


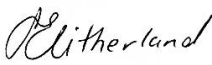



MODIFICATION REPORT: ARCHITECTURAL MODIFICATIONS TO SSD-10371

Prepared by Willowtree Planning Pty Ltd
on behalf of The Council of Trinity Grammar School c/-
Bloompark Pack PM





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

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TABLE OF CONTENTS

| | |
|--|-----------|
| PART A PRELIMINARY | 7 |
| 1.1 INTRODUCTION | 7 |
| 1.2 DEVELOPMENT APPLICATION HISTORY | 9 |
| PART B SITE ANALYSIS | 11 |
| 2.2 SITE LOCATION AND CHARACTERISTICS | 11 |
| PART C DESCRIPTION OF MODIFICATIONS | 14 |
| 3.1 KEY EXTERNAL MODIFICATIONS | 15 |
| 3.2 FAÇADE MODIFICATIONS | 21 |
| 3.2.1 TEACHING AND LEARNING BUILDING | 21 |
| 3.2.2 MULTI-PURPOSE PAVILION | 23 |
| 3.2.3 PREFORMING ARTS BUILDING | 25 |
| 3.3 INTERNAL AND OTHER MODIFICATIONS | 27 |
| 3.3.1 TEACHING AND LEARNING BUILDING | 27 |
| 3.3.1.1 Basement | 27 |
| 3.3.1.2 Alterations to Ground Floor comprising: | 30 |
| 3.3.1.3 Internal Alterations to First Floor | 32 |
| 3.3.1.4 Internal Alterations to Second Floor | 33 |
| 3.3.1.5 Internal Alterations to Third Floor | 33 |
| 3.3.1.6 Internal Alterations to Fourth Floor | 34 |
| 3.3.2 MULTI-PURPOSE PAVILION | 34 |
| 3.3.2.1 Internal alterations to the basement 2 | 34 |
| 3.3.2.2 Internal alterations to the ground comprising: | 35 |
| 3.3.3 EXISTING MUSIC BLOCK | 35 |
| 3.3.4 PREFORMING ARTS BUILDING | 36 |
| 3.3.5 PERFORMANCE HALL | 38 |
| 3.3.6 FOUNDERS BUILDING | 40 |
| 3.3.7 EXTERNAL LANDSCAPING | 42 |
| 4 CONSULTATION | 46 |
| 5 PROPOSED MODIFICATION TO CONDITIONS | 46 |
| PART D LEGISLATIVE AND POLICY FRAMEWORK | 51 |
| 5.1 ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979 | 51 |
| 5.1.1 Section 4.55(1A)(b) – Substantially the Same | 52 |





| | | |
|---------------|---|-----------|
| 5.1.2 | Section 4.15 – Reasons given by the consent authority for the grant of the consent | 54 |
| 5.2 | STATE ENVIRONMENTAL PLANNING POLICY (TRANSPORT AND INFRASTRUCTURE) 2021 | 54 |
| 5.3 | INNER WEST LOCAL ENVIRONMENTAL PLAN 2022 | 55 |
| 5.4 | OTHER STATUTORY REQUIREMENTS | 55 |
| 5.5 | INNER WEST COMPREHENSIVE DEVELOPMENT CONTROL PLAN 2016..... | 56 |
| PART E | LIKELY IMPACTS OF THE DEVELOPMENT | 57 |
| 6 | KEY MATTERS | 57 |
| 6.1 | LAND USE | 57 |
| 6.2 | HERITAGE | 57 |
| 6.3 | ACOUSTIC | 58 |
| 6.4 | ARCHITECTURAL WORKS | 58 |
| 6.5 | BCA COMPLIANCE..... | 58 |
| 6.6 | LANDSCAPING | 59 |
| 6.7 | ENGAGEMENT..... | 59 |
| 6.8 | OTHER MATTERS FOR CONSIDERATION..... | 59 |
| 6.9 | LIKELY IMPACTS OF DEVELOPMENT..... | 59 |
| 6.10 | SUITABILITY OF SITE FOR DEVELOPMENT | 59 |
| 6.11 | CONSISTENCY WITH REASONS FOR THE GRANT OF THE ORIGINAL CONSENT | 60 |
| 6.12 | JUSTIFICATION..... | 60 |
| PART F | CONCLUSION | 62 |





APPENDICES

| APPENDIX | DOCUMENT | PREPARED BY |
|----------|---|--------------------------|
| 1 | Architectural Plans | TKD |
| 2 | Architectural Schedule | TKD |
| 3 | Architectural Statement | TKD |
| 4 | Landscaping Plans | Arcadia |
| 5 | Landscaping Statement | Arcadia |
| 6 | BCA Compliance Report | Design Confidence |
| 7 | Fire Safety Engineering Report | Scientific Fire Services |
| 8 | Acoustic Report | JHA |
| 9 | Heritage Impact Statement | Urbis |
| 10 | Legislative Compliance Table – Appendix E | Willowtree Planning |





FIGURES

Figure 1. Cadastral Map (Source: SIX Maps, 2022)12
Figure 2. Aerial of the Site (Source: Six Maps, 2020).....13

TABLES

Table 1. Development Consents9
Table 2. Section 4.15(1A) Considerations54
Table 3. Transport And Infrastructure Sepp – Schedule 8.....54





PART A PRELIMINARY

1.1 INTRODUCTION

This Section 4.55(1A) Modification Application is submitted to the Department of Planning and Environment (DPE) on behalf of Trinity Grammar School (the School) in support of the amendments to **State Significant Development (SSD 10371)** for the redevelopment of Trinity Grammar School. In accordance with Section 4.55 (1A) of the *Environmental Planning and Assessment Act 1979* (EP&A Act), the proposed changes shall result in minor environmental impact for the reasons outlined throughout this report.

Approval for **SSD 10371** was granted 24 September 2021 for:

Alterations and additions to Trinity Grammar School in construction stages and changes to staff and student numbers comprising:

- *demolition of existing buildings including New School building, dwelling houses at 119 Prospect Road and 50 and 52 Seaview Street and part demolition of Music Building and Assembly Hall;*
- *construction of a:*
 - *new building with a basement known as the T&L Building;*
 - *new Multi-Purpose Pavilion; and*
 - *new Maintenance Building on Seaview Street;*
- *alterations and additions to existing buildings to create a Performing Arts Building;*
- *refurbishment of the Music Building, New Founders Building, the Assembly Hall and North Quad Building;*
- *extension and reconfiguration of the Jubilee carpark and the staff carpark to increase the car parking spaces from 312 to 324 and a new underground connection;*
- *associated landscaping, removal of 29 trees, road and public domain works, ancillary signage;*
- *staged increase in student numbers from 1,500 to 2,100 and increase in FTE staff from 277 to 321.*

This application represents the fifth modification to **SSD10371** and is proposed in order to undertake certain architectural modifications to the School which have arisen during detailed design and the school users understanding how the facilities and rooms will be used on a day-to-day basis which best meet the objectives of the development to provide modern teaching and learning facilities at the existing Site.

This Section 4.55(1A) Modification Application is structured as follows:

- **Part A** Preliminary
- **Part B** Proposed Development
- **Part C** Legislative and Policy Framework
- **Part D** Key Matters for

This application seeks consent for modifications to the approved **SSD 10371** pursuant to Section 4.55(1A) of the *Environmental Planning & Assessment Act 1979*. Specifically, the proposed modification seeks





consent to undertake a number of architectural modifications to ensure the development as consented meets the day-to-day teaching and learning requirements of the School.

The proposed development does not present any significant environmental impacts and the proposal will remain substantially the same as that approved under the original application and as modified. There will be no change to the use of the Site or material change to the envelope of the built form. The proposal will prominently reflect the original consent; and the modifications as approved to date cumulatively do not exceed the parameters of what is considered to be a modification of minimal environmental impact as defined by Section 4.55(1A) of the *Environmental Planning and Assessment Act 1979* which states:

(1A) Modifications **involving minimal environmental impact**

A consent authority may, on application being made by the applicant or any other person entitled to act on a consent granted by the consent authority and subject to and in accordance with the regulations, modify the consent if:

- (a) it is satisfied that the proposed modification is of **minimal environmental impact**, and*
- (b) it is satisfied that the development to which the consent as modified relates is **substantially the same development** as the development for which the consent was originally granted and before that consent as originally granted was modified (if at all) under this section, and*
- (c) it has notified the application in accordance with:*
 - (i) the regulations, if the regulations so require, or*
 - (ii) a development control plan, if the consent authority is a council that has made a development control plan that requires the notification or advertising of applications for modification of a development consent, and*
- (d) it has considered any submissions made concerning the proposed modification within any period prescribed by the regulations or provided by the development control plan, as the case may be.*

This application represents the fifth modification to **SSD 10371** and is proposed in order to undertake certain architectural modifications to the School which have arisen during detailed design and the school users understanding how the facilities and rooms will be used on a day-to-day basis which best meet the objectives of the development to provide modern teaching and learning facilities at the existing Site.

The purpose of this modification is to substitute the stamped architectural plans and corresponding landscaping plans and ensure the conditions of consent allow the architectural modifications within the School Site.





1.2 DEVELOPMENT APPLICATION HISTORY

Approval for **SSD 10371** was granted 24 September 2021 for:

Alterations and additions to Trinity Grammar School in construction stages and changes to staff and student numbers comprising:

- demolition of existing buildings including New School building, dwelling houses at 119 Prospect Road and 50 and 52 Seaview Street and part demolition of Music Building and Assembly Hall;
- construction of a:
 - new building with a basement known as the T&L Building;
 - new Multi-Purpose Pavilion; and
 - new Maintenance Building on Seaview Street;
- alterations and additions to existing buildings to create a Performing Arts Building;
- refurbishment of the Music Building, New Founders Building, the Assembly Hall and North Quad Building;
- extension and reconfiguration of the Jubilee carpark and the staff carpark to increase the car parking spaces from 312 to 324 and a new underground connection;
- associated landscaping, removal of 29 trees, road and public domain works, ancillary signage;
- staged increase in student numbers from 1,500 to 2,100 and increase in FTE staff from 277 to 321.

(Bold and underlined – our emphasis)

Review of **SSDA 10371** indicates that there is nothing which prevents the proposed modification from proceeding. It is noted that this consent was granted subject to detailed deferred commencement details and this ensuring modification statement will, where relevant assess the proposed amendments against the intent of these deferred commencement details.

| TABLE 1. DEVELOPMENT CONSENTS | | |
|-------------------------------|-----------------------------------|---|
| MOD | Detail | Description |
| MOD-1 | Regularisation of Student Numbers | Section 4.55(1A) modification in respect to student numbers. This modification did not contemplate any built development and sought approval for amendments to conditions B6 and B7 of SSD-10371, by introducing interim traffic mitigation measures to allow for the permitted student numbers within the school to be 1655 (instead of 1500) prior to the expansion of the Jubilee car park (construction stage 2), associated with the approved SSD application for the redevelopment of Trinity Grammar School. This modification was approved on 23 September 2022 |
| MOD-2 | Landscape changes | Section 4.55(1A) modification application in respect of minor design amendments to landscaping within the site. These modifications were minor in natures and a consequence of design development. This modification was approved on 26 May 2022 |





| TABLE 1. DEVELOPMENT CONSENTS | | |
|-------------------------------|-------------------------------|--|
| MOD | Detail | Description |
| MOD-3 | Correction to Plan References | Section 4.55(1) modification application to amend a minor error made by DPE in the issuing of the MOD-2 consent. This modification was approved on 30 June 2022 . |
| MOD-4 | Basement Extension | Section 4.55(1A) modification application to extend the extent of the basement as approved under Oval 3 to increase the quantum (circa 600m2) of storage space. This modification is still under determination . |

Accordingly, this modification would represent the fifth modification to **SSDA-10371** and the fourth Section 4.55(1A) modification submitted pursuant to the development consent. It is the intention that all four Section 4.55(1A) modifications will be constructed.





PART B SITE ANALYSIS

2.2 SITE LOCATION AND CHARACTERISTICS

The subject of this modification is the Trinity Grammar School, Summer Hill Campus on land identified as 119 Prospect Road and 50-52 Seaview Street, Summer Hill (Lot 11 DP 1171965, Lot 5 DP 15765 and Lot 6 DP 15765).

The Summer Hill campus incorporates a junior, middle and senior schools, accommodating students from Kindergarten to Year 12. Existing facilities contained within the campus include, but are not limited to, the following:

- General learning facilities and specialised subject-specific facilities;
- Junior School;
- Assembly hall;
- Library;
- Administration facilities;
- Indoor sports centre;
- Centenary Aquatic Centre and swimming pools;
- Three ovals and external basketball courts; and
- Underground carparking (located below Ovals Nos 2 and 3).

The primary vehicular access to the campus is facilitated via Victoria Street, with vehicular access to the underground staff, student and visitor carparks (which also incorporate drop-off/pick-up facilities) provided via two separate access points on Victoria Street. Limited vehicular access is also available via Prospect Road in proximity to the proposed amendments to the landscaping. The main pedestrian access to the School is from Prospect Road, where bus zones are located. Restricted pedestrian access is also available from Victoria Street and Seaview Street at certain times.

The School offers of a broad range of sporting activities supported by its three playing fields. Oval 1 faces onto Prospect Road and Yeo Park, Ovals 2 and 3 contain car parking below which is accessed off Victoria Street.

The location of the Site and existing development are depicted in **Figures 1 and 2**.



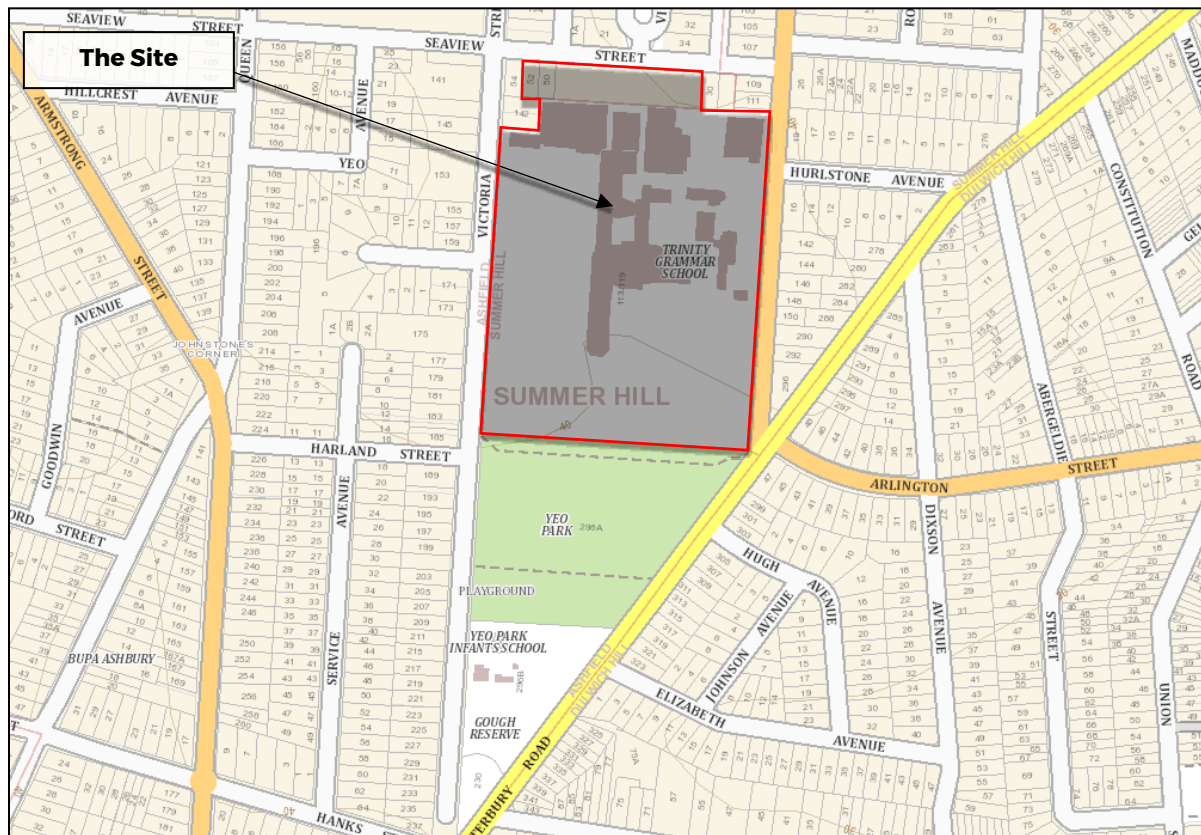


Figure 1. Cadastral Map (Source: SIX Maps, 2022)



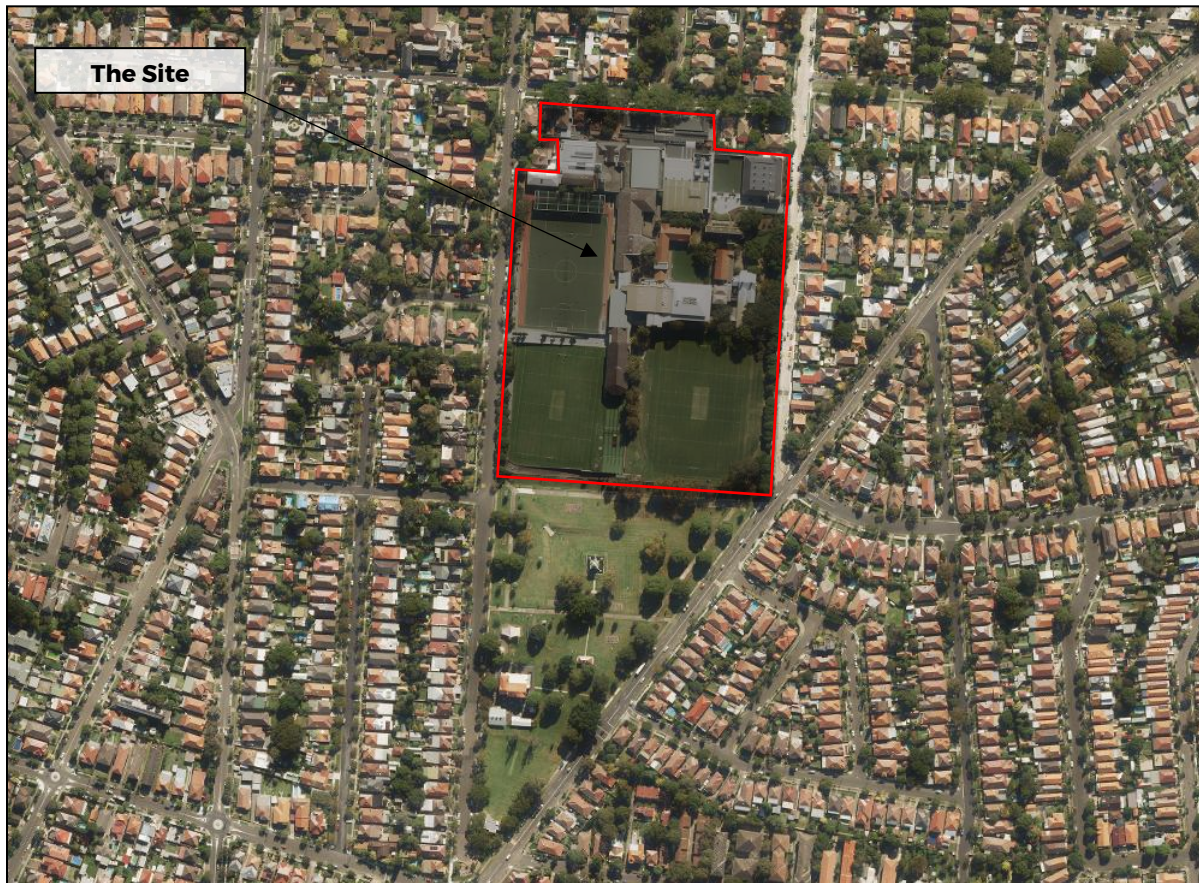


Figure 2. Aerial of the Site (Source: Six Maps, 2020)





PART C DESCRIPTION OF MODIFICATIONS

Trinity Grammar School seeks to amend Development Consent **SSD 10371** to revise the architectural plans to introduce design development amendments principally as a consequence of:

- Planning changes to facilitate school operations which had evolved since the original lodgement;
- More detailed consultant design requirements;
- Amendments required to accommodate latent conditions revealed in early works; and
- Some façade amendments to rationalise and unify the overall design

The amendments are largely technical so that the architectural intent of the original submissions, as described in PMDL's Design Analysis Report and Response to Submissions as part of the assessment of **SSD 10371** is maintained. These proposed modifications will not change the design strategy described in the original architect's documents or have a material impact on the setting of the building within the streetscene. As such, the design integrity of the development is maintained. Furthermore, the amendments do not conflict with the intent of the pre-commencement conditions of consent for **SSD 10371** as approved by the IPC.

The majority of the proposed amendments relate to internal planning changes with no environmental impact on the building external design, amenity or setting; consequently, these internal changes are considered to give rise to no additional or material environmental harm or consequence. However, some minor alterations to the consent are required. The architectural plans contained within **Appendix 1** contain annotations of the proposed modification.

To aid the review of the modification amendments Architects TKD have provided a schedule of proposed modifications contained within **Appendix 2**. For ease of reference these modifications can be cross-referenced with the plans to easily identify the modification.

For clarity Reference number: **1-DA120/5** corresponds to modification **no.1** of image **no.5** on plan reference **DA120**.

The schedule of proposed changes contained within **Appendix 2** schedules all the architectural changes proposed. These are also addressed in the report so far as relevant. With necessary accompanying text setting out the planning implications.

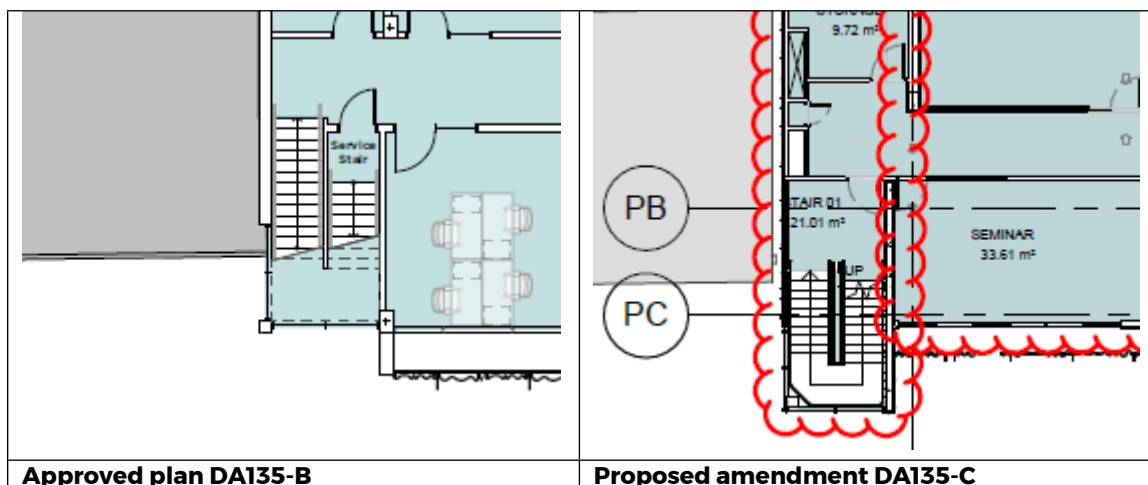




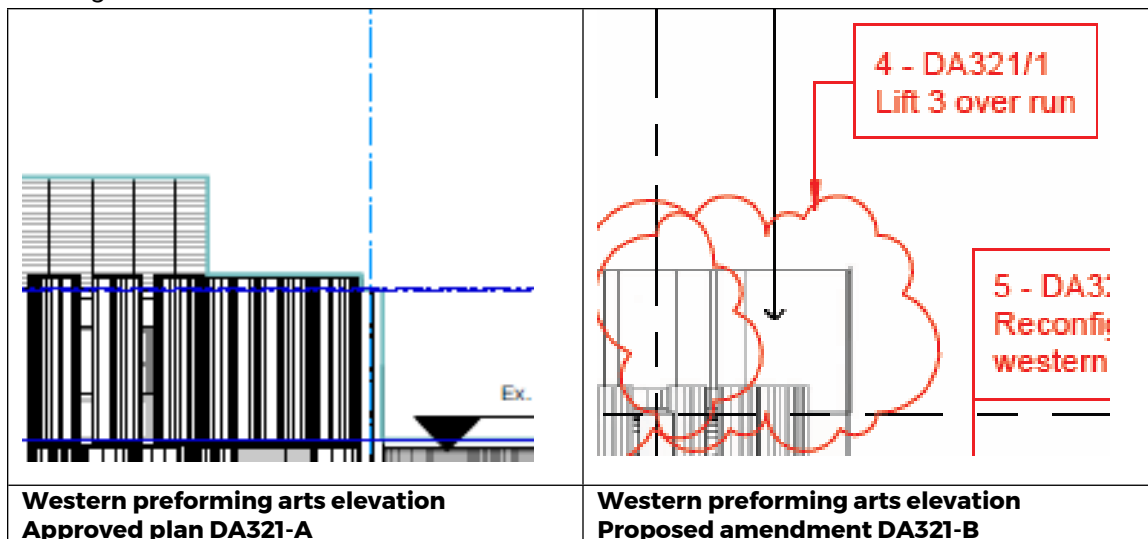
3.1 KEY EXTERNAL MODIFICATIONS

The key external modifications to the external design of the School include:

- **Provide compliant access up to the Level 4 plant room on the Performing Arts building by extending stair 01 up to this floor** (refer 1-DA136 and 1-DA321/3). For clarity drawing reference DA136-A has been added to the plans to demonstrate the amendments sought to this component. The extension of the stair out of the façade will have no material impact on the overall development and will indeed add visual interest and articulation to the façade.

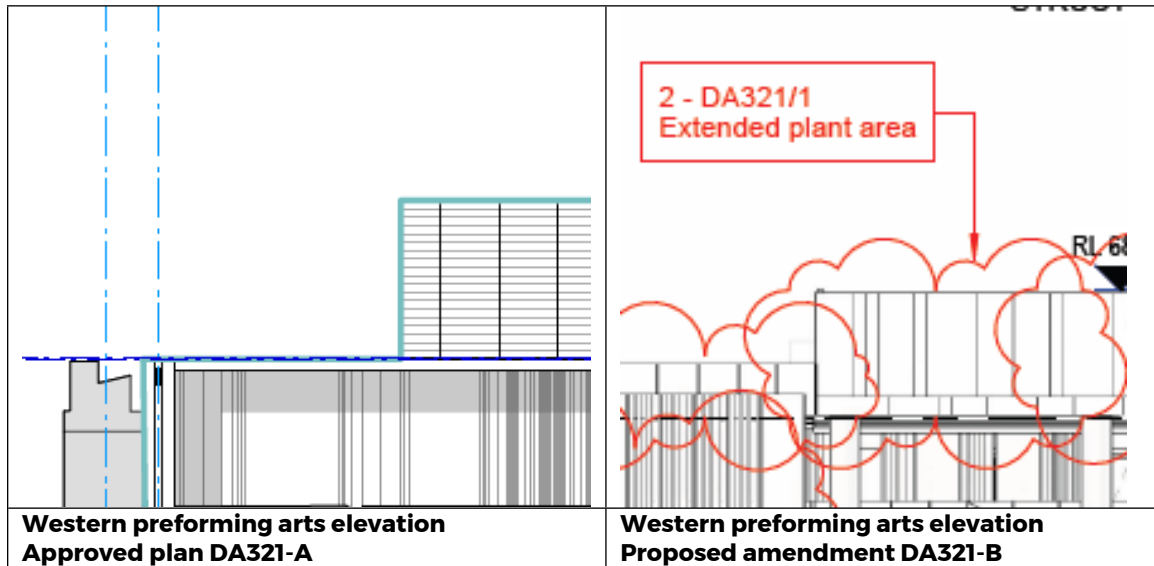


The consequential impact of extending this stair up an additional storey and enclosure of the lift overrun on level 4 will not have any overall material impact on the scale and or extent of the building.



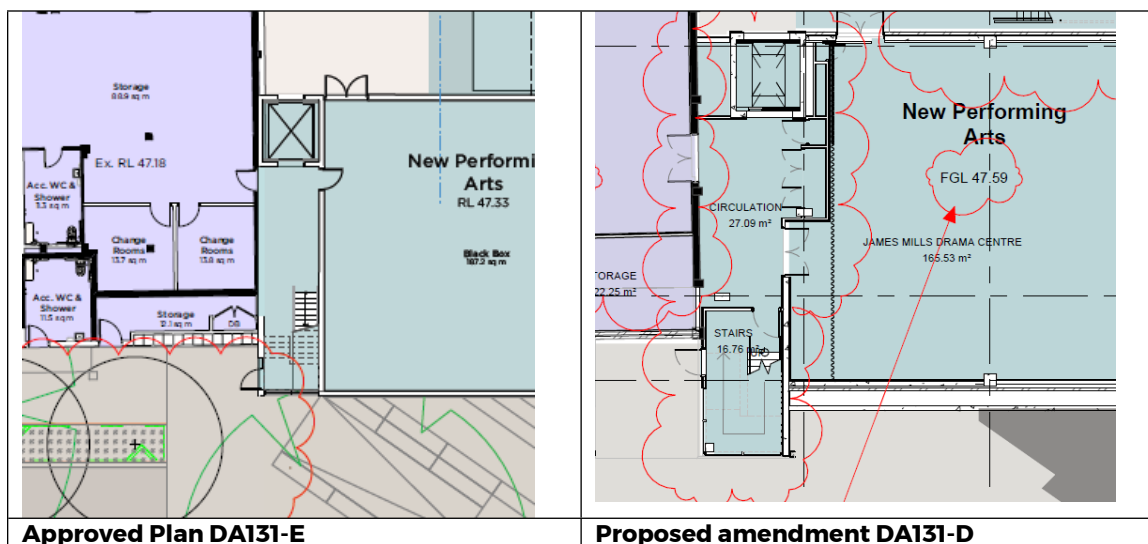


- **Amendments are also proposed to provide sufficient area for proposed plant in the plant room on Level 4** of the Performing Arts building by moving the north wall 4.2m further north to align with the wall below (refer to amendment 2-DA136). As with the extension of the enclosure to the south, this modification will have no material impact on the overall development when viewed from the ground.



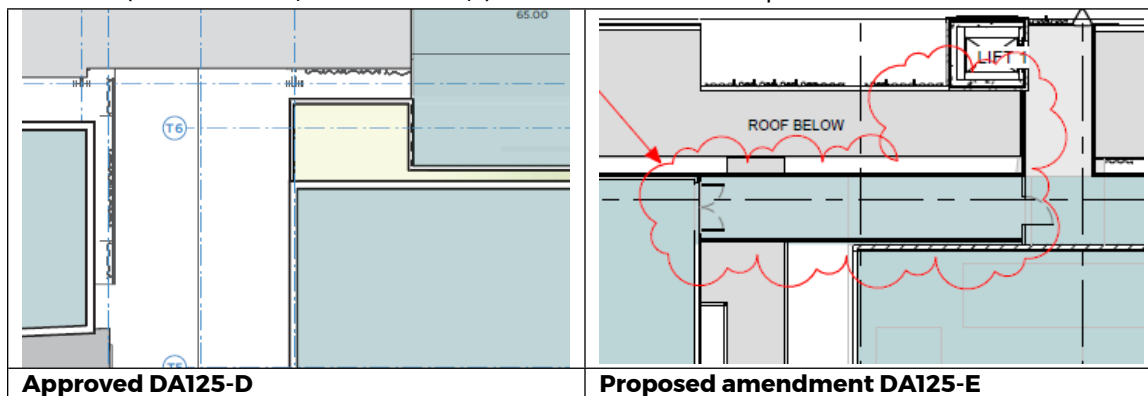
- It is proposed to change the plant enclosure from louvres as approved to panelised cladding to match the general typical cladding on this building. As the plant will draw all its outside air from above, an acoustically opaque screen can be used. Like the building cladding below this level will be recessive when viewed above the more prominent Arrow walkway screens.
- **Provide a compliant, fire isolated stair between the Music and Performing Arts buildings (refer 6-DA131).** To fire-isolate the stairwell and provide separate circulation between the two buildings on all levels, it is proposed to project the stairwell outside the building envelope 2.7m..





This would occur on all levels (refer 1/DA321/3 and 3- DA321/4) with the proposed glazed full height stairwell providing an elegant termination to the Performing Arts building where it abuts the existing Music building. It is noted that the proposed modification is in-keeping with the prevailing design of the existing building and by virtue of its location within the confines of the Site will have no material impact on the prevailing character or streetscene.

- **Provide compliant egress from the Performing Arts building plant room.** A bridge is proposed linking this plant room to level 4 of the Teaching and Learning building (refer 3-DA136 and 1-DA125) which will provide an alternative means of egress to comply with the NCC. The bridge will require balustrades but need not be roofed, as such, the massing is lower than the plant enclosures on each side (refer 3-DA320/2 and 1-DA321/1) and set back from the perforated metal screens below.

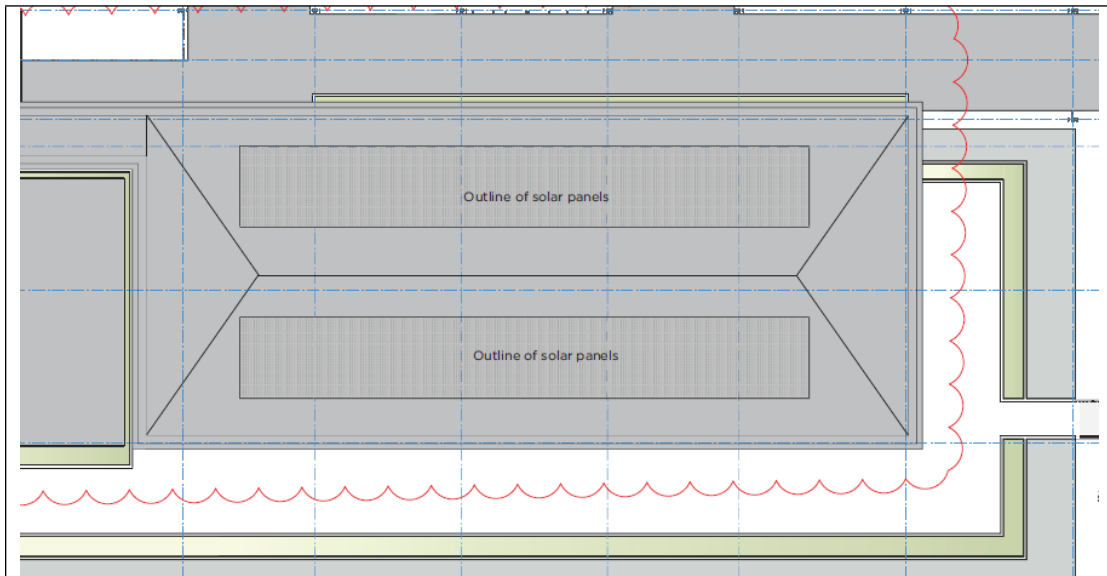


- **Amendment of hipped roof to gable roof.** It is proposed to remove the hipped ends from the main roof to improve head height below as hip structural members tend to be deeper and the hipped ends provide less height for ceiling plant. Head heights are severely constrained by the imposition of a reduced ridge height from RL 68.6 to 68.0 as required by deferred commencement condition

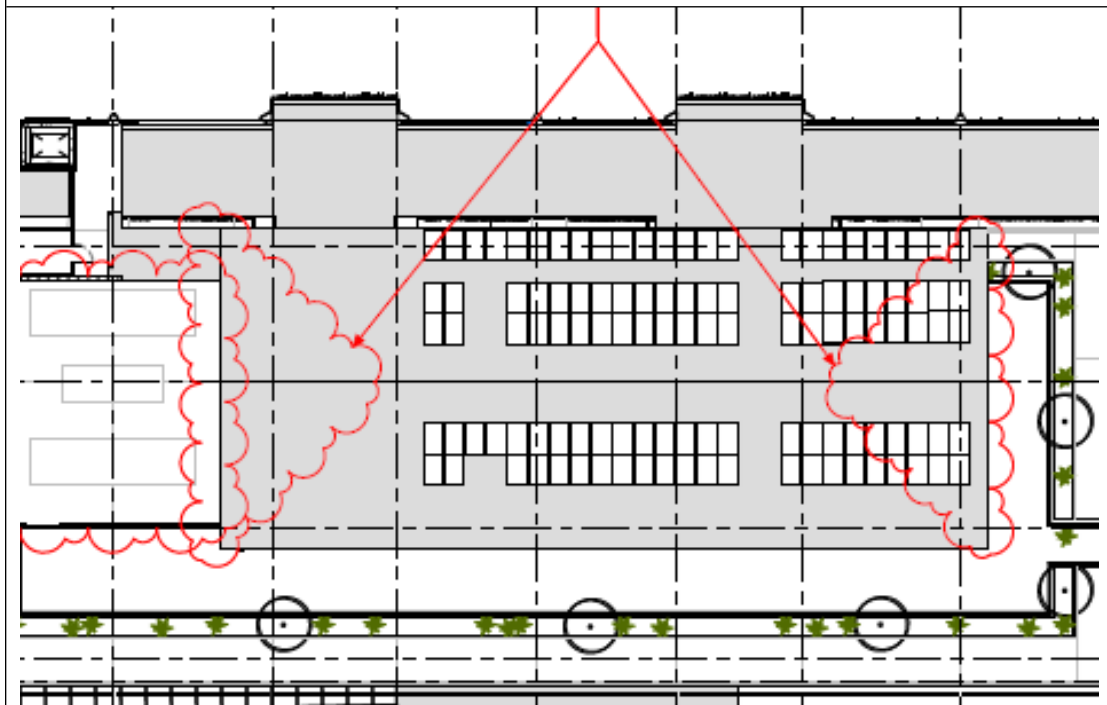




A1.1(iii). It is noted that RL 68.0 will still be maintained and there will be no increase in the ridge height of the roof. This amendment is proposed for NCC compliance.



**Approved Teaching and Learning Building Roof
Approved Plan DA126-D**



**Proposed Teaching and Learning Building Roof
Proposed Plan DA126-F**





The amendments to the roof form will not be materially viewable from within or outside the Site and thus will not give rise to any material environmental effects.

The above modifications will not impact on the setting of the School building or key sight lines within the school building in accordance with the requirements of the following planning condition:

Condition A1(1)(iii)

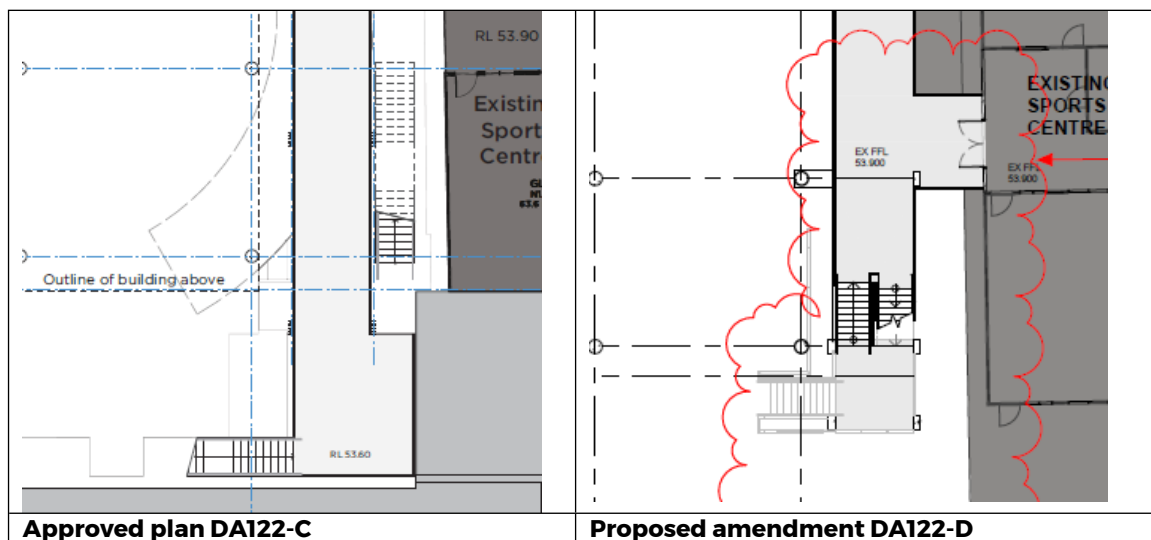
revise the design of the T&L building to:

(a) respond to the scale and character of the heritage setting;

(b) preserve sight lines from the Quadrangle, Dining Hall and Chapel approaches as far as practicable; and

The external amendments are minor in nature and do not constitute modifications which have an environmental impact. Whilst it is noted that the external modifications are within a heritage item, being the Headmasters House and Chapel, they do not impact or affect the setting of these items. The modifications are minor in nature when read within the context of the school site and the increase in bulk of the building is de minimis in nature.

- Reconfiguration of external stairs to Teaching and Learning Building. The proposed introduction of switchback stairs to this eastern end of the Arrow walkway, in lieu of straight stairs with a level return, is to make vertical transition more efficient. In addition, the stairs up from the Agora level are proposed to be closer to make this stairwell more compact where it meets the ground. These modifications have come about as a result of design development. The modifications not give rise to any environmental matters and are confined to the school.





The reconfiguration of these stairs will not materially impact on the overall design or appearance of the extant consent. The reconfigured stairs are highlighted as 2-DA122, 4-DA124 and 4-DA125.





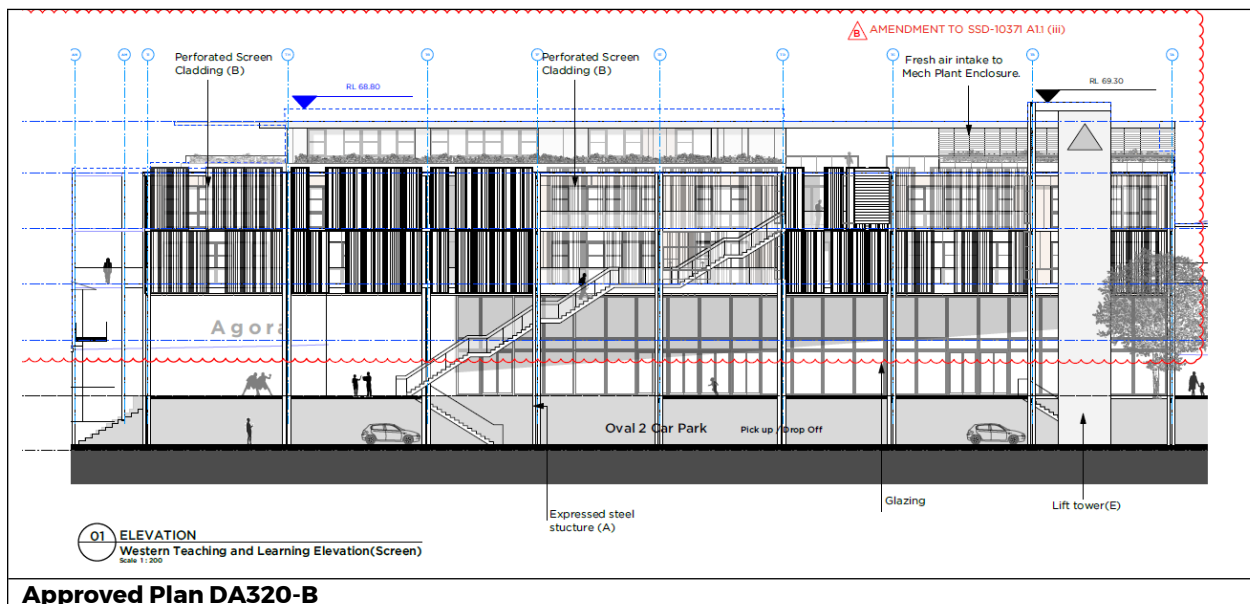
3.2 FAÇADE MODIFICATIONS

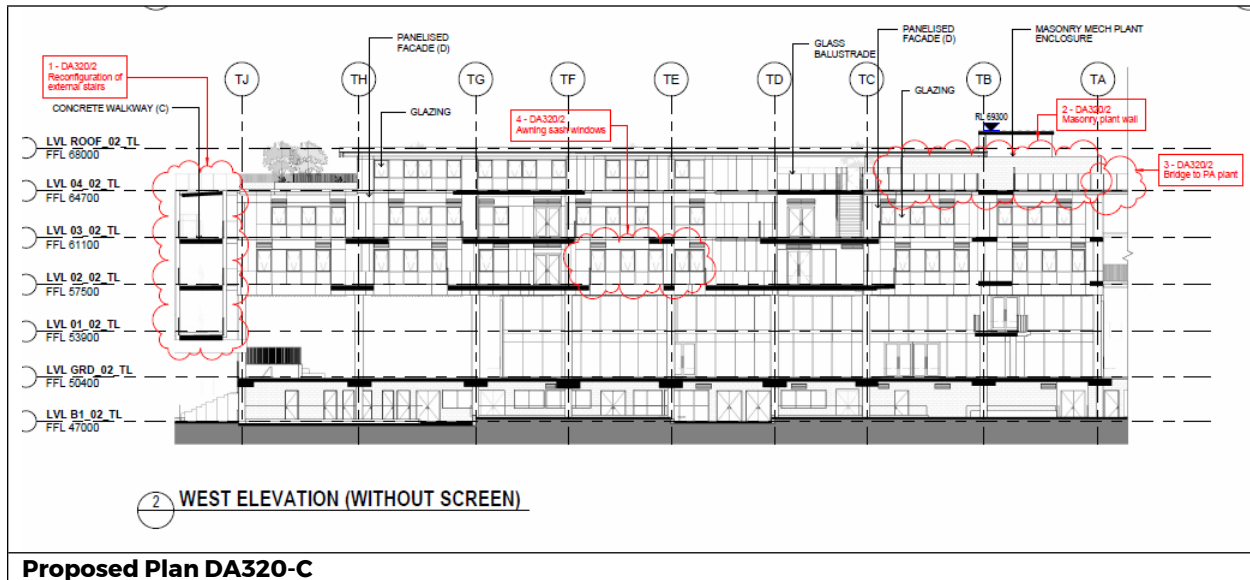
3.2.1 TEACHING AND LEARNING BUILDING

Alterations are proposed to the screen on the western elevation of the teaching and learning centre. The alterations seek to remove or relocate the western screen panels (refer DA320-321). The effect of these panels on the outside of the building has been considered together with those screens closer to the building façade for their combined effect on daylight, views and solar heat gain. The proposed configuration represents a rationalised arrangement of inner and outer screens. Some screens have also been added in response to further wind consultant advice that this would mitigate the adverse effect of western winds blowing between the Teaching and Learning and Performing Arts buildings (refer 5-DA320/1 and 11-DA321/1).

The screen prototype image (refer image B on DA320) is a direct development of the original SSDA concept (image B on DA320 B) – a perforated, undulating form in a warm ‘champagne’ colour. **No amendments are proposed to this concept, just the configuration of these screens within the Arrow building frame.** The east screen to the T&L building, above the Quadrangle building will be a similar material but with a flat profile as per the stamped elevation (refer 3/DA320).

The reconfiguration of the façade panels will not conflict with original or intended design intent of the original consent. The amendments are minor in nature and as set out above will not introduce new or modified materials. The screens will be the same as the existing approved, albeit the location of the screens is proposed to change to rationalise the façade.





Other modifications to the façade include:

- **Concrete structure.** It is proposed to change the columns of this expressed frame to concrete because they are required to be fire-rated for 2 hours. Whilst this is technically achievable for a steel structure with an intumescent coating, it would impose an onerous regime on the school to maintain the integrity of the intumescent coating being exposed to elements. Design development has indicated that the steel structure would require some substantial cross-bracing which would undermine the design intent of a simple, elegant frame.

The columns are proposed to be formed within moulds on site to provide a smooth, consistent, class 2, maintenance-free finish. They will be triangular in plan with rounded vertices with simpler connections to the concrete walkway plates than a steel frame could achieve.

It is considered the modification to a more robust material would not undermine the original design intent of the building or conflict with the A1 pre commencement conditions of consent. This modification is in-keeping with the overall and prevailing architectural design of the Site.

- Minor alteration are proposed to the building façade such as the window comprising the replacement of awning sash windows with sliding sash windows (**reference 4 - DA320/2**). This would have no material impact on the overall design.
- Alterations are proposed to the plan enclosure wall comprising replacement of louvers with face brick treatment. This will tie the building in with the overall brick materiality of the building and prevailing development at the Site.

Planning condition A1(1)(iii) of the consent includes deferred commencement details, as set out below:



Condition A1(1)(iii)

revise the design of the T&L building to:

- (c) respond to the scale and character of the heritage setting;*
- (d) preserve sight lines from the Quadrangle, Dining Hall and Chapel approaches as far as practicable; and*
- (e) increase the physical separation laterally over all levels between the T&L Building and the existing Quadrangle Building.*

The amendments to this building accord with the modifications to the approved plans as required by the pre-commencement condition. The modifications do not seek to alter the lateral separation between the two buildings. Similarly, the modifications do not are such that the sightlines from the dining hall quadrangle and chapel are retained. Accordingly, the modification is in accordance with the intent of this condition and the approved design of the building.

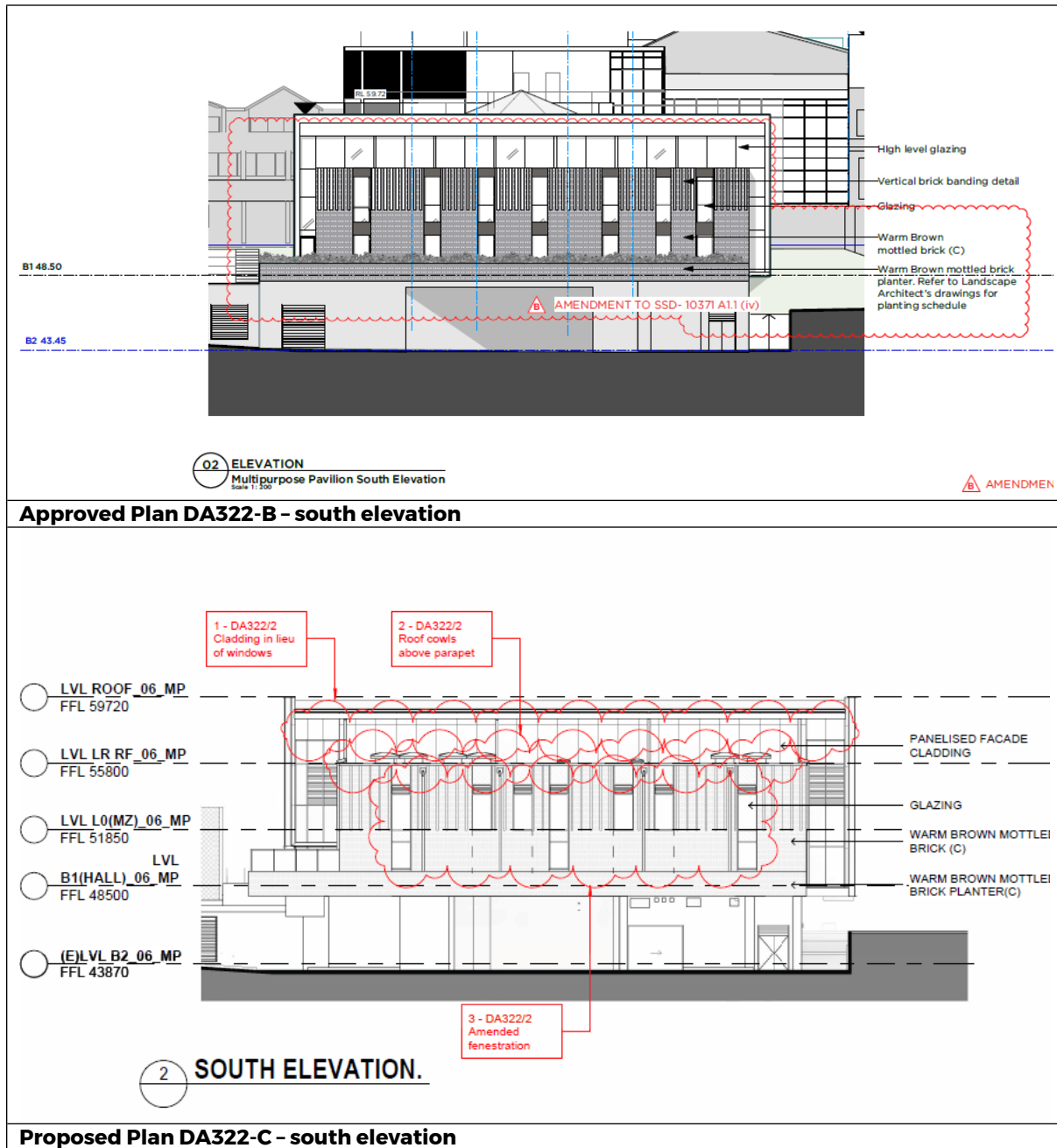
Overall, whilst alterations are proposed to the façade of this building, it is noted that the alterations are minor in nature and align with the prevailing design of the building. The alterations are primarily required as a result of design development and further investigation into the approved design. The alterations are in-keeping and will not conflict with the design intent of the existing approval or conflict with the matters as reserved under planning condition A1 relating to pre-commencement details.

3.2.2 MULTI-PURPOSE PAVILION

Alterations are proposed to the external appearance of this building which principally comprise:

- **Cladding and louvres in lieu of high level windows.** It is proposed to replace the high level fixed glazing as approved with opaque cladding panels and louvres. Design development indicates that automated louvres at this level will be required for fresh air intake to the mechanical system and for natural ventilation when the space is not air conditioned.
- **Cladding above glazed openings**
- **Roof cowls above the parapet**
- **Amended cladding to the East elevation.** It is proposed to change the cladding material from a perforated metal screen to the typical panelised cladding system. A dark base band is not proposed on this side as the storey high recess to the carpark below provides a deep shadow above which the light upper façade will float. The cladding system ties in with the typical cladding language of the rest of the scheme and is bookended by face brick in the servery and amenities blocks.
- **Amended fenestration** to correlate with the internal alterations. This will be located behind screening and not impact on the streetscene.





The alterations to this elevation are further detailed within **Appendix 2**. These modifications are minor in detail and have come about as a result of design development. It is noted that the details of this elevation were subject to further consideration by the IPC in their determination of the development consent and subsequently, planning condition A1(1)(iv) of the consent imposed further design consideration on the Site. Planning condition A1(1)(iv) is set out below for ease of reference:





Design Amendment

A1(1)(iv)

include revised construction materials and finishes for the Multi-Purpose Pavilion to demonstrate that it has a positive impact on the quality and character of the site, Yeo Park and the surrounding heritage conservation area; and

The amendments to the façade complement the prevailing pattern of development and existing facades at the Site. Whilst the amendments differ from the approval, they meet the objects of planning condition A1(1)(iv).

The facade materiality and articulation complements and provides contrast to the overall building form and seeks to reduce the visual appearance of scale.

Accordingly, the proposed amendments to the materiality of the building, comprising amendments to the southern façade of the Multi-Purpose Pavilion, seek to accord with principle 1 of Schedule 8 of the *Transport and Infrastructure SEPP* which relates to context, built form and landscape and principle 7 which seeks to ensure that school buildings and their landscape setting are aesthetically pleasing and respond to the positive elements of the Site and surrounding neighbourhood.

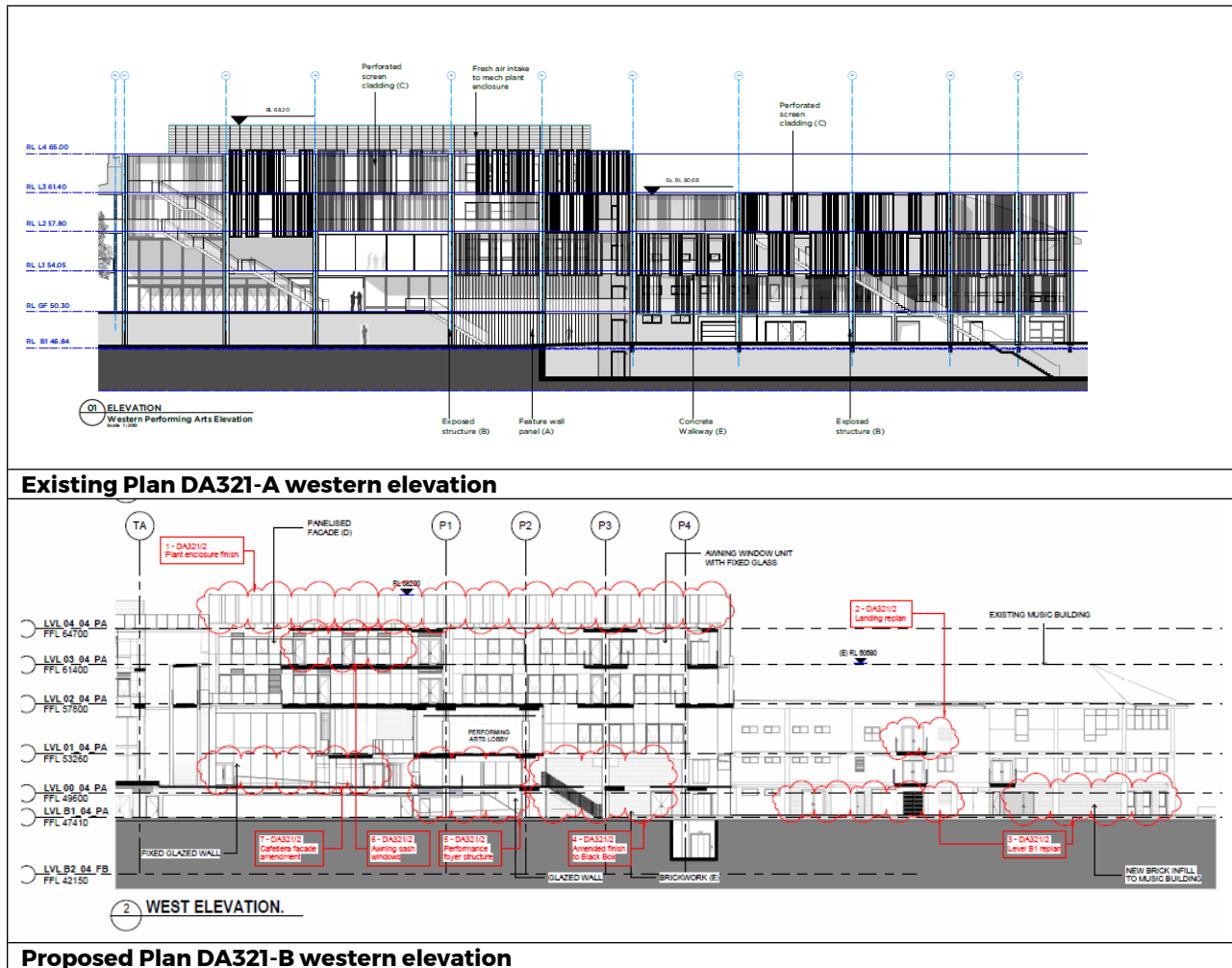
The amendments to the facade materials of the southern portion of the building ensures that the built form contributes positively to the character of the Site and surrounding area and the materials and finishes of the building seek to reduce its visual impact. Accordingly, the revised construction materials and finishes contribute positively to the quality and character of the Site and wider area.

3.2.3 PREFORMING ARTS BUILDING

Alterations are proposed to the façade of the Preforming Arts Building. These modifications comprise:

- **Extended plant area.** Design development indicates that a larger plant room than approved is required. It is proposed to extend this to the North as shown on plan (**refer to 2 – DA136**).
- **Cafeteria façade amendment.** The approved façade shows an openable wall to the cafeteria here. With the proposed replan of this precinct (refer 5 – DA132) this wall will abut an accessible ramp and the café will open up to the south instead. It is proposed that this wall is replaced with fixed glazing, double height glazing instead;
- **Plant enclosure finish.** It is proposed to change the plant enclosure from louvres as approved to panelised cladding to match the general typical cladding on this building. As the plant will draw all its outside air from above, an acoustically opaque screen can be used. Like the building cladding below this level will be recessive when viewed above the more prominent metal window screens;





The alterations to this elevation are further detailed within **Appendix 2**. These modifications are minor in detail and have come about as a result of design development. Overall, whilst alterations are proposed to the façade of this building, it is noted that the alterations are minor in nature and align with the prevailing design of the building. The alterations are primarily required as a result of design development and further investigation into the approved design relating to wind amelioration. The alterations are in-keeping and will not conflict with the design intent of the existing approval.



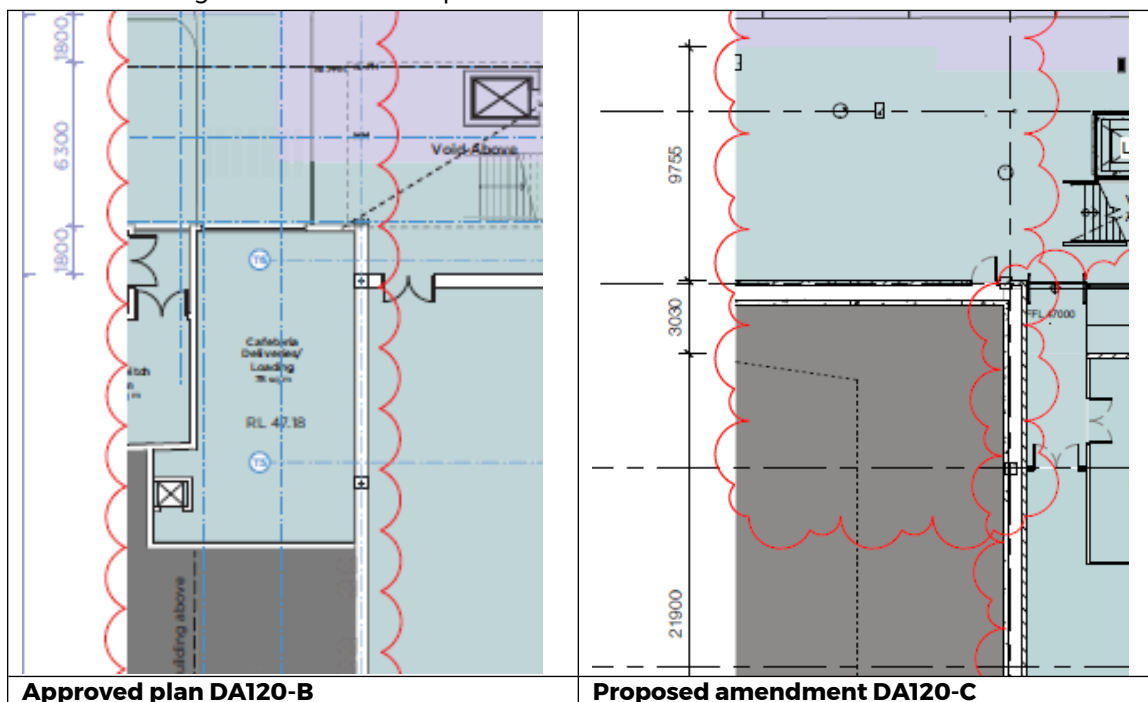


3.3 INTERNAL AND OTHER MODIFICATIONS

3.3.1 TEACHING AND LEARNING BUILDING

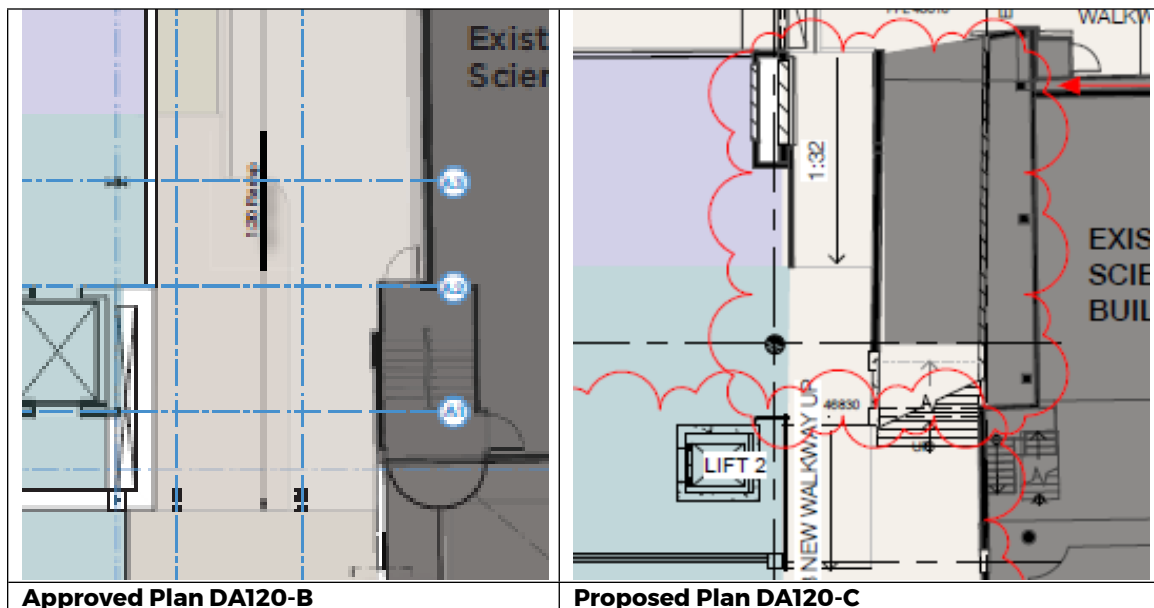
3.3.1.1 Basement

- Relocation of Cafeteria Deliveries / Loading. TGS requested that the store be incorporated into the general basement replan to better suit their operational requirements. This proposed to be relocated to grids TB/T2 and is labelled 'Canteen Store'. This modification has the added advantage of reducing the need for excavation; however, given that it results in a net reduction in excavation it will have no significant material impact.

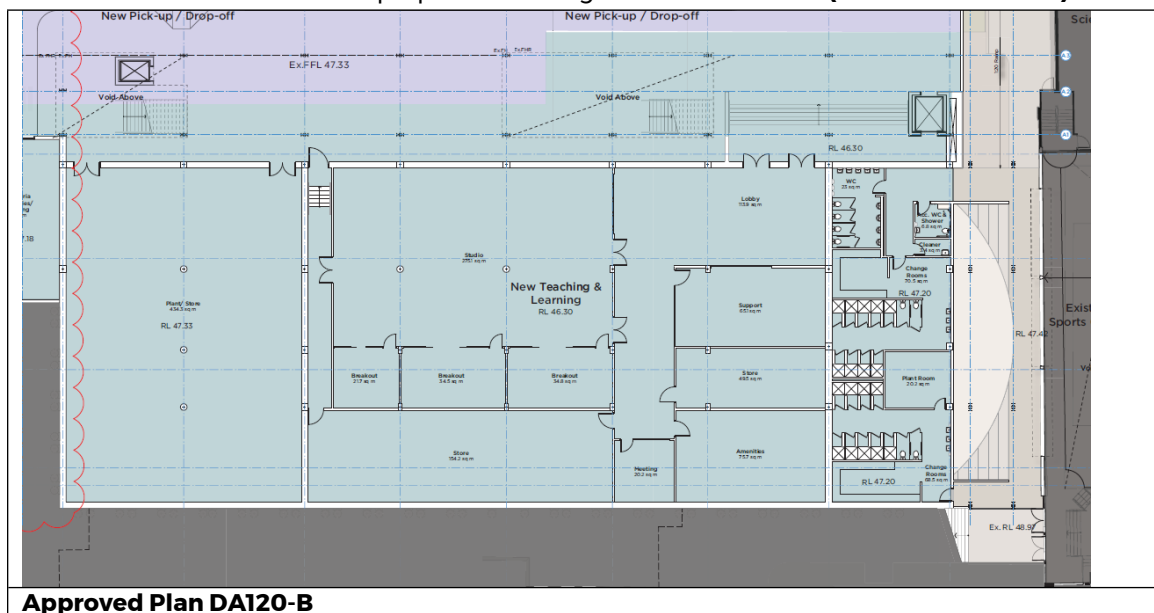


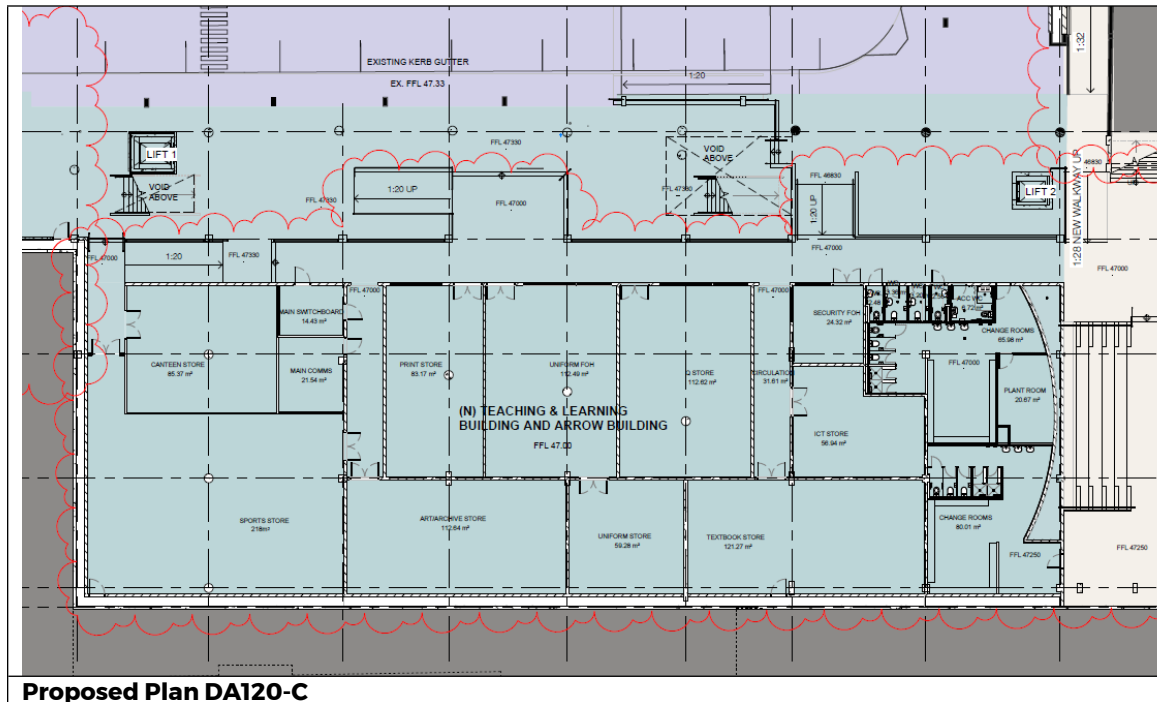
- Amendments to the Junior School Link.** New Accessible Walkway linking the Junior School with the main campus (part of the original SSDA – on PMDL drawing DA111 E). This has unearthed latent structures not readily apparent from existing documentation. This modification proposes adjustment to the plan and levels of the new link to this walkway to accommodate these latent conditions. This will be contained within the confines of the existing Site and will be of no environmental impact. Further details are included on proposed drawing reference **DA120-C (reference 2-DA120)**.





- General Basement replan.** The School has reviewed their operations on this level and consider that activities previously proposed for the approved Teaching and Learning studio can be accommodated in the new general learning spaces above. Accordingly, it is considered that this level, with direct access to the carpark is better suited for a Print Store, Uniform Store and ICT Store. Further details are included on proposed drawing reference **DA120-C (reference 3-DA120)**.

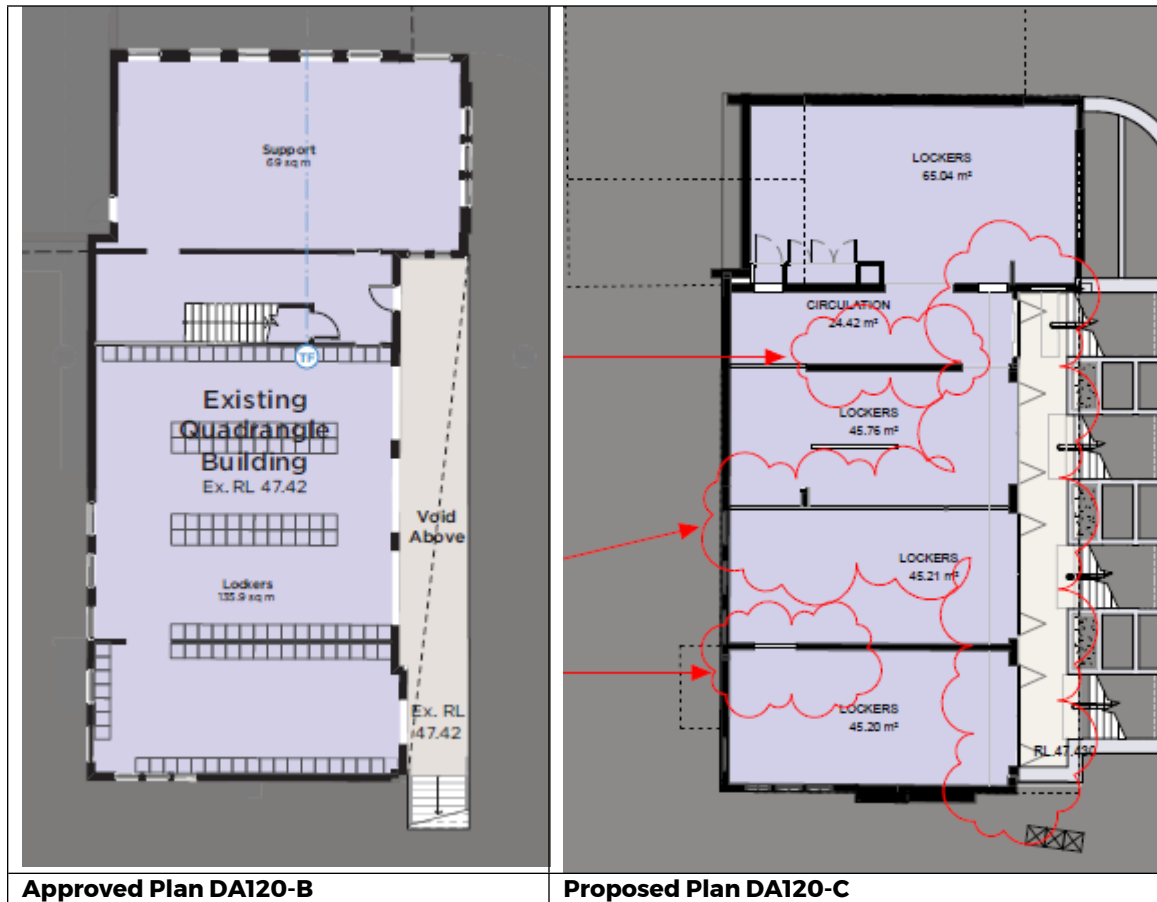




This modification is internal to the building and will have no external manifestations. It will be consistent with the overall character and appearance of the Site and the prevailing pattern of development. This modification will not impact on the

- **Locker Room replan.** Proposed amendments to the Quadrangle basement plan are in line with TGS' new campus-wide locker strategy. Further details are included on proposed drawing reference **DA120-C (reference 4-DA120)**.





Approved Plan DA120-B

Proposed Plan DA120-C

3.3.1.2 Alterations to Ground Floor comprising:

- Reconfiguration of Library entry doors. The relocated doors will be within the confines of the Site and not materially impact on the overall design and character of the extant approval;
- Pastoral area replan comprising reconfiguration internal walls. These works are internal to the building and will not impact on the overall design and character of the extant approval; and
- Replan of Library offices, Presentation Room, Reception back of house and Student Services. These works are internal to the building and will not impact on the overall design and character of the extant approval;

These amendments are contained within drawing reference **DA121-D** and set out in the accompanying design modification schedule produced by TKD (**Appendix 2**). These modifications are internal to the building and have no material environmental impact.

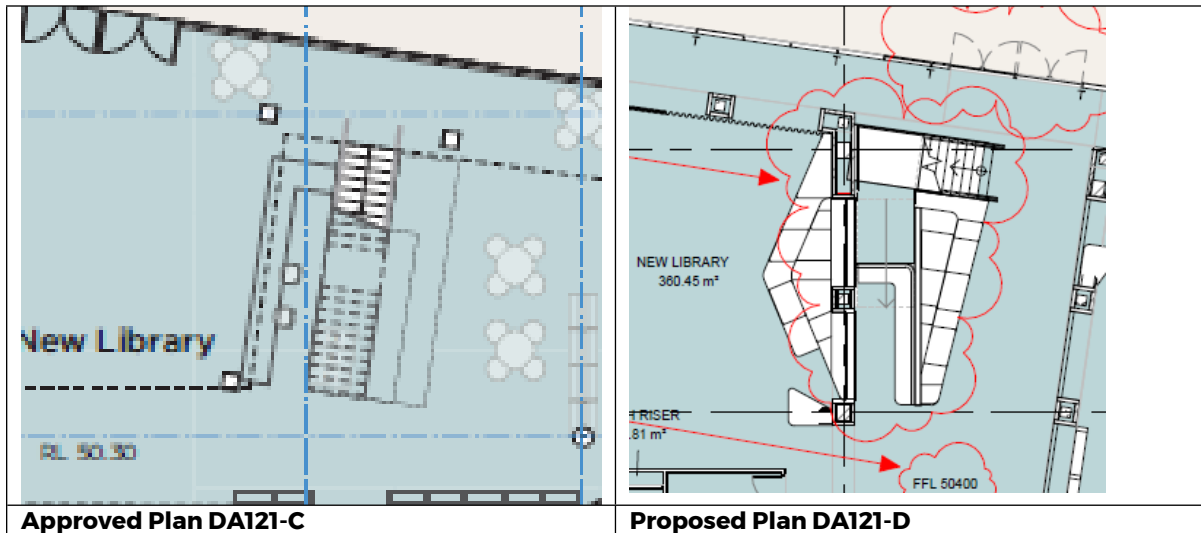


-

Architectural floor plan of the New Library. The plan shows existing structures (grey) and proposed new library buildings (blue). Key features include:

- EXISTING LIBRARY** (grey outline) with a **LIFT** and a **NEW VOID** area.
- NEW LIBRARY** (blue outline) with a **NEW VOID** area.
- EXTENT OF WALL TO BE DEMOLISHED** (indicated by a red dashed line).
- ELEVATIONS** (indicated by red dashed lines).
- NEW LIBRARY 350.45 m** (indicated by a red dashed line).
- NEW LIBRARY 47.0** (indicated by a red dashed line).





- **Additional External Stair.** The school has allocated roles to individual offices in the Quadrangle building with the Pastoral Care area located in this eastern wing. The location of this stair will not materially impact on the external appearance of the building or degrade the character or appearance of the building within the setting of the Site.
- **Raised Library floor level.** The Library floor is proposed to be raised from RL 50.3 to 50.4 to accommodate recent modelling of overland flows around the building. The increase in the floor level will not have a material impact on the floor to ceiling heights of the library. This modification has no material impact on the overall design of the building or detract from the streetscene.
- **Amended Locker Room access.** Each of the proposed four flights of stairs in this modification link a Locker Room in the basement. They will enable direct student access to their 'house' locker room for more efficient student movement. It is noted that the previously approved single staircase would not handle this volume of students. This modification is in-keeping with the prevailing pattern of development at the Site.

3.3.1.3 Internal Alterations to First Floor

The internal reconfiguration of the first floor comprises:

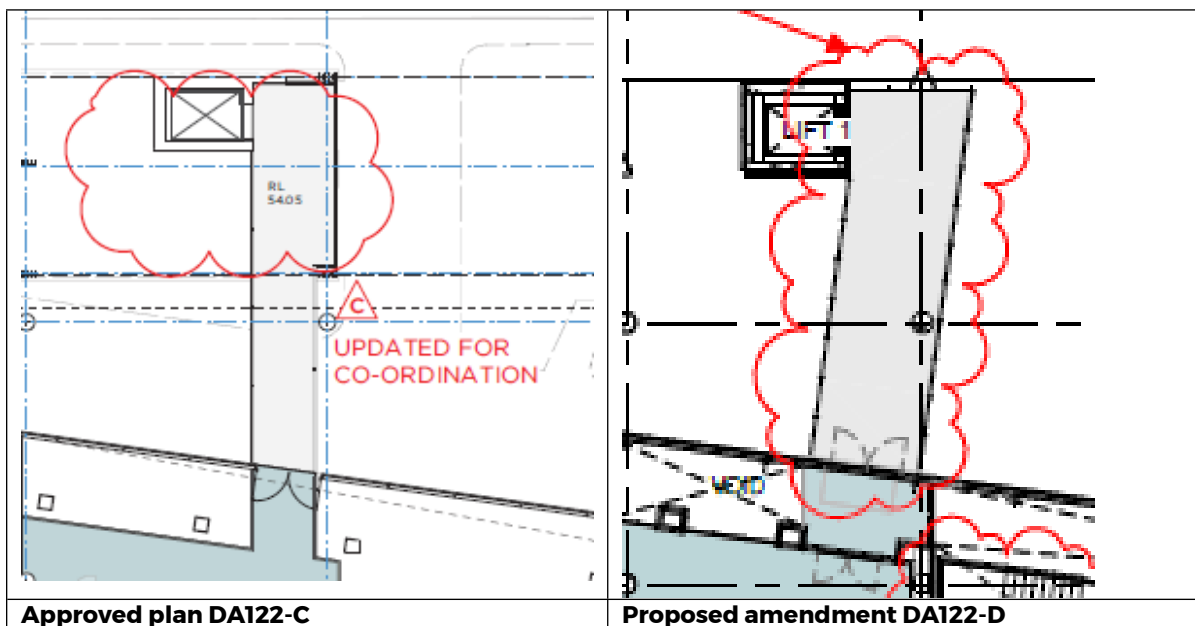
- Replan of Library / Senior Leadership offices;
- Internal stair modifications; and
- Internal wall modifications

These amendments are contained within drawing reference **DA122-D** and set out in the accompanying design modification schedule produced by TKD (**Appendix 2**). These modifications are internal to the building and have no material environmental impact. This internal reconfiguration will not impact on the design quality of the extant planning consent.





- **Amended bridge between Lift and Library.** The proposed plan form for this bridge offers improved structural efficiencies with the proposed concrete structure.



3.3.1.4 Internal Alterations to Second Floor

The internal reconfiguration of the second floor comprising:

- Walkway ramp added to Arrow Building to reconcile the level difference;
- Replan of amenities;
- Relocated plant;
- Internal wall modifications; and
- Ramp added to corridor;

These amendments are contained within drawing reference **DA123-E** and set out in the accompanying design modification schedule produced by TKD (**Appendix 1**). These modifications are internal to the building and have no material environmental impact. The modifications are required as a result design development in consultation with the school.

- **Demolition of existing stairwell roof.** The existing roof is proposed to be demolished together with the stairwell below which is already approved for demolition. It is proposed to extend the new roof adjacent to cover this area. The roof is located within the confines of the existing building (at roof level) and the removal thereof will have no environmental impact and will not be visible from the streetscene. This is identified on Plan **DA123-E** under reference **5 - DA123**.

3.3.1.5 Internal Alterations to Third Floor





The internal alterations to the third floor comprise:

- Walkway ramp added to Arrow Building to reconcile the level difference
- Internal wall modifications
- Replan of amenities

These amendments are contained within drawing reference **DA124-E** and set out in the accompanying design modification schedule produced by TKD (**Appendix 2**). These modifications are internal to the building and have no material environmental impact.

3.3.1.6 Internal Alterations to Fourth Floor

- TGS has requested that gates be added at the head of these stairs so that the school can secure this level when it is unattended.
- Amenity planning amended to incorporate developed services design.

These amendments are contained within drawing reference **DA125-E** and set out in the accompanying design modification schedule produced by TKD (**Appendix 2**). These modifications are internal to the building and have no material environmental impact.

3.3.2 MULTI-PURPOSE PAVILION

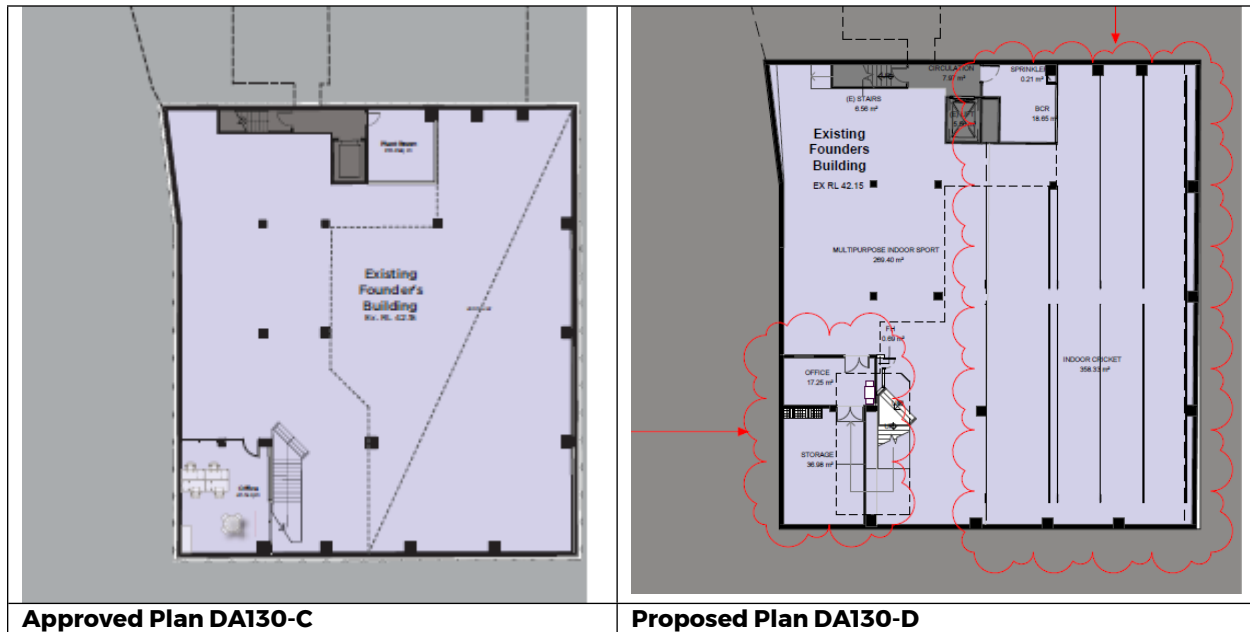
3.3.2.1 Internal alterations to the basement 2

Proposed modification comprising:

- Lift relocation x 3 as a result of design development.
- Fitout of indoor space for cricket practice
- Office and storage space

These amendments are contained within drawing reference **DA130-D** and set out in the accompanying design modification schedule produced by TKD (**Appendix 2**). These modifications are internal to the building basement and have no external manifestation or material environmental impact.





These alterations are internal and will have no external manifestations. The alterations will not materially impact on the development as approved.

3.3.2.2 Internal alterations to the ground comprising:

- **Mezzanine replan.** Design development has led to the location of air handling plant for this building on this level. The plant is enclosed within the approved building envelope to minimise any adverse impacts on Yeo Park to the south. The remaining space on the floor is designated multipurpose – to be used as offices or teaching space to accommodate the school's operations.

3.3.3 EXISTING MUSIC BLOCK

- **Existing music building ground floor replan.** The school have developed their requirements for this level of the existing Music Building. Their operations will require a co-curricular office, drama studio and office, locker space, plant, storage and amenities as shown in this proposed amendment. These amendments are contained within drawing reference **DA131-E** and set out in the accompanying design modification schedule produced by TKD (**Appendix 2**). These modifications are internal to the building and have no external manifestation or material environmental impact. **Refer to 5-DA131 on Plan DA131-E**
- **Practice room replan.** The school have requested a large and small percussion room next to the plant room. It is proposed to relocate the plant room further south so that the two percussion rooms are next to each other for operations. There are no detrimental





environmental impacts proposed as a result of this modification. An addendum to the acoustic report is contained within **Appendix 2** which confirms that the development as modified would not give rise to any material environmental effects. **Refer to 2-DA132 on Plan DA131-E**

- **Landing replan.** Design development requires configuration of the landing and doorways. **Refer to 1-DA133 on Plan DA131-E**

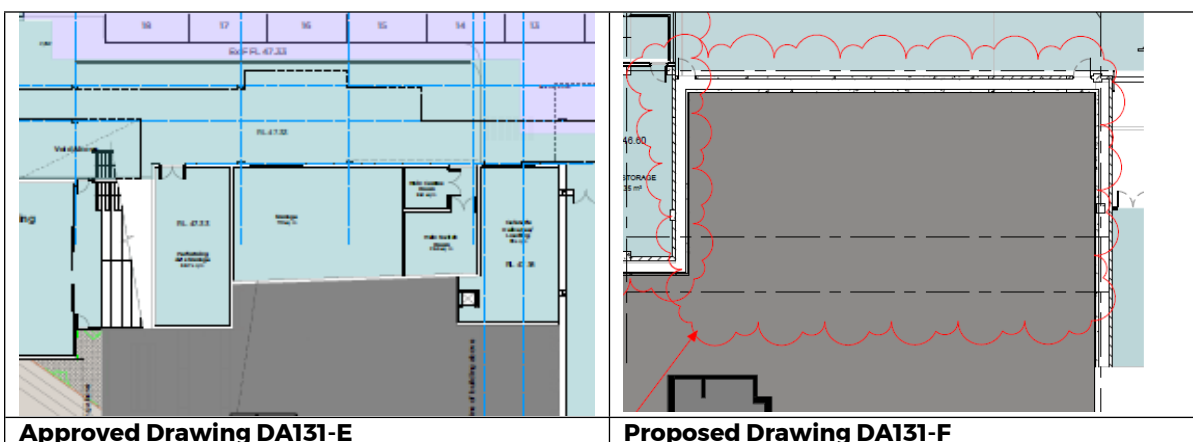
Of note, all the modifications contained within the existing music block are minor and internal to the building. These modifications are of no environmental impact and are sought as part of design rationalisation.

3.3.4 PREFORMING ARTS BUILDING

- **Internal alterations to second floor comprising:**
 - Lift relocation
 - Stair relocation

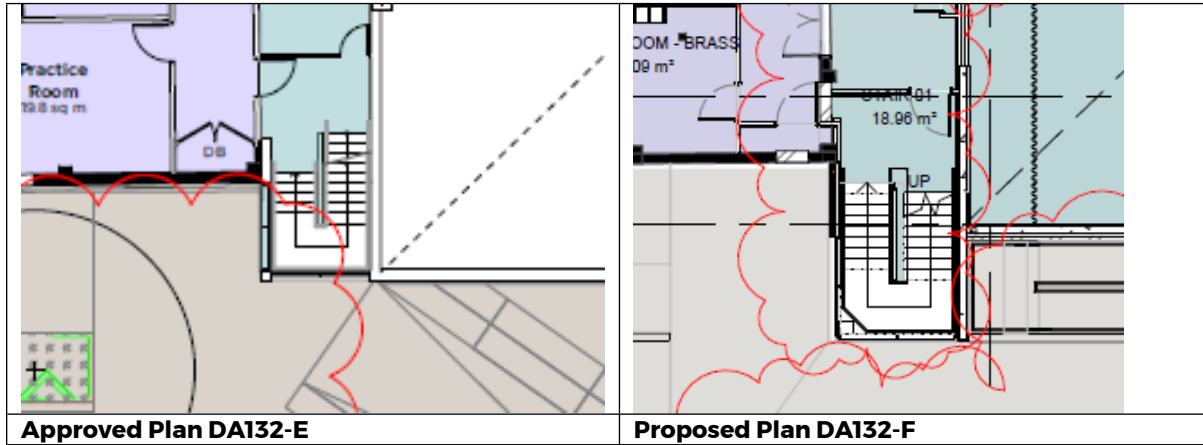
These amendments are contained within drawing reference DA131-E and set out in the accompanying design modification schedule produced by TKD (**Appendix 2**). These modifications are internal to the building and have no material environmental impact.

- **Deleted storage and relocated Main Comms and Switch rooms.** The school have reviewed their storage requirements on this level and concluded that the storage approved here is surplus to their requirements considering proposed storage in the Teaching Learning basement (refer 3 - DA120). Design development has shown that the Main Comms Room and Main Switch Room can also be accommodated there. This modification proposes not to have any basement space below the canteen and has the added advantage of reducing the need for excavation. Given there is a reduction in the extent of excavation there is no material environmental impact. The modification is contained within the basement and have no external manifestation.





- **Stair replan.** See modification 3-DA132. The stair will protrude from the wall and is required as a result of design development. The redesign will be contained within the Site and will not have any material or environmental impacts. The design is inkeeping with the prevailing design at the Site.

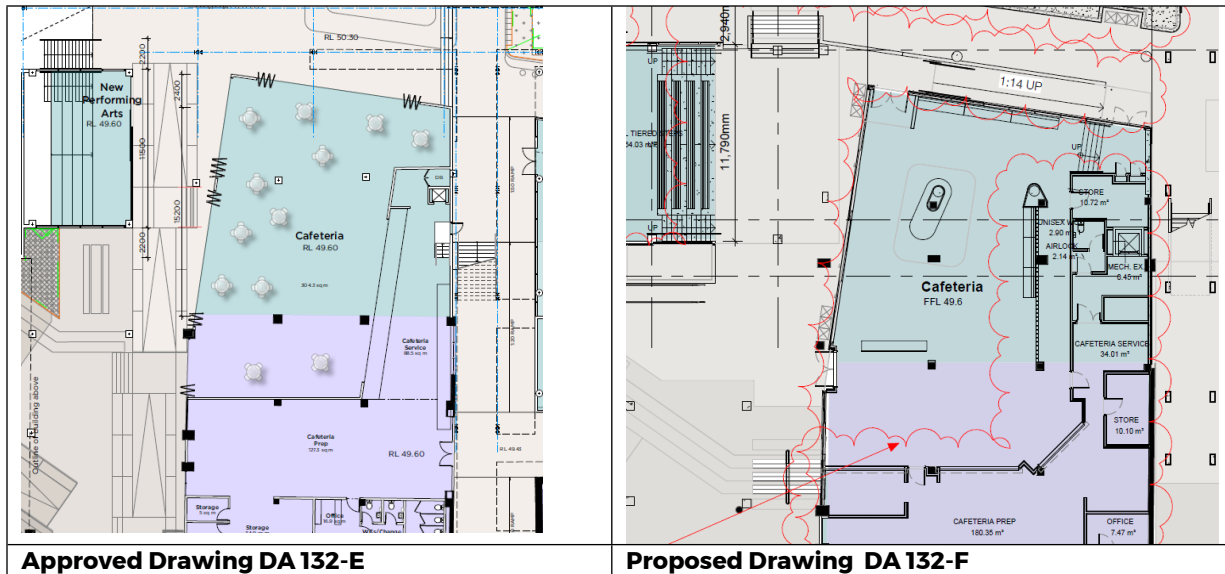


- **Cafeteria precinct replan.** The school require an undercover outdoor area adjacent the Cafeteria where students can queue for their lunch orders at peak times and eat their meals sheltered from the weather. This proposed area will provide that with large parts on grade with the Cafeteria floor and connected via large openable glazed walls. This area is directly linked to the tiered seats facing the Black Box and those overlooking Oval 1 to provide a variety of seating opportunities. The proposed 1:14 ramp to the west provides equitable access from the Oval 2 level.

Furthermore, Design development based on kitchen consultant advice has generated the proposed kitchen layout to meet the school's operational requirements.

The proposed alterations to the cafeteria are as a result of design development with the school and do not impact on the overall design quality or intent of the school building.





3.3.5 PERFORMANCE HALL

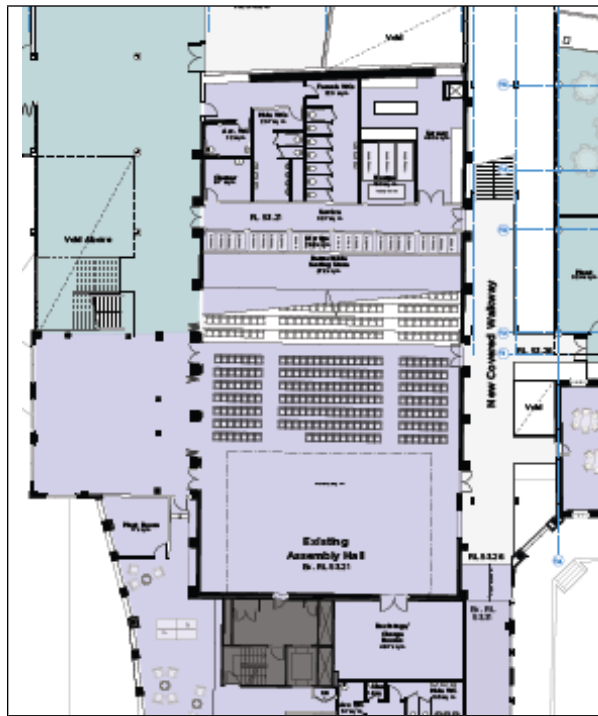
To complement their extensive music program, TGS have requested that the current Assembly Hall be converted to accommodate musical and theatrical performances by the students for the school community. The proposed planning changes arising from this brief include – raked tiered permanent seating; separate wings with associated backstage areas and rigging over; airlock entries with associated circulation outside the hall and a new control room at the rear of the auditorium.

The acoustic fabric of the hall is proposed to be upgraded with a new roof build up on the existing steel structure and all existing windows replaced with blonde face brick to match existing walls. These amendments are supported by an acoustic statement contained within **Appendix 8**

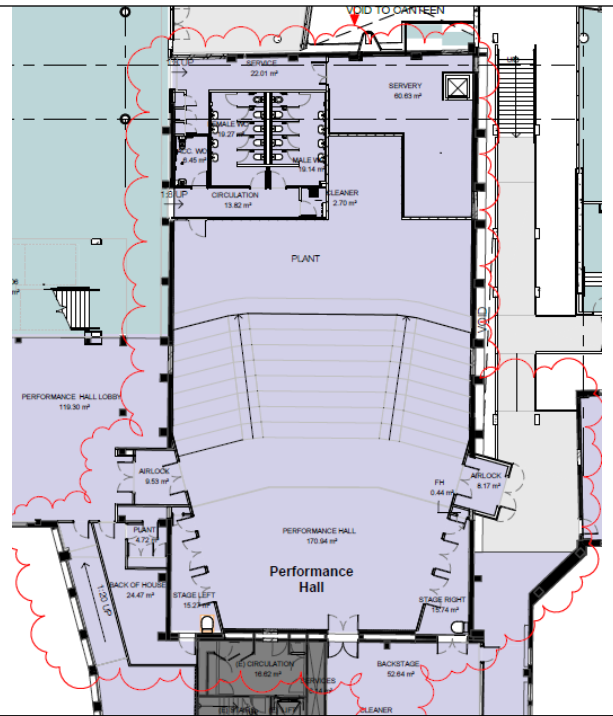
It is noted that the whilst the school intend to use this space for performance, the school will continue to operate as an educational establishment and this use will be ancillary to the existing use of the Site.

Alterations proposed within the performance space include:



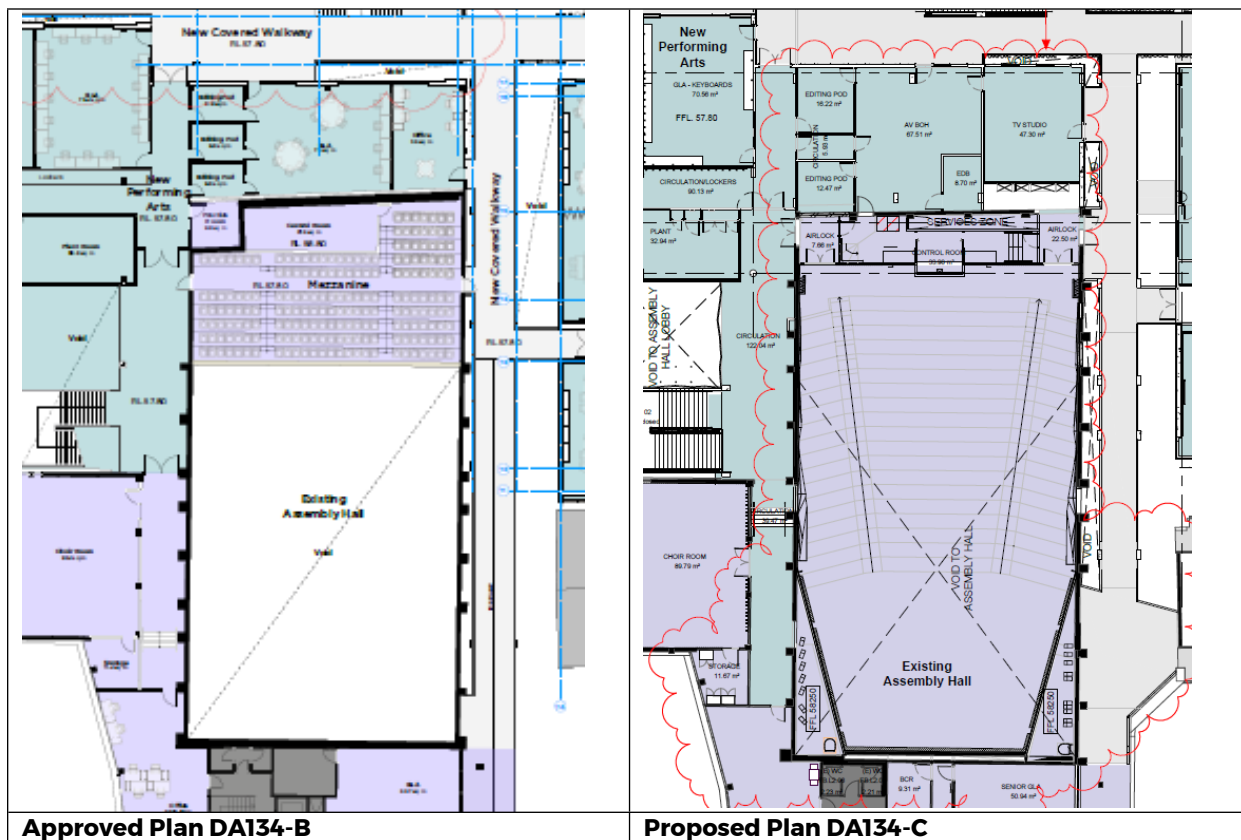


Approved Plan DA133-B



Proposed Plan DA133-C

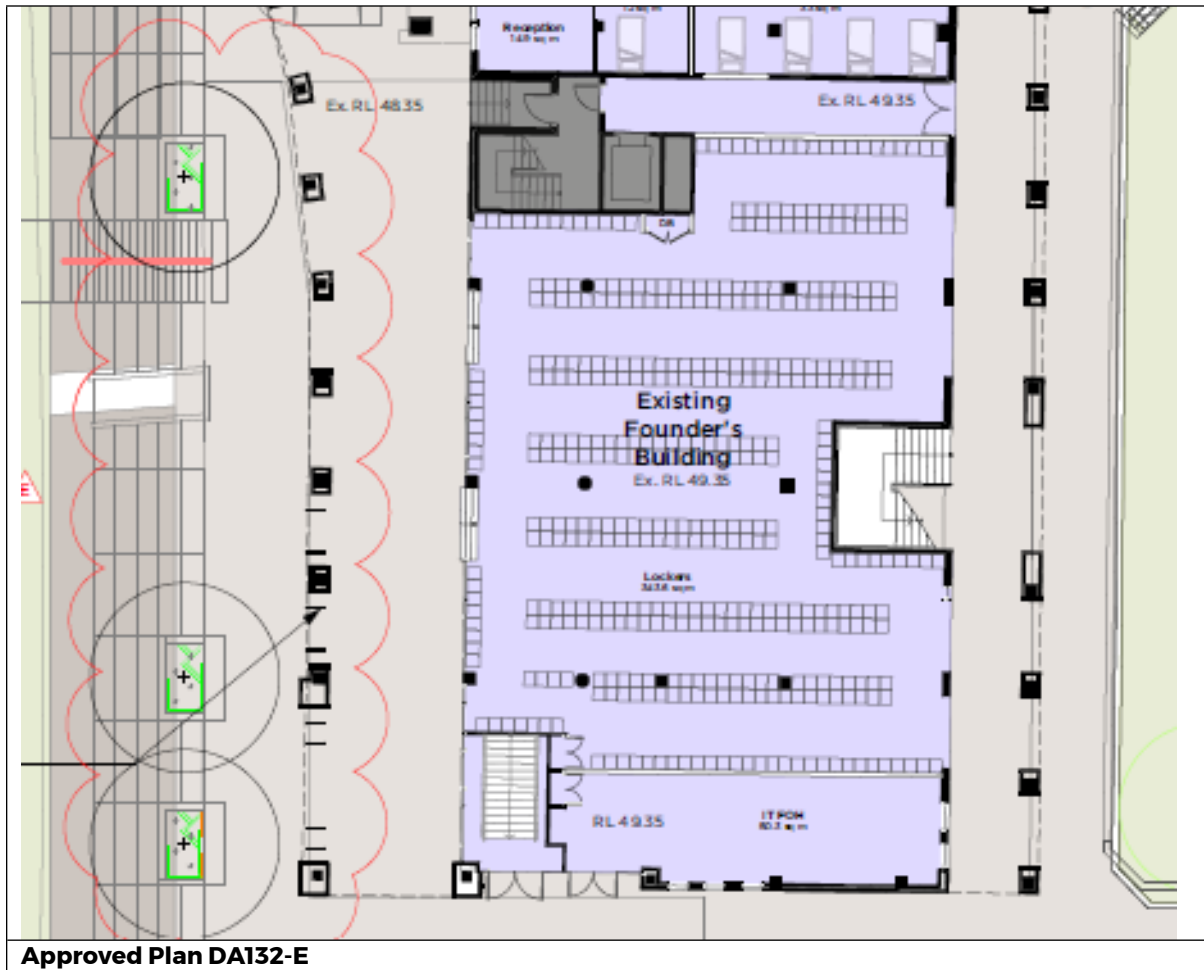


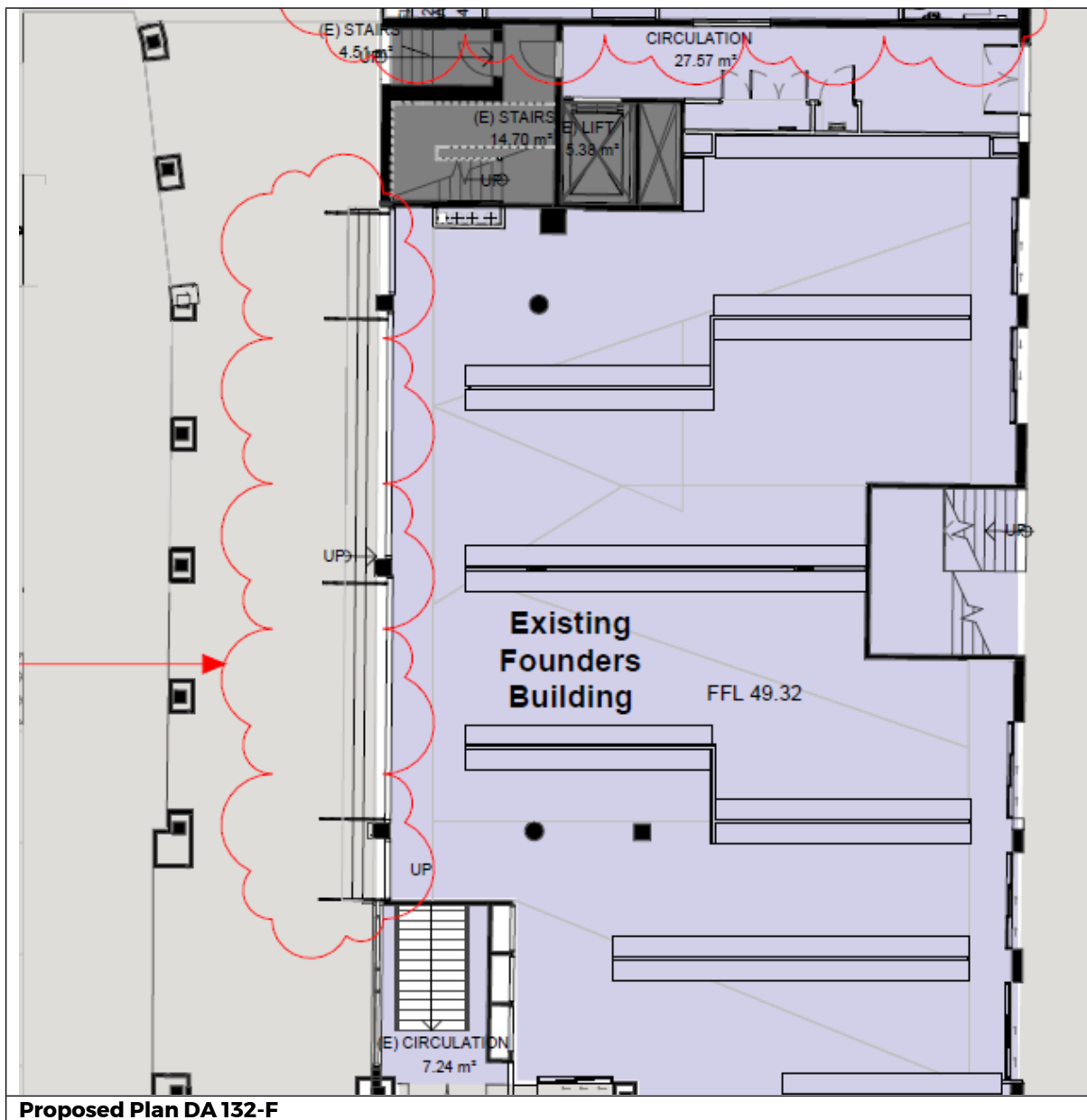


3.3.6 FOUNDERS BUILDING

- **Health centre replan.** The proposed plan reflects the school's current requirements for the operation of this centre. It accommodates amendments to the cafeteria prep area (refer 7 - DA132) and associated campus amenities.
- **Locker room stairs.** Design development has considered the location of stairs here to connect the locker room with the adjacent colonnade. New stairs within the building envelope would need to cut into the existing slab set down here. It is proposed to locate the new stairs in the colonnade to avoid the risk of compromising the structural set down. The stairs will not conflict with the overall design intent of the building and will be in-keeping with the overall design for the school.







3.3.7 EXTERNAL LANDSCAPING

Corresponding and complimentary amendments are also proposed to the landscape architecture at the Site in line with the architectural modifications. These alterations have come about principally as a result





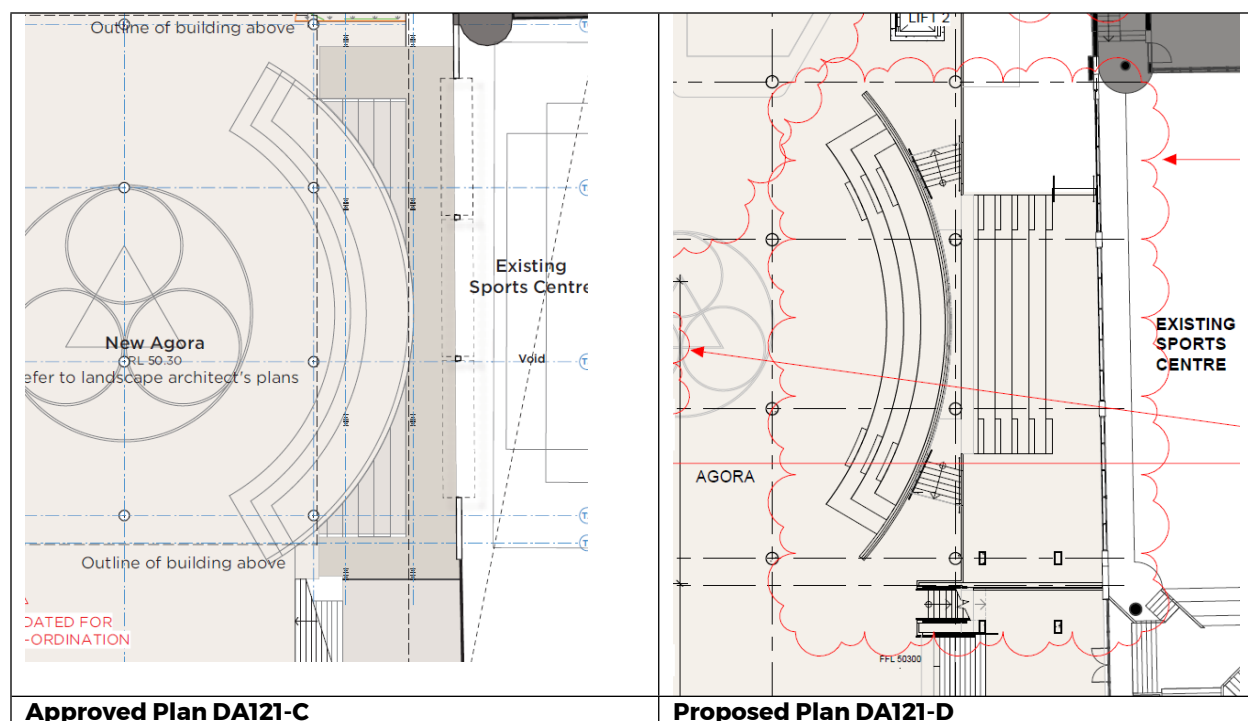
of design development. For the avoidance of doubt, there are no modifications which would reduce the number of approved trees at the Site.

The proposed landscaping modifications are contained within **Appendix 4**. These modifications are supported by a landscaping design statement which is contained within **Appendix 5**.

In summary these amendments include:

- Reposition of four trees and seats on the Jubilee Drive to resolve clearance of driveway.
- Addition of planter beds for vegetable garden to junior school play area. This has come about through consultation with the school which seeks to encourage growing vegetables;
- Removal of fixed furniture from courtyard to improve the flexibility of the space. It is noted that this furniture is not teaching space and will have no material impact on the ability of the school to undertake its approved function;
- Replacement of tree with another species which requires less soil depth (tree 29);
- Landscape design amended to accommodate the architectural change (Preforming Arts Building) to the fire isolated stair, which projects further east into the landscape;
- Reduced scale planters to accommodate storm water requirements – eastern edge of Oval 2. This minor design change will not have any material impact on the functionality of the landscaping;
- Landscape design amended to provide consolidated terrace breakout from cafe, and to improve accessibility from Oval 1. These alterations have been developed to correlate with the design amendments to the architectural drawings;
- Landscape design amended in line with amended architectural plans, additional stairs provided to improve access to each of the four new locker rooms. Equal numbers of new trees are maintained in the amended design.
- Following discussion with the school stakeholder group the Chapel Drive water feature element has been redesigned as a water wall. In addition, the grove of new trees adjacent the ceremonial axis will now include one additional tree, an Acer palmatum, following a request from the School for a dedicated 'Survivor' tree; and
- Amendment to Agora tiered seating. The School have requested more tiered seating to face the existing Sports Centre and for increased pedestrian access between the Agora and Sports Centre levels. The proposed amendments reflect this operational requirement. The proposed amendments to the Agora do not materially impact on the design strategy for the Site.





The proposed corresponding alterations to the landscaping are consistent with the architecture and accord with the requirements of the below planning condition which forms part of the pre-commencement condition of consent.

- (2) *The Applicant must submit to the satisfaction of the consent authority, landscaping plans which:*
- (i) *include details of all Jubilee Drive works as provided in the Jubilee Arrival Plan (Appendix 4) in the information submitted on 25/08/2021 and DA340 Issue A "Jubilee Sections" dated 24/08/2021;*
 - (ii) *include details of the fire stairs from the basement car park to Jubilee Drive;*
 - (iii) *provide as a minimum for the planting of 67 additional trees consistent with the EIS;*
 - (iv) *detail the location, species and height at maturity of plants to be planted on-site;*
 - (v) *ensure that all plants are selected for drought tolerance;*
 - (vi) *demonstrate that the trees within the 100L containers would have a minimum height at maturity of 12m;*
 - (vii) *include the provision of dense evergreen screen plantings along the front / Seaview Street boundary of the Maintenance Building that will reach a mature height of at least 3m; and*
 - (viii) *are consistent with the architectural plans in condition A1(1).*





The proposed modifications to the landscaping principally facilitate the architectural amendments to the approval. These modifications will not conflict with the development consent as approved and will not materially impact on the ability of the Site to function as a school. The modifications are minor in nature and have no impact on the existing planning conditions at the Site.





4 CONSULTATION

In response to the changes proposed under this Modification Application, pre-consultation has been carried out with DPE and). The proposed modifications were discussed and presented with officers and it was noted that a Section 4.55(1A) is most appropriate. DPE noted that the submission should be in accordance with the SSD Guidelines. This Modification report has been prepared in accordance with the guidelines.

5 PROPOSED MODIFICATION TO CONDITIONS

The following provides the proposed modifications to the consent:

Terms of Consent

B2.

B2 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, Response to Submissions and Supplementary Response to Submissions;*
- (d) *in accordance with the approved plans in the table below, unless otherwise amended by condition A1:*

| Architectural Plans prepared by PDML Architecture and TKD Architects | | | |
|---|--------------|----------------------------------|---------------------|
| Dwg No. | Rev | Name of Plan | Date |
| DA001 | C | Cover Page | 07/11/22 |
| DA003 | B | Site Masterplan | 15/1/21 |
| DA003 | C | Site Masterplan | 07/11/22 |
| DA020 | B | Perspectives | 07/11/22 |
| DA100 | B | Site Demolition Plan B2 | 20/05/22 |
| DA101 | A | Site Demolition Plan B1 | 3/2/20 |
| DA102 | B | Site Demolition Plan L0 + above | 11/2/22 |
| DA110 | D | Proposed Site Plan B2 | 20/05/22 |
| DA111 | F | Proposed Site Plan B1 | 20/05/22 |
| DA111 | G | Proposed Site Plan B1 | 07/11/22 |
| DA112 | G | Proposed Site Plan L0 | 11/2/22 |





| | | | |
|--------------|----------|---|-----------------|
| DA112 | H | Proposed Site Plan L0 | 07/11/22 |
| DA113 | E | Proposed Site Roof Plan | 11/2/22 |
| DA113 | F | Proposed Site Roof Plan | 07/11/22 |
| DA120 | B | Proposed T&L Precinct Plan B1 | 16/11/21 |
| DA120 | C | Proposed T&L Precinct Plan B1 | 07/11/22 |
| DA121 | C | Proposed T&L Precinct Plan L0 | 10/12/21 |
| DA121 | D | Proposed T&L Precinct Plan L0 | 07/11/22 |
| DA122 | C | Proposed T&L Precinct Plan L1 | 10/12/21 |
| DA122 | D | Proposed T&L Precinct Plan L1 | 07/11/22 |
| DA123 | D | Proposed T&L Precinct Plan L2 | 10/12/21 |
| DA123 | E | Proposed T&L Precinct Plan L2 | 07/11/22 |
| DA124 | D | Proposed T&L Precinct Plan L3 | 10/12/21 |
| DA124 | E | Proposed T&L Precinct Plan L3 | 07/11/22 |
| DA125 | D | Proposed T&L Precinct Plan L4 | 10/12/21 |
| DA125 | E | Proposed T&L Precinct Plan L4 | 07/11/22 |
| DA126 | D | Proposed T&L Precinct Plan Roof Plan | 10/12/21 |
| DA126 | E | Proposed T&L Precinct Plan Roof Plan | 07/11/22 |
| DA130 | C | Proposed Performing Arts Precinct Plan & Multipurpose Pavilion Plan B2 | 10/12/21 |
| DA130 | D | Proposed Performing Arts Precinct Plan & Multipurpose Pavilion Plan B2 | 07/11/22 |
| DA131 | E | Proposed Performing Arts Precinct Plan & Multipurpose Pavilion Plan B1 | 11/2/22 |
| DA131 | F | Proposed Performing Arts Precinct Plan & Multipurpose Pavilion Plan B1 | 07/11/22 |
| DA132 | E | Proposed Performing Arts Precinct Plan & Multipurpose Pavilion Plan L0 | 11/2/22 |
| DA132 | F | Proposed Performing Arts Precinct Plan & Multipurpose Pavilion Plan L0 | 07/11/22 |
| DA133 | B | Proposed Performing Arts Precinct Plan & Multipurpose Pavilion Plan L1 | 24/8/21 |
| DA133 | C | Proposed Performing Arts Precinct Plan & Multipurpose Pavilion Plan L1 | 07/11/22 |
| DA134 | B | Proposed Performing Arts Precinct Plan & Multipurpose Pavilion Plan L2 | 24/8/21 |
| DA134 | C | Proposed Performing Arts Precinct Plan & Multipurpose Pavilion Plan L2 | 07/11/22 |
| DA135 | B | Proposed Performing Arts Precinct Plan | 24/8/21 |





| | | | |
|------------------|--------------|---|---------------------|
| | | <i>& Multipurpose Pavilion Plan L3</i> | |
| DA135 | C | Proposed Performing Arts Precinct Plan & Multipurpose Pavilion Plan L3 | 07/11/22 |
| DA136 | A | Proposed Performing Arts Precinct Plan & Multipurpose Pavilion Plan L4 | 07/11/22 |
| DA140 | E | Proposed Maintenance Plan B1 | 10/12/21 |
| DA141 | D | Proposed Maintenance Plan L0 | 16/11/21 |
| DA142 | C | Proposed Maintenance Plan L1 | 19/2/21 |
| DA143 | C | Proposed Maintenance Roof Plan | 16/11/21 |
| DA150 | C | Proposed Oval 3 Car Park B2 | 20/05/22 |
| DA151 | F | Proposed Oval 3 Car Park B1 | 20/05/22 |
| DA152 | B | Proposed Oval 2 Car Park B1 | 16/11/21 |
| DA153 | D | Proposed Oval 2 L0 | 11/2/22 |
| DA160 | A | Schematic Bicycle Parking Plan | August 21 |
| DA200 | D | Street Elevations 01,02 | 18/2/21 |
| DA201 | B | Street Elevations 03,04 | 15/1/21 |
| DA300 | B | Site Sections AA, BB, CC | 15/1/21 |
| DA301 | B | Site Sections CC, DD | 15/1/21 |
| DA302 | E | Site Section EE, FF | 20/05/22 |
| DA306 | A | Building Elevations | 28/8/20 |
| DA307 | A | Building Elevations | 28/8/20 |
| DA308 | D | Building Elevations - Seaview Maintenance | 16/11/21 |
| DA309 | C | Building Sections - Seaview Maintenance | 16/11/21 |
| DA320 | B | Building Elevations | 16/11/21 |
| DA320 | C | Building Elevations | 31/10/22 |
| DA321 | A | Building Elevations | 24/8/21 |
| DA321 | B | Building Elevations | 31/10/22 |
| DA322 | B | Building Elevations | 16/11/22 |
| DA322 | C | Building Elevations | 31/10/22 |
| DA330 | B | Site Sections AA | 16/11/22 |
| DA330 | C | Site Sections AA | 31/10/22 |
| DA331 | B | Site Sections BB | 16/11/22 |
| DA331 | C | Site Sections BB | 31/10/22 |
| DA332 | A | Site Sections CC | 24/8/21 |





| DA332 | B | Site Sections CC | 31/10/22 |
|---|--------------|---|-----------------------|
| DA333 | B | Site Sections DD | 16/11/22 |
| DA333 | C | Site Sections DD | 31/10/22 |
| DA334 | C | Site Sections EE | 20/05/22 |
| DA334 | D | Site Sections EE | 31/10/22 |
| DA340 | B | Jubilee Sections | 21/12/21 |
| DA402 | A | Section Detail | Sept 2022 |
| DA501 | A | Signage Location Plan | 28/8/20 |
| DA502 | A | Signage Blade Wall | 28/8/20 |
| DA503 | A | Lift Tower Signage | 28/8/20 |
| DA504 | B | Scoreboard Signage | 15/11/21 |
| DA505 | C | Prospect Road Signage | NOT DATED |
| DA506 | A | Centenary Centre Signage | 28/8/20 |
| DA507 | A | Seaview Maintenance Signage | 28/8/20 |
| DA600 | A | Material's Board Western Facade | 28/8/20 |
| DA600 | B | Material's Board Western Facade | 31/10/22 |
| DA601 | A | Material's Board Southern Facade | 28/8/20 |
| DA601 | B | Material's Board Southern Facade | 31/10/22 |
| DA602 | A | Material's Board Eastern Facade | 28/8/20 |
| DA602 | B | Material's Board Eastern Facade | 31/10/22 |
| DA604 | C | Material's Board Seaview Maintenance | 24/2/21 |
| Landscape Plans prepared by Arcadia Landscape Architecture | | | |
| Dwg No. | Rev | Name of Plan | Date |
| 000 | G | Coversheet | April 2022 |
| 000 | H | Coversheet | October 2022 |
| 100 | G | Landscape Masterplan | April 2022 |
| 100 | H | Landscape Masterplan | October 2022 |
| 101 | G | Plan Index | April 2022 |
| 101 | H | Plan Index | October 2022 |
| 200 | G | Landscape Plan | April 2022 |
| 200 | H | Landscape Plan | October 2022 |
| 201 | G | Landscape Plan | April 2022 |
| 201 | H | Landscape Plan | October 2022 |
| 202 | G | Landscape Plan | April 2022 |
| 202 | G | Landscape Plan | April 2022 |





| | | | |
|----------------|--------------|-------------------------------------|-----------------------|
| 202 | H | Landscape Plan | October 2022 |
| 203 | G | Landscape Plan | April 2022 |
| 203 | H | Landscape Plan | October 2022 |
| 204 | G | Landscape Plan | April 2022 |
| 204 | H | Landscape Plan | October 2022 |
| 205 | G | Landscape Plan | April 2022 |
| 205 | H | Landscape Plan | October 2022 |
| 206 | G | Landscape Plan | April 2022 |
| 206 | H | Landscape Plan | October 2022 |
| 207 | G | Landscape Plan | April 2022 |
| 207 | H | Landscape Plan | October 2022 |
| 601 | E | Landscape Details and Specification | Dec 2021 |
| L-650 | A | Landscape Details - planting | 24/8/21 |
| 634 | - | Landscape Details - Jubilee Planter | No date |





PART D LEGISLATIVE AND POLICY FRAMEWORK

This Part of the Modification Report addresses and responds to the legislative and policy requirements relevant to the proposed development at the Site in accordance with the *Environmental Planning and Assessment Act 1979* (EP&A Act). The statutory planning framework relevant to the proposed development at the site includes:

State Planning Context

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

5.1 ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979

Section 4.55(1A) of the EP&A Act makes provision to modify a Development Application that has been made pursuant to Part 4 of the EP&A Act.

The proposal as submitted to DPIE is considered to satisfy the provisions of Section 4.55(1A) of the Act in that the changes proposed will result in minimal environmental impact and will result in the development being substantially the same as that for which consent was originally granted. The key provisions of Section 4.55(1A) of the EP&A Act have been considered below:

| TABLE 2 SECTION 4.55 ASSESSMENT | |
|--|---|
| Clause | Response |
| (1A) Modifications involving minimal environmental impact A consent authority may, on application being made by the applicant or any other person entitled to act on a consent granted by the consent authority and subject to and in accordance with the regulations, modify the consent if– | |
| (a) it is satisfied that the proposed modification is of minimal environmental impact, and | The proposal, as modified, is considered to be of minimal environmental impact, as demonstrated in PART E of this Modification Report. The proposal would result in minimal additional environmental impacts, over and above those that have already been assessed and determined acceptable under SSD-10371 . |
| (b) it is satisfied that the development to which the consent as modified relates is substantially the same development as the development for which consent was originally granted and before that consent as originally granted was modified (if at all), and | Given the nature and extent of the changes proposed, the modifications sought would have no undue environmental impacts. This is discussed further below. PART E of this Modification Report considers the proposed modification's impacts on the immediate and surrounding environments. |





TABLE 2 SECTION 4.55 ASSESSMENT

| Clause | Response |
|---|--|
| | <p>The proposed modification will result in the same ultimate development outcome to that previously approved.</p> <p>This Modification Report demonstrates that the development as modified would result in substantially the same development as the development for which consent was granted under SSD-10371.</p> |
| <p><i>(c) it has notified the application in accordance with—</i></p> <p><i>(i) the regulations, if the regulations so require, or</i></p> <p><i>(ii) a development control plan, if the consent authority is a council that has made a development control plan that requires the notification or advertising of applications for modification of a development consent, and</i></p> | <p>It is acknowledged that the Modification Application would be required to be notified accordingly.</p> |
| <p><i>(d) it has considered any submissions made concerning the proposed modification within the period prescribed by the regulations or provided by the development control plan, as the case may be.</i></p> | <p>It is acknowledged that consideration would be given to any submissions that are received concerning the proposed modifications.</p> |
| <p><i>(3) In determining an application for modification of a consent under this section, the consent authority must take into consideration such of the matters referred to in section 4.15(1) as are of relevance to the development the subject of the application. The consent authority must also take into consideration the reasons given by the consent authority for the grant of the consent that is sought to be modified.</i></p> | <p>The proposed modifications are consistent with the matters referred to in section 4.15(1) of the EP&A Act and has considered the reasons given by the consent authority for original grant of consent.</p> |

5.1.1 Section 4.55(1A)(b) – Substantially the Same

The purpose of this modification is to amend the architectural modifications which have arisen during detailed design and the school users understanding how the facilities and rooms will be used on a day-to-day basis which best meet the objectives of the development to provide modern teaching and learning facilities at the existing Site.





Overall, it is noted the architectural amendments will not materially affect the ultimate use, function and general appearance of the Site and do not materially alter other architectural components which are approved under **SSD-10371**.

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

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

- It retains the same use of the approved development in that it provides an educational establishment;
- The proposed modifications do not seek to modify the type of educational facilities provided by the development;
- The proposed modification does not materially alter the approved bulk, mass and scale of the approved built form;
- The fundamental benefits delivered by the development, including the proposal's relationship to the existing built form, will continue to be provided; and
- The environmental impacts are generally consistent with, or less than, the approved development.

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

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

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

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





5.1.2 Section 4.15 – Reasons given by the consent authority for the grant of the consent

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

| TABLE 3. SECTION 4.15(1A) CONSIDERATIONS | |
|---|---|
| Section | Response |
| Section 4.15(1)(a)(i) any environmental planning instrument, and | Refer to Section Error! Reference source not found. of this statement. |
| Section 4.15(1)(a)(ii) any proposed instrument that is or has been the subject of public consultation under this Act and that has been notified to the consent authority (unless the Planning Secretary has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved), and | There are no applicable draft instruments for consideration. |
| Section 4.15(1)(a)(iii) any development control plan, and | Refer to Section Error! Reference source not found. of this statement. |
| Section 4.15(1)(a)(iiia) any planning agreement that has been entered into under section 7.4, or any draft planning agreement that a developer has offered to enter into under section 7.4, and | Not applicable. |
| Section 4.15(1)(a)(iv) the regulations (to the extent that they prescribe matters for the purposes of this paragraph), | Refer to Section Error! Reference source not found. of this statement. |
| Section 4.15(1)(b)-(c) | Refer to Section Error! Reference source not found. of this statement. |

5.2 STATE ENVIRONMENTAL PLANNING POLICY (TRANSPORT AND INFRASTRUCTURE) 2021

Schedule 8 of the *State Environmental Planning Policy (Transport and Infrastructure) 2021* (Transport and Infrastructure SEPP) contains design quality principles for the development of schools. These principles were noted in the **SSD-10371** approval and were used in the assessment of the consent.

| TABLE 4. TRANSPORT AND INFRASTRUCTURE SEPP – SCHEDULE 8 | |
|---|--|
| Design quality principles in schools | Response |
| Principle 1—context, built form and landscape | The proposed amendments to the landscaping and architecture and wholly in-keeping with the prevailing character of the School building. The amendments seek to rationalise the approved consent and are principally internal to the school. The external amendments are minor and thus are considered to have no material environmental impact on the approval |





TABLE 4. TRANSPORT AND INFRASTRUCTURE SEPP - SCHEDULE 8

| Design quality principles in schools | Response |
|--|--|
| Principle 2—sustainable, efficient and durable | The proposed amendments will not impact on the sustainability of the Site or the suitability of the Site to provide positive environmental impacts. |
| Principle 3—accessible and inclusive | The proposal amendments have been reviewed for compliance with the BCA. The BCA compliance report is contained within Appendix 6 . This demonstrates that the development will be suitably accessible and inclusive. |
| <i>Principle 4—health and safety</i> | The proposal amendments have been reviewed for compliance with the BCA. The BCA compliance report is contained within Appendix 6 . This demonstrates that the development will not impact on the health or safety of the occupiers of the school. |
| <i>Principle 5—amenity</i> | <p>Modifications are proposed to the Assembly Hall / Performance Hall to accommodate the provision of school performances as part of the operation of the school as an educational establishment. It is noted that the use of the hall as a performance space will be wholly associated with the use of the school. Notwithstanding, an acoustic assessment has been undertaken by JHA and is included within Appendix 8.</p> <p>The amended architecture and landscape design will be minor in nature and have no adverse impact on the amenity of the surrounding occupiers of the Site over or above that as already approved.</p> |
| Principle 6—whole of life, flexible and adaptive | No alterations are proposed to the consent which would conflict with this principle for the flexibility of the Site. The land use remains an educational establishment. |
| Principle 7—aesthetics | The proposed amendments to the landscaping and architecture and wholly in-keeping with the prevailing character of the School building. The amendments seek to rationalise the approved consent and are principally internal to the school. The external amendments are minor and thus are considered to have no material aesthetic environmental impact on the approval. |

5.3 INNER WEST LOCAL ENVIRONMENTAL PLAN 2022

The Site is subject to the provisions of *Inner West Local Environmental Plan 2022* (IWLEP 2022).

The proposed development relates to the existing and approved educational establishment on the Site, which is permitted with consent in the *SP2 Infrastructure (Educational Establishments) Zone*.

The proposal does not contravene any other objectives or provisions of IWLEP2022. No further consideration is required.

5.4 OTHER STATUTORY REQUIREMENTS





Appendix 8 contains the statutory compliance table which identifies the relevant statutory requirements and identifies where they have been addressed in the modification report. This assessment has been developed to accord with the requirements of Section 3.4 of Appendix E to the State Significant Development Guidelines.

5.5 INNER WEST COMPREHENSIVE DEVELOPMENT CONTROL PLAN 2016

It is noted that Clause 11 of *State Environmental Planning Policy (State and Regional Development) 2011* states:

Clause 11 *Exclusion of application of development control plans*

Development control plans (whether made before or after the commencement of this Policy) do not apply to:

(a) State significant development

Additionally, Clause 3.36(9) of the Transport and Infrastructure SEPP, which relates to schools that are permitted with consent, provides that:

A provision of a development control plan that specifies a requirement, standard or control in relation to development of a kind referred to in subclause (1), (2), (3) or (5) is of no effect, regardless of when the development control plan was made.

Therefore, the provisions of a DCP are not applicable.

Despite this and as per the requirements of the original SEARS for SSD 10371, the proposed modifications to the approval are considered to continue to comply with the requirements of Inner West Comprehensive Development Control Plan 2016 (IWDCP 2016) where relevant.





PART E LIKELY IMPACTS OF THE DEVELOPMENT

6 KEY MATTERS

The key matters for consideration are addressed in the ensuing subsections:

6.1 LAND USE

The proposed will preserve the continued use of the Site as an educational establishment, consistent with **SSD-10371**.

The proposed modification does not alter the land use of the development and is proposed to improve the operations and function of the School. The amendments seeks to allow the school to undertake performing arts / productions within the auditorium. It is noted that these will be wholly ancillary to the use of the Site as a school and will have no impact on the surrounding area. As a result, the proposal remains consistent with the existing land use across the Site.

6.2 HERITAGE

Appendix 8 contains the accompanying Heritage Impact Statement which reviews the impact of the landscaping amendments on the setting of the heritage item at the Site – defined under Schedule 5 of the AELP2013 as Item 1670: School – Headmaster’s House and Chapel, 119 Prospect Road, Summer Hill.

The site is also located in the vicinity of a number of heritage conservation areas, as listed under Schedule 5 of the IWLEP2021:

- C2 Ambleside and Holwood Conservation Area – to the west of the Site;
- C9 Harland Estate Conservation Area – to the west of the Site;
- C24 Victoria Square Conservation Area – to the north of the Site;
- C101 Prospect Hall Conservation Area – to the east of the Site; and
- C51 The Abergeldie Estate Heritage Conservation Area

The accompanying Heritage Impact Statement notes the following:

- The additional external stair will not materially impact on the greater heritage significance of the school building;
- the internal area plan is new fabric and its modification will have no adverse impact on heritage fabric;
- The addition of a new bridge at the plant level will have no impact on the significant heritage fabric of the building;
- Façade alterations including modifications to the screening will have no significant heritage impact;
- The change to the columns to concrete is for the purpose of fire-rating. Notwithstanding, this section forms part of the western elevation of the new Teaching and Learning Building and modification to incorporate concrete will have no heritage impact overall;
- Alterations to the windows to include high level louvres will have no heritage impact. The windows are not of heritage significance and they front Oval 3 thereby mitigating any potential visual impact.





As such, the amended architecture and landscape design will be minor in nature and have no adverse impact on the established heritage significance of the subject site.

6.3 ACOUSTIC

Modifications are proposed to the Assembly Hall / Performance Hall to accommodate the provision of school performances as part of the operation of the school as an educational establishment. It is noted that the use of the hall as a performance space will be wholly associated with the use of the school. Notwithstanding, an acoustic assessment has been undertaken by JHA Acoustic and is included within **Appendix 8**.

In summary:

- External walls of the Performance Hall will be retained and are composed by double brick walls. These walls will be made good and gaps filled. Therefore, it is expected that their sound insulation performance will be improved and noise break-out will be minimised.
- External mechanical plant servicing the Performance Hall is proposed to be installed on the rooftop. The main external mechanical plant (western side of the roof) will be enclosed with solid barriers and sound absorptive surfaces facing the plant. This noise control measure will minimise any external mechanical plant noise break-out to the nearest noise sensitive receivers. The external mechanical plant servicing the stage (eastern side) does not require additional noise controls.
- Nearest noise sensitive receivers are approximately 100m from the external mechanical plant on the roof top. Noise impact assessments show compliance with project NSW NPI criteria established in the Acoustic Report for SSDA.

As such, the amended architecture and landscape design will be minor in nature and have no adverse impact on the amenity of the surrounding occupiers of the Site over or above that as already approved.

Furthermore, an update to the Fire Safety Engineering Report is contained within **Appendix 7**. The report demonstrates that the Fire Safety Engineering assessment report demonstrates that the proposed Performance Solution aspects of the Building solution have been shown to meet the corresponding identified Performance Requirements of the BCA.

6.4 ARCHITECTURAL WORKS

The proposed amendments to the architecture are required in order to improve the functionality of the Site and rationalise the design as the planning drawings develop into construction drawings. Furthermore, the school have sought a number of internal amendments which seek to improve the functionality of the Site from an operational perspective. The architectural amendments have been developed in accordance with the architecture of the prevailing Site and be of no material environmental impact. The architectural modifications, where relevant have been assessed against the pre- commencement conditions of consent.

6.5 BCA COMPLIANCE

The revised architectural design has been reviewed by Design Confidence to assess whether the proposed architectural modifications can meet the performance requirements of the BCA.





Design Confidence in their letter (**Appendix 6**) confirm that the architectural modifications for the school are still capable of achieving compliance with the relevant requirements of the BCA. As such, the amended architecture and landscape design will be minor in nature and have no adverse impact on the BCA compliance of the existing approval.

6.6 LANDSCAPING

The amendments to the landscaping will not materially affect the character or appearance of the approved built development are similar in scale to the approved landscaping strategy. As set out in **Appendix 5**, the revised landscaping is as a result of design changes following design development and project coordination and has been developed in accordance with the architectural amendments. The amendments are minor when read in the context of the approved landscaping plan and are principally as a result of the facilitation of the architectural modifications. Furthermore, they will not materially impact on the approved landscape strategy.

The landscaping amendments remain minor in the context of the Site and are a result of changes brought about by design development as consent **SSD-10371** developed for construction. Of note:

- The modifications are minor when read within the context of the approved landscaping;
- The landscaping plans include a palate of soft landscape plantings which correspond to the approved soft landscaping palate; ;
- The proposed amendments will not impact on the heritage significance of the School or setting of the heritage item;
- The landscaping amendments are principally to facilitate amendments to the architecture.

As such, the landscaping modifications have no environmental impact and are thus considered to comprise Section 4.55(1A) development.

6.7 ENGAGEMENT

It should be noted that the School is in constant consultation with the Council. Whilst Council has not been independently notified about the Oval 3 Basement amendment, it is noted that this is a minor deviation from the approved plans and will not materially alter or negatively impact on the future development or operations of the Site.

6.8 OTHER MATTERS FOR CONSIDERATION

All other matters for consideration have been previously assessed as part of **SSD 10371** and remain unaffected by the proposed modifications.

6.9 LIKELY IMPACTS OF DEVELOPMENT

The likely impacts of development in accordance with Section 4.15 of the EP&A Act have been considered above.

6.10 SUITABILITY OF SITE FOR DEVELOPMENT





The Site is considered suitable for development as established by the previous approval **SSD 10371**.

6.11 CONSISTENCY WITH REASONS FOR THE GRANT OF THE ORIGINAL CONSENT

In accordance with Section 4.55(3) of the EP&A Act, in determining an application for modification of a consent, the consent authority must take into consideration the reasons given by the consent authority for the grant of the consent that is sought to be modified. The proposed modifications are consistent with the reasons given by the Department of Planning in that:

- The built form remains reasonable for the Site;
- The development continues to be in the public interest; and
- The development continues to meet the objects of the EP&A Act.

Accordingly, the proposed architectural and landscaping modifications are consistent with Section 4.55(1A) of the Act.

6.12 JUSTIFICATION

The modification is acceptable in terms of Section 4.55(1A) of the EP&A Act. The modifications sought are minor in nature when read in the context of the extant approval and the existing use of the Site as an educational establishment. The amendments are sought as ongoing design development and in consultation with the School as the School consider how they will use the development.

The modifications are predominantly internal and are demonstrated to accord with the requirements of the BCA. In this respect the modifications are justified from a usability perspective and thus have no material environmental impact.

The modifications have been assessed from a heritage perspective and have been demonstrated to have no material impact on the heritage significance of the Site. Furthermore, the modifications have been demonstrated to not give rise to any material or significant environmental concerns. Consequently, the modifications are acceptable from a heritage perspective.

The modifications have been assessed from an acoustic perspective and have been demonstrated to no material impact on the emission of noise. The use will remain the same comprising an educational establishment and the accompanying acoustic statement demonstrates that there will be no material change to the resultant acoustics.

The accompanying design statement demonstrates that the modifications are in-keeping with the overall prevailing design of the consent as approved. The modifications do not impact on the overall design quality of the extant approval and the modifications seek to ensure the design quality of the extant approval is preserved through the choice of complementary materials where it has been demonstrated that the approved materials are inadequate. The modifications seek to preserve the design quality of the extant approval.

Overall, the modifications as proposed will have a neutral environmental impact on the extant approval. Furthermore, the proposed modifications combined with those as already approved will not materially impact on the consent. The positive benefits of the proposed modification include, but are not limited to,





the maximisation of the functionality of the School in terms of use and operation. There are no negative benefits to the proposed modification.





PART F CONCLUSION

In accordance with Section 4.55(1A) of the EP&A Act, the modified development will be substantially the same as the originally approved **SSD 10371**. This Section 4.55(1A) seeks to facilitate amendments in order to respond to conditions of the consent and improve overall design outcomes on the Site. The proposed modifications **will not alter the environmental impacts assessed and approved as part of the original development consent**, nor will they give rise to any additional adverse amenity impacts.

In accordance with Section 4.55(1A) of the EP&A Act, the Department may modify the consent as:

- The consent, as proposed to be modified, is substantially the same development as that originally approved;
- The modifications will increase the functionality of the approved educational facilities;
- The modifications are as a result of ongoing design review and design development to continually improve and provide world class facilities for the School. The modification will not materially impact on the aesthetic appearance of the development; and
- The proposal will not result in any unacceptable adverse environmental, social or economic impacts.

In light of the above, we therefore recommend the proposed modification is supported by the Minister.

