



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

**SECTION 4.55(1A) MODIFICATION APPLICATION TO MODIFY SSDA 7140
SAINT 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, Industry and Environment (DPIE) on behalf of Saint Ignatius' College Riverview (the College) in support of the amendments to **State Significant Development Application 7140** (SSDA 7140) for the staged redevelopment of Saint Ignatius' College Riverview 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 through this report.

Approval to **SSDA 7140** was granted by DPIE 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 third modification to **SSD 7140**, and is proposed in order to amend the Concept Master Plan to accommodate the reconfiguration of the Wallace Precinct. The modification to the Concept Approval includes amendments to the proposed Wallace Precinct building as two separate building envelopes, being the Wallace and Link Buildings. The works have been separated into two smaller stages, the first being the Wallace Building and the second being the Link Building; the Wallace Building will represent Stage 2 of the Concept Master Plan.

The amendments sought have been assessed against the relevant legislation and policies and Section 4.55(1A) of the *Environmental Planning and Assessment Act 1979*.

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

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- **Part E** Conclusion

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

- **Appendix 1** - Consent SSD 7140, SSD 7140 MOD 1 and SSD 7140 MOD 2
- **Appendix 2** - Modified Architectural Documentation
- **Appendix 3** - Modified Landscape Plans
- **Appendix 4** - Modified Heritage Impact Statement
- **Appendix 5** - Modified Archaeological Assessment

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PART A PRELIMINARY

1.1 INTRODUCTION

This application seeks consent for modifications to the approved **SSD 7140** pursuant to Section 4.55(1A) of the *Environmental Planning & Assessment Act 1979*.

Specifically, the proposed modification seeks consent for minor alterations to the approved Concept Master Plan to align the new Wallace Precinct in the revised location. 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, and only minor changes to the Concept Master Plan. The proposal will prominently reflect the original consent.

Development Consent under Section 4.55(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 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 development provides for minor changes to the approved Concept Master Plan.

The proposed modification to the approved Masterplan includes the following:

- Proposed Staging of the Works Associated with the Wallace Building:
 - Stage 2 – New Wallace Learning Building, including Food and Beverage
- New Student Node - Link Building:
 - Demolish the existing Administration Building and replace with a new facility in the same location linking the Main Block and Vaughan Buildings.
- New Wallace Learning Building:
 - Demolition of existing Wallace Building;
 - Move the approved location of the building and establish an alternative connection to the Vaughan Building;
 - Construction of an additional level over the approved 4 levels (total 5 levels)
 - Ground level to accommodate to C.O.L.A and Canteen.

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No substantial impact on the environment or amenity of surrounding development is to result. 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 modification to the consent.

1.2 SITE DESCRIPTION

The College Site comprises some 40 hectares, including the Main Campus (Senior School) and Regis Campus (Junior School). The Site is legally described as Lot 10 DP 1142773 and is owned by The Trustees of the Jesuit Fathers incorporated under the Roman Catholic Church Communities' Land Act 1942 No 23 (NSW).

The Site is located in the suburb of Riverview within the Lane Cove Local Government Area. The Site is bounded by Riverview Road to the north, Tambourine Bay Road to the east and the Lane Cove River to the south and west which has a prime waterfront position on the Lane Cove River.

Figure 1 below provide an aerial photograph of the college and the extent of its boundaries.



Figure 1. Aerial of the Site (Source: Nearmap, 2019)

The existing campus, like many school campus developments, is characterised by a collection of buildings and facilities, which have been developed in isolation, without maximising opportunities for collaboration or connection.

The School is also broken into two campuses being Senior School (Main Campus) and Junior School (Regis Campus). Of significance the College includes amongst other buildings and land uses the following:

- Chapel;

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- Administration Buildings;
- Classrooms and Learning Spaces;
- Library;
- Halls
- Refectory, Kitchen and Canteen;
- Boarding Houses;
- Health Centre;
- Long Day Care Centre
- Sporting facilities including playing fields, gymnasium, swimming pool, rowing sheds, sailing club, basketball, cricket nets, mountain biking track and tennis courts;
- Observatory;
- Wharf connecting to the Lane Cove River;
- Staff residences;
- Weather station;
- Storage, maintenance, loading and waste management facilities.

A range of built form and building heights exists across the College, which is typical of an Educational Establishment.

A vehicular/pedestrian loop road also exists through the Main Campus (Senior School) of the College providing two entrances and exits at Riverview Street. A further entrance and exit from Riverview Street services the Regis Campus (Junior School).

The proposed modification specifically relate to the Wallace Precinct (Stage 2).

Figure 2 below illustrates the previously approved Concept Master Plan. **Figure 3** illustrates the Concept Master Plan, as modified.

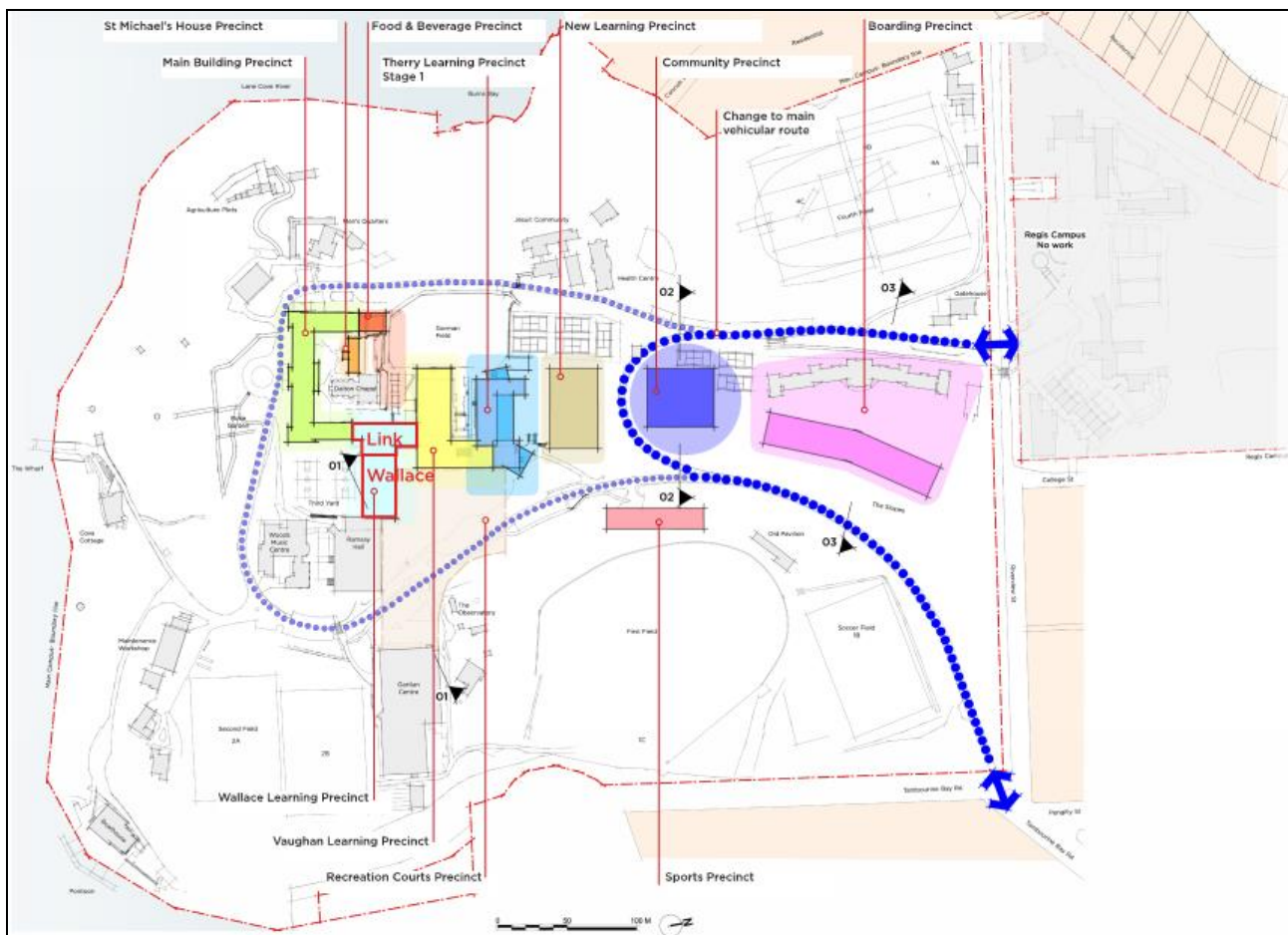


Figure 2. Approved Concept Master Plan (Source: PMDL, 2015)

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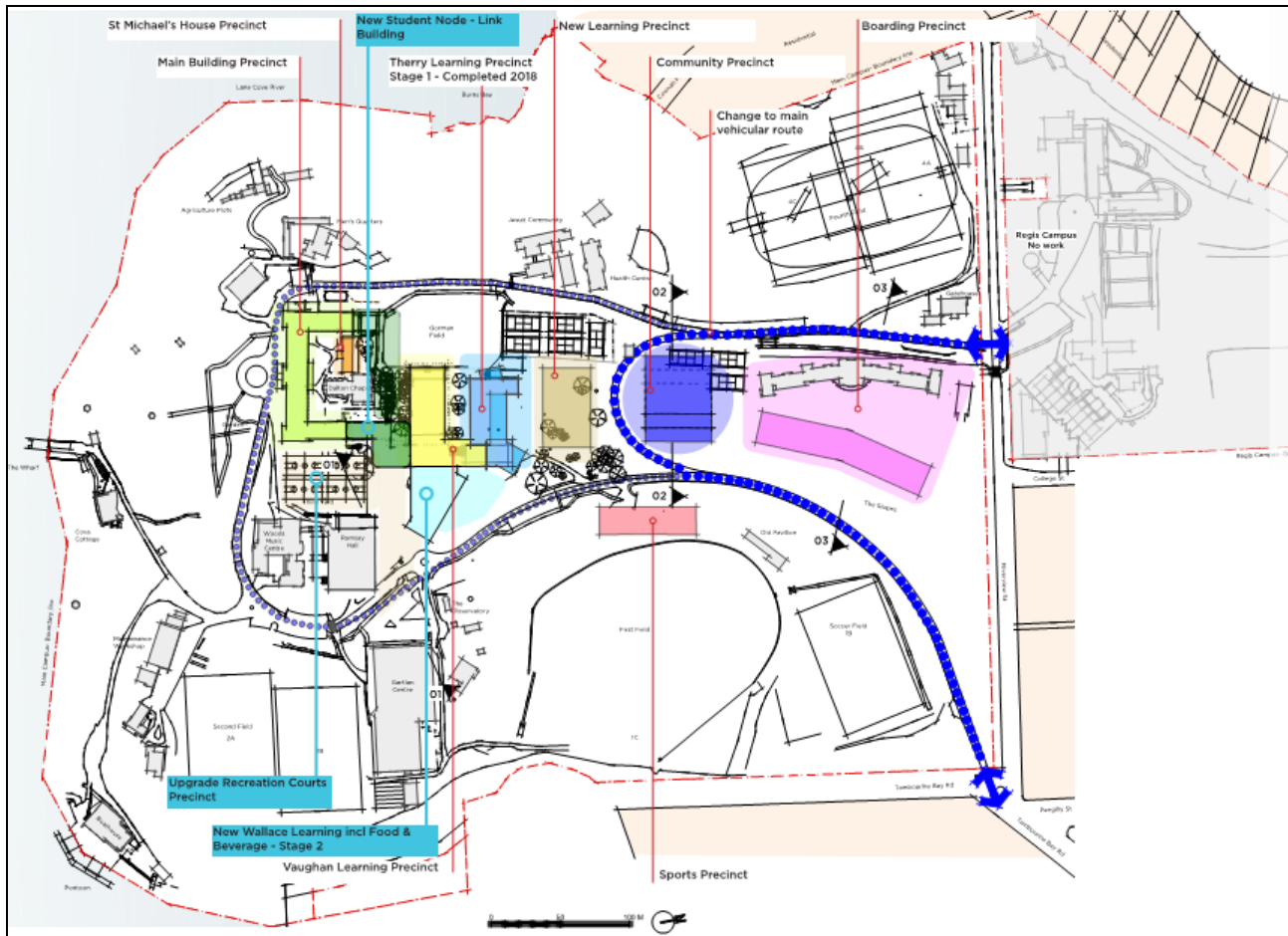


Figure 3. Proposed Revised Masterplan Precincts (PMDL, 2019)

1.3 DEVELOPMENT HISTORY

Approval to **SSDA 7140** was granted by DPIE 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.

Consent was granted again to modify **SSD 7140** (MOD 2) on 19 June 2018 to enable the reduction of height of the handball court walls and alterations to the approved handball scheme.

Review of **SSD 7140**, **SSD 7140 MOD 1** and **SSD 7140 MOD 2** 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

Saint Ignatius' College Riverview are committed to implementing their Masterplan for the Site which embodies the ambitions of the College's strategic plan and provides a framework for the future physical development of the Campus to ensure the best outcomes for teaching and learning and ongoing support for the Riverview Community.

The proposed modification to the approved Masterplan includes the following:

- Proposed Staging of the Works Associated with the Wallace Building:
 - Stage 2 – New Wallace Learning Building, including Food and Beverage
- New Student Node - Link Building:
 - Demolish the existing Administration Building and replace with a new facility in the same location linking the Main Block and Vaughan Buildings.
- New Wallace Learning Building:
 - Demolition of existing Wallace Building;
 - Move the approved location of the building and establish an alternative connection to the Vaughan Building;
 - Construction of an additional level over the approved 4 levels (total 5 levels)
 - Ground level to accommodate to C.O.L.A and Canteen.

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

2.1.1 Building Envelope

As a result of ongoing design development, the massing and scale of the previously approved Stage 2 has been further considered from both an economical and operational perspective as well as the ability of the future development to cater for the evolution of the curriculum.

The assessment determined that what was proposed as a new building termed the 'Wallace Learning Precinct' would need to be implemented in two stages to enable the continued operation of the College both during and after completion of any future works. Hence the works have been separated into two (2) smaller separate stages, the first known as the Wallace Building Precinct and the second being the Link Building Precinct. The new Wallace Building will be known as Stage 2.

Stage 2 involves the construction of a new five-storey building with basement and new canteen to the north of the original Wallace Building. The new building will house Science, Technology, Engineering, Mathematics and PDHPE faculties as well as pastoral care house areas. Options utilising the original building as shunt space for construction works and beyond to mitigate the requirement for demountable is being explored. A portion of the O'Neill Learning Precinct will be refurbished to provide a link between the O'Neill Precinct and the new Wallace Building.

The proposed changes have resulted in the relocation of the Wallace Building, with the built form being relocated 30 metres north of the previous building footprint. The location Link Building will remain where it was previously shown.

Additionally, the separation of the Precinct into two (2) stages has subsequently generated additional floor area of **1,090m²** for the new Wallace Learning Building, to meet the operational requirements of the College.

Figure 4, Figure 5 and Figure 6 below illustrate the previously approved and proposed modification respectively.

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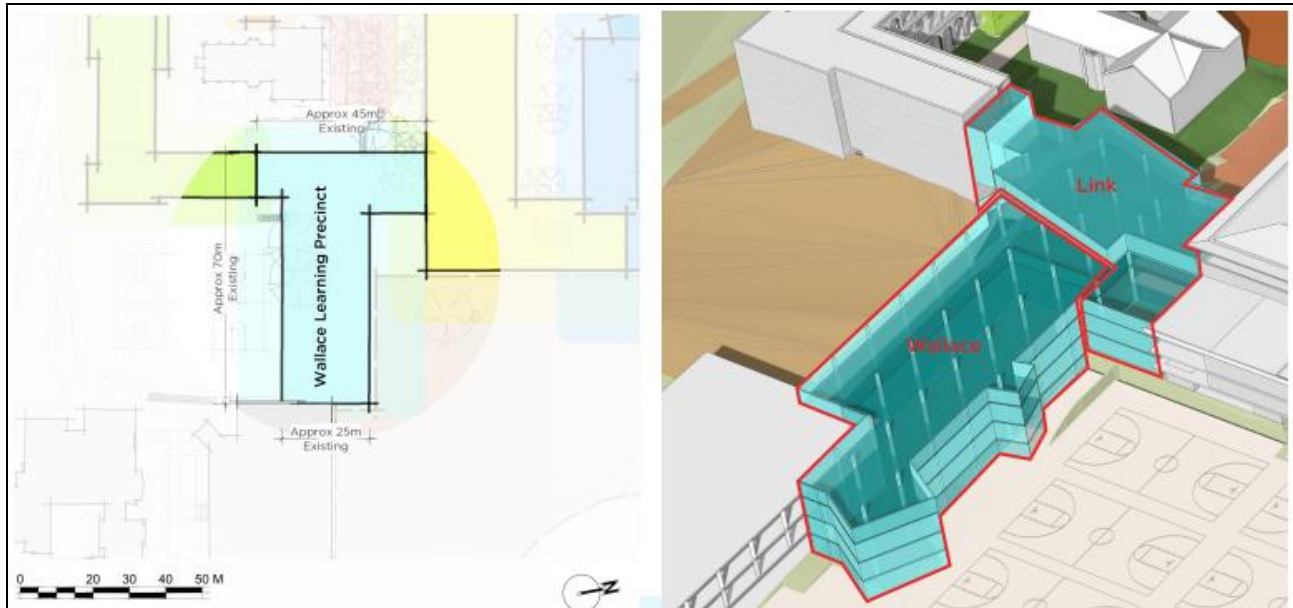


Figure 4. Approved Wallace Learning Precinct (Source: PMDL, 2019)

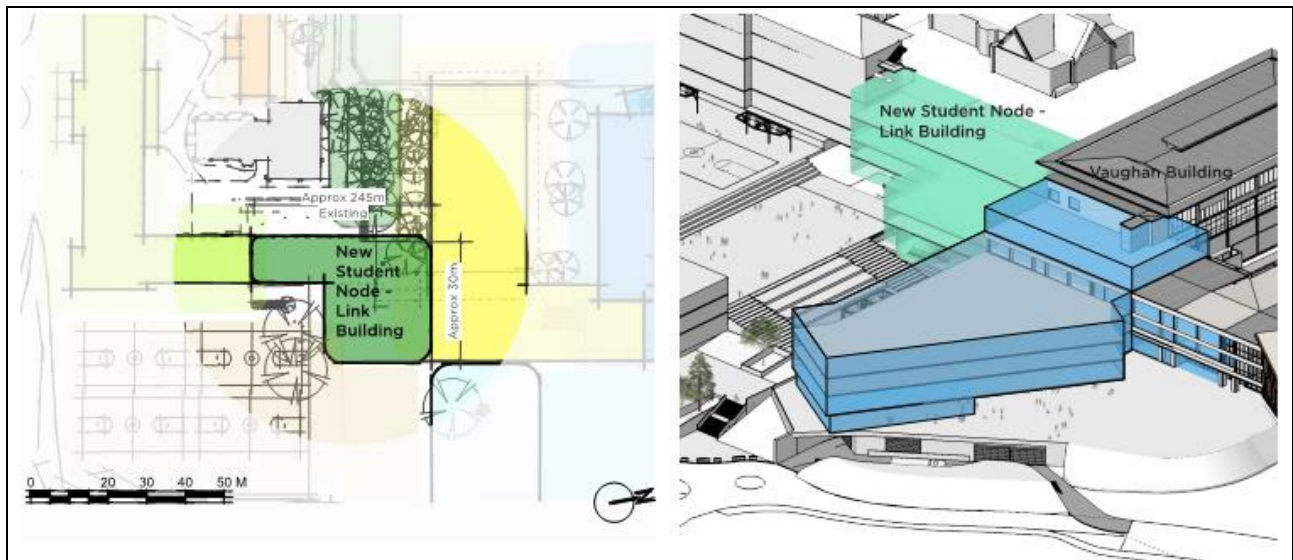


Figure 5. Proposed New Student Node – Link Building (Source: PMDL, 2019)



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Figure 6. Proposed New Wallace Learning Building (Source: PMDL, 2019)

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 SSD 7140 (as previously modified).

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

Development in Accordance with Plans and Documents

A4. 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 **Modification Planning Report prepared by Willowtree Planning dated 10 January 2020;**
- b) Landscape Masterplan, prepared by Arcadia Landscape Architecture, dated November 2015, and **amended Landscape Masterplan prepared by Arcadia Landscape Architecture, dated December 2019;** 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.

Design Concept Package prepared by PMDL			
Drawing No.	Revision	Name of Plan	Date
DA2.0	B	Master Plan Concept	01/12/15
DA2.0	C	Master Plan Concept	December 2019
DA2.1	B	Masterplan Site Concept	01/12/15
DA2.2	B	MP-Existing Building Demo	01/12/15
DA2.3	B	MP-Precinct Developments	01/12/15
DA2.5	B	Proposed Site Massing Model	01/12/15
DA3.0	B	Stage 1 - Therry L.P.	01/12/15
DA3.1	B	Future Stage - Wallace L.P.	01/12/15
DA3.1	C	Future Stage - Wallace Learning Building	December 2019
DA3.2	B	Future Stage - Main Building L.P.	01/12/15
DA3.3	B	Future Stage - F&B Precinct	01/12/15
DA3.4	B	Future Stage - St Michael's H.P.	01/12/15
DA3.5	B	Future Stage - Vaughan L.P.	01/12/15
DA3.6	B	Future Stage - Boarding P.	01/12/15
DA3.7	C	Future Stage - Community P.	06/06/16
DA3.8	B	Future Stage - Sports P.	01/12/15
DA3.9	B	Future Stage - Rec. Courts P.	01/12/15
DA3.9	C	Future Stage - Rec. Courts P.	December 2019
DA3.10	B	Future Stage - New L.P.	01/12/15

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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 DPIE 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 to amend the Concept Master Plan reflects minor changes to the original concept approval. The resulting development interprets the Wallace Precinct and shifts the building envelope to a more functional and operational location. The ultimate use, function and general appearance of the Site is consistent with that approved under **SSD 7140**.

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

- It retains the same use of the approved development in that it provides an educational establishment;
- The proposed modifications do not seek to modify the type of educational facilities provided by the development;
- The fundamental benefits delivered by the development, including the proposal's relationship to the existing built form, will continue to be provided; and
- The environmental impacts are generally consistent with, or less than, the approved development.

The proposal is considered to be substantially the same development and satisfies the provisions of Section 4.55(1A) of the EP&A Act.

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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.

An assessment of the development standards is included in **Table 1** below.

Table 1. Assessment of Development Standards	
Clause	Comment
Clause 4.3 Building Height	Clause 4.3 prescribes a maximum building height of 9.5m across the Site. The proposed building envelope (as modified) will retain the approved RL 51.00. The proposed non-compliance continues to be minor. The proposed modification is justified on the following environmental planning grounds: ▪ It represents a logical and co-ordinated development of the Site for school use; ▪ It will result in improvements to the physical appearance of the Site through a carefully designed series of buildings and structures that is responsive to the site context and its intended function.
Clause 4.4 Floor Space Ratio	Clause 4.4 prescribes a maximum floor space ratio of 0.5:1 across the Site. Additionally, the separation of the Precinct into two (2) stages has subsequently generated additional floor area of 1,090m² for the new Wallace Learning Building. In light of the above, the proposed modification will result in a negligible increase in the maximum FSR upon completion of the Concept Master Plan from 0.180:1 to 0.183:1.

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

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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 continued use of the Site as an educational establishment, consistent with **SSD 7140**.

The proposed modifications do not substantially alter the development and are proposed to improve the efficiency of the layout, facilitate the construction process, reduce impacts on neighbouring properties and enhance the design of the building. As a result, the proposal remains consistent with the existing land use across the Site.

4.2 DESIGN AND APPEARANCE

The proposal remains consistent with the urban design principles established as part of the SSD application. In particular, the development continues to:

- Respect the contours and topography of the Site; and
- Respond to the contextual grid and alignments.

As noted, the massing and orientation of the building envelope has been refined during design development. The building envelope continues to sit well below the height of the existing built form. Further, the building envelope is centrally located, and therefore, there are no impacts on the privacy of surrounding residential development. Further, the relocation of the building form will not have any impacts to the views to and from the Site.

The Landscape Master Plan has been amended to respond to the relocation of the Wallace Building (**Appendix 3**).

4.3 HERITAGE

A Heritage Statement has been prepared by NBRS and accompanies this application as **Appendix 4**. The Statement assesses the minor impact of the proposed changes to the Wallace Precinct and concludes that the proposed changes will not alter the conclusions of the Saint Ignatius' Masterplan and Stage 1 Works Heritage Impact Statement prepared by NBRS in October 2015.

The Statement concludes the proposed modifications to the approved SSD7140 will not have any heritage impact on the cultural significance of the Main Quadrangle Precinct of Saint Ignatius' College, or the wider site. The proposed modifications support the historic and ongoing use of the Site as an educational establishment and as such is considered acceptable in heritage terms.

4.4 ABORIGINAL ARCHAEOLOGY

An Archaeological Assessment was undertaken by Comber Consultants to address the proposed modification. The Assessment is included at **Appendix 5**. In summary the assessment concludes the following in relation to the future Stage 2 development:

The impacts of previous works as described for the Stage 1 impacts would have removed any previous evidence of Aboriginal occupation that may have existed.

The construction of the new four storey building and landscaping will not impact upon Aboriginal objects. There are no registered sites within the footprint of the new building and landscaping.

The assessment confirms the proposed modification will not alter the previous findings of the Aboriginal Archaeology Assessment.

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4.5 OTHER MATTERS FOR CONSIDERATION

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

4.6 LIKELY IMPACTS OF DEVELOPMENT

The likely impacts of development in accordance with Section 4.15 have been considered above.

4.7 SUITABILITY OF SITE FOR DEVELOPMENT

The Site is considered suitable for development as established by the previous approval **SSD 7140**.

4.8 CONSISTENCY WITH REASONS FOR THE GRANT OF THE ORIGINAL CONSENT

In accordance with Section 4.55(3) of the EP&A Act, in determining an application for modification of a consent, the consent authority must take into consideration the reasons given by the consent authority for the grant of the consent that is sought to be modified. The proposed modifications are consistent with the reasons given by the Department of Planning in that:

- Construction traffic impacts, parking impacts and operational traffic impacts are improved or unchanged;
- The built form remains reasonable for the Site;
- The development continues to be in the public interest;
- The development continues to meet the objects of the EP&A Act;
- The development will not result in the loss of threatened or vulnerable species, population, communities or significant habitat.

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PART E CONCLUSION

In accordance with Section 4.55(1A) of the EP&A Act, the modified development will be substantially the same as the originally approved **SSD 7140**. This Section 4.55(1A) seeks to facilitate amendments in order to improve the functionality of the approved Master Plan and provide an improved design. The proposed modifications will not alter the environmental impacts assessed and approved as part of the original development consent, nor will they give rise to any additional adverse amenity impacts.

In accordance with Section 4.55(1A) of the EP&A Act, the Department may modify the consent as:

- The consent, as proposed to be modified, is substantially the same development as that originally approved;
- The modifications will improve amenity offered by the approved educational facilities;
- The modifications are as a result of ongoing design development and will improve the aesthetic appearance of the development and the functionality;
- The proposal will not result in any unacceptable adverse environmental, social or economic impacts.

In light of the above, we therefore recommend the proposed modification is supported by the Minister.

We trust that this information is sufficient to enable a prompt assessment of the proposed modification. Should you have any queries, please do not hesitate to contact the undersigned on 0499 888 691 or asmith@willowtp.com.au.

Yours faithfully,



Ashleigh Smith
Associate
Willowtree Planning Pty Ltd
ACN 146 035 707