



SCEGGS Darlinghurst Modification 2

State Significant Development Modification Assessment
(SSD-8993-Mod-2)

June 2021



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Cover image: *Wilkinson House on the SCEGGS Darlinghurst campus (SSD-8993 Applicant's EIS)*

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Glossary

Abbreviation	Definition
CMP	Conservation Management Plan
Commission	Independent Planning Commission NSW
Council	City of Sydney Council
Department	Department of Planning, Industry and Environment
EIS	Environmental Impact Statement
EP&A Act	<i>Environmental Planning and Assessment Act 1979</i>
EP&A Regulation	Environmental Planning and Assessment Regulation 2000
EPI	Environmental Planning Instrument
HIS	Heritage Impact Statement
Minister	Minister for Planning and Public Spaces
Planning Secretary	Secretary of the Department of Planning, Industry and Environment
SLEP	Sydney Local Environmental Plan 2012
SSD	State Significant Development

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1 Introduction

This report provides an assessment of an application to modify the State significant development (SSD) consent for an approved Concept Proposal involving the redevelopment of the Sydney Church of England Girls Grammar School (SCEGGS) in Darlinghurst (SSD-8993).

The modification application seeks consent to enable the Heritage Conservation Management Plan (CMP) required for the site under Condition A13 of the Concept Proposal to be undertaken in stages. The proposed staging of the CMP would involve the preparation of:

- a whole of site CMP to provide a high-level strategic CMP for the SCEGGS main campus.
- individual detailed CMPs that are specific to Wilkinson House, Barham and the Chapel Building.

The application has been lodged by Urbis Pty Ltd, on behalf of SCEGGS Darlinghurst Limited (the Applicant) pursuant to section 4.55(1A) of the *Environmental Planning and Assessment Act 1979* (EP&A Act).

1.1 Background and site description

SCEGGS Darlinghurst is a private girls' school located at 215 Forbes Street, Darlinghurst in the City of Sydney local government area and is approximately 1 kilometre (km) east of the Sydney Central Business District (CBD).

The campus covers an area of approximately 13,676 square metres and comprises a number of lots spread over two parcels of land (the SCEGGS Main Campus and the St Peters Precinct) (**Figure 1**).

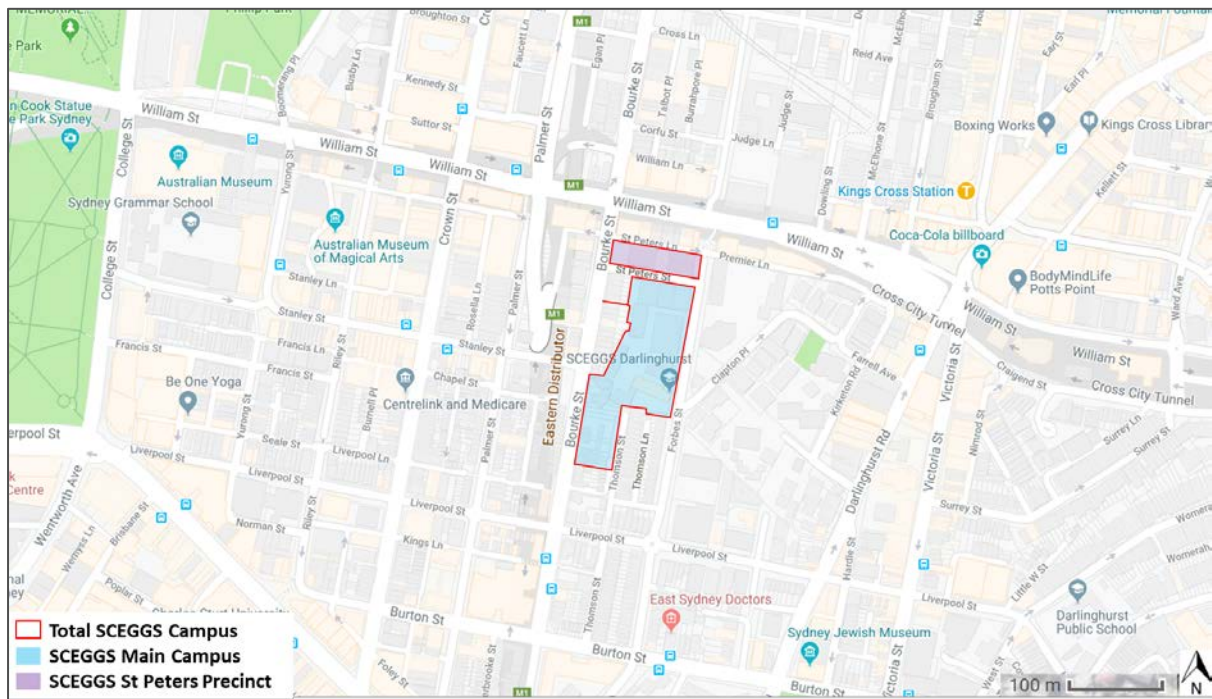


Figure 1 | Site location – SCEGGS Darlinghurst (Source: Department’s Assessment Report 2020)

The SCEGGS site in its entirety (including the main campus, including Barham, Church Building and Wilkinson House and their interiors and grounds) is listed as a local heritage item (No. I301) under Schedule 5 of the Sydney Local Environmental Plan 2012 (SLEP) and is included within the East Sydney Special Character and Conservation Area (C13) under the SLEP.

The SCEGGS main campus (the site subject to the modification application) is bounded by St Peters Street to the north, Forbes Street to the east, Bourke Street to the west and terrace houses fronting Forbes Street, and Thompson Street to the south. The site excludes the St Peters Precinct and 217 Forbes Street which did not form part of the original SSD application (**Figure 2**).

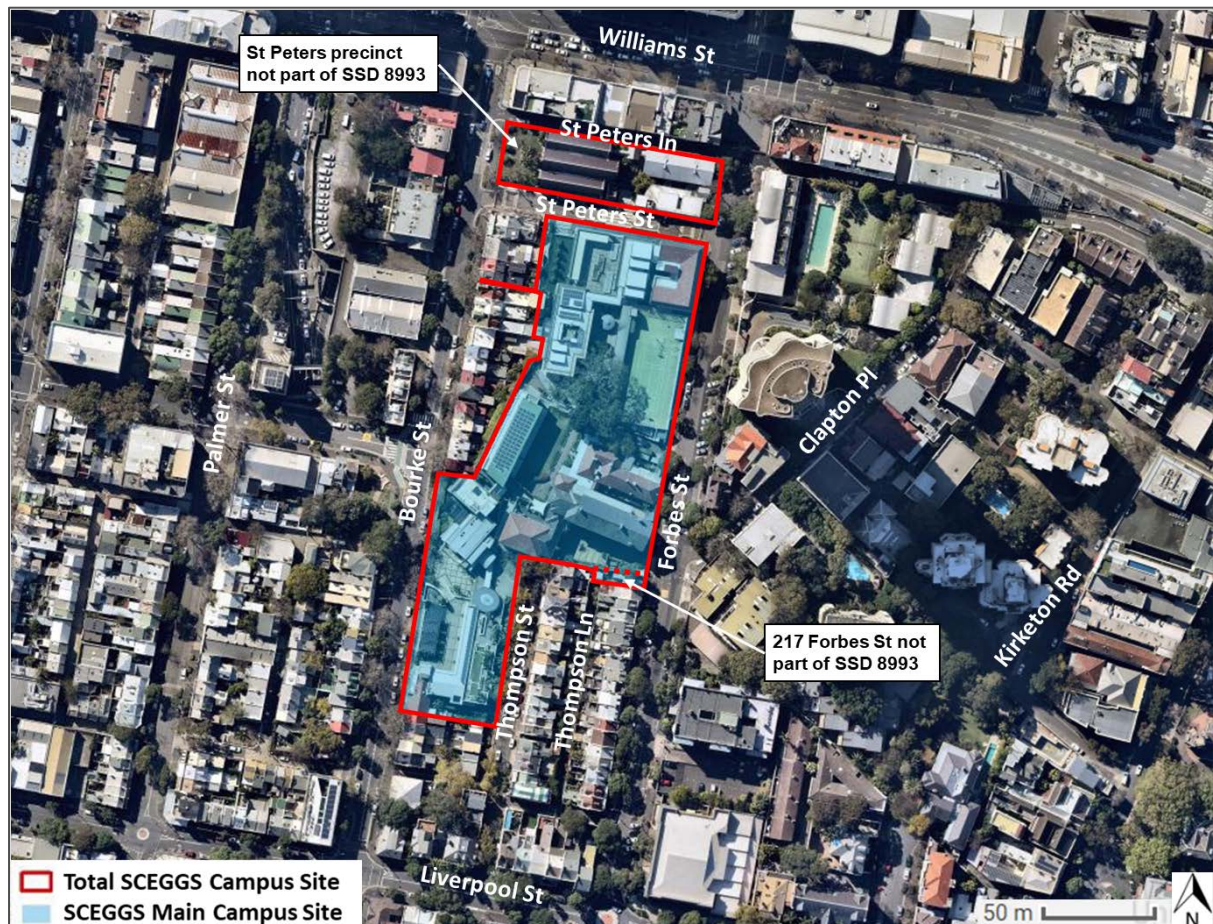


Figure 2 | Subject site – SCEGGS Darlinghurst (Source: Department’s Assessment Report 2020)

SCEGGS was established in 1895 and, after outgrowing its original premises in 1900, purchased a stately home in Darlinghurst (known as ‘Barham’, designed by renowned colonial architect John Verge) on a sizeable block of land, on which the school could continue to grow and expand.

Since its founding at the site, the school has expanded to include a school gymnasium (now used as classrooms), primary school, classroom blocks, Assembly Hall, science and library block, auditorium, Centenary Sports Hall, Gwydir Flats / Wilkinson House (originally used as a boarding house – now used as classrooms) and St Peter’s Church and Playhouse (**Figure 3**).

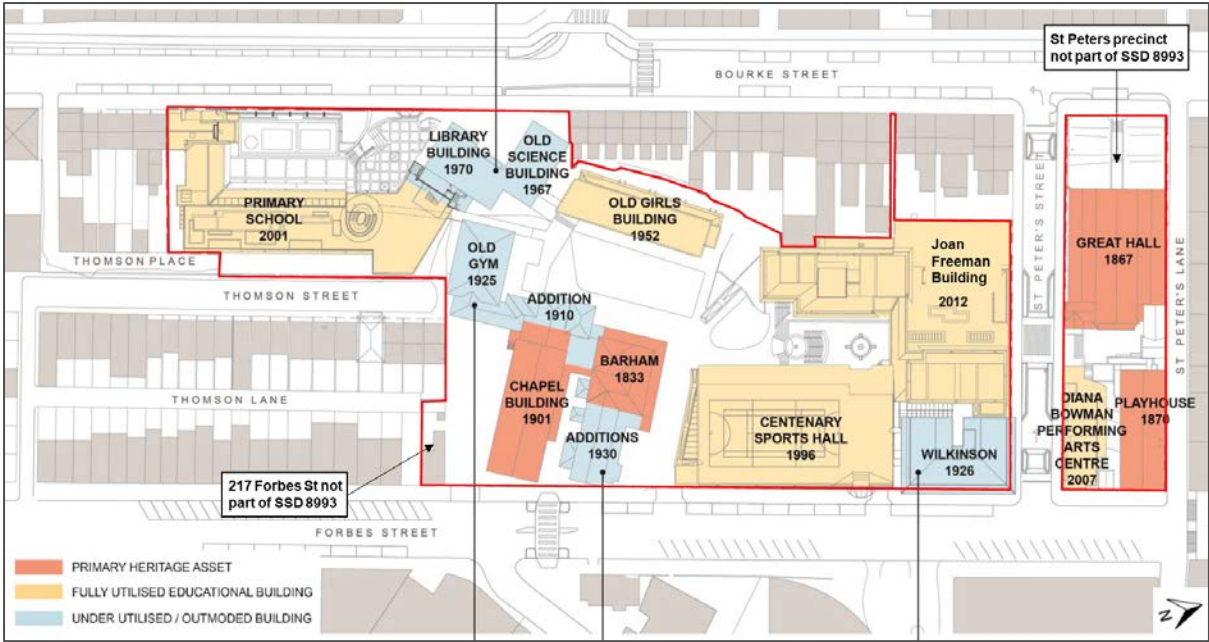


Figure 3 | Campus layout – SCEGGS Darlinghurst (Source: Department's Assessment Report 2020)



Figure 4 | Wilkinson House on the main campus of SCEGGS Darlinghurst (Source: Department's Assessment Report 2020)

1.2 Surrounding development

The surrounding area is characterised by a variety of buildings, uses, architectural styles and designs, with a predominance of two to three storey terrace houses. The surrounding context includes:

- three to four storey apartment buildings to the east and the 43-storey Horizon building. The Horizon Building comprises 243 residential apartments (approximately 400 residents) and is accessed via Forbes Street opposite the existing SCEGGS Sports Hall and Wilkinson House.
- two to three storey terrace houses to the south and west, constructed in the early 1900s and fronting Bourke Street, Thompson Street and Forbes Street. Thompson Street is a no-through road that terminates at the southern wall of the Old Gym building. Residential properties within Thompson Street face onto the rear of the SCEGGS junior school building.
- to the north is St Peters Street, the St Peters Precinct (part of the broader SCEGGS campus), and various three to six storey mixed use buildings fronting Williams Street.

1.3 Approval history

The original application (SSD-8993) involved a Concept development application for the redevelopment of the SCEGGS Darlinghurst main campus comprising a Concept proposal and a concurrent application for Stage 1 proposal involving the demolition of Wilkinson House and the construction of temporary demountable classrooms for use during Stage 1 works.

On 22 May 2020, the Independent Planning Commission (the Commission) granted consent to a Concept development application, including:

- demolition of Science and Library Building, Old Gym Building, part of additions to Barham Building.
- conservation works to the existing Barham Building for use for general school purposes.
- three building envelopes and land use comprising:
 - maximum six storey Multi-Purpose Building envelope for general school purposes and childcare centre and including pick-up/drop-off and car parking facilities.
 - four storey Wilkinson House building envelope for general school purposes (as amended by Condition A5).
 - maximum three storey Administration Building envelope for general school purposes.

Background to the determination

The application was referred to the Commission for determination as more than 50 public submissions were received by way of objection and Council objected to the proposal.

The Commission granted consent to the Concept proposal only and refused consent to the Stage 1 part of the application. In its Statement of Reasons, the Commission found that the demolition of Wilkinson House proposed as part of Stage 1, would result in an adverse heritage impact to the heritage item (no. I301) and to the East Sydney Conservation Area (C13).

The Commission formed the view that an updated CMP for the site should have preceded the preparation of the Concept proposal to identify the heritage constraints and establish parameters for any new development. The Commission, therefore, included a condition of consent (Condition A13) that requires the Applicant to prepare a CMP for the site prior to any development applications

associated with the Concept proposal being submitted. The Commission also stated that the CMP must also address options for the adaptive re-use of Wilkinson House (shown in **Figure 4**).

The development consent has been modified on one occasion (**Table 1**).

Table 1 | Summary of modifications

Mod No.	Summary of Modifications	Approval Authority	Type	Approval Date
MOD 1	Correct a plan reference in Condition A5 and remove the requirement for the NSW Heritage Office to endorse the CMP in Condition A13.	Department	4.55(1)	15 January 2021

2 Proposed modification

The proposed modification seeks consent to enable the CMP required for the site under Condition A13 of the Concept proposal to be undertaken in stages. The proposed staging of the CMP would involve the preparation of:

- a whole of site CMP to provide a high-level strategic CMP for the SCEGGS main campus.
- individual detailed CMPs that are specific to Wilkinson House, Barham and the Chapel Building.

To facilitate the proposed modification, the Applicant seeks to modify Condition A13 as follows:

Original condition

Heritage Conservation Management Plan

A13. A heritage conservation management plan (CMP) is to be prepared for the Site by a suitably qualified heritage consultant and submitted to the satisfaction of the Secretary following consultation with Council. This is to occur prior to any future development applications associated with the Concept Proposal being submitted. The CMP should acknowledge the Concept Approval, and address options for the adaptive re-use of Wilkinson House.

Amended condition (as proposed to be modified)

Heritage Conservation Management Plan

A13. (a) A whole site heritage conservation management plan (CMP) is to be prepared, as the overarching heritage strategic management document for the entire Site and should acknowledge the Concept Approval and all components of the Site. The whole site CMP is to be prepared for the Site by a suitably qualified heritage consultant and submitted to the satisfaction of the Secretary following consultation with Council. This is to occur prior to any future development applications associated with the Concept Approval being submitted.

(b) As part of the Detailed Development Application for Wilkinson House, a detailed CMP for Wilkinson House is to be prepared by a suitably qualified heritage consultant and appended to the approved whole site CMP as referred above. This CMP should address the adaptive re-use of Wilkinson House. The CMP is to be prepared to the satisfaction of the Secretary following consultation with Council.

(c) As part of any subsequent Detailed Development Application associated with the Concept SSD 8993, which incorporates works to Barham and/or the Chapel Building, further detailed CMPs relating to Barham and/or Chapel Buildings (whichever forms part of the subject of the detailed development application) are to be prepared by a suitably qualified heritage consultant and appended to the approved CMP for the entire site as referred above. The CMPs are to be prepared to the satisfaction of the Secretary following consultation with Council.

3 Strategic context

The Department considers that the development, as proposed to be modified, would continue to be consistent with its applicable strategic context given that it is consistent with the:

- Greater Sydney Region Plan, A Metropolis of Three Cities, as it proposes the redevelopment of a school to meet the growing needs of Sydney.
- Eastern City District Plan, as it would contribute towards school infrastructure for a community with opportunities to co-share facilities with the local community.
- NSW Future Transport Strategy 2056, as it would support the ongoing provision of a modern educational facility in an accessible location with access to public and school transport services.
- State Infrastructure Strategy 2018 – 2038 Building the Momentum, as it proposes investment in the non-government school sector, provides for modern learning environments and promotes a design to accommodate infrastructure and facilities sharing with communities.

4 Statutory context

4.1 Scope of modifications

The Department has reviewed the scope of the modification application and considers that the application can be characterised as a modification involving minimal environmental impacts as the proposal:

- would not significantly increase the environmental impacts of the project as approved.
- would not involve any further disturbance outside the approved disturbance area for the project.
- is substantially the same development as originally approved.

Therefore, the Department is satisfied the proposed modification is within the scope of section 4.55(1A) of the EP&A Act and does not constitute a new development application.

Accordingly, the Department considers that the application should be assessed and determined under section 4.55(1A) of the EP&A Act rather than requiring a new development application to be lodged.

4.2 Consent authority

The Minister for Planning and Public Spaces is the consent authority for the application under section 4.5(a) of the EP&A Act. However, under the Minister's delegation dated 26 April 2021, the Executive Director, Infrastructure Assessments, may determine the application as:

- a political disclosure statement has not been made.
- there were no public submissions by way of objection.
- the relevant Council has made an objection.

The Department notes that the application was not formally exhibited. City of Sydney Council's objection was not lodged within the community participation period as mentioned in Schedule 1 of the Act.

4.3 Mandatory matters for consideration

Section 4.55(1A) of the EP&A Act requires the matters listed in **Table 2** to be considered for a modification application involving minimal environmental impact.

Table 2 | Consideration of the modification against the objects of the EP&A Act

Matter	Consideration
Whether the proposed modification is of minimal environmental impact	The proposed modification is considered to be of minimal environmental impact and would not involve any physical works or impacts outside of the approved disturbance area for the project.

Matter	Consideration
Whether the development to which the consent as modified related is substantially the same development	<p>The proposed modification does not propose any physical works or to increase the previously approved site disturbance area. The modification seeks to stage the preparation of the CMP for the site.</p> <p>Accordingly, the development, as proposed to be modified, is considered to be substantially the same development for which the consent was originally granted.</p>
Whether notification has occurred, and any submissions have been considered	<p>In accordance with the Environmental Planning and Assessment Regulation 2000 (EP&A Regulation), the notification requirements for an application under section 4.55(1A) of the EP&A Act do not apply if the application is in respect of SSD. Accordingly, the application was not formally notified or advertised.</p> <p>However, the modification application was referred to the City of Sydney Council (Council) for comment and was made publicly available on the Department's website.</p> <p>The Department's engagement is discussed further in Section 5.</p>
Any submission made concerning the proposed modification has been considered	A submission was received from Council and has been considered by the Department as part of its assessment of the modification application in Section 6 .
Any relevant provisions of section 4.15(1) of the EP&A Act.	The Department conducted a comprehensive assessment of the project against the mandatory matters for consideration as part of the original assessment of SSD-8993. The Department considers the modification application does not result in any significant changes that would alter the conclusions made as part of that assessment.
Consideration of the reasons for the granting of the consent that is sought to be modified.	The Department has considered the findings and recommendations of the Department's Assessment Report for SSD-8993. The Department is satisfied that the key reasons for the granting of consent continue to apply to the development, as proposed to be modified.

5 Engagement

Clause 117(3B) of the EP&A Regulation specifies that the notification requirements under section 4.55(1A) of the EP&A Act do not apply if the application is in respect of SSD. The application was, therefore, not formally notified or advertised.

However, the modification application was made publicly available on the Department's website from 21 May 2021 and was referred to Council for comment. No public submissions were received on the modification application.

Council's submission

Council objected to the proposed modification on the basis that it would diminish the heritage conservation of the site as was intended by the Commission under Condition A13 of the Concept proposal. Council's submission noted that the condition currently requires the establishment of heritage parameters for all buildings on the site by way of a CMP, prior to the Applicant commencing any detailed design applications.

Therefore, Council formed the view that the proposed modification to Condition A13 is contrary to and would undermine the intent of the condition as originally recommended by the Commission.

Engagement with the Applicant

The Department has engaged with the Applicant during the assessment to discuss Council's comments and objection. The Applicant has verbally advised that clause 5.10 of SLEP does not require CMPs to be submitted prior to the lodgement of the development applications. The proposed staging of the CMP would not contravene the intent of the original condition as the broad strategies for the site would be endorsed by the relevant authority prior to the lodgement of future development applications.

The Department has consulted with Council following the meeting with the Applicant. However, Council has reiterated the earlier concerns and maintains the objection.

The Department has recommended some amendments to the conditions proposed by the Applicant to ensure better implementation of the CMP. The Applicant has agreed to these amendments.

Independent heritage consultant

The Department engaged an independent heritage consultant, GML Heritage (GML) to review the Applicant's modification application.

The Department requested GML to advise whether the staging of a CMP is standard practice in the case of a Concept Proposal and to confirm whether the CMP should be endorsed prior to submission of any application associated with the Concept proposal.

GML Heritage has concurred that the Applicant's approach, to stage a CMP, is consistent with Concept development applications involving heritage items. The details of the independent assessment are discussed in **Section 6**.

6 Assessment

The Department has considered the modification application in the context of the original approved development (SSD-8993) in its assessment. Consideration of the key elements of the modification is included below.

6.1 Heritage conservation

The Applicant's modification application states that the preparation of a detailed CMP for the entire site would be a lengthy process and would delay the ability for the school to proceed with the much-needed Stage 1 works involving the adaptive re-use of Wilkinson House.

The Applicant therefore seeks to amend Condition A13 to enable the whole of site CMP to be endorsed prior to the lodgement of the first detailed development application and for the submission of the detailed CMP for Wilkinson House to be lodged concurrently with the Stage 1 SSD for the adaptive re-use of Wilkinson House.

The Applicant considers that the division of the CMP into four parts would continue to achieve the original intent of Condition A13 and would enable the preparation of the document to be split into manageable portions to ensure the timely preparation of each of the stages of works.

The Applicant provided a Heritage Impact Statement (HIS) as part of the modification application. The HIS stated that the proposed modification to Condition A13 would not involve any built form changes to the site and would only affect the timing of the delivery of the CMPs. The HIS concluded that the division of the CMP into these four parts would still achieve the intent of Condition A13, as originally worded, however, would have the added benefit of allowing the document to be split into manageable portions to ensure the timely preparation of each of the stages of works for the SCEGGS Darlinghurst campus redevelopment.

Submissions

As discussed in **Section 5**, Council objected to the proposed modification on the basis that it would diminish the heritage conservation of the site intended under Condition A13 of the Concept proposal. Council considered the proposed modification is contrary to and would undermine the intent of the condition, which sought to establish the heritage parameters for all buildings on the site by way of a CMP, prior to the submission of any detailed design applications.

Department's consideration

The Department engaged GML to provide independent expert heritage advice on the proposed modification. GML advised that the staging of a CMP is not unusual in the case of a large site that is the subject of a Concept development application and that it would be a reasonable heritage solution for a complex site with multiple heritage buildings.

GML further advised that it would be best practice for the overall site CMP to be considered as a stand-alone CMP and for subsequent management strategies/conservation management plans to be prepared for each of the individual buildings. The overall site CMP would be considered as the overarching strategic heritage document with the building CMPs providing more detailed and specific heritage advice.

GML recommended that the whole of site CMP be endorsed by the Department prior to any subsequent SSD application being lodged, as this is the first step in informing the design of all future works on the site.

In considering the advice received from GML, the Department is satisfied that the intent of the proposed modification is acceptable, which is to prepare the CMP in stages. However, the Department seeks to simplify the Applicant's proposed amendments to the wording of Condition A13 and to strengthen the condition to ensure that the whole of site CMP is prepared and endorsed prior to any future development applications for subsequent stages. The Department's proposed wording of the Condition A13 is as follows:

Heritage Conservation Management Plan

- A13. *A heritage conservation management plan (CMP) must be prepared for the Site by a suitably qualified heritage consultant, in consultation with Council. The CMP must:*
- a) be the overarching strategic heritage management document for the entire Site;*
 - b) acknowledge the Concept Proposal and all heritage components of the Site;*
 - c) provide broad strategies for the adaptive re-use of Wilkinson House;*
 - d) provide broad strategies for heritage conservation and management of the other significant heritage buildings within the Site including the Barham and Chapel Buildings; and*
 - e) be submitted and endorsed by the Planning Secretary prior to the lodgement of any future development application for subsequent stages, associated with the Concept Proposal.*

In addition to the amendments to Condition A13 above, the Department recommends the inclusion of two new conditions under Part B of the development consent (conditions to be satisfied in future development applications). These conditions set out the requirements for the individual detailed CMPs that must be prepared for Wilkinson House, Barham and Chapel Buildings. The proposed wording of these conditions is as follows:

Heritage

- B4A. *A detailed CMP for Wilkinson House must be prepared by a suitably qualified heritage consultant. The CMP for Wilkinson House must:*
- a) be consistent with the endorsed overarching CMP in condition A13;*
 - b) be prepared in consultation with Council;*
 - c) include details of options for the adaptive re-use of Wilkinson House; and*
 - d) be submitted prior to or with the future detailed development application for Wilkinson House, associated with the Concept Approval.*
- B4B. *Detailed CMPs relating to Barham and/or Chapel Buildings (as relevant to the development application) must be prepared by a suitably qualified heritage consultant and be submitted prior to or as part of any subsequent detailed development application(s) involving these buildings, associated with the Concept Proposal. The detailed CMPs for these buildings must be consistent with the endorsed overarching CMP in condition A13.*

On 3 June 2021, the Department provided a copy of the recommended amendments to the conditions of consent to the Applicant for comment. On 16 June 2021, the Applicant agreed to the proposed amendments to the conditions with minor changes.

The Department has agreed to the minor amendments proposed by the Applicant.

In summary, the Department has considered Council's objections and the independent advice from GML. The Department is satisfied that the preparation of a whole of site CMP would largely maintain the original intent of Condition A13, as required by the Commission. The whole of site CMP would acknowledge each of the heritage components of the site and set the parameters for future conservation management measures, including those for the adaptive re-use of Wilkinson House.

The Department is also satisfied that this is consistent with clause 5.10 of the SLEP, which requires CMPs to be recommended as conditions of consent of development applications.

7 Evaluation

The Department has reviewed the information provided by the Applicant and assessed the merits of the proposed modification.

The Department considers that the modification, as amended, is acceptable on the basis that the:

- proposed amendments are minor in nature.
- application is consistent with the objects of the EP&A Act and continues to be consistent with the strategic directions for the State.
- proposal would not result in any additional or significant environmental impacts.
- the Concept proposal, as modified, would be substantially the same for which consent was originally granted.

Consequently, the Department considers the proposed modification is in the public interest and should therefore be approved.

8 Recommendation

It is recommended that the Executive Director, Infrastructure Assessments, as delegate of the Minister for Planning and Public Spaces:

- **considers** the findings and recommendations of this report.
- **determines** that the application SSD-8993-Mod-2 falls within the scope of section 4.55(1A) of the EP&A Act.
- **accepts and adopts** all of the findings and recommendations in this report as the reasons for making the decision to approve the modification.
- **modify** the consent SSD-8993.
- **signs** the attached approval of the modification (**Appendix B**).

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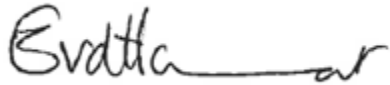
Karen Harragon

Director

Social and Infrastructure Assessments

9 Determination

The recommendation is **adopted** by:

A handwritten signature in black ink, appearing to read 'Erica van den Honert', with a long horizontal flourish extending to the right.

Erica van den Honert

Executive Director

Infrastructure Assessments

as delegate of the Minister for Planning and Public Spaces

Appendices

Appendix A – List of documents

1. Applicant's Modification Report:
<https://www.planningportal.nsw.gov.au/major-projects/project/41781>
2. [Additional documents including Council comments provided under separate cover.](#)

Appendix B – Instrument of Modification

<https://www.planningportal.nsw.gov.au/major-projects/project/41781>

Appendix C – Consolidated Consent

<https://www.planningportal.nsw.gov.au/major-projects/project/41781>

Appendix D – Community Views for Draft Notice of Decision

Issue	Consideration
<p><i>Heritage Impacts</i></p> <ul style="list-style-type: none"> Concerns that the staging of the Heritage Conservation Management Plan (CMP) would undermine the intent of the condition and not allow the heritage parameters to be framed prior to the lodgement of Stage 1 Wilkinson House application. 	<p><i>Assessment</i></p> <ul style="list-style-type: none"> The Department has engaged with an independent heritage consultant (GML Heritage). GML has advised that staging of the CMP is consistent with other similar concept development applications. The whole of site CMP would be endorsed prior to the lodgement of any other development application and would ensure that the heritage parameters are framed in advance. The Department is satisfied that the staging would have no adverse impact on the heritage conservation of the site. <p><i>Conditions require:</i></p> <ul style="list-style-type: none"> Submission and endorsement of the Concept Proposal CMP prior to the lodgement of the Stage 1 development application. Submission of subsequent CMPs with the future development applications.