



Wentworthville Public School Redevelopment Modification 1

State Significant Development Modification Assessment
(SSD 9273 MOD 1)

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Glossary

Abbreviation	Definition
Council	Cumberland City 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
LEMP	Long-term Environmental Management Plan
Minister	Minister for Planning and Public Spaces
Planning Secretary	Secretary of the Department of Planning, Industry and Environment
RAP	Remediation Action Plan
SAR	Site Audit Report
SEPP 55	State Environmental Planning Policy No 55 – Remediation of Land
SSD	State Significant Development

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1 Introduction

This report provides the Department of Planning, Industry and Environment's (the Department) assessment of an application to modify the state significant development (SSD) consent for Wentworthville Public School Redevelopment (SSD 9273).

The application was lodged by NSW Department of Education (the Applicant) pursuant to section 4.55(1A) of the *Environmental Planning and Assessment Act 1979* (EP&A Act). The modification application (SSD 9273 Mod 1) seeks approval to amend conditions of the consent relating to remediation works in order to reflect the staged construction and operation of the development.

1.1 Background

The site is located at 70-100 Fullagar Road, Wentworthville and is legally described as Lot 1 in DP 1245593 within the Cumberland City Council local government area (LGA). The site is located approximately 500 metres south of Wentworthville town centre and three kilometres west of Parramatta CBD. The location of the site within the context of the Sydney region is shown in **Figure 1** and location within Wentworthville is shown in **Figure 2**.

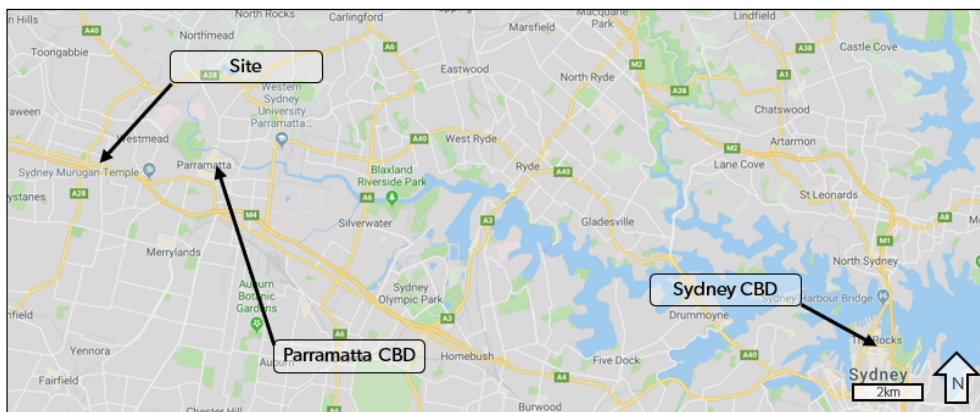


Figure 1 | Regional context (Source: Department's original assessment report 2019)

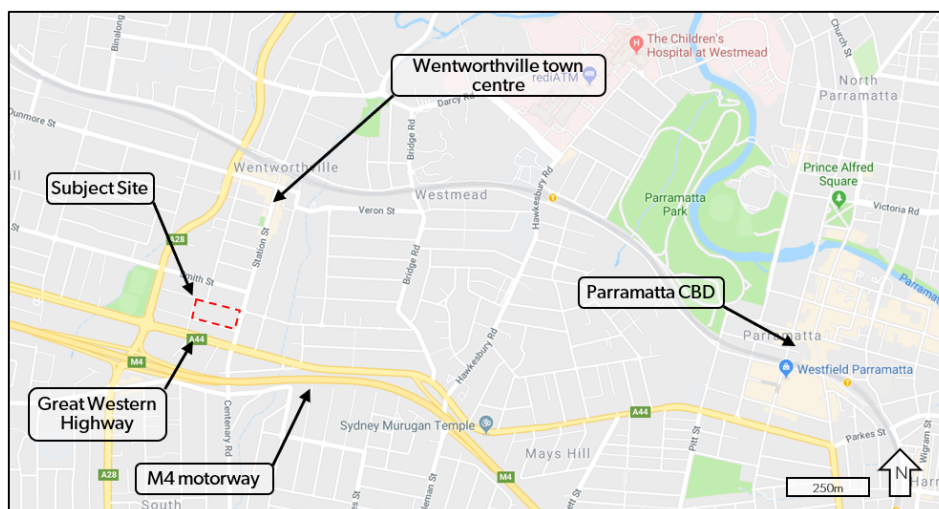


Figure 2 | Location of the site (Source: Department's original assessment report 2019)

The site has an area of approximately 21,800 square metres and is a rectangular-shaped parcel bordered by Fullagar Road to the north, Garfield Street to the west, Monash Street to the south and Station Street to the east (**Figure 3**).



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

1.2 Approval history

On 28 June 2019, development consent was granted by the Executive Director, Infrastructure Assessments, as delegate for the Minister for Planning and Public Spaces, for the redevelopment of Wentworthville Public School (SSD 9273). The approved works comprise:

- demolition and removal of existing buildings.
- construction of a new three storey building containing 30 teaching spaces, special program and specialist teaching spaces and library.
- construction of a new hall with out-of-school-hours facility and canteen.
- alteration to Buildings A, E and F.
- associated works, including remediation, tree removal, landscaping and signage.

The approved site layout plan is shown in **Figure 4**.

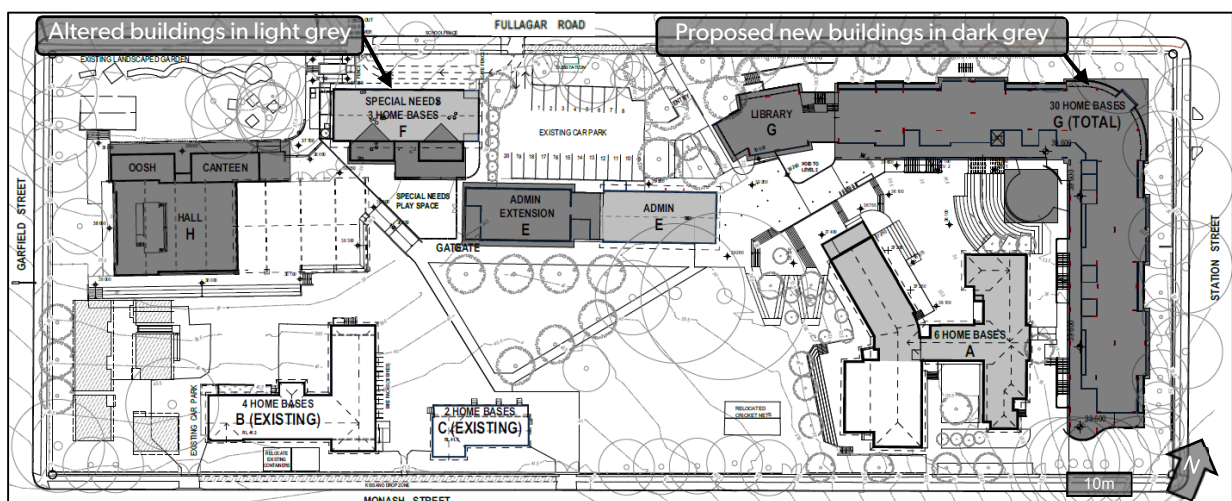


Figure 4 | Approved site layout (Source: Department's original assessment report 2019)

Redevelopment of the school is to be undertaken in a staged manner. Works would involve staged demolition, construction and refurbishment of the existing and proposed buildings in order to allow the school to continue to operate throughout the redevelopment. The Staging Plan is shown in **Figure 5**.

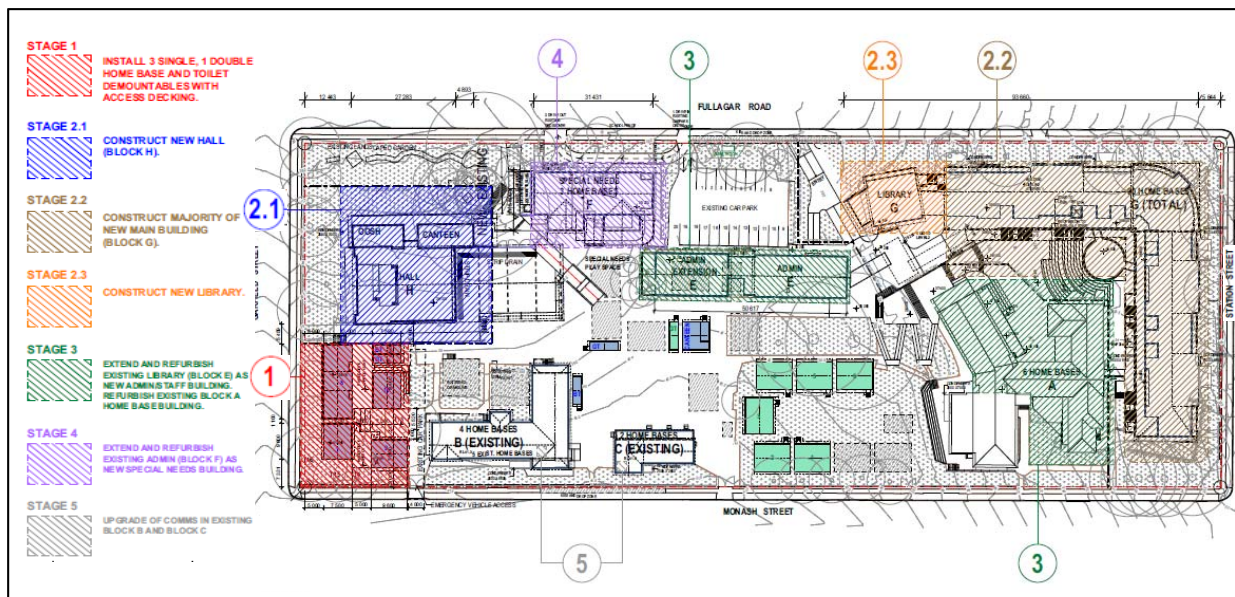


Figure 5 | Staging Plan (Source: Department's original assessment report 2019)

The Environmental Impact Statement (EIS) prepared in support of the original application provided details of the outcomes of site investigations, identifying that the site contains some asbestos contamination. Consequently, a Remediation Action Plan (RAP) was also prepared to remediate the site. This included the proposed containment of contaminated material on site.

The Department's original assessment determined that the Applicant had adequately demonstrated that the site is suitable for the continued use as a school subject to remediation as part of the staged redevelopment of the site. Related conditions of consent included:

- B5 requiring the preparation and implementation of an Asbestos Management Plan for the site.
- B12 requiring the remediation of the site in accordance with the RAP.
- B13 requiring the issue of a Section A Audit Statement by an Environment Protection Authority (EPA) accredited Site Auditor upon completion of remediation.
- D25 requiring validation of the remediation undertaken.
- D26 requiring the issue of a Site Audit Report and Site Audit Statement prior to occupation of each building.
- D27 requiring evidence to be provided to the Certifier within three months of the issue of a validation report that a Site Audit Report and Site Audit Statement have been issued.
- D28 requiring the preparation and implementation of a Long-term Environmental Management Plan (LEMP).

2 Proposed modification

The application seeks to modify conditions of the consent to:

- allow remediation requirements to be satisfied in stages in conjunction with the staging of construction and operation.
- allow variations to the RAP to be approved by a Site Auditor.
- remove a duplicated condition requiring the preparation of a Site Audit Report and Site Audit Statement.
- provide that the LEMP is to be submitted to a NSW EPA accredited Site Auditor.

The Applicant's requested changes are detailed in **Table 1**.

Table 1 | Applicant's requested changes to conditions

Condition	Requested change
B12	<p>Site Contamination</p> <p><i>B12. Remediation approved as part of this development consent must be carried out in accordance with the Remediation Action Plan dated September 2018 and prepared by WSP. <u>The RAP shall be revised to reflect the findings of any supplementary investigations undertaken, to capture any unexpected finds or the staged delivery of the development. The revised RAP must be reviewed and endorsed by a NSW EPA accredited Site Auditor.</u></i></p> <p><u>Note: The amendments to the/endorsement of the RAP must being clearly documented, with revisions captured through appropriate document control, revision numbers and updated dates.</u></p>
B13	<p><i>B13. Upon completion of remedial works, the Applicant must submit a Site Audit Report and Section A Site Audit Statement for the relevant part of the site prepared by a NSW EPA accredited Site Auditor. The Site Audit Report and Section A Site Audit Statement must verify the relevant part of the site is suitable for ongoing use as a school and be provided to the satisfaction of the Certifying Authority.</i></p>
D25	<p>Validation Report</p> <p><i>D25. Within one month of the completion of <u>each stage of</u> remediation works and prior to the commencement of operation, the Applicant must submit a Validation Report for the development to EPA, the Planning Secretary and the Certifying Authority for information. The Validation Report must:</i></p> <ul style="list-style-type: none"> (a) <i>be prepared by an appropriately qualified environmental consultant and reviewed by an EPA accredited Site Auditor;</i> (b) <i>be prepared in accordance with the RAP and the Contaminated Sites: Guidelines for Consultants Reporting on Contaminated Sites (OEHS, 2011);</i>

- (c) *include, but not be limited to:*
 - (i) *comment on the extent and nature of the remediation undertaken;*
 - (ii) *describe the location, nature and extent of any remaining contamination on site;*
 - (iii) *discussion of the suitability the remediated areas for the intended land use; and*
 - (iv) *any other requirement relevant to the project.*

D28

Long Term Environmental Management Plan

D28. Within one month of the completion of remediation works or other timeframe agreed by the Planning Secretary, the Applicant must prepare a Long Term Environmental Management Plan (LTEMP) to the satisfaction of the Planning Secretary. The plan must:

- (a) *be prepared by a suitably qualified and experienced person whose appointment has been endorsed by the Planning Secretary in consultation with EPA;*
- (b) *be submitted to **the Site Auditor for review and endorsement and** EPA for review prior to submission to the Planning Secretary; and*
- (c) *include, but not be limited to:*
 - (i) *a description of the nature and location of any contamination remaining on site;*
 - (ii) *provisions to manage and monitor any remaining contamination, including details of any restrictions placed on the land to prevent development over the containment cell;*
 - (iii) *triggers that would indicate if further remediation is required; and*
 - (iv) *details of any contingency measures that the Applicant is to carry out to address any ongoing contamination.*
- (d) *include any ongoing measures set out in the Asbestos Management Plan approved under condition B5.*

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 9273. 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.

5 Assessment

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

The Department is satisfied that changes to the conditions of consent are necessary and appropriate to:

- enable the remediation of the site in conjunction with the staging of the development as intended, allowing portions of the site to be remediated prior to / in conjunction with demolition and construction prior to the operation of completed new/refurbished buildings.
- reflect current practice recommended by NSW EPA, with remediation undertaken under the direction and approval of a Site Auditor and the issue of Interim Audit Advice(s) where remediation is staged followed by the issue of a Site Audit Statement and Site Audit Report prior to occupation of the final stage.
- delete duplicated and conflicting requirements imposed by conditions.

Accordingly, the Department has recommended that the conditions of consent be modified generally as requested by the Applicant but revised to reflect standard practice and make consequential changes as detailed in **Appendix B** and summarised as follows:

- B12 – modified to allow changes to the RAP approved by the Site Auditor.
- B13 – modified to require the issue of Interim Audit Advice(s) by a Site Auditor where remediation is to be staged prior to use / occupation of remediated areas.
- D25 – modified to require validation reports to be submitted for each stage of remediation and that remediation be in accordance with the RAP or variations to the RAP approved by the Site Auditor.
- D26 – modified to clarify that a Section A1 or A2 Site Audit Statement must be issued prior to the occupation of the final building(s) in the redevelopment.
- D27 – deletion of this condition as condition B13 (as amended) requires the issue of Interim Audit Advice(s) for each stage of remediation works and condition D26 (as amended) requires the issue of a Site Audit Statement prior to occupation of the final building(s).
- D28 – modified to specify that the LEMP is to be submitted to the Site Auditor for endorsement (rather than for review of the EPA as is currently the case) and a copy provided to the EPA, Council and Planning Secretary for information.

On the basis of these changes, the Department is satisfied that the modification would not change the Department's original consideration in relation to the suitability of the site following remediation. The amended conditions would continue to ensure that the site is appropriately remediated prior to operation to the satisfaction of a Site Auditor.

6 Evaluation

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

- the proposal would not alter the nature of the development as provided in the original approval.
- the proposal would allow staged development, including remediation works.
- the proposal would not result in any significant environmental impacts.

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 9273 Mod 1) 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 9273; 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:

A handwritten signature in black ink, appearing to read 'KH', with a long horizontal flourish extending to the right.

28/10/2020

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

<https://www.planningportal.nsw.gov.au/major-projects/project/40051>

Appendix B – Modification Instrument

<https://www.planningportal.nsw.gov.au/major-projects/project/40051>