

Ref: **SSD-1742490**
WTJ23-417



WILLOWTREE PLANNING

MODIFICATION REPORT: PYMBLE LADIES COLLEGE - GREY HOUSE PRECINCT

20 Avon Road, Pymble
Lot 1 DP 69541

—
Prepared by Willowtree Planning Pty Ltd
on behalf of Pymble Ladies College

August 2023

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In the spirit of reconciliation and recognition, Willowtree Planning acknowledges the Traditional Owners of this Country throughout Australia and their continuing and ongoing connections to land, waters and community. We show our respect to Elders - past and present. We acknowledge that we stand on this Country which was and always will be recognised as Aboriginal Land. We acknowledge the Traditional Owners of the Lands in this Local Government Area, belonging to the local Aboriginal People, where this proposal is located upon.

DOCUMENT CONTROL TABLE

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GLOSSARY OF KEY TERMS

TERM	MEANING
AHD	Australian Height Datum
BAM	Biodiversity Assessment Methodology
BCA	Building Code of Australia
BC Act	<i>Biodiversity Conservation Act 2016</i>
BCBHS	Building Code and Bushfire Hazard Solutions
BC Regulation	<i>Biodiversity Conservation Regulation 2017</i>
BDAR	Biodiversity Development Assessment Report
BOS	Biodiversity Offset Scheme
CBD	Central Business District
CEMP	Construction Environmental Management Plan
CIV	Capital investment value
Council	Ku-ring-gai Council
CTMP	Construction Traffic Management Plan
DA	Development Application
DCP	Development Control Plan
DP	Deposited Plan
DPE	Department of Planning and Environment
EES	Environment, Energy and Science Group
EIS	Environmental Impact Statement
EP&A Act	<i>Environmental Planning and Assessment Act 1979</i>
EP&A Regulation	<i>Environmental Planning and Assessment Regulation 2021</i>
EPA	Environment Protection Authority
EPBC Act	<i>Commonwealth Environment Protection and Biodiversity Conservation Act 1999</i>
EPI	Environmental Planning Instrument
EPL	Environmental Protection Licence
ESD	Ecologically Sustainable Development
FRNSW	Fire and Rescue NSW
FSR	Floor Space Ratio
GFA	Gross Floor Area
GHG	Greenhouse Gas
GSC	Greater Sydney Commission
LGA	Local Government Area
KLEP 2015	Ku-ring-gai Local Environmental Plan 2015
MNES	Matter of National Environmental Significance
MUSIC	Model for Urban Stormwater Improvement Conceptualisation
NCC	National Construction Code
NOR	Notice of Requirements
NSW RMS	NSW Roads and Maritime Services
OEH	NSW Office of Environment and Heritage
POEO Act	<i>Protection of the Environment Operations Act 1997</i>
RL	Reduced level



SEARs	Secretary’s Environmental Assessment Requirements (SSD-1742490), dated 21 September 2021
SEPP	State Environmental Planning Policy
SIDRA	Signalised & unsignalised Intersection Design and Research Aid
Sqm or m²	Square metres
Subject site/site/study area	48 Victoria Road and 2A/B Gordon Street, Rozelle
TfNSW	Transport for NSW
VIA	Visual Impact Assessment
VPA	Voluntary Planning Agreement
Willowtree Planning	Willowtree Planning Pty Ltd
WM Act	<i>Water Management Act 2000</i>
WMP	Waste Management Plan
WSUD	Water Sensitive Urban Design



EXECUTIVE SUMMARY

This Modification Application (MA) has been prepared by Willowtree Planning Pty Ltd (Willowtree Planning) on behalf of on behalf of Pymble Ladies College (PLC) and is submitted to the NSW Department of Planning and Environment (DPE) in support of the proposed modification to the approved Grey House Precinct (GHP) (**SSD 17424900**) at 20 Avon Road, Pymble (Site), legally described as Lot 1 DP 669541.

The proposed modification relates to Condition E2 to allow students and staff to continue to utilise Grey House Walk during construction for entry directly from Pymble Avenue into PLC near the Junior School. Consideration to all environmental and social impacts have been undertaken and found that the proposed amendment would not result in any impacts which have not already been considered under the original SSD.

The proposed development is considered to allow for the use of the Site for educational purposes. The proposed development is suitable and is considered orderly and appropriate, based on social, cultural, economic and environmental matters.

The proposed modification does not propose any physical changes to the approved development, would not result in additional amenity impacts to users of the Site or surrounding neighbourhood.

Based on the findings of the original SSD application, and this subsequent Modification Report, it is concluded that the proposed modification will allow for minimal disruption to the operation of PLC during construction of the proposed GHP. The proposed development is considered suitable from both a local and regional context and is considered orderly and appropriate, based on social, cultural, economic and environmental matters.



PART 1 INTRODUCTION

1.1 OVERVIEW

This Modification Application (MA) has been prepared by Willowtree Planning Pty Ltd (Willowtree Planning) on behalf of on behalf of Pymble Ladies College (PLC) and is submitted to the NSW Department of Planning and Environment (DPE) in support of the proposed modification to the approved Educational Establishment (**SSD 1742490**) at 20 Avon Road, Pymble (site), legally described as Lot 1 DP 669541.

The Grey House Precinct was approved as State Significant Development (SSD), by the Independent Planning Commission (IPC) on 9 December 2022 (**SSD 1742490**) for the following development:

The Grey House Precinct development involving demolition of existing structures and construction of a building to accommodate the following:

- junior school classrooms (years 5 and 6);
- science, technology engineering and mathematics laboratories;
- health and wellbeing facilities (consulting rooms/wards);
- a dance academy;
- out-of-school-hours care;
- a new early learning centre for 90 children and 20 staff;
- outdoor learning spaces for existing students; and
- tree removal and associated landscaping works.

This application seeks consent for modifications to the approved **SSD 1742490** pursuant to Section 4.55(1A) of the *Environmental Planning & Assessment Act 1979*. Specifically, the proposed modification seeks alterations to one condition to allow continued access to PLC from the existing walkway, during construction.

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 and as modified. There will be no change to the use of the site or material change to the built form. The proposal will prominently reflect the original consent; and the modifications as approved to date cumulatively do not exceed the parameters of what is considered to be a modification of minimal environmental impact as defined by Section 4.55(1A) of the *Environmental Planning and Assessment Act 1979* which states:

(1A) Modifications *involving minimal environmental impact*

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 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.*

This MA represents the **first** modification to **SSD 1742490**, which seeks to allow for the continued access to the rest of the School (PLC), during construction works on the GHP area. This MA seeks minor amendments to conditions of consent to allow this.

The amendments sought have been assessed against the original Secretary's Environmental Assessment Requirements (SEARs) throughout this MA, confirming that the proposal remains substantially the same development as approved.

The structure of this Modification Report has been prepared in accordance with the NSW DPE's *State Significant Development Guidelines - Preparing a Modification Report* as follows:

- **PART 1 INTRODUCTION**
- **PART 2 STRATEGIC CONTEXT**
- **PART 3 DESCRIPTION OF THE MODIFICATIONS**
- **0 STATUTORY CONTEXT**
- **PART 5 ENGAGEMENT**
- **PART 6 ASSESSMENT OF IMPACTS**
- **PART 7 PROJECT JUSTIFICATION**

1.2 DEVELOPMENT APPLICATION HISTORY

Consent was granted to **SSD 1742490** on 9 December 2022 for the GHP at the Site. It is noted that the deferred commencement conditions were satisfied on the 19 May 2023. This granted consent for the following works:

The Grey House Precinct development involving demolition of existing structures and construction of a building to accommodate the following:

- *junior school classrooms (years 5 and 6);*
- *science, technology engineering and mathematics laboratories;*
- *health and wellbeing facilities (consulting rooms/wards);*
- *a dance academy;*
- *out-of-school-hours care;*
- *a new early learning centre for 90 children and 20 staff;*
- *outdoor learning spaces for existing students; and*
- *tree removal and associated landscaping works.*

Review of the approval granted under **SSD 1742490** indicates there is nothing which prevents the modifications sought under this MA.

1.3 SUMMARY OF PROPOSED MODIFICATIONS

The proposed modification involves minor amendment to the wording of Condition E2 of the consent to allow continued access from Pymble Avenue through Grey House Walk during construction of the GHP. The intent of this modification is to ensure that safe access can still be allowed for staff and students that utilise Grey House Walk to enter PLC. Specifically, the request seeks to ensure that there are no significant changes to traffic and congestion into PLC from other entries during the construction period.



1.4 CAPITAL INVESTMENT VALUE

The CIV of the proposed development, in accordance with the CIV definition under the *Environmental Planning & Assessment Regulation 2021* (EP&A Regulation), will not change as a result of this Modification and was originally estimated to be \$46,665,813.00.

1.5 THE PROPONENT

See **TABLE 1** below for contact details.

TABLE 1: PROPONENT CONTACT DETAILS	
Company Details	Pymble Ladies College
Contact Name	Greg Hastie
Position	Project Director
Contact Number	0411 477 006
Email Address	ghastie@pymblelc.nsw.edu

The current ownership of the Site is Pymble Ladies College Property Limited.



PART 2 STRATEGIC CONTEXT

2.1 SITE LOCATION & EXISTING SITE CHARACTERISTICS

This MA relates to Pymble Ladies College which is located at 20 Avon Road, Pymble. Whilst the overall site comprises multiple lots which are within the ownership of Pymble Ladies College, the proposed development works will be fully contained within Lot 1 DP 69541 and more specifically within the Grey House Precinct.

The College site occupies a total area of approximately 20 hectares (ha) and exhibits street frontages to Avon Road to the north and west. The eastern site boundary directly adjoins the rear gardens of the dwelling houses and residential flat buildings in Pymble Avenue, and the southern site boundary adjoins Avondale golf course.

In its existing state the site comprises multiple school buildings and sports facilities, set within landscaped gardens with some areas of densely vegetated bushland. Vehicular access to the College is facilitated via separate ingress and egress driveways on both the northern and western sectors of Avon Road, and pedestrian access is similarly available via multiple gates along the northern and western sectors of Avon Road.

The area of the site forming the specific focus of this EIS is known as the Grey House Precinct. The Grey House Precinct is situated in the central-southern portion of the College site, where it is adjoined by the main College to the north, the eastern site boundary, the Centenary Sports Precinct to the south, and the boarding precinct to the west. The Grey House Precinct currently incorporates temporary (demountable) teaching spaces, lawn area, pedestrian paths and some trees. The Grey House Precinct is approximately 0.3ha in area.

The site and existing development are shown in **Figure 1**, **Figure 2** and **Figure 3** below.

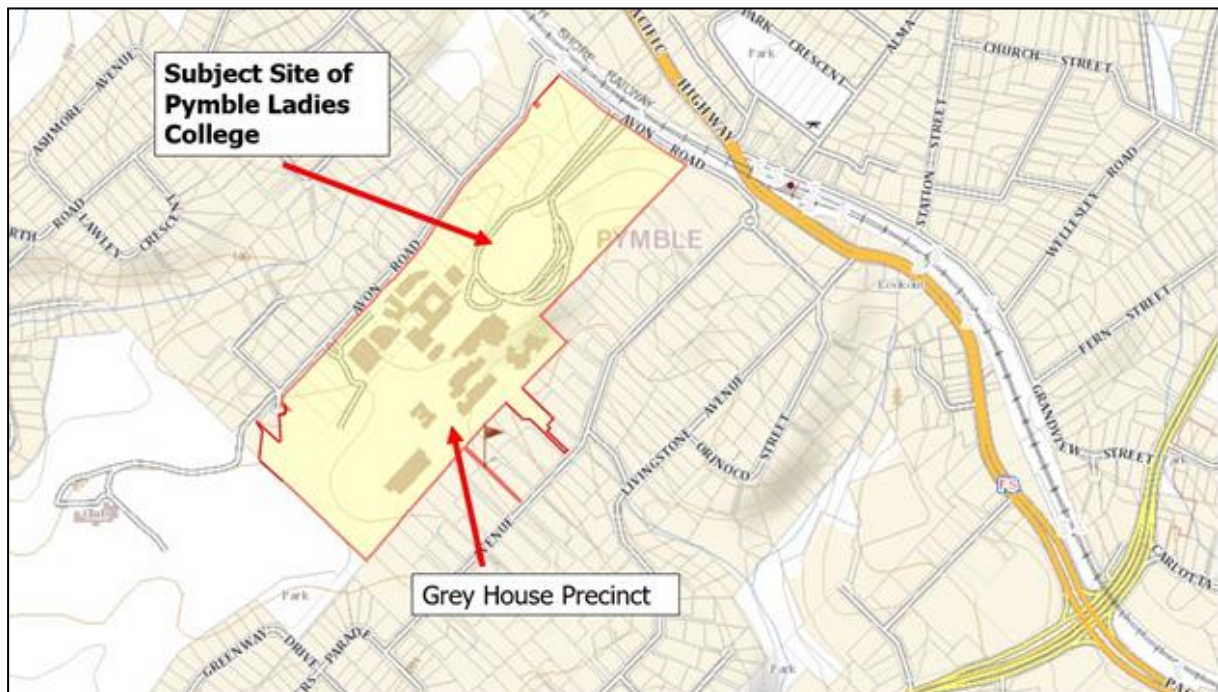


Figure 1. Cadastre Map (SIX Maps 2021)



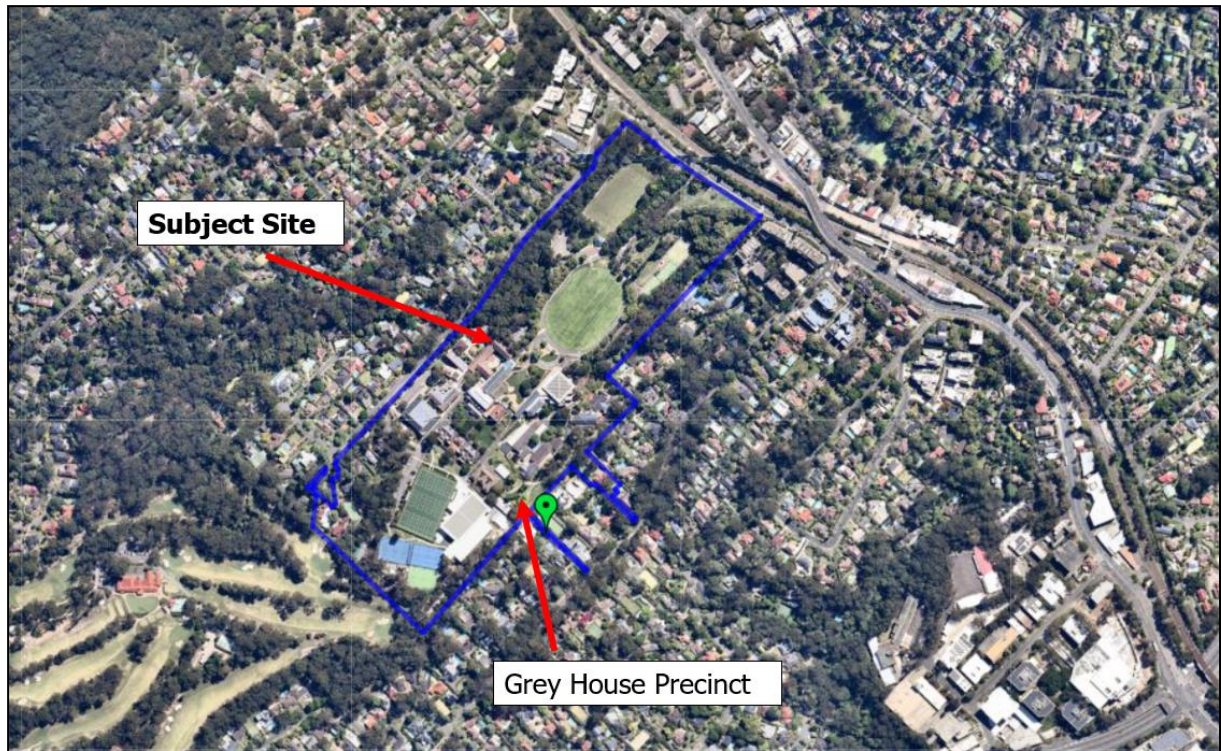


Figure 2. Aerial of the Site (Nearmap 2021)



Figure 3. Site Plan (BVN 2021)

The site is located in the suburb of Pymble, which forms part of the Ku-ring-gai Local Government Area (LGA) in the north of Greater Sydney.

The surrounding context exhibits a leafy suburban character, with surrounding development comprising primarily of detached dwelling houses set within generous gardens and along tree-lined streets. Moderately-scaled residential flat buildings of recent construction are generally concentrated



along the railway line. Local shops, generally contained within two (2) storey attached buildings, are also situated in proximity to the train station along Pacific Highway and on the northern side of the railway.

There are multiple open spaces, bushland areas and riparian corridors throughout the surrounding area, including Avondale golf course adjoining the southern site boundary, Sheldon Forest and Avondale Dam to the west, and Robert Pymble Park to the north.

The site is highly accessible by public transport, being approximately 200m walk from Pymble train station. Bus stops along Pacific Highway provide bus connections to Macquarie University and Hornsby. The site is also accessible via the established road network, being in immediate proximity to the Pacific Highway and near to its intersection with Ryde Road/Mona Vale Road.

The local context is shown in **Figure 4**.

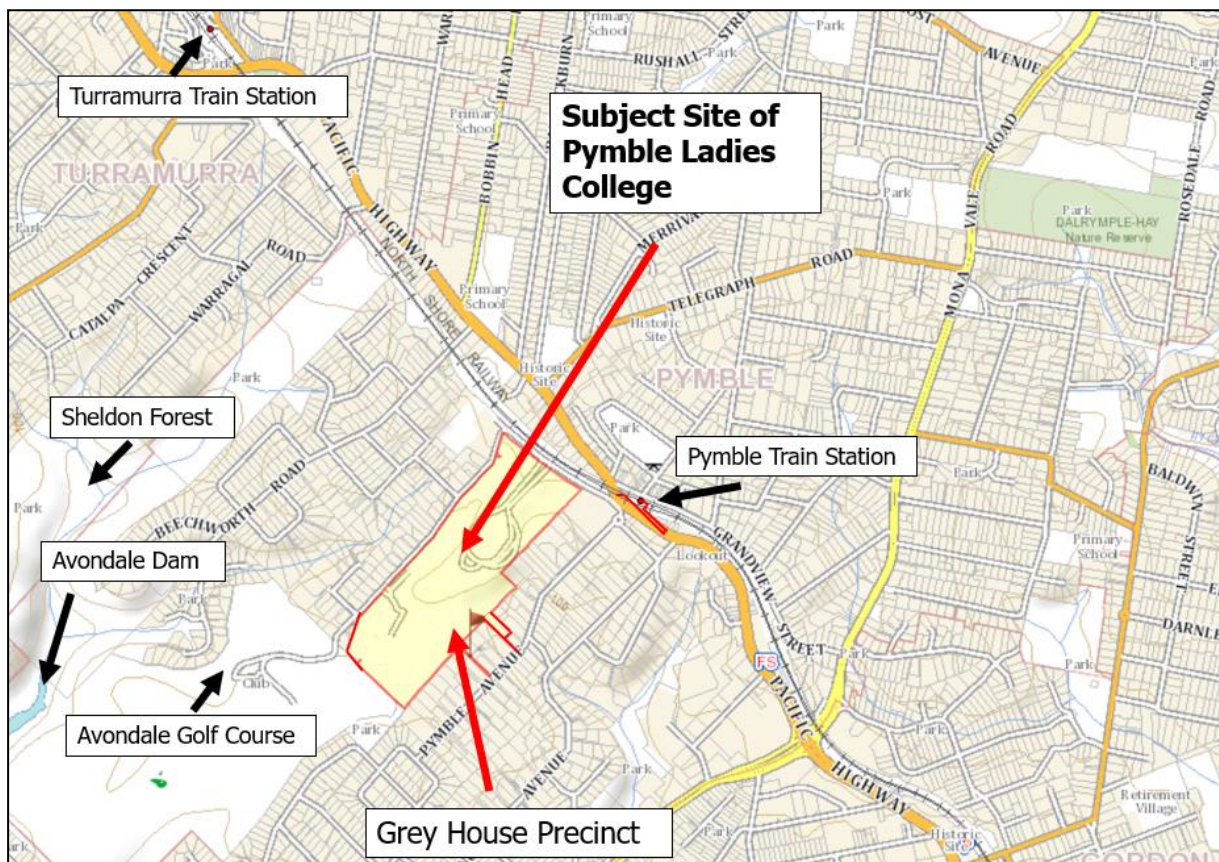


Figure 4. Local Context (SIX Maps 2021)



PART 3 DESCRIPTION OF THE MODIFICATIONS

3.1 OBJECTIVES OF THE PROPOSAL

The aim of the development was to provide new facilities within the existing College and:

- Create a high-quality teaching and learning environment for students and staff;
- Establish additional floor space and new facilities for indoor and outdoor learning;
- Introduce early learning opportunities for pre-Kindergarten aged children;
- Deliver enhanced public benefit by opening many of the new facilities for use by the broader community;
- Enhance the amenity and function of an underutilised area of land within the College grounds;
- Integrate with and complement the existing College facilities;
- Minimise environmental and amenity impacts; and
- Ensure development is compatible with surrounding development and the local context.

The modified proposal aims to provide continued access to the existing Educational Establishment (PLC) resulting in:

- Provision of the new GHP building to service the PLC students and staff;
- Provision of retained access to PLC from the pedestrian route along Grey House Walk;
- Ensure minimal environmental impacts;
- Ensure safety of all staff, students and any contractors on site;
- Ensure no detrimental impacts during construction activities for the surrounding community.

The proposed modification is considered to meet the objectives of the project as it allows for the continued function of the College while the provision of new facilities is provided.

3.2 PROPOSED DEVELOPMENT DESCRIPTION

The proposed modifications seek to allow for continued use of Grey House Walk for staff and students only. Specially this MA seeks the following:

- Amendment of Condition E2 to allow for staff and students to continue to utilise Grey House Walk during school term.

There are no proposed changes to the built form, site area, land use or any other aspects of development. The proposed amendment relates solely to construction access. There would be no change to the description of development as approved.

3.3 MODIFICATION DESCRIPTION

The proposed modification would allow only those existing staff or students that have access to Grey House Walk to utilise this pathway during construction. This would not allow contractors or any workers to park in Pymble Avenue or utilise this pathway to gain access to the construction site. The proposed modification would see a safe path of travel with appropriate hoarding along Grey House Walk from Pymble Avenue, channelling students to the Junior School area.

The amendment to the condition would still ensure:

- Use of other entrances to PLC by majority of staff and students;
- Use of the construction site access from Avon Road;
- Restrict all construction workers and vehicles from using Grey House Walk;
- Ensure only those with passes to Grey House Walk utilise this entrance.

The intention is to allow for minimal disruption for staff and students during construction works, and ensure there are no increased impacts to drop off and entry points from Avon Road.



3.3.1 Amendment of Condition E2

This modification seeks to amend Condition E2 of the consent as follows;

Grey House Walk

*E2. Grey House Walk must not be open for any access to the **construction** site or **for use by any construction workers** ~~and the Pymble Ladies College campus~~ during construction. **Appropriate hoarding and safety mechanisms shall be implemented to ensure safe access to the Junior School from Grey House Walk.***

3.4 PROJECT NEED

The proposed development will provide essential and upgraded facilities for PLC to ensure and maintain a high quality learning environment. The proposed modification will ensure that PLC will continue to function as normally as possible during construction works.

PART 4 STATUTORY CONTEXT

4.1 CONTROLS AND POLICIES OVERVIEW

This part of the Modification Report aims to highlight and address the relevant statutory requirements that are related to the proposed modifications, as noted below.

State Planning Context

- *Environmental Planning and Assessment Act 1979*
- *Environmental Planning and Assessment Regulation 2021*
- *State Environmental Planning Policy (Transport and Infrastructure) 2021*

Local Planning Context

- Ku-ring-gai Local Environmental Plan 2015

This proposal has been carefully assessed against the requirements and objectives of all of the above planning statutory and policy documents, as detailed within this Modification Report.

4.1.1 Statutory Requirements

The following categories are used to identify the statutory requirements of the project.

TABLE 2: STATUTORY REQUIREMENTS OVERVIEW	
Power to grant approval	The power to grant approval lies with the Minister for Planning (NSW DPE) as the consent authority for SSD, pursuant to Section 4.5 of the EP&A Act.
Permissibility	The Site is zoned SP2 Infrastructure, under <i>the Ku-ring-gai Local Environmental Plan 2015</i> (KLEP2015). The proposed development aligns with the definition of ‘educational establishment’, which is permitted with consent.
Other approvals	Consistent approvals: N/A Other approvals: N/A



Mandatory matters for consideration	Mandatory matters of consideration by the consent authority are outlined in Appendix C of this EIS.
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4.1.2 Environmental Planning & Assessment Act 1979

The EP&A Act is the principal planning and development legislation in NSW. The modifications sought to development consent **SSD 1742490** warrants consideration of the provisions of Section 4.55(1A) of the EP&A Act. The provisions of Section 4.55(1A) of the EP&A Act are provided in **TABLE 3** below and require consideration in this instance.

TABLE 3: SECTION 4.55 ASSESSMENT	
Clause	Response
<i>(1A) Modifications involving minimal environmental impact 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–</i>	
<i>(a) it is satisfied that the proposed modification is of minimal environmental impact, and</i>	<p>The proposal, as modified, is considered to be of minimal environmental impact, as demonstrated in PART 6 of this Modification Report.</p> <p>The proposal would result in minimal additional environmental impacts, over and above those that have already been assessed and determined acceptable under SSD 1742490.</p>
<i>(b) it is satisfied that the development to which the consent as modified relates is substantially the same development as the development for which consent was originally granted and before that consent as originally granted was modified (if at all), and</i>	<p>Given the nature and extent of the changes proposed, the modifications sought would have limited undue environmental impacts. This is discussed further below. PART 6 of this Modification Report considers the proposed modification’s impacts on the immediate and surrounding environments.</p> <p>The proposed modification will result in the same ultimate development outcome to that previously approved.</p> <p>Section 4.1.2.1 of this Modification Report demonstrates that the development as modified would result in substantially the same development as the development for which consent was granted under SSD 1742490.</p>
<i>(c) it has notified the application in accordance with–</i> <i>(i) the regulations, if the regulations so require, or</i> <i>(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 modification of a development consent, and</i>	<p>It is acknowledged that the Modification Application would be required to be notified accordingly.</p>
<i>(d) it has considered any submissions made concerning the proposed modification within the period prescribed by the regulations or provided</i>	<p>It is acknowledged that consideration would be given to any submissions that are received concerning the proposed modifications.</p>



TABLE 3: SECTION 4.55 ASSESSMENT	
Clause	Response
<i>by the development control plan, as the case may be.</i>	
<i>(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.</i>	The proposed modifications are consistent with the matters referred to in section 4.15(1) of the EP&A Act (refer to TABLE 35) and has considered the reasons given by the consent authority for original grant of consent.

4.1.2.1 Section 4.55(1A)(b) - Substantially the Same

The scope of a maximum modification of a consent without constituting assessment as a standalone application can be analysed through the ambit of *Michael Standley & Associates Pty Ltd v North Sydney Council [2005] NSWLEC 358*, whereupon Commissioner Mason P. found in relation to modification of development consents that the word “modify” was given the ordinary meaning of “to alter without radical transformation”. Therefore, the extent to which a consent may be modified is that to which the consent, as modified, is as approved without radical transformation or alteration.

The development, as modified, is substantially the same development and will not result in a radical transformation of **SSD 1742490** for the following reasons:

- The modification maintains the use of the Site for educational facilities (School), as approved;
- The modification results in no physical alterations to the buildings on Site;
- There are no changes to the approved operations that will impact the environmental impact of the proposed development (as modified);
- The function, form, operations and importantly, public perception of the Site, would remain unchanged.

In light of the above, the proposal as amended, is not considered to result in a “radical transformation” of the consent, as currently approved, satisfying the radical transformation test pursuant to *Michael Standley & Associates Pty Ltd v North Sydney Council [2005] NSWLEC 358*.

This is further analysed in *Moto Projects (No 2) Pty Ltd v North Sydney Council [1999] NSWLEC 280* which applies a quantitative and qualitative test to determine what qualifies a development as being “substantially the same”, providing a comparison of the development as approved, and the development as proposed to be modified. The result of the comparison must be a finding that the modified development is “essentially or materially” the same as the approved development. The comparison involves an appreciation, qualitatively, as well as quantitatively, of the developments being compared in their proper contexts (including the circumstances in which the development consent was granted).

The proposal does not result in any significant quantitative changes to the approved development, and from a qualitative perspective, the development retains its identity as a School development.

Therefore, the proposal as amended, will be substantially the same development as approved, and satisfies the requirements for the application to be assessed and approved pursuant to Section 4.55(1A) of the EP&A Act.

4.1.2.2 Section 4.15 - Reasons given by the consent authority for the grant of the consent

Section 4.15(1) of the EP&A Act specifies the matters which a consent authority must consider when determining a development application. The relevant matters for consideration under Section 4.15(1) of the EP&A Act are provided in **1**below.



TABLE 4. SECTION 4.15(1)(A) CONSIDERATIONS	
Section	Response
Section 4.15(1)(a)(i) any environmental planning instrument, and	Refer to Section 4 of this statement.
Section 4.15(1)(a)(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	There are no applicable draft instruments for consideration.
Section 4.15(1)(a)(iii) any development control plan, and	No changes are proposed that would impact on the compliance with the Ku-ring-gai Development Control Plan.
Section 4.15(1)(a)(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	Not applicable.
Section 4.15(1)(a)(iv) the regulations (to the extent that they prescribe matters for the purposes of this paragraph),	Refer to Section 4.1.3 of this statement.
Section 4.15(1)(b)-(c)	Refer to Section 6 of this statement.

4.1.3 Environmental Planning & Assessment Regulation 2021

Pursuant to Clause 99 of the EP&A Regulation all appropriate documentation has been submitted as a part of this MA.

4.1.4 State Environmental Planning Policy (Transport and Infrastructure) 2021

Schedule 8 of the *State Environmental Planning Policy (Transport and Infrastructure) 2021* (Transport and Infrastructure SEPP) contains design quality principles for the development of schools. These principles were noted in the **SSD-1742490** approval and were used in the assessment of the consent.

TABLE 5. TRANSPORT AND INFRASTRUCTURE SEPP - SCHEDULE 8	
Design quality principles in schools	Response
Principle 1—context, built form and landscape	There are no proposed amendments to the built form or landscaping proposed.
Principle 2—sustainable, efficient and durable	The proposed amendments will not impact on the sustainability of the Site or the suitability of the Site to provide positive environmental impacts.
Principle 3—accessible and inclusive	The proposed modification would ensure access is maintained from Grey House Walk for those students that currently rely on this entry point.
Principle 4—health and safety	The proposed amendments will not impact on the health or safety of the occupiers of the school.
Principle 5—amenity	The proposed development would not have any impact on internal or external amenity.
Principle 6—whole of life, flexible and adaptive	No alterations are proposed to the consent which would conflict with this principle for the flexibility of the Site. The land use remains an educational establishment and will allow for continued use of the other established uses on Site.



TABLE 5. TRANSPORT AND INFRASTRUCTURE SEPP - SCHEDULE 8

Design quality principles in schools	Response
Principle 7—aesthetics	No amendments are proposed to the existing built form as part of this modification.

4.1.5 Ku-Ring-Gai Local Environmental Plan 2015

The site is subject to the provisions of KLEP2015. The proposed development relates to the existing and approved educational establishment on the site, which is permitted with consent in the SP2 Infrastructure (Educational Establishments) Zone.

The proposal does not contravene any other objectives or provisions of KLEP 2015. No further consideration is required.



PART 5 ENGAGEMENT

Initial discussions were held with DPE regarding the potential modifications. It is not considered that the proposed amendments will result in any additional environmental impacts which have not been previously considered. Furthermore, the proposal is for a minor change to one condition and as such it is not thought that additional consultation or public exhibition of this modification is required. It is noted that discussions may be required with the IPC.



PART 6 ASSESSMENT OF IMPACTS

The following subsections provide an updated assessment of potential impacts, with consideration of the amended proposal, as described in **PART 3** of this Modification Report.

It is considered that the proposed amendment would not result in any changes to the original findings of the EIS in relation to the following matters:

- Statutory Context
- Capital Investment Value
- Built form and Urban Design
- Environmental Amenity
- Trees and Landscaping
- Ecologically Sustainable Development
- Traffic, Transport and Accessibility
- Biodiversity
- Noise and Vibration
- Stormwater and Wastewater
- Flooding Risks
- Hazards and Risks
- Contamination or Remediation
- Waste Management
- Environmental Heritage
- Social Impact
- Infrastructure requirements and Utilities
- Aviation
- Contributions and Public Benefit
- Engagement.

It is considered that the only matter that would be impacted is Construction Impacts. These are further discussed below.

6.1 UPDATED ASSESSMENT OF IMPACTS

6.1.1 Construction Impacts

The proposed modification intends to allow for the continued access by staff and students to Grey House Walk, in line with the existing limited access that this pathway provides from Pymble Avenue.

It is noted that the IPC raised concerns over Grey House Precinct in the Commission's Findings point 146 which noted:

The Commission is of the view that impacts associated with construction traffic is reasonably capable of being managed through the implementation of conditions. The Commission notes that access to the Site via Grey House Walk should not be allowed during construction for contractors to further mitigate any construction traffic impacts on Pymble Avenue. A conditions has been imposed by the Commission to close Grey House Walk during construction so no one, including construction workers, students, visitors and staff, can access the site from Pymble Avenue.

It is noted that the main concern was for the use by construction workers. Grey House Walk is already monitored for use by only those students that live in close proximity or on this side of the College. The proposal would only allow those existing students and/or staff to utilise this entrance and it would not result in any additional visitors or students and staff gaining access. The intention is that access for students would still be enabled through hoarding placed as indicatively shown in **Figure 5** below.



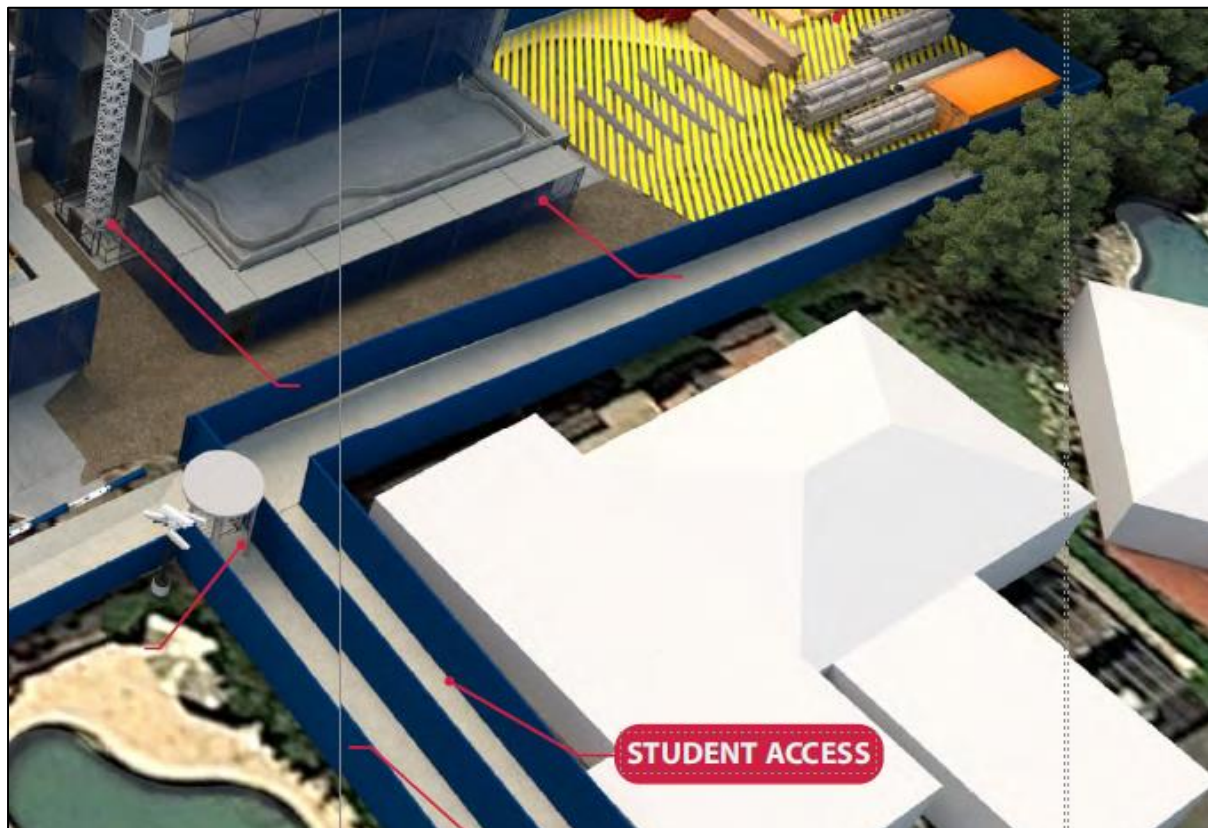


Figure 5. Proposed hoarding (PLC 2023)

This access would only be used by students at the start of the school day and end of the school day and would be monitored by staff as currently in place with this access way. It is considered that detailed management and mitigation measures relating to this access would be included in the Construction Environmental Management Plan (CEMP) as further discussed below.

6.1.2 Traffic, Transport and Accessibility

It is not considered there would be any changes to the traffic and access in relation to the existing PLC operations or construction access which would be from Avon Road. The proposed modification aims to allow continued access through Grey House Walk in a safe way to minimise any traffic impacts to other drop off and pick up locations for PLC.

6.2 UPDATED MANAGEMENT AND MITIGATION MEASURES

The Construction Environmental Management Plan (CEMP) will include information and management measures that relate to the hoarding of Grey House Walk and the access pathway to the Junior School and that it details how this access way will be safe and secure and limited to access only by those staff and students which are authorised to use this access point. It is noted that this would be included within the Construction Traffic and Pedestrian Management Sub-Plan required by conditions D16 and D18 and as such no further changes to conditions would be required.



PART 7 JUSTIFICATION OF THE PROJECT

7.1 JUSTIFICATION

The proposed development is justified on environmental, social and economic grounds and is compatible with the locality in which it is proposed.

This Modification Report is submitted on the following basis.

7.1.1 Supports State, Regional and Local Planning Objectives

The proposed development is consistent with the objectives, provisions and vision contained within *A Metropolis of Three Cities – Greater Sydney Region Plan* as it would contribute to the provision of educational facilities throughout Sydney.

7.1.2 Demonstrates an Appropriate Use of a Permissible Development

The proposed development is permissible with consent on the site and is considered an appropriate use. The proposed modification would ensure minimise impacts to the existing operation of the College.

7.1.3 Minimises Environmental Impacts

The proposed modifications do not propose any changes to the existing built form and are not considered to have any additional environmental impacts.

7.1.4 Creates Compatibility with Surrounding Development

The proposed development is compatible with existing land uses on the site and adjacent lands. Existing uses can continue to operate. No significant environmental cumulative impacts, would occur from the proposed modification.

7.1.5 Delivers Ecologically Sustainable Development

The principles of ESD as outlined in section 193 of the EP&A Regulation have been carefully considered in the formulation of this proposal and are addressed as follows:

7.1.5.1 Precautionary Principle

It is concluded that no unmanageable threat or irreversible damage to the environment, would result from the proposed modification.

7.1.5.2 Inter-generational Equity

The project team and expert consultants have examined the overall effects of the proposed modification, on both the natural environment and the existing built environment within the vicinity of Site and has concluded that no unreasonable use of resources, affectation of environmental processes or prevention of the use of land for future generations would occur from the proposed development. The proposed development continues to allow for the use of the site and contribute to provision of high quality educational facilities, thereby improving the inter-generational equity.

7.1.5.3 Conservation of Biological Diversity and Ecological Integrity

The proposed modification would have no detrimental impacts on biodiversity.

7.1.5.4 Improved Valuation, Pricing and Incentive Mechanisms



The proposed modification would allow for minimal disruption to the operations of PLC and would not result in any impacts to pricing and values of the site.

7.1.5.5 Environmental Management

The proposed modifications do not propose any additional environmental impacts which have not already been considered and managed through the mitigation measures of the original approval.

7.2 CONCLUSION

Based on the findings of the original SSD application and further matters considered as part of this Modification Report, it is concluded that the proposed development is consistent with the Objects of the EP&A Act, under section 1.3, particularly the notion of promoting the orderly and economic development of the land.

The proposed development is considered to allow for the use of the Site for educational purposes. The proposed development is suitable and is considered orderly and appropriate, based on social, cultural, economic and environmental matters.

Based on the specialist studies and extensive investigations carried out for the proposed modification, the following conclusions are made:

- 1.** There would be no physical changes to any buildings on Site;
- 2.** There would be no additional amenity impacts to users of the Site or surrounding neighbourhood; and
- 3.** The Heritage Items would be retained and not altered.

Based on the findings of the original SSD application, and this subsequent Modification Report, it is concluded that the proposed modification will allow for the continued operation of PLC to ensure high quality educational facilities are provided to the College with minimal disruption. The proposed development is considered suitable from both a local and regional context and is considered orderly and appropriate, based on social, cultural, economic and environmental matters.

Given the above reasons and the satisfaction of both of the Objects of the EP&A Act and the aims of Transport and Infrastructure SEPP and KLEP 2015, it is recommended that the proposed development, as modified and described in **PART 3** of this Modification Report, be supported subject to relevant and reasonable conditions.



APPENDIX A
UPDATED
PROJECT
DESCRIPTION



PROJECT DESCRIPTION – SSD-1742490

Project:	State Significant Development Application (SSD-1742490) For Grey House Precinct
Applicant:	Pymble Ladies College
Site:	20 Avon Road, Pymble

There is no change proposed to the project description or plans.



APPENDIX B
STATUTORY
COMPLIANCE
TABLE



MANDATORY CONSIDERATIONS OF THE CONSENT AUTHORITY		
Instrument	Application to subject site	Compliance
Commonwealth Planning		
<i>Environment Protection and Biodiversity Conservation Act 1999</i>	<p>Under the <i>Environment Protection and Biodiversity Conservation Act 1999</i> (EPBC Act), any action (which includes a development, project or activity) that is considered likely to have a significant impact on Matters of National Environmental Significance (MNES) (including nationally threatened ecological communities and species and listed migratory species) must be referred to the Commonwealth Minister for the Environment. The purpose of the referral is to allow a decision to be made about whether an action requires approval on a Commonwealth level. If an action is considered likely to have significant impact on MNES, it is declared a “controlled action” and formal Commonwealth approval is required.</p> <p>The proposal does not warrant significant impacts on MNES, therefore no further consideration of the EPBC Act is required.</p>	Yes
State Planning		
<i>Environmental Planning and Assessment Act 1979</i>	<p>The <i>Environmental Planning and Assessment Act 1979</i> (EP&A Act) is the overarching governing statute for all development in NSW and pursuant to Part 4, the type of proposed development (depending on the Capital Investment Value (CIV)), would be considered as either State, Regional or Local development. A resultant DA would be assessed and determined by the relevant consent authority.</p> <p>Section 4.55(1A) of the EP&A Act makes provision to modify a Development Application (DA) that has been made pursuant to Part 4 of the EP&A Act.</p> <p>The proposal as submitted to DPE is considered to satisfy the provisions of Section 4.55(1A) of the Act in that the changes proposed will result in minimal environmental impact and will result in the development being substantially the same as that for which consent was originally granted. The key provisions of Section 4.55(1A) of the EP&A Act have been considered below:</p> <p><i>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:</i></p> <ul style="list-style-type: none"> <i>(a) it is satisfied that the proposed modification is of minimal environmental impact, and</i> <i>(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).</i> 	Yes



MANDATORY CONSIDERATIONS OF THE CONSENT AUTHORITY		
Instrument	Application to subject site	Compliance
	<p>(c) it has notified the application in accordance with:</p> <p>(i) the regulations, if the regulations so require, or</p> <p>(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 modification of a development consent, and</p> <p>(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.</p> <p>It is noted the amendments will not materially affect the ultimate use, function and general appearance of the Site and are consistent with the development as approved under SSD-1742490.</p>	
<i>Environmental Planning and Assessment Regulation 2021</i>	<p>The <i>Environmental Planning and Assessment Regulation 2021</i> (EP&A Regulation) contains key provisions for the day-to-day operation of the NSW planning system, in support of the EP&A Act.</p> <p>This Modification has been prepared in accordance with the form prescribed by the EP&A Regulation.</p>	Yes
<i>Biodiversity Conservation Act 2016</i>	<p>The <i>Biodiversity Conservation Act 2016</i> (BC Act) sets out, among other things, to establish a scientific method for assessing the likely impacts on biodiversity values of proposed development and land use change.</p> <p>The proposed modification does not seek to impact any vegetation on the Site.</p>	Yes
<i>Protection of the Environment Operations Act 1997</i>	<p>Schedule 1 of the <i>Protection of Environment & Operations Act 1997</i> (POEO Act) contains a core list of activities that require a licence before they may be undertaken or carried out. The definition of an ‘activity’ for the purposes of the POEO Act is “<i>an industrial, agricultural or commercial activity or an activity of any other nature whatever (including the keeping of a substance or an animal).</i>”</p> <p>Schedule 1 of the POEO Act details a series of schedule activities that may require consideration once specific tenants are identified.</p> <p>The proposal will not involve any activity that would require the issue of an Environmental Protection Licence.</p>	Yes



MANDATORY CONSIDERATIONS OF THE CONSENT AUTHORITY		
Instrument	Application to subject site	Compliance
<p><i>State Environmental Planning Policy (Resilience and Hazards) 2021</i></p>	<p>The <i>State Environmental Planning Policy (Resilience and Hazards) 2021</i> (Resilience and Hazards SEPP) contains planning provisions relating to:</p> <ul style="list-style-type: none"> ▪ land use planning within the coastal zone, in a manner consistent with the objects of the <i>Coastal Management Act 2016</i>. ▪ management of hazardous and offensive development. ▪ remediation of contaminated land and to minimise the risk of harm. <p>The proposed modifications do not intend any alterations that would disturb the ground.</p>	<p>Yes</p>
<p><i>State Environmental Planning Policy (Transport and Infrastructure) 2021</i></p>	<p>The <i>State Environmental Planning Policy (Transport and Infrastructure) 2021</i> (Transport and Infrastructure SEPP) contains planning provisions relating to:</p> <ul style="list-style-type: none"> ▪ infrastructure in NSW, such as hospitals, roads, railways, emergency services, water supply and electricity delivery. ▪ child-care centres, schools, TAFEs and Universities. ▪ planning controls and reserves land for the protection of three corridors (North South Rail Line, South West Rail Link extension and Western Sydney Freight Line). ▪ land use planning and assessment framework for appropriate development at Port Kembla, Port Botany and Port of Newcastle. <p>Chapter 3 – Educational establishments and child care facilities Part 3.4 of the Transport and Infrastructure SEPP relates specifically to schools and identifies prescribed zones within which development for a school may be carried out by any person with development consent. The SP2 Zone within which the Site is located are prescribed zones for the purpose of Clause 3.34, Part 3.4 of the Transport and Infrastructure SEPP, and therefore the proposed development is permissible with consent.</p> <p>Pursuant to Clause 3.36(6):</p> <p>(6) Before determining a development application for development of a kind referred to in subclause (1), (3) or (5), the consent authority must take into consideration:</p> <p>(a) the design quality of the development when evaluated in accordance with the design quality principles set out in Schedule 4, and</p> <p>(b) whether the development enables the use of school facilities (including recreational facilities) to be shared with the community.</p>	<p>Yes</p>



MANDATORY CONSIDERATIONS OF THE CONSENT AUTHORITY		
Instrument	Application to subject site	Compliance
	The Design Quality Principles outlined in Schedule 8 relates to context, built form and landscape; sustainability, efficiency and durability; accessibility and inclusivity; health and safety; amenity; whole of life; flexibility and adaptivity; and aesthetics. The development (as modified) has been designed in accordance with the design quality principles.	
<i>Ku-ring-gai Local Environmental Plan 2015</i>	<p>The Site is subject to the provisions of the KLEP 2015</p> <p>The proposed modifications relate to the existing and approved educational establishment on the Site, which is permitted with consent in the <i>SP2 Infrastructure (Educational Establishments)</i> zone.</p> <p>The proposal does not seek to alter the height or floor area of the existing development.</p>	Yes



**APPENDIX C
COMMUNITY
ENGAGEMENT
TABLE**



COMMUNITY ENGAGEMENT TABLE

Pymble Ladies College - Grey House Precinct

SSD-1742490

COMMUNITY ENGAGEMENT TABLE			
Stakeholder Group	Organisations	Matters Raised	Satisfied by
Department Planning and Environment	Planning	Ensure modification addresses concerns of IPC	Whole Modification Report



APPENDIX D
MITIGATION
MEASURES
TABLE



By:	Pymble Ladies College
In relation to:	State Significant Development Application (SSD-1742490) For Grey House Precinct
Site:	20 Avon Road, Pymble

Pymble Ladies College plan to undertake the construction and operation of the proposed educational establishment in accordance with the existing conditions of consent. It is not considered that any further mitigation measures would be required.



APPENDIX E
SUPPORTING
DOCUMENTS

