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## Section 4.55(1A) Planning Report

Modification to Approved Demolition, Alterations and Additions to  
Existing Educational Establishment

Trinity Grammar School – 115-127 The Boulevard, Strathfield

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# Contents

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<b>1</b>	<b>Introduction</b>	<b>1</b>
1.1	Commission	1
1.2	Purpose of this Statement	1
1.3	Material Relied Upon	1
<b>2</b>	<b>Site Context</b>	<b>2</b>
2.1	Location	2
2.2	Site Description	2
2.3	Surrounding Development	3
<b>3</b>	<b>Proposed Modifications</b>	<b>4</b>
3.1	Summary of Proposed Modifications	4
3.2	Building Form and Materials	4
3.3	Landscaping	6
3.4	Building Code of Australia (BCA) and Accessibility	6
3.5	Modifications to the Notice of Determination	6
3.5.1	Condition No. 6 – Approved Plans and Reference Documentation	6
3.5.2	Condition No. 29 – Fire Safety Upgrade (CC)	7
<b>4</b>	<b>Statutory Provisions</b>	<b>8</b>
4.1	General	8
4.2	Section 4.55(1A) of the Act	8
4.2.1	Minimal Environmental Impact (section 4.55(1A)(a))	8
4.2.2	Substantially the Same Development (section 4.55(1A)(b))	8
4.2.3	Notification (section 4.55(1A)(c))	8
4.2.4	Consideration of Submissions (section 4.55(1A)(d))	8
4.2.5	Matters for Consideration and Reasons for Granting Consent	9
4.3	Clauses 94 and 115 of the EP&A Regulation 2000	9
<b>5</b>	<b>Environmental Planning Assessment</b>	<b>10</b>
5.1	Planning Controls	10
5.1.1	State Environmental Planning Policies	10
5.1.2	Strathfield Local Environmental Plan 2012 (SLEP)	10
5.1.3	Draft Environmental Planning Instruments	11
5.1.4	Strathfield Consolidated Development Control Plan 2005 (SDCP)	11
5.2	Likely Impacts of the Development	12
5.2.1	Built Environment	12
5.2.2	Natural Environment	13
5.2.3	Heritage	13
5.2.4	Stormwater Management	14
5.2.5	Economic Impact	14
5.2.6	Social Impact	14
5.2.7	BCA and Access	14

# Contents

---

5.3	Suitability of the Site for Development	14
5.4	Public Interest	14
<b>6</b>	<b>Conclusion</b>	<b>15</b>

---

## Figures

Figure 1	Site Location	2
Figure 2	Site Context	2
Figure 3	Surrounding Development	3
Figure 4	As approved mechanical equipment screening – extract from eastern elevation	5
Figure 5	Proposed mechanical equipment screening – extract from east elevation	6
Figure 6	Proposed mechanical plant screen/enclosure – east elevation extract	13

## Tables

Table 1	Assessment against Relevant Provisions of Strathfield LEP 2012	10
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# 1 Introduction

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## 1.1 Commission

DFP has been commissioned by Trinity Grammar School to prepare a Planning Report to accompany a Section 4.55(1A) Modification Application (section 4.55 application) for the approved alterations and additions development at Trinity Grammar School, 115-127 The Boulevard, Strathfield (the site).

The application is made pursuant to section 4.55(1A) of the *Environmental Planning and Assessment Act 1979* (EP&A Act) to modify Development Consent DA2019/223 issued by Strathfield Council (Council) on 7 May 2020 for:

*'Alterations and Additions to heritage items (1206, 1207, 1208) being an existing Educational Establishment (Trinity Grammar School) involving partial demolition of existing building and internal reconfiguration to lower ground, ground and Level 1 to accommodate additional classroom spaces, external facade upgrade and associated landscaping'*

The section 4.55 application seeks to modify development consent DA2019/223 to reflect the proposed modifications as demonstrated in the accompanying architectural plans prepared by Tonkin Zulaikha Greer Architects (TZGA) and as described in **Section 4** of this report. The modification also proposes to amend a condition of development consent relating to fire safety upgrading (see **Section 4** further in this report).

## 1.2 Purpose of this Statement

The purpose of this report is to provide Council with the relevant information necessary to assess the proposed modifications pursuant to Part 4 of the EP&A Act and the *Environmental Planning and Assessment Regulation 2000* (the Regulation) and for the application to be determined in accordance with section 4.55(1A) of the EP&A Act.

## 1.3 Material Relied Upon

This report has been prepared by DFP based on the information listed below:

- Architectural plans – *Tonkin Zulaikha Greer Architects*
- Landscape Plans – *Xeriscapes*
- Heritage Impact Statement – *John Oultram Heritage and Design*
- Fire Safety Audit Assessment Report – *Credwell*
- Access Review – *Funktion*

## 2 Site Context

### 2.1 Location

The site is located at 115-127 The Boulevarde, Strathfield (see **Figure 1**). The allotment is legally described as Lot 42 in DP 829284.

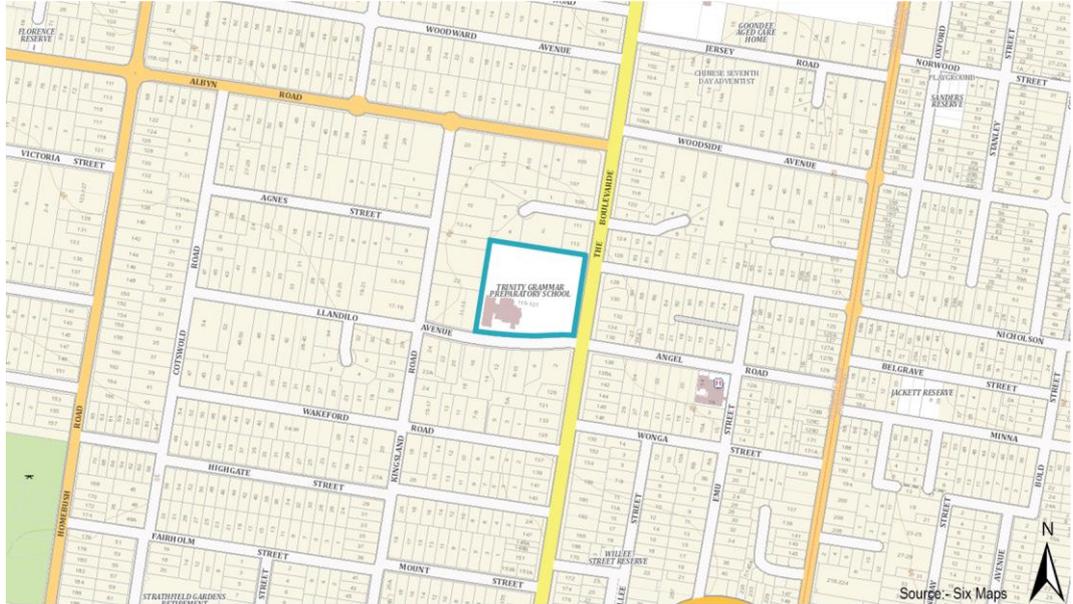


Figure 1 Site Location

### 2.2 Site Description

The site is known as Trinity Grammar School and has been used for the purposes of an *educational establishment* since 1926. It has an area of 15,918m<sup>2</sup> (1.59Ha) with primary frontage to The Boulevarde (eastern boundary) and secondary frontage to Llandilo Avenue (southern boundary). The site contains multiple buildings of varying ages with a mix of soft and hard landscape elements forming the school's recreational areas. An aerial image of the site can be found in **Figure 2** below.

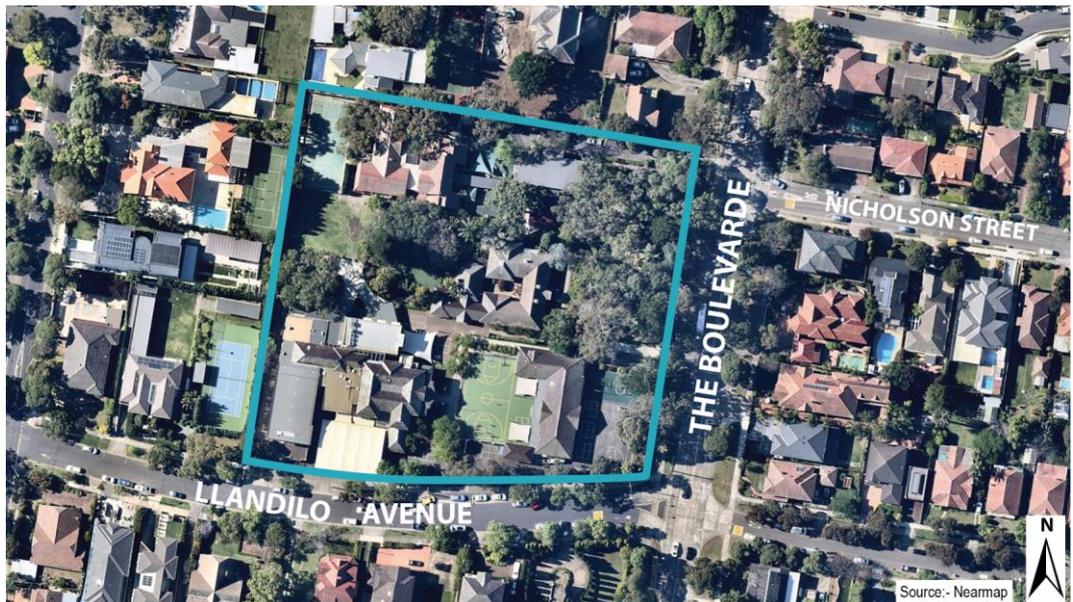


Figure 2 Site Context

## 2 Site Context

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### 2.3 Surrounding Development

Residential developments characterise the established surrounding land uses. Existing developments are predominately single detached dwellings upon typically 500m<sup>2</sup> – 1,000m<sup>2</sup> allotments. The surrounding land uses can be seen in **Figure 4** below.

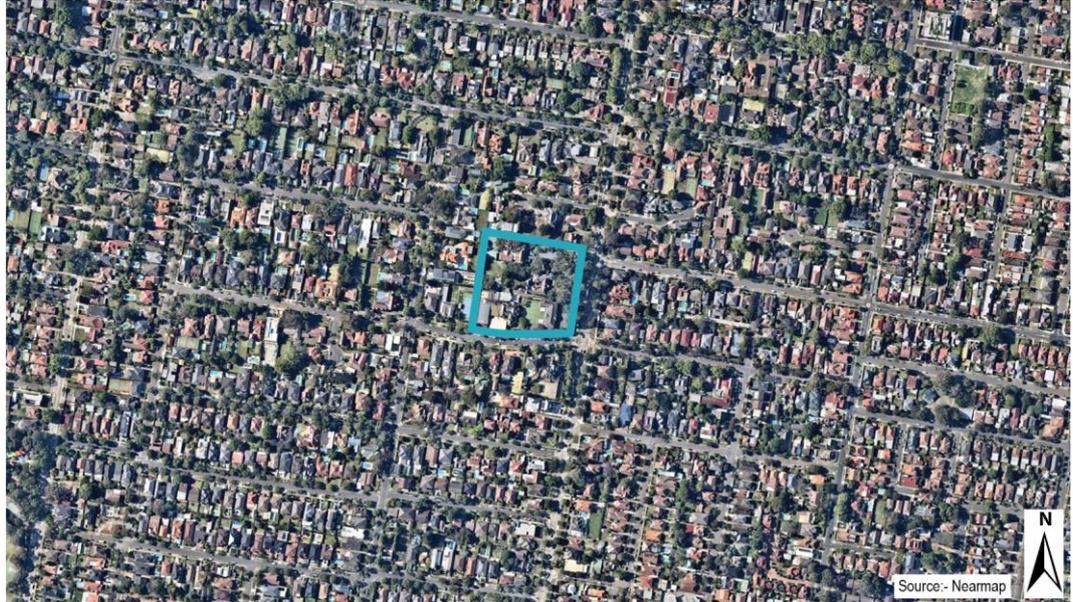


Figure 3 Surrounding Development

## 3 Proposed Modifications

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### 3.1 Summary of Proposed Modifications

The proposed modifications are largely driven by design (functionality and aesthetics) and BCA matters identified in the detailed design development phase of the project and to address recommendations of the Fire Safety Audit Report prepared by Credwell.

The proposed modifications as shown on the Architectural plans prepared by TZGA accompanying this report have been summarised by TZGA as follows:

1. Existing columns to Upper Ground Floor removed and / or replaced
2. Shape of Awning at entry revised from 'T' to 'L' shape
3. Wall removed between Stair 1 and Balcony/Circulation on Upper Ground and First Floor<sup>1</sup>
4. Shaping of wall screening mechanical equipment revised (refer East Elevation)
5. Clerestory window removed
6. Changes to internal door arrangement between STEM/Flexible Learning and Collaboration/Flexible Learning on both Upper Ground and Level 1
7. Existing External Door to Art Room - swing reversed for egress
8. Door to Stair 1 on Lower Ground revised to double door and door swing reversed
9. Existing windows to UG<sup>2</sup> Flex learning Area replaced (rather than retained) – Refer south Elevations
10. Balustrade details revised to include extension below slab
11. PMS<sup>3</sup> screen added to east side of Level 1 balcony
12. Ramp 3 levels revised; handrail introduced
13. Minor upgrade works to balustrade of existing Stair for Fire Safety Compliance
14. Roof access hatch added

A Fire Safety Audit Report prepared by Credwell (the Credwell report) accompanies this report. The Fire Safety Audit was commissioned by the applicant in order to address Condition No. 29 of development consent DA2019/223. Condition 29 requires the existing building to be 'upgraded to total or partial conformity with the BCA' pursuant to clause 94 of the *Environmental Planning and Assessment Regulation 2000* (EP&A Regulation).

Condition No. 29 was considered by the project Certifier and it was determined that compliance with the condition's requirements would be difficult to achieve considering the age and heritage status of the existing building. Accordingly, Section 5 of the Credwell report provides an 'Upgrade Strategy Summary' for the existing building in consideration also of the proposed alterations and additions. The Credwell report concludes that

*'It is my opinion that a reasonable level of fire and life safety will be achieved upon completion of the works detailed above given the existing nature and use of the building.'*

### 3.2 Building Form and Materials

The built form of the modified development remains largely as approved. External changes proposed as part of this modification are summarised below (numbering is consistent with the modification cloud numbering shown on the TZGA plans accompanying this report):

2. Shape of awning at entry revised from 'T' to 'L' shape – refer to first floor plan;
4. Shaping of wall screening mechanical equipment revised – refer east elevation;
5. Celestial windows removed – refer to east-west section;

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<sup>1</sup> Deletion of a new wall which was previously proposed in the DA

<sup>2</sup> UG = upper ground

<sup>3</sup> PSM = perforated metal screen

### 3 Proposed Modifications

7. Existing external door to art room, swing is reversed for egress compliance reasons – refer to western elevation;
9. Existing windows to upper ground level flexible learning area to be replaced (rather than retained) – refer south elevation;
10. Balustrade details revised to include extension below slab – refer to east elevation;
11. Perforated metal screen is added to the eastern side of the Level 1 balcony;
12. Ramp 3 levels revised with handrail introduced – refer to east elevation; and
14. Roof access hatch has been added – refer to roof plan.

The most notable modification is the changes proposed to the shape of the mechanical equipment screening. **Figure 4** below is an extract from the approved eastern elevation with **Figure 5** showing an extract from the proposed modification to the eastern elevation.

**Section 5** of this report discusses the amendment in further detail.

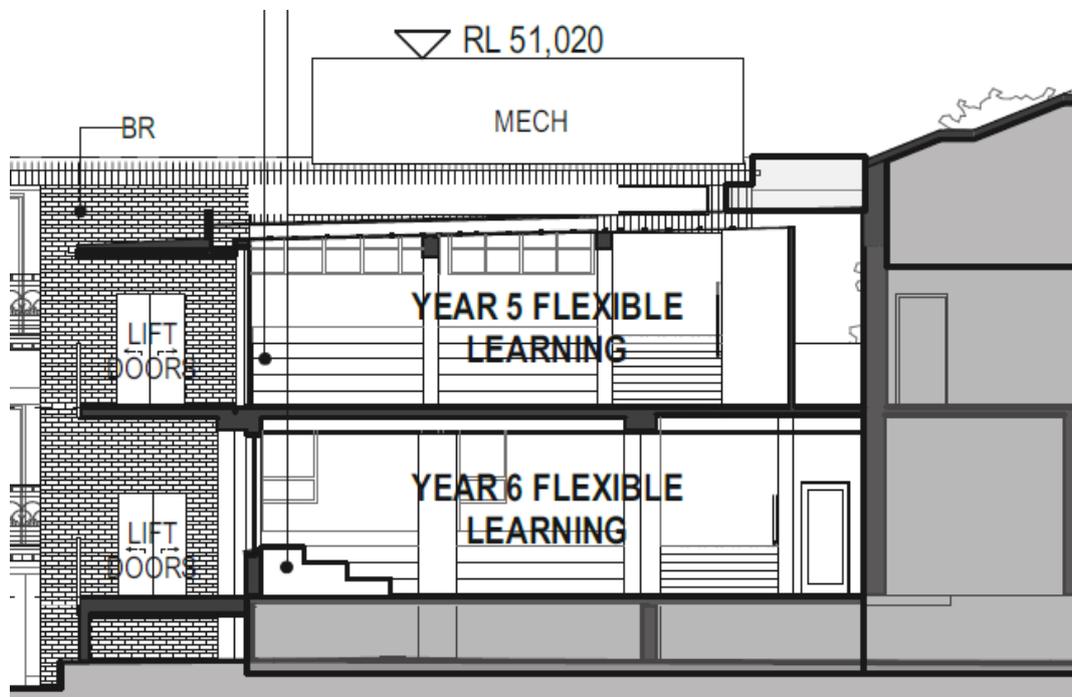


Figure 4 As approved mechanical equipment screening – extract from eastern elevation

## 3 Proposed Modifications

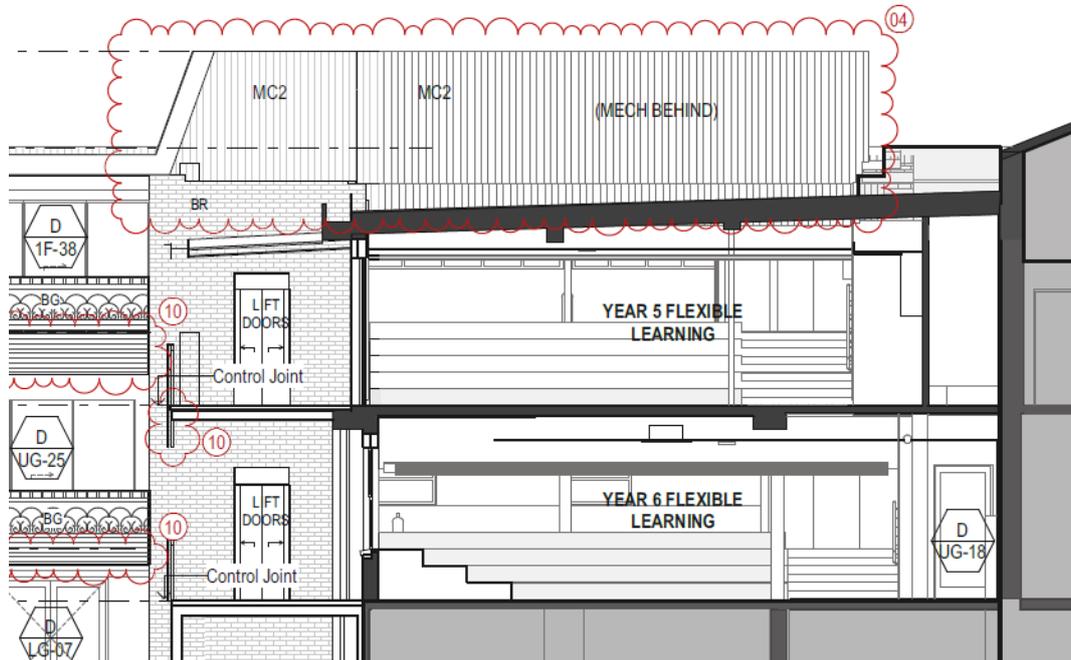


Figure 5 Proposed mechanical equipment screening – extract from east elevation

There are no changes to the approved schedule of materials and finishes, accordingly Architectural plan DA-401 remains applicable to the development as approved by development consent DA2019/223.

### 3.3 Landscaping

The proposed landscaping scheme for the development is generally consistent with the elements as approved for the proposed development. The landscaping changes proposed are demonstrated in the Xeriscape 'S4.55 drawings' L301 and L401 which accompany this report.

The two (2) plans provided are proposed to replace plan L101 of the approved landscape documentation under development consent DA2019/223. Drawing L102 of the approved landscape documentation is no longer relevant to the proposal and should not be included as an approved plan.

### 3.4 Building Code of Australia (BCA) and Accessibility

The Credwell Fire Safety Audit Report accompanying this report which has been commissioned by the applicant in order to address fire safety matters for the development. This is discussed in detail in **Section 3.1** and **Section 3.5.2** of this report.

An 'Access Review' for the section 4.55 application has been prepared by Funktion. The review, which accompanies this report, makes a number of recommendations which can have been included in the modified architectural plans and/or can be included in future construction certificate documentation.

### 3.5 Modifications to the Notice of Determination

#### 3.5.1 Condition No. 6 – Approved Plans and Reference Documentation

The proposed design modifications will require modification to Condition No. 6 of the Notice of Determination for DA2019/223 to refer to the modified architectural and landscape plans which accompany this report.

## 3 Proposed Modifications

### 3.5.2 Condition No. 29 – Fire Safety Upgrade (CC)

Condition No. 29 of the development consent states as follows:

*'Council considers pursuant to clause 94 of the Environmental Planning and Assessment Regulation 2000 that it is appropriate to require the existing building to be upgraded to total or partial conformity with the BCA.*

*The Construction Certificate plans and specification required to be submitted to the Certifying Authority pursuant to clause 139 of the Regulation must detail building upgrade works required by for the approved use.*

*The Certifying Authority must be satisfied that such work, to be implemented as part of the development, will upgrade the building to bring it into compliance with the provisions of the BCA in force at the date of issue of the Construction Certificate.*

*Note: The Certifying Authority issuing the Construction Certificate has no power to remove the requirement to upgrade the existing building as required by this condition. Where this condition specifies compliance with performance requirements of the BCA, the Certifying Authority (subject to their level of accreditation) may be satisfied as to such matters. Where this condition specifies compliance with prescriptive (deemed to satisfy) provisions of the BCA, these prescriptive requirements must be satisfied and cannot be varied unless this condition is reviewed under section 82A or amended under section 4.55 of the Act.'*

The proposed modification seeks to amend Condition 29 to refer to the recommendations and fire safety upgrading strategy as detailed in the Fire Safety Audit Report prepared by Credwell. A copy of the Credwell Fire Safety Audit Report accompanies this report. A suggested condition for Council's consideration is provided below (subject to Council's Building Surveyor/Fire Safety Officer review):

~~*'Council considers pursuant to clause 94 of the Environmental Planning and Assessment Regulation 2000 that it is appropriate to require the existing building to be upgraded to total or partial conformity with the BCA.*~~

~~*The Construction Certificate plans and specification required to be submitted to the Certifying Authority pursuant to clause 139 of the Environmental Planning and Assessment Regulation 2000 must detail building upgrade works required by for the approved use. in accordance with the recommendations and upgrade strategy outlined in the Fire Safety Audit Assessment Report prepared by Credwell Consulting Pty Ltd, dated 28 October 2020, reference C20275-Audit-r1.*~~

~~*The Certifying Authority must be satisfied that such work, to be implemented as part of the development, will upgrade the building to bring it into compliance with the provisions of the BCA in force at the date of issue of the Construction Certificate.*~~

~~*Note: The Certifying Authority issuing the Construction Certificate has no power to remove the requirement to upgrade the existing building as required by this condition. Where this condition specifies compliance with performance requirements of the BCA, the Certifying Authority (subject to their level of accreditation) may be satisfied as to such matters. Where this condition specifies compliance with prescriptive (deemed to satisfy) provisions of the BCA, these prescriptive requirements must be satisfied and cannot be varied unless this condition is reviewed under section 82A or amended under section 4.55 of the Act.'*~~

It is requested that the final proposed wording from Council for Condition 29 (a draft Condition) be provided to the applicant for review prior to determination of the section 4.55 application to ensure that a future Construction Certificate for the proposed development (including the application of Condition No. 29 as modified) is able to be issued.

## 4 Statutory Provisions

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### 4.1 General

Section 4.55 of the EP&A Act contains the provisions that must be considered by a consent authority in determining an application to modify a Notice of Determination. In this regard, the relevant provision is section 4.55(1A) of the EP&A Act.

This application is lodged under section 4.55(1A) as the amendments proposed are considered to have only minimal environmental impact.

In addition to the EP&A Act, clause 115 of EP&A Regulation contains the information that must be submitted with an application to modify a consent. The requirements under the EP&A Act and EP&A Regulation in the following subsections.

### 4.2 Section 4.55(1A) of the Act

Section 4.55(1A) of the Act applies to modifications where a minimal environmental impact may occur. Specifically, section 4.55(1A) provides that:

*“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:”*

#### 4.2.1 Minimal Environmental Impact (section 4.55(1A)(a))

*“(a) It is satisfied that the proposed modification is of minimal environmental impact”.*

The proposed modification is of minimal environmental impact. Please refer to **Section 5** of this report for further details.

#### 4.2.2 Substantially the Same Development (section 4.55(1A)(b))

*“(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)”.*

The modified development will remain substantially the same development as that approved by development consent DA2019/223. The proposed modifications are relatively minor, and the modifications to the built form outcome will remain largely the same as the approved development.

#### 4.2.3 Notification (section 4.55(1A)(c))

*“(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 modifications of a development consent”.*

Should Council choose to notify the proposed modification, we request that any submissions received be provided to the applicant so as that they are afforded an opportunity to reply.

#### 4.2.4 Consideration of Submissions (section 4.55(1A)(d))

*“(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”.*

Should Council notify the subject application in accordance with section 4.55(1A)(c), we request that the applicant be afforded the opportunity to make representations to any submissions which may be received, noting that no submissions were received when the original DA was notified.

Subsections (1) and (2) of section 4.55 do not apply to the proposed modification. Subsection (3) is addressed in **Section 5** of this report.

## 4 Statutory Provisions

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### 4.2.5 Matters for Consideration and Reasons for Granting Consent

Section 4.55(3) of the EP&A Act requires that matters referred to in section 4.15(1) of the EP&A Act that are of relevance to the proposed modification must be taken into consideration in determining the application for modification. These relevant matters are addressed in **Section 5.2** of this Report.

### 4.3 Clauses 94 and 115 of the EP&A Regulation 2000

Clause 94 of the EP&A Regulation is discussed in **Section 3.1** and **Section 3.5** of this report.

Subclause 115(1) of the EP&A Regulation details the information required to be submitted with an application to modify a Development Consent under section 4.55. These details are contained in this report and the application submission.

## 5 Environmental Planning Assessment

The following subsections provide an environmental assessment of the proposed modifications in respect of the relevant matters for consideration under section 4.15(1).

An assessment of these issues is provided in the following subsections.

### 5.1 Planning Controls

The following subsections assess the proposal against the relevant provisions of applicable Environmental Planning Instruments (EPIs), Draft EPIs, Development Control Plans (DCPs), Planning Agreements and matters prescribed by the Regulation in accordance with section 4.15(1)(a) of the EP&A Act.

#### 5.1.1 State Environmental Planning Policies

The application of State Environmental Planning Policies generally remains unchanged from the original DA. Notwithstanding, a brief discussion in relation to the application of *State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017* (Education SEPP) to the modified development is provided below:

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

Clause 35(1) 'Schools—development permitted with consent' provides that development for the purpose of a school may be carried out by any person with development consent on land in a prescribed zone. The R2 zone (the zoning of the site – see **Section 5.1.2** below) is a prescribed zone for the purposes of the Education SEPP. As such the modified development continues to be permissible within the R2 zone.

Clause 35(6) requires the determining authority to take into consideration the design quality of the development against the design quality principles in Schedule 4 of the SEPP. The modified development is considered to remain generally consistent with the design quality principles in Schedule 4 of the Education SEPP.

Clause 35(9) outlines that for development of a kind referred to under Clause 35(1), a provision of a development control plan that specifies a requirement, standard or control is of no effect, regardless of when the development control plan was made. Notwithstanding, for completeness, a review of the proposal against Strathfield Consolidated Development Control Plan 2005 is provided at **Section 5.1.4**.

Clause 57 of the Education SEPP sets out provisions relating to traffic generating development. As the proposal does not entail any additional student or staff increase, the development is not 'traffic generating development' and referral to RMS is not required.

#### 5.1.2 Strathfield Local Environmental Plan 2012 (SLEP)

**Table 1** provides a summary assessment of the proposed modifications against the provisions of the SLEP as applicable to the proposed amendments.

Table 1 Assessment against Relevant Provisions of Strathfield LEP 2012		
Provision	Assessment	Consistent
Clause 2.2 – Zoning - R2 Low Density Residential	The site is located with Zone R2 Low Density Residential, and whilst <i>educational establishments</i> are a prohibited land use in the R2 zone under the SLEP, the development is permissible by virtue of the Education SEPP.  The proposed modification results in the development remaining generally consistent with the zone objectives.	Yes
4.3 – Height of buildings	A 9.5m maximum height of building control applies to the site.  The main roofline of the approved development is located at RL 49.180 and the modified development remains unchanged from that originally approved.	Consistent with clause objectives

## 5 Environmental Planning Assessment

Table 1 Assessment against Relevant Provisions of Strathfield LEP 2012		
Provision	Assessment	Consistent
	<p>The highest point of the approved development was the centrally located mechanical plant enclosure located at RL 51.020. This resulted in a maximum building height of 11.52m, based on RL 39.500 at the existing ground level below the mechanical plant enclosure. This represented an exceedance of 2.02m above the 9.5m control however was only 1.84m above the existing building and related only to the plant and not to the built form itself.</p> <p>The height of the mechanical plant enclosure was 100mm below the established height of the Llandilo building, the highest point of which is at RL 51.120.</p> <p>The architectural plans for the proposed modification show the RL to the top of the plant enclosure to be RL 50,930. This represents a reduction of 90mm less than the RL of the approved mechanical plant enclosure and 190mm below the highest point of the Llandilo building.</p> <p>As such, there are no height of building exceedances beyond those as approved under development consent DA2019/223 and the modified development remains acceptable in terms of height.</p>	
4.4 – Floor space ratio	There is no floor space ratio (FSR) control applicable to the site under this clause. However, as the site is located within the R2 zone, the provisions of clause 4.4C apply to the site (see below).	N/A
4.4C – Exceptions to floor space ratio (Zone R2)	As the site located within the R2 zone and has an area in excess of 1,000m <sup>2</sup> , a 0.5:1 FSR applies. The development was approved with an FSR of 0.44:1 and this generally remains unchanged as part of the proposed modifications which are essentially to address BCA and fire safety matters identified in the design development process for the project.	Yes
4.6 – Exceptions to development standards	As discussed in the assessment against clause 4.3 above, there are no height of building exceedances proposed beyond those already approved under development consent DA2019/223.	N/A
5.10 – Heritage Conservation	A comprehensive Heritage Impact Statement (HIS) prepared by John Oultram Heritage and Design accompanies this report. Please refer to the discussion on heritage related impacts in <b>Section 5.2.5</b> of this report. The HIS has found that the proposed development will generally have a positive heritage impact.	Yes
6.1 – Acid Sulfate Soils	The site has an acid sulfate soil classification of Class 5. The nearest Class 1-4 land is 1.3km to the south-east. Accordingly, it is considered that there will not be any disturbance of acid sulfate soils.	Yes
6.2 – Earthworks	<p>Required earthworks will be generally confined to the footings associated with the proposed building works and site landscaping. There is no excessive cut and fill required as the site is well established.</p> <p>The proposal overall will not have any detrimental effect on the site itself, neighbouring properties, environmentally sensitive land or the like and is considered consistent with the matters for consideration under this clause.</p>	Yes
6.4 – Essential Services	All required essential services are currently provided to the site and will be augmented as appropriate. Stormwater management is discussed in <b>Section 5.2.6</b> of this report.	Yes

### 5.1.3 Draft Environmental Planning Instruments

There are no draft environmental planning instruments directly relevant to the proposed section 4.55 application.

### 5.1.4 Strathfield Consolidated Development Control Plan 2005 (SDCP)

Clause 35(2) of the Education SEPP provides that a development control plan that specifies a requirement, standard or control is of no effect to development for the purpose of a school,

## 5 Environmental Planning Assessment

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regardless of when the development control plan was made. Notwithstanding, an assessment against provisions of the SDCP as relevant to the modifications proposed is provided below.

### Part P – Heritage

A comprehensive Heritage Impact Statement (HIS) prepared by John Oultram Heritage and Design accompanies this report. Please refer to the discussion in relation to heritage related impacts at **Section 6.2.5** of this report. The HIS has found that the proposed modifications will generally have a positive heritage impact. In relation to the SDCP, the HIS states the following:

*‘Based on the above we consider that the proposals will have no greater heritage impact than the approved proposals in regard to the SDCP heritage objectives and controls.’*

### Part Q – Urban Design Controls

The development as proposed to be modified is considered to remain generally consistent with the applicable provisions of Part Q of the SDCP. In particular the modified development:

- Will continue to make a positive contribution to the streetscape;
- Displays appropriate mass and scale for the locality, being largely similar to the existing buildings on-site;
- Is subservient to the existing Llandilo building;
- Has a flat roof design ensuring the works are subservient to the existing Llandilo building. The plant and equipment have been centrally located to minimise visibility and the modified screen incorporates a similar angled design element as the southern elevation to further ‘tie’ the design to the southern elevation of the development.
- Will not result in adverse impacts (i.e. view loss, overshadowing, acoustics) on the established levels of amenity enjoyed by occupants in the surrounding locality; and
- Will be suitably landscaped.

### Part M – Educational Establishments

The development as proposed to be modified is considered to remain generally consistent with the applicable provisions of Part M of the SDCP.

## 5.2 Likely Impacts of the Development

The following subsections assess the likely impacts of the development in accordance with section 4.15(1)(b) of the EP&A Act.

### 5.2.1 Built Environment

The proposed modifications are largely driven by design and BCA matters identified in the design development phase of the project and to address recommendations of the Fire Safety Audit Report prepared by Credwell accompanying this report.

Minimal external changes are proposed. The modified development still provides a vast architectural improvement to the site, both visually and in functionality comparative to the current built form on the site. The project heritage adviser has also assessed the proposed modification and concluded that the revised design will respect the heritage significance of the site and the nearby heritage items along Llandilo Avenue (see **Section 5.2.5** below).

As discussed in **Section 3.1** of this report, the mechanical plant screening/enclosure is proposed to be modified (as shown in **Figure 4** and **Figure 5** respectively). As seen in **Figure 6** below, the screen/enclosure is slightly larger than that previously approved and incorporates a ‘sloped’ element, consistent with the ‘sloped’ features of the façade of the southern elevation. This ‘ties’ the screen/enclosure with the design of the building and creates improved

## 5 Environmental Planning Assessment

and aesthetically pleasing massing to the built form of the proposal whilst also being functional in terms of screening plant equipment.

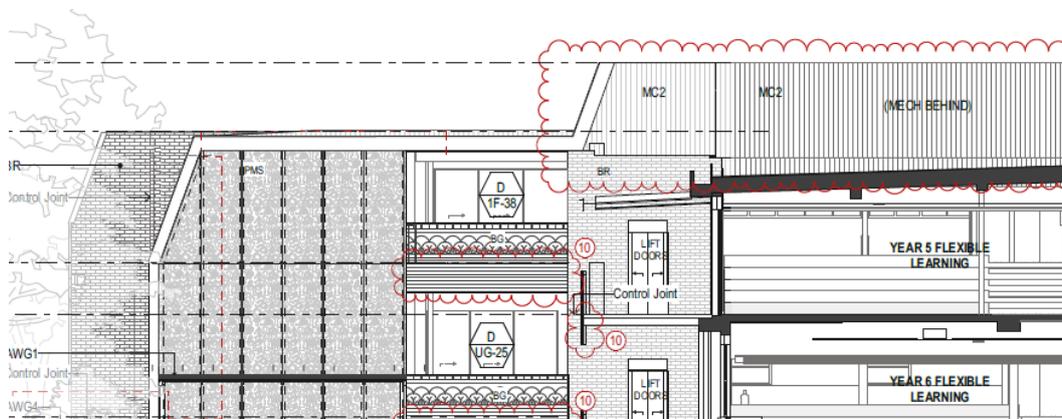


Figure 6 Proposed mechanical plant screen/enclosure – east elevation extract

Overall, the modified proposal will be sympathetic to the visual amenity of the area whilst making an improvement to the Llandilo Avenue streetscape. Impacts on the built environment within the locality will be positive.

### 5.2.2 Natural Environment

As discussed in the original DA submission, the proposed development and modifications proposed as part of this section 4.55 application will be on a part of the site which has been substantially developed. The site is not identified as containing any areas of biodiversity value within the SLEP or the on the NSW Biodiversity Values map.

Overall, it is considered there will be no adverse impacts arising on the natural environment as a result of the proposed modifications to the approved development.

### 5.2.3 Heritage

Schedule 5 of the SLEP identifies three (3) items of environmental heritage on the subject site and are described as follows:

- “Milverton”—Arts and Crafts style house and Trinity Grammar Preparatory School—school building (former house);
- Trinity Grammar Preparatory School (school building, former “Somerset”—Georgian revival house) and garden; and
- Trinity Grammar Preparatory School—school building (former “Llandilo”—Victorian mansion).

A detailed Heritage Impact Statement has been prepared by John Oultram Heritage and Design accompanies this report. The HIS provides a detailed history of the site, including the evolution of the above-mentioned items of environmental heritage. The HIS also considers the approved development in the context of the proposed modifications forming part of this section 4.55 application and the potential heritage related impacts arising.

The HIS considers that the modified development ‘.....will have a limited and largely positive impact on the setting and significance of the items and the fire upgrading work will enhance the protection of the building fabric and users’.

Section 9.1 of the HIS states the following:

*‘Overall we consider that the proposed amendments to the classroom proposals are minor and will have no appreciable additional heritage impact.*

*The fire services upgrade is a discrete installation that will have a very limited and acceptable impact on the significance of the place and will be carried out with due regard to significant fabric.*

## 5 Environmental Planning Assessment

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*In heritage terms, we would recommend that the amended proposals be approved.'*

Based on the above, the proposed modifications will not result in any adverse heritage impacts.

### 5.2.4 Stormwater Management

Erosion and sediment control measures will be installed on site prior to the commencement of works and maintained throughout the development. Concept stormwater designs previously provided as part of the original DA demonstrated that relatively minor stormwater works are proposed to accommodate the proposed development. Final stormwater designs will be provided to the certifying authority as part of future Construction Certificate documentation.

### 5.2.5 Economic Impact

The proposed modifications are not considered to create any adverse economic impacts within the locality.

### 5.2.6 Social Impact

The improvements to Trinity Grammar School provide for a positive social impact within the area and more broadly across the greater Strathfield LGA and Sydney Metro area. The replacement of aged facilities with an improved 'built for purpose' development which will better services the existing school community and contributes to the high-quality and more accessible spread of social services across the LGA. The development proposal as proposed to be modified is seen to also respect the character of the area and will not impact on the quality of life for residents surrounding the site or in nearby residential precincts.

### 5.2.7 BCA and Access

Please refer to **Section 3** which discusses the Credwell report accompanying this report. The Credwell report concludes that:

*'It is my opinion that a reasonable level of fire and life safety will be achieved upon completion of the works detailed above given the existing nature and use of the building'*

Condition No. 29 is proposed to be amended to reflect the recommendations and upgrade strategy as per the Credwell Report.

An 'Access Review' for the section 4.55 application has been prepared by Funktion. The review, which accompanies this report, makes recommendations for the proposal which can have been included in the modified architectural plans and/or can be included in future construction certificate documentation.

## 5.3 Suitability of the Site for Development

The site was found to be suitable for the proposed development in the original assessment of the DA2019/223. The site is considered to remain suitable in the context of the modifications proposed.

## 5.4 Public Interest

In accordance with section 4.15(1)(e) of the EP&A Act the consent authority must consider the public interest. The public interest is an overarching requirement, which includes the consideration of the matters discussed in this report. The modified development is considered to generally meet the provisions of relevant environmental planning instruments and Council's DCP. As these instruments and plans have been created having regard to the objects of the Act following community consultation, they are considered to express planning controls that seek to protect the public interest. Accordingly, it is considered that the proposal is not prejudicial to the public interest.

## 6 Conclusion

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This report accompanies an application under section 4.55(1A) of the EP&A Act to modify Development Consent No. DA2019/223.

The proposal involves minor modifications to address changes as a result of design development and BCA and fire safety related matters.

The modifications are required to ensure the approved development makes substantial improvements to the existing school to better serve the school's community and the Strathfield LGA and more broadly. This will be achieved through improvements to existing facilities, demolition of aged and no longer fit-for-purpose facilities which are not conducive to current teaching practices and the construction of new learning areas which will provide an improved learning environment for staff and students of the school.

The proposed modifications to the approved development have been assessed against relevant environmental planning instruments where it has been found to be generally consistent with applicable provisions.

The project heritage consultant has determined that there will be minimal heritage related impact arising as a result of the proposed modifications to the approved development.

The proposed modifications to the approved development remain within the approved heights as per development consent DA2019/2013.

On balance, the potential adverse environmental planning impacts arising from the section 4.55 application are considered to be minimal and outweighed by the positive social and economic impacts which will result in the locality and the LGA. This in turn translates to a development which is not prejudicial to the public interest.

Accordingly, the proposed modifications are considered to be acceptable in this particular instance and can be approved under section 4.55(1A).