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11 October 2021

The Secretary
Department of Planning, Industry & Environment
4 Parramatta Square, 12 Darcy Street,
Parramatta NSW 2150

Attention: Karen Harragon

Dear Karen,

SECTION 4.55(1A) APPLICATION TO AMEND SSD 8114 | MOD 5 LINDFIELD LEARNING VILLAGE

1. INTRODUCTION

This letter has been prepared on behalf of School Infrastructure NSW (SINSW) (**the Applicant**) pursuant to Section 4.55(1A) of the *Environmental Planning and Assessment Act 1979 (EP&A Act)*. This application seeks to modify State Significant Development SSD 8114 for Lindfield Learning Village.

The application proposes to modify Condition A2 of SSD 8114 to incorporate additional architectural plans for Phase 2 and 3 to allow the relocation and consolidation of rooftop plant services and the installation of screening devices. The rooftop plant has been installed in the current location to support the effective operation and occupation of the building.

The application has been prepared in accordance with the EP&A Act and *Environmental Planning and Assessment Regulations 2000 (the Regulations)*. The proposal is the subject of a section 4.55(1A) modification because the amendments will result in a scheme that is substantially the same as that originally approved and will have minimal environmental impact.

This letter is accompanied by the following documentation:

- Architectural Plans prepared by NBRS Architecture (**Appendix A**)
- Correspondence from Dunstan Grove Resident (**Appendix B**)
- Fire Engineering Technical Note prepared by SGA (**Appendix C**)
- Heritage Impact Statement (HIS) prepared by Urbis (**Appendix D**)
- View Sharing Report prepared by Urbis (**Appendix E**)
- External Plant Noise Survey prepared by White Noise (**Appendix F**)
- Structural Engineering Design Certificate prepared by Birzulis Associates (**Appendix G**)



2. CONSENT BACKGROUND

2.1. SSD 8114 – LINDFIELD LEARNING VILLAGE

On 24 October 2018, the Minister for Planning and Public Spaces granted partial consent to SSD 8114 for Phase 1 construction and operation of a new school for 350 students (Lindfield Learning Village).

The partial consent comprised the following works:

- Phase 1 construction and operation of a new school for 350 students, (Lindfield Learning Village), comprising:
 - adaptive re-use of part of the existing building to construction one home-base for 350 students;
 - construction of all administrative and technical spaces to support a full primary and secondary curriculum for 350 students;
 - construction of a fire trail for bushfire management purposes;
 - traffic and transport infrastructure; and
 - tree removal to establish a 100 metre Asset Protection Zone around the home-base on the site.

On 12 November 2020, the Minister for Planning and Public Spaces granted consent for Phases 2 and 3 of the development, comprising:

Phase 2(a):

- Minor internal works within the approved Phase 1 area to accommodate an additional 35 students.

Phase 2(b):

- Works to accommodate 1,050 students (including the approved 350).
- Repurposing of the Phase 1 area.
- A loop road around the southern portion of the site for emergency vehicles, buses and drop off and pick up vehicles.

Phase 3:

- Works to accommodate an additional 950 students in the western wing of the building.

Various modifications to SSD 8114 have been granted approval as outlined in the following subsections.

2.2. SSD 8114 – LINDFIELD LEARNING VILLAGE MOD 1

On 15 January 2020, the Department of Planning, Industry and Environment (**DPIE**) as delegate of the Minister approved SSD 8114 MOD 1 to modify the consent to allow accommodation of 35 additional students approved within the Phase 1 area for a period of 24 months.

2.3. SSD 8114 – LINDFIELD LEARNING VILLAGE MOD 2

On 12 March 2021, DPIE as delegate of the Minister approved SSD 8114 MOD 2 to modify the consent and incorporate changes to the proposed landscaping design in the southern portion of the site.

2.4. SSD 8114 – LINDFIELD LEARNING VILLAGE MOD 3

On 18 March 2021, DPIE as delegate of the Minister approved SSD 8114 MOD 3 to amend or delete conditions of the partial Phase 1 consent that are no longer required following the approval of Phase 2 and 3 of the Lindfield Learning Village development.

2.5. SSD 8114 – LINDFIELD LEARNING VILLAGE MOD 4

In August 2021, the Applicant lodged a Section 4.55(1) to delete Conditions A22 and B55 of the Phase 1 development consent for SSD 8114. These conditions relate to monitoring, compliance reporting and audits. These matters are conditioned in the Phases 2 and 3 consent and it is not necessary to have two sets of monitoring and auditing. These conditions were requested to be deleted in SSD 8114 MOD 3.

3. THE SITE AND CONTEXT

The site is known as 100 Eton Road, Lindfield and the site boundary encompasses Lots 2 and 4 in DP1151638. The former UTS Ku-ring-gai Campus has been refurbished to accommodate the Lindfield Learning Village. The building consists of a single concrete structure and has six storeys with basement and rooftop plant rooms.

Vehicular and pedestrian access to the campus is available via Eton Road, with rows of car parking located to the east of the existing building reflecting the topography of the site.

The context of the site is characterised by the following:

- Surrounding the site to the **east, west** and **south** is native vegetation associated with the Lane Cove National Park. The Blue Gum Creek is also located to the **south** of the subject site.
- The site is surrounded to the **north-west** and **north-east** by Edgelea, a medium density residential development recently constructed on the balance of the former UTS Ku-ring-gai campus by Defence Housing.
- The **north-eastern** residential building is four storeys in height and is nestled into the slope of the hillside. The **north-western** residential building is five storeys in height, with vehicle access provided from Eton Road and Dunstan Grove.
- Land further **north** includes the Charles Bean sports field, recently demolished Screen Australia complex and an established low-density residential environment.

4. PROPOSED MODIFICATION

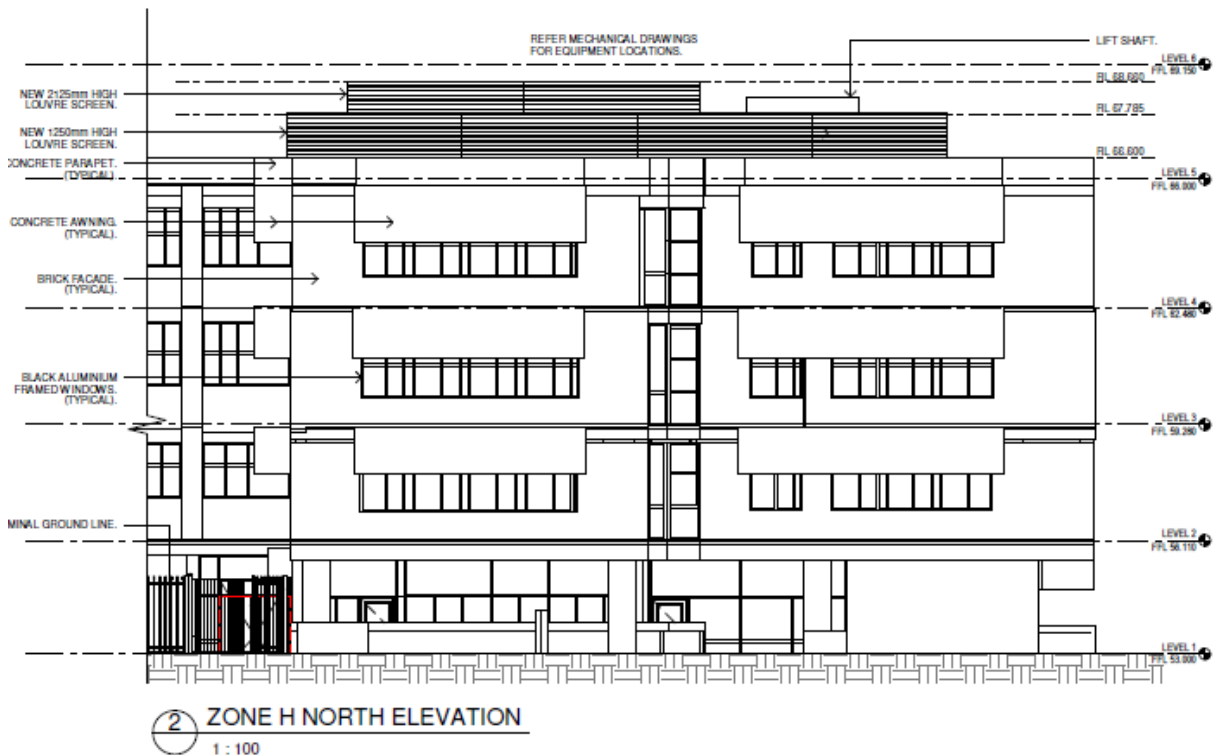
The modification application seeks to amend the approved plans as summarised below:

- Relocation and consolidation of rooftop services including condensers and all associated equipment runs and plinths in two locations on the roof of the development;
- Amend all duct work to be kept below 1200mm height;
- Construction of concrete footings 200mm in height at north-western extent of the development as shown on the drawings;
- Three steel and aluminium louvred screens to be affixed to concrete blocks to a height of 1250mm (X2) and 2125mm (X1) at north-western extent as shown on drawings. The louvres are proposed to be painted in Dulux 'Shale Grey'.

The modified architectural plans prepared by NBR Architecture are attached at **Appendix A**.

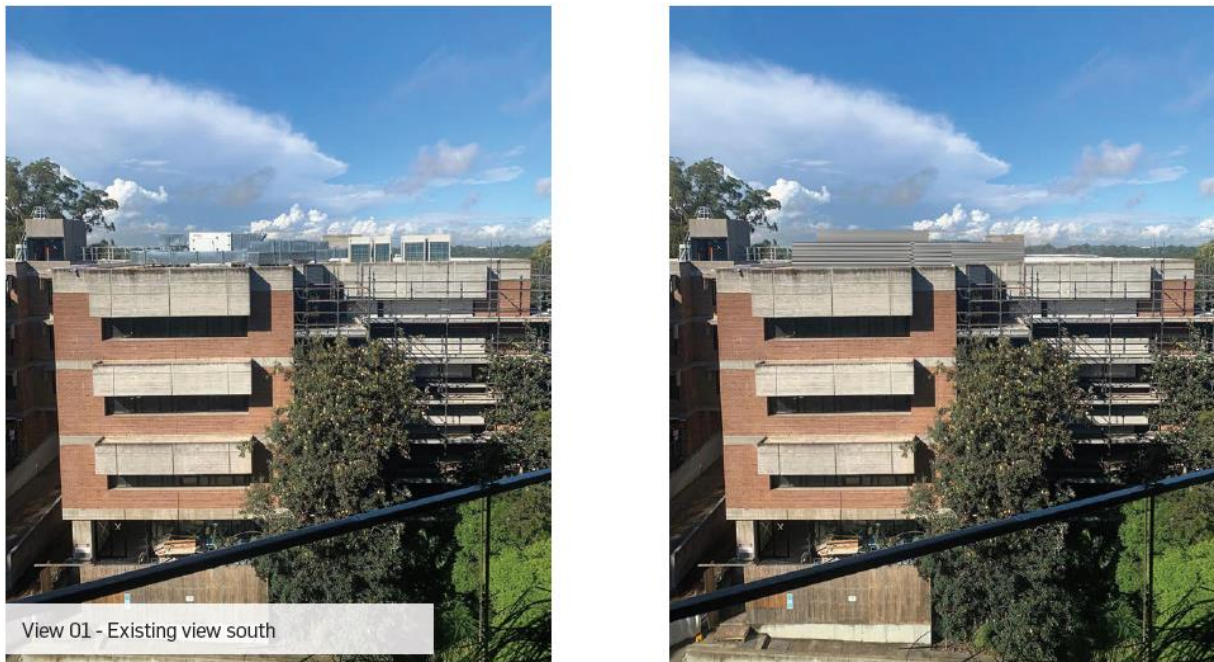
The application is limited to the rooftop plant and does not result in any changes to the building form and gross floor area. Furthermore, the proposed changes to the approved development are of minor environmental impact as discussed in **Section 7.1**.

Figure 1 Rooftop plant screens elevations



Source: NBR Architecture, AR-6109, 2021.

Figure 2 Existing view (left) and proposed relocated rooftop plant with screens (right).



Source: NBR Architecture

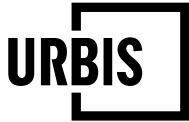
4.1. PROPOSED AMENDMENTS TO CONDITIONS OF CONSENT

The proposed modifications to Condition A2 of the consent are shown by a strikethrough to the ~~deleted text~~ and **red text** for new text. We have not listed all drawings in Condition A2, only those to be deleted or added. All other plans remain unmodified by this application.

Terms of Consent

A2. The development may only be carried out... (d) in accordance with the approved plans in the table below:

Architectural Plans and Landscape Plans prepared by DesignInc Lacoste + Stevenson bmc2			
Dwg No.	Rev	Name of Plan	Date
...
DA-2-207	G	PHASE 2 & 3 PROPOSED ROOF PLAN	17/04/2020
AR-2305H	8	GA PLAN – LEVEL 5 – ZONE H	24/08/2021
AR-2305J	10	GA PLAN – LEVEL 5 – ZONE J	24/08/2021
AR-2305M	6	GA PLAN – LEVEL 5 – ZONE M	24/08/2021
AR-2305N	7	GA PLAN – LEVEL 5 – ZONE N	24/08/2021
AR-2306G	5	GA PLAN – LEVEL 6 – ZONE G	24/08/2021
AR-2306K	7	GA PLAN – LEVEL 6 – ZONE K	24/08/2021
AR-6109	4	ROOFTOP PLANT SCREENS	30/07/2021
AR-6110	3	ROOFTOP PLANT SCREENS	30/07/2021
AR-6111	3	ROOFTOP PLANT SCREENS ELEVATIONS	12/08/2021



LLV-2305		LEVEL 5 OVERALL PLAN GA	22/06/2021
LLV-2306		LEVEL 6 OVERALL PLAN GA	22/06/2021

4.2. REASONS FOR THE MODIFICATION

The proposed roof plant has been installed in two locations on the existing building as part of the development for the Lindfield Learning Village. The roof plant was installed in the current location to support the effective operation and occupation of the building. The purpose of the louvred devices is to screen the rooftop plant for aesthetic reasons in response to concerns raised by residents from the residential development to the immediate west.

5. STAKEHOLDER CONSULTATION

SINSW has been liaising with a resident of Dunstan Grove building complex regarding the location of plant equipment on the roof since December 2020.

The resident provided feedback that the plant had impacted visual amenity, glare and acoustic amenity and was at odds with the heritage values of the existing building.

SINSW consulted with the resident along with acoustic and visual consultants regarding screening options. Regular communication and updates with the resident have occurred throughout January and February 2021.

On 8 April 2021, a meeting took place with the resident and the project team. The team explained that they were investigating screen options to address amenity impacts. Due to COVID-19 guidelines, an online meeting occurred on 1 July 2021. At this meeting, the proposed plant design on the roof was presented to the resident. The view assessment from the resident's unit was unable to occur due to COVID-19 lockdown and was therefore conducted via a desktop study.

The proposed screening is a result of this consultation. Correspondence from the resident is attached (**Appendix B**).

6. STATUTORY PLANNING ASSESSMENT

6.1. STATE ENVIRONMENTAL PLANNING POLICY (STATE AND REGIONAL DEVELOPMENT) 2011

State Environmental Planning Policy (State and Regional Development) 2011 (SRD SEPP) identifies development types that are of state significance, or infrastructure types that are of state or critical significance.

The Secretary's Environmental Assessment Requirements (SEARs) for the Lindfield Learning Village were issued 8 on June 2017. In this respect, there are no material or substantial changes sought which would warrant SEARs being re-issued for this Modification Application as the works are minor in nature.

6.2. STATE ENVIRONMENTAL PLANNING POLICY (INFRASTRUCTURE) 2007

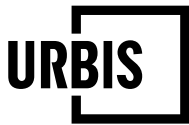
At the time of lodgement of the original SSD application, schools were legislated under *State Environmental Planning Policy (Infrastructure) 2007* (ISEPP). The school was permitted with consent

under the ISEPP. As this is a modification to the SSD and not a new application, the proposal remains permissible with consent.

6.3. OTHER NSW LEGISLATION

Table 1 – Assessment of NSW Legislation

Consideration	Response	Satisfied
<i>State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017 (ESEPP)</i>	ESEPP now supersedes the education establishment provisions previously contained in the ISEPP. Phase 1 has been constructed and the school opened Day 1 Term 1 2019. Phase 2 has also been completed and is now operational. The ESEPP has no relevant provisions for the proposed modification.	N/A
<i>Rural Fires Act 1997</i>	<p>The site is identified as bushfire prone land on the Ku-ring-gai LGA Bush Fire Prone Land Map.</p> <p>Consultation with RFS has been ongoing throughout the life of the development.</p> <p>As outlined in Appendix C, SGA has confirmed that the proposed construction and installation of the rooftop screens is not expected to contribute to fire spread into the building, in the event of bushfire attack.</p>	Yes
<i>Heritage Act 1977</i>	<p>The site is identified as an item of local heritage significance.</p> <p>As outlined in Appendix D, Urbis can support the proposed modification from a heritage perspective given:</p> <ul style="list-style-type: none"> ▪ <i>The existing approved new rooftop plant services are not highly visible from the public domain and were found not to impact on the significance of the heritage item or the Brutalist character of the place.</i> ▪ <i>The screening devices will conceal visual clutter caused by the rooftop plant services and provide a better resolved backdrop to the significant façade.</i> ▪ <i>The proposed louvre screens have a sympathetic materiality and finish which allow them to blend into the rooftop without dominating its appearance or impacting its fabric yet are distinct from the original building.</i> 	Yes



Consideration	Response	Satisfied
	<ul style="list-style-type: none"> ▪ <i>The proposed materiality (concrete footings, steel and aluminium screens) and paint (Dulux ‘Shale Grey’) will complement the existing Brutalist character of the building.</i> ▪ <i>The proposal is in keeping with the heritage values of the Conservation Management Plan for the site and the Ku-ring-gai Local Environmental Plan 2015 (KLEP).</i> 	
<i>Threatened Species Act 1995</i>	The modification does not require the removal of any trees.	N/A
Ku-ring-gai Local Environmental Plan 2015	The site is zoned B4 Mixed Use under the KLEP and ‘educational establishments’ are permitted with consent. The proposed modification is therefore permitted with consent and is consistent with the objectives of the zone as it supports the existing education infrastructure. There is no maximum Height of Building or Floor Space Ratio for the site.	Yes

7. SECTION 4.55 (1A) ASSESSMENT

The proposed modification has been assessed in accordance with section 4.55(1A) of the EP&A Act in the following sections of this correspondence.

7.1. MINIMAL ENVIRONMENTAL IMPACT

The proposed modification involves minor changes to SSD 8814 related to the relocation and consolidation of rooftop plant services and the installation of screening devices. The proposed modification will have minimal environmental impact for the reasons listed below:

- The proposed screens will not impact the significance of the heritage item, its fabric or character and will improve views towards the development. As outlined in the HIS (refer **Appendix D**), the proposed screens are easily reversible, designed to be recessive in appearance and cover only the specific consolidated new plant services. The proposed screens adopt a sympathetic materiality and finish that will complement the existing character of the building and provide a better resolved backdrop to the significant façade.
- Potential visual impacts from the Dunstan Grove apartments have been considered in the View Sharing Analysis prepared by Urbis (refer **Appendix E**). The location of rooftop plant blocks a short, narrow horizontal section of a wider view from the neighbouring property. Notwithstanding this, the analysis concludes that *“the extent of view loss caused by the installation of roof top plant is minor and that the impact caused can be significantly mitigated by the construction of a permanent screen.”* The proposal includes the installation of screens to ameliorate the visual

clutter caused by the rooftop plant and will be finished in a dark colour to blend with the background tree canopy.

- An External Plant Noise Survey was undertaken by White Noise at the nearest most affected residences, being those on Dunstan Grove (**Appendix F**). All rooftop plant was operational at the time of the noise level survey. From the survey, White Noise has concluded that the operation of the mechanical systems during the testing complied with the acoustic requirements originally established in the Acoustic Logic Noise Impact Assessment and the White Noise Phase 2 and 3, Revised Noise Impact Assessment. The mechanical plant and equipment is compliant with the SSD 8114 Conditions of Consent, including Item E10, which includes the noise emissions requirements of the NSW EPA's Noise Policy for Industry 2017. This will ensure the operation of the rooftop plant will not adversely impact on neighbouring residents by way of noise.
- The modification has been reviewed by Birzulis (refer **Appendix G**) Associates and the development has been found to be structurally adequate to support the wind loading requirements for as per the Australian Standard AS1170.2 "Structural Design Actions Part 2: Wind actions" (Region A, TC3).
- The proposed modification does not involve any additional tree removal or changes to the approved bushfire strategy. As highlighted previously, the proposed screens are not expected to contribute to fire spread into the building, in the event of bushfire attack.

Based on the above, the proposed modifications can be assessed in accordance with section 4.55(1A) of the EP&A Act.

7.2. SUBSTANTIALLY THE SAME DEVELOPMENT

The development as modified will remain substantially the same development as that approved in SSD 8114 as there are no changes to the:

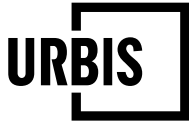
- Approved use or operational parameters of the building;
- Built form or scale of the approved development;
- Staff numbers, operating hours or other management processes proposed;
- Removal of trees;
- Bushfire management and evacuation strategy; and
- Parking numbers.

Accordingly, the proposed modification can be assessed as a modification to the original development in accordance with section 4.55 of the EP&A Act.

8. SECTION 4.15 ASSESSMENT

The matters referred to in section 4.15 of the EP&A Act also need to be considered in the assessment of the proposed modification. Each of the matters relevant to the proposal is assessed below.

Section 4.15 Relevant Extract	Summary of Compliance
<i>(a)(i) any environmental planning instrument</i>	The proposed modification has been assessed in accordance with the relevant planning controls. The application has been submitted in accordance with the requirements of section 4.55(1A) of the EP&A Act. The proposed modification does not impact on compliance of the development with any other provisions of the State, regional and local planning controls.
<i>(a)(ii) any proposed instrument that is or has been the subject of public consultation</i>	There are none relevant to the proposal.
<i>(a)(iii) any development control plan</i>	Ku-ring-gai Development Control Plan 2015 (KDCP) provides detailed controls for specific development types and locations. While the site remains compliant, under Clause 11 of the State and Regional Development SEPP, Development Control Plans do not apply to state significant development.
<i>(a)(iiia) any planning agreement or any draft planning agreement</i>	There are none relevant to the proposal.
<i>(a)(iv) the regulations</i>	There are none relevant to the proposal.
<i>(a)(v) any coastal zone management plan</i>	The subject site is not located within the coastal zone.
<i>(b)the likely environmental, social and economic impacts</i>	<p>The proposed modifications have been assessed considering the potential environmental, economic and social impacts as outlined below:</p> <ul style="list-style-type: none"> ▪ Natural Environment: The proposed works are limited to the rooftop and will not result in impacts to the natural environment. ▪ Built Environment: The proposal is limited to the rooftop plant and associated screens. The screens will conceal the rooftop plant at the north-western extent and will not give the appearance of an additional level. ▪ Social: The screening will conceal visual clutter caused by the rooftop plant services and will ameliorate visual impacts from neighbouring residential properties. In addition, the operation of the mechanical plant will comply with the EPA external noise level criteria to minimise



Section 4.15 Relevant Extract	Summary of Compliance
	<p>noise impacts on neighbouring residential properties. There are no adverse impacts resulting from the modification to SSD 8114.</p> <ul style="list-style-type: none"> ▪ Economic: There are no changes to the economic impacts of the site that were not present during the original approval of SSD 8114 as a result of the proposed development application. <p>A summary of all environmental impacts is provided in Section 7.1 of this letter.</p>
<i>(c) the suitability of the site</i>	The site has historically been used for education purposes consistent with the zone objectives of the KLEP. The changes proposed to the rooftop plant will support the effective operation and occupation of the building.
<i>(d) any submissions</i>	Notification of the section 4.55 (1A) application is not required.
<i>(e) the public interest</i>	The approved development was deemed to be in the public interest. The modification is consistent with the approval and therefore remains in the public interest.

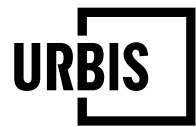
9. CONCLUSION

The modification has been assessed in accordance with section 4.55(1A) and section 4.15 of the EP&A Act and are considered appropriate as summarised below:

- The proposal is of minimal environmental impact.
- The proposal is substantially the same development.
- The proposal satisfies the applicable planning controls and policies.
- The social and economic impacts are acceptable.
- The proposal remains suitable for the site.
- The proposal remains in the public interest.

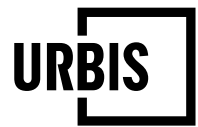
We trust this information enables assessment and approval of the proposed modification application. Should you have any queries about this matter, please do not hesitate to contact me.

Kind regards,

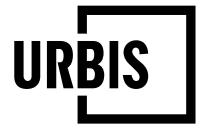


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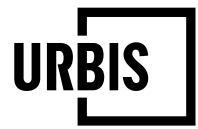
APPENDIX A



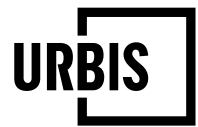
APPENDIX B



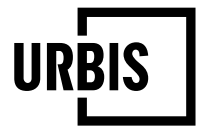
APPENDIX C



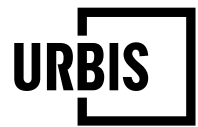
APPENDIX D



APPENDIX E



APPENDIX F



APPENDIX G