



planning consultants

15 November 2022  
Our Ref: 21788A.2NB (S4.55(2))

Department of Planning and Environment  
Locked Bag 5022  
Parramatta NSW 2124

Dear Sir/Madam,

**RE: SECTION 4.55(2) APPLICATION TO MODIFY (MODIFICATION No. 2)  
DEVELOPMENT CONSENT SSD-11920082  
HASTINGS SECONDARY COLLEGE – PORT MACQUARIE CAMPUS  
16 OWEN STREET, PORT MACQUARIE**

## 1.0 Introduction

DFP has been commissioned by School Infrastructure NSW (SINSW) to prepare an application under section 4.55(2) of the *Environmental Planning and Assessment Act 1979* (EP&A Act) to modify development consent No. SSD 11920082 (as modified). The modifications relate the Police Citizens Youth Club (PCYC) component of the approved works and include:

- Deletion of the basement carpark;
- Construct an at grade carpark to the rear of PCYC building;
- Increase the depth of the PCYC building (to the east) by 5m (an increase in floor area of 212.8m<sup>2</sup>);
- External façade changes, including:
  - Reduction in circumference of a circular window;
  - Deletion of fin walls; and
  - Material changes.
- Roof top ventilation;
- Roof configuration changes;
- Minor internal modifications;
- Additional landscaping (total of 580m<sup>2</sup>); and
- Reduction of open space to rear of PCYC to 1715m<sup>2</sup>.

Note – Total open space for the school is 19,502m<sup>2</sup>. With 780 students currently enrolled, this equates to 25m<sup>2</sup> of open space per student

A complete list of modifications is listed in the Hastings Modification list prepared by SHAC in **Appendix 1**.

This section 4.55(2) application seeks to modify Condition A2 relating to the terms of consent. Specifically, the proposal seeks to modify Condition A2(d) for the purpose of amendments to

the approved plans. This section 4.55(2) also seeks to modify Condition B21 to include the additional rooftop ventilation on the PCYC building and delete Condition B26 as the landscaping is provided as part of this modification.

There is currently a s4.55(2) (Modification No. 1) being assessed by Department of Planning. This application is subject to Modification No.1 being approved prior to finalisation of assessment and approval of this modification (Modification No. 2).

This letter includes the information necessary for the Department of Planning and Environment (DPE) to assess and determine the application including:

- A background outlining the approved development;
- A brief description of the site context;
- Details and reasons for the proposed modifications;
- An environmental assessment; and
- Our conclusion and recommendations.

We have concluded that the proposed modifications will not substantially alter the approved development and accordingly are considered to satisfy the requirements to enable these modifications to be assessed pursuant to section 4.55(2) of the EP&A Act.

The proposed modifications are unlikely to result in any adverse environmental impact and accordingly, we are of the view that the proposed modifications are acceptable in this instance.

## 2.0 Background

On 1 December 2021, Department of Planning, Industry and Environment (DPIE, now DPE) granted development consent to SSD 11920082 for upgrades to Hastings Secondary College Port Macquarie Campus, including refurbishment of parts of two existing buildings, provision of a two storey Creative and Performing Arts (CAPA) building, joint use PCYC facility, covered outdoor learning area (COLA), new covered walkways and lift connections, and upgrades to the school entrance and signage. Associated works included demolition, tree removal, earthworks, landscaping, stormwater works and services upgrades at 16 Owen Street Port Macquarie – Hastings Secondary College (Port Macquarie Campus)

Condition No. A2 of the approved Development Consent relates to terms of consent and states:

- “A2. The development may only be carried out:*
- (a) in compliance with the conditions of this consent;*
  - (b) in accordance with all written directions of the Planning Secretary;*
  - (c) generally in accordance with the EIS and Response to Submissions;*
  - (d) in accordance with the approved plans in the table below”:*

Condition No B21 of the Development Consent relates to Operational Noise – Design of Mechanical Plant and Equipment and states:

- “B21. Prior to installation of mechanical plant and equipment:*
- (a) a detailed assessment of mechanical plant and equipment with compliance with the relevant operational noise level criteria as recommended in the Noise & Vibration Impact Assessment for SSDA (SSD-119200820) for Hastings Secondary College – Port Macquarie Campus dated 14 May 2021 and prepared by JHA must be undertaken by a suitably qualified person; and*
  - (b) evidence must be submitted to the Certifier that any noise mitigation recommendations identified in the assessment carried out under (a) have been*

*incorporated into the design to ensure the development will not exceed the operational noise level criteria identified in the Noise & Vibration Impact Assessment for SSDA (SSD-119200820) for Hastings Secondary College – Port Macquarie Campus dated 14 May 2021 and prepared by JHA”.*

In June 2022 Section 4.55(2) (Modification No. 1) was lodged to DPE to amend condition A2 and B21 which related to the following modifications:

- Amendment of stair locations to avoid existing services;
- Removal of works to Building L;
- Installation of mechanical plant on canopy roof, east of CAPA building;
- Installation of external stairs to CAPA building;
- Reconfiguration of Building A entry, including reconfiguration of undercover walkway;
- Reconfiguration of landscaping at entrance;
- Addition of landscaping to north of Building B and north of PCYC;
- Alteration of scope of works to Building B;
- Change in materials;
- Change to window placement and louvers on CAPA building;
- Minor internal modifications.

Modification No. 1 is still under assessment; therefore Modification No. 2 is subject to approval of Modification No. 1.

Modification No. 2 seeks to further amend the conditions proposed to be modified in Modification No. 1.

### **3.0 Site Context**

#### **3.1 Site Description**

The site is located approximately 1km south east of the Port Macquarie town centre (which is bound by Short, Clarence, Munster and William Streets) and is less than 250m west from Oxley Beach and 350m south from Town Beach. The site adjoins Oxley Oval to the east, Port City Bowling Club on the northern boundary, Owen Street on the western boundary and Burrawan Street on the southern boundary. A separate agriculture plot is located west of the campus on Burrawan Street – refer **Figure 1**.

Hastings Secondary College (Port Macquarie Campus) main site is located at 16 Owen Street and is legally known as Lot 111 in DP 1270315. The site has two road frontages:

- Owen Street (211.14m); and
- Burrawan Street (130.15m)

Hastings Secondary College (Port Macquarie Campus) comprises a range of educational and ancillary buildings that have been constructed and expanded at various stages since the school commenced operation in 1962, including classrooms, administration/staff facilities, amenities, multi-purpose hall and recreation facilities. The school currently has a maximum building level of two (2) storeys and no-onsite parking.

The separate agriculture plot (which does not form part of this application) is located at 3 Burrawan Street (also shown in **Figure 1**) and is legally known as Lot 2 DP 500362, Lot 2 DP 500017, Lot 2 DP 500018 and Lot 1 DP 78729.

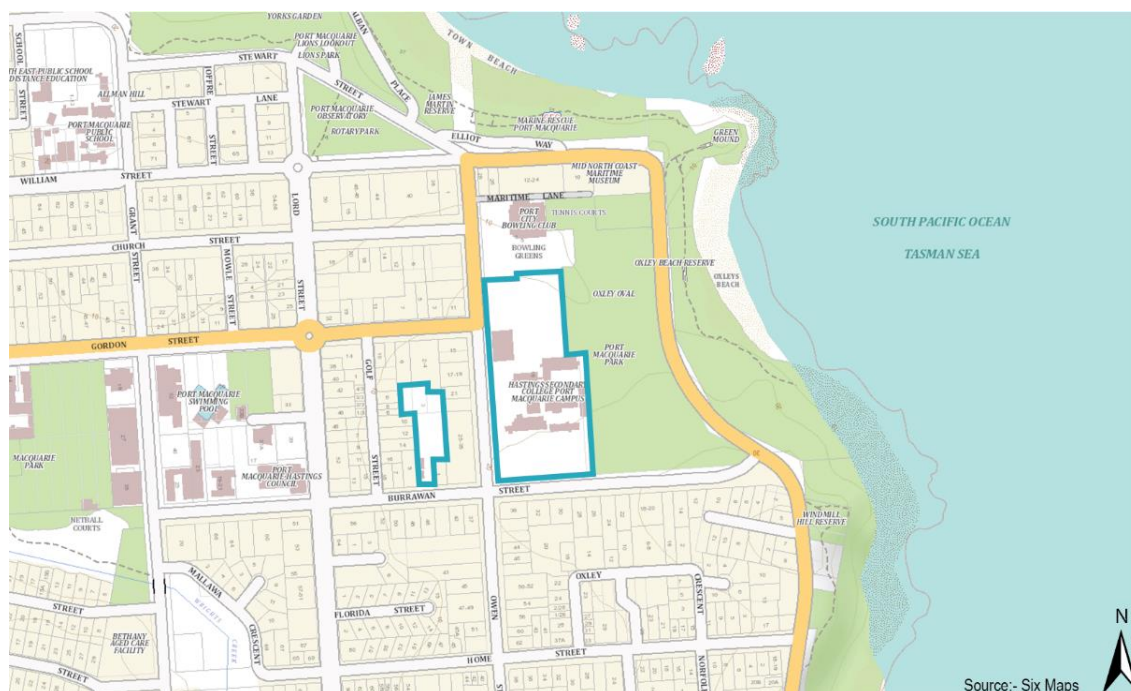


Figure 1 Site Location

### 3.2 Surrounding Development

Development surrounding the site comprises retail, commercial, residential, and short-term rental accommodation (tourism) land uses. To the north, the site adjoins the Port City Bowling Club, and to the east is Oxley Oval, with Oxley Beach beyond.

### 4.0 Proposed Modifications

The proposed modifications comprise multiple internal and external alterations and additions, which will require modification to:

- Condition A2(d) to reference the modified plans.
- Condition B21 to include the additional rooftop ventilation on the PCYC building.
- Condition B23(a) to be reworded to reference PCYC car parking at the rear of the building.
- Condition B26 to remove the reference to the additional landscaping to western and northern elevation of PCYC building.

A full list of proposed modifications is attached in **Appendix 1**. Modifications which are visible from surrounding developments have been outlined below.

The 5m increase in the length to the PCYC building and at grade car parking will be apparent from the adjoining bowling club (to the north) and adjoining open space to the east. The 5m increase is minor when viewed from the bowling club and would not be a noticeable change in the context of the adjoining open space. The car parking area will be screened from the adjoining bowling club and setback from the adjoining open space by the open space of the school grounds.

The proposed external alterations will alter the Owen Street streetscape through the change in building material, new driveway (being a replacement of the basement driveway) and additional landscaping. The 14 roof ventilators are not visible from the streetscape as they are behind the



approved parapet. The additional 8 ridge top ventilators are visible from Owen Street but are minor elements and low in height.

Overall, the modifications have minimal visual or height impact to the streetscape when compared to the approved design. The approved height of the development is 13.88m. The height of the PCYC with the roof ventilation is 13.16m. **Figures 2** and **3** are comparisons of the Owen Street elevation with **Figure 2** being the approved elevation and **Figure 3** incorporating the proposed modifications.

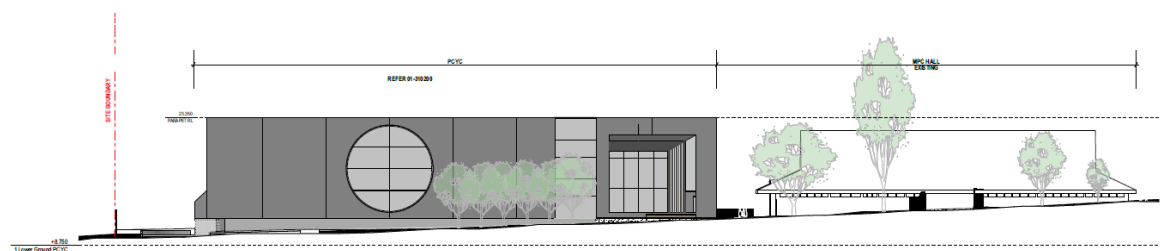


Figure 2 Approved Owen Street, PCYC elevation

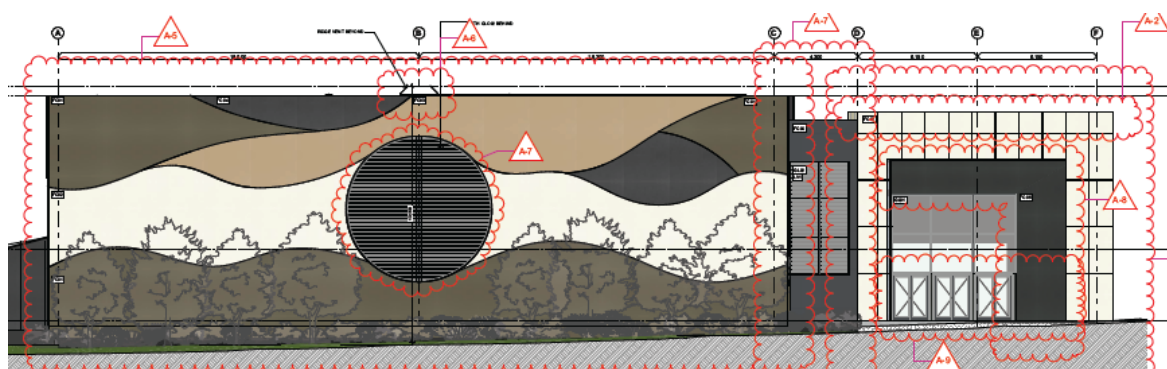


Figure 3 Proposed Owen Street, PCYC elevation

**Figures 4** and **5** are comparisons of the approved landscaping and proposed landscaping/ at grade carpark, with **Figure 4** being the approved design and **Figure 5** incorporating the proposed modifications. Open space is provided at 1715m<sup>2</sup> to the rear of the PCYC and landscaped area around the PCYC is 580m<sup>2</sup>.

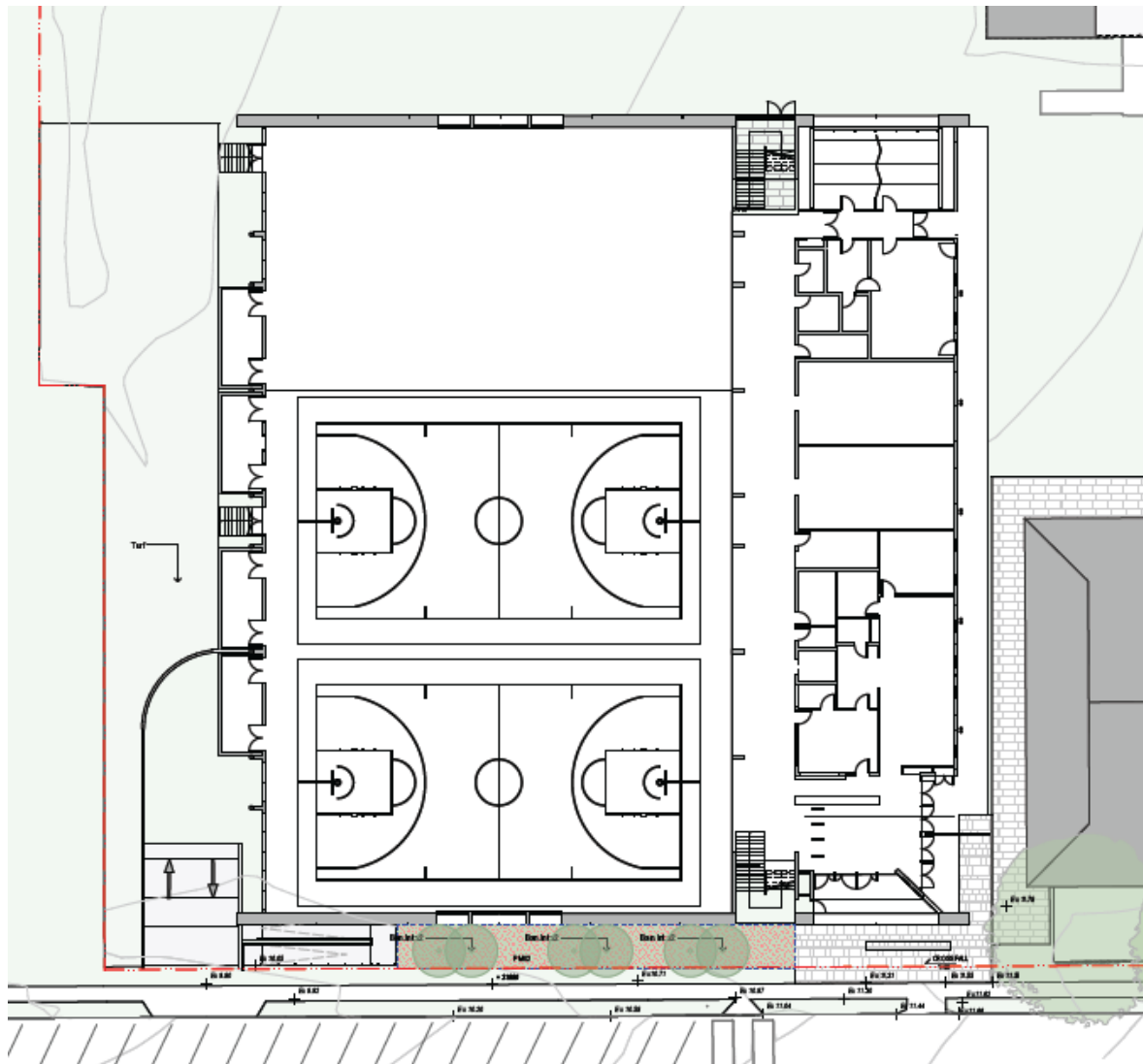


Figure 4 Approved PCYC Landscape

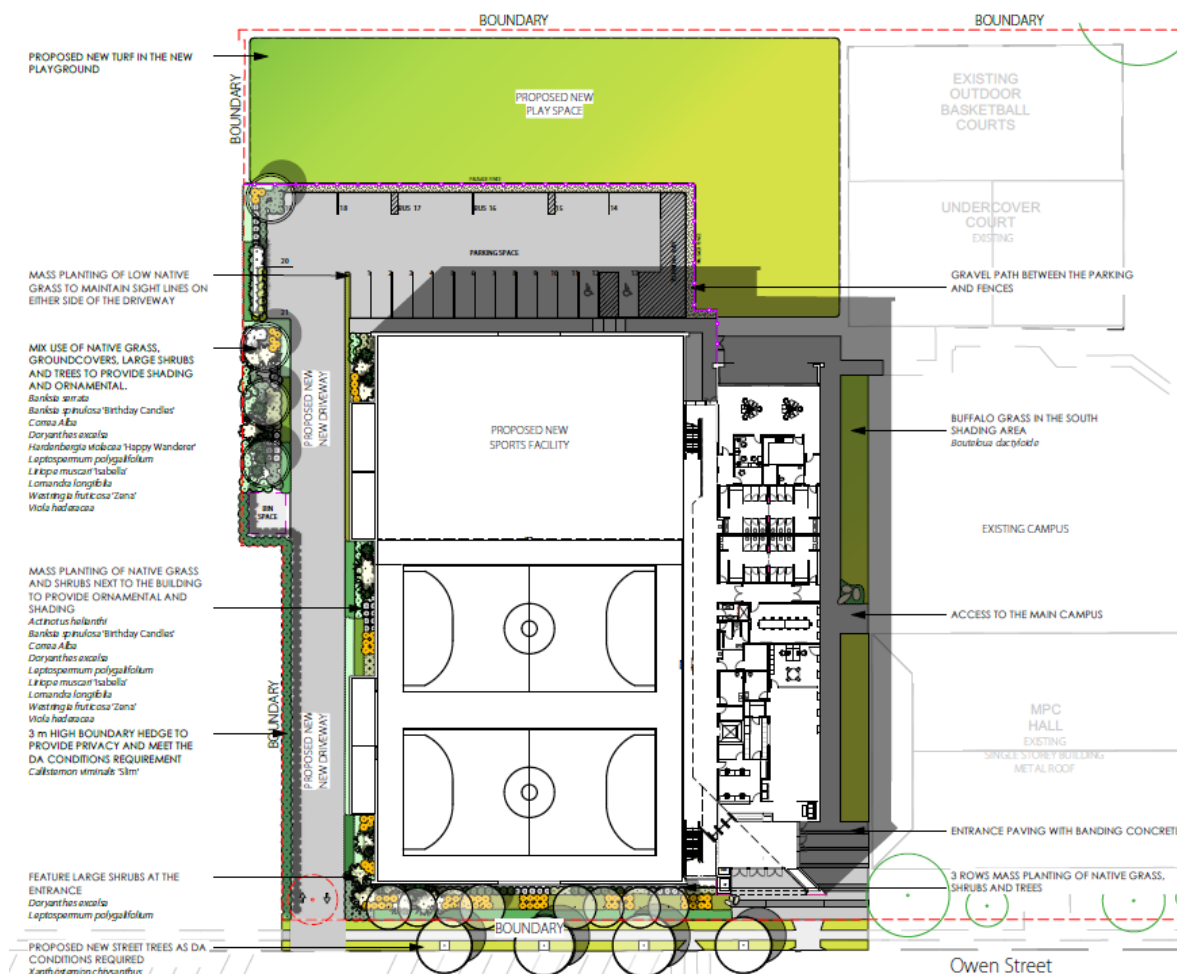


Figure 5 Modified PCYC Landscape

#### 4.1 Proposed Modification to Condition A2(d)

To facilitate the modifications as described above, the table in Condition A2 of SSD 11920082 is proposed to be modified from Modification No. 1 as set at below.

For the proposed modifications to the conditions as modified under SSD 11920082, the new text proposed is in **red** font, with the text to be deleted shown as ~~strikethrough~~ text.

Architectural Documentation Set prepared by <i>FJMT and SHAC</i>			
Dwg No.	Rev	Name of Plan	Date
SSDA-100000	07	Cover Sheet	13/4/22
SSDA-120000	05	Site Plan - Existing	
<del>SSDA-120010</del> <b>4662 DA1008</b>	<del>06</del> <b>A</b>	Site Plan - Proposed	<del>23/2/22</del> <b>04/11/22</b>
SSDA-130031	07	Site Demolition and Preparation Demolition Plan 0 Building L Ground Floor	13/4/22
SSDA-130032	07	Site Demolition and Preparation Demolition Plan – Building L + Building B Ground Floor	13/4/22
SSDA-130033	07	Site Demolition and Preparation Demolition Plan – Building B Level 1 & Owen Street Entry	13/4/22

Architectural Documentation Set prepared by <i>FJMT and SHAC</i>			
Dwg No.	Rev	Name of Plan	Date
SSDA-200000	03	General Arrangement Plans 1:500 General Arrangement Plan – Site Plan 1	19/3/21
<del>SSDA-200001</del> 4662 DA1014	<del>03</del> A	General Arrangement Plans 1:500 General Arrangement Plan – Site Plan 2	<del>19/3/21</del> 4/11/22
<del>SSDA-200002</del> 4662 DA1015	<del>06</del> A	General Arrangement Plans 1:500 General Arrangement Plan – Site Plan 3	<del>13/4/22</del> 04/11/22
<del>SSDA-200003</del> 4662 DA1016	<del>06</del> A	General Arrangement Plans 1:500 General Arrangement Plan – Site Plan 4	<del>13/4/22</del> 04/11/22
SSDA-200004	04	General Arrangement Plans 1:500 General Arrangement Plan – Site Plan 5	23/2/22
SSDA-201010	07	General Arrangement Plan – CAPA & New Link Ground Floor Plan	13/4/22
SSDA-201011	07	General Arrangement Plan – CAPA & New Link Level 1 Plan	13/4/22
SSDA-201012	06	General Arrangement Plan – CAPA & New Link Roof Plan	23/2/22
SSDA-201020	<del>08</del>	General Arrangement Plan – Building B Refurbishment Level 1 Plan	13/4/22
SSDA-201030	<del>06</del>	General Arrangement Plan – Building L Refurbishment Ground Floor Plan	15/2/22
SSDA-201031	06	General Arrangement Plan – Building L Level 1	13/4/22
SSDA-201060	06	General Arrangement Plan – North South Link Lower & Ground Floor	15/2/22
SSDA-201061	06	General Arrangement Plan – North South Link Level 1 Plan	15/2/22
SSDA-201070	05	General Arrangement Plan – School Entry Canopy Plan	23/2/22
SSDA-201071	06	General Arrangement Plan – School Entry Canopy Roof Plan	15/2/22
<del>SSDA-201080</del>	<del>04</del>	<del>General Arrangement Plan – PCYC Lower Ground</del>	<del>23/2/21</del>
<del>SSDA-201081</del> 4662 DA2207	<del>06</del> A	General Arrangement Plan – PCYC Ground Floor	<del>24/11/21</del> 4/11/22
<del>SSDA-201082</del> 4662 DA2208	<del>06</del> A	General Arrangement Plan – PCYC Level 1 Plan	<del>24/11/21</del> 4/11/22
<del>SSDA-201083</del> 4662 DA2501	<del>05</del> A	General Arrangement Plan – PCYC Roof Plan	<del>12/2/21</del> 4/11/22
SSDA-280000	06	Area Calculation Plans GFA Plans	13/4/22
SSDA-280001	09	Area Calculation Plan GFA Plans and Area Schedule	13/4/22
SSDA-280100	02	Area Calculations Outdoor Recreation Area	12/4/22
SSDA-280201	02	Area Calculation Plans UFA Plans	12/4/22
SSDA-300000	05	Site Elevations – West and South	22/2/22
SSDA-300001	04	Site Elevations – East and North	12/2/21
SSDA-310100	05	Elevations – CAPA North & South	21/2/22
SSDA-310101	05	Elevations – CAPA East & West	22/2/22
SSDA-310102	04	Elevations – Building L	12/4/22
<del>SSDA-310200</del> 4662 DA3011	<del>05</del> A	Elevations – PCYC East West	<del>24/11/21</del> 4/11/22



Architectural Documentation Set prepared by <i>FJMT and SHAC</i>			
Dwg No.	Rev	Name of Plan	Date
<del>SSDA-310201</del> 4662 DA3012	<del>05</del> A	Elevations – PCYC North & South	<del>24/11/21</del> 4/11/22
SSDA-420100	05	Site Sections	21/2/22
SSDA-420101	05	Site Sections	21/2/22
SSDA-430100	04	Sections – CAPA Section 01, 02	12/2/21
SSDA-430160	02	Sections – North South Link	26/3/21
<del>SSDA-430180</del> 4662 DA3101	<del>04</del> A	Sections – PCYC	<del>12/2/21</del> 4/11/22
<del>SSDA-430181</del> 4662 DA3102	<del>04</del> A	Sections – PCYC	<del>12/2/21</del> 4/11/22
SSDA-610000	05	External Lighting Plan Link Ground TAS Level 1 Block L	15/2/22
SSDA-610002	05	External Lighting Plan – Link Bridge	12/4/22
SSDA-690000	05	Signage – School Main Entrance	23/2/22
SSDA-702020	03	Façade – Building L	13/4/22
SSDA-740000	03	Exterior Finishes Sample Board Architectural	12/2/21
4662 DA9006	A	Exterior Finishes PCYC	4/11/22
SSDA-740001	03	Exterior Finishes Sample Board Landscape	12/2/21

In the event of any inconsistency the latest approved plan prevails.

#### 4.2 Proposed Modification to Condition B21

The proposed modifications under Modification No. 2 seeks further amend Condition B21 from that proposed under Modification No. 1. The new text is shown in **red** font, with the text to be deleted shown as **strikethrough** text, as detailed below.

*B21. Prior to installation of mechanical plant and equipment:*

- (a) *a detailed assessment of mechanical plant and equipment with compliance with the relevant operational noise level criteria as recommended in the Noise & Vibration Impact Assessment for SSDA (SSD-119200820) for Hastings Secondary College – Port Macquarie Campus dated 14 May 2021 and prepared by JHA must be undertaken by a suitably qualified person;*
- (b) *a detailed assessment of the new mechanical plant to be installed to the east of the CAPA Building must be undertaken and noise emissions must not exceed the recommended operational noise levels in the Noise & Vibration Impact Assessment for SSDA (SSD-119200820) (for other mechanical plant); ~~and~~*
- (c) *a detailed assessment of the new roof ventilation to be installed on the PCYC roof must be undertaken and noise emissions must not exceed the recommended operational noise levels in the Noise & Vibration Impact Assessment for SSDA (SSD-119200820) (for other mechanical plant); and*
- ~~(e)~~(d) *evidence must be submitted to the Certifier that any noise mitigation recommendations identified in the assessment carried out under (a) **and** (b) have been incorporated into the design to ensure the development will not exceed the operational noise level criteria identified in the Noise & Vibration Impact Assessment for SSDA (SSD-119200820) for Hastings Secondary College – Port Macquarie Campus dated 14 May 2021 and prepared by JHA.*

### 4.3 Proposed deletion of Condition B26

The proposed modifications under Modification No. 2 seeks to delete to Condition B26 as the landscaping works under Condition B26 are being provided within the updated landscaping strategy for this modification.

## 5.0 Statutory Provisions

Section 4.55 of the EP&A Act contains the provisions that must be considered in determining an application to modify a Notice of Determination. In this regard, the relevant provision is section 4.55(2) of the EP&A Act.

In addition to the EP&A Act, Part 5, Division 1 of the *Environmental Planning and Assessment Regulation 2021* (EP&A Regulation) contains the information that must be submitted with an application to modify a consent. The requirements under the EP&A Act and EP&A Regulation are detailed below.

### 5.1 Section 4.55 of the Act

Section 4.55(2) of the Act applies to modifications where, notwithstanding that the amendments proposed are minor in nature. Specifically, section 4.55(2) provides that a number of matters be addressed, as discussed below.

***“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:***

- (a) 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)”.***

#### **Comment:**

The proposed modifications relate to the development as approved under SSD 11920082 and subject to approval of Modification No. 1. The design modifications result from the detailed design process and will enhance the operations and useability of the PCYC through minor external and internal design changes.

Overall, the proposed development will remain that of upgrades to the Hastings Secondary College Port Macquarie Campus and the modifications relate to the approved PCYC facility. The proposed modifications will still relate to the approved educational establishment.

The proposal involves the deletion of the basement carpark comprising 19 car parking spaces, two (2) mini bus parking spaces and a hardstand for mechanical equipment. These facilities have been incorporated into an at grade car park to the east of the PCYC building. There is no change in the car parking provision for the approved development and in this regard remains substantially the same development.

The external modifications and changes to the building facades, and addition of roof ventilation are minor and increase the functionality of the PCYC. These changes do not materially affect the built form and external appearance of the development.

The approved PCYC building has a maximum building height of 13.88m. The proposed modification to the PCYC building results in a maximum building height of 13.16m. The lower building height results in a built form substantially the same as that originally approved.

The modified development will remain substantially the same as that originally approved, being alterations and additions to an educational establishment.

It is therefore considered that this proposed modification application will remain substantially the same development as that originally approved under SSD 11920082 and Modification No. 1 (once approved).

***“(b) it has consulted with the relevant Minister, public authority or approval body (within the meaning of Division 4.8) in respect of a condition imposed as a requirement of a concurrence to the consent or in accordance with the general terms of an approval proposed to be granted by the approval body and that Minister, authority or body has not, within 21 days after being consulted, objected to the modification of that consent”***

**Comment:** Consultation is to be undertaken by the consent authority.

***“(c) it has notified the application in accordance with:***  
***(i) the regulations, if the regulations so require, or***  
***(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”***

Modification applications to State Significant Development that involve a more than minimal environmental impact (Section 4.55(2)) are subject to Section 106 of the EP&A Regulation 2021. The proposed modifications require additional environmental assessment of changes to building height, design and acoustic impact (due to the car parking being external) and the application has therefore been submitted under section 4.55(2).

Section 106 Notice of modification applications for designated development, State significant development and other development states the following:

- (1) This section applies to a modification application under the Act, section 4.55(2) or 4.56(1) if the original development application was for—
  - (a) designated development, or
  - (b) State significant development, or
  - (c) the following development, if the original development application was made to a consent authority other than a council—
    - (i) nominated integrated development,
    - (ii) threatened species development,
    - (iii) Class 1 aquaculture development.
- (2) As soon as practicable after a modification application is lodged, the consent authority must—
  - (a) publish a notice on its website that contains the following information—
    - (i) a brief description of the development consent, the land to which it relates, and the details of the modification sought,
    - (ii) a statement that written submissions about the modification may be made to the consent authority during the public exhibition period required under the Act,
    - (iii) a statement that, if the application is approved, there is no right of appeal to the Court by an objector, and
  - (b) give the notice to each person who made a submission in relation to the original development application.

**Comment:** The consent authority will need to notify the modification application in accordance with Section 106(2).

***“(d) it has considered any submissions made concerning the proposed modification within the period prescribed by the regulations or provided by the development control plan, as the case may be.”***

**Comment:** The application should be notified in accordance with section 4.55(2)(c) of the EP&A Act and section 106(2) of the EP&A Regulations. Submissions made during a notification period will need to be considered by the consent authority.

Subsections (1) and (1A) of section 4.55 do not apply to the proposed modification. Subsection (3) is addressed in **Section 6.0** of this submission.

## **5.2 Part 5 of the EP&A Regulation 2021, Division 1 Applications for modification of development consent**

In accordance with Section 99(1(c)) this modification application will be submitted through the NSW Planning Portal.

Section 99(2) of the EP&A Regulation applies to this application and states:

- (a) the application must also include particulars of the nature of the modification, and
- (b) *the applicant must consider the State Significant Development Guidelines in preparing the application.*

**Comment:** The particulars of the nature of the modification are outlined in **Section 4** of this planning report.

Section 100 of the EP&A Regulation is detailed in Section 6.1.3 of this report.

## **6.0 Environmental Planning Assessment**

Section 4.55(3) of the EP&A Act requires that such of the matters referred to in section 4.15(1) as are of relevance to the proposed modification must be taken into consideration in determining the application for modification. Accordingly, the following subsections provide an assessment of any such relevant matters.

The consent authority must also take into consideration the reasons given by the consent authority for the grant of the consent that is sought to be modified.

The consent authority approved SSD 11920082 on 1 December 2021, an extract of the summary of the consent authority assessment report is provided below:

*‘The Department of Planning, Industry and Environment (Department) considered the merits of the proposal in accordance with relevant matters under section 4.15(1) and the objects of the Environmental Planning and Assessment Act 1979 (EP&A Act), the principles of Ecologically Sustainable Development, and issues raised in submissions as well as the Applicant’s response to these. The Department concludes the proposal is in the public interest and recommends that the application be approved subject to conditions.*

*The key issues identified with the proposal include traffic, transport and parking, built form and urban design, and visual impacts. The Department is satisfied that these issues have been adequately addressed in the Applicant’s Environmental Impact Statement, Response to Submissions (RtS) and Supplementary Response to Submissions (SRtS). Minor outstanding issues can be addressed through the Department’s recommended conditions of consent.*

*The Department considers that the road network has capacity to accommodate traffic generated by the proposal and sufficient car parking is available on site and surrounding streets. The proposed built form and landscaping is acceptable in the context of the site and surrounds, and in consideration of the internal uses of the buildings. While the proposal would*

result in a significant change to private views to selected properties, the proposal on balance is acceptable having regard to established planning principles.'

## 6.1 Section 4.15(1)(a) – Planning Controls

### 6.1.1 Port Macquarie-Hastings Local Environmental Plan 2011

The modifications are consistent with the LEP assessment within the EIS submitted with the SSDA for the alterations and additions to the school and does not result in any non-compliances with development standards.

**Table 1 – LEP comparison**

Development Standard	Approved	Modification No.1 (Subject to separate approval)	Modification No 2 (This application)	Compliant
Clause 4.3 - Height of Building	Approved CAPA height 11m.	11.96m CAPA with Mechanical Plant	12.683 PCYC without rooftop ventilators	Yes
Part 19m Part 26.5m	Approved PCYC height 13.88m. =		13.16m PCYC with Roof Ventilation	
Clause 4.4 – Floor Space Ratio	0.327:1	0.3402:1	0.3194:1	Yes
1.5:1			Basement carpark was included in previous calculations and has now been removed accounting for the apparent reduction in FSR	
Clause 5.10	The Statement of Heritage Impact (SOHI) makes recommendations for local listings that will be considered by SINSW as part of its heritage management responsibilities.	The SOHI was updated in April 2022 to address the proposed modifications, in particular in relation to Building A and Building B. The revised SOHI notes that the proposed modifications <i>'on balance has an acceptable impact as it provides for the ongoing, historic and significant use of Building A and B as an integral part of the school campus, and partially reinstates the original presentation of Building A'</i> .	Modifications to the PCYC do not impact the buildings assessed in the approved Statement of Heritage Impact.	Yes

### 6.1.2 Port Macquarie-Hastings Development Control Plan 2013

The modifications are consistent with the DCP assessment contained within the EIS submitted with the SSDA for the alterations and additions to the school and does not result in any non-compliances with the DCP controls.

**Table 2 – DCP Comparison**

Development Standard	Approved	Modification No1 (subject to separate approval)	Modification No2 (This application)	Compliant
<b>Part B1 – Advertising and Signage</b>				
Part B1 – Advertising and Signage	The proposed school identification sign is	No change to the approved signage is	No change to the approved signage is	No Change



Development Standard	Approved	Modification No1 (subject to separate approval)	Modification No2 (This application)	Compliant
	<p>mounted to the entry wall and is located wholly within the boundary of the school.</p> <p>The signage comprises 3 lines of lettering 'HASTINGS SECONDARY COLLEGE PORT MACQUARIE CAMPUS' at 300mm high with a depth of 100mm., however does not impede any walkways, access or landscaping.</p> <p>No lighting of the sign is proposed.</p>	proposed as part of these modifications	proposed as part of these modifications	
<b>Part B2 Environmental Management</b>				
Waste Management and minimisation	<p>Approved Waste Management Plans identify the likely waste streams to be generated during the construction and operation phases of the development.</p> <p>The Waste Management Plans outline measures to avoid the generation of unnecessary waste, minimise the volume of waste to be collected, and recycle, reuse and recover waste generated by the proposed works.</p>	No change	<p>There is a reduction in demolition waste as the basement carpark has been removed from the proposal.</p> <p>Amended waste calculations are provided in a letter provided by AW Edwards which details a net reduction of excavation material of 696m<sup>3</sup>.</p> <p>No change to operational waste is proposed.</p>	Yes
Cut and Fill regrading	<p>Cut and fill approved for both the CAPA and PCYC.</p> <p>CAPA:</p> <ul style="list-style-type: none"> <li>• Cut: 110m<sup>3</sup></li> <li>• Fill: 700m<sup>3</sup></li> <li>• Balance: 590m<sup>3</sup> fill</li> <li>• Max fill depth: 1.4m</li> <li>• Max Cut depth: 2m</li> </ul> <p>PCYC - approximately 2000m<sup>3</sup> predominantly to meet the parking requirements associated with the facility.</p> <p>The cut and fill exceed the maximum 1m, however the topography of the site should be considered when assessing the cut/ fill required</p>	CAPA – no change	<p>No change</p> <p>Reduction in approved excavation, however complaint with maximum cut/ fill of 1m.</p>	<p>No change</p> <p>Yes</p>

Development Standard	Approved	Modification No1 (subject to separate approval)	Modification No2 (This application)	Compliant
<b>Part B4 Transport, Traffic Management, Access and Car Parking</b>				
Parking Provision	The provision of 19 new parking spaces and 2 minibus spaces are proposed for the PCYC. No on-street parking is currently provided or proposed for the College as the student numbers are not predicted to grow beyond current levels	No Change	No change to car parking provision.	Yes
Parking layout	The proposed carpark for the PCYC has been designed to meet the relevant standards.	No Change	Basement parking for the PCYC has been removed from the proposal and replaced with an at grade carpark to the rear of the PCYC.  The carpark has been designed to meet relevant standards – refer to Traffic Statement prepared by Ason Group.	Yes
<b>B5 Social Impact and Crime Prevention</b>				
Social Impact Assessment	Objective • To ensure adverse impacts are identified and mitigation or avoidance measures are adopted to minimise or eliminate social impact on individuals and the community.  A Social Impact Assessment was submitted with the EIS and accepted by DPE	The proposed modifications do not impact on the findings of the Social Impact Assessment.  The overall height of the development has been reduced.  Overall landscaping for the school refurbishment has been increased and this will result in an improved streetscape outcome.  The proposed modifications do not alter the intent of the approval which is to refurbish an existing school resulting in improved amenity for students and staff	The proposed modifications do not impact on the findings of the Social Impact Assessment.  The overall height of the development has been reduced.  Landscaping treatment around the PCYC has been increased and this will result in an improved streetscape outcome.  The proposed modifications do not alter the intent of the approval which is to refurbish an existing school resulting in improved amenity for students and staff	Yes
Crime Prevention	The approved designed is in accordance with the CPTED Principles.	The proposed modifications remain consistent with the CPTED Principles and do not result in any design safety issues.	The proposed modifications remain consistent with the CPTED Principles and do not result in any design safety issues	Yes
<b>Part D2 Port Macquarie East</b>				
Building Height	The approved new works have a maximum building height of 13.88m and are in keeping with the	The proposed modifications result in a reduction of overall building height of the CAPA to 10.9m.	The proposed modifications result in a reduction of overall building height of the PCYC to 13.16m.	Yes

Development Standard	Approved	Modification No1 (subject to separate approval)	Modification No2 (This application)	Compliant
	character of the local area.			
Streetscape and Front Setbacks	Approved setback to the CAPA building is 2.8m.  Approved setback to the PCYC is 3m.	Setbacks to Owen Street have not been altered	Setbacks to Owen Street have not been altered	Yes

### 6.1.3 Environmental Planning and Assessment Regulations 2021

Section 100 of the EP&A Regulation is applicable to this application as provides as follows:

#### **100 Content of modification application**

- (1) *A modification application must contain the following information—*
  - (a) *the name and address of the applicant,*
  - (b) *a description of the development that will be carried out under the development consent,*
  - (c) *the address and folio identifier of the land on which the development will be carried out,*
  - (d) *a description of the modification to the development consent, including the name, number and date of plans that have changed, to enable the consent authority to compare the development with the development originally approved,*
  - (e) *whether the modification is intended to—*
    - (i) *merely correct a minor error, misdescription or miscalculation, or*
    - (ii) *have another effect specified in the modification application,*
  - (f) *a description of the expected impacts of the modification,*
  - (g) *an undertaking that the modified development will remain substantially the same as the development originally approved,*
  - (h) *for a modification application that is accompanied by a biodiversity development assessment report—the biodiversity credits information,*
    - (i) *if the applicant is not the owner of the land—a statement that the owner consents to the making of the modification application,*
    - (j) *whether the modification application is being made to—*
      - (i) *the Court under the Act, section 4.55, or*
      - (ii) *the consent authority under the Act, section 4.56.*
- (2) *Subsection (1)(i) does not apply if the consent of the owner is not required under section 98.*
- (3) *If a modification application under the Act, section 4.55(1A) or (2) relates to BASIX development, or BASIX optional development if the development application was accompanied by a BASIX certificate, the application must be accompanied by—*
  - (a) *the BASIX certificate, or*
  - (b) *a new BASIX certificate if the current BASIX certificate is no longer consistent with the development.*

This application has addressed the requirements of Section 100(1)(a) of EP&A Act throughout this report. The applicant is a Public Authority, however, although not required, owners' consent has been obtained.

The development is not subject to section 100(3) as the development does not relate to a BASIX development.

## **6.2 Section 4.15(1)(b) – Natural and Built Environmental Impacts**

### **6.2.1 Flora and Fauna**

No additional tree removal is proposed as part of the modification application.

Additional tree planting/landscaping (580m<sup>2</sup>) is proposed to the north, east and west of the PCYC building, consistent with the requirements of approved condition B26.

### **6.2.2 View Impacts**

As a result of detailed design development external modifications are proposed to the design of the PCYC façade, reconfiguration of the roof and addition of roof top ventilation.

The reconfiguration of the roof reduces the overall height of the southern elevation (to the street) by 900mm reducing the building height visible from the street and adjoining properties.

The proposed roof top ventilation sits behind the parapet wall and therefore, even with a height of 962mm, the overall height of the ventilators is greater than the parapet height by 480mm reducing its visibility from the public domain.

Two types of ventilators are proposed:

- Roof top ventilators - 1093mm wide x 962mm high (14 proposed)
- Ridge top ventilator - 3500mm long x 1960mm wide x 813mm high (8 Proposed).

Given the minimal area of roof area the ventilators occupy, and the reduction in height to the southern side of the building, it is considered there are no further view impacts to surrounding developments above that already assessed under SSD 11920082.

The overall approved maximum height of the development was 13.88m. The modified height of the PCYC with rooftop ventilation is 13.16m.

### **6.2.3 Acoustic Impacts**

Roof top ventilators have been assessed by RAPT consulting as having a noise level of 37dB(A) at 15m from the noise source when on their highest setting and therefore comply with the approved project noise trigger levels.

The at grade carpark and noise from vehicles has been assessed by RAPT consulting and with results indicating the operation of the car park and boom gate will comply with the approved project noise trigger levels.

### **6.2.4 Open Space**

The open space provisions of the school have been reduced to accommodate the at grade carpark for the PCYC, however, the total open space for the school complies with the minimum 10m<sup>2</sup> per student. Total open space for the school is 19,502m<sup>2</sup>. With 780 students currently enrolled, this equates to 25m<sup>2</sup> of open space per student

## **6.3 Section 4.15(1)(b) – Social and Economic Impacts**

Due to the nature of the proposed modifications, there will be no change to the social or economic impacts from that approved under SSD 11920082.

#### **6.4 Section 4.15(1)(c) – Suitability of the Site for Development**

SSD 11920082 approved refurbishments to the existing school at 16 Owen Street, Port Macquarie. Matters relating to the suitability of the site for the purposes of upgraded school facilities have been assessed as part of the SSD 11920082. The proposed modification works relate to the approved additions to the existing school and as they are substantially the same as the original approval the site continues to be suitable for the development as modified.

#### **6.5 Section 4.15(1)(d) – Submissions**

Should DPE notify the subject application in accordance with section 4.55(2)(c) of the EP&A Act, it must consider any submissions made during a notification period.

#### **6.6 Section 4.15(1)(e) – Public Interest**

In accordance with section 4.15(1)(e) of the EP&A Act, the development as modified is considered to be in the public interest. The proposed modifications to SSD 11920082 have been assessed as meeting the provisions of the relevant environmental planning instruments and are consistent with the objects of the EP&A Act. As a result, it is considered that the proposed modifications are within the public interest.

#### **7.0 Conclusion and Recommendations**

This submission accompanies an application under section 4.55(2) of the EP&A Act to modify the approved development and associated conditions within SSD 11920082.

The proposed modifications comprise internal and external alterations and additions, which will require a modification to Condition A2(d) to reference the modified plans, Condition B21 to include reference to rooftop ventilation and deletion of Condition B26.

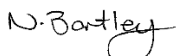
The modifications to the approved development will not substantially alter the approved development and accordingly, are considered to satisfy the requirements pursuant to section 4.55(2) of the EP&A Act.

The proposed modifications are considered to have acceptable environmental impacts.

Accordingly, we are of the view that the proposed modifications are acceptable in this particular instance and can be approved under section 4.55(2).

We would be pleased to discuss this application further with DPE officers should that be required and if you have any queries, please do not hesitate to contact Natasha Bartley from our office.

Yours faithfully  
**DFP PLANNING PTY LTD**



**NATASHA BARTLEY**  
**PRINCIPAL PLANNER**

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**Reviewed:** \_\_\_\_\_

Supporting Documentation

1. Schedule of changes
2. Letter of departures form SDRP Assessment Report





3. Architectural plans
4. Acoustic Report
5. DDA letter
6. Civil Plans
7. Landscape Plans
8. Stormwater management letter
9. Visual Impact Assessment
10. Traffic Statement
11. Waste letter