



# New Public School, Estella Road, Wagga Wagga Modification 1

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State Significant Development Modification Assessment (SSD-9494 MOD 1)

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# Glossary

Abbreviation	Definition
<b>Consent</b>	Development Consent
<b>Council</b>	City of Wagga Wagga Council
<b>Department</b>	Department of Planning, Industry and Environment
<b>EP&amp;A Act</b>	<i>Environmental Planning and Assessment Act 1979</i>
<b>EP&amp;A Regulation</b>	Environmental Planning and Assessment Regulation 2000
<b>LGA</b>	Local Government Area
<b>SSD</b>	State Significant Development
<b>The Applicant</b>	NSW Department of Education
<b>The Minister</b>	Minister for Planning and Public Spaces
<b>The Site</b>	Lot 1 DP 1253855, Estella Road, Estella

# Contents

<b>1</b>	<b>Introduction .....</b>	<b>1</b>
<b>2</b>	<b>Proposed modification .....</b>	<b>3</b>
<b>3</b>	<b>Strategic context .....</b>	<b>4</b>
<b>4</b>	<b>Statutory context .....</b>	<b>5</b>
<b>5</b>	<b>Engagement.....</b>	<b>6</b>
<b>6</b>	<b>Assessment .....</b>	<b>7</b>
<b>7</b>	<b>Evaluation.....</b>	<b>9</b>
<b>8</b>	<b>Recommendation.....</b>	<b>10</b>
<b>9</b>	<b>Determination.....</b>	<b>11</b>
	<b>Appendices .....</b>	<b>12</b>

# 1 Introduction

This report provides an assessment of a modification application to modify the state significant development consent (SSD) for New Public School, Estella Road, Wagga Wagga (SSD 9494). The application has been prepared by NSW Department of Education (the Applicant).

The modification application seeks approval to allow school staff to attend the site to undertake operational readiness work ahead of the formal operation of the development as a school with students in attendance. The application has been lodged pursuant to section 4.55(1A) of the *Environmental Planning and Assessment Act 1979* (EP&A Act).

## 1.1 Background

The site is located in Estella Road, Estella, within the Wagga Wagga Local Government Area, approximately 4.5 kilometres north of the Wagga Wagga CBD. The site is legally described as Lot 1 DP 1253855 and has an area of approximately three hectares.

The site is located to the north of Estella Road, immediately to the west of its intersection with Gunn Drive. The site is immediately west of the Peter Hastie Oval and south of the Charles Sturt University campus.

The site is predominantly surrounded by suburban and rural land. Immediately north of the site is a Charles Sturt University at-grade carpark, located off Darnell Smith Drive. To the north of the carpark is the university campus. To the south of the site on the southern side of Estella Road is the suburb of Estella, comprising predominantly single level detached residential dwellings. Lands immediately to the east, including the Peter Hastie Oval and vacant land west, are owned by Charles Sturt University. The site and its surrounding context is shown in **Figure 1**.



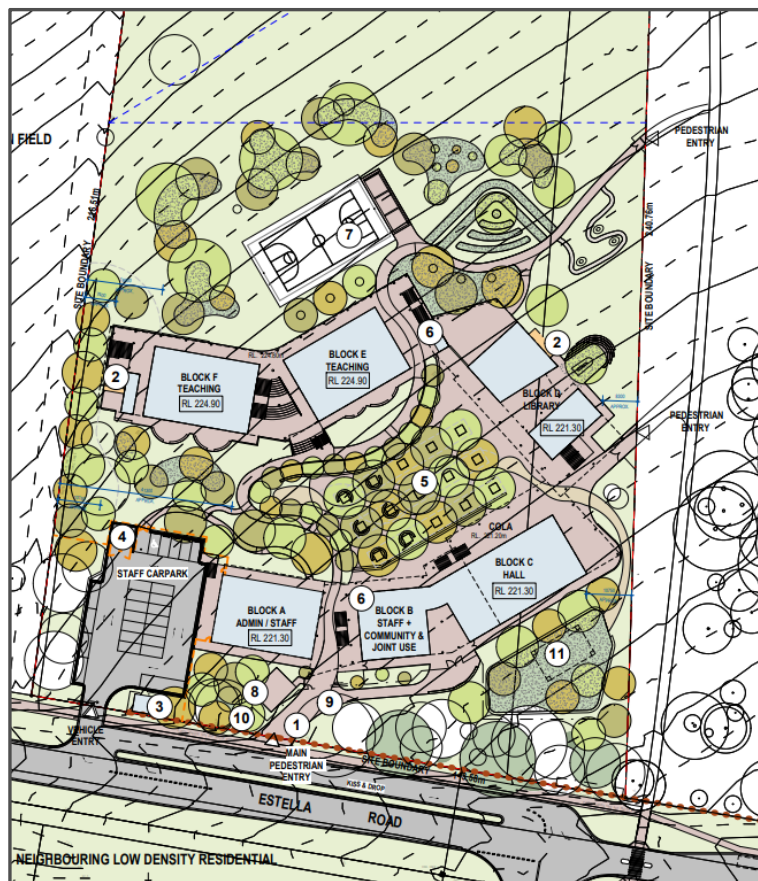
**Figure 1** | Conditions of the site in August 2020 (Source: Nearmap, 2020)

## 1.2 Approval history

On 17 June 2020, the Executive Director, Infrastructure Assessments, as delegate for the Minister for Planning and Public Spaces (the Minister) granted consent for the construction and operation of a new primary school for up to 480 primary school students, including:

- construction of six new 1-2 storey buildings, including:
  - collaborative learning spaces.
  - classrooms.
  - offices for teachers and administrative staff.
  - hall.
  - library.
- landscaping works and open space improvements.
- parking, pick-up and set-down and loading facilities.
- substation.
- school signage.

The approved site plan is shown in **Figure 2**.



**Figure 2** | Site Plan (Source: Applicant's Response to Submissions (RtS) for SSD-9494, 2020)

Construction has commenced on site as shown in **Figure 1**.

## 2 Proposed modification

The modification application seeks to modify the consent to allow staff to enter the completed buildings on the site to undertake operational readiness work ahead of the formal commencement of operations of the new school and ahead of compliance with all operational conditions.

Early access would occur from early December 2020 to end of January 2021. Staff numbers would vary as follows:

- Non-holiday period - 12 people, five days a week, 8am to 4pm.
- Holiday period - five people.

The Applicant advises that staff would be provided with safe ingress and egress to the buildings where operational readiness would occur, with access routes fenced off from the remaining construction areas. The Applicant proposes that the number of vehicles accessing the school be restricted to five vehicles with carpooling to be used where required to comply with the vehicular limit. Preferably, staff would park in a carpark on the Charles Sturt University immediately north of the site if agreement is reached with the university for this to occur. Alternatively, staff would park in nearby streets to the south of the site.

The Applicant has proposed the insertion of two additional conditions within Part C of the consent to require the submission of details to the Certifier prior to the commencement of any operational readiness work. These details would set out how the operational readiness work would be managed to ensure safe operations and minimal environmental impacts. The requested conditions are as follows:

### **Operational Readiness Work**

*CXX. Operational readiness work must not commence on site until the following details have been submitted to the Certifier:*

- a plan and description of the area(s) of the site to be used for operational readiness work and areas still under construction;*
- the maximum number of staff to be involved in operational readiness work on site at any one time;*
- arrangements to ensure the safety of school staff on the site, including how areas to be used for operational readiness work will be clearly and securely separated from the areas of the site still under construction; and*
- access and parking arrangements to minimise impacts on the surrounding street network having regard to number of staff involved in operational readiness work on site at any one time and parking arrangements for construction workers on site.*

*CXX. Operational readiness work must only be undertaken in accordance with the details submitted under condition CXX and the following requirements:*

- no more than 12 staff are involved in operational readiness work on site at any one time;*
- no more than 5 vehicles will access the school related to the operational readiness work;*
- no students or parents are permitted on the site; and*
- the Applicant has implemented appropriate arrangements to ensure the safety of school staff on the site.*



### 3 Strategic context

The Department considers the development, to which the modification relates, remains consistent with its applicable strategic context given that it is consistent with the:

- State Infrastructure Strategy 2018 - 2038 Building the Momentum, as the proposal would provide integrated educational and community facilities.
- Riverina Murray Regional Plan 2036, as the proposal would deliver shared community and school facilities.
- Wagga Wagga Spatial Plan 2013 – 2043, as the proposal would provide appropriate infrastructure on land which the plan identifies as community infrastructure land.
- Wagga Wagga Integrated Transport Strategy and Implementation Plan 2040, as the proposed development is in a connected high growth area that would encourage the use of alternate travel modes such as walking and cycling.
- Future Transport Strategy 2056, as the proposal would increase educational capacity in a well-connected and growing regional area of New South Wales.
- Draft Wagga Wagga City Council Activation Strategy 2040, as the proposal includes publicly accessible facilities and would deliver development opportunities for educational land.

The proposal would also provide direct investment in the region of approximately \$36 million, to support 290 construction jobs and 24 operational jobs.



## 4 Statutory context

### 4.1 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 impact under section 4.55(1A) 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.

### 4.2 Consent authority

The Minister is the consent authority under section 4.5 of the 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 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.

## 5 Engagement

The Department did not give notification of the application due to the minor nature of the proposed modifications. The modification application was however made publicly available on the Department's website. No submissions were received.

## 6 Assessment

The Department has considered the modification application in the context of the original approved development in its assessment and considers that traffic and parking impacts, noise impacts and the safety of school staff to be the key issues for assessment.

The Department has reviewed the information provided by the Applicant and considers that the use of the completed buildings on site by staff to undertake operational readiness activities would be acceptable as:

- traffic movements to the site would be significantly fewer than that of the full operation of the school considered in the Department's original assessment. That assessment concluded that the local road network could accommodate the additional traffic generated by the initial operation of the school with 235 students.
- operational readiness work would be undertaken from within the completed buildings and would generate significantly lower noise levels than expected from the full operation of the school considered in the Department's original assessment. That assessment concluded that the operational noise levels of full operation of the school would not have unacceptable impacts on surrounding sensitive receivers.
- the Applicant has proposed suitable arrangements for measures to be put in place to ensure the safety of staff during the construction of the uncompleted portions of the development.

The Department notes that parking would not be available on the site and that staff would either park on the Charles Sturt University campus or nearby streets. The Department considers that parking within the Charles Sturt University would be the preferred option as it would provide an off-street formal parking environment with good access to the site via the existing footpath. However, it is acknowledged that this could only occur with the consent of the University. If on street parking is required to be used, the Department considers that this would more safely occur within residential streets to the south of the site rather than on Estella Road which is an 80 kilometre per hour road with no formal kerb. If required, the nearby low-density suburban streets would have sufficient capacity to cater for up to five vehicles as proposed.

Given the above comments, the Department considers that the proposal would not result in any additional environmental impacts as a result of traffic and parking or noise. Otherwise, the Department notes that the modification would not amend any aspect of the approved development or alter the suitability of the site to accommodate the development.

Accordingly, the Department considers that the proposed modification to be acceptable subject to:

- revision of the conditions recommended by the Applicant to include an additional requirement that staff attending the site for operational readiness work would not be allowed to park on Estella Road.
- inclusion of a new definition in the consent of 'Operational Readiness Work'.
- modification of the definition of 'Operation' in the consent to exclude Operational Readiness Work.

These further modifications would address the comments made above and allow for proper operation of the conditions of consent.

In addition to the above matters, the Department has identified an administrative error in the lot number identified in the original consent (Lot 4 instead of Lot 1 DP1253855). The Department recommends that this administrative error be corrected to ensure the efficient operation of the consent as intended.

## 7 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 staff to make use of the completed portions of the site to ensure the school is ready to operate (and accommodate students) in early 2021.
- the proposal would ensure the timely and effective operation of an essential service to the community.
- 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.

## 8 Recommendation

It is recommended that the Director, 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 New Public School, Estella Road, Wagga Wagga Modification 1 (SSD 9494) 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 grant approval to the application.
- **modifies** the consent SSD 9494.
- **signs** the modifying instrument (**Appendix A**).

Recommended by:



**Jason Maslen**

Team Leader

Schools Infrastructure Assessments

## 9 Determination

The recommendation is: **Adopted** by:

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

2 October 2020

**Karen Harragon**

Director

Social and Infrastructure Assessments

as delegate of the Minister for Planning and Public Spaces



# Appendices

## Appendix A – List of Documents

1. Modification report

<https://www.planningportal.nsw.gov.au/major-projects/project/40076>

2. Instrument of modification

<https://www.planningportal.nsw.gov.au/major-projects/project/40076>

3. Consolidated Consent

<https://www.planningportal.nsw.gov.au/major-projects/project/40076>