

9 November 2018

Andrew Beattie
Team Leader, School Infrastructure Assessments
Priority projects
Department of Planning and Environment
GPO Box 39
Sydney NSW 2001

Dear Andrew,

**RE: Inner Sydney High School - SSD 7610
Development Consent Conditions B31, B36 and B37
Section 4.55 (1) Modification Submission**

Please find below a request for the consent (SSD 7610) to be modified as follows:

- (a) Schedule 2 Part B Prior to Commencement of Works – Conditions B31, B36 and B37 are amended by the insertion of the **bold and underlined** words/numbers and deletion of the ~~struck-out~~ words/numbers as follows:

Car Parking and Service Layout

B31. Plans demonstrating compliance with the following requirements shall be submitted to the satisfaction of the Certifying Authority ~~prior to~~ **within 6 months from** the commencement of building works.

- a) All vehicles must enter and leave the site in a forward direction;
- b) Minimum of 8 on-site car parking spaces for the use during the operation of the Development and constructed in accordance with the latest version of AS 2890.1-1993; all vehicles should enter and leave the Inner Sydney High School Site in a forward direction;
- c) All operation vehicles accessing the Site, including the loading dock, are to be limited to Medium Rigid Vehicles or smaller only, unless otherwise agreed by Secretary;
- d) All demolition and construction vehicles (excluding worker vehicles) are to be contained wholly within the site and vehicles must enter the Site before stopping;
- e) Appropriate pedestrian advisory signs are to be provide at the egress point of the carpark;
- f) All works/regulatory signposting associated with the proposed development shall be at no cost to the relevant roads authority;
- g) The swept path of the longest vehicle entering and exiting the Inner Sydney School Site in association with the new work, as well as manoeuvrability through the Sites, shall be in accordance with AUSTRROADS. In this regard, a plan shall be submitted to Council for approval, which shows that the proposed development complies with this requirement; and
- h) The safety of vehicles and pedestrians accessing adjoining properties, where shared vehicle and pedestrian access occurs, is to be addressed.

Tree Protection

B36. ~~Prior to~~ **Within 6 months from** the commencement of building works the area of proposed paving over the root zones of both tree 1 (Moreton Bay fig) in the Site's south west and the area of proposed 'suspended slab' paving around tree 17 (Queensland kauri tree) near Building 3 must be designed in consultation with Council and a qualified arborist to ensure the non-compaction of the root zones of these significant trees.

Public Domain Works.

B37. ~~Prior to~~ **Within 6 months from** the commencement of building works, a Public Domain Plan must be prepared by a suitably qualified professional, in consultation with Council with regard to Council's Public Domain Manual, Sydney Streets Design Code and Sydney Street Technical Specification, including;

- a) Details the removal of the heritage sandstone plinth wall including adjustment to the interface between Prince Alfred Park and Chalmers St;
- b) Boundary treatments along the interfaces with Prince Alfred Park;
- c) Footpath and furniture details;
- d) Road pavement, traffic measures, vehicle crossovers. pedestrian ramps.
- e) Kerb and gutter;
- f) Plant schedule;
- g) Lighting;
- h) Soil depth of planters;
- i) Signage and other public domain elements;
- j) Detailed plans and elevation, colours and materials of fencing and gates; and
- k) Details of any stormwater treatment/diversion/infiltration features.

The Public Domain Plan must be submitted to the Secretary for approval ~~prior to~~ **within 6 months from the** commencement of building works.

END OF MODIFICATION



Please feel free to contact me should you have any queries or require additional information.

Regards



Rod Stanton

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Attachment 1: Environmental Planning and Assessment Regulation 2000
Part 6, Division 12, clause 115

Adequacy 115 Application for modification of development consent (cf clause 71A of EP&A Regulation 1994)		
No.	Requirement	Response
(1)	An application for modification of a development consent under section 4.55 (1), (1A) or (2) or 4.56 (1) of the Act must contain the following information:	-
(a)	the name and address of the applicant,	NSW Department of Education C/- Root Partnerships Level 2, 14 Martin Place Sydney NSW 2000
(b)	a description of the development to be carried out under the consent (as previously modified),	Development of the new Inner Sydney High School involving: - redevelopment of the site previously known as the Cleveland Street Intensive English High School - demolition of Building 4 and associated covered walkways - adaptive reuse of existing heritage listed buildings - a proposed new 13 storey, plus roof level and basement
(c)	the address, and formal particulars of title, of the land on which the development is to be carried out,	242A and 244 Cleveland Street, Surry Hills Lot 8 DP 821649, Lot 1 DP 797483 and Lot 1 DP 797484
(d)	a description of the proposed modification to the development consent,	Modification of the Development Consent conditions B31, B36 & B37 to change the timing from prior to commencement of building works to within 6 months from commencement of building works.
(e)	a statement that indicates either:	-
(i)	that the modification is merely intended to correct a minor error, misdescription or miscalculation, or	B31, B36 and B37 modifications are to adjust the timing required to satisfy these conditions. Condition B31 a) Details of possible solutions that have been undertaken to date. The current design has been developed in consultation with the traffic engineer and the

		<p>Certifying Authority. The car parking and servicing layout has been reviewed by the Certifying Authority and some minor amendments are being required in order to meet the condition requirements. Once the plan is finalised and approved by the certifying authority it will be issued to the Council for approval.</p> <p>b) Details of discussions and negotiation to date with the Council.</p> <p>29/09/17 - CoS Meeting to review carpark design, site constraints and construction methodology around significant trees.</p> <p>Once the design is finalised the design will be issued to Council for approval, thus satisfying this condition.</p> <p>c) Details of work undertaken to date and its implications on the condition that this issue seeks to resolve.</p> <p>To date we have undertaken demolition works, site remediation and commenced retention piling works for the basement.</p> <p>Works undertaken to date have complied with condition B31 (d) and have no implication on the remaining items in satisfying this condition.</p> <p>d) Details of work that is programmed to occur within the next 8 months and confirmation of how these works will not impact the works that this condition seeks to resolve.</p> <p>Within the next 8 months the basement shoring and excavation works will be completed and the foundations and structure works to the new building will commence. Fitout works to the heritage buildings will also be in progress. Authority service relocations and installation of new high voltage conduit will be undertaken outside the site and along Chalmers St.</p>
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		<p>The constructions works relating to this condition will be undertaken in April 2020. We confirm the request to extend the date in which to satisfy this condition to mid July 2019 will not impact the works to which this condition seeks to resolve.</p> <p>e) Details of work that is programmed to occur within the next 8 months and confirmation that this work does not limit those solutions that may be required to resolve and satisfy the terms of this condition or restrict potential solutions.</p> <p>Construction works relating to this condition will be undertaken in April 2020. We confirm that works being undertaken within the next 8 months will not limit those solutions that may be required to resolve and satisfy the terms of this condition or restrict potential solutions.</p> <p>Condition B36</p> <p>a) Details of possible solutions that have been undertaken to date.</p> <p>The design of a suspended pavement slab, supported on screw pile foundations has been developed to the area surrounding T17. This has been undertaken in consultation with the project arborist.</p> <p>The foundations have been surveyed and marked on site. Root mapping will be completed in the locations of the piles in early January 2019 to ensure that the proposed screw pile foundation design has no impact on T17. If the design needs to be altered due to the discovery of roots in the proposed location of the screw pile foundations, the design will be altered in consultation with the project arborist.</p>
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		<p>Following the completion of the root mapping, consultation with CoS council will be undertaken prior to For Construction documentation being completed.</p> <p>b) Details of discussions and negotiation to date with the Council.</p> <p>Site discussions with Samantha Knight – tree contract coordinator (South) City of Sydney have been undertaken advising of the permanent paving works that will be surrounding both T1 and T17. The council is aware that further investigation and design works are being undertaken to limit any adverse impact on both of these trees regarding paving works.</p> <p>c) Details of work undertaken to date and its implications on the condition that this issue seeks to resolve.</p> <p>To date we have undertaken demolition works, site remediation and commenced retention piling works for the basement.</p> <p>Works undertaken to date have had no implication on this condition.</p> <p>d) Details of work that is programmed to occur within the next 8 months and confirmation of how these works will not impact the condition works that this condition seeks to resolve.</p> <p>Within the next 8 months the basement shoring and excavation works will be completed and the foundations and structure works will to the new building will commence. Fitout works to the heritage buildings will also be in progress. Authority service relocations and installation of new high voltage conduit will be undertaken outside the site and along Chalmers St.</p>
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		<p>The constructions works relating to this condition will be undertaken in April 2020. We confirm the request to extend the date in which to satisfy this condition to mid- July 2019 will not impact the works to which this condition seeks to resolve.</p> <p>e) Details of work that is programmed to occur within the next 8 months and confirmation that this work does not limit those solutions that may be need to resolve and satisfy the terms of this condition or restrict potential solutions.</p> <p>Construction works relating to this condition will be undertaken in April 2020. We confirm that works being undertaken within the next 8 months will not limit those solutions that may be required to resolve and satisfy the terms of this condition or restrict potential solutions.</p> <p>Condition B37</p> <p>a) Details of possible solutions that have been undertaken to date.</p> <p>Concept designs for public domain works have been undertaken and presented to City of Sydney public domain team. The public domain design is subject to the outcome of condition B47 which is currently being finalised with the City of Sydney. Once the outcome of the flood mitigation works (B47) is approved by the City of Sydney, the project architect will finalise the documentation for the public domain works and present to City of Sydney Public Domain Team for approval.</p> <p>b) Details of discussions and negotiation to date with the Council.</p> <p>Meetings and presentation to City of Sydney undertaken to date.</p> <ul style="list-style-type: none"> • 14-3-18. ISHS presentation of park interface concept design and introduction to the joint Use Group.
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		<ul style="list-style-type: none"> • 3-4-18. ISHS presentation of Park Interface concept design. • 26-4-17. Overview of development Park Interface design, pre SSD submission. • 29-5-18. Meeting with CoS representatives Emma Thornburn and Rashad Abboud to clarify CoS expectations of the Public Domain Plans. This was held on the 29-5-18. <p>c) Details of work undertaken to date and its implications on the condition that this issue seeks to resolve.</p> <p>To date we have undertaken demolition works, site remediation and commenced retention piling works for the basement.</p> <p>Works undertaken to date have had no implication on this condition.</p> <p>d) Details of work that is programmed to occur within the next 8 months and confirmation of how these works will not impact the condition works that this conditions seeks to resolve.</p> <p>Within the next 8 months the basement shoring and excavation works will be completed and the foundations and structure works will to the new building will commence. Fitout works to the heritage buildings will also be in progress. Authority service relocations and installation of new high voltage conduit will be undertaken outside the site and along Chalmers St.</p> <p>The constructions works relating to this condition will be undertaken in December 2019. We confirm the request to extend the date in which to satisfy this condition to mid-July 2019 will not impact the works to which this condition seeks to resolve.</p>
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		<p>e) Details of work that is programmed to occur within the next 8 months and confirmation that this work does not limit those solutions that may be need to resolve and satisfy the terms of this condition or restrict potential solutions.</p> <p>Construction works relating to this condition will be undertaken in December 2019. We confirm that works being undertaken within the next 8 months will not limit those solutions that may be required to resolve and satisfy the terms of this condition or restrict potential solutions.</p>
(ii)	that the modification is intended to have some other effect, as specified in the statement,	Not applicable
(f)	a description of the expected impacts of the modification,	Modification will have no expected impacts.
(g)	an undertaking to the effect that the development (as to be modified) will remain substantially the same as the development that was originally approved,	Modification will result in the redevelopment remaining substantially the same as the development that was originally approved.
(g1)	in the case of an application that is accompanied by a biodiversity development assessment report, the reasonable steps taken to obtain the like-for-like biodiversity credits required to be retired under the report to offset the residual impacts on biodiversity values if different biodiversity credits are proposed to be used as offsets in accordance with the variation rules under the Biodiversity Conservation Act 2016,	Not applicable
(h)	if the applicant is not the owner of the land, a statement signed by the owner of the land to the effect that the owner consents to	Not applicable

	the making of the application (except where the application for the consent the subject of the modification was made, or could have been made, without the consent of the owner),	
(i)	a statement as to whether the application is being made to the Court (under section 4.55) or to the consent authority (under section 4.56),	Not applicable
(2)	The notification requirements of clause 49 apply in respect of an application if the consent of the owner of the land would not be required were the application an application for development consent rather than an application for the modification of such consent.	Not applicable
(3)	In addition, if an application for the modification of a development consent under section 4.55 (2) or section 4.56 (1) of the Act relates to residential apartment development and the development application was required to be accompanied by a design verification from a qualified designer under clause 50 (1A), the application must be accompanied by a statement by a qualified designer.	Not applicable
(3A)	The statement by the qualified designer must:	-
(a)	verify that he or she designed, or directed the design of, the modification of the development and, if applicable, the development for which the development consent was granted, and	Not applicable

(b)	provide an explanation of how:	Not applicable
(i)	the design quality principles are addressed in the development, and	Not applicable
(ii)	in terms of the Apartment Design Guide, the objectives of that guide have been achieved in the development, and	Not applicable
(c)	verify that the modifications do not diminish or detract from the design quality, or compromise the design intent, of the development for which the development consent was granted	Not applicable
(3B)	If the qualified designer who gives the design verification under subclause (3) for an application for the modification of development consent (other than in relation to State significant development) does not verify that he or she also designed, or directed the design of, the development for which the consent was granted, the consent authority must refer the application to the relevant design review panel (if any) for advice as to whether the modifications diminish or detract from the design quality, or compromise the design intent, of the development for which the consent was granted.	Not applicable
(4)	If an application referred to in subclause (3) is also accompanied by a BASIX certificate with respect to any building, the design quality	-

	principles referred to in that subclause need not be verified to the extent to which they aim:	
(a)	to reduce consumption of mains-supplied potable water, or reduce emissions of greenhouse gases, in the use of the building or in the use of the land on which the building is situated, or	Not applicable
(b)	to improve the thermal performance of the building.	Not applicable
(5)	The consent authority may refer the proposed modification to the relevant design review panel but not if the application is for modification of a development consent for State significant development.	Not applicable
(6)	An application for the modification of a development consent under section 4.55 (1A) or (2) of the Act, if it relates to development for which the development application was required to be accompanied by a BASIX certificate or BASIX certificates, or if it relates to BASIX optional development in relation to which a person has made a development application that has been accompanied by a BASIX certificate or BASIX certificates (despite there being no obligation under clause 2A of Schedule 1 for it to be so accompanied), must also be accompanied by the	Not applicable

	appropriate BASIX certificate or BASIX certificates.	
(7)	The appropriate BASIX certificate for the purposes of subclause (6) is:	-
(a)	if the current BASIX certificate remains consistent with the proposed development, the current BASIX certificate, and	Not applicable
(b)	if the current BASIX certificate is no longer consistent with the proposed development, a new BASIX certificate to replace the current BASIX certificate.	Not applicable
(8)	An application for modification of a development consent under section 4.55 (1), (1A) or (2) or 4.56 (1) of the Act relating to land owned by a Local Aboriginal Land Council may be made only with the consent of the New South Wales Aboriginal Land Council.	Not applicable
(9)	The application must be accompanied by the relevant fee prescribed under Part 15.	\$850.00 + GST
(10)	A development consent may not be modified by the Land and Environment Court under section 4.55 of the Act if an application for modification of the consent has been made to the consent authority under section 4.56 of the Act and has not been withdrawn.	Not applicable