



Gyde Consulting

20 April 2022

The Secretary  
Department of Planning and Environment  
4 Parramatta Square, 12 Darcy Street  
Parramatta NSW 2150

[karen.harragon@planning.nsw.gov.au](mailto:karen.harragon@planning.nsw.gov.au)

Attention: Ms Karen Harragon – Director, Social and Other Infrastructure

Dear Ms Harragon,

**RE: SECTION 4.55(1A) MODIFICATION APPLICATION TO SSD 10224 IN RELATION TO THE NEW PRIMARY SCHOOL AT EDMONDSON PARK, BUCHAN AVE, EDMONDSON PARK**

This planning statement has been prepared for School Infrastructure NSW (SINSW) by GYDE Consulting to accompany an application made under Section 4.55(1A) of the *Environmental Planning and Assessment Act, 1979* (the Act) to modify the consent issued in respect of SSD 10224.

The application proposes to add mechanical plant enclosures to the site and relocate and augment solar panels. The modifications will allow for equipment that will enable the school to operate as a best practice learning facility. The modifications do not change the nature of the development and result in minimal environmental impact.

**1. The Approved Development**

State Significant Development No. 10224 was granted consent by the Minister for Planning and Public Spaces on 15 December 2021 for:

*Construction of a single storey pre-school building accommodating up to 40 children, and construction and operation of a new educational facility to accommodate up to 1,012 students including:*

- *Construction of school buildings ranging from 1 to 3 storeys, including*
  - *general and special support learning areas*
  - *staff rooms and administration office*
  - *hall*
  - *library*
  - *out of school hours care facility*
- *landscaping works and open space improvements*
- *parking, pick-up and set-down zones, bus zones and loading areas*
- *associated works including school identification signage and on-site infrastructure and utilities.*

The consent applies to Lot 1 & part Lot 2 DP 1257105 at Buchan Avenue, Edmondson Park, being the site of the new Primary School at Edmondson Park.

## 2. Proposed Modification

The proposed modifications involve:

- Relocating the approved solar panels from the roof of Block B (Hall and COLA building) to the roof of Block A. An additional 20kW of photovoltaic panels are also proposed to be added to the system resulting in an overall capacity of 90kW.
- The addition of three mechanical enclosures along the Faulkner Way frontage. The enclosures will accommodate condenser units for the air-conditioning system. The walls of the enclosures are to be constructed of sound attenuating material and each will have a gate for access. The northern enclosure observes a setback of 750mm and the other enclosures observe a setback of 1050mm from the boundary, both to allowing landscaping to be provided between them and the street.

Details of the enclosures are as follows:


- Northern enclosure: 9.1m (L) x 5.3m (W) X 1.8m (H) – note the floor level of this enclosure sits 0.9m below the footpath level
- Central enclosure: 11.3m (L) x 4.9m (W) x 1.8m (H)
- Southern enclosure: 11.6m (L) x 4.9m (W) x 1.8m (H).
- Modification of the landscape design along the Faulkner Way frontage to accommodate the proposed mechanical enclosures. Importantly, the total number of trees along the frontage is retained.
- The addition of a mechanical enclosure on the southern end of Block B.
- The addition of a small mechanical enclosure adjacent to the hall/out of school hours care on the south-eastern elevation of Block B.
- The addition of a roof access hatch to Block A to facilitate servicing of the PV array.

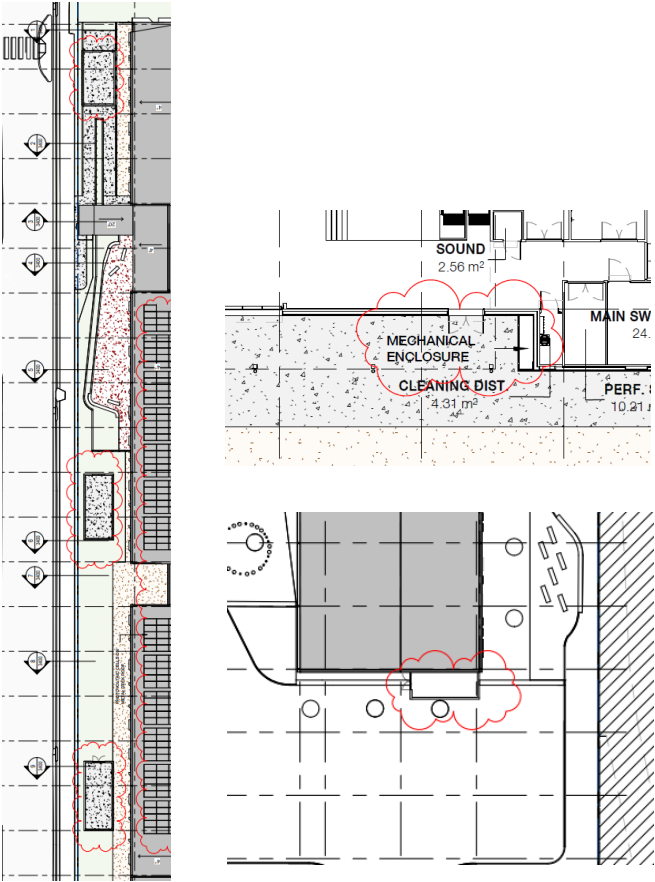
This application is supported by the following documentation:

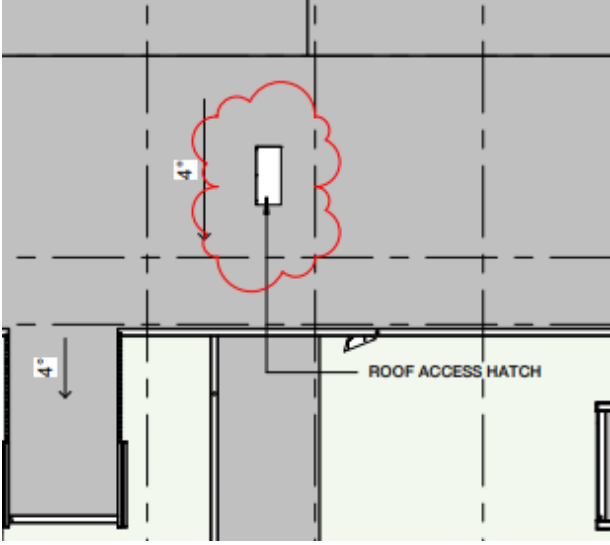
- Appendix 1 - Amended Architectural Plans by TKD Architects (dated 17 March 2022).
- Appendix 2 - Amended Landscape Plans by Oculus (dated 17 March 2022).
- Appendix 3 - Civil Engineering Works letter by Northrop (dated 20 January 2022).
- Appendix 4 - Elec Memo – Change of Solar Panel Location by JHA (dated 10 February 2022).
- Appendix 5 - Engineering Specifications for Acoustic Services by JHA (dated 22 October 2021).
- Appendix 6 - ESD Memo – Change of Solar Panel Location by JHA (dated 10 February 2022).
- Appendix 7 - Landscape Design Certification by Oculus (dated 3 February 2022).
- Appendix 8 - Mechanical Enclosures Sections and Elevations TKD Architects (dated 4 February 2022).

### 2.1. Overview and Justification of Modifications

Table 1: Proposed amendments

Modification	Justification
<p>1. Amending the location of the solar panels from the roof of Block B (Hall and COLA) to the roof of Block A, with an additional 20kW of PV panels to the system resulting in an overall capacity of 90kW.</p> 	<p>The NSW Government Architects' guide for <i>Environmental Design in Schools</i> identifies solar panel usage as an effective strategy for environmental design.</p> <p>The original application was accompanied by an ESD report by JHA, which identified photovoltaics as a key environmental strategy for the school. JHA has reviewed (Appendix 4) the amended location of the panels and confirms there will be no negative impact on the systems environmental performance.</p> <p>The provision of the panels is consistent with Section 1 – Part 22 of the Liverpool DCP (Energy Conservation), the objectives of which include to reduce greenhouse gas emissions. The generation of power on site will reduce the</p>

Modification	Justification
	<p>school's reliance on power from the grid and the related emissions from unsustainable energy production.</p> <p>Block A's roof is higher than the surrounding developments, as such the panels will pose no reflectivity issues.</p>
<p>2. The addition of mechanical enclosure (northern), mechanical enclosure (central), mechanical enclosure (southern), the mechanical enclosure on the southern end of Block B and a small mechanical enclosure on the eastern elevation of block B out of hours school care and hall.</p> 	<p>The school has been designed to maximise opportunities for passive environmental management, however the nature of the site and local climate require the provision of mechanical ventilation to ensure the internal environment is suitable for learning.</p> <p>The proposed mechanical enclosures will accommodate condenser units for the air-conditioning system.</p> <p>The drawing package prepared by TKD (Appendices 1 and 8) provides details of the proposed enclosures, including their relationship to the perimeter fence</p> <p>The enclosures are low level structures (1.8m in height) and are spread around the site. The three enclosures along Faulkner Way sit within the landscaped setback area which includes trees and lower-level plantings which will minimise their visual impact.</p> <p>The engineering specifications by JHA (Appendix 5) identify that the enclosures are to be designed to comply with the requirements of the EPA's Noise Policy for Industry.</p>
<p>3. The addition of the Roof Access Hatch at Homebase Building A.</p>	<p>The hatch provides access to the rooftop for future maintenance. It will not be visible from the ground level and therefore does not have any impact on the streetscape, nor will it increase overshadowing of the site or public domain.</p>

Modification	Justification
	

## 2.2. Conditions to be Modified

The application seeks to modify condition *A2 - Terms of Consent*, to update the drawing references to reflect the amended architectural and landscape plans. The existing and proposed referencing is shown in Table 2 below. The referencing to the *Construction Site Plan* and *Civil plans* does not require amendment.

Table 2: Approved and proposed plan referencing in Condition A2

Approved Condition				Proposed condition ( <b>Amendments and additions in red</b> )			
Architectural Plans prepared by <i>TKD Architects</i>				Architectural Plans prepared by <i>TKD Architects</i>			
Dwg No.	Rev	Name of Plan	Date	Dwg No.	Rev	Name of Plan	Date
AR W-DW-1001	F	Site Plan	12.10.21	AR W-DW-1001	<del>F</del> H	Site Plan	<del>12.10.21</del> 17.03.22
AR W-DW- 1400	C	Demolition Plan	12.10.21	AR W-DW- 1400	C	Demolition Plan	12.10.21
AR W-DW-2000	H	Campus Plan – Ground Floor Plan	12.10.21	AR W-DW-2000	<del>H</del> J	Campus Plan – Ground Floor Plan	<del>12.10.21</del> 17.03.22
AR W-DW-2001	H	Campus Plan –First Floor Plan	12.10.21	AR W-DW-2001	<del>H</del> J	Campus Plan –First Floor Plan	<del>12.10.21</del> 17.03.22
AR W-DW-2002	H	Campus Plan – Second Floor Plan	12.10.21	AR W-DW-2002	<del>H</del> J	Campus Plan – Second Floor Plan	<del>12.10.21</del> 17.03.22
AR W-DW-2100	H	Ground Floor Plan	12.10.21	AR W-DW-2100	<del>H</del> J	Ground Floor Plan	<del>12.10.21</del> 17.03.22
AR W-DW-2101	H	First Floor Plan	12.10.21	AR W-DW-2101	<del>H</del> J	First Floor Plan	<del>12.10.21</del> 17.03.22
AR W-DW-2102	H	Second Floor Plan	12.10.21	AR W-DW-2102	<del>H</del> J	Second Floor Plan	<del>12.10.21</del> 17.03.22
AR W-DW-2103	G	Roof Plan	12.10.21	AR W-DW-2103	<del>G</del> I	Roof Plan	<del>12.10.21</del> 17.03.22
AR W-DW-3100	F	External Building Elevations – Sheet 01	12.10.21	AR W-DW-3100	<del>F</del> H	External Building Elevations – Sheet 01	<del>12.10.21</del> 17.03.22
AR W-DW-3101	F	External Building Elevations – Sheet 02	12.10.21	AR W-DW-3101	<del>F</del> H	External Building Elevations – Sheet 02	<del>12.10.21</del> 17.03.22
AR W-DW-3102	F	Internal Building Elevations	12.10.21	AR W-DW-3102	<del>F</del> G	Internal Building Elevations	<del>12.10.21</del> 07.02.22
AR W-DW-3400	F	Building Cross Sections	12.10.21	AR W-DW-3400	<del>F</del> G	Building Cross Sections	<del>12.10.21</del> 07.02.22
AR W-DW-8200	E	Shadow Analysis	12.10.21	AR W-DW-8200	<del>E</del> F	Shadow Analysis	<del>12.10.21</del> 07.02.22
				<del>A R W- DW- 8201</del>	<del>A</del>	<del>Mechanical Enclosures</del>	<del>12.10.21</del> 07.02.22

Approved Condition				Proposed condition ( <b>Amendments and additions in red</b> )			
				AR CD SW 2150	P1	Southern Mechanical Enclosure	04.02.22
				AR CD SW 2151	P1	Central Mechanical Enclosure	04.02.22
				AR CD SW 2152	P1	Northern Mechanical Enclosure	04.02.22
<b>Landscape Plans prepared by Oculus</b>				<b>Landscape Plans prepared by Oculus</b>			
<b>Dwg No.</b>	<b>Rev</b>	<b>Name of Plan</b>	<b>Date</b>	Dwg No.	Rev	Name of Plan	Date
LA-W-REP-000-G	G	Cover Sheet	13.10.2021	LA-W-REP-000-G	<b>G B</b>	<b>Cover Sheet</b>	<b>13.10.21-17.03.22</b>
LA-W-REP-001-A	C	Design Principles	13.08.2021	LA-W-REP-001-A	C	Design Principles	13.08.2021
LA-W-REP-002-A	D	EFSG Requirements	18.08.21	LA-W-REP-002-A	D	EFSG Requirements	18.08.21
LA-W-REP-100-A	F	Landscape Masterplan	13.10.2021	LA-W-REP-100-A	F	Landscape Masterplan	13.10.2021
LA-W-REP-101-A	F	Landscape Illustrative Plan – North	13.10.2021	LA-W-REP-101-A	F	Landscape Illustrative Plan – North	13.10.2021
LA-W-REP-102-A	F	Landscape Illustrative Plan – South	13.10.2021	LA-W-REP-102-A	F	Landscape Illustrative Plan – South	13.10.2021
LA-W-REP-103-A	E	Landscape Surface Finishes Plan - North	13.10.2021	LA-W-REP-103-A	E	Landscape Surface Finishes Plan - North	13.10.2021
LA-W-REP-104-A	E	Landscape Surface Finishes Plan - South	13.10.2021	LA-W-REP-104-A	E	Landscape Surface Finishes Plan - South	13.10.2021
LA-W-REP-105-A	D	Landscape Levels and Grading Plan - North	8.10.2021	LA-W-REP-105-A	D	Landscape Levels and Grading Plan - North	8.10.2021
LA-W-REP-106-A	D	Landscape Levels and Grading Plan - South	8.10.2021	LA-W-REP-106-A	D	Landscape Levels and Grading Plan - South	8.10.2021
LA-W-REP-200-A	E	Landscaped Section A	13.10.21	LA-W-REP-200-A	E	Landscaped Section A	13.10.21
				LA-W-REP-201-A	D	Landscaped Section B	13.10.21

Approved Condition				Proposed condition ( <b>Amendments and additions in red</b> )			
LA-W-REP-201-A	D	Landscaped Section B	13.10.21	LA-W-REP-202-A	D	Landscaped Section C	13.10.21
LA-W-REP-202-A	D	Landscaped Section C	13.10.21	LA-W-REP-300-A	G	Landscape Strategies	13.10.21
LA-W-REP-300-A	G	Landscape Strategies	13.10.21	LA-W-REP-301-A	E	Open Space Typologies	13.10.21
LA-W-REP-301-A	E	Open Space Typologies	13.10.21	LA-W-REP-302-A	E	Open Space Typologies	13.10.21
LA-W-REP-302-A	E	Open Space Typologies	13.10.21	LA-W-REP-303-A	E	Open Space Typologies	13.10.21
LA-W-REP-303-A	E	Open Space Typologies	13.10.21	LA-W-REP-304-A	E	Open Space Typologies	13.10.21
LA-W-REP-304-A	E	Open Space Typologies	13.10.21	LA-W-REP-305-A	E	Open Space Typologies	13.10.21
LA-W-REP-305-A	E	Open Space Typologies	13.10.21	LA-W-REP-306-A	E	Indicative Materials - Palette	13.10.21
LA-W-REP-306-A	E	Indicative Materials - Palette	13.10.21	LA-W-REP-307-A	G	Indicate Tree Schedule	13.10.2021
LA-W-REP-307-A	G	Indicate Tree Schedule	13.10.2021	LA-W-REP-308-A	D	Indicate Plant Schedule	13.10.2021
LA-W-REP-308-A	D	Indicate Plant Schedule	13.10.2021	LA-W-REP-309-A	C	Indicate Plant Schedule	13.10.2021
LA-W-REP-309-A	C	Indicate Plant Schedule	13.10.2021	<b>Except where amended by:</b>			
				LA-SW-CD 004	B	Site Plan Ground Floor	17.03.22
				LA-SW-CD 003	B	Planting Schedule	17.03.22
				LA-SW-CD 200	6	Surface Finishes Plan - Sheet 1	27.01.22
				LA-SW-CD 203	6	Surface Finishes Plan - Sheet 4	27.01.22
				LA-SW-CD 206	6	Surface Finishes Plan - Sheet 7	27.01.22

Approved Condition	Proposed condition ( <b>Amendments and additions in red</b> )			
	LA-SW-CD 208	B	Surface Finishes Plan – Sheet 9	17.03.22
	LA-SW-CD 300	6	Levels Plan – Sheet 1	27.01.22
	LA-SW-CD 303	6	Levels Plan – Sheet 4	27.01.22
	LA-SW-CD 306	6	Levels Plan – Sheet *	27.01.22
	LA-SW-CD 308	B	Levels Plan – Sheet 9	17.03.22
	LA-SW-CD 408	B	Setout Plan – Sheet 9	17.03.22
	LA-SW-CD 500	5	Planting Plan – Sheet 1	27.01.22
	LA-SW-CD 503	4	Planting Plan – Sheet 4	27.01.22
	LA-SW-CD 506	5	Planting Plan – Sheet 7	27.01.22



### 3. Statutory Considerations

#### 3.1. Section 4.55(1A) of the Environmental Planning and Assessment Act, 1979

Section 4.55(1A) of the Act, prescribes that 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:

Table 3: Matters for consideration under Section 4.55(1A)

Matter for consideration under Section 4.55 (1A)	Response
(a) It is satisfied that the proposed modification is of minimal environmental impact	The proposed modifications have minimal environmental impact as is described in sections 2.2 and 3.2 of this report and in the supporting technical reports (Appendices 1 – 8).
(b) It is satisfied that the development to which the consent as modified relates is substantially the same development as the development for which consent was originally granted and before that consent as originally granted was modified (if at all)	<p>In our view, “substantially the same development” means “essentially or materially or having the same essence” as defined by Pearlman C.J. in <i>Schroders Australian Property Management Ltd v Shoalhaven City Council and Anor (1999) NSWLEC 251</i>. Accordingly, it is the substance of the proposal relative to the substance of the development as originally approved.</p> <p>The proposed modifications do not seek to change the nature and substance of the approved development. The nature and intensity of the approved use, and the height and scale of development will remain consistent with the approved development. The development (as modified) will remain substantially the same as the development that was originally approved.</p>
<p>(c) It has notified the application in accordance with:</p> <p>(i) The regulations, if the regulations require; or</p> <p>(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</p>	<p>It is specified in Table 1 of the <i>DPE Community Participation Plan 2019</i> (November 2019) that applications for modification of development consent required to be publicly exhibited by the Regulation will be exhibited for 14 days. The Regulation does not specify that modifications of this nature are required to be publicly exhibited.</p> <p>Further, it is specified in Table 3 of the <i>Community Participation Plan</i> that the need to publicly notify applications for modification of development consent not required to be so by the Regulation, is determined on a discretionary basis based on the urgency, scale and nature of the proposal.</p>
4. 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.	DPE must consider any submission made in response to a notification or exhibition if one is determined to be required.

### 3.2. The likely impacts of the development, including environmental impacts on both the natural and built environments, and the social and economic impacts in the locality.

#### Streetscape Presentation

The proposed solar panels will be located on the roof of Block A, three storeys above the street. The panels will not be visible from ground level and will therefore not impact on the streetscape.

The mechanical enclosures have been carefully sited and designed to minimise their visual impact. The design measures include:

- Providing a 750mm setback for the northern enclosure and 1050mm setback for the central and southern enclosures to separate the enclosures from the public domain
- Provision of landscaping within the 750mm and 1050mm setbacks to establish a soft edge to the street and screen the enclosures
- Minimising the height of the enclosures to (1.8m), so that they predominantly sit below the height of the fence
- The northern enclosure (Figure 1) is set back behind the Buchan Avenue building line and is only 0.9m in height at street level. This arrangement will ensure that its visibility is minimised and it will not obstruct key sight lines in and around the secondary pedestrian entry on Faulkner Way, or vehicle sightlines at the intersection of Buchan Avenue and Faulkner Way.
- Using dark coloured materials with simple finishes that will be visually recessive (Appendix 5)
- Dispersing the enclosures along the site's frontages to maintain consolidated areas of landscaping on the street

The proposed modifications do not substantially change the streetscape presentation and the school will have a positive relationship with the public domain.

Figure 1: Perspective of northern mechanical enclosure from Faulkner Way (Source: TKD Architects)



Figure 2: Perspective of central mechanical enclosure from Faulkner Way (Source: TKD Architects)



Figure 3: Perspective of southern mechanical enclosure from Faulkner Way (Source: TKD Architects)



### Landscape

The proposed mechanical enclosures adjacent to Faulkner Way will not reduce the total tree coverage. The minimal changes to the landscaped scheme do not affect the site's overall landscape quality or unreasonably change its relationship to the street. The mechanical enclosures are placed in suitable positions outside of larger consolidated landscaped areas. Refer to Appendix 2 for details of the landscape scheme.

### Acoustic Privacy

Acoustic barriers / screens are proposed around the mechanical enclosures facing Faulkner Way. Faulkner Way has a width of the 15m (approx.) separating the enclosures from the adjoining residences.



The engineering specifications by JHA (Appendix 5) identify that the enclosures are to be designed to comply with the requirements of the EPA's Noise Policy for Industry to prevent adverse impact on the sensitive residential receivers.

#### Sustainability

The proposed addition of 20kW of PV panels to the solar panel system improves the overall sustainability of the development by contributing sustainable energy directly to the site. Refer to Appendices 4 and 6.

#### Civil Works

Northrop engineers have reviewed the plans (Appendix 3) and advise that the amendments do not change the 'design philosophy of the stormwater pit and pipe network proposed'.

### **3.3. Relevant Planning Instruments and Development Controls**

The principal planning controls applying to the development are contained in:

- State Environmental Planning Policy (Precincts- Western Parkland City) 2021 (formerly State Environmental Planning Policy (State Significant Precincts) 2005)
- State Environmental Planning Policy (Transport and Infrastructure) 2021 (TISEPP) (formerly State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017)
- Liverpool Local Environmental Plan 2008
- Liverpool Development Control Plan 2008
- Edmondson Park South Development Control Plan 2012

Since there are no substantive changes, the modified proposal remains generally consistent with the planning controls as detailed in the original application and as subsequently assessed by Minister for Planning and Public Spaces in granting the consent. The proposed solar panels will result in a minor increase in the building height, which will increase the extent of the breach of the height of buildings control.

#### Height of Buildings

Clause 18 - Height of Buildings (Appendix 1) of the Precincts – Western Parkland City SEPP applies a 15m height control to the site. Building A as approved exceeds the height limit by between 0.5 - 1.6m along the ridge of the roof. The addition of the solar panels on the western side of the roof will result in a minor increase in the extent of the breach. It is important to note that the breach is limited to a small section along the eastern edge of the panels, closest to the ridgeline, as is shown in Figures 4 and 5 below.

Pursuant to Clause 3.43 of the TISEPP, "development consent may be granted for development for the purpose of a school that is SSDA even though the development would contravene a development standard imposed by this or any other EPI under which the consent is granted." Notwithstanding, the proposed contravention to the height standard is reasonable for the following reasons:

- the proposed change does not alter the scale of the building or its height relationship to adjoining residential development
- there is no change in overshadowing
- the solar panels will be largely imperceptible from the public domain.

The proposed minor variation to the height control is therefore justified.

Figure 4: Height of Solar Panel within highlighted area. Height limit in green dash (Source: TKD architects)

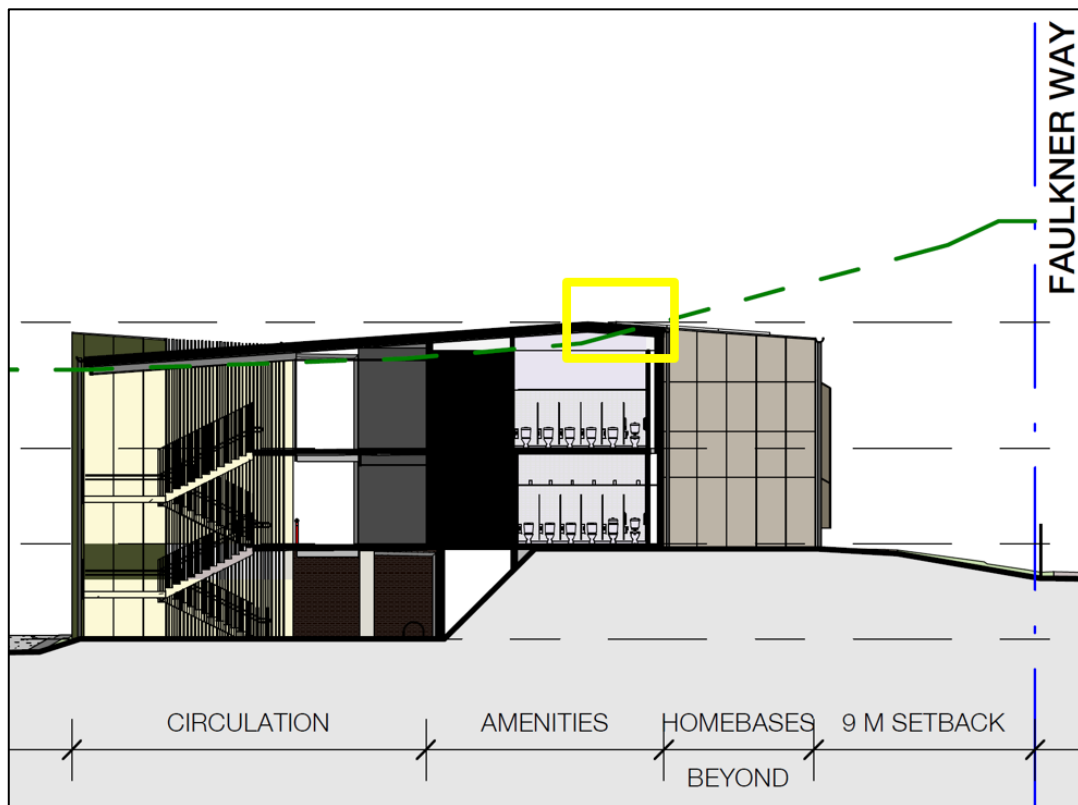
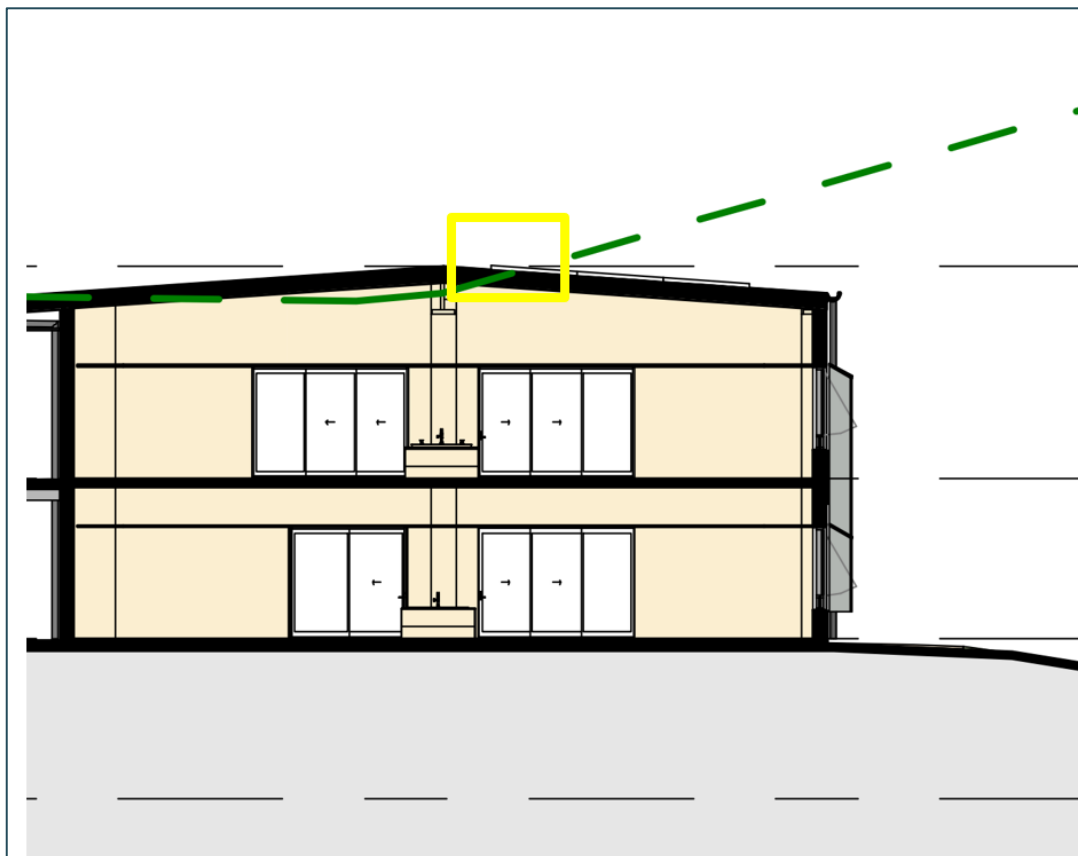


Figure 5: Height of Solar Panel within highlighted area. Height limit in green dash (Source: TKD architects)



#### 4. Conclusion

The proposal is for a Section 4.55 (1A) application to the approved Edmondson Park Primary School. The application seeks to modify the consent issued on 15 December 2021, under DA SSD-10224. In summary, the proposed Section 4.55 (1A) application:

- will have minimal environmental impact
- is considered *substantially the same development* as the development for which consent was originally granted
- will have no adverse environmental impacts on the site nor on properties in the vicinity of the site, resulting in no change to the overall building envelope, form, scale and function, as originally approved.

The proposal as amended under this Section 4.55 (1A) application warrants approval by the Minister of Planning and Public Spaces.

Should you require any further clarification or information in respect to the application, please contact Helen Mulcahy from SINSW's Statutory Planning team on 0437 184 280.

Yours sincerely,



**Mark Schofield**  
Director