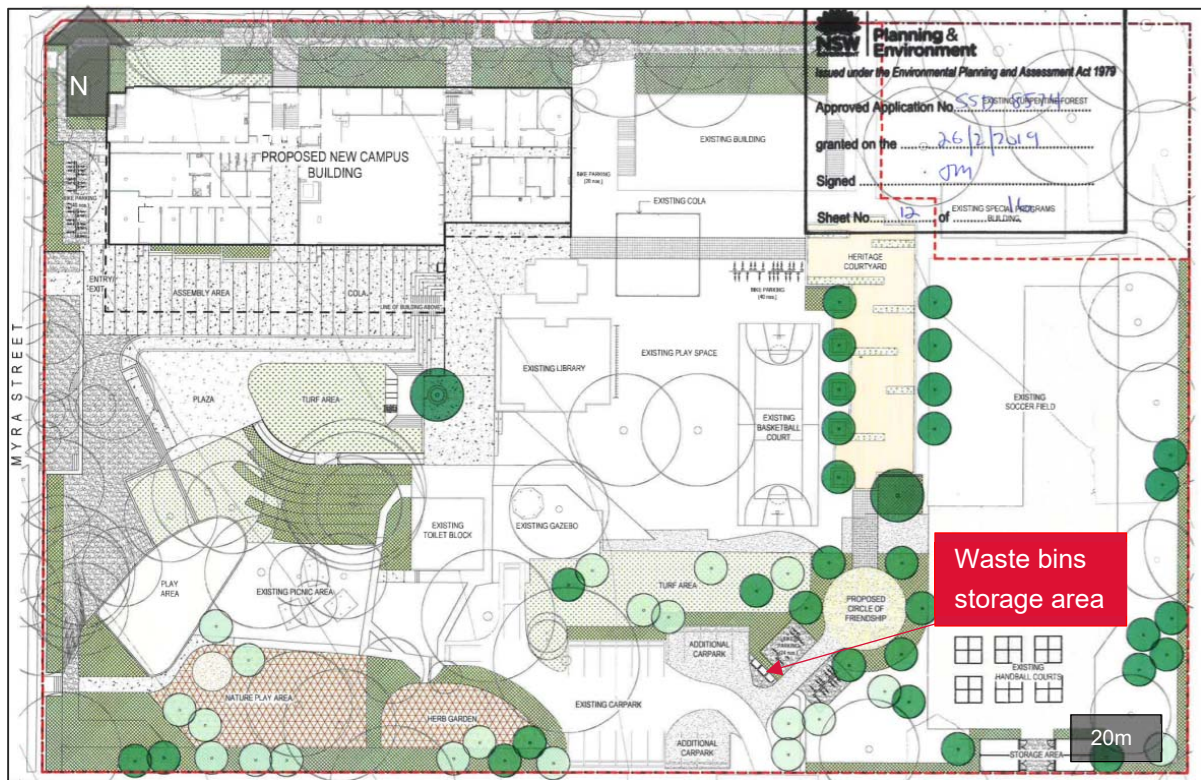


Figure 6 | Approved landscape plan (Source: Department's original assessment report 2019)

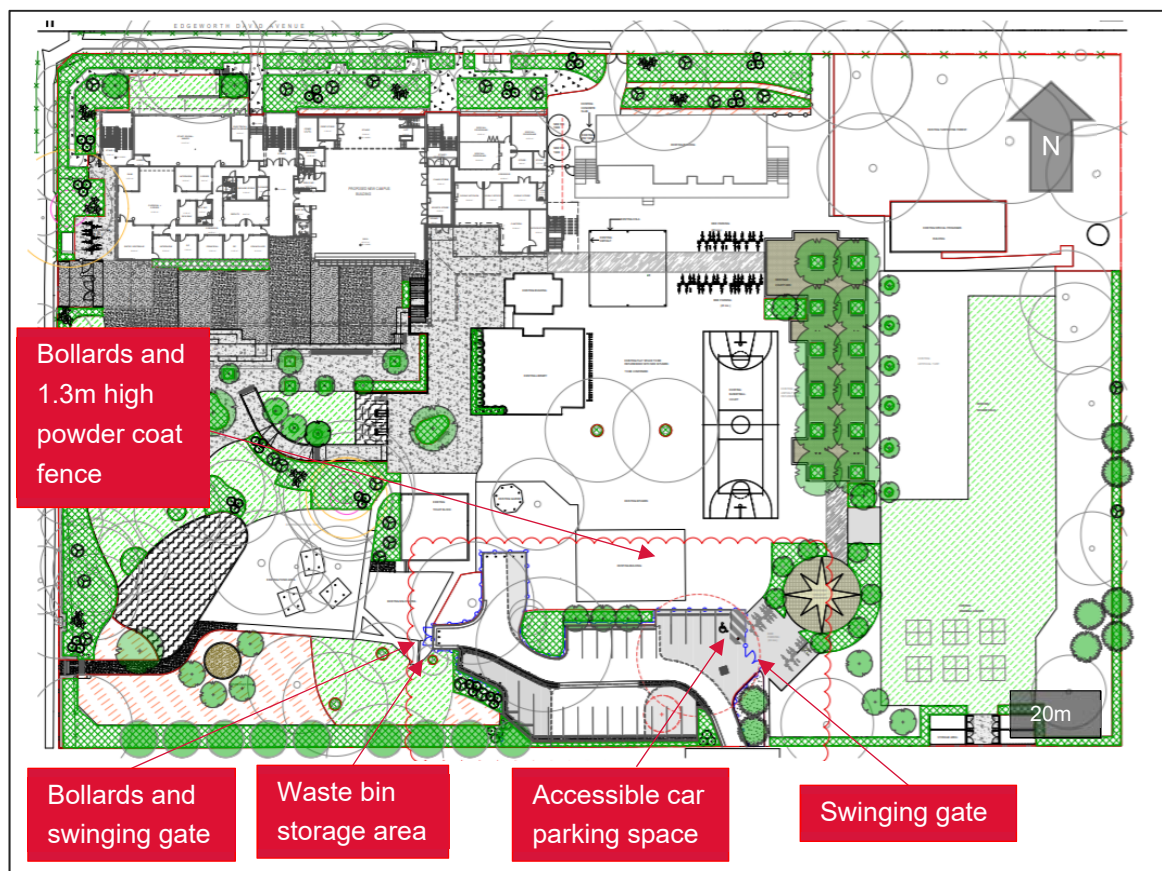


Figure 7 | Proposed landscape plan (Source: Applicant's modification application 2020)

Short term noise monitoring

The proposed modification seeks to amend condition E11 to alter the timing for the undertaking of short term noise monitoring of school operational noise.

Under condition E11, short term noise monitoring is required to be undertaken within two months of commencement of operation of the development. The objective of the monitoring is to ensure that operational noise levels do not exceed the recommended noise levels for mechanical plant identified in the Acoustic Report prepared in support of the original application.

According to the Applicant's notification letter to the Department, Stage 1 operations were scheduled to commence for 18 May 2020. The Applicant advises one of the main mechanical units on site had malfunctioned at the time monitoring was required and that school operations were disrupted by COVID-19 restrictions. Consequently, monitoring was not undertaken as the school operational noise levels did not reflect typical operations.

To allow monitoring to occur during normal operations, the Applicant seeks to amend condition E11 to extend the time period for when monitoring is to be conducted. The Applicant requests that this be changed from two to twelve months after the commencement of operation of each stage of the development unless otherwise agreed by the Planning Secretary. Accordingly, condition E11 is proposed to read:

*E11. 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 operation 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.*

3 Statutory context

3.1 Scope of modifications

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 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.

3.2 Consent authority

Minister's delegate as consent authority

The Minister for Planning and Public Spaces (the Minister) is the consent authority for the application under section 4.5(a) of the EP&A Act. In accordance with the Minister's delegation to determine SSD applications, signed on 9 March 2020, the Director, Social and Infrastructure Assessments may determine this modification application as:

- the application had not already been referred by the Planning Secretary to the Independent Planning Commission at the time the delegation was issued.
- the application has not been made by a person who has disclosed a reportable donation in connection with the application.
- there are less than 10 public submissions in the nature of objection.

3.3 Mandatory matters for consideration

The Department conducted a comprehensive assessment of the project against the mandatory matters for consideration as part of the original assessment of SSD 8574. The Department considers this modification application would not result in significant changes that would alter the mandatory matters for consideration under section 4.15 of the EP&A Act and conclusions made as part of the original assessment.

4 Engagement

Clause 117(3B) of the Environmental Planning and Assessment Regulation 2000 (EP&A Regulation) specifies that the notification requirements of the EP&A Regulation do not apply to section 4.55(1A) modifications with minimal environmental impact applications. Due to the minor nature and minimal environmental impact of the proposed modification, the application was not notified or advertised. However, the modification application was made publicly available on the Department's website.

No submissions were received.

5 Assessment

The Department has considered the modification application in the context of the original approved development and the previous modification (SSD-8574-Mod-1).

5.1 On site car parking arrangements

The approved development includes the provision of 24 on site car parking spaces, including three spaces in a service vehicle turning area. These are subject to restrictions on hours of use to times outside of service vehicle delivery hours. The proposed modification seeks to relocate the three car parking spaces from the turning area to the southern side of the car parking area (**Figure 4** and **Figure 5**). To accommodate the new car parking arrangement, conditions A2, D10 and D11, relating to the approved plans, OTAMP and car parking arrangements respectively, are proposed to be modified.

As part of the modification application, the Applicant submitted a design verification statement that confirmed that the location of the new car parking spaces complies with the requirements of the Building Code of Australia and relevant Australian Standards. The statement acknowledged that the car parking arrangement has been designed in accordance with the AS2890.1:2004 – 'Parking facilities' – Part 1: Off street car parking and is consistent with the requirements of condition B37 Car Parking and Service Vehicle Layout.

The Applicant has advised that the modification would not require the removal of any additional trees and would not impact the tree protection zone of any trees. Therefore, the approved tree protection measures as required under condition C22 would not be changed. In addition, the modification includes amended landscape plans (**Section 5.2**) that adjust the landscaping layout to accommodate the car parking changes whilst increasing the number of new trees to be planted on site from 52 to 135.

The Applicant also advised that whilst the modification involves an increase to the footprint of the car parking area, the overall student play area on site would not decrease (**Figure 8** and **Figure 9**).

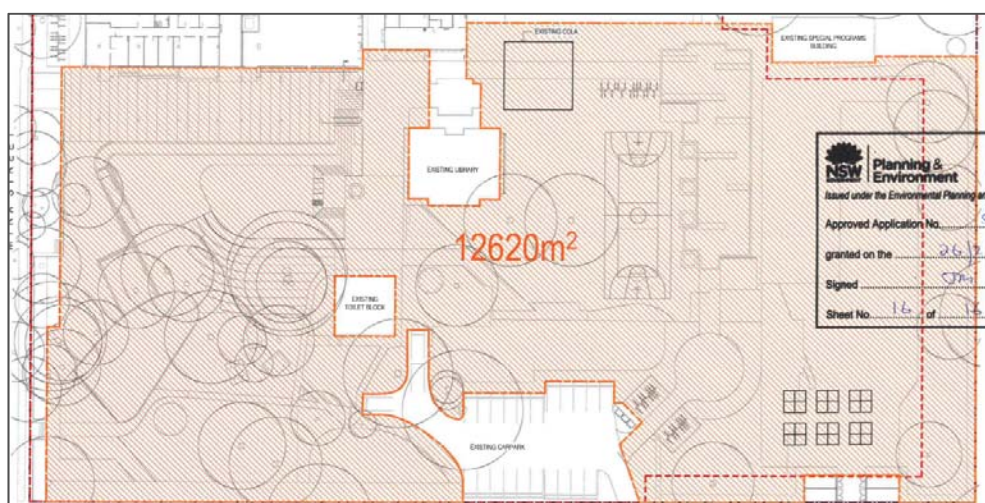


Figure 8 | Approved play area - 12, 620 square metres (Source: Department's original consent 2019)

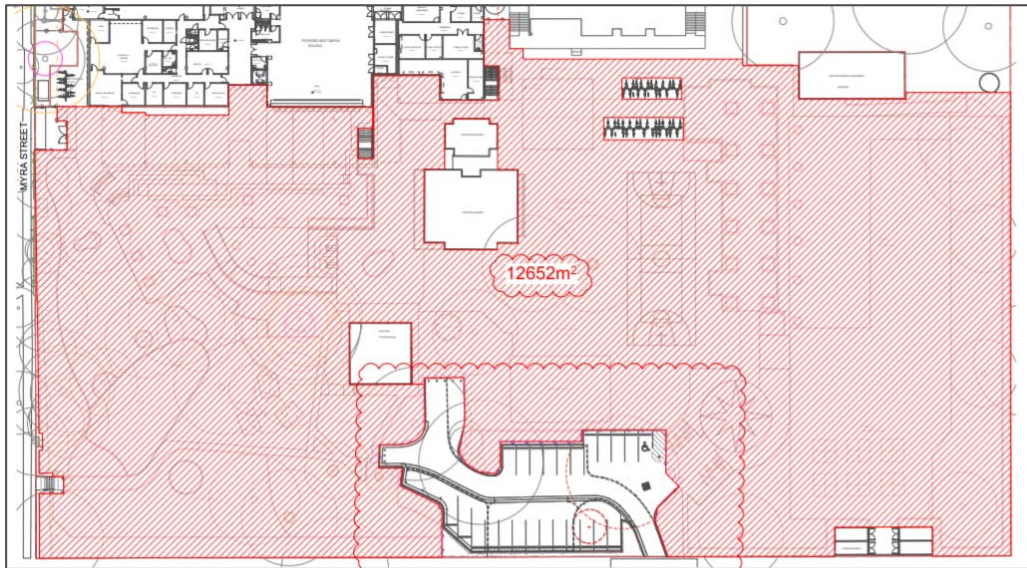


Figure 9 | Proposed play area - 12, 652 square metres (Source: Applicant's modification application 2020)

The Department has reviewed the information provided by the Applicant and considers that the modification is appropriate as it would free up the turning area for unrestricted use by delivery and service vehicles and retain the approved on site car parking rate. In addition, it would not result in additional tree removal, would not decrease the number of trees or student play areas to be provided on site.

Overall, the Department considers the modification would result in improvements to the operational car parking and access arrangements. Consequently, the Department accepts the proposed modifications to conditions A2, D10 and D11 to accommodate the new layout. The Department has recommended amended conditions accordingly.

The Department notes that the OTAMP is only provided for information and is not to be approved as part of this modification. The submission and approval requirements of condition D10 remains unchanged.

5.2 Revised landscaping

The Department notes that the proposed changes to landscaping would significantly increase the number of trees to be planted on site and provide improved physical separation between the carpark and surrounding outdoor play areas.

The Department considers that the proposed changes would maintain varied landscape treatments across the site for student play and learning and continue to maintain the landscape character of the site. Overall, the Department is satisfied that the proposed changes are appropriate and accepts the proposed modifications to condition A2.

5.3 Short term noise monitoring

The Department acknowledges that there was a malfunctioning mechanical unit and COVID-19 restrictions were in place at the time when noise monitoring was required under condition E11. Both factors potentially significantly altered school operations as well as general background noise levels

given changes to traffic levels as a result of COVID-19 restrictions. The Department accepts that this would have meant that noise monitoring would not have reflected typical operations at that time.

The Department recognises the need to ensure that school operations do not exceed the noise levels assessed in the original application so that impacts to nearby sensitive receivers are as assessed. The undertaking of noise monitoring during typical school operations is important in achieving this. On this basis, the Department supports the Applicant's request to alter the timing for noise monitoring and has recommended that condition E11 be amended.

6 Evaluation

The Department's assessment concludes that the proposed modification is appropriate on the basis that:

- the amended car parking arrangement would not result in the loss of any on site car parking and would not result in additional traffic generation.
- short term noise monitoring would be most accurate when the school is operating under normal conditions.
- the development to which the modification relates to remains substantially the same.

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

7 Recommendation

It is recommended that the Director of 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 (SSD 8574 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 approve the modification;
- **modify** the consent SSD 8574; and
- **signs** the attached Instrument of Modification (**Appendix B**).

Recommended by:



Jenny Chu
Planning Officer
Social and Infrastructure Assessments

Recommended by:



Jason Maslen
Team Leader
School Infrastructure Assessments

8 Determination

The recommendation is **Adopted** by:



24 September 2020

Karen Harragon

Director

Social and Infrastructure Assessments

as delegate of the Minister for Planning and Public Spaces

Appendices

Appendix A – List of referenced documents

Applicant's modification application, including amended landscape plan and design verification statement

<https://www.planningportal.nsw.gov.au/major-projects/project/39941>

Appendix B – Modification Instrument

<https://www.planningportal.nsw.gov.au/major-projects/project/39941>