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5 October 2016

Ms Carolyn McNally
Secretary
Department of Planning and Environment
GPO Box 39
SYDNEY NSW 2001

Dear Ms McNally

**SECTION 96(2) - MODIFICATION APPLICATION TO SSD 6484
45 PARK ROAD, BURWOOD - MLC BURWOOD SENIOR SCHOOL CENTRE**

On behalf of MLC Burwood, we hereby submit an application pursuant to section 96(2) of the *Environmental Planning and Assessment Act, 1979* (EP&A Act) to modify development consent SSD 6484 relating to the approval for the redevelopment of the MLC Senior School located at 45 Park Road, Burwood (refer to **Figure 1**).

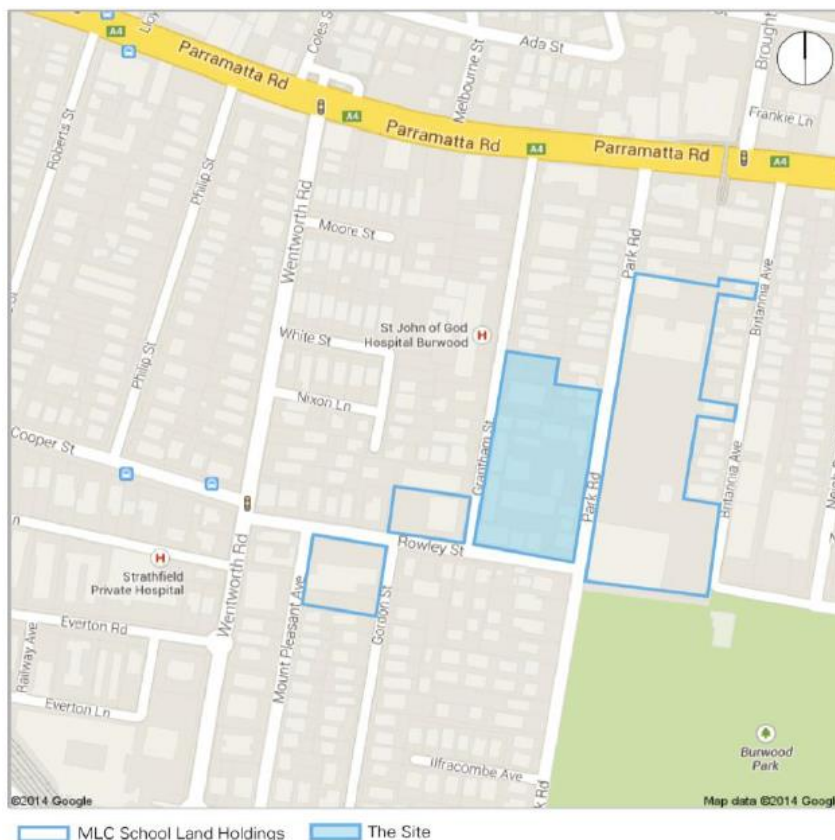


Figure 1 – Site Plan

Source: Google Maps

This application primarily relates to the addition of a fourth floor to the approved Teaching and Learning Building, and a resultant increase to the height and floor space of the building. It also

seeks consent for minor internal modifications to this building and the deletion of the approved additions to the Middle School Building. The purpose of the modifications is to provide for improved learning and teaching spaces, which will enable the school to operate more efficiently.

This section 96(2) application identifies the applicable development consent and describes the proposed modifications. It includes an assessment of the proposal in terms of the matters for consideration as listed under section 79C(1) and section 96 of the EP&A Act. This application is accompanied by:

- Revised Architectural Drawings and Design Report prepared by BVN Architects (**Attachment A**);
- Consideration of proposed height and FSR variations against the Land and Environment Court principles for clause 4.6 variations prepared by JBA (**Attachment B**);
- BCA Report prepared by Vic Lilli and Partners (**Attachment C**);
- Heritage Impact Assessment prepared by Perumal Murphy Alessi (**Attachment D**);
- Structural Statement prepared by Taylor Thomson Whitting (**Attachment E**); and
- Accessibility Statement prepared by Morris Goding Accessibility Consulting (**Attachment F**).

1.0 BACKGROUND

Development Consent (SSD 6484) was granted on 3 March 2015 by the NSW Department of Planning and Environment (the Department). The approval granted consent for demolition works and the construction of a new Teaching and Learning Building, a new Art Building, alterations and additions to the existing Middle School Building and the refurbishment of the existing Independent Learning Centre (the ILC).

Consent was also given to variations to the maximum Floor Space Ratio (FSR) and height controls applicable to the site under the *Burwood Local Environmental Plan 2012* (LEP 2012). Under LEP 2012, the site is subject to an FSR control of 0.55:1 and a height control of 8.2 metres which are reflective of the site's R2 Low Density Residential zoning. The approval allowed for a maximum FSR of 0.87:1 and a maximum height of 15.26 metres (RL39.4). It is noted that the highest building on the site is at RL 43.3, being the ILC. The approval and associated variations to the development standards were considered to be in the public interest as they allow delivery of new teaching and learning facilities that provide adaptable classrooms and collaborative learning spaces, more appropriate for the school's teaching requirements.

Since consent was issued MLC Burwood has had the opportunity to review the design, and has identified a number of design improvements and efficiencies that will enhance the daily operations of the school, better respond to the school's teaching needs, and improve the functionality of the approved building. In particular, the proposed modifications will:

- Enable all of the science labs to be located together – under the approved scheme, six (6) labs were located in the new Learning and Teaching Building and two (2) were to remain in the existing building. The proposed scheme is more efficient, allowing all eight (8) labs to be co-located.
- Enable all of the language departments (staff and students) to be located in the new building. Previously they were located in the existing building, which resulted in learning and teaching inefficiencies.
- Provide the opportunity to relocate Years 7 – 10 art classes into the new building.
- Provide additional space for larger STEM rooms.
- Provide additional classrooms for history.
- Provide staff room space for all of sports staff.

Accordingly, this application seeks approval for these modifications.

2.0 DESCRIPTION OF PROPOSED DEVELOPMENT MODIFICATIONS

The proposed modifications to SSD 6484 are illustrated in the Architectural Drawings included at **Attachment A** and include the following:

- Inclusion of an additional storey to the approved Teaching and Learning Building, taking the height from three (3) storeys to four (4) storeys (ground plus 3 storeys), and a subsequent increase in height from 15.26 metres (RL 39.4) to 19.16 metres (RL 43.3). The additional storey will incorporate:
 - a library space;
 - teaching and learning spaces;
 - a collaborative learning space;
 - a staff room;
 - two outdoor roof terraces on the northern side of the building;
 - two (2) balconies on the eastern elevation fronting Park Road, and one (1) additional balcony on the western elevation; and
 - one (1) window box on the western elevation and one (1) window box on the southern elevation.
- Deletion of the approved additions to the Middle School Building fronting Grantham Street.
- An increase to the development's overall GFA from 11,462m² (0.87:1) to 12,324m² (0.94:1).

2.1 Modifications to the Development

Teaching and Learning Building

Table 1 below provides a detailed floor by floor account of the proposed modifications at each level of the Teaching and Learning Building.

Table 1 – Schedule of changes to the Teaching and Learning Building

Level	Description of Proposed Modification	Drawing No.	Revision
Level -01 (basement)	No change	AR-AR-B-00-01	F
Level 00 (ground)	No change	AR-AR-B-00-02	H
Level 01	No change	AR-AR-B-01-03	H
Level 02	<ul style="list-style-type: none"> ■ conversion of the external roof terraces into internal collaborative learning spaces 	AR-AR-B-02-04	H
Level 03	<ul style="list-style-type: none"> ■ construction of an additional floor comprising: <ul style="list-style-type: none"> - a library space; - teaching and learning spaces; - a collaborative learning space; - a staff room; and - two outdoor roof terraces on the northern side of the building. 	AR-AR-B-03-05	F
Roof Plan	No change	AR-AR-B-04-06	C
Western Elevation	<ul style="list-style-type: none"> ■ inclusion of an additional storey, replicating the façade of Level 01 in terms of window placement and balconies; and ■ inclusion of roof top plant to a height of RL 43.3. 	AR-AR-C-XX-01	G
Eastern - Elevation (Park Road)	<ul style="list-style-type: none"> ■ inclusion of an additional storey, replicating the façade of Level 01 in terms of window placement and balconies; and ■ inclusion of roof top plant to a height of RL 43.3. 	AR-AR-C-XX-01	G
Southern Elevation	<ul style="list-style-type: none"> ■ inclusion of an additional storey, replicating the façade of Level 01 in terms of window placement and balconies; and ■ inclusion of roof top plant to a height of RL 43.3. 	AR-AR-C-XX-01	G
Northern Elevation	<ul style="list-style-type: none"> ■ inclusion of an additional storey, replicating the façade of Level 01 in terms of window placement and balconies; and ■ inclusion of roof top plant to a height of RL 43.3. 	AR-AR-C-XX-01	G

Building Envelope

As outlined the modifications consist of the inclusion of an additional level that will increase the maximum height of the building from 15.26 metres (RL 39.4) to 19.16 metres (RL 43.3) (refer to **Figure 2**). These heights indicate the maximum height of the building at the school's northern boundary. The predominant height of the building, when viewed from Park Road, will increase from 14.6 metres (approved) to 18.5 metres (proposed). The additional storey increases the building's exceedance of the 8.2 metre height standard from 7 metres to a maximum of 10.96 metres at the northern boundary.



Figure 2 – Proposed and Approved height of the Teaching and Learning Building (Main Building)

Source: BVN Donovan Hill Architects

Façade Amendments

As shown in **Figures 3** and **4**, the additional floor has been designed to have the same materiality and architectural expression as the approved building. In accordance with the approved development, the façade of the additional storey adopts a rectilinear articulation and a materiality characterised by perforated screens and plywood soffits.

The new floor will replicate existing Level 01 in terms of window and balcony placement. Specifically, the following additional elements are proposed on the elevations of the building.

- inclusion of additional balconies, including two (2) balconies on the eastern elevation fronting Park Road, and one (1) additional balcony on the western (internal) elevation; and
- inclusion of additional window boxes, including one (1) on the western elevation and one (1) on the southern elevation.



Figure 3 – Approved Teaching and Learning Building (Main Building) viewed from Park Road

Source: BVN Donovan Hill Architects



Figure 4 – Proposed Teaching and Learning Building (Main Building) viewed from Park Road.
Source: *BVN Donovan Hill Architects*

Middle School Building

As outlined above, the consent seeks to delete the approved additions to the Middle School Building (refer to **Attachment A**), thereby reducing the scale of the development when viewed from Grantham Street, and providing an increased setback to Grantham Street compared to what was approved.

The approved development proposed the demolition of the whole of the existing Sutton Wing Building. However, this application seeks to retain part of the northern extension of the Sutton Wing Building (refer to **Attachment A**).

Gross Floor Area

The proposed modifications to the Teaching and Learning Building will see the GFA change from 4,934m² to 6,588m², amounting to an increase of 1,654m². As mentioned above, the proposal also seeks to retain a portion of the Middle School’s Sutton Wing Building (320m²) that was previously approved for demolition.

Notwithstanding, the proposed additional GFA is to be counterbalanced by the deletion of the approved additions to the Middle School’s Sutton Wing and Year 6 Buildings, amounting to the removal of 792m². Therefore, the net increase to the GFA is 862m². Consequently, the GFA for the overall development is proposed to increase from 11,462m² (0.87:1) to 12,324m² (0.94:1), representing an increase of 7.5% (refer to **Table 2**).

Table 2 – Proposed GFA amendments

Location	Approved (m ²)	Proposed (m ²)	Change (m ²)
Middle School Year 6 Building (approved addition)	774	0	-774
Middle School Sutton Wing Addition (approved addition)	338	0	-338
Middle School Sutton Wing (existing)	-3,768	-3,448	+320
Teaching and Learning Building	4,934	6,588	+1,654
Remaining Buildings Across Site	9,184	9,184	0
Total Middle School			-792
Total Teaching and Learning Building / Senior School			+1,654
Net Total GFA	11,462	12,324	+862

2.2 Modifications to Conditions

The proposed modifications described above necessitate amendments to the consent conditions which are identified below. Words proposed to be deleted are shown in ~~bold strike through~~ and words to be inserted are shown in ***bold italics***.

2.3 Development in Accordance with Plans

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

- a) State Significant Development Application SSD 6484;
- b) Environmental Impact Statement prepared by JBA dated September 2014;
- c) Response to Submissions prepared by JBA dated 27 November 2014;
- d) The conditions of this consent; and
- e) The following drawings, expect for:
 - i) Any modifications which are Exempt or Complying Development
 - ii) Otherwise provided by the conditions of this consent.

Architectural (or Design) Drawings Prepared by <i>Donovan Hill</i>			
Drawing No.	Revision	Name of Plan	Date
AR-AR-B-00-01	E <i>F</i>	FLOOR PLAN LEVEL – 01	12.03.14 <i>26.09.16</i>
AR-AR-B-00-02	E <i>H</i>	FLOOR PLAN LEVEL 00	12.03.14 <i>26.09.16</i>
AR-AR-B-01-03	E <i>H</i>	FLOOR PLAN LEVEL 01	12.03.14 <i>26.09.16</i>
AR-AR-B-02-04	E <i>H</i>	FLOOR PLAN LEVEL 02	12.03.14 <i>26.09.16</i>
<i>AR-AR-B-03-05</i>	<i>F</i>	<i>FLOOR PLAN LEVEL 03</i>	<i>26.09.16</i>
AR-AR-B-03- 05-04 <i>06</i>	<i>C</i>	ROOF PLAN	12.03.14 <i>26.09.16</i>
AR-AR-C-XX-01	D <i>G</i>	ELEVATIONS MAIN BUILDING	12.03.14 <i>26.09.16</i>
AR-AR-C-XX-02	G <i>E</i>	ELEVATIONS MIDDLE SCHOOL	12.03.14 <i>26.09.16</i>
AR-AR-D-XX-01	C <i>D</i>	SECTIONS 1	12.03.14 <i>26.09.16</i>
AR-AR-D-XX-02	C <i>F</i>	SECTIONS 2	12.03.14 <i>26.09.16</i>
AR-AR-A-XX-03	C <i>E</i>	SITE & ROOF PLAN	12.03.14 <i>26.09.16</i>
AR-AR-A-XX-04	<i>B</i>	FINISHES SCHEDULE	12.03.14
Civil Drawings prepared by Taylor Thomson Whiting			
Drawing No.	Revision	Name of Plan	Date
CO2	P3	OVERALL SITEWORKS PLAN	08.07.14
CO6	P2	EROSION SEDIMENT CONTROL PLAN	03.03.14
Landscape Detail Plan prepared by Arcadia			
Drawing No.	Revision	Name of Plan	Date
100	A	LANDSCAPE MASTERPLAN	12.03.14
101	A	LANDSCAPE PLAN	12.03.14
102	A	LANDSCAPE PLAN	12.03.14
103	A	LANDSCAPE PLAN	12.03.14
501	A	LANDSCAPE DETAIL	12.03.14

3.0 SUBSTANTIALLY THE SAME DEVELOPMENT

Section 96(2)(a) of the EP&A Act states that a consent authority may modify a development consent if *“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)”*.

Whilst there is no definitive rule when it comes to determining what constitutes ‘substantially the same development’, the Land and Environment Court case of *Moto Projects (No 2) Pty Ltd v North Sydney Council [1999] NSWLEC 280*, established some key principles to be taken into account when considering what constitutes a modification:

- the verb “modify” means to alter without radical transformation;

- “substantially” in this context means essentially, materially or having the same essence;
- a development as modified would not necessarily be “substantially the same development” simply because it is for precisely the same use as that for which consent was originally granted;
- a modification application involves undertaking both a qualitative and quantitative comparison of the development as originally approved and modified;
- material changes can be permitted but only if they are not so material as to effect a transformation of the building;
- changes to matters such as floor space, height and building profile can be considered;
- changes to the facades, the appearance and the presentation of buildings can be considered;
- although the comparative task required under section 96 involves a comparison of the **whole** of the development being compared, that fact does not eclipse or cause to be eclipsed if a particular feature of the development, particularly if that feature is found to be important, material or essential to the development; and
- environmental impacts of the proposed modifications are relevant in determining whether or not a development is 'substantially the same'.

An assessment of the proposed modifications against these key principles is set out below.

3.1 Quantitative Assessment

An assessment of the quantitative modifications to the development is presented in **Table 3**, setting out a comparison between the original development consent and the proposed modifications. As demonstrated below, the key numeric features of the development are largely consistent, with the variations considered minor in the context of the whole development. The variations to the built form are discussed in Section 4.2 below.

Table 3 – Comparison between the modified development and the original approval

Element	Approved Development Consent	Proposed Section 96 Modification	Difference
Site area	13,105m ²	13,105m ²	Nil
Learning and Teaching Building	4,934m ²	6,588m ²	+1,654m ²
Middle School Buildings	1,112m ²	280m ²	- 792m ²
Existing Buildings to be Demolished	4,368	4048m ²	+320 m ²
Total GFA	11,462m ²	12,324m ²	+862m ²
FSR	0.87:1	0.94:1	+0.07:1
Building height:	15.263m RL 39.4	19.163m RL 43.3	+3.9m +RL3.9

3.2 Qualitative Assessment

A qualitative assessment of the proposed modifications demonstrates that the essential elements of the approved building design will not be significantly altered as a result of the application. Comparative photomontages of the approved development and the proposed modified development are included at **Figures 2 and 3** above. The photomontages show that the development, as proposed to be modified, is substantially the same development as that originally approved in that:

- The Teaching and Learning Building will align within the height of the ILC, which is the existing tallest building on the site at RL 43.3m. As a result, the Learning and Teaching Building will continue to be consistent with the existing scale of development on the campus.
- The façade of the additional storey to the Teaching and Learning Building adopts the same materiality and expression as the approved building, therefore maintaining consistency with the approved development.

- Whilst the Teaching and Learning Building is proposed to increase in scale, the modifications seek to reduce the height and GFA of the Middle School Building. Overall bulk and scale across the school campus will not significantly increase.
- The development, as modified, will not result in any adverse visual or streetscape impacts, or any additional overshadowing of private property.
- The proposal continues to incorporate an outdoor learning terrace on the top level of the Teaching and Learning Building. Consistent with the approved development, a privacy screen will prevent sightlines into the adjoining dwelling located at 31 Park Road.
- In accordance with the approved development, the additional storey to the Teaching and Learning Building adopts a setback ranging from 6 to 7.7 metres to the northern boundary and therefore continues to maintain adequate building separation for amenity and privacy. This setback is significantly greater than the setback required for a residential development for which the height and floor space ratio standards were set.
- The proposed modifications do not result in any additional students or staff, and will therefore have no additional impact on traffic generation or traffic movements.
- The fundamental social benefits delivered by the development in the form of improved educational facilities that meet the special requirements of the proposed use will continue to be provided.
- The fundamental principal of improving the amenity of the school and maximising open space is retained and enhanced with the removal of the additions to the Middle School Building providing more open space fronting Grantham Street.
- The proposed addition to the approved Teaching and Learning Building provides the same use as the approved development, delivering an educational facility within an R2 Low Density Residential zone.

Based on the above, it is considered that from a quantitative and qualitative perspective, the development as proposed to be modified is substantially the same as the approved scheme.

3.3 Summary of Substantially the Same Development

In summary, the development as proposed to be modified is substantially the same development as that originally approved in that it:

- does not give rise to any new environmental impacts compared to the approved development in terms of relevant matters for consideration at section 79C of the EP&A Act (refer to Section 4);
- retains the same land-use as the approved development, continuing to provide an educational facility within the R2 Low Density Residential zone;
- the proposal, as modified, seeks to consolidate floor space into the new Teaching and Learning Building, and results in only a minor increase in floor space across the campus;
- will not accommodate additional students or teachers on the site, ensuring associated impacts including traffic generation remain unchanged;
- the modified development will continue to provide an architectural expression that is consistent with the approved development; and
- the development, as modified, will continue to meet key objectives of the site's redevelopment, namely the provision of a high quality educational facility that provides for adaptable and collaborative learning spaces suitable to the school's needs.

When the proposed changes are considered as a whole, they result in a modest amendment to the distribution of bulk and scale across the campus. The changes result in an improved design outcome which will enhance the daily operations of the school and will not result in any adverse impacts beyond what was approved under the original proposal. For the reasons outlined above,

the consent authority may be satisfied that the modified proposal is substantially the same development for which consent was originally granted.

4.0 PLANNING ASSESSMENT

4.1 Section 79C(1)(a) Planning Instruments

The EIS submitted with the original DA addressed the proposed development's level of compliance against relevant planning instruments, including:

- NSW 2021;
- Draft Metropolitan Strategy for Sydney 2031;
- NSW Long Term Transport Master Plan 2012;
- NSW Bike Plan;
- Planning Guidelines for Walking and Cycling;
- Healthy Urban Development Checklist, NSW Health;
- Environmental Planning and Assessment Regulation 2000 (EP&A Regulation);
- State Environmental Planning Policy (State & Regional Development) 2011 (SRD SEPP);
- State Environmental Planning Policy (Infrastructure) 2007 (Infrastructure SEPP);
- State Environmental Planning Policy No. 55 – Remediation of Land (SEPP 55); and
- Burwood Local Environmental Plan 2012 (LEP 2012).

The proposed modifications do not substantially alter the development and are proposed for the purposes of improving the functionality of the school and the efficiency of the layout. The proposed amendments to the Teaching and Learning Building will result in this building further exceeding the height standard and the modifications result in a further increase beyond the maximum floor space ratio standard for the under LEP 2012. These matters are addressed below. Whilst clause 4.6 does not apply to section 96 modification applications, an assessment against the Land and Environment Court principles has been provided at **Attachment B**.

Burwood Local Environmental Plan 2012

Gross Floor Area

The proposed modifications and redistribution of GFA across the site has increased the overall GFA by 862m², from 11,462m² (0.87:1) to 12,324m² (0.94:1). Accordingly, the FSR further exceeds the maximum FSR of 0.55:1 under LEP 2012.

The proposed modifications respond to the changing needs of the school, and will enhance the operational efficiency and amenity of the school. Specifically, the redistribution of GFA across the site will facilitate the delivery of additional learning spaces within the Learning and Teaching Building that will allow all science and language classes to be held in the one building. The extent of the GFA increase is necessary to allow the configuration of the additional learning spaces to meet the specific design requirements of an educational facility and to enable the provision of collaborative and adaptable learning spaces.

The approved clause 4.6 variation request relating to the exceedance of the maximum FSR standard is equally relevant to the current proposal and is further discussed at **Attachment B**. As outlined in Section 4.2, the increased FSR will not result in any adverse amenity or built form impacts.

Building Height

The proposed additional storey to the Teaching and Learning Building increases its overall height by 3.9 metres from 15.26 metres (RL 39.4) to 19.16 metres (RL 43.3). These heights represent the

building's maximum height, when measured from the site's elevation. The predominant height of the building, when viewed from Park Road, will increase from 14.6 metres (approved) to 18.5 metres (proposed).

Notwithstanding the additional height proposed, the Teaching and Learning Building will remain consistent with the height of the tallest building on the campus (the ILC), which has maximum height of RL 43.3.

The approved clause 4.6 variation relating to the exceedance of the maximum height standard is equally relevant to the current proposal and is further discussed at **Attachment B**. As outlined in Section 4.2, the increased height will not result in any adverse amenity or built form impacts.

4.1 S.79C(1)(b) Impact on the Environment

The EIS submitted with the original DA addressed the likely impacts of the development, including:

- Compliance with Relevant Strategic and Statutory Plans and Policies;
- Permissibility;
- Built Form;
- Heritage;
- Parking and Traffic;
- Visual Impact;
- Amenity Impacts;
- Tree Removal and Ecological Impacts;
- Stormwater Management and Flooding;
- Environmentally Sustainable Development;
- Construction Impacts;
- Building Codes and Standards;
- Structural Adequacy;
- Sols, Geotechnical and Groundwater;
- Development Contributions;
- Site Suitability; and
- Public Interest.

Compliance with relevant strategic and statutory plans and policies has been considered above. The planning assessment of the proposed modified development remains generally unchanged with respect to the above matters. However, the following matters warrant further assessment.

Urban Design and Building Form

Façade Amendments

As outlined in the qualitative assessment of the modifications at Section 3.2, the development continues to provide a high quality built form that is consistent with the design approach of the approved development. The additional storey to the Teaching and Learning Building adopts the same materiality and façade expression, therefore appearing as a continuation of the approved building design.

Built Form and Functionality

As with the approved development, the amended interior of the Teaching and Learning Building has been developed in accordance with new teaching models. The additional storey incorporates generous sized learning spaces and additional collaborative learning rooms that will help foster

collaborative learning. As discussed in the BCA Report at **Attachment C**, the configuration of the layout provides for adequate accessibility arrangements and is capable of achieving compliance with the BCA and relevant Australian Standards.

Heritage

A Heritage Statement has been prepared by Perumal Murphy Alessi and is included at **Attachment D**. The Statement confirms the proposed modifications will have no further impact to the site's heritage significance. Specifically, the Statement confirms that notwithstanding the additional floor to the Teaching and Learning Building, the retention of the approved setbacks to the historic buildings will prevent any further impacts. Views of the historic Chapel and Tower from the surrounding public domain will not be obscured by the modifications.

The Statement also indicates that the deletion of the works to the Middle School Building will have no impact on the heritage significance of the site. It is considered that the Middle School's reduced built form will create a greater sense of openness and improve the interface between the new built forms and the existing heritage items.

Visual Impacts

Consistent with the approved development, the building will continue to provide a better quality building and improved streetscape on Park Road. The design continues to incorporate a combination of materials, finishes and architectural features, such as the pop-outs along Park Road, to create visual interest.

Despite the increased height, the proposal will not have any adverse visual impacts on the surrounding neighbourhood, with the development continuing to provide improved amenity, better quality architectural design and building materials, and enhanced outdoor open space, vegetation and tree plantings.

Amenity Impacts

Solar Access

As shown in the amended Shadow Diagram at **Attachment A**, the proposed modifications will have no additional impact on solar access to neighbouring properties. Whilst the proposed amendments will result in some additional overshadowing of the school grounds, the additional overshadowing is minor and confined to a small portion of the grounds and will be limited to the early hours of the morning.

Privacy Impacts

The proposed amendments to the Teaching and Learning Building will not alter the minimum 6 metre setback from the northern façade to the boundary (refer to **Figure 5**). The approved privacy screen on the upper levels will extend to the proposed additional storey. The privacy screen on the uppermost level will continue to prevent sightlines from the rooftop terraces, avoiding any privacy impacts to the neighbouring property. It is noted that the terraces will continue to be learning terraces, and will not be used for outdoor recreation.

A minimum separation of 7.7 metres from the privacy screen to the boundary will also be maintained (refer to **Figure 5**). Accordingly, despite the increased height, the Learning and Teaching Building will continue to provide a greater setback to the residential dwelling at 31 Park Road than the existing building and will maintain consistency with Burwood DCP 2013. Additionally, landscape screening along the boundary will continue to be provided for the purpose of creating a visual and acoustic buffer between the sites.

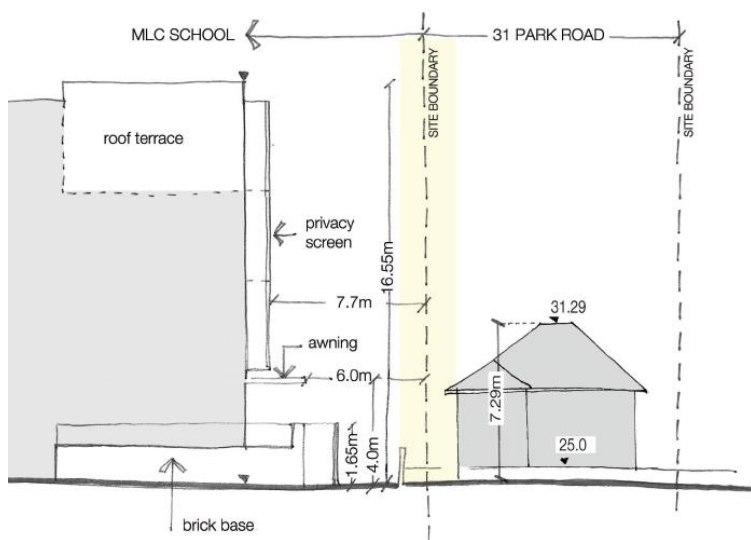


Figure 5 – Proposed roof terrace and separation distances to adjoining dwellings
 Source: BVN Donovan Hill Architects

Structural Adequacy

A Structural Design Statement has been prepared by TTW (**Attachment E**) to address the structural requirements of the proposed modifications. The statement confirms that the structural design will be in accordance with standard engineering practice and principles and the relevant Australian Standards, including:

- AS3600 – Concrete Structures;
- AS4100 – Steel Structures;
- AS1170.0 – General Principles;
- AS1170.1 – Permanent, Imposed and Other Actions;
- AS1170.2 - Wind Actions;
- AS1170.4 – Earthquake Actions in Australia; and
- AS 4678 – Earth retaining Structures.

In light of the above, TTW have confirmed that the proposed structure would be sufficient to carry the relevant loads.

Accessibility

Morris Goding Accessibility Consulting (MGAC) has preped an Accessibility Statement to support the proposed modification (refer to **Attachment F**). MGAC is of the opinion that the proposed section 96 drawings do not require any additional supporting information, analysis or commentary at this stage of the design and that compliance with DDA Premises Standards and Australian Standards can be achieved.

4.1 Site Suitability and the Public Interest

The site remains suitable for the proposed development for the reasons outlined in the EIS lodged with the original application. Consistent with the original application, the development will not increase the number of students, staff or visitors to the site, and so there will be no additional impacts on the surrounding neighbourhood as a result of the use of the site.

Further, the development is permissible in the zone, involves the construction of a quality building with architectural design that enhances the streetscape, improves the functionality and accessibility of the site, and considers and minimises impacts on the surrounding locality.

Finally, the development will continue to reinforce the heritage significance of the school and will improve the amenity of Park Road with an interesting and quality frontage.

5.0 CONCLUSION

In accordance with section 96(2) of the EP&A Act, the modified development will be substantially the same as the originally approved development. This section 96(2) application seeks to facilitate amendments in order to better respond to the school's operational needs and provide for an improved design. The proposed modifications will not substantially alter the environmental impacts assessed and approved as part of the existing development consent, nor will they give rise to any additional adverse amenity impacts.

In accordance with section 96(2) of the EP&A Act, Council may modify the consent as:

- the consent, as proposed to be modified, is substantially the same development as that originally approved;
- the modifications will further rationalise the layout of the buildings across the site in a way that better responds to the daily operations of the school, therefore further improving the functionality of the existing school; and
- the proposal will not result in any unacceptable adverse environmental, social or economic impacts.

We trust that this information is sufficient to enable assessment and approval of the proposed modification request. Should you have any queries about this matter, please do not hesitate to contact the undersigned on 9956 6962 or at ktudehope@jbaurban.com.au.

Yours faithfully,



Alicia Desgrand
Junior Urban Planner



Kate Tudehope
Principal Planner