



St Catherine's School

*State Significant
Development
Modification Assessment
(SSD 6339 MOD 2)*

September 2019

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Glossary

Abbreviation	Definition
CEMP	Construction Environmental Management Plan
Consent	Development Consent
Department	Department of Planning, Industry and Environment
DJSC	Dame Joan Sutherland Centre
EP&A Act	<i>Environmental Planning and Assessment Act 1979</i>
EP&A Regulation	Environmental Planning and Assessment Regulation 2000
GFA	Gross Floor Area
LGA	Local Government Area
Planning Secretary	Secretary of the Department of Planning, Industry and Environment
RPAC	Research, Performing Arts and Aquatic Centre
Sports Centre	Jo Karaolis Sports Centre
SSD	State Significant Development
The Applicant	St Catherine's School Waverley
The Site	St Catherine's School, 26 Albion Street, Waverley
WLEP	Waverley Local Environmental Plan 2012



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1. Introduction

This report is an assessment of an application seeking to modify the State significant development (SSD) consent (SSD 6339) for the redevelopment of St Catherine's School in Waverley Local Government Area (LGA). This consent includes a Concept Proposal for the staged redevelopment of the school and Stage 1 works comprising the construction of a Research, Performing Arts and Aquatic Centre (RPAC).

The application has been lodged by Robinson Urban Planning Pty Ltd on behalf of St Catherine's School Waverley (the Applicant) pursuant to section 4.55(1A) of the *Environmental Planning and Assessment Act 1979* (EP&A Act). It seeks approval for the separation of Stage 1 RPAC works into two phases of construction and minor modifications to the design of Stage 1 RPAC works including minor internal reconfiguration and external modifications to the building and changes to proposed landscaping.

1.1 Background

St Catherine's School (the site) is located at 26 Albion Street, Waverley and comprises a number of individual lots with a total site area of 22,290 square metres. The site is bounded by Bronte Road and residential properties to the north, Leichhardt Street, Leichhardt Lane and residential properties to the east, Macpherson Street to the south and Albion Street to the west.

The location and existing features of the site are shown in **Figure 1** and **Figure 2** outlined in red. The Stage 1 works included in the proposed modification are outlined in yellow.



Figure 1: School Campus (Base source: Nearmaps 2019)



Figure 2: Site Location (Source: Nearmaps 2019)

The site contains a number of school buildings that vary in height between one and four storeys, outdoor space, sports facilities and two residential dwellings, one of which is the Headmistress' Residence.

A number of buildings within the site are listed as local items of heritage significance in the Waverley Local Environmental Plan 2012 (WLEP) including:

- St Catherine's School and Grounds, Macpherson Street.
- Georgian style stone building, St John's, St Catherine's School, at 26 Albion Street.
- Late Victorian mansion, at 1 Leichhardt Street.
- Late Victorian Italianate Style house, at 5 Leichhardt Street.

The site is also located within the Charing Cross Heritage Conservation Area.

1.2 Approval History

On 6 April 2016, the then Planning Assessment Commission as delegate for the then Minister for Planning granted consent for a sitewide Concept Proposal and Stage 1 works for the construction of the RPAC building on the site.

The Concept Proposal was for the staged redevelopment of St Catherine's School over 15 years to support up to 1200 students, with five planned stages comprising:

- demolition works.
- new buildings.
- alterations and additions.
- revised access arrangements.
- revised circulation system.
- additional car parking (19 spaces).
- landscaping works.

The approved Stage 1 works comprise:

- demolition of existing swimming pool.
- construction of the RPAC.
- internal alterations to the Dame Joan Sutherland Centre (DJSC).
- construction of linkages to existing school buildings.
- relocation of an existing demountable building.
- construction of additional car parking.
- reconfiguration of existing car parking at Gate 1.
- landscaping works, including tree removal.
- reconfiguration of Macpherson Street drop-off/pick-up arrangements.
- increase in the maximum student population to 1200 and staff numbers to 212 by 2030.

The development consent has been modified on one occasion as detailed in **Table 1**.

Table 1 | Summary of Modifications

Mod No.	Summary of Modifications	Approval Authority	Type	Approval Date
MOD 1	Amendments to the internal layout and design of the RPAC building including an additional 89 square metres of gross floor area (GFA) and modified location and design of the rooftop plant services	Department	4.55(1A)	31 July 2018



2. *Proposed Modification*

The Applicant has lodged a section 4.55(1A) modification application (SSD 6339 MOD 2) seeking approval for:

- Separation of the Stage 1 RPAC works into the following two phases of construction including:
 - Stage 1 works - Phase A: Performing Arts and Aquatic Centre (including all of the approved Stage 1 demolition works), demolition of existing pool, relocation of demountable building, minor removal of landscaping at Gate 1, tree removal, associated landscaping work, minor internal alterations to existing Dame Joan Sutherland Centre and reconfiguration of car existing parking.
 - Stage 1 works - Phase B: Research Centre and associated landscaping work.
- Minor modifications to the design of Stage 1 RPAC works including:
 - landscape changes including rationalisation of retaining walls and fencing, amendment to landscaping work around the existing magnolia tree and amendments to the Discovery Court design.
 - minor internal replanning of toilets, change rooms, store rooms and office, kitchenette and laundry, stairs, weights and fitness room, service risers, theatre manager's office and associated areas.
 - minor external modifications including:
 - demolition of the connection and link with Jo Karaolis Sports Centre (Sports Centre) and a reduction of the extent of the works within the Sports Centre.
 - relocation of the external stair outside the Research Centre.
 - The temporary roof structure/wet weather link between RPAC and the Sports Centre provided at Phase A to be demolished at commencement of Phase B.
 - external material selection changes.
 - new bin enclosure for 4 Macpherson Street.

The proposed modification would largely retain the conditions of the original consent, which was issued in 2016, and would not result in additional building bulk, height, scale or GFA.

The proposed changes to the masterplan are illustrated in **Figures 3 to 4** below. Details of the minor design modifications are provided in **Section 6**.

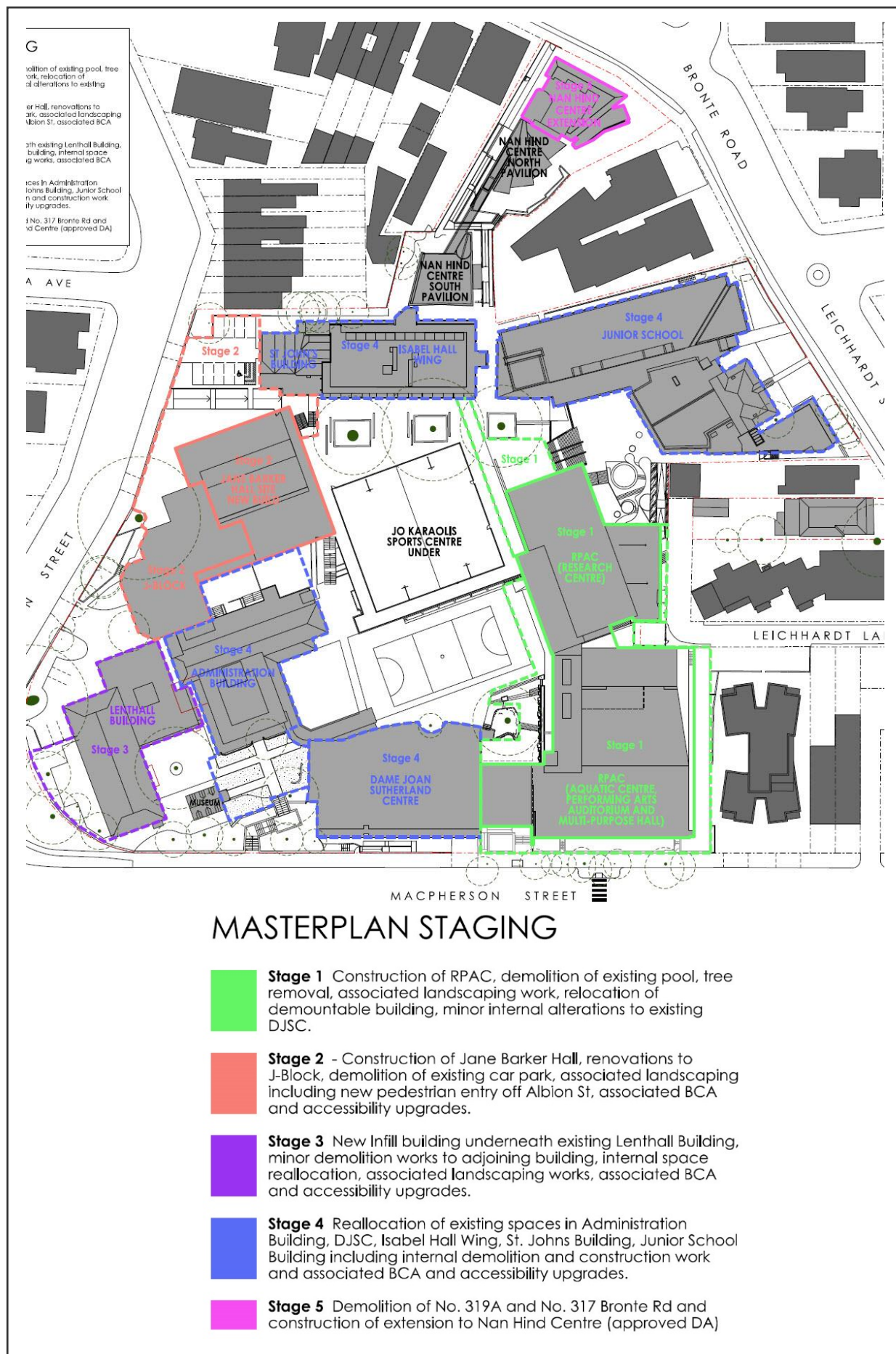


Figure 3: Original Approved Masterplan (Source: Applicant's Modification Application 2019)

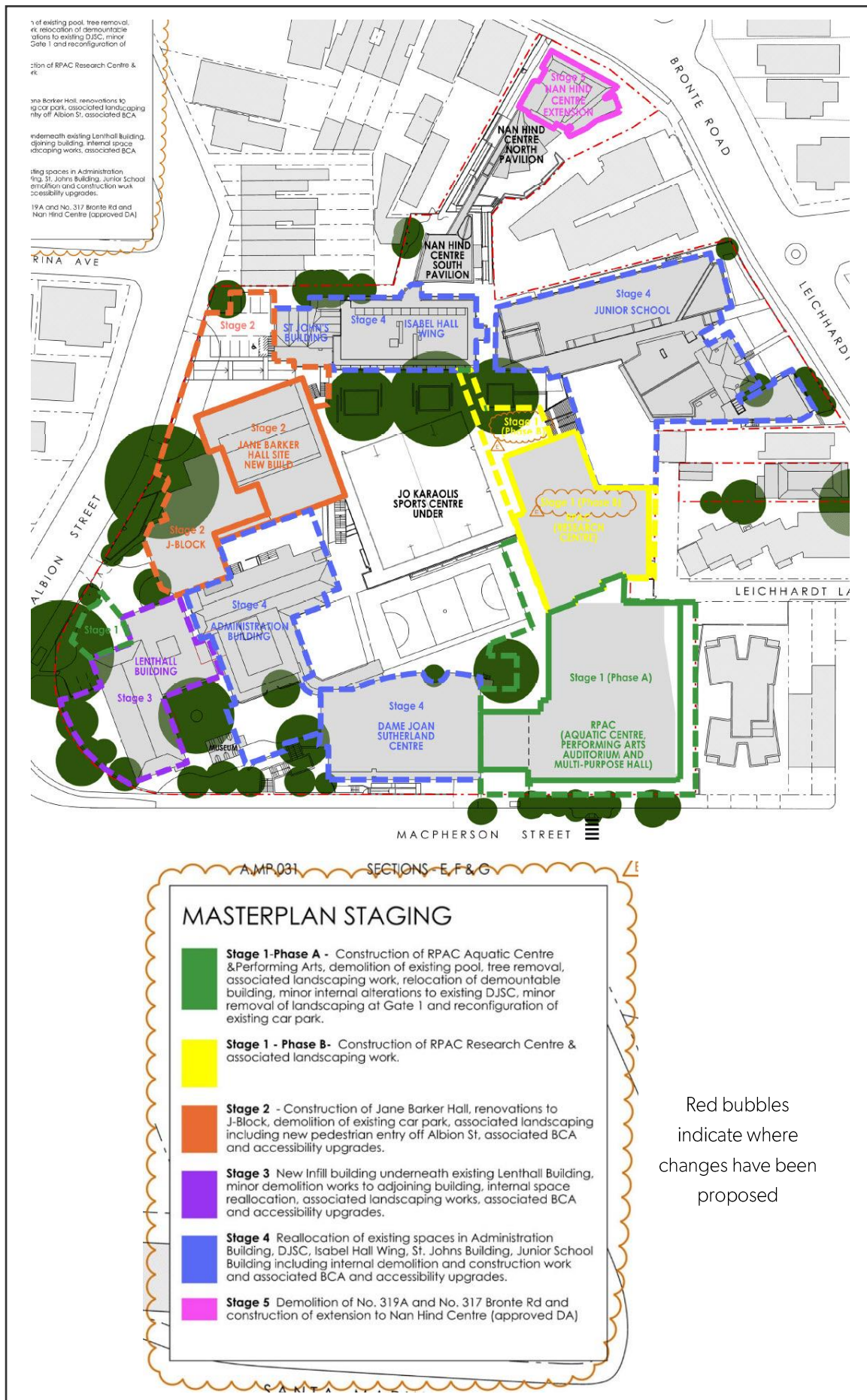


Figure 4: Proposed Staging Masterplan (Source: Applicant's Modification Application 2019)



3. Strategic Context

The Department considers that the development, to which the modifications relate, is consistent with applicable strategic context given:

- it is consistent with The Greater Sydney Regional Plan, A Metropolis of Three Cities, as it provides improved school facilities to meet the growing needs of Sydney.
- it is consistent with the NSW Future Transport Strategy 2056, as it provides improved educational facilities in a highly accessible location close to public transport.
- it is consistent with the Greater Sydney Commission's Eastern City District Plan, as it provides investment in improved school infrastructure conveniently located near existing public transport services and opportunities to co-share facilities with the local community.
- it is consistent with State Infrastructure Strategy 2018 – 2038 Building the Momentum, as it provides direct investment to address increased enrollment demands, would provide access to modern digitally-enabled learning environments for all students and would enable facilities to be co-shared with the local community.



4. Statutory Context

4.1 Scope of Modifications

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

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

- would not result in additional environmental impacts, and
- is substantially the same development as originally approved.

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

4.2 Consent Authority

The Minister for Planning and Public Spaces is the consent authority for the application under section 4.5(a) of the EP&A Act. However, under the then Minister for Planning's delegation dated 11 October 2017, the Director, Social and Infrastructure Assessments, may determine the application as:

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

4.3 Objects of the EP&A Act

The objects of the EP&A Act are the underpinning principles upon which the assessment is conducted. The statutory powers in the EP&A Act (such as the power to grant consent/ approval) are to be understood as powers to advance the objects of the legislation, and limits on those powers are set by reference to those objects. Therefore, in making an assessment the objects should be considered to the extent they are relevant. A response to the objects of the EP&A Act is provided in **Table 2**.

Table 2 | Consideration of the proposal against the objects of the Act

Objects of the EP&A Act	Consideration
(a) <i>to promote the social and economic welfare of the community and a better environment by the proper management, development and conservation of the State's natural and other resources</i>	The proposal would not impact on the State's natural or other resources and would promote a better environment for its users.
(b) <i>to facilitate ecologically sustainable development by integrating relevant economic, environmental and social considerations in decision-making about environmental planning and assessment</i>	The proposal will maintain the ESD measures that were approved in the original consent.

<i>(c) to promote the orderly and economic use and development of land</i>	The proposed development would facilitate the development of the site for the continued use as an educational establishment and associated ancillary uses.
<i>(d) to promote the delivery and maintenance of affordable housing,</i>	Not applicable
<i>(e) to protect the environment, including the conservation of threatened and other species of native animals and plants, ecological communities and their habitats,</i>	While the proposal would result in the removal of four trees, the site does not include any threatened species, populations or ecological communities. The application indicates an intent to complete interim landscaping works between the proposed stages to replace the trees that were removed from the Macpherson Street frontage while providing for new habitat opportunities.
<i>(f) to promote the sustainable management of built and cultural heritage (including Aboriginal cultural heritage),</i>	The proposal responds appropriately to the heritage significance of the site and surroundings. The proposal would not impact on Aboriginal Cultural Heritage associated with the area.
<i>(g) to promote good design and amenity of the built environment,</i>	The proposal promotes good design that is consistent with the design principles associated with an educational establishment.
<i>(h) to promote the proper construction and maintenance of buildings, including the protection of the health and safety of their occupants,</i>	The proposal would promote proper construction and maintenance of buildings subject to recommended conditions of consent. A CEMP is required to be submitted to the Planning Secretary for review before the commencement of each stage of construction to ensure that it reflects the proper construction and environmental management works that are taking place on the site.
<i>(i) to promote the sharing of the responsibility for environmental planning and assessment between the different levels of government in the State,</i>	The Department publicly exhibited the proposal, which included consultation with Council and other public authorities and consideration of their responses (Section 5).
<i>(j) to provide increased opportunity for community participation in environmental planning and assessment.</i>	The Department publicly exhibited the proposal as outlined in Section 5.1 , which involved sending notices to Waverley and Randwick Council, adjoining landowners and other key agencies.



5. Engagement

5.1 Department's Engagement

Although the EP&A Regulation does not require the modification assessment to be notified, the Department notified the application from 2 July 2019 to 18 July 2019 by sending notices to Waverley Council and Randwick Council, surrounding land owners and other key public agencies.

5.2 Summary of Submissions

During the notification period, the Department received two submissions, including one from Ausgrid and one from Waverley Council. Ausgrid advised that it had no comments to make on the application. Council's submission was generally supportive of the application, however, advised that it does not support the proposal to remove four trees along the site's Macpherson Street frontage and recommended that they be retained as they are in good health. Council also suggested conditions of approval relating to tree protection. It should be noted, however, that the removal of the four trees received by Council was previously considered and approved in the original consent dated 6 April 2016. The modification application would not alter this.



6. Assessment

The Department has considered the modification application in the context of the original approved development in its assessment. The Department considers the main components of the modifications are:

- separation of approved Stage 1 works into two phases of construction.
- design changes to the RPAC building.

6.1 Separation of approved Stage 1 works into two phases

The proposed separation of approved Stage 1 works into two phases would result in the staggered timing and delivery of Stage 1 being:

- Phase A: demolition works including all of the approved Stage 1 demolition works, tree removal, construction of new aquatic centre, performing arts auditorium and multi-purpose hall and landscaping.
- Phase B: construction of new research centre and associated landscaping.

Phase A works have been proposed to commence before the end of 2019 with construction occurring over a duration of 18 months. Phase B works are expected to be completed in conjunction with the construction of Stage 4 of the approved concept proposal and would be completed over the period of 15 years, as approved in the original consent

The Department notes that the staging of the project would not result in additional environmental, noise or visual impacts than those that were previously considered in the original consent. Although the delivery of Stage 1 will be staggered, the construction of the overall concept masterplan is still expected to comply with the approved EIS staging proposal and would not therefore lengthen the overall construction period for the site.

The original conditions of approval and construction management procedures would also be retained and would still apply to the proposed two-phase approach. This includes conditions C4 to C9 of the original consent relating to the preparation and implementation of a Construction Environmental Management Plan (CEMP), Traffic and Pedestrian Management Plan, Noise and Vibration Plan and Waste Management Plan. To ensure that the CEMP appropriately reflects the construction and methodology of each stage, the Department recommends that an updated CEMP be submitted for review before the construction of each phase commences. The Department has recommended amended conditions enabling the staging of relevant conditions via a Staging Report which must be submitted to the Planning Secretary for approval prior to the commencement of construction.

6.2 Design changes to the RPAC building

The modification primarily seeks changes to internal features of the RPAC building that would be largely contained below ground level. These changes primarily include the reconfiguration of toilets, change rooms, store rooms and office, stairs, the fitness room and service risers.

External works include the removal of the connecting link to the existing Sports Centre after the finalisation of Phase A works, the relocation of the external stair to the Research Centre and landscaping works.

The changes that have been proposed, along with how these changes differ to those previously approved in Modification 1 are highlighted in **Figures 5 to 10** below.

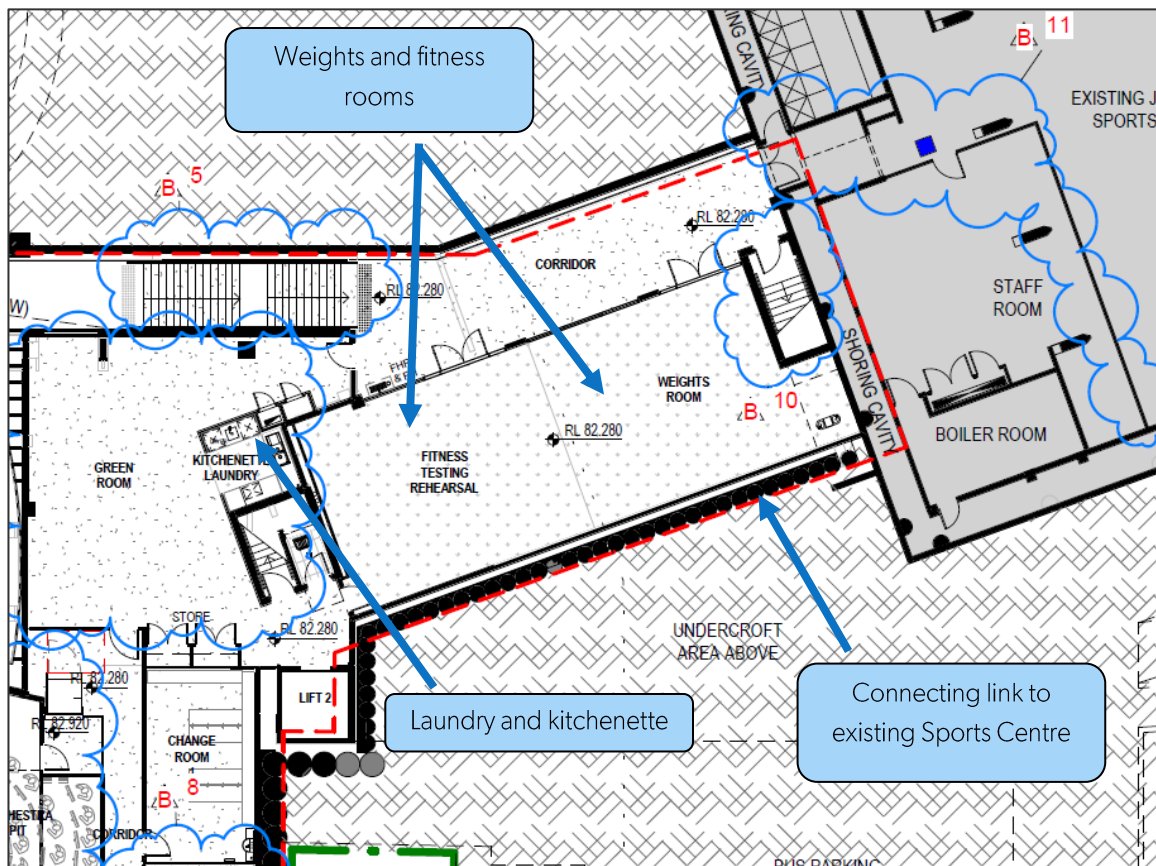


Figure 5: Approved RPAC floor plan level 3 (MOD1) (Source: Applicant's Modification Application 2017)

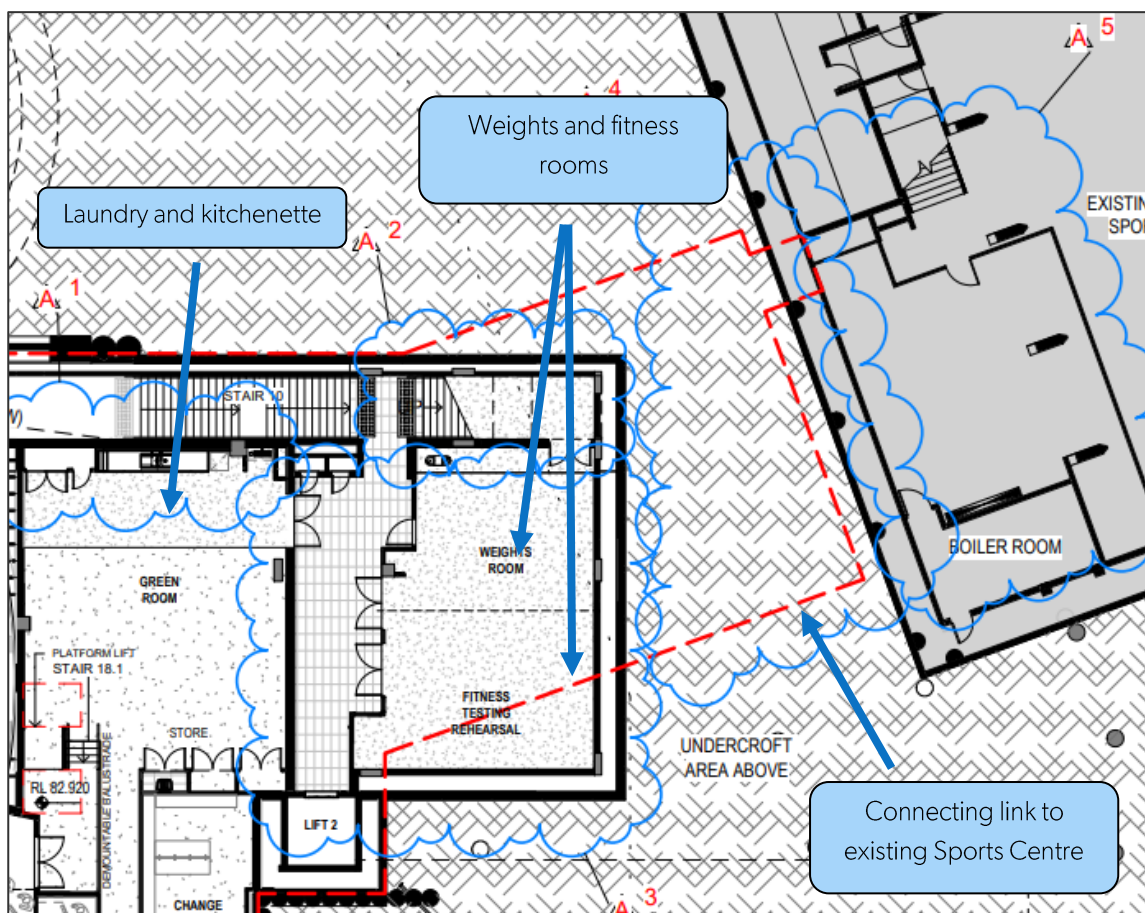


Figure 6: Proposed RPAC floor plan level 3 (MOD 2) (Source: Applicant's Modification Application 2019)

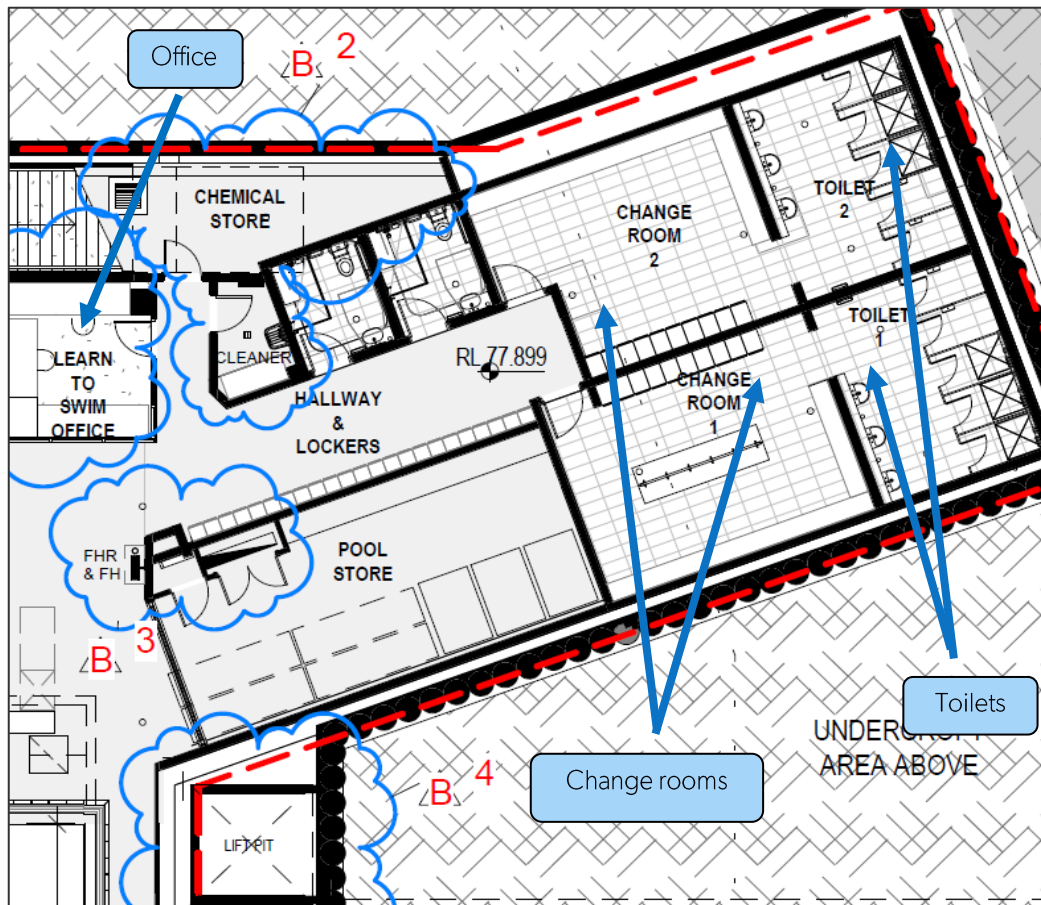


Figure 7: Approved RPAC floor plan level 2 (MOD1) (Source: Applicant's Modification Application 2017)

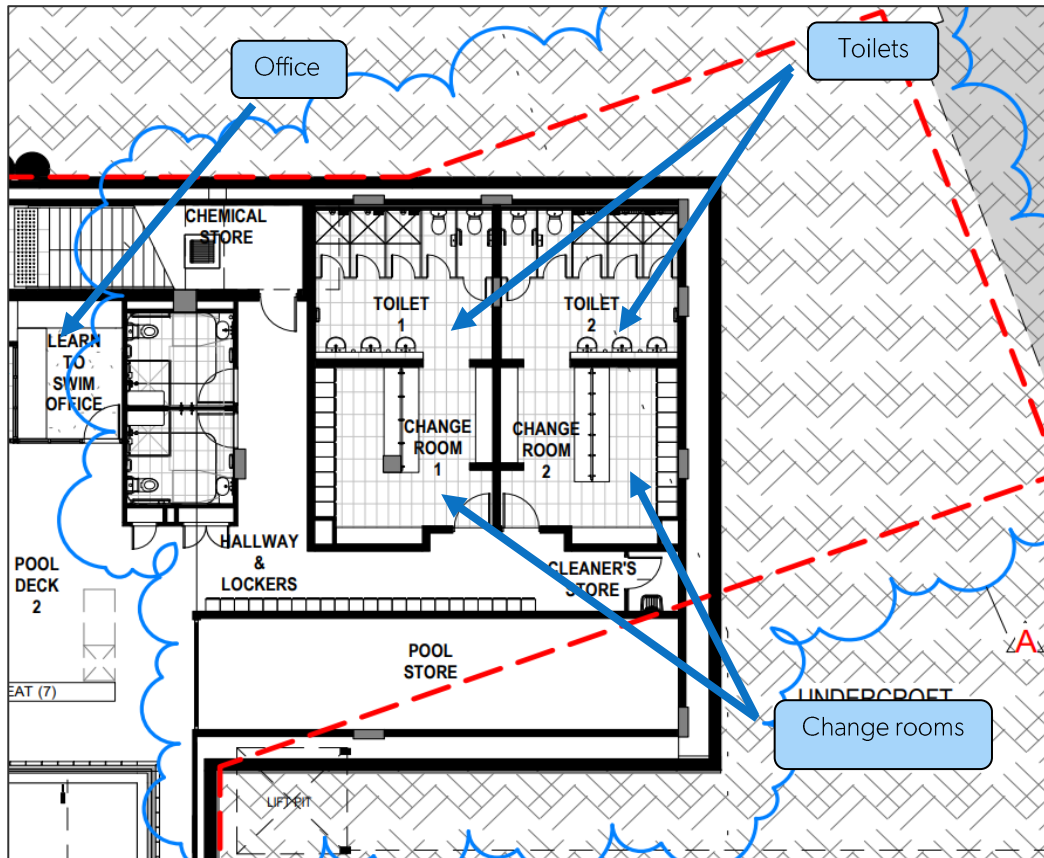


Figure 8: Proposed RPAC floor plan level 2 (MOD 2) (Source: Applicant's Modification Application 2019)

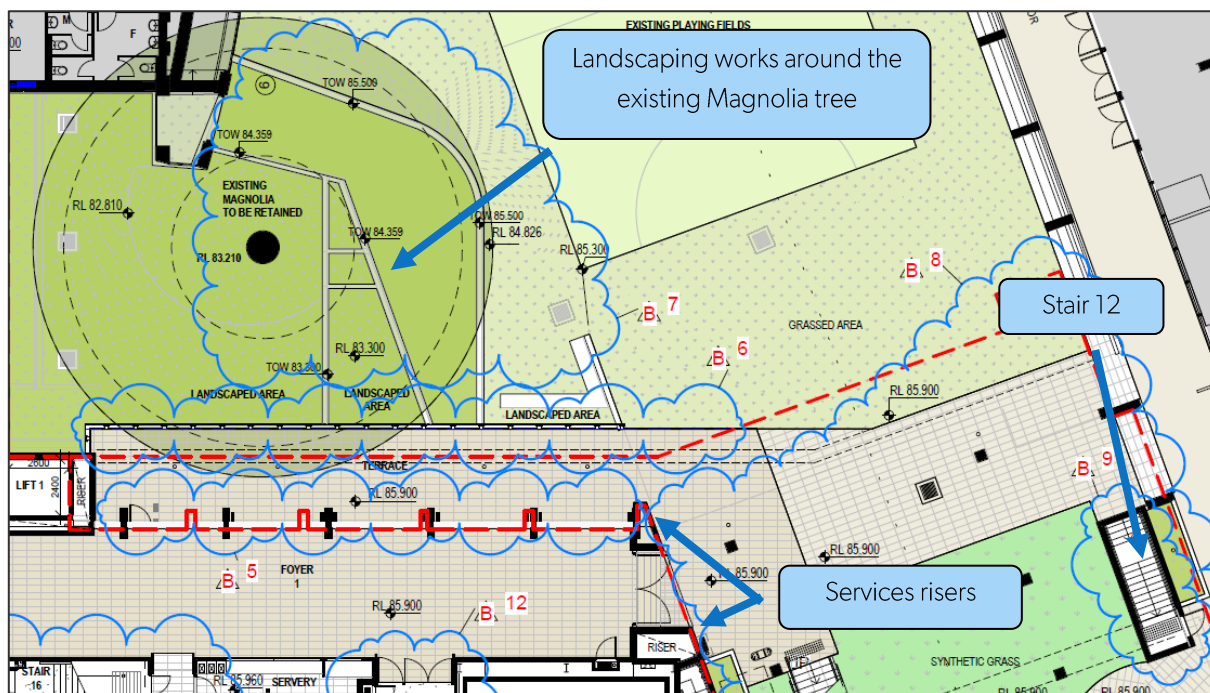


Figure 9: Approved floor plan level 4 (MOD 1) (Source: Applicant's Modification Application 2017)

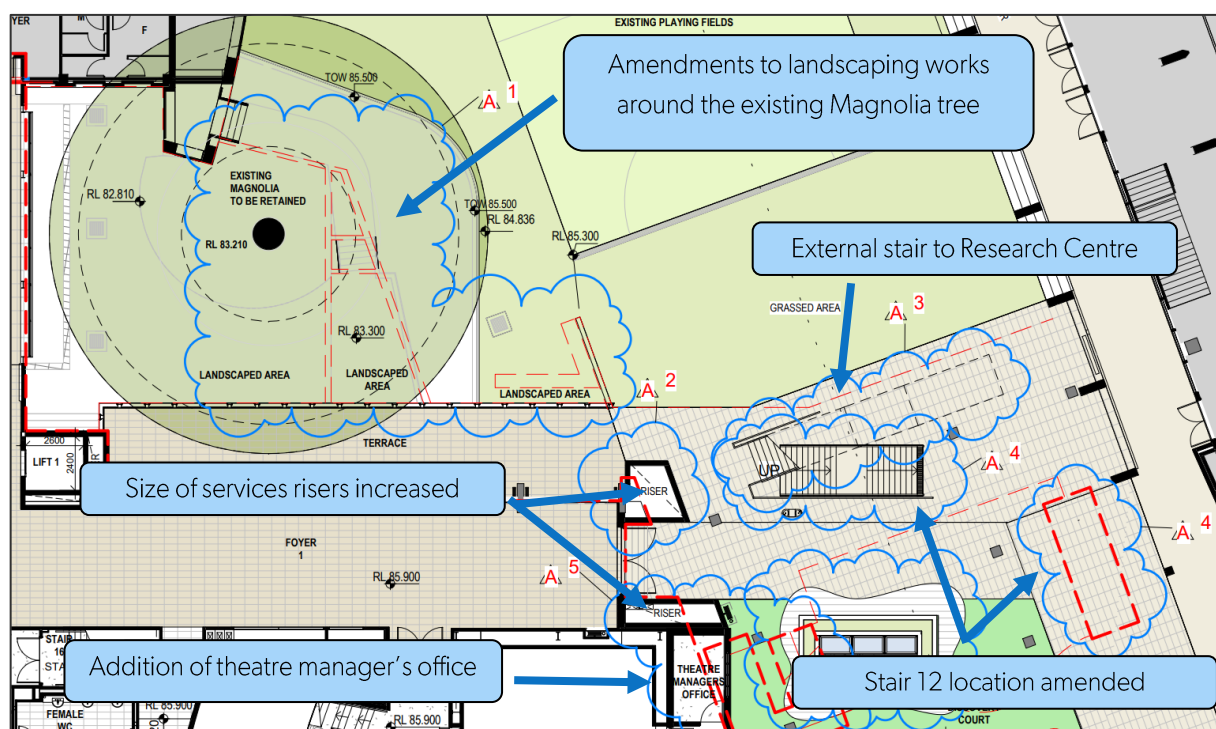


Figure 10: Proposed floor plan level 4 (MOD 2) (Source: Applicant's Modification Application 2019)

The Department considers the proposed changes to the RPAC building and landscaping to be of a minor nature. The proposal does not seek to increase building height or GFA and therefore will not significantly change the appearance and scale of the development or result in any adverse environmental impacts. Further, the reconfiguration of internal building features along with the removal of the connecting link to the existing Sports Centre would not impact on street view corridors, change the building envelope from street view or lead to further overshadowing effects.

In relation to Council's concerns relating to the proposed tree removal along MacPherson Street, it is noted that the removal of these trees was previously considered and approved in the original consent dated 6 April 2016. The modification application does not alter nor modify the previous consent, and the Department continues to support the approval, noting that interim planting works have been proposed to take place to replace the trees that were removed after Phase A works are completed and before the construction of Phase B commences.

On this basis, the Department is satisfied that the proposed modification would result in a development that is substantially the same as the originally approved development. The proposal will not result in any change or intensification of approved use and does not seek to increase the building's height and GFA. On this basis, the Department concludes that the proposal would not negatively impact on the surrounding environment or residential amenity.



7. *Evaluation*

The Department has assessed the modification application and supporting information in accordance with the relevant requirements of the EP&A Act. The Department's assessment concludes that the proposed modification is appropriate on the basis that:

- the separation of Stage 1 works into two phases would not result in any significant adverse visual or amenity impacts as a result of the changed construction phases.
- internal reconfiguration of the RPAC, minor external building and landscaping changes and changes to external materials and landscaping works proposed would not alter the built form of the proposed development with respect to bulk and scale or appearance.
- it would not result in any significant adverse visual or amenity impacts on the surrounding area.
- it would enable the provision of an essential service for the school.
- the development to which the modifications relate remains substantially the same.

Consequently, the proposal is in the public interest and it is recommended that the modification be approved subject to conditions.



8. Recommendation

It is recommended that the Director, Social and Infrastructure Assessments, as delegate of the Minister for Planning and Public Spaces:

- **considers** the findings and recommendations of this report; and
- **determines** that the application (St Catherine's School/SSD 6339 Mod 2) falls within the scope of section 4.55(1A) of the EP&A Act;
- **accepts and adopts** all of the findings and recommendations in this report as the reasons for making the decision to grant approval to the application;
- **modify** the consent (SSD 6339); and
- **signs** the attached approval of the modification (**Attachment A**).

Recommended by:

Rita Hatem

Student Planner

Schools Infrastructure Assessments

Recommended by:

Andrew Beattie

Team Leader

Schools Infrastructure Assessments



9. Determination

The recommendation is: **Adopted / Not Adopted by:**


Karen Hafragon

Director

Social and Infrastructure Assessments

11/9/19



Appendices

Appendix A – List of Documents

The following supporting documents and supporting information to this assessment report can be found on the Department of Planning, Industry and Environment's website as follows:

1. Modification Application

<https://www.planningportal.nsw.gov.au/major-projects/project/14726>

2. Instrument of Modification

<https://www.planningportal.nsw.gov.au/major-projects/project/14726>