

3 September 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 A7, B23, B46 and B47  
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 A7, B23, B34 and B35 are amended by the insertion of the **bold and underlined** words/numbers and deletion of the ~~struckout~~ words/numbers as follows:

**Design Modification**

The Applicant, in consultation with the Government Architect NSW, must develop a simplified design of the exterior of the tower indicating further refinement and simplification of expression to compliment the retained heritage buildings on the Site, whilst retaining design integrity. This simplified design must be submitted to the satisfaction of the Design Integrity Panel (DIP), ~~prior to the~~ **within 3 months of the** commencement of building works. Evidence of the DIP's agreement to the design modifications must be submitted to the Secretary ~~prior to the~~ **within 3 months of the** commencement of building works.

**Historic Archaeology**

**B23. An interim excavation report is to be submitted to the Heritage Council, Council and the Department following completion of works for Crown Certificate No 1.** ~~with the final excavation report being submitted within 12 months of the commencement of construction. After any archaeological works have been undertaken,~~ a **A** copy of the final excavation report(s) shall be prepared and lodged with the Heritage Council of NSW, Council and the Department **within 12 months of the commencement of construction**. The Applicant shall also be required to nominate a repository for the relics salvaged from any historical archaeological excavations.

**Tree Protection**

**B36. Prior to the commencement of building works** ~~t~~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.

### Stormwater and Drainage Design

**B46.** Final design plans of the stormwater drainage systems, prepared by a qualified practicing professional and in accordance with the requirements of Council must be approved by Council prior to the commencement of construction building works (~~excluding demolition~~). The hydrology and hydraulic calculations must be based on models described in the current edition of Australian Rainfall and Runoff.

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END OF MODIFICATION

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

Regards



**Rod Stanton**

Director | School Infrastructure NSW | Capital Works

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

<b>Adequacy 115 Application for modification of development consent</b> (cf clause 71A of EP&A Regulation 1994)		
<b>No.</b>	<b>Requirement</b>	<b>Response</b>
<b>(1)</b>	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:	-
<b>(a)</b>	the name and address of the applicant,	NSW Department of Education C/- Root Partnerships Level 2, 14 Martin Place Sydney NSW 2000
<b>(b)</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
<b>(c)</b>	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
<b>(d)</b>	a description of the proposed modification to the development consent,	Modification of the Development Consent conditions to change satisfaction of the Secretary being required prior to commencement of construction to exclude demolition.
<b>(e)</b>	a statement that indicates either:	-
<b>(i)</b>	that the modification is merely intended to correct a minor error, misdescription or miscalculation, or	A7 modification is to adjust the timing that the simplified façade design is to be submitted to the satisfaction of the Design Integrity Panel. It is anticipated that the Design Development and finalization of the façade will be undertaken from October 2018 – May2019 which is outside of the current timing of A7. Therefore, we wish to extend the current period in which to satisfy this condition by 3 months.

		<p>B23 modification is to adjust the timing that a draft and Final excavation report is required and lodged with Heritage Council, Council and the Department.</p> <p>An interim excavation report will be issued upon completion of Crown Certificate 1 works.</p> <p>The Civil Works for Crown Certificate No. 2 is due to commence on the 13/9/18 and the anticipated completion is the 11/5/19. During these works Historic Archaeology may be required from time to time depending on advice we receive from our Archaeologists. There will also be excavation works post 11/5/19 that may potentially involve Historic Archaeology works, however this is hard to determine at this stage and can only be finalised once we have completed excavation.</p> <p>Therefore, we believe all excavation works that may involve historic archaeology works will be completed by 13/9/19 and a final excavation report will be issued at this time.</p> <p>As such we would request the amendment to this condition to state that a draft report to be issued upon completion of Crown Certificate 1 works and the final excavation report within 12 months of the commencement of construction” in order to enable this report to be compiled and lodged.</p> <p>B36 and B46 modification is merely intended to adjust the timing required to satisfy this condition from prior to commencement of construction to prior to commencement of building works.</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	Modification will result in the redevelopment remaining substantially the same as the development that was originally approved.

	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 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),	Not applicable
(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	Not applicable

	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.	
<b>(3A)</b>	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
<b>(3B)</b>	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,	Not applicable

	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.	
<b>(4)</b>	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:	-
<b>(a)</b>	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>(b)</b>	to improve the thermal performance of the building.	Not applicable
<b>(5)</b>	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
<b>(6)</b>	An application for the modification of a development consent under section 4.55 (1A) or (2) of the Act, if it	Not applicable



	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 appropriate BASIX certificate or BASIX certificates.	
<b>(7)</b>	The appropriate BASIX certificate for the purposes of subclause (6) is:	-
<b>(a)</b>	if the current BASIX certificate remains consistent with the proposed development, the current BASIX certificate, and	Not applicable
<b>(b)</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
<b>(8)</b>	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



<b>(9)</b>	The application must be accompanied by the relevant fee prescribed under Part 15.	\$850.00 + GST
<b>(10)</b>	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

