



Lindfield Learning Village Modification 5

State Significant Development Modification Assessment
(SSD 8114 MOD 5)

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Glossary

Abbreviation	Definition
Council	Ku-ring-gai Council
Department	Department of Planning, Industry and Environment
EP&A Act	<i>Environmental Planning and Assessment Act 1979</i>
EP&A Regulation	Environmental Planning and Assessment Regulation 2000
KLEP 2015	Ku-ring-gai Local Environmental Plan
LGA	Local Government Area
Minister	Minister for Planning and Public Spaces
Planning Secretary	Secretary of the Department of Planning, Industry and Environment
SSD	State Significant Development

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1 Introduction

This report provides the NSW Department of Planning, Industry and Environment's (the Department) assessment of an application to modify the state significant development (SSD) condition A2 of Phase 2 and 3 of the development consent for Lindfield Learning Village (SSD 8114).

The application was lodged by the Department of Education (the Applicant) pursuant to section 4.55(1A) of the Environmental Planning and Assessment Act 1979 (EP&A Act). The application seeks additional architectural plans for Phase 2 and 3 to allow the relocation and consolidation of rooftop plant services and the installation of screening devices.

1.1 Background

The site is located approximately 13 kilometres (km) north-west of the Sydney central business district in the Ku-ring-gai Local Government Area (LGA) (

Figure 1). The site is located approximately 2km west of Lindfield and Roseville railway stations and 4km north-west of Chatswood railway station. The Epping to Chatswood metro line passes under the western boundary of the site at a minimum depth of 25 metres (m) below ground level.

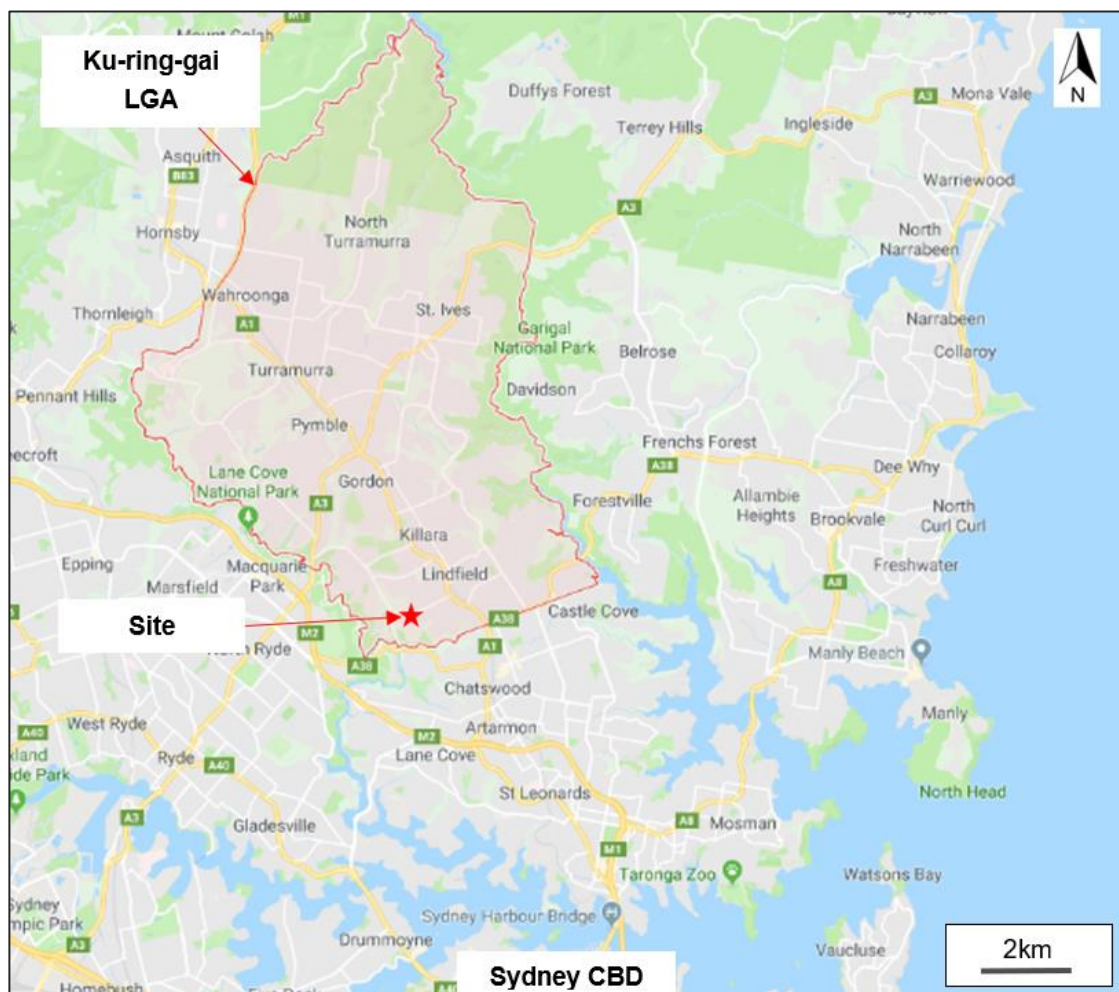


Figure 1 | Regional/Local context map (Source: Google Maps 2021)

The subject site comprises two lots, legally described as Lots 2 and 4, Deposited Plan (DP) 1151638 and is commonly known as 100 Eton Road, Lindfield.

The Lane Cove National Park adjoins the site to the east, west and south and Blue Gum Creek is located to the south of the site. Medium density residential uses immediately adjoin the site to the north-east and north-west. The buildings on the north-eastern side are four-storeys in height. However, these are situated lower than the site as a result of the topography of the area.

The buildings to the north-west are five-storeys high and share vehicular access with the site via Eton Road and Dunstan Grove. The broader area to the north is characterised by low density residential development primarily comprising one and two storey dwelling houses, with bushland part of Lane Cove National Park to the east, south and west.

The site accommodates two buildings connected by a footbridge, being the former gymnasium building and the main campus building (**Figure 2**).

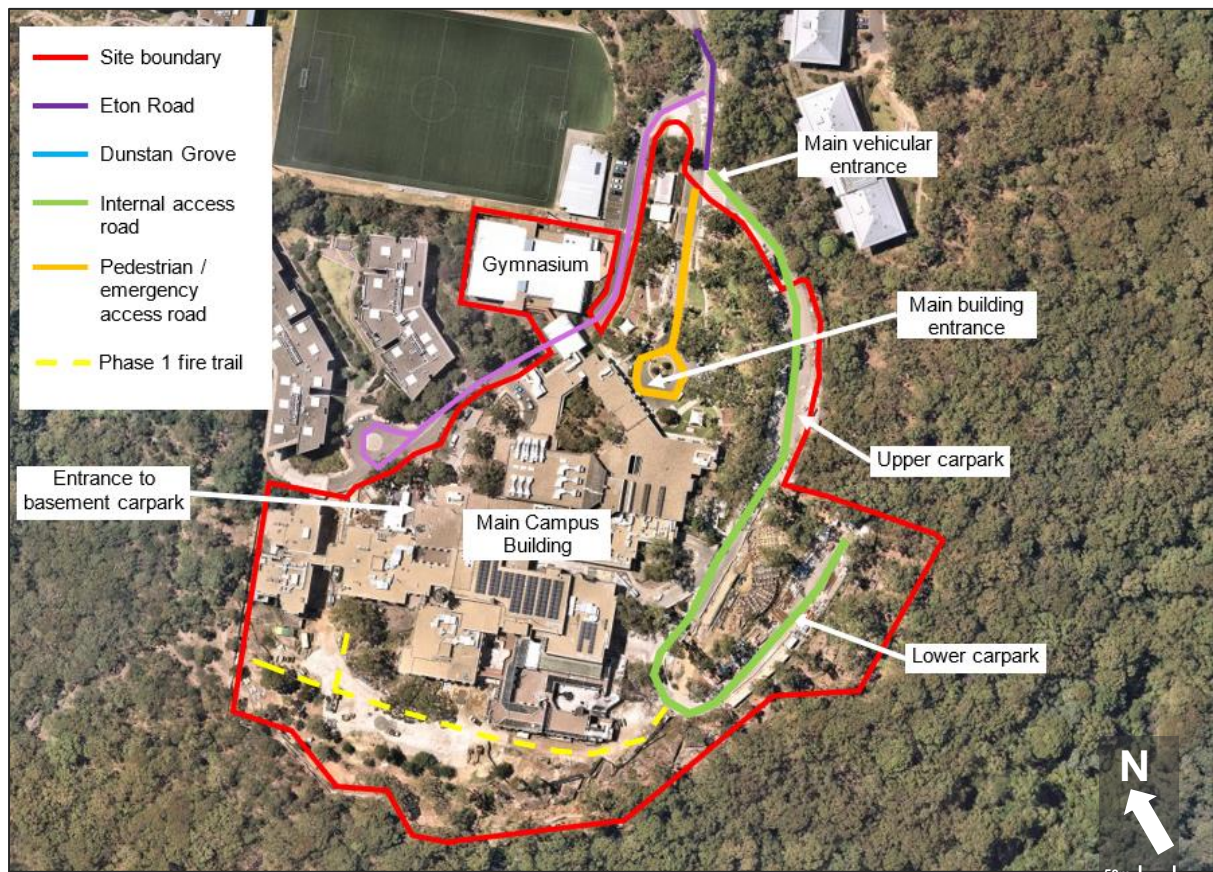


Figure 2 | Aerial view of the site (Source: Nearmap 2021)

The topography of the site is steep with a fall of 6m from north to east and 9m from north to south. The ground is characterised by sandstone outcrops with various level changes and steep-sided gullies that slope to the west, east and south at slopes greater than 15 degrees.

The site, including the main campus building, the gymnasium and footbridge connecting the two buildings over Dunstan Grove, form a locally listed heritage item under the Ku-ring-gai Local Environmental Plan 2015 (KLEP 2015). The main campus building is an example of Brutalist style of architecture, characterised by exposed poured concrete and brickwork within a rigid geometric style.

Vehicular and pedestrian access provided is available from Eton Road and Dunstan Grove. The landscaped areas of the site comprise remnant vegetation, intercepted by modified areas with cleared understorey vegetation and ornamental planting. There are also some large stands of Flooded Gum (*Eucalyptus grandis*) in close proximity to the main campus building. A number of threatened flora species occur close to the site within the Lane Cove National Park. The site is located on bush fire prone land.

1.2 Approval history

On 24 October 2018, the Executive Director, Priority Projects Assessments approved Phase 1 of the development in a partial development consent granted under section 4.38 and 4.16(4)(c) the EP&A Act. The partial consent was granted due to site constraints and outstanding bushfire issues that required resolution.

At the time of assessment, the Applicant proposed this alternative approach involving the partial approval pathway for Phase 1 to deliver a school of 350 students for the commencement of Term 1, 2019. Under this approach, consideration of Phase 2 and 3 would be deferred and subsequently considered at a later date and would be subject to the submission of further documentation which addresses the issues.

Following the submission of the relevant Phase 2 and 3 documentation and subsequent assessment of these issues, on 12 November 2020, the Minister of Planning and Public Spaces granted consent under section 4.38 of the EP&A Act for Phase 2 and 3 of the development as follows:

- adaptive reuse of existing buildings to cater for up to 2000 students.
- alterations and additions to the existing buildings, including construction of a COLA and external egress staircase.
- access arrangements, including provision of drop-off/pick-up and turnaround facilities for vehicles and buses.
- construction of a fire trail for bush fire management purposes.
- tree removal and provision of open play space areas and other associated landscaping works.
- associated infrastructure works.

A summary of applications relating to the subject site are identified in **Table 1**.

Table 1 | Summary of Modifications

Mod No.	Summary of Modifications	Approval Authority	Type	Approval Date
MOD 1	Modify the partial Phase 1 consent to allow the accommodation of 35 additional students within the approved Phase 1 area for a period of two years.	Director	4.55(1A)	15 January 2020

MOD 2	Modify the Phase 2 and 3 consent to amend the approved landscaping plans on the southern portion of the site.	Director	4.55(1A)	12 March 2021
MOD 3	Modify the Partial Phase 1 consent to amend or delete conditions of consent relating to the Phase 1 operation of the development that have been superseded by Phase 2 and 3.	Director	4.55(1A)	18 March 2021
MOD 4	Modify the Partial Phase 1 consent to delete conditions A22 and B55.	Team Leader	4.55(1)	Under assessment
MOD 5	Modify Phase 2 and 3 consent to allow for additional architectural plans describing rooftop services.	Team Leader	4.55(1A)	Under assessment

2 Proposed modification

2.1 Modification application

The application seeks to modify condition A2 of the Phase 2 and 3 consent (SSD 8114) to allow for additional architectural plans. The modification proposes the following changes:

- 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 louvered 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'.

3 Strategic context

The Department considers that the proposed development continues to be appropriate for the site given:

- it is consistent with A Metropolis of Three Cities - The Greater Sydney Region Plan, as it ensures the delivery of new school facilities to meet the growing needs of Sydney.
- it remains consistent with the State Infrastructure Strategy 2018 – 2038: Building the Momentum, as it provides direct investment to address increased enrolment demands, would provide access to modern digitally enabled learning environments for all students and would enable facilities to be co-shared with the local community.
- it is consistent with the NSW Future Transport Strategy 2056 as it would provide an improved educational facility in a highly accessible location.
- it is consistent with the vision outlined in the Greater Sydney Commission's revised North District Plan, as it would support the provision of services and social infrastructure to meet people's changing needs.
- it is consistent with the approved Concept Plan for the site which included adaptive reuse of the main campus building for mixed use purposes, including education.

4 Statutory context

4.1 Scope of modifications

Section 4.55(1A) of the EP&A Act provides that a consent authority may, on an application being made by the Applicant, modify a development consent granted by it, involving minimal environmental impacts. Any application must be made in accordance with Clause 115 of the Environmental Planning and Assessment Regulation 2000 (EP&A Regulation).

The Department has reviewed the scope of the modification application and considers that the application can be characterised as a modification involving minimal environmental impacts as the proposal:

- would not significantly increase the environmental impacts of the project as approved.
- is substantially the same development as originally approved.
- would not involve any further disturbance outside the already approved disturbance areas for the project.

Therefore, the Department is satisfied the proposed modification is within the scope of section 4.55(1A) of the EP&A Act and does not constitute a new development application. Accordingly, the Department considers that the application should be assessed and determined under section 4.55(1A) of the EP&A Act rather than requiring a new development application to be lodged.

4.2 Consent Authority

The Minister for Planning and Public Spaces (the Minister) is the consent authority for the application under section 4.5(a) of the EP&A Act. However, under the Minister's delegation dated 26 April 2021 the Team Leader of State Significant Acceleration, may determine the application.

4.3 Mandatory matters for consideration

The Department completed a comprehensive assessment of the project against the mandatory matters for consideration as part of the original assessment of SSD 8114. The Department considers this modification application does not result in significant changes that would alter the mandatory matters for consideration under section 4.15 of the EP&A Act and conclusions made as part of the original assessment. The mandatory matters for consideration are provided in Table 3.

Table 3 | Mandatory matters for consideration

Matter	Consideration
Whether the proposed modification is of minimal environmental impact.	The proposed modification would not result in significant environmental impacts.
Whether the development to which the consent as modified related is substantially the same development.	The approved development, as modified, would remain substantially the same.

Whether notification has occurred, and any submissions have been considered.	The modification application was publicly advertised in accordance with the EP&A Act and the Environmental Planning and Assessment Regulation 2000 (EP&A Regulation).
Any submission made concerning the proposed modification has been considered.	No submissions were received.
Any relevant provisions of section 4.15(1) of the EP&A Act.	A comprehensive assessment of the project against the mandatory matters for consideration was undertaken as part of the Department's original assessment. The Department considers that the modification application would not result in significant changes that would alter the mandatory matters for consideration under section 4.15 of the EP&A Act and conclusions made as part of the original assessment.
Consideration of the reasons for the granting of the consent that is sought to be modified.	The Department has considered the findings and recommendations of the Department's original Assessment Report. The Department is satisfied that the key reasons for the granting of consent continue to be applicable to the development, as modified.

5 Engagement

5.1 Department's engagement

The application was exhibited and notified to adjoining landowners and to Ku-ring-gai Council and NSW Heritage. The application was exhibited and advertised due to the external changes being proposed to the building. Ku-ring gai Council and NSW Heritage did not raise any concerns. Given the minor changes to the development the proposal will have minimal environmental impacts and will not impact the local heritage significance of the school which is identified as a local heritage item. No public submissions were received.

The application is a section 4.55 (1A) modification application however, given the external changes proposed the application was exhibited for a period of 14 days. In accordance with clause 10 of Schedule 1 to the EP&A Act and clause 118 of the Environmental Planning and Assessment Regulation 2000 (EP&A Regulation), the Department exhibited the application for 14 days from 1 December 2021 to 15 December 2021. The application was exhibited through the following methods:

- On the Department's website;
- Letters sent to landowners within close proximity to the subject site; and
- Emailed to Ku-ring-gai Council and NSW Heritage.

6 Assessment

The Department has considered the modification application in the context of the original approved development in its assessment. In assessing the merits of the proposal, the Department has considered:

- the modification application and associated documents.
- the environmental assessment and conditions of approval for the original project.
- relevant Environmental Planning Instruments (EPI), policies and guidelines.
- the requirements of the EP&A Act.

6.1 Design Alterations

Relocation and consolidation of rooftop services

The application proposes to relocate several rooftop services including condensers and associated equipment runs and plinths in two locations on the roof of the development. The relocation of this equipment is to the north-western building of the site. The equipment is setback behind the parapet of the building and with the addition of louvered screens the equipment does not result in adverse visual bulk and scale impacts to adjoining properties including the Dunstan Grove apartments whose balconies face the north western school building. Furthermore, the setback between the north western building of the school to the front setback of The Dunstan Grove apartments facing the school building is approximately 19.5 metres which is considered a significant setback to provide adequate separation to ensure the relocation of the rooftop equipment is not an imposing structure to the adjoining properties.

Amend all duct work to be kept 1200mm in height

The duct work is proposed to be amended to be kept at 1200mm in height around the plant equipment located on the north western building. The duct work is set behind the parapet of the building and is considered acceptable.

Construction of concrete footings 200mm in height at north-western extent of the development.

New concrete footings are proposed in the north western corner of the building. The concrete footings are 200mm in height to support the rooftop services. The new concrete footings will have minimal visual amenity loss as they will be located behind the building parapet and given the reduced height of the footings they will have minimal visual impact.

Three louvred screens to be affixed to concrete blocks to the north-western extent.

Three louvred screens are proposed on the north western building to mitigate any additional visual bulk to the adjoining properties. One screen is located on the edge of the parapet on the northern elevation and is 1250mm height and a second screen behind the screen located on the parapet is 2125mm in height.

The louvred screens assist in reducing the glare of the plant equipment and assist in increasing the visual amenity to the apartments of Dunstan Grove by reducing the acoustics from the plant equipment. Furthermore, all the louvred screens are proposed to be shale grey which is considered to be a sympathetic colour to the building and the surrounding context. In addition, the screens only conceal the rooftop plant equipment and not the whole rooftop and therefore do not give the appearance of an additional level to the building.

7 Evaluation

The Department's assessment concludes that the proposed modification is appropriate on the basis that:

- the proposed changes are administrative in nature and would ensure that the environmental management requirements apply to the development as intended.
- the proposal would not alter the nature of the development as provided in the final Phase 2 and 3 approval.
- the proposal would ensure the timely and effective operation of an essential service to the community.
- the proposal seeks to comply with a condition of the Phase 2 and 3 consent.

Accordingly, the proposal is in the public interest and it is recommended that the modification be approved.

8 Recommendation

It is recommended that the Team Leader, State Significant Acceleration, as delegate of the Minister for Planning and Public Spaces:

- **considers** the findings and recommendations of this report.
- **determines** that the application SSD 8114 MOD 5 falls within the scope of section 4.55(1A) of the EP&A Act.
- **accepts and adopts** all of the findings and recommendations in this report as the reasons for making the decision to approve the modification.
- **agrees** with the key reasons for approval listed in the draft notice of decision.
- **modify** the consent partial Phase 2 and 3 development consent (SSD 8114).
- **signs** the attached approval of the modification (**Appendix A**).

Recommended by:



Suzannah Byers

Senior Planning Officer

State Significant Acceleration

9 Determination

The recommendation is **Adopted** by:

A handwritten signature in black ink, appearing to read 'G. Wardenburg'.

21 December 2021

Gabriel Wardenburg

Team Leader

State Significant Acceleration

as delegate of the Minister for Planning and Public Spaces

Appendices

- 1 Appendix A – Modification report**
- 2 Appendix B – Instrument of Modification**