

Section 4.55(1A) Application for Modification - Substation Arrangement (SSD 6339)

St Catherine's School, Sydney, 26 Albion Street, Waverley



Section 4.55(1A) Application for Modification

Modification Report to
NSW Department of Planning, Industry and
Environment and Public Spaces

Prepared on behalf of St Catherine's School, Sydney

21 April 2021 | 1330

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1.0 Introduction

1.1 Preliminaries

This Section 4.55(1A) Modification Report is submitted to the NSW Department of Planning, Industry and Environment (the **Department**). It describes a Section 4.55(1A) application that proposes modification of the development consent for SSD 6339 (issued on 6 April 2016) which approved the following development at St Catherine's School, Sydney, 26 Albion Street, Waverley (the **site**):

- Conceptual Proposal for a Campus Master Plan that comprises demolition works, new buildings, alterations and additions, access arrangements, circulation and landscaping
- Stage 1 Works including construction of the new Research, Performing Arts and Aquatic Centre (**RPAC**).

This SEE has been prepared by Robinson Urban Planning Pty Ltd (**RUP**) on behalf of St Catherine's School, Sydney (the land owner and applicant). It identifies the consent and describes and assesses the Section 4.55(1A) proposal.

Prior to submitting this Section 4.55(1A) application, the applicant submitted pre-lodgement plans and attended a virtual scoping meeting with the Department (on 20 October 2020). By letter dated 22 October 2020, the Department advised that it is satisfied with the level of assessment, the community engagement proposed and that the Modification Report can be lodged through the major projects website.

1.2 The proposed modification

The proposed modification relates to the substation arrangements for the Concept Master Plan and Stage 1 (RPAC) Works and includes a new substation on Leichhardt Lane, close to the RPAC and adjoining the existing substation. Minor internal modifications to the RPAC are also proposed. The modification would involve a minimal environmental impact as no change is proposed to the design or siting of the Campus Master Plan or the external design or operation of Stage 1 (RPAC).

1.3 Supporting information

The SEE is accompanied by the following modified plans and information:

- **Appendix A** Section 4.55 Campus Plans, by Mayoh Architects
- **Appendix B** Section 4.55 Stage 1 RPAC Architectural Plans, by Mayoh Architects
- **Appendix C** Section 4.55 Stage 1 RPAC Landscape Plans, by Taylor Brammer
- **Appendix D** Support information/sketch plans including:
 - Plan of New KI Type 1000kva Kiosk Substation S.77579 - Leichhardt St No.2 26 Albion St, by Northrop
 - Level 4 - Service Vehicle Zone (comparison of approved and proposed plan), by Mayoh Architects
 - Revised Elevation – East Stage 1 (Phase A and Phase B comparisons), by Mayoh Architects

2.0 Site location and description

The key characteristics of the site are summarised below:

Location	St Catherine's School, Sydney, at 26 Albion Street, Waverley is located on the north-eastern corner of Albion Street and Macpherson Streets. The school also has frontages to Leichhardt Street and Leichhardt Lane. The proposed modifications relation to a portion of the site facing Leichhardt Lane (Figures 1 and 2).	
Legal description	<u>Lot</u>	<u>DP</u>
	A	318719
	B	318719
	C	318719
	1	80046
	12	2049
	13	2049
	16	2049
	117	1161589
	560	1138118
Site area	22,290m ²	
Zoning	Most of the site is in Zone SP2 Infrastructure (Educational Establishment), pursuant to Waverley Local Environmental Plan 2012 (Waverley LEP 2012). A small portion of the Junior School is in Zone R3 – Medium Density Residential and the Headmistress' residence is in Zone R2 – Low Density Residential.	
Heritage	The site accommodates the following local heritage items pursuant to Waverley LEP 2012: • St Catherine's School and Grounds, Macpherson Street (Lot 1, DP 76210; Lot 1, DP 80046; Part Lot 560, DP 752011; Lot C, DP 318719) (I52) • Georgian style stone building, St John's, St Catherine's School, at 26 Albion Street (Lot 1, DP 76210; Lot 1, DP 80046; Part Lot 560, DP 752011; Lot C, DP 318719) (I444) • Late Victorian mansion, at 1 Leichhardt Street (Lot C, DP 318719) (I486) • Late Victorian Italianate Style house, at 5 Leichhardt Street (Lot 6, DP 2049) (I487) • Charing Cross Conservation Area (C7).	
Topography	The site has a fall of around 10% from west to east and north to south.	
Vegetation	The site accommodates several large mature trees, as illustrated on the aerial photograph. Additional street trees border the site along Macpherson Street and Albion Street.	

Existing use	Existing buildings on the site comprise a mix of older buildings (some with heritage significance) and more contemporary buildings. The school accommodates a combination of paved and grassed outdoor areas, indoor and outdoor sports facilities and the previously mentioned outdoor swimming pool. Building heights range from one to four storeys.
Surrounding development	<u>North</u> Adjoining the site to the north are two storey terrace houses along Albion Street and a combination of dwellings and apartments on Bronte Road. Further north is Charing Cross Village. Phillip House, a residential aged care facility, is at 319 Bronte Road and is bounded by the school on three sides. <u>South</u> A mix of two/three and four storey apartment buildings and dwelling houses are to the south of the site, beyond Macpherson Street. <u>East</u> To the immediate east of the site (and proposed Stage 1- RPAC) is a c.1960 residential flat building with four habitable levels above car parking at 4 Macpherson Street. Another apartment building at 7 Leichhardt Street is to the east beyond Leichhardt Lane. Further east is a mixture of attached and detached housing and apartments. <u>West</u> Apartment buildings with two to four storeys are to the south of the site, beyond Albion Street.



Location of proposed substation modifications

Figure 1 – Site location



Location of proposed substation modifications

Figure 2 – Aerial photograph

3.0 The Consent (SSD 6339)

Application No.:	SSD 6339
Approved	6 April 2016
Applicant:	St Catherine's School, Sydney
Consent Authority:	Minister for Planning
Land	St Catherine's School, Sydney, 26 Albion Street, Waverley (Lot 560 DP1138118, Lot 1 DP80046, Lots 12 and 13 DP2049, Lots A, B and C DP318719 and Lot 117 DP1161589)
Development (as modified)	<u>Concept Proposal</u> for the staged redevelopment of St Catherine's School over 15 years to support up to 1,200 students, comprising: • demolition works; • new buildings; • alterations and additions; • revised access arrangements; • revised circulation system; • additional car parking (19 spaces); and • landscaping works. <u>Stage 1 works</u>, including: • demolition of existing swimming pool; • construction of the Research, Performing Arts and Aquatic Centre building; • internal alterations to the Dame Joan Sutherland Centre; • construction of linkages to existing school buildings; • relocation of existing demountable building; • construction of additional car parking; • reconfiguration of existing car parking at Gate 1; • landscaping works, including tree removal; • reconfiguration of Macpherson Street drop-off/pick up arrangements; and • increase the maximum student population to 1,200 and staff numbers to 212 by 2030.
Approved Modification	SSD 6339 MOD 1 approved 31 July 2018: • amendments to the internal layout and design of the RPAC building including an additional 89m² of gross floor area (GFA) and modified location and design of the rooftop plant services;

- amendments to the approved landscaping associated with the RPAC building; and
- amend the on-site car parking to include 1 additional car parking space.

SSD 6339 MOD 2 approved 1 September 2019:

- Separation of the Stage 1 RPAC works into the following two phases of construction:
 - Stage 1 works - Phase A: Performing Arts and Aquatic Centre (including all of the approved Stage 1 demolition works), demolition of existing pool, tree removal, associated landscaping work, relocation of demountable building, minor internal alterations to existing DJSC, minor removal of landscaping at Gate 1 and reconfiguration of car existing parking
 - Stage 1 work - Phase B: Research Centre and associated landscaping work.
- Minor modifications to the design of Stage 1 RPAC.

4.0 Proposed modifications to the approved plans

4.1 Overview

The proposed modification relates to the substation arrangements for the Concept Master Plan and Stage 1 (RPAC) Works, as described below:

- Original substation arrangement
 - New substation on Albion Street: A new substation on Albion Street was planned to service the existing school and future development on the site. The substation would require new cable reticulation within the site and the changeover of power from the existing substation on Leichhardt Lane to the new substation on Albion Street. Future stages of the Campus Master Plan are likely to require a new substation on Albion Street (subject to detailed design and appropriate approvals).
 - Existing substation on Leichhardt Lane: Following the changeover of power from the existing substation on Leichhardt Lane to the new substation on Albion Street, the remaining power in the existing substation was intended to service the approved RPAC. It has since been found that the existing substation has insufficient capacity.
- Modified substation proposal (Section 4.55(1A) proposal)
 - New substation: The extended distance between the new substation on Albion Street and the RPAC exceeds the recommended cable run. The design preference of the supply authority (AUSGRID) has therefore been modified to locate the new substation on Leichhardt Lane, closer to the RPAC and adjoining the existing substation. Final installation details for the new substation will be in accordance with the supply Authority's (Ausgrid) requirements. The proposed new substation location is entirely within the school campus.
 - Existing substation on Leichhardt Lane: The existing substation would continue to power the existing school (that is existing power conditions for the existing substation would remain).

Very minor internal modifications are also proposed to the internal arrangement of the RPAC.

The original and modified substation arrangements are illustrated by **Figures 3 to 6**.

4.2 List of modifications (including changes to the substation, bicycle store, loading area, Leichhardt Lane fence/gate and electrical switchroom)

The proposed modifications are highlighted in red clouds on the modified Master Plan Drawings, Stage 1 RPAC Drawings and Landscape Plans (see **Appendices A, B and C** respectively).

Support information including detailed substation plans and comparison sketch plans (approved and proposed) are also included in this Modification Report (**Appendix D**).

The modified plans show the following modifications (as generally numbered and described on Drawing No. (1A)103.SVZ) prepared by Mayoh Architects:

1. CO2 room deleted as no longer required
2. Vehicular gate swing doors replaced by roller shutter for a more adequate and safe circulation entry/exit of vehicles
3. Internal fence & associated gate deleted as no longer required
4. Pedestrian gate relocated for improved functionality
5. New substation relocated from Albion Street to Leichhardt Lane
6. Recycle store relocated for improved facilities operations and functionality

7. Internal gate enlarged and relocated for better access of emergency/service vehicles
8. Bike store relocated¹
9. New access point to garbage store improved facilities operations functionality
10. Existing electrical pit area to remain for serviceability
11. New electrical switch room enlarged for compliance
12. Access steps provided to save levels difference
13. Underground backwash tank included for water filtration requirements
14. Platform lift has been added
15. Minor changes to RPAC fire stairs/doors to improve stage functionality and accessibility compliance
16. Revised service vehicle zone for improved area functionality
17. Revised extent of mechanical plant to reflect final design
18. 3. New screening to mechanical plant to comply with conditions of consent
19. Revised extent of natural and mechanical ventilation louvres for internal space amenity compliance
20. Revised roof RL to achieve minimal falls and insulation requirements
21. Revised size of fire hydrant and fire sprinkler booster services cupboard.
22. Revised code name for external fibre cement cladding
23. Revised finish to external frame for improved resilience and reduced maintenance
24. Revised top of wall RL for blast protection to achieve compliance with AUSGRID requirements
25. Landscape plan modifications arising from the changes to the Architectural Plans.

¹ The approved plans include a bicycle store accommodating eight spaces (four racks) that are accessed from an entrance to Leichhardt Lane. The modified plans relocate the bicycle store to the Discovery Court which is located within the playground and accessed from the school playground. The number of bike parking spaces is increased to 20 spaces (on 10 doubled sided racks). Consistent with Consent Condition B5, a minimum of 100 bicycle spaces are to be provided as part of the Stage 1 works.

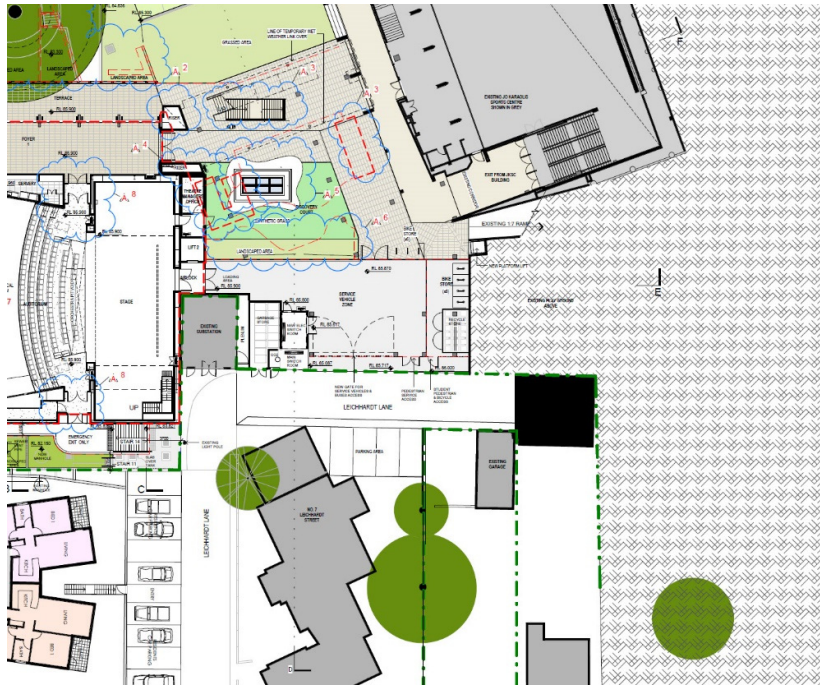


Figure 3 – Original Consent: RPAC Level 4 Phase A (Source: 4.55(1A)103_A)

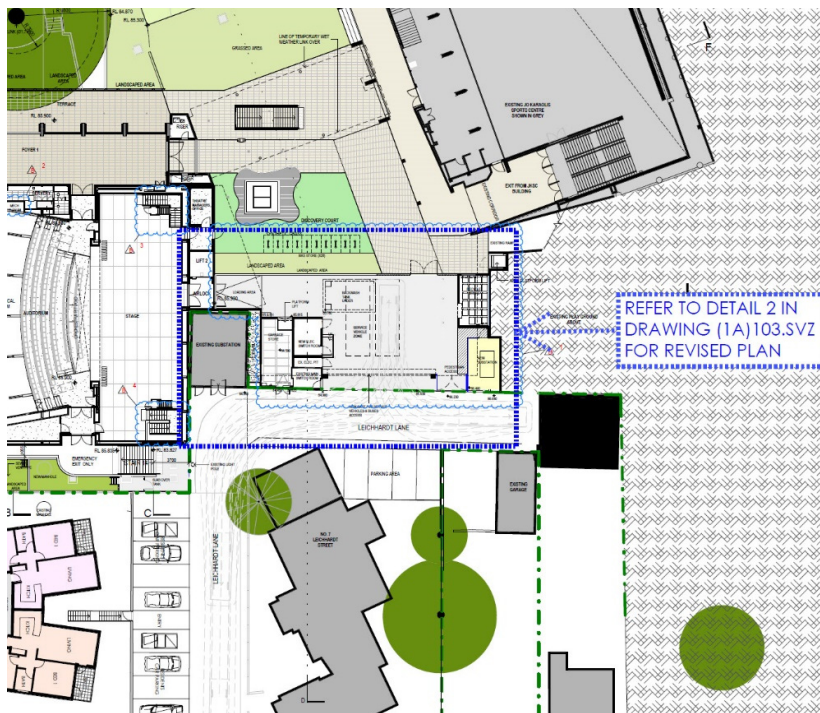
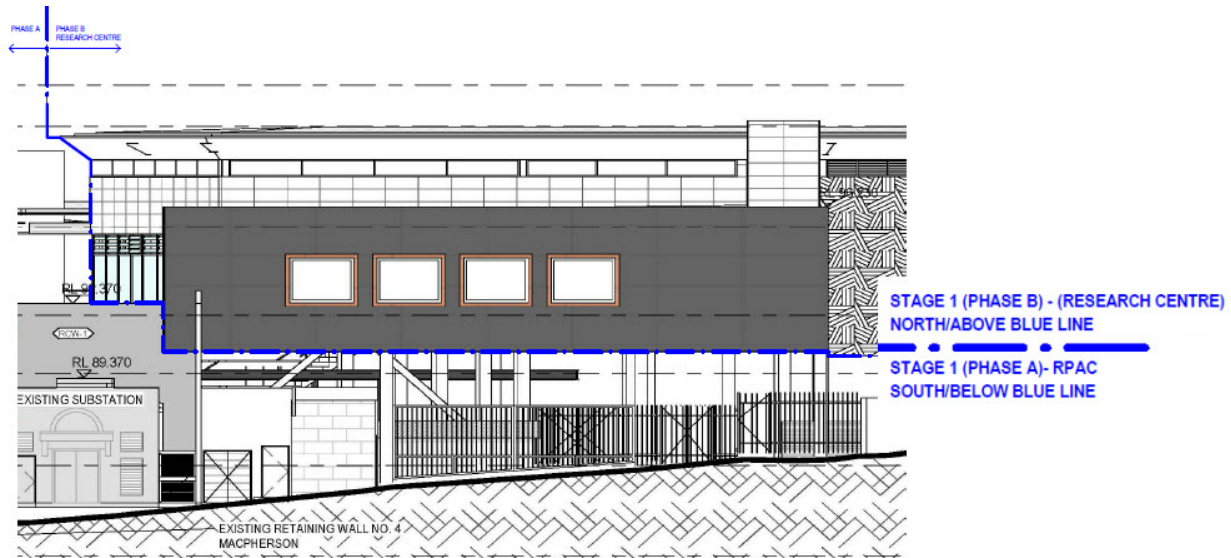


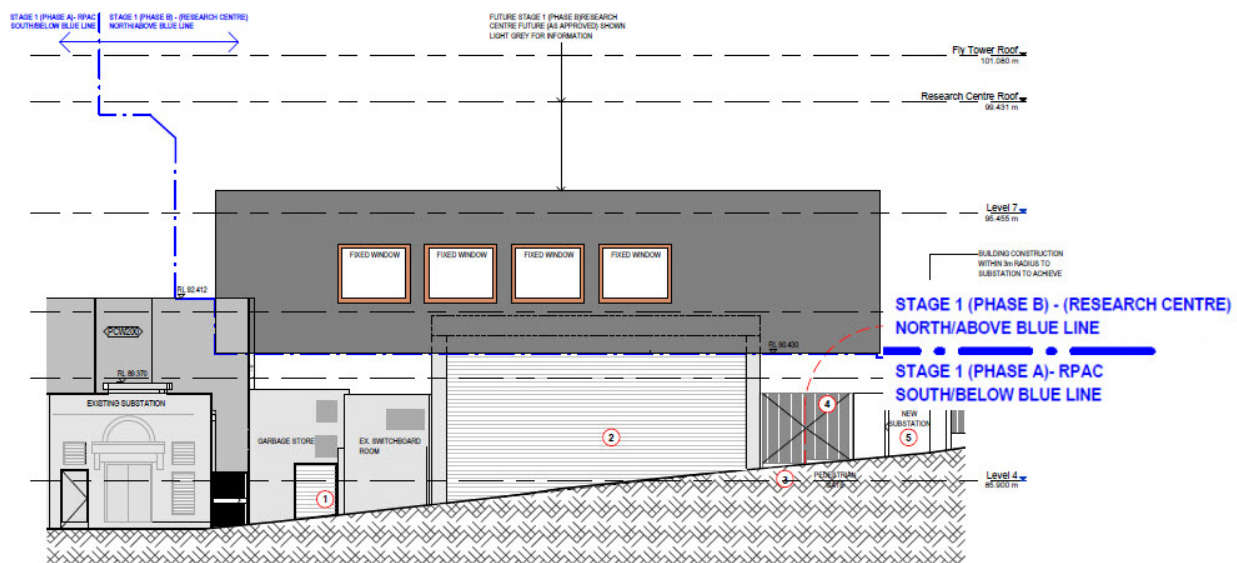
Figure 4 – Section 4.55(1A) Proposal: RPAC Level 4 Phase A (Source: 4.55(1A)103_B)





DETAIL 1 - LEVEL 4 - ELEVATION - EAST ELEVATION - SERVICE VEHICLE ZONE (AS APPROVED)

1:100



DETAIL 2 - REVISED EAST ELEVATION - EAST (SERVICE VEHICLE ZONE) STAGE 1 - PHASE B (RESEARCH CENTRE)

1:100

Figure 7 – Comparison of Original Consent and Section 4.55(1A) Proposal: East Elevation (Source: (1B)150.SVZ_A)

5.0 Proposed modifications to conditions of consent

The modifications listed above necessitate modifications to the following schedules/conditions in the consent for SSD 6339:

- **SCHEDULE 2: CONDITIONS OF CONSENT FOR CONCEPT PROPOSAL**

- Condition A4: Development in Accordance with Plans and Documents

- **SCHEDULE 3: CONDITIONS OF CONSENT FOR STAGE 1 WORKS**

- Condition A2: Development in Accordance with Plans and Documents

The requested modifications to each of the Schedules are noted below (new words shown in red and deleted words in ~~strike through~~).

5.1 SCHEDULE 2: CONDITIONS OF CONSENT FOR CONCEPT PROPOSAL

5.1.1 Condition A4: Development In Accordance with Plans and Documents

Development In Accordance with Plans and Documents

A4. The applicant shall carry out the development generally in accordance with the:

- State Significant Development Application SSD 6339;
- Environmental Impact Statement except where amended by the Response to Submissions and the RtS Supplementary Responses;
- the conditions of this consent;
- Section 96 application dated 21 December 2017, all supporting documents, the Response to Submissions dated 6 April 2018 and supplementary Response to Submissions dated 7 May 2018;
- Section 4.55 application dated 31 May 2019 and all supporting documents; ~~and~~
- Section 4.55 application dated 19 April 2021 and all supporting documents; ~~and~~
- ~~f~~g) the following drawings, except for:
 - any modifications which are Exempt or Complying Development;
 - as otherwise provided by the conditions of this consent.

Building Envelope Drawings prepared by PD Mayoh Pty Ltd			
Drawing No.	Issue	Name of Plan	Date
A.000	E	COVER SHEET & STAGING DIAGRAM	27.05.2019
A.MP.007	D	CAMPUS SITE IMPACT ASSESSMENT 1: ENTRY POINTS AND PEDESTRIAN MOVEMENT & TRAFFIC MANAGEMENT AND PARKING	19.12.17
A.MP.008	B	CAMPUS SITE IMPACT ASSESSMENT 2: PRECINCTS & LANDSCAPE AREA AND BUILDING FOOTPRINT	28.11.17
A.MP.009	B	CAMPUS SITE IMPACT ASSESSMENT 3: GROSS FLOOR AREA CALCULATIONS & HEIGHT	28.11.17
A.MP.020	B	MASTER PLAN - LEVEL 1	19.12.17
A.MP.021	B	MASTER PLAN - LEVEL 2	19.12.17
A.MP.022	B	MASTER PLAN - LEVEL 3	19.12.17

Building Envelope Drawings prepared by PD Mayoh Pty Ltd			
A.MP.023	B C	MASTER PLAN - LEVEL 4	19.12.17 16-04.2021
A.MP.024	E F	MASTER PLAN - LEVEL 5	27.05.2019 16-04.2021
A.MP.025	E F	MASTER PLAN - LEVEL 6	27.05.2019 16-04.2021
A.MP.026	E F	MASTER PLAN - LEVEL 7	27.05.2019 16-04.2021
A.MP.027	B	MASTER PLAN - LEVEL 8	19.12.17
A.MP.028	B	MASTER PLAN – ROOF PLAN	19.12.17
A.MP.030	A	SECTIONS - A, B, C & D	03.07.14
A.MP.031	E D	SECTIONS - E, F & G RPAC	27.05.2019 16-04.2021
Concept Landscape Plan prepared by SILK Consulting Landscape Architects			
Drawing No.	Issue	Name of Plan	Date
MP-100	G	LANDSCAPE MASTER PLAN	19.08.14
LA01	C	SITE LANDSCAPE PLAN	12.12.17

5.2 SCHEDULE 3: CONDITIONS OF CONSENT FOR STAGE 1 WORKS

5.2.1 Condition A2: Development In Accordance with Plans and Documents

Development In Accordance with Plans and Documents

A2. The applicant shall carry out the development generally in accordance with the:

- a) State Significant Development Application SSD 6339;
- b) Environmental Impact Statement except where amended by the Response to Submissions and the RtS Supplementary Responses;
- c) the conditions of this consent;
- d) Section 96 application dated 21 December 2017, all supporting documents, the Response to Submissions dated 6 April 2018 and supplementary Response to Submissions dated 7 May 2018;
- e) Section 4.55 application dated 31 May 2019 and all supporting documents;
~~and~~
- f) Section 4.55 application dated 20 April 2021 and all supporting documents;
and
- fg) the following drawings, except for:
 - 4) any modifications which are Exempt or Complying Development;
 - ii) as otherwise provided by the conditions of this consent.

Architectural (or Design) Drawings prepared by PD Mayoh Pty Ltd			
Drawing No.	Revision	Name of Plan	Date
A.004	A	DEMOLITION PLAN	03.07.14
4.55(1A)100	A	LEVEL 1 –PHASE A	27.05.2019
4.55(1A)101	A	LEVEL 2 –PHASE A	27.05.2019
4.55(1A)102	A B	LEVEL 3 - PHASE A	27.05.2019 16.04.2021

Architectural (or Design) Drawings prepared by PD Mayoh Pty Ltd			
4.55(1A)103	A C	LEVEL 4 –PHASE A	27.05.2019 16.04.2021
4.55(1A)104	A B	LEVEL 5 –PHASE A	27.05.2019 16.04.2021
4.55(1A)105	A B	LEVEL 6 –PHASE A	27.05.2019 16.04.2021
4.55(1A)106	A B	LEVEL 7 –PHASE A	27.05.2019 16.04.2021
4.55(1A)107	A B	ROOF PLAN –PHASE A	27.05.2019 16.04.2021
4.55(1B)103	A B	LEVEL 4 - PHASE B	27.05.2019 16.04.2021
4.55(1B)104	A B	LEVEL 5 - PHASE B	27.05.2019 16.04.2021
4.55(1B)105	A B	LEVEL 6 – PHASE B	27.05.2019 16.04.2021
4.55(1B)106	A B	LEVEL 7 – PHASE B	27.05.2019 16.04.2021
4.55(1B)107	A B	ROOF PLAN - PHASE B	27.05.2019 16.04.2021
4.55A150	A B	ELEVATIONS SOUTH & EAST	27.05.2019 16.04.2021
4.55A151	A	ELEVATIONS NORTH & WEST	27.05.2019
S96A.160	B	SECTIONS A, B & C	19.12.17
S96A.161	B	SECTIONS D, E & F	19.12.17
Landscape Plan prepared by Taylor Brammer Landscape Architects Pty Ltd			
Drawing No.	Issue	Name of Plan	Date
LA01	E F	SITE LANDSCAPE PLAN	12.06.2019 20.04.2021
LA02	E F	TREE REMOVAL AND RETENTION PLAN	12.06.2019 20.04.2021
LA03	E	LANDSCAPE SECTIONS	12.06.2019

6.0 Section 4.55(1A) Considerations

Section 4.55(1A) of the EP&A Act states 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, modify the consent if:

- a) *it is satisfied that the proposed modification is of minimal environmental impact, and*
- 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), and*
- c) *it has notified the application, and*
- d) *it has considered any submissions made concerning the proposed modification*

Subsections (1), (2) and (5) do not apply to such a modification.

In accordance with these tests:

- The Section 4.55(1A) proposal will have minimal environmental impact as there is no change approved building envelopes
- The modified development would be substantially the same as “the development for which consent was originally granted and before that consent as originally granted was modified” as the Section 4.55(1A) proposal relates to the substation arrangements (with minor internal planning refinements to the bike stores, loading, fence/gate and other back of house services accessed from Leichhardt lane. The modified development would retain the main characteristics of the original consent including:
 - Scope of demolition works
 - Approved building bulk, height, scale, form and design
 - Access, car parking or transport arrangements
 - Increase in student and staff population
 - Hours of operation or use of the RPAC (including the approved Indicative Usage Profile)
 - Tree removal/retention and landscape design
 - Stage 1 RPAC content (being basement car parking, an aquatic centre with associated amenities, multi-purpose hall, auditorium with associated amenities and a research centre).

As the proposed modifications comprise modifications to the substation and internal planning refinements, there are no additional or varied impacts and the Department need not notify the application for modification.

7.0 Planning assessment

Pursuant to Section 4.55(3) of the EP&A Act:

In determining an application for modification of a consent under this section, the consent authority must take into consideration such of the matters referred to in section 4.15(1) as are of relevance to the development the subject of the application.

An assessment of the Section 4.55(1A) proposal, using the considerations at section 4.15(1) of the EP&A Act, follows.

7.1 S.4.15(1)(a) State, regional and local plans

The following legislation, environmental planning instruments and development control plan are relevant to the Section 4.55(1A) proposal:

- Environmental Planning and Assessment Act 1979 (**EP&A Act**)
- State Environmental Planning (State and Regional Development) 2011 (**SEPP SRD**)
- State Environmental Planning Policy (Educational establishments and Child Care Facilities) 2017 (**SEPP Education and Child Care**)
- State Environmental Planning Policy No. 55 – Remediation of Land (**SEPP 55**)
- Waverley Local Environmental Plan 2012 (**Waverley LEP 2012**)
- Waverley Development Control Plan (**Waverley DCP**).

The Section 4.55(1A) proposal does not materially alter the compliance of the approved SSD with these Acts, SEPPs, Waverley LEP 2012 and Waverley DCP (noting that DCPs do not apply to SSDs).

7.2 S.4.15(1)(b) Impact on the environment

Key issues in the assessment of the approved SSD comprised:

- **Traffic, parking and transport:** The Section 4.55(1A) proposal will not alter the approved traffic, parking and access arrangements. The approved total number of bicycle parking spaces (100) is to be retained.
- **Impacts on adjoining residents, overshadowing, privacy, noise, lighting etc:** The impacts of the development will not change and the approved protection measures will be retained.
- **Built form and urban design:** The design changes will not be appreciable to even the most keen observer.
- **Heritage:** The heritage impacts of the completed development will not change.
- **Ecologically sustainable development (ESD):** The approved ESD strategies are retained.
- **Accessibility and BCA:** Equitable access and compliance with the BCA will be retained.
- **Waste and recycling:** The modified plans retain the capacity of the approved waste and recycling facilities.
- **Construction impacts:** There is no modification proposed to the conditions of consent imposed to minimise the adverse impacts of construction.

Given the above points, the Section 4.55(1A) proposal would have a minor environmental effect and maintains the environmental impacts of the approved development.

7.3 S.4.15(1)(c) Suitability of the site

As detailed throughout this SEE, the site is suitable to accommodate the Section 4.55(1A) proposal (in the same way that it is suitable for the development approved by the original consent for SSD 6339).

7.4 S.4.15(1)(d) Any submissions made in accordance with the Act or Regulations and S.4.15(1)(e) The public interest

If required, the Section 4.55(1A) application for modification will be notified/advertised in accordance with the Department's policy and submissions received will be considered in the assessment.

8.0 Conclusion

Given the merits of the Section 4.55(1A) proposal and the absence of any significantly adverse environmental effects, the Section 4.55(1A) proposal is considered worthy of consent.

The proposed modifications are minor in effect. As a consequence:

- The form and content of the Section 4.55(1A) proposal is substantially the same as the development approved by the original consent for SSD 6339
- The Section 4.55(1A) proposal will have a minimal (and satisfactory) impact upon the environment.

As the Section 4.55(1A) proposal satisfies the tests listed at Section 4.55(1A) of the EP&A Act, it is worthy of consent.

Appendix A

Section 4.55 Campus Plans, by Mayoh Architects

Appendix B

Section 4.55 Stage 1 RPAC Architectural Plans, by Mayoh Architects

Appendix C

Section 4.55 Stage 1 RPAC Landscape Plans, by Taylor Brammer

Appendix D

Supporting information/sketches