

ASSESSMENT REPORT

METHODIST LADIES COLLEGE - SENIOR SCHOOL CENTRE SSD 6484 MOD 1

1. INTRODUCTION

This report is an assessment of an application seeking to modify the State Significant Development (SSD) approval for the redevelopment of the Methodist Ladies College (MLC) Senior School Campus at 31A-45 Park Road and 28-30 Grantham Street, Burwood.

The application has been lodged by JBA Urban Planning Consultants on behalf of MLC Burwood (the Applicant) pursuant to section 96(2) of the *Environmental Planning and Assessment Act 1979* (EP&A Act). It seeks approval to:

- increase the height of the Teaching and Learning Building (Main Building) from three storeys to four storeys;
- delete the approved additions to the year six building; and
- increase the overall floor space by 862 m².

2. SUBJECT SITE

The subject site is located at 31A-45 Park Road and 28-30 Grantham Street, Burwood within the Burwood local government area (see **Figure 1**). The MLC Senior School campus comprises various individual allotments with a total area of approximately 1.25 ha.

The Senior School contains a variety of modern and older style school buildings. The MLC Senior School is listed in the Burwood Local Environmental Plan 2012 (BLEP 2012) as a heritage item and a number of the buildings associated with the school are identified as having local heritage significance.

3. APPROVAL HISTORY

On 3 March 2015, the Executive Director, Infrastructure and Industry Assessments, as delegate of the Minister for Planning granted SSD approval for the redevelopment of MLC Senior School Campus involving:

- demolition of two dwelling houses at 31A and 33 Park Road and six school buildings;
- construction of a new teaching and learning building (Main Building) and a new art building;
- alterations and additions to the existing year six building;
- refurbishment of the independent learning centre to provide a senior's room and staff common room; and
- associated landscaping and planting.

The proposal has not previously been modified.

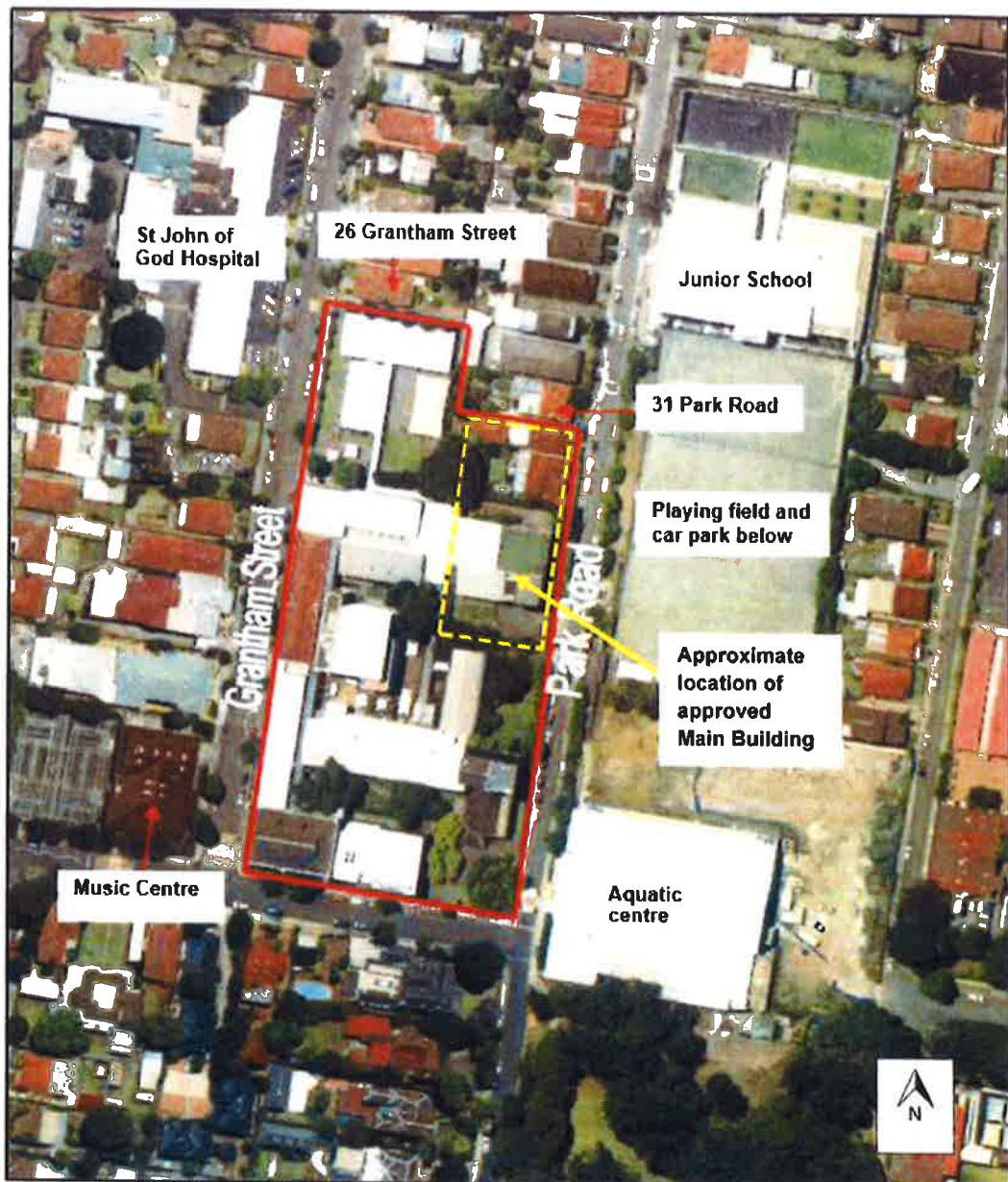


Figure 1: Site location (Source: DP&E assessment report 2014)

4. PROPOSED MODIFICATION

On 5 October 2016, the Applicant lodged an application (SSD 6484 MOD 1) seeking approval to:

- increase the height of the teaching and learning building from three to four storeys;
- delete approved additions to another building (year six building); and
- increase the gross floor area (GFA) by 862 m² as a result of the above changes.

The modification is requested on the basis it would improve the functionality of the approved school building. Specifically, the Applicant advises the modifications would:

- enable all of the science labs to be located together;
- enable all of the language departments to be located together;
- provide larger Science, Technology, Engineering and Mathematics classrooms;
- provide additional history classrooms; and
- provide a staff room for all sports staff.

The proposed modification would not increase the number of students or teachers at the school, therefore car parking and traffic generation would remain unchanged.



Figure 2: Approved MLC building (Source: Applicant's submitted documentation - 2014)



Figure 3: Proposed modification to MLC building (Source: Applicant's submitted documentation - 2016)

5. STATUTORY CONSIDERATION

5.1 Modification of approval

Section 96(2) of the EP&A Act requires the consent authority to be satisfied the following matters are addressed in respect of all applications that seek modification approvals:

Table 1: Section 96(2) consideration

| Section 96(2) matters for consideration | Comment |
|---|--|
| 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). | <p>A section 96(2) modification is considered appropriate on the basis that:</p> <ul style="list-style-type: none"> the additional storey would not significantly alter or transform the originally approved building; the proposed use would remain the same including the rooftop terrace and contemporary learning spaces; the proposed additional storey utilises the same materials and design as originally approved; the net increase in GFA is relatively minor; the proposal would not intensify the use of the site as the number of teachers and students would remain the same; and the additional building height and floor space would not result in any additional adverse amenity impacts on the surrounding area. <p>For these reasons, the Department is satisfied the proposal would result in development that is substantially the same as the originally approved development.</p> |

| | |
|---|--|
| That the relevant Minister, public authority or approval body has been consulted in respect of a condition imposed as a requirement of a concurrence to the consent or in accordance with the general terms of an approval proposed to be granted by the approval body and that Minister, authority or body has not, within 21 days after being consulted, objected to the modification of that consent | The original proposal did not require concurrence from a Minister or public authority and no general terms of approval were required. |
| The application has been notified in accordance with the regulations | The modification application has been notified in accordance with the <i>Environmental Planning and Assessment Regulation 2000</i> (EP&A Regulation). Details of the notification are provided in Section 6 of this report. |
| Any submission made concerning the proposed modification has been considered. | The Department received four submissions on the proposal from Burwood Council, Transport NSW, Sydney Water and Roads and Maritime Services. The issues raised in submissions have been considered in Section 6 and 7 of this report. |

5.2 Environmental Planning Instruments (EPI)

The following EPIs are relevant to the application:

- State Environmental Planning Policy (State & Regional Development) 2011;
- State Environmental Planning Policy (Infrastructure) 2007 (Infrastructure SEPP);
- State Environmental Planning Policy No. 55 – Remediation of Land (SEPP 55); and
- Burwood Local Environmental Plan 2012 (BLEP 2012).

The Department undertook a comprehensive assessment of the redevelopment against the above mentioned EPIs in its original assessment. The Department has considered the above EPIs and is satisfied the modification is generally consistent with the EPIs.

The Department has also considered the Draft State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017. The Department is satisfied the proposal is consistent with the Draft SEPP and the design quality principles for schools.

The site is zoned R2 Low Density Residential Zone under the BLEP 2012 and educational establishments are permitted with consent. Non-compliances with the BLEP 2012 relating to height and Floor Space Ratio (FSR) have been considered in detail in **Section 7** of this report.

5.3 Approval Authority

The Minister for Planning is the approval authority for the application. However, in accordance with the Ministers delegations, the Planning Assessment Commission, may determine the application under delegation as Burwood Council has objected to the proposal.

6. CONSULTATION

The application was notified in accordance with the EP&A Regulation. The modification request was made publicly available on the Department's website and referred to Burwood Council (Council), Transport for NSW, Sydney Water, Roads and Maritime Service (RMS) and the Environment Protection Authority (EPA) for comment. Local residents on Grantham Street, Park Road and Rowley Street were also notified of the proposal in writing.

Council advise the proposal would:

- result in a substantially different development and should not be assessed as a modification application under Section 96(2) of the Act;
- the additional FSR and height will create a building form that is not compatible with the low density height and scale of the zone;
- the increase in height, bulk and scale of the Park Road building will have a substantial impact upon Park Road streetscape;
- not be in the public interest as the increased scale is not compatible with the low density scale of the zone; and
- result in additional amenity impacts on surrounding properties.

Sydney Water do not object and recommend a condition requiring plans to be submitted to Sydney Water to confirm if Sydney Water assets would be affected by the proposal. The Department notes this requirement is already included as a condition on the existing approval.

TfNSW, RMS and EPA do not object to the proposal and have no further comment.

There were no **public** submissions received on the proposal.

The Applicant submitted a Response to Submissions (RtS) on 20 December 2016 providing further justification for the proposed changes and legal advice about the use of Section 96 (2) to modify the approval.

7. ASSESSMENT

The Department considers the key issues associated with the proposed modification is built form. All other issues associated with the proposal are considered in **Table 3**.

7.1 Built form

The proposed modification seeks approval to increase the height of the Main Building from three to four storeys or by 3.9 metres (from 14.6 metres to 18.5 metres). The proposal also seeks approval to increase the approved GFA of the Main Building by 862 m² (from 11,462 m² to 12,324 m²).

The BLEP 2012 contains two principal development standards relating to the site, namely a FSR of 0.55:1 and a height control of 8.2 metres. The building as currently approved exceeds both these controls and the proposed modification would result in an additional exceedance of these controls, as outlined in **Table 2** below:

Table 2: Variation of LEP controls

| Control | Approved | Proposed | Additional Variance |
|-----------------------|----------|----------|---------------------|
| FSR – 0.55:1 | 0.87:1 | 0.94:1 | +0.07:1 (8%) |
| Maximum height – 8.2m | 15.263 m | 19.16 m | +3.9 m (26%) |

The Applicant argues the proposed height of the Main Building (Reduced Level (RL) 43.3 metres) is acceptable as it would remain consistent with the height of the tallest existing building on the campus, being the Independent Learning Centre (circled in **Figure 4**). The Applicant also argues the R2 low density residential zoning is inappropriate for the school site, and therefore the development standards associated with that zone are unreasonable.



Figure 4: Approved and proposed view along Park Road (Independent Learning Centre shown circled) (Source: Applicant's submitted documentation).

The Department has undertaken a merit assessment of the potential visual impacts associated with the proposal and considers the additional storey is acceptable as:

- school buildings with greater height and scale relative to the adjoining low scale residential uses have long existed on the site;
- the proposal would remain compatible with the scale and character of the existing and approved school buildings on the site;
- the height of the Main Building would be consistent in height with the tallest building on the site;

- the proposal continues to incorporate a combination of contemporary materials, finishes and architectural features consistent with the original approval which would result in an acceptable design outcome for the site; and
- the six metre landscaped setback along the northern boundary would be retained, providing an appropriate transition to the adjoining residential dwellings.

The Department has also considered the potential amenity impacts associated with the proposal and considers the additional storey is acceptable as:

- the proposal would not result in any additional overshadowing impacts to neighbouring residential properties given the orientation of the site;
- the additional storey would not result in any material privacy impacts, as privacy screens on the northern facade would prevent overlooking of neighbouring properties;
- the proposal would not intensify the use of the school as the number of teachers and students would remain the same;
- car parking demand and traffic generation would remain unchanged; and
- the modified proposal would not result in any new noise sources compared to the approved development.

The Department therefore considers the proposed four storey school building would result in an acceptable planning outcome for the site, particularly given the scale of the building would be compatible with the existing school buildings on the site and the proposal would not result in any unacceptable adverse amenity impacts on surrounding properties.

The Department is also of the view there would be minimal public benefit in maintaining the development standards as it would limit the school's ability to provide contemporary educational facilities for the benefit of teachers and students at a long established school site. For the reasons outlined above, the Department's assessment concludes the proposal is acceptable and there are sufficient grounds to justify further variations to the height and FSR controls in this instance.

7.2 Other Issues

Table 3: Assessment of Other Issues

| Issue | Consideration | Recommendation |
|--|---|--|
| Zone Objectives and Public Interest | <ul style="list-style-type: none"> • Council raised concern that the proposal would not be in the public interest as the scale of the development is not compatible with the objectives of the zone. • The objectives of the R2 Low Density Residential Zone are to facilitate low density residential housing and other land uses which meet the day to day needs of residents. The zone objectives therefore seek to facilitate residential development and do not directly relate to the development of schools. • The Department notes the Infrastructure SEPP is the principal EPI regulating the development of schools and it prevails over the LEP to the extent of any inconsistency. • The key aim of the Infrastructure SEPP is to facilitate the effective delivery of infrastructure, including government and non-government schools across the State. The Department is satisfied the proposal is consistent with the aims of the Infrastructure SEPP. • The Department also notes the proposal is consistent with the recently released Draft State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017 which seeks to facilitate the effective delivery of educational establishments across the State. • As discussed earlier (Section 7.1) the Department has undertaken a detailed merit assessment the proposal against the FSR and height controls in the BLEP 2012 and is satisfied the scale of the proposal is appropriate. • The Department is also satisfied the proposal would be in the public interest as it would provide additional/enhanced educational facilities for teachers and students consistent with State priorities. | No new or amended conditions are recommended |

| <i>Issue</i> | <i>Consideration</i> | <i>Recommendation</i> |
|-------------------------|--|--|
| <i>Heritage Impacts</i> | <ul style="list-style-type: none"> To assess the potential heritage impacts associated with the proposal the Applicant submitted a Heritage Impact Statement (HIS). The HIS notes The Chapel and associated Tower and building containing Potts Hall were rated as having "high heritage significance" under the Burwood LEP 2012. These buildings are located in the southern section of the main site, facing Park Road. The HIS concluded the proposal was acceptable and the proposal would not result in any unreasonable heritage impacts. The Department has considered the findings of the HIS and is satisfied the proposal would not result in any additional heritage impacts for the following reasons: <ul style="list-style-type: none"> the approved setbacks to the historic buildings would be retained; views of the historic Chapel and Tower from the surrounding public domain would not be obscured by the additional storey; and the scale of the proposed building is compatible with other buildings on the site and the modified building would not have an adverse impact on the setting of the historic buildings on the site. The Department's assessment therefore concludes the additional storey would not result in any adverse heritage impacts beyond those already assessed and approved. | No new or amended conditions are recommended |

8. CONCLUSION

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 the proposed modification is appropriate given the proposal would:

- remain substantially the same development as originally approved;
- be compatible with the built form of the existing and approved buildings on the site;
- not result in any adverse amenity impacts to the surrounding properties; and
- result in improved teaching and learning facilities for teachers and students.

Consequently, it is recommended the modification is approvable subject to the recommended conditions.

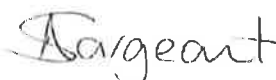
9. RECOMMENDATION

It is **RECOMMENDED** that the Planning Assessment Commission, as delegate of the Minister for Planning:

- **considers** the findings and recommendations of this report, noting the Department considers that the modification is approvable, subject to conditions;
- **determines** that the proponent's request is a modification under section 96(2) of the EP&A Act; and
- if the Commission determines to modify the approval, **signs** the attached notice of modification (**Appendix A**).



Anthony Witherdin
Director
Modification Assessments



Anthea Sargeant 7/3/17
Executive Director
Key Sites and Industry Assessments

APPENDIX A: NOTICE OF MODIFICATION

A copy of the notice of modification can be found on the Department's website at:

http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=8005

APPENDIX B: SUPPORTING INFORMATION

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

1. Modification request

http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=8005

2. Submissions

http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=8005

3. Response to Submissions

http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=8005

