

The logo for URBIS, featuring the word "URBIS" in a bold, white, sans-serif font. The text is contained within a white square frame that is partially open on the right side. A white horizontal line extends from the right side of the square frame across the top of the page.

URBIS

S4.55(1A) MODIFICATION STATEMENT

128 Miller Street, North
Sydney

Prepared for

MONTE SANT' ANGELO MERCY COLLEGE

3 December 2021

URBIS STAFF RESPONSIBLE FOR THIS REPORT WERE:

Senior Consultant	Anna Wang
Assistant Planner	Matthew Holt
Project Code	P0015979
Report Number	Final

Urbis acknowledges the important contribution that Aboriginal and Torres Strait Islander people make in creating a strong and vibrant Australian society.

We acknowledge, in each of our offices, the Traditional Owners on whose land we stand.

All information supplied to Urbis in order to conduct this research has been treated in the strictest confidence. It shall only be used in this context and shall not be made available to third parties without client authorisation. Confidential information has been stored securely and data provided by respondents, as well as their identity, has been treated in the strictest confidence and all assurance given to respondents have been and shall be fulfilled.

© Urbis Pty Ltd
50 105 256 228

All Rights Reserved. No material may be reproduced without prior permission.

You must read the important disclaimer appearing within the body of this report.

urbis.com.au

CONTENTS

1.	Introduction	1
2.	The Site	2
3.	Approval History	3
3.1.	State Significant Development (SSD) SSD-10393	3
3.2.	SSD-10393-MOD 1	3
4.	Proposed Modification.....	4
4.1.	Details of Proposed Modification	4
4.2.	Modification of Conditions.....	6
5.	Consultation with North Sydney Council	9
6.	Section 4.55 Assessment	11
6.1.	Minimal Environmental Impact.....	11
6.2.	Substantially the same Development	11
7.	Section 4.15 Assessment	12
7.1.	State Environmental Planning Policy (Educational Establishments and Childcare Facilities) 2017	12
7.2.	North Sydney Local Environmental Plan 2013	14
7.2.1.	Zoning and Permissibility.....	14
7.2.2.	Development Provisions.....	14
7.2.3.	Heritage	14
7.3.	Draft Environmental Planning Instruments	14
7.4.	Planning Agreement	15
7.5.	Regulations	15
7.6.	Likely Impacts of the Proposal.....	15
7.6.1.	Built Form and Visual Impact	15
7.6.2.	Heritage	18
7.6.3.	Acoustic.....	18
7.7.	Suitability of the Site	19
7.8.	Public Interest	19
8.	Conclusion.....	20
	Disclaimer.....	21

Appendix A	Updated Architectural Plans
Appendix B	Design Statement
Appendix C	Updated Landscape Plans
Appendix D	Mechanical Engineers Statement
Appendix E	Acoustic Statement
Appendix F	Heritage Statement
Appendix G	BCA Statement
Appendix H	Civil Documentation
Appendix I	Letter of Justification Prepared by Monte Sant' Angelo Mercy College
Appendix J	Letter from North Sydney Council Regarding Modification

FIGURES

Figure 1 – Monte Sant' Angelo Mercy College landholdings.....	2
Figure 2 – Location of Sports and Scient Building (coloured)	2
Figure 3 – Overview of Proposed Modifications	4

Figure 4 – Proposed Miller Street Elevation	6
Figure 5 – Rooftop plan visual comparisons	10
Figure 6 – Design Changes to Level 6	16
Figure 7 – Proposed Modification to Elevations	17
Figure 8 – Proposed as viewed from Miller Street	18

PICTURES

Picture 1 Fully enclosed.....	10
Picture 2 Partially enclosed – the adopted approach	10
Picture 3 Approved Level 6	16
Picture 4 Proposed Level 6	16
Picture 5 Approved East Elevation	17
Picture 6 Proposed East Elevation	17
Picture 7 Approved South Elevation	17
Picture 8 Proposed South Elevation.....	17
Picture 9 Approved North Elevation	17
Picture 10 Proposed North Elevation	17

TABLES

Table 1 – Modified Architectural and Landscape Plans	7
Table 2 – ESEPP Compliance.....	12

1. INTRODUCTION

This Statement of Modification is prepared on behalf Monte Sant' Angelo Mercy College (**the Applicant**) to support a Section 4.55(1A) application in relation to State Significant Development 10393 (**SSD-10393**), for the development of a new Sports and Science Building (**the Scientia Building**) within the Monte campus located at 128 Miller Street, North Sydney. The Scientia Building is located on Lots 3, 4, and 5 in Deposited Plan 262534.

This modification relates to minor internal and external changes to the Scientia Building as part of the detailed design development. The extent of external changes relates to the design of the rooftop space and mechanical plant room.

The proposal will not result in additional GFA or increase the approved maximum height of the building.

The proposal seeks to amend architectural and landscape plans and associated conditions. Specifically, conditions:

- A2 Terms of Consent
- B14 External colours and finishes
- D25 Tree Protection
- C31 Stormwater Management System

The proposed modifications are minor and have a negligible environmental and amenity impact. The proposed modification can continue to comply with relevant environmental planning instruments and controls.

The nature of the application has been confirmed by DPIE via an email dated 10 November 2021. DPIE confirmed that this application can be considered as a Section 4.55(1A) application, therefore it is '*substantially the same development*'.

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).

This letter is accompanied by the following documentation:

- Updated architectural plans prepared by Hayball – Attachment A
- Design statement prepared by Hayball & Spackman Mossop Michaels – Attachment B
- Updated landscape plans by Spackman Mossop Michaels – Attachment C
- Mechanical Engineers Statement prepared by Crest Air Conditioning – Attachment D
- Acoustic Statement prepared by Pulse White Noise Acoustics – Attachment E
- Heritage Statement prepared by NBRS Architecture Heritage – Attachment F
- BCA Letter prepared by Philip Chun Building Compliance – Attachment G
- Civil Documentation prepared by Webber Design Structural Engineering – Attachment H
- Letter of Justification prepared by Monte Sant' Angelo Mercy College – Attachment I
- Letter from North Sydney Council regarding modification – Attachment J

2. THE SITE

Monte is an independent Catholic School for girls in Years 7 to 12. The College has operated on its current site in North Sydney since 1879. The College occupies the majority of the street block bounded by McLaren Street to the north, Berry Street to the south, Miller Street to the east and Angelo Street to the west. Monte College is located within the North Sydney Local Government Area (LGA).

The Monte campus (**the Campus**) is approximately 2.52 hectares comprising 18 allotments (refer to **Figure 1**).

The approved Sports and Science Building site is located along the Miller Street frontage and is located on Lots 3, 4 and 5 in DP 262534 (refer to **Figure 2**). This application only relates to works on lots 3, 4 and 5 in DP 262534.

Figure 1 – Monte Sant’ Angelo Mercy College landholdings



Source: SIX Maps

Figure 2 – Location of Sports and Science Building (coloured)



Source: Hayball, 2021

3. APPROVAL HISTORY

3.1. STATE SIGNIFICANT DEVELOPMENT (SSD) SSD-10393

SSD-10393 was approved by DPIE on 9 October 2020 for:

The redevelopment of Monte Sant Angelo Mercy College, comprising:

- *The demolition of two existing sports courts and associated under-croft staff car park;*
- *The construction of a new four-storey Sports and Science Building (Scientia Building) including:*
 - *Two basement sports courts and a gymnasium;*
 - *13 science laboratory teaching spaces and an innovation hub;*
 - *Kitchen area, staff facilities, basement carpark and associated landscaping; and*
 - *Internal connection of the Scientia building with the existing McQuoin Centre with associated refurbishment.*
 - *Demolition of a part of the boundary wall on Miller Street and relocation of existing driveway;*
 - *Associated landscaping works to create a landscaped courtyard, tree removal and replacement planting; and*
 - *Stormwater drainage works and a new vehicular access.*

3.2. SSD-10393-MOD 1

A Section 4.55(1A) modification to SSD – 10393 was approved by DPIE on 15 June 2021. The changes sought under this modification included the following:

‘...demolition and reconstruction of additional portions of the Miller Street boundary wall and minor internal and external changes to the building and landscaping design.’

This modification seeks to modify this most recent approval.

4. PROPOSED MODIFICATION

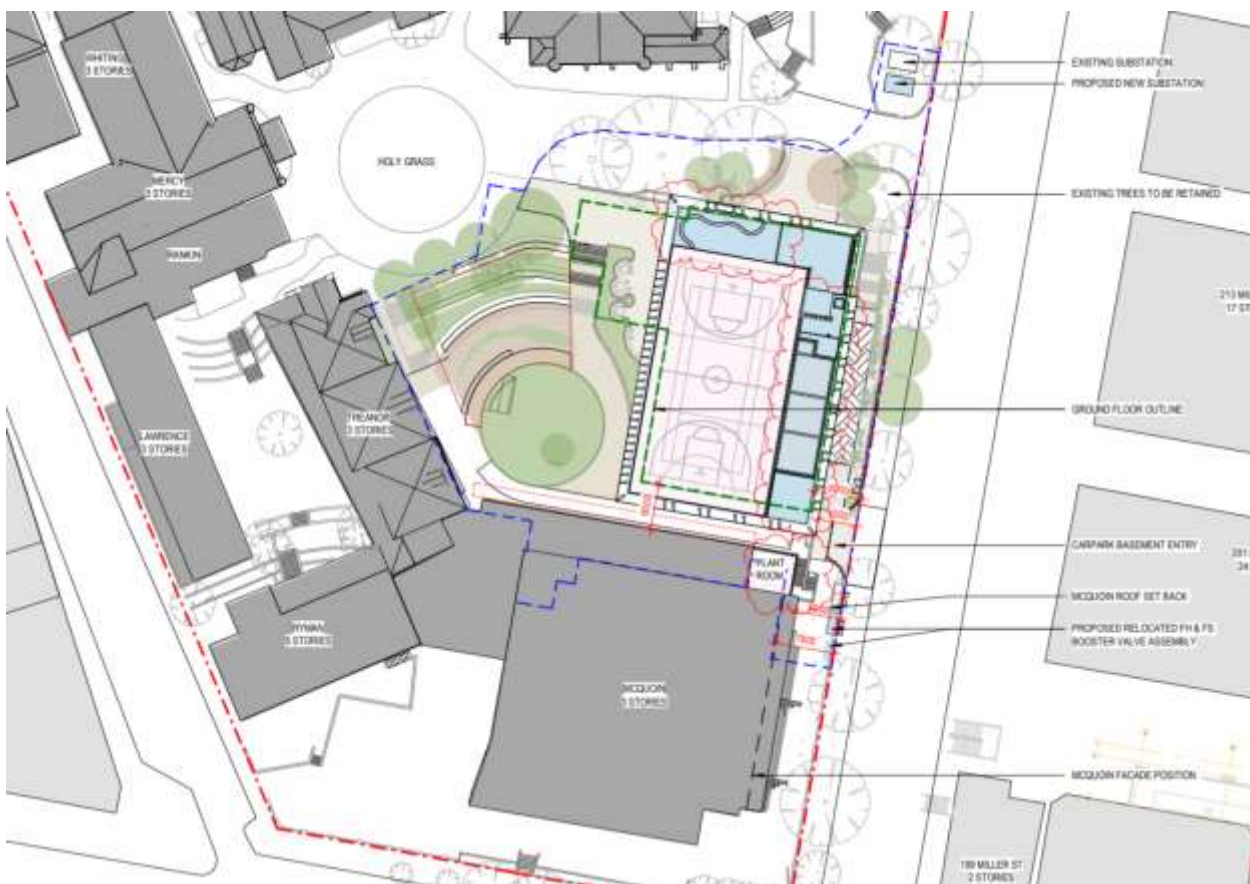
4.1. DETAILS OF PROPOSED MODIFICATION

This Section 4.55(1A) application proposes to modify SSD-10393 as the result of detailed design development. Minor internal and external changes are proposed to satisfy:

- School's operation needs
- Compliance issues regarding safety, construction, and fire safety
- Structure requirements,
- General design resolutions for amenity and accessibility.

Majority of the proposed changes are internal and considered to be minor. The external changes relate to the design of the rooftop space and the reconfiguration of the mechanical plant room (See **Figure 3**).

Figure 3 – Overview of Proposed Modifications



Source: Hayball, 2021

A summary of the level-by-level changes to the Scientia Building are described below. Detailed description of the proposed works are contained within the Architectural Statement attached at Appendix B.

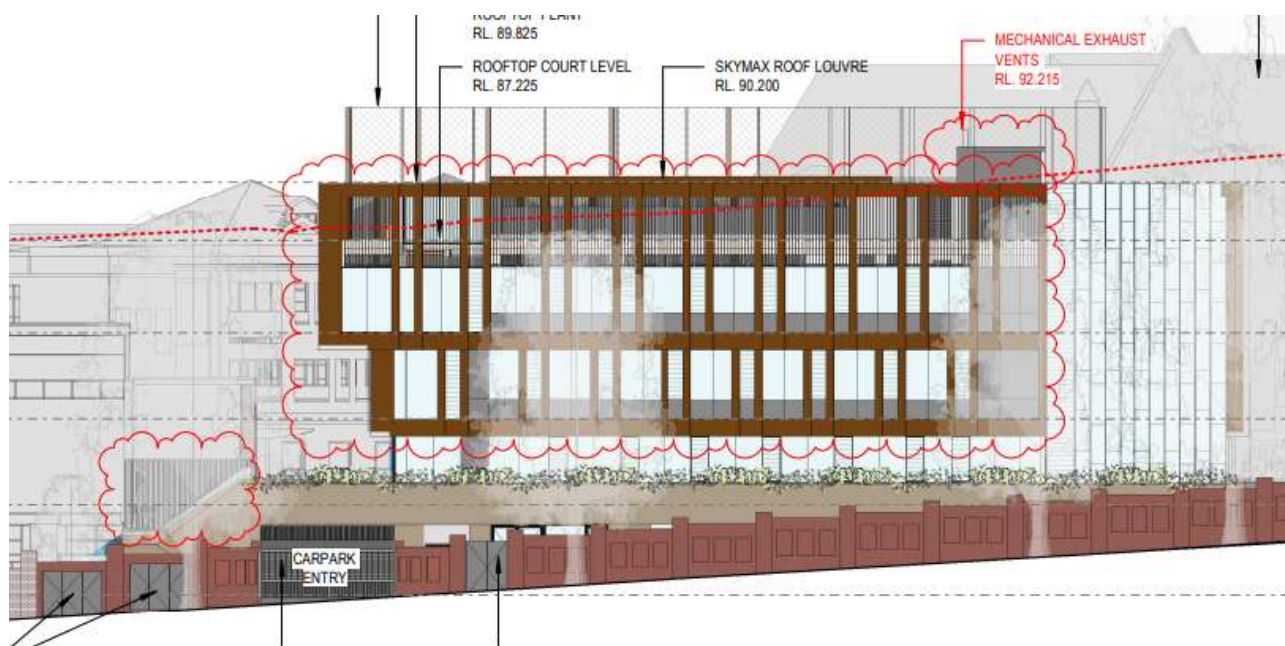
- Level 0
 - Column realignment. No changes are proposed to the number of car parking spaces.
 - Reconfiguration of the services and communications room.
 - relocate fire hydrant .
 - Provide a wider storeroom door
- Level 1

- Extension to the fitness room.
- Two additional columns in change rooms to improve structural efficiency.
- Fire Hose Reel reconfiguration.
- Internal design changes to room layout.
- Level 2
 - Configuration of mechanical centre plant room.
 - Male WC facility changes.
 - Additional mechanical services switch board and services cavity.
- Level 3
 - Relocation of outdoor wet bench from the western façade to the northern façade.
 - Internal design changes to room layout.
 - Additional Fire Indicator Panel within the comms room
 - Integration of internal sliding door arrangement within classrooms.
 - Plant room located on the Northeast corner of the existing McQuoin building has been expanded to accommodate plant changes on roof top.
 - Amended geometry of Presentation Stair.
 - Landscaping changes including:
 - A new water feature within the stairs near wildflower garden.
 - No changes are proposed to existing and approved trees.
- Level 4
 - Internal changes to room layout including redesign within the science labs.
 - Integration of internal sliding door arrangement within classrooms.
 - Addition of de-contamination sinks to laboratory areas.
- Level 5
 - Internal changes to room layout including redesign within the science labs.
 - Additional louvres within the façade.
 - Integration of internal sliding door arrangement within classrooms.
 - Addition of de-contamination sinks to laboratory areas.
- Level 6
 - Relocate and reconfigure the plant room to accommodate the exhaust vents for the science lab.
 - Relocate accessibility bathroom.
 - Reconfigure the outdoor learning area.
 - Enlarge the social space on the eastern side of the rooftop increasing amenity and visible greenery along street frontage.
 - Enclosure of the southeast corner of the rooftop to allow storage of sports equipment.
 - Redesign of the rooftop pergola from metal mesh to a louvred pergola.
 - The north-eastern roof over the stair/ lift core has been minimally increased to cover the sink/ bench area located on the western side of the stair core.

Other external façade changes include:

- The proposed plant room is predominantly concealed behind the façade. The exhaust vents project 750mm from the top of the lift shaft. This is required to enable the use of specific chemicals needed for experimentation and to satisfy Australian Standards requirements (refer to mechanical memo attached at **Appendix D**). The height of the vents is below the sport court mesh, which is the highest point of the approved building (refer to **Figure 4**).
- The façade construction has been revised from a “window wall” construction to a “curtain wall” construction. To accommodate this modulation system, minor amendment is proposed to the spacing between the fins on the eastern, northern and southern elevations. This change has minor visual impact on the façades.
- To improve safety, where accessible by students, full height louvred windows have been replaced with fixed solid panel up to 1m.
- The breakup of glass panels on the northern elevation has been revised to ensure constructability and to address maintenance concerns as suggested by the façade engineer.

Figure 4 – Proposed Miller Street Elevation



Source: Hayball, 2021

Details of the proposed architectural modifications are clouded on the Architectural plans prepared by Hayball attached at **Appendix A**.

Details of the proposed landscaping changes on the ground floor and rooftop are clouded on the Landscape Plan prepared by Spackman Mossop Michaels attached at **Appendix C**.

4.2. MODIFICATION OF CONDITIONS

The proposal seeks to amend the following conditions:

- Terms of Consent A2 Architectural Drawings prepared by Hayball, Landscape Response to Submissions – Drawing Package prepared by Spackman Mossop Michaels.
- B14 External colours and finishes
- D25 Tree Protection
- C31 Stormwater Management System

The necessary amendments to the approved architectural drawing set are detailed in **Table 1** below.

~~Strikethrough~~ for deletions, **red** for modifications.

Table 1 – Modified Architectural and Landscape Plans

Dwg No.	Rev	Name of Plan	Date
Architectural Drawing prepared by Hayball			
D.01.01	8	Existing & Demolition Site Plan	30/04/2021
D.01.02	10	Proposed Site Plan	24/11/2021
D.02.00	9	Proposed Level 0 Plan	24/11/2021
D.02.01	9	Proposed Level 1 Plan	26/11/2021
D.02.02	9	Proposed Level 2 Plan	24/11/2021
D.02.03	9	Proposed Level 3 Plan	24/11/2021
D.02.04	9	Proposed Level 4 Plan	24/11/2021
D.02.05	9	Proposed Level 5 Plan	24/11/2021
D.02.06	9	Proposed Level 6 Plan	24/11/2021
D.03.01	9	Street Elevations	24/11/2021
D.03.03	9	Elevations	24/11/2021
D.03.11	8	Sections	24/11/2021
A13.01	E	Miller Street Wall	14/05/2021
A13.02	B	Miller Street Wall Details	11/05/2021
Landscape Response to Submissions and Updates since SSD submission – drawing package prepared by Spackman Mossop Michaels			
Figure 2	-	Landscape Plan – Level 3 and 4	18/11/2021
Figure 3	-	Section	18/11/2021
Figure 4	-	Updated Landscape Plan – Roof Top Terrace	18/11/2021

External colours and finishes

B14. The construction certificate plans must demonstrate, to the satisfaction of the Certifier, that:

- (a) the external colours and finishes comply with the list provided in 'Elevations Dwg' ~~D E.03.03 Rev 8~~ **E.03.03 Rev 9**, prepared by Hayball dated ~~30 April 2021~~ **24 November 2021**.
- (b) ...

Tree Protection

D25 ...

- (c) all trees on the site that are not approved for removal must be suitably protected during construction as per the recommendations of the Arboricultural Impact Assessment Report, Monte Sant Angelo Mercy College, 128 Miller Street, North Sydney, dated 16 March 2020, and the Monte

Sant' Angelo Mercy College Monte Scientia Project Landscape Response to Submissions - Drawing Package, dated 7 July 2020 and Landscape Drawing updated since SSD submission, prepared by Spackman Mossop Michaels and dated ~~12 May 2021~~ 18 Nov 2021; and

(d) ...

Stormwater Management System

C31. Prior to the commencement construction, the Applicant must design an operational stormwater management system for the development and submit it to the satisfaction of the Certifier. The system must:

....

(b) *be generally in accordance with the plans contained in Stormwater Management Plan, Proposed New sports and Science Building at Monte Sant Angelo Mercy College, dated ~~18 March 2020~~ 06 October 2021 and prepared by Webber Design;*

.....

5. CONSULTATION WITH NORTH SYDNEY COUNCIL

The changes to the rooftop area have been presented and reviewed by North Sydney Council (Council). In a letter issued by Council and dated 10 October 2021 (attached at **Appendix J**), Council confirmed that:

“...in principle Council raises no concerns with the proposed modifications.”

Council also provided the following comments:

- Materials and colours should be carefully selected to minimise the visibility of the proposed changes to plant room, new level 6 pergola and proposed flues; and
- Where possible new plant areas should be provided with screening as they will be visible from street level and surrounding taller buildings.

The project architect has carefully considered Council comments, and provides the following response:

- The materiality of the plant room above the parapet has been selected to match the proposed material of the adjacent walls of the lift core and provide the least visual impact from the external elevation. The selected cladding material is the 'Cemintel Barestone' Prefinished panels - which has a natural finish, light grey appearance which will blend seamlessly into the facade background. As the main facade elements are darker and more prominent in colour - the plant room cladding will blend into the background, with little visual impact from the street
- The project team have extensively tested the arrangement of the rooftop layout and associated plant room, including providing an enclosure to the proposed exhaust vents. However, it was demonstrated that the adopted design approach, which is a partially enclosed exhaust pipe is the most appropriate and will result in the least visual impact from both within the school and from Miller Street. In addition, the vents will be screened by street tree. Visual comparison is provided below in **Figure 5** for reference.

It is our understanding that DPIE will further consult with Council during the modification assessment period.

Figure 5 – Rooftop plan visual comparisons



**OPTION C: ENCLOSED EXHAUST PIPES
(750MM ABOVE THE HEIGHT OF THE LIFT OVERRUN)
VIEW FROM THE ROOFTOP**



**OPTION A: PARTIALLY ENCLOSED EXHAUST PIPES
(TO THE HEIGHT OF THE LIFT OVERRUN)
VIEW FROM THE ROOFTOP**



**OPTION C: ENCLOSED EXHAUST PIPES
(750MM ABOVE THE HEIGHT OF THE LIFT OVERRUN)
VIEW FROM MILLER STREET**



**OPTION A: PARTIALLY ENCLOSED EXHAUST PIPES
(TO THE HEIGHT OF THE LIFT OVERRUN)
VIEW FROM MILLER STREET**

Picture 1 Fully enclosed

Source: Hayball, 2021

Picture 2 Partially enclosed – the adopted approach

Source: Hayball, 2021

6. SECTION 4.55 ASSESSMENT

The proposed modifications have been assessed in accordance with section 4.55(1A) of the EP&A Act in the following sections of this correspondence

6.1. MINIMAL ENVIRONMENTAL IMPACT

The proposed modifications will have minimal environmental impact for the reasons listed below:

- The proposed development is contained entirely within the approved building envelope. Therefore, it will not result in additional environmental or amenity impacts, such as visual privacy, view or additional overshadow.
- The proposed plant room is predominantly concealed behind the facade, however a small portion of the exhaust vents extends the building line and is partially visible from Miller Street. The proposal has been designed to ensure minimum visual impact from both within the school and from Miller Street. More importantly, the exhaust vents will be screened by street tree when viewed from Miller Street.
- The minor internal and external changes will have no physical or visual impacts on the heritage significance of the place.
- The proposed plant is acoustically acceptable and the resulting noise emission level will comply with the approved project noise trigger levels.
- No changes are proposed to the approved basement car park. Therefore, the proposal will not result in additional traffic or parking impact.
- Existing and proposed trees are retained. Therefore, the proposal will not impact on arboriculture or vegetation value onsite.

Overall, the proposed modifications will have minimal additional environmental impact over and above that which has already been assessed as acceptable in the original development application.

Based on the above, the proposed modifications can be assessed in accordance with section 4.55(1A) of the EP&A Act.

6.2. SUBSTANTIALLY THE SAME DEVELOPMENT

The NSW Land and Environment Court has established several precedents on what may be considered as being “substantially the same development”, and what should be factored into the consideration of this threshold test.

The consideration of this test should not only include the physical characteristics of the approved and modified schemes, but also the nature and magnitude of the impacts of the developments. In these respects, the modified scheme should be “essentially or materially” the same as that originally approved.

- The proposed modifications are “substantially the same” as originally approved for the following reasons:
- The modified development does not propose any changes to the approved land uses on Site.
- The modified development is consistent with the approved development as described in the consent.
- All modifications maintain the overall building height and is within the building envelope.
- Parking numbers remain unchanged.
- The proposed changes to the Level 6 rooftop and minor façade changes remain consistent with the design intent of the building.

Accordingly, the proposed modifications can be assessed as a modification to the original development in accordance with section 4.55 of the EP&A Act.

7. SECTION 4.15 ASSESSMENT

The following section considers the proposed development against the matters referred to in section 4.15 of the EP&A Act that are of relevance to the development and subject application.

The following environmental planning instruments are addressed within this section:

- *State Environmental Planning Policy (Educational Establishments and Childcare Facilities) 2017*
- *North Sydney Local Environmental Plan 2013*

The consistency of the proposed development with each instrument and policy is discussed below.

7.1. STATE ENVIRONMENTAL PLANNING POLICY (EDUCATIONAL ESTABLISHMENTS AND CHILDCARE FACILITIES) 2017

State Environmental Planning Policy (Educational Establishments and Childcare Facilities) 2017 (ESEPP) provides the legislative planning framework for the effective delivery of educational establishments and early education and care facilities across the State.

The ESEPP establishes consistent State-wide assessment requirements and controls that override development standards contained within other environmental planning instruments.

Part 4 of the ESEPP identifies school specific development controls, with Clause 35 Schools – development permitted with consent containing relevant controls. The proposal has been assessed against the relevant provisions of Part 4 within the **Table 2** below.

Table 2 – ESEPP Compliance

Clause	Proposal	Compliance
Clause 35 Schools – Development permitted with consent		
(1) Development for the purpose of a school may be carried out by any person with development consent on land in a prescribed zone.	The proposed development is within the SP2 Educational Establishment under North Sydney LEP. The proposed educational development is premised with consent under the SP2 zone.	✓
(2) Development for a purpose specified in clause 39(1) or 40(2)(e) may be carried out by any person with development consent on land within the boundaries of an existing school.	Development consent is sought for the proposed modification to the approved Monte Sant' Angelo Mercy College Scientia Building.	✓
(5) A school (including any part of its site and any of its facilities) may be used, with development consent, for the physical, social, cultural or intellectual development or welfare of the community, whether or not it is a commercial use of the establishment.	The areas designated for community use, as detailed in the original development consent, will not be changed as a result of this modification.	✓
(6) Before determining a development application for development of a kind referred to in subclause (1), (3) or (5), the consent	The proposed changes to the Scientia Building are largely internal. As detailed within the design justification statement by Hayball (Appendix B), the	✓

Clause	Proposal	Compliance
<p>authority must take into consideration—</p> <p>(a) the design quality of the development when evaluated in accordance with the design quality principles set out in Schedule 4, and</p> <p>(b) whether the development enables the use of school facilities (including recreational facilities) to be shared with the community.</p>	<p>proposed façade changes and rooftop changes will remain materially consistent with the approved building and the original design intent. Overall, the changes are considered minor, with very few changes perceptible from the public domain. Those that are visible to the public domain are considered to have either little impact, or a positive contribution (with increased rooftop greenery) to the quality and amenity of the building.</p> <p>As highlighted in the original development assessment, the existing community use of the sports courts will continue to be provided upon the completion of the building.</p>	
<p>(7) Subject to subclause (8), the requirement in subclause (6)(a) applies to the exclusion of any provision in another environmental planning instrument that requires, or that relates to a requirement for, excellence (or like standard) in design as a prerequisite to the granting of development consent for development of that kind.</p>	<p>There are no other environmental planning instruments that require, or that relate to a requirement for excellence (or like standard) in design.</p>	<p>✓</p>
<p>(8) A provision in another environmental planning instrument that requires a competitive design process to be held as a prerequisite to the granting of development consent does not apply to development to which subclause (6)(a) applies that has a capital investment value of less than \$50 million.</p>	<p>The CIV of the proposal is less than \$50 million, a competitive design process is not required.</p>	<p>✓</p>
<p>(9) A provision of a development control plan that specifies a requirement, standard or control in relation to development of a kind referred to in subclause (1), (2), (3) or (5) is of no effect, regardless of when the development control plan was made.</p>	<p>Noted.</p>	<p>✓</p>
<p>(10) Development for the purpose of a centre-based child care facility may be carried out by any person with</p>	<p>A centre-based child care facility is not proposed as part of this modification</p>	<p>✓</p>

Clause	Proposal	Compliance
development consent on land within the boundaries of an existing school.		
(11) Development for the purpose of residential accommodation for students that is associated with a school may be carried out by any person with development consent on land within the boundaries of an existing school.	This modification application does not include any residential accommodation.	✓

7.2. NORTH SYDNEY LOCAL ENVIRONMENTAL PLAN 2013

North Sydney Local Environmental Plan 2013 (the LEP) is the principle environmental planning instrument governing development at the site. An assessment against the relevant controls of the LEP has been undertaken in the subsections below.

7.2.1. Zoning and Permissibility

The Campus is zoned SP2 – Educational Establishment. This zone permits the development for the purpose of Educational Establishments, or ordinarily incidental or ancillary to that use. Accordingly, the proposed works are ‘permitted with consent’ on the Site.

7.2.2. Development Provisions

The proposal does not seek to alter floor space ratio (FSR) provisions under the Concept SSD approval.

The proposal does not seek to alter the approved maximum building height under the Concept SSD approval. Whilst the proposed exhausts protrudes 750mm above the lift overrun and breach the 16m LEP height control, they are below the sports court mesh, which is the highest point of the building as approved under the SSD approval.

The proposed amendment, including the exhaust vents will not create additional shadow impacts to the ‘Special Area’ between 9am to 2pm during the equinox and 9am to 3pm in winter. Shadow diagrams remain as approved. Therefore, the proposal can comply with clause 6.3 Specific Area Controls of the LEP.

No additional excavation is proposed.

7.2.3. Heritage

The Site is located on the heritage item I0894 “Monte Sant Angelo Group” and is not within an identified heritage conservation area.

A Heritage Statement prepared by NBRIS Partners (attached at **Appendix F**) address clause 5.10 – Heritage Conservation of the NSLEP. The statement supports the proposed design changes, including the changes related to façade, landscaping, rooftop pergola and plant.

The Heritage Impact Statement concluded that the proposal is considered to be consistent with the relevant heritage objectives of the North Sydney LEP 2013:

Accordingly, the proposal is not expected to unreasonably impact on the heritage significance of the site. Heritage impact is further discussed in Section 7.6 below.

7.3. DRAFT ENVIRONMENTAL PLANNING INSTRUMENTS

No draft environmental planning instruments are relevant to this proposal.

7.4. PLANNING AGREEMENT

No planning agreements are relevant to this proposal.

7.5. REGULATIONS

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

7.6. LIKELY IMPACTS OF THE PROPOSAL

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

7.6.1. Built Form and Visual Impact

The majority of changes proposed for the Scientia Building are internal. External changes mainly relate to rooftop redesign and minor façade amendments, which apply to the eastern, southern and northern elevation. Elevation comparison plans is provided in **Figure 7**.

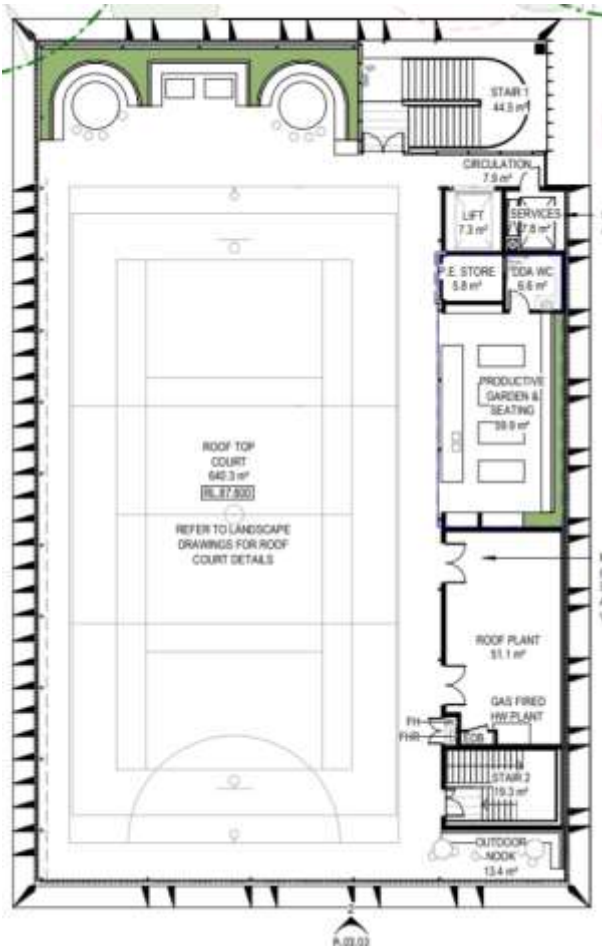
External changes to level 6 rooftop and associated visual impact is assessed below (refer to **Figure 6** and **Figure 7**):

- The proposed plant room is predominantly concealed behind the facade, however a small portion extends the sight line of the lift core as seen in the eastern elevation. This small portion relates to the exhaust vents, which project 750mm from the top of the lift shaft. This minor protrusion is below the sports court mesh height and will be screened by trees when viewed from Miller Street (refer to **Figure 8**). Therefore, the proposal has been designed to minimise visual impact from both within the school and from Miller Street.
- The materiality of the modified plant room will be consistent with what was previously approved, utilising Barestone cladding, keeping the same visual outlook.
- Proposed rooftop lounge area and social space have significantly increased in size, providing more amenity to staff and students and more greenery along Miller Street. The enlarged area will not only improve outdoor learning facilities, more importantly, the additional edge planting will improve visual outlook from Miller Street. Overall, the social space changes will create a positive impact on the visual quality of the building.
- The south-east corner of the rooftop will be enclosed with a roof to enable storage of sports equipment. The roof will be in line with the facade and not visible from the street.
- The specification for the rooftop pergola has been revised from a 'Webnet' metal mesh pergola to a 'Skymax' louvred pergola system. The pergola on the northern portion of the roof has been deleted. The pergola on the eastern portion of the rooftop has been extended over the revised Social Space. When compared to the approved, the proposed changes to pergola will create greater aesthetic quality and will not have any material visual impact to the streetscape.

It is important to note that all external modifications are contained within the building envelope, therefore the bulk and scale of the building is maintained.

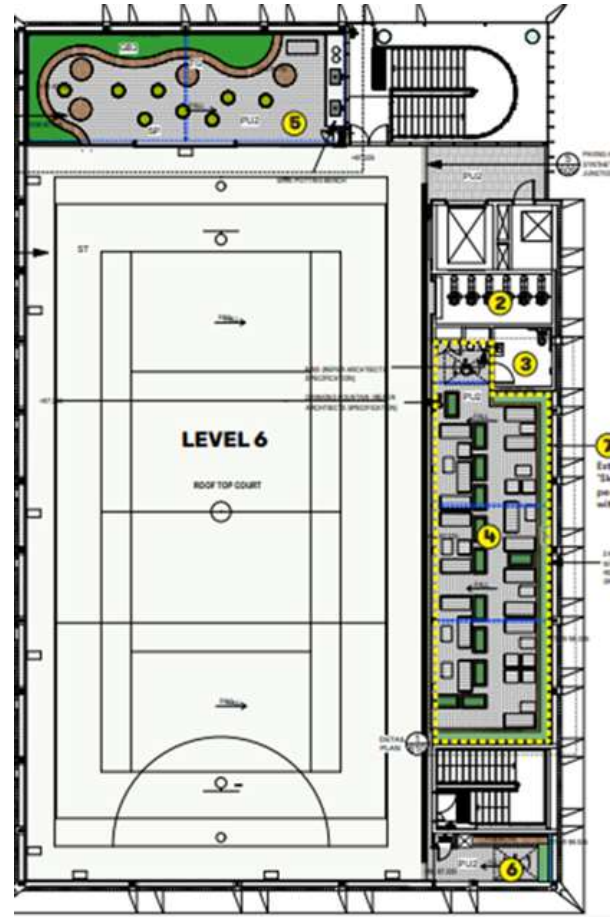
Overall, the modifications will not impact on the bulk and scale of the building and will not create any visual impact to the public domain or Miller Street.

Figure 6 – Design Changes to Level 6



Picture 3 Approved Level 6

Source: Hayball, 2021



Picture 4 Proposed Level 6

Source: Hayball, 2021

Figure 7 – Proposed Modification to Elevations



Picture 5 Approved East Elevation

Source: Hayball, 2021



Picture 6 Proposed East Elevation

Source: Hayball, 2021



Picture 7 Approved South Elevation

Source: Hayball, 2021



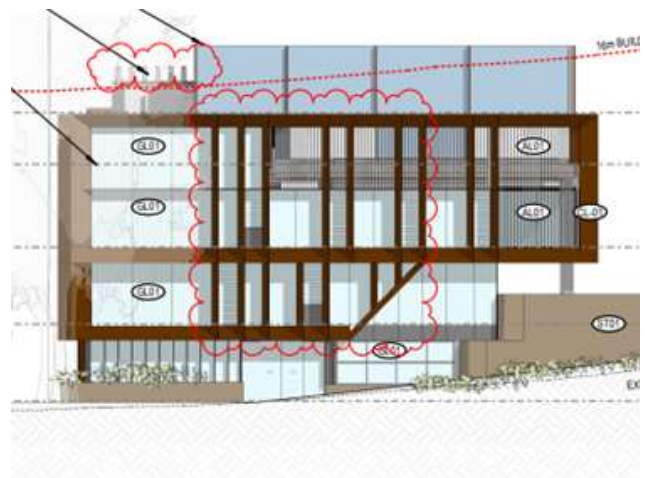
Picture 8 Proposed South Elevation

Source: Hayball, 2021



Picture 9 Approved North Elevation

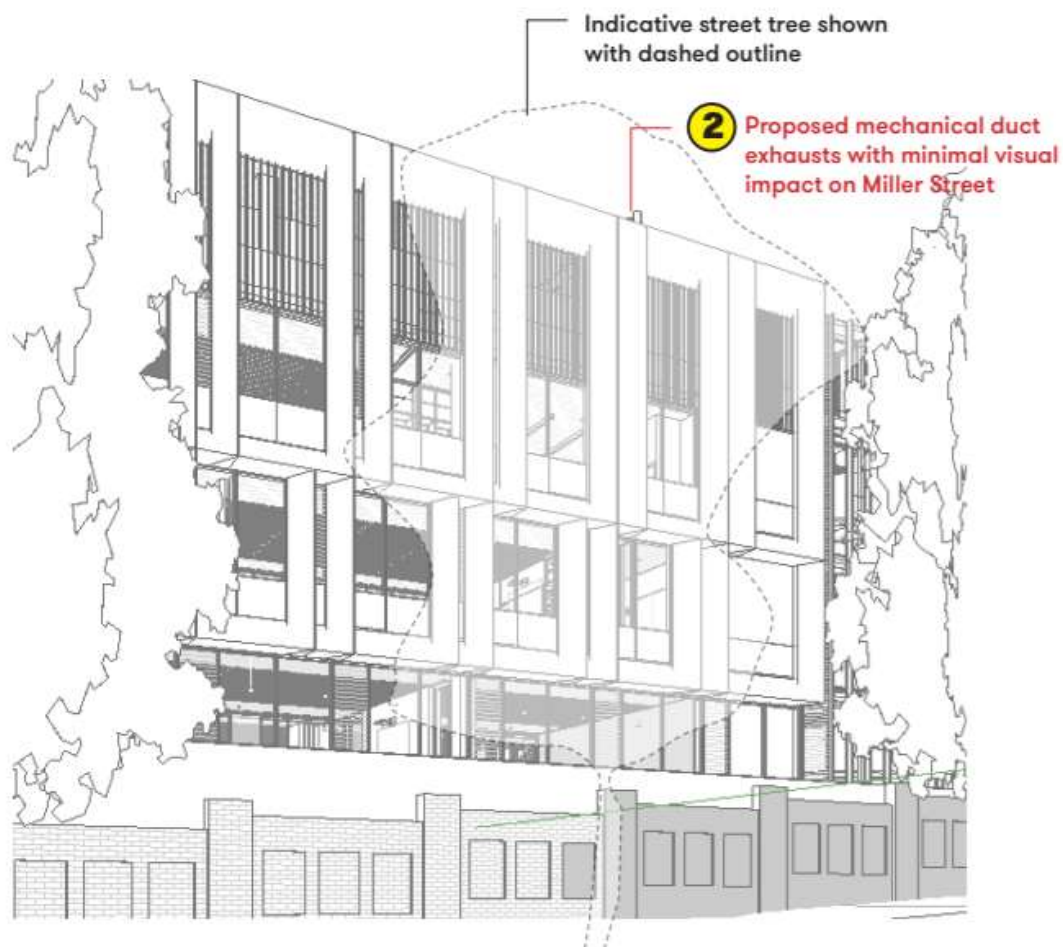
Source: Hayball, 2021



Picture 10 Proposed North Elevation

Source: Hayball, 2021

Figure 8 – Proposed as viewed from Miller Street



Source: Hayball & Spackman Mossop Michaels

7.6.2. Heritage

A Heritage Impact Statement has been prepared by NBRIS Partners and attached at **Appendix F**.

The heritage statement stated that the proposed external and internal buildings changes are minor and will not result in any physical or visual changes to heritage fabric of the building or setting of the locality.

There are no changes to the views to and from the existing heritage items on Miller Street. Views of the historic buildings from both the public domain and from inside the school are retained and conserved.

The Statement concluded that the proposed amendments will not result in any adverse impacts to the heritage significance of Monte and are therefore supportable from a heritage perspective.

7.6.3. Acoustic

An Acoustic Statement has been prepared by Pulse White Noise and attached at **Appendix E**.

The statement assesses the noise emissions resulting from the operation of the proposed roof top plant areas (including fume cupboard exhausts) as well as the equipment located within the central plant area.

The assessment concluded that the noise emissions resulting from the operation of the proposed building services will comply with the relevant noise emission project trigger levels detailed within the approved Wilkinson Murray report for the site (Construction & Operational Noise Report, with report number 19363 and dated April 2020).

Therefore, the proposal is acoustically acceptable and the resulting noise emission level will comply with the approved project noise trigger levels.

7.7. SUITABILITY OF THE SITE

The site is considered highly suitable for the development as modified for the following reasons:

- Changes proposed for the Scientia Building will not affect the use or permissibility of the development in the SP2 – Educational Establishment zone.
- The proposed modification complies with all relevant State and local environmental planning instruments.
- No changes are proposed to the approved FSR or building height. The bulk and scale of the built form is retained and will result no impact to the streetscape.

7.8. PUBLIC INTEREST

The modified proposal is considered in the public interest for the following reasons:

- No adverse environmental, social or economic impacts will result from the proposal.
- These changes will make the Scientia Building as a whole more accessible and safer for the students. Moreover, changes to the rooftop social and learning areas will bolster the amenity and useability of the space, further enhancing the sociability aspects of this new building.
- The proposal will provide greater amenity, social and learning outcomes for the students and teachers at the school. Furthermore, by making these modifications, the building will satisfy safety and educational layout requirements.

8. CONCLUSION

This Section 4.55(1A) modification relates to the internal and external design changes as a result of the detailed design development process.

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

- The site is zoned SP2 Educational Establishment under the North Sydney LEP. The proposal is defined as a 'educational establishment' which is permissible with development consent in the SP2 zone.
- The modification does not alter approved building height or building footprint of the approved SSDA. Therefore, the proposal remains consistent in scale and bulk as the approved.
- The majority of changes are internal, with very few external changes perceptible from the public domain. The external changes will not impact on visual amenity when viewed from the public domain and is in keeping with the design intent of the approved design.
- The minor external and internal changes will have no physical or visual impacts on the heritage significance of the place.
- The landscape changes will not impact on existing or approved trees.
- The proposal will not result in additional amenity or environmental impact, such as noise, overshadow or view impact.
- The development resulting from the proposed modifications is "substantially the same" as the approved development.

As demonstrated within this report and the attached documentation, the modified scheme is considered to be acceptable under the relevant considerations of Section 4.15 of the EP&A Act, and as such it is recommended that approval be granted to the proposal as modified.

DISCLAIMER

This report is dated 1 December 2021 and incorporates information and events up to that date only and excludes any information arising, or event occurring, after that date which may affect the validity of Urbis Pty Ltd (**Urbis**) opinion in this report. Urbis prepared this report on the instructions, and for the benefit only, of MONTE SANT' ANGELO MERCY COLLEGE (**Instructing Party**) for the purpose of s4.55(1A) Modification (**Purpose**) and not for any other purpose or use. To the extent permitted by applicable law, Urbis expressly disclaims all liability, whether direct or indirect, to the Instructing Party which relies or purports to rely on this report for any purpose other than the Purpose, and to any other person which relies or purports to rely on this report for any purpose whatsoever (including the Purpose).

In preparing this report, Urbis was required to make judgements which may be affected by unforeseen future events, the likelihood and effects of which are not capable of precise assessment.

All surveys, forecasts, projections and recommendations contained in or associated with this report are made in good faith and on the basis of information supplied to Urbis at the date of this report, and upon which Urbis relied. Achievement of the projections and budgets set out in this report will depend, among other things, on the actions of others over which Urbis has no control.

In preparing this report, Urbis may rely on or refer to documents in a language other than English, which Urbis may arrange to be translated. Urbis is not responsible for the accuracy or completeness of such translations and disclaims any liability for any statement or opinion made in this report being inaccurate or incomplete arising from such translations.

Whilst Urbis has made all reasonable inquiries it believes necessary in preparing this report, it is not responsible for determining the completeness or accuracy of information provided to it. Urbis (including its officers and personnel) is not liable for any errors or omissions, including in information provided by the Instructing Party or another person or upon which Urbis relies, provided that such errors or omissions are not made by Urbis recklessly or in bad faith.

This report has been prepared with due care and diligence by Urbis and the statements and opinions given by Urbis in this report are given in good faith and in the reasonable belief that they are correct and not misleading, subject to the limitations above.

APPENDIX A

UPDATED ARCHITECTURAL PLANS

APPENDIX B

DESIGN STATEMENT

APPENDIX C

UPDATED LANDSCAPE PLANS

APPENDIX D

**MECHANICAL ENGINEERS
STATEMENT**

APPENDIX E

ACOUSTIC STATEMENT

APPENDIX F

HERITAGE STATEMENT

APPENDIX G

BCA STATEMENT

APPENDIX H

CIVIL DOCUMENTATION

APPENDIX I

**LETTER OF JUSTIFICATION
PREPARED BY MONTE SANT' ANGELO
MERCY COLLEGE**

APPENDIX J

**LETTER FROM NORTH SYDNEY
COUNCIL REGARDING MODIFICATION**

