



Proposed 4.55 (1A) Modification
SSD Application No SSD 8790

Amendment to the State Significant Development
Approval for the Redevelopment of
Parramatta West Public School

June 2021

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1 Introduction

This Section 4.55(1A) modification has been prepared on behalf of the NSW Department of Education.

State Significant Development (SSD) Application 8790 was approved by the NSW Department of Planning Industry and Environment (DPIE) on 2 December 2019 for redevelopment of Parramatta West Public School. Two subsequent modifications were approved on 3 March 2020 and 6 November 2020.

This Section 4.55(1A) seeks to further amend SSD Application 8790 to facilitate the retention of two demountables for special programs located within the existing school infrastructure on the 'South Site' of Parramatta West Public School.

A discussion of the proposed changes is provided in section 3 of this report.

2 Site Analysis

Parramatta West Public School is located in Parramatta on a site with access from Railway and Auburn Streets. The real property descriptions are Lot 2 DP 1113697 Lot 407 DP 729082 and Lot 406 DP 729083, as shown in Figure 1. The subject site is zoned R2 Low Density Residential under Holroyd Local Environmental Plan 2013.

The site is located over two sides of Railway Street, including the existing school or "South site" and the existing playground/oval space or "North site". The total site area is approximately 2.4 ha, 14,340m² on the South and 9,739m² on the North.



Figure 1: Aerial View of School and Surrounding Locality (Source: NearMap April 2021)

The aerial photograph in Figure 1 is more recent and shows that the new building is almost complete and most of the demountables have already been moved from the south site.

3 Proposed Modifications

The proposed modification to the consent relates to the removal of demountable buildings. Part D of the Consent relates to works and requirements "Prior to Commencement of Operation" of the alterations and additions to the school.

Specifically, Condition D5 states the following:

- D5. To ensure that adequate open space is available for students at all times, the following must be completed within 3 months of commencement of operation of the new building on the North Site:
- (a) removal of all demountables on the north-western and southern section of the South Site, as identified in the drawing titled Open Play Space Diagram SK02-E Rev E dated 05/08/2019 prepared by Conrad Gargett; and
 - (b) reinstatement of open space in these areas of the South Site and ensuring that the open space is suitable for use as play space by the school students.

The intent of this condition was to require the removal of demountables of the South site and re-establishment of play space. Diagram SK02-E showed the following (less the markup):

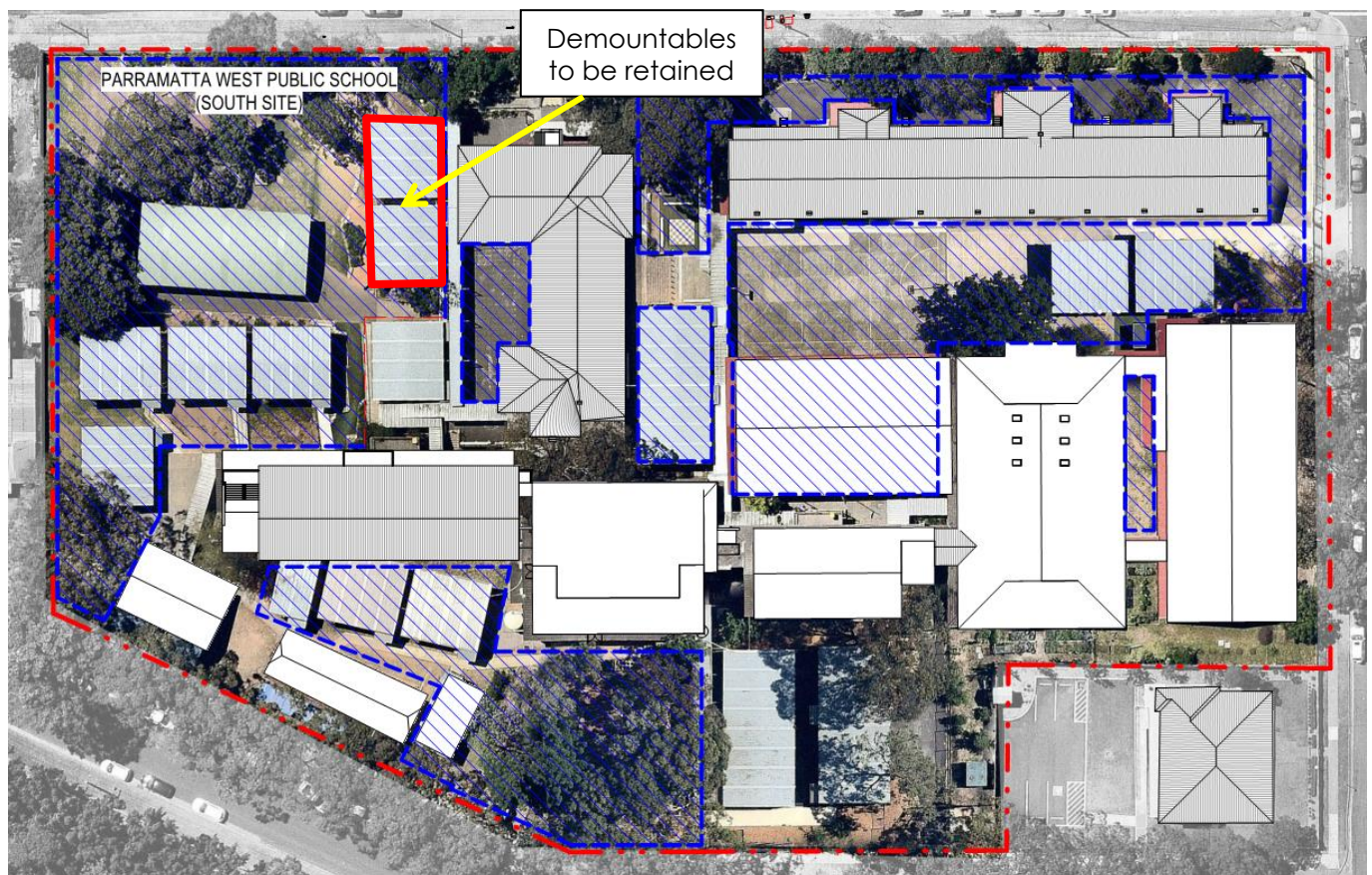


Figure 2: Location of demountables to be removed and proposed for retention

The school has recently identified that it would like to retain two (2) demountable buildings to allow the retention of special programs space to cater for its existing student's needs. There is no intent to increase the student capacity. These rooms currently provide functional spaces for students with special needs such as learning support, disabilities or where English is a second language. The proposed demountables to be retained are highlighted above in Figure 2 in red.

Diagram SK02-E also showed that even with the retention of all the original demountables there would be 9,500m² of play space and 11,000m² of play space with all demountables removed. The demountables to be retained cover a maximum of 300m² which means that there will still be 10,700m² of play space remaining.

The requirement is 10m² of play space per student. For the proposed maximum student numbers of 961 students, this would equate to 9,610m² which is less than the 10,700m² proposed under this modification.

As can be seen from the more detailed aerial photograph in Figure 3 below, all the demountables that are required to be removed have been, apart from the two (2) mentioned above and two in the centre of the site marked in yellow below. These two demountables (marked yellow) will be removed during the mid year break.

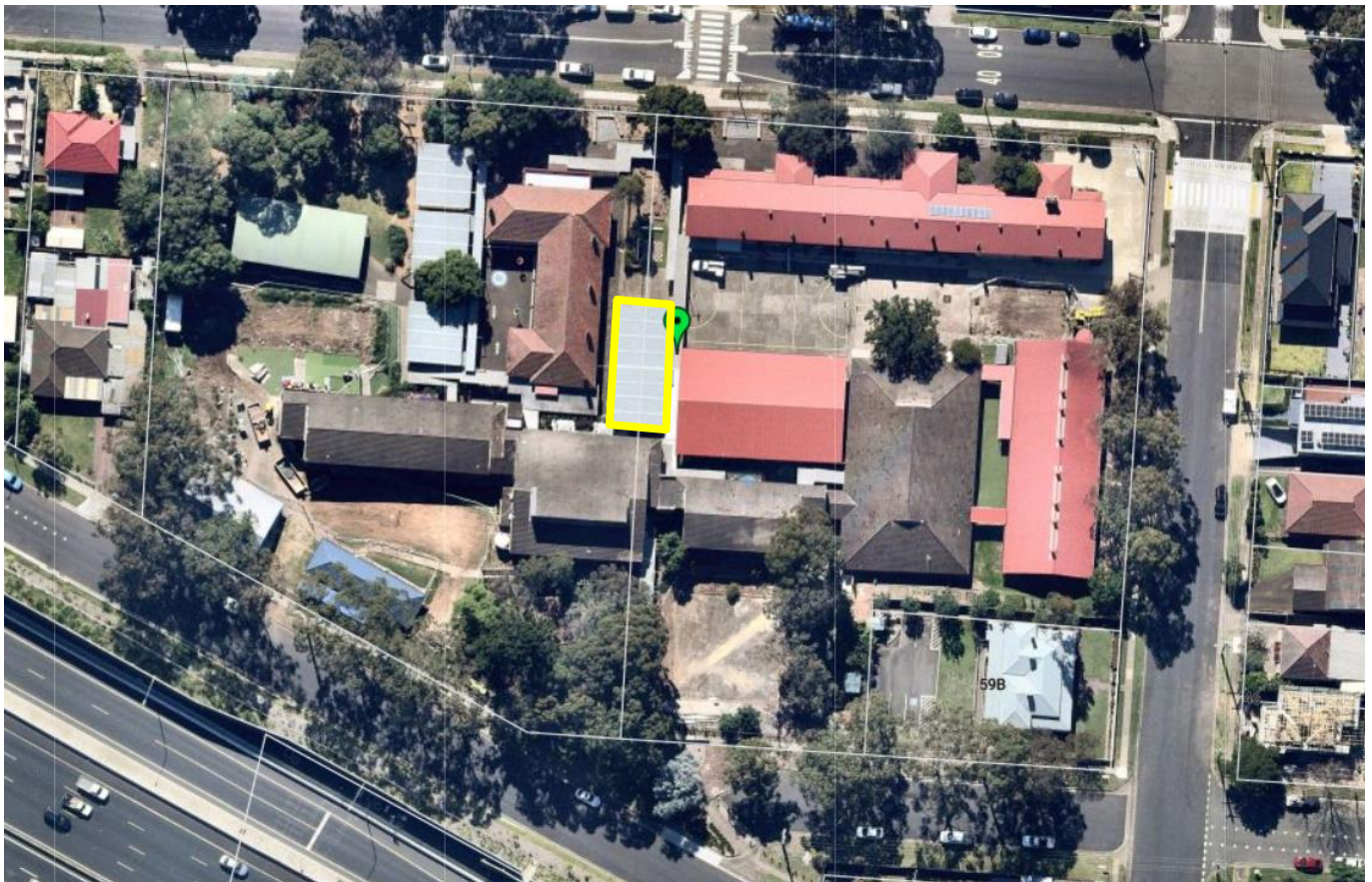


Figure 3: Aerial Photograph of the South Site, April 2021

Figure 4 below shows the building plan for the south site of the school prior to the demountables being removed. The demountables that still need to be removed during the school break are identified as buildings D10679 and D12606 and are highlighted yellow. The three months identified in the original condition expires on 25 June 2021, however as this is the beginning of the school term break, it is suggested that the condition be amended to refer to four months so that there is no breach.

Therefore, it would be appropriate to amend the condition D5 to read:

- D5. To ensure that adequate open space is available for students at all times, the following must be completed within 4 months of commencement of operation of the new building on the North Site:
- removal of all remaining required demountables on the South Site, as identified as buildings D10679 and D12606, and
 - reinstatement of open space where demountables were previously located on the South Site so that the open space is suitable for use as play space by the school students.

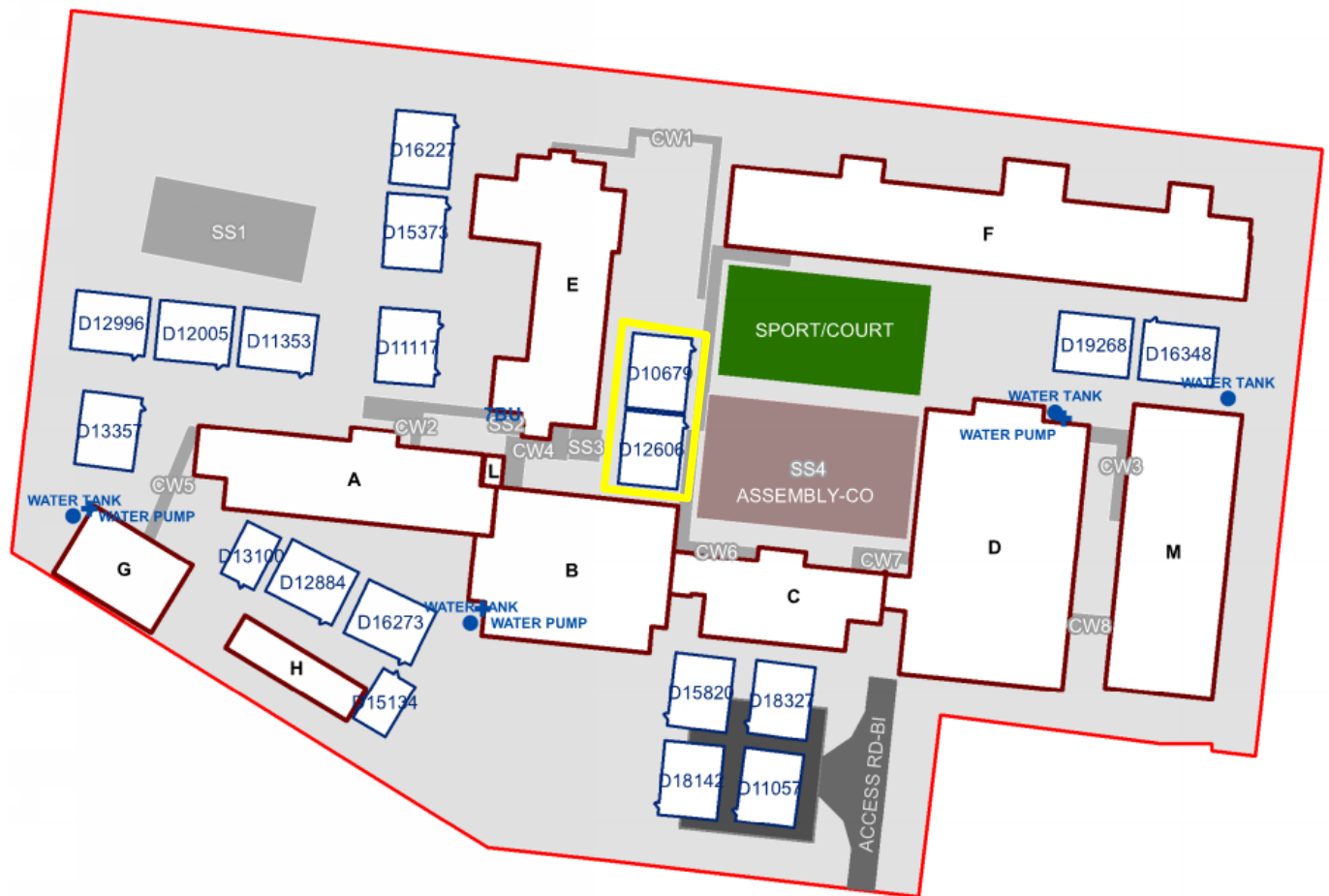


Figure 4: School Building Plan extract, South Site

4 Statutory Matters

Under the provisions of Section 4.55(1A) of the Environmental Planning and Assessment Act, 1979 the following applies.

- (1A) **Modifications involving minimal environmental impact** A consent authority may, on application being made by the applicant or any other person entitled to act on a consent granted by the consent authority and subject to and in accordance with the regulations, modify the consent if—
- (a) it is satisfied that the proposed modification is of minimal environmental impact, and
 - (b) it is satisfied that the development to which the consent as modified relates is substantially the same development as the development for which the consent was originally granted and before that consent as originally granted was modified (if at all), and
 - (c) it has notified the application in accordance with—
 - (i) the regulations, if the regulations so require, or
 - (ii) a development control plan, if the consent authority is a council that has made a development control plan that requires the notification or advertising of applications for modification of a development consent, and
 - (d) it has considered any submissions made concerning the proposed modification within any period prescribed by the regulations or provided by the development control plan, as the case may be.

Subsections (1), (2) and (5) do not apply to such a modification.

It is our opinion that the proposed modification falls within Section 4.55(1A) of the Act. The modification is substantially the same as the originally granted consent and it is considered that the amendment will not cause any adverse environmental impacts.

Table 1 below confirms that the Section 4.55(1A) modification has been prepared in accordance with clause 115 of the EP&A Regulation 2000.

Table 1 – Clause 115 Requirements

Clause 115 Requirements	Comment
(a) the name and address of the applicant,	The applicant is NSW Department of Education. Address – Level 8, 259 George Street, Sydney NSW 2000
(b) a description of the development to be carried out under the consent (as previously modified),	Redevelopment of Parramatta West Public School.
(c) the address, and formal particulars of title, of the land on which the development is to be carried out,	Auburn, Young, Railway and Crimea Streets, Parramatta NSW 2150 Lot 2 DP 1113697, Lot 407 DP 729082 and Lot 406 DP 729083
(d) a description of the proposed modification to the development consent,	Refer sections 1, 2 and 3.
(e) a statement that indicates either: (i) that the modification is merely intended to correct a minor error, misdescription or miscalculation, or (ii) that the modification is intended to have some other effect, as specified in the statement,	The purpose of the modification is to enable the retention of two demountables for special programs. Refer section 3.0 for further details.

Clause 115 Requirements	Comment
(f) a description of the expected impacts of the modification,	The proposed modifications will cause negligible environmental impacts. Refer section 4 for further details.
(g) an undertaking to the effect that the development (as to be modified) will remain substantially the same as the development that was originally approved,	The proposed changes to the consent will not alter the nature of the development and it is considered that the development will remain substantially the same as the approved development.
(g1) in the case of an application that is accompanied by a biodiversity development assessment report, the reasonable steps taken to obtain the like-for-like biodiversity credits required to be retired under the report to offset the residual impacts on biodiversity values if different biodiversity credits are proposed to be used as offsets in accordance with the variation rules under the Biodiversity Conservation Act 2016,	Not applicable
(h) if the applicant is not the owner of the land, a statement that the owner consents to the making of the application (except where the application for the consent the subject of the modification was made, or could have been made, without the consent of the owner).	The owner is The Minister for Education and agrees to the submission of the modification.
(i) a statement as to whether the application is being made to the Court (under Section 4.55) or to the consent authority (under Section 4.56).	Not applicable.

5 Section 4.15 Assessment

Social & Economic Impact

The retention of two demountable buildings at Parramatta West Public School will not have any adverse social or economic impacts. The changes to the school generally will have positive impacts such as improved access to teaching spaces and creation of employment opportunities during and after construction.

Stormwater

No changes to the existing stormwater infrastructure will be required as part of the proposed retention of demountables.

Context and Setting

The retention of two demountables will not have an adverse impact on the setting of the school. The demountables are not within significant view lines and there will be significant areas of open space retained on site through the removal of the other demountables. This cleared area is visible in Figure 3 above.

Heritage

The south site is heritage listed and an assessment was considered with the original development application of potential impacts of future development including the changes to these buildings. As the demountables are not permanent buildings the potential for impacts on the heritage significance by their retention is minimal.

Sustainability

The retention of the demountables will not have any adverse impacts on the sustainability of the site and proposed development.

Biodiversity / Trees

No vegetation removal is required with the modification therefore no impacts to existing vegetation or biodiversity.

Access, Traffic and Parking

No changes to access or parking is proposed as part of the modification.

Accessibility

No change to the accessibility of the site is proposed.

Public Interest

The public interest is best served by promoting sustainable development that is rational, orderly and economic. The amended proposal is permissible and will generate positive social, environmental and economic benefits.

6 Conclusion

The proposed modification does not alter the potential environmental effects as considered under Section 4.15 of the Act and is substantially the same development as that approved in the original State Significant Development Application.

It is considered that the proposed amendments will:

- Contribute to the functionality of the educational facilities on the site through retention of demountables used for educational purposes;
- Remain consistent with relevant statutory and strategic controls;
- Retain sufficient play space on the site; and
- Generate no adverse impact to amenity, biodiversity, parking or traffic.

The proposed modifications will not cause any unacceptable environmental impacts and should be supported.

Appendix A

Appendix B