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SECTION 4.55(1A) MODIFICATION STATEMENT

**SCEGGS DARLINGHURST
CONCEPT PLAN AND STAGE
1 (SSD8993)**

Prepared for

SCEGGS DARLINGHURST

14 February 2022

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Report Number	Final

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1. INTRODUCTION

This Statement of Modification is prepared on behalf SCEGGS Darlinghurst Limited (**the Applicant**) to support a Section 4.55(1A) application in relation to the Concept State Significant Application (concept SSD 8993) for SCEGGS main school campus located at 215 Forbes Street, Darlinghurst (**the site**).

The primary purpose of this modification is to make amendments to the approved Wilkinson House building envelope and associated conditions under the Concept SSD. The approved building envelope is also the existing Wilkinson House building, and for the purpose of this application it is herein referred to as the approved Wilkinson House building envelope.

This application is lodged concurrently with the first detailed SSDA (SSD-19989744) under the Concept Approval for the adaptive reuse of Wilkinson House. This modification seeks to reflect the proposed detailed design prepared by Smart Design Studio, which includes minor external alterations and additions, internal alterations to the existing Wilkinson House and landscape changes.

Specifically, the modification seeks to amend the approved Wilkinson House building envelope by:

- extend the approved building envelope of Wilkinson House further to the south to accommodate a lift.
- slightly increase the building envelope height by 330mm.
- extend the building envelope over the roof of Joan Freeman building to the west to accommodate plant enclosure.
- Minor extension to the southwestern façade.

In addition, this modification seeks to amend condition B12 (d) of the consent to replace the requirement of Road Safety Evaluation (**RSE**) with a design-based Road Safety Audit (**RSA**). For the purpose of this development, the project traffic engineer recommended that a design-based RSA is the most appropriate tool to consider both the physical road-based changes as well as the traffic and pedestrian-generation impacts of the development.

In summary, this modification seeks to amend the following conditions:

- Condition A4 Terms of Consent: Architectural drawings and Concept Landscape drawings
- Condition A5 Terms of Consent: Concept Proposal envelope for the Wilkinson House
- Condition A12 Gross Floor Area: Site Wide maximum GFA and Wilkinson House GFA
- Condition B12 (d) *Traffic, Access, Car and Bicycle Parking* to replace the requirement of Road Safety Evaluation (**RSE**) to design-based Road Safety Audit (**RSA**).

The proposed modification is minor and will have a negligible impact on the level of compliance with the relevant environmental planning instruments and controls. The nature of the application has also been discussed with the Department of Planning and Industry (**DPIE**) at the virtual scoping meeting on 13 May 2021, which was for the detailed SSDA of Wilkinson House. DPIE confirmed that this application is considered to be a Section 4.55 (1A) and is a 'substantially the same development'.

The application is accompanied by the following plans and documentation:

- Revised Concept Plan prepared by Smart Design Studio - Appendix A
- Revised Landscape Master Plan prepared by Context - Appendix B
- Heritage Impact Statement prepared by Urbis - Appendix C
- Traffic Statement prepared by DC Traffic Engineering - Appendix D
- Clause 4.6 Height Variation Request prepared by Urbis - Appendix E

2. THE SITE

SCEGGS Darlinghurst is an independent girls' school. The SCEGGS Darlinghurst campus is located between Forbes and Bourke Streets within the inner-city suburb of Darlinghurst.

The total SCEGGS Darlinghurst campus comprises the area highlighted in Figure 1, which includes the main school campus located at 215 Forbes Street, a single terrace at 217 Forbes Street and properties within the St Peters Precinct. The total SCEGGS Darlinghurst campus comprises several land parcels and has a total area of 13,676sqm. The total campus includes frontages to St Peters Street, St Peters Lane and Thomson Street.

Concept SSD 8993 only applies to the main campus located at 215 Forbes Street, Darlinghurst, legally described as Lot 200 DP1255617. The St Peters Precinct and 217 Forbes Street did not form part of the Concept SSD application.

The main school campus comprises both a primary and secondary school, accessed from Bourke Street and Forbes Street respectively.

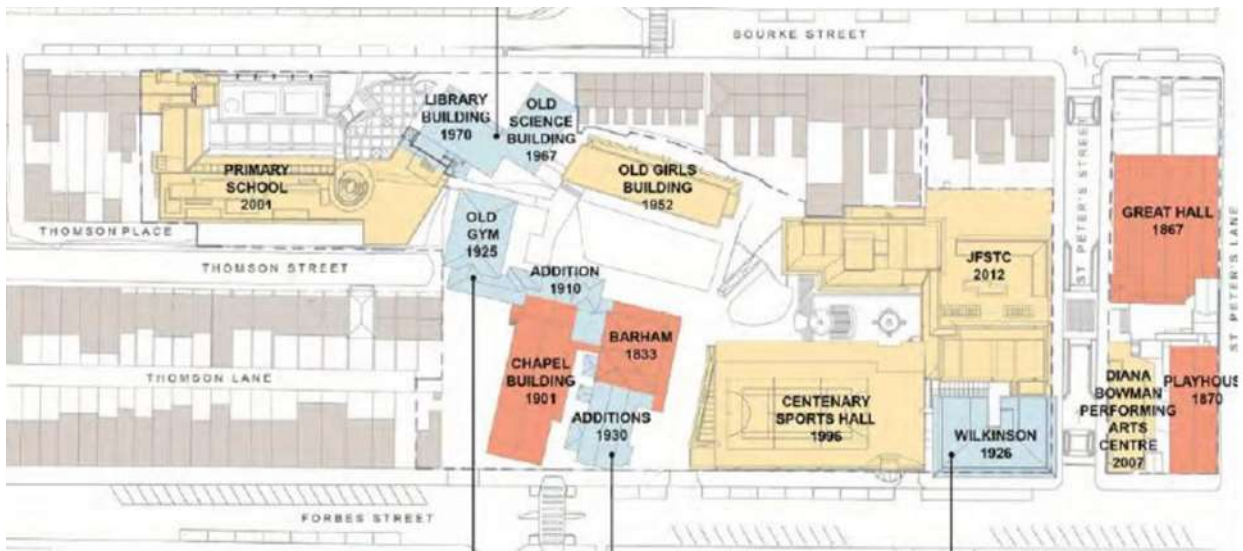
Wilkinson House is located within the main campus site and is bounded by Forbes Street to the east and St Peters Street to the north. Centenary Sports Hall is located directly to the south of Wilkinson House, Joan Freeman building is located directly to the west and Diana Bowman Performing Arts Centre is located on the opposite side of St. Peter Street.

This Modification Application to concept SSD 8993 only applies to the main campus and more specifically Wilkinson House and the adjacent Joan Freeman building.

Figure 1 Site location (Wilkinson House outlined in yellow)



Source: Six Maps



Source: AJ+C

2.1. HERITAGE

Under *Sydney Local Environmental Plan 2012 (SLEP)*, the site is identified as local heritage item (I301):

“SCEGGS including Barham, Church Building and Wilkinson House and their interiors and grounds”.

The site is also within the East Sydney heritage conservation area (C13).

2.2. DEVELOPMENT BACKGROUND

2.2.1. Concept SSDA

Conditional Development Consent was granted by the IPC on 22 May 2020 to the Concept DA (SSD 8993) for the redevelopment of SCEGGS at its main campus at 215 Forbes Street, Darlinghurst, excluding St Peter's Precinct and 217 Forbes Street.

Specifically concept approval was granted for:

- 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); and
 - maximum three storey Administration Building Envelope for general school purposes.

Development Consent was not granted for Stage 1 works to Wilkinson House, including the demolition of existing Wilkinson House, excavation of a basement and construction of a new 4 storey building for general school purposes.

The IPC included a condition of consent (Condition A13) that requires the Applicant to prepare a Conservation Management Plan (**CMP**) for the site prior to any development applications associated with the Concept proposal being submitted. The IPC also stated that the CMP must also address options for the adaptive re-use of Wilkinson House.

2.2.2. Modification Applications

Since the IPC Conditional Concept Approval, a Section 4.55(1) Modification was approved by DPIE on 15 January 2021 to amend Condition A5 and A13 of the consent to:

- correct an administrative error in a plan reference in Condition A5; and
- remove the requirement for endorsement of the CMP by Heritage NSW, Department of Premier and Cabinet (Heritage NSW) in Condition A13. Noting that the site subject to the SSD is a local heritage item, Heritage NSW does not have a role in endorsing CMPs for local heritage items and, since the date at which the project was determined, no longer review or endorses CMPs for state heritage items. The CMP will be endorsed by the Planning Secretary.

A more recent Section 4.55(1A) Modification was approved by DPIE on 6 July 2021, which relates to the staging of the CMP under Condition A13 of the Consent. The approval allows the CMP to be prepared in the following stages:

- a whole of site CMP to provide a high-level strategic CMP for the SCEGGS main campus – endorsed prior to any future detail SSDAs.
- individual detailed CMPs that are specific to Wilkinson House, Barham and the Chapel Building – to be submitted prior to or as part of any subsequent detailed development application(s) involving these buildings.

The site wide CMP was endorsed by the Planning Secretary on 6 December 2021.

3. PROPOSED MODIFICATION

3.1. SUMMARY OF PROPOSED MODIFICATIONS

The Section 4.55(1A) modification application seeks to amend the concept approval for SCEGGS main school campus in the following ways:

- Amend the approved Wilkinson House building envelope to allow for minor protrusion beyond the approved building envelope and associated conditions including:
 - Condition A4 Terms of Consent: Architectural drawings and Concept Landscape drawings
 - Condition A5 Terms of Consent: Concept Proposal envelope for the Wilkinson House
 - Condition A12 Gross Floor Area: Site Wide maximum GFA and Wilkinson House GFA
- Amend condition B12 (d) *Traffic, Access, Car and Bicycle Parking* to replace the requirement of Road Safety Evaluation (RSE) to design-based Road Safety Audit (RSA).

3.2. AMENDMENTS TO THE APPROVED WILKINSON HOUSE BUILDING ENVELOPE AND ASSOCIATED CONDITIONS

3.2.1. Building envelope changes

The proposed modification seeks minor amendments to the Wilkinson House building envelope approved under the Concept Approval 8993 (refer to Figure 2). Specifically, the modification seeks to:

- Extend the approved building envelope of Wilkinson House further to the south to accommodate a lift.
- Slightly increase the building envelope height by 330mm.
- Extend the building envelope over the roof of Joan Freeman building to the west to accommodate plant enclosure.
- Minor extension to the southwestern façade.

Educational establishment uses are proposed within the modified envelope.

It is important to note that Wilkinson House has not undergone major building upgrades since 2002, which was when the building was converted from boarding house to teaching facility and staff facility (the Secondary Education Centre). Therefore, the building is in a significant need of an upgrade to comply with current Building Code of Australia (BCA) requirements, fire safety requirements, accessibility standards as well as adapting to the educational needs of SCEGGS.

In order to adaptively reuse the building, external alterations and additions are proposed to Wilkinson House to provide equitable access and improve the quality of the teaching facilities within the building.

It is proposed to modify the approved building envelope to accommodate the following:

- External extension to the southern façade will accommodate a lift core, corridor and a meeting room. The proposed extension has a maximum RL of 46.44. The extension will provide for equitable lift access within Wilkinson House and connect Wilkinson House with other school facilities. Equitable access is currently not been provided within the building.

The proposed extension is the most appropriate design response, considering the significant improvements it makes to accessibility and its regard to preserving the heritage integrity of the internal building element, including the retained foyer.

- Increase the building envelope height to a maximum parapet height of RL45.85m (330mm extension compared to the approved building envelope). The minor height increase will allow for the required floor to ceiling height for a large multipurpose space on the upper level.
- Minor western extension to the roof of Joan Freeman building for a future plant closure for condenser units. The extension has a maximum RL of 45.77, which matches the maximum height of the existing

Joan Freeman building. The height of the extension is slightly below the proposed building envelope height of Wilkinson House.

- Minor extension to the southwestern façade to accommodate a future BCA compliant stairwell and a fire room.

The proposed building envelope is shown in Figure 3 and attached at Appendix A.

As a result of these external extensions, the gross floor area (**GFA**) for Wilkinson House is increased from 1,161.9sqm (approved) to 1,683.6sqm. The total maximum GFA under the Concept Approval is increased from 7,675sqm to 8,196.8 sqm, which is a very minor 3% increase across the site.

It is noted that the modification proposed to the concept SSD building envelope does not seek consent for any physical works commencing on site. As discussed, a detailed SSDA seeking consent for the detailed design and adaptive reuse of Wilkinson House has been submitted to the DPIE concurrently with this modification application.

Figure 2 Approved (Existing) Building Envelope outlined in red

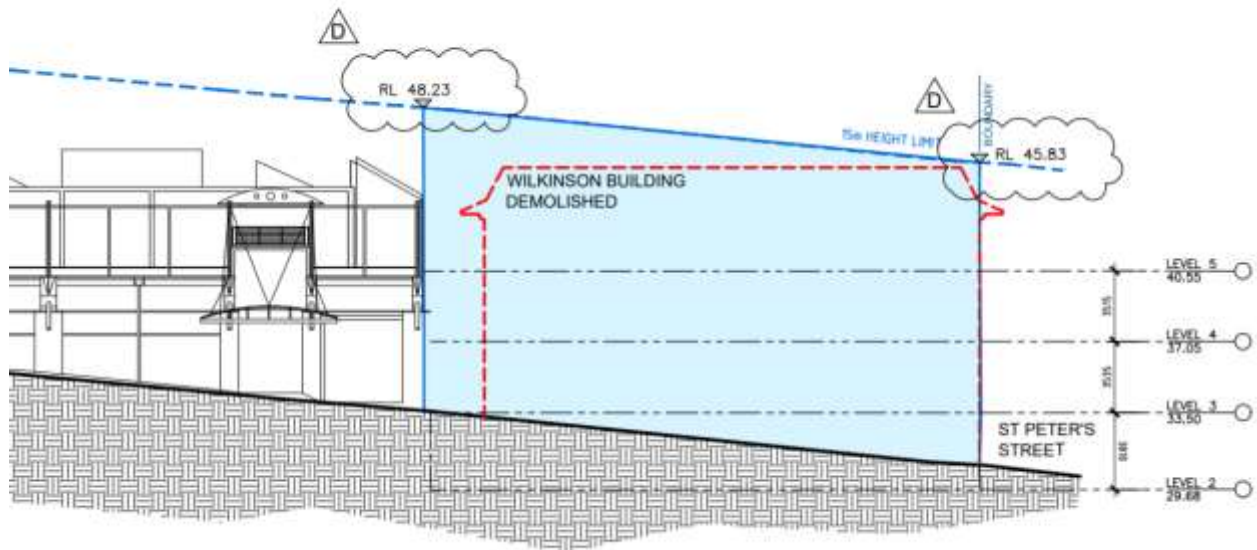
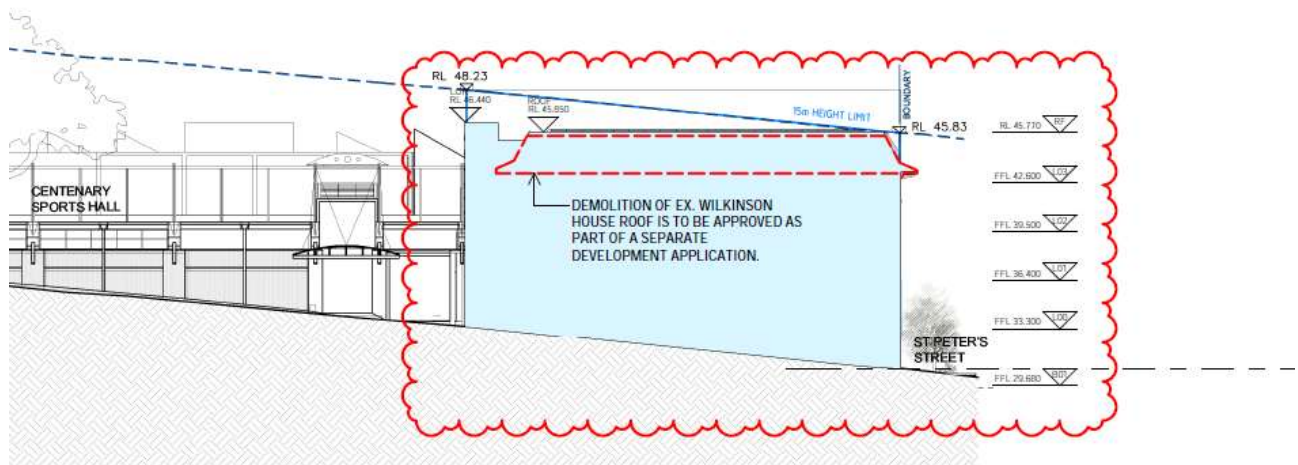
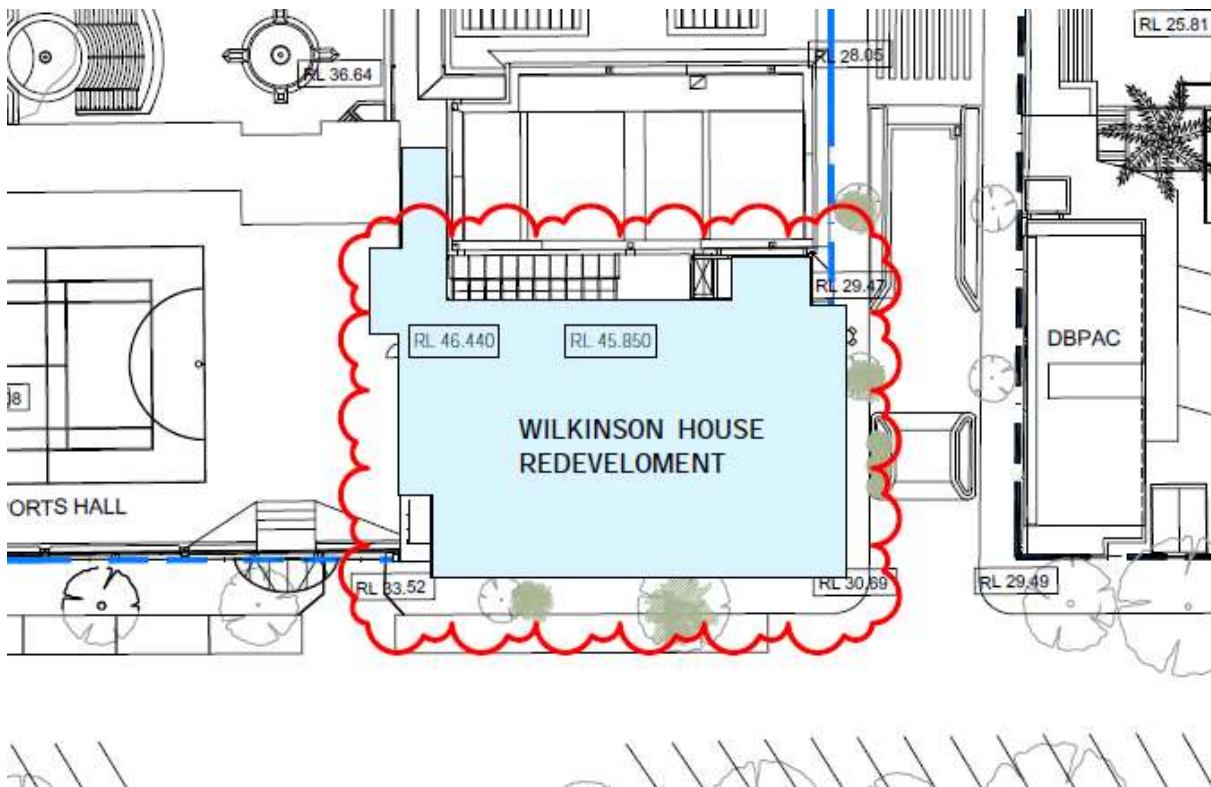


Figure 3 Revised Building Envelope





Source: Smart Design Studio

3.2.2. Concept Landscape Changes

As the result of detailed design development and consideration of the retained building envelope and heritage fabric, the vertical garden proposed within the lightwell of Wilkinson House is not feasible. The lightwell is extremely shaded and plants in this area will not survive. Therefore, it is proposed to amend the Concept Landscape Plan (refer to **Error! Reference source not found.**) and exclude lightwell landscape elements in Wilkinson House. Landscape elements located around the Wilkinson House building boundary and approved under the Concept Approval are proposed to be retained.

An alternative landscaping design, including details of the rooftop planting will be included as part of the Detailed Landscape Plan prepared for Wilkinson House in the Stage SSD

A revised Concept Landscape Plan is provided at Appendix B and is shown below in Figure 5.

Figure 4 Approved Concept Landscape

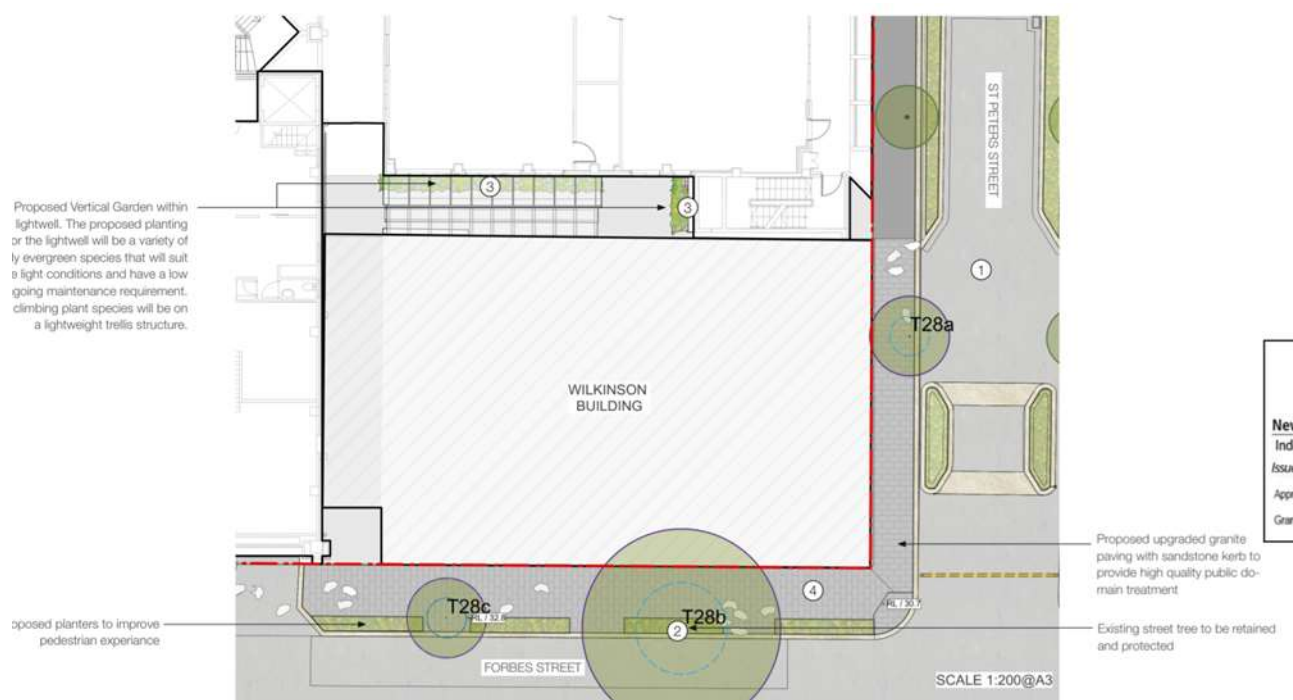
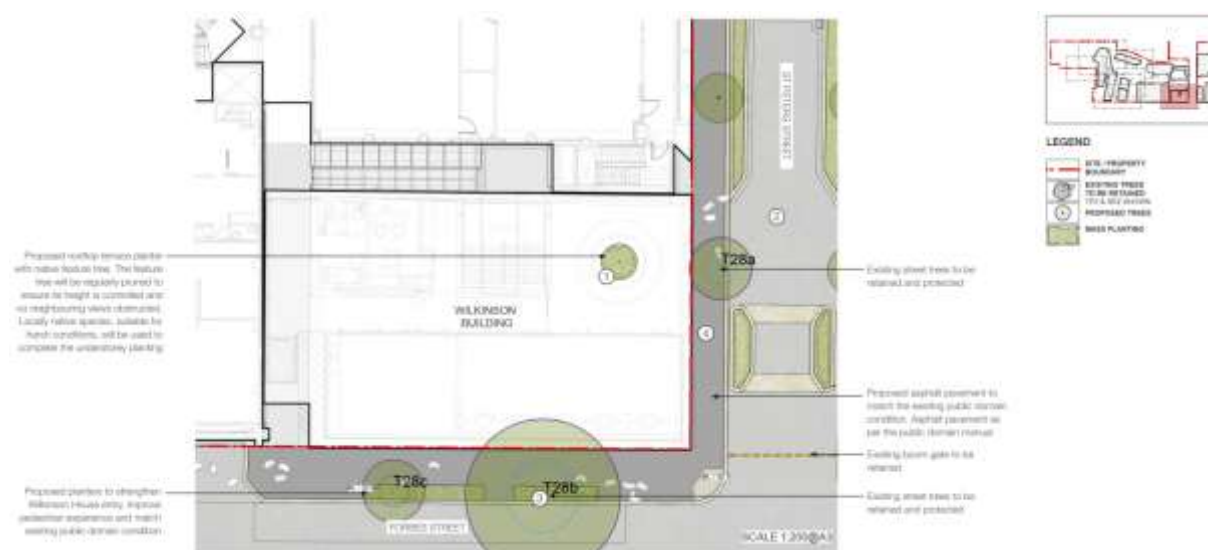


Figure 5 Revised Concept Landscape



Source: Context

3.2.3. Condition B12 (d) Road Safety Evolution

Condition B12 relates to Traffic, Access, Car and Bicycle Parking requirements that are required to be addressed in future development applications under the concept SSD.

Specifically, condition B12 (d) requires the preparation of a Road Safety Evaluation (RSE). A technical memo prepared by project traffic consultant has recommended that a design-based Road Safety Audit (RSA) be undertaken in lieu of the RSE. The Technical Memo is attached at Appendix D.

In the context of this development, design-based RSA is the most appropriate tool to assess both the physical road-based changes and traffic and pedestrian-generation impacts from concept or detailed design applications. The rationale of the proposed change is further discussed in Section 5.3.2.

Therefore, it is proposed to amend condition B12 (d) and replace RSE with design-based RSA for all future detailed development applications, including the concurrent SSDA to the adaptive reuse of Wilkinson House.

3.3. MODIFICATIONS TO CONDITIONS OF CONSENT

The conditions of concept approval SSD 8993 outlined in Table 1 below are required to be amended as part of this modification application. Text to be removed is shown by strike through and text to be amended is shown in red.

Table 1 Amendment to conditions of consent SSD 8993

Condition				Amendment Proposed			
Schedule 2 Conditions of Consent for Concept Proposal							
Part A Administrative Conditions							
(Only the architectural and landscape plans that are required to be amended are reference below)							
Terms of Consent				Terms of Consent			
A4. The development may only be carried out:				A4. The development may only be carried out:			
(a) in compliance with the conditions of this consent;				(a) in compliance with the conditions of this consent;			
(b) in accordance with all written directions of the Planning Secretary;				(b) in accordance with all written directions of the Planning Secretary;			
(c) generally in accordance with the EIS, RtS and RRFI and SSD-8993-Mod-2; and				(c) generally in accordance with the EIS, RtS and RRFI and SSD-8993-Mod-3; and			
(d) in accordance with the approved plans in the table below:				(d) in accordance with the approved plans in the table below:			
Architectural drawings prepared by TKD Architect				Architectural drawings prepared by TKD Architect			
Dwg No.	Rev	Name of Plan	Date	Dwg No.	Rev	Name of Plan	Date
AR.MP.1102	D	PROPOSED SITE PLAN	15.01.20	AR.MP.1102	E	PROPOSED SITE PLAN	24.09.21
AR.MP.1103	B	GFA CALCULATIONS	26.09.18	AR.MP.1103	C	GFA CALCULATIONS	24.09.21

Condition				Amendment Proposed			
AR.MP.1104	A	EXISTING AND DEMOLISHED GFA PLANS	26.09.18	AR.MP.1104	B	EXISTING AND DEMOLISHED GFA PLANS	24.09.21
AR.MP.2102	D	PROPOSED MASTERPLAN ENVELOPE LEVEL 2	15.01.20	AR.MP.2102	E	PROPOSED MASTERPLAN ENVELOPE LEVEL 2	24.09.21
AR.MP.2103	C	PROPOSED MASTERPLAN ENVELOPE LEVEL 3	26.09.18	AR.MP.2103	E	PROPOSED MASTERPLAN ENVELOPE LEVEL 3	24.09.21
AR.MP.2104	C	PROPOSED MASTERPLAN ENVELOPE LEVEL 4	26.09.18	AR.MP.2104	D	PROPOSED MASTERPLAN ENVELOPE LEVEL 4	24.09.21
AR.MP.2105	C	PROPOSED MASTERPLAN ENVELOPE LEVEL 5	26.09.18	AR.MP.2105	D	PROPOSED MASTERPLAN ENVELOPE LEVEL 5	24.09.21
AR.MP.2106	C	PROPOSED MASTERPLAN ENVELOPE LEVEL 6	26.09.18	AR.MP.2106	D	PROPOSED MASTERPLAN ENVELOPE LEVEL 6	24.09.21
AR.MP.2107	C	PROPOSED MASTERPLAN ENVELOPE LEVEL 7	26.09.18	AR.MP.2107	D	PROPOSED MASTERPLAN ENVELOPE LEVEL 7	24.09.21
AR.MP.2108	D	PROPOSED MASTERPLAN ENVELOPE ROOF LEVEL	15.01.20	AR.MP.2108	E	PROPOSED MASTERPLAN ENVELOPE ROOF LEVEL	24.09.21
AR.MP.3002	D	PROPOSED MASTERPLAN ENVELOPE ELEVATIONS	15.01.20	AR.MP.3002	E	PROPOSED MASTERPLAN ENVELOPE ELEVATIONS	24.09.21

Condition				Amendment Proposed			
AR.MP.5002	C	PROPOSED SHADOW DIAGRAMS_SPRING-SUMMERAUTUMN	26.09.18	AR.MP.5002	D	PROPOSED SHADOW DIAGRAMS_SPRING-SUMMERAUTUMN	24.09.21
AR.MP.5004	C	PROPOSED SHADOW DIAGRAMS_WINTER	26.09.18	AR.MP.5004	D	PROPOSED SHADOW DIAGRAMS_WINTER	24.09.21
AR.MP.6001	C	3D HEIGHT PLANE 1	26.09.18	AR.MP.6001	D	3D HEIGHT PLANE 1	24.09.21
AR.MP.6002	C	3D HEIGHT PLANE 2	26.09.18	AR.MP.6002	D	3D HEIGHT PLANE 2	24.09.21
AR.MP.6003	B	3D HEIGHT PLANE 3	26.09.18	AR.MP.6003	C	3D HEIGHT PLANE 3	24.09.21
AR.MP.6004	B	3D HEIGHT PLANE 4	26.09.18	AR.MP.6004	C	3D HEIGHT PLANE 4	24.09.21
AR.MP.6005	B	3D HEIGHT PLANE 5	26.09.18	AR.MP.6005	C	3D HEIGHT PLANE 5	24.09.21
AR.MP.6006	B	3D HEIGHT PLANE 6	26.09.18	AR.MP.6006	C	3D HEIGHT PLANE 6	24.09.21
Concept landscape drawings prepared by Context				Concept landscape drawings prepared by Context			
Dwg No.	Rev	Name of Plan	Date	Dwg No.	Rev	Name of Plan	Date
18549	D	LANDSCAPE CHARACTER ZONES	September 2019	18549	E	LANDSCAPE CHARACTER ZONES	September 2021
18549	A	LANDSCAPE MASTERPLAN	September 2019	18549	E	LANDSCAPE MASTERPLAN	September 2021

Condition				Amendment Proposed			
18549	A	CHARACTER ZONE – WILKINSON HOUSE	September 2019	18549	E	CHARACTER ZONE – WILKINSON HOUSE	September 2021
<p>A5. The Concept Proposal envelope for the Wilkinson House part of the Site is amended to approve only the envelope shown by the dashed red line on Drawing AR. MP.3002 that represents the existing envelope of Wilkinson House. Any references to the Wilkinson House building envelope as it was proposed in the DA, or to the replacement Wilkinson House building shown on other drawings listed in condition A4, are not approved.</p>				<p>A5. The Concept Proposal envelope for the Wilkinson House part of the Site is amended to approve only the envelope shown by the dashed red line on Drawing AR. MP.3002 that represents the existing envelope of Wilkinson House. Any references to the Wilkinson House building envelope as it was proposed in the DA, or to the replacement Wilkinson House building shown on other drawings listed in condition A4, are not approved.</p> <p>Justification: The intent of this condition is to retain the existing Wilkinson House building envelope. Despite that external extension are proposed to the approved Wilkinson House envelope, the existing building envelope is retained; therefore the intent of the condition is achieved.</p> <p>It is proposed to remove this condition, as it becomes redundant subject to the approval of the amended plans as part of this modification application to Concept Approval SSD 8993.</p>			
<p>Gross Floor Area</p> <p>A12. A maximum GFA of 7,675.1m² is approved comprising:</p> <p>Multi Purpose Building: 5,692.0m²</p>				<p>Gross Floor Area</p> <p>A12. A maximum GFA of 8,196.8m² is approved comprising:</p> <p>Multi Purpose Building: 5,692.0m²</p>			

Condition	Amendment Proposed
<p><i>Administration Building: 821.2m²</i></p> <p><i>Wilkinson House as existing: 1161.9m²</i></p>	<p><i>Administration Building: 821.2m²</i></p> <p><i>Wilkinson House as amended: 1,683.6m²</i></p>
Part B Conditions to Be Satisfied In Future Development Applications	
<p><i>Traffic, Access, Car and Bicycle Parking</i></p> <p><i>B12. All future development applications for new built form must be accompanied by:</i></p> <p><i>.....</i></p> <p><i>(d) a Road Safety Evaluation.</i></p>	<p><i>Traffic, Access, Car and Bicycle Parking</i></p> <p><i>B12. All future development applications for new built form must be accompanied by:</i></p> <p><i>.....</i></p> <p><i>(d) a design-based Road Safety Audit.</i></p>

4. SECTION 4.55 ASSESSMENT

The proposed modification has been assessed in accordance with section 4.55 (1A) of the EP&A Act in the following sections of this correspondence

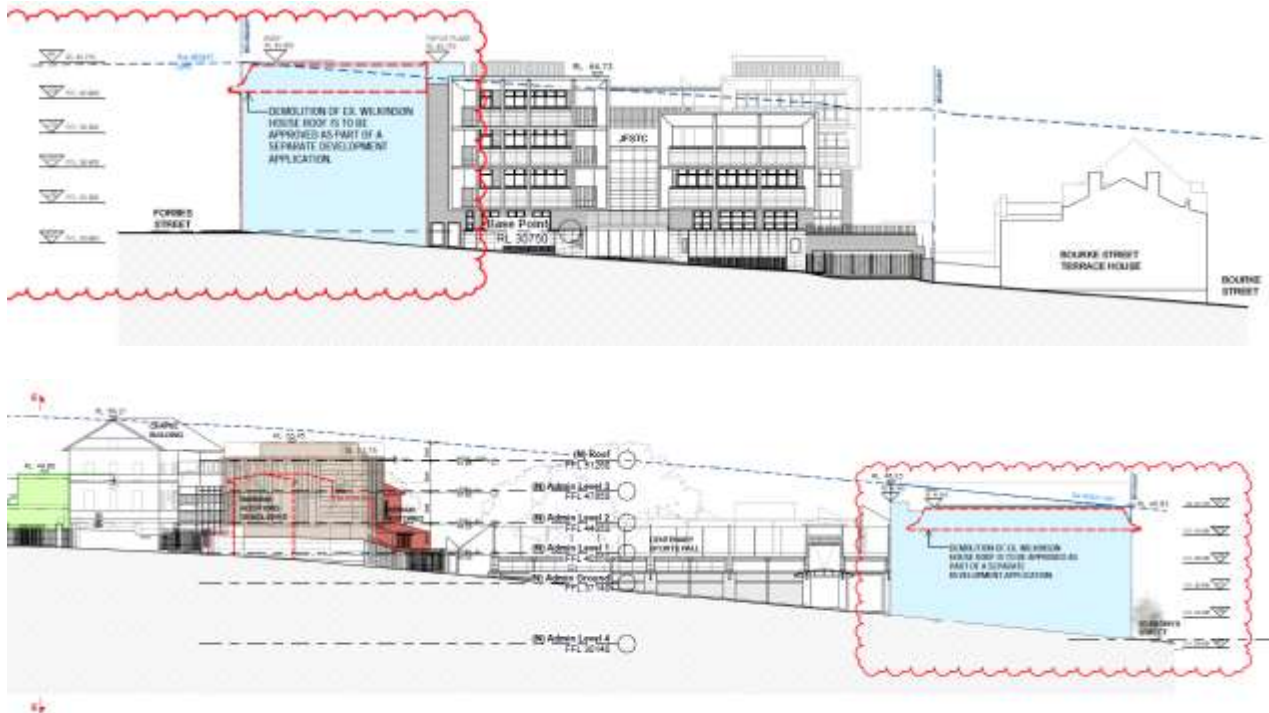
4.1. MINIMAL ENVIRONMENTAL IMPACT

The proposed modification will have minimal environmental impact for the reasons listed below:

- **Approved concept uses of the development remain unchanged:** educational establishment uses are proposed within the modified envelope.
- **The proposal does not represent an over development of the site:** The proposal complies with the maximum floor space ratio for the site and therefore represents a scale and intensity of development that has been envisioned for this site and locality.
- **Minor alteration to approved Wilkinson House building envelope:** The proposed changes to the Wilkinson House building envelope are minor and unlikely to create any additional adverse visual impacts (as per Figure 6).
 - The building envelope modification is largely consistent with the bulk and scale of approved Wilkinson House, the adjoining Joan Freeman building and other buildings on the SCEGGS campus.
 - Overall, the modified building envelope largely complies with the LEP height control. The minor encroachment would result in negligible environmental and amenity impact, including privacy, visual amenity, overshadowing and on the surrounding heritage items.
 - The proposed amendments to the Wilkinson House building envelope fully complies with the LEP height control at the southern portion and largely complies at the eastern portion (along Forbes Street), with minor height exceedance of approx. 0.12m, which relates to a corner of the roof form of the approved building envelope.
 - A southern building envelope extension is proposed to a maximum RL of 46.44. The extension is setback behind the approved building line and will be recessive to the Wilkinson House building envelope. This additional massing is located towards the southern portion of the site. where the building fully complies with the height control.
 - The building envelope extension to Joan Freeman building has a maximum RL of 45.77. The extension will accommodate a plant enclosure, which will exceed the height control by 1.4m. However, the proposed extension height is consistent with the existing maximum height of the Joan Freeman building. The extension also align with the proposed building envelope height of Wilkinson House, which present a consistent built form scale.
 - The modification to the building envelope will result in a minor increase of overall building height by 330mm, from RL45.52 to RL 45.85. Due to the sloping topography along St Peters Street, the proposed height exceeds the height control by 1.37m at the northern portion of the Wilkinson House building. When compared to the approved building envelope, the proposed height increase is 330m, which is minor in nature. It is important to note that the proposed height is lower than the approved maximum parapet height of Wilkinson House at RL 45.89. When compared to the approved Wilkinson House envelope, the minor increase in height is minor and is unlikely to be perceived from the street.

Street elevation is shown in the figure below, which demonstrate that the proposed amendments to Wilkinson House building envelope remains consistent with the existing streetscape character and scale of the development in the locality.

Figure 6 Proposed Street Elevation



Source: Smart Design Studio

- **No additional view impact:** the minor height increase will not have a significant impact on views from Horizon Apartments towards the Sydney CBD, with iconic Sydney city skyline views maintained.
- **No additional shadow impact:** The minor height increase and proposed extension will not create any additional shadow impacts on any neighbouring residential properties.
- **No additional privacy impact:** The additional height relates to the roof space and will not impact on privacy. The additional extension to the south and west will accommodate a lift core and a plant enclosure which will also not impact on privacy from surrounding residents.
- **Minimal Environmental Impacts:** Overall, the proposed modifications will have minimal additional environmental impacts over and above what has already been assessed and deemed as acceptable in the original concept application.
- **No physical works proposed:** No physical works are proposed as part of the modification application and are the subject of the detailed SSDA to be lodged concurrently with this modification.
- **No changes to the two other approved building envelopes:** The proposed modification only relates to Wilkinson House and does not alter the two other building envelopes (Administration Building and Multi-Purpose Building) approved under the concept approval.
- **No changes to student/staff populations or operations:** The proposed modification does not change student and staff number or other operational measures, therefore the proposed modification will not create additional amenity impact such as noise, traffic and parking.
- **No adverse heritage impacts:** The proposed modification has been assessed by the heritage consultant, which concluded that the proposed extension to the building envelope and the minor height increase will have no adverse heritage impacts on either the heritage significance of Wilkinson House or the SCEGGS Darlinghurst campus. These proposed modifications are also consistent with the conservation policies of the SCEGGS Darlinghurst campus and Wilkinson House CMPs.

Based on the above, the proposed modifications can be assessed in accordance with section 4.55(1A) of the EP&A Act.

4.2. SUBSTANTIALLY THE SAME DEVELOPMENT

The development as modified will remain substantially the same as the approved development as outlined below:

- The modified development does not propose any changes to the approved educational land use on site.
- The modified development results in a minor increase in floor space area of 521.7sqm, which is a very minor 3% increase across the site.
- No changes are proposed to student capacity, staff number or parking arrangements.
- The modified development continues to retain the Wilkinson House building envelope and retains the approved building envelopes for the Administration Building and Multi-Purpose Building as approved by the concept SSD, therefore is consistent with the intent of the approval.
- The proposed modifications will have minimal additional environmental impacts over and above what has already been assessed as acceptable in the original concept application.

Accordingly, the proposed modifications can be assessed as a modification to the original development in accordance with section 4.55 of the EP&A Act.

5. SECTION 4.15 ASSESSMENT

The application has been assessed in accordance with the relevant matters for consideration listed in Section 4.15 of the EP&A Act.

5.1. ENVIRONMENTAL PLANNING INSTRUMENTS

The proposed modifications have been assessed in accordance with the relevant State and local environmental planning instruments, including:

- *State Environmental Planning Policy (State and Regional Development) 2011*
- *State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017 (Education SEPP)*
- *Sydney Local Environmental Plan 2012 (SLEP)*

5.1.1. State Environmental Planning Policy (State and Regional Development) 2011

The original approval had regard to the Secretary's Environmental Assessment Requirements (**SEARS**) issued 12 January 2018.

In this respect, there are no material or substantial changes sought which would warrant SEARS being re-issued for this Modification Application as the changes are minor in nature.

5.1.2. State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017 (Education SEPP)

State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017 (ESEPP) provides the legislative planning framework for the effective delivery of educational establishments and early education and care facilities across the State.

The Education SEPP establishes consistent State-wide assessment requirements and controls, that override development standards contained within other environmental planning instruments.

Part 4 of the Education SEPP identifies school specific development controls, with clause 35 Schools—development permitted with consent containing the relevant controls. The modified proposal has been assessed against the relevant provisions of Part 4 within the following table.

Table 2 Education SEPP Compliance Table

Clause	Proposal	Compliance
Clause 35 Schools—development permitted with consent		
<i>(1) Development for the purpose of a school may be carried out by any person with development consent on land in a prescribed zone.</i>	The proposed development is in Zone R1 General Residential which is a prescribed zone for the purposes of the Education SEPP.	YES
<i>(2) Development for a purpose specified in clause 39 (1) or 40 (2) (e) may be carried out by any person with development consent on land within the boundaries of an existing school.</i>	Development consent is sought for the proposed modification.	YES
<i>(5) A school (including any part of its site and any of its facilities) may be used, with development consent, for the physical, social, cultural or intellectual</i>	No changes are proposed to the existing community use of the school facility.	N/A

Clause	Proposal	Compliance
<i>development or welfare of the community, whether or not it is a commercial use of the establishment.</i>		
<p>(6) Before determining a development application for development of a kind referred to in subclause (1), (3) or (5), the consent authority must take into consideration:</p> <p>(a) the design quality of the development when evaluated in accordance with the design quality principles set out in Schedule 4, and</p> <p>(b) whether the development enables the use of school facilities (including recreational facilities) to be shared with the community.</p>	<p>The proposed amendments to the Wilkinson House building envelope are minor and will facilitate a detailed design in a separate SSDA, which will significantly improve accessibility and quality of teaching facilities within the heritage building.</p> <p>Accordingly, the proposed amendments remain consistent with the design quality principles of the approval.</p>	YES
<p>(7) Subject to subclause (8), the requirement in subclause (6) (a) applies to the exclusion of any provision in another environmental planning instrument that requires, or that relates to a requirement for, excellence (or like standard) in design as a prerequisite to the granting of development consent for development of that kind.</p> <p>(8) A provision in another environmental planning instrument that requires a competitive design process to be held as a prerequisite to the granting of development consent does not apply to development to which subclause (6) (a) applies that has a capital investment value of less than \$50 million.</p>	<p>The <i>Sydney Local Environmental Plan 2012</i> requires a competitive design process to be completed for certain development.</p> <p>Competitive design process is not required for the project, because the CIV of the proposal is less than \$50 million, a competitive design process is not required.</p>	N/A
(9) 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.	Noted	YES
(10) Development for the purpose of a centre-based child care facility may be carried out by any person with development consent on land within the boundaries of an existing school.	This modification application does not include a centre-based childcare facility.	N/A
(11) Development for the purpose of residential accommodation for students	This modification application does not include any residential accommodation.	N/A

Clause	Proposal	Compliance
<i>that is associated with a school may be carried out by any person with development consent on land within the boundaries of an existing school.</i>		

5.1.3. Sydney Local Environmental Plan 2012 (SLEP)

Sydney Local Environmental Plan 2012 (SLEP) is the principal environmental planning instrument governing development at the site. An assessment against the relevant controls of the SLEP has been undertaken in the subsections below.

5.1.3.1. Zoning and permissibility

The site is zoned R1 General Residential within the SLEP. The proposed lands use on the site include 'educational establishment' and 'early education and care facility' which are permissible with development consent in the R1 General Residential zone.

5.1.3.2. Development Standards

Notwithstanding clause 42 of the Education SEPP, which allows the proposal to contravene a development standard imposed by the SLEP or any other environmental planning instrument, the proposal has been assessed against the relevant SLEP development standards in Table 3 below.

Table 3 Relevant SLEP Development Standards

Consideration	Control	Proposal	Compliance
Clause 4.3 Height of Buildings	Maximum 15 metres.	<p>The proposed minor amendments to the building envelope has the following maximum RLs:</p> <ol style="list-style-type: none"> 1. A southern extension with RL 46.44 (for a future lift core), which complies with the 15m height control. 2. A minor building envelope extension to Joan Freeman building with RL 45.77 (to accommodate a plant enclosure), which exceeds the 15m height limit by approx. 1.4m. 3. Increase the overall height of the building envelope by 330mm with maximum parapet height of RL45.85, which exceeds the 15m height limit by 1.37m. <p>Overall, the modified building envelope largely complies with the LEP height control. The minor encroachments described above would result in negligible environmental and amenity impact, including privacy, visual amenity, overshadowing and on the surrounding heritage items.</p>	<p>Minor Non-compliance.</p> <p>Impact is assessed in Section 5.3. and justified in the attached Clause 4.6 Height Variation request at Appendix E.</p>

Consideration	Control	Proposal	Compliance
		<p>The modification to the building envelope will result in a minor increase of overall building height by 330mm, from RL45.52 to RL 45.85. The proposed height is lower than the approved maximum parapet height of Wilkinson House at RL 45.89.</p> <p>When compared to the approved Wilkinson House envelope, the minor increase in height is inconsequential and is unlikely to be noticeable from the street. The additional height will not create any environmental impact: Along St Peters Street, the proposed height aligns with the recently completed Joan Freeman building and therefore sits comfortably within the streetscape.</p> <ul style="list-style-type: none"> ▪ The minor height increase has limited impact on the overall scale and built form of Wilkinson House and will not have a significant impact on views from Horizon Apartments towards the Sydney CBD, with iconic Sydney city skyline views maintained. ▪ The minor height increase will not create any additional shadow impacts on any neighbouring residential properties. ▪ Further, the additional height relates to roof space, with will comprise high level windows to be detailed in the Wilkinson House SSDA, which will be screened by vertical ribs and will not impact on privacy. <p>The extension to Joan Freeman building envelope exceeds the 15m height limit by approx. 1.4m. The proposed building envelope extension is to accommodate a future plant enclosure for air condensers. The proposed height is consistent with the existing maximum height of the Joan</p>	

Consideration	Control	Proposal	Compliance
		<p>Freeman building. The extension also align with the proposed building envelope height of Wilkinson House, which present a consistent built form scale. The detailed design of the proposed extension will look to minimise visual and acoustic impact.</p> <p>Impacts are further assessed in Section 5.3 and justifications are provided within the Clause 4.6 variation request attached.</p>	
Clause 4.4 Floor Space Ratio (FSR)	Maximum FSR of 1.5:1 for the majority of the Concept DA site. The Joan Freeman Science Building site is subject to FSR of 2:1.	<p>Based on a site area of 11,519sqm and the varying FSR controls for the site, the maximum available GFA available on the site is 17,729sqm.</p> <p>The building envelopes proposed on the SCEGGS site, including the proposed Wilkinson House building envelope extensions can indicatively accommodate total of 17,268sqm of GFA.</p> <p>This equates to a FSR of 1.5:1, which complies with the maximum FSR controls for the site.</p>	YES
Clause 5.10 Heritage Conservation	<p>The site is identified as local heritage item (I301) "SCEGGS including Barham, Church Building and Wilkinson House and their interiors and grounds".</p> <p>The site is also within the East Sydney heritage conservation area (C13)</p>	<p>A Heritage Impact Statement prepared by Urbis is attached at Attachment C and addressed in clause 5.10.</p> <p>The statement supports the proposed modification. The Heritage Impact Statement concluded that the proposal is considered to be consistent with the relevant heritage objectives of the Sydney LEP.</p> <p>Accordingly, the proposal is not expected to unreasonably impact on the heritage significance of the site. Heritage impact is further discussed in Section 5.3.1.5 below.</p>	Refer to Appendix C and Section 5.3.1.5.
Clause 7.9 Car Parking	The maximum number of car parking spaces for education facilities is 1 space for every 200sqm of GFA used for those purposes.	No car parking provision is proposed to be amended.	N/A

Consideration	Control	Proposal	Compliance
Clause 7.15 Flood Planning	The flood planning level that applies to any flood affected lot is the level of a 1:100 ARI flood event plus 0.5m freeboard	There is a minor amount of flooding on Forbes Street, including less than 100mm ponding in front of Wilkinson House at the 1 in 100year ARI flood event. This minor flooding is contained in the kerb and gutter system. The existing street level entry from Forbes Street comply with flood planning levels for the site. The detailed design of the Wilkinson House SSD DA will further assess compliance against flood planning level.	Yes

5.2. REGULATIONS

The application has been prepared in accordance with the relevant provisions of the *Environmental Planning and Assessment Regulation 2000*.

5.3. LIKELY IMPACTS OF THE PROPOSAL

The proposed modifications have been assessed considering the potential environmental, economic and social impacts as outlined below:

5.3.1. Built form and amenity impacts

5.3.1.1. Built form

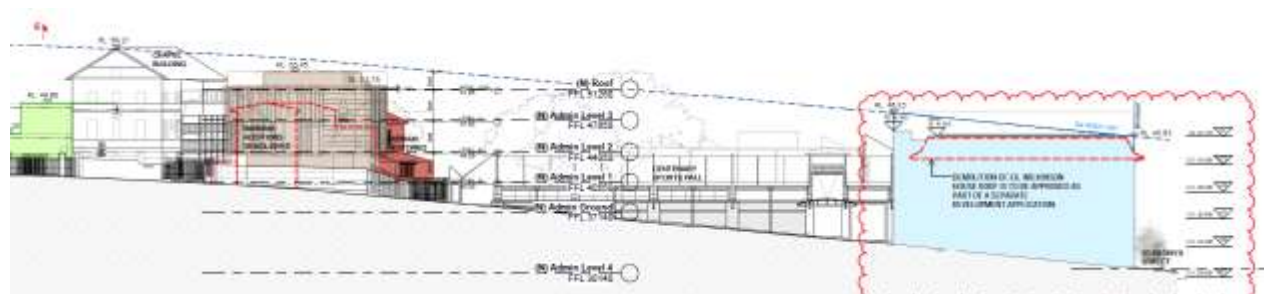
The proposed amendments to the Wilkinson House building envelope are minor and responsive to the existing heritage item, the site context, the streetscape and its intended function.

Overall, the proposed amendment to the Wilkinson House building envelope fully complies with the height control to the southern portion of the site and largely complies with the height control along Forbes Street.

From Forbes Street, the southern extension to the building envelope is fully height compliant and is further setback from the street, which will not dominate the main Wilkinson House built form. The southern extension is also below the 15m height limit and remain consistent with the scale of the built form in the streetscape (refer to Figure 7).

The minor increase in building envelope height is largely below the 15m height limit, with minor exceedance of approx. 0.12m, which relates to a north-eastern corner of the approved building envelope roof form. The area of non-compliance is the same extent as the approved building envelope. Therefore, the amended building envelop is largely consistent with the approved envelope when viewed from Forbes Street and the minor height increase of 330mm will not be perceivable from the streetscape.

Figure 7 Proposed Forbes Street Elevation

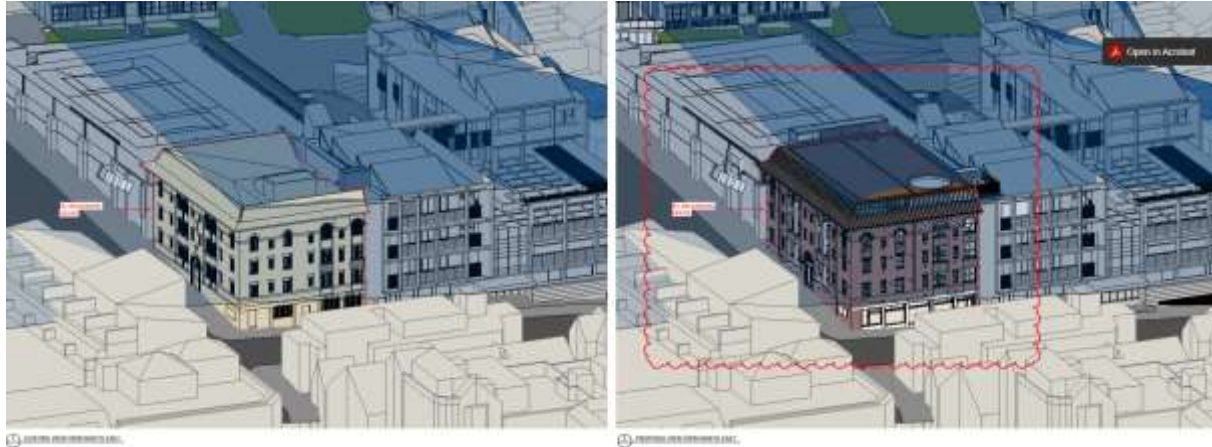


Source: Smart Design Studio

On St Peters Street, the proposed height increase aligns with height of the recently completed Joan Freeman building and therefore sits comfortably within streetscape. The proposed building envelope extension to Joan Freeman building is at the same RL as the existing carpark exhaust enclosure located on Joan Freeman building, keeping a consistent scale and form as the existing building.

As illustrated in Figure 10, the amended building envelope is of a similar scale and form as the approved building envelope and the surrounding existing school buildings, which remains consistent with the existing streetscape character.

Figure 8 3D Envelope as viewed from St Peters Street



Source: Smart Design Studio

5.3.1.2. View

The proposed amendments to the Wilkinson House building envelope, including external extension and the height increase, has been developed with consideration on potential view impacts to the Sydney skyline, Sydney harbour glimpses, and local character views from the public domain and private residential dwellings.

Massing images of the amended Wilkinson House building envelope have been prepared by Virtual Ideas and has been submitted as part of the Wilkinson House Detailed SSD DA.

View comparison has been prepared to assess impact between the existing/approved built form and the proposed building envelope.

The following section provides an assessment of the potential view impacts identified to Horizon Apartments and 186 Forbes Street, Darlinghurst.

Horizon Apartment

Figure 9 below provides view comparison as viewed from RL 48.5m of the Horizon Apartments.

When compared to the approved built form, the amended building envelope opens up views towards the skyline slightly. Views from Horizon Apartments towards the south Sydney CBD will be retained. The proposed amendments to the building envelope do not obstruct the important views of the Sydney skyline or any iconic buildings. The view impact is summarised as low.

Figure 9 View from RL 48.5m of the Horizon Apartments



Source: Visual Idea

Figure 10 below provides view comparison as viewed from RL42.5m of the Horizon Apartments.

When compared to the approved built form, the proposed southern extension slightly impacts non-iconic, regional views of the eastern CBD. Given this portion of the building envelope is fully compliant with the building height control, this impact is considered to be low and reasonable.

Overall, the proposed amendments to the building envelope do not obstruct the important views of the Sydney skyline or any iconic buildings, and the view corridor is largely maintained.

Figure 10 View from RL 42.5m of the Horizon Apartments



Source: Visual Idea

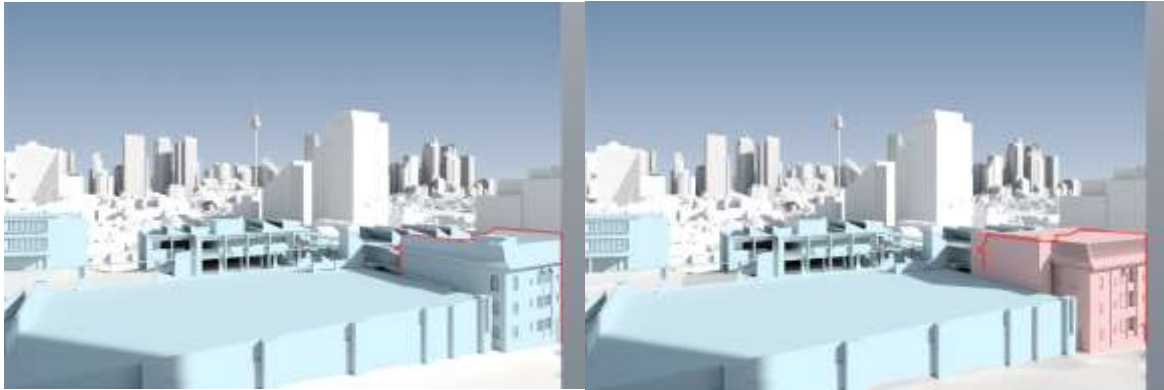
In summary, when compared to the approved built form, view impact to Horizon Apartment is considered to be nil to low.

186 Forbes Street North

Figure 11 below provides view comparison as viewed from RL 51.6m of 186 Forbes Street.

When compared to the approved built form, views towards the skyline and the south Sydney CBD will be retained. The proposed building envelope amendments do not obstruct the important views of the Sydney skyline or any iconic buildings. View impact is summarised as low.

Figure 11 View from 186 Forbes Street



Source: Visual Idea

In summary, and as demonstrated above, the proposal will not have a significant impact on views from 186 Forbes Street towards the Sydney CBD. Iconic Sydney city skyline views maintained.

5.3.1.3. Privacy

The amended building envelope relates to a southern extension, minor height increase and extension of building envelope to the top of the Joan Freeman building. The detailed design of Wilkinson House (SSD 19989744) will incorporate design measures to minimise view line to nearby developments and to ensure privacy is protected.

5.3.1.4. Overshadowing

Updated and potential overshadowing impacts resulting from the Wilkinson House building envelope amendments have been prepared by Smart Design Studio and is attached at Appendix A.

Shadow from the existing Wilkinson House falls within the SCEGGS campus, Forbes Street and the front setback of the buildings located directly to the southeast of Wilkinson House. The additional shadow from the proposed building envelope also falls within these areas, and does not result in additional overshadowing to private open space of dwellings on Forbes Street from 9:00am to 3:00pm in mid-winter. Accordingly, the proposal is not anticipated to have adverse shadow impacts compared to the existing built form.

5.3.1.5. Heritage

A Heritage Impact Statement prepared by Urbis is attached at Attachment C and concludes that the proposed modification will have no adverse heritage impacts. The proposed extensions to the buildings envelope, including the minor height increase and the expansion of the envelope to the south of Wilkinson House, are considered to be acceptable and will not result in any negative impacts to Wilkinson House or the SCEGGS Darlinghurst campus.

The proposed height increase will not exceed the western parapet wall, and thus will ensure that any proposed modifications to the building at the roof level of Wilkinson House are minor. The CMP prepared for Wilkinson House allows provision for development at the roof level (Policy 38), provided that any new additions are setback from the ridgeline and the original roof form retains its prominence for Forbes and St Peters Street. The minor height increase allows for this policy to be complied with.

The proposed expansion of the building envelope to the south of Wilkinson House too will result in no negative impacts. The proposed envelope is appropriately setback from the eastern façade of Wilkinson House and any resultant built form will allow the original form and facades of the building to remain visually prominent within the streetscape (Policy 40). Any new addition to the south of Wilkinson House (within the proposed envelope) will need to be sympathetic in form, scale and design to ensure that it will retain and/or enhance the heritage significance of Wilkinson House and the wider SCEGGS Darlinghurst campus.

5.3.2. Traffic Modelling Requirement

The proposal does not change approved student and staff number or other operational measures, therefore the proposed modification will not create any additional traffic and parking impact.

A Technical Memo prepared by DC Traffic Engineering recommends that a design-based Road Safety Audit (**RSA**) be prepared in lieu of the Road Safety Evaluation (**RSE**) as required under condition B12(d). The Technical Memo provides comparison between RSE and RSA. The Technical Memo is attached at Appendix D.

In summary, the Technical Memo states that proposed design-based RSA would involve:

- A review of the proposal to understand the intention of the proposal and therefore identify likely road safety risks associated with the proposal.
- Consideration of the road safety impact of both road-based changes and land-use changes, and how those translate to foreseeable road safety impacts. If the pre-existing road environment is retained and continues to be used as part of the proposal, the audit team will envisage the impact of the additional road and pedestrian traffic (due to the development) and compared to the pre-existing road environment.
- Consideration of the net change in road safety to differentiate between what is a pre-existing road safety performance (and hence no “fault” of the development proposal) and what is a new and introduced road safety risk (which could perhaps be attributable to the development proposal).

In the context of this development, a design-based RSA is the most appropriate tool to assess both the physical road-based changes and traffic and pedestrian-generation impacts from concept or detailed design applications.

It is also important to note that the SEARs for the detailed design of Wilkinson House SSD DA (19989744) did not include the requirement for an RSE.

Therefore, the proposed design-based RSA is the appropriate traffic modelling for the purpose of assessing all future detailed DAs under the Concept DA for SCEGGS.

5.4. SUITABILITY OF THE SITE AND PUBLIC INTEREST

The proposal is suitable on the site and is in the public interest because:

- The amended development remains permissible with consent and has been prepared having regard to the objectives of the Education SEPP.
- The proposed amendments have had regard to relevant applicable statutory planning policies and complies with the objectives of the development controls for the site.
- The proposed amendments will not have any additional amenity impacts on adjoining or surrounding properties or the public domain in terms of traffic, view, noise and built form impact
- The proposed amendments will provide opportunity to create a high-quality and equitable educational facility.
- The proposal is respecting the heritage significance of the site and will enable the timely delivery of much needed teaching facility for the School.

6. CONCLUSION

This Section 4.55 (1A) modification primarily relates to Wilkinson House building envelope changes and associated conditions, to accommodate the future alterations and additions to Wilkinson House, which will significantly improve accessibility the quality of the teaching facilities within the building.

This application is lodged concurrently with the first detailed SSDA (SSD-19989744) under the Concept Approval for the adaptive reuse of Wilkinson House.

In addition, traffic modelling requirements are proposed to be amended to a Road Safety Audit (RSA), which is the more appropriate tool to consider both the physical road-based changes as well as the traffic and pedestrian-generation impacts of the Concept development.

In summary the proposed modifications are considered appropriate because:

- The site is zoned Zone R1 General Residential under the Sydney LEP. The proposed land use include 'educational establishment' which is permissible with development consent in the R1 zone.
- The development resulting from the proposed modifications are "substantially the same" as the approved development.
- The proposed development results in minor amendments to the Wilkinson House building envelope and retains the approved building envelopes for the Administration Building and Multi-Purpose Building as required by the concept SSD, therefore is consistent with the intent of the approval.
- The proposed changes to the Wilkinson House building envelope are minor and is unlikely to create any additional adverse amenity impacts.
- The proposal retains the Wilkinson House building envelope and the proposed additions results in a built form which is largely consistent with the bulk and scale of Wilkinson House, the adjoining Joan Freeman building or other buildings on the SCEGGS campus.
- Overall, the modified building envelope largely complies with the LEP height control. The minor encroachment would result in negligible environmental and amenity impact, including privacy, visual amenity, overshadowing and on the surrounding heritage items.
 - The proposed southern extension to the building envelope is setback behind the existing building line and will be a recessive addition to Wilkinson House and Forbes Street. This additional massing is located towards the southern portion of the site which complies with the LEP height control.
 - The minor increase in building envelope height is inconsequential minor and is unlikely to be noticeable from Forbes Street or St Peters Street. The proposed height of Wilkinson House building envelope aligns with the recently completed Joan Freeman building and therefore sits comfortably within the streetscape.
 - The minor increase in height has limited impact on the overall scale of Wilkinson House and will not have a significant impact on views from Horizon Apartments towards the Sydney CBD. Iconic Sydney city skyline views maintained.
 - The minor increase in height will not have any shadow impacts on any neighbouring residential properties.
- It is noted that no physical works are proposed as part of the modification application and are subject to the detailed SSDA to be lodged concurrently with this modification.
- The modified development results in a minor increase in floor space area of 521.7sqm, which is a minor 3% increase across the site. The proposal complies with the maximum floor space ratio for the site, therefore represents a scale and intensity of a development that has been envisioned. for this site and locality.
- No changes are proposed to student capacity, staff number or parking arrangements.
- The proposed extensions to the buildings envelope, including the minor height increase and the expansion of the envelope to the south of Wilkinson House, are considered to be acceptable and will not result in negative impacts to Wilkinson House or the SCEGGS Darlinghurst campus.

- Overall, the proposed modifications will have minimal additional environmental impacts over and above what has already been assessed as acceptable in the original development application.

As demonstrated within this report and the attached documentation, the modified scheme is considered to be acceptable under the relevant considerations of Section 4.15 of the EP&A Act, and as such it is recommended that approval be granted to the proposal as modified.

APPENDIX A

REVISED CONCEPT PLAN

APPENDIX B

REVISED LANDSCAPE MASTER PLAN

APPENDIX C

HERITAGE STATEMENT

APPENDIX D

TRAFFIC STATEMENT

APPENDIX E

CLAUSE 4.6 HEIGHT VARIATION REQUEST

DISCLAIMER

This report is dated 24 January 2022 and incorporates information and events up to that date only and excludes any information arising, or event occurring, after that date which may affect the validity of Urbis Pty Ltd (**Urbis**) opinion in this report. Urbis prepared this report on the instructions, and for the benefit only, of SCEGGS DARLINGHURST (**Instructing Party**) for the purpose of SECTION 4.55(1A) MODIFICATION STATEMENT (**Purpose**) and not for any other purpose or use. To the extent permitted by applicable law, Urbis expressly disclaims all liability, whether direct or indirect, to the Instructing Party which relies or purports to rely on this report for any purpose other than the Purpose, and to any other person which relies or purports to rely on this report for any purpose whatsoever (including the Purpose).

In preparing this report, Urbis was required to make judgements which may be affected by unforeseen future events, the likelihood and effects of which are not capable of precise assessment.

All surveys, forecasts, projections and recommendations contained in or associated with this report are made in good faith and on the basis of information supplied to Urbis at the date of this report, and upon which Urbis relied. Achievement of the projections and budgets set out in this report will depend, among other things, on the actions of others over which Urbis has no control.

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This report has been prepared with due care and diligence by Urbis and the statements and opinions given by Urbis in this report are given in good faith and in the reasonable belief that they are correct and not misleading, subject to the limitations above.

