

Shore Physical Education Centre
Section 4.55(1A) Application for Modification (SSD 7507)
Blue Street, William Street and Hunter Crescent, North Sydney



Section 4.55(1A) Application for Modification

Revised Statement of Environmental Effects to
NSW Department of Planning, Industry and
Environment and Public Spaces

Prepared on behalf of Sydney Church of England Grammar
School



10 December 2019 | 1382

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1.0 Introduction

This Section 4.55(1A) Revised Statement of Environmental Effects (**Revised SEE**) is submitted to the NSW Department of Planning, Industry and Environment (the **Department**). It describes a Section 4.55(1A) application that proposes minor modifications to the development consent for SSD 7507 (issued on 9 June 2017).

The consent for SSD 7507 approved the following project on the Shore Senior School Campus on Blue Street, William Street and Hunter Crescent (known as the Shore Physical Education Centre (**SPEC**)):

Redevelopment of the Shore school senior campus, involving:

- *Demolition of existing pools, gymnasium, squash courts, minor structures and residential flat buildings at 4 and 5 Hunter Crescent and 16 William Street;*
- *Construction of two buildings up to four storeys (with a shared basement level) to accommodate a swimming pool, three basketball courts with tiered seating, gymnasium, associated sporting facilities, 11 classrooms, seminar rooms, teaching support facilities and loading area;*
- *Alterations to the adjoining library and basketball court building; and*
- *Expansion of the Bishopsgate car park and new student drop-off/pickup facilities and access.*

The SPEC is now under construction with completion planned for the middle of 2020.

This Revised SEE describes minor modifications to the approved Bishopsgate car park roof terrace including re-alignment of the new barbeque and extension to the new stairs (one additional flight) to provide a connection between the roof terrace and the approved student drop off/pick up facilities and wider school campus.

The modifications are minor and would have a minimal environmental effect.

This Revised SEE has been prepared by Robinson Urban Planning Pty Ltd (**RUP**) on behalf of the Sydney Church of England Grammar School (**Shore**) (the land owner and applicant).

This Revised SEE identifies the consent and describes and assesses the Section 4.55(1A) proposal.

The Revised SEE is accompanied by the following modified plans and information (which have been amended to address the matters listed in the Department's letter dated 27 November 2019):

- **Appendix A** Modified Architectural and Landscape Plans, by Cox Richardson (**COX**) showing the proposed modifications in clouds
- **Appendix B** Masterplan Concept Plan - Section 4.55 Submission (pages 5 and 20), by Oculus showing the proposed modifications in clouds.

2.0 Site location and description

The key characteristics of the site are summarised below:

Location	The SPEC is located in the south-eastern corner of Shore Senior School at North Sydney, near the corner of Hunter Crescent and William Street and extending towards Union Street. Figure 1 shows the site location and Figure 2 shows an aerial photograph of the construction site.
Zoning	Pursuant to North Sydney Local Environmental Plan 2013 (NSLEP 2013), the site is in the following zones: • Shore Senior School - Zone SP2 – Infrastructure (Educational Establishment) • Hunter Crescent/William Street – Zone R4 – High Density Residential.
Heritage	Shore Senior School is identified as a heritage item with local significance (NSLEP 2013, Schedule 5 & the Heritage Map) (I0782). The following heritage items are also in the vicinity of the site: • Graythwaite including outbuilding and grounds (I0809) (listed on the State Heritage Register (SHR)). On 9 November 2012, the Planning Assessment Commission (PAC) granted the following approvals for the Graythwaite site: – Concept Approval MP 10_149 for extension of the Shore School onto the Graythwaite site – Project Approval MP 10_150 for Stage 1 of the Concept Approval (this work is complete) • St Joseph’s Convent School and Chapel, 11 Mount Street (I0918) • St Peter’s Presbyterian Church and grounds, 218 Blues Point Road (I0792 and I0793) • Shore Preparatory School, Upton Grange, 22 Edward Street (I0812) • Numerous heritage items and conservation areas.
Topography	The site falls by around 12m from north to south.
Vegetation	The portion of the site to accommodate new buildings/structures contains a range of existing trees and vegetation, as illustrated on the aerial photograph.

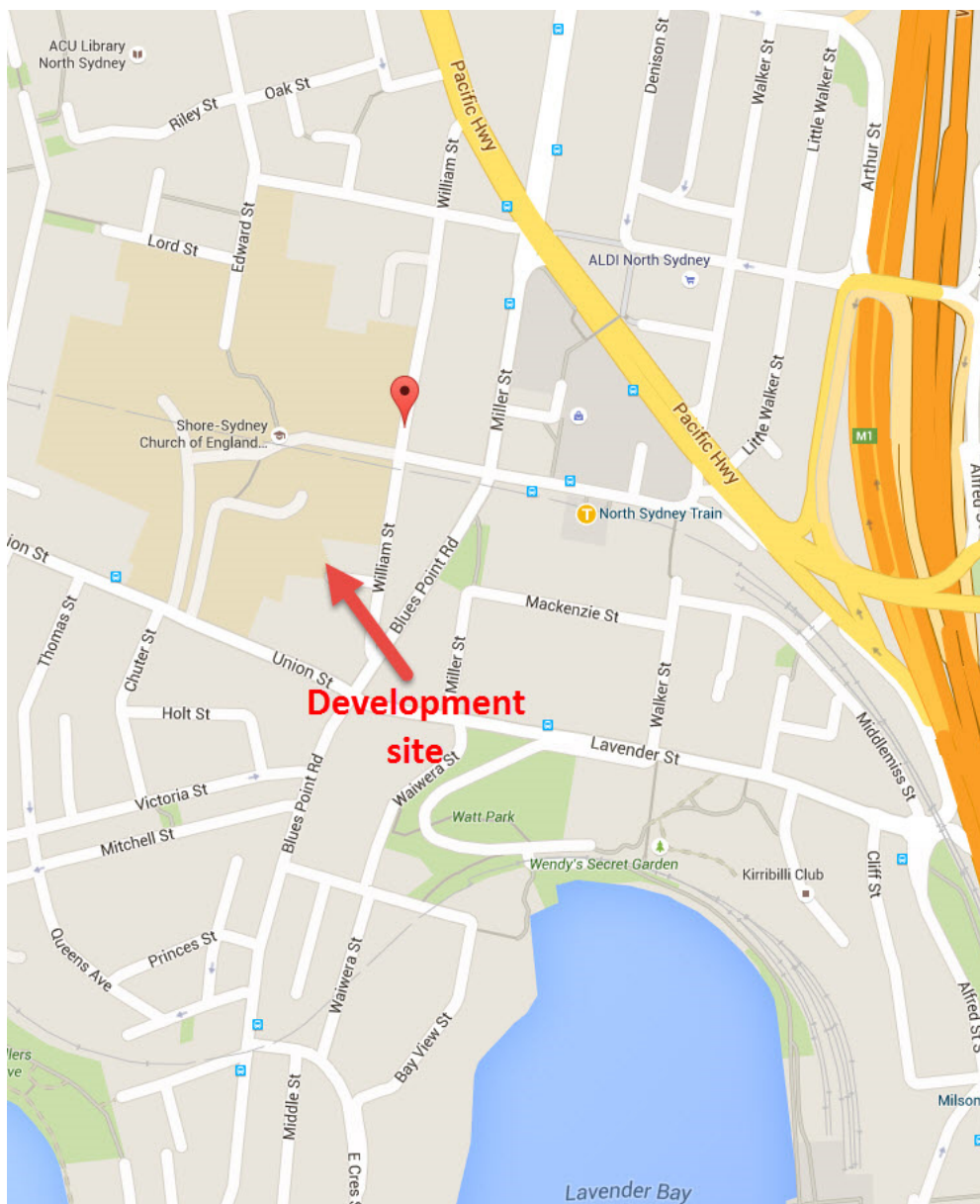


Figure 1 – Site location



Figure 2 – Aerial photograph (Source: Nearmap, 1 July 2019)

3.0 The consent (SSD 7507)

Application No.:	SSD 7507
Approved	9 June 2017
Applicant:	Shore
Consent Authority:	Minister for Planning (under delegation)
Land	Blue and William Street and Hunter Crescent, North Sydney (Lot 3 DP 75717, Lots 3- 7 DP 18725, Lot 3 DP 508557, Lot 1 DP 539853, Lot 1 DP 570826, Lot B, C and D DP 975970)
Development	<i>Redevelopment of the Shore school senior campus, involving:</i> • <i>Demolition of existing pools, gymnasium, squash courts, minor structures and residential flat buildings at 4 and 5 Hunter Crescent and 16 William Street;</i> • <i>Construction of two buildings up to four storeys (with a shared basement level) to accommodate a swimming pool, three basketball courts with tiered seating, gymnasium, associated sporting facilities, 11 classrooms, seminar rooms, teaching support facilities and loading area;</i> • <i>Alterations to the adjoining library and basketball court building; and</i> • <i>Expansion of the Bishopsgate car park and new student drop-off/pick-up facilities and access.</i>

4.0 Proposed modifications to the approved plans

4.1 Overview

The Section 4.55(1A) proposal described in this Revised SEE and illustrated on the modified architectural and landscape plans at **Appendices A and B** (also shown on **Figures 4, 6, 7 and 8**), proposes the following minor modifications to the approved Bishopsgate car park roof terrace:

1. **Barbecue area with shelter:** Minor changes are proposed to the landscape design of the Bishopsgate car park roof terrace, including a barbecue area with steel barbecue shelter in the western corner of the Bishopsgate car park roof terrace. The barbecue area is proposed as an outdoor recreation space for Shore boarders. The Landscape Design Report included in the Environmental Impact Statement (**EIS**) shows a barbecue area with a timber pergola on the roof terrace (see **Figure 3**). This design was inadvertently not shown on the stamped architectural and landscape plans (see **Figures 5 and 8**).
2. **Improved pedestrian connections:** The approved Bishopsgate car park plans do not provide stair access between new student drop-off/pick-up facilities on the First Floor and car park roof terrace. This reduces pedestrian convenience and safety and does not maximise the separation of students and cars. To provide for better pedestrian connections between the drop-off/pick-up facility, the roof terrace and wider campus and to improve student safety, the Section 4.55 proposal extends the approved stairs to the roof terrace. A new stair overrun rises above the roof terrace, sitting well below the 8.5m height standard. **Figures 10 and 11** compare the approved and proposed Bishopsgate car park section.

4.2 Additional information

By letter dated 27 November 2019, the Department requested the following additional information, noting the applicant's response to the matters raised:

- *provide details of the treatment of the area (shown in brown on the revised landscape plans) to the south-west and north-west of the new stair access to the rooftop terrace and previously to be planted.*

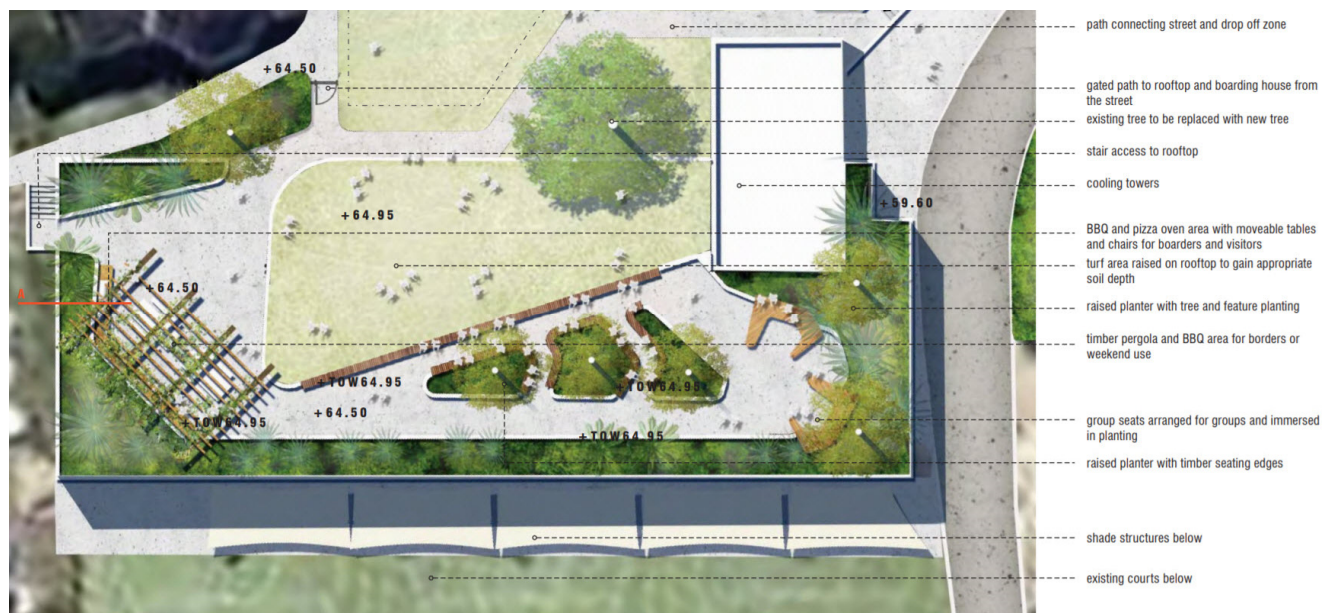
Response: Oculus has prepared an Amended Landscape Design Report (see **Appendix B**) which shows that the relevant area is to be finished with gravel maintenance strip to outer edge (due to lack of depth available to support plants). This area is setback more than 40m from Union Street, is not visible from the public domain and the absence of plants will not be apparent to passers by (on or near the site).

- *provide detailed elevations and façade treatment proposed for the new stair access to the rooftop terrace.*

Response: Cox has prepared Amended Architectural Plans (see **Appendix A**) which include a detailed elevation for the new roof top terrace stair access. Drawing A-DA-4090 – Section 03 shows that the stair elevations comprise Off Form Concrete. Again, this area is not visible from the public domain.

- *provide a more detailed assessment of any impacts of the additional built form associated with the new stair access to the rooftop terrace.*

Response: See section 7.2 which assesses the impact of the modification on the environment.



CARPARK ROOFTOP SECTION

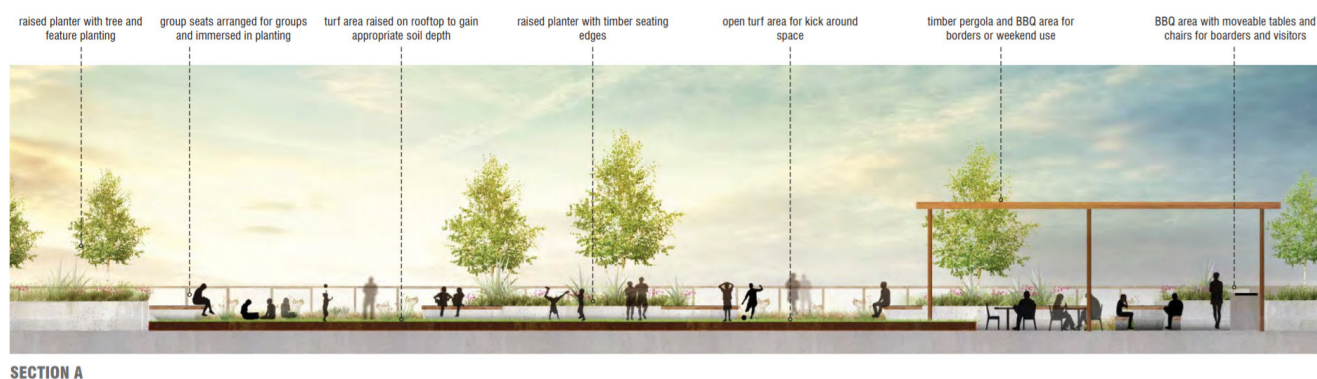


Figure 3 – APPROVED Bishopsgate car park roof terrace: Landscape Design (Source: Oculus, Landscape Design Report 2016)

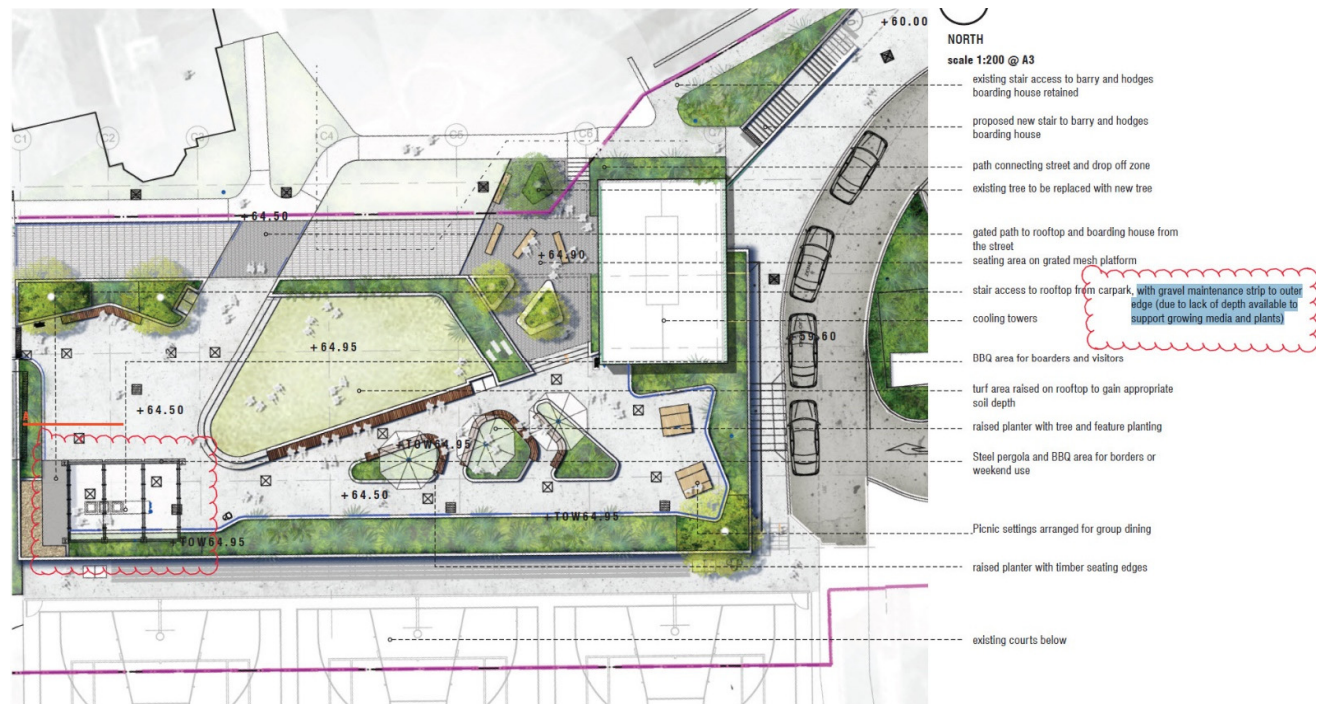


Figure 4 – PROPOSED Bishopsgate car park roof terrace: Landscape Design (Source: Oculus, Revised Masterplan Concept Plan - Section 4.55 Submission, page 20)

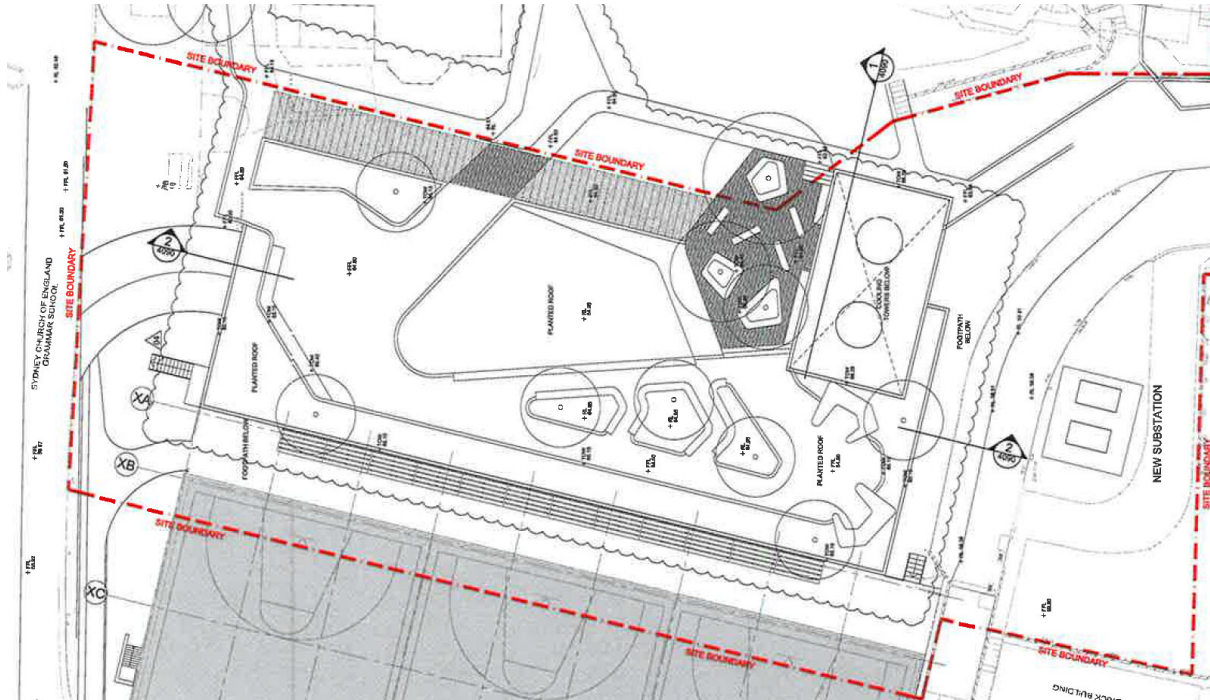


Figure 5 – APPROVED Bishopsgate car park roof terrace (Source: Stamped Plan, COX, A-DA-2192, Revision 04)

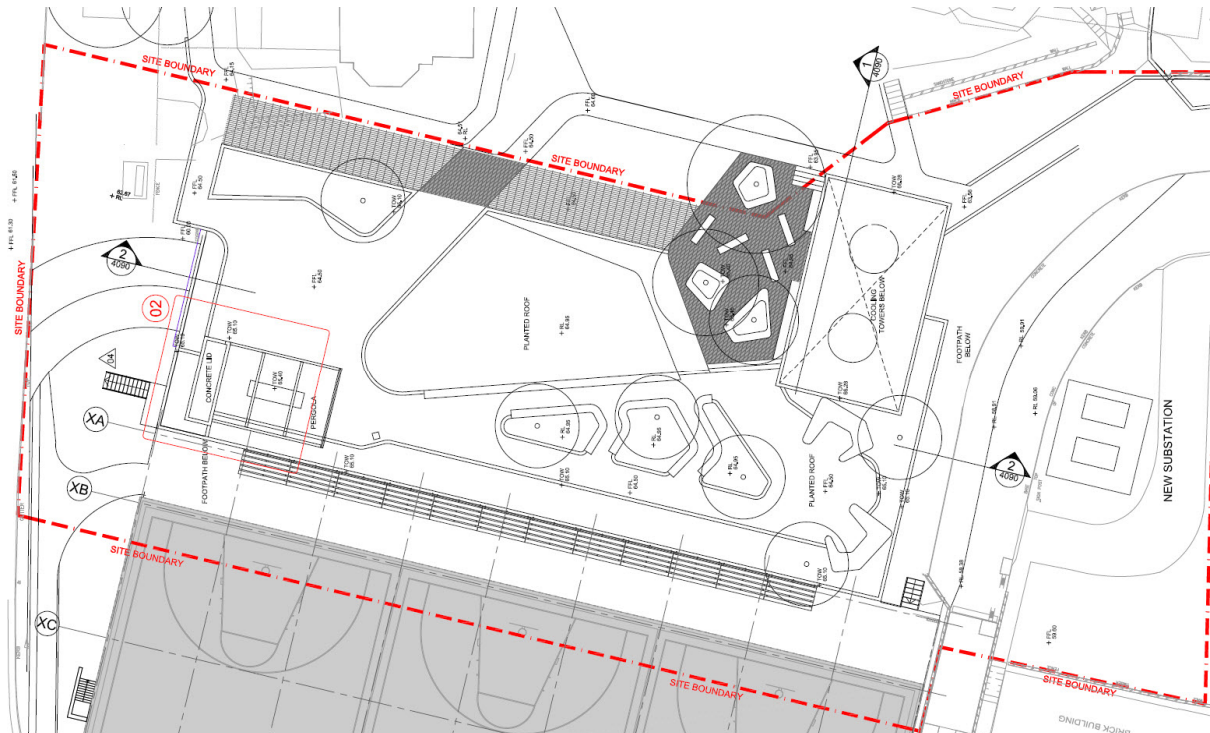


Figure 6 – PROPOSED General Arrangement Car Park Roof Top (Source: COX, Revised A-DA-2192, Revision 05)

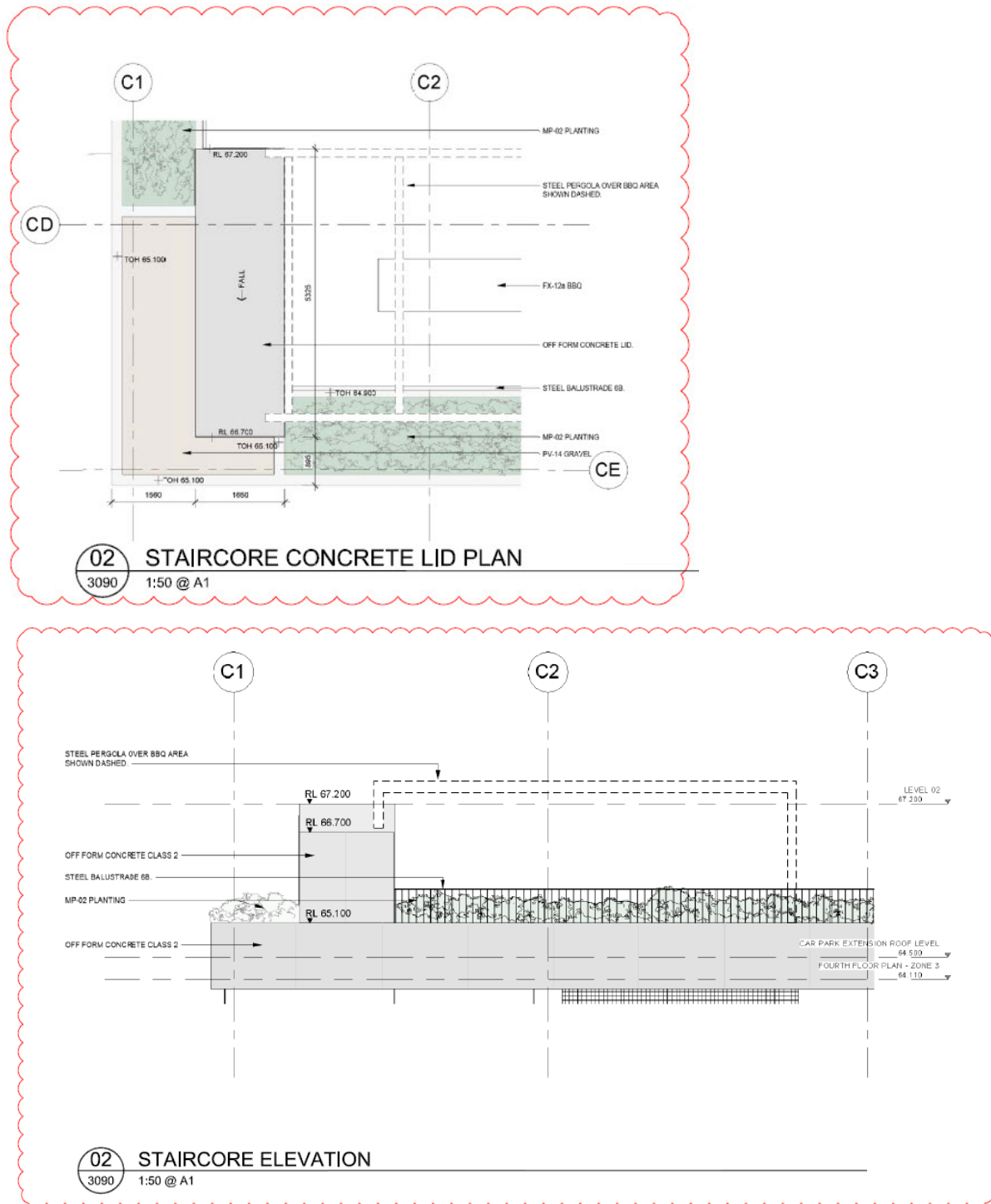


Figure 7 – PROPOSED Stair details – plan and elevation (Source: COX, Revised A-DA-2190, Revision 05 and A-DA-3090, Revision 04)

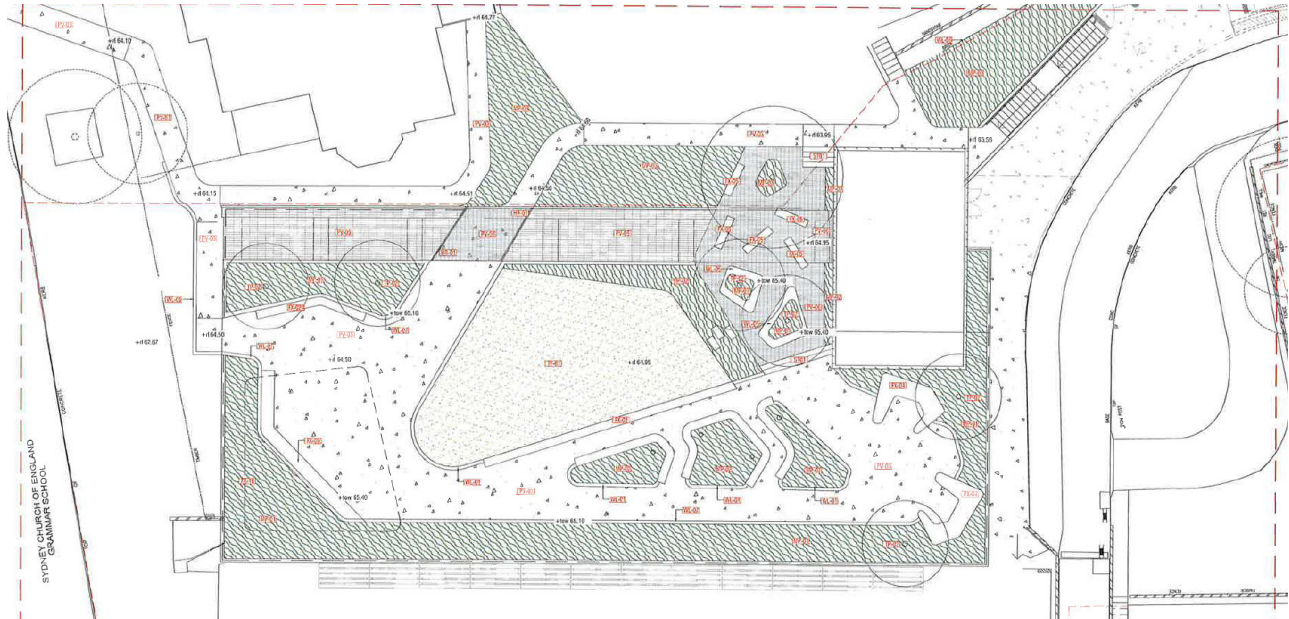


Figure 8 – APPROVED General Arrangement Car Park Roof Top (Source: Stamped Plan, COX, LA-20-11, Revision 03)

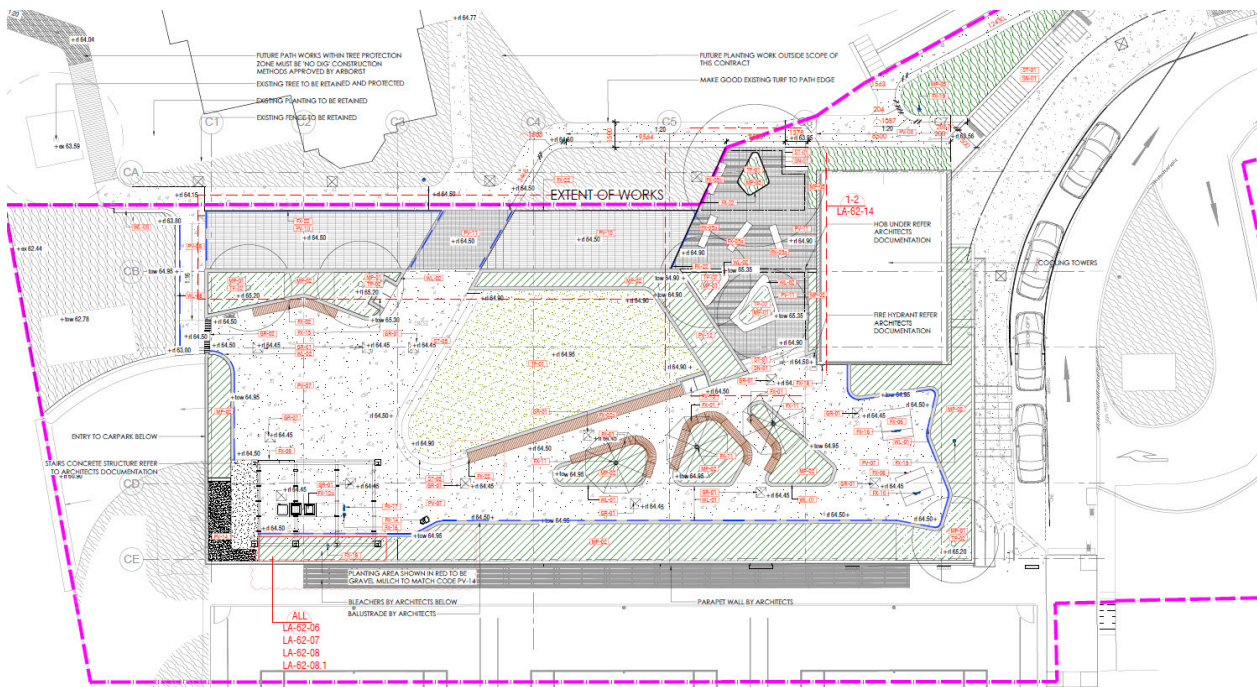


Figure 9 – PROPOSED General Arrangement Car Park Roof Top (Source: COX, LA-20-11, Revision 19)

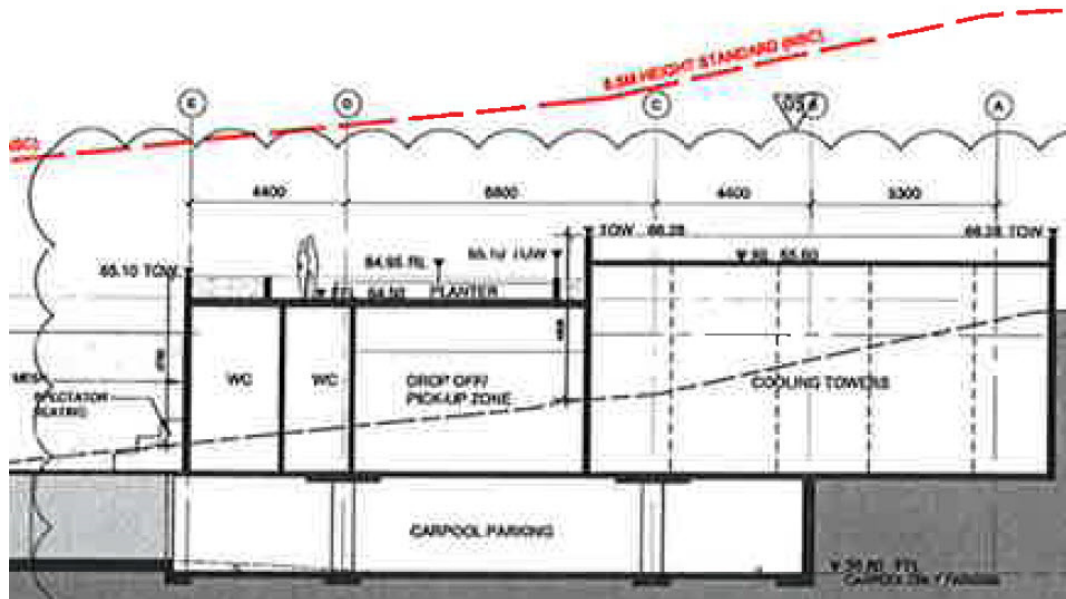


Figure 10 – APPROVED Section Through Carpark & Cooling Towers (Source: Stamped Plan, COX, A-DA-4090, Revision 05)

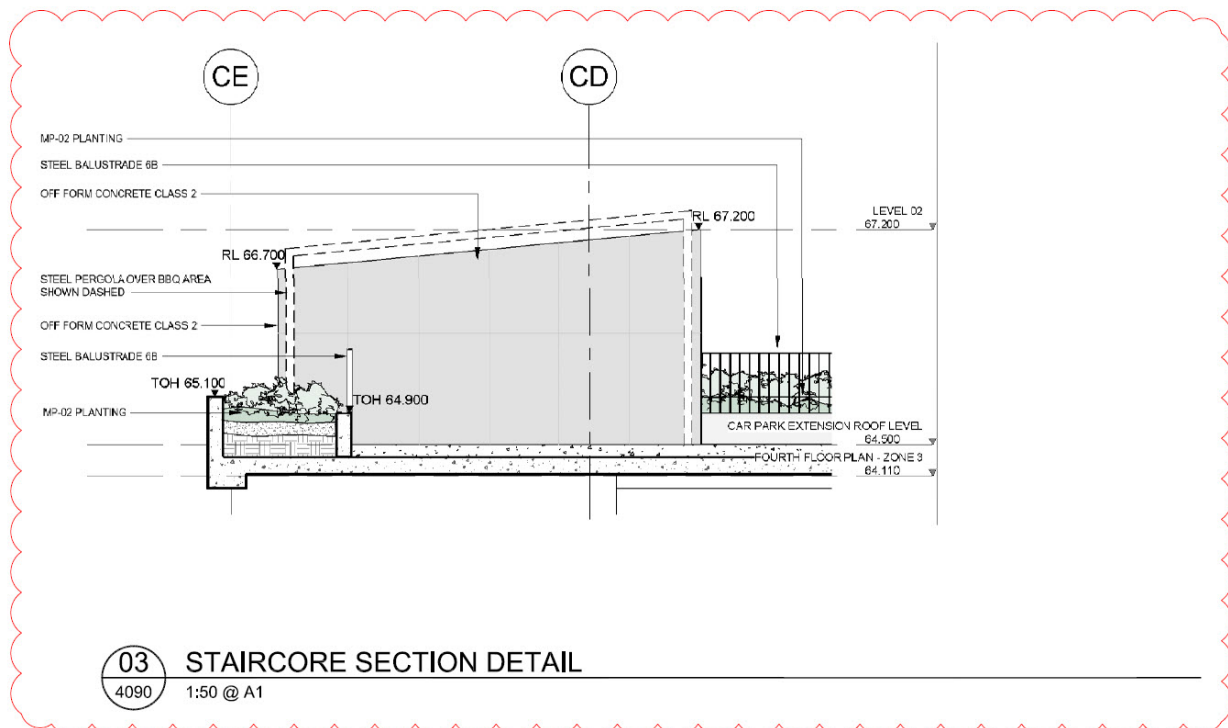


Figure 11 – PROPOSED Section Through Carpark & Cooling Towers (Source: COX, Revised A-DA-4090, Revision 06)

5.0 Proposed modifications to conditions of consent

The modifications listed above necessitate modification of the following schedule/condition in the consent for SSD 7507:

• SCHEDULE 2

- Condition A2: Development in Accordance with Plans and Documents

The requested modifications are noted below (new words shown in red and deleted words in strikethrough).

Development In Accordance with Plans and Documents

A2. *The applicant must carry out the project in accordance with the conditions of consent and generally in accordance with the:*

- State Significant Development Application SSD 7507;*
- EIS, except where amended by the Rts; ~~and~~*
- Section 4.55(1A) application dated 3 October 2019 and all supporting documents; and*
- ed) the following drawings, except for:*
 - any modifications which are Exempt or Complying Development or Development without Consent; and*
 - otherwise provided by the conditions of this consent.*

Architectural (or Design) Drawings prepared by Cox Richardson			
Dwg No.	Rev	Name of Plan	Date
A-DA-0002	02 03	Site Location Plan - Proposed	13/07/2016 30/08/2019
A-DA-0011	02	Site Plan Demolition	13/07/2016
A-DA-0012	02 03	Site Plan Proposed	13/07/2016 30/08/2019
A-DA-2100	06	Lower Ground Floor Plan_RL55.00	22/03/2017
A-DA-2110	02	Ground Floor Plan_RL59.00	13/07/2016
A-DA-2120	02	First Floor Plan_RL63.00	13/07/2016
A-DA-2130	02	Second Floor Plan_RL67.20	13/07/2016
A-DA-2140	02	Third Floor Plan_RL71.30	13/07/2016
A-DA-2150	02	Fourth Floor Plan_RL75.40	13/07/2016
A-DA-2190	07	Bishops Gate - Lower Ground Floor Plan_RL56.21	22/03/2017
A-DA-2191	06	Bishops Gate - Ground Floor Plan_RL59.60	09/07/2017
A-DA-2192	04 05	Bishops Gate - Roof Plan_RL64.50	22/03/2017 10/12/2019
A-DA-3001	04	East & South Elevations	22/03/2017
A-DA-3002	03	Internal Elevations	22/03/2017
A-DA-3090	03 04	Bishops Gate - Sections & Elevations	22/03/2017 10/12/2019

Architectural (or Design) Drawings prepared by Cox Richardson			
A-DA-4001	03	Sections - Overall 1	22/03/2017
A-DA-4002	03	Sections - Overall 2	22/03/2017
A-DA-4090	05 06	Bishops Gate - Sections	22/03/2017 10/12/2019
A-DA-8101	03	3D View 1	19/12/2016
A-DA-8102	03	3D View 2	19/12/2016
A-DA-9001	02	External Finishes Board	13/07/2016
Landscape Plan prepared by Oculus			
Dwg No.	Rev	Name of Plan	Date
LA-20-11	03 19	General Arrangement Carpark Rooftop	09/12/2016 14/08/2019

6.0 Section 4.55(1A) considerations

Section 4.55(1A) of the EP&A Act states that a consent authority may, on application being made by the applicant or any other person entitled to act on a consent granted by the consent authority, modify the consent if:

- a) *it is satisfied that the proposed modification is of minimal environmental impact, and*
 - b) *it is satisfied that the development to which the consent as modified relates is substantially the same development as the development for which the consent was originally granted and before that consent as originally granted was modified (if at all), and*
 - c) *it has notified the application, and*
 - d) *it has considered any submissions made concerning the proposed modification*
- Subsections (1), (2) and (5) do not apply to such a modification.*

In accordance with these tests:

- The Section 4.55(1A) proposal will have minimal environmental impact as there is no material change to the form, content or use of the approved SPEC and therefore the Section 4.55 modifications would have a minimal (if any) environmental impact
- The modified development would be substantially the same as “the development for which consent was originally granted and before that consent as originally granted was modified” as the Section 4.55(1A) proposal relates the Bishopsgate roof terrace only, with no change to the form, content or use of the approved SPEC.

As the proposed modifications relate to the Bishopsgate roof terrace only which is located well away from the adjoining streets and any neighbouring properties, there are no additional or varied impacts and the Department need not notify the application for modification.

7.0 Planning assessment

Pursuant to Section 4.55(3) of the *Environmental Planning and Assessment Act, 1979* (EP&A Act):

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

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

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

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

- EP&A Act
- State Environmental Planning (State and Regional Development) 2011 (**SEPP SRD**)
- State Environmental Planning Policy (Infrastructure) 2007 (**SEPP Infrastructure**)
- State Environmental Planning Policy No. 55 – Remediation of Land (**SEPP 55**)
- State Environmental Planning Policy (Educational establishments and Child Care Facilities) 2017 (**SEPP Education and Child Care**)
- State Environmental Planning Policy No. 55 – Remediation of Land (**SEPP 55**)
- North Sydney Local Environmental Plan 2013 (**NSLEP 2013**)
- North Sydney Development Control Plan 2013 (**NSDCP 2013**)

The Section 4.55(1A) proposal does not materially alter the compliance of the approved SSD with these Acts, SEPPs, NSLEP 2013 or NSDCP 2013 (noting that DCPs do not apply to SSDs).

Relevantly, the proposed pergola and stair structure are well below the 8.5m height standard to NSLEP 2013.

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

Key issues in the assessment of the approved SSD comprised:

- **Traffic, parking and transport:** The Section 4.55(1A) proposal will not alter the approved traffic, parking and access arrangements. The proposed stair extension will be improved pedestrian connectivity and safety on the site.
- **Impacts on adjoining residents, overshadowing, privacy, noise, lighting etc:** The proposed modifications relate to the Bishopsgate roof terrace only. The new stair extension is located more than 40m from Union Street and well away from the any neighbouring properties. Given this, there are no additional or varied impact, noting that the stair would not be apparent to passers-by.
- **Shadows:** The shadow impacts of the stair (which rises 2.7m above the roof terrace) will be minimal and fully contained within the site.
- **Built form and urban design:** The design changes will not be appreciable to even the keenest observer.
- **Landscaping:** Landscaping is proposed along most of the southern, eastern and western edges of the roof terrace (see **Figure 4**). The small section of terrace edge adjoining the stair which is to be finished with gravel is very minimal when compared with the predominantly

planted edge. The absence of planting in this area will not detract from the design of the structure.

- **Heritage:** The heritage impacts of the approved SPEC will not change.

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

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

As detailed throughout this Revised SEE, the site is suitable to accommodate the Section 4.55(1A) proposal (in the same way that it is suitable for the development approved by the original consent for SSD 7507).

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

As the proposed modifications relate to the Bishopsgate roof terrace only which is located well away from the adjoining streets and any neighbouring properties, there are no additional or varied impacts and the Department need not notify the application for modification.

8.0 Conclusion

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

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

- The form and content of the Section 4.55(1A) proposal is substantially the same as the development approved by the original consent for SSD 7507
- The Section 4.55(1A) proposal will have a minimal (and satisfactory) impact upon the environment.

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

Appendix A

Modified Architectural and Landscape Plans, by Cox Richardson (COX)

Appendix B

Landscape Masterplan Concept Plan - Section 4.55 Submission (pages 5 and 20), by
Oculus

