

**ANGEL PLACE  
LEVEL 8, 123 PITT STREET  
SYDNEY NSW 2000**

URBIS.COM.AU  
Urbis Pty Ltd  
ABN 50 105 256 228

7 September 2020

Jason Maslen  
Senior Planning Officer  
Social and Infrastructure Assessments | Planning and Assessment

Email: [jason.maslen@planning.nsw.gov.au](mailto:jason.maslen@planning.nsw.gov.au)

Dear Jason,

## **SECTION 4.55(1A) APPLICATION TO AMEND SSD\_9368 - ALEX AVENUE PUBLIC SCHOOL**

### **1. INTRODUCTION**

This letter has been prepared on behalf of School Infrastructure NSW (the **Proponent**) in support of a Section 4.55(1A) application to modify SSD\_9368 in relation to Alex Avenue Public School in Schofields.

The application seeks approval to amend the approved Staging Plan for the development, and as such will require amendments to conditions of the consent (the '**Consent**').

The application has been prepared in accordance with the *Environmental Planning and Assessment Act 1979 (EP&A Act)* and *Environmental Planning and Assessment Regulations 2000* (the **Regulations**).

The proposal is the subject of a Section 4.55(1A) modification, as the modification will result in a scheme that is substantially the same as that originally approved and will have minimal environmental impact.

This Modification Report is accompanied by an updated Staging Plan and includes:

- A description of the site and surrounding development.
- A detailed description of the proposed modification.
- An assessment of the modified proposal against all relevant environmental planning instruments and the likely impacts of the proposal.

### **2. PROJECT BACKGROUND**

On 21 May 2020 development consent was granted by the Minister for Planning and Public Spaces for SSD\_9368. Consent was granted for the following:

*Staged construction and operation of a new school including four learning hubs containing home bases, a hall with canteen and out of school hours facilities, library and administrative building, and associated works including covered outdoor learning*

*areas, landscaping, drop-off / pick-up facilities, car parking, signage and infrastructure works.*

### **3. SITE DETAILS**

The site is located at the corner of Farmland Drive and the future realignment of Pelican Road, Schofields and is legally described as Lot 1 and 2 in DP1244925. The application relates to all of Lot 2 and the northern portion of Lot 1 in DP1244925. The site is irregular in shape and is approximately 2 hectares in area. The site has an existing frontage to Farmland Drive to the north and a future frontage to Pelican Road to the west (proposed road). The north of the subject site is generally flat whilst the southern half of the site slopes gently to the south.

### **4. PROPOSED MODIFICATION**

#### **4.1. STAGING PLAN**

This Section 4.55(1A) modification application seeks consent to amend the construction staging of the development.

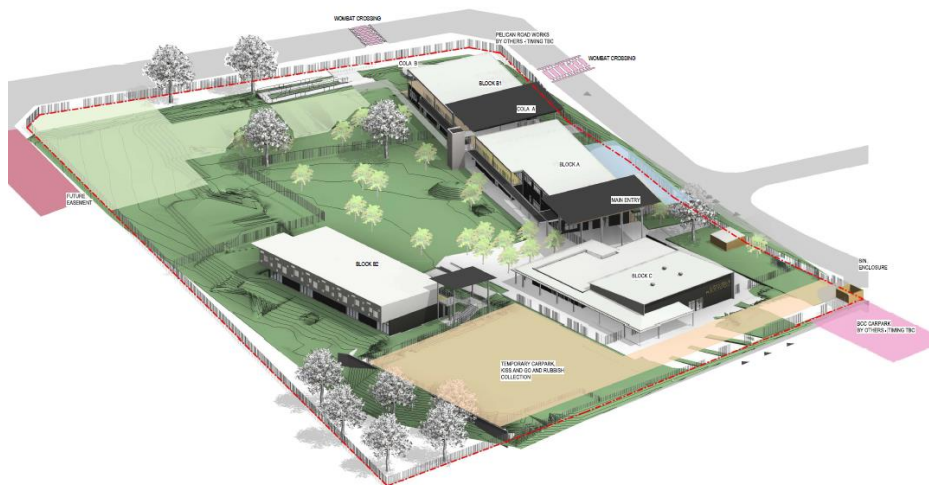
The original Staging Plan approved under SSD\_9368 incorrectly labelled Building B4 as Building B2. All other approved plans and documentation showed Building B2 in its located adjacent to the Pelican Road frontage. This application seeks to rectify this matter by relabelling the buildings correctly whilst also now including Building B2 footprint within construction Stage 1 of the development.

Building B2 is needed for Day 1 Term 1 2021. The remainder of the construction staging remains consistent with the original approval with Building B4 continuing to be delivered in construction Stage 2. To demonstrate the minor changes to staging, an Amended Staging Plan has been prepared to address and is submitted with this application. **Figure 1** provides a comparison of the approved Staging Plan and the Amended Staging Plan.

The application will not result in any changes to the operation of the School or to the approved built form of the School in terms of the approved GFA, building envelopes and building heights, the civil and stormwater design or to car parking arrangements.

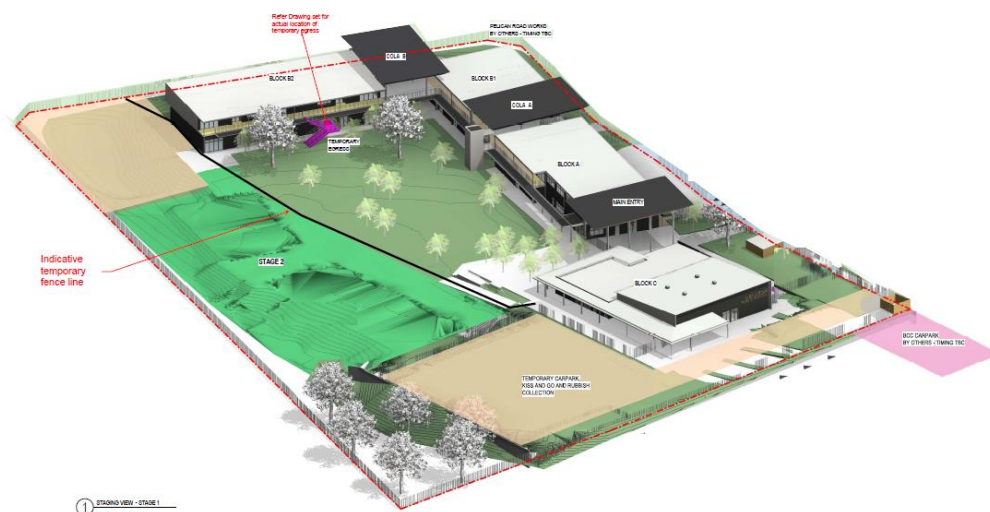
Figure 1 – Comparison of Staging Plans

SSD 9368 - Original staging plan



Picture 1 – Approved Staging Plan

SSD 9368 - Modification 1: Building B2 Stage 1



Picture 2 – Amended Staging Plan

## 4.2. PROPOSED AMENDMENTS TO DEFINITIONS INCLUDED IN THE CONSENT

The proposed modification will require amendments to some of the definitions included in the original consent. Amendments are shown by a strike through for the deleted text and **red text** for new text.

### Stages

~~**Stage 1** – Construction and operation of the core school facilities, including library, hall, COLAs and basketball courts, and administration and staff facilities, and 19 home bases to cater for up to 600 students as set out in the Supplementary Response to Submissions Report 2 prepared by Urbis submitted in May 2020.~~

~~**Stage 2** – Construction and operation of the remaining 20 home bases and COLAs and final landscaping works to increase the school capacity up to 1000 students as set out in the Supplementary Response to Submissions Report 2 prepared by Urbis submitted in May 2020~~

**Stage 1** - Construction and operation of the core school facilities, including library, hall, COLAs and basketball courts, and administration and staff facilities, and 19 home bases to cater for up to 600 students as set out in the Amended Staging Plan prepared by Richard Crookes Construction submitted in August 2020.

**Stage 2** - Construction and operation of the remaining 20 home bases and COLAs and final landscaping works to increase the school capacity up to 1000 students as set out in the Amended Staging Plan prepared by Richard Crookes Construction submitted in August 2020.

### Justification:

To reflect the updated construction staging of the development. Changes to the staging are a result of changes to the timing of the delivery and construction of the school buildings.

## 4.3. PROPOSED AMENDMENTS TO CONDITIONS OF THE CONSENT

The proposed modification will also require amendments to some of the conditions included in the original consent. The proposed modifications to conditions of the consent are shown by a strike through for the deleted text and **red text** for new text. The justification for these changes is to reflect the updated construction staging of the development.

### Staging

A9. The project may be constructed and operated in stages in accordance with the terms/conditions of this consent ~~and~~, the details set out in the Supplementary Response to Submissions 2 **and any modification.**

## 5. SECTION 4.55(1A) ASSESSMENT

The matters referred to in Section 4.55(1A) of the *Environmental Planning and Assessment Act 1979* (EP&A Act) need to be considered in the assessment of the proposed modification. Each of the matters relevant to the proposal is assessed below:

### 5.1. MINIMAL ENVIRONMENTAL IMPACT

In accordance with Section 4.55(1A) the proposed modification is of minor environmental impact as it:

- Will not alter the approved development in terms of its use, bulk, scale or appearance or the nature of the development.

- Remains consistent with the relevant environmental planning instruments and provisions as detailed in the original application.
- The changes to construction staging will not result in any increases to approved staff or student numbers and will not result in any impacts on local landowners or residents.

Therefore, the proposed modification will have negligible impacts on the surrounding environment.

## **5.2. SUBSTANTIALLY THE SAME DEVELOPMENT**

In accordance with Section 4.55(1A) the proposed modification will not alter the nature of the proposed development as it:

- Does not represent a departure from the approved architectural and landscape plans.
- Does not propose any changes to the approved land uses at the site.
- Does not result in any intensification of uses proposed at the site.
- Still facilitates the construction staging of the development albeit based on a slightly different program.
- Does not increase the approved height or gross floor area of the buildings.
- Will not alter the appearance of the overall development as the modification continues to facilitate a landscape and planting outcome that is consistent with the original consent.
- Does not result in any substantial environmental, economic or social impacts as demonstrated in Section 5.1 above.
- Does not result in changes to parking numbers.

Considering the above, it is our opinion that the proposed modification will result in substantially the same development for which consent has already been granted.

## **6. SECTION 4.15 ASSESSMENT**

The application has been assessed in accordance with the relevant matters for consideration listed in Section 4.15 of the EP&A Act. Each of the matters relevant to the proposal is assessed below:

### **6.1. ENVIRONMENTAL PLANNING INSTRUMENTS**

The proposed modification has been assessed in accordance with the relevant State and local environmental planning instruments, including:

- *State Environmental Planning Policy (State and Regional Development) 2011;*
- *State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017;*
- *State Environmental Planning Policy (Sydney Growth Centres) 2006;* and
- *Sydney Regional Environmental Plan No 20 – Hawkesbury Nepean River (No 2 – 1997)*
- *State Environmental Planning Policy No 55 – Remediation of Land*
- Blacktown Growth Centre Precincts Development Control Plan 2018.

A comprehensive assessment of the project against the above instruments was undertaken as part of the original assessment under SSD\_9368.

The proposed modification is not considered to result in any changes to the proposal's compliance with the relevant objectives and controls contained in the relevant environmental planning instruments.

#### **6.1.1. State Environmental Planning Policy (State and Regional Development) 2011**

*State Environmental Planning Policy (State and Regional Development) 2011* (SRD SEPP) identifies development types that are of state significance, or infrastructure types that are of state or critical significance.

As the proposal relates to the staging of an approved new school, it remains an SSD under Clauses 15(1) of Schedule 1 of the State and Regional Development SEPP.

#### **6.1.2. State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017**

*State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017* (Education SEPP) aims to make it easier for child-care providers, schools, TAFEs and universities to build new facilities and improve existing ones by streamlining provisions and the approval processes so to deliver greater consistency across NSW. The Education SEPP balances the need to deliver additional educational infrastructure with a focus on good design.

As the school has been approved and partially constructed, the Education SEPP has no relevant provisions for the proposed modification.

#### **6.1.3. State Environmental Planning Policy (Sydney Growth Centres) 2006**

*State Environmental Planning Policy (Sydney Region Growth Centres) 2006* (Growth Centres SEPP) is the principle environmental planning instrument applying to the site. The Growth Centres SEPP identifies the site within the Alex Avenue and Riverstone Precinct Plan 2010 (Appendix 4 of the Growth Centres SEPP). As such, development controls relating to the site are outlined in this Precinct Plan. These are as follows:

- Under the Growth Centres SEPP, the site is zoned SP2 'Educational Establishment'. The modified proposal remains permitted with development consent. The modified proposal will provide a new school, which is important social infrastructure for the growing population of Schofields. The modified proposal is therefore consistent with the objectives of the SP2 zone.
- The proposed modification is consistent with the objectives of the zone as it supports the existing education infrastructure.
- The proposed modification does not alter the approved height of the school.
- The Growth Centres SEPP does not prescribe a maximum FSR for the site.

#### **6.1.4. Sydney Regional Environmental Plan No 20 – Hawkesbury Nepean River (No 2 – 1997)**

The *Sydney Regional Environmental Plan No 20 – Hawkesbury- Nepean River (No. 2 – 1997)* (SREP) aims to protect the environmental of the Hawkesbury-Nepean River system by ensuring that the impacts of future land uses are considered in the regional context; the SREP applies to the Blacktown Local Government Area.

The proposal as modified will not have any adverse environmental impacts beyond those already assessed and approved under SSD\_9368 on environmentally sensitive area, areas of high scenic

quality, wetland areas, areas of high cultural heritage or impact on the water quality of the Hawkesbury Nepean River.

#### **6.1.5. State Environmental Planning Policy No 55 – Remediation of Land**

The *State Environmental Planning Policy No 55 – Remediation of Land* (SEPP 55) provides a state-wide planning approach to the remediation of contaminated land. SEPP 55 requires the consent authority to consider whether the subject land is contaminated.

The site has already been remediated in accordance with the conditions of consent of SSD\_9368.

#### **6.1.6. Blacktown Growth Centre Precincts Development Control Plan 2018**

The site is located within the North West Growth Centre and is therefore subject to the provisions outlined in the Blacktown Growth Centre Precincts Development Control Plan. For educational establishments, Parts 1, 2 and 4 of the DCP apply. Furthermore, the site is identified as being located within the Alex Avenue Precinct and is therefore subject to additional controls under Schedule 1 of this DCP.

However, in accordance with Clause 11 of the State and Regional Development SEPP, Development Control Plans do not apply to state significant development. Notwithstanding, the modified proposal remains consistent with the original submission, and complies with all relevant controls of the DCP.

### **6.2. DRAFT ENVIRONMENTAL PLANNING INSTRUMENTS**

The applicable draft environmental planning instruments applying to the site are:

- *Draft State Environmental Planning Policy (Remediation of Land) (Draft Remediation SEPP)*
- *Draft State Environmental Planning Policy (Environment) (Draft Environment SEPP)*

A comprehensive assessment of the proposal against the above draft instruments was undertaken as part of the original assessment under SSD\_9368 and the proposed modification is not considered to result in any changes to the proposal's compliance with the relevant objectives and controls contained in the relevant draft environmental planning instruments.

### **6.3. PLANNING AGREEMENT**

No planning agreements are relevant to this application.

### **6.4. REGULATIONS**

The application has been prepared in accordance with the relevant provisions of the *Environmental Planning and Assessment Regulation 2000*.

### **6.5. LIKELY IMPACTS OF THE PROPOSAL**

The proposed modification has been assessed considering the potential environmental, economic and social impacts as outlined below:

- The proposed amendments to the staging plan do not involve any changes to the location and/or scale of any of the approved school buildings. As such there will be no additional overshadowing, noise or visual privacy concerns above those which have already been assessed.

- There will be no additional social or economic impacts because of the proposed modification beyond those previously assessed as part of the approved development under SSD\_9368.
- No changes are proposed to car parking or to pick up and drop off arrangements. As such, this modification application will not result in any additional traffic or parking impacts.

## **6.6. SUITABILITY OF THE SITE**

The site remains suitable for the proposed development, as modified. The site is near multiple public transport services and is in a locality currently under significant transformation that can accommodate a development of this nature. The proposed modification is for a minor change to the construction staging only. The works are permissible with consent.

## **6.7. SUBMISSIONS**

Section 117(3B) of the EP&A Regulation specifies that the notification requirements do not apply to State significant development. Given the nature of the modification, discretionary notification should not be required.

## **6.8. PUBLIC INTEREST**

The approved development was deemed to be in the public interest. The modification is consistent with the approval and therefore remains in the public interest.

## **7. CONCLUSION**

The proposed modification has been assessed in accordance with section 4.55(1) and section 4.15 of the EP&A Act and is considered appropriate as summarised below:

- The modification is of minimal environmental impact.
- The proposal remains substantially the same development as that approved.
- The modification satisfies the applicable planning controls and policies.
- The social and economic impacts are acceptable.
- The proposal remains suitable for the site.
- The modification is in the public interest.

Having considered all relevant matters, the proposed modification is appropriate for the site and approval is recommended, subject to appropriate conditions of consent. We trust this information is sufficient to enable assessment and approval of the proposed modification request. Should you wish to discuss any aspect of the application, please do not hesitate to contact the undersigned.

Kind regards,

A handwritten signature in black ink, appearing to read "Chris Croucamp".

Chris Croucamp  
Consultant  
+61 2 8424 5102  
ccroucamp@urbis.com.au