



19 March 2021

Mr Lincoln Lawler  
Principal Development Planner - Coordinator  
Planning and Strategy  
Department of Education

Our ref.: Partial Phase 1 Consent  
- SSD-8114 Mod 3

-via email-

[lincoln.lawler@det.nsw.edu.au](mailto:lincoln.lawler@det.nsw.edu.au)

Dear Mr Lawler

**Notice of Determination of Section 4.55(1A) Modification Application  
Lindfield Learning Village (Partial Phase 1 - SSD-8114 Mod-3)**

I am writing to inform you that the above modification application was approved, subject to amended conditions, on 18 March 2021, by the Director, Social and Infrastructure Assessments as delegate of the Minister for Planning and Public Spaces under section 4.55(1A) of the *Environmental Planning and Assessment Act 1979* (the Act).

All documents associated with the application are available on the Department's website at: <https://www.planningportal.nsw.gov.au/major-projects/project/41066>

The conditions in the notice of modification are required to prevent, minimise, and/or offset adverse environmental impacts.

**Reviews/Appeals**

Certain appeal and review rights are available to applicants and objectors following determination of a modification application. In this case, you have a right to appeal the determination on its merits to the Land and Environment Court under section 8.9 of the Act.

For further enquiries, please contact Navdeep Shergill on (02) 8289 6777 or via email at [Navdeep.singhshergill@planning.nsw.gov.au](mailto:Navdeep.singhshergill@planning.nsw.gov.au).

Yours sincerely

Jason Maslen  
**Team Leader**  
**School Infrastructure Assessments**

Enclosed: Instrument of Modification

# Modification of Development Consent

Section 4.55(1A) of the *Environmental Planning and Assessment Act 1979*

As delegate of the Minister for Planning and Public Spaces, I approve the modification of the development consent referred to in Schedule 1, subject to the conditions in Schedule 2.



Karen Harragon  
**Director**  
**Social and Infrastructure Assessments**

Sydney

18 March 2021

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## SCHEDULE 1

<b>Development consent:</b>	Partial Phase 1 consent ( <b>SSD 8114</b> ) granted by the Executive Director, Priority Projects Assessments on 24 October 2018.
<b>For the following:</b>	Phase 1 construction and operation of a new school for 350 students, (Lindfield Learning Village), comprising: <ul style="list-style-type: none"><li>• adaptive re-use of part of the existing building to construct on home-base for 350 students;</li><li>• construction of all administrative and technical spaces to support a full primary and secondary curriculum for 350 students;</li><li>• construction of a fire trail for bushfire management purposes;</li><li>• traffic and transport infrastructure; and</li><li>• tree removal to establish a 100 metre Asset Protection Zone around the home-base on the site.</li></ul>
<b>Applicant:</b>	Department of Education.
<b>Consent Authority:</b>	Minister for Planning and Public Spaces.
<b>The Land:</b>	Lot 2 and 4 DP 1151638, 100 Eton Road, Lindfield. Former UTS Ku-ring-gai Campus.
<b>Modification:</b>	<b>SSD 8114 MOD 3:</b> amend or delete conditions of consent relating to the Phase 1 operation of the development that have been superseded by Phase 2 and 3.

## SCHEDULE 2

The partial Phase 1 consent (SSD 8114) granted on 24 October 2018 is modified as follows:

- (a) Schedule 2 Part B – Prior to Commencement of Construction, conditions B58a is inserted as indicated by the **bold and underlined words** as follows:

### Independent Environmental Audit

- B56. No later than two weeks before the date notified for the commencement of construction, an Independent Audit Program prepared in accordance with the Independent Audit Post Approval Requirements (Department 2018) must be submitted to the Department and the Certifier.
- B57. Independent Audits of the development must be carried out in accordance with:
- (a) the Independent Audit Program submitted to the Department and the Certifier under condition B56 of this consent; and
  - (b) the requirements for an Independent Audit Methodology and Independent Audit Report in the Independent Audit Post Approval Requirements (Department 2018).
- B58. In accordance with the specific requirements in the Independent Audit Post Approval Requirements (Department 2018), the Applicant must:
- (c) review and respond to each Independent Audit Report prepared under condition B57(b) of this consent;
  - (d) submit the response to the Department and the Certifier; and
  - (e) make each Independent Audit Report and response to it publicly available within 60 days after submission to the Department and notify the Department and the Certifier in writing when this has been done.

**B58A. Notwithstanding conditions B56, B57 and B58, the Independent Audit Post Approval Requirements (Department 2018) and any Independent Audit Program already submitted for the Phase 1 project under condition B56, this consent does not impose any further independent audit requirements in relation to Phase 1 operations.**

**Note: Separate Independent Environmental Audit requirements are prescribed for Phase 2 and 3 of the Lindfield Learning Village within the Phase 2 and 3 consent granted on 12 November 2020.**

- (b) Schedule 2 Part E – Post Occupation, conditions E1 to E18 are deleted as indicated by the **~~bold and struckout words~~** as follows:

### ~~Bush Fire~~

- ~~E1. The certification of all listed bush fire protection measures must be undertaken annually by a suitable qualified bush fire consultant and submitted to the Planning Secretary and RFS.~~

### ~~Infrastructure Upgrades~~

- ~~E2. The Applicant must complete the upgrading of existing footpaths as required by Condition B37 prior to the commencement of School Term 2 2019.~~

### ~~Out of Hours Event Management Plan~~

- ~~E3. The Applicant is to prepare an Out of Hours Event Management Plan for out of hours events run by the school that involve 100 or more people. The plan must be prepared in consultation with Council, and include the following:~~
- ~~(a) the number of attendees, time and duration;~~
  - ~~(a) arrival and departure times and modes of transport;~~
  - ~~(b) where relevant, a schedule of all annual events;~~
  - ~~(c) demonstrate measures to encourage non-vehicular travel to the school and promote and support the use of alternate travel modes (i.e. public transport);~~
  - ~~(d) measures to minimise localised traffic and parking impacts; and~~
  - ~~(e) include measures to minimise noise impacts on any sensitive residential receivers, including the preparation of acoustic management plan.~~

~~The Applicant must submit a copy of the Out of Hours Event Management Plan to the Department and to the Council, prior to commencement of the first event.  
The Out of Hours Event Management Plan must be implemented by the Applicant for the duration of the identified events or use.~~

- ~~E4. The Applicant is to prepare an Out of Hours Event Management Plan for out of hours events run by external parties that involve 100 or more people. The plan must be prepared prior to each relevant event, in consultation with Council, and include the following:~~
- ~~(a) the number of attendees, time and duration;~~
  - ~~(b) arrival and departure times and modes of transport;~~
  - ~~(c) where relevant, a schedule of all annual events;~~
  - ~~(d) demonstrate measures to encourage non-vehicular travel to the school and promote and support the use of alternate travel modes (i.e. public transport);~~
  - ~~(e) measures to minimise localised traffic and parking impacts; and~~
  - ~~(f) include measures to minimise noise impacts on any sensitive residential receivers, including the preparation of acoustic management plan.~~

~~The Applicant must submit a copy of the Out of Hours Event Management Plan to the Department and to the Council, prior to commencement of each relevant event.  
The Out of Hours Event Management Plan must be implemented by the Applicant for the duration of the identified community event or use.~~

#### ~~Operation of Plant and Equipment~~

- ~~E5. All plant and equipment used on site, or to monitor the performance of the development must be:~~
- ~~(a) maintained in a proper and efficient condition; and~~
  - ~~(b) operated in a proper and efficient manner.~~

#### ~~Community Communication Strategy~~

- ~~E6. The Community Communication Strategy, as approved by the Planning Secretary, must be implemented for a minimum of 12 months following the completion of construction.~~

#### ~~Operational Noise Limits~~

- ~~E7. Noise associated with the operation of any plant, machinery, School public address system, School bell or other equipment on the Subject Site and community use of the School hall outside of school hours, must not exceed 5 dB(A) above the background noise level when measured at the boundary of any sensitive receiver.~~

- ~~E8. The Applicant must undertake short term noise monitoring in accordance with the Noise Policy for Industry where valid data is collected following the commencement of use of the development. The monitoring program must be carried out by an appropriately qualified person and a monitoring report must be submitted to the Planning Secretary within two months of commencement use of each stage of the development to verify that operational noise levels do not exceed the recommended noise levels for mechanical plant identified in condition B40. Should the noise monitoring program identify any exceedance of the recommended noise levels referred to above, the Applicant is required to implement appropriate noise attenuation measures so that operational noise levels do not exceed the recommended noise levels or provide attenuation measures at the affected noise sensitive receivers.~~

- ~~E9. Courtyards and other outdoor areas likely to be used in conjunction with any function or event held in the auditorium must not be used after 6:00 pm Mondays to Saturdays.~~

- ~~E10. Grounds maintenance involving the use of power equipment must be restricted to between:~~
- ~~(a) 7:30 am and 6:00 pm Mondays to Fridays; and~~
  - ~~(b) 8:00 am and 1:00 pm Saturdays.~~

- ~~E11. Use of the gymnasium and squash courts must be restricted to between:~~
- ~~(a) 7:00 am and 8:00 pm Mondays to Fridays; and~~
  - ~~(b) 8:00 am and 6:00 pm Saturdays.~~

#### ~~Unobstructed Driveways and Parking Areas~~

~~E12. All driveways, footways and parking areas must be unobstructed at all times. Driveways, footways and car spaces must not be used for the manufacture, storage or display of goods, materials, refuse, skips or any other equipment and must be used solely for vehicular and/or pedestrian access and for the parking of vehicles associated with the use of the premises.~~

#### ~~Green Travel Plan~~

~~E13. The Green Travel Plan required by Condition D17 of this consent must be updated annually and implemented.~~

#### ~~Lighting~~

~~E14. The Applicant must ensure the lighting associated with the development:~~

- ~~(a) complies with the latest version of AS 4282-1997 - Control of the obtrusive effects of outdoor lighting (Standards Australia, 1997); and~~
- ~~(b) is mounted, screened and directed in such a manner that it does not create a nuisance to surrounding properties or the public road network.~~

#### ~~Warm Water Systems and Cooling Systems~~

~~E15. The installation, operation and maintenance of warm water systems and water cooling systems (as defined under the Public Health Act 2010) must comply with the Public Health Act 2010, Public Health Regulation 2012 and Parts 1 and 2 (or Part 3 if a Performance-based water cooling system) of AS/NZS 3666.2:2011 Air handling and water systems of buildings – Microbial control – Operation and maintenance and the NSW Health Code of Practice for the Control of Legionnaires' Disease.~~

#### ~~Fire Safety Certificate~~

~~E16. The owner must submit to Council an Annual Fire Safety Statement, each 12 months after the final Safety Certificate is issued. The certificate must be on, or to the effect of, Council's Fire Safety Statement.~~

#### ~~Landscaping~~

~~E17. The Applicant must maintain the landscaping and vegetation on the site in accordance with the approved Landscape Management Plan required by condition B13 for the duration of occupation of the development.~~

#### ~~Hazards and Risk~~

~~E18. The Applicant must store all chemicals, fuels and oils used on-site in accordance with:~~

- ~~(a) the requirements of all relevant Australian Standards; and~~
- ~~(b) the NSW EPA's Storing and Handling of Liquids: Environmental Protection – Participants Manual' if the chemicals are liquids.~~

~~In the event of an inconsistency between the requirements E18(a) and E18(b), the most stringent requirement must prevail to the extent of the inconsistency.~~

End of modification  
(SSD 8114 MOD 3)