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15 December 2020

The Secretary
Department of Planning, Industry & Environment
4 Parramatta Square, 12 Darcy Street,
Parramatta NSW 2150

Attention: Karen Harragon

Dear Karen,

SECTION 4.55(1A) APPLICATION TO AMEND SSD 8114 | LINDFIELD LEARNING VILLAGE

1. INTRODUCTION

This letter has been prepared for NSW Department of Education (DoE) and School Infrastructure NSW (SINSW) (**the Applicant**) pursuant to Section 4.55(1A) of the *Environmental Planning and Assessment Act 1979 (EP&A Act)*. This application seeks to modify State Significant Development SSD 8114 for Lindfield Learning Village.

This application seeks to modify Condition A2 of SSD 8114 to amend the approved landscape plans for Phase 2 and 3. The landscape changes will improve the safety, accessibility, and overall design of the development.

The application has been prepared in accordance with the EP&A Act and *Environmental Planning and Assessment Regulations 2000 (the Regulations)*. The proposal is the subject of a Section 4.55(1A) modification because the amendments will result in a scheme that is substantially the same as that originally approved and will have minimal environmental impact.

The proposed changes to the landscape plans do not result the removal of any additional trees on site and will not result in changes to the approved Bushfire Hazard Assessment and Bushfire Emergency Management and Evacuation Plan.

This letter is accompanied by the following documentation:

- Amended Landscape Plans prepared by NBRS Architecture (**Appendix A**);
- A statement prepared by Birzulis Associates regarding compliance with civil and stormwater compliance of the proposed changes (**Appendix B**); and
- Heritage Impact Statement prepared by Urbis (**Appendix C**).

2. CONSENT BACKGROUND

2.1. SSD 8114 – LINDFIELD LEARNING VILLAGE

On 24 October 2018, the Minister for Planning and Public Spaces granted partial consent to SSD 8114 for Phase 1 construction and operation of a new school for 350 students (Lindfield Learning Village).

The partial consent comprised the following works:

Phase 1 construction and operation of a new school for 350 students, (Lindfield Learning Village), comprising:

- adaptive re-use of part of the existing building to construction one home-base for 350 students;
- construction of all administrative and technical spaces to support a full primary and secondary curriculum for 350 students;
- construction of a fire trail for bushfire management purposes;
- traffic and transport infrastructure; and
- tree removal to establish a 100 metre Asset Protection Zone around the home-base on the site.

On 12 November 2020, the Minister for Planning and Public Spaces granted consent for Phases 2 and 3 of the development, comprising:

Phase 2(a):

- Minor internal works within the approved Phase 1 area to accommodate an additional 35 students.

Phase 2(b):

- Works to accommodate 1,050 students (including the approved 350).
- Repurposing of the Phase 1 area.
- A loop road around the southern portion of the site for emergency vehicles, buses and drop off and pick up vehicles.

Phase 3:

- Works to accommodate an additional 950 students in the western wing of the building.

On 15 January 2020, the NSW Department of Planning, Industry and Environment (DPIE) as delegate of the Minister approved SSD 8114 MOD 1 to modify the consent to allow accommodation of 35 additional students approved within the Phase 1 area for a period of 24 months.

3. THE SITE AND CONTEXT

The site is known as 100 Eton Road, Lindfield and the site boundary encompasses Lots 2 and 4 in DP1151638. The former UTS Ku-ring-gai Campus occupies the site and has been partial refurbished to accommodate the Lindfield Learning Village. The building consists of a single concrete structure and has six storeys with basement and rooftop plant rooms.

Vehicular and pedestrian access to the campus is available via Eton Road, with rows of car parking located to the east of the existing building reflecting the topography of the site.

The context of the site is characterised by the following:

- Surrounding the site to the **east, west** and **south** is native vegetation associated with the Lane Cove National Park. The Blue Gum Creek is also located to the **south** of the subject site.
- The site is surrounded to the **north-west** and **north-east** by Edgelea, a medium density residential development recently constructed on the balance of the former UTS Ku-ring-gai campus by Defence Housing.
- The **north-eastern** residential building is four storeys in height and is nestled into the slope of the hillside. The **north-western** residential building is five storeys in height, with vehicle access provided from Eton Road and Dunstan Grove.
- Land further **north** includes the Charles Bean sports field, recently demolished Screen Australia complex and an established low-density residential environment.

4. PROPOSED MODIFICATION

4.1. MINOR LANDSCAPE PLAN AMENDMENTS

This Section 4.55(1A) application proposes to modify the approved landscape plans. The modified plans prepared by NBRS are attached at Appendix A. The changes are summarised below:

Deleted Items:

- Board walk and look out are deleted due to clashes with trees and difficult site levels and conditions.
- Trampoline, climbing net and required structure are deleted due to safety concerns and proposed demolition and impact on existing heritage rock.
- Rock climbing and staircases are deleted due to safety concerns and damage to existing rock.
- Line marking for handball courts etc on road are deleted due to safety cautions.
- Drinking fountain not located on DesignInc plan but noted in schedule. Bubbler and bottle fillers are in Building N providing drinking water access.
- Ramp like structure and additional pavement around Building M deleted due to buildability and lack of contribution to the design.
- Ramp to toilet block in Building N deleted DDA access not required in this location and ramp clashed with existing services.
- Sandstone seating logs have been deleted due to impractical locations and arrangements.

- Sandstone log retaining walls have been deleted in the existing carpark area due to earth retention not being required.

Access Revisions

- Major curved ramp in lower landscaped area near Building M was removed and replaced with a double set of stairs. This provided a BCA compliant solution.
- Ramp at Building M near existing external staircase was added to provide DDA access point to southern landscape area.
- Eastern staircase connecting to existing carpark has been replaced with a new BCA complaint design requiring sandstone log retaining walls for a short section.

Hardscape Revisions

- Coloured concrete is replaced with an oxide colouring applied to concrete pavement.
- Amphitheatre relocated and modified to suit site conditions and avoid clash with existing trees.
- Sandstone log retaining walls have been rearranged and graded in order to match site conditions. Sandstone log walls have been rationalised when retention could be substituted with a landscaped batter.
- Walkways and an additional ramp have been amended to the lower path network in order to provide DDA/BCA compliant accessibility.

Softworks Revisions

- Swales have been relocated or deleted to suit site conditions.
- Planting densities have been rationalised to 5 plants/per m2.
- Plant species have been replaced with alternate species due to toxicity and site suitability issues.

Structures and Elements Revisions

- Shade structures have been developed and resolved by design and construct fabricator TILT.
- Playground equipment has been relocated to suit site conditions. Items reflect quantities noted in Design Inc Schedules. Two play equipment items have been re-located in order to have DDA accessibility.
- Vegetable gardens have been relocated to a more practical location within a closer proximity to the rainwater tank.
- Timber Bridges have been relocated into footpaths to allow swales to continue beneath.
- Turfed areas next to COLA converted to planting due existing rocky conditions.

Fence Lines and Gate Revisions

- Southern fence line has been re-located away from the cliff edge.
- Vehicle gates have been relocated 6m from road intersection, preventing cars parking across road when opening gate.

- Sliding gates located under COLA to provide more space for drop off zone and remove odd spaces between COLA supports and fence.

The application will not result in any changes to the building form, envelopes, gross floor area, building heights or the civil and stormwater design (see **Appendix B**). Furthermore, the proposed changes to the approved development are of minor environmental impact.

4.2. PROPOSED AMENDMENTS TO CONDITIONS OF CONSENT

The proposed modifications to Condition A2 of the consent are shown by a strike through the ~~deleted text~~ and **red text** for new text. To ensure consistency is maintained, the approved landscape set of plans are proposed to be completely replaced by a new set that incorporates the proposed design amendments and changes.

Terms of Consent

A2. The development may only be carried out... (d) in accordance with the approved plans in the table below:

Architectural Plans and Landscape Plans prepared by DesignInc Lacoste + Stevenson bmc2			
Dwg No.	Rev	Name of Plan	Date
...
LA-2-0005	G	LANDSCAPE ANALYSIS	25/08/2020
LA-2-0006	H	LANDSCAPE MASTER PLAN	25/08/2020
LA-2-0007	B	LANDSCAPE MASTER PLAN	25/08/2020
LA-2-0008	G	CIRCULATION DIAGRAM	25/08/2020
LA-2-0009	H	WSUD DIAGRAM	25/08/2020
LA-2-0010	G	LANDSCAPE BLOW UP PLAN 1	25/08/2020
LA-2-0011	G	LANDSCAPE BLOW UP PLAN 2	25/08/2020
LA-2-0012	G	LANDSCAPE BLOW UP PLAN 3	17/04/2020
LA-2-0013	G	LANDSCAPE BLOW UP PLAN 4	17/04/2020
LA-2-0014	G	LANDSCAPE BLOW UP PLAN 5	17/04/2020
LA-2-0015	G	LANDSCAPE BLOW UP PLAN 6	25/08/2020
LA-2-0016	G	LANDSCAPE BLOW UP PLAN 7 — PARKOUR TRAIL	25/08/2020
LA-2-0017	G	LANDSCAPE BLOW UP PLAN 8	25/08/2020
LA-2-0018	E	SHELTER DIAGRAM	22/07/2019
LA-2-1000	G	SECURITY FENCE MASTER PLAN	28/04/2020
LA-2-1001	G	SECURITY FENCE PLAN 1	17/04/2020
LA-2-1002	F	SECURITY FENCE PLAN 2	04/12/2020
LA-2-1003	G	SECURITY FENCE PLAN 3	28/07/2020
LA-2-1004	G	SECURITY FENCE PLAN 4	17/04/2020
LA-2-1005	G	SECURITY FENCE PLAN 5	28/04/2020
LA-2-2000	E	LANDSCAPE DETAILS	21/04/2020
LA-2-3000	E	PLANTING PALLETTE	21/04/2020
LA-2-4001	A	TREE LOCATION PLAN 1	25/08/2020
LA-2-4002	A	TREE LOCATION PLAN 2	25/08/2020

Replace the above drawing references with the below:

Architectural Plans and Landscape Plans prepared by DesignInc Lacoste + Stevenson bmc2			
Dwg No.	Rev	Name of Plan	Date
...
LA-2-0005	H	LANDSCAPE ANALYSIS	04/12/2020
LA-2-0006	I	LANDSCAPE MASTER PLAN SOUTH	04/12/2020
LA-2-0007	D	LANDSCAPE MASTER PLAN EAST	09/12/2020
LA-2-0008	H	CIRCULATION DIAGRAM	04/12/2020
LA-2-0009	I	WSUD DIAGRAM	04/12/2020
LA-2-0010	H	LANDSCAPE BLOW UP PLAN 1	04/12/2020
LA-2-0011	H	LANDSCAPE BLOW UP PLAN 2	04/12/2020
LA-2-0012	H	LANDSCAPE BLOW UP PLAN 3	04/12/2020
LA-2-0013	H	LANDSCAPE BLOW UP PLAN 4	04/12/2020
LA-2-0014	H	LANDSCAPE BLOW UP PLAN 5	04/12/2020
LA-2-0015	H	LANDSCAPE BLOW UP PLAN 6	04/12/2020
LA-2-0016	H	LANDSCAPE BLOW UP PLAN 7 – PARKOUR TRAIL	04/12/2020
LA-2-0017	H	LANDSCAPE BLOW UP PLAN 8	04/12/2020
LA-2-0018	F	SHELTER DIAGRAM	04/12/2020
LA-2-1000	H	SECURITY FENCE MASTER PLAN	04/12/2020
LA-2-1001	H	SECURITY FENCE PLAN 1	04/12/2020
LA-2-1002	G	SECURITY FENCE PLAN 2	04/12/2020
LA-2-1003	H	SECURITY FENCE PLAN 3	04/12/2020
LA-2-1004	H	SECURITY FENCE PLAN 4	04/12/2020
LA-2-1005	H	SECURITY FENCE PLAN 5	04/12/2020
LA-2-2000	F	LANDSCAPE DETAILS	04/12/2020
LA-2-3000	F	PLANTING PALLETTE	04/12/2020
LA-2-4001	B	TREE LOCATION PLAN 1	04/12/2020
LA-2-4002	C	TREE LOCATION PLAN 2	09/12/2020

4.3. REASONS FOR THE MODIFICATION

The minor landscape changes are a result of ongoing design development, stakeholder engagement and buildability inputs. In particular, the landscape changes will provide improved safety, access and amenity for students while retaining the design intent of the approved development.

5. SECTION 4.55 (1A) ASSESSMENT

The proposed modifications have been assessed in accordance with section 4.55(1A) of the EP&A Act in the following sections of this correspondence.

5.1. MINIMAL ENVIRONMENTAL IMPACT

The proposed modification involves minor changes to SSD8814 related to the deletion or reconfiguration of existing landscape elements, removal of landscape elements and the rationalising of key landscape elements. The proposed modification will have minimal environmental impact for the reasons listed below:

- Upon review of the modification documentation, Birzulis Associates in **Appendix B** have confirmed that the proposed changes to landscaping are *“consistent with the civil schematic drawings and civil intent”* covering both civil and stormwater components
- As detailed in the Heritage Impact Statement provided by Urbis at **Appendix C**, all deleted elements and none of the proposed material or layout changes having any heritage impact. Furthermore, the relocation of the amphitheatre is strongly supported to ensure there are no impacts on existing trees. *“The works proposed for the modification are supported from a heritage perspective.”*
- The proposed modification does not involve any additional tree removal or changes to the approved bushfire strategy.

The proposed works either remove or reconfigure elements of the proposed landscaping, all of which have minimal environmental impact. Based on the above, the proposed modifications can be assessed in accordance with section 4.55(1A) of the EP&A Act.

5.2. SUBSTANTIALLY THE SAME DEVELOPMENT

The development as modified will remain substantially the same development as that approved in SSD 8114 as there are no changes to:

- The built form or scale of the approved development;
- Removal of trees;
- Bushfire management and evacuation strategy; and
- Approved building envelope.

Accordingly, the proposed modification can be assessed as a modification to the original development in accordance with section 4.55 of the EP&A Act.

6. SECTION 4.15 ASSESSMENT

The application has been assessed in accordance with the relevant matters for consideration listed in Section 4.15 of the EP&A Act.

6.1. ENVIRONMENTAL PLANNING INSTRUMENTS

The proposed modifications have been assessed in accordance with the relevant State and local environmental planning instruments, including:

- *State Environmental Planning Policy (State and Regional Development) 2011;*
- *State Environmental Planning Policy (Infrastructure) 2007;*

- *State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017;*
- *Rural Fires Act 1997;*
- *Heritage Act 1977;*
- *Threatened Species Act 1995; and*
- *Ku-Ring-Gai Local Environmental Plan 2015.*

A comprehensive assessment of the project against the above instruments was undertaken as part of the original assessment under SSD_8114.

The proposed modification is not considered to result in any changes to compliance with the relevant objectives and controls contained in the relevant environmental planning instruments.

6.1.1. State Environmental planning policy (State and Regional Development) 2011

State Environmental Planning Policy (State and Regional Development) 2011 (SRD SEPP) identifies development types that are of state significance, or infrastructure types that are of state or critical significance.

The Secretary's Environmental Assessment Requirements (SEARs) for the Lindfield Learning Village were issued on 8 June 2017. In this respect, there are no material or substantial changes sought which would warrant SEARs being re-issued for this Modification Application as the works are minor in nature.

6.1.2. State Environmental planning Policy (Infrastructure) 2007

At the time of lodgement of the original SSD application, schools were legislated under *State Environmental Planning Policy (Infrastructure) 2007* (ISEPP). The school was permitted with consent under the ISEPP. As this is a modification to the SSD and not a new application, the proposal remains permissible with consent.

6.1.3. State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017

State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017 (ESEPP) now supersedes the education establishment provisions contained in the ISEPP.

Phase 1 has been constructed and the school opened Day 1 Term 1 2019. The ESEPP has no relevant provisions for the proposed modification.

6.1.4. Other NSW Legislation

Table 1 – Assessment of NSW Legislation

Consideration	Response	Satisfied
<i>Rural Fires Act 1997</i>	The site is identified as bushfire prone land on the Ku-Ring-Gai LGA Bush Fire Prone Land Map.	Yes

Consideration	Response	Satisfied
	<p>The proposed works as part of this modification do not affect any aspect of the approved bushfire hazard assessment or emergency management.</p> <p>Consultation with RFS has been ongoing throughout the life of the development.</p>	
<i>Heritage Act 1977</i>	<p>The site is identified as an item of local heritage significance.</p> <p>As confirmed in the Heritage Impact Statement by Urbis (See Appendix C), the proposed landscape elements, the focus of this modification, “<i>are supported from a heritage perspective.</i>”</p> <p>Moreover, the relocation of the amphitheatre to ensure there is no impact on existing trees is strongly supported in regard to minimising heritage impact.</p>	Yes
<i>Threatened Species Act 1995</i>	The modification does not require the removal of any trees.	Yes

6.1.5. Ku-Ring-Gai Local Environmental Plan 2015

Ku-Ring-Gai Local Environmental Plan 2015 (KLEP 2015) is the principal environmental planning instrument governing development at the site. The proposal continues to comply with the objective of the SP2 Infrastructure zone and is compliant with other relevant controls. It is noted that there is no maximum Height of Building or Floor Space Ratio for the site.

6.2. DRAFT ENVIRONMENTAL PLANNING INSTRUMENTS

No Draft Environmental Planning Instruments are relevant to this proposal.

6.3. DEVELOPMENT CONTROL PLAN

Ku-Ring-Gai Development Control Plan 2015 (KDCP) provides detailed controls for specific development types and locations. While the site remains compliant, under Clause 11 of the State and Regional Development SEPP, Development Control Plans do not apply to state significant development.

6.4. PLANNING AGREEMENT

No planning agreements are relevant to this proposal.

6.5. REGULATIONS

The application has been prepared in accordance with the relevant provisions of the *Environmental Planning and Assessment Regulation 2000*.

6.6. LIKELY IMPACTS OF THE PROPOSAL

The proposed modifications have been assessed considering the potential environmental, economic and social impacts as outlined below:

- Natural Environment: The changes to the landscape plans do not diverge from the approved plans in regard to impacts to the natural environment. No trees will be removed as a result of this modification.
- Built Environment: No additional built environment elements are proposed for SSDA as part of this modification. The extent of the modification related to relocation or removal of such elements, all compliant with the civil and stormwater components as outlined by Birzulis Associates (See **Appendix C**).
- Social: The majority of changes made as part of this modification are in service of the betterment of the students, creating a safer environment to improve the schooling experience on offer at the Lindfield Learning Village. There are no negative impacts resulting from the modification to SSD 8114.
- Economic: There are no changes to the economic impacts of the site that were not present during the original approval of SSD 8114 as a result of the proposed development application.

A summary of all environmental impacts is provided in Section 5.1 of this letter.

6.7. SUITABILITY OF THE SITE

The site has historically been used for education purposes and will enable the continued provision of educational programs at the Lindfield Learning Village, consistent with the zone objectives of the KLEP and the ESEPP. Furthermore, the changes proposed are being made in service to the safety and buildability of the site.

6.8. SUBMISSIONS

It is acknowledged that submissions arising from the public notification of this application will need to be assessed by Council.

6.9. PUBLIC INTEREST

The approved development was deemed to be in the public interest. The modification is consistent with the approval and therefore remains in the public interest.

7. CONCLUSION

The proposed modification seeks minor changes to the approved SSD 8114 as the safety and utility of the site, and its future direction is paramount to its success.

The modification has been assessed in accordance with section 4.55(1a) and section 4.15 of the EP&A Act and are considered appropriate as summarised below:

- The proposal is of minimal environmental impact.
- The proposal is substantially the same development.
- The proposal satisfies the applicable planning controls and policies.
- The social and economic impacts are acceptable.
- The proposal remains suitable for the site.
- The proposal is in the public interest: the proposal is in the public interest.

Having considered all relevant matters, we conclude that the proposed modification is appropriate for the site and approval is recommended, subject to appropriate conditions of consent.

Please do not hesitate to contact me should you wish to discuss our application in greater detail.

Yours sincerely,

A handwritten signature in blue ink, reading "Alaine Roff". The signature is written in a cursive, flowing style.

Alaine Roff
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