

MODIFICATION REPORT

SECTION 4.55(1A) MODIFICATION TO AMEND THE APPROVED CATHOLIC COLLEGE (SSD8989)

**2 KINGFISHER CLOSE AND 507 MEDOWIE ROAD, MEDOWIE
LOT 412 AND Lot 413 DP 1063902**



Prepared on behalf of:
TRUSTEES OF THE ROMAN CATHOLIC CHURCH FOR THE DIOCESE OF MAITLAND – NEWCASTLE

Prepared by:



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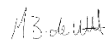


APPENDICES

Appendix 1: Amended Architectural Plans prepared by Webber Architects

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Prepared by:	Reviewed by:	Released by:
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1. INTRODUCTION AND BACKGROUND

1.1 Introduction

de Witt Consulting has been commissioned by the Trustees of the Roman Catholic Church - Diocese of Maitland Newcastle to prepare an application under Section 4.55(1A) of the Environmental Planning and Assessment Act 1979 (EP & A Act) to modify the original State Significant Development consent known as SSD8989, granted on the 26th of July 2019. The original approval has previously been modified being Modification 1 for '*Interim vehicular traffic arrangement to maintain access while the main signalised intersection is being completed*' that was subsequently approved by the Department on the 4 August 2020.

The school is partially constructed in accordance with the approved staging plans with numerous areas of the school already functioning and operating as a school.

1.2 Overview of Modification

The existing approval and current site attributes are further described in Section 2, however the approval includes generally the provision of an education establishment known as McAuley Catholic College and included all relevant infrastructure and a facilities associated with the delivery of a modern school. The proposed modification does not seek to alter the existing approved land use nor alter what has already been constructed on site.

The proposed modification includes minor alterations and additions to the approved development at the site. The alterations and additions can be described as:

Stage 3A

- High School Block G – Learning Hub
 - The approved building footprint being retained.
 - Library to be relocated to the ground floor
 - junior study room;
 - senior study room;
 - connected classroom;
 - The librarian workspace and store; and
 - Open theatre, collection, reading area.
 - The five General Purpose Learning Areas (GPLAs) will be relocated to the first floor.
 - small office and meeting room to be included in the first-floor area.
 - Internal staircase to be relocated to match the new internal layout.
 - External windows and door openings to be reconfigured for the new internal layout.
 - Two new services cupboards within ground floor library
- Block H GPLA Classroom Building
 - The undercroft learning area will be enclosed to provide a flat floor indoor lecture space.
 - Internal staircase outside proposed 'flat floor lecture space' to be reconfigured
 - External windows and door openings to be reconfigured for the new internal layout.
 - GPLA10 external door removed and replaced by wall
 - GPLA12 external door removed and replaced by wall

Stage 3B

- Block G – Learning Hub
 - New detached roofed shade structure in the internal courtyard
 - The external covered walkway and stairs to be relocated centrally between Block G & H.

Stage 4A

- Block E TAS
 - New dust extractor equipment acoustic enclosure will alter the building footprint. Building will have minor internal reconfiguration for TAS course requirements including workshops, foyer, major works store and dust collector.

- External windows and door openings to be reconfigured for the new internal layout.
 - External door into foyer
 - TAS Workshop external door
- Removal of all toilets
- Block F PE and Art
 - The building footprint will remain unchanged.
 - Relocation of male and female toilet block to eastern and western façades. Each block will contain 3 toilets, 1 accessible toilet and cleaning cupboard.
 - The toilet block foyers will be provided an awning for all weather cover.
 - Three PE classroom and storerooms to be relocated to the northern end of the building.
 - Reconfigure the internal storage rooms providing additional secure storage for major art works.
 - External windows, door openings and electrical units to be reconfigured for the new internal layout.
 - Inclusion of external PE storage shed
 - External fenced area for equipment storage.
 - Internal storage racking.
 - Two new services cupboards within the outdoor work area.

Stage 4B

- Block F PE and Art
 - Widened roof overhang to provide all weather access to Art classrooms
 - Carpark reconfiguration to enable delivery vehicles access to Block E.
- Maintenance Shed
 - Shed plans have been detailed to include; groundsman office, water closet, workshop, grounds store, bin store.

Stage 5A

- Block A Hall
 - The building footprint will be increased towards south.
 - Reconfiguration to enable the hall for use as a performing space with a control room, permanent stage and proscenium curtain.
 - Additional sports equipment store and chair store rooms.
 - Mezzanine platform for viewing and lighting control.
 - External windows and door openings to be reconfigured for the new internal layout.

The proposed alterations are minor in nature and have been proposed as a result of feedback associated with existing operations within the school and meeting future needs. The proposed modifications relate to plans associated with areas of the school not yet constructed however due for construction early in January 2022.

1.3 Location and Context

The proposal is located on land known as number 2 Kingfisher Close and number 507 Medowie Road, Medowie (Lot 412 and Lot 413 DP 1063902) (the site). The site is located in the Port Stephens Local Government Area (LGA) and is located approximately 20 kilometres north of Newcastle and approximately 30 kilometres west of Nelson Bay. The site of approximately 26.83ha is owned by Trustees of Catholic Diocese of Maitland Newcastle.

1.4 Diocese of Maitland-Newcastle

The Diocese of Maitland-Newcastle represents the Catholic Church in a region extending from Lake Macquarie to Taree and as far inland as Merriwa and Murrurundi. A diocese is term used to describe a community of Christ's faithful - it represents a portion of the people of God in a particular area, which is entrusted to a bishop. The Trustees of the Roman Catholic Church for the Diocese of Maitland – Newcastle are the applicant for the proposed modification.

1.5 Approvals Pathway

This modification has been prepared for the Trustees of the Roman Catholic Church for the Diocese of Maitland-Newcastle. The minor modification is for alterations and additions to buildings in stages 3A – 5A, which is being undertaken as a modification to the approved SSD.

Early consultation with Brent Devine (Principal Planner, School Infrastructure Assessments) from the Department of Planning and Environment occurred on the 21 August 2021 via a phone meeting. During this meeting the approval pathway was discussed, which identified that the proposal could possibly be considered as exempt or complying development pursuant to State Environmental Planning Policy (Educational Establishments and Childcare Centres) 2017 (SEPP EECC).

However, further investigations into the approval pathway were undertaken amongst the project team. It became evident that whilst the majority, if not all proposed modifications could in fact be complying pursuant to the SEPP EECC, the proposal could not be compliant with all requirements of the SEPP EECC as a result of the site requirements and existing site constraints eliminating the ability to utilise the relevant provisions.

The SEPP EECC includes various site provisions that must be met to proceed down the complying path, whilst the works proposed work and modifications themselves comply, when reviewing Clause 19 of SEPP EECC and in particular in reference to Clause 19 (Clause 2a) which requires the general requirements for complying development set out in clause 1.17A of [State Environmental Planning Policy \(Exempt and Complying Development Codes\) 2008](#), to be met it is apparent elements of the site requirements could not be compliant.

Whilst the land can generally comply with the requirements for Complying Development as the land:

- is not critical habitat
- is not wilderness land
- does not contain a state heritage item
- does not contain a local heritage item
- is not identified as an item of environmental heritage.

A small portion of the site is considered to be an environmentally sensitive area when considering the following:

environmentally sensitive area means any of the following—

(a) the coastal waters of the State,

(b) a coastal lake identified in Schedule 1 to [State Environmental Planning Policy \(Coastal Management\) 2018](#),

(c) land identified as “coastal wetlands” or “littoral rainforest” on the Coastal Wetlands and Littoral Rainforests Area Map (within the meaning of [State Environmental Planning Policy \(Coastal Management\) 2018](#)),

(d) land reserved as an aquatic reserve under the [Fisheries Management Act 1994](#) or as a marine park under the [Marine Parks Act 1997](#),

(e) land within a wetland of international significance declared under the Ramsar Convention on Wetlands or within a World heritage area declared under the World Heritage Convention,

(f) land within 100m of land to which paragraph (c), (d) or (e) applies,

(g) land identified in this or any other environmental planning instrument as being of high Aboriginal cultural significance or high biodiversity significance,

(h) land reserved under the [National Parks and Wildlife Act 1974](#) or land to which Part 11 of that Act applies,

(i) land reserved or dedicated under the [Crown Land Management Act 2016](#) for the preservation of flora, fauna, geological formations or for other environmental protection purposes,



(j) land identified as being critical habitat under the [Threatened Species Conservation Act 1995](#) or Part 7A of the [Fisheries Management Act 1994](#).

The site of two of the approved buildings where minor alterations are proposed are located on lands not within an area identified as coastal wetland, but within 100m of this wetland hence the requirement for the modification.

Whilst consideration of the different approval pathway for various components of the project was considered, it was considered more appropriate that modification be prepared that captures all elements.

1.6 Need for Modification

The need for the modification has been apparent through the early works and design stage. The alterations and additions will enable better usability of the educational establishment and flow of students which has become apparent through the use of the site for the current students.

As such, given this understanding and the need to ensure that the college can continue to operate, a minor modification to the approved architectural plans from that approved in SSD 8989 is proposed.

2. PREVIOUS APPROVALS AND EXISTING SITE

2.1 Previous Approvals

The relevant previous approval for the subject site is SSD 8989 'Catherine McAuley Catholic College' as an educational establishment on the 26th of July 2019 by Department of Planning. This approval facilitates construction staged over ten years resulting in a school that will educate up to 1,190 high school students, 630 primary school students and 124 children in an Early Learning Centre and as well as Chapel. The previously approval included construction of the following:

- Classrooms and other learning spaces (Technology and Applied Studies, Art, Science, Personal Development, Health and Physical Education, Music, Drama, Hospitality, Food Technology)
- Flexible learning village and Library learning hub
- Multipurpose hall
- Canteen and community use cafe
- Chapel
- Early Learning Centre
- Administration and other staff & student support facilities.

Associated works include:

- Environmental works such as erosion sediment control
- Earthworks, drainage and associated works such as retaining walls, landscaping etc
- Car parks, access road and fire trail to access perimeter of development
- Intersection upgrades.

In 4 August 2020 MOD 1- Interim traffic arrangement 'Interim vehicular traffic arrangement to maintain access while the main signalised intersection is being completed' was approved. The modification included an interim vehicular traffic solution in the form of a service road at the main entrance to the site to enable appropriate access whilst the main signalised intersection is being completed. The proposed temporary measure facilitated the operation of the school beginning January 2021.

2.2 Existing Development

The property previously contained a single storey dwelling, tennis court, asphalt track and rural shed. The site is currently the undergoing the transformation through the construction process associated with delivering the approved college and associated infrastructure. The current works are being undertaken are associated with site infrastructure and early stages in accordance with the approved staging and construction management plans.

The existing development on site includes augmented services and construction of associated infrastructure and early works with delivery of the Administration Building Chappell, early learning centre and classrooms associated with years 7 and 8, including works in staging plan, stages 1A, 1B, 2A and 2B. Infrastructure upgrades for the road intersection and waste water pump station upgrade has commenced. In addition, general ongoing remediation and salvage works are being undertaken.



Photo 1 – Existing Administration Entrance



Photo 2 – Existing Administration and Outdoor area

2.3 The Site

The site was previously considered as suitable for the purpose of the education facility. The site is located within the Medowie precinct an area that has been recognised by the State Government as well as Port Stephens Council as an area appropriate for additional growth.

The site attributes were previously considered by the Department of Planning Infrastructure and Environment and various agencies through the Environmental Impact Statement and assessment process. The site included some limited contamination in the form of hydrocarbon and other soil affecting material. The site was identified as partially affected by flooding on the low-lying areas of the site and also includes some environmentally sensitive lands which have either been avoided or impacts by through offsetting. There was some limited potential for archeologically significant items identified and the relevant salvage works continues.

There has been significant works on site associated with the early stages of the development include common areas, administration and learning spaces/ classrooms.



Source: Aerometrex 2021

Photo 3 Existing aerial of site

2.3.1 Topography

The site slopes to the west and south towards the existing watercourses and wetland areas, whilst parts of the site also slope gently to the north west.

2.3.2 Geotechnical and Contamination

The site is mapped as containing acid sulfate soils and in locations found to be at between 2-3 metres below the surface. As indicated some limited contamination was found to be present on site however has either been removed or dealt with in accordance with the approved and endorsed Remedial Action Plan.

2.3.3 Flooding and Watercourses

Council's flood hazard mapping identified that the development was located in a low hazard flood fringe area with part of the site being considered flood prone land. The south western and northern part of the site contains wetland. Whilst the site remains partially affected by flooding affected the development areas remains unconstrained.

2.3.4 Vegetation and Trees

The site is predominantly clear in the area of proposed development. Where relevant and previously approved this scattered vegetation in the form of some existing trees has been removed to accommodate the relevant construction works.

2.3.5 Traffic and Access

The construction access is now the only utilised vehicular access point that remains to the site. Traffic and access are currently being managed in accordance with the approved traffic and construction management plans.

2.3.6 Bushfire Prone Land

The site is considered bushfire prone land and is partly impacted on by these constraints. However, the works on site and SSD approval have considered the relevant requirements including the provision of appropriate setbacks ongoing management and inclusion of a fire trail which are required to be delivered through the development phase.

2.3.7 Coastal Zone

The site is not located within the coastal zone.

2.3.8 Heritage

As indicated, a number of items were identified during a search of the Aboriginal Heritage Information Management System (AHIMS) and have been considered through the assessment of the SSD. Archaeological investigations and salvage works continue to be undertaken on site.

With respect to non-aboriginal heritage, the site is not located in a heritage precinct and does not contain a known heritage item.

2.3.9 Mine Subsidence

The site is not located within a Mine Subsidence District.

3. PROPOSED MODIFICATION

3.1 Proposed Modification

The proposed modification essentially includes minor alterations and additions to building within Stage 3A to 5A which can be described as additional cover of walkways, altered arrangements with respect to use of space and furthermore there are some alterations to elevations position of windows and the like.

Stage 3A

- High School Block G – Learning Hub
 - The approved building footprint being retained.
 - Library to be relocated to the ground floor
 - junior study room;
 - senior study room;
 - connected classroom;
 - The librarian workspace and store; and
 - Open theatre, collection, reading area.
 - The five General Purpose Learning Areas (GPLAs) will be relocated to the first floor.
 - small office and meeting room to be included in the first floor area.
 - Internal staircase to be relocated to match the new internal layout.
 - External windows and door openings to be reconfigured for the new internal layout.
 - Two new services cupboards within ground floor library
- Block H GPLA Classroom Building
 - The undercroft learning area will be enclosed to provide a flat floor indoor lecture space.
 - Internal staircase outside proposed 'flat floor lecture space' to be reconfigured
 - External windows and door openings to be reconfigured for the new internal layout.
 - GPLA10 external door removed and replaced by wall
 - GPLA12 external door removed and replaced by wall

Stage 3B

- Block G – Learning Hub
 - New detached roofed shade structure in the internal courtyard
 - The external covered walkway and stairs to be relocated centrally between Block G & H.

Stage 4A

- Block E TAS
 - New dust extractor equipment acoustic enclosure will alter the building footprint.
 - Building will have minor internal reconfiguration for TAS course requirements including workshops, foyer, major works store and dust collector.
 - External windows and door openings to be reconfigured for the new internal layout.
 - External door into foyer
 - TAS Workshop external door
 - Removal of all toilets
- Block F PE and Art
 - The building footprint will remain unchanged.
 - Relocation of male and female toilet block to eastern and western façades. Each block will contain 3 toilets, 1 accessible toilet and cleaning cupboard.
 - The toilet block foyers will be provided an awning for all weather cover.
 - Three PE classroom and storerooms to be relocated to the northern end of the building.
 - Reconfigure the internal storage rooms providing additional secure storage for major art works.
 - External windows, door openings and electrical units to be reconfigured for the new internal layout.
 - Inclusion of external PE storage shed
 - External fenced area for equipment storage.

- Internal storage racking.
- Two new services cupboards within the outdoor work area.

Stage 4B

- Block F PE and Art
 - Covered awning to provide all weather access to Art classrooms
 - Carpark reconfiguration to enable delivery vehicles access to Block E.
- Maintenance Shed
 - Shed plans have been detailed to include; groundsman office, water closet, workshop, grounds store, bin store.

Stage 5A

- Block A Hall
 - The building footprint will be increased towards south.
 - Reconfiguration to enable the hall for use as a performing space with a control room, permanent stage and proscenium curtain.
 - Additional sports equipment store and chair store rooms.
 - Mezzanine platform for viewing and lighting control.
 - External windows and door openings to be reconfigured for the new internal layout.

The proposed changes will enable the next stage of construction to better suit the requirements of the educational establishment and enable the flow of students throughout the site. The proposal modification will also provide additional information associated with design elements and the Maintenance Shed to remove uncertainty through the construction certificate process.

3.2 Approved Documents

Required changes to conditions of consent are outlined in Table 1 to reflect the proposed modification.

3.3 Supporting Documentation

Supporting documentation has been included as appendices.

Table 2 – Proposed changes to conditions

Condition	Suggested change																																
A1-A36	<p>A2 – Include:</p> <p>Replace Architectural Plans prepared by Webber Architects dated 13 December 2021 as identified below.</p> <table border="1"> <thead> <tr> <th>Dwg No.</th> <th>Revision</th> <th>Name of Plan</th> <th>date</th> </tr> </thead> <tbody> <tr> <td>2544 / 01_0005 / P</td> <td>P</td> <td>SITE STAGING PLAN</td> <td>30.11.2021</td> </tr> <tr> <td>2544 / 02_0003 / Y</td> <td>Y</td> <td>SITE PLAN – NORTH</td> <td>13.12.2021</td> </tr> <tr> <td>2544 / 02_0004 / Z</td> <td>Z</td> <td>SITE PLAN – CENTRAL</td> <td>13.12.2021</td> </tr> <tr> <td>2544 / 02_0005 / BB</td> <td>BB</td> <td>SITE PLAN – SOUTH</td> <td>13.12.2021</td> </tr> <tr> <td>2544 / 02_0038 / F</td> <td>F</td> <td>SITE STAGING & CONSTRUCTION ACCESS</td> <td>30.11.2021</td> </tr> <tr> <td>2544 / 02_0501 / M</td> <td>M</td> <td>SITE SECTIONS 01</td> <td>12.12.2021</td> </tr> <tr> <td>2544 / 03_0001 / W</td> <td>W</td> <td>SITE FLOOR PLAN GROUND 01</td> <td>13.12.2021</td> </tr> </tbody> </table>	Dwg No.	Revision	Name of Plan	date	2544 / 01_0005 / P	P	SITE STAGING PLAN	30.11.2021	2544 / 02_0003 / Y	Y	SITE PLAN – NORTH	13.12.2021	2544 / 02_0004 / Z	Z	SITE PLAN – CENTRAL	13.12.2021	2544 / 02_0005 / BB	BB	SITE PLAN – SOUTH	13.12.2021	2544 / 02_0038 / F	F	SITE STAGING & CONSTRUCTION ACCESS	30.11.2021	2544 / 02_0501 / M	M	SITE SECTIONS 01	12.12.2021	2544 / 03_0001 / W	W	SITE FLOOR PLAN GROUND 01	13.12.2021
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2544 / 03_0001 / W	W	SITE FLOOR PLAN GROUND 01	13.12.2021																														

2544/03_0002/U	U	SITE FLOOR PLAN GROUND 02	13.12.2021
2544/03_0003/S	S	SITE FLOOR PLAN LEVEL 1 - 01	13.12.2021
2544/03_0004/U	U	SITE FLOOR PLAN LEVEL 1 - 02	13.12.2021
2544/03_0005/U	U	SITE FLOOR PLAN LEVEL 1 - 03	13.12.2021
2544/03_0103/F	F	FLOOR PLAN - BLOCK A - GROUND - 03 HIGH SCHOOL - BLOCK A - ADMINISTRATION	13.12.2021
2544/03_0104/J	J	FLOOR PLAN - BLOCK A - LEVEL 1 - 01 HIGH SCHOOL - BLOCK A - ADMINISTRATION	13.12.2021
2544/03_0106/F	F	FLOOR PLAN - BLOCK A - LEVEL 1 - 03 HIGH SCHOOL - BLOCK A - ADMINISTRATION	13.12.2021
2544/03_0112/F	F	ROOF PLAN - BLOCK A - 02 HIGH SCHOOL - BLOCK A - ADMINISTRATION	13.12.2021
2544/04_0101/I	I	ELEVATIONS - BLOCK A - 01 HIGH SCHOOL - BLOCK A - ADMINISTRATION	13.12.2021
2544/04_0102/I	I	ELEVATIONS - BLOCK A - 02 HIGH SCHOOL - BLOCK A - ADMINISTRATION	13.21.2021
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2544/05_0102/E	E	SECTIONS - BLOCK A - 02 HIGH SCHOOL - BLOCK A - ADMINISTRATION	13.12.2021
2544/03_0501/J	J	FLOOR PLAN - BLOCK E - GROUND	13.12.2021
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2544/04_0502/J	J	ELEVATIONS - BLOCK E - 02 HIGH SCHOOL - TAS	13.12.2021
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2544/03_0601/I	I	FLOOR PLAN - BLOCK F - GROUND HIGH SCHOOL - ART & PD/H/PE	13.12.2021
2544/03_0603/J	J	ROOF PLAN - BLOCK F HIGH SCHOOL - ART & PD/H/PE	13.12.2021
2544/04_0601/J	J	ELEVATIONS - BLOCK F - 01 HIGH SCHOOL - ART & PD/H/PE	13.12.2021

2544/04_0602/J	J	ELEVATIONS - BLOCK F - 02 HIGH SCHOOL - ART & PD/H/PE	13.12.2021
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2544/05_0602/E	E	SECTIONS - BLOCK F - 02 HIGH SCHOOL -ART & PD/H/PE	13.12.2021
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2544/03_0702/I	I	FLOOR PLAN - BLOCK G - LEVEL 1 HIGH SCHOOL - LEARNING HUB	13.12.2021
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2544/05_0702/E	E	SECTIONS - BLOCK G - 02 HIGH SCHOOL - LEARNING HUB	13.12.2021
2544/03_0801/J	J	FLOOR PLAN - BLOCK H - GROUND HIGH SCHOOL - CLASSROOM BLOCK	13.12.2021
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2544/05_0802/E	E	SECTIONS - BLOCK H - 02 HIGH SCHOOL - CLASSROOM BLOCK	13.12.2021
2804/03_0901/A	A	FLOOR PLAN - MAINTENANCE SHED	13.12.2021

	2804/03_0905/A	A	ROOF PLAN - MAINTENANCE SHED	13.12.2021
	2804/04_0901/A	A	ELEVATION SHEET 1 - MAINTENANCE SHED	13.12.2021
	2804/04_0902/A	A	ELEVATION SHEET 2 - MAINTENANCE SHED	13.12.2021
	2804/05_0901/A	A	SECTIONS SHEET 1 - MAINTENANCE SHED	13.12.2021
	2804/03_1001/A	A	FLOOR PLAN - PE STORE	13.12.2021
	2804/03_1002/A	A	ROOF PLAN - PE STORE	13.12.2021
	2804/04_1001/A	A	ELEVATION 1 - PE STORE	13.12.2021
	2804/05_1001/A	A	SECTION 1 - PE STORE	13.12.2021
B1-B9	No change.			
C1-C50	No change.			
D1-D35	No change.			
E1-E57	No change.			
F1-F19	No change.			

3.4 Substantially the same development

Section 4.55(1A) of the EP&A Act indicates that a consent authority may modify development consent if the authority is satisfied that the development to which consent applies and as modified is substantially the same of that of the approved development. The proposed alterations and additions will enable improved usability of the approved buildings and flow of students.

The proposed modifications are minor in nature and are intended to assist in the delivery of the original approved development.

3.5 Justification for proposed modification

Justification for modification to the consent is as follows:

- The proposed alterations and additions will not create additional student placements and will be utilised for the current school cohort;
- The approved classroom types will be retained to continue to provide a variety of educational opportunities;
- The location of the building blocks will remain unchanged, as the modifications will utilise the approved buildings footprint;
- Additional all-weather roof covers will be provided to bathrooms and walkways;
- The TAS building will be purpose built for the course requirements in each classroom.
- Block A Hall will become a multi-purpose building that can provide educational experiences for both sporting and creative classes;
- The development of the maintenance shed will enable better grounds management;



- The modification will not create any significant additional adverse impacts on the surrounding environment.

The proposed modification is required as a result of the next phase of construction being organised and the operational requirements of the school requiring some minor modifications.

4. RELEVANT PROVISIONS OF ENVIRONMENTAL PLANNING & ASSESSMENT ACT 1979

4.1 Section 4.55 (1A) Modifications involving minimal environmental impact

Section 4.55(1A) of the EP&A Act states the consent authority may modify a 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*

In relation to 4.55 (1A) (a) the proposed modifications are unlikely to create any additional environmental impact. The proposed modifications are minor in nature and are largely within the approved building footprint. The proposed alterations and additions are unlikely to cause additional impacts as a result of the proposed modification.

In relation to 4.55 (1A) (b), Council can be satisfied that the requested modifications will be substantially the same development as that approved under the existing consent for the following reasons:

- The proposed modification is to benefit the previously approved development
 - No additional environmental impacts will occur; and
 - The proposed modification is in keeping with the original consent.
- (c) *it has notified the application in accordance with:*
 - (i) *the regulations, if the regulations so require, or*
 - (ii) *a development control plan, if the consent authority is a council that has made a development control plan that requires the notification or advertising of applications for modification of a development consent, and*

(d) *it has considered any submissions made concerning the proposed modification within any period prescribed by the regulations or provided by the development control plan, as the case may be.*

In relation to 4.55(1A)(c and d), any relevant representations will need to be considered by the Department in determination of the subject modification. However, the proposed changes are considered minor and it should not require notification.

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

The proposed modification includes minor temporary changes to the existing approved development. The relevant matters under Section 4.15(1) of the Act are addressed below.

4.2 Section 4.15 (1) (a)(i)

“(i) any environmental planning instrument”

The proposed modification to development SSD 8989 are not inconsistent with any State Environmental Planning Policy and there are no provisions under Port Stephens LEP that prevent the modification.

4.3 Section 4.15 (1) (a)(ii)

(ii) any proposed instrument that is or has been the subject of public consultation under this Act and that has been notified to the consent authority (unless the Planning Secretary has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved), and

There are no known proposed EPI's that apply to the site or the proposed development of the school.

4.4 Section 4.15(1)(a) (iii)

(iii) any development control plan,

The proposed modifications are not inconsistent Port Stephens Council's DCP.

4.5 Section 4.15(1)(a)(iiia)

any planning agreement that has been entered into under section 7.4, or any draft planning agreement that a developer has offered to enter into under section 7.4

We understand there are no planning agreements relevant to the approved development or the development as modified.

4.6 Section 4.15(1)(a)(iv)

the regulations (to the extent that they prescribe matters for the purposes of this paragraph),

The matters prescribed by the regulations that are relevant to the proposed modification are in Clause 115 of the Environmental Planning and Assessment Regulation 2000, which identifies additional requirements that all applications must comply with including that the report and application must contain the following:

- Name and address of the applicant;
- A description of the development to be carried out;
- The address, and formal particulars of title of land;
- A description of the proposed modification and development consent;
- An undertaking that proposed modification will remain substantially the same as the development that was approved;
- If the application is not the owner of the land a statement signed by the owner grants consent for the modification to be made.

The relevant requirements have been addressed and do form part of this proposed modification.

4.7 Section 4.15 (1) (b) Environmental, Social and Economic Impacts

Section 4.15(1)(b) requires the consent authority to consider:

“(b) the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality.”

The relevant matters are addressed below:

Impacts on the Natural Environment

The proposed alterations and additions are located on land that has been approved for the school development. Furthermore, the development is primarily located within the approved building footprints or within approved areas of disturbance i.e. cover of an approved walkway. As the modification is minor in nature it is considered to not create additional environmental impacts.

Impacts on the Built Environment

Proposed modification of the development has been designed to integrate into the approved built form and will not result in increased visual impact or negatively impact on the surrounding built form.

Social and Economic Impacts

There will be minimal social or economic impacts as a result of the modification compared to the original approval. The modification will enable the construction at the school to continue whereby providing a purpose-built educational establishment and ongoing job opportunities.

4.8 Section 4.15 (1) (c) - The Suitability of the Site

Section 4.15(1)(c) requires the consent authority to consider:

“(c) the suitability of the site for the development.”

The site has already been approved for an educational establishment is under construction, the proposed modifications are minor and will positively contribute to the ongoing operations for the school. The site is suitable for the proposed development.

4.9 Section 4.15 (1) (d) - Submissions

Section 4.15(1)(d) requires the consent authority to consider:

“(d) any submissions made in accordance with this Act or the regulations”.

Any relevant representations will need to be considered by Council in determination of the Section 4.551(A) modification.

4.10 Section 4.15 (1) (e) - Public Interest

Section 4.15(1)(e) requires the consent authority to consider:

“(e) the public interest”.

The public interest is best served by orderly and economic use of land for purposes permissible under the relevant planning regime and predominantly in accordance with the prevailing planning controls. The modification is a permissible form of development, is in keeping with the original approval and is therefore considered to be in the public interest.

5. ENVIRONMENTAL ASSESSMENT

5.1 Permissibility and Zone

As outlined in this modification, the proposed minor amendment relates to minor alterations and additions to the approved built form of the school. The permissibility of the educational establishment was addressed in the EIS. The modification will result in a proposal that remains consistent with the zone objectives of the zone.

5.2 Environmental

The modification is largely located within the approved building footprints or on land identified for site or building works. The proposed modification will not result any additional impacts to that already considered through the original consent and approved development. These considerations extend to the ecological impacts as well as any potential introduced impacts associated with remediation of the contaminated areas. Furthermore, the proposed modification will not result in any additional adverse impacts associated with acoustic, vibration or odour impacts on any nearby properties.

5.3 Amenity and Visual impact

The proposed alterations and additions will not result in additional adverse impacts associated with amenity. The modification has been designed to integrate and complement the approved built form. The proposed modification construction will occur at the same time as the approved development and is unlikely to cause additional impacts during construction.

5.4 Heritage

The proposed modification will not impact on any existing heritage or salvage works that have been undertaken as part of the approved development. The proposed modifications will not result any significant increase of disturbed or development area.

5.5 Parking and Access

The carpark and access will remain unchanged and no additional school placements will result from the proposed modification.

6. CONCLUSION

This section 4.55 (1A) application seeks to modify the existing approval for the site (SSD 8989) through minor alterations and additions to stages 3A to 5A. The modification will have no additional impact on the environmental and results in minor changes to the built form outcome of the development.

In relation to Section 4.55 (1A) (b), the development will remain the same as that approved under SSD 8989 for which consent is now being sought do not alter the original findings made in relation to the SSD regarding the reasonableness and appropriateness of the proposal when under the provisions of Section 4.15 (1) of the EP&A Act.

Should you require any further details, please do not hesitate to contact the undersigned on (02) 4942 5441.

Yours Sincerely

de WITT CONSULTING



Matthew de Witt

Senior Town Planner



APPENDICES



APPENDIX 1

Amended Architectural Plans prepared by Webber Architects