

24 January 2020
Our Ref: 9809A.13PS_s4.55(1A)



Department of Planning, Industry and Environment
GPO Box 39
Sydney
NSW 2001

planning consultants

Dear Sir/Madam

**RE: SECTION 4.55(1A) APPLICATION TO MODIFY SSD 8365 (MOD 1)
PENSHURST PUBLIC SCHOOL
510 FOREST ROAD, PENSHURST**

1.0 Introduction

DFP Planning has been commissioned by Grindley Constructions to prepare an application on behalf of School Infrastructure (SINSW) under section 4.55(1A) of the *Environmental Planning and Assessment Act 1979* (EP&A Act) to modify development consent No. SSD 8365 (as modified) for the redevelopment and operation of Penshurst Public School.

The section 4.55(1A) application (Mod 1) seeks to modify Condition A2 relating to the approved plans in order to adjust two (2) stairwells, incorporate a new stairwell to reduce egress distances and implement some minor layout changes, as well as include a fire sprinkler system.

This letter has been prepared in support of the section 4.55(1A) application and includes the information necessary for the Department of Planning, Industry and Environment (DPIE) to assess and determine the application including:

- A background outlining the approved development;
- Details and reasons for the proposed modifications;
- An environmental assessment; and
- Our conclusion and recommendations.

We have concluded that the proposed modification will not substantially alter the approved development and accordingly are considered to satisfy the requirements to enable these modifications to be approved by DPIE pursuant to section 4.55 of the EP&A Act.

The proposed modifications are unlikely to result in any adverse environmental impact and accordingly, we are of the view that the proposed modifications are acceptable in this particular instance.

2.0 Background

On 21 February 2019, DPIE granted development consent to SSD No. 8365 for the redevelopment and operation of Penshurst Public School at 510 Forest Road, Penshurst. The approved project includes the construction of a new three-storey built form with ground floor and roof top open spaces. The building footprint is approximately 50 metres wide by 130

metres in length with the ground floor being rectangular in floor plate, while the two upper levels are designed with a curvilinear layout. At ground level, there are three (3) separate buildings which are linked by an undercroft created by the levels above. The redevelopment increases the capacity of the school from 439 to 1,012 students, providing a total of 47 teaching spaces (see **Figure 1**).



Figure 1 Render of approved built form under SSD 8365

The site strategies for the approved built form included:

- A clear and well-defined entry for the school which acts as a meeting point;
- Retention of existing entry points, maximising separation between vehicle crossing and pedestrian crossing/the intersection of Arcadia Street and Forest Road;
- Establishing building setbacks so that facades facing the adjacent school are minimised and are separated from the boundary to reduce visual encroachment;
- Aligning the building volume to the eastern side of the Site, creating a central open play area;
- Building scale to match existing streetscape and neighbouring school;
- Utilising site contours to minimise earthworks; and
- Maximising retained trees.

Condition A2 of the Development Consent relates to approved plans and states:

“The development may only be carried out:

- (a) In compliance with the conditions of this consent;*
- (b) In accordance with all written directions of the Planning Secretary;*
- (c) Generally in accordance with the EIS and Response to Submissions; and*
- (d) In accordance with the approved plans in the table below: ...”*

A number of the plans listed in the Table (an extract is provided below) under Condition A2 will be impacted by the proposed modifications:

<i>Architectural Drawings prepared by Perumal Pedavoli Architects</i>			
<i>Dwg No.</i>	<i>Rev</i>	<i>Name of Plan</i>	<i>Date</i>
3199-ARC-DD_00_001	A	Legend Sheet	31/08/18
3199-ARC-DD_00_002	n/a	Site Survey Plan	28/03/18
3199-ARC-DD_00_003	n/a	Demolition Plan	28/03/18
3199-ARC-DD_00_011	n/a	Site Signage Plan	28/03/18
3199-ARC-DD_00_100	A	Overall Site Fence Plan	31/08/18
3199-ARC-DD_00_200	A	Overall Site Masterplan	31/08/18
3199-ARC-DD_01_101	A	Floor Plan – Level 0 – Part 1	31/08/18
3199-ARC-DD_01_102	A	Floor Plan – Level 0 – Part 2	31/08/18
3199-ARC-DD_01_103	A	Floor Plan – Level 0 – Part 3	31/08/18
3199-ARC-DD_01_111	A	Floor Plan – Level 1 – Part 1	31/08/18
3199-ARC-DD_01_112	A	Floor Plan – Level 1 – Part 2	31/08/18
3199-ARC-DD_01_113	A	Floor Plan – Level 1 – Part 3	31/08/18
3199-ARC-DD_01_121	A	Floor Plan – Level 2 – Part 1	31/08/18
3199-ARC-DD_01_122	A	Floor Plan – Level 2 – Part 2	31/08/18
3199-ARC-DD_01_123	A	Floor Plan – Level 2 – Part 3	31/08/18
3199-ARC-DD_01_131	A	Floor Plan – Level 3 – Part 1	31/08/18
3199-ARC-DD_01_132	A	Floor Plan – Level 3 – Part 2	31/08/18
3199-ARC-DD_01_133	A	Floor Plan – Level 3 – Part 3	31/08/18
3199-ARC-DD_01_141	A	Roof Plan – Part 1	31/08/18
3199-ARC-DD_01_142	A	Roof Plan – Part 2	31/08/18
3199-ARC-DD_01_143	A	Roof Plan – Part 3	31/08/18
3199-ARC-DD_01_201	A	Elevations – Sheet 1	31/08/18
3199-ARC-DD_01_202	A	Elevations – Sheet 2	31/08/18
3199-ARC-DD_01_203	A	Elevations – Sheet 3	31/08/18
3199-ARC-DD_01_211	A	Sections – Sheet 1	31/08/18
3199-ARC-DD_01_212	A	Sections – Sheet 2	31/08/18
3199-ARC-DD_01_213	A	Sections – Sheet 3	31/08/18
3199-ARC-DD_01_214	A	Sections – Sheet 4	31/08/18
3199-ARC-DD_01_215	A	Sections – Sheet 5	31/08/18
3199-ARC-DD_01_216	A	Sections – Sheet 6	31/08/18
3199-ARC-DD_01_217	A	Sections – Sheet 7	31/08/18
3199-ARC-DD_01_220	A	Wall Sections – Sheet 1	31/08/18
3199-ARC-DD_01_221	A	Wall Sections – Sheet 2	31/08/18
3199-ARC-DD_01_222	A	Wall Sections – Sheet 3	31/08/18
3199-ARC-DD_01_223	A	Wall Sections – Sheet 4	31/08/18
3199-ARC-DD_01_224	A	Wall Sections – Sheet 5	31/08/18
3199-ARC-DD_01_401	A	Finishes Plan – Level 0 – Part 1	31/08/18
3199-ARC-DD_01_402	A	Finishes Plan – Level 0 – Part 2	31/08/18
3199-ARC-DD_01_403	A	Finishes Plan – Level 0 – Part 3	31/08/18
3199-ARC-DD_01_411	A	Finishes Plan – Level 1 – Part 1	31/08/18
3199-ARC-DD_01_412	A	Finishes Plan – Level 1 – Part 2	31/08/18
3199-ARC-DD_01_413	A	Finishes Plan – Level 1 – Part 3	31/08/18
3199-ARC-DD_01_421	A	Finishes Plan – Level 2 – Part 1	31/08/18
3199-ARC-DD_01_422	A	Finishes Plan – Level 2 – Part 2	31/08/18
3199-ARC-DD_01_423	A	Finishes Plan – Level 2 – Part 3	31/08/18
3199-ARC-DD_01_431	A	Finishes Plan – Level 3 – Part 1	31/08/18
3199-ARC-DD_01_432	A	Finishes Plan – Level 3 – Part 2	31/08/18
3199-ARC-DD_01_433	A	Finishes Plan – Level 3 – Part 3	31/08/18
<i>Landscape Drawings prepared by Lorna Harrison Landscape Architects</i>			
<i>Dwg No.</i>	<i>Rev</i>	<i>Name of Plan</i>	<i>Date</i>
555 LAN DD 01	A	Landscape Site Plan – Trees Retained/Removed	31/08/18
555 LAN DD 02	A	Landscape Site Plan – Ground Level	31/08/18
555 LAN DD 02_C	A	Landscape Site Plan – Ground Level Central Zone	31/08/18
555 LAN DD 02_N	A	Landscape Site Plan – Ground Level North	31/08/18
555 LAN DD 02_S	A	Landscape Site Plan – Ground Level South	31/08/18

<i>Architectural Drawings prepared by Perumal Pedavoli Architects</i>			
<i>Dwg No.</i>	<i>Rev</i>	<i>Name of Plan</i>	<i>Date</i>
<i>Stormwater/Drainage Drawings prepared by Woolacotts Consulting Engineers</i>			
<i>Dwg No.</i>	<i>Rev</i>	<i>Name of Plan</i>	<i>Date</i>
3199-CIV-AS_02_001	C	Schematic design – Civil Works Site Plan	28/03/18
3199-CIV-AS-SW1	C	Stormwater Management Plan	28/03/18
3199-CIV-AS-SW2	C	Erosion and Sediment Control Plan	28/03/18

3.0 Proposed Modifications

3.1 Background of Modifications

SSD 8365 was approved with a number of 'alternative solutions' under the Building Code of Australia (BCA). Through design development, SINSW has sought to limit the extent to which the proposal relies on 'alternative solutions' in favour of achieving deemed-to-satisfy compliance with the BCA. In particular, this has had two (2) main outcomes on the approved design:

- 1) The need to revisit the adequacy of the paths of travel to/through/from the buildings and as a result, reorientate one (1) of the existing stairwells and provide for one (1) additional stair, together with associated minor layout amendments to each floor level to respond to the re-aligned paths of travel; and
- 2) The need to incorporate a fire sprinkler system across the whole of the development and include relevant fire service infrastructure to facilitate this system.

In addition to these primary changes, other minor changes arising through detailed design document coordination have been picked up in the modification application to ensure the updated consent reflects the details of the current project. These include minor changes to the play street ramp to address stormwater requirements, adjustment to the area of the sports store and amendments to the external openings of the roof-top plant rooms.

3.2 Summary of Modifications

The proposed modifications relate to minor design and layout changes and the installation of a fire sprinkler system. The modifications include:

- Reorientate Stair 1 by 180 degrees, add extra flight to street play area, and add new column 300 x 400mm under landing (see **Blue** mark up in **Figure 2**);
- Reduce area of sports store (see **Orange** mark up in **Figure 2**);
- Add new Stair 4 at the southern end of the school building (see **Green** mark up in **Figure 2**);
- Minor adjustment to ramp for stormwater coordination to remove level change adjacent to stairs and allow for new pit (see **Red** mark up in **Figure 2**);
- Installation of sprinkler system to service the building, including installation of a sprinkler pump adjacent to the existing Fire Hydrant pump room at the north east of the school building (see **Pink** mark up in **Figure 2**);
- Minor internal layout changes in response to adjustments to stairs, new sprinkler pump and stormwater coordination; and
- Amendment to the external openings of the plant rooms.

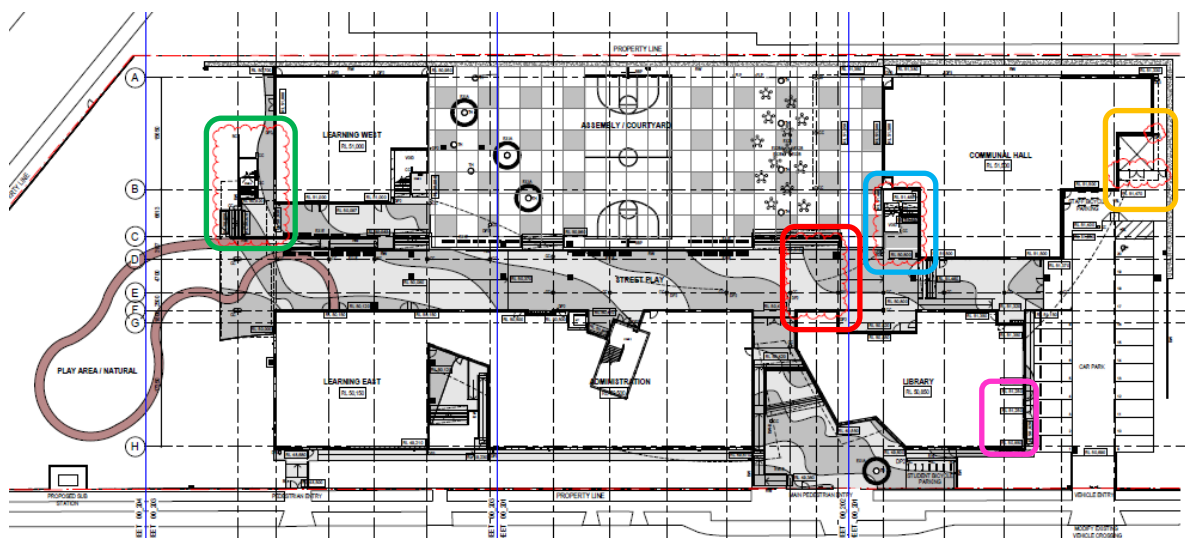


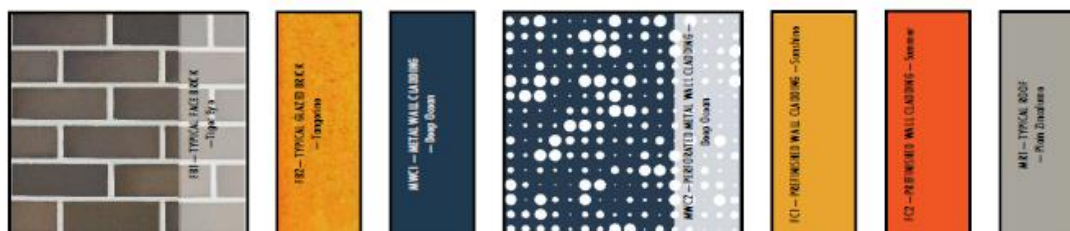
Figure 2 Extract of Site Masterplan indicating location of proposed modifications

There are no changes proposed to the building materials or colours from those approved in SSD 8365. The new stairs will be constructed and finished with the same materials as the remainder of the approved development.

Below is an extract from the Design Analysis Report submitted with the original development application (**Figure 3**), detailing the building fabric, materials and colours being utilised for the project:

7. ARCHITECTURAL DESIGN STATEMENT

Building fabric, materials and colour



The proposed materials are robust and durable, with low maintenance requirements. The structural system is a reinforced concrete frame. Internal walls are non-loadbearing.

Ground level volumes are clad in brickwork, a visual reference to the existing school buildings and the typical material of the neighbourhood. The shape and forms of the ground level volumes are compatible with conventional brickwork, and this material provides robustness and durability for areas of intense student activity.

The upper storey is finished in metal wall cladding, adaptable to the curved form of the façade and providing contrast of colour and texture. The colour selection, Colorbond Deep Ocean, will provide a visually recessive backdrop to the perimeter tree canopy, enhancing the rich green foliage and harmonising with the broader landscape and sky scape.

Overlaid are vertical louvre blades providing sun shading and modulating the façade through texture and colour, visually fragmenting the scale of the building. The sunshades and cladding at the entry area are coloured rich yellow and orange, in contrast to the generally cool wall colours. The strong colour elements act as wayfinding devices leading to the principal entry. The entry space extends vertically through the building to the rooftop play level.



The proposed business identification sign, that is the School Sign, is embedded in the design. There are two proposed sign locations. One location is at the Arcadia Street entry, and the other is at high level on the façade facing Forest Road.



Education



27 March, 2018 | Penshurst Public School | DESIGN ANALYSIS REPORT

Figure 3 Extract from Design Analysis Report submitted with original SSD application

The proposed modifications are supported by the following documentation:

- Updated Architectural Plans prepared by Perumal Pedavoli Architects – **Attachment 1**;
- Updated Landscape Drawings prepared by Lorna Harrison Landscape Architects – **Attachment 2**;
- Updated Stormwater/Drainage Drawings & Report prepared by Woolacotts Consulting Engineers – **Attachment 3**; and
- Capability Statement for Accessibility prepared by du Chateau Chun – **Attachment 4**.
- BCA Compliance Statement prepared by Group DLA – **Attachment 5**

3.3 Details of Modifications to Condition A2

The proposed modifications warrant updates to a number of the approved plans listed under Condition A2. Changes to this Condition are set out as follows [~~delete~~ and ~~add~~]:

<i>Architectural Drawings prepared by Perumal Pedavoli Architects</i>			
<i>Dwg No.</i>	<i>Rev</i>	<i>Name of Plan</i>	<i>Date</i>
3199-ARC-DD_00_001	A	Legend Sheet	31/08/18
3199-ARC-DD_00_002	n/a	Site Survey Plan	28/03/18
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3199-ARC-DD_00_100	A	Overall Site Fence Plan	31/08/18
3199-ARC-DD_00_200	A	Overall Site Masterplan	31/08/18
3199-ARC-CD-00_200	06	Overall Site Masterplan	12/11/19
3199-ARC-DD_01_101	A	Floor Plan – Level 0 – Part 1	31/08/18
3199-ARC-CD-01_101	11	Floor Plan – Level 0 – Part 1	12/11/19
3199-ARC-DD_01_102	A	Floor Plan – Level 0 – Part 2	31/08/18
3199-ARC-DD_01_103	A	Floor Plan – Level 0 – Part 3	31/08/18
3199-ARC-CD-01_103	09	Floor Plan – Level 0 – Part 3	12/11/19
3199-ARC-DD_01_111	A	Floor Plan – Level 1 – Part 1	31/08/18
3199-ARC-CD-01_111	09	Floor Plan – Level 1 – Part 1	12/11/19
3199-ARC-DD_01_112	A	Floor Plan – Level 1 – Part 2	31/08/18
3199-ARC-DD_01_113	A	Floor Plan – Level 1 – Part 3	31/08/18
3199-ARC-CD-01_113	07	Floor Plan – Level 1 – Part 3	12/11/19
3199-ARC-DD_01_121	A	Floor Plan – Level 2 – Part 1	31/08/18
3199-ARC-CD-01_121	09	Floor Plan – Level 2 – Part 1	12/11/19
3199-ARC-DD_01_122	A	Floor Plan – Level 2 – Part 2	31/08/18
3199-ARC-DD_01_123	A	Floor Plan – Level 2 – Part 3	31/08/18
3199-ARC-CD-01_123	07	Floor Plan – Level 2 – Part 3	12/11/19
3199-ARC-DD_01_131	A	Floor Plan – Level 3 – Part 1	31/08/18
3199-ARC-CD-01_131	05	Floor Plan – Level 3 – Part 1	12/11/19
3199-ARC-DD_01_132	A	Floor Plan – Level 3 – Part 2	31/08/18
3199-ARC-DD_01_133	A	Floor Plan – Level 3 – Part 3	31/08/18
3199-ARC-CD-1_133	04	Floor Plan – Level 3 – Part 3	12/11/19
3199-ARC-DD_01_141	A	Roof Plan – Part 1	31/08/18
3199-ARC-CD-01_141	04	Roof Plan – Part 1	12/11/19
3199-ARC-DD_01_142	A	Roof Plan – Part 2	31/08/18
3199-ARC-DD_01_143	A	Roof Plan – Part 3	31/08/18
3199-ARC-CD-01_143	04	Roof Plan – Part 3	12/11/19
3199-ARC-DD_01_201	A	Elevations – Sheet 1	31/08/18
3199-ARC-CD-01_201	05	Elevations – Sheet 1	12/11/19
3199-ARC-DD_01_202	A	Elevations – Sheet 2	31/08/18

3199-ARC-CD-01_202	05	Elevations – Sheet 1	12/11/19
3199-ARC-DD-01_203	A	Elevations – Sheet 3	31/08/18
3199-ARC-CD-01_203	06	Elevations – Sheet 1	12/11/19
3199-ARC-DD-01_211	A	Sections – Sheet 1	31/08/18
3199-ARC-CD-01_211	03	Sections – Sheet 1	12/11/19
3199-ARC-DD-01_212	A	Sections – Sheet 2	31/08/18
3199-ARC-CD-01_212	03	Sections – Sheet 2	12/11/19
3199-ARC-DD-01_213	A	Sections – Sheet 3	31/08/18
3199-ARC-CD-01_213	04	Sections – Sheet 3	12/11/19
3199-ARC-DD_01_214	A	Sections – Sheet 4	31/08/18
3199-ARC-DD-01_215	A	Sections – Sheet 5	31/08/18
3199-ARC-CD-01_215	02	Sections – Sheet 5	12/11/19
3199-ARC-DD_01_216	A	Sections – Sheet 6	31/08/18
3199-ARC-DD_01_217	A	Sections – Sheet 7	31/08/18
3199-ARC-DD_01_220	A	Wall Sections – Sheet 1	31/08/18
3199-ARC-DD_01_221	A	Wall Sections – Sheet 2	31/08/18
3199-ARC-DD_01_222	A	Wall Sections – Sheet 3	31/08/18
3199-ARC-DD_01_223	A	Wall Sections – Sheet 4	31/08/18
3199-ARC-DD_01_224	A	Wall Sections – Sheet 5	31/08/18
3199-ARC-DD-01_401	A	Finishes Plan – Level 0 – Part 1	31/08/18
3199-ARC-CD-01_401	03	Finishes Plan – Level 0 – Part 1	12/11/19
3199-ARC-DD_01_402	A	Finishes Plan – Level 0 – Part 2	31/08/18
3199-ARC-DD-01_403	A	Finishes Plan – Level 0 – Part 3	31/08/18
3199-ARC-CD-01_403	04	Finishes Plan – Level 0 – Part 3	12/11/19
3199-ARC-DD-01_411	A	Finishes Plan – Level 1 – Part 1	31/08/18
3199-ARC-CD-01_411	02	Finishes Plan – Level 1 – Part 1	12/11/19
3199-ARC-DD_01_412	A	Finishes Plan – Level 1 – Part 2	31/08/18
3199-ARC-DD-01_413	A	Finishes Plan – Level 1 – Part 3	31/08/18
3199-ARC-CD-01_413	02	Finishes Plan – Level 1 – Part 3	12/11/19
3199-ARC-DD-01_421	A	Finishes Plan – Level 2 – Part 1	31/08/18
3199-ARC-CD-01_421	02	Finishes Plan – Level 2 – Part 1	12/11/19
3199-ARC-DD_01_422	A	Finishes Plan – Level 2 – Part 2	31/08/18
3199-ARC-DD-01_423	A	Finishes Plan – Level 2 – Part 3	31/08/18
3199-ARC-CD-01_423	02	Finishes Plan – Level 2 – Part 3	12/11/19
3199-ARC-DD-01_431	A	Finishes Plan – Level 3 – Part 1	31/08/18
3199-ARC-CD-01_431	02	Finishes Plan – Level 3 – Part 1	12/11/19
3199-ARC-DD_01_432	A	Finishes Plan – Level 3 – Part 2	31/08/18
3199-ARC-DD-01_433	A	Finishes Plan – Level 3 – Part 3	31/08/18
3199-ARC-CD-01_433	02	Finishes Plan – Level 3 – Part 3	12/11/19
Landscape Drawings prepared by Lorna Harrison Landscape Architects			
Dwg No.	Rev	Name of Plan	Date
555 LAN DD 01	A	Landscape Site Plan – Trees Retained/Removed	31/08/18
555 LAN CD 01	2	Landscape Site Plan – Trees Retained/Removed	17/10/19
555 LAN DD 02	A	Landscape Site Plan – Ground Level	31/08/18
555 LAN CD 02	2	Landscape Site Plan – Ground Level	17/10/19
555 LAN DD 02_C	A	Landscape Site Plan – Ground Level Central Zone	31/08/18
555 LAN DD 02_N	A	Landscape Site Plan – Ground Level North	31/08/18
555 LAN DD 02_S	A	Landscape Site Plan – Ground Level South	31/08/18
555 LAN CD 02_2	2	Landscape Site Plan – Ground Level South	17/10/19
Stormwater/Drainage Drawings prepared by Woolacotts Consulting Engineers			
Dwg No.	Rev	Name of Plan	Date
3199-CIV-CD_01_001	03	Standard Notes and Drawing List	16/10/19
3199-CIV-AS-02_001	C	Schematic design – Civil Works Site Plan	28/03/18

3199-CIV-CD_01_002	07	Civil Works Plan	16/10/19
3199-CIV-AS-SW1	C	Stormwater Management Plan	28/03/18
3199-CIV-CD_01_005	05	Civil Works Details – Sheet 1	16/10/19
3199-CIV-CD_01_006	04	Civil Works Details – Sheet 2	16/10/19
3199-CIV-CD_01_007	03	Civil Works Details – Sheet 3	16/10/19
3199-CIV-AS-SW2	C	Erosion and Sediment Control Plan	28/03/18
3199-CIV-CD-01-008	01	Erosion and Sediment Control Plan	10/05/19

4.0 Statutory Provisions

Section 4.55 of the EP&A Act contains the provisions that must be considered by the Consent Authority in determining an application to modify a Notice of Determination. In this regard, the relevant provision is section 4.55(1A) of the EP&A Act.

This application is lodged under section 4.55(1A) as the amendment proposed is considered to be minor in nature and will have only minimal environmental impact.

In addition to the EP&A Act, Clause 115 of the *Environmental Planning and Assessment Regulation 2000* (EP&A Regulation) contains the information that must be submitted with an application to modify a consent. The requirements under the EP&A Act and EP&A Regulation are detailed below.

4.1 Section 4.55(1A) of the Act

Section 4.55(1A) of the Act applies to modifications where a minimal environmental impact may occur. Specifically, section 4.55(1A) provides that a number of matters be addressed, as discussed 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”***

The proposed modifications relate to improved egress to/from the built form, minor layout changes and improved fire safety and are considered to be of minimal environmental impact.

- “(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)”***

The proposed modifications are considered minor amendments to the approved plans, required in order to improve access and internal use of the buildings and improve fire safety, overall improving the project's deemed-to-satisfy compliance with the BCA. The proposed modifications will result in a development that is substantially the same as the development for which consent was originally granted.

- “(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 modifications of a development consent,”

Hurstville Development Control Plan No. 1 applies to the site. The proposed modification will not significantly alter the intensity or likely adverse impact of the development, accordingly it is our opinion that notification is not required. However, this will be at the discretion of the Consent Authority.

“(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”

Should the Consent Authority notify the subject application in accordance with section 4.55(1A)(c), it must consider any submissions made during a notification period.

Subsections (1), (2) and (5) of section 4.55 do not apply to the proposed modification. Subsection (3) is addressed in Section 5.0 of this submission.

4.2 Clause 115 of the EP&A Regulation 2000

Subclause 115(1) of the Regulation details the information required to be submitted with an application to modify a Development Consent under section 4.55. These details are contained in this letter and the accompanying application form.

5.0 Environmental Planning Assessment

Section 4.55(3) of the EP&A Act requires that such of the matters referred to in section 4.15(1) as are of relevance to the proposed modification must be taken into consideration in determining the application for modification. Accordingly, the following subsections provide an assessment of any such relevant matters.

The consent authority must also take into consideration the reasons given by the consent authority for the grant of the consent that is sought to be modified.

5.1 Section 4.15(1)(a) – Planning Controls

5.1.1 Hurstville Local Environmental Plan (LEP) 2012

Pursuant to Clause 2.2 of the Hurstville LEP, the site is zoned SP2 Infrastructure (Church and Educational Establishment). The proposed modifications are consistent with the objectives of the SP2 Zone and are permissible with consent.

5.1.2 Hurstville Development Control Plan (DCP) No. 1

In accordance with Clause 3.3 Access & Mobility of Hurstville DCP No. 1, du Chateau Chun has prepared a Capability Statement (**Attachment 4**), which confirms that the proposed modifications to Stair 1 and Stair 4 are consistent with the requirements of the Building Code of Australia 2016 Amendment 1 (BCA), as it relates to accessibility, and statutory obligations imposed by the Disability Discrimination Act 1992 (*Cth*) (DDA), the Disability (Access to Premises - Buildings) Amendment Standards 2010 (No. 1) and relevant Australian Standards.

In accordance with Clause 3.7 Stormwater of Hurstville DCP No. 1, Woolacotts has prepared revised Stormwater and Erosion and Sediment control plans as well as a revised Stormwater Management Report (**Attachment 3**).

5.2 Section 4.15(1)(b) – Natural and Built Environmental Impacts

5.2.1 Built Form

The proposed modifications are consistent with the original site strategies for the approved built form as set out in **Section 2.0** above, and will not impact the streetscape as the modifications

are either to the interior or rear of the built form, and the new stairs (Stair 4) will be generally screened by landscaping from Forest Road and Arcadia Street.

In terms of external changes that could result in a visual impact, the only relevant modification is the inclusion of the new Stair 4 on the southern side of the new building. The structure and mass of this stairwell will not be obvious or visually obtrusive when viewed internally or from the public domain. The new stairs will be constructed of the same materials as the remainder of the development and therefore will not have an apparent difference to the main building massing. A detailed assessment of visual impacts is not warranted in this regard.

The proposed modifications to the built form are considered minor in nature and will result in little to no discernible impacts in terms of the built environment. The proposed modifications will improve egress and fire safety for the building. The modifications have been assessed as being able to achieve compliance with the Building Code of Australia and accessibility requirements.

5.2.2 Stormwater

The modification includes amendments to the stormwater drainage plans (**Attachment 3**) to accommodate the built form changes, including minor changes to downpipes, pits and pipes for the new/adjusted stairwells and the minor change to the street play area.

In addition, the stormwater management report (**Attachment 3**) has been updated to reflect new rainfall data released by the Bureau of Meteorology (BOM), which indicates significant reductions in rainfall intensity for this site. Accordingly, the new rainfall intensities have been adopted in the design of the OSD tank, which is reflected in the revised stormwater plans.

5.2.3 Assessment of Changes to Approved Environmental Impacts

Part 6 of the Assessment Report prepared by DPIE in February 2019 for SSD 8365 provides an assessment of the range of environmental impacts associated with the original approval. The following table provides a summary assessment of the modifications against the range of environmental impacts addressed by DPIE under the original approval:

Summary Assessment of Modifications against Approved Environmental Impacts	
Environmental Impact	Impact Assessment of Modifications
Heritage impacts	No change to heritage outcomes of the proposal. The approved outcomes of SSD 8365 (demolition of the heritage building) will not be modified as a result of the proposed amendments. No further assessment required.
Built form and urban design	Refer to Section 5.2.1 above. No further assessment required due to the minor nature of the modifications.
Amenity and privacy impacts	No change to amenity (acoustic) and privacy impacts of the proposal. The additional stairwell is situated at the southern end of the site (opposite the nearest residential receiver) and therefore any noise from students moving up/down the stairs will not generate additional amenity or privacy impacts. No further assessment required.
Landscape and urban design	No change to the landscape and urban design outcomes of the proposal. Only minor changes are being made to accommodate the landing and structural supports for the new Stair 4. No changes are proposed to the landscape strategy for the site. No further assessment is required.
Traffic and transport	No changes proposed to traffic and transport outcomes of the proposal. No further assessment required.
Other issues – noise and vibration	No change to noise and vibration outcomes of the proposal. No further assessment is required.
Other issues – stormwater	The proposed modifications seek to incorporate a range of minor coordination changes into the approved plans, together with amendments to accommodate the

Summary Assessment of Modifications against Approved Environmental Impacts

	new/adjusted stairs and new fire sprinkler system. The updated stormwater report (Attachment 3) reflects updated BOM rainfall data and adjusts the size of the OSD system. Consistent with DPIEs recommendations and conditions, the minor amendments to the stormwater management system will ensure stormwater discharge from the site does not result in any adverse off-site impacts.
Other issues – Aboriginal cultural heritage	No change to Aboriginal cultural heritage outcomes of the proposal. No further assessment is required.
Other issues – site contamination	No change to site contamination outcomes of the proposal. No further assessment is required.

Having regard to the assessment provided above, it can be concluded that the proposed modifications do not result in any changes to the approved environmental impact outcomes for SSD 8365.

5.3 Section 4.15(1)(b) – Social and Economic Impacts

The redevelopment and operation of Penshurst Public School has provided the locality with a significant increase in educational infrastructure, with the school capacity increasing from 439 students to 1,012 students. It will also have positive economic impacts with the associated rise in employment. The proposed modifications will improve safety and access to the built form for students and staff and will not diminish any of the social or economic benefits provided by SSD 8365.

5.4 Section 4.15(1)(c) – Suitability of the Site for Development

The site has been assessed and approved for use as an educational establishment. The proposed amendments do not detract from the suitability of the use of the site for this purpose.

5.5 Section 4.15(1)(d) – Submissions

DPIE must consider any submissions in relation to this application.

5.6 Section 4.15(1)(e) – Public Interest

The proposed modifications will improve access to/from the school buildings while maintaining accessibility within the site. The installation of the fire sprinkler system will improve the safety of students and staff in the event of a fire. Built form changes will not be discernible from the approved built form and will therefore result in little to no visible change to the approved development from the public domain. Accordingly, the modifications are considered to be in the public interest.

6.0 Conclusion and Recommendations

This submission, accompanies an application under section 4.55(1A) of the EP&A Act to modify Condition A2 of State Significant Development Consent No. 8365. The proposal involves a minor modification to the built form to improve egress and fire safety.

The modification will not substantially alter the approved development and accordingly, is considered to satisfy the requirements pursuant to section 4.55(1A) of the EP&A Act.

The proposed modifications are considered to have acceptable environmental impacts as they will improve egress and safety of the built form for students and staff, and have been assessed as meeting accessibility standards.

Accordingly, we are of the view that the proposed modification is acceptable in this particular instance and can be approved under section 4.55(1A).



We would be pleased to discuss this application further with DPIE should that be required and if you have any queries, please do not hesitate to contact Penny Smith from our office.

Yours faithfully

DFP PLANNING PTY LTD

A handwritten signature in black ink that reads 'Penny Smith'.

**PENNY SMITH
PROJECT PLANNER**

Reviewed:

A handwritten signature in black ink that appears to read 'Stephen King'.

psmith@dfpplanning.com.au

Attachments

1. Architectural Plans prepared by Perumal Pedavoli Architects
2. Landscape Drawings prepared by Lorna Harrison Landscape Architects
3. Stormwater/Drainage Drawings & Report prepared by Woolacotts Consulting Engineers
4. Capability Statement for Accessibility prepared by du Chateau Chun
5. BCA Statement prepared by Group DLA