



Office of Sustainable Development Assessment and Approvals, Urban Assessments

Planning Assessment Report

Application to Modify Development Consent

MOD 119-8-2005 modifying DA 205-8-2004

1 SUMMARY

This report is an assessment of the proposed development the subject of Modification Application number MOD 119-8-2005 under section 96(1A) of the Act lodged by Moriah War Memorial College on 29 July 2005.

The application seeks to modify Development Application DA 205-8-2004 approved by the Minister on 31 January 2005.

The site is located at the corner of York Road and Queens Park Road, Queens Park (Lot 1 in DP 701512) in the Waverley local government area.

Under the instrument of delegation dated 4 August 2003 and having regard to the Guidelines for Delegates, it is considered appropriate that the application be determined under delegation by a Senior Planner, Urban Assessments, Office of Sustainable Development Assessments and Approvals.

It is recommended that the modification application be **approved**.

1.1 Relevant approvals / modifications:

1.1.1 DA 205-8-2004

The development consent (DA 205-8-2004) granted approval for the following:

- partial demolition of existing structures, internal walls and doorways, and fit out of building for administration and office use on the ground floor, and accommodation and administration on the first floor, with ancillary amenities on both floors;
- removal of pergola structure, fencing and paving;
- addition of an external access ramp and external door at the west wing;
- new awning over courtyard;
- new vehicle access ramp to south west of maintenance courtyard resulting in the adjustment of car park levels, previously assessed under DA 446-10-2003 (see below), to meet the existing level of the south west corner of the west wing building;
- improvement of an existing ramp adjacent to the central wing;
- installation of two roof windows (skylights) in roof of central wing;
- wrought iron fencing to part of York Road and Queens Park Road boundaries and wrought iron gate at top of stairs;
- removal of trees and site landscaping;
- refurbishment of existing stone pathway to front entrance including stone steps; and
- construction of a retaining wall.

1.1.2 DA 446-10-2003

DA 446-10-2003 granted approval for construction of a primary school on Lot 1 DP 701512 which consists of:

- a crescent-shaped classroom building of 2 to 3 useable storeys incorporating 24 classrooms with ancillary music, computer, special education rooms, libraries, staff rooms and the like;
- a central assembly hall;
- on-site car parking for 83 vehicles;
- a pick-up facility in a 'shareway' on site with a 60 car space capacity;
- landscaping of the playgrounds, car park, shareway and property boundaries;
- site boundary fencing;
- a stormwater absorption area in the south east of the site which will also provide for bushland regeneration;
- security fencing, kiosk, gates, closed circuit television video;
- creation of a buffer area of approximately 880 square metres as identified on the site plan, for conservation purposes.

2 THE PROPOSED MODIFICATIONS

The applicant is seeking to modify the approved development as follows:

- Creation of additional storage space within the existing building;
- Construction of a new covered loading dock and link to south wing; and
- Relocation of ramp and vehicle set down area approximately 4 metres to the west.

The proposed changes are shown on the plans **tagged 'B'**. A copy of the consolidated consent is **tagged 'C'**.

3 STATUTORY FRAMEWORK

3.1 Statement of permissibility

The original development was permissible pursuant to State Environmental Planning Policy No. 8 – Surplus Public Lands (SEPP 8). The proposed modifications are also permissible pursuant to SEPP 8, being *“the orderly and economic use of land in public ownership which is no longer require for the public purpose (if any) for which it has been used”* (clause 2(a)(ii)).

3.2 Instrument of consent and other relevant planning instruments

- *State Environmental Planning Policy No. 8 – Surplus Public Lands*

Pursuant to SEPP 8, the Minister is the consent authority for the proposed modifications. It is considered that the proposed modifications are generally consistent with the aims and objectives of SEPP 8.

- *Waverley Local Environmental Plan 1996 (Waverley LEP 1996)*

The proposed modifications are considered to be generally consistent with Waverley LEP 1996).

3.3 Other statutory provisions

There are no other statutory provisions that apply to the subject application.

4 CONSULTATION / PUBLIC EXHIBITION

Consultation of the proposal was not considered necessary given the minor nature of the modification.

5 CONSIDERATION

5.1 Section 96

The application is considered to meet the prerequisites of Section 96(1A) of the Act in that the proposed modifications are considered to be of minimal environmental impact, and that the development as modified is considered to be substantially the same development as that to which consent was originally granted.

5.2 Section 79C

The application and the likely impacts of the proposed development have been considered in accordance with Section 79C of the Act. The consideration is also given to relevant provisions of SEPP 8. It is considered that the proposed development complies with the statutory controls and the relevant aims and objectives.

5.3 Issues

5.3.1 Redesign of vehicle access ramp and set down area

Issue: The redesign of the vehicle access ramp and set down area should meet relevant Australian Standards. The intersection between the vehicle access ramp and the internal access road (connecting the school car park to the internal road allowing for the pick-up/set-down of students, approved under DA 446-10-2003) should be appropriately sign posted to minimise conflict between vehicle movements.

Raised by: DIPNR

Consideration: The proposed modifications seek to alternate the vehicle access ramp with the adjacent landscaped area in order to provide an improved level of access to the rear of the building. There will be no loss to landscaping coverage with the exception of the removal of two trees (under MOD 118-8-2005 of DA 446-10-2003). Additional landscaping is proposed in this location under MOD 118-8-2005, utilising species approved elsewhere on the site.

Conditions imposed in DA 205-8-2004 require the layout of the vehicle access ramp to comply with Australian Standard AS2890.2: 1989 *Off Street Parking Part 2 – Commercial Vehicles Facilities*. They also require that appropriate signage be installed at the intersection of the vehicle access ramp and internal access road. These conditions shall continue to apply to the subject modification.

The positioning of the vehicle access ramp and set down area approximately 4 metres to the west shall ensure that vehicles accessing this area shall remain south west of the boom gate which is located at the entrance to the internal access road. This boom gate, approved under DA 446-10-2003, is designed to prohibit vehicles from accessing the internal access road outside of the peak pick-up/set down periods, and provide an extended play area for students, and is located so as to prevent children entering the area to be used by vehicles accessing the corner administration building.

Resolution: Appropriate conditions were imposed under DA 205-8-2004 and DA 446-10-2003 which shall apply to the subject modification and ensure that the design and operation of the vehicle access ramp and set down area is satisfactory. No conditions are recommended.

6 CONCLUSION

The Minister is consent authority for modifications to consents he has granted.

The proposed development as modified is considered to be substantially the same development as that originally approved.

The application has been considered with regard to the matters raised in section 79C of the Act.

The application has been notified in accordance with the Regulations. All submissions received in the period prescribed by the Regulations have been considered.

On balance, it is considered that the proposed development as modified is acceptable and should be approved.

7 DELEGATION

Under the instrument of delegation dated 4 August 2003, the Minister has delegated to Senior Planner and officers holding a higher position his functions under Section 96(1A) of the Act relating to modifying development consents except where they relate to designated development or development that is declared to be State Significant development (other than under SEPP 56).

Having regard to the Urban Assessments Guidelines for Delegates, it is considered appropriate that the application be determined under delegation by a Senior Planner.

8 RECOMMENDATION

It is recommended that the Minister for Planning pursuant to Sections 81 and 96(1A) of the *Environmental Planning and Assessment Act, 1979* and clause 122 (2) of the *Environmental Planning and Assessment Regulations, 2000*:

- (A) **approve** the application subject to conditions (**tagged 'A'**), and
- (B) authorise the Department to carry out notification of determination of the application to modify the consent.

Prepared by:

Approved by:

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Determined as Delegate of the Minister for Planning