



ACN: 146 035 707 ABN: 54 146 035 707
Suite 4, Level 7, 100 Walker Street
North Sydney NSW 2060
P: 02 9929 6974
enquiries@willowtreeplanning.com.au
www.willowtreeplanning.com.au

Department of Planning and Environment
GPO Box 39
Sydney NSW 2001

Attention: Megan Fu, Social and Other Infrastructure Assessments

**SECTION 4.55(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 4.55(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 4.55(1A) of the *Environmental Planning and Assessment Act 1979* (EP&A Act) 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.

Subsequently, consent was granted to modify **SSD 7140** (MOD 1) on 12 January 2018 to enable the installation of solar panels on the roofs of the buildings of the Therry Learning precinct and Vaughan Learning Precinct.

This application represents the second modification to **SSDA 7140**, and is proposed in order to extend the Stage 1 landscape scheme for the purpose of interpreting the original handball courts and repurposing the outdoor space for learning and passive recreation. These minor changes would complement the redevelopment of the school.

SECTION 4.55 (1A) MODIFICATION APPLICATION

2-60 Riverview Street and Tambourine Bay Road, Riverview
SSDA 7140

The amendments sought have been assessed against the relevant legislation and policies and Section 4.55(1A) of the EP&A Act.

This Section 4.55(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 – Consent SSDA 7140 MOD 1**
- **Appendix 3 – Architectural Plans**
- **Appendix 4 – Landscape Plans**
- **Appendix 5 – Heritage Impact Statement**

SECTION 4.55 (1A) MODIFICATION APPLICATION

2-60 Riverview Street and Tambourine Bay Road, Riverview
SSDA 7140

PART A PRELIMINARY

1.1 INTRODUCTION

This application seeks consent for modifications to approved **SSDA 7140** pursuant to Section 4.55(1A) of the EP&A Act.

Specifically, the proposed modification seeks consent for minor alterations to the approved landscape scheme as it relates to the site of the original handball courts.

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 internal or external areas of any buildings, and only minor alterations to a limited outdoor area as a result of this proposal. The proposal will prominently reflect the original consent.

Development Consent under Section 4.55(1A) of the EP&A Act 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 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 landscape scheme that result in no adverse environmental impact to the immediate surroundings or broader locality. The proposed modification seeks to interpret the original handball courts and repurpose the outdoor space for learning and passive recreation.

The proposed development is considered to be substantially the same as required by Section 4.55(1A).

Accordingly, it is considered that Section 4.55(1A) is the most appropriate mechanism for the proposed modifications to the consent.

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 the site of the original handball courts (**Figure 2**).



Figure 1. Cadastre Map (SIX Maps, 2017)

SECTION 4.55 (1A) MODIFICATION APPLICATION

2-60 Riverview Street and Tambourine Bay Road, Riverview
SSDA 7140

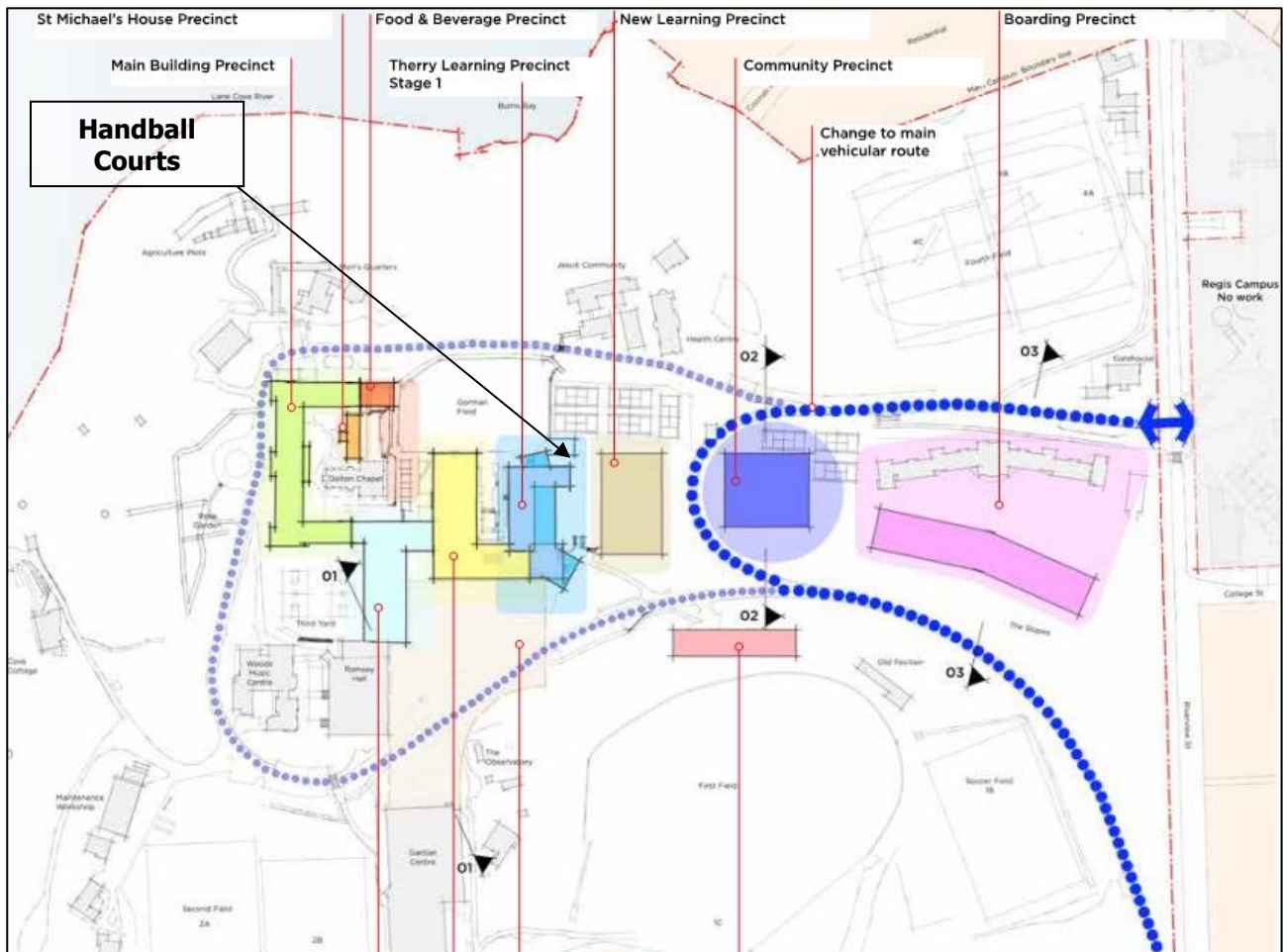


Figure 2. Masterplan Precincts (PMDL, 2016)

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.

Subsequently, consent was granted to modify **SSD 7140** (MOD 1) on 12 January 2018 to enable the installation of solar panels on the roofs of the buildings of the Therry Learning precinct and Vaughan Learning Precinct.

Review of **SSDA 7140** and **SSD 7140 MOD 1** indicates that there is nothing which prevents the proposed modification from proceeding.

SECTION 4.55 (1A) MODIFICATION APPLICATION

2-60 Riverview Street and Tambourine Bay Road, Riverview
SSDA 7140

PART B PROPOSED DEVELOPMENT

2.1 PROPOSED MODIFICATIONS & JUSTIFICATION

The proposed modification seeks to amend the approved landscape scheme to interpret the original handball courts and repurpose the outdoor space for learning and passive recreation.

The proposed modification particulars are outlined as follows:

- Reduction in height of existing retaining brick wall to 2m;
- Installation of tennis court fencing atop reduced height wall;
- Installation of tiered sandstone seating walls to enclose a new outdoor space (for learning and passive recreation);
- Installation of inground sandstone pebble inlay within garden beds to reference alignment of original walls of the handball courts;
- Installation of interpretive signage to commemorate original school layout;
- Planting of garden beds with native shrubs and groundcovers; and
- Laying of concrete pavement to match new paving works.

The proposed layout of the outdoor space is shown in the plans at **Appendices 3 and 4** 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. Proposed Landscape Plan (Arcadia, 2018)

SECTION 4.55 (1A) MODIFICATION APPLICATION

2-60 Riverview Street and Tambourine Bay Road, Riverview
SSDA 7140

2.2 PROPOSED CONDITIONS OF CONSENT

In order to facilitate the above development, this Section 4.55(1A) Modification Application seeks to amend Condition A2 of Schedule 3 of **SSDA 7140** (as previously modified by **SSDA 7140 MOD 1**).

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, and the **Section 4.55(1A) Modification Planning Report, prepared by Willowtree Planning, dated 7 May 2018;***
- b) *Stage 1 Landscape Package, prepared by Arcadia Landscape Architecture, dated November 2015, as **extended by the Stage 1 Landscape Package, prepared by Arcadia Landscape Architecture, dated April 2018;** 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	B	Site Plan and Analysis	20/11/17
DA100	C	Site Plan and Analysis	10/05/18
DA120	A	Ground Floor Plan	27/10/15
DA121	A	Level 1 Plan RL 35.55	27/10/15
DA121	B	Level 1 Plan RL 35.55	10/05/18
DA122	A	Level 2 Plan RL 39.215	27/10/15
DA122	B	Level 2 Plan RL 39.215	10/05/18
DA123	A	Level 3 Plan RL 42.54	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
DA131	B	Level 1 Demo Plan	10/05/18
DA132	A	Level 2 Demo Plan	27/10/15
DA132	B	Level 2 Demo Plan	10/05/18
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
DA201	B	Elevations 02	10/05/18
DA202	A	Sections 01	27/10/15
DA203	A	Sections 02	27/10/15
DA500	A	Materials Board	27/10/15

SECTION 4.55 (1A) MODIFICATION APPLICATION

2-60 Riverview Street and Tambourine Bay Road, Riverview
SSDA 7140

PART C LEGISLATIVE AND POLICY FRAMEWORK

3.1 ENVIRONMENTAL PLANNING & ASSESSMENT ACT 1979

Section 4.55(1A) of the EP&A Act makes provision to modify a Development Application (DA) that has been made pursuant to Part 4 of the EP&A Act.

The proposal as submitted to DPE is considered to satisfy the provisions of Section 4.55(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 4.55(1A) of the EP&A 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 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 extend the Stage 1 landscape scheme reflects only minor changes to the original approval. The resulting development interprets the original handball courts and repurposes the outdoor space for learning and passive recreation. 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 4.55(1A) of the EP&A Act.

3.2 LANE COVE LOCAL ENVIRONMENTAL PLAN 2009

The site is subject to the provisions of *Lane Cove Local Environmental Plan 2009* (LCLEP2009).

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

No changes to building height, floor space ratio (FSR) or lot size would result from the proposed modifications.

As confirmed in the Heritage Impact Statement (**Appendix 5**), the proposal is consistent with the relevant heritage objectives of LCLEP2009 on the basis that the proposed works *include interpretation that communicates the original use of the place and its role in the sporting practices of the school.*

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

SECTION 4.55 (1A) MODIFICATION APPLICATION

2-60 Riverview Street and Tambourine Bay Road, Riverview
SSDA 7140

3.3 LANE COVE DEVELOPMENT CONTROL PLAN 2010

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

As confirmed in the Heritage Impact Statement (**Appendix 5**), the proposal has been assessed against *Section B9 – Heritage* of LCDCP2010 and *is generally consistent with the guidelines*.

SECTION 4.55 (1A) MODIFICATION APPLICATION

2-60 Riverview Street and Tambourine Bay Road, Riverview
SSDA 7140

PART D KEY MATTERS FOR CONSIDERATION

The key matters for consideration 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 landscape works have been designed to integrate with the adjoining areas of the school whilst acknowledging the heritage significance of the original structures and uses of the site. Together, the proposed planting, paving and walls will provide a visually-attractive, amenable and useable setting for outdoor learning and passive recreation.

4.3 HERITAGE

The proposed works have been assessed within the Heritage Impact Statement (HIS) at **Appendix 5**.

The brickwork structure proposed to modified subject to this application, is described as being significantly altered and heavily encroached upon. Whilst included in the heritage listing of the overall site, the handball courts are not understood as a part of, nor do they contribute to, the heritage precinct group of buildings.

The HIS provides the following assessment with respect to the proposal:

- *The proposed modification and re-purposing of the handball court structure supports the ongoing and upgraded use of the place for passive recreation and outdoor learning spaces.*
- *The proposed interpretive measures proposed to form part of the modifications, including the retention of the remaining footprint and the lower portion of the original walls alongside suitable interpretive devices, ensures that the role of the former handball courts as part of the wider range of sporting activities associated with the school, is communicated to the students and users of the place.*
- *There are no aspects of the proposal which will have a detrimental impact on the heritage significance of the St Ignatius School.*

The HIS nominates the following recommendation for the development:

- *That details of appropriate interpretation strategies and text be prepared in line with the Interpretation Strategy approved for the site.*

The HIS concludes that the approvals authority *should have no hesitation, from a heritage perspective, in approving the proposed works to the handball court and remaining walls described in this application.*

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 Section 4.15 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**.

SECTION 4.55 (1A) MODIFICATION APPLICATION

2-60 Riverview Street and Tambourine Bay Road, Riverview
SSDA 7140

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 provide an improved landscape scheme, create useable and amenable outdoor spaces for learning and passive recreation, and effectively interpret original heritage structures.

Overall, the modified scheme will improve the outcome for the staged redevelopment of the school in terms of reimagining the use of original heritage structures and spaces. The design and appearance of the site will be generally consistent with previous approval, with no modifications to any buildings required.

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

Appendix 1 – Consent SSDA 7140

Appendix 2 – Consent SSDA 7140 MOD 1

Appendix 3 – Architectural Plans

Appendix 4 – Landscape Plans

Appendix 5 – Heritage Impact Statement