



# Wahroonga Adventist School

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State Significant Development Modification Assessment  
SSD 5535 MOD 3

February 2021



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Cover image: *Perspective view looking south along Fox Valley Road (Source: Applicant's Original SSD Application)*

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# Glossary

Abbreviation	Definition
<b>Applicant</b>	Memphis Strategic on behalf of Seventh-day Adventist Schools (Greater Sydney) Limited
<b>Council</b>	Ku-ring-gai Council
<b>Department</b>	Department of Planning, Industry and Environment
<b>EP&amp;A Act</b>	Environmental Planning and Assessment Act 1979
<b>EP&amp;A Regulation</b>	Environmental Planning and Assessment Regulation 2000
<b>EPI</b>	Environmental Planning Instrument
<b>IOC</b>	Interim Occupation Certificate
<b>Minister</b>	Minister for Planning and Public Spaces
<b>OC</b>	Occupation Certificate
<b>RTS</b>	Response to Submissions
<b>RMS</b>	Roads and Maritime Services, TfNSW
<b>TfNSW</b>	Transport for NSW

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# 1 Introduction

This report is an assessment of an application to modify the State significant development approval (**SSD 5535**) for the staged construction of a new school and associated facilities, known as the Wahroonga Adventist School, at 167-181 Fox Valley Road, Wahroonga (the site).

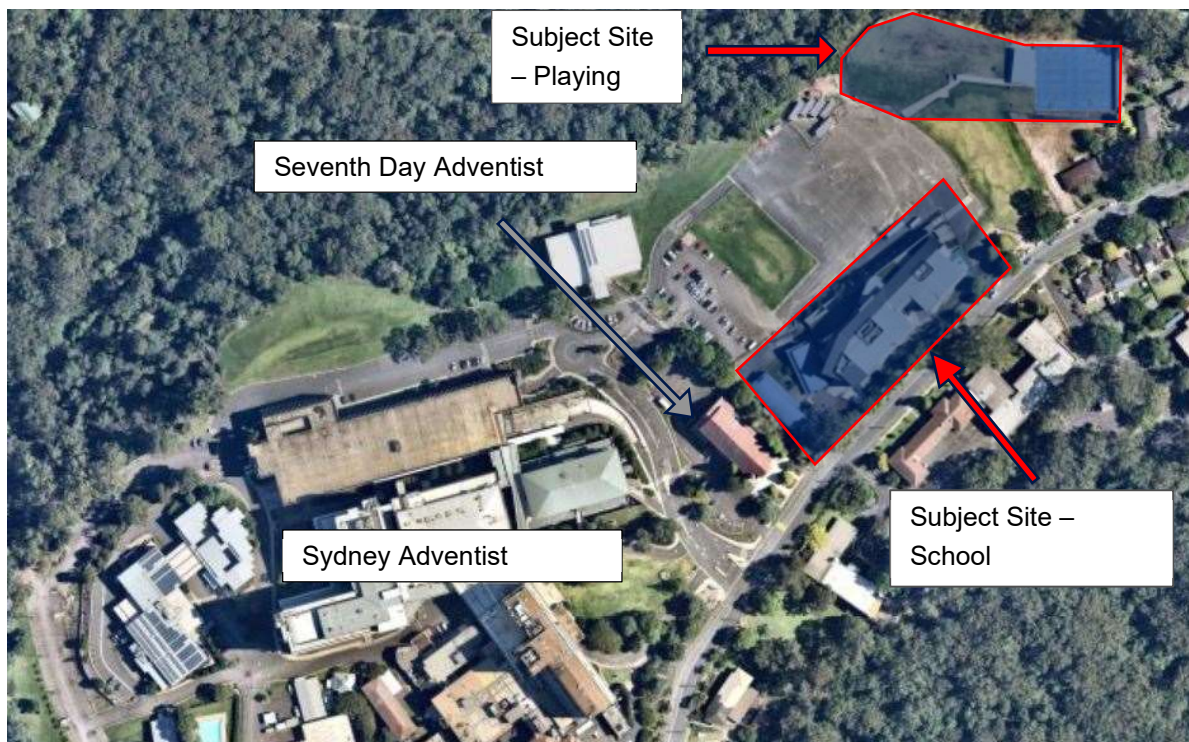
The modification application seeks additional time to deliver a new signalised intersection at Fox Valley Road, including new access road to the school, to increase the student enrolments permitted until the new intersection is delivered and permit changes to access and pick-up/drop-off arrangements temporarily until stage 6 works.

The application has been lodged by Memphis Strategic on behalf of Seventh Day Adventist (Greater Sydney) Limited (the Applicant) pursuant to section 4.55(1A) of the *Environmental Planning and Assessment Act 1979* (EP&A Act).

## 1.1 Subject Site

The 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, a primary frontage with Fox Valley Road and comprises two separate areas for the school and associated playing fields (see **Figure 1**). The playing fields are located to the north of the school buildings and directly adjoin dense bushland.

The Wahroonga Seventh Day Adventist Church and Sydney Adventist Hospital are located immediately west of the site. Temporary site access arrangements are in place, via the main hospital access road, until a new intersection with Fox Valley Road is constructed to service the school (see **Figure 3**).



**Figure 1** | The Wahroonga Adventist School site (shaded blue) and surrounding context (Base source: Nearmap)

## 1.2 Approval history

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

- the construction of a new 8,158 sqm three to four storey school and associated playing fields (including amenities and stores building and two PE courts) over six stages.
- a maximum 800 Kindergarten to Year 12 students, including 90 Year 12 students
- staged construction of a basement car park, providing a total of 124 parking spaces and associated set down/pick up facilities
- construction of a new access road and signalised intersection on Fox Valley Road.

The development consent has been modified on two (2) occasions (see **Table 1**) and the third modification is the subject of this assessment report.

**Table 1 | Summary of Modifications**

Mod No.	Summary of Modifications	Approval Authority	Type	Approval Date
<b>MOD 1</b>	Correction of an administrative error by incorporating 'subdivision' into the development and reference to a draft subdivision plan in the development consent.	Department	4.55(1)	12 December 2016
<b>MOD 2</b>	Amend condition G11 to change the timing for the provision of a new signalised intersection at Fox Valley Road and a new school access road (road works) and limit the number of students enrolled to 553 students.	Department	4.55(1A)	25 January 2019

Five of the six development stages have been completed. **Figure 2** provides a summary of the six development stages for the school. Stages 1 and 2 for the new Middle School and Playing Fields were completed in 2017. Stage 3 for the junior school building and extension of the basement car park is now complete and Stage 5 for the hard courts was completed in April 2020. Both received an Interim OC on 25 January 2019. The final development stage (Stage 6) for the new Seniors School is forecast for completion in 2025 (or beyond).



School Stage	Expected Timing/Students	Current Status	Enrolled Students
<b>1: New Middle School</b>	Transition of primary students into demountables + new Year 7-8's = <b>456 students</b>	Completed 2017	2016 (Yrs K-7): 283 2017 (Yrs K-8): 383
<b>2: Playing Fields</b>	Amenities only – no new students	Completed 2017	N/A
<b>3: New Junior School (east)</b>	Accommodation of new students in existing Middle School buildings + demountables = <b>679 students</b>	Partially completed (still fit-out areas to complete) - January 2020	2018 (Yrs K-9): 436 2019 (Yrs K-10): 516
<b>4: Hardcourts etc</b>	Amenities only – no new students	Completed - April 2020	
<b>5: New Junior School (west)</b>	Full occupation of Junior School + temporary accommodation of Year 11 & 12 = <b>679 students</b>	Shell finished March 2020; Fit-out yet to occur.	2020 (Yrs K-11): 568 2021 (Yrs K-12): 647 (anticipated)
<b>6: New Seniors School (Yrs 11-12)</b>	Full operation of School = <b>800 students</b>	Anticipated completion – 2025+	N/A

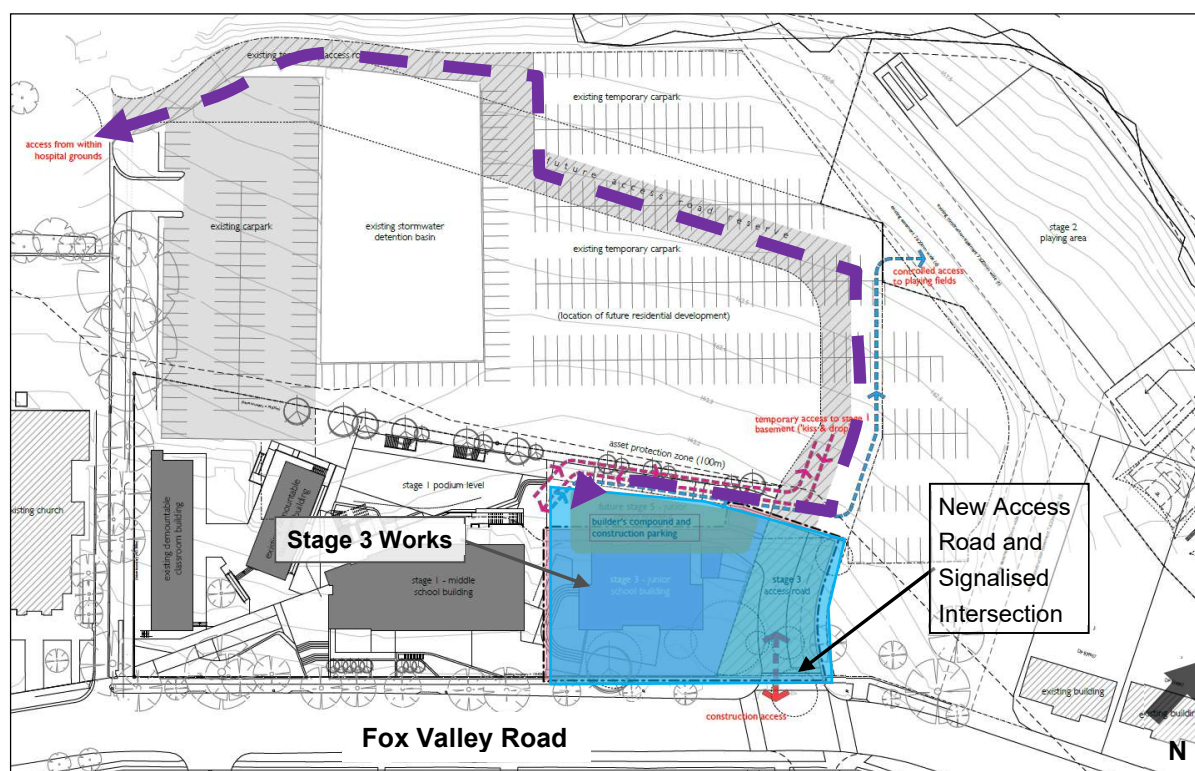
**Figure 2 |** Wahroonga Adventist School construction staging summary (source: Applicant's Modification Request)

## 2 Proposed modification

The proposal seeks approval to change the timing for delivery of the new signalised intersection at Fox Valley Road and a new school access road (road works) and allow for school enrolments to be increased in the interim. The proposal seeks to amend condition G11 to:

- change the timing for delivery of the new signalised intersection at Fox Valley Road, and new school access road, to prior to the release of any Occupation Certificate for Stage 6
- increase the student enrolments permitted prior to completion of the new intersection and align this with the student population approved at completion of Stage 3
- permit temporary changes to access and pick-up/drop-off arrangements until Stage 6 works

The proposal seeks to continue the temporary site access via the main hospital entry and the temporary car park (see **Figure 3**) until the new intersection is operational. The Applicant has advised that the intersection is delayed due to ongoing negotiations between the Applicant, Council and RMS/TfNSW and difficulties in reaching an agreement on the intersection design. The proposal seeks additional time for these negotiations to continue, whilst allowing 2021 student enrolments to proceed.



**Figure 3** | Location of Stage 3 works (shaded blue) and temporary access arrangements to the Schools basement carparking (purple dash) (Base source: Applicants original application)



## 3 Statutory context

### 3.1 Scope of modifications

Section 4.55(1A) of the EP&A Act outlines the matters that a consent authority must take into consideration when determining an application that seeks to modify an SSD application and results in minimal environmental impacts.

The matters for consideration under section 4.55(1A) of the EP&A Act that apply to the modification have been considered in **Table 2**. Accordingly, the Department is satisfied that the proposed modification is within the scope of section 4.55(1A) of the EP&A Act and does not constitute a new development application.

**Table 2 | Section 4.55(1A) Modification involving minimal environmental impact**

Section 4.55(1A) Evaluation	Consideration
a) that the proposed modification is of minimal environmental impact, and	<b>Section 5</b> of this report provides an assessment of the impacts associated with the proposal. The Department is satisfied that the proposed modifications will have minimal environmental impacts.
b) 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), and	The proposal seeks approval to change the timing for delivery of a signalised intersection and access road and increase student enrolments in the interim. The Department is satisfied that the proposal (subject to conditions) will not result in any significant impacts on the operation of the surrounding road network. On this basis, the proposal would result in development that is substantially the same as the originally approved development.
c) the application has been notified in accordance with the regulations, and	The application has been notified in accordance with the regulations. Details of the notification are provided in <b>Section 4</b> of this report.
d) any submission made concerning the proposed modification has been considered.	The Department did not receive any public submissions on the proposal. Consideration of the public authority submissions is provided in <b>Section 4</b> and <b>5</b> of this report.

### 3.2 Consent authority

The Minister for Planning and Public Spaces is the consent authority for the application under section 4.5(a) of the EP&A Act. Under the Minister's delegation dated 9 March 2020, the Director, Regional Assessments may determine the application as:

- a political donation disclosure statement has not been made
- there are no public submissions by way of objection.

### 3.3 Mandatory matters for consideration

Section 4.55(3) of the EP&A Act provides that in determining a modification application, the consent authority must take into consideration any relevant matters in section 4.15(1) of the EP&A Act as well as the reasons given by the consent authority for the grant of the consent that is sought to be modified.

The relevant consideration under Section 4.15(1) of the EP&A Act in relation to the proposal is whether the impacts of the proposed changes are acceptable. As detailed in **Section 5**, the Department supports the proposal as it will not result in additional adverse impacts on the existing environment when compared to the approved development (as modified).

Under section 4.15 of the EP&A Act, the consent authority must also consider the relevant provisions of any Environmental Planning Instrument (EPI) or Development Control Plan (DCP) that applies to the carrying out of the proposal. The following EPIs are relevant to the application:

- State Environmental Planning Policy (State and Regional Development) 2011
- State Environmental Planning Policy No. 55 – Remediation of Land
- State Environmental Planning Policy (Infrastructure) 2007
- State Environmental Planning Policy No.19 – Bushland in Urban Areas
- Ku-ring-gai Local Environmental Plan 2015.

The Department completed a comprehensive assessment against the above-mentioned EPIs as part of the project assessment (SSD 5535). The Department considers this proposal (subject to conditions) does not result in significant changes that would alter the conclusions made as part of the original assessment, including the proposal's consistency with the above instruments and any relevant development control plan.

## 4 Engagement

### 4.1 Department's Engagement

The Department notified the modification application for 14 days from 16 November 2020 until 30 November 2020. The application was made publicly available on the Department's website and referred to relevant agencies on 2 November 2020, including Ku-ring-gai Council (Council) and Transport for New South Wales (TfNSW).

### 4.2 Submissions

No **public** submissions were received within the notification period. However, one (1) public submission was received outside this period. The submission supported the proposal to amend the cap on student numbers so that student enrolments may proceed as planned and identified existing conditions relating to tree removal, road and footpath infrastructure and bus facilities. It is noted that these conditions are not proposed to be modified or removed.

**Council** objected to the proposal as follows:

- supporting the additional time for the new intersection to be completed; and
- raising concerns over additional enrolments prior to the expansion/completion of the basement car park, based on the current performance of the existing drop-off and pick-up spaces.

**TfNSW** requested additional information as follows:

- the SIDRA modelling must be updated with consistent cycle time as per operation on site and submitted for review.

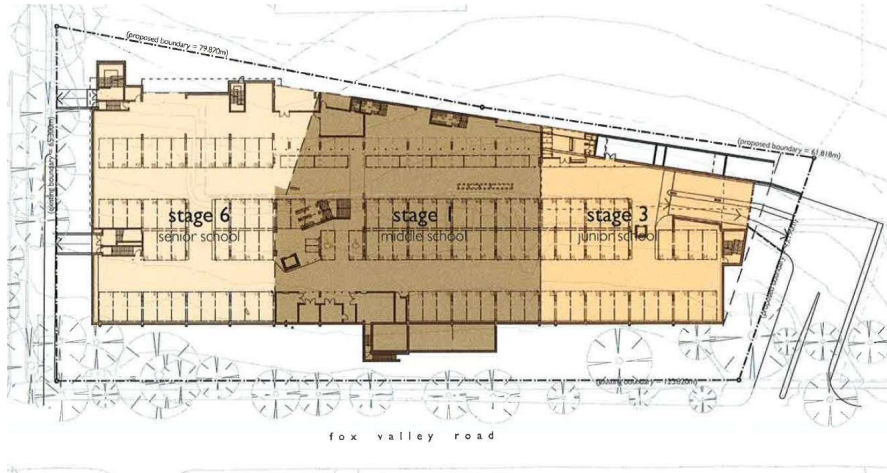
### 4.3 Response to Submissions

Following the notification of the modification, the Department placed copies of all submissions received on its website and wrote to the Applicant requesting a response to the issues raised.

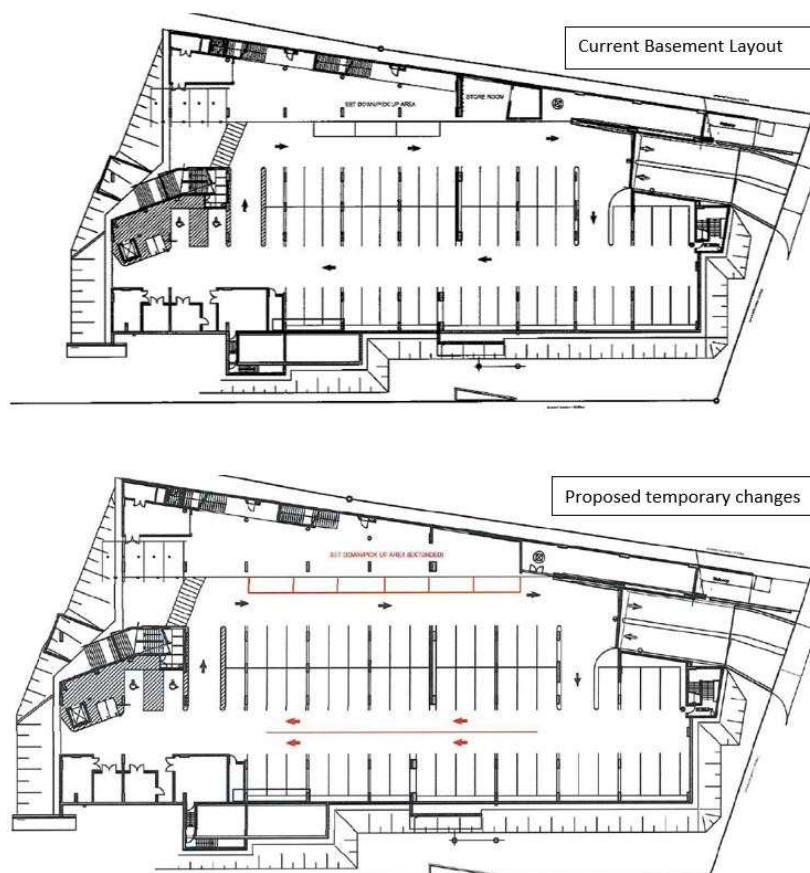
On 30 November 2020, the Applicant provided a Response to Submissions (RtS) (**Appendix A**). The RtS contains further information and clarification of the key issues raised in the submissions, including:

- amended SIDRA modelling in response to a request by TfNSW
- justification for the traffic congestion shown in the photographs provided in Council's submission, stating that the images taken on 7 February 2020 were during a period of heavy storms, as well as the first week back at school where protocols were not yet in place. Further, that the images taken on 16 November 2020 were taken on a day with traffic signal malfunctions occurring at Comenarra Parkway and Fox Valley Road intersection
- new temporary pick-up/drop-off arrangements to be implemented starting first term in 2021, to address Council's congestion concerns (see **Figure 5**), including:
  - increasing the number of pick-up/drop-off bays from three to six

- marking the queuing area within the basement carpark to accommodate two lanes, up to the turn towards the pick-up bays, to feed the bays and reduce congestion
- removal of the (non-structural) storeroom wall to temporarily provide additional waiting area for students



**Figure 4 |** Approved basement layout (source: Stamped Basement Layout Plan)



**Figure 5 |** Existing basement layout and temporary changes to pick-up/drop-off bays, lanes and storeroom (source: Applicant's additional information dated 10 February 2021).

The Department made the Applicant's RtS publicly available on its website and provided a copy to government agencies for comment. Following publication of the RtS, additional comments were received from Council and TfNSW. No further public submissions were received.

**Council** made the following comments:

- requesting additional time until mid-February 2021 to conduct further site visits when the school term resumes in order to validate the operation of the car park at drop-off and pick-up time under normal operation
- no objections were raised regarding the request for additional time to construct the signalised intersection on Fox Valley Road
- supporting the Applicant's proposal for new pick up and drop off arrangements to be incorporated in the first term of 2021, including line marking to formalise queuing areas and three additional pick-up bays
- recommending the school prioritise the construction of the Stage 6 building, up to the podium level, so that the extended drop off / pick up bays can be available as soon as possible.

**TfNSW** raised the following concerns:

- the Applicant's proposed condition, requiring roadworks to be completed before the release of an Occupation Certificate for Stage 6, is not supported as the proposed traffic signal is an important part of the development
- the design and delivery of the intersection, including execution of the Works Authorisation Deed (WAD) with TfNSW, should not be further delayed.

The Department requested further clarification from the Applicant regarding whether the changes to access and pick up /drop off arrangements form part of this modification application. The Department also requested clarification on whether any changes are required to the approved basement layout.

On 10 February 2021, the Applicant provided additional information confirming:

- the temporary increase in pick-up and drop-off bays (from 3 to 6) forms part of this application
- the temporary line marking for two queuing lanes seeks to address Council's concerns over the line-up of traffic and will not reduce the number of approved parking spaces
- the further adjustments affecting the basement layout for Stage 6, identified in the RtS report prepared by TTPA dated 30 November 2020, do not form part of this modification.
- the removal of the non-structural storeroom wall is a temporary solution to provide additional waiting room for students and will be reinstated as part of stage 6 works.

The Department's assessment of the modification (as amended by the RtS and additional information) is discussed in **Section 5** of this report.



## 5 Assessment

In assessing the merits of the proposed modification, the Department has considered:

- the Modification Report and associated documents (**Appendix A**)
- the Environmental Assessment for the original project, the conditions of approval and modifications
- submissions received on the proposal and the Applicant's RTS (**Appendix A**)
- relevant EPIs, policies and guidelines
- the requirements of the EP&A Act.

The Department's assessment of key issues associated with the proposal is set out at **Table 3** below.

**Table 3 | Assessment of issues**

Issue	Findings	Recommended Condition
<b>Intersection design and delivery</b>	<ul style="list-style-type: none"> <li>• The proposal seeks to delay delivery of the intersection until the release of any Occupation Certificate for Stage 6, the final development stage comprising the new Seniors School (Years 11-12), bringing the total school enrolments to 800 students. Currently, there is no certainty surrounding the timing of Stage 6, which is not anticipated to occur until 2025 (or beyond).</li> <li>• Council has raised no objections to the proposal to delay the intersection. However, TfNSW objects to delaying the intersection until Stage 6 works. TfNSW is of the view that the signalised intersection and roadworks form a significant aspect of the development and that the design and Works Authorisation Deed (WAD) should not be further delayed.</li> <li>• The Applicant has advised that the delay is owed to a stalemate in negotiations between the Applicant, Council and RMS/TfNSW, and failed attempts to reach an agreement on the design. However, TfNSW correspondence indicates that the delay can also be attributed to the Applicant's pursuit of design alternatives, despite detailed design requirements from TfNSW.</li> <li>• The Department acknowledges that the Applicant will require additional time design and deliver the intersection. However, the Department shares TfNSW's view that the intersection works are important to manage the ongoing traffic impacts and provide safe pedestrian and vehicle access to and from the school site.</li> <li>• On balance, the Department considers that additional time to complete of the intersection works is acceptable temporarily, however is unwilling to indefinitely delay the intersection until Stage 6 works. Therefore, the Department recommends that condition G11 is modified requiring the WAD to be executed by the end of 2021 and the intersection to be delivered within 12 months of that date (i.e. prior to the 2023 school year). To safeguard this timeframe, the Department also requires the intersection design to be submitted to TfNSW for approval by mid-2021. The recommendation provides the Applicant time to complete the design and delivery of the intersection, whilst ensuring the current stalemate in design negotiations cannot continue. It also allows 2021 school</li> </ul>	<p>Condition G11 is recommended to be amended to require:</p> <ul style="list-style-type: none"> <li>• the WAD for the intersection to be executed by 31 December 2021</li> <li>• signal design and civil plans to be submitted to TfNSW for approval by 30 June 2021</li> <li>• the intersection is operational within 12 months of executing the WAD</li> </ul>

enrolments to proceed as planned and provides the local community greater certainty regarding delivery of the intersection.

- Subject to the recommended condition, the Department considers the proposal is acceptable and notes TfNSW and the Applicant have accepted the terms of the condition.

<b>Additional student enrolments</b>	<ul style="list-style-type: none"> <li>• The development consent (as modified) limits school enrolments to 553 students until the new intersection is delivered on Fox Valley Road. MOD 2 imposed this restriction based on expected enrolments in the 2019 school year (i.e. 456 students for the Middle School + 97 new enrolments anticipated in 2019).</li> <li>• The proposal seeks to marginally increase the student population permitted prior to the new intersection by a maximum of 126 additional students. The applicant has advised that the actual net increase for the 2021 school year is expected to be closer to 94, totaling 647 students.</li> <li>• TfNSW raised no objection to the proposed increase, however, Council raised concerns regarding the impact this may have on traffic and congestion.</li> <li>• The Department has reviewed the Traffic Assessment Report prepared by Transport and Traffic Planning Associates (TTPA) dated October 2020 which has assessed the traffic implications arising from the additional students. The report evaluates the impact on the existing intersection and surrounding road network to be negligible and concludes the operational performance will remain satisfactory.</li> <li>• TfNSW and Council commented on the traffic assessment and the Applicant responded providing further information and assessment.</li> <li>• The Applicant's RtS sought to address Council's concerns over the increase in student enrolments by proposing new pick up/ drop off arrangements in the first term of 2021. These arrangements include temporary line marking to formalise queuing areas into two lanes and the provision of three additional pick-up bays to manage congestion and que lengths. The changes seek to create a more efficient flow of school traffic to address Council's concerns over the queuing of cars.</li> <li>• This proposal requires the removal of a non-structural storeroom wall in the basement to provide improved student access to the pick-up bays. The applicant advised that the storeroom is not in use and the wall be reinstated as part of stage 6 works. The Applicant also confirmed that the parking bays are available for use by visitors and for deliveries outside of peak periods.</li> <li>• Council supported the proposed temporary changes and TfNSW raised no objections.</li> <li>• On balance, the Department considers the proposal acceptable to enable school enrolments to proceed (as planned) for the 2021 school year. The temporary access arrangements are supported as they seek to ensure the safe and efficient transport of children to and from school. Subject to the above-mentioned commitments and conditions, the Department is satisfied that the traffic implications arising from the additional students will be minimal and that the performance of the existing intersection will remain satisfactory.</li> </ul>	<p>The Department has recommended:</p> <ul style="list-style-type: none"> <li>• Condition G11(b) be amended to increase the student enrolments permitted prior to delivery of the intersection to 679 students.</li> <li>• Condition A3 is amended to reflect the modification and to permit the temporary access and pick-up/drop-off arrangements until completion of stage 6 works.</li> </ul>
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## 6 Evaluation

The Department has assessed the modification application and supporting information in accordance with the relevant requirements of the EP&A Act. The Department's assessment concludes that the proposed modification is appropriate on the basis that:

- the proposal does not seek approval for any physical changes to the approved signalised intersection and access road
- the potential traffic implications that may arise as a result of an increase in student numbers is minimal and not envisioned to have adverse impacts on the safety and amenity of the area
- suitable access to the site would continue to be provided from the existing signalised intersection servicing the hospital and suitable drop-off and pick-up arrangements are provided
- no public submissions objecting to the proposal were received
- the Department's recommended conditions enable 2021 school enrolments to proceed, provide safe pick-up/drop off arrangements for students and ensure timely design and delivery of the new intersection for the local community.

Consequently, it is recommended that the modification be approved subject to the recommended conditions.

## 7 Recommendation

It is recommended the Director, Regional Assessments, as delegate of the Minister for Planning:

- **considers** the findings and recommendations of this report
- **determines** that the modification application (SSD 5535 MOD 3) falls within the scope of section 4.55(1A) of the EP&A Act
- **accepts and adopts** all the findings and recommendations in this report as the reasons for approving the modification application
- **modifies** the consent SSD 5535
- **signs** the attached Modification of Development Consent (**Appendix B**).

Recommended by:



**Manwella Hawell**  
Planning Officer  
Regional Assessments

Reviewed by:



**Louise Starkey**  
Team Leader  
Regional Assessments

## 8 Determination

The recommendation is **Adopted** by:

A handwritten signature in blue ink, appearing to read 'K T' followed by a long horizontal stroke.

24/02/2021

**Keiran Thomas**

Director

Regional Assessments

as delegate of the Minister for Planning and Public Spaces



# Appendices

## 8.1 Appendix A – Relevant Supporting Information

The following supporting documents and supporting information to this assessment report can be found on the Department's website at:

1. Modification application  
<https://www.planningportal.nsw.gov.au/major-projects/project/40426>
2. Submissions  
<https://www.planningportal.nsw.gov.au/major-projects/project/40426>
3. Response to Submissions and Additional Information  
<https://www.planningportal.nsw.gov.au/major-projects/project/40426>

## **8.2 Appendix B –Modification of Development Consent**

A copy of the modification of development consent can be found on the Department's website at:

<https://www.planningportal.nsw.gov.au/major-projects/project/40426>