

1 April 2021

2200762

Mr Jim Betts
Secretary
NSW Department of Planning, Industry and Environment
4 Parramatta Square, 12 Darcy Street,
Parramatta, NSW 2150

Attention: Jason Maslen

Dear Jason,

**SECTION 4.55(2) MODIFICATION
FORT STREET PUBLIC SCHOOL (SSD 10340)**

This application has been prepared by Ethos Urban on behalf of School Infrastructure NSW (SI NSW) pursuant to section 4.55(2) of the *Environmental Planning and Assessment Act 1979* (EP&A Act) to modify Development Consent SSD 10340 relating to the redevelopment of Fort Street Public School.

The modification involves amendments to the design that are a result of design development and seek to improve the development outcome, particularly for the Met Building regarding avoidance of intrusive works, retention of heritage fabric and achieving adequate accessibility. The modifications include various internal and external changes to Buildings J, H and G, the Met Building and the Messenger's Cottage, minor design changes to the façade, internal layouts and roof forms, landscape modifications including changes to the COLAs and rooftop play areas, and minor changes to the loop road pick-up and drop-off arrangement to improve safety and operation.

This application identifies the consent, describes the proposed modifications and provides a planning assessment of the relevant matters for consideration contained in section 4.55(2) of the EP&A Act and is accompanied by:

- Architectural Design Statement prepared by FJMT (**Appendix A**)
- Amended Architectural and Landscape Plans prepared by FJMT (**Appendix B**)
- Revised Traffic and Transport Assessment prepared by Arup (**Appendix C**)
- Landscape Architectural Design Statement prepared by FJMT (**Appendix D**)
- Heritage Impact Statement prepared by Curio Projects (**Appendix E**)
- Conservation Management Plan Compliance Statement prepared by Curio Projects (**Appendix F**)
- Visual Impact Assessment prepared by Ethos Urban (**Appendix G**)
- Wind Desktop Review Statement prepared by Arup (**Appendix H**)
- External Lighting Statement prepared by Stantec (**Appendix I**)
- Reflectivity Statement prepared by Arup (**Appendix J**)
- Operational Waste Management Statement prepared by Arup (**Appendix K**)
- Structural Engineering Statement prepared by Costin Roe (**Appendix L**)
- Civil Engineering Statement prepared by Costin Roe (**Appendix M**)
- Acoustic Statement prepared by Stantec (**Appendix N**)
- ESD Statement prepared by Stantec (**Appendix O**)
- Consultation Summary prepared by Lendlease (**Appendix P**)

This statement should be read in conjunction with the Environmental Impact Statement (EIS) prepared by Ethos Urban dated 19 March 2020.

1.0 Background

Development Consent (SSD 10340) was granted on 7 October 2020 by the NSW Department of Planning, Industry and Environment. The approval granted consent for the redevelopment of Fort Street Public School comprising demolition of selected buildings and structures, construction of four new buildings, refurbishment of existing retained buildings, alterations to drop-off and pick-up arrangements and associated works, including tree removal, landscaping and consolidation of lots.

This is the first modification to the approved consent.

Since development consent was issued, the redevelopment has undergone design development informed by further site investigations and analysis, and refinement of the operational brief, obtained through the following activities:

- Advanced site investigations of the existing buildings.
- Review of the extent of dilapidation and deterioration of the Met Building fabric and structure.
- Advancement of the detail of School Infrastructure's brief for the project.
- Expert analysis corresponding with the above activities across a range of disciplines, including engineering design and cost forecasting.

The resulting design modifications will enable increased amenity and functionality to meet the future needs of staff and students, while producing a better heritage outcome and reducing the extent of bulk earthworks required.

2.0 Proposed Modifications to the Consent

2.1 Proposed Modifications to the Development

The proposed modifications to the development consent comprise:

- Removal of the Lower Ground Level (basement) below Building G.
- Relocation of the lift from the Met Building to Building J to minimise impacts on the heritage building.
- Relocation of the central stair between Building J and H to the south of Building J.
- Partial extension of Building J by one storey (now part three-storeys) to provide lift access and two (2) egress stairs from the Met Building rooftop, and introduction of a rooftop link connection between the Met Building and Building J.
- Simplification of roof forms across the site, with the pitch being revised from 3 degrees to 4 degrees.
- Various minor design changes including modifications to the façade, internal layouts, the size of the OSD tank and removal of the approved extension to the Messenger's Cottage.
- Various modifications to the landscape design, including a reduction in the extent of COLAs and simplification of rooftop play areas to enhance functionality.
- Minor changes to the loop road pick-up and drop-off arrangements to improve safety and operation.
- Minor changes to the widening of Upper Fort Street and the design of the Bradfield Shed.

Importantly, there are no changes to student or staff numbers, out of school hours care arrangements, community uses of the site, including the Met Building, the number of trees to be removed or the approved principles around traffic and access.

A detailed explanation of the design changes and a full schedule of modifications is provided in the Architectural Design Statement prepared by FJMT at **Appendix A** and Landscape Design Statement prepared by FJMT at **Appendix D**. The proposed modifications are described in more detail below on a building-by-building basis, followed by façade, transport, landscaping and other general modifications. The proposed Site Plan is provided below at **Figure 1** for reference. Photomontages of the proposed development, as modified, are provided below at **Figure 2** for reference.

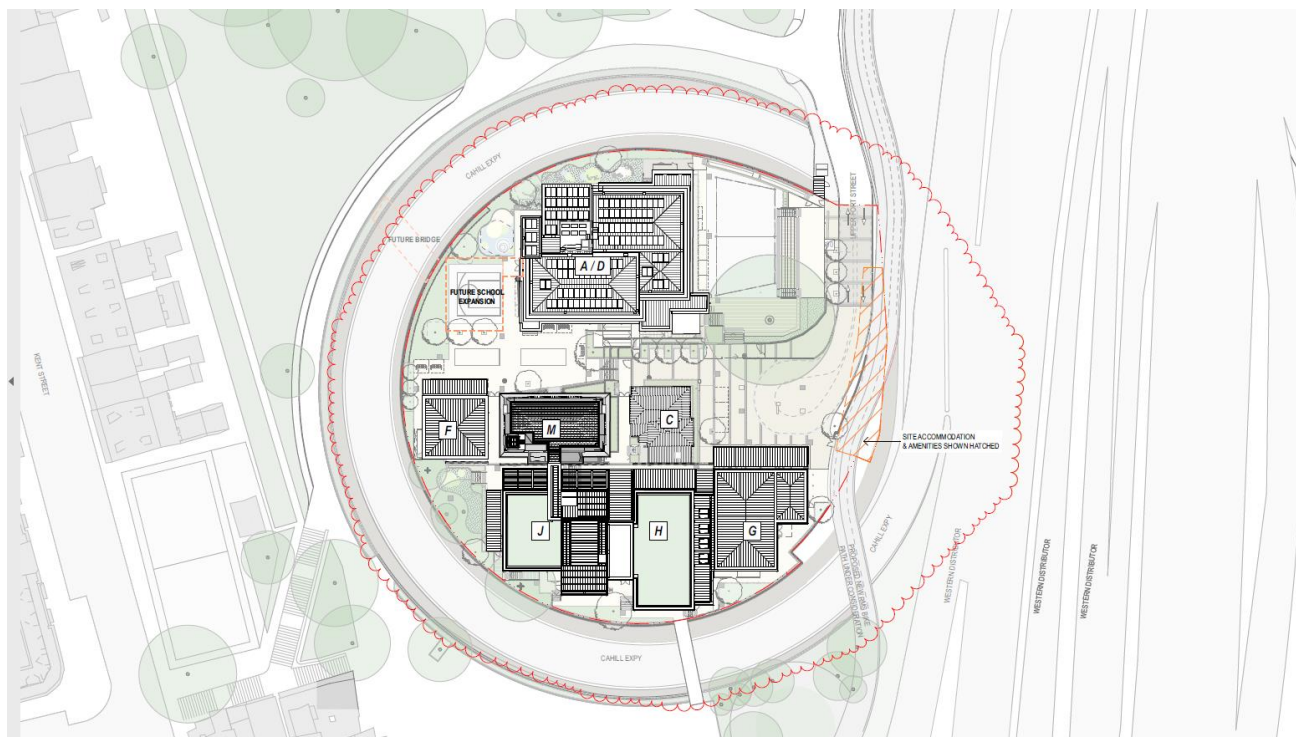


Figure 1 Proposed Site Plan

Source: FJMT



View from the East



View from the North



View from the South

Figure 2 Photomontages of the proposed development as modified

Source: FJMT

2.1.1 Met Building (Building M)

Met Lift Removal and Relocation to Building J

The lift core in the Met Building has been removed following detailed dilapidation investigations of the existing Met Building fabric and further consideration of costs. The lift core has been relocated to the north-eastern corner of Building J, which will be connected to the Met Building rooftop via a new covered bridge. This is illustrated in **Figure 3** and **Figure 4**. Removal of the lift from the Met rooftop eliminates the lift overrun, hence resolving the concerns raised regarding the impact to the heritage building and affect upon amenity.

It is noted that there are no changes proposed to the approved uses of the Met Building or the Met Building rooftop.

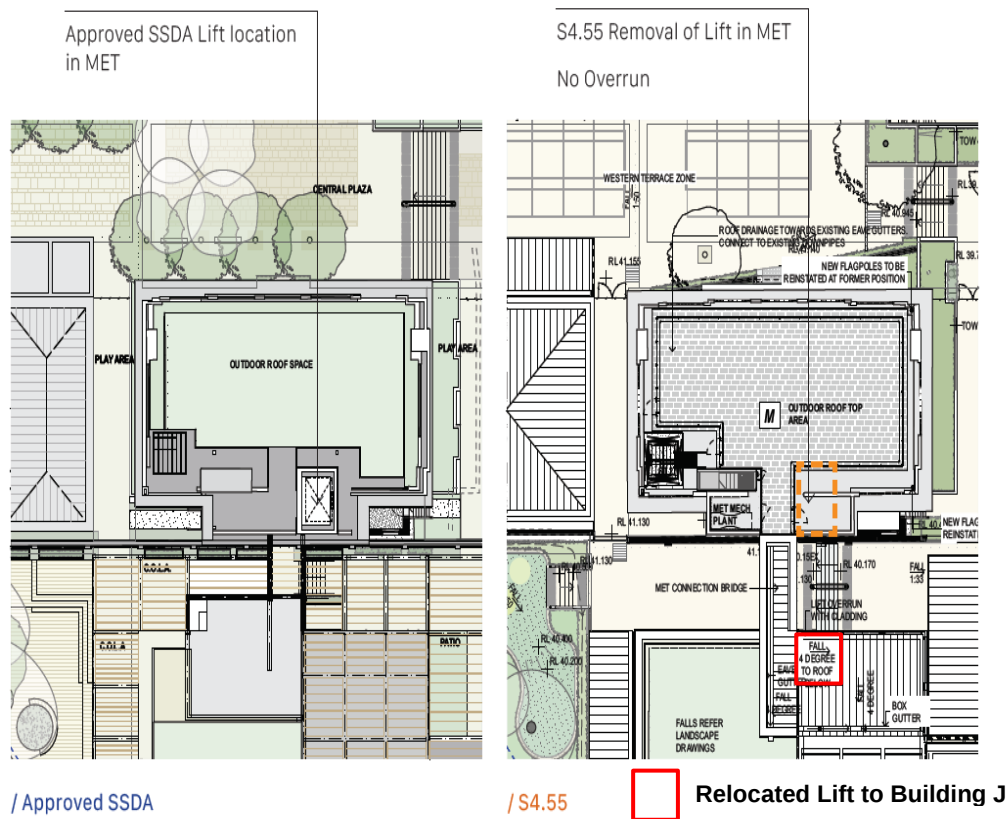


Figure 3 Removal and relocation of the Met Building lift

Source: FJMT and Ethos Urban



Figure 4 Removal and relocation of the Met Building lift

Source: FJMT and Ethos Urban

Other Modifications

Other proposed modifications to the Met Building include:

- Rooftop paved area amended to reflect removal of the lift and achieve BCA and safety compliance for a trafficable rooftop.
- Existing north stair to be reconstructed as a new stair with load-bearing walls to achieve current BCA and Department of Education requirements.
- Removal of the existing south east stair from the Ground Level to Level 2 as reconstruction of the stair is not structurally viable without invasive works. It will be replaced with a new timber-framed floor infill, proposed as storerooms on each floor.
- New glass balustrades around the perimeter of the existing balcony to ensure BCA compliance. The glass balustrade on Level 3 is also revised to a height of 1900mm.
- New mechanical plant fan at the south-western corner of the rooftop with appropriate screening.
- Roof drainage to existing gutters to be connected to existing down pipes.
- New flagpoles to be reinstated at their former positions.
- Make-good works to the existing Met Building entry fence and amendments to the position of brick heritage wall openings.

2.1.2 Buildings J, H and G

Building J Additional Partial Level 3

An additional partial level to Building J (Level 3) is required to accommodate the relocated lift, new covered bridge to each level of the Met Building (including the Met rooftop) and two (2) new stairs for egress, as shown in **Figure 5**. The proposed amendments will result in Building J being the tallest building on the site, with a maximum height of 16.3m (RL 56.23) to the top of the lift overrun.

The existing egress stair for the Met rooftop contains non-compliant fittings and its reconstruction would require highly invasive works due to special and heritage constraints. As such, two (2) new stairs for egress with compliant distances to the exits are provided in Building J, as shown in **Figure 6**:

- Relocation of the Building J stair from the north-west corner to the north-east corner of Building J, which will be light filled with views across the school; and
- Relocation of the stair between Buildings J and H to the south.

Mechanical plant is also proposed to be relocated from the Lower Ground Level of Building G to the Building J extension, eliminating the need for the Lower Ground Level of Building G. As such, the ratio of solid to louvred roof is amended, with more louvred roof proposed.



Figure 6 Proposed Met Building and Buildings J and H Ground Floor Plan comparison showing the stair relocation

Source: FJMT

☐ **Proposed Stair Relocation**

Source: FJMT

Building G Lower Ground

The Lower Ground Level in Building G contained various plant and services. The building services strategy has been rationalised, allowing the Lower Ground Level to be removed, as shown in **Figure 7**. Its removal is a result of the removal of the sprinkler system and refinement of electrical supply analysis and offsetting this with rooftop PV cells. This has allowed for a reduction in the infrastructure required. Consequently, the extent of excavation required is significantly reduced.

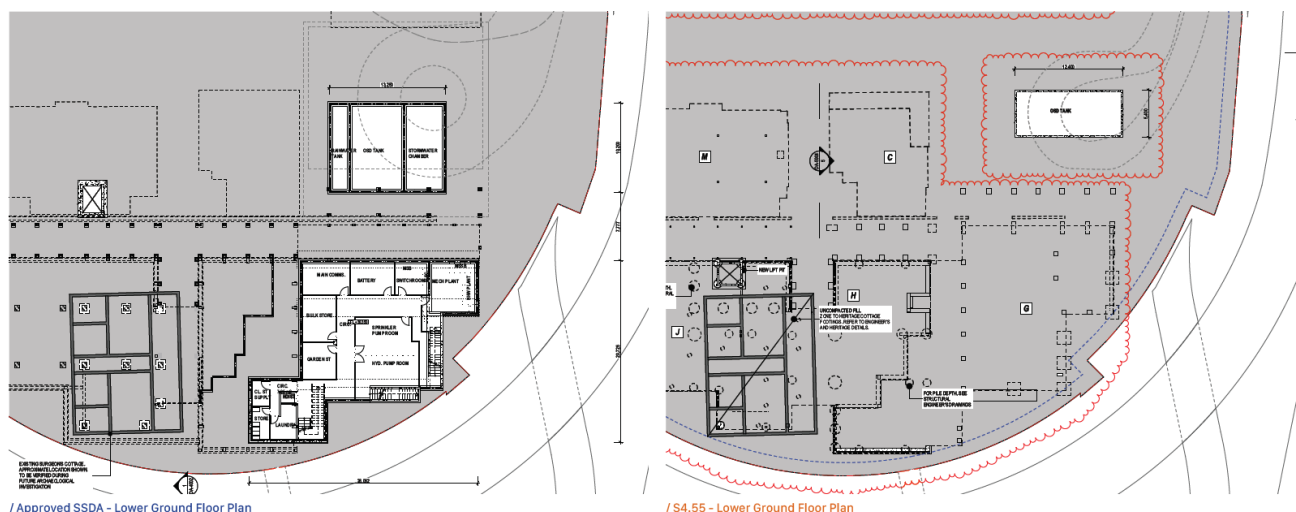


Figure 7 Plan showing removal of Building G Lower Ground Level and reduction in OSD footprint

Source: FJMT

Other Modifications

Other proposed modifications to Buildings J, H and G include:

- Increase of 64m² in rooftop play area (from 457m² to 521m²).
- Minor revisions to structural footings and piles of Buildings J and H to avoid impacts to archaeological footings of the Surgeon's Quarters.
- Reduction in the extent of skylights to the glazed connection between Buildings G and H, as a result of relocation of the stairs between Buildings J and H to Building J.
- Changes to the ridges and valleys on the roof of Building G, with an increase in pitch from 3 degrees to 4 degrees.
- Minor alterations to the functional layouts of the Building G communal hall envelope, Building J home bases, and Building H home bases, support spaces and store areas to achieve functional school requirements.

2.1.3 Buildings A and D

Rooftop Photovoltaic (PV) Cells and Plant

The PV cell layouts on the roof of Buildings A and D have been revised, and the number of PV panels has been reduced from 155 panels to 134 panels following detailed services coordination and development. The required 40kw energy generation is maintained.

Mechanical plant condensers have been relocated from various ground floor locations to the roof level. They are setback from the perimeter of the roof to mitigate visual impacts.

These changes are shown in **Figure 8** below.

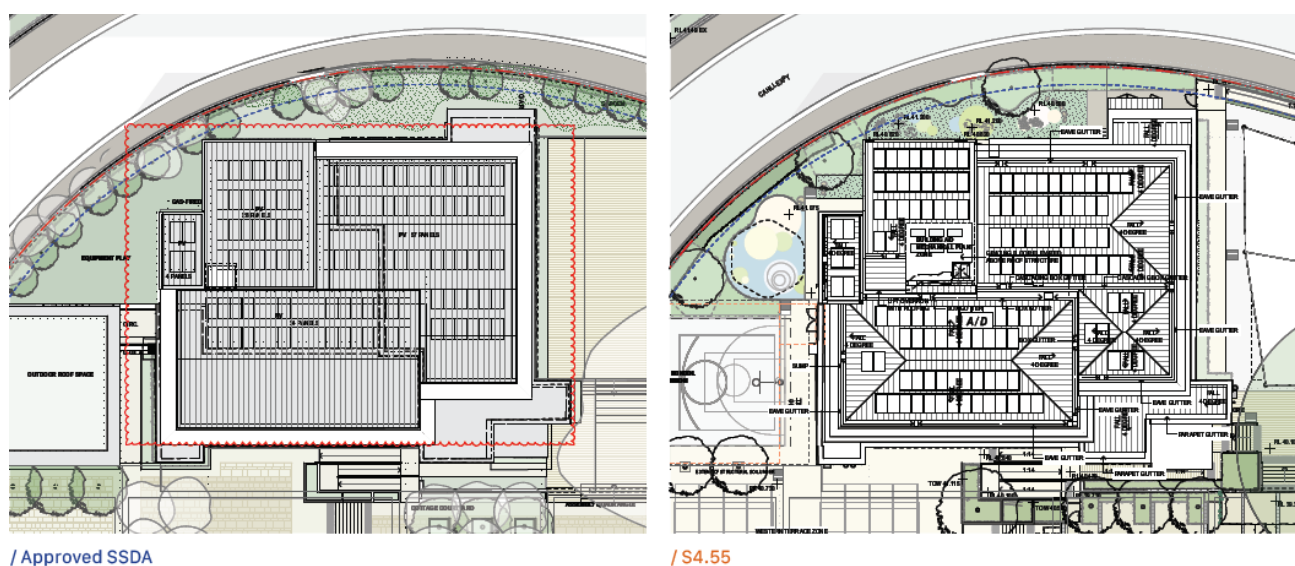


Figure 8 Plan showing changes to PV cell layout and addition of mechanical plant on the roof of Buildings A and D

Source: FJMT

Other Modifications

Other proposed modifications to Buildings A and D include:

- Revision to the extent of the internal heritage doors, windows to be retained and demolished, and new openings towards the north east on the Ground Floor and Level 1. These are necessary for functional school requirements, to allow oversight of teachers from the east wing across the corridor to the practical activities area. Amendments to the corridor door will allow for the containment of the cluster of home bases and acoustic spill.
- Revision of the extent of Level 1 Building A skylights to improve interface.
- Revision of the Building D roof design and structure into more cohesive hipped forms with a change in roof pitch from 3 degrees to 4 degrees to accommodate the addition of mechanical condensers.
- Minor amendments to the ratio of solid and glazed panels on the Building D façade.

2.1.4 Messenger's Cottage (Building C)

The approved extension to the south-west of the Messenger's Cottage, previously shown as an interview room, is proposed to be removed.

2.1.5 Building F

The roof of Building F has been revised to a pitch of 4 degrees, with a change in the shape of the roof to a more singular hipped roof form.

2.1.6 Façade

Façade Types

Minor modifications are proposed to the new buildings on the campus to address spatial relocations and services rationalisation. Some configurations of glazed to solid panels have also been modified to reflect amendments to internal space planning. A detailed schedule of proposed façade changes is provided in the Architectural Design Statement at **Appendix A**.

Materiality

The materiality of the COLA and colonnade forms is proposed to be changed from timber frames to a hybrid structure steel and timber structure due to load bearing and structural design requirements, as shown in **Figure 9**. The structural load bearing elements will be constructed of steel and painted with a durable Interthane industrial paint system using subdued colours. The timber 'look' of the approved scheme will be retained in the form of decorative timber-based cladding elements that will be applied to the columns and horizontal beams of the colonnade and COLA structures. A comparison of the approved and proposed materiality is shown in **Figure 10**.

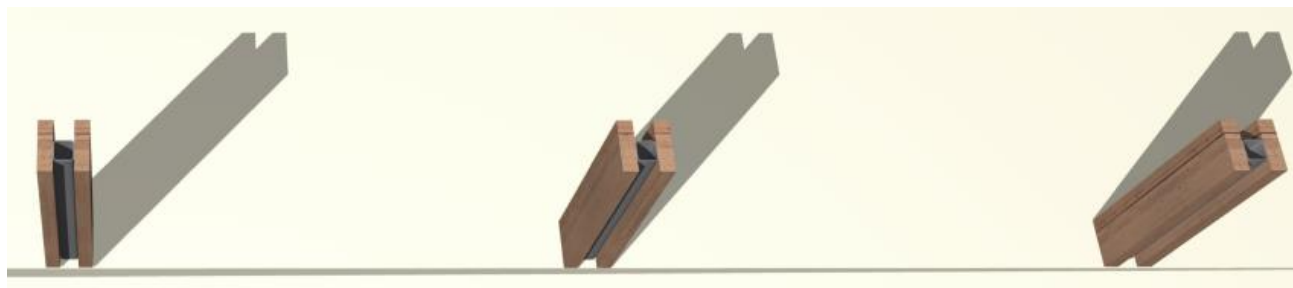


Figure 9 Proposed hybrid steel and timber COLA structure

Source: FJMT



Figure 10 Comparison of approved and proposed materiality of the COLA and colonnade forms

Source: FJMT

Further, the materiality of the piers and parapets of Buildings F, G, H and J is proposed to be modified from exposed concrete facades to exposed brickwork, as shown in **Figure 11**.

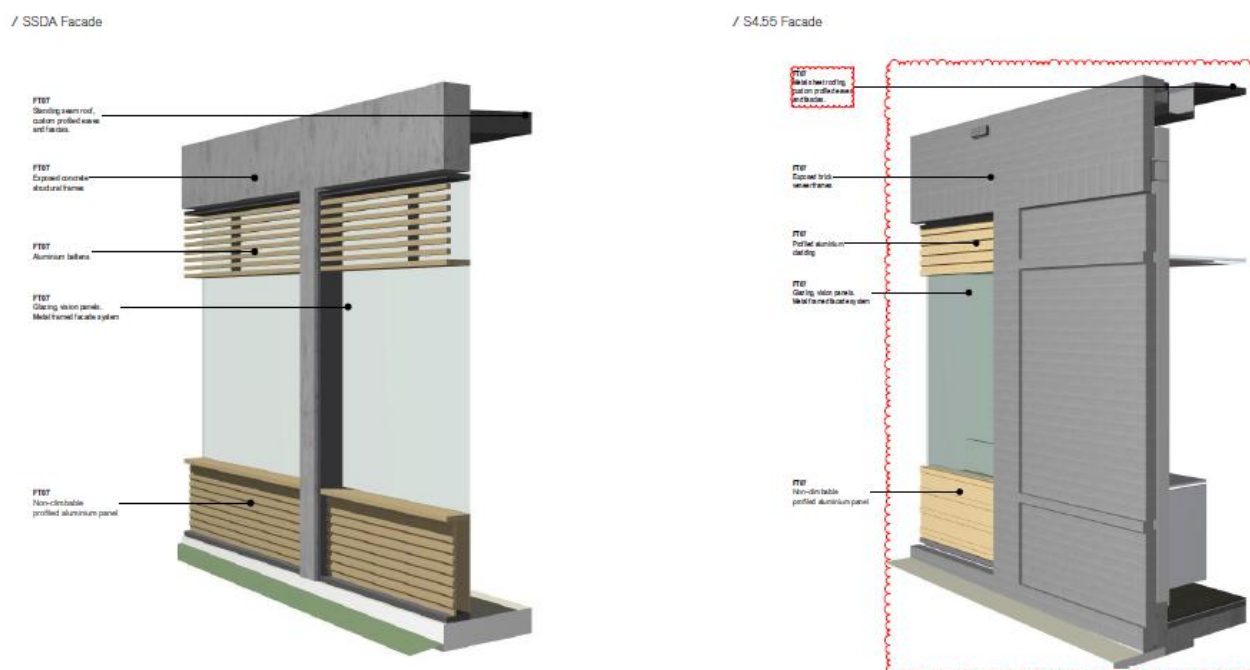


Figure 11 Comparison of approved and proposed materiality of the Building F, G, H and J piers and parapets

Source: FJMT

2.1.7 Upper Fort Street Widening and Bradfield Shed Modification

The approved works to the Bradfield Services Shed and adjacent areas included demolition of the existing above-ground structure and the construction of a new, smaller shed which preserved functionality for Transport for NSW (TfNSW) maintenance personnel to access the turbines and other infrastructure within the shaft. A new access hatch was also approved to provide end-of-life replacement access. These measures enabled the widening of Upper Fort Street.

The proposed development, as modified, maintains these principles and objectives, with some minor modifications:

- Retention of the eastern kerb, vehicle fence and concrete upstand to the Bradfield Expressway at Upper Fort Street immediately in front of north-east boundary corner.
- Adjustment to the width of Upper Fort Street to a constant 6m, and removal of the previous pinch point/tapering of kerb-to-kerb dimension to suit 6m.
- Minor revisions to the footprint of the shed enclosure and verification of existing stairways, as verified against a point cloud survey.
- Revision of the end-of-life replacement access hatch.

The schematic drawings for the widening of Upper Fort Street and the new Bradfield Shed are shown below in **Figure 12** and are further detailed in the Architectural Design Statement at **Appendix A**.

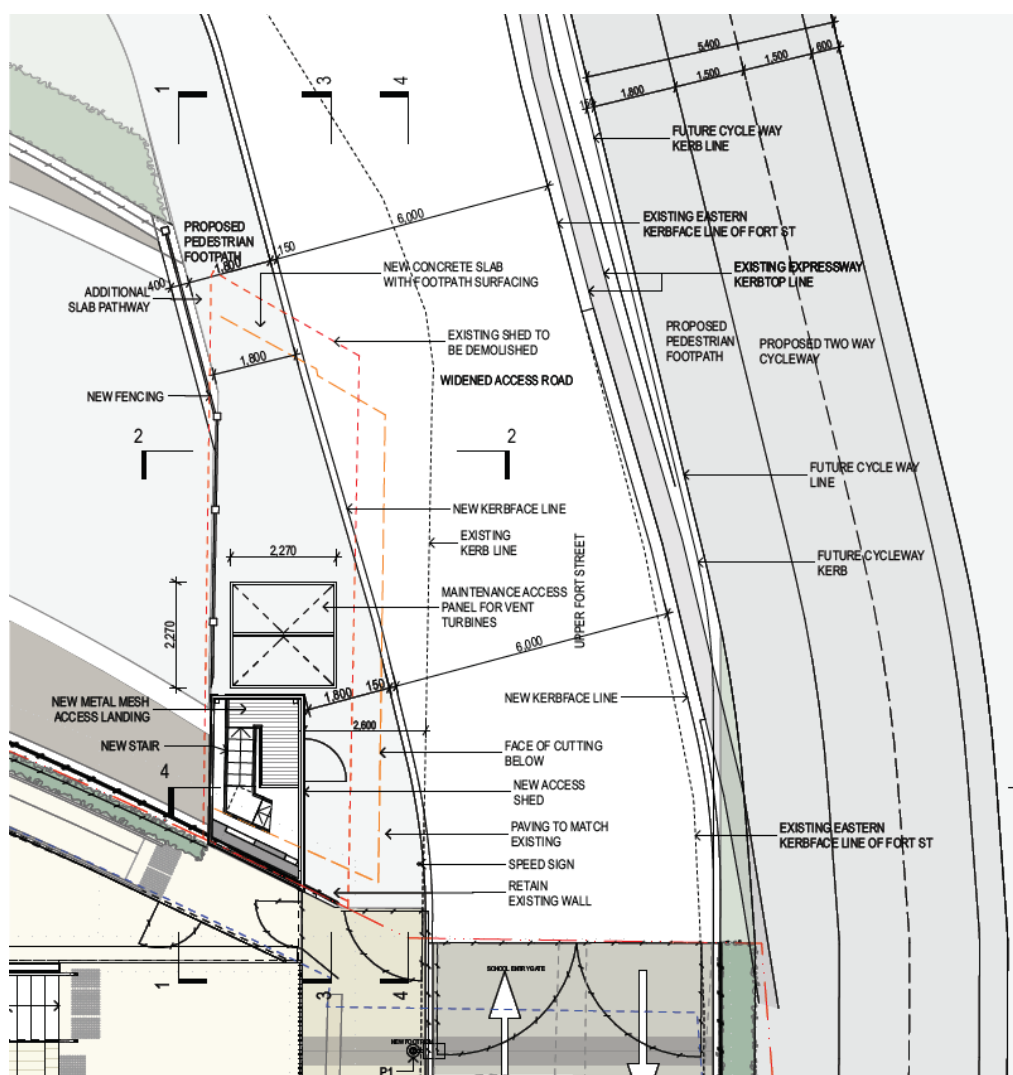


Figure 12 Plan of Upper Fort Street and new Bradfield Shed

Source: FJMT

2.1.8 School Entry Loop Road Design

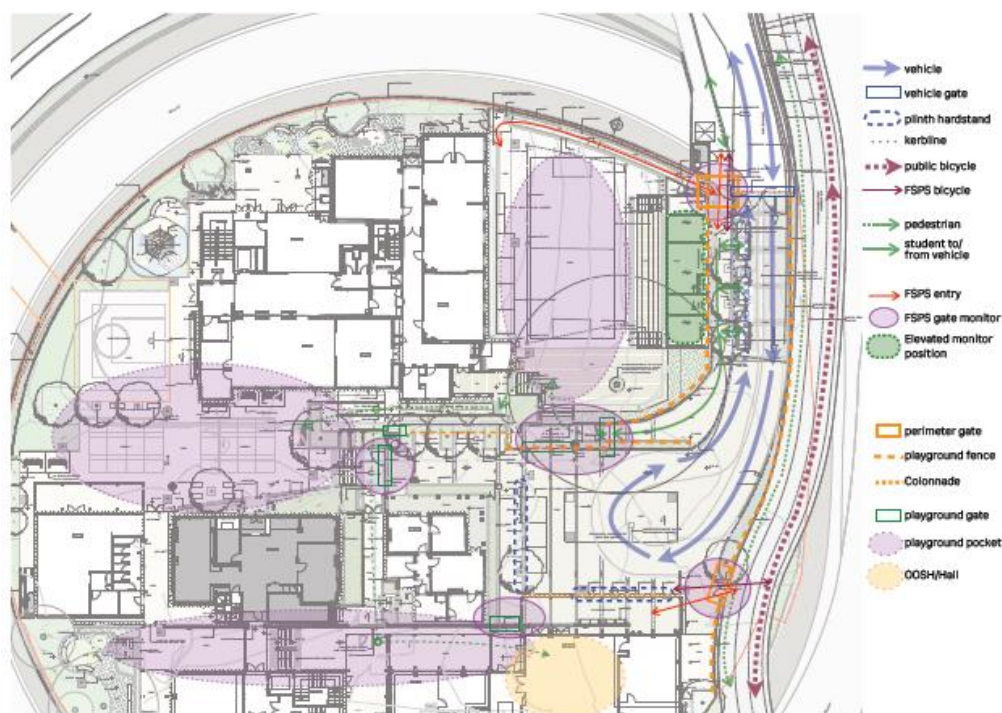
A number of minor changes are proposed to the entry loop road following further consultation and subsequent detailed design development with the design team, school stakeholders, road safety auditors and government agencies. In particular, the changes are a result of ongoing consultation with TfNSW and the City of Sydney Council.

The changes to the drop-off and pick-up arrangements, and configuration of the loop road and school entry points will improve safety, access and segregation of pedestrians and other vehicle modes. A summary of these changes and their application to Phase 1 (prior to the construction of the Sydney Harbour Bridge Cycleway) and/or Phase 2 (after the construction of the Sydney Harbour Bridge Cycleway) are outlined in **Table 1**, and are illustrated in **Figure 13**. A detailed explanation of the changes is provided in the Traffic and Transport Report prepared by Arup at **Appendix C**.

Table 1 Proposed changes to the school entry loop road design for Phases 1 and 2

Modification	Phase 1	Phase 2
A new school entry gate and ramp at the north-eastern corner of the site adjacent to the Bradfield Services Shed. This will alleviate the pressure at the school's current eastern entry/exit points and separate students arriving from the north of the school from the pedestrians and vehicles on the loop road. A teacher or traffic warden will be able to supervise this gate from the elevated monitor position of the amphitheatre terrace at drop-off and pick-up times.	Yes	Yes
Segregated pedestrian and cyclist crossing of Upper Fort Street during Phase 1. This will separate cyclists and pedestrians where the Western Distributor shared path meets Upper Fort Street. Cyclists will use the eastern side of the path to continue along the Upper Fort Street/Western Distributor shared path while pedestrians will cross Upper Fort Street on the western side of the path. This will also enable public pedestrian movements to occur away from the school's pedestrian entry gates. This does not apply to Phase 2 as the new Sydney Harbour Bridge Cycleway will be separated from Upper Fort Street.	Yes	N/A
Pick-up and Drop-off point for Phase 2 will be located along Upper Fort Street adjacent to the school. Vehicles will still use the loop in the school playground, but there will be no stationary pick-up or drop-off within the school playground.	N/A	Yes
New hardened playground seats along the western and southern perimeter of the school playground that act as physical barriers to add vehicular incident protection and improve visual cues to the drop-off and pick-up zone. reduce risk of out-of-control motor vehicles (illustrated as dotted blue lines in Figure 13).	Yes	Yes
Improvement of line markings, addition of various fences and gates, and Upper Fort Street crossing to better define user pathways.	Yes	Yes
Use of 'playground pockets', illustrated in purple in Figure 13 , as catchment areas to hold students during pick-up and drop-off times. Movements between the pockets are illustrated by green arrows in Figure 13 , demonstrating the ability to move flexibly students between the pockets behind physical obstructions that segregate vehicle movements and these access routes. Gateway improvements have also been conducted within the site to enable the pockets to function as holding areas.	Yes	Yes
Changes to the materiality of the school playground pavement to clearly demarcate zones for vehicles during pick-up and drop-off movements.	Yes	Yes
Straightening of roadway in front of the Services Amphitheatre building to improve sight lines around vehicles.	Yes	Yes

*Proposed Phase 1 Pick-up/Drop-Off Arrangement*



Proposed Phase 2 Pick-up/Drop-Off Arrangement

Figure 13 Proposed Phase 1 and 2 Pick-up/Drop-off Arrangements

Source: FJMT

2.1.9 Landscape

Landscape modifications are proposed for the various landscaped areas, as well as heritage interpretation elements, the retention of heritage fabric and tree planting. These are described in the following sections. A detailed explanation of the proposed landscape modifications is provided in the Landscape Design Statement prepared by FJMT at **Appendix D** and are illustrated in the Amended Landscape Plans prepared by FJMT at **Appendix A**.

General Landscape Modifications to Landscaped Areas

Modifications to materiality and plantings are proposed for the multipurpose play courts, multipurpose forecourt, cottage garden and perimeter pocket parks following further design development. These include replacement of paving material and steppingstone access paths with concrete, increased planted areas and replacement of some timber decking with synthetic turf.

Other design modifications include the introduction of a new equitable ramp at the new north-eastern entry to the site and amendments to the gate locations in the pick-up and drop-off area to support the revised entry loop road design (refer to **Section 2.1.8**), minor changes to the landscape design to the south-west of the Messenger's Cottage to mitigate the level difference, introduction of a new ramp and revised stair access to the south of Building A to optimise equitable access and modifications to the timber decking around the existing Fig Tree to better protect the tree's root system.

Rooftop Terraces

The roof terraces of Buildings J, Building H and the Met Building are proposed to be modified to better accommodate the primary function of the rooftops as play space. To achieve this, the approved raised planters with seating are proposed to be removed and the paving material is proposed to be replaced with rubber softfall. However, provision is still made for future planters including water points for irrigation and drainage.

Heritage Interpretation and Retention of Existing Fabric

The following modifications are proposed to heritage interpretation elements and the retention of existing fabric:

- The existing heritage pier is to be relocated slightly west, to the north-east corner of the Messengers Cottage to accommodate the revised pick-up and drop-off loop road strategy.
- The existing pier location is to be represented in the design of the ground plane.
- Existing planters and fencing fronting the main entry to the Met Building are to be retained and made-good.
- Part of the Fort Street sandstone kerb and palisade fence is to be removed at the north-east of the site to accommodate the revised pick-up and drop-off loop road strategy.

Tree Planting

No changes are proposed to the approved tree removal. With respect to tree planting, 23 trees are now proposed to be planted, compared to 58 trees under the approved development. This will result in a tree canopy cover of approximately 19%, compared to 22%. The reduction in tree planting is a result of changes to the drop-off/pick-up zone, the requirement to accommodate an additional entry ramp and changes around the perimeter of the Met Building. The total canopy coverage will continue to exceed the City of Sydney's 15% canopy cover requirement.

Other modifications to tree planting include the consolidation of some planter areas and removal of trellis planters in the COLA areas.

2.1.10 Rainwater Treatments

On Site Detention (OSD)

The volume and footprint of the OSD below the eastern forecourt is proposed to be reduced, due to the installation of new supplementary satellite rainwater tanks around the perimeter of the buildings at ground level, within the landscaped areas. The footprint of the OSD will be reduced from 135m² to 66.96m². This is shown above in **Figure 7**.

Rainwater Tank Enclosures

Supplementary rainwater tanks are proposed within screened enclosures around the perimeter of Buildings A, D and F and Buildings J, H and G as shown in **Figure 14** below. They will be fully enclosed by light weight cladding with an access door, as shown in **Figure 15** below. These have been introduced to reduce the costs and excavation for the OSD.

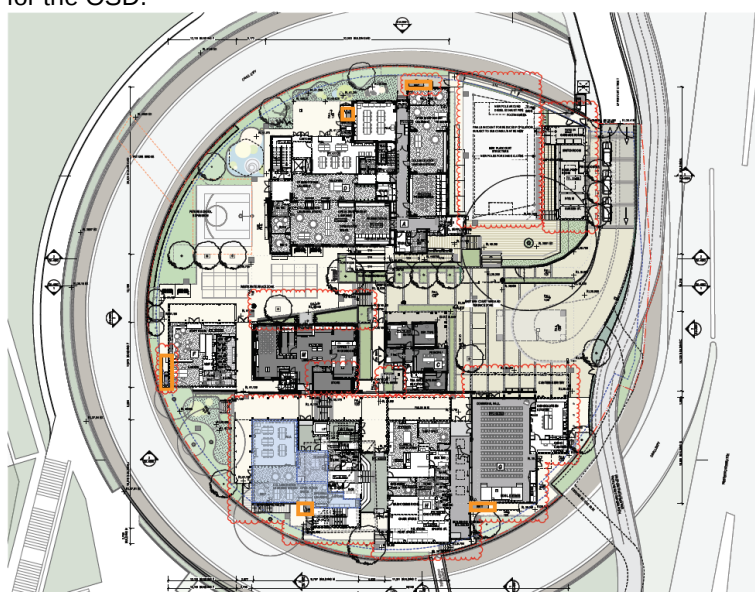


Figure 14 Proposed location of rainwater tanks

Source: FJMT

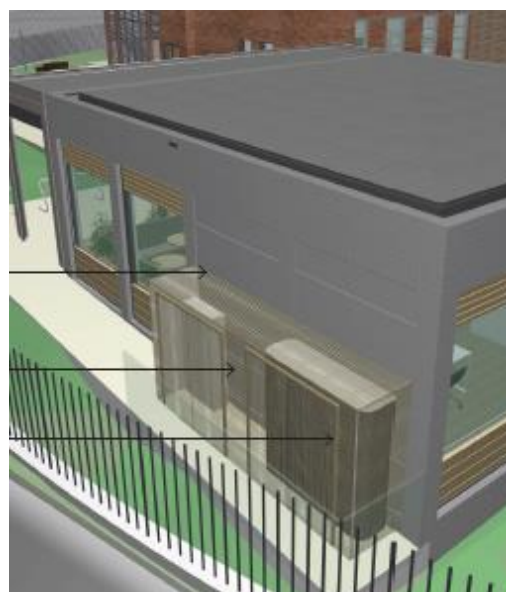


Figure 15 3D view of rainwater tank enclosures

Source: FJMT

2.1.11 Services Enclosure

The services enclosure in the north-east of the site is proposed to be increased in size to accommodate the required services and equipment. Amendments have been made to the extent of timber linings to play surfaces, and facade materials have been revised.

2.1.12 External Lighting

The external lighting strategy has been modified to reduce the scope of lighting. Key changes include deletion of lighting to the building rooftops, fewer pole top lights on the approach road and removal of building up-lighting. The proposed development continues to achieve the requirement to maintain a low-level of upward-facing light output and sensitive light fittings to respect the operation of the Sydney Observatory. The revised lighting strategy is shown at **Figure 16**.

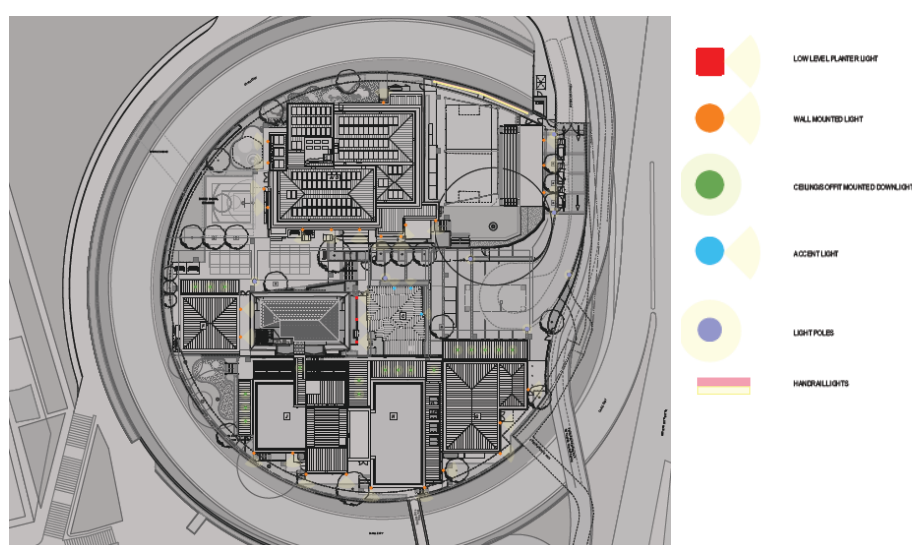


Figure 16 Revised lighting strategy

Source: FJMT

2.2 Modification to Conditions

The proposed modifications described above necessitate amendments to the consent conditions which are identified below. Words proposed to be deleted are shown in **~~bold strike through~~** and words to be inserted are shown in ***bold italics***.

A2. The development may only be carried out:

- (a) in compliance with the conditions of this consent;
- (b) in accordance with all written directions of the Planning Secretary;
- (c) generally in accordance with the EIS and Response to Submissions; and
- (d) in accordance with the approved plans in the table below:

References to be updated once all plans confirmed/finalised.

Architectural drawings prepared by fjmt studio			
Dwg No.	Rev	Name of Plan	Date
DA-1211	SSDA02	Site Plan Proposed	30/9/20 28/1/21
DA-2001	SSDA 01 02	Proposed Plan – Lower Ground 1	18/12/19 28/1/21
DA-2002	SSDA 01 02	Proposed Plan – Ground	18/12/19 28/1/21

DA-2003	SSDA 01 02	Proposed Plan – Level 1	18/12/19 28/1/21
DA-2004	SSDA 01 02	Proposed Plan - Level 2	18/12/19 28/1/21
DA-2005	SSDA 01 02	Proposed Plan – Level Roof	18/12/19 28/1/21
DA-2006	SSDA02	Proposed Plan – Roof	18/12/19 28/1/21
DA-2101	SSDA 01 02	Demolition Plan – Ground	18/12/19 28/1/21
DA-2102	SSDA 01 02	Demolition Plan – Level 1	18/12/19 28/1/21
DA-2103	SSDA 01 02	Demolition Plan – Level 2	18/12/19 28/1/21
DA-2104	SSDA 01 02	Demolition Plan - Roof	18/12/19 28/1/21
DA-2105	SSDA01	Services Excavation On Demolition Plan	18/12/19
DA-3001	SSDA02	Elevations North East	29/5/20 28/1/21
DA-3002	SSDA02	Elevations South West	29/5/20 28/1/21
DA-4001	SSDA02	Sections 1	29/5/20 28/1/21
DA-4002	SSDA02	Sections 2	29/5/20 28/1/21
DA-4003	SSDA02	Sections 3	29/5/20 28/1/21
DA-4004	SSDA02	Sections 4	29/5/20 28/1/21
DA-5001	SSDA 01 02	Detailed Areas – Heritage Wall	18/12/19 28/1/21
DA-5002	SSDA 01 02	Detailed Areas – Heritage Wall Details	18/12/19 28/1/21
DA-5003	SSDA01	Detailed Areas – Bradfield Mechanical Exhaust	18/12/19 28/1/21
DA-5004	SSDA 01 02	Detailed Areas – Surgeon's Cottage	18/12/19 28/1/21
DA-5005	SSDA01	Detailed Areas – MET Elevator shaft	18/12/19
DA-5006	SSDA 01 02	Detailed Areas – FSPS Existing Hall Skylight	18/12/19 28/1/21
A-03002	SSDA02	Exterior Finishes Schedule	29/5/20
DA-5901	SSDA 01 02	FT01 / FT02 Building A	18/12/19 28/1/21
DA-5902	SSDA 01 02	FT03 Building D	18/12/19 28/1/21
DA-5903	SSDA 01 02	FT04 N / FT04 W Building D	18/12/19 28/1/21
DA-5904	SSDA 01 02	FT05 / FT06 Building C	18/12/19 28/1/21
DA-5905	SSDA 01 02	FT07 Building F/G	18/12/19 28/1/21
DA-5906	SSDA 01 02	FT08 / FT09 / FT14 N Building M	18/12/19 28/1/21
DA-5907	SSDA 01 02	FT10 Building J/H	18/12/19 28/1/21
DA-5908	SSDA 01 02	FT11 C.O.L.A.	18/12/19 28/1/21
DA-5909	SSDA 01 02	FT12 Services Enclosure	18/12/19 28/1/21
DA-5910	SSDA 01 02	FT13 Glass Infill Building J/HG	18/12/19 28/1/21
DA-9011	SSDA 01 02	Exterior Finishes Samples	18/12/19 28/1/21
Landscape Plans prepared by fjmt studio			
Dwg No.	Rev	Name of Plan	Date
DA-8001	SSDA02	Landscape Design Plan	2/6/20 28/1/21
DA-8002	SSDA04 02	Landscape Ground Floor – Phase 2	17/9/20 28/1/21
DA-8003	SSDA02	Landscape Roof Plan	2/6/20 28/1/21
DA-8004	SSDA03 02	Tree Management Plan	2/6/20 28/1/21
DA-8005	SSDA03 02	Landscape Planting Ground Plan – Phase 2	17/9/20 28/1/21
DA-8006	SSDA03 02	Landscape Planting Roof Plan	17/9/20 28/1/21

DA-8007	SSDA0302	Landscape Soil Depth Ground Plan – Phase 2	17/9/20 28/1/21
DA-8008	SSDA02	Landscape Soil Depth Roof Plan	2/6/20 28/1/21
DA-8009	SSDA02	Landscape Ground Floor – Phase 1	17/9/20 28/1/21
DA-8010	SSDA0102	Landscape Planting Ground Plan – Phase 1	17/9/20 28/1/21
DA-8011	SSDA0102	Landscape Soil Depth Ground Plan – Phase 1	17/9/20 28/1/21
DA-8101	SSDA02	Landscape Sections	2/6/20 28/1/21
DA-8201	SSDA02	Landscape Details	2/6/20

Reason for modification

Plan numbers, revisions and details need to be changed to reflect the updated plans and drawings that accompany this section 4.55 application.

3.0 Substantially the Same Development

Section 4.55(2)(a) of the EP&A Act states that a consent authority may modify a development consent if *“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)”*.

The development, as proposed to be modified, is substantially the same development as that originally approved in that it:

- Does not give rise to any new environmental impacts compared to the approved development in terms of relevant matters for consideration at section 4.15 of the EP&A Act (refer to **Section 4**).
- Retains the same land-use as the approved development, continuing to provide an educational facility within the B8 Metropolitan Centre zone.
- Does not change the student or staff numbers ensuring associated impacts including traffic generation remain unchanged.
- The modified development does not give rise to additional heritage impacts, and conversely, improves the heritage and archaeological outcomes of the development.
- The modified development will continue to provide an architectural expression that is consistent with the approved development.
- The development, as modified, will continue to meet key objectives of the site’s redevelopment, namely upholding the high quality educational and functional attributes of the campus, and ensuring a rich, supportive and dynamic environment for students.
- Does not alter the approved development’s level of compliance with the applicable environmental planning instruments and policies.
- Is consistent with the mitigation measures established in the Development Consent to protect the environment from potentially adverse effects of the development.

The consent authority may therefore be satisfied that the development, as proposed to be modified, will remain substantially the same as the original development consent. The proposed modification may therefore be lawfully approved under section 4.55(2) of the EP&A Act.

4.0 Planning Assessment

Section 4.55(3) of the EP&A Act requires a consent authority to take into consideration such of the matters referred to in section 4.15(1) as are of relevance to the development the subject of the application and the reasons given by the consent authority for the grant of the original consent.

The planning assessment of the proposed modified development remains generally unchanged with respect to the above matters. The following matters however warrant further assessment.

4.1 Compliance with Environmental Planning Instruments

Table 2 below outlines the consistency of the development, as proposed to be modified, with the relevant legislation and environmental planning instruments.

Table 2 Modification Application's consistency with applicable legislation and planning instruments

Legislation/Instrument	Comment
Environmental Planning Instruments	
SEPP (State & Regional Development) 2011	The proposed modification does not alter the approved development's consistency with this instrument as outlined in the EIS.
SEPP (Educational Establishments and Child Care Facilities) 2007	The proposed modification does not alter the approved development's consistency with this instrument as outlined in the EIS.
SEPP No. 55 – Remediation of Land	The proposed modification does not alter the approved development's consistency with this instrument as outlined in the EIS.
Sydney Local Environmental Plan 2012	The proposed modification does not alter the approved development's consistency with this instrument as outlined in the EIS.

4.2 Reasons Given for Granting Consent

Table 3 details how the proposed modification is consistent with the reasons given by the Minister for Planning and Public Spaces in granting Development Consent SSD 10340.

Table 3 Consideration of consistency of Modification Application with reasons for granting original consent

Reason for Granting Consent	Consistency of the Proposed Modification
The impacts of the development are acceptable and can be mitigated through the recommended conditions of consent.	The proposal remains consistent with this statement.
The proposal is consistent with the objects of the Environmental Planning and Assessment Act 1979 and the State's strategic planning objectives for the site set out in the Greater Sydney Region Plan – A Metropolis of Three Cities and the Greater Sydney Commission's Eastern City District Plan, as it would provide much needed improved and expanded school infrastructure located near existing public transport and includes opportunities to co-share facilities with the community.	The proposal remains consistent with NSW Government priorities and the strategic planning direction of Metropolitan Sydney and the Eastern City District.

Reason for Granting Consent	Consistency of the Proposed Modification
- The proposal is suitable for the site and the impacts of the proposal are considered satisfactory on balance in the context of the benefits for the local community and the highly constrained nature of the site. - The proposal would provide functional access and drop-off / pick-up arrangements, subject to widening of Upper Fort Street and implementation of parking restrictions to provide sufficient queuing capacity on approach to the site. Implementation of proposed sustainable transport measures would reduce car-based travel to the site over time and further reduce impacts on the local road network. - The redevelopment of the entry to the school would be phased to accommodate the existing and potential upgraded Sydney Harbour Bridge cycleway at the front of the site, and includes measures to manage potential conflict between pedestrians, cyclists and drivers.	The proposal remains consistent with these statements, notwithstanding the proposed design modifications to the drop-off and pick-up arrangements and widening of Fort Street which will further improve the safety and access during pick-up and drop-off, and separation from the Sydney Harbour Bridge Cycleway.
The form, scale and design of the proposed alterations and additions to existing buildings and proposed new buildings are appropriate for the site and its context. The proposed built form would be respectful of the existing heritage items on and surrounding the site and the development would protect historical archaeology on the site.	The proposal remains consistent with these statements notwithstanding the proposed design modifications and changes to the conditions proposed. In particular, the modifications to the MET rooftop and Building J remain appropriate for the site and its context, and improve the interface with existing heritage items and protection of historical archaeology on the site.
Acoustic, air quality and contamination constraints having been appropriately addressed.	The proposal remains consistent with this statement notwithstanding the proposed design modifications and changes to the conditions proposed.
Construction impacts have been considered, including the need to relocate the school and divert the Sydney Harbour Bridge cycleway during construction. Appropriate mitigation measures have been proposed.	The proposal remains consistent with this statement notwithstanding the proposed design modifications and changes to the conditions proposed.
- The proposal is in the public interest as it would provide public benefits including: - provision of updated educational facilities to meet the needs of a growing area. - investment of \$53.9 million to deliver approximately 229 new construction jobs and 20 operational jobs.	The proposal remains consistent with this statement with the proposed development a suitable use of the site and is in the public interest.

4.3 Key Assessment Matters

The EIS submitted with the original State Significant Development Application (SSDA) addressed the likely impacts of the development, including:

- Built form and urban design;
- Traffic, transport and access;
- European heritage;
- European archaeology;
- Visual impacts;
- Visual privacy;
- Solar access and overshadowing;
- Crime prevention through environmental design;
- Geotechnical, contamination, remediation and acid sulphate soils;
- Construction and operational noise and vibration;
- Air quality impacts;
- Ecologically sustainable development;
- Tree removal and biodiversity impacts;
- Construction management;
- Construction traffic management;
- Social impacts;
- Site suitability; and
- Public interest.

The proposed modifications to the approved development do not give rise to any material alteration to the assessment of the potential impacts that were considered and determined to be acceptable in the granting of Development Consent SSD 10340.

Supplementary assessment is undertaken for key environmental assessment matters relevant to the proposed amendments, which are discussed in further detail below.

4.3.1 Built Form and Urban Design

Built Form

The height, density, bulk, and scale of the scheme as proposed to be modified remains relatively consistent with the approved scheme, in that the design amendments continue to be guided by the form and presence of the three significant heritage items on the site - the Messenger's Cottage, Met Building and the Fort Street Public School Building.

The bulk and scale of the additional partial level to Building J is ameliorated by the setbacks to the eastern and western elevations, while the location of the new lift overrun to Building J is concealed within the relocated stair (from the north-western corner to north-eastern corner of Building J). Moreover, the additional partial level to Building J is located beyond and behind the significant heritage buildings, therefore retaining the visual primacy of the heritage buildings and overall hierarchy of forms. Notwithstanding the increased height of Building J, the net built form impacts for the whole development are considered minimal, and on balance, a net improvement for the site in terms of reducing heritage and archaeological impacts to significant heritage items.

Façade

The façade and materiality of the proposed development, as modified, remains largely consistent with the approved development. While minor modifications to materiality are proposed, they will retain the aesthetic qualities of the approved development, including the colours, tones and textures which are sympathetic to the site and its surrounds. The proposed façade and materiality will also retain the balance of economy, functionality, durability and sustainability.

4.3.2 Traffic and Transport

The proposed changes to traffic and transport arrangements reflect detailed design development measures to improve safety and access to the school during pick-up and drop-off times. Specifically, new school entry points, physical obstructions around the playground and perimeter zones, segregation elements and split pathways will improve the safety of pedestrian routes around the pick-up and drop-off areas. Increased definition of user pathways and changes to pavement materials for vehicle zones will also enhance the safety of pedestrians and reduce the risk of conflict between vehicles and pedestrians.

While the proposed widening of Upper Fort Street and changes to the Bradfield Shed are still in the concept stage, the design far has been progressed in consultation and with TfNSW and the City of Sydney Council. It is envisaged that the detailed design will receive approval from TfNSW and the City of Sydney Council during the assessment of this modification.

Overall, Arup's Traffic and Transport Report (**Appendix C**) concludes that the proposed modifications do not affect the traffic and transport impact of the approved development.

4.3.3 Heritage

Heritage Impact

Curio Projects have prepared a Heritage Impact Statement (**Appendix E**) that has assessed the heritage impact of the proposed modifications, particularly the key modifications relating to the Met Building, Building J and the

reduction in excavation. Even though the height, density, bulk and scale of the proposed development, as modified, remains generally consistent with the approved development, and sensitive setbacks retain the hierarchy of forms established in the approved development, Curio Projects have found that the additional partial storey to Building J presents a minor to moderate negative visual impact to the site.

However, Curio Projects have found that the additional partial storey to Building J, which facilitates the relocation of the lift from the Met Building, will result in an improved heritage outcome, due to a major reduction in physical and visual impact to the fabric, form and context of the Met Building. Moreover, Curio Projects have found that the reduction in bulk excavation through the deletion of the Building G Lower Ground Floor and revised strategy for the OSD and rainwater tanks, presents a major positive impact to the archaeological resource of the site compared to the approved development.

Therefore, Curio Projects have concluded that the proposed modifications, particularly the additional partial storey to Building J, will result in an acceptable heritage impact that is offset by the reduction in bulk excavation works and physical and visual impact to the Met Building. Curio Projects have also concluded that all other proposed modifications will result in neutral or positive heritage/archaeological impacts.

Compliance with Conservation Management Plan

Curio Projects have assessed the proposed modifications against the policies established in the *Fort Street Public School—Conservation Management Plan* (2020) prepared by Curio Projects and TKD Architects (the CMP). As outlined in the Conservation Management Plan Compliance Statement (**Appendix F**), Curio Projects have concluded that all modifications are compliant with the policies of the CMP and that no revision of the CMP is proposed nor required as part of this application.

4.3.4 Visual Impact

A revised Visual Impact Assessment (**Appendix G**) has been prepared by Ethos Urban in accordance with the Land and Environment Court Policy for visual impact assessment. It has considered the proposed modifications against relevant factors such as existing place character of the primary visual catchment, sensitivity, magnitude, applicable planning instruments, the need for mitigation strategies and measures and consideration of residual impact.

While some changes to the built form are proposed, Ethos Urban has found that the nature of these changes are considered to be substantially the same as that already approved, and do not give rise to any new visual impact issues of significance. In particular, the siting, scale, form and materiality is considered to result in a neutral or positive visual outcome for the site and its context.

On this basis, Ethos Urban has concluded that the proposed modifications do not result in additional visual impact issues of significance, and as such, the proposal has an acceptable visual impact in its current form.

4.3.5 Solar Access and Overshadowing

Due to the orientation of the site, the separation afforded by the Cahill Cut, the scale of development proposed and the general absence of any immediate neighbours to the south, there will be limited overshadowing impacts outside of the school grounds.

Shadow diagrams have been prepared by FJMT (refer to **Appendix B**) which show the additional shadows cast by the modified proposal. The diagrams show that the shadows caused by the increased height of Building J largely fall within the shadows cast by the approved development. Whilst there will be some minor additional overshadowing impacts on the Winter Solstice, they are largely limited to the Cahill Expressway and the access road to the National Trust. Consistent with the approved development, some additional shadows fall on the open space to the east of the National Trust Building and across the Western Distributor. However, impacts on buildings to the east of Cumberland Street are contained within the shadows of existing buildings.

The development, as proposed to be modified, is considered acceptable from an overshadowing perspective.

4.3.6 Other Assessment Matters

An assessment of the other impacts and matters related to the proposed modification have been undertaken by the relevant specialist consultants and are attached to this SEE as set out in **Table 4** below.

Table 4 Summary of other assessment matters

Consideration	Consultant	Summary	Reference
Wind	Arup	Arup has concluded that the proposed modifications would have a negligible impact on wind conditions around the site for pedestrian comfort and safety, and will be consistent with the wind outcomes of the approved development.	Appendix H
External Lighting	Stantec	Stantec has concluded that the proposed reduction of external lighting will reduce the impact of any light spill to neighbouring properties while maintaining the required illumination levels for pedestrian access throughout the site.	Appendix I
Reflectivity	Arup	Arup has concluded that the proposed development, as modified, is unlikely to result in any unacceptable glare to surrounding buildings, traffic routes and pedestrian walkways, provided that the normal specular reflectivity of the façade materials remains within the 20% allowable limit set by the Sydney Development Control Plan 2012.	Appendix J
Operational Waste	Arup	Arup has prepared a revised Operational Waste Management Plan for the modified development. The following modifications are proposed to the approved waste management arrangements: • Updates to the waste generation calculations based on the changes in the area schedule: Overall waste generation estimates have decreased. • Size and configuration of the central waste storage room: The waste room is adequately sized with improved circulation space. Bin washing will be undertaken by a bin washing contractor. Some bins will be stored in an exposed storage area that will be locked and adequately screened. • Location of the central waste storage room: The change in location has had no adverse impact to access or distance to the collection point. Arup concludes that modelling has been undertaken to determine the optimum waste storage areas required to meet both the central storage room requirements based on the school population and the waste management strategy. Currently, the area required for the central storage room that will contain general waste, recycling and food waste storage is 25.2m². The storage space allocated for the central storage room currently exceeds the space required, and therefore sufficient space has been allocated for the central storage room. The collection point is located in close proximity to the central storage room and adheres to Council's Guidelines. Two routes are available for the collection vehicles to access the collection point to allow for flexibility of collection.	Appendix K
Structural Engineering	Costin Roe	Costin Roe has concluded that the structural design required for the proposed modifications will remain consistent with the structural design of the approved development.	Appendix L
Civil Engineering	Costin Roe	Costin Roe has concluded that the stormwater management system and strategy for the proposed development, as modified, will remain consistent with the approved development.	Appendix M
Acoustic	Stantec	Stantec has concluded that the development, as proposed to be amended, will not cause any compliance issues in relation to noise emissions to any neighbouring receivers.	Appendix N
ESD	Stantec	Stantec has concluded that the Ecologically Sustainable Development initiatives, sustainability frameworks and rating targets of 4 star Green Star Design and As-built v1.3 or equivalent of the approved development,	Appendix O

Consideration	Consultant	Summary	Reference
		remain unchanged and achievable in the proposed development, as modified.	
Construction and Environmental Management	Lendlease	Modifications to construction and environmental management is limited to changes to the work methodology for the Met Building. Otherwise, there is no change to the principles of the approved Preliminary Construction and Environmental Management Plan.	N/A
Construction Traffic	Lendlease	There is no change to the principles of the approved Preliminary Construction Traffic Management Plan.	N/A

4.4 Site Suitability and Public Interest

The site remains suitable for the proposed development for the reasons outlined in the EIS lodged with the approved development. Consistent with the approved development, the proposed modifications will not increase the intensity of the use, and so there will be no additional impacts on the surrounding neighbourhood.

Further, the development is permissible in the zone, and involves modifications that will enhance the functionality and accessibility of the site. The proposed modifications will also improve the conservation of significant heritage and archaeological fabric on the site. Therefore, the proposed development is suitable for the site and in the public interest.

5.0 Consultation

SI NSW, in conjunction with the Project Team, have undertaken consultation sessions with the following stakeholders:

- Department of Planning, Industry, and Environment.
- Government Architect NSW.
- City of Sydney.
- Transport for NSW (TfNSW).
- Heritage NSW.
- Museum of Applied Arts and Sciences (MAAS).
- National Trust.
- Local Community – Millers Point Resident Action Group and Observatory Tower.
- Bicycle NSW.
- Project Control Group (PCG) – including representatives from SINSW, Department of Education, Root Partnerships, Elton Consulting.
- Project Reference Group (PRG) - including P&C Representatives.
- Observatory Hill - Stakeholder Working Group (SWG) – including representatives from SINSW, Department of Education, Root Partnerships, Lendlease, FJMT, City of Sydney, TfNSW, National Trust, Heritage NSW, Bicycle NSW.
- Local Member for Sydney.

A Community Information Pack was also distributed to the School Community group, and letterbox dropped to the Local Community.

Throughout consultation, matters were raised relating to transport safety and access, built form, visual impact, heritage, archaeology, waste management. These matters were responded to by the Project Team and have been

addressed or incorporated in the documents submitted with this modification application. Accordingly, the proposed modifications are generally supported by the stakeholders and wider community.

For a detailed summary of consultation activities and outcomes, refer to the Consultation Summary Report prepared by Lendlease at **Appendix P**.

6.0 Conclusion

The modification involves amendments to the design that are a result of design development and seek to improve the development outcome, particularly for the Met Building regarding avoidance of intrusive works, retention of heritage fabric and achieving adequate accessibility. The changes include various internal and external changes to Buildings J, H and G, the Met Building and the Messenger's Cottage, minor design changes to the façade, internal layouts and roof forms, landscape modifications to COLAs and rooftop play areas, and minor changes to the loop road pick-up and drop-off arrangement to improve safety and operation. The modifications will enable increased amenity and functionality to meet the future needs of staff and students, while producing a better heritage outcome and reducing the extent of bulk earthworks required.

In accordance with Section 4.55(2) of the EP&A Act, the Department may modify the consent as the development as proposed to be modified:

- Is substantially the same development as development for which the consent was granted.
- Will result in a net positive built form and heritage outcome for the site.
- Will improve the safety and operation of the loop road, pick-up and drop-off arrangements and access to the school.
- Does not result in any additional environmental impacts nor impacts to surrounding neighbours.
- Is suitable for the site and in the public interest.

We trust that this information is sufficient to enable a prompt assessment of the proposed modification request.

Yours sincerely,



Jethro Yuen
Junior Urbanist
jyuen@ethosurban.com



Kate Tudehope
Associate Director
ktudehope@ethosurban.com