



**STATEMENT OF ENVIRONMENTAL EFFECTS
TO ACCOMPANY A SECTION 4.55(1A)
APPLICATION TO MODIFY THE CONSENT TO
SSD 8922, SO AS TO DELETE CONDITION C32
RELATING TO SECTION 7.12 DEVELOPMENT
CONTRIBUTIONS**

**THE SCOTS COLLEGE
29-53 VICTORIA ROAD, BELLEVUE HILL**

**Prepared for
The Scots College**

**By
BBC Consulting Planners**

Job No. 16-2781
SEE Final.docx
December 2019

Table of Contents

1.	INTRODUCTION	1
2.	THE SITE.....	2
2.1	Location	2
2.2	Real Property Description and Ownership	2
2.3	The Scots College	2
2.4	The John Cunningham Centre	2
3.	REQUESTED MODIFICATION TO THE CONSENT	3
4.	RELEVANT PROVISIONS OF SECTION 4.55.....	4
5.	PLANNING ASSESSMENT.....	5
5.1	Section 4.15(1)(a) – Statutory Planning Considerations.....	5
5.1.1	Section 4.15(1)(a)(i): Environmental Planning Instruments	5
5.1.2	Section 4.15(1)(a)(ii): Proposed Planning Instruments	5
5.1.3	Section 4.15(1)(a)(iii): Development Control Plans	6
5.1.4	Section 4.15(1)(a)(iiia): Planning Agreement.....	6
5.1.5	Section 4.15(1)(a)(iv): Matters prescribed by the Regulation	6
5.2	Section 4.15(1)(b): Impacts on the Environment.....	6
5.2.1	Impacts on the natural and built environment	6
5.2.2	Social and economic impacts.....	6
5.3	Section 4.15(1)(c): Suitability of the Site	6
5.4	Section 4.15(1)(d): Submissions Received.....	7
5.5	Section 4.15(1)(e): The Public Interest.....	7
6.	CONCLUSION.....	8

FIGURES

- Figure 1: Location
- Figure 2: Site
- Figure 3A: Aerial Photograph – Detail
- Figure 3B: Aerial Photograph – Wider Area
- Figure 4: Zoning Map – Woollahra LEP 2014

APPENDICES

- Appendix 1: Development Consent to SSD 8922
- Appendix 2: Letter of Justification prepared by Colin Biggers & Paisley

1. INTRODUCTION

Development consent to SSD 8922 (“the consent”) was granted under Section 4.38 of the Environmental Planning and Assessment Act 1979 (“the Act”) by the Independent Planning Commission as the declared consent authority under Section 4.5(a) of the Act on 27 August 2019 for “*Major alterations and additions to the Stevenson Library Building*” at 29-53 Victoria Road, Bellevue Hill (“the site”). A copy of the consent is provided in **Appendix 1**.

The Stevenson Library Building has been recently renamed and is now referred to as the John Cunningham Centre.

The approved alterations and additions intend to deliver a much-improved existing facility which will facilitate better educational, operational, and design outcomes for the Scots College.

Condition C32 of the consent requires the payment of a development contribution to Woollahra Municipal Council in accordance with Section 7.12 of the Act and Schedule 1 of Woollahra Section 94A Development Contributions Plan 2011.

BBC Consulting Planners have been requested by The Scots College (“the Applicant”) to prepare this report to accompany a Section 4.55(1A) modification application which seeks to delete Condition C32 of the consent, thereby removing the requirement for the payment of the Section 7.12 development contribution.

In support of this modification application, a letter of justification has been prepared by Colin Biggers & Paisley. It is provided in **Appendix 2**.

2. THE SITE

2.1 Location

The land to which this application relates forms part of the Victoria Road East Precinct of The Scots College, which is known as 29-53 Victoria Road, Bellevue Hill, the boundaries of which are identified on **Figures 1, 2, 3A and 3B**.

The Victoria Road East Precinct is bounded by Aston Gardens to the north, Cranbrook Lane to the east, Cranbrook Road to the south, and Victoria Road to the west.

2.2 Real Property Description and Ownership

The site comprises Lot 1 in DP 231713 and is owned by The Presbyterian Church (New South Wales) Property Trust.

2.3 The Scots College

The Scots College ("the College") is a Presbyterian non-selective, private boys' day and boarding school in Bellevue Hill for students from Pre-Kindergarten (aged three years old) to Year 12. The College accommodates boarders from Years 5 to 12. The College offers a broad curriculum to students from a diverse range of backgrounds.

2.4 The John Cunningham Centre

Previously known as the Stevenson Library Building, the alterations and additions approved by the consent include partial demolition, extensions to existing floor slabs, creation of an atrium void, addition of a new upper storey, complete interior refitting, and recladding of the exterior in a Scottish Baronial architectural style. It includes the creation of a new main entrance from the College Quadrangle as well as new entrances directly off the College oval.

3. REQUESTED MODIFICATION TO THE CONSENT

Condition C32 of the consent requires the payment of a development contribution to Woollahra Municipal Council in accordance with Section 7.12 of the Act and Schedule 1 of Woollahra Section 94A Development Contributions Plan 2011. It states as follows:-

“C32. Prior to commencement of works (not including demolition), a Section 7.12 levy totalling \$288,630.68 is to be paid to Council in accordance with Section 7.12 of the EP&A Act and Schedule 1 of Woollahra Section 94A Development Contributions Plan 2011. Prior to payment Council can provide the value of the indexed levy.”

This Section 4.55(1A) modification application seeks to delete Condition C32 of the consent, thereby removing the requirement for the payment of the Section 7.12 development contribution.

In support of this modification application, a letter of justification has been prepared by Colin Biggers & Paisley. It is provided in **Appendix 2**.

The proposed amendment to the wording of the consent is described below.

4. RELEVANT PROVISIONS OF SECTION 4.55

Section 4.55(1A) of the Environmental Planning and Assessment Act, 1979 states as follows:-

“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:

- (a) it is satisfied that the proposed modification is of minimal environmental impact, and*
- (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) under this section, and*
- (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 under section 72 that requires the notification or advertising of applications for modification of a development consent, and*
- (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.*

Subsections (1), (2) and (5) do not apply to such a modification.”

In relation to Section 4.55(1A)(a), Council can be satisfied that the proposed modification to the consent will give rise to no additional environmental impacts when compared with the development approved by the consent.

In relation to Section 4.55(1A)(b), the development as modified will still be substantially the same development as that originally approved.

In relation to Section 4.55(1A)(c) and (d), Council may choose to notify the application and consider any submissions which are made.

Section 4.55(3) of the Environmental Planning and Assessment Act, 1979 states as follows:

“(3) In determining an application for modification of a consent under this section, the consent authority must take into consideration such of the matters referred to in section 4.15 (1) as are of relevance to the development the subject of the application. The consent authority must also take into consideration the reasons given by the consent authority for the grant of the consent that is sought to be modified.

These Section 4.15(1) matters are discussed in Section 5 of this report.

5. PLANNING ASSESSMENT

In determining the Section 4.55(1A) application, the consent authority is required to consider those relevant matters listed in Section 4.15(1) of the *Environmental Planning and Assessment Act, 1979*, as amended (“the Act”). Each of the relevant matters is addressed below.

5.1 Section 4.15(1)(a) – Statutory Planning Considerations

Section 4.15(1)(a) of the Act requires Council to take into consideration:-

“(a) the provisions of:

- (i) any environmental planning instrument, and*
- (ii) any proposed instrument that is or has been the subject of public consultation under this Act and that has been notified to the consent authority (unless the Planning Secretary has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved), and*
- (iii) any development control plan, and*
- (iiia) any planning agreement that has been entered into under section 7.4, or any draft planning agreement that a developer has offered to enter into under section 7.4, and*
- (iv) the regulations (to the extent that they prescribe matters for the purposes of this paragraph),*
- (iv) (Repealed)*

that apply to the land to which the development application relates”

The relevant provisions are addressed below.

5.1.1 Section 4.15(1)(a)(i): Environmental Planning Instruments

The approved development, as modified, will remain consistent with the aims, objectives and development controls of SEPP (State and Regional Development) 2011, SEPP (Educational Establishments and Child Care Facilities) 2017, SEPP 55, SREP (Sydney Harbour Catchment) 2005 and WLEP 2014.

The approved development, as is proposed to be modified, is permissible with consent and is consistent with the objectives in the SP2 Infrastructure zone. The proposed modification to the consent does not involve any physical design changes to the approved development and will not give rise to any environmental impacts nor any compliance issues relating to the FSR, height, heritage, or any other development controls applying to the site.

5.1.2 Section 4.15(1)(a)(ii): Proposed Planning Instruments

There are no proposed planning instruments which are applicable to this Section 4.55 application.

5.1.3 Section 4.15(1)(a)(iii): Development Control Plans

Pursuant to Clause 11 of the SEPP (State and Regional Development) 2011, DCP provisions do not apply to State Significant Development.

Additionally, pursuant to Clause 35(9) of the SEPP (Educational Establishments and Child Care Facilities) 2017, DCP provisions do not apply to a DA for an educational establishment.

Notwithstanding the above, no issues arise from the proposed modification of the consent which affect the approved development's compliance with these controls.

5.1.4 Section 4.15(1)(a)(iiia): Planning Agreement

There is no planning agreement pursuant to Section 7.4 of the Act relating to this application.

5.1.5 Section 4.15(1)(a)(iv): Matters prescribed by the Regulation

There are no matters arising out of the proposed modification to the consent which raise compliance issues with the Environmental Planning and Assessment Regulation 2000.

5.2 Section 4.15(1)(b): Impacts on the Environment

Section 4.15(1)(b) requires the consent authority to take into consideration the following:-

“(b) the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality”

5.2.1 Impacts on the natural and built environment

The proposed modification to the consent is only to remove the requirement for the payment of the Section 7.12 development contribution and will give rise to no impacts on the natural or built environment.

5.2.2 Social and economic impacts

No different social or economic effects will arise from the proposed modification to the consent.

5.3 Section 4.15(1)(c): Suitability of the Site

Section 4.15(1)(c) requires the consent authority to take into consideration the following:-

“(c) the suitability of the site for the development”

The suitability of the site for the approved development is unaffected by the proposed modification to the consent.

5.4 Section 4.15(1)(d): Submissions Received

Section 4.15(1)(d) requires the consent authority to take into consideration the following:-

“(d) any submissions made in accordance with this Act or the regulations”

Any relevant representations will need to be considered by the consent authority in the determination of this Section 4.55 application.

5.5 Section 4.15(1)(e): The Public Interest

Section 4.15(1)(e) requires the consent authority to take into consideration the following:-

“(e) the public interest.”

The public interest is best served by the orderly and economic use and development of land for permissible purposes in a form which is cognisant of and does not impact unreasonably on surrounding land uses, and which satisfies a market or societal demand.

The proposed modification to the consent is in the public interest because it removes a significant cost burden from a school community.

6. CONCLUSION

The proposed modification to the consent satisfies the requirements of the planning instruments and guidelines that apply to the site, and will give rise to no environmental impacts. The development as proposed to be modified remains substantially the same as the development originally approved.

The proposed deletion of Condition C32 of the consent (thereby removing the requirement for the payment of the Section 7.12 development contribution) is well-justified, as set out in the letter prepared by Colin Biggers & Paisley (see **Appendix 2**).

The modification of the consent for which approval is now sought does not alter the original findings made in relation to SSD 8922 regarding the appropriateness and reasonableness of the proposal when considered in light of the matters listed in Section 4.15(1) of the Environmental Planning and Assessment Act 1979.

This Section 4.55(1A) application thus warrants approval.



FIGURES



APPENDICES



APPENDIX 1

Development Consent to SSD 8922



APPENDIX 2

Letter of Justification prepared by Colin Biggers & Paisley