

DEPARTMENT OF PLANNING & INFRASTRUCTURE

Development Assessment Systems and Approvals

SUBJECT: MODIFICATION TO PYMBLE LADIES COLLEGE STAGED DEVELOPMENT APPLICATION, 20 AVON ROAD, PYMBLE (SSD 5314 MOD 1)

1. PURPOSE

To determine a Section 96(1A) modification request (SSD 5314 MOD 1) to amend condition B3 of the development consent to raise the maximum height of the Mollie Dive Field from RL 119.10 m to RL 119.80 (increase of 700 mm).

2. BACKGROUND

On 9 July 2013, the Executive Director, Development Assessment Systems Approvals, as delegate of the Minister for Planning and Infrastructure, approved a staged State significant development application at Pymble Ladies College, including:

- A concept proposal for the redevelopment of school facilities over four stages, including:
 - demolition of existing swimming pool;
 - construction of three new buildings on site with a combined GFA of approximately 5,596 sqm, including an Aquatic and Fitness Centre, a Dining and Function Centre, and a Healthcare Centre;
 - use of Aquatic and Fitness Centre by school and community;
 - use of Dining and Function Centre by school and community;
 - minor upgrade of existing Jeanette Buckham PE Centre;
 - relocation of existing Mollie Dive Field with car parking below for 232 vehicles and removal of 36 existing car parking spaces;
 - landscaping and utilities; and
 - no additional staff or students.

- Stage 1 works, including:
 - demolition of existing swimming pool;
 - construction of an Aquatic and Fitness Centre;
 - landscaping and utilities;
 - relocation of existing Mollie Dive Field;
 - use of new Aquatic and Fitness Centre by school and community; and
 - minor upgrade of existing Jeanette Buckham PE Centre.

3. PROPOSED MODIFICATION

This modification application seeks approval to amend condition B3 of the development consent to raise the maximum height of the Mollie Dive Field from RL 119.10 m to RL 119.80 (increase of 700 mm).

The proposed increase in maximum height is required to incorporate a greater slope on the field to ensure adequate drainage, while retaining the level of the car park below (as approved in the concept proposal) to minimise excavation.

4. MODIFICATION OF THE MINISTER'S APPROVAL

The modification application has been lodged with the department under section 96(1A) of the EP&A Act. Section 96(1A) of the EP&A Act 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.

Section 96(1A) of the EP&A Act requires the following matters to be assessed in respect of all applications which seek modifications to approvals:

Matter	Consideration
<i>Whether the development to which the consent as modified relates is of minimal environmental impact.</i>	The modification application relates only to a minor increase in the maximum height of the Mollie Dive Field to incorporate a slope for drainage purposes, and there is no proposed change to the general positioning, layout or use of the field or the development. Accordingly, the development, as modified, is of minimal environmental impact.
<i>Whether the development to which the consent as modified relates is substantially the same development.</i>	The modification application relates only to a minor increase in the maximum height of the Mollie Dive Field, and there is no proposed change to the general positioning, layout or use of the field or the development. Accordingly, the development, as modified, is substantially the same development.
<i>Whether the application has been notified in accordance with the Environmental Planning and Assessment Regulation 2000 and the relevant DCP.</i>	There are no specific notification requirements applicable to the modification application under the Environmental Planning and Assessment Regulation 2000. Additionally, The Ku-ring-gai Local Centres Development Control Plan 2013 does not require notification of the modification application.
<i>Whether submissions have been considered in the assessment of the modification application.</i>	The department did not receive any submissions on the modification application.

Section 96(3) of the EP&A Act requires the matters referred to in section 79C(1) of the EP&A Act to be assessed in respect of all applications which seek modifications to approvals.

The department's consideration of the relevant matters under section 79C of the EP&A Act is provided where relevant in this briefing.

The department's consideration of environmental planning instruments (EPI's) and Development Control Plans (DCP's) under section 79C(a)(i) of the EP&A Act is provided below.

5. ENVIRONMENTAL PLANNING INSTRUMENTS AND DEVELOPMENT CONTROL PLANS

The department undertook a comprehensive assessment of the original proposal against the relevant provisions of the below EPIs and DCPs as part of the original assessment.

- a) State Environmental Planning Policy (State and Regional Development) 2011
- b) State Environmental Planning Policy No.55 – Remediation of Land
- c) State Environmental Planning Policy (Infrastructure) 2007
- d) Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005
- e) State Environmental Planning Policy No. 19 (Bushland in Urban Areas)
- f) Ku-ring-gai Planning Scheme Ordinance
- g) Ku-ring-gai Local Environmental Plan (Local Centres) 2012
- h) Ku-ring-gai Development Control Plan No. 31 - Access
- i) Ku-ring-gai Development Control Plan No. 40 – Waste Management
- j) Ku-ring-gai Development Control Plan No. 43 – Car Parking
- k) Ku-ring-gai Development Control Plan No. 47 – Water Management

Given the proposed modification relates only to a minor increase in the maximum height of the Mollie Dive Field, the proposed modified development would not alter compliance with the abovementioned EPIs and DCPs when compared to the original proposal.

Accordingly, the department is satisfied that the proposed modified development substantially complies with the relevant provisions of the abovementioned EPIs and DCPs.

6. SUITABILITY OF THE SITE

The department undertook an assessment of the suitability of the site as part of the assessment of the original proposal. The department's assessment identified that the site is considered suitable for the proposed development as:

- the proposal is within the existing Pymble Ladies College school campus, and located in proximity to existing school facilities;
- the siting of the proposed new Aquatic and Fitness Centre is in close proximity to existing sporting facilities within the campus, including the Jeanette Buckham PE Centre, Mollie Dive Field and tennis courts;
- the proposed Dining and Function Centre is sited sensitively into the slope of the ground immediately to the north of the Mollie Dive Field, so as not to obstruct or crowd the rear elevations of the existing boarding houses further to the north;
- the new Healthcare Centre is sited sensitively within the campus and would consolidate the school's counselling and supporting services into one area;
- the site has previously been disturbed and is relatively level and clear of native vegetation;
- the proposed new buildings and facilities are located outside areas of ecological significance on the site;
- the siting and design of the proposed new buildings and provision of existing and proposed landscaping and vegetation and existing buildings will minimise visual or amenity impacts to surrounding low density residential development; and
- the site is serviced by infrastructure utilities and public transport services.

Given the proposed modification relates only to a minor increase in the maximum height of the Mollie Dive Field, the department considers the site remains suitable for the proposed development (as modified).

7. CONSULTATION

The modification application is not required to be advertised or notified, however, the department made the application available on the department's website during the assessment. The department did not receive any submissions on the modification application.

8. DELEGATED AUTHORITY

On 14 September 2011, the Minister delegated his powers and functions under Section 96 of the EP&A Act to Directors in the Major Projects Assessment Division, where:

- (a) the relevant council has not made an objection; and
- (b) a political donations disclosure statement not has been made; and
- (c) there are less than 10 public submissions in the nature of objections.

Ku-ring-gai Council has not made an objection to the proposed modification, a political donations disclosure statement has not been made, and there were no public submissions received. Accordingly, the Director, Industry, Social Projects and Key Sites can determine the modification under delegated authority.

9. KEY ISSUES

The department considers the key issues for the modification application to be the height of the Mollie Dive Field and the public interest.

9.1. Height of Mollie Dive Field

The modification application seeks approval to raise the maximum height of the Mollie Dive Field from RL 119.10 m to RL 119.80 (increase of 700 mm).

The proposed increase in maximum height is required to incorporate a greater slope on the field to ensure adequate drainage, while retaining the level of the car park below to minimise excavation.

The field is sited centrally within the school campus and there is significant separation distances between the field and the nearest residential dwelling houses surrounding the school campus. Additionally, the existing and proposed buildings on the campus and existing vegetation around the perimeter of the campus would provide a substantial visual buffer when viewing the Mollie Dive Field from the surrounding residential area.

The department therefore considers that the proposed changes to the Mollie Dive Field and provision of car parking below would not result in any significant visual or amenity impacts to surrounding development.

9.2. Public Interest

The modification application relates only to a minor increase in the maximum height of the Mollie Dive Field to incorporate a slope for drainage purposes, and the proposed modification would not give rise to any additional environmental impacts, therefore the department considers the proposed modified development to be in the public interest.

10. CONCLUSION

The modification application has been assessed in accordance with the matters for consideration under section 79C of the EP&A Act, and all relevant environmental planning instruments, and is considered to comply with all relevant items. Accordingly, the department recommends that the modification application be approved, and the conditions of the approval amended accordingly.

11. RECOMMENDATION

It is recommended that the Director, Industry, Social Projects and Key Sites:

- note the information provided in this briefing;
- approve the modification request, subject to amending the conditions of approval; and
- sign the attached modifying instrument (**TAG A**).

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