



# Trinity Grammar Modification 2

---

State Significant Development Modification Assessment  
(SSD-10371-Mod-2)

May 2022



Published by the NSW Department of Planning and Environment

[dpie.nsw.gov.au](http://dpie.nsw.gov.au)

Title: Trinity Grammar School Redevelopment Modification 2

*Cover image: View of proposed building form the Victoria Street entry (source PMDL Architecture)*

---

© State of New South Wales through Department of Planning and Environment (May 2022), You may copy, distribute, display, download and otherwise freely deal with this publication for any purpose, provided that you attribute the Department of Planning and Environment as the owner. However, you must obtain permission if you wish to charge others for access to the publication (other than at cost); include the publication in advertising or a product for sale; modify the publication; or republish the publication on a website. You may freely link to the publication on a departmental website.

Disclaimer: The information contained in this publication is based on knowledge and understanding at the time of writing (May 2022) and may not be accurate, current or complete. The State of New South Wales (including the NSW Department of Planning and Environment), the author and the publisher take no responsibility, and will accept no liability, for the accuracy, currency, reliability or correctness of any information included in the document (including material provided by third parties). Readers should make their own inquiries and rely on their own advice when making decisions related to material contained in this publication.

# Glossary

Abbreviation	Definition
<b>AIA</b>	Arboriculture Impact Assessment Report
<b>Applicant</b>	The Council of Trinity Grammar School
<b>Council</b>	Inner West Council
<b>Department</b>	Department of Planning and Environment
<b>EP&amp;A Act</b>	<i>Environmental Planning and Assessment Act 1979</i>
<b>EP&amp;A Regulation</b>	Environmental Planning and Assessment Regulation 2021
<b>IPC</b>	Independent Planning Commission
<b>Minister</b>	Minister for Planning
<b>Planning Secretary</b>	Secretary of the Department of Planning and Environment
<b>SSD</b>	State Significant Development

# Contents

<b>1</b>	<b>Introduction .....</b>	<b>1</b>
1.1	Background .....	1
1.2	Approval history.....	3
<b>2</b>	<b>Proposed modification .....</b>	<b>4</b>
2.1	Landscape design amendments .....	4
2.2	Amended conditions.....	7
<b>3</b>	<b>Strategic context .....</b>	<b>8</b>
<b>4</b>	<b>Statutory context .....</b>	<b>9</b>
4.1	Scope of modifications .....	9
4.2	Consent authority .....	9
4.3	Mandatory matters for consideration .....	9
<b>5</b>	<b>Engagement.....</b>	<b>11</b>
5.1	Department's engagement.....	11
5.2	Additional Information .....	11
<b>6</b>	<b>Assessment .....</b>	<b>12</b>
6.1	Landscape design amendments .....	12
<b>7</b>	<b>Evaluation.....</b>	<b>14</b>
<b>8</b>	<b>Recommendation.....</b>	<b>15</b>
<b>9</b>	<b>Determination.....</b>	<b>16</b>
	<b>Appendices .....</b>	<b>17</b>
	Appendix A – List of referenced documents.....	17
	Appendix B – Instrument of Modification .....	17
	Appendix C – Consolidated consent.....	17

# 1 Introduction

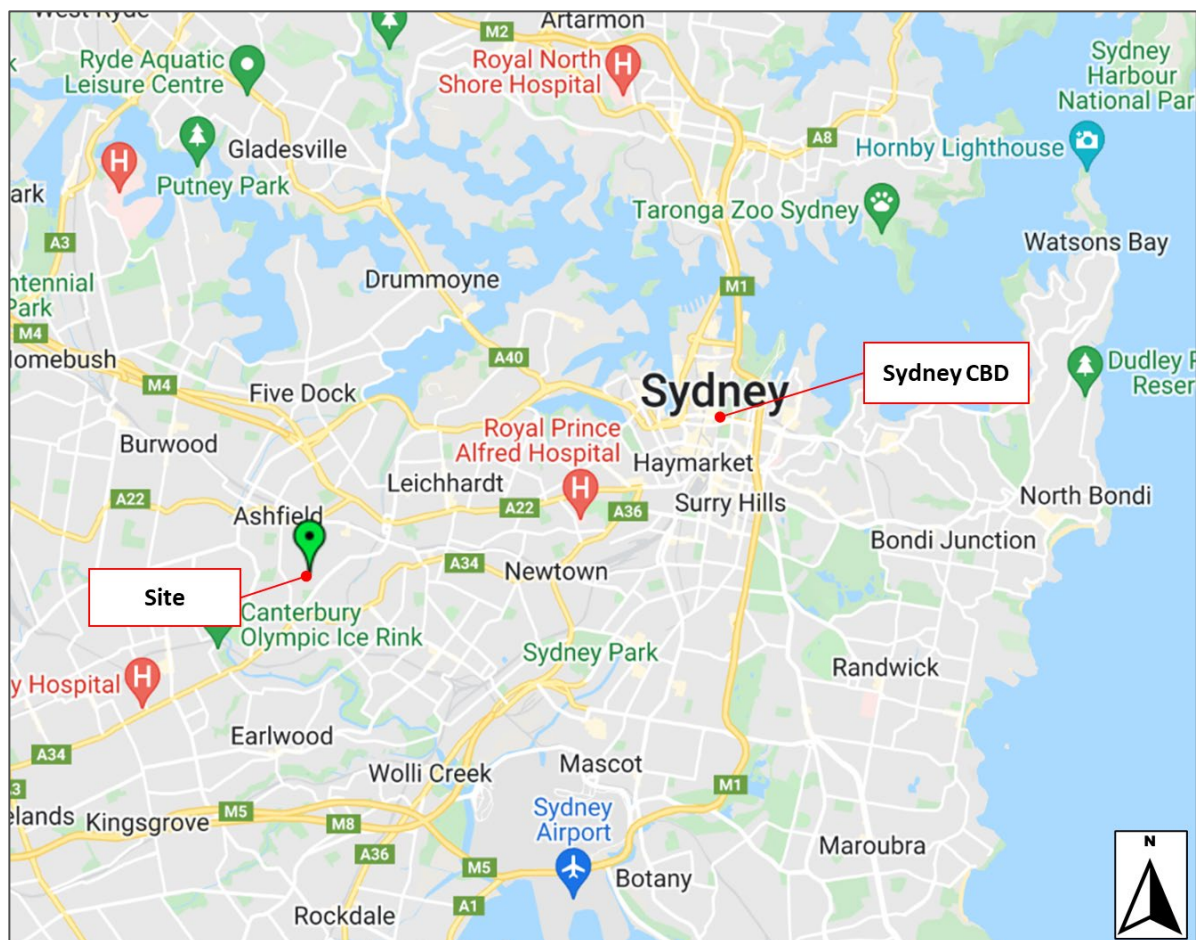
This report provides the NSW Department of Planning and Environment's (the Department's) assessment of an application to modify the State Significant Development (SSD) consent for the redevelopment of Trinity Grammar School, Summer Hill campus (SSD-10371-Mod-2).

The modification application seeks approval for minor design amendments to landscaping within the site associated with the approved SSD application for the redevelopment of Trinity Grammar School (SSD-10371).

The application has been lodged by The Council of Trinity Grammar School (the Applicant) pursuant to section 4.55(1A) of the *Environmental Planning and Assessment Act 1979* (EP&A Act).

## 1.1 Background

The Trinity Grammar School (the school) is located at 119 Prospect Road Street, Summer Hill, within the Inner West Local Government Area (LGA), approximately 7km south-west of the Sydney central business district (CBD), as identified in **Figure 1**.



**Figure 1 | Regional Context Map** (Source: Nearmap 2022)

The site comprises the Trinity Grammar School located at 119 Prospect Road, and the residential properties at 50-52 Seaview Street, Summer Hill. The legal description of the site is Lot 11 DP



1171965 and Lots 5 and 6 DP 15765. It is bounded by Prospect Road to the east, Yeo Park to the south, Victoria Street to the west and Seaview Street to the north.

The site is generally flat with a total area of 65,596 sqm and currently accommodates the junior, middle, and senior schools with students from kindergarten to year 12. The site is listed as an item of local heritage significance in the Ashfield Local Environmental Plan (ALEP) 2013. The heritage listing relates to the Headmaster's Residence and the War Memorial Chapel that are located towards the north eastern boundary of the school site fronting Prospect Road. An existing driveway (Chapel Drive) provides access to the heritage items from Prospect Road.

The school has three playing fields which facilitate the sporting activities. Oval 1 is located at the south-eastern corner of the site. Oval 2 is located to the west and Oval 3 at the south-western corner of the site (south of Oval 2). The local context of the site is identified in **Figure 2**.



**Figure 2 |** Local context (Source: Nearmap 2022)

## 1.2 Approval history

On 24 September 2021, development consent was granted by the Independent Planning Commission (IPC) for the alterations and additions to Trinity Grammar School in construction stages, including changes to staff and student numbers (SSD-9912). The development, as approved, comprises:

- demolition of existing buildings including New School building, dwelling houses at 119 Prospect Road and 50 and 52 Seaview Street and part demolition of Music Building and Assembly Hall.
- construction of a:
  - new building with a basement known as the Teaching and Learning Building.
  - new Multi-Purpose Pavilion.
  - new Maintenance Building on Seaview Street.
- alterations and additions to existing buildings to create a Performing Art Building.
- refurbishment of the Music Building, New Founders Building, the Assembly Hall and North Quad Building.
- extension and reconfiguration of the Jubilee carpark and the staff carpark to increase the car parking spaces from 312 to 324 and a new underground connection.
- associated landscaping, removal of 29 trees, road and public domain works, ancillary signage.
- staged increase in student numbers from 1500 to 2100 and increase in full time equivalent staff from 277 to 321.

The consent was granted subject to a deferred commencement condition, which required the Applicant to submit amended architectural and landscape plans incorporating amendments that were stipulated by the IPC. The Applicant subsequently submitted the drawings to the satisfaction of IPC, whereby the consent was activated on 18 January 2022.

The development has been subject to one modification application, which is still under assessment by the Department (see **Table 1**).

**Table 1 | Summary of Modifications**

Mod No.	Summary of Modifications	Approval Authority	Type	Approval Date
<b>Mod-1</b>	Regularisation of the increase in student and staff numbers.	Department	4.55(1A)	Under assessment

## 2 Proposed modification

The proposed modification seeks to modify the consent by proposing minor amendments to the landscape plans associated with the approved application. The proposed amendments, as revised by the additional information, are described below.

### 2.1 Landscape design amendments

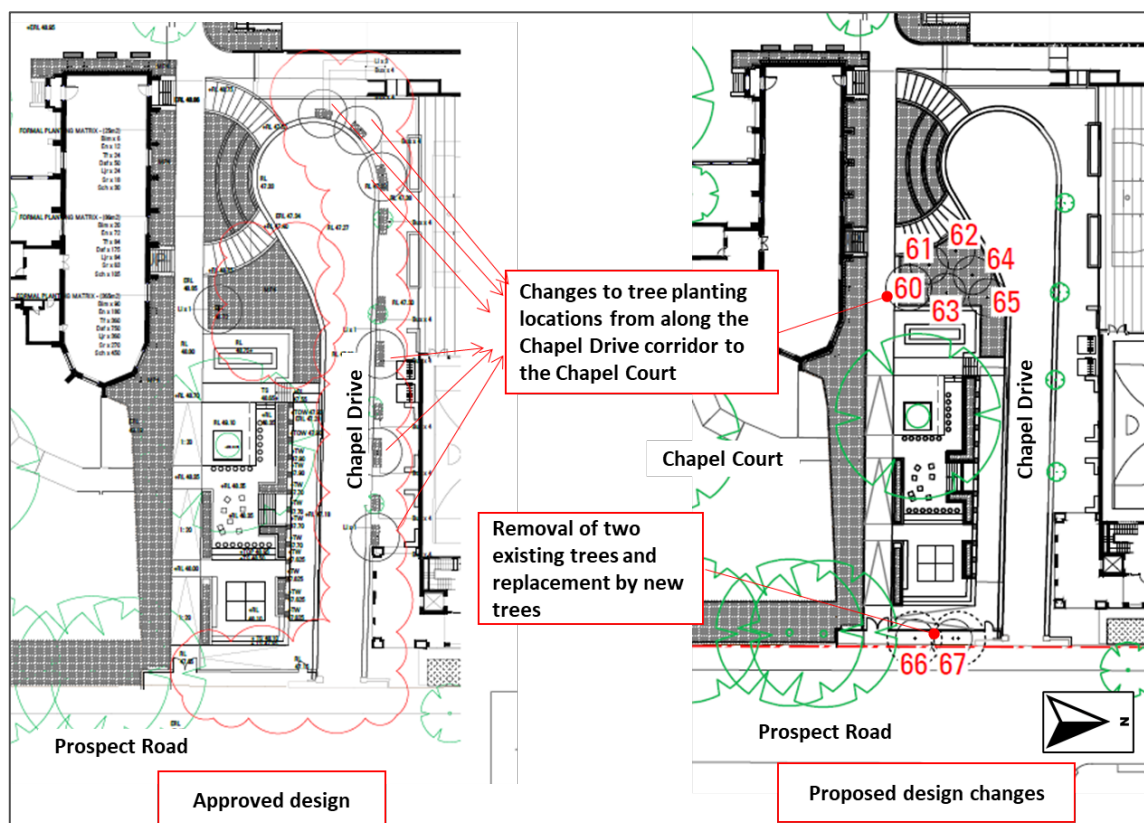
The proposed modification seeks to amend the landscape plans that were approved by the IPC upon satisfaction of the deferred commencement condition. The amendments are listed below, and a comparison of the approved drawings and the proposed amendments is provided in **Figure 3** to **8**.

#### Proposed alterations to the number of trees

- reduction in the total number of proposed trees within the site from 72 to 68.

#### Modifications to landscaping along Chapel Drive and school entrance (Figure 3)

- removal of two trees on the southern boundary of the school near the Chapel Drive entrance (from Prospect Road) and replacement with two new trees.
- relocation of the proposed trees on the northern side of Chapel Drive to the south side.

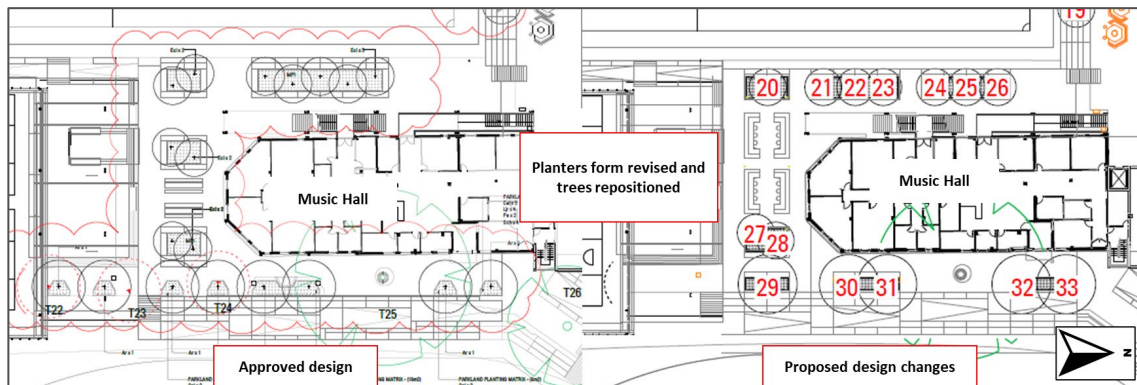


**Figure 3 |** Proposed amendments to the landscape design - Chapel Drive (Source: SSD-10371 (left) and Applicant's Modification Report 2022 (right))



### Landscape amendments in front of the Music Hall

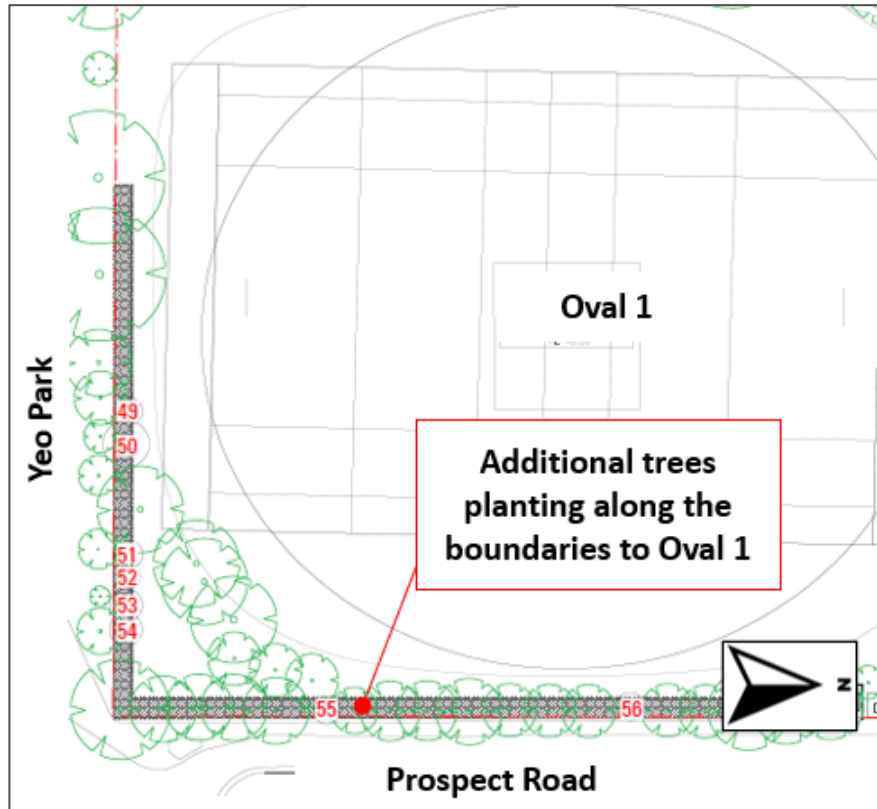
- revision of the design of planters fronting the Music Hall and trees repositioned accordingly (Figure 4).



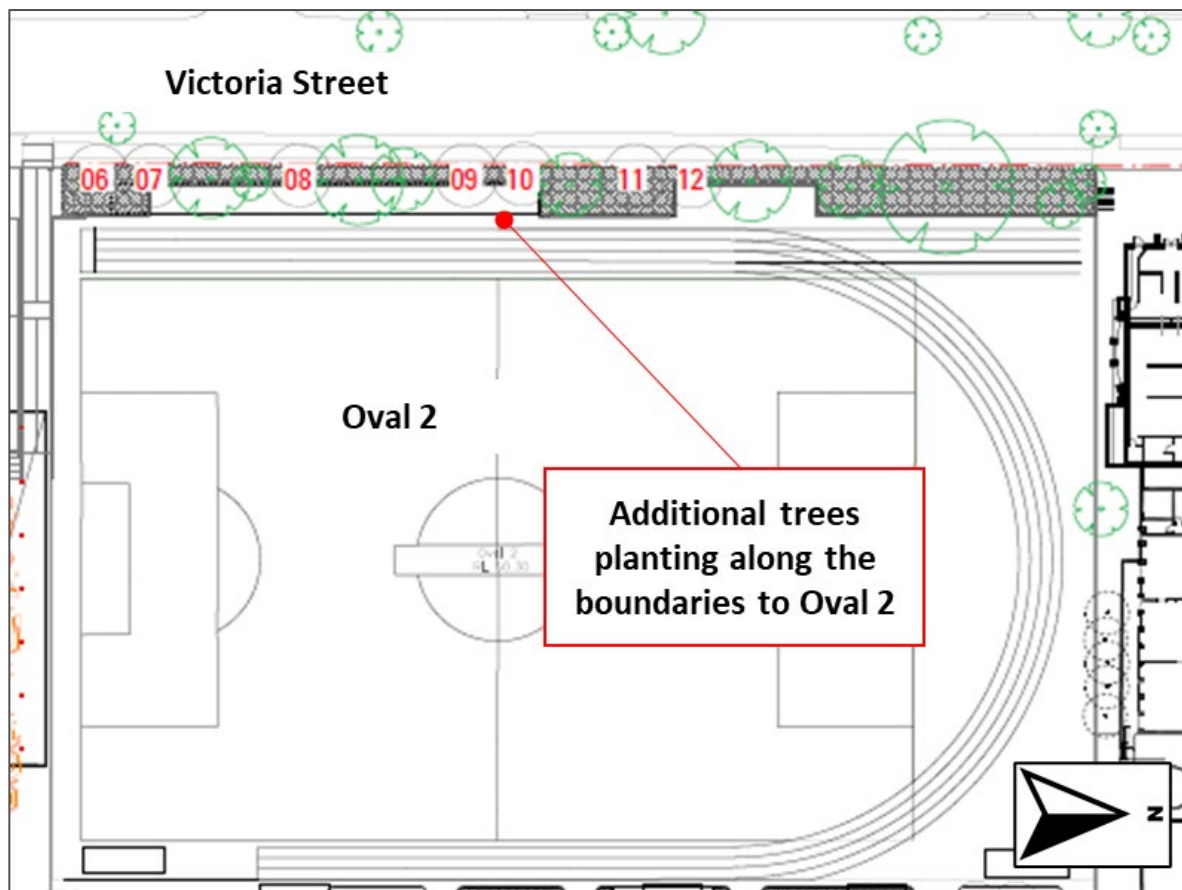
**Figure 4 |** Proposed amendments to the landscape design – Music Hall (Source: SSD-10371 (left) and Applicant's Modification Report 2022 (right))

### Additional planting and design amendments to the ovals

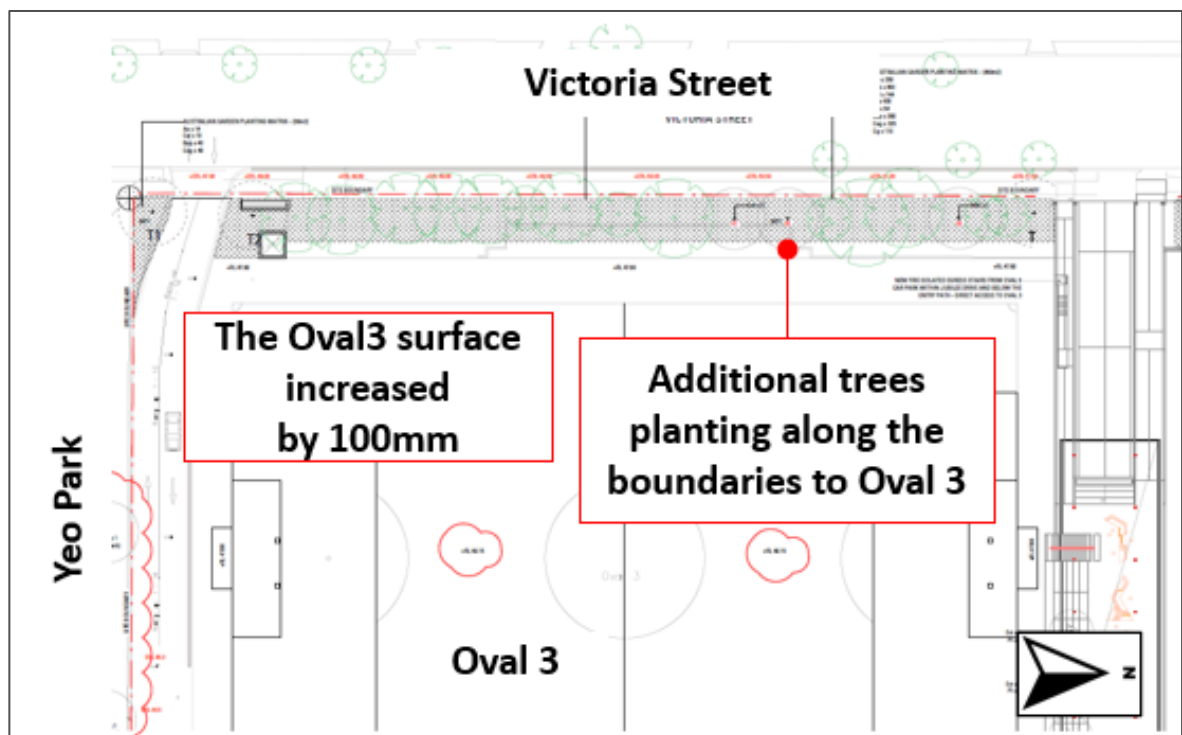
- additional trees along the boundaries of Oval 1 (Figure 5).
- additional trees along the boundaries of Oval 2 (Figure 6).
- additional trees along the boundaries of Oval 3 (Figure 7).
- finished surface levels for Oval 3 increased by 100mm (Figure 7).



**Figure 5 |** Proposed amendments to the landscape design – Oval 1 (Source: Applicant's Modification Report 2022)



**Figure 6 |** Proposed amendments to the landscape design – Oval 2 (Source: Applicant's Modification Report 2022)



**Figure 7 |** Proposed amendments to the landscape design – Oval 3 (Source: Applicant's Modification Report 2022)

## **2.2 Amended conditions**

The following conditions are sought to be amended as part of the modification application:

- Condition B2 – amended to refer to the proposed amended architectural and landscape plans replacing the plans approved by the IPC on 18 January 2022.
- Condition F29 – amended to refer to the architectural and landscape plans, as proposed to be modified.

### 3 Strategic context

The development, as modified, remains consistent with the assessment of the strategic context in the original application and would not alter the key components or outcomes of the proposal. The Department considers the development, as modified, would remain consistent with the relevant provisions of the:

- Greater Sydney Region Plan, A Metropolis of Three Cities, as it proposes the redevelopment of an existing school to meet the growing needs of Sydney.
- relevant priorities of the Eastern City District Plan, as it would as it would provide education services and infrastructure to meet the needs of the community.
- NSW Future Transport Strategy 2056, as it limits the increase in on-site parking and provides facilities to support active transport travel options and encourages the use of non-car modes of travel.

## 4 Statutory context

### 4.1 Scope of modifications

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.

### 4.2 Consent authority

#### IPC's delegate as consent authority

The IPC is the consent authority for the application under section 4.5(a) of the EP&A Act. However, under the IPC's delegation dated 19 November 2021, the Team Leader, Social Infrastructure, may determine the application as:

- a political donation disclosure statement has not been made.
- there were no public submissions by way of objection.
- the relevant local Council has not made an objection.

### 4.3 Mandatory matters for consideration

Section 4.55(1a) of the EP&A Act requires the matters listed in **Table 2** to be considered by the consent authority for a modification application involving minimal environmental impact.

**Table 2** | Consideration of the proposal against the objects of the EP&A Act

Matter	Consideration
Whether the proposed modification is of minimal environmental impact	The proposed modification is considered to be of minimal environmental impact and would not involve any significant impacts outside of the approved disturbance area.



Matter	Consideration
Whether the development to which the consent as modified related is substantially the same development	The development, as proposed to be modified, is considered to be substantially the same development for which the consent was originally granted.
Whether notification has occurred, and any submissions have been considered	<p>In accordance with the Environmental Planning and Assessment Regulation 2021 (EP&amp;A Regulation), the notification requirements for an application under section 4.55(1A) of the EP&amp;A Act do not apply if the application is in respect of SSD. Accordingly, the application was not formally notified or advertised.</p> <p>However, the modification application was referred to Inner West Council (Council) for comment and was made publicly available on the Department's website. The Department's engagement is discussed further in <b>Section 5</b>.</p>
Any submission made concerning the proposed modification has been considered	Comments were received from Council and have been considered by the Department as part of its assessment of the modification application in <b>Section 6</b> .
Any relevant provisions of section 4.15(1) of the EP&A Act	<p>The Department conducted a comprehensive assessment of the project against the mandatory matters for consideration as part of the original assessment of SSD-10371.</p> <p>The Department considers the modification application does not result in any significant changes that would alter the conclusions made as part of that assessment.</p>
Consideration of the reasons for the granting of the consent that is sought to be modified	<p>The Department has considered the findings and recommendations of the Department's Assessment Report and the IPC Statement of Reasons for SSD-10371.</p> <p>The Department is satisfied that the key reasons for the granting of consent continue to apply to the development, as proposed to be modified.</p>

## 5 Engagement

### 5.1 Department's engagement

Clause 117(3B) of the EP&A Regulation specifies that the notification requirements for an application under section 4.55(1A) of the EP&A Act do not apply if the application is in respect of SSD. The modification application was, therefore, not formally notified or advertised. However, it was made publicly available on the Department's website and was referred to Council for comment.

No submissions were received from the public on the modification application. Comments received from Council are summarised below.

#### Council submission

Council raised no concerns regarding the changes to the tree planting layout and design of the internal planters. Council considered that the removal of two trees at the southern of Chapel Drive entrance from Prospect Road and the replacement with two *Tristaniopsis laurina* (Luscious) is appropriate.

### 5.2 Additional Information

The Department reviewed the Modification Report and requested the Applicant to:

- clarify the scope of modification application regarding the number of proposed additional trees.
- rectify the inconsistencies within the report and plans, dating and numbering issues.
- justify the proposed amendments to the tree planting locations along Chapel Drive.
- clarify the reasons for removing two trees at the school entrance.
- clarify the removal of four existing Japanese Box trees located on Chapel Drive.
- clarify the reasons for regrading Oval 3.
- clarify whether works related to the Old Canterbury Road and Prospect Road signage.

In response to the Department's request, the Applicant submitted additional information on 12 May 2022, which:

- clarified that a total of 68 trees are proposed within the site, aligning with the requirements of condition A2 of the development consent. Additionally, five trees are proposed within Yeo Park (Council's land adjoining the site).
- updated plans and tree numbering responding to Department's request.
- provided justification regarding removal of the trees at the school's entrance and regrading of Oval 3.
- clarified that the four existing Japanese Box trees on the northern side of Chapel Drive would be retained.

The additional information was made available on the Department's website.

## 6 Assessment

The Department has considered the modification application in the context of the approved development (SSD-10371) in its assessment. Consideration of the proposed amendments are discussed below.

### 6.1 Landscape design amendments

#### Proposed alterations to the number of trees

The approved 'Planting Schedule' indicates that 72 trees would be planted on the site. The proposal seeks to modify the approved planting plan by proposing 68 trees within the site instead of 72.

The Applicant has advised that condition A1(2)(ii) of the existing development consent requires the provision of a minimum of 67 additional trees on the site. The proposed amendment reflects this requirement. Five additional trees are also intended to be planted within the adjoining Yeo Park, resulting in a total of 73 trees being planted by the Applicant.

The Department has reviewed the approved and proposed landscape plans and considers that the proposed reduction in the proposed tree numbers within the site is negligible as the proposed planting of 68 trees would still satisfy the consent requirements. The proposal, upon completion, would maintain a reasonable vegetation canopy cover within the site and is considered acceptable.

#### Removal and replacement of two trees adjacent to the School entrance off Prospect Road

The Applicant proposes to remove and replace two trees at the school's entrance from Prospect Road (adjacent to Chapel Drive).

The Applicant's Modification Report states that the removal of the two trees is required to accommodate the approved footpath and hard surface landscaped area at the school's main entrance from Prospect Road. The modification application proposes to replace the trees with new tree planting, which would be similar in size and scale and achieve the desired symmetry of the landscape design for the main entrance to the school.

The application was supported by an Arboriculture Impact Assessment Report (AIA), which identifies that one of the trees proposed to be removed is exotic tree and is in poor health. The Applicant's Modification Report concludes that the tree is to be removed due to its poor health and safety concerns over its declining health. However, the AIA advises that the other tree is in good health.

During its assessment, the Department requested that the Applicant provide further justification for the removal of the two trees, especially for the tree that is currently in good health.

In response, the Applicant submitted a Landscape Design Statement which clarified that the proposal provides a wider footpath to address demand in pedestrian traffic. The widening of the footpath would encroach on the existing trees' root zones and adversely impact their viability. Therefore, the removal of the trees and replacement with new tree planting in suitable soil conditions is proposed.

The supporting Heritage Impact Statement indicated that the two trees do not have any heritage significance, and their removal and replacement would have no impact on the overall heritage significance of the subject site.

Council supported the removal of these trees and replacing them with suitable new trees.

The Department acknowledges that the proposed removal and replacement of the trees is required as part of landscape design improvement. The proposed changes would not have any adverse impact on the nearby heritage item, or the overall tree canopy within the site. The Department, therefore, raises no concerns in response to the removal and replacement of the two trees proposed as part of the landscape design modification.

### **Relocation of Chapel Drive tree planting**

The modification application proposes changes to the landscaping layout along Chapel Drive by relocating the trees to the southern side of Chapel Drive, as identified in **Figure 3**.

During the assessment of the application, the Department requested the Applicant to justify the proposed repositioning of the trees. In response, the Applicant advised that only the proposed trees have been relocated, while all existing trees along this corridor would still be retained.

The Department considers that the proposed amendments to the tree planting arrangement near Chapel Drive would not significantly change the approved landscape plans or the overall tree canopy. The proposed relocation would also not have any adverse impacts on the heritage significance of this portion of the site. Consequently, the Department considers this modification to be acceptable.

### **Changes to planter design**

The proposed revised planter designs are discussed in **Section 2.1** and identified in **Figure 4**. The Applicant's Modification Report notes that the design of the planters have been modified in the detailed design development phase to respond to the overall design of the landscape masterplan. Accordingly, trees have been repositioned to suit planter soil volume capacities.

The Department considers that the proposed amendments to the planter design as part of landscape design improvement would not result in significant changes to the approved landscape plans and considers the proposed amendments to be acceptable.

### **Additional trees for Oval 1, 2 and 3**

The Applicant's Modification Report states that additional tree planting is proposed along the boundaries of Oval 1, 2 and 3 to provide a more expansive tree canopy at the site perimeter.

The submitted Heritage Impact Statement notes that these changes would not interrupt with any view corridors or diminish heritage significance items and conservation areas.

The Department supports the proposed additional tree planting along the boundaries of Oval 1, 2 and 3 as it would provide a wider canopy at the school boundaries over the footpaths and is satisfied that the additional trees would not impact on the heritage significance of the site or existing view corridors.

### **Regrading of Oval 3**

The modification application proposes to raise the Oval 3 surface levels by 100mm to increase the soil depth to renew the grass. The Applicant has advised that the regrading is due to addition of new topsoil and would not be perceived from the public domain.

The Department considers that the proposed regrading of the Oval 3 relates to the soft landscaping only and would not result in adverse impact on the Victoria Street public domain.

## 7 Evaluation

The Department has reviewed the Applicant's Modification Report, the response to the Department's request for information and assessed the merits of the modified proposal. The Department is satisfied that all environmental issues associated with the proposal have been thoroughly addressed.

The Department has reviewed the Applicant's Modification Report and assessed the merits of the modified proposal. The Department is satisfied that all environmental issues associated with the proposal have been thoroughly addressed.

The approved development would not significantly change as a result of the proposed modification. The proposed modification would not impact upon the environmental amenity of the surrounding area and the development would remain consistent with the original development consent. Further, the Department's existing conditions of consent, as recommended to be modified, would ensure the ongoing environmental management of the development.

The Department considers that the modification application is consistent with the objects of the EP&A Act and continues to be consistent with strategic directions for the State.

The Department concludes that the impacts of the proposed modification are acceptable. Consequently, the Department considers the development is in the public interest and that the modification application should be approved.



## 8 Recommendation

It is recommended that the Team Leader, Social Infrastructure, as delegate of the Independent Planning Commission:

- **considers** the findings and recommendations of this report.
- **determines** that the application SSD-10371-Mod-2 falls within the scope of section 4.55(1A) of the EP&A Act.
- forms the opinion under section 7.17(2)(c) of the *Biodiversity Conservation Act 2016* that a biodiversity assessment report is not required to be submitted with this application as the modification will not increase the impact on biodiversity values of the site.
- **accepts and adopts** all of the findings and recommendations in this report as the reasons for making the decision to approve the modification.
- **modify** the consent SSD-10371.
- **signs** the attached instrument of approval of the modification (**Appendix B**).

**Prepared by**



**Nima Salek**  
Planning Officer  
School Infrastructure  
Assessments

**Recommended by:**



**Aditi Coomar**  
Team Leader  
School Infrastructure Assessments

## 9 Determination

The recommendation is **adopted** by:

A handwritten signature in black ink, appearing to read 'David Gibson', with a long horizontal stroke extending to the right.

26 May 2022

**David Gibson**

Team Leader

Social Infrastructure

**as delegate**

# Appendices

## **Appendix A – List of referenced documents**

<https://www.planningportal.nsw.gov.au/major-projects/projects/trinity-grammar-school-modification-2-landscape-changes>

## **Appendix B – Instrument of Modification**

<https://www.planningportal.nsw.gov.au/major-projects/projects/trinity-grammar-school-modification-2-landscape-changes>

## **Appendix C – Consolidated consent**

<https://www.planningportal.nsw.gov.au/major-projects/projects/trinity-grammar-school-modification-2-landscape-changes>