



# Lindfield Learning Village Modification 2

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State Significant Development Modification Assessment  
(SSD 8114 MOD 2)

March 2021

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Title: Lindfield Learning Village Modification 2

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# Glossary

Abbreviation	Definition
<b>BCA</b>	Building Code of Australia
<b>COLA</b>	Covered outdoor learning area
<b>CMP</b>	Conservation Management Plan
<b>Council</b>	Ku-ring-gai Council
<b>DDA</b>	<i>Disability Discrimination Act 1995</i>
<b>Department</b>	Department of Planning, Industry and Environment
<b>EIS</b>	Environmental Impact Statement
<b>EP&amp;A Act</b>	<i>Environmental Planning and Assessment Act 1979</i>
<b>EP&amp;A Regulation</b>	Environmental Planning and Assessment Regulation 2000
<b>Heritage NSW</b>	Heritage NSW, Department of Premier and Cabinet
<b>KLEP</b>	Ku-ring-gai Local Environmental Plan
<b>LGA</b>	Local Government Area
<b>Minister</b>	Minister for Planning and Public Spaces
<b>NSW RFS</b>	NSW Rural Fire Service
<b>Planning Secretary</b>	Secretary of the Department of Planning, Industry and Environment
<b>SSD</b>	State Significant Development

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# 1 Introduction

This report provides the NSW Department of Planning, Industry and Environment's (the Department) assessment of an application to modify the State Significant Development (SSD) consent for Lindfield Learning Village (SSD 8114). The application was lodged on 28 January 2021 by NSW Department of Education (the Applicant) pursuant to section 4.55(1A) of the Environmental Planning and Assessment Act 1979 (EP&A Act). The modification application (SSD 8114 MOD 2) seeks approval to amend the landscaping plans for the site.

## 1.1 Background

The subject site is located approximately 13 kilometres (km) north-west of the Sydney central business district in the Ku-ring-gai Local Government Area (LGA) (**Figure 1**). The site is located approximately 2km west of Lindfield and Roseville railway stations and 4km north-west of Chatswood railway station. The Epping to Chatswood metro line passes under the western boundary of the site at a minimum depth of 25 metres (m) below ground level.

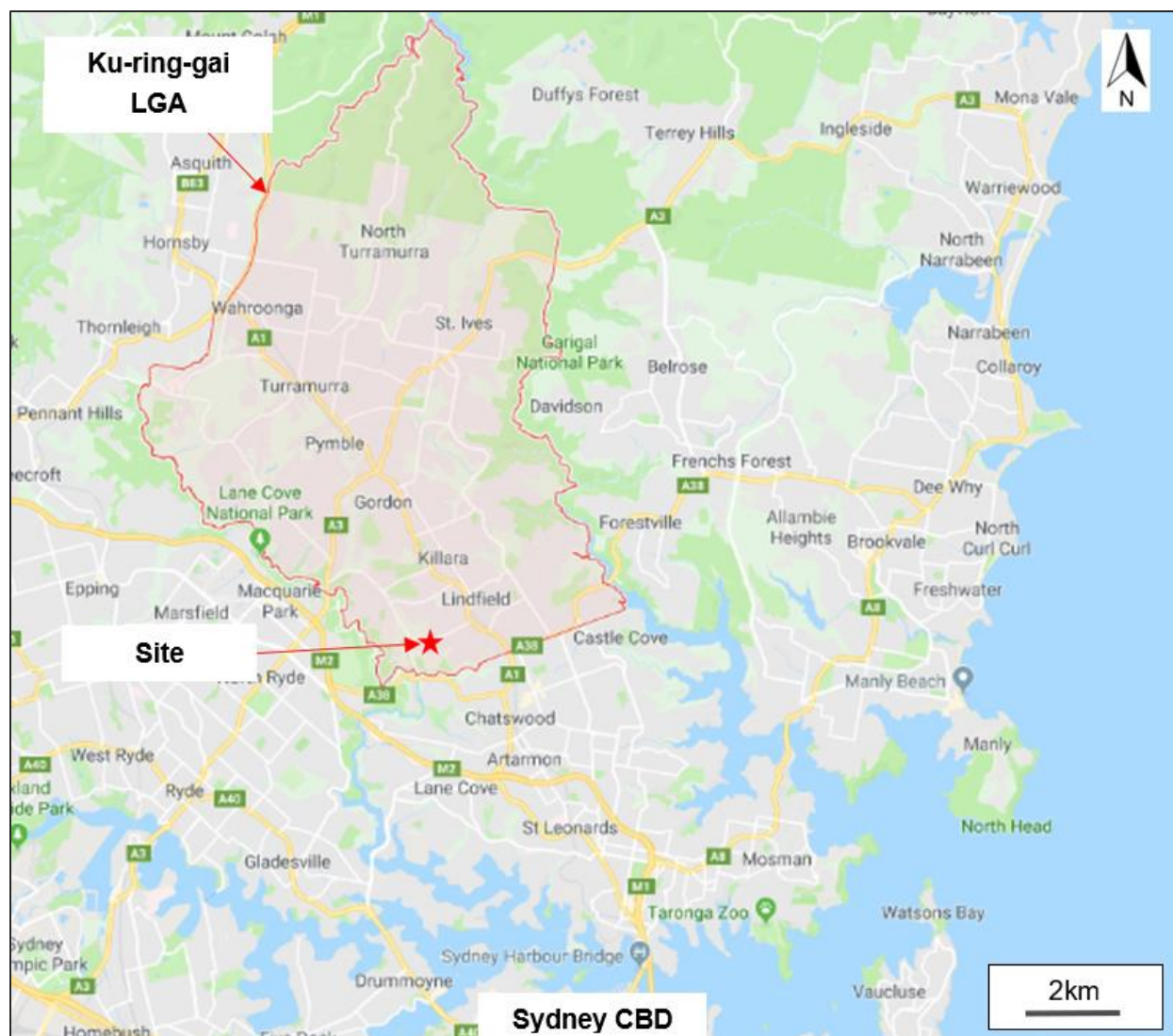


Figure 1 | Regional/Local context map (Source: Google Maps 2021)

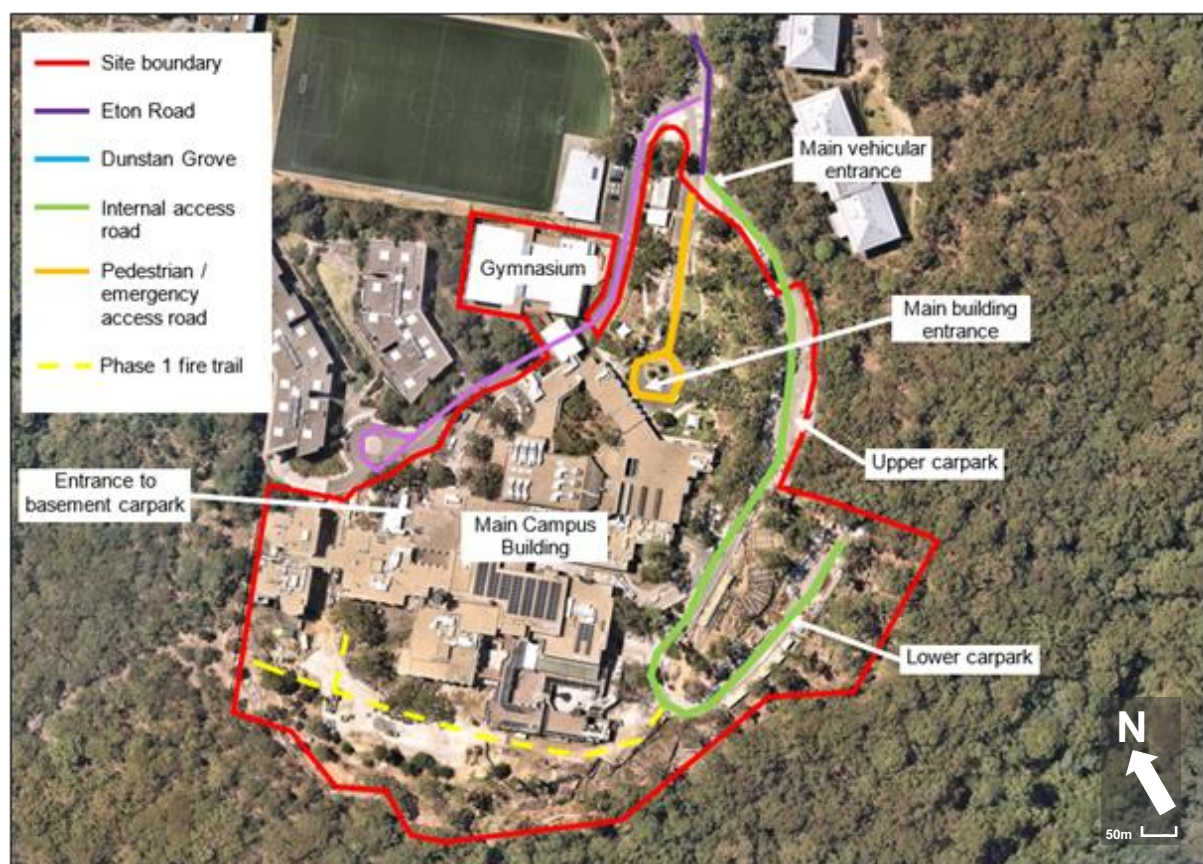


The subject site comprises two lots, legally described as Lots 2 and 4 DP1151638 and is commonly known as 100 Eton Road, Lindfield.

The Lane Cove National Park adjoins the site to the east, west and south and Blue Gum Creek is located to the south of the site. Medium density residential uses immediately adjoin the site to the north-east and north-west. The buildings on the north-eastern side are four-storeys in height. However, these are situated lower than the site as a result of the topography of the area.

The buildings to the north-west are five-storeys high and share vehicular access with the site via Eton Road and Dunstan Grove. The broader area to the north is characterised by low density residential development primarily comprising one and two storey dwelling houses, with bushland part of Lane Cove National Park to the east, south and west.

The site accommodates two existing buildings connected by a footbridge, being the former gymnasium building and the main campus building (**Figure 2**).



**Figure 2 | Aerial view of the site (Source: Nearmap 2021)**

The topography of the site is steep with a fall of 6m from north to east and 9m from north to south. The ground is characterised by sandstone outcrops with various level changes and steep-sided gullies that slope to the west, east and south at slopes greater than 15 degrees.

The site, including the main campus building, the gymnasium and footbridge connecting the two buildings over Dunstan Grove, form a locally listed heritage item under the Ku-ring-gai Local Environmental Plan 2015 (KLEP 2015). The main campus building is an example of Brutalist style of architecture, characterised by exposed poured concrete and brickwork within a rigid geometric style.

Vehicular and pedestrian access provided is available from Eton Road and Dunstan Grove. The landscaped areas of the site comprise remnant vegetation, intercepted by modified areas with cleared understorey vegetation and ornamental planting. There are also some large stands of Flooded Gum (*Eucalyptus grandis*) in close proximity to the main campus building. A number of threatened flora species occur close to the site within the Lane Cove National Park. The site is located on bush fire prone land.

## 1.2 Approval history

On 24 October 2018, the Executive Director, Priority Projects Assessments approved Phase 1 of the development in a partial development consent granted under section 4.38 and 4.16(4)(c) the EP&A Act. The partial consent was granted due to site constraints and outstanding bushfire issues that required resolution before further consideration of Phase 2 and 3.

At the time of assessment, the Applicant proposed this alternative approach involving the partial approval pathway for Phase 1 to deliver a school of 450 students for the commencement of Term 1, 2019. Under this approach, consideration of Phase 2 and 3 would be deferred and subsequently considered at a later date and would be subject to the submission of further documentation which addresses the issues.

Following the submission of the relevant Phase 2 and 3 documentation and subsequent assessment of these issues, on 12 November 2020, the Minister of Planning and Public Spaces granted consent under section 4.38 of the EP&A Act for Phase 2 and 3 of the development as follows:

- adaptive reuse of existing buildings to cater for up to 2000 students.
- alterations and additions to the existing buildings, including construction of a covered outdoor learning area (COLA) and external egress staircase.
- access arrangements, including provision of drop-off/pick-up and turnaround facilities for vehicles and buses.
- construction of a fire trail for bush fire management purposes.
- tree removal and provision of open play space areas and other associated landscaping works.
- associated infrastructure works.

The Phase 1 partial development consent has been modified on one previous occasion and a concurrent modification application (SSD 8114 MOD 3) is also being assessed to that consent. These are detailed in **Table 1**.

**Table 1 | Summary of Modifications**

Mod No.	Summary of Modifications	Approval Authority	Type	Approval Date
<b>MOD 1</b>	Modify the consent to allow the accommodation of 35 additional students within the approved Phase 1 area for a period of two years.	Director	4.55(1A)	15 January 2020
<b>MOD 3</b>	Modify the consent to remove and amend operational conditions of consent relating to Phase 1 of the development.	Director	4.55(1A)	Under assessment

## 2 Proposed modification

The application seeks to modify the Phase 2 and 3 consent to incorporate changes to the proposed landscaping design. These amendments reflect the outcome of various internal and external stakeholder consultation in addition to removing design elements that pose potential safety risks to students and users on site.

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

A summary of the modifications is shown in **Table 2**.

**Table 2 |** Summary of proposed modification works

Item	Description
<b>Removed design elements</b>	<ul style="list-style-type: none"><li>• Delete boardwalk and lookout due to encroachment onto trees and difficult site levels/conditions.</li><li>• Delete trampoline, climbing net and associated structure due to safety concerns and proposed demolition and impact on existing heritage rock.</li><li>• Delete rock climbing and staircases due to safety concerns and damage to existing rock.</li><li>• Delete line marking for handball courts on road due to safety concerns.</li><li>• Delete drinking fountains, bubbler and bottle fillers as sufficient provisions in Building N provide drinking water access.</li><li>• Delete ramp like structure and additional pavement around Building M due to buildability and lack of contribution to the design.</li><li>• Delete ramp to toilet block in Building N as <i>Disability Discrimination Act 1995</i> (DDA) access is not required in this location and ramp clashes with existing services.</li><li>• Delete sandstone seating logs due to impractical locations and arrangements.</li><li>• Delete sandstone log retaining walls in the existing carpark area due to earth retention not being required.</li></ul>
<b>Access revisions</b>	<ul style="list-style-type: none"><li>• Major curved ramp in lower landscaped area near Building M removed and replaced with Building Code of Australia (BCA) compliant double set of stairs.</li><li>• Ramp at Building M near existing external staircase added to provide DDA access point to southern landscape area.</li></ul>



- Eastern staircase connecting to existing carpark replaced with new BCA compliant design requiring sandstone log retaining walls for a short section.

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#### **Hardscape revisions**

- Replace coloured concrete with an oxide colouring applied to concrete pavement.
- Relocate and modify amphitheatre to suite site conditions and avoid clash with existing trees.
- Rearrange and grade sandstone log retaining walls to match site conditions. Sandstone log walls have been rationalised where retention could be substituted with a landscaped batter.
- Amend walkways and additional ramp to the lower path network in order to provide DDA/BCA compliant accessibility.

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#### **Softworks revisions**

- Relocate or delete swales to suit site conditions.
- Rationalise planting densities to five plants per sqm.
- Replace plant species with alternate species due to toxicity and site suitability issues.

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#### **Structures and elements revisions**

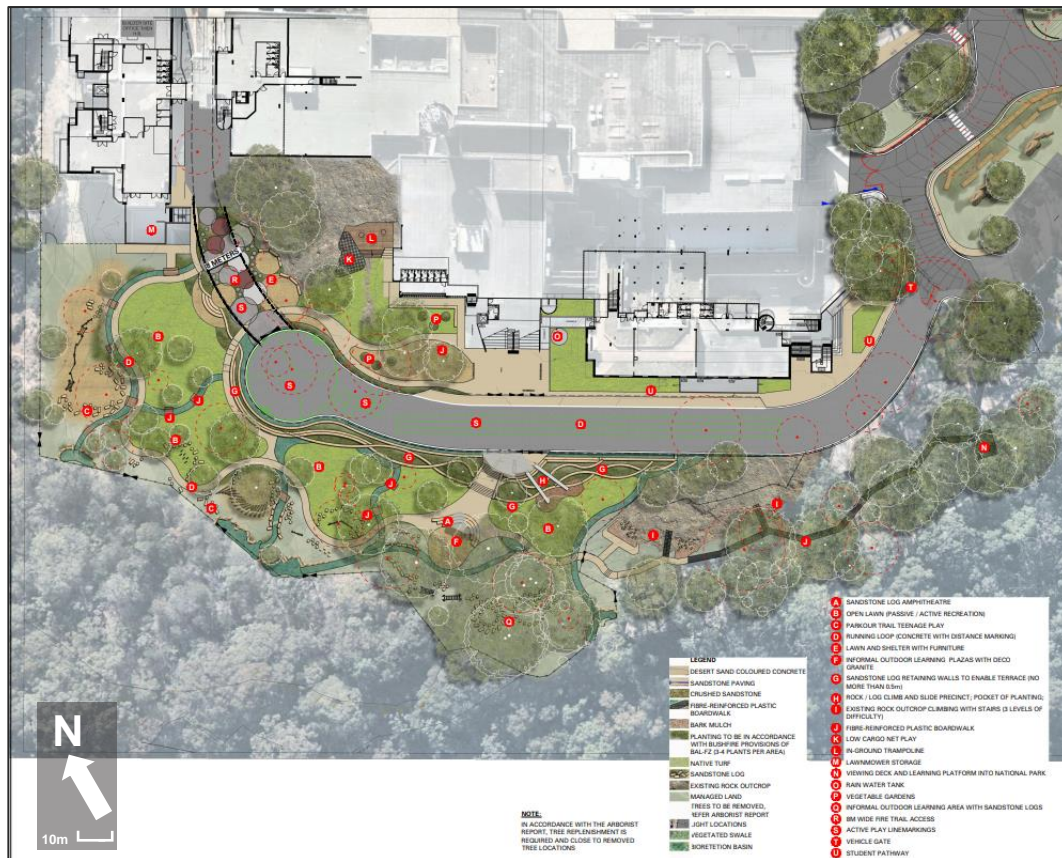
- Shade structures have been developed and resolved.
- Relocate playground equipment to suit site conditions. Items reflect quantities noted in original design schedules.
- Relocate two play equipment items in order to have DDA accessibility.
- Relocate vegetable gardens in closer proximity to the rainwater tank.
- Relocate timber bridges into footpaths to allow swales to continue beneath.
- Convert turfed areas next to COLA to planting, due to existing rocky conditions.

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#### **Fence lines and gate revisions**

- Relocate southern fence line away from the cliff edge.
  - Relocate vehicle gates six metres from road intersection, preventing cars parking across road when opening gate.
  - Sliding gates located under COLA to provide more space for drop-off/pick-up zone and remove odd spaces between COLA supports and fence.
- 

The existing approved plans and proposed modified plans are shown in **Figures 3 to 6**.



**Figure 3 | Approved Landscape design Part 1 (Source: Stamped Plans 2020)**



**Figure 4 | Modified landscape design Part 1 (Source: Applicant's Modification Report 2021)**



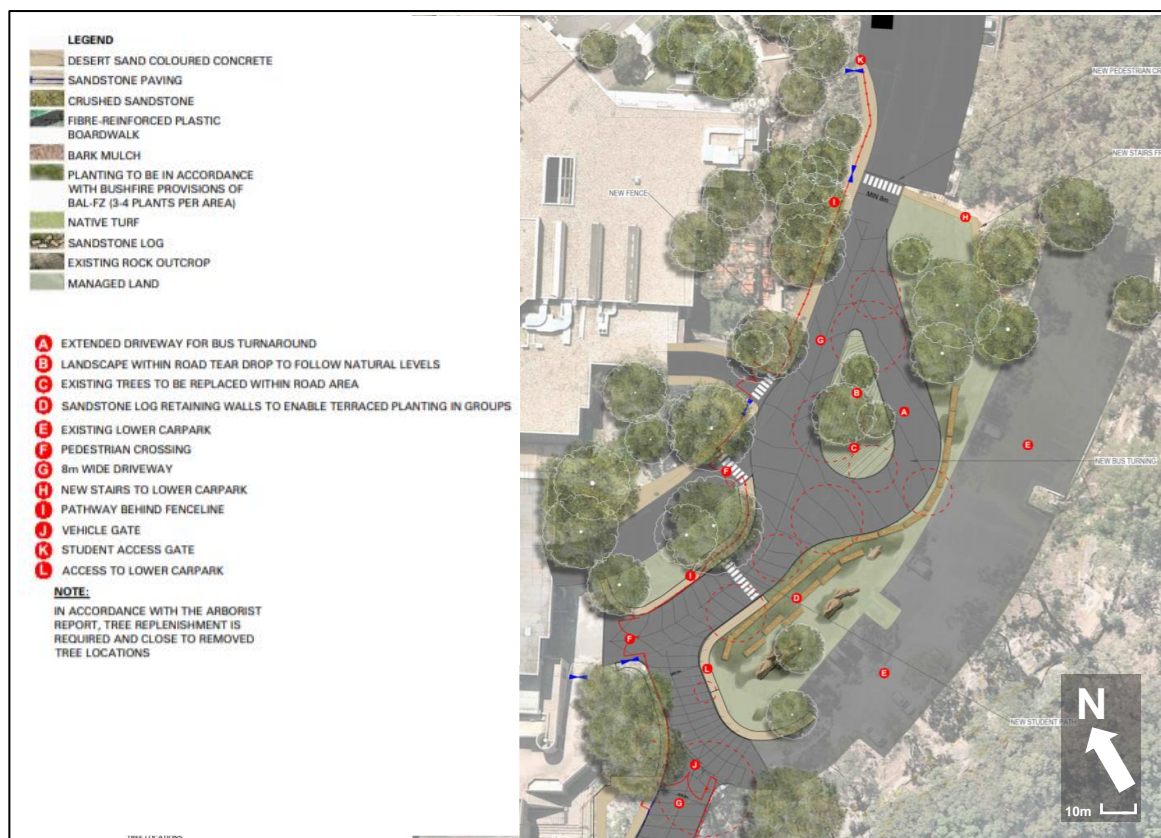


Figure 5 | Approved Landscape design Part 2 (Source: Stamped Plans 2020)



Figure 6 | Modified landscape design Part 2 (Source: Applicant's Modification Report 2021)

### 3 Strategic context

The Department considers that the proposed development continues to be appropriate for the site given:

- it is consistent with A Metropolis of Three Cities - The Greater Sydney Region Plan, as it ensures the delivery of new school facilities to meet the growing needs of Sydney.
- it remains consistent with the State Infrastructure Strategy 2018 – 2038: Building the Momentum, as it provides direct investment to address increased enrolment 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.
- it is consistent with the NSW Future Transport Strategy 2056 as it would provide an improved educational facility in a highly accessible location.
- it is consistent with the vision outlined in the Greater Sydney Commission's revised North District Plan, as it would support the provision of services and social infrastructure to meet people's changing needs.
- it is consistent with the approved Concept Plan for the site which included adaptive reuse of the main campus building for mixed use purposes, including education.

## 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 impacts. 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 significantly increase the environmental impacts of the project as approved.
- is substantially the same development as originally approved.
- would not involve any further disturbance outside the already approved disturbance areas for the project.

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

### 4.2 Consent Authority

The Minister for Planning and Public Spaces (the Minister) is the consent authority for the application under section 4.5(a) of the EP&A Act. In accordance with the Minister's delegation to determine SSD applications, signed on 9 March 2020, the Director, Social and Infrastructure Assessments may determine this modification application as:

- the application had not already been referred by the Planning Secretary to the Independent Planning Commission at the time the delegation was issued.
- the application has not been made by a person who has disclosed a reportable donation in connection with the application.
- there are less than 10 public submissions in the nature of objection.

### 4.3 Mandatory matters for consideration

Section 4.55(1) of the EP&A Act provides mandatory matters to be assessed in respect of all modification applications. The Department has given consideration to these matters as set out in **Table 3**.

**Table 3 | Mandatory matters for consideration**

Matter	Consideration
Whether the proposed modification is of minimal environmental impact.	The proposed modification would not result in significant environmental impacts. The proposed modifications to landscaping are largely required to

reflect changes incorporated as a result of refinements made as part of detailed design, consultation with the school community and safety reviews. The changes would not result in additional tree removal.

Whether the development to which the consent as modified related is substantially the same development.

The approved development, as modified, would remain substantially the same.

Whether notification has occurred, and any submissions have been considered.

The modification application was not publicly advertised in accordance with the EP&A Act and the EP&A Regulation. However, the documents were made publicly available on the Department's website. Council, Heritage NSW, Department of Premier and Cabinet (Heritage NSW) and NSW Rural Fire Service (NSW RFS) were notified of the application.

Any submission made concerning the proposed modification has been considered.

Heritage NSW advised that it had no objection to the proposed modifications as they are in keeping with the original design intent. Council and NSW RFS did not make a submission to the proposed modification.

Any relevant provisions of section 4.15(1) of the EP&A Act.

A comprehensive assessment of the project against the mandatory matters for consideration was undertaken as part of the Department's original assessment. The Department considers that the modification application would not result in significant changes that would alter the mandatory matters for consideration under section 4.15 of the EP&A Act and conclusions made as part of the original assessment.

Consideration of the reasons for the granting of the consent that is sought to be modified.

The Department has considered the findings and recommendations of the Department's original Assessment Report. The Department is satisfied that the key reasons for the granting of consent continue to be applicable to the development, as modified.



## 5 Engagement

### 5.1 Department's engagement

Clause 117(3B) of the EP&A Regulation specifies that the notification requirements of the EP&A Regulation do not apply to SSD. Accordingly, the application was not advertised. However, it was made publicly available on the Department's website and was notified to Council, Heritage NSW and NSW RFS.

On 9 February 2021, Heritage NSW responded by stating that the proposed modification works are consistent with comments made during the assessment of the original proposal and no objection is made.

NSW RFS advised that no concerns are raised to the proposed modification works and that the Department can rely on the advice (dated 2 October 2020) during the original Phase 2 and 3 assessment. Council did not provide any comments.

## 6 Assessment

The Department has considered the modification application in the context of the originally approved development in its assessment. The Department considers the key issues associated with the modification application are.

- landscaping.
- heritage.
- vegetation and bush fire.
- bioretention swales.

Each of these issues are discussed below. Other matters considered during the assessment are discussed at **Section 6.5**.

### 6.1 Landscaping

The modification application seeks to make a number of amendments and revisions to the approved landscaping design. The landscaping amendments (as detailed in **Section 2** and **Figures 3 to 6**) are the result of ongoing detailed design of the development, stakeholder engagement and buildability inputs. Broadly the modifications seek to provide better amenity, access and safety outcomes in addition to using materials and finishes that result in better heritage and urban design outcomes.

The Department considers that the proposal is acceptable given that the modifications, seek to retain the overall design intent, appearance and scale of landscaping and public domain interfaces. The proposed modifications are not considered to detrimentally impact or substantially deviate from the originally approved design intent and would ensure that student safety is increased through the removal of potentially hazardous play equipment/design elements.

### 6.2 Heritage

The bushland and landscape setting of the site is considered a critical factor that contributes to the heritage significance of the site. This was identified in the Department's original assessment as well as the Heritage Impact Statement (HIS) and Conservation Management Plan (CMP). An updated HIS was included in the modification application that addresses the landscaping modifications.

As identified in **Section 5**, the Department notified Heritage NSW and Council of the modification application. Comments were received from Heritage NSW. No comments were received from Council. The Department has considered the HIS provided by the Applicant and comments of Heritage NSW and notes the following:

- the HIS accompanying the modification application confirmed that the proposed modification would not detrimentally impact upon the heritage bushland setting of the site and in some instances result in an improved heritage outcome. Heritage NSW confirmed that the proposed modifications result in better heritage outcomes.
- the changes to landscaping surfaces and materials would not detrimentally impact upon the heritage values of the site.
- the modifications to the fence line that moves the boundary away from the cliff edges results in emphasising the bushland setting and ensures the wider visual curtilage of the bushland setting.

- conditions of consent for the development for the protection of built and natural heritage still apply and ensure that heritage characteristics on the site are appropriately managed.

For the reasons outlined above, the Department considers that the proposed modifications are acceptable and would not result in unacceptable heritage impacts.

### 6.3 Vegetation and bush fire

The modification application seeks to include amendments to rationalise the density of planting and species type in the southern landscaped section of the site. No additional planting is proposed in the Asset Protection Zone (APZ) nor are any modifications proposed to the approved APZ, the bush fire hazard assessment or to the bushfire emergency management and evacuation plan that was approved in the original development. The softworks/planting amendments form a very minor part of the proposed modifications, as the majority of changes deal with layout and built form elements of the landscape design.

As outlined in **Section 5**, NSW RFS raised no concerns to the proposed modifications.

The Department considers that the proposed modifications would not have detrimental impacts on the approved bush fire management strategy for the development and would not result in additional trees on site that would increase bush fire risk. The rationalisation of planting densities and species type is considered to be in keeping with the originally approved Phase 2 and 3 development and ensures that on balance, sufficient softworks elements would still be provided within the subject landscaped area.

### 6.4 Bioretention swales

As outlined in **Section 2** of the report, the modification seeks to delete and relocate the bioretention swales that capture and filter water prior to entering the national park. The Department sought further clarification from the Applicant in regard to the performance of the revised bioretention swale design. The Department required confirmation that the amended landscaping, vegetated swale and bioretention basin design appropriately captures and ensures water quality for the same volume of overland flow as originally approved. Subsequently, the Applicant provided clarification to the above concerns, through a report prepared by a suitably qualified professional.

The report confirms that the amended design appropriately captures and assures water quality for the same volume of overland flow as originally designed for. The report provides evidence that demonstrates that the stormwater and drainage provisions for the site are sufficient.

The Department further notes that the Phase 2 and 3 consent included conditions for stormwater management and the preparation of stormwater management plans. The Applicant has already satisfied these conditions of consent through post approval documents and has advised that the revised bioretention swale design remains compliant with these provisions.

On the basis of the above, the Department considers that the amended landscape and bioretention design would continue to satisfy conditions of consent and ensure that the volume and quality of water would be handled in a manner that would not have detrimental impacts.

## 6.5 Other matters

Overall, in consideration of the proposed modifications to the approved Phase 2 and 3 landscaping, the Department notes the following:

- there would be no additional social, biodiversity or economic impacts as a result of the proposed modifications, beyond those previously assessed as part of the approved development under the original Phase 2 and 3 development consent.
- the proposed amendments do not involve any changes to the location or scale of any of the approved buildings. Subsequently, there would be no additional overshadowing, noise or visual privacy impacts to neighbouring properties above those assessed on the original assessment.

Consequently, the Department considers that the approval of the modification consent is appropriate and the proposed amendments would not result in detrimental impacts to the locality, would remain compatible with the overall design quality of the development, would not detract from the quality of the streetscape and would assist in providing the functional needs of the school.

## 7 Evaluation

The Department's assessment concludes that the proposed modification is appropriate on the basis that:

- the modification would not detrimentally impact approved building heights, setbacks or gross floor area of the development and would be compatible with the overall design of the proposal.
- the proposal would not alter the nature of the development as provided in the original approval.
- the proposal would ensure the timely and effective operation of an essential service to the community.
- the proposal would not result in any additional unacceptable heritage, biodiversity or environmental impacts.

Accordingly, the proposal is in the public interest and it is recommended that the modification be approved.

## 8 Recommendation

This section provides a formal recommendation to the decision maker to approve or refuse the modification. The recommendation section is only applicable to projects where the Minister (or his delegate) is the decision maker.

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
- **determines** that the application SSD 8114 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 approve the modification.
- **agrees** with the key reasons for approval listed in the draft notice of decision.
- **modify** the consent SSD 8114.
- **signs** the attached approval of the modification (**Appendix A**).

**Recommended by:**



**Navdeep Shergill**  
Senior Planning Officer  
School Infrastructure Assessments

**Recommended by:**



**Jason Maslen**  
Team Leader  
School Infrastructure Assessments



## 9 Determination

The recommendation is **Adopted** by:

A handwritten signature in black ink, appearing to be 'KH' followed by a stylized flourish.

12 March 2021

**Karen Harragon**

Director

Social and Infrastructure Assessments

as delegate of the Minister for Planning and Public Spaces

# Appendices

## Appendix A – List of documents

### 1. Modification report and amended plans

<https://www.planningportal.nsw.gov.au/major-projects/project/41046>

### 2. Instrument of modification

<https://www.planningportal.nsw.gov.au/major-projects/project/41046>

### 3. Consolidated consent

<https://www.planningportal.nsw.gov.au/major-projects/project/41046>