



ENVIRONMENTAL ASSESSMENT REPORT

Wahroonga Adventist School SSD 5535 MOD 1

1. INTRODUCTION

This report is an assessment of an application seeking to modify the State Significant Development (SSD) approval for the staged construction of a three to four storey school and associated sporting facilities and playing fields, basement car park, subdivision and a new site access road and intersection with Fox Valley Road.

The application has been lodged by MacroPlan Dimasi (the applicant) pursuant to section 96 (1) of the *Environmental Planning and Assessment Act 1979* (EP&A Act). It seeks to correct an administrative error in the determination of the original application which omitted reference to land subdivision.

2. SUBJECT SITE

The subject site is located at 167-181 Fox Valley Road, Wahroonga within the Ku-ring-gai Local Government Area (LGA). The site has a total area of 1.42 hectares and is currently occupied by temporary demountable educational buildings, temporary car park (for construction worker associated with works approved under MP 10_0070) and existing grassed areas.

The site is located approximately five kilometres south of Hornsby town centre and 23 kilometres north-west of the Sydney central business district.

3. APPROVAL HISTORY

On 29 April 2015, the Executive Director, Infrastructure and Industry Assessments, as delegate for the Minister for Planning, approved the State significant development application SSD 5535 for the staged construction of Wahroonga Adventist School (the school), comprising:

- staged construction of a new 8,158 sqm, three to four storey school and associated landscaping;
- provision for a maximum of 800 K-12 students, including 90 Year 12 students;
- construction of associated basement car park, with provision for a total of 124 parking spaces and associated set down/pick up facilities;
- construction of associated playing fields; and
- construction of a new access road and signalised intersection on Fox Valley Road.

Land subdivision was also proposed in the application and assessed, but was subsequently, unintentionally omitted from the development consent.

4. PROPOSED MODIFICATION

On 25 August 2016, the applicant lodged an application (SSD 5535 MOD 1) which seeks to correct an administrative error in the determination of SSD 5535, which omitted reference to the approved 'subdivision' of the school and associated playing fields from the determination, as follows:

- amend Schedule 1 of the development consent to include 'subdivision' in the development description; and

- amend condition A3 to include Dwg No.P16, Issue A, Sheet 1 of 2, dated 31 January 2014, titled *Proposed Subdivision of Lot 701 formally Lot 621 DP1128314 (Vide Plan 'G630SW P06'), Lots 1-4 DP834967, Lot 1 DP834961, Lots 1-2 DP834960, Lots 1-3 DP834962, Lot 8 DP834966, & Lot 800 DP752031, Wahroonga.*

The plan provides details of the proposed draft subdivision layout for the school and associated playing fields (see **Figure 1**).

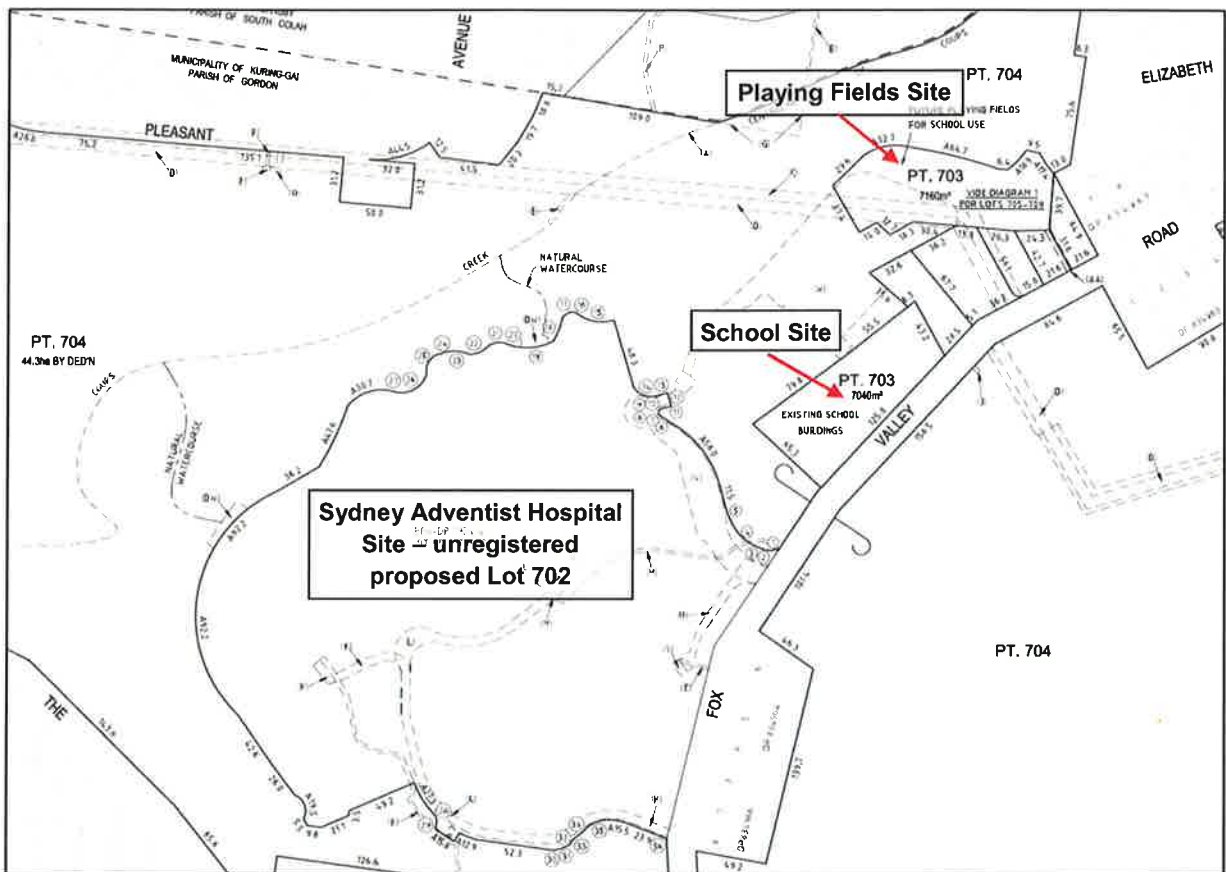


Figure 1: Draft Plan of Subdivision

5. STATUTORY CONSIDERATION

5.1 Modification of approval

Section 96 (1) of the EP&A Act allows a consent authority to modify a consent granted by the consent authority to correct a minor error, misdescription or miscalculation. Section 96(1) does not incorporate any specific requirements matters for consideration in the assessment a modification under this Section.

The Department is satisfied the proposal is within the scope of Section 96(1) as it only seeks to correct an administrative error by amending the development description as defined in Schedule 1 of the Development consent and incorporating a draft subdivision plan, previously assessed, but inadvertently omitted, from the determination.

5.2 Environmental Planning Instruments

The Department undertook a comprehensive assessment of the redevelopment against the all relevant EPIs in its original assessment. The correction of the administrative error does not affect the proposal's consistency with the EPIs.

5.3 Approval Authority

The Minister for Planning is the approval authority for the application. However, the Director Social and Other Infrastructure Assessments may determine the application under delegation as:

- the relevant local council has not made an objection;
- a political disclosure statement has not been made; and
- there are no public submissions in the nature of objections.

6. CONSULTATION

The modification request was made publicly available on the Department's website and was referred to Ku-ring-gai Council. As the modification only seeks to correct a minor administrative error, the Department did not notify the proposal by any other means. No objections were received in relation to the proposed modification.

7. ASSESSMENT

The original proposal, as assessed by the Department, sought approval for the subdivision of the school that would separate the school buildings site and associated playfields site from the existing Sydney Adventist Hospital (hospital) land and existing adjacent residential properties, under the ownership of the Seventh-day Adventist Church. The Department undertook a comprehensive assessment of SSD 5535, which supported the proposal, subject to conditions of consent.

The proposed amendment to development description in Schedule 1 of the development consent to include a reference to 'subdivision' forming part of the approval, and the inclusion of a new draft subdivision plan, would not result in any new environmental impacts and would enable better management of Wahroonga Adventist School.

The Department also notes that the approved development consent included a subdivision certificate condition, requiring matters to be satisfied prior to its issue, also demonstrating the Department's original intention that 'subdivision' was to form part of the original approval.

Having regard to the above, the proposed modification is supported as it would:

- correct an administrative error;
- ensure the approved plans are consistent with the Department's previous assessment; and
- not result in any additional impacts beyond those already assessed and approved.

The Department therefore recommends the Schedule 1 development description and condition A3 of the development consent be amended to incorporate omitted subdivision details, as well as amending the supporting information submitted with MOD 1.

It is also acknowledged an updated draft plan of submission was submitted with the application that details a new Lot 702 for the hospital (unregistered). The applicant advises separate approval was sought from Ku-ring-gai Council and Hornsby Shire Council to subdivide the hospital site from Lot 621 DP1128314 following the original approval of the school. It also advises that registration of the hospital lot was imminent and would take place prior to the registration of the new school lots.

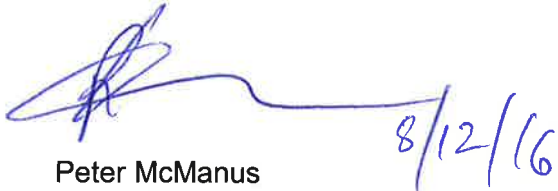
The Department raises no objection to the proposed draft subdivision plan and acknowledges that the new Lot 702 is referenced as being unregistered. To ensure that the subdivision the proposed new hospital lot 702 occurs prior to the registration of the new school lots, the Department recommends the inclusion of a new condition requiring this to occur.

8. CONCLUSION AND RECOMMENDATION

The Department is satisfied the proposed modification is within the scope of Section 96(1) and will simply correct minor errors in the determination of the SSD 5535. The proposal will ensure the plans in the instrument of approval accurately reflect that which was originally sought.

It is RECOMMENDED that the Director, Social and Other Infrastructure Assessments as delegate of the Minister for Planning:

- considers the findings and recommendations of this report;
- approves the application under section 96(1), subject to amended conditions; and
- signs the notice of modification (**Appendix A**).



Peter McManus
Specialist Planning Officer
Social Infrastructure Assessments



David Gibson
Team Leader
Social Infrastructure Assessments



Karen Harragon
Director
Social and Other Infrastructure
Assessments