A large background graphic featuring a dark blue diagonal band across the upper half of the page. Behind this band and extending to the right edge is a grayscale image of a city skyline with several tall buildings. Overlaid on the entire background is a pattern of white, 3D wireframe cubes of varying sizes, some of which are partially obscured by the dark blue band.



Section 4.55 (2) Modification Application DA2015 / 0558

**JOHN COLET SCHOOL
6- 8 WYATT AVENUE, BELROSE**

Submitted to Northern Beaches Council
On Behalf of John Colet School and Templum Design Architects

DECEMBER 2019

REPORT REVISION HISTORY

Revision	Date Issued	Revision Description	
01	29/11/19	Draft 01	
		Prepared by Mel Krzus <i>Director</i>	Verified by  Mark Schofield <i>Director</i>
02	04/12/19	Final Report	
		Prepared by Olivia Page <i>Project Planner</i>	Verified by  Mark Schofield <i>Director</i>

Disclaimer

This report has been prepared by City Plan Strategy & Development P/L with input from a number of other expert consultants (if relevant). To the best of our knowledge, the information contained herein is neither false nor misleading and the contents are based on information and facts that were correct at the time of writing. City Plan Strategy & Development P/L accepts no responsibility or liability for any errors, omissions or resultant consequences including any loss or damage arising from reliance in information in this publication.

Copyright © City Plan Strategy & Development P/L
 ABN 58 133 501 774

All Rights Reserved. No material may be reproduced without prior permission.

TABLE OF CONTENTS

1. Executive Summary	4
2. Site Details	5
3. Proposed Modification	7
3.1. Planning History and Consent to be Modified	7
3.2. Proposed Modification	7
3.2.1. Overview of Modification	7
3.2.2. Conditions to be Modified	8
3.2.3. Justification for the Proposed Modification	9
3.2.4. Supporting Documentation	9
3.3. Pre-Lodgement Advice	9
4. Statutory Planning framework	12
4.1. EP&A Act 1979	12
4.1.1. Section 4.24 - Status of Concept Development Applications and Consents	12
4.1.2. Section 4.55 (2) – Modification of Consents – Other Modifications	12
4.1.3. Matters for Consideration	14
5. Section 4.15 (1) Assessment	15
5.1. Section 4.15 (1)(a)(i) – Environmental Planning Instruments	15
5.1.1. Warringah Local Environmental Plan 2000	15
5.2. Section 4.15 (1)(a)(ii) – Draft Environmental Planning	16
5.3. Section 4.15 (1)(a)(iii) – Development Control Plans	16
5.4. Section 4.15 (1)(a)(iia) – Planning Agreements	16
5.5. Section 4.15 (1)(a)(iv) – Matters Prescribed by the Regulations	16
5.6. Section 4.15 (1)(b) – Likely Impacts of the Development	16
5.6.1. Built Form/Visual Impact	16
5.6.2. Overshadowing	17
5.6.3. Traffic and parking	18
5.6.4. Ecology	18
5.6.5. Bushfire	19
5.6.6. Acoustic	19
5.6.7. Drainage	19
5.7. Section 4.15 (1)(c) – Suitability of the Site	19
5.8. Section 4.15 (1)(d) – Submissions	19
5.9. Section 4.15 (1)(e) – Public Interest	19
6. Conclusion	20

FIGURES

Figure 1 Site Location Plan, site outlined in red (Source: SIX Maps).....	5
Figure 2 Aerial view of the site and locality, site outlined in red (Source: SIX Maps).....	6
Figure 3 Amended Staging Plan/Masterplan (Source: Templum Design Architects)	7
Figure 4: Amended Landscape Plan (Source: Conzept Landscape Architects).....	8
Figure 5: Extract of the proposed extension to Chisholm House from the south-west corner (Source: Templum Design Architects)	10
Figure 6: Approved Elevation from Wyatt Avenue (noting the Chisholm House extension is indicative only, with only a building envelope approved under DA2015/0558) (Source: Templum Design Architects).....	13
Figure 7: Proposed Amended Elevation from Wyatt Avenue (Source: Templum Design Architects) ..	13
Figure 8: Proposed landscaping on the western elevation (Source: Conzept Landscape Architects) .	17
Figure 9: Proposed Shadows Diagrams with Amended Built Form (Source: Templum Design Architects)	18

TABLES

Table 1: Supporting Documentation	9
---	---

APPENDICES

Appendix	Document	Prepared by
1	Amended Architectural Concept Plans	Templum Design Architects
2	Amended Landscape Concept Plans	Conzept Landscape Architect
3	Amended Bushfire Report	Australian Bushfire Protection Planners
4	Amended Arborist Report	Accurate Tree Assessment

1. EXECUTIVE SUMMARY

This Planning Statement has been prepared by City Plan Strategy and Development Pty Ltd (City Plan) on behalf of John Colet School. It is submitted to Northern Beaches Council (Council) in support of an application to amend the Notice of Determination, dated 10 June 2016, which approved Development Application 2015/0558 on the site.

DA2015/0558 granted consent for the staged redevelopment of the school with new classrooms and ancillary works and a staged increase in student numbers up to a maximum of 350 students.

The purpose of this Statement is to describe the proposed amendments, review the applicable planning regime relating to the proposal, assess the degree of compliance and examine the environmental effects of the development when measured against the relevant requirements of the *Environmental Planning and Assessment Act 1979*.

In respect of the assessment of the proposal, where impacts are identified, measures proposed to mitigate any adverse effect to environmental amenity have been addressed in this Statement.

A detailed description of the proposal is provided under Section 3. The statutory planning policy framework is identified at Section 4 and a statutory assessment against the relevant planning controls is provided at Section 5.

In summary, the proposed modification relates to the approved “future stage Q” extension at the western end of Chisholm House. More specifically, the modification involves a further minor extension of future stage Q and a partial infill of the undercroft below the extension to form a new art room. The modifications involve the integration of “future stage L” known as ‘Eora playground landscaping-vegetation buffer to perimeter’ into “future stage Q”.

This application has been the subject of a pre-lodgement meeting with Council on 16 April 2019. At that meeting, Council advised that it was generally supportive of the proposed modification, subject to providing further detail and justification regarding a range of matters, as outlined in Section 3.3 of this Statement.

This application has been prepared after taking into account the following key issues:

- Legislative requirements relating to the modification of a consent;
- Compliance with environmental planning instruments;
- Likely impacts of the development as amended;
- Suitability of the site; and
- The public interest.

We also note that this application is submitted concurrently with a Stage 2 DA for the detail design (and ultimately, construction) of future Stage Q.

This Statement has been prepared in association with a series of Amended Architectural Plans prepared by Templum Design Architects, Amended Landscape Plans prepared by Conzept Landscape Architects, an Amended Bushfire Report prepared by Australian Bushfire Protection Planners and an Amended Arborist Report prepared by Accurate Tree Assessment. It is considered that the proposed amendments result in substantially the same development and do not result in any adverse environment impacts over and above that which were originally approved by the (Former) Sydney East Joint Regional Planning Panel.

2. SITE DETAILS

The site has a street address of 6-8 Wyatt Avenue, Belrose and is legally described as Lot 1 in Deposited Plan 601101 and Lot 101 in Deposited Plan 874509. A site location plan is below.

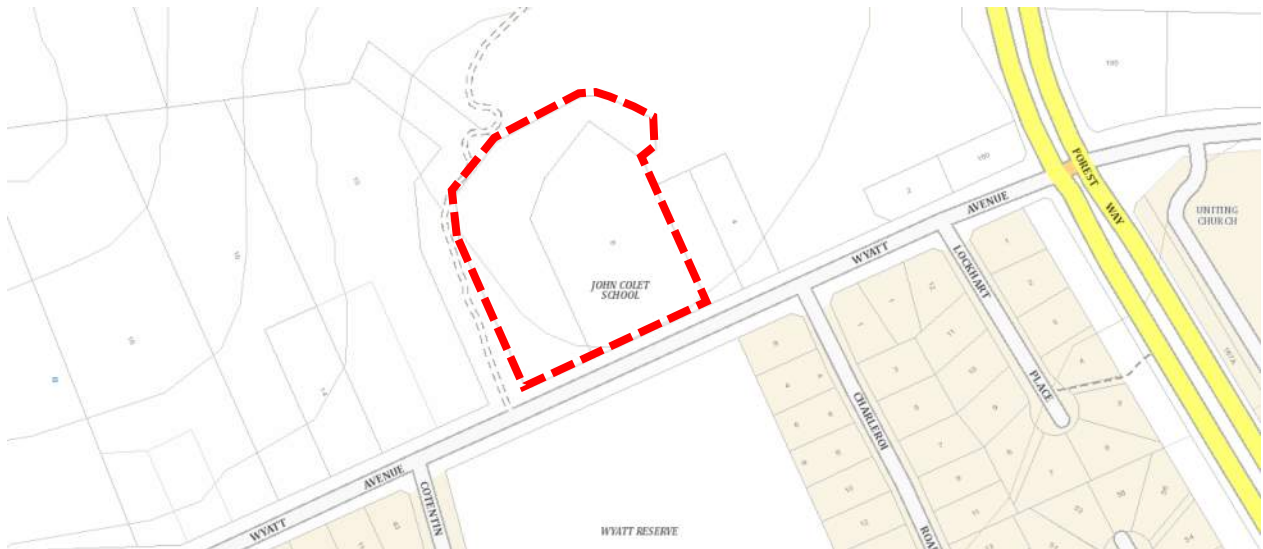


Figure 1 Site Location Plan, site outlined in red (Source: SIX Maps)

The site has an area of 11,790m² and has a gradual rise of approximately 10m from the south (street front) to the north (rear). The northern portion of the site contains the endangered Caley's Grevillea, a component of the Duffy's Forest ecological community. A positive covenant controls use of that portion of the site to protect the grevillea.

The site is occupied by the John Colet School primary school (the school). The school facilities consist of seven buildings and parking for nineteen vehicles. The layout of the site is generally illustrated in the aerial photograph in Figure 2 on the page over.

The site is 60m southwest of the intersection of Wyatt Avenue and Forest Way, 600m northwest of Belrose shopping centre and 850m from Belrose Primary School. Wyatt Reserve is located opposite the site.

This locality comprises a mix of residential dwellings, and a variety of lot sizes and housing types. The southern side of Wyatt Avenue is characterised by a variety of detached single and two storey dwellings.



Figure 2 Aerial view of the site and locality, site outlined in red (Source: SIX Maps)

Development adjoining the site consists of the following:

- Undeveloped Crown land to the north of the site known as “Duffy’s Reserve”;
- Unformed road reserve immediately adjacent the western boundary;
- Residential dwellings to the east and west; and
- Public open space (Wyatt Reserve and sports fields) to the south of the site on the opposite side of Wyatt Avenue.

The site is currently constrained by way of bushfire (a mix of Vegetation Buffer, Category 1 [in the fenced pocket of Grevillia Caley] and Category 2 bushfire prone land) and ecology.

3. PROPOSED MODIFICATION

3.1. Planning History and Consent to be Modified

The site benefits from a series of previous development approvals. The most recent and relevant to the subject application is the approved staged development under DA2015/0558 (former Sydney East JRPP reference 2015SYE103). The JRPP approved DA2015/0558 on 18 May 2016. The DA approved the staged redevelopment of the school with new classrooms and ancillary works and a staged increase in student numbers up to a maximum of 350 students.

3.2. Proposed Modification

3.2.1. Overview of Modification

The proposal is for a modification to the approved staged development under DA2015/0558. The proposed modification relates to the approved "future stage Q" extension at the western end of Chisholm House. More specifically, the modification involves a further minor extension of future stage Q and a partial infill of the undercroft below the extension to provide a new art room. An extract of the amended staging plan prepared by Templum Design Architects follows and a complete copy is attached at Appendix 1.

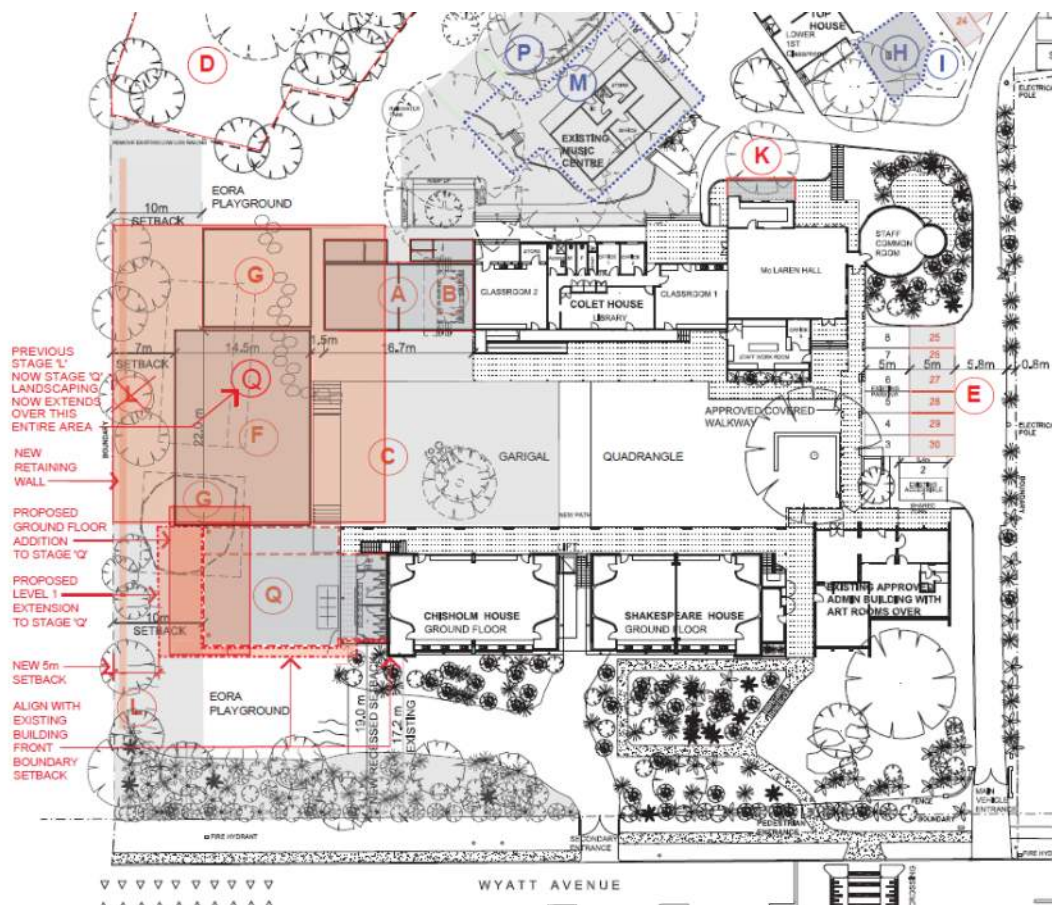


Figure 3 Amended Staging Plan/Masterplan (Source: Templum Design Architects)

As can be seen in the figure above, the intent is to extend the approved Chisholm House extension (future stage Q) a further 5m to the west. A minor extension to the south is also proposed (1.2m) to provide a consistent building line with the adjacent Chisholm House building. Approximately half of the undercroft area under the Chisholm House extension (as modified) is proposed to be in-filled to include a new art room.

As can be seen in the following extract of the amended landscape concept plan, the intent is to provide additional tree planting along the western boundary to screen the extension. A retaining wall structure is also proposed along part of the western site boundary and the intent is to fill this part of the western setback to a maximum depth of 0.45m to provide a more level and useable landscape zone in this location. Furthermore, the modification involves the amalgamation of future stage L into future stage Q. The landscape scheme comprises changes to the play area situated to the north of the building. Refer to Figure 4 below for the Amended Landscape Plan.

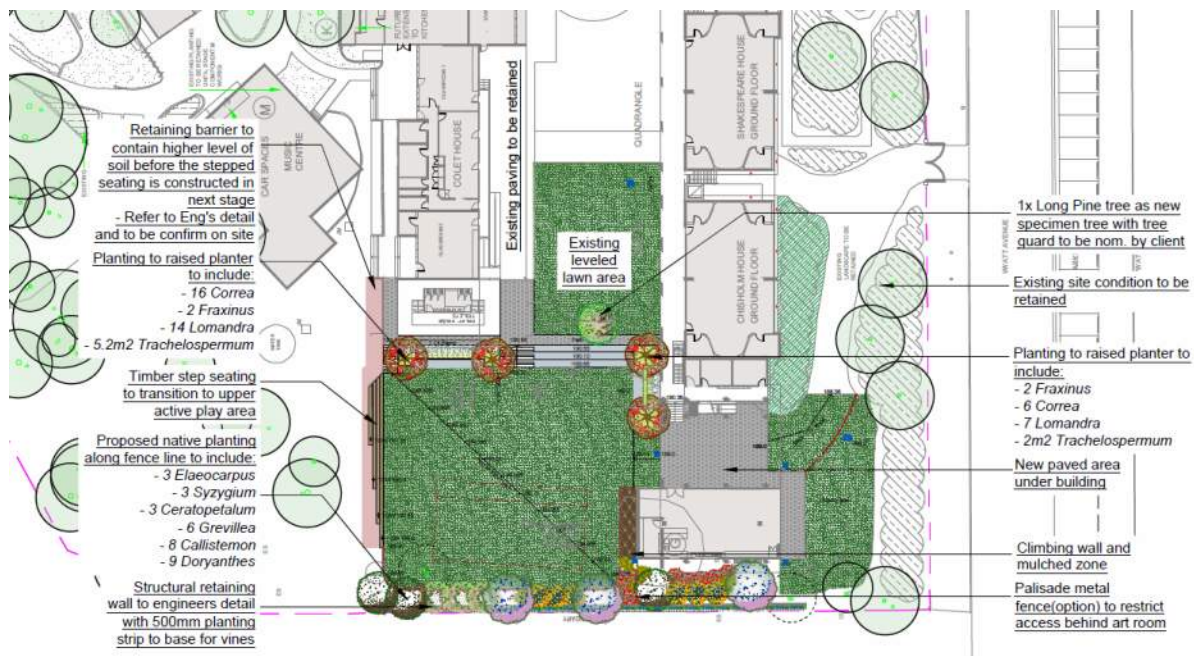


Figure 4: Amended Landscape Plan (Source: Concept Landscape Architects)

Planting that was approved under the original staged DA along the Wyatt Avenue frontage, combined with existing planting, will adequately screen the minor addition to future stage Q.

The proposal will result in a minor increase in GFA of approximately 271m² and a reduction in landscaped area. However, the landscape design provides an improved outcome on the site and the reduction in landscaped area will not compromise play space on the site noting that the primary reduction will occur within the western side setback where the land falls steeply and where consequently, children are not permitted to play. As discussed earlier, the intent is to install a retaining wall along part of the western boundary and to raise the ground level to make the south-western edge of the Chisholm House extension useable play space. This is reflected in the detailed landscape plans for future Stage Q which accompany the concurrent DA for the detailed design and construction of Stage Q. An undercroft play area will also still be retained below the Chisholm House extension, adjacent to the proposed new art room.

With the exception of the above, the proposed modification does not seek any other change to the approved staged development and notably, no further increase in student numbers.

3.2.2. Conditions to be Modified

As a result of the proposed modifications, the following conditions of the existing consent will also need to be modified, as follows:

- Condition 1a) – this condition lists the approved plans and reports and will need to be amended to accommodate the amended plans accompanying the subject modification application; and
- Condition 5 – this condition list the concept plans related to “future” development stages F to Q. As Stage Q is proposed to be amended under this application and stage L incorporated as part of stage Q, the relevant plan (reference JC/IN – DA/DWG 1170 rev A dated 21 May 2015) will also need to be amended in this condition.

3.2.3. Justification for the Proposed Modification

The intent of the original staged DA was to set a long-term vision for the school to respond to the increase in demand for enrolments and to provide the school and wider school community with certainty surrounding facilities and services to satisfy the demands of students and staff. The staged development approach enabled a certain degree of flexibility to be built into the Masterplan to ensure that modifications could be made to respond to the changing needs of the school over time.

As occurs with all educational establishments, the school is constantly reviewing demands for standard classrooms as well as rooms to accommodate additional classes including music, art, Shakespeare, Sanskrit, philosophy etc. It has become clear that there is a need for larger classrooms and a more generously sized art room to provide students with the best possible spaces to enhance learning. The larger classroom format that would be accommodated within the proposed amended Chisholm House extension via “future Stage Q” will align with the standard classrooms provided within adjacent Chisholm House and Shakespeare House. The current classroom size within Colet House is not sufficient to meet the needs of the expected future class sizes. An alternative solution in the (approved) extension of Colet House has been deemed to not to be the best solution in fully meeting the needs for the school. The Chisolm House extension would meet the needs of future students without considerably impacting the key useable play space on-site.

3.2.4. Supporting Documentation

The subject Section 4.55 (2) Modification Application is supported by the following documentation in Table 1.

Table 1: Supporting Documentation

Consultant Report	Prepared by
Amended Architectural Plans	Templum Design Architects
Amended Landscape Plans	Conzept Design Architects
Amended Bushfire Report	Australian Bushfire Protection Planners
Amended Arborist Report	Accurate Tree Assessment

3.3. Pre-Lodgement Advice

A meeting was held with Council on 16 April 2019 to discuss the proposed modification. Minutes from that meeting were issued by Council on 27 May 2019. The meeting and subsequent minutes related to both this application and the concurrent DA for the detailed design and construction of Stage Q. The

issues raised in the meeting and minutes relevant to the subject modification application are addressed below:

- Increased building height non-compliance: Council's urban designer confirmed that the change in roof typology, which is the main contributing factor to the increased variation in building height for the Chisholm House extension, better reflects a coherence in building form and mass and given the substantial separation of this part of the site from nearby residences/receivers, is supported.
- Front setback variation: Council noted that despite the minor decrease in the front setback and subsequent increase in variation from the front setback standard, the outcome results in a better alignment to the existing buildings at the school frontage and is therefore supported.
- Side setback variation: Council advised that the remaining 5m setback zone will need to be properly landscaped to achieve the objectives of the control and to mitigate the visual impact of extended Stage Q. In response, the amended landscape concept includes generous additional landscaping within this western side setback zone. This, combined with the indicative articulation of the western façade (refer comments below) and the substantial separation of this part of the site from any nearby residences/receivers, means the side setback variation is considered to be reasonable and supportable.
- Building bulk: Council was concerned that the drawings submitted for the pre-lodgement meeting demonstrated little detail and articulation to the treatment of the western façade of Stage Q. The issue is that the approved plans comprise concept plans/building elevations and did not include detailed design plans (as these will be the subject of a separate, future DA for detailed design of that stage). Notwithstanding this, the feedback from Council regarding possible measures to articulate the western façade were taken on board. The plans accompanying the subject application include a series of amended concept elevations, but also, more detailed indicative plans, for information only, that demonstrate how the design of Stage Q is capable of addressing the issues raised by Council. These plans were issued to Council prior to lodgement and written (email) advice was received on 5 August 2019 confirming acceptance of the amended design. These detailed plans accompany the concurrent DA for the detailed design of Stage Q. An extract of the indicative western elevation plan(s) is provided below.



*Figure 5: Extract of the proposed extension to Chisholm House from the south-west corner
(Source: Templum Design Architects)*

- General arrangement plan comments: Council raised concern regarding the interface between the proposed art room, the classrooms above and Stage F to the north. As this matter relates to detailed design resolution, it has been addressed in the concurrent Stage 2 DA for Stage Q, being the detailed design of the Chisholm House extension.

- Upper level between Chisholm House and Stage/Building Q: Council raised concern noting that the WC block between the proposed and existing Chisolm House included a closed in circulation zone. Council further noted that the separation provided between Chisholm and Shakespeare House could be reflected in this new connecting/circulation zone as a way to connect to the greater landscape providing through site link and views to the greater landscape and to break down the built form, whilst also providing a cross ventilation strategy for this area. A series of design options were considered, and the amended design now incorporates a glazed wall to the aforementioned circulation zone. This detail is reflected in the concurrent Stage 2 DA for Stage Q, being the detailed design of the Chisholm House extension.

With regard to the above, we consider that the subject proposal to modify future Stage Q has addressed the issues raised by Council at the pre-lodgement meeting. Where the issues raised relate to detailed design, they have been addressed in detail in the concurrent Stage 2 DA for Stage Q, being the detailed design of the Chisholm House extension.

4. STATUTORY PLANNING FRAMEWORK

4.1. EP&A Act 1979

4.1.1. Section 4.24 - Status of Concept Development Applications and Consents

Section 4.24(2) of the EP&A Act states that while any consent granted on the determination of a concept DA remains in force, the determination of any further DA for the site cannot be inconsistent with the concept consent. However, Section 4.24(3) does not prevent the modification of a concept in accordance with the Act. A modification to the approved concept plan is therefore sought under the subject Section 4.55(2) modification application.

4.1.2. Section 4.55 (2) – Modification of Consents – Other Modifications

Section 4.55(2) of the Environmental Planning and Assessment Act 1979 (the Act) addresses modifications to a development consent involving minimal environmental impact and provides that Council may modify consent if:

- (a) *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*
- (b) *it has consulted with the relevant Minister, public authority or approval body (within the meaning of Division 4.8) in respect of a condition imposed as a requirement of a concurrence to the consent or in accordance with the general terms of an approval proposed to be granted by the approval body and that Minister, authority or body has not, within 21 days after being consulted, objected to the modification of that consent, 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 the period prescribed by the regulations or provided by the development control plan, as the case may be.*

In response to (a), “substantially the same development” means “essentially or materially or having the same essence” as defined by *Pearlman C.J. in Schrodgers Australian Property Management Ltd v Shoalhaven City Council and Anor* (1999) NSWLEC 251. Accordingly, it is the substance of the proposal relative to the substance of the development as originally approved. The proposed development is essentially, and materially, the same as the approved development for the following reasons:

- The proposed amendment to the Chisholm House extension (concept) will not result in any of the following;
 - Any significant change to the nature or intensity of the development approved under DA2015/0558 noting only a minor increase in GFA, minor extension to an approved building envelope and no change to student or staff numbers. Rather, the modification will respond to the needs of the approved student and staff population under DA2015/0558. In the context of the wider concept/masterplan approved for the site, the modification is limited to a relatively small component.

- Any adverse impact on neighbours in terms of overshadowing, visual and acoustic privacy, traffic generation and therefore no significant change to the relationship of the site with adjoining properties. This is primarily due to the significant separation of the Chisholm House extension to any nearby residential properties with the closest residential dwelling to the north-west being located some 75m from the western extent of the amended Chisholm House extension. The modification will not result in any additional traffic generation or increase in staff parking demand.
- Any significant change to the scale or character of the development noting the original concept approved a range of single and two (2) storey buildings across the site. The two (2) storey built form/height for the Chisholm House extension has already been established under DA2015/0558 on the Wyatt Avenue frontage. A further extension will not result in any material visual impact, noting that the building will be considerably screened by existing, future/approved and proposed additional tree planting, particularly along the western boundary zone adjacent to the extension. The built form has also been amended to be consistent with the front building line and ridge height of the adjacent Chisholm House and Shakespeare House. Below is a comparison between the approved and proposed (amended) indicative perspectives from Wyatt Avenue, demonstrating that whilst the Chisholm House extension will result in a minor increase in visual bulk, the outcome is not materially different to what was originally approved. The infill of the undercroft area will generally not be visible from the public domain and the overall building (within the amended envelope) has the capability of being designed to minimise bulk and scale (through façade detailing and varying materiality).



Figure 6: Approved Elevation from Wyatt Avenue (noting the Chisholm House extension is indicative only, with only a building envelope approved under DA2015/0558) (Source: Templum Design Architects)



Figure 7: Proposed Amended Elevation from Wyatt Avenue (Source: Templum Design Architects)

Accordingly, the proposed modifications are not considered to change the essential features of the approved development.

With regards to the remaining matters for consideration under Section 4.55 (2) we note:

- This 4.55(2) application concerns modifications to an approved development that does not require the concurrence of the relevant Minister, public authority or other approval body;
- The proposed modifications would not result in anything other than minor environmental impacts, as demonstrated at Section 5 of this Statement; and
- Notification of this application is a matter for Council. Should Council notify the application and receive any submissions we request the opportunity to provide a response to any issues raised, prior to the application being determined.

We therefore submit that the 'test' in Section 4.55 (2) of the Act is satisfied and that Council is able to give consideration to this proposal.

4.1.3. Matters for Consideration

Section 4.55 (3) of the Act requires that in determining an application for modification of a consent. Council must take into consideration such of the matters referred to in Section 4.15 (1) of the Act as are of relevance to the development the subject of the application.

Section 4.15 (1) identifies the matters to be considered by Council when assessing a development application, being:

- (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*
 - (iia) *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),*
 - (v) *(Repealed)*

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

- (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,*
- (c) *the suitability of the site for the development,*
- (d) *any submissions made in accordance with this Act or the regulations,*
- (e) *the public interest*

These issues are considered in Section 5 below.

5. SECTION 4.15 (1) ASSESSMENT

5.1. Section 4.15 (1)(a)(i) – Environmental Planning Instruments

The relevant legislation/environmental planning instruments that apply to the site are:

- a) *Environmental Planning and Assessment Act 1979* (EP&A Act 1979);
- b) *Threatened Species Conservation Act 1995*;
- c) *Commonwealth Environment Protection and Biodiversity Conservation Act 1995*;
- d) *Rural Fires Act 1997*;
- e) *Environmental Planning and Assessment Regulations 2000*; and
- f) *Warringah Local Environmental Plan 2000* (WLEP).

The proposed modification will not result in any change to the assessment by Council to the original DA in relation to b), c), d) or e). The main considerations relevant under the EP&A Act (and the WLEP) are addressed below.

These controls and guidelines are addressed in the following sections.

5.1.1. Warringah Local Environmental Plan 2000

With regard to the WLEP;

- The approved use will remain unchanged;
- The proposed modification generally does not alter the assessment undertaken by Council for the original concept DA, with the exception of the following:
 - **Desired Future Character for the C8 Locality:** The proposed modification is consistent with the desired future character as it has been designed to minimise disturbance of existing bushland on the site. Further, the proposal will not change the "level of activity" of the approved development and therefore, will remain "low intensity" as originally assessed. The impact is also considered to be low as there will be no impact on native vegetation/habitat/threatened species or any traffic impact and the increase in visual impact is minor in the context of existing development on the site, the two (2) storey nature of the approved building envelope and the considerable planting to screen the extension. The minor increase in visual impact is further mitigated by the additional landscaping within the western setback zone to the Chisholm House extension and the indicative future detailing of the western façade of the extension.
 - **Building Height:** The envelope for the Chisholm House extension was approved with a variation to the 8.5m height standard, largely due to the fall of the site to the west. The same justification applies to the proposed further addition to the Chisholm House extension. The height variation, whilst marginally increasing the approved height by 2.2m, is as a consequence of the fall of the land to the west and a minor increase in the overall ridge height to be consistent with the directly adjacent buildings. The indicative design incorporates varying materiality and colours which assist in breaking up the visual massing of the building. The two-storey built form was previously approved in DA2015/0558 and there is subsequently no change proposed in this regard. The roof-ridge line is designed to be consistent with the existing roof design in Chisholm House and Shakespeare House. This creates a complementary built form as viewed from Wyatt Avenue. Landscaping also screens the proposed built form and mitigates the visual impact of the non-compliant building height on the southern and western elevations.
 - **Front Building Setback:** The envelope for the Chisholm House extension was approved with a minor variation to the front setback, largely on the basis that existing buildings fronting Wyatt Avenue do not comply with the minimum 20m front setback requirement. The proposed minor reduction to the front setback for the Chisholm House extension to 17.2m is considered to be

acceptable as it will provide a front setback consistent with the adjacent Chisholm House and Shakespeare House. The additional visual impact from this minor front setback reduction will be negligible and not of any consequence.

- **Side Building Setback:** The proposed modification to the approved Chisholm House extension results in a non-compliance with the 10m side setback requirement. A 5m setback is proposed, generally consistent with the varied setbacks of existing buildings and parking spaces on the school site from the eastern site boundary. As noted earlier, the reduction in the western side boundary setback is not considered to be of any material consequence as the building will be substantially separated from any nearby sensitive receivers (75m +). Any additional visual bulk will be adequately mitigated through the detailed design of the building (future stage DA) and generous planting, as discussed elsewhere in this report. Whilst the side setback control in the character statement in the WLEP does not include any explicit objectives, it is clear that the underlying objective is to ensure there is a sufficient landscaped buffer, free of structures, to any adjacent properties to maintain a “natural landscape” in the locality. The previously approved landscaping and proposed additional landscaping together enhance the natural landscape setting of this building, particularly on the western elevation. The built form impacts are ameliorated through the landscape scheme, in conjunction with building articulation and materiality.

With regard to the above, we consider that the proposed modification results in a satisfactory response to the relevant matters for consideration under the WLEP.

5.2. Section 4.15 (1)(a)(ii) – Draft Environmental Planning

At the time of preparing this report no draft instruments were on exhibition.

5.3. Section 4.15 (1)(a)(iii) – Development Control Plans

The Warringah Development Control Plan 2000 (Notification) applies to this proposal. Once lodged, we trust that the future Section 4.55(2) modification application will be notified and advertised consistent with the provisions of this plan. This is a matter for Council.

5.4. Section 4.15 (1)(a)(iiia) – Planning Agreements

Not applicable.

5.5. Section 4.15 (1)(a)(iv) – Matters Prescribed by the Regulations

The proposed modification does not result in any matters that are required to be considered by the consent authority under the *Environmental Planning and Assessment Regulation* (EP&A Reg) 2000 in addition to those already assessed and considered acceptable in the favourable determination of DA2015/0558.

5.6. Section 4.15 (1)(b) – Likely Impacts of the Development

5.6.1. Built Form/Visual Impact

The proposal seeks approval to generally vary the approved building envelope for Stage Q as set out below:

- A further extension of the building envelope to the west by 5m, resulting in a 5m setback to the site's western boundary;
- Due to the slope of the land down to the western site boundary and the proposed change in roof typology to match adjacent buildings, an increase in the maximum height of the building envelope;

- A minor reduction in the front setback to 17.2m to align to the existing Chisholm and Shakespeare House on the southern boundary of the site;
- Partial infill of the undercroft below the abovementioned extension for the purposes of an Art room; and
- An approximate 1.6m high retaining wall is also proposed along the western site boundary to address the steep slope within the western boundary zone to make this area more accessible for staff and students.

The modifications to the built form, relating to the minor increase in building height, decrease in the side setback and variation to the front setback, result in a change to the visual presentation of the “future stage Q”. The detailed design of the extension to Chisholm House, provided in the concurrent Stage 2 DA, comprises materiality and finishes to break up the built form. Specifically, solid aluminum cladding and powdercoated aluminum framed windows together with glazing and the roof garden ameliorate the visual impact of the proposed extension. Despite the proposed minor increase in building height, the amendments are provided to ensure the built form when viewed from Wyatt Avenue is consistent. This specifically relates to the symmetrical roof line, as amended in this modification application. Landscaping additionally screens the built form, particularly when viewed from the western elevation (Figure 8). As mentioned earlier, the nearest residential property to the west is located 75m northwest and thus adequate separation is provided despite the decrease in the proposed side setback to 5m.

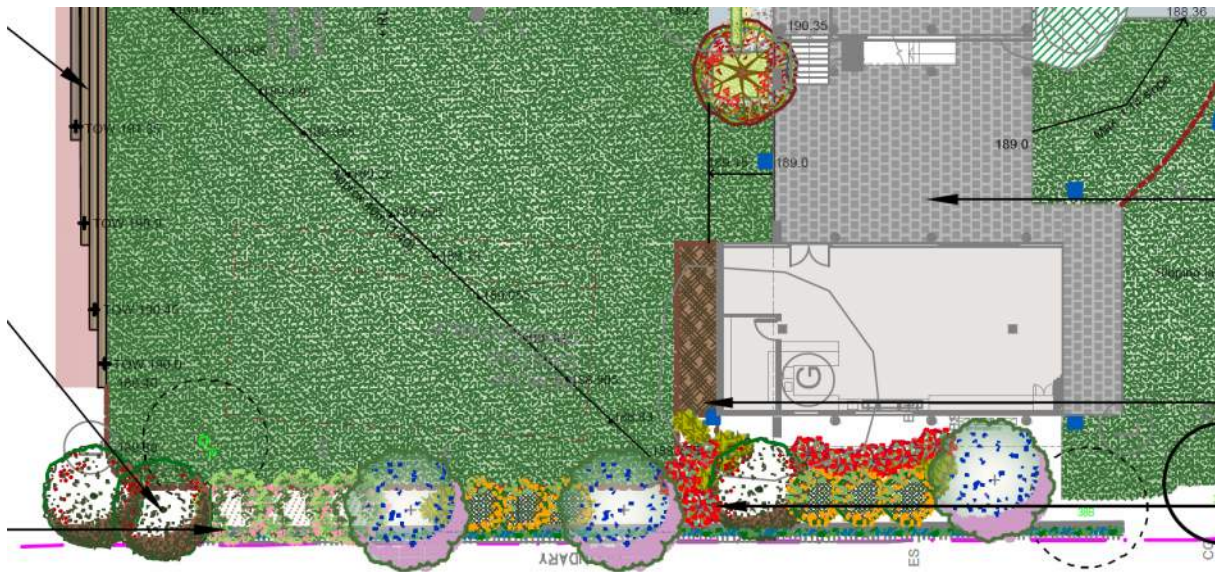


Figure 8: Proposed landscaping on the western elevation (Source: Concept Landscape Architects)

5.6.2. Overshadowing

The proposed modifications to the approved Chisholm House extension will result in a minor increase in overshadowing. However, as can be seen in the figure below, the additional shadow cast is minor and will not result in any reduced amenity to any nearby residences/receivers or the public domain. No shadow diagrams were provided for the “future stage Q” in DA2015/0558, hence a comparison cannot be provided below.

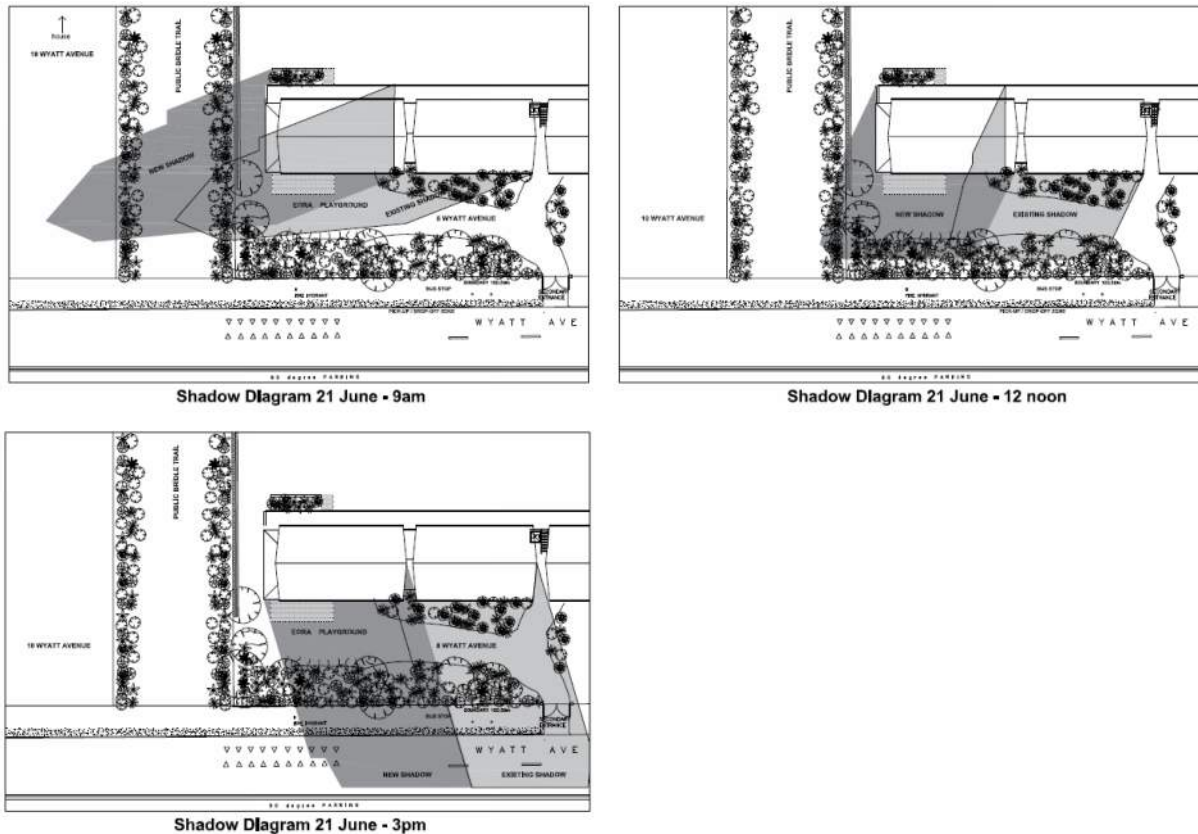


Figure 9: Proposed Shadows Diagrams with Amended Built Form (Source: Templum Design Architects)

The proposed overshadowing resulting from the varied built form does not adversely impact usable playspace located to the north of the subject site and maintains adequate sun access for the residential properties to the north-west. As mentioned above, substantial separation is maintained in the context of the reduced side-setback from those properties on the west boundary and shadow impacts are not adverse.

5.6.3. Traffic and parking

The proposed modifications to future Stage Q will not result in any increase in the intensity of activity at the school and no alteration to existing traffic or parking arrangements. Therefore, the proposal will have a negligible impact on traffic and parking.

5.6.4. Ecology

The proposed modifications will result in the removal of four (4) trees. These include two (2) Lilly Pilly (T37a, b), one (1) Water gum (T38b) and one (1) Red Bloodwood (T39). The Lilly Pilly's have a low retention value and the Water gum and Red Bloodwood a moderate retention value. The Ecologist raised no objection to their removal as they are not protected and not located in Duffys Forest ECC. The proposed landscape scheme relating to the concurrent detailed DA for the extension to Chisholm House includes additional replacement trees. Specifically, seven (7) additional trees are proposed along the western boundary line in addition to the eight (8) already approved in DA2015/0558. Refer to the Amended Arborist Report for detail.

5.6.5. Bushfire

An assessment of the proposed modifications has been undertaken by Australian Bushfire Protection Planners given the bushfire affectation of the site. The assessment report, which is attached at Appendix 3, confirms that the proposed modifications will not increase the bushfire risk to the school.

5.6.6. Acoustic

The proposed modification to future Stage Q is not anticipated to result in any reduced acoustic amenity to the surrounding area given the closest residential receiver is located some 75m away. This matter will be addressed in further detail in the concurrent Stage 2 DA for the detailed design of Stage Q.

5.6.7. Drainage

As future stage Q was not originally intended to comprise the first stage of development pursuant to DA2015/0558, there was no stormwater drainage plan approved for this stage. There was however a stormwater statement which outlined the proposed arrangements for all approved stages (detailed and concept) for the proposal. The amended Stage Q is consistent with the provisions for stormwater management outlined in this statement. A detailed stormwater drainage plan for future Stage Q will be submitted with the (concurrent) detailed Stage 2 DA for the construction of that stage.

5.7. Section 4.15 (1)(c) – Suitability of the Site

The suitability for the site for the development was established by the granting of the original development consent. The proposed modification does not materially change the approved concept development. As noted above, where a variation is proposed to the height and setback standards in the WLEP, the outcome is considered to be acceptable and not of any adverse consequence for the site or surrounding area. Furthermore, the proposed modifications do not generate any significant additional impacts beyond those approved.

5.8. Section 4.15 (1)(d) – Submissions

The Consent authority will need to consider any submissions received in response to the public exhibition of the proposed development.

5.9. Section 4.15 (1)(e) – Public Interest

Pursuant to case law of *Ex Gratia P/L v Dungog Council* ([2005] NSWLEC 148), the question that needs to be answered is “*whether the public advantages of the proposed development outweigh the public disadvantages of the proposed development?*”

There are no unreasonable impacts that will result from the proposed development; therefore, the benefits outweigh any disadvantage and as such the proposed development will have an overall public benefit.

No public interest issues arise as a consequence of the proposed modifications. Council’s intentions in imposing conditions to preserve the public interest are not affected, since the proposed modifications continue to give effect to those general intentions, simply in a more practical and achievable way.

6. CONCLUSION

This application seeks approval for a Section 4.55 (2) modification to Development Consent 2015/0558 granted on 10 June 2016 for the staged masterplan redevelopment at John Colet School, Belrose.

The proposed modifications relate to minor extension of future stage Q and a partial infill of the undercroft below the extension to provide for a new art room. This specifically involves an amendment to the approved side setback to 5m, minor reduction in the front setback to Wyatt Avenue and a minor increase in the approved building height to ensure the proposed ridge line aligns with those existing buildings on the site.

The key issues identified and discussed in the report relate to minor additional visual impact, acoustic privacy and overshadowing. Mitigation measures including materiality and landscaping ameliorate the built form impacts. Overall, the urban design outcomes of the future stage Q are an improvement from that previously approved by Council in DA2015/0558. The proposed modifications do not result in adverse bushfire impact, parking/traffic or drainage issues. The reduction in the 5m western side setback enables the school to meet future needs in terms of classroom size and does not impact key usable play space on the site. The modified setback does not cause adverse privacy issues for nearby residential development, located 75m north-west of the subject building. Landscaping screens the built form and the existing bridle trail separates these properties.

In summary, the amended proposal is considered to be:

- Substantially the same development as that which was originally approved;
- A suitable and desirable use for the site which meets the relevant heads of consideration under Section 4.15 (1) of the Act;
- In accordance with the aims, objectives and provisions of the planning instruments and controls; and
- An appropriate and acceptable development that will not generate any unreasonable environmental impacts over and above that which was originally approved by the (former) JRPP (and as recommended to be approved by Council).

We are satisfied that this proposal has properly responded to all relevant matters for consideration within the EP&A Act, and the accompanying Regulation. Accordingly, it is considered that the proposed development is worthy of Council support.