



Section 4.55 Modification Report (MOD_4)

State Significant Development (SSD-26876801)

Relocation of The Forest High School

Allambie Road, Allambie Heights



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Contents

1	Introduction	1
1.1	Purpose of Report	1
1.2	Site Identification	1
1.3	Purpose of this Modification Report	2
1.4	Material Relied Upon	2
2	Background and Engagement	3
2.1	Development Consent SSDA-35715221	3
2.2	Authority Consultation	3
2.2.1	Transport for NSW and Council	3
2.2.2	Meetings with Transport for NSW (Bus Planning)	4
2.3	Pre-Application Meeting with DPHI	4
3	Strategic Context	6
4	Proposed Modifications	8
4.1	Modified Intersection Design	8
4.2	Crossing Facilities	8
4.3	Modifications to the Notice of Determination	11
4.3.1	Definitions	11
4.3.2	Schedule 2 Condition A2 – Terms of Consent	11
4.3.3	Schedule 2 Condition B32 – Roadwork and Pedestrian Access Improvement	12
5	Statutory Context	13
5.1	General	13
5.2	Section 4.55(1A) of the Act	13
5.3	Section 4.55(3) of the Act	14
5.4	Sections 99 & 100 of the EP&A Regulation 2021	14
5.5	Permissibility	15
5.6	Statutory Considerations	16
6	Assessment of Relevant Impacts	17
6.1	Biodiversity, Trees and Landscaping	17
6.2	Traffic, Transport and Accessibility	17
6.3	Noise and Vibration	18
6.4	Stormwater Drainage and Flooding	18
6.5	Social Impact	18
6.6	Infrastructure Requirements and Utilities	18
7	Justification of Modified Project	19
7.1	Assessment of Potential Impacts	19

Contents

7.2	Mitigation of Impacts	19
7.3	Consistency with Strategic Context	19
7.4	Compliance with Statutory Context	19
7.5	Consultation	19
7.6	Compliance Monitoring	19
7.7	Impact Assessment Uncertainties and Resolution	19
8	References	20

Figures

Figure 1	Site location.	1
Figure 2	Aerial photograph of the site and surrounds.	2
Figure 2	Extract of the signalised intersection design (Mod 3) with temporary pedestrian crossing (Source: Henry & Hymas, April 2025)	9
Figure 3	Extract of the proposed modified intersection design and permanent raised pedestrian and bicycle crossing (Source: Henry & Hymas, May 2025)	10

Tables

Table 1	Response to Provisions, Goals and Objectives of State Policies	6
Table 2	Summary of Intersection Attributes	8
Table 3	Matters to be Considered under s4.55(1A)	13
Table 4	Information Required by Section 100(1) of the EP&A Regulation	15

Appendices

A.	Modified Mitigation Measures (<i>DFP Planning Pty Ltd</i>)
B.	Modified Stage 2 Public Domain Drawing (<i>Henry and Hymas</i>)
C.	Transport Statement (<i>TTPA</i>)
D.	Supplementary Construction Noise and Vibration Management Statement (<i>E-Lab Consulting</i>)
E.	Modified Construction Management Plan (<i>John Staff</i>)
F.	Section 4.55 Modification 4 Consultation Statement (<i>John Staff</i>)

Contents

Abbreviations

AS	Australian Standard
Council	Northern Beaches Council
DA	development application
DFP	DFP Planning Pty Limited
DPE	former NSW Department of Planning and Environment
DPHI	NSW Department of Planning, Housing and Infrastructure
EP&A Act	<i>Environmental Planning and Assessment Act 1979</i>
EP&A Regulation	<i>Environmental Planning and Assessment Regulation 2021</i>
LEP	local environmental plan
LGA	local government area
SEPP	state environmental planning policy
SSDA	State significant development application
TFHS	The Forest High School

1 Introduction

1.1 Purpose of Report

DFP Planning Pty Ltd (DFP) has been commissioned by the NSW Department of Education (DoE) to prepare this Section 4.55 Modification Report in respect of State Significant Development Application (SSDA) 26876801.

SSDA 26876801 was approved on 23 November 2023 by the then NSW Department of Planning and Environment (DPE), as delegate for the Minister for Planning and Public Spaces, for construction and operation of a new government high school at Allambie Road and Aquatic Drive, Allambie Heights, in order to relocate The Forest High School (TFHS) from its existing site at Frenchs Forest (see **Section 2.1** for further details).

SSDA 26876801 has been modified on two occasions to give effect to minor changes relating to internal and external building design, bicycle parking location, loading arrangements, plant location and tree removal and retention.

A third modification application has been lodged to stage the delivery of the public domain works to enable initial occupation of the school prior to completion of an upgrade to the intersection of Aquatic Drive / Allambie Road.

The modifications proposed under this fourth modification application (Mod 4) are detailed in **Section 4** of this Modification Report and entail retaining and upgrading the roundabout at the intersection of Aquatic Drive / Allambie Road rather than signalling that intersection and converting the temporary crossing on Aquatic Drive from an at-grade pedestrian crossing to a raised pedestrian and bicycle crossing.

1.2 Site Identification

The site is located approximately 1 kilometre southeast of the Northern Beaches Hospital and the current site of The Forest High School, being the site of the proposed Frenchs Forest Strategic Centre (see **Figure 1**).

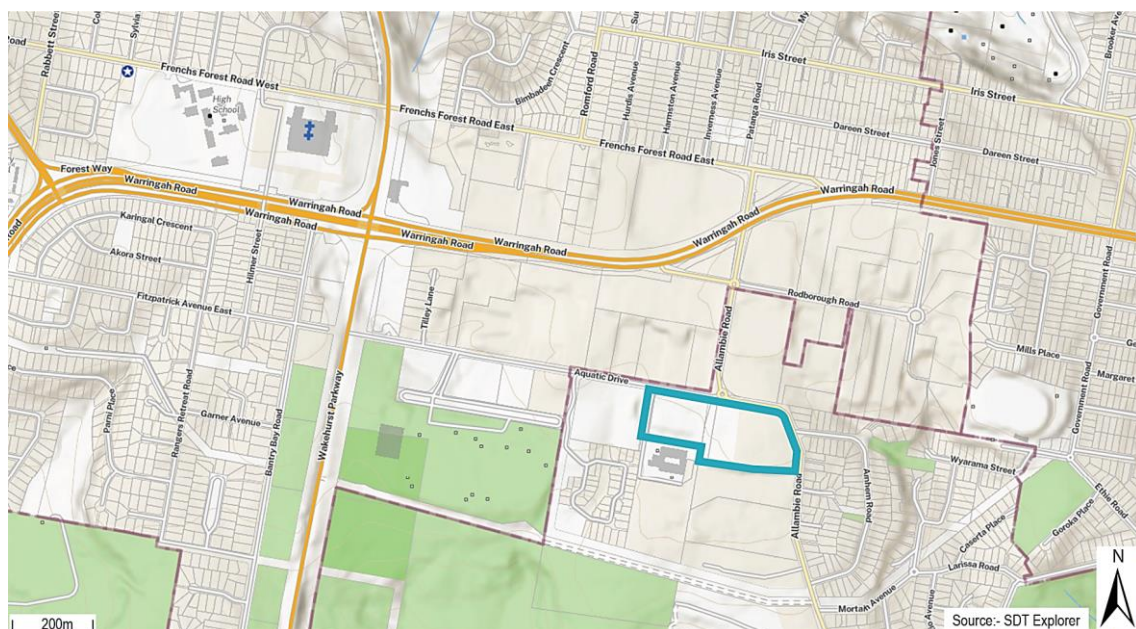


Figure 1 Site location.

1 Introduction

The site comprises 189 Allambie Road, Allambie Heights being Lot 6 and Lot 7 in Deposited Plan (DP) 1280781 and Lot 750 and Lot 751 in DP 1271174, and part of 5 Aquatic Drive, Allambie Heights, being part Lot 3 DP 1280781 (see **Figure 2**).

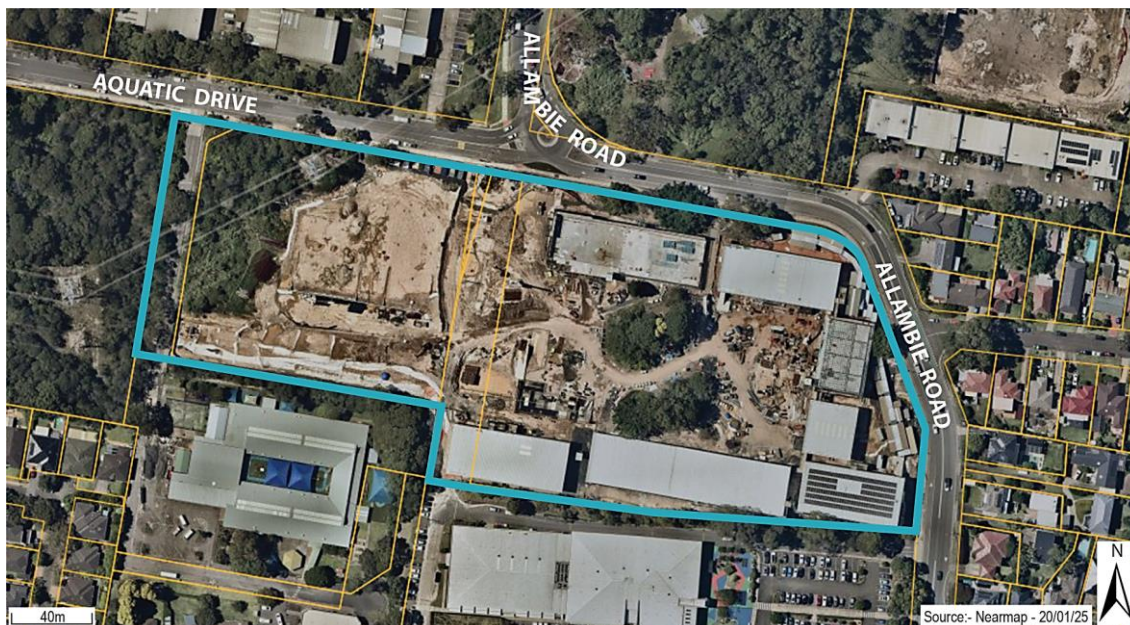


Figure 2 Aerial photograph of the site and surrounds.

Construction works associated with the approved development are well underway within the site with new school buildings erected and ancillary parking and sports fields commenced.

1.3 Purpose of this Modification Report

This Modification Report provides the NSW Department of Planning, Housing and Infrastructure (DPHI) and relevant NSW State Government Agencies with the relevant information necessary to assess the proposed modifications pursuant to Part 4 of the EP&A Act and the *Environmental Planning and Assessment Regulation 2021* (the Regulation) and for DPHI to determine the application in accordance with section 4.55(1A) of the EP&A Act.

1.4 Material Relied Upon

This report has been prepared by DFP based on the following modified and/or supplementary documentation:

- Modified Stage 2 Public Domain Drawings (*prepared by Henry & Hymas*);
- Supplementary Transport Impact Assessment (*prepared by TTPA*);
- Supplementary Construction Noise and Vibration Impact Statement (*prepared by E-Lab Consulting*);
- Modified Construction Management Plan (*prepared by John Staff*) including Supplementary Construction Traffic Management Plan (*prepared by TTPA*); and
- Section 4.55 Modification 4 Consultation Statement (*prepared by John Staff*).

2 Background and Engagement

2.1 Development Consent SSDA-35715221

On 23 November 2023 DPE granted development consent (SSD 26876801) for:

The construction and operation of a new government high school, comprising:

- *one and two storey buildings for the purposes of administration, general and specialist learning, special support unit facilities, a canteen, a library, a gymnasium and multi-purpose hall;*
- *outdoor sporting facilities including sporting field and games courts;*
- *covered outdoor learning area (COLA) and covered outdoor working area;*
- *underground staff car park, and bicycle and scooter parking spaces;*
- *associated earthworks, tree removal, landscaping, stormwater works, service upgrades, supporting infrastructure and signage; and*
- *use of facilities outside of school hours.*

SSD 26876801 was later modified on two separate occasions as follows:

- On 19 July 2024, SSD-26876801-MOD-2 was approved to remove an additional 11 trees and revise the Tree Retention and Removal Plan; and
- On 25 July 2024, SSD-26876801-MOD-1 was approved for external and internal design alterations, relocation of bicycle parking and plant location, and reconfiguration of the loading bay.

For reference, an extract of the approved site layout (as modified) is provided at **Figure 1** overleaf.

A further modification application - SSD-26876801-MOD-3 – has been lodged to provide for the staging of the public domain and roadworks.

Construction works associated with the approved development are well advanced including completion of slabs and roofs on six of the seven buildings. In addition, piling works for the main carpark and sports fields are complete with formwork for the carpark slab commenced and retaining walls for the sport fields currently poured as of end March 2025.

All on-site works are scheduled for completion for a Day 1 Term 4 2025 (13 October 2025) initial occupation.

2.2 Authority Consultation

The Applicant and Project Team members have been consulting with TfNSW and Council regarding the detailed design and Roads Act approval for the public domain works since early 2024 and has also been consulting with TfNSW Bus Planning more recently relating to the relocation of school bus services to the new school site and bus stop requirements.

A detailed summary of consultation to date has been prepared in the Section 4.55 Modification 4 Consultation Statement prepared by John Staff which accompanies the modification application (see **Appendix F**) although the following subsections provide a brief overview.

2.2.1 Transport for NSW and Council

On 16 February 2024, the project team submitted concept designs for the approved roadworks to TfNSW. This submission was acknowledged by TfNSW in mid-March 2024. A further updated submission was issued to TfNSW on 5 April 2024.

On 12 April 2024, the project team met with TfNSW to discuss the scope of road works and on 17 April 2024, the concept design was issued to Council for approval.

In June 2024, Council provided initial comments to the project team, primarily relating to the designs for the shared path on Allambie Road and the project team provided responses.

On 25 July 2024, Council provided further comments to the project team, with key comments again relating to the shared path, on-street parking arrangements and site access.

2 Background and Engagement

On 12 and 19 August 2024, the project team met with Council to discuss the road works designs and on 23 August 2024 a revised design was issued to Council.

On 2 September 2024, Council provided in-principle support to the design, subject to the lodgement of a formal s138 application and the concurrence TfNSW.

During September and October 2024, the project team progressed the design work and road safety audit (RSA) for the purposes of preparing the s138 application with the RSA raising some matters that required further consultation with Council.

On 5 November 2024, the detailed design pack for s138 approval was issued to Council and TfNSW.

On 3 December 2024, the project team attended Council's Local Traffic Committee (LTC) meeting which raised concerns relating to whether replacement of the roundabout with a signalised intersection was the best option and other concerns relating to shared path connections. The LTC deferred further consideration of the matter pending receipt of additional information of these matters and other matters related to the design of bus stops, cycle lanes and kiss and drop zones.

On 14 January 2025, the project team met with Council to outline responses to the matters raised at the LTC meeting.

During February and March 2025, the project team met with Council to progress the public domain and road works designs.

On 1 April 2025, the project team attended the LTC meeting where the alternate design for the intersection upgrade was put forward, being an upgraded roundabout. Whilst a number of design matters required further advancement, in-principle support was given to the upgraded roundabout option.

2.2.2 Meetings with Transport for NSW (Bus Planning)

On 24 and 31 January 2025, the project team met with TfNSW Bus Planning to discuss relocation of the school bus services from the existing school location to the new school site.

During February 2025, TfNSW undertook surveys of bus usage at the existing school site to inform planning for the relocated services to the new site.

On 28 February 2025, TfNSW provided feedback to the project team regarding the number of bus bays and locations on the northern and southern sides of Aquatic Drive and on the eastern and western sides of Allambie Drive to meet TfNSW requirements.

On 20 March 2025, TfNSW provided support for the proposed bus stop strategy.

2.3 Pre-Application Meeting with DPHI

On 26 May 2025 members of the project team met with DPHI Officers to discuss the proposed modifications and the following summarises the key points of discussion:

- The approved design of the Allambie Road/Aquatic Drive intersection upgrade has been reviewed by TTPA and two approaches have significant queuing and as such, those manoeuvres fail with Level of Service (LoS) E and LoS F;
- TTPA has modelled an upgraded roundabout design which demonstrates an overall LoS A in the AM and PM peaks and LoS for all manoeuvres – i.e. an improved outcome; and
- The upgraded roundabout can be constructed whilst the existing roundabout is operating in a shorter timeframe than the approved signalised arrangement and the temporary pedestrian crossing on Aquatic Drive can be upgraded to a raised wombat crossing and bicycle lane during a school holiday break, to minimise disruption to school operations.

2 Background and Engagement



Figure 1 Approved Site Layout (Source: Architectus, 2023)

3 Strategic Context

Table 1 provides a summary assessment of the project against the relevant provisions, goals and objectives of relevant State, regional and local strategies to provide an overall strategic context for the proposed modifications.

Table 1 Response to Provisions, Goals and Objectives of State Policies	
State Policy	Response
The Greater Sydney Region Plan - A Metropolis of Three Cities	The proposed modified development contributes to the implementation of the Greater Sydney Region Plan and its five (5) districts. The districts are being planned to deliver growth and change in Greater Sydney, and the site forms part of the North City District. The proposed modified development is consistent with the North District Plan as it proposes to relocate and enlarge an existing school in an established urban area thereby supporting the local community with social infrastructure as it continues to grow and evolve in accordance with the plan. It is noted that the Northern Beaches LGA is anticipated to accommodate 16% (~3,450 children) of the growth in school aged children during the life of the plan.
Future Transport Strategy 2056 – Shaping the Future Relevant vision outcomes: • Successful places • Accessible services • Sustainability	There are six (6) state-wide outcomes to guide investment, policy and reform and service provision, and the three (3) listed here have relevance to the proposal. The relevant vision outcomes for the project are: • Successful places • Accessible services • Sustainability The proposed modified development will support the relevant vision outcomes of this Strategy by providing increased school capacity in an accessible location in close proximity to existing road transport infrastructure with numerous bus connections. There is no increase in student numbers as a result of the modification and hence, the modifications do not prevent the objectives of the Strategy from being achieved.
North District Plan A plan to manage growth and achieve the Greater Sydney regional plan vision, while enhancing liveability.	The proposed modified development helps deliver the vision expressed in the North District Plan as it will facilitate the development of the Frenchs Forest Health and Education Precinct. In addition, the proposal will provide a high-quality learning environment for future generations of students. The project contributes to the following indicators and Planning Priorities in the District Plan, • A city supported by infrastructure: aligns with forecasted growth, adapts to meet needs, new investment, optimum usage; • Providing services and social infrastructure to meet people's changing needs; • Fostering healthy, creative, culturally rich and socially connected communities; • Services and infrastructure meet communities' changing needs; • Great places that bring people together; • Integrated land use and transport creates walkable and 30- minute cities; • Internationally competitive health, education, research and innovation precincts; • People and places adapt to climate change and future shocks and stresses; • Urban tree canopy cover and delivering Green Grid connections; • Delivering high quality open space; • Reduced transport related greenhouse gas emissions; and • Reduced energy use per capita.
Northern Beaches Local Strategic Planning Statement (LSPS) – Towards 2040 The Council's 20-year land use planning vision that seeks to balances the need for growth with protecting and enhancing housing diversity, heritage and local character.	The modified project will continue to deliver on the vision expressed in the LSPS by contributing to the following Priorities from the Plan: • World Class education facilities (PP 10); and • Community facilities and services that meet changing community needs (PP 11).
Frenchs Forest 2041 Place Strategy (DPIE 2021)	The Place Strategy identifies five (5) 'Big Moves' required to realise the full potential of the precinct. The first of the five (5) is "Relocate and construct a new high school". Consistent with the Place Strategy, the modification will facilitate: • a new state-of-the art high school, where students will enjoy easy connections to transport, open space and sporting fields; • opening up more than 60,000m² of ideally located land for a bustling new town centre.

3 Strategic Context

Table 1 Response to Provisions, Goals and Objectives of State Policies

State Policy	Response
Hospital Precinct Structure Plan (Northern Beaches Council 2017)	The Structure Plan envisaged the delivery of 5,360 new dwellings and 2,300 new jobs over and around the current high school campus. The structure plan proposed the relocation of The Forest High School to the site of the Warringah Aquatic Centre at Aquatic Drive to facilitate the development of the new town centre. The modified proposal is consistent with the Structure Plan as it will facilitate the approved relocation of the school to facilitate the new town centre.
Sydney's Cycling Future 2013 - Cycling for everyday transport	This Plan is focused in Sydney CBD, major centres and public transport interchanges however, it provides for better planning, design and construction of new urban area for cyclists. The initial proposal included a School Travel Plan aimed at encouraging more children to walk and cycle to school and the physical works proposed include cycle parking and end of trip facilities and new shared paths along the frontage and near the school to support and encourage cycling to school by students and staff. There is no increase to the student or staff numbers, travel arrangements or parking proposed as part of this modification application and hence, there is no change to the approved School Travel Plan. In addition, the proposal will facilitate a raised pedestrian and bicycle crossing which will be beneficial to cyclists.
Sydney's Walking Future 2013 – Connecting people and places	This plan is aims to get people walking for transport purposes more often and this will be done by (a) promoting walking for transport; (b) connecting people to places through safe walking networks around centres and public transport interchanges; and (c) engaging with partners across government, with councils, non-government organisations and the private sector to maximise our effectiveness. The initial proposal included a School Travel Plan aimed at encouraging more children to walk and cycle to school and the physical works proposed include cycle parking and end of trip facilities and new shared paths along the frontage and near the school to support and encourage walking to school by students and staff. There is no increase to the student or staff numbers, travel arrangements or parking proposed as part of this modification application and hence, there is no change to the approved School Travel Plan. In addition, the proposal will facilitate a raised pedestrian and bicycle crossing which will be beneficial to pedestrians.
Sydney's Bus Future 2013 –simpler, faster, better bus services	Students and staff can access school and public bus transport for travel to and from school. This modification supports the use of public transport by providing for a raised pedestrian and bicycle crossing located to connect the school to bus zones on Aquatic Drive.

4 Proposed Modifications

4.1 Modified Intersection Design

As a consequence of ongoing consultation with TfNSW and Council, the proposed modification entails retaining and upgrading the existing roundabout on Aquatic Drive / Allambie Road rather than replacing the existing roundabout with a signalised intersection as previously approved.

The primary reason for any upgrade is that the existing roundabout is not capable of accommodating the vehicular traffic arising from the additional background traffic growth in future years plus the additional traffic from the operation of the school when it reaches full student capacity.

However, an alternate design entailing upgrading the existing roundabout is capable of achieving the same or better traffic outcomes as signalisation, whilst minimising disturbance to utility infrastructure and reducing the timeframes associated with construction.

As shown in **Table 2**, the proposed roundabout upgrade provides for an improvement over the existing situation whilst retaining the same laneway arrangement as the approved signalised intersection design.

Table 2 Summary of Intersection Attributes			
Intersection Arm	Existing Roundabout	Approved Signalisation	Proposed Roundabout Upgrade
Northern Arm	1 southbound entry lane	2 southbound entry lanes (1 left-turn and 1 right-turn)	No Change from approved
	1 northbound exit lane	1 northbound exit lane	No Change from approved
Eastern Arm	1 westbound entry lane with on-street bicycle lane	2 westbound entry lanes (1 straight and 1 left-turn)	No Change from approved
	1 eastbound exit lane	1 eastbound exit lane	No Change from approved
Western Arm	2 eastbound entry lanes (1 straight and 1 left-turn)	2 eastbound entry lanes (1 straight and 1 left-turn)	No Change from approved
	1 westbound exit lane with on-street bicycle lane	1 westbound exit lane	No Change from approved

Note: Approved and Proposed Scenarios include relocation of the on-street bicycle lane on the southern side of Allambie Road to be an off-street shared path.

For comparative purposes, the physical arrangement of the signalised intersection (as proposed to be modified under Mod 3) is shown in the extract at **Figure 2** and the proposed roundabout upgrade is shown in the extract at **Figure 3**.

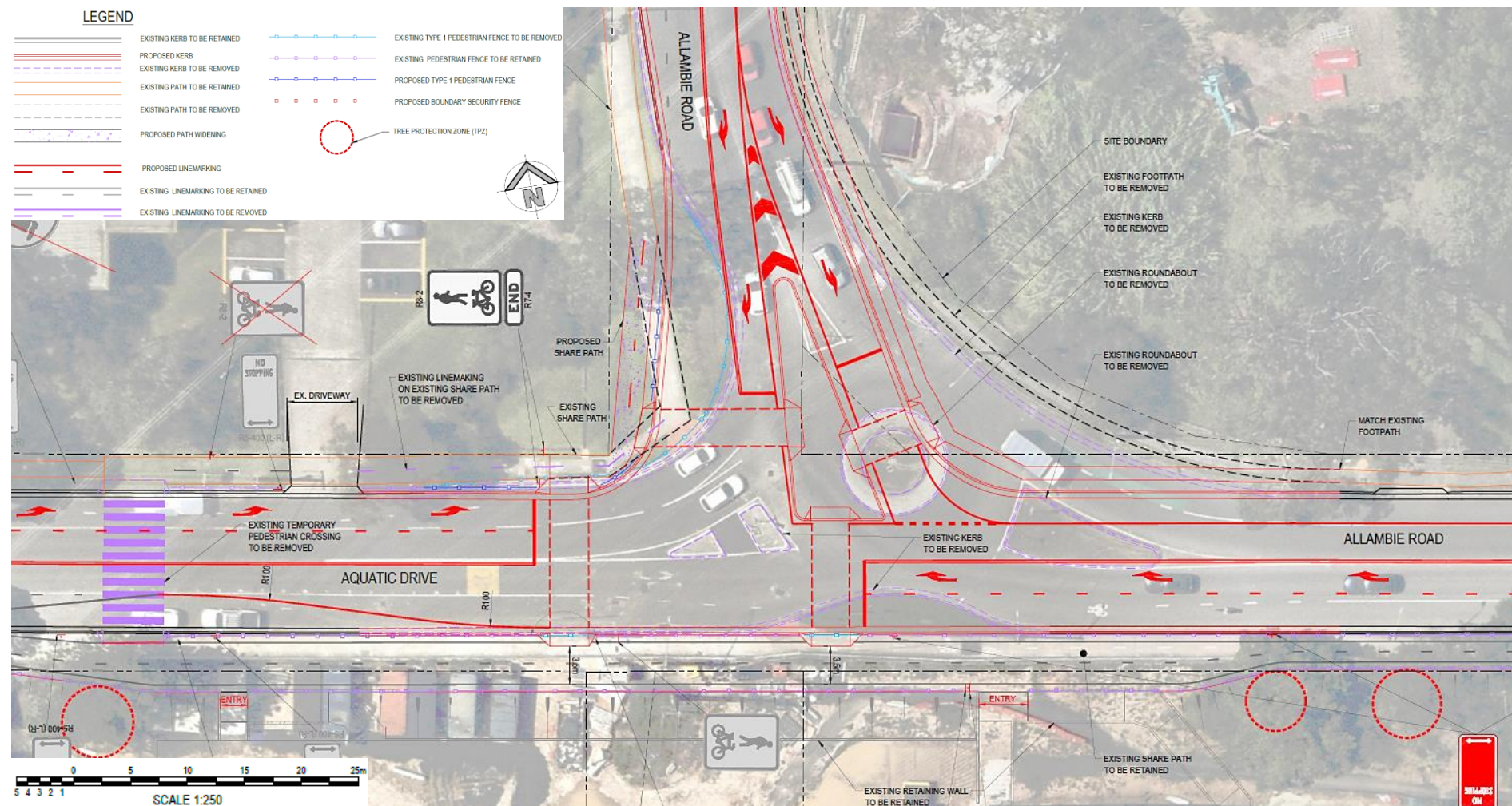
These illustrations are for comparative purposes and ease of reference only and greater detail is shown on the civil drawings at **Appendix B**.

4.2 Crossing Facilities

The proposed modified design also includes upgrading the temporary crossing on Aquatic Drive that was included in SSD-26876801-MOD-3 from an at-grade pedestrian crossing to a permanent raised pedestrian and bicycle crossing as shown in **Figure 3** and on the civil drawings at **Appendix B**.

This new crossing will more effectively service the new bus stops on the northern side of Aquatic Drive and will provide a better connection to the existing and approved new shared paths on the western side of Allambie Drive to the north, and southern side of Aquatic Drive-Allambie Road to the south.

4 Proposed Modifications





4 Proposed Modifications

4.3 Modifications to the Notice of Determination

4.3.1 Definitions

To reflect the modified mitigation measures at **Appendix A** to this report it is proposed to modify the definition of “*Management and mitigation measures*” as follows:

Management and mitigation measures The management and mitigation measures set out in **Attachment B Updated Mitigations-Measures of the RfS Appendix A Modified Mitigation Measures of the Section 4.55 Modification Report (MOD 4)**

4.3.2 Schedule 2 Condition A2 – Terms of Consent

The proposed modifications to provide for an alternate intersection design will require a modification to Schedule 2 Condition A2 of the Notice of Determination to refer to the modified public domain and road works drawing as follows, where modifications are shown in red typeface:

A3. 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, Response to Submissions, supplementary information provided as part of Request for Information (RFIs) and SSD-26876801-Mod-2, SSD-26876801-Mod-1, ~~and~~ SSD-26876801-Mod-3 **and SSD-26876801-Mod-4;**
- (d) in accordance with the approved plans in the table below:

Architectural Plans prepared by Architectus			
Dwg No.	Rev	Name of Plan	Date
SSDA-0504	B	Demolition Plan	09/09/2022
TFHS-ARC-SSDA-0701	D	Areas - Lower Ground Plan 2	21/12/2023
TFHS-ARC-SSDA-0702	E	Areas - Lower Ground Plan 1	31/01/2024
TFHS-ARC-SSDA-0703	E	Areas - Ground Plan	31/01/2024
TFHS-ARC-SSDA-0704	E	Areas - Level 1 Plan	31/01/2024
TFHS-ARC-SSDA-1001	D	Site Plan	21/12/2023
TFHS-ARC-SSDA-1002	D	Lower Ground Plan 2	21/12/2023
TFHS-ARC-SSDA-1003	E	Lower Ground Plan 1	31/01/2024
TFHS-ARC-SSDA-1004	E	Ground Floor Plan	31/01/2024
TFHS-ARC-SSDA-1005	E	Level 1 Plan	31/01/2024
TFHS-ARC-SSDA-1006	E	Roof Plan	31/01/2024
TFHS-ARC-SSDA-2001	E	Site Elevations 1 (North and South)	21/12/2023
TFHS-ARC-SSDA-2002	E	Site Elevations 2 (East and West)	21/12/2023
TFHS-ARC-SSDA-2511	E	Site Sections	21/12/2023
TFHS-ARC-SSDA-2512	C	Site Sections	21/12/2023
TFHS-ARC-SSDA-9301	H	Fencing Location Plan	31/01/2024
SSDA-9401	C	Signage Location Plan	28/09/2022
SSDA-9402	B	Signage Location Elevations	09/09/2022
Landscape Plans prepared by Oculus			
Dwg No.	Rev	Name of Plan	Date
L001	B	Legend	22/02/2024
L002	B	Materials and Finishes Schedule	22/02/2024
L003	B	Master Plant Schedule	22/02/2024

4 Proposed Modifications

Architectural Plans prepared by Architectus			
Dwg No.	Rev	Name of Plan	Date
L101	C	Tree Retention and Removal Plan	08/05/2024
L200	C	General Arrangement Plan Overall Site	08/05/2024
L201	B	General Arrangement Plan - Sheet 1 of 5	22/02/2024
L202	B	General Arrangement Plan - Sheet 2 of 5	22/02/2024
L203	C	General Arrangement Plan - Sheet 3 of 5	08/05/2024
L204	B	General Arrangement Plan - Sheet 4 of 5	22/02/2024
L205	B	General Arrangement Plan - Sheet 5 of 5	22/02/2024
L701	B	Sections and Elevations	22/02/2024
L702	B	Sections and Elevations	22/02/2024
L703	B	Sections and Elevations	22/02/2024
L704	C	Sections and Elevations	08/05/2024
Public Domain Plans prepared by Henry & Hymas			
Dwg No.	Rev	Name of Plan	Date
231123_D2_SK101	01	Public Domain Plans – Stage 1, Sheet 1 of 5	8 April 2025
231123_D2_SK102	01	Public Domain Plans – Stage 1, Sheet 2 of 5	8 April 2025
231123_D2_SK103	01	Public Domain Plans – Stage 1, Sheet 3 of 5	8 April 2025
231123_D2_SK104	01	Public Domain Plans – Stage 1, Sheet 4 of 5	8 April 2025
231123_D2_SK105	01	Public Domain Plans – Stage 1, Sheet 5 of 5	8 April 2025
231123_D2_SK108	01	Public Domain Plans – Stage 2	8 April 2025 27 May 2025

4.3.3 Schedule 2 Condition B32 – Roadwork and Pedestrian Access Improvement

As described above, as it is proposed to modify the design of the intersection upgrade. Accordingly, it is proposed to modify Schedule 2 Condition B32B (as proposed to be modified under Mod 3) as follows:

B32B. Prior to the commencement of construction for the Stage 2 external roadworks and pedestrian infrastructure listed below, the Applicant must submit plans and technical specifications for the proposed works to the satisfaction of the relevant roads authority (Council or TfNSW, as relevant) as part of the s138 application:

- ~~signalisation~~ upgrade of the roundabout intersection at Aquatic Drive and Allambie Road; and*
- generally in accordance with the Stage 2 Public Domain Plan prepared by Henry & Hymas as listed in condition A2.*

Note: The relevant roads authority must not unreasonably withhold issue of a s138 approval if the plans and technical specifications submitted are generally in accordance with the plans and details approved under this Consent.

5 Statutory Context

5.1 General

Section 4.55 of the EP&A Act contains the provisions that must be considered by a consent authority in determining an application to modify a Notice of Determination. In this regard, the relevant provision is section 4.55(1A) of the EP&A Act.

This application is lodged under section 4.55(1A) as the amendments proposed are considered to be minor in nature and have only minimal environmental impact.

In addition to the EP&A Act, sections 99 and 100 of the *Environmental Planning and Assessment Regulation 2021* (EP&A Regulation) set out the manner in which an application to modify a consent must be made and the information that must be submitted with the application. The requirements under the EP&A Act and EP&A Regulation in the following subsections.

5.2 Section 4.55(1A) of the Act

Section 4.55(1A) of the Act applies to modifications where a minimal environmental impact may occur and provides 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 subject to the consent authority being satisfied with regard to certain matters. These matters are considered in **Table 3**.

Table 3 Matters to be Considered under s4.55(1A)

Requirement	Assessment
(a) It is satisfied that the proposed modification is of minimal environmental impact	The proposed modifications will have minimal environmental impact as the change in design of the intersection upgrade will result in a better traffic outcome and will meet Council and TfNSW requirements.
(b) It is satisfied that the development to which the consent as modified relates is substantially the same development as the development for which the consent was originally granted and before that consent as originally granted was modified (if at all)	The proposed development remains for the purpose of a school and there is no change to the footprint of approved buildings, overall student capacity or carparking provision and the road works design adjustments will result in a better traffic outcome whilst still meeting the requirements of Council and TfNSW.
(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 modifications of a development consent".	Modification applications to State Significant Development that involve minimal environmental impact (Section 4.55(1A)) are placed on public notification for 14 days (if exhibited).
(d) 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	Should DPHI notify the subject application in accordance with section 4.55(1A)(c), it must consider any submissions made during a notification period.

5 Statutory Context

5.3 Section 4.55(3) of the Act

Section 4.55(3) of the EP&A Act requires that such of the matters referred to in section 4.15(1) of the EP&A Act as are of relevance to the proposed modification must be taken into consideration in determining the application for modification. These relevant matters are addressed in **Section 6** of this Report.

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.

In determining SSD-26876801, the DPHI provided the following reasons why consent was granted:

The key reasons for granting consent to the development application are as follows:

- *the project would provide a range of benefits for the region and the State as a whole, including the provision of a new educational facilities, 120 operational jobs, 163 construction jobs and \$112,497,000 capital investment;*
- *the project is permissible with development consent, and is consistent with NSW Government policies including:*
 - o *Greater Sydney Commission (GSC) Greater Sydney Regional Plan: A Metropolis of Three Cities Central City District Plan;*
 - o *Transport for NSW's Future Transport Strategy 2056;*
 - o *Infrastructure NSW's State Infrastructure Strategy 2022-2042 Staying Ahead;*
- *the impacts on the community and the environment can be appropriately minimised, managed or offset to an acceptable level, in accordance with applicable NSW Government policies and standards. Conditions of consent are recommended to address key impacts associated with traffic, transport and parking, flooding, noise and landscaping;*
- *engagement on the project is considered to be in line with Undertaking Engagement Guidelines for State Significant Projects, including the community participation objectives outlined in these guidelines; and*
- *weighing all relevant considerations, the project is in the public interest.*

The proposal is for a modification to the design of the approved intersection upgrade which will not alter the form of the approved development within the site and not give rise to significant traffic impacts. Indeed, the proposed modified design will provide for better traffic outcomes. Accordingly, the proposed modifications do not offend any of the reasons for the original granting of consent.

5.4 Sections 99 & 100 of the EP&A Regulation 2021

In accordance with section 99 of the EP&A Regulation, this application will be made in the form approved by the Planning secretary via the NSW Planning Portal and is accompanied by all necessary information and documents required by the EP&A Regulation.

Pursuant to section 100(1) of the EP&A Regulation, **Table 4** provides the information required to be submitted with an application to modify a development consent under section 4.55.

5 Statutory Context

Table 4 Information Required by Section 100(1) of the EP&A Regulation

Requirement	Details
(a) Name and address of applicant	NSW Department of Education Level 9, 259 George Street, Sydney, NSW 2000 GPO Box 33, Sydney, NSW 2001
(b) Description of development	<i>The construction and operation of a new government high school, comprising:</i> • <i>one and two storey buildings for the purposes of administration, general and specialist learning, special support unit facilities, a canteen, a library, a gymnasium and multi-purpose hall;</i> • <i>outdoor sporting facilities including sporting field and games courts;</i> • <i>covered outdoor learning area (COLA) and covered outdoor working area;</i> • <i>underground staff car park, and bicycle and scooter parking spaces;</i> • <i>associated earthworks, tree removal, landscaping, stormwater works, service upgrades, supporting infrastructure and signage; and</i> • <i>use of facilities outside of school hours.</i>
(c) Site address and folio identifier of the land	• 189 Allambie Road, Allambie Heights being Lot 6 and Lot 7 in DP 1280781 and Lot 750 and Lot 751 in DP 1271174; and • Part of 5 Aquatic Drive, Allambie Heights, being part Lot 3 DP 1280781
(d) Description of the proposed modifications	The proposed modifications to the approved development are detailed in Section 4 of this Modification Report and entail retaining and upgrading the roundabout at the intersection of Aquatic Drive / Allambie Road rather than signalling that intersection.
(e) Statement describing intent of modification	Modification under Section 4.55(1A) of the EP&A Act as outlined in this Modification Report.
(f) Description of expected impacts	The retention and upgrading of the roundabout at the intersection of Aquatic Drive / Allambie Road will result in a better traffic outcome than signalling the intersection.
(g) Undertaking that the development will remain substantially the same as that originally approved	The proposed development remains for the purpose of a school and there is no change to the footprint of approved buildings, overall student capacity or carparking provision and the changes to the road works design will result in a better traffic outcome whilst continuing to meet the requirements of Council and TfNSW. Accordingly, it is considered the development as proposed to be modified will remain substantially the same as that originally approved.
(h) Biodiversity credits	N/A
(i) Owner's consent	Owner's consent accompanies the application.
(j) Application to Court or Consent Authority	The modification application is being lodged with the consent authority – DPHI.

Subsection 100(3) of the EP&A Act Regulation requires that if an application for modification under section 4.55(1A) or section 4.55(2) of the EP&A Act relates to development for which the development application was required to be or was accompanied by a BASIX certificate, the application for modification must also be accompanied by the BASIX certificate or a new BASIX certificate if the current BASIX certificate is no longer consistent with the development.

The approved SSDA does not relate to a BASIX affected building and hence s100(3) does not apply in this instance.

5.5 Permissibility

The site is zoned SP1 Special Activities (Health Services Facilities, Seniors Housing Community Facilities, Education Establishments) (the SP1 Zone) pursuant to *Warringah Local Environmental Plan 2011* (the LEP).

Educational establishments are permissible with development consent on the site as educational establishments are shown as being a purpose on the Land Zoning Map.

In addition, the SP1 Zone is a prescribed zone for the purposes of a school under Section 3.34 of *State Environmental Planning Policy (Transport and Infrastructure) 2021* (SEPP TI) and development for the purposes of an educational establishment may be carried out within this zone with development consent.

5 Statutory Context

The proposed modifications do not change the nature of the approved land use which remains permissible with consent.

5.6 Statutory Considerations

The proposed modifications do not alter the assessment contained within the original EIS with regards to the statutory considerations for the development for the following reasons:

- The proposed land use is permissible with consent;
- There is no change to the approved height of buildings and therefore no substantive change to the potential visual impact, privacy impacts or overshadowing impacts;
- There is no change to the approved development footprint which would alter the contamination assessment that the site is suitable for the development;
- The approved number of students and staff is not proposed to be modified;
- The number of carparking spaces is not proposed to be modified, nor is the approved driveway access points;
- The changes to the intersection design does not impact any biodiversity considerations.

6 Assessment of Relevant Impacts

6.1 Biodiversity, Trees and Landscaping

No additional tree removal or impact to existing trees arises from the proposed modifications to the intersection design with all works contained within the existing road reservation and not proximate to any trees.

6.2 Traffic, Transport and Accessibility

The proposed modifications to the design of the intersection upgrade have been assessed in the Transport Statement prepared by TTPA (**Appendix C**). The findings and recommendations of the report as summarised below.

- the traffic modelling undertaken for the original DA showed that with the proposed school development traffic, nearby known development traffic (i.e. Bunnings development) and 2031 background traffic growth, the existing roundabout at the Allambie Road / Aquatic Drive intersection would fail with a LoS F;
- whilst the approved intersection design provided for an overall LoS A/B, that signalised design showed a LoS E outcome for the Aquatic Drive approach and a LoS F outcome for the right-turn on the northern approach of Allambie Road;
- the SIDRA modelling for whilst the approved intersection design indicated queues on the Aquatic Drive approach extending for some 230m to the proposed bus stops and kiss and drop zone;
- the provision of traffic signals (as distinct to a roundabout) invariably produces greater vehicle delays due to the signal phasing and amber/all red periods and the turning protection times provided for pedestrians;
- there is no ability to alter the intersection geometry to provide increased “capacity” for the traffic signal control or to alter the signal phasing arrangements;
- Further analysis shows that the limiting issue is the existing single lane approaches and that the roundabout geometry could readily be modified to provide two lane approaches;
- Modelling of an upgraded roundabout with two lane approaches provided for the following LoS:

	AM	PM
Overall		
LOS	A	A
AVD (sec's)	8.3	8.4
Aquatic Drive Approach		
LOS	A	A
Queue (m)	29.6	31.2

- Accordingly, the provision of a modified roundabout will provide a preferable outcome to that of the previously proposed traffic signal-controlled intersection;
- In addition, the provision for pedestrians to cross Aquatic Drive well away from the intersection presents significant safety improvements by removing all pedestrian crossing movements from the intersection.

Accordingly, the TTPA assessment demonstrates that the proposed modified intersection upgrade and raised pedestrian and bicycle crossing will be a better outcome than the approved signalised intersection design.

6 Assessment of Relevant Impacts

6.3 Noise and Vibration

A Construction Noise and Vibration Management Plan was prepared by E-LAB Consulting as part of Mod 3 which assessed the impacts associated with staging of the roadworks. A supplementary statement has been provided by E-LAB (**Appendix D**) which concludes that the impacts arising from the proposed roundabout upgrade will not be any greater than that already assessed in the Mod 3 report.

6.4 Stormwater Drainage and Flooding

The proposed modifications do not alter the approved stormwater design or warrant any further assessment in regard to stormwater drainage infrastructure or flooding.

6.5 Social Impact

The proposed modifications do not result in an increase to student or staff numbers, nor any change to the approved carparking numbers or overall traffic generation, therefore, there will be no additional or different social impacts in the final design arrangement that would warrant further social impact assessment.

6.6 Infrastructure Requirements and Utilities

There is no change to the approved utilities or services infrastructure required to facilitate the modifications and the proposed modification will avoid the need for potentially lengthy and costly relocation of services within the road reservation that would have been required to complete the signalised intersection works.

7 Justification of Modified Project

7.1 Assessment of Potential Impacts

The environmental impact of the proposal was assessed in detail in the original EIS and further assessment is provided in **Section 6** of this report where it is concluded that there is no substantial change to the proposal and hence no additional impacts.

7.2 Mitigation of Impacts

The impacts of the approved development as modified can continue to be mitigated, minimised or managed as assessed in the original EIS although to reflect the change to the type of intersection upgrade now proposed, the mitigation measures have been updated at **Appendix A**.

7.3 Consistency with Strategic Context

As detailed in **Section 3** of this report, the proposed amendments are consistent with relevant strategic plans/ policies.

7.4 Compliance with Statutory Context

The proposal complies with the relevant statutory planning considerations as detailed in the original EIS and further assessed in **Section 5** of this report.

7.5 Consultation

As part of the original EIS, the project team carried out consultation in accordance with the SEARS including with community and public authorities and further consultation regarding the proposed modifications was undertaken with DPHI Officers, Council and TfNSW.

7.6 Compliance Monitoring

Subject to the implementation of the modified mitigation measures in **Appendix A** to this report, there is not considered any change to ongoing compliance monitoring as already required by the Consent.

7.7 Impact Assessment Uncertainties and Resolution

The potential impacts of the modified proposal have been documented and the DPHI has sufficient information to be able to assess and determine the modification application.

8 References

E-LAB Consulting (June 2025), Supplementary Construction Noise and Vibration Statement

Henry & Hymas (May 2025), Stage 2 Public Domain Drawing

JohnStaff (June 2025), Section 4.55 Modification 4 Consultation Statement

JohnStaff (June 2025), Modified Construction Management Plan

TTPA (June 2025), Transport Statement

TTPA (May 2025), Supplementary Construction Pedestrian and Traffic Management Plan