



planning consultants

Section 4.55(1A) Planning Report

Modification of Approved State Significant Development SSD 7968

New Oran Park High School and

Expansion of Oran Park Public School

400F The Northern Road, Oran Park

Prepared for: NSW Department of Education
May 2019

Printed: 10 May 2019
File Name: P:\PROJECTS\9656A Oran Park High School\Reports\9656A.S4.55.docx
Project Manager: S.Earp
Client: NSW Department of Education
Project Number: 9656A

Document Control

Version	Prepared By	Reviewed By	Issued To	Date
Draft	Sophie Litherland	Stephen Earp	PPA + TSA + Hindmarsh	08 May 2019
Final	Sophie Litherland	Stephen Earp	Department of Planning and Environment	10 May 2019

Contents

1	Introduction	1
1.1	Purpose of this Report	1
2	Site Context	2
2.1	Location	2
2.2	Site Description	2
2.3	Surrounding Development	3
3	Proposed Modifications	4
3.1	Development History	4
3.2	Summary of Proposed Modifications	4
3.3	Additional or Amended Supporting Documentation	5
3.3.1	Amended Architectural Plans	5
3.3.2	Acoustic Report	5
3.3.3	Amended Design Analysis	5
3.3.4	Amended ESD Report	5
3.4	Modifications to the Notice of Determination	5
3.4.1	Condition A2 – Development in Accordance with Plans and Documents	5
3.4.2	Condition B2 – Ecologically Sustainable Development	5
3.4.3	Condition E8 – Noise Control	5
4	Statutory Provisions	6
4.1	General	6
4.2	Section 4.55(1A) of the Act	6
4.2.1	Minimal Environmental Impact (section 4.55(1A)(a))	6
4.2.2	Substantially the Same Development (section 4.55(1A)(b))	6
4.2.3	Notification (section 4.55(1A)(c))	6
4.2.4	Consideration of Submissions (section 4.55(1A)(d))	7
4.2.5	Matters for Consideration and Reasons for Granting Consent	7
4.3	Clause 115 of the EP&A Regulation 2000	7
4.4	Planning Controls	8
4.4.1	State Environmental Planning Policy (Sydney Region Growth Centres) 2006	8
4.4.2	Oran Park Precinct Development Control Plan 2007	9
4.5	Likely Impacts of the Development	9
4.5.1	Built Form and Height	9
4.5.2	Solar Access	9
4.5.3	Acoustic Impacts	9
4.5.4	Ecologically Sustainable Development	10
4.6	Public Interest	10
5	Conclusion	11

Contents

Figures

Figure 1	Site Location	2
Figure 2	Site Context	2
Figure 3	Surrounding Development	3

Tables

Table 1	Assessment against Relevant Provisions of the Growth Centres SEPP	8
---------	---	---

Appendices

1.	Amended Architectural Plans
2.	Air Conditioning Noise Assessment
3.	Amended Design Analysis Report
4.	Amended ESD Report

1 Introduction

1.1 Purpose of this Report

DFP has been commissioned by Perumal Pedavoli Architects, acting on instructions from Hindmarsh Constructions for School Infrastructure NSW (NSW) to prepare a Planning Report to accompany a Section 4.55(1A) Modification Application (section 4.55 Application) to Development Consent SSD 7968 which approved construction of the new Oran Park High School and expansion of the existing Oran Park Public School, at 400F The Northern Road, Oran Park (the Site).

The application is made pursuant to section 4.55(1A) of the *Environmental Planning and Assessment Act 1979* (EP&A Act) to modify Development Consent No SSD 7968 issued by the NSW Minister for Planning on 14th December 2017.

The section 4.55 Application seeks consent for minor alterations to the approved built form to allow for a total of ten (10) air conditioning plant and platforms to be installed on the roofs of blocks PE, PF, PG, HC, HB and HD. The proposed development does not present any significant environmental impacts and the proposal will remain substantially the same as that approved under the original application. There will be no change to the use of the site, the gross floor area of the school or internal areas of the building, and only minor alterations are required to the roof form as a result of this proposal. The proposal will predominately reflect the original development consent.

The purpose of this report is to provide the Minister and relevant NSW State Government Agencies with the relevant information necessary to assess the proposed modifications pursuant to Part 4 of the EP&A Act and the *Environmental Planning and Assessment Regulation 2000* (the Regulation) and for Council to determine the application in accordance with section 4.55(1A) of the EP&A Act.

2 Site Context

2.1 Location

The Site is located within the South West Priority Growth Area and more specifically, within the Oran Park Precinct, within the Camden Local Government Area (LGA). The Site is entirely within 200-700m of the Oran Park Town Centre (see **Figure 1**).

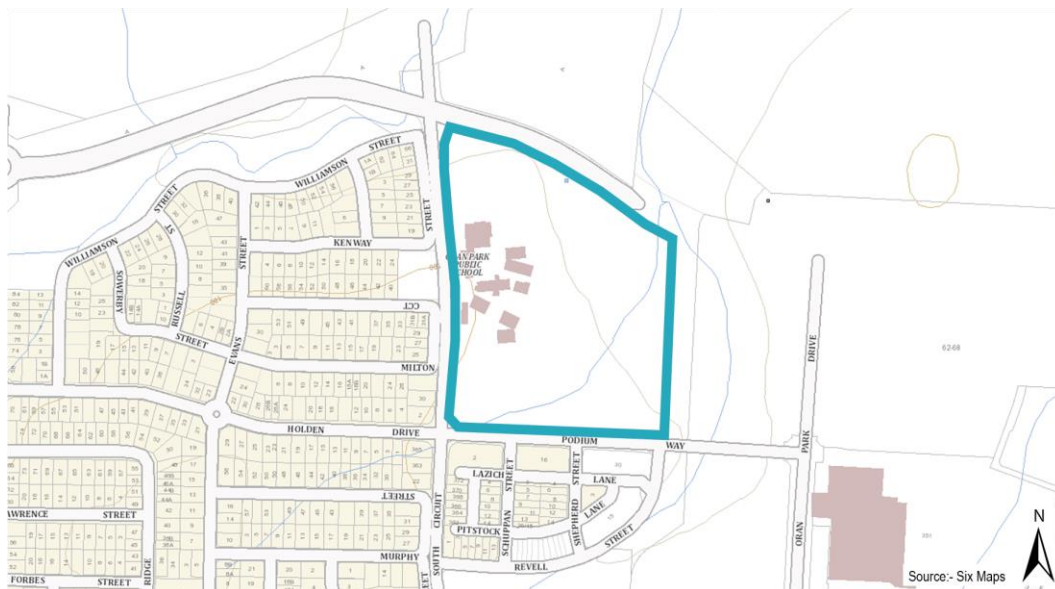


Figure 1 Site Location

2.2 Site Description

The Site is legally described as Lot 1000 in Deposited Plan (DP) 1164435 and is also known as 400F The Northern Road, Oran Park, Post Code 2570 (see **Figure 2**).



Figure 2 Site Context

The site has a northern frontage to Dick Johnson Drive of approximately 275 metres, a western frontage to South Circuit of 325.55 metres, a southern frontage to Holden Drive of 261.23 metres and a total area of 89,201.05m².

Construction works in accordance with the Development Consent have commenced on site. At this stage, structures are being erected on the High School site for Blocks HA, HB, HC and HD (as well as the construction of the new car park) and internal fit out work has commenced at the Public School site.

2 Site Context

2.3 Surrounding Development

The surrounding area is under redevelopment for a mixture of public open space, residential, child care, retail and commercial land uses (see **Figure 3**).

To the north, on the opposite side of South Circuit is a public recreation area known as Jack Brabham Reserve which comprises playing fields, an open car parking area and a club house with associated amenities.

To the east is a drainage corridor known as Julia Creek which is planned to be revegetated to form a riparian corridor which will run between the Site's eastern boundary and the Oran Park town centre further east.

To the south, on the opposite side of Holden Drive, is vacant land that is being developed for a medium density small lot attached housing subdivision containing 72 lots.

To the west, on the opposite side of South Circuit, development predominantly comprises low density residential lots together with an approved 149-place child care centre, swimming school, dance school and health service rooms.

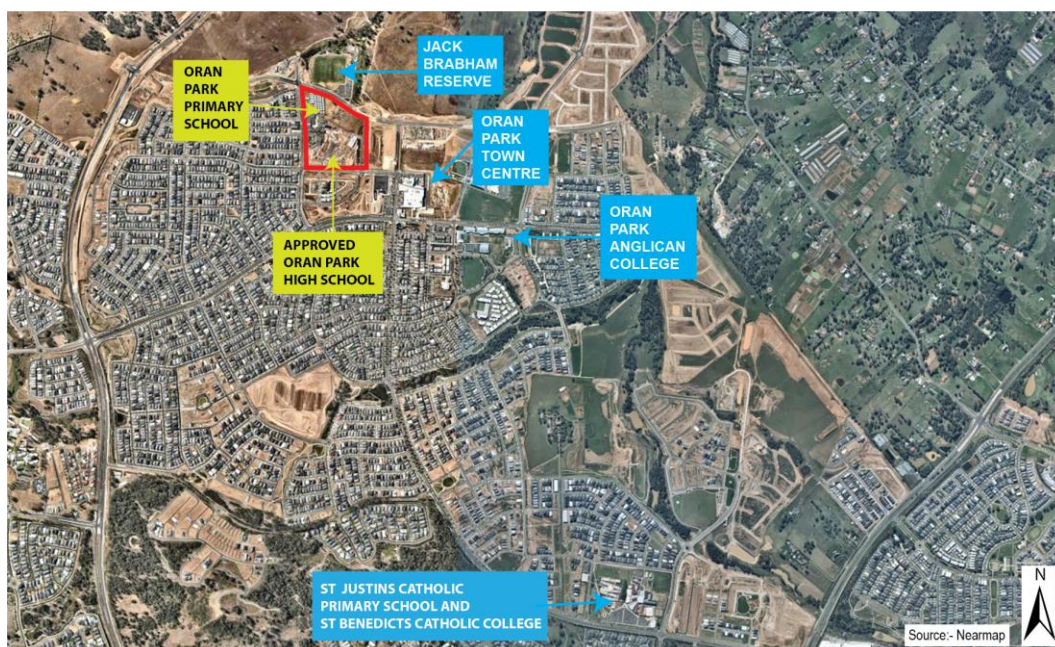


Figure 3 Surrounding Development

3 Proposed Modifications

3.1 Development History

On 14th December 2017, the Minister for Planning granted approval to SSDA 7968 for:

Construction of Oran Park High School and alterations and additions to Oran Park Primary School, comprising:

- Site preparation works, including bulk earthworks;
- Construction of a new high school for up to 2,000 students including:
 - Five multipurpose school buildings up to three storeys in height, a multipurpose gymnasium, external sports field and courts;
 - A new 80 space car park;
 - Landscaping works including construction of formal and informal learning area, playgrounds, amphitheatre, sensory gardens and security fencing;
 - A new vehicular access point off Holden Drive;
 - A new vehicular entry from South Circuit for service zone
- Expansion of Oran Park Public School for up to 1,000 students, including:
 - Additions to blocks PE, PF and PG;
 - 20 space expansion to existing on site car park;
- Provision of school crossing, kerb side pickup/drop off zone for 14 vehicles and new bus bay for a minimum of four buses to Holden Drive;
- Construction of associated infrastructure services including stormwater management and electricity substation; and
- School identification signage.

A review of the Development Consent SSDA7968 indicates that there is nothing which would prevent the proposed modification from proceeding.

3.2 Summary of Proposed Modifications

The proposed modifications can be summarised as follows:

- Amend the approved built form to allow for the installation of ten (10) air conditioning plant platforms with associated balustrades and screening on the roofs of buildings:
 - PE;
 - PF;
 - PG;
 - HB;
 - HD; and
 - HC;

The layout of the proposed air conditioning units is shown in the Architectural Plans at **Appendix 1. No changes to the approved building RLs are proposed.**

The proposed modifications will assist in facilitating the approved development and use of the site for a school, with no other development particulars affected by the proposal. The impacts associated with the modifications are considered negligible or minor at most.

The following subsections provide a more detailed description of the proposed modifications.

3 Proposed Modifications

3.3 Additional or Amended Supporting Documentation

3.3.1 Amended Architectural Plans

Perumal Pedavoli Architects has prepared amended Architectural Plans (**Appendix 1**) which detail the location, size and height of the new air conditioning plant, platforms, balustrading and screening. Amended plans include floor plans (detailing ground-mounted plant), roof plans (detailing roof-mounted plant), elevations, sections and shadow diagrams. All modifications or new notations are identified in red clouding.

3.3.2 Acoustic Report

Day Design has prepared an Air Conditioning Noise Assessment (**Appendix 2**) which provides a detailed assessment of the potential noise and vibration impacts of the new air conditioning plant.

3.3.3 Amended Design Analysis

Perumal Pedavoli Architects has also amended the Design Analysis Report which supported the original SSD DA. The Design Analysis Report has been updated where relevant to reflect the proposed modifications (**Appendix 3**). The updated Design Analysis Report has provided details of the proposal, including a height analysis, 3D visualisations and an updated assessment against the Design Quality Principles set out under *State Environmental Planning Policy Educational Establishments and Child Care Facilities 2017*.

3.3.4 Amended ESD Report

JHA Services has prepared an updated ESD Report (**Appendix 4**) which incorporates the proposed mechanical plant into the ESD strategy for the development.

3.4 Modifications to the Notice of Determination

3.4.1 Condition A2 – Development in Accordance with Plans and Documents

The proposed design modifications to include air conditioning to the learning spaces will require a modification to Condition A2 in Schedule 2 of the SSDA 7968 to refer to the amended Architectural Plans prepared by Perumal Pedavoli dated 3rd May 2019 (**Appendix 1**).

3.4.2 Condition B2 – Ecologically Sustainable Development

The proposed modifications to include air conditioning to the learning spaces have effected amendments to the ESD Report prepared by JHA and referenced under Condition B2. As the ESD Report and relating strategy has been amended, it is proposed to amend Condition B2 to refer to the updated report as follows:

Prior to commencement of works, the Applicant must submit details of the chosen ESD measures incorporated into the final design, as identified in the ESD Report prepared by JHA Services dated ~~22 December 2016~~ 28 May 2019. Details must be submitted to the satisfaction of the Certifying Authority.

3.4.3 Condition E8 – Noise Control

The proposed air conditioning plant has been assessed by Day Design in the Air Conditioning Noise Assessment (**Appendix 2**) which is complementary to (i.e. does not supersede) the Acoustic Assessment Report dated 14 September 2017 that supported the DA determination. Therefore it is necessary to include reference to this new report in Condition E8 as follows:

The noise monitoring must be carried out by an appropriately qualified person and a monitoring report must be submitted to the Secretary within six months of full occupation of the building to verify that operational noise levels do not exceed the recommended noise levels identified in Acoustic Assessment Report, prepared by Day Design Pty Ltd, dated 14 September 2017 or in Air Conditioning Noise Assessment, prepared by Day Design Pty Ltd, dated 6 May 2019.

4 Statutory Provisions

4.1 General

Section 4.55 of the EP&A Act contains the provisions that must be considered by a consent authority in determining an application to modify a Notice of Determination. In this regard, the relevant provision is section 4.55(1A) of the EP&A Act.

This application is lodged under section 4.55(1A) as the amendments proposed are considered to be minor in nature and have only minimal environmental impact.

In addition to the EP&A Act, clause 115 of the *Environmental Planning and Assessment Regulation 2000* (EP&A Regulation) contains the information that must be submitted with an application to modify a consent. The requirements under the EP&A Act and EP&A Regulation in the following subsections.

4.2 Section 4.55(1A) of the Act

Section 4.55(1A) of the Act applies to modifications where a minimal environmental impact may occur. Specifically, section 4.55(1A) provides that:

“A consent authority may, on application being made by the applicant or any other person entitled to act on a consent granted by the consent authority and subject to and in accordance with the regulations, modify the consent if:”

4.2.1 Minimal Environmental Impact (section 4.55(1A)(a))

“(a) It is satisfied that the proposed modification is of minimal environmental impact”.

The modified design of the development to add air conditioning plant on top of the approved building roofs reflects only a minor change to the original approval. The new plant equipment has been located in the centre of the roof to minimise visual impact and avoid any over-shadowing from occurring. Acoustic assessment concludes that the location and design of the proposed air conditioning plant will meet relevant noise criteria. Therefore, the proposed modification is of minimal environmental impact.

4.2.2 Substantially the Same Development (section 4.55(1A)(b))

“(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)”.

The proposed modification will not change the approved use, function or general appearance of the project but rather will enhance the learning environment of the site’s users. For these reasons the proposed modification is considered to be substantially the same development.

4.2.3 Notification (section 4.55(1A)(c))

“(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 modifications of a development consent”.*

Under the EP&A Act and the EP&A Regulations (cl117), the Minister is only required to exhibit the application with greater than minimal environmental impact or that are seeking to modify a consent that was granted by the Land & Environment Court.

However, the Department has the discretion to exhibit the application subject to consideration of the following factors:

- *the relevant statutory requirements*
- *the scale and nature of the proposed modifications*
- *the likely impacts of the modifications*
- *the likely level of community interest in the modifications.*

4 Statutory Provisions

4.2.4 Consideration of Submissions (section 4.55(1A)(d))

“(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”.

Should the Department notify the subject application in accordance with section 4.55(1A)(c), it must consider any submissions made during a notification period.

Subsections (1) and (2) of section 4.55 do not apply to the proposed modification. Subsection (3) is addressed in **Section 4.4** of this submission.

4.2.5 Matters for Consideration and Reasons for Granting Consent

Section 4.55(3) of the EP&A Act requires that such of the matters referred to in section 4.15(1) of the EP&A Act as are of relevance to the proposed modification must be taken into consideration in determining the application for modification.

The EIS prepared by DFP Planning dated April 2017 and submitted with the original application addressed the proposed development's level of compliance against the relevant planning instruments as follows:

- State Environmental Planning Policy (State and Regional Development) 2011
- State Environmental Planning Policy (Sydney Region Growth Centres) 2006
- State Environmental Planning Policy (Infrastructure) 2007
- State Environmental Planning Policy No.55 – Remediation of Land
- State Environmental Planning Policy No.64 – Advertising and Signage
- State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017
- Sydney REP No. 20 – Hawkesbury-Nepean River (No 2 – 1997)

The planning assessment undertaken by the DPE provided a comprehensive assessment of the relevant environmental impacts. In terms of the proposed modification works to provide air conditioning plant platform and balustrade, the assessment of the original application will remain generally unchanged. Further discussion in terms of relevant matters for consideration area included below in **Section 4.4**.

4.3 Clause 115 of the EP&A Regulation 2000

Subclause 115(1) of the Regulation details the information required to be submitted with an application to modify a Development Consent under section 4.55. These details are contained in this letter and the accompanying application form.

The following subsections provide an environmental assessment of the proposed modifications in respect of the relevant matters for consideration under section 4.15(1).

- Compliance with relevant planning policies and controls
- Height of Buildings
- Acoustic impact
- Visual Impact
- ESD Provisions

An assessment of these issues is provided in the following subsections.

4 Statutory Provisions

4.4 Planning Controls

The following subsections assess the proposal against the relevant provisions of applicable Environmental Planning Instruments (EPIs), Draft EPIs, Development Control Plans (DCPs), Planning Agreements and matters prescribed by the Regulation in accordance with section 4.15(1)(a) of the EP&A Act.

4.4.1 State Environmental Planning Policy (Sydney Region Growth Centres) 2006

The Site is subject to the provisions of the Growth Centres SEPP and particularly, the provisions of Appendix 1 - Oran Park and Turner Road Precinct Plan. **Table 1** provides a summary assessment of the proposed development against the relevant provisions of the Growth Centres SEPP.

Table 1 Assessment against Relevant Provisions of the Growth Centres SEPP

Provision	Assessment	Consistent
2.2-2.3 – Zoning, Permissibility and Land Use Objectives - R1 General Residential - R3 Medium Density Residential Zone	<p>The Site is predominantly zoned R1 General Residential with a strip of land approximately 40m wide along the eastern boundary zoned R3 Medium Density Residential (see Figure 5).</p> <p>Educational establishments and ancillary features such as air conditioning are permissible in both zones and the proposal is consistent with the relevant objectives of the zones, particularly as it will:</p> <ul style="list-style-type: none"> enable an educational land use to meet the day to day needs of residents; and support the wellbeing of the community, being an educational land use where there will be no significant adverse effect on the amenity of proposed or existing nearby residential development. 	Yes
4.3 – Height of Buildings 16m residential flat buildings 9.5m all other development	<p>The maximum height of the approved buildings (to the top-most RL of the roof) was 14.8m at Block HC and exceeded the maximum building height of 9.5m for “other buildings” by up to 5.3m. <u>No changes are proposed to the approved RLs of the building.</u></p> <p>The proposed new air conditioning units will further increase the maximum building height by 2.4m to a maximum of 17.2m at Block HD which will exceed the building height limited by up to 7.7m</p> <p>This is further discussed below.</p>	No (see discussion below)

Clause 4.3 – Height of Buildings

The development proposes new building work which will further increase the approved height of all buildings. It is noted that the 9.5m building height control applies to the site, pursuant to Clause 4.3 of the Growth Centres SEPP, and the approved of SSD 7968 granted a height non-compliance of 14.8m (being +5.3m above the building height development standard).

The new air conditioning platforms and balustrades will further increase the height of the buildings in some parts by 2.4m to a maximum of 17.2m above ground level (being +7.7m above the building height development standard).

Whilst this exceeds the maximum building height control of 9.5m we note that the areas where the breaches occur are only to part of the approved roof form and have been primarily set back from the edges to avoid visual impacts and overshadowing.

4 Statutory Provisions

Amended Architectural Plans (**Appendix 1**) and the Design Analysis Report (**Appendix 3**) show that the bulk and scale of the proposed air conditioning plant, platforms, balustrades and louvers are almost entirely undetectable from the public domain or from the adjoining residential properties, and there the plant will not result in increased overshadowing of neighbouring residential properties.

We conclude that the variation to the height of building control is acceptable for the following reasons:

- The plant has been centrally located on each roof to ensure the plant is mostly concealed and screened from viewed from the surrounding street network. The amended 3D visualisations confirm the minimal visual impact.
- The installation of the air conditioning is a new requirement for all schools in NSW and had not been designed into the original building design;
- Notwithstanding the non-compliance the proposed development will not adversely impact on the natural or built environment and therefore, the proposed modification is considered to be appropriate despite the breach of the height limit.

4.4.2 Oran Park Precinct Development Control Plan 2007

It is noted that Clause 11 of the State and Regional Development SEPP excludes the application of Development Control Plans to SSD DAs. Notwithstanding this, the proposed modifications are considered to comply with the relevant requirements of the Oran Park Precinct DCP 2007 where relevant.

The proposed air conditioning platforms and balustrades will result in an increase in height, but the overall built form will remain generally the same as approved. This is as a result of the new platforms being set in from the edge of the building roofs to reduce visual impacts and overshadowing.

4.5 Likely Impacts of the Development

The following subsections assess the likely impacts of the development in accordance with section 4.15(1)(b) of the EP&A Act.

4.5.1 Built Form and Height

Perumal Pedavoli Architects has located the proposed air conditioning platforms and balustrades in the least intrusive locations possible. Significant setbacks have been provided from the edge of the roof of each building to reduce any visual impact especially when viewed from the public domain.

The resultant built form promotes a strong frontage to South Circuit and Holden Drive and will have minimal amenity impact. The roof mounted plant has been located to avoid any acoustic impacts to the neighbours and improved comfort levels across the school campuses.

4.5.2 Solar Access

Perumal Pedavoli Architects has prepared shadow diagrams (**Appendix 1**) which confirm that the proposed modification to include the air conditioning plant to the approved 2-3 storey built form will not reduce the solar access of principal living areas and principal private open space areas of existing or future residential development to the south or west at the winter solstice.

4.5.3 Acoustic Impacts

Day Design has prepared an Air Conditioning Noise Assessment (**Appendix 2**) which confirms that the level of noise emitted from the air conditioning system will meet the acceptable noise level requirements of the EPA Noise Guide for Local Government.

In order to reduce the level of noise emission from the condenser roof top units, it is recommended that acoustic louvres be installed on three sides of Plant Deck HD (west). In

4 Statutory Provisions

addition, standard privacy louvres are recommended on all four sides of the following condenser units:

- Plant Deck HA;
- Plant Deck HB (facing South Circuit);
- Plant Deck HB (facing Podium Way);
- Plant Deck HC;
- Plant Deck HD East;
- Plant Deck PG; and
- Plant Deck PF.

The Acoustic Assessment Report concludes as follows:

“Measurements and calculations show that the level of noise emitted by the new buildings of Oran Park Primary and Secondary School will meet the acceptable noise level requirements of the EPA Noise Guide for Local Government as detailed in Section 4 of this report and will therefore be acceptable.”

These recommendations and measures have been incorporated into the final design documentation at **Appendix 1**.

4.5.4 Ecologically Sustainable Development

The inclusion of air conditioning within the learning spaces is designed to supplement the passive design elements already included in the buildings design. The system design complies with the objectives of the EFSG’s Design Guide 55 Cooling Policy and is approved by SINSW. This includes Section J NCC compliance as well as CO2 monitoring. The system also shuts down when the spaces are not occupied to conserve energy. The photo voltaic solar panels supplement the power supply to offset the increased energy use during the school day. An updated ESD Report has been prepared by JHA (**Appendix 4**).

4.6 Public Interest

In accordance with section 4.15(1)(e) of the EP&A Act, the proposed development is considered to be in the public interest as it:

- Will meet the current and future education demands for residents of Oran Park and the surrounds;
- Will provide high quality learning and teaching spaces with flexible layout arrangements and durable finishes ensuring the proposal operates as a long-life, high utility and low maintenance educational establishment;
- Has been designed in accordance with the visions, objectives and expectations of the community, the Department of Education and relevant experts;
- Incorporates appropriate design and urban design analysis to ensure the best design outcome is achieved for the Site, students and surrounds, including the use of a 2-3 storey built form;
- Will minimise the potential for environmental amenity impacts through both the construction and operational phases;
- Will incorporate ESD initiatives which are equivalent to a Green Star – Education v1 Design & As Built 4 Star rating, which is considered to be best practice within the Australian building industry; and
- Achieves appropriate environmental performance outcomes in relation to acoustic amenity.

5 Conclusion

This report accompanies an application under section 4.55(1A) of the EP&A Act to modify Condition A2 in Schedule 2 of Development Consent No. SSDA 7968 (as modified).

In accordance with Section 4.55(1A) the proposed modifications will have minimal environmental impact and result in development that is substantially the same as the originally approved development.

The modification seeks to facilitate amendments that improve the functionality of the approved educational establishment by installing air conditioning across the campus. The proposed modifications will not alter the environmental impacts assessed and approved for the land and will not give rise to any additional adverse amenity impacts.

In view of the above, it is recommended that the existing consent be modified to reflect the changes outlined on the submitted plans and modifications to conditions of consent as described in this report and detailed in the accompanying architectural drawings