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Department of Planning and Environment
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Attention: Megan Fu, Social and Other Infrastructure Assessments

**SECTION 96(1A) MODIFICATION APPLICATION TO MODIFY SSDA 7140
 ST IGNATIUS COLLEGE RIVERVIEW SENIOR SCHOOL CAMPUS
 2-60 RIVERVIEW STREET AND TAMBOURINE BAY ROAD, RIVERVIEW**

Dear Sir/Madam

This Section 96(1A) Modification Application is submitted to the Department of Planning and Environment (DPE) on behalf of St Ignatius College in support of amendments to Development Consent **SSDA 7140** for the staged redevelopment of St Ignatius College Riverview Senior School Campus at 2-60 Riverview Street and Tambourine Bay Road, Riverview. In accordance with Section 96(1A) of the *Environmental Planning and Assessment Act 1979*, the proposed changes shall result in minor environmental impact for the reasons outlined throughout this letter.

Approval to **SSDA 7140** was granted by DPE on 24 June 2016 for:

Concept Proposal for the staged redevelopment of the St Ignatius College Riverview Senior School Campus over a 30 year period, comprising:

- *Demolition works;*
- *Construction of new buildings and recreation facilities;*
- *Refurbishment and expansion of existing buildings;*
- *Vehicular access, car parking and pedestrian circulation arrangements;*
- *New recreation and outdoor spaces; and*
- *Associated landscaping.*

Stage 1 Works, including the expansion and refurbishment of the existing buildings in the Therry Precinct and associated landscaping.

This application represents the first modification to **SSDA 7140**, and is proposed in order to enhance the energy efficiency of the development. To complement the redevelopment of the school, minor changes to the approved built form are required, namely in relation to solar panels.

The amendments sought have been assessed against the relevant legislation and policies and Section 96(1A) of the *Environmental Planning and Assessment Act 1979*.

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This Section 96(1A) Modification Application is structured as follows:

- Part A Preliminary
- Part B Proposed Development
- Part C Legislative and Policy Framework
- Part D Key Matters for Consideration
- Part E Conclusion

Attached to this submission are the following specialist reports and plans:

- **Appendix 1 – Consent SSDA 7140**
- **Appendix 2 – Plans**

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PART A PRELIMINARY

1.1 INTRODUCTION

This application seeks consent for modifications to approved **SSDA 7140** pursuant to Section 96(1A) of the *Environmental Planning and Assessment Act 1979*.

Specifically, the proposed modification seeks consent for minor alterations to the approved built form to allow solar panels to be installed. The proposed development does not present any significant environmental impacts and the proposal will remain substantially the same as that approved under the original application. There will be no change to the use of the site, the GFA of the school, the internal areas of the buildings, and only minor alterations to the roof form as a result of this proposal. The proposal will prominently reflect the original consent.

Development Consent under Section 96(1A) of the *Environmental Planning and Assessment Act 1979* states:

(1A) *Modifications involving minimal environmental impact*

A consent authority may, on application being made by the applicant or any other person entitled to act on a consent granted by the consent authority and subject to and in accordance with the regulations, modify the consent 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) under this section, and*
- (c) *it has notified the application in accordance with:*
 - (i) *the regulations, if the regulations so require, or*
 - (ii) *a development control plan, if the consent authority is a council that has made a development control plan under section 72 that requires the notification or advertising of applications for modification of a development consent, and*
- (d) *it has considered any submissions made concerning the proposed modification within any period prescribed by the regulations or provided by the development control plan, as the case may be.*

The proposed modification provides for minor changes to the approved development that result in no environmental impact to the immediate surroundings or broader locality. The proposed modification seeks to install solar panels on the roofs of two (2) buildings.

No substantial impact upon the environment or amenity of surrounding development is to result. The proposed development is considered to be substantially the same as required by Section 96(1A). Accordingly, it is considered that Section 96(1A) is the most appropriate mechanism for the proposed modifications to the consent.

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1.2 SITE DESCRIPTION

The subject site is identified as 2-60 Riverview Street and Tambourine Bay Road, Riverview, being legally described as Lot 10 in DP 11422773 (**Figure 1**). Whilst the site address corresponds with the whole of St Ignatius College, the proposed modifications specifically relate to Therry Learning Precinct (Stage 1) and Vaughan Learning Precinct (**Figure 2**).



Figure 1. Cadastre Map (SIX Maps, 2017)

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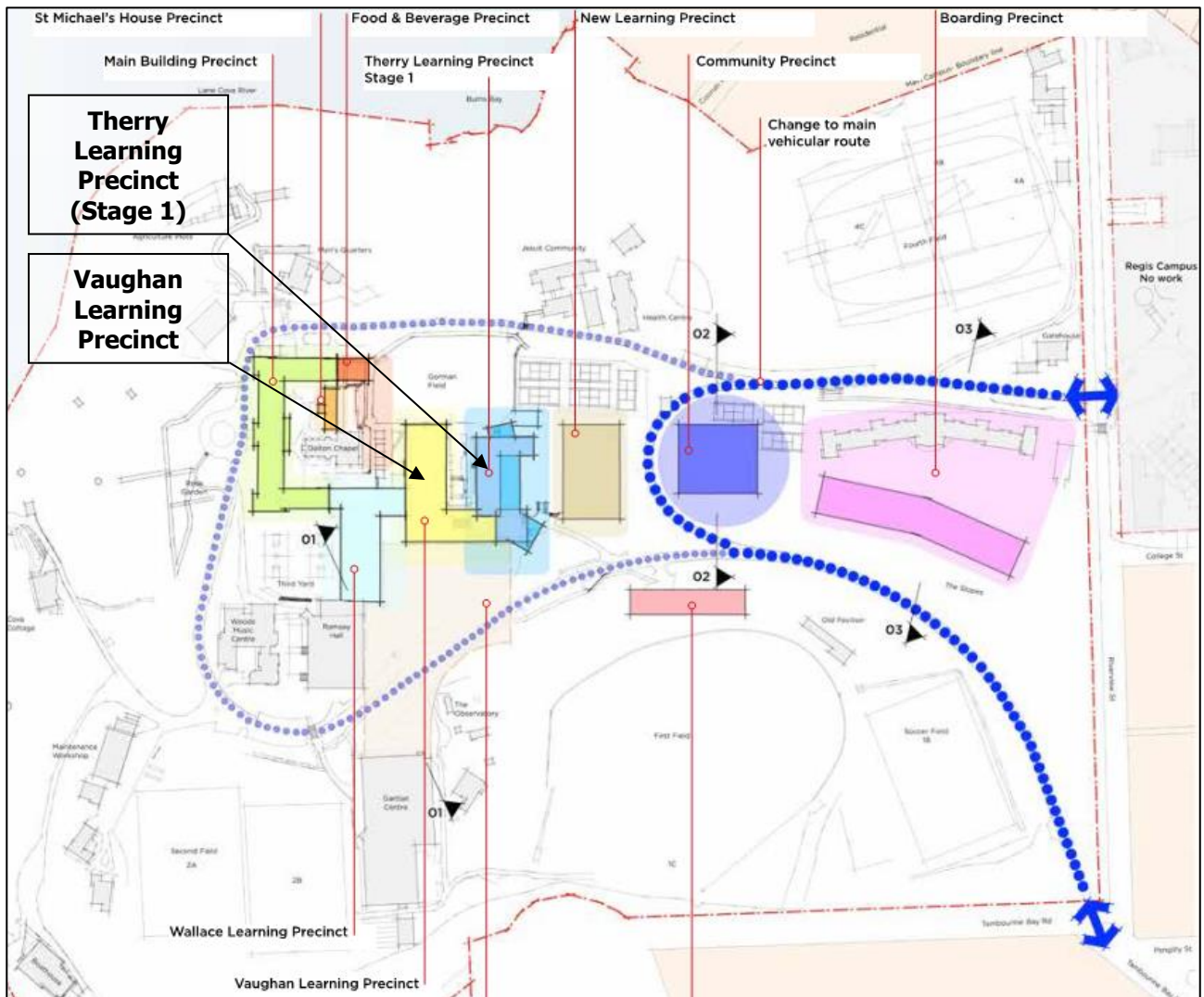


Figure 2. Masterplan Precincts (PMDL, 2016)

1.3 DEVELOPMENT HISTORY

Approval to **SSDA 7140** was granted by DPE on 24 June 2016 for:

Concept Proposal for the staged redevelopment of the St Ignatius College Riverview Senior School Campus over a 30 year period, comprising:

- Demolition works;
- Construction of new buildings and recreation facilities;
- Refurbishment and expansion of existing buildings;
- Vehicular access, car parking and pedestrian circulation arrangements;
- New recreation and outdoor spaces; and
- Associated landscaping.

Stage 1 Works, including the expansion and refurbishment of the existing buildings in the Therry Precinct and associated landscaping.

Review of **SSDA 7140** indicates that there is nothing which prevents the proposed modification from proceeding.

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PART B PROPOSED DEVELOPMENT

2.1 PROPOSED MODIFICATIONS & JUSTIFICATION

The proposed modification seeks to amend the approved built form to augment the energy efficiency of the development.

The proposed modification particulars are outlined as follows:

- Installation of solar panels ('photovoltaic array') on the roofs of the buildings described in the approved Masterplan as 'Therry Learning Precinct (Stage 1)' and 'Vaughan Learning Precinct'.
- The proposed panels will be flat with the roof profile.
- The approved roof pitch provides the required grade and therefore no other changes to the roof form are required.

The layout of the proposed solar panels is shown in the plans at **Appendix 2** and **Figure 3**.

As per the original approval, the proposed modifications will facilitate the development and use of the site for a school, with no other approved development particulars affected by the proposal.

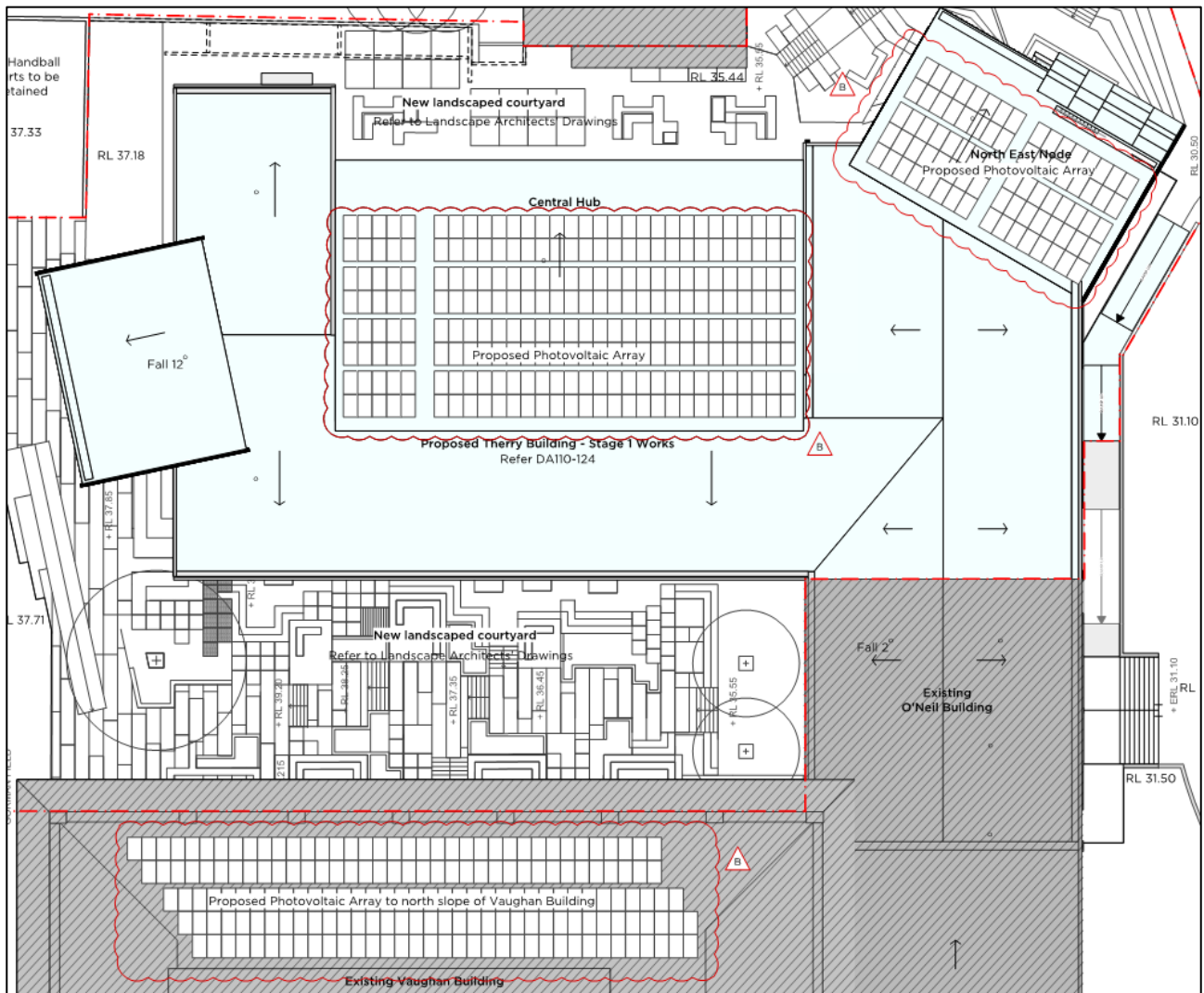


Figure 3. Modified Site Plan (PMDL, 2017)

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2.2 PROPOSED CONDITIONS OF CONSENT

In order to facilitate the above development, this Section 96(1A) Modification Application seeks to amend Condition A2 of Schedule 3 of **SSDA 7140**.

To reflect the proposed modifications to the relevant conditions, text proposed to be deleted is indicated by 'strikethrough' text and text proposed to be added is indicated by **bold** text as follows:

*Schedule 3 – Conditions of Consent for Stage 1 Works
Development in Accordance with Plans and Documents*

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

- a) Environmental Impact Statement Concept Master Plan and Stage 1 Detailed Consent for Stage 1 Works to the Therry and O'Neil Wings, prepared by Willowtree Planning and dated November 2015, as amended by the Response to the Submissions State Significant Development 7140, prepared by Willowtree Planning, dated March 2016, and the **Section 96(1A) Modification Planning Report, prepared by Willowtree Planning, dated 21 November 2017;***
- b) Stage 1 Landscape Package, prepared by Arcadia Landscape Architecture, dated November 2015; and*
- c) Following drawings, except for:*
 - i) Any modifications which are Exempt or Complying Development; and*
 - ii) Otherwise provided by the conditions of this consent.*

| <i>Architectural Design Drawings titled St Ignatius College – Masterplan Stage 1 prepared by PMDL</i> | | | |
|---|-----------------|-----------------------------------|---------------------|
| <i>Drawing No.</i> | <i>Revision</i> | <i>Name of Plan</i> | <i>Date</i> |
| DA100 | A | Site Plan and Analysis | 27/10/15 |
| DA100 | B | Site Plan and Analysis | 20/11/17 |
| DA120 | A | Ground Floor Plan | 27/10/15 |
| DA121 | A | Level 1 Plan RL 35.55 | 27/10/15 |
| DA122 | A | Level 2 Plan RL 39.215 | 27/10/15 |
| DA123 | A | Level 3 Plan RL 42.54 | 27/10/15 |
| DA124 | A | Roof Level Plan | 27/10/15 |
| DA124 | B | Roof Level Plan | 20/11/17 |
| DA130 | A | Ground Floor Demo Plan | 27/10/15 |
| DA131 | A | Level 1 Demo Plan | 27/10/15 |
| DA132 | A | Level 2 Demo Plan | 27/10/15 |
| DA133 | A | Level 3 Demo Plan | 27/10/15 |
| DA134 | A | Roof Level Demo Plan | 27/10/15 |
| DA200 | A | Elevations 01 | 27/10/15 |
| DA201 | A | Elevations 02 | 27/10/15 |
| DA202 | A | Sections 01 | 27/10/15 |
| DA203 | A | Sections 02 | 27/10/15 |
| DA500 | A | Materials Board | 27/10/15 |

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PART C LEGISLATIVE AND POLICY FRAMEWORK

3.1 ENVIRONMENTAL PLANNING & ASSESSMENT ACT 1979

Section 96(1A) of the *Environmental Planning & Assessment Act 1979* makes provision to modify a Development Application that has been made pursuant to Part 4 of the *Environmental Planning & Assessment Act 1979*.

The proposal as submitted to DPE is considered to satisfy the provisions of Section 96(1A) of the Act in that the changes proposed will result in minimal environmental impact and will result in the development being substantially the same as that for which consent was originally granted.

The key provisions of Section 96(1A) of the Act have been considered below:

A consent authority may, on application being made by the applicant or any other person entitled to act on a consent granted by the consent authority and subject to and in accordance with the regulations, modify the consent 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).*
- (c) it has notified the application in accordance with:*
 - (i) the regulations, if the regulations so require, or*
 - (ii) a development control plan, if the consent authority is a council that has made a development control plan under section 72 that requires the notification or advertising of applications for modification of a development consent, and*
- (d) it has considered any submissions made concerning the proposed modification within any period prescribed by the regulations or provided by the development control plan, as the case may be.*

The modified design of the development to add solar panels to the approved roof form of two (2) buildings reflects only minor changes to the original approval. The resulting development provides a more energy efficiency outcome whilst preserving the general appearance of the approved buildings. The ultimate use, function and general appearance of the site is consistent with that approved under **SSDA 7140**.

The proposal is considered to be substantially the same development and satisfies the provisions of Section 96(1A) of the *EP&A Act 1979*.

3.2 LANE COVE LOCAL ENVIRONMENTAL PLAN 2009

The subject site is identified within the Lane Cove Local Government Area (LGA) and therefore is subject to the provisions of *Lane Cove Local Environmental Plan 2009* (LCLEP2009).

The proposed solar panels relate to the existing and approved educational establishment on the site, which is permitted with consent in the SP2 Infrastructure (Educational Establishments) zone.

The solar panels will be flat with the roof profile and accordingly no additional building height is proposed.

No heritage buildings will be affected by the proposed installation of solar panels.

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The proposal does not contravene any other objectives or provisions of the LCLEP2009.

3.3 LANE COVE DEVELOPMENT CONTROL PLAN 2010

The proposed modifications to the approval are considered to comply with the requirements of the *Lane Cove Development Control Plan 2010* (LCDCP2010) where relevant.

Without affecting any other aspect of the approved built form, the proposed solar panels will assist in achieving the objectives and provisions of Section 6.3 of the LCLEP2010 which relates to Energy and Water Efficiency for Buildings. In accordance with the LCDCP2010, the proposed solar panels will minimise fossil fuel use and greenhouse gas emissions by providing a more sustainable renewable energy source.

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PART D KEY MATTERS FOR CONSIDERATION

The key matters for consideration as they relate to the modified proposal are addressed in the ensuing subsections.

4.1 LAND USE

The proposed will preserve the use of the site for a school, consistent with **SSDA 7140**.

4.2 DESIGN AND APPEARANCE

The proposed solar panels will be flat with the roof profile and are compatible with the approved grade of the roof pitch. Accordingly, no more substantial changes to the roof form are required to support the proposal, and the visual appearance of the roof form and overall buildings will remain overwhelmingly consistent the approved development.

4.3 HERITAGE

No items exhibiting heritage significance will be affected by the proposed installation of solar panels.

4.4 OTHER MATTERS FOR CONSIDERATION

All other matters for consideration have been previously assessed as part of **SSDA 7140** and remain unaffected by the proposed modifications.

4.5 LIKELY IMPACTS OF DEVELOPMENT

The likely impacts of development in accordance with the requirements of Section 79C have been considered above.

4.6 SUITABILITY OF SITE FOR DEVELOPMENT

The site is considered suitable for development as established by the previous approval of **SSDA 7140**.

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PART E CONCLUSION

The subject application seeks consent for modifications to the approved redevelopment of St Ignatius College at 2-60 Riverview Street and Tambourine Bay Road, Riverview, and will not result in any unacceptable environmental impacts.

As detailed throughout this statement, the changes sought have evolved through post-approval design development to ensure the realization of a sustainable, energy-efficient, development.

Overall, the modified scheme will improve the outcome for the staged redevelopment of the school in terms of designing for sustainability. The design and appearance of the built form will be generally consistent with approved buildings and do not require any further modifications to the roof form.

The development as modified would remain substantially the same development as that for which consent was originally granted under **SSDA 7140**.

Accordingly, it is requested that DPE support the application.

Yours faithfully,



Chris Wilson
Director
Willowtree Planning Pty Ltd

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Appendix 1 – Consent SSDA 7140

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Appendix 2 – Plans